

## EAST BETHEL CITY COUNCIL MEETING

APRIL 23, 2014

The East Bethel City Council met on April 23, 2014 at 7:00 p.m. for the special City Council meeting at City Hall.

MEMBERS PRESENT:      Bob DeRoche              Ron Koller              Tim Harrington  
                                 Heidi Moegerle              Tom Ronning

ALSO PRESENT:              Jack Davis, City Administrator  
                                 Colleen Winter, Community Development Director

**1.0**              The April 23, 2014 City Council special meeting was called to order by Mayor DeRoche at  
**Call to Order**      7:00 p.m.

DeRoche, "I want to say go over a few items first. I'd like to keep civility. Maybe people's emotions might get a little carried away, but we prefer not to do that because that just kind of turns everybody off. Depending on the amount of people who are speaking, I'd like everybody speak what's on their mind. But, also remember, you know, there are kids in here so foul language or anything like that, that may come through your mind, just please abstain from that. When you come up to the microphone, please state your name, address, so that, this is all being recorded and it will be played back both over the internet, on Channel 10, and I'm not sure if the reporter is here tonight but it will all be in the minutes. So, all of that, for public information, that all has to be there. And, with that, I'll entertain a motion to accept the agenda."

**2.0**              **Harrington made a motion to adopt the April 23, 2014 City Council agenda, as**  
**Adopt**              **presented. Koller seconded. All in favor, motion carries.**  
**Agenda**

**3.0**              Davis presented the staff report, noting that on October 2, 2013 Becky Knisley, 23250  
**Public**              Sunset Road, requested City Council to consider amending Traffic and Motor Vehicles  
**Hearing**              Ordinance, Section 70 to address noise and hours of operation of dirt bikes. The City has  
Traffic and              received previous complaints from residents in other areas regarding this same issue. This  
Motor              Ordinance was discussed at an Ordinance Committee meeting on October 28, 2013, but no  
Vehicles              consensus was reached at that meeting. City Council has scheduled a Public Hearing for  
Ordinance,              April 23, 2014 to solicit citizen input on this matter.  
Section 70

The City Council scheduled a public hearing for tonight to solicit citizen input on this matter. Mr. DeRoche will call your name to speak and we're here to hear your comments on this and get your input. Thank you.

DeRoche, "One other comment. This in an information gathering meeting so there won't be a lot of dialogue back and forth. It's something that, it was an important enough issue that a public hearing needed to be called to get input from the public on both sides and anywhere in between."

DeRoche opened the public hearing at 7:02 p.m.

Becky Knisley, 23250 Sunset Road NE, "I met with you guys so you kind of know where I'm coming from. And, I've read what you're trying to adopt, which, and I met with

Colleen about it and had e-mails back and forth with you guys. I understand what you're trying to do and I still, I want it to be known that I'm not against dirt bikes or ATVs or snowmobiles. What the problem is, is the noise. And, I don't think that what you are proposing has addressed the noise issue at all. With the track, with the race track that is not at my exact neighbors but the two doors down neighbor has built last fall. With the amount of actual dirt bikes that are there and their constant every night, every weekend, when there's two or three or four riders and it's the dirt bikes, the really loud dirt bikes, where we cannot sit on our deck and have a dinner or have a conversation. That's how loud they are. And, I know the County has the sound meter to regulate that. But, we, as the City are still, we don't have a way to regulate that because the County is not going to come out and measure the sound levels of what is going on. That's kind of where I'm coming from. It doesn't matter whether it's a certain hour of the day that they can ride. It is how loud is something. I don't care whether it is a dirt bike or it's somebody's having a band practice and they are playing outside and it's 100 decibels loud. That is the issue. Not that they can ride or that they can't ride. It's how loud can somebody be before it is, I don't get my right to quiet enjoyment on my property because of what my neighbor is doing. It is not for two minutes. It is for a couple hours on end every night during the summer and on weekends."

DeRoche, "Okay, I want to touch on something here quick. You and I have had conversations and kind of discussed how do you define 'noise.' I mean, is 'noise' your neighbor's garden tractor? Is it his chainsaw? Is it the dirt bikes? Is it, whatever, and if you were to go out to Minnesota Revisers Statute and that Minnesota Noise Ordinance, Chapter 7030, and I happen to read that this morning. It's quite a bit more to checking sound than what the County said. Some of the little deals where you have to check for ambient temp, you have to filter the microphone, you can't be within 300 feet of a structure, it can't be on a rainy day, it can't be on a windy day. And, this is all State law. Kind of what we've been trying to figure out, is how do you regulate the noise."

Knisley, "And that is what I've been asking. Hopefully that's what this meeting is, trying to regulate noise. Not necessarily regulating ATVs or dirt bikes, but a level of noise. Because, this is an issue at my house right now, or it was last summer and fall. I'm hoping it's not going to be this summer, every night, going on. But, it's noise in general. That's what I am saying and how does the City regulate that? How can we? It doesn't seem realistic to adopt the State Statute, which is what we currently have because to do that you know the Manual to do that is this thick of how the procedure to do it. It's just not cost effective. It does not make sense. So, what is the City going to do to put something into place that would regulate loud noise?"

DeRoche, "Well, with that being said, what I would like to see come out of this meeting tonight is anyone in the audience offer a suggestions." Knisley, "That would be great."

DeRoche, "That, to me, is why you have a public hearing. You get enough different opinions, or hopefully something so when we bring this up again we can say well, you know what. Because, our ideas are great but there's 12,000 people in the City and I don't think five people should be determining for 13,000 of what's going on."

Knisley, "I understand that and you guys understand too is when we're on acreage and we're a rural residential neighborhood. I didn't move next door to a racetrack. When I bought my land and built my house, I did not move next door to a racetrack. Just like I didn't decide to have my house back up to Highway 65. And, again, I have said this before, we had to have a Special Use Permit to conduct a business out of our residential home that

makes no noise. But, we had to go through the process to get that Special, or Conditional Use Permit, I don't remember which it is, so that we can run a real estate company and a construction company out of our home. We make no, nobody knows that is going on. It's not disturbing anybody. But, some of my new neighbors can move in and build a racetrack and they can be that loud and they didn't have to apply for a permit. They didn't have to do anything. That doesn't make sense to me."

Ronning, "I want to be sure I understood what you said earlier, that it was not the neighbor but it was two doors down?" Knisley, "If you go by addresses, it's not my immediate neighbor but we both have kind of 'L' shaped lots. Mine is an upside down 'L' and theirs is the other way and it is this neighbor...no, he doesn't have an 'L' either. His property touches mine but his house is not next door. It is two doors down. There is a piece that is cut out that we have another neighbor, but our back yards touch."

Ronning, "What...there's one house and then the next, the next occupied property is another house?" Knisley, "That's the house that has the track. Not my neighbor directly, not the house that is next to me, but one more house over. My lot is an upside-down 'L.' I have a neighbor here, and it's this neighbor here. So, my house, this house, and now this house and he's got the track going all the way down to back in his property."

Ronning, "And, what you were just saying, you are facing East so the north lots." Knisley, "We are facing east so no, it would be the south lot." Ronning, "The south lot." Knisley, "But not the house directly next to me. No problem. Thank you."

DeRoche, "Thank you Becky. Chad Larson?"

Chad Larson, 23532 Isanti Street NE, "I haven't been involved with this at all, after listening to what she had to say. I get that, I do, the sound of loudness, that would really stink if I had to sit in my back yard and listen to that constantly. But, the thing is, this will affect all of us. Some of these rules in here, to me, they kind of tell me what times and stuff when I can ride, and stop, and go. To me, doesn't seem fair to the rest of us. But I do believe, maybe, a Sound Ordinance of some sort could be."

DeRoche, "But, that's what you figure out, but how do you create it?" Larson, "I don't either. After she said that, I'm trying to think myself and I really don't know how that would..."

DeRoche, "Mostly, yeah, your dirt bikes are pretty loud but, then, I've got a 16 horse tractor that I'm cutting the grass and the muffler is shot on. Now, okay, so, and I've explained to a couple people, when you make up an ordinance or you make rules, it's like okay, but now you've got to remember, these rules are going to affect everybody. So, when you do it, you've got to kind of balance it out and say, okay look, you can make noise but only for so long. Or, because if you put a decibel level on it, as Becky knows and I've read and we've talked to the Deputies, they would have to literally sit out on the property for, what Jack, an hour? And, every ten seconds take a reading and document it. And, if it doesn't exceed certain things, then it's, it's not as easy as it may sound. Now, again, it's like I told her, if you've got any ideas, you know, bring them in to Jack, Colleen. There is not going to be a decision made on this tonight. But, we sure the heck needed more information."

Larson, "Okay, well I was going by what I read here and I don't agree with a lot of the stuff that's written on here. It's controlling me on my property and my little boys, seven, driving

a dirt bike isn't really loud, it's not hurting anything that I'm aware of. And, my neighbors don't really complain. I have a track right behind my house that I used to ride when I first moved in quite often. And, it had a track when I moved there and now, obviously, you didn't move next to a track. I can understand that, but I don't want that to be restricting my kids and what we're doing on my property if it's just a sound issue. Thank you."

Ronning, "If I may, it's a real issue. It's not, and it's important to the people, it's important to. The noise thing, to complicate a little bit, forget the lawnmowers and stuff. A baby cries typically 90+ decibels, between 90 and 100. That's, if you had that all day long, you might be able to be in a work environment for one to two hours and then OSHA would say you are over the limit for that noise exposure. Nobody is going to get rid of their babies because they're too loud. But, it's just that kind of an issue. It's incredibly difficult to try to come up with something that works for everybody. As Bob said, it's more than five of us want to dictate what everybody's going to have to live with."

DeRoche, "Zach on Sunset?"

Zach Harguth, 23204 Sunset Road, "I'm here to express my opinion about complaints about noise from my neighbors. I come from a motocross background, been riding for all my life. I moved out of Ham Lake to up here so I could build a track and ride, because you can't in Ham Lake. As you first started riding, we were not really following by the rules because we didn't know about the times. We talked to my neighbor about if he cared if we ride and we took it as, we don't want you riding at all, we didn't move next to a motocross track. So, after that we looked up the laws with the times and ever since then, we rode within the legal times and we do not ride every day, every weekend. Maybe once or twice a week, every other weekend, maybe. And, my last question, what is your guy's definition of a racetrack? Because we don't hold sanctioned events, there is no starting lines, there is no flag or post, we just have a track at my house."

DeRoche, "That is one of the other things that we've kind of wrestled with. What is the definition of a racetrack. I don't know, where two people get together and run around, or is it we have competition, or is it where you win money, what is it? And, I have yet to have somebody come up and really give a good definition of what it is. Now, to her, it seems like a racetrack because you have two or three people and they are racing around, around, and around. That's what you hear at a racetrack. I don't know, this is a tough one."

Harguth, "And one last thing about the noise, all of our bikes can pass sound testing at AMA racing events. So, if they can pass that a sanctioned event, I would think they would be legal sound for a residential riding on 7+ acres."

Moegerle, "Can you say that again? I'm sorry?" Hogath, "All of our bikes that we ride can pass AMA sound testing which is a fairly new law to dirt bikes and four-wheel racing. If they cannot pass that, you cannot ride. So, all of our bikes can pass that test."

Koller, "I know when my daughter raced a few years ago, they, before the bike races, they do a decibel meter right at the exhaust, so many inches from the exhaust and it has to pass or they don't race."

Harguth, "Yep. That is all I have to say. Thanks."

DeRoche, "Sandy Winneger?"

Sandy Winneger, 4912 – 229<sup>th</sup> Avenue NE, “I’m close to the neighborhood and have heard the dirt bikes. I was a former Councilmember. I was one of the Councilmembers that passed the Ordinance that is currently on the books. In regard to the times and that, when people can be riding their bikes. We went through a lot of the same thing you guys are going through and we came up with, when I was on the Council, we came up with what we thought was a really good plan. Because you couldn’t ride it all the time. The problem is enforcement. You know, the City doesn’t have enough people to enforce these things. And, you get a new guy moving in, he doesn’t know the rules. But the thing to not do is to change this Ordinance because it is a good Ordinance. It worked really well in our neighborhood. I live in that same neighborhood, I hear the dirt bikes. They have not been running them all day and all night and every weekend. I’ve been around and I know that. I’ve lived there for 23 years. I just don’t think that the sound thing, you’re not going to get away from it. You’ve got lawnmowers, like you said. I mean, heck I ride my Harley and it’s probably louder than their bikes are, you know up and down the road. And that’s probably true. I have heard them. I can hear them from my house and I’m a ways away. But I don’t think this is going to solve anything because wherever you live, you’re going to have noise and you’re not, you know, reinventing the rules in any way shape or form. But, it isn’t true that they ride them all the time because I know that. I live there. I know it. I just hope you guys really think hard about it because I know when we did it, that’s what we wanted to make so the people could still enjoy their dirt bikes and we set up good times so that they weren’t riding on Sunday afternoon when we were having dinner with our family. And, they had to quit. Because, I had a dirt bike track three houses down from my house when we first moved in there and that one, you know, I had the same complaints that Becky had at that point. But, at least then the City said, you know, it’s a tough deal. The City changed some rules and it was all good and it’s been good. I mean, I know you get complaints all the time because I was there. I’ve been there, I’ve done that. But, I don’t think this will solve anything, you know, with the dirt bike thing because it’s more than that. There’s a lot of noise, like you said, it’s a bigger thing, a bigger issue, than what you’ve got going on. It’s not a dirt bike thing and they are not running them all the time.”

DeRoche, “Well, you made a pretty good point. One of the things the State says when you are going to make an ordinance or rules, is if you can’t enforce it, don’t make it. I mean, you can have more rules than you know what to do with and anyone who has ever seen our Ordinance book, when you come up to talk, it’s sitting I front here, about this thick. Common sense, I think, should play a part. Neil Dack? Did I say that right?”

Neil Dack, 1101 Ironwood Avenue SW, Isanti, “I grew up at 22664 Waconia Circle in East Bethel here, recently moved to Isanti. I found, when I moved, I talked to my neighbors. I have three boys that, they ride. I take it, they’re under six years old, six and two five-year-olds. We do it within allotted times. I talked to all my neighbors to make sure that it’s okay and if there is a problem, we communicate. We find even ground to work with. A couple years ago when the first Ordinance was put in, it was on the track that I grew up practicing on. Now, we followed the rules. There wasn’t any problems. Cops weren’t called. Neighbors were okay. We all found even ground to stand on so that everybody could be happy. And, I just feel that the new regulations are ridiculous. There is no way. You know you’ll make one person happy and you’ll make 15, 20 people upset. It’s a good thing, it’s like baseball, hockey, soccer, granted it is louder, I understand that. Now, but if you can find common ground. But, just as everybody else has said, if we have to shut it down completely, it’s, I just don’t think it’s fair. I mean, I pay taxes. Everybody else pays taxes. You said you had a business and you had to apply for a permit for. Basically, we had to do

the same thing a few years back in order for us to ride. Where people moved in around the track. And, I understand they built the track after you guys had already built your house, they moved in. But there's has got to be a common ground that everybody can stand on where everybody can be happy. I don't know if you guys have tried to speak with each other. I'm not directly involved with the problem. But, I'd hate for my kids, that's their dream, that's what they love to do. There's nothing else that they would rather do. Every day, that's all they want to do and they are 5 and 6. I don't want their dreams to be washed away for, you know, as it seems so far for people coming up, one person being unhappy. And, I know there's probably more than one. I'm not saying that you're a bad person or anything like that. I understand."

Knisley, "I'm not trying to be a bad person. I'm trying to say here's the problem, how do we solve it. I don't have anything against ATVs, snowmobiles, RVs or whatever. That is not the issue, the issue is the noise."

Davis, "Excuse me, if we could have one person speaking, addressing the Council, and speak directly into the microphone so we can have it recorded. Anyone who speaks in the audience, it doesn't pick it up. So, we just need to have a recording of this."

Dack, "And, that's all I've got. Thank you."

DeRoche, "Thank you. Shayne Wyatt? And, just for the public's information, these Ordinances that are the proposed changes, it's not what is 'carved in stone' it's not even what would be the final. Staff has to put something together to say, look, this is what we think is the best idea and that is where the input comes, to try and figure out for sure what we're going to do."

Shayne Wyatt, 20006 Austin Street NE, "I have no doubt in my mind that I'm one of the people that you've had calls about. I have a track. It is not a racetrack. It is basically hills that you ride over. Two years ago, I had the Sheriffs out at my house nine time. He couldn't fine anything wrong any of those times. In fact, he hid down the road and there was another call. Person put out that I was riding up and down the road, riding wheelies, getting crazy, and he came over and he goes, 'Well, I understand now. You know people want to exaggerate things like that.' When he came out, he seen little kids riding on dirt bikes. They weren't any louder, as you said, than a lawnmower. A full-blown motocross bikes are quieter than a John Deere tractor. You put the decibel meter up against a John Deere mower and my bike, and I was 15 decibels quieter than that. Where does it stop? I mean, when you want to put sanctions on things, you are going to put these on, not necessarily, but if you do, it's not going to stop. You are going to get another complaint, another complaint, and another complaint. And, pretty soon, the guy that wants to come home late on his Harley can't do it. He's going to be in violation. Or, the guy that can't afford to fix his mower because his muffler fell off. You just got to make that decision of where does it stop. And little kids, I love, I'm 31 years old, I'm shot in 'motocross years' but I still like going out and I'm good for about ten laps and I'm done. There are no two hours of constant riding all day, but I love having little kids bring their bikes over, play around. It is already bad enough that if you have a couple over, one's got to sit out because you can only have two at a time. You know, so, my biggest thing is where does it stop with, I mean that's the whole reason I moved to East Bethel, is for the freedom. I lived in Blaine. You know, you couldn't even fire one up in your garage and you had people calling on you all the time. How do you work with that? You look at East Bethel and you go, 'I got the freedom to have a nice yard and just have a little freedom.' You know, I

understand people don't want to sit next to noise but if I don't like your classical music do I call and complain? You deal with it, you know. And, the guy across the street wants to come home late on his Harley, I don't want to take that away from him. I don't want to put ordinances on. That's the whole reason that we are out here. That's all I got to say."

DeRoche, "Thanks Shayne. Dan Richardson?"

Dan Richardson, owner of Northway Sports, 21429 Ulysses Street NE, "I just want to address the Council and say that I was on the bi-partisan citizen committee that came up with the recommendations for Council on all that Noise Ordinance that you guys assed. And, we really did work hard on that. I mean we sat, fought for a couple months, on that whole deal, and I really don't want to see it all thrown away. I think we made some concessions in both directions. I do think it's kind of fair and I've got a concern because I have my own demo track and I don't want to see any tighter restrictions on that either. So, I just wanted to put that input in there."

Moegerle, "Can I ask you a question?" Richardson, "Sure." Moegerle, "It was referenced that the AMA testing standards, and I Googled that and there's a private motorized recreational ordinance promulgated by the American Motorcyclist Association. Did you take a look at that? It looks like it's been some time ago but it seems to track this but it has a little bit more 'soft' issues on it, landscaping, dust control, those kinds of things with it. Is that familiar to you? Or, do you have anything? Richardson, "Yes, well, if you are looking at the AMA regulations, and I don't race so, I don't totally know the exact decibels and all that. But, I do know they test at the racetracks. That is fairly new. It's only been in the last three or four years that I know of. So, when we were doing the committee, that wasn't even tested at racetracks at that time. But, I know we looked at everything back then." Moegerle, "Okay, thank you." Richardson, "Thanks."

DeRoche, "Thanks Dan."

Koller, "I should have asked earlier. Do you remember the timeframe when you guys all worked on that? Would you be able to back and look at some notes or something?" Richardson, "You know, I actually kept a file of it so I probably could take some of that out for you guys if you wanted to look at what we went over." Koller, "We'll check with you. Thank you."

DeRoche, "Mark on 238<sup>th</sup>?"

Mark Arends, 632 238<sup>th</sup> Lane NE, "Like the other guy said, our bikes are sound tested at AMA racing events. I see no reason to change what's good for our kids and all that. I guess I don't know, I don't have much to say."

DeRoche, "Thank you. Chris Sandman?"

Chris Sandman, "No comment."

DeRoche, "Paul Johnson?"

Paul Johnson, "It's been said."

DeRoche, "Well, this is going smooth. Jeff Thomas?"

Jeff Thomas, 23262 Kissel Street NE, "I'd just like to say that I think the Ordinance should stand the way it is because there was a considerable amount of work to have it be that way. My concerns, personally, would be, I have a chain saw that's way louder than any dirt bike you've ever heard. If I want to ride my snowmobile around my yard, what are the restrictions on that? These are the things that I work for and strive for and enjoy. On a larger idea, I've known Zach, that seems to be part of the discussion this evening, for a long time. I've seen him grow up from a young man, from a boy, to a responsible man. In a larger context, what would you have people do for a hobby? This is a hobby that he has had his whole life. I know he enjoys it thoroughly. What are some of the alternatives? Think of the alternatives of other young men in their teens, of what they decide to do that isn't a hobby and is destructive to our society and our City and our neighborhoods. I won't name names, but there are people that live across the street and their teenagers of that ilk. And, that would have been very sad if that had turned out that way for Zach because he has turned out to be a very responsible man and he enjoys his hobby and he should be allowed to do it. And, all of us should be allowed to do our hobbies. I think the key word in this whole proceedings would be 'tolerance.' Thank you for your time."

DeRoche, "Thank you Jeff. Anybody else? Will you sign this for me? That way when they do the minutes, they can make sure that things are right. Thanks sir."

Chad Gunderson, 1951 209<sup>th</sup> Lane NE, "I hear everybody bringing up what I believe to be valid points. But I don't think anybody's come to any type of conclusion. I know that the County offers mediation services. I've worked for the State, I'm poor, I'm the guy who has the muffler off the tractor and the snow blower that's, like, 20 years old. I'm too poor to afford the dirt bike, but I'm working on it. The point being is they are all going to make noise. And, ungodly amounts of it. I live right by the gun range. I hear the guns going 24/7 from sun up to sun down and it gets annoying. I think, though, that one of the things that we could do to address the problem is, there seems to be a few select tracks that are in question. And like you pointed out, we don't have the power to enforce a noise decibel. It's not going to happen. It's not even feasible. But, a mediation service is. The problem that you are having is the dirt bike riders and any people that they seem to be offending in that area. I mean, it only makes common sense to set people up to talk. If you're a dirt bike owner and you've got ten neighbors right around you and, for lack of better words, two out of ten are bitching and eight aren't, address the two people. But sometimes when we get 'hot headed,' nobody wants to hear what the other person has to say. We've all had that argument with a spouse or significant other and you say it and she doesn't want to hear it. If it comes from somebody else and it's, 'Oh, that's the best idea ever.' My suggestion would be to utilize the services of Anoka County and you can get a mediator."

DeRoche, "We can suggest that but we can't order it."

Gunderson, "No, you can't but if they want to remedy the situation and maybe come to more of a justifiable thing, maybe it's, it's usually the one thing that puts somebody over the edge. There's an underlying source. It's one thing that just makes somebody mad. You know, so if you can get to that underlying source and they can come to an understanding, I mean, you can't abolish bikes and you can't abolish noise. It's as simple as that."

Moegerle, "I have a question." Gunderson, "Yes?" Moegerle, "What is the possibility of there being a track, and this is creative, like around the ice arena which is somewhat secluded, that you could all use. I know it's not in your back yard but could you point out

why it wouldn't work if there were something like that?" Gunderson, "I believe that would be a possibility, but the thing that you're forfeiting if you're a person who already owns their house and took the time to do their track. It's kind of a double-edged sword. By no means do I feel that a dirt bike person should have free reign, and I'm using them in general." Moegerle, "Sure."

Gunderson, "Could be snow blowers, whoever, but they shouldn't be able to have free reign but as a person who lived in Blaine pointed out, most of us live out here for a reason, to be able to afford ourselves a couple of the privileges that the city doesn't. Putting up a general track would be great. But for guys who already have their tracks, it's going to be pretty hard to pull them from that. That's their 'babies' but for other younger riders or people who want to get out, I think it could be an avenue to approach."

Moegerle, "Well, I was just wondering if that could be something in discussion, maybe afterwards, to see what we could come up with on that."

DeRoche, "I would almost think, I don't think the City could do that. I think the liability would be way too much." Moegerle, "Right. And, I'm not suggesting that at all."

DeRoche, "I've spent a lot of time thinking about this and I do have a Harley and I do have a loud chainsaw, and I do have a lawnmower. And, we're still stuck in the middle of this. How do you balance it?"

Gunderson, "And, that's just it. With the Ordinance you already have at your dispense, it laid out a great guideline. You could tell the people put a lot of time into that." DeRoche, "Absolutely."

Gunderson, "With what the proponent is proposing, you can't 'chop off one hand to fee the other.' You can't condemn the 'X' amount of people who choose to have that hobby to some people it's a profession. Not that I'd take anything away from this lady. And, that's why I was saying, I've been in mediation for ten years and I know that it works as long as you can get the people at the table. Most of the time the people want to get to the table because we all think in our heads, 'Well, I don't care if that person likes me.' But we all know what pisses us off. You've got to do that fake wave every time you go by, you know. So, if you can get somebody in there to just sit them at a neutral place, you're not going to go to a house, and just, what is their main problem. Well, obviously, it's noise. Okay, well, and you work it from there. Is it the noise when you are trying to put your kid to bed at 7 o'clock? Or, are we talking it's noise as soon as the sun comes up? Or, you know, there has to be give and take on both ends. You can't say, 'Well, it's the noise from sun up to sun down. I don't want it at all.' Well, then you're going to be SOL. But, if you can come to an agreement somewhere in the middle of it, I think it would go a lot further."

DeRoche, "Well, anyone that's called me at home, and I've probably had more calls on this than anything I've had in three years. I pretty much explain what my thoughts are. It's one of those that, man, you're right, someone already put the Ordinance in place and that was why I fought so hard to get the ATV Ordinance in so that if you're an East Bethel resident, you can drive on the right-hand side of the road. I was one of the first ATV instructors in the State of Minnesota. And, there's so many rules that the DNR has and as soon as we passed our Ordinance, now Oak Grove has one, Ham Lake has one, Linwood has one. You know, they kind of followed in suit. Because, where I live on Coon Lake Beach, there's no sidewalks, there's no ditches, there's small little paths I guess you could say. But, you're

right, it's, I'm open to ideas because I don't like Ordinances to begin with. I think people should just be able to figure things out. But, that's not reality."

Gunderson, "It's not all the time but it can be something that's, you can get to a closer agreement. You're never going to be able to satisfy 100% of the people. It's just as simple as that but I think you can get to a closer agreement if you could actually, you're not going to take all the dirt, it's the people who consistently have a problem, which is fine, if that lady feels she can't eat a meal, I understand that. I live right by the range and it's in my back yard. So, I know how things can irritate you. When you've got two hot-headed people, who both feel they're right, and in their minds they both are, and I'm just using it for the example. They both feel that they're right. Nobody's going to nudge. But when you get another person involved where they can see through both party's eyes, usually you can come to a better understanding, usually."

DeRoche, "I would agree with that." Gunderson, "That's all I got." DeRoche, "Thank you Chad. Anybody else?"

Steven Easler, 22357 Xylite Street NE, "We went through this issue. I was with Dan on that bi-partisan committee, and we worked long and hard to come up with these ordinances. Which, frankly, I'm totally against. But, they are restrictive enough as they are. You know, you have people that have less than five acres, 1,000 feet from there is what? Nothing. It completely shuts it down. It doesn't even give them an opportunity to make noise. So, now you want to add 50 to 100, from 100 to 200, that's pretty restrictive on your own property what you can and cannot do. I completely understand about the noise. This last guy had a great idea. Get them together if they can possibly even tolerate the sight of each other after all of this. That is pretty much what it comes down to, them dealing with each other because everybody else will have to suffer the consequences if you guys get involved."

DeRoche, "That makes sense to me. Anybody else? Now's the time to speak."

Knisley, "I just want to clarify that the guys had said that they get their bikes tested, sound tested. I understand that and it's probably somewhere in the 90 to 100 or 110 decibels. But, the problem that there is, is when you read that our current Ordinance is not enforceable for the noise because we've adopted this Statute, the Minnesota Statute and it has the graphs on what's acceptable for motor vehicles and dirt bikes. And when they're measuring your decibel level a foot away versus 300 feet away, it's different. If you look at the Statute and where you are, we're approximately 300 feet away from that track. When you look at the Statute, it needs to be at 67 decibels or less. And, the issue is the Anoka County Sheriff is not going to come out and measure the decibel level for, according to this is how he's got to do it and chart it. He can't to that. You can get, you can purchase a sound meter at wherever, Radio Shack, wherever. I can download an app to my phone, it's not the caliber of what the Sheriff's is but when I download that app and I sit on my deck, the decibel level, sitting on my deck when the guys are riding is typically around 80 to 90 decibels 300 feet away. On my cheap cell phone app. So, does the City get a sound meter? I don't care, I'll pay for it. But, what's the acceptable level? And, when you read the Ordinance, it talks about, the Statute talks about lawn mowers, tractors, chainsaws, lawn equipment, snow equipment, and it says this is acceptable, here's their typical level, and there's an exception for those things. What I'm saying is, if we roll up the Ordinance and the Ordinance was, is a good one and that's what got adopted, but there is no way to enforce the noise portion of the Ordinance. That is where I believe that they are exceeding the noise portion of the Ordinance. But, the Sheriff is not going to come out and monitor it for an hour. So, who's

going to?”

DeRoche, “You know, that’s a good question. I personally would not vote to have the Sheriff go out there and sit for an hour.” Knisley, “No, I don’t want him to either.”

Moegerle, “Ms. Knisley, I’m looking at this document that I mentioned before which is the Private Motorized Recreation Ordinance, and it has a section that’s called the Private Motorized Recreation Property Regulation which addresses what you are talking about. It says, ‘as motorized recreation may occur on any private holding that does not exceed 65 decibels when measured at any point on the property line over a 30 minute property.’ Which solves the 300 issue but it doesn’t solve the measuring issue. But, so, at least there is a little step towards what, at the property line it should be. But, then that’s arbitrary because somebody with a bigger lot, you know, isn’t going to have that problem. Do you see where that would help if we could, is it the property line? See, it’s again a decibel...”

Knisley, “No, it’s like what I’m hearing from everybody here is that the Ordinance is fine. Don’t change it. Okay? So, if you’re not going to change the Ordinance, then I’m saying you have to figure out how to enforce the noise portion of the Ordinance. Because, there is a noise portion of the Ordinance and that’s per the State of Minnesota.” Moegerle, “Yeah.”

Knisley, “And, in order to enforce that noise portion of the Ordinance, it requires another person to come and monitor with the sound meter for a length of time, which is a costly and unrealistic way to measure the amount of noise that is being generated. And, I don’t know if it’s because we’re up higher and the sound is traveling, but you literally cannot sit at my table and have a conversation. You could not hear me, you could not, we couldn’t do this when they’re riding.”

Moegerle, “This also talks about landscaping, so presumably there would be screening by trees and those kinds of things. Does that appeal to you as a possible part of the solution?” Knisley, “I’m just looking for a solution.”

Moegerle, “Right, right, right. So, I mean is it fencing? Do you see that might be a possible? Give us a clue on how to find a middle ground on this. I understand because I see both points.” Knisley, “I’m looking for options. You might come up with an alternative because if I go to Radio Shack and buy a couple hundred dollar sound meter and I come back in here and I say, ‘Look at this guys.’ Okay, the next couple months, and the decibel level is exceeding what the Statute says, or I hire somebody to do this and say, ‘This is exceeding what the Statute says,’ what are you going to do? What are we going to do?”

DeRoche, “Let me address two things here. Number one, it could be legally challenged and so for us to just say, we want an independent to come in and do this, it would have to be someone probably appointed by a court. Now, second thing is, you and I had a conversation and since day one, to me it’s not an ATV and a dirt bike problem. It is a noise problem.” Knisley, “Correct.”

DeRoche, “So, to change the ATV Motorcycle Ordinance because there is a noise problem, that is not going to take care of the issue.” Knisley, “Exactly.”

DeRoche, “We’ve had numerous discussions up here about noise. Tom used the example earlier, well you’ve got a baby crying all day long, maybe it’s got issues, maybe one day it doesn’t bother you and the next day you come home and have had a bad day and it will just

curl your butt. Right? Or, your neighbors, 6 o'clock in the morning, we had a couple storms and trees fell down and now he's out there running his chainsaw. Right? That's a noise issue. So, that's what we need to craft. But, and you're right, we have to follow the Minnesota Statute because we are a Statutory City. Some people don't understand we are a Statutory Class A City. So, whatever Statutes Minnesota has, whether it is Eagan or Apple Valley, we follow the same State Statutes they do. Now, we can be more restrictive, but we cannot back away from what the State says. That deals with the Noise Ordinance, the Building Ordinance, the Sewer, whatever. So, there's a lot of factors coming into this that I don't know, maybe Chad's recommendation of mediation. Have you even thought about mediation?" Knisley, "No, I have not."

DeRoche, "Would you be open to something like that? To go in there and sit down with someone neutral and say, hey, you know, what do you think. Are we crazy? Or, are they crazy? Knisley, "Bob already knows I'm crazy, so, but it still does come down to the noise and what the State says is allowable. But, we have no way to monitor it."

DeRoche, "But, doesn't the State have a lot of things you can't monitor, or enforce, I'll say." Knisley, "Right, that's why we're here."

DeRoche, "My poll's open to anybody's suggestion. You want to e-mail me, you want to talk to me, whatever, I'm open because I'm kind of stymied on this. I really don't think, and I'm dealing with an issue in my own neighborhood where someone came up here, they used to party a lot, they had a baby, and now the other guy's bad because he plays his radio a little loud. And, he wound up calling the Deputies on him. I said, well, that was kind of a dumb thing to do. Maybe, you should have talked to him first? Or, tried to work it out. Because, I guess the way I explain to people, look, you may have a problem with this, but now you decide to have a family reunion and your family and friends are up and everybody is drinking and getting a little loud. Now this person goes, you called the police on me now I'm going to call them on you. I would rather try and avoid situations like that because I just think neighbor-against-neighbor, if you're both going to live there, it just isn't going to work. It really makes it tough to be there." Knisley, "I know that."

Ronning, "He mentioned mediation. That's almost too formal. If anybody would be interested, maybe a couple of us could listen to what the issues are. Not relating in one way, shape or the other, to the current thing. I have one of these cheap apps too. This conversation has been upper 40s to upper 50s. The quiet silent room was about 30. By the reviews, it was suppose to be fairly good. My experience, one thing that happens when people are disagreeing, the longer you disagree, the more you dig in. Then, after a while you are kind of in a rut and it's tough to get out. I'm saying this, my experience, not that it has anything to do with anybody here. We'd have to think about it, I think, beforehand, but something less formal as far as just airing complaints, airing the concerns. I don't say that's the answer."

Bob Jacobson, 20628 East Bethel Boulevard, "I used to live in Coon Rapids. Not very far from where the drag strip was. In the spring of the year, I'd hear it. I had some friends over in August. We were sitting round in the back yard. All of a sudden he jumped and said, 'What's that?' I had to actually stop and listen. I said, 'That's the race track.' I live by the gun club also. By the middle of summer I never hear it. I know she's had a problem, but is it actually the noise? I know most motorbikes are 2-cycle motors and they do have a kind of a 'sing' to them. And, is that what she's really hearing or is she actually hearing the motor itself? The other thing is while on their track, is there any way they can put a little

extra muffler on it to shut it down while they are playing on their track? That might be kind of a cure to that kind of problem also.”

DeRoche, “Anybody else? Come on up.”

Brandon Lund, 18510 Vermillion Street NE, “A few years back, Oak Grove had this problem and they came up with the Oak Grove Rider’s Club. I think Mike Revard ran it. They went, my sister has a track and their neighbor was complaining and they went around to the major problem areas where they were getting the most complaints and it was a voluntary group that organized on a Saturday with a sound meter. They’d go out there. The sound wasn’t the issue. The bikes were within spec. But, what my brother-in-law did was he ended up planting his own Pine trees, spent his own money, Mike Revard helped him out, and it knocked down the sound levels big time from the neighbor lady that was complaining. And, they came, like mediation, came to a resolution. They would meet a couple times, they would come up with a game plan, and they would say, okay, we’re going to be riding for three hours for 2-3 days a week. Okay, as long as it ain’t five. They came up with a good problem solving and from 4:30 to 7:30-8:00 p.m., they would ride. Neighbor wouldn’t have a problem with, they solved it, and it turned out really good. And, they still ride there today without the neighbor calling the cops every other day.”

DeRoche, “What was the name of that group?” Lund, “I think they formed Oak Grove Rider’s Club. You’d have to talk to some of the people that, Mike Revard, I’m pretty sure he ran, that he was the main guy on it.”

DeRoche, “We’ll have to get that other web site, huh Jack?”

Lund, “And it was all voluntary work, just people from the City. My sister was on it, she rode dirt bike, she loved riding dirt bike. And, it worked out good. And, they just went to those problem areas because it’s not everybody, it’s not everywhere. My kids ride in my yard. I talked to my neighbors. I’m slowly starting to build a small track. They think it’s fun to watch them out there ride. I’ve talked to them. I’ll be respectful of them, but just talking about it. Not being angry. Not being in a rut, not being able to get out of it. Just problem solving. So, thanks.”

Davis, “One thing, the City did check with surrounding cities to see what they did for noise ordinance standards and we found, with the exception of one city, every city has adopted the PCA 7840 Standard, which is the one we’re talking about, which is nearly unenforceable or if it is enforceable it is a very expensive way to enforce this. The only city that didn’t adopt it, that we discussed this with, was Oak Grove. But, Oak Grove has no standard. They send a Deputy out if there is a noise complaint and ask people to be quiet.”

Lund, “I don’t think they changed their ordinances, they just met on it and created something beyond their ordinance. They didn’t talk to the City all about it or change things so everybody had to deal with it. It was just a meeting, what can we do, between me and you. They spent \$1,000 on trees. It was really good.”

DeRoche, “But, there again, you can make all the ordinances in the world to get that ‘warm and fuzzy’ feeling but if it’s not going to be enforceable and you can’t do anything with it, and all of a sudden the problem goes away, well now you’re stuck with another ordinance that takes up more paper and you can’t do anything with it, and you’re more destructive.”

Ronning, "The official law, or whatever it is, says you take so many seconds, so many times an hour, and I think it's perceived, well all they've got to do is stop for a little bit and then you've got to start over. What that really should do is, it's not going to gauge, try to find one hour when everybody is making all kinds of racket. It's going to gauge how much sound there really is from beginning to end. Whether it's enforceable or not, I don't know. I don't think this one would be enforceable either, myself, this new suggestion."

Chad Gunderson, 1951 209<sup>th</sup> Lane NE, "The mediation service, it's not a who's right and who's wrong. An actual mediator doesn't give you the answer. All they do is direct you and help you for the two parties involved to help come to an answer as planting trees or whatever might be the..." Ronning, "They facilitate the discussion." Gunderson, "Exactly. But, I just want to make that clear so people don't think that it was a he said, or she said, or this is how it's going to be. It's not a law. They're literally the in-between body."

Gunderson, "Well, they don't figure it out. They sit with the people to help them figure it out. They don't give the party an answer."

DeRoche, "I can't even hear anybody." Davis, "If you have any comments, please wait until the speaker finishes and then come up and speak into the microphone." DeRoche, "With the video, a lot of people say things are kind of jumbled, so we, gotta..."

Gunderson, "I just wanted to make it clear to everybody about facilitating so they didn't think it was one person laying down the hammer and saying this is how it's going to be."

DeRoche, "Just to give you an idea, I'm on this data documentation for the sound, for the State. Date, time, location, noise source, one-speed direction, temperature, humidity, make, model, and serial number of measuring equipment, field calibration results, monitored levels and site sketch indicating noise source measurement location, directions, distances, and obstructions. That's part of the test. So, there again. Anybody else? Now is the time to talk. That is why we called the public meeting, to get people's input."

Ronning, "Before this is gone, while you're coming up, I, myself, and I can almost speak for the others, appreciate everybody's coming out and input. This shows, regardless of what your position is, it shows that it is real and it's important do this. It's meaningful to have these discussions and listen to what people have to say."

DeRoche, "If people see something coming up, you've got to come in and you have to let the City Council know what's going on because I tell people, look if you don't call me or write me, I have no clue what's going on. And, I'm sorry I'm not going around to every single household. Go ahead."

Tom Burns, 23218 Sunset Road NE, "I have to live between each group of these people. And, one thing Becky does not mention, I suffered also. Seven years ago, we lost a whole bunch of pine trees. If they were there today, this wouldn't be an issue. The boys, two of them don't live there any more so they are not an issue. The boys did go over to the house, they were told they could ride one day a month. So, don't wreck everybody's dirt biking. I've got to live between them. If they sit down, they can figure it out. I'm not perfect, the boys got to grow up, we've all got to live there. I don't care if they have to start riding at 2 o'clock in the afternoon. Maybe before they go racing, maybe they want to ride their bike. Maybe they want to check out how it's running. Everybody has to get along. I got to live

with them, they are not happy with me, I'm not happy about it. I planted more trees. Becky could plant more trees. I don't know. Good luck guys."

DeRoche, "Thanks. Anybody else?"

Shayne Wyatt, 20006 Austin Street NE, "I don't think there is a happy ending with any of this. I'll be 100% honest with you. Some people are just pissed and bitter and that is just how it is. They either hate dirt bikes or one or the other. She may not hate dirt bikes but I'll tell you right now, I've got a neighbor that does. I'd love to plant trees. Unfortunately, I would have to have you guys put an ordinance in for my neighbor to keep his dog in his yard because every time I plant trees, they come over and piss on it and they die."

DeRoche, "There already is an Ordinance." Wyatt, "Then enforce it, how do you do it? For the five seconds the dog is over doing it, I can't call, I won't call the Sheriff out to do that."

DeRoche, "Right, and I understand that but there again, it's the same thing. You make an ordinance, you can't enforce it. Somebody does something, you don't call the City, why doesn't the City enforce it? Well, number one the City doesn't know what's going on and number two, you don't want to start that thing going on of well, you did this and now you did that, and then you get back and forth."

Wyatt, "What it comes down to is you either accept it, you can deal with the people around you, you can take what's given you and you run with it, or you move. That's where I'm at. If I can't take the guys dog coming over ruining my stuff, I either will plant rocks, we're good there, or I'm going to move. I'm not going to get in a match with getting people upset with everyone. I don't see, maybe mediation will work for some people but there are others out there that just, they're not into what I'm into and it offends them. I don't see you guys, maybe, I mean, you are a lot smarter than I am. I hope you do, but I don't see it. I'm just telling you from my experience. I just have certain people in the neighborhood that, from what I've seen even growing up in Blaine and things like that, and moving here, they just don't like either who you are. It doesn't matter what hobbies you have. They don't like you or they don't like something about you. They are going to make your life suck. And, you've got to try and deal with that or move. And, it's been considered on my part numerous times but I try to make the best of what I'm given. I like where I live. You just have to deal with what you're given. I just wanted to point that out, that I don't think you guys are going to find a happy solution to this at all."

DeRoche, "That's encouraging." Wyatt, "Sorry, I hope you do, but thanks."

DeRoche, "Anybody else? Now's the time to speak. Well, again, I want to thank everybody for coming out here. Some cities don't even, they'll just pass an ordinance, don't give much thought to what people think. I personally don't like that. Maybe I'm wrong, but I think it's kind of important when people pay taxes, you own your own property, and you want to do what ever the heck you want. In our case, for five people to sit up here and dictate what's going to go on, this isn't a dictatorship. Maybe people don't have a lot of time to spend coming up to these meetings but I would recommend, once a month you look at the agendas and see what's coming up. If it's something that might affect you, or you think it might, come on in for that part of the meeting. You've got to speak your voice because if not, you're going to lose control of it."

Ronning, "The silent majority."

DeRoche, "Anybody else? Anyone?"

DeRoche closed the public hearing at 8:06 p.m.

**4.0 DeRoche declared the Public Hearing adjourned at 8:06 p.m.**

**Adjourn**

Submitted by:

Carla Wirth

*TimeSaver Off Site Secretarial, Inc.*