ASYLUM LAKE POLICY AND MANAGEMENT COUNCIL
Minutes
March 14, 2019

Arcus Center for Social Justice Leadership at Kalamazoo College
205 Monroe St., Kalamazoo, MI 49006

Present: Duane Hampton, Chair; Bonnie Alkema; Tyler Bassett; Paul Manstrom; Pete Strazdas; Lauri Holmes; Steve Kohler; Marnie Twynham; Paul Scott

Excused: Mark Frever; David Lemberg; James Penner

Guests: David Briggs; Kay Chase; Judy Huxmann; John Kreuzer; Paul MacNellis; Phil Micklin

I. CALL TO ORDER AND ROLL CALL.
- Mr. Hampton called the meeting to order at 7 p.m.

II. ADOPTION OF MARCH 14, 2019 AGENDA.
- There were no changes to the agenda.

III. EDITING AND APPROVAL OF FEBRUARY 21, 2019 MINUTES.
- Page 2d, second bullet point, review board should be advisory board.

IV. OLD BUSINESS.

a. Update on memorial for Arthur Falk at the Preserve.
- Mr. MacNellis recommended a Chinquapin Oak, which is native to North America, to plant as part of the memorial for Arthur Falk. Also, this type of tree is good at carbon sequestering.
- It was suggested that the tree could be planted near the Parkview entrance to the Asylum Lake Preserve. Ms. Chase suggested that the Oak could be planted in a location where it will be dominant when the Norway Maple is gone. Mr. MacNellis stated that the Chinquapin Oak should be planted in the open. It is not shade tolerant like the Maple it prefers open space.
- Mr. Strazdas, supported by Ms. Holmes, moved to accept Mr. MacNellis’ suggestion to plant the Chinquapin Oak as part of the memorial to Arthur Falk. Mr. MacNellis will assist the Landscape Services crew with locating the tree. The landscape service crew will consult with an arborist to find the best species. The landscape services crew will transport and plant the tree. With a voice vote, the motion carried unanimously.
- Mr. MacNellis stated that the tree has already been ordered; it will be approximately 2” in diameter. He is working with Steve Keto and Nick Gouch, a Horticulturalist with Landscape Services.
- Ms. Holmes requested updates so that a gathering can be planned to coordinate with the tree planting. Ms. Alkema will provide updates to Nancy Falk.

b. Planned 1 acre marsh burn.
- The burn permit has been approved. The burn notice has been posted on the bulletin board at the Asylum Lake Preserve.

c. Proposals for prairie burns.
- Mr. MacNellis solicited burn proposals from David Borneman and David Mindell. Mr. Mindell has done burns on the University of Michigan campus near some of their buildings. More information is available on their websites.
- The quote from Mr. Mindell was $2,100; the quote from Mr. Borneman was over $4,000. The Council would like to have the burn this spring, hopefully, before May 31st to deal with the Phragmites. Would it be possible to get another 29 acres burned this spring? Will there need to be an RFP and a bid for that work?
- Mr. Strazdas stated that this dollar amount can be single source with good rationale. If there are multiple bids, the process is to get someone from the Council to work with Landscape Services to write a bid specification, which would go out as a sealed bid. The committee would qualify the low bidder.
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- If the committee is assigned to write the specifications and bid out the project, it would be about two months before a purchase order could be obtained. If a committee is formed this summer or fall, the bid specifications can be provided to the Purchasing Department and sent to all of the six or seven qualified contractors.

- **Mr. Strazda, supported by Mr. Bassett, moved to proceed with a three-year contract for the burn contractor.** A voting member of the Council or other qualified person will work with the Landscape Services Department to write the specifications and bring them back to the Council. That boiler plate document will be used every three years when it is time to renew the contract with the burn contractor. With a voice vote, the motion carried unanimously.

- Mr. Hampton suggested that Mr. MacNellis could be the contact person from the Council to work with Landscape Services.

- Ms. Alkema mentioned that the Parkview Hills Neighborhood Association partnered with ALPMC when the last burn was scheduled. She suggested that the Neighborhood Association could partner with ALPMC again for future burns. She questioned if the arrangement resulted in a better deal. Mr. Hampton advised that the cooperative effort made the burn possible.

- Discussion followed regarding which contractor to use for the burn. Mr. Bassett suggested having one big rather than multiple, smaller ones.

- Ms. Holmes inquired if there is a difference in the quality of the companies who do the burns that would merit the difference in price. The general consensus was that both companies were equally qualified to do the work. Mr. Hampton suggested working with Mr. Borneman again because his company has established a good working relationship with the Council.

- Mr. MacNellis stated that Mr. Borneman doesn’t usually burn on this side of the state and that might be why his price is higher.

- It was suggested that the Council take the cheaper bid. There is value in finding out if the other contractor also does a good job. There is no guarantee that the Council would stay with Mr. Borneman’s company through the sealed bid process.

- **Mr. Bassett, supported by Mr. Strazdas, moved to hire PlantWise to do the upcoming burn at Asylum Lake Preserve.** Steve Keto will be the point person from Landscape Services to work with the contractor. With a voice vote, the motion carried by a majority vote. Mr. Hampton was the only dissenting vote.

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f. **BTR2 update.**

- Mr. Strazdas stated that the bid process is finished for the infrastructure work in BTR2. The low qualified bidder is going through the state and federal government review process because there was over $200,000 in grant money. That review process could take as little as one week and up to a month and a half. Then it will proceed to the Purchasing Department to issue the contract. Bob Miller will likely be in charge of the media release.

- Barb Vader will communicate with the Chair when the Burn Boss is ready to proceed. There will be a media release to let the public know about the burn. The orchard trees will be burned on site due to contamination with fire blight and apple scald. A date has not been set for the tree burn but there will be a press release to help eliminate calls from concerned citizens trying to report a possible house fire.

- Ms. Holmes inquired about the fate of the trees in the Drake Road median near BTR2 and the Asylum Lake Preserve. Mr. MacNellis has design and maintenance standards and a map of the layout for BTR2 from the Advisory Council. He offered to e-mail a PDF of those documents to anyone on the Council who requests them. Turns in Drake Road will be done without disturbing the trees in the median.

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g. **Monthly budget statement for ALP.**

- Copies were provided of the financial statement for the past month, along with work orders showing what has been done in the Preserve.

- The Council would like to have quarterly statements from the Kalamazoo Community Foundation to show the ongoing balance and how well the investments have been made. Sarah Larsen has been in communication with the Foundation. Mr. Strazdas will try to get a report for the next meeting.

- Ms. Chase mentioned that the Council used to get a quarterly report showing money available for grant making; it would be helpful to have that information.
h. Water quality data for Asylum Lake.

- Mr. Kohler advised that he hasn’t purchased any equipment yet in conjunction with testing the water quality in Asylum Lake. He will start purchasing the necessary items after the temperature is around 40 degrees for a few days.
- Receipts should be provided for any purchases associated with this project. Mr. Strazdas will provide the receipts to Ms. Larsen so she can proceed with the transfer of funds.

i. Wildtype proposed winter makeup work emergency $20,000.

- Mr. Bassett will communicate with Mr. Keto regarding details of the work. Mr. Keto informed Mr. Hampton that the Landscape Services crew is prepared to proceed with the work as soon as they receive notice to do so.
- Mr. Frever was not available to attend the March ALPMC meeting to provide an update.

c. Former Vermeulen property discussion.

- The Letter of Concern from the Council regarding the proposed development on the former Vermeulen property was forwarded to the Planning Staff. Mr. Hampton received a call from Jamie McCarthy, the Development Project Coordinator, for the City of Kalamazoo, to discuss the letter.
- He explained that the Council is concerned that Asylum Lake will be a dead urban lake due to run-off with road salt. The NFP Overlay will not keep that from happening.
- She suggested using beet juice on the roads for snow and ice control, which reduces the need for road salt. They concluded that they do not have the magic formula for resolving the issue of road salt contamination in the local lakes and streams.
- Mr. Hampton explained that the Council is also concerned about potential light and noise pollution from the proposed development and other potential impacts on the Preserve. Ms. McCarthy will look at examples of other NFP overlays to find out what other municipalities have done.
- Ms. Holmes inquired if the NFP Overlay would be updated to provide more protection for Preserves. Mr. Bassett stated that phase 2 of the NFP Overlay process is the research phase. The overlay can be amended at that point but the initial version needs to be approved in six months to meet the deadline in the moratorium. Additional changes would encumber the process at this point. Part of phase 2 will include designating specific areas.
- Ms. Alkema commented that the NFP Overlay covers trees, wetlands, water resources, etc., which are pieces of a preserve. When the land becomes a Preserve, it has more needs than just the individual pieces. Mr. MacNellis advised that Erin Fuller, the Chairperson of the Stewards of Kleinsteck, is also drafting a letter of concern. Comments and concerns can be discussed at the public meetings regarding the Overlay.
- A Preserve is not just somebody’s back yard; a lot of money is being spent to maintain the Preserves. A Preserve might have ten natural features rather than just one.
- The second draft of the NFP Overlay should be available for review on March 15th. There has been discussion over the past year about getting the NFP Overlay process activated and now they are speeding it up. Ms. Holmes expressed concern that the developer could start developing in the meantime. The Council is charged with protecting the Asylum Lake Preserve but the Overlay as currently proposed won’t protect the Preserve. Mr. Strazdas suggested pushing to get Phase 2 started since the end of the moratorium is near.
- The developer would have to apply for rezoning of the former Vermeulen property when the NFP Overlay is in place. Whether or not the property is rezoned, he would have to follow the steps in the NFP Overlay process. That would include public hearings at the Planning Commission and the City Commission meetings. The proposed development would also have to go through the site plan review process. The public can contact City Commissioners and/or Planning Commissioners to state their concerns.
- If a parcel intersects with the NFP Overlay, the property owner would still have to follow the overlay process, which would include the NFP Overlay Review Board and the Planning Commission, etc. If there is public resistance regarding a project that is on the agenda, the Planning Commission can delay the development process to review concerns.
- The NFP Overlay Review Board will have seven board members. Six of them will have expertise in each of the six categories included in the overlay. The Review Board will determine if the proposed development conforms to the NFP Overlay or not. They don’t vote to approve the project, they advise the Site Plan Review Board.
- Five or six of the ALPMC members are also on the NFP Overlay Committee. The NFP Overlay Committee advises the City Planners but the Planners don’t have to take the advice that is offered. Seven of the people on the Review Board will be appointed by the Mayor.
d. Asylum Lake Policy and Management Council Letterhead.

- Because the ALPMC membership changes, Ms. Chase suggested that the letterhead not be sent to a printing company. The Council does not belong to WMU so they can’t use the University’s address; there needs to be a decision about which address to use.
- Mr. Strazdas and Mr. Hampton will follow up with Jan Van Der Kley to determine if a block “W” should be used in the letterhead. The icon is not an issue, just the “W.” If the Council is part of WMU, they should use the brand. Mr. Strazdas suggested that the address should be the same as the one used by Landscape Services.

e. Discussion of the two edited governing documents.

