

September 6, 2017

To: Saint Paul Ward Two Councilmember Noecker, Saint Paul City Council Members

Re: Amending Chapter 140, Saint Paul Legislative Code, Skyway Conduct

Good afternoon Council Member Noecker,

I was going to speak at today's Public Hearing concerning the City Council amending Skyway Conduct Ordinances, but have instead decided to share my current comments with you via email and for the City's Record. Following this note is the Skyway Ordinance chapter I have most interest in; Chapter 140.1011 and my communications with you and Mayor Coleman earlier this year. Also, for the City's record, attached, please find my February 3, 2017 report on Skyway Security issues I sent you at that time.

First: The proposed amended Skyway Conduct ordinance is a well detailed and generally well revised document. Consider adding info highlighted in yellow.

Second: Once it is adopted, I expect soon enough for there to be a push to close a number of skyways downtown at 8:00 PM.

Third: The downtown district council, the Capitol River Council (CRC), and its Skyway Governance Committee, has shown itself time and again to be a biased, unaccountable organization, not acting in the best interests of Citizens - which it is publicly funded to serve.

This is a poor, unprofessional situation which the City (elected officials and staff) has allowed and encouraged.

They have not earned the position, nor shown the legitimacy (please again see my comments further below), you directly are awarding them in the '*Exception to general hours of operation*' (second paragraph, article (b) of the Skyway Conduct language below). This language should be removed.

Public Hearings and direct communications to elected officials, should be the only vehicle, at this time, for the public to share comments, for or against, regarding future 'Skyway Hour Variance Requests'.

Thank you.

Sincerely,
Bill Hosko

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9-6-17 Public Hearing: Amending Chapter 140 of the Saint Paul Legislative Code pertaining to Skyway Conduct.
Title Amending Chapter 140 of the Saint Paul Legislative Code pertaining to Skyway Conduct.

SECTION 1 Sec. 140.1011. - Hours of operation.

(a) *General hours.* All parts of the skyway system shall be open to the public every day between the hours of ~~12:00 a.m. to 2:00 a.m.~~ and between the hours of 6:00 a.m. to 12:00 a.m. These general hours of operation shall be minimum hours and nothing in this ordinance shall prohibit any portion of the skyway system from being open a greater number of hours for any reason. ...

(b) *Exception to general hours of operation.* The owner of any property that contains a portion of the skyway system may petition the city council for an exception to the general hours of operation. The petition must be made on a form provided by the department of safety and inspections and shall be submitted to the department of safety and inspections.

That petition must state the reason for the exception and the alternative proposed hours. The council shall refer the petition to the **(Capitol River Council)** skyway governance/advisory committee for a recommendation. The **(Capitol River Council)** skyway governance/advisory committee shall forward their recommendation to the city council within thirty (30) days. The council shall then hold a public hearing to consider the petition for alternative hours.

The council shall grant or deny the petition for alternative hours by resolution. In that resolution, the council shall state the specific reasons the exception is being granted. In determining whether to grant or deny the petition, the council shall consider:

- (1) Whether the portion of the skyway system petitioning for alternative hours leads to another portion of skyway system that has the general hours of operation;
- (2) Whether security such as a metal detector or photo identification is required to gain access to the portion of the skyway system requesting the alternative hours;
- (3) Whether there is a contract or other legal document between the property and the city outlining alternative hours that cannot be altered by ordinance;
- (4) Whether retail or other business activities take place within the skyway system and the difficulty of closing off those business areas from the ingress/egress area;
- (5) The reasonableness of the alternative proposed hours;
- (6) Other logistical or financial hardship imposed on the building if it is not granted alternative hours.

(c) *Withdrawal of exception to general hours of operation.* The skyway governance/advisory committee may petition the city council to withdraw an exception to the general hours of operation that the council granted to a property. The petition must be made on a form provided by the department of safety and inspections and shall be submitted to the department of safety and inspections.

That petition must explain why the original basis for granting an exception to the general hours of operation is no longer applicable. The department of safety and inspections shall notify the property owner who shall determine whether they wish to voluntarily revert to the general hours of operation. If the property owner agrees to the general hours of operation, the matter shall be placed on the consent agenda for approval of the city council. If the property owner does not agree to revert to the general hours of operation, then the city council shall hold a public hearing to consider whether to withdraw the exception to the general hours of operation. At that public hearing, the property owner shall be allowed to explain why the original basis for granting the exception to the general hours of operation continues to apply and shall be allowed to present any other basis outlined above in (b) that the property should be granted an exception to the general hours of operation.

