

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
August 14, 2007 – 7:00 p.m.**

Present: James R. Marshall, Mayor
A. Judith Ward, District 1
Thomas Nupp, District 2
Simon Wheaton-Smith, District 3
Steve May, District 4

Also Present: Alex C. Brown, Town Manager-Finance Director
Yolanda C. Holguin, Acting Town Clerk
Robert Scavron, Town Attorney
Peter Russell, Community Development Director

CALL TO ORDER / PLEDGE OF ALLEGIANCE - Mayor Marshall called the meeting to order at 7:04 p.m.

CEREMONIES – Presentation of Certificates of Appreciation to the WNMU Football Team – Mayor Marshall asked if any members of the team were present. There were none present. He stated that the team would be presented certificates of appreciation for relocating 10 tons of books of the Joe Hodges Book Donation.

PROCLAMATIONS – Mayor Marshall declared August 12-18, 2007 as “Silver City Little League Girls’ Softball 9-10 Year Old Week” and presented the team and coaches with the proclamation.

PUBLIC INPUT – Paula Beckner, owner of the Restless Natives Skate Shop, stated she was in favor of the land exchange proposed by Notice of Intent Ordinance No. 1136.

Faye McCalmont, Director of the Arts Council and Nicole Robbins, Director of the Chamber of Commerce urged the Council to consider planning for a permanent festival site in the future. She stated that large events like the Blues Festival require turning Gough Park into festival grounds. She stated that they have reached their capacity and that a permanent festival site would serve for all events, like the Powwow, Copper Country Cruizers, Gem and Mineral Show, etc. She stated that the Arts Council is looking into bringing new events and that the park is an ideal location because it is close to downtown. She also expressed the concern of there not being enough motel rooms. She discussed an outside site with covered areas for equipment and for inclement weather.

Manager Brown stated that he spoke with Ms. McCalmont about forming a committee to look at possible opportunities to develop a festival site so that a recommendation could be made to the Council. He stated that this would be a lengthy project to include recruiting motels. He talked about the baseball teams having to go to Deming for motel services. Councilor May stated that there has to be a good number of events for these motels. Mayor Marshall stated that this is economic development and asked that a resolution be drafted to form an advisory committee and solicit county participation.

Ms. Robbins stated that she has investigated Western Fairs, Wild West Days that provided for attendance up to 10,000 people and 200 vendors. She has had numerous requests for Cowboy Poetry and talked about its’ popularity all around the world.

Emily Roybal, a retired teacher, expressed the pleasure she had while walking on the San Vicente Creek Trail. She stated that she has lived here all of her life and never knew about the trail. She stated it was a wonderful place and it needs to be advertised more.

Melvin Gelb from the Public Health Department talked about the trail and stated that a brochure has been developed on Great Places to Walk in Grant County. He invited the Council to a trail walk on Saturday, August 18, 2007.

COUNCIL COMMENTS – Councilor Ward stated that she had followed the new garbage trucks. She spoke with one of the drivers. The driver stated that some residents were not placing their containers properly; and that he was happy with the new truck and containers. Councilor Ward encouraged the public to place their containers in the proper place.

Councilor Nupp stated that he was disappointed that the WNMU Team could not attend the meeting. He stated that the team worked hard moving the ten tons of books and was grateful for their volunteer help. He stated that there have been four confirmed cases of West Nile Virus in the state; none have resulted in fatalities. He asked everyone to check their yards for standing water. He talked about the increase of building permit fees in the future. He said that the State is going to require that all building inspections be done either by the State or by the community, but if the community does it they will have to do all of it. He stated that the Town would have to consider raising the building permit fees a small amount in order to hire two more employees as inspectors: one in the plumbing trade and another in the electrical trade. Councilor Nupp stated that the building permit fees will be a future agenda item and he asked for citizens and home owner associations to offer input on the subject.

Councilor Wheaton-Smith asked how the Library Catalogue was coming along. Manager Brown stated that the contractor did a schematic on the network, purchased the hard drive, and was still working on it. Councilor Wheaton-Smith stated that he had heard only positive things about the San Vicente Greenway. He stated that he had met with youth at the skate park and at the skate shop. He reinforced the state law reference the use of helmets for skate boarders. He stated that he had two neighborhood meetings. He advised the Council about the Copper Country Cruizers event this weekend at Gough Park.

Councilor May thanked Peter Pena and the Public Works Department for the great work done on the west side of the Penny Park leading up to the skate park; this work will help prevent mud bogs. He asked if standing water was being tested by Vector Control. Manager Brown stated it was being tested for larvae, and no cases have been reported. Councilor May thanked his neighborhood, the North Loop area, for reinstating the neighborhood watch program. He voiced his concern on people parking on the wrong side of the road and cars straddling the sidewalk. He stated that getting information to educate the public on the correct way to park, maybe with flyers, would be a good way to start. Manager Brown said that he had talked with Public Works about working in sections to replace street signs; stop and yield signs are replaced immediately. Councilor May asked Manager Brown to consider a Joint Powers Agreement with FISSCH (Friends Interested in Swimming in Silver City a Heck-of-a-lot) or the school to keep the pool opened longer. Peter Pena, Public Works Director, stated that the pool attendance had been low all summer. He said that they have worked with FISSCH, the water was beautiful, and the cost to get in is low.

Mayor Marshall stated that the swimming pool was a good topic for district meetings to find out why the pool was not being utilized by youth and adults. He talked about a meeting he had with Frank Kenney and Councilor Wheaton-Smith reference utilizing the Senior Center and La Capilla Park, and the new cook at the Senior Center. He notified the Council that he had appointed Nicole Robbins of the Chamber as the movie liaison. He addressed the parking issue and stated that the police were going to enforce the law; he suggested putting a reminder in the Town's Tuesday article. He talked about the increase of aggressive drivers and the scheduled meeting he has with Chief Reynolds to address this issue; and stated that we all have to be responsible citizens and curtail our urges for speed. He talked with some citizens from the Silver City Walkability (and Accessibility) Advisory Group (WAG) reference their concern for pedestrian safety and the safe routes to school. He stated that traffic has increased and how dangerous it has become. He stated that this issue does effect economic development. He talked about his discussion with Mike Morones of the MainStreet Project and Mark Valenzuela of NM Finance Authority in reference to options for the Silco Theater. The Mayor said that the theater was still under lease and he would like to see it be a stand-alone operation; if they can sustain it; and that he would like to see the Town take ownership of it. They have done a lot of work on the theater and have made a venue for downtown. He welcomed citizens to talk with him on Friday mornings at the Javalina Coffee Shop.

CHANGES TO THE AGENDA – None.

APPROVAL OF MINUTES – July 24, 2007 Regular Council Meeting. Councilor May moved to approve the minutes with one correction on Page 3 under Unfinished Business. The acting town clerk noted the correction. Councilor Nupp seconded the motion as corrected, all were in favor, motion passed.

REPORTS –Report from the President of the Public Library Foundation: update and status report, and plans for the future – David Gershenson, President, introduced members of the audience who were members of the Library Foundation Board. He stated that 17,536 books were in the Joe Hodges Collection. He discussed the three criteria that each book could be placed in and the number of jewels found in the donation: like a First Edition of “Tarzan”, written by Edgar Rice Burroughs. He talked about the value of the books and stated that the total value of the books was \$175,000. He asked for the Council’s direction in reference to the construction and location of the new library and gave a brief history of the current library building and staff needs.

The discussion continued on the possible sites for the Library and that the Manager would have a presentation ready for the Council in September. Councilor May stated that we also need a new Town Hall but everything takes money and not everyone will be happy. Councilor Ward asked if the Old Hillcrest site was still the Foundation’s favorite site. Mr. Gershenson stated that it was and it would be a great site. He said that they were team players and would need to do long range funding. He asked for direction from the Council and stated they would assist the Council in moving the project forward.

Manager Brown requested that the Mayor write a letter to the Department of Transportation to change the speed limit by the crosswalk in front of the post office. Councilor May voiced his concerns of the pedestrian crossing and Mayor Marshall said he would be glad to sign a letter.

PUBLIC HEARINGS – None.

UNFINISHED BUSINESS – Bid 06/07-15: Homeowner Rehabilitation House by House Program Manager Brown explained the one bid received from G & J Construction of Anthony, NM for the two homes on Brewer Hill; Home A for \$47,221.16 includes GRT and Home B for \$28,274 includes GRT, and that a copy of the work that will be done to the homes was attached. Mayor Marshall said that local contractors were not bidding on these jobs. Mike Eley, Planner, with the Community Development Department stated that advertisements were done locally, letters were sent to a list of contractors and that there was not enough money in these projects for them to get involved. Councilor Ward made a motion to approve Bid 06/07-15 Homeowner Rehabilitation House by House Program for the amounts stated to G & J Construction of Anthony, NM. Councilor Wheaton-Smith seconded the motion, all were in favor, motion passed.

NEW BUSINESS – Notice of Intent to Adopt Ordinance 1136, an Ordinance Authorizing the Private Exchange of Properties Owned by the Town of Silver City for Properties Owned by L&R Partnership and by J.C. Robinson and Thomas Livermore - Peter Russell, Community Development Director, presented a power point presentation on the land intended to be exchanged. He gave a brief description of the area and agencies and owners involved. He stated that Western Bank had approached the Town and proposed a three-way land exchange; he explained the exchange and showed a survey of the area and a drawing of how the land would look. He stated that a field visit clarified a lot of concerns of all involved. He stated that appraisals are comparable. He read the staff report indicating the benefits and the complications. He stated that the exchange was equivalent in value and would advance the recreation and education activities.

Mr. Russell addressed Councilor May’s question in reference to the turn around approving the exchange. He stated that the field visit addressed a lot of questions and concerns. Councilor May stated that he believed that the \$50,000 that Western Bank will donate should come to the Town for maintenance of the park.

Mr. Robinson stated that he and Mr. Livermore would never sever Lot 16 from the swimming pool property because it allows them access through Santa Rita Street.

Michael Martin, CEO of Western Bank, expressed their support of the project, how it would benefit all involved, and how they would be willing to help expedite the building of the skate park.

Councilor Nupp addressed the sound wall concerning Stone McGee. Mr. Russell stated that he did not believe there would be any engineering problems constructing a sound wall and that Stone McGee withdrew their opposition to the project.

Mattie Eagle, Director of Gila Institute for Tots to Teens (GIFTT), addressed the old swimming pool, the remains of the concrete wall, and the drainage issue. She stated that the Request for Proposal (RFP) was for a 15,000 to 20,000 square feet skate park. She explained how the \$50,000 Western Bank donation would assist in the maintenance of the park. She requested that the Council hold a special meeting to approve the ordinance due to the time frame, an in-kind donation to remove the slab, and to relocate the skate park for skaters during the construction period. She thanked the Public Works Department for their assistance on maintaining Santa Rita Street. She expressed the importance of keeping on schedule and that fencing at the park was included on the RFP.

The discussion continued on the ownership, maintenance, and the constructing and building of the skate park. Councilor Ward stated that she believed the Old Long John Silver would not be feasible for a temporary park. Ms. Eagle stated that they have a little over \$600,000 of funding for the skate park.

Ms. Paula Beckner of the Restless Natives Skate Shop stated that the youth were in favor of the land exchange; that everyone involved would benefit. She hoped that the park would be promoted to bring in events. She stated that the kids were encouraged to take ownership of the park.

Mayor Marshall suggested that the \$50,000 donation be removed from the ordinance. Councilor May stated again that the \$50,000 should go to the Town for maintenance and insurance. Councilor Wheaton-Smith made a motion to approve the Notice of Intent to Adopt Ordinance No. 1136 as presented removing the Whereas of the \$50,000 donation and #1 reference to the donation after the Now, Therefore, ... and recommended the special session. Councilor Nupp seconded the motion. Mr. Russell informed the Council of a slight discrepancy on the acreage. Councilor Wheaton-Smith thanked the Restless Natives Skate Shop for working with the skaters and thanked Ms. Eagle for her work. Councilor May stated that the Council answers to the taxpayers. All were in favor, motion passed.

Councilor Wheaton-Smith made a motion to recess at 8:53 p.m.. Councilor May seconded the motion, all were in favor, motion passed. The meeting was called back to order at 9:17 p.m..

Resolution 2007-23: Ratifying a certain Agreement between the Town of Silver City and the Southwest New Mexico Council of Governments (SWNMCOG) – Manager Brown presented Resolution 2007-23 and the annual agreement with SWNMCOG to the Council. He explained the service SWNMCOG provides for the Town and that the annual dues were \$4,500. Councilor Nupp motioned to approve Resolution 2007-23 Ratifying a certain Agreement between the Town of Silver City and the Southwest New Mexico Council of Governments. Councilor Wheaton-Smith seconded the motion as stated. All were in favor, motion passed.

Resolution 2007-24: Cooperative Agreement Project #SP-1-08(913), Control Number 88192 between the Town of Silver City and the NM Department of Transportation for LGRF Project for Year 2007-2008 for reconstruction of retaining wall at north end of Texas Street – Manager Brown stated that the resolution would authorize the Town to submit an application for the next Co-Op Agreement for a grant in the amount of \$97,333.33. The Town's match would be \$24,333.33, 25% of the project. He stated that the retaining wall was the stabilization of Texas Street behind Morning Star. Peter Pena, Public Works Director, stated that an application had been submitted, and monies had been awarded; and that the resolution would authorize the Town to enter into an agreement with the New Mexico Department of Transportation (NMDOT). Mr. Pena stated that work on the project would begin March 2008 and would have to be completed by December 31, 2008. He stated

that the retaining wall was the Town's responsibility because it supports Texas Street and that the areas that had failed would be reconstructed. Councilor May made a motion to adopt Resolution 2007-24, Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation. Councilor Ward seconded the motion, all were in favor, motion passed.

Resolution 2007-25: Adopting the 2009-2013 Infrastructure Capital Improvements Plan (ICIP) Manager Brown stated that annually the State requires municipalities to adopt their ICIP's to prioritize and plan for their long-term capital projects. The Council had a few questions on Little Walnut Road, the Cemetery, the Penny Park expansion, the Gabby Hays Well, etc.. Councilor Ward made a motion to adopt the 2009-2013 Infrastructure Capital Improvements Plan (ICIP) Summary under Resolution 2007-25. Councilor May seconded the motion, all were in favor, motion passed.

Selection of a Voting Delegate and Alternate to vote at the New Mexico Municipal League's Annual Conference –The Council discussed the Resolutions that would be adopted at the annual conference. Mayor Marshall informed the Council that if they had any objections to the Resolutions the Council would have to voice their concerns before August 28, 2007. Councilor May made a motion to name Mayor Marshall as the Voting Delegate and Manager Brown as Alternate for the 2007 Annual Conference. Councilor Wheaton-Smith seconded the motion as stated, all were in favor, motion passed.

Destruction of Public Records – Voucher Payment Warrant Register, Fiscal Year 2000-2001 – 59 boxes – Councilor Wheaton-Smith made a motion to approve the Destruction of Public Records – Voucher Payment Warrant Register, Fiscal Year 2000-2001 – 59 boxes. Councilor Ward seconded the motion as stated, all were in favor, motion passed.

ADJOURNMENT – Councilor May made a motion to adjourn the meeting at 9:43 p.m. Councilor Wheaton-Smith seconded, all were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk