

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
December 13, 2016, 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 Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Robert L. Scavron, Town Attorney
Ann L. Mackie, Town Clerk
James Marshall, Assistant Town Manager
Jaime Embick, Community Development Director
Robert Esqueda, Utilities Director
Peter Pena, Public Works Director

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

2. CEREMONIES – None.

3. PROCLAMATIONS - None.

4. PUBLIC INPUT – Mayor Ladner talked about the Town's policy on public input and stated public input for general topics would occur at the beginning of the meeting and public input regarding a particular agenda item would be offered during the discussion of the particular agenda item. Public input regarding the health benefits of youth soccer and the use of the Scott Park soccer fields was received by Jonathan Beck, regional commissioner for AYSO Soccer (American Youth Soccer Organization), Hueteotl Lopez, parent and coach, and Chris Mehling, health care provider. They commented on how Western New Mexico University (WNMU) had the fields reserved during the times that the youth needed to practice, and they requested that it go back to the way it was in the past and that WNMU should use the fields when the kids were in school or late in the evenings. Mayor Ladner recommended strongly that they meet with Manager Brown. Carolyn White, Azima Anderson (in the form of a written letter), and Josh White commented and expressed how offended they were by Councilor Aiman-Smith's comments at the previous Council Meeting regarding short term rentals when she discussed her proposed ordinance amending the Town's Code, Chapter 10 for business registrations and licenses. They described what short term rentals were and how they believed the proposed ordinance would pit hotel owners against short term rental owners and that the competition was unnecessary. Josh White commented that Councilor Aiman-Smith was an investor in the Murray Hotel and he asked her to recuse herself on any activity touching on short term rental owners.

Councilor Bettison moved for a short break at 6:21 p.m. Councilor Aiman-Smith seconded. Mayor Ladner asked those in favor to say aye, and all four Councilors said aye. Motion carried. The Mayor called the meeting back to order at 6:24 p.m.

5. COUNCIL COMMENTS - Councilor Aiman-Smith reminded everyone what an ordinance was and that it was a law passed only by the Town Council for the Town of Silver City and their authority rested only with what went on in the town, and they did not pass laws that affected people in the county or other counties. She described a five-step process for passing an ordinance and said as policy makers and legislators it was their responsibility to not just respond to something generated by a citizen complaint or things that were broken, but they looked at things as they were and as they might evolve. Councilor Bettison re-announced that she would run for re-election for Councilor in District 1 for her fifth two-year term and said she hoped she would be able to continue to serve the folks in District 1 and the Town residents. She congratulated everyone on the committee for the Tamal Fiesta y Más, and said Councilor Cano and her mother were quite active in it, and it was well done and crowded. She said she also attended the Silver City Museum's Victorian Christmas that was quite wonderful and she encouraged everyone to continue to partake or assist in the local festivals. Councilor Cano commended Adrian Booth, Cissy McAndrew, and Raul Turrieta for working hard on the Tamal Fiesta's committee. She said she would be anxious to see what could be done about

WNMU using the Scott Park soccer fields because they already had three football fields to practice on, and it was really important to do something for the youth of the town. Councilor Ray commented on the Silver School Board meeting he attended and he asked the property owners to vote down the ballot issue. He said the teachers and students should demand money from Santa Fe, and not the property owners, because the burden would be on the elderly people and the property owners. He asked Manager Brown if the metal guard rail would be installed at El Grito Headstart School, and Manager Brown said no. Councilor Ray announced that he would run again for Councilor in District 3 and he hoped he could do it again because he enjoyed it. Mayor Ladner said the Tamal Fiesta was a great success and that throughout the whole month downtown had been very active. He thanked all of the volunteers in the community that contributed to the well-being, health, and quality of life in Silver City.

6. CHANGES TO AGENDA – Councilor Aiman-Smith discussed the reasons why she wanted to withdraw Item 10, Unfinished Business, Item A and she moved to withdraw Item 10, Item A for the Approval / Disapproval of Ordinance No. 1253. Councilor Bettison seconded. There was no discussion. 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. Also, Councilor Bettison moved to withdraw Item 11 A, for the Approval / Disapproval of Resolution No. 2016-34 and she read the agenda item description. She asked Attorney Scavron to elaborate. Attorney Scavron said the next agenda item (Item 11 B) covered the subject matter; that upon further legal research the resolution was unnecessary and superfluous to the next agenda item, so removing it from the agenda was appropriate. Councilor Aiman-Smith seconded. There was no discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried.

7. APPROVAL OF MINUTES - Regular Meeting on November 9, 2016 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of November 9, 2016. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor 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. Note: the Town Council cancelled their regular meeting scheduled for November 22, 2016. Therefore, there were no minutes.

8. REPORTS -

A. Rendition reporting of personal property and the three percent cap residential value increase by Raul Turrieta, Grant County Assessor. Mr. Turrieta said the State of New Mexico was a self-rendering state. He said property owners should contact his office between January 1 and February 28 if they had a change of ownership or new construction, etc. He reviewed the limitation of value on residential property and said it had a three percent cap taken off of the full value, not on the taxable value or net taxable value. He said for the year 2017 he would increase property values on the residential side, not on the non-residential or vacant land. He reviewed the elderly and disabled low income value freeze and exemptions for head of household, veterans, and persons that were 100 percent disabled. He provided further information.

B. Marketing presentation by Callie Kennington, Executive Director of the Silver City Arts and Cultural District (SCACD). Ms. Kennington recognized Rebecca Martin and the SCACD Board members that were present. She said she wanted to show their recent marketing efforts and the direction they were moving into the new year, and how in November they rolled out a brand new website as www.visitsilvercity.org. She said they would be focusing on a variety of things that made Silver City a premier destination. She said they were working on incorporating Silver City's own branding and using it across all of their marketing platforms for a more cohesive look and design. She discussed how they collaborated with different entities to stretch their marketing dollars and she showed different examples of their advertising in various magazines, etc. She said their social media accounts grew more than ever before and she gave statistics. She showed upcoming ads for 2017 to showcase unique aspects of Silver City and she stated they got a grant from the New Mexico Tourism Department that would enable them to continue to advertise in regional airports with the New Mexico True brand. Councilor Cano commented that she was offended that their pictures of cultural events did not include the culture that created those events; that there was one Hispanic in the book and no Native Americans or Native American culture in it. She said they were missing 50 percent of the population with no Hispanics in their advertising. She said she wanted to see it before they did the lodgers tax awards again.

Mayor Ladner reminded everybody that February 11, 2017 was designated as "Territorial Charter Day" and he encouraged community organizations to start thinking about what kind of activities they could do on that day or that

week to promote the important heritage that they had. He thanked Ms. Kennington for her report. Ms. Kennington said they were trying to incorporate more diverse photographs in their marketing moving forward and that she appreciated Councilor Cano's feedback.

C. Staff reports. Attorney Scavron reported he just completed his term as President of the statewide New Mexico Municipal Attorneys' Association and they had a three-day conference in Albuquerque two weeks ago. He said a lot of great info was shared and he praised the Town's Code Enforcement Department's staff, Julie Salaiz-Steenport, Roger Cruzan, and Jacqueline McNeese, for their presentations. He said their presentations were made to 60 attorneys and the response was extremely enthusiastic, and he was very proud of the Code Enforcement Officers.

Manager Brown said they had been working with the Town of Hurley and the region with the Grant County Regional Water Plan and that in 2014 the Grant County Water Commission was awarded \$2.1 million for the first phase to get water to Hurley with conditions to report by the end of the year 2016. He said the Interstate Stream Commission did give their final approval on December 12, and they changed the allocation from Grant County Water Commission to the Town of Hurley so all funding sources would go directly to Hurley which would make the process easier. Manager Brown also reported that the Town was nominated and recognized by the largest commercial real estate organization in the state (NAIOP Commercial Real Estate Development Association) for the Town's use of the ESCO process for its water meter project which was the first one done in New Mexico. He said since the Town did the process another 12 communities had started the process to do their projects the same way because it was much safer for communities. Mayor Ladner offered his congratulations and there was applause from the Council, staff, and audience.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS-

A. Approval / Disapproval of Ordinance No. 1253: an Ordinance amending Chapter 10, Article II (Business Registration) Title and Sections 10-20 through 10-22; Article III (Business License), Sections 10-44 through 10-64 of the Municipal Code of the Town of Silver City, NM. This item was withdrawn from the agenda by Councilor Aiman-Smith, sponsor of the Ordinance. See Item 6. Changes to the Agenda above.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2016-34: to declare a parcel of real property known as the "Old Hillcrest Hospital Site" to be non-essential to the Town, and to set terms and conditions for the sale, lease or donation of said property for commercial development. This item was withdrawn from the agenda by Councilor Bettison. See Item 6. Changes to the Agenda above.

