



FRIDLEY PLANNING COMMISSION

WEDNESDAY JUNE 16, 2021

7:00 P.M.

VIA ZOOM

MINUTES

CALL TO ORDER

Chairperson Hansen called the Planning Commission Meeting to order at 7:00 p.m.

ROLL CALL

PRESENT: Amy Dritz, Ryan Evanson, Mark Hansen, Terry McClellan, John Buyse II, Mike Heintz, and Ross Meisner.

OTHERS PRESENT: Stacy Stromberg, City Planner
Rachel Workin, Environmental Planner
Kate Shoemaker, Bird Rides, Inc.

APPROVE MINUTES

1. **Receive the Minutes from the Planning Commission Meeting of May 19, 2021**

Motion by Commissioner Meisner to approve the minutes. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY.

2. **Receive the Minutes from the Other Commissions.**

Motion by Commissioner Meisner to approve the minutes. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS:

3. **Consideration of Text Amendment Application 2021-02 by Bird Rides, Inc. to add new code language that allows for micromobility sharing services within the public right-of-way.**

Motion by Commissioner Meisner to open the public hearing. Seconded by Commissioner Buyse.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS OPENED AT 7:02 P.M.

Rachel Workin, Environmental Planner, stated she is joined by Kate Shoemaker who is the territory manager for Bird and can also answer questions related to this text amendment.

Ms. Workin stated Bird Rides, Inc. is proposing to allow for foot-powered electric scooter sharing in the public right-of-way in Fridley. They are proposing to update the definition of motor vehicle currently found in Chapter 509 to include foot-powered electric scooters which she will also refer to as "scooters" for the rest of the presentation.

Ms. Workin stated this is a historic code that is currently not being utilized. It allows the City to license car rental companies. It was adopted in 1965. There are no licenses on record that have been issued and the City also does not have any staff institutional knowledge of this code being utilized. There is also no desire at the staff level to start utilizing this code again.

Ms. Workin stated now that this has been brought to staff's attention, we took another look at the Code and at Bird's proposal. Looking at the Code there are some differences between motor vehicle rentals which occur from typically a local centralized, privately owned property and the scooter sharing that is being proposed that is widely distributed and occurs through the public right-of-way.

Ms. Workin stated they also spoke with other cities in the Twin Cities metro focusing their discussion on other suburbs that have already entered into scooter sharing service agreements to see how they regulated scooters and the process they used and developed additional language within the Code that removed existing language related to motor vehicle rental and focused the Code specifically on micromobility sharing such as the foot-powered electric scooters and include additional considerations for the public right-of-way.

Ms. Workin stated micromobility sharing such as these scooters, shared bicycles, or shared electric bicycles are typically run on short trips. There is a fee associated. Oftentimes the programs are administered through an App. When the devices are not being rented or shared, they are stored within the public right-of-way. If you have been in Minneapolis or St. Paul, you have probably seen scooters such as the ones she is showing on the screen and which Bird is proposing for Fridley.

Ms. Workin stated they are a growing trend in the Metro. They are viewed as a way to solve what is considered some last mile difficulties where, for example, if someone arrives

in Fridley at the North Star train station, but where their final destination is a lengthy walk, they can then take a scooter to reach their destination instead of traveling by foot or another bus.

Ms. Workin stated another example would be if someone is looking to get to a grocery store and does not want to walk but also does not want to drive, this would be an alternative option. They are also commonly used for recreation. Other cities have studied the ways scooters are used within their limits, and recreational purposes is a main motivator for those trips.

Ms. Workin stated they are seeing more and more of these scooters in the Metro. Bird in particular is making a big push in the Twin Cities. Currently in 2021 Bird has license agreements to operate in Minneapolis, St. Paul, St. Louis Park, Golden Valley, and Brooklyn Park.

Ms. Workin stated Lime Scooters is another company. They have a license agreement in St. Paul and Lyft is a third company operating in the Metro with a license agreement in Minneapolis. In 2020, due to COVID-19, scooters were really only found in Minneapolis and St. Paul. Prior to that, in 2019, Golden Valley and St. Louis Park, Bird is operating there in 2021. Those cities also had scooter sharing in 2019.

Ms. Workin stated while these companies are not local companies, they do work with a local fleet operator who is responsible for charging, maintaining, and what is called "rebalancing" the scooters. While the scooters may be ridden to a final destination, someone who is contracted by Bird or one of these sharing services will then pick that scooter back up and bring it to a centralized location. That addresses the concern of if a scooter is ridden somewhere on the edge of town, it is not going to sit there for five days waiting for someone else to ride it back. It is someone's responsibility to collect the scooter and bring it back to one of the rebalancing locations. That person also receives a commission on the scooter rides. People are paying to rent the scooter so that the operator has a vested interest to make sure the scooters are maintained and rebalanced in appropriate locations.

Ms. Workin stated when thinking about the scooters, it is important to remember there is a distinction between scooters and scooter sharing. These products are available for private purchase. You can go online and buy a scooter. Then there are these scooters that are shared within the public right-of-way. Minnesota State Statute oversees the rules of ridership related to foot-powered electric scooters. The rules are fairly similar to that for bicycles. They are allowed to be ridden on roads or trails. They are not allowed to be ridden on sidewalks except for immediately accessing a property.

Ms. Workin stated statewide you have to be at least 12 to ride and, if you are under 18, you need a helmet. State Statute also has lighting requirements for riding at night. On top of that many of the scooter sharing services also have their own rules. For example, Bird requires their users enter into a rental agreement, that they be 18 years or older and they wear a helmet, although that is a bit difficult to enforce. They also have hours of operation and where they are not allowed to be ridden, and the scooter locks down. That is between midnight and 4 a.m. which are the standard hours and which the scooter locks up and you are not able to rent them.

Ms. Workin stated the City's goals in regulating the scooter sharing program would be ensuring safety, making sure there is adequate insurance, and reporting on the scooters. The City's other goal would be ensuring orderly and appropriate right-of-way use. They have heard horror stories of scooters being parked inappropriately or abandoned and that is a main concern of cities who enter into agreements like this. The City's goal would be ensuring that if there is an appropriate number of scooters for the size of its community, that they are appropriately distributed and they are parked and stored correctly.

