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Sent: Tuesday, December 11, 2018 1:39 PM

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Cc: jim.walsh@startribune.com; mgottfried@pioneerpress.com

Subject: Concerned east side resident

December 10, 2018

To the St. Paul City Council,

The City of St. Paul has failed in its duty to appropriately balance well-intentioned outreach to those most vulnerable in the community, with the right that its citizens in residential neighborhoods have to the quiet enjoyment of their homes. The city of St. Paul has reached a resolution with Listening House, in which it entirely abrogates the substance and intent of the zoning code. Worse yet, it eliminates any meaningful way to better manage the sometimes annoying, often disquieting, and in some instances, plainly dangerous circumstances, that have arisen since June of 2017 when Listening House relocated from Downtown St. Paul, to First Lutheran Church, located in a residential neighborhood in Dayton's Bluff.

The operation of this business in a residential neighborhood, is outside of the zoning code for the new site of its business. The city allowed Listening House to operate outside the code, through a process known as a Determination of Similar Use. The neighbors raised their concerns, the city suggested that the parties seek to identify solutions with the help of a homeless advocate. But, after weeks of meetings, most suggestions from the neighbors were met with a refusal, or an expressed confusion as to how to execute any means of bringing the two very conflicting land uses into harmony (i.e., the quiet enjoyment of private homes versus a day drop in center for the community's most needy, with no barrier to admission, including often psychiatrically unstable, frequently intoxicated, and at times bearing long criminal histories.) At the conclusion of a hearing on the conflicting land uses, the city put some conditions on Listening House and First Lutheran in December of 2017.

First Lutheran and Listening House almost immediately waged vigorous appeals and have venomously railed against any modifications to their operating practices that could actually strike some semblance of balance between their mission and the neighbors' rights to feel safe and relaxed in their homes. Now, the City and Listening House have entered into a settlement agreement eliminating all those conditions. But, most alarming is the added agreement in item fifteen, which guts the requirement under the Determination of Similar Use to have no detrimental impact on the residential character of the neighborhood. Slashing that condition means that the guests can leave a low/no barrier business, wreak havoc in the yards, parks, businesses, and homes nearby, and that no barrier business cannot be held accountable by the City.

One of the incidents that occurred at the home I share with my partner, just a block and a half away, perfectly illustrates the need for the city to actually follow the code. This incident from June 22, 2018, underscores the dangers of the current plan, under item fifteen of the settlement agreement between the city and Listening House.

Around June 10, many people in the neighborhood began to notice a blue Dodge SUV parked in the Listening House/First Lutheran south Church parking lot that stayed through the night. It was clear that someone was staying in the car. Some neighbors expressed concern; but nothing happened.

On Friday June 22, 2018, I had to come home from work early to meet with someone who was repairing my upstairs bathroom. It was approximately 3:30 p.m. As I waited for the repairs, I sat in my living room on Bates Avenue, reading work materials. I saw a couple of people directly across the street, on the sidewalk, acting rather erratically. Not long after I took notice of them, one of them, darted across the street directly towards my home. He walked quickly, with great purpose, and was extremely focused on my home. It all unfolded very fast, and before I knew it, he was on my porch. I jumped up and went to the foyer; and he had his arm extended to open my front screen door. I could see it plainly, as my front door was open and his hand reached the handle of my screen.

I opened the door and asked him what he was doing. He was psychiatrically fairly disorganized or possibly intoxicated in some way, and said, "I just noticed you're having some work done on your house and..." I interrupted him and told him I had it under control. He resumed talking about the work on my house, and I told him to get off of my porch. He continued talking about my home and I directed him off my porch. He turned and said, "Well you don't have to be such an asshole, I hope the fucking house burns down!"

He and his friend and a woman who had joined his friend by this point, then meandered down Bates and into the [Hollow](#), carrying a tent and other bags full of items. I called 911. They were concerned and said they would send a squad. Over half an hour later, the police called back, apologetically explaining that officers were busy with other calls of higher priority. I certainly understood.

