



CITY COUNCIL MEETING

June 28, 2021

7:00 PM

Fridley Civic Campus, 7071 University Avenue N.E.

MINUTES

CALL TO ORDER

Mayor Lund called the City Council meeting to order at 7:00 p.m.

PRESENT

Scott Lund

Dave Ostwald

Tom Tillberry

Stephen Eggert

Ann Bolkcom

Wally Wysopal, City Manager

Scott Hickok, Community Development Director

Andrew Biggerstaff, City Attorney

Rachel Workin, Environmental Planner

APPROVAL OF PROPOSED CONSENT AGENDA

Motion made by Councilmember Bolkcom to approve the consent agenda. Seconded by Councilmember Tillberry.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

1. Approve the Minutes from the City Council Meeting of June 14, 2021.

NEW BUSINESS

2. Receive the Minutes from the Planning Commission Meeting of June 16, 2021.
3. Resolution No. 2021-46, Approving a Grant Agreement with Minnesota Department of Health for Well Sealing Program.
4. Resolution No. 2021-53, Awarding Craig Park Improvements, Project No. 21-601.
5. Resolution No. 2021-56, Approving Change Order No. 4 (Final) for 2019 Street Rehabilitation Project No. ST2019-01.

6. Resolution No. 2021-57, Approving Gifts, Donations and Sponsorships received between May 18 and June 21, 2021.
7. Resolution No. 2021-58, Authorizing Participation of the City of Fridley in the Minnesota Local Performance Measurement Program.
8. Resolution No. 2021-59, Approving and Authorizing an Employee Wellness Program.

CLAIMS

9. Approve Claim Nos. 193103 – 193316.

ADOPTION OF REGULAR AGENDA

Motion made by Councilmember Eggert to adopt the regular agenda. Seconded by Councilmember Ostwald.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

OPEN FORUM, VISITORS: Consideration of Items not on Agenda – 15 minutes.

No one from the audience spoke.

REGULAR AGENDA ITEMS**PUBLIC HEARINGS:**

10. Ordinance No. 1393, Amending Fridley City Code Chapter 509 Allowing Shared Micromobility Devices, Petitioned by Bird Rides, Inc., Public Hearing and First Reading

Motion made by Councilmember Bolcom to open the public hearing. Seconded by Councilmember Tillberry.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY, AND THE PUBLIC HEARING OPENED AT 7:12 P.M.

Rachel Workin, Environmental Planner, said Bird Rides is requesting the City to allow foot-powered electric scooter sharing in the right-of-way, and to update the definition in Chapter 509, Motor Vehicle Rental, to include scooters. The text amendment is expanded to include other micromobility devices, right-of-way considerations and removal of motor vehicle language. Motorized foot scooters, bicycles, electric bicycles temporary use for a fee, short trips from right-of-way. The scooters ride 15-18 mph. Similar to the rules to bicycles (MS 169.225). Ride on roads or trails unless posted, must be 12 years old, helmet for <18 years old and equipped with the appropriate lighting. Company specific rules are 18+, helmet use (hard to enforce) and hours of operation. Scooters equipped with GPS, so Bird Rides knows where it is and has the ability to turn off the scooter remotely. Bird Rides, Inc., has locations in

Minneapolis, Golden Valley, St. Paul and Brooklyn Park (pending). They work with a local fleet operator who charges the scooters, maintains and rebalances them. They receive commission on the scooters.

Ms. Workin said the Chapter 509 Text Amendment creates an ordinance license requirement and fee, impoundment and fee and limits the number of licenses. The License Agreement, specific to scooters, limits the number of scooters, duration, creates programs standards, requires insurance and indemnification and reporting. Scooters would need to be removed by October 31. The proposal is for 200 scooter capacity. Golden Valley and St. Louis Park have a maximum of 200 scooters contracting with Bird Rides or 150 and 175 respectively. Minneapolis has a cap of 2,500 split between Bird Rides and Lime.

Ms. Workin noted that the license includes vehicle distribution and parking, including highly mobile, geofencing, rebalance in terms of citizen and demand. The City can require redistribution where scooters are too dense or sparse, and scooters are not to be parked where they block pedestrian or vehicular access, on landscaped areas, traffic islands, in the street, where they pose a safety hazard, and are subject to impoundment on private property. Enforcement is direct to local contact where possible. Staff has the ability to impound, decrease the number of scooters and terminate the license. Staff can geofence off high-speed roads over 45 mph speed limits and the operator would get a warning to turn around. Scooters will be removed if unsafe. Specific users can be banned from using the scooters. Indemnity is low risk for licensing, and the user agreement that lays out the risk they are assuming. The licensee must maintain liability insurance and add the City as an additional insured. The Planning Commission approved this and added a stipulation for the user to provide proof of age via drivers' license. Staff recommend Council approve the first reading of Ordinance No. 1393, Amending Fridley City Code Chapter 509 Allowing Shared Micromobility Devices.

Councilmember Bolkcom asked who would respond to customers after 10 p.m.

Adam Blau, Bird Rides, Inc., replied that during working hours, 9 a.m.-8 p.m., the scooter needs to be moved within two hours. The user can reach out to the 24/7 support line or use email or the app to connect with a Bird Rides representative between 10 p.m. and midnight. The scooter will automatically shut off at midnight.

Councilmember Bolkcom asked about staying within 5 feet of scooter. If you wanted to into a store, would you be able to use the scooter when you come back out.

Ms. Workin replied that is for an unlicensed City scooter that is unattended, the City could impound that scooter. That does not apply to the licensed-sharing scooters.

Councilmember Bolkcom asked if someone could have a passenger on the scooter.

Mr. Blau replied that the agreement is for one rider per Bird.

Ms. Workin added that it is also illegal in State Statute and not allowed on a private scooter.

Councilmember Bolkcom asked if scooters could be taken on a bus.

Mr. Blau replied that if busses allowed this it would be okay, but the scooter would remain unlocked, and the user continues to pay by the minute. Locked scooters cannot be transported.

Ms. Workin said she was not sure if Metro Transit would allow scooters on the bus.

Councilmember Bolkcom said there was a lot of discussion at the Planning Commission meeting about liability and if staff felt comfortable with the way the language was written in the ordinance.

Andrew Biggerstaff, City Attorney, replied that the language in the license agreement indemnifies the City and the City would be named as an additional insured to provide extra protection for the City. He checked with the League of Minnesota Cities, and this license agreement does not create new lines of liability for the City.

Councilmember Eggert asked about the requirements for the insurance certificate.

Attorney Biggerstaff replied that there are a number of formats they use in the municipal line.

Councilmember Eggert said that someone could get a cheap policy that does not have the assets.

Attorney Biggerstaff replied that there is nothing that requires a certain level of rating of the insurer. The City could require that the insurer be someone the City approves of and reviews to make sure they meet our requirements.

Councilmember Eggert said he suspected they are with a sizable insurer, and there is a requirement in the license to submit insurance certification.

Ms. Workin said staff can look at other City licenses--for garbage and tree trimming--to see examples of the issuer standards the City has required.

Councilmember Eggert asked if the insurer would renew on an annual basis.

Ms. Workin replied that is managed through Citizen Serve and the licensed applicant uploads a copy of their certificate on an annual basis.

Councilmember Eggert said he thought there was a low medical coverage of \$10,000. He said that does not cover a lot of medical in today's world.

Attorney Biggerstaff replied that the coverage was based on Golden Valley's agreement, but staff could look at it and adjust it if needed.

Councilmember Eggert asked how any excess costs would be covered.

Attorney Biggerstaff replied the indemnity would be beyond the limits and hold the City harmless. The licensee would step in to protect the City.

Councilmember Tillberry asked what percentage of riders get injured.

Mr. Blau replied 0.001% reported injuries and the industry started in 2018.

Councilmember Tillberry asked about the helmet use requirement.

Mr. Blau replied that they do not mandate helmets but strongly encourage. Riders can get a free helmet on the app and only pay \$9.95 for shipping and handling.

Ms. Workin added that in the State Statute, helmets are not required unless riders are under 18 years of age.

Councilmember Bolkcom asked if there was any way to scan in a student ID rather than a driver's license.

Mr. Blau replied that by default, riders are checking a box on the user agreement saying they are 18+. There are a few city partners who would like to require a driver's license, and that may be able to be implemented.

Ms. Workin added that age was a concern at the Planning Commission meeting. We learned after the meeting that the identification requirement would have to be a driver's license. The City could require a driver's license identification that could be added into the license.

Councilmember Bolkcom thought there should be a way to be able to scan something besides a driver's license.

Ms. Workin replied that no other city requires a driver's license. If we could accept other forms of identification, staff would recommend that. If we are limited to driver's license only there would be a concern for access to scooters to those with no driver's license. Bird can follow up to see if they can scan in other types of identification.

Councilmember Bolkcom suggested to put emphasis on Bird to develop that technology, to scan other types of identification.

Mr. Blau said it is up to City if they want to implement and enforce scanned identification.

Councilmember Bolkcom said she did not want Public Safety officers enforcing underage drivers on scooters.

Mayor Lund said if the age to ride is 18, why not require a driver's license to be scanned.

Ms. Workin replied that not every resident 18+ has a driver's license.

Mayor Lund asked how someone under 18 would pay for this.

Mr. Blau replied on a parent's credit card.

Mayor Lund said there is some work to do, and he was surprised something has not been developed to scan in other identification rather than a driver's license.

Ms. Workin replied that the language in the license agreement is similar to Golden Valley and St. Louis Park. They do not require the user to submit identification before renting the scooter. The Planning Commission added a stipulation of additional proof of identification in the form of a driver's license.

Councilmember Bolkcom said that Fridley is going down a new path with a new ordinance. She suggested to start small with those 18 and pressure Bird into doing something different. She asked about impounding the scooter and the notice in the 72-hour ordinance.

Ms. Workin replied that if the City received a report of a scooter parked in violation of the notice the City would contact the licensee and they would respond. If something immediate needed to happen like a safety hazard, the City can impound the scooter without notice. City staff reached out to the police department in Golden Valley and St. Louis Park and they said they spent minimal police time, and this wasn't a burden on the public safety officers. If the scooter is impounded that would be done by the community service officers and they wouldn't have to let them know for 72 hours. Bird can track the scooter through GPS so they would know where it is, and Bird would have to pay the fine if there is one.

Councilmember Bolkcom asked how the charging stations were regulated.

Ms. Workin replied that in the past the City had an incident with illegal home occupation of scooters being charged in resident's garage. That is not the current business model.

Mr. Blau added that they partner with local businesses and bike shops with existing infrastructure and move scooters back to areas where they will get ridden after they are charged.

Councilmember Eggert asked what the rental fee was of the scooters.

Mr. Blau replied the fee is \$1 to unlock the scooter and 39 cents a minute thereafter. Community pricing programs are available for low income individuals and first responders.

Mayor Lund agreed to roll this out slowly and not have 5,000 scooters in Fridley.

Mr. Blau replied that the last thing they don't want is scooters sitting and not being ridden. They would start small with 25-50 scooters and scale up if there is demand. They wouldn't have more than 200 scooters in this area at one time.

Mayor Lund asked where the scooters would be placed.

Mr. Blau replied they would defer to the knowledge of local fleet managers and high foot traffic areas. They will track where people start and end from the app.

Councilmember Eggert asked how the bad customers are managed.

Mr. Blau replied that every rider goes through a tutorial explaining the rules of the road. Information can be customized within the app. Every rider has to take a photo where they left the scooter. We do fine bad parking and the rider pays. We also have the ability to ban riders from the platform, but the first step is in-app communications.

Ms. Workin added that the users are not anonymous. They also have a user profile and credit card trail.

Councilmember Ostwald asked if there have been any issues with underage riders using the scooters.

Mr. Blau said that is city specific, and he cannot say if there will be an issue in Fridley.

Councilmember Bolkcom asked how they know if there are underage users with no required proof of identification.

Councilmember Ostwald thought this is designed to get cars off the road so they would want a driver's license but that may exclude the group of people without driver's license to use the scooters as alternative transportation. 30% of people in Fridley do not have a vehicle and would be excluded.

Councilmember Eggert agreed that we have the infrastructure and our residents need cheaper transportation.

Councilmember Ostwald asked what was done to build in security for the scooters.

Mr. Blau replied that if the scooters are not unlocked within the app, they are not rideable, and the GPS signal cannot be stopped.

Motion made by Tillberry to close the Public Hearing, Seconded by Bolkcom. Voting Yea: Lund, Bolkcom, Eggert, Ostwald, Tillberry

Public hearing closed at 8:30 p.m.

Motion made by Tillberry to approve the first reading of Ordinance No. 1393, Amending Fridley City Code Chapter 509 Allowing Shared Micromobility Devices. Seconded by Councilmember Bolkcom.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

11. Ordinance No. 1391, Amending the Fridley City Code Chapter 206, Building Code (First Reading).

Scott Hickok, Community Development Director, stated this is only electrical permit fees. In November of 2020, the State Department of Labor and Industry modified its schedule related to electrical permit fees. From year-to-year, the State looks at its fee schedule for permits and publishes its fee schedule. It is incumbent upon a municipality's building official to set the fee schedule for that municipality, based on the cost of service. The State fee table becomes an important guide.

Mr. Hickok stated that the City has sought to keep all permit fees in line with State requirements that they are set to cover the cost of the service being delivered. An annual report is filed with the State and in conjunction with the City's Finance Department and includes building department data that helps to define costs incurred (office space, lighting, photocopying, etc.) with our service delivery. Our Plumbing and Building Permit fees do not require adjustment at this time. The State of Minnesota has also created a separate permit process for solar panels and other solar devices. In response, staff has prepared an application which includes a fee chart that will be consistent with other cities across the State.

Mr. Hickok said that Robert "Bob" Clausen, has been the contract electrical inspector for the City of Fridley since the late 1960s. Bob is contemplating retirement. For many years, Mr. Clausen was a State Electrical Inspector and later he became a contract inspector for cities. In recent years, Bob has worked entirely for the City of Fridley and its surrounding cities and collects 80% of the permit fee, leaving 20% to cover

administration costs incurred by the City. As he has prepared for his retirement, Bob has made recommendations to Building Official Tony DeForge. Those recommendations include two items; a modified form to be consistent with his other cities where he has contracts and does their inspections and an adjustment to the schedule to bring our fees into line with his other contract cities.

Councilmember Ostwald asked when the last time was that we adjusted the rates.

Me. Hickok replied that we have kept consistent rates since 1992 and have stayed in the middle compared to other cities.

Motion made by Councilmember Eggert to approve the first reading of Ordinance No. 1391, Amending the Fridley City Code Chapter 206, Building Code. Seconded by Councilmember Ostwald.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

12. Ordinance No. 1392, Repealing Ordinance No. 1380 Extending the Period of a Mayoral-Declared Local Emergency

Wally Wysopal, City Manager stated that the state of emergency order within the City of Fridley is no longer needed so he is recommending repealing the emergency order effective immediately.

Motion made by Mayor Lund to adopt Ordinance No. 1392, Repealing Ordinance No. 1380 Extending the Period of a Mayoral-Declared Local Emergency. Seconded by Councilmember Bolkcom.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

13. Ordinance No. 1394, Amending Fridley City Code Chapter No. 11 Adding Licensing, Impoundment and Storage Fees for Micromobility Vehicles (First Reading).

Ms. Workin said the fees for the micromobility vehicles outlined in Ordinance No. 1393 include micromobility sharing license \$25 per vehicle, micromobility vehicle impoundment is \$100 per vehicle, and micromobility vehicle storage is \$10 per day, with the ability to auction off any scooters held for more than 30 days.

Motion made by Councilmember Eggert to approve the first reading of Ordinance No. 1394, made by Eggert, Amending Fridley City Code Chapter No. 11 Adding Licensing, Impoundment and Storage Fees for Micromobility Vehicles. Seconded by Councilmember Bolkcom.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

14. Resolution No. 2021-55, Appointing Members to the Financing Task Force and Refinement Task Force for Continued Work on a Parks System Improvement Plan.

Mayor Lund recommended the following individuals be appointed to the Financing Task Force and the Refinement Task Force:

Financing Task Force: Daniel Tienter, Lee Pao Xiong, Scott Brinkhaus, Walter Smith, Steve Schmit, Ron Ackerman, Rachel Schwankl, Alesia Thompson, and Warren Stock.

Refinement Task Force: Mike Maher, Pete Borman, E.B. Graham, Mike Heintz, Ken Schultz, Dan Whalen, Jordan Hurst, Jim Stangler, Traci Wuchter, Liz Novotony, Dan Gourde, Kim Ferraro, Maija Sedzielarz, Malcolm Mitchell, and Jeremy Powers.

Mayor Lund said he appreciated the commitment of the individuals and thanked them for serving.

Councilmember Bolkom asked how residents will know where we are in the process.

Mr. Wysopal replied that meetings will be posted, and they are open to the public and minutes will be taken and shared.

Motion made by Councilmember Ostwald to approve Resolution No. 2021-55, Appointing Members to the Financing Task Force and Refinement Task Force for Continued Work on a Parks System Improvement Plan. Seconded by Councilmember Bolkom.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

INFORMAL STATUS REPORTS

Councilmember Bolkom thanked all who attended the summer event at the Banfill Locke Center. After December 31, they will find a new place to reside as they are no longer connected with Anoka County. They will be called the North Suburban Center for the Arts.

ADJOURN

Motion made by Councilmember Ostwald to adjourn the meeting. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY, AND THE MEETING ADJOURNED AT 9:06 P.M.

Respectfully Submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor