

AG E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
August 28, 2018
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NEW MEXICO PLEDGE

I Salute The Flag Of The State Of New Mexico And The Zia Symbol Of Perfect Friendship Among United Culture's.

V. ROLL CALL

VI. AGENDA APPROVAL

VII. CITIZEN RECOGNITION

VIII. EMPLOYEE RECOGNITION

IX. CONSENT AGENDA

- A. Commission Meeting Minutes August 14, 2018
- B. Visitor Center Destruction of Records
- C. Resolution 2018-1100 ICIP
- D. Resolution 2018-1101 Surplus
- E. Appointment of EDAB Alternate Member

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"

X. ITEMS FROM CONSENT AGENDA

XI. 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)

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.

XII. BUSINESS ITEMS

- A. Final Adoption of Ordinance 2018-480 Amending Chapter 16 Article VII Municipal Motor Vehicle Operation Fees
- B. Final Adoption of Ordinance 2018-481 Amending Chapter 16 Article IX Community Development Fees

XIII. LIQUOR LICENSE HEARING

- A. The Aztec Theater Center for Music and the Arts, Inc., 104/106 N. Main-Club Liquor License

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.

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1 CITY OF AZTEC
2 COMMISSION MEETING MINUTES
3 August 14, 2018
4

5 **I. CALL TO ORDER**

6 Mayor Victor Snover called the Meeting to order at 6:01 pm at the Aztec City
7 Commission Room, City Hall, 201 W. Chaco, Aztec, NM.
8

9 **II. INVOCATION**

10 The Invocation was led by Laura Marshal
11
12

13 **III. PLEDGE OF ALLEGIANCE**

14 The Pledge of Allegiance was led by Chief Heal
15
16

17 **IV. NEW MEXICO PLEDGE**

18 The New Mexico Pledge was led by Chief Heal
19
20

21 **V. ROLL CALL**

22
23 Members Present: Mayor Victor Snover; Mayor Pro-Tem Rosalyn Fry
24 (via Facetime); Commissioner Austin Randall;
25 Commissioner Sherri Sipe; Commissioner Mark Lewis
26

27 Members Absent: None
28

29 Others Present: City Attorney Larry Thrower; City Clerk Karla Saylor;
30 Project Manager Ed Kotyk (see attendance sheet)
31

32 **VI. AGENDA APPROVAL**

33
34 MOVED by Commissioner Randall to Approve the Agenda as given,
35 SECONDED by Commissioner Sipe
36

37 All voted Aye: Motion passed five to zero
38

39 **VII. CITIZEN RECOGNITION**

40
41 City Manager Steve Mueller recognized the YCC for their hard work over the
42 summer. He also recognized Diane Lane who is the last member of the Garden Club
43 and she helped the YCC with the redesign of the rose garden. He gave thanks to Jeff
44 Blackburn, Ed Kotyk and Jef Newland for all the help with the YCC projects.
45
46

47 **VIII. EMPLOYEE RECOGNITION**

48

49 City Manager Steve Mueller recognized Steve Morse the new Public
50 Works Director; Angela Watkins the new Library Director; and Jeff Blackburn the new
51 Parks Director. The Mayor and Commission congratulated and welcomed everyone.

52

53 **IX. CONSENT AGENDA**

54

- 55 A. Commission Special Workshop Meeting Minutes July 23, 2018
56 B. Commission Workshop Meeting Minutes July 24, 2018
57 C. Commission Meeting Minutes, July 24, 2018
58 D. Resolution 2018-1095 Authorizing Signatures for City Accounts
59 E. Resolution 2018-1096 Authorizing Signatures on Motor Vehicle Department
60 Checking Account
61 F. Resolution 2018-1097 Authorizing Signatures for Municipal Court Cash Bond
62 Checking Account
63 G. Red Apple Transit Agreement
64 H. Resolution 2018-1098 Municipal Surplus
65 I. Resolution 2018-1099 Rescind Emergency Ban on Open Fires and Fireworks
66 J. RFP 2019-662 City Attorney Contract Award (pulled)
67 K. Aztec Municipal Airport Lease Agreement – Digii.Net

68

69 Moved by Commissioner Sipe, **SECONDED** by Commissioner Lewis to approve
70 the Consent Agenda as given with the exception of item (J) RFP 2019-662 City Attorney
71 Contract Award.

72

73 All Voted Aye: Motion Passed Five to Zero

74

75 **X. ITEMS FROM CONSENT AGENDA**

76

77 (J) RFP 2019-662 City Attorney Contract Award

78

79 Commissioner Randall asked for more clarification on who would be sitting in for
80 Commission meetings since it was a firm that was chosen. City Manager Steve Mueller
81 explained that they will give us the option of who we want to sit in on the meetings and
82 to act as a point person. Mayor Snover mentioned that he would like to have
83 consistency. Mayor Snover asked how often have we went beyond the monthly hours
84 since the base fee is 20% over the previous attorney. Kathy Lamb Finance Director
85 explained that she looked at a 49 month period and of that 18 of those months were
86 over. Staff will work out how they do office hours in order to help cut down the overages.
87 An Itemized billing with a list of time and items will be provided. Mayor Snover
88 mentioned that he has reservations because of the extra fees.

89

90 Moved by Commissioner Randall to Approve award of RFP 2019-662 Municipal
91 Legal Services to the Risley Law Firm and authorize the City Manager to sign the

92 professional services agreement on behalf of the City **SECONDED** by Commissioner
93 Lewis

94
95 All voted Aye: Motion passed four to zero

96
97 **XI. CITIZENS INPUT (3 MINUTES MAXIMUM)**

98
99 None

100
101 **XII. BUSINESS ITEMS**

102
103 A. Intent to Adopt Ordinance 2018-482 Municipal Gross Receipts Tax

104
105 Finance Director Kathy Lamb explained that this was the item that was
106 workshopped and how the staff summary was laid out. It the Commission would
107 like the increase to happen in January the action needs to start tonight. The
108 current gross receipts tax rate within the municipal limits of Aztec is 8%. The 8%
109 includes tax increments for the state, county and city. The last rate increase
110 implemented by the City was .375% and established the Capital Projects Fund.
111 Currently the revenues generated by that increase are pledged to the debt
112 incurred on the library and Tiger reservoir. The .125% would be 13 cents on \$100
113 and the .25% increase would be 25 cents on \$100.

114
115 Moved by Mayor Pro-Tem Fry, to Approve Intent to Adopt Ordinance 2018-482
116 Municipal Gross Receipts Tax in the amount of .25% going to the general fund
117 **SECONDED** by Commissioner Lewis

118
119 A Roll Call was taken; all voted Aye
120 Motion passed five to zero

121
122 **XIII. LIQUOR LICENSE HEARING**

123
124 A. 550 Brewing Company, LLC DBA 550 Brewing Company 119 E. Chuska – New
125 Liquor License

126
127 Delain George utilities director explained that this is because they moved the master
128 off site location from the county to Main Street and the State requires a hearing
129 because the location is within 300 feet of a church. The goal is to serve both places
130 with the ultimate goal being graduating out of the HUB.

131
132 Moved by Commissioner Sipe, to Approve the Small Brewer off Site Liquor
133 License for 550 Brewing Company, LLC located at 199 E. Chuska St. Aztec, NM
134 **SECONDED** by Commissioner Randall

135
136 A Roll Call was taken; all voted Aye

137 Motion passed five to zero

138

139 **XIV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

140

141 City Manager Steve Mueller asked if the Commission would be interested in
142 buying an ad in the Talon honoring our first responders. The Commission agreed and
143 they will discuss options.

144 Mayor Pro-Tem Fry reported that she attended the four corners economic
145 development annual board meeting and was selected as Vice President. Will attend the
146 Municipal League Conference.

147 Commissioner Sipe attend a NWNM Seniors meeting last week. She attended
148 the Connie Mack City and County Officials Night. She attended the legislative hearing
149 today on the closure of the plant and the impact on the community. She reported that
150 she has an EDAB meeting on Thursday. Will attend the NMML Annual Conference in
151 Roswell at the end of the month.

152 Commissioner Randall congratulated Angela and Jeff and welcomed Steve
153 Morse to his new position. Mentioned that the crosswalks look good. He asked staff for
154 an update on reservoir 1

155 Commissioner Lewis spent last week in Colorado. He mentioned that the ditches
156 have been put on rotation. Steve will forward the schedule to everyone.

157 Mayor Snover mentioned that they are officially back in school and there may be
158 changes to security and traffic and be cautious and aware that there are a lot of kids out
159 there.

160

161 **XV. DEPARTMENT REPORTS**

162

163 Steven Saavedra Community Development Director mentioned that he will be in
164 Roswell next week presenting on the arterial so Andrew Decamillo will be presenting the
165 land use on the agenda.

166 Chief Heal encouraged the Municipal League voting person to vote for resolution
167 2018-37 which is the school safety resolution.

168

169 **XVI. ADJOURNMENT**

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171 Moved by Mayor Snover, SECONDED by Commissioner Sipe to adjourn the
172 meeting at 7:06 p.m.

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Mayor, Victor Snover

ATTEST:

Karla Saylor, City Clerk

MINUTES PREPARED BY:

Sherlynn Morgan, Administrative Assistant

DRAFT

Staff Summary

MEETING DATE:	August 28, 2018
AGENDA ITEM:	IX. CONSENT AGENDA (B)
AGENDA TITLE:	Visitor Center Document Destruction

ACTION REQUESTED BY:	Visitor Center
ACTION REQUESTED:	Approval of Document Destruction
SUMMARY BY:	Wilann Thomas

PROJECT DESCRIPTION / FACTS

Department accounts payable records have a retention period of 3 years; however, Finance Department has scanned all records and the electronic records remain available. Schedule these records and are now ready for disposal pending confirmation from Commission.

- **Invoices FY 2017**
- **Invoices FY 2018**
- **Media Contracts FY 2017**
- **Media Contracts FY 2018**

SUPPORT DOCUMENTS:	None
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DEPARTMENT'S RECOMMENDED MOTION: Move to **APPROVE** the destruction of documents as outlined by the document destruction procedures.

Staff Summary Report

MEETING DATE:	August 28, 2018
AGENDA ITEM:	IX. CONSENT AGENDA (C)
AGENDA TITLE:	Resolution 2018-1100 Adopting the 2020-2024 Infrastructure Capital Improvement Plan (ICIP)

ACTION REQUESTED BY:	City Staff
ACTION REQUESTED:	Approval
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

A local infrastructure capital improvement plan is a plan that establishes planning priorities for anticipated capital projects. The need for this kind of planning has reached critical proportions in New Mexico, where local governments are faced with pressing demands for multiple capital improvements and limited funding to support them. The state-coordinated ICIP process encourages entities to plan for the development of capital improvements so that they do not find themselves in emergency situations, but can plan, fund, and develop infrastructure at a pace that sustains their activities.

The Department of Finance and Administration (DFA), through its authority in NMSA 1978, Sections 6-6-2J, 6-6-4, 9-6-5.1, 11-6-2, 11-6-3, 11-6-4.1, 11-6-5, and 11-6-5.1, strongly encourages each jurisdiction to prepare a Five-Year Infrastructure Capital Improvement Plan (ICIP).

Each entity may submit its plan to the state through the web-based reporting system. Pertinent parts of all the plans of participating entities are published each year. The published ICIP is made available for entity use and is distributed to the legislature, governor and funding agencies.

The state database for the ICIP must be adopted by resolution. This submission is primarily for infrastructure projects seeking legislative funding. A separate ICIP is submitted for the Senior Center and the Aviation Division. The number one priority for funding remains the Aztec Arterial. The due date for this ICIP submission to the state is September 4, 2018.

PROCUREMENT / PURCHASING (if applicable)

- None

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

- The ICIP is another tool that should be utilized in the planning and budget process. This document should then guide the city in the development of project priorities for funding opportunities, performance plan development, and annual budget development.

SUPPORT DOCUMENTS: Resolution 2018-1100
2020-2024 ICIP Summary

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2018-1100 adopting the 2020-2024 Infrastructure Capital Improvement Plan (ICIP)

CITY OF AZTEC

Resolution No. 2018-1100

**A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN
(ICIP)**

WHEREAS, the City of Aztec recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE, the Aztec City Commission resolves as follows:

1. The City has adopted the attached 2020-2024 Infrastructure Capital Improvement Plan for submission to the State's web based reporting system, and
2. It is intended that the Plan be a working document and is the first of many steps toward improving rational, long-range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution No. 2017-1059.

PASSED, APPROVED and ADOPTED by the governing body at its meeting of August 28, 2018.

Mayor Victor C. Snover

ATTEST:

Karla Sayler CMC

Infrastructure Capital Improvement Plan FY 2020-2024

Aztec Project Summary

ID	Year	Rank	Project Title	Category	Funded to date	2020	2021	2022	2023	2024	Total Project Cost		Total Not Yet Funded		Phases?
											Year 4:	Year 5:	Cost	Amount	
14643	2020	001	East Aztec Arterial	Transportation - Highways/Roads/Bridges	16,074,317	3,500,000	0	0	0	0	19,574,316	3,500,000	No		
28268	2020	002	Water Reservoir I Improvements	Water - Water Supply	100,000	2,000,000	0	0	0	0	2,100,000	2,000,000	No		
14644	2020	003	North Main Avenue Extension	Transportation - Highways/Roads/Bridges	923,981	1,000,000	732,000	732,000	0	0	3,387,981	2,464,000	Yes		
28267	2020	004	Flood Hazard Mitigation	Water - Storm/Surface Water Control	169,524	2,000,000	0	0	0	0	2,169,524	2,000,000	Yes		
16087	2020	005	Treated Water Tank Replacement	Water - Water Supply	252,235	825,000	0	0	0	0	1,077,235	825,000	No		

Number of projects:	5
Funded to date:	17,520,056
Grand Totals	28,309,056
Total Project Cost:	28,309,056
Total Not Yet Funded:	10,789,000

Staff Summary Report

MEETING DATE:	August 28, 2018
AGENDA ITEM:	IX. CONSENT AGENDA (D)
AGENDA TITLE:	Miscellaneous Surplus Property

ACTION REQUESTED BY:	Chief Heal
ACTION REQUESTED:	Declare Miscellaneous Bike Parts Surplus
SUMMARY BY:	Chief Heal

PROJECT DESCRIPTION / FACTS

The Aztec Police Department receives used bicycle donations each year for our bicycle give away that we do at National Night Out. We use parts from bikes that we are unable to repair, to fix other bikes we have received. At this time we have a large number of miscellaneous bike parts that we no longer have any use for. These parts were not purchased with any City Funds. We would like to offer them to our citizens if they have a need any of them, and then recycle the remaining parts.

PROCUREMENT / PURCHASING (if applicable)

None

FISCAL INPUT / FINANCE DEPARTMENT (if applicable)

There may be a small amount returned to general from recycling the spare parts.

SUPPORT DOCUMENTS:	Resolution 2018-1101
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DEPARTMENT'S RECOMMENDED MOTION:	Move to approve miscellaneous bike parts as City surplus items that can be disposed.
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CITY OF AZTEC RESOLUTION 2018-1101

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 described on the attached list which is owned by the City is surplus and not essential for a municipal purpose.

PASSED, APPROVED AND SIGNED this 28th day of August 2018.

VICTOR C. SNOVER, MAYOR

ATTEST:

CITY CLERK KARLA SAYLER

Staff Summary Report

MEETING DATE:	August 28, 2018
AGENDA ITEM:	IX. CONSENT AGENDA (E)
AGENDA TITLE:	Economic Development Advisory Board Appointment
ACTION REQUESTED BY:	Economic Development Advisory Board
ACTION REQUESTED:	Approval of New Advisory Board Member
SUMMARY BY:	Steven M. Saavedra, CFM

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

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.

Sally Burbridge as an alternate voting member on behalf of Four Corners Economic Development, Inc for the Economic Development Advisory Board (EDAB).

SUPPORT DOCUMENTS: Letter of Interest

DEPARTMENT'S RECOMMENDED MOTION: Motion to approve the appointment of Sally Burbridge to the Economic Development Advisory Board (EDAB).



FOUR CORNERS ECONOMIC DEVELOPMENT, INC.

08/15/18

ATTN: Steven Saavedra
City of Aztec
201 W Chaco
Aztec, NM 87410

Dear Mr. Saavedra,

Please accept this letter on behalf of Four Corners Economic Development (4CED) to assign Sally Burbridge, Senior Vice President of Economic Development, as an alternate voting member on behalf of 4CED on the Economic Development Advisory Board of the City of Aztec. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Unsicker', is positioned above the printed name.

Warren Unsicker
CEO

Staff Summary Report

MEETING DATE:	August 28, 2018
AGENDA ITEM:	XII. BUSINESS ITEMS (A)
AGENDA TITLE:	Final Adoption of Ordinance 2018-480, An Ordinance Amending Chapter 16, Article VII. Municipal Motor Vehicle Operation Fees

ACTION REQUESTED BY:	City Staff
ACTION REQUESTED:	Approve the Final Adoption of Ordinance 2018-480, An Ordinance Amending Chapter 16, Article VII. Municipal Motor Vehicle Operation Fees
SUMMARY BY:	Delain George

PROJECT DESCRIPTION / FACTS

- July 24, 2018, a workshop was held to review and discuss Motor Vehicle fees. Following the workshop, Aztec City Commission approved the Intent to adopt Ordinance 2018-480 during the scheduled commission meeting.
- June 22, 2010, the Aztec City Commission approved to adopt Ordinance 2010-386 to establish administrative fees for Aztec MVD. At this time fees were set at three dollars (\$3.⁰⁰) per transaction.
- April 15, 2015, The Aztec City Commission approved Ordinance 2015-443 to increase the administrative fee for Aztec MVD to five dollars (\$5.⁰⁰) for all transactions.
- NM Taxation and Revenue Motor Vehicle Division (NMTRD-MVD) allows municipalities that operate motor vehicle offices to impose an administrative fee to help offset the costs incurred by the municipality for providing MVD services.
- If approved Ordinance 2018-480 would increase the Motor Vehicle Administrative Fees. Staff is proposing to increase all MVD transactions by \$1.⁰⁰ from \$5.⁰⁰ to \$6.⁰⁰ with the exception of VIN Inspections and Road Tests would increase \$5.⁰⁰ to \$10.⁰⁰.
- This increase would help bring Aztec MVD closer to standing on its own without the support of additional general fund revenues. MVD is one of the few general fund departments that is able to offset expenses by its revenue to support the department.
- By state statute, counties and municipalities receive fees from the state for most transactions. \$6.⁰⁰ per driver's license, \$5.⁰⁰ per ID card, motor vehicle/boat registrations and titles. In addition, if an office performs more than ten thousand transactions in preceding fiscal year an additional \$1.⁰⁰ is received per transaction for the next year's transactions. The City of Aztec has met this performance for many years now. There is

also a \$1.⁵⁰ State administration fee that is received on MVD transactions. Depending on the transaction type the City of Aztec receives reimbursement from NMTRD of \$8.⁵⁰ or \$7.⁵⁰ per transaction.

- The administrative fee collected must be a separate payment from the State MVD transaction/payment and cannot be combined into one payment. The City administration fee must be in cash as the City of Aztec does not accept checks, credit/debit card payments for administration fees. State MVD transactions must be paid with a credit/debit card or cash. The City of Aztec does not accept checks for MVD transactions with the exception of processing dealer title work.
- Since 2010, NM MVD has also allowed privately run offices to open, such as Roadrunner MVD in Aztec and ASAP in Farmington. These offices have a variety of fees. Typically, a title transaction administrative fee is \$25, and VIN inspection can range from \$25 to \$75.
- The additional administrative fee is posted at all workstations, on our lobby message board and on the city website.
- On average Road Tests take 15 minutes and VIN Inspections take 10 minutes to perform, once completed then they would move on to issuing a driver's license or title.

PROCUREMENT

Not Applicable.

FISCAL IMPACTS

Potential increase to general fund revenues in the amount of \$18,907, based on a 3 year average of all transactions performed. Our deficit for a three year average has been \$13,067. The City is fortunate enough to give a Cost of Living Allocation (COLA) to city employees the impact to Aztec MVD budget is approximately \$2,675. Health insurance rates increased 4% the impact to Aztec MVD is approximately \$670. Bringing the estimated deficit for FY 2019 to the Aztec MVD is \$16,615.

SUPPORT DOCUMENTS: Ordinance 2018-480;
MVD Comparison and Estimated Revenue Sheet.
10 Year Summary of Revenue & Expenses for Aztec MVD.

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the Final Adoption of Ordinance 2018-480, An Ordinance Amending Chapter 16, Article VII. Municipal Motor Vehicle Operations.

ORDINANCE 2018-480
An Ordinance Amending Chapter 16,
Article VII Municipal Motor Vehicle Operations

WHEREAS, The City of Aztec has a contract with the State of New Mexico, Taxation and Revenue Department, (NMTRD) Motor Vehicle Division to provide MVD services, and;

WHEREAS, The Motor Vehicle Code allows municipalities to impose fees as agents for provision of services for the NMTRD Motor Vehicle Division in addition to the State MVD fees, and;

WHEREAS, The current revenues are insufficient to the operations of Aztec Motor Vehicle Division and the General Fund, and;

WHEREAS, It is deemed acceptable and necessary to amend the City of Aztec Municipal Code Chapter 16, Article VII to allow the Aztec Motor Vehicle Division to increase the assessment of the administrative fee for VIN Inspections and Road Tests to ten dollars (\$10.00), and all other transactions will increase to six dollars (\$6), to generate additional revenue, to help offset expenses and to reduce its dependency from general fund revenues.

NOW, THEREFORE, BE IT RESOLVED that the Aztec City Commission has amended Article VII within Chapter 16 of the Aztec City Code.

PASSED, APPROVED, SIGNED AND ADOPTED this ____ day of August 2018, by the Aztec City Commission, City of Aztec, New Mexico.

Mayor Victor Snover

ATTEST:

Karla Saylor, City Clerk CMC

Advertised Date of Final Adoption: _____

Effective Date of Ordinance: _____

ARTICLE VII. MUNICIPAL MOTOR VEHICLE OPERATIONS

Sec. 16-270. Administrative Fee.

The City shall collect an administrative fee of ~~\$5.⁰⁰~~ \$6.⁰⁰ from each person requesting a service in connection with every transaction processed for the New Mexico Taxation and Revenue Department, Motor Vehicle Division (MVD), by the City of Aztec as an agent of MVD, **with the exception of Road Tests and VIN Inspections, which shall be \$10.00 each.** The City shall deposit the fees so collected in the General Fund of the City.

(Ord. 2015-443, eff. 2015-April-22; Ord. 2010-386, eff. 2010-July-01)

Secs. 16-271 to 16-279. Reserved.

Aztec MVD
10 year

Summary of Revenue Expenses

AZTEC MVD	FY2018	FY2017	FY2016	FY2015	FY2014	FY2013	FY2012	FY2011	FY2010	FY2009	10 Year
	<i>Estimated</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Average</i>
Revenues	169,922	149,412	164,893	137,969	144,729	163,840	149,812	194,285	158,375	180,232	161,347
Expenses	179,931	176,665	167,441	170,853	190,798	170,750	192,938	206,205	204,516	197,376	185,747
(Deficit)/Over Budget	(10,009)	(27,253)	(2,548)	(32,884)	(46,069)	(6,910)	(43,126)	(11,920)	(46,141)	(17,144)	-24,400

MVD OFFICE COMPARISON AND POSSIBLE FEE INCREASE TO MVD TRANACTIONS

Comparison of Other MVD Office and Fees	Office Type	VIN's	Road Tests	All Transactions
Road Runner MVD	Private	\$25	NA	\$25
Bloomfield	Municipal	* \$5/\$10	\$5	\$5
NM MVD - Farmington	State	\$0	\$0	\$0
City of Rio Rancho **	Municipal	\$10	\$10	\$10
City of Deming	Municipal	\$5	\$5	\$5
City of Hobbs	Municipal	\$5	\$5	\$5
Blue Sky VIN Inspections	Private	\$50	NA	NA
ASAP Farmington	Private	\$25	NA	\$25
Town of Bernalillo	Municipal			
Town of Chama	Municipal	\$5	\$5	\$5

* Bloomfield charges \$10 for a VIN Inspection when the VIN Inspection is performed by a Bloomfield Clerk and the paperwork is taken to another office to get the title.

	FY2018 <i>Estimated</i>	FY2017 <i>Actual</i>	FY2017 <i>Actual</i>	3 Year Avg
Total Transactions	15,183	13,228	14,297	14,236
MVD Transaction Fees:	94,225	82,854	94,152	90,410
City Admin Fees:	75,697	66,558	70,741	70,999
Total Revenue:	169,922	149,412	164,893	161,409
Operation Costs	179,931	176,665	167,441	174,679

Add'l support needed from :

General Fund Revenues	(\$10,009)	(\$27,253)	(\$2,548)	(\$13,270)
Increase to Personnel 2.1% COLA				(\$2,675)
Health Insurance Increase 4%				(\$670)
Estimated amount of Revenue to break even				(\$16,615)

Type of Transaction	2016	2017	2018	3 Year Avg
VIN Inspections	738	733	782	751
Road Tests	458	389	406	417
Total Road Tests & VINs	1196	1122	1188	1,168
All Other Transactions	13101	12106	13995	13,067

MVD OFFICE COMPARISON AND POSSIBLE FEE INCREASE TO MVD TRANACTIONS

Increase City Admin Fee	Potential Revenue Increase
For VIN's and Road Test	
Increase \$5 to \$10	\$5,840
<hr/>	
\$1 increase to all other	
Transactions (Avg 13,000)	\$13,067
<hr/>	
Total Increase	\$18,907
Less Estimated Deficit	
Based on 3 Year Average	(\$16,615)
Additional to General Fund	\$2,292

Staff Summary Report

MEETING DATE:	August 28, 2018
AGENDA ITEM:	XII. BUSINESS ITEMS (B)
AGENDA TITLE:	Final Adoption Ordinance 2018-481, An Ordinance Amending Chapter 16, Article IX. Land Use Fees

ACTION REQUESTED BY:	City Staff
ACTION REQUESTED:	Approval of the Intent to Adopt Ordinance 2018-481, An Ordinance Amending Chapter 16, Article IX. Land Use Fees
SUMMARY BY:	Steven M. Saavedra, CFM

PROJECT DESCRIPTION / FACTS

Community Development is requesting approval to increase Land Use Fees, specifically for any land use application required to be published. Community Development is seeking an increase to change of district/zone requests, special use requests, conditional use requests, and variance request fees to increase to \$250.00. Currently, Community Development charges \$50.00 for all zone changes, conditional uses, special uses, and variance requests, plus an additional \$10.00 for administrative fees.

The City of Aztec is required by state statute to notify all property owners within 100-feet of the subject property, excluding right-of-way by certified mail. In addition, state statute requires the placement of a classified ad in a local newspaper per zoning request. A certified letter is currently priced at \$6.67. Zone Change 18-02 required 19 certified letters, at the cost of \$126.73. The Daily times charged \$72.11 to place the legal notification in the newspaper. Also, Community Development placed two signs at \$14.99 (each) for Zone Change 18-02. The total cost to the City of Aztec was \$228.85 per the zone change request. Therefore, the City of Aztec subsidized \$168.85 of the cost.

The zoning application fees in the City of Farmington ranges from \$300 to \$500. The City of Farmington requiring applicants to utilize a title company for addressing information, which inflates the cost of zoning applications. The City of Aztec acquires addressing information in-house, as a cost-saving measure for applicants. The City of Durango fee for a rezone or conditional use request is \$750.00. Thus, the City of Aztec's zoning applications fees is significantly lower than neighboring cities.

FISCAL IMPACTS

Decrease in general fund revenues, as the City of Aztec is subsidizing the cost of zoning application requests.

SUPPORT DOCUMENTS: Ordinance 2018-481;
City of Durango Fee schedule

DEPARTMENT'S RECOMMENDED MOTION: Move to Adopt Ordinance 2018-481, An Ordinance Amending Chapter 16, Article IX. Land Use Fees.

ORDINANCE 2018-481
An Ordinance Amending Chapter 16,
Article IX Community Development Fees

WHEREAS, The City of Aztec is amending land use fees for all zoning applications requiring notification.

WHEREAS, All zone district/zone requests, special use requests, conditional use requests, and variance request fees increase to \$250.00.

NOW, THEREFORE, BE IT RESOLVED that the Aztec City Commission has amended Article IX within Chapter 16 of the Aztec City Code.

PASSED, APPROVED, SIGNED AND ADOPTED this ____ day of ____ 2018, by the Aztec City Commission, City of Aztec, New Mexico.

Mayor Victor Snover

ATTEST:

Karla Sayler, City Clerk CMC

Advertised Date of Final Adoption: _____

Effective Date of Ordinance: _____

ARTICLE IX. COMMUNITY DEVELOPMENT FEES

DIVISION 1. SIGN FEES

Sec. 16-290. Administrative Fee.

The City shall collect an administrative fee of \$10.00 for each sign application submitted to the City for review. The City shall deposit the fees so collected in the General Fund of the City.

Sec. 16-291. Permit Fees.

Permit fees are applied per application. Numerous signs for one organization can be permitted in one application and shall only be charged one permit fee, per sign type. Additional sign applications submissions shall be considered new applications and will be assessed new permit fees, per sign type. Applicants whose sign applications have been denied shall have thirty (30) days from the date of denial to amend their application and resubmit it without being subject to new fee assessments. Sign applications that have expired or have been withdrawn by the applicant and are later resubmitted shall be considered new applications and will be assessed new permit fees.

<i>Permit Type</i>	<i>Reference</i>	<i>Fee</i>
Temporary Sign	Chapter 20, Article IV	\$25. ⁰⁰
30 day extension (ea. 30 day ext.)	Chapter 20, Article IV	\$15. ⁰⁰
Permanent Wall Sign(s)	Chapter 20, Article IV	\$50. ⁰⁰
Significant Modification	Chapter 20, Article IV	\$50. ⁰⁰
Permanent Freestanding or Monument Sign(s)	Chapter 20, Article IV	\$50. ⁰⁰
Illuminated Sign	Chapter 20, Article IV	\$25. ⁰⁰ (adtl.)
Electronic Message Center	Chapter 20, Article IV	\$25. ⁰⁰ (adtl.)
Comprehensive Sign Plan	Chapter 20, Article II	\$75. ⁰⁰

(Ord. 2013-431, eff. 2013-Sept-04; Ord. 2012-417, eff. 2013-Jan-01)

DIVISION 2. LAND USE FEES

Sec. 16-292. Administrative Fee.

The City shall collect an administrative fee of \$10.00 for each land use application submitted to the City for review. The City shall deposit the fees so collected in the General Fund of the City.

Sec. 16-293. Permit Fees.

Permit fees are applied per application. Applicants whose land use applications have been denied shall have thirty (30) days from the date of denial to amend their application and resubmit it without being subject to new fee assessments. Land use applications that have expired or have been withdrawn by the applicant and are later resubmitted shall be considered new applications and will be assessed new permit fees. Land use applications not listed below do NOT have a permit fee (i.e. fence installation, carport, etc.); such applications are still assessed the administrative review fee.

<i>Permit Type</i>	<i>Reference</i>	<i>Fee</i>
New Single Family Residential Dwelling (to include an accessory dwelling unit)	Chapter 26, Article II-III	\$25. ⁰⁰
New Multiple Family Dwelling	Chapter 26, Article II	\$50. ⁰⁰
New Commercial Development	Chapter 26, Article II-III	\$100. ⁰⁰
Planned Unit Development	Chapter 26, Article II	\$75. ⁰⁰
New Communications Tower/Antenna	Chapter 26, Article III	\$350. ⁰⁰
Change of District/Zone Request (first acre)	Chapter 26, Article III	\$50. ⁰⁰
Change of District/Zone Request (additional acre)	Chapter 26, Article III	\$5. ⁰⁰ (ea.)
Special Use Request	Chapter 26, Article III	\$50. ⁰⁰
Conditional Use Request	Chapter 26, Article III	\$50. ⁰⁰
Variance Request	Chapter 26, Article III	\$50. ⁰⁰

(Ord. 2013-431, eff. 2013-Sept-04)

DIVISION 3. OIL AND GAS FEES

Sec. 16-294. Administrative Fee.

The City shall collect an administrative fee of \$10.00 for each oil and gas application submitted to the City for review. The City shall deposit the fees so collected in the General Fund of the City.

Sec. 16-295. Permit Fees.

Permit fees are applied per application. Applicants whose oil and gas applications have been denied shall have thirty (30) days from the date of denial to amend their application and resubmit it without being subject to new fee assessments. Oil and gas applications that have been withdrawn by the applicant and are later resubmitted shall be considered new applications and will be assessed new permit fees.

<i>Permit Type</i>	<i>Reference</i>	<i>Fee</i>
Oil and Gas Development <i>(new well, major maintenance, plug/abandon)</i> <small>(Ord. 2013-431, eff. 2013-Sept-04)</small>	Chapter 15, Article II	\$500. ⁰⁰

DIVISION 4. SUBDIVISION FEES

Sec. 16-296. Administrative Fee.

The City shall collect an administrative fee of \$10.00 for each subdivision application submitted to the City for review. The City shall deposit the fees so collected in the General Fund of the City.

Sec. 16-297. Permit Fees.

Permit fees are applied per application. Applicants whose subdivision applications have been denied shall have thirty (30) days from the date of denial to amend their application and resubmit it without being subject to new fee assessments. Subdivision applications that have expired or have been withdrawn by the applicant and are later resubmitted shall be considered new applications and will be assessed new permit fees.

<i>Permit Type</i>	<i>Reference</i>	<i>Fee</i>
Alternate Summary Plat	Chapter 23, Article III	\$25. ⁰⁰
Preliminary Plat (flat fee + per lot fee, see below)	Chapter 23, Article III	\$200. ⁰⁰
Preliminary Plat Lot Fee	Chapter 23, Article III	\$2. ⁰⁰ (ea.)
Final Plat	Chapter 23, Article III	\$10. ⁰⁰
Final Plat: County Recording Fee	Chapter 23, Article III	Varies
Subdivision Improvement Agreement	Chapter 23, Article III	\$100. ⁰⁰
Infrastructure Inspection <i>(Following Preliminary Plat Approval)</i>	Chapter 23, Article IV	Varies
Infrastructure Inspection <i>(Prior to Final Plat Approval)</i>	Chapter 23, Article III	Varies
Infrastructure Inspection <i>(Following Completion of Improvement Agreement)</i>	Chapter 23, Article IV	Varies
Street Sign Installation (per sign)	Chapter 23, Article III	Varies

(Ord. 2013-431, eff. 2013-Sept-04)

Secs. 16-298 to 16-300. Reserved.

**AMOUNT OF FEES CHARGED BY THE COMMUNITY DEVELOPMENT DEPARTMENT UNDER THE
NEW LAND USE AND DEVELOPMENT CODE**

PROJECT TYPE	FEE
Abandonment/Vacation	\$550
ADU Application Review Fee	\$550
ADU Owner-Occupancy Licensing Fee (every 2 years)	\$25
After-the-Fact Application Fee (in addition to standard application fee)	\$350
After-the-Fact Demolition Fee	\$1,000
Annexation & Initial Zoning	\$1,600, plus \$25/acre
Appeal of Decision	\$550
Certificate of Non-Conformity	\$50
Change of Use Permit	\$50
Comprehensive Plan Amendment	\$1,500
Conditional Use Permit (CUP)	\$750
Development Agreement	\$1,000
Established Neighborhood – Alternative Compliance, Major	\$250
Established Neighborhood – Alternative Compliance, Minor	\$50
Excavation and Grading Permit (on private property)	\$100
Extension of Vesting Period	\$500
Fence/Wall Permit	\$50
Floodplain Development Permit	\$150
Floodplain Map Change	\$500
Limited Use Permit (LUP)	\$350
LUDC Text Amendment	\$1,000
Master Sign Program	\$250
Oil and Gas Facility, major	\$1,800
Oil and Gas Facility, minor	\$600
Pattern Book	\$500
Planned Development (PD): Conceptual Development Plan	\$400
Planned Development (PD): Preliminary Development Plan	\$800
Planned Development (PD): Final Development Plan	\$400
PD/Development Agreement Amendment, major	\$500
PD/Development Agreement Amendment, minor	\$150
Retaining Wall	\$50
Revocable Encroachment Permit, temporary (30 days or less)	\$10/day
Revocable Encroachment Permit, major (building, sign base, foundation, deck, etc.)	\$500
Revocable Encroachment Permit, minor (projecting signs, awnings, etc.)	\$50
Rezoning	\$750, plus \$25/acre
Sign Permit	\$50
Sign Variance	\$250
Site Plan, major	\$1,000
Site Plan, minor	\$550
Special Use Permit (SUP)	\$250
Special Use Permit: Non-posted home occupations	\$50
Special Use Permit: Small daycare	\$100
Stormwater Quality Permit, major (new project)	\$250
Stormwater Quality Permit, minor (reclassification/reassignment of existing)	\$100
Subdivision, Major (6+ units/lots): Conceptual Plan	\$400
Subdivision, Major (6+ units/lots): Preliminary Plan	\$800
Subdivision, Major (6+ units/lots): Final Plat	\$400
Subdivision, Minor (5 or fewer units/lots): Preliminary Plan	\$550
Subdivision, Minor (5 or fewer units/lots): Final Plat	\$250
Temporary Use Permit, class A	\$250
Temporary Use Permit, class B & C	\$50
Vacation Rental Permit	\$750
Variance, Major	\$550
Variance, Minor	\$250
Wireless Communication, major	\$1,800
Wireless Communication, minor/colocation	\$600
Zoning Verification Letter	\$50

Staff Summary Report

MEETING DATE: August 28, 2018
AGENDA ITEM: XIV. LIQUOR LICENSE HEARING (A)
AGENDA TITLE: Aztec Theater & Center for Music & Arts, Inc.-Club Liquor License

ACTION REQUESTED BY: Aztec Theater & Center for Music & Arts, Inc.-Tammy Kouvaka
ACTION REQUESTED: Approval of Aztec Theater & Center for Music & Arts, Inc.-Club Liquor License and Wavier
SUMMARY BY: Delain George

PROJECT DESCRIPTION / FACTS

- On July 24, 2018, Aztec City Commission approved a waiver for a new liquor license for Aztec Theater & Center for Music & Arts, Inc. located at 104 N Main. The location is within 300 feet of a church.
- On August 9, 2018, the City of Aztec, received a letter from the New Mexico Alcohol and Gaming Division (NMAGD) requiring a hearing be held for the Club license for Aztec Theater & Center for Music & Arts, Inc. After a few conversations with NMAGD letting them know a hearing had already taken place, the hearing officer for the application determined we needed to hold another hearing specific for the “CLUB” license.
- State Statute 60-6A-5 (B) – Club Licenses states club licenses shall not be transferred from one owner to another. A club license may be transferred from one location to another upon compliance with the provisions of the Liquor Control Act. A club license shall not be leased.
- The definition of a “Club” is defined by State Statute 60-3A-3 (E) and is included in the supporting documents.
- Sales by clubs are regulated by State Statute 60-7A-13 the and is included in the supporting documents.
- State Statute 60-6B-10 requires a public hearing be held for alcohol sales when the location is within 300 feet of a church or school.
- The Alcohol and Gaming Division has given preliminary approval of the waiver granted by Aztec City Commission on July 24, 2018 for alcohol sales at 104 N. Main, Aztec NM 87410. The location is located within 300 feet of two churches.
- Aztec Presbyterian Church located at 205 N Church is 280 feet from 104 N Main Avenue. The Aztec Methodist Church located at 123 E. Chaco is 20 feet from 104 N. Main Avenue.
- A map is included for your review of the location.
- Aztec Theater & Center for Music & Arts, Inc., submitted an application for a Club Liquor License for the location at 104/106 N. Main and is attached for your review.

- Aztec Presbyterian Church has submitted a letter of support to Aztec Theater & Center for Music & Arts, Inc, for serve alcohol at 104 N. Main.
- Notice of this hearing was published in The Talon on August 17, 2018 and on August 24, 2018.

SUPPORT DOCUMENTS:

- 1) Map of 104 N. Main in relation to nearby Churches.
- 2) Letter in support from Aztec Presbyterian Church
- 3) Application for a Club Liquor License
- 4) Letter from New Mexico Alcohol and Gaming
- 5) Copy of State Statute 60-3A-3 (E),60-6B-10 and 60-7A-13

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve a waiver for a Club Liquor License for Aztec Theater & Center for Music & Arts, Inc. located at 104 N. Main Ave. Aztec NM

Rec'd 8/9/18



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

August 6, 2018

Certified Mail No.: 9171 9690 0935 0079 1765 80

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

Pat McMurray
Deputy Superintendent

Claudia Armijo
Deputy General Counsel

Debra A. Lopez
Acting Director

City of Aztec

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

Re: Lic. No. /Appl. No.: Application No. 1100780
Name of Applicant: The Aztec Theater Center for Music and the Arts, Inc.
Doing Business As: The Aztec Theater Center for Music and the Arts
Proposed Location: 104/106 N. Main Avenue, Aztec, New Mexico 87410

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **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.

THE APPLICANT IS SEEKING A NON-PROFIT CLUB LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY.

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

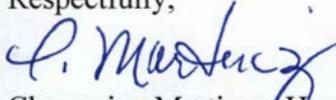
Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

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

New Mexico Regulation & Licensing Dept. | Alcohol & Gaming Division

Phone: (505) 476-4804 Fax: (505) 476-4595

Email: 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 waiver approval issued by the City of Aztec, dated July 25, 2018



AGD USE ONLY: Payment | Application Fee \$ 200 Received on: 7-5-18 Receipt No. 2101856
License Fee \$ 250- Received on: 7-5-18 Receipt No. 2101856
Application # 1100780 Local Option District: _____

CLUB LIQUOR LICENSE APPLICATION

\$200.00 Application Fee, non-refundable.

Applicant is a Non-Profit Organization, Corporation No. Center Inc. Formed on: _____

NAME OF APPLICANT: The Aztec Theater Music + Arts Club Inc.

D/B/A Name to be used: The Aztec Theater Center for Music + the Arts Business Phone #: 505-320-8516

Mailing Address: 809 N McCoy Avenue, Aztec NM 87410

Email Address (required): theaztectheater@yahoo.com or tksk1023@hotmail.com

Physical location where license is to be used: (Include street number / highway number / state road, city, state, and zip code)

104 / 106 N Main Avenue, Aztec, NM 87410

County: San Juan

Contact/Agent: Tammy Kauvaka Phone#: 505-320-8516 Email: tksk1023@hotmail.com

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If Yes, License # / Type: _____

NON-PROFIT INFORMATION:

Name of club and chapter, lodge number, etc.: The Aztec Theater Club

Is Club Affiliated with National or International Organization? Yes No

Name of parent organization: The Aztec Theater Center for Music Phone: 505-320-8516

Address: 104 N Main Aztec, NM 87410

Club has been in existence for: 1 (List # of years), and was Chartered on: _____

Club is to be operated for non-profit to members: Yes No

Club has two hundred fifty (250) or fewer current members: Yes, with Membership List attached No

Club is tax exempt from payment of income tax to IRS, per Section 501-A IRS CODE Yes No

(Attach current copy of Certificate or Letter of Exemption, issued within last two (2) years)

List Organization which this club supports or donates to: NONE

CORPORATE INFORMATION:

New Mexico Non-Profit Corporations must be in good standing with the Office of the Secretary of State Business Services Division (SOSBSD), and should have the names of the principal Officers/Directors as listed below. Principal Officers are the positions equivalent to the President, Vice President, Secretary and Treasurer, of your organization. List the names of any Directors listed at SOSBSD, and identify the Resident Agent. Include a signed copy of the Meeting Minutes reflecting the Officers/Directors elected. List Name and Title of the Officers and Directors below:

OFFICERS: Name | Title DIRECTORS: Name | Title

Tammy Kauvaka - President

James Kuzma - Senior Vice President

Jesse Kuzma - Vice President

Officer List continued:

Has Corporation ever had a liquor license in which it held any interest in any State suspended or revoked? No Yes, if so, provide details: _____

List every liquor license in which the Corporation holds any interest, direct or indirect: None See Attached As follows: _____

Has any principal Officer, Director of this Corporation ever been convicted of a felony? No Yes, detailed as follows: _____

Note: All managing members must also be Server Certified and for each Officer/Director of Corporation, complete the Personal Data Affidavit -Page 5

I, (print name) Tammy Kauraka, 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 before a Notary Public.

Signature of Applicant: Tammy Kauraka Date: 6-29-18

NOTARY PUBLIC USE ONLY: (State of New Mexico, County of San Juan)

SUBSCRIBED AND SWORN TO before me this 29th day of June, 2018

By: Tammy Kauraka Notary Public: Alpha Duran

My Commission Expires: July, 7, 2020



OFFICIAL SEAL
Alpha Duran

NOTARY PUBLIC - STATE OF NEW MEXICO

My Commission Expires: July 7, 2020

FOR LOCAL OPTION DISTRICT USE ONLY: Local Governing Body of: _____ City, County, Village

Public Hearing: held on _____, 20____. Check one: Approved Disapproved

Signature and Title of City/County Official: _____

FOR ALCOHOL AND GAMING DIVISION USE ONLY: Approved Disapproved

Signed by Director: _____ Date: _____



NON-PROFIT CLUB – PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION NMSA §60-6B-10

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

- Owned by Applicant, copy of deed/document attached Leased by Applicant, copy of lease/document attached
 Other (provide details): We are leasing with a buyer agreement waiting for Closing.

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

- A. Owner(s): _____
 B. Date and Term of Lease: _____

3. Premises location is Zoned (example C-1, see Zoning Statement): C-1

Zoning Statement attached, which must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether the sale and service of alcoholic beverages are allowed at proposed location, and if applicable, if patio service is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

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

Name of Church: Aztec Methodist Church Miles/feet: 1494
 Address/location of Church: 123 E Chaco Street, Aztec, NM 87410

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

Name of School: Aztec High School Miles/feet: 1584 ft
 Address/location of School: 500 E. Chaco Street, Aztec, NM 87410

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

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

7. Attach Detailed Floor Plan, must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and **must be labeled** with designated areas highlighted, which will reflect the proposed Licensed Premises.

8. Type of Operation: Lounge Restaurant Other (specify): Theater for Events

*NOTE: 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.

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!

To whom it may concern,

Property located at 104 N. Main Ave is located in the C-1 (Limited Retail / Neighborhood Commercial Zoning District). Alcohol sales are allowed in the C-1 District. However, the subject property is located within 300-feet of two churches.

Sincerely,

Steven M. Saavedra

Steven M. Saavedra, CFM
Community Development Director
City of Aztec

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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

July 25, 2018

Charmaine Martinez
Hearing Officer
NM Regulation & Licensing Dept.
Alcohol & Gaming Division
P.O. Box 25101
Santa Fe, NM 87504-5101

Dear Ms. Martinez,

A public hearing was held on July 24, 2018 where the City of Aztec Commission **approved** the waiver for alcohol sales in advance of receiving the liquor license application for Aztec Theater & Center for Music & Arts, Inc., located at 104 N. Main., Aztec NM 87410.

Attached you will find a copy of the two publications for the hearing.

If you have any questions or wish to discuss this with me, please call me at (505)334-7603.

Thank You.

Sincerely,


Karla H. Sayler, CMC
City Clerk

cc: Tammy Kauvaka

AFFIDAVIT OF PUBLICATION

AD NUMBER 4125

A TRUE COPY OF PUBLICATION HERE

STATE OF NEW MEXICO
County of San Juan

JOSEPH SYKES, being duly sworn says: That he is the PUBLISHER of THE AZTEC LOCAL NEWS (TALON), a newspaper of general circulation published in English at Aztec, in the County of San Juan, State of New Mexico, and that the hereto attached Legal Notice was published in a regular and entire issue of the said TALON, a newspaper qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication, and appeared in the Internet at the TALON web site on the following day(s):

JUNE 22, 2018

And the cost of said publication is \$ 27.25

PUBLISHER SIGNATURE BELOW

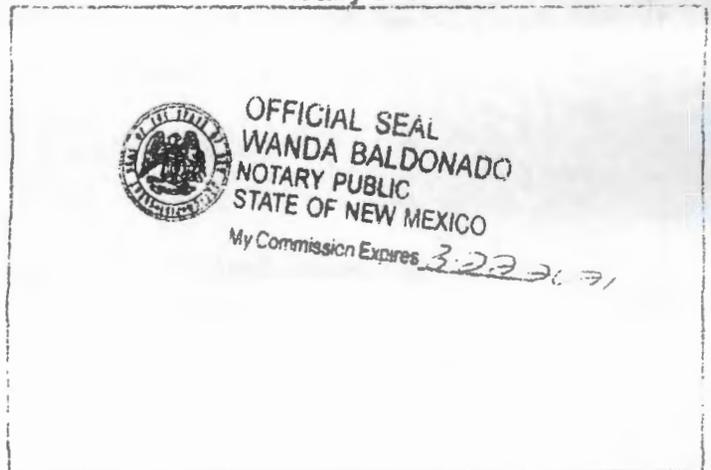
J. Sykes

ON THIS DATE 6/25/18 JOSEPH SYKES appeared before me whom I know personally to be the person who signed this affidavit of publication

Notary Signature:

Wanda Baldonado

Notary Seal:



PUBLIC NOTICE

CITY OF AZTEC: City of Aztec Public Notice is hereby given that the Aztec City Commission will hold a public hearing for consideration of approval of a water and electric sales for 2018. The hearing will be held during the regular Commission meeting at 6:00 p.m. on Tuesday, June 20, 2018. The meeting will be held at the City Hall, Commission Meeting Room, 20 W. Alamo Aztec, City of Aztec, Karla Saenz, City Clerk. (City of Aztec, Public Notice) (AZTEC June 20, 2018)

AFFIDAVIT OF PUBLICATION

AD NUMBER 4132

AFFIX COPY OF PUBLICATION HERE:

STATE OF NEW MEXICO
County of San Juan:

JOSEPH SYKES, being duly sworn says: That he IS the PUBLISHER of THE AZTEC LOCAL NEWS (TALON), a newspaper of general circulation published in English at Aztec, in the County of San Juan, State of New Mexico, and that the hereto attached Legal Notice was published in a regular and entire issue of the said TALON, a newspaper qualified for the purpose within the meaning of Chapter 167 of the 1937 Session Laws of the State of New Mexico for publication, and appeared in the Internet at the TALON web site on the following day(s):

June 29, 2018
And the cost of said publication is \$ 32²⁴

PUBLISHER SIGNATURE BELOW :

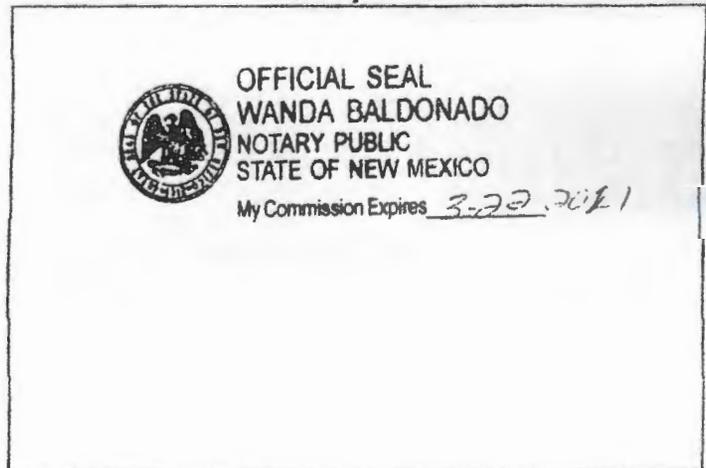
x J.P. Sykes

ON THIS DATE 7/16/18 JOSEPH SYKES appeared before me, whom I know personally to be the person who signed this affidavit of publication.

Notary Signature:

x Wanda Baldonado

Notary Seal:



PUBLIC NOTICE

PUBLIC NOTICE: City of Aztec PUBLIC NOTICE Notice is hereby given that the Aztec City Commission will hold a public hearing to consider the approval of a waiver of Alcohol Sales for Paschall Enterprises, Inc. at 119 N. Main and Aztec Theater & Center for Music & Arts, Inc. at 104 N. Main during the regular Commission meeting at 6:00 p.m. on Tuesday, July 24, 2018. The meeting will be held in the City Hall Commission Meeting Room, 201 W. Chaco, Aztec. City of Aztec /s/ Karla Saylor LEGAL #4132 Published in TALON JUNE 29, 2018



"The Church of the Pioneers"

Aztec Presbyterian Church

205 N. Church Avenue * Aztec, New Mexico 87410

Phone: (505) 334-2816

aztepcusa@gmail.com

Michele R. Goff, Pastor

June 27, 2018

Ms. Tammy Kauvaka
Aztec Theater & Center for Music & Arts, Inc.
809 N. McCoy Ave.
Aztec, NM 87410

Dear Ms. Kauvaka:

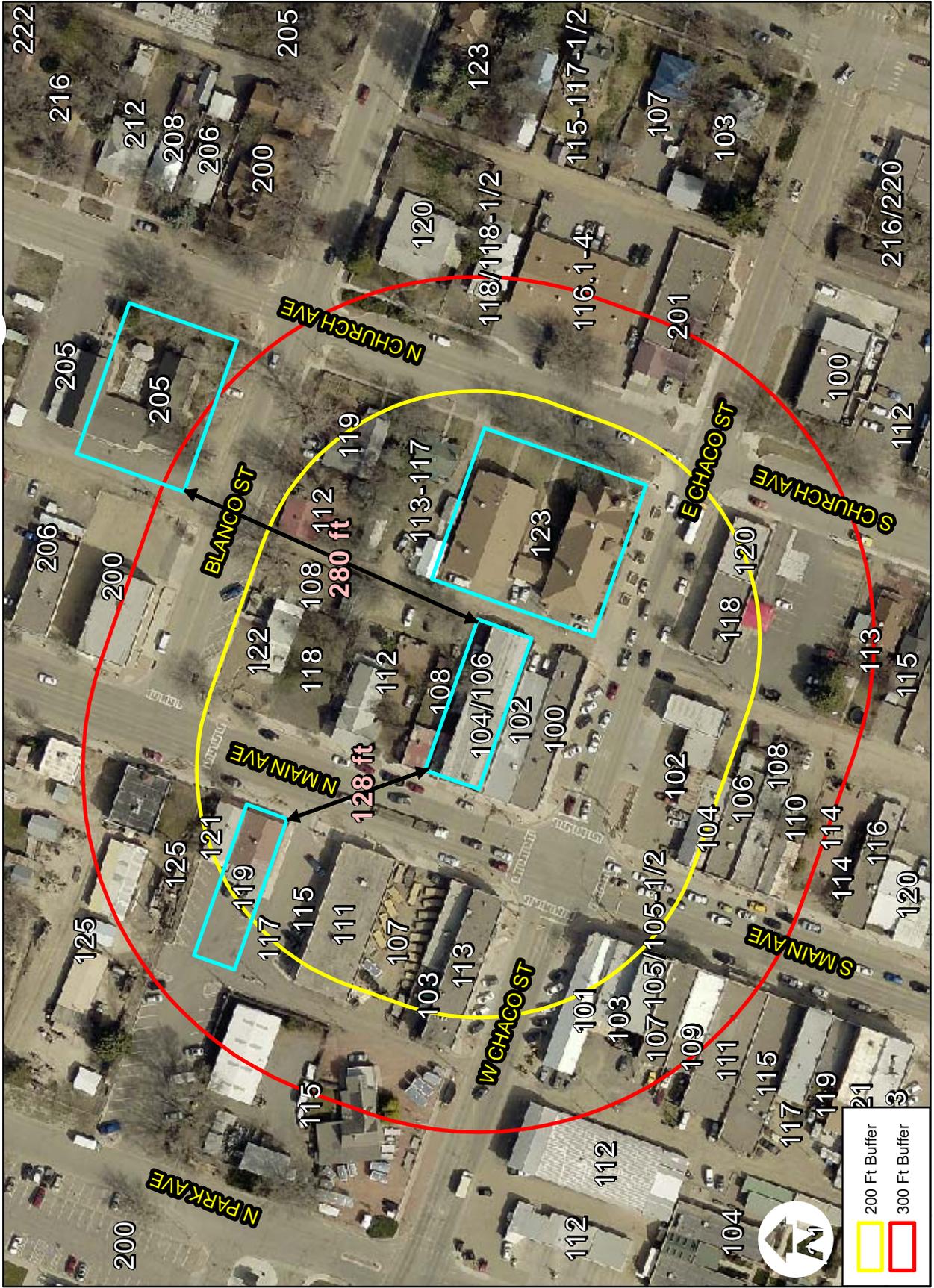
On June 26, 2018, the Aztec Presbyterian Session (governing body of the church) voted on your request for a variance for serving liquor at 104 N. Main Avenue. After discussion, it was approved by them to allow you to locate within 300 feet of our church and make application for issuance of a liquor license at this location.

We wish you well in your move and future endeavor.

Sincerely,

Michele R. Goff, Moderator
APC Session

sb



200 Ft Buffer
300 Ft Buffer



60-3A-3. Definitions.

As used in the Liquor Control Act:

A. "alcoholic beverages" means distilled or rectified spirits, potable alcohol, powdered alcohol, frozen or freeze-dried alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half percent alcohol, but excluding medicinal bitters;

B. "beer" means an alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt and hops or other cereals in water, and includes porter, beer, ale and stout;

C. "brewer" means a person who owns or operates a business for the manufacture of beer;

D. "cider" means an alcoholic beverage made from the normal alcoholic fermentation of the juice of sound, ripe apples that contains not less than one-half of one percent alcohol by volume and not more than seven percent alcohol by volume;

E. "club" means:

(1) any nonprofit group, including an auxiliary or subsidiary group, organized and operated under the laws of this state, with a membership of not less than fifty members who pay membership dues at the rate of not less than five dollars (\$5.00) per year and who, under the constitution and bylaws of the club, have all voting rights and full membership privileges, and which group is the owner, lessee or occupant of premises used exclusively for club purposes and which group the director finds:

(a) is operated solely for recreation, social, patriotic, political, benevolent or athletic purposes; and

(b) has been granted an exemption by the United States from the payment of the federal income tax as a club under the provisions of Section 501(a) of the Internal Revenue Code of 1986, as amended, or, if the applicant has not operated as a club for a sufficient time to be eligible for the income tax exemption, it must execute and file with the director a sworn letter of intent declaring that it will, in good faith, apply for an income tax exemption as soon as it is eligible; or

(2) an airline passenger membership club operated by an air common carrier that maintains or operates a clubroom at an international airport terminal. As used in this paragraph, "air common carrier" means a person engaged in regularly scheduled air transportation between fixed termini under a certificate of public convenience and necessity issued by the federal aviation administration;

60-7A-13. Sales by clubs.

A. Any club licensed pursuant to the provisions of the Liquor Control Act [^{60-3A-1 NMSA 1978}] shall only have the right to sell alcoholic beverages by the drink and wine by the bottle for consumption on the premises.

B. Except as otherwise provided in this section, it is unlawful and grounds for suspension or revocation of its license for a club to:

(1) solicit by advertising or any other means public patronage of its alcoholic beverage facilities. In the event the club solicits public patronage of its other facilities, alcoholic beverages shall not be sold, served or consumed on the premises while the other facilities are being used by or operated for the benefit of the general public, unless the alcoholic beverage facilities are separate from the other facilities and the general public is not permitted to enter any part of the facilities where alcoholic beverages are being sold, served or consumed; or

(2) serve, sell or permit the consumption of alcoholic beverages to persons other than members and their bona fide guests.

C. A club licensed pursuant to the provisions of the Liquor Control Act may allow its facilities, including its licensed premises, to be used, for activities other than its own, no more than two times in a calendar year for fundraising events held by other nonprofit organizations.

D. For the purposes of this section:

(1) "bona fide guest" means a person whose presence in the club is in response to a specific invitation by a member and for whom the member assumes responsibility; and

(2) "member" includes the adult spouse and the children of a member who pays membership dues or of a deceased member who paid membership dues or a member of an official auxiliary or subsidiary group of the club who has been issued a personal identification card in accordance with the rules and regulations of the club. **History:** Laws 1981, ch. 39, §79; 1987, ch. 13, §1; 1999, ch. 114, §1.

60-6B-8. Repealed.

60-6B-9. Discontinuance of business or death of licensee; judicial sales.

A. If a retailer, dispenser, canopy licensee, restaurant licensee, club licensee or governmental licensee or its lessee discontinues business for any reason or the licensee dies, the stock of alcoholic beverages owned at the time of the discontinuation of business or the death of the licensee may be sold in whole or in part to any other retailer, dispenser, canopy licensee, restaurant licensee, club licensee or governmental licensee or its lessee or to a New Mexico wholesaler without the selling incurring criminal or civil liability under the provisions of the Liquor Control Act [^{60-3A-1 NMSA 1978}].

B. If the stock of alcoholic beverages is sold under execution or attachment or by order of a court, the stock shall be sold only to other New Mexico retailers, dispensers, canopy licensees, restaurant licensees, club licensees, governmental licensees or their lessees or to a New Mexico wholesaler. **History:** Laws 1981, ch. 39, §75.

60-6B-10. Locations near church or school; restrictions on licensing.

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.

60-6B-11. Locations near military installations; restrictions on licensing.

Except for licenses issued prior to July 1, 1981, the director **shall not issue retailer's or dispenser's licenses** where the licensed premises would be **within one and one-half miles** in any direction measured from the exterior boundaries of a United States military installation where United States military troops are domiciled. Provided, however, such licenses may be issued or transferred subject to the discretion of the director for operation in an area within the one-and-one-half-mile limitation if a portion of the area lies within the incorporated limits of any municipality, **but no license shall be issued for or transferred to a location within two hundred yards of any entrance** to the military installation. **History:** Laws 1981, ch. 39, §46.

60-6B-12. Inter-local option district and inter-county transfers.

A. Dispenser's and retailer's licenses originally issued before July 1, 1981, except rural dispenser's and rural retailer's licenses and canopy licenses that were replaced by dispenser's licenses pursuant to Section 60-6B-16 NMSA 1978, may be transferred to any location within the state, except class B counties having a population of between fifty-six thousand and fifty-seven