

**ASYLUM LAKE POLICY
AND MANAGEMENT COUNCIL
Minutes
May 10, 2018**

Kalamazoo College Fieldhouse, Hornet Suite
1600 West Michigan Ave.

Present: Duane Hampton, Chair; Tyler Bassett; Kay Chase; Arthur Falk; Mark Frever; Lauri Holmes; Steve Keto; Steve Kohler; Sarah Larson; Paul Manstrom; Paul Scott; Pete Strazdas; Marine Turnham

Excused: Jay Emerson

Guests: Delaney Adams, Paul MacNellis, Phil Micklin, Dave Nesius,

I. CALL TO ORDER.

- Mr. Hampton called the meeting to order at 7:00 p.m.

II. ROLL CALL.

- Mr. Hampton completed roll call and determined that the aforementioned members were present.

III. ADOPTION OF MAY 10, 2018 AGENDA.

- Add phragmites spray renewal under new business.
- **Mr Strazdas, supported by Mr. Falk, moved approval of the amended ALPMC Agenda. With a voice vote, the motion carried unanimously.**

IV. APPROVAL OF THE FEBRUARY 8, 2018 MEETING MINUTES.

- There were no changes to the Minutes.
- **The February 8, 2018 ALPMC Minutes were approved by unanimous voice vote.**

V. OLD BUSINESS.

a. Governing Documents Revision.

- The Campus Planning and Finance Council has not appointed a representative to the ALPMC. They will vote next Tuesday as to whether or not they will be sending a representative to the Council. The College of Arts and Sciences also needs to appoint a representative to ALMPC.
- If neither of those entities is willing to appoint a representative, Mr. Hampton suggested the possibility of opening an application process to campus faculty and staff.
- Mr. Strazdas suggested that if the Campus Planning and Finance Council does not appoint a representative to ALPMC, maybe the bylaws should be adjusted to include faculty from a broader forum. The original focus was to have faculty representatives from WMU and that should continue to be the goal.
- Ms. Chase inquired if the Faculty Senate could solicit members from among the faculty. The bylaws name a certain number of university units and a certain number of public units (community members). There is supposed to be a specific ratio among the ALMPC members. Mr. MacNellis mentioned that the composition of the Council was created on the idea that there is a constituency behind each seat.
- Mr. Bassett suggested the possibility of changing the wording in the bylaws from "Campus Planning and Finance Council" to "a member of the WMU faculty solicited by this Council."

- The current bylaws state that there should be eight representatives from WMU and six people from the community. Some of the community entities have been struggling to find representatives as well. Mr. Hampton suggested that if the bylaws are changed to include a broader group of WMU employees as possible Council members, a broader group of community members might also be considered.
- Mr. Kohler inquired if the Council is still looking for a replacement for Charles Ide from the Environmental Institute for Sustainability, (formerly known as Environmental Studies). Mr. Hampton indicated that a representative will likely be appointed from that group. The Campus Planning and Finance Council does not see a need to appoint a representative to ALPMC. Dave Lemberg had previously served as representative from that group.
- Mr. Strazdas mentioned that the Faculty Senate selects the Council. The Council can't select someone else, it would have to go back to the Faculty Senate. He emphasized the importance of having a representative from the Campus Planning and Finance Council on the Asylum Lake Policy and Management Council. If they are not able to provide a representative, he suggested rewording the bylaws to state that the Faculty Senate appoint a representative from the faculty as a back-up plan.
- Mr. Hampton suggested the possibility of having a back-up plan for the six community members. Ms. Holmes indicated that each of the community members could be responsible for having their own back-up plans. Ms. Chase concurred. The bylaws subcommittee has not yet reached a decision as to how this will be worded in the bylaws.

b. Crime, unleashed dogs & dog poop at ALP.

- Ms. Holmes recently observed someone walking their dog off-leash in the Preserve. She informed them that the dog should be kept on a leash but the person was not receptive to the information.
- Mr. Keto advised that he has not seen the final version of the sign that was proposed regarding the leash laws in the Preserve. The Stewards of Kleinstuck have a sign and it might be possible to reword that one for use at Asylum Lake. The signs in the Asylum Lake Preserve are supposed to refer to WMU ordinances but stickers with corrected wording have been removed. He will take pictures of the current signs and the Council can provide suggestions for updates/rewording.
- Mr. Strazdas followed up with WMU Police Chief Merlo regarding the phone number to be used on the sign. Chief Merlo advised that other agencies will not respond regarding WMU properties; the WMU Police number should be on the signs.
- Chief Merlo advised in an e-mail that his officers have spent more time at the Preserve in recent months due to the increase in car larcenies. The larcenies have decreased as a result of the increased patrols. Two recent car larcenies involved purses that were visible in the vehicles.
- There have been similar incidents on the Drake Road corridor that the KCSD is investigating. There are pictures of a recent suspect using stolen credit cards a few minutes after the theft but the suspect has not been located.
- Officers have been concentrating more on the thefts than on dog issues. Officers have been advised to pay more attention to dog issues now that the weather is warmer.
- Officers will make contact with owners who have dogs off-leash to inform them of the ordinance. Officers will not be writing tickets as a practice but only at times when they are met with resistance. The owner would also be banned from the property if this were to occur. Animal Control would normally be involved only when the dogs are vicious to humans or other dogs.
- The leash rule is a State law, it is not just for the Asylum Lake Preserve, but it is rarely enforced in any jurisdiction.

- An officer recently observed over ten dog walkers at the Preserve and they all had their dogs on-leash.
- Mr. Hampton introduced Delaney Adams to discuss her proposal for dealing with dog poop in the Preserve. Ms. Adams worked on this proposal as part of her Appropriate Technology and Sustainability course at WMU.
- Dog waste can present issues such as parasites, bacteria and Parvo virus, etc. for other dogs. The longer the dog waste sits, the worse the diseases become and then the contamination runs into the watershed.
- Dog waste stations can be removed. Installation of the dog waste stations follows the three main goals of the Council. They would promote eco-system integrity and natural esthetics (removal of dog waste from the Preserve) and support passive recreation and it supports research and education on dog waste and prevention of diseases that it can cause.
- The dog waste stations are \$199.99 each. They come with 200 dog waste bags and 50 can liners per station. They can be ordered at dogwastedepot.com. Additional dog waste bags can be ordered at a cost of \$39.99 for 2,000 bags. Sam's Club carries recycled can liners for \$49.43 for 500-count, 16 gallon bags. She will provide the finalized proposal to the Council, which contains more details.
- Ms. Adams marked areas at Asylum Lake Preserve where she found piles of dog waste. Many of them were near the Drake Rd. entrance and along the field lines. People tend to push the dog waste off of the trail and into the brush. Because it is hidden in the brush, there might be more piles of dog waste than we realize, which could create a concern for the watershed.
- The University of Rhode Island has implemented dog waste stations and encouraged the community to do so too.
- There are dog waste bags and trash cans at the entrances to the Preserve but the people Ms. Adams surveyed did not want to carry the bags of dog waste around while they were on the trail. She is proposing to put the dog waste stations along the trails to provide a more appropriate way to dispose of the waste.
- The dog waste will still wind up in a landfill but that is a controlled environment, which should be in an area that is away from a watershed.
- Mr. Hampton mentioned that when the new well was drilled, the driller used a spray can to mark where the piles were. There were a numerous piles of dog waste near Cherry Lane.
- The Research and Education Committee will evaluate Ms. Adams' proposal.
- Mr. Strazdas mentioned that the Portage bikeway/trailway system had similar waste stations years ago. He didn't have data that would indicate how effective that was but it seems intuitive that people would use the bags and dog waste stations if they were close by. He inquired as to who would empty the bins.
- Mr. Keto advised that personnel from the Landscape Services Department are already being paid to take care of things along the trail. Mr. Frever advised that the wages are \$54 per hour for general labor and \$65 for construction workers. There is no system in place that would allow for students to be sent out to do that work.
- Ms. Adams suggested having two or three dog waste stations along the trails and then determine out how well they are working before investing more money in this project.

VI. NEW BUSINESS.

a. Vermeulen Property.

- Mr. Keto stated that there are two things going on simultaneously: 1. Meetings to discuss the natural features overlay to be applied city-wide. 2. Meetings to discuss the Vermeulen Property and the Drake Rd./Stadium Dr. intersection. When there is a determination as to what will be

done to protect the Vermeulen property, some of those details might be used in the natural features overlay that will be applied city-wide.

- Mr. Bassett advised that the developer for the Vermeulen property is looking at a four-acre footprint for the primary use on the property. The main use will include a car wash, car detailing and oil changes. There is concern as to where the soap and oil will wind up. There were assurances from the developer that those things would be kept on-site and there are City ordinances which require that.
- The final site plan might include residential buildings in addition to the commercial use. The City Planners and developer are looking into a way to accommodate the shared border that is relevant to the ALPMC.
- Mr. Bassett walked along the border of the property and advised the developer what needs to be accomplished on this site. They discussed maintaining the integrity of the slope to protect water quality and maintaining the integrity of the natural community that spills over into his property and includes some of the Oak Forest.
- The property line sits on top of the slope. A 20 to 30-foot set-back would maintain some of the large trees that are on top of the slope. This would also provide a visual screen when looking from Asylum Lake toward the Vermeulen property.
- The lawyer for the developer presented three possible scenarios for the development but the final proposal might not look exactly like any of those three scenarios.
- Ms. Holmes mentioned that the Vermeulen property is still zoned residential. The developer has not gone to the Planning Commission to have the property rezoned for commercial use. Mr. Bassett stated that the developer is proceeding with proposed architectural plans but there is no guarantee that those plans will be approved. The Planning Commission would need to see a plan in order to justify the rezoning.
- The City's Master Plan shows the Vermeulen property in the commercial zone for future land use planning. The rezoning process would require public input at the Planning Commission and City Commission meetings. The Planning Commission could make a recommendation to the City Commission to approve the rezoning but the City Commission would have final approval on the rezoning.
- Mr. Hampton advised that the developer paid the \$2.5 million for the 17.35 acre Vermeulen property on the same day the Master Plan was approved.
- Mr. Strazdas mentioned that property owners within a 300 foot radius of the Vermeulen property would receive notice from the City of Kalamazoo regarding the public hearings. The Asylum Lake property is within that radius. The ALPMC members can attend the public meetings to voice their opinions. The City has the right to enforce the ordinance and advise the developer what can be done with the property.
- Ms. Holmes commented that ALPA had not been provided with minutes from the overlay meetings until she contacted the City Planner.
- Mr. Hampton mentioned that Mark Hoffman knows more about the Vermeulen property than anyone but he is not on the Council. He has a document with details about the Rudolphus Loring and Daniel McMartin house, which is still on the property. The house was built in the mid to late 1840's. The developer intends to tear it down.
- Someone at the ALPA meeting suggested asking the developer to donate the cost of demolition toward moving the house. Mr. Hampton inquired as to how the Council felt about moving the house to the Preserve. Mr. Keto was not in favor of that idea due to potential issues with vandalism, oversight, upkeep, etc.
- Mr. Hampton suggested that the house could be used as a center for education. It could help preserve and honor the history of the site. He further suggested that the house could be relocated

near the Cherry Lane entrance inside the fence. Mr. Kohler suggested the possibility of moving it next to the Gibbs House.

- Mr. Bassett referred to a clause in the Declaration of Conservation Restrictions that prohibits buildings that would be permanently attached to the land. Mr. Strazdas expressed concern about putting another building and/or parking lot on the property, which could lead to further development.
- Mr. Falk mentioned that private entities kept the water tower, maybe there are some entities who would be interested in saving the house if this issue were publicized.
- The developer had a generic plan with some landscaping details. He seems receptive to the idea of not planting invasive plants.
- The intention of the overlay meetings is to develop a framework on which future development can be based. There will be some basic rules to follow but the exact same details will not be applied to every property. The Vermeulen property will be the test case for the overlay.

b. Establishment of a Subcommittee on the ALPMC Budget (Five-Year Budget Plan).

- Mr. Hampton emphasized the need for a five-year budget plan. Mr. Larson, Mr. MacNellis, Mr. Strazdas, Mr. Bassett and Mr. Falk volunteered to be on the budget sub-committee.
- Ms. Larson advised that the ALPMC has a balance of \$91,900. June 30th is the end of the fiscal year. She is not aware of any other outstanding expenses. She suggested setting aside \$8,000 for possible outstanding expenses but the rest of the balance should be available for other uses.
- There were \$106,000 in revenues brought in this year. The expenses to date are \$35,000. \$15,000 of that is landscape work orders.
- In the past, distributions from the endowment run through the WMU Foundation from the Kalamazoo Community Foundation. The money does not have to go through the WMU Foundation, it could go directly to the ALPMC account. The endowment is growing and is current about \$2.5 million
- Ms. Chase mentioned that the ALPMC used to receive the quarterly statements from the Kalamazoo Foundation. She inquired if it would be possible to receive those again. Ms. Larson was advised by someone at the Kalamazoo Foundation that they do not provide quarterly statements for the Council but they did provide her with on-line access to view account activity.
- Mr. Hampton stated that the Council used to receive quarterly reports. It is helpful to have that information because it shows the pattern of how much money would be received each year and that helps with developing a budget. Ms. Larson did receive that information and it shows that the ALPMC has received about \$90,000 each year, for the past three years.
- Mr. Strazdas suggested looking at the spending pattern for the past five years and basing the new, five-year budget on that information. Mr. Hampton mentioned that the last five-year budget was based on management of the Preserve. He would like to see which projects are proposed for each of the next five years.

c. Can we meet June 14th with Bob Miller to discuss BTR2?

- Bob Miller was not available to attend the May meeting but he is available on June 14th. There were no objections from the Council with regard to meeting on that date.
- Mr. Strazdas suggested having Mr. Miller bring the person from OCBA who is creating the details for this development.

d. Carlson Memorial Plaque.

- Mr. Keto stated that the plaque is 3" x 5" and is similar to the other brass plaques near the spillway; this plaque would be at the other end of the spillway. There was an agreement that the

applicants would pay \$500 to the Kalamazoo Foundation to have the plaque installed. Mr. Keto will be present when the plaque is installed.

- The plaque will be placed by the spillway to honor the memory of a pet who was a frequent visitor at the Preserve.
- Mr. Strazdas expressed concern about the number of plaques that might be placed in the Preserve and the potential for issues that might arise if someone is told in the future that they can't have a plaque.
- Mr. Keto advised that, at the time the Council originally discussed the plaque, the consensus was that allowing the plaque in the Preserve would not interfere with the aesthetics or ecological integrity of the Preserve. The person requesting the plaque was also required to make a \$500 donation to the Preserve. The plaques were to be considered on a case by case basis. The Council can change their policy regarding plaques if they wish to do so.
- Mr. MacNellis mentioned that, in the past, people donated trees as memorials, along with \$2,500. Eventually, an area was created by the Oaklands where placards could be placed and donations went to the WMU arboretum fund.
- Mr. Strazdas inquired about the potential for issues if the plaques are moved to a different location in the future. Mr. Keto stated that if the Council changes their policy, the plaques can be removed and provided to the donor as a gift.
- It was suggested that the Council review their policy regarding plaques at a future meeting. The Carlson memorial was already approved and will be installed at the Preserve.

e. Box Turtle Rescue.

- Mr. Bassett stated that the development of BTR Park II will impact Box Turtles on that property. There is a group that wants to have them relocated. It might be possible to relocate the turtles to Asylum Lake Preserve, which is across the street from the new BTR park. Mr. Bassett is scheduled to meet with someone to get more details on relocating the turtles.
- Mr. Keto sent information he gathered regarding Eastern Box Turtles on WMU properties to the fisheries division of the DNR. The DNR provided information on how to apply for a permit to relocate the turtles to Asylum Lake. There is a fine for relocating turtles without a permit and potential for being arrested if permission is not granted to enter the property.
- Citizen groups have contacted Mr. Keto stating that they would like to do something to save the turtles. He is trying to make the land owners more aware of the issues.
- There is some concern that the turtles might go back across Drake Rd. if they are moved to the Preserve. There is also concern about diseases they might spread.
- It would be helpful if the Council could make a decision on whether or not to allow the turtles to be moved to the Preserve before construction starts on the BTR park or the Vermeulen property and this issue becomes more urgent.
- **Ms. Holmes, supported by Mr. Keto, moved that if it is biologically feasible and would not cause harm to do so, the Eastern Box Turtles can be moved from BTR Park II and the Vermeulen property to the Asylum Lake Preserve. The motion carried by unanimous voice vote.**
- Mr. Bassett will meet with the authority on Box Turtles Monday and inquire about the details of moving the turtles.

F. Dog Waste Bin Proposal

Refer to discussion under V. Old Business (b).

VII PROJECT/SPECIAL COMMITTEE REPORTS.

a. Trails Report.

- Mr. MacNellis talked with Prein and Newhof about improving the northeast trail from the Winchell entrance down to the lake. He also talked with them about constructing a paved parking area.
- Prein and Newhof would need \$1,550 to provide technical specification and drawings of the proposed northeast trail. They suggested that the area across from the Gibbs house would be the best location for the parking area. There is already an asphalt street in that area that extends into the Preserve.
- They would need \$4,000 to proceed with technical specs and drawings of the proposed parking lot area, for a total of \$5,550.00 for both projects. Approval was already granted to spend \$5,000, the Council would need to approve another \$550.00 to cover the cost of the technical specs and drawings.
- **Mr. MacNellis, supported by Mr. Kohler, moved approval of the additional \$550 dollars, for a total of \$5,550.00, to fund the technical specs and drawings from Prein and Newhof for the improvements to the northeast trail and the construction of a handicap-accessible, paved parking area at the Asylum Lake Preserve. (A vote was not taken on this motion.)**
- Discussion followed with regard to the bylaws and the potential for violating the bylaws again by adding another parking lot. The original intent of the bylaws was to not have no pavement because that isn't natural. However, the pavement helps prevent oil from vehicles from getting into the aquifer. The two existing parking lots have retention basins where the water collects and is treated by fungi and/or bacteria before it goes into the water table.
- Concern was expressed about allocating money for specs and drawing for a new parking lot that not all of the Council members were in favor of. It was suggested that the Parkview lot could be handicap accessible but it might have too much slope to fit that need.
- **Mr. Strazdas, supported by Mr. Bassett, moved postpone the discussion regarding funding for the trail improvements and additional parking. With a voice vote, the motion carried unanimously.**
- It was suggested that someone should contact Prein and Newhof to let them know that the decision was postponed.
- Discussion followed with regard to the possibility of approving the improvements to the trail and postponing the decision regarding the parking lot.
- Mr. MacNellis mentioned that Prein and Newhoff is proposing to use crushed concrete on the Winchell trail, 22 double A, which is standard.
- **Mr. Kohler, supported by Mr. Falk, moved to allocate \$1,550 to Prein and Newhoff to provide technical specs and drawings for improvements to the Northeast trail at Asylum Lake Preserve. The motion carried by majority vote. There was one dissenting vote.**

VIII. PUBLIC COMMENTS.

- Mr. Falk advised that Hamilton Helicopters sprayed for Phragmites last fall with authorization from WMU. He renewed the permit so the spraying can be done again. He suggested having an assessment to determine how effective the treatment was.
- Mr. Keto suggested talking with Mr. Emerson regarding the Phragmites. He has a student working on doing a light signature to figure out density/population. Theoretically, the assessment could be done in mid to late summer and the spraying could be done during that window of opportunity.
- It was suggested that this topic could be added to the June agenda because a decision will need to be made before the Council meets again in September.

IX. COUNCIL/STAFF COMMENTS.

a. Start of Geoscience Field Course at Preserve.

- Mr. Keto advised that the well has been approved and classes have started. The mowing pattern has also started for the class.

b. Preserve Fence.

- A vehicle hit a section of fence on the corner of Drake and Parkview. Someone advised Mr. Keto that it would be the responsibility of the Council to have the fence repaired/replaced. The university has no interest in repairing the fence by Asylum Lake.
- Mr. Strazdas mentioned that the University is part of a self-insurance pool. As a result of the unfortunate incidents that occurred recently at Michigan State University, other members in the pool are not seeing money coming back from the self-insurance funds. The landscape crew can put the fence back up if the Council makes that request.
- Mr. Hampton suggested postponing this decision until the next meeting. It might be possible to install a better quality fence or remove the fence. It takes a lot of man hours and herbicides to maintain the fence line.

c. City Tree move to Drake Lot.

- The City decided to move a tree from the boulevard where the turn-around lane will be constructed and more trees will be removed. It is unclear as to why the City decided to move that particular tree but they paid for the removal and the tree has been replanted at the corner of the Drake Road lot.

X. ADJOURNMENT.

The meeting adjourned at 9:20 p.m.