

CITY OF AZTEC
COMMISSION MEETING MINUTES
June 14, 2016

I. CALL TO ORDER

Mayor Burbridge called the Meeting to order at 6:00pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was led by Commissioner Katee McClure

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro-Tem Sherri Sipe

IV. ROLL CALL

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

Members Absent: None

Others Present: City Attorney Larry Thrower; City Manager Josh Ray; City Clerk Karla Sayler; Project Manager Ed Kotyk (see attendance sheet)

V. AGENDA APPROVAL

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

VI. CITIZEN RECOGNITION

None

VII. EMPLOYEE RECOGNITION

Chief Mike Heal held a badge ceremony for the following officers: Sergeant John Whalen, Corporal Josh Simpson and Corporal John Welch. He mentioned that they have been promoted and their wives pinned their badges during the ceremony. He also mentioned that Sergeant Joseph Gonzales has been promoted to Lieutenant. Chief Heal introduced new officers Nicholas King, and William Anderson. Commission

thanked the officers for their service to the Police Department. Chief Heal mentioned that National Night Out will be July 19, 2016.

Josh Ray, City Manager recognized the City Electric Department on the city wide power outage on how smooth it went. Josh recognized City Clerk Karla Sayler for 10 years of service with the City and Sherlynn Morgan, Administrative Assistant for receiving her Certified Municipal Clerk Certification. Josh mentioned that Northwest New Mexico Seniors had an issue of running out of money therefore they couldn't serve the Senior population. Cindy Iacovetto, Senior Center Director and Kathy Lamb Finance Director came up with funding to continue service to our Senior Center during this time.

VIII. CONSENT AGENDA

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall to Approve the Consent Agenda with the exception of Item F and G

- A. Commission Workshop Meeting Minutes, May 24, 2016
- B. Commission Meeting Minutes, May 24, 2016
- C. Special Commission Meeting Minutes May 31, 2016
- D. Travel Requests
- E. Resolution 2016-1001 Surplus
- F. PULLED
- G. PULLED

IX. ITEMS FROM CONSENT AGENDA

- F. Bid 2016-549 Sanitary Sewer Interceptor Line Contract Approval

Commissioner McClure asked for clarification on what substantial completion is. Kathy mentioned that it means its ready for City use and completed and there is final closeout paperwork and once we get to substantial completion that's 305 days. She also asked about for clarification on the fees if construction is not completed. Kathy mentioned that if not completed by the 305 days the bidder agrees to pay \$2,000 per day and \$250 per day for completion of remaining work for final payment beyond completion expiration date.

MOVED by Commissioner Randall, SECONDED by Mayor Pro-Tem Sipe, to Approve the construction agreement between the City of Aztec and Smithco Construction Inc. in the amount of \$3,533,970.00 plus gross receipts tax

All Voted Aye; Motion Passed Five to Zero

- G. Resolution 2016-1002 BLM Application for Land for Recreation for Public Purposes

Commissioner McClure reviewed the map that was attached and asked questions on the requirements for the landfill areas to be excavated and debris to be hauled to appropriate disposal sites within the roadway right of way, BLM regulations would require all the landfill areas on the federal land to be excavated. BLM recommends the City apply for the land ownership of the previously permitted land which would eliminate the BLM requirements for the landfill clean up. The application process is lengthy and will be for land for public purposes to allow the city flexibility in the use of the land in the future. Fees may be associated with the transfer of the land. Kathy mentioned that this land will be patented to the city the same way the recreation property is patented to the city and this will be designated for public purposes and will not be able to be deeded over for private purposes. The City will have complete control on development on this property.

