

Town of Mesilla, New Mexico

THE PLANNING, ZONING AND HISTORICAL APPROPRIATENESS COMMISSION
(PZHAC) WILL BE HAVING A REGULAR MEETING AT THE MESILLA TOWN HALL,
2231 AVENIDA DE MESILLA.
MONDAY-DECEMBER 1, 2025, AT 6PM
(MINUTES)

COMMISSIONERS

Chairperson – Eric Walkinshaw
Vice Chair – Eric Gallegos
Secretary – Lori Miller
Commissioner – Martha Mulvihill
Alt. Commissioner – Stevie Paz
Alt. Commissioner – Mary Lucero

PUBLIC

Kaylen Hazen
Andrea Bryan
Greg Lester
Bill Cook
Janice Cook

STAFF

Community & Economic Director – Eddie Salazar
Historic Specialist – Liana Aguirre

Chair Walkinshaw - Looks like we're all seated here. We're beginning the meeting today. It's the 1st of December a little after 6 o'clock and this is the Planning and Zoning and Historical Appropriateness Commission meeting and we would like to start with a pledge of allegiance.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL AND DETERMINATION OF A QUORUM

Commissioner Gallegos - present.
Commissioner Miller - present.
Commissioner Mulvihill - present.
Mr. Chair Walkinshaw - present.
Commissioner Alvillar – **absent**.
Commissioner Lucero – present.
Commissioner Paz – present.

3. CHANGES / APPROVAL OF AGENDA

Chair Walkinshaw – Can I get a motion to approve agenda?

Commissioner Miller - I move to approve the agenda as presented.

Commissioner Mulvihill - Second.

CED Salazar - First motion by Commissioner Miller. Second motion by Commissioner Mulvihill.

Commissioner Gallegos. Yes.

Commissioner Miller. Yes.

Commissioner Paz. Yes.

Commissioner Mulvihill. Yes.

Mr. Chair, motion passes 4-0.

4. PUBLIC INPUT

The public is invited to address the commission regarding items listed on the agenda as allowed by the chair. You can also email your comments to clerktreasurer@mesillanm.gov at least seventy-two (72) hours prior to the meeting. All comments/questions need to be in a professional and respectful by EVERYONE while quorum is established. The Chairperson has the authority to determine when matters are distasteful and he/she will address them accordingly.

Chair Walkinshaw - Thank you. Now it's time for any public input on the action items for considerations. Two business licenses and a sign permit. Does anyone want to give input? Doesn't look like it, okay.

(none)

Now I need approval for the consent agenda. Item number five, it's going to be for the November 24th regular meeting minutes. I need a motion.

5. APPROVAL OF CONSENT AGENDA

**Note: Items on the Consent Agenda, indicated by an asterisk (*), will be voted on with one motion unless the commissioner requests that a specific item be removed for discussion.*

- a. ***November 24, 2025, PZHAC Regular meeting minutes**

Commissioner Mulvihill - I motion that we accept the minutes for November 24th on consent agenda.

Commissioner Paz - Second.

CED Salazar - All right. First motion by Commissioner Mulvihill, second motion by Commissioner Paz. Any discussion? No. Go ahead and take a vote.

Commissioner Gallegos. Yes.

Commissioner Miller. Yes.

Commissioner Paz. Yes.

Commissioner Mulvihill. Yes.

Mr. Chair, motion passes 4-0.

6. ACTION AND CONSIDERATION

- a. **BUSINESS LICENSE #1443** –2470 Calle de Guadalupe, C, Submitted by Kalyn Hazen. Applicant is looking to start her business, Just Peachy Double Wide Designs, a retail business, in the Town of Mesilla. ZONE: Historic Commercial (HC).

Chair Walkinshaw - Thank you. Now we're down to action and for consideration. And the first one is business license #1443 which is the 2470 cay de Guadalupe submitted by Ken.

Chair Walkinshaw - Okay. Thank you. Applicant is looking to start a business Just Peachy Double Wide Designs. A rental business in the town of Mesilla, zoned Historical Commercial (HC).

CED Salazar - Miss Hazen is looking to start a business here in Mesilla. The name is Peachy Double Wide Designs. The goal is to provide curated selection of high quality items with a welcoming personal shopping experience. She realizes there are similar stores already, what sets her business apart is that she handcrafts a large majority of her jewelry which adds a unique style to her products. She hopes to be able to be part of the town's business community. Supporting information; the application, business plan, tax ID number, pictures of the space, and a tenant agreement. Along with this application comes a signed permit, which we'll review here in a little bit. But the business plan which is on the next page, it says;

Business Overview: My boutique will offer primarily handcrafted turquoise and silver jewelry, western-style clothing, footwear, handbags, accessories, handmade goods, blankets, etc. My goal is to provide a curated selection of high-quality items with a welcoming, personal shopping experience. I realize Mesilla offers some of these items already; however, I handcraft a large majority of the jewelry, which adds a unique style to my products. Contribution to the town, the boutique will bring a unique retail option to the community. Having been in the business in Las Cruises for 5 years, I believe I can bring in a new demographic of customers who may not already frequent Mesilla. This will benefit all Mesilla retail businesses. Business goals. My short-term goal is to establish a loyal customer base beyond my current online presence. Long-term, I hope to expand the boutique offering to be and become a positive, lasting part of the town's business community. I have attached a photo of the current space. I understand the location is in the historic zone and will follow any requirements. I have not found any paperwork outlining all those requirements. If they exists, I would appreciate a copy. I have just signed the lease and keys have not yet been exchanged. So I do not have a photo of the finished space but can provide upon completion. I previously operated a brick and mortar shop in town and can provide photos of how I merchandise the store if that would be helpful. I'm hopeful that opening before the holiday season ends. Is still within reach and is and as this is a peak shopping time for retail businesses. In the following page, you will see a picture of the space. It's pretty nice. Her tax ID number on is tax the copy of her tax ID is there along with the lease. I stand by for any questions and also the applicant is here tonight if case I might not be able to answer any all of them.

Chair Walkinshaw - I'd like a motion to address this.

Commissioner Gallegos - Move to approve business license 1443.

Commissioner Mulvihill – Second.

CED Salazar - First motion um motion made by Commissioner Gallegos and second by Commissioner Mulvihill. Any discussion?

Commissioner Gallegos - Mr. How long is the lease?

CED Salazar - I believe it was for a year. Is that correct? Yes.

Commissioner Gallegos - Okay. It's for a whole year. She stuck with us. Yeah, simply that's normal based on the business license because it has to be renewed each year. Each year.

CED Salazar - Well, you get to renew on the 15th of March every year.

Commissioner Mulvihill - I don't have any questions. I just have a comment. I really like your over overview. That's really nice. That was really good.

Chair Walkinshaw - I do have a question as far as the on the last page. It kind of shows blued out with marker the site, but there's more than just that site in in that location.

CED Salazar - Yes. This is suite C. If you look at the board action form, it does say space C, right? Yes. So there's other businesses in that little plaza area.

Chair Walkinshaw - My understanding is that has a front entry but it also has an entry oh off of Guadalupe. You go into that plaza but it also has an entry on Principal side.

CED Salazar - that I wasn't aware of but I do know there is an entrance through there.

Chair Walkinshaw - I have another issue about address, but I'll keep it short. Neither are on the Guadalupe side. There's two businesses that... Well, you enter into the plaza, but to the left of the plaza is a ...I'm not talking about the main plaza. I'm just talking about that little courtyard. To the south of that is it's called I think it's called Art Gallery Studio or something like that. Neither of those have the number on it. 2470. So that's probably the responsibility of the owner I would think. So I don't know if you can...

CED Salazar - Well, most definitely, I mean it's very useful to make sure that everybody's got their numerical address on there for first respond stuff. I'll make a note of that.

Chair Walkinshaw - Just not on the big building at all.

CED Salazar - So, all right. Anything else? No, I'll take a vote.

Commissioner Gallegos, yes.

Commissioner Miller, yes.

Commissioner Paz, yes.

Commissioner Mulvihill, yes.

Mr. Chair, motion passes 4-0.

- b. **SIGN PERMIT CASE #062076** --2470 Calle de Guadalupe, C. Submitted by Kalyn Hazen. Applicant is looking to put up two signs for her potential new business, Just Peachy Double Wide Designs. ZONE: Historical Commercial (HC).

Chair Walkinshaw - Next is a sign permit, case number 062076 at the same address, 2470 Calle de Guadalupe, C and it's submitted by again applicant is looking to put out two signs for her potential new business Just Peachy double Wide Designs and it's in HC. So I need a motion.

Commissioner Miller - Move to accept uh signed permit 062076.

Commissioner Mulvihill - second.

CED Salazar - First motion by Commissioner Miller, second by Commissioner Mulvihill.

I'll go ahead give you an overview. Pretty much talked about it, but this is a sign permit request to be in the front inside the plaza.

Although there are some signs outside before you go into the plaza. Some type are hanging/projection signs. This one will be in inside next to her front door/entrance. The other one will be on the Calle de Principal. Miss Hazen is looking to comply with town code and erect two signs, one on each side of the building and entrance each entrance to her business. Prior business had previously put up signs in the same location. Will be just be replacing those. Please see attached applicant and photos for details and locations of potential sign. Each sign will be a maximum of two and a half square feet. As we can see the sign does meet our design standard. It's a very nice sign and it's going to be a hanging sign You'll see on the other thing which is very similar to the front one.

Commissioner Gallegos - Yes sir. Mr. Chair uh Mr. Salazar, I'm looking at the photo of where the hanging sign is supposed to be placed and am I correct in saying this is Calle de Principal?

CED Salazar - Correct.

Commissioner Gallegos - So, I'm trying to figure out the discretion between the signs and then the entrance to the building because we said it was a Calle de Guadalupe. Am I correct?

CED Salazar - There's one on Calle de Guadalupe and then the other one the projection sign is on Calle de Principal.

Commissioner Gallegos - So that means there are going to be two entrances to the building.

CED Salazar - correct. One's a projection on Principal and the one on Calle de Guadalupe is actually a wall hanging sign, not a hanging sign inside the plaza. As mentioned, there were signs there before. It does meet the size requirement and also the height is seven feet underneath. Any other questions?

Chair Walkinshaw - Yeah, I'm glad you brought up the um the issue about the hanging sign because there's no indication on the drawing that it has to be 7 feet or more above 10 feet or more. Also it has to be four feet or less from the wall.

CED Salazar - Correct. Checked that. It's within the requirement. Any other questions? Ready for a vote? Yes. All right.

Commissioner Gallegos, yes.

Commissioner Miller, yes.

Commissioner Paz. Yes.

Commissioner Mulvihill, yes.

Mr. Chair, motion passes 4-0.

7. DISCUSSION

- a. **Nuisance Ordinance (draft)** – discussion over proposed amendments on Mesilla Town Code – MTC 18.15; Nuisance Abatement/Hearing Examiner.

Chair Walkinshaw - Great. Thank you. All right, we're down to number seven, which is a discussion about nuisance ordinance draft and Eddie if you want to go ahead and give a little background on that.

CED Salazar - Yes. I sent you a short email to explain what this is going to entail. It's a nuisance ordinance and it doesn't necessarily fall on the commission to regulate as land use. This is more of an enforcement part of it. you know, this is more of just an overview, more eyes kind of look at it and also helps the commission understand the process of what a hearing examiner vs. not having a municipal court going to be like. We're not going to have a hearing. This is going to be something that the Board of Trustees are going deal with and handle. Okay? So again, I just wanted to make sure that because it is a change in the ordinance, I still think it's a good idea to include the commission so that way we're all on the same page. This ordinance is 8.15. It's called a nuisance ordinance in our town code. The nuisance ordinance that we have basically only outlines what is considered to be a nuisance, right? It just gives it's a very vague and very short code/ordinance and it just outlines rubbish, weeds, and things such as littering. As you can see whenever you have a working document anything that's red with a line through it, it is obviously for deletion. Anything that's in blue is for inclusion and then anything that's already in black is pre-existing. So I'm not going to go through the whole thing. Just give you an overview of what changes are being proposed. Number one is the difference between municipal court and a hearing examiner. The way you deal with violations in the court system like a municipal and magistrate court. Deals with criminal summons, right? You are criminally violating the law or our ordinances and going that route then you have to meet all the requirements set by not only by our code but also civil rights and state property laws and such. So it becomes a lot harder to maneuver to try to get to the base problem. The

ultimate goal is for compliance, right? For them to comply. To fix the problem. Ultimately that's what we want. We don't want anything other than that. We want our town to look nice, you know, but at the same time some people need a little bit of nudge to get them to do it, right? So far it hasn't been working because there's the municipal court that has its own rules in the sense the judge. I mean, sometimes it's hard to come to the judge and when you don't have a lot of the answers to some of these questions, it's hard for them to make a decision. So most of the time dealing with a lot of judges, they always lean towards the non-guilty side because it's, you that has to prove that they're guilty, right? The burden of proof falls on the officer. You'll notice in our ordinance, I amended a lot of the parts where it says person or owner, I put property, right? So whenever there's a violation in the community, most of the time, it will be addressed towards the property and not the person. It's similar like having a disagreements with your neighbor, right? You know, he's encroaching on your property line or whatever and then you go get an attorney. Then you hash it out legally, right? They don't go through the court system. So this is similar to that but not exactly like that. So, when the town of Mesilla has a violation. A lot of these take some effort. There are some properties in Mesilla that really need some work and we would like to get those cleaned up. And so far, you know, it hasn't quite been working very well. So, our goal is to nudge those people that don't want to comply, right? Also according to the Mayor, financially, it's pretty expensive to have a municipal court when you always have to bring in attorneys. Then amount of cases that come to the court are very minimal. So, it's almost having like a judge on contract and that's pretty much what it's going to be. It's going to be hearing examiner that is experienced. Most of the time they're attorneys. So whenever they make a judgment, they got to know the law, right? They have to know not only just our municipal code, but also state statute. They're responsible for making those decisions, right? A hearing examiner will not just be anybody. Edgewood is a town that we mirrored this proposed amendments to our code. Edgewood are little bit more advanced with this. I don't think we were quite ready to include their entire code but this is just the beginning. So again, our code basically outlines what is considered a nuisance. If you turn to the next page, it starts going through what is a nuisance. I'll go over some of the blue ones only because it's new to us. Where it says person or owner, I substituted that with property. I like to get your attention to section F, which is neglected structures. One of the things that I noticed in our nuisance ordinance, we don't have a violation listed in detail what is considered to be a violation when you don't have your building to standard. A lot of times when code enforcement is out there and you're trying to talk to someone and they're not cooperating to the point they want to site them in into court, you have to write what violation of the code they are in violation. It's very difficult if it's vague. It becomes very troublesome when it comes to court. The main things about a hearing examiner and going this route is to save our historic structures and preserve them. Bring them up to standards. So on section F it says neglected structures any building, dwelling or accessory structure that due to inadequate maintenance or care exhibits visible signs of deterioration, wear or lack of upkeep that if left unaddressed may lead to further decline or create a potential impact on neighboring properties. Such conditions may include, but are not limited to, peeling or damaged, exterior finish, broken or missing building components, overgrown vegetation affecting the structure, accumulation of debris, or failure to maintain weather proofing. Neglected structures does not rise to the level of a dilapidated or unsafe structure, but requires corrective maintenance to preserve its condition and prevent further deterioration.

Commissioner Miller - does that apply to any outside building? Is any structure on the property? might be a garage, a shed that's correct.

CED Salazar - Correct. And the level of importance is going to be based on our significance with our historical significance or if it's in the R1 or the farm zone, you know, there's a little bit more flexibility in the sense. If it's in the plaza, obviously we're going to be a little bit serious about that. Dilapidated structures. Any building, dwelling or accessory structure that has deteriorated uh through prolonged neglect, damage or lack of maintenance uh to the extent that is structurally integrity, structural integrity, weather proofing, safety systems or essential components are significantly impaired. A dilapidated structure exhibits conditions that if not properly corrected will continue to deteriorate and render the building unsafe, uninhabitable or no longer capable of being used to its intent purpose. Such conditions may include but are not limited to failing or compromised structural elements, extensive deterioration of exterior walls, roofing or foundation system, broken or missing windows or doors that expose the interior hazardous electrical, mechanical or plumbing systems or any condition that poses a threat to life, safety or continued occupancy. The designation of a structure as dilapidated authorizes municipal

intervention to ensure necessary repairs, abatement or mitigation to prevent further deterioration and protect public health, safety and welfare.

That is key. Therefore, that allows us as a municipality, as the town to intervene if necessary, to correct the problem. Then it goes into outdoor storage. Any questions so far before I move forward.

Now we have a few substitutions of property versus the owner. Then it goes down to section 3D. It says code enforcement officer authorized by the town to carry out any enforcement of provisions of the town ordinance including but not limited to provisions of this ordinance for closed property.

Now we're getting into definitions. Foreclosed property means a property for which is any mortgage or tax foreclosure with the respect of such property has been initiated. A legal and or uh equitable interest or right possessions means every means every interest, title, estate or right of possessions recognized by law and equity including without limitations, freeholds, life estates, future interest, condominium rights, time shares rights, uh lease holds, easements, licenses, leans, deeds or trust, contractual rights, mortgages, security interest, real estate contracts at any right or obligation to manage or act as an agent or trustee for any person or entity holding any of the foregoing. You notice that one there was written by a an attorney of some sort.

Nuisance mean anything that is created or maintained or on maintained on and commercial industrial or residential property within the town limits without lawful authority which is injurious to the public health, safety, morals or welfare or which by its unsightly appearance would

tend to discourage residential or commercial development in its immediate area. Owner means the individual or entity in control of the property and having a legal or equitable interest or right of possessions or their representative agent or attorney. In fact, vacant you know it's pretty self-explanatory mean they mean building structure or property which has not been legally occupied used to its intent purpose actively renovated or constructed or secured such that is control over unauthorized entry for a period of in excess of 90 days. 90 days is a common thing but I think 90 days is kind of a long time to be honest with you.

A vacant property very quickly attracts a lot of people that are up to no good, especially the people that are wandering around Mesilla. We'll

leave that there and we'll let the Board of Trustees address that.

Zoning hearing examiner means the person or firm delegated authority by the governing body to conduct hearings and make findings of fact and conscious of law shall have professional experience in both land use and law. Appeals of decision by the zoning hearing examiner shall be heard by the planning and zoning. This one here I'm going to change. I think some of them might come to us. I was thinking about historic preservations and such right but this one here is going to change. Depending on the violation.

The next page 18.15.025 prohibitions and enforcement. This is where it starts going into um how is it going to be dealt with. For the health, safety and welfare of people in town of the town. It shall be unlawful for any person or rent any who in the owner, manager, tenant, leasee, occupant or other persons having any legal or equitable interest or right or possessions in or to any real property, motor vehicle or other personal property to cause, permit, maintain, promote, facilitate, fail to prevent or allow the creation of maintenance of a nuisance on such property or to permit property to become a nuisance.

Enforcement of a violation of this ordinance and administration supervision or performance of action taken pursuant to this ordinance shall be through the town enforcement code and with the review of the zoning hearing examiner planning and zoning commission and the government as specified in this ordinance notwithstanding all the penalties for abating nuisance that may be imposed by applicable law if any person or entity fails to abate any nuisance or allows dumping unsightly storage nuisance vegetation nuisance vehicles dilapidated buildings or any other uses to remain on the property that as is determined to be hazardous to the health, safety and welfare of the community. The town may take the action set forth typo set forth herein to abate the nuisance, charge the owner and impose a lean on the property if necessary.

Hopefully it's not going to be very common. The experience that I've had, I've never had to go through that process.

This is just something that gives the town an option in case there is no cooperation.

Then it goes to nuisance notice. How are we going to give notice of the nuisance and I included on there when all possibilities are exhausted in contacting the property responsibility party will be posted on the front door. Many times when you're a code enforcement officer, even though you do have a badge and you have uniform and you look like an officer, a lot of the residents know when you're coming back for a follow up on a violation that they have that they don't open the door. They don't have to, right? They're in their home. And so it becomes very hard to serve them into to court. If you send them a certified mail, they look at the mail and they say, "Well, this is from Mesilla. I'm not signing

it. Resident not found, whatever." So, it becomes very hard to serve them, right? So speaking with some attorneys, you know,

you can paste it at the front door where it's commonly used to go in and out. Then just take a picture of it.

I always recommend that it has a photo stamp on it. Take a picture of it and that's considered to be served and you can go from there. Any more extreme cases then you will put it in the newspaper or a local circulating newspaper for an added notice.

Whenever there's a violation, the defendant has no less than two days but no more than 30 days. And it's up to the discretion of the officer because it's hard to put a time frame because it could be anything. It could be a building that needs repair or it could be a spill of oil on the side street, right? You're not going to give them 30 days to pick that up. So, you know, a lot of times you got to give the officer the discretion to deal with those kinds of cases. On the next page, the ordinance gives the code enforcement officer the authority to do the inspections, follow-ups. Initially when there is a call for violation and it's the first time you address it, if the owner is not there, you cannot go in the property, start taking pictures without consent. Now, you got to do it from the public view. We got to be in beyond the property line. If there's a six foot fence, you can't put a bucket look over the top because it's assumed to have the right of privacy. The minute you start using tools and or you might be violating their rights. You just can't do that, you know, that's a violation of their privacy. If they knock, the owner comes in and invites them in, more than welcome to go in and take those kinds of pictures. Also, it also states that with the request of the code enforcement officer, it could allow staff such as myself or anybody else to go in there as well. A common practice in the past is call the town hall but you got to call dispatch. It has to go through dispatch because there have been some cases that have been dismissed because it hasn't gone through the proper channels so you have to call dispatch. What happens when you call dispatch is everything's recorded just like 911 calls right it's recorded is documented a third party is taking those calls. So a lot of time if there is a complaint about their neighbors say well I call 30 times and you guys don't do anything. The very first thing you do is I like to see those calls from dispatch. You can pull a report on how many complaints this person or this property has. Then you use that as evidence.

So, all cases are going to be directed to magistrate court. They're going to be hearing them until we put something together here in Mesilla to start bringing them back.

Notice to abate. This outlines a little bit of how to deal with serving any nuisance as described in Mesilla Town Code 18.15.020 of this chapter shall issue a written notice to the owner. The notice may be served personally, by a certified mail to the property address or posted on the property. The notice to abate the nuisance shall have the following. They have one of the things that the judge or I'm sure the hearing examiner is going to ask. They usually ask these questions right here. What exactly is wrong? How long do they have, how long do they have to fix it? What does he need to do to get it and to what standard. Now, if they don't comply, or is not fully remedied by the stated deadline, the code enforcement officer may refer the matters to the zoning hearing examiner. The zoning hearing examiner shall conduct a quasi judicial

hearing following appropriate notice to the owner by certified mail to the property address or posting on the property. After considering the evidence presented at the hearing, the holding hearing examiner shall determine whether a nuisance requirement abatement exists. If in the event that the zoning hearing examiner concludes that the nuisance does exist, it shall issue an order to abate the nuisance within 10 days. In event the nuisance is not abated as directed by the town, the town will proceed to abate nuisance and impose the cost abatement on the owner or the property. In the notice, it shall state the right to appeal. If you remember the very first time the code enforcement officer has an opportunity to decide how much time they have up to 30 days. Then they come to court and they have the right to appeal and then they have an additional 10 days and if they want to.

On 8.15.048 right of hearing. Any person receiving notice to obey nuisance may request a hearing before the hearing examiner on such matter within 15 days from the date of filing the notice. Any notice of abatement served by the town shall advise the person

committing the nuisance of the right to request a hearing before the zoning hearing examiner. The zoning hearing examiner shall consider the fact of the case and this ordinance in its decision. The zoning hearing examiner decision may be appealed by the planning and zoning commission within 15 days. So if he gets a letter of violation, the defendant or the person could appeal it to the hearing examiner. Upon failure of the person to comply with an order to abate a nuisance in accordance with the title Mesilla Town Code 18.15.045, the town may proceed without notice to abate such nuisance itself. The code enforcement officer shall proceed to abate such nuisance and shall prepare a statement of cost incurred in the abatement thereof and serve the statement of the cost upon the persons who failed to do so. Then it goes into the town cost and a lien may be declared to retrieve it's money.

Along with all this new ordinance we want to work on CLG, certified local government to assist. We understand there's a lot of houses out there that need help. They have limited income or family members or friends to help. So, we understand that and that's why we're trying to also get not just CLG but also other means of help. Liana has been looking at some other agencies or nonprofit that can also assist with that. At the end of the day, the problem does not discriminate, right? I mean, you have to fix it, you know? So, we're all human. We all like to be compassionate, especially if there people that been here for a long time. But showing compassion sometimes is going to set a precedence.

Granted we need to work with them and it's just a last resort. It could come to that. So I just want to make sure the commission realizes Hopefully it does not have to come to that.

Appeal process very similar to the ones quasi judiciary hearings we have. Either it's going to come to PZHAC, the board of trustees, or hearing examiner, one of the three. Possibly also magistrate court. If they want to appeal it, they appeal it to the next level, right? If it's the BOT, they'll appeal it to the district court and such and such. Appeals to the governing body. We talked about that. The last page, just a continuation of that. The last appeal will be to the district court.

It's probably going to change quite a bit. Any updates on it or changes I'll let you all know. I'm always willing to take input or recommendations. Anything like that from anybody that sees an issue or any better ideas. So, I'll stand by.

Commissioner Mulvihill - I would like to ask you a question. Well, the last training that we went to was very interesting because if they have a no trespassing sign on their property, you can't go tag their property with a notice.

CED Salazar - Exactly. You see how those types of laws in our code is totally different and unfortunately our code enforcement officers don't go to the proper training as a law enforcement goes through. So a lot of times they don't know. So whenever they come to court they use the criminal side part of it.

If you have a dog, you know, if you open the gate and you want to go knock on the door and a dog bites you, it's not the dog's fault. So, you got to remember that. So it's important when you go in there you whistle or make a noise or hit a fence or something because a lot of dogs are sleeping. Any other questions?

Chair Walkinshaw - Okay. So, I did I know we have in our codes light nuisance, noise nuisance, and whatever. So, is this a proper place to at least have a note to that effect? It take them to whatever that is located.

CED Salazar - Yes. You know, after I made all these proposals and all that.

Chair Walkinshaw - I know when you eliminated the person or you said property mention for instance on the first page as an example throughout, it says unsanitary it shall be unlawful for any and crossed out person property to permit or cause the property you really can't do that. So, and later on you go down to it and say is premises. So, what I was wondering about is, wouldn't it be better to say property owner? Yeah. Well, that's the only person doing it.

CED Salazar - if you look at the definitions, it says owner would mean property, agency, lease, tenant or whatever, long as you have it on the definition you really don't have to substitute. It all comes down to enforcement.

Chair Walkinshaw - I really appreciate you saying, "Okay, here's a nuisance. What are we going to do about keep bringing it up, but it's on his name? I mean, he has the lift and he hasn't done anything about it. He was supposed to take that lift down, put it in a shorter one, and then we still had to make sure he put a screen. So, we didn't even see that.

CED Salazar - it was a specially used permit, right?

Commissioner Mulvihill - That he had to start all over again. He has to bring it back to us all over again. And I don't know how he could be operating without a license. Is he still without a license? How can he be operating? I mean that's a liability itself.

CED Salazar - that's why I was talking about the hearing examiner right because we're not on the same page with the court and a lot of time the judge would say oh well it's okay. According to my what they told by municipal court, he

can work on it but he can't work more than three cars. I'm like they still don't have a license regardless if you work on one car or three cars right.

8. COMMISSIONERS / STAFF COMMENTS

Chair Walkinshaw - All right. So, we're going to go to commissioner or staff.

CED Salazar - the only thing was thank you whoever submitted your letters of your resumes. We want to move forward on the CLG.

9. ADJOURNMENT

Chair Walkinshaw - I move to adjourn the meeting.

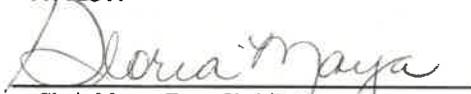
All commissioners agreed.

NOTICE

If you need any accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us on 524-3262 at least 48 hours prior to the meeting. Posted on 11/26/25 at the following locations: Town Hall - 2231 Avenida de Mesilla; Public Safety Building - 2670 Calle de Parian; Mesilla Community Center - 2251 Calle de Santiago; Lucky's Food Mart - 2290 Avenida de Mesilla; and the U.S. Post Office – 2253 Calle de Parian; Mesilla website <https://www.mesillanm.gov/minutes-agendas/>


Eric Walkinshaw – PZHAC Chairperson

ATTEST:


Gloria Maya – Town Clerk/Treasurer

