

**A G E N D A**  
**CITY OF AZTEC**  
**CITY COMMISSION MEETING**  
**November 22, 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 Meeting Minutes, November 8, 2016
- B. Commission Special Meeting Minutes, November 14, 2016
- C. Travel Requests
- D. Economic Development Advisory Board Appointment
- E. Resolution 2016-1028 Surplus

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

**IX. ITEMS FROM CONSENT AGENDA**

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

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

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

**Note:** A final agenda will be posted 72 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410.

**XI. LIQUOR LICENSE HEARING**

A. Paschall Enterprises, Inc. DBA Beer Belly's Burgers & BBQ

**XII. BUSINESS ITEMS**

None

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

**XIV. DEPARTMENT REPORTS**

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

**XV. ADJOURNMENT**

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**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.

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1  
2 CITY OF AZTEC  
3 COMMISSION MEETING MINUTES  
4 November 8, 2016

5 **I. CALL TO ORDER**

6 Mayor Burbidge called the Meeting to order at 6:00 pm at the Aztec City  
7 Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

8  
9 **II. INVOCATION**

10 The Invocation was lead by Commissioner Austin Randall

11  
12  
13 **III. PLEDGE OF ALLEGIANCE**

14 The Pledge of Allegiance was led by Electric Director Ken George

15  
16  
17 **IV. ROLL CALL**

18  
19 Members Present: Mayor Sally Burbidge; Commissioner Katee McClure;  
20 Commissioner Austin Randall; Commissioner Sheri  
21 Rogers

22  
23 Members Absent: Mayor Pro-Tem Sherri Sipe

24  
25 Others Present: City Manager, Joshua Ray; City Clerk Karla Sayler;  
26 Project Manager Ed Kotyk (see attendance sheet)

27  
28 **V. AGENDA APPROVAL**

29  
30 MOVED by Commissioner Randall, SECONDED by Commissioner McClure to  
31 Approve the Agenda as Presented

32  
33 **VI. CITIZEN RECOGNITION**

34  
35 None

36  
37 **VII. EMPLOYEE RECOGNITION**

38  
39 None

40  
41 **VIII. CONSENT AGENDA**

42  
43 MOVED by Commissioner Randall, SECONDED by Commissioner Rogers to  
44 Approve the Consent Agenda

45  
46

- 1 A. Commission Meeting Minutes, October 25, 2016
- 2 B. Commission Special Meeting Minutes, October 28, 2016
- 3 C. Travel Requests
- 4 D. Resolution 2016-1026 BLM Application for Land Patent and Signatory Authority
- 5 E. Resolution 2016-1027 Surplus
- 6 F. MOU Library-Mosaic Academy
- 7

8 **IX. ITEMS FROM CONSENT AGENDA**

9  
10 None

11 **X. CITIZENS INPUT**

12  
13  
14 None

15  
16 **XI. LAND USE HEARINGS**

17  
18 **A.** 2016-018 - Zone Change from O-1 (Office & Intuitional District) to C-1 (Limited  
19 Retail/Neighborhood Commercial District), with a conditional use to allow a Brewery/Taproom.

20 Mayor Burbridge opened the Land Use Hearing for 2016-018 - Zone Change from  
21 O-1 (Office & Intuitional District) to C-1 (Limited Retail/Neighborhood Commercial District),  
22 with a conditional use to allow a Brewery/Taproom. Mayor Burbridge stated that this hearing  
23 would be conducted under Procedures mandated by the New Mexico Court of Appeals  
24 in Battershell versus the City of Albuquerque, which were intended to protect the due  
25 process rights of our parties. Mayor Burbridge subsequently identified the parties and  
26 City Staff. Mayor Burbridge then asked Commission if they would accept the parties and  
27 they did. She reviewed the procedures and then asked if any members of the  
28 Commission had a conflict of interest, bias, or engaged in ex parte communication,  
29 there were none. Mayor Burbridge then swore in the parties and reviewed the Order of  
30 Presentation.

