

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
August 22, 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
Yolanda C. Holguin, Acting Town Clerk
Priscilla Arredondo, Planner/Mapper

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

2. CHANGES TO THE AGENDA - None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Aiman-Smith asked the community to make the town more beautiful by sweeping sidewalks, etc. for an upcoming visit by a journalist that would be photographing Silver City. She also remarked on lovely painted rocks that Silver City citizens had painted and hidden as gifts to the lucky finder, and how it was a wonderful, charming, kind, and loving thing to be doing in the community. Councilor Bettison commented on the recent New Mexico Municipal League's (NMML) Annual Conference in Clovis that she attended with Councilor Cano and Mayor Ladner. Councilor Cano commented that she was unable to stand for the pledge because she injured herself in Clovis. She congratulated Mayor Pro Tem Bettison on becoming the Vice President of the NMML and said she would do a really good job for the whole state. She also congratulated the Copper Country Senior Olympics for a wonderful season and invited people over 50 to participate. Councilor Ray asked Manager Brown what they could do for the trailer in Shady Grove that had a tree fall on it and that there were also a lot of loose branches that created a hazard. Manager Brown said he would talk to the Fire Chief and Code Enforcement staff to see if there were any fire codes that would apply so they could get it taken care of. Mayor Ladner said while he was in Clovis attending the NMML Annual Conference he had a chance to visit downtown Clovis, and he commented on the beautiful downtown area that Silver City had, and said he considered it to be one of the highlights in New Mexico. He said during the NMML conference it was apparent to him that Councilor Bettison and Councilor Cano were well respected and thought highly of throughout the State. He congratulated Councilor Bettison for being elected as Vice President of the NMML; that it was a great honor for her and for Silver City. He read the names of the committee for the Territorial Charter Day Celebration. He also commented on an upcoming talent show; how the Arts and Cultural District would have a downtown cleanup; and how he attended the Board of Regents meeting at Western New Mexico University to evaluate President Shepard and how everybody had high praise for President Shepard.

6. APPROVAL OF MINUTES - Regular Meeting on August 8, 2017 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of August 8, 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, and there were none. Motion carried.

7. PUBLIC INPUT - Raul Turrieta, Grant County Assessor, commented on an upcoming two-night talent show event with over 70 contestants participating with about 25 acts. He also commented on other Labor Day Weekend events, such as the Taste of Downtown, the Southwest Print Festival, and he acknowledged that the Village of Santa Clara would have their first-ever Labor Day Fiesta on September 2, 2017. He stated Mayor Bauch had done an exceptional job in Santa Clara.

8. REPORTS -

A. Report on the Silver City Library's Summer Reading Program by Ken Dayer, Library Director. Manager Brown introduced Ken Dayer as the new Library Director. Mr. Dayer reported that since 2011 the Library made an emphasis on programming in general and the overall numbers had increased drastically since then. He said in 2016 they made an emphasis on young adult programming and as a result they had record attendance, and for their Summer Reading Program for children and teens they had record attendance for the program that just wrapped up. He discussed the team effort and numerous volunteers that helped with the programming. He said the most recent program's theme was "Build a Better World" and it ran from June 6 through July 28. He described the program and said about 30 percent of the participants completed the entire reading log, compared to only one to three percent in past years. He also discussed the Library's ongoing weekly programs and the new ideas that were implemented in the Summer Reading Program.

