

1. 6:00 P.M. November 22, 2022 Regular Council Meeting Materials

Documents:

[2022 11 22 AGENDA REGULAR COUNCIL.PDF](#)
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[LETTER OF COMMITMENT.PDF](#)
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TOWN OF SILVER CITY COUNCIL

REGULAR MEETING AGENDA

NOVEMBER 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 November 9, 2022.
7. **PUBLIC INPUT -**
8. **REPORTS:**
 - A. **Staff:**
 - B. **Manager**
 1. **Update on Recreation Center**
 2. **Update on City Hall Annex Building**
 3. **Update on current and propose Swimming Pool**
 4. **Update on Scott Park Golf Course**
 5. **Update on Little Walnut**
 6. **Update on Regional Water Project**
 7. **Update on 32nd St. Project**
9. **PUBLIC HEARINGS: Approval / Disapproval of a request for a Map Amendment/Zone Change from a multiple Zoning Districts to Highway Commercial Zoning District for a tract of land described as: 4 tracts of land described in the attachments and addressed as 2335 Sheriff's Posse and 2640 Hwy 180. The applicant is Wait...What Holding Co. represented by the owner, Robert Rydeski and Brian Miller, Surveyor.**
10. **UNFINISHED BUSINESS: NONE**

11. NEW BUSINESS:

- A. Approval / Disapproval of Public Celebration Permit for: The Power and Light Press Holiday Market and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for December 8, 2022 with alcohol served from 5:00 pm to 9:00 pm at 601 N. Bullard St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek, LLC, License #67085, 203 Mill Rd., Silver City, New Mexico 88061.**
- B. Approval/Disapproval of RFP 22/23-1FE General Engineering Support – Federally Funded**
- C. Appointment to the Trails and Open Space Advisory Committee**

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	575-534-6346	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.

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
November 9, 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 Cano, Councilor District 4

Others present:

James Marshall, Assistant Town Manager
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Ben Beltron, Executive Director, CATS
Jordan Archunde, Silver City Daily Press

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 Salute to the New Mexico State Flag.

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

2. CHANGES TO AGENDA – Councilor Prince motioned to add Update to Employee Handbook (Drug Use Policy) to item ten (10) Work Session Agenda Topics. Councilor Farmer seconded the motion. Mayor Ladner asked all in favor. Motion carried with one (1) Nay from Councilor Ray.

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS: Councilor Farmer thanked Sheriff Gomez for attending the meeting and congratulated all who ran for the offices of the 2022 election. Councilor Farmer commented on the issue of the write in candidate space on the ballot being very small suggesting to bring it up to the Grant County Clerk. Councilor Farmer thanked all the Veterans for their service.

Councilor Cano congratulated all the winners of the 2022 Election and all the candidates that ran for the offices and those who worked the election-on-election day. Councilor Cano expressed her condolences to the families of Martyn Pearson and Alex Olsen. They both did so much for the community and will be missed.

Councilor Ray stated he was glad the election is over, but was not happy with the outcome. Councilor Ray presented thank you plaques from the Carnitas, Musica Y Mas Committee to the Maintenance Department, Sheriff Frank Gomez, City Police Chief Freddie Portillo, Mayor Ladner and Town Manager Alex Brown for all their support for the Carnitas, Musica Y Mas Festival.

Councilor Prince grateful for the community all city, county and state staff for all they do to make things happen to complete the projects that are in before us, and the growing and shaping of our community that we all can be proud of.

Mayor Ladner read a statement in regards to the lose of Martyn Pearson and Alex Olsen and asked for a moment of silence.

6. APPROVAL OF MINUTES – October 25, 2022, Regular Meeting. Councilor Ray moved to approve the October 25, 2022, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded. Motion carried unanimously.

7. PUBLIC INPUT – NONE

8. REPORTS:

A. Staff: NONE

B. Manager:

1. Update Recreation Center – NONE

2. Update on Transition to City Hall Annex Building – NONE

3. Update on current and proposed Swimming Pool – NONE

4. Update on Scott Park Golf Course – NONE

5. Update on Little Walnut – There is a lot of funding available through the Colonias Program this coming year and we would like to use the funding for addressing the right of way issues on Little Walnut there are several properties that extend on to the road way.

6. Update on Regional Water Project – Reviewing a new Joint Powers agreement and working on updating the forty (40) year water plan and waiting for the funding to start the preliminary engineering report on the project itself.

