

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, NOVEMBER 10, 2025**

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, November 10, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Gary Whitehead, City Manager
Luis Tavizon, Chief of Police
Katy Martinez, Deputy Clerk
Tyler Knull, Code Compliance Officer

1. APPROVAL OF AGENDA:

Member Hammer made a motion to approve the agenda. Member Luchini seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) October 14, 2025.

Member Luchini made a motion to approve the minutes. Member Hammer seconded the motion. Motion carried unanimously.

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

There were no comments from the public.

4. WORKSHOP:

a) Policy and Procedure of Code Compliance.

Chief Tavizon: The way it currently works is if we get a complaint on a property that has a nuisance. They generally get a letter, I believe it's a 30-day notice, to come into compliance. We give them the 30-day notice, and if the person is working on the coming into compliance and staying in communication with our code compliance officer then the time is extended. Our biggest goal is to get in compliance with that property, that's how it begins. If for whatever reason we are not getting compliance with that property owner, then a civil citation is issued. Since we eliminated the Municipal Court, it now goes to Magistrate Court. It's a little different there, being that they are used to specific statutes that give specific fines and fees. We may not see as many cases adjudicated as we would necessarily like. He gives more time for that individual to come into compliance, so it's taking a little bit of time. Tyler has gone to a few planning and zoning conferences and there are a couple of ideas that came out. One that Edgewood is doing where we hire a civil hearing officer to hear these cases to try and push us along a lot sooner. It gives opportunities for small businesses in our community to work with that individual to bring them into compliance or gives an avenue for the city to come in and process that and get that property abated.

Code Compliance Officer Knull: My process starts when I observe a violation or when I am notified of a violation. Ultimately our goal is compliance with the code. If I could talk to a property owner and let them know that we have an existing violation, I speak with them and usually give them a week or so to get it situated before I send out an official notice of violation. If after that week or so, they haven't contacted me and there are still violations existing, then I will send my official notice of violation, which gives 15 to 30 days depending on how big the mess is or how big the issue is. My standard is usually 15 days, but I give a little extra if it's going to take longer than 15 days. I always advise them that they need to stay in contact with me, ask me questions. The notice of violation outlines what violations exist, what part of the code we are referencing, and actions that are required to abate that particular nuisance or situation. If they continue to stay in contact with me, I give extensions based on that. If they fail to contact me and the violation still exists, then I will send out one final notice of violation that advises 30 days, by the end of they usually have 60 days. If it's still out of compliance, then either a citation will be issued, or a civil violation of the code. Which will go through the magistrate court or it will be turned over to our city attorney for a title search and the abatement process.

Member Hammer: Can you explain the abatement process if it goes to the city attorney? How much is the city being responsible for the cost and effort of that? I know that there are some rules, we don't just want to go on somebody's property and start removing things, but at what point is that legally okay?

Code Compliance Officer Knull: It depends. Normally, when it's turned over to the city attorney, and I can't speak on all of his processes, but I know he usually starts with a title search of the

property, and he sends out a notice to everyone with a vested interest in the property. Usually giving another 10-day notice for the city advising intent to abate the property. If they don't respond to that intent to abate notice, which again is usually 10 days, then we usually try to get an order from the district court to begin that abatement process. The district court would then issue an order to us, giving us permission to enter the property to begin abatement. Once we have the authority to enter the property, whether that's from the district court order, or some section of the code that allows us to enter, we will begin cleaning up in whatever method we see necessary for each violation, and a lien can be placed on the property owner for all costs incurred during that abatement process, whether that's labor, costs for equipment, etc.

City Manager Whitehead: The process would go through the magistrate court first, we wouldn't just go over the courts first adjudicating it and saying, "They're not in compliance and they have x number of days to comply." Before we would elevate it.

Member Hammer: On average, how long is it taking for the courts to see a case and get it into their schedule, from the time that you file it?

Code Compliance Officer Knull: It really depends. Once we take it into court, the person that we cited has the ability to fight any charges, and contest it. I would say 80% of the time, they do want to contest the charges. That's a high number, but people don't want to be found guilty for something that they don't think they did wrong, or whatever the situation may be. Even if they agree that there's something there, maybe they believe we're being excessive, whatever reason they have for wanting to fight it, they have the right to fight it, we can take it to court. Once they take it to court and they decide to plead not guilty to that charge, the judge will assign them a public defender, and we have to work through the public defender's office to try to get any sort of situations mitigated. It really depends, some cases are taking a long time because public defenders are far and few between right now. If a public defender is not available to protect their client in court, then the court case can't continue without them. Right now, we have a dog bit case that's taken a year. I know that's a little off-topic, but that's kind of the time frame we're looking at, including continuances and dismissals and things like that, so it really depends.

Member Hammer: Since we're in Planning & Zoning, the topics would be, say, someone puts a shipping container in their front yard, like we saw a few months ago, and then it takes a few months for them to get in front of the Planning & Zoning board, so it's things like that. So, you're saying about a year?

Chief Tavizon: 6 months.

Code Compliance Officer Knull: About 6 months to a year.

Member Hammer: To get resolved on some level?

Code Compliance Officer Knull: Yes.

Member Hammer: But then you have the disposition process after that if they've been convicted as guilty, and that's when the attorney steps in?

Chief Tavizon: Well, it's just civil matter. Someone with a cargo container, you may have a judgement against him that he's supposed to do it, but there's nothing we can do unless we go through the district court to where we would enforce that.

Member Hammer: So, you just mentioned, there's no real way, maybe written in the code, that you have the authority to enforce that judgement. Let's just talk about a yard that has appliances in it, just for an example. If the court finds them guilty, then the city has the authority to go on the property at that point? Or they try to make them, do it? You mentioned that the city attorney can get involved, and I know some of this is probably gray in every situation's a little different, but I'm just trying to get an understanding of your process. If we need more language in the ordinance to help you enforce, we should look at that.

City Manager Whitehead: I don't know that there can be more language. It's really just about solidifying the process. Let's take the shipping container, it's a good example, somebody goes and buys a shipping container, puts it in their front yard. Tyler drives by and sees it, says, "That's a violation. It's not supposed to be there." He cites them, it goes through the process, takes us a while to get through that. Then we go to court and the judge says, "Yeah you violated the city code. You can't have it there. You're in violation and I'm going to fine you \$50 and you have to move it." that's when it then becomes an issue where we might have to take that up to the district court, because that person says, "I paid my \$50 and I'm not moving it. I bought it, I paid for it, it's my money, it's my property. I'm going to leave it there." Now we would have to decide to go to the next level, to then get permission to enter the property, to remove it. Then we potentially could, we don't know what the district court would say. It would be similar for trash in the yard, or any of those things, that would be the process.

Chief Tavizon: At the district court they ask, "Well how many times did you cite them? Issue more citations, see if you can get them to comply." So, then we are a year and a half down the road and we are still dealing with the issue.

Member Hammer: Is it still a civil issue at that point? It never crosses, right? Unless it's trespassing, but that's a whole other section of the code.

Code Compliance Officer Knull: Yes, it never crosses. So that's actually why I send two separate notices, the initial notice of violation and the final notice. If this goes through the district court process, they've received two notices, that they've signed for, it would be a certified mail, and actually, when we're sending our notices of violation, we're actually posting the property as well. We start the 30 days when they sign for their certified mail, but we also post the property as well with that same notice of violation.

Member Hammer: What do you mean by 'post'?

Code Compliance Officer Knull: The notice of violation, we have multiple copies of it. One of those copies will be sent via certified mail, the other will be posted on the front door or front gate or handed directly to the owner.

Member Hammer: Physically.

Code Compliance Officer Knull: We do try to make contact. Of course, some people are more compliant than others, and we're really just trying to exhaust all those resources.

Member Hammer: Do you feel like the general attitude is like, "You can't make me." And they'll just wait until either you get distracted or it gets caught up in court? In your experience going to these conferences, how are you – there's got to be some ideas about how to enforce successfully, because you guys are banging your head against the wall, I'm sure, spending tons of resources, money, time, everything, on this. It's like, how can we get ahead of it? Maybe preventative, or I don't know, if there's some kind of way we could enforce from the beginning and they know that you mean it.

Code Compliance Officer Knull: 110%, and actually just bringing up those conferences, you notice that a lot of municipalities in the state are dealing with a lot of the same issues that we are dealing with here. Tiny homes, for example, RV Parks, things like that. We're not the only ones in the boat that we're in. Nuisance abatement is a big one, the town of Edgewood, I've brought that system up numerous times, and so far, that's the leading thing that people are wanting to go to - Bernalillo County, Santa Fe County, the City of Santa Fe, because that's a process so far that people are noticing works. District court, magistrate courts, they're all getting caught up with other stuff that these judges in the high courts don't really want to hear a city code violation. Administrative violations are what a lot of places are shifting to, rather than keeping it criminal, in a criminal court. Even though it's civil, it's in a criminal court.

Member Hammer: So, do you mean by that, going to maybe creating a department with hearing officers and keep it out of the magistrate court? Is that what you mean?

Code Compliance Officer Knull: That would be ideal. It could give us the ability to not just do administrative on Planning & Zoning things, but other things as well. That would be ideal if we could switch to something like that. It's not just us where we're at right now.

Member Hammer: I think maybe I missed this, Officer Knull, I'm sorry, I'm trying to digest. You mentioned that it is working in some municipalities like Santa Fe and maybe somewhere else, what are they doing specifically? Do you know what the process is?

Code Compliance Officer Knull: They have that system.

Member Hammer: Can you describe what that system is?

Code Compliance Officer Knull: That's the system with the hearing officer.

Member Hammer: Okay, got it.

Chief Tavizon: Later on, down the road if you do a background check for a job, or whatever the case may be, you won't have that. What these other communities are doing is hiring an administrative hearing officer to hear these cases, so what it does is it moves it along once they get the notice of 30 days, the next step for them is a hearing date. Within 60 days, they're going through that hearing officer to hear the case and open it to the public contractors and other people that clean properties. They are all invited and they negotiate with that homeowner privately.

Member Hammer: Here's your solution.

Chief Tavizon: It stays off books, court record, and it's just an agreement that they come into, super informal, and we get an opportunity to abate that process. That is upon the evidence, more than likely, is a violation. It's a little bit less than what we're seeing in Magistrate court. With hearing officers able to either allow the city, if they say, "Yes it needs to be abated, here's the time frame. You'd either do it this way, or the city can do it." I'm assuming they could make arrangements for payments.

Member Hammer: What if they appeal, do they go to the magistrate court after that? Or district?

Chief Tavizon: They would go to the governing body, which in some places is the P&Z board, some places it's the City Council, where they can appeal it, and then they would go to district court.

Member Hammer: If they wanted to take it that far.

Code Compliance Officer Knull: Which, it would kind of clean that up. The way that Edgewood does it is, they have their hearing with the hearing officer. If the respondent, instead of property owner, because they're going after the property, so even if that property owner no longer lives there, they're still going after the property, it still continues. If someone doesn't come on behalf of that property to say, "This is my property I'm going to clean it." then it's a judgement against the property, and it continues regardless of who is there. So, if someone doesn't come, judgement against them, if someone does come and they don't agree with the hearing officer, they can appeal to the Planning & Zoning board. If they don't like what the Planning & Zoning board says, they can go to the governing body, which is the City Commission, and then it goes all the way up to the district court.

Member Hammer: So how soon are you implementing this? I know you're probably just looking at it.

City Manager Whitehead: We're just rolling down the road, we've been trying to get to Edgewood to go see them. We've had some informal meetings. We did some research, I've provided the chief with a concept that we've started looking at. I think we're on the track to do that, its just going to take a minute. The reality here, is if we do this, it doesn't fix the problem. There are still going to be people that will say, "It doesn't matter, it's our property, we have

rights." I want to believe that there are a group of people that when they get a letter from Code Compliance, they say, "Gosh I'm sorry, I know it's bad. I'm going to take care of it." I think it's not unreasonable to assume that everybody's going to fight. The other ones, I think if they're not going to comply and they find out that we have this time, that's the killer for [Code Enforcement]. As I've been here for these few months, what I hear mostly is, "Oh it doesn't matter." That's the body language. I'm not putting words in anyone's mouth, and I'm not disappointed in them, it's just that they know it's a fight, so it's disappointing. If we got to this, at least we could get people in to a process, and even if we keep citing them, it doesn't matter, we just keep citing them, they come in, they pay the fine, and we keep trying. The third piece would be for both myself, the Commission, and the chief, to come up with that process that allows us to abate it, and it's clear. We know what we're going to do, there's no messing around, if we finally get to that spot where we say, "We're going to go take that storage container off your property." We just go do it, and we have a process by which to file the lien, it stays on the property, and we just move on. Ultimately, if we do that correctly, when they sell that property, or they refinance that property, we get paid. I think if we can get to a process where it's solid and works 80% of the time, then I think you're going to have a team that feels more confident going out and citing for weeds, and those kinds of things.

Member Hammer: I have another question, but I also don't want to dominate the conversation.

Chairman Sisney: I'll ask a question. I know you mentioned this, but explain to me again, how does this get initiated? How do you decide who you're going to go after, and how can you go against one yard when there are hundreds of yards?

Code Compliance Officer Knull: When a violation is brought to my attention, whether I observe it or receive a complaint about it, I normally check that property and do an inspection, from public view, and see what violations exist. If violations exist on that property, I usually drive down the entire street or around the block and check for all other properties in the vicinity with violations, and hit all of them as well. I'm never going to be able to hit the whole neighborhood at once, the whole town at once, but when a violation is brought to my attention, I'll usually hit that area altogether, and send 10 or so notices at a time, to different property owners in the area, of course, depending on severity of certain things. There are a lot of codes on the books I could go after, but as a courtesy, I give time before I start approaching it. For example, someone leaving their trash can out after trash day, that's a violation of city code. Everybody does that, I'm not going to cite you right away for it, I'll probably drive past it the next day, and if it's still there the next day, maybe I'll say something or let them take care of it. There are pressing things and there are non-pressing things. Weeds and such, I usually take into consideration everything in the area before I send a violation.

Chairman Sisney: It just seems really difficult. It seems like people are going to think they're getting picked on. How can you go after one when there is so much going on around here? That also includes the city too. They're going to say, "Well look over there. It's the city's property." I'm just making a point, I really don't have a –

Code Compliance Officer Knull: I completely understand, I think that regardless of how we enforce, what kind of system we have in place, people will always feel like they're being picked on. But when I observe a violation, I check the entirety of the area, whether that's going around the block or going all the way down one street, and hitting one single street at the time, so get every violation within that vicinity. For example, the shipping containers is a big one right now, I have a few properties with violations for that. I've been driving around town and getting every property with a shipping container. I have probably sent 20 notices out. So it is just me patrolling for code violations, so I can't get everything all in one day, or all in one week, per se, but as I see it, I address it or follow up within the next week or so.

Chairman Sisney: Okay thank you.

Member Luchini: I would assume, or guess, that pertaining to trash or a lot of junk, that eventually there may be a safety issue, or a neighbor complaint.

Code Compliance Officer Knull: It's usually pretty apparent when they do come through, where we have code violations, because we start receiving complaints, and I usually go follow up, and I can see them. Certain violations, like I said, are a little more pressing than sanitary premises with junk. Where it's a public safety hazard, or a fire hazard, those are normally more pressing than a disabled vehicle in the driveway, for example. I usually take that into account and give that professional courtesy to people, where I say, "You know what, if it's still there in a week, then I will notify them of the violation." We all do things that probably violate the code every once in a while, so if I were to jump on it right away, then I'm probably going to start losing some compliance, because people are going to think I'm being aggressive. It depends on what the violation is, I usually check that violation in an entire neighborhood. If I'm going after this property, everybody around them is getting a weed violation that has unkempt weeds.

Chief Tavizon: It's important to remember that it's just a small part of the adjudication process. A small portion of it is us going to court, the courts would then determine whether or not there's enough to do anything about it. Even if they do rule in favor of our violation, there's still compliance, they can't force them to pay a fine.

Member Hammer: Well, it sounds like we need to empower you guys with a method or process that you can accelerate enforcement, basically. I think what happens is people think, "Well they're not coming back, I've got a year." And word gets around, and you get busy, you have other things you're working on, and time passes. I'm not trying to be really strict on this, from my view, but I just feel like we could have a little better enforcement with it. I'm hearing from you about your challenges with that, too, and I appreciate that.

Chief Tavizon: I guarantee I drive downtown during garbage days, and that trash can is overfilled, we could cite every single person, it's not going to change anything with gaining compliance, they're going to still do that, or they're going to start dumping it somewhere else, and that's illegal dumping. It's not ideal, the way things work, and that's why we're trying to

think outside the box and come up with other solutions, so that we can gain compliance. We are trying to get everyone involved, so that's where we were hoping we can get it.

Code Compliance Officer Knull: The state does, fortunately, provide the municipality with the authority to approach these nuisance abatement situations in a manner that they see fit, which is why we can take it through a state district court to get these orders. It's just a matter of how our code is written and how we choose to enforce those codes. We do have some backing from the state, and apparently there is some more legislation going through to change how municipalities have the authority to abate, so I don't know what's going to come of that, but there are even different state systems changing because this is such an issue across the state for Code Enforcement. There are state legislatures changing things.

Member Kent: One thought, this has come up a few times in casual discussions we've had at the end of our meetings, and this would probably be more of a city thing than something you would deal with, but it's creating ways to help people. So Molly's example of someone's got appliances sitting in their yard, and maybe they don't want to deal with hauling them away, maybe they don't have a trailer, whatever the case may be. So if there was a program in place that could help them, maybe they'd even do it before they got a violation, but if they did get the violation and it was stated that "You're in violation, you have a stove sitting in your driveway, it's been here for 2 weeks, so you either need to put it in your house if it's something you're going to use, or it needs to go away. But here's a way for you to get ride of it easily." Maybe you could call, or put it out on a certain day for trash and they'll take it, you know whatever the process would be. I think part of it is just trying to find ways to help people comply rather than it all be this legal thing of, "You're in violation, now it's going to court, now we're going to get hung up in court." And it would just be red tape from there.

Code Compliance Officer Knull: And usually, with speaking with people, as Gary said, most of the time, we do have people that want to comply. Previously, I would just send a notice of violation, start the paper trail right away. Regardless of if I did that or not, it was going to take the same amount of time. That is why I started changing to the process of giving them a week verbally and talking with them, and most of the time I can let someone know there's a violation, and say, "Hey I'll follow up with you at the end of the week, if you have someone hired to take care of it, I won't even bother with the notice of violation." That's something I do. If we were to switch to a different system, like what Edgewood has, for example, what they're having people doing, especially their elderly folks, is, "I don't have the ability to clean it, I don't know who can come clean it. Come clean it for me, and I'll just pay off the lien." That's another option that could come up. Something to think about.

Chairman Sisney: As a note on Lisa's topic, there was a scrapper driving around, cruising today. If we can get the person's name to the scrapper and all that stuff, there's our problem solved. It's amazing how many people don't know what to do, and not everybody's on Facebook, but I'll tell you what, you put something on Facebook and it happens like that, you know.

Member Luchini: The city utility bill seems to be an avenue, or a way to send out messages. They often put messages on there, or notices. That would be a way to spread the word for anything.

Code Compliance Officer Knull: It's definitely something we have looked at. When Officer Sweeney was still the Code Enforcement Officer, we had looked into starting a program where once a month or so we would send a little informational newsletter or something about common code violations and how to prevent violating those codes, in with the utility bills. So it's something we've looked into in the past, and we're not opposed to doing, it's just a matter of where we should start. Something that I do want to continue to look into, and eventually implement once we have the ability to cool down our calls for service, especially for the winter. It'll be a little bit easier to bring that down.

Member Luchini: And people may not even be aware.

Code Compliance Officer Knull: Exactly. And that's what we run into a lot. Especially with these shipping containers. I didn't know that was a violation. Ultimately, the law doesn't prevent you from getting in trouble, but I usually give people the benefit of the doubt. "You know what, yeah, this code's been here for only 2 years and you've been here for a year, so you probably didn't know about it." Whatever the case may be. I try to give people the time, and that would be something we would want to do, try to educate people, that's a big thing. Hopefully we can be a little bit more preventative and proactive.

Member Hammer: I just have 2 more questions. A while back, a petition went out, and I think all of you received it, a lot of people in the city signed it, asking the city to have a trash day every year or every 6 months. We used to have that in town, and I know there's a cost to that. But if we could have a bulk pickup on the curb, something like that would also be preventative. I know, with the people I've spoken to, they're very willing and there are already a couple of organizations that want to help. We can volunteer one Saturday afternoon and bring a trailer around, and get that washing machine out of your yard for free, because the dump's free. I do think there could be initiatives like that. I guess my question to you, Mr. Whitehead, is, is the city talking about maybe doing some kind of bulk trash pickup? Bringing that back into our sanitation process?

City Manager Whitehead: In short, yes. As we've talked and thought about this with the chief and the mayor, you know that that's got to be one of the issues with it, we can't just be code compliant, we've got to have a whole program. So yeah, we've discussed that. Last week I was with an equipment provider, we're really close to pulling the trigger on a street sweeper, you've heard me say that, we tried at least one and we couldn't get it, I was at a demo last week, and they also have a piece of equipment called a grappler, which I'm a big fan of. They have that in Las Cruces, so you could put your plant waste and they just come and pick it up. And you pay for it, it's all in your service, so we looked at one of those as well. So yes, we're looking at how we could do that or if we should do that, and there's a cost to it, no matter what we have to

pay the tipping fees in Las Cruces when we do a free day. But for me, it's like, if we could come up with a total plan, where we had a better process to cite you, if we did, get you into a court, when you got to court we had the ability to say, "Hey you can either pay us and we'll clean it, or here's this organization and they'll go help you." If we had all those tools, I think we would have a better process to get 90% of people in compliance. I'm always optimistic, I think 80% of the people would get a letter and go, "Eh, I've got to go clean my weeds." And they'd go do it. It's that 20% that are obstinate, and in that group, there's a 10% that are just never going to do it. Just never. And I'm okay with that too, I really want to come up with a process where once we get permission to enter, we just go clean your yard. We file a lien on your property, and we go down the road, then that gets 2% or 3% more eventually. So yes, the short answer is yes. I think everything is on the table to say, T or C does as good a job as we possibly can to make sure we look as good as we can. I also think, Mr. Chairman, you're right, as the city, we have to do a better job on our stuff. It never fails, "Well your property looks just as bad." So that's where the street sweeper comes in, we keep our streets clean, we get our weeds off of our curbs, we do all the stuff we can, and then we have a place to help. I think when we have it all together, then it works better. That's the optimistic view.

Member Hammer: Sure. Okay my second question, I'm not going to mention the address of this particular situation, this is just something I've heard from some people that I know in town, that there is a code violation of a travel trailer on a property down in the hot water district, that's been there for about 6 months.

Member Kent: There's more than one.

Member Hammer: There's definitely more than one, but I'm talking about one in particular, you're probably familiar with it, I think it's in the process. I guess what I would want to know is that when you see somebody violating that type of code, they're living in an RV, which we're not supposed to do in town unless they're in an RV park, didn't we change the law in 2022?

Code Compliance Officer Knull: Iffy. So you can on private commercial property. You can live in an RV for a temporary period of time.

Member Hammer: Where is that in the code? I didn't see it.

Code Compliance Officer Knull: It's under the 11-11-6. It does say 'on a private commercial property', so Walmart, for example, could allow it for temporary purposes, I think up to 12 hours. It also allows for the permissions during Fiesta or the fair, things like that.

Member Hammer: Well that's through a Special Use Permit usually, though, right?

Code Compliance Officer Knull: No. It's basically just permission.

Member Hammer: Oh, on the street, or commercial private property, not on the street.

Code Compliance Officer Knull: In general, so the city gives blanket allowances for instance if you are here for the fair. There are some instances where you're snowed in, you can't go

anywhere, you might have to stay in the RV. If you are doing construction on your house, you have the authority as long as your working.

Member Kent: Isn't that only for 1 year, though?

Code Compliance Officer Knull: Up to a year, yes.

Member Hammer: If you have a permit.

Code Compliance Officer Knull: And what's iffy with that, is they're establishing residency, so now we have to go through an eviction to try and get them out it's a **very** weird way to go about things, because we're not the property owners.

Member Hammer: So, this particular example doesn't fall under any of those categories.

Code Compliance Officer Knull: No.

Member Hammer: Because they've been there for about 7 months. They've set up a Cortez propane tank, which I don't know how they were able to get that, and I guess a few neighbors called and brought it to their attention, so what happens now with a situation like that, theoretically? Again, I don't want to talk about this particular property.

Code Compliance Officer Knull: I will touch on this situation because it is a hot button topic. In this particular situation, there was a miscommunication, misinformation, about where the property was located. They believed that they were located in a zone that allowed it, and they are located in a zone that allows for you to stay in an RV with a Special Use Permit. The Special Use Permit that they thought they had, had expired quite a long time ago. They thought that they were still acting under that, so in that particular situation, while we were trying to gather up information on the property to see when this was approved and who gave them permission to do this in the past, and for how long, they were granted temporary permission to continue to stay while we figured our end of things out. We've determined that there was no permission, and they've been told to disconnect from everything and vacate the trailer until they either receive a Variance or a Conditional Use Permit to continue doing that. That will, of course, go through those proper hearings with you guys and the Commission to allow that. In that particular situation, that's what we've told them to do is to disconnect everything.

Member Hammer: And what if they don't? Then it goes to the court?

Code Compliance Officer Knull: If they don't then it'll go -

Member Hammer: I mean, it seems the same process that we've just talked about.

Code Compliance Officer Knull: yep, same process.

Member Hammer: Because they could just say, "This is our property we're going to do what we want." Theoretically. Not that you want that to happen, but that would be the next enforcement step.

Code Compliance Officer Knull: Correct. And the property owner is doing pretty good she has been very much trying to stay in compliance, and she's contacting me every single week to state what's going on and what we can do to continue. That's where we're at with her. She's been given extra time because she is trying to get in compliance. I don't hold anyone accountable for trying to cut through our red tape, as long as they're attempting to do it. For the shipping containers, as long as I can see that they have the application for the Conditional Use Permit, I will let the boards determine yes or no before I tell them they're in violation because they are at least trying to get in compliance.

Member Hammer: Yeah, I'm not talking about that situation, if something is pending, that's a whole different thing.

Code Compliance Officer Knull: Right. At the beginning, it was pending, so they hadn't actually violated. Now they've been told, "Disconnect and wait, there's no more pending, you're in violation if you continue to do this."

Member Hammer: Because there's not a pending application.

Code Compliance Officer Knull: Right.

Member Hammer: But they told you there was.

Code Compliance Officer Knull: They were under the impression that there was, and there had been some previous documentation that hinted toward it, the records were just so old that we needed to do some searching to figure out what permission exactly was given. They could have been given permission for 10 years, 20 years, we don't know. We determined eventually that there was no permission and they are in violation if they continue.

Member Hammer: Yeah. I've been here for almost 10 years, and my thing is more heavy trash in a yard, people living in trailers without proper hookups, I think I'm a little lax about it until it's a fire hazard. We had a couple fires a few years ago, which helped you guys change the code. I'm less concerned about a trash can in the street, I feel like that's pretty low priority.

Code Compliance Officer Knull: Exactly.

Member Hammer: I just wanted to understand your process, your challenges, and I don't know how we can support as a board, I don't know what our authority is besides maybe offering ideas and supporting it, but I do appreciate your time to come in and talk to us. I know you're busy.

City Manager Whitehead: Mr. Chairman, I would say from a board perspective, what you guys need, and I feel like since I've started, watching you, you need the same confidence that they have, which is, there's a process we should go through, and if we go through it, something potentially is going to happen. That's what we're after. For me, it's, what's a Variance? What's a Special Use? What's Conditional Use? What should and shouldn't be allowed? And you would know, as board members, more than not, if we say yes, it's for a reason, if we say no,

something potentially would happen. That's it. I'm certainly not under any illusion that we're going to find some way where all of a sudden magically we've solved all the problems. But it's a matter of, is it consistent? Is it fair for everybody? And as you make decisions, are you making them with a confidence that something would happen if it's not followed? I think that, for sure, when we think about what we want to change on the Planning & Zoning side of the house, it's the same here. What works to make a good and fair process.

Member Hammer: Given your priority list, I'm sure it's large, and it changes, but what is your rough timeline of when you would want to implement a new process to support Officer Knull's team?

City Manager Whitehead: Well certainly, the chief, Officer Knull, and I have spoken, for the last 3-5 months about this. They presented the Edgewood plan to me, it seemed reasonable, I think it's just about as quickly as we can. I think that the three of us are ready to say, "Magistrate court is not going to work for us." And I keep saying it because I mean it, with no disrespect to the judge, one judge with a docket as full as they have means it's unreasonable for us to assume that he's going to take a zoning weed cutting issue important. It's just human nature. So I think we're of the consensus that the sooner we can get to a different plan, the better. Hopefully in the new year we can get this first thing started, and then with the new Commission, say, "Now let's go to step B and let's do something." As quickly as we can do something. And again, one of the changes we've made to make this happen, we've already agreed that we're going to bring Tyler into our office to make him more of a Planning & Zoning and Code Compliance. If it's going to take a couple of years to give him the time to be solid on both sides, so we're going to try to build a better process for Traci, so she can be more on the administrative side. In fairness, and I would say this if she was here, she's been doing it a long time and she's tired too. So let's give her a fresh set of eyes, let's start tying it up, so I think as it relates to time, we're serious, it's just going to have to work it's way through the process, if that's fair.

Member Hammer: I don't have any more questions, and I really appreciate your time. Thank you for presenting.

Code Compliance Officer Knull: Of course. And just as a side note, just for your information, on the municipal league website, there is a section for Planning & Zoning. There is a lot of really good information, so you, as Planning & Zoning officials, can look at it for your upcoming workshops, see what other municipalities are doing, what they've implemented. They have a lot of really good ideas, and it's nice just to hear other municipalities' approaches to things like that, and know that we may be having issues with RV Parks, tiny homes, nuisance abatement, and all other municipalities are as well, and they're all taking really thoughtful approaches to it. That's definitely another resource, if you would like to look into it. There's a lot of good information on there.

Member Luchini: I appreciate it too.

Chairman Sisney: Everybody's happy. I'm happy.

Member Luchini: Do you have a priority problem that you're targeting first-off?

Code Compliance Officer Knull: Right now, it's unsanitary premises, that's usually the biggest one, that's what we get a lot of complaints on, unsanitary premises and dangerous structures.

Member Kent: Actually I do have another question, since you just mentioned that. IF somebody is living in a property that has no utilities, that would be considered an unsanitary premises?

Code Compliance Officer Knull: Yes.

Member Kent: There are several in the hot water district. Are you guys targeting any of those? Because there are some near me, I know they don't have power, which means they also have no trash, which I assume means they probably have no water or sewer.

Code Compliance Officer Knull: Our code allows you to stay there without power. Our code doesn't allow you to stay there without water. Water is where we have the issue.

Member Kent: But you have no trash if you don't have power? That doesn't make sense.

Deputy Clerk Martinez: If you have water, you have trash.

Member Kent: Oh I thought it was the trash.

Deputy Clerk Martinez: If you have one utility, you automatically have trash, so you can have water and trash, you can have electric and trash, you cannot opt out of trash.

Member Kent: Right. I've never actually seen them put the trash out.

City Manager Whitehead: You can't have electric and not have water. You can't have electric and not have water and sewer.

Member Hammer: So Lisa, in the example that you're bringing up, are they living in a tent? Are they living in an RV?

Member Kent: No.

Member Hammer: A mobile home?

Member Kent: Yes.

Member Hammer: So it's actually a structure that's on the assessor records?

Member Kent: Yeah. And maybe they do have water, you know, I don't know.

Code Compliance Officer Knull: I would tell people, if you know of a possible violation, bring it to our attention, there's a chance we don't know about it. We have a lot of property violations throughout the city, and I'm the only one focusing on it, so I may have overlooked it, I may have

driven past someone not having water or power for three days, you know, I'm working during daylight hours so it's hard to tell.

Member Kent: Well the power's easier to see.

Code Compliance Officer Knull: Right.

Member Kent: I just thought it was like, you either had them all, or you didn't have them all.

Deputy Clerk Martinez: If it's water, even if you bring it to our attention at the Clerk's office, we can get with the utility office and we will be able to tell if it's an active water meter.

City Manager Whitehead: I know of another resident where, because you can do this, you can have an agriculture permit where you can just get water, and you don't have sewer or trash, but you have to prove that you're using it for an agricultural purpose. And then poverty - we didn't talk about it and we'd be remiss not to at least throw that on the table - poverty is a real issue in our community, and if somebody's having to figure out food or utilities, they're going to pick food sometimes, so maybe their power is off for the three days you drove by and noticed it. You just don't know what the whole situation is, so back to Tyler's point, we should at least report it and let him go inspect.

Member Kent: If they can at least possibly have the water and sewer, then I'm far less concerned.

Code Compliance Officer Knull: Normally water is actually pretty easy for us to find, because if you don't have water you don't have sewer, it's not really going to go hand in hand, so we can usually tell.

City Manager Whitehead: The last piece I'll say on that, it's amazing to me how many times during the week we do disconnects. We disconnect 30-50 people a week, and two days later, it's reconnecting. So there's a constant churning here of people that have finally gone over that 60 days. That's an issue that I'm working on as well. In the utility office, we just hired someone we're calling a collector or a customer service person, so that they can try and be as helpful and supportive as they can. For 75 days, they will try to find all the programs they can to help the customer pay their utilities, put them on a payment or a balance program, find ways to do it, but on day 75, they're turning their power off, because you just have to do it. Hopefully we'll bring that program on, which will then be another tool in Tyler's box to use to say, "Hey you don't have power, you have to do it, let's get you with this person, and see if we can't get you on a better plan to where you don't have to turn your power off, you can pay us, and we have a process." Poverty is very relevant to zoning issues as well.

Chairman Sisney: It's about to get really bad. In some places, you're not allowed to shut off peoples' utilities in the winter time. I just see things getting worse. I hate to be pessimistic, but I worry about it. It's always the people that are the worst off that are getting hassled, you know. It's because you're poor, and it sucks being poor.

City Manager Whitehead: Yes sir.

Member Hammer: It's a perpetual cycle.

City Manager Whitehead: It's the worst. The nice part about our system now, it'll take a couple years with water/wastewater, but we're also doing a project for meters, so hopefully in the next three years we'll have all of our water meters which will be electronic. I've had a couple people come in and say, "I'm having this problem." And I'm benevolent, we give them leeway, and they don't pay in the 3-4 days that we give them, so we just click the button and it turns off. Then within an hour, they're here to pay. So those are nice tools, everybody thinks, "Oh you just want to track us." It's just really good for us to be able to do that, because it advances our ability to get compensated and not leave them off for a prolonged period of time. The system is really incredible, we can see all the meters. The electric department can see what meters are on and what meters are off, so on the electric side we can absolutely tell.

Member Hammer: I have one more question. Obviously I want to see the city do more in this area, and support you guys in that. There's a Facebook group that I've been a part of for a while, it's called litter pickers, T or C litter pickers, and they pick a region every now and then and go pick up litter. Would an organization like that, a volunteer organization, be able to take it a step further and work with the city, so say you give a code violation or a warning, I don't know what the liability is and all that, but could you give them a flier and say, "There's a local organization that can help you if you want help." They would have to agree, and then that group would go and bring a trailer, or whatever the case may be, and maybe there's a pool of funds that would pay for their dump fee. I understand the poverty situation in town, and half the people can't afford a \$6 dump fee. It comes down to if they're going to eat or pay their utilities and forget about their yard. That's the least of their worries right now. I guess my question would be, and I don't know if this is for Manager Whitehead or for the city attorney, could an organization do that? And then obviously we'd want some kind of liability waiver or something like that, going onto somebody's property. Would that be a program that you could support? Or an idea to, again, be preventative, and avoid the whole court process, because we're helping our community.

Code Compliance Officer Knull: Is it a free organization?

Member Hammer: This is theoretical, but I'm just saying, could we put together a non-profit organization that could work with the city and do that?

Code Compliance Officer Knull: Hypothetically, yes. However, if a company is wanting payment, I can't. Because I can't recommend a specific company to any specific person.

Member Hammer: But if it was free?

Code Compliance Officer Knull: If it was free I could, theoretically, with all of my notices, send out that flier.

Member Hammer: You could do that.

Chairman Sisney: I like that.

City Manager Whitehead: And I disagree with him completely, in that we have the ability to advertise or promote anybody that does business in the city of Truth or Consequences that pays us a license fee. So for example if somebody has a water leak, if their water meter is leaking and we find out it's on their side, we have the ability to have a flier that says, these are all the licensed business holders in Truth or Consequences, choose who you want, it's your business. So that's the difference, where it's about how you see it. I'm not completely disagreeing, he's right, but it's that process. In fairness, that organization would have to go through the process, you'd have to be a 501(c)(3), you'd have to have all those credentials, you'd have to have some liability insurance, and then we would say, "Here are all the landscaping companies and the potential providers in town. You can choose to call one of them, because you're in violation." And I'm a fan of that. I think that's a tool that we need to clean up and put in their pocket, so when that first visit happens, when Tyler goes out, he can say, "You're in violation, I will have to write you up, you can get it cleaned up, if you can't do it yourself, here's a list of everyone that is a licensed business in the city that can provide you that service." And then it would be up to them to go through that. I think that's the right thing.

Member Hammer: Let me ask another question, so maybe it's not an official non-profit organization with a 503(c) license and liability, it's just a concerned group of local citizens that want to help. We're going on public property and picking up litter and stuff like that. I don't know if there needs to be liability insurance for that, but what about going onto private property, do you foresee an issue with something like that?

Chief Tavizon: You would have to get with the owner and sign.

Member Hammer: Some kind of disclaimer that you would have the owner sign. I get concerned about that liability and risk.

City Manager Whitehead: The fact is, we would want to promote somebody.

Member Hammer: And you wouldn't promote that person.

City Manager Whitehead: Yeah, this list would meet a set of credentials where we would say, "If you can do these things then we can absolutely make you a part of the system." But there's nothing wrong with organizations being benevolent like the Lyons Club, the Rotary Club, etc. I used to work at a restaurant a long time ago and for some reason we'd pick a couple of neighborhoods a year and we would just go clean their yards. I was pretty young at the time, I don't remember why or how we picked them, but I know that every 6 months on a Saturday, we would show up at somebody's house, so I think all those things can happen, but to protect Tyler, because he's absolutely right, he's been told not to promote any business. I think we could go a step further and do that, but again it's got to meet some of those conditions.

Chairman Sisney: Let's say it's a church group. They want to come over and clean up your yard. Is there a problem with that? Do you have to have a 501(c) to do that?

City Manager Whitehead: A church group would have the credentials of being a church group, they'd already be registered, they'd have a tax code, business license, and all the credentials that would say, the Methodist Church or the Baptist Church, etc.

Code Compliance Officer Knull: I'd like to clarify, I can't recommend *one* specific person. I'd have to provide a list. So Gary's right. I can technically recommend people, but I can't just say, "Just this business" I would have to provide a list of licensed people and let them pick what fits their budget. And there are a few times where I have a list of landscaping companies and such. For example, if it's just weeds or whatever, I do have a list of registered landscapers with the city that I do already provide with the notice of violation, just as a "Hey, here you go." So that is something I currently do if they're registered with the city, they get added to my list of landscapers or property cleanup.

Member Hammer: So do you have a list currently of property cleanup that you give out?

Code Compliance Officer Knull: Yes.

Member Hammer: Where can we get that?

Code Compliance Officer Knull: It's with the City Clerk's office.

Member Hammer: Could I email you and you give me the list?

Deputy Clerk Martinez: Yes.

Chairman Sisney: Can I ask a question again, is there anything that would stop a volunteer group from going over and helping someone clean up their yard?

City Manager Whitehead: No. Right up to the point where that volunteer group took all the valuable assets from their yard. Then it would become a criminal issue. If I'm being honest, that's the only challenge, is someone shows up and scams somebody, so that's a risk. But no, I think there's nothing to stop a group of good Samaritans to go over and clean Mr. or Mrs. Smith's yard. We wouldn't do that, short of Mrs. Smith calling and saying, "These people showed up and told me they were doing something and all my stuff is gone." Then we'd have a problem.

Member Hammer: Or something accidentally, they didn't know was missing and then they blame you, there is stuff like that you have to think about. So Tyler, you can't give a code violation person a list of this volunteer organization because it's not sanctioned by the city officially with all those conditions. Could that organization come to you and go, "Can you give us a list of people who in the last 2 months might need some help with their yards?" would you be able to divulge that information because it's public and then that group could solicit them?

City Manager Whitehead: I would think not.

Code Compliance Officer Knull: It could fall under IPRA, inspection of public records, it's entered into our system, which could be.

Deputy Clerk Martinez: I think there's a gray area, because that's private property. In an IPRA, we can't give you information on a private property, we can only give you information of what is public record.

Member Hammer: And what is that, are code violations public record?

Code Compliance Officer Knull: Once they're charged in court, yes.

Member Hammer: But not until then though?

Code Compliance Officer Knull: Right. So if this volunteer group wanted to look at the New Mexico court website, you can look up a specific court and see all the cases on that docket for that court, or if you know someone specifically that may need help, you can look up their name. That's all public record. You could look up and see that they were cited for a weed violation and go from there. But that's when it would become public record and could be looked up.

Member Hammer: I'm just trying to think about how we would get information to each other if an organization like this wanted to help.

Member Luchini: On the other hand, the organization itself could make itself known that they're available to help through social media, etc.

Member Kent: Put up a flier on a property that looks like it needs help.

Member Hammer: Put a flier on their door.

City Manager Whitehead: I think people that hand out food and do food banks and all that stuff, they put out that information and they find plenty of people that need their help. An organization that says that's their mission, is to help, and done in the public eye, clear, I think that could work. Now, do I think that we could do something where we wouldn't charge? Those are gray areas, I'm a little more open to ways around the anti-donation rule, it doesn't scare me. But it would take some thoughtful planning. We'd have to work through that, especially if somebody was cited, and then somebody that didn't use that organization ended up paying and I filed a lien on their property, it'd be really difficult for me to say, "Oh well I let that one tip for free." Once they enter this arena where we're now trying to get them through the process, it has to be fair and consistent. So I couldn't do it. But certainly, finding people in the front-end and if we had a free clean day, that would be the time to say, "Hey for the week we cleaned up 10 properties and we're ready to go on Saturday and tip that." And we know and are sharing that, so I think there are ways to figure out how to view, but it wouldn't be just black and white.

Chairman Sisney: Me personally, I'm feeling for these people, and it just looks insurmountable. But if you showed up with 20 people, they could blow through there like a herd of goats and clean that place up in a couple hours, and once the word's out, if we could get a group of people together to do it... But then you run into July, August, and September.

Member Hammer: Not in the summer.

Chairman Sisney: I can see it getting rolling, it's just keeping it going that would be the hard part.

Chief Tavizon: There's nothing that says you couldn't see a property and approach that property or the owner and say, "Hey do you need help cleaning that yard? We'll help you out for free." And approach it that way.

Member Hammer: It would just be nice to have an organization, and I'll take this offline because there's a couple people I'd like to talk to about it, because in my community, this is a topic with trash and stuff like that, we want to help, but we understand the challenges and I think it'd be nice to have a flier with a name on it instead of just Joe Schmoe going up to a door and saying, "Hey do you need help cleaning?" you know, maybe have some recognition, like you said, kind of build a presence online, get recommendations, get referrals.

Chairman Sisney: Do you have anything else for us?

Code Compliance Officer Knull: Not at this time.

Chief Tavizon: No sir.

City Manager Whitehead: I'm good.

5. REPORTS FROM THE BOARD:

There were no reports from the board.

6. REPORTS FROM STAFF:

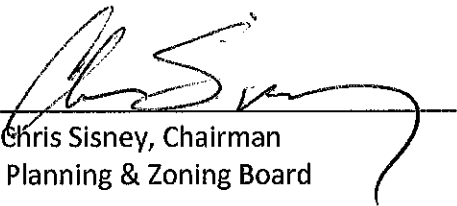
City Manager Whitehead reported on the following:

- I don't know if she has shared with you, but she and the Clerk's office have taken the time to compile minutes on the last meetings we've had over the last 6-7 months, all of your position papers, and other documents, into this nice little binder that I've brought in. We'll begin to start working through those as we come forward with the ideas we are going to take to the Commission
- Just to remind you, our primary focus is to bring Tyler in, so we will let him be the drafter of the changes and work through those things to start revising the City Code for Planning & Zoning. It's coming together slowly, but I was really happy when I saw this, it's really well-organized, and all your work is here.

7. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 4:45 p.m.

PASSED AND APPROVED ON THIS 8th DAY OF DECEMBER, 2025.



Chris Sisney, Chairman
Planning & Zoning Board