

residents not to protest the project and consider the greater good and safety of the community. Councilor May responded by saying that he did not think it would affect the project at all; the Highway Department just needs to look at redesigning that intersection, the money and project were already committed. Councilor Ward stated that the Town had already been told by the Highway Department that the project would be canceled if there were too much protest.

REPORTS—Town Manager

Fire Chief Rudy Bencomo asked for feed back from the Council on fire restrictions and the recent rainfall. Chief Bencomo asked for consensus from the Council to lift the ordinance declaring a state of emergency because the Forest Service had upgraded the fire restriction from stage two to stage one. He felt very comfortable lifting the restrictions and informed the Council that the weather forecast is for more monsoon rainfall. Mayor Marshall stated the Town needs to stay consistent with the rest of the State. The Council consented to lift the restrictions and stay consistent with the State. Councilor Nupp commented that the 4th of July fire works distributors, except for one, assisted the Town with the restrictions. Councilor Nupp asked Town Attorney Robert Scavron to research whether or not the Town could declare a total ban on the ignition and sale of fireworks due to extreme conditions if necessary. Attorney Scavron responded by saying that last year the New Mexico Municipal League (NMML) had listed this issue as one of its highest priorities at the legislative session. He stated that NMML expressed the importance of giving municipalities the power to find a balance for the business interest of the distributors and the Town's duty to protect its' citizens and property. He stated that the legislation failed and that our Senator and Representatives need to lead in support when the attempt is made to move for a total ban.

Briefing on San Vicente Heritage Project (Charlie Dean, Peter Russell) - Peter Russell reported that the project was developed more than a year ago to address the blight conditions at the end of Bullard Street through a Community Development Block Grant (CDBG). Manager Brown stated that this was just a report and no action was requested. Charlie Dean stated that the area could be qualified as a Heritage District, that there was citizen participation in the project and that the report stated that the master plan is for a sustainable economic, cultural and environmental future. Mr. Dean stated that the New Mexico MainStreet has allocated money from MainStreet Communities to complete these metropolitan re-development plans. Mr. Dean also stated it would be challenging and take some creativity. Councilor May inquired about the underground pollution and trash deposits and expressed his concern about the liability falling on the Town that belongs to private owners. Councilor May also stated that this kind of funding is limited and asked if there was a match for the Town. Mr. Dean responded that the project would be phased. Councilor Ward thanked Mr. Dean for his presentation, and asked what the match would be for the Town on the grant. Mr. Dean responded if required, the standard five percent. Councilor Nupp inquired about the legality issues. Councilor Clauss also thanked Mr. Dean for his presentation.

APPROVAL OF MINUTES—June 27, 2006, Regular Meeting- Councilor Clauss made a motion to approve the minutes with a typo correction on the word “manager” on page one. Councilor Ward seconded the motion; all were in favor and the motion passed.

Recycling Contract- Manger Brown stated that he met with Southwest Solid Waste Authority (SWSWA) General Manager, Kariann Sokulsky to negotiate the renewal of the recycling contract. He stated there was discussion about the need to include the indemnification clause and the fact that both entities have the same insurance company. Councilor May stated he would be reluctant to approve the contract without the Indemnification Clause. Attorney Scavron stated that if an accident occurred the Town could be subject to a lawsuit without the indemnification clause and that the SWSWA absolutely could not demand an indemnification from the Town. The question was if the Town could demand indemnification from

the SWSWA. Mayor Marshall entertained a motion to postpone action on the Recycling Contract until the contract could be edited and cleaned up. Mayor Marshall commended Mr. Timme for all his work in getting information on the questions asked through e-mail. Councilor Clauss made the motion to postpone action and Councilor May seconded the motion with and added the \$175,020.00 contract option. Motion passed. Councilor May thanked the Recycling Committee for their work.

Resolution 2006-28 In Support of Corre Caminos Transit to Apply for Federal Funding- Thomas Ogas, Director of Corre Caminos presented the Resolution and explained the need for it. Councilor May made the motion to approve Resolution 2006-28. Councilor Ward seconded the motion with a correction to the word “support” on the second section. All were in favor, motion passed.

Downtown Paving Project- Manager Brown stated that the project entailed milling and overlaying Bullard Street from College Avenue to San Vicente Street and Broadway, from Cooper Street down to Bullard. Manager Brown stated that the project is funded through legislative allocation and that Cutler Construction Company could be here in September to start the project. He stated that incorrect information of the project was released earlier as to what the Town would be doing in the downtown area. Numerous business owners, Mr. Chris Raphael of Workshop of Carneros, Mr. Shevik of Shevik and Mi, Mr. O’Keefe of O’Keefe’s Bookshop, Mr. Conner of Conner Fine Jewelers, Mr. Mitch Hellman of Alotta Gelato and Gregory of Star Mountain Trading, expressed their opposition of the project; stating that other streets were in worse condition and that their sales had been down due to the construction on Pope Street and College Avenue. The business owners expressed their need for accurate updates on the project. Councilor Ward responded by thanking Gregory for his comments and stated that the Town is working with the Daily Press to get the information published on a weekly basis. Manager Brown stated that the Town has tried to work around various obstacles, but it has not always worked well due to uncontrollable obstacles such as weather.

GATA Appointments- Mayor Marshall stated he would like to appoint Councilor May with the consensus of the Council. There were no objections, Councilor May was appointed.

Main Street Economic Development Funding Request –Mike Morones, President of Silver City MainStreet, gave the following report. He stated that the project started in 1985 and is now 21 years old. He explained that they focus on community economic development and preservation and use of assets. Mr. Morones stated that MainStreet also included the promotion of downtown and infrastructure improvements. Mr. Morones commented on Governor Richardson’s statement on how this project was one of the best in the state. Mr. Morones reported that the MainStreet Project also gave weekly updates of the progress on projects to all the downtown merchants and property owners. Mr. Morones reported that Main Street is proposing a contract for Fiscal Year 06/07 in the amount of \$25,000.00 for economic development and stated that a vibrant downtown is important and provides a sense of pride for the whole community. Councilor May asked Mr. Morones where MainStreet was during the construction of Pope Street. MainStreet Manager, Frank Milan responded that MainStreet encouraged people to support businesses during the construction in the form of newsletters. Mayor Marshall stated that he spoke to the Chamber and suggested using the marquee to promote the parking area for access to the downtown. Mr. Morones stated that he wished they had thought of it earlier and stated that unfortunately they had focused on the street light project. Councilor Nupp stated that Councilor May and Mayor Marshall had a good point and asked if MainStreet would consider acting as liaison between the Town and the merchants as part of MainStreet’s regular duties. He also asked about the downtown lights being on during the day. Mr. Milan responded that they could include that in the Professional Services Contract and would certainly accept it as part of the responsibilities and expressed how important communication is. Mr. Milan stated that the sensor had been sprayed, which resulted on the lights staying on. He said that maintenance had cleaned the sensor and gave some maintenance recommendations to the Town. Councilor Ward asked Mr. Milan if, with the recent light project, had the communication with the

downtown merchants helped his reputation and had he seen a change in attitude with the downtown merchants. Mr. Milan responded that merchants were very supportive of the project and of the way they have communicated with them about the project. Mayor Marshall questioned Mr. Milan about the main functions of MainStreet. Mr. Milan responded that the main functions were downtown revitalization, and focusing on promotion, design, organization and economic development. Mayor Marshall stated that the contract had a two-part approach: acquiring funds for capital improvements and being a liaison for other downtown projects in the area. Mr. Milan responded that his understanding was to be a liaison for the projects that they were directly involved in and was not asked up until this time to be a liaison for other construction projects. Attorney Scavron offered some language that would fit into Appendix A of the contract. Councilor Ward made a motion to approve the Professional Services Agreement for MainStreet with the addition of item number four and Appendix A to provide liaison with the wording that Attorney Scavron had given. Councilor Clauss seconded the motion and also thanked Mr. Milan for a great job on the streetlights, volunteering to help with acting as liaison downtown and for the work with the maintenance of the lights. All were in favor, motion passed.

ADJOURNMENT—Councilor Clauss made a motion to adjourn the meeting, Councilor May seconded the motion, all were in favor, motion passed

The regular meeting adjourned at 9:45 p.m.

James R. Marshall, Mayor

Attest:

Patricia Pino, Acting Town Clerk