

CITY OF AZTEC
COMMISSION MEETING MINUTES
January 14, 2020

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 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 Tyson Gobble;
Project Manager Ed Kotyk; City Clerk Karla Sayler (see
attendance sheet)

IV. APPROVAL OF AGENDA ITEMS

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

All voted Aye: Motion passed five to zero

V. CONSENT AGENDA

- A. Commission Meeting Minutes December 17, 2019
- B. Commission Special Meeting Minutes January 7, 2020
- C. ITB 2020-727 30' Valmont Deco Poles w/Double Arms
- D. Resolution 2020-1168 Authorizing Opening and Closing of Time Certificate of Deposit for City
- E. Resolution 2020-1169 Municipal Surplus
- F. Aztec Motocross Agreement

MOVED by Commissioner Randall 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

A. Aztec Sparkles Lighting Awards

Ed Kotyk presented the winners for the weekly online voting and Commissioners Choice.

Residential Winners: 1011 Rio Hondo, 407 Heiland Road (Charles Dobey), 905 Mountain View Drive, 706 French Drive (Ken George)

Commercial Winners: Aztec Feed and Supply, Soaps on Main, Kare Drug, Ruins Road RV Park

Commission Choice: District 1 was 908 Mountain View; District 2 was 1140 Graceland Drive; District 3 was 400 Rio Grande Ave.; District 4 was 500 Western Circle; District 5 was 3112 Hatley Court.

Mayor Snover and Commissioner Sipe thanked everyone for participating and said that the town looked great.

VIII. CITIZENS INPUT (3 Minutes Maximum)

Joshua Large with the Chamber of Commerce mentioned that they would be having a candidate forum at the Senior Center on Feb. 18th at 6 pm. He also mentioned that the Chamber is functioning again.

Gail Aspermonte mentioned that she was a former Mayor and Commissioner. She mentioned that she was Mayor for 8 years and she just wanted to voice concerns about running a business in Aztec, she asked Commission to have the Planning and Zoning rework the whole code. She says you fight the City with signs in front of business and it is impossible to run a business without a sign. She also mentioned that she supports the Church on Main St.

IX. BUSINESS ITEMS

A. Letter of Support for Grant Application for Carbon Capture for San Juan Generating Station

City Manager Steve Mueller mentioned that NM Tech University and Enchant Energy are wanting to be co-applicants on a US Department of Energy Grant application. They are requesting a letter of support from Commission on the grant application. Dr. Robert Balch and Raven Goshwick gave a presentation on the grant and answered questions for Commission. He mentioned that they have permission from land owners, surface rights owners and mineral right holders in order to drill and run core samples and other tests.

Mayor Pro-Tem Fry requested changes in the letter. She explained that the changes don't change the context of the letter. She read the changes and she also added the addition of a quarterly report because this is a big project and feasibility study.

MOVED by Mayor Pro-Tem Fry to Approve the Amended Letter of Support for Grant Application for Carbon Capture for San Juan Generating Station SECONDED by Commissioner Sipe

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

B. Final Adoption of Ordinance 2019-497 Amending Chapter 27, Article II Lodgers Tax

City Manager Steve Mueller mentioned that the intent was presented on November 26th and we have not received any comments or concerns.

MOVED by Commissioner Randall to Approve Final Adoption of Ordinance 2019-497 Amending Chapter 27, Article II Lodgers Tax SECONDED by Commissioner Lewis

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

C. Final Adoption of Ordinance 2019-498, An Ordinance Amending Chapter 26, Articles III and IV

City Manager Steve Mueller mentioned that the intent to adopt was on the December 17 meeting and he has not received any comments or concerns.

MOVED by Commissioner Sipe to Approve Final Adoption of Ordinance 2019-498, An Ordinance Amending Chapter 26, Articles III and IV SECONDED by Commissioner Randall

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

X. QUASI JUDICIAL HEARINGS (Land Use)

Mayor Snover read the land use script and asked if any Commissioners had any conflicts, personal bias or ex-parte communication to declare. There were none. He swore in all parties that wished to testify on either hearing.

A. Zone Change 19-04 From C-2 to O-1 For Property Located at 100 Simonds Rd.

Community Development Director Steven Saavedra explained that this zone change is for 100 Simmons Road, it is currently located in a C-2 district and applicant is want to change it to O-1 district. The property owner Jason Quigley is represented by Kristin Johnson. The property is approximately 0.11 acres and the request comes before Commission because the property owner seeks to sell the property. As it stands right now the use is residential and the zoning is commercial, the two do not align and as a result financial institutions and lending companies are not comfortable lending money when the zoning and the use do not align. If this house is substantially damaged it cannot be rebuilt because of the zoning. This area has been zoned commercial for decades. When the property owner purchased the property in 2009 it was zoned C-2 and there was a pregnancy center business in there. At the time Mr. Quigley's relator told him he could use it as residential and that is not the case. This zone change not only affects the Quigley property but those around him. They could consider a conditional use permit, this is discouraged because it does not transfer with the new owner and it does not accomplish a goal.

Jason Quigley mentioned that he is currently renting the property to a disabled veteran who is also interested in purchasing the property. He presented Commission with information that he had received from Gordon Crane which he was given from the zoning office that is very specific and he was cautioned about putting a resident in the property because he would never be able to use it as commercial again. He presented tax bills all the way back from 2009 where he has been paying on it as residential. He also mentioned that this whole spot on Simonds Road is called the Simmons Housing Subdivision. His first appraisal says it's residential and the 2014 appraisal also says residential. He explained that this is creating a hardship for him because he can't sell the property. He does not understand why we are so hung up on a theoretical business that is probably never going to be there.

Terry the resident that is in there and wants to purchase the home explained that the house is set up exactly how he wants and needs his home to be set up, he has

everything close because he doesn't drive, he has a security system set up and he prefers not to have to move again and be put under additional stress. He is 100% disabled from the military.

Commission moved into the discussion part of the hearing. Steven Saavedra cautioned Commission about setting the precedence and who else is going to want a zone change. Commission discussed that this was a hard decision and we could be putting ourselves into a legal situation. The property that came before Commission in October that was in the same situation could come back and say the Commission was bias. Mayor Snover mentioned that they are similar and precedence setting and he does not like to clean up previous messes. He stated that this Commission needs to be consistent. Commissioner Sipe mentioned that we have the option to postpone for further information. The way it is now the house can't be sold but the resident could still stay there. The hearing was closed to discussion.

MOVED by Commissioner Randall to Approve zone change 19-04, a request from Jason Quigley, for a zone change from the C-2 District to the O-1 Office and Institutional District for property located at 100 Simonds Road, Aztec, NM SECONDED by Commissioner Sipe

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

B. Conditional Use Permit to Allow For A Church in a C-1 District, For Property Located at 222 N. Main Ave.

Community Development Director Steven Saavedra explained this is a conditional use permit request to allow a Church in a C-1 District. The C-1 district does not allow churches by right. In the fall of 2019 New Harvest Church was located on South Main Ave. which is also a commercial district, there was a fire which forced them to relocate. They relocated at 222 North Main Ave. Community Development was made aware of this when the Pastor of the Church came in to get a sign permit. This is in the MRA plan as a C-1 property. He went through the staff summary. He stressed the MRA which the Commission approved. He cautioned them about ramifications in the future. Businesses who would want to sell alcohol could ask for a waiver but those that are dispensaries cannot get a waiver at all.

Mr. Bost mentioned that he is aware of the situation. It was his misunderstanding that led him to put the church in the location where it is. He grew up in this community. The church looks better now than it did when they moved in. He does pull people from outside of Aztec. He does not object to businesses with alcohol or even a dispensary. He received letters of support from Main Street Music and NAPA. They want to be supportive active members of the community. They have the doors open whenever there is an event going on downtown. The building is leased for 1 year with an option to renew. They currently have 25 – 30 members enrolled in the church.

Mr. Miera agreed with Mr. Bost, he feels that they are a business and they would like to stay on Main so that they have visibility in the community. They want to see the downtown grow.

Mr. Payne owns Premier Fitness was present and testified that he is in support of the church. They have no negative impact on his business. He feels that they have an impact on the downtown corridor.

The hearing was closed to testimony and opened up to discussion from Commission. Commissioner Sipe does not feel that it would be a problem for them to stay and she feels that it is better than for it to be vacant and Commissioner Randall felt the same except he doesn't feel that we should put all the conditions on them listed in the staff summary recommended by staff. Commissioner Lewis approves of the conditions and wants to know how it would affect a dispensary. The Mayor feels that we need to think long term and does this fit within the MRA and what is typically on a Main Street. The MRA does not consider this as an economic benefit to the downtown. Commissioner Sipe disagrees because those buildings have been empty for years and it now looks like someone is taking care of the one store front. Mayor Pro-Tem Fry would like to know what EDAB thinks, she would like to table it and get an opinion for EDAB to weigh in.

The hearing was closed to discussion.

MOVED by Commissioner Randall to Approve CUP 19-02 a request from Danny Bost for a conditional use permit to allow a church in the C-1 district at 222 N. Main Ave, without conditions SECONDED by Commissioner Sipe

A Roll Call was taken; Commissioner Randall and Commissioner Sipe voted Aye; Mayor Snover, Mayor Pro-Tem Fry and Commissioner Lewis voted Nay: Motion denied three to two

MOVED by Commissioner Sipe to Table CUP 19-02 a request from Danny Bost for a conditional use permit to allow a church in the C-1 district at 222 N. Main Ave, until it is discussed with the EDAB Board and was SECONDED by Mayor Pro-Tem Fry

A Roll Call was taken; Commissioner Lewis, Sipe and Mayor Pro-Tem Fry voted Aye; Mayor Snover and Commissioner Randall voted Nay: Motion passes three to two

XI. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS

City Manager Steve Mueller mentioned he had received a couple of positive comments about the street sweeping. He attended his first Chamber meeting this morning they are trying to get organized and move forward. He will be in Gallup for the COG meeting tomorrow and next Thursday he will be in Albuquerque for the Safety Council Safety Training.

City Attorney Tyson Gobble attended law classes in Albuquerque last week.

Commissioner Sipe has EDAB meeting on Thursday and MPO meeting on the 23rd, and NWNM Seniors board meeting on the 24th.

Commissioner Randall mentioned that LTAB was canceled for January. He attended Library Board meeting last week.

Mayor Pro-Tem Fry attended SJC Partnership meeting, the new director will start on March 1st. She attended the Economic forum at San Juan College and San Juan Communities.

Mayor Snover mentioned he has ECHO and Airport Board next week. He wished the candidates who are running in the upcoming election good luck. He will be absent for the next meeting.

XII. ADJOURNMENT

Mayor Snover moved to adjourn the meeting at 8:50 pm SECONDED by Commissioner Sipe



Rosalyn A. Fry
Mayor Pro Tem

Mayor, Victor Snover

ATTEST:

Karla Sayler
Karla Sayler, City Clerk

MINUTES PREPARED BY:

Sherlynn Morgan
Sherlynn Morgan, Administrative Assistant



COMMISSION

Meeting

ATTENDANCE SHEET

DATE: 1-14-20

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NAME	Address or Affiliation
Joshua Large	Chamber of Commerce
Parthen Gray	COA
Mike Padilla Sr	Resident
MIKA HEAL	COA
Angela Watkins	COA
Sabrina Rials	809 Mossman
Nilda Rials	809 MOSSMAN
Amanda Miera	1208 N. Laguna Ave
JEFF Blackburn	COA
Ken George	706 French Dr.
Steve Morse	COA
Erin Mueen	222 N. Main
Mary McFarland	500 S. Main
Georgia Brandenburg	523 N. Church
Danny & Gayle Bost	222 N Main Aztec
Robert + Lalaine Balch	122 New Mexico Tech
JASON Quigley	2100E 21ST ST ADA, OK
Kirstin Johnson	100 Simons
Ryan Kane	32 Road 2063 Aztec
Cindy Fawcett	KSCC/COA
Waymon Killian	NH Fellowship
Orion Killian	..
Aeslyn Killian	..
Karissa Killian	..



ATTENDANCE SHEET

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NAME	Address or Affiliation
Terry Trawick	100 Simonds Road
Wallace Bay	COA - IT
Luke Durham	Grandland, N.H.
Joseph Hernandez	Swirrock, NM