

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
May 24, 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 C. Brown, Town Manager
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Roger Lance, Grant County Beat
Ben Beltron, Executive Director, CATS
Jordan Archunde, Silver City Daily Press
Mick Smith, 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 the Salute to the New Mexico State Flag.

Mayor Ladner welcomed the Chief of Police 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 – NONE

5. COUNCIL COMMENTS – Councilor Prince congratulated all Graduates from Middle School, High School and University. Councilor Prince asked the community to remember the health and moral of the fire crews the community is hosting, please be supportive. Council Prince also asked for everyone to get their boosters, due to an unexpected spike in Covid cases. Councilor Prince asked City Staff to review the article from journalist “Justin Schatz’ piece for Albuquerque’s Independent, the paper intitled “Law Suit Accuses Sandoval County Commissioners of Gerrymandering” from April 26th” of this year. Councilor Prince was informed the suit was in direct response for proposed redistricting from Rod Adair from New Mexico Demographics Firm who presented last meeting. He wants to make sure to avoid further risk of litigation and if the Council plans to move forward with redistricting, they choose a less partisan firm. Councilor Prince wished everyone a fun and safe Memorial Day weekend.

Councilor Farmer also congratulated all graduates and advised the Black Fire was human caused, there are Six Hundred Fifty (650) people working. The fire has burned One Hundred Fifty Thousand (150,000) acres. Councilor Farmer wished everyone a wonderful and safe Memorial Day weekend and to please attend the Blues Festival.

Councilor Cano reminded everyone that early voting was still taking place and she was the Eight Hundred and Seventy Seventh (877) voter. Councilor Cano also advises that if you were an Independent and wanted to change parties, a new law allows all Independents to change to either party Democrat or Republican and change back to Independent for the General Election. Councilor Cano attended a presentation from Javier Marrufo Curator at the Museum on families from Chihuahua Hill. It was one of the best presentations she has attended. Councilor Cano stated she had spent a couple hours with the Code Enforcement and Animal Control Officer working with a Down Town Business person to resolve a situation. Councilor Cano stated they are very knowledgeable and worked very well with the citizens to resolve the issue and the Town is very fortunate having them.

Councilor Ray stated he watched a documentary on moisture in the state of New Mexico on May 6th by region. The state is in a severe drought and encouraged a full ban on fireworks. Councilor Ray advised school would be out in a couple of days and be aware of all the children, enjoy the summer and have a good time at the Blues Festival.

Mayor Ladner stated Alex Brown has created a Code Enforcement Committee that meets on Thursdays. The Committee is working on several properties that have been identified as nuisances and are working to resolve the issues. Mayor Ladner thanked Alex Brown, Police Chief, Code Enforcement Officers and Fire Chief for their hard work. Mayor Ladner also thanked Councilor Ray for partially sponsoring the Ordinance.

6. APPROVAL OF MINUTES – May 10, 2022 Regular Meeting. Councilor Ray moved to approve the May 10, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Farmer seconded. Motion carried.

7. PUBLIC INPUT – NONE

8. REPORTS – Alex Brown stated the Colonias Board made their selection for the program. The Town was awarded Two Point One Million Dollars (2.1) for 32nd from Swan St. to Fowler St. and One Point One Million Dollars (1.1) for a new water tank at Franks Wellfield. Also, the week before the Regional Transportation Board that is under the Council of Government met and recommended the Town to submit the project from Fowler St. to Highway 15 as their number one ranked project giving the Town a good chance to be approved to complete the whole project from Swan to Highway 15 next spring. Mr. Brown advised the Swimming Pool was certified by the Environmental Department and will be opened on May 31st.

9. PUBLIC HEARINGS – **Approval / Disapproval of a Restaurant Beer and Wine Liquor License with on premises consumption only with Sunday sales by the drink and patio service. Application # 1222840, Name of Applicant: Diane Dominguez, DBA La Familia Restaurant, 503 N. Hudson St., Silver City, NM. Proposed Location: 503 N. Hudson St., Silver City, NM 88061.** Diane Dominguez addressed Mayor Ladner and Council advising them she was asking for their approval of the Beer and Wine Liquor License application for her restaurant (La Familia Mexican Restaurant). Ms. Dominguez stated the last Liquor License was under her husband's name who passed away in January. The restaurant had the previous license for eleven (11) years with no citations and no changes. Mayor Ladner asked if the Board was ready to render a decision and asked for a motion. Councilor Ray moved to Approve of a Restaurant Beer and Wine Liquor License with on premises consumption only with Sunday sales by the drink and patio service. Application # 1222840, Name of Applicant: Diane Dominguez, DBA La Familia Restaurant, 503 N. Hudson St., Silver City, NM. Proposed Location: 503 N. Hudson St., Silver City, NM 88061. Councilor Cano seconded the motion. Mayor Ladner asked for a roll call. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

10. UNFINISHED BUSINESS – Town of Silver City FY 2023 Preliminary Budget Presentation Update Alex Brown advised by the end of May the Town has to submit a preliminary budget with no action from the Town Council. At the end of July, the final budget for fiscal year 2023 must be submitted and an updated budget will be given to the Council with reconciled beginning cash balances as the exact numbers will be known. Mr. Brown also stated this year's final year budget adjustment updating revenues. Mr. Brown asked if there were any questions on the Preliminary Budget he had presented. Councilor Prince asked if there had been any changes from the previous Council Meeting. Mr. Brown stated he had budgeted some of the Debt Service payment for the Four Million Dollar (4,000,000.00) debt that was to be worked on later in the year. Instead of budgeting it in the General Fund it was placed in

the Debt Service Fund. The General Fund expenses went down Two Hundred Seventy Thousand Dollars (275,000.00). That was the only change from the previous presentation.

11. NEW BUSINESS

A. Appointment to Trails and Open Space Advisory Committee - Mayor Ladner passed out a list of Committee members and commended the Committee for all the work they do, it is a hands-on committee that gets out and works on trails. They have been focused on the Boston Hill Trail system and know on the San Vicente Trail system. Mayor asked if there were any objections, he would like to appoint Harry Browne to the Trails and Opens Space Advisory Committee. Having no objections, Mayor Ladner appointed Harry Browne to the Trails and Opens Space Advisory Committee.

B. Approval / Disapproval of Resolution No. 2022-08 PROCLAIMING THAT EXTREME AND SEVERE DROUGHT CONDITIONS EXIST WITHIN THE TOWN AND LIMITED BAN ON THE SALE AND USE OF CERTAIN FIREWORKS – Chief Milo Lambert stated that the extreme drought conditions have not lessened. The State Firework and Safety Licensing Act in the State of New Mexico allows to ban specific fireworks, but does not allow to ban all fireworks. This Resolution will allow to ban all ban able fireworks for use by the public and municipality. Mayor Ladner asked for a motion. Councilor Prince motioned to Approve Resolution No. 2022-08 PROCLAIMING THAT EXTREME AND SEVERE DROUGHT CONDITIONS EXIST WITHIN THE TOWN AND LIMITED BAN ON THE SALE AND USE OF CERTAIN FIREWORKS. Councilor Farmer seconded the motion. Mayor Ladner asked for any discussion, Councilor Cano stated the reason the Town cannot ban all fireworks is because the Legislature will not allow it. Please contact your Legislator if you have any questions. 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

