

AG E N D A
CITY OF AZTEC
CITY COMMISSION WORKSHOP
July 28, 2020
201 W. Chaco, City Hall
5:15 p.m.

**The Commission Workshop will be
streamed live on www.youtube.com City of Aztec**

5:15

FY21 Final Budget Discussion

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.

AG E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
July 28, 2020
201 W. Chaco, City Hall
6:00 p.m.

**For The Regular Meeting of City of Aztec Commission to be held at
6:00 pm Tuesday, July 28, 2020
it will be streamed live on www.youtube.com City of Aztec**

I. CALL TO ORDER

II. INVOCATION AND PLEDGE OF ALLEGIANCE

United States Pledge of Allegiance

New Mexico Pledge of Allegiance

I Salute the Flag of the State of New Mexico and the Zia Symbol of Perfect
Friendship among United Cultures

III. ROLL CALL

IV. APPROVAL OF AGENDA ITEMS

V. CONSENT AGENDA

- A. Commission Meeting Minutes July 14, 2020
- B. Resolution 2020-1192 FY20 Fourth Quarter Report
- C. Resolution 2020-1194 Authorizing Assignment of Authorized Officers for SAP
20-E2180-STB NM Hwy 173 Waterline Relocation

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"

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. CITIZENS INPUT (3 Minutes Maximum)

Commission will take general public comment in written form via email or fax through 5:00 PM on Monday, July 27th. Hard copies can be faxed to 505-334-7609 or emailed to ksayler@aztecnm.gov. These comments will be distributed to all commissioners for review to be addressed at the meeting.

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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VIII. BUSINESS

- A. Resolution 2020-1193 FY21 Annual Budget Adoption
- B. Aztec Museum FY21 Funding Request

IX. QUASI JUDICIAL HEARINGS (LAND USE)

- A. Application for Zone Change from the Mobile Home (MH) Zoning District to the Limited Retail/Neighborhood Commercial (C-1) Zoning District, for Property located at 214 W. Zia St.
- B. Application for a Variance to Minimum Parking for a Dwelling (COA Sec.26-3-171) and the Requirement Landscaping Requirements (COA Sec.26-3-152) for Property Located at 205 S. Main Ave.

X. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS

XII. 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.

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.

1 CITY OF AZTEC
2 COMMISSION MEETING MINUTES
3 July 14, 2020
4

5 **I. CALL TO ORDER**
6

7 Mayor Snover called the Meeting to order at 6:00 pm at the Aztec City Commission
8 Room, City Hall, 201 W. Chaco, Aztec, NM. The Regular Meeting of City of Aztec
9 Commission to be held at 6:00 pm Tuesday, July 14, 2020 will be streamed live on
10 www.youtube.com
11

12 **II. INVOCATION AND PLEDGE OF ALLEGIANCE**
13

- 14 A. Invocation (led Commissioner Randall)
- 15 B. United States Pledge of Allegiance (led by Commissioner Padilla)
- 16 C. New Mexico pledge of Allegiance (led by Commissioner Padilla)

17 **III. ROLL CALL**
18

19 Members Present: (Members were on web call) Mayor Snover; Mayor Pro-Tem
20 Fry; Commissioner Austin Randall; Commissioner Mark
21 Lewis; Commissioner Mike Padilla (In Person)
22

23 Members Absent: None
24

25 Others Present: City Manager Steve Mueller; City Attorney Tyson Gobble
26 (virtual); IT Director Wallace Director; City Clerk Karla Sayler
27

28 **IV. APPROVAL OF AGENDA ITEMS**
29

30 MOVED by Commissioner Randall to approve the agenda as given;
31 SECONDED by Commissioner Lewis
32

33 All voted Aye: Motion passed five to zero
34

35 **V. CONSENT AGENDA**
36

- 37
- 38 A. Commission Meeting Minutes June 23, 2020
- 39 B. Farmington Metropolitan Planning Organization Joint Powers Agreement
- 40 C. Northwest New Mexico Council of Governments Membership Agreement FY21
- 41 D. Utility Department Record Destruction
- 42 E. Finance Department Record Destruction
43

44

45 MOVED by Commissioner Lewis to Approve the Consent Agenda as
46 given SECONDED by Mayor Pro-Tem Fry

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All voted Aye: Motion passed five to zero

VI. ITEMS REMOVED FROM CONSENT AGENDA

NONE

VII. CITIZENS INPUT (3 Minutes Maximum)

NONE

Commission will take general public comment in written form via email or fax through 5:00 PM on Monday, July 13th. Hard copies can be faxed to 505-334-7609 or emailed to ksayler@aztecm.gov. These comments will be distributed to all commissioners for review to be addressed at the meeting.

VIII. BUSINESS ITEMS

- A. Intent to Adopt Ordinance 2020-507: An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico / Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico

City Manager Steve Mueller mentioned that this franchise agreement was approved back in November but there was a pending FCC ruling that was finalized around the 1st of the year. The ruling said that Comcast could not give away services like they have in the past to the City or the local school district. Those terms have been taken out of this new agreement and if any City facility wants service they will pay for the service.

Commissioner Randall asked if the City and schools will have a different rate. Erin Muffoletto with Comcast explained that it will just depend on what service is wanted as to what kind of offers they will have available.

MOVED by Commissioner Randall to Approve Intent to Adopt Ordinance 2020-507: An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico/Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico SECONDED by Mayor Pro-Tem Fry

A Roll Call was taken: All voted Aye: Motion passed five to zero

92 B. 550 Brewing Company, LLC Rent Forgiveness
93

94 City Manager Steve Mueller explained that this is a request for rent
95 forgiveness for the months of April, May and June due to the Covid crisis by
96 550 Brewing who is renting the space at the HUB which is a City facility.
97

98 Commissioner Padilla mentioned his concerns about the anti-donation
99 clause and his worry about setting a precedent of things that come to us in
100 the future.
101

102 City attorney Tyson Gobble said he does not believe we would be in
103 violation of the anti-donation clause given the fact that we do have a rental
104 agreement and we're deferring or abating rent for a period of a few months
105 while we conduct the sale, we have a written lease agreement with them. He
106 can do more research if the Commission feels uncomfortable about making a
107 decision tonight.
108

109 Commissioner Padilla mentioned that he is concerned about what kind of
110 request for utilities or other waivers in the future and wondered if we could
111 set up a payment plan with 550.
112

113 Community Development Director Steven Saavedra mentioned that he
114 doesn't believe that the City will be renting or leasing out any space like this
115 in the future so he does not believe we will be setting a precedent. He also
116 mentioned that the City allowed a temporary use permit to allow individuals
117 or businesses to utilize City property which can be utilized rent free and
118 Rubia's is currently using the City Plaza.
119

120 Mayor Pro-Tem Fry asked if as a recipient of the PPP program if this did
121 not help them to be able to pay the rent or if there is the possibility of
122 additional funds coming to small businesses that will assist them. Steven
123 Saavedra mentioned that unlike a lot of businesses they were forced to
124 completely shut down.
125

126 Mike Pascal with 550 Brewing mentioned that they received \$24,000 that
127 they used to pay employees. He apologized for not coming before
128 Commission sooner and he mentioned that they lost \$30,000 in revenue.
129

130 City Attorney Tyson Gobble said that he did a quick search regarding rent
131 or abatement of rent and there were no cases in NM but the Commission
132 could partially abate the rent and that would take care of the concerns over
133 the anti-donation.
134

135 Mayor Snover mentioned that he is comfortable with the attorneys finding
136 and feels that we wouldn't be held liable. Mayor Pro-Tem Fry mentioned the

137 importance of keeping this business and she doesn't want to see them go
138 under. Commissioner Randall mentioned he agrees and he doesn't want 550
139 to go anywhere but he does share the same concerns as Commissioner
140 Padilla. He also mentioned that we did put a lot of money and work into the
141 HUB but it just didn't work and that's why we are selling it. He is also
142 concerned about how much longer this is going to go on and we are waiting
143 on the State for approval. If it gets shut down again are we just going to be
144 expected to forgive rent every time they get shut down moving forward. At
145 what point do we try and cut ties because we are selling it. Have the new
146 owners even let them know if they will be able to stay or not. Mayor Snover
147 said he semi echoes the sentiment of everybody so far. Commissioner Lewis
148 was also concerned about anti donation he did use the small business loan
149 to keep people on pay and were functioning to some degree. With this
150 pandemic we've had to roll with a lot of different things and we need to take
151 all of this into account. Commissioner Padilla mentioned that he agrees and
152 he does not want to lose a business but we need to seriously look at how we
153 are using tax payer's money. He would like to work out a payment plan or
154 even cut part of it but to just say you don't have to pay rent for 3 months is
155 sending the wrong message to other businesses that are doing just as bad.
156 City Manager Steve Mueller mentioned that as we transitioned with the sale
157 we could have terminated the agreement with 550 but we want to see the
158 business succeed and they hopes that they will get to stay with the new
159 ownership. Once the sale is finalized that becomes a business agreement
160 between the new owner and 550.

161
162 MOVED by Mayor Pro-Tem Fry to Approve 550 Brewing Company, LLC
163 Rent Forgiveness for the months of April, May and June for half of the \$3300
164 which would amount to \$1650 and negotiate a payment plan to pay the balance if
165 necessary SECONDED by Commissioner Padilla

166
167 Mayor Snover asked the City attorney about the motion needing to be
168 clarified. The City Attorney said that we need to clarify if we are wanting a
169 repayment plan for the half that was not forgiven just to make it certain.

170
171 MOVED by Mayor Pro-Tem Fry to Approve 550 Brewing Company, LLC
172 Rent Forgiveness for the months of April, May and June 2020 for half of the
173 \$3300 which would amount to \$1650 and offer a 6 month payment plan
174 SECONDED by Commissioner Padilla

175
176 A Roll Call was taken: All voted Aye: Motion passed five to zero

177
178
179 C. Best Friends Animal Society-Cat Life Saving Programs
180

181 City Manager Steve Mueller mentioned that the Best Friends Animal
182 Society is virtual along with Aztec Animal Shelter Director Tina Roper to talk
183 about the program. Tina said that she has had several conversations with
184 Best Friends about the cat life saving program. Tina mentioned that feral
185 cats and domestic cats are allowed to roam free to there are cats all over
186 town. This program would allow them to spay and neuter these animals and
187 return them where they came from so they can continue to live its life and
188 this would cut down on the population in the long term.

189
190 Mayor Pro-Tem Fry mentioned that the Commission received an email
191 from Tanner Jessel telling us that this was a bad idea. She is a cat lover and
192 is aware of the cat problems and issues with trying to decrease the
193 population and still allowing them to live their lives. She asked Tina for her
194 response to the email. Tina mentioned that the email says that to let the cats
195 loose will allow them to spread disease and parasites and kill wildlife. The
196 bottom line is they are already out there she is not producing more cats to let
197 loose on the City of Aztec she just wants to deal with the ones she already
198 has. She mentioned that this grant money will allow them to loan out
199 deterrents for people who don't want the cats messing with their birds and
200 things.

201
202 Marla Browne with Best Friends Animal Society explained that typically a
203 cat is impounded at the shelter because it is picked up as a stray by animal
204 control, concerned citizens or a complainant in the community. At the shelter
205 it is evaluated for eligibility, health assessment an owned cat or has lived
206 primarily indoors. The cats would be sterilized, vaccinated, ear tipped and
207 returned to the location where they were found. These programs are truly the
208 only way to effectively curb the overpopulation of cats in the long term.

209
210 City Attorney Tyson Gobble said that in reviewing the contract and when
211 stated as a pilot program to his understand the way the contract is written is
212 that the contractor relationship between the 2 parties will automatically cease
213 after 18 months. Marla Browne said that that's not technically correct, they
214 financial or equipment support would stop at that point but we do these
215 programs across the country and we never just stop everything and go away
216 at the end of the contract. The objective is to build the capacity within the
217 shelter in terms of programming and build support within the community.
218 They will offer mentoring and any support that Tina needs for the
219 continuation of this program. City Attorney asked if depending on future
220 funding of continuing the relationship and receiving grant money after the 18
221 months. Marla said that is always an option there have been organizations in
222 Arizona and Idaho who were awarded second year grant funding.

223
224 Commissioner Randall said that even before the email he was freaking out
225 about this one because when he was in getting his dogs sterilized there was

226 a gentleman bringing in a crate of stray cats and he is just trying to process
227 in his mind of how we would be explaining to people thanks for bringing it in
228 we are going to sterilize it and drop it off where we got it from. He
229 understands the idea behind it, but wants to know how we move forward.
230 Mayor Snover also mentioned that he has issues with the dynamic and if you
231 have your own cats and the cats that were dropped off are troublesome to
232 his cats he wouldn't want them dropped off next door. Marla said the
233 approach is to share information many times cats are fighting because of
234 territory issues, so once the cats are sterilized a lot of the complaints get
235 resolved.

236
237 Commissioner Randall said he relies heavily on staff input and asked if
238 Tina had talked to other places that have done this and if she thought it was
239 a good idea, success stories is this working overtime he wants to feel better
240 about this because he has heartburn over it. Tina mentioned that she has
241 stressed about this a lot. She has had conversations with 2 other shelters
242 and had lengthy conversation with Marla, shelter staff and asked all the
243 questions that you are asking right now. She learned that it has made a
244 difference they have been successful and it will ultimately slow down the
245 population.

246
247 Mayor Snover said that if Tina is an advocate of this then he has
248 confidence in the staff to be able to do the education piece and the
249 willingness to implement them. It sounds like she has done her due diligence
250 and is on board. It will take some time but we'll have fewer and fewer cats.
251 He appreciates that the folks in the city along with the partnership are able to
252 shed light on this and take some action instead of just complaining in some
253 cases and these cats are getting killed because there's no other choice or it's
254 a budget issue.

255
256 MOVED by Mayor Pro-Tem Fry to Approve Best Friends Animal Society-Cat
257 Life Saving Programs SECONDED by Commissioner Lewis

258
259 A Roll Call was taken: Motion passed four to one with Commissioner
260 Randall Voting Nay

261
262 D. FY 21 Funding Application: Four Corners Economic Development, Inc.

263
264 City Manager Steve Mueller mentioned that last year Commission gave
265 \$10,000 and previously it had been \$20,000 annually all the way back to June of
266 2012. He said that in the preliminary budget there is \$10,000 available.

267
268 Arvin Trujillo with Four Corners Economic Development (4CED) explained
269 that the main focus right now is to begin to look at how we can begin to diversify

270 our economy here in San Juan County as well as the Four Corners area. He
271 spoke about the accomplishments that 4CED has had and upcoming projects.
272

273 Mayor Snover mentioned that they have had conversations at past
274 meetings and he has reservations and concerns regarding funding. In looking at
275 the staff reports we have contributed \$140,000 of taxpayer money to 4CED.
276 Mayor Pro-Tem Fry mentioned her concerns with living in a new world without an
277 idea of what the future looks like with an expectation of a 30% decrease in
278 revenue and things changing monthly we need to look at basic human needs
279 because we don't know what's going to happen with the Senior Center changes.
280 Commissioner Padilla agreed and also questioned the return on investment. He
281 feels all the ideas are great but he just doesn't see what Aztec is getting out of it.
282 He felt like we should take care of our citizens. Commissioner Lewis likes the
283 idea of the railroad but there was talk about a railroad about 25 years ago but
284 bringing it to fruition is going to take quite a while. He mentioned that we are
285 walking a fine line with budget this year and we don't know what is going to
286 happen next month or in the next 6 months with our money and he doesn't feel
287 like we can afford it this year. Commissioner Randall mentioned that we might
288 have seen a return but just don't realize it. Mayor Snover mentioned that these
289 things are hard to quantify. Commission had a lengthy discussion.
290

291 MOVED by Mayor Pro-Tem Fry to Approve FY21 Funding Application: Four
292 Corners Economic Development, Inc. in the amount of \$ ZERO and do not
293 request a board position SECONDED by Mayor Snover
294

295 A Roll Call was taken: All voted Aye: Motion passed five to zero
296

297 **IX. QUASI JUDICIAL HEARINGS (Land Use)**

298
299 NONE
300

301 **X. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS**

302
303 City Manager Steve Mueller mentioned that we are monitoring the river we
304 are currently at stage 1 and will probably be most of the year but monitoring about
305 when we need to move to stage 2 water restrictions.
306

307 Commissioner Randall mentioned that the Library board meeting was canceled
308 and he has LTAB next Monday.
309

310 Commissioner Padilla mentioned he has EDAB on Thursday but will be unable to
311 attend, Mayor Pro-Tem Fry mentioned that she would attend for him.
312

313 Mayor Pro-Tem Fry mentioned that she has attended both the technical and
314 policy committees for the MPO. They are very efficient and she is learning a lot.

315 She has a NM Seniors meeting. They have decreased the board size and the City
316 of Farmington is taking over managing all the centers in the county. City Manager
317 Steve Mueller wanted to make sure and let everyone know that Farmington is not
318 managing all the senior centers but they are acting as the fiscal agent. She
319 mentioned that two pianos are complete and were put out in the plaza.

320
321 Mayor Snover commended Mayor Pro-Tem and all the folks working on the piano
322 project. He congratulated Rubia's on their 20 year anniversary. He has an Airport
323 Advisory Board meeting on Monday. He mentioned that they will be taking a look
324 at the solar base rate at the next meeting. He gave a shout out to City staff for their
325 hard work during these times.

326
327 Senior Center Director Cindy Iacovetto mentioned that she has reached the 10
328 year milestone with the City.

329
330 Community Development Director Steven Saaverdra mentioned that the City is
331 working with consensus planning on the comprehensive plan update. He explained
332 that they have a steering committee made up of various individuals trying to lead
333 the effort and get more participation so that we can have more insight; this is a
334 guiding document for what the City should be within the next 20 years. He
335 mentioned that they will have a meeting on July 30th.

336

337 **XI. CLOSED SESSION**

338

339 Mayor Snover moved into Closed Session at 7:58 pm Pursuant to Section 10-15-
340 1 (H)(7) Threatened or Pending Litigation Regarding Taxation and Revenue-Gross
341 Receipts Tax Revenue and Regarding Aztec Police Department, City of Aztec, Chief
342 Heal, and Captain Troy Morris.

343

344 All voted Aye

345

346 Mayor Snover moved out of closed session at 8:17 pm Pursuant to Section 10-15-1
347 (H)(7) Threatened or Pending Litigation Regarding Taxation and Revenue-Gross
348 Receipts Tax Revenue and Regarding Aztec Police Department, City of Aztec, Chief
349 Heal, and Captain Troy Morris and mentioned that not items were voted on and not
350 other items were discussed.

351 .

352

353 All Voted Aye

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360 **XII. ADJOURNMENT**

361

362 Mayor Snover moved to adjourn the meeting at 8:18 pm SECONDED by
363 Commissioner Lewis

364

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Mayor, Victor Snover

370

371 ATTEST:

372

373

Karla Sayler, City Clerk

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MINUTES PREPARED BY:

378

379

Sherlynn Morgan, Administrative Assistant

380

381

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384

Staff Summary Report

MEETING DATE: July 28, 2020
AGENDA ITEM: V. CONSENT AGENDA (B) **UPDATED**
AGENDA TITLE: Resolution 2020-1192 Approval of FY20 4th Quarter Financial Report

ACTION REQUESTED BY: Finance Department
ACTION REQUESTED: Approval of Resolution 2020-1192 Approval of FY20 4th Quarter Financial Report
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- A requirement of the NM DFA annual budget approval process includes governing body approval of the 4th quarter financial report by resolution.
- The financial report submittal has been a requirement of the annual budget approval procedure for several years and requires the year-end financial report to include many estimates as the complete year end process has not been completed.
- The DFA Financial report will be provided prior to July 28, 2020 meeting.
- The adjustments column on the recap report are the differences between accounts receivables and accounts payables in each fund necessary to generate a recap report with ending cash balances which balance to the City's general ledger cash balances.

SUPPORT DOCUMENTS: Resolution 2020-1192
DFA Financial Report for Quarter Ending June 30, 2020

DEPARTMENT'S RECOMMENDED MOTION: Move to approve Resolution 2020-1192 Approval of FY20 4th Quarter Financial Report

Resolution 2020-1192
State Of New Mexico, Municipality Of Aztec

**A RESOLUTION APPROVING THE QUARTERLY FINANCIAL REPORT TO THE NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION FOR THE PERIOD ENDING JUNE 30, 2020.**

WHEREAS, NMSA 1978-6-2 states the New Mexico Department of Finance and Administration's Local Government Division (LGD) is mandated to require periodic financial reports of local public bodies; and

WHEREAS, the New Mexico Department of Finance and Administration requires a resolution approving the FY20 fourth quarter report; and

WHEREAS, the New Mexico Department of Finance and Administration requires the unaudited beginning cash balances as of July 1, 2020 listed on the FY21 final budget must agree with the year-end June 30, 2020 cash balances listed on the fourth quarterly financial report.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Aztec, State of New Mexico, hereby approves the quarterly financial report to the New Mexico Department of Finance and Administration, LGD, for the period ending June 30, 2020. The fourth quarter financial report is attached hereto as EXHIBIT "A".

DONE AND APPROVED this 28th day of July, 2020.

Mayor Victor C. Snover

Mayor Pro-Tem Rosalyn A. Fry

Commissioner Mark E. Lewis

Commissioner Michael A. Padilla, Sr.

Commissioner Austin R. Randall

ATTEST:

Karla Sayler, City Clerk

State of New Mexico
Local Government Budget Management System (LGBMS)

Report Recap - Fiscal Year 2019-2020 - Aztec (City) - FY2020 Q4

Printed from LGBMS on 2020-07-28 00:03:12

Fund	Cash	Investments	Revenues	Transfers	Expenditures	Adjustments	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	3,614,861.00	0.00	7,356,763.51	-40,700.00	6,762,073.37	-83,560.80	4,085,290.34	563,506.11	3,521,784.23
20100 Corrections	6,404.00	0.00	51,204.00	40,700.00	97,679.55	16,079.36	16,707.81	0.00	16,707.81
20900 Fire Protection	338,853.00	0.00	229,403.56	0.00	69,645.14	325.22	498,936.64	0.00	498,936.64
21100 Law Enforcement Protection	16,505.00	0.00	28,672.31	0.00	37,484.90	-3,200.57	4,491.84	0.00	4,491.84
21400 Lodgers' Tax	86,191.00	0.00	37,513.64	0.00	44,744.40	153.26	79,113.50	0.00	79,113.50
21600 Municipal Street	1,343,736.00	0.00	354,122.95	0.00	0.00	-1,873.84	1,695,985.11	0.00	1,695,985.11
21800 Intergovernmental Grants	26,325.00	0.00	67,194.99	0.00	67,038.93	12,797.09	39,278.15	0.00	39,278.15
29900 Other Special Revenue	101,234.00	0.00	119,053.26	-9,100.00	92,465.89	32,340.06	151,061.43	0.00	151,061.43
30200 CDBG (HUD) Project	4,345.00	0.00	0.00	0.00	0.00	0.00	4,345.00	0.00	4,345.00
30500 Gross Receipts Tax Proceeds Project	1,093,462.00	0.00	554,123.51	9,100.00	533,943.95	79,796.92	1,202,538.48	0.00	1,202,538.48
50200 Solid Waste Enterprise	68,420.00	0.00	1,042,001.14	0.00	998,084.81	-8,456.08	103,880.25	0.00	103,880.25
52100 Joint Utility	14,026,383.00	150,219.00	9,399,293.20	0.00	8,128,672.06	-168,391.72	15,278,831.42	0.00	15,278,831.42
53500 Water Rights	518,337.00	0.00	19,367.73	0.00	1,707.55	-140.86	535,856.32	0.00	535,856.32
59900 Other Enterprise	96,809.00	0.00	1,329.08	0.00	219.66	165.42	98,083.84	0.00	98,083.84
Totals	21,341,865.00	150,219.00	19,260,042.88	0.00	16,833,760.21	-123,966.54	23,794,400.13	563,506.11	23,230,894.02

Staff Summary Report

MEETING DATE:	July 28, 2020
AGENDA ITEM:	V. CONSENT AGENDA (C)
AGENDA TITLE:	Resolution 2020-1194 Authorizing Assignment of Authorized Officers and NM Environment Department Grant Agreement 20-E2180-STB, NM Hwy 173 Waterline Relocation

ACTION REQUESTED BY:	Approval of Resolution 2020-1194 and Grant Agreement
ACTION REQUESTED:	Public Works & Finance Departments
SUMMARY BY:	Kathy Lamb & Stephen Morse

PROJECT DESCRIPTION / FACTS

- The 2020 New Mexico Legislature appropriated \$1.5 million for the replacement of the city owned waterline along NM173. NM Department of Transportation has construction planned for a portion of the highway and requires the waterline to be relocated. While replacement of this specific portion of the waterline will be the construction priority for the City, the remainder of the waterline will be designed for replacement increasing the pipe diameter from 6" to 8" (current city standard).
- Specific to this grant agreement:
 - Resolution is required authorizing individuals by position to be signatory and/or representatives of the City for the project. Multiple individuals have been named to eliminate delay in document execution over the term of the project.
 - 5% of the appropriated funds, or \$75,000, must be encumbered within six months of acceptance of grant agreement and expend no less than 85% six months prior to the reversion date of June 30, 2024.
- Project status – a RFP has been issued for engineering services but has not been awarded yet. Questions regarding the engineering services award have been submitted to determine if grant funds would be available if the City were to proceed with an award prior to grant execution or if the RFP will be required to be re-issued.

PROCUREMENT / PURCHASING (if applicable)

- Not Applicable to this item.

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

- The FY21 Adopted Annual Budget will include this project and grant funding.

SUPPORT DOCUMENTS: Resolution 2020-1194 Authorizing Assignment of Authorized Officers and Representatives
NMED Grant Agreement 20-E2180-STB
Project Description

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2020-1194 Authorizing Assignment of Authorized Officers and NM Environment Department Grant Agreement 20-E2180-STB, NM Hwy 173 Waterline Relocation

RESOLUTION 2020-1194

**A RESOLUTION AUTHORIZING THE ASSIGNMENT OF OFFICIAL
REPRESENTATIVES AND SIGNATORY AUTHORITIES**

Whereas, the City Commission of the City of Aztec of San Juan County of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

Whereas, the Agreement is identified as SAP 20-E2180-STB

NOW THEREFORE, BE IT RESOLVED by the name applicant:

Victor C. Snover, Mayor or Rosalyn A. Fry, Mayor Pro-Tem, or their successors are authorized to sign the agreement for this project, and

Steve Mueller, City Manager; Stephen Morse, Public Works Director/City Engineer; Kris Farmer, Acct III or Kathy Lamb, Finance Director, or any of their successors are the OFFICIAL REPRESENTATIVES who are authorized to submit any documents pertaining to the project and act as the single point of contact.

Passed, Adopted and Approved this 28th day of July 2020.

MAYOR VICTOR C. SNOVER

SEAL
ATTEST:

KARLA SAYLER, CITY CLERK

Grantee:

Name of Borrower: CITY OF AZTEC

Project Number: SAP 20-E2180-STB

Current Authorized Signatures (submit with Signature Resolution; update when necessary)

Authorized to Sign Grant Agreement			
Name	VICTOR C. SNOVER	Name	ROSALYN A. FRY
Title	MAYOR	Title	MAYOR PRO-TEM
Signature		Signature	
Address	201 W CHACO ST	Address	201 W CHACO ST
	AZTEC NM 87410		AZTEC NM 87410
Email	VSNOVER@AZTECNM.GOV	Email	RFRY@AZTECNM.GOV
Phone	505-334-7600	Phone	505-334-7600
All Other Documents			
Name	STEPHEN MORSE	Name	STEVE MUELLER
Title	PW DIRECTOR, CITY ENGINEER	Title	CITY MANAGER
Signature		Signature	
Address	201 W CHACO ST	Address	201 W CHACO ST
	AZTEC NM 87410		AZTEC NM 87410
Email	SMORSE@AZTECNM.GOV	Email	SMUELLER@AZTECNM.GOV
Phone	505-334-7661	Phone	505-334-7602
Disbursements Only ALL OTHER DOCUMENTS			
Name	KRIS FARMER	Name	KATHY LAMB
Title	ACCT III	Title	FINANCE DIRECTOR
Signature		Signature	
Address	201 W CHACO ST	Address	201 W CHACO ST
	AZTEC NM 87410		AZTEC NM 87410
Email	KFARMER@AZTECNM.GOV	Email	KLAMB@AZTECNM.GOV
Phone	505-334-7651	Phone	505-334-7653

NMED ATTACHMENT A
NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU
PROJECT DESCRIPTION

Name of Grantee: City of Aztec
Project Number: SAP 20-E2180-STB

NM Department of Transportation is reconstructing a portion of NM173 (construction currently scheduled for 2020) and has advised the City will be required to relocate a 6" waterline located within the project limits, approximately 8,100 feet. In addition, the City will replace 13,500' of the waterline west and east of the NMDOT project to provide consistent line diameter and construction material for the entire waterline (constructed in the 1990s)

The City will procure professional engineer services to design replacement of the waterline, increasing the pipe size from 6" to 8" as per current City construction standards, acquiring necessary easements and/or right of ways, preparation of various documents required for project approval and prepare construction plans in anticipation of phased construction as funding becomes available. Construction priority will be the replacement of the waterline within the NMDOT project with additional phases to be constructed based on available funding.

Project process will include: Plan design, including environmental reports which may be required, acquired utility easements as may be required, and construction of the waterline. In accordance with the State of New Mexico Procurement Code, a RFP for planning, design and construction management services will be issued and a formal bid will be issued for construction.

X

X

Official Representative/Date

NMED Project Manager Approval/Date

**STATE OF NEW MEXICO
DEPARTMENT OF ENVIRONMENT
CAPITAL APPROPRIATION PROJECT
NM HWY 173 WATER LINE RELOCATION AZTEC
SAP 20-E2180-STB**

THIS AGREEMENT is made and entered into as of this [____] day of [_____], 20[___], by and between the New Mexico Environment Department hereinafter called the “Department” or “NMED”, and City of Aztec hereinafter called the “Grantee”. This Agreement shall be effective as of the date it is executed by the Department.

RECITALS

WHEREAS, in the Laws of 2020, Chapter 81, Section 26, Paragraph 81, the Legislature made an appropriation to the Department, funds from which the Department is making available to the Grantee pursuant to this Agreement; and

WHEREAS, the Department is granting to Grantee, and the Grantee is accepting the grant of, funds from this appropriation, in accordance with the terms and conditions of this Agreement; and

WHEREAS, NMED is empowered pursuant to Section 74-1-6 B, NMSA 1978 to contract in its own name.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the parties hereby mutually agree as follows:

ARTICLE I. PROJECT DESCRIPTION, AMOUNT OF GRANT AND REVERSION DATE

A. The project that is the subject of this Agreement is described as follows:

SAP 20-E2180-STB (\$1,500,000.00) APPROPRIATION REVERSION DATE: **June 30, 2024
Laws of 2020 Chapter 81, Section 26, Paragraph 81, One Million Five Hundred Thousand Dollars
(\$1,500,000.00):**

to acquire utility easements and to plan, design and construct water lines along New Mexico highway 173 in Aztec in San Juan county

The Grantee’s total reimbursements shall not exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) minus the allocation for Art in Public Places¹, if applicable, No Dollars (\$0.00) which equals One Million Five Hundred Thousand Dollars (\$1,500,000.00) (the “Adjusted Appropriation Amount”).

¹ The AIPP amount is “an amount of money equal to one percent or two hundred thousand dollars (\$200,000), whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding one hundred thousand dollars (\$100,000).” Section 13-4A-4 NMSA 1978.

In the event of a conflict among the Appropriation Amount, the Reversion Date, as defined herein and/or the purpose of the Project, as set forth in this Agreement, and the corresponding appropriation language in the laws cited above in this Article I(A), the language of the laws cited herein shall control.

This project is referred to throughout the remainder of this Agreement as the “Project”; the information contained in Article I(A) is referred to collectively throughout the remainder of this Agreement as the “Project Description.” Optional Attachment A sets forth additional or more stringent requirements and conditions, which are incorporated by this reference as if set forth fully herein. If Optional Attachment A imposes more stringent requirements than any requirement set forth in this Agreement, the more stringent requirements of Attachment A shall prevail, in the event of irreconcilable conflict. The Grantee shall reference the Project's number in all correspondence with and submissions to the Department concerning the Project, including, but not limited to, Requests for Payment and reports.

ARTICLE II. LIMITATION ON DEPARTMENT’S OBLIGATION TO MAKE GRANT DISBURSEMENT TO GRANTEE

A. Upon the Effective Date of this Agreement, for permissible purposes within the scope of the Project Description, the Grantee shall only be reimbursed monies for which the Department has issued and the Grantee has received a Notice of Department’s Obligation to Reimburse² Grantee (hereinafter referred to as “Notice of Obligation”). This Grant Agreement and the disbursement of any and all amounts of the above referenced Adjusted Appropriation Amount are expressly conditioned upon the following:

- (i) Irrespective of any Notice of Obligation, the Grantee’s expenditures shall be made on or before the Reversion Date and, if applicable, an Early Termination Date (i.e., the goods have been delivered and accepted or the title to the goods has been transferred to the Grantee and/or the services have been rendered for the Grantee); and
- (ii) The total amount received by the Grantee shall not exceed the lesser of: (a) the Adjusted Appropriation Amount identified in Article I(A) herein or (b) the total of all amounts stated in the Notice(s) of Obligation evidencing that the Department has received and accepted the Grantee’s Third-Party Obligation(s), as defined in subparagraph iii of this Article II(A); and
- (iii) The Grantee’s expenditures were made pursuant to the State Procurement Code and execution of binding written obligations or purchase orders with Third-Party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the Project, hereinafter referred to as “Third-Party Obligations”; and
- (iv) The Grantee’s submittal of timely Requests for Payment in accordance with the procedures set forth in Article IX of this Agreement; and
- (v) In the event that capital assets acquired with Project funds are to be sold, leased, or licensed to or operated by a private entity, the sale, lease, license, or operating agreement:
 - a. must be approved by the applicable oversight entity (if any) in accordance with law; or
 - b. if no oversight entity is required to approve the transaction, the Department must approve the transaction as complying with law.

Prior to the sale, lease, license, or operating agreement being approved pursuant to Articles II(A)(v)(a) and II(A)(v)(b) herein, the Department may, in its sole and absolute discretion and unless inconsistent with State Board of Finance imposed conditions, reimburse the Grantee for necessary expenditures

² “Reimburse” as used throughout this Agreement includes Department payments to the Grantee for invoices received, but not yet paid, by the Grantee from a Third-Party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee.

incurred to develop the Project sufficiently to make the sale, lease, license, or operating agreement commercially feasible, such as plan and design expenditures; and

(vi) The Grantee's submission of documentation of all Third-Party Obligations and amendments thereto (including terminations) to the Department and the Department's issuance and the Grantee's receiving of a Notice of Obligation for a particular amount in accordance with the terms of this Agreement shall be governed by the following:

- a. The Grantee shall submit to the Department one copy of all Third-Party Obligations and amendments thereto (including terminations) as soon as possible after execution by the Third-Party **but prior to execution by the Grantee.**
- b. Grantee acknowledges and agrees that if it chooses to enter into a Third-Party Obligation prior to receiving a Notice of Obligation that covers the expenditure, it is solely responsible for such obligations.
- c. The Department may, in its sole and absolute discretion, issue to Grantee a Notice of Obligation for the particular amount of that Third-Party Obligation that only obligates the Department to reimburse Grantee's expenditures made on or before the Reversion Date or an Early Termination Date. The current Notice of Obligation form is attached to this Agreement as Exhibit 2.
- d. The date the Department signs the Notice of Obligation is the date that the Department's Notice of Obligation is effective. After that date, the Grantee is authorized to budget the particular amount set forth in the Notice of Obligation, execute the Third-Party Obligation and request the Third-Party to begin work. Payment for any work performed or goods received prior to the effective date of the Notice of Obligation is wholly and solely the obligation of the Grantee.

B. The Grantee shall implement, in all respects, the Project. The Grantee shall provide all necessary qualified personnel, material, and facilities to implement the Project. The Grantee shall finance its share (if any) of the costs of the Project, including all Project overruns.

C. Project funds shall not be used for purposes other than those specified in the Project Description.

D. Unless specifically allowed by law, Project funds cannot be used to reimburse Grantee for indirect Project costs.

ARTICLE III. NOTICE PROVISIONS AND GRANTEE AND DEPARTMENT DESIGNATED REPRESENTATIVES

Whenever written notices, including written decisions, are to be given or received, related to this Agreement, the following provisions shall apply.

The Grantee designates the person(s) listed below, or their successor, as their official representative(s) concerning all matters related to this Agreement:

Grantee: _____
Name: _____
Title: _____
Address: _____
Email: _____
Telephone: _____

Please provide this information in the Resolution and Signature page; this page does NOT need to be completed.

The Grantee designates the person(s) listed below, or their successor, as their Fiscal Officer or Fiscal Agent concerning all matters related to this Agreement:

Grantee: _____
Name: _____
Title: _____
Address: _____
Email: _____
Telephone: _____

The Department designates the persons listed below, or their successors, as the Points of Contact for matters related to this Agreement.

Department: New Mexico Environment Department
Name: Bertha Aragon
Title: Project Administrator
Address: Construction Program Bureau
NMED, Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

Email: bertha.aragon@state.nm.us
Telephone: 505-670-3615

The Grantee and the Department agree that either party shall send all notices, including written decisions, related to this Agreement to the above-named persons by email or regular mail. In the case of mailings, notices shall be deemed to have been given and received upon the date of the receiving party’s actual receipt or five calendar days after mailing, whichever shall first occur. In the case of email transmissions, the notice shall be deemed to have been given and received on the date reflected on the delivery receipt of email.

ARTICLE IV. REVERSION DATE, TERM, DEADLINE TO EXPEND FUNDS

A. As referenced in Article I(A), the applicable law establishes a date by which Project funds must be expended by Grantee, which is referred to throughout the remainder of this Agreement as the “Reversion Date.” Upon being duly executed by both parties, this Agreement shall be effective as of the date of execution by the

Department. It shall terminate on June 30, 2024 the Reversion Date unless Terminated Before Reversion Date (“Early Termination”) pursuant to Article V herein.

B. The Project’s funds must be expended on or before the Reversion Date and, if applicable, Early Termination Date of this Agreement. For purposes of this Agreement, it is not sufficient for the Grantee to encumber the Project funds on its books on or before the Project's Reversion Date or Early Termination Date. Funds are expended and an expenditure has occurred as of the date that a particular quantity of goods are delivered to and received by the Grantee or title to the goods is transferred to the Grantee and/or as of the date particular services are rendered for the Grantee. Funds are *not* expended and an expenditure has *not* occurred as of the date they are encumbered by the Grantee pursuant to a contract or purchase order with a Third-Party.

ARTICLE V. EARLY TERMINATION

A. Early Termination Before Reversion Date Due to Completion of the Project or Complete Expenditure of the Adjusted Appropriation or Violation of this Agreement

Early Termination includes:

- (i) Termination due to completion of the Project before the Reversion Date; or
- (ii) Termination due to complete expenditure of the Adjusted Appropriation Amount before the Reversion Date; or
- (iii) Termination for violation of the terms of this Agreement; or
- (iv) Termination for suspected mishandling of public funds, including but not limited to, fraud, waste, abuse, and conflicts of interest.

Either the Department or the Grantee may early terminate this Agreement prior to the Reversion Date by providing the other party with a minimum of fifteen (15) days’ advance, written notice of early termination. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V(A).

B. Early Termination Before Reversion Date Due to Non-appropriation

The terms of this Agreement are expressly made contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. Throughout this Agreement the term “non-appropriate” or “non-appropriation” includes the following actions by the New Mexico Legislature: deauthorization, reauthorization or revocation of a prior authorization. The Legislature may choose to non-appropriate the Appropriation referred to in Article I and, if that occurs, the Department shall early terminate this Agreement for non-appropriation by giving the Grantee written notice of such termination, and such termination shall be effective as of the effective date of the law making the non-appropriation. The Department’s decision as to whether sufficient appropriations or authorizations are available shall be accepted by the Grantee and shall be final. Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department pursuant to Article V(B).

C. Limitation on Department’s Obligation to Make Grant Disbursements to Grantee in the Event of Early Termination

In the event of Early Termination of this Agreement by either party, the Department’s sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth Article II.

ARTICLE VI. SUSPENSION OF NEW OR FURTHER OBLIGATIONS

A. The Department may choose, in its sole and absolute discretion, to provide written notice to the Grantee to suspend entering into new and further obligations. Upon the receipt of such written notice by the Grantee:

- (i) The Grantee shall immediately suspend entering into new or further written obligations with third parties; and
- (ii) The Department will suspend the issuance of any new or further Notice of Obligation under this Agreement; and
- (iii) The Department may direct the Grantee to implement a corrective action plan in accordance with Article VI(D) herein.

B. In the event of Suspension of this Agreement, the Department's sole and absolute obligation to reimburse the Grantee is expressly conditioned upon the limitations set forth in Article II herein.

C. A suspension of new or further obligations under this Agreement shall remain in effect unless or until the date the Grantee receives written notice given by the Department informing the Grantee that the Suspension has been lifted or that the Agreement has been Early Terminated in accordance with Article V herein. If the Suspension is lifted, the Department will consider further requests for Notice of Obligation.

D. Corrective Action Plan in the Event of Suspension

In the event that the Department chooses, in its sole and absolute discretion to direct the Grantee to suspend entering into new or further written obligations with third parties pursuant to Article VI(A), the Department may, but is not obligated to, require the Grantee to develop and implement a written corrective action plan to remedy the grounds for the Suspension. Such corrective action plan must be approved by the Department and be signed by the Grantee. Failure to sign a corrective action plan or meet the terms and deadlines set forth in the signed corrective action plan, is hereby deemed a violation of the terms of this Agreement for purposes of Early Termination, Article V(A)(iii). The corrective action plan is in addition to, and not in lieu of, any other equitable or legal remedy, including but not limited to Early Termination.

ARTICLE VII. AMENDMENT

This Agreement shall not be altered, changed, or amended except by instrument in writing duly executed by both the parties hereto.

ARTICLE VIII. REPORTS

A. Database Reporting

The Grantee shall report monthly Project activity by entering such Project information as the Department and the Department of Finance and Administration may require, such information entered directly into a database maintained by the Department of Finance and Administration (<http://cpms.dfa.state.nm.us>). Additionally, the Grantee shall certify on the Request for Payment form (Exhibit 1) that updates have been maintained and are current in the database. The Grantee hereby acknowledges that failure to perform and/or certify updates into the database will delay or potentially jeopardize the reimbursement of funds. The Department shall give Grantee a minimum of thirty (30) days' advance written notice of any changes to the information the Grantee is required to report.

Monthly reports shall be due on the last day of each month, beginning with the first full month following execution of this Agreement by the Department and ending upon the submission of the final request for reimbursement for the Project.

B. Requests for Additional Information/Project Inspection

During the term of this Agreement and during the period of time during which the Grantee must maintain records pursuant to Article VIII, the Department may:

- (i) request such additional information regarding the Project as it deems necessary; and
- (ii) conduct, at reasonable times and upon reasonable notice, onsite inspections of the Project.

Grantee shall respond to such requests for additional information within a reasonable period of time, as established by the Department.

ARTICLE IX. REQUEST FOR PAYMENT PROCEDURES AND DEADLINES

A. The Grantee shall request payment by submitting a Request for Payment, in the form attached hereto as Exhibit 1. Payment requests are subject to the following procedures:

- (i) The Grantee must submit a Request for Payment; and
- (ii) Each Request for Payment must contain proof of payment by the Grantee or liabilities incurred by the Grantee showing that the expenditures are valid or are liabilities incurred by the Grantee in the form of actual unpaid invoices received by the Grantee for services rendered by a Third-Party or items of tangible personal property received by the Grantee for the implementation of the Project; provided, however, that the Grantee may be reimbursed for unpaid liabilities only if the Department, in its sole and absolute discretion, agrees to do so and in accordance with any special conditions imposed by the Department.
- (iii) In cases where the Grantee is submitting a Request for Payment to the Department based upon invoices received, but not yet paid, by the Grantee from a Third-Party contractor or vendor, if the invoices comply with the provisions of this Agreement and are a valid liability of the Grantee, the Grantee shall make payment to those contractors or vendors within five (5) business days from the date of receiving reimbursement from the Department or such shorter period of time as the Department may prescribe in writing. The Grantee is required to certify to the Department proof of payment to the Third-Party contractor or vendor within ten (10) business days from the date of receiving reimbursement from the Department.

B. The Grantee must obligate 5% of the Adjusted Appropriation Amount within six months of acceptance of the grant agreement and must have expended no less than 85% of the Adjusted Appropriation Amount six months prior to the reversion date.

C. Deadlines

Requests for Payments shall be submitted by Grantee to the Department on the earlier of:

- (i) Immediately as they are received by the Grantee but at a minimum thirty (30) days from when the expenditure was incurred or liability of the Grantee was approved as evidenced by an unpaid invoice received by the Grantee from a Third-Party contractor or vendor; or
- (ii) July 15 of each year for all unreimbursed expenditures incurred during the previous fiscal year; or
- (iii) Twenty (20) days from date of Early Termination; or
- (iv) Twenty (20) days from the Reversion Date.

D. The Grantee's failure to abide by the requirements set forth in Article II and Article IX herein will result in the denial of its Request for Payment or will delay the processing of Requests for Payment. The Department has the right to reject a payment request for the Project unless and until it is satisfied that the expenditures in the Request for Payment are for permissible purposes within the meaning of the Project Description and that the expenditures and the Grantee are otherwise in compliance with this Agreement, including but not limited to, compliance with the reporting requirements and the requirements set forth in Article II herein to provide Third-Party Obligations and the Deadlines set forth in Article IX herein. The Department's ability to reject any Request for Payment is in addition to, and not in lieu of, any other legal or equitable remedy available to the Department due to Grantee's violation of this Agreement.

ARTICLE X. PROJECT CONDITIONS AND RESTRICTIONS; REPRESENTATIONS AND WARRANTIES

- A. The following general conditions and restrictions are applicable to the Project:
- (i) The Project's funds must be spent in accordance with all applicable state laws, regulations, policies, and guidelines, including, but not limited to, the State Procurement Code (or local procurement ordinance, where applicable).
 - (ii) The Project must be implemented in accordance with the New Mexico Public Works Minimum Works Act, Section 13-4-10 through 13-4-17 NMSA 1978, as applicable. Every contract or project in excess of sixty thousand dollars (\$60,000) that the Grantee is a party to for construction, alteration, demolition or repair or any combination of these, including painting and decorating, of public buildings, public works or public roads and that requires or involves the employment of mechanics, laborers or both shall contain a provision stating the minimum wages and fringe benefits to be paid to various classes of laborers and mechanics, shall be based upon the wages and benefits that will be determined by the New Mexico Department of Workforce Solutions to be prevailing for the corresponding classes of laborers and mechanics employed on contract work of a similar nature in the locality. Further, every contract or project shall contain a stipulation that the contractor, subcontractor, employer or a person acting as a contractor shall pay all mechanics and laborers employed on the site of the project, unconditionally and not less often than once a week and without subsequent unlawful deduction or rebate on any account, the full amounts accrued at time of payment computed at wage rates and fringe benefit rates not less than those determined pursuant to Section 13-4-11 (B) NMSA 1978 to be the prevailing wage rates and prevailing fringe benefit rates issued for the project.
 - (iii) The Project may only benefit private entities in accordance with applicable law, including, but not limited to, Article IX, Section 14 of the Constitution of the State of New Mexico, the "Anti-Donation Clause."
 - (iv) The Grantee shall not for a period of 10 years from the date of this agreement convert any property acquired, built, renovated, repaired, designed or developed with the Project's funds to uses other than those specified in the Project Description without the Department's and the Board of Finance's express, advance, written approval, which may include a requirement to reimburse the State for the cost of the project, transfer proceeds from the disposition of property to the State, or otherwise provide consideration to the State.
 - (v) The Grantee shall comply with all federal and state laws, rules and regulations pertaining to equal employment opportunity. In accordance with all such laws, rules and regulations the Grantee agrees to assure that no person shall, on the grounds of race, color, national origin, sex,

sexual preference, age or handicap, be excluded from employment with Grantee, be excluded from participation in the Project, be denied benefits or otherwise be subject to discrimination under, any activity performed under this Agreement. If Grantee is found to be not in compliance with these requirements during the life of this Agreement, Grantee agrees to take appropriate steps to correct any deficiencies. The Grantee's failure to implement such appropriate steps within a reasonable time constitutes grounds for terminating this Agreement.

- B. The Grantee hereby represents and warrants the following:
- (i) The Grantee has the legal authority to receive and expend the Project's funds.
 - (ii) This Agreement has been duly authorized by the Grantee, the person executing this Agreement has authority to do so, and, once executed by the Grantee, this Agreement shall constitute a binding obligation of the Grantee, enforceable according to its terms.
 - (iii) This Agreement and the Grantee's obligations hereunder do not conflict with any law or ordinance or resolution applicable to the Grantee, the Grantee's charter (if applicable), or any judgment or decree to which the Grantee is subject.
 - (iv) The Grantee has independently confirmed that the Project Description, including, but not limited to, the amount and Reversion Date, is consistent with the underlying appropriation in law.
 - (v) The Grantee's governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the Grantee to sign the Agreement and to sign Requests for Payment.
 - (vi) The Grantee shall abide by New Mexico laws regarding conflicts of interest, governmental conduct and whistleblower protection. The Grantee specifically agrees that no officer or employee of the local jurisdiction or its designees or agents, no member of the governing body, and no other public official of the locality who exercises any function or responsibility with respect to this Grant, during their tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed or goods to be received, pursuant to this Grant. Further, Grantee shall require all of its contractors to incorporate in all subcontracts the language set forth in this paragraph prohibiting conflicts of interest.
 - (vii) No funds have been paid or will be paid, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of this or any agency or body in connection with the awarding of any Third-Party Obligation and that the Grantee shall require certifying language prohibiting lobbying to be included in the award documents for all sub awards, including subcontracts, loans and cooperative agreements. All subrecipients shall be required to certify accordingly.

ARTICLE XI. STRICT ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS; PROJECT RECORDS

A. The Grantee shall be strictly accountable for receipts and disbursements relating to the Project's funds. The Grantee shall follow generally accepted accounting principles, and, if feasible, maintain a separate bank account or fund with a separate organizational code, for the funds to assure separate budgeting and accounting of the funds.

B. For a period of six (6) years following the Project's completion, the Grantee shall maintain all Project related records, including, but not limited to, all financial records, requests for proposals, invitations to bid,

selection and award criteria, contracts and subcontracts, advertisements, minutes of pertinent meetings, as well as records sufficient to fully account for the amount and disposition of the total funds from all sources budgeted for the Project, the purpose for which such funds were used, and such other records as the Department shall prescribe.

C. The Grantee shall make all Project records available to the Department, the Department of Finance and Administration, and the New Mexico State Auditor upon request. With respect to the funds that are the subject of this Agreement, if the State Auditor or the Department of Finance and Administration finds that any or all of these funds were improperly expended, the Grantee may be required to reimburse to the State of New Mexico, to the originating fund, any and all amounts found to be improperly expended.

ARTICLE XII. IMPROPERLY REIMBURSED FUNDS

If the Department determines that part or all of the Appropriation Amount was improperly reimbursed to Grantee, including but not limited to, Project funds reimbursed to Grantee based upon fraud, mismanagement, misrepresentation, misuse, violation of law by the Grantee, or violation of this Agreement, the Grantee shall return such funds to the Department for disposition in accordance with law.

ARTICLE XIII. LIABILITY

Neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to immunities and limitations of the New Mexico Tort Claims Act.

ARTICLE XIV. SCOPE OF AGREEMENT

This Agreement constitutes the entire and exclusive agreement between the Grantee and Department concerning the subject matter hereof. The Agreement supersedes any and all prior or contemporaneous agreements, understandings, discussions, communications, and representations, written or verbal.

ARTICLE XV. REQUIRED NON-APPROPRIATIONS CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

The Grantee acknowledges, warrants, and agrees that Grantee shall include a “non-appropriations” clause in all contracts between it and other parties that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement that states:

“The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, the City of Aztec may immediately terminate this Agreement by giving Contractor written notice of such termination. The City of Aztec’s decision as to whether sufficient appropriations are available shall be accepted by the Contractor and shall be final. Contractor hereby waives any rights to assert an impairment of contract claim against the City of Aztec or the New Mexico Environment Department or the State of New Mexico in the event of immediate or Early Termination of this Agreement by the City of Aztec or the Department”

ARTICLE XVI. REQUIRED TERMINATION CLAUSE IN CONTRACTS FUNDED IN WHOLE OR PART BY FUNDS MADE AVAILABLE UNDER THIS AGREEMENT

Grantee acknowledges, warrants, and agrees that Grantee shall include the following termination clause in all contracts that are (i) funded in whole or part by funds made available under this Agreement and (ii) entered into after the effective date of this Agreement:

“This contract is funded in whole or in part by funds made available under a New Mexico Environment Department Grant Agreement. Should the New Mexico Environment Department early terminate the grant agreement, the City of Aztec may early terminate this contract by providing Contractor written notice of such termination. In the event of termination pursuant to this paragraph, the City of Aztec’s only liability shall be to pay Contractor for acceptable goods delivered and services rendered before the termination date.”

Grantee hereby waives any rights to assert an impairment of contract claim against the Department or the State of New Mexico in the event of Early Termination of this Agreement by the Department.

ARTICLE XVII. COMPLIANCE WITH UNIFORM FUNDING CRITERIA.

- A. Throughout the term of this Agreement, Grantee shall:
1. submit all reports of annual audits and agreed upon procedures required by Section 12-6-3(A)-(B) NMSA 1978 by the due dates established in 2.2.2 NMAC, reports of which must be a public record pursuant to Section 12-6-5(A) NMSA 1978 within forty-five days of delivery to the State Auditor;
 2. have a duly adopted budget for the current fiscal year approved by its budgetary oversight agency (if any);
 3. timely submit all required financial reports to its budgetary oversight agency (if any); and
 4. have adequate accounting methods and procedures to expend grant funds in accordance with applicable law and account for and safeguard grant funds and assets acquired by grant funds.

- B. In the event Grantee fails to comply with the requirements of Paragraph A of this Article XVII, the Department may take one or more of the following actions:
1. suspend new or further obligations pursuant to Article VI(A) of this Agreement;
 2. require the Grantee to develop and implement a written corrective action plan pursuant to Article VI(D) of this Agreement to remedy the non-compliance;
 3. impose special grant conditions to address the non-compliance by giving the Grantee notice of such special conditions in accordance with Article III of this Agreement; the special conditions shall be binding and effective on the date that notice is deemed to have been given pursuant to Article III; or
 4. terminate this Agreement pursuant to Article V(A) of this Agreement.

ARTICLE XVIII. SEVERANCE TAX BOND AND GENERAL OBLIGATION BOND PROJECT CLAUSES (Applicable only if the appropriation is funded by Severance Tax Bonds or General Obligations Bonds).

A. Grantee acknowledges and agrees that the underlying appropriation for the Project is a severance tax bond or general obligation bond appropriation, and that the associated bond proceeds are administered by the New Mexico State Board of Finance (SBOF), an entity separate and distinct from the Department. Grantee acknowledges and agrees that (i) it is Grantee’s sole and absolute responsibility to determine through SBOF staff what (if any) conditions are currently imposed on the Project; (ii) the Department’s failure to inform

Grantee of a SBOF imposed condition does not affect the validity or enforceability of the condition; (iii) the SBOF may in the future impose further or different conditions upon the Project; (iv) all SBOF conditions are effective without amendment of this Agreement; (v) all applicable SBOF conditions must be satisfied before the SBOF will release to the Department funds subject to the condition(s); and (vi) the Department's obligation to reimburse Grantee from the Project is contingent upon the then current SBOF conditions being satisfied.

B. Grantee acknowledges and agrees that the SBOF may in its sole and absolute discretion remove a project's assigned bond proceeds if the project doesn't proceed sufficiently. Entities must comply with the requirement to encumber five percent (5%) of Project funds within six months of bond issuance as certified by the grantee in the Bond Questionnaire and Certification documents submitted to the SBOF. Failure to comply may result in the bond proceeds reassignment to a new ready project. If this should occur this grant agreement will be suspended until the entity has demonstrated readiness as determined by the SBOF and the Department.

C. Grantee acknowledges and agrees that this Agreement is subject to the SBOF's Bond Project Disbursements rule, NMAC 2.61.6, as may be amended or re-codified. The rule provides definitions and interpretations of grant language for the purpose of determining whether a particular activity is allowable under the authorizing language of the agreement.

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Authorization Page

NM HWY 173 WATER LINE RELOCATION AZTEC SAP 20-E2180-STB

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the date of execution by the Department.

GRANTEE

Signature of Official with Authority to Bind Grantee

Entity Name

By: _____
(Type or Print Name)

Its: _____
(Type or Print Title)

Date

NEW MEXICO ENVIRONMENT DEPARTMENT

By:

Its: Cabinet Secretary or Designee

Date

Staff Summary Report

MEETING DATE:	July 28, 2020
AGENDA ITEM:	VIII. BUSINESS AGENDA (A) UPDATED
AGENDA TITLE:	Resolution 2020-1193 FY2021 Annual Budget Adoption

ACTION REQUESTED BY:	Finance Department
ACTION REQUESTED:	Approval of Resolution 2020-1193 FY2021 Annual Budget Adoption
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS (Leading Department)

- Resolution 2020-1193 adopts the fiscal year 2020-2021 budget for the City of Aztec. The State Division of Local Government granted interim approval of the City's preliminary budget on June 25, 2020. Following adoption by the City Commission of the annual budget, the final budget documents will be submitted to the local government division. The city budget is to be submitted for final approval by July 31, 2020.
- The Commission provided preliminary approval for the FY21 budget during the June 1, 2020 meeting following workshops on May 12 and May 21, 2020.
- Recommended adjustment for Adopted Budget:

Grant revenue and expenditures for:
Animal Care Best Friends Feline Program
Senior Food Program
Law Enforcement Body Cameras
NMED River Stabilization Project
NMED Hwy173 Waterline Project

Personnel
Information Technology support position
Police Patrol position
Procurement position

Expenditure:
COVID Response budget increase
Law Enforcement Body Cameras (grant funds are not available for 100% of the cost)
North Main Project (flood study costs)
Joint Utility projects not completed in June 2020 will be included as a re-appropriation in FY21.
Lodgers Tax – final budget recommendation from LTAB

Transfers:

- Senior Food Program will require a \$45,000 transfer from General Fund (not included in the preliminary budget)
 - Airport Fund will require a \$10,000 transfer from General Fund (not included in the preliminary budget)
 - HUB closing will result in transfer of purchase price (\$135,000) from General Fund to Joint Utility (carry over from FY20)
- From the FY21 Preliminary Budget to FY21 Recommended Adopted Budget (all funds)
 - Increase in beginning cash balances \$2,214,457
 - Total increase in revenues \$1,633,736
 - Total increase in expenditures \$2,151,661
 - Total increase in transfers \$ 195,000
 - Increase in ending cash balances \$1,696,532
 - General Fund ending balance increase (preliminary to adopted) \$835,108

FISCAL INPUT (If applicable, Finance Department)

	<u>Preliminary</u>	<u>Final</u>
Total budgeted revenues	\$19,432,802	\$21,066,538
Total budgeted expenditures	\$26,995,953	\$29,147,614
Total transfers between funds	\$ 75,000	\$ 270,000

The difference between final revenue and expenditures is \$8,081,076 requiring the use of cash reserves in multiple funds.

SUPPORT DOCUMENTS:

Resolution 2020-1193 including Exhibit A Budget Recap
FY2021 Final Adjustments
FY2021 Interim Budget Recap

DEPARTMENT'S RECOMMENDED MOTION: Move and Second Approval of Resolution 2020-1193 FY21 Annual Budget Adoption

**Resolution 2020-1193
State Of New Mexico, City Of Aztec
2020-2021 BUDGET ADOPTION, 107th FISCAL YEAR**

WHEREAS, the Governing body in and for the City of Aztec, State of New Mexico has developed a budget for fiscal year 2020-2021, and

WHEREAS, said budget was developed on the basis of need and through cooperation with all departments, elected officials and other department supervisors; and

WHEREAS, public workshops and meeting for the review of the annual budget were duly advertised and held on May 12 and May 21, 2020. Preliminary approval of the budget was provided on June 1, 2020. The adoption of the final budget was posted and included on the July 28, 2020 Commission Meeting Agenda as required by the State Open Meetings Act; and

WHEREAS, it is the majority opinion of this Commission that the proposed budget meets the requirements as currently determined for fiscal year 2020-2021 and the 2020-2021 Municipality Recap is attached hereto as EXHIBIT "A".

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Aztec, State of New Mexico, hereby adopts the budget herein above described and respectfully requests approval from the Local Government Division of the Department of Finance of Administration.

RESOLVED: In session this 28th day of July, 2020.

MUNICIPAL GOVERNING BOARD AZTEC, NEW MEXICO

Mayor Victor C. Snover

Mayor Pro-Tem Rosalyn A Fry

Commissioner Mark E. Lewis

Commissioner Michael A. Padilla, Sr.

Commissioner Austin R. Randall

ATTEST:

Karla Sayler, City Clerk

State of New Mexico
Local Government Budget Management System (LGBMS)

Budget Recap - Fiscal Year 2020-2021
Aztec (City) - Final - Entity

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Fund	Cash	Investments	Revenues	Transfers	Expenditures	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	4,085,290.00	0.00	5,676,340.00	-270,000.00	7,936,143.00	1,555,487.00	661,345.25	894,141.75
20100 Corrections	16,708.00	0.00	55,250.00	75,000.00	130,000.00	16,958.00	0.00	16,958.00
20900 Fire Protection	498,937.00	0.00	157,669.00	0.00	154,010.00	502,596.00	0.00	502,596.00
21100 Law Enforcement Protection	4,492.00	0.00	28,500.00	0.00	32,790.00	202.00	0.00	202.00
21400 Lodgers' Tax	79,114.00	0.00	20,200.00	0.00	55,000.00	44,314.00	0.00	44,314.00
21600 Municipal Street	1,695,985.00	0.00	271,000.00	0.00	439,000.00	1,527,985.00	0.00	1,527,985.00
21800 Intergovernmental Grants	39,278.00	0.00	448,160.00	45,000.00	491,541.00	40,897.00	0.00	40,897.00
29900 Other Special Revenue	151,061.00	0.00	217,672.00	10,000.00	378,322.00	411.00	0.00	411.00
30200 CDBG (HUD) Project	4,345.00	0.00	0.00	0.00	0.00	4,345.00	0.00	4,345.00
30500 Gross Receipts Tax Proceeds Project	1,202,539.00	0.00	2,763,467.00	0.00	3,498,199.00	467,807.00	0.00	467,807.00
50200 Solid Waste Enterprise	103,880.00	0.00	1,033,500.00	0.00	1,041,000.00	96,380.00	0.00	96,380.00
52100 Joint Utility	15,278,831.00	75,000.00	10,387,280.00	140,000.00	14,931,809.00	10,949,302.00	0.00	10,949,302.00
53500 Water Rights	535,856.00	0.00	6,500.00	0.00	40,000.00	502,356.00	0.00	502,356.00
59900 Other Enterprise	98,084.00	0.00	1,000.00	0.00	19,800.00	79,284.00	0.00	79,284.00
Totals	23,794,400.00	75,000.00	21,066,538.00	0.00	29,147,614.00	15,788,324.00	661,345.25	15,126,978.75

FY21 ADOPTED BUDGET FINAL ADJUSTMENTS

GENERAL FUND

DEPARTMENT	DESCRIPTION	ADJ
City Commission	Commission retreat estimate	5,000.00
Economic Development	Reclassify preliminary budget funds available for 4CEDs contribution	(10,000.00)
Human Resources	Establish funding for employee training due to NMSIF safety training program re-evaluation	15,000.00
Finance	Procurement position - funds to accelerate hiring of position from January 2021 to September 2020	16,671.00
Info Tech	IT Support position - funds to accelerate hiring of position from January 2021 to September 2020	14,275.00
Info Tech	Replacement of 3 network servers	20,000.00
Police	Patrol position - funds to accelerate hiring of position from January 2021 to September 2020	41,848.00
Police	Body cameras, server, components, training, licensing & maintenance costs	74,710.00
Animal Care	Best Friends cat program	59,000.00
Senior Center	Senior Food program - reclassify costs to Fund 218 Intergovernment Grants	(36,771.00)
Community Support	Reclassify preliminary budget funds available for 4CEDs contribution	10,000.00
Community Support	COVID 19 - add'l funds for supplies & equipment	20,000.00

TOTAL EXPENDITURES	Adjustment	229,733.00
	Original Budget	7,706,410.00
	Recommended Adopted Budget	7,936,143.00

Police	NMSIF Body Camera Program	19,900.00
Animal Care	Best Friends Cat Program	59,000.00

TOTAL REVENUES	Adjustment	78,900.00
	Original Budget	5,597,440.00
	Recommended Adopted Budget	5,676,340.00

	To Intergovernment Grants - Senior Food	45,000.00
	To Airport Fund	10,000.00
	To Joint Utility (HUB)	140,000.00

TOTAL TRANSFERS	Adjustment	195,000.00
	Original Budget	75,000.00
	Recommended Adopted Budget	270,000.00

FY21 ADOPTED BUDGET FINAL ADJUSTMENTS

LAW ENFORCEMENT PROTECTION FUND (L.E.P.F.)

DEPARTMENT	DESCRIPTION	ADJ
Police	FY20 carry over - equipment	3,890.00
TOTAL EXPENDITURES	Adjustment	3,890.00
	Original Budget	28,900.00
	Recommended Adopted Budget	32,790.00

INTERGOVERNMENTAL GRANTS FUND

DEPARTMENT	DESCRIPTION	ADJ
Parks	NMED Riverbank Stabilization Program	138,324.00
Senior Center	Senior Food Program	2,238.00
TOTAL EXPENDITURES	Adjustment	140,562.00
	Original Budget	350,979.00
	Recommended Adopted Budget	491,541.00

Community Development	NMFA Planning Grant - adjust to balance of funds	(8,796.00)
Parks	NMED Riverbank Stabilization Program	138,324.00
Senior Center	Program Reimbursement (City of Farmington)	(27,847.00)
Senior Center	Program Donations	(5,000.00)
TOTAL REVENUES	Adjustment	96,681.00
	Original Budget	351,479.00
	Recommended Adopted Budget	448,160.00

	Transfer from General Fund (Senior Food Program)	45,000.00
TOTAL TRANSFERS	Adjustment	45,000.00
	Original Budget	
	Recommended Adopted Budget	45,000.00

FY21 ADOPTED BUDGET FINAL ADJUSTMENTS

LODGERS TAX FUND

DEPARTMENT	DESCRIPTION	ADJ
Tourism	Marketing/Advertising - carry over funds from FY20	10,000.00
TOTAL EXPENDITURES	Adjustment	10,000.00
	Original Budget	45,000.00
	Recommended Adopted Budget	55,000.00
	Lodgers Tax Revenue - increase tax revenue budget	6,000.00
TOTAL REVENUES	Adjustment	6,000.00
	Original Budget	14,200.00
	Recommended Adopted Budget	20,200.00

AIRPORT FUND (OTHER SPECIAL FUNDS)

DEPARTMENT	DESCRIPTION	ADJ
Airport	FED: Airport Runway Maintenance Project (adjust to balance of project expenses)	(18,633.00)
Airport	ST: Maintenance grant supplies (adjust to balance of available grant funds)	(9,891.00)
Airport	ST: Airport Layout Plan (adjust to balance of project expenses)	(4,000.00)
TOTAL EXPENDITURES	Adjustment	(32,524.00)
	Original Budget	410,846.00
	Recommended Adopted Budget	378,322.00
Airport	FED: Airport Runway Maintenance Project (adjust to balance of grant funds)	(18,633.00)
Airport	ST: Maintenance grant (adjust to balance of available grant funds)	(8,841.00)
Airport	ST: Airport Layout Plan (adjust to balance of grant funds)	5,339.00
TOTAL REVENUES	Adjustment	(22,135.00)
	Original Budget	239,807.00
	Recommended Adopted Budget	217,672.00
	From General Fund	10,000.00
TOTAL TRANSFERS	Adjustment	10,000.00
	Original Budget	
	Recommended Adopted Budget	10,000.00

FY21 ADOPTED BUDGET FINAL ADJUSTMENTS

JOINT UTILITY FUND

DEPARTMENT	DESCRIPTION	ADJ
Electric	CPTL: Automated Meters (est 1500 meters to be installed in FY21)	100,000.00
Electric	CPTL: Funds to complete advance meter network	50,000.00
Water	CPTL: NM173 Waterline	1,500,000.00
Wastewater	CPTL: Llano Lift Station Upgrade (FY20 carry over)	75,000.00
TOTAL EXPENDITURES		
	Adjustment	1,725,000.00
	Original Budget	13,206,809.00
	Recommended Adopted Budget	14,931,809.00
Water	NMED NM173 Waterline	1,500,000.00
TOTAL REVENUES		
	Adjustment	1,500,000.00
	Original Budget	8,887,280.00
	Recommended Adopted Budget	10,387,280.00
	From General Fund (HUB - FY20 carry over)	140,000.00
TOTAL TRANSFERS		
	Adjustment	140,000.00
	Original Budget	
	Recommended Adopted Budget	140,000.00

State of New Mexico
Local Government Budget Management System (LGBMS)

Budget Recap -
- Interim - Entity

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Fund	Cash	Investments	Revenues	Transfers	Expenditures	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	2,904,349.00	0.00	5,597,440.00	-75,000.00	7,706,410.00	720,379.00	642,200.83	78,178.17
20100 Corrections	3,083.00	0.00	55,250.00	75,000.00	130,000.00	3,333.00	0.00	3,333.00
20900 Fire Protection	438,347.00	0.00	157,669.00	0.00	154,010.00	442,006.00	0.00	442,006.00
21100 Law Enforcement Protection	433.00	0.00	28,500.00	0.00	28,900.00	33.00	0.00	33.00
21400 Lodgers' Tax	64,215.00	0.00	14,200.00	0.00	45,000.00	33,415.00	0.00	33,415.00
21600 Municipal Street	1,677,526.00	0.00	271,000.00	0.00	439,000.00	1,509,526.00	0.00	1,509,526.00
21800 Intergovernmental Grants	47,167.00	0.00	351,479.00	0.00	350,979.00	47,667.00	0.00	47,667.00
29900 Other Special Revenue	241,364.00	0.00	239,807.00	0.00	410,846.00	70,325.00	0.00	70,325.00
30500 Gross Receipts Tax Proceeds Project	1,056,808.00	0.00	2,789,177.00	0.00	3,423,199.00	422,786.00	0.00	422,786.00
50200 Solid Waste Enterprise	78,481.00	0.00	1,033,500.00	0.00	1,041,000.00	70,981.00	0.00	70,981.00
52100 Joint Utility	14,441,840.00	75,000.00	8,887,280.00	0.00	13,206,809.00	10,197,311.00	0.00	10,197,311.00
53500 Water Rights	534,621.00	0.00	6,500.00	0.00	40,000.00	501,121.00	0.00	501,121.00
59900 Other Enterprise	91,709.00	0.00	1,000.00	0.00	19,800.00	72,909.00	0.00	72,909.00
Totals	21,579,943.00	75,000.00	19,432,802.00	0.00	26,995,953.00	14,091,792.00	642,200.83	13,449,591.17

Staff Summary Report

MEETING DATE: July 28, 2020
AGENDA ITEM: VIII. BUSINESS ITEMS (B)
AGENDA TITLE: FY21 Funding Application: Aztec Museum

ACTION REQUESTED BY: Funding Applicants
ACTION REQUESTED: Direction to Level of Funding
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- The FY21 Adopted Budget (Business Item A) includes \$70,000 which may be appropriated at the discretion of the City Commission.
- Two funding requests have been received, to date, for FY21:
 - Aztec Museum \$25,000
 - 4CEDS Commission discretion
- During the July 14, 2020 meeting, the City Commission withheld funding 4CEDS for the current fiscal year. Funds that had been included in the FY21 Preliminary Budget to allow the City Commission to respond to a 4CED funding request have been re-appropriated to the commission discretionary line item, increasing the preliminary budget of \$60,000 to \$70,000.
- The Aztec Museum has submitted a funding application requesting funds in the amount of \$25,000. The purpose of the funding would be to support the operations of the museum which face similar economic uncertainty as other businesses in Aztec. At this time, the Aztec Museum has not opened for the summer due to Executive Order restrictions and health concerns for those individuals who have historically volunteered their time to the operation of the museum.
- The Aztec Museum has previously received direct funding from the City as listed:
 - FY2020: \$15,000
 - FY2019: \$16,806
 - FY2018: \$10,000
 - FY2017: \$10,000

PROCUREMENT / PURCHASING (if applicable)

- N/A

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

- FY21 Adopted Budget includes \$70,000 specific for community funding requests during the course of the fiscal year.

SUPPORT DOCUMENTS: FY21 Aztec Museum Funding Request

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve funding to the Aztec Museum in the amount of \$ [REDACTED]. OR
Move to Table consideration of the funding request to the Aztec Museum until January 2021.

CITY OF AZTEC
REQUEST FOR FUNDING APPLICATION
CITY COMMISSION DISCRETIONARY FUNDS

Today's Date: _____

Organization Name: _____

Name of Project/Program/Event: _____

What City Commission Goal(s) would this funding address: (Check all that apply)

<input type="checkbox"/> Safe, Clean, Livable Community	<input checked="" type="checkbox"/> Cost Effective Public Services	<input checked="" type="checkbox"/> Economic Development
<input type="checkbox"/> Financial Stability of Public Funds	<input type="checkbox"/> Local / Regional Partnerships	<input checked="" type="checkbox"/> Enhance Quality of Life
<input type="checkbox"/> Environmental Practices	<input checked="" type="checkbox"/> Citizen Involvement	

FUNDING REQUEST INFORMATION

Describe the need for the funding:
 Corona virus has affected us all. We will be finding it hard just to meet expenses with reduced income and reduced reduced hours of operation. We cannot speculate with accuracy what the next few months hold.

Describe how funding would be utilized:
 Funding from the city will help us stay open and meet expenses in the operation of the Museum this year. Our expenses continue to just maintain and pay general operating costs even when we are closed. We expect reduced staff, hours.

Location of project site (maps may be attached):
 Aztec Museum and Pioneer Village, 125 North Main Street, Aztec, NM 87410

How will success of the project be measured?
 Annual written and video presentation given to the Aztec City Commission

Total Amount Requested: \$25,000	Minimum Amount : Anything that can be given.	Date Funding Required: July , 2020
-------------------------------------	---	---------------------------------------

Can project be phased? If so, describe the phases including timelines.

PROJECT TYPE	START DATE	END DATE	AMOUNT REQUESTED	MATCHING FUNDS	=	TOTAL PROJECT BUDGET
Construction/Renovation						
Design/Engineering						
Equipment						
Vehicle						
Special Program or Event – attach detailed description, budget and marketing materials/brochures for program or event						
Totals						

ORGANIZATION INFORMATION

Organization Legal Name: Aztec Museum Association Website: _____

Organization Main Address: 125 Main Avenue	City: Aztec	State: NM	ZIP Code: 87410
Organization Mailing Address: 125 Main Avenue	City: Aztec	State: NM	ZIP Code: 87410

Principal Contact: Jack W Scott		Phone Number: 505 320 4548	Fax Number: 505 334 6695
Title:		Email Address: scott33@earthlink.net	
Chief Executive Officer (or equivalent): Jack W. Scott, President		Phone Number: 505 320 4548	Fax Number: 505 334 6695
Title:		Email Address: scott33@earthlink.net	
What Type of Service does the Organization Provide (Check all that apply)			
<input type="checkbox"/> Housing / Homeless	<input type="checkbox"/> Senior Services	<input type="checkbox"/> Substance Abuse Prevention	<input checked="" type="checkbox"/> Educational
<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/> Economic Development	<input type="checkbox"/> Child Care	<input checked="" type="checkbox"/> Youth Services
<input type="checkbox"/> [Other] Research			
EIN/Taxpayer ID Number: 23-7262250	Indicate Tax Status of Organization (include IRS letter of determination): On file	Has the Organization's tax-exempt status been revoked in the past five years? If yes, attach explanation No	
Briefly describe mission, history and principal programs and activities of the Organization: Same as last year			
Has entity received funding from the City of Aztec previously? If so, when, amount received and how funds were used: Yes. Previously the City Commission approved \$10K for 2016, 2017, and 18-\$16,801 and for 2019, \$15,000			
How many paid full-time equivalents does the Organization have?	How many paid part-time equivalents does the Organization have? one museum supervisor that works days open during year when open, one maintenance person, one fill in when needed.		
Are Organization services and/or programs available to all residents of the City of Aztec? If no or restricted, please explain. Yes	Are fees charged for services? Annual Family Memberships @ \$25.00 None Member fee for adults @ \$5.00 Non-Member fee for children @ \$3.00		
Is membership in the Organization required to participate in any of the Organization programs or to be a recipient of Organization services? Yes	Have other organizations, firms, individuals provided or will provide funds or services for this project? If yes, please describe. No specific entities identified, but we receive and solicit general donations and memorials		

REPRESENTATION

I, Jack W Scott, as President, have the authority to submit this funding request on behalf of _____, and certify that all information submitted is factual, accurate and complete to fullest extent of my knowledge. If funding is granted, a project report is required to be submitted to the City Commission.

Signature

Jack W Scott

Date

May 12, 2020

Please note - future funding requests may not be considered by the City Commission if project/service report for prior funding has not been completed in a timely manner.

Aztec Museum Association
125 North Main Avenue
Aztec, NM 87410

City of Aztec
Finance Department
201 West Chaco
Aztec NM 87410

Request for Funding, City Commission Discretionary Funds

May 12, 2020

Kathy Lamb,

With the uncertainty we all face this year due to the Covid 19 Global Pandemic Corona Virus and all of the ramifications that we may face over the next few months, if not years, we are unsure where we will go this year at the Aztec Museum and Pioneer Village.

After having our full time director quit unexpectedly last year, we hired part time personnel to try to fill the void left. After much soul searching by our board, we have determined, taking many things into consideration, that we cannot afford a full time director; and part time personnel will have to suffice. We have been closed for weeks now to protect the health of our staff and the public and to meet state guidelines.

We have an application in for a PPP loan of just under \$6,000 for salaries covering 2 months and hope it will qualify for forgiveness. Bills and expenses continue though. Again our revenue generating endowments have taken another big hit. Sadly we are legally prohibited from dipping into the designated principle and have, in the past, been able (with the City's help the past few years) to keep operating with the revenue generated from this principle, membership contributions, visitor fees and donations.

We don't know what visitation will be in the months ahead. If the nation does not open up or if people do not choose to get out and do what we have always thought of as normal things, we as a board will be revisiting what to do at that point. If people are not visiting, do we continue with regular hours and can we afford being open or do we go to even greater reduced hours? We have lost, our greatly anticipated and fun to host, school visits this spring with the school shut downs as one example.

In the past we have had to close temporarily—for examples, during the Main Street Renovation and after the two floods for lengthy cleanup

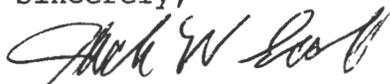
and safety concerns that depleted our expendable funds to the tune of \$60,000 to \$70,000. We ultimately reopened and continued on. Because of the floods we no longer have these these tens of thousands to use at this point.

You get the picture without me rambling further.

Our emphasis this year is being able to stay open at reduced days, with reduced employees, and waiting it out by concentrating on the always needed maintenance and upkeep. We are hoping, when open, to schedule more programs and concentrate on citizens that are anxious to get out and do something after this long dark experience of "stay at home". The Historical Society and we had advertised an outstanding program which we had to cancel. This is to be rescheduled at a later date.

This year, needed even more so than in the past, we are requesting funding of \$25,000 from the City of Aztec to help us with the basic operations and expenses at the Aztec Museum and Pioneer Village.

Sincerely,



Jack w. Scott, President Aztec Museum

PS Since I have not done this before if you need other information or documentation please call me at 505 320 4548 and I will get it to you.

**Aztec Museum Association Board of Directors,
125 Main Street, Aztec, NM 87410**

Officers and Key Staff: April 2020

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Jack Scott
Aztec, NM

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Aztec, NM

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Aztec, NM

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Aztec, NM

Key Staff:

Jaima James
Farmington

Jim McCaw
Aztec, NM

Staff Summary Report

MEETING DATE: July 28, 2020
AGENDA ITEM: IX: QUASI JUDICIAL HEARINGS (LAND USE) (A)
AGENDA TITLE: Application for Zone Change from the Mobile Home (MH) Zoning District to the Limited Retail/Neighborhood Commercial (C-1) Zoning District, for Property located at 214 W. Zia St.

ACTION REQUESTED BY: Frank Martinez & Ernest Martinez
SUMMARY BY: Steven Saavedra

PROJECT DESCRIPTION / FACTS

Applicant Frank Martinez & Ernest Martinez
Representative N/A
Date of Application 06/24/2020
Requested Action ZC 20-01 - Zone Change request from (MH) Mobile Home (MH) District to the (C-1) Limited Retail / Neighborhood Commercial District

Location 214 W. Zia St., Aztec NM
Tax ID # R0002009

Existing Zoning / Use Commercial - None Conformance

Surrounding Zoning / Use North: C-1 / Vacant
South: MH / Residential
East: MH / Residential
West: O-1 / Office / Salon

Notice Property owners within 100-feet were sent a notice by certified mail on June 9, 2020, and a classified ad was placed with the Daily Times on July 14, 2020.

SFHA / Floodplain Area No
MRA Yes
Access Zia Street and the public access alley.

Summary

The petitioner requests a zone change from the MH Mobile Home zoning district to the Limited Retail / Neighborhood Commercial District (C-1) for approximately 0.16 acres located at 214 W. Zia St., Aztec, NM 87410. The subject property is part of the Currents Addition Subdivision. According to San Juan County Assessors' Office, the commercial structure was built in 1981. Until 2017, the subject property housed both the commercial structure and a single-section mobile home.



Figure 1: 2017 Aerial Photo

Currently, only the commercial structure remains on the subject property. The applicants seek the zone change, as the use of a commercial/storage building does not conform to the mobile home zoning district. Pursuant to COA § 26-2-102(1)(e), an accessory building or structure can be utilized as a storage building in the MH District. However, the setbacks need to be met, and the principle structure needs to resemble the exterior of the mobile home per city code. The mobile home removal left the storage warehouse and the property as a non-conformance, due to the conflict within the use and dimensional standards per the MH District.



Figure 2: 2019 Aerial Photo

Zoning Districts
MH Mobile Home District.

Sec. 26-2-101 “This district is regulated to permit one mobile home, and normal residential accessory uses, but not another dwelling in each lot or lot of record provided setback requirements could be met. Each lot must be served by community water and sewer service” (Code 2007, 26-101).

C-1 Limited Retail / Neighborhood Commercial District

Sec. 26-2-61. “This district is established as a mixed-use neighborhood commercial district. An activity permissible in this district should attempt to locate in or near the City's "Central Business District." This district should contain the major bulk of the shopper's goods, specialty goods, and professional services needed to satisfy the day-to-day requirements of the City's population. The district should also encourage in-fill housing, institutional uses, public buildings, and spaces” (Code 2007, 26-61).

Analysis

Is the zone change detrimental to the property and the neighborhood?

The change from MH to C-1 increases potential adverse impacts to surrounding areas pursuant to the requested zone change. Issues, such as noise, smells, bright lights, increased signage, and increase-motorized traffic is likely if the zoning and use change from MH to C-1. However, commercial properties, on average, have a higher valuation than MH zoned properties.

Does the Zone Change alter the character of the surrounding properties?

If approved, this zone change would not change the character of the surrounding properties. A combination of office, commercial, and residential properties are within proximity to the subject property. This proposed request is not considered a “spot zone.” A spot zoning is, where a particular tract within a more substantial area is specifically zoned to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges. The zone change should not set a precedent, as the proposed zone change does not constitute a spot zone, as C-1 zoning is across Zia Street.



Figure 3: Zoning Map

Does the Zone Change impose a health or safety issue to the public?

No, Community Development does not believe this zone change would impose any health or safety issues should all laws and codes are met.

Is the zone change request consistent with the Aztec Comprehensive plan?

Yes, Aztec 2002 Comprehensive Plan is critical of mobile home development and discouraged the use of mobile home subdivisions. Rezoning the property allows for the possible redevelopment of the property. The Metropolitan Redevelopment Area (MRA) plan identified this property as vacant. To date, the property remains vacant. It's important to note, the MRA plan stated "residential areas between Zia and Llano Streets west of Main Avenue lack parkways and have less landscaping overall, creating a less attractive area for new development or redevelopment" (MRA 2018). Should the City of Aztec consider the rezone request for redevelopment purposes, landscaping should complement the subject property, to ensure the MRA goals are met.



Figure 4: MRA Map

Is there an alternate land use action that might be considered to accomplish the applicant's intent without altering the zoning map?

An alternate land use action is rezoning the property to the O-1 Office & Institutional District. However, the current warehouse storage structure would not meet the setback requirements of the O-1 District. Or, the property owner could add a mobile home unit to the property, so long as all setback standards and mobile home requirements are met and MH zoning is retained.

Does the zone change have the approval of the surrounding neighbors? To date, Community Development received two calls: One individual, who received a letter, requested further information and clarification on the request. This individual did not state they were opposed nor supported the rezoning request. The second call was not opposed to the zone change. However, they asked if the spray-painted "Fore Sale on the board window could be removed?" as they indicated this was "devaluing the neighborhood." There is no sign code requirement on spray-paint advertisement signs. However, the City Commission could require this as a condition if the zone change is approved.



Figure 5: Subject Property

COMMUNITY DEVELOPMENT CONCLUSION

The request zone change is aligned with the 2002 Comprehensive Plan, the 2018 Metropolitan Redevelop Area Plan, and is not considered a spot zone. The property owners need to ensure they meet and adhere to COA § 14-3-7 Storage on Private Property and COA § 14-3-8 weeds.

SUPPORT DOCUMENTS:

1. Application
 2. Map
 3. List of Adjacent Property Owners
 4. Adjacent Property Owner Notification Letter
 5. <http://www.aztecm.gov/plans/CompPlan2002.pdf>
 6. <http://www.aztecm.gov/plans/MRAplan2018.pdf>
-

DEPARTMENT'S RECOMMENDED MOTION: Move To approve zone change 20-01 a request from Frank Martinez & Ernest Martinez, for a zone change from the (MH) Mobile Home District to the (C-1) Limited Retail / Neighborhood Commercial District for property located at 214 W. Zia St., Aztec, NM with the following condition:

1. Adhere to City Ordinance COA 26-3-152 District Landscaping Requirements, should a significant remodel occur.
2. Spray-paint removed on the board windows.



CITY OF AZTEC PETITION APPLICATION

Community Development Department
201 W. Chaco St.
Aztec, NM 87410
(505) 334-7605
(505) 334-7609 (fax)

PROJECT TYPE (Check those that Apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Alternate Summary Plat | <input type="checkbox"/> Variance | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Commercial Development | <input type="checkbox"/> Well Site Permit |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Residential Development | <input checked="" type="checkbox"/> Zone Change |
| | | <input type="checkbox"/> Other |

City Com

INFORMATION

Applicant's Name: FRANK MARTINEZ ERNEST MARTINEZ JR Project Location: 214 W ZIA
 Address: 507 N ORCHARD Existing Use: Commercial
 E-Mail: ernestmartinezjr@yahoo Proposed Use: OFFICE / Small Business
 Telephone: 505-334-6307 Current Zoning: MH
 Relationship to Property Owner: SELF Tax I.D. Number: R0002009

Legal Description of Subject Property: SEE ATTACHED

Is the Property in a Flood Zone? Yes No

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: _____
Address: _____ Phone: _____

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) <u>NONE</u>
Name: <u>FRANK MARTINEZ & ERNEST MARTINEZ JR</u>	Name: <u>ERNEST MARTINEZ JR</u>
Address: <u>1000 ANASAZI DR</u>	Address: <u>507 N ORCHARD</u>
Phone: <u>505-334-9353</u>	Phone: <u>505-334-6307</u>

OWNER CERTIFICATION

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: ERNEST MARTINEZ Address: 507 ORCHARD AVE AZTEC
 Owner's Signature: [Signature] Phone: 505-334-6307
Frank J Martinez Email: ernestmartinezjr@yahoo.com
Frank J Martinez 1000 Anasazi dr. Aztec N.M.
505-334-9353
 February 2019
hph Contracts@gmail.com

City Staff Use Only

Received By:

Date:

Fee Received:

Project File No.:

Date of Hearing/Meeting:

- Blueline Copies of Plans
- Ownership Report
- Legal Description & Location
- Detailed Statement of Proposed Use

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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

Dear Applicant,

Thank you for taking the time to consult the Community Development Department in regards to an application for a Zone Change.

If you decide to proceed with the application, we encourage you to schedule a meeting with the Community Development Director prior to submitting your application. We have prepared an overview of the application process to assist you.

City Commission meetings are held on the second and fourth Tuesday of each month in the City Commission Room at 6:00 pm.

By City Code we are required to issue notifications:

- A minimum of (15) days prior to each meeting; and
- To all landowners within 100 feet of your property boundary.

In order to process your application, we need your application signed and returned with the application fee by Thursday, _____. To make the agenda for the Commission meeting held Tuesday, _____.

If you have any questions, please do not hesitate to call. We look forward to hearing from you.

Sincerely,
Community Development Office
(505) 334-7604



CITY OF AZTEC ZONE CHANGE PROCESS

- Step 1** Schedule a meeting with the Community Development Director to review your zone change request (505) 334-7604.
- Step 2** Turn in completed application and items on the attached *Zone Change Application Checklist* to the Community Development Department at least 21 days prior to the regularly scheduled City Commission meeting.
- Step 3** The Community Development Department will send out land notifications to property owners within 100 feet of your property boundary.
- Step 4** Once all fees and documentation has been received, the Zone Change Application will be placed on the next City Commission agenda as a Land Use Hearing item.
- Step 5** On Tuesday, _____, the City Commission will meet at City Hall Commission Room at 6:00 p.m.
- Attendance is required by the applicant or by an authorized representative; applicants wishing to be represented by another party must submit this authorization to the Community Development Department in writing.
 - Failure to appear at the meeting may cause the Variance Application to be postponed until the next regularly scheduled Commission meeting.
 - City Commission will make a ruling upon the Findings of Fact and Conclusions of Law and will issue a Land Use Hearing Order approving or denying the Variance request.



CITY OF AZTEC ZONE CHANGE REQUIREMENTS

The requirements of a Zone Change are defined in Chapter 26 Land Use Regulations, Article IV., Division 2. An excerpt from Aztec Municipal Code which identifies the requirements of a Zone Change is included below for your reference. If you need assistance identifying the zone district of your property please consult the Community Development Office at (505) 334-7604.

Sec. 26-4-521. Process.

1. **Application.** Application for the amendment of the Official Land Development Map or text of this Chapter shall be to the Municipality (Community Development Department, Planning Board, and City Commission). Required documents or information will include:
 - (1) A completed "Application For District Change" form;
 - (2) A recent survey;
 - (3) Legal description or proper street address of the subject property;
 - (4) Reason for the request to change the current district.
2. **Publication and Notification.** Public notification will be conducted by the Planning Department. Such notification will include all property owners within one hundred (100) feet of the exterior boundaries (excluding public right-of-way).
3. **Fees.** A non-refundable fee of the following will be charged (regardless of whether the application is approved or denied):

One acre or less:	\$250. ⁰⁰
One acre or more:	\$250. ⁰⁰ plus \$5. ⁰⁰ for each additional acre.
4. **Approval or Denial.** A request for change in any district can be denied by the City Commission based upon, but not limited to, the following circumstances:
 - (1) Failure to provide the proper documentation;
 - (2) Failure to meet the required deadline for public notification;
 - (3) Failure to demonstrate notification through certified mail of adjoining property owners within one hundred (100) feet of the area of proposed change;
 - (4) Presentation of written protest signed by the majority of owners that are within the proposed change or within one hundred (100) feet of the area proposed for change.
 - (5) The City Commission determines that the change could be detrimental to the surrounding area, or may have significant impact on the general health, safety, and/or welfare of property owners in the general area.
 - (6) That the request for change in type of district was not approved by the majority vote of the City Commission.
 - (7) Failure to pay the proper fee.
5. **Duration.** Once approved, the application of change of district will become part of the Official District Map and Regulation.



CITY OF AZTEC ZONE CHANGE EVALUATION

Permit #: _____

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 APPLICATION

Permit #: _____ Date Started: _____ Date Approved: _____ Fees Paid: _____

PROPERTY OWNER CONTACT INFORMATION

Name: Frank Martinez and/or Ernest Martinez, Jr
Mailing Address: 1000 ANASAZI DR, AZTEC 501 N DREHARD, AZTEC
Phone: 505-334-9353 505-334-6307
Email: hphcontracts@gmail.com ernestmartinezjr@yahoo.com

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 214 W. 21A, AZTEC
Tax ID: R0002009 Parcel Size (ac): 1141 ACRES
Current Zone District: MH
Current Use: Vacant
Proposed Zone District: C-1 Commercial
Proposed Use: Office / Small Business
Flood Zone Designation: _____

REASON FOR REQUESTING A ZONE CHANGE

See attached

APPLICANT SIGNATURE

I, ERNEST MARTINEZ representing myself 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: [Signature] Date: 6-16-20

CITY OF AZTEC USE ONLY

City Commission Meeting Date: _____

City Commission Action: _____ APPROVED _____ DENIED

FEES ARE DUE PRIOR TO COMMISSION MEETING

Fees are: \$10 Administration Fee + \$250 first acre and \$5 each additional acre. Total \$ _____

Property at 214 W Zia, Aztec, NM

The existing zoning for this property is Mobile Home, but several years ago the mobile home was removed. This property has been used for commercial business since the late 1970's. It was originally built as a plumbing shop and retail store front.

The property has been vacant for a long time and there has been interest in several businesses occupying the building once again. The zoning has been detrimental for any business to move in and open. By changing the zoning to C1 it will reduce the spot zoning and will then match existing C1 zoning that is now adjacent to the property and surrounding area.

With the new zoning this property will offer the potential for an office or small commercial business to open and succeed in Aztec given its location to the Library, City offices and Main Street. It has paved parking and all city utilities at the location.

WARRANTY DEED

ERNEST MARTINEZ a/k/a Earnest Martinez, a married man dealing in his sole and separate property, joined by his spouse, CECILE D'ANCA, grants to ERNEST MARTINEZ, Trustee of the ERNEST MARTINEZ TRUST, dated January 27, 2010, whose address is 3217 N. Dustin Avenue, Farmington NM 87401, the following described real estate in San Juan County, New Mexico:

The West Seventy (70) feet of Lot One (1) in Block Two (2), CURRENT'S ADDITION to the City of Aztec, New Mexico.

TOGETHER WITH water rights appurtenant thereto.

AND

Western one-half (1/2) of Lot Two of Block Two (2), CURRENT'S ADDITION to the City of Aztec, New Mexico, according to the plat thereof filed for record in the office of the County Clerk, San Juan County, New Mexico.

Property conveyed herein constitutes a rectangular area measuring fifty (50) feet by seventy (70) feet, the Western most boundary of which borders for a distance of fifty (50) feet upon the alley located parallel to and West of Park Avenue in the City of Aztec and the seventy (70) foot boundaries proceeding perpendicular to and generally eastward from said alley along the boundaries of Lot Two (2).

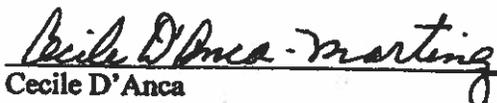
ALL SUBJECT TO reservations, restrictions and easements of record and taxes for 2010 and subsequent years.

This deed is given without consideration to transfer the above-described real estate into trust.

with warranty covenants.

WITNESS my hand and seal this 27th day of January, 2010.


Ernest Martinez


Cecile D'Anca



201002304 03/01/2010 09:05 AM
1 of 2 B1506 P291 R \$16.00
San Juan County, NM DEBBIE HOLMES



NJ

SPECIAL WARRANTY DEED (Joint Tenants)

Cecil D'Anca, Successor Trustee of the Ernest Martinez Trust, under Trust Agreement dated January 27, 2010, for consideration paid grants to Ernest M. Martinez, a married man as his sole and separate property and Frank J. Martinez, a married man as his sole and separate property, whose address is 507 Orchard Avenue Aztec, NM 87410

the following described real estate in San Juan County, New Mexico:

The West Seventy (70) feet of Lot One (1), in Block Two (2), of the CURRENT'S ADDITION, in the City of Aztec, San Juan County, New Mexico, as shown on the Plat of said Addition filed for record April 22, 1905.

AND

The West One-Half (W½) of Lot Two (2), in Block Two (2), of the CURRENT'S ADDITION, in the City of Aztec, San Juan County, New Mexico, as shown on the Plat of said Addition filed for record April 22, 1905.

Property conveyed herein constitutes a rectangular area measuring fifty (50) feet by seventy (70) feet, the Western most boundary of which borders for a distance of fifty (50) feet upon the alley located parallel to and West of Park Avenue in the City of Aztec and the seventy (70) foot boundaries proceeding perpendicular to and generally Eastward from said alley along the boundaries of Lot Two (2).

SUBJECT TO taxes for the year 2014 and thereafter; mineral reservations and/or conveyances heretofore made; and any and all easements and servitudes, public or private, of whatsoever kind or nature, in existence at the date hereof;

with special warranty covenants.

Witness our hands and seals this 21 day of JANUARY, ~~2014~~ 2015

Cecil D'Anca - Martinez (Seal) 1/21/15

Cecil D'Anca, Successor Trustee

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW YORK)
) ss.
COUNTY OF NASSAU)

This instrument was acknowledged by me on this 21st day of JANUARY, ~~2014~~ 2015

by Cecil D'Anca, Successor Trustee of the Ernest Martinez Trust, under Trust Agreement dated January 27, 2010

JOSEPH TOSCANO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01106241115
Qualified in Nassau County
My Commission Expires May 16, 2015

My commission expires:
(Seal)

[Signature]
NOTARY PUBLIC



214 W. Zia
Zone Change from MH
to C1

Legend

- ElectricMeters
- * WaterMeters
- AztecAddresses
- StormLines
- SewerLines
- WaterLines





CITY OF AZTEC ZONE CHANGE CHECKLIST

Applicable Fees

Administrative Fee	\$10
Zone Change	\$250 (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.

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Michael A. Padilla Sr.
Mark E. Lewis

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

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 20-01**

July 9, 2020

Dear Property Owner:

Notice is hereby given that an application has been filed with the City of Aztec - Community Development Department for a Zone Change from the Mobile Home (MH) Zoning District to the Limited Retail / Neighborhood Commercial (C-1) Zoning District, for property located at 214 W. Zia St., under Tax ID R0002009, in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

CURRENTS ADDITION W 70 FT LOT 1 BLOCK 2, ALSO W 70 FT LOT 2 BLOCK 2 BK. 1593 PG. 314; Otherwise known as 214 W. Zia St., Aztec, NM 87410.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by Aztec's City Commission on Tuesday, July 28, 2020 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, New Mexico and the GoToMeeting online platform <https://global.gotomeeting.com/join/421584413>.

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(669\) 224-3318](tel:+16692243318)

All persons shall have an opportunity to be heard why the said application should be granted or denied. All persons are invited to attend said hearing. You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed request. You are invited to attend the hearing, noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco Street, Aztec, New Mexico 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date.

If you have any questions, comments, or concerns regarding this notice or would like additional information regarding this petition, please contact the Community Development Department at 505-334-7605.

Sincerely,

Steven M. Saavedra, CFM – CZO
Community Development Department
City of Aztec

City of Aztec Commission Meeting 7-28-2020
Tue, Jul 28, 2020 6:00 PM - 8:00 PM (MDT)

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/421584413>

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(669\) 224-3318](tel:+16692243318)

Access Code: 421-584-413

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/421584413>



Joshua Brooks
210 S. Ash St.
Aztec, NM 87410

Emma & Noberto Garcia
208 S. Ash St.
Aztec, NM 87410

Aztec Lions Club
219 S. Park St.
Aztec, NM 87410

Walton Cozart
704 S. 1st
Bloomfield, NM 87413

Teresa & Anthony Montoya
308 S. Ash St.
Aztec, NM 87410

Andrew Galloway
29 Road 2595
Aztec, NM 87410

Ernest Martinez Jr.
507 Orchard Ave
Aztec, NM 87410

Carlos Gonzales Et Al
514 S. Commercial
Farmington, NM 87401

VMG Properties LLC
5704 Plaza Dr.
Farmington, NM 87402

Carlos & Tiffany Jaquez
66 Road 3008
Aztec, NM 87410

Ritter Louie Ralph
PO Box 571
Aztec, NM 87410

Evelynn & Michael Clawson
6149 Santo Domingo Dr.
Farmington, NM 87402

Gordon Crane
PO Drawer 190
Aztec, NM 87410-0190

Southside Mutual Domestic Water
300 Ash ST,
Aztec, NM

Daryl Thomas Briscoe
108 REVUELTA CT
SAN CLEMENTE, CA 92672

JANICE LYNN GIRON
270 S PARK AVE
Aztec, NM 87410

TAYLOR KRISTI ANN
453 E 32ND ST
DURANGO, CO 81301

VETERANS OF FOREIGN WARS
PO BOX 1564
AZTEC, NM 874104564

JOHNSON COMMERCIAL LLC
54 ROAD 3791
FARMINGTON, NM 87401

YOUNG WARREN D II
312 S PARK AVE
AZTEC, NM 87410

Staff Summary Report

MEETING DATE: July 28, 2020
AGENDA ITEM: IX: QUASI JUDICIAL HEARINGS (LAND USE) (B)
AGENDA TITLE: Application for a Variance to Minimum Parking for a Dwelling (COA Sec.26-3-171) and the Requirement Landscaping Requirements (COA Sec.26-3-152) for Property Located at 205 S. Main Ave.

ACTION REQUESTED BY: City Staff
SUMMARY BY: Steven Saavedra

PROJECT DESCRIPTION / FACTS

Applicant Christopher P. Engle
Representative N/A
Date of Application 06/30/2020
Requested Action A variance to the minimum parking requirements and landscaping requirements for 201, 203, 205, 207 S. Main Ave & 100, 104, 108, 110, 118, 120, 122, 124, 126 W Chuska under Tax ID R0001569, in the City of Aztec, San Juan County, New Mexico.

Location S. Main Ave & W. Chuska
Tax ID # R0001569

Existing Zoning / Use C-1 Commercial / Vacant

Surrounding Zoning / Use North: C-1 / Mixed-Use
South: C-1 / Office Use
East: C-1 / Vacant
West: C-2 / Residential

Notice Property owners within 100-feet were sent a notice by certified mail on June 13, 2020, and a classified ad was placed with the Daily Times on July 14, 2020.

SFHA / Floodplain Area No
MRA Yes
Access Main Ave, W. Chuska, and the access alley.

Applicable City Codes: **COA § 26-3-171(1)** "at least two (2) parking spaces for each dwelling unit within the building or buildings or at least one space per bathroom.
COA 26-3-171(7) Retail Stores, at least one (1) parking space for each three hundred (300) square feet of floor area."

COA § 26-3-152 “Any modification to existing buildings or site area, with a value of thirty thousand dollars (\$30,000) or more, shall allow for seven percent (7%) of the modification area to be landscaped” for his mixed-use building.

Summary

The applicant requests a variance to the Land Use Ordinance § 26-3-171(1), § 26-3-17 § 26-3-152. In the fall of 2019, the mixed-use building experienced a fire, requiring all occupants to relocate. The applicant plans to repair, remodel, and rehabilitate the subject property. Currently, the property remains vacant and is in the process of repair. The damage to the structure was significant, requiring the demolition of numerous residential units. Therefore, land-use requirements, such as parking and landscaping, are required, and any grandfathered requirements are no longer applicable.



Figure 2: Before



Figure 1: After Demolition

According to San Juan County Assessors, the mixed-use structure was initially built in 1956 and is approximately 3,844 square feet. The applicant and contractor indicated the commercial /office space remains in the front of the building, abutting Main Ave. In addition, 11 newly constructed or remodeled residential units are proposed along W. Chuska. Therefore, the property owner is required to supply 23 on-site parking spaces per City Code. Also, the property owner needs to landscape 7% of the site. Before the fire, the commercial and residential units encompassed most of the property. As a result, there was no landscaping and no on-site parking for businesses or residential tenants. All parking is public parking for the subject property.



Analysis

That the variance will not allow a use other than a use permitted for the district;

The minimum parking requirements and landscaping are required for all new construction, change of use or significant remodels. However, most properties in and around the downtown corridor, do not have dedicated on-site parking. Citizens Bank, Rubias, Premiere Fitness LLC are a few businesses within the corridor, which have on-site private parking. Most of the parking downtown is off-site, provided by the State of New Mexico and the City of Aztec. There is no charge for public parking in Aztec, NM, nor is any public parking stall reserved for any business, residential unit, or private party.

Is met

That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;

Literal enforcement of the parking and landscaping provision requires 2/3 of the parcel dedicated to minimum parking and landscaping. These requirements would significantly alter the development project, considerably reducing the number of residential units.

Is met

That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;

The applicant can redesign the project to account for additional parking and landscaping; for example, the development project could be built in three-story levels, which could allow for landscaping and on-site parking.

Is partially met

That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;

The literal enforcement of the requirements per the code(s) changes or limits the amount of development based on the property's layout.

Is met

That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development district;

A variance is defined as a departure from the strict application of area, height, or setback requirement of the respected ordinance(s), which is the result of the lot's physical characteristics. The granting of this variance seems to be in harmony with the general interest, general purpose, and intent of the code, based on the depth and width of the subject lot for the proposed development project.

Is met

That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;

The variance will not alter the essential character of the Land Development in this district. The subject property is part of the Aztec Original Townsite Subdivision, originally platted in 1890.

Is met

That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;

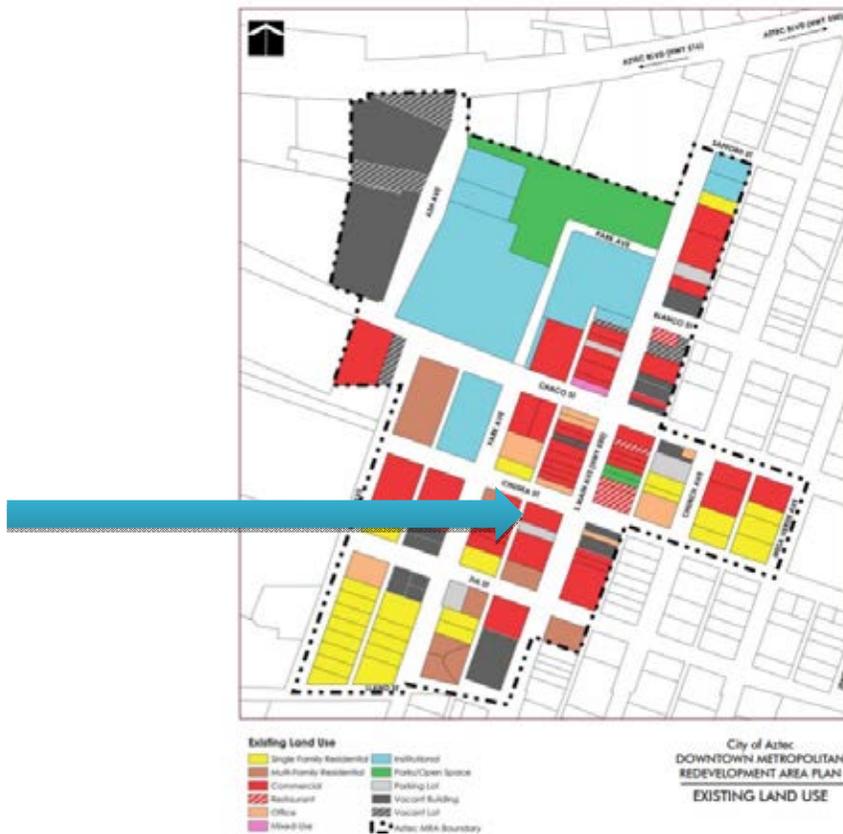
This variance should not weaken the general purposes of these ordinances and or regulations of this district nor be mistaken for any precedent, as this is a unique parcel of property, surrounded by public parking along Main Ave and W. Chuska, and landscaping along Main Ave. In addition, COA § 26-2-61 states, "Buildings that absorb ninety percent (90%) of the site and do not require on-site parking are excluded. At this time, Community Development is unable to confirm if the proposed development absorbs 90-percent of the site based on conflicting plans, please see the attached plans for more information.

Is met

That the variance will not adversely affect the public health, safety, or welfare;

This variance may adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare if access on-street parking occurs. Public parking along Main Ave and W. Chuska do not belong or reserved to any private party, business, or residential unit. Parking issues may arise, based on the density of the units.

Is not met



The Economic Development Advisory Board (EDAB)

The EDAB board was made aware of the zoning issue for the mixed-use development project. Though not a planning and zoning board, the EDAB board recommended approval of the variance, as the mixed-use development project might have an influence on commercial development for the Downtown area, according to the EDAB Board.

COMMUNITY DEVELOPMENT CONCLUSION

The Community Development Department concludes that approval of Variance 20-01 is appropriate. The request is a minimum easing of the code; it should not adversely affect the surrounding properties; and will accommodate the special circumstances of this unique property. The request conforms to the existing character of the area.

SUPPORT DOCUMENTS:

1. Application
2. Map / Plans
3. List of Adjacent Property Owners
4. Adjacent Property Owner Notification Letter
5. <http://www.aztecm.gov/plans/CompPlan2002.pdf>
6. <http://www.aztecm.gov/plans/MRAplan2018.pdf>

DEPARTMENT'S RECOMMENDED MOTION: Move to approve Variance 20-01, a request from Christopher P. Engle, for a variance to COA § 26-3-171(1), § 26-3-17(7), and § 26-3-152 with the following conditions:

1. Please resubmit clear and detail construction plans, utility plans, and identify the location of the dumpster and or polycarts area on the subject property.
2. An area needs to be shown and dedicated for the dumps or polycarts per COA §21-27
3. Public parking along Main Ave and W. Chuska does not belong or reserved to any private party, business, or residential unit(s).



CITY OF AZTEC PETITION APPLICATION

Community Development Department
201 W. Chaco St.
Aztec, NM 87410
(505) 334-7605
(505) 334-7609 (fax)

PROJECT TYPE (Check those that Apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Alternate Summary Plat | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Commercial Development | <input type="checkbox"/> Well Site Permit |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Residential Development | <input type="checkbox"/> Zone Change |
| | | <input type="checkbox"/> Other |

INFORMATION

Applicant's Name: Christopher P. Engle Project Location: _____
 Address: _____ Existing Use: C1
 E-Mail: chris@fourcornerslending.com Proposed Use: C1
 Telephone: 970-799-3562 Current Zoning: C1
 Relationship to Property Owner: Owner Tax I.D. Number: _____

Legal Description of Subject Property:

Is the Property in a Flood Zone? _____ Yes No

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: _____
 Address: _____ Phone: _____

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>Chris Engle</u>	Name: _____
Address: <u>617 French Dr.</u>	Address: _____
Phone: <u>970-799-3562</u>	Phone: _____

OWNER CERTIFICATION

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: Chris Engle Address: 617 French Dr. Aztec, NM
 Owner's Signature: Chris Engle Phone: 970-799-3562
 Email: chris@fourcornerslending.com

City Staff Use Only

Received By:

Date:

Fee Received:

Project File No.:

Date of Hearing/Meeting:

- _____ Blueline Copies of Plans
- _____ Ownership Report
- _____ Legal Description & Location
- _____ Detailed Statement of Proposed Use



CITY OF AZTEC VARIANCE APPLICATION

Permit #: _____ Date Started: _____ Date Approved: _____ Fees Paid: _____

PROPERTY OWNER CONTACT INFORMATION

Name: Chris Engle
Mailing Address: 617 French Dr. Aztec, NM 87410
Phone: 970-799-3562
Email: chris@fourcornerslending.com

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: _____
Tax ID: _____ Parcel Size (ac): _____
Zone District: _____
Current Use: _____
Proposed Use: _____
Flood Zone Designation: _____

REASON FOR REQUESTING A VARIANCE

APPLICANT SIGNATURE

I, Chris Engle representing Chris Engle 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: Chris Engle Date: 6-30-20

CITY of AZTEC USE ONLY

City Commission Meeting Date: _____

City Commission Action: _____ APPROVED _____ DENIED

FEES ARE DUE PRIOR TO COMMISSION MEETING

Fees are: \$10 Administration Fee + \$250 Variance Fee = Total \$260

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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

Dear Applicant,

Thank you for taking the time to consult the Community Development Department in regards to an application for a Variance.

If you decide to proceed with the application, we encourage you to schedule a meeting with the Community Development Director prior to submitting your application. We have prepared an overview of the application process to assist you.

City Commission meetings are held on the second and fourth Tuesday of each month in the City Commission Room at 6:00 pm.

By City Code we are required to issue notifications:

- A minimum of (15) days prior to each meeting; and
- To all landowners within 100 feet of your property boundary.

In order to process your application, we need your application signed and returned with the application fee by Thursday, _____. To make the agenda for the Commission meeting held Tuesday, _____.

If you have any questions, please do not hesitate to call. We look forward to hearing from you.

Sincerely,
Community Development Office
(505) 334-7604



CITY OF AZTEC VARIANCE PROCESS

- Step 1** Schedule a meeting with the Community Development Director to review your variance request (505) 334-7604.
- Step 2** Turn in completed application and items on the attached *Variance Application Checklist* to the Community Development Department at least 21 days prior to the regularly scheduled City Commission meeting.
- Step 3** The Community Development Department will send out land notifications to property owners within 100 feet of your property boundary.
- Step 4** Once all fees and documentation has been received, the Variance Application will be placed on the next City Commission agenda as a Land Use Hearing item.
- Step 5** On Tuesday, _____, the City Commission will meet at City Hall Commission Room at 6:00 p.m.
- Attendance is required by the applicant or by an authorized representative; applicants wishing to be represented by another party must submit this authorization to the Community Development Department in writing.
 - Failure to appear at the meeting may cause the Variance Application to be postponed until the next regularly scheduled Commission meeting.
 - City Commission will make a ruling upon the Findings of Fact and Conclusions of Law and will issue a Land Use Hearing Order approving or denying the Variance request.
- Step 6** Duration of Permit. Every variance authorized shall not belong to the applicant or owners but shall run with the land and be transferable from owner to owner.



CITY OF AZTEC VARIANCE REQUIREMENTS

The requirements of a Variance are defined in Chapter 26 Land Use Regulations, Article IV., Division 5. An excerpt from Aztec Municipal Code which identifies the requirements of a Variance is included below for your reference. If you need assistance with this process please call (505) 334-7604.

Sec. 26-4-551. Purpose and Hardship.

The property owner seeking a variance on the grounds of "unnecessary hardship" must show:

1. Credible proof that the property will not yield a reasonable return if used in accordance with the ordinance; or
2. Must establish that the Land Development Ordinance gives rise to the hardship amounting to virtual confiscation; or
3. Disadvantage must be so great as to deprive the owner of all reasonable use of the property.
(Code 2007, 26-551)

Sec. 26-4-552 . Process.

1. Application. Where owing to special conditions a literal enforcement of the provisions of this ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this ordinance, the City Commission shall have the power upon appeal in specific cases to authorize such variation or modifications of the provisions of this ordinance with such conditions and safeguards as it may determine, so that public safety and welfare is secured and substantial justice done. The application must consist of the following:
 - (1) A completed " Application For Variance" form;
 - (2) A detailed site plan including the following:
 - (a) An outline, with boundary dimensions and total acreage, of the area proposed for the variance;
 - (b) Existing streets, roads, drainage courses and utility features expected to service the area;
 - (c) Proposed streets, private drives, parking area, and utility feature;
 - (d) Proposed locations of structures;
 - (e) North arrow, scale, and other geographic data. The site plan should be drawn on 8-1/2 by 11-inch paper for reproduction purposes.
 - (3) A legal description or proper street address of the subject property;
 - (4) A reason for the request of the variance and statement of hardship delineating how the variance relates to the specific parcel of land is not a substantial detriment to the public good, and how any deviation would substantially outweigh any detriment caused by the variance.

2. Publication and Notification. All variance requests shall be published as provided for in Section 26-4-504-2(3) of this code and also the following:
 - (1) A signed petition of approval by a majority of surrounding neighbors within 100 feet is required.
3. Fees. A non-refundable fee of fifty dollars (\$250.⁰⁰) is required.
4. Approval or Denial. Approval of a variance shall be granted by the City Commission if the following conditions are met:
 - (1) That the variance will not allow a use other than a use permitted for the district;
 - (2) That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
 - (3) That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;
 - (4) That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;
 - (5) That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development district;
 - (6) That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;
 - (7) That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;
 - (8) That the variance will not adversely affect the public health, safety or welfare;
 - (9) Administration and Fees
5. Duration. Every variance authorized shall not belong to the applicant or owners but shall run with the land and be transferable from owner to owner.
(Code 2007, 26-552)



CITY OF AZTEC VARIANCE CHECKLIST

Applicable Fees

Administrative Fee	\$10
Variance Fee	\$250

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.



CITY OF AZTEC VARIANCE EVALUATION

Permit #: _____

1. Does the Variance allow for a use not permitted within the district?
_____ No _____ Yes
2. Without the Variance is there undue hardship imposed?
_____ No _____ Yes
3. Without the Variance are there practical difficulties imposed?
_____ No _____ Yes
4. Are the circumstances created by the owner of the property?
_____ No _____ Yes
5. Is the Variance detrimental to the property?
_____ No _____ Yes
6. Is the Variance detrimental to surrounding property?
_____ No _____ Yes
7. Does the Variance alter the character of the surrounding neighborhood?
_____ No _____ Yes
8. Does the Variance set a precedent which may alter the intent of the regulations?
_____ No _____ Yes
9. Does the Variance impose a health issue on the public?
_____ No _____ Yes
10. Does the Variance impose a safety issue on the public?
_____ No _____ Yes
11. Does the Variance have the approval of surrounding neighbors?
_____ No _____ Yes

MAIN STREET, AZTEC PROJECT

RESTORATIONS AND RE-BUILD

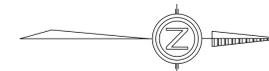


SITE PLAN
SCALE: 1" = 20'-0"

APPLICABLE CODES

- 2015 International Building Code
- 2015 International Residential Code
- 2015 International Existing Building Code
- 2009 International Energy Conservation Code
- 2009 International Code Council A117.1 Accessible & Usable Buildings & Facilities
- 2015 New Mexico Earthen Building Code
- 2009 New Mexico Non-Load Bearing Baled Straw Construction Code
- 2017 National Electrical Code
- 2012 New Mexico Electrical Safety Code
- 2015 Uniform Plumbing Code
- 2015 Uniform Mechanical Code/IAPMO
- 2012 Uniform Solar Energy Code/IAPMO
- 2012 Uniform Swimming Pool, Spa and Hot Tub Code/IAPMO
- NFPA 54 - 2009 National Fuel Gas Code

2015 IBC CODE ANALYSIS			
2015 IBC NEW CONSTRUCTION	EXISTING	PROPOSED	COMMENTS
USE AND OCCUPANCY	R2	R2	DEMOLITION OF EXISTING APARTMENTS AND CONSTRUCTION OF NEW APARTMENTS.
TYPE OF CONSTRUCTION	V A (NS)	V A	903.2.8 R2, SPRINKLERED, 13R SYSTEM. ALL NEW BUILDINGS WITH GROUP R FIRE AREA.
OCCUPANTS	18	18	1004.1.2 200 GROSS, 3700/200
EXITS	1	1	1006.3.1.1
LOCATION ON PROPERTY	PER SITE PLAN	PER SITE PLAN	SITE TO REMAIN AS IS.
PARKING			EXISTING PARKING TO REMAIN. PUBLIC PARKING
AREA GROSS	3,632 SF	3,632 SF	DEMO EXISTING AND REBUILD
MXE USE - AREA SEPARATION	1 HOUR	2 HOUR FIRE BARRIER	2 HR FIRE BARRIER WALL BETWEEN UNITS



DRAWING SCHEDULE	
A1 TITLE,	1
A2 Foundation	2
A3 Floor Plan	3
A4 Elevations	4
A5 Building Sections	5
A 6 Interior Sections	6
A7 ELECTRICAL LAYOUT	7
A8 ELECTRICAL LAYOUT TYPICAL	8
A9 MECHANICAL AND PLUMBING	9

CALL 811 BEFORE YOU DIG FOR UNDERGROUND UTILITY LOCATIONS

ARCHITECT



JAMES R DENNIS ASSOCIATES
120 E. 28th St. Farmington, NM 87401
505-402-1278 jamesdennisassoc@gmail.com
Architecture - Planning - Engineering - Construction Management

CHUSKA and MAIN STREET APARTMENTS
MAIN STREET
AZTEC, NM

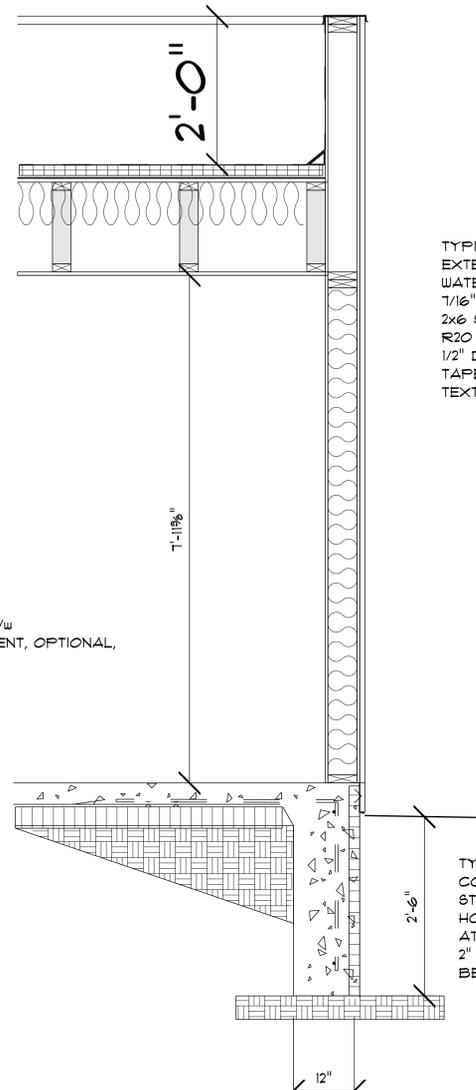
DATE	REVISION /ISSUE
6/20/2020	Permits

PROJECT NO. 1901-05
SCALE: as shown

SHEET:

A1 TITLE,

TYPICAL TRUSS ROOF:
 TPO MEMBRANE ROOF
 1" CONTINUOUS RIGID ISULATION
 5/8" ROOFING OSB
 PRE-ENGINEERED 2X4 TRUSSES @ 24" o.c.
 2x4 TRUSS BRACING
 R20 BATT INSULATION, MIN.
 1/2" GWB CEILING BOARD
 TAPED & SANDED, TEXTURE BY OWNER

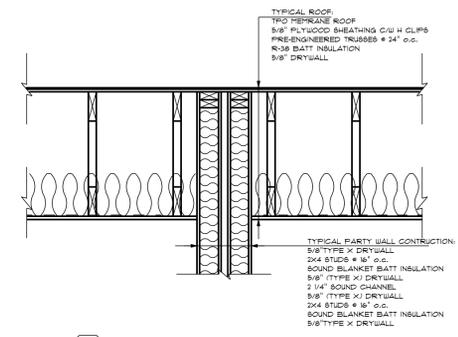


TYPICAL 2x6 STUCCO EXTERIOR WALL:
 EXTERIOR STUCCO, 2 COAT, WEEP SCREED
 WATER /AIR BARRIER, I.E. TYVEK OR EQU
 1/16" OSB SHEATHING
 2x6 STUDS @ 16" o.c.
 R20 BATT INSULATION
 1/2" DRYWALL
 TAPED & SANDED
 TEXTURE, OPTIONAL.

TYPICAL CONCRETE FLOOR:
 4" CONCRETE SLAB, 3,000 PSI c/w
 FIBRE MESH/STEEL REINFORCEMENT, OPTIONAL,
 2" RIGID INSULATION
 COMPACTED GRANULAR FILL,

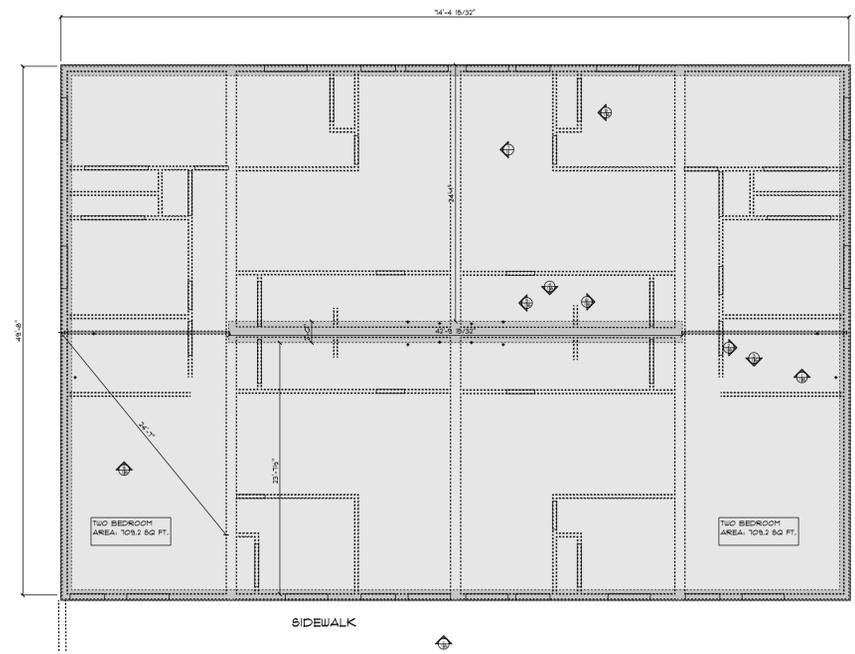
TYPICAL FOUNDATION:
 CONCRETE, 2,500 PSI c/w
 STEEL REINFORCEMENT, 2- #4
 HORIZONTAL, CONTINUOUS, #4 VERTICAL
 AT 24" O.C.
 2" RIGID FOUNDATION INSULATION
 BEARING ON UNDISTURBED SOIL.

TYPICAL WALL SECTION
 SCALE: 3/4" = 1'-0"

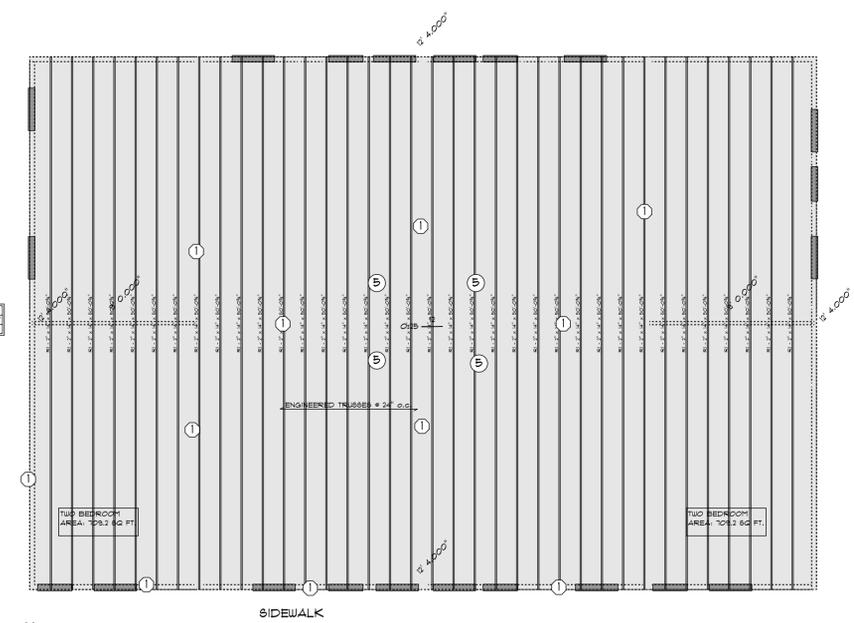


4 2x4/PARTY WALL

PUBLIC ALLEY



FOUNDATION - FLOOR SYSTEM
 SCALE: 1/8" = 1'-0"



ROOF FRAMING
 SCALE: 1/8" = 1'-0"

ARCHITECT



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 120 E. 28th St. Farmington, NM 87401
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 Architecture - Planning - Engineering - Construction Management

CHUSKA and MAIN STREET APARTMENTS
 MAIN STREET
 AZTEC, NM

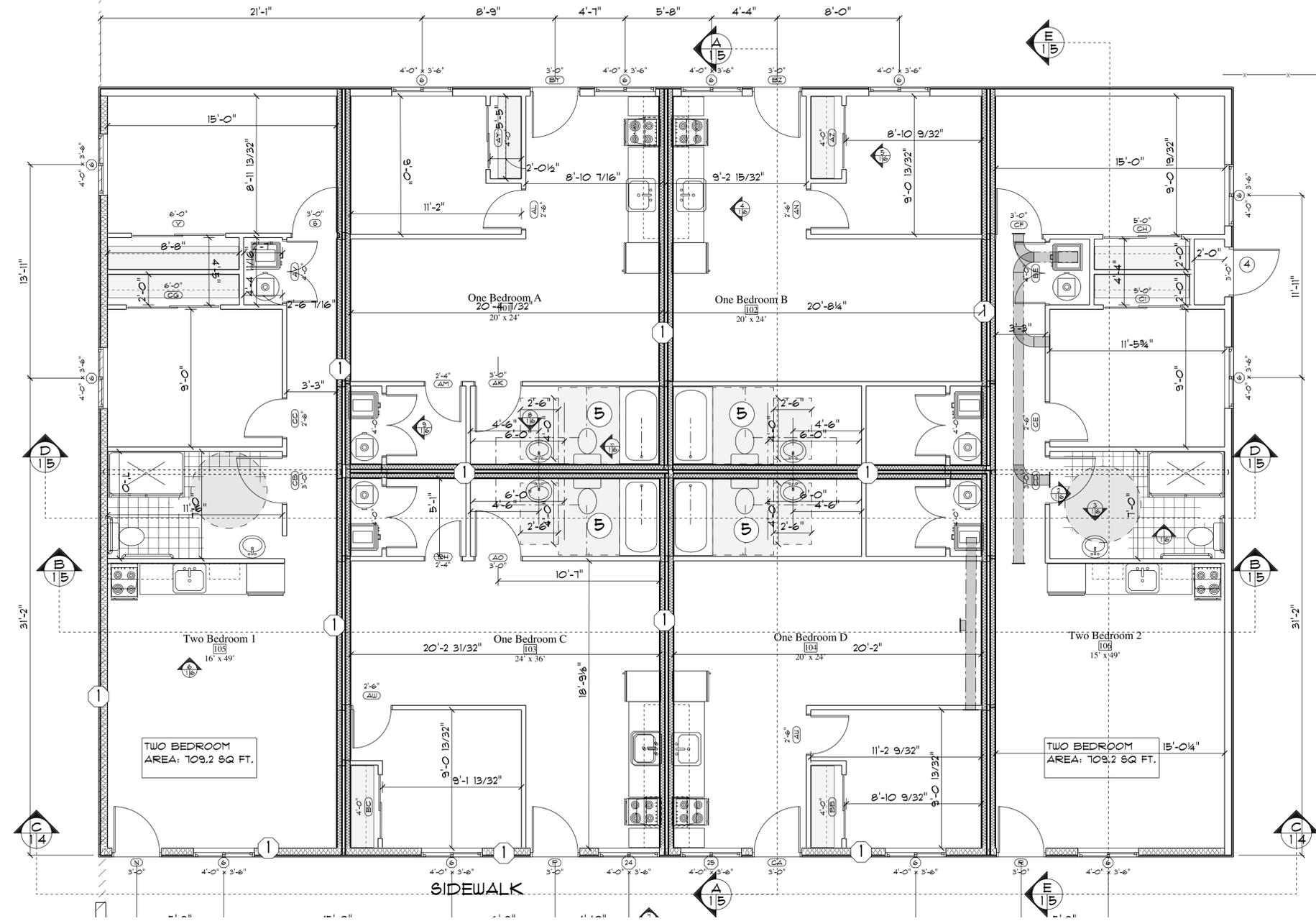
DATE	REVISION /ISSUE
6/20/2020	Permits

PROJECT NO. 1901-05
 SCALE: as shown
 SHEET:

A2 Foundation

PUBLIC ALLEY

ID	NOTE
1	1 Hr Fire Partition Wall
2	Remove door, Create arch opening Preferable 3'-0"
3	Remove Sink
4	Provide Solid Core, Gasketed Sealed Door with Threshold and Self Closer.
5	ANSI A117.1-2003 TYPE B
6	Provide Handrail
7	Close Window Opening, Provide Arch Opening
8	Existing Building to Repair/Renovate
9	Secure Fenced Area
10	6' Chainlink Security Fencing
11	Existing 5' Sidewalk
12	Existing Parking Spaces
13	ALL FENCING SUPPORT BASES TO BE COVERED WITH SAND BAGS TO PROTECT BASES FROM TRIP HAZARD. CONTRACTOR SHALL PROVIDE TRAFFIC CONES AND SIGNAGE TO DIVERT PEDESTRIANS FROM FENCED AREA.
14	Dumpster Location
15	Contractor Shall Be Responsible for the Repair/or Replacement of any Damaged Public Features. I.E. Paving, Landscaping, Curbing, Lighting, Etc.



MAIN FLOOR R2
SCALE: 1/4" = 1'-0"



JAMES R DENNIS ASSOCIATES
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505-402-1278 jamesdennisoc@gmail.com
Architecture - Planning - Engineering - Construction Management

CHUSKA and MAIN STREET APARTMENTS
MAIN STREET
AZTEC, NM

James R Dennis DRAIN BY:
James R Dennis REVIEWED BY:
6/20/2020 DATE REVISION:
6/20/2020 APPROVAL DATE:

DATE	REVISION / ISSUE
6/20/2020	Permits

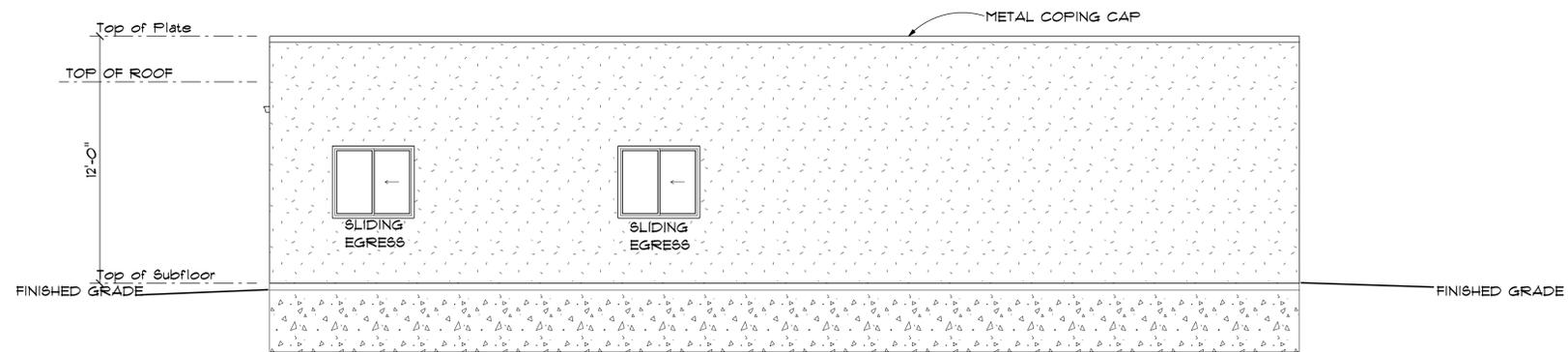
PROJECT NO. 1901-05
SCALE: as shown
SHEET:

A3 Floor Plan

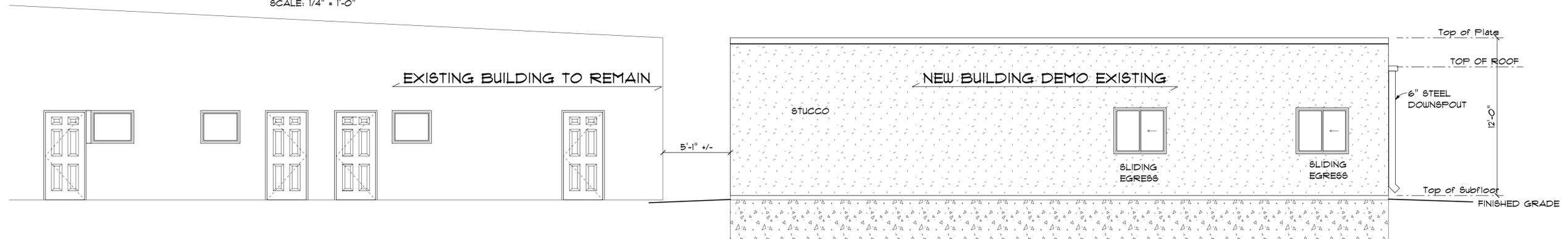
WALL AREA 894.0 SQ FT.
 OPENING AREA = 168 SF
 $168/894 = 19\% < 25\%$ ALLOWED OK
 TABLE 105.8



EAST ELEVATION
 SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



WEST ELEVATION
 SCALE: 1/4" = 1'-0"

ARCHITECT



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CHUSKA and MAIN STREET APARTMENTS
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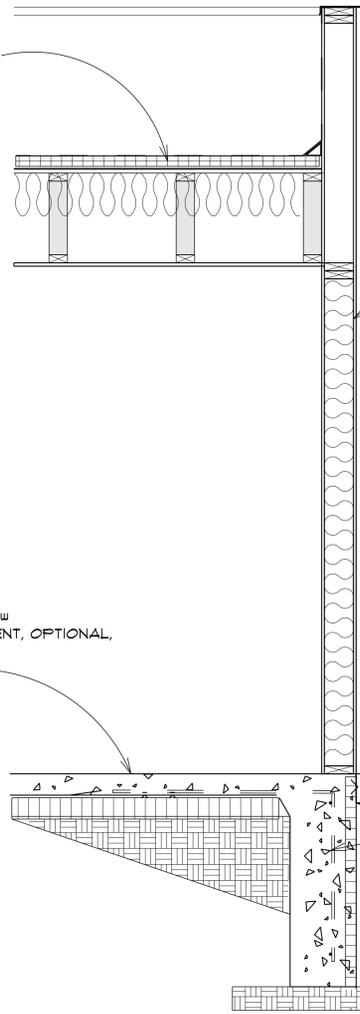
James R Dennis DRAIN BY:
 James R Dennis REVIEWED BY:
 6/20/2020 DATE REVISION:
 6/20/2020 APPROVAL DATE:

DATE	REVISION / ISSUE
6/20/2020	Permits

PROJECT NO. 1901-05
 SCALE: as shown
 SHEET:

A4 Elevations

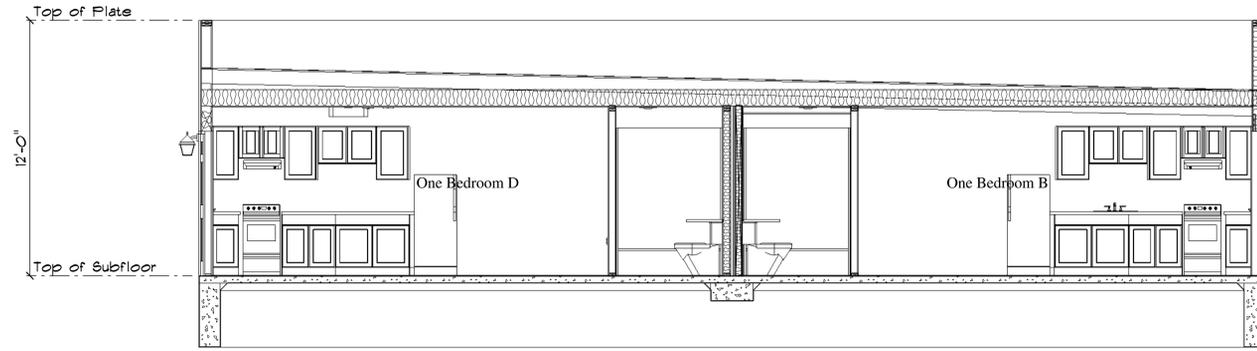
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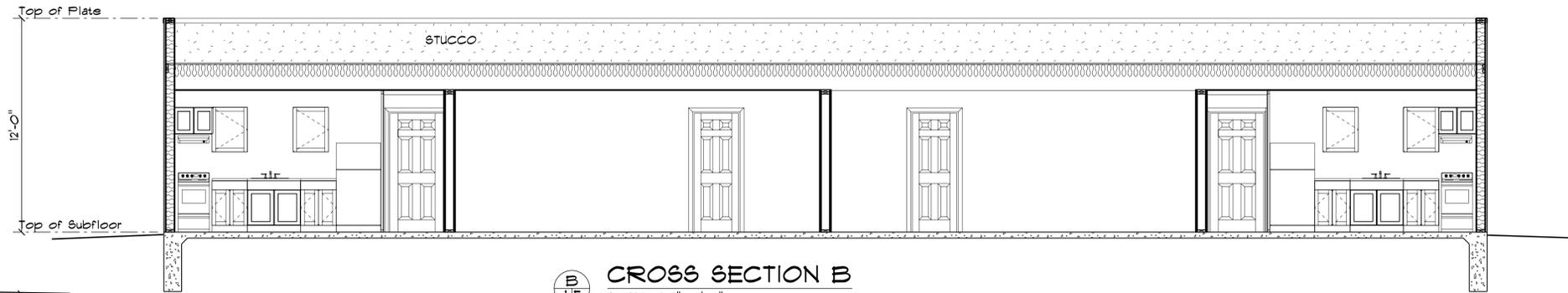
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 2x6 STUDS @ 16" o.c.
 R20 BATT INSULATION
 1/2" DRYWALL
 TAPED & SANDED
 TEXTURE, OPTIONAL.

TYPICAL CONCRETE FLOOR:
 4" CONCRETE SLAB, 3000 PSI c/w
 FIBRE MESH/STEEL REINFORCEMENT, OPTIONAL,
 2" RIGID INSULATION
 COMPACTED GRANULAR FILL,

TYPICAL FOUNDATION:
 CONCRETE, 2500 PSI c/w
 STEEL REINFORCEMENT, 2- #4
 HORIZONTAL, CONTINUOUS, #4 VERTICAL
 AT 24" O.C.
 2" RIGID FOUNDATION INSULATION
 BEARING ON UNDISTURBED SOIL.

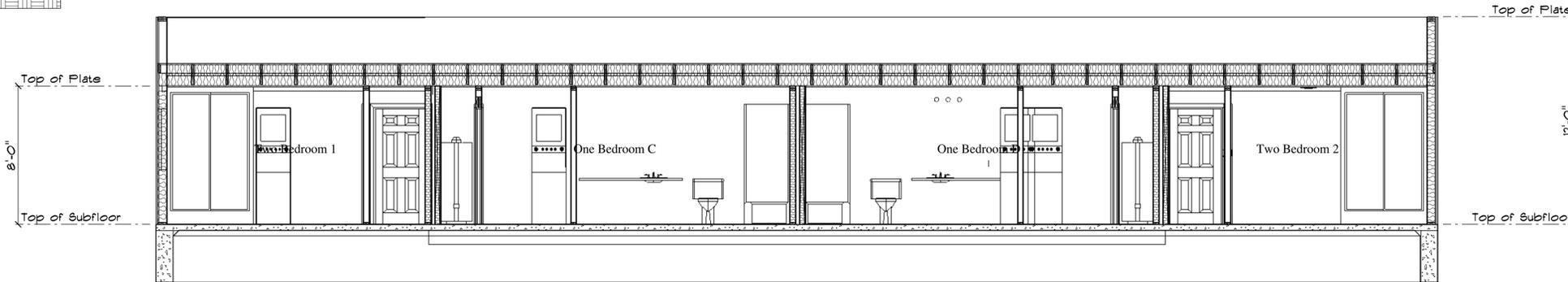


CROSS SECTION A
 SCALE: 1/4" = 1'-0"

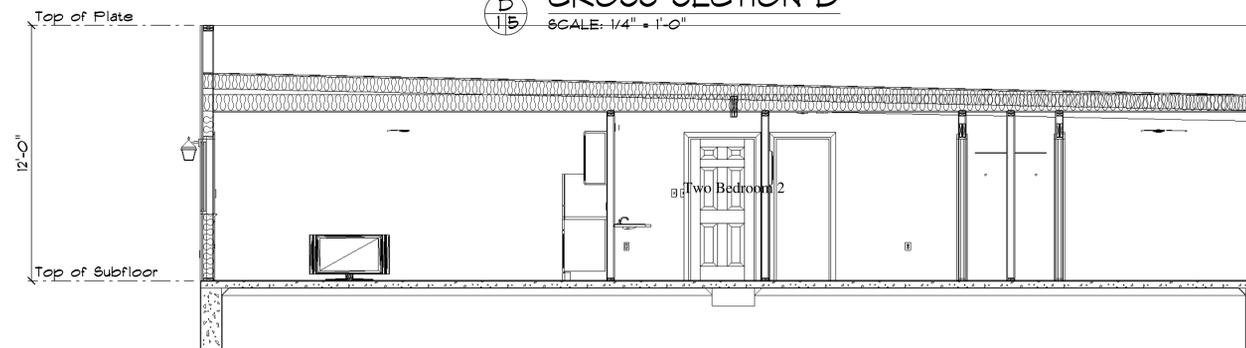


CROSS SECTION B
 SCALE: 1/4" = 1'-0"

WALL SECTION (TYP)
 SCALE: 3/4" = 1'-0"



CROSS SECTION D
 SCALE: 1/4" = 1'-0"



CROSS SECTION E
 SCALE: 1/4" = 1'-0"

ARCHITECT



JAMES R DENNIS ASSOCIATES
 120 E. 28th St. Farmington, NM 87401
 505-402-1278 jamesdennisassoc@gmail.com
 Architecture - Planning - Engineering - Construction Management

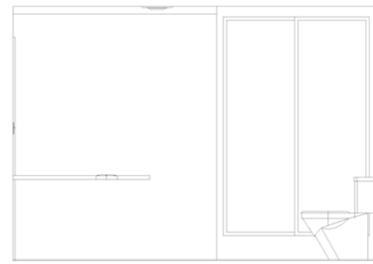
CHUSKA and MAIN STREET APARTMENTS
 MAIN STREET
 AZTEC, NM

James R. Dennis DRAWN BY:
 James R. Dennis REVIEWED BY:
 6/20/2020 DATE REVIEWED:
 6/20/2020 APPROVAL DATE:

DATE	REVISION /ISSUE
6/20/2020	Permits

PROJECT NO. 1901-05
 SCALE: as shown
 SHEET:

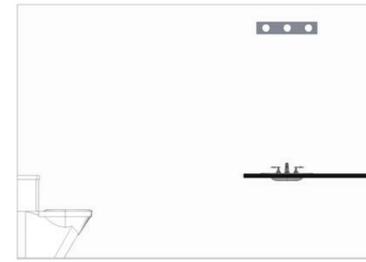
A5 Building Sect



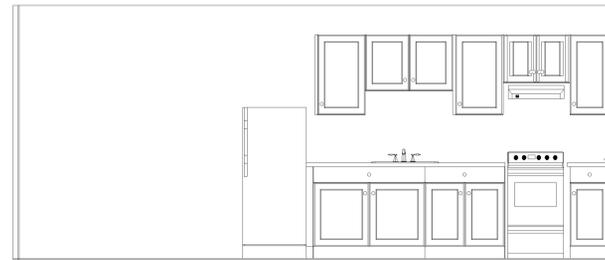
1
1/6 TWO BEDROOM 2 WEST
SCALE: 3/8" = 1'-0"



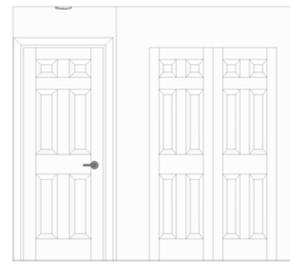
2
1/6 TWO BEDROOM 2 NORTH
SCALE: 3/8" = 1'-0"



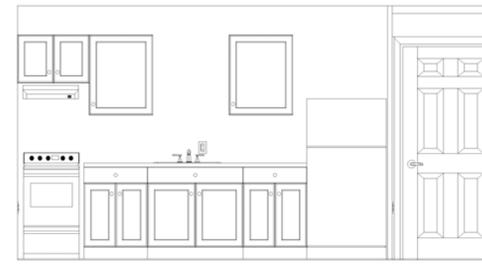
3
1/6 TWO BEDROOM 2 EAST
SCALE: 3/8" = 1'-0"



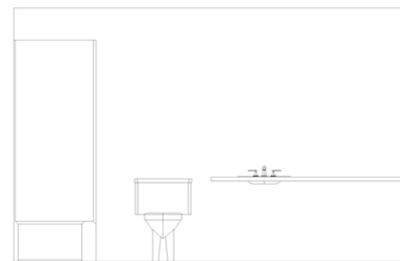
4
1/6 ONE BEDROOM B SOUTH
SCALE: 3/8" = 1'-0"



5
1/6 ONE BEDROOM B SOUTH
SCALE: 3/8" = 1'-0"



6
1/6 TWO BEDROOM 1 WEST
SCALE: 3/8" = 1'-0"



7
1/6 ONE BEDROOM A EAST
SCALE: 3/8" = 1'-0"



8
1/6 ONE BEDROOM A SOUTH
SCALE: 3/8" = 1'-0"



9
1/6 ONE BEDROOM A SOUTH
SCALE: 3/8" = 1'-0"

ARCHITECT



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CHUSKA and MAIN STREET APARTMENTS
MAIN STREET
AZTEC, NM

James R Dennis DRAWN BY:
James R Dennis REVIEWED BY:
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SCALE: as shown
SHEET:

A 6 Interior Section



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CHUSKA and MAIN STREET APARTMENTS
MAIN STREET
AZTEC, NM

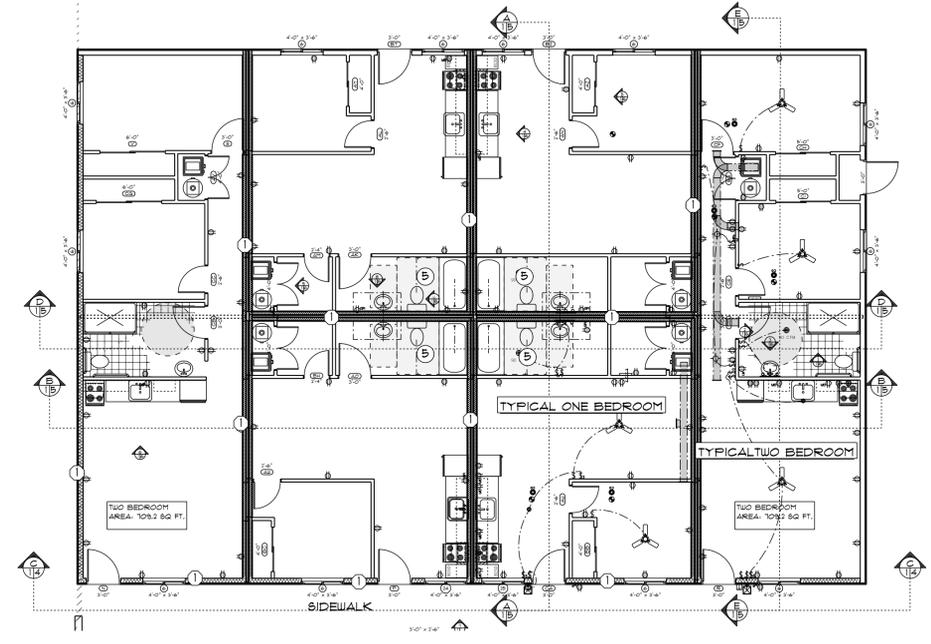
James R Dennis DRAWN BY:
James R Dennis REVIEWED BY:
6/20/2020 DATE REVIEWED:
6/20/2020 APPROVAL DATE:

DATE	REVISION /ISSUE
6/20/2020	Permits

PROJECT NO. 1301-05
SCALE: as shown
SHEET:

AT ELECTRICAL LA

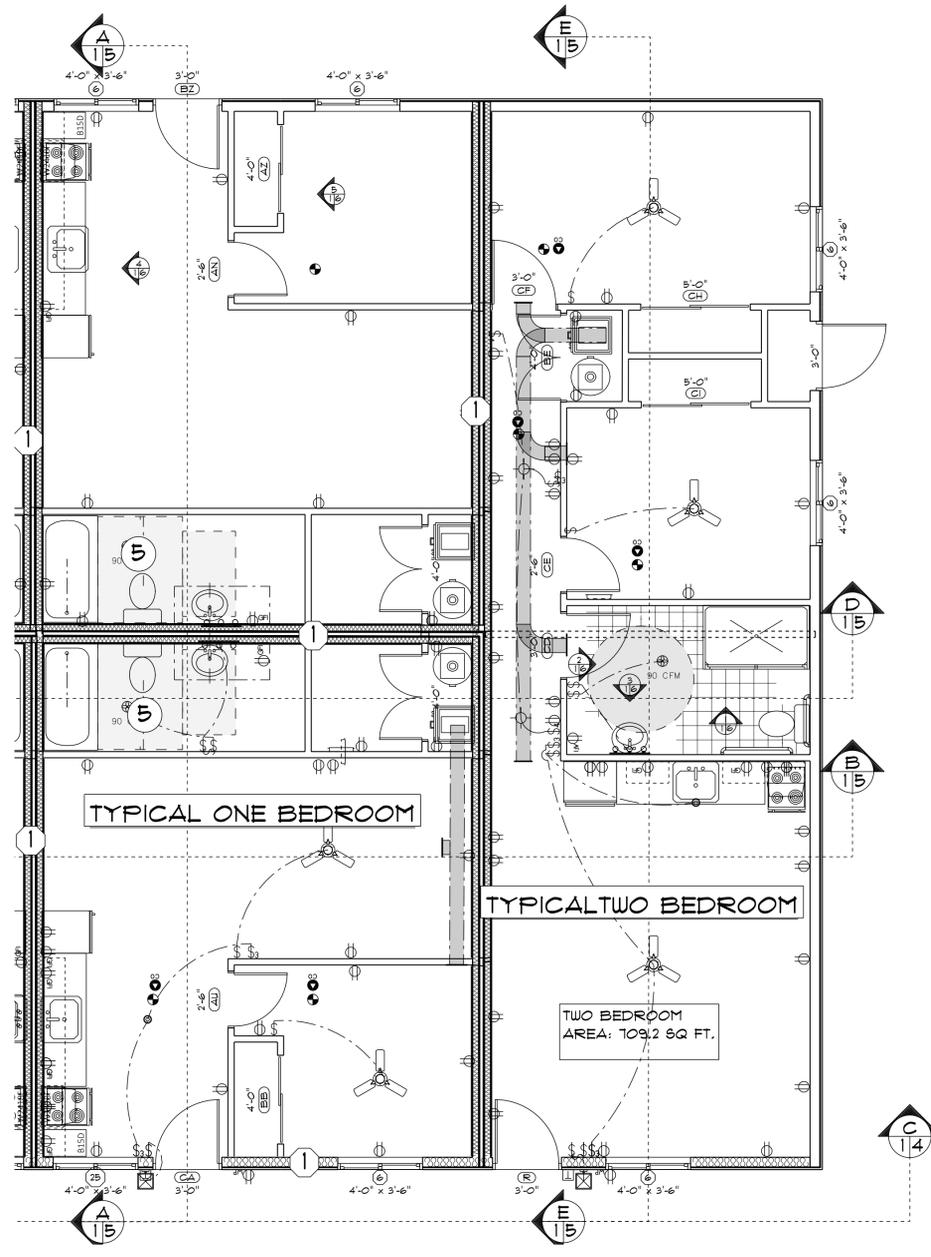
PUBLIC ALLEY



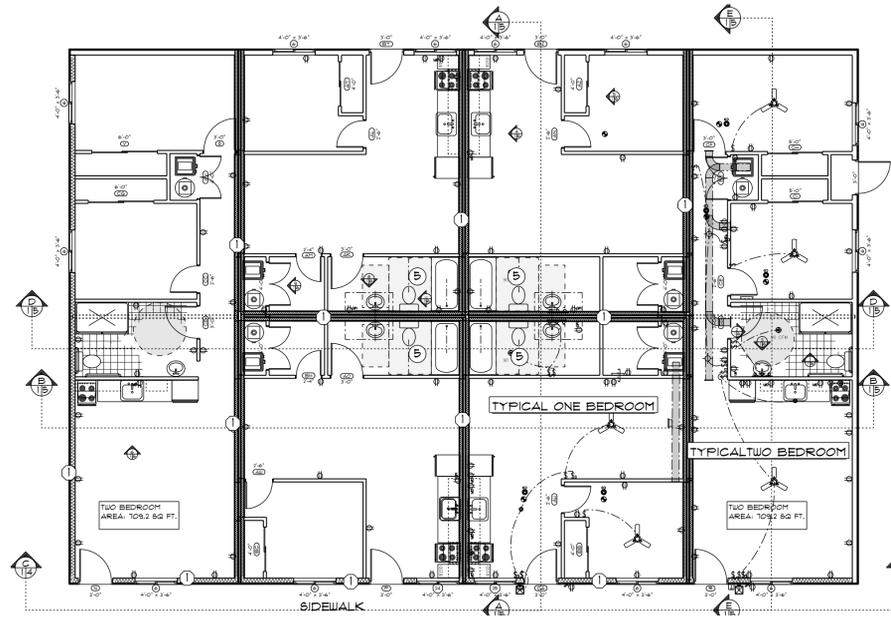
MAIN FLOOR R2 - ELECTRICAL
SCALE: 1/8" = 1'-0"

CHUSKA ST.

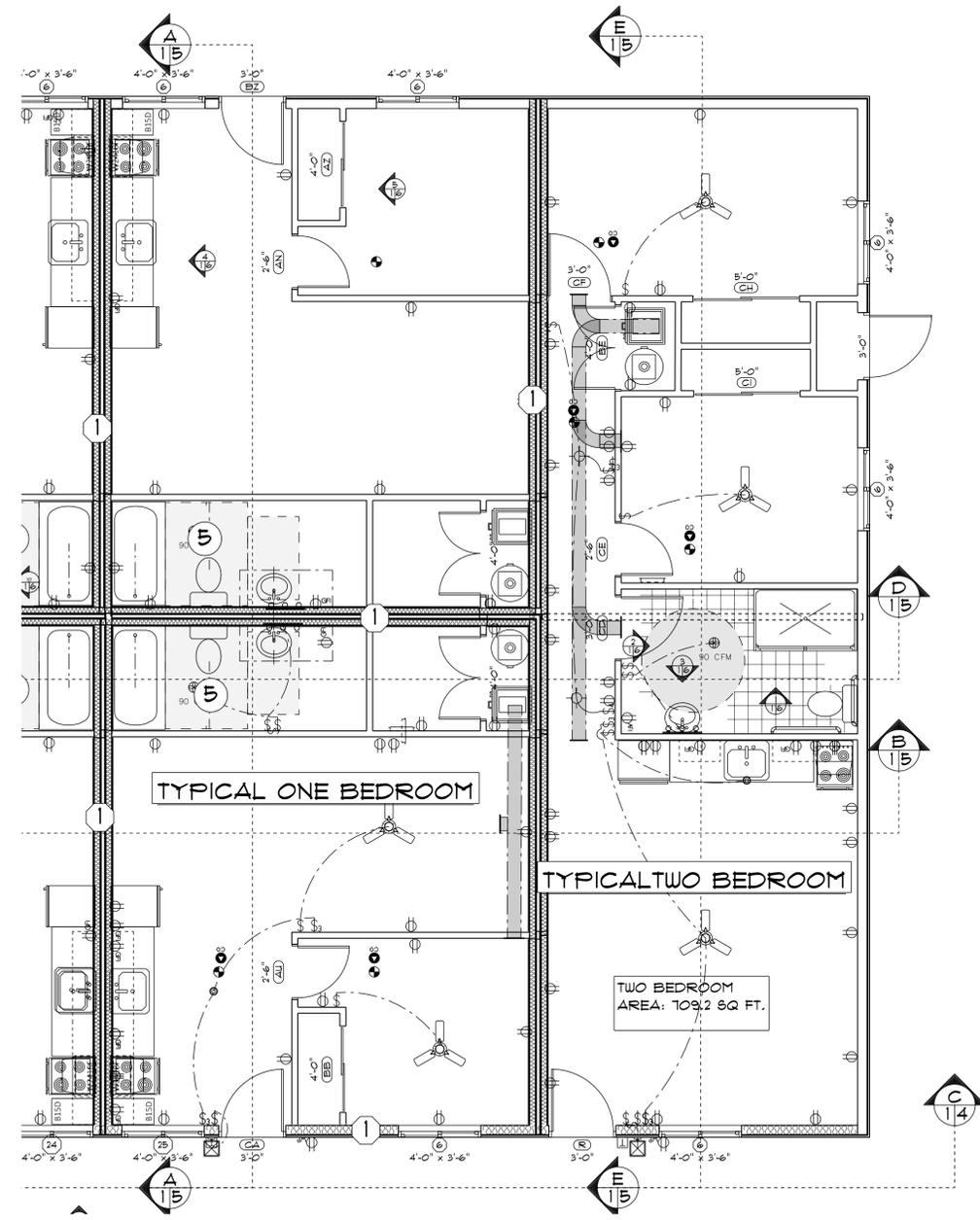
ALLEY



TYPICAL ONE AND TWO BEDROOM
SCALE: 1/4" = 1'-0"



MAIN FLOOR R2 - ELECTRICAL
SCALE: 1/8" = 1'-0"



MAIN FLOOR R2 - ELECTRICAL
SCALE: 1/4" = 1'-0"

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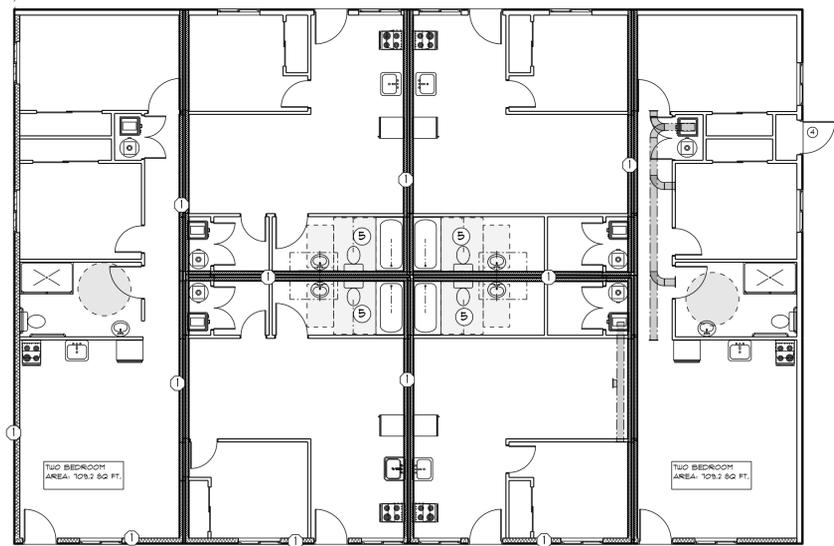
CHUSKA and MAIN STREET APARTMENTS
MAIN STREET
AZTEC, NM

James R Dennis DRAIN BY:
James R Dennis REVIEWED BY:
6/20/2020 DATE REVIEWED:
6/20/2020 APPROVAL DATE:

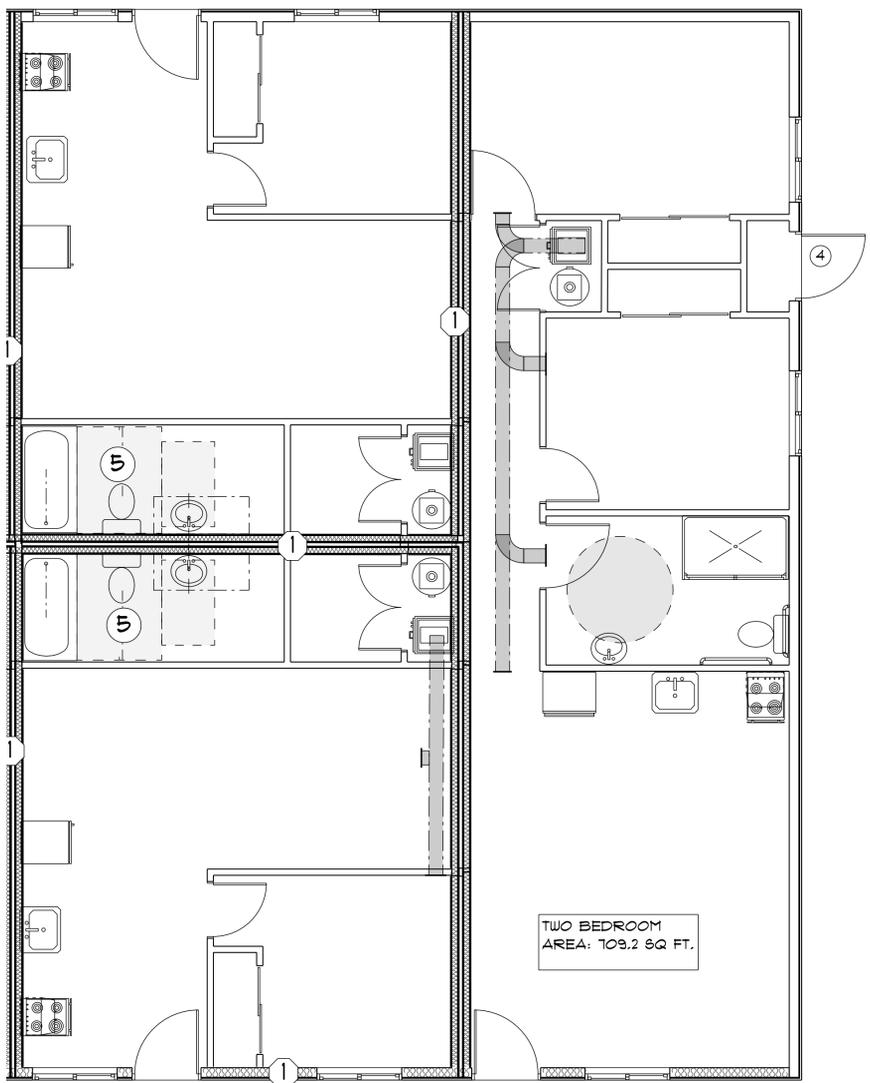
DATE	REVISION /ISSUE
6/20/2020	Permits

PROJECT NO. 1301-05
SCALE: as shown
SHEET:

A8 ELECTRICAL



HVAC
SCALE: 1/8" = 1'-0"



MECHANICAL TYPICAL 1, 2 BEDROOM UNIT
SCALE: 1/4" = 1'-0"

ARCHITECT



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PROJECT NO. 1901-05
SCALE: as shown
SHEET:

AS MECHANICAL AND PL

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Michael A. Padilla Sr.
Mark E. Lewis

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

**NOTICE OF PUBLIC HEARING
VARIANCE
PETITION NO. VAR 20-01**

July 13, 2020

Dear Property Owner:

Notice is hereby given that a petition has been filed with the City of Aztec - Community Development Department for a variance to the City of Aztec's land use regulations. The specific ordinances are the minimum parking requirements for residential dwelling units (COA Sec. 26-3-171) and the landscaping requirements for a structure with a significant remodel (COA Sec. 26-3-152). The subject properties are located at 205 S. Main Avenue, 207 S Main Avenue, 104 W. Chuska Street, 100 W. Chuska Street, 106 W. Chuska Street, 108 W. Chuska Street, 110 W. Chuska Street, 114 W. Chuska Street, 116 W. Chuska Street, 116 1/2 W Chuska Street, 118 W. Chuska Street, 120 W Chuska Street, 122 W Chuska Street, 124 W Chuska Street, 126 W. Chuska Street, and 201 S MAIN Street, under Tax ID R0001569, in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

AZTEC ORIGINAL TOWNSITE SUBDIVISION LOTS 1, 2 AND N 24 FT LOT 3 BLOCK 20 BK.1476 PG.630 BK.1582 PG.407.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by Aztec's City Commission on Tuesday, July 28, 2020 at 6:00 p.m. at the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, New Mexico and the GoToMeeting online platform <https://global.gotomeeting.com/join/421584413>.

You can also dial in using your phone.

United States (Toll Free): [1 866 899 4679](tel:18668994679)

United States: [+1 \(669\) 224-3318](tel:+16692243318)

All persons shall have an opportunity to be heard why the said application should be granted or denied. All persons are invited to attend said hearing. You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed request. You are invited to attend the hearing, noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco Street, Aztec, New Mexico 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date.

If you have any questions, comments, or concerns regarding this notice or would like additional information regarding this petition, please contact the Community Development Department at 505-334-7605.

Sincerely,

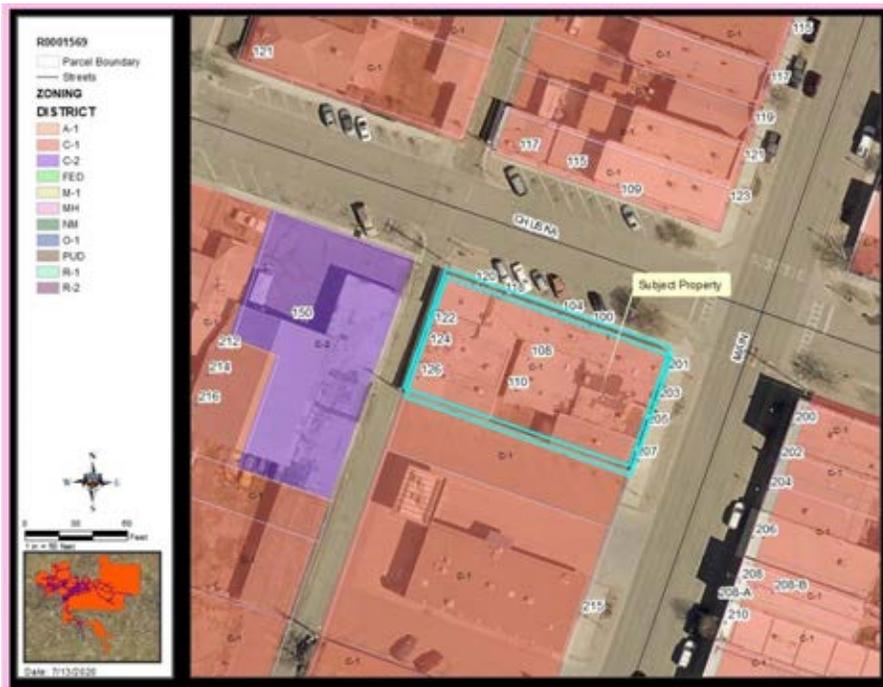
Steven M. Saavedra, CFM – CZO
Community Development Department
City of Aztec

City of Aztec Commission Meeting 7-28-2020
Tue, Jul 28, 2020 6:00 PM - 8:00 PM (MDT)

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/421584413>

You can also dial in using your phone.
United States (Toll Free): [1 866 899 4679](tel:18668994679)
United States: [+1 \(669\) 224-3318](tel:+16692243318)

Access Code: 421-584-413
New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/421584413>



Janice Giron
41 Rd 3020
Aztec, NM 87410

Waybourne Real Estate LLC
806 Pioneer Ave
Aztec, NM 87410

Ian Kirste
72 Rd 3133
Aztec, NM 87410

Michael and Cynthia Paschall
7 Rd 2794
Aztec, NM 87410

Nicolas Lincoln Chavez Trust
110 Rd 3000
Aztec, NM 87410

Carmen and Linda Crone
PO Box 340
Aztec, NM 87410

Felix and Mayra Chavez
117 S Main
Aztec, NM 87410

Minium Revocable Trust
112 Rd 3100
Aztec, NM 87410

Ralph and Karlette Winebarger
282 Rd 3000
Aztec, NM 87410

Hodge Investment LLC
201 E. Chaco St.
Aztec, NM 87410

Citizens Bank
215 S Main
Aztec, NM 87410

Citizens Bankshares Inc - Linda Lynch
PO Box 4140
Farmington, NM 87499-4140

City of Aztec – Community Development
201 W. Chaco
Aztec, NM 87410

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