

A G E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
December 12, 2017
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. Intergovernmental Agreement with San Juan County for Detention Center Services, Amendment Nine
- B. Resolution 2017-1070 Utility Write Off of Uncollected Utility Accounts
- C. Resolution 2017-1071 Surplus

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"

IX. ITEMS FROM CONSENT AGENDA

X. CITIZENS INPUT (3 Minutes Maximum)

(Citizens who wish to speak will sign up prior to the meeting. This is for items not otherwise listed on the agenda)

XI. LAND USE HEARING

- A. Zone Change from R-1 Single Family Dwelling District to R-2 Multiple-Family Dwelling District located at 308 & 312 S. Main Ave.

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 72 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410.

XII. BUSINESS ITEMS

A. Special Budget Resolution 2017-1069 Appropriating Funds for the HUB

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. ADJOURNMENT

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.

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Staff Summary Report

MEETING DATE:	December 10, 2017
AGENDA ITEM:	VIII. CONSENT AGENDA (A)
AGENDA TITLE:	Intergovernmental Agreement with San Juan County for Detention Center Services, Amendment Nine

ACTION REQUESTED BY:	City Manager
ACTION REQUESTED:	Approve the Intergovernmental Agreement with San Juan County for Detention Center Services, Amendment Nine
SUMMARY BY:	Sherlynn Morgan

PROJECT DESCRIPTION / FACTS

All other provisions from the 2007 agreement remain in effect.

The County has submitted a ninth amendment to the Detention Center Services Agreement executed in 2007.

While the agreement provides that an annual adjustment to the per diem rate may occur. This agreement increases the per diem rate from \$68.52 to \$82.29, applicable from July 1, 2017 through June 30, 2019.

SUPPORT DOCUMENTS:	Intergovernmental Agreement with San Juan County for Detention Center Services, Amendment Nine
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DEPARTMENT'S RECOMMENDED MOTION:	Move to Approve the Intergovernmental Agreement with San Juan County for Detention Center Services, Amendment Nine
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**NINTH AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT
DETENTION CENTER SERVICES**

THIS NINTH AMENDMENT to the Intergovernmental Agreement for Detention Center Services by and between San Juan County, New Mexico, hereinafter referred to as "The County", and the City of Aztec, New Mexico, hereinafter referred to as "the City."

WHEREAS, the Intergovernmental Agreement for Detention Center Services made and entered into the 17th day of July, 2007, requires that the County provide to the City, on or before October 15th of each year, the *per diem* rate for the County Detention Center to be effective July 1 of the succeeding calendar year; and

WHEREAS, the Eighth Amendment to the Intergovernmental established the *per diem* rate at \$68.52.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Paragraph D. of the July 17, 2007, Intergovernmental Agreement for Detention Center Services shall be amended to read as follows:

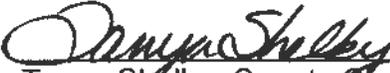
The parties agree that the City Prisoner Day rate shall be \$82.29, applicable from July 1, 2018, through June 30, 2019.

2. All other provisions of the Agreement including prior amendments other than those establishing the per diem rate shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals by their duly authorized officers, agents or representatives.

**BOARD OF COUNTY COMMISSIONERS OF
SAN JUAN COUNTY, NEW MEXICO**

ATTEST:


Tanya Shelby, County Clerk

By: 
Jack L. Fortner, Chairman
Date: 10/17/17

APPROVED AS TO FORM:


San Juan County Attorney



CITY OF AZTEC, NEW MEXICO

ATTEST:

Karla Sayler, City Clerk

By: _____
Sally Burbridge, Mayor

Date: _____

APPROVED AS TO FORM:

Aztec City Attorney

Staff Summary Report

MEETING DATE: December 12, 2017

AGENDA ITEM: IX. CONSENT AGENDA (B)

AGENDA TITLE: Resolution 2017-1070 Write Off of Uncollected Utility Accounts

ACTION REQUESTED BY: Finance Department

ACTION REQUESTED: Approval

SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- State Statute 3-37-7, NMSA provides for the removal of uncollectable utility accounts from the Utility Accounts Receivable listing of the City. The governing body must approve this action. The attached list includes accounts more than four years old and considered uncollectable due primarily to age, but may also include death of the debtor or bankruptcy.
- The total write off amount is \$23,471.65 and includes 94 accounts final billed through November 30, 2013, 2 bankruptcies and 5 accounts with the responsible party deceased. All remaining Utility Account Receivables will be less than four years old.
- As a comparison, the write-off amounts for the prior 4 years are below:

Fiscal Year	Write Off Time Period	Amount	Write Off Time Period	Amount	Total Write Off
FY2014	June 30, 2009	26,860.07	June 15, 2010	53,311.88	80,171.95
FY2015	Dec 31, 2010	19,745.62	June 15, 2011	26,547.89	46,296.51
FY2016	Dec 31, 2011	22,088.63	June 30, 2012	21,513.73	43,602.36
FY2017	Dec 31, 2012	18,796.73	June 30, 2013	12,735.53	31,532.26

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

- The utility accounts will be written off against the allowance which is calculated based on annual utility accounts receivable using a % based on the averages of aged (current, 30, 60, and 90 day) receivables since January 1990. The utility allowance for uncollectible accounts as of November 30, 2017 is \$248,401. This write off, totaling \$23,471.65, represents 9.4%
- As of November 30, 2017, total utility accounts outstanding totaled \$955,481.96. Of this amount, \$171,281.90 was over 90 days past due (17.9% of total accounts). By utility, the over 90 day balances consist of:
 - Electric utility: \$ 92,758.44 54.15%
 - Water utility: \$ 31,325.58 18.29%
 - Sewer utility: \$ 33,531.65 19.58%
 - Trash \$ 13,666.23 7.98%
- Actual collection averages for utility accounts are:

- 89.95% of current billings are collected within 30 days of billing;
 - 93.06% of accounts over 30 days are collected;
 - 67.01% of accounts over 60 days are collected; and
 - .37% of accounts over 90 days are collected.
- For fiscal year ending June 30, 2018, annual utility revenues are estimated to be \$9.3 million and the adopted budget includes \$85,400 (less than 1% of annual billing) for the current year write off expense which will establish the allowance for actual write offs in four years.

SUPPORT DOCUMENTS:

1. Resolution 2017-1070
2. Schedule of Accounts to Write Off

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2017-1070
Uncollectable Utility Accounts.

Resolution 2017-1070
Write Off Inactive Utility Accounts
Over Four Years Old + Bankruptcy and Deceased Accounts

Account Number	Customer Name	Service Address	Last Bill	Balance Due
11284	PADILLA PRISCILLA	613 Taos AVE	8/15/2017	(343.41)
16638	YAZZIE ESTHER	1001 Lovers LN	7/1/2013	96.68
18227	SMITH J	1008 Cimarron AVE	7/12/2017	683.05
42162	BENALLY RUBY	317 Robinson AVE	10/29/2013	124.55
43764	FORTNEY MICHAEL W	400 N Light Plant RD TRLR	10/9/2013	164.57
46036	SONGER SHELBY L	330 S Oliver DR	6/3/2013	156.85
46125	ATENCIO SUMMER	400 N Light Plant RD TRLR	7/10/2013	267.75
46522	WHEELER CHARLES	303 Mesilla DR APT 1	11/7/2013	216.32
46620	WRIGHT DANIELLE	510 Lovers LN	7/9/2013	125.16
48505	SCRIBNER ARTHUR	401 S Park AVE APT G-1	8/9/2017	21.65
48577	TIGNOR LISA	310 Andrew DR	12/3/2013	123.28
48675	MANUELITO JERRY	1216 W Aztec BLVD TRLR 35	8/15/2013	106.23
48928	HAYS SHAN	Resid Bulk Water	10/3/2013	154.24
49025	HARRISON JANICE T.	601 Navajo AVE APT 206	2/2/2017	(24.79)
49253	FRENCH KIM	408 Zuni ST	8/8/2013	20.00
49353	DUFF JAMES	206 Robinson AVE	6/3/2013	116.82
49473	YESS PATRICIA A	308 Robinson AVE	9/3/2013	394.90
49679	VIGIL EVA	710 Mccoy AVE 1/2	10/1/2013	256.90
49792	DODGE SHARON	308 NE Aztec BLVD	10/1/2013	117.78
50293	RIVERA MARTHA M	601 Navajo AVE APT 402	7/10/2013	92.84
50407	ATCHISON INVESTMENT CO	110 N Mesa Verde AVE APTS	10/28/2013	300.78
50409	MARTINEZ GARRETT	600 Taos AVE	9/25/2013	155.52
50419	YAZZIE ROYAL	510 Orchard AVE APT 4	8/6/2013	456.67
50506	CANON KIMBERLY	228 Heritage LN	11/18/2013	962.40
50507	AVANTES AGUSTIN	320 S Park AVE APT 4	10/1/2013	82.40
50608	HOOVER RAMONA	314 Robinson AVE	7/10/2013	310.32
50671	SAENZ RAFAEL ALEJONDRO	319 Robinson AVE	10/16/2013	599.38
50724	GARLINGTON MIRANDA	601 Navajo AVE APT 307	11/5/2013	21.22
50741	CHURCH SHARON	400 N Light Plant RD TRLR	6/10/2013	201.74
50776	FABIAN IMOGENE	802 N Rio Grande AVE APT	10/1/2013	20.00
50823	OLONA ARTHUR	205 N Oliver DR APT 1	8/1/2013	20.14
50887	BERTRAM YVONNE	1216 W Aztec BLVD TRLR 1	6/12/2013	376.49
50918	CHRISTINA LAWRENCE	40 Road 2598 #A	7/8/2013	92.93
50966	BEING JOYFUL, LLC	109 S Main AVE A	8/1/2013	151.51
50974	JOYFUL BEING, LLC	109 S Main AVE	8/1/2013	2.37
50999	TUNE LAWRENCE	524 S Park AVE	12/5/2013	13.78
51046	RAMONE WINONA	110 W Zia ST APT 2	8/14/2013	272.38
51069	ARCHULETA LAWRENCE	1114 W Aztec BLVD TRLR 27	11/13/2013	320.67

Resolution 2017-1070
Write Off Inactive Utility Accounts
Over Four Years Old + Bankruptcy and Deceased Accounts

Account Number	Customer Name	Service Address	Last Bill	Balance Due
51098	HUGGINS LAVETTE	400 N Light Plant RD TRLR	7/30/2013	276.73
51119	ROMERO JISEL	1216 W Aztec BLVD TRLR 33	6/4/2013	307.00
51160	FOCHLER PATRICIA	404 Andrew DR	7/1/2013	486.18
51191	WILSON CHERYL	601 Navajo AVE APT 306	11/4/2013	55.22
51225	PIERCE JAMIE	40 Road 2598	7/10/2013	245.47
51259	MAY SHAWN	1114 W Aztec BLVD TRLR 32	11/11/2013	362.01
51302	MUSTACHE ELLA ROSE	308 Mesilla DR # C	10/9/2013	394.63
51320	HURD KATHLEEN	400 Parkland DR	10/31/2013	110.25
51401	FRANK STEVEN	719 Ford ST	7/2/2013	435.83
51414	BROWN SHANNON	3344 J F Scott DR	8/21/2013	0.01
51436	CORDOVA CHRISTINA	601 Navajo AVE APT 514	11/25/2013	129.44
51465	HURLBUT ANDREA	1608 Maple ST	7/2/2013	190.63
51483	CASTILLO NATHANIEL	504 S Park AVE APT 2	10/3/2013	226.97
51487	WEAHKEE JIMMY	1509 Martin AVE EL/TR	11/18/2013	117.00
51505	CHAVEZ DANIELLE	160 Falcon BLF	6/25/2013	109.79
51615	JIMENEZ JERONIMO	305 N Light Plant RD TRLR	11/7/2013	168.23
51660	SECRETO MATTHEW	803 Mossman AVE	7/1/2013	227.79
51671	TITUS GARY	400 N Light Plant RD TRLR	8/8/2013	273.41
51690	KENNEDY ANN	1624 S Glenmary DR	8/14/2013	508.28
51694	WHITE MARK II	1110 W Aztec BLVD APT 1	6/12/2013	340.42
51702	MERRIMAN ANNETTE	721 Sabena ST	8/13/2013	161.02
51731	BATHKE MIHDI	403 Dawn CIR	11/13/2013	73.91
51732	SALAZAR DAVID W	321 N Light Plant RD	7/10/2013	258.41
51738	PFANNENSTEIL MARYLEE	205 Heritage LN	8/14/2013	691.68
51745	CMI BUILDERS, LLC	623 Phoenix CT TEMP SVC	10/2/2013	90.38
51753	GILLELAND ADAM	411 Swire AVE	8/5/2013	406.24
51776	SHEPHERD ROBERT	1080 S Main AVE	8/8/2013	49.11
51778	ANDERSON LEANN	804 Ute AVE	9/5/2013	522.42
51788	HOWARD VICTORIA	322 S Park AVE APT 4	7/2/2013	196.04
51808	BLACKWATER JULIE	305 Mesilla DR APT 2	7/2/2013	967.39
51836	HOSTEEN PAMELA	1114 W Aztec BLVD TRLR 14	8/26/2013	373.15
51837	LOYA JESSE	306 Mesilla DR APT 1	9/3/2013	131.92
51842	NOYES DERRICK	304 Mesilla DR APT 3	7/29/2013	76.09
51865	DESAUTELL KELLY	308 Bunker AVE	10/28/2013	202.46
51866	GOBSON LACY	307 Mesilla DR APT C	9/11/2013	274.28
51870	DONNELLY CHRISTIE	115 S Mesa Verde AVE	11/6/2013	768.23
51872	NEESE DARREN J	304 N Rio Grande AVE	10/30/2013	250.97
51881	JOE ESQUIBEL	1114 W Aztec BLVD TRLR 10	6/12/2013	212.21

Resolution 2017-1070
Write Off Inactive Utility Accounts
Over Four Years Old + Bankruptcy and Deceased Accounts

Account Number	Customer Name	Service Address	Last Bill	Balance Due
51897	BASHAM AMBER FAE	699 Pioneer AVE	6/12/2013	283.09
51899	PARHAM, JOSHUA SHANE	307 Mesilla DR APT B	7/2/2013	97.41
51901	ROBERTS ASHLEY	313 Robinson AVE	8/13/2013	322.70
51930	PSYCHIC SPIRITUALIST	1308 W Aztec BLVD	8/12/2013	294.56
51941	TSO JEREMY	533 S Main AVE	9/11/2013	429.13
51944	POOLE ALISHA	411 N Church AVE 1/2	10/9/2013	249.38
51949	CARRIERE, MARCUS A.	400 N Light Plant RD TRLR	4/12/2017	410.22
51950	TRUJILLO, BRYANT M.	523 NE Aztec BLVD	6/25/2013	52.50
51959	KREMER JOSHUA F	307 Mesilla DR APT D	10/9/2013	229.42
51971	PALMA GARY	530 Kiva AVE	8/12/2013	270.84
51973	BURNS, FALYNN	205 N Oliver DR APT 2	10/28/2013	166.13
51974	PEACE, COURTENEY D.	601 Navajo AVE APT 310	10/22/2013	171.92
51977	HUDSON NADIA	609 Sabena ST - EL ONLY	11/13/2013	413.27
51986	HURST, STEPHANIE NICOLE	1114 W Aztec BLVD TRLR 33	9/11/2013	405.92
52000	RICE DUSTIN	305 Mesilla DR APT 4	10/16/2013	178.55
52002	SALAZAR JOHNNY	1114 W Aztec BLVD TRLR 18	9/11/2013	191.15
52076	WALKER SHIRLEY	529 Kiva AVE	10/30/2013	256.61
52169	MCCREA, JACK H.	302 Mesilla DR APT 3	12/2/2013	66.09
52183	JAMES, DEREK A.	308 Mesilla DR # C	12/2/2013	78.89
52595	HAMLIN KENNETH	305 N Light Plant RD TRLR	7/12/2016	(53.09)
53113	ROBINSON BROOKELYN	211 Arriba AVE	2/10/2016	758.88
53684	HOWE TIFFANY	116 N Church AVE APT 1	9/13/2017	294.81

\$ 23,471.65

# OF ACCOUNTS TO WRITE OFF	98
# OF ACCOUNTS DISCHARGED DUE TO BANKRUPTCY	2
# OF ACCOUNTS DUE TO DECEASED CUSTOMER	5
AVG BALANCE DUE PER ACCOUNT (AFTER DEPOSITS APPLIED) \$	239.51

PROJECTED FUTURE WRITE OFFS

JUNE 2018: DEC 2013 - MAY 2014 \$	19,235.27
JUNE 2019: JUNE 2014 - MAY 2015 \$	41,263.59
JUNE 2020: JUNE 2015 - MAY 2016 \$	44,376.97

RESOLUTION 2017-1070

UNCOLLECTIBLE UTILITY ACCOUNTS

WHEREAS, The City of Aztec Finance Department has set up utility accounts and provided service to the referenced customers on the attached schedule; and

WHEREAS, efforts have been made to collect the utility accounts and locate the debtors; and

WHEREAS, the utility accounts have been uncollectible for a period of time of more than four years or the debtor is deceased or has filed bankruptcy; and

WHEREAS, it is the objective of the City of Aztec Finance Department to maintain accurate financial records of the City, including an accurate balance of the City's Accounts Receivable.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY that the uncollectible utility accounts be shown on the attached schedule be removed from the list of accounts receivable for the City of Aztec and that the Aztec City Commission adopt this resolution as a formal approval to remove the referenced list of uncollectible accounts from the City's list of accounts receivable.