31  
32 Community Development Director Steven Saavedra reviewed the staff summary and  
33 power point with commission and staff. He mentioned that this application is to allow a  
34 conditional use for a Brewery/Taproom located at 119 S. Church Ave. The request comes to  
35 allow for the combination of office use and retail sales City of Aztec plan to implement a  
36 Center for Business Development and Incubation (The HUB). This request if approved  
37 allows for more flexible to allow for & Service Establishments, such as cafes, clothing  
38 stores, and the possibility of brewery. The C-1 Limited Retail/Neighborhood Commercial  
39 District affords mixed-use development to develop and attract businesses to vacant property. In  
40 all zone change request, consideration must be given to the present use and possible future  
41 uses. The O-1 District is primarily intended to accommodate office, office park, and research  
42 park development. The following uses are permitted without prior approval of the Commission:  
43 Single Family Dwelling, Accessory Structures, Apartments or Multifamily Dwellings,

1 Condominiums, Offices, Hotels/Motels, and Institutions. The change from O-1 to C-1 could  
2 create adverse impacts to surrounding areas if noise, smells, bright lights, and other  
3 externalities are not met. In mitigating these externalities, the subject property needs to  
4 ensure setbacks and screening for dumpsters and solid waste receptacles. The subject  
5 property needs lighting practices and systems to minimize light pollution. The subject  
6 property needs to adhere to Sec. 12-252 Noise Control (Performance) Regulations,  
7 where the sound level limit does not exceed 65dBA from Dawn to Dusk and 55dBA from  
8 Dusk to Dawn. The Community Development Department recommends approval of this  
9 application.

10 Ed Kotyk, Project Manager mentioned that If the brewery leaves and another  
11 business wants to come in they will have to apply for another conditional use and have  
12 to come before commission for approval.  
13

14 MOVED By Commissioner Rogers, SECONDED By Commissioner McClure To  
15 Approve The Request From Aztec Presbyterian Church To Change The Zoning For 119  
16 S. Church Avenue From O-1 (Office & Intuitional District) To C-1 (Limited Retail/Neighborhood  
17 Commercial District), With A Conditional Use To Allow A Brewery/Taproom Accepting Findings  
18 Of Fact 1-10  
19

20 A Roll Call Was Taken: All Voted Aye; Motion Passed Four to Zero

## 21 **XII. BUSINESS ITEMS**

### 22 **A. Aztec Sparkles Incentive**

23  
24 Josh mentioned that the item presented is for the Aztec Sparkles event into the  
25 incentive for the lighting contest. He mentioned that this incentive was created last year.  
26 There was discussion that with the economy there was discussions that we should  
27 remove the incentive for this year. The credits are \$75 for participation \$3000 for 1<sup>st</sup>  
28 place \$200 and 1<sup>st</sup> place is \$1000. There are three options, option 1 would be leave it  
29 the way it is, option 2 is change the amount of credits and option 3 is to completely  
30 remove the credits for this year. The current budget would allow continuing the incentive  
31 this year. Commissioner McClure stated for the record that she is expressed concerns  
32 about how the cost will impact the city. She is just looking for ways to save money.  
33 Mayor Burbridge mentioned that by keeping the incentive is a good way to support local  
34 business and encourage growth and stability in our community. Mayor Burbridge feels  
35 that this is a tool that can directly support the businesses in our community.  
36 Commissioner Rogers is in support of continuing it as well as Commissioner Randall  
37 who is a big fan of Christmas and Christmas lights.  
38  
39  
40

1 The item before us Aztec Sparkles Incentive will remain as is.  
2

3 **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**  
4

5 Commissioner Rogers mentioned that she attended the Airport Dedication.  
6

7 Commissioner McClure acknowledged Cindy Iacovetto Senior Center Director for  
8 decorating and putting on the Spunky Old Broads show on Halloween and Ed Kotyk  
9 Project Manager for the nice work done at the Airport. She also recognized Mayor Pro-  
10 Tem Sipe and Angela Watkins for working the Elections.  
11

