

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
October 11, 2016, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Jose A. Ray, Jr., District 3
Guadalupe Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
James Cruzan, Police Lieutenant

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS - "Arts and Humanities Month in Silver City" - October 2016** - Mayor Ladner read the proclamation and presented it to Kevin Lenkner, Executive Director of the Mimbres Region Arts Council. Mr. Lenkner invited everybody to the Mimbres Region Arts Council's "Celebration of the Arts" event on October 27 at 6:00 p.m. at the Hub Plaza.
- 4. PUBLIC INPUT** – None.
- 5. COUNCIL COMMENTS** - The Council commented on the following: how people should meet with the Town's department heads before jumping to conclusions; Councilor Ray and Councilor Cano encouraged people to vote against the 4 mill levy that Gila Regional Medical Center was proposing on the ballot for the November 8 General Election because it would be a burden to older residents on a fixed income; Councilor Ray retracted a statement he made during the September 27 Council meeting regarding downtown events; information about a disco cooking contest during the upcoming Tamal Fiesta y Más on December 3; how the Silver City Arts Association would do the art and design for the pilot project on 12th Street for art in crosswalks that the Town Manager approved; how the Council members were evidenced-based decision makers and wanted to see data before making decisions or taking action; how one of the biggest concerns was noise in downtown Silver City and a citizens' science project with Central Dispatch would begin monitoring data to learn the frequencies and trends of sirens that were used by five entities; how it was the first day for early voting and people were encouraged to get out and vote; Councilor Bettison thanked people for contacting her to give their thoughts on the proposed UTV ordinance, how their input was valued and she wanted scientific numbers; and how large numbers of golfers were concerned about the golf course for many reasons. Mayor Ladner said Council comments were their own opinions and the Town Council had not taken a position one way or another. He also said the New Mexico Department of Transportation approved the Town's request to name the Hudson Street Bridge the "Veterans Memorial Bridge" and how Veterans groups would put together a program for an event on Veterans Day.
- 6. CHANGES TO AGENDA** – None.
- 7. APPROVAL OF MINUTES - Regular Meeting on September 27, 2016** - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City on September 27, 2016. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor to approve the minutes to say aye, and all four Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

8. REPORTS -

A. Silver City MainStreet's Quarterly Report by Lucy Whitmarsh, Executive Director. Ms. Whitmarsh reported on current projects: 1) developing design standards for public signage in the downtown to give the Downtown Historic District an identity, 2) the MainStreet Plaza Master Plan and in order to obtain funding for the Plaza restrooms they would seek approval of their design standards for the restrooms by the Town's Historic Design Review Committee, and 3) coordinating a lighted Christmas Parade on November 26. She said their statistical reporting for the last quarter to New Mexico MainStreet included three new businesses in the district with employment of eight full-time equivalent positions; one business closed which lost two employees; how there was a permit for a private building project for \$31,000 for improvements to a property in the district; how they had the Taste of Downtown and Downtown Bash events; and how they had 240 volunteer hours donated. There was further discussion about MainStreet's Economic Vitality Committee that was doing site visits to hotels, restaurants and galleries; accessibility issues at the Silco Theater and how accessibility should be considered in the plan for the MainStreet Plaza; and the way finding signage plan and how the Town Council would set that policy. Mayor Ladner thanked Ms. Whitmarsh for all the good things that MainStreet was doing downtown. She thanked the Council for their support.

B. Staff Reports. Police Lieutenant James Cruzan reported on citations issued against the Town's Noise Ordinance from January 1, 2015 to October 10, 2016: 104 citations for distracted driving, three citations for loud mufflers, and five citations were issued for disorderly house. He said the majority of the distracted driving citations were issued recently due to the new ordinance regarding cell phone usage and texting while driving. He also stated the Motor Vehicle Division was currently not issuing registrations for highway use of UTVs and ATVs and those types of vehicles were not allowed in the Town of Silver City because there was no ordinance in place so it was still illegal for public roadway use. There was further discussion. Manager Brown explained the issues with the golf course: the change in management; how Western New Mexico University (WNMU) stepped up to take over the management even when they did not have the money in their budget to do additional work on the course; and that summer was the worst time to take care of the various issues on the course. He asked the Council to let him know if they had concerns because WNMU had been very easy to work with on the golf course lease agreement and other projects.

Councilor Bettison moved for a short five minute recess. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. The Mayor said they would take a 10 minute recess. He called the meeting back to order at 6:52 p.m.

9. PUBLIC HEARINGS -

A. Approval / Disapproval of Liquor License Application No. 1011389 for a Small Brewer Liquor License - Offsite 1st location, with on premises consumption and patio service. Name of Applicant: Little Toad Creek LLC, DBA Little Toad Creek Brewery and Distillery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 200 N. Bullard, Silver City, NM 88061. Mayor Ladner stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He read the procedures for the public hearing. 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 four Councilors said no. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. Mayor Ladner stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in two witnesses: Teresa Dahl-Bredine and Alex C. Brown. Mayor Ladner asked who would represent the applicant and Ms. Dahl-Bredine said she would. She thanked the Councilors and Mayor for hearing all five licenses, and stated four of the five licenses would replace licenses that they already had. She said Little Toad Creek LLC had been operating a Small Brewers and Craft Distillers Licenses in the Lake Roberts area for the last four years and they were planning to move their main operation to the old skating rink in downtown Silver City. She said they applied for a change in location for their federal licenses, but the state did not allow them to change their location so they had to change their license. She said their master license for Small Brewers and Craft Distillers, that were currently at Lake Roberts, would become void once they started their operations downtown. She said the first license, the Small Brewer Liquor License Offsite would replace their current license with a new license number. There were no questions from the Council and there were no witnesses in support of the application. Mayor Ladner asked her if that concluded her case in chief, and she said yes. He asked if there were any persons that wished to testify in opposition to the application, and there were none. He asked if there was anything else that the applicant wished to be reflected in the record, and Ms. Dahl-Bredine

said no. He asked if the hearing board was prepared to consider the application and render its decision, and all four Councilors said yes. He asked for a motion. Councilor Ray moved to approve Liquor License Application No. 1011389 for a Small Brewer Liquor License - Offsite 1st location, with on premises consumption and patio service. Name of Applicant: Little Toad Creek LLC, DBA Little Toad Creek Brewery and Distillery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 200 N. Bullard, Silver City, NM 88061. Councilor Cano seconded. Mayor Ladner asked if there was any more discussion, and the Councilors said no. He said there was a motion and a second, and he asked all those in favor to say aye. All four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

B. Approval / Disapproval of Liquor License Application No. 1011390 for a Craft Distiller Liquor License - Offsite 1st location, with on premises consumption and patio service. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery and Distillery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 200 N. Bullard, Silver City, NM 88061. Mayor Ladner stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He read the procedures for the public hearing. 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 four Councilors said no. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. Mayor Ladner stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in two witnesses: Teresa Dahl-Bredine and Alex C. Brown. Mayor Ladner asked who would represent the applicant and Ms. Dahl-Bredine said she would. She said the license would be at 200 N. Bullard at the site of their current location and the exact same premises where they currently operated their business and that nothing would change, but the license number. Mayor Ladner asked if that concluded her case in chief, and she said yes. He asked if there were any persons that wished to testify in opposition to the application, and there were none. He asked the hearing board if they were prepared to consider the application and render its decision, and all four Councilors said yes. He asked for a motion. Councilor Ray moved to approve Liquor License Application No. 1011390 for a Craft Distiller Liquor License - Offsite 1st location, with on premises consumption and patio service. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery and Distillery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 200 N. Bullard, Silver City, NM 88061. Councilor Cano seconded. Mayor Ladner said there was a motion and a second. He asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

C. Approval / Disapproval of Liquor License Application No. 1011383 for a Craft Distiller Liquor License with on premises consumption. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 203 S. Mill Road, Silver City, NM 88061. Mayor Ladner stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He read the procedures for the public hearing. 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 four Councilors said no. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. Mayor Ladner stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in two witnesses: Teresa Dahl-Bredine and Alex C. Brown. Mayor Ladner asked who would represent the applicant and Ms. Dahl-Bredine said she would. She said the license was for a Craft Distiller license at a new location that was currently under construction. She said the purpose of it was to expand their production capabilities in the distillery they had been using for four years because they had a growing market for their product. She said the construction should be completed by November, and they were trying to time all of the approvals of their licenses on the federal and state level to coincide with that so they could begin production. Councilor Bettison asked Ms. Dahl-Bredine if it was her intent per Town Ordinance No. 10-55 to register the new separate location before opening and operations, and Ms. Dahl-Bredine said yes. Mayor Ladner asked the applicant if there were any witnesses in support of her application, and she said no. He asked her if that concluded her case in chief, and she said yes. Mayor Ladner asked if there were any persons who wished to testify in opposition to the application, and there were none. He asked the hearing board if they were ready to consider the application and render their decision. All four Councilors said yes. He asked for a motion. Councilor Ray moved to approve Liquor License Application No. 1011383 for a Craft Distiller Liquor License with on premises consumption. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 203 S. Mill Road, Silver City, NM 88061.

Councilor Cano seconded. Mayor Ladner said there was a motion and a second. There was no further discussion. He asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

D. Approval / Disapproval of Liquor License Application No. 1011386 for a Small Brewer Liquor License with on premises consumption. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 203 S. Mill Road, Silver City, NM 88061. Mayor Ladner stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He read the procedures for the public hearing. 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 four Councilors said no. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. Mayor Ladner stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in two witnesses: Teresa Dahl-Bredine and Alex C. Brown. Mayor Ladner asked who would represent the applicant and Ms. Dahl-Bredine said she would. She said the application was for a Small Brewers license at the same location as their Craft Distillers license at 203 S. Mill Road at the new warehouse they were constructing, and that it would replace their current Small Brewers license. Councilor Bettison asked if it was her intent to register the separate location per Town Ordinance No. 10-55 before opening and operations, and Ms. Dahl-Bredine said yes. Mayor Ladner asked her if she had any witnesses in support of her application, and she said no. He asked if it concluded her case in chief, and she said yes. He asked if there were any persons who wished to testify in opposition to the application, and there were none. He asked if the hearing board was prepared to consider the application and render its decision, and all four Councilors said yes. He asked for a motion. Councilor Ray moved to approve Liquor License Application No. 1011386 for a Small Brewer Liquor License with on premises consumption. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 203 S. Mill Road, Silver City, NM 88061. Councilor Cano seconded. Mayor Ladner said there was a motion and a second. There was no further discussion. He asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

E. Approval / Disapproval of Liquor License Application No. 1011391 for a Wholesaler Liquor License. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery and Distillery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 203 S. Mill Road, Silver City, NM 88061. Mayor Ladner stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He read the procedures for the public hearing. 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 four Councilors said no. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. Mayor Ladner stated that anyone not sworn in would not be able to testify or participate in the hearing. The Town Clerk swore in two witnesses: Teresa Dahl-Bredine and Alex C. Brown. Mayor Ladner asked who would represent the applicant and Ms. Dahl-Bredine said she would. She said the application was for their wholesaler license and it would allow them to distribute their beer and spirits, only the products that they manufacture themselves, to anyone in the State of New Mexico who held the appropriate license to resell beer or spirits in their establishment. She said they would be producing about 15 times more beer than they currently were producing so they would need a market for that. She said the license would allow them to reach wide across the state and she hoped it would be a positive impact for the community. Councilor Bettison asked Ms. Dahl-Bredine if it was her intent to register her new separate location before opening and operations per Town Ordinance No. 10-55. Ms. Dahl-Bredine said yes. Mayor Ladner asked if she had any witnesses in support of her application, and she said no. He asked if that concluded her case in chief, and she said yes. He asked if there were any persons that wished to testify in opposition to the application, and there were none. He asked if the hearing board was ready to consider the application and render its decision, and all four Councilors said yes. Councilor Ray moved to approve Liquor License Application No. 1011391 for a Wholesaler Liquor License. Name of Applicant: Little Toad Creek, LLC, DBA Little Toad Creek Brewery, HC 68 Box 134, Silver City, NM 88061. Proposed location: 203 S. Mill Road, Silver City, NM 88061. Councilor Cano stated the DBA should be Little Toad Creek Brewery and Distillery. Councilor Ray corrected his motion and re-stated it with DBA Little Toad Creek Brewery and Distillery. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

Ms. Dahl-Bredine thanked the Council. Mayor Ladner said it was exciting to see the activities going on in that part of downtown.

10. UNFINISHED BUSINESS- None.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2016-26: a Resolution of the Town Council of the Town of Silver City naming the Visitors Center access area located on Hudson Street in Silver City as "The Downtown and Silver City Greenways Trailhead". Councilor Aiman-Smith said when she was working on the Bicycle Master Plan she became aware of how important naming was in terms of getting grants. She said the area of the Visitor Center that was sometimes used for parking and for access to the Greenways Trails and the Green Ditch Trails would better be named as an access area or a trailhead in order for them to qualify for grants and get beautification and improvements for that area. She requested their approval to rename the area as "The Downtown and Silver City Greenways Trailhead". Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2016-26: a Resolution of the Town Council of the Town of Silver City naming the Visitors Center access area located on Hudson Street in Silver City as "The Downtown and Silver City Greenways Trailhead". Councilor Ray seconded. There was no further discussion. Mayor Ladner 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.

B. Approval / Disapproval of Resolution No. 2016-27: a Resolution of the Town Council of the Town of Silver City modifying and amending the Town of Silver City Employees Personnel Manual. Manager Brown said the Resolution was to change the name of one of the holidays in the Personnel Manual, specifically Good Friday, to Spring Holiday so a lot of the employees could celebrate that day however they chose without the Town having to justify the naming of the holiday. Councilor Bettison moved to approve Resolution No. 2016-27: a Resolution of the Town Council of the Town of Silver City modifying and amending the Town of Silver City Employees Personnel Manual. Councilor Aiman-Smith seconded. There was no further discussion. Mayor Ladner 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.

C. Approval / Disapproval of Bid #16/17-1: 450 gallon recycling tubs. Manager Brown said the Town received one bid on the tubs from Snyder Industries from Lincoln, Nebraska in the amount of \$56,416.08 for 168 of the 450 gallon commercial cardboard recycling containers. He said they would be provided to businesses and they would only be used for cardboard for the new recycling program that the Town would be starting at the beginning of calendar year 2017. There was further discussion. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Bid #16/17-1: 450 gallon recycling tubs per staff recommendation to Snyder Industries for \$56,416.08. Manager Brown said there was no gross receipts tax because it was not construction. Councilor Bettison seconded. Mayor Ladner said there was a motion and a second. There was no further discussion. He asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there was no opposition. Motion carried.

D. Approval / Disapproval of Bid #16/17-2: 65 gallon recycling carts. Manager Brown said they were 65 gallon recycling carts and were the same as what they had for the garbage collection, but they would be green for recycling. He said the number of containers was 2,500 and it was based on a count of the number of addresses in Silver City that currently recycled. He provided further details and there was further discussion. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Bid #16/17-2: 65 gallon recycling carts per staff recommendation to be awarded to Otto Environmental for \$98,700.00. Councilor Bettison seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there was no opposition. Motion carried.

E. Appointment to the Cemetery Board. Mayor Ladner said the Town received one application from Timothy Crabtree, and that Jeffrey Fell, Chair of the Cemetery Board, recommended his appointment. He said he would like to appoint Mr. Crabtree to the Cemetery Board if there were no objections from the Council. There were no objections. He said Mr. Crabtree was so appointed.

F. Approval / Disapproval of Executive Session pursuant to NMSA 1978 Section 10-15-1(H) (2) regarding limited personnel matters to discuss the Town Manager's contract. Mayor Ladner said if they went into Executive Session only the matter listed on the agenda and in the motion would be discussed. He asked for a motion. Councilor Bettison moved to go into Executive Session pursuant to NMSA 1978 Section 10-15-1(H) (2) regarding limited personnel matters to discuss the Town Manager's contract and add a short recess prior to going into Executive Session. Councilor Aiman-Smith seconded. Mayor Ladner 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 at 7:37 p.m.

At 7:49 p.m. the Mayor and Councilors returned and the Mayor asked for a motion to go back into the open meeting. Councilor Bettison moved to return to the open meeting and they adjourned from closed or Executive Session and nothing that they spoke about was anything other than what was stated in the original motion to move into Executive Session. She said no decisions were made. Councilor Aiman-Smith seconded. Mayor Ladner 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 to be back in the open meeting.

G. Approval / Disapproval of Town Manager's contract proposal. Mayor Ladner said he negotiated a contract with the Town Manager which was in their meeting packet, and they all had a chance to review it. He asked for a motion. Councilor Bettison moved to approve the Town Manager's contract proposal as presented. Councilor Aiman-Smith seconded. The Mayor asked for a roll call vote. Councilor Bettison voted aye and stated unequivocally that their Town Manager had her sole support; that he was excellent and worked incredibly well with the staff. She talked about his love of the Town and of the staff, and about all of the information he provided to the Council between meetings and at every meeting. She spoke to Manager Brown and said she could not say enough about the work ethic that he had, and his strength of character, and that he made sure that his staff were well taken care of, and she thanked him. Councilor Aiman-Smith voted aye and acknowledged what a pleasure it had been, and would continue to be, to work with their Town Manager. She spoke to Manager Brown and said she admired his capabilities, his competencies, and his compassion for the whole town and everyone in it, especially the Town staff. Councilor Ray voted aye and thanked Manager Brown. He said Manager Brown was a very highly respected individual and a hard worker, and that he did things from the heart. He congratulated Manager Brown and said he hoped to have him for a long time. Councilor Cano voted aye and stated there were so many places in town that felt the effects of what he did every day, and that she really appreciated it. She thanked him and his family for giving them a few more years of his time. Mayor Ladner expressed his appreciation to Manager Brown for all that he did for Silver City. He said everywhere he went in town or out of town that Manager Brown's name always came up as being the model for how a city manager should run a town. He told Manager Brown that he appreciated all that he did and for his help. He stated the motion carried. Manager Brown said he really appreciated their confidence in him. He said working with Council's like themselves, who really believed in the community, and that what they did made his job so much easier. He said the staff was why they got done what they got done, and he looked forward to continuing to do what he did and to do things better, but there would be some challenges in the next few years, but they would be okay. He thanked the Mayor and Councilors.

Mayor Ladner also expressed appreciation to Attorney Scavron and Clerk Mackie for their work.

12. ADJOURNMENT – Mayor Ladner asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:55 p.m., and Councilor Aiman-Smith seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked for a vote of all those in favor, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk