

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 26, 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
Robert Esqueda, Utilities Director

CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 7:05 p.m.

PUBLIC INPUT – Frances Trotta, a resident of District 3, commented that she had found 3 dead birds (2 white-winged doves and 1 raven) in Silver Creek near her property; the 2 white-winged doves had been shot and the raven had been trapped and both of its feet had been severed. She advised that white-winged doves and ravens were protected species and that it was a State and Federal offense to do harm to them.

COUNCIL COMMENTS – The Council commented on the following: anonymous letters written to Council; the need for editorial responsibility by the newspapers when printing letters written by the public; public participation in the Town’s Committees and Boards; the skateboard park; the draft of the Joint Powers Agreement with the County Commission regarding the Extraterritorial Jurisdiction; whether the County had appointed a board member on the Library Board and participated financially with the plans for a new library; recently attended events; population requirements for certain franchises; and the need for maintenance work on the exterior of the Museum.

CHANGES TO THE AGENDA – Councilor Wheaton-Smith commented on the importance of having strict timelines for placing items on the agenda.

APPROVAL OF MINUTES: February 11, 2008, Work Session – Councilor May made a motion to approve the minutes. Councilor Wheaton-Smith seconded the motion. There was discussion about the number of calls and citations written on animal issues. All were in favor. Motion passed. **February 12, 2008, Regular Meeting** – Councilor Wheaton-Smith made a motion to approve the minutes. Councilor May seconded the motion. All were in favor, motion passed.

REPORTS – Alex C. Brown, Town Manager-Finance Director, reported that the construction documents on the skateboard park had been signed so the project was on schedule. He also reported that the Joint Powers Agreement for the Regional Transit Authority for the Town of Silver City, Grant County, Luna County, and the City of Deming, was approved by the New Mexico Department of Finance and Administration on February 26, 2008.

Judith Lawrence, on behalf of Friends Interested in Swimming in Silver City a Heck-of-a-lot (FISSCH), reported on their vision and goals for the public swimming pool which included an updated, modern physical facility, a May through September swimming season, expanded aquatics programs for community members of all ages, and their support of a new management model. Mr. Brown and Peter Pena, Public Works Director, reported that over \$100,000 worth of capital improvements to the swimming pool had been done and commented that the hours of the pool were extended in the previous swimming season, but very few people had attended. There was further discussion between Council, Staff, and members of FISSCH. Mayor Marshall stated that the Council would discuss it further during their upcoming retreat regarding the Town’s budget.

PUBLIC HEARINGS –

A. Request for a Restaurant Liquor License (Beer and Wine Only), Applicant Name: DiBodine Fine Foods, Inc., D/B/A Diane’s Restaurant, 510 N. Bullard, Silver City, NM. 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. Ms. Diane Holloway, applicant and President of DiBodine Fine Foods, Inc., was sworn in by the Town Clerk. Ms. Holloway presented her 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, and Councilor Ward seconded the motion. All were in favor, motion passed.

NEW BUSINESS –

A. Resolution No. 2008-05: Authorizing the execution and delivery of a Loan Agreement and Intercept Agreement between the Town of Silver City and the NM Finance Authority to purchase police vehicles. Mr. Brown presented the details of Resolution No. 2008-05. There was further discussion. Councilor May made a motion to approve Resolution No. 2008-05, Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed.

B. Resolution No. 2008-07: Authorizing the execution and delivery of a Loan Agreement and Intercept Agreement between the Town of Silver City and the NM Finance Authority for the purpose of financing the costs of a necessary Drinking Water Project. Mr. Brown presented the details of Resolution No. 2008-07. There was further discussion between Council, Mr. Brown, and Robert Esqueda, Utilities Director. Councilor Wheaton-Smith made a motion to approve Resolution No. 2008-07, Councilor Ward seconded the motion. All were in favor, motion passed.

C. Resolution No. 2008-08: A resolution supporting a request to the State of NM Department of Transportation to install four way stop signage or traffic lights on U.S. Highway 90 and Ridge Road. Councilor Wheaton-Smith presented Resolution 2008-08. There was further discussion. Councilor Wheaton-Smith made a motion to approve Resolution No. 2008-08 with two amendments: the title was changed to “A Resolution Supporting a Request to the State of New Mexico Department of Transportation to Initiate a Traffic Study and Take Appropriate Action on U.S. Highway 90 and Ridge Road”, and the last recital paragraph on page one was dropped. Councilor May seconded the motion. There was no further discussion. All were in favor, motion passed.

D. Resolution No. 2008-09: A resolution amending the Town’s Purchasing Code. Mr. Brown presented Resolution No. 2008-09. There was further discussion. Councilor Wheaton-Smith requested that the Council give guidance to Mr. Brown during the re-write of the Code of Ordinances to consolidate the fee schedules by chapter in order to make it easier to review the fees annually. The Mayor stated that the Council had previously given their consensus; he stated to Mr. Brown that the Council would like to have fees that were required by ordinance to be reviewed annually, to be maintained in a fee schedule. Councilor May moved to approve Resolution No. 2008-09 pursuant to the requirements of the Town Charter, Councilor Wheaton-Smith seconded the motion as stated. Councilor Nupp made a motion to amend Councilor May’s motion to add to the Resolution that the reimbursement of mileage on privately owned vehicles would be adjusted at the Federal rate. Councilor May accepted the friendly amendment, and Councilor Wheaton-Smith concurred. All were in favor, motion passed.

E. Approval of Destruction of Records: Schedule #1.19.8.817 (D) (1, 2) Internal Affairs Case File, Quantity: 1 box. Councilor Wheaton-Smith made a motion to approve the destruction of records, Councilor Ward seconded the motion. There was no further discussion. All were in favor, motion passed.

ADJOURNMENT – Councilor May made a motion to adjourn the meeting at 8:53 p.m. Councilor Wheaton-Smith seconded the motion, all were in favor, motion passed.

/s/
James R. Marshall, Mayor

Attest: /s/
Ann L. Mackie, Town Clerk