CITY OF AZTEC
COMMISSION MEETING MINUTES
September 11, 2018

I. CALL TO ORDER

Mayor Victor Snover called the Meeting to order at 6:01 pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was led by Mr. Botello Koogler Middle School

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Snover.

IV. NEW MEXICO PLEDGE

The New Mexico pledge was led by Mayor Snover.

V. ROLL CALL

Members Present:	Mayor Victor Snover; Mayor Pro-Tem Fry; Commissioner Austin Randall; Commissioner Sipe; Commissioner Mark Lewis
Members Absent:	None
Others Present:	Project Manager Ed Kotyk; City Clerk Karla Sayler (see attendance sheet)

VI. PROCLAMATION

A. Mayor Snover read the proclamation for Constitution Week and presented it to Margaret Dubick.

VII. PRESTENTATION

Once a Day Marketing LLC, James Glover gave a presentation about Outdoor Recreation Initiative. Outdoor recreation industry is the 4th largest industry in the US, it is an 887 billion dollar industry which employees 7.6 million people and a lot of tax revenue is generated for local and state governments. Hired by the City of Farmington to build more experiences and offerings for the amenities that we have locally. Already

getting attention nationally and would like to have the City of Aztec get on board with the ORI program and help embrace outdoor recreation.

VIII. AGENDA APPROVAL

MOVED by Commissioner Randall to Approve the Agenda as given with the exception of item (E), SECONDED by Commissioner Sipe

All voted Aye: Motion passed five to zero

IX. CITIZEN RECOGNITION

Mayor Snover mentioned that we have a couple of new business starting up 550 Brewery and Pizza and Bare Knuckles Barber Shop and encouraged everyone to check them out.

X. EMPLOYEE RECOGNITION

City Manager Steve Mueller welcomed Nicci Unsinker and Gary Risley the new City of Aztec attorneys.

XI. CONSENT AGENDA

A. Commission Meeting Minutes August 28, 2018
B. Library Services Agreement with San Juan County
C. Senior Citizen Services Agreement with San Juan County
D. Resolution 2018-1102 Adopting the 2019-2023 Infrastructure Capital Improvement Plan (ICIP) for the Aztec Senior Center
E. Resolution 2018-1103 Authorizing the Certification of the City of Aztec 2018 Capital Asset Inventory (pulled)
F. NMDOT Control No. C5142088 East Aztec Arterial Funding Agreement (pulled for discussion)
G. Memorandum of Understanding (MOU) for Aztec Municipal School District School Resource Officer
H. Memorandum of Understanding (MOU) for Aztec Municipal School District School Resource Officer (SRO) – Aztec High School

Moved by Commissioner Randall, SECONDED by Commissioner Lewis to approve the Consent Agenda with the exception of item (F).

All Voted Aye: Motion Passed Five to Zero

XII. ITEMS FROM CONSENT AGENDA

(F) NMDOT Control No. C5142088 East Aztec Arterial Funding Agreement

Commissioner Sipe asked for clarification on why the dollar amounts were different and Finance Director Kathy Lamb explained that some money had already been used. Kathy explained that this is the funding that was re-appropriated by the legislature with the 2018 legislature. NMDOT extended the reversion date because of the legislative decision, so there is a new agreement with NMDOT. We will have to do this again with the 2019 legislature.

Moved by Commissioner Sipe, SECONDED by Commissioner Randall to approve NMDOT Fund 89200 Capital Appropriation Project Control. No. C5142088

All Voted Aye: Motion Passed Five to Zero

XIII. CITIZENS INPUT (3 Minutes Maximum)

NONE

XIV. BUSINESS ITEMS

A. Final Adoption of Ordinance 2018-482 Municipal Gross Receipts Tax, An Ordinance Amending Chapter 27, Article 1, Gross Receipts Taxes

Finance Director Kathy Lamb explained that as per the Commission motion and approval on August 14, 2018 the ordinance has been updated to an increase in the municipal gross receipts tax rate by .25% to go to general purposes in the general fund. The effective date will be January 1, 2019 if submitted to tax and revenue by September 28th. To her knowledge we have not received any comments. Commissioner Sipe mentioned that all Commissioners had received an email from Tammy Kavacka and asked what would happen if we tabled this until later because she would like to take this to the EDAB board. Kathy explained that it is the effective date that is driving this timeline, and if the Commission wanted to wait then we would be looking at the July 1st effective date. Commissioner Sipe mentioned that in the email it eluded to the fact that the reason we are doing this is because of mismanagement of funds. She stated that this is far from the truth. She mentioned that the City started cutting budgets 5 or 6 years ago and if we hadn't we would have had to take this action much sooner. Mayor Snover mentioned that this is not the first time that he has heard this kind of stuff but he believes that adequate time was given to weigh in on this issue. Commissioner Lewis mentioned that taxes have not been raised since 2004. Mayor Pro-Tem Fry mentioned that she was happy with the way commission decided to do the increase she felt if left them open to use the increase wherever and she mentioned that they are all interested in economic development. Mayor Snover mentioned that it has been six weeks since

they workshopped this item and at some point board members and citizens need to do their homework and he is not in favor of waiting on this item.

MOVED by Mayor Pro-Tem Fry, SECONDED by Commissioner Lewis to approve the Final Adoption of Ordinance 2018-482 Municipal Gross Receipts Tax, An Ordinance Amending Chapter 27, Article 1, Gross Receipts Taxes

A Roll Call was taken; All Voted Aye
Motion Passed Five to Zero

XV. LAND USE HEARINGS

Mayor Snover read the land use script for the following land use items and asked if there were any challenges, conflicts of interest or ex-parte communications. Commissioner Sipe recused herself from item (B) explaining that this is her variance. Mayor Snover recused himself from item (A) because he owns property adjacent to this property. He swore all participants in and proceeded to the hearing.

A. VAR 18-02 A variance to reduce the dimensional standards and setback requirements in the R-2 Single-Family Residential zoning district

Community Development Director Steven Saavedra explained that this is a request by Bryan and Stacy Hegarty to reduce the lot size and setback requirements for an R-2 district in order to subdivide. He explained that staff does not feel that this would be detrimental and is recommending approval. Paul Martin presented for the Hegartys.

Moved by Commissioner Randall, SECONDED by Commissioner Sipe to approve petition VAR 18-02, a request from Bryan and Stacy Hegarty, for a variance to reduce the dimensional standards and setback requirements in the R-2 Multi-Family Residential zoning district at 209 Blanco and 200 N. Church Ave, Aztec, NM, Tax ID#R0000357 and accepting Findings of Fact 1-6.

A Roll Call was taken; All Voted Aye
Motion Passed Four to Zero

B. VAR 18-03 A variance to exceed the height requirements of 12-feet for the storage of a recreational vehicle carport and to build an accessory structure in a vacant lot abutting residence at 705 Little Rabbit Dr., Aztec, NM

Community Development Director Steven Saavedra explained staff is working on changing the ordinance. The owner will be using the shelter to protect their investment. Staff is recommending approval.

Moved by Commissioner Randall, SECONDED by Commissioner Lewis to approve petition VAR 18-03, a request from Ron and Sherri Sipe, for a variance to

exceed the height requirements of 12-feet for the storage of a recreational vehicle carport and to build an accessory structure in a vacant lot abutting residence at 705Little Rabbit, Aztec, NM, Tax ID # R0000241 and accepting findings of fact 1-5.

A Roll Call was taken; all voted Aye
Motion Passed Four to Zero

C. ZC 18-03 Zone Change request from R-1 Single-Family Residential Zoning District to A-1 Agricultural or Rural Zoning District

Community Development Director Steven Saavedra explained this is a request from Michael Smith the applicant is wanting to put 1 or 2 mobile homes with horses and chickens. Hampton Canyon is not a dedicated district staff is working on changing the ordinance. The owner will be using to protect the investment. Staff is recommending approval with conditions: a permit from BLM to access the property. The R-1 district does not allow for horses and there is already some horses there. It also does not allow for single wide homes. Mike Smith stated that he already has a BLM permit. Tim Reynolds a neighbor is concerned about what will happen when this property is sold will it be a cattle ranch, they want to make sure that nothing changes. Jerry Evans is concerned about the roads in the winter and the water pressure with the extra houses. Several more concerns were heard about the number of animals allowed. Tax difference was another concern voiced.

Commissioner Sipe was concerned that we might need more information on this issue. Mayor Pro-Tem Fry also agreed and she did mention that there is a difference in the tax and feels after listening to residents maybe the City has been inconsistent in the past. Commissioner Lewis also agreed. Commissioner Randall feels that we shouldn't put a limit on animals and limiting people's rights on their property. Mayor Snover agreed with Commissioner Randall and he does appreciate the concerns for the other residents. He invited the other land owners who were denied in the past to come and visit with Steven Saavedra.

Moved by Commissioner Randall, SECONDED by Commissioner Sipe to approve ZC Zone Change 18-03, a request from Michael Smith, for a zone change from R-1 (Single-Family residential zoning district to A-1 Agricultural or Rural Zoning District) with the five (5) conditions and accepting findings of fact 1-5.

A Roll Call was taken; 4 voted Aye/ Commissioner Sipe voted Nay
Motion Passed Four to One

D. CUP 18-03 A Conditional Use Permit to allow a boat in the front yard setback area

Community Development Director Steven Saavedra explained that Karla Harvel is requesting a permit to allow a boat in the front yard setback area. Community Development stepped up code enforcement and Karla Harvel received a letter about

her boat. City ordinance limits the placement on recreational vehicles (boats/ RVs) in the setback area. Over 40 letters were sent out for similar infractions and they have had 90% compliance. Aesthetics and safety because it narrows the road right away with people parking in the street is a concern. Mayor Snover asked if this applies only to this specific boat or would it apply if they decided to get another boat. Mayor Pro-Tem Fry asked about the 40 letters sent out if they had any other complaints. Steven explained they heard from most of them who said that they don't have the room to store the item. Most of they had to have it put into storage. Steven explained that this could very well set a precedent.

Karla Harvel explained that the boat has been there for 16 years. She explained that she is not a rebel but there is no way to put the boat in the back yard. She also stated that none of her neighbors care if the boat is in the yard it is 18 foot long. Mayor Snover does not want this to become an issue for the City.

Commissioner Sipe mentioned that she would have no problem if the boat size was limited because most of the houses were constructed in the 50's and they are not like the modern subdivisions that have more space. She understands the precedent. Commissioner Randall said he feels as long as the vehicle can fit in the driveway it should be fine and he has a problem with the trash can and the trailer because the issue before them is the boat. He feels that if others would like to request a conditional use permit that is their right. Mayor Snover mentioned that we have ordinances for a reason, but it may require a look at the ordinance for updating. Commissioner Lewis was impressed with the photos and everything did fit in the driveway. He feels like all of his concerns were answered.

Moved by Commissioner Randall, SECONDED by Commissioner Sipe to approve the petition CUP 18-03, a request from Karla Harvel, for a conditional use permit to allow for the parking of boat in the front yard at 1107 Cimarron Ave., Aztec, NM 87410.

A Roll Call was taken; 4 voted Aye/ Mayor Snover voted Nay
Motion Passed Four to One

XVI. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

City Manager Steve Mueller mentioned that he attended the NMML Annual Conference last week with Commissioner Sipe and Mayor Pro-Tem Fry in Roswell learned a lot. He mentioned he will be on vacation for the next 2 weeks.

Commissioner Sipe mentioned the NMML conference was very good. Steven Saavedra did a good job presenting on the arterial. Very good presentations and workshops all around. The resolution that Chief Heal has been working on passed with unanimous support from the Municipal League to push through the legislation.

Mayor Pro-Tem Fry said the conference was very good and she also mentioned that there will be some legislative issues coming up that we should be very interested in

one is changes in the Judicial Court system, Elections and also sales tax from the internet. Aztec Sparkles needs volunteers.

Mayor Snover attended an ATOS meeting and they will be having a day of service for projects around city from 9-12 on September 22nd. Attended the burning of Zozobra. We need to make sure that we are utilizing our local businesses. Home Coming week is next week at the High School. Please register to vote early voting starts soon.

XVII. DEPARTMENT REPORTS

NONE

XVIII. ADJOURNMENT

Moved by Mayor Snover, SECONDED by Commissioner Lewis to adjourn the meeting at 8:47 p.m.

Mayor, Victor Snover

ATTEST:

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Sherlynn Morgan, Administrative Assistant

COMMISSION

Meeting

ATTENDANCE SHEET

DATE: 9/11/18

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---------PLEASE PRINT--------

NAME	Address or Affiliation
Diane Haralson	107 N. Mesa Verde Aztec
Alexis Haralson	"
JARRELL BOTELLO	400 LOVERS LANE AZTEC
Paul F Martin	Sakura
Tim Reynolds	1020 Hampton
Jerry & Sharon Ammons	998 Hampton Canyon Rd. Aztec
Steve Morse & Elizabeth Beyer	411 Heiland Rd. Aztec
BRYAN & STACY HEGARTY	200 NORTH CHURCH AVE. Aztec NM
DONNA HOBBS	P.O. BOX 1098 Flora Vista NM 87415
Scott Iverson	P.O. Box 373 Aztec NM
Douglas Pontes	994 Hampton Canyon Rd. Aztec NM
MIKE HEAL	COA
JEFF Blackburn	
WALLACE BECK	COA-IT