Shortly thereafter, an officer called me. He expressed concern over what had just happened at my home. I provided pictures taken by neighbors who heard this man threatening me on the front porch of my home. These pictures demonstrated that this person and his friends were heading into the [Hollow](#). The officer then went into the [Hollow](#) to see if he could find them, but he could not. While the incident began at about 3:30, I was still corresponding with the officer as late as 7:00 p.m. Neighbors confirmed that this was the man who had been sleeping in his car for nearly two weeks at First Lutheran/Listening House. I stopped to talk to someone at either First Lutheran or Listening House that afternoon. No one was available.

And for the next two days, throughout the weekend, the Listening House guest was seen a number of times up and down Bates Avenue, where we live.

On Monday, June 25, 2018, I stopped into First Lutheran. I spoke to Julie, the staff member whom I know from several sessions through the late summer, early fall of 2017, during which neighbors were repeatedly asked how First Lutheran/Listening House could become good neighbors. I told Julie about what happened at my home on June 22, 2018. I asked her what they would do about this threat to my safety in my only home. She responded that this man had been having problems at Listening House, and that on Wednesday June 20, 2018, either she or another person carrying out their mission, asked him to leave. I asked what problems they were having. Julie responded, "We initially thought he was dealing drugs here, but after watching him closely for some time, we concluded he was using a lot of drugs." I asked what lead her to believe that he was using drugs so heavily; and she replied that he was engaged in a number of "repetitive behaviors that were disruptive" and so Listening House Staff eventually asked him to leave.

I asked Julie about the fact that this man was still in his car in the parking lot in the days following the request that he stop spending time there. She responded, "Yeah, he was saying one thing to us (Listening House) and another thing to the church (First Lutheran) and he sort of played us against each other." I told her I was very disappointed; and Julie said she was sorry about what happened to me.

I asked what they would do about this. She said that in a couple of days, Wednesday, June 27, 2018, the staff would meet to determine whether or not they would bar him. I asked how long that would last, if they in fact decided to bar him. She answered that it would depend on how the guest himself managed that bar, and that they would make further decisions about how to proceed, depending on how he responded.

That same day, Monday, June 25, 2018, the guest did finally move out of the parking lot, but relocated to the parking lot of the Upper Swede Hollow Park, just two blocks from Listening House, and just one block from where he threatened me after entering the curtilage of my home.

He promptly began dismantling his vehicle and set up a tent in the park. Someone well aware of the ongoing problems this person caused during his two week residence in his car, while it was parked in Listening House's lot, observed this unfolding in its new location and called the police. The caller waited and watched to see what the response would be, and she noted that police cuffed the man, apprehended him, and took him away in a squad.

I requested the public portion of the police report from this incident, which the St. Paul Police Department provided. I learned that this man was required to register as a Predatory Offender, but failed to abide by that requirement. This is a felony. The Minnesota Legislature considers this such a serious threat to public safety, that a conviction for this offense requires a presumptive (mandatory) commit to the Commissioner of Corrections (i.e., it requires that he go to prison.)

I proceeded to the computer terminals where information on criminal convictions is available to the public and learned that this man had been convicted of criminal sexual conduct in the second

degree (the second most serious of the sexual assault offenses) which triggered the registration requirement which he refused to follow. He has two prior convictions for failing to maintain his predatory offender registration, in addition to many drinking and driving convictions, multiple driving after cancellation convictions, disorderly conduct offenses and criminal damage to property convictions. He earned the moniker of “Inimical to Public Safety” for his refusal to discontinue drinking and driving, but was allowed to live in his car on Listening House/First Lutheran property for two weeks. From there he committed a crime against me in my most important zone of privacy, my home.

The man who was letting himself into my house has twenty-one convictions for criminal conduct, many of which are felony level offenses. Most, if not all of them signal that he is a person who has, for decades on end, done what he wants when he wants. He has demonstrated this conduct reliably, with no regard for the sense of, or the actual well-being of those around him. And, he will not avail himself to the few measures law enforcement has to try to contain the threats to public safety that his many convictions reflect him to be. He will repeatedly drink and drive, he will repeatedly fail to maintain his predatory offender registration requirements, and he will treat anyone’s attempts to maintain their safety and security as license to issue a threat. He will even present as too behaviorally disruptive for a low barrier day drop in center that is Listening House.