C. Approval / Disapproval of Ordinance 1311: AUTHORIZING THE ISSUANCE AND SALE OF THE TOWN OF SILVER CITY, NEW MEXICO GROSS RECEIPTS TAX REVENUE BONDS, TAXABLE SERIES 2022 IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 FOR THE PURPOSE TO (1) PAY, DISCHARGE AND SATISFY CERTAIN OUTSTANDING RISK MANAGEMENT MITIGATION MEASURES ENTERED INTO FOR THE BENEFIT OF THE TOWN AND ITS RESIDENTS, (2) FUND A DEBT SERVICE RESERVE FUND, AND (3) PAY COSTS OF ISSUANCE OF THE BONDS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM AND SECURED BY A PLEDGE OF A 0.3625 PERCENT MUNICIPAL GROSS RECEIPTS TAX DISTRIBUTED TO THE TOWN PURSUANT TO SECTION 7-19D-9 NMSA 1978, AS AMENDED, AND TOWN ORDINANCE NO. 1310 ADOPTED ON MARCH 22, 2022; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM SAID TAX PROCEEDS; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE TERMS AND OTHER DETAILS CONCERNING THE BONDS; PROVIDING FOR CERTAIN DOCUMENTS PERTAINING TO THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE; AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUE AND SALE OF THE BONDS. Alex Brown stated this was the final reading for the Bond Ordinance to allow the Town to issue up to Ten Million Dollars (10,000,000.) in debt to pay off Town obligations. The entire .3625 percent Tax Increase that was passed earlier this year will be used to pay for this debt. Mayor Ladner asked for a motion. Councilor Farmer motioned to Approve Ordinance 1311 AUTHORIZING THE ISSUANCE AND SALE OF THE TOWN OF SILVER CITY, NEW MEXICO GROSS RECEIPTS TAX REVENUE BONDS, TAXABLE SERIES 2022 IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 FOR THE PURPOSE TO (1) PAY, DISCHARGE AND SATISFY CERTAIN OUTSTANDING RISK MANAGEMENT MITIGATION MEASURES ENTERED INTO FOR THE BENEFIT OF THE TOWN AND ITS RESIDENTS, (2) FUND A DEBT SERVICE RESERVE FUND, AND (3) PAY COSTS OF ISSUANCE OF THE BONDS; PROVIDING THAT THE BONDS WILL BE PAYABLE AND COLLECTIBLE FROM AND SECURED BY A PLEDGE OF A 0.3625 PERCENT MUNICIPAL GROSS RECEIPTS TAX

DISTRIBUTED TO THE TOWN PURSUANT TO SECTION 7-19D-9 NMSA 1978, AS AMENDED, AND TOWN ORDINANCE NO. 1310 ADOPTED ON MARCH 22, 2022; PROVIDING FOR THE DISPOSITION OF THE RECEIPTS DERIVED FROM SAID TAX PROCEEDS; APPROVING THE DELEGATION OF AUTHORITY TO MAKE CERTAIN DETERMINATIONS REGARDING THE SALE OF THE BONDS PURSUANT TO THE SUPPLEMENTAL PUBLIC SECURITIES ACT; PROVIDING FOR THE TERMS AND OTHER DETAILS CONCERNING THE BONDS; PROVIDING FOR CERTAIN DOCUMENTS PERTAINING TO THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE; AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUE AND SALE OF THE BONDS. Councilor Prince 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.

D. Approval / Disapproval of NOI Ordinance 1312: TO ADOPT AN ORDINANCE APPROVING THE ESTABLISHMENT OF THE SYZYGY, INC. MANUFACTURING FACILITY AS AN ECONOMIC DEVELOPMENT PROJECT WITHIN AND FOR THE TOWN OF SILVER CITY PURSUANT TO NMSA 1978, SECTIONS 5-10-1 THROUGH 5-10-17 (LOCAL ECONOMIC DEVELOPMENT ACT) AND SECTION 16-21(a) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO. Alex Brown stated the State of New Mexico Economic Development Department has a Leader Program that provides funding for Economic Development projects that provides base jobs. Base jobs are jobs that are funded by revenue generated by outside the community, more specifically outside the state and brings in the money to the community. The project will be between Syzygy and the State of New Mexico, the Town will only be a pass through. More information will be given when the final reading is available. Mayor Ladner asked for a motion. Councilor Cano motioned to **Approve NOI Ordinance 1312: TO ADOPT AN ORDINANCE APPROVING THE ESTABLISHMENT OF THE SYZYGY, INC. MANUFACTURING FACILITY AS AN ECONOMIC DEVELOPMENT PROJECT WITHIN AND FOR THE TOWN OF SILVER CITY PURSUANT TO NMSA 1978, SECTIONS 5-10-1 THROUGH 5-10-17 (LOCAL ECONOMIC DEVELOPMENT ACT) AND SECTION 16-21(a) OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO.** Councilor Ray seconded the motion. Mayor Ladner asked for roll call vote. Councilor Farmer voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motioned carried.

12. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 6:34 p.m.

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk