

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
March 10, 2009 – 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 L. Scavron, Town Attorney
Ed Reynolds, Police Chief
Peter Pena, Public Works Director

CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Marshall called the meeting to order at 7:00 p.m.

CEREMONIES – None

PROCLAMATIONS – Mayor Marshall proclaimed the week of March 8-14, 2009, as “Girl Scouts Make the World a Better Place Week”.

PUBLIC INPUT – None.

COUNCIL COMMENTS – The Council commented on the following: congratulations were offered to the elected candidates: Cynthia Ann Bettison, for Councilor in District 1, and Councilor Simon W. Wheaton-Smith for his re-election in District 3; Ronald G. Perez was thanked for running for Councilor in District 1; recently attended events; a warning to the public not to disclose private information because of scams; how a collection point may be started for old smoke detectors so they could be returned to the manufacturer since they contain small amounts of radioactive material that could be harmful to the landfill; sponsorship of an upcoming revised animal ordinance; how there was a federal ban on the sale of box turtles because they could carry salmonella bacterium on their shell; a newspaper article about the cruel treatment and abandonment of a dog in Hurley; voters were thanked for voting in District 1 and 3; how the parking violations in handicap designated parking areas were being enforced, and praises were given to Officer Click, Police Department, for doing an excellent job; how sanitation employees could notify residents about the rules and regulations on the use of the garbage canisters; how the Town may allow the use of some Town lands for gardening, but would not subsidize it; how residents should not overfill their garbage canisters and should consider obtaining larger canisters; the difference in costs for the different sizes of garbage canisters; how the Essential Air Service Contract was re-awarded to the only applicant, Great Lakes Airlines, for two years; and how the Grant County Commissioners appointed Commissioner Christy Miller to the Library Board. Mayor Marshall commented that the Town Council had prepared a Certificate of Accomplishment for the employees of the Finance Department and he read the names of each employee. He stated that it was rare for any town to receive such clean audits and the Town of Silver City had received clean audits the entire time that he had been serving on the Town Council. He expressed appreciation to the Finance Department on behalf of the Town Council.

CHANGES TO THE AGENDA – None

APPROVAL OF THE MINUTES – Regular Meeting – February 24, 2009 – Councilor Wheaton-Smith made a motion to approve the minutes, and Councilor May seconded. Councilor Wheaton-Smith offered one amendment to the Council Comments section that was noted by the Town Clerk. There was no objection from the other Councilors. All were in favor, motion passed.

REPORTS – Manager Brown commented that the Sanitation Department was short on personnel so they would not be able to notify residents on the rules and regulations of the use of garbage canisters, but the sanitation drivers would notify the Code Enforcement Officers of any violations. He stated the Code Enforcement Officers had been very busy in the past week with garbage canister issues and they were documenting the contacts made to each resident that was in violation; residents in violation were recommended to obtain larger canisters or they would be cited for littering.

Manager Brown reported that the State and Tribal Assistance Grant (STAG) had been finalized for \$967,000 that would be used to pay for the digester at the Waste Water Treatment Plant, and he stated the required matching funds had been taken care of. He also reported the co-op project for drainage issues on Leslie Road had begun. He commented on several projects that the Town may be able to fund through the Economic Recovery Bill. Mayor Marshall stated he would attend the State's Stimulus Planning Session that week so he hoped to have information on the projects that were requested through the Economic Recovery Bill. Peter Pena, Public Works Director, reported that the final inspection of the Highway 180 project had been done and the project engineer would work with the Town on addressing their concerns.

PUBLIC HEARINGS – None.

UNFINISHED BUSINESS – None

NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2009-03: A Resolution supporting an Application for NM Department of Transportation Municipal Arterial Program (MAP) Funding. Peter Pena, Public Works Director presented the details of Resolution No. 2009-03. Councilor Ward made a motion to approve it, Councilor Nupp seconded. There was further discussion. Councilor Wheaton-Smith congratulated the Town and the department heads on their efficiency in working with grants to complete projects. 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.

B. Approval / Disapproval of a Request for the Town's Sponsorship of "Earth Day". Dr. Terry Timme, Chairman of the Recycling Advisory Committee, requested the Town's sponsorship of "Earth Day" at Penny Park on April 25th by including the event in the Town's liability coverage of Town sponsored events. He emphasized that they were not asking for financial assistance from the Town. There was further discussion and Manager Brown confirmed that the Town's insurance would cover it. Councilor May made a motion to permit and encourage the Town of Silver City to be one of the sponsors of "Earth Day's" 2009 celebration to be held at Penny Park from 10:00 a.m. to 2:00 p.m. on Saturday, April 25th. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed.

C. Approval / Disapproval of Bid 08/09-6: Homeowner Rehabilitation. Manager Brown presented the details and said they received one response for the bid. He stated it was staff's recommendation to award the bid to G & J Construction Company from Anthony, New Mexico. Councilor Wheaton-Smith made a motion to approve Bid 08/09-6 to G & J Construction Company for \$166,000 plus appropriate gross receipts tax. Councilor May seconded the motion. There was further discussion. All were in favor, motion passed.

D. Appointments of Four Members to Mayor's Climate Protection Agreement Citizens Advisory Committee. Mayor Marshall received the consensus to appoint Connie Downard and re-appoint Allyson Siwik, Mary Stoecker, and Sharman Apt Russell to the Committee for one year terms.

E. Approval / Disapproval of Request for the Destruction of Finance Department and Executive Department Records. Town Clerk Mackie requested the Council's approval of the destruction of records that had met their required retention periods. Councilor Ward made a motion to approve the destruction of records. Councilor Wheaton-Smith seconded the motion. There was further discussion on the method of destruction. All were in favor, motion passed.

EXECUTIVE SESSION – Councilor Wheaton-Smith made a motion to go into Executive Session pursuant to NMSA 1978 Section 10-5-1 (H) (2) to discuss limited personnel matters. Councilor May 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 – aye. Motion passed. 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 at 7:52 p.m. Councilor Nupp seconded the motion. All were in favor, motion passed.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk