

Town of Mesilla, New Mexico

THE BOARD OF TRUSTEES (BOT) OF THE TOWN OF MESILLA
WILL HOLD A SPECIAL MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA

MONDAY, MARCH 18, 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: Ben Azcarate, Interim Marshal
Greg Whited, Fire Chief
Gloria S Maya, Town Clerk/Recorder

PUBLIC:

Greg Lester	Nora L Barraza
Eric Walkinshaw	Kathy Telgard
Cris Telgard	Lori Miller
Jannice & Bill Cook	Fr. Gabriel Rochelle
Susn Steinhaus	Jill Kerr
Yolanda Lucero	Andrea Bryan
Mary L Lucero	Catherine Walkinshaw
Marcy Toomey	Stewart Oberman
Trina Witter	Steve Robinson
Brenda Brown	Pat Taylor
Carol McCall	Dasa Bausova
Ana Willem	Rosemary Alvillar
Karena Oberman	Sallie Clayshulte
Renee Beltran	Susa Krueger
Jesus Lopez	

1. PLEDGE OF ALLEGIANCE

Mayor Hernandez led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Roll Call.

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

3. CHANGES TO THE AGENDA & APPROVAL

Mayor Pro Tem Merrick requested moving agenda Item 6 before Item 4.

Motion: To approve agenda as amended, Moved by Mayor Pro Tem Merrick, Seconded by Trustee Johnson-Burick.

Roll Call Vote: Motion passed (summary: Yes =4)
Mayor Pro Tem Merrick Yes

1 Trustee Cadena Yes
2 Trustee Johnson-Burick Yes
3 Trustee Nevarez Yes
4

5 **4. CLOSED EXECUTIVE SESSION**

- 6 a. Discussion of limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)
7 – Marshal Department
8 b. To engage in deliberations following the administrative adjudicatory proceedings in
9 Case#061759 for Sun State Towers IV LLC Special Use Permit pursuant to NMSA 1978
10 Section 10-15-1(H)(3)

11 Motion to close Special Meeting – passed unanimously

12
13 Entered Closed Executive Session at 4:40 p.m.

14
15 Motion to enter Special Meeting – passed unanimously

16
17 Entered Special Meeting at 5:20 p.m.
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19 **5. NEW BUSINESS**

- 20 a. **APPROVAL: PZHAC CASE #061759 – 2800 Calle de Sur, submitted by Sun State**
21 **Towers IV, LLC. Requesting approval to erect telecommunication facility business –**
22 **w/conditions recommended by the BOT. Zone: Rural Farm (RF)**

23 **Original Motion: To approve PZHAC Case #061759 – 2800 Calle de Sur, submitted by Sun State**
24 **Towers IV, LLC. Requesting approval to erect telecommunication facility business – w/conditions**
25 **recommended by the BOT. Zone: Rural Farm (RF), Moved by Mayor Pro Tem Merrick, Seconded by**
26 **Trustee Johnson-Burick.**

27
28 **Original Roll Call Vote:** Motion passed (summary: Yes =3; No=1)
29 Mayor Pro Tem Merrick Yes
30 Trustee Cadena No
31 Trustee Johnson-Burick Yes
32 Trustee Nevarez Yes
33

34 Trustee Johnson-Burick added the additional condition that the aesthetics of the design and specs for the water
35 tower be approved by Mayor Hernandez and Mr. Salazar.
36

37 **Amended Motion: To approve PZHAC Case #061759 – 2800 Calle de Sur, submitted by Sun State**
38 **Towers IV, LLC. Requesting approval to erect telecommunication facility business – w/additional**
39 **conditions recommended by the BOT. Zone: Rural Farm (RF), Moved by Trustee Johnson-Burick,**
40 **Seconded by Mayor Pro Tem Merrick.**

41
42 **Amended Motion Roll Call Vote:** Motion passed (summary: Yes =4)
43 Mayor Pro Tem Merrick Yes
44 Trustee Cadena Yes
45 Trustee Johnson-Burick Yes
46 Trustee Nevarez Yes
47

48 Trustee Nevarez stated he would like to add the condition of assurance that the tower will have a setback of 250
49 ft.
50

51 **Second Amended Motion: To approve PZHAC Case #061759 – 2800 Calle de Sur, submitted by Sun State**
52 **Towers IV, LLC. Requestion approval to erect telecommunications facilities business – w/additional**
53 **conditions recommended by the BOT. Zone: Rural Farm (RF), Moved by Trustee Nevarez, Seconded by**
54 **Mayor Pro Tem Merrick.**

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2 **Roll Call Vote:** Motion passed (summary: Yes =4)
3 Mayor Pro Tem Merrick Yes
4 Trustee Cadena Yes
5 Trustee Johnson-Burick Yes
6 Trustee Nevarez Yes

7
8 **6. PUBLIC INPUT – The public is invited to address the Board as allowed by the chair.**

9 Ms. Witter See attached correspondence
10
11 Ms. Walkinshaw See attached correspondence
12
13 Ms. Bousova See attached correspondence
14
15 Ms. Ratje See attached correspondence
16
17 Ms. Krueger asked that they explore all other options; do this for the residents.

18
19 **7. BOARD OF TRUSTEE/STAFF COMMENTS**

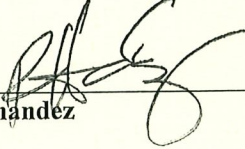
20 Trustee Nevarez stated the need for further discussion regarding Short-Term Rentals
21
22 Trustee Johnson-Burick expressed her concerns and her phone calls made to Sun State Towers regarding the
23 posting of the proposed cell tower on their website.
24
25 Trustee Cadena appreciates everyone’s input.
26
27 Mayor Hernandez stated Mr. Salazar is in communication with other entities regarding Airbnb’s; there may be
28 a need to amend the ordinances to include specific processes. The recommendation of a moratorium on Short-
29 Term rentals has not been brought forth to him.

30
31 **8. ADJOURNMENT**

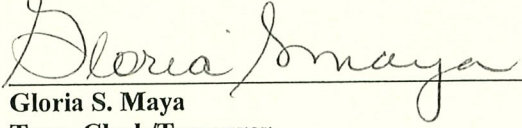
32 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4).**

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34 **MEETING ADJOURNED AT 5:39 P.M.**

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36 **APPROVED THIS 25th DAY OF March, 2024.**

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Russell Hernandez
Mayor

ATTEST:


Gloria S. Maya
Town Clerk/Treasurer



**BOARD OF TRUSTEES
BOT SPECIAL MEETING
SIGN UP SHEET
MARCH 18, 2024**

NAME	ADDRESS
Margy Fatje Deisa Bousova	Mesilla 2935 Estrada
Andrea Bryan	Mesilla
Greg Lester	"
Catherine Walkinshaw	2134 Calle de Principal Mesilla
BREDDA BROWN	ESTRADA ROAD
Erick Walkinshaw	2134 Calle de Principio
Rosemary Alvilbar	2755 Calle Del Sur
Tina Witter	Mesilla
GREG WHITEN	mesilla
Juan Albert	Mesilla
Karen Chen	mesilla
Susan Kyogen	"
Lori Miller	"
DEBRA ANN FRIETZ	2612 CALLE CUARTA

For public record for March 18, 2024, Mesilla Special Meeting and BoT meeting

while we appreciate the conditions imposed on the proposed cell tower location at 2800 Calle Del Sur at the meeting on March 13, please know that the extra 250 feet and the visual upgrade to a water tower does not get us residents to our goal.

At a distance of 2300 feet from residents' homes there would be no controversy, a 1500-foot distance would still be acceptable. We put in a request for 660-foot set back northwest as a drastic compromise on our part and to show good faith in these negotiations. We will continue to pursue this distance or better still, a more suitable solution/location all together.

It is concerning that Mr. Chapman of Sun State Towers repeatedly attempts to gain sympathy for the financial burdens of Mr. Clayshulte, the property owner at 2800 Calle Del Sur, and Verizon during these meetings, while their financial gains from this project would be considerable, it's important to remember that residents face potentially life-altering financial risks and harm if the tower is built so near to our homes. These potential harms by far outweigh any benefits of improved cell service we might gain.

The technology in mobile communications is forging ahead at a dizzying speed. Surely if there is a will there is a way to find the right solution that will fulfil the need for improved cell coverage as well as protect the character of our historic town and protect us residents from any short-term and long-term harm. Since cell towers have been around in the United States for only about 35-40 years, the long-term harm remains unknown at this time.

Dasa Bausova

Fwd: Short Term Rentals in Mesilla

3 messages

Mary Ratje <mhratje@comcast.net>
To: "comdev@mesillanm.gov" <comdev@mesillanm.gov>
Cc: "clerktreasurer@mesillanm.gov" <clerktreasurer@mesillanm.gov>

Mon, Mar 18, 2024 at 12:44 PM

Eddie,
I had the wrong email for you and could not find it on the website. I had to make a phone call to get it. The one I sent you last night bounced back.

Gloria,
Could you include my email in the minutes for tonight's meeting? Sorry, I did not have your email to send last evening.

Thank you both!
Mary Helen

----- Original Message -----

From: Mary Ratje <mhratje@comcast.net>
To: "mayor@mesillanm.gov" <mayor@mesillanm.gov>, "bivianac@mesillanm.gov" <bivianac@mesillanm.gov>, "stephaniejb@mesillanm.gov" <stephaniejb@mesillanm.gov>, "adriannam@mesillanm.gov" <adriannam@mesillanm.gov>, "gerardn@mesillanm.gov" <gerardn@mesillanm.gov>
Cc: "edwards@mesillanm.gov" <edwards@mesillanm.gov>
Date: 03/17/2024 11:11 PM MDT
Subject: Short Term Rentals in Mesilla

Dear Mayor and Trustees,

Could you please include the comments I have below in the official minutes for the Monday meeting on March 18 of the Board of Trustees? Thank you

My husband and I have had a short term rental through VRBO for six years. Our rental is inside our property and was once the barn on the historic property. We have had delightful people that have stayed and eaten at local restaurants, visited local wineries and beer establishments. They have shopped at the local stores gone to movies at the Fountain and enjoyed walking the streets and ditch banks. Many have been back a second time and I know of a couple that have bought a plot of land on Calle Pacana. As we all know, these guests bring in revenue to the town. We as owners take good care of our properties with improvements such as adobe repair, landscaping, general upkeep and upgrading.

I was at the meeting of the P&Z and it was stated that Mesilla has many more short term rentals than those with business licenses and paying Lodger's Tax. When I search for Mesilla through my site (VRBO), I am seeing some properties that are listed in Las Cruces and if you go into their site more deeply they are not in our village. I actually looked at Airbnb and see the same thing. If they are close to Mesilla, they may say Mesilla so that they can get more bookings. I also see some that I recognize that are in Mesilla but are labeled in Las Cruces. Could the town be missing out on taxes that are going to Las Cruces?

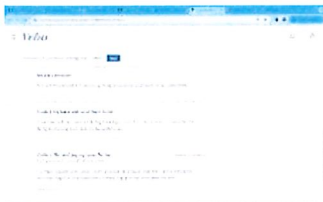
I had an almost one hour phone call with my VRBO support on Sunday. I have attached some screen shots dealing with taxes. The first is the GRT Taxes Collected. These are sent directly to the tax agencies. The second is the 5% Lodger or they call it Accommodation tax which is what I receipt and pay directly to the Town of Mesilla on a regular basis. The third is a new option in VRBO where you can check how you want the taxes filed. I have not checked any of them because I want to talk to our accountant. The gentleman on the line had to put me on hold and get answers from higher up. He told me if you choose the third option Avalara which collects the taxes and files for a hefty price would take care of Lodger's Tax as well. I question that but you should have statements from that company to prove that.

Years ago Larry Shannon got us together to hear our concerns as many of us were new to the platform. He wanted to inform us about the specifics as well. I think this was even before the 5% Lodger Tax went into effect. Many of those initial people are not around anymore but some of us know current owners and could help with the process.

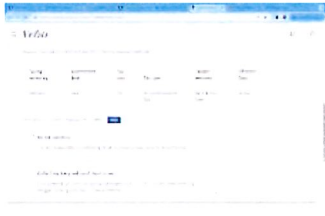
My recommendation is that the Lodger Tax Committee which I don't know if they have met or not, could look into these situations. They shouldn't just be a committee that makes recommendations on how to spend the money. They could be a working committee. I know in the current code it calls for the Board of Trustees to have random audits every three years to verify this. I believe it is time to do just that.

Thank you for reading this long email and considering points that I have made. I always appreciate all you do in your jobs to serve our wonderful town.

Mary Helen Ratje
2231 Calle de Santiago
575-649-4603

3 attachments

VRBOManage Taxes - New 2024.png
404K



Lodger:Accommodations Tax 2024.png
399K



GRT Taxes Collected 2024.png
408K

Community Development <comdev@mesillanm.gov>
To: Mary Ratje <mhratje@comcast.net>
Cc: "clerktreasurer@mesillanm.gov" <clerktreasurer@mesillanm.gov>

Mon, Mar 18, 2024 at 1:59 PM

Thank you Mrs. Ratje,

I appreciate your information and looking into this. I will also, have a discussion regarding short term rentals with the PZHAC tonight.

[Quoted text hidden]

--

Eddie Salazar

Community Development Coordinator



Town of Mesilla

2231 Avenida de Mesilla
PO Box 10
Mesilla, NM 88046
575-524-3262 - Ext104
comdev@mesillanm.gov

Russell Hernandez <mayor@mesillanm.gov>
To: Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>

Mon, Mar 18, 2024 at 2:58 PM

Another to be added to the minutes

From: Mary Ratje <mhratje@comcast.net>

Sent: Sunday, March 17, 2024 11:11 PM

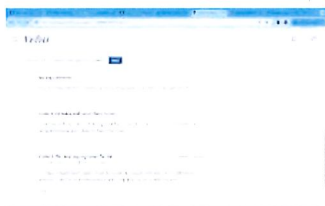
To: mayor@mesillanm.gov <mayor@mesillanm.gov>; bivianac@mesillanm.gov <bivianac@mesillanm.gov>; stephaniejb@mesillanm.gov <stephaniejb@mesillanm.gov>; adriannam@mesillanm.gov <adriannam@mesillanm.gov>; gerardn@mesillanm.gov <gerardn@mesillanm.gov>

Cc: edwards@mesillanm.gov <edwards@mesillanm.gov>

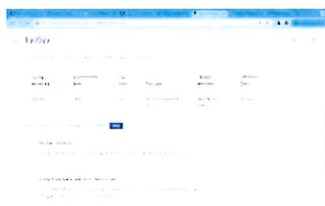
Subject: Short Term Rentals in Mesilla

[Quoted text hidden]

3 attachments



VRBOManage Taxes - New 2024.png
404K



LodgerAccommodations Tax 2024.png
399K

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GRT Taxes Collected 2024.png
408K



ollection

on the location this property, both you and Vrbo are responsible for collecting, filling, and paying taxes on bookings.

/rbo taxes

's taxes

s required to collect and pay the following taxes on bookings for this listing:

ing thority	Government level	Tax rate	Tax type	Taxable amounts	Effective Date
W MEXICO	State	4.875%	General Sales and Use Tax	Rent & All Fees	Active
ONA ANA	County	1.25%	General Sales and Use Tax	Rent & All Fees	Active
SILLA	City	1.8125%	General Sales and Use Tax	Rent & All Fees	Active



are required to collect and pay the following taxes on bookings:

Authority	Government level	Tax rate	Tax type	Taxable amounts	Effective Date
SILLA	City	5%	Accommodations Tax	Rent & Your Fees	Active

would you like to manage your taxes? [New!](#)

No tax collection

You are responsible for collecting, filing, and paying your taxes to tax authorities.

Collect my taxes and send them to me

Your taxes will be collected during booking and sent to you. You are responsible for filling and paying your taxes to tax authorities.



would you like to manage your taxes?

New!

No tax collection

You are responsible for collecting, filing, and paying your taxes to tax authorities.

Collect my taxes and send them to me

Your taxes will be collected during booking and sent to you. You are responsible for filling and paying your taxes to tax authorities.

Collect, file, and pay my taxes for me

\$27 per month, plus \$299 setup fee

Powered by **Avalara**

To make lodging taxes faster, more accurate, and easier than ever, we've partnered with MyLodgeTax to automatically collect, file, and pay your taxes for you.

[Learn more](#)



Comments for special BOT meeting March 18, 2024

1 message

Catharine Walkinshaw <catharinewalkinshaw@gmail.com>

Mon, Mar 18, 2024 at 1:04 PM

To: Russell Hernandez <mayor@mesillanm.gov>, adriannam@mesillanm.gov, Biviana Cadena <bivianac@mesillanm.gov>, Stephanie Johnson-Burick <stephaniejb@mesillanm.gov>, gerardn@mesillanm.gov, Mesilla Town Clerk/Treasurer <clerktreasurer@mesillanm.gov>

Please include these comments in the official record for the special meeting March 18, 2024:

Dear Mayor Hernandez & Trustees,

The agenda for the Special Meeting of the Board of Trustees (BOT) for March 18, 2024, states that public input will be allowed AFTER the closed executive session and then vote on new business: PZHAC Case #061759. We request that a motion be made to amend the agenda thereby allowing public input prior to a vote on this case. We also request that you vote to table this decision for PZHAC Case# 061759 because you are voting on an incomplete packet without revised building plans to reflect the 2 conditions imposed on the applicant at the March 13, 2024, special use permit hearing and meeting - to move the tower back 250 feet from the property line and to use a water tower stealth covering rather than the monopine covering. If these conditions are not part of the current building permit packet, how can you vote on it?

Thank you for your consideration,
Catharine and Eric Walkinshaw
[2134 Calle de Principal](#)
[Mesilla, NM 88046](#)

