

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
February 28, 2023, 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 Cano, Councilor District 4

Others present:

Alex C. Brown, Town Manager
Jim Reynolds, Town Attorney
Alfred Sedillo, Town Clerk
Freddie Portillo, Chief of Police
Ben Beltron, Executive Director, CATS

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 Prince motioned to remove item 11 A Resolution 2023-04 A **RESOLUTION TO SUPPORT NEW MEXICO LEGISLATIVE ACTION THAT ADVANCES AFFORDABLE CLEAN ENERGY**. There was no second. Motion died.

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Ray stated he was given a book by a resident titled Superheroes Are Everywhere a book about Vice President Kamala Harris. Councilor Ray state that in his own opinion that this is a start of people trying to indoctrinate the kids and he feels it is wrong. Councilor Ray also asked why do we segregate ourselves? Meaning, by calling ourselves African American, Mexican American and Native American, we are all Americans. Why cannot we say we are Americans of African descent. Councilor Ray stated he read where the Governor was upset about the killing of cattle, if that is the case, why is she not upset about people coming across our border bringing in drugs. Councilor Ray is reading a book titled 1984, he advised what is in that book is happening in America today and he hopes that Americans realize what we are doing to our country and that we wake up and be more humane towards one other and pray for world peace.

Councilor Prince thanked the public for their input and his fellow Councilors for their efforts in mediating community concerns toward public projects. Councilor Prince stated he has been attending the Trails and Open Space Advisory Committee meetings as an observer for the past year and was impressed with their transparency, accessibility and planning, despite the tragic loss of Martyn Pearson who was a strong voice and proponent of the work toward safe and fun trail systems. Councilor Prince stated what means of communication and informational access is expected with the content of the organizational meetings, as

he has previously expressed those notices in the paper, radio spots, press releases and posting at the hall are not enough. In August of 2022 he attended a gathering at Bear Canyon Dam where Governor Michell Lujan-Grisham spoke on the history of the dam. In August 2019 he attended a meeting with Freeport McMoran advising the attendees they would not be in our community's forever whether it is five (5) or Fifty (50) years they would be exiting. Councilor Prince stated when he sponsored the Resolution supporting the Local Choice Energy which was a legal framework that would empower local governments to authorize electrical generation and storage projects. He is looking toward developing the toolbox the Council and City Management could use to alleviate problems our communities are currently facing. Nothing more. He is looking forward to having an honest debate with the Council about our energy needs and opportunities.

Councilor Farmer touched on a personal experience about the cattle call in the Gila when he was fortunate to float the Gila River from below the Cliff Dwellings to the Gila Box. Councilor Farmer stated it was a life changing experience being off the grid. The only thing reminded him of humanity was the fact of cattle being everywhere and the smell of cow dung all along the river and where the cattle had trampled the areas along the river. Councilor Farmer feels something had to be done to remove the cattle even though it was an inhumane way of doing it.

Councilor Cano stated since she has been on the Council, she is concerned about employee morale, employee compensation and employee treatment. Although at the previous Work Session when the issue was brought up, it seemed that everything was good and there were no issues as previously thought, she was no longer going to proceed with the issues. Now, there was an eight (8) page document from the Silver City Fire Department Union that stated their experience's. While they enjoy their jobs and put the community first at all times there is need for improvement and retention of employees. The Union has given solid recommendations and steps for changing several things and she thinks some of them should be considered. Councilor Cano will be asking that the documents should be discussed at the next Work Session and hope that some of the recommendations be followed through as soon as possible. Councilor Cano thanked the Fire Fighters Union especially Engineer Ryan Griffiths for putting all the possibilities in writing to improve employee morale. Councilor Cano's stated she was called out for using the word "Movida" she used during Council Comments at the previous Council meeting. Councilor Cano clarified what the word "Movida" meant in English "Move". Councilor Cano was referring to what someone in Santa Fe had said, that the Town of Silver City was supporting Senate Bill 165 when in fact the Resolution that was created has not even been voted on either for or against.

Mayor Ladner stated that he would like to remind the public Council Comments stickily represents the opinions of the Council member making the comment and not imply any endorsement as a city policy. Mayor Ladner thanked the Council for being very involved in the daily activities in Silver City. There are Councilors that meet with members in their district and Council members that meet with people from other districts outside of their voting district along with Councilors that are involved in activities in the City. The public is very fortunate to have a Council that is so involved in City Government.

6. APPROVAL OF MINUTES – February 14, 2023, Regular Meeting. Councilor Ray moved to approve the February 14, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Farmer seconded. Motion carried unanimously.

