ENVIRONMENTAL CONCERNS COMMITTEE

JULY 17, 2019 MEETING MINUTES

MEMBERS PRESENT:	Paul Manstrom, Chair; Phil Dietrich, Vice Chair; Eric Brown; Sharon Dever; Gail Walter; Kevin Weller; Aaron Wright;
EXCUSED ABSENCES:	Mary Clare Griffith; Ian Magnuson; Joe Bower; Scott Schmidt; Lauri Holmes, ECC associate member.
STAFF:	Jean Talanda, Staff Liaison; Amy Thomas, Recording Secretary
OTHERS:	Bobby Glasser, ECC Associate Member; Wayne Bond, ECC Associate Member; David Anderson, City Commission Liaison to the ECC.
Guest	Rob Reskowski, Sociology graduate student at WMU.

1. ROLL CALL (Excused Absences)

- Mr. Manstrom completed roll call and determined that a quorum of members was present.

2. APPROVAL OF AGENDA:

- There were no changes to the July Agenda.
- **Mr. Wright, supported by Mr. Dietrich, moved approval of the July 19, 2019 ECC agenda. With a voice vote, the motion carried unanimously.**

3. APPROVAL OF MINUTES (June 19, 2019):

- There were no changes to the Minutes.
- **Mr. Wright, supported by Mr. Dietrich, moved approval of the June 19, 2019 ECC Minutes as amended. With a voice vote, the motion carried unanimously.**
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4. ANNOUNCEMENTS:

- Ms. Dever advised there is a river and park clean-up scheduled for Thursday, July 25th. Registration is scheduled from 5:30 to 6:00 p.m. The clean-up is scheduled from 6:00 to 7:30 p.m.at Upjohn Park.
- Mr. Manstrom announced that the Southwest Michigan Sustainable Business Forum will have a program on green investing on August 15th, more details will be provided later. The last meeting was about KALSEC's commitment to the United Nations sustainability goals.
- The Asylum Lake Policy and Management Committee with have an emergency meeting on August 15th to discuss the June 20th rain event and the subsequent soil and sediment erosion issue at the BTR2 construction site. There will be a discussion at the meeting regarding the test results from Kieser & Associations. The meeting will take place at 7 p.m. at the Kalamazoo College Field House.
- If you would like to be on the mailing list for the Green Drinks Program, please advise Mr. Manstrom by e-mail. The meetings are usually held on the 4th Tuesday of the month. The next one is at Louie's Trophy House Grill. Ms. Dever advised that composting will be the topic of conversation for that meeting.
- Pete Kushner is running for City Commission. He is the President of the Oakland Winchell Neighborhood Association. He has played an active role in environmental issues.

5. COMMENTS BY OTHERS ON NON-AGENDA ITEMS

- None

6. UNFINISHED BUSINESS/UPDATES/DISCUSSION:

Natural Features Protection Overlay Update

- Mr. Glasser stated that the NFP Overlay Committee has been meeting two times per month on Tuesdays at 4 p.m. in the Community Room at City Hall. They have been using pretend cases to discuss potential scenarios; there are no real cases at the moment. They are trying to make sure their review process is streamlined and they know when the Committee needs to be involved. They are expecting cases soon and they are looking at the Overlay District. They discussed adding forested areas that were not originally included in the overlay. The next meeting is next week Tuesday
- Mr. Manstrom stated the NFP Overlay Committee has been discussing what could happen regarding the former Vermeulen property. The developer has not submitted an application to rezone that property yet. The August deadline has passed for Planning Commission review.

- The site plan approval process would have to come after the rezoning. The NFP Overlay Committee is developing citizen guidelines for people who are thinking about developing an NFP property or for people who are thinking about developing property that adjoins an NFP property. Rezoning a property usually required a preliminary site plan but it has yet to be determined how that will be handled.
- ALPMC will be sending a letter of concern regarding development of the former Vermeulen property to the City Planners.

Kalamazoo Sustainability and Climate Action Plan

- Mr. Manstrom advised that there was a large committee meeting back in June to discuss the Sustainability and Climate Action Plan. Jamie McCarthy requested that her presentation to the ECC be delayed until August. She has formed five subcommittees, which will meet on August 12th. Mr. Manstrom and Mr. Magnuson are on the Sustainability Planning Team and the Targets and Tracking Subcommittee.
- Commissioner Anderson stated that there are four dates for events regarding the Sustainability and Climate Action Plan, which will take place next week and in August. Mr. Manstrom stated that the subcommittees are scheduled to meet twice before the August 12th meeting. There will be public outreach in the fall after there is more progress with planning.

Kalamazoo Air Quality

- Mr. Manstrom sent an e-mail to James Baker, Jim Cornell and Jean Talanda in the City's Public Services Department to request a progress report regarding air quality. He received a response from Mr. Cornell, which he will forward to the ECC.

