

CITY OF AZTEC  
COMMISSION MEETING MINUTES  
Tuesday June 14, 2022

**CALL TO ORDER**

Mayor Michael A. Padilla Sr. called the meeting to order at 6:00 pm at Aztec City Hall, 201 W. Chaco, Aztec NM 87410

**I. INVOCATION AND PLEDGE OF ALLEGIANCE**

- A. Invocation led by Chief Michael Heal
- B. United States Pledge of Allegiance led by Mayor Pro-Tem Kenneth George
- C. New Mexico pledge of Allegiance led by Mayor Pro-Tem Kenneth George

**II. ROLL CALL**

Members Present: Mayor Michael A. Padilla, Sr.; Mayor Pro-Tem Ken George; Commissioner Colby King; and Commissioner Jim Crowley; Commissioner Austin Randall

Members Absent: NONE

Others Present: City Manager Paul Eckert; City Clerk Karla Saylor

**III. PROCLAMATION**

National Flag Week June 12-19, 2022

The Proclamation was read by Mayor Michael A. Padilla Sr.

**IV. PRESENTATION**

Northwest New Mexico Council of Governments Outdoor Recreation Facility-Evan Williams Even Williams presented Commission with a power point on the following for the Outdoor Recreation project:

- Background
- Purpose
- Approach
- Team
- Structure
- Timeline

- Budget

**V. APPROVAL OF AGENDA ITEMS**

MOVED by Commissioner Randall to approve Agenda as presented; SECONDED by Mayor Pro-Tem George

All Voted Aye: Motion Passed Five to Zero

**VI. CONSENT AGENDA**

- A. Commission Workshop Meeting Minutes May 19, 2022
- B. Commission Meeting Minutes May 24, 2022
- C. Records Destruction of Former City Attorney Files
- D. Records Destruction of Procurement Documents (1998-2005)
- E. Resolution 2022-1286 Municipal Surplus
- F. Resolution 2022-1287 Inactive Utility Write Off Accounts

MOVED by Commissioner Randall to approve the Consent agenda with the exception of item F for discussion; SECONDED by Commissioner King

All Voted Aye: Motion Passed Five to Zero

**VII. ITEMS REMOVED FROM CONSENT AGENDA**

- G. Resolution 2022-1287 Inactive Utility Write Off Accounts

Mayor Pro-Tem mentioned there are some supporting documents missing that need to be presented to the Commission. The Resolution was tabled so all documents can be provided to Commission.

MOVED by Mayor Pro-Tem to Table Resolution 2022-1287 Inactive Utility Write Off Accounts; SECONDED by Commissioner Randall

All Voted Aye: Motion Passed Five to Zero

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

NONE

**IX. BUSINESS ITEMS**

- A. Special Budget Resolution 2022-1288 Solid Waste

Anthony mentioned the Waste Management Contract and asked Commission for budget authority to pay for solid waste and recycling collection in the amount of \$24,400 to pay off waste management bill.

MOVED by Commissioner Randall to approve Special Budget Resolution 2022-1288 Solid Waste;  
SECONDED by Mayor Pro-Tem George

A Roll Call was Taken: All Voted Aye

## **X. QUASI JUDICIAL HEARING**

- A. ZC 22-03 A Zone Change request from O-1 (Office & Institutional District) to C-1 (Limited Retail/Neighborhood Commercial District)

Mayor Padilla opened the Quasi-Judicial Hearing. He reviewed the hearing procedures and swore in all parties who were interested in testifying. He then asked if any members of the Commission had a conflict of interest, bias or engaged in ex parte communication, there were none.

Community Development Director Steven Saavedra presented a PowerPoint and reviewed the Staff Summary given to Commission in the Agenda Packet with commission. He mentioned that this is a Zone Change request from O-1 to C-1 at the property located at 118 E. Chaco St., 120 E. Chat St., and 101 S. Church Ave. for a cannabis establishment, with the exception to allow live plants for sale.

