

**CITY OF TRUTH OR CONSEQUENCES
PLANNING & ZONING COMMISSION
MINUTES
MONDAY, SEPTEMBER 8, 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, September 8, 2025 at 4:00 p.m.

INTRODUCTION:

ROLL CALL:

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

ALSO PRESENT:

Traci Alvarez, Assistant City Manager
Katy Martinez, Deputy Clerk

1. APPROVAL OF AGENDA:

Vice Chairman Buhler made a motion to approve the agenda with the removal of item 4a. Member Luchini seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

a) August 11, 2025.

Member Kent 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. PUBLIC HEARINGS (5 Minute Rule Applies)

- a) **Public Hearing/Discussion/Action: Variance Request for 1702 Jackson St.**
Variance Request: Requesting permission for a mobile home that exceeds the age limit per city code.

This item was removed from the agenda.

5. WORKSHOP:

- a) **Tiny Homes/ADU Discussion**
- b) **Short-Term Rentals**

Member Kent: What is our goal right now? We have 2 topics; they have come up before. Are we trying to make a list of some things we think would be good to try and work into the code? Just so we have something at the end, and we are not just here talking in circles.

City Manager Whitehead: My intention when we started was for you to workshop one item, write a position paper, and give us your individual thoughts on what you thought should happen in the code and move on. What we will need to do is take all 5 of those thoughts and get our legal team to look at them. Then we would come up with 2 or 3 policy changes if we want to and present those in some form in a workshop. For example, these are the 5 choices that you could do nothing, don't have them, or do have them. Put them in whatever they are. Then go on to the next subject and come up with what you think so that ultimately, we could end up with several changes to the code that we want to present to the commission.

Member Kent: On both of these items you said the exact same thing a while back about a position paper. I think several of us wrote emails that you should have gotten that stated what we think individually. We all listed our concerns and ideas. But then we never really came back to it. You have the emails, we have that start, where are we at now?

City Manager Whitehead: I would be really candid, I don't know why it's on the agenda still. We should move on to the next subject. Is the next subject metal containers or whatever it is? I'm not looking to sit down and come back and bring back what our position is. It would be somewhere in December or January all take all that information and we will begin to then say, this is what we think we got from tiny homes, this is what we got from shipping containers and this is what we got from variances. Whatever those may be and then we would start crafting what the changes potentially we would make to the ordinance.

Assistant City Manager Alvarez: At the previous planning and zoning meeting where we had all those public hearings, board member Hammer had some stuff that she wanted to present but she couldn't because of the time frame, so we put it back on the agenda. I believe you guys tabled it at the last meeting.

Vice-Chairman Buhler: It was so late. Could we also work with the city like a round table discussion to where we would bring our ideas to them because I didn't say that in this certain area a tiny home would have to be this size. We just gave a synopsis.

City Manager Whitehead: I think what I would say, to give you some confidence here, it would be us taking this information that we get from you to decide whether or not tiny homes lets us, that's as an example. Do we want to put time and effort into this and is it something that needs to be in the code? If that is a yes, then we will go back and use what you have given us and develop that. I think yes, we would have a bigger workshop at that point to say these are the 9 items that we want to put into the code and now let's drill into those and decide what is the proper language that is going to go into the code that will achieve the outcome that you are looking for. That may or may not be the same as the commission. We may present something to the commission, and they say they are not interested at all. I think that is the way I would approach it, to say here is an issue that has popped up on our radar, we weren't expecting it. It came in as a variance or a special use. Let's talk about it. Let's each put our position on what we think and then decide whether or not that needs to be changed within the code. We would do that over the course of this year. For me, I would be looking for every meeting there should be some new topic on here for you guys to have a workshop on. Something new that has either come before you at a previous meeting or something particularly that you have decided. As you look at the code you don't like how something is worded and you want to have an open discussion and dialog on it so that we could begin to decide whether or not we are going to change it. Is that a reasonable process?

Member Kent: I think it's reasonable, but I guess the fact that it came back up today, I thought that we would have a list of what everybody submitted. I don't know on the Tiny Home/ADU where we are at. I know I shared some of my ideas and thoughts based on codes I have seen in other cities. I know some of the other members did as well. Maybe at this point we need to consolidate all that into something we can all read and review.

City Manager Whitehead: I would say to be fair to everyone this is new we are trying it out. We will figure it out. Once it's on the agenda in a workshop and you guys all get a chance to discuss it whether you make the meeting or not. If you can't make it, you can't make it. That doesn't mean you can't submit your thoughts and ideas on that particular topic. Let's decide and move on to the next issue and know it's not going to come back until we have 7 or 8 things that we feel like this is now where we want to spend our time developing a new code. Right now, we are developing ideas, and I think once we have that then our job would be to take the tiny homes, go do all the work, all the legal, all that information, and start developing something that we would then come back and present to you.

Member Kent: You keep saying 7 or 8 things. I'm sure there are that many things but it's already September and if we want to have something done by the end of the year. We have 2 hot topics, and they come up over and over. We have shared ideas, thoughts and concerns. Can we at least move forward with these and start getting some better definition and start reviewing even if it's only these 2 for this year?

City Manager Whitehead: I'm not going to do an ordinance change for 2 things. It's a lot of work and it's subject to an election. If we are going to pass an ordinance and amend it, it needs to have to the Short-Term Rental policy. I would think that the metal containers in the downtown area need to be addressed. I think the variance issue is a concern for the board I think we need to have a real conversation on how we want to think about variances in the future. The special use permits, Traci and I both agree we need to know why you would have to get a special use permit, what it really means, what is the value in it and should we change it. I can think of 4 or 5 things that really deserve some time.

Member Hammer: Traci, you gave us a list a couple of meetings ago of the hot topics you have seen develop over the last years. These are 2 hot ones. I don't think we have time for 8 in 3 more meetings. But can we pick the top 4.

