

CITY OF AZTEC  
COMMISSION MEETING MINUTES  
April 12, 2016

**I. CALL TO ORDER**

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

**II. INVOCATION**

The Invocation was led by Commissioner Austin Randall

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Electric Director, Ken George

**IV. ROLL CALL**

Members Present: Mayor Sally Burbridge; Mayor Pro-Tem Sherri Sipe; Commissioner Sheri Rogers; Commissioner Austin Randall; Commissioner Katee McClure

Members Absent: None

Others Present: City Attorney Larry Thrower; City Manager Josh Ray; Administrative Assistant Sherlynn Morgan; Project Manager Ed Kotyk (see attendance sheet)

**V. AGENDA APPROVAL**

MOVED by Commissioner McClure, SECONDED by Mayor Pro-Tem Sipe to Approve the Agenda as Presented

**VI. CITIZEN RECOGNITION**

Bob Carmen, Code Compliance Officer recognized Yard of the Month Winner as Jessica Anderson on Sutton Street and Business of the Quarter Winner as High Tech Rental Tools

**VII. EMPLOYEE RECOGNITION**

None

**VIII. CONSENT AGENDA**

MOVED by Commissioner Rogers, SECONDED by Commissioner McClure to Approve the Consent Agenda as presented.

- A. Commission Workshop Meeting Minutes, March 22, 2016
- B. Commission Meeting Minutes, March 22, 2016
- C. Travel
- D. Northwest New Mexico Council of Governments Membership Agreement and Board of Directors Appointment
- E. Resolution 2016-995 Surplus
- F. Animal Care & Control Document Destruction
- G. Aztec Baseball Association Agreement
- H. Four Corners Fast Pitch Association Agreement
- I. Resolution #2016-996 Amending Golf Course Fees

**IX. ITEMS FROM CONSENT AGENDA**

None

**X. CITIZENS INPUT**

None

**XI. BUSINESS ITEM**

- A. Intent to Adopt Ordinance 2016-450 Amending Chapter 22 Section 22-513 Commercial Use of Public Property

MOVED by Commissioner McClure, SECONDED by Commissioner Randall to Approve the Intent to Adopt Ordinance 2016-450 Amending Section 22-513 Commercial Use of Public Properties

A Roll Call Was Taken: All Voted Aye Motion Passed Five-Zero

- B. Intent to Adopt Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Rogers to Approve the Intent to Adopt Ordinance 2016-451 Amending Chapter 11, Article IX Food Catering, Food Vending and Mobile Vending Units

A Roll Call Was Taken: All Voted Aye Motion Passed Five-Zero

## **XII. LAND USE HEARINGS**

Mayor Burbridge opened the Land Use Hearing for 2016-025 Variance at 1815 W. Aztec Blvd. to allow feather flags along property line. Mayor Burbridge stated that this hearing would be conducted under Procedures mandated by the New Mexico Court of Appeals in Battershell versus the City of Albuquerque, which were intended to protect the due process rights of our parties. Mayor Burbridge subsequently identified the parties and City Staff. Mayor Burbridge then asked Commission if they would accept the parties and they did. She reviewed the procedures and then asked if any members of the Commission had a conflict of interest, bias, or engaged in ex parte communication, there were none. Mayor Burbridge then swore in the parties and reviewed the Order of Presentation.

### **A. 2016-025 Variance to allow feather flags along property line at 1815 W. Aztec Blvd.**

Bil Homka, Community Development Director reviewed the staff summary with Commission. Bil Homka has recommended to the Commission that they not approve this variance because it does not meet all 9 of the conditions required for approval.

Mayor Burbridge asked Bil Homka to explain number (1) That the variance will not allow a use other than a use permitted for the district. Bil said that this applies to all variances and not just signs and he said that this applies to the whole code.

The Applicant, Debbie Clay explained that they are not a typical business with a typical store front. This location is run down and was vacant for 2 years but it served the rustic needs they were looking for. They are not allowed to take the fence down but they have fixed it. The business is hard to see and the flags would help to mark the entrance. Debbie said that the business is doing well but having to take the flags down really hurt them. Debbie said they love Aztec and want to be a part of Aztec.

Mayor Burbridge asked Debbie where exactly the flags would go. Debbie explained that it would be on the fence line to highlight the entrance. Mayor Burbridge asked about how far from the roadway the business entrance was? It is about 8 feet. Debbie explained that they would be attached to the fence. Commissioner McClure asked if they had an address on the fence and Debbie said that they did not.

Bil Homka stated that if we are granting a variance we need to make sure how many signs we are granting the variance for.

Interested Person, Andie Noyes stated that they received a letter from the City letting them know about the meeting. She lives behind Abode Furnishings and wanted to attend, she spoke to the rest of the neighbors and collected signatures from everyone in the neighborhood and they are all in favor of Abode Furnishings having signs.

Interested Person, Vangie Neil pointed out that the building has been vacant for 2 years and as part of the City the business is a revenue generator. Vangie said that as part of the Chamber it is their job to help businesses grow and wants businesses to be able to succeed.

Commissioner Rogers asked if they could put a time limit on a variance? Larry Thrower said that they could limit it to the current applicant but they could not set a specific time limit.

Commissioner Randal asked about if the number of signs also needs to be included in the motion and Larry Thrower said yes that it would also need to be in the motion.

Mayor Burbridge closed testimony. Mayor Pro-Tem voiced a concern that the feather signs stay in good condition and not let them get run down. She also mentioned concerns about setting precedence.

Commissioner McClure mentioned that she also had the same concern and worries about the flood gates opening.

The Mayor asked if when the code is redone should a section concerning new businesses be included.

The Mayor reopened testimony and Bil Homka stated that they would need to be very specific reasons why they approved the variance. Make the motion sight specific so that it only applies to this specific location.

The Mayor reclosed testimony.

Mayor Pro-Tem Sipe stated that she can see the feather signs more on the highway and not on Main Street, does not want to see these in historical downtown. She also wants to make sure that a limit it set and make sure that they are kept in good condition.

Commissioner Randall agrees with Commissioner McClure and does not mind the signs but does think that the number should be limited.

MOVED by Commissioner Rogers, SECONDED by Commissioner McClure to Approve 2016-025 an application for a variance to the city sign code, section 20-4-4 at 1815 W. Aztec Blvd. for the first 5 findings of fact deleting the sixth finding of fact and adding findings of fact that the business has been vacant for two years, lack of visibility from the roadway and it is an area not known to be a retail area and traffic flow exceeds normal retail areas and to include 4 flags to be kept in good repair at all times.

A Roll Call Was Taken: All Voted Aye Motion Passed Five-Zero

### **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

Josh Ray mentioned the Chamber Banquet on April 30<sup>th</sup> the tent behind Microtel and the City has two tables at this event. Student recognition at the High School on Monday, April 25<sup>th</sup> at 11:30 for the issuance of the Marine Corp. scholarship awarded to Adrian Sanders. This is a full ride scholarship.

Mayor Pro-Tem Sipe mentioned that she will attend NWNM seniors tomorrow and she will miss the EDAB meeting next week.

Commissioner Rogers mentioned that she went to the golf course on Sunday to see the new changes and was glad to hear that it will be utilized for other events like graduations and she said it was encouraging to see such excitement.

Commissioner Randall mentioned that he will be out of town starting tomorrow through next Wednesday. He plans on attending the next Water Commission meeting

and the next COG meeting. He has heard from a lot of people who are excited to get the Arterial route completed and are glad to see the progress.

#### **XIV. DEPARTMENT REPORTS**

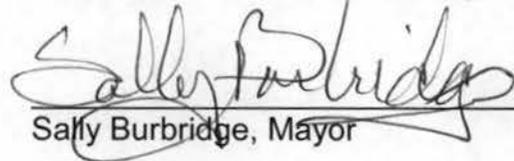
Bil Homka reported that he would like to introduce the ordinance for the North Main Corridor on the May 10<sup>th</sup> agenda and he will get it out early so Commission has time to review.

Kate Skinner mentioned that it is National Library week and invited everyone to come in and see how the library is transforming the community. She wanted to celebrate her staff for the work they do every day.

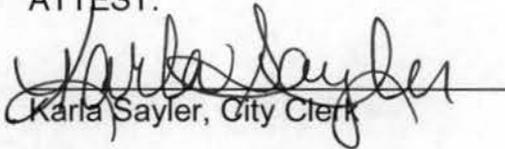
Cindy Iacovetto mentioned that on Tuesday nights they have free square dancing at the center and Zumba will be starting on Thursdays.

#### **XV. ADJOURNMENT**

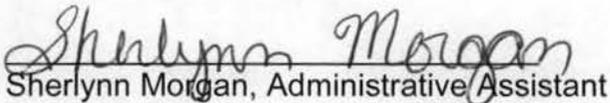
Moved by Mayor Burbridge, SECONDED by Mayor Pro-Tem Sipe to adjourn the meeting at 7:15 pm.

  
Sally Burbridge, Mayor

ATTEST:

  
Karla Sayler, City Clerk

MINUTES PREPARED BY:

  
Sherlynn Morgan, Administrative Assistant



ATTENDANCE SHEET

COMMISSION MEETING

DATE: 4-12-16

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--- PLEASE PRINT---

NAME	ADDRESS OR AFFILIATION
Sue Carter	Aztec Citizen
Mike Heas	COA
Car Hon Gray	COA
Kate Smith	COA - Library
W Homen	
Bob Carman	COA
Tina Roper	COA
V. Neil	Chamber VP
Andie Noyes	Chamber
Cindy Slesovetto	COA
Wallace Papp	COA-IT
STEVE Mueller	COA
Ken George	COA