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West St. Paul

Ejected homeowner 'vindicated' by appeals court ruling in her favor

By Nick Ferraro
nferraro@pioneerpress.com

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Alice Krengel, shown outside her West St. Paul home in October 2006, says she has endured "public humiliation because of her eviction by the city. She may seek damages. (Pioneer Press file photo)

For one year, Alice Krengel lived at the Dorothy Day homeless shelter in St. Paul, banned from her West St. Paul home by a district court.

After a series of public-nuisance violations, city officials had obtained an injunction to keep Krengel away.

She's been back home now for 10 months, but on Tuesday the Minnesota Court of Appeals overturned the lower court's decision, concluding she was illegally forced out of her house.

In a 2-1 ruling, the appellate judges determined West St. Paul failed to comply with a state law that requires cities to prove two or more nuisance incidents occurred within 12 months before the injunction hearing.

"I feel vindicated now," Krengel, 57, said Wednesday. "You cannot imagine my losses. This shows I'm a patient person."

The city claims Krengel, then an admitted alcoholic, had used her Allen Avenue home for years as a flophouse for criminals, drunks and drug users. Police went to her house 41 times in 2006 alone.

Krengel's attorney urged the appeals court to interpret the law to require proof that two "behavioral incidents" occurred within 12 months preceding the city's request for a permanent injunction, which was in October 2006. The city had argued the 12-month period should have begun in July 2005, when they served written notice on intent to seek the injunction.

"We thought the clock stopped at that point," City Attorney Kori Land said.

She called the decision a "moral victory" for Krengel.

"You can't change history and the fact she was gone for a year," Land said. "The city won the battle, but she won the war."

According to the city, police had been called to Krengel's home 180 times since 1990. Between September 2004 and July 2005, police were called to

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Krengel's home 29 times, including when two intoxicated men assaulted each other with hammers and several incidents in which Krengel's guests were drunk and were hauled to detox.

Threatening an injunction, Land in July 2005 notified Krengel she had to stop the nuisance or enter into an abatement plan with the city. Krengel entered into the agreement a month later to stay sober, not permit alcohol in the house and allow police officers inside for random inspections for one year.

After West St. Paul officials said she repeatedly violated the agreement, Krengel was barred from her house in August 2006.

Citing numerous violations of the state's nuisance law, District Court Judge Leslie Metzen followed with the permanent injunction three months later, forcing Krengel to stay out of her house until August 2007.

Krengel and her attorney unsuccessfully appealed three times to stop the injunction.

"The district court erred," Judge Matthew E. Johnson wrote in his decision, "because the city's evidence of nuisance activity consisted solely of incidents occurring 15 or more months before the hearing on the city's request for the permanent injunction."

Land called the decision a "strict interpretation of the law."

"You cannot predict when you're going to get your two nuisance violations," she said.

Land said there have been no police calls to Krengel's home or complaints from neighbors since she moved back in August.

But the fight might not be over.

Land said the attorneys who represented the city could seek to bring the case before the state Supreme Court.

Krengel said she has endured "public humiliation" and will discuss with her attorney whether to seek damages against the city for the eviction.


Nick Ferraro can be reached at 651-228-2173.

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