12 Larry mentioned that he will be out of town the end of November for the NMML  
13 Attorney's Association.  
14

15 **XIV. DEPARTMENT REPORTS**  
16

17 **None**  
18

19 **XV. ADJOURMENT**  
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21 Moved by Mayor Burbridge, SECONDED by Commissioner Randall to adjourn  
22 the meeting at 6:48 p.m.  
23  
24  
25  
26  
27

28 \_\_\_\_\_  
Mayor, Sally Burbridge

29 ATTEST:  
30

31 \_\_\_\_\_  
32 Karla Sayler, City Clerk  
33

34 MINUTES PREPARED BY:  
35

36 \_\_\_\_\_  
37 Karla Sayler, City Clerk

1 CITY OF AZTEC  
2 **SPECIAL** COMMISSION MEETING MINUTES  
3 November 14, 2016  
4

5 **I. CALL TO ORDER**

6 Mayor Burbridge called the Meeting to order at 5:30 pm at the Aztec City  
7 Commission Room, City Hall, 201 W. Chaco, Aztec, NM.  
8

9 **II. INVOCATION**

10  
11 The Invocation was lead by Chief Mike Heal  
12

13 **III. PLEDGE OF ALLEGIANCE**

14  
15 The Pledge of Allegiance was led by Commissioner Sheri Rogers  
16

17 **IV. ROLL CALL**

18  
19 Members Present: Mayor Sally Burbridge; Mayor Pro-Tem Sherri Sipe;  
20 Commissioner Sheri Rogers; Commissioner Katee  
21 McClure; Commissioner Austin Randall  
22

23 Members Absent: None  
24

25 Others Present: City Manager Joshua Ray; City Clerk Karla Saylor;  
26 Project Manager Ed Kotyk (see attendance sheet)  
27

28 **V. AGENDA APPROVAL**

29  
30 MOVED by Commissioner Randall, SECONDED by Commissioner McClure to  
31 Approve the Agenda as presented  
32

33 **VI. BUSINESS ITEMS**

34  
35 A. Aztec Municipal Golf Course Operations Agreement  
36

37 Josh mentioned that that the City has operated the golf course for almost two  
38 years and in that time we have made some changes in operation and to this point the  
39 City has decided to put out a RFP for total operations of the golf course. He mentioned  
40 that we received one proposal and had contact with two others. He mentioned that the  
41 only entity to submit a proposal was Mr. Randy Hodge. City staff and Mr. Hodge drafted  
42 the attached agreement which calls for Mr. Hodge to be responsible for all operations at  
43 the Golf Course for three years which will be reviewed every year to ensure both parties  
44 are still operating as agreed . The City will not be responsible for any staff but will be

1 responsible for the golf cart lease with Yamaha and the property lease. Commissioner  
2 McClure asked to table the item because she felt there was not enough information  
3 provided for her to make a decision and would like to do a workshop once they have  
4 more information. She also mentioned that because the City Attorney has not reviewed  
5 the agreement she does not feel comfortable making any decisions tonight.  
6 Commissioners had some concerns with the agreement and would like to see some  
7 other information to help make a decision. Commission agreed to table the item and will  
8 add to the first meeting in December with three options at that time which will be not to  
9 renew the lease, contract with Mr. Hodge or continue operating the way it is now.

10 MOVED By Mayor Burbridge, SECONDED By Commissioner Rogers To Table  
11 The Aztec Municipal Golf Course Operations Agreement Until The Next Commission  
12 Meeting On December 13, 2016 With Three Options At That Time Which Will Be Not To  
13 Renew The Lease, Contract With Mr. Hodge Or Continue Operating The Way It Is Now

14 All Voted Aye: Motion Passed Five to Zero

15 **VII. ADJOURNMENT**

16  
17 Moved by Mayor Burbridge, SECONDED by Mayor Pro Tem Sipe to adjourn the  
18 meeting at 6:12 p.m.

19  
20

21 \_\_\_\_\_  
Mayor, Sally Burbridge

22 ATTEST:

23  
24

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

26  
27

28 MINUTES PREPARED BY:

29  
30

\_\_\_\_\_

Karla Sayler, City Clerk

# Staff Summary Report

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**MEETING DATE:** November 22, 2016  
**AGENDA ITEM:** VIII. CONSENT AGENDA (C)  
**AGENDA TITLE:** Travel Requests

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**ACTION REQUESTED BY:** Kathy Lamb  
**ACTION REQUESTED:** Approval of Employee/Public Official Travel Requests  
**SUMMARY BY:** Finance

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

- Resolution 2003-603 identifies the requirement for employee/public official travel requests to be pre-approved by the commission. All travel requests will be submitted to the commission for approval prior to the travel occurring except in unusual circumstances when the City Manager may approve as provided in resolution 2003-603.
- The attached log is sorted by dates of travel and then by department.
  - City Attorney is requesting approval of attendance of the NMML Attorney's Association Winter Meeting held in Albuquerque, NM. He attends the annual meeting to receive credited CLE hours continue practicing law.

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

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

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**SUPPORT DOCUMENTS:** Travel Log November 22, 2016

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

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**EMPLOYEE/PUBLIC OFFICIAL TRAVEL REQUESTS FOR COMMISSION APPROVAL  
MEETING DATE: NOVEMBER 22, 2016**

Dates of Travel	Department	Purpose of Travel/Location	Over-night	Out of State	Costs	Explanation of Cost	FY17 Budget Available
11/30-12/02/16	Legal	NMML Attorney's Association Winter Meeting Albuquerque, NM.	Yes	No	96.00 195.00 60.00 198.00	Meal & Gratuity Allowance Registration Estimated Cost for Fuel Lodging	Yes

# Staff Summary Report

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<b>MEETING DATE:</b>	November 22, 2016
<b>AGENDA ITEM:</b>	VIII. CONSENT AGENDA (D)
<b>AGENDA TITLE:</b>	Economic Development Advisory Board Appointment

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<b>ACTION REQUESTED BY:</b>	Economic Development Advisory Board
<b>ACTION REQUESTED:</b>	Approval of New Advisory Board Member
<b>SUMMARY BY:</b>	Steven Saavedra

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## PROJECT DESCRIPTION / FACTS

City Code for Advisory Boards is as follows:

### **Sec. 2-481. Membership.**

The Economic Development Advisory Board shall be composed of seven (7) members qualified by training, experience, and ability to exercise sound and practical judgment on civic, social, economic and governmental affairs. The board shall be composed of the following:

1. An appointed representative from the Board or Staff of Four Corners Economic Development;
2. An appointed representative from the Board or Staff of the Aztec Chamber of Commerce;
3. One (1) member of the financial community appointed by the governing body by a majority vote;
4. Two (2) members at large, at least one (1) representing the community, appointed by the governing body by a majority vote.

Of the three (3) members appointed to the board, they will have two-year terms. There shall be no limitation on the number of consecutive terms a member may serve on the Economic Development Advisory Board.

### **Sec. 2-482. Duties.**

The Economic Development Advisory Board is assigned the following duties:

1. Regular review of strategies and opportunities for economic development within the City.
2. Assist with the economic and community development planning for the City.
3. Recommend annually to the City Commission appropriations for economic development programs.
4. Develop and update annually a comprehensive strategic economic development plan.
5. Make recommendations to the governing body on applications for assistance for economic development projects.

Joe R. Williams upon recommendation by the Economic Development Advisory Board will be replacing Kim Preston as Vice-Chairman Member at Large.

Alicia Corbell upon recommendation by the Economic Development Advisory Board will be replacing Christa Romme as the member for "Four Corners Economic Development".

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<b>SUPPORT DOCUMENTS:</b>	Letter of Interest Economic Development Advisory Board List
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**DEPARTMENT'S RECOMMENDED MOTION:** Motion to approve the Appointment of Joe R. Williams and Alicia Corbell to the Economic Development Advisory Board.

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*Letter of introduction for Joe R. Williams President, Hydro Pure Technology, Inc  
711 North Light Plant Road*

*Ties to Aztec;*

*Resident of city, Arnold Drive, 1977-1983 Relocated company from Durango to Aztec, 2000 Own 50 acres at address on Light Plant Road Prefer Vanilla Moose chocolate dip cones to DQ dip cones.*

*Honored by SJEDS as top business*

*Honored by Veterans Administration as major employer of veterans No tickets ever issued by the six old sore heads; I was observed recently, proudly wearing my seat belt across the swinging bridge.*

*21 years employed by the Williams Companies, (Project field engineer, etc.). 15 years managed Southern Ute construction, Peceance, Marcellus, Bakken, DJ Basin projects.*

*We have a cyclocross bicycle race track on our 50 acres. The third annual Whiskey Run bike race will occur December 03. Annually, 100 racers expected to participate. All manner of off road bikes race.*

*We have a 186 KW solar system feeding extra generated solar into the COA.*

*We process and recycle emulsions of water and compressor motor oils in our specifically built for this application facility.*

*Our firewood business employs 6, we have in stock, approximately 650 cords of wood.*

*Our water services operation employs 9, providing ultra pure water for area natural gas facilities.*

*The majority of our employees are Dine'.*

*We are contracted with the federal government as the FEMA provider of bulk potable water for the entire northern 1/3 of state. Our recent activity with the AVW system provided 693,000 gallons of water 24 hrs/day for 4 days, ensuring 6,700 residents had water until the CO Farmington could link in.*

*If you see a firefighting air tanker in the air, we provide the water and trucking.*

*Previously a member of SJEDS and the EDAB committee, I have retired from project management, concentrating on diversification of our business to weather this sustained downturn in O&G.*

*My 35+ years in O&G as a traveling project manager have provided me with opportunities to observe small towns, their manner of governance and operation of facilities.*

*With respect, there are few things that need changed, however, this committee must be looking for the answers to reduced tax receipts and associated reductions in service to city residents.*

*If an opening comes to the committee, I would offer my name as an addition to this solid board.*

*Thank you*

Please accept this as my letter of interest in serving as the representative of Four Corners Economic Development on the Aztec Economic Development Advisory Board. I am willing to serve in this capacity until further notice.

Should you have any questions, please do not hesitate to contact me.

Thank you for your consideration.

Alicia Corbell

Director, Retention & Expansion  
Four Corners Economic Development  
5101 College Blvd.  
Farmington, NM 87402  
(505) 566-4034  
[acorbell@4cornersed.com](mailto:acorbell@4cornersed.com)



# Staff Summary Report

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**MEETING DATE:** November 22, 2016  
**AGENDA ITEM:** VIII CONSENT AGENDA (E)  
**AGENDA TITLE:** Resolution 2016-1028 Surplus

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**ACTION REQUESTED BY:** Electric Department  
**ACTION REQUESTED:** Approval  
**SUMMARY BY:** Kathy Lamb

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## PROJECT DESCRIPTION / FACTS

- Electric Department has identified a copier to be surplus and requests commission approval to sell or otherwise dispose of the copier.
- 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

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**SUPPORT DOCUMENTS:** Resolution 2016-1028  
Surplus List

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve Resolution 2016-1028 Declaring Certain Municipal Property Not Essential For Municipal Purpose and Directing It Be Sold or Disposed.

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**SURPLUS RESOLUTION 2016-1028**

**November 22, 2016**

**SURPLUS LIST**

<b>Department</b>	<b>Item/Model</b>	<b>Condition</b>	<b>Reason for Surplus</b>	<b>Location</b>
Electric	Canon Copier CIR-3170U S/N KNE01335	Poor	Not Used	Electric Dept

# CITY OF AZTEC RESOLUTION 2016-1028

**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 22<sup>nd</sup> day of November, 2016.

\_\_\_\_\_  
MAYOR SALLY BURBRIDGE

ATTEST:

\_\_\_\_\_  
CITY CLERK KARLA SAYLER

# Staff Summary Report

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**MEETING DATE:** November 22, 2016  
**AGENDA ITEM:** XI. LIQUOR LICENSE HEARING (A)  
**AGENDA TITLE:** Beer Belly's Burgers & BBQ-New Liquor License

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**ACTION REQUESTED BY:** Paschall Enterprises, Inc.  
**ACTION REQUESTED:** Approval of Beer Belly's Burgers & BBQ-New Liquor License  
**SUMMARY BY:** Karla Sayler

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## 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 Beer Belly's Burgers & BBQ.
- Beer Belly's Burgers & BBQ will be located at 1547 W. Aztec Blvd., Aztec, NM and is within 300 feet of a Church (625 ft) or School (370 ft). We have received a letter from Aztec Municipal Schools and they have no objection to the application.
- 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 October 21, 2016). The Public hearing notice was published in the Talon on October 31, 2016 and November 4, 2016)

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**SUPPORT DOCUMENTS:**

- 1) Letter from the State Office
- 2) State Liquor License Application
- 3) Letter from Aztec Municipal Schools
- 4) Map

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**DEPARTMENT'S RECOMMENDED MOTION:** Move to Approve the New Liquor License for Beer Belly's Burgers & BBQ located at 1547 W. Aztec Blvd., Aztec NM

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New Mexico Regulation and Licensing Department  
ALCOHOL AND GAMING DIVISION

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

October 5, 2016

Certified Mail No.: 9171 9690 0935 0079 1507 33

Susana Martinez  
Governor

Robert "Mike" Unthank  
Superintendent

David Jablonski  
Deputy Superintendent

Claudia Armijo  
Deputy General Counsel

Mary Kay Root  
Director

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

**Re: Lic. No. /Appl. No.:**           **Application No. 1013131**  
**Name of Applicant:**           Paschall Enterprises, Inc.  
**Doing Business As:**           Beer Belly's Burgers & BBQ  
**Proposed Location:**           1547 W. Aztec Blvd., Aztec, NM 87410

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Conditional Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

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 potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

**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 & Gaming Division;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

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.**

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

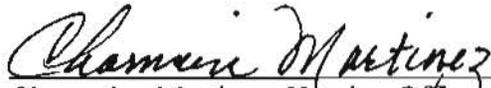
Administrative Services Division  
(505) 476-4800

THE APPLICANT IS SEEKING A RESTAURANT BEER AND WINE LICENSE WITH ON PREMISES CONSUMPTION ONLY AND PATIO SERVICE. APPLICANT IS REQUESTING A WAIVER FROM THE CITY OF AZTEC AS THE PREMISES IS WITHIN 300 FEET FROM SCHOOL

**Within thirty (30) days** after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove 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 notices of publication. **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 issue 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, noting disapproval*).

Respectfully,



Charmaine Martinez, Hearing Officer  
NM Regulation & Licensing Dept. | Alcohol & Gaming Division  
Phone: (505) 476-4804 Fax: (505) 476-4595  
Email: [charmaine.martinez2@state.nm.us](mailto:charmaine.martinez2@state.nm.us)

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement
4. Copy of a No Object Letter submitted by Aztec Municipal Schools



Charman  
8/1/16

New Mexico Regulation and Licensing Department • Alcohol and Gaming Division  
PO Box 25101 • Santa Fe, New Mexico 87505-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/alcoholandgaming

RECEIVED

JUL 27 2016 Page 1

ALCOHOL & GAMING DIVISION

7/28/16  
ENTERED  
201  
1861281

### LIQUOR LICENSE APPLICATION

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

State Liquor License # \_\_\_\_\_ Record Owner of Existing License \_\_\_\_\_  
Application Number 1013131 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 \_\_\_\_\_  
Issue New License  Type of License being applied for Restaurant (Beer and Wine)

Applicant is: Individual \_\_\_\_\_ Corporation  Partnership (General or Limited) \_\_\_\_\_ Limited Liability Company \_\_\_\_\_

NAME OF APPLICANT (company or individual) Paschall Enterprises, Inc. ADDRESS (including city, state, zip) 7 RD 2794, Aztec, NM 87410 TELEPHONE NUMBER 505-793-5365

D/B/A name to be used: Beer Belly's Burgers & BBQ Phone number for licensed premises: 505-333-7154

Physical location where license is to be used: 1547 W. Aztec Blvd., Aztec, NM 87410  
(Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 557 E. Zia St., Aztec, NM 87410

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

I, (print name) Robert Paschall, as (title) 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 7-11-16

SUBSCRIBED AND SWORN TO before me this 11th day of July, 2016 by Robert Paschall  
Notary Public [Signature] My Commission Expires 2/20/2018  
OFFICIAL SEAL  
JANELLE ALBAN  
NOTARY PUBLIC - State of New Mexico  
My Commission expires 2/20/18

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

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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) XX Other (provide details) \_\_\_\_\_

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

A. Owner(s) The Ruth M Gober Marital Trust, 1515 West Main St., Farmington, NM 87401

B. Date and term of lease 5/1/16 One Year Term

3. Premises location is zoned (example C-1) C-1

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 625.59 Ft. Name of church Bible Baptist Church Address/location of church 208 Newman Ave., Aztec, NM 87410

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

Miles/feet 370' Name of school Tiger Learning Center Address/location of school 1607 W. Aztec Blvd., Aztec, NM 87410

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

M<sup>il</sup> 146.03 Name of Military Installation, circle one: ~~Kirtland Air Force Base (Albuquerque)~~, ~~White Sands Missile Range (Las Cruces)~~, ~~Holloman Air Force Base (Alamogordo)~~, ~~Carroll Air Force Base (Los Alamos)~~

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 XX Package Grocery \_\_\_\_\_ Racetrack \_\_\_\_\_ Hotel \_\_\_\_\_ Other (specify) \_\_\_\_\_

*Mayor*  
Sally Burbridge

*Mayor Pro-Tem*  
Sherri A. 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!*

June 21, 2016

RE: Land Use Zone Determination

To Whom It May Concern:

The Beer Belly's Burgers & BBQ (Paschall Enterprises, Inc) located at 1547 W Aztec Blvd., Aztec, New Mexico is located in a C-1 (Limited Retail and Neighborhood Commercial) district. Restaurants are permissible in this zone district. The City of Aztec does not explicitly regulate alcohol sales in its Land Use Regulations. Alcohol for on-premise consumption is allowed in this district with the appropriate State and City licenses.

The Beer Belly's Burgers & BBQ is located approximately 370 feet (measured from building edge to building edge) from the nearest school facility (Aztec Municipal Schools Tiger Learning Center located at 1607 W Aztec Blvd.). From parcel line to parcel line this distance is 285 feet.

There are no churches within 500 feet of the Beer Belly's Burgers & BBQ establishment.

An aerial map with these approximate measurements is included for your reference. If you have any further questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward Kotyk", written over a horizontal line.

Edward Kotyk  
Interim Community Development Director

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Mayor  
Sally Burbridge

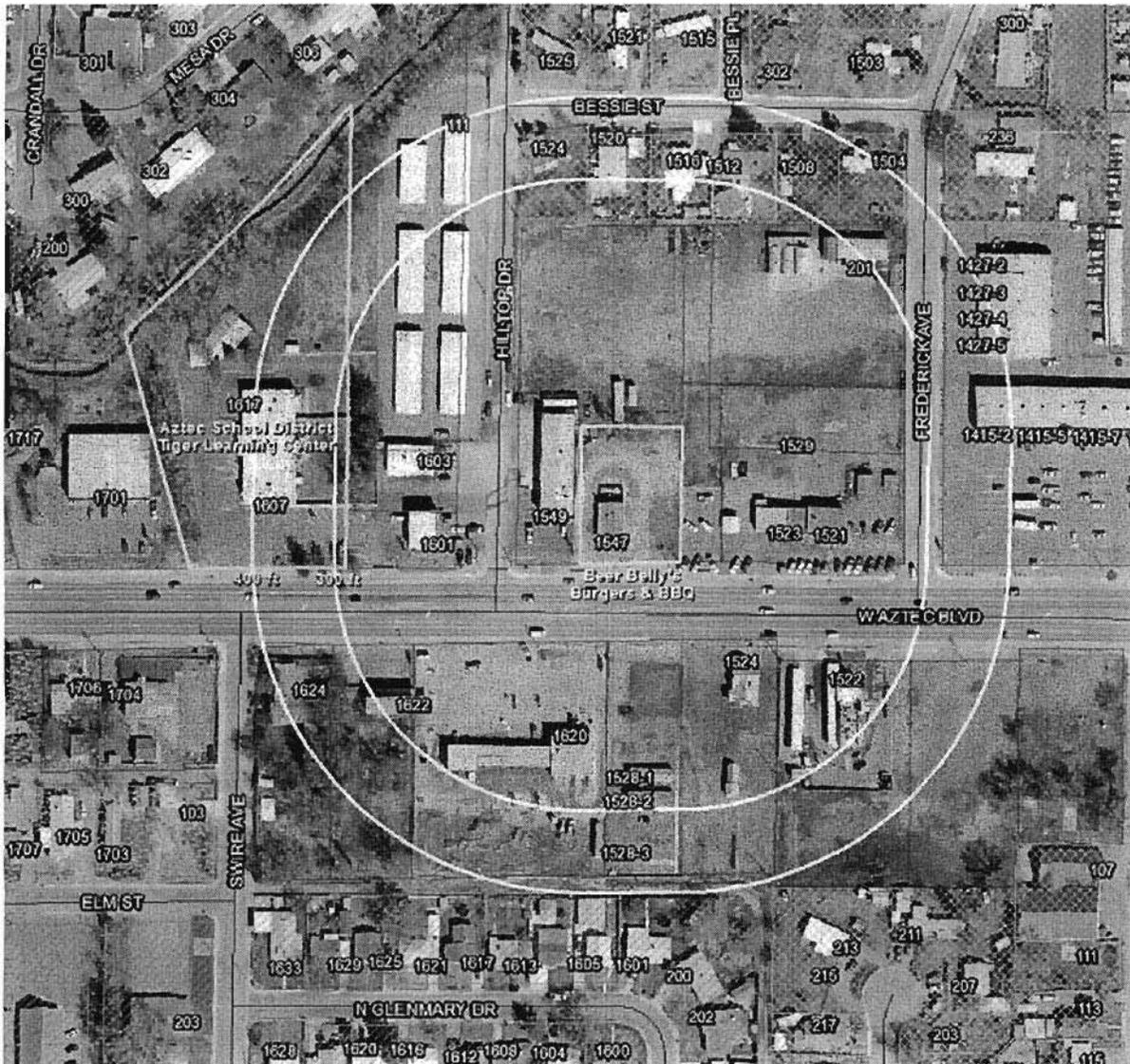
Mayor Pro-Tem  
Sherri A. Sipe



Commissioners  
Austin R. Randall  
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Aerial Map Showing Location of Restaurant Establishment.



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**Aztec Municipal Schools**  
*Building a Foundation for Success*

Office of the Superintendent

1118 W. Aztec Blvd · Aztec, NM 87410  
(505) 334-9474 | FAX (505) 334-9861

*Rec'd By Email  
9-12-16 UPR*

**September 7, 2016**

Paschall Enterprises, Inc.  
d.b.a. Beer Belly's Burgers & BBQ  
557 E. Zia St.  
Aztec, NM 87410

Subject: No Objection Regarding Beer and Wine License

Mr. Paschall,

The purpose of the correspondence is to notify you that the Aztec Municipal School District has no objection to the application or issuance of a Restaurant License for Beer and Wine at the proposed location of 1547 W. Aztec, Blvd.

Sincerely,

Kirk M. Carpenter

Superintendent, Aztec Schools