

A G E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
August 22, 2017
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. AGENDA APPROVAL

VI. CITIZEN RECOGNITION

VII. EMPLOYEE RECOGNITION

VIII. PRESENTATION: GUZMAN (UPDATE ON POWER)

IX. CONSENT AGENDA

- A. Commission Workshop Meeting Minutes, July 25, 2017
- B. City Manager Employment Agreement
- C. NMDFA LGD FY18 Annual Final Budget Approval
- D. Resolution 2017-1059 Adopting the 2018-2022 Infrastructure Capital Improvement Plan (ICIP)

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"

X. ITEMS FROM CONSENT AGENDA

XI. CITIZENS INPUT (3 Minutes Maximum)

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

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

Note: A final agenda will be posted 72 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410.

XII. BUSINESS ITEMS

A. Final Adoption of Ordinance 2017-1054 Amending Chapter 16 with the Addition of Section 3-132 Shipping Cargo Containers

XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

XIV. DEPARTMENT REPORTS

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

XV. ADJOURNMENT

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

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 August 8, 2017
4

5 **I. CALL TO ORDER**

6 Mayor Burbridge called the Meeting to order at 6:03 pm at the Aztec City
7 Commission Room, City Hall, 201 W. Chaco, Aztec, NM.
8

9 **II. INVOCATION**

10 The Invocation was lead by City Attorney Larry Thrower
11
12

13 **III. PLEDGE OF ALLEGIANCE**

14 The Pledge of Allegiance was led by Commissioner Austin Randall
15
16

17 **IV. ROLL CALL**

18
19 Members Present: Mayor Sally Burbridge; Commissioner Austin Randall;
20 Commissioner Katee McClure Mayor Pro-Tem Sherri
21 Sipe; Commissioner Sheri Rogers
22

23
24 Members Absent: None
25

26
27 Others Present: City Manager Joshua Ray; City Attorney Larry
28 Thrower; City Clerk Karla Sayler; Project Manager Ed
29 Kotyk (see attendance sheet)
30
31
32

33 **V. AGENDA APPROVAL**

34
35 MOVED by Commissioner Randall, SECONDED by Mayor Pro-Tem Sipe to
36 Approve the Agenda as Presented
37

38 All Voted Aye; Motion Passed Five to Zero
39

40 **VI. CITIZEN RECOGNITION**

41
42 None
43

44 **VII. EMPLOYEE RECOGNITION**
45

46 Josh recognized the City team that is working on the Arterial project, Bill Watson,
47 Kathy Lamb, Steven Saavadra and Larry Thrower for the work to meet the expectations
48 of New Mexico Department of Transportation. Josh mentioned that without this team it
49 would not be possible to get the arterial to fruition.

50

51 **VIII. CONSENT AGENDA**

52

53 MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall to
54 Approve the Consent Agenda

55

56 A. Commission Meeting Minutes July 25, 2017

57 B. Council of Governments Agreement

58

59 All Voted Aye: Motion Passed Five to Zero

60

61 **IX. ITEMS FROM CONSENT AGENDA**

62

63 None

64

65 **X. CITIZENS INPUT**

66

67 None

68

69 **XI. BUSINESS ITEMS**

70

71 A. Intent to Adopt Ordinance 2017-462 Amending Chapter 16, Division 3
72 Section 16-181 Electric Rates

73

74 Josh mentioned that tonight there are four items being presented to commission on four
75 different utilities. He mentioned that this item is for electric rates. Delain George, Utility Director
76 presented commission with a generic bill on what the proposed rates would look like for all
77 utilities. There were questions on rates and wattage usage on all utility proposals. There was
78 review of staff summaries and questions asked to staff which was summarized for commission.
79 Data sheets were reviewed by commission and staff that were presented by Finance Director
80 Kathy Lamb. The credit that customers have been receiving on electric for the past months will
81 go away once these ordinances are approved. Mayor Burbridge mentioned that there is the
82 question of do they still continue to subsidize water and waste water at the cost of electric
83 utilities or do they take a more aggressive move and take them apart and make them each more
84 self sustaining. She feels that it is something that commission has struggled with to give clear
85 direction to staff and as appealing as it might sound to keep that extra power cost adjustment in
86 there and not raise the other rates then the city is still subsidizing those other utilities and the
87 city is not making a move to make them stand on their own and mentioned that herself she is
88 not in favor of that. The outcome was that rates for water will see an increase of about \$5.65 per

89 month and waste water rates will increase by \$11.45 per month and solid waste will increase by
90 \$2.45 per month. Electric rates should go down. Total utility bills can see an increase of \$20 to
91 \$25 per month. The Mayor mentioned that the reason for utility increases are so that utility
92 systems don't fail and people are without services and mentioned that it is a real concern if you
93 don't properly maintain for and fund that maintenance and upkeep and sometimes expansion.
94 She mentioned that there is a legitimate reason for the increases so that the city continues to
95 provide good service to the citizens of the city.

96 MOVED by Commissioner Rogers, SECONDED by Commissioner Randall to
97 Approve Intent to Adopt Ordinance 2017-462 Amending Chapter 16, Division 3 Section
98 16-181 Electric Rates

99 A Roll Call Was Taken: All Voted Aye; Motion Passed Five to Zero

100

101 B. Intent to Adopt Ordinance 2017-463 Amending Chapter 16, Division 3,
102 Section 16-201 Water Rates

103

104 MOVED by Commissioner Randall, SECONDED by Mayor Pro-Tem Sipe to
105 Approve Intent to Adopt Ordinance 2017-463 Amending Chapter 16, Division 3 Section
106 16-201 Water Rates

107

108 A Roll Call Was Taken: All Voted Aye; Motion Passed Five to Zero

109

110 C. Intent to Adopt Ordinance 2017-464 Amending Chapter 16, Division 3,
111 Section 16-191 WasteWater Rates

112

113

114 MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall To
115 Approve Intent to Adopt Ordinance 2017-464 Amending Chapter 16, Division 3,
116 Section 16-191 WasteWater Rates

117

118 A Roll Call Was Taken: All Voted Aye; Motion Passed Five to Zero

119

120 D. Intent to Adopt Ordinance 2017-465 Amending Chapter 16, Division 3,
121 Section 16-211 Solid Waste Rates Including Recycling Center Operations

122

123 The discussion on recycling was determined that the city will continue to operate
124 the recycle center as is for now and not add curbside recycling.

125

126 MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Rogers to
127 Approve Intent to Adopt Ordinance 2017-465 Amending Chapter 16, Division 3, Section
128 16-211 Solid Waste Rates Including Recycle Center Operation \$2.00 Per Month

129 effective January 2018 and Recycling Center Transition Single Stream at .35 cents Per
130 Month Effective January 2018

131
132 A Roll Call Was Taken; Motion Passed Five to Zero

133
134 **XII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

135 Josh mentioned that Aztec Municipal Schools are on board for Solar Rates.

136
137 Mayor Pro-Tem Sipe attended NWNMS Executive Board Meeting on Friday and
138 will attend the Regular Board meeting tomorrow morning at the Aztec center. She
139 mentioned that she will be attending the NMML Annual Conference in Clovis next week.
140 She mentioned that Mayor Burbridge will be the new President for NMML.

141
142 Commissioner Rogers mentioned that she attended Connie Mack.

143
144 **XIII. DEPARTMENT REPORTS**

145
146 None

147
148 **XIV. CLOSED SESSION**

149
150 Commission all voted aye and went into closed session pursuant to state law,
151 section 10-15-1H (2) limited personnel matters, City Manager Evaluation at 7:38pm.
152 Commission came out of closed session at 8:45 pm with all voting aye and stating no
153 other items were discussed but limited personnel matters per state law section 10-15-
154 1H(2) City Manager Evaluation.

155
156 **XV. ADJOURMENT**

157
158 Moved by Mayor Burbridge, SECONDED by Commissioner Pro-Tem Sipe to
159 adjourn the meeting at 8:45 p.m.

160
161
162 _____
163 Mayor, Sally Burbridge

164 ATTEST:
165 _____
166 Karla Sayler, City Clerk

167 MINUTES PREPARED BY
168 _____
169 Karla Sayler, City Clerk

Staff Summary Report

MEETING DATE: August 22, 2017
AGENDA ITEM: IX. CONSENT AGENDA (B)
AGENDA TITLE: City Manager Employment Agreement

ACTION REQUESTED BY: Joshua W. Ray, City Manager
ACTION REQUESTED: Approve Agreement
SUMMARY BY: Joshua W. Ray, City Manager

PROJECT DESCRIPTION / FACTS (Leading Department)

Attached is a copy of the City Manager's Employment Agreement for FY18.

City Manager will receive a 1.3% COLA increase effective 7/1/17.

Contract will be effective for two years until June 30, 2019.

SUPPORT DOCUMENTS: City Manager Employment Agreement

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the City Manager Employment Agreement for Fiscal Year 2018.

EMPLOYMENT AGREEMENT

THIS INDENTURE made and entered into this 1st day of July, 2017 by and between the **City of Aztec**, Aztec New Mexico, a municipal corporation, hereinafter referred to as "Employer" and **Joshua W. Ray**, hereinafter referred to as "Employee"

WITNESSETH:

WHEREAS, it is the desire of the City Commission of the City of Aztec, hereinafter referred to as "The Commission to retain the services of the Employee to serve as the City Manager of the City of Aztec.

WHEREAS, it is the desire of the Commission to provide certain benefits, establish certain conditions of employment and to set the working conditions and compensation of the Employee.

WHEREAS, the employee is a member of the International City and County Management Association (ICMA) and the employee is subject to the ICMA Code of Ethics.

WHEREAS, the employee desires to accept employment as City Manager of the City of Aztec under the terms and conditions provided in this agreement.

NOW THEREFORE, in consideration of the mutual covenants herein contained, **IT IS AGREED**, as follows:

Section 1. Duties.

The Employer does hereby hire the Employee as City Manager, who shall manage the affairs of the Municipality, supervise the employees, assist with policy making decisions, advise the Commission, and to perform any and all duties normally delegated by a municipality to its Chief Administrative Officer, as said duties may be detailed, delineated, or amplified by the Commission, and as specified by job description or ordinance.

Section 2. Term.

- A. The effective date of employment shall be **July 1, 2017**. Employee agrees to remain in the exclusive employ of the City of Aztec until **June 30, 2019**, and neither to accept other employment nor to become employed by any other employer without prior Commission approval. Duties of City Manager shall take precedence over any other employment until said termination date, unless said termination date is affected as hereinafter provided.
- B. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Commission to terminate the services of the Employee at any time, with or without cause, subject only to the provisions set forth in Section 4, paragraphs A, B and C, of this agreement.
- C. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from his position, subject only to the provision set forth in Section 4, paragraph E, of this agreement.

Section 3. Compensation.

- A. The Employer agrees to pay the Employee an annual base salary of One Hundred ten thousand six hundred sixty nine dollars(\$110,669) plus those benefits as provided for in this agreement.
- B. The Employer agrees to pay the Employee an annual vehicle allowance of eight thousand two hundred ninety six dollars (\$8,296) for the period of July 1, 2017 thru June 30, 2019 plus any mileage reimbursement as provided in this agreement.

Section 4. Termination and Severance Pay.

- A. In the event the Employee is terminated by the Commission before expiration of the aforesaid term of employment, the Employer agrees to pay the Employee severance pay in an amount equal to six months basic pay.
- B. In addition the Employee shall also be compensated for all accrued annual leave (vacation, administrative and personal day) as well as accrued sick leave at a ratio of 3:1.
- C. In the event the Commission requests the resignation of the Employee, then in that event, the Employee shall be deemed to be "terminated" at the date of such request, and the herein severance pay provisions shall be in full force and effect. Severance pay and accrued annual leave shall be paid in full within 5 days following such termination OR upon request shall be paid out over a period of time.
- D. Salary shall not include additional benefits provided for in this agreement, except that the Employee shall have the option, at his expense, of remaining a member of the City's health insurance plan pursuant to any COBRA regulations.
- E. In the event the Employee voluntarily resigns his position with the Employer before the expiration of the aforesaid term of agreement, then the Employee shall give the Municipality two months notice in advance, unless the parties agree otherwise.
- F. If the Employee is terminated because of a conviction of a felony, the Employer is not obligated to pay severance under this section.

Section 5. Professional Membership.

Employer agrees to budget for and to pay for professional membership dues and subscriptions of the Employee for participation in ICMA, the Municipal League, and in the New Mexico City Management Association.

To the extent that the City budget allows, the Employer agrees to allow the Employee to attend the annual conferences of the above named professional associations as part of his professional development.

Section 6. Performance Evaluation.

- A. The Commission agrees to review and evaluate the performance of the Employee annually and to provide feedback on how to improve performance and help the Commission achieve goals for the Municipality. The review and evaluation shall

be in accordance with specific criteria agreed to by the Commission and the Employee. The Employee shall be given the opportunity to meet with the Commission during the performance evaluation.

- B. Twice a year, the Personnel Committee, and the Employee shall meet to discuss progress made in meeting the goals and performance objectives as agreed to with the City Commission.

Section 7. Hours of Work.

The Employer recognizes that the Employee must devote a great deal of time beyond the normal office hours to tend to the business of the Municipality, and related duties of the Office of the City Manager. To that end, the Employee may periodically take time off during the workweek as administrative leave. However, the Employee is expected to maintain a minimum of a forty-hour workweek.

Section 8. Vehicle Allowance

The Employee is required to be on call for twenty-four hour service, therefore the Employer agrees to pay the Employee an annual vehicle allowance of eight thousand two hundred ninety six dollars (\$8,296) for the period of July 1, 2017 thru June 30, 2019.

The Employee shall be responsible for paying for liability, property damage and comprehensive insurance, and for the purchase, operation, maintenance, repair, and gasoline purchases.

The vehicle allowance will cover all travel within San Juan County, New Mexico. Any business related travel outside of San Juan County, New Mexico will be reimbursed by the Employer at the rate established by the New Mexico Mileage and Per Diem Act.

Employee shall be responsible for any and all liabilities for personal injury, property damage, and for operation, maintenance and repair of said automobile arising out of Employee's use of said automobile. In addition, Employee shall be solely responsible for payment of all income tax liability arising out of Employee's personal, non business related usage of said automobile.

Section 9. Fringe Benefits and other Expenses.

- A. The Employee shall be entitled to all fringe benefits provided by the Employer for all its regular employees. This includes participation in the employers' health, dental, and life insurance plans. Employee shall be subject to, and governed by, the general policy of the City regarding vacation, sick and other leave.
- B. The Employee will receive a maximum of 60 hours of Administrative Leave per calendar year which cannot accumulate into the following year.
- C. The Employee is required by law to participate in the State of New Mexico Public Employees Retirement Association (PERA) retirement plan. The required contributions to PERA will be at the same rate as afforded all other employees of the City.

- D. The Employee will be reimbursed for travel expenses related to the performance of his duties and responsibilities at the rates prescribed by the New Mexico Mileage and Per Diem Act.
- E. The Employer shall provide Employee with a laptop computer, software, fax/modem, data access and cell phone allowance (city will pay an allowance of \$120.00 a month of the cost of the plan and a maximum of \$100.00 once a year for cell phone accessories or cell phones that need to be replaced) to assist him in the performance of his job and to maintain communication.

Section 10. Residency.

The Employee is required to live within the City limits of the City of Aztec, unless otherwise approved by Commission, during the term of his employment.

Section 11. Indemnification.

The Employer agrees to defend, save harmless, and indemnify the Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the duties of the Employee, or any claim resulting from the exercise of judgment or discretion in connection with the performance of duties or responsibilities of City Manager. The Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Employer agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation to which the Employee is a party, witness or advisor to the Employer. Such expense payments, including travel expenses shall continue beyond Employee's service to the Employer as long as litigation is pending.

Section 12: Bonding

In the event that the Employer requires the Employee to be bonded as part of his duties and responsibilities, the Employer shall bear the full cost of any fidelity or other bonds required of the Employee.

Section 13. General Provisions.

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs and executors of the parties.
- C. If any provision or any portion thereof, contained in this agreement is held unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the Employer has caused this agreement to be signed and executed on behalf of the City Commission by the Mayor, and duly attested by the City Clerk. Further the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

CITY OF AZTEC

By _____
Sally Burbridge, Mayor

By _____
Joshua W. Ray, Employee

ATTESTED

By _____
Karla Sayler, City Clerk

APPROVED AS TO FORM

By _____
Larry T. Thrower, City Attorney

Staff Summary Report

MEETING DATE: August 22, 2017
AGENDA ITEM: IX. CONSENT AGENDA (C)
AGENDA TITLE: NMDFA LGD FY18 Annual Final Budget Approval

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

PROJECT DESCRIPTION / FACTS

NMDFA: New Mexico Department of Finance and Administration
LGD: Local Government Division

- The FY18 Annual Final Budget has been approved by NM DFA LGD as of August 11, 2017. Budgets approved by the Division are required to be made a part of the minutes of the government body according to Section 6-6-5 NMSA 1978.

SUPPORT DOCUMENTS: NM DFA Local Government Division Approval Letter, August 11, 2017

DEPARTMENT'S RECOMMENDED MOTION: Move to Acknowledge NM DFA LGD Approval of FY18 Annual Final Budget

SUSANA MARTINEZ
GOVERNOR



DUFFY RODRIGUEZ
CABINET SECRETARY

RICK LOPEZ
DIRECTOR

MICHAEL MARIANO
ACTING DEPUTY DIRECTOR

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
LOCAL GOVERNMENT DIVISION
Bataan Memorial Building ♦ 407 Galisteo St. ♦ Suite 202 ♦ Santa Fe, NM 87501
PHONE (505) 827-4950 ♦ FAX (505) 827-4948

August 11, 2017

The Honorable Sally Burbridge
City of Aztec
201 West Chaco Street
Aztec, NM 87410

Dear Mayor Burbridge:

The final budget for your local government entity for Fiscal Year 2018, as approved by your governing body, has been examined and reviewed. The Department of Finance and Administration, Local Government Division (LGD) finds it has been developed in accordance with applicable statutes and budgeting guidelines, and sufficient resources appear to be available to cover budgeted expenditures. In addition, the *Budget Certification of Local Public Bodies* rule, 2.2.3 NMAC, requires that your entity's audit or "Agreed Upon Procedures" (per the *Tier System Reporting* rule, 2.2.2.16 NMAC) for Fiscal Year 2016 should have been submitted to the Office of the State Auditor as of this time. The LGD's information indicates that you are in compliance with this requirement. Therefore, in accordance with Section 6-6-2E NMSA 1978, the LGD certifies your entity's final Fiscal Year 2018 budget.

Please take note that state statute requires all revenue sources be expended only for public purposes, and if applicable, in accordance with the Procurement Code, Chapter 13, Article 1, NMSA 1978. Use of public revenue is governed by Article 9, Section 14 of the Constitution of the State of New Mexico, commonly referred to as the anti-donation clause.

Budgets approved by the LGD are required to be made a part of the minutes of your governing body according to Section 6-6-5 NMSA 1978. In addition, Section 6-6-6 NMSA 1978 provides that the approved budget is binding on local officials and governing authorities; and any official or governing authority approving claims or paying warrants in excess of the approved budget or available funds will be liable for the excess amounts.

Due to estimated expenditures and transfers exceeding estimated revenue, your entity's General Fund cash balance is being depleted. Careful control of expenditures and attention to revenue collection efforts is recommended to avoid further depletion of reserves.

Finally, as required by Section 6-6-2H NMSA 1978, LGD is required to approve all budget increases and transfers between funds not included in the final approved budget.

If you have questions regarding this matter, please call Paul Ludi of my staff at 505-827-4333.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Lopez".

Rick Lopez, Director
Local Government Division

xc: file

MUNICIPALITY: APPROVED PURSUANT TO New Mexico Department of Finance and Administration
CITY OF AZTEC SECTION 6-6-2 NMSA 1978 Local Government Division
 LOCAL GOVERNMENT DIVISION Budget Request Recapitulation
 FISCAL YEAR 2017-2018
 ROUNDED TO NEAREST DOLLAR

