

**A G E N D A**  
**City of Aztec**  
**CITY COMMISSION MEETING**  
**January 14, 2014**  
**201 W. Chaco, City Hall**  
**6:00 p.m.**

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. ROLL CALL**

**V. AGENDA APPROVAL**

**VI. CITIZEN RECOGNITION**

**VII. EMPLOYEE RECOGNITION**

**VIII. CONSENT AGENDA**

- A. Special Commission Meeting Minutes, December 03, 2013
- B. Commission Meeting Minutes, December 10, 2013
- C. Special Commission Meeting Minutes, December 23, 2013
- D. Travel Requests
- E. Electric Department Banner Policy
- F. Community Development Document Destruction
- G. Resolution #2014-929 Seeking Public Vote of Local Economic Development funds for Retail Businesses

*Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "Items from Consent Agenda"*

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**ATTENTION PERSONS WITH DISABILITIES:** The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

**Note:** A final agenda will be posted 24 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410

**IX. ITEMS FROM CONSENT AGENDA**

**X. CITIZENS INPUT (3 Minutes Maximum)**

*(Citizens who wish to speak will sign up prior to the meeting – this section is for items not otherwise listed on the agenda)*

**XI. BUSINESS ITEMS**

- A. Plat Suspension: Jenkins Ranch
- B. Plat Suspension: Mesa Escondido
- C. Plat Suspension: Pioneer Heights
- D. Intent to Adopt Ord. 2014-432 Amending Chapter 1 General Administration
- E. Intent to Adopt Ordinance #2014-433 Amending Chapter 2 Administration
- F. Resolution #2014-930 Recognizing Aztec Community Events

**XII. LAND USE HEARINGS**

- A. Wines of the San Juan Sign Variance

**XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

**XIV. DEPARTMENT REPORTS**

*(When this item is announced, all Department Heads who wish to give a report will move to the podium)*

**XV. CLOSED SESSION**

Closed Session Pursuant to State Law, Section 10-15-1(H-8) to Consider the Approval of Purchase of Real Property

**XVI. ADJOURNMENT**

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**ATTENTION PERSONS WITH DISABILITIES:** The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

**Note:** A final agenda will be posted 24 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410

CITY OF AZTEC  
SPECIAL COMMISSION MEETING MINUTES  
December 3, 2013

**I. CALL TO ORDER**

Mayor Burbridge called the Meeting to order at 4:08 p.m. in the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM

**II. INVOCATION**

The Invocation was led by Police Chief, Mike Heal

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Purchasing Agent, Austin Randall

**IV. ROLL CALL**

MEMBERS PRESENT: Mayor Sally Burbridge; Mayor Pro-Tem Jim Crowley;  
Commissioner Sherri Sipe; Commissioner Gene Current

MEMBERS ABSENT: Commissioner Roberta Clover

OTHERS PRESENT: City Manager, Joshua Ray; City Attorney, Larry Thrower;  
City Clerk, Karla Sayler; Project Manager, Edward Kotyk  
(see attendance sheet)

**V. AGENDA APPROVAL**

MOVED by Mayor Pro-Tem Crowley, SECONDED by Commissioner Sipe to  
Approve the Agenda with the exception of Business Item B.

All Voted Aye, Motion Passed Four to Zero.

**VI. CITIZEN RECOGNITION**

None

**VII. EMPLOYEE RECOGNITION**

None

**VIII. CONSENT AGENDA**

None

**IX. ITEMS FROM CONSENT AGENDA**

None

**X. CITIZENS INPUT**

None

**XI. BUSINESS ITEM**

A. Ancient Trails Subdivision Acceptance Agreement

Commissioner Current will recuse himself from this item.

Community Development Director, Roshana Moojen asked if Commission had any questions with this Business Item. Mayor Burbridge questioned if the irrevocable public dedication is the standard final approach. Roshana stated that it is the standard way because of how the City has done subdivision approvals in the past.

MOVED by Commissioner Sipe, SECONDED by Mayor Burbridge to Approve Agreement Irrevocable Public of Subdivision Improvement s for the Ancient Trails Subdivision, Phase 1.

All Voted Aye; Motion Passed 3-0-1 Commissioner Current recused himself from item due to personnel interest.

B. Pulled

C. Wilson & Co Engineering Services Agreement, Aztec Arterial Phase 1B

Josh stated that he handed out to Commission an updated Staff Summary and attached is the updated fee proposal for coordination and planned revision from Wilson and Co. He stated that the total amount for Phase 1B 100% design is \$24,161.00 of that \$9,095.00 is from SME and \$4,200.00 is from SMA or Souder Miller. He stated that there was a change to this amount from originally what they had proposed to the City of Aztec. He also stated that a representative from Wilson and Co. will be present at the meetings for any change orders in the future.

MOVED by Commissioner Sipe, SECONDED by Commissioner Current to Approve Wilson and Company request for approval of engineering agreement for Arterial Phase 1B.

All Voted Aye; Motion Passed Four to Zero

## **XII. LAND USE HEARING**

None

## **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

None

## **XIV. DEPARTMENT REPORTS**

Roshana stated that San Juan County received Federal Disaster Declaration and the City has until December 27<sup>th</sup> to put in request for assistance and this applies to property that the City owns. Roshana also mentioned that there will be a Meeting for FEMA and State Representatives on December 4th for Flood Plain Managers

## **XV. ADJOURNMENT**

MOVED by Commissioner Sipe to adjourn the meeting at 4:33pm SECONDED by Mayor Pro-Tem Crowley.

\_\_\_\_\_  
Mayor, Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla H. Sayler, City Clerk

MINUTES PREPARED BY:

\_\_\_\_\_  
Chelsea Clowe, Support Service Secretary

**CITY OF AZTEC**  
**COMMISSION MEETING MINUTES**  
December 10, 2013

**I. CALL TO ORDER**

Mayor Burbridge called the Meeting to order at 6:00 p.m. in the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM

**II. INVOCATION**

The Invocation was led by City Attorney, Larry Thrower

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by City Manager, Joshua Ray

**IV. ROLL CALL**

MEMBERS PRESENT: Mayor Sally Burbridge ; Mayor Pro-Tem Jim Crowley; Commissioner Roberta Clover; Commissioner Sherri Sipe;

MEMBERS ABSENT: Commissioner Gene Current

OTHERS PRESENT: City Manager, Joshua Ray; City Attorney, Larry Thrower; City Clerk, Karla Sayler; Project Manager, Edward Kotyk (see attendance sheet)

**V. AGENDA APPROVAL**

MOVED by Mayor Pro-Tem Crowley, SECONDED by Commissioner Sipe to Approve the Agenda.

All Voted Aye, Motion Passed Four to Zero.

**VI. CITIZEN RECOGNITION**

Community Development Director, Roshana Moojen presented Aztec Spirit Award for Yard of the Month to Lloyd and Anita Lewis, and Business of the Month Award to Kare Pharmacy.

**VII. EMPLOYEE RECOGNITION**

Josh introduced Joshua Hedgpeth as the new Planning Technician for the Community Development Department.

**VIII. CONSENT AGENDA**

MOVED by Commissioner Sipe to Approve Consent Agenda, SECONDED by Mayor Burbridge with the exception of Item I. Bid 2014-391 Ruins Trail Pedestrian Bridge – Construction Contract.

- A. Commission Meeting Minutes, November 26, 2013
- B. Travel Request
- C. Resolution 2013-925 Regional Hazard Mitigation Plan
- D. FY13-14 State Grants-in-Aid to public Libraries Agreement
- E. Approval of Compusys/Erisa Group, Inc. Contract
- F. Aging and Long Term Services Agreement
- G. HDR Engineering Inc. Cost Proposal for Design Services on Ruins Pedestrian Bridge Trail (Phase 2 of Pedestrian Bridge – Construction Contract
- H. Resolution 2013-927 Sale of Surplus Aerator Mixers
- I. Pulled
- J. Souder Miller and Associates Proposal for Phase II Environment, East Aztec Arterial Phase 1B.

All Voted Aye; Motion Passed Four to Zero

#### **IX. ITEMS FROM CONSENT AGENDA**

- I. Bid 2014-391 Ruins Trail Pedestrian Bridge – Construction Contract

Josh stated that the difference in the revised staff summary, that commission has before them, and what is in the agenda is the comments in red which states staff has received the required bonds and contract documents from RMCI, Inc. and are ready to proceed with the construction contract approval for the Ruins Trail Pedestrian Bridge.

MOVED by Mayor Pro-Tem Crowley, SECONDED by Commissioner Clover to Approve and execute the Construction Contract with RMCI, Inc. for the Ruins Trail Pedestrian Bridge Project.

All Voted Aye; Motion Passed Four to Zero

#### **X. CITIZENS INPUT**

None

#### **XI. BUSINESS ITEM**

None

#### **XII. LAND USE HEARING**

Mayor Burbridge opened the Land Use Hearing for Variance 2013-215 1710 W. Aztec Blvd. Mayor Burbridge stated that this hearing would be conducted under Procedures mandated by the New Mexico Court of Appeals in Battershell versus the City of Albuquerque, which were intended to protect the due process rights of our parties. Mayor Burbridge subsequently identified the parties and City Staff. Mayor Burbridge then asked Commission if they would accept the parties and they did. She reviewed the procedures and then asked if any members of the Commission had a conflict of interest, bias, or engaged in ex parte communication, there were none. Mayor Burbridge then swore in the parties and then reviewed the Order of Presentation.

A. Variance 2013-215 1710 W. Aztec Blvd.

Roshana stated that Commission should have the updated Staff Summary showing the correct address to 1710 W. Aztec Blvd. She stated that this is the only change to the Staff Summary and no comments have been received.

Commission and Staff discussed Find of Facts 1-7. The Community development Department recommends Approving this application for a variance to Aztec Municipal Code Sec. 26-2-65 (3) for 1710 NE Aztec Blvd. in Aztec, New Mexico (parcel identified as R4003192) to allow for the construction of a commercial building with a minimum ten foot rear setback, requiring as a condition of approval that an eight foot cement or block wall be constructed on the south side of the lot, advising Commission to accept Findings of Fact #1-7 and vote "YES" to show the motion as Approved.

MOVED by Commissioner Sipe, SECONDED by Commissioner Clover to Approve the application for a variance to Aztec Municipal Code Sec. 26-2-65 (3) for 1710 W. Aztec Blvd. in Aztec New Mexico (parcel identified as R4003192) to allow for the construction of a commercial building with a minimum ten foot rear setback, requiring as a condition of approval that a wall for fire protection and sound barrier be constructed on the south side of the lot with the following amendments to Findings of Facts:

- #4 change to a ten foot rear setback
- Delete 5a. Nighttime deliveries
- 5b. should read installation of a wall for fire protection sound barrier per San Juan County Building Code.

Motion Amended MOVED by Commissioner Sipe, SECONDED by Commissioner Clover to Approve the application for a variance to Aztec Municipal Code Sec. 26-2-65 (3) for 1710 W. Aztec Blvd. in Aztec New Mexico (parcel identified as R4003192) to allow for the Construction of a commercial building with a minimum ten foot rear setback requiring as a condition approval

that a wall be constructed on the South side of the lot Per San Juan County Building Code accepting Findings of Fact #1-7.

A Roll Call was taken; All voted Aye; Motion passed Four to Zero

### **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

Josh asked Commission to look at their calendars' to set up a Special Commission Meeting on December 20<sup>th</sup> or 23<sup>rd</sup>. He stated that the Employee Christmas Party is Saturday the December 14<sup>th</sup> at the Community Center and food will be provided by Hiway Grill. He mentioned that this Friday the Christmas Parade will start at 6pm. He also stated that at the Christmas Party there will be a slide show in honor of Lori Hanson's retirement from the Motor Vehicle Department.

Mayor Burbridge stated that there have been 8 people who have stepped up to move the Aztec Chamber of Commerce forward. She stated that the Economic Development Advisory Board had their second joint meeting with Four Corners Economic Development and La Plata Economic Development Alliance. She mentioned that she had an interview with KSJE Radio this morning and she talked about the Christmas festivities around Aztec and the North Main Project. She stated that this Thursday the Tauck Foundation will be held at City Hall in the Commission Room. She also stated that this Thursday evening there will be a Land Owners Informational meeting for river front property owners, or anyone interested, on the Four Corners Paddle Trail project at San Juan College in the Zia Conference Center at 6pm.

Commissioner Clover stated that she is really happy with the amount of food that Aztec Employees donated the Echo Food Bank. She also wished everyone a Merry Christmas and a Happy New Year.

Commissioner Sipe stated she wanted to wish everyone a Merry Christmas and Happy New Year. She also wanted to congratulate the Farmington High School Football team for winning State Championship. She stated that the lights and Christmas decorations around town look very nice.

Larry stated he attended that New Mexico Municipal League Attorney Association meeting in Albuquerque last week and it was a valuable experience.

### **XIV. DEPARTMENT REPORTS**

None

### **XV. ADJOURNMENT**

MOVED by Commissioner Sipe to adjourn the meeting at 7:40pm SECONDED by  
Commissioner Sipe.

\_\_\_\_\_  
Mayor, Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla H. Sayler, City Clerk

MINUTES PREPARED BY:

\_\_\_\_\_  
Chelsea Clowe, Support Service Secretary

DRAFT

CITY OF AZTEC  
SPECIAL COMMISSION MEETING MINUTES  
December 23, 2013

**I. CALL TO ORDER**

Mayor Burbridge called the Meeting to order at 10:03 a.m. in the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM

**II. INVOCATION**

The Invocation was led by Commissioner Current

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Boys Scout Pack 325

**IV. ROLL CALL**

MEMBERS PRESENT: Mayor Sally Burbridge; Commissioner Sherri Sipe; Commissioner Gene Current

MEMBERS ABSENT: Mayor Pro-Tem Jim Crowley; Commissioner Roberta Locke

OTHERS PRESENT: City Manager, Joshua Ray; City Attorney, Larry Thrower; Administrative Assistant, Sherlynn Morgan; Project Manager, Edward Kotyk (see attendance sheet)

**V. AGENDA APPROVAL**

MOVED by Commissioner Sipe, SECONDED by Commissioner Current to Approve the Agenda.

All Voted Aye, Motion Passed Three to Zero.

**VI. CITIZEN RECOGNITION**

Mayor Burbridge recognized and presented plaques to the winners of the Christmas Parade:

- 1<sup>st</sup> place -Aztec Highland Games
- 2<sup>nd</sup> place- Girl Scout Troup 10473
- 3<sup>rd</sup> place - Boys Scout Pack 325

City Manager, Josh Ray introduced new employee Bill Watson, City Engineer/Public Works Director.

## **VII. BUSINESS ITEM**

### **A. Bid 2014-400 Emergency Hampton Arroyo Sewer Line Crossing**

Purchasing Agent, Austin Randall stated that this was still a formal Bid Process just more on an accelerated schedule and had a total of four bid responses and the lowest bid came in at \$49,056.00.

MOVED by Commissioner Current, SECONDED by Commissioner Sipe to Approve the Award of Bid # 2014-400 to Sterling Brothers Construction, Inc. in the amount of \$49,056.00 plus GRT and authorize City Manager to execute the ensuing construction contract.

All Voted Aye; Motion Passed Three to Zero

### **B. New Mexico Federal Lands Access Program Application**

General Services Director, Steve Mueller stated that this Grant has not been submitted yet and is due January 10<sup>th</sup>, 2014 and it would require a 15% City fund match to help upgrade the road going into Kart Canyon and the proposed BMX track and rodeo arena. He stated that the City matching funds would be approximately \$18,500.00

MOVED by Commissioner Sipe, SECONDED by Commissioner Current to Approve the New Mexico Federal Lands Access Program Grant application.

All Voted Aye; Motion Passed Three to Zero

## **VIII. CITY MANAGER/COMMISSIONER/ATTORNEY REPORTS**

Mayor Burbridge stated that she wanted to share with Commission that she received a Thank You/Christmas Card from Pam Shenton, owner of Vanilla Moose, for approving the flags. The Mayor wished everyone a Great Holiday.

Commissioner Sipe wished everyone a Merry Christmas and mentioned that the Employee Association did a good job on the Employee Christmas Party and that it was very nice.

Commissioner Current wished everyone a Merry Christmas.

Larry Thrower stated that he will be out of the office from the December 27<sup>th</sup>-January 6<sup>th</sup>. He also wished everyone a Merry Christmas.

## IX. ADJOURNMENT

MOVED by Mayor Burbridge to adjourn the meeting at 10:17pm SECONDED by Commissioner Sipe.

\_\_\_\_\_  
Mayor, Sally Burbridge

ATTEST:

\_\_\_\_\_  
Sherlynn Morgan, Administrative Assistant

MINUTES PREPARED BY:

\_\_\_\_\_  
Chelsea Clowe, Support Service Secretary

# Staff Summary Report

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**MEETING DATE:** January 14, 2014  
**AGENDA ITEM:** VIII. CONSENT AGENDA (D)  
**AGENDA TITLE:** Travel Requests

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**ACTION REQUESTED BY:** Comm. Dev., Water and City Hall  
**ACTION REQUESTED:** Approval of Employee/Public Official Travel Requests  
**SUMMARY BY:** Cheryl Franklin

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## **PROJECT DESCRIPTION / FACTS** (Leading Department)

- Resolution 2003-603 identifies the requirement for employee/public official travel requests to be pre-approved by the commission. All travel requests will be submitted to the commission for approval prior to the travel occurring except in unusual circumstances when the City Manager may approve as provided in resolution 2003-603.
- The attached log is sorted by dates of travel and then by department. One request for travel had already occurred and the Community Development is requesting approval for travel on the date of this meeting; however, the remaining request are dated for future.
- If travel/training is to be reimbursed or some of the costs will be paid by another entity, those notes have been included on the log.

## **FISCAL INPUT** (Finance Department)

- All departments requesting travel have sufficient funds budgeted within their travel/training budgets

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**SUPPORT DOCUMENTS:** Travel Log January 14, 2014

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**DEPARTMENT'S RECOMMENDED MOTION:** Approve Employee/Public Official Travel Requests

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**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL**  
**MEETING DATE: January 14, 2014**

Dates of Travel	Department	Employee	Purpose of Travel/Location	Over-night	Out of State	Costs	Explanation of Cost	FY14 Budget Available
12/13/13	Comm Dev	Roshana Moojen	Geo-tourism Stewardship Council Meeting Gallup, NM.	No	No	9.00 36.96	Meal Allowance Actual Fuel Cost	Yes
01/26-31/14	Water	Yvonne Multine	Short School & Testing Las Cruces, NM.	Yes	No	194.40 250.00 345.00 150.00	Meal & Gratuity Allowance Registration Lodging Estimated Fuel Cost	Yes
01/26-31/14	Water	Jayson Shaw	Short School & Testing Las Cruces, NM.	Yes	No	194.40 250.00 345.00	Meal & Gratuity Allowance Registration Lodging (Riding w/Yvonne & Tyrome)	Yes
01/26-31/14	Water	Tyrome Begay	Short School & Testing Las Cruces, NM.	Yes	No	194.40 250.00 345.00	Meal & Gratuity Allowance Registration Lodging (Riding w/Yvonne & Jayson)	Yes
02/06-07/14	City Hall	Joshua Ray	Annual Municipal Day Santa Fe, NM.	Yes	No	50.40 75.00 239.76 99.00	Meal & Gratuity Allowance Registration Mileage Per Rate Lodging	Yes

# Staff Summary Report

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**MEETING DATE:** January 14, 2014  
**AGENDA ITEM:** VIII. Consent Agenda (E)  
**AGENDA TITLE:** Electric Department Banner Policy

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**ACTION REQUESTED BY:** Community Development  
**ACTION REQUESTED:** Approve the Banner Policy  
**SUMMARY BY:** Roshana Moojen

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## PROJECT DESCRIPTION / FACTS

- The Electric Department Banner Policy was previously adopted by City Commission to serve as an addendum to Chapter 20, Signs.
- When Sign Code was overhauled in 2012 (latest amendment to Chapter 20 was via Ordinance 2013-429) Sec. 20-4-7 was created to provide regulations governing temporary signs in Aztec and includes an exception for temporary signs for "approved" community events. The Electric Department Banner Policy (previous to the enclosed updates) conflicted with Chapter 20; based on this conflict, the City Attorney recommended the Banner Policy be amended.
- The Electric Director has reviewed and approved the enclosed amended policy.

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**SUPPORT DOCUMENTS:** • Amended Banner Policy

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to approve the updated POLICY AND SPECIFICATIONS FOR APPROVED COMMUNITY EVENT BANNERS TO BE HUNG OVER MAIN AVENUE OR DISPLAYED ON CITY PROPERTY.

# **POLICY AND SPECIFICATIONS FOR APPROVED COMMUNITY EVENT BANNERS TO BE HUNG OVER MAIN STREET AVENUE OR DISPLAYED ON CITY PROPERTY IN AZTEC**

Effective Date: ~~June 2012~~ January 2014

## **POLICY**

~~Per Aztec Municipal Code Sec. 20-4-7.7(2), it is the policy of the City of Aztec to allow the display of banners for approved for community events. Approved community events are those officially recognized by the Aztec City Commission or the Aztec Lodger's Tax Advisory Board. The maximum display period for such banners shall be thirty (30) consecutive days and may be subject to shorter display periods, as directed by the Aztec City Commission, the City Lodger's Tax Advisory Board, or the Aztec Community Development Department; no renewals on display periods shall be permitted. for a period of two consecutive weeks, per month; in a calendar year (City-sponsored banners excluded). Banners are scheduled on a "first come, first serve basis" beginning January 1<sup>st</sup> of the year in which the banner is to be displayed. Banner space is for "non-profit" organizations and community events only.~~

~~Banners are erected and removed on Monday mornings. For this reason, any banner scheduled for display must be brought to the City of Aztec Electric Office at 402 S. Light Plant Rd by 3:00 P.M. on Thursday's prior to the date of installation. Approved Community events wishing to have their event banners displayed shall deliver their banners to the Community Development Department along with a written request for their preferred display dates. Events seeking approval from the City Commission must contact the Community Development Department for information on the approval process. Initial installation and removal of the banner shall be performed free of charge by the City. In the event of banner material failure, the banner will be removed. The City of Aztec shall not be held liable for any damage to the banner that occurs during the display period. Once the display period has ended the banner will be removed by the City and stored at the Aztec Electric Department. If the banner owner wishes to have the banner re-installed, the owner shall first repair the banner to the satisfaction of the City and pay the second installation and removal fee of \$75.00. No additional display time will result from banner failure. Nor will the overall schedule advance.~~

Banners must be picked up between the hours of 7:00 A.M. and 5:00 P.M. Monday through Thursday, within two weeks of removal. Any banner not picked up within this ~~time~~frame will be disposed ~~of~~.

Banners that do not meet the specifications outlined as follows will not be displayed.

## SPECIFICATIONS

**Dimensions:** 1. Vertical height – three (3) feet  
2. Horizontal length – up to thirty (30) feet

**Material:** The base banner material shall be nylon netting or nylon reinforced material or sufficient strength to withstand 50 m.p.h. wind forces. Lettering, etc., installed on the banner shall be securely sewn or painted on the base material.

**Edge Reinforcement:** All banners shall be provided with ¼ inch nylon rope, on all sides sewn into a channel in the banner base material.

**Fastening Method:** ~~The top and bottom ropes on each banner shall each be ¼ inch nylon rope, 45 feet long and securely reinforced at the banner corners.~~—The top and bottom of the banner must have reinforced eyelets every 2 feet and on the corners.

**Wind Relief:** The banner shall provide air holes or open mesh equivalent to a minimum of 25% of the banner surface area to allow for passage of air through the banner.

Example: Banner dimension, 30 ft by 3 ft = 90 sq. ft.  
0.25 X 90 = 22.5 sq. ft. of open mesh or air holes.

**Installation:** Installation of more than one banner at a time (i.e. Back –to-back or side-by-side) will not be permitted.

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~~Ken George~~  
~~Electric Director~~

# Staff Summary Document Destruction

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<b>MEETING DATE:</b>	January 14, 2014
<b>AGENDA ITEM:</b>	VIII. Consent Agenda (F)
<b>AGENDA TITLE:</b>	Community Development Document Destruction

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<b>ACTION REQUESTED BY:</b>	Community Development Department
<b>ACTION REQUESTED:</b>	Approval
<b>SUMMARY BY:</b>	Joshua Hedgpeth

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## PROJECT DESCRIPTION / FACTS

The following documents have been processed and scanned into Laserfiche. In accordance with the Community Developments Planning Records Retention Schedule these records are now ready for disposal pending confirmation from Commission.

- Planning App 2013-212 900 McCoy-Fence
- Planning App 2013-188 Money Now-Sign
- Planning App 2013-187 Misty Drive
- PLANNING APP 2013-192 Taos-SFD
- WITHDRAWN 2013-185 Gold Star
- PLANNING APP 2013-196 McCormick-Sign
- PLANNING APP 2013-162 Chubby Chicken-Sign
- PLANNING APP 2013-163 Gila Rd-remodel
- PLANNING APP 2013-165 824 Apache-remodel
- PLANNING APP 2013-168 Truck Show-sign
- PLANNING APP 2013-135 208 N Church-Misc
- PLANNING APP 2013-063 1021 Rio Brazos-fence
- PLANNING APP 2013-210 Sign
- PLANNING APP 2013-085 405 S Church-remodel
- PLANNING APP 2013-043 500 N Mesa Verde-remodel
- PLANNING APP 2013-153 Foss-sign
- PLANNING APP 2013-120 TNT Fence
- PLANNING APP 2013-137 Crash-sign
- 2013-11-11 HRI Compliance Solutions, Inc.
- 2013-11-11 A Night Out
- 2013-11-11 Money Now Installment Loan Center
- 2013-11-11 Beat Keeper
- 2013-11-11 Renovation Outlaws
- 2013-11-11 Ashley Rose
- PLANNING APP 2012-236 Hi Country Chevy - Sign EXPIRED
- PLANNING APP 2012-182 Donnie Holmes- EXPIRED
- PLANNING APP 2013-115 Raney Lot Split-sub EXPIRED
- PLANNING APP 2013-167 Mike Fauteaux Easement-EXPIRED
- PLANNING APP 2013-166 Llano - Easement EXPIRED
- PLANNING APP 2013-214 105 W. Chaco St.-sign
- WITHDRAWN 2013-194 Gold Star Conditional Use
- WITHDRAWN 2013-195 Gold Star Variance
- PLANNING APP 2013-139 Mitchel & Ashley Smith-fence
- PLANNING APP 2013-155 321 Arnold Dr.- Wall

- PLANNING APP 2013-134 Heidi Hunter- sign
- PLANNING APP 2013 428 N. Church- Zone Change
- 2013-130 Sam Blue / Ace Development – Denied
- 2013-189 Heidi Hunter- Sign - Approved
- 2013-202 Alfred Hadley – Sign - Approved
- 2013-145 316 San Juan Demo – Sign - Approved
- 2013-159 Micon Land LLC - Sign – Approved
- 2013-144 Crash Music - Sign Variance – Approved
- 2013-131 Brenda K Atencio - Sign – Approved
- 2013-151 XTO Hampton #2 - Oil & Gas – Approved
- 2012 101 Falcon Bluff - Appeal – Denied
- 2012-202 Donald Long - Com Dev- SFD- Withdrawn
- 2012-203 1005 McCoy Ave - Lot Split – EXPIRED
- 2013-015 1101 McCoy Ave. - Remodel- Approved
- 2013-180 Hydropure- Variance – Approved
- 2013-181 121 S. Main Kristie - Accessory – Approved
- 2013-183 406 S. Main Roof - Remodel – Approved
- 2013-197 301 Gila - Wall – Approved
- 2013-205 Mike Waybourn - SFD – Approved
- 2013-201 Danny Chapman - Remodel – Approved
- 2013-178 Jerry Blake - Remodel – Approved
- 2013-172 Dusenbery - Remodel – Approved
- 2013-173 Wyatt - remodel – Approved
- 2013-121 Aztec Church of Christ - Accessory – Approved
- 2013-174 Welsh-Ulibarri - fence – Approved
- 2013-09-30 1409 Suit 3 W. Aztec Blvd
- 2013-11-07 1235 S. Main Ave.
- 2013-10-21 604 Taos Ave.
- 2013-09-30 408 S. Park Ave
- 2013-10-29 250 Bison Trail
- 2013-07-25 Montgomery Lane
- 2013-220 Bruington Gas Com C#1R - Oil & Gas – Approved
- 2013-141 ConocoPhillips FC State Com 30 - Oil & Gas – Approved
- PLANNING APP 2012-121 sign
- 2013-169 Chubby Chicken - Variance - Denied
- 2013-038 Mike Talovich - Walk-in – Expired
- 2013-049 Shear Faith Salon - Conditional Use – Approved
- 2013-057 440 Hampton - ROW – Expired
- 013-140 Durango Joe's - Sign Variance – Approved
- PLANNING APP 2012-206 fence
- 2013-122 Durango Joe's – Approved
- 2013-123 Durango Joe's - Sign – Approved
- 2013-213 Thai Style - phone – Approved
- 2013-224 Sinbad's House of Color - Accessory – Approved
- 2013-176 Shawn Carlson - Lot Split – Approved

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**SUPPORT DOCUMENTS:**

- None

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to **APPROVE** the destruction of these documents as outlined by the document destruction procedures.

# Staff Summary Report

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<b>MEETING DATE:</b>	January 14, 2014
<b>AGENDA ITEM:</b>	VIII. Consent Agenda (G)
<b>AGENDA TITLE:</b>	Resolution 2014-929 Seeking Public Vote of Local Economic Development funds for Retail Businesses

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<b>ACTION REQUESTED BY:</b>	Economic Development Advisory Board
<b>ACTION REQUESTED:</b>	Approve Resolution 2014-929
<b>SUMMARY BY:</b>	Roshana Moojen

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## PROJECT DESCRIPTION / FACTS

- In the 2013 legislative session changes were made to the Local Economic Development Act expanding the statute to allow communities under 10,000 in population to approve retail businesses as qualifying entities for the purposes of receiving local economic development funds.
- The Economic Development Advisory Board approved a recommendation at their December 19, 2013 meeting, advising Commission to approve this resolution calling for a public vote on the matter of adding retail to the City's local economic development funding capacities.
- The Local Economic Development Act also allows the City to include arts and cultural districts in its consideration of the use of local economic development funds. Although the City can place this matter before a vote and it may be approved by the public, the City would not be able to utilize economic development funds for this purpose until the City is able to establish an arts/cultural district that is approved by the State of New Mexico (such approval requires the City to have a MainStreet Association).
- The resolution has been reviewed and approved by the City Attorney.

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**SUPPORT DOCUMENTS:**                      • Resolution 2014-929

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Resolution 2014-929 Seeking Public Vote of Local Economic Development funds for Retail Businesses

City of Aztec  
Resolution 2014-929

A resolution calling for an election to approve arts and cultural districts as a qualifying purpose, and cultural facilities or retail businesses as a qualifying entity under New Mexico State Statute Section 5-10-4 (D) for the purpose of receiving public economic development funds, as authorized and regulated by the New Mexico Local Economic Development Act.

WHEREAS, the City of Aztec adopted the Economic Restructuring and Renewal Plan on May 4, 1999 via Ordinance 99-235; and

WHEREAS, the City of Aztec adopted a local option municipal infrastructure gross receipts tax on November 4, 2003 via Ordinance 2003-304 which enabled the expenditure of municipal funds, pursuant to the New Mexico Local Economic Development Act; and

WHEREAS, the City of Aztec adopted the Aztec Economic Development Strategy on June 22, 2010; and

WHEREAS, the City of Aztec adopted an Economic Development Ordinance on December 13, 2011 via Ordinance 2011-407; and

WHEREAS, the City of Aztec has been a strong proponent of changes to the Local Economic Development Act to allow local entities to have greater authority over the identification of qualifying entities and projects, as regulated by the Act, as supported via Resolutions 2010-837, 2011-853 and 2011-863; and

WHEREAS, New Mexico State Statute requires that:

In order to expend money from an economic development fund for arts and cultural district purposes, cultural facilities or retail businesses, the governing body of a municipality or county that has imposed a municipal or county local option infrastructure gross receipts tax for furthering or implementing economic development plans and projects, as defined in the Local Economic Development Act, or projects, as defined in the Statewide Economic Development Finance Act, by referendum of the majority of the voters voting on the question approving the ordinance imposing the municipal or county infrastructure gross receipts tax before July 1, 2013 shall be required to adopt a resolution. The resolution shall call for an election to approve arts and cultural districts as a qualifying purpose and cultural facilities or retail businesses as a qualifying entity before any revenue generated by the municipal or county local option gross receipts tax for furthering or implementing economic development plans and projects, as defined in the Local Economic Development Act, or projects, as defined in the Statewide Economic

Development Finance Act, can be expended from the economic development fund for arts and cultural district purposes, cultural facilities or retail businesses.

The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of approving arts and cultural districts as a qualifying purpose and cultural facilities or retail businesses as a qualifying entity eligible to utilize revenue generated by the Municipal Local Option Gross Receipts Taxes Act or the County Local Option Gross Receipts Taxes Act for furthering or implementing economic development plans and projects as defined in the Local Economic Development Act or projects as defined in the Statewide Economic Development Finance Act.

The question shall be submitted to the voters of the municipality or county as a separate question at a regular municipal or county election or at a special election called for that purpose by the governing body. A special municipal election shall be called, conducted and canvassed as provided in the Municipal Election Code [Chapter 3, Articles 8 and 9 NMSA 1978]. A special county election shall be called, conducted and canvassed in substantially the same manner as provided by law for general elections.

If a majority of the voters voting on the question approves the ordinance adding arts and cultural districts and cultural facilities or retail businesses as an approved use of the local option municipal or county economic development infrastructure gross receipts tax fund, the ordinance shall become effective on July 1 or January 1, whichever date occurs first after the expiration of three months from the date of the adopted ordinance. The ordinance shall include the effective date.

NOW THEREFORE BE IT RESOLVED that the governing body of the City of Aztec calls for an election to approve arts and cultural districts as a qualifying purpose, and cultural facilities or retail businesses as a qualifying entity under New Mexico State Statute Section 5-10-4 (D) for the purpose of receiving public economic development funds, as authorized and regulated by the New Mexico Local Economic Development Act.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF AZTEC

\_\_\_\_\_  
Sally Burbridge, Mayor

ATTEST

\_\_\_\_\_  
Karla Saylor, City Clerk

# Staff Summary Report

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<b>MEETING DATE:</b>	January 14, 2014
<b>AGENDA ITEM:</b>	XI. Business Items (A)
<b>AGENDA TITLE:</b>	Plat Suspension: Jenkins Ranch

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<b>ACTION REQUESTED BY:</b>	Community Development
<b>ACTION REQUESTED:</b>	Approve Plat Suspension
<b>SUMMARY BY:</b>	Roshana Moojen

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## PROJECT DESCRIPTION / FACTS

- The final plat for Mesa Escondido Subdivision was recorded at the San Juan County Clerk's Office on May 13, 2010.
- The Subdivision Improvement Agreement for this development was renewed by the City Commission on November 12, 2013 subject to the developer meeting conditions of approval. The developer has not yet met these conditions of approval so the Community Development Department is requesting this plat be suspended until the developer meets their conditions of approval and the Subdivision Improvement Agreement and bonds are established with the City of Aztec.
- Should the City fail to require the developer to meet their obligations under Municipal Subdivision Regulations and the conditions of approval of their final plat, the City will be responsible for completing the infrastructure improvements in this development, at City cost.

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<b>SUPPORT DOCUMENTS:</b>	<ul style="list-style-type: none"><li>• Declaration of Suspension</li></ul>
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<b>DEPARTMENT'S RECOMMENDED MOTION:</b>	Move to Approve Declaration of Suspension.
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**CITY OF AZTEC'S DECLARATION  
AND NOTICE OF SUSPENSION  
OF APPROVAL OF FINAL  
SUBDIVISION PLAT FOR  
JENKINS RANCH SUBDIVISION, PHASE I**

TO: SUBDIVISION DEVELOPER OF JENKINS RANCH SUBDIVISION, PHASE I, IN THE CITY OF AZTEC, NEW MEXICO, AND TO ALL KNOWN AND UNKNOWN CLAIMANTS OF INTEREST IN SAID SUBDIVISION, AND TO POTENTIAL OR PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE SUBDIVISION, AND TO WHOM IT MAY CONCERN.

Pursuant to Sections 23-65 and 23-71(5) of the Aztec City Code (Subdivision Regulations of the City of Aztec, New Mexico), the City of Aztec hereby declares and gives notice that the May 11, 2010 approval by the Aztec City Commission of the Final Plat for the Jenkins Ranch Subdivision, Phase 1, in the City of Aztec, New Mexico, as recorded on May 13, 2010, at Book 1509, Page 425 of the records of the San Juan County Clerk, State of New Mexico, is hereby suspended based upon the Subdivision Developer's default in meeting the schedule of completion for Subdivision improvements as set out in the Subdivision Improvement Agreement approved by the Aztec City Commission.

The City of Aztec's suspension of the approval of the Final Plat for the Jenkins Ranch Subdivision, Phase 1 shall remain in effect until such time as all of the said Subdivision improvements are completed, or an acceptable additional Subdivision Improvement Agreement and security bond are established with the City of Aztec, and the City records a document to that effect for the purpose of public notice.

Pursuant to law, any further sale, lease or development of property within the Subdivision is prohibited until such time as this Declaration And Notice is rescinded by recorded document as set out herein.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2014.

City of Aztec

By \_\_\_\_\_  
Karla Sayler, City Clerk

STATE OF NEW MEXICO     )  
  )SS  
COUNTY OF SAN JUAN     )

Karla Sayler, being first duly sworn upon oath, states:

I am the duly constituted, appointed and acting City Clerk of the City of Aztec, and I am authorized to execute this Affidavit on behalf of the City of Aztec.

That the foregoing Declaration And Notice is true and correct as reflected by the records of the City of Aztec.

Further I state Not.

\_\_\_\_\_  
Karla Sayler

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 2014.

\_\_\_\_\_  
Notary Public

My commission expires:

# Staff Summary Report

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<b>MEETING DATE:</b>	January 14, 2014
<b>AGENDA ITEM:</b>	XI. Business Items (B)
<b>AGENDA TITLE:</b>	Plat Suspension: Mesa Escondido

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<b>ACTION REQUESTED BY:</b>	Community Development
<b>ACTION REQUESTED:</b>	Approve Plat Suspension
<b>SUMMARY BY:</b>	Roshana Moojen

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## **PROJECT DESCRIPTION / FACTS**

- The final plat for Mesa Escondido Subdivision was recorded at the San Juan County Clerk's Office on September 6, 2007.
- The Subdivision Improvement Agreement for this development expired on November 11, 2009. No development has occurred in this development since that time.
- The City held several meetings with the developer during 2013 and the developer has requested the subdivision plat be suspended instead of invalidated to allow them time to work on engineering estimates and development plans.
- The Developer has been given a deadline of January 1, 2015 to have a new Subdivision Improvement Agreement and bond in place with the City of Aztec. This process will also require the developer to address a number of pending issues, to include the completion and certification (or removal) of the existing bridge which currently constitutes an illegal floodplain obstruction.
- Should the City fail to require the developer to meet their obligations under Municipal Subdivision Regulations and the conditions of approval of their final plat, the City will have to invalidate the plat or be responsible for completing the infrastructure improvements in this development, at City cost.

## **PROCUREMENT / PURCHASING (if applicable)**

## **FISCAL INPUT / FINANCE DEPARTMENT (if applicable)**

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<b>SUPPORT DOCUMENTS:</b>	<ul style="list-style-type: none"><li>• Declaration of Suspension</li></ul>
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<b>DEPARTMENT'S RECOMMENDED MOTION:</b>	Move to Approve Declaration of Suspension.
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**CITY OF AZTEC'S DECLARATION  
AND NOTICE OF SUSPENSION  
OF APPROVAL OF FINAL  
SUBDIVISION PLAT FOR  
MESA ESCONDIDO SUBDIVISION**

TO: SUBDIVISION DEVELOPER OF MESA ESCONDIDO SUBDIVISION, IN THE CITY OF AZTEC, NEW MEXICO, AND TO ALL KNOWN AND UNKNOWN CLAIMANTS OF INTEREST IN SAID SUBDIVISION, AND TO POTENTIAL OR PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE SUBDIVISION, AND TO WHOM IT MAY CONCERN.

Pursuant to Sections 23-65 and 23-71(5) of the Aztec City Code (Subdivision Regulations of the City of Aztec, New Mexico), the City of Aztec hereby declares and gives notice that the approval by the Aztec City Commission of the Final Plat for the Mesa Escondido Subdivision, in the City of Aztec, New Mexico, as recorded on September 6, 2007, at Book 1462, Page 511 of the records of the San Juan County Clerk, State of New Mexico, is hereby suspended based upon the Subdivision Developer's default in meeting the schedule of completion for Subdivision improvements as set out in the Subdivision Improvement Agreement approved by the Aztec City Commission.

The City of Aztec's suspension of the approval of the Final Plat for the Mesa Escondido Subdivision, shall remain in effect until such time as all of the said Subdivision improvements are completed, or an acceptable additional Subdivision Improvement Agreement and security bond are established with the City of Aztec, and the City records a document to that effect for the purpose of public notice.

Pursuant to law, any further sale, lease or development of property within the Subdivision is prohibited until such time as this Declaration And Notice is rescinded by recorded document as set out herein.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2014.

City of Aztec

By \_\_\_\_\_  
Karla Sayler, City Clerk

STATE OF NEW MEXICO      )

COUNTY OF SAN JUAN )SS  
)

Karla Sayler, being first duly sworn upon oath, states:

I am the duly constituted, appointed and acting City Clerk of the City of Aztec, and I am authorized to execute this Affidavit on behalf of the City of Aztec.

That the foregoing Declaration And Notice is true and correct as reflected by the records of the City of Aztec.

Further I state Not.

\_\_\_\_\_  
Karla Sayler

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 2014.

\_\_\_\_\_  
Notary Public

My commission expires:

# Staff Summary Report

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**MEETING DATE:** January 14, 2014  
**AGENDA ITEM:** XI. Business Items (C)  
**AGENDA TITLE:** Plat Suspension: Pioneer Heights

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**ACTION REQUESTED BY:** Community Development  
**ACTION REQUESTED:** Approve Plat Suspension  
**SUMMARY BY:** Roshana Moojen

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## PROJECT DESCRIPTION / FACTS

- The first plat for the Pioneer Heights Subdivision was submitted to the City on 3/22/2004.
- Final Plat for the Pioneer Heights Subdivision was approved by the City Commission on 3/15/2005 with several conditions of approval, one of which was the developer be required to develop a Subdivision Improvement Agreement with the City of Aztec and present a performance bond for the completion of infrastructure improvements.
- The Final Plat for Pioneer Heights was signed by the Commission on 5/17/2005
- The last Subdivision Improvement Agreement for the development expired on 5/17/2010, however, the performance bond established by the developer expired in 2006 and was not renewed, per their obligation to the City.
- On 5/12/2010 the City established a Memorandum of Understanding with the developer to allow the developer to continue to develop lots in the improved areas of the subdivision, despite the developer's failure to complete the subdivision improvements for the development. The intent of the MOU was to allow the City and the Developer to continue negotiations on a renewed Subdivision Improvement Agreement and Bond.
- The developer has made no contact with the City since the MOU was established.
- The Developer was notified in December 2013 that the City will proceed with Plat Invalidation of Pioneer Heights if a valid Subdivision Improvement Agreement and Performance Bond are not in place with the City of Aztec by June 30, 2014.
- Should the City fail to require the developer to meet their obligations under Municipal Subdivision Regulations and the conditions of approval of their final plat, the City will be responsible for completing the infrastructure improvements in this development, at City cost.

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**SUPPORT DOCUMENTS:** • Declaration of Suspension

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Declaration of Suspension.

**CITY OF AZTEC'S DECLARATION  
AND NOTICE OF SUSPENSION  
OF APPROVAL OF FINAL  
SUBDIVISION PLAT FOR  
PIONEER HEIGHTS PLANNED UNIT DEVELOPMENT**

TO: SUBDIVISION DEVELOPER OF PIONEER HEIGHTS PLANNED UNIT DEVELOPMENT SUBDIVISION, IN THE CITY OF AZTEC, NEW MEXICO, AND TO ALL KNOWN AND UNKNOWN CLAIMANTS OF INTEREST IN SAID SUBDIVISION, AND TO POTENTIAL OR PROSPECTIVE PURCHASERS OF PROPERTY WITHIN THE SUBDIVISION, AND TO WHOM IT MAY CONCERN.

Pursuant to Sections 23-65 and 23-71(5) of the Aztec City Code (Subdivision Regulations of the City of Aztec, New Mexico), the City of Aztec hereby declares and gives notice that the approval by the Aztec City Commission of the Correction Final Plat for the Pioneer Heights Planned Unit Development Subdivision, in the City of Aztec, New Mexico, as recorded on November 3, 2005, at Book 1421, Page 440, and Replat A for said Subdivision, as recorded on May 12, 2006 at Book 1433, Page 223, of the records of the San Juan County Clerk, State of New Mexico, is hereby suspended based upon the Subdivision Developer's default in meeting the schedule of completion for Subdivision improvements as set out in the Subdivision Improvement Agreement approved by the Aztec City Commission.

The City of Aztec's suspension of the approval of the Final Plat for the Pioneer Heights Planned Unit Development Subdivision shall remain in effect until such time as all of the said Subdivision improvements are completed, or an acceptable additional Subdivision Improvement Agreement and security bond are established with the City of Aztec, and the City records a document to that effect for the purpose of public notice.

Pursuant to law, any further sale, lease or development of property within the Subdivision is prohibited until such time as this Declaration And Notice is rescinded by recorded document as set out herein.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2014.

City of Aztec

By \_\_\_\_\_

Karla Sayler, City Clerk

STATE OF NEW MEXICO    )  
  )SS  
COUNTY OF SAN JUAN    )

Karla Sayler, being first duly sworn upon oath, states:

I am the duly constituted, appointed and acting City Clerk of the City of Aztec, and I am authorized to execute this Affidavit on behalf of the City of Aztec.

That the foregoing Declaration And Notice is true and correct as reflected by the records of the City of Aztec.

Further I state Not.

\_\_\_\_\_  
Karla Sayler

Subscribed and sworn to before me this \_\_\_\_\_ day of January, 2014.

\_\_\_\_\_  
Notary Public

My commission expires:

# Staff Summary Report

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**MEETING DATE:** January 14, 2014  
**AGENDA ITEM:** XI. Business Items (D)  
**AGENDA TITLE:** Intent to Adopt Ordinance 2014-432 Amending Chapter 1  
General Administration

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**ACTION REQUESTED BY:** Community Development / Municipal Court  
**ACTION REQUESTED:** Approve Intent to Adopt Ordinance 2014-432  
**SUMMARY BY:** Roshana Moojen

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## PROJECT DESCRIPTION / FACTS

- The Court asked Community Development to clarify/update the various penalties pertaining to land use code violations.

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**SUPPORT DOCUMENTS:** • Ordinance 2014-432

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to approve the Intent to Adopt Ordinance 2014-432 Amending Chapter 1 General Administration

**City of Aztec  
Ordinance 2014-432**

**Amending Chapter 1 General Administration, Sec. 1-12. Mandatory Penalty and Fees;  
Disposition and Use of Fees.**

**WHEREAS,** Chapter 1 was last revised in 2012 (Ordinance 2012-410); and

**WHEREAS,** the Community Development Department and the Municipal Court agree that penalties should be adjusted to reflect more efficient administration; and

**WHEREAS,** it is the purpose of Chapter 1, Section 12, to have all general penalties located within one location for easier reference;

**NOW, THEREFORE BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico that Chapter 1, Section 12 has been amended as follows:

**SECTION 1-12**

~~(7) Code Compliance.~~

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
20-24	Sign Area Restrictions	No	\$100	-	\$100
20-44	Prohibited Signs				
	1 <sup>st</sup> -Offense	No	\$100	-	\$100
	2 <sup>nd</sup> -Offense	No	\$200	-	\$200
	3 <sup>rd</sup> -Offense	No	\$300	-	\$300
21-28	Use of Containers				
	1 <sup>st</sup> -Offense	No	\$100	-	\$100
	2 <sup>nd</sup> -Offense	No	\$200	-	\$200
	3 <sup>rd</sup> -Offense	No	\$300	-	\$300
21-29	Scavenging Prohibited				
	1 <sup>st</sup> -Offense	No	\$100	-	\$100
	2 <sup>nd</sup> -Offense	No	\$200	-	\$200
	3 <sup>rd</sup> -Offense	No	\$300	-	\$300
22-91	Unlawful Encroachment on City Property				
	1 <sup>st</sup> -Offense	No	\$100	-	\$100
	2 <sup>nd</sup> -Offense	No	\$200	-	\$200

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
	3 <sup>rd</sup> -Offense	No	\$300	-	\$300
25-86	Water Conservation	Yes	Set at Hearing	\$29.00	Set at Hearing
26-2-32.6 26-2-42.7 26-2-108	Storage of Trailer, Boat or Motor Home				
	4 <sup>st</sup> -Offense	No	\$100	-	\$100
	2 <sup>nd</sup> -Offense	No	\$200	-	\$200
	3 <sup>rd</sup> -Offense	No	\$300	-	\$300
26-1-7.8 26-2-102.1	Skirting — Duty of Owner				
	4 <sup>st</sup> -Offense	No	\$100	-	\$100
	2 <sup>nd</sup> -Offense	No	\$200	-	\$200
	3 <sup>rd</sup> -Offense	No	\$300	-	\$300
26-2-32	Uses Permitted	Yes	Set at Hearing	\$29	Set at Hearing
26-14-1.1	Violations of Land Use Regulations	Yes	Set at Hearing	\$29	Set at Hearing

(7) *Flood Damage Prevention*. In reference to Chapter 9.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
Art. V.	Violation of Flood Damage Prevention Regulations	Yes	Set at Hearing	\$29	Set at Hearing

(8) *Signs*. In reference to Chapter 20.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
20-2-1	Unpermitted Signs				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$200	-	\$200
	3 <sup>rd</sup> Offense	No	\$300	-	\$300
20-2-6	Prohibited Signs	Yes	Set at Hearing	\$29	Set at Hearing
20-4-7	Failure to Remove Temporary Sign upon Expiration of Permit				
	1 <sup>st</sup> Offense	No	\$100	-	\$100

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
	2 <sup>nd</sup> Offense	No	\$200	-	\$200
	3 <sup>rd</sup> Offense	No	\$300	-	\$300
20-5-2	Violation of Clearance Standards	Yes	Set at Hearing	\$29	Set at Hearing
20-5-3	Unmaintained Sign				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$200	-	\$200
	3 <sup>rd</sup> Offense	No	\$300	-	\$300
20-5-3	Dangerous Sign	Yes	Set at Hearing	\$29	Set at Hearing

(9) *Solid Waste*. In reference to Chapter 21.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
21-28	Use of Containers				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$200	-	\$200
	3 <sup>rd</sup> Offense	No	\$300	-	\$300
21-29	Scavenging Prohibited				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$200	-	\$200
	3 <sup>rd</sup> Offense	No	\$300	-	\$300

(10) *Public Property*. In reference to Chapter 22.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
25-86	Unlawful Encroachment of City Property				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$200	-	\$200
	3 <sup>rd</sup> Offense	No	\$300	-	\$300

(11) *Subdivisions*. In reference to Chapter 23.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
23-13	Violation of Subdivision Regulations	Yes	Set at Hearing	\$29	Set at Hearing

(12) *Utilities*. In reference to Chapter 25.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
25-86	Water Conservation	Yes	Set at Hearing	\$29	Set at Hearing

(15) *Land Use*. In reference to Chapter 26.

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
26-1-7.5	Violation: Vision Obstruction	Yes	Set at Hearing	\$29	Set at Hearing
26-1-7.8	Violation: Mobile Home Skirting	Yes	Set at Hearing	\$29	Set at Hearing
26-1-7.10	Violation: Dumpster Location/Screening	Yes	Set at Hearing	\$29	Set at Hearing
26-2-22 26-2-32 26-2-42 26-2-52 26-2-62 26-2-72 26-2-82 26-2-92 26-2-102	Uses Permitted	Yes	Set at Hearing	\$29	Set at Hearing
26-2-212.2	Hazards to Air Traffic	Yes	Set at Hearing	\$29	Set at Hearing
26-2-131	Violation: Accessory Structures	Yes	Set at Hearing	\$29	Set at Hearing
26-3-155	Landscape Maintenance				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$200	-	\$200

<b>Citing</b>	<b>Title</b>	<b>Appearance Required</b>	<b>Fine Amount</b>	<b>Court Costs</b>	<b>Total Fine</b>
	3 <sup>rd</sup> Offense	No	\$300	-	\$300
26-3-171	Parking Maintenance				
	1 <sup>st</sup> Offense	No	\$100	-	\$100
	2 <sup>nd</sup> Offense	No	\$200	-	\$200
	3 <sup>rd</sup> Offense	No	\$300	-	\$300

PASSED, APPROVED, SIGNED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2014

By the Aztec City Commission, City of Aztec, New Mexico.

\_\_\_\_\_  
Mayor Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla Saylor, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: \_\_\_\_\_

EFFECTIVE DATE OF ORDINANCE: \_\_\_\_\_

# Staff Summary Report

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**MEETING DATE:** January 14, 2014  
**AGENDA ITEM:** XI. Business Items (E)  
**AGENDA TITLE:** Intent to Adopt Ordinance 2014-433 Amending Chapter 2 Administration

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**ACTION REQUESTED BY:** City Attorney/Community Development  
**ACTION REQUESTED:** Approve Intent to Adopt Ordinance 2014-433  
**SUMMARY BY:** Roshana Moojen

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## PROJECT DESCRIPTION / FACTS

- Amendments to Article III and IV are intended to update the name of the Planning Department and the Planning Director to accurately reflect the correct name of the Community Development Department.
- Amendments to Article V are intended to correct discrepancies between general membership requirements for City advisory boards and the specific membership requirements of the Economic Development Advisory Board. In reviewing board member terms for the Economic Development Advisory Board, an analysis of Chapter 2 revealed a conflict between the general requirements for membership for advisory board members and those for the Economic Development Advisory Board. Currently the Board includes the City Manager and a Commission Representative as voting members of the Board; this is the only City advisory board that includes the City Manager and a City Commissioner as voting members.
- The City Attorney issued the following legal opinion, advising code be amended to remove the potential for a conflict of interest or transparency concern regarding the membership of the Economic Development Advisory Board:

*I have reviewed Chapter 2 of the Aztec City Code, particularly Sections 2-481 and 2-354(5), as to a possible conflict between those sections concerning the City representatives on EDAB.*

*It is my opinion that the two cited sections are in conflict and that the more general section (2-354) governs over the specific EDAB section (2-481).*

*Therefore, I recommend that Section 2-481 be amended to provide that the City representatives shall participate as members of EDAB but shall have no voting privileges.*

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**SUPPORT DOCUMENTS:** • Ordinance 2014-433

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to approve the Intent to Adopt Ordinance 2014-433 Amending Chapter 2 Administration.

**City of Aztec  
Ordinance 2014-433**

**Amending Chapter 2 Administration, Article III, Divisions 1 and 9; Article IV, Division 1;  
and Article V, Divisions 2 and 8.**

**WHEREAS,** Chapter 2 was last revised in 2012 (Ordinance 2012-419); and

**WHEREAS,** it is the intent of the City of Aztec to support the development and organization of City departments and City advisory boards that are objective representations of the public interest in the City of Aztec;

**NOW, THEREFORE BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico that Chapter 2, Articles III, IV and V are amended as follows:

**ARTICLE III. OFFICERS AND EMPLOYEES**

**DIVISION 1. IN GENERAL**

**Sec. 2-71. Offices Created.**

There are hereby created the offices of City Manager, City Clerk, Chief of Police, Fire Chief, City Attorney, Director of Finance, Director of Public Works, Director of Electric, Director of Parks & Recreation, Director of Animal Control and Shelter, Director of Water and Wastewater, Director of Senior-Civic Center, Librarian, and ~~Planning~~**Community Development** Director.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-71)

**DIVISION 9. ~~PLANNING~~**COMMUNITY DEVELOPMENT** DIRECTOR**

**Sec. 2-201. Authorized, Duties Generally.**

There shall be a ~~Planning–Community Development~~ Director. The ~~Planning–Community Development~~ Director shall perform such duties as may be required by law and as identified in the City of Aztec job description to aid in the development of the City for the purposes of health, welfare, and safety of its citizens and their properties.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-201)

**Secs. 2-202 to 2-210. Reserved.**

**ARTICLE IV. DEPARTMENTS**

**DIVISION 1. IN GENERAL**

**Sec. 2-256. Division of Municipal Affairs.**

The administration of the affairs of the City shall be divided into as many departments as may be deemed desirable by the Commission. Each department shall be under the charge of a person employed by the City Manager. There are hereby created the departments of

Administration, Fire, Police, Finance, **PlanningCommunity Development**, Public Works, Electric, Information Systems, Parks & Recreation, Animal Control and Shelter, Library, Water and Wastewater, Senior-Civic Center, and Projects Management.  
(Ord. 2011-395, eff. 2011-Apr-20; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-256)

## **DIVISION 2. ADVISORY BOARDS AND COMMITTEES**

### **Sec. 2-351. Scope of Authority.**

The City Commission may create such boards or committees, standing, or special, as it deems necessary. In addition, the Commission may provide such aid and assistance from the administrative staff of the city to any such board, committee or commission as may be necessary.

(Code 2007, 2-351)

### **Sec. 2-352. Responsibility, Construction of "Committee."**

1. Any board or committee created by the City Commission shall be responsible to the Commission and shall function in an advisory capacity to the Commission.
2. Whenever the word "committee" is used in this division, it may also be construed to mean the word "board."  
(Code 2007, 2-352)

### **Sec. 2-353. Regulations.**

1. The procedures and regulations set forth in this division (Sections 2-351-2-360) shall be the minimum for each committee.
2. Each committee shall have the ability, with the advice and consent of the Commission, to make all necessary rules and regulations governing its proceedings.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-353)

### **Sec. 2-354. Membership.**

1. Each committee shall consist of a minimum of five (5) members; provided that each member shall be appointed by the City Commission.
2. **Unless otherwise specified**, the terms of office for members of each committee shall be four (4) years after the initial terms have been served. The initial terms shall be staggered as follows: Two (2) members shall serve for four (4) years, one (1) member for three (3) years, one (1) member for two (2) years, one (1) member for one (1) year. The term of office shall expire on December 31st of the last year of the member's appointed term.
3. All members shall have residency within the Aztec Municipal School District, unless otherwise specified.
4. A vacancy on a committee shall follow this process:
  - (1) City Staff shall advertise the vacant position in the local publication or through other communication channels to allow all interested community members to apply.
  - (2) Applications shall be submitted to the City Clerk.

(3) City Staff shall provide candidate names, other applicable information, and recommendations to the Commission for approval.

(4) The City Commission will appoint the committee member. If the City Commission does not appoint a committee member from the list of candidates.

5. A City Commissioner, City Manager, City Clerk, or their authorized delegate or representative shall participate as a member on each committee in an advisory position, but shall have no voting privileges.

(Ord. 2011-397, eff. 2011-Jul-20; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-356)

#### **Sec. 2-355. Removal of Members.**

The mayor shall have the right and power to remove any committee member, with or without cause, upon approval by the City Commission. It shall be a cause for removal if any committee member has two (2) or more consecutive unexcused absences from regular meetings. Such absences shall be reported to the Commission by the city representative of the committee. The committee, with the approval of the Commission, may establish additional causes for the removal of a member by the Commission, when so reported to the Commission by the chairman of the committee.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-355)

#### **Sec. 2-356. Powers and Duties.**

1. The functions of each committee shall be determined by the Commission, or when appropriate, by state law.

2. Each committee shall be responsible for such matters as may be referred to it by the Commission or by state law and shall meet at such times as may be necessary to perform its duties.

3. Boards and Committees shall follow the annual Meetings Resolution approved by the City Commission.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-356)

#### **Sec. 2-357. Officers.**

The officers of any committee created under the authority provided by this division shall be elected by the members of the committee and shall serve for a term of one (1) year. The number of terms as an officer is unrestricted.

(Ord. 2010-382, eff. 2010-Jun-30)

#### **Sec. 2-358. Compensation.**

Committee members shall serve without compensation; provided that the committee members may be reimbursed for actual and necessary expenses for committee duties, as approved by the City Commission through the budget.

(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-358)

#### **Sec. 2-359. Meetings.**

1. An organizational meeting shall be held on or before January 31st of each year at which time officers shall be selected as set forth in Sec. 2-357.

2. Each committee shall designate a time and day for regularly scheduled meetings which shall be listed in the annual Open Meetings Resolution.
3. A majority of the members of the committee shall constitute a quorum at any meeting.
4. Each committee shall cause minutes to be kept of the proceedings, showing the vote of each item. The minutes of the committee and all other records of actions taken shall be filed forthwith, upon approval by the committee, in the office of the City Clerk and the same shall be public record.  
(Ord. 2010-393, eff. 2011-Jan-14; Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-359)

**Sec. 2-360. Financial Status.**

1. No committee shall incur debts, make any purchases or enter into any contracts binding the City. All matters coming before any such committee involving the expenditures of money or the making of agreements or contracts shall be referred to the Commission with the recommendation of the committee.
2. All money received by any committee shall be deposited with the Finance Department.  
(Ord. 2010-382, eff. 2010-Jun-30; Code 2007, 2-360)

**Sec. 2-361 to 2-400. Reserved.**

**DIVISION 8. ECONOMIC DEVELOPMENT ADVISORY BOARD**

**Sec. 2-481. Membership.**

The Economic Development Advisory Board shall be composed of five (5) members qualified by training, experience, and ability to exercise sound and practical judgment on civic, social, economic and governmental affairs. The board shall be composed of the following:

1. An appointed representative from the Board or Staff of Four Corners Economic Development;
2. An appointed representative from the Board or Staff of the Aztec Chamber of Commerce;
- ~~3. City manager of Aztec;~~
- 4.3. \_\_\_\_\_ One (1) member of the financial community appointed by the governing body by a majority vote; and
- 5.4. \_\_\_\_\_ Two (2) members at large, at least one (1) representing the community, appointed by the governing body by a majority vote; ~~and.~~
- ~~6. An elected city commissioner, nominated and appointed by a majority vote of the governing body of Aztec.~~

Of the three (3) members appointed to the board, they will have two-year terms. There shall be no limitation on the number of consecutive terms a member may serve on the Economic Development Advisory Board.  
(Ord. 2013-426, eff. 2013-July-04; Ord. 2012-419, eff. 2012-Dec-19; Ord. 2010-382, eff. 2010-Jun-30)

**Sec. 2-482. Duties.**

The Economic Development Advisory Board is assigned the following duties:

1. Regular review of strategies and opportunities for economic development within the City.
2. Assist with the economic and community development planning for the City.
3. Recommend annually to the City Commission appropriations for economic development programs.
4. Develop and update annually a comprehensive strategic economic development plan.
5. Make recommendations to the governing body on applications for assistance for economic development projects.  
(Ord. 2010-382, eff. 2010-Jun-30)

**Secs. 2-483 to 2-490. Reserved.**

PASSED, APPROVED, SIGNED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2014

By the Aztec City Commission, City of Aztec, New Mexico.

\_\_\_\_\_  
Mayor Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla Saylor, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: \_\_\_\_\_

EFFECTIVE DATE OF ORDINANCE: \_\_\_\_\_

# Staff Summary Report

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**MEETING DATE:** January 14, 2014  
**AGENDA ITEM:** XI. Business Items (F)  
**AGENDA TITLE:** Resolution 2014-930 Recognizing Aztec Community Events

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**ACTION REQUESTED BY:** City Staff  
**ACTION REQUESTED:** Approve Resolution 2014-930  
**SUMMARY BY:** Roshana Moojen

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## PROJECT DESCRIPTION / FACTS

- Sec. 20-4-7.7(2) allows the City to place special event signs over the street or in public locations for approved special events, as recognized by the City Commission or the Lodger's Tax Advisory Board.
- At a recent staff meeting there was a discussion regarding those events that may not be officially recognized. Ken George also raised the question of whether or not the Commission intended this code to apply strictly to free events and/or events managed by nonprofits.
- The questions before Commission are:
  - Should for-profit events such as concerts at the Aztec Speedway be allowed to place a marketing banner over Main Ave.?
  - Should nonprofits such as the Lion's Club be allowed to advertise events that are not intended as community events but as fundraisers (i.e. the Gun Show)?
  - Should businesses sponsoring community events (i.e. Thomas Payne's 5K to benefit the animal shelter) be allowed to advertise events?
  - Should community associations be allowed to advertise their local organizational events that may not generate tourism (i.e. the Boys and Girls Club Halloween Carnival)?
  - Should community associations be allowed to advertise other information, such as the Baseball Associations sign-up period?
- The events listed in the resolution reflect those events recommended for consideration by the Community Development Department. The original intent of this section of code is to align with the marketing goals of the City - to advertise events in Aztec that may attract visitors to stay in Aztec, while at the same time reducing sign clutter in the City.

## PROCUREMENT / PURCHASING (if applicable)

## FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

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**SUPPORT DOCUMENTS:** • Resolution 2014-930

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Resolution 2014-930 Recognizing Aztec Community Events

City of Aztec  
Resolution 2014-930

A resolution identifying certain events within the City of Aztec as approved special, as defined by Aztec Municipal Code, Sec. 20-4-7.7(2).

WHEREAS, the City of Aztec adopted amendments to Aztec Municipal Sign Code on August 26, 2013 via Ordinance 2013-429; and

WHEREAS, the City of Aztec recognizes the needs of special events to advertise in the City over public streets and other approved public locations; and

WHEREAS, Aztec Municipal Code Sec. 20-4-7.7(2) provides for the this advertisement for special events, approved by the Aztec City Commission or Lodger's Tax Advisory Board;

NOW THEREFORE BE IT RESOLVED that the governing body of the City of Aztec recognizes the following events as special events within the City of Aztec:

Aztec Highland Games and Celtic Music Festival  
Aztec Founder's Day  
Antique Truck and Equipment Show  
Animas River Blues and Brews Fest  
Alien Run Mountain Bike Competition  
Fiesta Days  
National Night Out  
The X Run  
Aztec Christmas Festival  
Aztec Farmer's Market  
Aztec MotoX Track Special Events  
Aztec Museum Special Events  
San Juan County Historical Society Special Events  
Aztec Speedway Special Events  
Aztec Ruins National Monument Special Events  
Aztec Theater Special Events  
Aztec Community Event Sessions / MainStreet Special Events (i.e. Art Walks)

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF AZTEC

\_\_\_\_\_  
Sally Burbridge, Mayor

ATTEST

\_\_\_\_\_  
Karla Sayler, City Clerk

# Land Use Hearing

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**MEETING DATE:** January 14, 2014  
**QUASI JUDICIAL ITEM:** XII. Land Use Hearings (A)  
**QUASI JUDICIAL TITLE:** Sign Variance - Wines of the San Juan

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## FINDING OF FACTS

### Community Development Finding of Facts

1. Wines of the San Juan has requested a variance to Aztec Municipal Code Sec. 20-4-7.7(2) to allow them to be considered for placement of over the street banner signs on Main Ave. to advertise their special events. Code currently only allows the placement of over the street banners for "approved special events (as recognized by the City Commission or the City Lodger's Tax Advisory Board). The intent of this section of code, when developed, was to allow the City to promote events occurring in Aztec via the use of public property. Examples of approved community events that have used the over the street banner poles in the past include the Animas River Blues and Brews Festival and the Antique Truck and Equipment Show.
2. The current location of the over the street banner poles is on N. Main Ave., in front of Minium Park.
3. Wines of the San Juan is located outside Aztec City limits (233 Hwy. 511, Blanco, NM).
4. Due to the unusual nature of this request, no landowner notifications were mailed as this variance request applies to City policy and not to a change in land use. This summary was emailed to the members of the Lodger's Tax Advisory Board and to the members of the Economic Development Advisory Board (excluding the Commission members of these boards).
5. No comments on this application have been received to date.

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**SUPPORT DOCUMENTS:** • Variance application

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**COMMUNITY DEVELOPMENT RECOMMENDATION:** The Community Development Department recommends **DENYING** this application for a variance to Aztec Municipal Code Sec. 20-4-7.7(2), Temporary Sign Regulations, for Wines of the San Juan, located at 233 Hwy. 511 in Blanco, New Mexico, to allow Wines of the San Juan to place temporary over the street banners on City property located over North Main Ave. in Aztec, New Mexico, advising Commission to accept Findings of Fact #1-5 and vote "**NO**" to show the motion as **DENIED**.

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**RECOMMENDED RULING:** Move to Approve the application for a variance to Aztec

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**Municipal Code Sec. 20-4-7.7(2), Temporary Sign Regulations, for Wines of the San Juan, located at 233 Hwy. 511 in Blanco, New Mexico, to allow Wines of the San Juan to place temporary over the street banners on City property over North Main Ave. in Aztec, New Mexico, accepting Findings of Fact #1-5.**

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# CITY OF AZTEC VARIANCE APPLICATION

Application Year: 2013 Application No.: 216 Application Date: 11/5/13

\* Applicant Name: Wines of the San Juan (Brittany Arnold)

\* Applicant Address: 233 HWY 511 Blanco NM 87412  
(Street Name) (City) (State) (Zip Code)

\* Applicant Phone: 970 903 4177

\* Is Applicant Owner of Property? No - Brittany Arnold Yes - Wines of the San Juan

Legal Description of the Property:  
(Or address if different than above)

Total Area of Property (acres)

Zoning District:

Tax ID Number

Flood Zone

Present Use of Property:

Desired Use of Property:

CITY OF AZTEC  
COMMUNITY DEVELOPMENT

RECEIVED  
11/15 AM  
NOV 25 2013

TY OF AZTEC		CI
11/25/2013	13:12	CD2
CM DEV LAND USE PERMITS		
U-8058116		AMOUNT
FMSD CM DEV LAND USE PERMIT		50.00
FMSD CM DEV ADMIN FEE (ALL)		10.00
PAYMENT RECEIVED		
VS / 3809		60.00
TOTAL		60.00

\* Reason for Requesting a Variance:

Wines of the San Juan is located outside of Aztec city limits, but the festival for which the banner variance is asked, draws in visitors from Colorado & elsewhere through Aztec, creating money spent within the city for lodging, food & other expenses.

Plan Map Available? YES NO

(Plan map is required; failure to provide a plan map will cause a delay in the process)

\* Brittany P. Arnold  
Applicant's Signature

11/5/13  
Date

City Commission Meeting Date:

ACTION: APPROVED DENIED

City Planner

Date