MOVED by Commissioner McClure, SECONDED by Mayor Pro-Tem Sipe to Approve Resolution #2016-1002 BLM Application for Land for Recreation or Public Purposes

All Voted Aye; Motion Passed Five to Zero

X. CITIZENS INPUT

Diana Mesch spoke on the current Oil & Gas situation in the County and the Four Corners area. She mentioned the concerns on prices on oil and gas and layoffs in the area and gross receipts tax. In her opinion she mentioned that the City of Aztec will do what they can to keep current employees and will do whatever they have to do to keep the City running at top efficiency. She also mentioned that in her opinion the golf course is a real money pit and mentioned that she recommend the City disengage from it.

XI. LIQUOR LICENSE HEARING

A. Paschall Enterprises, Inc. DBA Five Fifty Brewing-New Liquor License

Tricia Banry addressed the Commission on the Liquor License for Five Fifty Brewing. She clarified that they are completely for the Brewery just not at this location. She mentioned that she is here on behalf of her family and other citizens in the community to ask commission to deny this application for the following reasons: She lives right next door to the location and has small children and she feels that the noise during the open hours of business for the establishment will impose on her family life. She mentioned that the current zone does not allow for these types of establishments and that there is a concern on having the establishment in a residential area and there is also a concern on the parking. She mentioned that to quote the Community Development Director Main Street is for businesses that already have a foot in the community and many feel that Five Fifty already has a foot in the community and they

should locate on Main Street. She mentioned that she has a petition signed by residents in the area requesting that this establishment not go in at this location.

Dale Anderson has a business on Chaco and Main and mentioned that he agrees with Ms. Banry that the Brewery should not be put in the requested location and mentioned that it should not be supported by the City. He mentioned that the location can be located on Main street in one of the open buildings.

Mike Paschall applicant mentioned that he requests that the commission approve the application. He mentioned that this is a good way to start up his business in the HUB and help them to incubate their business where they can grow and eventually move out to a place on their own in another location. He mentioned that Aztec is his home and wants to keep his business in Aztec. Mayor Pro-Tem Sipe asked Mr. Paschall what the hours of operation are going to be and he mentioned that during the week it will be 2:00pm-9:00pm and on Saturday's they will be open until 11:00pm and mentioned that the capacity will be around 60 people.

Joey Moore asked how long the city has owned this property and was told that the city entered in a 2 year lease with an option to buy. Commission explained that this is a facility that will incubate businesses and provide a co-working space.

Bonnie Adams, representing Feat of Clay mentioned that the business owners in the City are trying to make the city a destination point and are in favor of the brewery.

Bill Homka, City Development Director, stated that he did not speak on this but that he listened to the testimonies and allegations and/or statements. He said that his department permitted the proposal to open the brewery at 119 E. Chuska Street for the business to be incubated at the location, which is zoned O-1, Offices. Mr. Homka mentioned that he does not appreciate Ms. Banry often times suggesting that our contract with the Paschalls prohibits the Commission as elected officials from denying this. He stated that she has never seen this contract nor has she asked to see it. The contract does not say that any conduct the City enters in to has an out clause and if it is not approved tonight the City would be out of there. To state otherwise would be a lie. Third, Mr. Homka stated that it's not all about your neighborhood Ms. Banry. During our first meeting where we postponed due to an address issue, that he had a long discussion with Ms. Banry and he's not sure if it was her brother-in-law that owns the house adjacent to hers, but she asked who she could talk to in the City about selling her property, that it would be great for parking. He said he advised her that now is not the time to talk about this. However, if you are so concerned about the children on that street and about having commercial uses ... [inaudible] ... so he appreciated the concerns but he thinks [inaudible]

Audience member Jack Scott, former Aztec City Commissioner, stated forcefully that Mr. Homka's remarks to Ms. Banry were totally unacceptable and mentioned that

Mr. Homka was speaking on issues that are not mentioned and are hearsay and should be stricken from this record. Mr. Homka then addressed Mr. Scott and stated that the meetings are recorded and minutes are approved and stated that some of these issues were publicly addressed and this is not something that he would make up and did address the Commission and looked at Mr. Scott then and stated via email. Ms. Banry then got up and the Mayor was advised to listen to her comment by Mr. Thrower. Then no more comments should be made thereafter. Ms. Banry mentioned that she disagrees with what Mr. Homka is saying and yes her and her brother-in-law mentioned the issue to Mr. Homka on parking, who wouldn't. She mentioned that the houses are not for sale, period. They may sell at a later date but not now. And she mentioned that the comments attributed to her by Mr. Homka were never made.

