ASYLUM LAKE POLICY AND MANAGEMENT COUNCIL
Minutes
January 9, 2020

Present: Duane Hampton, Chair; Steve Kohler, Vice Chair; Kay Chase, Council Secretary; Tyler Bassett; Sharon Dever; Mark Frever; Lauri Holmes; John Kreuzer; Dave Lemberg; Paul Scott; Cybelle Shattuck; Pete Strazdas; Marnie Twynam

Excused: Bonnie Alkema; James Penner;

Guests: Mark Kieser, Josh Kieser and John Jacobson from Kieser & Associates; Judy Huxmann; Phil Micklin; Paul MacNellis.

I. CALL TO ORDER AND ROLL CALL.
- The meeting was called to order at 7 p.m.

II. EDITING AND ADOPTION OF JANUARY 9, 2020 AGENDA.
- A request was made to add an update regarding the botanical study after the herpetological study under old business.
- Mr. Strazdas, supported by Ms. Holmes, moved approval of the January 9th agenda as amended. With a voice vote, the motion carried unanimously.

III. EDITING AND APPROVAL OF NOVEMBER 14, 2019 MINUTES.
- There were no changes to the Minutes.
- The November 14, 2019 Minutes were approved by unanimous voice vote.

IV. OLD BUSINESS.
a. Replacement of Natural Areas Manager.
- Mr. Frever reported that the hiring process for the Natural Areas Manager is ongoing.

b. Financial Reports.
- Mr. Frever provided an updated fund statement from the Kalamazoo Community Foundation showing a balance of just over $2.56 million dollars, a net investment return of $45,000 and $422,665 for grant making in the future.
- The Budget Subcommittee and the Council approved $95,000 per year from that fund to cover projects approved by the Council.
- Information was also provided showing the Asylum Lake Financials from the second half of 2019, along with a list of current projects showing how much money has been spent and how much money is remaining for those projects. With the exception of Wildtype, no one has spent all of the money that was approved for those projects.
- If the money has not been spent, it will remain in the budget for the following year.
- So far, $5536 has been spent for the updated storm water report from Kieser and Associates. They have not submitted the final invoice from that project.
- The Arthur Falk tree has been planted. The contractor has been paid for that job, but the paperwork process is still ongoing.
- The financial report shows a balance of $14,456 available for the next six months. Mr. Strazdas stated that if a project has expired and there are no more invoices, the remaining funds can be rolled forward or terminated if not needed.

c. Herpetological study.
- Mr. MacNellis requested that the map and locations of turtles be kept confidential. The study can be posted on the ALPMC website but not the map. This information should be provided to the Michigan Natural Features Inventory.
- The Stewards of Kleinstuck Preserve met Monday and decided to have turtle dogs come into the Preserve to look for turtles. Turtles were located at Kleinstuck Preserve that the contractor didn’t find. The search for turtles will resume around June.
- The Stewards of Kleinstuck Preserve composed a letter regarding Asylum Lake. There is a waterfowl nesting area on the north shore of the lake. There are 176 kinds of birds in that area; 26 are waterfowl.
- The Blanding Turtles and Box Turtles have been found on the Asylum Lake Preserve. If those species are within a quarter of a mile of the property line, the Natural Features Protection Overlay applies to the adjacent property.
- Mr. Bassett stated that the Box Turtle is rare. If we don’t protect them, they will become threatened. The Blanding turtle is threatened and is a candidate to be listed on the federal endangered species list. This could have an impact on the proposed rezoning of the adjacent property.
d. Botanical study

- Mr. Bassett stated that Orbis provided a list of species that were found, a GPS track of the ground that was covered, and points of notable invasive species and rare species that were located. A written report is forthcoming.
- Prior to this report, there were no listed plant species on the property. The contractor located Starry Campion to the north of the property, some are right on the fence. This species is listed as threatened at the State level. Starry Campion was also located near the Stadium Drive Apartments.
- Wolffia Brasiiliensis was located in the pond near the Winchell entrance. That species is listed as threatened in the state. There are more species of concern on the property than was previously known.
- Mr. Strazdas suggested convening a subcommittee to determine what details should be posted on the ALPMC website. There should be a majority vote of the Council to decide what goes where.
- Mr. Frever has a new Administrative Assistant who can assist with posting information on the ALPMC website. Mr. Hampton suggested posting the information about the studies, but not the maps showing the locations of rare species.
- **Mr. Bassett, supported by Mr. Scott, moved to post the herpetological and botanical studies on the ALPMC website, minus the maps and locations of rare species. With a voice vote, the motion carried unanimously.**
- Mr. MacNellis and Mr. Bassett will redact information in those documents, as necessary, and provide the documents to Mr. Frever for posting on the ALPMC website.

V. New Business

a. Meetings at Fetzer? Are we willing to pay to do this?

- Mr. Hampton suggested that the Council meet in the Engineering College lunch room. Meeting at the Fetzer Center is also a possibility. The cost for using the meeting room at the Fetzer Center was over $200 for the January meeting. A smaller room at the Fetzer Center would cost less but would still be over $200. For an additional $20, the Council can use the available screen and projector.
- Mr. Frever stated that he and his staff would like to host the ALPMC meeting at the ROTC meeting room in the Campus Services building on Oliver Street. The parking is free but there have been some issues with glare from the sunset through the windows on the west side of the room.

b. Kieser & Associates report presentation on their recent follow-up study of their 2008 study on storm water flows into and out of Asylum Lake, and how to treat them.

- Mark Kieser, John Jacobson and Josh Kieser were present to provide the presentation. Mr. Jacobson is a Senior Engineer at Kieser and Associates. He designs storm water and wastewater treatment facilities. Josh Kieser is familiar with the area around Asylum Lake and has done a lot of field work in that location.
- Mark Kieser stated that the BTR2 storm water erosion incident in June of 2019, triggered questions about what else is happening with storm water in that area, which is near the U.S. 131 highway interchange at the northwest corner of Drake Road and Stadium Drive. Concerns were expressed regarding potential issues with storm water coming into Asylum Lake.
- A study was done to determine where the storm water is going, and which areas drain into Asylum Lake. The study shows how this relates to storm water conditions we have seen in the past.
- The presentation addresses the scope of work that Keiser & Associates was asked to do, the historic loads that were reviewed back in 2006, 2007 & 2008, the engineering documents that are available, changes in the watershed drainage and how that has affected pollutant loading, current conditions in the field, conceptual storm water treatment options, and recommended next steps.
- Western Michigan University had almost a half million dollars from the State of Michigan to put in a storm water treatment system at the southwest corner of the Drake Rd. and Stadium Dr. intersection. That would have captured storm water from the former K-Mart parking lot.
- The Michigan Department of Transportation (MDOT) was redoing the U.S. 131 interchange at that time and they advised of plans to treat the storm water in the interchange.
- A decision was made to allow MDOT to take care of the storm water treatment, and the University utilized the State funding on other projects on/around campus.
- MDOT wanted to use the money WMU had from the State of Michigan to leverage matching funds for their project. When they were advised by the University that money was no longer available, MDOT stated they were not going to treat all of the storm water. It was unclear what they meant when they said they would only treat some of the storm water.
There are two areas by the northwest area of Asylum Lake that are actively loading storm water into the lake. There are a couple of other smaller inlets that are buffered.

A map was presented showing areas that drain to Asylum Lake. The numbers from 2008 will be updated.

Josh Kieser presented images of the Drake Rd./U.S. 131 area and the main outfall directing storm water from that area. Water flows through an upper check dam and a second check dam in that area. One flow goes directly to the east into a ditch. There is also flow from a pond to a culvert that crosses Drake Rd. and meets with storm water entering the lake.

Further to the south, there is a confluence of the pond and the ditch, where water is flowing from the ditch to the east and also into the pond. Between the ditch and the pond, there is a ten-foot rise in elevation. There is a stone berm by the culvert that crosses under Drake Rd. There is an outfall from the south and one from the road.

Part of this area was reconstructed after the erosion issue that occurred last June. Water from that area flows east of the lake. There is an outfall from the south from the Preserve; there is some erosion in that area. There is evidence of ground water feeding the pond from the west.

Crossing Drake Rd. to the northeast, there is a manhole where storm water conveyed from the north and storm water conveyed from the pond are converging and entering Asylum Lake.

Mr. Jacobson stated that a 24 x 48 box culvert is taking drainage from Stadium Dr. to U.S. 131. There is a manhole that takes drainage from the Costco site and another manhole that takes drainage from the former K-Mart on the north side of Stadium Dr., across from the Asylum Lake Preserve.

