

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
March 25, 2014, 6:00 p.m.**

Present:

Michael Shawn Morones, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe "Lupe" Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Peter Russell, Community Development Director
Anita Norero, Deputy Finance Director
Jaime Embick, Town Planner

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** - None.
- 3. PROCLAMATIONS** – "**Grant County Trails Month**" - **April 2014** - Mayor Morones read the proclamation and presented it to Raul Turrieta and Michele Giese. Mr. Turrieta thanked the Town Council and he acknowledged the Aldo Leopold High School students and members of the Grant County Trails Group.
- 4. PUBLIC INPUT** – Ted Presler commented on the need for more parking places and for a parking directory in downtown Silver City so people from out of town could understand where to park safely, etc., and how a committee should look at what to do for first time visitors when the Highway 90 bridge was taken down.
- 5. COUNCIL COMMENTS** – Councilor Aiman-Smith thanked the Town staff for taking the time to train her and to inform her of how they were part of Town governance so they could help her, and so she could help them. Councilor Cano invited the public to the Silver City Museum until mid-July because they partnered with the Grant County Chicano Music Project and would showcase several local musicians from post World War II to the present. She said it was a rare opportunity to see an exhibit that featured local people. Councilor Bettison congratulated the Silver City Library and other awardees for receiving monies from the Community Investment Fund from the Freeport McMoRan Foundation, and she said the funds would be well used for a number of non-profits to move the Town forward.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES** – **Regular Meeting on March 11, 2014** - Councilor Bettison moved to approve the minutes of the Regular Meeting of March 11, 2014. Councilor Ray seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of March 11, 2014. He asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.

8. REPORTS -

A. Presentation by Mimbres Film LLC regarding film liaison endorsement. Glenn Tolhurst introduced his business partner Michael Barragree and said they had a company named Mimbres Film LLC and they were trying to partner with the New Mexico Film Office. He said they were location scouts and location agents and carried an inventory of contracted clients that they represented to the film industry directly. He said the New Mexico Film Office had a liaison program and they used their liaisons to contact the state, local governments, and municipalities to help bring the film industry into areas for filming movies. He said they would operate as location agents through that office as well. Mr. Barragree said they had a lot of support from the Southwest New Mexico Council of Governments, and they were the designated New Mexico Film Liaison for the Counties of Catron, Grant, Hidalgo, Luna, and the City of Deming, Town of Hurley, and Village of Santa Clara. He said they were going to represent the area as a region, and they had begun photographing, filming, and touring the area and would be adding the photographs and film to the New

Mexico Film Office's film library. He said the film industry had lots of scripts, but were always looking for new places. He said they wanted to get the film industry interested in southwest New Mexico because it was distinctly different from the rest of New Mexico, and he provided further details. He said they were asking for the Town Council's support and a letter of designation for them to represent Silver City. He answered questions by Mayor Morones and said they were a licensed business in New Mexico and licensed as a business in Grant County. He said they were not asking for any public funding from any government because they would like to remain neutral so they were not subject to any political pressure from any particular group. He said they would like to maintain their independence and on their own merit go out and attract the film industry to come here and film the area. Mayor Morones asked if there was a point where they had to get into a contractual agreement if they had the ability and desire to meet any type of public information request. Mr. Barragree said absolutely; they wanted to work with all of the local governments and make something happen in this part of the world. He described how their business was separate from the film liaison. There was no further discussion.

B. Presentation by Ted Presler of the Western Institute of Lifelong Learning about a community program about domestic violence in Grant County that will be held on March 26, 2014 from 6:30 p.m. to 8:30 p.m. at the WNMU Miller Library Forum Area. Ted Presler presented statistics about domestic violence for women, children, and men, and he said the whole purpose of the community program on March 26th was to talk about the silence of domestic violence issues and to ring them out. His report included the 3 phases of the cycles of violence, how violence was not always visible, how abuse came in different shapes and forms, etc. He said October was Domestic Violence Month and they should make a big deal about it in October. There were no questions or discussion from the Council.

C. Community Development Department and Finance Department reports. Peter Russell, Community Development Director, provided information on the Mapping Program; the Code Enforcement Program; the Building Inspection Program; the Affordable Housing Program; the Sustainability Program; and the Planning and Zoning Program. He described the duties and responsibilities of each of the employees in those programs and provided statistics and achievements that were applicable to each program. Manager Brown said the Community Development Department brought together all of the different organizations and departments for various projects, and he provided examples. He said Mr. Russell was also very instrumental in a lot of regional projects, especially the Regional Water Plan. He discussed the work of the Office of Sustainability and said the Community Development Department looked at the entire area and they were concerned with long term planning with their partners in Grant County and how they could help each other. Mr. Brown commended the staff of the Community Development Department. There was further discussion.

