

1. 6:00 P.M. April 26, 2022 Town Council Meeting Materials

Documents:

- 01 - 2022 04 26 AGENDA REGULAR COUNCIL.PDF
- 02 - 2022 04 12 DRAFT MINUTES REGULAR COUNCIL MEETING.PDF
- 03 - RES 2022-06 A RESOLUTION FOR ACCEPTANCE AND APPROVAL OF THE FISCAL YEAR 2021 AUDIT.PDF
- 04 - LEGAL NOTICE NOI ORDINANCE 1311.PDF
- 05 - RES 2022-07 A RESOLUTION FOR AMENDMENT TO DOT CONTRACT D19180.PDF
- 06 - 2022 04 26 LEGAL NOTICE REGULAR COUNCIL.PDF



TOWN OF SILVER CITY COUNCIL

REGULAR MEETING AGENDA

APRIL 26, 2022, 6:00 PM

GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE AND SALUTE TO THE NEW MEXICO STATE FLAG
2. CHANGES TO AGENDA
3. CEREMONIES – NONE
4. PROCLAMATIONS – NONE
5. COUNCIL COMMENTS
6. APPROVAL OF MINUTES
 - A. Regular Meeting on April 12, 2022.
7. PUBLIC INPUT -
8. REPORTS
 - A. Staff Reports:
9. PUBLIC HEARINGS - NONE
10. UNFINISHED BUSINESS –
11. NEW BUSINESS:
 - A. **Approval/ Disapproval of Resolution No. 2022-06: Acceptance and Approval of the Fiscal Year 2021 Audit.**
 - B. **Approval/ Disapproval of Recreation Center Update and approval of exploration of funding for Swimming Pool Project.**
 - C. **Approval / Disapproval of Notice of Intent - Ordinance 1311:** An Ordinance authorizing the issuance and sale of the Town’s Gross Receipts Tax Revenue Bonds, Series 2022 in one or more aggregate principal amounts not to exceed \$10,000,000 to: 1) Pay, discharge, and satisfy outstanding risk management mitigation measures, 2) fund a debt service reserve fund, and 3) pay the costs of issuance of the bonds.
 - D. **Approval/ Disapproval of Resolution No. 2022-07:** A resolution by the Town of Silver to amend the State Road Fund Cooperative Agreement, Contract Number D19180, by and between the New Mexico Department of Transportation (department) and the Town of Silver City, entered into on November 3, 2021, control number HW2M700057.
12. ADJOURNMENT

Town of Silver City Council Members

<u>Name</u>	<u>Elected Position</u>	<u>Telephone</u>	<u>Term of Office</u>
Ken Ladner	Mayor	575-534-6346	01/2022 - 12/2025
Lucian Farmer	Councilor, District 1	575-284-9293	01/2022 - 12/2023
Nicholas H. Prince	Councilor, District 2	575-242-9002	01/2022 - 12/2025
Jose A. Ray, Jr.	Councilor, District 3	575-313-4944	03/2020 - 12/2023
Guadalupe Cano	Councilor, District 4	575-590-2941	01/2022 - 12/2025

MISSION STATEMENT OF THE TOWN OF SILVER CITY

Silver City is the hub of an inclusive community settled within a small town that through guided growth, honors and preserves its historical, cultural, and natural heritage while facilitating jobs, health, and education resources such that the residents and visitors may enjoy and protect the recreational opportunities of the area and high quality of life.

Approved by the Town Council on May 25, 2010.

The Council may call an EXECUTIVE SESSION pursuant to NMSA 1978 Section 10-15-1(H) for the following reasons:

1. meetings pertaining to **issuance, suspension, renewal or revocation of a license**, except that a hearing at which evidence is offered or rebutted shall be open;
2. **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;
3. deliberations by a public body in connection with an **administrative adjudicatory proceeding**;
4. meetings for the **discussion of bargaining strategy preliminary to collective bargaining negotiations** between the policymaking body and a bargaining unit representing the employees of that policymaking body and collective bargaining sessions at which the policymaking body and the representatives of the collective bargaining unit are present;
5. that portion of meetings at which a decision concerning **purchases in an amount exceeding \$2,500 that can be made only from one source** and that portion of meetings at which the **contents of competitive sealed proposals solicited pursuant to the Procurement Code (13-1-28 NMSA 1978) are discussed during the contract negotiation process**. The actual approval of purchase of the item or final action regarding the selection of a contractor shall be made in an open meeting;
6. meetings subject to the **attorney-client privilege pertaining to threatened or pending litigation** in which the public body is or may become a participant;
7. meetings for the **discussion of the purchase, acquisition or disposal of real property or water rights** by the public body.

Note: NMSA 1978 Section 10-15-1(H) Exceptions (4) relating to students, (9) relating to public hospitals, and (10) relating to the gaming control board were not listed above since they do not apply to the Town of Silver City.

For information on what's happening in local government, please visit the Town's website at www.townofsilvercity.org.

TOWN OF SILVER CITY
REGULAR COUNCIL MEETING MINUTES
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
April 12, 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
James Marshall, Assistant Town Manager
James Reynolds, Town Attorney
Freddie Portillo, Chief of Police
Alfred Sedillo, Town Clerk
Roger Lance, Grant County Beat
Ben Beltron, Executive Director, CATS
Jordan Archunde, Silver City Daily Press
Hueteotl Lopez, Silver City Resident
Francine Miranda, Silver City Resident
Cris Uribe, Mimbres Regional Arts Council
Ronald Quintana, Q's Southern Bistro
Teresa Dahl-Bredine, Little Toad Creek
Brewery & Distillery

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 Chief of Police Freddie Portillo, the news media, guests who will be making presentations, staff and the members of the community.

2. CHANGES TO AGENDA – Councilor Cano motioned to remove item 12 Closed Executive Session Councilor Prince seconded. Motion Carried.

3. CEREMONIES – NONE

4. PROCLAMATIONS – NONE

5. COUNCIL COMMENTS – Councilor Ray thanked Peter Pena, Alex Brown and Silver City Street Department for doing Cooper Street by the Capia and cemetery all the way to the highway. Councilor Ray saw an ad on KOAT TV about Silver City and was very disappointed because they just spoke about the Arts and the Down Town area. He felt there is more to Silver City and surrounding communities than what was shown in the ad. Councilor Ray asked for prayer for Ukraine.

Councilor Prince gave his great appreciation and gratitude to the Town of Silver City staff. He also thanked the public for their input at the Public Meetings for the Recreation Center. Councilor Prince stated the shortage of housing in the community is affecting the talents of our community based on phone calls from different industries.

Councilor Farmer congratulated the organizers of the Bataan Memorial Park Committee for a job well done. Councilor Farmer echoed Councilor Prices idea of a project or scope of work for improving, upgrading and covering the current pool and would like to see something before proceeding with any Recreation Center. Councilor Farmer thanked the public for their input, emails and showing up to the public meetings.

Councilor Cano thanked everyone who attended the Town Hall Meeting as well as all the Councilors and Alex Brown. She felt there were many good ideas and misconception that were put to rest. Councilor Cano also thanked several individuals for their participation putting the meeting together, it was a great success. She also thanked Councilors Farmer and Prince for attending the Newly Elected Official Training in Santa Fe. She knows they learned a lot and have some ideas for ways to improve things which will make them a bigger asset to the community. Councilor Cano wanted to recognize Alfred Ogas who was instrumental putting the committee together for organizing the Rededication of Bataan Park it was a great event. She also wanted to recognized Ben Beltron from CATS TV who installed new cameras in the meeting room. Meeting will now be recorded in High Definition. Councilor Cano reminded the public of the Tour of the Gila coming up and to share the road safely.

Mayor Ladner advised the public on the weekend of 23rd there will be a public cleanup which coincides with Earth Day and encouraged Council, City administration and Staff to join the activities.

6. APPROVAL OF MINUTES – March 22, 2022 Regular Meeting. Councilor Farmer moved to approve the March 22, 2022 Minutes of the Regular Council Meeting of the Town of Silver City. Councilor Ray seconded. Motion carried.

7. PUBLIC INPUT – Hueteotl Lopez from the pool oversite committee advise the Council about no communication about the funding for the Recreation Center and advocating for the phase two (2) for a swimming pool to be part of phase one (1). The Committee is extending their hands out to support the project.

Francine Miranda advocated for the Recreation Center, Swimming Pool and Daycare. She feels that the community should get it all.

Cris Uribe advised the Council about the Silver City Blues Festival is back for a one (1) day event on May 28, 2022 and hoping it will continue for years to come.

8. REPORTS – Alex Brown stated that starting in July the city will be receiving one hundred (100) percent of Hold Harmless increasing the revenues. Mr. Brown continued with the Fiscal Year 2023 Preliminary Budget starting with Food Sales showing an increase of Twenty-Four-point Twenty Two percent (24.22%) increase for Fiscal Years 2018 through 2021 and are on track to see an increase to Thirty-One-point Thirty Seven percent (31.37%) for Fiscal Year 2022. Gross Receipts has increased from Fiscal Year 2018 Twenty-Five-point Twenty-Nine percent (25.29%) and if you include Hold Harmless it has increased Twenty-Nine-point Thirty Three percent (29.33%). Water had an increase in pumping of Five-point Two percent (5.2%) and for Fiscal Year 2022 it is estimated to decrease back to Fiscal Year 2018 levels. Landfill fees increased in tonnage of Eleven-point Five percent (11.5%) for Fiscal Years 2018 and 2021. In the same time frame the County had a Seventeen-percent increase. The City is on track to hit Seventeen-percent (17) for 2022. Gross Receipt Tax revenue estimated for Fiscal Year 2022 was Ten Million One Hundred Eighty-Two Thousand Eight Hundred Forty dollars (10,182,840.00) and revenue estimated for Fiscal Year 2023 is Eleven Million Six Hundred Forty-Two Thousand Three Hundred Three dollars (11,642,303.00). Lodgers Tax Fiscal Year 2019 was the Highest the city ever generated at Three Hundred Sixty-Two Thousand Eight Hundred Thirty-Five dollars (362,835.00) and for Fiscal Year 2022 the city is on track to hit Three Hundred Twenty-Nine Thousand Four Hundred Two dollars (329,402.00). Gas Tax has gone down by Twelve-point Eighty Five percent since 2018.

9. PUBLIC HEARINGS – NONE

10. UNFINISHED BUSINESS – Recreation Center - Alex brown asked if this item could be tabled for the April 26, 2022 Council Meeting. Councilor Cano motioned to table Recreation Center presentation to April 26, 2022 Town Council Meeting. Councilor Ray seconded. Motion Carried.

11. NEW BUSINESS

A. Approval / Disapproval of a Special Dispenser Permit for: Silver City Blues Festival May 28, 2022, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061. Ronald Quintana stated he met with Teresa Daul-Bredine, Cris Uribe and Alex Brown to discuss the strategic plan for the location of the Beer Garden and the placing of the security guards. The whole park will be fenced in so people are able to carry their beverages throughout the park. Mayor Ladner entertained a motion. Councilor Cano motioned to approve a Special Dispenser Permit for: Silver City Blues Festival, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro License #28098, 101 E. College Ave., Silver City, New Mexico 88061. Seconded by Councilor Farmer. 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. Motion carried.

B. Approval / Disapproval of a Special Dispenser Permit for: Silver City Blues Festival May 28, 2022, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery License #67085, 203 S. Mill Road, Silver City, New Mexico 88061. Teresa Dahl-Berdine stated she was excited the Blues Festival is returning and hoping the new model will bring more people to the event to make it a success for years to come. Mayor Ladner entertained a motion. Councilor Cano motioned to approve a Special Dispenser Permit for: Silver City Blues Festival, with alcohol served from 11:00 am to 8:30 pm at 1200 N. Pope St., Silver City, New Mexico. Liquor License Holder: 1) Little Toad Creek Brewery & Distillery License #67085, 203 S. Mill Road, Silver City, New Mexico 88061. Seconded by Councilor Prince. 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. Motion carried.

C. Approval / Disapproval of a Special Dispenser Permit and Waiver for: Tour of the Gila Hub Plaza Beer Garden and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for April 30, 2022, with alcohol served from 10:00 am to 8:00 pm at 601 N. Bullard St., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave., Silver City, New Mexico 88061. Ronald Quintana stated the new owner of the Hub Plaza (Christopher Hill) asked if he would place a Mimosa bar to serve drinks during the Tour of the Gila and into the evening. Mayor Ladner entertained a motion. Councilor Ray motioned to approve a Special Dispenser Permit and Waiver for: Tour of the Gila Hub Plaza Beer Garden and waiver of NMSA 1978 60-6B-10 for alcohol service near a church for April 30, 2022, with alcohol served from 10:00 am to 8:00 pm at 601 N. Bullard St., Silver City, New Mexico. Liquor License Holder: 1) Q's Southern Bistro, License #28098, 101 E. College Ave., Silver City, New Mexico 88061. Seconded by Councilor Farmer. 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. Motion carried.

12. ADJOURNMENT - Mayor Ladner stated this concluded the business of the Town of Silver City Town Council, and asked for a motion to adjourn. Councilor Ray made a motion to adjourn at 7:08 pm. Councilor Farmer seconded, All in favor. Mayor asked all opposed say nay, there were none opposed. Motion carried.

_____, Ken Ladner, Mayor

Attest: _____, Alfred Sedillo, Town Clerk

RESOLUTION NO. 2022-06

ACCEPTANCE AND APPROVAL OF THE FISCAL YEAR 2021 AUDIT

WHEREAS, the TOWN OF SILVER CITY is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2021; and

WHEREAS, the Town of Silver City has directed the accomplishment of the audit for Fiscal Year 2021 be completed; and

WHEREAS, this audit has been completed and presented to the Town of Silver City's Governing Body per the March 31, 2022 Letter from the Statue Auditor authorizing release of the Fiscal Year 2021 audit; and

WHEREAS, NMAC 2.2.2.10 (M) (4) provides in pertinent part that "Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing authority of the agency at a meeting held in accordance with the Open Meetings Act, if applicable;" and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Silver City Governing Body does hereby accept and approve the completed audit report and findings as indicated within this document.

ACCEPTED AND APPROVED this 26th day of April 2022 in regular session by the Town of Silver City Governing Body, at the Town of Silver City, Grant County, New Mexico.

(Seal)

Ken Ladner, Mayor

Attest:

Alfred Sedillo, Town Clerk

Legal Notice

Town of Silver City, New Mexico
Notice of Meeting, Public Hearing
and Intent to Adopt Ordinance

The Town of Silver City, New Mexico, hereby gives notice of a regular Town Council meeting for Tuesday, April 26, 2022, at 6:00 p.m., at the Grant County Administration Center, 1400 Highway 180 East, Silver City, New Mexico. At such meeting, the Town Council will consider for adoption the ordinance described below. Complete copies of the proposed ordinance are available for public inspection during the normal and regular business hours of the Town Clerk, Silver City, New Mexico.

The title of the Ordinance is:

ORDINANCE NO. 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.

The title sets forth a general summary of the subject matter contained in the Ordinance. This notice constitutes compliance with Sections 3-17-3 and 6-14-4 through 6-14-7 NMSA 1978.

Public comments will be accepted until April 26, 2022. Comments may be submitted on the Town's website, or to info@townofsilvercity.org, or by writing to the Town Council, Town of Silver City, P.O. Box 1188, Silver City, NM 88062. Copies are available at City Hall, 101 W. Broadway.

(s) Alfred Sedillo Town Clerk

April 22, 2022

RESOLUTION NO. 2022-07

A RESOLUTION BY THE TOWN OF SILVER CITY TO AMEND THE STATE ROAD FUND COOPERATIVE AGREEMENT, CONTRACT NUMBER D19180, BY AND BETWEEN THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (DEPARTMENT) AND THE TOWN OF SILVER CITY, ENTERED INTO ON NOVEMBER 3, 2021, CONTROL NUMBER HW2M700057

WHEREAS, the Department and the Town of Silver City (Public Entity) entered into an Agreement, Contract No. D19180, on November 3, 2021, hereinafter “Agreement”; and,

WHEREAS, the purpose of the Agreement is to provide State Road Funds in the amount of \$350,000 to the Public Entity for Bob White Drive south to the Town Limits to construct drainage and roadway improvement in the town limits of the Public Entity along Ridge Road (the “Project”); and,

WHEREAS, Section 19 allows for modification of the Agreement by an instrument in writing executed by the parties; and,

WHEREAS, the Department and the Public Entity want to extend the term of the Agreement to allow for Project completion; and,

WHEREAS, the parties agree to modify this Agreement as specified in the First Amendment to State Road Fund, Contract No. D19180/1, a copy of which is marked Exhibit “A”, and is attached hereto and incorporated into this Resolution by reference (“Amendment”).

NOW THEREFORE, be it resolved in the official session of the Town Council that the Town of Silver City approves the **Amendment** (Contract No. D19180/1) to the State Road Fund Cooperative Agreement, Control Number **HW2M700057**, with the New Mexico Department of Transportation for Project Funds for the year 2022 and thereafter as extended, the Project scope being for Bob White Drive south to the Town Limits to construct drainage and roadway improvement in the town limits of the Public Entity along Ridge Road, in Silver City, Grant County which is within the control of the Town of Silver City in Silver City, Grant County, New Mexico.

NOW THEREFORE, be it further resolved by the Town of Silver City that the Town Manager is authorized to do all deeds and actions necessary, including the execution of any documents, pursuant to the Agreement and Amendment thereto, and in the accomplishment of herein above.

PASSED, APPROVED AND ADOPTED by the governing body of the Town of Silver City, Grant County, New Mexico, at its regular meeting of April 26, 2022.

(Seal)

TOWN OF SILVER CITY

Ken Ladner, Mayor

Attest:

Maria C. Sublasky
Acting Town Clerk

LEGAL NOTICE

The Town of Silver City Council will hold their Regular Council Meeting scheduled for Tuesday, April 26, 2022, at 6 p.m. at the Grant County Administration Center, 1400 Hwy. 180 East, Silver City, New Mexico. The public is invited to attend. The agenda will include:

Approval of Minutes: Regular Meeting – April 12, 2022

Reports:

Unfinished Business:

New Business:

A. Approval/ Disapproval of Resolution No. 2022-06: Acceptance and Approval of the Fiscal Year 2021 Audit.

B. Approval/ Disapproval of Recreation Center Update and approval of exploration of funding for Swimming Pool Project.

C. Approval / Disapproval of Notice of Intent - Ordinance 1311: An Ordinance authorizing the issuance and sale of the Town's Gross Receipts Tax Revenue Bonds, Series 2022 in one or more aggregate principal amounts not to exceed \$10,000,000 to: 1) Pay, discharge, and satisfy outstanding risk management mitigation measures, 2) fund a debt service reserve fund, and 3) pay the costs of issuance of the bonds.

D. Approval/ Disapproval of Resolution No. 2022-07: A resolution by the Town of Silver to amend the State Road Fund Cooperative Agreement, Contract Number D19180, by and between the New Mexico Department of Transportation (department) and the Town of Silver City, entered into on November 3, 2021, control number HW2M700057.

12. ADJOURNMENT

Agendas are available prior to the meeting and may be obtained at City Hall, 101 W. Broadway and City Hall Annex, 1203 North Hudson, or on the Town's website, www.townofsilvercity.org. If you have any questions regarding the public hearing, you may contact the Town Clerk at City Hall, 101 W. Broadway or call 534-6346. If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid service to attend or participate in the hearing or meeting, contact the Town Clerk at 534-6346 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact The Town Clerk if summary or other type of accessible format is needed.