ASYLUM LAKE POLICY AND MANAGEMENT COUNCIL
Minutes
October 14, 2021

Present: Duane Hampton, Chair; Steve Kohler, Vice Chair; Kay Chase, Council Secretary; Tom Sauber, Natural Areas Manager; Bonnie Alkema; Sharon Dever; Lauri Holmes; John Kreuzer; Dave Lemberg; James Penner; Paul Scott; Pete Strazdas; Cybelle Shattuck; Marnie Twynham

Excused: Tyler Bassett; Mark Frever

Guests: John Jacobson, Kieser & Associates; Judy Huxmann; Paul MacNellis

I. CALL TO ORDER AND ZOOM ROLL CALL.
   • A quorum was present, and the meeting was called to order at 7 p.m.

II. EDITING AND ADOPTION OF AGENDA FOR OCTOBER 14, 2021.
   • There were no changes to the agenda.
   • Mr. Strazdas, supported by Ms. Holmes, moved approval of the October Agenda as submitted. The motion was approved by unanimous vote.

III. EDITING AND APROVAL OF MINUTES FROM SEPTEMBER 9, 2021.
   • The following changes were requested: The groups that applied to use the Preserve were Dr. Jerry Griffith representing Adventure Scientists. Dr. Rufus Isaacs from MSU proposed the bumblebee study. For the financial report, #5 should be “Southwest Michigan Land Conservancy”.
   • The amended September Minutes were approved by unanimous vote.

IV. OLD BUSINESS.
   a. Update on Stormwater Treatment Plan.
      • John Jacobson from Kieser & Associates provided the following update:
      • The storm water plans for Asylum Lake Preserve are complete and out for bid as of October 11th. The bids are due on November 1st.
      • Jackie Michels, from the WMU Purchasing Office, is handling the bids and Tom Sauber is the Project Manager.
      • Six contractors attended the mandatory pre-bid meeting today; there were no big questions or issues.
      • The EGLE wetland permit questions were answered. The City of Kalamazoo right-of-way permit can be issued after the EGLE permit is issued.
      • Phase One on the construction timeline is scheduled to be completed by the end of this year. Phase One work is all on Asylum Lake property, in the wetlands east of Drake Rd.
      • Phase Two is the mechanical treatment device and work in the Drake Rd. right-of-way, which should be connected by March 1st. The storm water system should be operational to pick up the spring run- off.
      • The names of the six bidders are on the Y drive for WMU, or Jackie can provide that information in an e-mail.
      • Mr. Strazdas mentioned that the documents are large and suggested preparing e-mail inboxes to receive them. Mr. Sauber could provide the bid documents. The pre-bid meeting minutes should be available in the next week or so and could also be provided to the Council.
      • Mr. Jacobson advised that Phase One is scheduled to be completed by December 24th, 2021. The ground might not freeze by that time but, if it does, that would be a better time to work next to the wetlands.

   b. John Kreuzer’s Conversation with Haji Tehrani.
      • Mr. Kreuzer provided the following update:
      • He met with Mr. Tehrani about five weeks ago at Mr. Tehrani’s new car wash on the corner of Sprinkle Rd. and Gull Rd. Mr. Kreuzer’s company provided landscape services to Mr. Tehrani’s company, Drive & Shine Car Wash.
      • Mr. Tehrani is aware of Mr. Kreuzer’s desire to protect the integrity of Asylum Lake. Mr. Tehrani is getting ready to start building a car wash on the corner of Kilgore Rd. and Westnedge Ave. in Kalamazoo, and he is also negotiating to develop car washes in the Grand Rapids area.
• He is still planning to develop the car wash at the corner of Drake Rd. and Stadium Dr. despite public outcry. The Imagine Kalamazoo 2025 Strategic Plan shows that property as being suitable for future commercial development if it is rezoned for commercial use. He indicated that he is tired of the controversy he had to go through regarding that property.
• Mr. Tehrani stated that he will be limiting the storm water run-off from Stadium Dr. and that will improve the quality of Asylum Lake. He also indicated there might be a possibility of legal action against the City.
• He would only consider not developing the property at the corner of Drake Rd. and Stadium Dr. if he was paid four to five million dollars for that property. That would include the purchase price of over two million dollars, plus engineering costs and potential revenue.
• He would be willing to donate a portion of the property, south of the curb cut on Drake to the North property line on Asylum Lake Preserve, if he gets a tax incentive break over a million dollars and provided, he could develop the other portions of his property per the site plan submitted to the City of Kalamazoo. Mr. Sauber thanked Mr. Kreuzer for having that conversation with Mr. Tehrani.
• Mr. Kreuzer was under the impression that this is the first time Mr. Tehrani has run up against objections from the community. Mr. Tehrani feels that he is doing a service to the community by providing jobs.

c. ALPA Resolution.
• Ms. Holmes stated that the ALPA (Asylum Lake Preservation Association) has discussed the property owned by Mr. Tehrani.
• The ALPA decided it was important to make a statement about what they felt would be the best benefit to the community. The Council received that statement prior to the meeting. ALPA’s statement in 2019 said that the Association would accept limited commercial development along Stadium Drive, but it has changed its stance, first, because of the increased awareness of the climate emergency and, second, because there has been no success in reaching any compromise with the present owner of the property.
• Mayor Anderson was in negotiations with Mr. Tehrani and reported back to the Council about not making progress.
• The ALPA feels strongly that Mr. Tehrani’s property (formerly the Vermeulen property) should be made part of the Asylum Lake Preserve with the same oversights and protections that the Preserve now has. The ALPA would be willing to assist in any effort made to that end.
• Various boards and commissions would have to lift the restrictions that are on Mr. Tehrani’s property for him to develop the property the way he has proposed. A very small strip of the property along Stadium is now zoned to permit some multi-family housing but at a non-dense level. The rest is now zoned single-family residential with the NFP overlay as well.
• Mr. Tehrani had said that he still wants to develop the land as he originally designed the plan with the car wash, commercial development along Stadium, and apartments overlooking the lake. Even if he were to donate the small southern strip of land as a 1.5-million-dollar tax write-off he would only do this in exchange for being allowed to put the car wash and the other buildings on the rest of the land. There is no zoning in effect at this point that would allow commercial development along that strip of land. Some people in the community think this situation has been resolved and Mr. Tehrani is no longer involved.
• The ALPA has no specific request of the Council at this point other than to provide updates regarding Mr. Tehrani’s property. If Mr. Tehrani is determined to proceed with developing the property, he will need to appear before the NFP (Natural Features Protection) Board, the Zoning Board of Appeals, the Planning Commission and the City Commission. It is unclear as to what he will be allowed to do.
• Mr. Strazdas thanked Ms. Holmes for the update. What Mr. Tehrani can and cannot do is controlled by the City of Kalamazoo, and that would be the venue to express concerns.
• Ms. Holmes stated that the Planning Department is aware of the stance by Mr. Tehrani. Mr. Kreuzer did a good job of presenting to Mr. Tehrani the advantages of him pursuing a cooperative effort with local citizens to work something out. There was hope that he would respond to that but he hasn’t.
• Mr. Scott mentioned that the statement from ALPA suggests that the Tehrani property should be undeveloped, but it doesn’t state that the property would be purchased or donated. Ms. Holmes commented that the original ALPA statement advises that limited commercial development along Stadium Dr. would be acceptable but that needs to be corrected. The ALPA has done all it can for now, but that could change if there are negotiations in the future.
• Mr. Kreuzer suggested that this would need to be a community-driven effort. There are many stakeholders involved with that piece of property. That corner is a gateway to the City of Kalamazoo. Maybe someone could develop a strategy with the goal of not having that piece of property developed. People can get involved and make it happen. The denial of the zoning change would not have happened without people getting involved.
• Mr. Lemberg suggested focusing on the economic side of the situation. There are many car washes in Kalamazoo owned by local people. The creation of jobs could be a valid argument for Mr. Tehrani, but there might be job losses with local people if there are too many car washes. A zoning change for Mr. Tehrani’s property might help put local businesses out of business in the future.
• Ms. Holmes recalled that a local car wash owner testified at one of the meetings and expressed the same concern. Mr. Lemberg suggested the possibility of someone organizing a coalition of local businesses.
• The value Mr. Tehrani is putting on the property is after the zoning change. There might be social justice issues. It is important that people in the community understand the different aspects of the situation.

d. Preserving the Preserve. Signs, parking lots, bike racks, needed maintenance by spillway, boom boxes, shadow boxes.
• Mr. Sauber stated that the Preserve has been quiet lately and there hasn’t been much vandalism.
• Someone wanted to put pumpkins on the path and light them. They were advised that Asylum Lake is a Preserve, not a park, so the answer is no. The Preserve closes at dark.
• A kayak was reported in the lake, but Mr. Sauber was not around at that time. He found a woman tying balloons and party favors in the Preserve, she also had bicycles. Mr. Sauber advised that was not allowed and she removed the items.
• Mr. MacNellis referred to a Wiccan ceremony in Kleinstuck Preserve that was well attended. They didn’t want pictures taken and they were peaceful.
• Ms. Shattuck was in the Preserve with her students two weeks ago. It was nice to have information in the shadow boxes related to autumn.
• One of her students was in the Preserve last weekend with her kids and encountered several bucks. She considered it a safety concern and left the Preserve.
• Mr. Strazdas commented that some community members think the Preserve is a park. As a possible way to solve that problem, he suggested having marketing students at WMU provide messages to the community. There might be a way to overcome the lack of communication to the community about the Preserve.

