

City of Evansville
Park & Recreation Board Regular Meeting
 Tuesday, June 20th 2023 at 6:00 p.m.

MINUTES

1. Call to order. Poock called the meeting to order at 6:03pm

2. Roll call:

Members	Present/Absent	Others Present
Alderperson Cory Neeley	P (arrived at 6:45pm)	Elle Natrop, Youth Baseball Coordinator
Sue Merrit	P	Ray Anderson, Park Custodian
Lyman Fuson	A	Ben Corridon, EYC Chair
Chad Sigl	A	John Petri, Community Member
Matt Poock	P	Arlene Larson, Community Member
Jim Espinosa	P	Nole Oscar, Community Member
Gene Prudhon	P	Denise Eager, Community Member
		Dave & Shelia Watson, Community Members
		Norman Barker, Community Member
		Orion Hunt, Dillon Elliott-Run the Lake, Senior Project
		Ollie Schnepfer, Movies in the Park-Senior Project

3. Motion to approve the agenda by Prudhon, seconded by Espinosa. Motion passed 4-0.

4. Motion to waive the reading of the May 16th, 2023 minutes and approve them as printed by Espinosa, seconded by Prudhon. Motion passed 4-0.

After Poock inquired, a change of ~~were~~ to water, was made to the first line of the Park’s report.

5. Citizen appearances other than agenda items listed.

- **John Petri:** Petri resides at 133 Grove Street. Petri wanted to inform the Board that the trees have not suffered from the drought. He shared one leaf from June 9th along the Disc Golf Course and another leaf from 100’ away from the other tree. Petri shared that he has a degree in Horticulture from Western Technical College in La Crosse, 13 years of experience in the Horticulture Trade, and 6 years in Horticulture in general. He has been a Certified Pesticide Applicator for the State of Wisconsin. When Prudhon started to interrupt Petri, Petri explained that he is talking about the “management of the process” not the application and spraying of the 2 4-D itself. Petri stated that he doesn’t think that the Parks should be under Public Works. He declared that there are 5 management failings in this one instance. In addition, Public Works has been illegally spraying in the parks for 8 years because the city wasn’t flagging after the applications. Petri stated that Chad Renly had been approached by Bill Lathrop about the flagging in the past. He continued to say that Renly’s reply was that the city doesn’t need to flag due to the applicator not being certified. Petri repeated that not flagging is against state law. Petri professed that the little yellow signs at the entrance of the park are not a replacement of the flagging, it is still illegal not to flag. Anderson interrupted to share that they did flag. Petri confirmed that flagging was done for the May 14th application. Petri shared that he appreciated the flagging and thanked Anderson for doing so.

i. Petri’s 5 Failings are below:

1. Petri reports that he met with Foreperson, Dale Roberts, after the application and Roberts told him that the city does not provide PPE for the applicators. Petri shared that he is a former applicator, has been a management consultant, and a

manager of a major corporation. Petri shared that by not providing PPE, it is putting our applicators' at risk. He continued to explain that if the applicator gets any of the concentrate on their clothes and hugs their family, then they are putting their family's health at risk as well. Petri also shared that they are putting the city's financial status at risk because history has shown that applicators can sue whomever cause the applicator to be damaged, or their health to fail. There had been \$10 Billion in Roundup lawsuits. Petri shared that the label state that the applicator must wear PPE. The label also tells the applicator what and when to wear PPE during the process of the application. Petri continued to explain that the PPE for putting the concentration in the tank is different than when applying the product. Petri continued to state that the applicator in this situation was not wearing any PPE. Petri continued to explain that the applicator could sue the city for "10's of millions of dollars" if the applicator comes down with something like Lymphoma in the future. Petri continued to share that "we are at fault because we didn't provide him with the PPE." Petri shared that he had been in Risk Litigation and is disgusted that the city is taking such a risk to save a few hundred dollars. Tenkoz Low Vol 4 was applied at the park. The other failing are:

2. Wrong Product
3. Wrong Time
4. No Training
5. No Management

Prudhon inquired if Petri had any suggestions about how to move forward. Petri asserted that it needs to be mandated that employees wear PPE as a function of their job. Petri continued that if employees refuse to wear PPE, they should be terminated due to the risk to the city. For the mixing process, chemical apron, gloves, and goggles are needed and it needs to be budgeted by the city. Petri continued to share that the applicator on May 14th was not wearing goggles, which is mandated for protection, along with a long sleeve shirt, long pants with socks and shoes. After the application is completed, the clothing need to be washed separate from the rest of the family's clothing to prevent cross contamination. Petri continued to express that Public Works is not capable of the training. Petri asserted that the prior components are the reasons that we need to get Parks out of Public Works so that it can be an independent department again. Poock asked Petri if an application of a product is important or essential for the park, to which Petri replied with a "no."

- **Ben Corridon:** Corridon expressed his concern over the slowness of the creek flow. He would like to see if the dam sluice gates could be opened a little for the Ducky Derby to take place during the July 4th Ducky Derby. Anderson explained that the Creek is running slow due to the lack of rain. Anderson was unsure if the sluices could be opened. Poock was going to see if there would be someone that could better answer his question.
- **Nole Oscar:** Oscar, from 120 Grove Street, was looking to see if it would be possible to get the Horseshoe Pits cleaned up and useable again. Anderson confirmed that it could be a possible project for some help that was coming to the Park on July 10th. Oscar continued to propose the opportunity to possibly have a league next summer.
- **Arlene Larson:** Larson, 126 N 2nd St, expressed interest in participating in the 2025-2030 Park Plan. She would like to look for a larger place for dogs as the City is moving towards the Westside Park.

6. New business

- A. Senior Project-Run The Lake at Lake Leota** Orion Hunt and Dillon Elliott presented their plans for a series of competitive runs that they would like to take place on August 5th, with the proceeds going to the High School Running Program. They shared what they had done to date to prepare for the event. The list included: reserving the park, talking to the Bandits Baseball Program to move their practice, calling Foreperson Dale Roberts for Cones/Barriers (they haven't received a call back), spoken with Sgt. Rittenhouse in regards to the Off Leash Animal Ordinance that takes place on Saturday mornings, speaking with Chief Kleisch about having EMS vehicle or personnel available for emergencies, and permission from the Public Safety Committee. Hunt and Elliott then handed out a map of the intended route. They would like to close off the roads into the park. When Espinosa inquired about how many potential runners they would see, they think that they would most likely see 25-50 runners, maybe 100 runners at the most. Pooch asked Natrop about the Staff Memo that was included in the packet. Natrop informed the board that due to the two reservations and the Bandit's tournament, the roads into the park could not be closed. Pooch let Hunt and Elliott know that it would need to be confirmed that they Bandits will not need the Park. Additional discussion occurred about ways to put on the event without closing the Park, including crossing guards, and running on the grass. Anderson suggested speaking with the ECP to get ideas in navigating the park without closing it.

Motion to approve the event, with the conditions to use cones and check in with the Bandits baseball team, by Espinosa, seconded by Prudhon. Motion passed 4-0.

- B. Senior Project-Ollie Schnepfer** Schnepfer would like to host Movie Nights in the Park at Leota. The nights that he was interested in, were June 30th, July 22nd, and August 19th. He would like to donate the money raised to the JED Foundation. The JED Foundation helps protect emotional health and prevent suicide for youth. Schnepfer would like to hold the event along the creek, near the Bridge by the Lower Ball Diamond. Each of the evenings would have 2 movies shown. The themes are Disney (Moana, Tangled), Oldie but a Goodie (Back to the Future, Beauty and the Beast), and Super Hero Night (Big Hero 6, Lego Batman). Schnepfer understands that it would be illegal to charge admission. Instead there will be concessions available to generate income for the JED Foundation donation. Natrop explained that the June 30th date would be a problem due to the park preparations for the July 4th events. Schnepfer was going to look at options for a third night.

Motion to approve the use of Lake Leota Park by Ollie Schnepfer to show movies with concessions for 3 nights, with proceeds to benefit the JED Foundation by Prudhon, seconded by Espinosa. Motion passed 4-0.

C. Lake Leota Park Trees

- a. Denise Eager:** Eager, from 239 E Liberty, passed out pictures to the Board that had been taken at Lake Leota Park. Eager explained that she agrees with what Petri had already shared. Eager feels that there are so many things wrong with the application of the 2 4-D by the City of Evansville. Eager shared that she had wondered to herself, if the City had announced ahead of time that they would be applying this product, as it causes cancer and has endocrine disruptors. Eager expressed concern about the kids that ride their bikes through the park, as well as playing on or near where the product was applied. Eager continued by verifying with Petri, that the chemical has a

half-life of approximately 14 days. Petri jumped in to share that the children were playing on the application site for the School Field Days that took place at the park, as there wasn't enough rain to wash away the product from the soil. Petri continued to share that Dr. Allison, who works for Pioneer, had offered to the city a way to litigate the contamination in the soil for \$15/acre, and it was turned down. Eager continued to state that "the City of Evansville is asking for a lawsuit." Eager expressed that there needs to be notification for this process in the newspaper, on website, and flags. Eager went on to share concern about the workers not receiving proper protection. Eager had gone to the National Pesticide Information Center, and had read that the workers need to have all of their skin covered. In addition, when mixing the chemical, you also need a chemical resistant apron. Petri followed up by stating that he heard directly from Foreperson Dale Roberts that it is policy to not give out PPE. Eager started to bring up the pictures that she had handed out and started to talk about the area along the river, when Anderson interrupted. Anderson pointed out that picture 1-the tree had been hit by a weed whacker, causing the harm (Petri agreed), picture 2-the dead grass circles is where the old merry-go-round had been placed, and picture 3-the tree has a lack of dirt under it. Petri then pointed out that the tree has gravel under it, making it difficult to grow. Eager shared that she was glad to get clarification on the pictures as she was concerned about what had happened at these locations. Eager took the pictures back, and commented that she was going to give them back to Bronquist as the pictures were part of her concern. Eager continued to express concern over the kids fishing in the river. Petri interjected that the product is toxic to aquatic, insects, and other life as it travels downstream. Petri confirmed that the kids wouldn't have come in contact from the water, and he would be more concerned about the blue-green algae that is coming from upstream. Petri did mention that the algae is not a problem coming from the City. The only thing that Petri feels that the city could do, would be to call the DNR to find out which farmer is illegally putting the wrong fertilizer down. Anderson informed everyone that the application had taken place on Monday and Tuesday, first thing in the morning, while the kids were in school. Anderson continued to point out that during the application, he would contact everyone that entered the park to make them aware, and ask them to stay on the roads. Anderson continued by saying that other than the lack of PPE, he feels that the City didn't do anything wrong. Eager continued by asking Anderson about alerting the community ahead of time, to which Anderson indicated that it would be something that could be looked into. Petri shared that flagging had been done, but it didn't rain which would be more of a planning item. Petri continued to share that when the mowing that occurred while it was dry out, created contaminated clouds of dust. Petri feels that the product could probably be still in the top inch of the soil, except for where there was an attempt to water the trees. Eager asked Petri if the product is something that kids can still come in contact with. Petri shared that while he won't let his dog on the grass, he wouldn't be able to say for certain without doing some testing. Petri continued to share that the product is toxic to dogs, but indicated that more information on that could come from Dr. Watson. Anderson shared that he did alert Dave Watson prior to the application. Petri continued to point out that the product was sprayed on a park where hundreds of dogs walk. Eager pointed out that any finger pointing shouldn't be at Anderson. Eager finalized by sharing that they are all just learning about it now, as no one was informed ahead of time.

- b. **John Petri:** Petri continued to talk about the failings of the application (wrong product, the wrong time of year, and no training).
- i. **Product:** Petri reported that the wrong product was used, as it is toxic to dogs in a dog walking park. Petri shared that he would have used a granular version weed and feed product, earlier in the year so that it could align with rainfall. Petri explained that the 2 4-D product itself wasn't the issue. The problem was that it was massively misapplied. When Petri asked Anderson if he knew what the pints per acre mixture was, Anderson reported that the applicator was the one that mixed the product. Petri repeated that the "issue here, was the wrong product, for this particular application, for that particular park."
 - ii. **Time of Year:** The weed herbicide should have been applied before the weeds were flowering, particularly the dandelions. They had been flowering for two weeks prior to the pesticide application. They were in flower when the pesticide was applied. Petri continued to share that dandelions have the ability to set seed, even when they are dead. Petri explained that the product should have been applied mid to late April, when they were just starting to bud, they wouldn't have flowered. Petri continued to explain that it was applied at the wrong time of the year because Public Works doesn't know plants, and Parks is not the same thing as Public Works.
 - iii. **No Training:** According to Petri, when he asked Dale Roberts how the applicator was trained, Petri was told "Read the Label." Petri asked Dale Roberts a second time, as was given the same answer. Petri shared that the label was 14 pages long for TenKoz, low vol. 4. While the product has multiple formulations, the one that Petri read, has a 77 % concentration of 2 4-D, which is half of Agent Orange, and the other 22% was petroleum oil. It's a product mostly used for agriculture. Petri did share that use for Parks is listed for this particular product. Petri continued to explain that "read the label" is not training, and per WI Statutes 101.597, applicators must be trained with a training program. Petri reiterated that the reason that a training program doesn't exist is because Public Works is not Parks. Petri shared that we have no training, and in addition there is a manager abdicating responsibility by telling them to "read the label."

Neeley arrived at 6:45pm.

Poock interrupted Petri to ask him what can be done moving forward. Petri said that we can move forward by getting "Parks out from Public Works, out of Municipal Services. It needs a Parks Director, who is trained and educated in creating and maintaining and managing public spaces, to the benefit of the city, the health of the citizens', the health of the citizen's children, their pets, and the environment. We need this person to hire his or her own staff. One of the staff members must be a certified pesticide applicator, so that this doesn't happen again." Petri reiterated that the applicator read the label wrong, and put too much concentration into the tank because he probably got the acres wrong. When Poock asked Petri about using a different product, Petri confirmed that he would have used a granular weed and feed product. Petri feels that there are plenty of other

things wrong in the parks, such as aeration and mulching around the trees that could be handled by a qualified Park's Director. Pooock asked Petri to write up some action steps that the city should consider. Petri continued to share that he doesn't agree with the way the Parks is set up currently because "we have people who are doing stuff that they shouldn't be doing because they don't know what they are doing, and they don't know that they don't know what they are doing."

Espinosa interjected that it is great that the Board is becoming aware of these items. Espinosa continued to share that Park Board is an Advisory Board, so any action needs to come from Common Council. Espinosa suggested that the application process could be something that may be outsourced.

Neeley shared that he had previously met with Petri and the Parks staff to look at things. Neeley shared that he had tried to get this situation on the Municipal Services meeting, but Jim Brooks had said that he wasn't going to put it on there. Then Neeley had tried to put it on Common Council. While Common Council had been cancelled, the feeling was that it should go to Park Board first. Neeley continued that for the protection of the staff, they should be wearing the PPE, to which Espinosa agreed.

Petri continued by addressing Anderson to ask him what recipe was used to fill the tanks. Petri continued to push that Public Works needs to share with the public, because they are asking, and by law it needs to be shared. Petri continued to explain how the volatilization happened in this situation at about 10'-20' due to the warmer temperatures. As it volatilized, the chemical hit the oak trees, and went beyond the Park boundaries. Petri stated that it hurt the Oak and Hickory trees the most. Petri also warned that the City may get claims since it impacted residents off of park property.

- c. **Dave & Shelia Watson:** Dave Watson, from 32 Grove Street, shared that they were appreciative that Anderson had shared ahead of time that the application was going to take place. Watson reported that the Park employees have done a great job taking care of the Park, and don't get enough credit for all that they do. Watson continued to share that all of his trees (except Blue Spruce) have been damaged from the spraying. Watson reported that he has a 30' Red Oak that is completely wilted, an ancient Walnut tree that all of the leaves are showing damage, and every Red Bud tree in his yard is damaged. Watson shared that he understands that it wasn't the intention to harm any trees, but also wants to know what he should do about his trees. Watson is also concerned because he is sure that they had windows open the day of the spraying. As it has been reported, since the chemical aerosolized into the trees, it probably came into the house as well, exposing them to the chemical mixture. Shelia Watson shared that they need to know exactly what the trees were exposed to, so that they can give the information to an Arborist. She reiterated that it needs to be made public as to what the chemical that was used. She feels very sad for the person that applied the chemical. Petri jumped in to state that "this is not the applicator's fault. He was told to read the label and he read it wrong." Watson asked if he should call an arborist, or if the city has an arborist that could look at the trees. Petri tried to offer a name, but Watson shared that he does know someone that has done work for him prior.

Neeley shared that the City had consulted with Kendall Wethal, an Arborist, who had thought that the trees would recover. Neeley continued to share that the city has not had any chemical testing to date. Petri had previously told Neeley that he was going to look into testing. Petri shared that he had not proceeded as it was going to cost \$1000 for the testing. Neeley asked for the quote that Petri had received. Petri shared that it was more of an informal quote, but he would get a final one. Neeley ask Prudhon about Pioneer Company as being an option for testing, as Prudhon had mentioned them before. Neeley pointed out that the city is purchasing the product from the company, and the chemical is coming straight out of the bottle, so whatever is in the bottle should be what came from the factory. Petri pointed out that the key point that would be needed is the pints per acre. Watson asked if he could be let known what the dose was. Neeley asked Anderson if the pints per acre was recorded anywhere. Anderson replied that it probably was not recorded anywhere. Petri repeated again that not having a record is against the law. Anderson jumped in to say that he understand that the city was wrong in some things, and that he is concerned about everyone. Petri went on to point out that it has been “illegality, after illegality, after illegality.”

- d. **Norman Barker:** Barker, from 112 Grove Street, expressed concern due to a couple of Hickory Trees that he has on his property that appear to be damaged. Barker mentioned that he is pretty far back from the park. Barker is also concerned about the Historical Preservation of the Park, as he sits on the Historical Preservation Committee as well. Barker would like to know why would the City risk 200 year old trees to apply weed and feed. He said that it would cost a couple grand per tree, if they have to take any of the trees down.

Neeley addressed the room to tell them that he understands their valid concerns. Neeley explained that the next step would be to take the issue to Common Council. The goal would be to see if there could be a decision made or if there could be effort made to change things. Neeley suggested that potentially it could be getting someone who is certified or change the application process.

- e. **Nole Oscar:** Oscar asked Petri about a concern he has about his vegetable garden that had been planted prior to the application. Petri shared that if the leaves are good now, then the vegetables will be fine as they bounce back better.

Dave Watson asked the Board if there was a way to prevent this from happening in the future. Espinosa reassured the room that preventing this from happening again is the goal. Espinosa reiterated that everyone should be wearing the correct PPE, and the goal for anyone that works for the City, is to go home safely. In addition, the goal is to be better in the future. Sheilia Watson wanted to verify that while the label for the product is known, it won't be known what concentration was sprayed. Petri jumped in to share that this is the reason why there needs to be a certified pesticide applicator on staff. Petri feels that is the key takeaway to recommend to Council. Pooch thanked everyone for sharing with them what had occurred. Petri did share that the White Oaks are showing some new growth, which is encouraging. The Red Oaks are still showing signs of distress. Prudhon also thanked everyone for sharing. Prudhon identifies this event as a learning opportunity for everyone.

7. **Park's report** Anderson shared that the partitions have been installed in the boys' restroom. Department of Public Works and Park staff have also been watering the smaller trees. In addition, due to the lack of rain, there has been very little mowing that has taken place.
8. **Aquatic Center Report:** Natrop read the Aquatic Report that was provided by Angie Olsen, the Aquatic Center Director. The written report read: We opened on June 9th. The heater wasn't working and the first several days the weather wasn't great so attendance was pretty low. The heater still isn't working, but the water AND weather are warmer so all are happy. Swimming lessons started last night and things went smoothly. Swim team started on the 12th and there are right around 70 kids, currently. The cooler in the park store stopped working, but appliance works was out today and are ordering a part. Ray got it temporarily working for the time being.

Poock also shared that the fundraising has been going well. Almost \$1.1 million has been raised to date.

9. Old business

- **Adopt-A-Park program : Signs**

Neeley shared that he had some folks reach out to find out more about the signs. Anderson mentioned that there is a person in town that makes signs. The decision was to reach out to them to get a cost for approximately 20 signs.

10. Other

- **Meeting reminder:**

Regular meeting on July 18th, 2023 at 6:00 p.m.

Poock and Neeley both made a mention that they would be unable to attend the next meeting.

Espinosa had the Soccer Club reach out to know what had been done to the soccer fields at Westside Park. The impression was that nothing had been done to the fields to deal with the pooling of water that had happened in the past. Poock thought that they had been graded. Anderson mentioned that he had walked them with Foreperson Dale Roberts, and had some questions as well. Poock mentioned looking at the City website for updates. Poock was going to email MSA to find out directly from them what had been done to the fields.

11. **Motion to adjourn by Espinosa, seconded by Poock. Motion passed at 7:15pm 5-0.**

Respectfully Submitted,

Elle Natrop