

**AG E N D A  
CITY OF AZTEC  
CITY COMMISSION WORKSHOP  
August 11, 2020  
201 W. Chaco, City Hall  
5:15 p.m.**

**The Commission Workshop will be  
streamed live on [www.youtube.com](http://www.youtube.com) City of Aztec**

**5:15**

Solar Rate 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**  
**August 11, 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 14 , 2020**  
**it will be streamed live on [www.youtube.com](http://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 Workshop Meeting Minutes July 28, 2020
- B. Commission Meeting Minutes July 28, 2020
- C. Resolution 2020-1195 Delegating Authority to the City Manager to Acquire Real  
Property Necessary for the Construction of the Aztec Arterial

*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**

**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.

**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 27<sup>th</sup>. Hard copies can be faxed to 505-334-7609 or emailed to [ksayler@aztecm.gov](mailto:ksayler@aztecm.gov). These comments will be distributed to all commissioners for review to be addressed at the meeting.

**VIII. BUSINESS**

NONE

**IX. QUASI JUDICIAL HEARINGS (LAND USE)**

A. CUP 2020-02 A Conditional Use Permit (CUP) to allow a construction yard for a construction project in an O-1 Zoning District

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

**XI. 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 WORKSHOP MEETING MINUTES  
3 July 28, 2020  
4

5 **I. CALL TO ORDER**

6 Mayor Snover called the Workshop to order at 5:15 pm Virtual  
7

8  
9 MEMBERS PRESENT: Mayor Victor Snover; Mayor Pro-Tem Fry;  
10 Commissioner Sherri Sipe; Commissioner,  
11 Mark Lewis; Commissioner Randall  
12

13 MEMBERS ABSENT: NONE  
14

15 OTHERS PRESENT: City Manager Steve Mueller; Finance Director  
16 Kathy Lamb; City Attorney Tyson Gobble; IT  
17 Director Wallace Begay; City Clerk Karla  
18 Sayler  
19

20 **A. FY21 Final Budget Discussion**  
21

22 Mayor Snover opened the workshop and turned it over to City Manager Steve  
23 Mueller and Finance Director Kathy Lamb. Kathy mentioned that there have been  
24 a few adjustments.

- 25 • In the general fund the biggest change is in State Law mandating body  
26 cameras for law enforcement that must be in place by the end of  
27 September. This is an increase of almost \$75,000 to the general fund.
- 28 • The other change has been to the Senior Food Program. In order to track  
29 what the program is actually costing the city so she has moved in out of  
30 the general fund and over to the inter-governmental fund. However we  
31 know that the funding for that program will be coming through either mail  
32 donations or reimbursement from the City of Farmington and this will not  
33 be sufficient to support the program so a transfer will be required from the  
34 general fund.
- 35 • Since GRT didn't totally bottom out in June we will try to fill 3 vacant  
36 positions; IT Technician, Police Officer, and Procurement Officer.
- 37 • Law Enforcement Protection fund received an annual distribution and  
38 funds not expended 100% during the fiscal year we request a carry over  
39 and re appropriated the balance of \$3,890.
- 40 • Riverbanks stabilization funding agreement in June for \$138,000.
- 41 • Lodger's Tax revenues performed better than anticipated so an increase  
42 of \$6,000 has been added for marketing and advertising.
- 43 • The airport fund carried over 100% of the funding to FY21.
- 44 • The Joint Utility Fund is where we see the carryover of projects that were  
45 budgeted in FY20 that weren't complete. We originally budgeted for 1500

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

new meters but Ken requested another 1500 meters so that's an additional \$100,000.

- Llano lift station is approximately 60% complete so it's a re-appropriation of the balance of funds.
- The grant agreement for the Navajo Dam water line of \$1.5 million which is a legislative appropriation.
- The sale of the HUB will be finalized as soon as we get the approval from the state.

**II. ADJOURNMENT**

Moved by Mayor Snover to adjourn the meeting at 5:40 p.m.

\_\_\_\_\_  
Mayor, Victor C. Snover

ATTEST:

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

MINUTES PREPARED BY:

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

1  
2 CITY OF AZTEC  
3 COMMISSION MEETING MINUTES  
4 July 28, 2020

5 **I. CALL TO ORDER**  
6

7 Mayor Snover called the Virtual Meeting to order at 6:00 pm. The Regular Meeting  
8 of City of Aztec Commission was held at 6:00 pm Tuesday, July 28, 2020 and will be  
9 streamed live on www.youtube.com

10  
11 **II. INVOCATION AND PLEDGE OF ALLEGIANCE**  
12

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

16 **III. ROLL CALL**  
17

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

21  
22 Members Absent: None

23  
24 Others Present: City Manager Steve Mueller; City Attorney Tyson Gobble;  
25 Project Manager Ed Kotyk; City Clerk Karla Sayler (see  
26 attendance sheet  
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 A. Commission Meeting Minutes July 14, 2020  
38 B. Resolution 2020-1192 FY20 Fourth Quarter Report  
39 C. Resolution 2020-1194 Authorizing Assignment of Authorized Officers for SAP  
40 20-E2180-STB NM Hwy 173 Waterline Relocation  
41

42 MOVED by Commissioner Randall to Approve the Consent Agenda as  
43 given SECONDED by Commissioner Lewis

44  
45 All voted Aye: Motion passed five to zero  
46

47 **VI. ITEMS REMOVED FROM CONSENT AGENDA**

48  
49 NONE

50  
51 **VII. CITIZENS INPUT (3 Minutes Maximum)**

52  
53 NONE

54  
55  
56 **VIII. BUSINESS ITEMS**

57  
58 **A. Resolution 2020-1193 FY21 Annual Budget Adoption**

59  
60 City Manager Steve Mueller explained that this is the final budget for FY21  
61 and asked if there were any follow up questions from what was presented at the  
62 workshop.

63  
64 MOVED by Commissioner Padilla to Approve Resolution 2020-1193 FY21  
65 Annual Budget SECONDED by Commissioner Lewis

66  
67 A Roll Call was taken: All voted Aye: Motion passed five to zero

68  
69 **B. Aztec Museum FY21 Funding Request**

70  
71 City Manager Steve Mueller explained this is a funding request for the  
72 Museum. He turned it over to the President of the Museum Board Jack Scott.  
73 He explained that they have been closed down with the Governor's health  
74 order. They did apply for PPP funding and they've gotten some of that and  
75 because they can't open they haven't used very much of that money.

76  
77 Mayor Pro-Tem Fry if they museum had any other fundraising  
78 opportunities or if they have any other options for funding for museums. She  
79 is really worried about the city's finances and concerned about funds we let  
80 go of in these uncertain times. Jack explained that basically a lot of the  
81 funding comes from the people coming in and donations.

82  
83 Commissioner Padilla mentioned that the Museum really helps with  
84 tourism and asked if we fund some of the money now could we come back  
85 and give additional at a later time because he doesn't want to lose the  
86 museum.

87  
88 Mayor Snover mentioned that when we were trying to figure out a way to  
89 combine the visitor center and the museum he has not let that go and he  
90 feels like we still need to find a way to make this happen and he realizes that  
91 we can't do that right now but he really wants to look at doing this. Jack says

92 that the City was going to come back with a different proposal because at  
93 that time the City would take over the hole upstairs and they would have to  
94 move everything out. This would have caused an access problem for the  
95 museum and the board voted it down. He mentioned that they would be  
96 willing to reevaluate and look at a different proposal and try to work  
97 something out. City Manager Steve Mueller said that he would get with Jack  
98 and begin to revisit that idea. Mayor Snover asked Jack if there was anything  
99 being done to improve traffic and if there were any initiatives to try and do  
100 something virtual or partnering with the visitor's center in order to get people  
101 there. Jack explained that they have an active Facebook page and a  
102 website. Mayor Snover asked what the funds would be used for and Jack  
103 read a list of items that the money was used for in 2019.

104  
105 Commissioner Randall has the same financial concerns. Mayor Pro-Tem  
106 mentioned that she was thinking maybe \$5,000 and look at it later when we  
107 know more about our own finances. Mayor Snover mentioned that it was part  
108 of the MRA to get the visitor center on Main Street and he feels like that is a  
109 higher priority in his opinion than having the archive of the museum.  
110 Commissioner Padilla explained how we got the visitor center building and  
111 explained that he doesn't want it turned into something that can't be utilized  
112 with tourism because that's what it was originally dedicated for. He agrees  
113 about giving them some now and then come back and look at it later. Jack  
114 regained connection and said that utilities run about \$4,000, insurance runs  
115 around \$2,000, maintenance of the ground around \$500, and \$2,000 in  
116 wages so right around \$30,000

117  
118 MOVED by Commissioner Randall to Approve funding to the Aztec Museum  
119 in the amount of \$5,000 SECONDED by Mayor Pro-Tem Fry

120  
121 A Roll Call was taken: All voted Aye: Motion passed five to zero

122  
123 **IX. QUASI JUDICIAL HEARINGS (Land Use)**

124  
125  
126 Mayor Snover read the land use script and swore all parties in. He asked if there  
127 were any challenges, conflicts of interest or personal bias that needed to be declared  
128 and there were none.

129  
130 **A. Application for Zone Change from the Mobile Home (MH) Zoning District  
131 to the Limited Retail/Neighborhood Commercial (C-1) Zoning District, for  
132 Property located at 214 W. Zia St.**

133  
134 Community Development Director Steven Saavedra explained that this  
135 application is for Frank and Ernest Martinez. He explained that in 2018 there  
136 was a mobile home sitting on this parcel. The owners moved the mobile home

137 and just left the metal building on the parcel and that is in a nonconformance  
138 status. The mobile home district allows mobile homes not commercial storage  
139 buildings. He explained that this is not considered a spot zone. The request is  
140 to get the zoning and use in conformity. Steven explained that this is in the  
141 MRA district. Steven said that he has only heard from 2 interested parties and  
142 one of those was just asking for more information. The other caller just asked  
143 if the owner could remove the spray paint from the boards because it was  
144 devaluing the area, he stated that staff is recommending the zone change  
145 with the conditions that they adhere to City Ordinance COA 26-3-152 District  
146 Landscaping Requirements should a significant remodel occur and the spray  
147 paint be removed on the board windows. Steven stated that it's important  
148 when we are making these decisions that it follow the City's Comprehensive  
149 plan in all respects and this would be in line with the plan.

150  
151 Ernest Martinez explained that they are wanting to make a little shop out  
152 of it, something for tourists. They feel that it would help the City with GRT.  
153 Frank Martinez mentioned that his cousins Carlos Gonzales and Sandra  
154 Maestas all share meters. Their grandfather split the property. The City asked  
155 them to move the mobile home so that they can start getting the utilities  
156 separated. The way it is now is that Carlos Gonzales and their shop are on  
157 the same meter. The Gonzales property and Maestas property now have their  
158 own meters and they are unable to get utilities to the shop until the can get  
159 the zone change.

160  
161 Sandra Maestas said that she didn't have a problem with anything she just  
162 wanted to make sure that it was understood that the property behind her  
163 rental was on their meter whenever the trailer was there. She wanted to make  
164 sure the coordinates are right because the fence that's behind her house is  
165 not put in the proper location, they still have 10 feet over from where it was  
166 placed. Steven Saavedra explained that we would need documentation from  
167 either owner to make sure that there are no encroachment issues. Typically  
168 though that's a civil issue and the City does not get involved unless there's an  
169 encroachment on City property. Carlos Gonzales said that he does not  
170 oppose the zone change.

171  
172 Mayor Snover closed to testimony and opened for discussion.  
173 Commission all felt this would be a good thing. Mayor Snover closed to  
174 discussion.

175  
176 MOVED by Mayor Pro-Tem Fry to Approve the zone change 20-01 a request  
177 from Frank Martinez and Ernest Martinez for a zone change from the (MH)  
178 Mobile Home District to the (C-1) Limited Retail/Neighborhood Commercial  
179 District for property located at 214 W. Zia St., Aztec, NM with conditions that they  
180 adhere to City Ordinance COA 26-3-152 District Landscaping Requirements

181 should a significant remodel occur and the spray paint be removed on the board  
182 windows SECONDED by Commissioner Lewis

183

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

185

186 **B. Application for a Variance to Minimum Parking for a Dwelling (COA**  
187 **Sec.26-3-171) and the Requirement Landscaping Requirements (COA**  
188 **Sec.26-3-152) for Property Located at 205 S. Main Ave.**

189

190 Community Development Director Steven Saavedra stated that this is a  
191 variance to the minimum parking and landscaping requirements for property  
192 located at 201, 203, 205 and 207 Main Ave and 100, 104, 108, 110, 118, 120,  
193 122, 124 and 126 W. Chuska Ave. This is a mixed use property of commercial  
194 and office space in the front and residential in the back. He mentioned that a  
195 variance is specifically about a specific hardship, it's unique to this particular  
196 piece of property; and this property or property owner cannot enjoy the same  
197 rights that other individuals are allowed to. The applicant Christopher Engle is in  
198 the process of remodeling because in the fall of 2019 it experienced a fire and all  
199 the occupants had to leave the property. The owner is wanting to remodel the  
200 residential and commercial up front. The parking requirements say that you need  
201 2 parking spaces for every residential unit. The owner will have 13 units so that is  
202 26 parking spaces in addition to the City Code states that if there is a remodel  
203 with valuation of over \$30,000 landscaping requirements are needed. The  
204 parking that has occurred prior to the remodel has been on City property on Main  
205 and Chuska. There is very little room for parking, this is in the MRA district.  
206 Steven noted that deep within the landscape code there is a provision that says if  
207 90% of the property is utilized by structures they do not have to meet the parking  
208 requirements. If the owners are to adhere to the parking and landscaping  
209 requirement then most of the structures would have to go away to account for the  
210 parking stalls and landscaping. City staff is recommending approval for each of  
211 the variances, because we feel that this property is unique and meets the  
212 requirements for a variance.

213

214 MOVED by Commissioner Lewis to Approve Variance 20-01, a request from  
215 Christopher P. Engle, for a variance to COA 26-3-171(1), 26-3-17 (7), and 26-3-  
216 152 with the conditions of: resubmit clear and detailed construction plans, utility  
217 plans, and identify the location of the dumpster and or poly cars area on the  
218 subject property; An area needs to be shown and dedicated for the dumps or  
219 poly carts per COA 21-27; and Public parking along Main Ave. and W. Chuska  
220 does not belong or reserved to any private party, business, or residential unit (s)  
221 SECONDED by Commissioner Randall

222

223

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

225

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

227  
228 City Manager Steve Mueller commended staff on overcoming the challenges that  
229 keep arising with the COVID-19 pandemic. With the rain we are dealing with  
230 flooding concerns from a few residents and we will still monitor the water situation  
231 for drought.

232  
233 City Attorney Tyson Gobble recognized Steve Mueller, Staff and Commission for  
234 the foresight and thinking outside the box with the COVID situation and the way it  
235 has impacted the local economy and businesses in Aztec. He liked the temporary  
236 use permits for businesses allowing use of City Property.

237  
238 Commissioner Padilla attended the COG meeting and they made some  
239 corrections on the way they have Aztec's staffing. He thanked the Mayor for  
240 allowing him to be a participant in the Airport Board meeting and he hopes that  
241 they have a decent response from the board on the agreements.

242  
243 Commissioner Randall mentioned that he attended the LTAB meeting and they  
244 are looking for a new member contact Sherlynn if you are interested. He  
245 commended the Finance Department on the hard work on the budget. He also  
246 thanked Steven Saavedra for the good information provided in the staff  
247 summaries.

248  
249 Commissioner Lewis thanked Chief Heal for his handling of a situation that arose  
250 between local youth and other residents.

251  
252 Mayor Pro-Tem Fry mentioned that she attended the San Juan County  
253 Partnership and the new director seems to have a handle on things. She will be  
254 gathering information on community gardens to present to EDAB. She talked to  
255 Steve Mueller and found out the City has 17 canopies that the City can lend to  
256 businesses or restaurants.

257  
258 Mayor Snover said that he appreciates Chief's patience and wanted him to know  
259 that he is in his thoughts with his mother's passing. He attended the 4CED  
260 Executive Board Meeting. He mentioned how lucky we are to have the caliber of  
261 staff from the top to the bottom, Commissioners included he thinks we've all done  
262 a really good job handling this situation. He has had comments from some  
263 neighbors regarding the flooding stuff and they were complimentary about how  
264 quickly we got out there to at least see what could be done. That's the big thing our  
265 staff is so good at we do our very best to address concerns and give them  
266 reasonable expectations and make things happen. He mentioned that with the  
267 Governors new orders schools won't be starting until after Labor Day for in person  
268 learning. The online portion would start August 10<sup>th</sup>.

269

270 Steven Saavedra reminded everyone about the 1<sup>st</sup> Comprehensive Plan meeting  
271 on Thursday, July 30<sup>th</sup> starting at 6:30 pm and this is truly important to discuss  
272 zoning issue, landscaping, parking, mobile home, etc. They have received a lot of  
273 surveys.  
274

275

276 **XI. ADJOURNMENT**

277

278 Mayor Snover moved to adjourn the meeting at 7:20 pm SECONDED by  
279 Commissioner Lewis

280

281

282

283

284

285

286

\_\_\_\_\_  
Mayor, Victor Snover

287 ATTEST:

288

289

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

291

292

293 MINUTES PREPARED BY:

294

295

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

297

298

299

300

# Staff Summary Report

---

**MEETING DATE:** August 11, 2020  
**AGENDA ITEM:** V. CONSENT AGENDA (C)  
**AGENDA TITLE:** Resolution 2020-1195 Delegating Authority to the City Manager to Acquire Real Property Necessary for the Construction of the Aztec Arterial

---

**ACTION REQUESTED BY:** City Manager  
**ACTION REQUESTED:** Approve Resolution 2020-1195 Delegating Authority to the City Manager to Acquire Real Property Necessary for the Construction of the Aztec Arterial  
**SUMMARY BY:** City Staff

---

## PROJECT DESCRIPTION / FACTS

Resolution 2020-1195 provides the authority for the City Manager to sign closing documents for the land purchases needed for the acquisition of Right-of-Way for the Aztec Arterial.

## PROCUREMENT

- Appraisals conducted by Gipson Investments, Inc.
- Acquisition process conducted by Tierra Right of Way Services.

## FISCAL IMPACTS

Costs for the land purchases:

- Fair Market Value of Parcels 2-3; 2-3-A; 2-5; 2-5-A; 3-1; 3-1-A; and 4-1: **\$11,200**
- Fair Market Value of Parcel 2-4: **\$500** (minimum compensation)

---

**SUPPORT DOCUMENTS:** Resolution 2020-1195 Authorizing City Manager's Signature for Land Closing Documents specific to the East Aztec Arterial ROW Purchases

---

**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Resolution 2020-1195 Delegating Authority to the City Manager to Acquire Real Property Necessary for the Construction of the Aztec Arterial

---

**City of Aztec  
Resolution 2020-1195**

**Delegating Authority to the City Manager to Acquire Real Property  
Necessary for the Construction of the Aztec Arterial**

**WHEREAS**, the City Commission of the City of Aztec, New Mexico, is authorized Board of Finance of said City of Aztec, and as such has control of the manner and method that monies belonging to the City shall be handled; and

**WHEREAS**, the City needs to acquire additional lands in the form of Right-of-way for the construction of the Aztec Arterial; and

**WHEREAS**, the City is in the process of land acquisition for the Aztec Arterial Right-of-Way; and

**WHEREAS**, to complete the land purchases requires a representative of the City of Aztec to sign documents;

**NOW THEREFORE BE IT RESOLVED** by the City Commission of Aztec, New Mexico, delegates to the City Manager the authority to execute on behalf of the City of Aztec all documents necessary to effectuate the acquisition of such real property interests.

**PASSED, APPROVED AND ADOPTED** this 11<sup>th</sup> day of August 2020.

City of Aztec

\_\_\_\_\_  
Victor C Snover, Mayor

ATTEST:

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

# Staff Summary Report

---

**MEETING DATE:** 8/11/2020  
**AGENDA ITEM:** IX. Quasi-Judicial Hearing (A)  
**AGENDA TITLE:** CUP 2020-02– A Conditional Use Permit (CUP) to allow a construction yard for a construction project in an O-1 Zoning District

---

**ACTION REQUESTED BY:** Aztec Municipal School District  
**ACTION REQUESTED:** A Conditional Use Permit (CUP) to allow a construction yard for a construction project in an O-1 Zoning District  
**SUMMARY BY:** Steven Saavedra

---

## PROJECT DESCRIPTION / FACTS

Applicant	Aztec Municipal School District
Representative	Grant Banash
Date of Application	7/11/2020
Requested Action	CUP 2020-02 – A a Conditional Use Permit (CUP) to allow a storage structure for a construction project
Location	500 E. Chaco St.
Dimensions	Tax ID # R0000100
Existing Land Use	Vacant (area of construction)
Existing Zoning	Office & Institutional District.
Surrounding Zoning / Land Use	North: R-1 & O-1 / Residential South: O-1 Residential East: O-1 Residential West: R-1 & O-1 / Residential & Office Use
Notice	Within 100 feet, property owners were sent a notice by certified mail on July 27, 2020, and a classified ad was placed with the Daily Times on July 27, 2020
MRA	No
SPHA	No
Access	Chaco St. and Chuska St.



site where there is the potential for air and water pollution from dust traveling across the landscape or through the air.

On July 7, 2020, the construction yard was placed on the subject property shortly after Aztec Municipal School District was notified of the CUP requirement per the O-1 District. On July 8, 2020, a CUP application from Aztec Municipal School District was received. In the interim, FCI Construction mitigates a few of the negative externalities related to construction activity by commencing construction from 7:00 AM and ending at 6:00 PM. Also, the construction firm placed a partial screen around the security fence. To date, the Community Development Department has not received any comments, questions, or concerns regarding the construction yard nor the requested CUP.



*Figure 2: Construction Yard*

**SUPPORT DOCUMENTS:**

1. Application
2. Map
3. List of Adjacent Property Owners
4. Adjacent Property Owner Notification Letter

**DEPARTMENT’S RECOMMENDED MOTION:** Move To approve CUP 20-02, a request from Aztec Municipal School District, represented by Grant Banash, for a conditional use permit to allow a construction yard in an O-1 District, at 500 E. Chaco St., Aztec, NM with the following conditions:

1. All construction activity needs to be between 7:00 AM and ending at 6:30 PM.
2. Screening needs to be added to the east and south side.
3. Dust control measures need to be in place and applied per this construction project.

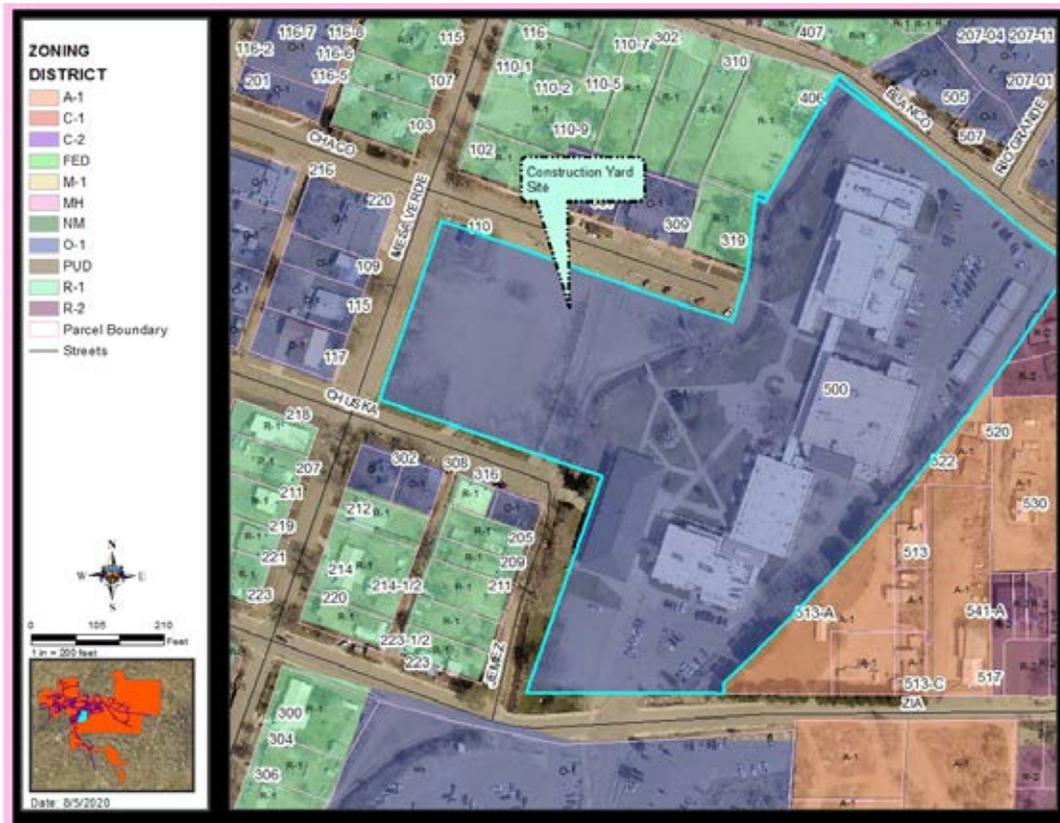


Figure 3: Zoning Map



# CITY OF AZTEC CONDITIONAL USE APPLICATION

Permit #: CUP 20-02 Date Started: 7/8/2020 Date Approved: Pending Fees Paid: Paid

### PROPERTY OWNER CONTACT INFORMATION

Name: Grant Banash (Director of Operations) c/o Aztec Municipal Schools  
Mailing Address: 1118 W. Aztec Blvd.  
Phone: 505-599-4301  
Email: mabanagr@aztec.k12.nm.us

### PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 500 E. Chaco Street, old courthouse lot, West of Aztec High School  
Tax ID: R0000100 Parcel Size (ac): 45.49  
Zone District: O-1  
Current Use: School owned vacant lot on the West side of Aztec High School  
Proposed Use: Temporary Job Siet Office/Staging area  
Flood Zone Designation: Not located in a FEMA flood zone designated area

### REASON FOR REQUESTING A CONDITIONAL USE

This space is needed to temporarily set up a job site office and fenced staging area during the construction process of a district and state funded school security upgrade at Aztec High School. This property will also be used for construction parking for the duration of the project. This security project is scheduled to be completed at the end of January 2021.

### APPLICANT SIGNATURE

I, Grant Banash representing Aztec Municipal Schools 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: Grant Banash Date: July 8, 2020

### 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 Conditional Use Fee = Total \$260

COA  
26-2-56

• Addresses

**Easements**

**TYPE**

-  Utility Easement
-  Streets
-  Structures
-  Water Lines
-  Sewer Lines
-  Electric Lines
-  Alleys
-  Parcel Boundary

**DITCHNAME**

-  Lower Animas Ditch
-  FEMA Flood Zone

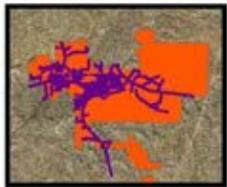
**ZONING**

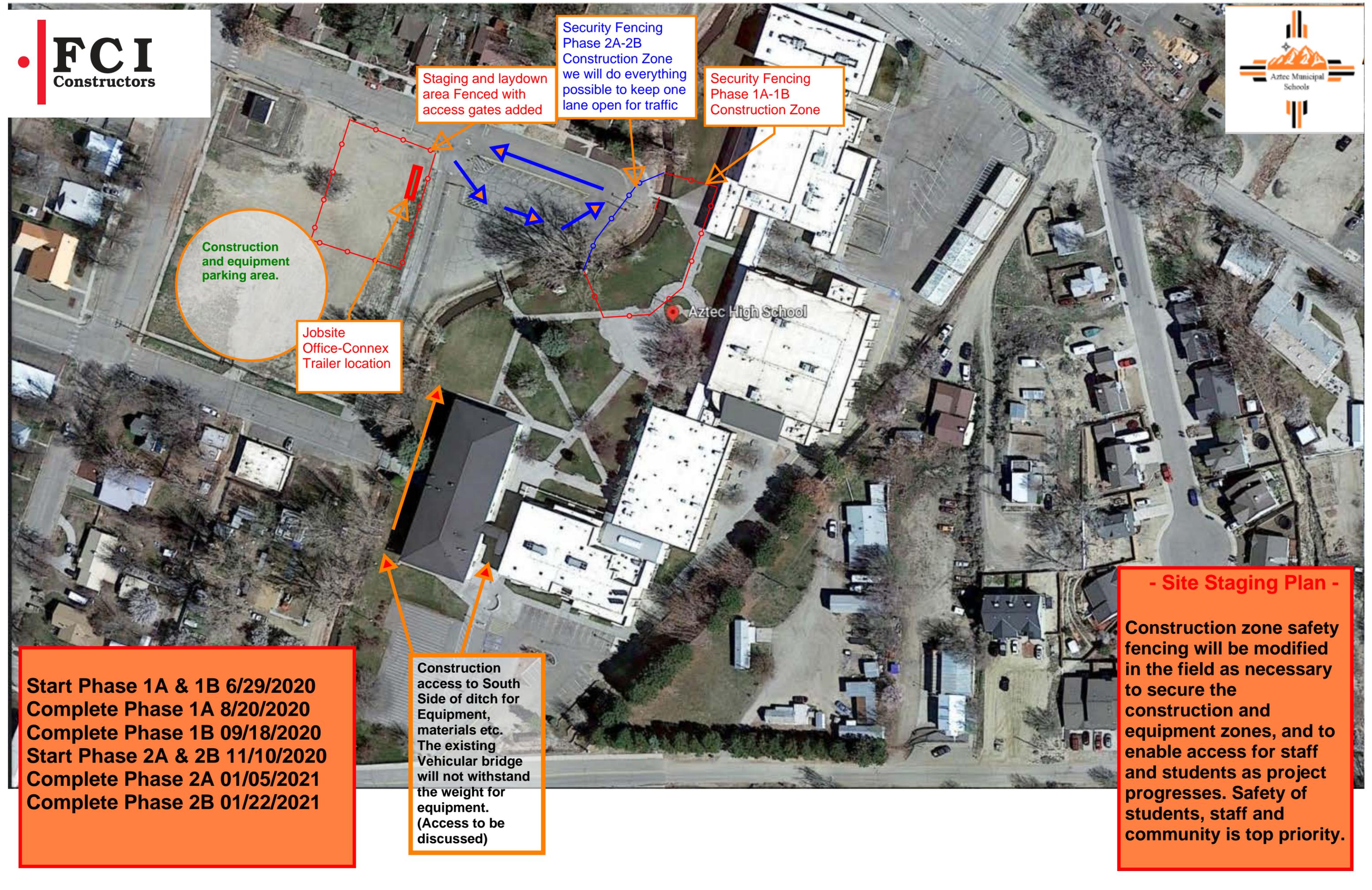
**DISTRICT**

-  A-1
-  O-1
-  R-1



1 in = 100 feet





Staging and laydown area Fenced with access gates added

Security Fencing Phase 2A-2B Construction Zone we will do everything possible to keep one lane open for traffic

Security Fencing Phase 1A-1B Construction Zone

Construction and equipment parking area.

Jobsite Office-Connex Trailer location

Aztec High School

Start Phase 1A & 1B 6/29/2020  
Complete Phase 1A 8/20/2020  
Complete Phase 1B 09/18/2020  
Start Phase 2A & 2B 11/10/2020  
Complete Phase 2A 01/05/2021  
Complete Phase 2B 01/22/2021

Construction access to South Side of ditch for Equipment, materials etc. The existing Vehicular bridge will not withstand the weight for equipment. (Access to be discussed)

**- Site Staging Plan -**  
Construction zone safety fencing will be modified in the field as necessary to secure the construction and equipment zones, and to enable access for staff and students as project progresses. Safety of students, staff and community is top priority.

