

Fax Cover Sheet

TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: SEPT. 22, 1998; Pages 01 inclusive cover sheet
Time sent: 11:00 P.M.

MESSAGE:

REGARDING TREE IN ALLEY - 1144 OTTAWA AVENUE

TO WHOM IT MAY CONCERN;

I wish to thank the City for trimming the elm tree in the alley behind Ottawa Avenue. The workers did a good job and the neighbors are very satisfied with the work.

Cordially;

Mary Jane Duchene

Mary Jane Duchene B.A.
1144 Ottawa Avenue
West St. Paul, MN 55118 - 2008
TELEPHONE MESSAGES: 651 457 4376

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: July 10, 1999; Pages 01 inclusive cover sheet
Time sent: 11:00 P.M.

MESSAGE:

To: Parks and Environmental Services
Very Urgent

REGARDING TREE IN ALLEY - 1144 OTTAWA AVENUE

TO WHOM IT MAY CONCERN;

Unfortunately the tree you trimmed in the alley, the elm, has become diseased with Dutch Elm Disease. Another tree trimmer looked at it and stated it should not have been cut while the weather was so warm and if it was cut at that time, the cuts should have been protected with tar (which the tree trimmer you used did not do).

Hence, the tree in the alley needs to be treated with chemicals or otherwise remedied immediately.

The elm that is in my yard is in danger of being harmed by your diseased tree in the alley and may have already been harmed, because the two trees are so close. My tree should also be chemically treated in these circumstances.

Rainbow Tree Care chemically treat elms if the contractor you used or use doesn't.

Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: July 17, 1999; Pages 01 inclusive cover sheet
Time sent: 11:00 P.M.

MESSAGE:

To: Parks and Environmental Services
Very Urgent

REGARDING TREE IN ALLEY - 1144 OTTAWA AVENUE

TO WHOM IT MAY CONCERN;

The person you use for forestry matters, Mark Johnson, looked at the tree above referenced and determined that the tree has developed Dutch Elm Disease and needs to be removed immediately.

The matter happened because the it should not have been cut while the weather was so warm, in late August of 1998, and if it was cut at that time, the cuts should have been protected with tar (which the tree trimmer you used did not do). The tree expert I consulted stated that your experts at the city knew this as well as the tree trimmer you used. Therefore, the other elm that is in my yard is in danger of being harmed by your diseased tree in the alley has been exposed to disease and may have already been harmed, because the two trees are so close.

I believe you are liable for the costs of chemically treating the tree in my yard in these circumstances.

I wish to be here when you cut down the tree to insure that all efforts are made to insure that there is no spread of disease to my tree and to insure that my tree is treated properly. Please telephone me and make an appointment for a day other than a Monday to come to remove the tree, leaving you name and telephone number if I am not here.

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376
Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: July 22, 1999; Pages 01 inclusive cover sheet
Time sent: 11:00 P.M.

MESSAGE:

To: Parks and Environmental Services ***Very Urgent***

REGARDING TREE IN ALLEY - 1144 OTTAWA AVENUE

TO WHOM IT MAY CONCERN;

You called me earlier this week and stated that you intended to arrange removal of the tree for this coming Monday although you know I will not be home because the power needs to be turned off by NSP, and the first opportunity they have to come is this coming Monday.

As the power is going to be turned off it is only in the interests of safety and prudent that I be there so that I can test that all is well with the power supply when the wires are reconnected.

You appeared to wish to argue that this is all a matter of "courtesy" for the contractors, however issues of safety and pragmatism must be the first considerations, obviously.

Thank you for arranging to have the tree removed this coming Wednesday or on the first day after that, which is available for the contractors involved.

Thank you, also, for confirming that you will arranging treatment to my elm tree on the SW corner of the garage in the SE corner of my lot, which is jeopardized by your trimming the tree in 1998, in a manner which

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376
made it predictable and likely that the tree in the alley would become diseased.

Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: July 23, 1999; Pages 01 inclusive cover sheet
Time sent: 3:00 P.M.

MESSAGE:

To: Rich Peltier
Very Urgent

REGARDING TREE IN ALLEY - 1144 OTTAWA AVENUE

TO WHOM IT MAY CONCERN;

I received your telephone message that you are not willing to schedule the tree removal and consequent disconnection of electrical service for the wide variety of dates on which I am home, that is every day but Mondays and that you will be going ahead and removing the tree on Monday the 26th, 1999.

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376

I obviously do not give implied or other consent for this risk to be taken and obviously, any harm that results to my property due to this decision will be the liability of the City of West St. Paul.

Cordially'

Mary Jane Duchene



**To: Parks and Environmental Services
City of West St. Paul
1616 Humboldt Avenue, WSP MN 55118
BY HAND DELIVERY AND BY FAX**

**RE: REMOVAL OF ELM TREE, ALLEY, BEHIND 1144 OTTAWA
AVENUE, WSP**

FOR ATTENTION OF RICH PELTIER, PARKS AND RECREATION;

**HEREWITH PLEASE TAKE NOTICE THAT IO REQUIRE THAT
THE FOLLOWING BE DONE ON BY THE CONTRACTORS YOU
EMPLOY ON JULY 26, 1999:**

**1. THAT WHEN THE TREE IS REMOVED, THE LAND AROUND IT
BE CHEMICALLY TREATED TO PREVENT SPREAD OF DUTCH ELM
DISEASE TO THE SURROUNDING ELM TREES IN THE YARD AT 1144
OTTAWA AVENUE AND CONFIRM TO MY AGENT, R, GUCKIN THAT
THIS IS BEING DONE.**

**2, THAT THE LARGE ELM ON THE PROPERTY AT 1144
OTTAWA AVENUE BE TREATED CHEMICALLY TO PREVENT THE
SPREAD OF DUTCH ELM AND CONFIRM TO MY AGENT, R, GUCKIN
THAT THIS IS BEING DONE.**

**3. REMOVE THE ELM TREE IN THE ALLEY AND GRIND OUT
THE ROOTS, CHEMICALLY TREATING THESE ROOTS TO DESTROY
FURTHER INFESTATION OF DUTCH ELM DISEASE IN THE
SURROUNDING SOIL, AND SO THAT SUBSTITUTE SCREENING
FOLIAGE CAN READILY BE PLANTED.**

**I CONFIRM THAT MR. GUCKIN HAS BEEN APPOINTED AND
REQUESTED TO ACT AS MY AGENT AND COMMUNICATE WITH YOU
IN THESE RESPECTS ON 7/26/99, AS I CANNOT BE THERE BECAUSE
I AM ATTENDING CLASS ON MONDAYS AS YOU KNOW. MR.
GUCKIN WILL BE DEMANDING THE NAME AND ADDRESS OF THE
CONTRACTORS BEING USED FOR THIS WORK.**

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376

CORDIALLY,

MARY JANE DUCHENE



**THIS COPY TO CONTRACTORS REMOVING THE
DUTCH ELM IN THE ALLEY OF 1144 OTTAWA
AVENUE ON JULY 26, 1999**

**To: Parks and Environmental Services
City of West St. Paul
1616 Humboldt Avenue, WSP MN 55118**

BY HAND DELIVERY VIA JOHN GUCKIN

**RE: REMOVAL OF ELM TREE, ALLEY, BEHIND 1144 OTTAWA
AVENUE, WSP**

FOR ATTENTION OF RICH PELTIER, PARKS AND RECREATION;

**HEREWITH PLEASE TAKE NOTICE THAT IO REQUIRE THAT
THE FOLLOWING BE DONE ON BY THE CONTRACTORS YOU
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**1. THAT WHEN THE TREE IS REMOVED, THE LAND AROUND IT
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OTTAWA AVENUE AND CONFIRM TO MY AGENT, R, GUCKIN THAT
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SPREAD OF DUTCH ELM AND CONFIRM TO MY AGENT, R, GUCKIN
THAT THIS IS BEING DONE.**

**3. REMOVE THE ELM TREE IN THE ALLEY AND GRIND OUT
THE ROOTS, CHEMICALLY TREATING THESE ROOTS TO DESTROY
FURTHER INFESTATION OF DUTCH ELM DISEASE IN THE
SURROUNDING SOIL, AND SO THAT SUBSTITUTE SCREENING
FOLIAGE CAN READILY BE PLANTED.**

