

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
November 22, 2011, 6:00 PM**

**Present:**

James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Jamie K. Thomson, District 2  
Jose A. Ray, Jr., District 3  
Michael S. Morones, District 4

**Also Present:**

Alex C. Brown, Town Manager-Finance Director  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk  
Jim Coates, Town Planner

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:02 pm  
Councilor Bettison read the Town’s Mission Statement.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – Mayor Marshall proclaimed December 3 to 10, 2011 as “Think and Buy Local First Week”  
and presented the proclamation to Cissy McAndrew, Director of the Southwest New Mexico Green Chamber of  
Commerce.

**4. PUBLIC INPUT** – Lori Ford, Executive Director of Cable Access Television of Silver (CATS), invited the public  
to attend the CATS’ annual membership drive, sponsored by Comcast, on December 17, 2011 from 5:00 pm to 8:00  
pm at the Silco Theatre. She said CATS was a non-profit organization and local media. Susan Aumann commented on  
a program called Health Point in India and their use of a simple low-tech water filtration system and that Silver City  
could also recycle water.

**5. COUNCIL COMMENTS** – Councilor Bettison commented on recently attended events; how the Town had an  
excellent relationship with Western New Mexico University (WNMU); how small cities like Silver City were very  
progressive; how the most common threat to municipalities was the revenue stream; and how the folks that were  
designing Penny Park were very excited by the design and location and that they wanted to put it into their catalog.  
Councilor Thomson thanked everybody that participated in the Mill Street cleanup. Councilor Ray commented that the  
Town had a good relationship with WNMU and should support them in their sports. He also commented on a movie  
event for kids downtown and how people could watch the movie and shop downtown, etc. Councilor Morones also  
commented on the upcoming weekend events downtown that included a Christmas parade and a children’s movie, and  
how people could shop downtown and keep the money in town.

**6. CHANGES TO THE AGENDA** – None.

**7. APPROVAL OF THE MINUTES – Regular Meeting, November 8, 2011** - Councilor Bettison made a motion to  
approve the minutes as presented. Councilor Morones seconded the motion as stated. All were in favor, motion passed.

**8. REPORTS** –

**A. AmeriCorps Statewide Launch report by Sam Castello, Executive Director of The Wellness Coalition.**

Mr. Castello gave a presentation on the AmeriCorps Statewide Launch and said locally they had one of the largest  
programs in the state with 7 counties working together. He said the State Commission of Volunteers selected Silver  
City to host the AmeriCorps Launch from October 20-22, 2011 and that 16 programs participated with 245  
participants. He said they completed 1,200 hours of community service for local projects, and that it was a huge  
investment in the local economy with a total cash investment of \$38,000 and that the total value invested in 3 days was  
\$62,000. He thanked Silver City and Grant County for supporting their service.

Manager Brown reported that multiple bids were received for the Penny Park demolition, but there was confusion so it would be brought to the next Council meeting on December 13<sup>th</sup>. Mayor Marshall asked him to report on the surplus in the city yard. Manager Brown said that they invited 3 local recyclers to give bids on the surplus metal at the city yard, but no one showed up so they were working with the Southwest Solid Waste Authority's contractor to help them get rid of the excess metal. Mayor Marshall said it was important to clean up the dilapidated vehicles. Manager Brown said they had auctions for the vehicles, but the people just got what they wanted and left the vehicles there.

Councilor Bettison made a motion to go into **Executive Session pursuant to NMSA 1978 Section 10-15-1 (H) (8) for the discussion of the purchase, acquisition or disposal of real property or water rights**. Councilor Ray seconded the motion. A roll call vote was taken: Councilor Bettison – aye; Councilor Thomson – aye; Councilor Ray – aye; and Councilor Morones – aye. Motion passed. At 6:33 pm Mayor Marshall said the Council would be in Executive Session, followed by a short recess, and then back to business. Mayor Marshall called the meeting back to order at 7:48 pm and stated there was no discussion outside the motion that was made to go into Executive Session, and there were no decisions made in Executive Session.

