

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
October 12, 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
Jason Woods, Captain, SCPD
Maria C. Sublasky, Acting Town Clerk/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, and acknowledged Captain Woods and also the representatives from the press.

2. CHANGES TO AGENDA - None.

3. CEREMONIES – None.

4. PROCLAMATIONS –None.

5. COUNCIL COMMENTS – Councilor Aiman-Smith acknowledged an uptick in the positive Coronavirus cases in Grant County and wanted to encourage the public to abide by all health protocols by wearing masks if inside, to social distance, and if not vaccinated, to strongly consider doing so. She also encouraged the public to vote. She stated early voting started next week.

Councilor Cano stated she had attended two conferences that centered on outdoor economic and recreation and was very pleased with the amount of expertise of each of the speakers. Of particular interest to her was the presentation on accessibility focusing on local trails. She stated that for trails to be truly accessible to those who do adaptive hiking and or mountain biking, the trails would need to be a minimum of 39 inches wide on all parts of the trail. She indicated she would like for the trail's employee, or the Trails & Open Spaces Committee be tasked to measure the width on any existing trails to make them more accessible and possibly draw more mobility challenged persons to utilize the trails. She stated she had a conversation with Land Commissioner Stephanie Garcia Richard during the Rivers of Opportunity Conference hosted by NM Wild and also sponsored in part by the Town of Silver City. Commissioner Richard was onboard with assisting in any way she can to make sure accessibility becomes a true priority in the Town's trail system. She then stated that a question was addressed to their attention inquiring if an outdoor recreation component would be added to the new recreation facility. She stated she was not aware but would bring it before the council as she agreed it was a good suggestion. Councilor Cano went on to say in speaking of accessibility, she was surprised to find that there was insufficient access at the end of the ramp while attending the NM Wild evening event at the San Vicente Trail area near the Big Ditch. She stated the ramp ends with 4 to 5-inch drop and a person in a wheelchair or with severe mobility issues cannot proceed past that point. Although the ramp is very nice, it is completely useless and poorly designed as she was forced to stay on the ramp and completely removed from the rest of the conference participants. Councilor Cano's final comment focused on her concern with the current situation of the Perros Bravos neighborhood which is the area just below Mountain View Road from 11th Street to Broadway and from Durango Street to Swan Street. The area currently houses the SPIN homeless shelter which has become the source of problems in the neighborhood. She stated she is not against the homeless nor any other persons who reside in the neighborhood however, several serious problems have developed. There is an issue with loitering in the neighborhood at all hours of the day, disruption of peace and quiet, obscene gestures being made towards the residents, and used drug paraphernalia being strewn around the neighborhood. When police presence is requested, the homeless are chased away only to trespass on the resident's properties and sometime stop to nap or display behaviors that cause the residents to feel their homes are being cased. Some have even had their homes broken into. One fire was potentially started in the neighborhood and is cause for concern as the whole neighborhood could very easily go up in flames in any situation. In addition, with only one restroom for

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approximately 40 homeless persons, some will often go out to the back of the shelter to relieve themselves, leaving blood, fecal matter and evidence of drug use in the area. That is cause for serious public health concern. The residents of the neighborhood, many who are senior citizens, no longer feel safe and have incurred extra expense by having to put up fences and security cameras as a result. In addition, the lighting in the area is dismal at best. The residents no longer allow their children to play outside. There has been an increase in traffic, the shelter staff have total disregard for the stop signs and speed limits and the requested speed bump on Kelly has still not been placed in the area. One is now being requested on Gold. She stated requests for more frequent patrols in the neighborhood have not been noticed and the residents feel they are being ignored. She asked that the Town step up and do something about it and have a conversation about what can be done, sooner rather than later. She formally asked that regular patrols of the area by the Silver City Police Department be increased immediately and also conducted during the hours of 10pm and 8am when most of the problems are occurring. Councilor Cano asked for an update at the next meeting on how many citations have been issued for traffic stops in the area of 11th Street to Broadway and Durango to Swan as well as a number of interactions that occurred to reflect an increase in patrol. Councilor Cano closed by stating she was angry because this was the neighborhood she grew up in and the residents of the neighborhood are kind and generous and just want to live in peace as they have for generations. She again stated that she was not anti-homeless but concerned that we have forgotten one of the oldest neighborhoods in town. The residents of that neighborhood had lived in relative peace prior to the opening of the shelter. She stated the duty of the Council was to the residents primarily and their safety and wellbeing should be first and foremost above tourist and transient issues.

