

ASYLUM LAKE POLICY AND MANAGEMENT COUNCIL

Minutes

November 8 2018

ROTC and Campus Services Building break room
WMU East Campus, 1201 Oliver Street

Members Present: Duane Hampton, Chair; Tyler Bassett; Kay Chase; Mark Frever; Steve Kohler; Dave Lemberg; James Penner; Paul Scott; Pete Strazdas; Marnie Twynham

Absent: Lauri Holmes; Sarah Larsen; Steve Keto; Paul Manstrom; Arthur Falk

Guests: Paul MacNellis

I. CALL TO ORDER AND ROLL CALL.

- Mr. Hampton called the meeting to order at 7:00 p.m.
- The aforementioned members were in attendance and a quorum was present.
- Ms. Larsen will be on maternity leave until mid-January, she provided a financial statement for the Council.
- Other personnel at Facilities Management will continue to process the expenses and balance sheets until Ms. Larsen returns.

II. ADOPTION OF THE NOVEMBER 8, 2018 AGENDA.

- There were no changes to the Agenda.
- **Mr. Strazdas, supported by Mr. Bassett, moved approval of the November 8, 2018 agenda as presented. With a voice vote, the motion carried unanimously.**

III. APPROVAL OF THE OCTOBER 11, 2018 MEETING MINUTES

- The following changes were requested: Page 3 "Keyser" should be spelled "Kieser". Page 1, Mr. MacNellis is a guest rather than a member. Page 3 Nathan's last name is Sheffers. Page 2, first bullet point, ALPA doesn't have property, they just have an interest in the preserve. Page 2, under D, second bullet point, additional language has been proposed to clarify the Council Secretary position. Fifth bullet point, the Natural Areas Manager is not mentioned in the original bylaws. That seat that was originally designated for the Physical Plant. Insert "proposed" before "bylaws." Page 3, item 6 first bullet point, the Research and Education "Subcommittee" is the "Review Panel". Last page, under 8, insert "road" before salt. Bourneman should be Borneman (no "u"). Wildtypes should be "Wildtype" (no "s").
- **Mr. Scott, supported by Mr. Strazdas, moved approval of the October Minutes as amended. The motion carried by unanimous voice vote.**

IV. OLD BUSINESS

a. Planned burn.

- Mr. Frever will advise Mr. Borneman's office that the Council is counting on them to take care of the permit.

b. Governing documents revision.

- The subcommittee will determine a date to meet next week.

c. Vermeulen property discussion.

- Discussion followed with regard to a proposed statement from the Council to the Planning Commission regarding the rezoning of the Vermeulen property.
- It is uncertain at this point as to whether the public hearing at the Planning Commission might take place in December or January.
- Mr. Bassett and Mr. Scott attended the meeting with the landscape architect and civil engineer hired by Mr. Tehrani. Information proposed for the site plan was reviewed and concerns were addressed. The car wash will be constructed where the Vermeulen house is currently located.
- Modifications will be made to the existing storm water system at the far, east end of the Vermeulen property by the Stadium Drive Apartments. Storm water has eroded the bank. The septic system by the lake will be rerouted.

- Mr. Tehrani purchased the property under the assumption it would be rezoned. He is also talking about having housing, a restaurant and a retail development for that site.
- One of the entrances to the development is proposed for the far, east end of the property near an existing traffic light. A second entrance is proposed for a location closer to Drake Rd.
- They still need a traffic study. It is unlikely that MDOT (Michigan Department of Transportation) will allow additional curb cuts on Stadium Drive.
- Mr. Strazdas mentioned that there are more restrictions with the rezoning than the site plan. He inquired as to when the Natural Features Protection Overlay will be done. There are zoning rules associated with the overlay. Mr. Bassett stated that the overlay would provide guidelines rather than rules.
- The mock-up plan showed a buffer. They don't intend to cut down trees if they don't have to. The site plan review process deals with the trees; the biggest issue is sanitary and storm water.
- Extensive, on-site storm water management is part of the plan. An underground chamber system with a regulated release into bio-swales was described.
- Mr. Scott stated that the bio-swale is the second biggest area of land that will not be developed on that site. Storm water is dumping into that area now, it will treat all water from the parking lot and all storm water on site.
- Mr. Strazdas inquired as to what extent the proposed storm water system is designed for a 50-year event or 100-year event, which would overflow the on-site storm water system.
- It was suggested that John Paquin and the City's Engineering Department might be able to provide more information. It is important to make sure the storm water doesn't have a negative impact on Asylum Lake.
- It was also suggested that City staff could be invited to an ALPMC meeting or lunch meeting. It is important to advocate for Asylum Lake and make sure the regulations are followed. It would also be helpful if someone from the Council did site inspections.
- The overlay would start at the top of the slope, which is about 150 feet from Asylum Lake. Mr. Scott did not have details regarding the location of the parking. According to the proposed plan, the apartments and restaurant would be closest to the lake but behind the tree line.
- Mr. Strazdas stated that first step is to have the property rezoned and then the developer will request site plan approval. The final site plan could look different than what is currently proposed. The rezoning and the site plan are two separate processes.
- Mr. Scott mentioned that twenty percent of the property has to be green space. The developer appears to be following advice from the Natural Features Protection Overlay Committee. There is some question about the slope of the Vermeulen property down to Asylum Lake Preserve but Diana Morton-Thompson is following up with that. The natural features and the swale meet the twenty percent green space requirement.
- The WMU Foundation board owns the property (former trailer park) across Drake Road to the west of the Vermeulen property; WMU doesn't own that land. The goal of the Foundation is to raise funds for WMU. Mr. Scott advised that there was a Foundation representative at the meeting.
- Mr. MacNellis will schedule a meeting with the storm water group for the City. He is still active in the TMDL (Total Mass Discharge Load) structure for storm water in the County of Kalamazoo. Mr. Hampton and Mr. Scott also volunteered to attend the meeting. The goal is to understand what the regulations are and to protect Asylum Lake.
- Mr. Hampton mentioned that a proposed Statement of Concern from the Council regarding development of the Vermeulen property needs to be reviewed and approved. Mr. Strazdas cautioned against offering advice that might result in liability issues for the Council. The Council is not an advisory group to property owners.
- Referring to the proposed Statement of Concern from the Council, Mr. MacNellis advised that the Council was established in 2004 not 1998. The focus group was established in 1998. He suggested eliminating the reference to 2004 in the next sentence.
- Mr. Strazdas suggested that the Statement should be addressed to the City of Kalamazoo Planning Department, Planning Commission and City Commission. Or, a copy of the Statement should be forwarded to each of those entities.
- The revised Statement of Concern reads as follows: To: City Planning Department; From: Asylum Lake Planning and Management Council; Re: Impact of the development of the former Vermeulen property; Date: November 9, 2018. The Asylum Lake Planning and Management Council ("the Council") was established in 2004 as a partnership between Western Michigan University and several community stakeholders invested in the

future of the Asylum Lake Preserve (“the Preserve”). The Council was formally charged by the WMU Board of Trustees with carrying out a set of Conservation Restrictions, namely to keep the Preserve as "an asset to the greater Kalamazoo community, to promote ecosystem integrity and natural aesthetics.”

As stewards of this natural area, the Council is concerned about the potential impact of the intended development at the northwest corner of the Preserve and on its ecosystems, including: 1) Asylum Lake itself, and associated water quality and biological diversity, 2) the old, large diameter trees at the top of the slope on the lake's north side, and associated biological diversity, and 3) overall, the diversity of animal and plant populations living throughout the Preserve.

The Council has members who are experts in the environment and would be happy to freely provide information as the development evolves. Some of these members have served on the advisory committee to the city planners, and hope to continue to be involved as the review of the development goes forward. We urge that the City Planning Department, the Planning Commission and the City Commission take all possible means to minimize the impacts of development on the ecosystem integrity and natural aesthetics of the Preserve.

- **Mr. Bassett, supported by Mr. Scott, moved approval of the revised version of the Statement of Concern and revised method of delivery. With a voice vote, the motion carried unanimously.**

V. NEW BUSINESS

a. Next Meeting.

- It was suggested that the Hornets Suite at Kalamazoo College could be reserved for the January 10th meeting.

b. Elections.

- The Bylaws state that the Council should have an election every two years. Mr. Strazdas nominated Mr. Hampton for Chair of the ALPMC. Mr. Hampton nominated Ms. Holmes as the Vice Chair of the ALPMC. Ms. Chase volunteered to serve as the Council Secretary. Nominations can be made until the January 10th meeting.

