

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
October 24, 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

**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 thanked Priscilla Arredondo, Town Planner, for helping a citizen fill out all of the permits and forms at the Community Development Department when they wanted to beautify a façade of a building. Councilor Bettison commented that she attended a portion of the "Buddy Walk" event on October 21 and that it was a wonderful event that recognized people with Down Syndrome, and she encouraged everyone to attend next year's event to learn more about Down Syndrome. Councilor Cano had no comments. Councilor Ray commented on the following: thanks to the Town's Street crew for doing a wonderful job on the streets; how people could vote on the Chamber of Commerce's website for Grant County volunteer or worker of the year; and how he would be absent during the November 13 Council meeting due to a prior commitment. Mayor Ladner welcomed Police Captain Ricky Villalobos to the meeting and commented that Captain Villalobos had been with the Silver City Police Department for 20 years, etc. He also stated he had the privilege of representing the Town at the International Meeting of Universities hosted by Western New Mexico University President Joe Shepard, and the purpose was to develop cooperative educational programs with their Latin American neighbors. He said there was a very large contingency in attendance from Mexico and Costa Rica that represented 16 universities, and that they acknowledged their friendship with the Town by presenting him with a handmade box with various goodies. He presented the gift to Manager Brown for distribution. The Mayor also discussed the vacancies on the Recycling Advisory Committee and the Planning and Zoning Commission, and he asked the Councilors to try to find community members that have an interest and ability to work on the Recycling Advisory Committee.

**6. APPROVAL OF MINUTES - Regular Meeting on October 10, 2017** - Councilor Aiman-Smith moved to approve the minutes of the Regular Town Council Meeting of the Town of Silver City of October 10, 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.

**7. PUBLIC INPUT** – George Carr commented on his concern about flyovers and the impact it would have on the community, his property, and the property values of everybody in Silver City. He said he had the wilderness areas in his backyard and it was a quiet place; that he felt the sense of the community was of the same opinion as his opinion, and his neighbors felt the same way. He requested that a letter from the Mayor be sent to say the sense of the Council was that it was a very bad idea, and that it could be sent to the political leaders, etc. Secondly, he asked what remedies were available to the city and the property owners in the event he had chaff or unexploded flare dropped into his yard, and if the property owners of Silver City could claim some kind of inverse condemnation for the decrease in property

values that might emanate if it actually occurred. He suggested that the residents of Silver City be made aware of their legal rights in the event they wanted to pursue a remedy.

## **8. REPORTS -**

**A. Lodgers' Tax Update Summary Report by Colleen S. Morton, Executive Director of the Silver City Arts and Cultural District (SCACD).** Ms. Morton reported the following: updates to the summary report and how they submitted the place making grant proposal and had talked to the County and others to try to develop a cohesive brand for Silver City and Grant County's marketing; how they resolved the broadband services issue because they shifted to Comcast and increased their speed by 40 times with a lower cost; how they were looking at not participating in the Expo and making other changes to the marketing plan that would give them more flexibility to spend more money on digital online marketing and increase their marketing collateral that could be used on media with more videos; how she had the agreement of her Board to go ahead with strategy review of their overall marketing plan because it was important to know if what they had been doing had an impact, and what they should be doing to reach the demographic that they would like to reach; their commitment to the collaboration within the Town of Silver City and she named some of the members of their coordinating council; that the SCACD could really help coordinate cultural and art activities and to make sure people were talking to each other and knew what each other were doing; how she would send a revised budget because there had been a number of changes, especially since the distribution of lodgers tax was significantly less than what they asked for; how they were moving forward rapidly with the kiosk program and the maps would be printed very soon; and the statistics in the report that showed a drop-off of international visitors. She said she hoped to work together closely with the Town Council as they moved forward with the unified marketing strategy. There was further discussion with the Council.

**B. Staff Reports.** None.

**9. PUBLIC HEARINGS -** None.

**10. UNFINISHED BUSINESS -** None.

## **11. NEW BUSINESS -**

**A. Approval / Disapproval of Resolution No. 2017-27: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2017 through June 30, 2018 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof.** Manager Brown said the Resolution was required to do a budget adjustment because the Street Maintenance Fund was in the negative at the end of the last quarter because they did a chip seal project, and the money came in on a monthly basis so they would be negative at some point. He said the NM Department of Finance Administration (DFA) would not accept a quarterly report with a negative balance so they would transfer \$21,381 from the General Fund to the Street Maintenance Fund, then turn around and put it back as soon as they submitted the report. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2017-27: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2017 through June 30, 2018 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof. Councilor Cano 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 Notice of Intent Ordinance No. 1264: an Ordinance amending Chapter 48 (Town Property), Article II (Sale, Lease or Exchange), Sections 48-22, 48-24, 48-26 and 48-27 of the Town of Silver City Municipal Code.** Manager Brown said it was basically to update the section in the Code that pertained to the sale, lease or exchange of Town owned property. He said the ordinance was put in place approximately 12 years ago and since that time they had experienced some issues with the lease. He said they wanted to increase the limit at which time they had to pass an ordinance to do a lease of Town owned property; that currently it was at \$5,000 per year and they wanted to increase it to \$15,000 per year. He said they also wanted to change it so the Town owned trails and trailheads could be designated by himself as essential properties so they could not ever be sold. He explained the current process for selling property. He asked Attorney Scavron to explain further. Attorney Scavron stated they had provisions to make sure the Town did not violate the anti-donation clause by selling a piece of property too far below

what it was worth because they had the obligation to get fair value. He said in a recent experience where there was competitive bidding they were stuck with what the realtor said was the value of the property and what the appraisal was for, and neither represented the actual market. He said if there was fair competitive bidding, the dollar amount of the highest qualified bidder, that dollar amount would be the fair market value. He said under any circumstances the Council would always have the ability to reject all of the bids. He said it was done under the powers that the Town had under its Territorial Charter in addition to State law. There was further discussion. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1264: an Ordinance amending Chapter 48 (Town Property), Article II (Sale, Lease or Exchange), Sections 48-22, 48-24, 48-26 and 48-27 of the Town of Silver City Municipal Code. 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.

**C. Request for Council authorization to forward two letters regarding Holloman Air Force Base's expansion of fly-ways.** Mayor Ladner stated the United States Air Force (USAF) was proposing a plan to bring new models of the F16 fighter jets from Holloman Air Force Base further into the air space over the Gila National Forest. He said the plan would expand operations to the east and southeast including air space over the Gila and Aldo Leopold Wilderness areas and to within several miles north of Silver City. He said the Holloman Air Force Base wanted to have air craft activity down to 500 feet above ground level, supersonic activity at or above 30,000 feet, and the use of defense chaff and flairs within certain parameters. He said their concern was that the citizens of Silver City, Grant County, and southwest New Mexico did not have an opportunity to meet personally with representatives from the USAF Base to give their input and voice their concerns, but the opportunity was provided to the citizens of Truth or Consequences and Las Cruces. He said their other concern was the impact that the sorties may have upon Silver City and its economy and the National Forest and Wilderness area. He stated that in the two letters they are requesting that representatives from the USAF meet with citizens in the area to receive their input and voice their concerns. He said the two letters would be posted on the Town's website. He read and paraphrased one of the letters that was addressed to Colonel Cantwell, Commanding Officer of Holloman Air Force Base. There was further discussion as follows: thanks to the Mayor for writing the letters; how they would like the public to have an opportunity to speak to the Holloman folks; and the negative impacts the exercises would have on the area, etc. Mayor Ladner asked for a motion. Councilor Bettison moved to approve the authorization to forward two letters regarding the Holloman Air Force Base's expansion of fly-ways. 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.

**D. Appointment to the Recycling Advisory Committee.** Mayor Ladner stated they received one application from Garry Klassen for one vacancy on the Committee, and David Krisch, Chair of the Recycling Advisory Committee, recommended his appointment. He said if there were no objections, he would appoint Garry Klassen to the Recycling Advisory Committee. There were no objections.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 6:44 p.m., and Councilor Ray 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.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk