

Item 24-0259: Award Single Source K-24 Native Landscape Management Contract to NES Ecological Services - A Division of Robert E. Lee & Associates, in an amount not to exceed \$192,345.12

Common Council

Wed, Mar 20, 2024 7:00PM

Mayor Jake Woodford 36:54

All right, next the item from utilities committee. This is item 24-0259 award single source K-12—uh, k-24 native landscape management contract to NES ecological services. We have a motion and a second to approve. Alder Del Toro.

Aldersperson Israel Del Toro (District 4) 37:26

Thank you, Chair. I want to take a moment to briefly recognize and thank city staff for their efforts in getting additional information regarding the city's contracting for chemical control of vegetation in city managed properties in the amount of \$192,345.

Aldersperson Israel Del Toro (District 4) 37:42

I found the response from the contractor and affiliates lacking and inconclusive at best; thus, I'm not satisfied. While I appreciate that the staff continues to recommend the contracting of the services that will be distributing known chemical carcinogens directly into our stormwater ponds, I will be voting in protest against this recommendation. I encourage my colleagues in this Council to do the same.

Aldersperson Israel Del Toro (District 4) 38:05

"This is the way it's always been done," "This is the most cost effective," "This is the least taxing on staff time," are all real reasons that are commonly used in this chamber to justify the city's actions. But I want us to try a new reason tonight for doing—or in this case, not doing—something. This is the right thing to do for our community and our environment. Our constituents—excuse me—our constituents repeatedly asked us to make our parks safer, our environment cleaner and our city more sustainable. Going about business as usual, actually hinders that progress that our city wants and needs.

Aldersperson Israel Del Toro (District 4) 38:41

Prior to 1972 business as usual was the widespread use of a chemical herbicide DDT. The human exposure, side effects to DDT are actually less severe than those human exposures to glyphosates. 25 countries and the WHO have already banned the use of glyphosate because of its carcinogenic and plant resistance properties. DDT was used because it had always been used, because it was just the way things were done, because it was the most cost effective. Eventually, national legislation caught up and did the right thing. That's an example of top-down legislative action. Now I'm asking my colleagues here to try a bottom-up approach, where our efforts in this chamber show the rest of the state and, yes, even the country that we can be leaders and moving away from the widespread usage of harmful chemical pesticides and keeping our public spaces, waterways, and broader community free and clear of environmental and potential health threats.

Aldersperson Israel Del Toro (District 4) 39:36

Later tonight, you'll hear of two resolutions introduced for consideration. One should be a no brainer and an easy win that reflects the city's commitment to environmental education. The other one will likely be laughed out of this chamber. I encourage you to hold your laughter and think of the question "What if?" What if we dare to do it differently? What if we dared to do the right thing by our community and our environment? What if we

broke the mold on this one. I'm asking you tonight to break the mold and stop using our city's funds to spread known dangerous chemicals into our public spaces? Thank you.

Mayor Jake Woodford 40:13

Alder Meltzer.

Aldersperson Vered Meltzer (District 2) 40:15

Thank you. While I am not ready to break the mold yet and change my vote from committee, I am very grateful to alder Del Toro for taking the lead and bringing this conversation forward. I think that the chemicals that we use, while we might feel trapped into using them, we are eventually—sooner rather than later, we're going to have to find other ways to do our business, and even if we don't feel that we're ready to take those steps yet, we need to be having this conversation now to figure out how we can all get to the comfort level that Alder Del Toro has. So, I want to thank you very much for this important conversation that we're having.

Mayor Jake Woodford 41:04

Any further discussion? Alder Schultz.

Aldersperson Alex Schultz (District 9) 41:11

Thank you, Chair. I'd echo sentiments from both of my colleagues. At some point we do have to address use of chemical herbicides and pesticides into our public spaces. I do want to recognize that I am fully aware of how much work goes into the use of these things when staff is sort of cornered into a situation where they have to remediate something like a nasty buckthorn ravine where there's just no other options and glyphosate or topic—topical application is the only way around it.

