

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
February 14, 2023, 6:00 p.m.

Members Present:

Ken Ladner, Mayor
Lucian Farmer, Councilor District 1
Nicholas Prince, Councilor District 2 (By Phone)
Jose A. Ray, Jr., Councilor District 3
Guadalupe Cano, Councilor District 4

Others present:

Alex C. Brown, Town Manager
James Marshall, Asst. Town Manager
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Jacqui Olea, Acting Community
Development Director
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

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Prince stated he was extremely happy how everyone did at Grant County Days in Santa Fe at the State Capital by coming together as a community to be able to organize resources while we are moving to determine our new year optimistically.

Councilor Farmer stated he wanted to discuss an issue brought to his attention from some of his constituents in regards to a trail that was proposed to be built in their neighborhood and were not informed. Councilor Farmer did some research and met with Bob Shiowitz and Jacqui Olea along with some residents in the neighborhood who oppose a trail system going through their neighborhood. Councilor Farmer feels there could be better communication between Trail and Open Space Committee and the local residents. Councilor Farmer feels the area should be rezoned to Open Space and the old waterworks area needs to be improved it is a health and safety hazard. Councilor Farmer advised he is not opposed to a trail system, rezoning and better communication with residents before any progress is done.

Councilor Cano introduced K G, Jaron Lunsford and Jackson Markman from New Mexico State University who will be filming a short film here in Silver City from March 10th through March 14th and are looking for extras to be in their movie. Councilor Cano stated her and Councilor Prince attended the

Fireman's Awards and Promotions Banquet. She also attended the Territorial Charter Ball at the Murray Hotel, unfortunately when she arrived there was no assessable ramp to the Ball Room. Councilor Cano will work with Town Attorney Jim Reynolds to create an Ordinance that any event sponsored by the Town, the event must be assessable to anyone who has accessibility issues. Councilor Cano stated the 4H program is looking for donations to purchase ammunition for their rifle team. Any type of donation can be taken to the Extension office. She has received phone calls regarding Penny Park and would like to have report from Parks Department on any changes or improvements that are taking place at the Park at a Council meeting. Councilor Cano thanked the Grant County Prospectors for putting on Grant County Days. It was very beneficial for her and the Town. Councilor Cano will be working on a project with the President of Northern New Mexico University (Collage) and with the Governor as well. Councilor Cano has received several calls in regard to the homeless population. The Spin House is full and if the Gospel Mission is providing any emergency shelter for the cold weather. Councilor Cano brought up the New Mexico Local Choice Energy Bill and was very concerned with the bill, speaking to legislators from around the state that they are being told that Silver City is supporting the Local Choice Energy bill which is incorrect, a vote has not been taken and a decision has not been made whether the Council will or will not support the bill, therefore she would like to have it placed on the Town Council meeting agenda to make a decision whether to support or not support the bill.

Councilor Ray asked Alex Brown if the Trails and Open Space Committee keep him informed about the trails created at Boston Hill? Mr. Brown advised that they do, but in this case the Trails Committee presented him with the project. Mr. Brown asked for maps and details, because no work has ever been done in that area. At this time nothing has been approved for any work in the area and Jacqui Olea is in the process of designating Open Space and archeologists need to be asked to do recommend what to do with the area. Councilor Ray stated there are different trails, some abandoned and new ones started. Councilor Ray stated that in his own opinion, as he stated in a previous meeting that some students are receiving book in reference to Kamala Harris, and he feels politics have no means of being taught in schools. He will be bringing it up again at the next Town Council Meeting.

Mayor Ladner asked if there were any other Council comments, Councilor Farmer voiced for the record his support with Councilor Cano to bring the Resolution on the Local Choice Energy to a vote.

Mayor Ladner stated on Saturday February 18th there will be a community trash pickup across from Gough Park at the old bank drive up parking lot.

Councilor Ray also thanked Alex Brown for having dirt delivered to the Catholic cemetery for people to use to cover their loved one's graves.

6. APPROVAL OF MINUTES – January 24, 2023, Regular Meeting. Councilor Ray moved to approve the January 24, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded. Motion carried unanimously.