The council shall grant or deny the petition to withdraw the exception to the general hours of operation by resolution. In that resolution, the council shall state the specific reasons that the original basis for granting alternative hours continues to apply or no longer applies. In addition, the council shall explain why any other basis for an exception to the general hours of operation argued by the property owner applies or does not apply.

(d) *Alternative hours sign posting requirements.* Any building owner who has been granted permission to have alternative hours shall post the hour that the skyway is open in a conspicuous place within five (5) feet of all entrances to the skyway.

On Friday, April 7, 2017 12:21 PM, bill hosko <billhosko@yahoo.com> wrote:

Friday, April 7, 2017

An Open Letter

Dear Mayor Coleman and Councilmember Noecker,

I am writing today concerning two issues: the possible reduction of downtown skyway system hours and funding for Mears Park holiday lighting.

Skyway System Hours of Operation:

- The downtown skyway system as we know, is a large city asset which most people in Saint Paul, particularly those living downtown, desire to see have uniform hours in which it is open. Most people agree that the skyways which dead-end in government buildings, are closed evenings and weekends (Metro-Square/Ramsey County, Federal Courthouse, City Hall) are acceptable exceptions which can be closed after weekday business hours.
- What most do not support, and again particularly those living downtown, is the possibility that the skyway system, or portions of it, may be closed as early as 10, 8 or even 6 PM.
- The recent request to the city by the Brooks family (attached) to reduce skyway hours in their Lowertown Railroader building should be publicly turned down by both of you, and soon. As we know, the Brooks family has already benefited greatly by city policies to date. Another special benefit particular to them should not be granted.
- Further, the Brooks family, and others who are now working behind the scenes to reduce skyway system hours throughout downtown, largely invested in downtown well after a policy to have standard skyway system hours of operation were importantly adopted. Their personal interests can not be allowed to outweigh the interests of the greater population, and downtown as a whole.
- While their concern about security issues is in fact warranted, the truth appears to be that they publicly or in-directly by remaining silent, supported city policies which created the current situation.
- These individuals need to be responsible (as other commercial property owners have) and install a security system within their buildings that effectively end their difficulties or, at a cost savings, stand behind my long-standing recommendation that the entire downtown skyway system has a shared camera, with audio communications capability, system to effectively address security issues.
- I can say with much confidence as well, that the great majority of people residing downtown, and those with other interests, would support closing the skyway system earlier at midnight, from the current time of 2 AM, as a small but important step towards compromise.

In summary, please provide leadership at this point and release a statement that you will not support the breaking up of consistent skyway hours throughout downtown and that you are in fact working on remedies which will meaningfully address permanently, the security issues that not only the Brooks family has, but the security issues generally shared by much of the downtown community.

Mears Park Holiday Lighting ...

I look forward to your responses at your earliest convenience. Thank you.

Sincerely,

Bill Hosko

From: bill hosko [mailto:billhosko@yahoo.com]
Sent: Thursday, April 13, 2017 1:11 PM
To: *CI-StPaul Mayor; Noecker, Rebecca (CI-StPaul)
Subject: Re: Bill Hosko: Mears park lighting, Skyway hours of operation...

Dear Mayor Coleman and Councilmember Noecker,

Last week I sent the following email to you regarding skyway hours and Mears Park holiday lighting. I would like to confirm that you received them and when you will be able to reply.

Thank you.

Bill Hosko

(No reply received from Mayor Coleman)

On Thursday, April 20, 2017 5:18 PM, "Noecker, Rebecca (CI-StPaul)" <Rebecca.Noecker@ci.stpaul.mn.us> wrote:

Hi Bill,

Thanks for getting in touch with your perspective on the skyway hours and Mears Park lighting. I'm sorry for the delayed response; I'm just getting back to my e-mail after having been out for Passover.

With regard to the skyway hours, I agree completely that consistency is necessary and the Skyway Governance Advisory Committee appears to be holding that line as well, as evidenced by their denial of the request to close the Railroader Printing Bldg early. I appreciate your sharing that residents might be inclined to a compromise closure time of midnight; I think that's worthy of discussion as we move forward with clarifying our ordinance and our expectations of building owners regarding security. As you know, Deputy Mayor Beckmann and I have been co-chairing the Skyway Vitality Work Group which has been identifying the steps already being taken to address security concerns in the skyways and also identifying gaps that the SVWG needs to fill. I feel confident that this new coordination of all the city entities responsible for the skyways will yield results in terms of improved safety and maintenance in the skyways. I'm happy to send you the notes from those meetings if you'd like.

Thanks again for getting in touch and looking forward to talking again soon.

Best,

Rebecca

On Wednesday, June 7, 2017, 12:09:19 PM CDT, bill hosko <billhosko@yahoo.com> wrote:

Hello Rebecca,

Attached, please find information that you may find relevant for your meeting today. Good luck in perhaps putting some of this to bed today!

Regards,
Bill Hosko

*"Attachment: June 7, 2017 Open Letter To: Saint Paul Ward Two Council Representative Rebecca Noecker
Re: Downtown Saint Paul Skyway System, City Council meeting today
Fr: Bill Hosko*

Hello Rebecca,

I am writing you today about the serious situation that has arisen concerning the possibility of the skyway system being closed early - even before midnight. There remains some confusion about what will occur at today's City Council meeting.

On the agenda:

"Denying the application submitted by Jaunae Brooks on behalf of Railroader Printing Building located at 235 East Sixth Street for an exception to the general hours of operation for pedestrian Skyway Bridge #15. (Public hearing held May 3 and May 17)"

SKYWAY HISTORY

- *As we know, the policy to have them remain open until 2:00 AM (except several links to government buildings) has been in place for years.*
- *Our extensive skyway system; a public easement thru many of downtown's building's system, open most of each day, seven days a week, is unique, in the world. This creates an environment that is particularly welcoming for Residents of Downtown and for Visitors!*
- *Of course, there have been security issues associated with the skyway system since its creation.*
- *I have been a downtown retailer for over 24 years. In the past, there has been worse times concerning security then today. In the mid-late 1990s.*
- *Today, because of the consequences of city planning:*
 - *We have a much larger homeless shelter downtown, and an even larger one to come,*
 - *and a light rail route that concentrates most downtown users in a single location, adjacent to the most problematic bus stops downtown and in the city,*
 - *security issues have grown again*
 - *TO BE CLEAR, the great majority of our downtown homeless population and users of public transit have not been disruptive and have been erroneously maligned.*

RESPONSIBLE BUILDING OWNERS

- *Every downtown building owner today whose property is part of the skyway system, purchased their property with knowledge they have a public easement thru their property, and what their responsibility would be/should be as far as security and maintenance. These skyway connected properties were good investments being they can bring higher housing and office rents.*
- *Dave Brooks and his daughter Juanae Brooks are smart, successful business people. They have financially benefitted greatly by past and recent policies of Mayor Coleman and the City Council, and I understand, have given generously to elected official's past political campaigns. In my opinion, their decision to close the skyway easement early at 8:00 PM thru their Railroader Building in Lowertown, one of their downtown properties, "Due to Ongoing Unresolved Health and Safety Issues" has been without merit.*

I believe it represents a larger effort by a small, but nevertheless, important group of downtown commercial property owners and various organizations, I understand who have also given to elected official's past political campaigns. There can be significant security cost savings in closing skyway easements early.

Ms Brook's story has of course been a unique story for the local media. Particularly when the aggrieved has been implying that she is a significant skyway stop for the homeless downtown to 'relieve' themselves, #1 and #2, rather than in a public restroom (Union Depot is nearby and the homeless know it, as is a busy first-floor downstairs bar). Public urination and even defecation, even inside buildings, has unfortunately, but not fatally, always been a part of any downtown's fabric.

The fact is, to do a walk-thru of the Railroader Building; its short skyway level and even smaller first floor vestibule area, and its single elevator, takes two minutes. Security costs are small here, compared particularly to larger properties which are being responsible to their obligations.

PUBLIC INPUT FALLS SHORT

- *Downtown's Capitol River Council's (CRC) Board of Directors (one of 17 publicly funded city-wide district councils) in May 2017, adopted a policy (introduced by its Chair) unanimously, which prohibits citizens from speaking during their monthly meetings - this includes prohibiting the raising of one's hand requesting to speak (A new policy in its 40-year history). The public can no longer add relevant comments/facts to Motions before the board, unless asked to, no raising of hands allowed, until not only the meeting's end, but only after its adjournment, at which time no Minutes will be kept. **Meanwhile, City staff representing the Mayor's agenda are exempt**, and in fact, Lucy Thompson from PED and other city staff have been openly manipulating discussion and coercing desired Votes for years.*

Further, at its subsequent May 2017 (CRC) Skyway Governance Committee meeting, I requested permission to introduce a Motion for the committee take a position, and only after five months of meetings, on whether or not it supported the early closing of the entire skyway system, not just the Brook's building. Against Robert's Rules of Order, permission to introduce this Motion was denied not only by its Chair – Andy Flam, but by the present Chair of the CRC, John Mannillo, as well.

The Chair of the CRC Skyway Governance Committee and one of its Committee Members, both CRC Board Members as well, sit on your Skyway Vitality Working Group:

From your office,

"Who is the Skyway Vitality Working Group? The Skyway Vitality Working Group (SVWG) is a diverse group of residents, building owners and managers and advocates meeting to ensure that the Saint Paul skyway system is vibrant, safe, clean and welcoming for those who use, live and do business downtown..."

Members

Kristin Beckmann, Deputy Mayor, Rebecca Noecker, Councilmember

Kathleen Beck, Saint Paul BOMA (Securian), Lynda Bennett, Face to Face/SafeZone

Mary Britts, Downtown Saint Paul YMCA, Bret Byfield, Radies Health

Patrick Connolly, Connolly Kuhl, Marie Ellis, Saint Paul Area Chamber of Commerce

Andy Flamm, Capitol River Council Skyway Governance Advisory Committee (Cedar Printing), Joel Franklin,

Hallie Q. Brown/Ambassadors Program, Bill Hanley, CRC Skyway Governance Advisory Committee (Downtown resident),

John Harrington, Metro Transit Police, Jerry Hersman, Saint Paul BOMA (Thompson National Properties), Marilyn Porter, Metro Transit"

Of note: One of the CRC Skyway Governance Committee members who sits on your group, is apparently, the only Downtown Resident on the 14-member group. How is this possible, and why? The word "residents" is given top-billing in the SVWG's intro?

Also, both the Saint Paul Area Chamber of Commerce and BOMA (Building Owners and Managers Assoc.) have gone to great lengths to survey their commercial constituents - of course most would not be concerned about early skyway closure. Yet downtown residents have had no organizational defender to date.

REMEDIES

- 1. I recommended early on, the closing of the skyway system at Midnight, versus 2:00 AM. A compromise which most parties can support and live with.*
- 2. Wholeheartedly, I and others applaud your efforts which are "Examining ordinance changes to clarify expectations of building owners and users of the skyways." Long overdue and Security and Police Officer's jobs will be made much easier.*
- 3. Longer-term solutions are still needed. As I have written previously: Years ago, after City Hall settled on the Light Rail route we now have I recommended for the Light Rail Central Station site a combined Security Center for both Metro-Transit & Saint Paul Police, Secured Public Waiting Room with Restrooms and a monitoring station for a new downtown skyway system-wide, security camera with audio system, to be monitored by Saint Paul Police.*

Details about the Metro Transit - Public Waiting Room and Security Center concept:

- 1. Utilizes the small triangular parcel of public land, on Cedar at Fifth, that is currently a poorly maintained lawn (City plans to install a park here instead can only exasperate existing problems)*
- 2. Design specifically compliments the adjoining stair tower and surrounding buildings*
- 3. Fully accessible and is immediately adjacent to bus stops and the LRT Central Station*
- 4. Provides comfortable seating for 50 with room for those standing*
- 5. Provides for two easily monitored Public Restrooms - much needed in the heart of downtown*
- 6. Provides for an elevated security desk area*
- 7. Provides room for Metro Transit Police - 1st floor, instant access to LRT station, bus stops and designated parking*
- 8. Provides room for Saint Paul Police - 2nd floor, instant access to skyway system, designated parking*
- 9. Provides room for a skyway system-wide, security camera/audio system monitoring station*
- 10. Provides a secured rear exit to move in custody individuals to a police vehicle*
- 11. Retains a garden view for 1st and 2nd floor tenants in the adjacent Athletic Club/Hotel 340 building*
- 12. This location and two-level design allows Police to visually monitor a large area*

Lastly, it provides not only an affordable to build, needed transit center the City and Downtown can be truly proud of, but a Welcome Center opportunity as well!

CONCERNS

- Rumors that the city council majority may vote to close the skyway system earlier than midnight, sans your vote, are hopefully rumors. Only Quid Pro Quo could be their reason.*
- The concept of distributing Access Cards (to closed skyway connected buildings) to downtown residents as a covert way to keep out the homeless would become a logistics nightmare and a warranted national human rights story Saint Paul leaders should dare not want.*

Thank you.

*Sincerely yours,
Bill Hosko*

*400 N Robert St, Ste 250
Saint Paul, MN 55101
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651-222-4767"*

(9-6-17 submission end)