MOVED by Commissioner McClure, SECONDED by Commissioner Rogers to Approve New Liquor License for Five Fifty Brewing with the addition of a waiver with the proximity being within 281 ft. to a church and a brewing location will be at 119 East Chuska Street, Suite B, Aztec NM

Motion Passed Four to One, Commissioner Randall Voted Nay

XII. BUSINESS ITEM

A. Business Development Project Participation and Incentive Agreement

Josh mentioned that this item pertains to business development project between the City and Hutton Team LLC. City Commission approved Resolution 2016-984 on January 12, 2016, approving infrastructure improvements for this project. Further discussion has occurred between the city and Hutton to determine the proper development of the adjacent properties and Hutton agreed to pay the City \$50,000 to be utilized as an economic incentive for the future development of the undeveloped portions of the property specifically lots 1 and/or 3. Josh mentioned that Hutton will build up lot 2 and any improvements they do on lots 1 and 3 will be part of their storm water retention and grading plan.

MOVED by Commissioner Rogers, SECONDED by Commissioner Randall to Approve the Business Development Project Participation and Incentive Agreement

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

XIII. LAND USE HEARINGS

Mayor Burbridge opened the Land Use Hearing for Hutton Development Minor Subdivision Preliminary & Final Plat Approval and 2016-051 Variance at 304 Bessie Place. 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. Hutton Development Minor Subdivision Preliminary & Final Plat Approval
Bil Homka, Community Development Director mentioned that this is the preliminary and final plat approval for Hutton subdivision. The existing parcel is 6.33 acres and will be split into 3 parcels. He mentioned that the site currently has two structures on it that will be demolished. The proposed subdivision creates three new large development parcels suitable for commercial uses permitted in the city's C-2 Commercial General zoning district. He mentioned that there are a few challenges most significantly is addressing the large elevation difference between W. Aztec Blvd. and the sites predominate elevation 13' below the roadway. It accomplishes this with the placement of fill dirt across the site to varying elevation. All new fill will be graded with a negative slope toward the back of the sites for drainage, vehicular circulation, and overall appearance purposes. Another issue was designing a connecting vehicular circulation system while also making room for utilities, roadways, and surface drainage leading to a regional detention pond. The developer has placed a 20' easement on each side of the arroyo for city maintenance purposes. Bil mentioned the beautification parts will have a landscaping plan and will involve irrigated landscaping along w Aztec blvd. to improve the overall appearance along the corridor and will also be adding trees and shrubbery. This plan establishes a regional storm water detention system designed to transfer the runoff from all three sites to a single detention pond via surface grading and below surface piping and will provide sufficient capacity to meet city storm water requirements for new development.

MOVED By Commissioner Randall, SECONDED By Commissioner McClure To Approve An Application For A Minor Subdivision Plat, And Consider This The Preliminary And Final Plat After Much Negotiation And Two Years Of Development Meetings Among All The Parties, As The Plat Meets All Requirements And For The Thirteen Findings Of Fact Listed

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

B. 2016-051 Variance 304 Bessie Place

Bil Homka mentioned that this is a variance for a new single family construction and a garage in the city's MH Mobile Home district which is located at 304 Bessie Place. The applicant is seeking a variance because the mobile home zoning classification does not allow traditional new home construction. Aztec city code division applies more stringent rear and side yard requirements for accessory structures i.e. garages, than does division 3 single family residential district.

