



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

RECEIVED
DEC 14 2016
CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number _____)
 - Copy of the City-issued orders/letter being appealed
 - Attachments you may wish to include
 - This appeal form completed
 - Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

HEARING DATE & TIME (provided by Legislative Hearing Office) Tuesday, <u>Dec. 20</u> Time <u>2:30 p.m.</u> Location of Hearing: Room 330 City Hall/Courthouse
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Address Being Appealed:

Number & Street: 1395 Randolph Ave City: St Paul State: MN Zip: 55105

Appellant/Applicant: Lois YellowThunder Email lois@anthrolaw.com

Phone Numbers: Business 651-699-7392 Residence same Cell 612-812-9368

Signature: Lois YellowThunder Date: Dec. 14, 2016

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: _____

Phone Numbers: Business _____ Residence _____ Cell _____

What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/ Revocation of Fire C of O Please see Appeal Statement and Attachments
- Summary/Vehicle Abatement _____
- Fire C of O Deficiency List/Correction _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration Please see Appeal Statement and Attachments
- Other (Fence Variance, Code Compliance, etc.) _____



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-1919
www.stpaul.gov/dsi

December 14, 2016

Lois E Yellowthunder
1395 Randolph Ave
St Paul MN 55105-2558

VACANT BUILDING REGISTRATION NOTICE

The premises at **1395 RANDOLPH AVE** has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required by law to register this building with the Department of Safety and Inspections, Vacant Building Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of **\$2,085.00**. The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code, Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

Please return the enclosed registration form along with your payment by January 14, 2017.

Do Not Mail Cash

If you wish to pay in person, you may do so from 8:00am to 4:00pm Monday through Friday at:

DEPARTMENT OF SAFETY AND INSPECTIONS
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806

You may file an appeal to this fee or registration requirements by contacting the City Clerk's Office by calling (651)266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

If the registration fee is not received in this office within 45 days of the date of this letter, the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.

The Code Enforcement Officer has notified the Building Inspection and Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this notice.

WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.

Category 2: Requirements include: 1. register/re-register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

Category 3: All requirements listed for Category 2 vacant buildings, AND obtain a **Certificate of Occupancy OR Certificate of Code Compliance** prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code, then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

You must contact the Enforcement officer , Matt Dornfeld, at 651- 266- 1902 to find out what must be done before this building can be legally reoccupied.

The Enforcement Officer may declare this building to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building, subject to demolition, the Enforcement Office will notify all owners and interested parties of the Order to Abate as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the District Inspector, Matt Dornfeld, at 651- 266- 1902.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Steve Magner
Vacant Buildings Program Manager

**Enclosures: Regulations Requirements Information
Vacant Building Registration Form**

SM: md
vb_registration_notice 11/14



361

CITY OF SAINT PAUL
 DEPARTMENT OF SAFETY AND INSPECTIONS
 DIVISION OF CODE ENFORCEMENT
 375 Jackson Street, Suite 220
 Saint Paul, MN 55101- 1806
SUMMARY ABATEMENT ORDER

December 13, 2016

16 - 105813

Yog hais tias koj hais tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266- 8989. Nws yog pab dawb zwb. Si necessita un traductor, por favor llamanos al (651)266- 8989. No costo.

LOIS E YELLOWTHUNDER
 1395 RANDOLPH AVE
 ST PAUL MN 55105- 2558

As owner or person(s) responsible for : 1395 RANDOLPH AVE you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

1. Remove improperly stored or accumulated refuse including: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from property, boulevard, alley and yard areas, INCLUDING REMOVE ALL TIRES, WOOD, DOOR, CARDBOARD, TREE DEBRIS, AND LOOSE AND SCATTERED TRASH. THANKS! Comply before December 16, 2016
2. Remove snow and ice from public sidewalk full width including sidewalk ramp to street, salt and sand as needed. Comply before December 16, 2016

If you do not correct the nuisance or file an appeal before December 16, 2016 , the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipments, etc. The rate will be approximately \$260 per hour plus expensed for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times
 FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: Matt Dornfeld Badge: 361 Phone Number: 651- 266- 1902

If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Also Sent To:

Occupant

Hannah Yellowthunder 1395 Randolph Ave St Paul MN 55105- 2558

APPEALS: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, which ever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 in City Hall, 15 W Kellogg Blvd., St. Paul, MN 55102. The telephone number is (651) 266- 8688. You must submit a copy of this Summary Abatement Notice with your appeal application.

