

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
January 9, 2018, 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
James Marshall, Assistant Town Manager
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:01 p.m.

2. CHANGES TO THE AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Bettison provided information and invited the public to attend Grant County Prospectors' events. She stated she would be traveling back and forth to Santa Fe to participate in the upcoming Grant County Prospectors' "Grant County Day" at the Legislature in Santa Fe and to attend the New Mexico Municipal League's Executive Committee activities as the Vice-President. Councilor Cano wished everyone a Happy New Year and commented that during the holidays she was part of the Q's Christmas Giveaway, and that she and her Mother prepared over 300 decorated sugar cookies to give out to kids; that it was the best experience ever. She said Anthony Quintana at Q's Southern Bistro provided a great service for the community and she invited the public to participate in the future by contacting Mr. Quintana. She reported to Manager Brown that she watched a recycling truck driver pull up at Sonic and stand on top of the truck to throw the recyclables in, and it looked very unsafe. She said the driver mentioned that a security bar needed to be put on top. Manager Brown stated it was the first time he heard of it and he would follow-up. Councilor Ray wished everyone a Happy New Year. He said people were thankful for the lights downtown because it was well lit. He said he had a comment as a Veteran, not as a Town Councilor, and he discussed a recent Western New Mexico University (WNMU) basketball game where both teams left the court during the Color Guard presentation. He said it was in very poor taste for WNMU to do that, and very disrespectful; that he and the Color Guard would not go again. He quoted, "Why worry about history being erased when we are so busy repeating it." He expressed his opinion about WNMU. He commented that he received a lot of feedback that there was way too much cell phone use while driving, and that it was against the law to do so. He also commented on his unpleasant experience at Gila Regional Medical Center due to the restroom being very dirty and unsanitary, etc., and he questioned whether the hospital had people to clean at nighttime. Councilor Aiman-Smith commented on several events: a Flamenco exhibit at the Silver City Museum, the Friends of the Library book sale, and that January was National Hot Soup Month. Councilor Cano said she was also displeased with WNMU Athletics; that she was a 21-year fan of WNMU basketball and was very upset with what was going on. She said she stands for Veterans and that WNMU should consider what was going on because it was a community issue. She stated that anyone that was concerned about it should reach out to President Joe Shepard because it was not good to be disrespecting our Veterans' Color Guard when they were providing a service to the community. Mayor Ladner said he looked back at the calendar and it was overwhelming to think of all the events they had and more overwhelming to consider the hundreds and hundreds of volunteers who made it happen. He thanked all of the volunteers, many of which were in the audience, and stated that was what made Silver City a really great place to live. He also thanked those that came to the assistance of the Gospel Mission when they had freezing weather; that the community responded really well. He said it was part of what made Silver City the great place it was because people reached out and helped one another.

6. APPROVAL OF MINUTES - Regular Meeting on December 12, 2017 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of December 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 to say nay, and there was no opposition. Motion carried.

7. PUBLIC INPUT – Mayor Ladner stated several years ago the Council passed an ordinance to limit public input to five minutes each, and he asked those that signed up to be cognizant of that. Anita Williams commented that Silver City was a wonderful place, but she was concerned about the following: the trash along the roadways, how the local police should have foot patrols in town and along the Big Ditch, and how the lodgers tax application process was becoming more and more onerous each year. Rebecka "Bex" Sasich commented on an upcoming new downtown festival called the Silver City Fantasy Festival to be held on April 14, 2018. Jackie Blurton, Terry Timme, and Dave Menzie commented on their concerns about the San Vicente Creek and how it was being damaged by persons on all-terrain vehicles (ATVs), how it was affecting the quality of life for people and the bird species' populations that people come from all over the country to see, including the rare Common Black Hawk, and other issues. Ann Hudson commented on the trash on the roadways and trailheads and asked who was in charge and what laws there were regarding littering and covered loads. She said she and Anita Williams were going to do a class for the WILL (Western Institute for Lifelong Learning) on trash, and part of it was to pick up trash and to have speakers to talk about the laws, etc. Cissy McAndrew thanked the Council for making traffic and lighting improvements downtown and the Police Chief for adding more police patrols downtown, and how they should monitor all of the wonderful things that had been done so they could go back and see the cost savings, etc. She said people wanted to move to Silver City for the quality of life and the leadership. She said she would report on real estate sales in Silver City in the future. Mayor Ladner thanked everybody for their input and said their agenda directed their meeting so they could not respond individually to them. He said the Councilors were taking notes and would like to meet with them one on one, and that Assistant Town Manager Marshall was aware of the issues and was looking at how to solve them.

8. REPORTS -

A. Reports on "Territorial Charter Day" for the Town of Silver City and the Rendition Period by Raul Turrieta, Grant County Assessor. Mr. Turrieta said it was the rendition period for the County Assessor's office and that New Mexico was a self-rendering state regarding personal property. He said it was the property owner's responsibility to report by February 28, 2018 all property subject to the property tax as of January 1. He discussed limitation of value on residential property, how a person that was 65 or older with a combined income of \$32,000 or less would qualify for a freeze in valuation, and other exemptions. He also reported the Silver City Territorial Charter Day was planned for February 17, 2018. He read the names of the committee members and discussed the activities for the upcoming event. There was further discussion.

B. Staff Reports. Manager Brown gave an update on the Town's Office of Sustainability and stated the program was started in 2008 when they received grant money and it was used as a learning experience. He said the staff at the Office of Sustainability had basically become grant writers, but the main goal was to build a culture with the Town staff and departments to always look at a project by first looking at something sustainable that was realistic and would not cost more than the actual benefit to the Town. He said the culture of the Town staff had grown sufficiently and they understood sustainability enough that they did not need an Office of Sustainability. He said they moved the money over to the trails staff because the general staff, department heads, and supervisors already had that culture ingrained in them, and he gave examples and the cost savings, etc. There was further discussion.

Clerk Mackie reported the following persons filed their Declaration of Candidacy for the Town's elective offices for the upcoming election: for the Mayor position Ken Ladner and Timothy J. Montes filed; for the Councilor District 2 position Lynda D. Aiman-Smith and Patricia "Eiline" Kingsley filed; for the Councilor District 4 position Guadalupe E. Cano and Nicholas H. Prince filed; and for the Municipal Judge position Sonya Ruiz filed. She stated absentee voting at City Hall would begin on January 30 and end on election day, March 6, and early voting on the vote tabulator machine would begin on February 14 and end on March 2. She said persons must register with the County Clerk by February 6 to vote in the upcoming election.

Councilor Bettison moved for a short break at 6:57 p.m. Councilor Cano seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. The Mayor called the meeting back to order at 7:11 p.m.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS -

A. Approval / Disapproval of Ordinance No. 1265: an Ordinance amending Chapter 28, Sections 28-22 (Office created) and 28-27(b) (Compensation) of the Code of Ordinances of the Town of Silver City. Manager Brown said the ordinance was to clarify that the Municipal Judge was not an employee who received benefits such as vacation and sick leave because as an elected official they were not required to take sick leave or vacation when they were not in the office. He said they had not received any feedback since the Notice of Intent Ordinance was passed. Mayor Ladner asked for a motion. Councilor Ray moved to approve Ordinance No. 1265: an Ordinance amending Chapter 28, Sections 28-22 (Office created) and 28-27(b) (Compensation) of the Code of Ordinances of the Town of Silver City. Councilor Bettison seconded. The Mayor asked if there was any discussion. Councilor Cano stated she was voting nay because of the questions she asked at the last meeting. She said she was still not pleased that the ordinance could have been done in the last four years, but it was left for the day of filing day to be changed. 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 nay. Motion carried.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2018-01: Open Meetings. Clerk Mackie presented the details of the annual Open Meetings Resolution. Councilor Aiman-Smith commented that the Open Meetings Act Resolution was required, but they wanted to be transparent. She said it also applied to all of the Town-sanctioned boards and advisory boards; that it was not just for the Town Council. Councilor Bettison added that it was for the different boards and advisory boards that were in the Town's ordinances, and she gave an example that the Silver City Museum Society did not have to follow it because they were not a Town board and were a separate 501c3 organization. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2018-01: Open Meetings. Councilor Bettison seconded. 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.

B. Approval / Disapproval of Resolution No. 2018-02: a Resolution authorizing a Trails and Open Space Advisory Committee for the Town of Silver City. Mayor Ladner said that he and Councilor Ray were the sponsors of the Resolution. He asked Assistant Town Manager Marshall to provide the background of the evolution of the Trails Committee, the reason for the Resolution, how the Committee would be structured, and the role of the Committee and Town Staff, including the new trails maintenance person. Mr. Marshall stated several months ago the Mayor requested they put together a group of interested trails citizens to make sure they provided them an avenue to provide input straight to the Town that they could turn into actionable items. He said they started out with five people and now had 15 people, and that there was apparently a large gap being felt by the entire county as far as trails issues and advocacy. He said there was an integration where the Town's trails and the political boundaries of the Town intercepted with the County, however, the Town had about 300 acres of open space and about 20 miles of trails within the Town. He said it was really critical they had a focus on those areas of local trails and open space, and make sure the citizens using them on a daily basis had a way to provide input to the Town. He said it also allowed them an avenue to work and coordinate some of the projects that the volunteers brought forth, and there were a significant number of volunteers that would do hard labor out on the trails. He said they definitely wanted to make sure it was coordinated so they did not work against each other. He said the tool was an avenue of making sure it was formal in the Town, recognized, and that the Mayor and Council had say in the actual formal committee. He said the structure would be seven members as stated in the Resolution, and they would have public meetings and elect a Chair. He said Jaime Embick, Community Development Director, had been designated as the Trails and Open Space Coordinator for the Town so she would provide the staffing that the Committee needed and make sure proper documentation was done, get notices out, and track the projects. He continued by stating a lot of the issues they had were the use of all-terrain vehicles (ATVs) on the trails which came off of private property into public property and back to private property. He said there were a lot

of private property owners off of San Vicente Creek, and a huge amount of time and effort and funds had been put into acquiring some of the land and acquiring access to some of the trail easements. He said that took significant effort by staff in making sure they get the paperwork, surveys, appraisals, and to get on the ground to make sure easements were correct, etc. He said they now had a trails maintenance staff person that worked with trail advocates every week, and he gave examples of the many projects. There was further discussion about the following: how the Council was pleased with the Resolution to formalize the Committee; how the Town could possibly find solutions to some of the issues by talking to the Albuquerque Open Space and Trails because they had really been active in combating their issues; how they were pleased that there were volunteers to help with the trails; how they were devastated about the destruction of the trails by ATVs and how they had to work together; how Town staff had discussed the ATV issues with the Police Department and Manager Brown; how the new trails maintenance person had encountered some of the ATV drivers and educated them; how they wanted to preserve the beauty of the trails and the whole corridor, to keep it as natural as they could and not have to fence it all off; how the ATV damage showed disrespect for others on public and private property; how there was private land adjacent to Boston Hill that had ATVs and it really made the Town's job difficult; how people should respect "No Trespassing" signs when trails crossed private property because the Town was trying to negotiate with the property owner to obtain access; how there were campers on the federal BLM (Bureau of Land Management) land that they could not get rid of; and how the Town was looking at additional signage for ATVs. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2018-02: a Resolution authorizing a Trails and Open Space Advisory Committee for the Town of Silver City. Councilor Cano seconded. There was further discussion. The Mayor 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.

C. Approval / Disapproval of a Special Dispenser Permit Application and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Gila Multi-Specialty Independent Practice Association's Annual Healthcare Provider Dinner Banquet to be held on January 26, 2018 at the Murray Hotel, 200 W. Broadway St., Silver City, NM. Alcohol Service will be from 6:00 pm to 10:00 pm. Liquor License Holder is W&N Enterprises, Inc., DBA Snappy Mart #204, Liquor License #0151, PO Box 559, Silver City, NM 88061.

Rebecca VanNess, Executive Director of the Gila Multi-specialty Independent Practice Association, said the organization was 20 years old and they supported the providers in the community who treated and took care of the residents. She said the annual banquet was so the providers could collaborate and have comradery, and she asked the Council to consider their request so they could offer an alcoholic beverage to the guests that attended the event. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Special Dispenser Permit Application and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Gila Multi-Specialty Independent Practice Association's Annual Healthcare Provider Dinner Banquet to be held on January 26, 2018 at the Murray Hotel, 200 W. Broadway St., Silver City, NM. Alcohol Service will be from 6:00 pm to 10:00 pm. Liquor License Holder is W&N Enterprises, Inc., DBA Snappy Mart #204, Liquor License #0151, PO Box 559, Silver City, NM 88061. 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.

D. Approval / Disapproval of election workers for the regular municipal election to be held on March 6, 2018.

Clerk Mackie requested approval of the list of election workers for the upcoming election. Councilor Cano moved to approve the election workers for the regular municipal election to be held on March 6, 2018. 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 to reschedule the regular Council Meeting scheduled for January 23, 2018 at 6:00 pm to January 30, 2018 at 6:00 pm at the Grant County Administration Center.

Mayor Ladner said the reason for the change was because some of the Council members and some of Town staff would be attending meetings in Santa Fe at the Legislative Session. There was no discussion. The Mayor asked for a motion. Councilor Bettison moved to approve to reschedule the regular Council Meeting scheduled for January 23, 2018 at 6:00 pm to January 30, 2018 at 6:00 pm at the Grant County Administration Center. Councilor Aiman-Smith seconded. There was no discussion. The Mayor 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 thanked Mr. Marshall for the way he carried the whole process through for the Trails and Open Space Committee, and that he helped to make it a really successful project. He concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:45 p.m. 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.

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk

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