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8 **THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A REGULAR**  
9 **MEETING ON MONDAY, SEPTEMBER 28, 2020 AT 6:00 P.M.**  
10 **VIA TELECONFERENCE 1-346-248-7799**  
11 **MEETING ID 983-7900-0389**  
12 **PASSWORD 971704**  
13  
14

15 **TRUSTEES:** Nora Barraza, Mayor  
16 Carlos Arzabal, Mayor Pro Tem  
17 Jesus Caro, Trustee  
18 Veronica Garcia, Trustee (absent)  
19 Stephanie Johnson-Burick, Trustee  
20

21 **STAFF:** Cynthia Stoechner-Hernandez, Town Clerk/Treasurer  
22 Kevin Hoban, Fire Chief  
23 Edward Lerma, Marshal  
24 Rod McGillivray, Public Works Director  
25 Larry Shannon, Community Development Coordinator  
26 Gloria Maya, Recorder  
27

28 **1. PLEDGE OF ALLEGIANCE**

29 Mayor Barraza led the Pledge of Allegiance.  
30

31 **2. ROLL CALL & DETERMINATION OF A QUORUM**

32 **Roll Call.**

33 **Present:** Mayor Barraza, Mayor Pro-Tem Arzabal, Trustee Caro, Trustee Johnson-Burick.  
34

35 **3. CHANGES TO THE AGENDA & APPROVAL**

36 **Motion: To approve agenda, Moved by Trustee Johnson-Burick, Seconded by Mayor Pro-Tem**  
37 **Arzabal.**  
38

39 **Roll Call Vote:** Motion passed (**summary:** Yes =3).

40 Mayor Pro-Tem Arzabal Yes

41 Trustee Caro Yes

42 Trustee Johnson-Burick Yes  
43

44 **4. PRESENTATIONS:**

45 **a) A presentation of Life Saver Awards. – Chief Kevin Hoban.**

46 Fire Chief Hoban presented the Life Save Award to Lieutenant Enrique Salas, Battalion Chief George  
47 Klebansky and Lieutenant Dillan Thunhorst, and EMT Basic Ines Thunhorst a CPR save that occurred in  
48 November, 2019.  
49

50 Mayor Barraza congratulated and thanked the officers for their efforts. This represents the commitment  
51 and the caliber of these officers that serve the Town of Mesilla.

1 5. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.

2 **Public input in writing shall be received at [cynthias-h@mesillanm.gov](mailto:cynthias-h@mesillanm.gov) an**  
3 **hour before the meeting begins on the day of the meeting and will be read into**  
4 **the record. You will also be given an opportunity to speak during this time by**  
5 **pressing \*9 while in the teleconference. You will be prompted when to begin**  
6 **speaking.**

7 No Public Input

8  
9 6. \*APPROVAL OF CONSENT AGENDA:

10 (The Board will be asked to approve by one motion the following items of  
11 recurring or routine business. The Consent Agenda is marked with an asterisk \*):

12 Mayor Barraza requested removing item e PZHAC Case 061120 from the consent agenda. She  
13 noted a correction to the Worksession of September 14, 2020 to indicate that Trustee Johnson-  
14 Burick was not in attendance at the September 14<sup>th</sup> worksession.

15  
16 **Motion: To approve consent agenda as amended, Moved by Trustee Johnson-Burick, Seconded by**  
17 **Mayor Pro-Tem Arzabal.**

18  
19 Mayor Pro-Tem Arzabal asked how PZHAC can place a time limit on a fence.

20  
21 Mayor Barraza responded it cannot be infinity.

22  
23 Mayor Pro-Tem Arzabal asked if there is an ordinance that addresses time limits or did, they just create  
24 that.

25  
26 Mayor Barraza believes both parties were in agreement.

27  
28 **Roll Call Vote:** Motion passed (summary: Yes =3).

29 Mayor Pro-Tem Arzabal Yes

30 Trustee Caro Yes

31 Trustee Johnson-Burick Yes

32  
33 a) **\*BOT Minutes** – Minutes of a Work Session & Regular Meeting on September 14, 2020.

34 *Approved by consent agenda*

35 b) **\*PZHAC Case 061046 WITH CONDITIONS** – 1850 Avenida de Mesilla, submitted by  
36 Samantha Simpson for Nancy Clayshulte; a request for a zoning permit to install a farm fence  
37 along the east side of a pecan grove on this property. **Zoned: Historic Residential (HR)**

38 *Approved by consent agenda*

39 c) **\*PZHAC Case 061118 WITH CONDITIONS** – 2900 Avenida de Mesilla Suite A,  
40 submitted by Jerry Grandle for Austy, LLC; a request for a zoning permit to allow a temporary  
41 patio expansion at the “Spotted Dog Brewery” to be made permanent. **Zoned: General**  
42 **Commercial (C)** *Approved by consent agenda*

43 d) **\*PZHAC Case 061119** – 2149 Calle de Los Huertos, submitted by Gabrielle Quintana; a  
44 request for a zoning permit to allow the construction of covered porches over the front and  
45 rear entry landings on a dwelling at this address. **Zoned: Historic Residential (HR)**  
46 *Approved by consent agenda*

47 e) **\*PZHAC Case 061120** – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a request for  
48 a zoning permit to allow sections of fencing to be installed around a commercial property at  
49 this address for security reasons. **Zoned: Historic Commercial (HC)**

50 **Motion: To approve PZHAC Case 061120 – 2230 Avenida de Mesilla, submitted by Jesus Lucero; a**  
51 **request for a zoning permit to allow sections of fencing to be installed around a commercial**  
52 **property at this address for security reasons. Zoned: Historic Commercial (HC), Moved by Mayor**

1 **Pro-Tem Arzabal, Seconded by Trustee Johnson-Burick.**

2  
3 Mayor Barraza stated the area will be fenced with different kinds of material; corrugated metal, wire,  
4 brick, wood. Reviewed the allowed material list. She is concerned with the appearance and feels they  
5 should use the type of material which is on the approved list.

6  
7 Mayor Pro-Tem Arzabal stated the Planning and Zoning voted 4-0; what did they see that she is not  
8 seeing.

9  
10 Mr. Shannon reviewed the ordinance where there is nothing that limits the type of material. Planning and  
11 Zoning decided to allow the fencing only while this business is in operation upon which time the fence  
12 will be removed.

13  
14 Mayor Barraza asked since the fence is not in the front setback there is no limit on the type of material  
15 that will be used.

16  
17 Mr. Shannon responded that is how the ordinance reads; referred to Section 18.3.33.

18  
19 Mayor Barraza stated we have denied chain link fences that are not in the setback; feels this will set  
20 precedent.

21  
22 Mr. Shannon responded chain link fences have been denied since he started with the exception for  
23 kennels. Reiterated there is nothing in the code that prohibits this fencing except for what is in Section  
24 18.3.33. We have been consistent not allowed chain link fences.

25  
26 Trustee Caro stated he feels if it is not approved material it should not be allowed.

27  
28 Mayor Pro-Tem Arzabal stated if this material is not allowed why does Mr. Shannon say it is allowable.

29  
30 Mr. Shannon responded the code does not say it is not allowable.

31  
32 Mayor Barraza stated she read Section 18.60.330 and there is a limit as to what can be used.

33  
34 Mayor Pro-Tem Arzabal recommended attaining a legal opinion.

35  
36 **Amended Motion: To postpone PZHAC Case 061120 – 2230 Avenida de Mesilla, submitted by**  
37 **Jesus Lucero; a request for a zoning permit to allow sections of fencing to be installed around a**  
38 **commercial property at this address for security reasons. Zoned: Historic Commercial (HC),**  
39 **awaiting legal review, Moved by Mayor Pro-Tem Arzabal, Seconded by Trustee Caro.**

40  
41 Mayor Barraza stated she is concerned with the different material being used for the fence. We need to  
42 look at the development zone.

43  
44 Mayor Pro-Tem Arzabal responded how can the Planning and Zoning and the trustees comprehend a  
45 development zone when all this material is allowed.

46  
47 Mayor Barraza stated there is currently a wood and chain link fence. Feels they should continue to use  
48 the wood to continue the look; there needs to be consistency.

49  
50 Trustee Johnson-Burick stated chain link is not an allowable material. We need to follow the ordinances.  
51 She does not agree to the hodgepodge of material, some of which is not allowable, and may create an eye  
52 sore.

1  
2 Mayor Barraza suggested giving the applicant recommendations on material that can be used.  
3

4 **Amended Motion Roll Call Vote:** Motion passed (summary: Yes =3).

5 Mayor Pro-Tem Arzabal Yes

6 Trustee Caro Yes

7 Trustee Johnson-Burick Yes  
8

9 Ms. Lucero stated the Planning and Zoning also had reservations when voting on this case. It was approved  
10 based on the fact it would be temporary.  
11

- 12 f) **\*PZHAC Case 061121** – 2185 Calle de Guadalupe, submitted by Richard Moreno; a request  
13 for a zoning permit to allow the replacement of all six windows on a dwelling at this address.  
14 **Zoned: Historic Residential (HR) Approved by consent agenda**

15  
16 **7. AN APPEAL OF A DECISION OF THE PLANNING, ZONING AND HISTORICAL**  
17 **APPROPRIATENESS COMMISSION:**

- 18 a) **A Public Hearing must be held:** on Case 061079, 2067 Stithes Road and 1780 Calle de El  
19 Paso, submitted by Jon Strain; a request to allow a lot line adjustment between these two  
20 properties and Case 061088 a request for a zoning permit to allow the construction of a  
21 garage/workshop on a residential property at this address. **Zoned: Rural/Agricultural (RA)**  
22 submitted by Ms. CaraLyn Banks on behalf of Mr. Strain.

23 **Motion: To close Regular Meeting and open Public Hearing for Case #061079, Moved by Mayor**  
24 **Pro-Tem Arzabal, Seconded by Trustee Johnson-Burick.**  
25

26 **Roll Call Vote:** Motion passed (summary: Yes =3).

27 Mayor Pro-Tem Arzabal Yes

28 Trustee Caro Yes

29 Trustee Johnson-Burick Yes  
30

31 Mr. Shannon gave a summary of Case 061079.  
32

33 **Motion: To close Public Hearing and open Regular Meeting, Moved by Trustee Johnson-Burick,**  
34 **Seconded by Mayor Pro-Tem Arzabal.**  
35

36 **Roll Call Vote:** Motion passed (summary: Yes =3).

37 Mayor Pro-Tem Arzabal Yes

38 Trustee Caro Yes

39 Trustee Johnson-Burick Yes  
40

41 **Opened Regular Meeting 6:43 p.m.**  
42

43 Ms. Banks stated feels there is a conflict of interest regarding Mayor Barraza and Ms. Lucero, Planning and  
44 Zoning representative, being sisters. She reviewed the information on both properties with regards to leech  
45 lines, legal addresses, size, and shape of lots. She asked if the additional material sent in the afternoon was  
46 made available to the trustees. They were never given a good reason as to why this request was denied.  
47 These lots will remain non-conforming, no dwellings will be added. Moving the lot line to be consistent  
48 with the New Mexico Environmental rules. Mr. Strain was unable to participate to provide more  
49 information.  
50

1 Mayor Barraza asked Ms. Stoechner-Hernandez.  
2  
3 Ms. Stoechner-Hernandez responded yes.  
4  
5 Mr. Cervantes stated he rejects the argument with regards to the Mayor and Ms. Lucero being sisters. The  
6 mayor only votes in case of a tie and the bias is when an applicant is related to a voting individual. He  
7 reviewed the case, and the time frame required for an appeal. He questioned why one lot is .75 and the  
8 other lot would be 2.139 acres; he suspects it may be due to septic tanks regulations. He stated of the  
9 members are entitled to vote with the mayor voting in case of a tie. There needs to be 2/3 of the members  
10 voting to overturn the Planning and Zonings decision.  
11  
12 Mayor Barraza asked Ms. Lucero to defend the Planning and Zoning's decision.  
13  
14 Ms. Lucero reviewed the Planning and Zonings process that was followed.  
15  
16 Trustee Johnson-Burick asked Ms. Lucero if there was any basis in denying the lot line adjustment.  
17  
18 Ms. Lucero responded our decision was based on the RA zoning ordinance.  
19  
20 Trustee Johnson-Burick asked how the applicant was notified of the denial.  
21  
22 Mr. Lucero responded Mr. Strain attended the meeting, that question would go to staff.  
23  
24 Trustee Johnson-Burick asked that if the lot line is adjusted it would bring the property up to the New  
25 Mexico Environmental requirements. As it is now it is not legal.  
26  
27 Ms. Banks responded that is correct.  
28  
29 Mr. Cervantes stated there needs to be clarification on which statecode is being addressed. He addressed  
30 the septic systems.  
31  
32 Ms. Lucero stated the Planning and Zoning recommended removing the lot line and having one non-  
33 conforming lot.  
34  
35 Trustee Johnson-Burick stated she like the idea of one lot. She asked if leech lines are addressed in the  
36 Town of Mesilla's [State of New Mexico's] code.  
37  
38 Mr. Cervantes read the definition of a summary subdivision which the lot line adjustment could be  
39 interpreted as. The town does not have that in their codes.  
40  
41 Mr. Shannon stated there is no mention of septic tanks in the Town Code, but there is in statute. No new  
42 lots are being created so it is not a subdivision.  
43