ADOPTED AND APPROVED THIS 12th day of December 2017.

MAYOR SALLY BURBRIDGE

ATTEST:

CITY CLERK KARLA SAYLER

Staff Summary Report

MEETING DATE:	December 12, 2017
AGENDA ITEM:	VIII. CONSENT AGENDA (C)
AGENDA TITLE:	Resolution 2017-1071 Surplus

ACTION REQUESTED BY:	City Administration
ACTION REQUESTED:	Approval of Resolution 2017-1071
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

- City Administration has identified items no longer necessary to daily operations and request commission approval to sell or otherwise dispose of the equipment.

The copier located in City Hall is not functional and due to the age of the equipment (8 years old), parts are not available. The copier will be traded in and a Xerox 8045, 60 month lease, will be installed in 3 to 4 weeks.

- If the items are not sold they will be donated or disposed of according to NM Statute Section 3-54-2 and Procurement Statute 13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.

FISCAL INPUT / FINANCE DEPARTMENT

- Revenues from auction to be applied to General Fund / Joint Utility Fund

SUPPORT DOCUMENTS:	Resolution 2017-1071 Surplus List
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DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2017-1071 Declaring Certain Municipal Property Not Essential For Municipal Purpose and Directing It Be Sold or Disposed.

**SURPLUS RESOLUTION 2017-1071
DECEMBER 12, 2017
SURPLUS LIST**

Department	Item/Model	
City Administration		OCE Copier System Model: VL6522 S/N: 1000179 Unit #: 027-064 Acquisition Date: 2010 Condition: Poor Reason for Surplus: Obsolete

CITY OF AZTEC RESOLUTION 2017-1071

A RESOLUTION DECLARING CERTAIN MUNICIPAL PROPERTY NOT ESSENTIAL FOR MUNICIPAL PURPOSE AND DIRECTING IT BE SOLD, OR IF THE PROPERTY HAS NO VALUE, DONATE THE PROPERTY TO ANY ORGANIZATION DESCRIBED IN SECTION 501(c)3 OF THE INTERNAL REVENUE CODE OF 1986 OR DISPOSED.

- WHEREAS,** Sections 3-54-2 and 13-6-1 of NMSA, 1978 Compilation authorizes municipalities to sell personal property which is not essential for a municipal purpose or if the property has no value, donate the property to any organization described in Section 501(c)3 of the Internal Revenue Code of 1986; and
- WHEREAS,** the City of Aztec owns certain personal property which is obsolete and/or surplus and no longer needed or useful to the City; and
- WHEREAS,** the Governing Body wishes to declare this property not essential for a municipal purpose so that it can be sold or donated according to statute.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Aztec, New Mexico that the personal property described on the attached list which is owned by the City is surplus and not essential for a municipal purpose.

PASSED, APPROVED AND SIGNED this 12th day of December 2017.

MAYOR SALLY BURBRIDGE

ATTEST:

CITY CLERK KARLA SAYLER

Staff Summary Report

MEETING DATE: December 12, 2017
AGENDA ITEM: XI. LAND USE HEARING (A)
AGENDA TITLE: 2017-143 - Zone Change at 308 and 312 S. Main Ave

ACTION REQUESTED BY: Laramie Hardin
ACTION REQUESTED: Zone Change at 119 S. Church Avenue, from the R-1 Single-Family District to the R-2 Multi-Family District.

SUMMARY BY: Steven M. Saavedra

PROJECT DESCRIPTION / FACTS

PROJECT INFORMATION

Applicant	Laramie Hardin
Representative	N/A
Date of Application	November 7, 2017
Requested Action	Zone Change from R-1 to R-2
Location	308 S. Main Ave & 312 S. Main Ave
Existing Land Use	Two vacant residential parcels
Existing Zoning	R-1
Surrounding Zoning and Land Use	<p>North: C-1 : Limited Retail Neighborhood Commercial District / Multi-Family Residential Use</p> <p>South: R-1 : Single Family Dwelling District / Single Family Residential Use</p> <p>East: C-1 : Limited Retail / Neighborhood Commercial District / Commercial Use</p> <p>West: R-1 : Single Family Dwelling District / Residential Use</p>
Floodplain / Flood zone	No

SUMMARY

The petitioner requests a zone change from the R-1 Single-Family District to the R-2 Multi-Family District in order to construct a multi-family residential dwelling unit at 308 S. and 312 S. Main Ave. The combined parcels equal 0.28-acres. The property had previously been utilized as a residential property with a single-family residence. The petitioner desires to consolidate the two lots and construct a fourplex. The intent in pursuing the zone change is to legally establish a fourplex on the parcel and continue the use as a residential property. The current zoning of R-1 Single Family prohibits multifamily uses within the zoning district. This proposed zone change to R-2, Multi-Family, will permit the proposed fourplex by right.

The following uses are permitted by right in the R-2 District:

Land Use Regulations COA Chapter 26-5-121 define Multiple family dwelling as a residential building designed for or occupied by two or more family units with the number of families in residence not exceeding the number of dwelling units provided; with separate housekeeping, sleeping, bathroom, and kitchen facilities for each family.

1. Single Family Dwelling: The dwelling unit must contain at least eight hundred (800) square feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978), Housing and Urban Development Zone Code II, and the Uniform Building Code.

2. Apartments or Multi-family Dwellings or Dwelling Groups: Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one-half (1/2) of the total lot area and each contains a minimum of six hundred (600) square feet of floor area. AZTEC CITY CODE CHAPTER 26 – LAND USE REGULATIONS 2017 AUG 23 26-19

3. Condominiums or Town Houses: Attached single-family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes, and motor homes are specifically excluded whether or not the wheels have been removed.

4. Accessory Structure: Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. Antennas (non-commercial) are permitted.

R-2 Setback Requirements & Height

- Front: 25-feet
- Side: 5-feet
- Ave Side Yard: 15-feet
- Rear: 30-feet.
- Height: 35-feet

Building Offsets: All buildings shall be separated by a distance equal to the height of the highest adjoining building or flammable structure; otherwise the group of buildings will be connected by covered walks

ANALYSIS & RECOMMENDATION

Pursuant to Chapter 26 Land Use Regulation, the regulations, restrictions, and requirements of this ordinance have been made in accordance with the Comprehensive Plan of the City of Aztec (July 2002), and are intended to promote the general health, safety, and welfare of the residents of Aztec. Such regulations, restrictions, and requirements are deemed necessary in order to regulate and restrict within the Corporate Limits of the City of Aztec, as they exist at any given time (Code 2007, 26-3). Community Development notes all public notice requirements have been made in advance of the hearing and no comments related to the requested application were received. The determination of appropriateness for granting or denying the zone change rests with the consistency of applicable statutes, codes, policies and with the Commission's analysis of the impacts to the surrounding properties and the community at large.

- Consistency with the Comprehensive Plan:

The Comprehensive Plan encourages multi-family housing in Aztec. Therefore, the requested application is consistent with Aztec's Comprehensive Plan. Increasing the supply of housing units mitigates the cost of housing in Aztec with other conditions remaining the same (ceteris paribus). The commercial corridor in and around the desired location is suitable for mix-use or multifamily development.

- Creation of adverse impacts and the ability to mitigate these impacts:

The change from R-1 to R-2 District should not create any adverse impacts to surrounding area, considering similar uses exist near the subject properties. However, a fourplex will increase traffic and noise from the current vacant use and in the current R-1 District. Residential uses are generally less impactful than commercial uses; the R-2 District is not expected to create any significant adverse impacts to the surrounding neighborhood. The subject property needs to adhere to Sec. 12-252 Noise Control (Performance) Regulations.

- The ability of the proposed use to be accomplished by the proposed zoning district:

The R-2 District allows the petitioner to accomplish the proposed residential use and will permit the proposed fourplex by right. However, the petitioner needs to consolidate the two lots into one lot. A structure built over boundary property line(s) is not allowed under land use regulations.

- The suitability of the land for the proposed development:

The subject property is vacant and is suitable for the proposed use. All setback requirements and all development standards will apply at the time of construction for the intended residential dwelling unit.

- The existence of or the applicant's ability and willingness to provide adequate public facilities:

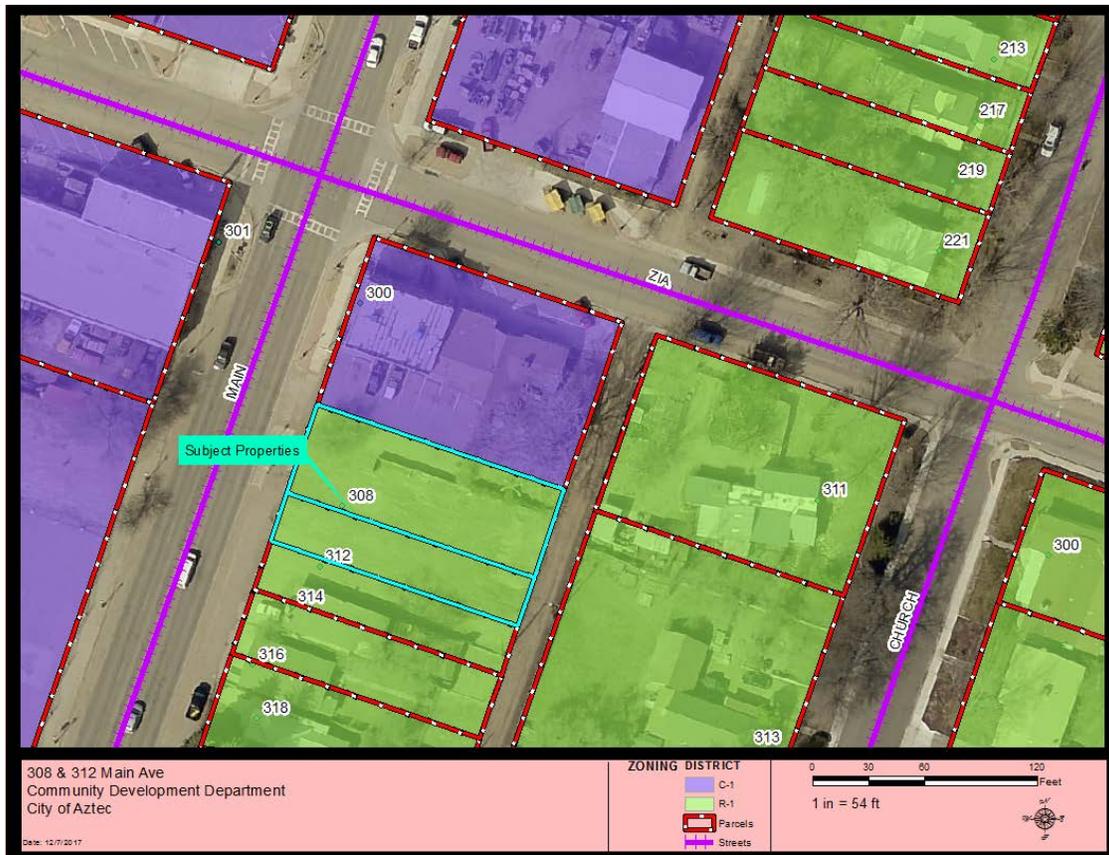
The proposed fourplex is required to connect to water, sewer, and electric utilities. In addition, the applicant needs to provide written verification from the New Mexico Department of Transportation (NMDOT) indicating there are no issues with access. Both the Community Development Department and the Public Works Department will review vehicle circulation and access to the residential dwelling unit when development plans are submitted. Main Ave is owned by the New Mexico Department of Transportation.

- Whether the proposed zoning constitutes a spot zone:

A spot zoning is, where a particular tract within a larger area is specifically zoned to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges. The proposed zone change does constitute a spot zone, as the requested zone change is not adjacent or in close proximity to other R-2 Districts.

- Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:

There is a mix of residential and commercial properties in and around 308 & 312 S. Main Ave. The parcel that abuts the property under consideration to the north is zoned C-1 and contains a multi-family use - otherwise known as Miss Gail's Inn. South of the parcel is zoned R-1 and contains a single-family residential unit. East of the subject properties in question is commercial and west is residential. The proposed use is compatible with the character of the neighborhood.



A mix of single-family residential, vacant, commercial, and multi-family housing are in and around the subject property, the zoning surrounding this property are:

- North:** C-1 : Multi-Family Residential
- South:** R-1 : Single Family Dwelling District.
- East:** R-1 : Single Family Dwelling District
- West:** C-1 : Commercial & Vacant

North view



South view



East view



West view



Subject Properties under zone change consideration (308 & 312 S. Main Ave)



COMMUNITY DEVELOPMENT CONCLUSION

Staff concludes that approval of ZC 17-143 is appropriate. The requested zone change is in accordance with the City's desire for affordable housing and is consistent with the residential and mixed-use development of the area.

SUPPORT DOCUMENTS:

1. Application
 2. Vicinity Map
 3. Property Owner Notification Letter
 4. List of Adjacent Property Owners
 5. Newspaper Public Notice
-

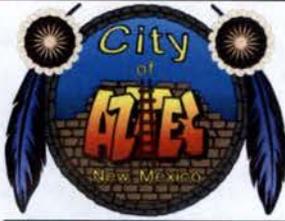
DEPARTMENT'S RECOMMENDED MOTION: The Community Development Department recommends approval of application 2017-143, a request from Laramie Hardin, for a zone change from the R-1 Single-Family District to the R-2 Multi-Family District in order to construct a multi-family residential dwelling unit at 308 S. Main Ave and 312 S. Main Ave with the following conditions:

1. The two parcels of property (308 S. Main Ave and 312 S Main Ave are consolidated to one parcel.
2. The apartments, multi-family dwellings or dwelling units do not occupy over one-half (1/2) of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
3. The structure(s) meet the R-2 height, density, and setback requirements.
4. The structure(s) meets all development standards.

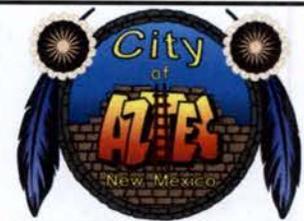
FINDINGS OF FACT

1. The application, 2017-143, is a request to rezone a combined 0.28 acres at 308 & 312 S. Main Ave
2. The applicant requests the zone change from the R-1 to the R-2 District to build a multi-family fourplex.
3. The applicant is Laramie Hardin.
4. The intended structure(s) need to meet the R-2 District's height, density, and setback requirements.
5. The structure(s) needs to meet all development standards.

PETITION APPLICATION



Community Development Department
 City of Aztec
 201 W. Chaco St.
 Aztec, NM 87410
 (505) 344-7605
 (505) 344-7609 (fax)



PROJECT TYPE (Check Those Applicable)

- Annexation
- Alt/Summary Plat
- Preliminary Plat
- Final Plan

- Variance
- Residential/
Commercial
Development

- Zone Change to R-2 District
- Conditional Use Permit
- Well site equipment modification
- Sign Permit
- Other

INFORMATION

Applicant's Name: <u>Laramie Hardin</u>	Project Location: <u>308/312 S Main</u>
Address: <u>P.O. Box 1703 Aztec</u>	Existing Use: <u>R-1 Vacant</u>
E-Mail: <u>laramie@atlasconcrete.us</u>	Proposed Use: <u>R-2</u>
Telephone: <u>505-330-9044</u>	Current Zoning: <u>R-1</u>
Relationship to Property Owner: <u>Self</u>	Assessor's Parcel I.D. and/or Tax I.D. Number:

Legal Description of Subject Property: 00

Is the Property in a Flood Zone? Yes No

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes No
 If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: <u>Laramie Hardin</u>	E-Mail: <u>laramie@atlasconcrete.us</u>
Phone: <u>330-9044</u>	Address: <u>P.O. Box 1703 Aztec</u>

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: <u>Laramie</u> Phone: <u>330-9044</u>	Name: <u>NONE</u> Phone:
Address: <u>P.O. Box 1703 Aztec</u>	Address:

OWNER CERTIFICATION

* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Aztec to enter the premises described in this application. I understand applications will generally be reviewed by City Commission at their first regular session following City staff review.

Name: <u>Laramie Hardin</u>	Address: <u>P.O. Box 1703 Aztec</u>
Owner's Signature:	Phone / Email: <u>505 330-9044</u>

**All sections of this application need to be completed
 *This application accompanies the project/request

**** STAFF USE ONLY ****

Received By AD Bennett
Date 7 NOV 2017 Fee Received Yes. *60-
Project File No. 2017-143
Date of Hearing/Meeting: 12 Dec 2017

- Blueline Copies of Plans _____
- Ownership Report (subject and surrounding properties)
- Legal Description & Location
- Detailed Statement of Proposed Use



CITY OF AZTEC ZONE CHANGE APPLICATION

Permit #: 2017-143 Date Started: 7 NOV 2017 Date Approved: _____

PROPERTY OWNER CONTACT INFORMATION

Name: Laramie Hardin
Mailing Address: P.O. Box 1703
Phone: 330-9044

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 308/312 S MAIN ST
Tax ID: _____ Parcel Size (ac): _____
Current Zone District: R-1
Current Use: Vacant
Proposed Zone District: R-2
Proposed Use: Residential multi family
Flood Zone Designation: NONE

