

1. 6:00 P.M. September 12, 2023 Regular Town Council Meeting Materials

Documents:

[2023 08 22 REGULAR COUNCIL MEETING MINUTES.PDF](#)  
[2023 09 12 AGENDA REGULAR COUNCIL.PDF](#)  
[2023 09 12 LEGAL NOTICE REGULAR COUNCIL.PDF](#)  
[ORD.1324.SHORT.TERM.RENTAL.TAX.PDF](#)  
[PROC - 2023 BUDDY WALK \(SC\).PDF](#)

**TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING MINUTES  
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM  
August 22, 2023, 6:00 p.m.**

**Members Present:**

Ken Ladner, Mayor  
Rudy Bencomo, Councilor District 1  
Nicholas Prince, Councilor District 2  
Jose A. Ray, Jr., Councilor District 3  
Guadalupe Cano, Councilor District 4

**Others present:**

Alex Brown, Town Manager  
Jim Reynolds, Town Attorney  
Amanda Cox, Exec. Assist. To Town  
Manager  
Freddie Portillo, Chief of Police  
Thomas Hernandez, Code Enforcement  
Vickie Toney, Code Enforcement-  
Animal Control  
Milo Lambert, Fire Chief  
Ben Beltron, Executive Director, CATS  
Juno Ogle, Silver City Daily Press

**1. CALL TO ORDER** - Mayor Ladner called the 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 Salute to the New Mexico State Flag.

Mayor Ladner welcomed the City Administration, Law Enforcement and members of the Press and community.

**2. CHANGES TO AGENDA – NONE**

**3. CEREMONIES – NONE**

**4. PROCLAMATIONS – NONE**

**5. COUNCIL COMMENTS** – Councilor Ray reminded the public to return their ballots for the voting on the dispatch funding. Also, he reminded the public to go out and attend the Carnitas Musica Y Mas Fiesta on Friday, September 1<sup>st</sup> through Sunday September 3<sup>rd</sup> Labor Day weekend at Gough Park. Councilor Ray stated the Town Council try and help the residents regardless if they are in their district or not, the public voted for the Council and he feels the Council should help all residents.

Councilor Prince had no comments.

Councilor Bencomo announced he will be running for the seat of Councilor District 1 in November.

Councilor Cano thanked the Silver City Police Department for their continued presence on Brewer Hill, the residents are very happy and just their presence in general is always nice. Councilor Cano also

thanked the Silver City Fire Department for their very quick response to the fire at the pallet plant on Brewer Hill.

Mayor Ladner stated he attended the Copper Country Senior Olympics Awards and recognition Banquet along with Councilor Cano. The Town of Silver City was recognized for their support.

**6. APPROVAL OF MINUTES** – August 8, 2023, Regular Meeting. Councilor Ray moved to approve the August 8, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded the motion as stated. Motion carried unanimously.

**7. PUBLIC INPUT** – Richard Grossman spoke regarding barking dogs in the neighborhood around California and Cheyenne. The neighborhood and anyone walking through the neighborhood have witnessed the barking dogs. Mr. Grossman stated that Code Enforcement has helped impose the Town Ordinance and have done a Barking Survey of the neighborhood in response to the neighborhood complaints. When Mr. Grossman spoke to Animal Control it seemed that they were unaware of the new Ordinance, Section 32, that went into effect on August 1<sup>st</sup>. Mr. Grossman sent a video to his Councilor Nicholas Prince of the barking dogs and was told it was forwarded to Animal Control. Mr. Grossman said the city needs to make sure its staff and the public are aware of the revisions to the Nuisance Code.

Paul Barsom spoke of a problem with recently installed speed bumps in his neighborhood. The speed bumps installed create noise when cars drive over them due to the construction of the speed bump. Mr. Barsom stated that a permanent speed hump would be a better solution.

## **8. REPORTS:**

**A. Manager's Report: NO REPORT**

**9. PUBLIC HEARINGS: NONE**

**10. UNFINISHED BUSINESS: NONE**

**11. NEW BUSINESS:**

**A. Approval / Disapproval of a Public Celebration Permit: for the Denim & Diamonds Dance and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for September 16, 2023, with alcohol served from 7:00 pm to 10:00 pm at 200 W. Broadway Street, Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 203 S. Mill Road, Silver City, NM 88061.** Jaime Burke stated the Little Toad Creek Brewery & Distillery will be hosting a fund raiser event for the Silver City Museum at the Murray Hotel.

Mayor Ladner asked if there were any questions for Ms. Burke.

Councilor Cano stated she was concerned about the location of the bar, blocking the only accessible way to enter the room, and asked if the bar could be moved somewhere else?

Ms. Burke stated that it could be moved to the other end of the room.

Mayor Ladner asked for a motion.

Councilor Ray moved to approve a **Public Celebration Permit: for the Denim & Diamonds Dance and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for September 16, 2023, with alcohol served from 7:00 pm to 10:00 pm at 200 W. Broadway 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 Cano seconded the motion as stated. Motion carried unanimously.

**B. Approval / Disapproval of a Special Dispenser Permit: for the Pride Fest and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for September 9, 2023, with alcohol served from 10:00 am to 4:30 pm at 1201 N. Pope Street, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave, Silver City, NM 88061.** Anthony Quintana stated he will be hosting an event for the Pride Fest at Gough Park and is asking for approval of the Special Dispenser Permit.

Mayor Ladner asked if there were any questions for Mr. Quintana. Seeing none, Mayor Ladner asked for a motion.

Councilor Cano moved to approve a **Special Dispenser Permit: for the Pride Fest and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for September 9, 2023, with alcohol served from 10:00 am to 4:30 pm at 1201 N. Pope Street, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave, Silver City, NM 88061.** Councilor Prince seconded the motion as stated. Motion carried unanimously.

**C. Approval / Disapproval of Ordinance No. 1322: AN ORDINANCE AUTHORIZING THE SALE AND TRANSFER OF A 0.436 ACRE TRACT OF REAL PROPERTY TO RICHARD MATA, PURSUANT TO CHAPTER 48, SECTION 48-22 (a) (5), and (d) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY.** Alex Brown stated the Ordinance allows the town to sell 0.436 Acres of property to Mr. Mata for fifteen thousand two hundred dollars (\$15,200) this item has been going on for a few years, we recently changed the zoning from industrial to residential B. We have been working on this for multiple years and Mr. Mata has been using this property for quite some time but now he wants to own it.

Mayor Ladner asked if there were any questions or comments for Mr. Brown. Seeing none, Mayor Ladner asked for a motion.

Councilor Bencomo moved to approve **Ordinance No. 1322: AN ORDINANCE AUTHORIZING THE SALE AND TRANSFER OF A 0.436 ACRE TRACT OF REAL PROPERTY TO RICHARD MATA, PURSUANT TO CHAPTER 48, SECTION 48-22 (a) (5), and (d) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY.** Councilor Cano seconded the motion. Mayor Ladner asked

for a roll call vote. Amanda Cox did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

**D. Approval / Disapproval of Notice of Intent of ORDINANCE NO. 1323: AN ORDINANCE AMENDING CHAPTER 10, BUSINESSES, ARTICLE II, BUSINESS REGISTRATION AND LICENSING, SECTION 10-21, PARAGRAPHS (a) (6) AND (b) (7), AND SECTIONS 10-24 THROUGH 10-28, AND ARTICLE III, BUSINESS LICENSE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.** Town Attorney Jim Reynolds stated this came about because of Code Enforcement Officer Tony and then later Fire Chief Milo Lambert. They had some questions about some provisions of the inspection area of businesses and business licenses that seemed to contradict each other, so he looked at it closer and Article 2 was redone about five (5) or six (6) years ago. Article three (3) was left untouched and thinks the intent was to get rid of article three (3) because that contains the contradictions, duplications and the unnecessary provisions that directly conflict with article two (2), so we have been following article two (2) and in issuing business licenses and registration and wish to clean it up and make it clear we need to get rid of most of article three (3) and that is what this Notice of Intent (NOI) does.

Mayor Ladner asked if there were any questions.

Councilor Prince stated he understands these articles are going to be in reference to the New Mexico Environment Department's ability to be able to assess properties particularly if they must contain hazardous materials.

Mr. Reynolds stated if they inspect the property and issue a permit for the business to operate that is also included in the change of language.

Councilor Prince stated if the Fire Department has to be doing inspections particularly for fire safety which is one of the few avenues that we are able to get into the buildings and double check to make sure things are not working well and if anybody is hoping to rent them, this then allows for the Fire Department to notice if there are hazardous materials to be able to then start issuing a process that is going to help to remediate the issue.

Mr. Reynold said yes.

Mayor asked if there were any other questions or comments. Seeing none, Mayor Ladner entertained a motion.

Councilor Cano moved to approve **Notice of Intent of ORDINANCE NO. 1323: AN ORDINANCE AMENDING CHAPTER 10, BUSINESSES, ARTICLE II, BUSINESS REGISTRATION AND LICENSING, SECTION 10-21, PARAGRAPHS (a) (6) AND (b) (7), AND SECTIONS 10-24 THROUGH 10-28, AND ARTICLE III, BUSINESS LICENSE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.** Councilor Ray seconded the motion as stated. Mayor Ladner asked for a roll call vote. Amanda Cox did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

**E. Approval / Disapproval of Notice of Intent of ORDINANCE NO. 1324: NOTICE OF**

**INTENT TO ADOPT AN ORDINANCE AMENDING CHAPTER 44, TAXATION, ARTICLE III, LODGER'S TAX, SECTION 44-115, EXEMPTIONS TO ARTICLE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.**

Alex Brown stated the Ordinance is amending the Ordinance pertaining to Lodgers Tax, which will reflect the way State Statute stands today. The Ordinance originally did reflect it, but about three (3) years ago the state amended State Statute which allowed for any home with three (3) beds or fewer were exempt from paying Lodgers Tax, so now with the Airbnb's heavily in play any facility with three (3) beds or fewer under our Ordinance currently are exempt from Lodgers Tax. What we are doing is changing this so that any facility renting out fewer than thirty (30) days is required to pay Lodgers Tax like any other facility.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Cano thanked Mr. Brown for getting this done. This is something that they have been talking about the entire time she has been in office; it is good to finally have the State on the same page as us.

Alex Brown stated some short-term rentals or Airbnb's might have received a letter from an organization called Avenue, an organization the Town has contracted to identify all the Airbnb's in town and are going to help us start collecting Lodgers Taxes from the Airbnb's. A collection letter was sent out prior to us acquiring their services. As of right now those facilities are not required to pay Lodgers Tax. Hopefully by October the services will be acquired, and new letters will be sent to Airbnb's to pay their Lodgers Tax. Instructions and forms will be posted on the Town's website.

Councilor Prince stated the last time he reviewed some of the data the city was receiving, there were ninety-seven (97) – ninety-eight (98) Airbnb's identified. Councilor Prince asked if there were any updated numbers as far as how many we have in town limits.

Alex Brown said yes, after the letters went out, he went back and researched, there were ninety-seven (97) to one hundred three (103). As of last week, it was at eighty (80) to eighty-nine (89), so it's going to vary because some short-term rentals end up becoming long-term rentals, so they are taken off the market. Results will be up and down a little.

Councilor Prince stated for those that are in compliance with Lodger's Tax was then about seventeen percent (17%) and asked if was still about the same.

Alex Brown stated it's probably a little higher in the range of twenty-five percent (25%).

Mayor Ladner asked if there were any questions or comments. Seeing none, Mayor Ladner entertained a motion.

Councilor Prince moved to approve **Notice of Intent of ORDINANCE NO. 1324: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING CHAPTER 44, TAXATION, ARTICLE III, LODGER'S TAX, SECTION 44-115, EXEMPTIONS TO ARTICLE,**

**OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.**

Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Amanda Cox did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

**F. Approval / Disapproval of Resolution No. 2023-19: A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY (“NMFA,” OR THE “LENDER/GRANTOR”) AND THE TOWN OF SILVER CITY (THE “BORROWER/GRANTEE”), IN THE TOTAL AMOUNT OF ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN A NEW SEWER LIFT STATION AND ASSOCIATED SEWER FORCE MAIN TO BYPASS A 1,300 LINEAR FEET SECTION OF EXISTING 12” GRAVITY SEWER MAIN, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT OF FOURTEEN THOUSAND DOLLARS (\$14,000) SOLELY FROM SEVENTY-FIVE PERCENT (75%) OF THE REVENUES OF THE ONE-QUARTER OF ONE PERCENT (0.25%) OF MUNICIPAL LOCAL OPTION GROSS RECEIPTS TAX IMPOSED BY THE TAX ORDINANCE (AS DEFINED IN THIS RESOLUTION) AND ACCEPTANCE OF A GRANT AMOUNT OF ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS (\$126,000); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.**

Alex Brown stated basically what we are going to do is move a sewer line under the Hudson Street Bridge. Right now, it's basically inaccessible to the sewer Crews, so maintenance is almost impossible. It is right along a rock face, and we do not have access to it, so we want to move it into the right-of-way under the bridge, so it is more accessible. It is a one hundred forty-thousand-dollar (\$140,000) design for the project, our match is fourteen-thousand dollars (\$14,000) and we must borrow fourteen-thousand dollars (\$14,000) so most likely what we will be doing is providing our match and then turning around and paying off the fourteen-thousand-dollar (\$14,000) loan. So, it will be done once we are done with the design.

Mayor Ladner asked if there were any questions or comments.

Councilor Bencomo asked if the sewer line was presently going through private property.

Alex Brown stated it is on private property, but the Town has an easement on the property. We want to move it towards the road, so we have access to it.

Councilor Prince stated there were some issues with the super main as we had it running this past year which led to a breakage. It had some impacts for the local area, which is part of our trail system that we have in downtown area. Councilor Prince asked Mr. Brown if he anticipates that

the project is going to be able to alleviate those pressures and to be able to make maintenance a little bit easier and cause less damage.

Alex Brown said yes, it will help with access so we can start accessing the top of that line, there has been issues further down, which is harder to get access to, but at least this way we will be able to access and help get access to the entire length of the sewer line.

Councilor Prince stated, because we are going to be switching from a gravity system to a pump lift system presumably if the power goes out, we are going to then be anticipating some issues along with Super main.

Alex Brown said no.

Mayor Ladner asked if there were any other questions or comments. Seeing none Mayor Ladner entertained a motion.

Councilor Prince moved to approve **Resolution No. 2023-19: A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A COLONIAS INFRASTRUCTURE PROJECT FUND LOAN/GRANT AGREEMENT BY AND BETWEEN THE NEW MEXICO FINANCE AUTHORITY (“NMFA,” OR THE “LENDER/GRANTOR”) AND THE TOWN OF SILVER CITY (THE “BORROWER/GRANTEE”), IN THE TOTAL AMOUNT OF ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000), EVIDENCING AN OBLIGATION OF THE BORROWER/GRANTEE TO UTILIZE THE LOAN/GRANT AMOUNT SOLELY FOR THE PURPOSE OF FINANCING THE COSTS OF DESIGN A NEW SEWER LIFT STATION AND ASSOCIATED SEWER FORCE MAIN TO BYPASS A 1,300 LINEAR FEET SECTION OF EXISTING 12” GRAVITY SEWER MAIN, AND SOLELY IN THE MANNER DESCRIBED IN THE LOAN/GRANT AGREEMENT; PROVIDING FOR THE PLEDGE AND PAYMENT OF THE LOAN AMOUNT OF FOURTEEN THOUSAND DOLLARS (\$14,000) SOLELY FROM SEVENTY-FIVE PERCENT (75%) OF THE REVENUES OF THE ONE-QUARTER OF ONE PERCENT (0.25%) OF MUNICIPAL LOCAL OPTION GROSS RECEIPTS TAX IMPOSED BY THE TAX ORDINANCE (AS DEFINED IN THIS RESOLUTION) AND ACCEPTANCE OF A GRANT AMOUNT OF ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS (\$126,000); CERTIFYING THAT THE LOAN/GRANT AMOUNT, TOGETHER WITH OTHER FUNDS AVAILABLE TO THE BORROWER/GRANTEE, IS SUFFICIENT TO COMPLETE THE PROJECT; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN/GRANT AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN/GRANT AGREEMENT.**

Councilor Cano seconded the motion as stated. Mayor Ladner asked for a roll call vote. Amanda Cox did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

**G. Approval / Disapproval of Resolution No. 2023-20: Approval / Disapproval of RESOLUTION NO. 2023-20: RESOLUTION ADOPTING PROCEDURES FOR THE ACCEPTANCE OF PAYMENT BY CREDIT CARD, DEBIT CARD OR OTHER ELECTRONIC MEANS.** Alex Brown stated the Resolution was a part of the Town's required policy which spells out how the town is to process credit card and debit card payments. Also,



how we are going to protect our customer information and then process the payments, so this is required by DFA. Mr. Brown requested an amendment be made to the to the policy. Under accounting controls 3-1-1 under number one (1) and number two (2) by adding “unless authorized by the Town Manager” to the end of each of those sentences. He had some concerns once he went over it again. There are times when people make mistakes, for instance a customer comes in to pay a one hundred dollar (\$100.00) water bill with their credit card or debit card and our Utility Billing person ends up adding a zero to that, it turns in from one hundred dollars (\$100.00) into one thousand dollars (\$1,000.00) he wants to make sure there is the ability for him to override this policy and allow a credit to the customer of that nine hundred dollars (\$900.00) because there could be situations where it could compromise a customer's financial stability for them for the month or whatever it might be especially considering we have so many seniors that are customers of the Town.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Cano asked Mr. Brown to repeat exactly where the change goes.

Mr. Brown stated it is under accounting controls, section 3-1-1 refunds, voids, and credits under number one (1) and number two (2) at the end of each sentence.

Mayor Ladner asked for a motion with the amendment.

Councilor Cano moved to approve **Resolution 2023-20 RESOLUTION ADOPTING PROCEDURES FOR THE ACCEPTANCE OF PAYMENT BY CREDIT CARD, DEBIT CARD OR OTHER ELECTRONIC MEANS including the amendment to add under accounting controls section 3-1-1 refunds, voids, and credits in section one (1) and two (2) at the end of both of those “UNLESS AUTHORIZED BY TOWN MANAGER”.** Councilor Prince seconded the motion with amendment. Mayor Ladner asked for a roll call vote. Amanda Cox did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

**H. Approval / Disapproval of Resolution No. 2023-21: A RESOLUTION APPROVING THE PURCHASE OF A 14.545 ACRE TRACT OF REAL ESTATE BY THE TOWN OF SILVER CITY FROM FOWLER DEVELOPMENT, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY.**

Alex Brown states this resolution is to authorize him to execute this purchase agreement with Fowler Development LLC for the 14.545 acres of land which includes the store up at the top at the corner of Silver and 32nd Street. The Town will be assuming a three-year lease that is currently in place between the Fowlers and the leases, the owners of the little store that is at that intersection. The property was appraised at one million one hundred and ninety thousand dollars (\$1,190,000.00) The agreement would authorize the Town to pay the amount of one million dollars (\$1,000,000.00) in cash at closing, along with giving the Fowlers thirty one (31) water and sewer taps with an individual value of three thousand four hundred seventy five dollars (\$3,475.00) for a total amount of one hundred six thousand one hundred seventy five dollars (\$106,175.00), these water and sewer taps will maintain their value of three thousand four hundred twenty five dollars (\$3,425.00) in perpetuity until they use all the water and sewer taps so they will not increase in value. Mr. Brown stated since he has been the Town Manager the Town has exchanged a water and sewer to from forty

(40) years ago when they were valued at five hundred dollars (\$500.00) and now they are valued at three thousand four hundred seventy-five dollars (\$3,475.00) this amount will not go up. A letter will be sent to the Fowlers accepting a donation of eighty-three thousand eight hundred twenty-five dollars (\$83,825.00) which equals the amount of the appraised value.

Mayor Ladner asked if there were any questions or comments for Mr. Brown.

Councilor Prince stated to communicate to the Fowlers they appreciate the donation of the eighty-three thousand dollars (\$83,000.00) for the one million dollars.

Mayor Ladner asked for a motion.

Councilor Prince moved to approve **Resolution No. 2023-21: A RESOLUTION APPROVING THE PURCHASE OF A 14.545 ACRE TRACT OF REAL ESTATE BY THE TOWN OF SILVER CITY FROM FOWLER DEVELOPMENT, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY.** Councilor Cano seconded the motion as stated. Mayor Ladner asked for a roll call vote. Amanda Cox did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

**I. Approval / Disapproval of Resolution 2023-22 A Resolution adopting the 2025-2029 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center.** Alex Brown stated the state requires the Town to submit our Infrastructure Capital Improvement Plan (ICIP) for all Town operations, they also do require that Senior Centers submit an Infrastructure Capital Improvement Plan (ICIP) separately from the Town's plan. Hidalgo Medical Services (HMS) does run the Senior Center for the Town of Silver City, these are the priorities that Hidalgo Medical Services (HMS) has submitted to the Town for the Senior Centers for the Infrastructure Capital Improvement Plan (ICIP). As you know the Seniors Centers do qualify for the GEO bonds usually switch to a completely different funding source, so he believes that is why they require a separate Infrastructure Capital Improvement Plan (ICIP) from Senior Centers.

Mayor Ladner asked if there were any questions for Mr. Brown.

Councilor Prince stated the inclusion of solar panel installation considering what we have been seeing as far as heat waves across the region knowing how vulnerable our senior population are it makes him happy to know they are working on making sure they can have a sustainable help.

Mr. Brown stated he has been working with a couple different groups reviewing the Inflation Reduction Act and the solar panels of the green energy transition products are areas where there are priorities for the Inflation Reduction Program and there may be a possibility that we can get some funding to help that purchase and move this farther up and there may be a possibility that we might be able to move forward on this pretty quickly.

Councilor Prince stated in addition to that the split duct HVAC that I know is moving through with the IRA which will be made available to our public. He believes this year or early next year it is great to see us moving with the Green Energy transition. He also knows that the state is

going to be working on making sure that we have got Public Funding available for being solarized and put Renewables in our public structures.

Mayor Ladner entertained a motion.

Councilor Ray moved to approve **Resolution 2023-22 A Resolution adopting the 2025-2029 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center.** Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Amanda Cox did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

**J. Mayors' appointment to the Planning and Zoning Commission.** Mayor Ladner Stated Hillary Treadway applied for the appointment to the Planning and Zoning Commission and is recommended by the chair of the Commission. He has also reviewed her application and believes she will be an excellent addition. Mayor Ladner asked if there were no objections, he would like to appoint Ms. Treadway to the Planning and Zoning Commission. Being no objections Mayor Ladner appointed Hillary Treadway to the Planning and Zoning Commission.

**12. ADJOURNMENT -** Mayor Ladner stated this concluded the items on the agenda. Mayor Ladner asked for a motion to adjourn. Councilor Bencomo moved to adjourn. Councilor Prince seconded the motion. Motion carried unanimously. The meeting adjourned at 6:52 p.m.

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**Ken Ladner, Mayor**

**Attest:**

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**Alfred Sedillo, Town Clerk**



## TOWN OF SILVER CITY COUNCIL

### REGULAR MEETING AGENDA

SEPTEMBER 12, 2023, 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 – “BUDDY WALK”
5. COUNCIL COMMENTS
6. APPROVAL OF MINUTES
  - A. Regular Meeting on August 22, 2023.
7. PUBLIC INPUT -
8. REPORTS:
  - A. Manager’s Report:
9. PUBLIC HEARINGS: NONE
10. UNFINISHED BUSINESS: NONE
11. NEW BUSINESS:
  - A. Approval / Disapproval of ORDINANCE NO. 1324: AN ORDINANCE AMENDING CHAPTER 44, TAXATION, ARTICLE III, LODGER’S TAX, SECTION 44-115, EXEMPTIONS TO ARTICLE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.
12. 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	575-313-3990	01/2022 - 12/2025
Rudy Bencomo	Councilor, District 1	575-654-0415	05/2023 - 12/2023
Nicholas H. Prince	Councilor, District 2	575-654-0087	01/2022 - 12/2025
Jose A. Ray, Jr.	Councilor, District 3	575-313-4944	03/2020 - 12/2023
Guadalupe Cano	Councilor, District 4	575-654-0148	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).**

## **LEGAL NOTICE**

The Town of Silver City Council will hold their Regular Council Meeting scheduled for Tuesday, September 12, 2023, 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:

### **4. PROCLAMATIONS – “BUDDY WALK WEEK”**

**Approval of Minutes: Regular Meeting – August 22, 2023**

#### **Reports:**

##### **A. Manager’s Report**

#### **11. NEW BUSINESS:**

**A. Approval / Disapproval of ORDINANCE NO. 1324: AN ORDINANCE AMENDING CHAPTER 44, TAXATION, ARTICLE III, LODGER’S TAX, SECTION 44-115, EXEMPTIONS TO ARTICLE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.**

#### **12. 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.

**ORDINANCE NO. 1324**

**AN ORDINANCE AMENDING CHAPTER 44, TAXATION, ARTICLE III, LODGER'S TAX, SECTION 44-115, EXEMPTIONS TO ARTICLE, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.**

**WHEREAS**, due to the expansion of Short-Term Rental Units in the Town of Silver City, is has become necessary to amend the Town's Lodger's Tax ordinance to bring said units in conformity with the Town Code and State law; and

**WHEREAS**, the Community Development Director recommends the amendment to the Town's Lodger's Tax ordinance to assure fairness and uniformity in collection of the Lodger's Tax throughout the Town; and

**WHEREAS**, the Town Council of Silver City finds that said amendment to the Lodger's Tax ordinance of the Town Code as specified herein is necessary for the health, safety and welfare of the Town and its inhabitants.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CTY, GRANT COUNTY, NEW MEXICO THAT:**

1. Section 44-115, Exemption to Article, Article III, Lodger's Tax, of Chapter 10, Taxation, is amended by the deletion of subparagraph (7), and shall now read as follows:

**Sec. 44-115. - Exemptions to article.**

The occupancy tax shall not apply:

- (1) If a vendee:
  - a. Has been a permanent resident of the taxable premises for a period of at least 30 consecutive days; or
  - b. Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 30 consecutive days;
- (2) If the rent paid by the vendee is less than \$2.00 a day;
- (3) To lodging accommodations at institutions of the federal government, the state or any political subdivision thereof;
- (4) To lodging accommodations at religious, charitable, educational or philanthropic

institutions including, without limitation, such accommodations at summer camps operated by such institutions;

(5) To clinics, hospitals or other medical facilities;

(6) To privately owned and operated convalescent homes, or homes for the aged, infirm, indigent or chronically ill.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City,

Grant County, New Mexico, this 12th day of September, 2023.

**TOWN OF SILVER CITY**

(Seal)

\_\_\_\_\_  
Ken Ladner, Mayor

Attest:

\_\_\_\_\_  
Alfred Sedillo, Town Clerk



## PROCLAMATION

**WHEREAS**, the Buddy Walk was developed by the National Down Syndrome Society in 1995 to bring together a wide range of concerned individuals reaching out to family, friends, teachers, co-workers, professionals, and leaders in the community to promote awareness and inclusion for people with Down Syndrome and to raise funds for education, research and advocacy programs; and

**WHEREAS**, the Buddy Walk is from coast to coast and abroad, hundreds of thousands of people walk in the Buddy Walk each year. The goal of the Buddy Walk is to promote understanding and acceptance of people with Down syndrome; and

**WHEREAS**, the Arc of New Mexico's mission is to improve the quality of life for individuals with disabilities of all ages by advocating for equal opportunities and choices in where and how they learn, live, work, play and socialize. The Arc of New Mexico promotes self-determination, healthy families, effective support systems and partnership; and

**WHEREAS**, the Arc's Family Support Network of Silver City and Knight of Columbus are families working and planning together to host the **Annual Buddy Walk** to celebrate individuals with Down syndrome during the month of September, on Saturday, September 23, 2023 at Gough Park in Silver City, New Mexico;

**NOW, THEREFORE**, I, Ken Ladner, Mayor of the Town of Silver City, do hereby proclaim September 12, 2023 through September 23, 2023 as:

### **“BUDDY WALK WEEK”**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this official seal of the Town of Silver City to be affixed this 12th day of September, 2023.

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Ken Ladner, Mayor

Attest:

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Alfred Sedillo, Town Clerk