Anita Norero, Deputy Finance Director, said she oversaw the Finance Department which included Meters; Utility Billing; Accounts Payable; Purchasing; Payroll; Receptionist; and the financial end of grant administration with the Public Works, Community Development, and Water and Sewer Departments. She provided information and described the duties of each Division within the Finance Department, and described her own duties as Deputy Finance Director. There was further discussion.

D. Staff reports. Clerk Mackie reported that she submitted the certified copies of the Certificate of the March 4, 2014 Regular Municipal Election and of Ordinance No. 1225 for the Public Safety Tax as required to the New Mexico Taxation and Revenue Department so they would be informed that the electorate of the Town of Silver City had voted in favor of continuing the Public Safety Tax. She also reported the open positions on the Town boards and committees.

Councilor Bettison moved for short break at 7:03 p.m. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for a short recess. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. Mayor Morones called the meeting back to order at 7:14 p.m.

9. PUBLIC HEARINGS -

A. Approval / Disapproval of Resolution No. 2014-13: a Resolution to vacate part of the Chloride Street right-of-way lying between Blocks 204 and 205, Fraser's Survey, comprising 12,371 sq. ft. or 0.284 acre, requested by Western New Mexico University. Mayor Morones stated the Town Council would serve as the hearing board and he

would serve as the presiding officer. He asked if any member of the hearing board had ex-parte discussions with any person regarding the subject matter, or had any communication from any party to the case, and all 4 Councilors said no. He qualified all of them to be on the hearing board. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 5 witnesses. Mayor Morones read the procedures of how the hearing would be conducted. He gave the floor to Town Staff. Jaime Embick, Town Planner, presented the details of the staff report and photographs of the property. She said Western New Mexico University requested the street vacation; that they owned the property to the east and south of the vacation, and that they were in the process of purchasing the property to the west. She said according to Section 6.3.17 of the Land Use Code of 2010, "A vacation of a Town street right-of-way by the Town allows the applicant to purchase and have full use and ownership of the property." She said the property had never been used as a Town street. She read the 4 criteria that the Town Council could approve the vacation of a Town right-of-way or portion thereof. Ms. Embick stated it was the recommendation of the Community Development Department that the application met the required criteria for street vacation and that the remaining part of the Chloride Street right-of-way be vacated and conveyed to the University with the following 2 Conditions: 1) That the Chloride Street right-of-way revert to the Town if the University did not purchase the privately owned property that was adjacent to the west of this right-of-way, and 2) That the University assume ownership of, as well as liability and maintenance responsibility for the water lines in the right-of-way and the adjacent properties, and pay for the acquisition and installation of a master water meter in the College Avenue right-of-way to serve the properties. She said Condition 1 was requested by Joe Vencil, the property owner of the prospective sale property to the west, so he would still have access to the carport if the sale did not go through. Mayor Morones asked the applicant, Dr. Joe Shepard, President of Western New Mexico University, to present his case. Dr. Shepard said on behalf of the University that they were in agreement with the conditions. Mayor Morones asked if there were any witnesses in support of the applicant's case, and Joe Vencil came forward and stated he was in support of the vacation of property and the reverting of property back to the city if the purchase did not go through. Mayor Morones asked if it concluded the applicant's case. Dr. Shepard said if the property did not go through and it reverted back to the city that the assumption would be that the University would not be responsible for putting in the master meter. Councilor Bettison addressed the Town staff and said it was not quite clear in the documents so she re-stated what Dr. Shepard said about the installation of the master meter, and stated it would not be installed until after the completion of the purchase went through. There was further discussion. Mayor Morones asked Dr. Shepard if that concluded the applicant's case, and he said yes. Mayor Morones asked if there were any witnesses in opposition to the applicant's case, and there were none. There were no questions from the hearing board, and the Mayor asked if they were ready to render their decision. He said he would entertain a motion. Councilor Aiman-Smith moved to approve Resolution No. 2014-13 and she read the agenda item description. Councilor Bettison seconded and asked if they had to state criteria and findings. Ms. Embick said yes, and that they could also apply the staff's conditions or their own. Councilor Aiman-Smith added to her motion to recommend per Staff's recommendation and that it met Criteria #1, 2, 3, and 4. Councilor Bettison seconded the motion as stated. Mayor Morones said there was a motion and a second to approve Resolution No. 2014-13: a Resolution to vacate part of the Chloride Street right-of-way lying between Blocks 204 and 205, Fraser's Survey, comprising 12,371 sq. ft. or 0.284 acre, requested by Western New Mexico University meeting Criteria set forth as 1, 2, 3, 4 per staff recommendation and Conditions 1 and 2 per staff recommendation. There was no further discussion. He asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

10. UNFINISHED BUSINESS - None.

11. NEW BUSINESS –

A. Approval / Disapproval of 2 Public Celebration Permit Applications for the SRAM Tour of the Gila Bicycle Race Beer & Spirit Garden on May 3, 2014 at 703 N. Bullard St., Silver City, NM. License Holders are:

1. Little Toad Creek Distillery, License # 63004, 1122 Hwy. 35, Mimbres, NM 88049.

2. Little Toad Creek Brewery, License # 67021, 1122 Hwy. 35, Mimbres, NM 88049.

Jack Brennan, Race Director of the Tour of the Gila, and Michelle Geels, President of the Tour of the Gila, Inc., extended their gratitude to the Town of Silver City and Council, Grant County, and the community. She described the event and said it would be the same set up as the last 3 years. There were no questions from the Council. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve the 2 Public Celebration Permit Applications and he read the agenda item description and granted a waiver of New Mexico Statute 60-6B-10.

Councilor Cano seconded. Mayor Morones said there was a motion and a second to approve 2 Public Celebration Permit Applications for the SRAM Tour of the Gila Bicycle Race Beer & Spirit Garden on May 3, 2014 at 703 N. Bullard St., Silver City, NM. License Holders are: 1) Little Toad Creek Distillery, License # 63004, 1122 Hwy. 35, Mimbres, NM 88049, and 2) Little Toad Creek Brewery, License # 67021, 1122 Hwy. 35, Mimbres, NM 88049 with waiver of New Mexico Statutes Annotated 60-6B-10. There was no further discussion. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of 1 Public Celebration Permit Application for the Archaeological Society of New Mexico's Annual Meeting on April 11-12, 2014 at the Murray Hotel, 200 N. Broadway, Silver City, NM. Liquor License Holder: La Esperanza Vineyard, LCC, License #6148, 100 De Lao, San Lorenzo, NM 88041.

William Hudson, Committee Chair of the Grant County Archaeological Society, described the event and said they anticipated 100 attendees. He requested approval of the Public Celebration Permit Application for April 11 and 12 at the Murray Hotel. He thanked the Town staff for their help, and said it had just come to his attention that the Murray Hotel was within 300 yards of the Catholic Church so he would need to get a waiver from the church the following morning. Councilor Bettison asked Fire Marshal Milo Lambert to provide the current status because the documents in their packet would not allow them to grant the permit. Fire Marshal Lambert first stated it was within 300 feet of a church and not 300 yards, and that the proper process for the use of a building was to obtain a Certificate of Occupancy, and at that point the Murray Hotel Ballroom did not have a Certificate of Occupancy due to the fact that it was under construction. He said the Fire Code Official was authorized to issue a Conditional Permit to occupy the premise or portion thereof before the entire work or operations on the premise were completed. He said the Conditional Permit would allow the use of the Murray Hotel Ballroom for a one-time event based on that ballroom or space meeting the requirements for public safety. He said that he met with the owner of the hotel several times and they discussed a multitude of issues, and he sent a letter to the owner that the items must be fixed by March 25, 2014 in order to issue a Conditional Permit. He said that he went to the Murray Hotel that date and that everything on the list had been resolved, and the building would provide the minimum of public safety without having an actual Certificate of Occupancy. He said according to the Fire Code the holder of the Conditional Permit shall proceed only to the point at which approval had been given and at the permit holder's own risk. He said the owner willingly signed a hold harmless clause and agreement to assure that the Town would suffer no liability for the use of the ballroom for this one-time event and that he had provided a copy of his insurance. He said the one-time Conditional Permit would not allow the building to be used past that point, and that in order for the hotel to use the building again that an actual full Certificate of Occupancy would have to be obtained. He said that he would approve of the request based on the minimum of safety requirements being met and the issuance of the Conditional Use Permit. Councilor Bettison restated that it would be a one-time Conditional Use Permit only and the owner understood that any subsequent events could not be held until the full Certificate of Occupancy was obtained. Fire Marshal Lambert said yes. There was further discussion. Mayor Morones asked Fire Marshal Lambert if he needed to add any other conditions for the Council, and Fire Marshal Lambert said not for this event. The Mayor said he would entertain a motion, but it would need to set the condition for the waiver of New Mexico Statutes Annotated 60-6B-10 if they chose to proceed. Councilor Ray moved to approve the Public Celebration Permit Application and he read the agenda item description and granted a waiver of 60-6B-10. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for approval of 1 Public Celebration Permit Application for the Archaeological Society of New Mexico's Annual Meeting on April 11-12, 2014 at the Murray Hotel, 200 N. Broadway, Silver City, NM. Liquor License Holder: La Esperanza Vineyard, LCC, License #6148, 100 De Lao, San Lorenzo, NM 88041 conditional upon granting of waiver of New Mexico Statutes Annotated 60-6B-10. He asked if there was any discussion. Attorney Scavron said it might be better to say with granting of the waiver conditioned upon providing the letter from the church or school within 300 feet of the event. Mayor Morones asked Councilor Ray if he was okay with that, and he said yes, and Councilor Aiman-Smith said she was okay with it. Mayor Morones said there was a motion and a second for approval of 1 Public Celebration Permit Application for the Archaeological Society of New Mexico's Annual Meeting on April 11-12, 2014 at the Murray Hotel, 200 N. Broadway, Silver City, NM. Liquor License Holder: La Esperanza Vineyard, LCC, License #6148, 100 De Lao, San Lorenzo, NM 88041 with granting a waiver conditioned upon receiving a letter addressing the New Mexico Statutes Annotated 60-6B-10. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