**9. PUBLIC HEARINGS** – None.

**10. UNFINISHED BUSINESS** - None.

**11. NEW BUSINESS** -

**A. Approval / Disapproval of Resolution No. 2011-39: declaring the intent of the Town Council of the Town of Silver City, NM to consider for adoption an ordinance authorizing issuance of the Town of Silver City, NM gross receipts tax improvement revenue bonds, Series 2012, for the purpose to finance the acquisition and construction of certain capital improvements for the benefit of the Town and its residents; engaging certain professionals to act on behalf of the Town in relation to issuance of the bonds; and directing the Town Manager and Town Clerk to take necessary action in connection with issuance of the bonds.** The Town's bonding attorney, Chris Muirhead of Modrall, Sperling, Roehl, Harris & Sisk, P.A. presented the details of Resolution No. 2011-39.

He said the process was different because it declared interest in pursuing potential financing options for capital projects and authorized Town staff to start working with them to finance capital improvements. He said the last transaction during the previous month was public marketing and the main difference was the Federal Communications Commission (FCC) rules, disclosure, etc. He said it could be a December action item with closing in January or February 2012, that it was non-binding and did not require the Town to proceed with financing, and that until closing the Town was free to go in any direction. Manager Brown provided further comments on the amount to be financed over the next six years for projects; the annual debt service of \$147,000; how the refinancing for the last bonds would save the Town approximately \$70,000 annually; how a \$67,000 economic development loan would be paid off; and how the Town would not be paying any more debt service over the next six years than they were currently paying. There was further discussion. Mayor Marshall asked the audience if they had any comments, and there were none. Councilor Morones made a motion to approve Resolution No. 2011-39. Councilor Bettison seconded the motion. A roll call vote was taken: Councilor Morones - aye; Councilor Ray - aye; Councilor Thomson - aye; and Councilor Bettison - aye. Motion passed.

**B. Approval / Disapproval of Pawnbroker Bond, Principal: K Dunagan DBA Best Pawn, 115 & 117 Market St., Silver City, NM, Bond amount \$5,000.** Clerk Mackie stated that K Dunagan applied for a business license for Best Pawn at 115 and 117 Market Street, and the building had been inspected by the Fire Marshal and the Building Inspector. She said Ms. Dunagan had executed and delivered a bond in the amount of \$5,000 to the Town to be approved by the Town Council as per the Town's Municipal Code, Section 10-202. She said that Attorney Scavron had reviewed the bond and it was in good order, and that the business license was on hold pending the Town Council's approval of the pawnbroker bond. Councilor Bettison made a motion to approve the pawnbroker bond. Councilor Ray seconded the motion. All were in favor, motion passed.

**C. Approval / Disapproval of Resolution No. 2011-38: authorizing and approving the submission of an application for a grant to the New Mexico Recycling Coalition; and authorizing the Town Manager to act as the Town of Silver City's authorized agent in all matters pertaining to participation in the grant.** Terry Timme,

Program and Administrative Assistant for the Town's Office of Sustainability, presented the details and said the Town was the only entity that was eligible to apply for the grant. He said it would not incur costs to the Town and that any work that would be involved under the grant would be done by the Southwest Solid Waste Authority (SWSWA), and the grant would purchase a conveyer belt and bailer to use for bailing recycling at the center. Manager Brown commented that once the project was complete that they would have to go through the process of transferring assets received through the grant to the SWSWA, and because the SWSWA was a quasi-governmental agency that it was completely legal to transfer those assets without having to go through public bid or auction. Mayor Marshall said the SWSWA saw the Resolution and approved it as well, and that it would address several concerns since recycling had increased and they had gone to the single-stream. He said it would allow them to make fewer trips to the recycler in El Paso and would increase the efficiency and overall benefit for having a recycling program. Mr. Timme said it would save the SWSWA about \$100,000 per year in transportation costs. Mayor Marshall asked if there were comments from the audience, and there were none. Councilor Thomson made a motion to approve Resolution No. 2011-38. Councilor Morones seconded the motion. A roll call vote was taken: Councilor Morones - aye; Councilor Ray - aye; Councilor Thomson - aye; and Councilor Bettison - aye. Motion passed.

**D. Approval / Disapproval of Resolution No. 2011-36: authorizing the submission of a New Mexico Community Development Block Grant Program application to the Department of Finance and Administration/Local Government Division; and authorizing the Mayor as the Town of Silver City's Chief Executive Officer and authorized representative to act in all matters pertaining to the Town of Silver City's participation in the Community Development Block Grant Program.** Jim Coates, Town Planner, said he was there on behalf of the Community Development Department and for Mike Eley, Town Planner, since he was unable to attend the meeting. He said that Mr. Eley had been working for several months with the Community Development Council to get them to make some alterations in their rules to allow municipalities to request funds for additional housing rehabilitation. He said that Mr. Eley was successful in that endeavor and had put together a proposal for \$390,000 for the Community Development Block Grant (CDBG) that would allow the city to rehabilitate six homes, and that it would cost the Town \$39,000 in matching funds. Manager Brown said the CDBG Program currently consisted of a Colonias Infrastructure Program which primarily focused on water and sewer upgrades and housing upgrades, and an Infrastructure Program that primarily was for streets and roads. He said that previous to the rule change they were limited to either apply for infrastructure or Colonias, and how they had actually separated out a third category for the housing program. He said they could still submit for an infrastructure project in January so it did not affect their ability to go forward with upgrading the streets in the two Colonias areas within the Town. There was further discussion. Mayor Marshall stated that it supported their housing plan and study that was done some years back that showed numerous housing in the area that needed to be brought up to livable standards. He said it was quite advantageous to people that could not afford quality housing, and that he fully supported it. Councilor Bettison commended Mr. Eley for pursuing it to get them to consider pulling the third section out so they were still able to apply for the infrastructure portion. Manager Brown said it was a major advantage because they could apply for two of them at the same time. Councilor Bettison made a motion to approve Resolution No. 2011-36. Councilor Thomson seconded the motion. A roll call vote was taken: Councilor Bettison - aye; Councilor Thomson - aye; Councilor Ray - aye; and Councilor Morones - aye. Motion passed.

**E. Approval / Disapproval of Resolution No. 2011-37: to call for the Regular Municipal Election to be held on March 6, 2012.** Clerk Mackie requested the Council's approval and presented the details of Resolution No. 2011-37 to call for the municipal election to be held on March 6, 2012 for the elective offices of Mayor for a 2 year term, District 2 Councilor for a 2 year term, District 3 Councilor for a 1 year term to complete the second year of a 2 year term from the 2011 municipal election, and District 4 Councilor for a 2 year term. She said the Council had just redistricted so the districts had different consolidated precincts and that the new district map had been posted at various public buildings and on the Town's website so people could review the map to make sure what district they were in. She commented on the polling locations, important dates for voters and candidates, etc. Mayor Marshall asked if there were any comments from the audience, and there were none. Councilor Bettison from District 1 commented that her position was the only position that was not running and that it was an unusual year since all of the other Council seats were up for election. Councilor Bettison made a motion to approve Resolution No. 2011-37. Councilor Ray seconded the motion. A roll call vote was taken: Councilor Bettison - aye; Councilor Thomson - aye; Councilor Ray - aye; and Councilor Morones - aye. Motion passed.

**12. ADJOURNMENT** – Councilor Ray made a motion to adjourn at 8:15 pm. Councilor Thomson seconded the motion. All were in favor. Motion passed.

/s/

---

James R. Marshall, Mayor

Attest:

/s/

---

Yolanda C. Holguin, Acting Town Clerk