

March 12, 2012

6 Elizabeth St W. / 639 Humboldt Ave.

39" Boxelder marked as dangerous on the property line.

Letters sent: February 16<sup>th</sup>, 2012

Compliance date: February 27<sup>th</sup>, 2012

Mr. Patrick Mckenna called my office this morning at 10:26 am referring to the dangerous tree his property shares with 639 Humboldt Ave.

He was upset he was not notified first before the contractor for the City, St. Croix Tree Service, showed up that morning to remove the tree since it was well past the deadline. Mr. Mckenna stated that he tried to call to no avail "about 2 weeks ago" to see what was going on with the tree. But I spoke with him when I marked the tree on February 11<sup>th</sup> and he gave no indication that he was going to hire someone to remove it (he probably wouldn't anyway since it's a property line tree). I said that since it is past the deadline, I am allowed to have this tree abated to the low bidder on the tree (St. Croix) and I have no obligation to make sure you are informed.

Mr. Mckenna demanded he know who made the complaint on the tree since he is friends with the neighbor (rental property at 28 Elizabeth St. W.) whose garage sits under the decayed, dangerous limbs. I said I did not know this at the time (it later turned out it was an anonymous call.) He said that his neighbor didn't call it in and said the tree is fine and is not a nuisance to him. Mr. Mckenna believes there is no reason for the City to condemn the tree if the neighbor does not think it is dangerous. I responded by saying that I was called to inspect the tree and gave it to another Forestry staff person, Scott Kruse, to conduct a second opinion which confirmed the tree needed to come down. The City cannot reverse this decision and ignore the tree. The City would be liable if the tree caused damage.

Mr. Mckenna asked how much this was going to cost him. I gave him a ballpark estimate over the phone of around \$530.00 including taxes and fees (it actually is estimated to be \$550.22). He said he will not pay any extra fees. I replied that he would be able to pay the contractor directly if he wished. He then said that he couldn't afford it right now and to "put it on his taxes" and "my attorney and I will look it over."

Mr. Mckenna is showing signs that he may refuse access to his yard in order to remove the tree. He is afraid the ground will get damaged and he will be forced to require them to "have a landscaping crew come and fix it." I told him I would let the contractor know to limit damage to the turf, but I told him in an e-mail Tuesday (3/13) morning that they would need to access his yard but I would inform the contractor to enter from the backyard of 639 Humboldt Ave. to position the bucket truck and other heavy machinery, if possible.

On March 14<sup>th</sup>, St. Croix Tree Service called to let me know the only way to remove the tree was from the backyard of 6 Elizabeth St. W. I arrived on-site to help convince Mr. McKenna that they needed to access his yard. He reluctantly agreed.

Mr. McKenna was concerned that driving the large “bucket” truck onto his yard will cause damage and said they would be responsible for fixing it to its original state. St. Croix Tree Service laid down sheets of plywood to drive on to avoid damage to the yard. There are pictures on file to show there was no damage to the yard or turf. I was on site to make sure of this. Approximately 3 hours of my time was spent witnessing the job and taking pictures.

Submitted By: Karl Mueller, Arborist

City of St. Paul – Parks and Recreation : Forestry