Vice-Chairman Buhler: 3 maybe. I think the containers, the tiny homes, and the Airbnb. I think there needs to be some restrictions on those tiny homes and we need to have a tiny home guideline like what Albuquerque has. We need something like that because if we don't, we have people come in like the one with the trailer park. She could have people end up living in those 150-foot trailers for extended periods of time and they are not made for that. We either have zoning, or we have no zoning, no rules. I personally would like to see some rules and some standards with regard to tiny homes, it's very important because more and more they are going to be coming our way. I don't have a problem with them as long as they are done right and they are big enough for the area where they are going to go into.

City Manager Whitehead: I will give you philosophy, my thoughts. I want you guys to be empowered. I want you to feel like what you serve here has some meaning and value. I would like to see you have the time to identify things in the code that need to be repaired and us have a chance to do them. I really don't want to bring up a code every year just for one change. If we get good at this, every year we probably go back with an ordinance change and we would probably have 5 or 6. Maybe it is 3 or 4. Maybe it is 5 or 6 and we end up with 3 or 4. We still have to take them to commission. I think it's developing a nice process where, when you guys find something in the code that you feel needs to be different. We really talk about it. We give it to staff, and we figure out how best to work it on some regular cadence. We are doing that with the commission to say it's time to change the code. Maybe it is every couple of years.

Maybe we don't want to squander it. It's not been done before and it needs to be, and we are looking for a good path.

Member Kent: I can appreciate that it is a lot of work to do, just a couple maybe doesn't seem reasonable. But we have also never done this before, so we are really behind. Even if we have the 2 top topics addressed and then next year, we can try to have a larger scope. Otherwise, we are going to keep dragging this on. We are going to say we don't have enough this year because it's already September. Which means nothing happens with tiny homes and short-term rentals, but we know for those 2 it needs to happen. So, maybe this one year we only do 2.

Chairman Sisney: What is the year? Is a year January? This can be done at any time, correct? It doesn't have to be on the calendar year.

City Manager Whitehead: That is correct.

Chairman Sisney: I think that a lot is getting done it just doesn't look like it is. Reading the minutes from the last meeting, I missed a lot. I didn't get to see pictures of what they were trying to bring into the trailer park. It wasn't a tiny home. They were calling them RVs.

Member Kent: They are RV's it's a mobile home park.

City Manager Whitehead: It's an RV Park not a mobile home park.

Chairman Sisney: She had a name for this thing. What was it? Was it a coach?

Member Kent: You can see it. It's on the property.

Chairman Sisney: I wanted to go by.

Member Kent: Drive in the alley and you can see it pretty well.

Chairman Sisney: Are we talking about coach RVs?

Member Kent: No, it's not that. It gets towed.

City Manager Whitehead: Our vision was it was a towed recreational vehicle.

Chairman Sisney: She had it sitting on her property.

Member Kent: There is a mobile home and there is a couple RV's further in the back that are the kind that you tow behind your truck. She wants to put those types on the property. If you drive into the alley, you can see them pretty well. You will have to back out because the alley doesn't go all the way through.

Chairman Sisney: I read all that and I heard the arguments. I don't remember what happened. What was the final decision?

Member Hammer: We recommended approval. But I brought a point at the last meeting that this kind of overlaps the tiny home and the short-term rentals. She is not creating an RV Park, per say, she is putting kind of tiny homes that are fixed. There is some grey area there that I feel like we need to address, and we couldn't during that meeting, it wasn't the topic.

Chairman Sisney: Can we talk about that now? Can we discuss this?

City Manager Whitehead: Yes.

Vice-Chairman Buhler: She had a landscaper draw up the plan for that and it didn't show any drainage. It didn't show where the utilities are going to go. It didn't show anything like that. It was just a rough sketch and I think we need to really improve those types of things because you just don't have enough information.

Chairman Sisney: I believe I read in there that this the next step. All the engineering is the next step down the line is what I read in there. Which is problematic because we would like to know what the big picture is, and she sounded like she was kind of evasive in her answers also. She didn't want to answer the question very blunt.

Vice-Chairman Buhler: Well, she is in to make money. She is doing this park to make money. That is her goal.

Member Kent: Everybody is in it to make money.

City Manager Whitehead: She bought a piece of property in the R3 district that allows this park, requires a special use permit. Her point, I think, was that she did all the things within the code. She is doing all the things the code asks her to do and she is there to get that, and we want to talk about whether it's a good short-term rental or those kind of things and I think that is the challenge that we are both running into. Have we missed some things in the code that potentially should be a little tighter on something? I think it's fair to say I'll buy and make an RV Park, and I'll put a bunch of tiny homes in it because I can rent those. It's part of the code, it says that. I think people, myself included, didn't realize that downtown, really the whole Hot Springs District, is really R3. It is high density. It opens up for everything and we want to say no you can't do that but the code says otherwise.

Chairman Sisney: If she doesn't want people to bring their own RV's it's not an RV Park. It's her park with her RV's that she wants to rent as Airbnbs. But they don't qualify as tiny homes so why are they there?

Member Kent: A lot of RV Parks have fixed units in them. Glamp Camp has some that don't leave. They keep them and rent them.

Chairman Sisney: But it doesn't have the problems that they were discussing like we can't get in and out.

Member Kent: But nobody needs to get in and out. That's the difference.

Chairman Sisney: At their place. My argument was if it is all her stuff, then it's not an RV Park.

Member Kent: Then what is it?

Chairman Sisney: Exactly.

Vice-Chairman Buhler: It's a rental.

Member Kent: That's what an RV Park is anyway, right. You are renting.

Chairman Sisney: You are renting space.

Member Kent: Ok. I was in Salida for a while this summer there are mobile home parks, RV Parks all around and guess what a lot of them have in there right now, tiny homes. The owners have put them in there and they rent them. Some people bring their trailers, and they say they want a space that is empty, and they stay for however long. Some people come in and rent the fixed tiny homes that are now in there.

Chairman Sisney: But a tiny home is 400 square feet.

Member Kent: No these are not 400 square feet.

Chairman Sisney: That is what I'm saying, then it's not a tiny home. When we are arguing about semantics here. What she is doing is not renting tiny homes so it doesn't qualify.

Member Kent: She didn't say she was.

Chairman Sisney: I know. That's what I'm saying but you can't call it an RV Park if people can't come and bring their RV's.

Member Hammer: Why not?

Chairman Sisney: It kind of defeats the nature. An RV Park is you are coming into a place that has electrical, water and sewer hookup.

Member Hammer: She is putting all that on them.

Chairman Sisney: That's right but you are coming to rent that stuff. That's what I consider and RV Park. You are bringing your stuff, and they are set up for you to hook electricity, water and sewer.

Vice-Chairman Buhler: I think she is putting in a laundry room as well.

Member Kent: Which is required for an RV Park.

City Manager Whitehead: Chairman let me just say that I don't want to own an RV, but I would like to camp at an RV Park. I would like to drive in and have an RV there that is set up. I think that there is the challenge that there is a market out there that says I don't want to haul this and go anywhere but if there is a place that has it on an Airbnb style. If you look at those sites they are offering earth ships to castles. I think that is the world we are living in today where someone wants that experience, but they don't want to deal with everything that goes with it. So, who are we to judge because they didn't tow it in themselves and it doesn't traditionally meet the standards of what our RV Park is? I'm just throwing an argument on the table.

Chairman Sisney: I'm the same way. I don't really have anything vested here. I don't care either way but if we are worried about what we are going to call everything. What are we going to call it?

City Manager Whitehead: On the flip side I have owned a couple of mobile home parks that I would have been ahead to buy my own mobile homes and put them in and rent them than I was to try and find people that wanted to move a mobile home in there.

Chairman Sisney: But that is a mobile home park.

City Manager Alvarez: But it's the same kind of concept. Where you are saying I did that so that someone would buy a home and bring it in and live in this park. Those days are gone.

Chairman Sisney: A mobile home park could not have a single open space and still be a mobile home park.

Member Kent: So can an RV Park.

Assistant City Manager Alvarez: I'll tell you from my own research for personal use. Before we bought an RV. We wanted to look at taking a vacation we hadn't been on one. I had never been on Airbnb so I got on to see what was out there. There are RV Parks that rent RV's that are stationery there. That's what I was looking for, I didn't want to go stay in a hotel. So, it's not unheard of. What she has presented is something that is happening in a lot of places. The first time I came down to Washington state from Alaska in 1994 we went to a place called Mother

Nature's Acers and we rented a stationary RV, and we camped there with the kids. It's not unheard of for people to own RV's and have them stationary in an RV Park and rent them out.

Vice-Chairman Buhler: I think that it's important that if it is going to be on a lot it needs to be permanent, as permanent as it could be. This could change in 20 years somebody can buy that property and do something totally different. That is a realistic thing also.

City Manager Whitehead: I would say where I can see the twist here realistically it's probably more of a tiny home village than it is an RV Park, and that maybe where you would have to draw that line. We would have to think what would be different in those 2 settings. What's different?

Vice-Chairman Buhler: The laundry facility.

Chairman Sisney: What it actually comes down to I think is, are these people coming to vacation or are they going to be living in these things. If that's what they can afford that is what they are going to be living in.

Vice-Chairman Buhler: Well people are living in Airbnb's now like in LA.

Chairman Sisney: Well, they aren't paying Airbnb prices.

Vice-Chairman Buhler: Oh yeah, they are. Let me tell you, they are.

Member Hammer: So, do we have a stipulation in the ordinance about RV Parks like you can't stay longer than 30 days?

Assistant City Manager Alvarez: We don't regulate the RV Parks or the manufactured home parks. Keep in mind that manufactured home parks by our code can have RVs. We don't regulate the year or anything of the manufactured home that is going to a manufactured home park, that's private property. That is why we say on a city lot you can't live in your RV as a dwelling on a city lot, your mobile home has to be less than 20 years in an RV Park size and all of that is not regulated.

Member Hammer: And the time to occupy is irrelevant right?

Assistant City Manager Alvarez: Correct.

Member Hammer: So, it's just irrelevant unless we want to make a rule that you can't stay longer than 30 days.

Vice-Chairman Buhler: That would be the owner's decision.

Member Kent: That's ridiculous. We lived in one for 2 years while our house was being built if I had to vacate that every 30 days it would have been hard.

Vice-Chairman Buhler: There needs to be a standard for size.

Chairman Sisney: The more we talk about it the more this sounds like what we already have here. The Cottonwood is like that it's just another little RV Park it's nothing different except for, she plans on owning all the spaces which is good for her, I guess.

Member Kent: Well, she can maintain them. She is going to have all the other things required in an RV Park. She is going to put the laundry, and she will have hook up at each site. So, she is going to maintain the RVs instead of people towing them around.

Chairman Sisney: The RV is supposed to be licensed, inspected and all that stuff. Are we going to require all that?

Member Kent: That's a DMV issue.

City Manager Whitehead: I don't know of any inspection process.

Chairman Sisney: I'm thinking of a mobile home.

City Manager Whitehead: I wouldn't think that there is an RV inspection, but you are correct about its personal property, and it would require that it has a license tag on it. I would assume she would have the obligation and the responsibility to do so.

Member Kent: If she brings it from out of state, she will have to take it to the DMV and get it licensed and get it inspected. That's what we had to do. That's the DMV.

Chairman Sisney: If you are traveling with it. If you're just sticking it on a lot no one is ever going to see it, you don't need to do that.

Member Kent: Well maybe not. But if the code enforcer notices or a cop notices or anybody in the city, and they want to report it, they can.

Chairman Sisney: I'm sure there are plenty of RVs in this town that have been put on a lot and never got licensed again because they're not being moved.

Member Kent: Well of course there are. They are everywhere.

City Manager Whitehead: There are RVs in this town that have been sold 7 times, and the title is still in the original owner's name.

Member Kent: There is an RV down the street from me that has no title. It's not going anywhere ever. That is a whole other matter.

City Manager Whitehead: That would be an issue between her insurance company and her. They would be the only ones that care whether or not they are registered or not. The minute they got on the road she would be subject to some kind of a fine, or anybody that did that.

Member Kent: I have had cars that the plates have expired sitting on my lot so I violated those laws also.

Vice-Chairman Buhler: She is the one who incurs the liability for whatever happens.

Member Hammer: Can I suggest we move on from the RV Park? I would like some structure around the next 3 meetings that we are going to have and talk about these high-level hot topics that we want to give you guys recommendations for changing the code. I think we have done a good job of putting our position paper forward and sharing our ideas. I think that it could be one meeting, but then the next meeting, unless we do that in the first meeting, we kind of define that a little more. We come to a bit of an agreement. We have 5 hot requirements.

Vice-Chairman Buhler: I think Manager Whitehead is doing that for us.

Member Luchini: Is that what you want Manager Whitehead? Are you taking and developing these changes according to our positions or are we taking these points such as what zone they go in, what sizes, what location, the time limit and how many short-term rentals? Are those areas we decide on and then give them to you? Like right now are we talking about how many we want in town?

Member Hammer: I don't think we have even had the conversation about short-term rentals.

Member Luchini: We keep throwing it on Manager Whitehead and I'm not sure if under tiny homes that is what you want us to do.

City Manager Whitehead: I envisioned that I would have 5 positions, which would all be the same, but I would envision that there are going to be 5 variations of that. Our job would be to say, here are the thoughts, here is what's legal. Traci and I would work with the state statute. We would work with the city attorney. We would look at what we need to do and then come back to you guys and break that down and say what do we like and what don't we like. Then it would be an argument amongst you guys or a debate of what we can live with and what do we want to present to the commission. That's what we want that policy to look like.

Member Hammer: So, it would come back to us.

City Manager Whitehead: Yes.

Member Hammer: So, we are brainstorming, then position paper over to you guys, then you guys will formulate it, check the legalities and then bring it back to us.

City Manager Whitehead: We would bring it back and say this is what we think based on what you guys have said. We think this is what the policy would look like.

Member Kent: But we had a deadline for position papers months ago.

City Manager Whitehead: I have them.

Member Kent: Everyone submitted one months ago so you can do all that.

City Manager Whitehead: We can take tiny homes. That's my point, I got what we need there. That can come off the agenda. I have plenty of good short-term rental stuff, member Hammer has provided us with some good information.

Member Hammer: I provided data that kind of defines statistics about them. We didn't talk about what the rules should be for instance should we restrict them. Should we restrict per block? I think my message was that we don't have a problem with Airbnbs because we are not that saturated at this point but do we want to talk about it in the future. I'm getting a little off topic here but I would like for us to see enforcement of the current ordinance, and that is not happening, before we start adding a bunch of other rules. I don't think the current ordinances are being enforced. We have 66% of Airbnbs in town that are not registered.

Deputy Clerk Martinez: When they come in and get their business license and apply for a short-term rental permit, Tyler reaches out to them to set up inspection, and a lot of them just don't respond. Just last week, we had 5 of them get back to him, and they applied back in February. He can keep going after them but they are not responding. The only thing we can do is deny their permit, but if they are registered through Airbnb, we can't stop that.

Member Hammer: Unless you worked with Airbnb. I have a contact there now finally.

Deputy Clerk Martinez: Airbnb will not speak with us at the city because we don't have an account.

Member Hammer: I have new information since all that happened. I have our representative for our region and I can put him in touch with the city. I talked with him a couple of months ago and we made that connection. I'm working on VRBO but we have made that connection with Airbnb, it took a while.

Deputy Clerk Martinez: Our office is willing to talk to them, but again, as you have seen in the past, as long as it was the city, they were not speaking to us.

Member Hammer: I was part of that process for like 3 years. I finally got in touch with somebody.

Deputy Clerk Martinez: If you can forward me the information.

Member Hammer: He said he was willing to send out communication that the city signs off on directly to the host. That will get their attention because they will see it and say, "You need to register." Or "Have you registered?" they can put together that communication message however you guys see fit. I'll put you guys in touch. I would like to see enforcement before we start adding a bunch more rules. Why have an ordinance if you are not going to enforce it?

Member Kent: If the data you presented was reasonably accurate, which I'm not doubting that it wasn't.

Member Hammer: There is a margin of error.

Member Kent: I'm sure but it's probably minor, so it gave a good enough picture of what is going on. We are nowhere near what they consider sort of a saturation point, so that was good to know. It was something we did not know. I agree, getting everybody who is currently operating registered and playing by the rules so its an even playing field, and there aren't people skirting the system. But I also think it's important, maybe annually or biannually, to do another pulse check and check where we are at with the number of homes in the city versus the number of Airbnbs. Are we creeping up on that saturation point? If we look at the map, do we all of a sudden see 4 blocks that are nothing but Airbnb dots on the map? That's the kind of stuff we should watch. Do we need to need to write it in today? Maybe not because it seems like we are not Salada or anything like that. Places that have just been decimated. But you don't want to get caught behind the eight ball because then you have bigger problems to fix.

City Manager Whitehead: That is the reality of what could happen.

Member Kent: Yes. There are a lot of examples out there of what could happen. That is where we kind of benefit. We are not there yet. We know, we have seen, and we can watch, but it requires diligence annually or biannually, whatever we feel like is an appropriate benchmark to check these numbers again and do this little bit of research. I think that needs to be an important part of it. It might be the city's responsibility, I think, but we need someone to keep an eye on that kind of stuff.

City Manager Whitehead: I think the right tone with that is really to have Airbnb and VRBO be the best ones to take care of it. I think there is only so much we can do if those 2 business are not willing to make sure that the people that are signing up to use their site to make money aren't being compliant with our taxation rules and the rules we have, then we have a real

challenge. Then we are going to end up in that situation where I went and knocked and they won't let me in or I can't see them. Plus, the biggest problem I'm having right now with thinking about attacking the zoning code and the codes is that we don't have anywhere to go to enforce it. We just have nowhere to go. Whenever everybody tells me "Hey we need to get more weeds cleaned up" we have nowhere to go. It takes us 3 to 6 months to get on the docket at Magistrate Court. When we get on at Magistrate Court, from our understanding, we are ending up with deferred sentences. If I'm being honest the first thing I need to figure out is a better process for Tyler and codes to be able to say, "clean your weeds." Or "Clean up your yard and if you don't you are going to receive a letter." and then we have to get them in front of some kind of a court system. That's a bigger issue than we are at here, but it's a challenge.

Vice-Chairman Buhler: I thought we were going to something like Edgewood. I thought we were heading in that direction where we have an attorney and work it out with these people where they know there is some teeth if you don't do the right thing.

City Manager Whitehead: I have seen the presentation from Edgewood. We have tried twice to get in front of the city manager of Edgewood. We have not been able to. We have tried to set up a zoom meeting. I'm just not having any luck getting up there to see it in practicum and how to begin to bring that back to the commission to say, "This is the path we want to go on." I don't have a good answer for that. We have a lot of things happening and short-term rental is not the most important thing on my plate. But we are catching up, and I think it's time we can start. Until we get some way to process a code violation to where they are timely and we get some kind of resolution.

Member Hammer: The Municipal Court was closed a few years ago. Based on budget? All those cases on ordinances went to the Municipal Court instead of the Magistrate Court. Now that we shut that down, all those cases are going in front of the Magistrate Court, which their back log is probably huge and they are dealing with all kinds of criminal and civil cases. Do we need more bodies like another judge to process those or a paralegal or something like that? Maybe consider reopening the municipal court if we can budget for it. This is a problem, if we can't enforce the ordinances, then people just don't care. They think, "They're not going to come after me, it takes a year to clean up my weeds, so I'm not going to do anything." We have to show them that we have a process in place where we can enforce these codes.

Chairman Sisney: I have concerns with gentrification and dealing with people that aren't capable of taking care of their stuff, but I like to compare this town to the town I moved here from. Which is Boulder City, and Boulder City was a small town. It was an old town and I don't think regulations and enforcement or any of that stuff made any difference. It's organic and people start taking care of the town but its gentrification because the big problem in that town

now is if you don't have a house there, you're not getting a house. The people that grow up there can't afford to live in that town. Be careful what you wish for.

Member Hammer: So, you are saying not to enforce ordinances because it will make the property values go up?

Chairman Sisney: I'm not saying that. I'm saying that the whole idea that you can go in and regulate people - You can't. People are going to do what they want to do.

Member Hammer: If we let them.

Member Kent: It's a safety net. People have these buildings that if lighting strikes, their whole property is going up in flames and the whole block probably will too. We have a house on my block that is subject to that.

Chairman Sisney: A lighting strike started a fire and it burned up a block?

Member Kent: I'm just saying there is matter which are health and safety related also. You can't just let squalors sit in your neighbor's yard and now rodents are coming.

Chairman Sisney: Ok but listen if you go over there and talk to them, you might get somewhere, but if they can't afford to do it, they can't afford it.

Member Kent: Then we find a way to help them.

Vice-Chairman Buhler: That's what Edgewood is doing they are figuring out places where people can take this junk.

Chairman Sisney: Well Edgewood is not really a town it's just a place with a bunch of houses.

Member Hammer: Well, they have a city ordinance they are enforcing.

Vice-Chairman Buhler: What about the County? Would the County help with this at all? I mean the County is very close here to T or C. Out where I live, we have 2 shanties, there is one shanty town where people are living with no electric, no water, they have nothing. It's like an RV Park that's not an RV Park; it's a little shanty town and there is like 80 people that live out there. The county has done nothing. They need to step up also. Is there any way since these places are so close to town that we can get the county involved with enforcing? Those people really shouldn't be living there.

Chairman Sisney: So the City is going to tell the County what to do?

Vice-Chairman Buhler: Well we are all connected you know.

City Manager Whitehead: The County is a very conservative structure in New Mexico. I think it would be hard for us to find very many counties that would be looking to touch on the private property issue, much like a municipality would. The difference is that a municipality then takes on that ability to create those structures that would then protect us from our neighbors. We are living in a closer proximity than we do in the county. I don't view this as an opportunity for the county to help us in this situation at all. I also would say, in fairness to this conversation, I'm not looking for a code that is so restrictive that it puts everybody on edge and we are giving tickets. I think we are looking for the ability to have good planning and zoning and think about what the things are that we want. Do they match where we are currently at? We talk a lot about tiny homes, but those manufactured homes, they are being built to tiny home standards today because that's the product everybody wants to buy. We have to figure out that balance and not think that Edgewood's zoning is the end-all by any means, and if we got that plan, we are going to be better. But we do need some way that if someone is not cleaning their yard and we have given them a citation, that it can quickly get to adjudication. I'm a fan of saying, and I have told Traci this before, if the city has to go in and clean it, so be it. If that's what we do, if we have to put a lien and do those processes, then so be it. If that is who we want to be then let's be that and let's be good at that. Let's say be yourselves, live on your property, but if you cross that line then we are going to do these things and we are do those next steps. That's being really ambitious on my part.

Member Hammer: And it costs money.

Chairman Sisney: Exactly, that's a problem. I just watch people, human nature. People aren't going to spend \$6 to take something to the dump. The town I came from, if you show up with a utility bill at the dump, you can dump your trash. I can see why they don't want to do that because people are going to show up with construction stuff. There is a this and there is a that. I think just need to be really patient as far as getting stuff done.

Member Hammer: I have lived here for 9 years and there is squalor on every block in town. I have been patient I have been given a citation for weeds. I came down and I was like, "Really? Look around at my neighbors." but I said okay this is an ordinance so I'm going to clean. I think that we need to set the standard a little high that we don't live in a town that we have squalor everywhere. Businesses will not invest here with that. I have Airbnb guests who say our town is really cute and I have had a couple people say what a dump and they leave. I think leadership of the city, whether it's planning and zoning, the commission, or the manager, should have some kind of standard. We are not going to be Calistoga, T or C in never going to be that, but it could look nice for the people who are visiting and want to invest here.

Vice-Chairman Buhler: I have to tell you that the prices in downtown are up and people are buying properties in downtown and they are paying big dollars for those properties.

Member Kent: But think about what it would be like if there wasn't trash in people's yards. I think cleaning up trash and making sure there isn't dead rotting trees and things like that is not gentrification that is just pride in your home and reducing health and safety risk. I don't think they are the same thing at all.

Chairman Sisney: The fact of the matter is things are not what they used to be. Everybody is broke, and until we shake the tree and get the money back down to the people, these problems are not going to solve themselves. You have people you say are buying up downtown. They will fix it up and eventually people will come around. But you can't litigate people's behavior.

Member Hammer: I'm not suggesting we litigate. We can come up with solutions.

Vice-Chairman Buhler: It becomes a safety hazard. Some of these things become fire hazards.

Member Hammer: It's important enough to have the city allocate some budget towards a trash pickup day twice a year. Most municipalities do it.

Member Luchini: Develop some type of program where the hot water are the city sponsors a clean up time a couple times a year.

Member Hammer: We used to have it.

Member Luchini: Well, there you go, reimplement it. Free trash day at the landfill. Something that if that's the case and people can't afford it. If the city sponsors a free clean your yard day. Maybe something like you put it out on the curb and we will drive by and pick it up.

Member Hammer: Almost every municipality has that program.

Member Luchini: Ok well it needs to be reimplemented here.

City Manager Whitehead: We have to find a way to get people into court for violations, but in the same breath, we have to find a way to take care of it before they end up in court. We are trying to do that with utilities to say, "let's get you before your bill is past due, before you can't pay and we are having to disconnect the services." I think our mindset has to be let's be a helpful neighbor, but there is a line in the sand and if you're not going to take what we can do for you. I think a couple of free days at the dump; I like the grappler idea. I think we should be able to go to the properties and pick up stuff but it all takes people, time, and money.

Member Luchini: Or maybe solicit to the civic organizations in town to help.

City Manager Whitehead: It's about building a pride factor, right?

Member Luchini: Even without the threat of a ticket, a fine, or having to go to court. Just a clean up your lot here is some help and this is it. Could there be a certain person designated in the court to help with these kinds of fines?

City Manager Whitehead: The process we are in right now isn't the best for us and Magistrate court. We would need to find something and I don't know if it would be working through the Magistrate court where they could create someone like a hearing officer. I don't know what those processes are, I haven't sat down and seen what is different. I wish you guys were like a tribunal, if you will, that was listening to people and if they got cited, they would come in and make their case. Something like this where then we said okay we are going to give you 30 days to come in compliance. We need something like that where there is an easy process and the citizen gets good due process and they get a fair shot to state their case. 7 to 10 of them are going to do a good job and we deal with it like that.

Vice-Chairman Buhler: I think that's a good idea.

City Manager Whitehead: I think it's some process along those lines. It's not so restrictive that we are over burdening but yet we can start cleaning up.

Member Hammer: Can it be a department within the City that is created or does it have to be legal in front of a court?

Vice-Chairman Buhler: I think you would have to have an attorney.

Member Hammer: Seems like you would.

City Manager Whitehead: If I remember from the presentation from Edgewood, it's not an attorney. If you think about our Municipal Court, that judge wasn't an attorney and I think our Magistrate Judge is an attorney.

Vice-Chairman Buhler: They had an attorney that sat down with the people.

Assistant City Manager Alvarez: I think it was a retired judge.

Member Kent: Also, if we put into place some of these ideas of a free day at the dump or neighborhood cleanup, there may not be as many tickets, and there may not be as large of need for this. When I wasn't living here in town, I got a letter every year about my weeds because I wasn't here and I didn't know. But that is a lot of money and time for the city also. If we can put processes in place to help people even before the tickets before all of that. Proactive not reactive.

Member Luchini: That's why I say to try and implement a cleanup without the threat of the ticket.

Member Kent: Let people know that we are doing a cleanup and here is their chance. Then everybody is good and they don't get the ticket.

Vice-Chairman Buhler: Well, the big threat is, we come in and we do it for you, and then we put a lien on your property.

Member Kent: And that has happened.

Vice-Chairman Buhler: When people feel like it's either this or this they usually try to do the right thing. Especially if you have options for them.

City Manager Whitehead: That feels to me personally like the harshest penalty we can have, would be to say if you can't do it and we have given you warning and we told we are going to file a lien and we are going to take you to court to take your property. Unfortunately, that could be the outcome, but that seems like the most restrictive thing we can do. Which would have some teeth to it. It's black and white. It's simple and I can fix that by either paying the bill because you cleaned it or I can clean. It's not advice in any way, it just is. On the changes to the code, if we could get at least 5 items to change. I think we have enough information on tiny homes that we can deal with that, let's look at that. Let's look at how it fits into the code. How it fits into accessory buildings and everything. I think we can come up with that. I think for the Airbnb issue, the short-term rental, let's agree we will meet with the clerk and we will look at what Member Hammer has. We will make a phone call and we will see if we can't get implementation. Angela and I spoke today and her intention would be maybe we start setting up the Airbnb and the business license in January so they are connected, those were her thoughts. I think that makes a lot of sense. Maybe we can get that done by January. Then deal with the current code and figure out what with the second steps. That's 2 issues. I think the metal storage units, and how they affect downtown, need to be addressed.

Member Kent: I have a question about that. Is downtown T or C a registered historical area?

City Manager Whitehead: Its not. Not according to the code.

Member Hammer: Even Main Street?

Assistant City Manager Alvarez: Downtown is a Main Street district and metropolitan district.

Member Kent: But its not like a designated historic district? Which is like a different designation.

Assistant City Manager Alvarez: I think it is. I would have to dig into that more. I think that they did identify it when MainStreet came in. We have a MainStreet historic district I believe.

Member Kent: That makes things a lot easier.

Member Hammer: Do we have a zoning stipulation sheet for that?

City Manager Whitehead: My know is because when I look at the zoning map. Riverside has a Riverside designation for it. They actually said along the river these are the properties we are going to do. But there is not one really for where the hot springs district would be. I was surprised that we never did something that says, "In this district these are the things we think should happen." It probably just didn't happen. For the longest time the hot springs district was under-utilized. Those of us that have been here a long time know it was not as elegant back then as it is today. People weren't putting money into the properties like they are now. We probably missed that. I think that is a consideration. But I think we should think about the metal storage containers downtown and it could be connected to that. We could figure out what designation we have for downtown and talk about that. But I think we need to figure out this storage facilities in downtown issue.

Vice-Chairman Buhler: I know that the Jones Street they will be coming back to the board. The arts council put out a memo for people to attend the meeting. At that time, I was on the board for the Desert Haven Animal Rescue; I talked with them about working something out with the PODs because they want to put 2 40-foot PODS behind their building which use to be the Bella Luca restaurant.

Member Hammer: Do you mean a shipping container when you say a POD?

Vice-Chairman Buhler: Yes.

Chairman Sisney: Can I suggest that we call them Conex? POD is a business that provides them.

Vice-Chairman Buhler: They are going to paint them. I think that Chris Kreig has offered to do a mural for them. They are firmly sent on that. I talked with them about maybe doing smaller ones. I told them it might be better received instead of 40-footer to do 20-footer and they were not agreeable to that. I spoke with them about a fence because some places require a fence around the Conex boxes. I don't know if we have any rules regarding that. People will be able to go in and around them.

Chairman Sisney: Ok so we will put Conex's on the list. That's 3.

City Manager Whitehead: I think Traci would agree with me; we would really like to visit variance, special use permits, and conditional use permits. Really define what the value is and what the difference is. I think we have had questions on if we do a conditional use does it go away if you sell the property? If you do a variance does it stay? I think we need to talk about them and really define what the conditions are on a variance. The variance is really going to depend on the commission, the make up of the elected officials. If they are favorable to say if

somebody has an issue and we think it should be changed, we want it to be changed, or we are going to be restrictive. I think those 3 things deserve some attention from us to say this is how we would like to change those.

Vice-Chairman Buhler: The Conex boxes are all in town. People have them all over.

City Manager Whitehead: I think that is 4 items.

Member Kent: ADU and Tiny homes aren't exactly one in the same. To me that is 2 items.

City Manager Whitehead: I think they could be 2 items. But I think the ADU piece with the tiny homes is, are we going to allow someone to put in a tiny home and how does it relate to an ADU?

Member Kent: Then I would recommend we also put just ADU. Things like, can it be taller than the primary residence? Can it be bigger than a primary residence? The setbacks, there are many things to it. Whether it's a tiny home or a stick build. There are things about that that need to be addressed.

City Manager Whitehead: There are 2 issues with ADU, it's either an ADU or an accessory building. A Conex box would be one version of it. A tiny home that I'm going to live in or call it a casita would be something different.

Vice-Chairman Buhler: It is different.

Member Kent: This is where it gets gray because tiny homes also can be things that are really an RV or it can be a house that is small. The definition of what we mean by tiny home is also a little gray. I think we tend to put them together, but they're different.

City Manager Whitehead: Yes, but you wouldn't want someone in R-1 to put an RV in their backyard to be a tiny home.

Member Kent: I wouldn't want them to do that in any district.

City Manager Whitehead: That is what we want to make sure of, that it is clear what we are going to do.

Chairman Sisney: So, you think they are different. We are trying to come up with 5 things. We are not going to debate it.

Member Kent: That is what I think because I do not think they are exactly one in the same. I think there is overlap because a tiny home can be an ADU.

Member Hammer: I think we need to define it so we are all on the same page.

Member Kent: A tiny home can also be an Airbnb. This is where it gets gray, but we have to have distinctive definitions.

Vice-Chairman Buhler: A tiny home is where someone is going to live permanently.

Chairman Sisney: Let's not discuss that right now. Let's get the 5 topics. Let's not debate it.

Member Kent: That was the 5th one.

Member Hammer: I have a topic. I think we learned a lot about, I think we should review the dog kennel ordinance and add a couple things like setbacks. I think a setback really needs to code for a kennel permit.

Assistant City Manager Whitehead: We have workshops coming up and the animal control ordinance is already being addressed by animal control. They are having a workshop soon.

Member Hammer: When is it?

City Manager Whitehead: October 24th after the commission meeting. I would say, as it relates, I think the animal control ordinance is going to talk about one thing, but the zoning code needs to be similar. I do agree that we want to be able to say you can only have as many animals as you have the square footage to do, and set that square footage. I don't think it should be, "You should have enough space to handle them and our code person or Traci is trying to determine how many that is." It should be, is it 5x5, is it 25-square feet per every animal or whatever that number is. But I think the zoning code absolutely needs to identify.

Member Hammer: In addition to that stipulation, I want to see setbacks. I don't want to see a dog kennel right next to a fence underneath someone's living room window, I think that was ridiculous. If we are making tiny homes have a set back so they are not right next to their neighbor, I think we should also look at dog kennels. It's more noise and smells.

Chairman Sisney: Is that the 5th item? Can we put this down Manager Whithead?

City Manager Whitehead: I think it's time. In respect to the fact that we could potentially have a new animal control ordinance. It might be identified in there so it would be relevant and important to say in the zoning code they have to be consistent. You can't have 2 different codes.

Vice-Chairman Buhler: I was also going to say, we are in desperate need of restaurants in T or C. Are there any grants or tax advantages you can give people to help restaurants come to downtown?

City Manager Whitehead: I don't know that for a fact but I do know we are presenting a proposal for Love's. Love's asked for some concessions to come. To hook up the utilities for them was about \$240,000.00. In our code we do have a LEDA, which is a Local Economic Development Act, which allows the commission to make some concessions. We also had a rebate on the books, so anyone that has a large business has to have more than 8 jobs created. We are going to be able to provide a 20% rebate on their entire utility bill for 18 months. There are some rules that we had on the books that we are trying to break out and use. I would think yes, if someone is opening a business and they meet some of those stipulations within the rules. The state law is where the LEDA is set up, so that sets the conditions. I think those are opportunities and I think those are good ideas, just like saying if you have weeds we are going to help you get them cleaned up. I think we should have some way of saying if we can get you to put in a restaurant downtown if you do the fire code and you put that in, we can help you pay for some of that. Anything to make those businesses. I think that is the right idea. It is a little complicated and it's not black and white. I think it can be done. We will see how well this goes at the commission meeting. I think Love's has negotiated fairly, we are not doing anything outside the rules, and it's all with in the codes that we have passed for a long time, so I'm hopeful that it's going to be received well.

Member Kent: I guess I don't understand what Love's has to do with her question.

City Manager Whitehead: It's using incentives. It's finding a way to use public money to benefit a private business. I feel confident today that if someone came and said they wanted to open a restaurant here with the potential of creating 15 jobs, I could say if you make the request I can give you a 20% rebate right now for 18 months.

Member Kent: Not to be rude but what restaurant downtown is going to have 15 employees?

City Manager Whitehead: I don't know. They have to have 8.

Member Kent: Every building downtown has a commercial kitchen is now a retail store.

Chairman Sisney: That what I saying we just lost 2.

Member Kent: We lost 5.

Vice-Chairman Buhler: It's a tough thing, the restaurant business. We really need it. If we could get a trade school downtown in the old county building and get some young people going to school there. They could have a culinary department. They are doing this in Toas and it's doing really well. We could have welding. We could have maybe 4 things that young people could do. Being downtown, they would be able to get a job downtown, possibly in a restaurant if we had restaurants. It would be a big thing for the community, I think, to help keep people here. People

like to be able to walk around. The western presents out by the freeway is way too far from town. Things need to be in town.

Assistant City Manager Alvarez: You might check with MainStreet. I saw they were advertising for small business grants. I'm not sure what it was for but MainStreet would have some good information.

Member Kent: I know Outer Edge was going to maybe apply to get money to build a patio. It was for things like that. I don't know if it was really to help a new business. The problem now is there is no space with a kitchen so if someone wanted to open a restaurant downtown, they have to have the money to put a commercial kitchen in, and that's expensive.

Vice-Chairman Buhler: Where Denny's used to be is for sale.

Member Kent: That's been for sale since it closed.

Vice-Chairman Buhler: If someone knew that there was a big incentive, we might have somebody come back in there. Also where Pacific Grill used to be. I don't know what they sold but I know that there is a kitchen there probably still.

Member Kent: It will have the fire suppression and the grease trap. It may not have the fridges and stuff but it will have all the infrastructure. That's the hard and expensive part.

Member Hammer: What is our goal for next meeting? We have all these topics, is there one that we want to look at? Are we taking 3? Are we doing some definition? Are we doing more position papers? What are we doing?

Vice-Chairman Buhler: We can do a position paper on the Conex boxes.

City Manager Whitehead: We will look at the current code and see that process, and then what you think, how that should be different, or if it should be.

Member Hammer: We have 3 meetings before the end of the year. Manager Whitehead, I don't know if this is tentative for you, but you want to have a few items for the ordinance to talk about in the new year. Should we also talk about animal kennels? I don't think we need a position paper for that because I think we learned a lot, but maybe just have some definition about what we would like to introduce to the code if we have time. Tiny homes is on the City Manager's plate. Short-Term Rentals, we aren't going to discuss that right now, so those are off. We do want to talk about variances, special use, and conditional use permits. Maybe not the next meeting but maybe November's meeting we talk about those items. Should we talk about that first because it's kind of overarching on everything?

City Manager Whitehead: That is probably as important as any of them.

Member Hammer: I think so. It will drive our conversation. Maybe the variance, conditional use and special use permits that be one topic and then either containers or dog kennels. I think we need to add at least 2 if we are trying to do this before the end of the year. I'm just making a suggestion so we know what we are talking about next meeting because this is a little bit of a surprise today.

Assistant City Manager Alvarez: The clerk's office will have to reach out to you guys, or however it's done, but the Monday October 13th meeting is going to be rescheduled because that's a holiday.

Chairman Sisney: Back to the previous topic. Did we pick 2 or 3?

Member Hammer: Well variance, special use, and conditional use permits, that is an overarching topic, and then it sounds like containers is next. I think we could do animal kennels pretty fast. I know my issues with that.

Chairman Sisney: Lets put 3 down and see if we could get to 3 of them.

Member Hammer: This is all contingent upon the time available after the public hearings. So when is the next meeting since the next one is on a holiday?

Deputy Clerk Martinez: I will send an email with the dates we have available to you all individually.

6. REPORTS FROM THE BOARD:

No Reports from the Board

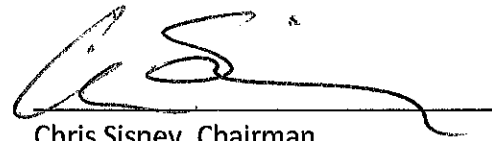
7. REPORTS FROM STAFF:

Assistant City Manager Alvarez: I just wanted to let the board know that we were awarded a \$642,000 grant from DOT for a DC electric car charging station. Our Electric Department did a good job of getting that. It will be a fast-charging station and will be able to charge 2 cars at one time. It will be located on the lot in between the Sierra Grande Lodge and the Administration Annex building. It will give a great opportunity for people to charge their cars and walk around downtown and check out our local shops.

8. ADJOURNMENT:

Chairman Sisney adjourned the meeting at 5:18 p.m.

PASSED AND APPROVED ON THIS 14th DAY OF OCTOBER, 2025.

A handwritten signature in black ink, appearing to read 'Chris Sisney', written over a horizontal line.

Chris Sisney, Chairman
Planning & Zoning Board