

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
February 12, 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
Peter Pena, Public Works Director

CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 7:03 p.m.

CEREMONIES – Mayor Marshall asked for a moment of silence to honor the City Council of Kirkwood, Missouri, and to honor and remember retired Fire Captain, Louie Escamilla, who had passed away on February 1, 2008.

PROCLAMATIONS – None.

PUBLIC INPUT – Chris McDaniel from The Common Thread co-op store reported that they had sold \$50,000 worth of items that were made by local women. She credited the Town of Silver City for awarding them \$1,000 from Lodger's Tax funds that they were able to use to pay for advertising costs. She commented that their success had allowed them to open a training center for classes in knitting, weaving, etc. Debbie Bird commented on trash issues in her neighborhood and also commented that the animal ordinance should enforce animal cruelty and neglect cases. Mayor Marshall asked Roger Groves, Code Enforcement Officer, to comment on Ms. Bird's concerns. He commented that loose trash was the responsibility of the property owner if the tenant had moved. He stated that he should be notified when that occurs so he could contact the owner. There was discussion about the Town's Sanitation crew collecting the trash with the permission of the property owner. The Mayor advised Ms. Bird that the animal ordinance was being worked on.

COUNCIL COMMENTS – The Council commented on the following: condolences were offered to the Escamilla family; recently attended events; openings on the Town's Boards and Committees; recommendation that all pets get their rabies vaccines; the availability of flu shots; the tragic shooting event of the City Council in Kirkwood, Missouri and the process of handling grievances; the health concern due to dead birds in Silver Creek; the environmental safety of the sand and salt spread on sidewalks and roads; status of the Joint Powers Agreement regarding the Extraterritorial Jurisdiction (ETJ); the work session on animal control issues; and the Health Department's acceptance of used needles. Mayor Marshall commented on his time spent in Santa Fe and reported on activities of the Legislature.

CHANGES TO THE AGENDA – Mayor Marshall received the Council's consensus to move New Business, Item A, after Reports.

APPROVAL OF MINUTES: January 22 2008, Regular Meeting – Councilor Ward made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed.

REPORTS – None.

NEW BUSINESS –

A. Approval of State Audit Report for Fiscal Year 2006-2007. Mike Stone, of Stone, McGee & Company, presented the State Audit Report for Fiscal Year 2006-2007. He stated that the Town was being run very well from a financial stand point and its total assets were \$68,000,000. He stated that the Town had an excellent audit report with two small findings which were not considered to be significant deficiencies. He praised the Town's Accounting Department and stated that he was very proud of the Town of Silver City. There was further

discussion and members of the Council thanked the Town's Staff. Councilor Ward made a motion to approve the Audit Report for the Fiscal Year 2006-2007. Councilor Nupp seconded the motion. All were in favor, motion passed.

PUBLIC HEARINGS – None.

UNFINISHED BUSINESS –

A. Approval of Ordinance No. 1140: An Ordinance amending Title V (Public Works), Chapter 50 (Garbage and Refuse), §50.01 ET SEQ. of the Town of Silver City Municipal Code. Councilor Wheaton-Smith presented the details of Ordinance No. 1140. Changes were discussed and agreed upon by Council. Councilor Nupp made a motion to recess at 8:43 p.m., and Councilor May seconded the motion. The meeting was called back to order at 8:55 p.m. There was further discussion. Councilor Wheaton-Smith made a motion to adopt Ordinance No. 1140 with amendments noted by the Town Clerk which included the removal of the fee schedule and authorized the Town Manager to institute a fee schedule by presenting a resolution to Council at the first meeting in July 2008. Councilor Nupp seconded the motion. There was further discussion. A roll call vote was taken with the following results: Councilor Ward – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

NEW BUSINESS –

B. Approval of Joint Powers Agreement with Rosedale Water Association. Alex C. Brown, Town Manager-Finance Director, presented the details of the Joint Powers Agreement with two amendments. He stated that the Rosedale Water Association approached the Town to re-negotiate the contract that they had with the Town that had an expiration date in 2012. Robert Ruman spoke on behalf of the Rosedale Water Association. Councilor May moved to approve the Joint Powers Agreement. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. After the approval of New Business, Item B, a Joint Powers Agreement with the Arenas Valley Water Association, Councilor May moved for reconsideration of an earlier motion passed by the Council. Councilor Wheaton-Smith seconded the motion. Councilor May moved to change the language of Section C, Item (6), from “. . . subject to the TOWN'S written consent” to “. . . subject to the TOWN COUNCIL'S written consent”, and his motion included the previous amendments. Councilor Wheaton-Smith seconded the motion. Mr. Ruman had no objection to the amendments. All were in favor, motion passed.

C. Approval of Joint Powers Agreement with Arenas Valley Water Association. Mr. Brown presented the details of the Joint Powers Agreement. Gilbert Miera spoke on behalf of the Arenas Valley Water Association. Councilor Wheaton-Smith moved to approve the Joint Powers Agreement. Councilor May seconded the motion. Councilor May offered one amendment to page 5, Section C, Item (6), to change it from “. . . subject to the TOWN'S written consent” to “. . . subject to the TOWN COUNCIL'S written consent”. The Council agreed with the friendly amendment. All were in favor, motion passed.

D. Request for Proposal #07/08-2P: General Engineering Support. Mr. Brown requested the Council's approval to negotiate with Smith Engineering Company and Engineer's Incorporated for general engineering support. There was further discussion. Councilor May moved to approve the request. Councilor Wheaton-Smith seconded the motion. There was further discussion. All were in favor, motion passed.

E. Appointment to the Planning and Zoning Commission, District 3. Mayor Marshall received the Council's consensus to re-appoint Alice Jones to the Planning and Zoning Commission to represent District 3.

F. Appointments to the Cemetery Board. Mayor Marshall received the Council's consensus to appoint Mary Marshall and re-appoint Dana Nupp, Carl Scholl, Rider South, and Harry Bright.

G. Resolution 2008-04: Supporting a request to the State of New Mexico Department of Transportation to install signage and raised pavement markers on U.S. Highway 180 West approaching Alabama Street. Councilor Nupp and Councilor May presented Resolution 2008-04. There was further discussion. Peter Pena, Public Works Director, suggested that other highway intersections with safety concerns could also be addressed

with a resolution. Mayor Marshall stated that he would like Resolution 2008-04 to move forward and address other highway intersections in the future. Councilor Nupp made a motion to approve Resolution 2008-04. Councilor May seconded the motion. There was no further discussion. All were in favor, motion passed.

EXECUTIVE SESSION – Councilor Ward made a motion to go into Executive Session pursuant to NMSA 1978 Section 10-5-1 (H)(8) to discuss the purchase, acquisition or disposal of real property or water rights. Councilor Nupp seconded the motion. A roll call vote was taken with the following results: Councilor Ward – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – nay. Motion passed three to one. The matters discussed in the closed meeting were limited only to those specified in the motion for closure.

ADJOURNMENT – Councilor Wheaton-Smith made a motion to adjourn the meeting at 10:30 p.m. Councilor May seconded the motion, all were in favor, motion passed.

/s/
James R. Marshall, Mayor

Attest:

/s/
Ann. L. Mackie, Town Clerk