MOVED By Commissioner McClure, SECONDED By Commissioner Randall To Approve An Application For A Variance To The City Zoning Code, Division 10 Mobile

Home District To Allow Construction Of A Traditional Stick Built New Home And To Apply The Side And Rear Yard Lot Regulation For Accessory Structures At 304 Bessie For The 6 Reasons Listed In Findings Of Fact The Sixth One Being That This Home Would Be Held To Residential One Standards

All Voted Aye; Motion Passed Five to Zero

XIV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

Mayor Burbridge mentioned that she attended a Site Selector tour in Santa Fe. She mentioned that today 4CED hosted a foreign oil import discussion and mentioned that the push is a presidential proclamation after the next presidential election asking the president to implement a foreign oil quota which is a buy local campaign. She mentioned that this was done before in 1959. Mayor Burbridge mentioned that she would like to schedule a workshop to review the City Manager Evaluation.

Mayor Pro-Tem Sipe congratulated city staff on the power outage. She mentioned that she worked the absentee voting at mentioned that there were a couple of gentlemen from Canada that assisted and mentioned that they were pleased with their visit to the area.

Commissioner Rogers commended the Electric Department and Police Department the night of the power outage.

Commissioner Randall echoed Commissioner Rogers and Mayor Pro-Tem on City Staff and their dedication to the City. He also mentioned that he hopes citizens see that opening up new businesses is a good opportunity for the City.

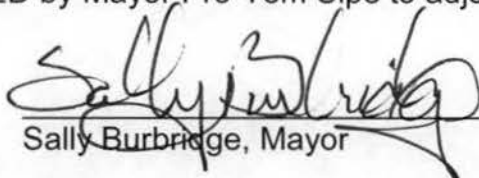
Commissioner McClure mentioned that she visited Tiger Park and saw a lot of Fisherman she visited the Solar Field and the Airport. She mentioned that the next 4th Friday downtown will be June 24th.

XV. DEPARTMENT REPORTS

Cindy Iacovetto, Community Center Director invited all to the breakfast to kickoff Fiesta Days.

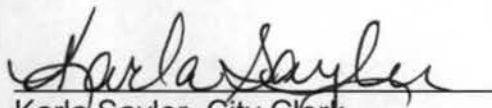
XVI. ADJOURNMENT

Moved by Mayor Burbridge, SECONDED by Mayor Pro-Tem Sipe to adjourn the meeting at 9:07 pm.

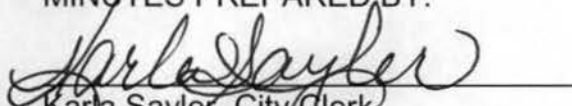

Sally Burbridge, Mayor

ATTEST:




Karla Sayler, City Clerk

MINUTES PREPARED BY:


Karla Sayler, City Clerk



ATTENDANCE SHEET

COMMISSION MEETING

DATE: 6-14-16

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NAME	ADDRESS OR AFFILIATION
Sue Carter	citizen of Aztec
Carlton Gray	COA
BILL WATSON	COA
Tricia Barry	116 S. Church.
DIANA Mesch	308 Canadian Circle
Bo S Caman	COA
W. H. H. H.	
MIKE HEAL	COA
Debrain George	COA
Mike & Cynthia Paschall	
Wesley Brown	
Julie Brown	
Toni Simpson	
Debbie Israel	TALON
Jodi De whalad	802 Ave port dr



ATTENDANCE SHEET

COMMISSION MEETING

DATE: 6/14/16

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NAME	ADDRESS OR AFFILIATION
DAVID MAGANA	304 BESSIE PL. AZTEC, NM. 87410
John Paschell	210 S. Main Ave
Nino Ortega	550 Browning
Bob Dusenbery	112 W Chaco Aztec
Kathy Lamb	CoA
Melani C. Lahan	Hutton 736 Cherry St. Chattanooga, TN 37402
Lukas Durham	1144 Graceland Drive
Colbey Caldwell	16264 Hwy 550
Wallace Beyer	COA - IT
Jimmy Dusenbery	112 W Chaco Aztec
Chelsea Clowe	COA
Hannah Grover	The Daily Times