

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
March 16, 2018, 9:00 a.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  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Milo E. Lambert, Fire Chief

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 9:00 a.m.

**2. CHANGES TO THE AGENDA** – None.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** – None.

**5. COUNCIL COMMENTS** – Councilor Bettison congratulated Councilor Cano, Councilor Aiman-Smith, Judge Ruiz, and Mayor Ladner for being reelected. She reported on critical issues that could affect federal funding for New Mexico and its municipalities and counties that she learned from attending the recent National League of Cities Congressional Cities Conference in Washington, D.C., and from visiting with the Congressional Delegation or their aids as the current Vice-President of the New Mexico Municipal League's Executive Committee. She also commented that the New Mexico Municipal League was also concerned about the F-16 flyovers because if there was a violation of the National Environmental Protection Act, then it could happen anywhere because rural communities could be left out of the process. She said she was waiting on Senator Udall's aid who was directly working on it to be sure letters were sent to the right place. She said she hoped to have more information at the next Council meeting. Councilor Cano commented on citizens' concerns that Kimberly Street would be used as one of the alternate routes during the construction on Pinos Altos Road. She said the Department of Transportation would have public planning meetings for that highway construction, and the Town would post the meeting information, etc. on the Town's website. She also said her district would be the first to do the community project on April 14 that was part of the Territorial Charter Day celebration and there would be two projects: a raised bed garden at the Volunteer Center and a park in the Brewer Hill area would be refurbished. Councilor Ray asked if it was legal for people to put used furniture out on the sidewalk or the edge of the road so other people could take them away. Assistant Town Manager Marshall stated the sidewalks needed to be maintained clear, but it was not a major concern if it was off the road unless it was left there for an extended period of time. Manager Brown mentioned that they had a yard waste program twice a year and the city would pick up the items, but it was intended to be picked up quickly. Councilor Ray said he attended the flyover meeting and that people were very irritated, and how he hoped the State of New Mexico would not allow it. He said he was for military training, but only for the right procedures that needed to be taken by the military. He said there would be a Flag Ceremony on March 28 at 10:00 a.m. at Gough Park for Viet Nam Veterans Day, and the Town donated a United States flag and a State flag, and that the LULAC Council No. 8003 donated the Prisoners of War flag. Manager Brown said the flag poles had been lit up so the flags could stay up. Councilor Ray discussed a fundraiser prize bingo event that was partnered by the Knights of Columbus and the Copper Country Senior Olympics so they could raise money for different functions of the Copper Country Senior Olympics throughout the year. Councilor Aiman-Smith thanked the voters in District 2 for coming out in force. She also thanked the people that attended the flyover meeting and that more information could be obtained from the Gila Resources Information Project's website. Mayor Ladner said he was excited about the community clean-up and service projects, and that it was one of the nice things that came out of the Territorial Charter Day celebration. He said at a recent Council meeting there was public input from people concerned about the trash alongside Highway 180 coming from Deming and Highway 90 coming from Lordsburg, and

that he contacted their district representative, Trent Doolittle, to ask him what the state's responsibility was for cleaning the highways. He said he learned that the state only comes twice a year and the only other avenue was the Adopt a Highway Program, but it only required the people that adopted the area to clean it twice a year. He said he met several people that were willing to volunteer to clean up the trash and that he was seriously considering forming a task force, and he welcomed any suggestions. He also mentioned the Rotary Club would have a fundraiser on March 16 at 6:00 p.m.

**6. Approval of Minutes for the Regular Town Council Meeting held on February 27, 2018.** Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of February 27, 2018. Councilor Ray 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** – Raul Turrieta congratulated Mayor Ladner, Councilor Cano, and Councilor Aiman-Smith on their reelections to the Council. He said it gave him great pleasure that they had seen such progress in the Town of Silver City, and he also congratulated the other municipalities. He said it gave him great pleasure that an individual from Silver City, Howie Morales, was going to be a nominee for Lieutenant Governor and the primary election would be on June 5, 2018. Eiline Kingsley thanked the people of Silver City and Grant County for their very intelligent comments during the Air Force meeting regarding flyovers over the forest. She thanked Kyle Johnson of KURU Radio for taping the meeting and replaying it on KURU, and for asking the Air Force expert Alan Schafer if the entire audio tape would be entered into the record related to the draft Environmental Impact Study Appropriation that he was heading up, and that Mr. Schafer confirmed that it would. She provided further details. She also discussed a recycling illegal dumping fund grant and how the Town should recycle glass, etc.

## **8. REPORTS -**

**A. Report on the 2016 Community Safety Constitutional Amendment and its effects on community safety by Judge Timothy Aldrich.** This item was delayed. See Reports Item A after New Business B.

**B. Staff Reports.** Manager Brown said the affordable senior housing living closed and construction should start in the Spring so that was very promising, and it was still on schedule to be open by 2019. There was further discussion about the road construction of College Street, Silver Street and Highway 15, and how the Town installed new waterlines every time there was street construction.

**9. PUBLIC HEARINGS** - None.

**10. UNFINISHED BUSINESS** – None.

## **11. NEW BUSINESS -**

**A. Approval / Disapproval of two public celebration permit applications for the Tour of the Gila Beer Garden at 820 N. Bullard Street on April 21, 2018 with alcohol service from noon to 7:30 p.m. Liquor License Holder: 1) Little Toad Creek, LLC., DBA Little Toad Creek Distillery, Liquor License #63013, 203 S. Mill Road, Silver City, NM and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, Liquor License #67085, 203 S. Mill Road, Silver City, NM.** Jack Brennan, Race Director for the Tour of the Gila, said they were applying for a beer permit for the Downtown Criterium on April 21, and that Little Toad would provide fencing, beverages, and set up at the same location as last year at the Bike Works location at the corner of Bullard and College Streets. Councilor Ray moved to approve two public celebration permit applications for the Tour of the Gila Beer Garden at 820 N. Bullard Street on April 21, 2018 with alcohol service from noon to 7:30 p.m. Liquor License Holder: 1) Little Toad Creek, LLC., DBA Little Toad Creek Distillery, Liquor License #63013, 203 S. Mill Road, Silver City, NM and 2) Little Toad Creek, LLC, DBA Little Toad Creek Brewery, Liquor License #67085, 203 S. Mill Road, Silver City, NM. Councilor Cano seconded. There was no 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.

**B. Approval / Disapproval of a design concept for “Welcome to Silver City” signs.** Mayor Ladner thanked all of those involved in the process and said there was extensive input from the community and reviews by members of the community. He said there was no lack for people to provide input, including the Council. He thanked Mr. Marshall, Manager Brown, and Ms. Embick, and all of those on the committee. Assistant Town Manager Marshall said for the second phase and at the Council's request they went out to the public to request that design concepts be submitted and that they received 22 concepts for the Town's consideration. He said they placed the designs on Facebook and held two public meetings on September 13 and 19, 2017. He said they received input from Facebook, email, phone, and the public meetings. He said they took the design and had a committee of staff and an artist in town to look over the designs, the votes, the effort people contributed to the process and came up with two designs that were very close in the public's eye, and submitted it to Occam Engineering to create the design in their packet. He said the design was a combination of the two submissions and the font for Silver City was the Museum font. He said the brick symbolized the red Silver City brick that was very historical in the community, and one of the design suggestions was to cap the top of the sign with an eyebrow made out of the brick veneer if it did not cost too much to implement. There was further discussion about correcting the Spanish wording on the sign; the color and material of the words on the sign; how the size of the words were based on a formula based on the speed of the highway; and how there would be solar lights on the sign so it could be seen at night. Mr. Marshall thanked all of the people that were involved. Councilor Ray moved to approve a design concept for "Welcome to Silver City" signs. Councilor Bettison seconded. The Mayor asked all those in favor to say aye. Councilor Bettison, Councilor Aiman-Smith, and Councilor Ray voted aye. He asked if any were opposed, and Councilor Cano said nay. Motion carried.

Councilor Bettison moved for short break at 9:48 a.m. Councilor Aiman-Smith seconded. The Mayor 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 9:51 a.m.

