

CITY OF AZTEC  
COMMISSION MEETING MINUTES  
October 22, 2019

**I. CALL TO ORDER**

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

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

- A. Invocation (led by Commissioner Randall)
- B. United States Pledge of Allegiance (led by Mayor Snover)
- C. New Mexico pledge of Allegiance (led by Mayor Snover)

**III. ROLL CALL**

Members Present: Mayor Victor Snover; Mayor Pro-Tem Fry;  
Commissioner Sipe; Commissioner Austin Randall;  
Commissioner Mark Lewis

Members Absent: None

Others Present: City Manager Steve Mueller; City Attorney Nicci Unsicker;  
Project Manager Ed Kotyk; City Clerk Karla Sayler (see  
attendance sheet)

**IV. APPROVAL OF AGENDA ITEMS**

MOVED by Commissioner Randall to approve the agenda as given; SECONDED  
by Commissioner Lewis

All voted Aye: Motion passed five to zero

**V. CONSENT AGENDA**

- A. Commission Workshop Meeting Minutes October 8, 2019
- B. Commission Meeting Minutes October 8, 2019
- C. PD Traffic Grant Agreement
- D. Election Resolution #2019-1159
- E. ITB 2020-718 Hwy 550 Sanitary Sewer Tie-In Bid Rejection
- F. Municipal Surplus Resolution #2019-1160
- G. Animal Care and Control Document Destruction

MOVED by Commissioner Lewis to Approve the Consent Agenda as given  
SECONDED by Mayor Pro-Tem Fry

All voted Aye: Motion passed five to zero

**VI. ITEMS REMOVED FROM CONSENT AGENDA**

NONE

**VII. PRESENTATIONS**

NONE

**VIII. CITIZENS INPUT (3 Minutes Maximum)**

NONE

**IX. BUSINESS ITEMS**

**A. Aztec Sparkles Lighting Contest Awards**

Project Manager Ed Kotyk explained that he added an additional option for the Commission this year. This would include the Commission choice from their district. Commission would each choose 1 winner within the district they represent, they would have a whole month to get their selection turned in.

MOVED by Commissioner Sipe to Approve Option 2 for Aztec Sparkles Lighting Contest Awards in the amount of \$3,770, awarded to each of nine Residential and four Commercial winners in the form of non-transferable credits to City of Aztec utility accounts. SECONDED by Commissioner Lewis

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

**B. Intent to Adopt Ordinance 2019-496 Amending Section 1-12 Mandatory Penalty and Fees**

City Manager Steve Mueller asked Captain Morris to explain the need for the change in mandatory fees. Captain Morris explained that this was an oversight with the current ordinance and the police computer system. He explained that all this does is break it out so that they are able to enter it into the police system and that there are no changes to any fees.

MOVED by Mayor Pro-Tem Fry to Approve Intent to Adopt Ordinance 2019-496 Amending Section 1-12 Mandatory Penalty and Fees SECONDED by Commissioner Sipe

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

**X. QUASI JUDICIAL HEARINGS (Land Use)**

**A. Zone Change Application for 902 N. Rio Grande from C-2 to O-1**

Mayor Snover read the land use hearing script. He swore in all parties to the case. He asked if there was a challenge for the Commission to hear this case; there were none. He asked if there were any conflicts of interest, personal biases, ex-parte contacts and there were none.

Community Development Director Steven Saavedra explained that this is a Zone change application the requester is to change from the C-2 General Commercial to the O-1 Office and Institutional District. The property is located at 902 N. Rio Grande Ave, Aztec, NM. He explained that it was advertised and the neighbors were sent certified letter. He explained that the zoning does not match the current use. In 2015, the petitioner purchased the property and at the time a local appraisal company stated, "per the City of Aztec there are no restrictions should the property be more than 50% destroyed it could be rebuilt as a single family residence as long as it continues its use as a residence".

The applicant seeks the zone change in order to sell the property. The zoning and the use do not align with the current district. The use is residential, and the zoning is commercial. Therefore, 902 N. Rio Grande Ave is considered a "lawful non-conformance" pursuant to COA Sec 26-4-502 "The use of any dwelling, building, or structure which was existing and lawful at the time of the enactment of this ordinance may be continued, although such use does not conform to the provisions of this ordinance.

Since, the 2008 financial crisis, lending institutions are more stringent in lending practices. This is especially true related to zoning. As a result, numerous lending institutions are not willing to finance mortgagees with zoning conflicts. The C-2 General Commercial and Wholesale District does not allow single-family dwelling units by right. Also, there are little to no development standards, such as lot size, height, and setbacks associated with single-family houses in the C-2 District. Therefore, property located at 902 N. Rio Grande is a lawful non-conformance or grandfathered. The O-1 Office and Institutional District allow for single-family residential units, and development standards are defined for dwelling units in the O-1 district.