*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 Conditional Use Permit.

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 CONDITIONAL USE PROCESS

---

- Step 1** Schedule a meeting with the Community Development Director to review your conditional use request (505) 334-7604.
- Step 2** Turn in completed application and items on the attached *Conditional Use 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 Conditional Use 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 Conditional Use 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 Conditional Use request.
- Step 6** Duration of Permit. Every "Conditional Use Permit" is specific to the specified property and property owner. Should the property be sold to a new owner, the "Conditional Use Permit" automatically becomes void and terminates. Regardless of relationship, a "Conditional Use Permit" is not transferable from owner to owner.



## CITY OF AZTEC CONDITIONAL USE REQUIREMENTS

---

The requirements of a Conditional Use Permit are defined in Chapter 26 Land Use Regulations, Article IV., Division 4. Conditional Uses are listed in Aztec Municipal Code by Zone District. If you need assistance identifying the zone district of your property please consult the Community Development Office at (505) 334-7604.

An excerpt from Aztec Municipal Code which identifies the requirements of a conditional use is included below for your reference:

### **Sec. 26-4-541. Purpose.**

The objective of this land development ordinance is to provide for an orderly arrangement of compatible building and land uses compatible with the physical pattern of development characterized by the neighborhoods and districts within Aztec, and for the proper location of all types of uses required for the social and economic welfare of the City of Aztec. Toward this goal each type and kind of use is classified as being permitted in one or more respective districts. However, in addition to those uses specifically classified as "permitted uses" in each district, there are certain additional uses, because of their unusual characteristics or the service they provide the public. These "conditional uses" listed with their respective district require particular consideration as to their proper location in relation to adjacent established or intended uses. The conditions controlling the location and operation of such "conditional uses" are established by the following provisions of this Section.

(Code 2007, 26-541)

### **Sec. 26-4-542. Process.**

1. Application. Each application for a "Conditional Use" must provide to the Community Development Department the following:
  - (1) A completed "Application for Use Permit" form;
  - (2) A site plan of the proposed activity showing the following requirements:
    - (a) An outline, with boundary dimensions and total acreage, of the area proposed for conditional use;
    - (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) Verification of ownership or legal interest in the subject property (copy of abstract, title certificate, insurance or contract);
  - (4) Legal description of the property or proper street address;
  - (5) Statement describing the proposed use of the buildings, the structures and the premises;

1. Publication and Notification. Proper public notification and publication follows the procedures outlined in Section 26-504-2(3).
2. Fees. A non-refundable fee of two hundred and fifty dollars (\$250.<sup>00</sup>) is required.
3. Approval or Denial. No "Conditional Use Permit" shall be approved or granted by the City Commission unless the conditional use:
  - (1) Is necessary for public convenience at the proposed location.
  - (2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
  - (3) Will not cause substantial injury to the value of other property in the neighborhood of which it is a part; and
  - (4) That in no case will such use change or alter the Land Development district of which it is a part and further, in the event of such use cease to operate, the property occupied by the "conditional use" will revert back to its intended District.Denial of the "Conditional Use Permit" can occur if:
  - (5) A written protest to the proposed conditional use is signed by the majority of owners of property within one hundred (100) feet; or
  - (6) The Conditional Use application fails to receive a majority vote of the City Commission.
4. Duration. Every "Conditional Use Permit" is specific to the specified property and property owner. Should the property be sold to a new owner, the "Conditional Use Permit" automatically becomes void and terminates. Regardless of relationship, a "Conditional Use Permit" is not transferable from owner to owner.  
(Code 2007, 26-542)



# CITY OF AZTEC CONDITIONAL USE CHECKLIST

---

## **Applicable Fees**

---

Administrative Fee	\$10
Conditional Use Permit 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 CONDITIONAL USE EVALUATION

---

Permit #: \_\_\_\_\_

1. Is the Conditional Use necessary for public convenience? \_\_\_\_\_ No \_\_\_\_\_ Yes
2. Does the Conditional Use impose a health issue on the public? \_\_\_\_\_ No \_\_\_\_\_ Yes
3. Does the Conditional Use impose a safety issue on the public? \_\_\_\_\_ No \_\_\_\_\_ Yes
4. Is the Conditional Use detrimental to the property? \_\_\_\_\_ No \_\_\_\_\_ Yes
5. Is the Conditional Use detrimental to surrounding properties? \_\_\_\_\_ No \_\_\_\_\_ Yes
6. Have a majority of the property owners within 100 ft signed a written protest? \_\_\_\_\_ No \_\_\_\_\_ Yes

## Aztec High School-500 E. Chaco

R0000563  
David C and Mary E Dusenbery Trust  
216 E Chaco  
Aztec, NM 87410

R0001148-Vacant Land S Jemez St  
Adele McClure Estate  
PO Box 1311  
Terrell, TX 75169-0024

R0000643-507 Blanco St  
Rick Stinson  
3120 Mortenson Rd  
Farmington, NM 87401-1945

R0000275  
Andrew Krull  
109 S Mesa Verde  
Aztec, NM 87410

R0000688  
Roy Callison  
223 E Zia  
Aztec, NM 87410

R0001443  
Nathaniel Selph  
505 Blanco St  
Aztec, NM 87410

R0000514-115 S Mesa Verde  
Joel and Patricia Racheff  
603 Sunnyside Dr  
Durango, Co 81301

R0000885, R0001109  
Rusty Dog LLC  
513 E Zia  
Aztec, NM 87410

R0000323-408 Lovers Lane  
Julia Medina Trust  
5706 Fairway Dr  
Aztec, NM 87401-5025

R0002078  
Carla Vescovi  
PO Box 1506  
Aztec, NM 897410

R0001111, R0000553  
RNMTZ LLC  
626 Blanco St  
Aztec, NM 87410

R0001259  
John Swartout  
406 Lovers Lane  
Aztec, NM 87410-2316

R0001287-218 E Chuska  
Georgia Pecoraro Trust  
204 Manana Pl  
Farmington, NM 87401

R0000318-517 E Zia  
517 E Zia LLC  
20 Road 3010  
Aztec, NM 87410

R0002088  
Lou Ella Joy McDonald  
409 Blanco St  
Aztec, NM 87410

R0001398  
Patricia Manzanares  
302 E Chuska  
Aztec, NM 87410

R0000881-520 Blanco St  
Cathy Garcia  
PO Box 683  
Aztec, NM 87410

R0002087-407 Blanco St  
Minna Carey  
633 Meadow Lark Dr  
Pagosa Springs, CO 81147

R0002641  
Norene Klemm  
308 E Chuska  
Aztec, NM 87410

R4001029  
John Kelly  
530 Blanco St  
Aztec, NM 87410

R0001271-402/406 Blanco St  
Flora Spritzer Living Trust  
50 E N Temple Fl 22  
Salt Lake City, UT 84150-3620

R0001721-212 S Mesa Verde  
Fine Restorations and Rentals LLC  
5812 Hogan St  
Farmington, NM 87410

R4003441-102 Creekside Village  
Shari Strauss  
PO Box 580  
Aztec, NM 87410

R6000099  
Jade Justice  
310 Blanco St  
Aztec, NM 87410

R0000951  
Aztec Chiropractic Center PC  
318 E Chuska  
Aztec, NM 87410

R4003400-100 Creekside Village  
Shari Strauss  
105 W Chaco St  
Aztec, NM 87410

R0001337  
Christa Chapman  
319 E Chaco St  
Aztec, NM 87410

R0000883-205 S Jemez St  
Roy Callison  
223 E Zia  
Aztec, NM 87410

R4003432-Vacant Land Creekside Village  
City of Aztec  
201 W Chaco  
Aztec, NM 87410

R0001250  
Paul Spear  
309 E Chaco St  
Aztec, NM 87410

R0000695-209 S Jemez St  
Roy Callison/ Javier Leyva  
223 E Zia  
Aztec, NM 87410

R0000999-613 Blanco St  
Daniel and Ann Shewmake  
685 Fantango Rd  
Durango, CO 81301

R0001249  
Jerry and June Bruner  
307 E Chaco St  
Aztec, NM 87410

R0000673-211 S Jemez St  
Roy Callison  
223 E Zia  
Aztec, NM 87410

R0000343-207 N Rio Grande Ave  
Russell and Tracey Allen  
5800 La Luz Trail  
Farmington, NM 87402

R0000447  
Steven Saavedra  
102 N Mesa Verde  
Aztec, NM 87410

(con't)

(con't)

R0000330

Lynette Justice

103 N Mesa Verde

Aztec, NM 87410

**NOTICE OF PUBLIC HEARING  
Conditional Use Permit (CUP)  
PETITION NO. CUP 20-02**

Notice is hereby given that an application has been filed with the City of Aztec - Community Development Department for a Conditional Use Permit (CUP), pursuant to COA Sec. 26-2-66(4) for property located at 500 E. Chaco St., under Tax ID R0000100, in the City of Aztec, San Juan County, New Mexico. 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, August 11, 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/646423429>. Please contact the Community Development Department at 505-334-7605 for more information.

**You can also dial in using your phone.**  
United States (Toll Free): 1 866 899 4679  
United States: +1 (571) 317-3117  
#4304916, Daily Times, July 29, 2020

*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  
CONDITIONAL USE PERMIT (CUP)  
PETITION NO. CUP 20-02**

July 27, 2020

Dear Property Owner:

Notice is hereby given that an application has been filed with the City of Aztec - Community Development Department for a Conditional Use Permit (CUP), pursuant to COA Sec. 26-2-66(4) "Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year" for property located at 500 E. Chaco St., under Tax ID R0000100, in the City of Aztec, San Juan County, New Mexico, as described below:

***LEGAL DESCRIPTION***

BEG AT SW COR OF SE SE OF SEC 9 30 11. TH E 13 RODS, N 12.5 RODS, W 13 RODS, S 12.5 RODS TO BEG. BK.4 PG.46 ALSO TR. 1 BEG N 12.5 RODS N FROM SW COR OF SE SE OF SEC 9 30 11. TH E 257 FT, N TO INTERSECT WITH LOWER ANIMAS DITCH  
Otherwise Known as 500 E. Chaco St., Aztec, NM

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, August 11, 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/646423429>

**You can also dial in using your phone.**

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

United States: [+1 \(571\) 317-3117](tel:+15713173117)

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 8-11-2020

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

<https://global.gotomeeting.com/join/646423429>

**You can also dial in using your phone.**

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

United States: [+1 \(571\) 317-3117](tel:+15713173117)

**Access Code:** 646-423-429

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

<https://global.gotomeeting.com/install/646423429>