I did eventually receive an email four days later, from Julie (Listening House Staff) informing me that sometime later that morning, the staff at Listening House, did inform the guest that he was barred. For thirty days. Thirty days. And he will be back and welcomed there, with no regard for his impact on the neighborhood around him. And Listening House will continue to operate with no regard for his and others’ impact on the neighborhood around them, now that the settlement agreement eliminated any need for Listening House to accept responsibility for anything that happens by virtue of their operation (outside the zoning code) in a residential neighborhood.

Listening House fought to be free of the special condition required of all people who seek to operate a business outside the zone assigned to a particular pocket of the city. And, after countless hours have been invested by the neighbors enduring situations we are not qualified to manage as they unfold on our front lawns (alcohol or drug induced seizures, verbal threats, trespassing onto porches when minor children are due home from school, indecent exposure, property damage and entering the curtilage of an occupied home); after trying to document the harm, in a manner that might be taken as something other than black-hearted, NIMBY’S self-centeredness (actual insults we have endured); after testifying for the entire city council in December of 2017 and having one council member absent mindedly look up to say, “So, this is all about the twenty person limit?”; we now have the last single means of attempting to protect ourselves from the harm that continues to spill out into the neighborhood, removed by virtue of this settlement agreement, at item fifteen.

You all need to know that if two of the most important people to me in this life were visiting, my two minor nephews, two weeks prior than they were scheduled to, then they would never be

allowed to visit my home again, because of what happened on June 22. And why should they visit here? Listening House is meeting its perceived mission, and the City's refusal to actually enforce the zoning code, leaves no room for error for the neighbors closest to where they now operate. In fact, harm occurred for my household, when no error, short of allowing fresh air in through the front screen door on an otherwise gorgeous June day occurred.

So, we, the neighbors (whom everyone from the press, some city council members, a federal district court judge hearing the First Lutheran law suit, etc.) feel free to denigrate by characterizing our concerns [according to](#) the most petty among the reams of issues we have brought before you, get to just keep living like this. You get to pat yourselves on the back for a job well done, while Listening House guests yell at us, glare at us, kick in our doors, walk into our homes, discard drug paraphernalia and stumble down our sidewalks like zombies. To be sure it is a minority of Listening House guests, but they are Listening House guests. And their presence in the neighborhood, after they leave Listening House/First Lutheran is unrelenting.

I am lucky your guest who found his way into my house did not produce a weapon. I am lucky my cherished nephews were not present for his complete disruption to my sense of wellbeing in my own home. I am lucky my aged mother was not visiting from out of town. But it's luck we have to rely on at this point. Not Listening House, not First Lutheran and not the City.

The neighbors know about this incident; and those of us who have sought to arise in the City some sense of responsibility to provide a coherent nuanced and balanced resolution to this conflict live somewhere on a continuum between annoyance, stress and actual fear, depending of course on how much Listening House's population for that day decides to respect the neighbors' right to quiet enjoyment of their homes.

We live in fear for the big tragedy that will unfold just like this one did, only without the tiny modicum of luck that I had in my circumstances. It is a tragedy that would be wholly avoidable if Listening House would screen their guests, if they would apply some scrutiny or require some basic standards for their conduct while on First Lutheran's grounds and just as importantly, as they move out into our community.

Since First Lutheran and Listening House are unwilling to even avoid having a detrimental impact on the residential character of the neighborhood, as required by the city of anyone seeking to operate outside the zoning code, then it is a tragedy that the city could prevent by requiring of this organization and this congregation exactly what it would require of anyone else seeking to operate in St. Paul.

But, the city has relinquished its duty to balance the needs of the homeless with those of people who have made the effort to put down roots in a tough neighborhood. The City has clearly adopted, wholesale, the narrative that those perennial snobs of St. Paul's lavish East Side have no willingness to go along to get along with anyone unlike them.

And when the utterly foreseeable tragedy does befall the neighbors in a manner that seems important (at least politically!) to the City, then the predictable response will be to ask what could have been done to avoid it. Well here it is, a predatory offender, who has raped a woman or sexually assaulted a child at least once already, with twenty additional crimes that all undermine public safety, has entered the curtilage of a home and issued his threat while living for the third or fourth time outside of his predatory registration requirements. If that scenario is not a harbinger of the foolish reality that this resolution requires us all to adopt, then clearly nothing can reach the esteemed leadership of this city.

Sincerely,

Tim Carey, East Side Resident