1 Trustee Johnson-Burick asked Ms. Banks which town code would be addressed that would be satisfied  
2 through the New Mexico State Environment Division.  
3  
4 Ms. Banks responded the requirement is .75 which is what the small house on Calle de El Paso has. We  
5 are not creating new lots or subdivision.  
6  
7 Trustee Caro asked if the town has sewer lines on Calle de El Paso.  
8  
9 No one was able to answer the question of the sewer lines on Calle de El Paso.  
10  
11 Trustee Caro stated that may help with the decision. He stated he is going with their appeal.  
12  
13 Mayor Pro-Tem Arzabal asked if meeting notices are being sent out on a timely meeting.  
14  
15 Mr. Shannon gave the timeline of the postings. He was dealing with the applicant's representative who  
16 was aware of the change in meeting time.  
17  
18 Mayor Pro-Tem Arzabal asked who presented the material on their behalf.  
19  
20 Mr. Shannon reiterated he spoke to the representative.  
21  
22 Mayor Pro-Tem Arzabal asked who presented the information on behalf of the applicant based on this  
23 letter it looks like no one did.  
24  
25 Mayor Barraza responded staff presents the case, but we encourage the applicant to be present to answer  
26 questions.  
27  
28 Mayor Pro-Tem Arzabal stated the letter states that the applicant was not notified until 2 hours before he  
29 was about to board a flight.  
30  
31 Mayor Barraza *interrupted*  
32  
33 Mayor Pro-Tem Arzabal asked Ms. Banks if she was given adequate time to present this case at the  
34 meeting.  
35  
36 Ms. Banks stated her client was given a 2-hour notice.  
37  
38 Mayor Pro-Tem Arzabal responded Mr. Shannon has indicated he was dealing with Mr. Strain's  
39 representative.  
40  
41 Mayor Barraza responded at that time Mr. Shannon was in contact with Ms. Victoria Lucero who was  
42 representing Mr. Strain at that time.

1  
2 Mayor Pro-Tem Arzabal stated he had no idea that there was another person involved until right now.  
3  
4 Mr. Strain stated the application which had his contact information was submitted on May 15<sup>th</sup>; the first  
5 meeting was July 25<sup>th</sup>. Ms. Lucero is a mortgage lender; she was trying to make it work. He was not  
6 given an opportunity to get on the first meeting and he tried several times. He was notified of the second  
7 meeting 2 hours before he was to board a plane back to Denver; not 72 hours. Ms. Lucero was not her  
8 representative. He has a chain of emails that should they were not notified.  
9  
10 Mayor Pro-Tem Arzabal referred to Mr. Cervantes letter and asked if he was in agreement if they were to  
11 move the lot line.  
12  
13 Mr. Cervantes responded the letter was in connection to Case 061088 not to Case 061079. The code  
14 would disallow any addition/modification to existing building on the lots. He asked if the first meeting  
15 was cancelled due to technological issues.  
16  
17 Mr. Shannon responded yes.  
18  
19 Mr. Cervantes asked if all scheduled procedures were cancelled.  
20  
21 Mr. Shannon responded yes.  
22  
23 Mr. Cervantes asked if when the meeting was cancelled was there any representation when the meeting  
24 would be rescheduled.  
25  
26 Mr. Shannon responded we were not able to contact everyone during the meeting which lasted 10  
27 minutes.  
28  
29 Mayor Barraza asked if the property facing Calle de El Paso is on a septic line.  
30  
31 Ms. Banks responded it is on a septic line.  
32  
33 Mayor Barraza asked where the leech line is on the property.  
34  
35 Ms. Banks responded the leech line in on the Stithes property.  
36  
37 Mayor Barraza asked if the leech line is on the property that faces Calle de El Paso.  
38  
39 Ms. Banks stated the leech line is closer to the Stithes side.  
40  
41 Mayor Pro-Tem Arzabal asked why this case did not go to the Board of Adjustments.  
42

1 Mayor Barraza responded the applicant appealed to the Board of Trustees.  
2  
3 Mr. Strain reviewed the map.  
4  
5 Trustee Johnson-Burick stated she does not see a survey in their packets verifying the location of the  
6 leech lines.  
7  
8 Ms. Banks stated they can provide a survey map. Inaudible  
9  
10 Mr. Strain stated this was done by a survey company.  
11  
12 Trustee Johnson-Burick stated the application dated February 12<sup>th</sup> is for a subdivision application.  
13  
14 Mr. Strain responded that is what he was told to do.  
15  
16 Mayor Barraza asked if that is the same application we are using and why was that information given to  
17 the applicant.  
18  
19 Mr. Shannon responded that is the application we are using. The box for summary subdivision is marked.  
20  
21 Mr. Strain responded he was given that application when we asked for the lot line adjustment. He has  
22 spent a lot of money doing what he has been told to do and then he is told it is not right.  
23  
24 Trustee Johnson-Burick stated this is an application for a subdivision; can that be amended to reflect lot  
25 line adjustment and not a subdivision.  
26  
27 Mr. Cervantes stated the note below clarifies the application is for lot lines. Referred to the town code.  
28  
29 Mayor Pro-Tem Arzabal asked how we can proceed with all the issues that have come up.  
30  
31 Mr. Cervantes stated this discussion may be a closed session item since there is a threat of litigation. He  
32 explained the issue presented is adequacy of notice and procedure. In his opinion this is not an arbitrary  
33 or capricious action which is another standard for reversing a decision made by an administrative agency  
34 like the Planning and Zoning Commission.  
35  
36 Mayor Barraza stated the Planning and Zoning Commission's vote was based on the non-conforming lots  
37 ordinance.  
38  
39 Ms. Banks asked what is going to happen if we cannot adjust the lot line. She feels there were no basis  
40 for the decision made by the Planning and Zoning. Her client did what he was told to do and provided the  
41 information requested. Inaudible  
42



1 Trustee Caro stated he would like to make a motion for approval of the appeal for Case #061079 with the  
2 condition that subdivision is removed from the application. Allowing them to adjust the lot lines will  
3 make it more of a legal lot even though it will still be non-conforming.

4

5 Mayor Pro-Tem Arzabal asked if motion is only for the lot line adjustment.

6

7 Mayor Barraza responded yes; cases will be voted on separately.

8

9 Ms. Stohner-Hernandez confirmed there was a roll call vote to close the Public Hearing.

10

11 **For Approval/Disapproval:** on Case 061079, 2067 Stithes Road and 1780 Calle de El Paso, submitted by  
12 Jon Strain; a request to allow a lot line adjustment between these two properties and Case 061088 a request  
13 for a zoning permit to allow the construction of a garage/workshop on a residential property at this address.  
14 Zoned: Rural/ Agricultural (RA) submitted by Ms. CaraLyn Banks on behalf of Mr. Strain. **\*\*A resolution**  
15 **stating the board's decision and reasoning shall be approved at the next Board of Trustee meeting\*\***

16 **Motion: To approve Case 061079, 2067 Stithes Road and 1780 Calle de El Paso, submitted by Jon**  
17 **Strain; a request to allow a lot line adjustment between these two properties, Moved by Trustee**  
18 **Caro, Seconded by Mayor Pro-Tem Arzabal.**

19

20 Trustee Johnson-Burick stated she has the most up respect and trust in the Planning and Zoning  
21 Commission. She does have concerns they were not presented all the information with regards to Case  
22 #061079.

23

24 **Case #061079 Roll Call Vote:** Motion passed (summary: Yes =3).

25 Mayor Pro-Tem Arzabal Yes

26 Trustee Caro Yes

27 Trustee Johnson-Burick Yes

28

29 **Motion: To close Regular Meeting and open Public Hearing on Case #061088, Moved by Mayor**  
30 **Pro-Tem Arzabal, Seconded by Trustee Caro.**

31

32 **Roll Call Vote:** Motion passed (summary: Yes =3).

33 Mayor Pro-Tem Arzabal Yes

34 Trustee Caro Yes

35 Trustee Johnson-Burick Yes

36

37 Mr. McBurney stated if this case was denied based on non-conforming lot, it will set precedent as there is  
38 a large percentage of non-conforming lots in Mesilla. He asked the board to take that into consideration  
39 when voting on this case.

40

41 **Motion: To close Public Hearing and open Regular Meeting, Moved by Trustee Johnson-Burick,**  
42 **Seconded by Mayor Pro-Tem Arzabal.**

43

44 **Roll Call Vote:** Motion passed (summary: Yes =3).

45 Mayor Pro-Tem Arzabal Yes

46 Trustee Caro Yes

47 Trustee Johnson-Burick Yes

48

49 **Opened Regular Meeting at 7:30 p.m.**

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**Motion: To approve Case 061088, a request for a zoning permit to allow the construction of a garage/workshop on a residential property at this address. Zoned: Rural/Agricultural (RA) submitted by Ms. CaraLyn Banks on behalf of Mr. Strain. \*\*A resolution stating the board’s decision and reasoning shall be approved at the next Board of Trustees meeting\*\*, Moved by Trustee Caro, Seconded by Mayor Pro-Tem Arzabal.**

Mr. Shannon gave a summary of Case #61088.

Ms. Banks stated gave a summary of Mr. Strain’s case. Referred to 18.25.20 and 18.25.50. Mr. McBurney made a good comment with regards to precedents. She reviewed prior cases where construction applications were approved on non-conforming lots. They are requesting that the town continue to follow its own precedents and allow residents to for accessory buildings on their properties. By approving other applications and denying Mr. Strain would be arbitrary.

Mr. Cervantes stated he does not know the history of these types of cases. It could be argued in court as to what is arbitrary and capricious. Referred to Chapter 18.60; sections 18.60.050, 18.60.160, 18.60.070, 18.60.080. RA Zone does allow for resident, home occupation and accessory buildings use. The denial was based on the prohibition of enlarging or the expansion of non-conforming use of land or a building.

Mayor Barraza stated only Historical Residential Cases come to the Board of Trustees. She asked Ms. Banks how many dwellings, besides the home, are on the property.

Ms. Banks responded the home is the only dwelling on the property.

Mayor Barraza asked how many accessory buildings are on the property.

Ms. Banks responded there is a shop, a garage, and the well house. Referred to the photograph of the property.

Mayor Barraza asked what the large structure is.

Ms. Banks responded that is the garage.

Trustee Johnson-Burick asked for clarification on the comment made by Ms. Banks that Mr. Shannon had asked Mr. Strain to move the building to the back of the property.

Ms. Banks responded that is what we understood.

Mr. Shannon responded he was addressing the setbacks; 30 ft. to the back.

Mayor Barraza asked if he told them that would be approved by the Planning and Zoning.

Mr. Shannon responded he told them to meet the requirement of the codes it would need to be 30 ft. setback.

Trustee Johnson-Burick stated a business permit does not authorize or grant permission to build more buildings on a lot.

Mayor Barraza stated ordinances 18.60.050 & 18.60.060 are clear as Mr. Cervantes pointed out to us.

1 Trustee Caro asked for the size of the building and what material will be used.  
2  
3 Mr. Strain responded it will be 30' by 32', will be wood framed with an asphalt shingle roof - matching  
4 the existing buildings.  
5  
6 Mayor Barraza asked why the accessory building is not being utilized for what he is requesting.  
7  
8 Mr. Strain responded the area is the messing building, the new area will be used to do the finish work on  
9 projects in a cleaner environment.  
10  
11 Trustee Caro stated he does not have a problem with the proposal.  
12  
13 Mayor Barraza asked the trustees to take into consideration there are already accessory buildings that  
14 have not gone through the process.  
15  
16 Ms. Banks referred to 18.60.020. One of cases she referenced was a non-conforming lot in the Historical  
17 Residential Zone. Mr. Strain provided all the information is requested. Exceptions have been made in the  
18 past setting the precedent that needs to be followed.  
19  
20 Mr. Cervantes addressed arbitrary and capricious.  
21  
22 Mayor Barraza referenced the letter submitted by Mr. Cervantes. Our ordinances have been in place for a  
23 long time and we need to continue protecting and preserving the rural area surrounding Mesilla. She  
24 hopes the board understands what the purpose is of the ordinances.  
25  
26 **Motion: To uphold the decision made by the PZHAC and not to approve appeal for Case #061088,**  
27 **Moved by Trustee Johnson-Burick, Seconded by none.**  
28  
29 **Motion Fails**  
30  
31 **Motion: To approve PZHAC Case #061088, Moved by Mayor Pro Tem Arzabal, Seconded by**  
32 **Trustee Caro.**  
33  
34 Mayor Barraza asked Mr. Cervantes if we can go into the second motion since the first motion failed.  
35  
36 Mr. Cervantes responded the board still has consideration for the action.  
37  
38 **Case #061088 Roll Call Vote:** Motion passed (**summary:** Yes=2, No=1)  
39 Mayor Pro-Tem Arzabal Yes  
40 Trustee Caro Yes  
41 Trustee Johnson-Burick No  
42  
43 Trustee Johnson-Burick stated that a business license does not allow us to violate our ordinances or not  
44 listen to our attorney.  
45  
46 Mr. Cervantes stated it requires a 2/3 vote to overturn the decision.  
47  
48 **8. NEW BUSINESS:**  
a) **For approval:** Ordinance 2020-05: Revising section 18.55.010 Land Uses of the Town of  
Mesilla Town Code regarding columbariums.

1  
2 Ms. Stoechner- Hernandez stated she received no comments and reviewed the change.

3  
4 **Motion: To approve Ordinance 2020-05: Revising section 18.55.010 Land Uses of the Town of**  
5 **Mesilla Town Code regarding columbariums, Moved by Mayor Pro-Tem Arzabal, Seconded by**  
6 **Trustee Johnson-Burick.**

7  
8 **Roll Call Vote:** Motion passed (summary: Yes =3).  
9 Mayor Pro-Tem Arzabal Yes  
10 Trustee Caro Yes  
11 Trustee Johnson-Burick Yes

12  
13 b) **Resolution 2020-20:** A resolution adopting an Infrastructure Capital Improvements Plan  
14 (ICIP) for the Mesilla Community Center (Senior Programs) 2022-2026 – *Rod McGillivray,*  
15 *Public Works Director.*

16 Mr. McGillivray stated there was not any activity last year and is the same as last year.

17 **Motion: To approve Resolution 2020-20: A resolution adopting an Infrastructure Capital**  
18 **Improvements Plan (ICIP) for the Mesilla Community Center (Senior Programs) 2022-2026,**  
19 **Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Arzabal.**

20  
21 **Roll Call Vote:** Motion passed (summary: Yes =3).  
22 Mayor Pro-Tem Arzabal Yes  
23 Trustee Caro Yes  
24 Trustee Johnson-Burick Yes

25  
26 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

27 Trustee Johnson-Burick – MPO meeting October 14<sup>th</sup>

28  
29 **10. BOARD OF TRUSTEE/STAFF COMMENTS**

30 Fire Chief Hoban stated we are moving forward on our grant.

31  
32 Mayor Pro Tem Arzabal stated he understands offices will be reopening on October 1<sup>st</sup>; he thanked staff  
33 who has been working during the office closure for serving the residents and keeping the town up and  
34 running.

35  
36 Trustee Johnson-Burick stated our ordinances need to be followed. She commended the Planning and  
37 Zoning. Thanked Commissioner Lucero for bringing questions forward.

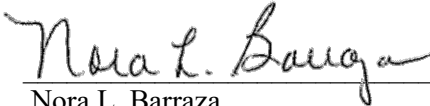
38  
39 Mayor Barraza stated Ms. Stoechner-Hernandez brought something forward to review regarding the 2/3 of  
40 members. She will get clarification from the Attorney General's office and legal counsel. She  
41 commended staff for a job well done. The Utility Office will be opening October 1<sup>st</sup>. The court will be  
42 closed this week. Ms. Sellers will have activities throughout the month of October. She asked the  
43 trustees to send a Ms. Sellers what they want to add to the newsletter. We took an oath to follow the  
44 ordinances of the Town of Mesilla. The interpretation and guidance given by the attorney were straight  
45 forward. We need to educate ourselves with regards to the ordinances. When we do not follow our  
46 ordinances, we are not applying the oath that we took. That why we end up in court litigation.

47  
48 **11. ADJOURNMENT**


**The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)**

MEETING ADJOURNED AT 8:49 P.M.

APPROVED THIS 13<sup>th</sup> DAY OF OCTOBER, 2020.

  
\_\_\_\_\_  
Nora L. Barraza  
Mayor

ATTEST:

  
\_\_\_\_\_  
Cynthia Stoechner-Hernandez  
Town Clerk/Treasurer

