

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
March 27, 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  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk  
Ed Reynolds, Police 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** – Councilor Bettison moved to remove Item 12. New Business E. from the agenda. Councilor Aiman-Smith 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. The Mayor stated the Town's auditor, Mike Stone with Stone, McGee and Company, requested that the audit report be moved up on the agenda. He said that he would like to accommodate Mr. Stone's request. He said if there were no objections he would like to move Item 12. New Business A. to immediately follow Public Input. There were no objections.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** –

**"Fair Housing Month" - April 2018** - Mayor Ladner read the proclamation and presented it to Kim Clark, Association Executive and Government Affairs Director of the Silver City Regional Association of Realtors. Ms. Clark stated they appreciated the proclamation, and in partnership with the Southwest Council of Governments, the Realtors Association, the Town of Silver City, Grant County, the City of Bayard, the Town of Hurley, and the Village of Santa Clara, they have all put together a Fair Housing poster contest with prizes for 7th and 8th graders in Grant County with the theme, "Fair Housing Opens Doors". Priscilla Lucero, Executive Director of the Southwest Council of Governments, emphasized the importance of the proclamation in respect to making sure families had decent, safe, and affordable housing, how it was critical to the funding they received for the communities, and how it was required by HUD (U.S. Department of Housing and Urban Development). Cissy McAndrew, 2018 President of the Silver City Regional Association of Realtors, stated fair housing really helped them build strong neighborhoods and helped to grow the community. She said they really appreciated the proclamation and that it helped to educate the public.

**"Continental Divide Trail Days" - April 27 - 29, 2018** - Mayor Ladner read the proclamation and presented it to Jenny Gaeng, Gateway Community Coordinator of the Continental Divide Trail Coalition. Ms. Gaeng described her experiences and thanked Raul Turrieta and the members of the Town Council, and she said Silver City was the flagship community and set a very high bar for the 10 other communities. She thanked the Town for the recognition, and stated her one-year term with AmeriCorps had ended. She introduced the new Gateway Community Coordinator, Dan Roper. Mr. Roper said he was brand new to Silver City and was looking forward to engaging with the stakeholders in the town and to continue Jenny's work.

**5. COUNCIL COMMENTS** – Councilor Aiman-Smith commented that the New Mexico Attorney General's Office was offering Sunshine Law training to the general public, as well as elected officials and staff, in Silver City on April 26 from 9:00 a.m. to noon at the Global Resource Center at Western New Mexico University, to include training on the Open Meetings Act and the Public Information Act (Inspection of Public Records Act). She encouraged citizens to attend. She also discussed the purpose of Resolutions for the Town of Silver City and how it was a form of declaration or a state of intention of the Town Council concerning a subject that is important to the Council and that it was usually a subject that they were going to be doing. She provided several examples of Resolutions adopted by the Town

Council. She also stated another appropriate reason to use a Resolution was to express an opinion by the Governing Body on a certain issue toward another level of government, but it was done very rarely, and she gave an example of Resolution No. 2018-08 that supported a particular New Mexico House Bill. She discussed her training by the General Counsel of the New Mexico Municipal League, Randy Van Vleck, and how he recommended that they not be swayed by their passions by passing symbolic or feel good Resolutions. She commented on requests that she receives each month for symbolic Resolutions, and how they may be issues she values, but they were not appropriate in the scope of binding Resolutions that were used in the Town. She said she wanted to explain why she declined such Resolution requests. Councilor Bettison commented that the Administration had placed the question, "Are you a U.S. citizen?" on the U.S. Census for 2020, and she discussed how it would result in an undercount in New Mexico which would be an undercount of the people they serve in the state, in the county, and in the municipalities. She said it would affect funding for Medicaid, the CHIP (Children's Health Insurance Program), and the number of seats that represent the number of people they serve at the national and state level, etc. She said she was still waiting on Senator Heinrich's office to contact her about the F16 flyover issue. She mentioned District 1 issues with construction trucks going through the neighborhoods with loads of dirt and asked Manager Brown to talk about it. Councilor Bettison suggested that people use the Town's website to "report a pothole, etc." if they had concerns about the construction trucks, etc. so Town staff could respond directly to them. Manager Brown discussed the three road construction projects in town and how the construction trucks had to go through the neighborhoods to get to Highway 180 and that the Town had no control over the Department of Transportation's chosen detour routes for the Highway 15 road project. Councilor Bettison and Manager Brown discussed possible drainage issues in the Ursa Minor, Ursa Major, and Little Walnut area due to fill from the hospital site being dumped on private property in that area, and how people should notify Central Dispatch know if there were any problems. Councilor Cano reminded everyone that District 4 would host the first Territorial Charter Day Volunteer Day on April 14 from 10:00 a.m. to 2:00 p.m. for a playground cleanup at Ybarra Park and a garden opportunity at the Volunteer Center. She thanked Assistant Manager James Marshall, Gary Stailey, and Co-Directors of the Volunteer Center, Kristen Lundgren and Dr. Sam Schramski. Councilor Ray commented that a flag ceremony would be held at Gough Park on March 28 at 10:00 a.m. at Gough Park for Vietnam Veterans. He also said there would be a pilgrimage walk from the Pinos Altos Church to the top of Cross Mountain, and that there would be more services at the church since it was remodeled. He also mentioned that he would like to have a Notice of Intent Ordinance to see if they could change the Council meeting time from Tuesday night to Tuesday morning, and that he would like to have public input and staff input if possible. He said the same meeting room was available on Tuesday mornings. Mayor Ladner asked the audience if they could have come to a meeting between 9:00 a.m. and 10:00 a.m., and several audience members raised their hands.

**6. APPROVAL OF MINUTES FOR THE REGULAR TOWN COUNCIL MEETING HELD ON MARCH 16, 2018.** Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of March 16, 2018. 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** – Raul Turrieta stated he was a U.S. Navy Veteran and he read an announcement about the 29th Annual Bataan Memorial Death March that honored over 75,000 Americans and soldiers from the Philippines that surrendered under the invasion of Japanese forces in April of 1942. He said he participated in the march for 26.2 miles with 8,200 marchers, and he described his experience and thanked several individuals that inspired him during the march. He said he would like to honor all Veterans who are serving and that have served. Jackie Blurton, Chris Overlook, Indigo Quinn, and Carol Fuggli commented on issues on the San Vicente Creek involving ATV (all-terrain vehicles) tracks and damage, litter, negative impacts on the wildlife habitat, insufficient signage, required gate repair, etc.

Councilor Bettison move for a short break at 6:50 p.m. Councilor Aiman-Smith 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 7:00 p.m.

## **12. NEW BUSINESS -**

### **A. Approval / Disapproval of the Town of Silver City Audit Report for Fiscal Year ended June 30, 2017.**

Manager Brown said it was required that their auditor make a presentation of the audit, and he introduced Mike Stone with Stone, McGee and Company. Mr. Stone said the Town Council and staff managed in excess of \$70,000,000 worth of assets and the opinion expressed on their financial status in the audit report was unmodified which was the highest opinion they could get. He said they expressed an unmodified opinion on the compliance with federal regulations for the federal grants which was the highest opinion they could get. He said those were the two benchmarks that were judged by Santa Fe. He said it was important that they recognize how difficult it was with the amount of funds the Town had, and the Town was doing an excellent job of tracking the funds. He said the most important comment had already been discussed, in terms of the alleged fraud, and there was a special report on it, extensive newspaper coverage on it, and the Town staff took immediate action and did what they were supposed to do and followed through. He said it was a bad situation, but the Town did the right thing by notifying the State Auditor, etc. He said the only comment his firm had was about an award to a state contractor that was actually from another state; that it was a single instance and not a big deal. He congratulated the Town Council and staff for receiving an unmodified opinion. Councilor Bettison said the public needed to clearly understand that the staff and management had taken steps to ensure those things did not happen again and that there were additional checks in place per Mr. Stone's recommendations and the Special Audit recommendations. Manager Brown thanked Mr. Stone and his counterparts at Stone, McGee and Company and stated he really appreciated how they were always available all year long. He said staff had reviewed all of their policies and would bring updates for the Town Council to approve in the next few months. He said the deficiencies did not specifically call the alleged embezzlement, but they could have done things that may have caught it; that they want to have the best practices possible. He said he appreciated all of the staff in the Finance Department for the work they do all year long and for updating their policies in the last few months. Councilor Cano moved to approve the Town of Silver City Audit Report for Fiscal Year ended June 30, 2017. 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.

