

Mayor Marshall confirmed the improvement due to four way stop signs, and then discussed his recent visit to Nuevo Casas Grandes in Mexico. He had a grand tour and said their museum was truly beautiful. Mayor Marshall said that next week he would attend a mining community summit covering how communities can manage the ebb and flow inherent in the mining industry economics.

CHANGES TO THE AGENDA – A request was made to move the “Approval of Minutes” from its current place later in the meeting to just after “Changes to the Agenda”, to which the Council all agreed.

APPROVAL OF MINUTES – September 11, 2006, Regular Meeting – Councilor May asked that a clarification be made to his comments on the waste water aerator on Sept 11, a motion was made to approve the September 11, 2006 minutes considering Councilor May’s request; all were in favor, none opposed, and the motion passed.

REPORTS – Randy Villa updated the council on La Capilla. He said 80% of the trails were complete, plans existed for a multicultural center, and he thanked the Town staff for their hard work. The Mayor asked for more planning on trails, to which Mr. Villa agreed and said that better planning in all aspects was their priority. Manager Brown added that of the 11 Arts Council exhibits, 3 were at La Capilla, one remaining there for up to a year. Councilor Nupp suggested composting toilets in the La Capilla area would be an asset.

David Gershenson of the Library Foundation announced a wonderful gift of 10,000 to 14,000 books from Joseph and Dotty Hodges who were present, some for research only, some for lending, and some duplicates were saleable. The Hodges received a standing ovation.

Roy Prasad, a vice president from Teleperformance in Salt Lake City, Utah, provided an overview of their part in SR Teleperformance, the second largest such organization on the planet, and fourth largest company on the French Stock Exchange. The 13 year history was reviewed, and what attracted them to Silver City. Silver City provided an existing infrastructure, a college and labor force. However this was not without the challenges of overcoming the STREAM scenario, recruiting, work ethics and rumors. He laid to rest rumors about paychecks and building leases, and presented company hiring plans for Silver City as well as improved benefits and other incentives. Councilor Ward thanked the many people who had helped put the meetings with Teleperformance together, and Manager Brown said that the gross receipts tax increase alone had been of the order of some \$300,000.

Manager Brown presented the old hospital status report. The pre cleanup conference was scheduled for Oct 9 with work starting Oct 16 to be finished by early December. Bid opening for the demolition phase was this coming Thursday at 3pm. Councilor May asked if the engineers had ensured bidders fully understood the scope of the work to which Manager Brown responded affirmatively and that as a result the bid had been rewritten. A short discussion on rock crushing and hammering ensued.

PUBLIC HEARING – Ordinance 1123 relating to ZC 06-6 map amendment/zone change from commercial to residential-B, at 1011 N. Bennett St, lots 1, 3, and 5, Block 212 Section 3 Frazer Addition, applicant Ernesto Triviso. The Mayor read the protocol and asked if any councilors had had any ex-parte discussions in the matter, none had. The mayor asked that those intending to testify be sworn in, Ernesto Triviso, Jenny Crisle, and Alexandra Maestas were sworn in by Clerk Wheaton-Smith. The mayor completed reading the protocol. Alexandra Maestas of Town Staff, read the background document, and reviewed background material and the process, with staff recommendation for approval. A short discussion followed on apparent piecemeal approaches. Mayor Marshall added a desired condition of requiring a sewer tap, Councilor Nupp expressed concern over the roof of a building in the request at hand, with Attorney Scavron clarifying the scope of the discussions. The proponent when given the opportunity to speak deferred to Town Staff. There were no opponents. Councilor Clauss moved to adopt ordinance 1123 with conditions that each structure have their own water and sewer hookup, meters not to be in a driveway, a moving permit be obtained before moving any related mobile home, and amending the finding that this adoption would not affect related goals and policies. Councilor May seconded that motion, there was no discussion. A roll call was held with Councilors Ward, Nupp, Clauss, and May voting in favor, none opposed, the motion passed, the ordinance was adopted.

PUBLIC HEARING – Appeal AP 06-1 of community Development Director’s interpretation of sections 151.108(A), and 151.108(B) of the Land Use Code regarding a proposed porch at 1107 and 1111 N. Hudson, lots 5 and 7 block 228 Frazer addition, applicant Ernest Terrazas Jr. The Mayor read the protocol and asked if any councilors had had any ex-parte discussions in the matter. Councilor Ward stated that she had a discussion with a bank official but believed the discussion to have been far removed from the matter at hand. The mayor asked if the balance of the Council believed that that discussion should disqualify Councilor Ward, the unanimous response was that it did not. The mayor asked that those intending to testify be sworn in, Sean Ormand, Ernie Terrazas, and Alexandra Maestas were sworn in by Clerk Wheaton-Smith. The Mayor completed reading the protocol. Alexandra Maestas of Town Staff, started to read the background document, however all Council members had read it, and Mr. Terrazas acknowledged its receipt, thus the process moved to asking questions. There was a discussion as to what the issues under appeal were. After questions and answers on the issues under appeal, the appellant Mr. Terrazas presented his case. The appellant believed that applying for a variance was inappropriate since he believed he met the conditions regarding pre-existing encroachments. He was appealing the Community Development Director’s interpretation, and discussions focused on that interpretation. Sean Ormand testified by saying that Community Development Director Russell’s interpretation was counter to that which the Town was trying to achieve, and that interpretations should be made liberally. Mayor Marshall established that the appellant’s case was complete, and asked if there were any opponents to the appeal, there were none. Councilor Clauss made a motion to go into closed session in accordance with 78 NMSA 10-15-1 H3, limited to discussions, deliberations, or seeking advice from counsel. Councilor Ward seconded the motion, a roll call established that Councilors Ward, Nupp, Clauss, and May voted in favor, none opposed, the motion passed, and closed session began at 9:17pm. At 9:34 pm the open session resumed with Mayor Marshall stating that discussions were limited to those in the motion for the closed session, and no decisions were made. Mayor Marshall asked if the board was prepared to decide, Councilor Clauss then made a motion to approve the instant appeal, to which Councilor May seconded the motion. A clarification on what a yes and no vote meant was sought, the response was that a yes vote would overturn the Director’s interpretation; a no vote would let the Director’s interpretation stand. Councilor May stated he would vote positively, thus to overturn the Director’s interpretation because there was an existing encroachment, and there was a need for a case by case review regarding old buildings. A vote was called for with Councilors Ward, Nupp, and Clauss voting no, Councilor May voting yes. The appeal was thus denied.

RESOLUTION NO: 2006-13 drug and alcohol policy of the Town of Silver City. After a short presentation by staff, Councilor May asked how much alcohol was too much, for example the 0.04 limit and cough syrup. Councilor Nupp asked about pages 80, 82, 84, and 88 and the rationale for key program elements was discussed. Councilor Clauss was assured that there would be meetings with employees at which point he moved to adopt the resolution with the condition that one measurement be double checked, Councilor May seconded, a vote was held which was unanimous. Resolution 2006-13 was thus adopted.

RESOLUTION NO: 2006-41 authorizing individuals to represent the town regarding special appropriations project 06-0169-stb wastewater treatment plant improve (\$225,000). After a short discussion about the resolution, Councilor Clauss moved to adopt the resolution, Councilor Ward seconded, a vote was held which was unanimous. Resolution 2006-41 was thus adopted.

DESTRUCTION OF RECORDS – Destruction of records – 27 boxes Municipal Court records, and Destruction of records – 55 boxes voucher payment registers. Councilors suggested voting on both destruction requests. Clerk Wheaton-Smith clarified what was proposed for destruction and how the state’s process was being complied with. Councilor Clauss moved to approve the destruction, Councilor Ward seconded, the vote was unanimous, and the motion passed authorizing the destruction of the records.

RESOLUTION NO: 2006-42 Supporting Silver City Mainstreet in applying for Mainstreet construction grant funds. Frank Milan presented the resolution’s background, Councilor May asked if property appraisals had been performed, to which Frank Milan replied no, adding that there was no town match, and the Town of Silver City was not being obligated. Councilor May moved to adopt the resolution, Councilor Clauss seconded, there was no additional discussion. A vote was held which was unanimous. Resolution 2006-42 was thus adopted.

Appointment of P&Z member to the commission. Mayor Marshall was asked to delay this appointment until the next meeting to which he and the balance of the council agreed. The P&Z appointment was thus deferred.

ADJOURNMENT – Councilor Clauss made a motion to adjourn the meeting, seconded by Councilor May, all were in favor, and the motion passed. The regular meeting adjourned at 10:09 p.m.

James R. Marshall, Mayor

Attest:

Simon Wheaton-Smith, Town Clerk