

**TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING MINUTES  
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM  
October 10, 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  
Alfred Sedillo, Town Clerk  
Freddie Portillo, Chief of Police  
Thomas Hernandez, Code Enforcement  
Vickie Toney, Code Enforcement-  
Animal Control  
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.

**2. CHANGES TO AGENDA – NONE**

**3. CEREMONIES – NONE**

**4. PROCLAMATIONS – NONE**

**5. COUNCIL COMMENTS – Councilor Prince – See Exhibit “A”**

Councilor Bencomo reminded the public that early voting started today October 10, 2023, through November 4<sup>th</sup> if anyone who does not vote early will have to wait until November 7<sup>th</sup> Election Day. Also, if you are unable to make it to vote, you can contact the County Clerk’s Office for an Absentee ballot.

Councilor Cano stated three (3) months ago the Job Description Committee for the Town Manager met and at that meeting she asked the Committee to have something ready by November. Councilor Cano asked if it could be placed on the agenda for one of the meetings in November. Councilor Cano stated on October 28<sup>th</sup> there will be a Halloween Market Festival in front of Q’s Southern Bistro in collaboration with Q’s Southern Bistro, Buffalo Buds and The Maker’s Market from Noon to 7:00 pm. She encourages families to attend, it will be family friendly. Also, on Halloween night there will be Halloween Block Fiesta sponsored by Baile Encanto at 401 Bullard St., the old Conner’s Jewelry building. This will be a Grand Opening for their studio. Councilor Cano commented on inaccurate messages by candidates running for Town Council. She has received several calls and knows she is not the only Councilor that has heard the inaccurate comments and after watching the Silver City Daily Press Candidate Form and heard the same inaccuracies from the same person’s mouth. There are a couple of them she addressed. The first was the Task Force on Housing and Behavioral Health. The Task Force came about by Patricia

Cano who is Councilor Cano's mother decided to start it because her neighborhood was going through a lot of serious issues because of the Homelessness population. She was able to get people on the Task Force who have a lot of knowledge and all work together and if one person feels they can change homelessness in town by themselves, that is incorrect. Councilor Cano is bothered by the comment because there are nineteen (19) other people on the Task Force working equally as hard and are not doing it for credit and she feels anyone else should. The other opinion she had was the Job Description Committee for the Town Managers position is an Advisory Committee just like the Task Force Committee is, they will give the Council advise, but that does not mean the Council will accept it. Also, the Job Description Committee is not the committee that will choose the Town Manager. That will be a process that has not been decided on yet and will be the Council's decision when it comes time, they still have a year. Councilor Cano's final comment was regarding Oktoader Fest that she attended last weekend. Councilor Cano stated she attends every year and every year it is the same problem. At the previous meeting she specifically asked that the Fest be handicap accessible and when she arrived it was not handicap accessible, the gate had to be removed and once inside she felt trapped. If she had to use the restroom, she would not be able to enter the establishment because there were tables in the middle of the sidewalk so they could not enter the restaurant. She was not the only person with disabilities, there were various degrees of people with mobility issues including a gentleman in a wheelchair who arrived a couple of hours later and at that time they realized they could probably open the gate. Another issue she had was there was a family of skunks attending the fest or there was the use of cannabis and alcohol at the same time. Councilor Cano stated it was a state law that cannabis and alcohol could not be used in the same place, she has mentioned it in the past and it has not been dealt with, so she is mentioning it publicly and is asking the Council with the exception of tonight not to grant any more permits to the Little Toad until the owner comes to the meeting and has a conversation with the Council about accessibility.

Councilor Ray stated he attended a forum sponsored by the Daily Press for all District three (3) candidates running for the Councilor position. He felt it went very well considering the hard questions from the Daily Press and the public who were in attendance. Councilor Ray apologized to the public for not knocking on their doors due to some personal reasons, but he does plan to do so soon.

**6. APPROVAL OF MINUTES** – October 10, 2023, Regular Meeting. Councilor Prince moved to approve the October 10, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Ray seconded the motion as stated. Motion carried unanimously.

**7. PUBLIC INPUT** – Patricia Cano stated she was fortunate to be a guest at the New Mexico Municipal League Conference in Farmington. Ms. Cano gave details on an event being sponsored by the Town of Silver City on November 2, 2023, at 6:00 pm at the Grant County Veterans Memorial Business and Conference Center. There will be three (3) individuals from Farmington who will give a presentation on a community response on Behavioral Health, Substance Abuse and Homelessness. The group is traveling around the State sharing the innovative approach they are using to deal with the complex issues in their community. Ms. Cano is hoping some of the ideas being presented can be instituted here to augment what is going to be done in the future. There will be invitations sent out by the end of the week along with flyers to be posted to encourage people to attend.

Delfina Jimenez thanked Police Chief Portillo and Grant County Sheriff Raul Villanueva for sending police and deputies to patrol Brewer Hill and the south side of town. People did not know the speed limit and did not see the stop signs. With the police and deputy presence people are paying attention. Ms. Jimenez stated it was brought up at the Candidate Forum about restoring historical buildings in town. Ms. Jimenez would like the candidates who are running for

Town Council to present any and all buildings they own in town, so there is no conflict of interest. Ms. Jimenez has heard that a thirty (30) unit affordable housing coming to town and hopes it will be built in the North, East or West of the Town. There are already enough problems on the south side of town.

Mark Van Buskirk stated he was born and raised in Silver City and is third generation. He left in 1980 to live and work in Phoenix, New Orleans, Detroit and for the last twenty-eight (28) years in Los Angeles. About three (3) years ago he purchased a house downtown and wanted to talk about the two (2) break-ins that happened at the Mint Chip Creamery and the Food Co-op. Mr. Van Buskirk stated the businesses are the owner's livelihoods and trying to make downtown presentable to tourists. He has been approached by tourists outside his home asking if it is safe to live in Silver City. A couple stated they have been coming to Silver City for the last twenty (20) years and in the last two (2) or three (3) years it has gone downhill, so they have decided to retire to Ruidoso. Mr. Van Buskirk stated being a attorney who has dealt with civil litigation and a couple of criminal matters urged the Council to schedule a meeting with the District Attorney's office about cases that are being dismissed specifically two people that cases have been dismissed because the District Attorney did not show up for the hearing. Mr. Van Buskirk stated he lived in New Orleans and Detroit, which are historically two (2) of the toughest cities and he has never had much contact with the police in those cities. Here in Silver City, he has advised Chief Portillo his officers are professional, responsive to the calls and are doing a great job. He would like to ask the Council to think about allocating additional funds to the Police Department so they can conduct additional patrols. Mr. Van Buskirk encouraged the Council to think about the economic engine, which is downtown, he is hoping downtown does not go back to the nineties (90s) when there were a lot of vacant storefronts which will impact tourism and the tax base will dry up.

## **8. REPORTS:**

**A. Manager's Report:** Alex Brown deferred to Town Attorney Jim Reynolds to report on the Torrasi court case. Jim Reynolds updated the Council and Mayor Ladner on the Nuisance Property at 209 Mountain View Road that burnt down in 2021. Almost a year after the incident in May of 2022 Mr. Torrasi was issued a citation in pursuant to the new Nuisance Ordinance adopted by the Council in March of 2022. The new Ordinance gave him the right to request a hearing which was held on August 9, 2022, with the Council where the Council found his property did indeed constitute a nuisance and was ordered to clean up his property and gave him a deadline by December 31, 2022. The deadline came and the property was not cleaned up, so Code Enforcement tried several times contacting the property owner to arrange something with Mr. Torrasi so the Town could clean up the property which was unsuccessful, he refused to allow the Town or the contractors to clean up the property. For three months he was nowhere to be found and later found out he was living in Lordsburg. In June of 2023 after dealing with Mr. Torrasi motions were filed in District Court and a hearing was held on October 3, 2023, in front of the District Court Judge. The judge accepted the Council's finding that the property was a nuisance and granted an injunction to prevent Mr. Torrasi from interfering with the Town's cleanup. At the same time the judge granted Mr. Torrasi thirty (30) days from the date of the hearing to accomplish whatever he could cleaning the property. If it takes the Town longer than

thirty (30) days Mr. Torrissi could use that extra time to continue the cleanup. The order has been signed by the District Judge and Code Enforcement is seeking bids for the cleanup.

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

Councilor Cano thanked Code Enforcement officers for staying on the issue because it was important to the neighborhood.

Mayor Ladner asked Alex Brown if he had any other comments.

Alex Brown stated he had none.

## **9. PUBLIC HEARINGS: NONE**

## **10. UNFINISHED BUSINESS: NONE**

## **11. NEW BUSINESS:**

**A. Approval / Disapproval of a Public Celebration Permit: for the Gila Regional Medical Center Foundation Gala and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for October 27, 2023, with alcohol served from 5:00 pm to 8:00 pm at 200 W. Broadway St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 203 S. Mill Road, Silver City, NM 88061.** Jamie Burke stated the Little Toad Creek will be hosting the liquor at the Murray Hotel for the Gila Regional Medical Center Foundation fund raising event.

Mayor Ladner asked if there were any questions or comments from the Council. Councilor Bencomo asked where the celebration was taking place. Ms. Burke started in the Murray Hotel's ballroom.

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

Councilor Ray move to approve a **Public Celebration Permit: for the Gila Regional Medical Center Foundation Gala and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for October 27, 2023, with alcohol served from 5:00 pm to 8:00 pm at 200 W. Broadway St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery, License #67085, 203 S. Mill Road, Silver City, NM 88061.** Councilor Prince seconded the motion. Motion carried unanimously.

**B. SOUTHWEST WORD FIESTA CELEBRATION – TED PRESLER** Ted Presler thanked the Council for allowing him to tell them about the Southwest Word Fiesta and stating the Town of Silver City and Western New Mexico University have been kind sponsors of the event. The Fiesta started in 2008 with a group of people from Western New Mexico University (WNMU) and there after Mr. Presler joined in and there was a Town of Silver City Book Festival. When the pandemic came the book festival went online where twenty-three (23) states and seven (7) countries showed up on their website and are constantly adding more content to the website.

There are a lot of poets in our community as well as the University of Arizona who has a poetry center that is on their website and the University of Texas at El Paso who has a professor that has a podcast called Words on the Wire and Ernest Hemingway, the Hemingway Society that has seventy (70) broadcasts. The most popular item on the website is the bookshelf, to draw people to see what writers there are in the Southwest and beyond. It started off small and now has fifty (50) authors who for their free service have placed they're on the website. Mr. Presler covered more items that will be on the website and encouraged the public to attend the Southwest Word Fiesta on October 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>.

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

Councilor Prince stated being the son of two (2) English Teachers he had to say the event has always been one of the more banner as well as more inclusive and well as more academic events that are held in the community and his relentless enthusiasm is much appreciated.

**C. "STATE OF FACILITIES AND FINANCE" Presentation by Silver City**

**Schools Superintendent William Hawkins.** William Hawkins reported on Silver City Public Schools Districts facilities and financial condition as they prepare for a new five-year facility master plan. Mr. Hawkins stated the presentation will be informative and intended to encourage discussion only. Mr. Hawkins presented several graphs consisting of information on how Silver Consolidated Schools compare to other schools in the state stating they do pretty good even compared to the larger schools. Mr. Hawkins stated Silver Schools has the 20<sup>th</sup> lowest mill levy tax rate amongst the state's 89 public school districts, but having a low tax rate is good for the taxpayers but can be problematic for the taxing entities in the community.

**D. Approval / Disapproval of Resolution 2023-23 A Resolution for PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM ADMINISTERED BY**

**NEW MEXICO DEPARTMENT OF TRANSPORTATION.** Alex Brown stated the Resolution would allow the Town to accept the Transportation Project Fund (TPF) funding for Little Walnut. This is the second part of the funding for little Walnut Road. The plan will be to put it out to bid in the spring of next year. Also, we already have the Colonias Grant in place which would supplement it and get us up to Jack Frost with this project next year and then hopefully the following year we could get out to the city limits where the County is working. We will be getting a grant in the amount of one point nine five (1.95) million dollars with a match of one hundred three thousand (\$103,000) dollars match.

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

Councilor Prince moved to approve **Resolution 2023-23 A Resolution for PARTICIPATION IN TRANSPORTATION PROJECT FUND PROGRAM ADMINISTERED BY**

**NEW MEXICO DEPARTMENT OF TRANSPORTATION.** Councilor Bencomo seconded the motion as stated. Mayor Ladner asked for a roll call vote. Alfred Sedillo 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 Resolution 2023-24 A RESOLUTION OF THE TOWN**

**OF SILVER CITY CONCERNING TITLE VI CIVIL RIGHTS ACT COMPLIANCE.**

Alex Brown stated this is a Resolution that is required by the Department of Transportation to receive funding from them throughout the year, we have to approve this resolution every other year and this is basically the exact same compliance that we did two years ago, and our attorney has reviewed it and it is acceptable to him.

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

Councilor Bencomo moved to approve **Resolution 2023-24 A RESOLUTION OF THE TOWN OF SILVER CITY CONCERNING TITLE VI CIVIL RIGHTS ACT COMPLIANCE.**

Councilor Cano seconded the motion as stated. Mayor Ladner asked for a roll call vote. Alfred Sedillo 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. Mayors’ appointment to the Trails and Open Space Advisory Committee** Mayor Ladner stated there were two (2) applicants who applied and based on the recommendation of the committee chair which he enthusiastically concurred with. With no objections from the Council, Mayor Ladner appointed Amy McLane to the Trails and Open Space Advisory Committee.

**G. Mayors’ reappointment to the Planning and Zoning Commission** Mayor Ladner stated there was one applicant from Simon Wheaton-Smith who is currently serving on the Commission. With no objections from the Council. Mayor Ladner reappointed Simon Wheaton-Smith to the Planning and Zoning Commission.

**H. Approval / Disapproval cancellation of the October 24, 2023, Regular Town Council Meeting.** Councilor Prince moved to approve the cancellation of the **October 24, 2023, Regular Town Council Meeting.** Councilor Bencomo seconded the motion. Motion carried unanimously.

**12. ADJOURNMENT -** Mayor Ladner stated this concluded the items on the agenda. Mayor Ladner asked for a motion to adjourn. Councilor Prince moved to adjourn. Councilor Bencomo seconded the motion. Motion carried unanimously. The meeting was adjourned at 7:33 p.m.

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**Ken Ladner, Mayor**

**Attest:**

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**Alfred Sedillo, Town Clerk**