

CITY OF AZTEC  
COMMISSION MEETING MINUTES  
August 25, 2020

**I. CALL TO ORDER**

Mayor Snover called the Meeting to order at 6:00 pm. The Regular Meeting of City of Aztec Commission to be held at 6:00 pm Tuesday, August 25, 2020 will be streamed live on [www.youtube.com](http://www.youtube.com)

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**III. ROLL CALL**

Members Present: (Members were on web call) Mayor Snover; Mayor Pro-Tem Fry; Commissioner Austin Randall; Commissioner Mark Lewis; Commissioner Mike Padilla (In Person)

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. PROCLAMATION**

Constitution Week  
Piano Month

Mayor Snover read the Proclamation for Constitution Week and Mayor Pro-Tem Fry read the Proclamation for Piano Month.

**V. APPROVAL OF AGENDA ITEMS**

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

All voted Aye: Motion passed five to zero

**VI. CONSENT AGENDA**

- A. Commission Workshop Meeting Minutes August 11, 2020
- B. Commission Meeting Minutes August 11, 2020
- C. Consideration for a Memorandum of Agreement amending the Intergovernmental Agreement for Building Inspection Services with San Juan County
- D. RFP 2019-697 City Attorney Contract Renewal
- E. RFP 2014-225 SEH North Main Final Design, Amendment #2 Hydraulic Study
- F. Senior Community Center Records Destruction

MOVED by Commissioner Randall to Approve the Consent Agenda as given SECONDED by Commissioner Lewis

All voted Aye: Motion passed five to zero

**VII. ITEMS REMOVED FROM CONSENT AGENDA**

NONE

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

NONE

Commission will take general public comment in written form via email or fax through 5:00 PM on Monday, August 24<sup>th</sup>. Hard copies can be faxed to 505-334-7609 or emailed to [ksayler@aztecnm.gov](mailto:ksayler@aztecnm.gov). These comments will be distributed to all commissioners for review to be addressed at the meeting.

**IX. BUSINESS ITEMS**

- A. Final Adoption of Ordinance 2020-507: An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico / Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico

City Manager Steve Mueller explained that this is the final adoption and he has not received any public comments about this franchise agreement.

MOVED by Mayor Pro-Tem Fry to Approve Final Adoption of Ordinance 2020 507: An Ordinance Granting a Franchise to Comcast Cablevision of New Mexico/Pennsylvania, Inc. to Operate and Maintain a Cable System in the City of Aztec, New Mexico SECONDED by Commissioner Padilla

All voted Aye: Motion passed five to zero

**B. Intent to Adopt Ordinance 2020-508: An Ordinance Authorizing the Sale Certain Municipal-Owned Real Property West of Newman Avenue to Eric Edgerton, for the Purchase Price of \$5,400.00**

City Manager Steve Mueller turned it over to Community Development Director Steven Saavedra. Steven explained that Eric Edgerton is seeking to purchase 0.29 acres from the City of Aztec. He explained that this request is based on the fact that his mobile home park (Cottonwood) is encroaching on City property and Eric is trying to sell the mobile home park. The mobile home park was initially approved in 2004 by Commission. The encroachment issue will not allow him to sell the property and that is why he is seeking to purchase this 0.29 acres from the City to rectify the problem. Eric Edgerton has obtained a survey and an appraisal for the property. Steven also pointed out that this is a zoning issue pertaining to a PUD, letters were sent out regarding this issue and he has been contacted by several individuals for more information. The survey was done by an outside firm, but they relied on our GIS data. Some of the mobile homes are actually sitting on top of a utility line which makes it difficult if you need to access the line. Selling this property does not eliminate the fact that we will have structures over the utility lines. Since these are mobile homes it is easier to try and fix the situation if they are moved or replaced with smaller units so they are not encroaching on the utility lines.

Commissioner Padilla has a concern about who would be responsible if something happens with the utility lines. City Attorney Tyson Gobble mentioned that technically we should have access to repair those utilities or make improvements and if there is an easement they are supposed to be unobstructed. He thinks that the liability would fall on the actual property owner. If they are obstructed and we do not have the access or ability to get in there and repair lines or whatever is needed and they are not cognizant of what we got going and they are not willing to work with us if we do have to get in there then we're going to have some issues.

Steven Saavedra mentioned that there is also a water line within close proximity and they usually like to have at least 10 feet for an easement in order to get machinery in if needed to access the lines. Commissioner Padilla was also concerned with the appraisal because of the fact that they are using just the size of the land to come up with the figures but they need to be figuring it as a piece of land with utilities on it, what is the fair market value.

Eric Edgerton mentioned that in 2004 the City granted them the permit to encroach on the City property for the utilities and for the privacy fence. They do appreciate that and they have been operating for 16 years. He mentioned that every meter on the backside next to the fence is where the power was installed in every pedestal, he mentioned that they had to pay for that and he was under the impression that since they had to pay to put in the infrastructure, that they were responsible for it. They can look into the exact placement of the lines some of the trailers might have been nudged up to the power line. In the future it could be a requirement that the trailers be moved forward or requiring a smaller trailer to help solve the problem. What they are running into with trying to sell the property is that the finance companies and banks are resisting because they don't like to finance something that has an encroachment. He

mentioned that if the City allows him to buy the property he would be willing to pitch in \$25,000 to help with the road or curbs on Newman.

MOVED by Commissioner Padilla to TABLE the Intent to Adopt Ordinance 2020-508: An Ordinance Authorizing the Sale of Certain Municipal-Owned Real Property West of Newman Avenue to Eric Edgerton, for the Purchase Price of \$5,400.00 until we get answers to the questions that were raised tonight  
SECONDED by Commissioner Randall

All voted Aye: Motion passed five to zero

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

Mayor Snover read the land use script and swore all parties in. He asked if there were any challenges, conflicts of interest or personal bias that needed to be declared and there were none.

**A. Approval of a Conditional Use Permit (CUP) to Allow a Church in an R-1 Zoning District**

Community Development Director Steven Saavedra explained that this is a CUP to allow a church (Timberland Church) in an R-1 single family zoning district and the representatives are Mark Robinson and Cody Stovall. The property is located at 311 Ruins Rd. The applicant is moving forward with a remodel and expansion of the structure and upon review they noticed that there was no CUP on file even though the church has been there for over 20 years. They are just conforming to what is required by City code and lowering the expansion and obtaining all permits. Staff is recommending approval we just want to make sure that the Church recognizes that the parking should stay off the public right away.

Cody Stovall mentioned that the church has been on location since the 1960's and they are hoping that the church is allowed to remain where it is.

Mark Robinson re-iterated what Cody Stovall said.

Mayor Snover closed the item to testimony and opened it up for Commission Discussion. There was no discussion and the Mayor closed the discussion.

MOVED by Commissioner Randall to Approve the Conditional Use Permit (CUP) to Allow a Church in an R-1 Zoning District with the condition that they ensure parking for the church is not located on the right-of-way, specifically Ruins Rd. or Cimarron Ave. SECONDED by Commissioner Padilla

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

**B. ZC 2020-02 Amending a Planned Unit Development (PUD) for the Villa Serena Mobile Home Park, Located at 510 Ruins Rd.**

Community Development Director Steven Saavedra explained that this is to amend a PUD for the Villa Serena Mobile Home Park located at 500-01 to 516-74 and this is at the request of Eric Edgerton. He explained that Eric is requesting this PUD to the setback and density requirement. There is no record of the original PUD establishing this so this amendment will establish and put forward specific setbacks per Mr. Edgerton's request. This is a request because a potential buyer is wanting to know if a home leaves the park where they can put another mobile home and without specific knowledge it is difficult for the buyer or seller to convey what can and cannot happen. They are not proposing any changes to how it sits today they are just establishing what it is right now so that there is peace of mind going forward. Staff is recommending approval with a list of setbacks.

Eric Edgerton explained that nothing will change with the park they just want to be on the same page with the City and the State inspector and when they move a mobile home out they want to be able to place it in the correct location so they won't have to move it later.

Jan Fowler wanted to make sure there wasn't anything that was going to conflict with the property line or parking for the Monument trading post. Steven Saavedra explained that there should be no issues related to parking because that should occur on the mobile home park and no property lines are being adjusted and there is no zoning change related to your parcel of property.

Mayor Snover closed the item to testimony and opened it up for Commission Discussion. There was no discussion and the Mayor closed the discussion.

MOVED by Commissioner Lewis to Approve ZC 2020-02 Amending a Planned Unit Development (PUD) for the Villa Serena Mobile Home Park, Located at 510-01 to 516-74 Ruins Rd. SECONDED by Mayor Pro-Tem Fry

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

**C. ZC 2020-03 Amending a Planned Unit Development (PUD) for the Cottonwood Mobile Home Park, Located at 304 Robinson Ave.**

Community Development Director Steven Saavedra explained that this is to a PUD for the Cottonwood Mobile Home Park located at 304 Robinson Ave. and the requester is Eric Edgerton. This is the same exact situation as in the previous item where it is zoned PUD but the document outlining specific setbacks, density, and parking is not on file with the City. This is to try to clean up the zoning so that everyone know what can and cannot happen.

Commission felt that with the other issue with this same park being table they should table this as well and take care of both issues at the same time.

Mayor Snover closed the item to testimony and opened it up for Commission Discussion. City Attorney Tyson Gobble mentioned that the record would be open until we look at this again and he will have due process rights with the quasi-judicial hearing.

Commission requested that a time and date be set to go out and view the property in question. City Attorney advised that it be advertised pursuant to the Open Meetings Act so there is in no way any decision or meeting and we don't have any perceived biases. Mayor Snover mentioned that they had to do this once before and they are not allowed to speak to one another and they had to go look at the site separately from one another.

MOVED by Commissioner Padilla to table (item C) for ZC 2020-03 Amending a Planned Unit Development (PUD) for the Cottonwood Mobile Home Park, Located at 304 Robinson Ave. SECONDED by Commissioner Lewis

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

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

City Manager Steve Mueller apologized for the technical difficulties and he mentioned that we are currently in stage 1 with water restrictions and staff continues to monitor the situation. He also mentioned that the NMML leagues annual conference is coming up on September 1<sup>st</sup> – 3<sup>rd</sup> it will be virtual and the deadline to sign up is Thursday, August 27<sup>th</sup>.

City Attorney Tyson Gobble congratulated Mayor Pro-Tem Fry on the success of the Piano Project.

Commissioner Lewis mentioned that he attended the presentation of the painted pianos on Main and he enjoyed it and thanked everyone involved.

Commissioner Randall gave a shout out to Aztec PD for cracking on speeders coming into town and he knows it means a lot to citizens also and hopefully people will start slowing down. The bass are decent at Navajo Lake.

Mayor Pro-Tem Fry attended the EDAB meeting and there was a speaker who had information about community gardens and other cities around us have gardens and she feels it would be an important addition to our city as well. Had a meeting with NM Seniors, the piano project has been satisfying and they have had a lot of media attention. She thanked everyone for the continued support.

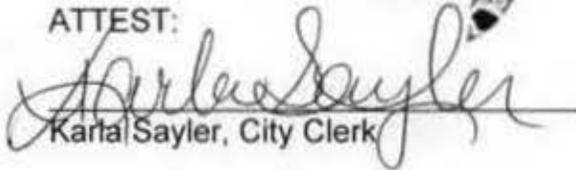
Mayor Snover mentioned that it is the little things like the piano project that get people out and about. He mentioned that he is proud to serve with the folks on Commission and City Staff that are working hard on side project to bring a positive light on the area. He mentioned that he has an ECHO meeting tomorrow and AirPort Advisory Board meeting and it looks like we will be able to work something out with the pilots for the lease and hanger fees.

## XII. ADJOURNMENT

Mayor Snover moved to adjourn the meeting at 8:02 pm **SECONDED** by Commissioner Lewis

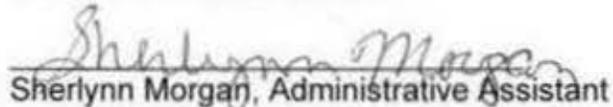


ATTEST:

  
Karla Saylor, City Clerk

  
Mayor, Victor Snover

MINUTES PREPARED BY:

  
Sherlynn Morgan, Administrative Assistant