

**TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
May 9, 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
James Marshall, Assistant 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
Milo Lamber, Fire Chief
Jeff Fell, Assistant Fire Chief

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 – NONE

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Cano stated she wanted to remind the public about the Town Hall meeting about homelessness on Tuesday May 16th from 6:00 pm to 8:00 pm at the Grant County Veterans and Business Center. The meeting is being put on by Councilor Pro Tem, Guadalupe Cano, Grant County Commission Chairman, Chris Ponce and Grant County Treasurer, Patrick Cohn. Councilor Cano advised she is the Vice President of the Outside New Mexico Board a statewide board that puts on the Outdoor Economic Conference. This year will be their sixth (6th) year having the conference, the conference will be on October 23rd – 25th in Santa Fe, New Mexico. If anyone is interested on attending, all the information is on the website at www.outdooreconomics.com.

Councilor Ray stated he visited 6th Street School where they had a show with Folklorico dancers who put on a fantastic show. Councilor Ray asked the principal if he could do a story on the event and video tape it as well. He was advised he had to speak to the school superintendent for permission. Councilor Ray thanked the Forest Service District Ranger Elizabeth Toney, Ryan Martinez and Alex Torres along with

city workers Roman Madrid, Joseph Figueroa, Greg Escobar and Jesus Alvillar. The Forest Service donated a couple of tables that were refurbished by the city workers and placed at Noble Park.

Councilor Prince stated the past weekends have been filled to the brim with warmth, celebration and community support for Give Grandly, Tour of the Gila races and Earth Day.

Mayor Ladner thanked all who participated in Give Grandly, there were so many nonprofit groups that were supported by many members of the community. Mayor Ladner stated the number one most valuable resource in Silver City are the volunteers. With many events that go on throughout the year, most of them happen because people give their time and energy to make them happen. The City also contribute financially, but with boots on the ground it's the community volunteers making the events work. Mayor Ladner recognized the Council and New Mexico Legislators who also volunteer their time and energy.

6. APPROVAL OF MINUTES – April 25, 2023, Regular Meeting. Councilor Ray moved to approve the April 25, 2023, Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Prince seconded. Motion carried unanimously.

7. PUBLIC INPUT – Donna Stevens the Executive Director of the Upper Gila Water Shed Alliance, a water shed protection nonprofit with about three hundred (300) members made up of mostly local residents and some from out of the community. She is speaking on behalf of the members in regard to the sale of the Dorsey Springs property. Ms. Stevens stated the alliance supports the sale which has been ongoing for several years. She has toured the property along with the Forest Service and has submitted a Grant for projects on the property. The project will help keep the cattle out of Dorsey Springs and not quit half a mile of Bear Creek to improve wild life habitat, water quality, improve the Gila Water Shed and enhance the experience of both local residents and visitors to the National Forest.

Allyson Siwik, Executive Director of the Gila Resources Information Project in the Gila Conservation Coalition expressed her support for the sale of Dorsey Springs to the U S Forest Service. It is imperative to protect isolated springs for wildlife habitat. Dorsey Spring is very important because it is critical habitat for the endangered Loach Minnow. Ms. Siwik stated the Forest Service has the ability to manage Dorsey Springs as critical habitat and are committed to placing a pipe fence to keep livestock out which is the largest threat to Dorsey Springs.

8. REPORTS: Town Clerk, Alfred Sedillo reported on the Facebook Page for the Town of Silver City. Mr. Sedillo spoke with IT Director Jyrome Cook who is doing research on the page which already exists, but is unable to find who has the credentials for the page. If he is unable to locate the credentials, he will have to call Facebook and try to get permission for the page. If he is unable to, he will have to create a new page with a different name title. Mr. Cook will let me know what the result is as soon as he knows.

Code Enforcement officer Vickie Toney stated Code Enforcement is actively researching thirteen (13) properties that are under investigation and are pursuing.

Alex Brown stated they have a Code Enforcement meeting every two (2) weeks which include Code Enforcement, Fire Department, Meters and Police Department. All properties are discussed to see how they can be attached from different aspects and scheduling Town resources to help with some of the issues.

Councilor Cano thanked Code Enforcement officer Vickie Toney for attending the Council meetings after a long day of work and still attending the meeting.

Alex Brown stated there was a letter to the editor in the paper in regards to the sewer portion of the water bill in April. Every year the staff has to go through and manually calculate the average of December, January and February which the winter quarterly average for the sewer and waste water rate for the rest of the year because the system is old. The software is in the process of being updated, so after the quarterly average was calculated and billed it reverted to the default setting of six thousand (6,000) gallons which created an increase in the sewer rate. They are in the process of correcting the issue and if anyone is over charged, please let the Utility Clerks know and a credit will be applied to their bill. A test was done with the new software, but did not correct the issue. They will continue to work with the software company to get the issue corrected. Mr. Brown announced the retirement of IT Director Bob Higgins and Jyrome Cook will replacing Mr. Higgins as IT Director along with David Beam. Another individual retiring at the end of the month is Jeff Fell, Assistant Fire Chief. Mr. Fell not only is the Assistant Fire Chief, but is also the Emergency Manager not only for the Town of Silver City, but for the entire County and has gone above and beyond during Covid. Mr. Brown thanked Mr. Fell for everything he has done and he will be missed.

Councilor Cano stated Assistant Fire Chief Fell has been one of the most helpful persons, he is always willing and able to answer her questions. Councilor Cano stated he would be missed and the next person to take his place will have big shoes to fill and thanked him for all his service, not only to the community but all the other organizations he is involved with.

Councilor Prince stated it is a great loss to the community and grateful for all his years of service.

Mayor Ladner stated Mr. Fell lead the City through some very difficult times and we are better off for the things he did.

Jeff Fell stated that twenty (20) years has gone by quick and it was very fitting Rudy Bencomo attended the meeting, because he was the very first employee Mr. Bencomo hired. Serving his community has been a blessing. Growing up in the city you serve it become very personal with the thing they deal with like running calls on family and friends it places another level of commitment on the first responders put into their careers. It has been an honor serving in various capacities and will continue his career with a new job with Oklahoma State University working in a division that publishes, produces and sells training materials that Fire Service uses and looking forward to continue in a new way working with fire departments across the country with their training programs. His family is truly going to miss the area, but is excited with new challenges and adventures. Mr. Fell thanked Alex Brown, James Marshall and everyone he has worked with at the Fire Department. Aaron Seavers will be the new Assistant Fire Chief and will do a great job.

Mayor Ladner asked Mr. Brown if he had any other reports?

Alex Brown stated at this time of the year he starts talking about the budget, but since the Self Insurance has dropped the insurance, so he is in the process of looking for new liability coverage and the premium will be very high and until he receives the numbers, he will not be able to give a true General Fund Budget. By the next meeting he will bring for approval, one being the water and sewer rate increase of four (4) percent to keep up with inflation. Last year the monsoon season being so big, strong and long it cut deep into the revenues of the water and sewer plant. It is barely warming up, usually it starts warming up in April, so they have not been billing for a lot of water. They have to alleviate some of the revenue generating issues. The sanitation department is another issue, he will not propose a rate increase, but will discontinue picking up the green recycle containers. People use the thirty-five (35) gallon container, but do not get billed for it. The city still has to pay for the trash when it's taken to the landfill. There are about thirteen (13) to fifteen (15) hundred containers still out which adds up to one third (1/3) of the total accounts that are picked up. So those one third (1/3) will be paying for their appropriate share of the

landfill. Right know the other two thirds (2/3) are subsidizing them. Since the preliminary budget does not have to be approved, he will bring the increase in a form of a Resolution.

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.** Is there anything on the upcoming agenda that needs to be discussed?
- D.** Other issues which may be introduced by the Council.

Mayor Ladner asked the Council where they would like to start the conversation?

Councilor Cano stated she would like to continue the conversation about the Town Manager position and speak about the search committee, also to start working on the list of names for the job description committee.

Councilor Ray stated whoever is appointed to District One (1) position will have to bring five (5) names as Councilor Cano and himself have already done.

Councilor Cano stated Councilor Prince still had to bring his five (5) names as well.

Councilor Prince stated he is in conversations with individual to see if they will be able to be a part of the committee. Councilor Prince also would like to add item ten (10) C Is there anything on the upcoming agenda that needs to be discussed.

11. UNFINISHED BUSINESS: NONE

12. NEW BUSINESS:

A. Approval / Disapproval of RFP 22/23-5P – Audit Service: Alex Brown stated the Town received six (6) RFPs for RFP 22/23-5P Audit Services. It is staff recommendation to award the contract to Stone & McGee & Co. in Silver City. They have been doing the Town's audits for the last six (6) years. Mr. Brown advised this year's audit is late due to employee turnover and family medical issues, but for the last six (6) years they have done an excellent job. Two weeks ago, this year's audit exit conference was held and turned in, but was not approved in time for this Council meeting. It will be brought to the Council at the next Council meeting. Mayor Ladner asked if there were any questions? Seeing none, Mayor Ladner asked for a Motion? Councilor Cano moved to approve **RFP 22/23-5P – Audit Service** to Stone & McGee and Co. Councilor Ray seconded the motion. Mayor Ladner asked if there was any discussion?

Seeing none Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

B. Approval / Disapproval of ORDINANCE NO. 1318 AN ORDINANCE PERMITTING THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY, COMMONLY KNOWN AS THE “DORSEY SPRINGS” PROPERTY, TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, PURSUANT TO CHAPTER 48, SECTION 48-24 OF THE TOWN OF SILVER CITY MUNICIPAL CODE. Town Attorney Jim Reynolds stated the Council had already considered the Notice of Intent (NOI) at the last meeting which is the sale of Dorsey Springs which is under the same conditions as the sale of Allen Springs to the Forest Service. The price is sixty thousand (60,000) dollars which is the appraised price. According to reports, this has gone on for ten (10) years that the Forest Service has been interested in both forty (40) acres properties. The Forest Service is hoping to protect the Chiricahua Leopard Frog as an endangered species. The Town has not done anything with the land in decades and does not have the personal to administer the land and the Forest Service does. Mayor Ladner asked for any questions or comments? Seeing none, Mayor Ladner asked for a motion? Councilor Prince moved to approve **ORDINANCE NO. 1318 AN ORDINANCE PERMITTING THE SALE AND TRANSFER OF CERTAIN REAL PROPERTY, COMMONLY KNOWN AS THE “DORSEY SPRINGS” PROPERTY, TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE, PURSUANT TO CHAPTER 48, SECTION 48-24 OF THE TOWN OF SILVER CITY MUNICIPAL CODE.** Councilor Ray seconded the motion. Councilor Ray seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried unanimously.

C. Appointment and swearing in of Councilor District 1: Mayor Ladner stated the appointment of Councilor District one (1) will be effective from May 23, 2023 through December 31, 2023. Mayor Ladner thanked the two (20 individuals who applied for the position. He spent a lot of time reviewing the applications and speaking to the individuals and in his opinion, the person best to complete the term for the remainder of the year is Rudy Bencomo. Mayor Ladner asked if there were any objections.

Councilor Cano stated she was one of the persons who asked Mr. Bencomo to apply, and after the interviews she felt the other candidate was better at this point, but will go with what the Council decides.

Councilor Ray stated he was good with Mayor Ladner’s recommendation

Councilor Prince that with some of the qualities the Council was looking for, particularly with representation that was going to be connected to families and youth in the community he felt Hillary Treadwell-Schlamb would have been a better choice, but will honor and respect the Mayors decision and looks forward serving on the Council with all members.

Mayor Ladner pointed out there is only five and a half (5 ½) months until the General Election for Councilor District One (1) and would like to encourage the community members to think about if they would like to run for District One (1) Councilor. Filing date will be in August which does leave a lot of time put their hat into the ring.

Mayor Ladner appointed Rudy Bencomo as Councilor of District One (1) effective May 9, 2023 through December 31, 2023.

Mr. Rudy Bencomo was sworn in by Municipal Judge, Sonya D. Ruiz.

Mayor Ladner asked Councilor Bencomo to take his seat with him and the other Councilors and was welcome to speak.

Councilor Bencomo stated the view looked a lot different from where he is sitting than in the audience. Councilor Bencomo thanked Mayor Ladner and the Council for the appointment and will help to contribute in a positive way and run smoothly. Councilor Bencomo thanked the Fire Department for their quick response at the fire next to Station one (1) along with Code Enforcement and Police Department for helping the Fire Department do their job.

Mayor Ladner asked if any Councilor would like to make any comments.

Councilor Ray welcomed Councilor Bencomo.

Councilor Prince also welcomed Councilor Bencomo and looks forward serving with him.

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; Mayor Ladner asked for a motion to go into Executive Session? Councilor Cano moved to approve 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** after a five-minute recess. Councilor Bencomo seconded the motion. Mayor Ladner asked for a roll call vote. Town Clerk Alfred Sedillo did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. **Motion carried unanimously at 6:43 pm.**

Mayor Ladner called the meeting back in session at 7:17 pm stating no matters other than those matters included in the motion to go into Executive Session were discussed. Mayor Ladner asked that each Councilor affirm that statement with a roll call vote? Town Clerk Alfred Sedillo did a roll call vote. Councilor Bencomo voted aye; Councilor Prince voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. **Motion carried unanimously no matters other than those matters included in the motion to go into Executive Session were discussed.**

14. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council. Meeting adjourned at 7:18 p.m.

/s/
Ken Ladner, Mayor

Attest:

/s/
Alfred Sedillo, Town Clerk