Bird Safe Building Design Update

- Ms. Walter advised that the three male falcons are doing well and staying air born. They usually leave the next in mid to late July but she was uncertain as to where they go after that.
- The falcons are banded but there is nothing to track them by satellite. Mark Mills estimated there are about 100 Peregrine Falcons in the State of Michigan. They are on the endangered species list in the State of Michigan.
- Mr. Bond inquired regarding who Ms. Walter is working with regarding bird safe glass. Ms. Walter advised that she is work with Denise Keele and Sharon Hill from WMU faculty. She is also working with Mary Clare Griffith from the ECC.
- Ms. Griffith wrote a grant and received money for bird tape to put on windows in one of the walkways at WMU. That is now in the hands of Tom Varker, he will advise when the bird tape will be installed. Ms. Walter will be meeting with the installer; the tape is supposed to be installed before fall migration.

PFAS Update

- No update.

Allied Paper Superfund Update

- Mr. Manstrom didn't have any updates on the Allied Paper Superfund site. He will ask Jamie McCarthy for an update next month.
- Mr. Wright stated that representatives from the Environmental Protection Agency were at the St. Joseph church in the Edison Neighborhood three weeks ago to discuss the Allied site site. Mr. Wright and Ms. Walter were not able to attend that meeting. Mr. Manstrom will check the website for updates.

New Subcommittees – Logistics and Assignments

Waste Management/Litter – Sharon, Kevin, Eric, Scott.

- Ms. Dever stated that the subcommittee created action items. Ms. Dever communicated with Kalamazoo Public Safety regarding littering. She sent a Facebook message and will schedule a time to speak with an officer. She was advised that if a suspect is identified, an officer can write a case and submit it to the City Attorney's office for consideration.
- Mr. Schmidt was going to talk with Wendy Burlingham at the City's Public Services Department regarding the recycling process for Kalamazoo. He has information about the percentage of household taxes that goes toward the recycling program. The subcommittee intends to meet again soon.

Air and Water Quality – Aaron, Bobby, Paul – have not met yet.

- Mr. Manstrom stated that Chris Bovid, President of the Woods Lake Neighborhood Association, approached him regarding this topic. He advised Mr. Bovid that he could talk to the subcommittee about leaf removal and salination of Woods Lake. The bottom 7th of Asylum Lake is essentially dead; it is healthy down to seven meters.
- Mr. Wright will send an e-mail to set up a time for the subcommittee to meet. He would like to learn more about the water system. Ms. Talanda suggested talking with the WMU Geo-Science Department; Dr. Koretsky would be a source for more information.

Deer Overpopulation

- Mr. Bond and Ms. Walter volunteered to look into wildlife issues in the City of Kalamazoo. It was suggested that they could start with a list of pros and cons of what to do about deer issues. It was also suggested that the subcommittee could discuss issues regarding Chipmunks. Mr. Wright suggested talking with Pete Kushner regarding wildlife issues in the Oakland Winchell Neighborhood.
- Mr. Dietrich referred to comments from Mr. Melluish, at the June ECC meeting, that people despair with regard to having pride in their property because the deer eat the landscaping. Mr. Melluish is concerned that property values will decline because of those issues.
- Mr. Bond offered to do a pro and con list, including information regarding the cull in Ann Arbor, and what other cities are doing about deer over-population issues. Ms. Walter will try to locate an article she has regarding deer issues.
- Ms. Talanda mentioned that the Department of Natural Resources has a deer management plan. They outline how you work with the DNR to deal with these problems. Mr. Manstrom mentioned that Mark Mills from the DNR came to talk with the ECC in the past. He said there was no definition of what deer over population is.
- Mr. Wright commented that the environment is supporting the deer population at this point. He questioned if there is an over population issue. Mr. Mills advised that the DNR would not get involved unless there was a scientific basis to do so or if there was a public health threat.
- Mr. Brown commented that there are no criteria for what constitutes deer over population in an urban area. Maybe the pro/con list can help establish that number. Mr. Manstrom stated that the ECC wants the Committee to be seen as responsive to citizen concerns and that is why they are looking into the deer population concerns.

Open Meeting Act Issues/ Shared Google Drive Use and Questions/ FOIA and OMA Response from City Attorney.

