

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
September 13, 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 Brown, 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
Mattie Eagle, Silver City Resident
Chris Muirhead, Modrall Sperling
Mark Valenzuela, Bosque Advisors, LLC

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 – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – Lucy Whitmarsh/Daughters of the American Revolution-declaring September 17-23, 2022 as Constitution Week. Mayor Ladner asked Lucy Whitmarsh to meet him at the podium where he read the Proclamation and presented it to Ms. Whitmarsh who was there representing the Daughters of the American Revolution.

5. COUNCIL COMMENTS: Councilor Farmer commented on an episode that happened a month ago in regards to an automobile chase and hostage situation that occurred near his home. He observed the incident and commended the police officers on their professionalism and care. Councilor Farmer viewed the Planning and Zoning meeting in regards to the SPIN shelter transitional home. He pointed out the Sunset Clause in the conditional use permit which will allow the Town to establish if there is a threat to health and safety in the next year. The Silver City School Board and principal Trujillo voiced their opinions and he feels confident everything will be alright he trusts the administration and security. Councilor Farmer informed everyone that City manager Alex Brown will be retiring in two (2) years and if they are going to hire or appoint a new Town Manager it is going to be a process especially if we want to be as transparent and open and involve the community in the process. If there is going to be Work Sessions this would be something they could discuss. Councilor Farmer had a list of years of service for city employees and there are some employees that have reached retirement age as well.

Councilor Cano congratulated Councilor Ray on another successful Carnitas Musica Y Mas Thanks to Councilor Ray, Olga Ray and the committee that helps make the festival possible and all their hard work. Mayor Ladner, Councilor Farmer, Councilor Prince and herself recently attended the New Mexico Municipal League Annual Conference and learned a lot of things especially about each other. There are two (2) trainings that will be offered to all members free of charge that should be taken advantage of, one being Active Shooter Training for civilians and defense against first amendment auditors who are people that see an opportunity to sue municipalities for anything you can possibly think of by going into public places and baiting elected officials or law enforcement officers into having a confrontation and then suing because they feel their first amendment rights have been violated.

The eighteenth (18th) Annual Gila River Festival will be on September 22nd through the 25th at the Global Resource Center at six o'clock (6:00) with keynote speaker Leanna Torres. Councilor Cano will be the moderator. There will be four (4) days of event all over the community. Councilor Cano would like to meet with Mr. Marshall to see what exactly Planning and Zoning Commission is doing or supposed to be doing. If they are making final decisions on issues they shouldn't be making that should be going to the Council and hopes one (1) of her fellow Councilors would be interested in helping her.

Councilor Ray thanked the committee members for having the Carnitas, Musica Y Mas Festival. It is the fourth (4th) year. He thanked Alex Brown and the public and looks forward for next year with bigger named artists.

Councilor Prince had no comments.

Mayor Ladner congratulated Councilor Ray stating it was a great event, also thanking all the people that help put on many other events keeping the town vibrant. Mayor Ladner announced on Saturday September 17th is World Cleanup Day. The Pick It Up Toss No Mas and the Silver City Water Shed Keepers will be having a cleanup day at Gough Park at 9:00 am until noon. Everyone will be supplied with bags, gloves, trash pickers, snacks and at noon when the event is over there will be prizes. In regards to Mr. Brown's retirement, Mayor Ladner will be working with him for a smooth transition to the new administration. Mayor Ladner stated he received a plaque from the Silver City Grant County Chamber of Commerce presented to the Town of Silver City for recognition and appreciation for sponsoring the 2022 Fourth (4th) of July community event.

6. APPROVAL OF MINUTES – August 23, 2022 Regular Meeting. Councilor Ray moved to approve the August 23, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded. Motion carried.

7. PUBLIC INPUT – Mattie Eagle thanked all elected official for funding the Recreational Infrastructure. Ms. Eagle is part of a small Ad-Hoc Committee helping the city staff go through a process for a Request For Proposals (RFP) feasible study for a year around swimming pool. Ms. Eagle advised she has heard from several people from all corners of the community that are very supportive of having a swimming pool year around. Ms. Eagle also read a list of small communities in the state that have year around swimming that she received from Debbie Guerra. She advised the council she is available for any help needed to make year around swimming happen in the community.

8. REPORTS:

A. Staff Reports: Silver City Public Library (Ken Dayer) Mr. Dayer advised once every three years the Silver City Public Library submits a strategic plan to the New Mexico State Library. Mr. Dayer has created a User Survey that is available to the community that will take ten (10) to fifteen (15) minutes to complete and all respondent will be anonymous and all answers are confidential. He is hoping to have an adequate number of surveys by the end of the year in January or February there will possibly be some community meetings to follow up with the public.

B. Manager:

1. Update Recreation Center – Alex Brown advised the Council the Architectural contract with the firm they have been working with has been finalized and the funding for the Recreation Center has been finalized as well.

2. Update on Transition to City Hall Annex Building – Mr. Brown stated the roof is the main concern. The cost to repair is six hundred fifty thousand dollars (650,000), three hundred fifty thousand (350,000) has been received and he is looking for other funding options to fund the remaining balance.

3. Update on Gough Park – This item will be removed; nothing will be done until next year.

4. Update on current and proposed Swimming Pool – Will be addressed later in the meeting.

5. Update on Scott Park Golf Course – The parking lot is complete and all the golf carts have arrived and the irrigation system will be the next project.

6. Update on Little Walnut – The project is ongoing; it was to be completed by mid-December, but with all the rains it will be around mid-November. Mr. Brown advised several land owners have called him to start discussions on right of ways acquisitions.

7. Update on Regional Water Project – Alex Brown stated there has been a couple of meeting held to iron out some issues and now that Freeport is involved the project is starting to move. Some of the issues the communities are they want guarantees that their water systems remain independent and the Regional Water Project is the transmission line. An amendment to the current GPA is being worked on to be a functional GPA to operate the regional system.

8. Update on 32nd St. Project – The design is scheduled to be complete by the end of October and the bid will be put out in early spring of next year.

Mr. Brown stated he met with the Superintendent of Silver Schools in regards to the transitional home near the 6th Street school and has offered to fund fifty (50) percent for an additional security officer for the school to help keep the parents minds at ease until everyone is comfortable with what is happening.

9. PUBLIC HEARINGS: NONE

10. UNFINISHED BUSINESS: Approval / Disapproval of Work Session Date. Mayor Ladner stated his comments from the previous Town Council Meeting in regards to Work Sessions. Each Councilor gave their input for and against a Work Session. Mayor Ladner asked for a motion. Councilor Cano motioned to have a Work Session on the second Tuesday of the month at five (5) o'clock before the Regular Town Council Meeting. Councilor Farmer seconded the motion. With Councilor Ray voting Nay. Motion carried.

11. NEW BUSINESS:

A. Approval / Disapproval of a Public Celebration Permit: for the South West Print Fiesta and waiver of NMSA 1978 60-6B-10 for alcohol service near a church on October 8, 2022, with alcohol service from 12:00 pm (Noon) to 4:00 pm at the Main Street Plaza, 704 N. Bullard St., Silver City, NM. Liquor License Holder: 1) Little Toad Creek Brewery and Distillery, Liquor License #67085, 203 Mill Rd., Silver City, NM 88061. Kristen Warnack stated the celebration was for the South West Print Fiesta with thirty-seven vendors and visiting artist, food trucks and a beer and spirits garden. Mayor Ladner asked for a motion. Councilor Ray motioned to approve **of a Public Celebration Permit: for the South West Print Fiesta and waiver of NMSA 1978 60-6B-10 for alcohol service near a church on October 8, 2022, with alcohol service from 12:00 pm (Noon) to 4:00 pm at the Main Street Plaza, 704 N. Bullard St., Silver City, NM. Liquor License Holder: 1) Little Toad Creek Brewery and Distillery, Liquor License #67085, 203 Mill Rd., Silver City, NM 88061.** Councilor Farmer seconded the motion. Motion Carried.

B. Approval / Disapproval of a Public Celebration Permits: for the Silver City Wine Festival and waiver of NMSA 1978 60-6B-10 for alcohol service near a church on October 8th and 9th with alcohol served from 12:00 pm (Noon) to 5:30 pm at Gough Park, 1200 N. Pope St., Silver City, New Mexico. Liquor License Holders: 1) Luna Rossa Winery, License #6091, 3710 West Pine St., Deming, NM 88030, 2) Black's Smuggler Winery, License #60016, 25 Winery Rd., Bosque, NM 87006, 3) La Esperanza Vineyard, LLC, License #6148, 100 De La O, San Lorenzo, NM 88041, 4) Noisy Water Winery, License #60021, 2342 Sudderth, Ruidoso, NM 88345, 5) Las Nueve Ninas Winery LLC, License #60020, 117 County Rd. A023, Mora, NM 87732, 6) D H Lescombes/St. Clair, License #6130, 1325 De aca Rd. SE, Deming, NM 88030, 7) Sheehan Winery, License #60036, 1544 Cerro Vista Rd., SW, Albuquerque, NM 87105. David Gurule stated he was representing the New Mexico Wine Association to hold the third annual Silver City Wine Festival. There will be seven (7) wineries present along with three (3) or four (4) food trucks, ten (10) to fourteen (14) vendors and an Ice-cream vendor. Mayor Ladner asked for a motion. Councilor Prince motioned to approve of **Public Celebration Permits: for the Silver City Wine Festival and waiver of NMSA 1978 60-6B-10 for alcohol service near a church on October 8th and 9th with alcohol served from 12:00 pm (Noon) to 5:30 pm at Gough Park, 1200 N. Pope St., Silver City, New Mexico. Liquor License Holders: 1) Luna Rossa Winery, License #6091, 3710 West Pine St., Deming, NM 88030, 2) Black's Smuggler Winery, License #60016, 25**

Winery Rd., Bosque, NM 87006, 3) La Esperanza Vineyard, LLC, License #6148, 100 De La O, San Lorenzo, NM 88041, 4) Noisy Water Winery, License #60021, 2342 Sudderth, Ruidoso, NM 88345, 5) Las Nueve Ninas Winery LLC, License #60020, 117 County Rd.

A023, Mora, NM 87732, 6) D H Lescombes/St. Clair, License #6130, 1325 De aca Rd. SE, Deming, NM 88030, 7) Sheehan Winery, License #60036, 1544 Cerro Vista Rd., SW, Albuquerque, NM 87105. Councilor Cano seconded the motion. Motion Carried.

C. Approval / Disapproval of RFP22/23-1P Professional Site & Services for Municipal Pool (Re-advertise). Alex Brown stated there were no bids on the Request For Proposal (RFP). It is staff's recommendation to re-bid. Mayor Ladner asked for a motion. Councilor Farmer motioned to approve of a re-bid of **RFP22/23-1P Professional Site & Services for Municipal Pool (Re-advertise).** Councilor Cano seconded the motion. Motion Carried.

D. Approval / Disapproval of Resolution 2022-20 A RESOLUTION THAT AMENDS RESOLUTION 2003-36 REGARDING THE ADOPTION OF A FEE SCHEDULE FOR MEMORY LANE CEMETERY. Alex Brown stated the Cemetery Board who is very active recommend a fee change. Mr. Brown agrees with the Cemetery Board and recommend the approval of the Resolution. Councilor Cano stated she had been part of the Cemetery Board for eight (8) years and advised the fees are some of the lowest in the area and felt it would be a good thing for the change. Mayor Ladner asked for a motion. Councilor Cano motioned to approve **Resolution 2022-20 RESOLUTION THAT AMENDS RESOLUTION 2003-36 REGARDING THE ADOPTION OF A FEE SCHEDULE FORMEMORY LANE CEMETERY.** 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. Motion carried.

Mayor Ladner asked Alex Brown to give a report on the allocation of funding received from the State and the Town for the Cemetery at the next meeting. Mr. Brown advised he would.

E. Approval / Disapproval of Resolution 2022-21 RELATING TO THE TOWN OF SILVER CITY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2022 TO BE ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,040,000; ESTABLISHING THE EXACT AGGREGATE PRINCIPAL AMOUNT, MATURITY DATES, RATES OF INTEREST, REDEMPTION FEATURES AND PRICE WITH RESPECT TO THE SERIES 2022 BONDS IN ACCORDANCE WITH TOWN ORDINANCE NO. 1306 ADOPTED ON SEPTEMBER 14, 2022; APPROVING DOCUMENTS RELATING TO THE SERIES 2022 BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH AND REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION. Alex Brown stated the bonds had been sold earlier in the day and the Towns Bond Council Chris Muihead was there to answer any questions on the Resolution and Mark Valenzuela Financial Advisor to give the actual numbers on the sale of the bonds. Mr. Muirhead gave an overview of the Resolution and Mark Valenzuela gave an overview on the pricing of the bonds. Both agreed it was a great transaction. Mr. Brown commented on the great job they both did and recommended the approval of Resolution 2022-21. Mayor Ladner asked for a motion. Councilor Farmer motioned to approve **Resolution 2022-21 RELATING TO THE TOWN OF SILVER CITY, NEW MEXICO GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2022 TO BE ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,040,000; ESTABLISHING THE EXACT AGGREGATE PRINCIPAL AMOUNT, MATURITY DATES, RATES OF INTEREST, REDEMPTION FEATURES AND PRICE WITH RESPECT TO THE SERIES 2022 BONDS IN ACCORDANCE WITH TOWN ORDINANCE NO. 1306 ADOPTED ON SEPTEMBER 14, 2022; APPROVING DOCUMENTS RELATING TO THE SERIES 2022 BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH AND REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION.** 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. Motion carried.

F. Approval / Disapproval of Ordinance 1314 AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPH 3.3.1, H) 1), DEFINITIONS, SUBPARAGRAPHS 3.3.1 H) 1) d) AND s), CANNABIS MANUFACTURER AND CANNABIS MICROBUSINESS RESPECTIVELY, AND SUBPARAGRAPH 3.3.1 H) 2), SUBPARAGRAPHS 3.3.1 H) 2) b) THROUGH h), AND SUBPARAGRAPH 3.3.1 H) 8), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021. Councilor Cano gave an overview of the Notice of Intent (NOI) from the previous council meeting and recommended the approval of the Ordinance. Ladner asked for a motion. Councilor Cano motioned to approve of **Ordinance 1314 AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPH 3.3.1, H) 1), DEFINITIONS, SUBPARAGRAPHS 3.3.1 H) 1) d) AND s), CANNABIS MANUFACTURER AND CANNABIS MICROBUSINESS RESPECTIVELY, AND SUBPARAGRAPH 3.3.1 H) 2), SUBPARAGRAPHS 3.3.1 H) 2) b) THROUGH h), AND SUBPARAGRAPH 3.3.1 H) 8), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021.** 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. Motion carried.

12. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 7:25 p.m.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Alfred Sedillo, Town Clerk