7. PUBLIC INPUT – Judy Ruebush stated she was in opposition for the trail plan. It is very dangerous, all the homes set up against the hill. The only thing that separates the hill from the home is a fence and if there are people running or riding their bicycles with their children, where are they going to park? There is no place in the neighborhood for parking. According to what she has read, there are other structures that are going to be built where people can get together and a possible outdoor movie theater. Ms. Ruebush stated there has not been any studies done on the environment and no privacy for the home owners. Ms. Ruebush was very upset that the residents were not informed of the trail plan.

Janet Wallet-Ortiz - Public Input see Exhibit A

K G. Jackson thanked Guadalupe Cano for introducing them, they are film makers from Las Cruces and are working on a Senior project doing a short film in Silvers City. They wanted to reach out to the community about how they can get everyone involved in a community event. Ms. Jackson stated she wanted to expand the data base throughout New Mexico to be extras and actors for the filming. If anyone is interested, they will be handing out cards with their contact information.

Stuart Egnal spoke in favor of the bike trail. Mr. Egnal attended a Trails and Open Space meeting this past summer advising he lived on Juniper Street and worked downtown and there is no safe place to ride your bike from Silver Heights to downtown and asked if there could be away to connect the neighborhood to other parts of the town so there would be a safe way to ride your bike and would be a big improvement for the people that want to ride their bikes to the downtown area. Mr. Egnal stated that placing a trail where an existing trail was made good sense. He also encouraged anyone to involve themselves in the planning of it and not just oppose it.

Raul Turrieta thanked Councilor Cano for inviting him to the meeting and advised he was running a campaign in regard to the Notice of Values that will be mailed out in March. Mr. Turrieta stated that there will be a code on the notice so you will be able to get it electronically. Mr. Turrieta is encouraging everyone that is able to receive them electronically to do so to save money for the taxpayers.

Cathryn Wallace read a statement for Anne Nitopi who resides at 5 Crestway Dr. in opposition of the trail could not attend the meeting and stating that no one had been no neighborhood involvement and the residents most affected were not informed. Ms. Nitopi was concerned with the environmental impact there has not been any studies done, also there is a disregard for wildlife, they will be displaced with this project. The location is a protect Mimbrenño Native American site and how do we keep it protected? What kind of quality-of-life issues might be impacted; property devaluation is a concern. Fundamental and philosophical disagreement with the Trails and Open Space Committee, giving a choice between people recreating along the North and West borders and wildlife, they choose wildlife. She does not think that connecting the upper and lower water works projects is a good idea and bringing large groups and student to the protect archeological site is a good idea it would encourage future returns and desecration of Native American artifacts.

Brian Heslin resides at 19th Street and Pope Street and is concerned with parking and quietness in the neighborhood and is opposed to the trail.

8. REPORTS:

A. Staff: NONE

B. Manager: Alex Brown stated:

- 1. Update Recreation Center** – The Construction Manager at Risk will be awarded at the next Council Meeting.
- 2. Update on Transition to City Hall Annex Building** – Waiting to see if we get the funding at the Legislative Session.
- 3. Update on current and proposed Swimming Pool** – Architects would like to start the project in early to mid-March.
- 4. Update on Scott Park Golf Course** – Not much has been happening, only when the weather is warm the course is packed with golfers.

5. Update on Little Walnut – Project has been completed and they will be using some of the ARPA funding to work on the right-of-way from where the project that was just finished all the way to the city limits sign. He is applying for a Colonias Grant for a million five (1.5) and once they acquire enough right-of-way, they will start another project. One million five (1.5) from TAP funding will also be used for the project.

6. Update on Regional Water Project – Discussed under new business item B.

7. Update on 32nd St. Project – the project will be going out for bid at the end of February and hopefully awarding in March. More schedules and time frames will be given as things start happening. Lisa Jimenez along with others are helping get the word out as far as the time tables to keep the public informed.

Alex Brown stated he met with the Fire Department about their retention ideas and have agreed on a couple of small things and will be talking with staff to go over other ideas later on. As far as the retention grant that was approved at the last meeting, he met with Chief Portillo and has come out with a process on how to get the funds to the officers.

Mayor Ladner stated he attended a meeting with Mr. Brown, Mr. Marshall and members from Freeport McMoran as well as other state officials and other Mayors who spoke about the Regional Water Plan. Mr. Brown gave a great presentation and noticed that all who were in attendance were very impressed with the presentation.

