

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

Documents:

[2022 03 22 AGENDA REGULAR COUNCIL.PDF](#)  
[2022 03 08 MINUTES REGULAR COUNCIL MEETING.PDF](#)  
[2022 03 22 LEGAL NOTICE REGULAR COUNCIL.PDF](#)



# TOWN OF SILVER CITY COUNCIL

## REGULAR MEETING AGENDA

MARCH 22, 2022, 6:00 PM

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

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 8, 2022.
7. PUBLIC INPUT - NONE
8. REPORTS
  - A. Staff Reports: **Senator Siah Correa-Hemphill and Representative Luis Terrazas**
9. PUBLIC HEARINGS - NONE
10. UNFINISHED BUSINESS - NONE
11. NEW BUSINESS:
  - A. **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.**
  - 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.**
  - 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.**

**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.**

**E. Appointment to Planning and Zoning Commission**

**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 8, 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  
Jordan Archunde, Silver City Daily Press  
Patricia Cano, Silver City Resident  
Sonia Ray, Silver City Resident  
Olga Ray, Silver City Resident  
Kristen Warnack, 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, staff and the members of the community.

**2. CHANGES TO AGENDA – NONE**

**3. CEREMONIES – NONE**

**4. PROCLAMATIONS – NONE**

**5. COUNCIL COMMENTS** – Councilor Farmer stated that his heart went out to the family who lost their home due to a fire. He also stated the feedback from people for Ordinance 1309 was positive.

Councilor Cano spoke about Kidney Awareness Month. Councilor Cano stated she was diagnosed with kidney disease and felt she should speak about the issue to inform the public to become donors to those that are affected by the disease who need a kidney transplant. Councilor Cano thanked the staff and doctors at the Dialysis Clinic where she is treated and is in the process of finding out if she is a match with a donor within her family.

Councilor Ray stated he wanted continued prayers for the people in Ukraine and not to forget to change the clocks forward during the weekend.

Councilor Prince thanked the public for the care, support and letters during the passing of his father. Councilor Prince stated with the inflation that is happening he wants to make sure everything can be done to help alleviate the pressure on all constituents.

Mayor Ladner thanked the police and first responders for all they do to keep our community safe.

**6. APPROVAL OF MINUTES** – Regular Meeting on February 22, 2022. Councilor Ray moved to approve the February 22, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded. Councilor Cano asked for discussion to amend the minutes from February 22, 2022 adding Olga Ray, Sonia Ray and Georgia Rivera as being present for the meeting. Councilor Ray moved to approve the Minutes of the Regular Council meeting of the Town of Silver City on February 22, 2022 as amended. Councilor Farmer seconded. Motion carried.

**7. PUBLIC INPUT – NONE**

**8. REPORTS** – Heidi Ogas gave an Annual Report for the High Desert Humane Society. Ms. Ogas stated from January 2021 through December 2021 Three Thousand Seven Hundred and Seventy-Five dollars (\$3,775.00) in impound fees and Six Thousand One Hundred Twenty-Two dollars and Ninety cents (\$6,122.90) for Licenses was collected. As well as Four Hundred Ninety-Eight (480) Adoptions and One Hundred Ninety-Eight (198) Returned to Owners. Ms. Ogas also stated that money raised from their Paws’ Cause Thrift Shop they were able to issue One Thousand Eighty-Eight (1,088) Spay & Neuter assistance coupons.

**9. PUBLIC HEARINGS – NONE**

**10. UNFINISHED BUSINESS – Approval / Disapproval ORDINANCE NO. 1309 AN ORDINANCE 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 stated that Ordinance 1309 was ready to be voted on. He asked if anyone had any questions. Councilor Prince commented on his concerns with certain sections of the Ordinance. Attorney Jim Reynolds responded to Councilor Prince’s concerns. Councilor Cano, Alex Brown and Chief Portillo also commented on Councilor Prince’s concerns. Mayor Ladner entertained a motion. Councilor Ray Motioned to approve **ORDINANCE NO. 1309 AN ORDINANCE 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 AND DEFINITIONS EXAMPLES; PROVIDING FOR ABATEMENT; AND SPECIFYING LEGAL PROCESS.** Seconded by Councilor Cano. Mayor Ladner thanked Mr. Reynolds and James Marshall for creating the Ordinance and encouraged the Council to vote yes on the Ordinance. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted nye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried. Mayor Ladner stated motion carried three to one with one negative vote from Councilor Prince.

**11. NEW BUSINESS**

**A. Approval / Disapproval of RFP 21/22-2FE, General Engineering Services – Federally Funded –** Alex Brown stated that the City puts out RFPs for General Engineering services so when the City has small projects, they can go directly to them rather than having to do RFPs for each project over Sixty Thousand dollars (60,000.00). Alex Brown stated that the RFP was for Federal Funding and there were two proposals received from HDR Engineering and Stantec Consulting Services Inc. Staff recommendation was to award the **RFP 21/22-2FE** to Stantec Consulting Services Inc. Mayor Ladner entertained a motion. Councilor Prince motioned to approve **RFP 21/22-2FE, General Engineering Services – Federally Funded to Stantec Consulting Services Inc.** Seconded by Councilor Farmer. 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.

**B. Approval / Disapproval of Bid 21/22-2 Ridge Rd Phase 2 and Little Walnut Rd Phase III** – Alex Brown Stated it was staff’s recommendation to award Bid 21/22-2 Ridge Road Phase 2 and Little Walnut Road Phase III to Deming Excavation Inc. in the amount of One Million Nine Hundred Thirty-Four Thousand Two Hundred Thirteen and Eight Five cents (\$1,934,213.85) plus Gross Receipt taxes. Mr. Brown advised both projects are being funded by Grants, the originals project is funded by Colonias Grant for One point one Three Million Dollars (\$1.130000.00) and Little Walnut is being funded with Legislative allocation and a Three Hundred Fifty Thousand Dollar (\$350,000.00) TFPF through the Department of Transportation. No local fund will be used. Mayor Ladner asked for a motion. Councilor Farmer motioned to approve **Bid 21/22-2 Ridge Rd Phase 2 and Little Walnut Rd Phase III in the amount of One Million Nine Hundred Thirty-Four Thousand Two Hundred Thirteen and Eight Five cents plus Gross Receipt taxes.** Seconded by Councilor Ray. 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.

**C. Approval/Disapproval of a Public Celebration Permit: for Continental Divide Trail Coalition for April 22, 2022, with alcohol served from 5:00 pm to 9:00 pm at Main Street Plaza, Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery License #67085, 203 S. Mill Road, Silver City, NM 88061** - Kristen Warnack stated on April 22, 2022 the Continental Divide Trail Coalition will have its Annual Trails Day. A celebration will be held at the Main Street Plaza with approximately two hundred people attending. There will be two security guards as well as the servers watching for any violation. Mayor Ladner asked for a motion. Councilor Ray motioned to approve **a Public Celebration Permit: for Continental Divide Trail Coalition for April 22, 2022, with alcohol served from 5:00 pm to 9:00 pm at Main Street Plaza, Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery License #67085, 203 S. Mill Road, Silver City, NM 88061.** Seconded by Councilor Prince. 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.

**D. Appointment to Planning and Zoning Commission** – Mayor Ladner stated Stan Snider had applied to serve on the Planning & Zoning Commission and has been recommended by the chair of the Commission. Mayor Ladner recommended to appoint Stan Snider to the Commission and asked if there were any objections. There were none. Mayor Ladner stated he had reviewed both applications and felt both candidates were highly qualified for the position. Mayor Ladner appointed Stan Snider to the Planning & Zoning Commission. Mayor Ladner stated that Susan Mittelstadt had also applied to serve on the Planning & Zoning Commission and was recommend by the chair of the Commission. Mayor Ladner asked if there were no objections, he would like to appoint Susan Mittelstadt to the Planning & Zoning Commission. Councilor Cano stated she had an objection that Ms. Mittelstadt has only lived in Silver City for only two months and she felt the Commission was the second most important Committee next to the Council and recommended a smaller Committee would be a better way to start. Councilor Cano knows the Chairman wanted a woman on the Commission and was aware another woman had applied. Councilor Cano felt that the person should know the community before making extremely important decisions and two months is not enough time. Mayor Ladner stated since the Council was undecided, he would like to have a voice vote. Mayor Ladner asked if all those in favor of appointing Susan Mittelstadt to the Planning & Zoning say aye; those not in favor say nye; all voted nye. Mayor Ladner advised the Council would have to visit the recommendation at a later date.

**E. 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 7:29 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. ADJOURNMENT** - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council, and asked for a motion to adjourn. Councilor Cano made a motion to adjourn at 7:30 pm. Councilor Ray 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, March 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 – March 8, 2022

**Reports:** Senator Siah Correa-Hemphill and Representative Luis Terrazas

**New Business:**

**A. Approval / Disapproval of 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.**

**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.**

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**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 Murray 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.**

**E. Appointment to Planning and Zoning Commission**

**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.