

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, MAY 11, 2026**

REGULAR MEETING

Regular meeting of the Planning & Zoning Commission of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, May 11, 2026 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

Chris Sisney, Chairman
Susan Buhler, Vice Chairman
Esther Luchini, Member
Lisa Kent, Member Absent
Molly Hammer, Member

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy City Clerk

1. APPROVAL OF AGENDA:

Vice Chairman Buhler made a motion to approve the agenda. Member Hammer seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) April 9, 2026.

Vice-Chairman Buhler: I have one correction, take one word out on page 11, the second big paragraph, something I said, there's two someone's and one of them needs to come out. Strike the first one. Thank you.

Member Hammer: I have one point, was the letter that I brought during the last meeting for reports from the board included in the minutes? I don't see it. And how do you guys do that?

Deputy Clerk Martinez: We'll include it when we upload them to the website. Our minutes are verbatim, so everything you've read is in the minutes.

Member Hammer: So any additional documentation that is brought to the meeting, that wasn't in the original agenda packet, how does that get included on the following meetings?

Deputy Clerk Martinez: The minutes are verbatim, so it's word-for-word. We'll still include it and let it be known that it's included, we will note that it's "attached here" but of course, it's also typed out in the minutes.

Member Hammer: And where would I find that if I were somebody in the public?

Deputy Clerk Martinez: On our website when we upload the minutes.

Member Hammer: Okay, thanks.

Member Hammer made a motion to approve the minutes with the change mentioned by Vice-Chairman Buhler. Member Luchini seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

There were no comments from the public.

Deputy Clerk Martinez swore in the participants for the public hearings.

4. PUBLIC HEARINGS (5 Minute Rule Applies)

a) Public Hearing/Discussion/Action: Request for Vacation of Plats at W. Austin Street.

Chairman Sisney opened the public hearing.

Proponents:

Opponents:

Assistant City Manager Alvarez: The first public hearing we have is for vacation of plats for West Austin Street, the applicant is requesting that the city vacate a section of West Austin street that's adjacent to the following parcels identified within your agenda packet, and those are next to Tractor Supply, Fast Stop, and Cielo Vista RV park. Within my action form, I let you know that we were still in need of some additional information. I sent you guys out a secondary packet, or the clerk's office did, where we received quite a bit of information following up on this. So, the area that's being requested to vacate is a section of roadway that kind of corners in, I think you guys can see that on your map a little bit. It corners in around the corner where you go into Cielo Vista RV park, as well as an edge of Tractor Supply in the backside of Fast Stop. I'll bring the applicant or the representative up shortly, but this really sounds like a cleanup of

paperwork that was done back in the day. I definitely want you guys to hear from the applicant. I want the public hearing to be held and anybody for the opponents or proponents to be able to speak on behalf. And then probably what I would request is, if the P&Z board would like, you could maybe recommend this approval for further review and final concurrence with the City Commission and city attorney.

Member Buhler: I was wondering if the city attorney would be involved.

Assistant City Manager Alvarez: I would like to call Mr. Ashbaugh up. He's the representative, and he could give some more background information.

Chairman Sisney: Before we go any further. Will you show me what we're talking about here?

Josh Ashbaugh Tractor Supply Representative: I have additional paperwork. Do you guys want to look at it and kind of go through together?

Chairman Sisney: I'd like to see what you have.

Josh Ashbaugh Tractor Supply Representative: I'll just give a brief explanation. I think it's going to be easier if I get the overview, and then you all ask the questions, and I can answer your specific questions, but at the end of the day, there's a street that runs between what is now Fast Stop and the parking lot of Tractor Supply that is a platted street. It's in the Palomas Hot Springs subdivision, and we are requesting nothing to do with that street. But back in 1946 the then property owner conveyed an extension of that street outside, completely outside the Palomas Hot Springs subdivision, and it kind of, it doesn't go straight. It kind of turns a little bit to the right, to the north, that street was never built. As far as I can remember. I lived here my entire life. I remember when Turtleback Cafe, I think it was called Stuffies back then. I don't remember a street being there. I remember when Stuffies burned down, and I was, like, four. It's never been built, never been used, serves basically no purpose whatsoever. And then over the years, you'd be surprised how often this happened. Over the years, it just seems that everyone forgot about this tract of land out there. So, when we were doing the title search in 2022 closing, we discovered the issue. The parties did not want to wait. It's a whole long story that I won't go into, and so I said, well, I'll deal with this after closing. It took me four years to get to it. I wanted to get to it a little bit sooner. And so basically, I'm going to say this 10 times. And so, I apologize in advance. My goal is I need to fix title to the Tractor Supply property, and I want to leave everyone in the position the city, the adjacent property owner and Tractor Supply, in the position in which they thought they were, because no one's in the position with regard to the street where they thought they were at the end of the day. That's my goal. Is

we're just going to get it where everyone thought that's it. I mean, so that's basically the overview, and it might be, it's hand drawn in so, you know, it's not 100% accurate. But towards the end of what I just handed you is two copies of a survey. One is the clean copy, and one is my excellent drawing skill copy. And I can, we have to share it, but I actually have a full-size copy of that survey. You know, it's quite a large survey. It's been reduced down to a legal-size piece of paper. And so if you all want to look at that, I do need it back. So, I don't know how that works. I mean, you guys, I do need the original larger size survey back. If we want to look at it, we can, but I don't know how that gets put into the record exactly.

Assistant City Manager Alvarez: The Planning and Zoning Board will just make a recommendation, and so nothing will be approved and cemented until it goes to City Commission.

Josh Ashbaugh Tractor Supply Representative: If you don't want to look at it, you can, because it's, you know, full size. But if you go to the hand drawn version, it's red and blue and take the highlighted proportion. The red is where the extension of the street is, and again, that's 100% outside of the Palomas Hot Springs subdivision. I know that the city attorney kind of had concerns about that alley that runs right there, but it is on the west side of the alley completely outside the subdivision. And then that blue that I highlighted, that's an easement for the RV park. That easement was reserved, I believe in the second document I gave you in that packet, the first document is the 1946 deed to the city, and the second document I stapled them together, that one so that easement was reserved in this deed. At this point in time, in 1998 a portion of the Tractor Supply property and RV park were under common ownership, and they sold out the Tractor Supply portion to Alco, as we all recall back in 1998 and they reserved that easement that I outlined in blue for their benefit to service the RV park. So that easement is likely invalid, because you know, you cannot convey what you don't own, and in this case, you cannot reserve what you don't own. And as far as we can tell, the city owned that piece, because it's in the street that we're asking you to vacate. But like I said, we're going to put everyone back where they thought they were. So, if you go to the document immediately before the surveys. It's an easement. It's unexecuted.

Chairman Sisney: You say you want to get everybody where they think they are. Tell me where we think we are. What's going to happen to that corner of that asphalt that goes up to Cielo Vista?

Josh Ashbaugh Tractor Supply Representative: That's a point I'm making. If you go to the document labeled easement. I spoke weeks ago to Tractor Supply, and they're going to execute this easement, which is going to put that easement that is likely invalid back or into place, and

that way Cielo Vista is going to have their access on that corner, which is that little blue box. They've already agreed to do it. In fact, they already asked if they should do it, and I said, no, we have to wait until everything's done. But they're going to sign that easement, run with the land, and it will go back to the RV park so that they'll get their easement in that blue box on the map.

Assistant City Manager Alvarez: If I could maybe help, and maybe you can help clarify. Just as we've been operating like these easements are in place during the process of your paperwork, you realized we don't have the easements in place, and so we're trying to put those easements in place now.

Josh Ashbaugh Tractor Supply Representative: I mean, we are the easement that we're specifically speaking of, which is, again, the blue box. I mean, in my opinion, it's invalid. The city owns that property. You can't give it. A third party can't give an easement across city property.

Chairman Sisney: What you want to accomplish is that space inside of the blue ink will be City property?

Josh Ashbaugh Tractor Supply Representative: No, the entire red box, which includes the blue box, will be vacated by the city. Then the city is going to do what it does. We'll get clear title to the Tractor Supply portion, which will include some cooperation with the adjoining property. And I've spoken to her about it. I think we're on board. I'm not sure, but I think so, and we'll get clear title. We have to do that first, and then once that's done, then Tractor Supply folks are going to sign the easement to put the blue box in place.

Chairman Sisney: It's going to be Tractor Supply property with an easement to Cielo Vista?

Josh Ashbaugh Tractor Supply Representative: Correct, which is what everyone thought it was. And it wasn't.

Chairman Sisney: Ok, thank you.

Josh Ashbaugh Tractor Supply Representative: And then, you know, going to the city, the city has an express easement, it's that number one I highlighted, just the number one. But it is not just in that area. It's a pretty big, that whole dotted line deal. So the city does have an electric and telephone line express easement. And that is one of the documents I gave to you all. It's the third document, the 1998 easement agreement. Again, it covers more than just what we're talking about. But you know, the city is going to want to reserve that easement unto itself, the

parts that overlap the street and then overlap the express easement. And, you know, again, I'm talking with the Tractor Supply folks about all this, and they're on board with doing whatever needs to be done to just get to where we thought we were. So, you know, I'm willing to work with the city and the city attorney so that we can all make sure we're all on the same page and that we're being fair to everyone.

Vice-chairman Buhler: So you basically like, quiet the title on this?

Josh Ashbaugh Tractor Supply Representative: You can say that in a way, I'm fairly certain the state, the federal government and the county, have sovereign immunity, and you cannot list them as a defendant in quiet title. And I believe the city is the same. So basically, we're clearing title. We can't do a quiet title, but we can, you know, work with the city to get it clear, and work with everyone, all the adjoining property owners.

Vice-Chairman Buhler: You feel like everyone is on board with this?

Josh Ashbaugh Tractor Supply Representative: Yes, that is my impression. I won't go into details, but, you know, I'm paying for this because I was told by my underwriter to ignore it, and you know, I'm a bit of a perfectionist, and it's bothered me that it has not been fixed. I just want to fix it at the end of the day.

Vice-Chairman Buhler: They will be able to use the road?

Josh Ashbaugh Tractor Supply Representative: It'll be exactly as they thought it was.

Member Hammer: From your drawing, it looks like the Tractor Supply the building is built on property it doesn't own. Is there an updated survey? I'm seeing a lot of surveys here, but they're like for 95.

Josh Ashbaugh Tractor Supply Representative: That's the most recent one. Again, I can give you the full-size survey to look at. I do just need it back. The exact survey you're looking at, I can give you the full size. It's much bigger. It might be clearer to look at.

Member Hammer: And this will be re-surveyed for the record?

Josh Ashbaugh Tractor Supply Representative: It doesn't need to.

Vice-Chairman Buhler: And Jay Rubin is on board with this too?

Josh Ashbaugh Tractor Supply Representative: We're working with him.

Chairman Sisney: Where is Tractor Supply?

Josh Ashbaugh Tractor Supply Representative: They appointed me to represent them.

Member Luchini: The part of the Tractor Supply building or business inside the city property. Does that get rectified?

Josh Ashbaugh Tractor Supply Representative: That's why we're asking for the vacation. That's the major issue. Is that this, you know, the major issue is not that this is a street to nowhere. It's a street to nowhere underneath a building, and that's the major issue. So, we ask that it's vacated, basically to clear title for Tractor Supply. And it really serves no purpose to the city, except for the easement. The city didn't even know. So, they, in 1998 asked for easement. They said, oh yeah, here you go. Here's an easement, and then part of it crosses the street anyway, so that, again, stays in place. And that was in the application. We are not asking that easement be disturbed or vacated. You know, a little bit of language is going to be inserted into vacation instruments. But I definitely think that Mr. Rubin and I can get to the terminology that's going to, again, put everyone where we thought we were.

Member Hammer: Is one of those speakers the owners of Cielo Vista?

Chairman Sisney: I don't remember.

Assistant City Manager Alvarez: I think it's important the first thing that we have to do is open for proponents and opponents.

Member Hammer: We can do that but I would really like to hear from the adjacent property owners.

Deputy Clerk Martinez: They'll have to state their name and address for the record.

Member Hammer: You tell me when and how, and we can get them up here. I just would like to hear from them.

Deputy Clerk Martinez: We'll go down the list. If they're not signed up to speak.

Assistant City Manager Alvarez: Then they will have the opportunity at the end.

Chairman Sisney: First on the list is Ray downs, Mr. Downs, please step up to the microphone.

Assistant City Manager Alvarez: Are they signed up as an opponent or proponent?

Chairman Sisney: They're all no opponent.

Member Hammer: Are you here for your own property? Are you here for your own property, or are you speaking about this vacation?

Deputy Clerk Martinez: There is a sign in sheet for each address.

Chairman Sisney: Okay, so this says Austin Street. I've got three people on here, right?

Assistant City Manager Alvarez: He's he signed up on the wrong one.

Chairman Sisney: Okay.

Chairman Sisney opened the public hearing.

Proponents: No Proponents

Opponents: No Opponents

Deputy Clerk Martinez: Are you guys here for Austin? Did you want to speak?

Cielo Vista RV Park Owner: No.

Member Hammer: Can he stand up?

Chairman Sisney: Well they don't want to speak.

Member Hammer: What I want to know as a member of the Planning and Zoning board, I want to make sure that the property owners on the adjacent property are ok with this plan.

Assistant City Manager Alavarez: I can tell you that the property owners on the adjacent property at Cielo Vista RV Park did come in and speak with me. We went over a lot of paper work and it's my understanding that they also spoke with Mr. Ashbaugh. It's their choice weather they want to get up and speak or not.