Mayor Pro-Tem questioned if the zone change is approved would the applicants have to come back before Commission to obtain approval to locate the Cannabis Facility at the property, Steven assured him they would not.

Commissioner Randall questioned about what visual media would be restricted, Steven turned the question over to City Attorney Steve Murphy to investigate.

Mrs. Tresa Ransom read the Commission her request for the zone changes and stated the reasons she would like Commission to consider approval so they can move forward with the request.

Mr. Daniel Ransom asked commission if they had any questions for him, City Attorney Murphy inquired about the NM administrative code for signage, Mr. Ransom stated that he has seen the City's code. The NM code prohibits signage, visual media within 300 feet in view of a church. Mr. Ransom stated that they were planning on placing the signage on the South Side of the building facing the parking lot, nothing facing Chaco or the church. City Attorney inquired what Mr. Ransom's definition of visual media was, to which he responded it is a sign. City Attorney stated that you can't put a sign within 300 feet of the church, Mr. Ransom questioned whether it is 300 ft from the church or 300 ft from view of the church. City Attorney stated that his thought would be, if it can be seen from church property it is not ok. Mr. Ransom mentioned that is why their focus is on the South Side of the property, so it is not visible to the

church. City Attorney inquired about what type of signage it would be, Mr. Ransom replied it would be of their logo, which is of the Rocky Mountains with the projected business name of Rocky Mountain Treats. City Attorney inquired if there would be a cross blue sign or green signage on it, Mr. Ransom responded there would not be. City Attorney inquired about the odor of the live plants, Mr. Ransom replied that it would be very little from the young plants and filtering will be helpful. He mentioned that violet probably wouldn't be the best, a carbon filter would work better, but the baby plants 6-12 inches tall don't have many emissions of odor. City Attorney asked if it was when they start to flower, Mr. Ransom replied that was correct. City Attorney asked if they would be using any type of CO2 or anything to enhance their growth, Mr. Ransom stated they would not. City Attorney inquired about the type of watering system they would be using, Mr. Ransom stated just tap water in potting soil.

Commissioner Crowley inquired if they had a business plan that they have created, Mr. Ransom stated they have started an LLC. business organization. It is a family operation, that is going in a separate location as well, so the business plan is one LLC. Commissioner Crowley inquired if they have a ventilation plan submitted to Community Development, Mr. Ransom mentioned they have not yet submitted one. He mentioned that the city recommended the ultraviolet filtration, they believe the carbon is a better system. Commissioner Crowley inquired if they had submitted a detailed diagram of the building and how they would lay it out, Mr. Ransom stated they have not due to not wanting to go that far until they figure out if it's a possibility. Commissioner Crowley inquired if they have a waste plan for any of the products that are waste, Mr. Ransom mentioned that there is no waste.

Steven Saavedra inquired if the live plants they are going to be seedlings or flowering plants, Mr. Ransom mentioned they will be small plants 12 or less for customers to purchase to keep them producing. He mentioned that it will not be a full basement crop as was projected, but a dozen plants for customers to buy. Mr. Saavedra inquired if it is going to be a cash only business or will there be credit card transactions, Mr. Ransom mentioned in the beginning it will be cash due to federal constraints on banks.

Toby Wright opened for questions from Commission on the clone and seedlings, he mentioned they could only be kept at the property for a short period of time, they would have to return to a more production system. He mentioned that according to the State as well they are given a limited time to consider them a seedling or clone. They will be grown in a peat moss type soil, he mentioned it is against State regulation to do have cartoons or anything appealing to anyone under the age of 21 on the signage. There can not be any kind of radio advertisements either due to the reach of audience. City Attorney inquired about what Mr. Wright's relationship is to this request, Mr. Wright stated Mr. Ransom is his cousin. City Attorney inquired if Mr. Wright was going to have a role in the business, Mr. Wright stated that he would be as he is a managing member of the LLC.

Mr. Rod Hancock from Aztec Methodist Church presented Commission with their objection to the Zone Change, he mentioned that it was nothing personal against the Ransom family. He mentioned that he spoke to Senator Neville in Santa Fe who mentioned the business can operate within 300ft, but there can be no signage anywhere on the building within 300ft. Mr. Hancock mentioned that includes no writing on the door/window or anywhere. He mentioned



many of the church members attend from the neighborhoods and they must walk by the back of the building. He presented what the church board authorized him to put forth to Commission, they have been in the same building since 1908, they have children programs during the day, they have alcohol anonymous and ALANON meetings, they have high school kids who walk past the church who they feel would be adversely affected by the business. He mentioned that Chaco is a very busy street with limited parking once a month they distribute food, and they need access to Chaco for the distribution. The church has a long-standing policy of opposing the use of alcohol and other drugs, that is why the church opposes the Zone Change. Mayor Padilla mentioned there are petitions that were signed by community members opposing the Zone Change. City Attorney inquired if Mr. Hancock was speaking on behalf of the church and his role at the church, Mr. Hancock replied he is representing the Church and that he is not employed with the church but is on the leadership board and has filled many roles over the years. City Attorney inquired about the 4 pages of petitions that were presented, Mr. Hancock mentioned that there are a few more pages so he would turn them into the City Clerk. City Attorney inquired as to how the names were collected for the petitions, Mr. Hancock stated that church members got them from the community. City Attorney inquired if they were collected during church services or if they went into people's home to collect them, Mr. Hancock replied it was after church and members went to their neighborhoods. Mr. Steven Saavedra inquired if the church was going to continue to hold the AA meeting at the church, they were approached by a gentleman asking to utilize the Aztec Senior Center for meetings, Mr. Hancock replied that to his knowledge they are going to continue. Mr. Saavedra inquired as to who administers or runs the AA, Mr. Hancock replied that he did not know as it is anonymous.

Ms. Barb Weeks mentioned that she has no issue with the dispensary, but she would like to know what kind of buffer there would be between her home and the business. City Attorney inquired if she was for or against the zone change, she replied that she is fine with the change if there is a buffer zone. City Attorney mentioned that assuming that there will not be a wall put up if she was still for it, Ms. Weeks replied that it is part of City code, she would vote for a wall, but code states landscaping, fences, walls, or a combination thereof. She will submit her photos and documentation to the City Clerk. Mr. Steven Saavedra mentioned that that there are residential protections that include landscaping the buffering the wall or a combination of their own. Mr. Saavedra mentioned that his concern would be how the applicant is going to address the concerns of Ms. Weeks. City Attorney inquired to Mr. Saavedra if they are going to recommend a wall or some type of fencing be put up between the parking lot and Ms. Weeks residence, Mr. Saavedra replied that their recommendation is to follow City code which states landscaping, buffering, a wall, or a combination of all the above.

Mr. Brent Touchstone mentioned that they are also a neighboring property, they moved from Trinidad, CO to get away from marijuana and he is 5 years sober. He mentioned that his concern is that he will be able to smell the marijuana from his backyard. He is against the Zone Change and does not believe it belongs in a residential area. City Attorney inquired if he was within 100ft of it, Mr. Touchstone replied he is not.

Mayor Padilla inquired if there was anyone who would request a record remain open to supplement the hearing record. There were none.

Mayor Padilla inquired if there is any reason the Commission cannot issue a decision at this time. There were none.

City Attorney stated that for the record there is an email from Rod Foss that needs to be included in it.

Mayor Padilla mentioned that he has a letter Grant wrote and one from Jasmine Eager from Just Us Kids Preschool.

Mayor Padilla mentioned they will issue a finding of facts and conclusions.

Commissioner Randall, Commissioner Crowley and Mayor Padilla mentioned they have had conversations on the phone with some concerned residents, some of the concerns were mentioned already.

Mayor Pro-Tem mentioned the building being empty but is it in the best interest of the City and residents to change the zoning, Mayor Padilla agreed that he does not want the building to be empty but has other concerns. He mentioned there are a lot of applications for dispensaries and the financial impact the Ransom's are going to have. He mentioned that if the zone change is not approved that they will still be able to utilize the building.

MOVED by Commissioner Randall to DENY ZC 22-03 A Zone Change request from O-1 (Office & Institutional District) to C-1 (Limited Retail/Neighborhood Commercial District): SECONDED by Mayor Pro-Tem George

A Roll Call was Taken.

Mayor Padilla Voted Aye

Mayor Pro-Tem George Voted Aye

Commissioner King Voted Aye

Commissioner Randall Voted Aye

Commissioner Crowley Aye

Motion Passed Five to Zero

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

Commissioner Randall thanked Jeff Blackburn on the fields and parks they look great.

Mayor Padilla mentioned to Jeff Blackburn the purchase of the bleachers for Hartman Park.

Mayor Pro-Tem thanked all involved in putting up the flags around town.

City Manager Paul Eckert thanked Mayor Padilla for participating at the joint Chamber meeting. He mentioned that YCC is going well they had great safety training and a great crew, they are working on the dog park and improvements to Tiger Pond. He updated the County

Fire Department and Search and Rescue in conditions and restrictions, fire pits are now restricted except for gas fueled or charcoal grills. Paul mentioned the outdoor recreation and facilities meeting at 550 brewery the following evening. He mentioned Thursday night there would be a 4CED banquet which he will be attending.

Community Development Director Steven Saavedra mentioned he is a member on the San Juan Water Commission, he wanted to share the water situation we are currently in. He presented Commission with water graphs and projections on where the rivers in the County are currently and where they should be. They are trying to identify funds to help with the current reservoir as well as identifying a new location for reservoir 4. Commissioner Crowley mentioned reaching out to Bloomfield should we have no water in storage. Mayor Pro-Tem mentioned the water management plan, so staff and City residents are aware of the water situation.

Library Director Angela Watkins presented Commission with a PowerPoint of all the happenings at the library.

- The Summer Slide
- Parent Support
- Pizza
- Craft Time
- Sign-ups as of 6/13/22
- Water Exhibit
- Mini Film Festival
- Volunteers

Public Works Director Stephen Morse gave an update on the PW Department crew have been doing.

- Crack Sealing
- Hauling road base and fine preparing for working on unpaved roads
- Working on water leaks

#### Projects

- 173 water line replacement
- Paving of North Main Street
- Electric work on North Main
- Irrigation work on North Main
- Reservoir 1
- McWilliams Road

## XII. FUTURE AGENDA ITEMS

Item

Meeting

Commission Walkabout  
Final Acceptance of the 2022-24 Commission Strategic Plan  
Purchase Card Policy  
Final Budget Approval

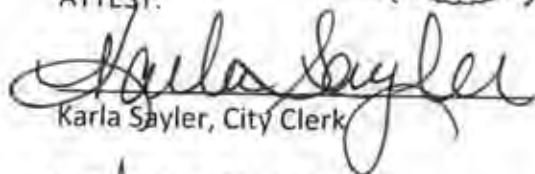
June  
July 12  
July 12  
July 26

**XIII. ADJOURNMENT**

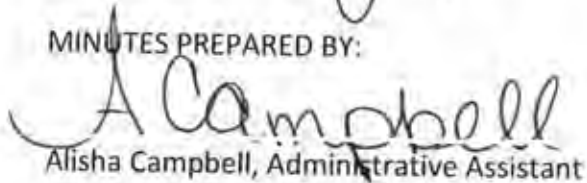
MOVED by Mayor Pro-Tem George to adjourn the meeting; SECONDED by Commissioner King



ATTEST:

  
Karla Saylor, City Clerk

MINUTES PREPARED BY:

  
Alisha Campbell, Administrative Assistant

  
Mayor Michael A. Padilla, Sr.