9. PUBLIC HEARINGS -

A. Approval / Disapproval of a Transfer of Ownership and Location of Inter-Local Dispenser License No. 28029, with On Premises Consumption Only. License No. 28029, Application No. 1049495, Name of Applicant: Mel-Mike Enterprises, Inc., DBA Jalisco Café, Proposed Location: 103 S. Bullard St., 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. The Acting Town Clerk swore in three witnesses: George Mesa, Alex C. Brown, and Raul Turrieta. Mayor Ladner asked Manager Brown to present the application, and Manager Brown stated the public hearing was required by the State of New Mexico for the transfer of a liquor license from an Albuquerque address to 103 S. Bullard for Mel-Mike Enterprises. Mayor Ladner asked Mr. Mesa to present his case as the proponent. Mr. Mesa said he was the President of Mel-Mike and they started the process about three months ago to buy the license and the public hearing was the last step. He said they already had a beer and wine license, but they were trying to get a hard liquor license because the millennials liked hard drinks and drank less beer. He said it would make it more of a service for the customers that eat there than a bar. He said they would move the radio station and create the bar where the radio station was. Councilor Aiman-Smith asked him what his full intention was. Mr. Mesa said the license would be for a restaurant and not for a separate bar; that they were not going to be in the business of serving alcohol after certain hours. He said once the restaurant closed, the bar would close, but they wanted to accommodate mostly ladies that liked to drink because guys liked beer and whisky. He discussed the costs to put a bar in the restaurant building. He said it was about being more competitive in the market, but the restaurant may not be big enough and they may have to build somewhere else, but then it would take another year to transfer the license somewhere else. Mayor Ladner asked Mr. Mesa if he had any witnesses in support of the case. Mr. Turrieta said as a citizen he sat on the Economic Development Infrastructure Committee statewide for the New Mexico Association of Counties and he very much supported downtown on economic development. He said he thought it would boost economic development in downtown Silver City and he supported the transfer of the license. There were no other questions from the Council. Mayor Ladner asked Mr. Mesa if that concluded his case in chief, and Mr. Mesa said yes. The Mayor asked if there were any persons that would like to testify in opposition to the application, and there were none. He asked the hearing board if they were prepared to render their decision, and they said yes. Councilor Ray moved to approve a Transfer of Ownership and Location of Inter-Local Dispenser License No. 28029, with On Premises Consumption Only. License No. 28029, Application No. 1049495, Name of Applicant: Mel-Mike Enterprises, Inc., DBA Jalisco Café, Proposed Location: 103 S. Bullard St., Silver City, NM 88061. Councilor Cano seconded, and there was no further discussion. The Mayor 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. Mr. Mesa thanked the Council and said it was the first license being brought back into downtown instead of leaving.

10. UNFINISHED BUSINESS - None.

11. NEW BUSINESS -

A. Approval / Disapproval of a Public Celebration Permit Application, and waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church, for the 2017 Second Annual Silver City Pride Fest sponsored by LGBTQ

Grant County to be held on Sept. 16, 2017 at Gough Park, 1201 N. Pope St., Silver City, NM. Alcohol service from 12:00 pm to 6:00 pm. Liquor License Holder: Q's Southern Bistro, LLC, DBA Branding Iron Brewery, License No. 67025, 101 E. College Ave., Silver City, NM. Mayor Ladner reminded the Council that the church letter to waive NMSA 1978 Section 60-6B-10 was in their packet and whoever made the motion needed to include the waiver language in the motion. He asked Anthony Quintana to make his presentation. Mr. Quintana said the LGBTQ group contacted him to host a beer garden for the second annual Pride Fest. He said he had also used the basketball court at Gough Park before for a beer garden for the Chicano Music Festival. There were no questions. Mayor Ladner asked for a motion. Councilor Cano moved to approve a Public Celebration Permit Application, and waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church, for the 2017 Second Annual Silver City Pride Fest sponsored by LGBTQ Grant County to be held on Sept. 16, 2017 at Gough Park, 1201 N. Pope St., Silver City, NM. Alcohol service from 12:00 pm to 6:00 pm. Liquor License Holder: Q's Southern Bistro, LLC, DBA Branding Iron Brewery, License No. 67025, 101 E. College Ave., Silver City, NM, and the waiver from the church was included with the application. Councilor Ray seconded. 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.

B. Approval / Disapproval of two Public Celebration Permit Applications for the Gila Monster Gran Fondo special dinner event, sponsored by Tour of the Gila, Inc., to be held on October 13, 2017 at the Grant County Veterans Memorial Business and Conference Center with alcohol service from 5:00 pm to 9:00 pm. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery, License No. 63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, License No. 67085, 203 S. Mill Road, Silver City, NM. Mayor Ladner gave the floor to Chris Schlabach with the Tour of the Gila. Mr. Schlabach provided details of the event. The Mayor asked for a motion. Councilor Ray moved to approve two Public Celebration Permit Applications for the Gila Monster Gran Fondo special dinner event, sponsored by Tour of the Gila, Inc., to be held on October 13, 2017 at the Grant County Veterans Memorial Business and Conference Center with alcohol service from 5:00 pm to 9:00 pm. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery, License No. 63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, License No. 67085, 203 S. Mill Road, Silver City, NM. 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.

C. Approval / Disapproval of two Public Celebration Permit Applications, and waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church, for the Gila Monster Gran beer garden event, sponsored by Tour of the Gila, Inc., to be held on October 14, 2017 at Gough Park with alcohol service from noon to 5:00 pm. Sponsor: Tour of the Gila, Inc. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery, License No. 63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, License No. 67085, 203 S. Mill Road, Silver City, NM. Mayor Ladner gave the floor to Chris Schlabach with the Tour of the Gila. Mr. Schlabach provided details of the event. The Mayor asked for a motion. Councilor Cano moved to approve two Public Celebration Permit Applications, and waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church, for the Gila Monster Gran beer garden event, sponsored by Tour of the Gila, Inc., to be held on October 14, 2017 at Gough Park with alcohol service from noon to 5:00 pm. Sponsor: Tour of the Gila, Inc. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery, License No. 63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, License No. 67085, 203 S. Mill Road, Silver City, NM, and the waiver from the church has been included with the application. Councilor Ray 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.

D. Approval / Disapproval of Resolution No. 2017-24: a Colonias Infrastructure Project Loan/Grant Agreement for design of street improvements to Ridge Road in the amount of \$177,137. Manager Brown said it was the second Colonias grant that they were awarded and the total amount of the project was \$177,137 with \$159,423 being the grant amount and \$17,714 being the loan amount. He said they budgeted to pay the loan off this year so there would be no payments on it. He said it was for the design of Ridge Road from Highway 90 to the city limits, and once the design was completed they planned to apply for Colonias in two phases. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2017-24: a Resolution authorizing the execution and delivery of a

Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the NM Colonias Infrastructure Board ("CIB") and the NM Finance Authority ("Finance Authority," and collectively with the CIB, the "Lenders/Grantors") and the Town of Silver City (the "Borrower/Grantee"), for the benefit of the Town of Silver City, in the total amount of \$177,137, evidencing an obligation of the Borrower/Grantee to utilize the loan/grant amount solely for the purpose of financing the costs of designing street improvements to Ridge Road, and solely in the manner described in the Loan/Grant Agreement; providing for the pledge and payment of the loan amount of \$17,714 solely from the second increment of Municipal Local Option Gross Receipts Tax in the amount of one-quarter of one percent (.25%) imposed pursuant to Section 7-19D-9, NMSA 1978, as amended, and acceptance of a grant amount of \$159,423; 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 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.

E. Approval / Disapproval of Resolution No. 2017-22: a Resolution adopting the 2019-2023 Infrastructure Capital Improvement Plan (ICIP). Priscilla Arredondo, Planner/Mapper, discussed the ICIP process and how they developed the list of projects and prioritized them. She said the ICIP was a planning document, however, since it was an important tool to use for competitive funding opportunities, it was used as a funding tool as well as a planning tool, and she gave examples. She reviewed completed projects. There was further discussion. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2017-22: a Resolution adopting the 2019-2023 Infrastructure Capital Improvement Plan (ICIP). Councilor Ray seconded. The Mayor 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 Resolution No. 2017-23: a Resolution adopting the 2019-2023 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center. Priscilla Arredondo, Planner/Mapper, stated the Town owned the Senior Center and was taking over the ICIP process for it, but Hidalgo Medical Services (HMS) was running the Senior Center. Manager Brown said the Town built the building and always owned it, but different organizations had run the Senior Center over time. He said those organizations had always done the ICIP to get the GO Bond money, but the rules with the State changed so HMS could not receive the GO Bond money directly. He said they would work with HMS to identify the priorities and needs of the building. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2017-23: a Resolution adopting the 2019-2023 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center. Councilor Bettison seconded. There was no 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.

G. Appointment to Museum Board. Mayor Ladner said the Town received one application from Phillip Parotti, and Carmen Vendelin, Museum Director, encouraged Mr. Parotti to apply. He said Ron Phair, President of the Museum Board, recommended Mr. Parotti's appointment. He said if there were no objections from the Council he would like to appoint Mr. Parotti to the Museum Board. There were no objections so Mr. Parotti was appointed.

12. ADJOURNMENT – Mayor Ladner concluded the meeting. Councilor Aiman-Smith moved to adjourn at 7:08 p.m., and Councilor Ray seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried.

Ken Ladner, Mayor
Attest:

Ann L. Mackie, Town Clerk