

**TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
June 13, 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
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Vickie Toney, Code Enforcement
Animal Control Officer
Ben Beltron, Executive Director, CATS
Juno Ogle, Silver City Daily Press

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 the City Administration, Law Enforcement and members of the Press and community.

2. CHANGES TO AGENDA – Councilor Cano moved to have item thirteen (13) **Closed Executive Session** be removed from the agenda. Councilor Ray seconded the motion. Motion carried unanimously.

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Prince stated he attended the New Mexico Municipal League Newly Elected Officers Training the week before, where he was able to get on the same page and learn best practices as well as being able to get more specific questions now being his second year and is grateful for the League. Councilor Prince was very happy how this year’s Blues Festival turned out, special kudos to Mary Stone on the handling of the event. Councilor Prince spoke on where the community is headed in regards to Behavioral Health, there has been some very serious challenges for the last few weeks and hard losses. Councilor Prince has made contact with the folks that are available through the 988 Behavioral Health Hotline. He hopes the resources are available to help respond better to the community’s needs.

Councilor Bencomo stated he also attended the New Mexico Municipal League Newly Elected Officers Training. There were several newly appointed Council members which he was able to network with. Councilor Bencomo advised Alex Brown he has spoken to several citizens in regards to weeds on properties that are for sale. Councilor Bencomo asked who was responsible for the up keep of the properties, the home owner or the Real Estate broker. Alex Brown advised it is the home owners’ responsibility. Councilor Bencomo asked if Code Enforcement could look into the issue. Alex stated yes,

they just needed specific addresses. Councilor Bencomo stated there is a house on Fran Drive between 37th and 40th. Since there is a shortage of housing, hopefully by getting the place clean it might sell and someone could move into it. He also, spoke with some residents about placing a speed bump on Silver Steet between 37th and 38th Street. Alex stated Chief Portillo would take a look at it, and any time he receives a call about speed bumps to contact Chief Portillo so he could go look to see if it is feasible to install a speed bump. If it is feasible Chief Portillo will contact Public Works to have it installed.

Councilor Cano stated she had also attended the New Mexico Municipal League Newly Elected Officers Training and was very pleased that all Councilors were able to attend, this was the first time for her being a Councilor that all Councilors were able to attend at the same time, she feels it will benefit them moving forward with things that are being worked on. She announced that she will be running for the Municipal League Board of Directors for the entire state. She is working on the application and will be presenting it at the next Town Council meeting. In order to be on the ballot she has to have the support of her Council. Councilor Cano stated she attended the Blues Festival and there were several issues for her being in a wheelchair. Councilor Cano stated if anyone who will be having an event to please consider the needs of the mobility impaired in the community. If anyone needs help to please call her or anyone who has mobility issues a call for advice, specifically if you have staff for the event, they need to be trained how to interact with people in wheelchairs. The person who was in charge of the Blues Fest used her as a hurdle. If that could be worked on as a community it would be great, she knows she is not the only one that has these issues.

Councilor Ray stated at the Municipal League Training there was someone there for forty-five (45) years and that he was right behind him and that he had gone back because everything he learned before he had already forgotten. The Blues Festival was very well attended, the music was good and there was several entrances and exits. He liked the way the fence was set up and there was a lot of security and hopefully they will be able to make it a two (2) day event. Councilor Ray stated he spoke with Councilor Bencomo about doing something down town. They both have decided to do a Low Riders Night on Saturday July 8th with old style music free of charge.

6. APPROVAL OF MINUTES – May 23, 2023, Regular Meeting. Councilor Prince moved to approve the May 23, 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 – Ruben Udero spoke about his concern at this year's Blues Festival, he stated he arrived early to get a good spot in the shade. When he walked into the park, he noticed there were empty chairs under the gazebo, so he proceeded to sit on one of the chairs when an event organizer walked up to him and advised him, he could not sit under the gazebo the area was for VIPs, but he would set a chair on the outer side of the gazebo for him. Mr. Udero stated it was sunny there and he could not be in the sun. Mr. Udero did not want to argue so he proceeded to move, he stayed at the event for few hours and kept an eye on the gazebo, for the time he was there only four people sat in the VIP section. Mr. Udero felt very humiliated when the event organizer asked him if Mr. Udero would give him a check, he would be able to sit under the gazebo. Mr. Udero also had a concern about the alcohol situation, in the past there were beer gardens where you had to stay in the garden until you finished your drink, then you could return the event. He was not aware things had changed now with the park totally fenced in you could drink with in the park.

8. REPORTS:

A. Carol Ann Fugagli on New Earth Project: Composting, food waste reduction Project. Carol Ann Fugagli, Education Director for the Upper Gila Water Shed Alliance gave a power point presentation on a food waste reduction project called New Earth Project. The Alliance was one (1) of five (5) recipients in the United States and one (1) of fifteen (15) in North America to receive a Grant from the Commission of the Environmental Cooperation for the New Earth Project. The heart of the project is a certain way of composting called Johnson-Su Composters which has been around for ten (10) years invented by Dr. David Johnson and his wife Hui-Chun Su. They have spoken to them and they are very interested in the project.

B. Managers' Report: Alex Brown had no report on any of the projects. Councilor Bencomo asked Mr. Brown if he could give an update on the 32nd Street Project. Mr. Brown stated the project will be done from Swan Street to Pinos Altos. The project will start in from of Silver High School, hoping to have that part completed before school starts, then go back to Swan Street to Silver Street then from Fowler and Leslie to Pinos Altos.

9. PUBLIC HEARINGS: NONE

10. WORK SESSION AGENDA: Approval / Disapproval of Work Session Topics

A. The relationship between the Town and the business community (businesses other than those in the historic district, specifically).

B. What needs have we heard from our committees?

C. Other issues which may be introduced by the Council.

Councilor Cano stated she would like to add **Item D. Continued discussion on Town Manager search.** Mayor Ladner asked if there was any more discussion. Seeing none, Mayor Ladner asked for a motion. Councilor Cano moved to add **Item D. Continued discussion on Town Manager search.** Councilor Ray seconded the motion. Motion carried unanimously.

11. UNFINISHED BUSINESS: NONE

12. NEW BUSINESS:

A. Approve / Disapproval of a Special Dispenser Permit: for Bisbee On The Road and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for June 23, 2023, with alcohol served from 7:00 am to 9:30 pm at 601 N. Bullard Street, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave., Silver City, NM 88061. Anthony Quintana stated he was asked by the Lighted Press if he would be able to provide a Special Dispenser Permit for a music concert with the band called Bisbee On The Road at the patio area in the Hub Plaza. Mr. Quintana stated there will be fencing around the area where the alcohol is served security guards at the entry points checking ID's and wrist banding with the serving time from 7:30 pm to 9:30 pm. Councilor Ray questioned the time when alcohol will start being served. The agenda read 7:00 am, it was a typo error and was corrected to 7:00 pm. Town Attorney Jim Reynolds stated who ever made the motion would have to amend to read 7:00 pm. Councilor Ray moved to approve **a Special Dispenser Permit: for Bisbee On The Road and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for June 23, 2023, correcting with alcohol served from 7:00 pm to 9:30 pm at 601 N. Bullard Street, Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave., Silver City, NM 88061.** Councilor

Bencomo second the motion. Mayor Ladner asked if there was any discussion. Councilor Prince advised Town Attorney on the Staff Report Detective Hobbs and Code Enforcement Officer Tom Hernandez signed for Police Chief Freddy Portillo and Vicki Toney. Both Chief Portillo and Code Enforcement Officer stated it was okay. Motion carried unanimously.

B. Approval / Disapproval of RESOLUTION NO. 2023-12: A Resolution for PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM

ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION Alex Brown stated the Resolution was to accept the funding for the chip seal project that was awarded for 2024. The Department of Transportation (DOT) does require a Resolution to accept and acknowledge that the Town will be require to pay the thirty thousand eight hundred seventy-one dollars (30,871.00). Mayor Laner asked if there were any questions or comments. Councilor Prince asked Alex Brown if the Town will be giving 75% ninety-two thousand six hundred fifteen dollars (92,615.00) for in-kind services. Alex Brown stated on chip seal projects the funding the Town receives is for the tack oil and gravel and the fog seal that is used on the chip seal projects is paid out of gas tax funds than in the fall the striping project. Mayor Ladner asked for a motion. Councilor Bencomo moved to approve **RESOLUTION NO. 2023-12: A Resolution for PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED BY NEW MEXICO DEPARTMENT OF TRANSPORTATION.** Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

C. Approval / Disapproval of Notice of Intent Ordinance 1319: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING CHAPTER 50, TRAFFIC AND VEHICLES, SECTION 50-53, AMENDMENTS TO THE UNIFORM TRAFFIC ORDINANCE, SPECIFICALLY, SECTION 12-7-9, RECREATIONAL OFF-ROAD VEHICLES (ROV'S) DEFINITIONS, OF THE NEW MEXICO UNIFORM TRAFFIC CODE ADOPTED AS THE SILVER CITY TRAFFIC ORDINANCE IN SECTION 50-1 OF CHAPTER 50, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.

Councilor Ray stated when the Notice of Intense (NOI) Ordinance was first presented, Town Attorney Robert Scavron at that time asked if it could be the toughest one in the state which was done. After hearing from people that have or are planning on purchasing a side by-side RECREATIONAL OFF-ROAD VEHICLES (ROV'S) are asking if the definition of having four or more U.S. D.O.T. highway rated tires removed. In the State of New Mexico code there is no language of U.S. D.O.T. highway rated tires required. Councilor Ray stated the main reason is the cost of purchasing new. Councilor Ray moved to approve **Notice of Intent Ordinance 1319: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING CHAPTER 50, TRAFFIC AND VEHICLES, SECTION 50-53, AMENDMENTS TO THE UNIFORM TRAFFIC ORDINANCE, SPECIFICALLY, SECTION 12-7-9, RECREATIONAL OFF-ROAD VEHICLES (ROV'S) DEFINITIONS, OF THE NEW MEXICO UNIFORM TRAFFIC CODE ADOPTED AS THE SILVER CITY TRAFFIC ORDINANCE IN SECTION 50-1 OF CHAPTER 50, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.** Councilor Bencomo seconded the motion. Mayor Ladner asked if there was any discussion. Councilor Prince asked Councilor Ray it is his understanding allowing the use of non-DOT tires side-by-sides can be used on city streets and state roads? Town Attorney Jim Reynolds advised the vehicles can drive on state roads. Councilor Prince spoke with the ROV dealers that the softer tires are used for off road usage.

The concern of the softer tires, how much debris they are going to leave behind like synthetic like skid and road dust contaminants like micro plastics coming off road tires. Councilor Ray stated he did not know how much damage will be done. Town Attorney Jim Reynolds stated the Ordinance as writing state four (4) or more non-highway tires, that tracks the State Ordinance which is what the State Statute requires. This is only for in Town street use it does not apply to any jurisdiction outside the Town of Silver City. Councilor Prince asked Alex Brown what would be the types of maintenance for the wear on the streets with current DOT tires on the vehicles. Alex Brown stated did not believe the softer tires will create any additional problems it is the weight of the vehicles that cause most of the problems not the hardness of softness of the tires. Alex Brown again stated it was on City streets only, not state highways ninety (90), one eighty (180) and a portion from 32nd to Pinos Altos. New Mexico Transportation Department does allow to Lake Roberts. State Transportation Board still only require the softer tires they do not require the harder tires. Councilor Cano clarified at times you will see an OHV on State roads when they crossing directly across and if they are going to a gas station which is allowed in the Ordinance. Mayor Ladner asked if there was any other discussion. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted nay; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried three (3) ayes and one (1) with Councilor Prince voting Nay.

D. Approval / Disapproval of Notice of Intent Ordinance 1320: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING PARAGRAPH (a) (4) OF SECTION 32-2, ILLUSTRATIVE ENUMERATION OF NUISANCES, ARTICLE 1, IN GENERAL, CHAPTER 32, NUISANCES, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO. Town Attorney Jim Reynolds stated the Ordinance amends the illustration of a Nuisance in the Ordinance Code including buildings and structures that are damaged or destroyed by fire or lack adequate water and sewer services know are included as specific examples of a nuisance which will help Code Enforcement in two (2) ways, dealing with property owners trying to get them to comply showing the resident their property fit the definition of a nuisance so the resident could clean up the property. Also, it will help them in court. Mayor Ladner asked if there were any questions for Mr. Reynolds. Seeing none, Mayor Ladner asked for a motion. Councilor Ray moved to approve of Notice of Intent Ordinance 1320: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING PARAGRAPH (a) (4) OF SECTION 32-2, ILLUSTRATIVE ENUMERATION OF NUISANCES, ARTICLE 1, IN GENERAL, CHAPTER 32, NUISANCES, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO. Councilor Bencomo seconded the motion. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

E. Approval / Disapproval of Notice of Intent Ordinance 1321: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING PARAGRAPH (1) OF SECTION 6-190, ADEQUATE CARE REQUIREMENTS AND SPECIFICATIONS, ARTICLE V, MISCELLANEOUS PROHIBITIONS, CHAPTER 6, ANIMALS, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO. Town Attorney Jim Reynolds stated this is another change of definition requested by Code Enforcement. They are encountering situations where an animal, mainly dogs, are kept in an enclosure that has adequate shelter. Code Enforcement would like to change the definition of adequate shelter

because in the enclosure there is no provision for shade for the animal except of the shelter. On days of ninety (90) to one hundred (100) degree days the shelter may be made of plastic or wood, there is no relief from the heat unless there is other shade in the enclosure. Code Enforcement is asking that any enclosure where an animal is kept have adequate shade for the animal in addition to any shade provided by the shelter itself. Councilor Cano stated she was concerned about getting the word out to the public of the Ordinance change if there will be a notice in the paper or a radio ad. Mr. Reynolds stated Code Enforcement will speak with the residents first to let them know they are in violation of the Ordinance and give them time to correct the violation. Councilor Cano would still like to have some kind of notification for the public. Alex Brown asked Councilor Cano to get with him after the Ordinance passes and he would make sure to advertise in the paper, radio and Police and Fire Facebook pages to make sure we communicate with the citizens through as many ways possible. Councilor Prince stated he does not feel the Town does not have the correct mixture of communicating and causing other conflicts for residents. Mayor Ladner asked for a motion. Councilor Ray moved to approve **Notice of Intent Ordinance 1321: NOTICE OF INTENT TO ADOPT AN ORDINANCE AMENDING PARAGRAPH (1) OF SECTION 6-190, ADEQUATE CARE REQUIREMENTS AND SPECIFICATIONS, ARTICLE V, MISCELLANEOUS PROHIBITIONS, CHAPTER 6, ANIMALS, OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, NEW MEXICO.** Councilor Bencomo seconded the motion. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted nay; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried three (3) ayes and one (1) with Councilor Prince voting Nay.

F. Approval / Disapproval of BID 22/23-2 2022 Colonias Water System Improvements-300,000 Gallon Booster Tank. Alex Brown stated this bid was for a Colonias Project awarded in 2022 along with the Little Walnut project that is already complete. Being a water project, timing had to be figured out. Staff received three (3) bids for Bid#22/23-2 2022 Colonias Water System Improvements-300,000 Gallon Booster Tank. Staff recommends awarding Morrow Enterprises for the base bid and bid lot #1 in the amount of one million one hundred forty thousand three hundred eighty-eight dollars (1,140,388) plus gross receipts tax. Mr. Reynolds stated to Mayor Ladner who ever makes the motion will need to make sure to include the name of company who the bid will be awarded and the amount. Mayor Ladner asked for a motion. Councilor Cano moved to approve **BID 22/23-2 2022 Colonias Water System Improvements 300,000 Gallon Booster Tank to be awarded to Morrow Enterprises Inc. in the amount one million one hundred forty thousand three hundred eighty-eight dollars (1,140,388) with New Mexico Gross Receipts Tax.** Councilor Ray seconded the motion. Mayor Ladner asked if there were any discussion or comments. Councilor Bencomo asked Alex Brown if the Town would be getting rid of a water tank and building a new tank. Mr. Brown stated yes, currently at the Frank's Well Field there is a one hundred fifty thousand (150,000) gallon water tank and timing of the amount of water is being pumped out because there are multiple wells and water cannot be pumped out from all the wells at the same time which decreases the amount to pump into town. The new tank will give the capacity for the future to pump into town. Mayor Ladner asked for a roll call vote. Clerk Alfred Sedillo did a roll call vote. Councilor Cano voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Bencomo voted aye. Motion carried unanimously.

13. Approval / Disapproval of Closed Executive Session pursuant to NMSA 1978 Section 10-15-1(H)(2) for the Discussion of limited personnel matters which means the discussion of hiring, promotion, demotion, dismissal, assignment or resignation of or the investigation or consideration of complaints or charges against any individual public employee; Item removed from agenda by Councilor Cano.

14. ADJOURNMENT - Mayor Ladner stated this concluded the items on the agenda. Mayor Ladner asked for a motion to adjourn. Councilor Ray moved to adjourn. Councilor Bencomo seconded the motion. Motion carried unanimously. Meeting adjourned at 7:02 p.m.

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk