

## TOWN OF PATAGONIA

### TOWN COUNCIL SPECIAL STUDY SESSION MINUTES

6:00 P.M. - SEPTEMBER 18, 2019

1. CALL TO ORDER--MAYOR WOOD CALLED THE MEETING TO ORDER AT 6:00 P.M.

PRESENT: Mayor Wood, Vice-Mayor Stabile, Council Members Reibslager & Finch

ABSENT: Council Member Murrietta

STAFF: Town Manager Robinson and Marshal Patterson

PUBLIC PRESENT: See attached sign in sheet

2. PLEDGE OF ALLEGIANCE--Mayor Wood led the Pledge of Allegiance.

3. DISCUSSION AND STUDY OF ATTORNEY MASSEE'S CORRESPONDENCE REGARDING FINAL DEFINITION OF HEAVY TRUCKS WITH MARSHAL PATTERSON.

Mayor Wood opened the discussion with Marshal Patterson asking about our Code defining Heavy Trucks. Discussion then went to trip amounts. Marshal Patterson responded that he had an active case going on this subject, and would be happy to discuss the case with each Council member individually. Mayor Wood wants to be able to enforce the volume of truck traffic on our streets for an entity. The Code states, No Person, Firm or Entity shall allow more than 100 trips in a 7 day period. This means, 50 2 way trips. Council Member Reibslager talked about how we won the case with AMI in the matter of having the right to make our own codes for roads. Discussion then was about the final legal documents from the AMI case of 2017, challenging the Town Code restricting the amount of trips a heavy truck could make in a seven day period. The Marshal had not seen the final documents, but would research them. Comments were made that the Attorney General upheld the Towns right to make and enforce codes on their roads. Mayor Wood asked if we could reduce the weight of The Heavy Duty Section of the Town Code to 60,000 pounds. Marshal Patterson said he was not an attorney and deferred the question to our new attorney. Robert Gay was allowed to ask, Could we ask South32 for their truck manifest to determine how many trucks they are running on our roads? Mayor Wood questioned our ability to enforce these ordinances and did Attorney Masee provide a means to do so? Marshal Patterson said the ordinances were written so when complaints are filed and the case is opened, researched and facts are compiled, then the citation is issued to SCC Attorney's office. Council Member Reibslager asked Marshal Patterson what he looked for in a heavy duty truck. The Marshal responded that he looks for more than 2 turning axles. Mayor Wood says over all she looks at the volume of trucks as a problem. Alex was allowed to speak and said South32 should know how many trucks are coming into town, and know our ordinance. If they are disregarding it, would it be a criminal offense? Marshal

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Patterson said it would be a petty offense. Continued discussion took place over types of trucks and weight verses axle count. Definition of entity came up and was defined as the reason for the truck traffic. Example was given by Marshal Patterson of a homeowner building a house. The home owner becomes the entity because they are the reason for the construction traffic.

4. DISCUSSION AND STUDY OF TOWN CODE SECTION 11, DEFINITION OF HEAVY TRUCKS. Vice-Mayor Stabile discussed different types of trucks and what our Code Definition really was. Marshal Patterson said heavy truck is defined as more than 2 turning axles. Vice-Mayor Stabile was curious on whether we could narrow the definition down by using a term of Heavy Haul Trucks. Mayor Wood spoke up about our current definition being 80,000 pounds and more than 2 turning axles. She felt it was sufficient and needed to be enforced. Discussion over permits for more trips and weight limits. Discussion on how, if any impact this was having on ADOT with Highway 82. Marshal Patterson said he would ask the ADOT Officer he knows. Mayor Wood's goal in putting in ordinance was to control volume of truck traffic creating a safe environment for our citizens. Mayor Wood asked Marshal Patterson if we could increase our fines for violations of Section 11-4-9 of the Town Code. He deferred to an Attorney. Mayor Wood directed Town Manager Robinson to have our new Town Attorney review truck ordinances and make recommendations to the Council at an upcoming meeting.
5. DISCUSSION AND STUDY OF SECTION 11-4-3 PERMISSIBLE TRUCK ROUTES, AND IF WE NEED TO ADD OR ALTER ANY TRUCK ROUTES. Discussion on Taylor verse Third Ave and if any comments have been made by anyone. Town Manager Robinson said that earlier in the day a business person complained about the truck traffic in front of her business on McKeown Ave. and said they would go by at 30 MPH and throw rocks up at her building since there were no sidewalks there.
6. DISCUSSION AND STUDY WHAT ITEMS IF ANY, NEED TO BE ADDED TO THE SEPTEMBER 25, 2019 REGULAR MEETING AGENDA. No Action.

At 7:18, Council Member Reibslager had to excuse himself.

#### 7. ADJOURN

**MOTION:** Council Member Finch moved to adjourn.

**SECOND:** Vice-Mayor Stabile

**VOTE:** The motion passed by a vote of 3-0 with Council Members voting as follows:

**AYES:** Mayor Wood, Vice-Mayor Stabile and Council Member Finch

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**NAYS:** None

**ABSTAINERS:** None

**ABSENT:** Council members Murrietta & Reibslager

THE MEETING ADJOURNED AT 7:23 P.M.

I hereby confirm the foregoing minutes are a true and accurate copy of the minutes of a Town Council Study Session Meeting held on September 18, 2019 at 6:00 P.M. I further certify that the meeting was duly called, held, and that a quorum was present.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 2019

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Manager