

AGENDA ITEM # 13

October 27, 1998

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Consider awarding, rejecting or extending pharmaceutical services bid for Liberty Hill/Leander area.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To award pharmaceutical services bid for Liberty Hill/Leander area to low bidder M & L Pharmacy.

Vote: Motion carried 5 - 0

AGENDA ITEM # 14

October 27, 1998

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Discuss and take appropriate action on herbicide spraying on County Road 328.

Debbie Holland informed the court of the displeasure of using herbicide Hyvar-XL on behalf of property owners Dennis Brown, Ronald W. Kasper, M.D., and Gene Kilgore.

County Road 479 property owner Doris Hatcher, Eugene Marak (Road and Bridge Foreman herbicide spraying) and property owner Larry Zimmerhanzel addressed the court. County Attorney Gene Taylor advised this matter is a potential lawsuit and it would be inappropriate for the court to respond to anything involved in the suit at this time.

Commissioner Heiligenstein requested a listing of all chemicals being used in the county from County Road Superintendent Greg Bergeron.

Moved: Commissioner Boatright

Seconded: Judge Doerfler

Motion: To approve discontinuance of usage of Hyvar-XL herbicide spray in Williamson County until the listing of all chemicals used in Williamson County is received from County Road Superintendent.

Vote: Motion carried 5 - 0 < Clerk copy here >

Debbie Holland

From: Dennis <quercus@texas.net>
To: sdesigns@eden.com
Subject: County Commissioners Court
Date: Monday, October 26, 1998 4:57 PM

Ms. Holland, please pass the message below on to Dr. and Mrs. Kasper for me.

Dr. and Mrs. Kasper,

I regret that I will not be able to attend the scheduled Williamson County Commissioners Court on 10/27/98 to speak on the issue of Hyvar use by the county. If it were not for a prior family commitment, I would be there to lend my support to your concerns. I consider public input on this matter a very high priority to the citizens of Williamson County. There are some who might point to your concern as just being "tree huggers." However, I can think of few more sought after and valuable property amenities than trees.

I hope you will free to express my concerns to the commissioners over the use of the herbicide Hyvar, or any other herbicide of that magnitude, for the control of vegetation on right-of-ways. Certainly the county commissioners have a responsibility to maintain right-of-ways of county roads. However, using a product such as Hyvar is overkill. I would have to compare the use of Hyvar on right-of-ways to the use of an atomic bomb to kill a few rats. The atomic analogy is actually pretty accurate. In both cases there are immediate results and potential long term consequences due to the product's mobility and longevity. If I were planning to kill some big trees, I would likely reach for Hyvar as my weapon of choice. While Hyvar might be used in some situations with no resulting damage, there is no way to tell where tree roots extend that might uptake the chemical. Thus, using this product is "rolling the dice" for adjacent trees.

What is even more alarming to me is that the county was apparently warned about the results of spraying such materials in the past, but chose to continue their use. The Hyvar label clearly indicates that this product is dangerous to use around valuable trees. There is no way to bring back many of the old trees damaged or destroyed by the use of this product, but I hope their loss will result in something positive. I hope the Williamson County Commissioners will recognize the value and importance of trees to their county and their constituents. I hope they will resolve to use more creative techniques that cause less environmental havoc.

Sincerely,

Dennis Brown, Consulting Arborist

Urban Forestry Resources
Dennis Brown, Consulting Arborist

arboricultural consulting services

9800 Westward Dr.
Austin, TX 78733-3144
(512) 263-2798

quercus@texas.net

Debbie Holland

From: Gene Kilgore <gkilgore@rockford-texas.com>
To: 'Debbie Holland' <sdesigns@eden.com>
Cc: 'Dennis Brown' <quercus@texas.net>
Subject:
Date: Monday, October 26, 1998 4:29 PM

Debbie,

I do not believe I will be able to be there tomorrow and if it is appropriate please read my statement which follows.

I am sorry that I am not able to appear before you in person and appreciate Ms. Debbie Holland reading my statement.

- ✓ My name is Gene Kilgore. My mother was Adell Lawrence, who was born on their farm at Lawrence Chapel. She was a descendent of Adam Lawrence, who homesteaded in what is now part of SE Williamson County in 1821.

We are fortunate to still own some land next to Lawrence Chapel and feel a strong stewardship and responsibility to not only maintain but hopefully improve the land under our care.

Therefore we have a hard time understanding why the county would use a product such as HYVAR-XL with out taking care to be sure it kills just the vegetation intended and not be applied in a manner that it also kills other growth such as oak trees. In fact we do not understand why this product is even used.

Therefore I am requesting the county to stop using HYVAR-XL.

Thank you for your time.

Gene Kilgore

Debbie and Dennis please let me know if you believe any of this should be changed. Also suggest Debbie that you cut my message out of this fax as I would guess they would want a copy and all they need is the text, not the other stuff.

Thanks again for calling me and if I am not there please read this if you feel it will help.

Gene

Pct 4 ordered
11/22/98
9 cases
HYVAR XL

VOL 0100 PAGE 820

#14



CENTRAL TEXAS PLASTIC SURGERY

MEMBERS
AMERICAN SOCIETY OF
PLASTIC AND RECONSTRUCTIVE
SURGEONS, INC.RONALD W. KASPER, M.D., F.A.C.S.
TIMOTHY M. MCGEE, M.D.

