



## Legislation Details (With Text)

**File #:** RES PH 23- 245      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 9/27/2023

**Title:** Denying the application of Bigos Management/Kellogg Square for an exception to the general hours of skyway operation. (Public hearing continued from September 13, 2023)

**Sponsors:** Rebecca Noecker

**Indexes:**

**Code sections:**

**Attachments:** 1. Notice of Council Hearing 8-18-2023, 2. SPLC Section 140.10. - Hours of Operation, 3. Exhibit 1, 4. Exhibit 2, 5. Exhibit 3, 6. Exhibit 4, 7. Exhibit 5, 8. Exhibit 6

Date	Ver.	Action By	Action	Result
9/28/2023	1	Mayor's Office	Signed	
9/27/2023	1	City Council	Adopted	Pass
9/13/2023	1	City Council	Continue Public Hearing	Pass
9/6/2023	1	City Council	Continue Public Hearing	Pass

Denying the application of Bigos Management/Kellogg Square for an exception to the general hours of skyway operation. (Public hearing continued from September 13, 2023)

WHEREAS, on March 17, 2023, Stephanie Simmons submitted a request for an exception to the general hours of skyway operation ("Request"), incorporated herein as Exhibit 1, on behalf of Bigos Management/Kellogg Square to the Department of Safety and Inspections ("Department"); and

WHEREAS, the application requested that the hours of operation for skyway #34, which crosses over 4<sup>th</sup> Street and encompasses the Kellogg Square Apartments be changed to allow for opening at 6:00 a.m. and closure at 9 p.m. daily; and

WHEREAS, the application laid out the basis for the request in a memo, attached as Exhibit 1,

WHEREAS, Chapter 140.10(b) of the Saint Paul Legislative Code gives the Council the power to grant such exceptions and directs that 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.
- and;

WHEREAS, Chapter 140.10(b) directs that the Department forward the Request to the Skyway Governance/Advisory Committee for a recommendation and requires that the committee forward their recommendation to city council; and

WHEREAS, the Request was forwarded to the Skyway Governance/Advisory Committee (“Committee”) and on March 24, 2023, the Committee considered the application, the notice of which is herein incorporated as Exhibit 2; and

WHEREAS, the Committee recommended denial of the application to change the hours of operation for bridge #34, such denial herein being incorporated as Exhibit 3; and

WHEREAS, Saint Paul Police has reported the following activity:

1. CN 23-025-149 (Public Narrative herein incorporated as Exhibit 4) - case pended, due to a lack of necessary evidence to support an active criminal investigation. - suspect unidentified and no physical evidence.
2. CN 23-037-432 (Public Narrative herein incorporated as Exhibit 5) - case pended, due to uncooperative victim, stating he did not want to follow through with prosecution.
3. Calls for service to the address of 111 E. Kellogg Blvd for year to date (herein incorporated as Exhibit 6), 50 calls since January 1<sup>st</sup>, (3 of those are from previous reporting periods, or not the address) and 3 were proactive visits by officers. Within those remaining calls are theft, disturbance /disorderly persons, check welfare, narcotics calls etc.
4. At least 7 of the disturbance/ disorderly person calls were after 2100 hours (9pm).
5. It is unknown which calls are directly skyway only calls for service without going through every call for service. Some calls could originate in another part of the building but could have initiated in the skyway or access of an individual may have been through the skyways.
6. One of the assaults mentioned above was in the skyway; and

WHEREAS, based on the facts that this Skyway connection minimally provides access to a public parking ramp as well as Kellogg Boulevard and the City is currently engaged in identifying and implementing improvements to the Skyway system through coordination and collaboration of all stakeholders focused on ensuring a vibrant and safe Skyway experience, the Department recommends denial of the Skyway hours exemption request submitted by Stephanie Simmons on behalf of Bigos Management/Kellogg Square; and

WHEREAS, the Council held a public hearing on the application for an exception on September 6, 2023, at which time the Council the applicant was given an opportunity to speak, public testimony was allowed and the Department had no further information or recommendations; now, therefore be it

RESOLVED, that Council finds that based on the exhibits, information, and testimony provided there is a sufficient basis to deny the request to reduce the hours of operation for skyway #34; and be it further

RESOLVED, that Council adopts the recommendation of the Skyway Governance/Advisory Committee to deny the request to reduce the hours of operation for skyway #34 finding that the standard hours of operation set for the skyway system in Saint Paul Legislative Code Section 140 are more appropriate and necessary to ensure the skyway system remains open to all residents.

A copy of the resolution, as adopted, shall be sent by first class mail to the applicant.