Councilor Ray commented that those attending the meeting not wishing to stand for the Pledge of Allegiance please stay outside of the meeting chambers until after the pledge, then re-enter the chamber. He then gave praise to Texas for building a border fence and stated we need to protect our citizens and our border. He once again voiced his opinion against the bond issue and asked the public to follow suit. He understood that property owners, including the poor ones, would be the ones paying for the taxes through the bond issue and although public buildings need repairs, personal property cannot be funded and paid for by bond issues and he felt that was wrong. Councilor Ray referenced President Biden and the mask and vaccine issue stating that it should be left to each individual to wear or not wear the mask or take the shot or not take the shot. He stated he was pro-life and felt that we are the voice of the unborn and we need to stand up for them. He commented that this was not the America that our parents grew up in and it needed to change. He closed with a quote stating – “When you cannot see the future it is easy to forget the past”. Mayor Ladner asked if there were any other comments. The Mayor thanked those who helped make the Southwest Print Fiesta and the Red Dot Art event successful. Mayor Ladner also announced that a Trash Bash event would take place this weekend on Saturday, October 16th at Gough Park starting at 8:30 am. On a somber note, he mentioned the recent passing of a previous Town Councilor, Mike Aleckson. Mayor Ladner ended his comments by stating that the comments expressed by the Councilors under the Council Comments section of the meeting are their expression of freedom of speech. However, he would like to remind everyone that those comments do not represent an official Town of Silver City position on any matter stated within their comments.

6. APPROVAL OF MINUTES – Regular Meeting on September 28, 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 28, 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 Carol Ann Fugagli up to the podium. Mrs. Fugagli stated she lived in Silver City and started her comments by re-stating what Pope Francis recently said that “Getting vaccinated and wearing a mask is an act of Love” and how different our nation could look if in our constitution we had a bill of responsibility as opposed to a Bill of Rights. She went on to state that all over the globe people are experiencing extreme weather patterns. The decisions we make in the next ten years will affect the next ten thousand, but with big changes we also have choices. She stated that she would like to make change in her beloved community and asked the Council to work with effectiveness by making any future decisions with regard to reducing carbon emissions that will promote renewable energy. She stated we have the opportunity with the clean energy solutions needed to halt warming effects

but only if we act now and act boldly. Mrs. Fugagli stated she would return to other meetings to offer suggestions and she thanked the Council for their good work.

8. REPORTS –

A. Staff Reports. –Mr. Brown stated he did not have any staff reports.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –A. Approval/Disapproval of Resolution No. 2021-27: 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 \$988,197 evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of construction of renovations to the Chloride Flats South Water Storage Tank, and solely in the manner described in the loan/grant agreement; providing for the pledge and payment of the loan amount of \$98,820 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 \$899,377; 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 the Chloride Flats Tank renovation. He reminded the Council that \$220,000 dollars were left from last year's grant that would be combined with this grant to renovate this tank and also paint the third tank. He is hoping to put it out to bid in the next couple of weeks with the hope of getting the construction under way by November or December and have it completed in the Winter months so it does not affect the storage during the summer when extra storage is needed due to demand. 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 Resolution 2021-27. 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 \$988,197 evidencing an obligation of the borrower/grantee to utilize the loan/grant amount solely for the purpose of financing the costs of construction of renovations to the Chloride Flats South Water Storage Tank, and solely in the manner described in the loan/grant agreement; providing for the pledge and payment of the loan amount of \$98,820 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 \$899,377; 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 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 were in favor; motion carried.

B. Approval/Disapproval of Resolution No. 2021-28: A resolution by the Town of Silver City for the purchase of the real estate located at 1805 Little Walnut Road, Silver City, also known as the Royal Scepter Gem and Mineral retail building and residence.

Mr. Brown stated that the Town has been working on purchasing this property for some time now. It is located right next door to the Rock House property that will be developed into a visitor's center for the Continental Divide Trail System. The property is over half an acre and includes the store building, a trailer which is currently rented and a storage facility. The staff is requesting purchase of the property which is appraised at \$189,500, for the purpose of expanding the Rock House property and the

Continental Divide Visitor's Center. Mr. Brown indicated he had set aside \$195,000 in the current budget for this purpose. Mayor Ladner asked if there were any questions or comments. Councilor Aiman-Smith commented that this project has been ongoing for a long time and has involved a lot of citizen involvement with planting and installation of mock windows. She feels it is a fantastic place for those walking on the Continental Divide Trail to have a way stop that will not only encourage outdoor recreation but also visitation. She stated she noticed a lot of planting and asked if it was known the number of trees or plants that had been planted. Mr. Brown did not have a count but stated that planting of trees and vegetation would follow the entire fence line. Councilor Aiman-Smith commented that trees absorb carbon and she thanked the town and staff and encouraged more and more plants and trees be planted. 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 No. 2021-28, a resolution by the Town of Silver City for the purchase of the real estate located at 1805 Little Walnut Road, Silver City, also known as the Royal Scepter Gem and Mineral retail building and residence. Councilor Ray seconded the motion. There was no discussion or comments. Mayor Ladner requested a roll call. Councilor Aiman-Smith stated aye. Councilor Ray stated aye, Councilor Cano stated aye. All were in favor; motion carried.

C. Approval/Disapproval of Resolution No. 2021-29: A resolution by the Town of Silver City for participation in Transportation Project Fund Program administered by New Mexico Department of Transportation, Control Number HW2LP10023.

Mr. Brown stated this grant agreement is for funds for the design of 32nd Street from Pinos Altos Road to Swan St, to look at all options including the growth of the schools and the new recreation center, if it is built. The Town's match is \$6, 265 dollars and the total grant amount being \$125,300. Mayor Ladner asked if there were any other questions or comments. Mayor Lander asked for a motion. Councilor Cano moved to approve Resolution 2021-29, a resolution by the Town of Silver City for participation in Transportation Project Fund Program administered by New Mexico Department of Transportation, Control Number HW2LP10023. 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. 2021-30: A resolution by the Town of Silver City for participation in Transportation Project Fund Program administered by New Mexico Department of Transportation, Control Number HW2LP10030.

Mr. Brown stated this was another project applied for from the same funding source for \$40,000 dollars for the planning and design of the project to develop the Silva Creek Trail System between Penny Park and the Rock House/Waterworks Building. The town would have a five percent match of \$2,000 dollars as the match portion. Mayor Ladner asked if there were any questions or comments. Councilor Aiman-Smith stated that this was a big project and inquired if it would run along Silva Creek? Mr. Brown stated it was a small portion of the larger trail system being developed whereby Gough Park would be expanded as the hub of the trail system with connections to Penny Park and the Waterworks building and further up Silva Creek and Little Walnut to get to the Continental Divide Trail. The Pinos Altos Creek will also be under consideration. He stated all trails intersect right behind the Public Safety Building closer to Gough Park. Councilor Aiman-Smith stated the portion along San Vicente is paved and rather wide and she just wanted to make sure accessibility requirements were supported. Mr. Brown stated the funds were federal monies and accessibility requirements would indeed have to be addressed. Mayor Ladner asked if there were any other questions and commented that the new Recreation Center would also provide access to the Pinos Altos Trail System. Mayor Ladner then asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2021-30, a resolution by the Town of Silver City for participation in Transportation Project Fund Program administered by New Mexico Department of Transportation, Control Number HW2LP10030. 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.

E. Approval/Disapproval of Resolution No. 2021-31: A resolution by the Town of Silver City for the adoption of an Asset Management Policy.

Mr. Brown stated that this was a requirement by the State of New Mexico and indicated that the Town had already been working with Souder, Miller & Associates on asset management for the past six months. He stated the Town has always had a fixed asset inventory that totals about \$89 million dollars of assets for the Town of Silver City. A Paving Masterplan also exists addressing the conditions of the streets, sidewalks and such throughout the town. A Water System plan is being worked on to identify the age and work needed on the current system. Once completed, the Town will be able to identify the condition, the age and the maintenance schedules for replacement and/or renovation of said assets. He indicated it was basically a planning tool that will provide a road map on how to work on all the Town's assets. Councilor Ray moved to approve Resolution No. 2021-31, a resolution by the Town of Silver City for the adoption of an Asset Management Policy. Councilor Aiman-Smith 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.

G. Re-Appointment to the Planning & Zoning Commission. Mayor Ladner indicated that Simon Wheaton-Smith had applied for re-appointment to the Planning and Zoning Commission. The Chair, Mr. Nickolas Siebel and Mr. James Marshall concur with the application and recommendation of Mr. Wheaton-Smith. Mayor Ladner indicated the applicant is highly qualified and stated if there were no objections, he would like to re-appoint Simon Wheaton-Smith. There were no objections. Mayor Ladner re-appointed Simon Wheaton-Smith to the Planning & Zoning Commission.

12. ADJOURNMENT - Mayor Ladner stated the conclusion of the business of the Town of Silver City, and entertained a motion to adjourn. Councilor Aiman-Smith made a motion to adjourn at 6:43 pm. Councilor Ray 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