

City of Muskegon

Work Session

Minutes

February 13, 2023, 5:30 pm

Muskegon City Hall

933 Terrace Street, Muskegon, MI 49440

Present: Mayor Ken Johnson
Commissioner Rachel Gorman
Commissioner Rebecca St.Clair
Commissioner Eric Hood
Vice Mayor Willie German, Jr.
Commissioner Teresa Emory

Absent: Commissioner Michael Ramsey

Staff Present: City Manager Jonathan Seyferth
City Clerk Ann Meisch
City Attorney John Schrier
Deputy City Clerk Kimberly Young

1. Call to Order

The Worksession meeting was called to order by Mayor Johnson at 5:30 p.m.

2. New Business

2.a Police K9 Unit Proposal

Sergeant Bridget Bofysil to present K9 Unit Proposal with K9 Nitro, K9 Sully and K9 Conan.

Public Safety Director, Tim Kozal, gave an overview of the potential K9 program and talked about how it would be beneficial to the city and introduce Sgt. Bofysil. Sgt. Bofysil had her dog Nitro with her and comes to the City with 14 years of experience in training and handling K9 dogs. She provided information

to the commission about the different areas that the K9's can be certified in and the training that they go through.

The Police K9 has a unique impact on the community it serves. The K9s are, most importantly, some of the best and most-loved ambassadors of the department - appearing at special events and interacting with the community for public relations purposes. While most people are hesitant to start a conversation with an officer, they will not think twice about asking to pet the dog. A K9 can both provide valuable tools for the department and break down barriers between the police and the public they serve. These dogs assist in a myriad of areas: drug enforcement, explosives detection, tracking, search and rescue, finding evidence, officer safety and apprehending fleeing subjects through use of non-lethal force. The addition of a K9 team would be another tool for the department to utilize to reduce crime, provide professional police services, and create a positive connection to the City of Muskegon. K9 appearances at local events are natural opportunities to create a connection between the community and the police.

Discussion took place regarding the program and the Police Department will work to create policies and a budget to assess the feasibility. Sgt. Bofysil has volunteered to train additional dogs as well as dog handlers and also volunteered the use of her dogs for the program.

2.b 1033 Program Presentation

The Law Enforcement Support Office (LESO) is a division under the United States Department of Defense (DoD) responsible for managing the "1033 Program", which transfers excess weapons, equipment, and vehicles from the United States Armed Forces to civilian law enforcement agencies. Since inception, nearly 10,000 jurisdictions have received more than \$7 billion worth of equipment. There is no cost to become a member of this program and equipment is free. Shipping costs are sometimes associated. There are strict state oversight mechanisms for inventory control.

The Muskegon Police Department is now a part of the program. We will monitor for available equipment that can benefit the department. We are not interested in any vehicles.

Public Safety Director Tim Kozal wants to bring to the attention of the commission the availability of a program by which the city of Muskegon will be

able to acquire military equipment under the 1033 Program. This will help to defray costs of the ongoing needs of our police department.

Discussion took place regarding the program.

2.c Marihauna Ordinance and Social Equity

Staff would like to discuss adding “Processing” as a special use permitted in B-2, B-4, MC, I-1 and I-2 zoning districts. Staff will also present the draft Request for Proposal for expungement clinics.

In 2020, in an effort to help residents enter the marihuana industry, the Commission approved “Microbusinesses,” “Class B Rec Grows (500 plants)” and “Consumption Establishments” in B-2, B-4, MC, I-1 and I-2 zoning districts. It appears as though processing was overlooked, since processing is an allowed use at microbusinesses. Processing was left out of the license types allowed by the city for a number of reasons. It may be time to consider adding this license type to what is allowed.

RFP for Expungement Program. This is a basic RFP to invite companies propose costs and procedures to conduct a one-time clinic, three over the course of a year. We anticipate the service to be at no cost to city residents, non-residents may assume some costs for fingerprinting. We may only serve city residents. The commission wants to pay all of the fees for residents, app fee, fingerprinting, background checks, etc....we may need to have city staff available to determine residency and collect appropriate fees from non-residents.

Discussion took place regarding the proposed revision to the Marihuana Ordinance as it pertains to allowed license types. This will be addressed again at a later date. The Commission also discussed the Expungement Clinic(s) RFP that will go out soon.

2.d Arena Solar Power Purchase Agreement - DPW and Arena

Staff presented a revised solar power purchase agreement (PPA) for the arena.

This item was discussed at the July, 2020 work session and the April 27th, 2021 regular meeting before being approved in a prior format at the June 8th, 2021 meeting. Due to tax issues, it was then rescinded at the June 14th, 2022 meeting.

The tax issues have been resolved due to additional incentives being available, so a new financier (Sunwealth, LLC) has agreed to take the project on. Staff and our

consultant, Charthouse Energy, will present the project and its anticipated benefits for discussion. The proposed PPA agreement is included for review.

Discussion took place and this item will be returned to Commission at a later date.

2.e Landscaping Contract - DPW

Staff will present the results of the landscaping RFP and a cost share for discussion.

Staff has worked with the Downtown BID, DDA, Chamber and other stakeholders to develop a landscaping contract that covers a wide array of landscaping services currently provided through the City Parks Department. There is a desire among the stakeholders to improve the level of service being provided, and a desire among city staff to free up staffing resources to improve service in other areas of the city parks. The RFP was presented to the Commission at the November 7, 2022 combined work session and regular meeting.

The contract proposes eight (8) areas identified on the included map, with each area having a distinct scope of work and a proposed assigned cost share, as a 3-year contract with optional extensions for a 4th and 5th year. The original RFP included work in the Lakeside area, but those businesses have decided not to participate at this time.

The DDA and Downtown BID will have a similar discussion earlier in the day on the 13th of February, specifically to review the cost share proposal that is included herein for your review. The Downtown BID is expiring, so the organizations are jointly deciding how to fund their share going forward. Depending on the outcome of all of these discussions, the City will manage the contract and invoice the other organizations for their share as shown in the attachment.

AMOUNT REQUESTED: \$27,840 Parks/General AMOUNT BUDGETED: \$0 FY23

AMOUNT REQUESTED: \$7,920 Farmers Market AMOUNT BUDGETED: As Needed FY24

FUND OR ACCOUNTS: 101-770 (Parks) & 101-808 (Farmers Market)

Discussion took place regarding the landscaping contracts, this item will be considered at a later date.

3. Public Comment

Public comment was received.

4. Closed Session

4.a Land Acquisition

No. 2023-23

Motion by: Commissioner St.Clair

Second by: Vice Mayor German

Motion to go into closed session to consider material exempt from discussion or disclosure by state or federal statute, specifically being an attorney client confidential communication.

YES: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair, Commissioner Hood, Vice Mayor German, and Commissioner Emory

Absent (1): Commissioner Ramsey

MOTION PASSES (6 to 0)

No. 2023-24

Motion by: Commissioner Gorman

Second by: Commissioner Emory

To go into open session.

MOTION PASSES

4.b Pending Litigation

No. 2023-25

Motion by: Commissioner St.Clair

Second by: Commissioner Gorman

To go into closed session to consult with our attorney regarding trial and settlement strategy in connection with West Michigan Dock and Market Corporation versus City of Muskegon, Muskegon County Circuit Court Case Number 22-003962 CZ because an open meeting would have a detrimental financial effect on the litigating and settlement position of the City of Muskegon.

YES: (6): Mayor Johnson, Commissioner Gorman, Commissioner St.Clair,
Commissioner Hood, Vice Mayor German, and Commissioner Emory

Absent (1): Commissioner Ramsey

MOTION PASSES (6 to 0)

No. 2023-26

Motion by: Commissioner St.Clair

Second by: Commissioner Gorman

To go into open session.

MOTION PASSES

5. Adjournment

The Work Session meeting went into closed session at 6:55 and adjourned at 8:20 p.m..

Respectfully Submitted,

Ann Marie Meisch, MMC - City Clerk