COSMETIC, RECONSTRUCTIVE AND HAND SURGERY

October 19, 1998

John C. Doerfler
Williamson County Courthouse
710 Main St., #201
Georgetown, Texas 78626

Dear Judge Doerfler:

I am writing concerning numerous trees which have been destroyed on my property along Texas County Road 328 because of the spraying of the herbicide, Hyvar, by the Williamson County Road and Bridge Department. The spraying of the herbicide occurred on June 24, 1996. I am enclosing documentation that the spraying was done by Mr. Eugene Marek and the licensing of the Hyvar being under Mr. Jerry Mehevek, County Commissioner for Pct.4 of Williamson County. It is my understanding that this is not the first incident involving the careless use of the herbicide, Hyvar.

Attached also is a letter from Dennis Brown, Consulting Arborist, who has personally examined my property. I am concerned that if this practice of spraying is not better regulated, or even better discontinued, more trees will be needlessly killed.

I appreciate your time in reviewing this information and any consideration you can give to this serious situation.

Sincerely,

Ronald W. Kasper, M.D.

encl:



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Austin, Tx 78733-3144
(512) 263-2798

VOL 0100 PAGE 821

October 4, 1998

Dr. Ron Kasper
2750 CR 110
Georgetown, TX 78626

Dr. Kasper:

You contacted me regarding making a determination of value for several trees that allegedly had been damaged due to the application of a herbicide (Hyvar) to the county road right-of-way adjacent to your property by Williamson County. You had notice the sudden decline of several trees on your property in 1997. According to you, the county has admitted application of the herbicide Hyvar on certain areas of right-of-way.

On 8/19/98 you accompanied me as I inspected your property along County Road 328 in Williamson County, Texas. You showed me two areas of suspicious trees. The first area was made up primarily of live oak (*Quercus virginiana*). While there was a pattern of mortality, the symptoms I saw are not totally consistent with exposure to Hyvar. However, the second area you took me to, down the road and close to the creek area, had symptoms and mortality that is classic of that presented by the herbicide Hyvar.

I also noted that there were many oak species along the right-of-way that had been improperly pruned and left unpainted, apparently by county crews. This treatment left those trees vulnerable to infection and spread of the disease, oak wilt. If such an infection started in those trees, it would spread to adjacent oak trees and create losses as bad or worse than the use of the herbicide. There was, however, no evidence of oak wilt in any trees at the time of my inspection.

At the time of my inspection, 8 trees on your property were determined to be dead or not recoverable and 7 other trees were exhibiting symptoms of herbicide uptake. The active ingredient of Hyvar, bromacil, is a powerful agent that is absorbed by the roots, where it is taken up to the leaves and interferes with the photosynthetic process vital to a tree. As the leaves fail to carry on their processes, they are shed; and new leaves are produced as long as the tree has energy to produce them. Often, subsequent flushes of growth reoccur until the tree actually expends its stored reserves to manufacture them. At that point, the tree dies. Hyvar would be my weapon of choice, if I wanted to kill trees. Since this herbicide has particular longevity in the soil and plant, it is impossible to offer an accurate prognosis for the symptomatic trees I saw.

I can, if you so desire, establish an accurate and defensible appraisal of the dead trees. The damaged trees, if still alive by that time, might have a damage value attached to them. An extensive study and appraisal process takes many factors into consideration. Without undertaking such an appraisal, I would estimate the value of the 8 dead trees on your property to be in the vicinity of \$15,000. I can make no estimate of the other affected trees, because their conditions are not stable.

Williamson County's use of this herbicide product was a phenomenal overkill. It would suggest that the county government has failed to recognize transitions that these rural areas have undergone in recent years. There is little heavy agricultural use in these areas now. Instead, there is a



Urban Forestry Resources

October 4, 1998

1

43



VOL 0100 PAGE 822

migration to smaller agricultural uses and landowner investments in creating a higher quality of life than that of the more urban areas of the county and metropolitan area. Trees present a large part of this quality of life and thus may hold higher values than if they provided only shelter or windbreak. It is a shame that your beautiful trees seem to have fallen victim to this oversight.

Please let me know if you have any questions or decide you would like an appraisal undertaken.

Respectfully submitted,



Dennis Brown
Consulting Arborist

RECORDERS MEMORANDUM
All or parts of the text on this page was not
clearly legible for satisfactory recodation.

PESTICIDE APPLICATION RECORD

[illegible]

AGENDA ITEM # 15

October 27, 1998

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Hear annual tax collection report.

Tax Assessor/Collector Deborah Hunt advised 98.7% tax collection has been effected in Williamson County.

No action was taken on this agenda item.

< Clerk copy here >

YEAR TO DATE - COLLECTION REPORT
Williamson County/RFM Property Taxes
October 1, 1997 thru September 30, 1998

Description	Outstanding Collectable as of 1997 Tax Roll	Adjustments	Adjusted Outstanding Collectable	Tax Collected	P & I Collected	Uncollected Balance	YTD Collected	Percent Collected	Percent Collected w/P & I
1997	\$31,809,616.72	(\$178,552.83)	\$31,631,063.89	\$31,218,774.83	\$153,797.78	\$412,289.06	\$31,218,774.83	98.70%	99.18%
1996 & Prior	1,009,924.48	(77,780.34)	932,144.14	278,317.42	142,802.66	653,826.72	278,317.42	29.86%	45.18%
Rollbacks	17,803.16	215,683.98	233,487.14	164,698.60	3,713.13	68,788.54	164,698.60	70.54%	72.13%
Total All	\$32,837,344.36	(\$40,649.19)	\$32,796,695.17	\$31,661,790.85	\$300,313.57	\$1,134,904.32	\$31,661,790.85	96.54%	97.46%