MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
July 23, 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  
Milo Lambert, Fire 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 Ray commented on the following: thanks to the Council for allowing the side by sides on the streets and that the people would try hard to be in compliance; an invitation for people to attend another Town Hall meeting in a week with the SPIN (Supporting People In Need) program at the Public Library; how he noticed there was too much hatred amongst themselves and he hoped the news media would not print so much negativity on the Council subjects; and how they should try to keep negative comments to themselves because the younger generation was learning how to act and react to things. Councilor Aiman-Smith thanked the volunteers, Milton Perkins, Gary Stailey, and Manager Brown for their help during the District 2 Territorial Charter Day on July 13. She also thanked Chief Portillo and Officer Manual Jauer for doing public education on the difference between public and private when trying to claim a parking area on a Town street. Councilor Bettison commented on the upcoming District 1 Territorial Charter Day that would include an experiment in traffic calming techniques. She asked people to stop at stop signs and red lights and to pull over to the far right and stop when an emergency vehicle was coming. She thanked Mayor Ladner for speaking at the Rotary Club’s meeting about the wonderful things about the town. Councilor Cano congratulated Councilor Bettison on the recent celebration at the Western New Mexico University Museum and how it was a treasure for the entire world and was internationally known, and she recognized Councilor Bettison for working very hard to make the museum the way it is. She commented on the recent Latino Conservation Week and encouraged people to check out the Wild and Scenic Art Show curated by Simon Sotelo that recognized the Gila Wilderness and how important it is to the area. She said the District 4 Territorial Charter Day event would be like a National Night Out and would be held at Gough Park on August 3 at 4:00 p.m., and the Fire Department would take on the Police Department in a dodge ball tournament. She said the Copper Country Senior Olympics would partner with the event and have games, and she provided the sponsor information.

6. APPROVAL OF MINUTES - Regular Meeting – July 9, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of July 9, 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 – None.

8. REPORTS –  
A. Staff Reports. 1) Update on the fireworks ordinance by Fire Chief Lambert. Chief Lambert said the 4th of July was over and fireworks had ceased. He said there was a dispute about their specific ordinance in the Town of Silver City, and also about the 4th of July being over.

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City about when ground audible and aerial fireworks could be ignited. He said the ordinance stated they may be permitted between June 30 and July 4 from 9:00 a.m. to 10:00 p.m. except on the 4th of July and weekend nights, excluding Sundays, when they were allowed until midnight. There was further discussion and he was asked to go overboard in public announcements and in the newspaper for the upcoming New Year’s timeframe from December 28 to December 31 from 9:00 a.m. to 10:00 p.m. except December 31 could be through 1:00 a.m. on January 1st.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –
A. Approval / Disapproval of Ordinance No. 1282: an Ordinance amending Chapter 22, Article II (smoking in public places) of the Municipal Code of the Town of Silver City, New Mexico. Councilor Aiman-Smith said the pertinent components of the new state law were reflected in the ordinance to make it their own, and that all parks, trails and open spaces were included. She said it meant there would be no smoking of any tobacco or cannabis products or vaping of any kind of products in any kind of a building that was accessible by the public for public use, including restaurants, galleries, etc. She said there would be no lighted or vaporizing utensils being used in any of the parks, open spaces and trails in the town. She said the preponderance of citizen feedback she received was very positive. There was further discussion about the following: the amendment to the ordinance in Section 22-23 (12); concerns that it should not include open space like Boston Hill because there was lot of air and not too many people; how Councilor Ray could not support it if the “open space” was not removed from the ordinance; how citizen feedback was mostly positive; how input from two citizens thought it was discrimination; how the hazards for people’s health from second-hand smoke were well known, etc.; how many people had allergies; how it was critical for the health, safety, and welfare of the residents and visitors; concerns that cigarettes were a fire hazard; and Fire Chief Lambert’s confirmation that numerous wildland and brush fires were started by cigarettes. Mayor Ladner asked if there were any comments from the public and there were none. He asked for a motion. Councilor Aiman-Smith moved to approve Ordinance No. 1282: an Ordinance amending Chapter 22, Article II (smoking in public places) of the Municipal Code of the Town of Silver City, New Mexico. Councilor Bettison seconded the motion. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted nay; and Councilor Cano voted aye. Motion carried.

11. NEW BUSINESS –
A. Approval / Disapproval of a Reimbursement Agreement for the Library Solar Project. Manager Brown said the project was to work with the Library Foundation. Ken Dayer, Library Director, said the Library Foundation was a non-profit that supported the library and they agreed to use donated money to approve a series of renovation projects for the library. He said part of that series is to make the building more energy efficient and it included five projects. He discussed how energy efficient windows were installed recently, and how the goal of the solar project was to significantly reduce the power bill of the library. He said on average the power bill of the library was about $7,200 a year and that cost would be significantly reduced by the projects. He said the solar project would run about $65,000 and the purpose of the agreement is for the Town to reimburse $65,000 over time with no interest to the Library Foundation so it could be reinvested into the library. He explained the short-term and long-term benefits. Manager Brown said the electric bill for the library was all paid out of the General Fund so there would be a direct savings over time by doing the project, and he explained further. He said the project would be overseen by Town staff and would go through all the permitting processes. He said Mr. Dayer did an excellent job doing all the background work on the projects and he really appreciated the Library Foundation for making these large investments into the library. Councilor Bettison thanked Town staff for all the work and the Library Foundation for thinking positively about the renovations they could do that would enhance the library for the public’s use, but also for the long-term savings in terms of electricity, etc. Mayor Ladner asked for a motion. Councilor Ray moved to approve a Reimbursement Agreement for the Library Solar Project. Councilor Cano seconded the motion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. There was no opposition. Motion carried.

B. Approval / Disapproval of Notice of Intent Ordinance No. 1283: an Ordinance amending Chapter 40 (Solid Waste and Recyclable Materials), Section 40-47 (b) (2) (c.) of the Code of Ordinances of the Town of Silver City. Manager Brown said they had been negotiating for solid waste services and when the ordinance was put in place, they had not considered a possibility of contracting the work at some point. He said a 30-day termination clause in a
contract of this size would not work for either side because of the huge capital costs and start-up. He said they were proposing to change the ordinance so they could negotiate a term beneficial to both sides. There were no comments. Councilor Aiman-Smith moved to approve Notice of Intent Ordinance No. 1283: an Ordinance amending Chapter 40 (Solid Waste and Recyclable Materials), Section 40-47 (b) (2) (c.) of the Code of Ordinances of the Town of Silver City. Councilor Bettison seconded the motion. 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 Resolution No. 2019-26: a Resolution authorizing the execution of a contract between the Town and Universal Waste Systems, LLC., for the collection, transport, and disposal of solid waste and recyclables. Manager Brown said they had been struggling with the solid waste collection services for the last couple of years. He discussed how it was a struggle to compete for skilled employees like CDL drivers and mechanics, and he explained how it affected all the departments and their services when there were issues at the City Shop, etc. He said the Police and Fire Departments were the first to support contracting out this program because of the stress it had put on all the services in the town. He commented on the cost of payroll, retirement and the Town benefit package for a sanitation truck driver and said a contractor did not have those issues. He said he had been talking with Universal Waste Systems (UWS) for a few months and they did not have to provide the big benefit package that the Town provided so UWS could compete with the mine and other contractors in the area for qualified employees. He said that was why they were moving in this direction. He said they could not do the job properly and adequately internally. He said UWS was based out of California and had six counties and communities in New Mexico that they were already working with. He said he had only received good references about them. He stated it would affect seven employees and two of those employees were vested in the retirement program; that they would lay off the other five employees if the resolution was approved, but those five people would have first priority to apply with the contractor to continue to work with sanitation services. He asked Rheganne Vaughn, Director of Governmental Affairs for AWS, to give her presentation. Ms. Vaughn introduced the President of UWS, Inc., Mark Blackburn, and the Director of Operations in New Mexico, Mitch Blackburn. She provided a PowerPoint presentation that gave an overview of an Integrated Municipal Solid Waste Program and the benefits of a public/private partnership with Universal Waste Systems, Inc. She said they would begin collection services on September 2, 2019. There was further discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution No. 2019-26: a Resolution authorizing the execution of a contract between the Town and Universal Waste Systems, LLC., for the collection, transport, and disposal of solid waste and recyclables. Councilor Ray seconded the motion. Mayor Ladner 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.

Councilor Bettison moved for a short break at 7:23 p.m. Councilor Aiman-Smith seconded the motion. 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 7:28 p.m.

D. Approval / Disapproval of Resolution No. 2019-22: a Resolution amending the approved and adopted budget for the Fiscal Year commencing July 1, 2018 through June 30, 2019, and for Municipal Purpose in the Town of Silver City, New Mexico, transferring and appropriating funds thereof. Manager Brown said it was for the final budget adjustments for what actually happened in the past year, and he explained. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2019-22: a Resolution amending the approved and adopted budget for the Fiscal Year commencing July 1, 2018 through June 30, 2019, and for Municipal Purpose in the Town of Silver City, New Mexico, transferring and appropriating funds thereof. Councilor Ray seconded the motion. 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.

E. Approval / Disapproval of Resolution No. 2019-23: Final Quarter Financial Report Year Ending June 30, 2019. Manager Brown said it was for the final quarter report and the actual quarter report because there were no temporary transfers. He said it ended up being the beginning balances for the next resolution for the final budget. He said the only real change was that they ended up with a larger ending cash balance in the General Fund that was projected at $800,000 and they were at $1,066,000. There was no discussion. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2019-23: Final Quarter Financial Report Year Ending June 30, 2019.
Councilor Aiman-Smith seconded the motion. 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 Resolution No. 2019-24: approval and adoption of the Budget for the Fiscal Year commencing July 1, 2019 through June 30, 2020.** Manager Brown said it was the same budget as the preliminary budget except for the following changes: they updated the beginning cash balances; included a four percent increase for exempt employees; made transfers from the General Fund to the debt services; and revenues increased because they received the gross receipts revenue into the General Fund. There was no discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution No. 2019-24: approval and adoption of the Budget for the Fiscal Year commencing July 1, 2019 through June 30, 2020. Councilor Ray seconded the motion. Mayor Ladner 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.** Manager Brown thanked Anita Norero, Deputy Finance Director, and all the Finance Department staff for all the hard work they did during the budgeting process. He said he appreciated all the work they did. Mayor Ladner said the Town was very fortunate to have Manager Brown and the staff, and he thanked them for their service.

**G. Approval / Disapproval of the Selection of a Voting Delegate and Alternate to vote at the New Mexico Municipal League's Annual Conference.** Mayor Ladner said he would be attending the Annual Conference, and that Mayor Pro Tem Bettison and Councilor Cano were also planning to attend. He said he would be happy to continue to serve as the voting delegate and said Councilor Bettison indicated an interest in serving as the alternate. Councilor Aiman-Smith moved to have Mayor Ken Ladner as the voting delegate and Mayor Pro Tem Bettison as the alternate. Councilor Ray seconded the motion. 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 concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 7:37 p.m., and Councilor Lynda 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