Steven explained that this does not meet the criteria in the staff report and so staff recommends that Commission deny the zone change based on that.

Jordan Kreilick explained that they are wanting to sell the property because she was single when she bought the house and she is now married and they are wanting to grow their family. She mentioned that if the house can't be sold she would like to be able to rebuild it as its current use. The house was built in 1945.

Keri Howlett who is the loan officer for Jordan Kreilick explained that she did the first loan when Jordan purchased the home and then 4 years later the client came to her about selling the house and the new appraisal was done is when it came to light about the zoning issue. She explained that the problem with the lender is the fact that the house cannot be rebuilt if something happens to it.

Mayor Snover closed the hearing to testimony and opened it up for Commission Discussion. Mayor Snover mentioned that the owner is in a rough spot, he is worried about setting a president. Commission felt that they didn't want to set president with this, the owner of the property will be able to sell it as commercial.

MOVED by Commissioner Sipe to Approve zone change 19-03, a request from Jordan Kreilick, for a zone change from the C-2 General Commercial and Wholesale District to the O-1 Office and Institutional District for property located at 902 N. Rio Grande Ave. Aztec, NM. SECONDED by Commissioner Randall

A Roll Call was taken; All voted Nay: Motion denied five to zero

#### **XI. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS**

City Manager Steve Mueller mentioned that Public Works Director Steve Morse is now a Certified Flood Plain Manager. He also mentioned that the Mayors Ball will be coming up and he needs an answer from Commission if they want to pay a sponsorship. He mentioned the upcoming meetings for the rest of the year the one the week of Thanksgiving and the one scheduled for Christmas Eve. Commission decided to cancel the meeting on December 24<sup>th</sup>. Commission decided to keep the same level of sponsorship with the Boys and Girls Club and get a table. Steve also mentioned that he will be out on vacation the last week of October.

Commissioner Randall attended the Library Board Meeting and the big discussion was on cyber security. He will be out on vacation November 2<sup>nd</sup> – 7<sup>th</sup>.

Commissioner Sipe mentioned she attended EDAB last Thursday they were looking at new ideas for branding. The Chamber has new officers and are still trying to move forward. She had a NWNM Seniors meeting.

Commissioner Lewis mentioned the water Commission has been moved to November 13. He will be out for 2 weeks starting on Thursday. Have a fun safe Halloween.

Mayor Pro-Tem Fry mentioned she attended the SJC partnership meeting. She also met with Alvin Trujillo with 4CED. She attended the EDAB meeting.

Mayor Snover mentioned that the Veterans Parade is coming up on November 11<sup>th</sup>.

## **XII. CLOSED SESSION**

Closed Session Pursuant to State Law, Section 10-15-1H (2) Limited Personnel Matters City Manager Evaluation

Mayor Snover moved the meeting into Closed Session at 7:15 pm Pursuant to State Law, Section 10-15-1H (2) Limited Personnel Matters City Manager Evaluation

Mayor Snover voted Aye; Mayor Pro-tem Fry voted Aye; Commissioner Sipe voted Aye; Commissioner Randall voted Aye; Commissioner Lewis voted Aye

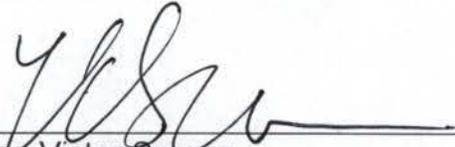
Mayor Snover moved the Closed Session back to regular meeting at 8:20 pm Pursuant to State Law, Section 10-15-1H (2) Limited Personnel Matters City Manager Evaluation and mentioned that there were no other items discussed or decisions made.

Mayor Snover voted Aye; Mayor Pro-tem Fry voted Aye; Commissioner Sipe voted Aye; Commissioner Randal voted Aye; Commissioner Lewis voted Aye

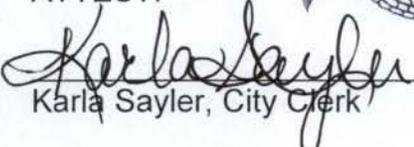
## **XIV. ADJOURNMENT**

Mayor Snover moved to adjourn the meeting at 8:20 pm SECONDED by Commissioner Lewis

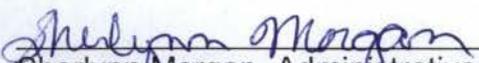


  
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Mayor, Victor Snover

ATTEST:

  
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Karla Saylor, City Clerk

MINUTES PREPARED BY:

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

