

Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES (BOT)
OF THE TOWN OF MESILLA
WILL HOLD A PUBLIC HEARING
AT THE MESILLA COMMUNITY CENTER,
2251 CALLE DE SANTIAGO

WEDNESDAY, MARCH 13, 2024 ~ 4:30 P.M.~

MINUTES

TRUSTEES: Russell Hernandez, Mayor
Adrianna Merrick, Mayor Pro Tem
Biviana Cadena, Trustee
Stephanie Johnson-Burick, Trustee
Gerard Nevarez, Trustee

STAFF: Eddie Salazar
Greg Whited

PUBLIC:

Greg Lester	Mary Lucero
Nora L Barraza	Dasa Bousova
Eric Walkinshaw	Andrea Bryan
Kathy Telgard	Catherine Walkinshaw
Cris Telgard	Brenda Brown
Lori Miller	Rosemary Alvillar
Janice & Bill Cook	Trina Witter
G. Rochelle	Ana Willem
Susan Steinhaus	Karena Oberman
Jill Kerr	Susan Krueger
Yolanda Lucero	Sallie Clayshulte
Renee Beltran	Jesus Lopez
Mary Toomeg	Steward Oberman
Pat Taylor	Carol McCall

1. PLEDGE OF ALLEGIANCE

Mayor Hernandez led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

Present: Mayor Hernandez, Mayor Pro Tem Merrick, Trustee Cadena, Trustee Johnson-Burick, Trustee Nevarez

Quorum established.

Mayor Hernandez

Requested a motion to close the regular meeting and open the meeting to a special use hearing, case number 061733.

1st motion – Trustee Nevarez

2nd motion – Mayor Pro Tem Merrick

No Discussion

Approved: 4 – 0

Mayor Hernandez

Explained rules and regulations regarding the zoning case. Informed a packet has been given to the governing board regarding all the information on the case over a week ago. The packet includes public comments and concerns that were emailed to the town.

Clarification on case numbers. Case number 061733 is for a special use permit and being heard tonight. Case number 061759 is for the zoning permit to construct the tower if SUP is approved. That case will not be heard tonight.

Stated general rules of order regarding the SUP case to be heard that evening. Important everyone adheres to the times allotted.

After hearing the case, hearing would be closed and reopen our regular meeting.

Everyone that planned to give testimony in the hearing were sworn in my town clerk, Gloria Maya.

Eddie Salazar

Community Development Coordinator (CDC) Salazar gave an overview of the case. Rancho Barro LLC, property owner located at 2800 Calle del Sur Mesilla NM 88046, requests a SUP to construct a 65 ft wireless telecommunication facility.

Mr. Graham Chapman, with Pinnacle Consulting, has been contracted to represent and construct the facility if approved.

This request held a hearing with the PZHAC on February 5, 2024, and voted 5 to 0, recommending approval to the Board of Trustees (BOT). One of the commissioners proposed the cell tower be moved further into the pecan orchard.

All requirements set by Mesilla town code regarding the request have been met.

All required public notifications for this hearing have been met.

Graham Chapman

Site Acquisition Specialist with Pinnacle Consulting, representing Sun State Towers and Verizon Wireless. His guest with him Steven Kennedy, radio frequency engineer, to answer any technical questions.

Discussed the history of the project and explained how they acquired an approval by PZHAC on February 5, 2024. All rules and regulations requirements set by Mesilla town code were met.

Can prove there is a need for wireless service. Closest towers to the area in need are two far.

Addressed the argument about the design and why the screening of the tower is best met by a mono-pine tree. There are trees everywhere and it is the best screening to blend into its surroundings.

Referenced code 18.54.060 section D, stealthing is a mandatory requirement in the commercial zone district, which the area being proposed is not.

Small cells, which were discussed in the last meeting. Are more reserved for dense high concentration of users such as metropolitan areas, not rural areas such as one we are proposing. Small cells cover a very small area and would require a lot of them throughout the town.

The argument about having many towers to better hide them within the community will not work as the minimum height for an antenna is what we are requesting, 65 feet.

Emphasized our request not only meet all setbacks required by code but exceed them.

Steven Kennedy

Explained how small cells work and why they would not be efficient in meeting the needs in Mesilla. Built for a small area with high concentrations of people such as a college campus.

CDC Salazar

Federal Communications Commission (FCC) states a local municipality can't discriminate request to erect cell towers based on concerns for public/environmental health and/or safety. FCC has done extensive testing on the towers and has deemed them to be safe providing the cell towers meet all FCC requirements.

After looking at all the facts, considering the previous denial of the request and listening to the communities' concerns, recommended the cell tower not be screened as a mono-pine tree but as a water tower similar to the one in your packets. (Mr. Chapman was handed a photo of the tower) A water tower does fit with the rural farm development zone design.

Mayor Hernandez

Opened the public comment/testimony. Reminded everyone each speaker has been allotted up to 3 minutes each and 30 minutes total for each support and opposing party. Also reminded everyone before coming to the podium, you are under oath.

Mary Lucero

Addressed the board in support of the cell tower. It will greatly improve the community's needs. Not just people at home but also everyone that does online classes. They don't have to worry about losing reception when taking a test or having to run to the university to finish it.

Nora Barraza

Addressed the board in support of the cell tower. Stated the town is in dire need of wireless services. Version is expanding its services to internet too in which is also needed in the community.

There are numerous telephone poles, in the area and electrical infrastructure that are not much smaller than the proposed tower.

Stated she has issues with reception in her home from one room to another. Hope the board of trustees approves the request.

Ana Willem

No one is contesting the need for better cell service in Mesilla. We are contesting the mono-pine cell tower. Micro cells are the ones that would best fit community needs. They are not only being used in highly concentrated areas. Small cells are nearly invisible and don't affect the flood plain area.

Steve Robinson

Informed he has been through this situation before. Has two acres in another city that has a cell tower was put behind the house. Mr. Chapman spoke about the height of the antenna but didn't really get into co-location issue. The antenna would have to go higher if another carrier is added. The case he is familiar with, the co-location of the cell tower had to go out about 10 feet with other antennas.

If there is going to be up to 3 companies, each with their own equipment, is concern about the humming noise.

Dasa Bausova

Informed the board she lives close by, Estreda Rd. Concerned about health and safety of towers. They have not been around long enough to make a true conclusion that they are indeed safe as the federal government states. Cigarettes were considered to be safe in the past and here we are now with the conclusion that they are detrimental to our health.

Is in favor of small cells. They don't have the same impact as cell towers due to property values and visual eye sore.

Handed a document to the board outlining her comments and concerns.

Gregg Lester

Showed concerns about the negative impact the cell tower would have on the town. Considers town of Mesilla the crown jewel of southern New Mexico.

Sun State Towers build a water tower type structure in their own backyard, Gilbert, AZ. If they can do it there, they can sure do it here too.

Rosemary Alvillar

Lives on 2757 Calle del Sur, next to Mr. Clayshulte. As 4th generation property owner, we need to continue to preserve Mesilla's rich history. Wireless installation of a tower would negatively impact our town. Approval of the permit would set a dangerous precedence in future commercialization of our town's heritage. \

Concerned about future carriers being added to tower and not being back far enough away from the property line.

Trina Witter

Is opposed to having a cell tower dressed as a tree. Lives right across the road. The code does allow it to be in the RF zone but doesn't mean it has to be right there on the side of the road. If we have to have it, requested it be moved back 660 feet into the orchard. PZHAC approval came with a recommendation to move it back into the orchard and I was not sure if it mentioned by Mr. Salazar or Mr. Chapman from Pinnacle Consulting.

Will Sun State and Verizon be required to have business license?

Call del Sur is going to be widened in the future. How would that impact the setback of the proposed area?

According to Comprehensive plan, page 6, it states to protect Mesilla's character history and traditional land uses. Protect rural agriculture, green belt. Proposed tower negatively impacts all of it.

If we must have it, please move it back or put it somewhere else.

Eric Walkinshaw

Lives at 2134 Calle de Principal. Understand the need of service but would like to agree with PZHAC recommendation to move it back. Also like to add to that and propose to move it northwest. This will help you not to look at it driving up to Calle del Sur if you are on Estrada Rd.

If added co-location is going to be considered, then it needs to be moved back.

Like the idea of the water tower vs the proposed mono-tree.

Renee Beltran

Lives at 2525 Calle de Parian. In general, I agree with all the statements in the opposing side. Advise to approach with caution and look for technology that won't impact our community as much. Peacefulness is expected in a rural farm area.

Susan Krueger

This is a momentous decision for the town to make. I have personal experience with that. What else is potentially available once we have specifically identified our own needs. Not having someone else tell us what we need.

Of course, Verizon is not going to hesitate to tell us we need them.

What else is available and what else can we use?

ADJOURNMENT OF PUBLIC HEARING

Mayor Hernandez requested a motion to adjourn the public hearing and re-open the regular meeting.

1st motion - Trustee Nevarez

2nd motion – Mayor Pro Tem Merrick

No Discussion

Approved: 4 – 0

3. CHANGES TO AGENDA & APPROVALS

1st motion – Trustee Johnson-Burick

2nd motion – Trustee Nevarez

No Discussion

Approved: 4 – 0

4. CLOSED EXECUTIVE SESSION

- a. To engage in deliberations following the administrative adjudicatory proceedings in case #061759, for Sun State Towers IV LLC, Special Use Permit (SUP) pursuant to NMSA 1978 Section 10-15-1 (H)(3).

1st motion – Mayor Pro Tem Merrick

2nd motion – Trustee Johnson-Burick

No Discussion

Approved: 4 – 0

Mayor Hernandez

Requested motion to leave close session and re-enter into the regular meeting.

1st motion – Trustee Nevarez

2nd motion – Mayor Pro Tem Merrick

Approved: 4 – 0

5. NEW BUSINESS

- a) **APPROVAL: SPECIAL USE PERMIT CASE #061733** - Sun State Towers IV, LLC has requested a Special Use Permit for the construction, installation, and operation of a wireless telecommunication facility at 2800 Calle de Sur. The purpose of this permit is to increase cellular coverage and capacity in the Mesilla area. Zone: **Rural Farm**

Mayor Hernandez

Requested motion to approve.

1st motion – Trustee Nevarez

2nd motion – Mayor Pro Tem Merrick

Discussion

Trustee Johnson-Burick

Ordinance 18.54, one of the requirements is the co-location requirement that needs to be signed and notarized, has a big "X" on the page and not filled out. Code requires the location be available for co-location of another carrier.

Was mentioned in the hearing that consideration is being given to co-location yet, the document that requires co-location is "X" out.

CDC Salazar

The initial application was only for a single tower with a single carrier. As time progressed, since June of last year, more and more new information was being collected. Having limited knowledge of how cell towers work, Mr. Chapman explained months after how cell tower anchor carriers and co-carriers work. I did not go back to the original application request and updated document. I apologize.

Graham Chapman

I can't explain why there is an "X" on the that document. It was my understanding that a notarized signature was submitted to Mr. Salazar. Please be aware that we are proposing a facility that can be co-locatable with up to 3 carriers.

On the most updated plans, you will see there is plans for co-location.

Trustee Johnson-Burick

Was not able to find the propagation map that the cellular coverage would provide. Was advised by Mr. Graham he had some hard copies if she wishes to see them but, they were submitted to Mr. Salazar

CDC Salazar

Advised they are included and should be in the section where presentation is listed.

Trustee Johnson-Burick

They are very hard to read. They are in black and white.

Is it customary to advertise you have a cell tower before it is approved. The proposed cell tower was listed on Verizon's website as a cell tower in the proposed location.

Graham Chapman

Common to see towers in location when the tower owner or builder registers the tower to the FCC. It is to ensure the proposed location has no negative side effects. So it is essentially doing due diligence.

Trustee Johnson-Burick

Just appears to me to be very misleading as didn't see that part of the FCC regulations.

Mayor Pro Tem Merrick

Motioned a condition the tower to be moved 250 to continue to be in compliance with town ordinance. This is so in case there is a request to go higher for co-location.

Trustee Nevarez

Second the motion.

Graham Chapman

Have no issue in meeting setbacks if the town feels those are the requirements to meet the needs of the community but we have worked with the owner of the property and have put together a proposal to meet all the requirements set by code.

Trustee Cadena

Asked for reassurance of codes were met with the proposed application.

Graham Chapman

Mr. Salazar advised that section of the code requirement concerns. We have redesigned the plans at its current location to meet those setbacks for co-location even with the 10-foot height.

Trustee Nevarez

Asked if the applicant has previously worked with other municipalities regarding historic districts.

Graham Chapman

Yes, have worked with many jurisdictions with historic districts. Most municipalities we have worked with, have specifics in the code for stealth and screening requirements.

Mayor Hernandez

Assured there was no more discussion within the board. The motion for the condition to move facility back 250 from the property line and asked for a vote.

Mayor Pro Tem Merrick – yes

Trustee Nevarez – yes

Trustee Cadena – yes

Trustee Johnson-Burick – yes

Approved: 4 – 0

Trustee Johnson-Burick

Made a motion to set a condition to change the proposed mono-tree to a water tower to better reflect the rural farm zone.

Pecan trees loose their leaves in the winter and the mono-pine would stand out.

Trustee Nevarez

Agreed, a water tower would look and fit more appropriately to the RF zone.

Graham Chapman

The design for a water tower, can only fit 2 carriers and not three as the mono-tree.

Mayor Hernandez

For clarification, asked the application submitted was for one specific carrier and not 3 carriers.

Graham Chapman

Responded yes, an anchor carrier. No other carriers.

Trustee Cadena

Proposed a grain silo screen to be able to fit all 3 carriers.

Graham Chapman

Is not a design Pinnacle Consulting is familiar with but can get information and follow up.

Trustee Johnson-Burick

Confirmed the application submitted was for only one carrier. Can't base our decision on the future with more carriers being added.

Mayor Hernandez

Assured there was no further discussion and recapped the motion on the floor. To set a condition with the approval of the cell tower to change the proposed mono-pine screening to a water tower. Asked for a vote.

Town Clerk Maya

Before the vote, confirmed who made both motions. First motion by Trustee Johnson-Burick and seconded by Mayor Pro Tem Merrick.

Trustee Johnson-Burick – yes

Mayor Pro Tem Merrick – yes

Trustee Cadena – yes

Trustee Nevarez – yes

Approved: 4 – 0

Mayor Hernandez

Asked for any further discussion on case number 061733.

Mayor Pro Tem Merrick

Stated there were some concerns from the community about the tower having a negative effect on the environment and endangered species within where the tower is being put. NM Game and Fish Department stated no adverse effect on wildlife.

Also stated property owner gets properly compensated for the additional trees that would need to be removed for the conditions that have been set.

Trustee Nevarez

Hopeful all parties can come to an agreement and understand the decision is to meet the concerns of the community and also to improve our wireless services.

Trustee Cadena

Asked for an explanation on why the applicant only applied for one carrier.

Graham Chapman

Explained the norm in the wireless communications industry. A tower builder designs a tower to maximize co-location to prevent too many unnecessary towers.

When carriers reach out to vendors to construct a tower, they are known to be anchor carriers.

It has been designed since the beginning to have 3 carriers, specifically in the plans/drawings.

In the industry, not all carriers such as Verizon, T-mobile, AT&T get together and request a tower to be built. It starts with an anchor carrier and then the rest follow.

In regard to the two conditions set, the water tower and moving the proposed site. Although not favorable but are willing to accept the condition on changing the mono-tree to the water tower.

In regard to stealthing, proposed to leave pecan trees in front of facility where it is being proposed to assist in screening the facility.

In regard to the condition of the setbacks, code requirements have been met. Don't agree with the condition to move the facility back into the orchard 250 feet. Will have a conversation with the property owner and see what his position is on that.

Mayor Pro Tem Merrick

Moving into an era where we need technology. Schools is almost all online now. We are just asking what is best for the town of Mesilla, which includes the comfort of living in our community.

Graham Chapman

Requested a 5-minute recess in which was denied.

Mayor Hernandez

Assured there was no more discussion and recapped the motion on the floor. Trustee Nevarez made a motion and seconded by Mayor Pro Tem Merrick to approve special use permit case number 061733. There have been two conditions set. One is to relocate the facility 250 from the property line and the other is to change the tower screening from a mono-pine to a water tower. Called for a vote on the motion and conditions noted.

Trustee Nevarez – yes

Trustee Cadena – no

Mayor Pro Tem Merrick – yes

Trustee Johnson-Burick – yes

Approved: 3 to 1.

- b. **APPROVAL: PZHAC BUSINESS LICENSE #1179** – 1426 N Marvin St., Gilbert, AZ, submitted by Pinnacle Peak Consulting. Requesting approval to do business and erect a facility at 2800 Calle de Sur. Zone: **Rural Farm**

1st motion – Mayor Pro Tem Merrick

2nd motion – Trustee Johnson-Burick

Trustee Nevarez – yes
Trustee Cadena – no
Mayor Pro Tem Merrick – yes
Trustee Johnson-Burick – yes

Approved: 3 to 1.

- c. **APPROVAL: PZHAC BUSINESS LICENSE #1180** – 1426 N Marvi St., Gilbert, AZ, submitted by Sun State Towers IV, LLC. Requesting approval for a telecommunication facility business located at 2800 Calle de Sur. Zone: **Rural Farm**

1st motion – Trustee Johnson-Burick
2nd motion – Mayor Pro Tem Merrick

Trustee Nevarez – yes
Trustee Cadena – no
Mayor Pro Tem Merrick – yes
Trustee Johnson-Burick – yes

Approved: 3 to 1.

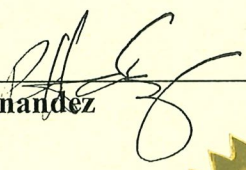
Mayor Hernandez

The zoning permit to construct the tower will be held at a different time, case number 061759.

6. ADJOURNMENT

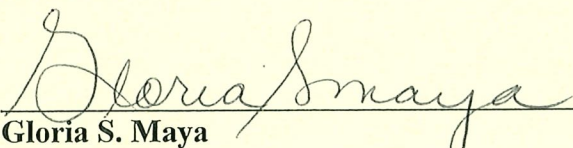
MEETING ADJOURNED AT 7:20pm.

APPROVED THIS 25th DAY OF MARCH 2024.



Russell Hernandez
Mayor

ATTEST:



Gloria S. Maya
Town Clerk/Treasurer



**BOARD OF TRUSTEES
SPECIAL USE PERMIT
BOT SPECIAL MEETING
SIGN UP SHEET
MARCH 13, 2024**

NAME	ADDRESS
DASA BAUSOVA	2935 ESTRADA
Ana Willem	2937 Estrada Rd.
Rosemary Alvililar	2755 Calle Del Sur
Karenna Oberman	2835 Barat L.C
JANIE CLAYSHOLTE	2711 CALLE DEL NORTE
Renee Beltran	2525-B Calle de Parian
SUSAN KROEGER	Box 1143 88046 Snow Rd.
JESUS LOPEZ	Box 618 88046 Snow Rd.

**BOARD OF TRUSTEES
SPECIAL USE PERMIT
BOT SPECIAL MEETING
SIGN UP SHEET
MARCH 13, 2024**

NAME	ADDRESS
GREG LESTER	2557 CALLE de Parian
NORA L. BARRAZA	Mesill, Calledel Sur
ERIC WALKER	2134 CALLE de Principal
KATHY TELGARD	2310 calle del Oeste
CRIS TELGARD	"
Lori Miller	2250 Calle de Piocho
JANICE & BILL COOK	2750 CALLE PRINCIPAL
FR GABRIELA RAHELLE	2701 CALLE DE OESTE
SUSAN STEINHANS	"
Jill Kerr	2795 Calledel Sur.
Yolanda Lucero	2392 Calle de Parian