- The following comments and changes were made regarding the Management Framework:
- Page 1, Section 1, used to state that the documents are available at the Environmental Institute website, which no longer exists. It now states that the documents are available at the WMU Asylum Lake website.
- Page 2, Section 3, at the time the document was written, the Kalamazoo Nature Center study contained the description of the conditions. A sentence was added to state that updates regarding the conditions will be posted on the Asylum Lake website.
- At the bottom of page 3, the additional terms for individual voting members was increased from two years to four years. This change was made to help keep expertise on the Council. If there is no suitable replacement for a member after five consecutive terms or where the expertise of a member is considered essential to the Council, additional terms can be approved by the Vice President of Finance upon recommendation of the Council.
- The Environmental Institute no longer exists. It is now the Institute of the Environment and Sustainability. The Physical Plant is now called Facilities Management. The Natural Areas Manager is now ex-officio (non-voting) to help eliminate any conflict of interest that might occur when a vote is taken and, therefore, encourage that person to attend the Council meetings. There is still a Natural Areas Manager but the work load is spread out. The Council would like to maintain direct contact with the Natural Areas Manager.
- Mr. Strazdas commented that most organizations have an ex-officio as a “doer.” Doers are not typically voters in most organizations. A City Manager would be an example of a “doer” (someone who gets things done) who does not have a vote on the City Commission. This helps maintain a balance of power between the community/board members and the individuals/employees who actually get the work done.
- Mr. MacNellis explained that Carrie DeLong and then Steve Keto were the Council Coordinators, neither one of them had a vote on the Council. Mr. Keto represented the Physical Plant and that’s how he got a vote on the Council.
- Mr. Bassett explained that the “doer” needs to be present at the ALPMC meetings and that is the change that is being recommended. Ex-officio just means by virtue of their office, it doesn’t mean they are not a voting member. If that person/position has a vote on the Council, it could create a conflict of interest for that individual.
- WMU has eight representatives on the Council; the community has six representatives on the Council. The Vice President of Business and Finance has a seat on the Council and also appoints three, at-large members to the Council (four total). Mr. Hampton suggested adding “in addition” to the last paragraph in that section and moving it above the statement about community organizations.
- Under community organizations, language was added to explain that they can appoint an alternate. Ms. Alkema stated that the Parkview Hills Neighborhood Association will now be call the Neighborhood Association of Parkview Hills.
- Section 6, under Research and Education Committee duties, the Environmental Institute has been changed to the Institute of Environment and Sustainability.
- Ms. Holmes mentioned that interested people can be on ALPMC committees and inquired if that is included in the changes. Mr. Bassett advised that happens with subcommittees not standing committees; subcommittees are not listed in the Framework.
- Under the Operations Committee, Physical Plant has been changed to Facilities Management.
- Section 7, under Facilities Management, where physical plant used to be, “logistical” was added to administrative support, which includes financial record keeping, reporting, secretarial help and the maintenance of the website.
- Mr. Bassett, supported by Mr. Strazdas, moved to accept the proposed changes to the Framework and forward the Framework to the Vice President of Finance. Mr. Strazdas amended the motion to state that the Council will have until March 22nd to advise the Council Chairperson if there any concerns regarding the proposed changes to the Management Framework. If there is a ¾ vote via e-mail by the Council to approve the changes, Mr. Strazdas will forward the Framework to legal counsel and the Vice President of
Finance simultaneously. If there are any issues with the Framework, that document will be reviewed by the Council again. Mr. Straizdas will communicate with the Chairperson if Attorney Stankowicz and Vice President Van Der Kley have no concerns about the proposed changes and then the Management Framework will be forwarded to the Board of Trustees for approval. With a voice vote, the motion carried unanimously.

- Following are the changes and comments that were made regarding the Bylaws:
- A large section of the original Bylaws was removed by the lawyer because much of the same information was already stated in the Management Framework.
- Article 3, the phrase “and meetings” was added.
- Article 3.1, under Members and Meetings, the Bylaws now state, “the members of the Council shall be set forth in the Framework.” That statement was not numbered in the original documents but it is now “3.1”
- Under 3.4, notice of all meetings, under #4, the word “go” was deleted before “WMU events page”
- Under 3.7, quorum for the Council or any of its Committees shall be a majority of the Council membership or Committee membership.
- Article 4, under committees, some of the wording was removed and information regarding outlines of the committees was added. It is further defined in the Framework. Article 4.3 regarding ad hoc committees was added.
- At the end of Article 5, under secretary, language was added to state that the secretary may, with the approval of the Council, appoint a person outside of the Council to take notes for use in preparing minutes.
- Article 7, contains the agreement that the Council would be indemnified once the Framework and the Bylaws are approved by the Board of Trustees. Add in brackets: [The attorney will add the appropriate indemnification language, which was approved by the Vice President of Finance.]
- Article 10, a sentence was added to state that the change in the size of the Council is in the Framework. If it becomes necessary to replace a department or organization, the Council shall give consideration to the recommendation of the department or organization that is disbanded to suggest a replacement.
- Mr. Bassett, supported by Mr. Kohler, moved approval of the proposed changes to the ALPMC Bylaws with the same process for approval as previously stated for the Management Framework. With a voice vote, the motion carried unanimously.

VI. NEW BUSINESS

c. Next Meeting.
- The next ALPMC meeting is scheduled for April 11th, location to be determined.
- The remaining agenda items were postponed to a future meeting.

IX. Adjournment.
- The meeting adjourned at 9 p.m.