

1. 6:00 P.M. February 22, 2022 Town Council Meeting Materials

Documents:

[2022 02 22 AGENDA REGULAR COUNCIL MEETING.PDF](#)  
[2022 02 08 DRAFT MINUTES REGULAR COUNCIL MEETING.PDF](#)  
[2022 02 22 LEGAL NOTICE REGULAR COUNCIL.PDF](#)



**TOWN OF SILVER CITY COUNCIL**

**REGULAR MEETING AGENDA**

**February 22, 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 February 8, 2022.
- 7. PUBLIC INPUT-**
- 8. REPORTS**
  - A. Staff Reports.
- 9. PUBLIC HEARINGS - NONE**
- 10. UNFINISHED BUSINESS - NONE**
- 11. NEW BUSINESS**
  - A. Recreation Center update and direction by Baker Rinker Seacat Architecture Firm
  - B. Approval / Disapproval of Resolution 2022-03 SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND
  - C. Approval / Disapproval of Resolution 2022-04 SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND
  - D. Approval / Disapproval of Resolution 2022-05 A RESOLUTION BY THE TOWN OF SILVER CITY FOR THE PURCHASE OF AN APPROXIMATELY 20.40 ACRE PARCEL OF REAL ESTATE LOCATED ON BOSTON HILL, SILVER CITY, NEW MEXICO.

**E. Appointment to Municipal Library Community Advisory Committee**

**F. 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.**

**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-I(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** 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. the **discussion of personally identifiable information about any individual student**, unless the student or the student's parent or guardian request otherwise;
5. 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;
6. 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;
7. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
8. 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-I(H) Exceptions (4) relating to students, (9) relating to public hospitals, and (I 0) 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)**

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM  
February 8, 2022, 6:00 p.m.**

**Present:**

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

**Also, present:**

Alex C. Brown, Town Manager  
James Marshall, Asst. Town Manager  
James Reynolds, Town Attorney  
Freddie Portillo, Chief of Police  
Manuel Jaure, Code Enforcement Officer  
Alfred Sedillo, Town Clerk  
Roger Lance, Grant County Beat  
Ben Beltron, Executive Director, CATS  
Jordan Archunde, Silver City Daily Press  
Mike Sprowl, Silver City Citizen

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE AND SALUTE TO NEW MEXICO**

**STATE FLAG-** Mayor Ladner called the meeting to order at 6:00 p.m. and invited the public to recite the Pledge of Allegiance and the Salute to the New Mexico State Flag. The Mayor welcomed Freddie Portillo Chief of Police, Code Enforcement Officer Juare the news media, staff and the members of the community.

**2. CHANGES TO AGENDA – NONE**

**3. CEREMONIES – NONE**

**4. PROCLAMATIONS – NONE**

**5. COUNCIL COMMENTS –** Councilor Ray commented that it was brought to his attention that Walmart is keeping track of people that are and are not wearing a mask. He is not sure why and would like to inquire what it is all about. Councilor Ray stated again to let people decide to wear a a mask or not.

Councilor Prince stated that he would like to thank everyone for the outpour of support as he continues conducting his father's Last Will and Testament. Councilor Prince stated that he will return home by the end of this month.

Councilor Farmer had no comments.

Councilor Cano had no comments.

Mayor Ladner wanted to thank the community members for all of the volunteer work that they do, as well as all of the first responders for the hard work they do.

**6. APPROVAL OF MINUTES –** Regular Meeting on January 25, 2022. Councilor Farmer moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of January 25, 2022. Councilor Ray seconded. Motion carried.

**7. PUBLIC INPUT –** Mike Sprowl spoke about the mask mandate comparing the City Ordinance to the CDC requirements and he feels that our Ordinance is good other than the section that states to wear a mask outdoors if in a crowd of people. Mr. Sprowl feels that a person should not be stopped if not wearing a mask if it is not law.

**8. REPORTS –** Chief of Police Freddie Portillo handed out graphs pertaining to Crime and Crash Data from 2021 and previous four years. Chief of Police Portillo stated that at the beginning of the year his

officers and him work on ways to prevent crime and crashes in the community. Chief of Police Portillo wanted to thank the Town management for their continued support and wanted to recognize all the members of the Police Department for the continued effort keeping our community safe.

**9. PUBLIC HEARINGS – NONE**

**10. UNFINISHED BUSINESS – NONE**

**11. NEW BUSINESS**

**A. APPROVAL / DISAPPROVAL OF NOTICE OF INTENT TO ADOPT AN ORDINANCE 1309, AMENDING CHAPTER 32 (NUISANCES), ARTICLE 1 (IN GENERAL), SECTIONS 32-1 THROUGH 32-32, ARTICLE II (ABANDONED VEHICLES), SECTIONS 32-33 THROUGH 32-49, ARTICLE III (RESERVED), SECTIONS 32-50 THROUGH 32-64, PROVIDING DEFINITIONS AND EXAMPLES; PROVIDING FOR ABATEMENT; AND SPECIFYING LEGAL PROCESS.**

Town Attorney Jim Reynolds explained the amendments to Ordinance 1309 allowing Code Enforcement to deal with nuisance in two ways. First, is to file a criminal complaint in Municipal Court where the Municipal Judge can fine the violator if there is a nuisance, which will be for minor violations. The second option is for major violations, the Code Enforcement Officer can cite the violator with a Notice to Abate giving the violator to clean up the nuisance in a reasonable amount of time specified in the Ordinance. If the violator does not clean up the nuisance in the allotted time the City can clean it up. However the violator has a right to a hearing in front of the Town Council, which will be the Town Councils responsibility and duty if a nuisance exists that when and how it's going to be cleaned up and who will clean it up. Attorney Reynolds stated that the current Ordinance did not specify in detail which now it is in section 32.3. Attorney Reynolds also stated that there are illustrations in the Ordinance that what constitutes a nuisance taken verbatim from Deming and Las Cruces Ordinances. It provides a person with the knowledge if what they are doing constitutes a nuisance. Attorney Reynolds advised the Town to use a reasonable standard of common sense to interpret the illustrations in the Ordinance.

Councilor Prince read a hand out to the Councilors on his concerns. Councilor Prince asked if the Council could wait for a final adoption until May 3, 2022 to review all concerns. Councilor Cano opposed to wait until May 2, 2022 to vote on the Ordinance. Normally 30 days for public input is enough time. It does not take three months for the public to give us input so she did not feel that the Council should take three months to give their input to approve the Ordinance. Mayor Ladner asked Attorney Reynolds if he would answer the concerns Councilor Prince pointed out. Alex Brown advised Mayor Ladner that Mr. Reynolds and James Marshall worked on the Ordinance together and Mr. Marshall would answer the questions. Mr. Marshall stated that he reconciled both the proposed NOI and current Ordinance and they both were close to both Deming and Las Cruces Ordinances that Mr. Reynolds used to draft the amended ordinance. Mr. Marshall answered each concern that Councilor Prince spoke about in his comments. Councilor Ray moved to approve NOTICE OF INTENT TO ADOPT AN ORDINANCE 1309, AMENDING CHAPTER 32 (NUISANCES), ARTICLE 1 (IN GENERAL), SECTIONS 32-1 THROUGH 32-32, ARTICLE II (ABANDONED VEHICLES), SECTIONS 32-33 THROUGH 32-49, ARTICLE III (RESERVED), SECTIONS 32-50 THROUGH 32-64, PROVIDING DEFINITIONS AND EXAMPLES; PROVIDING FOR ABATEMENT; AND SPECIFYING LEGAL PROCESS. Seconded by Councilor Cano. Mayor 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.

**12. ADJOURNMENT -** Mayor Ladner stated this concluded the business of the Town of Silver City, and asked for a motion to adjourn. Councilor Farmer made a motion to adjourn at 7:17 pm. Seconded by Councilor Ray, 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

DRAFT

## LEGAL NOTICE

The Town of Silver City Council will hold their Regular Council Meeting scheduled for Tuesday, February 22, 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 – February 8, 2022

**Reports:**

**New Business:**

**A. Recreation Center update and direction by Baker Rinker Seacat Architecture Firm**

**B. Approval/Disapproval of Resolution 2022-03 SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND**

**C. Approval/Disapproval of Resolution 2022-04 SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS**

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**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.