DATE 8/11/17 BY David J. Suarez Dela

FUND TITLE	BY DEPARTMENT NUMBER	DATE	NAMES UNDER ADMINISTRATION	BEGINNING CASH BALANCE @ JULY 1	INVESTMENTS	BUDGETED REVENUES	BUDGETED TRANSFERS	BUDGETED EXPENDITURES	ESTIMATED ENDING CASH BALANCE	LOCAL RESERVE REQUIREMENTS UNAVAILABLE FOR BUDGETING	ADJUSTED ENDING CASH BALANCE
GENERAL FUND - Operating (GF)	101		\$711,250	\$2,087,991	5,272,012	600,000	7,236,647	\$1,434,606	603,054	\$831,552	
CORRECTION	201		\$3,670	\$10,367	65,000	20,000	85,000	\$14,037		\$14,037	
ENVIRONMENTAL GRT	202		\$0	\$0	0	0	0	\$0		\$0	
EMS	206		\$0	\$0	0	0	0	\$0		\$0	
ENHANCED 911	207		\$0	\$0	0	0	0	\$0		\$0	
FIRE PROTECTION FUND	209		\$28,535	\$80,609	154,769	0	243,904	\$20,009		\$20,009	
LEPF	211		\$322	\$909	27,800	0	27,800	\$1,231		\$1,231	
LODGERS' TAX	214		\$15,433	\$43,595	35,100	0	70,000	\$24,128		\$24,128	
MUNICIPAL STREET	216		\$211,282	\$596,856	6,018,966	0	6,526,924	\$300,180		\$300,180	
RECREATION	217		\$72	\$202	0	0	0	\$274		\$274	
INTERGOVERNMENTAL GRANTS	218		\$0	\$0	0	0	0	\$0		\$0	
SENIOR CITIZEN	219		\$0	\$0	0	0	0	\$0		\$0	
DWI PROGRAM	223		\$0	\$0	0	0	0	\$0		\$0	
OTHER	299		\$72	\$0	266,600	25,500	270,950	\$21,222		\$21,222	
CAPITAL PROJECT FUNDS	300		\$637,543	\$323,273	723,461	4,500	1,113,500	\$575,277		\$575,277	
G. O. BONDS	401		\$0	\$0	0	0	0	\$0		\$0	
REVENUE BONDS	402		\$0	\$0	0	0	0	\$0		\$0	
DEBT SERVICE OTHER	403		\$0	\$0	0	0	0	\$0		\$0	
ENTERPRISE FUNDS	500										
Water Fund			\$0	\$0	0	0	0	\$0		\$0	
Solid Waste			\$24,102	\$68,086	746,066	0	793,220	\$45,034		\$45,034	
Waste Water			\$0	\$0	0	0	0	\$0		\$0	
Airport			\$0	\$0	0	0	0	\$0		\$0	
Ambulance			\$0	\$0	0	0	0	\$0		\$0	
Cemetery			\$0	\$0	0	0	0	\$0		\$0	
Housing			\$0	\$0	0	0	0	\$0		\$0	
Parking			\$0	\$0	0	0	0	\$0		\$0	
JOINT UTILITY FUND (EL, WA, WW)			\$1,120,399	\$10,922,438	9,491,579	(650,000)	14,656,173	\$6,228,243		\$6,228,243	
IRRIGATION FUND			\$24,847	\$70,190	150	0	38,565	\$56,622		\$56,622	
MUNICIPAL GOLF COURSE FUND			\$0	\$0	0	0	0	\$0		\$0	
Other Enterprise (enter fund name)			\$0	\$0	0	0	0	\$0		\$0	
INTERNAL SERVICE FUNDS	600		\$0	\$0	0	0	0	\$0		\$0	
TRUST AND AGENCY FUNDS	700		\$0	\$0	0	0	0	\$0		\$0	
Grand Total			\$2,777,527	\$14,204,516	\$22,801,503	\$0	\$31,062,683	\$8,720,863	\$603,054	\$8,117,809	

Staff Summary Report

MEETING DATE:	August 22, 2017
AGENDA ITEM:	IX. CONSENT (D)
AGENDA TITLE:	Resolution 2017-1059 Adopting the 2018-2022 Infrastructure Capital Improvement Plan (ICIP)

ACTION REQUESTED BY:	City Staff
ACTION REQUESTED:	Approval
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

A local infrastructure capital improvement plan is a plan that establishes planning priorities for anticipated capital projects. The need for this kind of planning has reached critical proportions in New Mexico, where local governments are faced with pressing demands for multiple capital improvements and limited funding to support them. The state-coordinated ICIP process encourages entities to plan for the development of capital improvements so that they do not find themselves in emergency situations, but can plan, fund, and develop infrastructure at a pace that sustains their activities.

The Department of Finance and Administration (DFA), through its authority in NMSA 1978, Sections 6-6-2J, 6-6-4, 9-6-5.1, 11-6-2, 11-6-3, 11-6-4.1, 11-6-5, and 11-6-5.1, strongly encourages each jurisdiction to prepare a Five-Year Infrastructure Capital Improvement Plan (ICIP).

Each entity may submit its plan to the state through the web-based reporting system. Pertinent parts of all the plans of participating entities are published each year. The published ICIP is made available for entity use and is distributed to the legislature, governor and funding agencies.

The state database for the ICIP must be adopted by resolution. This submission is primarily for infrastructure projects seeking legislative funding. A separate ICIP is submitted for the Senior Center and the Aviation Division. The number one priority for 2019 funding remains the Aztec Arterial. The due date for this ICIP submission to the state is September 1, 2017.

PROCUREMENT / PURCHASING (if applicable)

- None

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

- The ICIP is another tool that should be utilized in the planning and budget process. This document should then guide the city in the development of project priorities for funding opportunities, performance plan development, and annual budget development.

SUPPORT DOCUMENTS: Resolution 2017-1059
2019-2023 ICIP Summary (will be provided prior to meeting)

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2017-1059 adopting the 2019-2022 Infrastructure Capital Improvement Plan (ICIP)

CITY OF AZTEC

Resolution No. 2017-1059

**A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN
(ICIP)**

WHEREAS, the City of Aztec recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, the Aztec City Commission resolves as follows:

1. The City has adopted the attached 2019-2023 Infrastructure Capital Improvement Plan for submission to the State's web based reporting system, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution No. 2016-1022.

PASSED, APPROVED and ADOPTED by the governing body at its meeting of August 22, 2017.

Mayor Sally Burbridge

ATTEST:

Karla Sayler CMC

Staff Summary Report

MEETING DATE:	August 22, 2017
AGENDA ITEM:	XII. Business Items (A)
AGENDA TITLE:	Final Adoption of Ordinance 2017-461 Amending Chapter 26 with the Addition of Section 3-132 Shipping Cargo Containers

ACTION REQUESTED BY:	Community Development
ACTION REQUESTED:	Approve Final Adoption of Ordinance 2017-461 Amending Chapter 26 with the Addition of Section 3-132 Shipping Cargo Containers
SUMMARY BY:	Steven Saavedra

PROJECT DESCRIPTION / FACTS

An amendment to the City of Aztec Land Use Regulations establishing restrictions, standards and permit requirements for the use of shipping cargo containers in residential, commercial and industrial zones for storage.

A shipping cargo container is an industrial, reusable metal vessel that originally was designed for or used in the packing, shipping, movement, or transportation of goods by commercial trucks, trains, and ships. These standardized metal containers come in a variety of sizes and also are used as storage containers within commercial, industrial and residential zones. The establishment of restrictions and standards for cargo containers stems from the City's desire to address the appearance, location, and proper use of these containers, especially in residential areas. Building permits typically are not required for such containers, since these heavy metal structures meet the general intent of the building code.

Due to their large size, industrial nature and appearance, and general lack of proper maintenance, shipping cargo containers are not customary in residential areas. Community Development has developed limitations/restrictions on residential properties, and specific provisions for the placement of cargo containers on commercial and industrial properties. A permitting process also has been proposed to ensure the appropriate placement, use, and screening of the containers are provided and maintained.

The proposed ordinance would allow shipping cargo containers on industrial lots, such as the M1, M2, and PUD Districts provided they be screened from public view. Shipping cargo containers on commercial lots, such as C-1 and C-2 Districts would be limited to temporary storage purposes only to support seasonal events, provided they are located in a non-conspicuous area, entirely screened from public view, and do not adversely affect parking. The proposed ordinance would not allow shipping cargo containers to be located within a single-family district (R-1), multi-family district (R-2), Office Professional (O-1), and Mobile Home (MH) or RV parks since the smaller residential lots typically do not have enough land area to properly screen them and provide a buffer area from adjacent residences.

Shipping cargo containers would be allowed on A-1 agricultural lots only for storage purposes provided the lots are greater than one acre in size, and proper screening is provided. The total amount of containers also is subject to the overall size of the property. One (1) shipping cargo container is allowed in the A-1 District. The total amount of containers is subject to the overall size of the property in applicable districts.

To place a cargo container on an industrial, commercial, or agricultural lot, the container must be entirely screened from view from and must maintain the setbacks for the primary structure to provide appropriate landscape buffer areas from surrounding properties. Cargo containers also would not be allowed to be significantly modified (such as adding doors, windows, and utilities) to ensure they are used for storage purposes only. Cargo containers would be allowed to be located on residential properties developed with non-residential uses that contain sports fields (such as schools) in addition to parks, and government facilities provided they be screened from view.

The issuance of a Storage Permit would be required to place a shipping cargo container on private property, and the owner would be required to submit the appropriate site plans, details regarding the container, and demonstrate the method of screening. Existing cargo containers that were lawfully permitted on private property, but not permitted by the provisions of this ordinance would be allowed to continue as a nonconforming use. Community Development feels the proposed ordinance addresses the appropriate use of and locations for the placement of shipping cargo containers in order to maintain the quality of life for Aztec residents, and meet the needs of commercial and industrial business owners.

DEFINITIONS

Shipping Cargo Container

An intermodal container is a large standardized shipping container, designed and built for intermodal freight transport.

A-1: AGRICULTURAL OR RURAL DISTRICT.
R-1: SINGLE FAMILY DWELLING DISTRICT
R-2: MULTIPLE-FAMILY DWELLING DISTRICT
MH : MOBILE HOME DISTRICT

O-1: OFFICE AND INSTITUTIONAL DISTRICT
C-1: LIMITED RETAIL/NEIGHBORHOOD COMMERCIAL DISTRICT
C-2: GENERAL COMMERCIAL AND WHOLESALE DISTRICT

M1: LIGHT MANUFACTURING DISTRICT
M2: HEAVY MANUFACTURING DISTRICT
PUD: PLANNED UNIT DEVELOPMENT DISTRICT

SUPPORT DOCUMENTS:

- Photos of Shipping Cargo Containers
- Chapter 26 Land Use Requirements

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Final Adoption of Ordinance 2017-461 Amending Chapter 26 with the Addition of Section 3-132 Shipping Cargo Containers

City of Aztec
ORDINANCE 2017- 461

An Ordinance to Amend Chapter 26 with the Addition of
Section 3-132 Shipping Cargo Containers

WHEREAS, the City of Aztec of establishing restrictions, standards and permit requirements for the use of shipping cargo containers in residential, commercial and industrial zones for storage purposes.

WHEREAS, the City has amended the Accessory Structures requirements to provide policies and procedures to guide the City's desire to address the appearance, location, and proper use of these Shipping Cargo Containers.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Chapter 26 Land Use Regulations be amended as follows with the addition of Section 26-3-132 Shipping Cargo Containers.

PASSED, APPROVED, SIGNED AND ADOPTED this ____ day of _____ 2017.

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

Mayor Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

APPROVE AS TO FORM:

Larry Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: _____

EFFECTIVE DATE OF ORDINANCE: _____

ARTICLE III. SUPPLEMENTARY REGULATIONS

DIVISION 1. ACCESSORY STRUCTURES

Sec. 26-3-131. Requirements.

Unless approved under a Site Development Plan or Planned Unit Development, the following is required and overrides any previous restrictions:

1. An accessory structure shall not be located in the front yard of a lot where the principal use of the lot is for dwelling or residence. The accessory building shall be located in the side or rear yards.
2. An accessory structure shall not occupy over twenty-five percent (25%) of the combined side and rear yard footage.
3. An accessory structure which does not contain living quarters may be located no closer than three (3) feet from the side or rear lot line.
4. An accessory structure must be at least ten (10) feet from a dwelling or accessory living quarters.
5. An accessory structure which does not contain living quarters may be closer than ten feet to another accessory structure that does not contain living quarters so long as there is a five (5) feet between the accessory structures.
6. An accessory structure may be connected to the principal building with a roof, provided that at least two (2) sides of the connecting structure are not enclosed with a material other than that necessary for roof supports. The roof of the accessory structure shall be located at least three (3) feet from the side lot lines.
7. No accessory structure may extend across the width of the yard unless a passage of at least five (5) feet is provided at some point along the width.
8. Accessory swimming pools may occupy any part of the yard, provided they are not closer than five (5) feet to a lot line or building and provided they are surrounded by a duly approved wall or fence at least six (6) feet high.
(Code 2007, 26-131)

Sec. 26-3-132. Shipping Cargo Containers.

1. Definition. Shipping cargo containers, defined as intermodal container is a large standardized shipping container, designed and built for intermodal freight transport. These containers are often used as storage units.
2. Districts Permissible. Cargo containers are allowed in industrial areas, such as the M1 & M2 District provided they are screened. Cargo containers on commercial lots, such as C-1 and C-2 Districts would be limited to temporary storage purposes only to support seasonal events, provided they are located in a non-conspicuous area, entirely screened from public

view, and do not adversely affect parking.

The total number of containers permitted are subject to the overall size of the property in applicable districts.

To place a cargo container on an industrial, commercial, or agricultural lot, the container must be entirely screened from view from and must maintain the setbacks for the primary structure to provide appropriate landscape buffer areas from surrounding properties. Cargo containers also would not be allowed to be significantly modified (such as adding doors, windows, and utilities) to ensure they are used for storage purposes only. Cargo containers would be allowed to be located on residential properties developed with non-residential uses that contain sports fields (such as schools) in addition to parks, and government facilities provided they be screened from view.

3. Districts Prohibited. Cargo containers are prohibited on residential lots, such as (R-1), (R-2), (MH), and (O-1). Cargo containers are allowed on agricultural lots (A-1) provided the lots are greater than one acre in size, and proper screening is provided.
4. Permit Process. The issuance of a Storage Permit is required to place a shipping cargo container. The applicant is required to submit the appropriate site plans, details regarding the container, and demonstrate the method of screening.
5. Conformance. Existing cargo containers prior to August 15, 2017 that were lawfully permitted on private property, would be allowed to continue as a nonconforming use

Secs. 26-3-133 to 26-3-140. Reserved.