Some of the drainage from the street goes to the west, toward the U.S. 131 interchange, but some of the drainage from other locations, including the former K-Mart parking lot, drains to the south and into Asylum Lake.

The original intention was to treat the drainage at the southwest corner of the Drake Rd./Stadium Dr. intersection but MDOT advised that their system would not be taking all of that drainage. MDOT suggested that some of the drainage should be going into storm ponds, but the storm ponds would not be needed if the MDOT system took all the drainage.

Mr. Jacobson spoke with City of Kalamazoo Engineers regarding the Drake storm water report. They took drainage south because they thought the lake needed it.

According to the 2008 report, at least half of the water flowing into Asylum Lake, is ground water. It is questionable as to why they thought the lake needed more water from drainage.

A map was presented showing the current drainage at the intersection near the Costco site. Thirteen acres of the Costco site drains toward Asylum Lake. A portion of the drainage from the Costco site is directed toward the U.S. 131 interchange.

MDOT removed the U.S. 131 off-ramp and put the drainage in the detention pond for U.S. 131. When the University created BTR2, they took forty-two acres out of the drainage to Asylum Lake and put it in infiltration ponds. That drainage is not going into the lake but into the ground water.

MDOT changed the drainage and now the storm water from the U.S. 131 interchange goes into Asylum Lake. The detention ponds provide a partial treatment system (30%) for that drainage. The grassy swales capture about 15% to 30% of the phosphorus.

By rerouting the drainage, the peak flow is down but the actual drainage is not down. The run-off is up about 14% and 20 acres of run-off has been removed. BTR2 took off about 40 acres; the Costco site added about 20 acres. The net acreage of run-off into Asylum Lake is 20 acres (14%) higher in total run-off. The phosphorus content is up about 21% and that is after taking some treatment provided by MDOT. Nitrogen is up about 14%. Total suspended solids (TSS) are down about 16%.

Mark Kieser stated that the numbers are based on storm water concentrations and monitoring that was done in 2008 and after the run-off issues from BTR2 in June of 2019. The applications used have been consistent and a number of the values were confirmed. More drainage was added to the north that is coming directly into the lake and there is additional drainage that loops through the U.S. 131 interchange and into the lake.

The storm water coming from Stadium Dr. could be diverted along the north shore and an infiltration system could be put in place. The best way to treat the storm water is to remove the heavy sediment and infiltrate it before it goes into the surface water; the soils naturally cleans the pollutants. It would be considered 100% treatment if it never gets to the lake.

Mark Kieser referred to the Portage Consolidated Drain Project and an area south of Romence Road, where walking trails are located. That area is treating 460 acres of heavy, intensive commercial area and it does a phenomenal job of protecting Portage Creek. A big sell for the community was that this area, which had been celery flats, an eroding drain and no access, is now a recreational area along a storm water system. A similar concept is being proposed for the land near the U.S. 131 interchange as follows:
Mr. Jacobson referred to a proposed treatment area one by the wetlands and the lake, where there is an area available to drop in 20,000 square feet of sediment forebay, with an infiltration trench behind it. There would be a two-foot-high berm with a six-foot-wide walkway on top with observation pavilions as options.

A rock crib with filter fabric could be used for infiltration, similar to the system that is in place nearby on the WMU campus and by Kalamazoo Christian High School. That would serve 44 acres of drainage with about 46 acre-feet of water. Another area nearby would receive 152 acre-feet of water from the roadway. An acre foot would be defined as an acre of land with water one foot deep.

The flat area nearby could be used for 20,000 square feet of land with a small berm. That could be connected with about 25,000 square feet on an adjacent area of high ground. A pond would be dug in that area. There is no place for infiltration in that location, so there would be an area of dry detention and wet detention and then the water would have to be released.

Discussion followed as to who owns the land that is being proposed for use in this plan. Mr. Strazdas suggested looking at the delineation of WMU property vs. WMU Foundation property.

Mr. Jacobson stated that some of the water would need to be pumped to a different location. Some of the water could be diverted elsewhere and emptied.

Mr. MacNellis stated that the property the pond is on and to the north is owned by the WMU Foundation. The last time he spoke with the Foundation, they were not in favor of allowing anything to be done with that property. Mark Kieser advised that the plan they are proposing is on an isolated area of land.

Mr. MacNellis stated that the trench that goes from Drake Road to the pond is in the right of way, last he knew. Mr. Jacobson stated that the proposed plan would not touch that area, which is only 12 feet wide.

In the State of Michigan, the downstream property owner must take the upstream property owner’s historical storm water flow.

A berm could be placed at the bottom of the slope. The swale between the berm and the steep slope could be used to dissipate the storm water. The water coming into the storm drain could be intercepted with a manhole and diverted to a sediment forebay to drop out some of the sediment and then let the storm water infiltrate. The preliminary numbers indicate that this system would cost approximately $153,000.

Ms. Holmes confirmed that the storm water system could be constructed without a boardwalk or path. She suggested trying to keep the north side of the lake as quiet as possible.

Mr. Lemberg mentioned that the Costco acreage was mainly permeable and was converted to mostly impermeable. Petroleum distillates and sodium chloride are in the run-off from that property and nothing is filtering it.

Mr. Jacobson stated that sodium is tough to remove once it’s in the water, but oils need to be skimmed. The oils will be picked up with the sediment forebays and the infiltration. The oils won’t infiltrate with the water, but the sodium will.

Mark Kieser confirmed that there are three outfalls into Asylum Lake on the west side that are treatable. The other storm water flows to Asylum Lake and is naturally buffered. The areas outlined in red on the map show where the water is draining from and going into the lake now with the exception of BTR2 which is capturing its own storm water. The green outline shows the original drainage going to the Lake. The south road has a couple of outfalls going into Little Asylum Lake.

Mr. Hampton referred to the crosshatched area on BTR2 on the map and advised that area goes to the lake. Asylum Lake is a ground water fed lake; ground water flows in on the west side of the lake and water flows out to ground water on the east side of the lake. Salt from the new roads in BTR2 will be diluted before going into Asylum Lake. That will not have as much impact as the direct discharge from the Costco site and the U.S. 131 interchange.

Mr. Strazdas suggested creating a map with color coding to show the untreated vs partially treated storm water as it was in 2008 versus how it is in 2020 to provide the Council with an idea of how to proceed. Mark Kieser stated that treatment area 2 would cost approximately $317,000. The cost for both treatment areas would be about a half million dollars.

The recommended next steps would be to continue monitoring the automated equipment at the dam/weir structure from the U.S. 131 discharge toward the lake. It could be checked in the wet season to measure flows and concentrations and help provide an idea of what can be treated.

Mr. Strazdas inquired as to the potential for these two projects to be 319 grant eligible. Mark Kieser stated that the changes would be slim to none that these projects would be eligible for that grant money; the EPA is only funding source control at this point.

Mr. Strazdas suggested that maybe the Council could pursue discussions with MDOT because they are a more substantial contributor to the storm water issues. MDOT could create a planning process and a funding process to cleanse what they created. It is their storm water and they might want to create a storm water retention area on their property.
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- Mr. Jacobson stated that the system was designed to be dry detention and not pool; there is no baffling to stop the oils. The only oil treatment is the grasses and the grassy swales and that is a 15% to 30% treatment.
- Ms. Huxmann inquired as to who maintains the detention ponds where the salt and oil are filtered. Mark Kieser advised that the ponds would need to be on a 5 to 30-year maintenance schedule. Mr. Strazdas added that they don’t need heavy maintenance every year, but taxpayers would need to provide substantial funds to clean the detention ponds every 20 to 40 years.
- Kieser & Associates will provide a report and a series of recommendations to the Council. The Council’s budget proposals will be discussed at a future meeting. The next step would be to monitor the storm water to confirm wet weather flows/loads and determine what needs to be done.

c. Wildtype’s proposal.

- Postponed

d. Haji Tehrani’s proposal for January 14th Planning Commission meeting.

