

**BOARD OF TRUSTEES (BOT)
TOWN OF MESILLA
REGULAR MEETING
MONDAY, JUNE 26, 2023 – 6:00 PM**

MINUTES

TRUSTEES: Nora Barraza, Mayor
Adrianna Merrick, Mayor Pro Tem
Biviana Cadena, Trustee (Absent)
Veronica Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Enrique Salas, Marshal
Edward Salazar, Community Development Coordinator
Greg Whited, Fire Chief
Gloria Maya, Recorder

PUBLIC:

Bader Jouda	Kimberly Jouda
Janice & Bill Cook	Joe Foster
Greg Lester	Andrea Bryan
Mary F. Lucero	Richard Moreno
Ruben Quintana	LaNett Kuhn
Yolanda Lucero	Trina Witter
Lori Miller	Erick Walkinshaw
Mary H. Ratje	Mary Taylor
Edith Wyndler	Susan Krueger
Amanda Collier	Stewart & Karen Oberman

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Barraza, Mayor Pro Tem Merrick, Trustee Garcia, Trustee Johnson-Burick.

3. CHANGES TO THE AGENDA & APPROVAL

Motion: To approve agenda, Moved by Trustee Johnson-Burick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Merrick Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

4. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.

Ms. Ratje read correspondence (Attached)

Ms. Krueger reviewed her concerns with Case #061636.

Ms. Kuhn inaudible wall is not a common wall and is not going to be altered.

Ms. Lucero stated her concerns with feral cats. She is in favor of the Cannabis Lounge which is like a bar.

- 5. APPROVAL OF CONSENT AGENDA:** (The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *)
- a) ***BOT MINUTES** - Minutes of Meeting, June 12, 2023

Motion: To approve consent agenda, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Merrick Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

6. PRESENTATION

- a) Fireworks/Drought Status – Greg Whited

Fire Chief Whited reviewed the drought situation around the state.

Trustee Garcia asked if fireworks are going to be allowed.

Fire Chief Whited responded according to the Fire Service the Farmington area is still experiencing a sever drought.

Inaudible

7. STAFF REPORTS

- a) TextMyGov – Dorothy Sellers

Ms. Sellers gave a presentation on TextMyGov.

- b) NM Tourism Department Cooperative Agreement – Dorothy Sellers

Ms. Sellers gave an update on the NM Tourism Department Cooperative Agreement.

- c) US Department of Agriculture Wildlife Services – Mayor Barraza

Mayor Barraza and Marshal Salas reviewed the US Department of Agriculture Wildlife Services provided.

Mayor Barraza asked the residents to call Animal Control when a situation arises.

8. CLOSED EXECUTIVE SESSION

- a) Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2) – Marshal Department

Motion: To enter Closed Executive Session for discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-(H)(2)-Marshal Department, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Merrick Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

Entered Closed Executive Session at 6:23 p.m.

Motion: To enter Regular Meeting after discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-(H)(2)-Marshal Department – no action taken, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Merrick Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

Entered Regular Meeting at 6:29 p.m.

**9. APPEAL: SUP CASE #061636 - DECISION TO RECOMMEND APPROVAL TO BOT
- Susan Krueger**

Participants were sworn in.

Mayor Barraza reviewed the appeal procedure.

Ms. Krueger referenced 18.85.190 through 18.85.210 and Open Meeting Act. Case was not included on the agenda and, therefore, should not have been voted on. Recommended that PZHAC review the process.

Mr. Salazar reviewed the hearing process. There was a motion to recommend the case to the Board of Trustees, so the process is not complete. He explained the difference between Quasi-Judicial hearing and a Regulatory meeting.

Mayor Barraza stated no action was taken to approve the permit; approval to recommend to the Trustees was done.

Ms. Lucero stated procedure was followed.

Mayor Barraza referenced 18.85.150 and 18.85.190. Ms. Krueger's appeal states there was a procedural error. She believes the process was done correctly.

Ms. Krueger inaudible The PZHAC needs to understand the SUP process; reviewed the process.

Mr. Salazar stated procedures were explained at the start of the hearing.

Mayor Barraza referenced 18.85.150 and was assured by staff that everything was done correctly.

Mr. Salazar stated the public showed support for the lounge.

Mayor Barraza stated business owners submitted correspondence. Referenced 18.85.190.

Trustee Johnson-Burick stated she is concerned procedure was not followed and the lack of transparency. A roll call vote was taken on an item that was not on the agenda. Not all of the public were aware of the case; this could pose a liability to the town. Referred to the email received from Robert Fountain which was not included in the packet. Referenced 18.85.190. There is no supporting documentation or BAF; drawing is incomplete.

Mayor Pro Tem Merrick asked what determines if it is a Quasi-Judicial Hearing or a Regulatory meeting.

Mr. Salazar responded Regulatory meetings are when they meet as a group; Quasi-Judicial Hearing is when it is individual.

Mayor Pro Tem Merrick asked if it will be a Quasi-Judicial Hearing for SUPs.

Mr. Salazar responded yes.

Mayor Pro Tem Merrick stated there are conflicting facts being presented.

Trustee Garcia asked how the case was listed on the agenda.

Mr. Salazar responded it was listed as a Public Hearing.

Trustee Garcia asked if it was an action item.

Mr. Salazar responded yes.

Trustee Garcia asked if the Board of Trustees must have a Public Hearing as well.

Mr. Salazar responded that the determination of a SUP comes from the Board of Trustees.

Trustee Garcia asked if there was a quorum at the start of the meeting.

Mr. Salazar responded we had to wait.

Trustee Garcia stated Ms. Krueger sent an email saying that PZHAC should have a Public Hearing. Asked if the PZHAC gave a reason for the way they voted.

Mr. Salazar stated the commissions gave a reason for the way they voted.

Trustee Garcia stated she did not see that information.

Trustee Johnson-Burick stated she had not seen the minutes.

Mayor Barraza responded that the minutes have not been approved. She asked if the posting was for a Public Hearing and was it posted at the business listed on the case. She asked how long the posting was.

Mr. Salazar responded it was posted as a Public Hearing and it was posted at the business location. The posting was done more than 15 days before the meeting.

Mayor Barraza asked if the surrounding business notified of the Public Hearing.

Mr. Salazar responded everyone within the 100 ft. was notified.

Trustee Johnson-Burick asked if it was posted that the PZHAC was going to take action during the public hearing.

Mr. Salazar responded no.

Mayor Barraza asked how the posting listed the case.

Mr. Salazar read the agenda.

Mayor Pro Tem Merrick stated not enough information was provided.

Trustee Johnson-Burick stated all pertinent information needs to be provided so the board can do their due diligence.

Mayor Barraza stated it is her understanding that the board feels there was a procedural error. She asked Mr. Salazar what the process would be to proceed.

Mr. Salazar responded the item should be on the agenda as an action item.

Ms. Lucero inaudible

Motion: To approve Appeal on SUP Case #061636 due to procedural error and to recommend case back to PZHAC as an action item. Zone: Historical Commercial (HC), Moved by Trustee Johnson-Burick, Seconded by Mayor Pro Tem Merrick.

Trustee Garcia asked what the vote count is for an appeal.

Mayor Barraza responded that the vote count is 2/3. We are on track to the timeframe required. The Board of Trustees will not need to have a Public Hearing.

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

Mayor Pro Tem Merrick Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

10. NEW BUSINESS

- a) **PZHAC CASE #061647** – 2355 Calle de Guadalupe, submitted by CW Ritter, requesting approval to build an additional storage room to his business, Double Eagle Restaurant. Zone: Historical Commercial (HC)

Motion: To approve PZHAC Case #061647 – 2355 Calle de Guadalupe, submitted by CW Ritter, requesting approval to build an additional storage room to his business, Double Eagle Restaurant. Zone: Historical Commercial (HC), Moved by Mayor Pro Tem Merrick, Seconded by Trustee Garcia.

Mayor Pro Tem Merrick stated this is only for a storage unit.

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

Mayor Pro Tem Merrick Yes

Trustee Garcia Yes
Trustee Johnson-Burick Yes

b) **PZHAC LIC #1118** – 2244 Calle de Oeste, submitted by Sara Sanchez requesting approval to open up a home occupation business, Homegrown Midwifery. Zone: Historical Residential (HR)

Motion: To approve PZHAC LIC #1118 – 2244 Calle de Oeste, submitted by Sara Sanchez requesting approval to open up a home occupation business, Homegrown Midwifery. Zone: Historical Residential (HR), Moved by Mayor Pro Tem Merrick, Seconded by Trustee Garcia.

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

Mayor Pro Tem Merrick Yes
Trustee Garcia Yes
Trustee Johnson-Burick Yes

c) **APPROVAL:** TexMyGov Agreement

Motion: To approve TexMyGov Agreement, Moved by Trustee Garcia, Seconded by Mayor Pro Tem Garcia.

Trustee Johnson-Burick stated she understands the residents need to sign up for the service.

Mayor Barraza responded they will need to sign up on the application to receive information.

Ms. Sellers responded she will give them access through the website on our side.

Trustee Johnson-Burick asked who will monitor the TexMyGov.

Mayor Barraza stated emergencies go through the On-Call process. This is similar to Amber Alerts.

Ms. Sellers responded we are going to be proactive.

Trustee Johnson-Burick asked if it will come back programing verbiage.

Ms. Sellers responded correct, and it will automatically respond.

Trustee Johnson-Burick stated feels it is pricy; would like to monitor the return on our investment.

Ms. Sellers stated this is all trackable; reports can be provided.

Mayor Pro Tem Merrick asked where the funds will be taken from.

Mayor Barraza responded that expense will come from the Tourism Fund.

Trustee Garcia asked when this will begin.

Mayor Barraza responded once we get approval.

Trustee Garcia asked that the information be provided to the residents on their water bills.

Inaudible

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

Mayor Pro Tem Merrick Yes
Trustee Garcia Yes
Trustee Johnson-Burick Yes

d) APPROVAL: NM Tourism Department Cooperative Agreement

Motion: To approve NM Tourism Department Cooperative Agreement, Moved by Trustee Garcia, Seconded by Mayor Pro Tem Merrick.

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

Mayor Pro Tem Merrick Yes
Trustee Garcia Yes
Trustee Johnson-Burick Yes

e) APPROVAL: US Department of Agriculture Wildlife Services Agreement

Motion: To approve US Department of Agriculture Wildlife Services Agreement, Moved by Trustee Garcia, Seconded by Mayor Pro Tem Merrick.

Trustee Garcia asked what number do they need to call.

Mayor Barraza responded that they call Animal Control at 575.526.0795.

Trustee Garcia asked what the response time is. She would like to have a list posted.

Marshal Salas responded it is usually immediately. This agreement is for small wildlife.

Trustee Johnson-Burick stated some of those animals will be euthanized.

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

Mayor Pro Tem Merrick Yes
Trustee Garcia Yes
Trustee Johnson-Burick Yes

f) APPROVAL: Hire of Deputy I – Marshal's Department

Motion: To approve hiring of Deputy I – Jonathan Reyes, Moved by Trustee Garcia, Seconded by Mayor Pro Tem Merrick.

Trustee Garcia asked about the starting rate.

Mayor Barraza responded the pay is \$18.50 after a one-year promotion the pay goes to \$20.50.

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

Mayor Pro Tem Merrick Yes
Trustee Garcia Yes
Trustee Johnson-Burick Yes

a. APPROVAL: SUP CASE #061636 – Cannabis Consumption Lounge

Motion: To approve postpone approve SUP Case #061636 – Cannabis Consumption Lounge; goes back to PZHAC for approval, Moved by Trustee Garcia, Seconded by Mayor Pro Tem Merrick.

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

Mayor Pro Tem Merrick Yes
Trustee Garcia Yes
Trustee Johnson-Burick Yes

g) BOARD OF TRUSTEE COMMITTEE REPORTS

Mayor Pro Tem Merrick: MPO Meeting – next meeting scheduled for August

Trustee Johnson-Burick: MPO Meeting

Trustee Garcia: meeting cancelled

Mayor Barraza: MPO Meeting , Policy Committee Meetings June 24th, Public Safety Meeting

h) BOARD OF TRUSTEE/STAFF COMMENTS

Marshal Salas stated Internship for Crime Scenes is being recognized.

Trustee Garcia stated she recommends they take a class by Mr. Garcia. She asked if the board could get their packets earlier; we keep going back and forth. Asked if the Mayor is going to respond to Ms. Taylor's comments.

Trustee Johnson-Burick stated she is not against this business; she is concerned with the procedural process and transparency.

Mayor Pro Tem Merrick stated it is not against the business; just ensuring process is followed. Also, there is conflicting information.

Mayor Barraza stated process needs to be transparent and ordinances contradict itself. We try to accommodate everyone but there needs to be a deadline to submit agenda documentation or requests. She is planning a worksession for the Board of Trustees and the PZHAC. There have been numerous complaints regarding feral cats. Working on a clinic for residents to register and vaccinate their animals. Mr. Fountain's email came through the town's website. He did not think that it was going to be forwarded.

Ms. Sellers stated she sent the information to trustees.

Mayor Barraza stated the Lodger's Tax Committee will meet on Tuesday at 10:00 a.m. They met with the New Mexico Cultural Affairs staff; the problem has been the lack of communication. She will be meeting with the Secretary of Cultural Affairs next week.

Ms. Sellers stated Neil McCowan on the plaza from 7:00 – 9:00 and fireworks at 9:30 which is donated by Planet Fireworks.

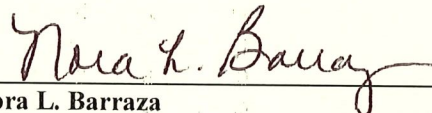
Mayor Barraza stated State Statue 22 reads there needs to be open communication between State Agencies and municipalities.

12. ADJOURNMENT

The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-3).

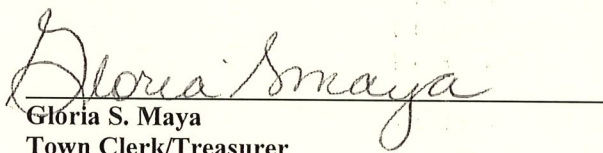
WORKSESSION ADJOURNED AT 7:55 P.M.

APPROVED THIS 28th DAY OF AUGUST, 2023.



Nora L. Barraza
Mayor

ATTEST:


Gloria S. Maya
Town Clerk/Treasurer



Letter sent by email on June 18 and edited for today's meeting.

Mayor Barraza, Trustees and Planning and Zoning Committee Members,

It has come to our attention that the HVAC project at the Taylor-Mesilla Historic Site has been shut down for a second time by the Town of Mesilla. The NM Department of Cultural Affairs (DCA) has permits from the State, both mechanical/plumbing and electrical. From what our family understands, the State supersedes local municipalities and the permits are sufficient. These delays are very frustrating for us. We did have an issue in January with the Town as far as permits but the State did get that cleared up and they did have the proper permits. We have suffered with communication difficulties with the Town. Pat did write an email at that time but he only received one reply from a Trustee. The implementation of the project that has been going on for well over a year was delayed because of Covid restrictions and materials delays. Senator Cervantes was able to get the majority of the Capital Outlay funding for this project and I know he would be concerned with this delay as well. I know he is the Town lawyer and we are hesitant to reach out to him since it involves the Town delaying the project. He did let us know if there were any problems to contact him. We have not done so because we seemed to be back on track. In the last two weeks the workers were sent home by the Town on the 8th of June and then after conversations with the DCA Department Head of Facilities it was back in action on the 13th. I live right behind the Historic Site and I can see when Gage Electric is working. Again, on Thursday, the 15th, the project was shut down by the Town and the workers were sent home. The home has been shut down for ten days as of today.

The Taylor Historic Site, our family's home, was very generously donated to the State as a Historic Site in 2004 upon the death of our dear father, and bequeathed to the Department of Cultural Affairs by our parents and their children. The historic property will be a huge draw for the Town of Mesilla when opened hopefully in 2024. We value the Town of Mesilla and have always had a wonderful working relationship with the Town, but as we have said before this is frustrating. The HVAC system was going to be operational in a couple of weeks and then all the delays happened. We are that close to having a state-of-the-art system to sufficiently heat and cool the home and safeguard the valuable objects. Our family has been working to take care of personal items in the home without any cooling system at all. Our local State employees are working in the home to inventory and plan without a cooling system. The heat is getting unbearable and since the closure we have not been able to get in to do any work. We have limited time to do our work as a family and for the State Historic Site to work along with us. The Department of Cultural Affairs staff will be here on Wednesday to meet with the Mayor and Mr. Salazar. They will also be meeting with the family early in the day. Please get this resolved ASAP and communicate with us so that the Taylor-Mesilla Historic Site can stay on track to be an asset to the Town of Mesilla and the State of New Mexico.

Thank you,
Michael Taylor
Mary Helen Ratje
Patrick Taylor
Rosemary Stolberg

