

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

Others present:

Alfred Sedillo, Town Clerk
Freddie Portillo, Police Chief
Jim Reynolds, Town Attorney
James Marshall, Assistant Town Manager
Manny Jaure, Code Enforcement
Vicki Toney, Animal Control/Code Enforcement
Ben Beltron, Executive Director, CATS
Jordan Archunde, Silver City Daily Press
Jonathan Torrisi, 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 Salute to the New Mexico State Flag.

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

2. CHANGES TO AGENDA – Mayor Ladner asked if there were any changes to the agenda. Councilor Ray motioned to move items eleven (11) B and eleven (11) C after item eight (8) Reports. Councilor Cano seconded the motion. Motion carried.

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS:

Councilor Ray had no comments.

Councilor Prince stated he is more optimistic than he has been in years, with the announcements of so many projects to improve our community from the Governor; the expansion of U S Highway 180, renovations at the Bear Canyon Reservoir and the State’s Department of Health. Councilor Prince thanked town staff, Mr. Brown and Mr. Marshall for their efforts and time spent greatly improved the quality of conversations and planning so that we may share in the infrastructure and resources we are lucky to have appropriated. Councilor Prince also thanked the Knights of Columbus for putting on the car show. He thanked the Mimbres Valley for their Hummingbird Festival as well as the downtown community for the past weekend’s meet and greet. Councilor Prince publicly congratulated his next-door neighbors David and Gloria Vega on their sixtieth (60) anniversary.

Councilor Farmer stated a new school year was starting this year and it was heartening to see the event at Western New Mexico University put on by the school district and University inviting educators from the county. There were motivational speakers and built community amongst educators. Councilor Farmer advised the public there will be a Tyrone Mine public hearing for the EMA project Tuesday August 16th at 5:00 pm at the Grant County Veterans Memorial Business and Conference Center. There will also be an online link if any one would like to join remotely. Tyrone mine, Mining and Mineral Division from the state and GRIP will be giving presentation and open to public comments.

Councilor Cano thanked Ann Lowe for putting on the meet and greet for newcomers on Saturday afternoon in the Silver City Museum courtyard. It was very well attended with about two hundred (200) people attending. On the same day Councilor Cano attended the opening of the Calvary Christian Academy gymnasium. Councilor Cano stated the building is the only fully accessible in the community, meaning anyone with a wheel chair or walker has a place to watch the games with the crowd and not in a corner. Councilor Cano would like have a field trip to see before the construction of the Recreation Center to make sure there is accessibility for everyone. Councilor Cano thanked Calvary Chapel Church and Academy for considering the needs of handicap people.

6. APPROVAL OF MINUTES – July 26, 2022 Regular Meeting. Councilor Ray moved to approve the July 26, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Farmer seconded. Motion carried.

7. PUBLIC INPUT – NONE

8. REPORTS:

A. Staff Reports: NONE

B. Manager: NONE

- 1. Update Recreation Center -**
- 2. Update New City Hall -**
- 3. Update Gough Park –**
- 4. Update on current and proposed Swimming Pool –**
- 5. Update on Scott Park Golf Course -**
- 6. Update on Little Walnut -**
- 7. Update on Regional Water Project -**

9. PUBLIC HEARINGS:

A. A hearing conducted by the Town Council pursuant to the Town’s Nuisance Ordinance, Section 32-3 (b) (1) through (4), for determination of the existence of a nuisance and other issues concerning the alleged nuisance located at 209 Mountain View Road, Silver City. The Respondent is Jonathan D. S. Torrisi. Mayor Ladner read the determination and stated that the Town Council would serve as the Hearing Board and him as Mayor would be the presiding officer. Mayor Ladner asked if any members of the Hearing Board had any Ex Parte discussions with any person regarding the subject matter of the hearing, or had any communications from any party to this case or has a direct or indirect financial influence affected by this matter? Councilor Cano stated the location is in her district and has heard from members of the community that live in the exact same area and advised it would not affect her decision. Mayor Ladner asked the council if they agreed with her observation? All council members agreed. Mayor Ladner called all interested parties or witnesses who desired to testify, including any other staff members who intended to present testimony or who were available for questioning to rise to be sworn in by the Town Clerk. He stated that anyone not sworn in would not be able to testify or participate in the hearing. All interested parties were sworn in by the Town Clerk. Mayor Ladner explained how the Hearing will be conducted. First, the Town Staff, as the Proponent, and any other witnesses testifying for the Town, shall present testimony to the Town Council concerning the subject matter of the hearing tonight.

The staff and witnesses for the Town may then be questioned by the Hearing Board and Presiding Officer. At the end of all testimony for the Town, the Presiding Officer will then ask the Proponent if that concludes his/her case in chief, and that the Proponent and his/her witnesses should remain available for further questioning, if necessary, by the Hearing Board or by Opponents to the Town’s case.

Following the close of the Proponent's case, the Respondent and any witnesses in support of the Respondent shall then 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 asked the Town Staff please come forward, identify him/herself and proceed to present the substance of its case to the Council.

Code Enforcement officers Manny Juare and Vicki Toney introduced themselves and proceeded with their case. Mr. Juare informed the Hearing Board on June 24, 2021 of the Central Dispatch call for a fire at 209 Mountain View Road, the fire was a total loss. Mr. Juare stated he had contact with Mr. Torrissi the property owner the next day of the fire and again on July 12, 2021 about cleaning up the property. On July 19, 2021 he met with Mr. Torrissi and spoke of a plan of action to clean up the property at the same time Mr. Torrissi advised Mr. Juare he would get the property cleaned up. Mr. Juare advised that Code Enforcement officer Vicki Toney would be stating her substance of the case. Ms. Toney stated on April 12, 2022 she posted a door hanger on with a letter advising Mr. Torrissi to clean the property within fourteen (14) day of receipt of the letter on the trunk of a vehicle as shown on a photo in the Hearing Boards packet as well as a certified letter to the address that was on record at the Grant County Assessor's office, which was returned undeliverable. Ms. Toney took pictures of the vehicles and the burnt property also included in the packet. On May 20, 2022 a notice of violation of a Public Nuisance was sent certified mail and posted on a grey Ford truck, also pictured in the packet and in the newspaper for two (2) weeks. On May 27, 2022 Mr. Torrissi sent a letter to the City requesting a hearing. Mr. Juare advised he had contact with Mr. Torrissi and advised him the Town was looking for compliance to get the property cleaned up. Mr. Juare advised they both exchanged words and Mr. Torrissi hung up on him and Mr. Torrissi contacted Mr. Reynolds with a letter. On June 8, 2022 and July 12, 2022 officer Toney returned to the property and took pictures, there was no change to the property. Officer Juare and officer Toney conclude their case. Mayor Ladner asked if there were any questions. Councilor Prince asked if item fifteen (15) in the summary the two (2) vehicles on Town property were on an easement on Durango and the aerial view photos in the packet were a before and after photo. Officer Juare answered yes. Councilor Farmer asked if lot 209 in the aerial photo was an occupied structure. Officer Juare advised it was not at the time of the fire, but was soaked down so the fire would not spread to the structure. Councilor Cano asked if they had a rough estimate on how many vehicles are on the property? Officer Juare advised it was in the high thirty's (30's). Mayor Ladner advised officer Juare the council was going to take a few minutes to review the photos. Mayor Ladner asked officer Juare and officer Toney if there any containers of gas or oil or any other type of chemicals on the property? Officer Juare advised he was not sure, he did not go through the property looking for any containers of combustible materials, he would have to ask the Fire Department who put the fire out.

Mayor Ladner asked if the Respondent had any questions for the Town's witnesses (officers Juare and Toney)? Mr. Torrissi introduced himself and advised the Town's witnesses (officers Juare and Toney) that there are thirty (30) or twenty-nine (29) vehicles on the property and there has been work done on the property. Councilor Cano stated Mr. Torrissi was arguing with the witnesses (officers Juare and Toney) in lieu of asking them questions. Mr. Torrissi apologized to Councilor Cano and continued to ask the witnesses (officers Juare and Toney) if they been by the property to see if any work had been done close up or under hoods. Officer Juare advised they had not, but had stopped on Durango Street and took photos of the property. Mayor Ladner asked Mr. Torrissi if he would like to give his substance to the case to the Council. Mr. Torrissi stated a fire did start on June 24, 2021 and he was able to make it out alive. He was the one that noticed the fire and called it in, he didn't know if anyone else had call. Mr. Torrissi stated when he went outside, he tried to fight it with a small fire extinguisher, but the fire was too big so he called dispatch. He heard a pop and didn't know what it was, so he went up the hill to a church. He advised it to an hour or forty-five (45) minutes before fire crew arrived. He thanked all volunteers and professional who went out to help fight the fire. Mr. Torrissi stated the church had given him a shirt to wear and a neighbor allowed him to stay with them for the night so he could make other arrangements. Mr. Torrissi advised he spoke to officer Juare about the clean up or the property and officer Juare advised him his neighbor (Steven Lance Dunlap) had made a twenty thousand dollar (20,000) offer to purchase the property. Mr. Torrissi felt it was a very low offer, so low he felt it was insulting. Mr. Torrissi also stated

he was not living in Mimbres, and was living on a off street of Mountain View Road where a neighbor allowed him to rent a place for the next four (4) months at a reasonable amount of rent. Mr. Torrasi stated he worked on the property every day for six (6) days a week some time seven (7). He was unable to do a lot of work on the vehicles, because he had lost all his tools in the fire. He stated he worked on the property for four (4) months. Mr. Torrasi advised he was limited to the time he was able to work on the property because of his health condition does not allow him to work in direct heat. He would have to work early morning or late evenings completing six (6) hour shifts. In November it got to a point where he was not getting enough money from the metals he had, so he had relocated temporarily to Arizona for three (3) or three (3) and a half months where he was working and had plans to come back and continue the clean up the property. Mr. Torrasi stated he came back in in December and worked on the property for a couple of days and again in January for a couple of days, same in February, March and every month after only for a few days, he did not have the money to be here for the full thirty (30) days a month. When he wanted to return back to Silver City the rent for a place to live was very high. Mr. Torrasi stated the certified mail that was sent to him was returned, by the time he came to check on the mail the time had expired and the mail was sent back to sender. When he got the notices on the vehicles, one was blank. Mayor Ladner advised Mr. Torrasi the information he was giving was informative, but what was his strategy moving forward to get the property cleaned up. Mr. Torrasi advised he has an individual that has a truck and trailer who can help him remove at least half of the vehicles and the home debris. He is requesting six (6) months to maximum to get it all completed and reinstate the property with a new home in the future. Mr. Torrasi stated any time less than the six (6) months would lead to an appeal. Mayor Ladner asked if there were any questions from the Council to the Respondent? Councilor Ray asked if Mr. Torrasi if he had tried to get in contact with Code Enforcement or anyone from the City concerning his property from June of 2021 until now advising what he was trying to do? Mr. Torrasi advised he did not, he was not in the right mind set at the time, but when he finally did make contact, he advised that he was going to make the attempt to start cleaning the property. Councilor Ray stated according to the photos it looked like nothing has been done. Mr. Torrasi advised Councilor Ray that he did not have close up photos to see what has been done. Councilor Cano asked Mr. Torrasi if the Council gave him the six (6) months that he is asking for, what would he think would be reasonable for the Council to do if the clean up was not complete after the six (6) months. Mr. Torrasi advised the City has abatements and fines if the clean up is not done in the time allowed. Councilor Cano asked Mr. Torrasi what his thoughts are if the clean up was not completed in the time allowed what the City should do. Councilor Cano advised Mr. Torrasi she felt he was not taking responsibility with his comments of the clean up if the individual that was going to help him wasn't able to help him, she felt Mr. Torrasi would be back asking for more time. Mayor Ladner stated he did not feel it would go on and on because the City has recourse to pursue if the Respondent doesn't keep up his end of the bargain. Mayor Ladner asked if anyone else had any questions for the Respondent? Councilor Prince asked Mr. Torrasi if he had a chance to read the Nuisance Ordinance? Mr. Torrasi responded he reviewed it briefly his internet coverage is not good where he lives. Councilor Prince asked if knew what the recourse is if the property was not cleaned up. Mr. Torrasi responded there are fines, clean up and possible jail time. Councilor Prince asked he knew that clean up was built into the ordinance? Mr. Torrasi responded in the old ordinance, but wasn't sure of the new ordinance. Councilor Prince state in the letter that was received from Mr. Torrasi dated May 31, 2022 "Requesting that No Trespassing or Actions be taken against my property listed below or against myself, to include but are not limited to any and all property removal or attempts at clean-up by Code Enforcement or any other representatives of the Town of Silver City" if he was aware that clean up was required? Mr. Torrasi stated "at tax payers' expense, yes". Councilor Prince asked Mr. Torrasi if he heard the concerns of safety for neighbors and the intensity of fires that we have been having especially at the drier parts of the year. Mr. Torrasi responded "yes". Mayor Ladner asked if there were any more questions from the Council or the City? There were none. Mayor Ladner asked for a motion to go into Closed Executive Session. Councilor Cano motioned to **Closed Executive Session pursuant to NMSA 1978 Section 10-15-1 (H) (3) for deliberation by the Town Council in connection with the administrative adjudicatory hearing as specified in Agenda item 9 (A) above, an alleged nuisance located at 209 Mountain View Road, Silver City.** After a five-minute break. Councilor Ray seconded the motion. 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. motioned carried.

B. Closed Executive Session pursuant to NMSA 1978 Section 10-15-1 (H) (3) for deliberation by the Town Council in connection with the administrative adjudicatory hearing as specified in Agenda item 9 (A) above, an alleged nuisance located at 209 Mountain View Road, Silver City.

Council reconvened at 7:14 pm. Mayor Ladner stated that no matters other than those matters included in the motion to go into Closed Executive Session were discussed. Mayor Ladner asked the Council members for their affirmation of the statement. Mayor Ladner asked for a roll call vote. Councilor Farmer affirmed the statement, Councilor Prince affirmed the statement, Councilor Ray affirmed the statement and Councilor Cano affirmed the statement. The motion was unanimous. No matters other than those matters involved in the motion going into Executive Session were discussed. Mayor Ladner stated A hearing conducted by the Town Council pursuant to the Town's Nuisance Ordinance, Section 32-3 (b) (1) through (4), for determination of the existence of a nuisance and other issues concerning the alleged nuisance located at 209 Mountain View Road, Silver City. The Respondent is Jonathan D. S. Torrisi. Mayor Ladner asked if the Council was prepared to render its decision. Councilors responded yes. Mayor Ladner asked for a motion. Councilor Cano motioned based on the findings that it endangers the comfort, health and well being safety of others. The property located at 209 Mountain View Road constitutes a public nuisance, I make the motion that the Respondent be given until December 31, 2022 to remove all automobiles, trash, debris and any items damaged by fire, from the property, and if the Respondent fails to remove said items as stated, then the Town staff shall remove said items or have them removed at Respondent's expense. Councilor Prince seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted nay; and Councilor Cano voted aye. Mayor Ladner stated motion carried three (3) to one (1) with Councilor Ray voting against the motion. Mayor Ladner advised Mr. Torrisi that a written decision will be forthcoming and mailed to him and that he has the right to appeal the decision to the sixth (6th) Judicial District Court, Grant County, New Mexico. Also, the procedure to appeal the decision will be included with the written decision he will receive. Mayor Ladner encouraged Mr. Torrisi to get the clean up done by December 31st otherwise the City will take further action based on the ordinance. He also encouraged Mr. Torrisi to go to City Hall and get a copy of the ordinance from Clerk Sedillo. Mayor Ladner concluded the Public Hearing.

10. UNFINISHED BUSINESS: NONE

11. NEW BUSINESS:

A. Approval / Disapproval of RESOLUTION NO. 2022-16 A RESOLUTION ADOPTING THE 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) FOR THE TOWN OF SILVER CITY

James Marshall advised Mayor and Councilor he will ask Priscilla Shoup and Jaqueline Olea. They worked with the department heads and public to develop the summary. Priscilla stated she had just returned back to the City and gave Jaqueline a lot of credit completing the project. She advised the ICIP is a planning tool it establishes priorities for anticipated infrastructure projects for Counties, Municipalities, Tribal Governments, Special Governments, Special Districts and Senior Citizen Facilities. It covers a five (5) year fiscal period, the list presented is for the years 2024 – 2028. There was a public input meeting on June 14th that Jaqueline facilitated and was very well attended. Priscilla stated there were many people interested in the Aquatic Center and many other items such as Mountain View Road where some property owners do not have city water. The top five (5) projects are Capital Outlay projects and are usual funded for five hundred thousand (500,000) or less sometimes it could be more. The top ten (10) are usually funded through the Governors office. Any of the projects on the list are important for helping apply for CDBG funding, Colonias funding Department of Transportation fund because it is a requirement to have the projects on the list. Mayor Ladner if there were any questions. Councilor Cano had a question for the Council. She would like to add an item to the end of the summary and has already spoken to James Marshall. To plan, design and build a Homeless shelter. Councilor Cano stated she does not want to build a homeless shelter now, she wants it on the ICIP so when the Town works with the Commissioners, Representative Terrazas and Senator Hemphill to

continue to work on the homeless issue, it will already be on the list so when working on funding possibilities if there is plan coming into place. Councilor Cano asked who ever was going to make a motion, to please add it on the list. Mayor Ladner asked Councilor Cano if she would make the motion and add the amendment. Mayor Ladner asked Mr. Reynolds if it would be appropriate. Mr. Reynolds said yes. Councilor Cano motioned to approve **of RESOLUTION NO. 2022-16 A RESOLUTION ADOPTING THE 2024-2028 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP) FOR THE TOWN OF SILVER CITY including an addition to the very end of the list, plan, design and build a Homeless Shelter.** Councilor Prince seconded the motion. Ladner asked for a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. motioned carried.

B. Approval / Disapproval of Special Dispenser Permit for: Silver High Reunion (Peggy Tavizon) and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for August 27, 2022 with alcohol served from 3:00 pm to 10:30 pm at The Murray Hotel, 200 W. Broadway, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061. Anthony Quintana stated there will be a Silver High Class Reunion in the Ball Room at the Murray Hotel and asked for approval of the Special Dispenser Permit. Mr. Quintana had the waiver from St. Vincent De Paul Catholic Church. Mayor Ladner asked for a motion. Councilor Ray moved to approve a **Special Dispenser Permit for: Silver High Reunion (Peggy Tavizon) NMSA 1978 60-6B-10 for alcohol service near a church for August 27, 2022 with alcohol served from 3:00 pm to 10:30 pm at The Murray Hotel, 200 W. Broadway, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061.** Councilor Cano seconded the motion. Motion carried.

C. Approval / Disapproval of Special Dispenser Permit for: Ben Schlamb wedding and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for September 10, 2022 with alcohol served from 12:00 pm to 11:30 pm at The Murray Hotel, 200 W. Broadway, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061. Anthony Quintana stated there will be a wedding for Ben Schlamb in the Ball Room at the Murray Hotel and asked for approval of the Special Dispenser Permit. Mayor Ladner asked for a motion. Councilor Ray moved to approve a **Special Dispenser Permit for: Ben Schlamb wedding and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for September 10, 2022 with alcohol served from 12:00 pm to 11:30 pm at The Murray Hotel, 200 W. Broadway, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061.** Councilor Cano seconded the motion. Motion carried.

12. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 7:24 p.m.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Alfred Sedillo, Town Clerk