MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
July 9, 2019, 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  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk  
Freddie Portillo, Police Chief

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Aiman-Smith reminded the public that the District 2 Volunteer Day to install parklet features behind the historic Waterworks Building would be on July 13. She also said the draft environmental impact statement for the Holloman Air Force Base F-16 training flights over the Gila would be delayed until late September or later. Councilor Bettison invited the public to the Western New Mexico University Museum’s 45th Anniversary celebration at the Museum on July 14 and to a free lecture by Dr. Harry Shafer at Light Hall on July 14. She announced the CLAY Festival would begin on July 15 and there would be an abundance of activities, events, lectures, etc. Councilor Cano commended the Parks Department staff that worked so hard during the July 4th event and said Gough Park was spotless after the event. She expressed gratitude to the person from the Parks Department that helped her navigate through the park in her wheelchair. She also said she was impressed with the level of professionalism of a Silver City Police Officer as she observed the officer conduct a field sobriety test and how she had an amazing level of class and calm. She said she appreciated the direction the Police Department was going in and that it was good for the community. She commented on a recent meeting she attended at the invitation of Senator Gabriel Ramos that also included the County Commission and the Forest Supervisor of the Gila National Forest, Adam Mendonca, and how she learned about the Forest Service and what they do for the community. She said she would like him to do a small report at an upcoming Council meeting. Councilor Ray said he enjoyed the fireworks and discussed how people should clean up their mess afterwards. He said people must be responsible for their actions so the privilege of fireworks would not be taken away. He invited the public to attend a community meeting at the Knights of Columbus at 10:00 a.m. on July 13 to discuss permanent supported housing by the Senior Citizen Center area. Mayor Ladner recognized Senator Gabriel Ramos in the audience.

6. APPROVAL OF MINUTES - Regular Meeting – June 25, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of June 25, 2019. 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 – Mayor Ladner stated the procedures for public input and called out the names of those that signed up. Kenneth Sexton, a member of the Town’s Trails and Open Space Advisory Committee, expressed his concern of the trails and open spaces and recommended Ordinance No. 1281 (regarding recreational off-road vehicles on Town streets) not be approved. Trent Bohl said he was in support of Ordinance no. 1281 and said he could help sponsor trail cameras, etc. John Alvarez gave his personal reasons for being in favor of Ordinance No. 1281. Daniel
Callardo commented on the problems with fireworks debris and noise, and how the number of days for fireworks should be reduced. Julie Casein, owner of the RV Park on Bennet Street, described many issues with fireworks and how they should not be allowed in city limits unless it was a show being put on by a licensed group, etc. Roberta Robinson, resident of the same RV park, commented on how scary the fireworks were because of the fire danger to RVs, etc. Mike Ferris, Chair of the Town’s Trails and Open Space Advisory Committee, urged the Council not to pass Ordinance No. 1281 and rather than becoming a motor sports city they had an opportunity to create a different kind of natural environment that attracted people that enjoy peace and quiet and nature. Mayor Ladner asked the audience to raise their hands if they would like to give public input. Ron Troy, member of the Town’s Trails and Open Space Advisory Committee, commented how unique the community was and how those other towns that allowed side by sides on their streets would probably think twice about their decisions. Danny Ellis said he would like to see the UTVs (utility task vehicles) legalized and was in favor of Ordinance No. 1281. Pete Montelello said he was in favor of Ordinance No. 1281 and it would be good for the environment because of the fuel savings, etc. Senator Gabriel Ramos commented on the various events in town and asked the Council to consider the UTVs in the area to promote tourism like all the other events. He said the Gila National Forest was called the “Land of Many Uses” and that it was for conservation and for keeping the public lands public; that they should let them utilize it with UTVs. Gwendolyn Lacy said they should wait to decide on Ordinance No. 1281 until after the October Economic Development Summit.

Councilor Bettison called for a point of privilege for a short break at 6:43 p.m. Mayor Ladner called the meeting back to order at 6:49 p.m.

8. REPORTS –
A. Staff Reports. Manager Brown reminded everybody about the upcoming Silver City Wine Festival on July 13 and 14 and stated it would be the first event where they would fence in the entire Gough Park. He said he hoped it would be a model for future events like the Blues Festival, etc. He said for the long-term sustainability for some of the events in town it was the way to go rather than the city paying for everything, and that the attendees needed to contribute.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –
A. Approval / Disapproval of Ordinance No. 1281: an Ordinance amending Section 12-7-9 through 12-7-9.10 (Off-Highway Motor Vehicles – Definitions, et al) of the NM Uniform Traffic Code adopted as the Silver City Traffic Ordinance in Chapter 50, Section 50-1 of the Municipal Code of the Town of Silver City, NM. Councilor Ray said the ordinance was never pushing for ATVs (all-terrain vehicles) but was pushing for UTVs (utility task vehicles). He said there was a big difference between ATVs and UTVs. He said he discussed it with the trails people and told them the UTVs were not going in the trails. He said UTVs were not loud; that diesel trucks were louder and that he liked to hear a lot of traffic downtown because it made it more vibrant. He said if the ordinance passed it would not allow the vehicle to be trailered downtown. He asked Police Chief Portillo to comment about any issues. Chief Portillo said he talked with the Red River, Grants, Truth or Consequences, Alamogordo, Clovis, Farmington and Roswell Police Departments and learned their issues were very minimal; that the hardest part was getting people into compliance. He said he had several safety issues because there were a lot of state highways going into the city and there was not a lot of points of entry to recreational areas other than the Little Walnut, Cottage San, and Bear Mountain area. He described how he would work with them if they decided to pass it. He answered questions from the Council and there was further discussion about the following: how it would take time and manpower to train the police force, educate the public, work with other agencies, etc., and the Chief recommended a year for a trial basis; how the ordinance should be posted on the NM Game and Fish website so the public could access it and out of state people could access it; how the state highways were the biggest concern and the Town did not have that many recreational areas; how they would need to work with the Department of Transportation (DOT) Commission to approve access of the state highways and it was doubtful they would approve Highway 180 or Highway 90, but possibly Highway 15; how the DOT would do a study to see if it met certain criteria; how the state police and sheriffs would look out for UTVs on the state highways and the Silver City Police Department would work with them; how the
recreational off-road vehicles were not considered street legal by the Motor Vehicle Division and if the ordinance passed the Town would call those vehicles admissible in Silver City; how they would need to educate the public that they could not drive on the state highways because they were not Town-owned roadways; how UTVs would not be allowed to be unloaded off of trailers downtown; how they should focus on Silver City and not the other municipalities; how people deserved the chance for a quality of life; how if the ordinance did not pass, Councilor Ray would ask for a Special Election; how the UTVs would not be used on Boston Hill or the San Vicente Trail; how an amendment to add a trial period to the ordinance was not necessary because the Council could rescind the ordinance; how the Forest Supervisor was very supportive of the ordinance according to Councilor Cano and would like to see a system that started in the city, go through the county and to the forest; how Councilor Ray and others would go to the state to ask what could be done and how it could be done right to utilize parts of the highways, etc.; how it may take Council action to go to the DOT Commission; Mayor Ladner’s research on the subject; how there were a lot of other vehicles making noise on the street; how people in the community had many concerns about UTVs on the streets; how the Mayor wanted to be open-minded and liked how the Council could simply rescind the ordinance if problems came up; how the ordinance did not have enough specifications and could be amended later if it passed; how the issue of parking in town was regulated by the Police Department and the Town Manager could order the Police Department to designate certain parts of town as areas where flatbed trailers could not park, including Broadway and Bullard, etc.; the issue of an inspection fee in order to recoup the cost of doing the inspection and a certification by the city that the vehicle meets the standards of the ordinance; how if the ordinance passed they would still have work to do to make it more safe and that they would expect the groups that work with the UTVs to work with the community, etc.; and how any ordinance can be changed or rescinded.

Councilor Bettison announced that after the discussions and the research she had done, that she was moving towards approving the ordinance to see where it would go. Mayor Ladner asked for a motion. Councilor Ray moved to approve Ordinance No. 1281: an Ordinance amending Section 12-7-9 through 12-7-9.10 (Off-Highway Motor Vehicles – Definitions, et al) of the NM Uniform Traffic Code adopted as the Silver City Traffic Ordinance in Chapter 50, Section 50-1 of the Municipal Code of the Town of Silver City, NM. Councilor Cano seconded. Mayor Ladner asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted nay; and Councilor Bettison voted aye. Motion carried.

11. NEW BUSINESS –
A. Approval / Disapproval of Resolution No. 2019-21: a Resolution designating the location of an Election Day polling place for the Town of Silver City Municipal Officer Election to be held on March 3, 2020. Clerk Mackie said the Town Council may act in relation to the duties of the Board of County Commissioners set forth in Section 1-3-2 NMSA 1978 in setting polling places and consolidating precincts for the municipal officer election, and that the Council action was required by resolution in June or July of odd-numbered years. She said Resolution No. 2019-21 was for that purpose and consolidated the precincts of District 1 and District 3 into one precinct and sets the polling place as a Voting Convenience Center at the Silver City Woman’s Club. She said the polling location was also used for county elections and met all the standards set in the Election Code. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2019-21: a Resolution designating the location of an Election Day polling place for the Town of Silver City Municipal Officer Election to be held on March 3, 2020. Councilor Ray seconded. 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.

12. ADJOURNMENT – Mayor Ladner asked community to give them a chance for Ordinance No. 1281. He concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:27p.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

July 9, 2019