VI. PROJECT/SPECIAL COMMITTEE REPORTS:

a. Research and Education Review Panel

- Mr. Kohler received a proposal to take photographs at the Asylum Lake Preserve using a drone; Mr. Hampton responded to the individual who submitted the proposal. The drone was used Saturday to take 24 meg and 13 meg pictures of Asylum Lake and the fall foliage in the Preserve. The pictures are on Google docs.
- Mr Strazdas suggested getting data sets of the Preserve to be able to do a comparative analysis. One of the photos shows both lakes and could possibly be used on the ALPMC Facebook page.
- There is another drone proposal to be done in conjunction with another deer survey. Twenty deer were located in the Preserve during the last survey.
- Mr. Hampton stated that the Council would fund the dog poop proposal; it would not be funded by the student who proposed it. That proposal is still up for review by the Panel. The Council can assign someone to proceed with the proposal.
- Mr. Strazdas inquired if the Council would buy the supplies and get volunteers to pick them up. He questioned if the bags would be thrown around in the Preserve. Mr. MacNellis mentioned that bags of dog poop have been found off to the side of the trail at Kleinstuck Preserve, but there were not many of them. It appears that people are already using the bags. Ms. Twynham mentioned that the dog poop issue was worse years ago.
- Mr. Bassett suggested getting more information and adding this proposal to the next ALPMC agenda.

b. Trails and Spillway Culvert Repair

- The Trails Sub-Committee received two bids through Prein & Newhof. The proposal from Cripps Fountain Excavating was \$6,600 and change. The other proposal was from Lounsbury Excavating for \$3,800.
- Some of the stones from the retaining wall are in the creek. A DEQ permit would be required to retrieve the stones from the creek. New stones will be purchased and installed. The Council approved \$8,000 for this project.
- Tom Wheat from Prein and Newhof will talk with WMU about contractual things that need to be done. Mr. Frever is facilitating this project.

c. Budget Subcommittee

- Mr. Bassett provided a handout regarding the Budget Subcommittee meeting. The Subcommittee favors a pot of money to distribute among the three existing subcommittees: Ecological Management Subcommittee, Trails Subcommittee and the Signs Subcommittee.
- The Subcommittee suggested setting aside a little more than what is currently being spent in order to provide some flexibility. Discussions about funding could be dealt more efficiently by the Subcommittees and then brought to the Council for final approval.
- There is \$90,000 annually in the account for the Council to spend. \$43,000 would be provided to ongoing projects. The remaining funds would be available for special projects such as the dog poop proposal or trails projects, etc. \$15,000 was allotted for ecological management such as ongoing management of woody species by Wildtype and prescribed burns by Mr. Borneman. \$3,000 was allotted for plans and development (not construction) of trail projects. \$2,000 was allotted for the ALPMC Recording Secretary, \$20,000 for Facilities Management and \$3,000 for miscellaneous items such as Port-O-Johns to be used in the Preserve.
- Mr. Strazdas stated that \$43,000 is the average spent each year and that will provide the Subcommittees with a budget. Each of the expenses should be approved by the Council. The budget would be voted on first and then the expenses. Details of the expenditures would be formalized in the minutes. Receipts/invoices would be forwarded to Sarah.
- Mr. Hampton was in favor of spending the remaining \$47,000 on trail improvements and ecological restoration rather than holding money back for another year.
- Mr. Strazdas suggested doing master planning for larger projects and then deciding which items to do and what year they would be done. The Council could create a list of visionary projects they would like to complete.
- It would be helpful to bring data regarding aerial photography, water composition, etc. up to date in case the proposed development has a negative impact on Asylum Lake. It might be advisable to hire someone to collect data and do a trend analysis.
- Ms. Chase mentioned that the Ecological and Management Subcommittee could review the Management Plan, which is old and needs to be updated (every five years according to the Framework). That would be source of some of the visionary ideas that are needed.
- Kieser and Associates did a four-season study of the lake in 2008. Mr. Kohler's class will probably be collecting data every year starting in 2018. The data can be posted on the ALPMC website.
- Mr. Hampton will follow up with Tara Kneeshaw to find out what data her class has from past summers.
- Mr. MacNellis mentioned that monitoring wells exist from when the BTR park was developed. There is equipment in each of those wells to allow water to be drawn from the bottom of the wells. He inquired if anyone is still taking data from those wells, which date back to the year 2000.
- Mr. Hampton told about Dr. Jay Means who received funds to monitor what was going on at the BTR site years ago, but the work was not done. Mr. MacNellis has approximately 900 megabytes of data regarding salinity and iron, etc. from those wells.
- **Mr. Strazdas, supported by Mr. Kohler, moved to have the ALPMC receive and approve the Budget Report from the Budget Subcommittee for 2019. With a voice vote, the motion carried unanimously.**

VII. PUBLIC COMMENTS:

None

VIII. COUNCIL/STAFF COMMENTS:

None

IX. ADJOURNMENT.

The meeting adjourned at 8:23 p.m.