7. Update on 32nd St. Project – Construction will begin in the spring.

8. Memory Lane Cemetery – A purchase order has been issued for Phase one (1) drainage issue.

9. PUBLIC HEARINGS: Planning and Zoning recommendation to approve a map amendment/zone change for 1915 Gold St. Mayor Ladner stated “The Town Council will serve as the Hearing Board, and I as Mayor will be the presiding officer.” “Have any members of this Hearing Board had ex parte discussions with any person regarding the subject matter of this hearing, or had any communications from any party to this case, or has a direct or indirect financial interest affected by this matter?” “Will all parties and witnesses intending to testify, including those staff members who intend to present testimony or who will be available for questioning, please rise to be sworn in by the Town Clerk. If you have not been sworn, you will not be permitted to testify or otherwise participate in this hearing.” Mayor Ladner announced “The Hearing will be conducted as follows: The Town Staff shall present a brief synopsis of the matter being brought before the Council based on the application or actions taken below. Then, the Proponent (The Applicant) of the Application shall present its case. Note that the Application and any written decisions rendered below are included in the record of this proceeding.

Next will come any other witnesses in support of proponent's case. The proponent, staff, or witnesses may then be questioned by the Hearing Board. The Presiding Officer will then ask the proponent if that concludes his/her case in chief, and state that the proponent and his/her witnesses shall remain available to be further questioned by the Hearing Board or by Opponents to the application.

"Following the close of the Applicant's case, witnesses in opposition to the proponent's case, if any, shall be permitted to testify, during the course of which the witness may address questions to any previous witness, but such questions shall be made through the Presiding Officer. The Presiding Officer shall have the sole discretion in directing the question for response, considering whether the question is relevant, is cumulative to other testimony, or is otherwise inappropriate."

Mayor Ladner announced: "Will the Town Staff come forward and present a brief synopsis of the matter pursuant to the application." James Marshall gave a brief synopsis of the amendment / zone change for 1915 Gold St. application from Robert Grunstein and recommended the approval of the amendment / zone change. There was residential participation from two (2) individuals from the mobile home park who had parking concerns along with the owner of the park. One individual wanted to know what it was about and the other individual had concerns about the parking. The owner of the park (Elizabeth M. Sircy) asked if there was an alternate parking solution, she would not have a problem. At the P & Z hearing the applicant presented an alternate parking solution, it does satisfy the staff requirements administering the code.

Mayor Ladner asked the Council if they had any questions for Mr. Marshall?

Mayor Ladner asked, "Will the Applicant please come forward, identify him/herself and proceed to inform the Council of the substance of its Application." Mr. Robert Grunstein stated he was representing Starlight Theatre a pending non-profit providing community theatre and arts instruction to grant county residents with no charges. Mr. Grunstein also addressed the parking issue and they will be able to use the parking at Silver Windows etc., that will allow vehicles to park in the parking lot. They are also working with other neighbors to help with the parking. Mr. Grunstein would like to get the application approved so they can provide the services to the community and surrounding communities as well. Montelius Valenzuela youth director spoke on behalf of the theatre.

Mayor Ladner asked, "Does that conclude the Applicant's case in chief?" Applicant said yes. Mayor Ladner then asked "Are there any questions for the Applicant, Applicant's witnesses or Town Staff from the Council?" Councilor Farmer asked Mr. Grunstein if the facility could be used by local musicians for lessons or recitals? Mr. Grunstein said yes, they are trying to promote the arts any way possible. Councilor Prince asked for phone numbers or email addresses so people can communicate with them. Mr. Grunstein said yes.

Mayor Ladner asked, “Are there any witnesses who wish to testify in opposition to the Application?” “Please come forward to the podium” Ms. Elizabeth Sircy, owner of Western Palms Mobile Home Park stated she was not opposed of the Theatre, she is voicing the concerns of her tenants, which is the parking. Ms. Sircy would like to make sure there will be no issue with parking for her tenants. Mayor Ladner asked if there were any questions or comments from the Council? Councilor Cano asked Mr. Marshall when the building was a church if there was any issue with parking? Mr. Marshall was not sure if there were any issues, advising Ms. Sircy has owned the park for several years, Ms. Sircy advised when it was a church there were no issues. Councilor Prince asked Mr. Marshall asked if there could be a time limit signage for parking. Mr. Marshall advised he would have to work with Chief of Police to enforce, but it is public parking and would be hard to enforce. Mr. Marshall advised at the P & Z hearing the applicant has permission for parking at two (2) other locations to help alleviate the parking issue.

Mayor Ladner asked, “Is there is there anything else the Applicant wishes to be reflected in the record?” Montelius Valenzuela advised they are going to do everything possible to make sure the parking will not be an issue.

Mayor Ladner asked “Is the Hearing Board prepared to consider this Application and render its decision?” Mayor Ladner asked for a motion. Councilor Cano moved to approve **a map amendment/zone change for 1915 Gold St., after the following findings the proposed amendment will not impact the public health safety and general welfare and will promote the original purpose of the Land Use Code.** Councilor Farmer seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

10. WORK SESSION AGENDA: Approval / Disapproval of Work Session Topics

- A. Direction the Town Government is headed
- B. The relationship between the Town and the business community (businesses other than those in the historic district, specifically).
- C. What needs have we heard from our committees?
- D. Is there anything on the upcoming agenda that needs to be discussed?
- E. Strategies to recruit Town Management or Staff who will retire within the next several years.
- F. Improving Communication between the Town and the public: social media and our website.
- G. Other issues which may be introduced by the Council.

Mayor Ladner asked for a motion to approve of Work Session Topics. Councilor Cano moved to approve adding item (F) Improving Communication between the Town and the public: social media and our website and item (H) the Agenda change adding item (H) Update to Employee Handbook (Drug Use Policy). Councilor Prince seconded. Motion passed three (3) votes to one (1) vote by Councilor Ray voting in the negative.

11. UNFINISHED BUSINESS: Approval/Disapproval of RFP 22/23-3P Silver City Recreation Center/Construction Manager @ Risk Services – CANCELLATION. James Marshall stated this is the first time using a Construction Manager process and when the Request for Proposal (RFP) went out, it should have been a Request for Qualifications (RFQ). The request is the cancellation of the RFP. Councilor Cano moved to approve **of RFP 22/23-3P Silver City Recreation Center/Construction Manager @ Risk Services – CANCELLATION.** Councilor Farmer seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

12. NEW BUSINESS: NONE

13. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 6:55 p.m.

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk



TOWN OF SILVER CITY

BOX 1188, SILVER CITY, NEW MEXICO 88062 • (575) 538-3731 • FAX (575) 534-6377

November 18, 2022

Jocelyn Padilla, Mitigation Specialist
DHSEM
P.O. Box 27111
Santa Fe, NM 87502

Ms. Padilla,

This letter is to serve as the Non-Federal Funds Commitment Letter as required for the Unified Hazard Mitigation Assistance Programs, specifically regarding the Hazard Mitigation Plan creation for Grant County. The Grant County Multi-Jurisdictional Hazard Mitigation Plan will include the following jurisdictions and tribal entities:

Grant County
Town of Silver City
Village of Santa Clara
Town of Bayard
Town of Hurley

The Town of Silver City has budgeted a total of \$1,400.16 for the Town's portion of the 10% of the planning project total match. The non-federal match will be in the form of cash (contracting, advertisement and printing).

Justin Gojkovich is the primary point of contact for Grant County and the development of this plan. If you need to contact the Town of Silver City specifically you can reach out to Assistant Fire Chief Jeffrey Fell at assistantchief@silvercitynm.gov or 575-956-3260. In his absence you can contact the Assistant Town Manager at asstmgr@silvercitynm.gov or 575-956-3002.

Sincerely,

A handwritten signature in blue ink that reads "Alex C. Brown". The signature is fluid and cursive.

Alex C. Brown
Town Manager
Town of Silver City

CC: James Marshall, Assistant Town Manager
Jeffrey Fell, Assistant Fire Chief / Town of Silver City Emergency Manager

LEGAL NOTICE

The Town of Silver City Council will hold their Regular Council Meeting scheduled for Tuesday, November 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 – November 9, 2022

Reports:

A. Staff:

B. Manager:

1. Update on Recreation Center
2. Update on City Hall
3. Update on Current and Proposed Swimming Pool
4. Update on Scott Park Golf Course
5. Update on Little Walnut
6. Update on Regional Water Project
7. Update on 32nd St. Project

PUBLIC HEARING: Approval / Disapproval of a request for a Map Amendment/Zone

Change from a multiple Zoning Districts to Highway Commercial Zoning District for a tract of land described as: 4 tracts of land described in the attachments and addressed as 2335 Sheriff's Posse and 2640 Hwy 180. The applicant is Wait...What Holding Co. represented by the owner, Robert Rydeski and Brian Miller, Surveyor.

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B. Approval/Disapproval of RFP 22/23-1FE General Engineering Support – Federally Funded

C. Appointment to the Trails and Open Space Advisory Committee

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. 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.