Member Hammer: I'm not forcing anybody to get up and speak. I just would like to understand their perspective as this directly impacts their business. If this was shut off, they wouldn't be able to have traffic come up to their property. So I feel like that's an important part that we need.

Josh Ashbaugh Tractor Supply Representative: I agree with that. If they want to speak, they certainly can. But to reiterate, they're not going to be shut off. I've already spoken to Tractor Supply. They're going to execute the easement.

Vice-Chairman Buhler: I personally believe it's a good idea what is happening here. And you know, these properties have been in place for a long time, and I do know that when a road or something is used, or a building is somewhere, if it's if it's not made to move, and it stays there for years and years and years, that gives it a right too. I think this is a very good idea what's happening. And then you'll be working with the city attorney as well.

Chairman Sisney closed the public hearing.

Chairman Sisney made a motion to recommend approval to the City Commission for a Request for Vacation of Plats at W. Austin Street. Member Hammer seconded the motion. Roll call vote was taken. Motion carried unanimously.

b) Discussion/Action: Request for Vacation of Plats at 418 Locust Street.

Assistant City Manager Alvarez: The applicant is requesting that the city vacate the alleyway that's adjacent to 418 Locust Street. Within your agenda packet, I identified that area. They have a parcel. They have two parcels, one on either side of the alleyway, as well as a third parcel in there, I've identified as well. And then there's three other additional parcels that are owned by two different property owners, all property owners with were notified within 300 feet of the public hearing. We did receive an email letter that's included in your agenda packet. The property owners, the other property owners that are adjacent to that area did email that they oppose the vacation of that plot. The applicant is here and available to speak. You would like to hear from the applicant, or if you have any questions.

Ray Downs, Applicant: I like to pass this around to you. The stuff that penciled in.

Assistant City Manager Alvarez: On your agenda Action form, I tried to identify the parcel numbers so that you could match them up with them now.

Chairman Sisney: I see that, and I appreciate that.

Member Hammer: Where is 415 Locust is that directly across the street, 415 Locust?

Assistant City Manager Alvarez: He's at 418.

Member Hammer: I know. The person who is opposing to it lives at 415 so I wanted to see what he was.

Assistant City Manager Alvarez: Oh, they're, they're the property owner down one.

Chairman Sisney: They don't live there. It's an empty lot.

Ray Downs, Applicant: According to my information 410 is the actual address of the lots next to me.

Member Hammer: 415 Locust is across the street in a double wide on the corner. I'm fairly certain I would have to double check that the New York developer owns the parcel next to it, next to Ray. Not that that matters, but just wondering if they had any input, I'm sure they were mailed a letter. I guess my only question is, if we vacate, we allow the vacation of this alley, then there's no alley in between or in the next property. But I've seen this up close, and half of this property south of this is like a huge hill. It's unbuildable.

Assistant City Manager Alvarez: It would essentially landlock the one path parcel.

Member Hammer: It would.

Vice-Chairman Buhler: Well, and alleys are put in for reasons. They're put in for safety. So, I would mention that to you as well.

Ray Downs, Applicant: I'm going to pass this picture around. There was no alley way there. There was no way to put poles. The city actually got a ramp about 8-foot beside my building and my power pole was on top of that 8-foot embankment. Whenever I purchased the property

behind it and I leveled all the property around there. The city came and set a new pole up there. I told them if they vacate it I will have my service changed to the main pole next to the road. Which is 5th street and would take it from there to the shop building. The main reason I want to vacate it. I have had a portable welder stolen off of that lot. I have had several people drive onto the lot to look around. I went out there one time and asked a man what he was doing there and he said he was looking to see what size ball he needed so he could back up and steal a trailer. Molly, I think you have walked behind that before I got there so you can attest that it's almost impossible to walk back there before it was leveled off. That is my main reason to try and secure the property. If they are worried about power there is still power available at 4th and Locust. There's a street line there on the street that could be run across. The Fourth Street has actually been vacated quite a while back. It no longer goes into the subdivision because there's no place for it to go anyway. Everything's pretty much straight up and down all the way around.

Member Hammer: Are there any utilities down this?

Ray Downs, Applicant: The only utility is my power pole.

Member Hammer: No gas or anything?

Ray Downs, Applicant: No gas and everything are on Locust Street.

Chairman Sisney: The letter enclosed from 415 says the reason they oppose is they're afraid you're going to make more dense housing up there. Is that your intention to make more dense housing on your property?

Ray Downs, Applicant: No.

Chairman Sisney: Because it just said, if this actually would permit the Dows to increase home density here on locust, I am against it.

Assistant City Manager Alvarez: Remember that you don't, you don't get to identify whether he can or cannot develop his property. So if you choose to vacate.

Chairman Sisney: That's not what I'm going for.

Assistant City Manager Alvarez: I just am letting you know you don't get to identify whether or not he gets to make dense housing.

Chairman Sisney: Right. My point that I'm trying to make is, if someone's complaining opposing something that pulls a lot of sway with me, but if they're saying if, then they're really not opposing, unless he's planning on it.

Assistant City Manager Alvarez: With that being said, somebody could tell you they are or are not going to do something right walk out of here and do the opposite, and as long as they develop it within the code, they're allowed to do it. So, I don't want your decision to be based on whether or not you think he may or may not do something.

Member Hammer: If he wanted to make it more dense outside of the current zoning, he would have to approach the city so, and that would be a future request that's irrelevant to this topic.

Ray Downs, Applicant: There are several lots on the other subdivided. The only ones I own are the ones right there where I'm at. There's not enough room behind there probably to meet mostly setbacks. There's no water available. There is no sewer available. There only thing that's available at that is electric, gas is on the front, water is in the front, sewers, and it's not my intent to do that. I don't know what Paul's intent across the street is. The property next adjacent to me, just south of that the other 45 by 140 foot piece. That's the only thing you're going to be able to put in. There's a single, wide mobile home, or very, very small house, because of the setback. I've actually tried to buy that property twice for a driveway.

Member Hammer: So right now, I'm just trying to get clear so you own the top three parcels and the other parcel is someone else but he's not Paul.

Ray Downs, Applicant: That's the McKinney Trust.

Member Hammer: But he's not Paul. So, the McKinney trust are they opposed or for this or no response?

Assistant City Manager Alvarez: No response.

Member Hammer: Your parcel does not touch Paul's property?

Ray Downs, Applicant: No he's across the street.

Member Hammer: to be clear who was, who is opposing. If it was this person, we would need to take in a little bit more consideration. But okay, I don't have any more questions.

Chairman Sisney opened the public hearing.

Proponents: Ron Fenn

Opponents: Paul Richardson

Paul Richards: include email.

Ron Fenn: I have known Ray for a long time. Actually, I don't want him to leave, but that's beside the point. I have problem with Mr. Paul Richardson, however, and reading his letter in opposition of this. He mentioned that Mr. Ray Downs is trying to sell his house, but he didn't mention the fact that he is selling his house and has already probably sold it. He's a realtor. He has not moved there with his family or anything else. He was a single man that moved into the house. He didn't even furnish it. I've been in his house, and he was turning around and flipping the property. So, this is very ingenuous, this letter that he wrote because he's selling his property and he won't be there if he's already has. He's taken the signs down. By the way, I don't know whether or not he sold the property or not, but he is not representing that this is a family that's looking for this quiet neighborhood or anything else. And one of the factors that I looked at when I looked at the plat, it's the fact that there's a property owner that with that, without the vacation, has a piece of property that is totally landlocked, that has no access to a public street. And so, there's a benefit to that. Would be the people, I guess, that didn't answer. I don't know what their purpose is in owning the land or anything else. But it would seem to me that by leaving that alleyway there, it land locks a piece of property, making it much less valuable than would be if they had access to a public street, because unless you're a mountain goat, you have no access from Poplar. That is, I mean, it's just very steep, sheer drop off of significant footage. Anyway, that is all I can say is there doesn't seem to be a value in a in an alley that goes nowhere, because, as you can see from the from the plat, it only goes through a couple of pieces of property and then ends. It would not be sufficient for, let's say, a turnaround of trash trucks or anything else. Both of those areas that would be freed up from that alley would have public access on a public street, meaning Locust Street. Therefore there's no need for, let's say, an alley to go down there behind those properties for any reason I can imagine in the future, because that property has been for sale or vacant for as many years as it's been there. But given the fact that variances are my estimation very too regularly, given this one would impact no one negatively, as opposed to variances for, let's say sidewalks and curbs and gutters and all of that, just because other people say, Well, nobody else has got it, so I don't want it either. That's the way the city ends up without sidewalks and curves and

everything else. I am totally in as much as I would hate to see my friend Mr. Downs leave community. I know he's not trying to develop that land into anything.

Member Hammer: I walk by this property almost every day with my dogs. So, I'm very familiar with it. Given the topography of this area, including that really steep, unbuildable hill. No one will ever build on and the area, I don't have any objection to this request.

Chairman Sisney: Let me ask you something. If you bought that property and you had access from an alley when you bought it, how would you feel if someone tried to take your access away from your property?

Member Hammer: They're not here, right? This, this property here are you talking about? This one down below?

Chairman Sisney: I'm talking about the two that are going to lose access to the alley.

Member Hammer: They received a letter, right? This is the property owner.

Assistant City Manager Alvarez: They received certified letter. If ultimately the Commission approves the request to vacate, then the attorney has to go through a legal process, and the vacation legal descriptions are divided up within potential property owners. They'd have to accept that as well.

Member Hammer: Okay, there is a layer and there is a possibility that they can oppose at that time.

Chairman Sisney: They sent an email opposing

Member Hammer: The emails from the neighbor across the street that doesn't have any property adjacent.

Chairman Sisney: The people that own these two lots right here they did not respond.

Assistant City Manager Alvarez: No.

Chairman Sisney: Gotcha. All right. Thank you.

Assistant City Manager Alvarez: I noted my action form stated incorrectly.

Member Hammer: The neighbor who wrote the email is across the street. He doesn't have any property adjacent or touching this or any of these.

Assistant City Manager Alvarez: He is within the 300 feet.

Member Hammer: He is within the 300 feet so. But physically, his property doesn't touch it.

Chairman Sisney: Gotcha.

Member Luchini: But he still says no. My concern is the safety. I know there is emergency access on Locust. But I mean, the alleys were put there for a reason, and obviously, you know, it doesn't go completely south nor completely north.

Chairman Sisney: Who owns the rest of the lots?

Member Hammer: Pre Real.

Assistant City Manager Alvarez: They were also notified.

Chairman Sisney: No comment from them?

Assistant City Manager Alvarez: No nothing, except for the one email that we received. Actually, they gave me a phone call, and I asked them if they wanted it as part of the record, to email me the information. So they followed up with an email. That's the only response I got from anybody.

Chairman Sisney: Excuse me, Miss Alvarez, Pre Real did not wish to comment on the fact that, well, so they don't care if there's an alley there or not?

Assistant City Manager Alvarez: I received no response, except for the one email that you have.

Member Luchini: My concern was just the alley and access to alley for the other accessible lots south of Mr. Downs.

Member Hammer made a motion to recommend approval to the City Commission for a Request for Vacation of Plats at 418 Locust Street. Vice-Chairman Buhler seconded the motion. Roll call vote was taken.

Member Hammer – Aye
Member Luchini – Nay
Chairman Sisney – Nay
Vice-Chairman Buhler – Aye

Motion was 2-2.

Chairman Sisney: I know, so it's a push, and therefore it will advance to City Commission. So I'll let you know what's up. So, you understand that nothing really happened today, move on and they'll make a decision. So thanks for coming. Thanks for the time.

c) Discussion/Action: Request for Plat Amendment at 2300 Veater.

Assistant City Manager Alvarez: The applicant is requesting to split two separate parcels that they have into four parcels, because you can see from the items in your agenda packet, they are two very large parcels. The property is located in the T-1 district. All parcels meet the lot size requirements, and they'll have either direct access or legal easement access to all city-maintained utilities and streets. All documents have been submitted and certified letters to property owners is required. The applicant is out of state right now. He's a resident of town. He just travels, and he just happens to be out of state. He did request that I read his letter. "Dear P & Z board members, thank you for considering this re-plot. I'm sorry not to be present, but I'm out of state and unable to attend. The farm is currently in 2 20+ acre parcels, and I would like to divide it into 4 10+ acres. Listed below are the reasons I'm asking for this re-plot. One, I desire to have one parcel for myself and my other two family members, one for each, and have a small Farm and Home site. Two, as water becomes more and more scarce, it's difficult to keep this much acreage alive and well-managed. It's my intent to keep farming the total acreage if I'm able to get an approved supplemental well. I do not wish to burden on the city and will not require any utility extensions other than service lines or taps. There's currently power on all four sides, water and sewer and Veater street, I have allowed for a 50-foot easement for private utility lines, privately maintained roadway. This with roadway would be adequate for future growth, should the city need and desire it. Should my family or I ever decide to sell, we would be giving the owners of the two homes in the northeast corner of the original farm an opportunity to purchase and add the 9.8+ acres to their place. Again, I wish I could be there in person. Thank you for considering this request. With regards, Walt Martin" who is our applicant, and with that, I stand for any questions.

Member Hammer: So between the quadrant before the sub-plat map, there is a road that's 30-feet wide that runs down the middle.

Assistant City Manager Alvarez: Yeah, that's an easement he'll put in.

Member Hammer: Okay, so these won't be stranded from the street.

Assistant City Manager Alvarez: Correct. They will not be landlocked, and it'll be a utility and roadway easement.

Chairman Sisney made a motion to recommend approval to the City Commission for a Request for Plat Amendment at 2300 Veater. Member Luchini seconded the motion. Roll call vote was taken. Motion carried unanimously.

d) Discussion/Action: Request for a Variance at 1199 E. Riverside.

Assistant City Manager Alvarez: Thank you, the applicant is requesting a variance for the minimum dwelling size of 1199 East Riverside. The property is in the RR-1 district. Existing structure on the property is 510 square feet, and the applicant would like to remodel that existing structure for livable dwelling purposes. RR-1 does require a minimum dwelling size of 800 square feet. Looks like, from what I could go back into from past history that the existing structure was maybe originally an accessory building prior to a lot split in maybe 2022. The structure does have unobstructed access to city maintained utilities and street and all required documents and fees have been submitted certified letters mailed To all property owners within the 100 square feet, and from a planning and zoning standpoint, if this was something that planning and zoning did recommend, and ultimately, City Commission did approve, the way we would look at this as it does improve a property that's just got a building sitting on it right now. They're not asking to bring in something smaller. They're asking to rehab an existing structure. And I don't know what the structure was prior.

Vice-Chairman Buhler: You know, they're not here to take questions, correct?

Assistant City Manager Alvarez: They are, yes, Ma'am.

Chairman Sisney: These lines are not correct.

Assistant City Manager Alvarez: Yeah, please don't look at the lines. The lines are not correct. That's an overlay.

Chairman Sisney: And these two pieces of property are not the same owner.

Assistant City Manager Alvarez: No.

Chairman Sisney: Where's the fence? I can't see it. You know, I can usually see the fence, and I don't see a fence. Is there a fence between the two properties down the middle?

Member Hammer: So the main structure next to it, like, if you're standing on Riverside and you're looking to the left, there is a house there. Is in an adjacent property, or is that on the same property?

Chairman Sisney: Those are two different lots, and there's a fence between the two properties. But the red lines are off. You can see where they should be.

Member Hammer: How big is the lot?

Assistant City Manager Alvarez: For this one, we did not have any obvious proponents or opponents, and I will say I did not receive any emails or phone calls from any opponents or proponents.

Member Hammer: I can't read this, it's how many acres?

Rocky Mondello, Applicant: I'm Rocky Mondello, I own the property on 1199 East Riverside. And just for the record, the city allowed it to be split up several years ago before I bought it. This is kind of a real dwelling. It was a livable dwelling at one point. It's stuccoed –

Vice-Chairman Buhler: Now, are you talking about the little blue house?

Rocky Mondello, Applicant: No, it's brown. It's really ugly.

Member Hammer: Can I show you on maps?

Vice-Chairman Buhler: Yeah.

Chairman Sisney: That was Bill Wood's house.

Vice-Chairman Buhler: There was a fire there.

Chairman Sisney: Right I remember that.

Rocky Mondello, Applicant: Anyway, the city allowed it to be split up a few years back, and we bought it, I guess, in the '22 with it with the building on there. And now we're trying to remodel it, and I guess at some point, you know, change the size requirement after we bought it, but we just want to clean it up and make it a really nice little place.

Chairman Sisney: Have you considered adding another 300 square feet?

Rocky Mondello, Applicant: I have, I own the Morning Star building, and I just put \$15,000 more into it. And so I'm just trying to do things in phases. So yeah, and I would like to in the future, absolutely.

Vice-Chairman Buhler: Yeah, you're kind of, this is kind of venturing into the tiny home aspect, and the city doesn't really have a good – we don't have a structure to work with that just yet. We're in the process of working on that. Setting a precedent, and having a bunch of tiny homes all along the river will put a lot of pressure on that area, for one, and I don't know that I'm, you know –

Rocky Mondello, Applicant: Well, this isn't a tiny home. It's a dwelling that exists already.

Vice-Chairman Buhler: Well, it's not livable.

Rocky Mondello, Applicant: Yeah, well.

Member Luchini: Do you live in it now?

Rocky Mondello, Applicant: Oh no, I live next door to it.

Vice-Chairman Buhler: This is a shell. It's basically a shell, correct?

Rocky Mondello, Applicant: Well, it's more than a shell. It's got electric. You know, it was electric. It had some plumbing in it at one point, but it was livable.

Vice-Chairman Buhler: It was part of the other house.

Rocky Mondello, Applicant: It was part of a trailer that used to -

Chairman Sisney: Well, I thought they were two different owners. So you do own the property next to it.

Rocky Mondello, Applicant: I own the property next to it, yeah.

Member Hammer: To the right or the left? If you're standing on the street.

Chairman Sisney: The original property, you own that piece too, that this was connected to?

Rocky Mondello, Applicant: No, not the original.

Member Hammer: So if you're standing on the street and looking at the property in question, is your house to the right?

Rocky Mondello, Applicant: Yes, right.

Member Hammer: Thank you.

Member Luchini: The one with the slanted roof and the boat?

Member Hammer: No, that's the one we're talking about. That's 510 square feet. And then he owns the property to the right down here.

Vice-Chairman Buhler: Now, would it meet, like, base flood elevation and all of that for being on the river? Because it's on the river.

Assistant City Manager Alvarez: Any development or remodel that they go through has to go through Travis Atwell, flood manager, all of that stuff gets submitted to him, as well as through CID for permitting and electrical.

Vice-Chairman Buhler: So he would have to have a permit.

Assistant City Manager Alvarez: They would have to go through everything –

Rocky Mondello, Applicant: I would like to say that all the houses there are ground level already, so I'm not sure what you're saying. And this house actually is about three feet off the ground.

Vice-Chairman Buhler: Well, it should meet whatever the code requires.

Member Hammer: I'm sorry, were there proponents or opponents to this particular variance request?

Assistant City Manager Alvarez: I've not received anything from anyone.

Member Hammer: I, personally, like the idea of having smaller homes on properties. We've had this discussion many times in many, many of our discussions here, I just don't know if we're ready yet to stipulate what that means, because we haven't really come to an agreement in our own discussions, or, you know, giving that to the commission, and I think it's something we want to do. I just think we need to be careful about setting a precedent that we don't have guidance for yet. But I like the idea. I'm just, I'm conflicted on how to move forward, given we don't have specific code for smaller homes or ADUs.

Rocky Mondello, Applicant: I'd like to ask you, this really be a precedence if the house already is there and has been there for a very long time?

Chairman Sisney: It used to be twice the size of this now.

Rocky Mondello, Applicant: No, not the house. There was a mobile home, a trailer, attached to it. That was a drug trailer that my son, who owns the other property, got rid of. It was terrible.

Chairman Sisney: Is your son? I remember that. I remember when this, when this property was all, together, that was your son?

Rocky Mondello, Applicant: Yeah.

Chairman Sisney: How long ago was that?

Rocky Mondello, Applicant: I'm going to guess four or five years ago.

Chairman Sisney: Okay, I'm talking about before that, when this was all one. This was all connected.

Rocky Mondello, Applicant: Yeah.

Assistant City Manager Alvarez: It was 2022 that you guys approved the summary plat. 2022 is when it was approved to split that lot.

Member Hammer: And what was it a part of again? The left or the right, if you're standing on the street.

Chairman Sisney: This used to be – this house here to the left, and this, they were connected. This property was twice as large. It caught on fire, and they tore down half of it. They closed in this part of it. I remember this property.

Rocky Mondello, Applicant: And that and that was attached to a trailer. The little house that exists, the other house was never attached to that house. There was a trailer there, and like I said, it was a drug trailer.

Vice-Chairman Buhler: And there's 10 feet between the other structure.

Assistant City Manager Alvarez: Yes, it meets all of the required setbacks other than the dwelling size.

Vice-Chairman Buhler: So the total inside, the total square foot is 510. Could you make that a little bigger?

Rocky Mondello, Applicant: I can't this week, I'm putting so much money into 421, my building downtown, I just spent \$9,000 redoing the electric. I'm going to put a roof on.

Vice-Chairman Buhler: Well, it's in shameful condition right now. It's been in shameful condition for a long time.

Rocky Mondello, Applicant: I agree, that's why I'm here.

Rocky Mondello, Applicant: I'd like to, you know, at least get it prettier, and then, you know, I would like to remodel and make it bigger and better. But right now, you know, I'm going to have to put a new roof on, and I'm going to do a lot of re-stucco, just a lot of things, just to make it what it is. And then, you know, as business of life goes on, you know, I have limited funds, so you know. Yeah, and it really is an eyesore. I'd love to, you know, get what I need for utilities to get a remodel. I already talked to a contractor to come in and do some things to it.

Vice-Chairman Buhler: You could almost call it like a mother in law house, but I know it's not in the backyard. Well, I'm serious. You could call it a granny house, and that's what you might want to do, when you go before the city, you might want to express that.

Member Hammer: So when we're considering the request, we should be going back to our findings of fact sheet as well.

Chairman Sisney: I don't think we should. I don't think we should make a variance.

Rocky Mondello, Applicant: Because of the size?

Chairman Sisney: Because of the size.

Rocky Mondello, Applicant: So you just want it to stay there looking just as ugly as it is? It's pretty ugly.

Chairman Sisney: If you're going to do it, add 300 square feet to it.

Chairman Sisney: You don't have to pour a slab. You already said it's off the ground.

Rocky Mondello, Applicant: Right.

Chairman Sisney: Then we don't have to set a precedence, and we don't have to make a variance, because this is something that we've been working on for, for quite a while, to establish.

Rocky Mondello, Applicant: Let me ask you something, how long have you been working on it?

Chairman Sisney: On this?

Rocky Mondello, Applicant: On the size requirements.

Chairman Sisney: We've been, this has been, how long have you been here, Molly?

Member Hammer: A year. So the city has a priority list of what they need to do in general, but then also I know that the Mr. Whitehead, who is not here to speak for this, but he wants to look at all the ordinances, like we're doing a review, because there's some language that might be not clear, so on and so forth. And so he wants to tackle all of the changes kind of at once.

Rocky Mondello, Applicant: I can understand that. What about the fact that I bought it before all this?

Member Hammer: You're bringing up a good point, which is more people want to do this, and I think that's important for us to consider. And I think maybe this will push this topic, this ordinance, kind of to the top of the list, because it does keep coming up. We need to make some decisions.

Chairman Sisney: When you bought it, it was not a residence. It was a shed.

Rocky Mondello, Applicant: No, that's not true. It's got plumbing and electric. It was a residence.

Member Hammer: Because it was attached to a mobile home.

Chairman Sisney: Yeah, it was.

Rocky Mondello, Applicant: It was a residence. That's why I bought it, figured that, you know, I don't know how it works, but you let it get subdivided. Had that little house, I'm going to call it a little house because it has plumbing and electric to it and water, you know, has everything, all the utilities at one point. And so I bought it, figured I'd remodel it. And that was four years ago. So seems a little unfair that I bought it with intend to do that, and now I can't. And again, I will expand it in the future, but I can't do it this week, there's only limited things I can do. And my downtown building takes some priority, some precedence, and I feel bad how this place looks. It's really not.

Vice-Chairman Buhler: You know, Riverside used to be the most beautiful street in the whole town.

Rocky Mondello, Applicant: I know.

Vice-Chairman Buhler: And there's problems there now, yeah. So now I know what you would do to it. I know you would do a nice job, Rocky. I know you would, your store is very nice. You bring a lot to our community, and that counts in my book.

Rocky Mondello, Applicant: Thank you.

Lynette Mondello, Applicant: I just wonder on expanding the size. First of all, I gave the variance to split the property. It's not a big piece of property, so that proportionately, that little building is actually a nice size. Our one plan is to put a deck. We were just looking at it today, so it will look over the river. It'll have a little more space, but it's not a big piece of property to make a bigger house on it. That would be one comment I would say, just what that would look like.

Member Luchini: Is there room on the lot to increase it to 800 feet?

Lynette Mondello, Applicant: I mean, there is room.

Chairman Sisney: It'd be 10 feet by 3 feet. You'd have to make it 3 feet longer.

Vice-Chairman Buhler: Are you going to change the roof line, or are you going to leave that roof like that is?

Chairman Sisney: You'd have to make the house three feet longer.

Lynette Mondello, Applicant: The only thing that we considered is adding, like a carport to the other side so it'll give it the peak.

Vice-Chairman Buhler: Right, so more symmetrical look to it.

Rocky Mondello, Applicant: It needs to be respected. Like you said, it got burned down, and right to have the house.

Lynette Mondello, Applicant: The problem is, one of the complaints that I have is, you know, we went to go get utilities, and whomever agreed to give the variance to split it, never considered that this place has no utilities. So for us to get started, it would be nice to have water. It would be nice to have electric, but we can't do it because it's not 800 square feet. So that's been a frustration for us, just to get started. To be honest, I can't get utilities for that, and I can't do utilities for the other property I own. Both I want to work on, but because of the these codes or whatever, I can't even get started. So it's been a little frustrating. And we do want to, even the house that we own, we would like to fix up things and have a nice – we want to be a part of the good changes to Riverside Drive for sure.

Member Hammer: I just want to see us, in working with the city, bring this, the tiny home and ADU topic, to the forefront. I think we need to set a precedent. The fact that this building is already here, they're not asking for a new build, and they can't get utilities to it because of the

size constraint. I think it's a reasonable size, 550, it's not 200 that we're trying to put into a home, and because of those facts, I would vote for it.

Member Hammer made a motion to recommend approval to the City Commission for a Request for a Variance at 1199 E. Riverside. Vice-Chairman Buhler seconded the motion. Roll call vote was taken. Roll call vote was taken.

Member Hammer – Aye

Member Luchini – Nay

Chairman Sisney – Nay

Vice-Chairman Buhler – Aye

Motion was 2-2.

Member Hammer: Thank you.

Chairman Sisney: Nothing personal either, you guys.

Vice-Chairman Buhler: You know, ours is only a recommendation, so you'll go before the city, and you'll have a, this is a practice, kind of a practice thing for you, too. So, you will hone in on the things you're going to do that you're going to make it a really nice place.

Rocky Mondello, Applicant: I've got blueprints. I want to make it pretty. I can't, like I said, I'm not crying, but I put a lot of money on my building down there, and business always comes first before. I mean, these are the little things.

Member Hammer: I overheard you say you have blueprints and a design for this new build. Bring that to the City Commission, I think that'll help your case.

Vice-Chairman Buhler: But you can understand where we're coming from, too.

Rocky Mondello, Applicant: Well, I can understand. But you know, it's a little frustrating, because if you said to go up and down Riverside.

Vice-Chairman Buhler: We're going to address some of those things too.

Rocky Mondello, Applicant: What about the lighting on Riverside?

Chairman Sisney: That'll have to be another time.

Vice-Chairman Buhler: Yeah, talk to the city manager about that, talk to Gary.

Rocky Mondello, Applicant: Because it used to be pretty amber lights, and now it's like daylight at night.

Vice-Chairman Buhler: We have no regulations on it. I don't know what they are.

Chairman Sisney: Those are down, firing lights in their LED now, and that's why they're offensive. It's because of the color of the light.

Rocky Mondello, Applicant: I hear what you're saying. But we sit out in our backyard, and we can see that light shining on the trees across the river.

Chairman Sisney: Let me say something. I have had this problem in the past, on a light out in front of my house, and they came and shielded that light.

Vice-Chairman Buhler: Yeah, you know that house on Magnolia and Riverside, there's a man living in there, and it's a tuff shed. It's sitting on an old –

Assistant City Manager Alvarez: I know, I'm sorry. I would love to do something about it, but it was approved back in 2018, we have the documents. Whomever was in – wasn't,

Vice-Chairman Buhler: You know, that house has only been there for a couple of years.

Assistant City Manager Alvarez: I'll look farther back, but it looks like they were approved. And they may not have put it there until recently.

Vice-Chairman Buhler: There was a barn, but that was all that was there.

Assistant City Manager Alvarez: What I'm saying is they may not have put it in place until 2020 or 2022, but we have signed approval in 2018 from past. I think it might have been Susanna or –

Vice-Chairman Buhler: You know, there was a trailer there at one time. You can see the runner.

Assistant City Manager Alvarez: Correct. I can go back in history on Google, and I can see exactly what was there.

Vice-Chairman Buhler: I mean, I'm telling you, it's not, it's not in line with the base flood elevation, none of that. It's not legal –

Deputy Clerk Martinez: The only thing I can suggest, Vice-Chairman Buhler, it's not an agenda item. If you want it, we could put it on the agenda for next meeting.

Assistant City Manager Alvarez: I can shorten that, if I can, please, Katy. If it does not meet floodplain, contact the floodplain manager, Travis Atwell. If you're concerned about structural, contact CID. As far as the building sitting on the lot approved, it was signed off by was signed off by, I think it was Susanna's signature, maybe Robbie's. It's hard to see what signature, but it's dated 2018, I reviewed that and looked it up last time you brought it to me. It was approved as a smaller dwelling.

Vice-Chairman Buhler: It's a shed.

Chairman Sisney: It wasn't there. That was brought on.

Vice-Chairman Buhler: It was not there in 2000, that's something else that they're using for that, because I have to tell you, this is a new thing that's come in here, and it's, you know, I mean, I would say maybe it's been there for two years, two, three years.

Assistant City Manager Alvarez: I'll go look it up again.

5. WORKSHOP:

a) Shipping Containers:

Chairman Sisney: Would we like to table item five?

Vice-Chairman Buhler: Oh, talking about the Conex boxes. I think we should until the next meeting.

Member Hammer: I just want to make a comment about this. I did submit a position paper back in October, it was appended to the ADU, and I put some shipping container info there. I should have resent it to you, I've been really busy this last month, but I can resend it.

Assistant City Manager Alvarez: We should be able to pull if you submitted it.

Deputy Clerk Martinez: Yeah, it'll be in that last packet that we sent for the last meeting that had all the position papers and all the minutes.

Member Hammer: Okay, I just see two here.

Assistant City Manager Alvarez: So is somebody going to make a motion to table item five?

Chairman Sisney made a motion to table item 5, Shipping Container Workshop. Vice-Chairman Buhler and Member Hammer seconded the motion. Roll call vote was taken. Roll call vote was taken.

Item Tabled.

Chairman Sisney: I'd like to close the meeting in 10 minutes. Would you like to discuss Item six for 10 minutes?

Member Hammer: I could discuss it for five.

6. DISCUSSION:

a) Sign Hights:

Member Hammer: I'd really like feedback from the city. I brought this up at the last meeting. I also sent up a follow up email, and I never received a response. So I'm just trying to understand what the communication loop is here.

Assistant City Manager Alvarez: And I do apologize, part of that's on me. I had forwarded it off to Gary, and Gary was going to review and get back, and it's just been – please understand we have a lot of projects and literally, I didn't follow up with him, I'll own that.

Member Hammer: Yeah, I understand. Just an acknowledgement saying, "Hey, this is on our radar. Thank you for your response." would be great.

Assistant City Manager Alvarez: And if a reply was received, then I'd let Gary know. It's probably sitting in my drafts, and I apologize for that as well.

Member Hammer: It's alright. Yeah, I didn't receive that. I just wanted to point out a couple things, because I did a deep dive on our code after the last meeting, because I was trying to figure out what was legal and in our ordinance and what isn't. And I did go back to the agenda

on August 11, there were two items for variances, two requests. One was for the two signs to three. And the other was the square footage of the sign from 200 to 975 or whatever it is now. The height of that sign was never brought up. And so I had to go back and review and like, where do we see that? What were we voting on, you know, etc. And I also wanted to mention, and please correct me if I'm wrong, I have not studied the entire ordinance website, but I did look at number two. So the allowed height in our ordinance for a highway freestanding sign is 26 feet. There is a section in the code that allows the P & Z board and/or the city to allow a maximum increase in area, the sign area and the height. But we can't go above and beyond that.

Vice-Chairman Buhler: Well, part of the problem with that sign is it's on a big mountain, and so it makes it even bigger than it would be normally. From my house, I can see it. It's like a glowing ember.

Member Hammer: I can see it in my backyard.

Vice-Chairman Buhler: Yeah, it's not great.

Member Hammer: When they turned all the lights on the other day, I sent another email because I was like, This is ridiculous. I can see this in my yard, a lit-up sign two miles away. And besides the subjective irritation, it shouldn't have been allowed, and we are only able to approve an increase of 20% in both the height and in the square footage of the sign. And so I'm not sure why it got permitted. In addition, when an applicant wants to come and ask for an increase in size, they have to ask for a special use permit, not a variance. So a variance is permanent. A special use permit has to be renewed. And so that did not come to our desk in that way. And Traci, I'm relying on you, because you have a lot of more tribal knowledge and a lot more experience with our code, but those are the things that I kind of discovered. I was like, Oh, we, we couldn't even approve this, even if we wanted to, because it was outside of that.

Assistant City Manager Alvarez: I'll take your information and go back to review.

Vice-Chairman Buhler: What were the city's findings with this? You know, when they ultimately went to them, what did the city find out? What did they ask? Yeah, we need to know that too.

Member Hammer: So I'm asking, I'll read this out loud, "Confirm that no height variance was properly noticed or approved on August 11, determine whether any lawful mechanism exists to authorize these dimensions that's not currently in code" I mean the sign's already up, so we

can't defer further action. It's already up and lit. And "what is our recourse with the company at this point?" because we're setting a dangerous precedent that we're willing to allow signs –

Vice-Chairman Buhler: Could they lower it?

Member Hammer: Yes.

Chairman Sisney: Molly, if you're reading the minutes, didn't I ask a question about them complying with dark skies?

Member Hammer: There's that, in addition.

Chairman Sisney: There is no way that is going to meet – And they assured us that they were going to observe all the dark sky rules.

Vice-Chairman Buhler: I remember that. And you know, that light is on all night long.

Member Hammer: I can see it from my bedroom window. So the other thing, I drove to Belen, drove to Albuquerque a couple weeks ago for a business trip. And there's a Love's in Belen that I often stop at, and that sign was like a third of the size of this one. Also all the renderings that they showed us, all the photos, that sign was really, really short. It was never very long, except for the freeway kind of captures, you know, went from one mile to a half a mile to a 10th of a mile, they captured that, but obviously we didn't see that in town. So I just, I would like for the city to review this and make a recommendation that they take down or shorten their sign.

Member Luchini: I see your point, and I see that the sign is big and on a hill. So wasn't that part of the questions; the signage from the visibility from the highway, because it was on the terrain approaching it?

Member Hammer: It was in the packet. It was not a specific variance request on that agenda for the sign height, so it was implied, and I feel like that really should have been outlined and presented to the public. And regardless, we weren't even allowed to approve anything over 20% of 26 feet.

Vice-Chairman Buhler: It's higher than our skyline. You know, our skyline is white lights, nice. And this thing is like, it's just humungous.

Member Hammer: It's 265% over the allowed size. And 391% over the allowed square footage of its face. So we need to look at it to stay within our code. Otherwise, why have a code when future commercial projects want to come here, they just can put up a sign of whatever size they want. So thank you for listening to my follow up on that.

Assistant City Manager Alvarez: And I'll follow up with the city manager on your other emails. Again, I know it was received, and we've discussed it a couple times. It's just –

Member Hammer: All good. I know these things take time.

Vice-Chairman Buhler: Now, maybe talk to Jay too.

Member Hammer: Yeah, I feel like legal needs to look at this. At this point, we've permitted a sign that is completely out of bounds of our code. Bottom line.

Assistant City Manager Alvarez: When you pulled the minutes for P & Z, did you by chance pull the follow up minutes to the City Commission at all?

Member Hammer: I didn't, and I should.

Assistant City Manager Alvarez: Because usually that's those are the meetings that Jay does review. So I don't know if he made any comments in there or not, and definitely I'll follow up with him.

Member Hammer: Yeah, good idea. I'll look at the city after that, or two meetings after that, maybe I'll find it so August 11 was the P & Z meeting, and I'll look at the minutes on the city.

7. REPORTS FROM THE BOARD:

No Comments from the Board.

8. REPORTS FROM STAFF:

Assistant City Manager Alvarez: Wednesday, City Commission meeting, the day after tomorrow, is the last public hearing for our infrastructure capital improvement plan. So if anybody wants to attend, we'll do the presentation for public hearing for public comment, and then later on in the agenda, we'll do a presentation to the City Commission discussing last year's capital improvement plan, as well as any and all public comment we've received through to date, and have the commission potentially recommend any projects that they want to add or remove or

adjust on our ICIP plan. At the following meeting in June, because the first meeting in June is when the commission will do their final ranking and identify the five projects for the capital improvement.

Member Luchini: What time is the meeting on Wednesday?

Assistant City Manager Alvarez: 9am Wednesday.

Member Hammer: So you guys had a first meeting?

Assistant City Manager Alvarez: We had two public meetings, yeah.

Member Hammer: Okay, and then this is –

Assistant City Manager Alvarez: A third public meeting.

Member Hammer: I'll have to look at the minutes. I am gainfully employed full time, so I won't be able to attend.

Assistant City Manager Alvarez: We didn't receive a whole lot of turnout of the two public meetings. We received a little bit of input via, we have a QR code. I'm not technologically savvy, but people could do a QR code and submit; we received a couple of comments that way, as well as anybody could submit via Facebook, email, or phone call. We didn't have a whole lot of submission. I'm hoping that that means that's because we're addressing everybody's concerns. We are starting WSPI-1 construction, we had our pre-con meeting today. WSPI-1 is our USDA water line replacement project that's going to address a lot of pressure reducing valves around town, which will help with the pressure. They're going to be starting first on the water line replacement along new school road and Smith and they're doing that first because they want to try and get it all complete and done while summer and school's out. And then it'll also include a new water line that'll go, kind of from Smith road over towards the rodeo arena, kind of across that hill. That'll improve fire suppression. So that should be starting. They'll start surveying around the 18th of this month, and I think we'll be officially in construction first part of June.

Member Hammer: So good things happening. Thanks for the update.

Deputy Clerk Martinez: I have one report. I don't know if you got the email, but Lisa did email us to let us know that she will be out until September. She just has a lot of stuff going on.

Vice-Chairman Buhler: Okay, well we'll be here.

Member Hammer: How does that affect voting?

Deputy Clerk Martinez: As long as we have three, we have a quorum. But she did want to let us know that of course, if you guys wanted to try to put in another member – I think she's great. She did say she would be back in September because of her travelling and doing the meetings via phone is kind of hard, but she did say she will be out until September.

Chairman Sisney: And five is the maximum on the board?

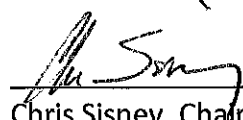
Deputy Clerk Martinez: Correct.

Vice-Chairman Buhler: If somebody has to do something or go somewhere, you can always call in too, and be on that way. We'll just do our best to be here. And three, one more person could be absent.

9. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:32 p.m.

PASSED AND APPROVED ON THIS 8th DAY OF JUNE, 2026.



Chris Sisney, Chairman
Planning & Zoning Board