## **8. REPORTS -**

**A. Report by the Silver City Regional Association of Realtors by Cissy McAndrew, President.** Ms. McAndrew said their Association had a strategic plan that included providing information to the community, and that she hoped to report quarterly. She said they also handled Catron and Hidalgo Counties and some listings outside of Deming, and their Association included 60 realtors plus other affiliates such as appraisers, inspectors, etc. She said they were doing well and that 2017 was the best year since 2007. She said they helped work with the Town's Community Development Department to work on the Comprehensive Plan, and they were doing a lot downtown that included challenges with the vacant buildings and buildings with roof issues. She said the talk downtown was energized and she thanked the previous Town Council that came up with the historic zoning because a lot of sales were for people looking for live/work spaces. She said they were coordinating with the Town's Fire Department to tell people what they needed to do to have a multi-use space. She reported that the sales for the first quarter were close to last year with land sales down a little and commercial sales up. She said they currently had 12 commercial buildings in the downtown area that were on the market; that they were seeing businesses purchase those buildings and were seeing a shift of businesses moving from the side streets on to Bullard Street and Broadway Street. She complimented the Town on the work with the Silco Theater because downtown was more active. She said building codes were a key component and they were concerned about public safety. She said they were seeing new areas flood that they had never seen before, but the insurance companies were doing a good job working with folks and the federal government had moved the budget forward so they will have ongoing flood insurance up to July 1, 2018. She stated cyber-hacking was a key concern and a national problem when people were wiring their down payments. She said the safety of the realtors was always a concern. She also commented on their upcoming Fair Housing Expo scheduled for April 26 from 4:00 p.m. to 6:00 p.m. at the Conference Center.

**B. Staff Reports.** Police Chief Reynolds stated the signage on NM Highway 15 had changed, especially at Pine Street and NM Highway 15 because it was a four-way stop so people needed to pay attention to the stop signs. He said they would do enforcement in that construction zone. Assistant Town Manager Marshall reported the code enforcement open position was posted and that staff had absorbed the work so it was being done. He said there were 28 code enforcement complaints for the year, seven had remained open, and two were open from 2017. He said the rest had

been closed or found to not be an actual violation per the Town Code, and he gave examples of cases that remained open. There was further discussion about heavy trucks and machinery going over the Town's streets and roads and how those roads could only be repaired through the grant process.

**9. ORGANIZATIONAL MEETING** – Mayor Ladner stated that he and the Town Council wanted to welcome the Town Manager, Alex C. Brown, the Town Clerk, Ann L. Mackie, and the Town Attorney, Robert L. Scavron, to the administration. He also confirmed and welcomed the Department Heads, Chiefs and current employees who would continue as public servants of the Town. He congratulated Councilors Cano and Aiman-Smith on their reelection and stated that it had been a very positive experience for him to work with the entire Council for the past two years. He said he was looking forward to that good relationship continuing throughout the next two years. He said they had all been an inspiration to him in their dedication to the progress and overall welfare of their fair city, and because of their willingness to generously give of their time and talents that they as a community continued to move forward in their quest to make Silver City an even better place to call home. He also thanked the Town Manager, Alex Brown, Assistant Town Manager, James Marshall, Town Attorney, Robert Scavron, and Town Clerk, Ann Mackie, for their impeccable style, high level of skill, and professionalism that they bring to the everyday affairs of the Town. He also recognized all of the Town employees, and stated he liked to refer to them as the "everyday heroes" of Silver City. He said they provided crucial services to the residents of their community. He named each department and thanked the employees for their dedicated service.

**A. Election of President Pro Tempore.** Mayor Ladner said in his absence the Mayor Pro Tem acted in his behalf and conducted the duties of the Mayor and Presiding Officer of the Town Council.. He asked for nominations for Mayor Pro Tem. Councilor Ray nominated Councilor Bettison and stated she was doing an excellent job in his opinion and that it was only right that she be reelected again. Councilor Aiman-Smith moved to close nominations. Mayor Ladner asked all those in favor to close nominations to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried. The Mayor stated Councilor Cynthia Ann Bettison had been nominated to serve as Mayor Pro Tem. 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. Mayor Ladner congratulated Councilor Bettison for being elected to serve as Mayor Pro Tem of the Town of Silver City. He asked her if she would like to make any comments. Councilor Bettison thanked all of the Town Councilors for their faith in her to continue as she had been doing in the past; that she really appreciated the fact that she got to work with all of them. She congratulated Councilor Cano, Councilor Aiman-Smith, and Mayor Ladner for their reelection and that it had been a pleasure to work with them and she looked forward to all of them working together.

**B. Appointments of Councilors to committee and board positions.** Mayor Ladner stated the following: Councilor Bettison serves on the Museum Board in an advisory role, and the Southwest New Mexico Council of Governments as second alternate; Councilor Cano serves on the Cemetery Board in an advisory role; Councilor Aiman-Smith serves on the Library Board in an advisory role and on the Area Transportation Authority Board; Councilor Ray serves on the Dispatch Board as an alternate, the Parks and Recreation Board, and the Southwest Solid Waste Board as an alternate; and Mayor Ladner serves on the Dispatch Board, the Southwest Solid Waste Board, the Grant County Water Commission, and the Silver City MainStreet Project Board as an Ex Officio member. He said if there were no objections he would like to keep the assignments the same. There were no objections. Manager Brown requested that they appoint himself, and Assistant Town Manager Marshall as backup, to the Dispatch Board because the Joint Powers Agreement was being changed and did not specifically list his position. The Mayor asked the Councilors if they had any objections, and there were no objections.

**10. PUBLIC HEARINGS** - None.

**11. UNFINISHED BUSINESS** – None.

**12. NEW BUSINESS** -

**A. Approval / Disapproval of the Town of Silver City Audit Report for Fiscal Year ended June 30, 2017.**  
See Item 2. Changes to the Agenda above. This item was moved to follow Item 7. Public Input.

**B. Approval / Disapproval of a Public Celebration Permit Application for the Red Dot Studio Tour Opening Reception to be held at 209 W. Broadway St., Silver City, NM on May 4, 2018 with alcohol service from 4:00 p.m. to 9:00 p.m. Liquor License Holder: La Esperanza Vineyard, LLC, Liquor License # 6148, 100 De La O, San Lorenzo, NM 88041.** Diane Kleiss, President of the Silver City Art Association, stated they represented the galleries, studios, and artists in Silver City and had 95 members. She said they always had a gallery tour and the Red Dot Studio Tour, but this year they were moving the Studio Tour from October to May to try a Spring Tour for the first time. She said they wanted to promote it with an extra day on the weekend in order to get more people in town and make it a bigger celebration in the three-day event. She said the kick-off event would be on May 4 and La Esperanza Vineyard would be present at their celebration. There was further discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Public Celebration Permit Application for the Red Dot Studio Tour Opening Reception to be held at 209 W. Broadway St., Silver City, NM on May 4, 2018 with alcohol service from 4:00 p.m. to 9:00 p.m. Liquor License Holder: La Esperanza Vineyard, LLC, Liquor License # 6148, 100 De La O, San Lorenzo, NM 88041. Councilor Bettison 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 a Public Celebration Permit Application and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Continental Divide Trail Day event at the Seedboat Gallery, 214 W. Yankie St., Silver City, NM on April 27, 2018 with alcohol service from 3:30 p.m. to 11:00 p.m. Liquor License Holder: La Esperanza Vineyard, LLC, Liquor License # 6148, 100 De La O, San Lorenzo, NM 88041.** Jenny Gaeng, Gateway Community Coordinator of the Continental Divide Trail Coalition, stated it would be a three-day festival celebrating the 40th anniversary of the Continental Divide Trail and she described their mission and the events. She said their Friday night event would be at the Seedboat Gallery, and she requested the Council's permission to have La Esperanza Vineyard LLC serve alcohol at that event. There were no questions. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Public Celebration Permit Application and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Continental Divide Trail Day event at the Seedboat Gallery, 214 W. Yankie St., Silver City, NM on April 27, 2018 with alcohol service from 3:30 p.m. to 11:00 p.m. Liquor License Holder: La Esperanza Vineyard, LLC, Liquor License # 6148, 100 De La O, San Lorenzo, NM 88041. 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 a Public Celebration Permit Application and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Tour of the Gila V.I.P. Reception to be held at The Hub, 601 N. Bullard Street, Silver City, NM on April 21, 2018 with alcohol service from 1:00 p.m. to 5:00 p.m. Liquor License Holder: Little Toad Creek, LLC, DBA Little Toad Creek Brewery, Liquor License #67085, 203 S. Mill Rd., Silver City, NM 88061.** Jack Brennan, Race Director for the Tour of the Gila, said they were having the V.I.P. Reception at The Hub again with hot food served by Shevek and Company and alcohol served by Little Toad Creek. He said the V.I.P. gathering is for their major sponsors to watch the race with refreshments and food. There was further discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Public Celebration Permit Application and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Tour of the Gila V.I.P. Reception to be held at The Hub, 601 N. Bullard Street, Silver City, NM on April 21, 2018 with alcohol service from 1:00 p.m. to 5:00 p.m. Liquor License Holder: Little Toad Creek, LLC, DBA Little Toad Creek Brewery, Liquor License #67085, 203 S. Mill Rd., 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.

**E. Request for consensus on Mayor's letter to the Grant County Commission regarding local ownership and operation of Gila Regional Medical Center.** See Item 2. Changes to the Agenda above. This item was removed from the agenda.

**F. Request from Washington Federal Bank for direction on whether the Town will renew its lease for the bank building at 1203 N. Hudson St., Silver City, NM.** Manager Brown stated the Town purchased the building in 1997 from the Bank of America and a condition of the sale was that the Town give the Bank of America five four-year lease

options on the building, and the Bank of America transferred the lease to Washington Federal Bank when they left. He said Washington Federal Bank was on the final option with two years remaining, and they wanted to know if the Town was going to renew the lease with them or otherwise they would have to start looking for a new location in town that would work for them. He said the lease included the bank building and the drive-thru area. He said there were a lot of things they could do with it if they did not lease it, and he provided several options on how the Town could utilize the property. He said if they gave the bank another lease it would give the Town more time to decide what to do with the property in the future. He said he would like the Council to start thinking about it and that he would like to give Washington Federal Bank an answer in the next few months. There was further discussion on the following: how the Town could give the bank another two-year lease so it would total four years which would give the Town more time to decide what to do with the property and give the bank more time to find a new location; how the Town owned the entire block where the drive-thru bank and gas station are adjacent to Gough Park which would provide a lot of opportunities; how 12th Street could be closed so it could all be used as a park; how the basketball court could be moved at the other end of the drive-thru; how they could add pickleball and handball courts and expand the grass, trees and picnic area; how activities would make the park nicer; how the Council would like staff recommendations so they could begin the planning process; how the discussion process should include public input; how a specific task force could be created to look at the potential uses of the property with a deadline of when to give a report to the Town Council and to have a liaison with the Town Council; how the task force had to be focused in order to give the bank enough notice; how the bank building could be used for City Hall offices because the parking was better than downtown and it provided a lot better access to the community, etc.; how the current City Hall could be remodeled and used for other purposes, such as an art center, meeting place, events, etc.; how parking is the biggest issue downtown; how the Councilor from that area could be on the task force; how the option of another short-term lease would give everybody more time; how Manager Brown needed at least two years to create the project, construction, search for grants, etc.; and how Manager Brown would contact the bank to see if they would be amenable to a two-year extension on the lease and that it would require an ordinance.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:54 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