## **8. REPORTS -**

**A. Report on the 2016 Community Safety Constitutional Amendment and its effects on community safety by Judge Timothy Aldrich.** Judge Aldrich apologized for being late. He said Councilor Ray asked him to address his role of District Court Judge in regards to justice issues, access to justice, and how the process was working, including what had happened with their pretrial release and detention. He distributed information that he recently received at a judge's training. He discussed the Constitutional Amendment that was put on the ballot and said 91 percent of the legislators were in favor of it, and the vote was 87 percent. He discussed the Constitutional Amendment as follows: it took away the concept of bail because of poverty issues in New Mexico; it allowed the process for a judge to keep the individuals in if they were a flight risk or if they were considered dangerous; how people were let out automatically if they were not a flight risk or considered dangerous or a threat to community safety; how the Courts were using concepts of risk assessments; how the social issue was addiction and they needed to create a process to end addiction; how the judge looks at 13 different factors for the conditions of release; and how much of the amendment was designed to deal with addiction issues while maintaining the concept of until proven guilty they are free. There were no questions from the Council.

## **11. NEW BUSINESS -**

**C. Approval / Disapproval of Request for Proposal #17/18-3P: Fire Station vehicle source capture exhaust systems.** Manager Brown said the Request for Proposal was based on qualifications, and the only entity that submitted their proposal and was deemed satisfactory was Clean Air Concepts. He said it was staff's recommendation to award the Fire Station vehicle source capture exhaust systems to Clean Air Concepts, 11449 Deer Field Road, Cincinnati, OH. He said the cost they proposed was around \$97,000 and they had a grant for \$96,000, and the Fire Department had a match of five percent so they were well within the budget. Fire Chief Lambert advised the Council that the source capture exhaust system was the big coils of hose that connected to the fire engine or medical rescue's exhaust to keep diesel fumes accumulating into their bays and to stop the intake of those carcinogens by their fire fighters at the station. He said the system was designed on a moving track and was compatible with the tight spaces in a historic building and would connect to a vehicle's exhaust, and he provided further details. Councilor Cano moved to approve Request for Proposal #17/18-3P: Fire Station vehicle source capture exhaust systems per staff recommendation to Clean Air Concept, 11449 Deer Field Road, Cincinnati, OH 45242. 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 Bid #17/18-4: 32<sup>nd</sup> Street sidewalk improvements.** Manager Brown said the bid came to them before and it was re-advertised. He said they got the same one bid again and the company's certification was up to date. He said the last time they were only going to award Bid Lots #1 and 2, but because of all the construction going on Southwest Concrete asked that they delay the project for a month and a half because they were also doing College Street and Silver Street. He said that worked out well because it would overlap into the next fiscal year and allow him to budget the funds for the final bid lot. He said it was staff's recommendation to award Bid #17/18-4: rebid 32nd Street sidewalk improvements to Southwest Concrete and Paving for a total amount of Bid Lots #1 and 2 and 3 of \$170,168.75 plus gross receipts taxes of \$13,613.50 for a total of \$183,782.25. Councilor Bettison moved to award Bid #17/18-4: rebid 32<sup>nd</sup> Street sidewalk improvements to Southwest Concrete and Paving per staff recommendation in its entirety of Bid Lots #1, #2, #3 for \$170,168.75 plus gross receipts taxes of \$13,613.50 for a total amount of the project of \$183,782.25. 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.

**E. Approval / Disapproval of Resolution No. 2018-11: a Resolution supporting an application for NM Department of Transportation Municipal Arterial program (MAP) Funding.** Manager Brown said it was the resolution that allowed them to submit an application to the MAP program and the project was for a mill and overlay of 32nd Street from Silver Street to Ridge Loop, and he provided details. He said they would not get the award until the middle of next year and it was solely for the street itself. Councilor Bettison moved to approve Resolution No. 2018-11: a Resolution supporting an application for NM Department of Transportation Municipal Arterial program (MAP) Funding. 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.

**F. Approval / Disapproval of the Disposal of Inventory / Fixed Assets.** Manager Brown said per the requirements of the Department of Finance and Administration they needed the approval of the Council when they were removing items from their fixed assets inventory. He said 90 percent of what was listed should not have been listed on the fixed assets because it was below the value of what was considered a fixed asset. He said it was old stuff and their threshold was \$5,000, but the items needed to be removed from their fixed assets. There was further discussion. Councilor Aiman-Smith moved to approve the Disposal of Inventory / Fixed Assets. Councilor Bettison 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.

**G. Appointment of the Recycling Advisory Committee.** Mayor Ladner said the Chair of the Recycling Advisory Committee recommended the appointment of Patricia Eiline Kingsley to the Recycling Advisory Committee. He said if there were no objections he would like to appoint her. There were no objections.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 10:15 a.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.

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk