

A G E N D A
City of Aztec
CITY COMMISSION MEETING
June 14, 2016
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 Workshop Meeting Minutes, May 24, 2016
- B. Commission Meeting Minutes, May 24, 2016
- C. Special Commission Meeting Minutes May 31, 2016
- D. Travel Requests
- E. Resolution 2016-1001 Surplus
- F. Bid 2016-549 Sanitary Sewer Interceptor Line Contract Approval
- G. Resolution 2016-1002 BLM Application for Land for Recreation or Public Purposes

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"

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

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)

XI. LIQUOR LICENSE HEARING

A. Paschall Enterprises, Inc. DBA Five Fifty Brewing-New Liquor License

XII. BUSINESS ITEMS

A. Business Development Project Participation And Incentive Agreement

XIII. LAND USE HEARINGS

A. Hutton Development-Minor Subdivision Preliminary & Final

B. 2016-051 304 Bessie Place-Variance

XIV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

XV. DEPARTMENT REPORTS

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

XVI. ADJOURNMENT

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

CITY OF AZTEC
COMMISSION WORKSHOP MINUTES
May 24, 2016

I. CALL TO ORDER

Mayor Burbridge called the meeting in to order at 4:05pm at the Aztec City Commission Room City hall 201 W. Chaco, Aztec NM.

MEMBERS PRESENT: Mayor, Sally Burbridge; Commissioner, Sheri Rogers; Commissioner, Austin Randall; Commissioner, Katee McClure; Mayor Pro-Tem Sherri Sipe

MEMBERS ABSENT: None

OTHERS PRESENT: City Manager, Joshua Ray; City Attorney, Larry Thrower; Finance Director, Kathy Lamb; City Clerk, Karla Saylor; Project Manager, Ed Kotyk

A. Fiscal Year 2016-2017 Budget Workshop

Joshua Ray, City Manager opened the workshop by mentioning that San Juan County will continue working with Farmington and Aztec Animal Shelter to drop off animals the way they are currently handling it. He mentioned that it there was discussion on the County just bringing animals to Aztec but they voted to keep it the same.

Josh went into the budget message with Commission in their budget books and mentioned that there is 3 fiscal years in the book for them to review and compare. Josh mentioned that the FY17 budget is streamlined with on focus completing the three big projects the City has been working on. 1) East Aztec Arterial Route, 2) Sewer outfall line and 3) North Main extension development. He mentioned that there will be no cost of living (COLA) increases or merit increases this year for employees. Josh stated that only some positions will be filled if vacated. Josh mentioned that the total budget for FY17 is in the amount of \$38,128,453.

Commission reviewed the following in the budget book:

- General Fund
- Joint Utility Fund
- Aztec Municipal Airport
- Aztec Municipal Golf Course
- Aztec HUB
- Police Department

- Fire Department
- 10 Year Financial Analysis Cash Balance Sheets
- Special Funds
- Operating Budget Summary/Expenditures/Revenues/Staffing/Analysis of Fund Balances
- Community Funding Requests

Commission cancelled the next budget workshop meeting scheduled for Thursday, May 26, 2016. A special meeting will be set for preliminary budget approval.

II. Adjournment

Mayor Burbridge adjourned the Workshop at 5:55 pm.

Mayor, Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Karla Sayler, City Clerk

CITY OF AZTEC
COMMISSION MEETING MINUTES
May 24, 2016

I. CALL TO ORDER

Mayor Burbridge called the Meeting to order at 6:08pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was led by Commissioner Austin Randall

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pro-Tem Sherri Sipe

IV. ROLL CALL

Members Present: Mayor Sally Burbridge; Mayor; Commissioner Sheri Rogers; Commissioner Austin Randall; Commissioner Katee McClure; Mayor Pro-Tem Sherri Sipe

Members Absent: None

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

V. AGENDA APPROVAL

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

VI. CITIZEN RECOGNITION

Joshua Ray recognized Larry Turk, Superintendant at Aztec Ruins National Monument. Larry has been with the Aztec Ruins for 5 years and is currently moving to New York. He presented Larry with a plaque and mentioned that this will be a great loss to the community. Larry thanked the Commission and mentioned that this is home but it is a great opportunity that he has be offered. Mayor Burbridge wished him luck.

VII. EMPLOYEE RECOGNITION

None

VIII. CONSENT AGENDA

MOVED by Commissioner Rogers, SECONDED by Commissioner Randall to Approve the Consent Agenda as presented

- A. Commission Workshop Meeting Minutes, May 10, 2016
- B. Commission Meeting Minutes, May 10, 2016
- C. Travel Requests
- D. Resolution 2016-999 Adopting Youth Conservation Corps (YCC) 4 Year Plan
- E. Youth Conservation Corps Proposal/Application
- F. Resolution 2016-1000 Surplus
- G. CWSRF 021 Interim Loan Agreement Amendment #2

IX. ITEMS FROM CONSENT AGENDA

None

X. CITIZENS INPUT

None

XI. BUSINESS ITEM

- A. Intent to Adopt Ordinance 2016-452 Amend Chapter 1 General Provisions, Section 1-8. General Penalty for Violation; Injunctive Relief Authorized

Josh mentioned that this is to allow the City to allow our Court to either order or allow defendants to complete community service. It will also allow for deferment of judgments based on completion of community service or donations to an approved organization.

MOVED by Mayor Pro-Tem Sipe, SECONDED by Commissioner Randall to Approve the Intent to Adopt Ordinance 2016-452 Addition to Chapter 1 Section 1-8 General Penalty for Violation; Injunctive Relief Authorized

A Roll Call Was Taken: All Voted Aye Motion Passed Five-Zero

XII. LAND USE HEARINGS

Mayor Burbridge opened the Land Use Hearing for 2016-050 XTO Energy Oil & Gas Application and Minor Subdivision Preliminary & Final Plat Approval . 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.

A. 2016-050 XTO Energy Oil & Gas Application

Bil Homka, Community Development Director mentioned that this is a Oil & Gas Application to plug and abandon a existing well identified as Hampton D #1 located in NW/4 NE/4 Sec. 10, T30N, R11W. Bil reviewed findings of fact with commission and mentioned that the mitigation plan is in cooperation with our public works department because of the arroyo study. Bill Watson, Public Works Department mentioned that there will be a Detention Pond installed to catch the run off water with rain fall and a subsurface cap will be used to plug the well. He mentioned that the pond will be about 6 ft deep. Mr. Watson mentioned that his plan is that XTO will be doing the construction for the detention pond. Scott Baxstrom, Applicant for XTO has asked that they get permission to plug the well for state regulation purposes. Finding of fact 7 was amended that XTO continue working with the city to finalize plans and through the construction of the reclamation of this which will actually result in a detention pond for storm water drainage and that in doing so that they address all their legal obligations per state statue or state codes and that this be completed in six months. Robert Martinez, Interested party has requested that XTO put the berm back up after plugging the well and he fully supports the plugging of the well.

MOVED by Mayor Burbridge, SECONDED by Commissioner McClure To Approve The 2016-050, an Oil & Gas application submitted by XTO Energy Inc. to plug and abandon an existing well know as Hampton D #1 per the seven (7) findings of Fact listed above with change to #7 that a standard cap will be installed and that XTO continue working with the city to finalize plans to construction of the reclamation of the site which will result in a detention pond for storm water drainage and that in doing so that they will address all their legal obligations per state statue or state codes and that this be completed within six months.

A Roll Call Was Taken: All Voted Aye Motion Passed Five-Zero

B. Hutton Development-Mino9r Subdivision Preliminary & Final Plat Approval

This item was withdrawn and will be heard on June 14 commission meeting.

XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

Mayor Burbridge mentioned that 4CED had a representative from SGR touring San Juan County.

Mayor Pro-Tem Sipe mentioned that she attended EDAB meeting and there was not a quorum and mentioned that she will be attending NWNMS meeting next week. She mentioned that voting will be June 7.

Commissioner Randall attended the Lodgers Tax Meeting and there was no quorum. He mentioned that there are two open positions on the board. He requested that we have all the necessary documents before commission meeting for items to be presented at the meetings.

Commissioner McClure mentioned that Riverfest is Saturday and Sunday in Farmington. She mentioned that she attended the 4th Friday on Main Street and mentioned that there was a good amount of traffic. The next 4th Friday will be in June.

XIV. DEPARTMENT REPORTS

Cindy Iacovetto, reported that she has invited the seniors to participate in Rain Dance. She also would like to invite the community to participate in spending time with horses and she also needs volunteers.

Bil Homka reported that CDI offers some free services for promoting municipal related functions. He mentioned that he was in Albuquerque today applying for two grants one for LEADS and the other for Fund it Committee State and Federal.

Kate Skinner Library Director mentioned she attended training at the state library last week.

XV. ADJOURNMENT

Moved by Mayor Burbridge, **SECONDED** by Commissioner Rogers to adjourn the meeting at 7:25 pm.

Sally Burbridge, Mayor

ATTEST:

Karla Saylor, City Clerk

MINUTES PREPARED BY:

Karla Saylor, City Clerk

CITY OF AZTEC
SPECIAL COMMISSION MEETING MINUTES
May 31, 2016

I. CALL TO ORDER

Mayor Burbridge called the Meeting to order at 6:02pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was led by Mayor Pro-Tem Sipe

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Rogers

IV. ROLL CALL

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

Members Absent: None

Others Present: City Manager Joshua Ray; City Clerk Karla Saylor; Project Manager Ed Kotyk (see attendance sheet)

V. AGENDA APPROVAL

MOVED by Commissioner McClure, SECONDED by Commissioner Rogers to Approve the Agenda as presented

VI. CITIZEN RECOGNITION

NONE

VII. EMPLOYEE RECOGNITION

NONE

VIII. BUSINESS ITEM

A. Approval of Preliminary Fiscal Year 2017 Budget

Josh mentioned that City staff presented the FY17 budget and budget message to Commission at a special budget workshop on May 24, 2016. The total budget for Fiscal Year 2017 is \$38,128.453. He mentioned that we received comments from Boys and Girls Club and they will take whatever funding is given to them for programming and the Aztec Museum.

Commission decided that they will fund \$20,000 for the Boys and Girls Club, \$10,000 to the Aztec Museum, and \$680 to the Aztec Ruins.

MOVED By Mayor Pro-Tem Sipe SECONDED By Commissioner McClure To APPROVE The Submittal Of The Fiscal Year 2017 Preliminary Operating Budget To NM Department Of Finance And Local Government Division

A Roll Call Was Taken: All Voted Aye Motion Passed Five to Zero

IX. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

NONE

X. DEPARTMENT REPORTS

NONE

XI. ADJOURNMENT

Moved by Mayor Burbridge, SECONDED by Mayor Pro Tem Sipe to adjourn the meeting at 6:25 p.m.

Mayor, Sally Burbridge

ATTEST:

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Karla Sayler, City Clerk

Staff Summary Report

MEETING DATE:	June 14, 2016
AGENDA ITEM:	VIII. CONSENT AGENDA (D)
AGENDA TITLE:	Travel Requests

ACTION REQUESTED BY:	Public Works, Commission and MVD
ACTION REQUESTED:	Approval of Employee/Public Official Travel Requests
SUMMARY BY:	Cheryl Franklin

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. Two requests for travel had already occurred and the Public Works is requesting approval for travel on the date of this meeting; however, the remaining requests 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

SUPPORT DOCUMENTS:	Travel Log June 14, 2016
---------------------------	--------------------------

DEPARTMENT'S RECOMMENDED MOTION:	Approve Employee/Public Official Travel Requests
---	--

**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL
MEETING DATE: JUNE 14, 2015**

Dates of Travel	Department	Employee	Purpose of Travel/Location	Over-night	Out of State	Costs	Explanation of Cost	FY16 Budget Available
06/09-10/16	Public Works	William Watson	Meeting with Wilson & Company and AECOM Albuquerque, NM.	Yes	No	60.00 60.00 100.73	Meals & Gratuity Allowed Estimated Cost for Fuel Lodging	Yes
06/14-17/16	Public Works	Russell Burbridge	NM Water Waste Water Assoc. 2016 Workshop Ruidoso, NM.	Yes	No	132.00 130.00 116.00 401.43	Meals & Gratuity Allowed Registration & Exam Fee Estimate Cost for Fuel Lodging	Yes
06/24-25/16	Commission	Sheri Rogers	NMML Policy Committee Meeting Albuquerque, NM.	Yes	No	50.40 60.00 116.12	Meals & Gratuity Allowed Estimate Cost for Fuel Lodging	Yes
07/11-15/16	MVD	Anita Velasquez	2016 Managers Conference Albuquerque, NM.	Yes	No	168.00 60.00 402.92	Meals & Gratuity Allowed Estimate Cost for Fuel Lodging	Yes

Staff Summary Report

MEETING DATE: June 14, 2016
AGENDA ITEM: VIII CONSENT AGENDA (E)
AGENDA TITLE: Resolution 2016-1001 Surplus

ACTION REQUESTED BY: General Services, Library, Public Works
ACTION REQUESTED: Approval of Resolution 2016-1001
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- General Services and Public Works have identified items no longer necessary to daily operations. Approved surplus items will be listed on the Public Surplus website.
- The Library, during the normal course of operations, reviews circulation of all materials. Materials which are not circulating or are out of date are pulled from the shelves and become surplus material. These items would have been purchased with city or state library funds or donated to the library. Materials pulled include a large collection of adult and youth books, several DVDs and music CDs.
- Approved library surplus items will be disposed of in a variety of ways to best serve the library and the community. Materials which may have use to Good Sam's, local pre-schools, and/or veteran's programs will be donated. Materials which may have public interest will be packaged and available for sale at the library. Other materials may be packaged and sent to book outlets at no cost to the city. The Public Surplus website has not resulted in interest library materials, although it will continue to be utilized as well.
- If the items are not sold they will be donated or disposed of according to NM Statute Section 3-54-2 and Procurement Statute 13-6-1. Disposition of obsolete, worn-out or unusable tangible personal property.

FISCAL INPUT / FINANCE DEPARTMENT

- Revenues from auction to be applied to General Fund / Joint Utility Fund

SUPPORT DOCUMENTS: Resolution 2016-1001 Surplus List

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2016-1001 Declaring Certain Municipal Property Not Essential For Municipal Purpose and Directing It Be Sold or Disposed.

SURPLUS RESOLUTION 2016-1001

JUNE 14, 2016

SURPLUS LIST BY DEPARTMENT

LIBRARY

Music

References	Elizabeth Schwarzkopf
Rachmaninoff	Cecile Licad
Somewhere before	Keith Jarrett Trio
Blue note	New Directions
Evolution	John Lewis
Cookin' out	Kombo
Taking the long way home	Tuck & Patti
Evolution II	John Lewis
Soulville	Ben Webster Quintet
Ballad Session	Mark Turner
Better Days	Everette Harp
The gift	Jung
Christmas	Rebecca St. James
Schubert Lieder	Ian Bostridge
Johann Strauss	
From Santa Fe to Las Cruces	Bill Hearne
1000 kisses	Patty Griffin
Burning Times	Christy Moore
Gusty's frolicks	Sean Keane
Christmas with Yolanda Adams	
Music from the film Boycott	
Gumboots	Original cast recording

Adult Fiction

the 9th girl Hoag, Tami

J Nonfiction

Buffy Omnibus vol 1
Buffy Omnibus vol 2
Buffy Omnibus vol 3
Trucking
Star Wars Beware the Sith Last, Shari

J Fiction

Far from shore Thorpe, Kiki

Adult Biography

SURPLUS RESOLUTION 2016-1001
JUNE 14, 2016
SURPLUS LIST BY DEPARTMENT

Malcolm X	Barr, Roger
Woodrow Wilson	Cooper, John Milton
All Rivers run to the sea	Wiesel, Elie
Reef	Whitman, Walt
Edith Wharton	Lee, Hermione
The bodyguard's story	Rees-Jones, Trevor
Payne Stewart	Stewart, Tracey
My American journey	Powell, Colin
Hosea Stout: Utah's popneer sta	The two deaths of George Wallace
American Isis: the life and art of Sylvia Plath	Healey, Thomas S.
Care packages	Rollyson, Carl
I love you, Ronnie	Reeve, Dana
I ain't got time to bleed	Reagan, Ronald
The path ot power	Ventura, Jesse
Yes, Chef	Thatcher, Margaret
Under fire	Samuelsson, Marcus
Orewell	North, Oliver L.
Triumph	Taylor, D. J.
My Sergi	Schaap, Jeremy
Robert Wood Johneon	Gordeeva, Ekaterina
Freud	Foster, Lawrence G
Cary Grant	Clark, Ronald W.
Harrington Street	Eliot, Marc
Finding Fish	Garcia, Jerry
Just as I am	Fisher, Antwone
The Memoirs of Richard Nixon	Quenton
Skywriting	Graham, Billy
After All	Pauley, Jane
Leap of Faith	Moore, Mary Tyler
Sinatra	Cooper, Gordon
Kitchen privleges	Lahr, John
Cronkite	Clark, Mary Higgins
Clink Eastwood	Brinkley, Douglas
Life after death	Schickel, Richard
American Son	Echols, Damien
Life in the fast lane	Blow, Richard
At the alter of speed	Jones, Marion
T.S. Elliott: a life	Montville, Leigh
Genius	Ackroyd, Peter
The life of Emily Dickinson	Gleick, James
	Seewall, Richard B.

SURPLUS RESOLUTION 2016-1001

JUNE 14, 2016

SURPLUS LIST BY DEPARTMENT

Size matters not
I'll be right back
A girl from Yamhill
The soundtrack of my life
Leonard Bernstein
Chronicles
My life with Sylvia Browne
All the best, G Bush
The unruly life of Woody Allen
John Quincy Adams
Let's roll!
The Art of talk
Closing the chart
Great auto makers and their cars
One ranger
My life so far
I touch the future...
Paris: a love story
Breacking the surface
You can't be serious
Teacher man
Here's Johnny
Prague winters
Laura
Call me crazy
Infidel
The cruel mother
Fifty days of solitude
Gene Kelly

Davis, Warwick
Douglas, Mike
Cleary, Beverly
Davis, Clive
Burton, Humphrey
Dylan, Bob
Dufresne, Chris
Bush, George
Meade, Marion
Parsons, Lynn Hudson
Beamer, Lisa
Bell, Art
His, Steven D.
Italia, Robert
Jackson, H Joaquin
Fonda, Jane
Hohler, RobertT
Marton, Kati
Louganis, Greg
McEnroe, John
McCourt, Frank
McMann, Ed
Albright Madeleine
Felix, Antonia
Heche, Anne
Ali, Ayaan Hirsi
Busby, Sian
Grumbach, Doris
Yudkoff, Alvin

**SURPLUS RESOLUTION 2016-1001
 JUNE 14, 2016
 SURPLUS LIST BY DEPARTMENT**

Department	Item/Model	Condition	Reason for Surplus	Location
General Services	<p style="text-align: center;">2 - 6' Picnic table w/ benches. In ground mount. Blue polyvinyl over metal</p> 	Poor	Replaced (Cap Walls Park)	Parks Shop
General Services	<p style="text-align: center;">2 - 8' Picnic table w/ benches. In ground mount. Blue polyvinyl over metal</p> 	Poor	Replaced (Cap Walls Park)	Parks Shop
General Services	<p style="text-align: center;">3 - BBQ Grill</p> <ul style="list-style-type: none"> • In ground mount. • Single pole stand. • Adjustable rack. 	Fair	Replaced (Cap Walls Park)	Parks Shop

**SURPLUS RESOLUTION 2016-1001
 JUNE 14, 2016
 SURPLUS LIST BY DEPARTMENT**

Department	Item/Model	Condition	Reason for Surplus	Location
General Services	<p style="text-align: center;">Caterpillar Gym</p> <p style="text-align: center;">Dimensions: 14 ft long 2 ft wide 6-1/2 ft tall</p> 	Fair	Replaced – Not to Current Playground Code (Cap Walls Park)	Parks Shop
General Services	<p style="text-align: center;">Rubberized Fall Zone Mats</p> <p style="text-align: center;">Tile Dimensions: 2ft by 2 ft</p> <p style="text-align: center;">Colors: Black = 137 tiles Green = 246 tiles Red = 267 tiles</p> 	Fair	Replaced – Does not meet playground code (Cap Walls Park)	Parks Shop

**SURPLUS RESOLUTION 2016-1001
 JUNE 14, 2016
 SURPLUS LIST BY DEPARTMENT**

Department	Item/Model	Condition	Reason for Surplus	Location
General Services	<p>Playset Attachments</p> <ul style="list-style-type: none"> • Twist Slide 9 ft high • Curved Slide 3 ft high  <p>1 - Twist Pole 8 ft high 4 - Assorted side panels</p>  <p>1 -Double Slide 4 ft high 2 -Pole Slide 4 - Decking 4' by 4' 1 - Step deck 4' by 4'</p> 	Fair	Replaced – Not to Current Playground Code (Cap Walls Park)	Parks Shop

**SURPLUS RESOLUTION 2016-1001
 JUNE 14, 2016
 SURPLUS LIST BY DEPARTMENT**

Department	Item/Model	Condition	Reason for Surplus	Location
General Services	<p style="text-align: center;">2 - Swings and chain (does not include poles)</p> 	Fair	Replaced – Not to Current Playground Code (Cap Walls Park	Parks Shop
Public Works	<p style="text-align: center;">2 – Ceiling Lights 8” square x 6” tall</p> 	Fair	Replaced with modern fixture	Public Works

**SURPLUS RESOLUTION 2016-1001
 JUNE 14, 2016
 SURPLUS LIST BY DEPARTMENT**

Department	Item/Model	Condition	Reason for Surplus	Location
Public Works	1 – Bathroom Fan 6" diameter x 8" diameter 	Fair	Replaced with modern fixture	Public Works
Public Works	10 – Acme General Purpose Transformers Primary Volts: 120 x 240 	Good	Not required	Public Works

SURPLUS RESOLUTION 2016-1001
JUNE 14, 2016
SURPLUS LIST BY DEPARTMENT

Department	Item/Model	Condition	Reason for Surplus	Location
Public Works	Dayton Centrifugal Ceiling Fan Model 4C714 	Good	Replaced with modern fixture	Public Works

CITY OF AZTEC RESOLUTION 2016-1001

A RESOLUTION DECLARING CERTAIN MUNICIPAL PROPERTY NOT ESSENTIAL FOR MUNICIPAL PURPOSE AND DIRECTING IT BE SOLD, OR IF THE PROPERTY HAS NO VALUE, DONATE THE PROPERTY TO ANY ORGANIZATION DESCRIBED IN SECTION 501(c)3 OF THE INTERNAL REVENUE CODE OF 1986 OR DISPOSED.

WHEREAS, Sections 3-54-2 and 13-6-1 of NMSA, 1978 Compilation authorizes municipalities to sell personal property which is not essential for a municipal purpose or if the property has no value, donate the property to any organization described in Section 501(c)3 of the Internal Revenue Code of 1986; and

WHEREAS, the City of Aztec owns certain personal property which is obsolete and/or surplus and no longer needed or useful to the City; and

WHEREAS, the Governing Body wishes to declare this property not essential for a municipal purpose so that it can be sold or donated according to statute.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Aztec, New Mexico that the personal property below described which is owned by the City is surplus and not essential for a municipal purpose.

PASSED, APPROVED AND SIGNED this 14th day of June, 2016.

MAYOR SALLY BURBRIDGE

ATTEST:

CITY CLERK KARLA SAYLER

Staff Summary Report

MEETING DATE:	June 14, 2016
AGENDA ITEM:	VIII. CONSENT AGENDA (F)
AGENDA TITLE:	Bid 2016-549 Sanitary Sewer Interceptor Contract

ACTION REQUESTED BY:	Finance Department, Public Works
ACTION REQUESTED:	Approval Of Bid 2016-549 Sanitary Sewer Interceptor Contract
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

- The sanitary sewer interceptor project (aka sewer outfall project) has been on the City's infrastructure improvements list for several years. Funding was secured for the project in June 2013 and the design of the project was finalized in March 2016. The bid was awarded to Smithco Construction Inc. during the May 24, 2016 commission meeting.
- Smithco Construction Inc. has provided the necessary performance and payment bonds, insurance certificate and construction agreement.
- Project Schedule:
 - Bid Award: May 2016
 - Contract Approval: June 2016
 - Pre Construction Meeting: June 2016
 - Notice to Proceed: July 2016
 - Construction: 305 Calendar Days (May 2017)
- Wilson & Co will provide construction management on the project, Geomat will provide testing services and SME will provide cultural and environmental monitoring.

PROCUREMENT / PURCHASING

- Bid 2016-549 Sanitary Sewer Interceptor Improvements was advertised on March 20, March 27 and April 3, 2016. A mandatory pre-bid meeting was conducted on March 28, 2016. Multiple addendums were issued on the project, the result of questions from bidders and suppliers. Bids were opened on May 2, 2016. Four bids were received and the bid was awarded to Smithco Construction Inc on May 24, 2016.

FISCAL INPUT / FINANCE DEPARTMENT

- Sanitary Sewer Project Commitments (includes estimated taxes):
 - Smithco Construction Inc. \$3,816,687.60



CONSTRUCTION AGREEMENT

Project Title: Sanitary Sewer Interceptor Improvements
Project No: CWSRF 021
Contract Control No.: 2016-549

THIS AGREEMENT DATED _____ made and entered into by and between the City of Aztec, hereinafter called the "OWNER", and **SMITHCO CONSTRUCTION INC.** hereinafter called the "CONTRACTOR".

WHEREAS, the City Commission of City of Aztec approved the bid on **May 10, 2016**;

WHEREAS, pursuant to the Notice of Award, the Contractor as accepted the award and has submitted the required bonds; and,

WHEREAS, in consideration of the sum of **\$3,533,990** plus applicable taxes to be paid by the Owner to the Contractor at the time and in the manner hereinafter provided, the said Contractor has agreed and does hereby agree to furnish design, labor, tools, equipment, material and incidentals to complete in every detail the following in accordance with the project plans and specifications:

Sanitary Sewer Interceptor
Improvements Project No. CWSRF 021
Contract Control No. 2016-549

The OWNER and the "CONTRACTOR" agree as follows:

To perform this contract and construct the work in accordance with the terms and conditions of the Contract Documents as defined in the General Conditions, Article 1 General Provisions and including the following additional Documents:

Project Specifications, Supplemental Technical Specifications and Supplemental Special Provisions, referred to in this contract, all of which are incorporated herein and made a part hereof.

Construction hours exceeding 40 per week which result in construction services, testing services, or environmental services overtime expense will be billed direct to contractor.

Construction services, testing services or environmental services required beyond the 305 days for construction will be billed direct to contractor.

Payments to be made by the Owner to the Contractor shall be made in the manner provided for in the General Conditions, Article 9 Payment and Completion and on the basis of the prices set out in the Bid Form.

The bidder agrees the work will be substantially completed **within 305 days** from the date of the Notice to Proceed (whichever date comes first), as may be modified by change order, and work will be completed and ready for final payment **40 days following substantial completion** from the date of the Notice to Proceed, as may be modified by change order.

The bidder agrees liquidated damages will be paid to the Owner for each day beyond substantial completion expiration in the amount of **\$2,000.00 per calendar day** and **\$250.00 per calendar day** for completion of remaining work and readiness for final payment beyond completion expiration date.

That, in the event any of the provisions of the Agreement are violated by the Contractor or by any of his subcontractors, the Owner may serve written notice upon the Contractor and the Surety of its intention to terminate such Contract, such notices to contain the reasons for such intention to terminate the Contract, and unless with ten (10) days after the serving of such notice upon the Contractor such violation shall cease and terminate. In the event of any such termination, the Owner shall immediately serve notice thereof upon the Surety who shall have the right to take over and perform this Agreement, provided, however, that if the Surety does not commence performance thereof within thirty (30) days from the date of the mailing to such Surety of notice of termination, the Owner may take over the work and prosecute the same to completion of the Agreement for the

account and at the expense of the Contractor, and the Contractor and his Surety shall be liable to the Owner for any excess cost occasioned the Owner thereby, and in such event the Owner may take possession of and utilize in completing the work, such materials, appliances, and plant as may be on the site of the work and necessary therefore.

The Contract Documents shall be executed with one (1) original maintained by the City of Aztec Purchasing Office, and one (1) certified copy, one of which will be distributed to the Contractor.

IN WITNESS whereof the parties have executed this contract.

SMITHCO CONSTRUCTION INC.
CONTRACTOR

City of Aztec, Owner
A Municipal Corporation

 By: [Signature]
Duly Authorized Signature
By: Kevin P Smith Jr
Printed Name
Title: _____
Date: 3/28/16

By: _____
Title: Mayor
Date: _____

(SEAL)

ATTEST:

Signer has read the document and affirms that it true and complete and accurately represents the agreement of the parties

City Clerk Karla Sayler CMC

NOTARY PUBLIC SIGNATURE (REQUIRED)

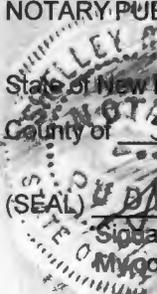
Date

State of New Mexico

CITY ATTORNEY APPROVED AS TO

County of Sierra

FORM:

(SEAL)  By: [Signature]
Signature of notarial officer
My commission expires: 12/2/19

Larry T. Thrower

Date

NM Taxation and Revenue Department
Taxpayer Identification Number

02271224000

Federal Taxpayer Identification or
Social Security Number

850436244

City of Aztec Business License Number

Staff Summary Report

MEETING DATE:	June 14, 2016
AGENDA ITEM:	VIII. CONSENT AGENDA (G)
AGENDA TITLE:	Resolution 2016-1002 BLM Application for Land for Recreation or Public Purposes

ACTION REQUESTED BY:	Public Works, Finance
ACTION REQUESTED:	Approval Of Resolution 2016-1002 BLM Application for Land for Recreation or Public Purposes
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

- For several months, City staff has been working with BLM, NMDOT and various consultants on the various phases of design for phase 2 of the East Aztec Arterial.
- The right of way phase has identified the area and property ownership for the route which includes private, state and federal lands. All public entities involved were approaching this project as acquiring sufficient right of way for the roadway and associated utilities as per FHWA land acquisition procedures.
- The environmental investigation phase has identified the existence of a BLM permitted landfill to the City in the 1960s. This area had previously been thought to be an unpermitted site and has been referenced in several documents and reports to the Commission as unpermitted or historic landfill. This area exists east of the permitted landfill area on state land which closed in 1988 (start date is undocumented).
- While the environmental phase has yet to be completed, sufficient research, analysis, and discussion has occurred regarding the issues this particular landfill presents in the development of the arterial route.
- While the state has identified the requirement for the landfill areas to be excavated and debris to be hauled to appropriate disposal sites within the roadway right of way, BLM regulations would require all the landfill areas on the federal land to be excavated (map attached, waste areas 3, 4 & 5 are on federal land, waste area 2 is on both state and federal land, pink line identifies roadway right of way).
- BLM, NMDOT, consultants and city staff met to discuss the issues specific to the federal land and associated landfills. BLM recommends the City apply for the land ownership of the previously permitted land which would eliminate the BLM requirements for the landfill clean up. The City would work with NM Environment Department to identify requirements outside the roadway area.
- The application and approval process is lengthy, approximately one year for the transfer to be finalized. The application will be for Land for Public Purposes to allow the City flexibility in the use of the land in the future.

PROCUREMENT / PURCHASING

- N/A

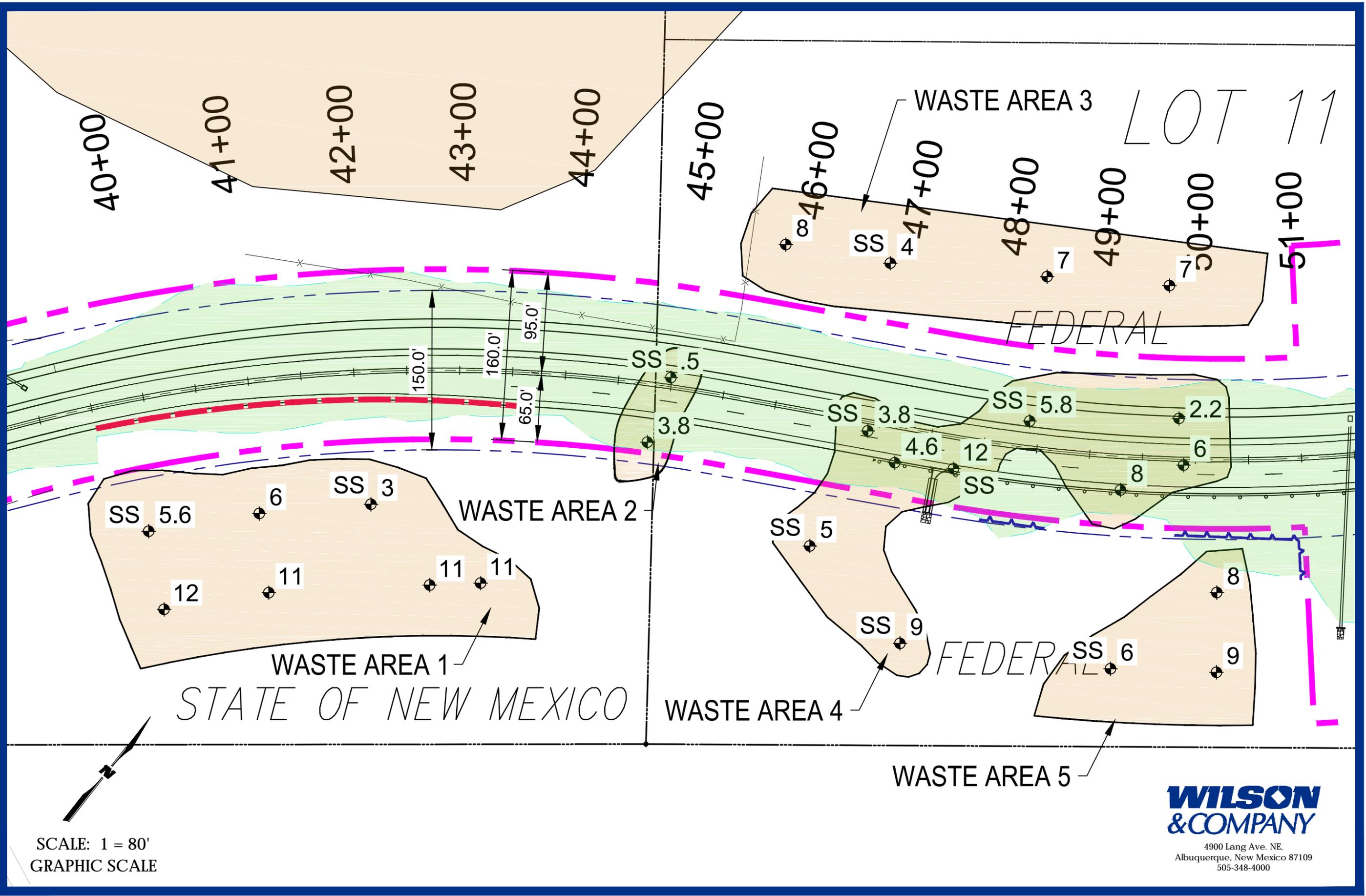
FISCAL INPUT / FINANCE DEPARTMENT

- Fees may be associated with the transfer of the land but have not been specifically identified at the time of application and may not be known for several weeks.
- Costs associated with the debris removal for the entire land area previously permitted by the City on the federal land would be substantial. Initial estimates for the excavation of debris within the roadway right of way are \$400,000

SUPPORT DOCUMENTS: Resolution 2016-1002 Support Resolution for Application
East Aztec Arterial Map (landfill area only)

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2016-1002 BLM
Application for Land for Recreation or Public Purposes

M:\DS\07-600-071-000\CADD\PHASE 2\EXHIBITS\LONG PLOT 1B AND 2A EXHIBIT-04-10-14_SHADED.DWG 6/30/2016 7:39 AM



SCALE: 1" = 80'
GRAPHIC SCALE

WILSON & COMPANY
4900 Lang Ave. NE,
Albuquerque, New Mexico 87109
505-348-4000

RESOLUTION 2016-1002
COMMISSION SUPPORT FOR APPLICATION TO BLM FOR LAND FOR RECREATION OR
PUBLIC PURPOSES

WHEREAS, the City of Aztec is developing the East Aztec Arterial to provide traffic relief around the downtown area of Aztec connecting to US Highway 550 on the south side of Aztec, proceeding in an northeasterly direction to intersect with NM173; and

WHEREAS, the East Aztec Arterial will provide economic development opportunities benefiting the City, San Juan County and the State of New Mexico; and

WHEREAS, the route of the East Aztec Arterial will be constructed on a combination of private, public (federal and state) and city properties and

WHEREAS, the City has identified a previously permitted landfill on BLM land which is part of the East Aztec arterial route; and

WHEREAS, the City has a responsibility to control costs for the development of the arterial route, to minimize disturbance of landfill areas and to have access to land for public development; and;

NOW, THEREFORE, BE IT RESOLVED that the Aztec City Commission supports the BLM application for Land for Recreation and Public Purposes.

ADOPTED AND APPROVED this 14th day of June, 2016

Mayor, Sally Burbridge

Attest:

Karla H. Sayler, City Clerk

Staff Summary Report

MEETING DATE:	14 June 2016
AGENDA ITEM:	XII. Business Item (A)
AGENDA TITLE:	Business Development Project Participation and Incentive Agreement

ACTION REQUESTED BY:	Joshua W. Ray
ACTION REQUESTED:	Approval of Business Development Project Participation and Incentive Agreement
SUMMARY BY:	Joshua W. Ray, City Manager

PROJECT DESCRIPTION / FACTS (Leading Department)

- Hutton Team, LLC (Hutton) is proposing to develop a retail auto parts store in Aztec, NM. This developer proposes to build O'Reilly's auto parts on private property located off of NM Highway 550 and Ash St.
- Hutton requested development assistance from the City of Aztec to complete this project.
- City Commission approved Resolution 2016-984 on 12 January 2016, approving infrastructure improvements for this project. Those improvements include the installation of a 6" water line, construction of an electrical service line, and construction of an on-site detention pond. These improvements will be constructed by the City of Aztec.
- The development agreement will provide for future connections to the water line and the electric service line, therefore increasing the economic development potential for the adjacent properties.
- Further discussion has occurred between the City of Aztec and Hutton to determine the proper development of the adjacent properties. During our discussions, Hutton agreed to pay the City of Aztec \$50,000 to be utilized as an economic incentive for the future development of the undeveloped portions of the Property, specifically Lots 1 and/or 3.

SUPPORT DOCUMENTS:	Business Development Project Participation and Incentive Agreement
---------------------------	--

DEPARTMENT'S RECOMMENDED MOTION: Move to approve the Business Development Project Participation and Incentive Agreement.

BUSINESS DEVELOPMENT PROJECT
PARTICIPATION AND INCENTIVE AGREEMENT

THIS BUSINESS DEVELOPMENT PROJECT PARTICIPATION AND INCENTIVE AGREEMENT ("Agreement") is made and entered into on this ____ day of May 2016, by and between the CITY OF AZTEC, NEW MEXICO, a New Mexico municipal corporation ("City") whose address is 201 West Chaco Street, Aztec, New Mexico, 87410; and HUTTON TEAM, LLC, a Delaware limited liability company ("Hutton") whose address is: 736 Cherry St., Chattanooga, TN 37402.

RECITALS

- A. Ernest D. Burge is the owner of that certain parcel of unimproved real property located near the intersection of Ash Street and W. Aztec Blvd. in the City of Aztec, New Mexico. This parcel consists of approximately 5.4 acres and is has a parcel number of 2-064-178-342-208. This parcel will be subdivided by Hutton, and preliminary submittals indicate there will be three (3) parcels created, with one situated directly adjacent to Ash St. and W. Aztec Blvd. The legal description of the 5.4 acre parcel is contained in Exhibit "A" (the "Legal") attached to and made a part of this Agreement and the proposed subdivision is shown on the draft preliminary plat attached to and made a part of this Agreement as Exhibit "B" (the "Property").
- B. Hutton intends to develop, construct, own and lease a portion of the Property described as "Lot 2" as shown on Exhibit B to O'Reilly Auto Parts, a national retail chain. Community Development has met on several occasions to review site plans and access onto W. Aztec Blvd., and is confident the edifices and required parking, circulation, trash receptacle, loading, etc. can be accommodated per City ordinances and subdivision regulations. Significant elements of this agreement that will be required as part of this development shall consist of the following:
1. A single, one (1) story structure;
 2. One (1) access onto W. Aztec Blvd. that is to be shared with the adjacent parcel and dedicated as an access easement on the plat;
 3. Elevating Lot 2 with fill dirt, compacted to industry standards for sustaining new development, so as to make the site easily accessible at grade from W. Aztec Blvd. other portions of the Property may be filled and compacted if time, circumstances, and resources allow;
 4. Construction of a rear access drive that runs across all platted parcels and intersects with Ash St. to be dedicated to the City of Aztec as a public street;
 5. Construction of a regional drainage detention pond in the northwest area of what is presently the 5.4 acre parcel, that will serve all of the newly created parcels;
 6. Easements for the drainage ways and the detention pond be dedicated to the City of Aztec for regular maintenance and access; said easements shall be shown on the Exhibit B and shall be maintained by the City of Aztec;
 7. Live landscaping with irrigation along the W. Aztec Blvd. road frontage consisting of several medium height trees as well as other shrubbery; zero-scaping style landscape along the remaining perimeter of the subject parcel;
 8. Parking, signage and other requirements per city code as each lot or parcel within the Property is developed;

9. Dumpster enclosure and loading zone to the rear of the building as each lot or parcel within the Property is developed;
10. Any and all other improvements to the Property shall be consistent with the requirements of Aztec's zoning, traffic, and subdivision regulations at the time of its development.
11. Demolition of the buildings and structures, presently existing upon the Property on the date of Agreement if and when the City deems appropriate.

