

1. April 12, 2022 Town Council Meeting Materials

Documents:

[2022 04 12 AGENDA REGULAR COUNCIL.PDF](#)  
[2022 03 22 MINUTES REGULAR COUNCIL MEETING.PDF](#)  
[2022 04 12 LEGAL NOTICE REGULAR COUNCIL.PDF](#)



# TOWN OF SILVER CITY COUNCIL

## REGULAR MEETING AGENDA

APRIL 12, 2022, 6:00 PM

GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM

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1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE AND SALUTE TO THE NEW MEXICO STATE FLAG
2. CHANGES TO AGENDA
3. CEREMONIES – NONE
4. PROCLAMATIONS – NONE
5. COUNCIL COMMENTS
6. APPROVAL OF MINUTES
  - A. Regular Meeting on March 22, 2022.
7. PUBLIC INPUT - NONE
8. REPORTS
  - A. Staff Reports: **Budget Report**
9. PUBLIC HEARINGS - NONE
10. UNFINISHED BUSINESS – Recreation Center
11. NEW BUSINESS:
  - A. Approval / Disapproval of a Special Dispenser Permit for: Silver City Blues Festival, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061.
  - B. Approval / Disapproval of a Special Dispenser Permit for: Silver City Blues Festival, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery License #67085, 203 S. Mill Road, Silver City, New Mexico 88061.
  - C. Approval / Disapproval of a Special Dispenser Permit and Waiver for: Tour of the Gila Hub Plaza Beer Garden and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for April 30, 2022, with alcohol served from 10:00 am to 8:00 pm at 601 N. Bullard St., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave., Silver City, New Mexico 88061.

**12. Closed Executive Session pursuant to NMSA 1978 Section 10-15-1(H)(7) for the Discussion of matters subject to the attorney-client privilege pertaining litigation in which the public body is or may become a participant.**

**13. ADJOURNMENT**

## Town of Silver City Council Members

<u>Name</u>	<u>Elected Position</u>	<u>Telephone</u>	<u>Term of Office</u>
Ken Ladner	Mayor	575-534-6346	01/2022 - 12/2025
Lucian Farmer	Councilor, District 1	575-284-9293	01/2022 - 12/2023
Nicholas H. Prince	Councilor, District 2	575-242-9002	01/2022 - 12/2025
Jose A. Ray, Jr.	Councilor, District 3	575-313-4944	03/2020 - 12/2023
Guadalupe Cano	Councilor, District 4	575-590-2941	01/2022 - 12/2025

### *MISSION STATEMENT OF THE TOWN OF SILVER CITY*

*Silver City is the hub of an inclusive community settled within a small town that through guided growth, honors and preserves its historical, cultural, and natural heritage while facilitating jobs, health, and education resources such that the residents and visitors may enjoy and protect the recreational opportunities of the area and high quality of life.*

*Approved by the Town Council on May 25, 2010.*

**The Council may call an EXECUTIVE SESSION pursuant to NMSA 1978 Section 10-15-1(H) for the following reasons:**

1. meetings pertaining to **issuance, suspension, renewal or revocation of a license**, except that a hearing at which evidence is offered or rebutted shall be open;
2. **limited personnel matters** which means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee;
3. deliberations by a public body in connection with an **administrative adjudicatory proceeding**;
4. meetings for the **discussion of bargaining strategy preliminary to collective bargaining negotiations** between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;
5. that portion of meetings at which a decision concerning **purchases in an amount exceeding \$2,500 that can be made only from one source** and that portion of meetings at which the **contents of competitive sealed proposals solicited pursuant to the Procurement Code (13-1-28 NMSA 1978) are discussed during the contract negotiation process**. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
6. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
7. meetings for the **discussion of the purchase, acquisition or disposal of real property or water rights** by the public body.

Note: NMSA 1978 Section 10-15-1(H) Exceptions (4) relating to students, (9) relating to public hospitals, and (10) relating to the gaming control board were not listed above since they do not apply to the Town of Silver City.

**For information on what's happening in local government, please visit the Town's website at [www.townofsilvercity.org](http://www.townofsilvercity.org).**

**TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING MINUTES**  
**GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM**  
**March 22, 2022, 6:00 p.m.**

**Members Present:**

Ken Ladner, Mayor  
Lucian Farmer, Councilor, District 1  
Nicholas Prince, Councilor, District 2  
Jose A. Ray, Jr., Councilor, District 3  
Guadalupe E. Cano, Councilor, District 4

**Others present:**

Alex C. Brown, Town Manager  
James Marshall, Assistant Town Manager  
James Reynolds, Town Attorney  
Freddie Portillo, Chief of Police  
Alfred Sedillo, Town Clerk  
Roger Lance, Grant County Beat  
Ben Beltron, Executive Director, CATS  
Nick Seible, Silver City Daily Press  
Jack Brennan, Silver City Resident  
Kristen Warnack, Silver City Resident  
Francine Miranda, Silver City Resident  
Carol Ann Fugagli, Silver City Resident  
Mick Smith, Silver City Resident

**1. CALL TO ORDER** - Mayor Ladner called meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO STATE FLAG** - Mayor Ladner invited the public to recite the Pledge of Allegiance and the Salute to the New Mexico State Flag.

Mayor Ladner welcomed Chief of Police Freddie Portillo, the news media, guests who will be making presentations, staff and the members of the community.

**2. CHANGES TO AGENDA** – Councilor Cano motioned to move item 11 (A) Approval/Disapproval Ordinance 1310 to after item 12 Closed Executive Session. Councilor Farmer seconded. Motion Carried. Mayor Ladner motioned to move item 11 (E) Appointment to Planning and Zoning Commission to item 10 Unfinished Business. Councilor Ray seconded. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion Carried.

**3. CEREMONIES – NONE**

**4. PROCLAMATIONS – NONE**

**5. COUNCIL COMMENTS** – Councilor Prince stated he appreciated the Public Meeting for the proposed Recreation Center and wished to encourage the outpour of desires for the brand-new community hub. Councilor Prince wished to extend his condolences to the tragedy death that had occurred.

Councilor Farmer stated that the Public Meeting for the proposed Recreation Center was well attended and vocal from the attendees. Councilor Farmer hoped the Architectural Firm BRS would be more thoughtful in their approach at the next public meeting.

Councilor Cano stated she has been approached by several members of the Pickleball community with concerns about the courts by the High School. Councilor Cano asked Town Manager Alex Brown if the schools or the city were in charge of the Tennis Courts. Mr. Brown advised Councilor Cano that the City was responsible for the courts. Councilor Cano stated the members were concerned about the netting around the fence was falling apart and the path to the courts was very dangerous and needed to be repaired before someone fell or twisted an ankle. Councilor Cano also stated she was disheartened with the Public Meeting about the proposed Recreation Center, she felt a better job could have been done.

Councilor Cano felt there should be better communication with the public to make them understand how the Council makes decisions about the Recreation Center maybe by having a Public Meeting with all Councilors to just listen to the public with their input but not respond to the questions. Councilor Cano hoped that it would help bridge the concerns for those who are not supporting the Recreation Center.

Councilor Ray stated New Mexico was the third largest state to produce oil and would like to ask the Governor to push for more oil drilling in New Mexico. Councilor Ray stated he was not impressed with the presentation of the Recreation Center by the Architectural Firm at a previous meeting. The population of 65,000 residence included Luna and Hidalgo counties was not right including the two counties. Councilor Ray asked that we support Ukraine with prayers or reciting a rosary.

Mayor Ladner thanked the people who volunteered for the cleanup project around Silver City.

**6. APPROVAL OF MINUTES** – March 8, 2022 Regular Meeting. Councilor Ray moved to approve the March 8, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded. Motion carried.

**7. PUBLIC INPUT** – Francine Miranda stated she attended the Recreation Center Public Meeting and was concerned about who would be running the new Recreation Center because the people running the old Recreation Center were not doing their job and did not provide child care for under privileged children. Ms. Miranda would like to see child care, transportation for children to and from the Recreation Center and help for the individuals and programs that are in the community provide services for the youth.

Carol Ann Fugagli gave her sincere appreciation for the support given and continue to give for the five-points Initiative and the work completed at the Water Works location. Ms. Fugagli announced the Upper Gila Watershed Alliance was a recipient of the Environmental Protection Agency's New Commission for Environmental Cooperation Grant.

Mick Smith voiced her concerns about the proposed spaces in the Recreation Center. Ms. Smith advocated for an indoor swimming pool and climbing rock wall which was the top two items on the survey that was done in 2021.

**8. REPORTS** – Senator Siah Correa-Hemphill spoke about the 2022 Legislative Session with Capital Outlay moneys available for the 2023 Session for possible money for the Recreation Center. Senator Hemphill was happy to announce a half day symposium with Dr. Beck Bailey the founder of Conscious Discipline on April 21<sup>st</sup> at Western New Mexico University Light Hall. She was also happy to announce the passing of raises for all school personnel and tax cuts and credits. Senator Hemphill stated there were many bills passed and felt the session was very successful.

Representative Luis Terrazas stated he worked together with Representative Dow and Senator Hemphill on bills and Capital Outlay for the community. Representative Terrazas was happy to announce the passing of One Hundred Thousand Dollars (\$100,000.00) for Memory Lane and with the same amount from the Town a lot can be done to fix the erosion issues. He also advised of Social Security income exception was finally a big win, it had been presented for at least the last six to eight years and finally passed this year. Representative Terrazas expressed his concern about the cattle in the Gila hoping there could have been a special hunt for people to consume in lieu of having the cattle shot and left in the wilderness. It has been suspended for now and he hopes they can come up with a solution to do it in a more humane way. He also spoke about a couple of items that will be addressed at the Special Session on April 5<sup>th</sup>.

**9. PUBLIC HEARINGS – NONE**

**10. UNFINISHED BUSINESS** – Mayor Ladner stated he would like to again appoint Susan Mittlestadt to the Planning and Zoning. Mayor Ladner felt Ms. Mittlestadt has adequate time of eight months as a residence in the community and with her extensive engineering background and has already served on several volunteer positions in the community. Mayor Ladner asked the Council if there were any objections. Councilors Farmer, Prince and Ray had no objections. Councilor Cano stated she still objected with the appointment stating she feels Ms. Mittlestadt should know the community more before being appointed on the most important board. Mayor Ladner proceeded to appoint Susan Mittlestadt to the Planning and Zoning Commission.

## **11. NEW BUSINESS**

**A. Approval/Disapproval of Ordinance 1310 was moved to Item 12 on the agenda.**

**B. Approve / Disapproval of a Public Celebration Permit: for Tour of the Gila Beer Garden for April 30, 2022, with alcohol served from 1:00 pm to 7:00 pm at 820 N. Bullard Street, Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 203 S. Mill Road, Silver City, NM 88061** – Jack Brennan with the Tour of the Gila was pleased the Tour of the Gila coming back in April after being gone for the last two year. Mr. Brennan ask if the Council would please approve the Public Celebration Permit. Mayor Ladner called for a motion. Councilor Ray motioned to **Approve / Disapproval of a Public Celebration Permit: for Tour of the Gila Beer Garden for April 30, 2022, with alcohol served from 1:00 pm to 7:00 pm at 820 N. Bullard Street, Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 203 S. Mill Road, Silver City, NM 88061.** Councilor Prince seconded the motion. Mayor Ladner asked for a roll call. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motioned carried

**C. Approve / Disapproval of a Public Celebration Permit: for Tour of the Gila VIP Beer Garden for April 30, 2022, with alcohol served from 1:00 pm to 7:00 pm at 820 N. Bullard Street, Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 203 S. Mill Road, Silver City, NM 88061** – Jack Brennan clarified the location of the event to be at 601 N. Bullard. Town Attorney Jim Reynolds had already advised Mayor Ladner and Council also, including approval of a Waiver of NMSA 1978 60-6B-10 for alcohol service near a church. Councilor Prince Motioned to approve the amendment correcting the location address and church waiver. Councilor Ray seconded the motion. Motion Carried. Councilor Prince motioned to **Approve a Public Celebration Permit and Waiver: For Tour of the Gila VIP Beer Garden and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for April 30, 2022, with alcohol served from 1:00 pm to 7:00 pm at 601 N. Bullard Street, Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 203 S. Mill Road, Silver City, NM 88061, as amended.** Councilor Farmer seconded the motion. Motion Carried.

**D. Approve / Disapproval of a Public Celebration Permit: for Class Reunion for June 11, 2022, with alcohol served from 5:00 pm to 9:30 pm at Murry Hotel, 200 W. Broadway St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 200 N. Bullard St., Silver City, NM 88061** – Kristen Warnack advised the permit was a Private Celebration Permit. Alex Brown clarified a Private Celebration Permit is processed the same as a Public Celebration Permit, there was no need for an amendment. Councilor Farmer motioned to Approve **a Public Celebration Permit: for Class Reunion for June 11, 2022, with alcohol served from 5:00 pm to 9:30 pm at Murry Hotel, 200 W. Broadway St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 200 N. Bullard St., Silver City, NM 88061.** Councilor Prince seconded the motion. Motion carried.

**12. Close Executive Session Pursuant to NMSA 1978 Section 10-15-1(H) (7) for discussion of matters subject to the Attorney-Client Privilege pertaining to threatened or pending litigation on which the public body is or may become a participant.** Mayor Ladner called for a motion. Councilor Cano motioned to go into Close Executive Session Pursuant to NMSA 1978 Section 10-15-1(H) (7) for discussion of matters subject to the Attorney-Client Privilege pertaining to threatened or pending litigation on which the public body is or may become a participant. Councilor Ray seconded the motion. Mayor Ladner asked for a roll call. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motioned carried

After a short five-minute break, the Council moved into the Red Room for Closed Executive Session.

Mayor Ladner reconvened the meeting back to order at 7:30 pm after Closed Executive Session. Mayor Ladner stated the matters discussed in closed session were limited only to those specified in the motion for closure. He asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried. No action taken Mayor Ladner asked for affirmation of Councilors, all affirmed.

**12. Approve / Disapproval Ordinance 1310 THE ADOPTION OF A MUNICIPAL GROSS RECEIPTS TAX IN THE AMOUNT OF .3625 PER CENT TO BE USED FOR GENERAL MUNICIPAL PURPOSES AND PAYMENT OF MUNICIPAL DEBT** – Alex Brown stated the Ordinance is to in act and adopt the final increments available to the Town by Ordinance and not an election. Councilor Ray motioned to **Approve Ordinance 1310 THE ADOPTION OF A MUNICIPAL GROSS RECEIPTS TAX IN THE AMOUNT OF .3625 PER CENT TO BE USED FOR GENERAL MUNICIPAL PURPOSES AND PAYMENT OF MUNICIPAL DEBT** seconded by Councilor Farmer. Mayor Ladner asked for a roll call. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motioned carried

**13. ADJOURNMENT** - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council, and asked for a motion to adjourn. Councilor Ray made a motion to adjourn at 7:36 pm. Councilor Prince seconded, All in favor. Mayor asked all opposed say nay, there were none opposed. Motion carried.



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**Ken Ladner, Mayor**

**Attest:**

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**Alfred Sedillo, Town Clerk**

## LEGAL NOTICE

The Town of Silver City Council will hold their Regular Council Meeting scheduled for Tuesday, April 12, 2022, at 6 p.m. at the Grant County Administration Center, 1400 Hwy. 180 East, Silver City, New Mexico. The public is invited to attend. The agenda will include:  
**Approval of Minutes:** Regular Meeting – March 22, 2022

**Reports: Budget Report**

**Unfinished Business: Recreation Center**

**New Business:**

**A. Approval / Disapproval of a Special Dispenser Permit for: Silver City Blues Festival, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico.**

**Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061.**

**B. Approval / Disapproval of a Special Dispenser Permit for: Silver City Blues Festival, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico.**

**Liquor License Holder: 1) Little Toad Creek Brewery & Distillery License #67085, 203 S. Mill Road, Silver City, New Mexico 88061.**

**C. Approval / Disapproval of a Special Dispenser Permit and Waiver for: Tour of the Gila Hub Plaza Beer Garden and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for April 30, 2022, with alcohol served from 10:00 am to 8:00 pm at 601 N. Bullard St., Silver City, New Mexico.**

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**12. Closed Executive Session pursuant to NMSA 1978 Section 10-15-1(H)(7) for the Discussion of matters subject to the attorney-client privilege pertaining litigation in which the public body is or may become a participant.**

### **13. ADJOURNMENT**

Agendas are available prior to the meeting and may be obtained at City Hall, 101 W. Broadway and City Hall Annex, 1203 North Hudson, or on the Town's website, [www.townofsilvercity.org](http://www.townofsilvercity.org). If you have any questions regarding the public hearing, you may contact the Town Clerk at City Hall, 101 W. Broadway or call 534-6346. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid service to attend or participate in the hearing or meeting, contact the Town Clerk at 534-6346 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact The Town Clerk if summary or other type of accessible format is needed.