

**AGENDA  
OF THE WORK SESSION  
CITY OF EAST GRAND FORKS  
TUESDAY, MARCH 14, 2023 – 5:00 PM**

**CALL TO ORDER:**

**CALL OF ROLL:**

**DETERMINATION OF A QUORUM:**

- 1. Request to Consider Creation of a New Position in Police Department – Michael Hedlund**
- 2. Emergency Management Update – Jeff Boushee**
- 3. Grand Rides Bike Share Update and Sponsor Request – Reid Huttunen**
- 4. Request to Order GMC 2500 from North Country GM of Hibbing – Reid Huttunen**
- 5. Review of Memorandum of Understanding with Bird Rides Inc – David Murphy**
- 6. Discussion on Interim Position – David Murphy**

**ADJOURN:**

**Upcoming Meetings**

Council Meeting – Tuesday, March 21, 2023 – Council Chambers – 5:00 PM  
Work Session – Tuesday, March 28, 2023 – Training Room – 5:00 PM  
Council Meeting – Tuesday, April 4, 2023 – Council Chambers – 5:00 PM  
Work Session – Tuesday, April 11, 2023 – Training Room – 5:00 PM

Individuals with disabilities, language barriers or other needs who plan to attend the meeting and will need special accommodations should contact Nancy Ellis, ADA Coordinator at (218)-773-2208. Please contact us at least 48 hours before the meeting to give our staff adequate time to make arrangements. Also, materials can be provided in alternative formats for people with disabilities or with limited English proficiency (LEP) by contacting the ADA Coordinator (218)-773-2208 five (5) days prior to the meeting.

# Request for Council Action

Date: ~~2/08/2023~~ 03/08/2023

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: Michael Hedlund – Chief of Police

RE: Request to Consider the Creation of a New Position Within the Police Department - Updated

## **Background:**

For approximately two years the East Grand Forks Police Department has struggled to get qualified applicants for our open police officer positions. In an attempt to enhance our ability to attract candidates I am going to request that the City consider creating a new position within the East Grand Forks Police Department. I will refer to this position as “Police Recruit” for the purposes of this RCA.

Our idea would be to recruit current law enforcement students who are nearing the completion of their training and education. We would have these students go through a hiring process, just like traditional police employees, and if selected they would be hired as a “Police Recruit”. Students would be eligible for this position if they are entering, or in, their final semester of a two-year law enforcement program, or four-year degree students who only have to complete the Skills (Police Academy) portion of their education to be eligible to be hired as regular police officers. The “Police Recruits” would be paid (and possibly receive benefits), at a level to be determined, during this final stage of their education. The simplest method to do this might be to hire the “Police Recruits” as part-time employees (similar to other part-time positions within the city) and pay them for 20 hours of “work” per week as they are completing their education. The “Police Recruits” would receive a conditional offer of employment where they would be hired by the EGFPD as police officers upon the successful completion of their education, passing of the MN POST Test, and background check covering the time period after they were hired as a “Police Recruit”. I would recommend that the “Police Recruits” be required to sign a contract where they would have to repay the City for any salary and benefit payments that they received if they did not complete their educational program, or chose to leave our Department prior to some required period of service (i.e. two years of service as a police officer).

## ***\*Updated Information***

*After considering the ideas discussed at the City Council Work Session on February 14, 2023 and seeking out information on methods being used by other law enforcement agencies I am recommending that the City of East Grand Forks authorize the creation of a part-time “Police Recruit” Position. I am proposing that the position be paid \$20.00 per hour for 20 hours per week during either their final semester of a two-year law enforcement program or during their Police Skills training if they have completed a four-year*

*degree. In return the students would agree to become police officers for the City of East Grand Forks and remain with the EGFPD for a minimum of two years. If they chose to leave prior to two years with the department they would be required to pay back all funds received during their "Police Recruit" period.*

*A number of agencies (mostly Metro) have started to hire current students as part-time Community Service Officers while they are going to school with the intention of then hiring them as officers when they complete their schooling and Skills training. My issue with that is you are limited to hiring students that are local and able to work at your department and go to school at the same time. In my proposal the "Police Recruits" would be required to come to the EGFPD to complete 20 hours of ride-alongs per month during their Police Recruit period. This would be less of a disruption to their schedules and would allow their focus to remain on completing their education, while still giving us a chance to better get to know them before formally hiring them as officers. If we were to select an applicant for the Police Recruit position who lived a significant distance from EGF we would work with them to develop a different requirement as opposed to requiring them to do the ride-alongs.*

*I would also like to consider offering paid internships but view that in a somewhat different manner as internships are not always completed during a student's final semester. I am open to suggestions, but this might be something to look at as an addition to the EGFPD budget in 2024.*

**Budgetary Impact:**

Budgetary impact is difficult to determine at this time since salary and/or benefit levels for this proposed position have not been determined. Because we would only hire "Police Recruits" for unfilled Police Officer positions any costs should be offset by the savings from not having a Police Officer position filled.

**\*Updated Information**

*Budgetary Impact would range from approx. \$4,000.00 to \$6,400.00 per student depending on the length of the program that they are in. I realize that this is a significant expenditure but as I mentioned in the February 14 work session, agencies in a number of other states regularly hire officers and then send them to the police academy. This would be similar to that but at a significantly lower cost. We would only be hiring "Police Recruits" in a number not to exceed our open police officer positions this should be able to be handled within the existing budget.*

**Recommendation:**

Approve the creation of a new "Police Recruit" position within the East Grand Forks Police Department and authorize a study to determine the salary level (or decide internally within the City what salary and/or benefits that the position would receive).

**\*Updated Information**

*Authorize the creation of the Police Recruit position to be paid at \$20.00 per hour and 20 hours per week during the student's final semester of a two-year Law Enforcement program or during their Skills training upon completion of their four-year degree.*

**Enclosures:**

None.

# Request for Council Action

Date: 3/9/2023

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: Fire Chief / EM Jeff Boushee

RE: Emergency Management Update

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**Background:**

To update council on status of the East Grand Forks Emergency Management Program.  
To update council on spring flood outlook and preparations.

**Recommendations:**

None currently.

**Enclosures:**

NWS Spring Flood Outlook



# Red River and Devils Lake Basins - 2023 Spring Flood Outlook

NWS Grand Forks • North Central River Forecast Center • March 9, 2023

This outlook is based on observed conditions through Monday, March 6th and includes forecast precipitation through Monday, March 13th. Visit our website at [weather.gov/fgf/currentfloodoutlook](https://weather.gov/fgf/currentfloodoutlook) for associated exceedance graphics, probabilities, and related discussions. At this time, an additional spring flood outlook is expected to be issued on March 23rd.

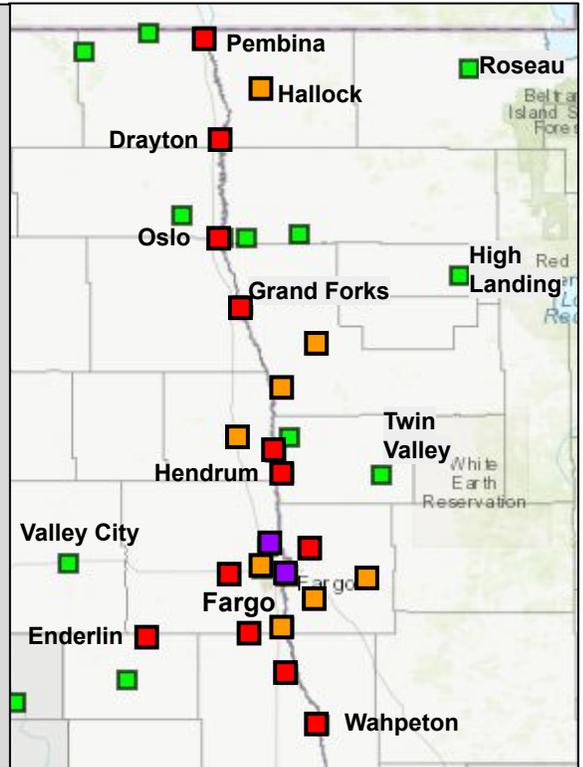
**Key Message: The risk for significant (moderate or higher) spring flooding has increased with this outlook issuance and is now near or above long-term historical averages across the the Red River Basin (US portion).**

### Key Points:

- Moderate to isolated major spring flooding is depicted in this outlook (50% exceedance probability) for much of the mainstem Red River and southeastern North Dakota tributaries. Minor flooding (50% exceedance probability) is depicted for some of the Minnesota tributaries.
- Below normal soil moisture and near normal streamflows entering into freeze-up.
- Normal to above normal snowfall and precipitation thus far this winter (with the exception of the far northern basin).
- Below normal March temperatures will increase the likelihood of a delayed spring melt.
- Snowmelt timing/thaw cycle, along with any additional snow and/or rain, will be the most important factors contributing to the spring flood risk.

Flood Risk Indicated as > 50% of category:

- Major
- Moderate
- Minor
- < 50%



Valid March 13, 2023 - June 11, 2023

### Snowmelt Flood Components:

- 1. Fall Precipitation and Soil Moisture at Freeze-up: Below normal.** Fall precipitation (Sep-Nov 2022) was below normal across the basin. Conditions were driest across the lower Sheyenne basin and southern Red River Valley (3-4 inches below normal); elsewhere was 1-2 inches below normal. Soil moisture heading into freeze-up was lower than normal with moderate drought conditions persisting across southern central portions of the basin and abnormally dry conditions across the north.
- 2. Base Streamflow: Near normal.** USGS analyses indicate that the Red River mainstem and its tributaries were flowing at normal ranges heading into freeze-up.
- 3. Frost Depth: Near normal to deeper than normal.** Frozen soils continue to deepen as the winter season continues, deepest across northeastern ND (30-35 inches) while slightly shallower and more variable across southeastern ND and much of the MN portion of the basin (20-30 inches).
- 4. Snowpack and Associated Water Content: Normal to above normal.** After a wet and snowy beginning to winter, January and early February brought less than normal snowfall/precipitation across to the basin. A more active pattern returned for the second half of February and first part of March. Total snowfall is running near normal for most areas while 20-25 inches above normal across the Devils Lake and Sheyenne basins in addition to the far southern Red River Basin. Associated water content ranges from 2.0 to 5.0+ inches (highest across southeastern ND).
- 5. Future Conditions:** Overall below normal temperatures are expected to continue through the remainder of March with near normal precipitation. Climate outlooks indicate below normal temperatures continuing this spring with no strong signal either way for above, below, or near normal precipitation.

**DEVILS LAKE AND STUMP LAKE**

Valid March 6, 2023 - September 30, 2023

DEVILS LAKE	95%	90%	75%	50%	25%	10%	5%
Creel Bay	1449.9	1449.9	1450.0	1450.3	1450.6	1451.1	1451.8
Eastern Stump Lake	1449.9	1449.9	1450.0	1450.3	1450.6	1451.1	1451.8

Devils Lake and Stump Lake are currently at ~1449.4 ft (zero datum 1400.00 NGVD29).

**RED RIVER AND TRIBUTARIES**

Valid March 13, 2023 - June 11, 2023

RED RIVER MAINSTEM	95%	90%	75%	50%	25%	10%	5%
Wahpeton	11.7	11.7	12.2	13.2	14.9	15.7	16.8
Hickson	25.8	26.0	27.4	30.0	33.3	35.1	36.1
Fargo	25.7	27.2	28.9	31.8	34.0	36.5	38.5
Halstad	28.0	29.9	32.3	35.3	38.3	39.5	40.0
Grand Forks	36.6	37.4	40.0	42.6	44.2	46.6	49.9
Oslo	33.9	34.1	34.7	35.6	36.3	37.3	38.6
Drayton	34.6	35.5	38.0	40.0	41.0	42.2	43.3
Pembina	41.6	43.0	45.7	47.8	49.9	51.8	52.5

MINNESOTA TRIBUTARIES	95%	90%	75%	50%	25%	10%	5%
South Fork Buffalo River							
Sabin	13.5	13.9	14.3	14.9	15.4	16.3	16.7
Buffalo River							
Hawley	6.8	7.3	7.8	8.6	9.5	10.3	10.6
Dilworth	16.8	18.1	18.9	20.3	21.6	22.8	23.3
Wild Rice River							
Twin Valley	6.2	6.5	7.3	8.3	9.2	10.8	11.6
Hendrum	24.1	25.9	27.1	28.7	30.5	31.8	32.5
Marsh River							
Shelly	10.3	11.0	11.5	13.0	14.7	17.3	19.1
Sand Hill River							
Climax	15.6	16.7	19.3	21.7	25.4	29.0	31.3
Red Lake River							
High Landing	6.1	6.7	7.3	8.2	9.4	10.6	11.9
Crookston	11.5	12.1	13.8	15.8	18.6	22.2	23.8
Snake River							
Above Warren	62.6	62.7	63.2	63.9	64.5	66.4	67.3
Alvarado	98.4	98.7	99.7	101.9	104.1	107.5	108.3
Two Rivers River							
Hallock	799.3	800.2	801.7	803.5	806.0	808.3	809.2
Roseau River							
Roseau	8.1	8.3	9.0	9.9	12.0	15.7	17.6

**Legend:**  
 Below Flood Stage  
 Minor  
 Moderate  
 Major  
 \*Flood of Record\*

NORTH DAKOTA TRIBUTARIES	95%	90%	75%	50%	25%	10%	5%
Wild Rice River							
Abercrombie	13.0	13.8	15.2	17.4	20.0	22.6	24.1
Sheyenne River							
Valley City	10.4	11.7	12.4	13.3	14.2	16.3	18.7
Lisbon	11.3	12.0	13.4	14.1	15.1	18.9	19.7
Kindred	15.2	16.1	17.8	19.2	19.9	21.1	21.2
West Fargo Diversion	15.1	15.2	17.2	19.2	19.9	21.3	21.3
Harwood	87.5	88.9	89.5	91.0	91.5	92.0	92.1
Maple River							
Enderlin	11.3	11.4	11.9	12.6	13.0	14.0	14.4
Mapleton	21.0	21.2	21.7	22.0	22.4	23.1	23.5
Goose River							
Hillsboro	7.8	8.6	10.1	12.2	13.6	14.7	15.4
Forest River							
Minto	4.0	4.2	4.6	5.2	6.2	7.0	7.2
Pembina River							
Walhalla	5.1	5.4	6.0	6.7	8.2	10.4	12.2
Neche	8.3	9.5	10.5	12.2	15.5	19.6	20.9

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Cc: File

From: Reid Huttunen, Parks & Recreation

RE: Grand Rides Bike Share update and sponsor request

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**Background:**

The Downtown Development Association (DDA) has requested the City renew its \$10000 sponsorship of the Grand Rides Bike Share program again in 2023. The City sponsored this program last year for the first time, and the DDA has a bike rack located near the Cabelas parking lot, across DeMers Ave from Bernies.

At the time that this RCA was prepared, the DDA does not have specific ride data to share, in how many total rides were rented, or how many rides originated or ended at the Bike rack in EGF. Each bike does have a GPS software on it, and the DDA has reported that a data analytics class at UND is going through the GPS data to create reporting that will share details of this information.

DDA has shared that in 2022 they,

- Increased total rentals by 41%
- Increased the total inventory of bikes to 60 and
- Hosted monthly community event bicycle rides

They do plan to continue to grow the total inventory of bikes in use in 2023.

**Budget Impact.**

DDA is asking the City of East Grand Forks to commit to a \$10,000 annual sponsorship of the program. Other community partners committed to the program are shown in the attached document provided by the DDA.

Altru Recreation Partnership funds would again be used to fund this sponsorship. Current balance of Altru Partnership account is about \$150,000

**Recommendation:**

Seeking approval of \$10,000 sponsorship using Altru Partnership funds.

**Enclosure:**

Bike Share program update, 2023

# GRAND RIDES

2023



# What were our 2022 goals?

Take the fleet to 60 GPS'ed bikes



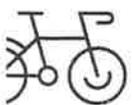
Improve maintenance and rebalancing

Add an educational and programming element



Increase rentals by 41%

Enhance marketing for better engagement





*Our accomplishments  
together*

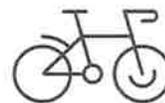
**60 GPS'ed bikes for visitors to enjoy!**

**Developed system to ensure maintenance of bikes**

**Hosted monthly Grand Rides Pop-Up Events**

**Increased rentals by 58%**

**New and improved creative marketing strategies**





52,000+ reached through social media & DDA blog



4,500+ reached through email marketing



130+ radio ads for Grand Rides



14 days of Grand Rides billboard



2 fun Grand Rides photo shoots



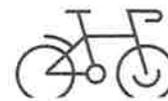
1 awesome new video!





*Let's keep the ride going in 2023!*

After a few years of thousands of rides by hundreds of users, we will invest in much-needed bike updates - from re-wraps to new bells and a couple of new bikes. Your continued generous support of \$10,000 will ensure the bikes are in tip-top shape for the 2023 season when we will continue our creative marketing plans highlighting The City of East Grand Forks, pop-up events to welcome new users and promote a vibrant, healthy community to visit, life, work and play.



# GRAND RIDES

## 2023 Marketing Overview

### Marketing with Logo Representation:

<b>Billboard</b>		<b>1 week digital billboard on the corner of Washington and Demers</b>
<b>Print</b>		<b>Targeted print materials sent to 20+ different organizations who serve target audiences</b>
<b>Video</b>		<b>Logo in promotional video used for social media, QR code on print materials, etc.</b>
<b>Social Media</b>		<b>Consistent posts on DDA Facebook, Instagram, and Twitter with ads and boosts added throughout the season</b>
<b>Website</b>		<b>Logo on Grand Rides webpage</b>
<b>Dock Signage</b>		<b>Logo on all 13 Grand Rides dock signs</b>

### Additional Grand Rides Marketing:

<b>Blog</b>		<b>Blog posts such as Reasons to Use Grand Rides, Fun Bike Routes to Take, etc.</b>
<b>Event Programming</b>		<b>Monthly Grand Rides events/pop ups to teach the community how to use Grand Rides &amp; a fun Grand Launch Event</b>
<b>Email</b>		<b>Highlights and/or information in DDA email marketing to list serve (900+ people) 3-5 times over the course of the season</b>
<b>Radio</b>		<b>Radio ads on 104.3 for 10-15 weeks between the launch and end of season</b>

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To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: Reid Huttunen, Parks & Recreation

RE: Request to order GMC 2500 from North Country GM of Hibbing

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**Background:**

The Parks Dept has \$50,000 budgeted in 2023 to replace Unit 310, the 2010 Ford F250, which is stationed out of the VFW Arena.

North Country GM of Hibbing has the state purchasing contract for Chevrolet/GMC trucks. In discussing ordering and lead times for new work trucks, GM is the only line currently accepting order forms on Work trucks. The Ford state purchasing contract is currently on hold, and Ford is not accepting orders on 2024 models.

This order is for a 2024 model. Total quoted price is \$48,037.40.

By placing the order at this time, North Country GM will add this order request to the GM Order queue. In all likelihood, it will be CY 2024 before this truck will be delivered to us. At this time, GM is accepting order requests, but they do not provide an order guarantee or a timeline on when the truck will be built.

**Budget Impact.**

\$50,000 is budgeted in 2023 for this expenditure.

**Recommendation:**

Seeking approval of the GMC 2500 order from North Country GM of Hibbing.

**Enclosure:**

GMC 2500 Order Form.

<b>QUOTATION</b>	<b>NORTH COUNTRY GM</b>	
CONTRACT # 188747	1502 E HOWARD ST HIBBING, MN 55746 218-263-7578	BOB O'HARA 218-349-8955 <a href="mailto:rwohara01@aol.com">rwohara01@aol.com</a>
EST DELIVERY TIME 90 - 120 ARO	218-263-7576	

		GTR14		
BASE MODEL	2024 GMC SIERRA 2500	TK20903		
	4X4 REG CAB w/8 FT BOX			
	GVW 10,500			
ADDED OPTIONS	6.6L V8 GASOLINE	L8T	X	STD
	10 SPEED AUTO	MYD	X	STD
	3.73:1 AXLE RATIO	GT4	X	STD
EXT COLOR	STD WHITE	GAZ	X	STD
INT TRIM COLOR	BLACK CLOTH TRIM	H1T		STD
	<b>TOTAL</b>			<b>\$ 48,037.40</b>
				-
3,122.43	6.5% SALES TAX			-
144.25	LICENCE TITLE & REG			-
20.00	TRANSIT TAX			-
	TOTAL per UNIT			<b>\$ 48,037.40</b>
	QTY	<b>1</b>		<b>\$ 48,037.40</b>

purchase order number	
contact	Reid Huttunen
customer	City of East Grand Forks, Parks & Recreation Dept
phone	218-399-3388
email	<a href="mailto:Rhuttunen@egf.mn">Rhuttunen@egf.mn</a>
billing address	600 DeMers Ave. East Grand Forks, MN 56721
delivery address	929 5th Ave NE East Grand Forks, MN 56721
date ordered	
order #	

# Request for Council Action

Date: March 14, 2023

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: David Murphy, City Administrator

RE: Bird Scooters Contract

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## Background

This item was discussed at the November 22, 2022 City Council Work Session. Bird Rides Inc. representative Julianne Roller appeared via Zoom to address the Council and answer any questions. A copy of the minutes are included with your packet.

Ms. Roller provided me with a Memorandum of Understanding detailing the potential agreement between the City and Bird Rides Inc. The agreement was forwarded to City Attorney Galstad for his review and comments. Mr. Galstad identified four areas of concern in the proposed agreement. The areas of concern are:

- Renewal requirements in first paragraph.
- Addition of language referencing East Grand Forks City Code and Minnesota State Statute to item #2.
- Restrictings on the times the City may choose to limit operational hours in item #4.
- The indemnification language in item #7.

City Attorney Galstad will be present to discuss his recommendations for the agreement.

A copy showing the revisions of the Grand Forks Electric Scooter ordinance is in your packet along with the e-scooter page of their website.

## Recommendation

Discussion and direction from Council.

## Memorandum of Understanding

City of East Grand Forks will permit Bird Rides, Inc. to provide services under the following terms and limitations. This agreement shall remain in effect until \_\_\_December 31, 2023\_\_\_ and shall renew for successive twelve (12) month periods unless either party provides written notice to the other of its intention not to renew at least thirty (30) days prior to the end of the then-current term, or unless terminated as set forth below.

### AGREEMENT

- 1) Scope: This Agreement and its terms apply to any proposed deployment of Stand-up electric scooter sharing systems within City of East Grand Forks's jurisdictional boundaries.
- 2) Stand-up electric scooters shall be governed by the rules applying to bicycles pursuant to East Grand Forks City Code and Minnesota Statute section 169.222 as well as Minnesota Statute Section 169.225 and are to be ridden on streets, and where available, in bike lanes and bike paths. Stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths. Users of Stand-up electric scooters shall be 18 or older. Users of Stand-up electric scooters who violate these provisions may be fined by City of East Grand Forks consistent with fines for cyclists.
- 3) Bird Rides, Inc. shall provide easily visible contact information, including toll-free phone number and/or e-mail address on each Stand-up electric scooter for members of the public to make relocation requests or to report other issues with devices.
- 4) Hours of operation: Stand-up electric scooters will be made available to rent 24 hours per day. City of East Grand Forks may choose to limit operational hours from 4 a.m. to midnight (local time)
- 5) Safety Education: Bird Rides will provide materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.
- 6) Data sharing: Bird Rides, Inc. will provide data to the City of East Grand Forks as necessary to assist with monitoring program usage.
- 7) Indemnification: Bird Rides, Inc. agrees to indemnify, defend and hold harmless City of East Grand Forks (and City of East Grand Forks' employees, agents and affiliates) from and against all actions, damages or claims brought against City of East Grand Forks arising out of Bird Rides, Inc.'s negligence or willful misconduct, except that Bird Rides, Inc.'s indemnification obligation shall not extend to claims of City of East

Grand Forks' (or City of East Grand Forks' employees', agents' or affiliates') negligence or willful misconduct. City of East Grand Forks expressly acknowledges that in no event shall Bird Rides, Inc. be liable for any special, indirect, consequential or punitive damages. Bird Rides, Inc.'s indemnification obligations shall survive for a period of one (1) year after expiration of this Agreement. Bird Rides, Inc. shall be released from its indemnification obligations under this section if the loss or damage was caused by the City of East Grand Forks's negligent construction or maintenance of public infrastructure. City of East Grand Forks' right to indemnification shall be contingent on City of East Grand Forks notifying Bird Rides, Inc. promptly following receipt or notice of any claim; Bird Ride, Inc. shall have sole control of any defense; City of East Grand Forks shall not consent to the entry of a judgment or enter into any settlement without the prior written consent of Bird Ride, Inc.

8) Insurance: Bird Rides, Inc. shall provide City of East Grand Forks with proof of insurance coverage exclusively for the operation of Stand-up electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Bird Rides, Inc. employs persons within the City of East Grand Forks, Workers' Compensation coverage of no less than the statutory requirement.

9) Notices: All notices and communications to the City of East Grand Forks from Bird Rides, Inc. shall be made in writing (includes electronic communications) and sent to the address below.

10) Either party may terminate this agreement at any time and without cause upon (30) days prior written notice.

11) In carrying out their responsibilities, the parties shall remain independent contractors, and nothing herein shall be interpreted or intended to create a partnership, joint venture, employment, agency, franchise or other form of agreement or relationship.

12) The parties acknowledge that Bird Rides, Inc. may utilize independent business logistics providers to facilitate local operations. Bird's use of these logistics providers does not constitute a transfer or assignment of this Agreement, and Bird Rides, Inc. remains responsible for all obligations and requirements under this Agreement.

13) This agreement shall be governed by and construed in accordance with the laws of the state of Minnesota.

**City of East Grand Forks, Minnesota**

**Bird Rides, Inc.**

Signed By:

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Print Name:

Title:

Email: birdlegal@bird.co

fundraising and paid any vendors for reimbursement of expenses. She told the Council it would be a non-endowed fund so it was spendable, the funds that came in through donations and grants would be sent back to the community to help improve childcare within the community. She commented there was an opportunity to have great impact with the fund, there was an opportunity to accomplish the project goals, and support the community by offering quality childcare while helping young people be successful. She told the Council they could help connect the fund to others that were working on similar issues and childcare was one of their main issues so there was a number of communities that were working on this topic. She stated the next steps would be an additional presentation to the school board, identify fund advisors, and draft a purpose for the fund and an agreement which would be reviewed by Foundation for approval. She added they would ask for an initial gift and then begin fundraising to help the fund meet its mission. She asked for questions.

Mr. Gorte said the City has been invited to apply for a grant that opened up at the end of the month and it would be one way to get the seed money, it would need to be spent within the first six months, but it would be a way to move forward. He commented there was a lot of work to be done so if they did not meet the deadline, there would be another grant opportunity they would watch for. Council member Larson said he thought this was a great opportunity, it was a way to establish the fund within the successful framework of the Northwest Minnesota Foundation, and thanked Ms. Ganje and Mr. Gorte for putting the information together. Council President Olstad asked if this was only with the local school district and Northland was not a part of it. Mr. Gorte said no but the foundation was working with Northland on different aspects and the fund was specific for East Grand Forks.

This item will be brought back to a future meeting.

## **2. Consider Request from Bird Rides Inc – Julianne Roller**

Mr. Murphy reminded the Council Bird scooters were used in Grand Forks and the company was looking to expand into East Grand Forks. He said Ms. Roller would be giving a presentation about what would be involved and if there was anything that was needed from the City. Ms. Julianne Roller introduced herself, she worked with government partnerships for Birds Scooters, they had worked with Grand Forks since August, and were excited at the possibility to expand into East Grand Forks. She explained they offered electric scooters and their mission was to get people out of cars while connecting them to more places. She stated they were trying to reduce congestion, improve air quality, and improve quality of life in cities. She continued saying it was a newer industry, it started in 2017, but they were already in over 350 cities globally and they were still trying to expand in cities of different sizes.

Ms. Roller explained they were trying to be the first last mile solution so this would give people an opportunity to park and get around without having to get back into their car. She stated it was good for 1 to 3 mile trips. She reviewed the process of using the scooter, how it cost a dollar to unlock, and 40 cents per minute when in use, when a user reached their final destination, they would take a picture of it to end the ride, and there were equitable pricing options for those that use government assistance, veterans, seniors, students, and healthcare workers. She told the Council they had a dockless model, it allowed people to go where they needed to go, and users would use the scooters in bike lanes or to the right side of the road. She added there were ways to customize areas where people were allowed to ride and park.

Ms. Roller said they were not asking for anything from the City, there was a 30-day out clause in case things were not working out, and their goal was to extend their network of transportation in the area. She stated the City could be as hands on or hands off as it wanted to be and she reviewed benefits of the

program that included reducing congestion and establishing a multimodal transportation network. She told the Council if the service was expanded into East Grand Forks there would be a dedicated account manager that would help customize the service and they would be available any time the City needed something. She started reviewing the geo-zone technology and how it was used to designate areas where the scooters were allowed or not allowed which would be a no-ride zone. She told the Council in a no-ride zone the scooter would slow down to a very slow speed, it would start beeping at the rider, and once they stopped, they would not be able to restart until they were back into the right area. She added there could also be slow zones to help reduce speeds in more congested areas, there were no parking areas which could limit where scooters could be parked, and the scooters were capped at 15 miles per hour.

Ms. Roller said there would be a local fleet manager that would be dedicated to ensuring the programs ran smoothly. She stated they were responsible for keeping track of the scooters, provide maintenance, and check in on the scooters throughout the day so they would be responsible for responding to any 311 requests. She commented the better the system was operating allowed them to make more money because it was a revenue share. She said there were stickers with a phone number and email address on every scooter allowing anyone to reach out to customer service in case a scooter needed to be moved or report a concern. She added there was an app where users could also report that information. She asked if there were questions.

Council Vice-President Riopelle stated all the pictures had people wearing helmets and if it was a requirement to wear a helmet to ride one of the scooters. Ms. Roller said it was not required but it was encouraged, they did incentivize riders to wear helmets giving a credit for the next ride, and they give away free helmets through their app with the requester paying for the shipping and handling. Council member DeMers thanked Ms. Roller for presenting the information to the Council. He said they knew this type of vehicle was coming and at some point it would either need to be denied or allowed. Discussion followed about how issues would be addressed, rider education was a huge part of people understanding where they can ride and park, the fleet manager would be responsible for addressing issues, but they did give riders a window of time before they address an issue. Ms. Roller added they also wanted to make sure they were ADA compliant but if there were consistent issues they could implement parking solutions and set up a parking area.

Council member DeMers asked if someone had to be a user or log in to use the app in community mode to report something or was there a way to text something in. Ms. Roller said she would need to double check but a person did not need to be a rider to use community mode and there were other contact methods for reporting. Council member DeMers asked if the typical usage was in bike lanes and to the side of the street. Ms. Roller stated they did not have their riders use sidewalk unless a city specifically wanted them to be using sidewalks. Council member DeMers said this was an emerging trend, people were using different modes of transportation, and if they were going to allow it the policy should address safety, traffic flow, and clutter. He asked what exposure the City had if it was allowed and the company went out of business. Ms. Roller explained they were the only public company in the market, they were held to much higher standards, and that was not something the City needed to worry about because there was no investment from the City.

Council member Helms said they had seen scooters in different areas and asked if there was a home base for scooters or if they could be left anywhere. Ms. Roller said there was not a home base for the scooters, but the fleet manager would monitor the scooters and put them in the best location for use. She added they had a dockless model to allow users to get where they needed to go, each scooter had GPS so they knew where the scooters were at all times, and they could move them to better areas if needed. Council

member Helms asked if they were looking for permission to operate in the City. Ms. Roller said that was correct and the City could be as hands on as they wanted to be and they wanted to work with the City to make sure the program was running as smoothly as possible. She explained they would deploy nests of scooters, they were virtual locations, and they could be changed. She said after the initial launch they use data to determine what areas were best. Council member Helms asked if this would only be in the summer months. Ms. Roller said they would like to try to start up in April and stay operational until it started to snow.

Council member Johnson stated in Rochester scooters were laid down when people were done with them. He asked if the scooters had kickstands. Ms. Roller said they did, at times they were laid down, but they were supposed to be left standing. Mayor Gander thanked Ms. Roller for the presentation, how he had seen these all over in Boise, Idaho, and it seems if an area was a summertime recreation spot these were needed. He added he was glad the City was approached and asked if an ordinance could be drafted to help setup the usage of the service that was beneficial to the community. Ms. Roller said that was fine and she had sample ordinances that could be shared if needed. Council member DeMers asked if the fleet manager had an incentive to group the scooters together allowing for more than a single user to utilize the fleet. Ms. Roller said when they were deployed in high demand areas there would be more than one scooter so they would be in small groups.

Council President Olstad asked Mr. Murphy if he had the scooter ordinance from Grand Forks. Mr. Murphy said he would be getting it and only talked with their staff about this. Council President Olstad asked to see if they had any issues. Council member DeMers suggested talking with the Department of Natural Resources to see if they should be included in the conversation because of campground users. Mr. Galstad asked if changes could be made to the liability paragraph in the contract because right now he would not recommend the City sign off. Ms. Roller said she would be happy to negotiate. Discussion followed about staff requesting ordinances, review the information with Mr. Galstad, and how staff wanted to see if the Council was interested before drafting an ordinance.

This item will be brought back to a future meeting.

### **3. Consider Granting Final Approval to Updated Transportation Plan – Nancy Ellis & Teri Kouba**

Ms. Ellis told the Council they had seen the information a few times, so she was going to give a summary of where things were at. She explained at this time the request was being made to amend the Metropolitan Transportation Plan to include the transit element. She stated it was done every five years and included reviewing the capital improvement plan that had facilities, equipment, buses, routes, schedules, and ways to make things more efficient. She said they had presented goals, objectives, and performance measures and some of the recommendations specific to East Grand Forks included adding an on-demand pickup service for Route 12 which they were looking at changing into a micro-transit service. She stated micro-transit service was not the same as dial-a-ride service because someone would get picked up and brought to either a transit hub or if it was within East Grand Forks, it might be possible to be door to door. She said it would be studied, the idea was great, but the implementation of the service was still a work in progress, so the MPO would be completing a study. She added they were working on combining Routes 4 and 6 and running that as it currently did and they were considering adding an additional transit hub farther south in Grand Forks to make transfers easy. She commented the financial plan showed North Dakota in the negative in future years so their goal was to determine how to continue operations and pay for equipment in the near future.

# E-Scooters



[Bird App Iphone](#)



[Bird App Android](#)

The City of Grand Forks and [Bird](#), a leader in environmentally friendly electric transportation, are teaming up to bring shared e-scooters to the city. The eco-friendly transportation option can be activated through Bird's free mobile phone app.

Since these scooters are new to our community, here are some helpful resources to get you familiar with Bird.

- **Community Mode:** Community Mode is accessible by clicking the " " in the bottom left corner within the Bird mobile app. Click this button, and you'll find three separate options: report a "Badly Parked Bird", "Damaged Bird", and "Contact Bird". This is by far the most efficient way to report the aforementioned topics to the Bird Team and you do not have to be a rider to use this feature (only have to have the app downloaded).
- [hello@bird.co](mailto:hello@bird.co): Is their general support email address. If riders/constituents would like to reach out over email, this is the address.
- **+1 (866) 205-2442:** Their 24/7 support line if the community would like to reach out over the phone
- [Bird Online Retrieval Form](#)
- [Beginner's Guide to Bird](#)

ORDINANCE NO. \_\_\_\_\_

An ordinance to enact Grand Forks City Code Chapter VIII, Article 18 relating to use and operation of electric scooters and to amend Grand Forks City Code Chapter XXI, Article 13 relating to the licensing and regulation of electric scooter rental systems.

**BE IT ORDAINED** by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter, Grand Forks City Code and N.D.C.C. ch. 40-11 that:

**Section 1: Enacting Grand Forks City Code Chapter VIII, Article 18.**

Grand Forks City Code Chapter VIII, Article 18 is enacted to read as follows:

**ARTICLE 18 – ELECTRIC SCOOTERS**

**8-1801. - Limited authorization for use of electric scooters; exceptions.**

- (1) An individual may operate an electric scooter, as defined in Grand Forks Ordinance § 21-1301, within the City limits of Grand Forks only as provided herein.
- (2) This article shall not apply to the use of electric scooters or other vehicles for local government purposes including, but not limited to, law enforcement, fire and rescue, public health, mosquito control, public works, traffic control and greenway.

**8-1802. - Equipment requirements.**

All electric scooters utilized within the City limitson any street, avenue, or roadway described in this chapter shall have the following fully operational equipment: headlights, running lights, tail lights, brake lights, a bell, drum brake and regenerative brake, and a kickstand.

**8-1803. - Operating rules.**

The following rules shall apply to the operation of electric scooters pursuant to this article:

- (1) Other than the roadways described in this chapter, no person shall operate or permit to be operated any electric scooter upon any highway, street, avenue, roadway or alley within the City, except to cross said street, avenue, roadway or alley at a designated crosswalk.
- (2) It shall be unlawful for any person to use an electric scooter on any public or private property where signs are posted prohibiting such use.
- (3) An operator must be at least eighteen-twelve (18/12) years of age and have in the operator's possession a valid driver's licensean operator of a motorized scooter under eighteen (18) years of age must wear a helmet.
- (4) An electric scooter shall have no more than one (1) occupant.
- (5) No person shall operate an electric scooter faster than 15 mph.

- (6) No person shall operate an electric scooter in a careless, reckless or negligent manner so as to endanger the person or the property of another or cause injury or damage to another person or the property of another.
- (7) No person shall operate an electric scooter while under the influence of intoxicating liquor or a controlled substance.
- (8) No person shall operate an electric scooter after daylight without illuminated headlights and taillights.
- ~~(9) No person shall operate an electric scooter without the equipment identified in City Code § 8-1802.~~
- ~~(+0)(9)~~ No person shall operate an electric scooter on private property of another without the express permission to do so by the owner or occupant of said property.
- ~~(+1)(10)~~ No person shall operate an electric scooter upon any park property, playgrounds, recreational areas, greenway, or on or upon any flood levees or flood control works of the City.
- ~~(+2)(11)~~ No person shall operate an electric scooter in a manner to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of a reasonable person.
- ~~(+3)~~ ~~Except as permitted under City Code § 8-18038-1804, no person shall operate an electric scooter on or within any sidewalk, pedestrian way, bike path, bike lane, walking path, or shared use path.~~
- ~~(+4)(12)~~ When operating an electric scooter upon any street, avenue, or roadway, such operation shall be at the right side of the street, avenue or roadway and as nearest to the curb or shoulder thereof as practicable under the circumstances.
- ~~(+5)(13)~~ An operator of an electric scooter may make a direct crossing of a street, avenue, roadway, alley or highway otherwise prohibited herein if:
  - (A) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the roadway where no obstruction prevents a safe crossing or at a crosswalk;
  - (B) The operator yields the right of way to all on-coming and crossing traffic which constitutes an immediate hazard; and
  - (C) Any crossing is made in accordance with traffic control devices existing at the point of crossing.
- ~~(+6)(14)~~ Operators of an electric scooter shall yield to pedestrians whether or not a crosswalk is at the point the pedestrian is crossing or about to cross the street, avenue, roadway or alley.

(+7)(15) An operator of an electric scooter must operate it in the same direction as other motor vehicles traveling on the side of the roadway immediately adjacent to the side of the right-of-way traveled by the electric scooter.

(+8)(16) All persons operating an electric scooter must comply with all applicable traffic laws and requirements and will be subject to the same restrictions, regulations, penalties, fees and fines as operators of other motor vehicles pursuant to ~~this code~~ City Code and state law.

**8-1804. – Electric Scooters permitted on designated roadways and sidewalks.**

(1) ~~Except as precluded by subsection (2), the use of electric scooters shall be permitted on the all roadways with a posted speed limit of 30 mph or less, and sidewalks immediately adjacent to said roadways, and the pedestrian ways, bike paths, bike lanes, walking paths, or shared use paths contained within the following designated areas, with the exception of roadways constructed with Federal Aid Highway Funds within the City.~~

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(2) The use of electronic scooters on sidewalks shall be precluded in the area indicated by the following map;

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[possible area downtown for City Council review, consideration and amendment]

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[Insert maps of other permitted areas as approved by City Council, i.e. UND campus area]

**8-1805. – Yielding and stopping while operating an electric scooter on a roadway.**

- (1) An individual operating an electric scooter who is approaching a stop sign at an intersection with a roadway having three (3) or more lanes for moving traffic shall come to a complete stop before entering the intersection.
- (2) An individual operating an electric scooter who is approaching a stop sign at an intersection where a vehicle is stopped in the roadway at the same stop sign shall come to a complete stop before entering the intersection.

- (3) An individual operating an electric scooter who is approaching a stop sign at an intersection with a roadway having two (2) or fewer lanes for moving traffic shall reduce speed and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the individual shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the individual is moving across or within the intersection, except that an individual, after slowing to a reasonable speed and yielding the right-of-way if required, cautiously may make a turn, or proceed through the intersection without stopping.
- (4) An individual operating an electric scooter who is approaching an intersection shall yield the right-of-way to any vehicle that already has entered the intersection.
- (5) When an individual operating an electric scooter and a vehicle enter an intersection from different roadways at approximately the same time, the operator of the vehicle or the electric scooter on the left shall yield the right-of-way to the vehicle or the electric scooter on the right.
- (6) If the individual operating an electric scooter is involved in a collision with a vehicle in the intersection or junction of roadways after proceeding past a stop sign without stopping or past a steady red traffic-control light, the collision is deemed prima facie evidence of the individual's failure to yield the right-of-way.

**Section 2: Amending Grand Forks City Code Chapter XXI, Article 13.**

Grand Forks City Code Chapter XXI, Article 13 is amended to read as follows:

**ARTICLE 13 – LICENSING AND REGULATION OF ELECTRIC SCOOTER RENTAL SYSTEMS**

**21-1300. - Purpose and intent.**

The City of Grand Forks seeks to provide alternative and active transportation options to its citizens and visitors; to provide for flexibility in trip origins and destinations through the use of electric scooter rental systems; enhance the opportunities for participation in leisure, entertainment and recreational pursuits within the City; and provide overall benefit to the public while protecting the public interest by setting out terms and conditions for the operation of electric scooter rental systems within the City of Grand Forks.

**21-1301. - Definitions.**

The following terms, as used in this article, shall have the following meanings:

- (1) *Electric Scooter.* A vehicle consisting of a front wheel and a back wheel with a platform/foot board in-between the wheels on which the operator stands, with an upright steering bar with handlebars attached to the front wheel, and which is powered by an electric motor and propelled at no more than 15 mph.

- (2) *Electric scooter rental operator.* Any person, firm, corporation or other entity that owns and/or operates an electric scooter rental system.
- (3) *Electric scooter rental system.* A business, system or service for rentals of electric scooters, helmets or similar electric scooter rental-related merchandise that is made available for rent for public use, generally for short periods of time or for point-to-point trips, and may include docks or stations for storing electric scooters when not in use.
- (4) *Customer.* A person that rents or uses an electric scooter from an electric scooter rental operator.

**21-1302. - Permit required; Non-Exclusivity; Regulatory Power of the City Council; Non-transferability.**

- (1) No person, firm, corporation or other entity shall operate or allow to be operated any electric scooter rental system within the City of Grand Forks without first having obtained a permit under the provisions of this article.
- (2) No permit granted by the City shall be exclusive.
- (3) All electric scooter rental operators and all permits granted under this Article for an electric scooter rental system shall be subject to the rules and regulations promulgated by the City Council in the enacting ordinance and any other ordinance applicable thereto.
- (4) No permit granted under this Article for an electric scooter rental system shall be assigned or transferred without first making application to and receiving the approval of the City Council

**21-1303. - Qualifications for permit.**

Any person over the age of eighteen (18) years or any firm, corporation or other entity authorized to do business in the State of North Dakota may own and/or operate an electric scooter rental service upon application and approval of the permit as provided herein and the payment of all fees and costs. All applicants must comply with and observe all provisions of this article.

**21-1304. - Application for permit.**

Any person, firm, corporation or entity desiring to engage in an electric scooter rental business within the City shall first make application to the City Auditor and shall file with such application all fees hereinafter provided for, and shall also file proof of liability insurance herein required. Each submitted application shall be on a form prescribed by the City Auditor and shall contain all of the following information:

- (1) Name and form of business of the electric scooter rental operator.
- (2) The name, phone number, street address (and mailing address if different) of the electric scooter rental operator's agent for service of legal process.

- (3) The total fleet size the electric scooter rental operator intends to deploy, not to exceed the maximum number described in City Code § 21-1310(15), within the permit term including the number of electric scooters intended to be deployed upon permit application approval.
- (4) A photographic image or visual representation of each type of electric scooter to be employed as part of the electric scooter rental operator's electric scooter rental system.
- (5) A description of the internet-enabled mobile device application to be used by customers to register membership or to use, pay for, lock and unlock each electric scooter.
- (6) A plan for the electric scooter rental operator to maintain each electric scooter in a safe and operable condition, and to recover and repair electric scooters discovered or reported to be unsafe and/or inoperable before redeployment.
- (7) A plan for the electric scooter rental operator to rebalance or relocate electric scooters.
- (8) A detailed implementation plan with a map that identifies the location and service areas that will be used by the electric scooter rental operator. This plan must be approved by the City Administrator or his/her designee before approval of the permit application.
- (9) A plan for educating customers on proper electric scooter parking.
- (10) A plan for educating customers on the safe use of an electric scooter and knowledge and compliance with all applicable laws.
- (11) A document executed by the electric scooter rental operator to certify that the electric scooter rental operator's equipment is in compliance with the requirements under this article.
- (12) Proof of current coverage or insurance as required by this article.
- (13) A declaration that the electric scooter rental operator has read the provisions of this article.
- (14) A statement of indemnification of the City and its officials, officers, agents, volunteers and employees by the electric scooter rental operator.
- (15) Any changes to the plans submitted in support of an application, following approval of the permit, must be approved by the City Administrator or his/her designee.

**21-1305. - Insurance requirements.**

- (1) No electric scooter rental operator may operate an electric scooter rental system in the City, nor shall any permit be issued therefor, until and unless the electric scooter

rental operator deposits with the City Auditor a certificate of insurance or such other proof of insurance issued by a company authorized to conduct insurance business in the State of North Dakota indemnifying the electric scooter rental operator in the sum of at least three hundred seventy-five thousand dollars (\$375,000.00) for injury or death to one (1) person or one million dollars (\$1,000,000.00) for injury or death to more than one (1) person and three hundred seventy-five thousand dollars (\$375,000.00) property damage for any one (1) incident. The bodily injury limits described herein shall be adjusted to comply with and be equivalent to the limits for liability of political subdivisions set forth in N.D.C.C. § 32-12.1-03.

- (2) The City of Grand Forks, and its officers, officials, employees, boards, commissions, volunteers and agents shall be named as an additional insured on the insurance policy described in City Code § 21-1305(1).
- (3) ~~The certificate of insurance shall contain a clause obligating the company issuing the same to give at least ten (10) days written notice to the City Auditor before cancellation thereof. In addition to the requirement set forth in City Code § 21-1305(1), at the request of the City, the electric scooter rental operator shall provide proof of valid insurance within ten (10) business days of receiving the request from the City.~~
- (4) Any permit issued under this article shall automatically and immediately terminate and be revoked upon the lapse or termination of any the insurance coverage required herein.
- (5) No electric scooter rental system shall be operated in the City, nor shall any permit be issued therefor, until and unless the electric scooter rental operator also deposits with the City Auditor a certificate of insurance or such other proof of insurance issued by a company authorized to do insurance business in the State of North Dakota covering each electric scooter and customer of the same with no less than the minimum insurance limits required for motor vehicles pursuant to N.D.C.C. 39-16.1-11 and N.D.C.C. Chapter 26.1-41.

**21-1306. - Term.**

- (1) Except as otherwise provided herein, each permit issued pursuant to this article shall expire annually on the 31<sup>st</sup> day of December.
- (2) Permits may be renewed annually in compliance with any renewal procedures established by the City Auditor and City Administrator.

**21-1307. - Fees.**

The electric scooter rental operator applying for or renewing a permit under this article shall, before being issued a permit, pay to the City all fees as established by resolution of the Grand Forks City Council.

**21-1308. - Suspension/revocation of permit.**

- (1) The Grand Forks City Council may suspend or revoke any permit issued to an electric scooter rental operator under this article upon a finding of any of the following:
- (A) Failure to operate the electric scooter rental system in strict accordance with this article.
  - (B) Failure to maintain electric scooters in good order and repair.
  - (C) Failure to pay any fees, fines or reimbursements as required under this article.
  - (D) Failure to maintain required qualifications under this article.
  - (E) Failure to maintain required insurance under this article.
  - (F) Failure to address safety concerns.
  - (G) Failure to actively manage rebalancing/relocation of electric scooters according to the parameters set out herein.
  - (H) Failure to respond to customer service requests or complaints.
  - (I) A documented history of violating the terms and regulations of this article, and/or any of the following:
    - (i) If an electric scooter rental operator has five (5) or more electric scooters impounded by the City at any one (1) time;
    - (ii) If an electric scooter rental operator has had ten (10) or more electric scooters impounded by the City within a thirty (30) day time frame; or
    - (iii) If the electric scooter rental operator leaves an electric scooter impounded for ~~five-ten (510)~~ or more consecutive ~~calendar~~ business days.
  - (J) Any other act or omission by electric scooter rental operator that is determined by the City Council to be adverse to the public safety, welfare, morals or public order.
- (2) In the event of revocation, electric scooter rental operator shall surrender such permit and immediately cease operations and remove all electric scooters from operation within the City.

**21-1309. - Condition of electric scooters.**

All electric scooters utilized in an electric scooter rental system shall be maintained in a good, safe and operable condition, with a drum brake and regenerative brake which will

enable the operator to make the braked wheels skid on dry, level, clean pavement and shall have the following fully operational equipment: headlights, running lights, tail lights, brake lights, a bell, and a kickstand.

**21-1310. - Requirements of electric scooter rental operator—Equipment and operations.**

- (1) All electric scooters used in an electric scooter rental system must be equipped with global positioning system (GPS) devices allowing the electric scooter rental operator to monitor their positions and restrict parking and areas of use as provided in City Code § 8-1804 and in this article.
- (2) All electric scooter rental operators shall provide information either posted on the electric scooter rental main tube or on or within any app or internet home page notifying customers that:
  - (A) Helmet use is encouraged while riding an electric scooter;
  - (B) Electric scooters are prohibited from being operated on sidewalks, bike paths and bike lanes (except for those described in City Code § ~~8-18038-1804~~); and
  - ~~(B) —When riding on a street, avenue, roadway or alley described in City Code § 8-1804, the customer must follow the rules of the road.~~
- (3) All electric scooters shall have a unique identifier such as a unit number that is visible to the customer on the electric scooter.
- (4) All pricing charged to the customer shall clearly explain structure for ride and time period as well as fees for additional or overage periods. ~~The maximum charge shall be clearly stated.~~
- (5) All electric scooters must be available for pickup and drop off by customers on a 24-hour, seven (7) days per week basis except in instances of electric scooter disrepair, inclement weather or seasonal suspension of service.
- (6) All electric scooter rental operators shall provide a mechanism for customers to notify the operator that there is a safety or maintenance issue with an electric scooter, to include a telephone number, web address and email address.
- (7) All electric scooter rental operators must inform their customers on how and where electric scooter parking is permissible.
- (8) All electric scooter rental operators must have a 24-hour customer service phone number for customers and others to report safety concerns, complaints, or ask questions.
- (9) All electric scooter rental operators must provide the City with a direct point of contact for the electric scooter rental operator's staff that is capable of rebalancing,

re-parking or otherwise addressing questions and concerns regarding the electric scooter rental operations.

- (10) All electric scooter rental operators shall remove all electric scooters that are not parked in compliance with this article.
- (11) All electric scooter rental operators shall implement a rebalancing management plan for the strategic location of their electric scooters.
- (12) All electric scooter rental operators must have a dedicated staff assigned to provide service for the City.
- (13) In the event City staff advises any electric scooter rental operator of a nuisance complaint, such electric scooter rental operator shall relocate or rebalance electric scooters within the following times:
  - (A) Monday through Sunday, 7:00 a.m. to 7:00 p.m. within three (3) hours of the operator receiving notice of incorrect parking.
  - (B) All other times, by 10:00 a.m. the following calendar day.
- (14) Any electric scooter that becomes inoperable or is deemed not safe to operate by a customer or the electric scooter rental operator shall be removed from service within twenty-four (24) hours of notice to the electric scooter rental operator by any individual or entity, and shall be repaired before returning the electric scooter into service.
- (15) ~~All~~ The maximum fleet of electric scooters for use within the City of any electric scooter rental operators shall ~~have a maximum electric scooter fleet of \_\_\_\_\_ be~~ established by the City under the permit, but shall not exceed \_\_\_\_\_ electric scooters.
- (16) All electric scooter rental operators must reimburse the City for any costs incurred in addressing or abating any violations of this article, or costs incurred for repair or maintenance of public property. Upon receiving written notice of the costs incurred, the electric scooter rental operator shall reimburse the City for such costs within thirty (30) days. If reimbursement is not received by the City within thirty (30) days of written notice to the operator, the City may suspend or revoke the permit issued hereunder.
- (17) All electric scooter rental operators shall keep records of maintenance and reported accidents involving injury to persons or damage to property.
- (18) All electric scooter rental operators shall exercise care in deploying and activating the stand-up electric scooters during inclement weather and will remove from the public right of way and store off site all stand-up electric scooters during snow events and limit use. On days where snow is anticipated, all electric scooter rental operators will halt operations completely and remove its scooters from City rights-of-way. All electric scooter rental operators shall hold the City harmless for damage

to scooters caused by City's snow removal operations or from street maintenance operations and for any damage caused to City vehicles by improper location and removal of scooters.

(+7)(19) All customers shall comply with and be subject to rules and requirements of operation described in Grand Forks City Code Chapter VIII, Article 18.

**21-1311. - Electric scooter parking requirements.**

All electric scooter rental operators must comply with the following parking restrictions:

- (1) Electric scooters shall not be parked against trees or within any landscape planting areas.
- (2) Electric scooters may not be parked in such a manner that will inhibit pedestrian movement or Americans with Disabilities Act (ADA) accessibility, which requires a minimum of forty-eight (48) inches of clear path on sidewalks and pedestrian ways.
- (3) Electric scooters shall not be parked within:
  - (A) Transit zones, including bus stops and shelters, where prohibited;
  - (B) Loading zones;
  - (C) ADA handicapped parking zones;
  - (D) Curb ramps;
  - (E) Entryways and driveways;
  - (F) On private property without owner's authorization;
  - (G) In or on a public right-of-way where prohibited; or
  - (H) On any highway, street, avenue, roadway or alley except where specifically designated.
- (4) No electric scooter shall be parked in one (1) location for more than seven (7) consecutive days without moving. During that time, electric scooter rental operator shall move to an approved location or otherwise rebalance electric scooter locations.
- (5) Electric scooters shall be upright when parked.
- (6) Electric scooters shall be parked on hard surfaces.
- (7) Electric scooters shall not be parked in a way that may impede the regular flow of travel in the public way or otherwise cause a violation of the Code.

**21-1312. - Mandatory Data Reporting.**

- (1) All electric scooter rental operators shall provide the following data for any electric scooter used in the electric scooter rental system upon request of the City, in a form and manner prescribed by the City:
  - (A) Company name;
  - (B) Trip record number;
  - (C) Trip duration;
  - (D) Trip distance;
  - (E) Start date;
  - (F) Start time;
  - (G) End date;
  - (H) End time;
  - (I) Start location by ~~eensus-bloek~~latitude and longitude;
  - (J) End location by ~~latitude and longitude~~eensus-bloek; and,
  - ~~(K) —Route(s) taken; and~~
  - ~~(L)(K)~~ Electric scooter I.D. number.
- (3) If available, electric scooter rental operator shall provide, upon request by the City Administrator or his/her designee, anonymized demographic information regarding customer usage.
- (4) No electric scooter rental operator shall be required to provide any data under this City Code § 21-1312 more than on a monthly basis.

**21-1313. - Power to adopt rules, regulations and policies.**

The City Administrator or his/her designee is hereby authorized to develop and issue rules and regulations to further delineate reasonable requirements for the operation of an electric scooter rental system, including limits on the number of electric scooters (including per electric scooter rental operator); where electric scooters and other electric scooter related merchandise may be stored or parked; requirements for bonding; the conduct and responsiveness of electric scooter rental operators; requirements for data sharing and reporting; restrictions on advertising and signage; seasonal suspension of service; costs; charges; administrative penalties; and other relevant matters to ensure safe and efficient operation of an electric scooter rental system within the City.

**21-1314. - Authorization to impound.**

The chief of police, or his/her designee, is hereby authorized to impound any electric scooters which are a nuisance, unpermitted, inoperable, being operated in violation of a

permit, being operated in violation of this article or which are left in a location so as to obstruct any street, alley, bike path, sidewalk, multi-use path, trail, or other public right-of-way. The electric scooter rental operator shall be responsible for payment of all costs and penalties related to impoundment and storage of such electric scooters utilized by an electric scooter rental operator in their electric scooter rental system.

**21-1315. - Violations.**

Any person, firm, corporation or other entity violating any of the provisions of this article shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00) per violation. Each day that a provision of this article is violated shall constitute a separate offense.

**Section 3: Effectivity.**

All amendments described herein and this ordinance shall be in full force and effect after publication thereof, as provided by law.

\_\_\_\_\_  
Brandon Bochenski, Mayor  
Dated: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Maureen Storstad, City Auditor  
Dated: \_\_\_\_\_  
Introduction and first reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second reading and final passage and approval: \_\_\_\_\_  
Approved: \_\_\_\_\_  
Published: \_\_\_\_\_

# Request for Council Action

Date: March 14, 2023

To: East Grand Forks City Council Mayor Steve Gander, Council President Mark Olstad, Council Vice-President Tim Riopelle, Council members Clarence Vetter, Ben Pokrzywinski, Dale Helms, Brian Larson, and Karen Peterson.

Cc: File

From: David Murphy, City Administrator

RE: Interim City Administrator

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## Background

The Council contracted with David Drown & Associates to recruit the new City Administrator. The estimated timeline for having a new administrator in place is July. The time period between my last day here at the City and the anticipated start date of the new administrator is approximately 14 weeks.

The process for obtaining an interim administrator is the responsibility of the City. The League of Minnesota Cities was contacted to provide a list of individuals who are available and qualified to provide interim services.

It would be preferable to obtain the interim services utilizing the “contracted employee” option rather than hiring them on as regular temporary staff. An estimated cost has been generated for discussion purposes. The contracted employee option allows the City to pay a fixed cost per week for the services and the contracted employee is responsible for all soft costs such as social security tax, etc.

Generally interim administrator’s do not work 40 hour work weeks, most are 3 to 4 days per week. 3 days per week has been utilized for the estimated costs. The estimated rate per hour is \$75 per hour at 24 hours per week with soft costs built in. The result is \$1,950 per week at that rate which would be paid as a 1099 contracted services agreement. If the interim is needed for the estimated 14 weeks, the total cost would be \$27,300.

The initial contacts I have made have indicated that location will likely be a challenge. I anticipate that the City will likely need to provide a travel allowance and housing stipend for the individual to travel to EGF and stay in a hotel 3 to 4 nights per week.

I will work to secure an interim under the most favorable terms and conditions if the Council would like to utilize the services.

The City has utilized an interim previously and I believe it is advisable to utilize an experienced interim. I will be happy to address the benefits I see to having an interim if the Council desires.

**Recommendation**

Discussion and Direction from Council.