

DRAFT

CITY OF WAUSAU – PARK AND RECREATION COMMITTEE MEETING MINUTES

Date/Time: January 6, 2020 at 4:30 p.m. Location: Council Chambers, City Hall

Members Present: Gary Gisselman, David Nutting, Pat Peckham (c), Dennis Smith, Tom Neal
Others Present: Jamie Polley-Parks, Recreation and Forestry Director, Greg Freix-Assistant Director of Operations, Robert Mielke-Mayor, Eric Lindman-Public Works Director, Tom Kilian, Terri Kilian, Louis Larson, Judith Miller, other interested parties

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that a quorum was present and the meeting was called to order by Chairman Peckham at 4:30 p.m.

Public Comment – Tom Kilian, 133 E Thomas Street, commented that the City received a responsible party letter shortly after the Wauleco air deposition results came in and that past results have been much higher than the results for which the City received the responsible party letter. He discussed the TEQ values and said the community has gotten no regulatory action for the neighborhood on past results. Their group desires that State soil standards are enforced consistently, particularly when environmental justice populations are involved and he felt there was nothing acceptable about taking enforcement action on lower levels but ignoring dramatically higher levels for years.

Approval of Minutes – **Motion** by Nutting, second by Neal to approve the Park and Recreation Committee draft December 2, 2019 minutes. Motion **carried** by voice vote, vote reflected as 5-0.

Discussion and Possible Action Regarding Riverside Park Soil Testing – Kilian explained that the tests further south in the park by the runoff area showed higher levels of dioxins than the test that was done by Wauleco in the north area of the park so he thought that was a good indication of where they could start delineating potentially higher levels in the soil. He thought through some limited testing they could see that the problem areas are probably in the runoff zone. He noted that in the testing done by Sand Creek Consultants that the levels in sample RP102 were substantially higher than RP101 and RP103. The location of RP102 is at the base of where the culvert would drain into the park where the other two are not. Based on all of the results their group has some brief points on what they would like to see occur. They would like to see consistent DNR enforcement of State soil standards, to see a delineation of the area that exceeds State soil standards and either excavate or cap that area, and if that is done a simple barrier implemented to prevent further flow of storm water runoff from areas on the western side of the park into the area of the park east of the forest.

Neal said sample RP102 might indicate to him more of a concentrated source and he wondered what sort of barrier Kilian was referring to. Killian thought it could be as simple as an asphalt cap and he also thought the results might indicate a source. He said the current narrative seems to be that these may have come from railroad ties and the samples are all downhill east of a railroad track about equidistantly so then they would expect more uniform levels. Kilian thought that very little passes through the culvert now and mainly what they might be dealing with is residual levels that probably aren't continuing to get much worse. Neal said if levels are determined to be beyond what is acceptable then they would be talking about some remediation but not of a catastrophic nature. Kilian thought it would be a fairly defined area and if there could be just enough testing to define that area, he would be surprised if it was a large area of the park. Peckham agreed that the RP102 location being immediately downslope from the culvert is as they expected, a hot spot, if there was going to be a hot spot. He felt the good news was that it was a quarter of the level of what was right at the base of the culvert outfall and that was what was found initially to be no unreasonable risk.

Lindman said what the DNR looked at was that there were residual contaminant exceedances on the testing that Wauleco did on the railroad corridor which was southeast of Emter Street. It wasn't so much the TEQ levels, it was the fact that each individual congener that they test for with dioxins and furans, there were a few that exceeded the non-industrial contact levels so that prompted the DNR to give the City a letter in that particular circumstance. The City has hired REI to put together a plan for the DNR for potential testing. In his initial conversations with the DNR they want to see the plan and potential testing all the way up to the 3M property. They are in the process of delineating the corridor and should have a plan put together in the next couple of weeks to give to the DNR for their review and consideration.

Peckham questioned Lindman if it is correct that the contamination along the railroad right-of-way is not necessarily related to anything that happened on Wauleco's property that it is more likely from something from the railroad ties. Lindman said there is no direct link back to Wauleco or SNE because there wasn't a point discharge at that location from that property so the DNR isn't willing to state that there is a direct link. Neal questioned if there is anything that might indicate a direct link to the railroad ties. Lindman said no, other than talking with the State toxicologists and the DNR he was told that dioxins found around those

areas are typically at higher levels. Neal said Kilian mentioned that they have the toxicologist's opinion and they have State soil standards. Neal questioned if one entity was saying everything was within acceptable limits and if there is another set of standards saying that wasn't the case. Lindman thought that the entities looked at them a little bit differently. DHS looks at the direct contact of the levels that are found. They do an extensive analysis to determine if there is a cancer risk or a general health risk to direct contact and what that would be. So far they said that there isn't and part of that might be because they always go back to the fact that a person actually has to ingest it to build it up in a body. He thought the DNR was pretty tight on if there is residual contaminant level per some of these congeners with the dioxins and furans, this is the non-industrial contact level and if it is below that the DNR doesn't seem to have a concern, if it is above then it raises a trigger and they had three soil tests and all three had levels above the residual contaminant levels that they set and that's what prompted the responsible party letter because the City owns the property. Eventually the DNR wants to delineate out where the contaminant levels are exceeded because at some point then they are going to tell the City what course of action they have to take in those areas.

Smith asked if the plan being put together for the railroad property addressed Kilian's concerns. Lindman thought the Citizen group was concerned about the area up by Riverside Park and the DNR wants them to take a look at putting a plan together which would include not just that area where they had those exceedances from the Wauleco testing but to go beyond Emter Street to the northwest up to the 3M property so he thought there would be some testing in that area. Peckham said his understanding is that in order to satisfy the DNR for the responsible party matter they don't need to go into the park but this Committee could choose to ask to have some testing done at the park at the same time and would get all the results at once. Lindman said technically that whole area is classified as Riverside Park but Committee is talking about where they tested along the base of the bank actually in the open space. He did not anticipate them needing to go that far north based on what the DNR indicated. Peckham said if they did go that far it would be because this Committee requested that addition. Smith felt the Citizen group had given them some direction and he wondered if their discussion had alleviated some of Kilian's concerns. Kilian thought that they would want to see tests in the upper elevation because they seem to be higher in those areas but they would also want to see where potential runoff would have landed in the park which sounds like is currently not included in the plan the DNR is requiring of the City, so they would want to see that. He also said that in March of 2018 the park numbers were run and there were multiple individual exceedances in those past results. He said that there is a culvert there and he felt one question they should ask is that in the Stantec report it may have referenced using penta potentially as a dust suppressant in the past and if they could ask that those documents be provided. He felt that something that didn't add up is there seems to be some issues with the former lawsuit that don't jive with the narrative they are hearing that there wasn't some sort of dioxin exposure in the neighborhood. He thought a lot of the settlements were sealed but wanted to know if any residential yards in the neighborhood were ever excavated or capped and that those addresses be provided if so because if it's from the railroad tracks and they were excavating on the southern side of Thomas Street as part of a settlement that wouldn't fit with the current narrative.

Louis Larson, 904 S 21st Place, had concerns about the culvert and asked about the time frame of the soil being sealed or capped. Peckham said that the Committee is leaning towards requesting additional testing. Nutting had looked at the culvert this past summer and felt visually nothing new was exiting from it. He questioned Lindman if the railroad area is going to be future Rivers Edge walkway and if that would be capped like they have done in other browns field areas along the river's edge. Lindman said they are in the design phase of rebuilding the wall that is failing along the river and then establishing a trail up on the top of that. A lot of that soil in the railroad bed has to come up anyway so the thought in discussions with the DNR that if there is some sort of remedial action that the City has to take at some point, probably the most cost effective way would be to remove the soil from that area.

Terri Kilian, 133 East Thomas Street, said they had access to public records at the Courthouse from the lawsuit in 2012 and have a list of well over 100 people from that small area who have cancer and serious illnesses. She mentioned a couple of people in the neighborhood who have cancer or who have died from cancer. She doesn't like to hear that people shouldn't eat dirt or should wash their hands because she believes what has happened in that area is far more serious than they are dealing with.

Peckham said Kilian wanted to see a consistent DNR enforcement community wide and Peckham didn't know if that was in the purview of this Committee to make that request of the DNR. After discussion there was a **motion** by Smith, second by Nutting to have someone from the DNR come and explain the DNR's position to the Committee of the Whole. Motion **carried** by voice vote, vote reflected as 5-0.

Peckham said that Kilian asked that they attempt to delineate the area where soil contamination may exceed State standards and one way to do that would be testing. If they would like some more testing the timing would be appropriate to add some tests to the testing that is being mandated for the railroad right-of-way. Lindman thought the City would have to have a plan

into the DNR by mid-January which the DNR would then take thirty days to finalize. Then the City would bid the soil testing which would take place in the spring. If Committee wanted to do additional testing based on the Citizens group request he could bring that up to the DNR, the environmental consultant, and staff to come up with locations that seem to be best. Smith asked that he bring back the proposal so they can keep the Citizens group informed about it. Lindman said he would bring the proposal back to the next meeting. Kilian asked if possible in the set of samples they do, because they know where the highest levels are, to have those areas retested at a surface level and then at the base of the A-horizon in the soil because that is where those exceedances were found. **Motion** by Neal, second by Smith for additional testing to be done in Riverside Park in conjunction or as part of the same testing being done in the railroad corridor. Motion **carried** by voice vote, vote reflected as 5-0.

Discussion and Possible Action Reviewing Department Usage of Chemicals Where Needed on City Property – Greg Freix, Assistant Director of Operations said the Department manages a number of diverse areas. The decision to use a particular product or chemical as part of a site management plan is based on many variables for each site. The Department adheres to the program of Integrated Pest Management and utilizes cultural techniques as learned and applied through training and education prior to committing to use of products. Many of the products used are valuable “tools in the toolbox” in conducting maintenance operations and may sometimes be the last or most efficient option. In many cases if good cultural practices are used they do not need to use products. They follow best management practices, policies and laws as defined by outside administrative entities. Freix discussed the current use of products on sports fields, high quality turf areas such as 400 Block and City Hall, in the greenhouse and horticulture program, the urban forestry program, invasive species control, non-hardscaped trails and on general parklands. He gave a summary of some products used which include fungicides, herbicides, insecticides, fertilizers, and miscellaneous products. He said generally all products are researched for proper use in proper areas and applications; all products used are “general use” so that means any homeowner can buy the same products; staff that routinely use chemicals are trained and certified via DATCP Pesticide Applicator Program, MSDS, and Personal Protective Equipment; the Department follows all safety procedures for staff and general public; they provide information as requested and post sites after all applications as required (does not include spot treatments); and the Department does not use any chemicals near playgrounds or the skinned area of sports fields. Judith Miller, 903 Kickbusch Street, spoke regarding her concern about employees who apply Round-Up and their protection. Freix said that the highest exposure level is during the mixing of any particular chemical and at that point they mandate that all the employees make sure they read the label and are wearing the personal protective equipment. That is why the Department has chosen voluntarily to make all of its operators go through the DATCP training and certification program so they learn that. Neal questioned if the Department has any proactive efforts. Freix said with their use of integrated pest management when a decision is made to use a product, they have done the research in terms of what the best product is to take care of the problem they are dealing with. A few years ago they put in canna plants in many of the flowerbeds downtown and then experienced an invasion of Japanese Beetles. They could have opted to use chemicals, however the Department decided instead to take that particular plant out of their design process and use other plants and grasses in its place.

Educational Items

A. Dog Park Special Committee Update – Polley had an update that so far to date the dog park has received \$55,509.25. This does not include \$20,000 from CIP or \$12,500 that is pending from the Community Foundation. Neal said also above that is \$5,000 that was just received from an area foundation and \$500.00 (corrected later at the Dog Park meeting that amount was \$250.00) from a business owner. The ultimate goal for the dog park is \$130,000.

B. Winter Activity Facility Update – Sylvan Hill tubing opened on December 14th and has remained open despite the warmer weather around Christmas. In December of 2018 there were 725 youth and 1019 adults and in December of 2019 there were 1557 youth and 2040 adults. Staff began to groom the cross country ski trails but the wet weather has not allowed the trails to open. The groomer cannot effectively groom wet snow. The 400 Block outdoor rink opened just before Christmas but due to the warmer weather was temporarily closed. Staff tried clearing it off on New Year’s Eve following the snow storm but the ground under the snow was too saturated and the equipment was breaking through the ice. Marathon Park and Thom Field outdoor rinks have not yet been open due to the warm wet weather. If the weather gets colder staff will continue to work on the rinks for possible opening.

Future Agenda Items – Riverside Park testing and un-mowed area potential

Next Meeting Date – February 3, 2020 at 4:30 pm in Council Chambers at City Hall.

Adjourn – **Motion** by Gisselman, second by Smith to adjourn at 5:50 p.m. Motion **carried** by voice vote, vote reflected as 5-0.