

**TO: CITY COUNCIL**  
**THROUGH: CITY MANAGER**  
**FROM: CITY ATTORNEY**  
**DATE: AUGUST 13, 2007**



**City of West Saint Paul**

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**SUBJECT:**

Alice Krengel Injunction Update

**CITY COUNCIL ACTION REQUESTED:**

Discuss options for addressing problem property at 823 Allen Avenue

**BACKGROUND INFORMATION:**

A motion hearing was held on Thursday, August 9, before Judge Metzen, requesting the Court to extend the Injunction Order against Alice Krengel and keep her out of the property for an additional 6 months.

Unfortunately, the Court denied the City's motion, which means that Alice will move back into her house on Friday, August 10. The Judge indicated that it had no authority to extend the one year injunction, but put Alice "on notice" of the 3 new nuisance violations to which the City cited in its motion and warned Alice that the City can begin the process for another injunction action. The Judge issued a verbal warning "restraining" Alice from disrupting her neighbors, from being intoxicated outside of her residence, from having intoxicated guests outside of her residence and from being a nuisance in general.

At this point, the City Council needs to consider the allocation of resources to closely monitor the property and determine the offenses on which the City should focus its attention. There are many possible violations that can be envisioned based on past behavior, however, some require more intense scrutiny than others.

Public Nuisance Injunction. The City can pursue another injunction action, which only requires 2 public nuisance incidents within 12 months. To obtain convictions on nuisance violations there would need to be Police Department documentation, cooperation from neighbors who are willing to call the police and who are available to testify and attorney time for prosecuting the nuisances. Unless the Court of Appeals determines that the statute is unconstitutional, the injunction would likely be successful. This would again be limited to a one-year reprieve. *Resources: Police, legal*

Exterior code violations. Community Development has indicated that there are exterior code violations that need to be addressed. They have not issued notices yet, since Alice would not have been able to comply with the notices until she returned to her home. The Code Enforcement officer would like to issue the notices now, and if

the violations are not fixed, then Alice would be given citations for Community Court.  
*Resources: Community Development, legal*

Zoning Ordinance violations. 1) Operating a boarding house; and 2) having more people reside in the house than is allowed by Code. In the past, Alice has had several occupants who have paid rent, which then falls under the definition of a boarding house and is only allowed in an R1A zoning district with a conditional use permit. In addition, the Zoning Ordinance restricts the definition of “family” to no more than 3 unrelated people, so if she has more than 3 people living in the house, she has violated the Zoning Ordinance. These types of violations have always been difficult to prove, however, with the cooperation and testimony from neighbors, success might be more realistic than in the past. *Resources: Police, legal*

Repeat Nuisance Service Calls fees. If there are 3 public nuisance service calls within a year, the City can impose these fees and assess them if she fails to pay (\$125/call).  
*Resources: Police, Finance*

**RECOMMENDATION:**

Discuss the options above and direct Staff to pursue all the proposed avenues of enforcement.