



## Legislation Text

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**File #:** RES PH 20-18, **Version:** 1

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Denying the application submitted by Tom Dillon of Madison Equities for an exception to the general hours of operation for pedestrian skyway bridges #33, #43, and #46, which serve the Degree of Honor Building.

WHEREAS, on December 16, 2019, Tom Dillon submitted a request for an exception to the general hours of skyway operation ("Request"), incorporated herein as Exhibit 1, on behalf of Madison Equities to the Department of Safety and Inspections ("Department"); and

WHEREAS, the application requested that skyways #'s 33 and 46 remain closed until the HVAC unit in skyway #46 be either repaired or replaced; and

WHEREAS, the application also requested that skyway #43 remain closed until the skyway level corridor is completed; and

WHEREAS, the application stated that the estimated completion date for skyway #43 corridor as March 1, 2020; and

WHEREAS, the application laid out the basis for the requests in a memo, herein incorporated as Exhibit 1-4, which highlighted the following impacts:

- Safety of the general public.
- Safety of workers on site.
- Difficult logistics for construction and skyway use.
- Mandated safety practices by MN Department of Health and OSHA; and

WHEREAS, the hours of skyways #'s 33, 46 and 43 had been previously reduced to zero under RES PH 18-236; and

WHEREAS under RES PH 18-236 the reduction in hours expired June 1, 2019; and

WHEREAS, that reduction in hours to zero was extended by RES PH 19-162 through December 1, 2019; and

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 petition for an exception 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 the Committee considered this application on December 20, 2019 and provided information herein incorporated as Exhibit 2; and

WHEREAS, the Committee recommended approval of the request to close bridge #43 through March of 2020; and

WHEREAS, the Committee further recommended denial of the request to close bridges # 33 and 46; and

WHEREAS, the Department of Safety and Inspections believes that while work is being completed on bridges #33 and 46, the heating and temporary electrical supply may not fully satisfy requirements for heat and light under Chapter 140; and

WHEREAS, the Council held a public hearing on the application for an exception on February 5, 2020 at which time the Council the applicant was given an opportunity to speak, public testimony was allowed and the Department of Safety and Inspections had no further information or recommendations; now, therefore be it

RESOLVED, that Council finds that based on the exhibits and testimony provided there is a sufficient basis to support the request to reduce the hours of operation for skyway #43 to zero until March 1, 2020; and be it further

RESOLVED, that Council finds that based on the exhibits and testimony there is not a sufficient basis to support the request to reduce the hours of operation for skyways # 33 and 46; and be it further

RESOLVED, that Council adopts the recommendation of the Skyway Governance/Advisory Committee to reduce the hours of operation to zero for skyway #43 until March 1, 2020; 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 to zero for skyways 33 and 46 finding that the proposed hours of

operation are not reasonable; and be it further

RESOLVED, that Council directs that should there be complaints related to heating and lighting for skyways 33 and 46, the Department of Safety and Inspections Licensing Division is to consult with the Building Official before taking enforcement action; and be it finally

RESOLVED, that Council may reconsider the exception to the general hours of operation if the circumstances that gave rise to the exception change.

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