Ms. Workin stated staff is proposing they do this through the Text Amendment to Chapter 509 which is in the packet. This is modeled on the regulatory framework used by other cities in the Twin Cities Metro including Golden Valley, St. Louis Park, and Brooklyn Park. It updates the ordinance to require a license for the scooter sharing service and a fee for that license. It also establishes that the City is able to impound scooters as needed with the associated fee for that. Within the license agreement the City would establish the number of scooters that are allowed, the program standards including the parking requirements, the reporting requirements, and they would be able to update this year to year based on lessons learned from other communities as well as its own experience.

Ms. Workin stated the proposed Fridley license which is still being drafted would cap the number of scooters at 200. This is the number that is allowed in Golden Valley which is the same size as Fridley as well as St. Louis Park. The license applicant would pay a per scooter fee. They would establish a scooter season which right now is being proposed as May 1 to October 1 to coincide with the City's winter parking restrictions.

Ms. Workin stated the license agreement also allows for geofencing. These scooters are connected to a network and are operated through an App, and the company is able to block off areas so that a scooter would not be able to be ridden into that area. For example, if they are having a lot of issues on the Plaza with scooters being ridden, the City could request a geofence so that a scooter would not be able to be ridden into the Plaza.

Ms. Workin stated they would also be receiving the local fleet manager's contact information and requesting information on where they would be charging the scooters to ensure that if the scooters are being charged in Fridley, that is occurring at a safe location.

Ms. Workin stated staff spoke to the city staff and public safety staff at St. Louis Park and Golden Valley who previously had scooter sharing services in 2019 regarding their experiences with scooters. They said that it did not have the issues they were expecting to have. One important thing to keep in mind is these scooters are moved frequently. Even if you have a scooter that was inappropriately parked (and the company is trying to avoid that by having you watch a video or go through some sort of training before you unlock the training), it is not going to stay there for very long. These micromobility devices are moved very frequently.

Ms. Workin stated the fleet manager is also going to be checking the scooter location daily to rebalance the scooters and bring them back to their appropriate rebalancing location. They are also able to view the scooter on an App. If they see a scooter is somewhere where it is not supposed to be, they can go get it. People are also able to report inappropriately parked scooters directly to the company. Fridley would have that local contact who would be able to address any issues, and it would also have the ability to impound scooters if needed.

Commissioner Heintz asked regarding the impounding, how does that process work? For example, he leaves the scooter at Mississippi and University in the morning. What happens?

Ms. Workin replied, if the scooter was inappropriately parked, if the City received a complaint, they would determine whether it presented an immediate risk to public safety or if it would be something considered more an inconvenience. If it was something that did not require immediate action, then they would reach out to the local manager to address the issue. If it was not resolved in an appropriate amount of time, they would be able to impound the vehicle at a staff level. They would also be able to do that if they determined it presented a public safety issue. For example, it is in the middle of University and needed to be addressed right away. In talking to the Public Safety Department, they would utilize the Community Service officers to do that work. Then they would bring the scooter back to the Public Safety garage. Similar to the City's process for collecting abandoned bicycles, and they would then log it into the computer. Within the ordinance it establishes any scooter not collected within 30 days, the City would be able to auction it.

Commissioner Heintz stated there is a fee if the City has to impound it.

Ms. Workin replied, yes, in addition to Chapter 509 staff is also proposing to update Chapter 11 which is the City's fee ordinance and establishing a \$100 fine as well as a \$10 per day storage fee which, in discussion with the Public Safety Department, would cover the staff cost associated with impounding.

Commissioner Heintz stated to Ms. Workin she mentioned she would first have a staff member call the local manager. Would they get paid for doing that, too?

Ms. Workin replied, the staff time associated with contacting a route manager is included in the license fee which is proposed to be \$25 per scooter. Those costs would go towards the license, signing the license agreement, reviewing the license agreement, as well as coordination with the route manager. If an issue could be addressed through a phone call and was addressed within an appropriate amount of time, they would not charge a fee for that. They would like to encourage everything to be handled without impound and on a proactive basis. If staff found they were having issues with a lack of response, then that is something they can consider in terms of licensing for the future.

Commissioner Buyse stated they talked about making changes to the licensee, can that only be done on an annual basis or are there certain other details like the geofencing, can that be updated or done on a daily, weekly, monthly basis. However often as it needs?

Ms. Workin replied, in the license agreement they establish what timelines they would like to see for any requests made. For geofencing the language Fridley has and the language other cities have, has a five-day response time for needed geofencing and the cost of any geofencing be borne by the company. The license agreement can itself be updated every year. Within the license agreement they do provide for changes that need to be made. For example, the City can request additional locations that the scooters be rebalanced. They can request changes to the number of scooters that are rebalanced in certain areas within a specific license term.

Commissioner Buyse stated so the City does not have to wait for that year to be up.

Ms. Workin replied, that is correct.

Commissioner Buyse stated one of his concerns would be they see some of these scooters come down 47 and 65, some of their main thoroughfares, as to the geofencing is it smart enough to make it so there is geofencing where it cannot be on 47 and 65 but you can still cross in the crosswalk just like a bike would?

Ms. Workin replied, the City actually is not able to ban scooters from roads where, for example, a bicycle would be allowed. A scooter could be ridden on 47 or 65. The

geofencing would likely be used more for public property, a park situation, something like that.

Commissioner Buyse stated kids as young as 12 can be riding these. Are there precedents for when a kid gets hurt or hit by a car when riding a scooter? Are there examples of how those are handled from a legal standpoint? Did the city have any issues involved? Is there some sort of indemnification Fridley is provided?

Ms. Workin replied, a scooter can be ridden as young as 12 if it is a privately-owned scooter under State Statute. For a scooter to be rented, typically the company would set the age at 18. She believed that is the age Bird requires, and you do need to show photo ID through the App when renting a scooter. In regards to how Bird would handle a situation where a person was involved in an accident, she will turn it over to Ms. Shoemaker to respond.

Commissioner Buyse stated also he is pretty sure you do not have to show an ID but he would love for Ms. Shoemaker to speak to that as well.

Kate Shoemaker, Bird Rides, Inc., replied they do have the ability to turn on an ID scan where you are required to show a photo ID. By default they have just a checkmark box to verify your age but, as needed, they can add that feature.

Ms. Shoemaker stated when it comes to accidents, Birds' legal team will triage and take in any reports that come in. They do indemnify the City in case of any incidences unless there is proven gross negligence to the roadways or unless there is causation by the City's staff, and they also do add the City to their insurance policy which covers many incidences along with during the sign-in process there is a user agreement where the rider agrees to their terms and states they are responsible for how they use the vehicle.

Vice-Chairperson Evanson asked Ms. Shoemaker to go into detail when she said ID is provided or requested on an as-needed basis, when are those occasions? Why would they only sometimes require?

Ms. Shoemaker stated it would be a request by the City so typically in the process, when you sign up through the Bird application, you are just required to checkmark that you are over 18; but they can create different rule sets within different city limits. If that is something they saw where people under 18 were riding scooters, they can just turn that function on in the application. If you wanted to rent a scooter within the bounds of Fridley, you would have to be responsible for uploading a photo ID and credit card.

Commissioner Buyse asked so if somebody went to Columbia Heights or another surrounding community that Bird functions in, they could just sign up there, not have to use their ID, come back to Fridley and then use them?

Ms. Shoemaker replied, there are different levels of triage so they can make sure it is set so if you come into Fridley you will have to upload your ID. They do not want to create those different rules unless it is needed because they want to make sure it is a fluid process.

Vice-Chairperson Evanson asked who wrote the text amendment? Was that someone in Fridley? Was it someone in another city?

Ms. Workin replied, the ordinance language is very similar to the language that is found in Golden Valley, Brooklyn Park, and St. Louis Park. Which are the cities they found that are licensing scooters and they all have very similar language. Staff had a few minor changes but, for the most part, it is very similar to the other cities.

Vice-Chairperson Evanson asked why eliminate the definitions that motorized scooters are not motor vehicles? His understanding as he reads Code currently is they are defined as motor vehicles. In order to rent a motor vehicle, you have to provide proof of insurance. It sounds like the text amendment, in addition to allowing them to be on the roads, they are saying they are not motor vehicles and you do not need to require proof of insurance. He asked what is the basis for that?

Ms. Workin replied, that is a great point. The proposed language is similar to what the other cities are proposing. However, they are fitting it into an existing section of Code, which was written to regulate car rental companies in 1965. That was looking at your standard rental or taxis companies. They were removing the majority of the language that related to car rental companies and instead shifting the regulations to micromobility sharing.

Vice-Chairperson Evanson asked but could they still not allow for micromobility sharing and call them motor vehicles and require proof of insurance. Is that not possible to do something like that? To say they are going to allow these scooters to be present, you can rent them, but they are defined as motor vehicles and you have to have a driver's license and be insured.

Ms. Workin replied, in the ordinance, if they defined it that way, it would also apply to scooters that people privately owned which would be in conflict with the State Statute that allows people as young as 12 and does not require a license. However, as Ms. Shoemaker was saying, they could allow licensing as part of the license agreement with Bird. They

would want Fridley's code to be consistent with the State Statute definition of the foot-powered electric scooters.

Commissioner McClellan asked about rebalancing. He asked Ms. Shoemaker is there somebody on staff, 24/7, to keep the City out of the scooter confiscation business that find lost scooters and pick them up and get them back to where they belong? Is that an ongoing proposition?

Ms. Shoemaker replied, in 2020 they transitioned to a new operating model called fleet manager. That is where they assign a set of scooters to an individual. That individual goes through a full training program and signs a contract with Bird. They earn a percent of the revenue that comes in from the fleet. A portion of that revenue is also withheld to cover the cost of the vehicles. That ensures that all incentives are aligned and that they want the vehicles to be in places that are high in demand, and they also do not want to lose their scooters because that ultimately affects them.

Ms. Shoemaker stated the fleet managers have a map so they can see where all of their assigned scooters are located, what the battery level is, they can tell through a GPS locator on the scooter if the vehicle is moving when it's supposed to be parked. There are different signals that communicate there may be a potential theft or damage on the vehicle, which they would then want to respond immediately so they do not lose their asset within the business.

Commissioner McClellan asked how many scooters a manager may be in charge of?

Ms. Shoemaker replied, they found an average fleet manager can handle up to 100 scooters. They will start a fleet manager with 25, and will up their number based on performance, and increase it slowly from there. If they prove they are following all of the performance metrics, they will provide the manager with additional vehicles. There are some cases where they have someone who has really taken this on as an entrepreneurial endeavor, has staff, and is very dedicated, then they may have an opportunity to get more than 100 vehicles but typically they find an individual with a little bit of a support system can handle 100 appropriately.

Commissioner McClellan stated the City of Fridley may have two managers at one point.

Ms. Shoemaker replied, exactly. And then Fridley will have an account manager with Bird who will be the main point of contact so they can triage whose scooters are whose and keep everything organized. That account manager with Bird is also going to be someone who manages the other cities so knows best protocols and things to do.

Commissioner McClellan asked who would determine the locations? Is that up to Bird or does the City have any input as to where?

Ms. Shoemaker replied, they would love the City's input.

Chairperson Hansen asked Ms. Shoemaker if she was able to speak to any locations they have in mind right now?

Ms. Shoemaker stated she has done a drive around the City. Once they got approval they would schedule an implementation and launch call with the City's account manager. That account manager she believed will be coming to the next meeting. During that launch calling and implementation, they would then confirm a proposed date they would project to have the scooters live by. They would also show them where they plan on deploying the scooters.

Ms. Shoemaker stated throughout the partnership they would also be getting a lot of data back from the scooters and they will provide different heat maps. The City will have a dashboard where they can see that information. That data will help determine if scooters need to be moved to a different part of town. They do like to have it be something that is flexible, moving, and depending on where they are seeing demand be able to deploy vehicles. They would love to work with the City to determine key spots.