*WARNING Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within said 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

sa.rpt 9/15



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street., Suite 220
Saint Paul, MN 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

335.0

December 12, 2016

NOTICE OF CONDEMNATION AS UNFIT FOR HUMAN HABITATION AND ORDER TO VACATE

Lois E Yellowthunder
1395 Randolph Ave
St Paul MN 55105-2558

Hannah Yellowthunder
1395 Randolph Ave
St Paul MN 55105-2558

Dear Sir or Madam:

The Department of Safety and Inspections, Division of Code Enforcement, has determined that the dwelling and premises at **1395 RANDOLPH AVE** is "Unfit for Human Habitation". In accordance with Saint Paul Legislative Code, Chapter 34, Section 23, the premises will be placarded on **December 12, 2016** and ordered vacated no later than **December 12, 2016**.

Your attention is called to the following provisions of Section 34.23, Subsection 6 entitled, "Vacation of Structure or Unit":

"Any residential structure or residential unit which has been condemned or placarded as unfit for human habitation shall be vacated within the time set forth in the placard and/or order. It shall be unlawful for any person to let to any person for human habitation any structure or unit so condemned or placarded, and no person shall occupy the structure or unit after the date set forth in the placard and/or notice."

**THIS DWELLING SHALL NOT AGAIN BE USED FOR HUMAN HABITATION
UNTIL WRITTEN APPROVAL IS SECURED FROM THE CITY OF SAINT PAUL;
DEPARTMENT OF SAFETY AND INSPECTIONS, DIVISION OF CODE
ENFORCEMENT**

Principle Violations: These deficiencies must be corrected before this condemnation and vacate order will be removed.

1. **CONDEMNATION:** The interior of the house constitutes material endangerment. The interior of home has gross unsanitary conditions. Inspector found the home filled with rotting garbage, overwhelming smell bodily odor and dog feces, home cluttered throughout, blocked egress, small walking path throughout the home. This is a fire hazard due to the excessive combustibles.
2. **INTERIOR WALLS:** The interior walls are defective. Repair all wall defects and finish in a professional manner.
3. **SMOKE DETECTOR:** Lack of properly installed and operable smoke detector. Provide functioning smoke detectors in accordance with the attached requirement, within 24 hours.
4. **CARBON MONOXIDE ALARM:** Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturer's instructions.
5. **BATHROOM:** Every dwelling unit shall contain within its walls a room, or adjacent rooms, separate from the habitable rooms which affords privacy and which is equipped with a toilet, hand sink and bathtub or shower. Repair or replace all damaged walls, plumbing, and electrical under permit.
6. **DOOR(S):** The exterior/interior door(s) are in disrepair; repair or replace the damaged door(s).
7. **WINDOWS:** The windows and/or storm windows are in a state of disrepair. Replace all missing or broken window glass. Make all necessary repairs to frames, sashes, hardware and associated trim in a professional manner.
8. **WINDOW SCREENS:** The window and/or door screens are missing, defective or in a state of disrepair. Provide proper window and door screens for all openable windows and doors. Screens must be tight-fitting and securely fastened to the frames.
9. **HANDRAILS:** The stairs have missing or defective handrails. Provide all interior and exterior stairways and steps of more than three (3) risers with handrails which are grippable and installed 34" to 38" above the nose of the stair treads.
10. **DAMAGED ELECTRICAL FIXTURES:** Repair or replace damaged electrical fixtures and discontinue use of all extension cords. This work may require a permit(s). Call DSI at (651) 266-8989.

11. DRYER VENTING: Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter and installed in accordance with the mechanical code. This work requires a permit(s). Call DSI at (651) 266-8989.
12. CABINETS: Repair and maintain the broken cabinets in an approved manner throughout the home.
13. INTERIOR SANITATION: Provide and maintain interior in a clean and sanitary condition and reduce the clutter by 50% and remove excessive storage from the attic and remove all clutter and beds from the basement.
14. FLOORS: Provide a bathroom floor impervious to water, and repair floors throughout.
15. DEADBOLT LOCK. Provide and maintain an approved one-inch throw single cylinder deadbolt lock.
16. HOUSE AND BUILDING NUMBERS: Provide reflectorized or illuminated house numbers front and rear where applicable. The numbers must be a minimum of three (3) inches in height and must be clearly visible from the street or alley for safety reasons.
17. GARAGES AND ACCESSORY STRUCTURES. All garages and accessory structures must be in sound condition and secure from unauthorized entry. Repair or replace any missing doors, windows, or hardware for same.

Authorization to reoccupy this/these dwelling unit(s) will not be given until it is demonstrated that all principal violations have been corrected and that no new conditions exist which could constitute material endangerment or which threaten the peace, health, safety or welfare of the occupants of this building.

All repairs and new installations must be made in accordance with the appropriate codes. Permit information may be obtained from the Building Inspection and Design Section, 375 Jackson Street, Suite 220, (651) 266-8989.

You may file an appeal to this notice by contacting the City Clerk's Office at (651) 266-8688. Any appeal must be made in writing within 10 days of the date of this notice.

It is the responsibility of the property owner to keep all buildings secured and to properly maintain the premises at all times.

If you have any questions concerning this matter, please contact the Inspector, Lisa Martin, at 651-755-8020. To arrange an appointment or request an extension of time to complete repairs, you will need to speak directly to the inspector.

1395 RANDOLPH AVE

Page 4 of 4

Sincerely,

Lisa Martin
Enforcement Officer

lm

c: Posted to ENS

uhh60103 4/11

Appeal Statement
Lois Yellowthunder, Owner
1395 Randolph Ave.

December 14, 2016

Background:

I purchased the property at 1395 Randolph Avenue, St. Paul, MN on July 30, 2003. My intent was to provide a moderately-priced home in a safe neighborhood for my daughter, Hannah Yellowthunder, a single parent, and my granddaughter, Amaya Snowdon, then aged six months, while Hannah completed her education and worked.

Previous Actions Taken re: 1395 Randolph Ave.

- During the summer of 2016 I became increasingly concerned about the condition of the occupant, Hannah Yellowthunder, my daughter, and the welfare of my granddaughter Amaya Snowdon, age 13, both occupying 1395 Randolph Ave. Hannah was admittedly using dangerous drugs and persons unknown to me were coming and going in the house.
- In response to my concerns, I retained a criminal law and family law attorney Richard Ohlenberg to advise me because of my concerns for my granddaughter and my house.
- I repeatedly requested access to the house and a key to the house and these requests were denied by my daughter, Hannah, and so was unaware of conditions in the house.
- At the end of August, I removed Amaya from 1395 Randolph Ave. and took her to live with me and my husband. My daughter, Hannah, gave me Power of Attorney for Amaya's health care, school, and travel.
- On September 30, 2016 I gave Hannah a Notice to Vacate the premises by October 31 (see Attachment #1). (I had selected a realtor and my plan is to get the house ready for sale and sell it as quickly as possible).
- During the next month and a half, I returned to the house a few times for some of my granddaughter's possessions. The house was messy, but quite habitable. No feces, blood, or garbage in the house.
- On October 15, 2016, my daughter came to my home and physically assaulted me when I denied her request that she take her daughter back to 1395 Randolph overnight. I applied for an OFP for myself and my granddaughter, Amaya, which was granted on November 14 (see Attachment #2).
- On November 17, 2016, my eviction case was heard in Housing Court (Hannah Yellowthunder did not appear) and a Decision and Order was issued allowing for a Writ of Recovery to be issued November 30, 2016 (see Attachment #3).
- On December 12, 2016 I applied for and received the Writ of Recovery (see Attachment #4). I took the Writ to the Sheriff's office on the same day and arranged for the Sheriff to remove my daughter from the premises. (I was delayed in obtaining the Writ because of

the illness and death of my mother in Los Angeles, December 6, 2016 – I returned to the Twin Cities, December 10, 2016).

- On December 12 upon returning home from the Sheriff's Office I learned that the police had been called to the house, there had been a stabbing. The police found blood, human feces, drugs, and drug paraphernalia. The police arrested some of the people in the house. My house had been condemned, my daughter, Hannah, was given an order to vacate by 10 am the next day, December 13, and my house was being registered as vacant property. I contacted the vacant buildings inspector immediately.
- On December 13 I spoke with the vacant buildings inspector. At 11:30 am my husband and I went over to secure the property and to meet the locksmith. My daughter, Hannah, was there and tried to prevent my husband from physically from entering the house – yelling and screaming obscenities at him. I called 911 and the police came and supervised her packing up and leaving. After that my husband and I secured the house and the locksmith changed the locks. We removed garbage and feces from the house.

Summary

In short, Hannah's drug addiction, her illegal lodging of violent drug users, her refusal to give me access to the house, and the unfortunate delay in executing the Writ of Recovery because of my mother's death, created conditions of uninhabitability over which I had no control until last Tuesday. I immediately took action to exclude the occupants and to secure the property with the help of St Paul Police officers. I immediately cleaned up the garbage and feces, closed and secured the windows, and have engaged contractors to bring the property up to Code. I am asking that the property not be condemned, and the house not be placed on the Vacant Building Registration List.

Attachment #1

Lois Yellowthunder
2080 Edgumbe Road
St. Paul, MN 55116

Hannah Yellowthunder
1395 Randolph Avenue
St. Paul, MN. 55105

September 30, 2015

Dear Hannah:

You are hereby given notice to vacate (move out of) the property at 1395 Randolph Avenue, St. Paul, Minnesota 55105 on or before October 31, 2016.

Sincerely,

Lois Yellowthunder
Lois Yellowthunder

Nov 14 2016 2:22 PM

State of Minnesota

District Court

County Ramsay

Judicial District:	Second Judicial District
Court File Number:	62-DA-FA-16-1267
Case Type:	Domestic Abuse

In The Matter Of Lois Elaine
Yellowthunder And Obo Minor Child Vs
Hannah Jane Yellowthunder

Order for Protection
Following Hearing
(Minn. Stat. § 518B.01, subd. 6)

This matter came on for hearing before the Court on November 14, 2016 pursuant to the Domestic Abuse Act.

Appearances:

- Amaya Snowdon, Minor, not present
- HANNAH YELLOWTHUNDER, Respondent, not present
- LOIS YELLOWTHUNDER, Petitioner, present
- RICHARD OHLENBERG, Attorney, present

- [Respondent] after personal service of the ex parte order / after published notice.
- An advocate appeared with Petitioner/Respondent.

Based on the evidence presented at the hearing in this matter, the Court makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. Respondent personally appeared or had reasonable notice and opportunity to be heard. The procedures for service upon Respondent set forth in the Minnesota Domestic Abuse Act (Minn. Stat. § 518B.01) were followed, and the court has jurisdiction over the parties and subject matter.
2. Petitioner and Respondent are (check all that apply):
 - Married to each other (date of marriage)
 - Formerly married to each other (date of marriage)
 - Living together
 - Lived Together (from to)
 - Have a child together
 - Have an unborn child together
 - Parent/child
 - Related by blood
 - Significant romantic or sexual relationship (if checked, answer items below):
 - How long did the relationship last?
 - How often did you have contact with Respondent?
 - Length of time since the relationship ended:
3. Respondent's address is: 1395 Randolph Avenue Saint Paul MN 55105
4. a. Acts of domestic abuse have occurred, including the following: The contents of the petition are incorporated herein as findings of fact.
 - b. Respondent does not object to an Order for Protection and understands that the order will be enforced as if there was an admission or finding of domestic abuse.

State of Minnesota
Ramsey County

District Court
Second Judicial District

File Number: 62-HG-CV-16-2504

Lois Yellowthunder vs Hannah Yellowthunder

Decision and Order

This case was heard by the undersigned Referee of District Court on November 17, 2016.

Parties and Participant(s) Present:

Hannah Yellowthunder, Defendant, not present
Lois Yellowthunder, Plaintiff, present

ANDREW CARLSON, Attorney, present

Additional Parties Present:

THE COURT FINDS AND ORDERS THAT:

the allegations of the complaint are true / not true.

the tenant has breached lease as follows:

the parties have reached a settlement as follows: ; OR per settlement agreement filed into the court today. This agreement shall be incorporated into this order.

upon compliance and filing of affidavit this case may be expunged.

the statutory covenants of habitability have been breached as follows: ; OR

Dismissed for non-appearance / by motion / for payment.

other: Plaintiff's request that writ issue after November 30, 2016.

Plaintiff is entitled to recovery of the property plus filing fees and service costs paid for this court action.

THE WRIT OF RECOVERY:

issued immediately

issued after November 30, 2016 children/other hardship

issued if any of the above settlement conditions are not met

The foregoing shall constitute the entry of the order of the Court.

Let Judgment Be Entered Accordingly.

Dated: November 17, 2016

Celia J. Cecil

Celia, Celia (Referee)
Nov 17 2016 9:21 AM

Recommended by Referee

Judge of District Court

I hereby Certify that the above Order Constitutes the entry of Judgment of the court.

Lynae K.E. Olson, Court Administrator

Deputy

Date

COPY

State of Minnesota
Ramsey County

District Court
Second Judicial District

Court File Number: **62-HG-CV-16-2504**

Lois Yellowthunder vs Hannah
Yellowthunder

**Writ of Recovery of Premises
(Minn. Stat. §504B.361)**

The State of Minnesota, to the Sheriff of Ramsey County:

Before this court on: 11/17/2016

Plaintiff(s): Lois Yellowthunder

Recovered Judgment against

Defendant(s): Hannah Yellowthunder

ORDERING recovery of the following described premises in Ramsey County,
Minnesota:

1395 Randolph Avenue
St Paul MN 55105 *LY*

THEREFORE, YOU ARE HEREBY COMMANDED, USING THE FORCE OF THIS COUNTY IF NECESSARY, TO CAUSE THE SAID DEFENDANT(S) TO BE REMOVED IMMEDIATELY FROM SAID PREMISES AND THE SAID PLAINTIFF(S) TO BE PLACED IN PEACEABLE POSSESSION OF THE SAME. YOU ARE FURTHER COMMANDED TO MAKE RETURN OF THIS WRIT WITHIN THIRTY DAYS.

Witness the Honorable Judge Leary as heard by Referee Ceisel.

Dated: December 12, 2016

Lynae K. E. Olson
Court Administrator

By: sjs
Deputy



62-HG-CV-16-2504

WRP