**I CONFIRM THAT MR. GUCKIN HAS BEEN APPOINTED AND
REQUESTED TO ACT AS MY AGENT AND COMMUNICATE WITH YOU
IN THESE RESPECTS ON 7/26/99, AS I CANNOT BE THERE BECAUSE
I AM ATTENDING CLASS ON MONDAYS AS YOU KNOW. MR.**

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376

**GUCKIN WILL BE DEMANDING THE NAME AND ADDRESS OF THE
CONTRACTORS BEING USED FOR THIS WORK.**

CORDIALLY,

MARY JANE DUCHENE



**THIS COPY TO NSP RE: REMOVING THE DUTCH ELM
IN THE ALLEY OF 1144 OTTAWA AVENUE ON JULY
26, 1999**

**To: Parks and Environmental Services
City of West St. Paul**

1616 Humboldt Avenue, WSP MN 55118

BY HAND DELIVERY VIA JOHN GUCKIN

**RE: REMOVAL OF ELM TREE, ALLEY, BEHIND 1144 OTTAWA
AVENUE, WSP**

FOR ATTENTION OF RICH PELTIER, PARKS AND RECREATION;

**HEREWITH PLEASE TAKE NOTICE THAT IO REQUIRE THAT
THE FOLLOWING BE DONE ON BY THE CONTRACTORS YOU
EMPLOY ON JULY 26, 1999:**

**1. THAT WHEN THE TREE IS REMOVED, THE LAND AROUND IT
BE CHEMICALLY TREATED TO PREVENT SPREAD OF DUTCH ELM
DISEASE TO THE SURROUNDING ELM TREES IN THE YARD AT 1144
OTTAWA AVENUE AND CONFIRM TO MY AGENT, R, GUCKIN THAT
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OTTAWA AVENUE BE TREATED CHEMICALLY TO PREVENT THE
SPREAD OF DUTCH ELM AND CONFIRM TO MY AGENT, R, GUCKIN
THAT THIS IS BEING DONE.**

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THE ROOTS, CHEMICALLY TREATING THESE ROOTS TO DESTROY
FURTHER INFESTATION OF DUTCH ELM DISEASE IN THE
SURROUNDING SOIL, AND SO THAT SUBSTITUTE SCREENING
FOLIAGE CAN READILY BE PLANTED.**

**I CONFIRM THAT MR. GUCKIN HAS BEEN APPOINTED AND
REQUESTED TO ACT AS MY AGENT AND COMMUNICATE WITH YOU
IN THESE RESPECTS ON 7/26/99, AS I CANNOT BE THERE BECAUSE**

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376

I AM ATTENDING CLASS ON MONDAYS AS YOU KNOW. MR. GUCKIN WILL BE DEMANDING THE NAME AND ADDRESS OF THE CONTRACTORS BEING USED FOR THIS WORK.

CORDIALLY,

MARY JANE DUCHENE

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: July 25, 1999; Pages 02 inclusive cover sheet
Time sent: 11:00 P.M.

MESSAGE:

To: Rich Peltier
Very Urgent

REGARDING TREE IN ALLEY - 1144 OTTAWA AVENUE

TO WHOM IT MAY CONCERN;

Please note my attached letter of today's date.

Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: July 26, 1999; Pages 01 inclusive cover sheet
Time sent: 4:00 P.M.

MESSAGE:

To: Rich Peltier-Very Urgent
REGARDING TREE IN ALLEY - 1144 OTTAWA
AVENUE

Dear Mr. Peltier;

You are liable to "reasonable man" standards regarding the removal of the tree and prevention of foreseeable spreading of Dutch elm disease to elm trees on neighboring private property, regarding the above tree. This is so, particularly in that you trimmed your tree at a time in late summer of 1998, which was in manner that predictably would cause Dutch elm disease.

The city failed to take down my rear fence today while removing this tree and failed to put it up again.

1. You did not order chemical treatment of the soil and neighboring trees to prevent the spread of Dutch elm disease and you must do so, according to what Mr. Guckin tells me. Your foreman gave Mr. Guckin a telephone number to be called for this purpose, which was 651 451 9910. Obvious to meet normal standards of duty of care in these circumstances, YOU must call this number and arrange chemical treatment of the soil and neighboring elm, trees.

2. You must put the wire mesh fencing back up immediately, or alternately erect a substitute, replacement fencing. There is no justification for your destroying my fence to take your tree down.

In the event that you fail to do the above I will commence federal proceedings in this respect in conjunction with other matters.

Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: August 04, 1999; Pages 01 inclusive cover sheet
Time sent: 6:00 P.M.

MESSAGE:

To: Rich Peltier-Very Urgent
REGARDING TREE IN ALLEY - 1144 OTTAWA
AVENUE

Dear Mr. Peltier;

A friend of mine has helped me with smaller tree removal in my yard and we removed two smaller trees on city property, a silver maple and young elm, just behind the garage near the south east corner of the property. These would eventually have become problematic for purposes of NSP wires.

Although it was not my responsibility to remove these trees it was not an exceptional effort, and so it is done and future problems are abated.

Please arrange for the branches from these trees, which are stored near the rear gate; south of the gate, in a pile; awaiting removal; to be removed by the city.

Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190

FROM: Mary Jane Duchene: Fax 651 457 4376

Date sent: September 02, 1999; Pages 02 inclusive cover sheet

Time sent: 5:00 P.M.

MESSAGE:

***To: J Allbee, Badge 2652-Very Urgent
Immediate Response Required
Regarding notice for weeds attached***

Dear Mr. Albee;

I received the attached notice.

That notice is not specific as to which are of the property you are referring to relevant to weeds and what weeds are referred to.

Thank you for responding by letter, by US Mail, clarifying and describing the weeds in question and the area of the property at 1144 Ottawa Avenue which needs to be cleared of weeds; within five days.

Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190

FROM: Mary Jane Duchene: Fax 651 457 4376

Date sent: September 08, 1999; Pages 01 inclusive cover sheet

Time sent: 3:00 P.M.

MESSAGE:

***To: J Allbee, Badge 2652-Very Urgent
Immediate Response Required***

***Regarding notice for weeds and my fax of September
2, 1999***

Dear Mr. Albee;

I have written to you once and requested that you supply me with specifics on the weeds you have seen or have been reported and where these are on my property. Please define what the weeds are and where they are on my property by letter as previously requested, by written letter or memorandum;- by US mail, immediately. Stating if these are on the North, South, East, West portion of the property and identifying an applicable building or landmark which they are near, and where these weeds are in relation to the same, will suffice.

The notice you are required to serve regarding weeds, Ordinance 810.01(3) is incomplete and inadequate to support any citation without these specifics. Such a notice cannot be given in the anticipation that there might be weeds;- i.e. on a speculative basis. I am not aware of weeds on my property or I would not be writing and asking you for the enclosed specifics.

Thank you for your co-operation in responding by letter as requested. I am pleased to remove any weeds on my property, immediately, when I know what these weeds are and where they are. I have a well kept naturalized garden and do not want weeds

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376
**anymore than anyone else does. Thank you in advance for your co-
operation.**

Cordially;

Mary Jane Duchene

Fax Cover Sheet



TO: City of West St. Paul : Fax 651 552 4190
FROM: Mary Jane Duchene: Fax 651 457 4376
Date sent: September 09, 1999; Pages 02 inclusive cover sheet
Time sent: 4:30 P.M.

MESSAGE:

***To: J Allbee, Badge 2652-Very Urgent
Immediate Response Required***
**Regarding notice for weeds and my fax of September
2, 1999**

Dear Mr. Albee;

With reference to your letter of clarification of September 07, 1999; attached. You have offered legal advice on the ordinance in yours of the 7th which is not the question I asked you.

I asked you a reasonable, two prong question regarding specific fact at issue:

1. What specific weeds did you see or were complained of in my yard, which prompted you to issue the notice you sent regarding weeds?
2. Where did you see these weeds in my yard, that is what specific location in my yard were or are these are situated?
3. Are you alleging my whole yard is full of weeds in yours of the 7th?

I have photographed the entire yard to assist your clarification of the above facts. Alternately, in the event you have photographed the particular weeds you are referring to please send me a photograph of the weed at issue and specify the location of the weeds if the photograph does not clarify the location of the same.

Mary Jane Duchene B.A.; 1144 Ottawa Avenue; West St. Paul, MN 55118 - 2008; TEL. 651 457 4376

Cordially;

Mary Jane Duchene