e. Should we remove a paper wasp’s nest?
• Mr. Frever was not present at the meeting, but he sent an e-mail to Mr. Hampton about a paper wasp nest and inquired if it should be removed. The nest is about eight feet in the air over the south trail in the Preserve, so it does not appear to be a safety issue.
• Mr. Kohler commented that the wasp nest is in the Preserve so there is probably no need to destroy it. Ms. Scott stated that the nest is in the same area where he removed a paper wasp nest several years ago. There could be liability issues if the nest creates a dangerous situation. He suggested trying to mitigate liability and keeping a record of what was done.
• Ms. Holmes recalled a wasp nest by the Winchell entrance to the Preserve, but it was low and it was taken down. There might be a track record of removing wasp nests in the Preserve that are a threat. If someone gets stung by a bee along the path, it would be difficult to prove that it was associated with that nest.
• Mr. Lemberg stated that wasp nests are covered by the Michigan Shield Law, which states that visitors are taking the risk. Anything in the Preserve that is natural is covered by that law. A racoon might destroy the wasp nest any day now.

f. The beaver deceiver is getting clogged. What’s next?
• Discussion followed regarding the flow of water at the Asylum Lake outlet, which has slowed down but hasn’t been totally stopped. It is unclear as to whether the beavers are the cause of the problem. If the beavers are still present, they should be more active as the weather gets colder. Mr. Sauber stated that he hasn’t seen any beaver activity in the Preserve.
• Ms. Holmes reported that the beaver deceiver is covered with water. The wire mesh around the spillway is clogged and that is preventing the water from coming into the creek at the rate it often does. The clog might have
been caused by the debris that came down the lake because of the recent rains. Two Highpoint residents are ready to clear the debris; a couple of people have done it in the past.

- Mr. Sauber noted that if the screens at the inlet to the spillway are clogged with rocks, mud and sticks that could indicate beaver activity. He will check the Preserve for signs of beaver activity.

- Ms. Holmes stated that water is going over the beaver deceiver and the clog at the spillway. Mr. MacNellis mentioned there is a cage around the inlet of the spillway. That can get buried and it doesn’t matter. The pipe is the same diameter as the spillway pipe under the trail.

- Water through that pipe is contingent upon the cage out in the lake. The cage was not placed there to keep the beavers from plugging it. The cage is there so the water would continue to flow even if the beavers completely bury the inlet. If someone wants to clear debris from the inlet that’s fine. Maybe an engineer could look at it and confirm its ok.

- The rain has caused the water level to go up. The beaver deceiver appears to be working the way it should. Mr. Sauber will leave the beaver deceiver as is for now.

- Mr. Lemberg has over $3,000 in research money that can be used for trails and prairies. Mr. Hampton asked him to think about the beaver deceiver and ways to make it work better. If water is over the deceiver, it isn’t working because the beavers can dam around it. The beaver deceiver should be a triangular shape, so it doesn’t get clogged. The beavers will dam the inlets.

- Mr. MacNellis stated that the water is not over the deceiver very far. He offered to make improvements if there are suggestions for doing that.

- Mr. Strazdas suggested that it would be more appropriate to have discussions about the beaver deceiver at a subcommittee level and then bring information back to the Council. The subcommittee report should be based on research. Mr. Lemberg, Mr. MacNellis, Ms. Holmes, Mr. Sauber and the two people on Highpointe could meet on site Saturday afternoon to discuss options. Mr. MacNellis will send an e-mail to the subcommittee, and they can decide when to meet.

**g. The Financial Report.**

- Mr. Sauber provided the following information regarding approved projects:
  - The ecological study is scheduled for next year and an update should be provided in the future.
  - Maintenance by Wildtype is ongoing; they have been working in the Preserve this week. The next invoice should be less than $20,000.
  - There is money remaining for the garlic mustard pull, which can be used next spring for another garlic mustard pull.
  - Mr. Sauber will talk with his arborist about a suitable replacement for the Falk memorial tree that died.
  - The memorial tree near the Parkview parking lot should be replaced this fall. There is money available for that.
  - Mr. Bassett was not available to provide an update regarding land management.
  - Receipts for the Sign Subcommittee are being assembled and should be available next week.
  - The stormwater project is moving forward.
  - The new trail is a serpentine path, which drains well and is comfortable to walk on. Mr. MacNellis will get bids on the trail from the prairie to the main trail along Drake Rd. The northeast trail by Little Asylum Lake, where the roots are exposed, will be closed off. Mr. MacNellis inquired as to the likelihood of having volunteers close that trail. If that is not possible, he will ask Aaron Dykstra to do it.
  - Water quality testing is ongoing. Mr. Kohler doesn’t need reimbursement yet.
  - Mr. Strazdas thanked Mr. Sauber and Terri Simmons for doing this monthly activity. Last year’s fiscal year closing is on the report at the Council’s request. There is a full accounting of what the Council approved and spent through the end of the last fiscal year.
  - Mr. MacNellis mentioned that as of July 1, 2020, there was $21,424 carried over from the previous fiscal year; he inquired where that money went. Mr. Sauber will follow up with Terri.

**h. Oak Tree Coring – Who Will Do This for Lauri?**

- Mr. Hampton suggested that if Bill Schneider is available, the Council should let him proceed with the coring.
- Ms. Holmes stated that Mr. Schneider is not recommending coring live Oak trees. He has concerns about Oak wilt. Ms. Holmes withdrew her suggestion about coring the trees.
• Mr. Kreuzer mentioned that Red Oak trees are more susceptible to Oak Wilt than White Oak trees. The Oak Savannah is part of the Management Plan. There are very old White Oaks at the Preserve. There is money available in the budget. He inquired what the Council is doing within the Management Plan or Ecological Maintenance Plan. How is that money allocated or spent?
• He suggested having a professional arborist do a study of the Oak Trees in the Preserves to find out if they have been impacted by Oak Wilt. There are options available to protect the trees from Oak Wilt. The Michigan Oak Wilt Program is a volunteer Association and the DNR is involved.
• Mr. MacNellis commented that if Oak Wilt was an issue in the Preserve, we would know it. Ms. Holmes’ plan was to gauge the age of the forest; Mr. MacNellis sent information to her regarding the resistograph and other things that can be done. The resistograph is not invasive and WMU has one. There is a noninvasive way to gauge the age of the trees. There is a formula based on the circumference of the tree and it will determine the tree’s age within four or five years of the actual age.
• Ms. Holmes would like to be able to say to the public which trees are a treasure because they are like no other in Michigan. Having that information would be helpful as we are trying to get public support.
• Mr. MacNellis hired students one summer and they measured 4,200 trees on campus, and you can pull that map up. He would like to see that done at Asylum Lake Preserve. He suggested waiting for feedback from Mr. Bassett before proceeding with a study of Oak Wilt in the Preserve.
• Bill Schneider has offered to look at the Oak trees; the Council has a contract with him. He will refer the Council to someone else if he doesn’t feel qualified. It was suggested that a subcommittee could investigate the age of the Oaks.
• Ms. Alkema, supported by Ms. Holmes, moved to proceed with having Bill Schneider check for Oak Wilt in the Preserve and have him provide the number and kinds of Oaks that are affected, along with his recommendations. The motion passed with a unanimous vote.

V. PROJECT/SPECIAL COMMITTEE REPORTS:
a. Application for Preserve Use? How Do We Tell Visitors That They Must Apply to Use the Preserve?
   • postponed

b. Signage Committee – What Should We Communicate Via Signs?
   • postponed

c. The Trail Committee: OCBA Trail Improvement Status?
   • Refer to details provided by Mr. MacNellis under financial report.

VI. NEW BUSINESS:
a. What Do Our Governing Documents Say About Elections? Is It Time ToNominate and Elect New Leadership for the ALPMC?
   • Ms. Chase referred to the Bylaws, Article 5, Paragraph 6, which states that each officer shall serve a two-year term and may be appointed indefinitely etc. Officers shall be elected in the fall of odd years. Mr. MacNellis mentioned that there is a two-year term limit for members, but they can serve two more consecutive terms. The existing members stayed because no one else expressed an interest in serving.
   • Mr. Hampton will be retiring in May of 2022. He will reach out to some of the board members to find out if they are interested in serving as the Chairperson. Any person on the Council can serve as the Chair; that position doesn’t have to be filled by a WMU employee.

VII. NEXT ONLINE MEETING – NOVEMBER 11TH?
• The next zoom meeting is scheduled for November 11th.

VIII. COUNCIL/STAFF COMMENTS.
• Ms. Alkema heard Doug Tellamy, who wrote a book on Oak Trees, speak at a webinar and he said the best way to grow Oaks is with acorns and to make sure they are protected. Mr. MacNellis stated that the acorns should be planted with a hammer, so the shell is cracked. That gives them a better chance of germinating.
• Mr. Strazdas will not be at the November meeting.
IX. PUBLIC COMMENTS.
  • None

X. ADJOURNMENT.
  • The meeting adjourned at 8:45 pm.