All of the above improvements are collectively designated herein as the "Project" and are more particularly identified in Exhibit "C" attached to and made a part of this Agreement.

C. As a primary inducement for Hutton to develop, construct, own and lease the development located on Lot 2, and in order to encourage growth of the City tax base, provide job opportunities, and to stimulate the economy of the City, the City has agreed to provide Hutton with certain infrastructure improvements and economic incentives, all as more particularly described herein.

D. Hutton shall issue funds in the amount of \$50,000 to the City, at the time of or in conjunction with receipt of a certificate of occupancy to be issued by the City, following the completion of construction of the O'Reilly Auto Parts upon Lot 2, to be utilized as an economic incentive for the future development of the undeveloped portions of the Property, specifically Lots 1 and/or 3.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Hutton as follows:

Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated into this Agreement by this reference.

Development of the Project. Hutton, within a reasonable period of time not to exceed ninety (90) days from the date of this Agreement, shall have completed the planning, design and funding of the Project and shall commence construction of the structures and other improvements described herein. All structures and improvements shall be designed in compliance with the standards and specifications of the City and applicable state and federal agencies. Construction shall not commence until the plans and specifications for such structures and improvements have been approved by the City. All structures and improvements shall be constructed in good and workmanlike manner and in accordance with all applicable laws, codes, ordinances and design standards. Construction shall be completed and a Certificate of Occupancy issued by the City not later than December 1, 2016.

Infrastructure Improvements. The City shall construct and complete, at the City's cost, certain infrastructure improvements in connection with Hutton's development, construction, and operation of the Project located on the Property. Those

infrastructure improvements to be so constructed by the City are identified in Resolution (2016-777) as adopted by the Aztec City Commission on January 12, 2016, which Resolution is attached to and made a part of this Agreement as Exhibit "D" (the "Resolution").

Default; Cure Period. Failure by either party to perform or otherwise act in accordance with any term or provision of this Agreement for a period of thirty (30) days after written notice thereof from the other party, shall constitute a default under this Agreement, provided, however, that if the failure or delay is such that more than thirty (30) days would reasonably be required to perform such action or comply with any term or provision hereof, then such party shall have such additional time as may be necessary to perform or comply so long as such party commences performance or compliance within the thirty day period and diligently proceeds to complete such performance or fulfill such obligation. Said notice shall specify the nature of the alleged default and the manner in which said default may be satisfactorily cured, if possible. In the event such default is not cured within the thirty (30) days, the non-defaulting party shall have all rights and remedies which may be available under law or equity including without limitation, the right to specifically enforce any term or provision hereof and/or the right to institute an action for damages.

Specific Remedy On Default. Upon an uncured default by Hutton, the City shall be entitled to recover from Hutton damages in an amount equal to seventy-five percent (75%) of the actual costs incurred by the City for the construction of the infrastructure improvements described in paragraph above and identified on Exhibit "D" hereto. Hutton will be considered having met its obligations once a Certificate of Occupancy has been issued for the Project.

GENERAL

Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by City or Hutton of the breach of any covenant of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement.

Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument.

Captions. The captions or descriptive headings of the paragraphs of this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

Adoption or Agreement. This Agreement shall be approved and adopted by the Governing Body of the City of Aztec.

Further Acts. Each of the parties hereto shall execute and deliver all such documents and perform all such acts as reasonably necessary from time to time, to carry out the matters contemplated by this Agreement. Without limiting the generality of the foregoing, City shall cooperate in good faith and process in a reasonably timely fashion any requests and applications for plat or permit approvals or revisions and other necessary approvals relating to the development of the Project located on the Property by Hutton and its successor, which approvals will not be unreasonably denied.

No Agency/Partnership. It is not intended by this Agreement to, and nothing contained in this Agreement shall create any partnership, joint venture or other arrangement between Hutton and City.

Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the parties, oral or written, are hereby superseded and merged herein.

Amendment. No change or addition is to be made to this Agreement except by a written amendment executed by the parties hereto.

Good Standing; Authority. Each of the parties represents and warrants to the other that (i) it is duly formed and validly existing under the laws of New Mexico, (ii) it is duly qualified to do business in the State of New Mexico and is in good standing under applicable state laws, and (iii) the individuals executing this Agreement on behalf of the respective parties are authorized and empowered to bind the part on whose behalf each individual is signing.

Governing Law. This Agreement shall be governed by and construed in accordance with the laws of New Mexico.

Severability. If any term of provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remaining terms and provisions of this Agreement shall not be affected thereby, but each remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

Construction. The City and Hutton acknowledge that each party and its counsel have reviewed and revised this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement (including the exhibits) or any amendments thereto, and the same shall be construed neither for nor against the City or Hutton, but shall be given a reasonable interpretation in accordance with the plain meaning of its terms and the intent of the parties.

Computation of Time. If the time for performance of any provision of this Agreement ends on a Saturday, Sunday or federal, state or legal holiday, then such date shall automatically be extended until 5:00 p.m. (Mountain time) on the next day which is not Saturday, Sunday or federal, state or legal holiday.

Attorneys' Fees. In the event that any party to this Agreement brings an action or proceeding for a declaration of the rights of the parties under this Agreement, for injunctive relief or for an alleged breach or default of this Agreement, or in any other action arising out of this Agreement or the transactions contemplated by this Agreement, the predominantly prevailing party in any such action shall be entitled to an award of reasonable attorneys' fees and any court costs incurred in such action or proceeding, in addition to any other damages or relief awarded, regardless of whether such action proceeds to final judgment.

IN WITNESS WHEREOF, this Agreement is executed by the parties, effective as of the date first written above.

Draft # _____

CITY OF AZTEC

By: _____

Name: _____

Title: _____

HUTTON TEAM, LLC

By: _____

Name: _____

Title: _____

STATE OF NEW MEXICO §

§

COUNTY OF SAN JUAN §

On this _____ day of _____, 2016, before me personally appeared _____, for City of Aztec, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she/he executed the same as her/his free act and deed.

NOTARY PUBLIC

My Commission Expires:

STATE OF NEW MEXICO

§

COUNTY OF SAN JUAN §

§

Draft # _____

On this _____ day of _____, 2016, before me personally appeared _____, for Hutton Team, LLC, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she/he executed the same as her/his free act and deed.

NOTARY PUBLIC

My Commission Expires:

Staff Summary Report

MEETING DATE: June 14, 2016
AGENDA ITEM: XI. LIQUOR LICENSE HEARING (A)
AGENDA TITLE: Five Fifty Brewing-New Liquor License

ACTION REQUESTED BY: Paschall Enterprises, Inc.
ACTION REQUESTED: Approval of Five Fifty Brewing-New Liquor License
SUMMARY BY: Karla Sayler

PROJECT DESCRIPTION / FACTS

- The City Of Aztec received the attached certified letter from the Division of Alcohol & Gaming indicating their preliminary approval for a new restaurant liquor license for Five Fifty Brewing
- Five Fifty Brewing will be located at 119 East Chuska Street, Suite B, Aztec, NM and is within 300 feet of a Church (281 ft) or School (455 ft).
- An objection letter was received by State Alcohol & Gaming Division see support documents.
- The State requires a public hearing to be held within forty-five (45) days after the City receives notice from the Alcohol and Gaming Division (notice received April 26, 2016). The Public hearing notice was published in the Farmington Daily Times on May 13, 2016 and May 20, 2016)

SUPPORT DOCUMENTS:

- 1) Letter from the State Office
- 2) State Liquor License Application
- 3) Letter of Objection sent to State
- 4) Map
- 5) Copy of State Statute 60-6B4
- 6) Email from State Granting Extension

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the New Liquor License for Five Fifty Brewing location will be at 119 East Chuska Street, Suite B, Aztec NM



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 • Santa Fe, New Mexico 87504
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

April 20, 2016

Susana Martinez
GOVERNOR

Robert "Mike" Unthank
SUPERINTENDENT

Daniel Rubin, Esq.
GENERAL COUNSEL

Mary Kay Root
DIRECTOR

Certified Mail No.: 9171 9690 0935 0079 1500 78

City of Aztec
Attn: Karla Sayer, Clerk
201 West Chaco
Aztec, NM 87410

Re: Lic. No. /Appl. No.: Master License: 67047; Application No. 995056
Name of Applicant: Paschall Enterprises, Inc.
Doing Business As: Five Fifty Brewing
Proposed Location: 119 East Chuska Street, Suite B, Aztec, New Mexico 87410

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**; it is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body **shall** hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the inherent conflict between the new 30 day notice and the existing 45 day hearing requirement. Extensions to the 45-day hearing requirement will be granted when necessary to allow for compliance with the 30 day notice. Notice of the Public Hearing required by the Liquor Control Act **shall** be given by the governing body by publishing a notice of the date, time, and place of the hearing twice during the 30 days prior to the hearing in a newspaper of general circulation within the territorial limits of the governing body **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A SMALL BREWER OFF-SITE LICENSE WITH ON PREMISE CONSUMPTION AND PATIO SERVICE. APPLICANT IS REQUESTING A WAIVER FROM THE CITY OF AZTEC AS THE PREMISE IS WITHIN 300 FEET FROM THE CHURCH

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

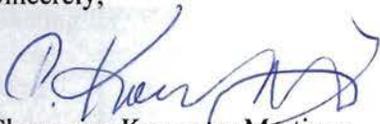
The governing body may disapprove the issuance or transfer of the license if:

- 1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if the proposed location is within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).
- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). **If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.**

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Charmaine Koroneos-Martinez
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
Phone: 505-476-4804
Fax: 505-476-4595
Email: Charmaine.koroneos@state.nm.us

Enclosures:

1. Original Page 1 of the Application (must be signed and returned).
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement
4. Objection Letter



RECEIVED

3/14/16
 ENTERED
 200
 1810978

MAR 14 2016 Rev. 08/13

LIQUOR LICENSE APPLICATION

ALCOHOL & GAMING DIVISION

Application fee - \$200.00 Fees are non-refundable.

State Liquor License # _____ Record Owner of Existing License _____
 Application Number 995056 Current D/B/A Name _____
 Local option (AGD use) _____ Current Premises Address _____

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Transfer Location _____ Other X
 Issue New License _____ Type of License being applied for Small Brewer Off-Site Premises Application - Master #67047

Applicant is: Individual _____ Corporation X Partnership (General or Limited) _____ Limited Liability Company _____

NAME OF APPLICANT (company or individual) ADDRESS (including city, state, zip) TELEPHONE NUMBER
Paschall Enterprises, Inc. 7 RD 2794, Aztec, NM 87410 505-402-9300

D/B/A name to be used: Five Fifty Brewing Phone number for licensed premises: 505-402-9300

Physical location where license is to be used: 119 East Chuska St., Suite B, Aztec, NM 87410
 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 7 RD 2794, Aztec, NM 87410

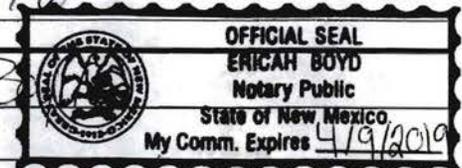
Are alcoholic beverages currently being dispensed at the proposed location? Yes _____ No X If yes, give license number and type _____

I, (print name) Mike I. Paschall, as (title) Vice President being first duly sworn upon oath
 deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that
 if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant [Signature] Date 3-7-16

SUBSCRIBED AND SWORN TO before me this 7th day of March, 2016 by Ericah Boyd
 Notary Public [Signature] My Commission Expires 4/9/2019



Local Governing Body of: _____ (City or County). Hearing held on _____ 20____

Check one: Approved _____ Disapproved _____ City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____



PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
SS-60-6B-10

1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) X Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) The City of Aztec, NM municipal corporation, dba THE HUB Incubator, 201 West Chaco Street, Aztec, NM 87410

B. Date and term of lease 5/1/16 One (1) Year with renewal option

3. Premises location is zoned (example C-1) O-1 Zoning Statement Attached.

If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises—shortest distance).

Miles/feet 281 Ft. Name of church Aztec United Methodist Church Address/location of church 123 E. Chaco St., Aztec, NM 87410

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).

Miles/feet 455 Ft. Name of school Aztec High School Address/location of school 500 E. Chaco Street, Aztec, NM 87410

6. Distance from military installation *(Property line of military installation to licensed premises-shortest distance.)

Miles 195 Miles KAFB Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant _____ Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) Tap Room

Return this form to the Alcohol and Gaming Division, PO Box 25101, Santa Fe, New Mexico 87505-5101.

RECEIVED
MAR 14 2016
ALCOHOL & GAMING DIVISION

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners

Roberta Locke
Katee McClure
Sherri Rogers

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

March 3, 2016

Mike Pascal
7 RD 2794
Aztec, NM 87410

**RE: Zoning Designation- Use Conformance
119 E. Chuska St., Aztec NM**

Dear Mr. Pascal:

This letter serves to confirm the zoning of 119 E. Chuska Street is presently zoned O-1 Offices – Institutions. The zoning designation does not prohibit the sale or consumption of alcohol on the premises. Thus your proposal to open a new 'pub' is a permitted use at 119 E. Chuska Street. The site is situated near a school as well as a place of worship, thus will require a public hearing before our City Commission once your application is received from the State of New Mexico.

Your proposed use for the site is in conformance with the City of Aztec's recently adopted Metropolitan Redevelopment Area plan. Your new business will also support other downtown businesses. We look forward to working with you here in Aztec and wish your business success.

If you have any further questions, feel free to contact me at 505-334-7604.

Sincerely,

A handwritten signature in black ink, appearing to read "William M. Homka".

William M. Homka AICP, CFM
Director, Community Development

Ref.: Section 26-2-52 Uses Permitted

RECEIVED

MAR 14 2016

ALCOHOL & GAMING DIVISION

Tricia & Aaron Banry
115 South Church Ave.
Aztec, New Mexico, 87410
(901) 485-6702

March 25, 2016

Director
Alcohol & Gaming Division
PO Box 25101
Santa Fe, NM 87504
(505) 476-4875

Dear Director,

In regards to application #995056 filed by applicant: Paschall Enterprises Inc. for a Small Brewer License to be located at 119 East Chuska Ave. Suite B Aztec, NM 87410 a discrepancy has been found, and therefor I would like to formally file an objection to the proposed license to be issued.

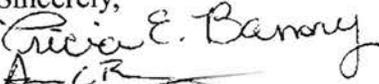
According to the San Juan County Assessors website, the location of this property 119 East Chuska Ave. is within 300 feet, (specifically 282.01 ft.) of the Aztec United Methodist Church located at 123 East Chaco St. This church was built in 1960 and currently holds meeting every Sunday at 8:45 am and 10:00 am.

In accordance with Statutes, Rules, and Constitution 60-6B-10. Locations near church or school; restrictions on licensing; which states:

“No license shall be issued by the director for the sale of alcoholic beverages at a licensed premises where alcoholic beverages were not sold prior to July 1, 1981 that is within three hundred feet of any church or school. A license may be granted for a proposed licensed premises if the owner or lessee has, prior to establishment of a church or school located within three hundred feet of the proposed licensed premises, applied for, been granted and maintained a valid building permit for the construction or renovation of the proposed licensed premises and has filed on a form prescribed by the director a notice of intention to apply for transfer of a license to the proposed licensed premises. A license may be granted for a proposed licensed premises if a person has obtained a waiver from a local option district governing body for the proposed licensed premises. For the purposes of this section, all measurements taken in order to determine the location of licensed premises in relation to churches or schools shall be the straight line distance from the property line of the licensed premises to the property line of the church or school. This provision shall not apply to any church that has been designated as an historical site by the cultural properties review committee and which does not have a regular congregation. History: Laws 1981, ch. 39, § 45; 1986, ch. 29, § 1; 1997, ch. 223, § 1.

The application for a liquor license associated with the property 119 East Chuska Ave. Suite B. should therefor be denied.

Sincerely,


Tricia & Aaron Banry

RECEIVED

MAR 1 2016

ALCOHOL & GAMING DIVISION



Home



Pan



Zoom In



Zoom Out



Initial View



Full Extent

I want to

Feet (ft)

Feet² (ft²)

Enable Snapping

Select Snapping Layers

Total: 282.01 ft

Total: 284.32 ft

2 IN

R0000868
2-064-178-226-069
HODGE INVESTMENT
B: 1401 P: 411
0.24Ac

R0000632
2-064-178-202-085
WELLS FARGO BANK
B: P
0.24Ac

R0000349
2-064-178-208-077
PRESBYTERIAN CHU
B: 1562 P: 661
0.32Ac

R000217
2-064-178-177-043
PECORARO GEORGIA
B: 1489 P: 374
0.15Ac

R0002341
2-064-178-185-069
KENNEDY TERRY AN
B: 1354 P: 872
0.32Ac

R0000894
2-064-178-189-062
KENNEDY TERRY J
B: 1361 P: 306
0.24Ac

R0000514
2-064-178-171-083
RACHEFF JOEL R A
B: 1494 P: 140
0.24Ac

R0002078
2-064-178-175-053
VESCOVI CARLA E
B: 1413 P: 984
0.24Ac

R0000150
2-064-178-235-041
AYBOURN REALES
B: 1508 P: 490
0.48Ac

RECEIVED

MAR 30 2016

ALCOHOL & GAMING DIVISION





New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

PO Box 25101 • Santa Fe, New Mexico 87504-5101
(505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

PUBLIC COMMENT

We welcome public comments, either positive or negative, regarding liquor license applications. If you feel the approval of the liquor license would endanger or adversely affect your community, please provide all issues of concern. If you are in support of issuing the liquor license, please document that below.

Establishment/Applicant Name: Paschall Enterprises Inc.

Proposed Location: 119 East Chuska Ave

In the City of: Aztec

Summarize your comment or concerns, attach addition pages if necessary:

Please See Attached

Your Name: Tricia Barry Date: 3/25/16

Your Street Address: 115 South Church Ave

City: Aztec State: NM Zip: 87410

How may we contact you?

Phone: 901-485-6702 E-mail: TriciaBarry@gmail.com

We will respect your confidentiality.
If you wish to remain anonymous, please initial here: _____

RECEIVED
MAR 30 2016

You may submit your comments or concerns on-line through the RLD website, or mail this form to Regulation & Licensing Department, PO Box 25101, Santa Fe, NM 87504-5101.

From: Root, MaryKay, RLD [MaryKay.Root@state.nm.us]
Sent: Wednesday, May 18, 2016 9:17 AM
To: Karla Sayler
Cc: Joshua Ray; Lopez, Debra, RLD
Subject: RE: Liquor License Application #995056 Five Fifty Brewing

Good morning Ms. Sayler,

Your extension is granted in order to allow you to hold the public hearing on June 14, 2016. Thank you for your hard work and dedication. Please feel free to contact our offices anytime with any questions you may have.

Sincerely,
Mary Kay

Mary Kay Root, Esq.
Director, Alcohol & Gaming Division
New Mexico Regulation & Licensing Department
Toney Anaya Building
2550 Cerrillos Road
Santa Fe, NM 87505
(505) 476-4550

From: Karla Sayler [<mailto:ksayler@aztecnm.gov>]
Sent: Wednesday, May 18, 2016 9:17 AM
To: Root, MaryKay, RLD
Cc: Joshua Ray
Subject: Liquor License Application #995056 Five Fifty Brewing

Good Morning,

We received a Liquor License Application #995056 for Five Fifty Brewing on April 25, 2016 to be heard by or City Commission. It was accidentally published early and was not able to be heard on May 10, 2016. Can we please get an extension. It has been properly advertised and will be heard at Commission meeting on June 14, 2016.

Thank You,

*Karla H. Sayler, CMC
City Clerk/Personnel Administrator
City of Aztec
(505)334-7603
(505)334-7609(fax)
ksayler@aztecnm.gov*

Effective July 6, 2010, the City of Aztec will be open Monday - Thursday from 7:00 a.m. to 6:00 p.m. For a full listing of City Departments' schedules and hours of operation please visit the City website at www.aztecnm.gov.

Staff Summary Report

MEETING DATE: June 21, 2016

AGENDA ITEM: XIII. LAND USE HEARING (A)

AGENDA TITLE: Hutton Development-Minor Subdivision Preliminary & Final

ACTION REQUESTED BY: Hutton Growth One LLC
736 Cherry Street
Chattanooga, TN
37402

ACTION REQUESTED: **2015-068 Minor Subdivision Preliminary & Final Plat Approval**
SW ¼ Section 9, T30N, R11W, N.M.P.M. in Aztec

SUMMARY BY: William M. Homka AICP, CFM

PROJECT DESCRIPTION / FACTS

GENERAL

This application seeks approval of a minor subdivision plat within the City of Aztec. The site consists of just over (6) acres and is generally bounded by N. Ash St. to the east, W. Aztec Blvd. to the north, the A&W Root Beer to the west, and parcels used/owned by High Country Chevrolet to the south. This application has a companion item also on tonight's City Commission Agenda Business Item (A) Business Development Project Participation and Incentive Agreement

The proposed subdivision consists of two parcels: R0001235 and R0000272. Together the land in review has irregular shaped and obsolete parcels. Parcel R0000272 in particular is situated at the intersection of W. Aztec Blvd. and Ash St., is divided by an arroyo as well as in the one percent 1% floodplain boundary (aka the 100 year floodplain). An existing building also straddles the two parcels which violates side yard setback requirements in any zoning district. The building also presents ownership issue in the future. This proposed minor subdivision will exert positive economic and aesthetic impacts immediately along W. Aztec Blvd. This area is considered a gateway to our community.

General Information

Zoning	C-2 General Commercial
Existing Parcel:	6.33 acres
New Parcel 1:	2.144 acres (93,398 sq. ft.)
New Parcel 2:	1.359 acres (59,197 sq. ft.)
New Parcel 3:	2.561 acres (111,574 sq. ft.)
Floodplain:	Partially across new Lot 1
Access:	New publicly dedicated access road between N. Ash St. and

Lot 3. Private access easement on Lot 2 between W. Aztec Blvd. and new access road. The New Mexico Department of Transportation has approved the new cut onto W. Aztec Blvd.

HISTORY

This application was made by Hutton Growth One LLC (Hutton) on November 11, 2015, reference number 2015-068. It has undergone regular discussions, numerous revisions, and several internal staff reviews since that time. Hutton realized the severity of several site constraints as the design process proceeded. Subsequently, the City of Aztec (City) and Hutton entered into development negotiations to assist with public infrastructure costs. After thorough and thoughtful consideration, Hutton and the City presented a development agreement the City Commission for approval on January 12, 2016.

Development agreements formally establish partnerships between one or more public jurisdictions and a private entity(s). Such agreements provide the opportunity for jurisdictions to conduct offsite infrastructure improvements in support of development projects that will support and enhance its tax base. The City/Hutton Development Agreement set forth the duties and responsibilities of both entities respectively. The development agreement is on the City Commission's agenda as a companion item to this land use item for minor amendments.

Since approval of the development agreement City staff and the Hutton have worked proactively to prepare the preliminary and final minor subdivision documents (Plat). Several site development constraints continued to present site with design impediments, including: steep slopes and grading conflicts between public/private roadway and slope easements, and; conflicts between surface storm drainage design and related embankment and roadway easements. Together the City and Hutton teams addressed all of the issues and believed they were ready to present the Plat to the City Commission at its May 24, 2016 meeting. Staff completed its analysis based on discussions and mock up drawings provided by Hutton. In an attempt to keep the item on the May 24 meeting agenda, staff agreed to accept the Plat drawings and related submission documents at the Commission meeting. This was supposed to provide Hutton additional time, between the report deadline and the Commission meeting, to make final edits and present the documents at Commission meeting for approval. Unfortunately the drawings were not ready in time and staff recommended the City Commission withdraw the item from that agenda.

ANALYSIS

Review Process

Hutton is a real estate development and construction company based in Chattanooga, TN. Hutton has been working on the development side with the land owner, Ernest and Ila Mae Burge (Trust) and a retail company interested in purchasing one of the new lots. Mr. and Mrs. Burge reside at 61 Road 2350, Aztec NM. The retailer is O'Reilly Auto Parts. Its interest in opening a store in Aztec is the impetus for this project.

The site presently has two structures on it; a Quonset hut and a cement block building. Both buildings are proposed for demolition and removal to make way for new development. Other site development issues and constraints include: combining two parcels, one of which is irregularly shaped and considered obsolete by subdivision and zoning regulations; the presence of an arroyo in the northeast section of the site; a severe elevation difference between the grade at W. Aztec Blvd. and the base elevation of the property (a difference of nearly thirteen feet in places); access limited to one cut onto W. Aztec Blvd. per the New Mexico Department of Transportation; providing appropriate internal circulation and access for vehicles without

creating offsite traffic impacts or issues, and; the design of a regional detention pond system to serve all three (3) new lots.

This project's extended timeframe, between its November 2015 application date and now, is the result of addressing and resolving the aforementioned issues. These matters have presented extensive challenges more so than typical developments and are in addition to the City's typical subdivision and development requirements. As city staff has been monitoring the development for the public interest, Hutton has continued to evaluate each requirement in terms of cost benefit to their company. Simple or complicated, every project needs to be acceptable to the City and make financial sense to the applicant. The summary presented herein addresses all of the site impediments and explains their resolution. The outcome is a preliminary and final minor subdivision presented to the City Commission and ready for approval. The City Commission's action should be either approval of the preliminary and final plat or denial if it determines or finds any element of the application unacceptable to the City.

Project Elements

The existing 6.33 acre site presently offers little economic benefit to Aztec. The land gives the appearance of a vacant tract with abandoned, old buildings that portray an image of disinvestment in this area of Aztec. The drastic elevation difference further detracts from this area's aesthetic quality, creating a visual separation that emphasizes the difference between a developed thoroughfare and a no man's land void of opportunity.

The proposed subdivision creates three new, large development parcels suitable for commercial uses permitted in the city's C-2 Commercial General zoning district. Access ways are either dedicated publicly or protected with cross access easements as assigned on the plat. The regional detention – storm water drainage system shared among the three parcels is also identified as an easement on the plat and meets city drainage requirements. Adjacent property owners are identified and legal descriptions are provided for the new parcels. All utility easements are also identified on the plat.

Resolved Issues

The site presents a few challenges; most significantly is addressing the large elevation difference between W. Aztec Blvd. and the site's predominant elevation 13' below the roadway. It accomplishes this with the placement of fill dirt across the site to varying elevations. All new fill will be graded with a negative slope toward the back of the sites for drainage, vehicular circulation, and overall appearance purposes. Another issue was designing a connecting vehicular circulation system while also making room for utilities, roadways, and surface drainage leading to a regional detention pond.

There are benefits to using the minor subdivision process to develop this large acreage parcel, both for the City and Hutton. These include: a comprehensive access and circulation system of private cross access easements and a dedicated public roadway; eliminating old and obsolete parcel configurations; demolishing structures that sit across lot lines; designing detention and storm water run-off systems for the larger site; and economies of scale that benefit the developer/land owner. This means by the development cost is spread across three parcels which maintain a greater profit margin between site preparation costs and land sale value than if each site lot had been developed separately. This should assist with maintaining reasonable real estate sale prices on behalf of the owner and thus make the property more attractive for purchase.

- **Elevation Difference**

This subdivision/project overcomes the elevation differences by adding a significant amount of fill to create three developable parcels. Lot 2 is elevated to meet W. Aztec Blvd. at its curb elevation and is graded downward as the site moves south. The finished, target elevation of Lot 2 where it abuts W. Aztec Boulevard is about 5613 feet. Additional fill material will be brought in to raise the elevations of Lots 1 & 3 to an elevation of about 5308 feet, or about five feet (5') lower than Lot 2. The elevations of Lots 1 & 3 are considered temporary. Future development on Lots 1 & 3 will require additional fill to even out the elevation along W. Aztec Blvd. Until that happens, however, there is a slope easement on the plat to protect Lot 2's embankment that supports its finished elevation.

- **Access & Circulation**

The proposed plat provides a single access point to all three parcels via one cut approved by the NMDOT from W. Aztec Blvd. It creates a new access from N. Ash St. to provide a complete site circulation system. The traffic will move using a cross access easement on Lot 2 to run north/south between W. Aztec Blvd. and the new access roadway that traverses between N. Ash St. and Lot 3 south of the parcels. The new access road will divide off land from Lots 1 & 2. As this would not be a legitimate, developable parcel, the land strip will be included in the roadway dedication to the City. The cross access easement and the new public access road will eliminate future development pressure wanting separate access onto W. Aztec Blvd.

The elevation of the new access road connecting to N. Ash Street will be 5310'. This represents an elevation difference of eight feet (8') between the new roadway and W. Aztec Boulevard to the north. As a point of reference, the finished floor elevation proposed for the O'Riellys Auto Parts will be 5311'. This falls two feet (2') below the target grade of 5313' along W. Aztec Boulevard but three feet above the new access road elevation at 5310'.

- **Storm Water Detention**

The development will share a regional detention pond located on Lot 3. This approach eliminates the need for small 'ponds' on each parcel and creates more room for development on Lots 1 & 2. Water will traverse the parcels across easements and be collected at one detention pond. This system will be placed in an easement and dedicated to the City for maintenance purposes.

Other Issues

The subdivision solves a long standing problem on Lot 1, and that is what to do with the area between the arroyo and the N. Ash St. and W. Aztec Blvd. It has been used as a mini sales lot for various automobiles, recreational vehicles, etc. This also adds to a negative appearance for the city, and the mini-sales lot will go away after Lot 1 is purchased and developed.

Also, the developer has placed a 20' easement on each side of the arroyo embankment. This easement will be dedicated to the city for maintenance purposes. Presently the City is assembling maintenance easements along the arroyos so it can monitor the drainage system and eliminate debris when necessary. This is a city wide effort to improve drainage and help reduce flood risks during periods of peak rainfall.

Development Agreement

This development has been a partnership among the parties to facilitate the project. The City and Hutton will amend the Development Agreement timelines to reflect the delay in construction due to aforementioned design setbacks addressed earlier. The agreement identifies each party's responsibilities. For its part Hutton has submitted a minor subdivision plan containing all

of the required information per Aztec's subdivision requirements, will construct the access roadway for dedication to the City, pay for fill to elevate Lots 1 & 3, as well as the typical development requirements. The specifics are outlined in detail in the agreement.

For its part the City of Aztec has agreed to construct offsite improvements to facilitate the preparation/readiness of the sites for commercial development on the three parcels. The improvements include preparing the earthwork to create the regional detention pond. It is not uncommon for development partnerships to include off-site improvements made by a public municipality to encourage / attract additional development projects.

Beautification

As an aside, the city's zoning ordinance will aid with the development of the three parcels and improve the appearance of the corridor. For example, the site plan submitted by O'Reillys Auto Parts will have a landscaping plan approved by staff. Approved site plans will involve irrigated landscaping along W. Aztec Blvd. to improve the overall appearance along the corridor. Adding trees and shrubbery will also enhance community character by changing the scale of the viewshed, from a disjointed perspective of 6.33 vacant acres to a pedestrian scale experience alongside a tree lined boulevard.

The following is a summary of the above analysis:

1. This minor subdivision will alter a site from a 6.33 acre parcel detached from development possibilities due to site elevation differences between the parcel and W. Aztec Blvd. into attractive, developable land;
2. A result of the City/Hutton partnership is the development of three (3) new parcels along and adjacent to W. Aztec Blvd. The parcels will be attractive to development more so than the existing state of the land now;
3. Elevating the site's topography and creating three new developable sites zoned C-2 Commercial General will stimulate Aztec's tax base;
4. The access is limited to one curb cut/opening onto W. Aztec Blvd. This is a benefit of developing all three parcels designed to integrate circulation, among other aspects;
5. Lot 2 already has a buyer, O'Reilly Auto Parts, and has submitted a commercial development application. Its review is awaiting the creation of Lot 2 per approval of this minor subdivision;
6. A private cross access easement will be created to run north/south on Lot 2 and connect W. Aztec Blvd. and N. Ash St. via the new public roadway proposed to run east/west behind all three lots and traffic to all three sites will be permitted to use the private access;
7. The plan establishes a regional storm water detention system designed to transfer the runoff from all three sites to a single detention pond via surface grading and below surface piping. Detention will provide sufficient capacity to meet city storm water requirements for new development;
8. Landscaping plans per the city's zoning ordinance will require live plantings along W. Aztec Blvd. with irrigation to help beautify Aztec and the W. Aztec Blvd. corridor;
9. The plan eliminates a vacant, often cluttered area of land at the intersection of W. Aztec Blvd. and N. Ash St, north of the irrigation ditch. People often place cars and other large items 'for sale by owner' at this location without seeking permission of the land owner;
10. The arroyo on Lot 1 will have a maintenance easement of 20' on each side of the embankment dedicated to the city for maintenance purposes, and;

11. The project eliminates existing old, antiquated structures on the development site that have cast a blighting appearance on the surrounding area for years.

Note:

As of writing this report on Thursday June 9, 2016 staff is of the understanding that we will have the final, signed and sealed plat documents by Friday June 10 to be distributed to the City Commission. If not then this item will be withdrawn from Tuesday's agenda.

FINDINGS OF FACT

1. A site with difficult topography that is currently not attractive for development will be developed and made suitable for commercial development;
2. Existing buildings on the subject site will be demolished;
3. The commercial subdivision can stimulate/ increase Aztec's tax base;
4. Provide a site for a new retail store already committed to locating in Aztec. (Lot 2)
5. This project proposes best practices for access management and traffic control by limiting access to a large site to one curb opening onto a major thoroughfare, W. Aztec Blvd.;
6. By constructing a public access drive across the rear of Lots 1 – 3 this project proposes best practices for access management and traffic control and connect them to N. Ash St.
7. A private cross access easement is proposed between across Lot 2 and connects W. Aztec Blvd. to the new access road at the rear of Lots 1 – 3.
8. This development will eliminate future pressure for more access ways on W. Aztec Blvd. in this area;
9. This project constructs a regional storm water detention system designed to transfer the runoff from all three sites to a single detention pond. The design uses surface grading and buried piping. The new pond has sufficient capacity to meet city storm water requirements for the new development;
10. The regional detention pond and its conveyance system/route, as well as the access road off N. Ash St. will be dedicated to the City for future maintenance;
11. Landscaping plans will require live plantings along W. Aztec Blvd. and be irrigated to help beautify Aztec's gateway corridor;
12. The arroyo on Lot 1 will have a maintenance easement of 20' on each side of the embankment dedicated to the city for maintenance purposes, and;
13. Ultimately, this project eliminates a vacant, often cluttered area of land at the intersection of W. Aztec Blvd. and N. Ash St, north of the irrigation ditch. People often place cars and other large items 'for sale by owner' without seeking permission of the land owner.

SUPPORT DOCUMENTS:

1. Application
2. Plat
3. Notification letters to nearby property owners
4. Applicant letter
5. Mailing list

DEPARTMENT'S RECOMMENDED MOTION: Move To Approve 2015-068, an application for a Minor Subdivision Plat, and consider this the preliminary and final plat after much negotiation and two years of development meetings among all the parties, as the plat meets all requirements and for the thirteen (13) Findings of Fact listed above.



CITY OF AZTEC
COMMUNITY DEVELOPMENT

CITY OF AZTEC
APPLICATION FOR PRELIMINARY PLAT

PERMIT FEES ARE DUE AT TIME OF APPLICATION; additional fees may be assessed at time of permit approval. Fees are: \$10 Admin. Fee + \$200 Prelim. Plat Fee + \$2 per lot Fee. Total Fee to be determined at time of application.

Date: 11/11/14

1. Name of Subdivision:

2. Name of Applicant:

Sam Susan Jo Hatten Phone: 423 771 4470

Address:

736 Cherry St Chattanooga TN 37402
(Street No. and Name) (City) (State) (Zip Code)

3. Name of Local Agent:

Cardell Andrews Phone: 426 333 4340

Address:

(Street No. and Name) (City) (State) (Zip Code)

4. Owner of Record:

J La Mac Sullivan Phone: 505-333-4494

Address:

61 Road 2350, Aztec NM
(Street No. and Name) (City) (State) (Zip Code)

5. Engineer:

Cardell Andrews Phone: 480 333 4340

Address:

(Street No. and Name) (City) (State) (Zip Code)

6. Land Surveyor:

Kurt Shepherd Phone: 505 325 7535

Address:

401 W. Broadway Farmington NM 87401
(Street No. and Name) (City) (State) (Zip Code)

7. Attorney:

Catherine Long Phone: 423-771-4458

Address:

736 Cherry St. Chattanooga, TN 37402
(Street No. and Name) (City) (State) (Zip Code)

APPLICATION FOR PRELIMINARY PLAT APPROVAL

- 8. Postal Delivery Area: _____
- 9. School District: _____
- 10. Total Acreage: _____
- 11. Zoning: C-2
- 12. Number of Lots: _____
- 13. Fee Required at \$200 plus \$2.00 per Lot: _____
- 14. Is any open space being offered as part of this subdivision application?

- 15. Has the City Commission granted any variance, exception, or special use permit concerning this property? If yes, please describe:

- 16. Is any variance to the Subdivision Regulations being requested? If yes, please describe and attach a Variance Checklist and Variance Application:

- 17. Proposed Classification of Subdivision: Minor
(Major or Minor)
- 18. Proposed Type of Subdivision: Commercial
(Commercial or Residential)
- 19. Provide
 - Hard copy of Plat (18" x 36", paper)
 - Legal description and deed(s)
 - Subdivision Plat in electronic format (ArcGIS or Autocad)

RECEIVED

MAY 28 2015

CITY OF AZTEC
COMMUNITY DEVELOPMENT

MAY 28 2015

APPLICATION FOR PRELIMINARY PLAT APPROVAL

CITY OF AZTEC
COMMUNITY DEVELOPMENT

List all contiguous holdings in the same ownership (as defined in the Subdivision Regulations).

Section _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the book and page of each conveyance into the present owner as recorded in the San Juan County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property, and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

Tennessee
STATE OF ~~NEW MEXICO~~
COUNTY OF ~~SAN JUAN, SS:~~
Hamilton

I, SAM JOSEPH hereby depose and say that all of the above statements and the statements contained in the papers submitted herewith are true.

Signature _____

Mailing Address _____

(Street) (City) (State) (Zip Code)

Subscribed and sworn to (or affirmed) before me this 11th day of November, ~~2013~~ 2014

State of Tennessee County of Hamilton

Notary Public _____

My Commission expires on: 2-10-18



2015-068

TY OF AZTEC
06/02/2015

18:24 CD

CI

CM DEV ADMIN FEE (ALL PERMITS)

U-A203621	AMOUNT
FMSD CM DEV ADMIN FEE (ALL PE	10.00
FMSD CM DEV LAND USE PERMITS	196.00

PAYMENT RECEIVED	AMOUNT
CHECK: 014716	206.00
TOTAL	206.00

MILLER ENGINEERS, INC.
DBA SOUDER, MILLER & ASSOCIATES

5/27/2015

City of Aztec

Subdivision review fee
Project 2123385 Task 2

\$206.00 Fees 7030

014716
2015-068

RECEIVED

MAY 28 2015

CITY OF AZTEC
COMMUNITY DEVELOPMENT

CASH RECEIPT		Date	5/28/2015	003055
Received From		Miller Engineers - SMA		
Address		2101 San Juan Blvd, FMN, NM		
For		PLAT - Prelim - 2015-068		
		Dollars \$	206.-	
ACCOUNT		HOW PAID		
AMT. OF ACCOUNT	206	CASH		
AMT. PAID	206	CHECK	206.00	
BALANCE DUE	0	MONEY ORDER		
		CREDIT CARD		
		By <i>RS Souder</i>		

City of Aztec
Planning Department
201 W Chaco
Aztec, NM 87410

CRB 1183

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri Sipe



Commissioners

Austin R. Randall
Katee McClure
Sheri L. Rogers

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

May 30, 2016

Hutton Growth One, LLC
c/o Melani LaMar
736 Cherry St
Chattanooga, TN 37402

Ms. Magana:

Community Development has received your application for a variance to improve the value and appearance of the property by eliminating sheds and trailers out of hardship due to setback requirements. The City Commission will hear this request during a public meeting to be held on **Tuesday, June 14, 2016 at 6:00 PM at City Hall, located at 201 W. Chaco Street in Aztec, NM.** As the owner, you and your designated representative are required to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at whomka@aztecnm.gov to provide support or concerns about this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission to provide them with additional information on this variance request. **Please look over the summary prior to the meeting so you are aware of Community Developments recommendation on this application. A staff summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf the Thursday prior to the scheduled Commission meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "William Homka". The signature is written in a cursive style with a long, sweeping underline.

William Homka
Director
Community Development

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri Sipe



Commissioners

Austin R. Randall
Katee McClure
Sheri L. Rogers

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

May 30, 2016

PUBLIC NOTICE

Dear Property Owner:

As a surrounding property owner of N1/2 – SW1/4 of SECTION 9, T30N, R11W, Hutton Growth One, LLC has made a request to the City of Aztec Community Development Department to create a minor subdivision.

The City Commission will hear this request during a public meeting to be held on **Tuesday, June 14, 2016 at 6:00 PM located at City Hall, 201 W. Chaco, Aztec, NM**. As the surrounding property owner, you are welcome to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at whomka@aztecnm.gov to provide support or concerns regarding this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission giving them more information on this property and the variance request being made. **Please look over the summary prior to the meeting so you are aware of Community Development's recommendation on this application. A staff summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf the Thursday prior to the meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Homka".

William Homka
Director
Community Development

**City of Aztec – Community Development
Notice of Public Hearing**

Notice is hereby given that the following application has been filed with the Community Development Department of the City of Aztec, New Mexico.

Permit Application 2015-068 – a request from Hutton Growth One LLC to create a minor subdivision west of Blake’s Lotaburger in The City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

N1/2 – SW1/4 of SECTION 9, T30N, R11W, City of Aztec, San Juan County, New Mexico.

Otherwise located at

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Commission Meeting of the City of Aztec on **Tuesday, June 14th, 2016 at 6:00 p.m.** at City Hall, 201 West Chaco, Aztec, New Mexico. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Dawn Lewis
Administrative Assistant

R0001004

R0000737

R0001582

R0001517

221

WAZTEC BLVD

R0001740

601

R0000272

R0000351

R0001235

301

R0000187

110

R0002198

R0001626

405

201

R0000667

101

201

R0000119

R0000777

404

301

R0001778

W CHACO ST

300

R0000639

R0000248

R0000735

R0000640

R0000638

R0001359 R0000126

Staff Summary Report

MEETING DATE: June 14, 2016

AGENDA ITEM: XIII. LAND USE HEARING (B)

AGENDA TITLE: 2016-051 – Variance – 304 Bessie Place

ACTION REQUESTED BY: David J Magana
304 Bessie Place
Aztec, NM 87410

ACTION REQUESTED: Variance seeking permission to replace home/garage

SUMMARY BY: William M. Homka AICP, CFM

PROJECT DESCRIPTION / FACTS

Parcel Information:

Zoning: MH – Mobile Home District

Dimensions: About 207' x 177'
Total lot area = 37,720.32 sq. ft.

Legal Description: Fred Townsend Subdivision BLK 3 Lot 6

Area: 0.87 acres

Owner: David J Magana
304 Bessie Place
Aztec, NM 87410

Floodplain Area: No

Access: Public roadway frontage on
304 Bessie Place

SUMMARY

Notice of this application has been published in a newspaper of general circulation per variance procedures set forth in Sec. 26-504-2 (2) **Publication and Notification**. This also includes sending meeting notices via certified mail to the owners of adjoining properties and any other property situated within 100' of the property line.

Mr. and Mrs. Magana live at 304 Bessie Place and are the property owners. The property is zoned MH – Mobile Home District. The structure they live in is a mobile home, and the surrounding properties also have mobile homes on them. The reason the Maganas are seeking a variance is because the MH Mobile Home zoning classification does not allow traditional new

home construction (stick built homes). The zoning designation is also more restrictive about yard requirements for accessory structures, and they would like to also build a new garage. Their parcel is irregularly shaped and the setbacks of 20' rear yard for accessory structures means they cannot fit a garage on the property.

Initially the Maganas purchased the mobile home with the intent to place it on a better foundation and make improvements that would update the 1972 trailer to contemporary standards. They are a retired couple and would like to make an investment that results in a comfortable, modernized home. They also want to construct a garage on the property. The shape of the property does not allow for erecting a two car garage with room for storage without encroaching into side and rear yard setbacks.

After pricing out the value of the improvements necessary to update the mobile home, the Maganas realized that their investment would not be a good one since the money would still be invested into a 1972 mobile home. They anticipate spending approximately \$40,000 on the home. In their opinion it would be more prudent to spend this amount of money on building a new home. Staff is inclined to agree with this assumption.

This case presents an interesting request. Typical municipal zoning ordinances restrict or prohibit mobile homes from locating in single family residential zoning districts. In this case, however, the property owner would like to invest in new home construction on land zoned as Mobile Homes. Aztec's Ordinance, Division 10 MH Mobile Home District established only two (2) permitted uses in the district: mobile homes and mobile home parks. Traditional stick built single family homes are not listed as permitted uses, nor are they included in the chapter's conditional use section.

It is staff's opinion that an investment into a permanent stick built home would add value to the neighborhood. Mobile homes are restricted from single family zoning districts because they have proven to have a negative impact on property values in traditional neighborhoods. In this case the effect would clearly be the opposite. Indeed the property owner is still taking a risk by investing in the construction of a new home in an area zoned for mobile homes. However the property owner believes it is a better use of money to construct a new home than spend about the same amount on a mobile home. This is because after everything is complete, future buyers would still see the structure as a mobile home.

It is true that appraisal companies, even the county assessor's office will classify residential units by type. Apartment, condominium, mobile home, single family home, etc. are all classifications used in determining value for appraisal and taxation purposes. Furthermore investing the same amount of money in a mobile home vs. a traditional stick built home will not yield the same return on investment due to the nature of construction as well as personal perceptions.

This application is seeking a variance pursuant to Division 5: Variance, in which the commission must find there exists a purpose and hardship, as well as the following eight (8) conditions in order to approve a variance:



- (1) That the variance will not allow a use other than a use permitted for the district;
It is still single family residential.

- ✓ (2) That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;
Yes. The investment in the mobile home will not be as effective as it would be in a stick built home.
- ✓ (3) That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;
Circumstances were pre-existing.
- ✓ (4) That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;
Yes. The investment required to improve the mobile home would not yield the same return as if the investment were made into a traditionally constructed home.
- ✓ (5) That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development district;
It will not.
- ✓ (6) That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;
It will not.
- ✓ (7) That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;
It will not.
- ✓ (8) That the variance will not adversely affect the public health, safety or welfare;
It will not. It should create a positive effect.

The above criteria also applies to the request to permit the construction of a new garage/storage structure. The mobile home ordinance allows garages but the setbacks are the same as they are for primary structures. Thus the rear yard requirement for accessory structures is 20' in the mobile home district whereas it's only three feet (3') in the single family district. The variance sought for this building is to the 20' rear yard setback per Section 26-2-105 Setback Regulations in the mobile home district. Staff visited the site and is comfortable with recommending the lot requirements be reduced to those of a traditional single family residential district, or R-1 Single Family District as provided for in Aztec Code Division 3: R-1 Single Family Dwelling District.

FINDINGS OF FACT

1. Application 2016-051 is a variance request seeking permission for a new single family construction and garage in the city's MH Mobile Home district;
2. Aztec City Code Division 10 MH – Mobile Home District does not permit single family home construction;
3. Aztec City Code Division 10 MH – Mobile Home District applies more stringent rear and side yard requirements for accessory structures, i.e. garages, than does Division 3 : SF – Single Family Residential District;
4. The variance request passes all eight (8) conditions that must be present in order to grant a variance to any code requirement;
5. The new home and garage represent a significant investment into the neighborhood, which should have a positive effect on the neighborhood character and values of adjacent properties.

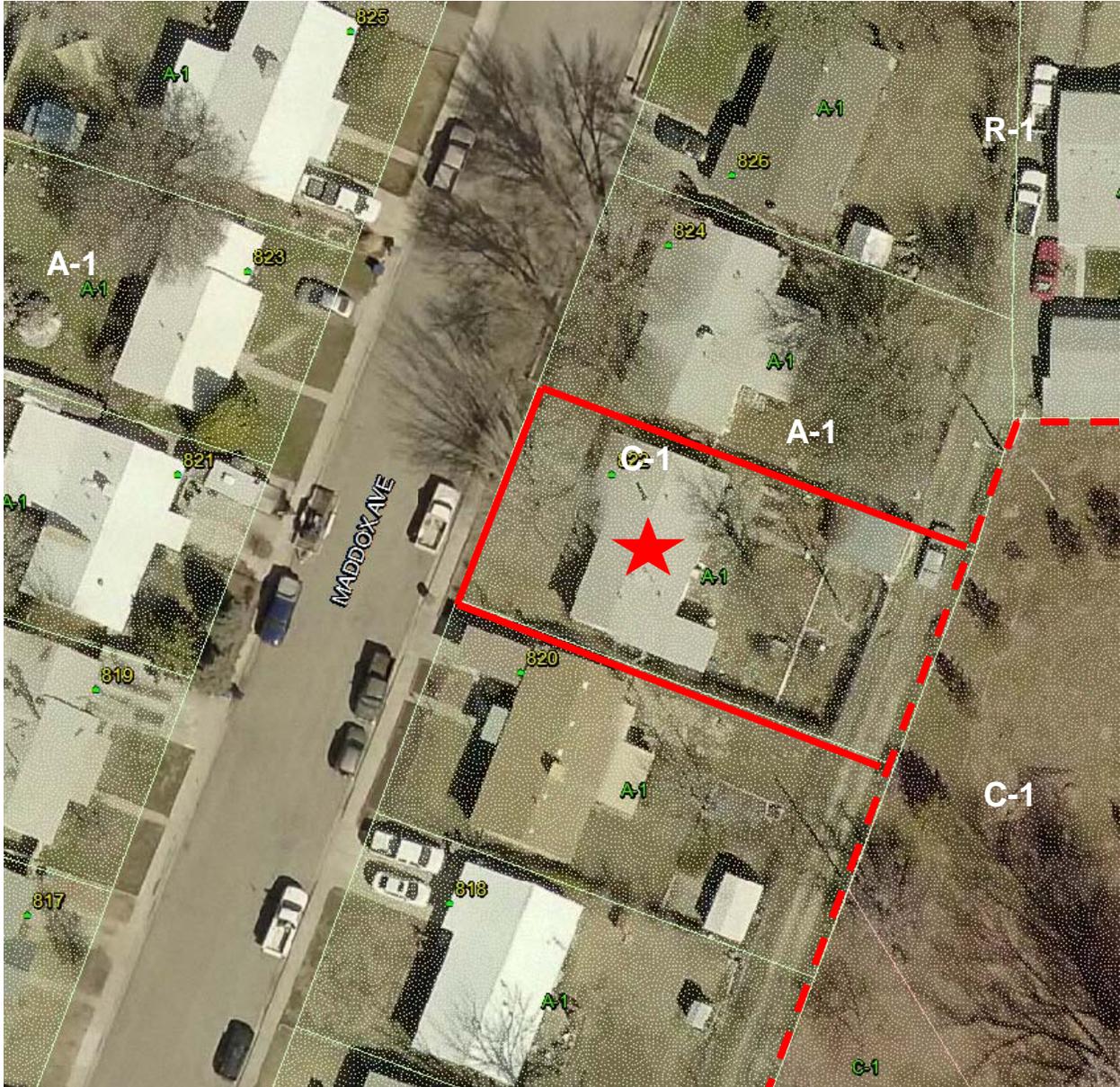
FISCAL INPUT / FINANCE DEPARTMENT (if applicable)
--

None

SUPPORT DOCUMENTS:

1. Aerial Photo and Zoning Map
2. Parcel Dimension Analysis
3. Flood Map
4. Letter from the Applicants
5. Application
6. Applicant Notification Letter
7. Adjacent Property Owner Notification Letter
8. List of Adjacent Property Owners
9. Sketch provided by Property Owner

DEPARTMENT'S RECOMMENDED MOTION: Approve 2016-051, an application for a Variance to the city zoning code, Division 10 Mobile Home District, to allow construction of a traditional, stick built new home and to apply the side and rear yard lot regulations for accessory structures at 304 Bessie for the five (5) reasons listed in the above Findings of Fact.



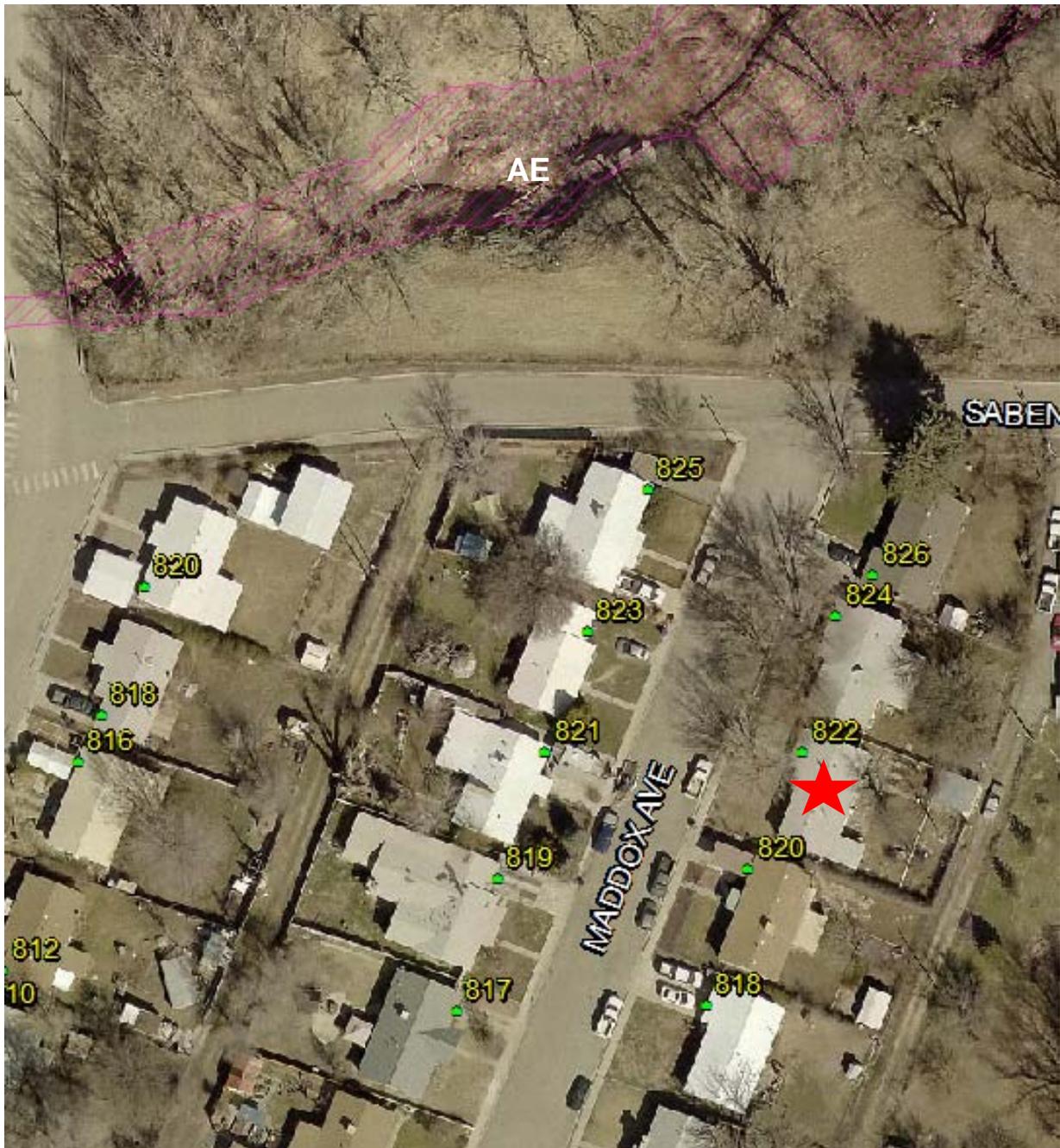
**ARIEL PHOTO & ZONING
MAP**

★ 822 Maddox Ave.



DIMENSION ANALYSIS

822 Maddox Ave.



FLOOD MAP

822 Maddox Ave.



**AE Flood Zone – 1% Chance per year
(formerly the 100 year flood zone)**

Addresses for 304 Bessie Place

R0001133/306 Bessie Place
Jody and Christine Gammon
PO Box 706
Aztec, NM 87410

R0000144/305 Bessie Place
Robert and Sandra Holgate
16 Road 2957
Aztec, NM 87410

R0000332/1515 Bessie St
Franklin and Linda Miller
1515 Bessie Street
Aztec, NM 87410

R0001061/302 Bessie Place
Charles and Jeanne Gholson
PO Box 77
Flora Vista, NM 87415

R0001725/1503 Bessie St
Robert and Sandra Holgate
16 Road 2957
Aztec, NM 87410

R0000333/303 Frederick Ave
Joe and Janet Palmer
c/o Karlin James Bearden
303 Frederick Ave
Aztec, NM 87410

R0000572/305 Frederick Ave
Larue Living Trust
Cesar Valenzuela
305 Frederick Ave
Aztec, NM 87410

R0001331/307 Frederick Ave
Danny Noel
Ste 8000
2155 Louisiana Blvd
Albuquerque, NM 87100-5409

R0000428/309 Frederick Ave
James and Laura Pate
309 Frederick Ave
Aztec, NM 87410



CITY OF AZTEC VARIANCE APPLICATION

PERMIT FEES ARE DUE AT TIME OF APPLICATION; additional fees may be assessed at time of permit approval. Fees are: \$10.00 Admin. Fee + \$50.00 Variance Fee = Total \$60.00
FEE IS NON-REFUNDABLE

Application Year: 2016 Application No 2016-051 Application Date: 5-5-16

Applicant Name: DAVID J. MAGANA

Applicant Address: 304 BESSIE PL. AZTEC NM 87410
(Street Name) (City) (State) (Zip Code)

Applicant Phone: 505-419-0628

Is Applicant Owner of Property? YES

Legal Description of the Property:
(Or address if different than above) LOT 6, IN BLOCK 3 OF THE FRED

TOWNSEND SUBDIVISION, CITY OF AZTEC, SAN JUAN CO. NM

Total Area of Property (acres): _____

Present Use of Property: _____

Desired Use of Property: _____

Reason for Requesting a Variance (include section(s) of Code for which a variance is requested):

- 1) HARDSHIP DUE TO SETBACK REQUIREMENTS
- 2) TO GET PROPERTY IN ORDER BY ELIMINATING SHEADS & TRAILERS
- 3) TO IMPROVE THE VALUE & LOOKS OF PROPERTY

Plan Map Available? YES NO

(Plan map is required; failure to provide a plan map will cause a delay in the process)

David J. Magana
Applicant's Signature

RECEIVED

Date MAY 05 2016

CITY USE ONLY:		CITY OF AZTEC COMMUNITY DEVELOPMENT	
✚ Tax ID Number	_____	✚ Flood Zone	_____
✚ Zoning District:	_____		
City Commission Meeting Date:	_____		
	ACTION:	APPROVED	DENIED
City Planner		Date	

CITY OF AZTEC Variance Checklist

All items must be turned into the Community Development Department 15 days prior to the Commission Meeting.

REC'D MEETS
CODE

\$50.00 fee with completed Variance Application.

A detailed site map which includes the following:

- Property boundary, all sides
- Street(s) adjoining property and labeled
- Address of property and adjacent properties
- North arrow and scale
- All utility easements
- All utility lines
- Locations of all utility meters
- Existing and/or proposed structures
- Location of improvement
- Setbacks for front, side and rear yards
- Driveway location (required for new addresses)

~~NG~~ Proposed parking area (if different than driveway)

Location of all drainages

*discussed w/ applicant - curing currently in place piping
flow to gutter along NW to SE FOUR ELEVATION.*

Ownership.
A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

Legal Description.
Includes the legal description or physical address of the property.

Proposed Use.
Statement describing the proposed use of the buildings, structures, premises, etc.

Public Notification.
The Community Development Department will generate a list of all property owners within one hundred (100) feet of the exterior boundaries (excluding public right-of-way) and send letters out notifying the property owners of the application for conditional use.

RECEIVED

MAY 05 2016

CITY OF AZTEC
COMMUNITY DEVELOPMENT

OCT 2009

2016-050

CITY OF AZTEC Variance Evaluation

This is the form that the City of Aztec Community Development Staff will use to evaluate the merits of the Variance to make a recommendation to the City Commission.

RECEIVED

MAY 05 2016

Application Year: 2016

Application No.: _____

Application Date: _____

CITY OF AZTEC
COMMUNITY DEVELOPMENT

Applicant Name: DAVID J. MAGANA

Applicant Address: 304 BESSIE PL. AZTEC NM 87410
(Street Name) (City) (State) (Zip Code)

Applicant Phone: 505-419-0628

- | | No | Yes |
|---|-------------------------------------|--|
| 1. Does the Variance allow for a use not permitted within the district? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Without the Variance is there undue hardship imposed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Without the Variance are there practical difficulties imposed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Are the circumstances created by the owner of the property? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> <i>DOES CONFORM TO ZONING IN</i> |
| 5. Is the Variance detrimental to the property? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the Variance detrimental to surrounding property? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 7. Does the Variance alter the character of the surrounding neighborhood? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. Does the Variance set a precedent which may alter the intent of the regulations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 9. Does the Variance impose a health issue on the public? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 10. Does the Variance impose a safety issue on the public? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 11. Does the Variance have the approval of surrounding neighbors? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

?

NEIGHBORS HAVE BEEN APPROACHED
& SAID OK

DEVID MAGANA
5-5-16

CERTIFICATE OF TITLE

MVD-10030
REV. 02/06

VEHICLE IDENTIFICATION NUMBER

TYPE OF TITLE

TITLE NUMBER

1432242B

ORIGINAL

16105616Q186946

ENGINE OR OTHER I.D. NUMBER

PREVIOUS TITLE NUMBER AND STATE

1ST REG

DATE OF ISSUE

1432242B

16098816R669915 NM

1973

04/14/2016

YEAR	MAKE	MODEL	BODY	CYLS.	DGWW	WT.WHEELS	TYPE OF FUEL	LIENS
1972	MONT	DEL	DW	00	0	24040		0

1st LIENHOLDER (OR OWNER(S) IF NO LIEN)

LICENSE PLATE NUMBER(S)

MAGANA DAVID AND

15659MHB

FIQUET CAROL

VEHICLE CLASS

CLERK

304 BESSIE PLACE

MOBILE HOME

AMV

AZTEC NM 87410

FILE DATE

MATURITY DATE

*ODOMETER & CODE

MH SIZE

CNTY.

NO LIEN

NO LIEN

000000

24*040

16

REGISTERED OWNER(S)

LOCATION OF MANUFACTURED HOME

MAGANA DAVID AND

1019 ROAD 2900

FIQUET CAROL

304 BESSIE PLACE

AZTEC NM 87410

ODOMETER CODES: AM = ACTUAL VEHICLE MILEAGE, EL = MILEAGE IN EXCESS OF MECHANICAL LIMITS OR NM = NOT ACTUAL MILEAGE. WARNING-ODOMETER DISCREPANCY

SECOND LIENHOLDER

00000

NOT A TITLE NO.

21186946

FILE DATE

MATURITY DATE

DO NOT CARRY IN VEHICLE - KEEP IN SAFE PLACE. IMPORTANT: THERE IS AN ADDITIONAL STATUTORY FEE FOR FAILURE BY PURCHASER TO APPLY FOR TRANSFER WITHIN 30 DAYS FROM DATE OF SALE.

DIRECTOR MVD

I hereby certify, that interest in the vehicle described above on this Certificate of Title is hereby released.

RELEASE Name of
OF LIEN Lienholder: _____ Date _____
Full Signature of Authorized Agent _____

This Certificate of Title is evidence of legal ownership of the vehicle described above. Upon sale of this vehicle, this certificate must be properly assigned below and presented by the purchaser to the Motor Vehicle Division for transfer. The Division is not responsible for false or fraudulent statements made in connection with this Certificate of Title or held liable for recording errors.

IMPORTANT: Buyer (except for dealer) must apply to the Motor Vehicle Division within 30 days for transfer of title and registration. Federal and state law requires the seller (including dealers) to state the odometer mileage upon transfer of ownership. ANYONE CONVICTED OF A FALSE ODOMETER STATEMENT WILL BE SUBJECT TO FINES AND/OR IMPRISONMENT.

ASSIGNMENT OF TITLE FOR THE EXACT AMOUNT OF \$ _____ I (we) hereby sell, assign,

transfer and convey this _____ day of _____, YR _____ to

Buyer's Name(s): _____

Address _____

the vehicle described on the front side of this Certificate of title and warrant it at time of delivery to be free of any liens or encumbrances unless specified below. IF NO LIEN, WRITE WORD "NONE".

Name & Address of Lienholder _____

Lienholder No. (if any) _____ File Date _____ Maturity Date _____

ODOMETER DISCLOSURE STATEMENT: I (we) hereby certify that the ODOMETER READING of this vehicle is: _____ (NO TENTHS) miles and that stated mileage is (check one of the following): A the actual mileage OR B Mileage in excess of mechanical limits OR C NOT the actual mileage: WARNING-ODOMETER DISCREPANCY.

Signature(s) X _____ Printed Name _____

of Seller(s) X _____ Printed Name _____

Signature(s) X _____ Printed Name _____

of Buyer(s) X _____ Printed Name _____

NEW MEXICO MOTOR VEHICLE DIVISION

VOID IF ALTERED
HOLD TO LIGHT TO VIEW EAGLE WATERMARK

NEW MEXICO

NEW MEXICO

VOID IF ALTERED



Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri Sipe



Commissioners

Austin R. Randall
Katee McClure
Sheri L. Rogers

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

May 25, 2016

PUBLIC NOTICE

Dear Property Owner:

The property owner of 304 Bessie Place has applied for a variance seeking permission to build a new home and garage on the property. The existing mobile home and sheds will be removed from the property. You are receiving this letter because you own a property adjacent to the address, and the city must notify you of such application as a courtesy.

The City Commission will hear this request during a public meeting to be held on **Tuesday, June 14, 2016 at 6:00 PM located at City Hall, 201 W. Chaco, Aztec, NM**. As the surrounding property owner, you are welcome to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at whomka@aztecnm.gov to provide support or concerns regarding this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission giving them more information on this property and the variance request being made. **Please look over the summary prior to the meeting so you are aware of Community Development's recommendation on this application. A staff summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf the Thursday prior to the meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "William Homka". The signature is written in a cursive style with a long horizontal stroke at the end.

William Homka
Director
Community Development

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri Sipe



Commissioners

Austin R. Randall
Katee McClure
Sheri L. Rogers

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

May 25, 2016

David J Magana
304 Bessie Place
Aztec, NM 87410

Ms. Magana:

Community Development has received your application for a variance seeking permission to build a new home and garage on the property and to remove existing mobile home and sheds from the property. As a courtesy, your adjacent property owners have been notified as a courtesy.

The City Commission will hear this request during a public meeting to be held on **Tuesday, June 14, 2016 at 6:00 PM at City Hall, located at 201 W. Chaco Street in Aztec, NM.** As the owner, you and your designated representative are required to attend the scheduled Commission meeting regarding this matter. In order to be heard you will need to go to the Commission room 10 minutes prior to the start of the meeting at 6:00 pm where you will be directed to sign in at the Clerk's table for the appropriate hearing.

The public is requested to contact Community Development via phone at 505-334-7605 or email at whomka@aztecnm.gov to provide support or concerns about this request. The public is also invited to attend the scheduled Commission meeting regarding this matter.

Community Development will be creating a staff summary for Commission to provide them with additional information on this variance request. **Please look over the summary prior to the meeting so you are aware of Community Developments recommendation on this application. A staff summary will be available to the public on the City of Aztec website at this location: http://www.aztecnm.gov/agendas/ccm_agenda.pdf the Thursday prior to the scheduled Commission meeting.** Notice of meeting cancellation/rescheduling will also be at this website, so please check the Thursday prior and day of meeting for confirmation.

If you have any further questions, please don't hesitate to call me at 505-334-7605, Monday through Thursday from 7:00 a.m. to 6:00 p.m. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "William Homka".

William Homka
Director
Community Development

**City of Aztec – Community Development
Notice of Public Hearing**

Notice is hereby given that the following application has been filed with the Community Development Department of the City of Aztec, New Mexico.

Permit Application 2016-051 – a request from David J Magana is seeking a variance to build a new home and garage on the property. The existing mobile home and sheds will be removed from the property in The City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 6, Block 3, Fred Townsend Subdivision, City of Aztec, San Juan County, New Mexico.

Otherwise located at 304 Bessie Place

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Commission Meeting of the City of Aztec on **Tuesday, June 14th, 2016 at 6:00 p.m.** at City Hall, 201 West Chaco, Aztec, New Mexico. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Dawn Lewis
Administrative Assistant