

**From:** Andy Flamm  
**Sent:** Monday, May 01, 2017 5:36 PM  
**To:** Noecker, Rebecca (CI-StPaul)  
**Subject:** Re: Railroader Issue

Hello, Rebecca.

After our phone conversation, I re-read the minutes from our March meeting and I don't think they would help much, so here is a summary of our committee's thinking on the topic of the Railroader Printing Building's skyway hours waiver request. Feel free to share.

We recommended against the waiver at our March meeting. We didn't like that the skyway had been closed after 8pm without the city's approval; we didn't feel that the building was providing adequate private security and was relying on SPPD to deal with their issues instead; and we didn't want to set a precedent which might cause other buildings to request waivers (in fact, Cindy Fischer of Town Square stated that she would do just that).

There were also conflicting views on several points. Ms Brooks claimed the Police never showed up when called; that was disputed by Sgt Riley. Ms Brooks claimed that no one objected to the skyway being closed early, but at least one person said to me after the meeting that they did object. When asked how much security her building was providing, Ms Brooks admitted it was little or none. It was our understanding after hearing her out that she felt she could not afford to provide security and was therefore hoping to close the skyway early instead.

Some of us did suggest that a temporary waiver might be more palatable, but in recent emails there were a couple of strong objections to that idea. The words of one of our members say it pretty well:

In the past we have recommended for temporary closures for construction and these waivers were mainly for public safety during construction. A closure for the convenience of the property owner does not come under the definition of hardship. I'm against even a temporary waiver for this skyway.

This reminds me of the old government adage: "It's easier to get forgiveness than permission." This encourages property owners to do as they please in spite of an ordinance.

Finally, there is the question of whether it is constitutional to allow skyway access to some users but not others. The keypad Ms Brooks installed gives her control over access; even if the result over her action has been positive, we feel a responsibility to consider the legality of this and the precedent it sets.

I realize my views on this have wavered (forgive the pun), but given all of the above I have to say that an hours exception, whether permanent or temporary, seems like bad policy. A better plan would be to insist that building owners provide adequate private security, ask the Police to help them out as much as possible, and let the SVWG,

BOMA and others continue developing solutions that will allow us to keep the skyways open while also making them safer and cleaner.

Sincerely,

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Andy Flamm  
, Chair, SGAC

Owner and General Manager / Cedar Printing  
651-293-3904 / [www.CedarPrinting.com](http://www.CedarPrinting.com)  
Securian Center, Skyway Level / 401 Robert Street N, Suite 211 / Saint Paul, MN 55101

On Mon, May 1, 2017 at 2:42 PM, Andy Flamm wrote:  
Hi, Rebecca.

Just a heads-up that there are some serious concerns among SGAC members about granting any hours waiver for Jaunae, the biggest being that some skyway users would have after-hours access and others wouldn't. You may also wish to consider that issue given the reaction to the curfew proposal, the skyway conduct signage, etc.

My sense is that our members feel that adequate private security and enforcement of existing ordinance should be tried before reducing hours; otherwise, building owners will be clamoring for the right to close early rather than fulfill their part of the easement bargain. If the Council wishes to help owners, help them provide security and get city departments to enforce the rules (and change them to make enforcement easier). That's what the SVWG is working on, so there's reason for optimism.

I'll update you as we discuss this further, but I know you have this on the agenda for Wednesday and might want to take these comments into account. Feel free to call if you wish to discuss this.

Sincerely,

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Andy Flamm  
Owner and General Manager / Cedar Printing  
651-293-3904 / [www.CedarPrinting.com](http://www.CedarPrinting.com)  
Securian Center, Skyway Level / 401 Robert Street N, Suite 211 / Saint Paul, MN 55101