C. Approval / Disapproval of Resolution No. 2014-14: a Resolution supporting the designation of the Town of Silver City as a Gateway Community to the Continental Divide Trail System. Councilor Ray said he was the sponsor of the Resolution and that it would be good for Silver City and Grant County. Mayor Morones asked if anybody in the audience would like to speak, and comments were received by Shelby Hallmark, Nancy Gordon, and Alan Mong that supported the Resolution. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Ray moved to approve Resolution No. 2014-14 and he read the agenda item description. Councilor Cano seconded. Mayor Morones said there was a motion and a second to approve Resolution No. 2014-14: a Resolution supporting the designation of the Town of Silver City as a Gateway Community to the Continental Divide Trail System. He asked if there was further discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

D. Presentation with opportunity for public input of the Waterworks Project and the EPA Brownfields Grant awarded October 2013 for cleanup of lead/asbestos/bat guano in the Waterworks building, and an Analysis of Brownfields Cleanup Alternatives (ABCA). There will be an opportunity for public comment on the project in general as well as the cleanup alternatives. Nancy Gordon said she was a volunteer with the Town of Silver City and had been working on the rehabilitation of the Waterworks building for 4 years. She said the Town was recently awarded a Brownfield EPA Cleanup Grant for the Waterworks and they were required to present alternatives for doing that cleanup and to invite public comments. She provided the history of the Silver City Waterworks and said it was also called the Old Rock House, and that it was built by a private water company in 1887 and the Town had owned it since 1925. She described the condition of the building and what restoration had been done with grant funding so far, and what still needed to be done. She commented on the various grant funding, the help of volunteers that had made some of the repairs possible, and what their future goals were. She said in October 2013 the Town was awarded \$200,000 from a Brownfields Cleanup Grant from the EPA (Environmental Protection Agency), and that Silver City was the only town in New Mexico to get a Brownfields Cleanup Grant in 2013. She said it could be used for the cleanup of lead and asbestos, bat guano, etc. and the Program Manager for the Town was Bud Melaney, and the Quality Assurance Manager was Denise Smith. She said as part of the EPA Grant requirements they had to develop Brownfields Cleanup alternatives, and she described them in detail. She said the preferred option was the most cost effective one to do as much as they could for the amount of the grant. She said they would accept comments until April 11th, then would summarize the comments and send them to the EPA. The Mayor asked if there were any questions or comments from the public, and comments were received from Denise Smith, Cissy McAndrew, and Linda Pafford. There was further discussion by the Mayor and Council and Manager Brown, and they expressed their thanks to Ms. Gordon, the volunteers, Senator Udall, and Melanie Goodman from Senator Udall's staff for helping Ms. Gordon with federal agencies.

E. Appointment to the Planning and Zoning Commission. Mayor Morones said the Planning and Zoning Commission was a 5 member Commission and that it was extremely important to the Town. He said they were currently down to 3 members which was simply a quorum and they clearly needed to get more people involved in the Commission. He said they had 1 application and that he had vetted the staff and Chair, and he received reassurances that they were good with the appointment of Nickolas Seibel. He asked if there was any objection from the Council, and there was no objection.

12. ADJOURNMENT – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:23 p.m., and Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

Michael S. Morones, Mayor
Attest:

Ann L. Mackie, Town Clerk