

**ASYLUM LAKE POLICY
& MANAGEMENT COUNCIL**

**Minutes
January 11, 2018**

Kalamazoo College Fieldhouse, Hornet Suite
1600 West Michigan Ave.

Members Present: Duane Hampton, Chair; Tyler Bassett; Kay Chase; Author Falk; Mark Frever; Lauri Holmes; Steve Keto; Steve Kohler; Paul Manstrom; Pete Strazdas;

Members Excused: Sarah Larson, Jay Emerson, Paul Scott,

Guests: Susan Andress, John Kreuzer, Martin Lobretto, Paul McNellis, Phil Micklin;

I. CALL TO ORDER.

- Mr. Hampton called the meeting to order at 7 p.m.

II. ROLL CALL

- A quorum was present with nine members of the Council in attendance.

III. APPROVAL OF AGENDA – January 11, 2018

- Under Old Business/Prairie Burn, a discussion regarding post-burn procedures was added to the agenda.
- **The amended agenda was adopted by unanimous voice vote.**

IV. APPROVAL OF MINUTES – November 9, 2017

The following changes were requested:

- Add Sarah's title, "Facility Management Business Manager" at the top of the first page.
- Near the top of page 2, adding a meeting notification on social media was suggested as a change to the bylaws.
- Page 2, 4th bullet point, add the "proposed" revision to the bylaws states that the secretary
- Page 3, 7th bullet point, change Manstrom to Scott.
- **Ms. Holmes, supported by Mr. Frever, moved approval of the November 9, 2017 ALPMAC Minutes as revised. With a voice vote, the motion carried unanimously.**

V. UNFINISHED BUSINESS.

a. Prairie Burn

- Mr. Keto advised that the fire breaks were cut prior to the snow accumulation. Dave Borneman is proceeding with the paperwork.
- Efforts are continuing to remove invasive, non-native trees and plants from in and around the prairie, including Tree of Heaven, Locust, Knotweed and Honey Suckle. The fence will be cut in a few places to provide fire access. This work will continue through spring, as weather allows.
- Western Michigan University employees were instructed on the use of the death wand and they injected 14 Trees of Heaven at the Southern end of the Preserve.
- Paul harvested poles for the Southwest Michigan Land Conservancy to help thin out the Locust Trees.
- Mr. Borneman has been provided with appropriate contact information for Public Safety and he has provided a revised proposal for the burn, which will be the first one in eleven years.
- Mr. Bassett mentioned that the area proposed for the burn is dominated by Big Blue Stem, which grows later in the summer and reacts favorably to fire. This should be a good opportunity to add diversity to the area. He suggested learning about the right approach to accomplishing the desired diversity.
- Mr. Bassett met with Ms. Holmes, Mr. Falk, Ms. Chase and Mr. Hampton before the holidays. He provided a map and a range of costs showing three possible management approaches for the land after the burn. The numbers do not represent a bid. He estimates that it will cost \$7,000 to \$12,000 to proceed with this proposal.
- The three suggested management approaches are aimed at increasing diversity and the aesthetic appeal of the land, which is on a very visible corner. One possibility is adding Forb seed after the ground is prepared to help the seed get established. The ground can be prepared by either tilling or disking followed by culti-packing (pressing the soil back down) as well as herbiciding. The two different colored strips on the diagram represent either tilling or herbiciding. The area on the left would be seeded; area on right would not be seeded. The area on the right will probably look the same in ten years--the Blue Stem will come back. The left side (west side) would be a combination of tilling and

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herbicide in different spots and that area would be seeded. The seeds would be more reliable Forbs. There are other combinations of approaches that could be used, including drill seeding or broadcasting.

- The Council can ask for an RFP from a contractor for monitoring. Students from WMU or Kalamazoo College could do the monitoring and collecting of data.
- **Mr. Bassett moved to hire a contractor to establish the experimental, post-burn treatment to increase the diversity of plants at the Asylum Lake Preserve.**
- The proposal could be used at a later date if the deadline is not met this spring. The burn may provide a shock to the system and create more opportunities for future projects. The burn will clear the field and it will increase the diversity of the area.
- Ms. Holmes commented that from a public relations standpoint, it is worth doing a post-burn treatment because this is such a visible place and people will notice that improvements are being made. It will be an opportunity for someone to write a story detailing the importance of Asylum Lake Preserve. The Asylum Lake Preservation Association (ALPA) has been talking about the possibility of holding their annual meeting in the Preserve and possibly doing a project in the Preserve.
- Mr. Bassett confirmed that the tilling and herbicides could be used about ten days or so after the burn, when the land starts to green up again. The contractor can proceed when the timing is appropriate.
- **Mr. Strazdas suggested amending the motion to state that the collective bargaining process will be followed with regard to the prairie burn and post-burn treatment in Asylum Lake Preserve. Mr. Bassett was agreeable with the amendment. Mr. Hampton supported the amended motion, which was approved by unanimous voice vote.**

b. Governing document update and Memorandum from WMU legal.

- Ms. Chase and Mr. Bassett presented an updated version of the Bylaws at the November meeting. Three quarters of the Council members would need to vote in favor of the changes in order for them to be accepted.
- Mr. Hampton advised that the ALPMC needs a representative from the College of Arts and Sciences to fill a vacant seat on the Council. Dave Lemberg was discussed as a possible candidate. The Faculty Senate Council on Finance and Budget will also need to appoint a representative to ALPMC.
- Mr. Strazdas had suggested that Vice President Van Der Kley might be in favor of hiring an outside attorney to review the governing documents and discuss possible changes. A memo from an Attorney at Miller Canfield was provided to the Council for review. The memo and suggested changes to the Bylaws could be approved by Vice President Van Der Kley.
- Concern was expressed about the indemnification language. Indemnification by the Board of Trustees does not happen to individuals outside the University. Mr. Strazdas spoke with legal counsel and the risk manager and they think they can work through the issues in Section 7.
- Ms. Chase commented that most of these issues are covered in the Management Framework, which was adopted by the Board of Trustees. Therefore, it should not be an issue if that language is removed from the Bylaws. Term limits are not mentioned in the bylaws but are referenced in the Management Framework.
- Another concern is the departments that have disappeared or changed. The Management Framework does say the composition of the Council can be changed. Ms. Chase suggested the possibility of having a resolution stating that one department could substitute for another department.
- Mr. Strazdas suggested removing the redundancies in the Bylaws and the Management Framework, pinpointing the issues that still exist with the Bylaws (term limits) and then determining if those issues need to be submitted to Vice President Van Der Kley for a resolution.
- The ALPMC Bylaws state that the Council can approve changes to their own Bylaws but the Bylaws for the Board of Trustees states that the Board of Trustees will approve the changes to the ALPMC Bylaws. After the issues are identified, the Chair and Vice President can meet to discuss the details.
- Mr. Hampton referred to Jay Emerson's e-mail, which states that he will miss the January ALPMC meeting due to injuries sustained in an accident. The e-mail also suggests that the flaws in the governing document (Management Framework) need to be addressed by the WMU lawyers before changes to the ALPMC Bylaws can be approved. The Management Framework duplicates much of what is stated in the Conservation Restrictions.
- Mr. Hampton suggested that before the next ALPMC meeting, scheduled for February 8th, the Subcommittee can compare the Attorney's version of the Bylaws with Kay and Tyler's version to determine what the differences are. Once that is determined, a follow-up discussion can take place at the next ALPMAC meeting. The sub-committee's finding should be provided to the Council at least a week before the next meeting.

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- Mr. Strazdas suggested that the ALPMC Secretary (Board Secretary) e-mail Kay and Tyler's version of the Bylaws, the attorney's opinion and the recommendation for changes to the language (three documents) to the Council for review. Ms. Chase advised that the Council needs to officially appoint a Board Secretary (not the Recording Secretary).
- Ms. Chase referred to page 2, 4C regarding committees. The Memorandum from the Attorney states that these provisions are covered by the Framework and can be deleted from the Bylaws. However, new information was added to this section regarding ad hoc committees, which is not covered in the Framework and should remain in the Bylaws.
- With regard to Article 10, amendments, those four points are covered in the Framework. The Memorandum seems to imply that the ALPMC does not have the ability to change the size of the Council. The Framework states that the Council does have that authority.

c. ALPMC Kalamazoo Foundation Funds.

- Mr. Frever advised there was a successful disbursement of \$55,000. The funds are at WMU but have not been deposited yet. He hasn't seen a report from the Foundation in six months. Ms. Chase advised that the reports are sent out quarterly.
- Mr. Strazdas suggested having the Business Manager provide a presentation at the next meeting with regard to how the money is distributed. Ms. Larson is a CPA and will be able to provide that information. He suggested that Ms. Larson put together a report and have a formal communication back from the Vice President when the ALPMAC makes motions to spend money.
- Mr. Hampton suggested that Ms. Larson also provide the last quarterly report from the Foundation.

VI. NEW BUSINESS.

a. Kalamazoo City zoning Natural Features Overlay Committee.

- On December 20th, Christina Anderson, Kalamazoo City Planner, contacted Mr. Hampton to explain they are putting together a new committee to deal with the zoning on the Vermeullen property by Stadium Dr. She will ask Mark Hoffman to be on that committee. Mr. Hampton suggested that Mark Frever or Steve Keto also be on that committee. Mr. Bassett is also on the new committee. A meeting schedule has not been established yet for that group.
- The City of Kalamazoo has the right and responsibility to move development forward in an environmentally responsible way. A gentleman from Indiana bought the property and Ms. Anderson feels the neighborhood should provide input. Storm water should be retained on the property. There is concern that salt from storm water run-off could reach Asylum Lake.
- Mr. Hampton suggested the possibility of putting together a storm water management grant. Western Michigan University has a reputation as a storm-water-neutral campus. The grant could be used to obtain other matching grants.
- Mr. Stazdas confirmed that WMU doesn't own property on the north side of Stadium Dr. Mr. Falk expressed concern that the storm sewer drains from the parking lot on the northeast corner of Drake and Stadium drain into Asylum Lake. Mr. Hampton advised that property is grandfathered in but once the water reaches Asylum Lake Preserve, WMU has jurisdiction. The grant money might help with management of the storm water on that land.
- Mr. Strazdas advised that the ten-year cycle has ended and the process has begun to develop a new, ten-year Watershed Master Plan, which will become part of the MDEQ watershed master plan. Having the plan in place will allow access to funding.
- Mr. Falk inquired if the ALMPC should hire Keyser & Associates to develop a component for the Kalamazoo River watershed, which includes Arcadia Creek and the West branch of Portage Creek. Asylum Lake is part of the Portage Creek drainage system.
- It was suggested that someone from the Council with expertise about water should go to the public meetings to advise that issues concerning Asylum Lake should be considered in the Kalamazoo River Watershed Master Plan. The next Steering Committee meeting is scheduled for Jan. 31st, 1 p.m., at the Riverview Launch.
- There are mainly two groups involved with the Master Plan update: The Kalamazoo River Watershed Steering Committee, which is funded through the DEQ. The other group's focus is the green overlay for the Vermeullen property.
- Mr. Keto stated that he will probably attend the public meetings. He is also concerned that Kleinstuck Preserve does not have a natural features overlay. The overlay was added to the Asylum Lake property and the Vermeullen property.
- The consensus from the Council was that salinization of Asylum Lake and storm water run-off into the lake are the main concerns to bring up at the public meetings at this point.

b. Dogs off Leash.

- Mr. Keto advised there have been several comments/complaints about this issue. Animal Control and WMU police were briefly involved in the past. It's a hike for WMU police to patrol the Preserve and it is not an efficient use of personnel.
- A sign was placed at the Preserve stating that Animal Control would pass through and give tickets to those in violation of the leash law.
- Mr. Strazdas mentioned that the more complaints (police reports) there are on the WMU Police database, the more likely they are to do something.
- It was suggested that the WMU Police Department should be made aware of the issue first. Signs with contact information for the Police Department and the procedure to be followed could be placed in the Preserve. People could report concerns directly to the Police Department and fill out a report. If numerous reports have been received, that could be addressed with the Police Department.
- **Ms. Holmes moved to create a sign advising people of the procedure to follow to report dogs off-leash in the Preserve. The motion died for lack of support.**
- Ms. Andress volunteered to do a prototype of a sign to be placed in the Preserve. Further discussion will take place after the proposed sign is created.

VII. PROJECT/SPECIAL COMMITTEE REPORTS.

- Mr. McNellis advised that the contract for the trail project in the Asylum Lake Preserve has not been signed by Prein and Newhof at this point. The check is in the mail, it was sent before the holidays. The Council received \$5,000 to hire an engineer for the first project.
- Mr. Hampton suggested reviewing with Prein and Newhof the specifics of what they have been hired to do at the Preserve, which might not have been clear in the Request for Proposals.

VIII. PUBLIC COMMENTS.

- Mr. Kreuzer suggested putting the proposed signs pertaining to leash laws at the junction where the trails merge and where the bridge is, in addition to having them at the entrances to the Preserve.

IX. COUNCIL/STAFF COMMENTS.

- Ms. Holmes mentioned that someone shoveled snow from the steps at the Winchell entrance to the Preserve, which was much appreciated. Ms. Andress advised that she shoveled the steps.

X. ADJOURNMENT.

- The meeting adjourned at 8:52 p.m.