Vice-Chairperson Evanson stated so there is a process to determine this, but right now it does not sound like there are any specific sites that have been identified by Bird, particular intersections, neighborhoods, they do not have answers to that right now.

Ms. Shoemaker replied, no, there are general areas, but they have not confirmed all locations until they have approval from the City and they will then take the necessary steps.

Chairperson Hansen asked, when one is signing up to use these scooters, is there some kind of education offered or safety measures? He has been to the U of M campus and seen people on these scooters, and they are all over the place, he would hope there is some sort of education offered to people so they know they are not allowed on the sidewalks and places like that.

Ms. Shoemaker replied, absolutely. She was just in Minneapolis for a few days and has loved scooting around the town. The infrastructure is amazing. She really went through pretty much all of the streets just traveling around, venturing, and exploring the city. When she opened up her Bird application, it actually brought her through new rules. She has been with the company for two years, she has had the application downloaded, and she

has been a user. It had her go through the tutorials and displayed specific local rules and a banner specifically for Minneapolis.

Ms. Shoemaker stated this would also be the case with Fridley. They can display local rules. The City's account manager would be working with the City to make sure that is added. They can also increase the amount of education tutorials and level of education or tone it down a little bit depending on the program. That is where they wanted to make sure there is good communication and have a good relationship with the City's account manager.

Commissioner McClellan stated to Ms. Shoemaker he presumed Bird is trying to work with Columbia Heights then. They have Minneapolis and then could somebody conceivably go from northeast Minneapolis to the light rail in Fridley in theory?

Ms. Shoemaker stated they are working on getting approval for the majority of cities across the region. If there is a city that is connecting to a light rail, a city that has some type of demand, then it goes through an approval process with Bird to get approved as new territory; and they go through proper approval with that jurisdiction to make sure they have approval. They are speaking with numerous if not all of the cities around here, and they will see them all opening up in hopefully the coming year.

Commissioner Dritz asked whether there is any kind of limit to the distance besides running out of battery?

Ms. Shoemaker replied, it is making sure you stay within the bounds. They do set up a perimeter which is the operating area. Once you hit that operating area, you would have to stop. Whereas, unlocking different regions would allow you to continuously go. The battery level should last about two days on average for normal scooter usage. The fleet managers does check and make sure that when they get to a certain battery level they recharge them.

Commissioner Dritz asked what is an average area or does Ms. Shoemaker have an idea for Fridley what those geo boundaries are?

Ms. Shoemaker replied, an average trip would be about one mile to four miles on average. That can be interconnected at different points in the city.

Chairperson Hansen stated in a setting like the City of Fridley, a first-ring suburb, he asked who is the typical targeted user?

Ms. Shoemaker replied, it really depends on the situation. Bird sees folks using it for utility reasons, like if you need to get to an oil change and you would rather have a sandwich instead of waiting for your oil to get changed. If you are at a home and there is one car but you need to get somewhere or you are at a friend's house, you were dropped off, and you need to get somewhere. It provides just that level of mobility to get around town and do things. Not relying on a car is one of things she was very surprised and impressed with, with the Minneapolis region, is how bike-friendly the city is.

Ms. Shoemaker stated one of their main missions is to get people out of cars. One of the reasons she herself joined Bird is she loves hopping on a bike or when she saw scooters come around, she thought this is absolutely amazing. She would rather hop on a scooter or bike and go to a workout class, meet a friend, or grab a sandwich, then get in her car because it is just a more enjoyable experience for her. They will see people use them in many different ways.

Vice-Chairperson Evanson stated what happens if someone uses it and, although they are under 18 but check the box, and there is an accident where they cause damage or are hit by a car. What legal ramifications can result from an underage person who is frankly misrepresenting themselves on the App using one of their scooters?

Ms. Shoemaker replied, their legal team would handle that. They do have the insurance policy and, depending on the different state region or instance, there are a lot of different ways those lawsuits could go into file so it is difficult for her to comment on that. Bird's legal team would handle that and, again, the City would be indemnified unless there was gross negligence of the roadways or it was a causation by the City's staff.

Commissioner Buyse stated there has to be examples of this happening. He asked Ms. Shoemaker if she could touch on those and what has happened in those communities or legal situations?

Ms. Shoemaker replied, she does not have a specific example off the top of her head for someone who misrepresented them with an application and what happened; but she can absolutely get information.

Commissioner Buyse stated and also regarding the indemnification, he asked Ms. Shoemaker what are some examples she is aware of where that has been at the fault, if you will, of the city?

Ms. Shoemaker replied, from her understanding they have never seen a city liable in court for a scooter hitting like a pothole or one of those situations. An example would be like though if there was a bus driver who fell asleep or was driving incorrectly, they do not train

the bus drivers or if there is an intense pothole or construction work and there is not proper signage or cones, and that has been identified and complained to the city, and there has not been any action done on providing safety around that specific area, they do not have that intel or the responsibility of fixing that so those would be kind of the extreme cases where the city would be held liable. However, Bird has, again, not seen a city held in court for that just because typically there is a lot of protection. For liability reasons they try their best not to get into those situations and provide a blanket of coverage to make sure they feel comfortable with the program.

Commissioner Buyse asked the waiver people have to agree to does not say, ride at your own risk?

Ms. Shoemaker replied, yes, it is like anything you do, such as a trampoline park, even if something you do not know is dangerous, you sign a waiver that states you are responsible for how you use the vehicle. You are admitting responsibility for using it improperly. Bird does have an insurance policy in case there is a flaw with their vehicle that causes damage. That is where the insurance policy kicks in; however, there is responsibility with the user to ensure they are using the scooter properly.

Commissioner Buyse stated Bird is pretty much all across the country, is it not?

Ms. Shoemaker replied, yes, they are global in almost 200 or more cities now. They started in 2017 as the original scooter provider. They then instantly saw a ton of competition. They also realized they needed to quickly build out their programs to make sure they building these out appropriately to integrate them with cities, riders, and other operations. They have seen a ton of growth over the past few years, and Bird has recently announced they are going public so there is going to be a lot more funding and continuation that Bird will be a continued leader in the space.

Vice-Chairperson Evanson asked Ms. Shoemaker whether they provide any training? He works downtown Minneapolis where there are bike lanes all over the place, and it is a great place to ride these scooters. In Fridley they do not have a whole lot of bike paths. Apparently they cannot restrict people from riding on Hwy 47 or 65. As he was driving up the speed limit is 55, some parts there is a shoulder and other times the exit is on the shoulder. He asked Ms. Shoemaker if they provide training for users on how to properly navigate a city that does not have bike lanes, where you are riding close to fast-moving traffic the way they do here in Fridley.

Ms. Shoemaker replied they have a ton of educational tutorials and information if you download the Bird App. They also have the local rules so you can have that flash when they open the App. They do provide free helmets, you just have to pay for shipping; and

they do in all of the marketing and education provide instances where everybody is wearing a helmet and really suggest the use of helmets. They have a number of different initiatives to encourage safe riding. It really is important to them they ensure safe riding and they see people who really police themselves.

Ms. Shoemaker stated if someone sees a rider being irrational, they can restrict those users or just that area. If there is a specific area, where users do not use them appropriately, then they lose the ability to use the scooter. If the fleet manager does not do this appropriately, they lose that opportunity. If there is a concerned area, they will address it quickly.

Commissioner McClellan asked whether Bird, Inc. owns the scooter?

Ms. Shoemaker replied, yes.

Commissioner McClellan stated and they are built to their specifications?

Ms. Shoemaker replied, yes. They have spent a lot of money on R&D to ensure these vehicles are compliant across some of the strictest regulated cities.

Commissioner Buyse stated he has been riding bikes his whole life and ridden these scooters at least two dozen times, in downtown Minneapolis, Arizona, and other places; and he thinks they are great. A concern he has is he does not have as much control over these scooters as he does a bike. The tires are much bigger whereas the scooters have very small tires. He has fallen after hitting a crack, which is his fault. However, it does not change the fact they are dangerous compared to a bike. He understands that bikes are allowed on the edge of Hwy 47 and 65. Are they able to put a geofence so scooters can not be ridden there. Is it all or nothing?

Ms. Shoemaker replied, when Bird was first in Santa Monica there is a lovely beach path that was really fun to ride on. The city then decided to restrict the beach path, and they put a no ride zone over that beach path. Now you have to take the streets to be able to get to and from. They are able to restrict different areas.

Ms. Workin stated while it sounds like they could put a geo fence over Highway 47, they would not be able to ban Highway 47 for all scooters in which case somebody had a privately-owned scooter would still be able to ride on Highway 47. Fridley is not able to ban scooters from city streets.

Commissioner Buyse stated he is not worried about people who own a scooter. They more likely to know how to ride them than just some person renting them for the first or third time.

Commissioner McClellan asked Ms. Shoemaker if she knew the average age of a consumer?

Ms. Shoemaker replied, about 18 to 40 is their most used demographic and above that starts to taper down a little bit.

Commissioner Dritz asked Ms. Workin as to bike trails is there any rule about electric bikes or scooters being on them?

Ms. Workin replied, right now all of the bike trails and bike paths are open to motorized foot scooters and electric assisted bicycles. Her understanding is the City does have the ability to not allow those by local ordinance under State Statute if there is a threat to public or general welfare by their presence. She is not aware of that being something used within the metro, but that is something allowed under State Statute.

Commissioner Meisner stated the enforcement is a little tough as to the age, and the helmets are not required just recommended. He asked if that is correct?

Ms. Shoemaker replied, yes.

Commissioner Meisner stated he has used these on a number of occasions as well and was able to have some other people ride with him on his license. He does not remember exactly their age, but he is sure the enforcement is a little tricky. As to the individual liability, the City liability, the company liability there is a lot of complexity there. He asked what are the most common damage situations and liability situations that Bird experiences?

Ms. Shoemaker replied, she did not have that specific information. She would have to get those statistics to him. She did not want to misrepresent anything.

Commissioner Meisner asked Ms. Shoemaker how far north are they going? Coon Rapids? Blaine?

Ms. Shoemaker replied, she is speaking with them as well. Also Anoka and some of the others.

Commissioner Meisner stated he could pick up a scooter at the station, ride to his house, and leave it on the side of the street.

Ms. Shoemaker replied, yes, and at that point the fleet manager may get a flag. As long as that is within the operating area (again, they can edit that as they go), you could drive the scooter there, park it, the fleet manager may then say (they have heat maps with different color) it was dropped in a low demand area. As they are going around recharging vehicles and rebalancing, they may go and pick that one up and bring it back to somewhere like a bus stop where there is higher demand.

Vice-Chairperson Evanson stated he used one of Bird's scooters a couple of days ago to familiarize himself with it. He had to lock it up and take a picture when he was done. If you want to ride it to your house and there is no where to lock it to, how does that work?

Ms. Shoemaker stated they typically do not have locks. That is very specific to Minneapolis and a few other cities that have required that as a rule. People will typically be guided on how and where to park them without a lock. That is what Bird would suggest for a suburb community.

Commissioner Buyse stated where do you leave the scooter at someone's house? What is the standard?

Ms. Shoemaker replied you would put it where the fleet manager would be able to pick it up and would not be in the way of things. If there was a complaint, that is where the impound situation comes in.

Chairperson Hansen asked Ms. Shoemaker when she is talking about a lock, she is not talking about a physical lock but an electronic lock.

Ms. Shoemaker replied, yes. It basically ties the vehicle down, the wheels lock up, if you try to move it, it beeps, and a silent alarm goes to the fleet manager and they say there is something happening. The fleet manager goes and takes care of it.

Commissioner Dritz asked where are users typically advised to leave the scooters?

Ms. Shoemaker replied on the curbside of a sidewalk out of pedestrians' way and in ADA compliance.

Commissioner McClellan asked if Bird is asking for any exclusivity?

Ms. Workin replied, this would be a non-exclusive license so the City could license multiple scooter companies. They would keep the cap of scooters the same no matter how many licenses the City issues. What they see other cities do is evenly distribute the number of scooters among the license applicants. If Bird was the only license applicant, they would be eligible for 200. They would pay \$25 for each of those. If in the following year the City went out for proposal and had two licensees who applied, then the City would give them 100 scooters. The City has not been approached by any other companies.

Commissioner Meisner stated in the language it talks about unpermitted scooters. Let's say the license is granted in Coon Rapids and Minneapolis and someone rides through Fridley, the language is a little unclear. You can ride an unpermitted scooter in Fridley but you cannot initiate a ride.

Ms. Workin replied, that is correct. You could ride through on a scooter from an unlicensed company. She believed there is language in the ordinance stating the scooter would need to be attended at all times. Having a readily identified renter so as long as you are with the scooter that is fine, but if the person left the scooter in Fridley and could not find who was attending it, the scooter would be impounded.

Commissioner Meisner asked if Fridley has ever had scooters?

Ms. Workin replied the Public Safety Department has not mentioned finding unpermitted scooters. They have seen scooters left at the Minneapolis border to the south, but they are just left there and not for very long as they are collected.

Commissioner Buyse asked Ms. Shoemaker when would she get the stats on the lawsuits to them?

Ms. Shoemaker replied she would follow up with those next week and send them directly the Commission or to Ms. Workin via e-mail and figure out the appropriate time to present it, whether it be to Council, etc.

Commissioner Meisner asked Ms. Shoemaker if the company is profitable yet?

Ms. Shoemaker replied, there is a level of profitability and Bird is doing well.

Motion by Vice-Chairperson Evanson to close the public hearing. Seconded by Vice Chairperson Buyse.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS OPENED AT 8:02 P.M.

Vice-Chairperson Evanson stated he has seen them used plenty as he works downtown. He personally has not encountered any issues with riders downtown. He has found occasions where he is in the heart of downtown and he wants to go to lunch in the north loop and he finds himself driving which is a pain to do that. He very clearly sees the benefit having these scooters in an environment like that.

Vice-Chairperson Evanson stated the type of person who is going to use them is probably going to be the adult working downtown who is familiar with the laws of the road and there are bike lanes. Drivers understand how bike lanes work downtown. He suspects, and maybe he is wrong, they do not have that many bike lanes in Fridley. He worries they are going to get recreational use in a suburban environment where they are going to be used by kids or at least people who are less familiar with the roads, and here are a lot of busy roads in Fridley. He'd like to get more information about the liability issues. If he were to support this at the minimum he would want the ability to require users to upload an ID. He would not be comfortable in a suburban environment where they have a lot of kids who merely have to check a box stating they are 18.

Commissioner Buyse stated a big concern for him is knowing the world today and how sue happy it is. That is a big issue for the City because they want to be friendly to the biking community but just do not have the infrastructure at the moment, and that causes Fridley to scooters on the roads. A car can take quite a beating with regards to potholes, cracks in the road, and he has personally fallen two times and has ridden them two dozen times. He is very good on bikes and any motorized vehicles and he trusts his ability on these things. His mom was not so lucky as she hit a pothole on the way to a Twins game just traveling a couple of blocks and hit her chin and got a pretty bad cut. That is the kind of stuff they could see and somebody who is excited about suing and getting their just money could come back and bite the City. He is nervous about how the indemnification could be seen in a court of law which could put them in a huge lawsuit. He certainly has concerns especially when they do not have the infrastructure where they should be which is bike-friendly areas and bike lanes.

Commissioner McClellan stated he is not as concerned about the indemnification but there is the moral issue because they were riding where they do not belong and yet they have people who cannot walk across Hwy 47 without literally dying. Those are state highways, 47 and 65, and the City does not have much domain over those as it is. He would probably go for it but with some reservation about where they can ride.

Commissioner Meisner stated there are some risks in anything the City does. These are popular and fun. The few times he rode them was to get across the City and it was convenient and in San Diego. However, he learned something that mitigates kids using them. It takes a credit card and it is not cheap as he was surprised at how much it cost. The liability seems to parallel a bicycle. The City does not get sued when a bicycle wipes out on a street. He does not think the City gets sued because of riding a scooter either. The City enables the bike paths and it allows bikes and it is allowing scooters. The liability seems quite parallel to that.

Commissioner Buyse stated Commissioner Meisner makes some really good points. But, the average bike tire is 23-24 inches vs. these are 5.

Vice-Chairperson Evanson stated a debit card can be issued and used to children as young as 12. He is personally uncomfortable having a 13 or 14-year old kid riding a scooter on 47 or 65. Even on Old Central because there is no shoulder. On a bike you can go slower. On a scooter you can cruise about 12-15 mph. He would not support it unless the City requires they upload an ID.

Commissioner McClellan asked how is the cost determined? By miles or time?

Vice-Chairperson Evanson replied, it is a dollar and the \$.39 a minute.

Ms. Shoemaker replied, as an example she rode from downtown Minneapolis, across the stone arch bridge, around and back up to the north loop and it was about \$15. On average it would be about \$5.

Commissioner Heintz asked Ms. Workin, he goes to a Twins game and comes back with his grandson, and he wants to rent a scooter, can he rent two scooters even though his grandson is not 18?

Ms. Workin replied she is not sure if one person can rent multiple scooters at the same time. Under State Statute the grandson could not ride on the same scooter with Commissioner Heintz.

Ms. Shoemaker stated they do have a feature where you are able to pay for another user's scooter but that user does need to have all of the precautions they implement to ensure they are a registered user with Bird and have gone through the appropriate steps.

Ms. Workin stated as to the indemnification, the City license agreement they would enter into which has been drafted by the City does contain sections on indemnification as well as a hold harmless provision which has been reviewed by the City's legal counsel.

Commissioner Buyse stated did the City's legal counsel have any comment or concern?

Ms. Workin replied, no, the City Attorney approved the language that was drafted in the license agreement. Bird has not had the opportunity to review that license agreement.

Chairperson Hansen stated he is inclined to vote in favor of this proposal. It seems like the staff has done a good job of reviewing the other ordinances from other similar cities nearby and have done a good job of addressing a lot of the contingencies. The indemnification he tends to agree the City is less inclined to have issues with that. The public right-of-way is free for people to use with bicycles. A lot of the major thoroughfares do have some good trails and some frontage roads as options for people to use in lieu of just driving or riding a scooter on 47. He has lived in Fridley his entire life and has seen bicycles ride along University or Central but not that often. They want people to be able to cross Fridley because 47 and 65 are major transportation barriers that make it difficult to get anywhere you want to go, east/west in Fridley.

Chairperson Hansen stated the City has built really good bicycle lanes on Main Street that he uses all the time and could be used for the scooters and would be a reasonable route for people to use. He is concerned where he has seen them strewn about at the U of M campus and he is concerned about the amount of time Public Safety may need to spend; however, it is limited to 200 scooters and there is the license fee to help address that. It is a reasonable proposal and it is a one-year license offered so if they get to the end of that year and they have problems they can either revise it or elect not to do that again.

Vice-Chairperson Evanson asked if it would go before the Planning Commission for reapproval? Or at least if there are problems and it needed to be reevaluate who would look at that?

Ms. Workin replied the way it is proposed, like most of the ordinances, the license would be issued at a staff level by the City Manager's designee. It would be issued every year so there would be the opportunity for staff to make changes before entering into an agreement for the following year. If there was public comment or things that were unanticipated staff would be able to make that change before entering into the license agreement the following year. If they had issued a license previously and found the recipient was difficult to work with or it was not a favorable arrangement, they could just not to issue them a license in the future.

Vice-Chairperson Evanson stated but by default it would not come before this Commission.

Ms. Workin replied, that is correct.

Commissioner Heintz stated unless they had to change some text in there.

Commissioner Buyse stated let's say the majority here says, no. It would still go before the City Council. Ms. Shoemaker will still be able to present the legal stats they have requested which helps him.

Vice-Chairperson Evanson stated he agrees.

Chairperson Hansen asked Commissioners Buyse and Evanson if there were stipulations they would like to see?

Commissioner Buyse stated it is mainly he wants to hear the stats. He wants to know what's happened in other communities, because it's certainly not zero. There has to have been some legal cases. He wants to know how Bird ended up settling or going to court and what those results were.

Vice-Chairperson Evanson asked the Commission if they were in agreement if they can require Bird to have in their App the user has to provide ID proving they are 18 years old.

Commissioner Meisner asked if Staff knows if other cities require a driver's license to activate an account?

Ms. Workin replied, she is not aware.

Ms. Shoemaker replied, she did not believe any cities in the metro area. That is something they have had temporary for cities and then they remove it so it is usually fluid.

Commissioner Meisner asked Ms. Shoemaker if she can give examples of cities who continue to use that feature anywhere in the world?

Ms. Shoemaker replied, she knows Santa Monica had it for a while in the beginning but then they removed it and just had it as a checkmark box.

Chairperson Hansen asked if they could add a stipulation that the text amendment would require the identification at the staff's discretion as part of the licensing process?

Ms. Workin replied, that is something they could add into the ordinance that the license would require that all users be at least 18 years of age or it could be included in the

stipulations for the approval of the text amendment that the license agreement for the first year includes that stipulation.

Stacy Stromberg, Planning Manager, to clarify, we are discussing two things. The Commission is charged with approving or denying a text amendment creating an ordinance that will be in the Code. Separate from that the City is also creating a license agreement. There are two separate documents. She believed what Ms. Workin is suggesting is it might be a better tool to put it within the license because then there is an option to modify it in the future if that is necessary. If they put it within the Code language, any change to the Code would need to go through this kind of a process.

Commissioner Meisner stated so the only thing they have in front of them is the text amendment. They are adding rules to the code that will allow scooters, they are not actually discussing Bird's request for a license, are they?

Ms. Workin replied, that is correct. This is a text amendment to allow the City to create a license agreement. That license agreement would be developed separately and would be issued at a staff level similar to the majority of the City's other licenses.

Commissioner Meisner stated when staff is presented with a license application, they have the ability to make some prerequisites or is there some room within the Statutes on how the license is granted? Are those things staff have discretion on or do they need to include all of those options in the text amendment?

Ms. Workin replied, that is something they have discretion on and that they are recommending to include in the license agreement instead of the ordinance in order to provide that flexibility from year to year as lessons are learned. If it is in the ordinance that is very fixed. By including it in the license agreement, the City is still able to regulate. They still have the ability to allow or deny the use of the City's public right-of-way for the needed storage of the scooters for this program to work. They can make a condition of the use of the right-of-way be showing proof of age through the license agreement. The first step of the process though is the ordinance to update the code to allow micromobility sharing through a license agreement.

Vice-Chairperson Evanson stated if the Commission decided it was in the public interest to require Bird get a picture ID to verify they are 18, do they have any assurances from the City that would in fact be required in the license agreement by approving the text amendment?

Ms. Stromberg replied, absolutely. If the Planning Commission feels like they can recommend approval based on this language being within the license agreement, absolutely, they can forward that comment onto the Council.

Chairperson Hansen asked the petitioner if they had any concerns with that?

Ms. Shoemaker replied, no.

Commissioner Buyse stated as to providing the ID, can it be set up for every single ride or is there a way you can turn it on when you just initially sign up?

Ms. Shoemaker replied, she would want to doublecheck to verify things have not changed recently but from her understanding, when you come into a new operating area there are local/rules and stipulations that treat this area as a specific rental area. Those local rules that would come up to notify people they are in Fridley and here are the specific rules within the area. If you were to use it multiple times within the area, you would not need to scan your ID every single time you used it because you already verified yourself and you have that on your personal cell phone.

Ms. Shoemaker stated if they decided to move forward with the license which it sounds like it is something that would be opted in, she will add additional verification.

Commissioner Heintz stated would they want to do it for a certain period of time and see how it works. If they did it for six months, for example, they get to a certain point and then know they are having problems.

Chairperson Hansen stated the license agreement is already for a year.

Commissioner Heintz stated but they can adjust or turn it off.

Vice-Chairperson Evanson stated they are only going to be on the streets until October. If they say six months it really is not going to make any difference. As to the licensing agreement, when they decide to do that, if they find it is a problem they can keep it as a requirement and if they find things are going very well, then they trust City staff to make that decision at that time; and they can always voice their opinion on the matter 12 months from now.

Commissioner Buyse asked when would the licensing start? What is the proposal there?

Ms. Workin replied, the license could be issued this year. Under the license, the scooters would need to be off the road by the end of October. Then the next license period would start May 1 of 2022.

Chairperson Hansen asked if the text amendment gets approved and the license agreement gets approved, when would they start seeing scooters?

Ms. Workin replied, since this would be a change to the Code, if everything were approved by the Commission, the public hearing and 1st reading would go to the Council June 28th, and the second reading would happen in July. Then Bird would need to sign the license and staff could approve, so then however long it would take Bird to get the scooters out on the road.

Ms. Shoemaker stated it would be pretty immediate after that since they would have to remove the vehicles very soon after.

Chairperson Hansen stated he believed that is a reasonable stipulation and sounds like the petitioner is agreeable to that. It would be a stipulation stating petitioner shall provide user ID or form of identification as part of the licensing process.

Vice-Chairperson Evanson stated it would be a motion to approve with the stipulation that the City in its licensing agreement with Bird, Inc. require the verify ID for a full licensing cycle.

Commissioner Meisner asked can they stipulate this or is this just a recommendation to staff?

Ms. Stromberg replied, it is a recommendation to the Council if they approve the text amendment with this added stipulation or condition within the license agreement.

Ms. Workin stated she recommended in the stipulation not to name Bird, Inc. specifically but any licensee.

Commissioner Buyse stated without the stats and things they asked of petitioner he is still going to vote, no, because this is where he is at with it.

Vice-Chairperson Evanson stated he thought Bird had a little bit of an unprepared presentation. A real quick review of Google and it is inundated with information about accidents. The CDC has done reports on it he was reading through earlier today. He recommended to the petitioner to be better prepared for the City Council.

Commissioner Meisner stated if they are talking to the cities around them he is surprised they have not asked what kind of accidents and damages have occurred.

Ms. Shoemaker stated she did not want to misrepresent. She does have ideas but again she did not want to provide information that was not backed up and current. They do ask that cities think of it as, incidents on average like bike incidences. They do see a correlation between the two. Every city has different infrastructure and it really is hard comparing apples to bananas sometimes with hills, bike lanes, or weather and road conditions, different demographics. That is when it starts to get a little complex in giving a blanket statement when you are looking at different metropolitan vs. rural cities vs. college campuses. There are a lot of characteristics that come into play to factor in when you are looking at specific stats that make it difficult for her to give a valid comment and she is no way wants to make something up. She hopes they trust her word on that she wants to give valid information.

MOTION by Vice-Chairperson Evanson approving Text Amendment Application 2021-02 by Bird Rides, Inc. to add new code language that allows for micromobility sharing services within the public right-of-way with the added stipulation the City require that the micromobility sharing organization add the requirement that an ID be collected for a full licensing cycle. Seconded by Commissioner Heintz.

UPON A VOICE VOTE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED WITH SIX MEMBERS VOTING YAY AND ONE MEMBER VOTING NAY.

OTHER BUSINESS:

Ms. Stromberg stated she wanted to note for the viewing audience there was one other item on the agenda for a Master Plan Amendment by Medtronic. They did withdraw their application and that is the reason why they did not hold the public hearing tonight.

Commissioner Meisner asked if she expected that to come before the Planning Commission in the near future?

Ms. Stromberg replied, as of now she is not sure. They can certainly ask the question again. But for now the 60 day clock has stopped and if they want to ask the question again, they will have to apply with a new application.

Commissioner Buyse asked if the withdrawal was based on stipulations put on them from another commission or was it more from City staff.

Ms. Stromberg replied she thought it was a little bit of both but the biggest hurdle was the contract that Medtronic has with the Housing and Redevelopment Authority and their legal staff was likely going to review that contract and then maybe work through some issues with the City's legal counsel for the HRA before they present to the Commission and Council. That is her speculation. They did not tell the City while they were withdrawing.

Commissioner McClellan stated somewhere buried in the ordinances it says something about you can only get three parcel deliveries a week. That was before the Pandemic. He would guess on his street there are about 30 homes and at least two dozen delivery trucks every week not counting the mail which has to be beating up the streets. Is he the only one who notices that or is there any other discussion or does anybody care?

Commissioner Buyse stated he lives on a cul de sac so he does not have a lot of traffic but agrees with Commissioner McClellan that traffic in that respect has skyrocketed.

Commissioner McClellan stated and he is not trying to put Amazon out of business singlehandedly but there is some sort of inherent cost that is going along with this. Some of the vehicles are pretty good-sized cube vans that are running at 4 or 5 tons at least.

Vice-Chairperson Evanson stated he thinks it's an interesting point and he's sure there is wear and tear but also there is the benefit of not having people on the roads with people working from home and that wear and tear.

Chairperson Hansen stated the biggest factor when it comes to road wear and tear is the environment in Minnesota, especially the local streets. Vice-Chairperson Evanson is correct, the City Council went through and looked at organized trash collection and trash vehicles have by far a bigger impact.

Ms. Stromberg stated it is a good question. They have not heard it brought up on a staff level. They have certainly talked about the garbage trucks and their wear and tear on the streets.

Commissioner McClellan stated at the very least there is text in the ordinance that says something about it which is being ignored, should it be there?

Ms. Stromberg replied, she agreed. Tonight they talked about code that has existed since 1965. That is why they are going through a whole recodification process with the City Code.

Ms. Stromberg stated as to an update for them, the solar carports at Medtronic on the Rice Creek campus were approved by the Council on Monday night.

ADJOURN:

MOTION by Vice-Chairperson Evanson to adjourn the meeting. Seconded by Commissioner McClellan.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON HANSEN DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 8:42 P.M.

Respectfully submitted,

Denise M. Johnson
Recording Secretary