9. PUBLIC HEARINGS: Approval / Disapproval of a request for a Map Amendment/Zone Change from split-zoned Residential B-2 and Industrial to Industrial for 6 tracts of land described as: Subd: FRASER Block: 149 Lot: 2 AND:- Lot: 4 E40' SILVER STREET ADJOINING LOTS 2,4 0.218 AC & Subd: FRASER Block: 149 Lot: 6 AND:- Lot: 8 E40' SILVER STREET ADJOINING LOTS 6, 8 0.218 AC; the property is addressed as 502 N. Silver St, Silver City, New Mexico. The applicant is Richard Mata. Mayor Ladner stated "Next is agenda item 9, a Public Hearings and there is one which is the Approval / Disapproval of a request for a Map Amendment/Zone described as: Subd: FRASER Block: 149 Lot: 2 AND:-Lot: 4 E40' SILVER STREET ADJOINING LOTS 2,4 0.218 AC & Subd: FRASER Block: 149 Lot: 6 AND:- Lot: 8 E40' SILVER STREET ADJOINING LOTS 6, 8 0.218 AC; the property is addressed as 502 N. Silver St, Silver City, New Mexico." "The applicant is Richard Mata .. "

"The Town Council will serve as the Hearing Board, and I as Mayor will be the presiding officer."

"Have any members of this Hearing Board had ex parte discussions with any person regarding the subject matter of this hearing, or had any communications from any party to this case, or has a direct or indirect financial interest affected by this matter?" Council advised no.

Mayor Ladner stated, "Will all parties and witnesses intending to testify, including those staff members who intend to present testimony or who will be available for questioning, please rise to be sworn in by the Town Clerk. If you have not been sworn, you will not be permitted to testify or otherwise participate in this hearing." James Marshall and Richard Mata were sworn in by Town Clerk Alfred Sedillo.

Mayor Ladner stated, "The Hearing will be conducted as follows: The Town Staff, Mr James Marshall, shall present a brief synopsis of the matter being brought before the Council based on the application or actions taken below. Then, the Proponent or Applicant who is Mr. Richard Mata) of the Application shall present his case. Note that the Application and any written decisions rendered below are included in the record of this proceeding.

Next will come any other witnesses in support of proponent's case The proponent, staff, or witnesses may then be questioned by the Hearing Board. The Presiding Officer will then ask the proponent if that

concludes his/her case in chief, and state that the proponent and his/her witnesses shall remain available to be further questioned by the Hearing Board or by Opponents to the application.

Following the close of the Applicant's case, witnesses in opposition to the proponent's case, if any, shall be permitted to testify, during the course of which the witness may address questions to any previous witness, but such questions shall be made through the Presiding Officer. The Presiding Officer shall have the sole discretion in directing the question for response, considering whether the question is relevant, is cumulative to other testimony, or is otherwise inappropriate."

"Will the Town Staff, Mr. James Marshall, come forward and present a brief synopsis of the matter pursuant to the application." James Marshall state he has completed all the required process and notifications required by the Land Use Code along with the Citizen Participation and P & Z hearings. The addresses in question are on the presentation map and are multi zoned residential B2 and industrial. It was recommended Mr. Mata apply for the industrial because it is contiguous with other industrial zones.

Going through the presentation Mr. Marshall pointed out some photos of the property. In order to amend the zoning map it is required to find at least one (1) finding out of seven (7). Mr. Marshall stated the finding is number four (4). The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code (or it will adversely impact the public health, safety, or general welfare and will promote the original purposes of the Land Use Code) and was noticed at a Planning and Zoning Commission Meeting.

Mayor Ladner stated "Will the Applicant, Mr. Richard Mata, please come forward, and proceed to inform the Council of the substance of your Application." Mr. Mata stated he purchased the property from Twana Sparks that is adjacent to the Spin House. All he wants to do with the property is to park his equipment that he uses on a daily bases and get it zoned to industrial so there are no complaints from his neighbors that the property is residential.

Mayor Ladner stated "Does Mr. Mata have any additional witnesses (if any) who wish to testify in favor of your application?" There were none.

Mayor Ladner stated "Are there any questions for Mr. Mata, (Applicant's witnesses if any) or Mr. Marshall from the Council?" There were none.

Mayor Ladner asked for a motion? Councilor Cano move to approve a request for a **Map Amendment/Zone described as: Subd: FRASER Block: 149 Lot: 2 AND:-Lot: 4 E40' SIL VER STREET ADJOINING LOTS 2,4 0.218 AC & Subd: FRASER Block: 149 Lot: 6 AND:- Lot: 8 E40' SILVER STREET ADJOINING LOTS 6, 8 0.218 AC; the property is addressed as 502 N. Silver St, Silver City, New Mexico." "The applicant is Richard Mata." Based on the following finding:). The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code (or it will adversely impact the public health, safety, or general welfare and will promote the original purposes of the Land Use Code).** Councilor Ray seconded the motion. Mayor Ladner asked if there were any other questions or comments? Mayor Ladner asked for a Roll Call vote. 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 unanimously.

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

- A. Direction the Town Government is headed
- B. The relationship between the Town and the business community (businesses other than those in the historic district, specifically).
- C. What needs have we heard from our committees?
- D. Is there anything on the upcoming agenda that needs to be discussed?
- E. Strategies to recruit Town Management or Staff who will retire within the next several years.
- F. Other issues which may be introduced by the Council.

Mayor Ladner read the six (6) Work Session Topics and asked the Council to determine what topic they would like on the Work Session Agenda.

Councilor Cano stated she would like to discuss item C What needs have we heard from our committees? She would like to have the committee chairs give a report at a Council meeting. Mayor Ladner asked the Council if they are participating with the Committees they were assigned to?

Councilor Farmer advised it was hard for him to attend, due to the meetings are held in the afternoon when he is at work. Councilor Farmer suggested they revisit if the committees are working with the Town in general what is working, what's not a general overview with the relationship between Town Government, committees, and Town management.

Councilor Prince stated he would like to echo what Councilor Farmer had stated, as well as to review in public. Councilor Farmer stated he would like to add item G to assess the relationship between the Town Government, Town Committees and Town Management to give a forum to discuss where we are at, where are we would like to be and how do we get there.

Councilor Ray asked the Council what they thought of asking residents from the districts to come and speak to the Council to see what the Council could do for them?

Councilor Cano stated it would be hard to choose who to invite if one (1) area wanted something and was able to get it done, the other area of her district did not get what they wanted, it would cause issues. Mayor Ladner stated the committees are made up of volunteers who take time out of their lives to attend the meetings. He would like to suggest the committees take minutes of the meetings so can stay in touch with the outcome of the meetings. Councilor Cano has a concern with the committees that feel they have more authority than they do. There are decisions being made in districts that the Council does not know about that might upset the people of the district and the Council has to answer to them. Councilor Cano stated she is part of the Museum board and there has not been any meetings, so who is making decisions at the museum?

Councilor Prince stated communication and outreach has come up time and time since he has been a Councilor and feels as Councilors and Town Management and Committees towards being assessable and transparent and can access to the conversations of the meetings.

Councilor Farmer moved to approve topic G to exploring and discussing the relationship between Town Government, Town Committees and Town Administration. Councilor Cano seconded the motion. Motion passed unanimously.

11. UNFINISHED BUSINESS: NONE

12. NEW BUSINESS:

A. Approval / Disapproval of Notice of Intent Ordinance 1316: TO ADOPT AN ORDINANCE AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPHS 3.3.1 H) 2) b), c), g) AND i), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS

ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021. Councilor Cano stated that in the previous Ordinance change the Cannabis manufacture to conditional use and also the intergraded Cannabis Microbusiness both are conditional use which meant that any manufacturer would have to go through Community Development which places a lot of work on Community Development so the Ordinance will change it to “Accepted” instead of Conditional Use. The first three (3) license types did not use any extracts using volatile, solvents or super critical CO2. Now all four (4) will be allowed. Class four (4) would not be used for a long time because it is extremely expensive and there is not a market in Silver City at this time. Mayor Ladner asked if there were any questions from the Council and the public? Seeing none, Mayor Ladner asked for a motion? Councilor Cano moved to approve of **Notice of Intent Ordinance 1316: TO ADOPT AN ORDINANCE**

