



**MONROE CITY COUNCIL**  
**Transportation/Planning, Public Works,**  
**Parks & Recreation and Public Safety**  
**Committee Meeting**  
Tuesday, January 23, 2018, 6 P.M.  
Monroe City Hall

**2018 Committee**  
Councilmembers  
Ed Davis  
Jim Kamp  
Jeff Rasmussen

## **AGENDA**

- I. Call to Order**
- II. Approval Minutes** (August 16, 2016)
- III. Unfinished Business**
- IV. New Business**
  - A. Selection of 2018 Committee Chairperson
  - B. Confirmation of 2018 Regular Meeting Date
  - C. DRAFT 2018 Work Plan
  - D. WATVs
  - E. Parks & Recreation District
- V. Other**
- VI. Next Committee Meeting** (February 27, 2018)
- VII. Adjournment**



**2018**  
**MONROE CITY COUNCIL**  
**Transportation/Planning, Public Works, Parks &**  
**Recreation and Public Safety Committee**

Councilmembers  
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## 2018 WORK PLAN

|           |                         |                             |
|-----------|-------------------------|-----------------------------|
| January   | Public Safety           | WATVs                       |
| January   | Parks & Rec.            | Parks & Recreation District |
| February  | Public Safety/<br>Admin | Public Defense Evaluation   |
| March     |                         |                             |
| April     |                         |                             |
| May       |                         |                             |
| June      |                         |                             |
| July      |                         |                             |
| August    |                         |                             |
| September |                         |                             |
| October   |                         |                             |
| November  |                         |                             |
| December  |                         |                             |



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|-----------------|--|
| <b>SUBJECT:</b> | <b>Discussion: WATV Code Regulations</b> |
|-----------------|--|

|              |              |                 |                   |                        |
|--------------|--------------|-----------------|-------------------|------------------------|
| <b>DATE:</b> | <b>DEPT:</b> | <b>CONTACT:</b> | <b>PRESENTER:</b> | <b>ITEM:</b>           |
| 01/23/2018   | Police       | Tim Quenzer     | Tim Quenzer       | <b>New Business D.</b> |

**Discussion - Council:** 10/10/2017; 11/21/2017  
**Discussion – Cmte:** 01/23/2018  
**Attachments:**

1. 10/10/2017 Memo from Police Chief Tim Quenzer
2. 11/21/2017 Memo from Police Chief Tim Quenzer
3. Information regarding HB 1632 (Conservation Northwest)

**REQUESTED ACTION:** Discussion and direction regarding potential amendments.

**DESCRIPTION/BACKGROUND**

The State of Washington’s 2013 Legislature made significant changes to the statutes relating to the use of all-terrain vehicles (ATVs), including electric golf carts, in the state. These changes, which took effect July 28, 2013, redefine “all-terrain vehicle” and now classify them as “wheeled all-terrain vehicles” (WATVs) that may be operated upon a public roadway.

RCW 46.09.455(d)(i) gives the City the option to approve or prohibit WATV use on public roadways where the speed limit is 35 MPH or less. The speed limit is 35 MPH or less on all City streets except on State Route 2 from mile post 13.5 to 14.52 (45 MPH).

Should the City choose to approve WATV use on public roadways, it is mandated that a list of authorized roadways be created, published, and posted to the City’s website.

RCW 46.09.455 also addresses proper licensing of WATVs, vehicle safety equipment, owner/operator requirements, lawful and unlawful operation, liability releases, and boundaries.

City Council discussed these regulations on October 10, 2017, and at that time requested additional information be gathered for continued discussions on this topic. Please see the additional memorandums from Police Chief Tim Quenzer for responses (*Attachment 2*).

At the City Council meeting on November 21, 2017, the City Council directed the Transportation/Planning, Public Works, Parks and Public Safety Committee (P4) discuss specific restrictions to the use of WATV within the City limits.

City staff have identified a number of policy options for the P4 Committee to consider. City staff recommend the Committee review and discuss each option and provide direction to staff. The recommendations from the P4 Committee will be presented to the full City Council at the February 20, 2018, Study Session.

Policy Options

1. Location where WATV’s may be ridden. This is the primary policy question. If the P4 Committee recommends not allowing WATV’s on City streets then no further discussion is required. A decision to allow WATV’s, even in a limited area, will require additional decisions regarding types of vehicles, operator requirements, safety equipment and insurance.

Option 1 – Allow WATV's on all City streets where the speed limit is 35 MPH or less. This would open WATV use throughout the City with the exception of US 2 where the speed limit exceeds 35 MPH.

Option 2 – Do not allow WATV use on City streets. This would effectively end the proposed program at this time. The P4 Committee could recommend revisiting the proposal when Snohomish County expands WATV use on county roads between Monroe, Sultan, Granite Falls, Snohomish, or Lake Stevens.

Option 3 - The City Council can restrict WATV's to specific streets within the City. The City Council may want to consider restricting WATVs to either the north or south sides of US 2 west of SR522. This would allow connectivity between residential neighborhoods and the City's commercial districts including hotels and gas stations. Future connectivity between Monroe, Granite Falls, and Sultan would be provided when Snohomish County allows WATV use on County roads west of Sultan.

## 2. Types of WATV

Option 1 - All WATV's as approved by State law.

Option 2 - Only Side-by-Side Wheeled All Terrain vehicles (SXS WATV)

## 3. Who may ride WATV's.

Option 1 - Operator must have a valid driver's license and participated in a state WATV certification course approved by the Department of Licensing.

Option 2 - Operator must be over 18, have a valid driver's license; participated in a state WATV certification course approved by the Department of Licensing.

## 4. Passengers.

Option 1 - Passengers allowed.

Option 2 - Passengers not allowed unless the WATV is designed to carry more than one person. Passenger is required to ride on the permanent and regular seat if designed for two persons.

Option 3 – Non-parental transport of minor passengers under 18 years of age is prohibited.

## 5. Safety Equipment

Option 1 - Motorcycle helmet at all times.

Option 2 - Motorcycle helmet except if the WATV is equipped with seat belts and roll bars or enclosed passenger compartment.

## 6. Insurance

Option 1 - Insurance not required but encouraged

Option 2 - Proof of current liability insurance with liability limits of at least the amounts provided in and in compliance with the requirements set forth in RCW 46.29. Written proof required upon request of a law enforcement officer.

## 7. Prohibited Areas (except law enforcement and maintenance staff)

- Sidewalks, bike paths and trails.
- City parks, except on a designated parking lot.

**FISCAL IMPACT**

There is not direct budget impact associated with the proposed legislation. There may be additional effort to enforce a WATV ordinance or expense associated with damage to public or private property. However, this expense is not anticipated to be greater than the current cost to enforce existing traffic laws for other motorized vehicles.

**TIME CONSTRAINTS**

This is a discretionary legislative action. There are no specific time constraints with adopting this legislation.

Councilmembers:

The RCW 46.09.455 you are discussing tonight allows you to allow wheeled ATV on streets in the City of Monroe that have a maximum speed limit of 35 MPH or less. This would include parts of State Routes 2, 203, and 522.

The few towns in Snohomish County that have approved the use of WATVs do not have the citizen population, nor the daytime population on the above mentioned State Highways. In fact they are about one-third the size of Monroe.

Monroe is unique, as we all know, in that we have three major State Highways that enter our City. All three highways at times have a speed limit of 35 MPH or below. Monroe also has truck traffic that utilizes the four gravel pits located in or near our City. Dump trucks and WATVs that were not originally designed as on-highway transportation vehicles do not mix well. As a Motor Vehicle Accident expert (recognized by the Washington State Superior Court) I can attest to that. Large vehicles and smaller vehicles (less than 1,500 lbs.) usually have only one winner when they are involved with each other, and the winner weighs more than 1,500 lbs.

Lastly, in section Sec. 16 (1) it states, "No person under sixteen years of age may operate an off-road vehicle on or across a highway or non-highway road in this state without direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under Chapter 46.20 RCW." Under section 2 (16) "Direct Supervision means that the supervising adult must be in a position, on another wheeled all-terrain vehicle or specialty off road vehicle or motorbike or, if on the ground, within a reasonable distance of the unlicensed operator, to provide close support, assistance, or direction to the unlicensed operator." Notice there is NO minimum age limit.

I urge you not to go forward with this idea; we have nice trails, parks that currently do not suffer from abuse from WATVs, so why invite it in. When this bill was proposed to the State legislature it was offer as a way to reduce ATV abuse and provide accountability for the mis- use of the ATVs. We do not, nor do I recall ever having those issues within the City of Monroe.

So the last question then is, what is the need?

Chief Tim Quenzer

Council Members:

I am responding to questions that were brought up at the last discussion meeting on WATVs.

**Question: Map of where WATVs are allowed in the City per the RCW:** Instead of a map, which would exclude a very small area it is easier to follow the guidance of the RCW. The RCW indicates that they could be allowed anywhere within the City limits where the speed limit is 35 MPH or less.

**Question: Any increase in the WCIA premiums?** There would be no increase in premiums. Premiums usually are increase because of claim history and because of inflation.

**Question: What types of WATVs apply to the RCW?** In your previous packet you received pictures and descriptions of the types of WATVs. You will notice that any WATV that has been equipped with the required equipment per RCW is allowed.

**Question: How do they compare to Motorcycles?** Riders of motorcycles must have a motorcycle driver's license and are tested prior to receiving one. No driver's license required for a WATV. Motorcycles that are street legal come from the factory with signals, brake lights, mirrors, and federal DOT legal tires. WATVs do not come from the factory so equipped.

**Question: Accident data reference WATVs, small cars, motorcycles and trucks?** We have had numerous accidents in the City of Monroe between small cars and dump trucks with pup trailers. Primarily in our roundabouts.

**Questions: Feedback from cities that have passed a WATV ordinance, accident, and enforcement data and has Kirkland passed a WATV ordinance?** In contacting cities or towns that have passed the ordinance, they have all said that the ordinances are too new to build legitimate data. Remember, the towns in Snohomish County have populations that are about one-third of what Monroe has. The towns in Eastern WA are farming communities and they too do not have the traffic issues we have. In the recent election, one candidate said that he wanted to pass this ordinance for everywhere east of Highway 9. Why not also west of Highway 9? Could it be because of heavy traffic issues, similar to Monroe's? Lastly, I was told by the Kirkland Police that they have not passed a WATV ordinance

**Question: What limitations can the City enact? Minimum age? Specific streets? Supervision requirements?** You could enact all of these. Minimum age and Supervision would be secondary enforcement requirements; in other words, the driver would need to be contacted for some other violation before a minimum age or supervision violation could be enforced. We are having a hard enough time keeping up with our current motor vehicle and criminal violations without burdening the officers with more enforcement issues.

**Question: Why is the ordinance needed? What benefit is there to the City to allow?** From the previous discussion the public says "because it would be fun and because it would look cool." In that case, let's allow Jet Ski's on Lake Tye 365 days a year, as the fun and looking cool also applies to that. The benefit to the City according to the public is that they would fuel the WATV's in Monroe, eat in Monroe, and stay at our hotels. The City already captures these benefits as there are not many eating establishments, hotels, and gas stations in the areas they are currently able to operate in.

## HB 1632 Q&A

In July 2013, Washington enacted a law requiring license plates on All Terrain Vehicles, HB 1632. Below are the answers to common questions regarding the law.



Accountability for ATV riders

### **How will HB 1632 reduce illegal and harmful ATV use?**

The new law provides accountability. Yesterday, someone could ride roughshod with anonymity. This bill requires all ATV's to display a visible license plate and sets a hefty (up to \$500) fine for violations. Citations can be issued based on evidence collected by a citizen (e.g., a photo of the illegal use with its ID plate).

### **How extensive is ATV abuse?**

By DNR estimates, unethical ATV riding has created 3-6,000 miles of illegal trail on Washington state lands alone, which is 3 to 6 times that of the legal mileage. ATV trespass costs ranchers and tree farmers millions of dollars annually in property damage.

### **Are these policies in place elsewhere?**

Yes. A number of other states have adopted visible ID requirements, which is considered the best single step to reduce ATV abuse.

### **How does the bill promote responsible ATV use?**

The bill immediately opens roads meeting certain criteria (e.g., under 35 mph) in the five counties with populations lower than 15,000. Larger counties may opt-in. Towns and cities may also opt-in. Such open roads can then be ridden on by street-legal, licensed ATV's driven by a person with a valid driver's license.

### **Do ATV interests support the bill?**

Some opposed it out of fear of ending wanton illegal riding. But many responsible ATV riders, clubs, and communities actively supported the bill.

### **Why did some ATV interests support the bills?**

The new policy will help clean up the sport and improve the reputation of ATV recreation, possibly leading eventually to expanded access and privileges. Also the bill provides immediate access for ATV riding on certain low speed rural roads in certain counties, which something that many riders and rural communities want.

### **Do all conservationist groups support the bill?**

No. Some groups feel ATVs don't belong on rural roads, a concern that WA State Patrol shares, or they fear it will lead to more access and abuse on public lands.

### **How does Conservation Northwest feel about those concerns?**

Our focus is reducing illegal and damaging use. The bill is specifically designed to not change ATV access decisions that public land managers make, so trails/roads that are presently off limits should remain so. Conservation Northwest is optimistic that illegal use will be reduced both by the accountability created by the visible plates and high fines, and by the culture of self-policing that this effort is helping to foster among the ATV community. The bill is a huge step forward from the status quo of not only epidemic backcountry abuse, but numerous counties opening ATV access to roads (under and obscure 2005 statute) without license plates, speed limits, drivers licenses, or other considerations. Read Mitch's blog upon passage of HB 1632.

**More resources:**

- Washington off-road policy principles (PDF)
- HB 1632 full language (PDF)



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| <b>SUBJECT:</b> | <b><i>East County Park and Recreation District</i></b> |
|-----------------|--|

| <b>DATE:</b> | <b>DEPT:</b>            | <b>CONTACT:</b>                | <b>PRESENTER:</b> | <b>ITEM:</b>           |
|--------------|-------------------------|--------------------------------|-------------------|------------------------|
| 01/23/2018   | Administration<br>Parks | Deborah Knight<br>Mike Farrell | Deborah Knight    | <b>New Business E.</b> |

**Discussion:** 01/23/2018

**Attachments:** 1. None.

**REQUESTED ACTION(S):**

Review the information on the East County Park and Recreation District.  
 Provide direction to contact the East County Park and Recreation District board to explore alternatives for funding Monroe parks maintenance, operations and capital improvements.

**Issue:**

The City's parks and trails are frequently named as one of the community's key assets. Lake Tye Park attracts tens of thousands of people each year to major sporting events. The City's park system helps generate economic development and name recognition for the Monroe Community.

Although the park system is world-class, the City's parks department has been operating on a limited budget since it was formed. The City Council has previously approved funding for parks maintenance workers, however, additional support for administration, park planning, special event management and regional coordination was postponed during the recession.

As part of the 2019 budget, the Mayor and City Staff would like council to consider alternatives for funding parks maintenance, operations and capital projects. One of the existing funding mechanisms is the existing East County Park and Recreation District.

The purpose of this agenda bill is to provide background information on the East County Park and Recreation District. *The policy question for the City Council Legislative Committee is whether to explore working with the East County Park and Recreation District to increase funding for parks.*

**DESCRIPTION/BACKGROUND**

There are limited revenue sources to support parks maintenance and operating expenses. The two primary sources of park revenue are the General Fund (property and sales taxes) and separately formed Park Districts.

General Fund

Funding for parks maintenance and operations is a general fund expense for cities and counties. The parks operating budget must be prioritized with other general fund expenses including public safety (police/fire, court, jail, etc), community development, building, information technology, and finance.

The City's park budget and staffing were cut during the economic recession. Despite the recent recovery efforts, the city's park budgets has not been fully restored even as new park facilities have been added to the city's inventory.

The State Legislature has continued to divert or reduce shared revenues such as local liquor revenue, Streamlined Sales Tax, and marijuana revenue further limiting sources of park O&M funding. The latest State budget did not include a new local option to allow cities or counties to increase property taxes great than the one percent, or any other new “cap.” Expenses for parks and other City services are growing faster than revenues further straining the ability to maintain levels of service.

#### East County Park and Recreation District

One option to fund park services, outside the City’s General Fund, is to work with the East County Park and Recreation District (ECPRD) to explore proposing a voter approved maintenance and operations levy to support Monroe parks.

The East County Park and Recreation District (RCW 36.69) was formed by voters in 1970.

The District’s boundaries include the City of Monroe and are contiguous with the Monroe School District which includes the 1<sup>st</sup> and the 39<sup>th</sup> State Legislative Districts. The East County Park and Recreation District has approximately 40,000 residents. Approximately 45 percent of the district residents live within the City of Monroe.

The District is managed by five elected commissioners: George Barnecut, Chair; Brian Moody, Vice-Chair; Joel Selling, Treasurer; Brandon Dalke, Secretary; and Scott Painter, Commissioner at large. There is currently one unfilled position. Commissioners serve staggered four-year terms. The board meets on the second Tuesday of the month at the Monroe office of the Snohomish County PUD.

The District began with a vision of providing a community pool for City and County residents.

The East County Park and Recreation District (ECPRD) voters approved a \$2 million capital bond and a five-year \$.05/\$1,000 M&O levy in 1990 to build Maltby Community Park and complete Sky River Park in Monroe. The M&O levy was extended by voters in 1995 for five more years. Voters failed to renew the levy in 2000. The \$2 million bond is paid in full.

Today, the Maltby Community Park is the District’s only asset. Park operations are funded primarily through user group fees. Because of long-term agreements, use of the soccer and baseball fields are often reserved for team play during high-use periods.

Maltby Community Park is physically and culturally separated from the City of Monroe and Monroe residents. The Park is 6 miles southwest of Monroe via SR522. Monroe sports leagues do not use the park.

City staff are seeking direction from the committee whether to use existing sources of revenue to support parks or explore working with the East County Park and Recreation District to increase funding for parks.

#### **ALTERNATIVES**

Review the information provided on the East County Park and Recreation District.

Provide direction to staff to contact the ECPRD to explore using the district to fund Monroe park maintenance and operations expense.

Bring the issue to the full City Council for discussion.