- Ms. Talanda stated that the City Attorney's office advised not putting personal information on the ECC shared drive. If the ECC members discuss things among themselves, on the shared drive, that might cause issues.
- The subcommittees will bring issues to the whole committee for further discussion. There would be no need discuss more personal issues. Freedom of Information Act (FOIA) requests have been getting more detailed. It would be hard to send a radio clip and every presentation you gave and what you put on your website regarding every update and things that were changed. It could take a lot of time to respond if someone asks what the ECC is doing regarding deer population.
- If the City Attorney says the ECC shared drive is subject to a FOIA request, the ECC would have to provide information on the shared drive. The shared drive is meant to be a place where members can collaborate.
- Items Mr. Glasser sent regarding Graphic Packaging are on the shared folder. Mr. Wright suggested typing up minutes from the subcommittee meetings and putting them in a folder on the shared drive so the information that was discussed is available to the public.
- Ms. Talanda mentioned that if the documents are stamped "draft" or "confidential" they are not subject to a FOIA request. Draft Minutes are stamped "draft" until they are approved by the ECC.

7. NEW BUSINESS

BTR2/Asylum Lake Release of Silt and Sediment

- Mr. Manstrom advised that 4-plus inches of rain fell on June 20th, which overwhelmed the soil erosion measures that were taken at the BTR2 construction site. Western Michigan University and the contractor were cited for violations. They sent a detailed response regarding the violations; there were no fines.

City Response

- Ms. Talanda was not aware of this being an issue discussed by City staff.
- WMU did react quickly to remedy issues on the site and prevent more issues. Silt fences, check dams, riprap and berms were put in place to deal with issues. The berms encapsulated contaminants. The run-off caused concern regarding pollution from the BTR2 site that might have reached the Lake.
- Kieser and Associates determined with initial testing that there appears to be no issues with arsenic. There was an algae bloom but it was no worse than usual.
- Commissioner Anderson advised there was no official City Commission reaction to issues at BTR2. Most of the legal responses regarding enforcement should come from EGLE (Michigan Department of Environment, Great Lakes & Energy). WMU responded to citations and submitted a new soil erosion and sediment control plan. There has been some concern as to what the long-term effects might be on Asylum Lake and the bodies of water past the lake.
- Mr. Glasser mentioned that arsenic in the soil from pesticides was near the surface and that soil was stockpiled elsewhere. Arsenic would not usually be present below a depth of six inches. Part 201 State rules advise that you can move and deal with contaminants on your own property but there are other rules that apply once you move the contaminants off-site.

Typically, the contaminated soil would be placed in a berm, capped and planted with vegetation. A monument could be placed in the location stating what is there and advising people to not dig there.

- Mr. Manstrom stated that there is a sequencing plan, once the berms are built, to seed them and keep contaminants in place. Commissioner Anderson advised that would be codified in the due care plan, which would be created with EGLE. Orange fencing can be buried to alert people to not dig any further.
- The citations from EGLE suggested Peters Construction and WMU hadn't done anything they were supposed to do. WMU's response was that the rules should be stricter since they won't go above and beyond the rules. Silt on Drake Road was running into Asylum Lake.
- Commissioner Anderson mentioned that storm water run-off goes into Asylum Lake on a regular basis but not the bare silt that was exposed. Mr. Glasser advised that, depending on the size of the site, there is a requirement to have a storm water operator to check on soil erosion and sedimentation control measures to make sure they are in place. There should also be a follow-up site visit after a precipitation event; that is part of the permit process.
- Mr. Manstrom mentioned that the County issued the original soil erosion permit and now the EGLE is involved. He was not sure what the ECC would be able to do.

Possible Fallout on Rezoning Request by Vermeulen Developer.

- Mr. Manstrom mentioned that the erosion issue calls attention to the vulnerability of the Asylum Lake property. The Vermeulen property is even closer to the lake than the BTR2 development.

8. SUBCOMMITTEE REPORTS:

Kalamazoo/Michigan Environmental Council

- No report

Planning Commission

- No report

Tree Committee

- Mr. Dietrich stated that the trees that were planted along the road in the Davis Creek Business Park did not do well. Someone is leasing space in the industrial park and putting in a building. The old trees have been pulled out and new ones will be planted. There wasn't any water service in the park to support the trees.
- Commissioner Anderson explained that the industrial park on Cork Street has been vacant for a few years. It was developed from a highly remediated brownfield site that had been used as a refinery in the past. A horticulture business (marijuana) is the first business that is now locating to that site.
- Mr. Dietrich mentioned that the State wants to improve the quality of the recycling stream, per a Kalamazoo Gazette article last week. Commissioner Anderson stated that cities are bailing out of the recycling programs because there is no end use for the recycling.

Asylum Lake Policy & Management Council –

- Mr. Manstrom stated that Ms. Dever agreed to take his seat on the ALPMC when he terms out at the end of the year.

Parks & Recreation Advisory Board

- Mr. Wright reported that no environmental issues were discussed in the Parks and Recreation Advisory Board Minutes. He will try to get to the August meeting.

Wellhead Protection Program Committee

- No report.

9. ADJOURNMENT:

- The meeting adjourned at 5:40 p.m.

Respectfully submitted,

Amy Thomas

Recording Secretary