

**A G E N D A**  
**CITY OF AZTEC**  
**CITY COMMISSION MEETING**  
**January 13, 2015**  
**201 W. Chaco, City Hall**  
**6:00 p.m.**

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. ROLL CALL**

**V. AGENDA APPROVAL**

**VI. CITIZEN RECOGNITION**

**VII. EMPLOYEE RECOGNITION**

**VIII. CONSENT AGENDA**

- A. Commission Meeting Minutes, December 9, 2014
- B. Special Commission Meeting Minutes, December 18, 2014
- C. Travel Requests
- D. Deputy Sheriff's Commissions Agreement
- E. Resolution 2015-948 Concerning the Governing Body Meetings and Public Notice Requirements
- F. Community Development Document Destruction
- G. Aging And Long Term Services Department Senior Employment Program Host Agency Agreement

*Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "Items from Consent Agenda"*

**IX. ITEMS FROM CONSENT AGENDA**

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

*(Citizens who wish to speak will sign up prior to the meeting – this section is for items not otherwise listed on the agenda)*

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**ATTENTION PERSONS WITH DISABILITIES:** The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

**Note:** A final agenda will be posted 24 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410

**XI. BUSINESS ITEMS**

- A. Final Adoption of Ordinance 2014-440: Amending Chapter 1, General Provisions, Section 12. Mandatory Penalty and Fees

**XII. LAND USE HEARING**

- A. Conditional Use Permit-Heart & Soul Tattoo 102 N. Main

**XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

**XIV. DEPARTMENT REPORTS**

*(When this item is announced, all Department Heads who wish to give a report will move to the podium)*

**XV. ADJOURNMENT**

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CITY OF AZTEC  
COMMISSION MEETING MINUTES  
DECEMBER 9, 2014

**I. CALL TO ORDER**

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

**II. INVOCATION**

The Invocation was led by Past Commissioner, Jim Crowley

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by IT Supervisor, Wallace Begay

**IV. ROLL CALL**

Members Present: Mayor Sally Burbridge; Mayor Pro-Tem Sherri Sipe; Commissioner Sheri Rogers; Commissioner Roberta Locke; Commissioner Katie McClure

Members Absent: None

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

**V. AGENDA APPROVAL**

MOVED by Commissioner Locke, SECONDED by Mayor Pro-Tem Sipe to Approve the Agenda.

**VI. CITIZEN RECOGNITION**

Code Compliance Officer, Bob Carmen mentioned the Spirit Award winner as Fred Karlin for the property at 305 Gila Rd.

Commissioner McClure gave a report on the Christmas lighting contest mentioning that there were over 60 businesses that participated and mentioned the winners as:

1st place-Aztec Feed Store

2nd place-Habanero Grill

3rd place-Crash Music

## **VII. EMPLOYEE RECOGNITION**

Josh mentioned that the Police Department has promoted employees Heather Knibbs and Devin Conroy to Sergeant positions. Josh also mentioned that John Whalen has been promoted to Corporal position. Chief Heal stated that he is very proud of these employees and the responsibilities they have taken on with their new positions.

## **VIII. CONSENT AGENDA**

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Locke to Approve the Consent Agenda as presented

- A. Commission Workshop Meeting Minutes, November 25, 2014
- B. Travel Request
- C. FY 14-15 State Grants-In-Aid to Public Libraries Agreement
- D. Renewal of Intergovernmental Agreement for Ambulance Services

## **IX. ITEMS FROM CONSENT AGENDA**

None

## **X. PUBLIC HEARING**

Loan Ordinance 2014-441 Amending Ordinance 2013-423 Authorizing City of Aztec New Mexico Loan Agreement with New Mexico Environment Department Clean Water State Revolving Fund, Wastewater Interceptor Line

Mayor Burbridge opened the public hearing at 6:16 pm and reviewed the Staff Summary. Past Commissioner Jim Crowley commented on money figures and mentioned that he has had concerned citizens ask questions about their utility bills increasing to pay for the loan. He asked the City Commission to consider the possibility of the use of cash reserves, general fund, or joint utilities to reduce the amount of debt once the project is complete. He feels it could be more beneficial for citizens and the City. Mayor Burbridge closed the meeting at 6:26pm.

## **X. CITIZENS INPUT**

None

## **XI. BUSINESS ITEMS**

### **A. EPA Environmental Assessment Grant**

Bil Homka, Community Development Director reviewed staff summary with Commission and Staff. He mentioned that Aztec has an opportunity to apply to NM Brownfield Redevelopment Program for a \$200,00 Petroleum and \$200,000 Hazardous materials Community Wide Assessment Grant. He mentioned that this grant is rare in that it does not require a financial or in-kind match from the applicant. A scope of services and fee were negotiated (\$3,000) and the contract was executed by the City Manager. Bil mentioned that it is a voluntary program and that they will have a public meeting for property owners. He mentioned that this would cover Phase I and II of projects.

MOVED by Mayor Pro Tem Sipe, SECONDED by Commissioner Locke to Approve Submittal of EPA application for \$400,000 Assessment Grant

All Voted Aye; Motion Passed Five to Zero

### **B. NMDOT Riverside-Townsend Trail Grant and Resolution 2014-946**

Bil mentioned that is a grant to pay for new trails. The first proposal was called the Ruins-Riverside Connector Path. The second proposal was called the Riverside Park-Townsend Trail and would extend the Riverside Park trail into the 40 acres of undeveloped parkland the City purchased from the Townsend family. He mentioned that we will be asking for \$1 million dollars. After reviewing both of the grants with staff and City Manager it was decided that it would be prudent to drop the Ruins-Riverside Connector Path and proceed with the Riverside Park-Townsend Trail. He mentioned that it would be split between two phases. 2016 involves designing the project and 2017 will be the year of construction. The total sum of the project that will be covered by the grant is \$643,000.

MOVED by Commissioner Locke, SECONDED by Mayor Pro-Tem Sipe to Approve the Application for RTP Funds to create the Riverside Park-Townsend Trail Project and Support Resolution 2014-946

All Voted Aye; Motion Passed Five to Zero

## **XII. LAND USE HEARINGS**

### **A. 2014-215, New Oil Well Requested by Conoco Phillips Company**

Mayor Burbridge opened the Land Use Hearing for 2014-215, New Oil Well requested by Conoco Phillips Company. 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.

Bil opened the Land Use Hearing by stating that this Well is the first type of this Well. He mentioned that it is within the City three mile jurisdiction. Bil stated that because it is in the three mile jurisdiction no property owners are required to receive notification from Community Development. He mentioned that a visual mitigation plan stated that the proposed well project is in compliance with City Code. After a review of all the proposed studies, tables, images and maps, it appears there are no negative impacts resulting from drilling a well at the proposed site therefore staff recommends that the application be approved.

Keri Hatley, Conoco Phillips mentioned that the well will rest on a pad situated on 1.58 acres and be located on BLM surface. She mentioned that Conoco Phillips has acquired a right of way access with BLM. Keri gave a description of the well and rig. She mentioned that the application includes a weed and vegetation plan and mentioned that a seed mix was chosen to re-vegetate the area after completion. She reviewed the Visual Mitigation Plan, the Wildlife Mitigation Summary, and the Noise Mitigation Plan .

MOVED by Commissioner Rogers, SECONDED by Mayor Pro-Tem Sipe to Approve 2014-215 Oil & Gas Permit Because No Negative Impact To The Environment Has Been Predicted, Indicated, Or Observed Via Professional Studies Produced By Requirement Of The City Of Aztec Oil And Gas Code

A Roll Call Was Taken: All Voted Aye, Motion Passed 5-0

### **XIII. CITY MANAGER/COMMISSIONER/ATTORNEY REPORTS**

Josh mentioned that we will have a Special Commission Meeting on December 18th at 5:30pm due to cancelling the meeting on December 23rd. He mentioned that they did interviews for the Library Director Position and the top candidate will be at City Hall on Thursday December 11th from 3-5pm for meet and greet. Josh mentioned that there will be an Airport Grant on the next

Commission Agenda to submit for the Airport Fueling Station. The grant request will be for \$180,000. He mentioned that we have four (4) new hanger agreements.

Mayor Burbridge mentioned that the Tax Credit Resolution for new construction of buildings will be on the next commission agenda for approval which was discussed at the EDAB meeting. She mentioned that we would be requesting funding from the Legislatures on the Interceptor Line. She mentioned that Aztec Sparkles is this weekend downtown Aztec.

Mayor Pro Tem Sipe thanked Commissioner McClure for all the work she did to promote the lighting contest with the business owners and the Mayor for all the work done on the Aztec Sparkles event. She mentioned that there have been nice articles on Ed Kotyk, Project Manager in the local newspaper. She mentioned that she attended the MPO meeting mentioning that DOT will be working on a 2.1 million dollar project on Navajo Dam Road working on blind spots and widening the road.

Commissioner Locke thanked Cindy for the Thanksgiving meal that was served at the Community Center and all who volunteered. She mentioned that the Ruins will have their evening of lights display on Thursday night. She mentioned that she will be attending the Chamber meeting on Thursday.

Commissioner McClure mentioned that the Christmas parade will be Saturday December 13th. She mentioned that there will be a new Dollar General in Aztec and mentioned that she would like to see a stop light there. She mentioned that there will be free horse drawn carriage rides on Saturday during the Aztec Sparkles event.

Larry Thrower will be out the remainder of the week attending the NMML Attorney's Association in Albuquerque.

## **XV. ADJOURNMENT**

MOVED by Mayor Burbridge to Adjourn the Meeting at 7:30 pm SECONDED by Mayor Pro Tem Sipe

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Mayor, Sally Burbridge

ATTEST:

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Karla Sayler, City Clerk

MINUTES PREPARED BY:

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Karla Sayler, City Clerk

CITY OF AZTEC  
SPECIAL COMMISSION MEETING MINUTES  
December 18, 2014

**I. CALL TO ORDER**

Mayor Burbridge called the Meeting to order at 5:30 pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

**II. INVOCATION**

The Invocation was led by City Attorney, Larry Thrower

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was let by Adler, Boy Scouts Troup

**IV. ROLL CALL**

Members Present: Mayor, Sally Burbridge; Mayor Pro-Tem, Sherri Sipe; Commissioner, Katee McClure; Commissioner, Roberta Locke; Commissioner, Sheri Rogers

Members Absent: None

Others Present: City Attorney, Larry Thrower; City Clerk, Karla Saylor; Project Manager, Ed Kotyk (see attendance sheet)

**V. AGENDA APPROVAL**

MOVED by Commissioner Locke, SECONDED by Mayor Pro-Tem Sipe  
Approve the Consent Agenda as Presented

**VI. CITIZEN RECOGNITION**

Mayor Burbridge recognized the following winners of the Aztec Sparkles Light Parade:

- 3rd-Girls Scouts of New Mexico
- 2nd-Aztec Lube-n-Tune
- 1st-Aztec Cub Scout Troup Pack 325 and Aztec Boys Scouts Troup 325

## **VII. EMPLOYEE RECOGNITION**

Josh recognized Commissioner McClure, Mayor Burbridge, and Tweety Blancett and to City Staff for the Aztec Sparkles Event, Lighting Contest and Light Decorating. Mayor Burbridge recognized Wilann Thomas, Angela Watkins and Bil Homka for their participation and all City Staff that helped with the Aztec Sparkles Event.

## **VIII. CONSENT AGENDA**

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Locke to Approve the Consent Agenda With The Exception of Item B Bid 2015-463 Pedestrian Bridge Light and Item C State Grant Agreement for Airport Projects

- A. Bid 2015-462 Lightplant Sewer Tap
- B. Pulled
- C. Pulled
- D. Investment Tax Credit Resolution 2014-947

## **IX. ITEMS FROM CONSENT AGENDA**

- B. Bid 2015-463 Pedestrian Bridge Lights

Mayor Burbridge questioned where these lights were going to be installed. Ken George, Electric Director mentioned that they would be installed alternating placement on each side of the bridge deck 2 ft. above ground.

MOVED by Commissioner Rogers, SECONDED by Mayor Burbridge to Approve the Award of Bid 15-0463 Pedestrian Bridge Lights in the amount of \$18,748

- C. State Grant Agreement for Airport Projects

Mayor Pro Tem Sipe questioned the size of full tank. Josh mentioned that the old tank was a single lined fuel tank and in order to continue operation the new tank will be a double lined fuel tank. The new system will allow pilots to land and fuel their plane without having to interact with an attendant it will be equipped with a pump and a debit/credit card reading system. Josh mentioned that the grant will provide for 90% of the cost and City will match 10%.

MOVED by Commissioner McClure, SECONDED by Mayor Pro Tem Sipe to Approve The Submission of The State Grant Agreement For Airport Projects To The Aviation Division of The New Mexico Department of Transportation

## **X. CITIZENS INPUT**

None

## **XI. BUSINESS ITEMS**

A. Final Approval of Loan Ordinance 2014-441 Amending Ordinance 2013-423 Authorizing City of Aztec New Mexico Loan Agreement with New Mexico Environment Department Clean Water State Revolving Fund, Wastewater Interceptor Line

Josh mentioned that this is the Final Adoption of Ordinance for the Sewer Interfall Line. He mentioned that Mr. Crowley questioned some numbers and mentioned that the annual interest payment would be about \$339,000 and mentioned that the increase to customers would be about \$14.33 per month at the maximum loan amount with the City not using any cash reserves. Commissioner McClure has requested a workshop to discuss how the loan is going to get paid.

MOVED by Commissioner Locke, SECONDED by Mayor Pro Tem Sipe to Approve the Final Adoption of Ordinance 2014-441 Amending Ordinance 2014-441 Authorizing City of Aztec New Mexico Loan Agreement with the New Mexico Environment Department Clean Water State Revolving Fund, Wastewater Interceptor Line

A Roll Call Was Taken: Motion Passed 5-1

## **XII. LAND USE HEARINGS**

None

## **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

Mayor Burbridge mentioned that she received a letter from the National Park Service mentioning that they are looking for comments on increases to entrance fees at Chaco Culture National Historical Park. The Mayor wished all a Merry Christmas.

Mayor Pro-Tem Sipe mentioned that she attended the NWNM Senior meeting mentioning that they received some grants from Conoco Phillips, BHP, and the City of Farmington. She mentioned that Larry Baumberger will be retiring from the Bonnie Dallas Center and Judy Ziegler will also be retiring from there. She mentioned that she attended the EDAB meeting and that Lee Burkett will be opening up a furniture store in Aztec. She mentioned that the EDAB board will not be making a presentation at the RECON conference but a City representative will be in attendance at the conference. Mayor Pro Tem also mentioned that the

American Pickers will be in this area in March and if you know of anyone who has private collections that they might want to see to let Bil Homka know. She wished all a Merry Christmas.

Commissioner Locke mentioned that Aztec Sparkles was very nice. She mentioned that she attended the Chamber meeting and wished all a Merry Christmas.

Commissioner McClure recognized Bil Homka for his help with the Aztec Sparkles event. She mentioned that she was invited to Chief Heals house and mentioned that his Christmas display was very nice this took place of Coffee with the Chief. She wished all Peace and Love.

Commissioner Rogers reported that Leadership San Juan was at the Small Business Development Center for Business Day at San Juan College. She mentioned that she attended the San Juan Safe Communities Meeting mentioning that the topic was Teen and Adult Suicide She wished all a Merry Christmas.

Larry reported that he attended the Attorney's Annual Association Meeting on December 10-12 in Albuquerque and mentioned that they discussed the Voter Photo ID Act. He wished all a Happy Holiday Season.

#### **XIV. DEPARTMENT REPORTS**

None

#### **XV. ADJOURNMENT**

MOVED by Mayor Burbridge, SECONDED Mayor Pro-Tem Sipe to adjourn the meeting at 6:05 pm.

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Mayor, Sally Burbridge

ATTEST:

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Karla Saylor, City Clerk

MINUTES PREPARED BY:

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Karla Saylor, City Clerk

# Staff Summary Report

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|----------------------|--------------------------|
| <b>MEETING DATE:</b> | January 13, 2015         |
| <b>AGENDA ITEM:</b>  | VIII. CONSENT AGENDA (C) |
| <b>AGENDA TITLE:</b> | Travel Requests          |

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| <b>ACTION REQUESTED BY:</b> | Public Works, Finance, Sr. Center and Electric       |
| <b>ACTION REQUESTED:</b>    | Approval of Employee/Public Official Travel Requests |
| <b>SUMMARY BY:</b>          | Cheryl Franklin                                      |

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## **PROJECT DESCRIPTION / FACTS** (Leading Department)

- Resolution 2003-603 identifies the requirement for employee/public official travel requests to be pre-approved by the commission. All travel requests will be submitted to the commission for approval prior to the travel occurring except in unusual circumstances when the City Manager may approve as provided in resolution 2003-603.
- The attached log is sorted by dates of travel and then by department. One request for travel had already occurred and Public Works is requesting approval for travel on the date of this meeting; however, the remaining request are dated for future.
- If travel/training is to be reimbursed or some of the costs will be paid by another entity, those notes have been included on the log.

## **FISCAL INPUT** (Finance Department)

- All departments requesting travel have sufficient funds budgeted within their travel/training budgets

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|---------------------------|-----------------------------|
| <b>SUPPORT DOCUMENTS:</b> | Travel Log January 13, 2015 |
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| <b>DEPARTMENT'S RECOMMENDED MOTION:</b> | Approve Employee/Public Official Travel Requests |
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**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL  
MEETING DATE: JANUARY 13, 2015**

| <b>Dates of Travel</b> | <b>Department</b>   | <b>Purpose of Travel/Location</b>   | <b>Over-night</b> | <b>Out of State</b> | <b>Costs</b>                                   | <b>Explanation of Cost</b>  | <b>FY15 Budget Available</b> |
|------------------------|---------------------|---|-------------------|---------------------|--|---|------------------------------|
| <b>12/30-31/14</b>     | <b>Public Works</b> | <b>Meet w/Wilson &amp; Company; review documents for Sewer Project Albuquerque, NM.</b>               | <b>Yes</b>        | <b>No</b>           | <b>72.00<br/>99.83<br/>43.00</b>               | <b>Meal &amp; Gratuity Allowance<br/>Lodging<br/>Estimated cost for fuel</b>                  | <b>Yes</b>                   |
| <b>01/15/15</b>        | <b>Finance</b>      | <b>2016 Capital Outlay Request Application &amp; Asset Management Training Schedule Yahtahey, NM.</b> | <b>No</b>         | <b>No</b>           | <b>36.00</b>                                   | <b>Meal &amp; Gratuity Allowance</b>  | <b>Yes</b>                   |
| <b>01/15/15</b>        | <b>Sr. Center</b>   | <b>2016 Capital Outlay Request Application &amp; Asset Management Training Schedule Yahtahey, NM.</b> | <b>No</b>         | <b>No</b>           | <b>36.00<br/>30.00</b>                         | <b>Meal &amp; Gratuity Allowance<br/>Estimated cost for fuel</b>                              | <b>Yes</b>                   |
| <b>01/26-30/15</b>     | <b>Electric</b>     | <b>1-2-3 Fiber Optic Training &amp; Test for Fiber Optic Installer Albuquerque, NM.</b>               | <b>Yes</b>        | <b>No</b>           | <b>158.40<br/>1850.00<br/>50.00<br/>375.16</b> | <b>Meal &amp; Gratuity Allowance<br/>Registration<br/>Estimated cost for fuel<br/>Lodging</b> | <b>Yes</b>                   |
| <b>02/23-27/15</b>     | <b>Public Works</b> | <b>2015 ITE/IMSA Spring Conference Phoenix, AZ.</b>   | <b>Yes</b>        | <b>Yes</b>          | <b>252.60<br/>100.00<br/>118.00<br/>501.85</b> | <b>Meal &amp; Gratuity Allowance<br/>Registration<br/>Estimated cost for fuel<br/>Lodging</b> | <b>Yes</b>                   |

# Staff Summary Report

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**MEETING DATE:** January 13, 2015  
**AGENDA ITEM:** VIII. CONSENT AGENDA (D)  
**AGENDA TITLE:** Deputy Sheriff Commission Agreement

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**ACTION REQUESTED BY:** Chief Heal  
**ACTION REQUESTED:** Approve Deputy Sheriff Commission Agreement  
**SUMMARY BY:** Chief Heal

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## **PROJECT DESCRIPTION / FACTS**

The San Juan County Sheriff's Office has sent an agreement that must be signed by the Mayor prior to them allowing the members of the Aztec Police Department to be sworn in and receive Deputy Sheriff Commissions that allow them to work outside the City limits of Aztec on tasks forces and other times when called upon to assist the Sheriff's Department.

If this agreement is not signed the members of the Aztec Police Department will no longer be allowed to work any County wide tasks force activities, and make arrests unless they are in the City Limits. We are called upon regularly to assist and take reports for the County because they have no Deputy's to respond to emergency situations.

This is a new agreement required this year because of an incident that occurred in the southern part of the State between a City there and another Sheriff's Office. All Sheriff's Offices in the State are going to these type agreements to eliminate and possible confusion.

This agreement outlines the fact that when our officers are working outside the City they remain our employees and we are responsible for the actions they take, not the Sheriff's Office.

## **FISCAL INPUT / FINANCE DEPARTMENT (if applicable)**

There is no fiscal impact on the City by signing this agreement.

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**SUPPORT DOCUMENTS:** Cover letter from County Attorney and two copies of Deputy Sheriff Commission Agreement

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve the Deputy Sheriff Commission Agreement between the San Juan County Sheriff's Office and the City of Aztec Police Department and allow the Mayor to sign this agreement.

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**Jack Fortner**  
Chairman

**Keith Johns**  
Chairman Pro Tem

**Scott Eckstein**  
Member

**Margaret McDaniel**  
Member

**GloJean Todacheene**  
Member



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[www.sjcounty.net](http://www.sjcounty.net)

**J. M. Durrett, Jr.**  
County Attorney

**Douglas A. Echols**  
Deputy County Attorney

**Joseph F. Sawyer**  
Deputy County Attorney

December 24, 2014

Chief Michael Heal  
Aztec Police Department  
201 W. Chaco  
Aztec, NM 87410

Chief Randy Foster  
Bloomfield Police Department  
711 Ruth Lane  
Bloomfield, NM 87413

Chief Steve Hebbe  
Farmington Police Department  
800 Municipal Drive  
Farmington, NM 87401

RE: Deputy Sheriff Commissions

Dear Chiefs of Police:

Sheriff Christesen has asked me to send you the enclosed Deputy Sheriff Commissions Agreement forms. If the Agreement is acceptable, please complete the blank spaces, sign the Agreement, obtain the Mayor's signature, and return two signed originals to this office. We will then obtain the Sheriff's signature and forward a fully-executed original to your office for your file.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. M. Durrett, Jr.", written in dark ink.

J. M. Durrett, Jr.  
County Attorney

JMD:dd

Enclosures as noted

cc: Sheriff Ken Christesen

**DEPUTY SHERIFF COMMISSIONS AGREEMENT**

This Agreement between the Sheriff of San Juan County, New Mexico (the Sheriff) and the City of \_\_\_\_\_, New Mexico (the City) shall be effective the 1<sup>st</sup> day of January, 2015.

**WHEREAS**, in order to provide better law enforcement protection for the citizens of San Juan County, New Mexico (the County), including the Cities within the County, the Sheriff is willing to issue Deputy Sheriff Commissions to the City's certified law enforcement officers with the understanding that the City will be responsible for the activities of its officers when they are acting under the authority granted by the Deputy Sheriff Commission;

**IT IS THEREFORE AGREED:**

1. The Sheriff will issue San Juan County Deputy Sheriff Commissions to the City's certified police officers that are designated by the City Chief of Police.
  
2. The City will be responsible for the activities of its officers when they are acting under the authority granted by the Deputy Sheriff Commission and the City agrees to indemnify and hold the Sheriff and San Juan County, including its elected officials, officers and employees, harmless from any and all claims, demands or causes of action that arise from the activities of City officers when acting under the authority granted by the Deputy Sheriff Commission. This indemnification shall include the reasonable costs of defense and attorney fees as well as any settlements, judgments or awards which might be entered against any or all of the indemnified parties as a result of such claims.
  
3. The Deputy Sheriff Commission shall expire if the officer's employment by the City is terminated and the Sheriff or the City Chief of Police may revoke the Deputy Sheriff Commission granted to any individual City officer at any time, with or without cause, by written notice to the City officer and to the other party to this Agreement.
  
4. This Agreement may be terminated by either party at any time by 30 day written notice to the other party. Upon termination of this Agreement any and all Deputy Sheriff Commissions issued to the City's officers shall automatically be revoked.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**SHERIFF OF SAN JUAN COUNTY,  
NEW MEXICO**

**CITY OF \_\_\_\_\_, NEW MEXICO**

By: \_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Mayor

# Staff Summary Report

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**MEETING DATE:** January 13, 2015  
**AGENDA ITEM:** IX. CONSENT AGENDA (E)  
**AGENDA TITLE:** Resolution 2015-948 Concerning the Governing Body Meetings and Public Notice Requirements

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**ACTION REQUESTED BY:** Karla Sayler, City Clerk  
**ACTION REQUESTED:** Approve Resolution 2015-948  
**SUMMARY BY:** Karla Sayler

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## PROJECT DESCRIPTION / FACTS

- The Governing Body of each municipality is required to determine, at least annually, in a public meeting, reasonable notice provisions for public meetings of the public body. This is done by resolution.
- Once approved, the Resolution will be advertised in its entirety in the legal section of the Farmington Daily Times (state law).
- If there are any future legislative changes regarding public meetings we will need to amend the resolution.

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**SUPPORT DOCUMENTS:** Resolution 2015-948

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Resolution 2015-948 Concerning the Governing Body Meetings and Public Notice Requirements

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**CITY OF AZTEC**

**RESOLUTION 2015-948**

**A Resolution Concerning the Governing  
Body Meetings and Public Notice Required**

**WHEREAS,** the Aztec City Commission, is a policy making body as defined in the New Mexico Open Meetings Act (N.M.S.A. 1978, Section 10-15-1 et seq.); and

**WHEREAS,** Section 10-15-1B, NMSA 1978 provides that “all meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or agency or authority of any county, municipality, district or any political subdivision held for the purpose of taking any action within the authority of or the delegated authority of such board, commission or the policy-making body, is declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provision of the Open Meetings Act”; and

**WHEREAS,** Section 10-15-3A, NMSA 1978 provides that “No resolution, rule, regulation, ordinance or action of any board, commission, committee, or other policy making body shall be valid unless taken or made at a meeting held in accordance with the requirements of Section 10-15-1 NMSA, 1978,” and

**WHEREAS,** Section 10-15-4, NMSA 1978 provided that “Any person violating any of the provisions of Section 10-15-1 NMSA 1978 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offence,” and

**WHEREAS,** Section 10-15-1D, requires that “Any meeting at which the discussion or adoption of any proposed resolution, rule, regulation or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public.

**WHEREAS,** all public bodies are required to determine, at least annually, in a public meeting, reasonable notice provisions for public meetings of the public body;

**NOW, THEREFORE, BE IT RESOLVED** that the Aztec City Commission, of Aztec, New Mexico, adopts the following open meeting policy: (All Aztec Advisory Boards and Committees will follow the requirements as stated)

1. The regularly scheduled meetings of the governing body will be held at 6:00 p.m., second and fourth Tuesday of each month and the Commission Organizational Meetings will be held on an as-needed basis in the Commission Room of City Hall located at 201 West Chaco in Aztec. If there is a need for a special workshop or meeting it will be scheduled according to need. In the event that the regular meeting date falls on a legal holiday or Election Day, the governing body may cancel or designate an alternate meeting date and shall cause advance notice of the change to be published or posted as provided in this resolution. In the event that a regular meeting of the governing body is changed to a different location, advance notice of the meeting location shall be published as provided in this resolution.
2. Notice of all meetings shall be available at City Hall, 201 W Chaco, Aztec, New Mexico and on the City's website. Notice of all meetings shall be given to all broadcast stations licensed

by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice.

3. Notice of all meetings shall include information on how the public may obtain a copy of a preliminary or final agenda. A final agenda for all meetings shall be available at City Hall and on the City's Website, no later than 72 hours preceding the meeting.
4. Special Meetings: Notice shall be given at least three (3) days in advance of any special meeting of a quorum of the members of the governing body, board, commission, committee, agency, authority or other policy-making body held for the purpose of discussing public business or taking any formal action with the authority of such body. An agenda shall be available to the public at least 72 hours prior to any special meeting.
5. Emergency Meetings: which demand immediate action to protect the health, safety, and property of citizens or to protect the public body from substantial financial loss shall be held as required, with as much advance notice as the emergency permits.
6. Telephone Conference: A member of the governing body or any board, commission, committee, agency or other policy-making body may participate in a meeting of the public body by means of a telephone conference or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that each member participating by telephone conference can be identified when speaking, and all participants are able to hear each other at the same time members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.
7. Citizens Input: A maximum of three (3) minutes may be allowed during Citizens Input.
8. Presentations: A maximum of 10 minutes unless extended by the chair, will be allowed for each presentation. A copy of the presentation and/or any related documents, if available, shall be presented to the City Clerk prior to preparing the Commission packets.
9. Closed Meetings: Shall be held in the following manner:
  - 1) If the Commission is in an open meeting when a closed meeting is desired and authorized by the Open Meetings Act, then the closed meeting shall be approved on motion by a majority of a quorum of the City Commission, and the authority for closure shall be stated in the motion.
  - 2) If the Commission is not in a public meeting and a closed meeting is desired and authorized, public notice, appropriate under the circumstances, shall be given stating the authority for the closure.
  - 3) Following completion of any closed meeting, the minutes of the open meeting as closed, or the minutes of the next open meeting if the closed meeting was separately scheduled, shall state that the matters discussed in the closed meeting were limited only to those specified in the motion or notice for closure.
10. Minutes: Once transcribed, all minutes produced, as a result of open meetings will be open for public inspection. Recordings are recycled or destroyed 30 days after the minutes are approved with the exception of *Public Hearings*.

11. All meetings shall be conducted in accordance with accepted parliamentary procedures.
12. All Aztec Advisory Boards and Committees will follow the requirements as stated above.
13. Agendas for all Aztec Advisory Board and Committee meetings shall be prepared by City Staff in conjunction with the Chair of the particular Board or Committee.
14. Aztec Advisory Board and Committee meetings are scheduled as follows:

Airport Advisory Board. Meets the first quarter of the current year, date and time to be determined and on an as needed basis. Meeting held in the Commission Room at City Hall.

Library Advisory Board. Meets the Second Wednesday of January, March, May, July, September, and November at 5:30 p.m. Meeting held at the Aztec Public Library.

Lodger's Tax Advisory Board. Meets the third Monday of January, March, May, July, September and November at 2:00 p.m. Meeting held in the Commission Room at City Hall.

Economic Development Advisory Committee. Meets the third Thursday of each Month at 8:00 a.m. Meeting held in the Commission Room at City Hall.

Capital Improvements Advisory Committee. Meets prior to final approval of the budget, date and time to be determined. Meeting held in the Commission Room at City Hall.

**PASSED, APPROVED AND ADOPTED this 13th day of January, 2015.**

CITY OF AZTEC

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Mayor Sally Burbridge

ATTEST:

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Karla Sayler, City Clerk

# Staff Summary Report

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**MEETING DATE:** January 13, 2015  
**AGENDA ITEM:** VIII. CONSENT AGENDA (F)

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**AGENDA TITLE:** Community Development Document Destruction

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**ACTION REQUESTED BY:** Community Development  
**ACTION REQUESTED:** Approval of Community Development Document Destruction  
**SUMMARY BY:** Dawn Lewis

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## PROJECT DESCRIPTION / FACTS

The following documents have been processed and scanned into Laserfiche. In accordance with the Community Developments Planning Records Retention Schedule these records and are now ready for disposal pending confirmation from Commission:

- ❖ Box 1: 2013 Permits (zone change, lot adjustments, conditional use, variance); Quitclaim Deeds; Email Correspondences; Staff Summary
- ❖ Box2: 2012 Permits (remodel, zone change, sign, lot adjustment variance, lot split, )
- ❖ Box 3: 2013 Permits (oil & gas, variance, line adjustment); Fauteaux subdivision; staff summary; quitclaim deed; email correspondence
- ❖ PLAT Maps:
  - Aztec Municipal Airport; Madison Square; Aztec Heights Subdivision; First Divide Development; Aztec Community Center; Aztec Skatepark; San Juan County Courthouse; STR Subdivision; Four Corners Community Bank, and multi other maps.
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**SUPPORT DOCUMENTS:** Resolution 2010-845 Authorizing Destruction of Hard Copy Records Once Digitally Archived

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to **APPROVE** Destruction Of Documents As Outlined By The Document Destruction Procedures.

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# Staff Summary Report

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|                      |   |
|----------------------|---|
| <b>MEETING DATE:</b> | January 13, 2015  |
| <b>AGENDA ITEM:</b>  | VIII. CONSENT AGENDA (G)  |
| <b>AGENDA TITLE:</b> | Aging and Long-Term Services Department Senior Employment Program Host Agency Agreement |

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|                             |   |
|-----------------------------|---|
| <b>ACTION REQUESTED BY:</b> | City Manager's Office   |
| <b>ACTION REQUESTED:</b>    | Approve Aging and Long-Term Services Department Senior Employment Program Host Agency Agreement |
| <b>SUMMARY BY:</b>          | Sherlynn Morgan   |

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## PROJECT DESCRIPTION / FACTS

This is the new Host Agency Agreement between the City of Aztec and the Aging and Long-Term Services Department (ALTSD) which must be renewed every year. This agreement allows us to have senior trainees in different areas. There have been no changes to this year's agreement.

## FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

There is no fiscal impact on the City by signing this agreement.

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|---------------------------|-----------|
| <b>SUPPORT DOCUMENTS:</b> | Agreement |
|---------------------------|-----------|

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| <b>DEPARTMENT'S RECOMMENDED MOTION:</b> | Move to Approve the Aging and Long-Term Services Department Senior Employment Program Host Agency Agreement. |
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THE AGING AND LONG-TERM SERVICES DEPARTMENT  
SENIOR EMPLOYMENT PROGRAM  
HOST AGENCY AGREEMENT

THIS AGREEMENT is entered into by and between the Aging and Long-Term Services Department hereinafter referred to as "ALTSD" and City of Aztec hereinafter referred to as "HOST AGENCY" for the purpose setting forth the obligations of the respective parties regarding hosting a senior trainee or trainees. A senior trainee is a participant eligible for training under the ALTSD Employment Programs for Older Workers and placed in subsidized on-the-job training with a host agency.

A. THE AGING AND LONG-TERM SERVICES DEPARTMENT AGREES TO:

1. Maintain administrative and fiscal control over the program.
2. Provide initial and regular, on-going training to the HOST AGENCY'S staff, supervisors and senior trainee regarding the rules and regulations of the Employment Programs for Older Workers.
3. Process senior trainee payroll and provide Workers' Compensation Insurance and the employer's share of OASDI.
4. Offer the senior trainee, and pay the cost of, a yearly physical examination as provided in the Older Americans Act Section 502 (c)(6)(A)(i). Arrangements must be coordinated with ALTSD prior to the physical examination in order to allow for preparation of purchase documents.
5. Provide supportive services to the senior trainee that may include the payment of reasonable costs of transportation, health and medical services, special job-related or personal counseling, incidentals (such as work shoes, badges, uniforms, eyeglasses, and tools), child and adult care, temporary shelter, and follow-up services. These supportive services are not guaranteed, but may be available with prior approval from ALTSD, based upon demonstrated necessity and available budget.
6. Conduct annual on-site visits to assess and monitor the program and the progress of the senior trainee.
7. Recertify the eligibility of the senior trainee on an annual basis.
8. Concur that the senior trainee is not an employee of the HOST AGENCY and is not entitled to workers' compensation or other benefits from the HOST AGENCY as a result of participating in this program.

B. **Host Agency** means a public agency or a private nonprofit organization exempt from taxation under §501 (c) (3) of the Internal Revenue Code of 1986 which provides a training work site and supervision for one or more participants.

As a condition of selection as a host agency for the ALTSD Employment Programs for Older Workers, THE HOST AGENCY AGREES TO:

1. Provide to ALTSD a copy of the federal document that certifies the §501 (c) (3) status of the organization. This does not apply to public agencies.
2. Assist assigned senior trainee in obtaining unsubsidized employment, including but not limited to allowing work time for any scheduled job interviews, giving fair consideration to a trainee, along with all other applicants, with regard to employment opportunities within the HOST AGENCY for which a trainee may apply.
3. Provide assigned senior trainee with adequate opportunity to learn job skills and receive training to improve skills, including allowing a trainee to use work time to attend training as approved by ALTSD.
4. Allow assigned senior trainee work time to attend trainee meetings.
5. Ensure the availability of an assigned supervisor and assigned senior trainee during annual on-site assessment and monitoring visits conducted by ALTSD staff.
6. Work with assigned senior trainee and ALTSD staff to conduct and update the trainee's skills and needs assessment, as well as develop an Individual Employment Plan for the trainee at least two times per year.
7. Establish and adhere to a set work schedule for the assigned senior trainee that is approved by ALTSD prior to its implementation.
8. Assure that the assigned senior trainee is offered the weekly hours stated in the "Assignment Justification & Trainee Task Description" form signed by the trainee and supervisor and attached and incorporated into this Agreement as Exhibit A.
9. Assure that the assigned senior trainee does not volunteer hours beyond those for which the trainee is paid.
10. Provide the assigned senior trainee with job-related orientation, direct supervision, training and instruction regarding job duties.
11. Promptly notify ALTSD of any changes in the assigned senior trainee's designated supervisor.
12. Conduct an initial performance evaluation within 90 days of the assigned senior trainee's hire and submit a copy of the evaluation to ALTSD within thirty 30 days of its completion.
13. Conduct an annual evaluation of the assigned senior trainee's job performance and submit a copy of the evaluation to ALTSD within 30 days after the trainee's anniversary date.

14. Communicate regularly with the assigned senior trainee regarding job performance and document such communication in the trainee's file.
15. Furnish any tools, equipment and supplies required by the assigned senior trainee needed to perform job assignments with the HOST AGENCY.
16. Inform the senior trainee of his/her option to have a yearly physical examination paid by ALTSD and the requirement by the trainee to complete and submit a "Trainee Physical Exam/Waiver" form to ALTSD.
17. Provide the assigned senior trainee with a workplace that is safe, healthy and free of drugs and alcohol.
18. Report all accidents that may occur at the HOST AGENCY involving the assigned senior trainee to ALTSD in writing within 24 hours of the accident; conduct follow-up investigation as requested by ALTSD; and provide ALTSD with all other requested follow-up documentation.
19. Prepare and submit accurate time and attendance reports, by the dates requested, to ALTSD.
20. Assure that work performed by the assigned senior trainee does not displace or replace that of existing employees.
21. Assure that the assigned senior trainee does not perform the work of persons on layoff status.
22. Assure that the senior trainee is not subject to discrimination based on age, race, color, religion, sexual preference, gender identity, national origin, handicap, veteran status, political affiliation, or any other basis prohibited by law.
23. Attend host agency meeting(s) sponsored by ALTSD
24. Cooperate and coordinate with ALTSD regarding Older Worker initiatives, such as Older Workers Day or local community publicity initiatives.
25. Attach a listing of worksites under the auspices of the HOST AGENCY, incorporated into this agreement by reference, at which senior trainees may be placed by the HOST AGENCY.
26. Avoid treating or considering assigned senior trainee as an employee of the HOST AGENCY.

For purposes of the Health Insurance Portability and Accountability Act (HIPAA), ALTSD and HOST AGENCY acknowledge that senior trainees are part of the HOST AGENCY'S "work force," as defined in the HIPAA Privacy Regulations at 45 CFR 106.103, and as such, no Business Associate agreement is required between ALTSD and the HOST AGENCY.

IT IS FURTHER UNDERSTOOD AND AGREED that the HOST AGENCY has no inherent right to the services of the senior trainee and ALTSD may reassign the trainee and the training position at any time according to the needs of the trainee and ALTSD.

COMMUNICATION regarding this AGREEMENT shall be between

HOST AGENCY Contact: ALTSD Contact:

Name, Title

Address

City, State, Zip Code

Telephone

Fax

Doug Calderwood, Bureau Chief  
 Employment Programs Bureau  
 Aging and Long-Term Services Department  
 P.O. Box 27118  
 2550 Cerrillos Road  
 Santa Fe, NM 87502-711

505-228-6143 (cell)  
 1-866-451-2901 (toll-free)  
 505-476-4910 (fax)  
 doug.calderwood@state.nm.us (e-mail)

THIS AGREEMENT may be terminated by either party within 30 calendar days by written notice to the other party. Amendments to this agreement can only occur if both parties mutually agree in writing to the proposed amendment(s).

AGREED by:

HOST AGENCY Authorized Official

Title

Date

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 20\_\_\_\_

Notary Public

My Commission Expires:

ALTSD Official

Title

Date

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
 20\_\_\_\_

Notary Public

My Commission Expires:

# Staff Summary Report

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**MEETING DATE:** January 13, 2015

**AGENDA ITEM:** XI. Business Item (A)

**AGENDA TITLE:** Final Adoption of Ordinance 2014-440: Amending Chapter 1, General Provisions, Section 12. Mandatory Penalty and Fees

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**ACTION REQUESTED BY:** Judge Gray

**ACTION REQUESTED:** Approve Final Adoption of Ordinance 2014-440: Amending Chapter 1, General Provisions, Section 12. Mandatory Penalty and Fees

**SUMMARY BY:** Judge Gray

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## **PROJECT DESCRIPTION / FACTS** (Leading Department)

The City of Aztec last updated our Municipal court traffic penalty assessment in 2013.

With the passing of the State Law prohibiting "Texting While Driving" the Aztec Municipal Court needs to include the fine for such within Section 1-12 Mandatory Penalty and Fees; Disposition and Use of Fees of the City Code.

| Citing        | Title                 | Appearance Required | Fine Amount | Court Costs | Total Fine |
|---------------|-----------------------|---------------------|-------------|-------------|------------|
| 12-1/66-7-374 | Texting While Driving | No                  | \$61        | \$29        | \$90       |

Judge Gray will be present at the Commission meeting to answer any questions that you may have.

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**SUPPORT DOCUMENTS:** Ordinance 2014-440

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Final Adoption of Ordinance 2014-440: Amending Chapter 1, General Provisions, Section 12. Mandatory Penalty and Fees

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**City of Aztec  
ORDINANCE 2014-440**

**An Ordinance Amending Chapter 1, General Provisions,  
Section 12. Mandatory Penalty and Fees; Disposition and Use of Fees.**

**WHEREAS:** The Aztec Municipal Court staff has thoroughly reviewed and analyzed the Fine Schedule for all offenses within the City of Aztec;

**WHEREAS:** The Aztec Municipal Court staff has proposed that the attached fine schedule be adopted by the Aztec City Commission as the Fine Schedule for all offenses occurring within the City of Aztec:

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the City of Aztec, New Mexico that Ordinance 2014-440 be adopted.

**PASSED, APPROVED, SIGNED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

By the Aztec City Commission, City of Aztec, New Mexico.

\_\_\_\_\_  
Mayor Sally Burbridge

ATTEST:

\_\_\_\_\_  
Karla Sayler, City Clerk

APPROVE AS TO FORM:

\_\_\_\_\_  
Larry Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: \_\_\_\_\_

EFFECTIVE DATE OF ORDINANCE: \_\_\_\_\_

**Sec. 1-12. Mandatory Penalty and Fees; Disposition and Use of Fees.**

1. Mandatory Penalty. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance shall be as follows:

- (1) Except for those violations of ordinances described in subsections 1-2 and 1-3 of this section, a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days or both;
- (2) For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) or imprisonment for not more than one hundred seventy-nine (179) days or both; and
- (3) For violations of a industrial user waste-water pretreatment ordinance as required by the United States Environmental Protection Agency, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) a day for each violation.  
(Code 2007, 1-12-1)

2. Specific Penalty Schedule. A fine and fee schedule for specific penalties.

(1) *Traffic and Offenses.* In reference to Chapter 12 and 24.

| <b>Citing</b>  | <b>Title</b>                                 | <b>Appearance Required</b> | <b>Fine Amount</b> | <b>Court Costs</b> | <b>Total Fine</b> |
|----------------|--|----------------------------|--------------------|--------------------|-------------------|
| 12-1/66-3-1    | Vehicle Subject To Registration              | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-4.A  | Register and Certificate of Title            | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-6    | Temporary Permit Required                    | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-13   | Registration Required                        | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-17   | License Tag Expired                          | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-17.A | Registration Renewals/Sticker Only           | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-17.B | Replacement of Plate                         | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-17.C | Owner Shall Apply & Obtain Replacement Plate | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-18   | Display of Registration Plates               | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-19   | Renewal of Registration                      | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-23   | Registration Address Change                  | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-104  | Use Registration Wrong Vehicle               | No                         | \$101              | \$29               | \$130             |
| 12-1/66-3-105  | Transfer of Ownership                        | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-301  | Registration By Non-residents                | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-401  | Operate Vehicle with Special Plate           | No                         | \$51               | \$29               | \$80              |
| 12-1/66-3-701  | Bicycles; Effect of Regulations              | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-3-702  | Traffic Laws Apply To Persons Riding         | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |

| <b>Citing</b> | <b>Title</b>                                    | <b>Appearance<br/>Required</b> | <b>Fine<br/>Amount</b> | <b>Court<br/>Costs</b> | <b>Total<br/>Fine</b> |
|---------------|---|--------------------------------|------------------------|------------------------|-----------------------|
|               | Bicycles  |                                |                        |                        |                       |
| 12-1/66-3-703 | Riding On Bicycles                              | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-3-704 | Clinging To Vehicles                            | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-3-705 | Riding On Roadways and Bicycle<br>Paths         | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-3-706 | Carrying Articles On Bicycle                    | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-3-707 | Lamps and Other Equipment On<br>Bicycles        | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-3-801 | Equipment Violation                             | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-802 | When Lighted Lamps Required                     | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-804 | Headlamps Required (# Required)                 | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-805 | Tail Lamps Required (LP Lamp)                   | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-806 | Motor Vehicle To Be Equipped with<br>Reflectors | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-807 | Stop Lamps & Turns Signals                      | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-810 | Color of Lamps -<br>Front/Side/Rear/License     | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-813 | Lamps/Reflectors On Trailers                    | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-824 | Lamp/Flag Projecting Load                       | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/663-825  | Lamps On Parked Vehicles                        | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-827 | Stop Lamps / Auxiliary Lamp                     | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-828 | Signal Lamps & Devices<br>(Brake Lamps White)   | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-829 | Additional Lighting Equipment                   | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-831 | Multiple-Beam Equipment (Dimming)               | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-834 | Number of Driver Lamps Required                 | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-835 | Spec Restrict On Lamps (Driving<br>Lights)      | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-840 | Brakes  | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-841 | Improper Height / Handle Bar Mc                 | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-842 | M/C Maneuverability                             | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-843 | Horns and Warning Devices                       | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-844 | Mufflers  | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-845 | Mirrors   | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-846 | Obstructed Windshield                           | No                             | \$41                   | \$29                   | \$70                  |

| <b>Citing</b>   | <b>Title</b>  | <b>Appearance<br/>Required</b> | <b>Fine<br/>Amount</b> | <b>Court<br/>Costs</b> | <b>Total<br/>Fine</b> |
|-----------------|---|--------------------------------|------------------------|------------------------|-----------------------|
| 12-1/66-3-846.1 | Tinting on Windshields and Windows                      | Yes                            | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-847   | Restrictions As To Tire Equipment                       | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-852   | Stop Vehicle Interfere with Traffic                     | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-874   | Safety Belts Required In Vehicles                       | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-887   | Slow-Moving Vehicle Identification                      | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-3-901   | Unsafe Condition – Vehicle                              | No                             | \$101                  | \$29                   | \$130                 |
| 12-1/66-3-1003  | Off Hwy Motor Vehicle Registration                      | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-3-1011  | Operation On Streets or Highways                        | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-3-1012  | Movement of off-Highway Vehicles<br>Adjacent To Highway | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-3-1101  | Mopeds: Standard, Operator<br>Requirement               | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-4-3     | Use of Temporary Permits                                | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-2     | Drivers Must Be Licensed                                | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-5     | Person Not To Be Licensed                               | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-7     | Drives License Class / Exam                             | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-8     | Instruction Permit / Temp License                       | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-9     | Appl For License / Temp License                         | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-14    | No Motorcycle Endorsement                               | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-16    | Driver License Carried/Exhibited On<br>Demand           | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-18    | Altered / Forged / Fictitious License                   | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-5-19    | Restricted Licenses                                     | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-20    | Duplicate Licenses                                      | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-22    | Drivers License Address Change                          | No                             | \$51                   | \$29                   | \$80                  |
| 12-1/66-5-34    | No Operation Under Forged License<br>On Suspension      | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-5-37.A  | Unlawful Use of License                                 | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-5-38    | False Affidavit Perjury                                 | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-5-39    | Drivers License Suspended/Revoked                       | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-5-40    | Permit Minor To Drive                                   | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-5-41    | Permit Unauthorized Person To Drive                     | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-5-59    | Commercial Drivers License Required                     | No                             | \$51                   | \$29                   | \$80                  |

| <b>Citing</b>     | <b>Title</b>                                 | <b>Appearance Required</b> | <b>Fine Amount</b> | <b>Court Costs</b> | <b>Total Fine</b> |
|-------------------|--|----------------------------|--------------------|--------------------|-------------------|
| 12-1/66-5-205     | Vehicle Must Have Insurance                  | No                         | \$301              | \$29               | \$330             |
| 12-1/66-5-205.1   | Uninsured Motorist/Req Following Accident    | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-5-230     | Surrender of License and Registration        | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-5-231     | Forged Evidence of Insurance                 | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-5-409     | Unlawful Use of Identification Card          | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-4       | Obedience To Police Officers                 | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-6       | Authorized Emergency Vehicles                | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-7       | Traffic Laws Apply To Riding/Driving/Animals | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-104     | Obedience Traffic Devices (Cover All)        | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-105     | Traffic Control Signal Legend (Lights)       | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-106     | Pedestrian Control Signal                    | No                         | \$41               | \$29               | \$70              |
| 12-1/66-7-108     | Display Unauthorized Sign                    | No                         | \$41               | \$29               | \$70              |
| 12-1/66-7-109     | Interfere with Traffic Dev                   | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-201     | Duty Accident - Death or Injury              | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-202     | Accident Involving Damage Vehicle            | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-203     | Duty To Give Information / Render Aid        | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-204     | Duty Upon Striking Unattended Vehicle        | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-205     | Duty Upon Striking Fixtures/Other Objects    | No                         | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-206     | Immediate Notice of Accident                 | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-207     | Written Reports On Accident                  | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-208     | Driver Unable To Report                      | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-210     | False Report                                 | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-301.A.1 | Speeding School Zone                         | No                         | \$101              | \$29               | \$130             |
| 12-1/66-7-301.A.2 | Speeding 1 To 15 Mph Over                    | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-301.A.3 | Speeding 16 To 25 Mph Over                   | No                         | \$76               | \$29               | \$105             |
| 12-1/66-7-301.A.4 | Speeding 26 Mph and Up                       | No                         | \$121              | \$29               | \$150             |
| 12-1/66-7-301.B.1 | Speeding Basic Rule                          | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-303.1   | Construction Zone                            | No                         | \$66               | \$29               | \$95              |

| <b>Citing</b>     | <b>Title</b>  | <b>Appearance Required</b> | <b>Fine Amount</b> | <b>Court Costs</b> | <b>Total Fine</b> |
|-------------------|---|----------------------------|--------------------|--------------------|-------------------|
| 12-1/66-7-303.A.4 | Construction Zone with Sign                           | No                         | \$122              | \$29               | \$151             |
| 12-1/66-7-303.D   | Restricted Speed Zone                                 | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-305     | Minimum Speed   | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-308     | Improper Lane - Wrong Side                            | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-309     | Improper Pass - Opposite Direct                       | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-310     | Improper Pass - Overtake - Left                       | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-311     | Improper Pass - On Right                              | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-312     | Limitations On Overtaking On The Left                 | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-313     | Further Limit On Driver/Left of Center of Roadway     | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-314     | Hazardous Vehicles Movement/Escort                    | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-315     | No Passing Zone                                       | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-316     | One Way Roadway                                       | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-317     | Driving On Roadways Laned For Traffic                 | No                         | \$71               | \$29               | \$100             |
| 12-1/66-7-318     | Following Too Closely                                 | No                         | \$71               | \$29               | \$100             |
| 12-1/66-7-319     | Driving On Divided Highway                            |                            | \$71               | \$29               | \$100             |
| 12-1/66-7-320     | Restricted Access Violation                           | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-321     | Controlled Access Violation                           | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-322     | Required Position/ Method Turning                     | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-323     | Turn On Curve or Crest                                | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-324     | Starting Parked Vehicle                               | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-325     | Turn Movement & Required Signals                      | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-326     | Signals By Hand / Arm or Signal Device                | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-327     | Method of Giving Hand / Arm Signals                   | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-328     | Fail Yield / Approach Enter                           | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-329     | Fail Yield / Turn Left                                | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-330     | Vehicles Entering Stop or Yield Intersection          | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-331     | Fail Yield / Enter Private Drive                      | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-332     | Operation of Vehicle On Approach of Emergency Vehicle | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-332.1   | Approach of Oncoming Vehicle: Yield Right of Way      | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-333     | Pedestrian - Violation                                | No                         | \$51               | \$29               | \$80              |

| <b>Citing</b>   | <b>Title</b>                                    | <b>Appearance Required</b> | <b>Fine Amount</b> | <b>Court Costs</b> | <b>Total Fine</b> |
|-----------------|---|----------------------------|--------------------|--------------------|-------------------|
| 12-1/66-7-334   | Pedestrian – Right-of-Way                       | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-335   | Cross - Other Than Crosswalks                   | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-336   | School Crossings                                | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-337   | Drivers To Exercise Due Care                    | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-339   | Pedestrian On Roadways                          | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-340   | Pedestrians Solicit Rides/Bus in Roadway        | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-345   | Fail Stop - Stop / Yield Sign                   | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-346   | Fail Stop - Alley / Private Drive               | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-347   | Passing School Bus                              | No                         | \$101              | \$29               | \$130             |
| 12-1/66-7-349   | Stop / Stand / Park Districts                   | No                         | \$41               | \$29               | \$70              |
| 12-1/66-7-350   | Remove Illegally Stopped Vehicle                | No                         | \$41               | \$29               | \$70              |
| 12-1/66-7-351   | Stop / Stand / Parking Prohibited               | No                         | \$30               | -                  | \$30              |
| 12-1/66-7-352   | Additional Parking Regulations                  | No                         | \$30               | -                  | \$30              |
| 12-1/66-7-352.5 | Unauthorized Use:<br>Penalty (Handicap Parking) | No                         | \$100              | -                  | \$100             |
| 12-1/66-7-353   | Unattended Motor Vehicle                        | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-354   | Limitation On Backing                           | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-355   | Improper Riding - Motorcycles                   | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-356   | Helmets Required                                | No                         | \$41               | \$29               | \$70              |
| 12-1/66-7-357   | Obstructing Drivers View / Mech                 | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-360   | Coasting Prohibited                             | Yes                        | \$51               | \$29               | \$80              |
| 12-1/66-7-361   | Following Fire Apparatus                        | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-362   | Crossing Fire Hose                              | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-363   | Animals On Highway                              | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-1/66-7-364   | Put Glass, Etc On Highway                       | No                         | \$101              | \$29               | \$130             |
| 12-1/66-7-366   | Occupy Moving House Trailer                     | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-367   | Improper Opening of Doors                       | No                         | \$41               | \$29               | \$70              |
| 12-1/66-7-369.A | Child Restraint Device Required – 1st offense   | No                         | \$61               | \$29               | \$90              |
| 12-1/66-7-369.A | Child Restraint Device Required - 2nd offense   | No                         | \$71               | \$29               | \$100             |
| 12-1/66-7-369.A | Child Restraint Device Required - 3rd offense   | No                         | \$81               | \$29               | \$110             |
| 12-1/66-7-372   | Mandatory Seatbelts Law                         | No                         | \$51               | \$29               | \$80              |
| 12-1/66-7-374   | Texting While Driving                           | No                         | \$61               | \$29               | \$90              |

| <b>Citing</b>   | <b>Title</b>                                   | <b>Appearance<br/>Required</b> | <b>Fine<br/>Amount</b> | <b>Court<br/>Costs</b> | <b>Total<br/>Fine</b> |
|-----------------|--|--------------------------------|------------------------|------------------------|-----------------------|
| 12-1/66-7-401   | Weight & Size Limitations                      | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-402   | Width of Vehicles                              | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-403   | Projecting Loads / Passing Vehicle             | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-404   | Height & Length - Vehicles                     | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-405   | Minimum Vehicle Size                           | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-406   | Special Load Limitations                       | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-407   | Improper Load                                  | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-408   | Trailers & Towed Vehicles                      | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-413.A | Overload Permit                                | No                             | \$41                   | \$29                   | \$70                  |
| 12-1/66-7-416.B | Liability For Damage                           | No                             | \$101                  | \$29                   | \$130                 |
| 12-1/66-8-2     | Improper Use of Registration                   | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-10    | Duplicate or Replacement Registration<br>Plate | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-102   | DWI  | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-102.D | DWI Aggravated                                 | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-113   | Reckless Driving                               | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-114   | Careless Driving                               | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-115   | Racing on Highways                             | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-120   | Parties to a Crime                             | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-1/66-8-121   | Offenses Person Owning/Controlling<br>Vehicle  | No                             | \$61                   | \$29                   | \$90                  |
| 12-1/66-8-138   | Open Container In Vehicle                      | No                             | \$100                  | \$29                   | \$129                 |
| 12-2            | Aiding An Illegal Activity                     | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-3            | Concealing                                     | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-21           | Assault  | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-22           | Battery  | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-23           | Libel  | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-41           | Criminal Damage To Property                    | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-42           | Destructing/Defacing of Property               | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |

| <b>Citing</b> | <b>Title</b>                        | <b>Appearance Required</b> | <b>Fine Amount</b> | <b>Court Costs</b> | <b>Total Fine</b> |
|---------------|-------------------------------------|----------------------------|--------------------|--------------------|-------------------|
| 12-43         | Tamper with Utilities               | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-61         | Petty Larceny                       | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-62         | Shoplifting                         | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-63         | Falsely Receive Services            | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-64         | Fraud                               | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-65         | Receiving Stolen Property           | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-81         | Worthless Check – Notice            | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-82         | Worthless Check – Purpose           | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-83         | Worthless Check – Exception         | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-84         | Unlawful To Issue Worthless Check   | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-85         | Intent To Defraud - Worthless Check | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-101        | Criminal Trespass                   | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-102        | Wrongful Entry Public Facility      | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-103        | Wrongful Use of Public Property     | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-104        | Simple Trespassing                  | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-105        | Idling, Loitering or Prowling       | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-121        | Disorderly Conduct                  | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-121.A      | Disorderly House                    | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-122        | Unlawful Assembly                   | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-123        | Disturbing The Peace                | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-124        | Obstructing Movement                | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-125        | Unreasonable Noise                  | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-141        | Removal of Barricades               | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-142        | Open Container                      | Yes                        | Set at Hearing     | \$29               | Set at Hearing    |
| 12-161        | Unlawful Use of Deadly Weapon       | Yes                        | Set at             | \$29               | Set at            |

| <b>Citing</b> | <b>Title</b>                        | <b>Appearance<br/>Required</b> | <b>Fine<br/>Amount</b> | <b>Court<br/>Costs</b> | <b>Total<br/>Fine</b> |
|---------------|-------------------------------------|--------------------------------|------------------------|------------------------|-----------------------|
|               |                                     |                                | Hearing                |                        | Hearing               |
| 12-162        | Negligent Use of a Deadly Weapon    | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-163        | Unlawful Propulsion of Missiles     | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-164        | Unlawful Possession of Weapons      | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-165        | Firing of Rifle or Pistol           | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-181        | Curfew of Minors                    | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-182        | Drinking in Public                  | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-183        | Unlawful Possession of Marijuana    | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-184        | Obscenity                           | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-185        | Prostitution                        | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-186        | Patronizing Prostitutes             | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-187        | Indecent Exposure                   | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-206        | Impersonating Public Officer        | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-207        | False Reports of Crimes             | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-208        | Resisting or Obstructing an Officer | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-209        | Escape from Custody                 | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |
| 12-210        | False Alarms                        | Yes                            | Set at<br>Hearing      | \$29                   | Set at<br>Hearing     |

# Land Use Hearing

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|                             |   |
|-----------------------------|---|
| <b>MEETING DATE:</b>        | January 13, 2015  |
| <b>AGENDA ITEM:</b>         | XII. Land Use Hearing (A)   |
| <b>AGENDA TITLE:</b>        | Conditional Use Permit for Heart and Soul Tattoo, 102 N. Main   |
| <b>ACTION REQUESTED BY:</b> | Business Licensing and Community Development Dept.  |
| <b>ACTION REQUESTED:</b>    | Approve Conditional Use Permit to allow Heart & Soul Tattoo, a Body Art Establishment, to operate at 102 N. Main Ave. |
| <b>SUMMARY BY:</b>          | Delain George   |

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## **FINDING OF FACTS**

### **Business License Officer Finding of Facts**

1. Applicant is requesting a Conditional Use for a Body Art Establishment, Heart & Soul Tattoos, located at 102 N. Main Avenue to receive a permanent business license for 2015. The applicant has been issued a temporary business license that will expire on February 17, 2015.
2. Under current regulations, Heart & Soul Tattoos, located at 102 N. Main Avenue, is in violation of section 11-11-3. Which states "No Body Art Establishment shall be located within three hundred (300) feet of a private or public elementary school, secondary school or high school; church; or residence, unless waived by the City Commission by requesting a public hearing. The distance of three hundred (300) feet shall be measured on a straight line from the closest boundary line of the body art establishment to the closest boundary line of a prohibited area referenced in this subparagraph.
3. The applicant was previously approved for a conditional use, Under Chapter 11, Section 11-11-3 of the Aztec City Code, for the same business located at 110 S. Main. The conditional use specifically stated that it was for 110 S. Main and is not transferable to another location or owner.
4. Community Development Department has reviewed the request for conditional use and has no objections. Due to the duplication of Business License and conditional use requirements and procedures; both departments thought it prudent to conduct one review. It fell to Business Licensing due to the 300' distance, which is great than the conditional use of 100'.
5. The closest residential property boundary line from the body art establishment property boundary line, located at 102 N. Main Avenue, is 115 feet from residential property. The residential property is addressed as 115 S. Church Avenue.
6. The closest church property boundary line from body art establishment property boundary line, located at 102 N. Main Avenue, is approximately 50 feet. The church property is addressed as 123 E. Chaco Street.

7. The closest school property boundary line from body art establishment property boundary line, located at 102 N. Main, is approximately 1200 feet. The school property is addressed as 110 N. Mesa Verde.
8. The closest day-care property boundary line from body art establishment property boundary line, located at 102 N. Main Avenue, is approximately 350 feet. The day-care property is addressed as 200 N. Main Ave.
9. A business license was first issued to Heart & Soul Tattoos in August 2010. The business has been in good standing with the City of Aztec and has received a business license each year since the business was established.
10. The applicant, Cruz Anderson, is a licensed Tattoo Artists through the State of New Mexico. License # TA325. There are no violations reported on his license.
11. The Heart & Soul is a licensed Body Art Establishment through the State of New Mexico. License # EST000142.
12. A licensee search was performed through the State of New Mexico Regulation and Licensing Department website and found the establishment has three remarks on inspection reports.
  - On 3/15/12, Non-compliance remark was "Clean room must have a separate partition (wipe able surface)".
  - On 3/11/2013, Non-compliance remark was "guest artist must have a "guest artist license", spore tests for Dec. presents nothing more recent, contaminated records needed.
  - On 10/20/14, Inspection of establishment received a "Pass". Remark was "Establishment broken into. Aztec PD on scene at time of inspection. Equipment for tattooing was taken.
13. The applicant has provided a copy of the most recent Establishment Inspection Report.
14. Artist license is active, no violation or discipline information appears on the reports.
15. A Notice of Public Hearing was mailed to property owners within a 300ft radius of Heart & Soul Tattoo, located at 102 N. Main Ave., on December 8, 2014.
16. A letter was received from the Aztec Methodist Church located at 123 E. Chaco. This letter is included in your supporting documents. The letter states: "The Aztec United Methodist Church welcomes our neighbor from a block away to being just across the alley. They have been a good neighbor and we are sure they will continue to be. They have already done a good job of improving the appearance of the building. We wish Cruz and his staff much success in their new location".
17. A letter was received from Karen Townsend on behalf of her parents. This letter is included in your supporting documents. She states that she has no problem with Cruz Anderson's business, Heart and Soul Tattoo. Her parents are also aware of his business and are happy that he has chosen to support the local economy. They wish him the best of luck in his endeavor.

18. A letter was received from Hope Rebekah Lodge #12 in favor of the business. The member of the lodge agreed that this business is fine and the more businesses we can attract to downtown, the better our town will grow. This letter is included in your supporting documents.
19. Should the Conditional Use be granted, it will be for Heart & Soul Tattoo business only and only granted at the location of 102 N. Main. If the business should change locations or ownership the Conditional Use Permit is not be transferrable.

**Applicant Finding of Facts (If necessary to additional facts)**

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2. .
3. .

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**SUPPORT DOCUMENTS:**

1. Map of 102 N. Main indicating properties within 300ft
2. Aztec City Code-Ch. 11, Article XI-Body Art Establishments, specifically, Section 11-11-3., Ch. 26, Div. 6, C-1, Sec. 26-2-66, Conditional Uses.
3. Business License Application for 2014/2015.
4. Licensee Search of State website for Establishment.
5. Licensee Search of State website for Cruz Anderson
6. State Establishment Inspection Report.
7. Letter issuing temporary license to applicant and copy of Temporary License
8. Letter Notifying applicant of hearing date.
9. Application Request for Public Hearing.
10. Public notice mailed to property owners within 300ft.
11. Listing of recipients' that received public notice.
12. Letter from Aztec Methodist Church 123 E. Chaco
13. Letter from Karen Townsend.
14. Letter from Hope Rebekah Lodge #12

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**BUSINESS LICENSE OFFICER RECOMMENDATION:** Move to APPROVE the request to grant a Conditional Use for the business located at 102 N. Main, Aztec. NM known as Heart & Soul Tattoos, a Body Art Establishment, to allow the business to continue at this location, until the business moves or changes legal ownership, at which time the Conditional Use Permit will be null and void, accepting Findings of Fact 1-19.

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**RECOMMENDED RULING: Move to Approve** The Request To Grant A Conditional Use For The Business Located At 102 N. Main, Aztec. NM Known As Heart & Soul Tattoos, A Body Art Establishment, To Allow The Business To Continue At This Location, Until The Business Moves Or Changes Legal Ownership, At Which Time The Conditional Use Permit Will Be Null And Void, Accepting Findings Of Fact 1-19.

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**ARTICLE XI. BODY ART ESTABLISHMENTS**

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**DIVISION 1. LICENSE****Sec. 11-11-1. Application Requirements; License Fee.**

1. All applicants wishing to engage in the business of body art must:
  - 1) Demonstrate and provide proof to the Business License Officer that the applicant has been issued a current and valid license under the State of New Mexico "Body Art Safe Practices Act," (NMSA 1978, §3-61-17B) as it may be amended or revised); and
  - 2) Pay to the City of Aztec the body art establishment business license fee as provided in Chapter 16 Fee Schedule Article VIII, Business Registration and License Fees.
2. Prior to receiving an annual renewal of the business license for a body art establishment, each business owner must provide evidence to the Business License Officer that the body art establishment successfully passed a state inspection pursuant to the Body Art Safe Practices Act during the preceding calendar year. In the event that the body art establishment has not been inspected by the state through no fault of the business owner, the owner may apply to the City Commission for an extension of time allowing the business to operate temporarily until an inspection can be performed.

**Sec. 11-11-2. Special Event for Mobile Body Art Business License; License Fee.**

- 1) Demonstrate and show proof to the Business License Officer that the applicant has been issued a current Special Event license under the State of New Mexico "Body Art Safe Practices Act," (NMSA 1978, §3-61-17B) as it may be amended or revised); and
- 2) Pay to the City of Aztec the body art establishment business license fee as provided in Chapter 16 Fee Schedule Article VIII, Business Registration and License Fees.

**Sec. 11-11-3. Prohibition.**

1. No Body Art Establishment shall be located within three hundred (300) feet of a private or public elementary school, secondary school or high school; church; or residence, unless waived by the City Commission by requesting a public hearing. The distance of three hundred (300) feet shall be measured on a straight line from the closest boundary line of the body art establishment to the closest boundary line of a prohibited area referenced in this subparagraph.
2. Administering of permanent body art will not be allowed at any physical location other than a permanent licensed body art establishment.

**Sec. 11-11-4. Minors.**

1. Administering permanent body art on any person under the age of eighteen (18) is prohibited.
2. Proof of age will be shown by a government-issued photo identification accompanied by at least one other government-issued document showing proof of age, such as a birth certificate.
3. It shall be unlawful for any owner, manager or other person in charge of a body art establishment to knowingly allow a person under the age of eighteen (18) to be admitted into a body art establishment.

**Sec. 11-11-5. State Inspections.**

If a body art establishment fails to successfully pass a state board inspection, the body art establishment shall suspend body art activities until it passes a re-inspection.

14. Studios, including photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-56)

**Secs. 26-2-57 to 26-2-60. Reserved.**

**DIVISION 6. C-1 : LIMITED RETAIL / NEIGHBORHOOD COMMERCIAL DISTRICT**

**Sec. 26-2-61. In General.**

This district is established as a mixed use neighborhood commercial district. An activity permissive in this district should attempt to locate in or near the City's "Central Business District". This district should contain the major bulk of the shopper's goods, specialty goods and professional services needed to satisfy the day-to-day requirements of the City's population. The district should also encourage in-fill housing, institutional uses, public buildings and spaces.  
(Code 2007, 26-61)

**Sec. 26-2-62. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory living quarters which are units permitted on the same parcel of land or within the principal building with a conforming or non-conforming use, provided that such unit is not used as a commercial or industrial unit, that no other residential dwelling unit is located on the same parcel, and that detached units are located at least fifteen (15) feet from any other structure and is provided with water, sewer, and electrical service. Accessory Living quarters shall be permitted within the C-1 District but limited to the following:
  - (1) Accessory living quarters are secondary in use to the principal structure.
  - (2) No accessory building shall be used unless the principle building is being used.
  - (3) Accessory living quarters may be located within a second or third story of the primary use structure or the rear twenty-five percent (25%) of the primary structure.
  - (4) Accessory living quarters in the rear yard or behind the principle structure must be of a permanent nature, frame built with similar exterior construction materials as the principal structure.
2. Offices. Offices including clinics, medical or dental offices, professional offices, office building and office building groups that have compatible uses corresponding to high-density residential areas. Any use incidental to the office building or building group.
3. Hotel or Motel. Hotel or motel permitting any use incidental to a hotel or motel as regulated for offices in the preceding paragraph and provided further, that off-street parking is furnished at the rate of one (1) parking space for every motel or hotel room.
4. Institutions. This includes for human beings, sanitariums, libraries, museums, schools, orphanages, and homes for the aged and other similar institutional uses except disciplinary or mental institutions.
5. Retail and Service Establishments. This includes such facilities as a bank, barber shop, bakery, stationery store, book store, dry goods store, clothing store, tailor shop, millinery shop, drug

store, laundry or dry cleaning, prescription store, gift shop, florist, furniture store, service station, building supplies, hardware, appliance, beauty shop, jewelry, package liquor store, notions or sundry store, photography, art supplies, radio or television shops, and other similar type establishments. Outdoor storage is not permitted in this district unless surrounded by a solid wall or fence between six to eight (6 to 8) feet in height.

6. **Temporary Stands.** Temporary stands are permitted provided that such stands shall be limited to a maximum period of sixty (60) days and shall be confined to the sale of Christmas trees, fireworks, seasonal fruits and vegetables, and other temporary or seasonal retail sales.
7. **Studios.** Studios may include photography, music or dance of a commercial nature, provided all musical activities are confined within the building or structure.
8. **Mortuary.**  
(Code 2007, 26-62)

### **Sec. 26-2-63. Height Regulations.**

Any building, dwelling or structure shall not exceed a height equal to one and one-half (1-1/2) times the width of the widest street right-of-way upon which the property adjoins; however, where building or portion thereof is setback from the front lot line, said structure or portion thereof may be erected to an additional height equal to three (3) times such setback distances, and provided further, that any walls or fences shall be in compliance with regulations of the R-1 and R-2

Districts.

(Code 2007, 26-63)

### **Sec. 26-2-64. Area Regulations.**

There are no lot size or area restrictions placed on C-1 District.

(Code 2007, 26-64)

### **Sec. 26-2-65. Setbacks Regulations.**

1. **Front Setback.** No front yard required for non-residential buildings.
2. **Side Setback.** No side yard required for non-residential buildings except that on a lot abutting a residential district, there shall be a side yard of not less than fifteen (15) feet.
3. **Rear Setback.** No rear yard required except on a lot abutting a residential district, there shall be a rear yard of not less than thirty (30) feet.  
(Code 2007, 26-65)

### **Sec. 26-2-66. Conditional Uses.**

The following uses will be permitted in the C-1 District provided that the use has been reviewed by the Community Development Department and approved by the City Commission:

1. Nursery school operated within a structure that has the external appearance of a dwelling.
2. Public utility structure such as a transformer, switching, pumping, and similar technical installations essential to the operation of a public utility.

3. Real estate office in connection with a specific development providing it is of a temporary nature and is not to be used as a dwelling unit or living quarters during the time it is used as an office, and further provided that it is limited to a period of one year unless the time is extended by the City Commission.
4. Storage structure or yard for equipment, material, or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six (6) months, and further provided that it is limited to a period of one year.
5. Recreational facility (non-profit), such as community center, golf course, swimming pool, tennis club, provided it shall be located on an area of at least one acre.
6. Hospital or clinic, but not animal hospital or clinic, or mental hospital.
7. Semi-professional or professional office.
8. Boarding or lodging house.
9. Personal services, permitting such services as beauty shops, barber shops, massage parlors, auditors, and other similar activities not normally involving a tangible retail or wholesale product.
10. Theaters and commercial auditorium.
11. Amusement centers, including dance halls, nightclubs, bowling alleys, billiard halls, boxing arenas, miniature golf course, games of skill and other similar activities.
12. Multiple Family Dwellings designed for two or more family units with the number of families in residence not exceeding the number of dwelling units provided. This may include apartments, duplex, townhouses and condominiums.  
(Ord. 2010-393, eff. 2011-Jan-14; Code 2007, 26-66)

**Sec. 26-2-67 to 26-2-70. Reserved.**

**DIVISION 7. C-2 : GENERAL COMMERCIAL AND WHOLESALE DISTRICT**

**Sec. 26-2-71. In General.**

This district is established to permit the uses specified under the C-1 District, plus commercial activities of both retail and wholesale nature, designed to serve the community or tourists. This district includes those uses normally adjacent to a central business district, and of a magnitude not normally compatible with residential areas. Some minor industrial usage not associated with objectionable noise and activities are permitted.

(Code 2007, 26-71)

**Sec. 26-2-72. Uses Permitted.**

The following uses are permitted without prior approval of the Commission.

1. Accessory Structures. Accessory structures including accessory dwelling units which are units permitted on the same parcel of land or within the principal building with a conforming or non-

TO TRAIN:

City of Aztec  
201 West Chaco  
Aztec NM 87410  
www.aztecnm.gov



**COMPLETED**

DUAL APP. W/ VOUCHERS  
4/21/10

Office: (505) 334-7670  
Fax: (505) 334-7679

License No. 1638.1  
License Fee: \$50.00

**APPLICATION FOR BUSINESS LICENSE**

**Body Art Establishments**

\*TRANSFER FROM  
110 S. Main St. \*

**PLEASE PRINT**

Legal Name of Business: HEART & SOUL TATTOO  
Trade Name (DBA): \_\_\_\_\_  
Physical Address: 102 N. MAIN AVE  
Mailing Address: 1519 REVERVIEW AVE  
Business Phone #: 505-330-5335 Alternate Phone #: \_\_\_\_\_  
Business Email Address: heart.soul.tattoo@yahoo.com  
Business Website Address: \_\_\_\_\_

**REQUIRED:** State of New Mexico Taxpayer ID 03-258262-00-5

Federal Employer Id # (FEIN) \_\_\_\_\_ If no FEIN, please provide \_\_\_\_\_ Social Security Number 585-69-6181

**PRIMARY TYPE OF BUSINESS IN NEW MEXICO (Check One)**

- 01 - Agriculture
- 02 - Mining
- 03 - Construction
- 04 - Manufacturing
- 05 - Trans, Comm. Utility
- 06 - Wholesale
- 07 - Retail
- 08 - Finance, Ins, Real Estate
- 09 - Service-General
- 10 - Service-Food
- 11 - Government

Describe the nature of Business. Please be very specific. TATTOOING of ADULTS only  
18 years older only

Date business started or will start in Aztec: Aug 24, 2010

Business is located in:  Commercial or Retail Building  Private Residence

Will your business require any construction modifications to the building/space, or any changes to the ventilation, plumbing, or electrical systems? \_\_\_ Yes  No.

If yes, contact the City of Aztec Community Development Department located at City Hall, 201 W Chaco in Aztec or call 505-334-7604 for permit requirements.

Please initial to confirm that the location of the business meet all applicable building and fire codes: Initials [Signature]

**Type of Ownership:**

Please check one.

- Proprietorship (Sole Owner)
- Partnership (LP, LLP, LLLP, LPA)
- Limited Liability Company (LLC)
- Corporation/S Corporation
- Non-Profit Organization 501( c ) 3  
Attach IRS Determination Letter

**Individual**

Name of Owner: CARL ANDERSON  
 Home Address: 1519 RIVERVIEW AVE AZTEC NM 87410  
 Driver's License # and State of Issue: 500883073 NM Home Phone #: 505-330-5335

**Corporation, Limited Liability Co, or Partnership**

Name of Corporation/S-Corporation, Limited Liability Co, or Partnership

|              |                |              |
|--------------|----------------|--------------|
| Contact Name | Title/Position | Home Phone # |
|--------------|----------------|--------------|

Home Address

|              |                |              |
|--------------|----------------|--------------|
| Contact Name | Title/Position | Home Phone # |
|--------------|----------------|--------------|

Home Address

|        |      |       |          |
|--------|------|-------|----------|
| Street | City | State | Zip Code |
|--------|------|-------|----------|

**Registered Agent** - The individual responsible for accepting service of process for an entity.

|      |                |              |
|------|----------------|--------------|
| Name | Title/Position | Home Phone # |
|------|----------------|--------------|

Home Address

|        |      |       |          |
|--------|------|-------|----------|
| Street | City | State | Zip Code |
|--------|------|-------|----------|

**Non-Profit 501 ( c ) 3 Organization** MUST ATTACH IRS DETERMINATION LETTER.

Name of Organization

|              |                |         |
|--------------|----------------|---------|
| Contact Name | Title/Position | Phone # |
|--------------|----------------|---------|

Address

|        |      |       |          |
|--------|------|-------|----------|
| Street | City | State | Zip Code |
|--------|------|-------|----------|

State your profession or occupation: TAHOO ESTABLISHMENT

Your Profession or Occupation requires New Mexico State Certification and/or License.

**Your must provide proof** that the business establishment has successfully passed a state inspection pursuant to the Body Art Safe Practices Act.

**You must attach a copy** of your current certification or license issued by the State of New Mexico.

Including owner/applicant, how many employees are employed in the business? 4 TOTAL ALL  
← SELF

INDEPENDANTS

The City of Aztec publishes all new businesses in our local newspaper. If you prefer your business not to be published in our local newspaper please check this box

I understand that a copy of Chapter 11, Business Licensing and Regulations of the Aztec City Code is available upon request or I can visit the City of Aztec's website at www.aztecm.gov to view and print. Please initial AM

**Do you need more information?**

We would like to provide all Aztec Businesses with valuable information to answer as many questions you may have about doing business in Aztec. Please let us know how we can assist you:

**Signature**

It shall be unlawful for any applicant to knowingly provide any materially inaccurate, false, or misleading information on any license application. I hereby certify under penalty of perjury that the statements made herein are to the best of my knowledge, true, correct and complete.

Caree Anderson  
Printed Name

[Signature]  
Applicant Signature

11-25-14  
Date

| THIS SECTION FOR CITY OF AZTEC USE ONLY  |  |
|--|--|
| <b>BUSINESS LICENSE DIVISION</b>   |  |
| Comments: Denied - Heart and Soul was granted a waiver (conditional use) 4/10/12 for Body Art Establishment located at 110 S. Main. This license use was only granted for 110 S. Main + is non-transferrable to a new owner or a new location - applicant must have a public hearing under City Code |  |
| <input type="checkbox"/> Approved Chapter 11, Sec 11-11-1 to 11-11-5.  | <input checked="" type="checkbox"/> Denied will work w/Comm Dev to Quasi Judicial Hearing Process. |
| <u>[Signature]</u><br>Signature  | <u>11/25/14</u><br>Date  |
| <b>COMMUNITY DEVELOPMENT DEPARTMENT</b>  |  |
| Comments:  |  |
| <input type="checkbox"/> Approved  | <input checked="" type="checkbox"/> Denied   |
| Signature  | Date   |
| Temporary License Issued: <input checked="" type="checkbox"/> Yes  | <input type="checkbox"/> No  |
| Temporary License Expiration Date:   | <u>2/17/15</u>   |
| Public Hearing required <input checked="" type="checkbox"/> Yes  | <input type="checkbox"/> No  |

*State of New Mexico*

**REGULATION & LICENSING DEPARTMENT  
BOARD of BARBERS & COSMETOLOGISTS**



**THIS IS TO CERTIFY THAT**

**Heart & Soul Tattoos**

**LICENSE NO. EST000142**

**Registered owner(s) or manager (s): Cruz Anderson  
102 N. Main Ave., Aztec NM 87410**

**Having complied with the provisions of the Body Art Act is hereby granted a  
license to practice as a**

**BODY ART ESTABLISHMENT**

**ISSUE DATE: 05/02/2011**

**DATE EXPIRES: 05/02/2015**

**THIS CERTIFICATE MUST BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS.**

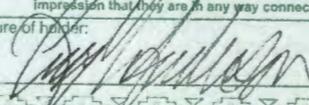
THIS IS TO CERTIFY THAT

**Cruz M Anderson**  
is licensed / registered by the New Mexico Regulation and Licensing Department  
in accordance with provisions of laws in the State of New Mexico

|                            |                             |
|----------------------------|-----------------------------|
| License / Registration No. | License / Registration Type |
| <b>TA325</b>               | <b>Tattoo Artist</b>        |
| Issue Date                 | Expiration Date             |
| <b>02/28/2011</b>          | <b>02/28/2015</b>           |

The bearer is prohibited by law from using this identification card to give the impression that they are in any way connected with a governmental agency

Signature of holder:



THIS IS TO CERTIFY THAT

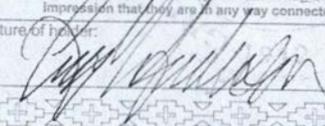
**Cruz M Anderson**

is licensed / registered by the New Mexico Regulatory and Licensing Department  
in accordance with provisions of laws in the State of New Mexico

|                            |                             |
|----------------------------|-----------------------------|
| License / Registration No. | License / Registration Type |
| <b>TA325</b>               | <b>Tattoo Artist</b>        |
| Issue Date                 | Expiration Date             |
| <b>02/28/2011</b>          | <b>02/28/2015</b>           |

The bearer is prohibited by law from using this identification card to give the  
impression that they are in any way connected with a governmental agency

Signature of holder:



**Licensee Details**

**Demographic Information**

|                            |        |                      |             |         |
|----------------------------|--------|----------------------|-------------|---------|
| Title:                     | First: | Middle:              | Last:       | Suffix: |
| DOB:                       | SSN:   | Gender:              | POB:        |         |
| Citizenship Status:        |        | Ethnicity:           | Home State: |         |
| Name: Heart & Soul Tattoos |        | Owner: Cruz Anderson |             |         |
| FEIN:                      |        | MID #:               | Type: -999  |         |

**Address Information**

**License Information**

|                           |                                     |                                     |                     |  |
|---------------------------|-------------------------------------|-------------------------------------|---------------------|--|
| DBA: Heart & Soul Tattoos |                                     |                                     |                     |  |
| Lic #: EST000142          | Profession: Body Art Safe Practices | Type: Tattoo/Body Art Establishment | Secondary:          |  |
| Status: Active            | Issued: 5/2/2011                    | Expiry: 5/2/2015                    | Effective: 5/2/2011 |  |
| Reason: License Issuance  | Date: 5/2/2011                      | Renewed: 5/5/2014                   | Deg. Suff:          |  |
| Method: Application       | State:                              | Country:                            | LOA Issue:          |  |
| Appealed:                 | Result:                             | Effective:                          | LOA Expiry:         |  |

**Cyclical Reports**

|                     |
|---------------------|
| No Cyclical Reports |
|---------------------|

**Cyclical Report Summary**

|            |
|------------|
| No Reports |
|------------|

**Prerequisite Information**

|                              |  |                              |  |         |
|------------------------------|--|------------------------------|--|---------|
| Relationship: Business       |  |                              |  |         |
| Licensee: Anderson, Cruz M   |  | License Type: Tattoo Artist  |  |         |
| License #: <b>TA325</b>      |  | License Status: Active       |  |         |
| Established:                 |  | Association Date: 10/23/2012 |  | Expiry: |
| Type: Prerequisite           |  |                              |  |         |
| Relationship: Business       |  |                              |  |         |
| Licensee: Chapman, Jeremiah  |  | License Type: Tattoo Artist  |  |         |
| License #: <b>TA413</b>      |  | License Status: Active       |  |         |
| Established:                 |  | Association Date: 5/30/2014  |  | Expiry: |
| Type: Prerequisite           |  |                              |  |         |
| Relationship: Business       |  |                              |  |         |
| Licensee: Favaloro, Aaron B. |  | License Type: Tattoo Artist  |  |         |
| License #: <b>TA384</b>      |  | License Status: Active       |  |         |
| Established:                 |  | Association Date: 9/26/2013  |  | Expiry: |
| Type: Prerequisite           |  |                              |  |         |
| Relationship: Supervisor     |  |                              |  |         |
| Licensee: Anderson, Cruz M   |  | License Type: Tattoo Artist  |  |         |
| License #: <b>TA325</b>      |  | License Status: Active       |  |         |
| Established:                 |  | Association Date: 5/1/2013   |  | Expiry: |
| Type: Prerequisite User      |  |                              |  |         |

**Inspection Information**

|                   |                                   |                            |                        |
|-------------------|-----------------------------------|----------------------------|------------------------|
| Inspector ID: 159 | Inspection Type: Announced: flagN | Inspection Date: 3/15/2012 | Inspection Grade: Fail |
| Scheduled Date:   |                                   | 3/15/2013                  | 3/19/2012              |

|                            |   |                        |                             |                             |                                     |               |
|----------------------------|---|------------------------|-----------------------------|-----------------------------|-------------------------------------|---------------|
| Lead Inspector ID: 159     | Ready Date:   | Status: Non-Compliance | Return Date:                | Inspector: Gabriella Romero | File Number: Lead Inspector: Romero | Request Date: |
| Post Inspection Remark:    | Clean room must have a seperate partian (wipeable surface)  |                        |                             |                             |                                     |               |
| Inspector ID:              | Inspection Type:  | Announced: flagN       | Inspection Date: 7/2/2012   | Inspection Grade: Pass      |                                     |               |
| Scheduled Date: 6/30/2012  | Ready Date:   | Return Date: 7/7/2012  | File Number:                | Request Date: 7/2/2012      |                                     |               |
| Lead Inspector ID:         | Status: Compliance  | Inspector:             | Lead Inspector:             |                             |                                     |               |
| Post Inspection Remark:    |   |                        |                             |                             |                                     |               |
| Inspector ID:              | Inspection Type:  | Announced: flagN       | Inspection Date: 3/7/2013   | Inspection Grade: Fail      |                                     |               |
| Scheduled Date: 3/11/2013  | Ready Date:   | Return Date:           | File Number:                | Request Date: 3/11/2013     |                                     |               |
| Lead Inspector ID:         | Status: Non-Compliance  | Inspector:             | Lead Inspector:             |                             |                                     |               |
| Post Inspection Remark:    | "guest" artist must have a "guest artist license", spore tests for Dec presents nothing more recent, contaminated records needed. |                        |                             |                             |                                     |               |
| Inspector ID: 186          | Inspection Type:  | Announced: flagN       | Inspection Date: 10/22/2014 | Inspection Grade: Pass      |                                     |               |
| Scheduled Date: 10/20/2014 | Ready Date:   | Return Date:           | File Number:                | Request Date:               |                                     |               |
| Lead Inspector ID: 186     | Status: Completed   | Inspector: Carlos Baca | Lead Inspector: Baca        |                             |                                     |               |
| Post Inspection Remark:    | Establishment broken into. Aztec PD on scene at time of inspection. Equipment for tattooing was taken.                            |                        |                             |                             |                                     |               |

- Education Information**  
No Education Information
- Employment Information**  
No Employment Information
- Specialty Information**  
No Specialty Information
- Violation Information**  
No Violation Information
- Discipline Information**  
No Discipline Information
- Limits/Restriction Information**  
No Limits/Restriction Information
- License Bond Information**  
No License Bond Information
- License CSR Information**  
No License CSR Information
- Respondent License Information**  
No Respondent License Information
- CheckList Information**  
No CheckList Information
- Doing Business As**

Alias: Heart & Soul Tattoos

**Aliases**

No Aliases

**Related Documents**

No Related Documents

**Documentum**

No Related MLO Documents

**CE Courses**

| Course | Title | Credit Hours | Category | Date Completed |
|--------|-------|--------------|----------|----------------|
|--------|-------|--------------|----------|----------------|

**CE Status**

| Category | Credits Taken | Credits Carried Over | Credit Total | Max Usable | Credits Required |
|----------|---------------|----------------------|--------------|------------|------------------|
|----------|---------------|----------------------|--------------|------------|------------------|

**Prior Cycle CE Courses**

| Course | Title | Credit Hours | Category | Date Completed |
|--------|-------|--------------|----------|----------------|
|--------|-------|--------------|----------|----------------|

**Prior CE Cycle Status**

| Category | Credits Taken | Credits Carried Over | Credit Total | Max Usable | Credits Required |
|----------|---------------|----------------------|--------------|------------|------------------|
|----------|---------------|----------------------|--------------|------------|------------------|

**Licensee Details**

**Demographic Information**

|                       |             |            |                |         |
|-----------------------|-------------|------------|----------------|---------|
| Title:                | First: Cruz | Middle: M  | Last: Anderson | Suffix: |
| DOB:                  | SSN:        | Gender:    | POB:           |         |
| Citizenship Status:   |             | Ethnicity: | Home State:    |         |
| Name: Cruz M Anderson |             | Owner:     |                |         |
| FEIN:                 |             | MID #:     | Type:          |         |

**Address Information**

**License Information**

|                          |                                     |                     |                      |  |
|--------------------------|-------------------------------------|---------------------|----------------------|--|
| DBA: Cruz Anderson       |                                     |                     |                      |  |
| Lic #: TA325             | Profession: Body Art Safe Practices | Type: Tattoo Artist | Secondary:           |  |
| Status: Active           | Issued: 2/28/2011                   | Expiry: 2/28/2015   | Effective: 2/28/2011 |  |
| Reason: License Issuance | Date: 2/28/2011                     | Renewed: 4/10/2014  | Deg. Suff:           |  |
| Method: Application      | State:                              | Country:            | LOA Issue:           |  |
| Appealed:                | Result:                             | Effective:          | LOA Expiry:          |  |

**Cyclical Reports**

|                     |
|---------------------|
| No Cyclical Reports |
|---------------------|

**Cyclical Report Summary**

|            |
|------------|
| No Reports |
|------------|

**Prerequisite Information**

|                                 |   |  |         |  |
|---------------------------------|---|--|---------|--|
| Relationship: Supervisor        |   |  |         |  |
| Licensee: Heart & Soul Tattoos  | License Type: Tattoo/Body Art Establishment |  |         |  |
| License #: <u>EST000142</u>     | License Status: Active                      |  |         |  |
| Established:                    | Association Date: 5/1/2013                  |  | Expiry: |  |
| Type: Prerequisite              |   |  |         |  |
| Relationship: Supervisor        |   |  |         |  |
| Licensee: Heart and Soul Tattoo | License Type: Tattoo/Body Art Establishment |  |         |  |
| License #: <u>EST000083</u>     | License Status: Active                      |  |         |  |
| Established:                    | Association Date: 10/23/2012                |  | Expiry: |  |
| Type: Prerequisite              |   |  |         |  |
| Relationship: Business          |   |  |         |  |
| Licensee: Heart & Soul Tattoos  | License Type: Tattoo/Body Art Establishment |  |         |  |
| License #: <u>EST000142</u>     | License Status: Active                      |  |         |  |
| Established:                    | Association Date: 10/23/2012                |  | Expiry: |  |
| Type: Prerequisite User         |   |  |         |  |

**Inspection Information**

|                |
|----------------|
| No Inspections |
|----------------|

**Education Information**

|                          |
|--------------------------|
| No Education Information |
|--------------------------|

**Employment Information**

|                           |
|---------------------------|
| No Employment Information |
|---------------------------|

**Specialty Information**

|                          |
|--------------------------|
| No Specialty Information |
|--------------------------|

**Violation Information**

|                          |
|--------------------------|
| No Violation Information |
|--------------------------|

**Discipline Information**

|  |
|--|
|  |
|--|

No Discipline Information

**Limits/Restriction Information**

No Limits/Restriction Information

**License Bond Information**

No License Bond Information

**License CSR Information**

No License CSR Information

**Respondent License Information**

No Respondent License Information

**CheckList Information**

No CheckList Information

**Doing Business As**

Alias: Cruz Anderson

**Aliases**

No Aliases

**Related Documents**

No Related Documents

**Documentum**

No Related MLO Documents

**CE Courses**

| Course | Title | Credit Hours | Category | Date Completed |
|--------|-------|--------------|----------|----------------|
|--------|-------|--------------|----------|----------------|

**CE Status**

| Category | Credits Taken | Credits Carried Over | Credit Total | Max Usable | Credits Required |
|----------|---------------|----------------------|--------------|------------|------------------|
|----------|---------------|----------------------|--------------|------------|------------------|

**Prior Cycle CE Courses**

| Course | Title | Credit Hours | Category | Date Completed |
|--------|-------|--------------|----------|----------------|
|--------|-------|--------------|----------|----------------|

**Prior CE Cycle Status**

| Category | Credits Taken | Credits Carried Over | Credit Total | Max Usable | Credits Required |
|----------|---------------|----------------------|--------------|------------|------------------|
|----------|---------------|----------------------|--------------|------------|------------------|



**STATE OF NEW MEXICO**  
**Regulation & Licensing Department**  
**BODY ART PROGRAM**

P.O. Box 25101, Santa Fe, New Mexico 87504 (505)476-4690  
 www.rld.state.nm.us



**ESTABLISHMENT INSPECTION REPORT**

Date: 3 / 15 / 12 Time of Inspection: Start: 1:30 End: 1:53  
 Establishment Name: Heart and Soul Tattoo's Last Inspection Date: N, E, W  
 Address: 110 ymain Ave Name of Owner: Cruz Anderson  
 Phone Number: Uztec, NM

| LICENSING        |              |                    |           |         |            |           | ESTABLISHMENT |           | CPR     | BLOOD PATHOGEN |
|------------------|--------------|--------------------|-----------|---------|------------|-----------|---------------|-----------|---------|----------------|
| NAME OF LICENSEE | LICENSE TYPE | LICENSE # 61-17-B4 | DISPLAYED | CURRENT | PHOTOGRAPH | SIGNATURE | CURRENT       | DISPLAYED | CURRENT | CURRENT        |
| Heart's Soul     | EST          | 142                |           |         |            |           | C             | C         |         |                |
| Andria Halkowick | TA           | 336                | C         | C       | C          | C         |               |           |         |                |
| Cruz M Anderson  | TA           | 325                | C         | C       | C          | C         |               |           |         |                |
|                  |              |                    |           |         |            |           |               |           |         |                |

NOTE: C = COMPLIANCE N/C = NON-COMPLIANCE

**STERILIZATION / SANITATION & SAFETY REQUIREMENTS**

- Gloves are used, changed and disposed of properly. Part 5,8 (F,G)
- Contaminated Waste is disposed of properly and records are maintained. Part 5,8 (H) hasn't had to
- Jewelry for initial piercing's meets requirements. Part 5,8 (K)
- Non-disposable instruments are properly cleaned and disinfected before sterilization. Part 5,9 (A)
- Instruments properly packaged, stored and dated with an expiration date. Part 5,9 (C) (F) (I)
- Autoclave and manufacturers instructions for use are on sight. Part 5,9 (D)
- Autoclave is spore tested and records are kept. Part 5,9 (E)
- Needles are sterile and properly stored. Part 5,10 (A)
- Sharps containers properly disposed of. Part 5,10 (B)
- Appropriate client records on file in accordance with regulations. Part 5,11 (A) (1,2) (C) (D) (E)
- Appropriate disinfecting agents are used.
- Walls, floors and surfaces are washable and in good repair, Part 3,8 (A)
- Establishment is completely separated from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause contamination of work surfaces. Part 3,8 (A)
- Facilities that reprocess instruments have a physically separate cleaning room. Part 5,9 (B)
- Multiple procedure rooms appropriately separated. Part 3,8 (C)
- Appropriate ventilation and lighting. Part 3,8 (D)
- Proper hand sinks and toilet. Part 3,8 (F)

REMARKS: Facility that reprocess instruments must have a separate partition (w/ washable surface)

**DISCLAIMER:** Compliance with Board Rules and Regulations on the date of this inspection DOES NOT resolve any pending complaints against any of the licensees or establishment listed on this report.

The Board may suspend a license immediately without prior notice to the holder of the license if it determines, after inspection, that conditions within a body art establishment present a substantial danger of illness, serious physical harm or death to customers who might patronize a body art establishment. 16.36.4.8.(K) NMAC (5-16-08)

ACCEPTED BY: [Signature] INSPECTED BY: [Signature] 505-231-0600

Mayor  
Sally Burbridge

Mayor Pro-Tem  
Sherri A. Sipe



Commissioners

Roberta S. Locke  
Katee McClure  
Sheri L Rogers

*A desirable place to live, work and play; rich in history and small town values!*

November 25, 2014

Heart and Soul Tattoo  
102 N. Main  
Aztec, NM 87410

RE: City of Aztec Business License #1638

Dear Mr. Anderson:

Under the current regulations, the Heart and Soul Tattoos located at 102 N. Main Ave. is in violation of section 11-11-3. Which states "No Body Art Establishment shall be located within three hundred (300) feet of a private or public elementary school, secondary school or high school; church; or residence, unless you are granted a Conditional Use Permit by the City Commission." Your business is less than 300 feet from a church and residence. Chapter 11, Licensing and Business Regulations, is enclosed for your review.

We are issuing you a "temporary" business license that will be valid for 3 months to allow time to resolve this matter.

The business license that was issued on January 2014 is no longer valid, as your previous license at 110 S. Main is not transferable, you were granted a conditional use permit for that location only. Please replace your 2014 license with the "temporary" license that was issued November 25, 2014.

Please contact me to request and schedule a public hearing with the Aztec City Commission or to discuss any questions you may have. I can be reached at 505-334-7673.

Sincerely,

A handwritten signature in blue ink that reads "Delain George".

Delain George  
Business License Officer

# BUSINESS LICENSE

CITY OF AZTEC  
STATE OF NEW MEXICO

No:1638.1

*The business identified below is licensed to engage in or manage the business, profession or occupation of:*

*SERVICE - GENERAL*

**TEMPORARY LICENSE**

**EXPIRES**

2/17/2015



*in the CITY OF AZTEC for the period beginning on November 25, 2014*

*and ending 2/17/15.*

HEART & SOUL TATTOO  
102 N MAIN  
AZTEC NM 87410

*Issued: November 25, 2014*

*Sally Burbridge*

Mayor

*Delain George*

Business License Officer

NOTE: A PENALTY IS IMPOSED IF YOU DO NOT KEEP THIS LICENSE EXHIBITED CONSPICUOUSLY AT YOUR ESTABLISHMENT OR PLACE OF BUSINESS.

Mayor  
Sally Burbridge

Mayor Pro-Tem  
Sherri A. Sipe



Commissioners  
Roberta S. Locke  
Katee McClure  
Sheri L. Rogers

*A desirable place to live, work and play; rich in history and small town values!*

December 8, 2014

Heart & Soul Tattoos  
1519 Riverview Ave  
Aztec, NM 87410

RE: Notice of Public Hearing

Dear Mr. Anderson:

The Aztec City Commission will hold a Quasi Judicial Hearing on **January 13, 2015, at 6:00p.m.** in the City Commission Chambers located at Aztec City Hall, 201 W. Chaco St., Aztec, NM for your request to grant a conditional use allowing you to continue your body art establishment business, Heart & Soul Tattoos, located a 102 N. Main.

Enclosed please find the following documents:

1. A public notice letter sent to property owners within 300 feet of 102 N. Main Ave.
2. Frequently Asked Questions: Quasi Judicial Hearing Procedure.
3. Application Request for Public Hearing.

**Please sign the Application Request for Public Hearing and return to me as soon as possible.**

Please contact me with any questions you may have. I can be reached at 505-334-7673.

Sincerely,

A handwritten signature in blue ink that reads "Delain George".

Delain George  
Business License Officer



City of Aztec ♦ Business Licenses and Regulations  
201 West Chaco ♦ Aztec, New Mexico ♦ 87410  
(505)334-7673 Office ♦ (505)334-7679 Fax ♦ www.aztecnm.gov

**APPLICATION REQUEST FOR PUBLIC HEARING  
A BODY ART ESTABLISHMENT**

THAT IS LESS THAN 300 FEET FROM A RESIDENCE, CHURCH OR SCHOOL  
PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION

1. Name of Applicant: **Cruz Anderson**
2. Name of Business: **Heart & Soul Tattoo**
3. Address of Business: **102 North Main Avenue, Aztec, NM 87410**
4. The land and building which is proposed to be the licensed premises is: check one):  
Owned by the Applicant \_\_\_\_\_ Leased by Applicant **X** Other (provide details) \_\_\_\_\_
5. If the land and building are not owned by the Applicant, indicate the following:  
A. Owner(s): **Karen Townsend**
6. Premises location is zoned: **C-1**
7. Distance from nearest church (Property line of church to licensed premises-shortest distance)  
Feet **50** Name of Church: **Aztec Methodist Church** Address: **123 E. Chaco St.**
8. Distance from nearest school (Property line of school to licensed premises-shortest distance)  
Feet **1200** Name of School: **Aztec High School** Address: **110 N. Mesa Verde Ave.**
9. Distance from nearest daycare facility (Property line of daycare to licensed premises-shortest distance)  
Feet **350** Name of School: **Kinder Kamp** Address: **200 N. Main Ave.**
10. Distance from nearest residence (Property line of residence to licensed premises-shortest distance)  
Feet **115** Name of Owner: **Karen Townsend** Address: **115 S. Church Ave.**

*Note: Distances above are approximate measurements and were collected by using City of Aztec's – ArcGIS database.*

Signature of Applicant: \_\_\_\_\_

Date

**12 / 15 / 14**

## FREQUENTLY ASKED QUESTIONS: QUASI JUDICIAL HEARING PROCEDURE

1. **What is a Quasi Judicial Hearing?** A Quasi Judicial Hearing involves the determination of rights, duties or obligations of specific individuals based on existing laws, codes or regulations. A Quasi Judicial Hearing is intended to protect the Due Process of all parties involved and is similar to a court hearing in which a judge (the Aztec City Commission) hears evidence from the Applicant and any Proponents, Opponents or Witnesses (interested parties/members of the public) and then issues a decision on the application based on the evidence presented to them. Quasi Judicial Hearings typically involve an Applicant's request for a variance to the City's Land Use Regulations, the revocation or denial of a business license, or similar land use matters.
2. **What time do I need to appear for a Quasi Judicial Hearing?**  
If you are the applicant, witness or party to a Quasi Judicial Hearing you must appear at the Commission meeting for which your hearing is scheduled. You may consult the City Clerk or the Community Development Department to confirm this date. **Commission meetings begin promptly at 6:00 p.m. and you are required to be in attendance at the beginning of the meeting.** Failure to appear on time may result in your inability to testify and/or in your hearing item being postponed to a later meeting date.
3. **What are the steps involved in a Quasi Judicial Hearing?**
  - 1) The Commission Chair will explain the Quasi Judicial Hearing process and will define the item to be discussed in the first Quasi Judicial Hearing (as shown on the Commission Agenda).
  - 2) Interested Parties will be asked to identify themselves and will be asked to state their interest in the matter. To be accepted by the Commission as a party to the hearing, you generally need to prove you have a financial or pecuniary interest in the matter at hand (i.e. you are a neighboring landowner, etc.).
  - 3) Commission will accept parties (as they deem appropriate) and all parties, witnesses and anyone wishing to comment on the hearing matter will be asked to sign up to testify (sign-up sheet provided by the City Clerk during the meeting). You will be required to provide you full name and mailing address on the sign-up sheet. **You, along with any witnesses appearing on your behalf, must sign up to testify before the Quasi Judicial Hearings begin or you will not be able to testify.**
  - 4) The Commission Chair will ask all in attendance if there are any challenges to the jurisdiction of the City of Aztec to hear the matter and will then ask the Commission to identify any personal biases they may have regarding the matter; Commissioners will

also be asked to identify any contacts they have had on the matter outside of the hearing proceedings (these are called *Ex Parte* contacts).

- 5) The Commission Chair (or appointee) will swear in all parties under oath, this is similar to being sworn in for a court hearing.
- 6) Municipal Staff will present their testimony (calling witnesses as necessary), will answer questions from Commission, and will be cross-examined by the Applicant and any identified parties.
- 7) The Applicant will present their testimony, limited to 15 minutes (calling witnesses as necessary), will answer questions from Commission, and will be cross-examined by City Staff and identified parties.
- 8) Identified Parties will present their testimony, limited to 10 minutes (calling witnesses as necessary), will answer questions from Commission, and will be cross-examined by City Staff and the Applicant.
- 9) Members of the Public will then be allowed to make their statements and /or ask questions concerning the matter but are limited to 5 minutes each. They will then answer any questions from Commission, the Applicant, Municipal Staff, and Identified Parties but will NOT have the opportunity to cross-examine staff, the applicant or identified parties.
- 10) All written documents presented from any person testifying will be marked for identification and entered into evidence as part of the official hearing record.
- 11) Once all testimony is complete, the Commission will then close the hearing to testimony.
- 12) The Commission will then deliberate and render its decision in one of three ways: (1) on the spot, (2) by recessing into a closed session, or (3) by deciding to render its decision at a later date, either by continuing the hearing at a later date or by deliberating further and issuing a determination at a later date.
- 13) The decision of the Commission is not official and is not enforceable by law (i.e. the applicant cannot proceed with their request) until the Commission Chair has signed and recorded the Findings of Fact and Conclusions of Law, as established by the Commission.
- 14) Once the Findings of Fact and Conclusions of Law have been signed and recorded, the City Clerk will then provide the applicant, parties, witnesses and any other requestors with a copy of the Findings of Fact and Conclusions of Law, along with information on the appeal process; this information will be provided via mail within 10 calendar days

from the date the Commission renders their decision on the hearing and files an official Findings of Fact and Conclusions of Law with the City Clerk.

4. **What can I say in a Quasi Judicial Hearing?** Once you have signed up to testify and have been sworn in, you can say anything that pertains to the matter being considered. Personal remarks, swearing and items not relating to the issue at hand are not appropriate. There is a Citizens Input section during Commission Meetings (prior to the Quasi Judicial Hearing) for comments the public would like to make regarding other items not pertaining to the Quasi Judicial Hearing, please sign-up with the City Clerk prior to the beginning of the Commission Meeting to take advantage of this opportunity.
5. **What is the role of the Applicant?** The applicant is responsible for stating their case and for proving to the Commission that a decision rendered in their favor is in the best interests of the City. Applicants are encouraged to familiarize themselves with the section of Municipal Code to which they are seeking a variance or other relief. Any supplementary information that can be provided to Commission to the applicant's request is encouraged.
6. **What is the role of City Staff?** City Staff is responsible for stating the facts of the case, as presented to them from public record, permit applications, land use history and laws and regulations. Staff serves as a professional consultant to Commission and is not responsible for assisting the Applicant in making their case.
7. **If I am the Applicant, when do I know if I can proceed with my development?** Following the Quasi Judicial Hearing and after the City Commission has rendered their decision and has issued a Findings of Fact and Conclusions of Law, the Mayor will sign the Hearing Order and this will be recorded with the City Clerk. Once signed and recorded, you will be contacted by the Community Development Department to receive your copy of the Hearing Order and to finalize any pending land use applications.
8. **When does the Hearing Order of the Aztec City Commission become official?** When the Order has been signed by the Mayor and recorded with the City Clerk.
9. **Can I appeal a decision of the Aztec City Commission?** Yes, you may appeal a decision of the City Commission, provided you file an appeal with the District Court (located in Aztec at 103 S. Oliver Dr.) within 30 days of the effective date of the Quasi Judicial Hearing Order (a copy of the Hearing Order, as well as additional information on the appeal process, will be provided to you by the City Clerk upon request). You may contact the District Court at (505) 334-6151 for general information on this process.
10. **Where can I get more information?** You may either contact the City Clerk at (505) 334-7603 or the Community Development Department at (505) 334-7604.

Mayor  
Sally Burbridge

Mayor Pro-Tem  
Sherri A. Sipe



Commissioners

Roberta S. Locke  
Katee McClure  
Sheri L. Rogers

*A desirable place to live, work and play; rich in history and small town values!*

## PUBLIC NOTICE

December 8, 2014

Re: Conditional Use Permit for a Body Art Establishment located at 102 N. Main Avenue, Aztec, NM.

Dear Property Owner:

Cruz Anderson, owner of Heart & Soul Tattoos, has made a request to the Aztec City Commission for a Conditional Use Permit which would allow for the Body Art Establishment to do business at 102 N, Main Avenue, Aztec, NM 87410.

The Aztec City Commission will hear this matter during a Quasi Judicial Hearing (open to the public) to be held on **Tuesday, January 13, 2015** at 6:00 p.m. in the City Commission Chambers located at Aztec City Hall, 201 W. Chaco St., Aztec, NM.

You are encouraged to provide your comments on this application to the City of Aztec Business License Officer via phone, email, mail, or you may attend the public hearing. Please see the contact information provided below. The public is invited to attend to testify on this matter during the scheduled Quasi Judicial Hearing.

Additional records pertaining to this request can be obtained by contacting the City Clerk at (505) 334-7603.

Sincerely,

Delain George  
Business License Officer  
(505) 334-7673  
[dgeorge@aztecnm.gov](mailto:dgeorge@aztecnm.gov)  
201 W. Chaco St.  
Aztec, NM 87410

Notice of Public Hearing for 102 N. Main within 300ft  
 Addresses for mailing of notice on 12-8-2014

| OwnerName                            | OwnerAddr            | OwnCtyStZp               | PhysAddr         | PhysCity |
|--------------------------------------|----------------------|--------------------------|------------------|----------|
| MICHAEL AND JESSIE SMITH TRUST       | P O BOX 3136         | FARMINGTON, NM 87499     | 100 N MAIN AVE   | AZTEC    |
| W L AND SHIRLEY GILKEY TRUST         | 722 OTTEN CIR        | AZTEC, NM 87410          | 102 N MAIN AVE   | AZTEC    |
| AZTEC METHODIST CHURCH               | 123 E CHACO ST       | AZTEC, NM 874101909      | 123 E CHACO ST   | AZTEC    |
| KAREN L TOWNSEND                     | 5601 PRESERVE DR     | FLORA VISTA, NM 87415    | 115 N CHURCH AVE | AZTEC    |
| JESSE P AND STEPHANIE A HICKEY       | 119 N CHURCH AVE     | AZTEC, NM 87410          | 119 N CHURCH AVE | AZTEC    |
| PHILIPPA HOWARD                      | 314 N CHURCH         | AZTEC, NM 874104527      | 112 E BLANCO ST  | AZTEC    |
| LFT RENTALS LLC                      | 1050 SUNDIAL LN      | MESQUITE, NV 89034       | N MAIN AVE       | AZTEC    |
| CALEB REE AND CHRISTIE MARIE ROBISON | 1121 GRACELAND DR    | AZTEC, NM 87410          | 122 N MAIN AVE   | AZTEC    |
| LAURI A KLOEPFER                     | 2227 DELWOOD AVE     | DURANGO, CO 813014298    | 115 S MAIN AVE   | AZTEC    |
| SAM BLUE TRUST                       | PO BOX 176           | AZTEC, NM 87410          | 109 B S MAIN AVE | AZTEC    |
| AZTEC LODGE NO 23 IOOF               | 3707 PIEDRA VISTA DR | FARMINGTON, NM 874025251 | 107 S MAIN AVE   | AZTEC    |
| CHARLES FAY BUCK                     | 105 1/2 S MAIN ST    | AZTEC, NM 874102120      | 105 S MAIN AVE   | AZTEC    |
| BEREAN INVESTMENTS, LLC              | 5714 WILDWOOD DR     | FARMINGTON, NM 87402     | 103 S MAIN AVE   | AZTEC    |
| RANDY G AND KIMBERLY I HODGE         | 201 E CHACO ST       | AZTEC, NM 87410          | 201 E CHACO ST   | AZTEC    |
| TYLER A MANN                         | 383 CANYON VIEW DR   | FARMINGTON, NM 874018629 | 116 N CHURCH AVE | AZTEC    |
| DALE GREENWOOD                       | 1815 W 2ND AVE       | DURANGO, CO 813015005    | 118 N CHURCH AVE | AZTEC    |
| ROBERT J AND BRENDA SUE DUSENBERY    | 120 N CHURCH AVE     | AZTEC, NM 87410          | 120 N CHURCH AVE | AZTEC    |
| CENTURY LINK                         | 1801 CALIFORNIA ST   | DENVER, CO 80202         | 100 S CHURCH AVE | AZTEC    |
| CITY OF AZTEC                        | 201 W CHACO          | AZTEC, NM 874101915      | 125 N MAIN AVE   | AZTEC    |
| JOE D AND MAGDALENA TRUJILLO TRUSTEE | 1616 GLENMARY        | AZTEC, NM 87410          | 121 N MAIN AVE   | AZTEC    |
| W JOSEPH AND VICKI C MC WILLIAMS     | P O BOX 858          | AZTEC, NM 874100858      | 111 N MAIN AVE   | AZTEC    |
| WILLIAM L DUSENBERY ET AL            | 112 W CHACO          | AZTEC, NM 874101914      | N MAIN AVE       | AZTEC    |
| ROBERT DANIEL SMITH TRUST            | 4507 E MELANIE DR    | CAVE CREEK, AZ 85331     | 103 N MAIN AVE   | AZTEC    |
| SHARI STRAUSS                        | 105 W CHACO STE A    | AZTEC, NM 87410          | 101 N MAIN AVE   | AZTEC    |
| BUCK JR AND KAREN GRAYBILL           | 2625 CHERRY CIR      | EMMETT, ID 836179406     | 104 N MAIN AVE   | AZTEC    |
| PRO FIX INC                          | P O BOX 176          | AZTEC, NM 87410          | 102 S MAIN AVE   | AZTEC    |
| MOREY HAVENS                         | P O BOX 233          | AZTEC, NM 874100000      | 104 S MAIN AVE   | AZTEC    |
| DANIEL D LARABEE ET AL               | PO BOX 580           | AZTEC, NM 87410          | 106 S MAIN AVE   | AZTEC    |
| ELIZABETH ALEXANDRA BASSETT          | 18925 HWY 12 LOT 18  | SANOMA, CA 95476         | 108 S MAIN AVE   | AZTEC    |
| AARON C BANRY                        | 115 S CHURCH AVE     | AZTEC, NM 874102102      | 115 S CHURCH AVE | AZTEC    |
| WELLS FARGO BANK NEW MEXICO NA       | PO BOX 2609          | CARLSBAD, CA 92018       | S MAIN AVE       | AZTEC    |
| JACK COOK                            | 126 E MAIN ST        | FARMINGTON, NM 87401     | 111 S MAIN AVE   | AZTEC    |
| JAMES A AND ELTA DUSENBERY TRUST     | 112 WEST CHACO       | AZTEC, NM 874101914      | 112 W CHACO ST   | AZTEC    |
| DAVID R GILKEY                       | 28 ROAD 2950         | AZTEC, NM 874109714      | 108 N MAIN AVE   | AZTEC    |
| FREDERICK G JR AND MELANIE R KIDSTON | 4892 COTTONWOOD LANE | HOLLADAY, UT 84117       | 112 B N MAIN AVE | AZTEC    |



Aztec United Methodist Church  
123 E. Chaco St.  
Aztec, NM 87410  
[www.aztecmethodist.org](http://www.aztecmethodist.org)  
505-334-6524

December 9, 2014

To: The City of Aztec

RE: Heart and Soul Tattoos

To Whom it may concern:

The Aztec United Methodist Church welcomes our neighbor from a block away to being just across the alley. They have been a good neighbor and we are sure they will continue to be. They have already done a good job of improving the appearance of the building. We wish Cruz and his staff much success in their new location.

Sincerely,

A handwritten signature in black ink that reads "Jeff Symonds". The signature is written in a cursive, flowing style.

Jeff Symonds

Pastor

Karen L Townsend  
5601 Preserve Drive  
Flora Vista, NM 87415

December 9, 2014

Delain George  
Utility Department Manager  
West Chaco  
Aztec, NM 87410

Re: Heart and Soul Tattoo

Dear Ms. George:

Please be advised that I have no problem with Cruz Anderson's business, Heart and Soul Tattoo. I have rented the building at 102 North Main to him on behalf of my parents. They are also aware of his business and are happy that he has chosen to support the local economy.

We wish him the best of luck in his endeavor.

Sincerely,

A handwritten signature in black ink that reads "Karen L. Townsend". The signature is written in a cursive style with a large, sweeping initial 'K'.

Karen L. Townsend

**HOPE REBEKAH LODGE #12  
107 ½ Main  
AZTEC, NEW MEXICO 87410**

December 17, 2014

City of Aztec  
Delain George  
Business License Officer  
201 W Chaco St.  
Aztec, NM 87410

Re: Body Art Establishment

Dear Mr. George

We received your letter of December 8, 2014, regarding allowing the above mentioned business to operate at 102 N Main Avenue.

After discussion at our meeting on December 15, it was the agreed that this business is fine with us going in on Main Street.

None of our members will be able to attend the meeting on Tuesday, January 13, 2015. We wanted to say that we felt any business on Main Street will bring more people to main street and therefore more people for the other businesses as well. There was a tattoo parlor across the street from our building and we had no problems from them being there. We feel that the more business we can attract to downtown, the better our town will grow.

Thanks for letting us respond favorable to new businesses on Main Street. We rent the first floor to Feat of Clay so we welcome more artistic businesses as well.

In Friendship, Love and Truth,



Doris Felkner, Secretary  
3707 Piedra Vista Dr.  
Farmington, NM 87402-5251  
505.330.2022