7. PUBLIC INPUT – NONE

8. REPORTS:

A. Staff: Heidi Ogas – High Desert Humane Society – Ms. Ogas went over the 2022 Annual Animal Intake for the Town of Silver City. There were one hundred forty-seven (147) dogs impounded, ninety (90) stray dogs, one hundred sixty-nine (169) owner turn ins for a total of four hundred and eight (408) with eighty-eight (88) returned to owners. There were one hundred forty (140) cats impounded, two hundred twenty on (221) stray cats, eighty-four (84) owner turn ins for a total of four hundred forty-five (445) with sixteen (16) cats returned to owners. Society as a whole; there were three hundred ninety-nine (399) adoptions which one hundred sixty-eight were Silver City residents, two hundred six (206) were returned to owners and one thousand ninety (1090) spay and neuter assistance coupon were issued. Councilor Farmer asked if all dogs going into the shelter were finding homes? Ms. Ogas stated that not all dogs and cats are adoptable. Councilor Ray asked if there was a charge for putting the animals down? Ms. Ogas was not sure, but thought it was thirty-five dollars (35.00) if the person did not take the animal with them after it was euthanized there would be an additional charge for disposal of the animal. Councilor Cano thanked Ms. Ogas and her staff for all they do at the shelter. The second page of the report was the annual comparison which showed the numbers going up and down, some were due to Covid. Ms. Ogas stated the question had been asked what was intake between the Town and County, the both run neck and neck. Ms. Ogas stated one of the things the Society is focusing on is helping people keep their pets due to the Owner Turn in are high compared to in pounds and strays. With House Bill 57 that was passed, the State of New Mexico charges a fee for pet food labels, the fee goes into a state wide spay and neuter program where they applied for nine thousand (9,000) dollars that is used to help residents pay to get the animals spayed or neutered and if you can prove of limited income is low, the funding can be used to match the coupon and most cases it will pay one hundred percent (100%) for the spay and neuter. There also is the low-cost vaccination program on the second Saturday of the month from nine (9:00) to noon (12:00) administered by the three (3) local veterinarians who participate and only charge for the vaccine at a discount rate. A grant was received from Albertsons in the amount of five thousand dollars (5,000) for helping feed America. They will use the funds to help people in need of pet food, they provide two (2) gallon bags of dog food and one (1) quart bags of cat food to the three (3) distribution times at the commons and they also provide free straw for those who have their animals outside during the winter. Whoever adopts from them will receive a free training session through the Wilderness Kennel Club. Ms. Ogas touched on what is going on at the Thrift Store, the new Adoption Center and they will be celebrating fifty (50) years of incorporation.

B. Manager: Alex Brown stated:

1. Update Recreation Center – The Construction Manager at Risk will be presented at the March 14th Council Meeting.

2. Update on Transition to City Hall Annex Building – More information will be given once the Legislative Session is over, this is the number one (1) priority.

3. Update on current and proposed Swimming Pool – The Architecture firm will be here on March 27th and starting a steering committee.

4. Update on Scott Park Golf Course – Not a lot happening, only if there are a warm day's people are out golfing.

5. Update on Little Walnut – Starting to acquire right of ways

6. Update on Regional Water Project – The Regional Water Commission adopted the amended JPA and has sent it to DFA for approval. Time line have been setup for next steps, two hundred forty thousand (240,000) has been awarded from Federal Appropriation Ben Ray Lujan, Bayard has asked the ISC to transfer the one point three million dollars (1.3) to the Regional Water Project. A Colonias application will be done for the remainder of the design money and they are applying for Federal Appropriations from Senator Martin Heinrich's office.

7. Update on 32nd St. Project – Project is out for bid and is scheduled for the second meeting in March to award.

Mayor Ladner thanked Alex Brown for his leadership on the Regional Water Project and Freeport McMoran for their contributions.

9. PUBLIC HEARINGS: NONE

10. UNFINISHED BUSINESS: NONE

11. NEW BUSINESS:

A. Approval / Disapproval of RESOLUTION 2023-04: A RESOLUTION TO SUPPORT NEW MEXICO LEGISLATIVE ACTION THAT ADVANCES AFFORDABLE CLEAN ENERGY. Mayor Ladner stated he very concerned and felt it was not in the best interest of the Town at this time.

Councilor Cano stated that the concept of the Local Choice Energy is good and would keep PNM honest. However, the bill was poorly written and never given to the Council from the Lobbyist who wanted the Council to support the bill. Councilor Cano stated there are more questions than gives answers, there are not enough regulations in place to make a good move for New Mexico or Silver City and was sent out of Legislative Committee for a re-write to date a re-write copy has not been given to review for support. Councilor Cano voiced more concerns about the bill and what Legislators backing the bill are trying to do, that is why Councilor Cano asked for the Resolution to be placed on the agenda to vote whether or not to support the bill.

Councilor Prince voiced his concerns why they should support the bill, one being the fuel price increase and utility rate hikes coming this next December, he is concerned we do not have the tools necessary to be able to address these issues. Councilor Prince is hoping to be able to have further conversations for the needs of the community toward energy, he feels it is a valuable conversation to have. As far as the Resolution, it is not endorsing any piece of legislation, Local Choice Energy is a concept existing way beyond any legislation that exist in front of our state.

Councilor Farmer stated he did not see it is referendum on the green energy transition which is a growing movement in the nation. The concern he has was the Resolutions were being pre-passed in communities before the submission of the Bill. Councilor Farmer stated that there will be small rural communities and counties procuring energy in the open market sounds like a recipe for disaster and power generation running, managing, upkeeping solar and wind generating stations seems like a lot to place on a town and counties. The fact that it would be deregulated energy the PRC will have a short rule making period and then it would be on its own. For those reasons Councilor Farmer takes pause, but feels it will come back to the next Legislative Session and possibly the next with refinements.

Councilor Ray stated that Councilor Prince stated the project could be Federally funded, if that is the case how come we cannot get our roads repaired, purchase the hospital equipment and help fund the law enforcement? Councilor Ray stated it is better to leave well enough alone.

Mayor Ladner asked for a motion? Councilor Cano stated she would make the motion in the affirmative because that is how the Council does business, however she would be voting no. Councilor Cano continued to motion to approve **RESOLUTION 2023-04: A RESOLUTION TO SUPPORT NEW MEXICO LEGISLATIVE ACTION THAT ADVANCES AFFORDABLE CLEAN ENERGY.** Councilor Farmer seconded the motion. Mayor Ladner asked if there was any discussion? Mayor Ladner asked for a Roll Call. Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer

voted nay; Councilor Prince voted aye; Councilor Ray voted nay; and Councilor Cano voted nay. Mayor Ladner stated the motion did not pass with three (3) not supporting the Resolution and one (1) vote supporting the Resolution.

B. Approval / Disapproval of Resolution 2023-06: SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND. Alex Brown stated every year the Town is fortunate to apply for Colonias funding, this year the Town will be applying to design and reconstruct a sewer line in the San Vicente trails area just below the highway 90 bridge to identify a new path, if the lines get backed up it will take a couple of weeks to get them cleaned out. A new path has tentatively been identified that will include some right of way. The cost is in the range of two hundred fifty thousand dollars (250,000). Mayor Ladner asked if there were any questions? Councilor Prince asked if the Colonias funding requests impact the Town's credit rating? Mr. Brown explained the loan procedure and advised the loan is for twenty (20) years but normally the loan is paid in full to get rid of the loan. Mayor asked for a motion? Councilor Ray moved to approve **Resolution 2023 06: SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND.** Councilor Cano 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.

C. Approval / Disapproval of Resolution 2023-07: SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND. Alex Brown stated the application is for one point five million (1.5) dollars to continue construction on Little Walnut Road. Mayor Ladner asked if there were any other questions or comments? Mayor asked for a motion? Councilor Farmer moved to approve **Resolution 2023 07: SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND.** Councilor Prince 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.

D. Approval / Disapproval of Resolution 2023-08: SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND. Alex Brown stated this was the third application for the final design for the Grant County Regional Water Project. The Town is most likely going to be the fiscal agent for the project through construction. The Town will apply for the project and will use the Federal Appropriations from Senator Lujan's office that was awarded as the match and the loan component will ultimately be absorbed by the Regional Water Project grant. Mayor Ladner asked if there were any other questions or comments? Councilor Prince stated that water is life wanting to make sure that they are supporting the Regional Water Project. Mayor asked for a motion? Councilor Prince moved to approve **Resolution 2023 07: SUPPORTING AN APPLICATION TO NEW MEXICO FINANCE AUTHORITY UNDER THE COLONIAS INFRASTRUCTURE FUND.** 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.

12. Closed Executive Session pursuant to NMSA 1978 Section 10-15-1(A)(2) for the 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. Mayor Ladner asked for a motion to enter Closed Executive Session? Councilor Cano moved to go into **Closed Executive Session pursuant to NMSA 1978 Section 10-15-1(A)(2) for the 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;** after a five (5) minute recess. Councilor Ray seconded the motion. Mayor Ladner asked if there was any discussion? 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 unanimously. Council entered Closed Executive Session at 7:02 pm.

Council reconvened at 7:20 pm, Mayor Ladner stated that no matters other than those matters included in the motion to go into Closed Executive Session were discussed. Mayor Ladner asked that each council member affirm that statement? Mayor Ladner asked for a Roll Call vote? Town Clerk Alfred Sedillo did a roll call vote. Councilor Farmer affirmed the statement; Councilor Prince affirmed the statement; Councilor Ray affirmed the statement; and Councilor Cano affirmed the statement. Mayor Ladner stated to let the record show that all Council members affirmed the statement.

13. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 7:20 p.m.

/s/ _____
Ken Ladner, Mayor

Attest:

/s/ _____
Alfred Sedillo, Town Clerk