

**CITY OF TRUTH OR CONSEQUENCES  
PLANNING & ZONING COMMISSION  
MINUTES  
MONDAY, OCTOBER 5, 2020**

**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, October 5, 2020 at 5:30 p.m.

**INTRODUCTION:**

**ROLL CALL:**

James Bush, Member  
Rick Dumiak, Member  
Chris Sisney, Member

**ALSO PRESENT:**

Morris Madrid, City Manager  
Traci Alvarez, Grant/Project/Zoning Official  
Jay Rubin, City Attorney  
Angela A. Torres, City Clerk  
Lisa Gabaldon, Secretary

**1. APPROVAL OF AGENDA:**

Member Dumiak made a motion to approve the agenda. Member Bush seconded the motion. Motion carried unanimously.

**2. APPROVAL OF MINUTES:**

**a. Regular meeting of July 8, 2020:**

Member Dumiak moved to approve the Minutes from July 8, 2020. Member Bush seconded the motion. Member Sisney abstained. Motion carried.

**b. Regular meeting of August 3, 2020:**

Member Dumiak moved to approve the Minutes from July 8, 2020. Member Bush seconded the motion. Member Sisney abstained. Motion carried.

**3. COMMENTS FROM THE PUBLIC:**

No comments.

**4. RESPONSE TO COMMENTS FROM THE PUBLIC:**

None.

## **5. NEW BUSINESS:**

### **a. Discussion/Action: Selection of a new Chairman and Vice-Chairman:**

Member Dumiak asked to table the item until they have 5 members so that they have a full board to select from. Member Bush agreed with this.

City Clerk Torres asked if they would like to make a selection for someone to run the meetings as an interim until they select a Chairman.

City Attorney Rubin agreed with City Clerk Torres. Member Dumiak agreed.

**Member Sisney made a motion to nominate Rick Dumiak as Interim Chairman.**

**Member Bush seconded the motion.**

**Member Dumiak abstained.**

**Motion carried.**

Member Dumiak made a statement that this will be a temporary position. He does not seek or desire to be a Chair or Vice-Chair. However, he does feel that they do need to get 5 members in order to make this happen. Member Bush agreed.

### **b. Discussion/Action: Recommendation of a new board member to fill vacancy:**

Mr. Steven Zeschke took a few minutes to introduce himself and give the members some of his background information.

**Interim Chairman Dumiak made a motion to recommend Mr. Zeschke to the City Commission to serve as a member on the Planning & Zoning Commission. Member Sisney seconded the motion. Motion carried unanimously.**

City Attorney Rubin took the time to welcome Member Sisney. He then addressed Mr. Zeschke and advised him that now his application will go before the City Commission for final approval. He went on to speak to Member Bush and Interim Chairman Dumiak regarding his guidance and direction for the Planning & Zoning Commission as far as their powers and duties. He said that he should possibly come back for another meeting in order to give another orientation speech for everybody. He advised them to take a look at the first couple of pages of the Planning & Zoning Code, as it specifies their powers and duties and the types of things that will be brought before the Commission.

### **c. Discussion/Action: Minor Amendment of a Plat at 120 W. Third Ave. Traci Alvarez, Grant/Project/Zoning Official:**

Traci Alvarez addressed the board to explain the minor amendment of a plat. On February 26<sup>th</sup>, they had a summary plat amendment at 112 W. Third and that was to split that property into two lots which in turn gave them 112 & 120 W. Third. At this time the applicant is requesting that we just do a minor amendment and move the lot line that was split, by 37 feet to the east,

creating a lot of 90X140. It almost makes 2 equal lots. Applicant has paid all of his fees, has filled out all of the appropriate paperwork, and is in attendance if they have any questions.

Interim Chairman Dumiak asked the applicant as to why this wasn't done back in February.

Dan Steel stated that they had other plans for the middle part of the property, which is vacant. It has nice big trees and they originally wanted to keep them on their parcel, but since then they have cancelled those plans. So they then decided to sell the 37 feet to the owner of the other building, which would improve his parking and bring it right to an original city lot line.

Interim Chairman Dumiak asked if the original variance enabled it to be 2 legal lots.

Traci Alvarez answered that both lots were legal sized. They originally had the bigger size for themselves, and they sold the smaller lot. He wants to give the other owner a little more room by moving it 37 feet and that will improve the parking for the other owner.

**Member Bush made a motion to approve the Minor Amendment of a Plat. Interim Chairman Dumiak seconded the motion. Motion carried unanimously.**

#### **6. COMMENTS FROM THE PLANNING & ZONING COMMISSION:**

Member Bush asked why there was only one applicant brought before the Commission and not two.

City Clerk Torres answered that Mr. Zeschke's application was the only one that the City has received so far, and they are still advertising for the position. Once more applications are turned in; they will be brought to the board for recommendation.

Interim Chairman Dumiak stated that he received a phone call from Marian Wheeler who lives at 626 Charles. She is questioning as to what is going on at 630 Charles. He then stated that he knows there was a resolution passed, but knows nothing else. Ms. Wheeler is concerned due to the signs warning of vicious dog on premises that were recently put up. They recently had a dog attack and they are basically meeting the requirements to have the dog on their property. He stated that Ms. Wheeler is also very concerned about the fences.

Traci Alvarez responded that she has spoken to Ms. Wheeler multiple times. The resolution was approved and has been published. There is also a waiting period for which someone can go in and appeal, and then there is a procedure that will follow after that. She has kept Ms. Wheeler very updated as she calls regularly, and they are in the process of proceeding forward with the abatement.

Interim Chairman Dumiak stated that he knows that the City is spraying for bugs, but he'd like to know exactly what it is that is being sprayed.

City Clerk Torres advised him that he can come into the City Clerk's Office. There is a sheet available for him with that information.

Interim Chairman Dumiak asked about the City Commission meeting minutes, stating that they are not inclusive of everything that is being said in public comment.

City Clerk Torres advised that if someone submits their comments in writing, she puts their comments in the minutes. As per the Open Meetings Act, we are not required to do verbatim minutes. We do summary minutes, unless it's a public hearing, and then we'll do them verbatim.

**7. COMMENTS FROM STAFF:**

City Manager Madrid advised the Planning & Zoning Commission that Mr. Zeschke's recommendation would go before the City Commissioners at the meeting next week for final approval.

**8. ADJOURNMENT:**

Interim Chairman Dumiak made a motion to adjourn. Member Bush seconded the motion. Motion carried unanimously.

**PASSED AND APPROVED on this 2<sup>nd</sup> day of November 2020.**



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Rick Dumiak, Interim-Chairman  
Planning & Zoning Commission