

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
July 11, 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  
Milo Lambert, Fire Chief  
Priscilla Arredondo, Planner/Zoning Administrator

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – "CLAY Festival Week" - July 22 - 30, 2017. Mayor Ladner read the proclamation and presented it to Raul Turrieta and Lee Gruber. Ms. Gruber thanked the Council for the proclamation and Mr. Turrieta for initiating it. She commented on the upcoming CLAY Festival and how it represented the best of the culture that they had in this part of the country, and that she was very proud of it. Mr. Turrieta said it gave him great pleasure to be part of the event, and the CLAY Festival brought the culture here in Silver City and Grant County.

**4. PUBLIC INPUT** – None.

**5. COUNCIL COMMENTS** – Councilor Aiman-Smith commented on the following: how on that date in 1804 Alexander Hamilton was shot in a duel by Aaron Burr and she was glad they did not have dueling any more as a way to resolve differences; how the Visitor Center would soon have informational handouts about aggressive panhandling; how she met the Denny's hiring management and they would have formal training for servers which would benefit the community; and how as a citizen she planned to attend an upcoming Listening Session by County Commissioner Alicia Edwards on July 18 regarding the County's proposed ordinance to allow off-highway vehicles on County roads. Councilor Bettison commented on the following: thanks to Councilor Aiman-Smith and Callie Kennington at the Silver City Arts and Cultural District for putting together the pamphlet about aggressive panhandling; how the 2010 Town Ordinance No. 1164 was specifically about aggressive panhandling and not homelessness, etc.; how she met with the Denny's hiring management and they were going great guns to try to get 100 people hired for their opening later in the month; and how as a citizen she would also likely attend Commissioner Edward's Listening Session. Councilor Cano commented that it broke her heart when she observed a young man kicking a soccer ball against the Gough Park mural that she just helped to repaint. She pointed out that the murals in town were really beautiful; that she would like to keep them beautiful and asked sporting enthusiasts to not kick or throw balls at the murals. Councilor Ray commented on the following: how the Veterans plaques on Hudson Street looked nice; a suggestion to Manager Brown to see if there were any grants to help with panhandling; how maybe they could ask the town's business people to hire their own security to alleviate some of the problems that the Silver City Police Department had; and how he would like to see cameras downtown to alleviate a lot of problems. Mayor Ladner reminded the public that the Town was accepting designs for "Welcome to Silver City" signs and that they could go on the Town's website or to City Hall to get information.

**6. CHANGES TO AGENDA** – None.

**7. APPROVAL OF MINUTES - Regular Meeting on June 27, 2017 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of June 27, 2017.** 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. Staff Reports.** Manager Brown reported on the success of the medical return prescription disposal kiosk and stated from June 2016 to June 29, 2017 the kiosk had collected 527 pounds of prescription drugs which meant quite a bit of drugs were off the streets.

Fire Chief Milo Lambert provide an update on the call status for the month of June and stated there were 23 emergency calls related directly to fire, six actual fire calls, and 173 emergency medical services calls with five of those transported by the Silver City Fire Department due to the unavailability of an ambulance from the Gila Regional Medical Center. He reported there were eight calls for fires on the 4th of July, but seven out of the eight calls had been extinguished by the time they arrived. He said there was one injury due to fireworks with a small burn so no transportation to the hospital was needed. He said the Silver City Fireworks Show went off successfully and with the addition of an electronic ignition system the safety factor of the show was phenomenal. He also reported that they hired two inspectors to start the process of replacing him as the Fire Marshal, and they would perform inspections for local businesses without being excessively strict, and would educate the public so that business owners could make their businesses safe for their customers. He said it was a large step forward for the Fire Department.

Manager Brown followed Fire Chief Lambert's report by stating the Town had an agreement with Gila Regional Medical Center (GRMC) for about 20 years with multiple agreements over that time that basically agreed to be backup for GRMC for Emergency Medical Services (EMS). He said the Town was the primary response on EMS calls, but they were not the transporting entity. He said the Town had not had an agreement with GRMC for over three and a half years and they had been unable to get an agreement with them. He explained how the Town was having to transport for them because GRMC did not have the staff to transport and he was told that the GRMC ambulance shows up with one person, just the driver, so the Town had to send one of their employees to ride in the truck with them so GRMC was taking the Town's fire vehicles, that were primary fire response vehicles, out of service. He said he wanted to give the Council a heads up because they had tried for years, and he did not want it to affect their fire service response because of what GRMC had chosen to do. He asked Attorney Scavron to speak.

Attorney Scavron added to Manager Brown's statement by saying he had been involved in the negotiations for over a year; that it was not a complicated matter, but dealing with the hospital had been a nightmare, and he explained. He said GRMC expected the city to cover for them, and in those situations where Silver City personnel had to go on the ambulance because the hospital was showing up without the proper personnel, which was a violation of state law, they were not agreeing to pay the Town for that. He mentioned all of the people that he and Assistant Town Manager Marshall had been dealing with and stated it was the worst negotiation he had in his 40 years of doing law. He said someone at GRMC needed to settle this thing for the public safety of the town. He said he had been involved for a year and how they had all kept their mouths closed because they did not want to reflect negatively on another government agency, but in this case it had gotten to the point where people's lives were being impacted. He said GRMC needed to start reacting for the benefit of the town; instead of just taking from the town they needed to contribute to the town as well. He said his statement was not rehearsed, but it had been horribly frustrating, and the hospital officials that were in charge of it needed to address it because there were laws being broken as well.

Councilor Bettison asked if the Town had submitted an invoice to GRMC and Manager Brown said no. He said they tried to comply with the old agreement and do what was best for the community, and they had not sent invoices because they were trying to act in good faith. He said the Town was not the transporting entity for the region, that GRMC was, and they were taking the Town's fire personnel off the street so if there was a fire or another EMS call they would not be able to respond. He said it was putting people's lives at risk, that he was not going to say anything, but three and a half years was too long. There was further discussion about the Town's rescue unit which could get to a scene faster and provide first response care and how GRMC's ambulance was responsible for transporting individuals that needed transportation to the emergency room; how the Town's rescue units contain various equipment to extract people from vehicles, etc.; a suggestion to send invoices to GRMC; how the Town was doing GRMC's job; how it was basically a mutual aid agreement; how the County was aware of the situation; and how the next move may be to get on

the agenda of the GRMC Board of Trustees or to approach the new Chief Executive Officer since they had already tried to negotiate with the department heads, GRMC attorneys, and multiple GRMC Chief Executive Officers. Manager Brown said the Silver City Fire Department did a good job, and if something ever happened and the Silver City Fire Department were to get blamed, that frustrated him.

## 9. PUBLIC HEARINGS -

**A. Approval / Disapproval of Ordinance No. 1260: An Ordinance to amend the Official Zoning Map for several tracts of land from a Commercial District to the Residential A Single-Family (RA) District described as: Lot Seven and the North Half of Lot Five, Block Seventeen, in Silver Heights Addition to the Town of Silver City, Grant County, New Mexico. The property address is 1707 Yucca Street and the applicant is Joseph F. Mendoza.** 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. Councilor Bettison, Councilor Aiman-Smith, and Councilor Cano said no. Councilor Ray said the applicant, Joseph F. Mendoza, went to his house to ask a question, but he told him that it would come before the Council and that he was in District 1. Mayor Ladner asked the hearing board if Councilor Ray should recuse himself, and they said no because there was no actual content discussed. Mayor Ladner stated they all agreed that Councilor Ray could participate in the hearing. 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 two witnesses: Priscilla Arredondo, Town Planner/Zoning Administrator, and Pat Fell. Mayor Ladner asked staff to present the application for the hearing board's consideration. Ms. Arredondo stated she had a slideshow and she reviewed the following details: how the property was Residential A on a small portion of the west side of the property and Commercial on the east portion of the property, but was currently used as a residence; how the owner wanted to rezone the whole property to Residential A to assist in the sale of the property; how the zone change would remove the non-conforming Commercial status from the existing residence; how the property was located in District 1; aerial views of the property; photos of the property and adjacent properties and views; and how Findings were required when amending the Official Zoning Map and the seven Findings from the Land Use and Zoning Code were read. Ms. Arredondo stated the Planning and Zoning Commission recommended that the zone change be approved because it met the following Findings: 1) The proposed amendment is in substantial compliance with the Town's Comprehensive Plan, 2) the proposed amendment will not adversely affect the implementation of the goals and policies of the Town's Comprehensive Plan, 4) The proposed amendment will not adversely impact the public health, safety or general welfare and will promote the original purposes of the Land Use Code, 5) The proposed amendment responds to changed conditions, such as changes in the assumptions on capital investment, road locations, population trends, land committed to development, density, use of further studies that have been completed since the adoption of the Land Use Code, and 7) The proposed amendment provides additional flexibility in meeting the objectives of this Land Use Code without lowering the standards of the Land Use Code. She concluded her presentation. Mayor Ladner gave Pat Fell, Realtor, the floor, and asked her if she was representing the proponent. Ms. Fell said yes, she was there on behalf of Joseph Mendoza and his wife Cecilia. She said they listed their property with her in the Spring and promptly received an offer to purchase the residence, but during the mortgage and appraisal process it was revealed that the property was zoned Commercial which stopped the loan process because you had to have residential property to get a residential loan. She said they began the process of requesting the zone change on behalf of Mr. Mendoza because he had already moved to California. There were no questions from the Council. Mayor Ladner asked Ms. Fell if she had any other witnesses in support of the application, and she said no. He asked if that concluded her case in chief, and she said yes. Mayor Ladner asked if there were any witnesses that wanted to testify in opposition to the case, and there were none. He asked the hearing board if they were prepared to consider the application and render their decision, and all four Councilors said yes. Councilor Bettison moved to approve Ordinance No. 1260: An Ordinance to amend the Official Zoning Map for several tracts of land from a Commercial District to the Residential A Single-Family (RA) District described as: Lot Seven and the North Half of Lot Five, Block Seventeen, in Silver Heights Addition to the Town of Silver City, Grant County, New Mexico. The property address is 1707 Yucca Street and the applicant is Joseph F. Mendoza per the recommendation and findings of the Planning and Zoning Commission that have been read into the record. Councilor Aiman-Smith seconded. There was no further discussion. A roll call vote was taken with the following results: Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

## 10. UNFINISHED BUSINESS -

**A. Approval / Disapproval of Ordinance No. 1259: An Ordinance amending Chapter 10, Article II (Business Registration) Title and Sections 10-20 through 10-22; Article III (Business License), Sections 10-44 through 10-64 of the Municipal Code of the Town of Silver City, NM.** Councilor Aiman-Smith stated the main purpose of the changes in the ordinance were to streamline the processes by which people applied for a business license or registration in order to make it easier for the citizens. She said there had been no change to the general fee for applying, but there were fee increases for the gasoline pumps and for wholesale gasoline prepping. She provided further detail. There were no questions from the Council. Councilor Aiman-Smith moved to approve Ordinance No. 1259: An Ordinance amending Chapter 10, Article II (Business Registration) Title and Sections 10-20 through 10-22; Article III (Business License), Sections 10-44 through 10-64 of the Municipal Code of the Town of Silver City, NM. 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.

## 11. NEW BUSINESS -

**A. Approval / Disapproval of Resolution No. 2017-16: a Resolution approving a Colonias Infrastructure Loan / Grant for a waterline on Highway 15, Silver City, NM.** Manager Brown said Resolution No. 2017-16 was for the Loan / Grant Agreement for a Colonias grant that the Town was awarded for the waterline. He said the Town would have to borrow \$40,784 and would be granted \$367,054, and of that amount approximately \$407,000 would be used to repay the previous loan that they got for the waterline. He said they would pay off the \$40,784 loan the next fiscal year and build it into the budget. He said there was no design or bid work to do because they were just depositing the funds with the State of New Mexico for their Department of Transportation (DOT) Project on Highway 15, and DOT would bid the project out as part of their reconstruction. He said the extent of the Town's waterline was only from Pine Street down to Highway 180, but because there was so much drainage work that had to be done there, the Town had to move their lines. He said the Town took the opportunity to replace everything so it would create another loop for Arenas Valley and Rosedale to get better service and better flows. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2017-16: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan / Grant Agreement by and among the New Mexico Colonias Infrastructure Board ("CIB") and the New Mexico Finance Authority ("Finance Authority," and collectively with the CIB, the "Lenders / Grantors") and the Town of Silver City, Arenas Valley and Rosedale, in the total amount of \$407,838, evidencing an obligation of the Borrower / Grantee to utilize the Loan / Grant amount solely for the purpose of financing the costs of construction and replacement of waterline, and solely in the manner described in the Loan / Grant Agreement; providing for the pledge and payment of the loan amount of \$40,784 solely from net system revenues and acceptance of a grant amount of \$367,054; certifying that the Loan / Grant amount, together with other funds available to the Borrower / Grantee, is sufficient to complete the project; approving the form of and other details concerning the Loan / Grant Agreement; ratifying actions heretofore taken; repealing all action inconsistent with this Resolution; and authorizing the taking of other actions in connection with the execution and delivery of the Loan / Grant Agreement. Councilor Cano seconded. There was no further 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. Appointment to Planning and Zoning Commission.** Mayor Ladner said they received an application from Samuel Castello, and that Sherry Clements, the Chair of the Planning and Zoning Commission, and Jaime Embick, the Director of the Community Development Department, were in favor of the appointment. He said he would like to appoint Mr. Castello if there was no objection. There was no objection so Samuel Castello was appointed.

**12. ADJOURNMENT** – Mayor Ladner concluded meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 6:56 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. Motion carried.

Attest:

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Ann L. Mackie, Town Clerk

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Ken Ladner, Mayor