- Ms. Holmes stated that the Planning Commission meeting is scheduled for 7 p.m., January 14th, in the City Commission Chambers at City Hall. City Staff is recommending that all three parcels be rezoned to the Community Commercial zoning designation, but they are not recommending that the Natural Features Protection Overlay be removed.
- A suggestion was made that two of the parcels be rezoned with a different commercial designation, and that the southern parcel be rezoned taking into account that parcel abuts the Asylum Lake Preserve.
- A letter from the Planning Department to Mr. Tehrani states that the southern portion of the former Vermeulen property borders the Preserve and should be given special consideration. This issue was not something that just came up recently.
- People and groups are writing letters of concern to City staff and the Planning Commission about the proposed rezoning. There will likely be high turn-out of public speakers at the November 14th Planning Commission meeting.
- The car wash facility proposed for the property adjacent to the Preserve will be bigger than the car wash the developer already has on W. Main St. a couple of miles away.
- Mr. Strazdas stated that the developer can’t submit a site plan before the property is rezoned. Mr. Bassett stated that the present concern is how to address the rezoning request, but if information is available on what the developer is planning to do with the property, that would be helpful.
- If the property is rezoned with the Community Commercial zoning designation, the developer would be able to have the car wash and anything else that is allowed within that zoning classification. There are other alternatives for that property that don’t include a car wash.
- Mr. Strazdas stated that he was the Chair of the Planning Commission in Portage. The Planning Commission has the right to put restrictions on the development within the zoning classification and they can request a buffer between different land uses/zoning classifications.
- The community commercial zoning classification allows the second highest density and is part of the reason that some people are opposed to allowing that zoning designation for this property. Mr. Bassett suggested making it obvious to the Planning Commission why there is opposition to that zoning classification.
- Mr. Strazdas mentioned that increased traffic and curb cuts are factors to be considered when discussing a rezoning. Traffic counts will be required for that busy corner.
- Mr. Lemberg expressed concern regarding Drake Rd. access. There is a hill on Drake Rd. by that property and it will be icy in the wintertime. Ms. Chase stated that the preliminary plans show only two entrances/exits to the car wash and they are on Stadium Dr. but not close to the corner.
- Ms. Holmes stated that what is decided at the Planning Commission meeting will set the course for the next steps. She suggested having someone from the Council read the proposed statement at the Planning Commission meeting.

e. ALPMC subcommittee draft statements.

- Two letters have been prepared for the Council to consider. The Asylum Lake Preservation Association (ALPA) has already submitted a statement to the Planning Commission. The letter-writing subcommittee for the Council met twice and worked on two letters.
- Ms. Chase moved to have the Council submit the letter from the subcommittee, to the Planning Commission, recommending denial of the proposed rezoning of 4301 and 4305 Stadium Drive, as well as 2231 S. Drake Rd. (the former Vermeulen property). With a voice vote, the motion carried unanimously.
- The following suggestions were made regarding changes to the letter from the subcommittee: language should be added to the letter regarding threatened species. The letter should refer to the “Asylum Lake Policy and Management Council” for consistency. The rezoning of the former Vermeulen property should be in alignment with the City of Kalamazoo.
Master Plan. Add language in paragraph five regarding the potential for the proposed car wash development to adversely effect the character of the property. The last paragraph of the letter should state that, in the event the Planning Commission recommends a rezoning, the Council suggests that a less intensive zoning designation be considered. The last paragraph of the letter should also list the potential impacts on biodiversity.

- In an effort to incorporate the changes in the letter before the Planning Commission meeting, it was suggested that the Recording Secretary could make the changes rather than reconvening the letter writing subcommittee. The updated letter could be e-mailed to the Council for approval.

h. Do we have a coherent plan for the January 14 Kalamazoo Planning Commission Meeting? Do we have a strategy for WMU leadership?

- Mr. Scott suggested following the Oakland Drive Winchell Neighborhood Association (ODWNA) strategy, which is to try and align your statement to the Planning Commission with a part of the zoning code, such as storm water or buffers to residential areas, etc.
- The ODWNA is proposing either the commercial neighborhood or commercial office zoning district which are lower density, and they are using language from the zoning code. Neither of the zoning districts recommended by the ODWNA allow car washes.
- Each public speaker has four minutes to speak at the Planning Commission public hearing.
- Due to the large number of agenda items and the time, the following items were postponed to a later meeting: Review of the statement from Cybelle Shattuck.

f. ODWNA statement for Planning Commission – postponed.

g. ALPA statement for Planning Commission – postponed.

i. When should we have an election for Council offices? – postponed.


VI. PROJECT/SPECIAL COMMITTEE REPORTS.


b. Trails – postponed.

c. Signs – postponed.

VII. NEXT MEETING.

- The next meeting is scheduled for February 13th at the Campus Services Building, 1201 Oliver Street at 7 p.m.

VIII. COUNCIL/STAFF COMMENTS – postponed.

IX. PUBLIC COMMENTS – none.

X. ADJOURNMENT.

- The meeting adjourned at 9:15 p.m.