

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING**

**Grant County Administration Center, 1400 Hwy 180, Silver City, NM**

**September 22, 2009 – 7:00 P.M.**

**Present:** James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Thomas A. Nupp, District 2  
Simon Wheaton-Smith, District 3  
Steve May, District 4

**Also Present:** Alex C. Brown, Town Manager-Finance Director  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Ed Reynolds, Police Chief  
Rudy Bencomo, Fire Chief

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:00 p.m.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – Alan Mong commented that excessive trash was being dumped near Starsky Ridge and Ursa Major. He wanted to bring it to the attention of the Council because families with children and pets walked in the area and the trash debris was blowing in the neighborhood.

**5. COUNCIL COMMENTS** – The Council commented on the following: recently attended events; thanks were given to the staff of the Fire Department and Recreation Center for their good work during several events; thanks were given to Roger Groves, Code Enforcement Supervisor, for his work and quick attention to complaints; how to be aware of scam email messages; a letter of commendation to Community Enforcement Officer Click; land use code issues; warranty issues at the Skate Park; noise citations in the downtown area; the citizen complaint process; the crossover road between Albertsons' and Beall's; issues with private roads; how a band of 900 - 1200 Chiricahua Apaches were looking for a homeland and were considering Ft. Bayard; the Public Works Department was thanked for their work on Leslie Road and West Street; the openings on several Town Boards and Committees; and the Mayor informed the Council that user fees were being considered applicable to Bill Evans lake and Lake Roberts, stressing the importance of those recreation opportunities for the people of the Town and County. The Mayor expressed his hope that such fees would not be imposed. There was a sense of the Council to be in full support of the Mayor's position.

**6. CHANGES TO THE AGENDA** – None.

**7. APPROVAL OF THE MINUTES – Regular Meeting – September 8, 2009:** Councilor May made a motion to approve the minutes as presented. Councilor Bettison seconded the motion. There was no discussion. All were in favor, motion passed.

**8. REPORTS** –

**A. Housing plans and the project layout for Vistas de Plata Affordable Housing Project by Mike Eley, Town Planner.** Mike Eley provided an update on the affordable housing project, Vistas de Plata, which was planned as a 56 unit subdivision that would be placed at the end of Kelly Street where 10<sup>th</sup> Street intersects at Mountain View Road. Details of the project were presented by Ronald Witherspoon and Michael Burkett, architects from Dekker/Perich/Sabatini, Albuquerque, NM. There was discussion about the project between the Council and several architects, engineers, etc., and a tentative time frame for the construction of the houses was given as Spring of 2011.

**B. State approval of FY 2009 - 2010 Final Budget by Alex C. Brown, Town Manager – Finance Director.** Manager Brown notified the Council that the final budget for Fiscal Year 2009-2010 was approved by the State of New Mexico Department of Finance and Administration and the notification was required to be made a part of the minutes.

Manager Brown also reported on gross receipts taxes; warranty issues with the Skate Park; and how specific issues regarding mobile homes or zone changes may be grandfathered with the upcoming adoption of the revised Land Use Code. Police Chief Reynolds reported on a notice that would be distributed to inform the public on how to file a criminal complaint. He also reported on the ongoing issue of burglary incidents. Fire Chief Bencomo reported on the upcoming flu season and said the Fire Department would be providing safety training to Town employees. He also reported that the hospital would have community education programs concerning the flu season at the Billy Casper Wellness Center.

Councilor Wheaton-Smith made a motion to recess at 8:23 p.m. Councilor May seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 8:30 p.m.

**9. PUBLIC HEARINGS** – None.

**10. UNFINISHED BUSINESS** –

**A. Approval / Disapproval of Ordinance No. 1157: An Ordinance amending Chapter 91 (Fire Protection and Prevention: Fireworks), by adding a New Subsection 91.44 to the Town of Silver City Municipal Code, relating to the sale or use of aerial and ground audible devices within the Town limits of the Town of Silver City, Grant County, New Mexico.** Mayor Marshall asked for public input before a motion was made by Council. Jacque Cusick, Walter Szymanski, and Teri Matelson offered comments. There was further discussion by Council. Attorney Scavron answered questions and commented on the enforcement of the ordinances regarding fireworks, public nuisances, and noise. Councilor Wheaton-Smith made a motion and withdrew it, Councilor May withdrew his second to the motion. Councilor Wheaton-Smith made a second motion, and then withdrew it. He made a third motion to approve Ordinance No. 1157 with one amendment to Subsection 91.44 B. (1) (a) to solely amend the sale date from June 28 to June 30 so it would match the usage date, and he stated no changes would be made to the New Year's dates. Councilor May seconded the motion as stated. There was further discussion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Bettison – aye. Motion passed. Mayor Marshall congratulated the Council for being the first Council to pass an ordinance that had some restrictions on fireworks. Councilor May stated he would like to see the Council develop a question for the upcoming March Municipal Election to go on the ballot for a non-binding referendum on whether the Council should consider banning all allowable fireworks within the Town limits.

**11. NEW BUSINESS** –

**A. Approval / Disapproval of Bid 09/10-5: Digester improvements at the Wastewater Treatment Plant.**

Manager Brown presented the details of Bid 09/10-5 and said it was completely 100% grant funded. He said 4 bids were received and it was staff's recommendation to award the bid to Sun Western Contractors, Inc. from Tucson, Arizona, for a total bid with gross receipts tax as \$596,510.74. Councilor Bettison made a motion to approve Bid 09/10-5 per staff's recommendation. Councilor Wheaton-Smith seconded the motion. There was further discussion about the grant funding. All were in favor, motion passed.

**B. Appointment of one position to Mayor's Climate Protection Agreement Citizens Advisory Committee.** Mayor Marshall received the Council's consensus to appoint Nick Sussillo to the Committee.

**C. Appointment of two positions to the Historic Design Review Committee.** Mayor Marshall received the Council's consensus to re-appoint Rebecca Smith and David Lawrence to the Committee.

**12. ADJOURNMENT** – Councilor Wheaton-Smith made a motion to adjourn at 9:40 p.m. Councilor Bettison seconded the motion. All were in favor, motion passed.

/s/

\_\_\_\_\_  
James R. Marshall, Mayor

Attest:

/s/

\_\_\_\_\_  
Yolanda C. Holguin, Acting Town Clerk