

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
September 12, 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  
Robert Scavron, Town Attorney  
Jaime Embick, Community Development Director  
James Cruzan, Police Lieutenant  
Milo Lambert, Fire Chief

**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** – "**Southwest Festival of the Written Word Weekend**" - **Sept. 29 - Oct. 1, 2017** – Mayor Ladner read the proclamation and presented it to Jeannie Miller, Co-Chair of the Festival. Ms. Miller thanked her Co-Chair, Mary Hotvedt, the steering committee, and the Town Council for their support through Lodgers Tax. She gave the details of the event and invited everyone to attend. "**Walk for the Heroes Day**" - **Sept. 30, 2017** - Mayor Ladner read and presented the proclamation to Liz Lopez and to the other walkers and runners that were in attendance. Ms. Lopez invited all to participate and gave details of the event. "**Fire Prevention Week**" **Oct. 8-14, 2017** – Mayor Ladner read the proclamation and presented it to Fire Chief Milo Lambert. Chief Lambert gave the history as to how "Fire Prevention Week" was created, talked about the planned activities, and invited the public to call the Fire Department to schedule an activity, tours or education.

**5. COUNCIL COMMENTS** – Councilor Cano congratulated Western New Mexico University (WNMU) students, staff, and faculty on their successful homecoming events, and thanked the Mayor and Mrs. Ladner, on behalf of the Alumni Board Association, for their support. Councilor Ray commented on the national trend of not representing the American flag and the disrespect and hurt it showed towards veterans. Councilor Aiman-Smith commented on the following: how the traffic flowed much more thoroughly at the corner of Bullard and Broadway with the stop signs; congratulations to the Gila Conservation Coalition and the hundreds of volunteers who put on the magnificent Gila River Festival; the art in the crosswalk plan; and announced that groups from the U.S. Department of Agricultural Rural Development and the NM American Planning Association Conference would be coming to town. Councilor Bettison commented on how she enjoyed the WNMU Hot Rod Hoppers and Low Riders event, and she thanked the LGBTQ Pride Day Committee for doing a great job. Councilor Ray commented on trying again to have the use of off-road vehicles in town approved by the Council, and he encouraged the public to attend the event at the Flame Convention Center that would include local talent. At the Mayor's request Police Lieutenant Cruzan discussed off-road vehicles, the Town regulations, etc., and there was further discussion. Mayor Ladner commented on visiting his hometown in Mississippi and how the use of electric cars was helping with the parking on the beach. He stated the Grant County Water Commission was a finalist for a national award as a result of their involvement in the creation of a regional water delivery system, and the first phase was the delivery of water from the Silver City wellfields near the airport to the Town of Hurley. He said during the entire existence of the Commission its Chair had been either former Mayor James Marshall and Manager Brown who guided the Commission toward the actions that were about to be honored, and it was appropriate to give them the recognition that they well deserved.

**6. APPROVAL OF MINUTES - Regular Meeting on September 12, 2017** - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of September 12, 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** – None.

**8. REPORTS -**

**A. 2017 Tax Rates reported by Raul Turrieta, Grant County Assessor.** Mr. Turrieta introduced Desiree Liska, a new employee with the Assessor's Office. He explained and discussed the breakdown of the property tax rates as of June 2017 for residential and non-residential; how bonds that passed in the mining district would increase their property tax; how tax bills would be mailed out the first part of November; Silver City's net taxable value for 2017; the tax rate increase cap of three percent on full value, not on net taxable value, for all of the Grant County residential side, subtracting exemptions; how Net-New, which was not on the books, would increase valuation; and working on a plan for 2018 to bring in more revenues for municipalities, schools, and the county.

**B. Staff reports.** Manager Brown informed the Council that the Town did not celebrate Columbus Day as an official holiday and had not for at least twenty years. He stated that WNMU operated the Town's golf course and the Town's liquor license at the golf course; that the costs for the operations were shared; how the Town contributed \$75,000 for operations last year and \$100,000 would be contributed this year; that the lease stated the Town paid \$1,000 per month to operate the liquor license and that was part of the contributions and did not have to be split out; that government to government transactions did not have the problem with anti-donation in reference to anti-donation as with private/public partnerships; and how the contributions would be used for capital projects at the golf course.

**9. PUBLIC HEARINGS - A. Approval/Disapproval of a Transfer of Location of Liquor License No. 0493, with On Premise Consumption Only and Patio Service. License No. 0493, Application No. 856265-B, Name of Applicant: Dahl Enterprises, LLC, DBA Q's Southern Bistro, Proposed Location: 101 East College, Silver City, NM 88061.** Mayor Ladner stated the Town Council would serve as the hearing board and he would serve as the presiding officer. Mayor Ladner read the procedures of how the hearing would be conducted. 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 qualified all of them to be on the hearing board. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Acting Town Clerk, and five witnesses were sworn in. Manager Brown stated that it was a transfer of liquor license that would be leased and used at Q's Bistro. Mayor Ladner asked the proponents to state their names. Ronald A. Quintana (son) stated he took care of the food and beverages, entertainment, and was the chef of Q's Southern Bistro, LLC. Ronald C. Quintana (father), stated he was the owner of Q's Southern Bistro, LLC. Chef Quintana (son) provided the following testimony: how they were working on getting a full liquor license; that it would open up advantages on an ever-changing market and would allow them to compete; how they were not changing the restaurant and would not be a bar; that Q's would operate as normal; how with their extra square footage they planned to build an upscale lounge that served food as well as liquor; how Silver City was changing demographically; how great it was that other businesses were doing the same thing; and how there was plenty of market space and room to share to elevate their businesses. Mayor Ladner asked Chef Quintana if he had any witnesses in support of their application. Raul Turrieta stated that Silver City was a very unique place and he spoke in support of the approval of the transfer of the liquor license to stimulate the economy downtown. Mayor Ladner asked Chef Quintana if that concluded his case. Chef Quintana stated it would offer more jobs and it would be a great opportunity for their business and the community. Mayor Ladner asked if there were any witnesses in opposition to the applicant's case, and there were none. There were no further questions from the hearing board, and the Mayor asked if they were ready to render their decision. He said he would entertain a motion. Councilor Cano made a motion to approve a Transfer of Location of Liquor License No. 0493, with On Premise Consumption Only and Patio Service. License No. 0493, Application No. 856265-B, Name of Applicant: Dahl Enterprises, LLC, DBA Q's Southern Bistro, Proposed Location: 101 East College, Silver City, NM 88061. Councilor Ray seconded the motion. Councilor Cano said she was a loyal customer of Q's since the day they opened and she was thrilled that they were doing it. 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.

Councilor Bettison moved for short recess at 6:55 p.m. Councilor Aiman-Smith seconded. Mayor Ladner said there was a motion and a second for a short recess. He asked for a vote of all those in favor, and all four Councilors said aye. Motion carried. Mayor Ladner called the meeting back to order at 7:07 p.m.

#### **10. UNFINISHED BUSINESS – None.**

#### **11. NEW BUSINESS –**

**A. Approval / Disapproval of Resolution 2017-25: a Resolution approving the 2017 Town of Silver City Comprehensive Plan.** Jaime Embick, Community Development Director, stated she did not have anything new to review since the last presentation. She thanked the Southwest Council of Governments, Christine Logan at the New Mexico Economic Development Department, Manager Brown, Attorney Scavron, Assistant Manager Marshall, the residents, the steering committee, Priscilla Arredondo, Town Planner, and the department heads. She said it would not have been possible without all of those people. Councilor Aiman-Smith moved to approve Resolution 2017-25: a Resolution approving the 2017 Town of Silver City Comprehensive Plan. Councilor Bettison seconded. Councilor Aiman-Smith stated the plan would be posted on the Town's website and she encouraged the public to look at the different sections. Councilor Bettison also thanked community members, staff, and the Council members who participated, and said it was truly a plan created by Silver City for Silver City. Mayor Ladner asked for a roll call vote. Councilor Aiman-Smith voted aye; Councilor Ray voted aye; Councilor Cano voted aye; and Councilor Bettison voted aye. Motion carried.

**B. Approval / Disapproval of two Public Celebration Permit Applications, for Oktoaderfest to be held on October 7, 2017 with alcohol service from 2:00 pm to 11:00 pm at Little Toad Creek, 200 N. Bullard St., Silver City, NM. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63013, 203 S. Mill Road, Silver City, NM 88061, and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery #67085, 203 S. Mill Road, Silver City, NM 88061.** Manager Brown stated the staff report was not done, but he had spoken with the Police, Fire, and Street Departments, and they had no concerns with the applications. Teresa Dahl-Bredine from Little Toad Creek, LLC, provided the following information: how it was the fourth annual Oktoaderfest and would be held on the back alley of the Toad; the details of the event; and how they had rented some area from the Pink Store. Mayor Ladner asked for a motion. Councilor Ray made a motion to approve two Public Celebration Permit Applications for Oktoaderfest to be held on October 7, 2017 with alcohol service from 2:00 pm to 11:00 pm at Little Toad Creek, 200 N. Bullard St., Silver City, NM. Liquor License Holder Information: 1) Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63013, 203 S. Mill Road, Silver City, NM 88061, and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery #67085, 203 S. Mill Road, Silver City, NM 88061. Councilor Cano 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.

**C. Approval / Disapproval of a Purchase Agreement of the parking lot adjacent to the Gila Theater.** Councilor Aiman-Smith, in the principal of full transparency and disclosure, recused herself from the vote and she explained why. Manager Brown stated the following: how one of the Downtown Action Plan recommendations was to acquire vacant property downtown; how the bank approached him to ask if the Town would be interested in purchasing it; how it was a vacant fenced area and would be open to the public; how it would be purchased for the appraised price; and the description of the lot that was on the purchase agreement. Mayor Ladner asked for a motion. Councilor Ray made a motion to approve a Purchase Agreement of the parking lot adjacent to the Gila Theater. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and Councilor Bettison, Councilor Ray, and Councilor Cano voted aye. Councilor Aiman-Smith did not vote. He asked if any were opposed, and there were none. Motion carried.

**D. Approval / Disapproval of Request for Proposal #17/18-1P: Residential Sewer Line Connection and Septic Tank Abandonment.** Manager Brown provided the following details: how the RFP was for a project that was in conjunction with the Ridge Road Sewer project; how the grant would pay 100 percent to do the plumbing and abandonment of all the septic tanks in the project area where the sewer line would be extended; how the grant included costs of connection from the home to the sewer main for those who qualified for funding; how 120 property owners had completed applications; how the Town had waived the acquisition fees to connect; how the project was 100

percent grants to the Town with no development costs other than staff time; how two proposals were received; and how as an RFP it was not based on price, but was based on qualifications. He said it was staff's recommendation to award the RFP for the sewer line connection and septic tank abandonment to J&S Plumbing, and that the grant did have sufficient funding to complete all the work. There was further discussion about the following: about an environmental study that had been done on the San Vicente Creek; monitoring ground water below because of the old landfill; working with the Solid Waste Bureau; and how the test wells around the area indicated no problems. Mayor Ladner asked for a motion. Councilor Bettison moved to approve RFP #17/18-1P: Residential Sewer Line Connection and Septic Tank Abandonment per staff recommendation to J&S Plumbing and Heating. Councilor Aiman-Smith 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

**E. Approval / Disapproval of Resolution No. 2017-26: a Resolution to support efforts of Corre Caminos transportation services for Fiscal Year 2018.** Manager Brown provided the following information: how the Town had worked with Corre Caminos (CC) in various capacities since its inception; how the JPA provides the ability for all of the entities to provide a certain amount of funding to match the grants that were necessary to operate the program; how the four governmental entities that were members of the JPA were the Town of Silver City, Grant County, the City of Deming, and Luna County and all made matching contributions; how the NM Department of Transportation (NMDOT) never required a resolution so they always used a letter of support; how it was the first time for a resolution; and how the Town's match needed to be changed to \$72,000. There was discussion about the following: the route changes made by CC; how the Town was a member of the board and had one vote; how CC received its funding; the NMDOT requirement of looking critically and rationally at routes; how the changes would affect low-income, elderly, and disabled residents in Council District 4; and how CC was being more transparent in their funding. Manager Brown gave a brief history of how CC was run in 2007-2008 and how all of the matching funds were from the Town of Silver City and Grant County; how the administration at CC subcontracted services to Deming and Luna County and they were subsequently forced to become participants of the JPA if they wanted the services; how Hidalgo and Lordsburg left the JPA due to funding so they were no longer getting services; how they were working on changing the routes per NMDOT demands; how funding for senior services had decreased substantially; and educating the public about the on-demand services and how health insurance may provide for transportation. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2017-26: a Resolution to support efforts of Corre Caminos transportation services with the change that the Town would provide \$72,000 in cash match for Fiscal Year 2018. Councilor Ray seconded. There was further discussion. Mayor Ladner asked for a roll call vote. Councilor Aiman-Smith voted aye; Councilor Ray voted aye; Councilor Cano voted aye; and Councilor Bettison voted aye. Motion carried.

**F. Discussion and vote on whether to change the regular Council meeting scheduled for November 14, 2017.** Councilor Bettison asked for the Council's consideration to change the regular Council meeting scheduled for Tuesday November 14, 2017 to Monday, November 13, 2017 at 6:00 pm due to her travel plans to attend the National League of Cities, City Summit, in Charlotte, NC as a member of the Executive Committee of the NM Municipal League Board. Mayor Ladner asked for a motion. Councilor Bettison moved to change the regular Town Council meeting scheduled for November 14, 2017 to November 13, 2017 at 6:00 pm in that room. Councilor Aiman-Smith seconded. There was 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.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting, and he asked for a motion. Councilor Ray moved to adjourn at 7:40 p.m., and Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk