

Legislative Hearing: Tuesday, January 18, 2010, 9:00 a.m.

1986 St. Clair (Tree Removal)

1103T ?

Gwynne Evans appeared.

Inspector Karl Mueller reported that the diseased tree was marked on June 24, 2010 (seven (7) stems of American elm: 4", 5", 7", 8", and three 9") – Clump of trees. The Notice was sent June 25, 2010. There was no returned mail. The deadline to remove was July 25, 2010. It was checked on August 5, 2010 and the tree was still standing. It was put onto the contractor's list for October, 2010 and removed October 18, 2010 for a cost of \$996.32 (including fees). The tree was measured by three (3) staff members; the majority (75%-80%) of the tree (stump) is on 1986 St. Clair. Mr. Mueller showed the picture on his camera.

Gwynne Evans stated that she had not gotten a Notice. 1986 St. Clair is an apartment building that she owns. Had she received the Notice, Hugo Tree Service would have taken it down. They take down and trim trees for her because she owns houses all over the city. Secondly, she is disputing that the tree is on her property. It is her understanding that she owns from the sidewalk going east. Mr. Mueller said that the alley right-of-way is twenty (20) feet wide, and the stump is not within the alley right-of-way. The majority of the stump is on her property and the rest of it is on the property next door. If the majority of a tree is on a property, then that property owner has full responsibility for that tree.

~~Not in Legistar yet.~~

**Mai Vang - Re: January 18, 2011 Agenda**

**From:** Karl Mueller  
**To:** Vang, Mai  
**Date:** 1/18/2011 7:30 AM  
**Subject:** Re: January 18, 2011 Agenda  
**Attachments:**

Good Morning Mai-

I'm pretty sure I have some property owners coming in to appeal their assessments, but I don't see anything for trees on the agenda. Do you still want me to attend? What time do you think would be best?

Also, I believe there may be an appeal for a boarding (Item #18 on the agenda) and tree removal at 1986 St. Clair, by the property owner Gwynne Evans. Our contractor removed a diseased tree in the back by the alley and she didn't believe it was on her property and didn't receive notification/letter. She called our office and spoke with my supervisor, Cy Kosel. He sent her a letter after their conversation (attached.) I will bring a copy this morning, but I thought it would be important to review it, if you have a chance, before the appeal.

If I don't hear from you, I will be there at 9:00 am.

Thanks-

Karl S. Mueller  
 ISA Certified Arborist  
 City of St. Paul,  
 Division of Parks and Recreation,  
 Operations Section,  
 Forestry Unit  
 @ (651) 632-2429  
 karl.mueller@ci.stpaul.mn.us

"If trees could scream, would we be so cavalier about cutting them down? We might, if they screamed all the time, for no good reason." - Jack Handey

>>> Mai Vang 1/14/2011 1:23 PM >>>  
 See attached.

Mai

7 stems

4, 5, 7, 9, 9 and 2 more

6.25 Ltr

7.25 Compl.

8.5 Tree three

10.18 Removed

\$ 996.<sup>32</sup> +H. ass.

- 75% - 80% majority of stump on this prop.

says she never  
got notice -

DEPARTMENT OF PARKS AND RECREATION  
OPERATIONS



CITY OF SAINT PAUL  
Mayor Christopher B. Coleman



OPERATIONS: 651-643-3473  
PARK PERMITS: 651-632-5111  
FORESTRY: 651-632-5129  
Facsimile: 651-632-5115

1100 Hamline Avenue North  
Saint Paul, Minnesota 55108

TTY: 651-266-6378  
[www.stpaul.gov](http://www.stpaul.gov)

Gwynne L Evans  
1405 Summit Ave  
St Paul Mn 55105-2240

Date: <sup>6-25-10</sup> 1/5/2011  
District: 14 Ward: 4  
Pin#: 092823220011

**Record # 10-1244**

The City of Saint Paul, pursuant to Chapter 175 of the Saint Paul Legislative Code, is conducting a program for the control of Dutch elm disease, oak wilt, and dangerous trees that threaten the urban forest, and/or the safety of citizens and property. As part of this program, the City Forester or members of the Forestry staff are authorized to enter and inspect private property. It is necessary to locate and eliminate dangerous trees and all sources of Dutch elm disease and Oak wilt, including stumps or woodpiles that contain elm wood or diseased red oak with the bark attached. The City has the authority on both public and private property, to order the removal, disposal or management of diseased trees, dangerous trees, and any materials that contribute to the spread of disease within the City of Saint Paul; and upon failure by the property owner to comply, order the abatement of such nuisance.

Listed below is the location/address where the nuisance exists, the size and the location of the tree(s), stump(s), log(s), or brush which need prompt attention by the property owner. The checked box(s) refer to the specific type of nuisance needing your attention. City inspectors mark trees with a red ring around the trunk and a number that signifies the tree(s) diameter.

IT IS IMPORTANT to note that failure to address the nuisance within the time period specified below will result in the City of Saint Paul issuing an abatement order to perform the work described, with all associated abatement costs billed to the property owner of record. (**Chapter 45, Sec. 45.08**)

**Location:** 1986 St Clair Ave - Seven-stemmed 4-5-7-8-9-9-9" dbh located in SW corner of property next to alley

- Marked **Dutch Elm diseased** or dead elm trees (with tight bark) must be removed and all stumps, wood and brush with tight bark must be recycled, chipped, burned, buried or the bark removed from all exposed wood, **WITHIN ONE (1) MONTH** upon receipt of this notification.
- Marked **Oak Wilt diseased** trees must be removed and all stumps, wood and brush with tight bark, must be chipped, burned, buried or the bark removed from all exposed wood, **WITHIN ONE (1) MONTH** upon receipt of this notification.
- Elm logs, stumps or piles of cut elm wood** or brush must be stripped of all bark or destroyed **WITHIN ONE (1) MONTH** upon receipt of this notification, because they serve as a breeding place for elm bark beetles that transmit the Dutch elm disease fungus which contributes to the spread of the disease.

Continued



# PRIVATE PROPERTY TREE REMOVAL



Front Yard \_\_\_ Back Yard  Property Line \_\_\_ Unimproved Street /Alley ROW \_\_\_  
 N,S,E,W, Side Yard \_\_\_ Railroad \_\_\_ Vacant Lot \_\_\_  
 District # 14 Ward # 3 Citizen Request 1 / 1 Date: 6/24/10

Address: 1986 St. Clair St/Ave/Blvd \_\_\_ N/S/E/W St. Paul, MN Zip \_\_\_

Cross Street(s): Kenneth & Prior

Info left for property owner? 1<sup>st</sup> Notice  Contractor List \_\_\_ Disposal Map \_\_\_ Other \_\_\_

Inspector: Anna Hovland DED  Oak Wilt \_\_\_ Dangerous \_\_\_ Woodpile & Stumps \_\_\_

Tree Type	dbh	Location	# Trees	# Stems
American elm	4-5-7-8-9.9-9	SW corner of property next to alley	1	7

Map

N  
W E  
S

Date	Recheck / Removal Info.	Staff
6/24/10	30 min	AH

JUL 25 2010

Owner Information: Bill \_\_\_ Assess \_\_\_

PIN Number 09 28.23 22 0011 Taxpayer \_\_\_ Homestead \_\_\_ Fee Owner \_\_\_

Owner Name: Gwynne Evans Phone # (\_\_\_) \_\_\_

Address: 1405 Summit Ave Phone # (\_\_\_) \_\_\_

City: St Paul State: MN ZIP: 55105-2240

LETTER RE-SENT: \_\_\_ / \_\_\_ / \_\_\_

PIN Number \_\_\_ Taxpayer \_\_\_ Homestead \_\_\_ Fee Owner \_\_\_

Other Owner Name: \_\_\_ Phone # (\_\_\_) \_\_\_

Address: \_\_\_ Phone # (\_\_\_) \_\_\_

City: \_\_\_ State: \_\_\_ ZIP: \_\_\_

**STAMP - Ownership / Zoning Information**[New Search](#)[Help using this report](#)[E-mail Service Desk](#)

Run Date: 06/25/10 07:48 AM

Address Count: 1

House#:

Last updated from Ramsey County  
data on: 06/18/2010Street  
Name:

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

1986 St Clair Ave - 55105-1648 - [Other Applications](#)

<b>PIN:</b> 092823220011	<b>Census Track:</b> 36300	<b>Census Block:</b> 103	<b>Council Ward:</b> 4	<b>District Council:</b> 14
<b>Year Built:</b>	<b>Foundation Sq Feet:</b>	<b>Loan Company:</b>	<b>Land Value:</b> 120000	<b>Building Value:</b> 399100

**Ramsey County Usage:** 401 - APARTMENTS 1-9 RENTAL UNITS**ISP:**                      **Units:** 8**Zoning:** RM2**Legal Desc:** Lanes View Lots 12 And Lot 13**Owner:**Gwynne L Evans  
1405 Summit Ave  
St Paul MN 55105-2240  
651-646-6666**Certificate of Occupancy Responsible Party:**Gwynne L Evans  
P.O.Box 16426  
Saint Paul MN 55116  
651-646-6666

DEPARTMENT OF PARKS AND RECREATION  
OPERATIONS



CITY OF SAINT PAUL  
Mayor Christopher B. Coleman

OPERATIONS: 651-643-3473  
PARK PERMITS: 651-632-5111  
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1100 Hamline Avenue North  
Saint Paul, Minnesota 55108  
www.stpaul.gov/parks

January 5, 2010

Gwynne Evans  
1405 Summit Avenue  
Saint Paul, Minnesota 55105-2240

SUBJ: Diseased Tree Removal at 1986 Saint Clair

Dear Ms. Evans:

I'm writing as a follow up to our phone conversation around noon today in which you inquired about an assessment notification from the City for a diseased tree removed this summer at 1986 Saint Clair, a property you own but do not live at.

You stated in our conversation that last summer you noticed the tree near the alley and the southwest corner of your property was marked with a red ring but assumed it was a tree either on the neighbor's property or in the alley right of way, and thus, not your responsibility. You went on to say you never received any notification from the city that this diseased tree was on your property and that you were responsible to remove it. You said you had not received proper notification from the city on another occasion/issue and asked if this happens a lot.

I said that while anything is possible, we did send the required notification to you at the legal property owner's address according to official Ramsey County property ownership records, which is 1405 Summit Avenue. This is standard protocol and I have no reason to believe it was not followed or that the letter was not successfully delivered by the postal service. You said that while that was the correct address, you still never received the notice. You wanted to know what recourse you had. I stated that you should attend and appeal the charge at the ratification hearing as stated in your most recent notice, held at City Hall.

You then wanted to know how the tree was even determined to be on your property. I went on to explain the procedure--that we hire seasonal Tree Inspectors who are trained to survey for diseased or dangerous trees during the summer, and when discovered they mark them with a red ring. They then determine the property ownership where the tree is located using the existing tools they have, i.e., plate maps with dimensions, a tape measure, physical markers, street center lines, etc. Once determined, the information is turned over to office staff that then sends out a letter of notification to the property owner. Our records state that all steps were properly followed and a letter dated June 25, 2010 was indeed mailed to you.



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Subsequently, when you did not respond by removing the tree or contacting us by the deadline for action, the tree was then removed by a contractor we employ for private property tree removal. All related costs are then set to the Real Estate Division where they are processed and it is their office that sends out the notice for ratification hearings.

You didn't sound satisfied when I said we did not pay for an official surveyor to locate the property lines, but I explained that it would cost hundreds of dollars for each property to do so, which would be then added to the assessment charge. You seemed to question the staff's expertise in determining property ownership and wanted to know the names of those involved and their supervisors. I mentioned Anna was the seasonal field staff person who marked the tree, who reported to Karl, who then reported to me. You said you wanted that sent to you in writing, which is the main reason I'm sending you this letter. I said I would do so after I went out and personally checked the location of the stump of the tree removed.

I then went out to 1986 Saint Clair this afternoon and located the stump under the snow. It was directly under an abandoned swivel chair and within feet of your dumpster. I then proceeded to use a tape measure to determine the property lines working off the nearest right-of-ways. Despite the snow banks, my measurements unofficially confirmed that our staff person was correct, that the stump is on your property at the very southwest corner. It appeared from my measurements that it is just inside your property lines bordering both the neighbor to the west and the alley to the south.

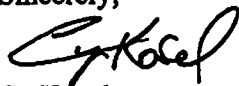
If you still do not agree with this determination, I know of no other way other than paying for an official surveyor. This could be done but would need to be at your expense. If it turns out that we are wrong in our determination, the City would reimburse you for the cost of the survey.

In summary, there was a diseased tree on your property marked with a red ring signaling something was wrong with it. You admit seeing the marked tree but did nothing about it because you felt it wasn't your responsibility, though, property owners typically know their property lines and areas of responsibility. You stated you never received any notification from the city regarding the tree, though our records show we properly mailed a letter to your legal address in June. You admit that your legal address is 1405 Summit Avenue. Other than some kind of possible, unknown issue with postal delivery, all standard procedures were followed by the city. You apparently have now received notification from the city on the ratification hearing which is your opportunity to appeal the assessment charge.

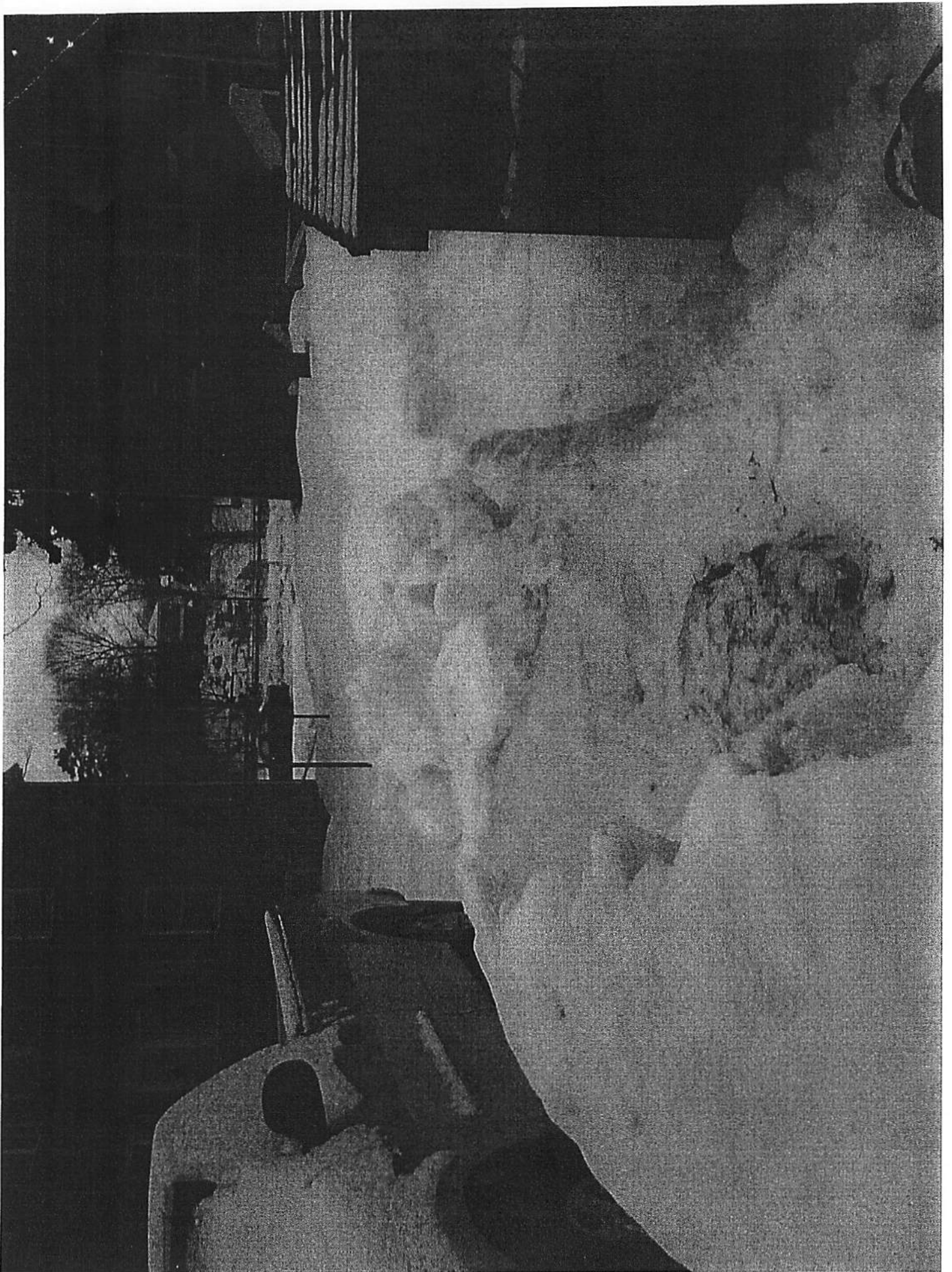
Finally, in our phone conversation, you requested to know what 1103T for \$996.32 was for and also J1103B for \$437.80. I said I didn't know but would try and find out for you. My findings show that the first is the assessment for the diseased tree removal discussed here. The second is for an unrelated assessment for boarding up a house or house unit in August 2010, the work of another city department.

Please call me if you have any other questions.

Sincerely,



Cy Kosel  
Natural Resources Manager  
651-632-2412





DEPARTMENT OF PARKS AND RECREATION  
OPERATIONS



CITY OF SAINT PAUL

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1100 Hamline Avenue North  
Saint Paul, Minnesota 55108  
www.stpaul.gov/parks

COPY: KOSOL

January 6, 2010

Gwynne Evans  
1405 Summit Avenue  
Saint Paul, Minnesota 55105-2240

SUBJ: Diseased Tree Removal at 1986 Saint Clair

Dear Ms. Evans:

I'm writing to let you know I attempted to reach you by phone four times today—as promised--without success. I wanted to share what I found out regarding your questions on 1103T and J1103B. Twice I received voice mail that said your mail box was full and wasn't accepting messages. The other two times I received the screeching sound similar to a fax machine.

I dropped a letter in the mail earlier this morning that should answer your questions from yesterday's phone conversation. Please refer to that letter for the information.

Please call me if you have any other questions.

Sincerely,

Cy Kosel  
Natural Resources Manager  
651-632-2412



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