

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
January 10, 2017, 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 E. Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
Jaime Embick, Community Development Director

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. Mayor Ladner said during the past weekend Grant County lost one of the great leaders of their time, Representative Murray Ryan, and he asked for a moment of silence. Afterwards, the Mayor said he had fond memories of when Representative Ryan worked all day long with his son and other boys as they worked on their Eagle Scout project.

2. CEREMONIES – None.

3. PROCLAMATIONS - None.

4. PUBLIC INPUT – None.

5. COUNCIL COMMENTS - Councilor Ray referred to his comments about being against the school taxes at a previous Council meeting and followed by saying he had an in-depth conversation with the superintendent and the principal, and after those discussions he had changed his mind and would support the taxes for schools. He also said he welcomed comments and stated they were all trying to do a good job, but it was not an easy thing to do. Councilor Aiman-Smith encouraged the public to comment and be engaged in the revision process for the Town's Comprehensive Plan. She thanked the news outlets for recent news articles about the work done by citizens on the Boston Hill trails, and another article about internal promotions within the Police Department. Councilor Bettison discussed the Town's peddlers ordinance and said a peddlers license was for individuals to go to a business that was open to the public and was not a license to go door to door in residential areas. She asked Attorney Scavron to comment further. He said it was best to put up a "No Peddlers" sign at the access to their property, and they should call the police if peddlers violated it and trespassed on their property. Councilor Bettison encouraged folks to contact the non-emergency number for Central Dispatch to explain their concern and then it could be tracked. Councilor Cano commented that she would be unable to stand to recite the "Pledge of Allegiance" per her doctor's orders that she remain seated for the near future, and she said she may be in a wheelchair for the next couple of years. She said the legislative session would start January 17 so the Council may be in and out on their way to Santa Fe, and if people wanted them to take messages to their representatives or senators to please let them know before they left. She also said that in the past three weeks she had to call the police about three intense situations, and she thanked the police officers who responded for their professionalism, and she specifically named Officer Lynne Click. She said she appreciated how the police let her know what had happened after it was dealt with. She congratulated the following police officers for their recent promotions and said they were all very proud of them: Captain Freddie Portillo; Lieutenant James Cruzan; Sergeant Jason Woods; Sergeant Arthur Rascon; Corporal William Lara; Corporal Steven Delgado; Corporal Joseph Aguirre; Detective Sergeant Ben Villegas; Detective Jory Bascom; and Detective Salvador Quintana. Mayor Ladner announced that February 18, 2017 would be the "Territorial Charter Day" celebration and that "Territorial Charter Day" was on February 15, but by action of the Council they celebrated it on the Saturday closest to that date. He said there was a committee that consisted of a good spectrum of community members that were putting together programs for that day, and anyone interested in being involved should contact Lucy Whitmarsh at the Visitor Center.

6. CHANGES TO AGENDA – Councilor Bettison moved to remove Unfinished Business, Item B for the Approval / Disapproval of the selection of a final design for the "Welcome to Silver City" signs. Councilor Aiman-Smith seconded. Councilor Bettison asked the Mayor to explain why they were removing it from the agenda since it was a project dear to his heart. Mayor Ladner read a statement that said one of his goals as Mayor was to make visitors feel welcomed when they arrived and one way to do that was with "Welcome to Silver City" signs on the major roads into town, and how there were currently no such signs. He discussed work that had been done for several years on way finding signs that had been designed by the New Mexico MainStreet by Charlie Deans at the Community By Design firm. He said he wanted to maintain a sense of continuity in the Town's signage so he asked Mr. Deans to create several designs that they could consider, and Mr. Deans did that at no charge to the city. He discussed how the designs were placed on the Town's website and were the basis for their recent public input, and the public input was very good with approximately 650 people commenting. He said there were also a lot of comments suggesting that they should tap into their local talent of artists and other community members for input into the design, and it was a recommendation that he would follow. He said the Town really had no official signage or design so he would renew the election process again. He said the details had not been worked out yet, but they would soon invite community members to submit a design of their creation for consideration, and a link on the Town's website would be created where the various designs would be exhibited for public input. He said the Town would announce and publicize the details once they had a process in place and ready to begin. He discussed how the process would not happen overnight and would only happen when the Town was able to afford them. He stressed that the "Welcome to Silver City" signs were much needed and would contribute to the overall impression that people received when they arrived in their town. He said they had a chance to create something great, a positive and artistic image for Silver City that may spin off into other avenues of economic development, and they had tremendous artistic talent in their town to create something special. He said he was looking forward to working with them toward that goal. He asked if there was any other discussion, and there was none. He asked all of 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.

7. APPROVAL OF MINUTES - Regular Meeting on December 13, 2016 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of December 13, 2016. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He asked all of 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. Note: The Town Council cancelled their regular meeting scheduled for December 27, 2016. Therefore, there were no minutes.