REASON FOR REQUESTING A VARIANCE ZONE Δ

Multi-family Dwelling

APPLICANT SIGNATURE

I, Laramie Hardin representing My self. hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

Signature: _____ Date: 11/7/17

City Commission Meeting Date: _____

ACTION: _____ APPROVED _____ DENIED _____

Community Development Director

Date



CITY OF AZTEC ZONE CHANGE EVALUATION

Permit #: 2017-143

1. Is the Zone Change detrimental to the property? No Yes
2. Is the Zone Change detrimental to surrounding properties or the neighborhood? No Yes
3. Does the Zone Change alter the character of the surrounding neighborhood? No Yes
4. Will the Zone Change set a precedent which may alter the intent of the Land Use regulations? No Yes
5. Does the Zone Change impose a health issue on the public? No Yes
6. Does the Zone Change impose a safety issue on the public? No Yes
7. Does the Zone Change have the approval of surrounding neighbors? No Yes ?
8. Will the Zone Change be consistent with the Aztec Comprehensive Plan and Master Zone District Map? No Yes
9. Is there an alternate Land Use Action that might be considered to accomplish the applicant's intent without altering the Zone District Map? No Yes



CITY OF AZTEC ZONE CHANGE CHECKLIST



Applicable Fees

Administrative Fee	\$10
Zone Change	\$50 (first acre) \$5 (for each additional acre)

Detailed site map which includes the following:

- _____ Address of property and adjacent properties
- _____ Property boundary (all sides)
- _____ Existing or proposed street(s) adjoining property (labeled)
- _____ North arrow and scale
- _____ All utility easements
- _____ All utility lines
- _____ All utility meters
- _____ Existing and/or proposed structures
- _____ Location of improvement(s)
- _____ Setbacks for front, side and rear yards
- _____ Driveway location (required for new addresses)
- _____ Proposed parking area (if different than driveway)
- _____ Location of all drainages

Ownership

_____ A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

Legal Description

_____ Includes the legal description or physical address of the property.

Proposed Use

_____ Statement describing the proposed use of the buildings, structures, premises, etc.



308 & 312 Main Ave
 Community Development Department
 City of Aztec

Date: 12/7/2017

ZONING DISTRICT

- C-1
- R-1
- Parcels
- Streets

0 30 60 120 Feet

1 in = 54 ft

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners
Austin R. Randall
Katee McClure
Sheri L. Rogers

A desirable place to live, work and play; rich in history and small town values!

**NOTICE OF PUBLIC HEARING
ZONE CHANGE REQUEST
PETITION NO. 2017-143**

November 7, 2017

Dear Property Owner,

Notice is hereby given that a land use application has been filed with the City of Aztec, New Mexico, a request from Laramie Hardin for a zone change from the R-1 Single Family Dwelling District to R-2 Multiple-Family Dwelling District located at 308 & 312 S Main Ave., for property located in City of Aztec, San Juan County, New Mexico, as described below.

LEGAL DESCRIPTION

Lot Twenty (20), Block Eleven (11), of the Aztec Original Townsite Subdivision, in the City of Aztec, San Juan County, New Mexico.

Lot Twenty (18), Block Eleven (11), of the Aztec Original Townsite Subdivision, in the City of Aztec, San Juan County, New Mexico.

Otherwise located at 308 & 312 S Main Avenue

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the City Commission will hear the petitions in a public hearing on **Tuesday, December 12, 2017 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco St., Aztec, New Mexico. All persons shall have an opportunity to hear why said application should be granted or denied. All persons in interest and citizens are incited to attend said hearing.

You are receiving this because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are encouraged to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco St., Aztec, NM 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date. If you have any questions regarding this notice, or would like addition information regarding this notice, or would like additional information regarding this petition, please call me at (505) 334-7605.

Sincerely,

Steven M. Saavedra
Community Development Director

Addresses for 308 and 312 S. Main

314 S. Main Street R0001052
Carl Clampett and Deanna Cooper
PO Box 1054
Ignacio CO 81137

316 S Main Street R0001042
Robert C Breed
628 Road 3000
Aztec, NM 87410

318 S. Main Street R0000961
Ricky and Cindy Klien
216 Heritage Ln
Aztec, NM 87410

313 S Church Ave R0000771
Shari Strauss
PO Box 580
Aztec, NM 87410

311 S. Church Ave R0000654
Nicholas James and Krystal Huston
311 S Church Ave
Aztec, NM 87410

300 S. Main Street R0001124
John and Gail Aspromonte
300 S. Main Street
Aztec, NM 87410

321 S Main Street R0000039
Western Refining Retail LLC
1250 W Washington St STE 101
Tempe, AZ 85281

301 S Main Street R0001388
William L Dusenbery
112 W Chaco Ave
Aztec, NM 87410

* 221 S Main Street R0000829
Rod & Sheri Foss & Mike & Kimberly Knowles
PO Box 1084
Aztec, NM 87410

* 216 S Main Street R0000150
Waybourn Real Estate LLC
1149 S Main Street
Aztec, NM 87410

* 221 S Church Ave R0001229
Jerrie Frame
221 S Church Ave
Aztec, NM 87410

PUBLIC NOTICES

Notice is hereby given for a zone change request from the R-1 Single Family Dwelling District to R-2 Multiple-Family Dwelling District for properties located at 308 & 312 S Main Ave. The City Commission will hear this petition on 12/12/2017 at 6:00 p.m. at city hall, 201 W. Chaco St., Aztec, NM.

Staff Summary Report

MEETING DATE: December 12, 2017
AGENDA ITEM: XII. Business Item (A)
AGENDA TITLE: Special Budget Resolution 2017-1069 Appropriating Funds for the HUB

ACTION REQUESTED BY: Finance Department
ACTION REQUESTED: Approval
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

NM DFA: New Mexico Department of Finance and Administration

- On November 28, 2017, the City Commission approved the purchase of the property located at 119 E Chuska St/119 S Church Ave as per the lease purchase agreement with Aztec Presbyterian Church in the amount of \$135,000 plus one-half of the closing costs on the property.
- City staff has identified improvements to be made to the building and additional operating costs for the facility.
- The FY18 Adopted Budget does not include funds for the purchase, improvements or operating costs and requires the City Commission to appropriate funds.
- To make the funds available to the department, it is necessary for a special budget resolution to be approved by the City Commission and NMDFA Local Government Division.

- HUB Anticipated Costs:

○ Purchase as per agreement	\$135,000.00
○ Estimated Closing Costs	7,000.00
○ Building Improvements	75,000.00
○ Staffing	24,000.00 (add 1 FTE starting January)
○ Marketing	10,000.00
○ Total	\$251,000.00

- During the workshop held on Monday, December 4, 2017, various funding options were discussed as presented below.

General Fund –

Gross Receipts Tax Revenue: appropriate all or portion of gross receipts tax revenues which have exceeded the FY18 budget for the period July to November 2017. The use of these funds will reduce the cash reserve that would be available for FY19.

\$153,000.00

Police Personnel Budget: transfer available budget funds due to vacant positions (July-November); if amount not expended, would increase cash reserve available for FY19 or could be reappropriated if other needs develop during the current fiscal year (arterial, capital vehicle/equipment replacements)

\$100,000.00

Economic Development Fund –

In 2006 and 2007, funds were transferred from General Fund to the Economic Development Fund to provide the City Commission the ability to provide business incentives as provided in the Local Economic Development Act (LEDA). To date, due to the restrictions of LEDA, these funds have not been expended. NM DFA has confirmed the amount transferred could be returned to the General Fund. The transfer of these funds would limit the Commission's ability if an opportunity was presented that met the definition of LEDA; it is possible these funds could be a source of funding for the MRA designated area after the program is adopted.

\$100,000.00

Joint Utility Fund –

Interfund loan from Joint Utility to General Fund for the purchase, closing and improvements (no operating costs) (\$217,000 est), 3% (same rate as Sewer Line Replacement loan). There is precedence for this: 1993 expansion of current Utility/MVD building to house MVD (10 yr loan), loan from Joint Utility to General Fund, was fully paid in June 2000.

10 yrs, annual payment \$24,439, total interest \$37,391

15 yrs; annual payment \$18,200; total interest \$55,661

20 yrs; annual payment \$14,600; total interest \$74,717

\$217,000.00

Least impact to FY19 budget would be an interfund loan from joint utility to general fund for the purchase and improvements and appropriate a portion of gross receipts tax revenues in General Fund for the increased HUB operating costs. This would leave the Economic Development Funds intact and available for future development opportunities. It would also allow the Police Department funds due to vacancies to be either repurposed as needed in the current fiscal year or to build necessary cash reserves in the General Fund. The majority of

General Fund gross receipts tax revenues which have exceeded budget to date would build the General Fund cash reserve.

If a loan from the Joint Utility O & M Fund is approved to provide funding, a separate resolution will be prepared which identifies the total amount and terms of loan. This resolution will be presented to Commission at a future meeting based on the approved Special Budget Resolution 2017-1069.

The DRAFT Special Budget Resolution 2017-1069 included in the agenda includes

\$201,000 interfund loan from Joint Utility O&M Fund to General Fund specific to the purchase of the property, closing costs, and improvements to the building and grounds to meet code requirements.

\$50,000 transfer from Economic Development Fund to General Fund for the balance of improvements and increased operating costs through June 30, 2018.

\$251,000 increase in General Fund Expenditures for the purchase of the property including closing costs, improvements and operating costs.

ALTERNATIVES TO DRAFT RESOLUTION: While other combinations of loans, transfers, revenue recognitions are possible, based on the December 4, 2017 workshop

Option 1: \$217,000 loan from Joint Utility O&M to General Fund
\$ 34,000 re-appropriated from existing Police Department Personnel Budget to HUB for increased operating costs.

Option 2: \$151,000 loan from Joint Utility O&M to General Fund
\$100,000 transfer from Economic Development Fund to General Fund

SUPPORT DOCUMENTS: Resolution 2017-1069 DRAFT; Final document will be prepared based on Approved Motion.

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Special Budget Resolution 2017-1069

RESOLUTION 2017-1069
Special Budget Resolution
Aztec Business Incubator (HUB)
Fiscal Year 2017-2018
DRAFT

- WHEREAS,** the City of Aztec identified a need to provide resources to entrepreneurs and local business owners to develop and expand their businesses through a business incubator. The City of Aztec developed a business incubator plan and in December 2015 began implementation of the Aztec HUB Business Incubator.
- WHEREAS,** the Governing Body executed a lease purchase agreement with Aztec Presbyterian Church for property located at 119 E Chuska Street, Lots 9, 10, 11, 12 Blk 31 Original Townsite in December 2015 with a required closing date for the purchase of December 31, 2017; and
- WHEREAS,** the Governing Body approved the purchase of the building as per the lease agreement on November 28, 2017; and
- WHEREAS,** the building requires improvements to meet current building codes based on existing business incubator agreements; and
- WHEREAS,** the Aztec HUB requires an increase in the adopted budget for operating expenditures to fully staff the facility and market the facility and program resources; and
- WHEREAS,** the Governing Body has directed City staff to finalize the property purchase, proceed with the necessary property improvements and adjust daily operating procedures for the business incubator recognizing the FY18 Adopted Annual Budget does not include funding resources for these additional costs.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY that the following special budget adjustment be made and approved.

	<u>General Fund</u>	Increase/(Decrease)
Revenue:		
Interfund Loan from Joint Utility O&M Fund	101-0000-38500	\$201,000
Transfer In:		
Transfer from Economic Development Fund	101-0000-39215	\$ 50,000
Expenses:		
CPTL: Building and Improvements	101-1115-82100	\$217,000
Personnel	101-1115-4xxxx	\$ 24,000
Marketing/Promotion	101-1115-67216	\$ 10,000

