

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY  
DISTRICT

SECOND JUDICIAL

**APPLICATION FOR SEARCH WARRANT AND SUPPORTING AFFIDAVIT**

**Code Enforcement Case Manager, Ed Smith**, being duly sworn upon oath, hereby makes application to this Court for a warrant to search the Premises, hereinafter described, for the property and things hereinafter described.

Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of his own knowledge, save as to such as are herein stated on information and belief, and as to those, he believes them to be true.

A search of the Property is necessary to determine whether the City Code and Fire Code for the City of Saint Paul have been violated and whether the condition of the Premises presents a threat to the health and safety of the public.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

**Improperly stored or accumulated refuse including; garbage, rubbish, discarded furniture, appliances, manufactured goods, scrap wood and metal pipes, weight lifting bench and/or equipment, rugs, carpet, recycling materials, household items, tarps, fencing materials, umbrellas, metal tanks, tires and dead or dying trees scattered though out the exterior of the property, including the driveway and yard. (Photos attached as exhibit 1-1 through 1-21).**

And present a threat to the health and safety to the public and will be at the premises, described as:

**Single-Family Residence owned and/or occupied by Christopher Conner located at 908 Jefferson Avenue.**

located in the City of Saint Paul, County of Ramsey, and State of Minnesota.

**This affiant applies for issuance of a search warrant upon the following grounds:**

1) Affiant states that he is a Code Enforcement Case Manager for the City of Saint Paul, Department of Safety and Inspections ("Department") and is responsible for inspecting properties to ensure compliance with and enforcement of the Saint Paul Legislative Codes including Chapter 45 (Nuisance Abatement).

2) The owner and occupant of the property described has a duty to permit entry for the purpose of inspection and examination pursuant to Saint Paul Legislative Code §§ 34.19 and 45.07.

A. Saint Paul Legislative Code § 34.19 states:

Enforcement officers shall be authorized to make or cause to be made inspections to determine the condition of buildings, dwelling units, guest rooms, habitable rooms, premises, residential structures, rooming houses, rooming units, commercial structures and other structures or premises at any reasonable time in order to safeguard the health, safety and welfare of the public and to perform their duties under this chapter. Access during reasonable times shall not be denied by any owner, occupant or other person in charge of the premises. The enforcement officer may obtain a search warrant where probable cause exists to believe that the premises are in violation of this chapter.

B. Saint Paul Legislative Code § 45.07 states:

The enforcement officer shall be authorized to enter any property or structure in the city for the purpose of enforcing and assuring compliance with the provisions of this chapter. An owner or responsible party shall, upon the request of the enforcement officer, provide access to all interior portions of a building in order to permit the officer to make a complete inspection.

4) Saint Paul Legislative Code § 45.03 of the Saint Paul Legislative Code defines a nuisance as “Any substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city.”

5) Saint Paul Legislative Code § 45.08 of the Saint Paul Legislative Code grants the city the authority to abate nuisances and assess abatement costs to the property and states that the scope of abatement activity “may include, but shall not be limited to, removal, cleaning.”

6) Saint Paul Legislative Code § 45.10 of the Saint Paul Legislative Code sets out the process the city must follow if it intends to abate the nuisance. This process includes an Order to Abate the Nuisance (“OTA”) served in accordance with Saint Paul Legislative Code § 45.09 of the Saint Paul Legislative Code which contains a description of the real estate sufficient for identification, a description and location of the nuisance and the remedial action required to abate the nuisance, an abatement deadline, a statement that the order may be appealed and the process for appealing and finally, a statement that, if the remedial action is not taken and a request is not made for a public hearing within the time lines specified in the ordinance, the city will abate the nuisance and charge all costs incurred therein against the real estate as a special assessment to be collected in the same manner as property taxes.

**The facts tending to establish the foregoing grounds for issuance of a search warrant are as follows:**

- 1) Affiant, Ed Smith, is a Code Enforcement Case Manager with the Department. Affiant has investigated numerous cases involving hoarding, scrapping and the accumulation of materials in such a manner that they create a dangerous or unhealthy condition or threaten the public peace, health, safety or sanitary condition of the city or which are offensive or have a blighting influence on the community. Affiant has worked cooperatively with both the Saint Paul Police Department as well as House Calls (a collaborative between Public Health and Health Care for the Homeless). While working in that capacity he was assigned a case involving the existence of a residence that presented an immediate hazard to public health and safety. Affiant visited the property and gathered information and photographs regarding the property and its history and believes that the following constitutes Probable Cause to search the above-mentioned address and abate the nuisance documented on the property.
- 2) According to public tax records, the above-referenced property is presently owned, and during all relevant times was owned, by Christopher Conner (hereinafter "property owner").
- 3) The Affiant became involved with the property in 2015 and believes the property owner has a history of accumulating nuisance storage and either abating the nuisance storage himself or waiting for the City to abate the nuisance as documented below.
- 4) On July 28, 2014, the property was first inspected pursuant to numerous neighborhood complaints. Those complaints have continued throughout the past 3 years. In all, the department has logged 19 complaints from citizens regarding this property.
- 5) Affiant believes that nuisance conditions at this property currently exist including excess accumulated storage and dead trees and that the nuisance conditions continue to grow despite the repeated Orders to Abate the Nuisance Storage, the Order to Abate the dead trees and the number of previous abatements and cleanups that have been done at the property by the Parks Abatement Crew.
- 6) Affiant believes that the property owner has become more combative over the past two years and now claims to be a sovereign citizen.
- 7) Affiant has observed that the property owner has recently reinforced and barricaded the fence, which prohibits entry into the yard for both assessment of the extent of new nuisance storage and for nuisance abatement purposes. Observations and photos noted by Affiant since the fence was reinforced and barricaded have been limited to the portions of the yard which are open to public view through gaps in the fences and barricades or areas which lack visual obstructions.
- 8) Affiant has reviewed records kept by the Department and learned that during an inspection on July 28, 2014, violations of the Saint Paul Legislative Code were witnessed by Inspector John Ross, including evidence that would indicate that the property owner was running a scrapping operation on the property. Records show that on August 5, 2014, Inspector Ross sent the property owner an Order to Abate Nuisance Storage with a correction date of August 14, 2014. On August 14, 2014, August 21, 2014, September 15, 2014, September 25, 2014, the property was re-inspected for compliance and photographs were taken. Large amounts of scrap remained

on the property and new materials consistent with scrapping were being added. On October 7, 2014 a work order to remove the debris was created. Records show that on October 13, 2014 the matter was closed as the owner had abated the nuisance. On May 12, 2015 another citizen complaint was received. (See Exhibit 2, STAMP Activity Detail for Folder 14 313099).

9) Records show that on October 6, 2015 another citizen complaint was received. Your Affiant was assigned to inspect the property. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

10) On November 17, 2015 Affiant sent an Order to Abate Nuisance Storage to the property owner. Affiant visited the property on November 25, 2015, noted that the property owner had not abated the nuisance, took photos and created a work order directing the Parks Abatement Crew to remove the debris. On December 8, 2015 the Parks Abatement Crew abated the nuisance. This was done with Saint Paul Police Officers present due to the property owner's behavior. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

11) Affiant visited the property on December 23, 2015 for a compliance recheck and observed and photographed scrap wood, scrap metal, metal railings, household items, a golf cart, appliances and trailers in the yard and driveway. Affiant again sent an Order to Abate the Nuisance Storage to the property owner. On December 30, 2015 Affiant visited the property and found that the Nuisance had not been abated. Affiant created a work order directing the Parks Abatement Crew to remove the debris. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

12) On January 13, 2016 Affiant visited the property and found that the nuisance had been abated by the Parks Abatement Crew. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

13) On February 1, 2016 affiant visited the property for a compliance recheck. Affiant observed and photographed wood, metal, tarps, appliances, furniture, household items, garbage bags, carpeting, vacuum cleaners, and an exercise bike throughout the yard and driveway. Affiant sent an Order to Abate Nuisance Storage to the property owner. Affiant rechecked the property on February 8, 2016 and found that the nuisance had not been abated. Affiant created a work order directing the Parks Abatement Crew to remove the debris. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

14) On March 2, 2016 affiant visited the property and saw that the City had again abated the nuisance, but also observed that the property owner was starting to accumulate scrapping materials again. Affiant observed a van without plates on the property. Affiant rechecked the property on March 9, 2016 and observed and photographed tires, household items, scrap wood, appliances, chairs, and a bathtub on the property. Based on the continued accumulation of nuisance debris, Affiant sent an Order to Abate Nuisance Storage to the property owner. Affiant revisited the property on March 16, 2016 and found that the property had not been cleaned up. Affiant created a work order directing the Parks Abatement Crew to remove the debris. Affiant revisited the property on March 23, 2016 and found that the Nuisance had been abated by the Parks Abatement Crew. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

15) On April 6, 2016 Affiant visited the property on a compliance recheck and observed and photographed scrap wood, metal, wooden church pews, wire, tarp, garbage bags and a rug throughout the yard and driveway. Based on the new accumulation of nuisance debris, Affiant sent an Order to Abate Nuisance Storage to the property owner. Affiant revisited the property on April 12, 2016 and found that the nuisance had been abated by the Parks Abatement Crew. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

16) On May 16, 2016 Affiant visited the property on a compliance recheck and observed and photographed garbage bags, boxes, tarps, wood and metal in the driveway. Based on the renewed accumulation of nuisance debris, Affiant sent an Order to Abate Nuisance Storage to the property owner. On May 25, 2016 Affiant revisited the property on May 25, 2016 and found no change to the debris in the driveway. Affiant also observed two illegally parked vehicles on the grass surface near the garage. Affiant created a work order directing the Parks Abatement Crew to remove the debris and Orders to have the illegally parked vehicles removed. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

17) On May 31, 2016, Affiant visited the property on a compliance recheck and observed and photographed one of the vehicles still illegally parked near the garage, appliances, wood, metal, buckets, household items and auto parts in the driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On June 6, 2016 Affiant revisited the property on a compliance recheck and found that the driveway had been cleaned up but there was still illegal parking near the south side of the garage. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

18) On June 15, 2016, Affiant visited the property on a compliance recheck and observed and photographed wood, metal, windows, tires, wires, glass, appliances, carpeting, a computer monitor throughout the driveway and illegal parking near the fence and alley. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On June 21, 2016 Affiant visited the property and observed that the driveway had been cleaned up. Affiant noted that the illegal parking issue had not been addressed. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

19) On June 28, 2016, Affiant visited the property on a compliance recheck and observed and photographed a vehicle illegally parked near the garage, appliances, metal, exercise equipment and household items in the driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

20) On July 21, 2016, Affiant visited the property on a compliance recheck and observed and photographed a vehicle illegally parked in the alley, wood, metal, a cabinet, a broken bike, a sink, auto parts and household items in the driveway and alley. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On July 26, 2016 Affiant visited the property and found that the property had been cleaned up. Affiant noted that the illegal parking issue had been addressed. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).



21) On August 3, 2016, Affiant visited the property on a compliance recheck and observed and photographed tires, water heaters, recyclables, metal, wood, and carpeting in the driveway and yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On August 10, 2016 Affiant visited the property and found that the property had been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

22) On September 21, 2016, Affiant visited the property on a compliance recheck and observed and photographed tires, a vehicle illegally blocking the alley right-of-way, an overflowing trash container, garbage bags, recycling materials, wood, metal, appliances and brush in the yard and driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On September 26, 2016 Affiant visited the property and found that the property had been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

23) On October 3, 2016 Affiant visited the property on a compliance recheck and observed and photographed wood, metal, appliances, windows, door, vacuum cleaner, in the front yard and driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On October 11, 2016 Affiant visited the property and found that the property had been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

24) On October 31, 2016 Affiant visited the property on a compliance recheck and observed and photographed tires, metal, appliances, a sink, wires, gutters, cabinets, and door throughout the yard and driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On November 7, 2016 Affiant visited the property and found that the property had been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

25) On November 14, 2016, Affiant visited the property on a compliance recheck and observed and photographed wood, metal, air conditioning units, a compressor, a shop vacuum, windows, a wash tub, a mirror, a cabinet, household items and light fixtures throughout the yard and driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On November 21, 2016 Affiant visited the property and observed that the property had not been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964). Affiant created and sent a work order to the Parks Abatement Crew who abated the nuisance conditions.

26) On November 28, 2016 Affiant visited the property on a compliance recheck and observed and photographed wood, metal, a window, a radiator, appliances and cabinets in the driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner.

27) On December 5, 2016 Affiant visited the property on a compliance recheck and observed and photographed wood, metal, a small appliance, a radiator, a tire, a broken grill, a window, chairs, a box spring and frame in the driveway. Affiant observed a compressor, a metal cabinet, metal, and household items in the front yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On December 12, 2016 Affiant visited the property and found that the property had not been cleaned up. Affiant created a work order directing the Parks Abatement Crew to remove the debris. Affiant revisited the property on December 14, 2016 with Saint Paul Police and the Parks Abatement Crew for the cleanup of the driveway and front yard. The property owner and another person were attempting to clean up the driveway, some

items were already removed, but there was still plenty for the Parks Abatement Crew to remove. The property owner yelled at them to leave his property. He was told he had over a week to clean up the property and that it is illegal to operate a scrapping business on residential property. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964).

28) On December 19, 2016 Affiant visited the property on a compliance recheck and observed and photographed a refrigerator in the driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

29) On December 28, 2016, Affiant visited the property on a compliance recheck and observed and photographed refrigerators, appliances, metal, household items and chairs throughout the driveway and front yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On January 4, 2017 Affiant visited the property and found no change in the nuisance conditions. Affiant created a work order directing the Parks Abatement Crew to remove the debris. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

30) January 10, 2017, Affiant visited the property on a compliance recheck and observed and photographed a downed fence section near the garage, paint cans, appliances, wood, metal, a shopping cart and recycling materials in the driveway/alleyway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. Affiant visited the property on January 17, 2017 and found that the nuisances had not been abated by the property owner. Affiant created a work order directing the Parks Abatement Crew to remove the debris. The property owner cleaned up the property by January 25, 2017. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

31) On February 1, 2017, Affiant visited the property on a compliance recheck and found and photographed wood, metal, a safe, a sink, a street traffic sign, a box and other items in the driveway. Affiant also found garbage and rubbish in the front yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. Affiant revisited the property on February 7, 2017 and found no change to the driveway or front yard. Affiant again visited the property on February 14, 2017 and found that the property had been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

32) On February 22, 2017, Affiant visited the property on a compliance recheck and found and photographed metal, garbage bags, and rubbish in the front yard and driveway. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On February 28, 2017, Affiant visited the property and it had been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

33) On March 8, 2017, Affiant visited the property on a compliance recheck and found and photographed two vehicles - one white ford with missing tire and a black ford. They both appeared inoperable. Affiant sent a vehicle Abatement Order to the property owner. On March 9, 2017, Affiant visited the property on a compliance recheck and observed and photographed animal feces in front yard, unused fencing in the yard and a small pile of refuse on the boulevard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On

March 22, 2017, Affiant again visited the property and found that the property owner had cleaned it up. One of the vehicles remained and Affiant created a Vehicle Abatement Work Order to remove the vehicle. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

34) On April 5, 2017 Affiant visited the property on a compliance recheck and observed and photographed scrap metal in the driveway, carpets/rugs on the west side of the front yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. When Affiant revisited the property on April 12, 2017, the driveway and front yard had been cleaned up. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

35) On April 20, 2017 Affiant visited the property on a compliance recheck and observed and photographed two vehicles obstructing the alley right-of-way. Affiant created a work order to remove the vehicles. On April 27, 2017, Affiant revisited the property and found that the front yard and driveway were clean and the vehicles were no longer obstructing the alley right-of-way. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

36) On May 16, 2017 Affiant visited the property on a compliance recheck and found and photographed wood, metal, wires, tarps and barrels in the driveway as well as a vehicle blocking the alley right-of-way. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. Affiant created and sent the property owner a Vehicle Abatement Work Order to remove the vehicles. On May 24, 2017, Affiant revisited the property and found that the driveway had been cleaned up and that the vehicle was no longer obstructing the alley right-of-way. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

37) On June 7, 2017 Affiant visited the property on a compliance recheck and observed and photographed a trailer full of scrapping materials, metal, appliances in the driveway, wood, metal, cabinets, appliances, a rug, windows, household items and auto body parts in the driveway/alleyway as well as boxes, household items, auto parts in the front yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. Affiant rechecked the property on June 14, and June 22, 2017 and found that there had been no change. On June 28, 2017 Affiant went to the property with Saint Paul Police officers Polski and Quast and the Parks Abatement Crew. While the Parks Abatement Crew was abating the nuisance, the property owner came out and was argumentative, vulgar, and extremely unpleasant. The property owner tried to obstruct the Parks Crew while they were cleaning up the property. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

38) On July 5, 2017, Affiant visited the property on a compliance recheck and observed and photographed wood, metal, machinery, appliances, a TV set, and cardboard in the driveway. Affiant also observed a trailer. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On July 12, 2017 Affiant met Saint Paul Police Officer Dave Quast at the property. Affiant observed that the items on the driveway had not been cleaned up. Affiant created a work order so that the Parks Abatement Crew could perform the cleanup if the property owner failed to abate the nuisance. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)



39) On July 19, 2017, Affiant visited the property on a compliance recheck and observed and photographed metal, appliances, scrapping materials, windows, household items, chairs, bicycles, an air conditioning unit, and trailers in the driveway, the fenced in east portion of the property and in the front yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. Affiant revisited the property on July 26, 2017 and found that the front yard had been cleaned up but the driveway and trailers still needed to be cleaned up. Affiant created a work order so that the Parks Abatement Crew could perform the cleanup if the property owner failed to abate the nuisance. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964)

40) On August 2, 2017 Affiant visited the property on a compliance recheck and observed and photographed a trailer full of metal and household items in the driveway, appliances, a water heater, metal, wood, fabric covered panels, doors, a tire and household items in the driveway and metal, and a generator/air compressor in the front yard. Affiant created and sent another Order to Abate Nuisance Storage to the property owner. On August 9, 2017 Affiant revisited the property on a compliance recheck and observed and photographed appliances in the driveway. In the east fenced in section of the yard Affiant observed metal, wood, umbrellas, appliances, buckets, tires, carpet/rugs, fencing materials and chairs as well as rugs/carpet in the front yard. On August 10, 2017 Affiant created and sent another Order to Abate Nuisance Storage to the property owner. (See Exhibit 4-1 through 4-7). On August 23, 2017, Affiant visited the property on a compliance recheck and observed and photographed metal, garbage bags, and rubbish in the front yard and driveway and two dead trees on the north side of the property. (See Exhibit 1-1 through 1-21). Affiant referred this matter to the City Attorney who represents the Department for an Administrative Warrant. Affiant created and sent another Order to Abate the Nuisance Trees to the property owner. (See Exhibit 3, STAMP Activity Detail for Folder 15 176964 and Exhibit 5). On September 1, 2017 Affiant visited the property and observed that the nuisance storage and dead trees remained unabated. Affiant photographed the dead trees. (See Exhibit 6).

42) Your affiant believes it necessary to obtain a search warrant to gain entrance to 908 Jefferson in order to abate the nuisance storage conditions, including the dead trees and seize and dispose of the items constituting the nuisance. Your affiant's belief is based upon his observations detailed above and the refusal of the property owner to abate the nuisance as documented in the photos attached as Exhibits 1-1 through 1-21 and Exhibits 4-2 through 4-7.

43) Your affiant believes that he has followed all of the procedural requirements required under Saint Paul Legislative Code §45.

BASED UPON THE FACTS SET FORTH ABOVE, I hereby request on behalf of the Department of Safety and Inspections that an administrative search warrant be issued, commanding Ed Smith, and persons under his direction with a police officer escort, between the hours of 7:00 a.m. and 8:00 p.m., to search the premises at 908 Jefferson, City of Saint Paul, County of Ramsey, State of Minnesota, and abate the nuisance condition by seizing and destroying the nuisance property documented in Exhibit 1-1 through 1-21, including the nuisance trees.

\_\_\_\_\_  
Affiant: Ed Smith

Subscribed and sworn to before me this

Day of \_\_\_\_\_

\_\_\_\_\_  
Judge of District Court