8. REPORTS -

A. Presentation on Community Youth Building Program by Bianca Padilla, JPO/Program Coordinator of the Juvenile Probation Office. Ms. Padilla was not present, but Gary Stailey gave the report in her place and made comments during his PowerPoint presentation. He said they had a wonderful partnership with the Town of Silver City and that Manager Brown and staff were wonderful to work with, and he commended Jesus Alvillar, Parks Supervisor, Eddie Diaz with Facility Maintenance, and Police Chief Reynolds and his department. He reported that during the last calendar year their youth performed 2,580 hours in the community and adults that participated with them had donated 1,250 hours. He discussed their work at existing parks; the Volunteer Center; the BikeWorks; the Bullard Street parklet; Eagle Scout projects; the Visitor Center; the Habitat ReStore; Christmas decorating at the Silver City Museum; taking down the garland on the downtown light poles; pulling recyclable materials at the landfill, etc. He said juvenile delinquency crime was way down from what it was several years ago, and there was a reason not to become involved in the juvenile system. He said they continued to work on community health, but had very little impact with substance abuse problems in the community, but through a program like the Community Youth Building Program they were hopeful that the youth would have a reason not to be on drugs. He thanked the Council for all of their support, and he thanked Police Chief Reynolds and his department for being involved. He said they had a project almost every Saturday morning at 9:00 a.m. and he provided his contact information.

B. High Desert Humane Society's Annual Report. Heidi Sexton from the High Desert Humane Society was not present so there was no report given.

C. Report on the Volunteer Center by Kristin Lundgren. Ms. Lundgren, Garden Coordinator at the Volunteer Center, stated the Volunteer Center created The Commons Center for Food Security and Sustainability as a space where people could come together around one thing that everyone could agree was essential to life: food. She said their aim was to address the food needs of the community in three major ways: 1) by addressing the emergency food needs of community members, 2) with their Nuevos Comienzos Community Kitchen that opened in 2015 with the mission to build economic development by providing space and support for individuals to start small food businesses using their commercial kitchen, and 3) by growing food locally throughout the community. She stated the garden at the Commons had produced 3,500 pounds of vegetables for food pantry distribution in the last two years and she offered appreciation to the volunteers that cared for the garden. She discussed many other aspects of the Commons Garden, such as: how they distributed approximately 200 plant starts and thousands of seeds to food pantry recipients so they could grow their own gardens; how they worked with the Juvenile Probation Office for community service opportunities; how they hosted regular school and youth groups for hands on science education; and helped to start the local seed library, etc. She also talked about the local school gardens, activities on Common Wednesdays, and various ideas they had for the future to encourage people to create home gardens. Councilor Aiman-Smith said The Volunteer Center was a remarkable organization and was really representative of a sharing economy with the seed library because people put into it from the community and people took out from it from the community.

C. Staff reports. Clerk Mackie reported it was candidate filing day for the elective offices that were up for election. She said Cynthia Ann Bettison filed for the Councilor in District 1 position and Jose A. Ray, Jr. filed for the Councilor in District 3 position. She said election day was March 7 and absentee voting at City Hall would begin on January 31. Manager Brown reported the only time an employee took a vehicle home was when they were on call and it included a few of the department heads, and he specifically mentioned that the Public Works Director and the Utilities Director were always on call.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS-

A. Approval / Disapproval of Ordinance No. 1254: an Ordinance authorizing the donation of the tract of Town-owned land known as the "Old Hillcrest Hospital Site" for an affordable housing project. Mayor Ladner gave Councilor Aiman-Smith the floor. She stated she wanted to disclose a potential conflict of interest and to seek the Council's guidance on her inclusion in the discussion and the decision. She said she supported the principal that the public had the right to know that public officials made decisions based on an open and transparent process, and those decisions focused on the greater good. She disclosed that she owned a condominium at The Gardens Association Condominiums, a senior housing community in Silver City, and that she was also a member of the Board of Directors of The Gardens. She said it was a community of resident-owned units, but there were some that were leased so building a new complex specifically for affordable senior housing could be viewed as a threat to the future of either sales or rentals in that condominium complex. She said in the circumstance of her involvement as an owner and on the board of an established senior housing condominium complex she was personally not concerned that having more affordable housing in their town would affect the future sale or rental of units of The Gardens, and she felt she could discuss and participate in the decision without concern that in doing so she would have any primary purpose of her own financial gain and that she was not recusing herself. She said she was seeking advice from the Council and Mayor as to whether, in their judgment, she should continue to be part of the discussion. Mayor Ladner polled the Council to see if they had any concerns. Councilor Bettison, Councilor Ray, and Councilor Cano said they had no concerns. Mayor Ladner said they would proceed.

Councilor Bettison said she was sponsoring Ordinance No. 1254 because the Town fundamentally had a critical need for affordable housing, especially for seniors, and it was a good use of the property at the Old Hillcrest Hospital site. She said they were providing Bethel Development an opportunity to begin the process. Jaime Embick, Community Development Director, said Bethel Development addressed concerns that the Mayor had about the project with regard to transportation and whether other pieces of property were suitable for the development. She said because of the tax credit program that Bethel Development was applying for with the New Mexico Mortgage Finance Authority (NMMFA) and the State of New Mexico they would get extra points on their application because the property was a Brownfield, therefore because of the property's history and the situation it was the best property for the project. She said

she also talked with the Director of Corre Caminos Public Transit and the director said it would be no problem to establish a stop at the property, and that the Senior Center coordinated rides for people to get to and from the Senior Center. She said staff checked all of the project towns that were in the packet of information from Bethel Development, and there were no adverse comments from the towns about their projects. She said the Town had no problems with the Silver Cliff Apartments. Mark Shoemaker from Bethel Development thanked Ms. Embick and Attorney Scavron for the time they had put into working with them through all of the nuances of the NMMFA program. He said without the help from the city and without the donation and hopefully some fee waivers, the project would be economically unfeasible and structurally unfeasible. He said the location of the site and the fact that it was a Brownfields brought additional points to the development and it was so competitive; that other cities and towns in New Mexico were trying to figure out how to put their deal together. He said with the Town's help they thought they had an outstanding application and would score high; that they thought it was a strong package and NMMFA would look upon it very favorably. He said they were committed to a healthy, sustainable, safe and secure environment for the residents, and they were also committed to the following: an extensive landscape on site to make it a beautiful project, having a walking trail around and on the site, and accessibility to Juniper Street. He said they still did not have a final plan and they had a lot to do. Mayor Ladner asked the Council if they had any questions. Councilor Cano commented on traffic issues because of the large hill to get up to the property and she said the Police Chief needed to be involved. There was further discussion about the following: the traffic and access to Highway 180 on both sides of the hill, how four to six projects statewide would receive funding; how the timeline probably would not see the project start before the end of the first quarter in 2018; how the site approvals would be done with the Town, etc.; how if the project did not proceed there would be no transaction or donation of property; and how the obligation to commit to the donation depended on Bethel Development getting the tax credits because without them they could not do the project. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Ordinance No. 1254: an Ordinance authorizing the donation of the tract of Town-owned land known as the "Old Hillcrest Hospital Site" for an affordable housing project with the following additions: 1) under the third Whereas paragraph in the last sentence add, "including the policy mandated recapture of investment costs incurred by the Town relating to the subject property", 2) under the fifth Whereas paragraph after "waiver of fees" to add "and charges", 3) under number two under the Now, Therefore where it states, "The Town Manager is authorized to waive such fees" to add "and charges", 4) and additionally under number two in the last sentence that states, "Such discretion includes the authority to deny such waivers of fees" to add "and charges". She said it was to ensure they had a comprehensive way of identifying the normal charges and fees since there are charges in addition to fees that are normally assessed; that they were just making sure it was all included in the ordinance. Councilor Aiman-Smith seconded. There was no further discussion. Mayor Ladner asked if there were any comments or questions from the public, and there were none. 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.

Councilor Bettison moved for a short recess at 7:12 p.m. Councilor Ray seconded. Mayor Ladner said they would take a recess. He called the meeting back to order at 7:21 p.m.

B. Approval / Disapproval of the selection of a final design for the "Welcome to Silver City" signs. This item was removed from the agenda. See Item 6. Changes to the Agenda on page 2 of these minutes.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2017-01: Open Meetings. Clerk Mackie presented the details of the annual Open Meetings Resolution. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution No. 2017-01: Open Meetings. Councilor Ray seconded. There was no discussion. Mayor Ladner 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.

B. Approval / Disapproval of Resolution No. 2017-02: to confirm a policy of the Town of Silver City providing for recovery of investment costs incurred by the Town with regard to Town-owned properties to be sold or otherwise transferred to third parties. Manager Brown said the resolution reaffirmed the policies he had followed for many years; that when the Town purchased or made an investment in a property that they recovered the cost of that investment. He said they did it in the case of the Silco Theater and the Chinese Palace property. He said they would

apply the same policy to the affordable housing project as well so they were looking at the original purchase cost, the cleanup cost, and the demolition cost for the property. There were no questions. The Mayor asked for a motion. Councilor Bettison moved to approve Resolution No. 2017-02: to confirm a policy of the Town of Silver City providing for the recovery of investment costs incurred by the Town with regard to Town-owned properties to be sold or otherwise transferred to third parties. Councilor Aiman-Smith seconded. There was 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 Resolution No. 2017-03: to donate two parcels of real property known as the "Old Hillcrest Hospital Site" to Bethel Development, Inc. for the sole purpose of designing, constructing and maintaining an affordable housing project under the provisions of Chapter 9, Section 9-1, et. seq. of the Town of Silver City Municipal Code. Attorney Scavron said the reason they were doing the resolution was a redundancy and it made reference to the ordinance they just passed. He said their local ordinance required that they do the donation of property by ordinance, but according to the New Mexico Mortgage Finance Authority director, their checklist said a resolution was required. He said rather than cause a dispute between the state and the Town, they would do the resolution for their checklist and they would do the ordinance for their local law. He said the resolution would accompany the application of Bethel Development to Santa Fe. There were no questions. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2017-03: to donate two parcels of real property known as the "Old Hillcrest Hospital Site" to Bethel Development, Inc. for the sole purpose of designing, constructing and maintaining an affordable housing project under the provisions of Chapter 9, Section 9-1, et. seq. of the Town of Silver City Municipal Code. 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.

D. Approval / Disapproval of Bid #16/17-3: Ridge Road East sewer line extension. Manager Brown gave a brief history of where the grant funding came from and the background of the project that was outside city limits. He said the grant was 100 percent grant funded and would pay for the engineering, design and construction. He said the Office of Natural Resources Trustee asked the Town to do the project because they had the extra funds available because some of the other projects fell through. He said he went to Grant County because the project was outside the city limits and the Town's ordinance required that if you had a sewer main within 300 feet of your property then you were required to connect to the sewer main. He said Grant County approved an ordinance that did the same thing within the extraterritorial jurisdiction so it would require all of the individuals to connect. He said as part of the grant they were waiving the Town's sewer connection fee. He said the Office of Natural Resources Trustee was going to pay to close all of their septic tanks, and that approximately 160 residences would be affected by the project. He said the grant would pay for all of them to close out all of their septic tanks, but it would only pay for those who had incomes within 150 percent of the median household income within Grant County. He said as of that date they had received 79 applications and 77 had been approved for 100 percent subsidy for both the closeout and connection. He said they would go to the other residences to try to get them to comply and they would work with the county. He stated they received six bids for the project and the lowest bid was from Morrow Enterprises, Inc. out of Las Cruces, NM. He said it was staff's recommendation to award bid lots 1 through 6 for the amount of \$1,696,125.00 plus county gross receipts taxes. There was further discussion. Councilor Ray moved to approve Bid #16/17-3: Ridge Road East sewer line extension to Morrow Enterprises, Inc. for bid lots 1, 2, 3, 4, 5, 6 in the amount of \$1,696,125.00 plus New Mexico gross receipts tax. Councilor Cano seconded. There was 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. Approval / Disapproval of Resolution No. 2017-04 : adopting records retention and disposition schedules for the Town of Silver City. Clerk Mackie requested the Council's approval to continue using the same Records Retention and Disposition Schedules for the Town records that they had been using since 1997. She stated that in November 2015 the State Records Center and Archives repealed those schedules and adopted new ones. She said the new schedules did not have the detailed records descriptions that they were accustomed to and that many of the retention periods had been increased substantially which would create a hardship for the Town with regard to storing more records permanently. She said State Records Center and Archives had advised municipalities that the State had no jurisdiction over municipal records and that they cited Attorney General Opinion No. 61-36 which states, "records

made or kept by the municipality under its own authority and for its own purposes may be disposed of as the municipality sees fit ." She said they no longer had to obtain State approval and the Town Council could approve the disposition of its records. She also stated that the General Counsel of the New Mexico Municipal League offered the same advice to municipal clerks and said they could continue using the repealed schedules, adopt the new State schedules, or create their own. She said it was staff's recommendation that they continue to use the same schedules as a guide to records retention because their descriptions and retention periods were more suitable for the Town's records management. There were no questions from the Council. Mayor Ladner said he would hear a motion. Councilor Aiman-Smith moved to approve Resolution No. 2017-04 : adopting records retention and disposition schedules for the Town of Silver City. Councilor Bettison 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.

F. Approval / Disapproval of the destruction of records from the Executive, Finance, Municipal Court, Police, Recreation Center, Public Library, and Utilities Departments. Quantity: 112 boxes. Clerk Mackie said they had records ready for destruction upon their approval; that they had met their retention period per the records schedules they were accustomed to using and per the previous resolution. She requested their approval. Councilor Aiman-Smith moved to approve the destruction of records from the Executive, Finance, Municipal Court, Police, Recreation Center, Public Library, and Utilities Departments. Quantity: 112 boxes. Councilor Bettison seconded. Mayor Ladner asked all those in favor 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.

12. ADJOURNMENT – Mayor Ladner asked for a motion to adjourn. Councilor Aiman-Smith moved to adjourn at 7:45 p.m., and Councilor Bettison 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