AMENDING APPENDIX C, LAND USE AND ZONING CODE OF 2010, ARTICLE III, DISTRICT REGULATIONS, SECTION 3.2, USE TABLE, AND SECTION 3.3, USE REGULATIONS, SUBSECTION 3.3.1, USE-SPECIFIC STANDARDS, PARAGRAPH 3.3.1 H), CANNABIS ESTABLISHMENTS, SUBPARAGRAPHS 3.3.1 H) 2) b), c), g) AND i), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, TO PROVIDE ZONING AND REGULATION OF CANNABIS

ESTABLISHMENTS PURSUANT TO THE CANNABIS REGULATION ACT OF 2021. Councilor Prince seconded the motion. Mayor Ladner asked for a Roll Call vote. 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 unanimously.

B. Approval / Disapproval of RESOLUTION 2023-05: A RESOLUTION APPROVING THE AMENDMENT TO THE JOINT POWERS AGREEMENT BY AND BETWEEN GRANT COUNTY, THE TOWN OF SILVER CITY, THE TOWN OF HURLEY, THE VILLAGE OF SANTA CLARA AND THE CITY OF BAYARD (COLLECTIVELY, THE “MEMBERS”) CONCERNING THE PAST ESTABLISHMENT AND FUTURE OPERATION OF THE GRANT COUNTY WATER COMMISSION, AND AUTHORIZING THE EXECUTION OF THE AMENDED AGREEMENT AND THE TAKING OF ACTIONS TO ENSURE THE EFFICIENT AND CONTINUED OPERATION OF THE GRANT COUNTY

WATER COMMISSION. Alex Brown gave a brief history on how the Town has gotten to this point. In 2006 all the all the members of the Grant County Water Commission got together because everyone was having water issues. That’s when the JPA was adopted so everyone could communicate. The new JPA will allow everyone to create an operational organization so they can apply for grants. Freeport McMoran has stepped up financially to help the Mining District. The preliminary engineering funding is in place, the next step is to get design money in place to start designing. The County, Bayard and Hurley have approved the JPA. Bayard received one point two million dollars (1.2) from IFC for watering their school football and baseball fields, since they placed turf on the fields, they no longer needed the funds has approved a Resolution asking the IFC to transfer the one point two million dollars (1.2) to the Regional System so engineering

can keep going. The one important thing within the JPA is all the membership costs are split equally between all residents in Grant County that will be accessing the Regional System. Another important aspect of the JPA is only Hurley, Bayard, Santa Clara and Silver City that supply water the County does not. The County is involved creating input and making decisions, but when it comes to financial issues only the communities that provide water will have a vote and it has to be unanimous. Mayor Ladner asked if there was any question from the Council? Seeing none, Mayor Ladner asked for a motion? Councilor Farmer moved to approve **RESOLUTION 2023-05: A RESOLUTION APPROVING THE AMENDMENT TO THE JOINT POWERS AGREEMENT BY AND BETWEEN GRANT COUNTY, THE TOWN OF SILVER CITY, THE TOWN OF HURLEY, THE VILLAGE OF SANTA CLARA AND THE CITY OF BAYARD (COLLECTIVELY, THE “MEMBERS”) CONCERNING THE PAST ESTABLISHMENT AND FUTURE OPERATION OF THE GRANT COUNTY WATER COMMISSION, AND AUTHORIZING THE EXECUTION OF THE AMENDED AGREEMENT AND THE TAKING OF ACTIONS TO ENSURE THE EFFICIENT AND CONTINUED OPERATION OF THE GRANT COUNTY WATER COMMISSION.**

Councilor Cano seconded the motion. Mayor Ladner asked for a Roll Call vote. 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 unanimously.

C. Reappointment to Planning and Zoning Commission Mayor Ladner stated Stan Snider had reapplied for reappointment to the Planning and Zoning Commission. Mr. Snider has been on the commission for eleven (11) months and was appointed in March of 2022 to complete the term that was vacated from a previous commission who resigned. The chair of the Planning and Zoning Commission advised him that Mr. Snider has been a great asset to the commission. Mayor Ladner stated if there are no objections, he would like to reappoint Mr. Snider to a new two (2) year term. Seeing none, Mayor Ladner appointed Stan Snider to the Planning and Zoning Commission.

13. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 7:47 p.m.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Alfred Sedillo, Town Clerk