

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
April 10, 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
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 6:00 p.m.

2. CHANGES TO THE AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS –

"Sexual Assault Awareness Month" - April 2018 - Mayor Ladner read the proclamation and presented it to Chelsea Cooper, Executive Director of the Silver Regional Sexual Assault Support Services, and she commented on upcoming events.

"Autism Awareness Day" - April 14, 2018 - Mayor Ladner read the proclamation. A woman that said she was a parent of a child with autism came forward and thanked him for the proclamation and said it meant so much to the community that the Council recognized, supported, and encouraged families who were living with and caring for an individual with autism. Amaris Fay, organizer of the Autism Awareness Walk, said the walk would happen at Fox Field on April 14 from 10:00 a.m. to 3:00 p.m. She invited everyone to join them and that it would be an event about celebration, inclusion and awareness, and she thanked the Council for the proclamation and support. Mariah Jimenez stated she was a sister of a brother with autism and also invited everyone to attend.

"Bird, Butterfly, and Bee Friendly Day in Silver City" - April 21, 2018 - Mayor Ladner read the proclamation and presented it to Terry Timme from the Southwest New Mexico Audubon Society. Mr. Timme invited everybody to attend the Earth Day event at Gough Park on April 21 from 10:00 a.m. to 2:00 p.m., and said they would have a limited supply of free native plants and free sunflower seeds during the event.

5. COUNCIL COMMENTS – Councilor Ray thanked Alex Brown, Lorenzo Flores, and Eddie Diaz for their work at Gough Park to install the flags, and Fred Baca at the LULAC Council No. 8003. He advised the public to be patient with the road construction work and to make sure they had enough time to get from one point to another. He said the Senior Olympics Bingo went well and that people could call Mario Quintana about the Senior Olympics or talk to Councilor Cano. Councilor Aiman-Smith commented on the following upcoming events: the ground breaking ceremony on April 11 at 10:00 a.m. for the senior affordable housing development that took two years of working together with the Council, the Town Attorney, and Bethel Development; a Tourism Town Hall on April 13 from 8:30 a.m. to 12:30 p.m. at the Conference Center; the Autism Awareness Walk to be held on April 14; and the Love Local event on April 14 for games and discounts at local merchants in the beautiful downtown area. Councilor Bettison apologized for not be able to attend the upcoming events because she would be traveling for a work-related commitment. She also mentioned that Earth Day would be held on April 21 from 10:00 a.m. to 2:00 p.m. at Gough Park. She provided information and encouraged the public to attend the upcoming New Mexico Attorney General's Compliance Training in Silver City on April 26 on the Open Meetings Act and the Inspection of Public Records Act. She stated it was "Equal Pay Day" and she provided estimated statistics if women in the United States received equal pay comparable with men. Councilor Cano thanked Fire Chief Milo Lambert and the Silver City Fire Department

because they were going to all of the large buildings in town to learn the floor plans and be more aware of the buildings in case of an emergency. She said a local church told her that they felt safer after the Fire Department visited their church. She stated April was "Advanced Directives Month" and explained the purpose of advanced directives. She said April 14 would be the first of the four districts' Territorial Charter work days and per her request Gary Stailey provided more information on the two projects scheduled at Ybarra Park and at the Visitor Center on April 14 from 10:00 a.m. to 2:00 p.m. Mayor Ladner said the community lost two members that played important roles in the community, and he named John Crow who had the GilaCommunity.net website, a popular online forum, and Henry Torres who played an important role in many aspects of the community, including serving for seven years on the Grant County Commission.

6. APPROVAL OF MINUTES FOR THE REGULAR TOWN COUNCIL MEETING HELD ON MARCH 27, 2018. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of March 27, 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 – Rachele Bergmann commented on Item 11 D. Notice of Intent Ordinance No. 1266 by expressing how she felt it would not be more efficient and convenient for the public if the Council changed their meeting time from 6:00 p.m. to 9:00 a.m., and she gave examples of how she and other hourly wage earners would not be able to attend morning meetings. She said morning Council meetings would restrict public engagement, and that efficiency was not what the meeting was about; that it was about communication and expressing opinions on the record and in front of the town as a whole. Karen Whitlock commented on Item 11 C. Resolution No. 2018-12 and stated she was a social worker in support of the Resolution. She said it had been in the legislature and had been full of safeguards so only competent people could address this issue; that they would have to be able to administer the drug themselves and have to get a physician's approval. She said the Resolution would support a person's right to choose and it was not for those that did not want it.

8. REPORTS -

A. Staff Reports. Manager Brown said the Silver Street road construction project was supposed to start that week, but it had been postponed to the following Monday, and that traffic problems would get worse. He also reported on trails issues and said staff had talked to a contractor to repair and/or close the gates and fences, and that they were now working on the access points to the trail system from private property. He said staff was working on a new watershed policy and would continue the same process that they currently had in place. He reported that customers that were shut off after 45 days of nonpayment would have to pay the reconnect fee, the past due fee, and the current bill. He said if they had not been shut off in the past 12 months the Town would waive the reconnect fee and only have them pay the current delinquent bill. He said they may have to change the ordinance because the current ordinance required that they charge everybody the reconnect fee. He also reported that he talked to the Washington Federal Bank manager to propose they add a couple of years to the lease, and that the bank manager was waiting to hear from her upper management. He said he met with Tim Castillo at the University of New Mexico School of Architecture, and that Mr. Castillo would work with the Town to do renderings so they would have visual ideas for the property. Mayor Ladner asked Manager Brown about the shut offs, and Manager Brown confirmed that the Town had never done shut offs on Fridays. He said they did not shut off water after Wednesday.

10. PUBLIC HEARINGS - None.

11. UNFINISHED BUSINESS – None.

12. NEW BUSINESS -

A. Approval / Disapproval of two Public Celebration Permit Applications for the Mimbres Region Arts Council's 23rd Annual Silver City Blues Festival from May 25 - 27, 2018 with alcohol service from 5:00 p.m. to 10:30 p.m. on Friday, May 25, from noon to 9:00 p.m. on Saturday, May 26, and from noon to 5:00 p.m. on Sunday, May 27. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery,

License #67085, 203 S. Mill Road, Silver City, NM. Kevin Lenkner, Executive Director of the Mimbres Region Arts Council, said they were looking forward to the Blues Festival and that it would have the same footprint as last year. There were no questions from the Council. Mayor Ladner asked for a motion. Councilor Ray moved to approve two Public Celebration Permit Applications for the Mimbres Region Arts Council's 23rd Annual Silver City Blues Festival from May 25 - 27, 2018 with alcohol service from 5:00 p.m. to 10:30 p.m. on Friday, May 25, from noon to 9:00 p.m. on Saturday, May 26, and from noon to 5:00 p.m. on Sunday, May 27. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. 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.

B. Approval / Disapproval of two Public Celebration Permit Applications for the Annual Toadfest Brewers Guild Tap Takeover on April 28, 2018 with alcohol service from 2:00 p.m. to 11:00 p.m. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. David Crosley from Little Toad Creek said it would be their fourth Toadfest and that nothing would change from last year. He said most of the festivities would be inside, but would expand to the back alley to allow people to be outside if the weather was good. He said it was a great opportunity for Silver City and Southwest New Mexico to try beers from the rest of the state that normally people would not get to try. Mayor Ladner asked for a motion. Councilor Ray moved to approve two Public Celebration Permit Applications for the Annual Toadfest Brewers Guild Tap Takeover on April 28, 2018 with alcohol service from 2:00 p.m. to 11:00 p.m. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 203 S. Mill Road, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM. Councilor Aiman-Smith 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.

Councilor Bettison moved for a point of personal privilege for a break. 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 6:52 p.m.

C. Approval / Disapproval of Resolution No. 2018-12: a Resolution supporting the enactment of The End of Life Options Act by the New Mexico Legislature. Councilor Cano gave the history of the 2017 End of Life Options Act legislation that was vetoed by Governor Martinez, and how there was a 50 percent chance that the new Governor would agree that it should be signed into law. She said if many communities passed a Resolution in support of the bill then it would be reintroduced in the 2019 legislative session and hopefully pass. She said the End of Life Options Act was written to make it lawful for a resident of New Mexico that was over the age of 18, legally competent, and diagnosed with a terminal disease to be given the option to be prescribed a combination of medications that would end the person's life. She said it was not something that would be required in any way, but would be an option available to those who seek it out. She said the legislation would hold medical professionals and families harmless if the person chooses to end their life. She said the legislation requires that the individual request the prescription themselves and they must also be able to take the medication themselves; that it could not be administered by someone else. She said End of Life Options are not suicide; that the person must be diagnosed with a terminal illness to qualify for the prescription. She provided further details. She said there were several people in the audience that would like to share their thoughts and comments, and after the public spoke she may potentially change her motion to postpone it to another meeting date so everyone could look at the bill and have more information before they voted. There was further discussion and Mayor Ladner allowed public input at Councilor Cano's request. Favorable comments to the Act and to Resolution No. 2018-12 were received by several members of the audience, and they expressed their personal and professional experiences with end of life issues, etc. Councilor Bettison said she would appreciate the End of Life Options Act as mentioned in the Resolution, and she appreciated that Councilor Cano was considering postponing it until they had a chance to look at it, and that other people in the community might give their opinion as well. Mayor Ladner asked for a motion. Councilor Cano moved to postpone Resolution No. 2018-12: a Resolution supporting the enactment of The End of Life Options Act by the New Mexico Legislature until the first meeting in May of 2018.

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 Notice of Intent Ordinance No. 1266: an Ordinance amending Municipal Code Chapter 2 (Administration), Section 2-80(a) (Regular Meetings). Councilor Ray moved to remove Item 11 D. from the agenda. 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.

E. Approval / Disapproval to change the Regular Council Meeting scheduled for Tuesday, May 8, 2018 at 6:00 p.m. to Tuesday, May 15, 2018 at 6:00 p.m. in the Grant County Administration Center. Councilor Bettison said she requested the change because she would be out of town to attend the American Alliance of Museums meeting for her position as the University Museum's Director. She requested the Council's consideration to schedule the meeting for May 15, and she added that it was extremely difficult to hear the meeting over the phone. She moved to approve the change of the Regular Council Meeting scheduled for Tuesday, May 8, 2018 at 6:00 p.m. to Tuesday, May 15, 2018 at 6:00 p.m. in the Grant County Administration Center. 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.

12. ADJOURNMENT – Mayor Ladner thanked everybody for being there and for participating in their government. He concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:15 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.

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk