

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
January 8, 2008 – 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
Ann L. Mackie, Town Clerk
Robert Scavron, Town Attorney
Robert Esqueda, Utilities Department Director
Ed Reynolds, Chief of Police
Sherwood Nance, Animal Control Officer
Alexandra Perrault, Town Planner
Peter Russell, Community Development Director

CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 7:01 p.m.

CEREMONIES – Mayor Marshall called for a moment of silence to honor Senator Altamirano’s memory and his service to this district.

PROCLAMATIONS – Mayor Marshall proclaimed January 22, 2008 as “Grant County Community Concert Association Day”.

PUBLIC INPUT – Mrs. Lily Canas and Mrs. Carolyn Molina, volunteers for the Family Readiness Group for the Santa Clara National Guard, announced that their husbands were deployed, but they were preparing for their homecoming on March 8th. They requested advice on how to obtain permits for a homecoming parade and other events. Mr. Alex Brown, Town Manager-Finance Director, advised them to contact his office and also the Chamber of Commerce for assistance. Mattie Eagle, Director of GIFTTT (Gila Institute for Tots to Teens), reported on the progress of the skateboard project as follows: a public meeting on the design of the skatepark was held on November 28th; per Grindline Skateparks, Incorporated’s request a geotechnical study of the site was conducted with positive results so construction would move forward; and Grindline would present their draft of the design and ask for public input at the next meeting scheduled for early February. Mr. Brown stated that Peter Russell, Community Development Director, was making all of the decisions regarding the skatepark since he was the official point of contact on the project. Dr. Arthur Martinez commented on public safety and security and the increase of burglaries in his neighborhood.

COUNCIL COMMENTS – The Council commented on the following: condolences were offered to the Altamirano family; no opposition to the incumbent candidates for the upcoming municipal election as of that date; recently attended events; issues with abandoned vehicles and barking dogs; the installation of the swimming pool boiler scheduled for early March; the 2007 achievements by the Town Council and Staff; and the street signage program that replaces missing and damaged signs. Councilor Wheaton-Smith thanked Craig Pfeifer, retired Fire Marshal, for his long years of service to the Town. He announced that the library catalog is now online and he commended Eileen Sullivan, Silver City Public Library, for her hard work and diligence in resolving the library’s online catalog problem. Councilor May commented that one of his goals for the next two years was for the Council to make a decision on a new Town Hall and a new Public Library. Mayor Marshall congratulated Howie Morales, Grant County Clerk, on his impending appointment by the Governor to fill the Senate vacancy. He also commented on the lack of respect of persons and property in our society. He asked that we all be more respectful of one another; educate ourselves about all levels of government in the upcoming elections; support the families of those serving in the armed forces; and be mindful of what the words mean when saying the “Pledge of Allegiance”.

CHANGES TO THE AGENDA – None.

APPROVAL OF MINUTES: December 11, 2007, Regular Meeting – Councilor Ward made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed.

REPORTS – Mr. Brown reported that the septage system project should go out for bids within the next month and the completion of the project for the septic system should meet the deadline of May 15th. He also reported on the reduced amount of water (63 million gallons) that was pumped in 2007 compared to the average of the past 10 years. He attributed the reduction in water usage to conservation, the Utility Department's water leakage detection program, and the Meter Department's upgrades to the meter reader system. He stated that the reduction in water usage has reduced the revenues for the Town by \$253,000.

Robert Esqueda, Director of the Utilities Department, reported on the public meeting of the Highway 180 project that would be done by the NM Department of Transportation. He stated that the project was scheduled to start on January 14th and was scheduled to be completed by October 17, 2008. He described the different phases of the project and stated that monthly public meetings would be held on the third Tuesday of each month.

Chief Ed Reynolds, Silver City Police Department, thanked the Town Council and Staff for their support. He and Animal Control Officer, Sherwood Nance, reported on the enforcement of animal control issues. There was much discussion with the Council and the Town Attorney. Mayor Marshall called for a work session to be held on the subject.

Councilor Wheaton-Smith made a motion to recess at 8:35 p.m. Councilor May seconded the motion. The meeting was called back to order at 8:50 p.m.

PUBLIC HEARINGS –

A. Request for Transfer of Ownership on Liquor License #0361, D/B/A Buffalo Bar, 211 N. Bullard, Silver City, NM. Record owner of existing license, Sam Trujillo, 211 N. Bullard, requests the license to be transferred to the name of Buffalo Bar, Ltd., Co.. The Alcohol and Gaming Division has given preliminary approval of the proposed transfer pending the Town Council's approval. Mayor Marshall stated that the Town Council would serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked all Councilors if they had any ex parte discussion concerning this case, and none had. Mr. Sam Trujillo, applicant and record owner of the Buffalo Bar, was sworn in by the Town Clerk. Mr. Trujillo presented his case and there were no opponents. There was further discussion. Mayor Marshall concluded the hearing and asked the Council to render a decision. Councilor May moved to approve the request for transfer of ownership, Councilor Wheaton-Smith seconded, all were in favor, motion passed.

B. Resolution 2008-03: Authorizing an encroachment for approximately 410 square feet into the 14th Street right-of-way for parking stalls and canopies located on Lots 2 and 4, Block 265 of the Fraser Survey, addressed as 201 E. 14th Street. Applicant is Norvell Barnes on Behalf of Sonic. Mayor Marshall stated that the Town Council would serve as the hearing board and he would serve as the presiding officer. Mayor Marshall asked all Councilors if they had any ex parte discussion concerning this case, and none had. He stated that members of his family that work at Sonic had questions, but he referred their phone calls concerning the case to Mr. Russell, Community Development Director. He asked the Council if they wished to exclude him from the hearing, but they were all in favor that he serve as the presiding officer. The Town Clerk swore in all parties and witnesses that wished to testify in the hearing. Alexandra Perrault, Town Planner, presented the case and stated that they had received no opposition in the case. She stated that the Community Development Department recommended the adoption of Resolution 2008-03 approving the Encroachment Permit based on three findings. Mr. Russell recommended adding two items to the conditions under Section 1 of Resolution 2008-03 since Mr. Barnes had agreed to do them as follows: 1) participate in the addition of a sidewalk along the frontage of the property, and 2) name the Town as co-insured on his liability insurance policy in the encroachment area. Mr. Norvell Barnes, applicant and co-owner of Sonic, stated that he had been doing business in the same location for over thirty years, but recently learned that the property encroaches on Town property at the front of the property facing 14th Street. There was further discussion and Mr. Barnes concluded his case. Mayor Marshall concluded the hearing and asked the Council to render a decision. Councilor Ward moved to approve the Encroachment

Permit as per the three findings, add the two conditions to the Resolution, and correct a typographical error in the first paragraph of the Resolution. Councilor May seconded the motion. All were in favor, motion passed.

UNFINISHED BUSINESS –

A. Appointment to the Mayor’s Climate Protection Citizens Advisory Committee. Mayor Marshall commented that three applications were received. He received the Council’s consensus to appoint Jill Steidl to the Committee.

NEW BUSINESS –

A. Resolution 2008-01: Open Meetings. Councilor Wheaton-Smith suggested several changes to the Resolution. There was further discussion. Councilor Wheaton-Smith moved to approve Resolution 2008-01 with a change to page 3, Section 7. Other Meetings, second sentence to be changed from: “Notice as provided herein shall be given at least twelve (12) hours before the meeting is held, ...” to “Notice as provided herein shall be given at least twenty-four (24) hours before the meeting is held ...”. Councilor Nupp seconded the motion. There was no further discussion. All were in favor, motion passed.

B. Resolution 2008-02: Declaring the Town’s official intent to reimburse itself reference loan agreement to purchase police vehicles. Mr. Brown commented that the Town Council had already approved the submittal of a loan application for the purchase of nine police vehicles, and the NM Finance Authority had given preliminary approval of the loan agreement which would allow the Town to proceed with the purchase of the vehicles and to submit for reimbursement once the loan closes. He stated that this would allow the Town to save six months in the delivery time of the vehicles. Councilor Wheaton-Smith moved to adopt Resolution 2008-02 with a correction to the fifth paragraph of the Resolution to be changed from: “WHEREAS, the Council hereby desires to declare its official intent, pursuant to 26 C.F.R. 1.150.2 to reimburse ...” to “... 26 C.F.R. 1.150-2 ...”. Councilor May seconded the motion. There was no further discussion. All were in favor, motion passed.

C. Request by Weitlauf Management for the Town of Silver City to be fiscal agent for the La Capilla Heritage Park project. Ms. April Weitlauf, Project Implementation Manager of the La Capilla Heritage Park, gave an update on the project and asked the Town to be fiscal agent. There was further discussion. Councilor Wheaton-Smith moved to approve the request to be fiscal agent, Councilor Nupp seconded the motion. Mrs. Senovia Ray, President of the La Capilla Heritage Park, commented on the park and the Senior Center and thanked the Town Council and Staff for their support. There was no further discussion. All were in favor, motion passed.

D. Appointment of Representative and Alternate to Southwest Solid Waste Authority Board. Mayor Marshall recommended that he and Mr. Brown be appointed as the representatives of the Southwest Solid Waste Authority Board. He recommended that Mr. Peter Pena, Public Works Director, and Councilor Nupp be appointed as alternates to the Board. He received the Council’s consensus.

E. Appointment of Representative to the Grant County Public Transportation System Authority Board. Mayor Marshall recommended that Mr. Brown be appointed as the representative to the Grant County Public Transportation System Authority Board. He received the Council’s consensus.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn the meeting at 9:47 p.m. Councilor Ward seconded the motion, all were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann. L. Mackie, Town Clerk