MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
June 11, 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 – Finance Director
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 – “2019 National Senior Olympics Team” – Mayor Ladner asked Councilor Cano to read the proclamation and Mayor Ladner recognized the 2019 National Senior Olympic Team and congratulated each Olympian. They presented it to Mario Quintana, Games Coordinator of the Copper Country Senior Olympics. Mr. Quintana and Fred Baca, President of the Copper Country Senior Olympics, thanked the Town, the Mayor and staff for their support.

5. COUNCIL COMMENTS – Councilor Cano commented on the following: how proud she was of the Copper Country Senior Olympics Team and requested a traffic study on Leslie Road for speed bumps due to speeding issues. Councilor Ray commented on SPIN (Supporting People in Need) working on a program for a housing facility for mentally impaired people. Councilor Aiman-Smith commented how she enjoys the Fiesta Latina event. Councilor Bettison wished the Olympic Team good luck and thanked them for representing them. She also commented on the recycling issues. Mayor Ladner commented that each February they celebrate Territorial Charter Day and that he will be forming a committee to organize that event soon. He added that each member of the Town Council picks a community service project and that Councilor Ray’s recent service project was to celebrate Jaurequi Park. He also talked about a huge turtle that escaped from its pen and how he received a number of calls about code enforcement, animals, trash, etc. and he encouraged people to call the correct department.

6. APPROVAL OF MINUTES - Regular Meeting – May 28, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of the Town of Silver City of May 28, 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 – Pete Torrez commented on the side by side ordinance and how it was unfair to deny civilized, responsible tax-paying citizens the use of the streets around Silver City with regard to the responsibility of the use of the side-by-sides. He said they are just asking for six months to a year to police their own troubles, form their own organization and that it was unfair to doubt them and not give them a chance.

8. REPORTS –
A. Staff Reports. None.

9. PUBLIC HEARINGS – None.
10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1278: An Ordinance amending Chapter 2 (Administration), Article II (Elections), Sections 2-21 through 2-29, and Appendix D of the Municipal Code of the Town of Silver City, Grant County, NM. Clerk Mackie stated the ordinance would adopt the State Local Election Act for Municipal Officer Election Day in March of even-numbered years, change the terms of the Mayor and Councilor positions to four-year terms beginning with the election in March 2020, and provide the procedures for a vacancy on the Council. Councilor Cano moved to approve Ordinance No. 1278: An Ordinance amending Chapter 2 (Administration), Article II (Elections), Sections 2-21 through 2-29, and Appendix D of the Municipal Code of the Town of Silver City, Grant County, NM. Councilor Aiman-Smith seconded the motion. She commented that her term would be extended to March 2022 and that she would continue to serve everyone respectfully, professionally, with integrity, compassion and good thought. 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.

11. NEW BUSINESS –

A. Approval / Disapproval of Resolution No. 2019-17: a Resolution expressing support for legislation amending the powers and duties of the NM Municipal Boundary Commission. Councilor Bettison discussed a recent issue reference the NM Municipal Boundary Commission (NMMBC) hearing regarding annexation of property proximal to the Town; how that would be a burden on current citizens and departments; possible consequences of going thru with it; and that the person seeking the annexation withdrew his request. Discussion continued on consideration of potential annexation and expectations if this would occur and come forward in the future; how other communities had potential reference the NM Municipal Boundary Commission (NMMBC) thru local elected officials and the New Mexico Municipal League; NMML policy statement wanting to insure that local governments had the ability to self-govern; getting it into the systems, to start conversation and possibility move forward in 2021. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2019-17: a Resolution expressing support for legislation amending the powers and duties of the NM Municipal Boundary Commission. Councilor Ray seconded. 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. Councilor Bettison asked the Town Clerk to forward a copy of the adopted Resolution to Randy Van Vleck, General Counsel of the New Mexico Municipal League.

B. Approval / Disapproval of Notice of Intent 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 it was the same ordinance, but they would like to try it for one year. He asked Chief Portillo to comment. Chief Portillo said he still felt strongly against it for overall public safety and crashes were a concern; that the police department was struggling to keep crashes down, noise complaints and use on state highways. He said he was willing to work and educate the public if they decide to pass it and to try to gather as much accurate information as possible to present to the Council. Councilor Ray asked Chief Portillo if he was willing to a six-month to a one-year trial basis, and Chief Portillo said, “yes.” Councilor Cano said the Notice of Intent did not include language about the one-year. Mayor Ladner asked for a motion. Councilor Ray moved to approve Notice of Intent 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. Councilor Aiman-Smith asked Attorney Scavron if it was common and useful to put in all the processes of a new law for a trial basis. Attorney Scavron said it would be the first, and there was further discussion to include guaranteeing that future Councils could revisit the subject. Councilor Aiman-Smith asked Councilor Ray to confirm there were no changes to the ordinance from 2018, and he said “no.” She commented on what an NOI was, looking at it aligning with new or existing laws, its intent, and how it would affect the Town if passed. She commented on the state law passed in 2016 SB270 and that it was focused on agricultural and access to recreation trail-use and asked Councilor Ray what off-road recreational areas it would allow access to. He said there were not any, and she agreed. She commented on the intent of the law; her discussion with a representative from the Motor Vehicle Department; ORV not being passenger vehicles; not having access to any recreational trails in the Town’s proximity; the liability it would open for the Town; echoed Chief Portillo’s concerns; NMDOT Commission Policy 71; and what the County’s and NMDOT’s responsibilities would be.

May 28, 2019 Draft Minutes Regular Council Meeting
She talked about her training as a newly elected officer with NMML; that there was a great deal of discussion on what the meaning of a NOI was, a legislative body saying they are going to publicly consider changing or implementing a law; and that it was very clear that open public discussion was meant for discussion among the Council not big forums for public opinions. She stated that since there had been zero changes to the previous NOI, since having a trail law seems to be frat with future difficulties with people thinking they have an absolute right to do something, since no recreational trails were in proximity to Town access by Town roads, and given that it was not likely that Highway 90, 180, and 15 within the Towns limits would be designated ROV accessible by NMDOT, she wondered about the basis for any due discussion of the NOI. Councilor Bettison echoed what Councilor Aiman-Smith stated; the need to carefully consider Police Chief Portillo concern; and that there was nothing to move it forward since it was discussed a year ago. Councilor Cano reminded the Council that she also attended the NMML trainings and felt the conversation has not reached its limit in the community, and there was nothing wrong to continue the discussion. She said a special election would allow the community to decide as a whole. Councilor Ray said they were the only municipality in state that does not allow side-by-sides, how people can make a living servicing ORV. He stated, “if this doesn’t pass, we will ask for special election.” Councilor Aiman-Smith said she was not convinced they were the only municipality that does not allow it and she appreciated Councilor Cano’s comments. She commented on her interest in overall public opinion and special interest voice. Mayor Ladner said he would like to see it go another step forward with discussion and public input. He asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted nay; and Councilor Bettison voted nay. Mayor Ladner broke the tie and voted aye to allow for future discussion. Motion carried.

C. Approval / Disapproval to change the regular Council meeting scheduled for Tuesday, August 27 at 6:00 p.m. to Tuesday, August 20, 2019 at 6:00 p.m. at the Grant County Commission Meeting Room, 1400 Highway 180 E., Silver City, NM. Mayor Ladner said Councilor Ray and Councilor Bettison requested the change. Councilor Bettison moved to approve changing the regular Council meeting scheduled for Tuesday, August 27 at 6:00 p.m. to Tuesday, August 20, 2019 at 6:00 p.m. at the Grant County Commission Meeting Room, 1400 Highway 180 E., Silver City, NM. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilor 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 7:01 p.m., and Councilor Aiman-Smith 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