

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
September 28, 2021, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe E. Cano, District 4

Also, present:

Alex C. Brown, Town Manager
James Reynolds, Town Attorney
Freddie Portillo, Police Chief
James Marshall, Asst. Town Manager
Maria C. Sublasky, Admin Asst. to Exec. Department

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE - Mayor Ladner called the meeting to order at 6:00 p.m. The Mayor welcomed the public, press representatives, staff and special guest Superintendent Hawkins.

2. CHANGES TO AGENDA - None.

3. CEREMONIES – None.

4. PROCLAMATIONS –None.

5. COUNCIL COMMENTS – Councilor Cano indicated she had some thanks to convey and thanked the clerk for the minutes stating they were very thorough. Councilor stated the area of Kelly and Durango Street has had some problems with speeding especially after the Vista de Plata Subdivision went up. She had requested a speed bump on the east end of Kelly, towards the beginning of the Vista de Plata. Mr. Brown, Chief Portillo and Mr. Pena had been working on her request and she wanted to thank them for that stating the neighbors and neighborhood would be very happy with the approval of the speed bump. Councilor Ray commented that the Carnitas, Musica y Mas Fiesta went very well and he thanked the Town, Mr. Brown, Chief Portillo and all those who helped and supported the event. He said he planned on doing it again and hoped more people would participate and enjoy the events offered to us. He also acknowledged Mayor Ladner, Councilor Cano and her mother and Councilor Aiman-Smith for their presence at the event as well. Councilor Aiman-Smith did not have any comments. Mayor Ladner reminded everyone that Councilor Bettison resigned from the Council and one position was open in District 1. He encouraged anyone interested to go to the town’s website and get information on applying. He also mentioned other committees and boards that currently have vacancies and encouraged anyone interested to apply.

6. APPROVAL OF MINUTES – Regular Meeting on September 14, 2021. Mayor Ladner asked for a motion to approve the minutes. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of September 14, 2021. Councilor Ray seconded the motion. No discussion. Mayor asked that all in favor say aye. All in favor. Mayor asked those opposed to say nay. There were none opposed. Motion carried.

7. PUBLIC INPUT -Mayor Ladner called on Linda Pafford to speak under Public Input. Ms. Pafford indicated she was present to express her concerns with the issue of smoke as it related to the proposed Cannabis ordinance. She indicated the proposed ordinance would restrict all cannabis smoking from all public spaces including street, sidewalks, alleys, parking lots and any open spaces where she might encounter another human being. Allowing for smoking in some confined space buildings and within the confines of her car, being it is private property. Ms. Pafford indicated it is now legal to smoke cannabis but this proposed ordinance does not leave her anywhere to smoke. She felt the ordinance was blatant discrimination against a single class of cannabis use and stated it should be addressed before lawsuits begin. She stated that cannabis smoke did not pose any greater threat than tobacco smoke and felt there was no rational basis to not allow cannabis smokers the same cautionary measures allowed for tobacco use. Ms. Pafford went on to make several other points and closed by asking that the restrictions for cannabis be removed and placed under the same umbrella as other smoked products, as restricting all

outside smoking will make the Town less friendly to potential Tourists. She then thanked the Mayor and Council.

8. REPORTS –

A. Staff Reports. –Mr. Brown stated he did not have any staff reports but indicated that Superintendent Hawkins did wish to make a short presentation.

Mr. Hawkins thanked the community for their continued support of the schools and stated that House Bill 33, commonly known as the Public Schools Building Act was up for renewal this election. He stated the bill is a continuing tax levy that helps to support our schools in the form of maintenance, technology, transportation and other aspects of school facilities. Mr. Hawkins indicated that he had brochures he would leave for the community. He stated that 89 percent of the funds received from Santa Fe which are based on student population, immediately go towards funding of salaries. What remains of those funds goes towards the utilities, school supplies, student transportation and other functions of teaching. The funds that take care of the maintaining of the grounds, technology, plumbing, construction, electrical and HVAC, come from HB33 and Senate Bill 9. He stated that on November 2nd the Mill Levy will come up for renewal in this election. He indicated that it would be a continuation of an existing mill levy rather than a new mill levy and went on to review projects that had been done in the past under HB 33. He encouraged the community to vote for HB33 and asked if there were any questions. Councilor Cano thanked Mr. Hawkins for being present, and raised an ADA concern she had from parents in the community regarding the handicapped parking spaces at the high school. These parents actively support their family by attending the games and have been asked to not park in these spaces for no other reason than that the team needs to “run” through there. Mr. Hawkins stated he would look into it and asked that she have these citizens reach out to his office. Councilor Ray commented that he felt the process should be changed in Santa Fe to make the community as a whole pay for the bond issue rather than just the property owners. He also commented that only certain schools get all the attention and others are neglected and gave an example of the Sixth Street School. He stated that at times the school will have working heating and then other times they do not. He also asked that teachers start teaching the basics, and commented he would not vote for the bond issue but thanked Mr. Hawkins for coming to the meeting. Mr. Hawkins stated he would follow up on the situations at Sixth Street. He commented that he could definitely and confidently say the teachers in the school district are in fact actively engaging in teaching the students. He stated they are doing an amazing job in the classroom, acknowledged they could do better, but said that as far as what he had observed, the community has some amazing teachers. Mayor Ladner asked if there were any other questions. There being none, he thanked Superintendent Hawkins for the great presentation.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –A. Approval/Disapproval of Resolution No. 2021-21: A resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and between the New Mexico Finance Authority (“finance authority,” or the “lender/grantor”) and the Town of Silver City (the “borrower/grantee”), in the total amount of \$1,085,960 evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of construction of Ridge Road Street and Drainage Improvements Phase III, and solely in the manner described in the loan/grant agreement; providing for the pledge and payment of the loan amount of \$108,596 solely from one-eighth of one percent (.125%) of municipal gross receipts tax distributed to the borrower/grantee by the state taxation and revenue department; accepting the grant amount of \$977,364; 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 action inconsistent with this resolution; and authorizing the taking of other actions in connection with the execution and delivery of the loan/grant agreement.

Mr. Brown stated that this was the Colonias grant for Phase III to complete the final portion of Ridge Road, from Bob White Drive all the way out to the city limits. A total of \$1.1 million will come from this grant, an additional \$200,000 will come from a legislative allocation and another grant resolution will be coming before the council for \$350,000 from the Department of Transportation to complete the project. The plan is to put the project out to bid early Spring with construction starting in February to get the section between Bob White Drive and Fairway completed prior to the start of little league season in the hopes of avoiding the backed-up traffic. Mr. Brown asked if there were any questions. Mayor Ladner asked if there were any other questions or comments. There were none. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution 2021-21, a resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and between the New Mexico Finance Authority (“finance authority,” or the “lender/grantor”) and the Town of Silver City (the “borrower/grantee”), in the total amount of \$1,085,960 evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of construction of Ridge Road Street and Drainage Improvements Phase III, and solely in the manner described in the loan/grant agreement; providing for the pledge and payment of the loan amount of \$108,596 solely from one-eighth of one percent (.125%) of municipal gross receipts tax distributed to the borrower/grantee by the State Taxation and Revenue Department; accepting the grant amount of \$977,364; 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 action inconsistent with this resolution; and authorizing the taking of other actions in connection with the execution and delivery of the loan/grant agreement. Councilor Ray seconded the motion as read. There was no discussion. Mayor Ladner asked for a roll call. Councilor Aiman-Smith stated aye. Councilor Ray stated aye, Councilor Cano stated aye. All were in favor; motion carried.

B. Approval/Disapproval of Resolution No. 2021-23: A resolution to support the efforts of Corre Caminos Transportation Services.

Councilor Aiman-Smith stated that she had been ex-officio appointed to the Area Transportation Authority which is an advisory board for the Corre Caminos bus that travels around Silver City and also serves other areas in Grant County. She stated they had made a number of adjustments and improvements in their processes after suffering from low ridership during the pandemic. Ridership has increased again and this resolution, on behalf of the Town, is in support of the cash match to support public transportation. The Mayor asked if there were any questions. There were none. Mayor Ladner entertained a motion. Councilor Aiman-Smith moved to approve Resolution No. 2021-23, a resolution to support the efforts of Corre Caminos Transportation Services. Councilor Cano seconded the motion as stated. There was no further discussion. Mayor Ladner asked for a roll call. Councilor Aiman-Smith stated aye, Councilor Ray stated aye, Councilor Cano stated aye. All in favor, motion carried.

C. Approval/Disapproval of Resolution No. 2021-24: A resolution by the Town of Silver City for participation in the Capital Outlay Program administered by the New Mexico Department of Transportation, Control Number C1213013.

Mr. Brown indicated that the State now requires a resolution be passed to approve the acceptance of any Capital Outlay Projects. This resolution pertains to Little Walnut which is planned to go out to bid in late Spring so as not to compete with the Ridge Road Project. There is also consideration on putting both Little Walnut and Ridge Road out to bid as one project with the requirement that Ridge Road be completed first. Mr. Brown reminded the Council that \$350,000

in monies in forthcoming from the New Mexico Department of Transportation which could be used for either project if the projects are done together. Right now, the cost for 1,000 feet on the Little Walnut Road project costs \$1 million dollars, therefore every penny that can be added would help. Mayor Ladner asked if there were any questions. Councilor Aiman-Smith commented that \$1 million dollars for 1,000 feet would explain why the residents of Little Walnut think progress is moving slowly, but yet the Town is doing as much as possible as a result of that rate of cost. Mayor Ladner asked if there were any other questions or comments. Mayor Lander asked for a motion. Councilor Aiman-Smith moved to approve Resolution 2021-24, a resolution by the Town of Silver City for participation in the Capital Outlay Program administered by the New Mexico Department of Transportation, Control Number C1213013. Councilor Ray seconded the motion. There was no discussion. Mayor Ladner asked for a roll call. Councilor Aiman-Smith stated aye, Councilor Ray stated aye, Councilor Cano stated aye. All in favor, motion carried.

D. Approval/Disapproval of Resolution No. 2021-25: A resolution by the Town of Silver City for participation in the Capital Outlay Program administered by the New Mexico Department of Transportation, Control Number C1213014.

Mr. Brown stated this was another Capital Outlay Project for Ridge Road totaling \$250,000 that would help get the project completed to the city limits. Mayor Ladner asked if there were any questions or comments. Councilor Cano moved to approve Resolution No. 2021-25, a resolution by the Town of Silver City for participation in the Capital Outlay Program administered by the New Mexico Department of Transportation, Control Number C1213014. Councilor Ray seconded the motion. There was no discussion. Mayor Ladner asked for a roll call. Councilor Aiman-Smith stated aye, Councilor Ray stated aye, Councilor Cano stated aye. All in favor, motion carried.

E. Approval/Disapproval of Resolution No. 2021-26: A Resolution adopting the 2023-2027 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center.

Mr. Brown stated that the Town of Silver City community ICIP was brought before the council at the last meeting and this was the ICIP for the Senior Center specifically, as they are part of a bond issue that recurs every couple of years. Mayor Lander asked if there were any questions or comments. Mayor Ladner stated he was happy to see the Solar Panel project on the list and inquired if the vehicles listed were for transportation of the Seniors back and forth. Mr. Brown stated that he thought it pertained to the Meals on Wheels program. Councilor Ray moved to approve Resolution No. 2021-26, a resolution adopting the 2023-2027 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center. Councilor Cano seconded the motion as stated. There was no discussion. Mayor Ladner asked for a roll call. Councilor Aiman-Smith stated aye, Councilor Ray stated aye, Councilor Cano stated aye. All in favor, motion carried.

F. Approval/Disapproval of Special Dispenser Permit Application and Waiver of a Special Dispenser Permit and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for the New Mexico Wilderness Alliance -Gila Wild & Scenic Rivers of Opportunity Conference on October 8th, 2021 with alcohol service from 4 pm to 9 pm at 704 Bullard St.- Silver City Mainstreet Plaza, and on October 9, 2021 from 4pm to 11pm on the San Vicente Trail-Downtown Section off N.Bullard, in Silver City, NM. Liquor License Holder: Dahl Enterprises LLC, DBA Q's Southern Bistro, LLC, Liquor License# 28098, 101 W. College Ave., Silver City, NM 88061.

Anthony Quintana and Jeremy Corral, Managers at Q's Bistro indicated they would be serving food and beverages at the Mainstreet Plaza on October 8th in a gated area, with one entrance and exit, and with security to ensure no alcohol was taken in or out of the area. He stated the same would be done on October 9th off the San Vicente Trail area. Mr. Quintana stated they have worked with the group in the past with the food being hosted by the Toad, and stating Q's will be providing the services this

time. Mayor Ladner asked about the waiver letter from the church. Mr. Quintana indicated he had emailed it to the Town Clerk that morning, just as soon as he had received it. Mayor Ladner asked if there were any questions. Councilor Cano commented that there would be people with handicaps attending and she asked that they take that into consideration when putting up the fencing. She also stated that she would be mentioning this to the NM Wilderness Alliance. Mr. Quintana acknowledged that the request would be taken into consideration. Mr. Quintana also stated that Mr. Jeremy Corral was present for training as he would be helping him going forward with getting these types of requests, and the related paperwork in order. Mayor Ladner asked if there were any other questions or comments. There were none. Mayor Ladner asked for a motion. Councilor Ray moved to approve the Special Dispenser Permit Application and Waiver of NMSA 1978 60-6B-10 for alcohol service near a church for the New Mexico Wilderness Alliance - Gila Wild & Scenic Rivers of Opportunity Conference on October 8th, 2021 with alcohol service from 4 pm to 9 pm at 704 Bullard St.- Silver City Mainstreet Plaza, and on October 9, 2021 from 4pm to 11pm on the San Vicente Trail-Downtown Section off N.Bullard, in Silver City, NM. Liquor License Holder: Dahl Enterprises LLC, DBA Q's Southern Bistro, LLC, Liquor License# 28098, 101 W. College Ave., Silver City, NM 88061. Councilor Cano seconded the motion as stated. There was no discussion. All in favor motion carried.

G. Appointment to the Trails and Open Space Advisory Committee: Mayor Ladner indicated that Robert Schiowitz, Chair of the Trails and Open Space Advisory Committee recommended Bridgette Johns to serve on the Trails and Open Space Advisory Committee. He stated that if there were no objections, he would like to appoint Bridgette Johns. There were no objections. Mayor Ladner appointed Bridgette Johns to the Trails and Open Space Advisory Committee.

12. ADJOURNMENT - Mayor Ladner indicated the conclusion of the business of the Town of Silver City, and entertained a motion to adjourn. Councilor Ray encouraged everyone to vote for the School Bond Issues or those coming up for positions in the coming election and then made a motion to adjourn at 6:50 pm. Councilor Aiman-Smith seconded the motion. All in favor. Mayor asked all opposed say nay, there were none opposed. Motion carried.

/s/

Ken Ladner, Mayor

Attest:

/s/

Maria C. Sublasky, Acting Town Clerk