Aldersperson Alex Schultz (District 9) 41:50

That—as Alder Del Toro suggested that can't be the default every time we find ourselves in this situation. We've got to find other methodologies to move forward. So, I really appreciated appreciative of his comments. I think in this case, I will vote against this just to show some support for those comments but understanding that I am fully confident that whatever our staff is doing, doing land management and dealing with our native invasives, they're doing an excellent job. So, understand that even though I might vote against this. Thank you.

Mayor Jake Woodford 42:30

Alder Del Toro.

Aldersperson Israel Del Toro (District 4) 42:32

Thank you, colleagues. I also want to echo Alder Schultz's and Alder Meltzer's comment. I think you are stuck in a hard place. You know, it's hard to have to deal with invasive species and things that threaten our native biodiversity and our ecosystem health. However, hard things are worth doing. Hard things are worth investing in. Finding solutions to problems and especially environmental problems that threaten both the health of our community and the health of our ecosystem are worth putting dollars behind.

Aldersperson Israel Del Toro (District 4) 43:09

And in this case where the business—they want the—this company wants our business, right? This contractor wants us to pay them \$192,000. We can say "Great, we want some services, but not others." We can be selective of which services we are contracting, and if that contractor is not able to meet those needs, then we find somebody who can meet those needs. All I'm saying is that we're the client, and whenever I'm a client on my everyday business. Let's say I don't know. I'm really stressed out right now, so I'm thinking about a massage. So, I might go get a massage and I say "You know what? I want a really detailed back massage but not a foot

massage. So why don't you spend that time on my back instead of my feet?" or something like that. Why can't we do the same with a contract where we can say like, "Hey, we want all of these other applications, manual pulling, burning whatever you do to manage invasive species. We just don't want the carcinogens in our waterways." That's all we're asking here. That's all I'm asking here that staff consider. Thank you.

Mayor Jake Woodford 44:19

Alder Hayden.

Alderman Patrick Hayden (District 7) 44:20

Thank you, Chair. And thank you, Alder Del Toro, for speaking up. I hear—in my district we were doing some work around a pond, right across from Fox Valley Lutheran last year, and the residents there were concerned with the chemicals that were going into the ground and the chemicals that were being introduced into the lake which gets into the Apple Creek waterway. I share your concerns, but at this time, I'm not ready to vote for this. I would like to see clear concrete alternatives presented side by side. And hopefully someday we can kind of get there, but I do appreciate you speaking up on this.

Mayor Jake Woodford 45:02

Please address your comments to the Chair.

Alderman Patrick Hayden (District 7) 45:03

Thank you. Thanks, chair.

Mayor Jake Woodford 45:07

Alder van Zeeland.

Alderman Katie Van Zeeland (District 5) 45:10

Thank you, chair. The utilities committee had asked for some follow up on this item, and we received a lengthy email yesterday from Deputy Director Neuberger. I'm wondering if he could just summarize the bullet points of that email to make sure everyone is aware.

Mayor Jake Woodford 45:29

Deputy Director Neuberger.

Deputy Director Pete Neuberger (Public Works) 45:32

Thank you, Chair. As Alder van Zeeland said, it is a rather lengthy letter, so I'll do my best to try to reduce this to bullet points and I can try to expand on them if need be. So, the letter from the contractor opened with discussion of how glyphosate is used within the palette of many management tools in a technique that's commonly referred to as integrated pest management, which, to be clear, references that "chemicals are used, if and when it is the appropriate method." In some cases, hand pulling, mowing, and burning are alternative approaches that that NES uses and which staff fully support.

Deputy Director Pete Neuberger (Public Works) 46:24

The next section goes on to talk about other agencies, municipalities, and nonprofit groups that have asked NES to bid on or in some cases they have contracted with these agencies in contracted work that either allows or specifically requires the use of glyphosate. I think it's important to hear some of these. Again, this is just there—these are just clients and entities that have asked them to bid involving the use of glyphosate: US Fish and Wildlife Service, Wisconsin Department of Transportation, City of Green Bay, City of Oshkosh, Village of

Bellevue, Door County Land Conservation Department, Baird Creek Preservation Foundation, Door County Land Trust, The Nature Conservancy, and the University of Wisconsin Green Bay.

Deputy Director Pete Neuberger (Public Works) 47:12

The next section goes on to talk about the training that all staff for NES receive and the regulations involved in making sure that their staff are applying glyphosate according to industry standards and according to their licenses and requirements.

Deputy Director Pete Neuberger (Public Works) 47:32

And then the bulk of the remainder of the letter makes reference to 2020 pesticide assessment written by Dr. Mark Rennes of UW Wisconsin on behalf of WDNR identifying the an assessment and considerations for the DNR's use of this of this pesticide. It's rather long, but, I guess, since that one point was specifically made—let's see, just looking for anything in particular that I can kind of talk about specifically. I would, I would characterize this as "it's appropriate to use glyphosate according to the label and as directed by the label."

Mayor Jake Woodford 48:38

Further discussion. Alder Fenton.

Aldersperson Denise Fenton (District 6) 48:43

Thank you, Your Honor. Um, I'll join with some of my colleagues in thanking Alder Del Toro for being our sustainability conscience. I am somewhat reassured by the letter that Deputy Director Neuberger is giving us, but I'm old enough to remember when DDT was in wide use and all of a sudden, birds were laying eggs that wouldn't survive. And I know how important our eagles are to us and how, you know, how proud we are. I know I stopped every time I'm on the Newberry trail to look up at the one tree to see if the Eagles are there. And I think while we have to use the methods that we're using, I just want us to use Alder Del Toro's words, everybody to remember that we need to always be looking for other ways. We might not have them now, but—and I think that's part of you know, the sustainability group is working on. So, while maybe we want to, we approve this contract tonight, we should not stop looking for a better way. Thank you.

Mayor Jake Woodford 50:07

Alder Del Toro.

Aldersperson Israel Del Toro (District 4) 50:09

Just to offer a little bit further insight here. Director Neuberger's letter summary, I think, is pretty appropriate. But I think it just speaks to the status of how this is business as usual to use various chemical, dangerous chemical, pesticides as form of weed management, and it might not always be the most appropriate way. I also want to point out that the scientific expert on this is part of the UW Extension which receives direct funding from Bayer who is also the producer of glyphosate. So just a heads up.

Mayor Jake Woodford 50:47

Alder Schultz.

Aldersperson Alex Schultz (District 9) 50:50

Thank you, Chair. I would just add one other example that's probably more recent than DDT, but neonicotinoids were developed by one of those same chemical companies, and they were used widely as an insecticide for most of the crops in, you know, I guess the Great Plains area and elsewhere, and also use for flea and tick control very widely. And it was determined that they were carcinogenic, and we have now as a city, ban the use of neonicotinoids. We don't use neonics on our shelves; we don't stock them.

Aldersperson Alex Schultz (District 9) 51:23

So, I think the same thing as we evaluate what we're using holds true. There are examples of things we've used in the past as status quo, and we discovered after the fact that maybe they're not good things. Does glyphosate reach that level of, you know, dangerous chemical use in those specific applications? I don't know, but it's something worth evaluating, and there are also other chemicals that may also be on our shelves that are in our stockpile of usable weed controls that we should also evaluate. So, I wouldn't just put it down to glyphosate. I think there's a wider conversation about what we use as a city.

Aldersperson Alex Schultz (District 9) 52:00

And again, we've done things in the past, to recognize the carcinogens we're adding into our toxic environment and trying to control them. So again, appreciative of this motion. I'm not sure we'd gained anything by sending it back and have it reevaluated, but I do, again, appreciate alder Del Toro's comments and bringing this to our attention. Thank you.

Mayor Jake Woodford 52:23

All right, there are no further speakers. So, with that, we'll vote. We have a motion and a second to approve. Please cast your votes.

Mayor Jake Woodford 52:40

Motion passes 11 to 4. The item has been approved.