B. Approval / Disapproval of Notice of Intent Ordinance No. 1254: an Ordinance authorizing the donation of the tract of Town-owned land known as the "Old Hillcrest Hospital Site" for an affordable housing project.

Jaime Embick, Community Development Director, said Bethel Development approached the Town to create an affordable senior housing project and the Notice of Intent Ordinance would allow the beginning of the discussion. She said Bethel Development would have a completed application to the Town by the end of the month and then staff's due diligence would begin for the project. She referenced the packet of information that was provided to the Council and introduced Mark Shoemaker from Bethel Development. Mr. Shoemaker said Bethel Development was domiciled in Ohio and they were a real estate development management construction company, but they were very active in Arizona and New Mexico exclusively. He said they had seven projects in New Mexico and one was the Silver Cliff Apartments on Little Walnut Road in Silver City. He said there was a need for more affordable housing and he said they would present a proposal that addressed some of the issues brought forth in the Silver City Affordable Housing Study that was done in 2010. He said there was an opportunity that may be fleeting with housing tax credits through the New Mexico Mortgage Finance Authority, and the housing program was run through the Internal Revenue Service, and the Department of Housing and Urban Development (HUD) had nothing to do with it. He discussed the housing tax credits and the application process and said it was very competitive, and he talked about how the Old Hillcrest Hospital Site would qualify for various points in the application. He said they were proposing a 69-unit building that would be similar in scale to the old hospital, and that it was an affordable housing project with gross rents including

utilities that would range from \$443 per month for a one bedroom apartment and \$475 per month for a two bedroom, two bath apartment. He provided further details of the proposal and the other benefits it would bring to the Town.

Mayor Ladner said based on the demographics of Silver City, it would be a great addition to the community for the quality of living and that he hoped they could pull it off. There was further discussion between Councilor Bettison and Mr. Shoemaker. Councilor Cano moved for short break at 7:25 p.m. Councilor Bettison seconded. Mayor Ladner asked those in favor 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. The Mayor called the meeting back to order at 7:33 p.m. There was further discussion. Councilor Bettison encouraged the public to make sure they let the Council and staff know of any concerns they had and how they felt about the particular site being used for that purpose. She made a motion to approve Notice of Intent Ordinance No. 1254: an Ordinance authorizing the donation of the tract of Town-owned land known as the "Old Hillcrest Hospital Site" for an affordable housing project with the following modifications: the first Whereas paragraph is deleted, the fifth Whereas paragraph is deleted, and finally on the fourth Whereas paragraph there will be an insert. She read the fourth Whereas paragraph and inserted the following language at the end of the paragraph, "and that the Town waive all fees for permitting, inspections, and other fees normally imposed on a construction project within the Town; and". Councilor Cano seconded. Mayor Ladner said there was a motion and a second, and there was no further discussion. He 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. Presentation and discussion of "Welcome to Silver City" signage. James Marshall, Assistant Town Manager, said Silver City MainStreet had worked with CommunitybyDesign on downtown wayfinding signs and it was important that the "Welcome to Silver City" signage be a cohesive product off of that work. He showed examples of the draft wayfinding signs and an architectural element that was chosen so the signs would be consistent. He said Mayor Ladner asked staff to prepare options of welcome signs. Mr. Marshall presented four options and the proposed locations for welcome signs to be installed. There was further discussion about the estimated costs, how the sign options would be put on the Town's website for public comment, and whether the signs could also be in Spanish, etc. Mayor Ladner encouraged the public to give their input online or contact the Council.

D. Approval / Disapproval of Resolution No. 2016-33: authorizing the execution and delivery of a Local Government Planning Grant Agreement by and between the New Mexico Finance Authority (NMFA) and the Town of Silver City in the amount of \$6,250 evidencing an obligation of the grantee to utilize the grant amount and the local match amount solely for the purpose of financing the costs of a Bicycle Master Plan. Manager Brown said they received the grant and it was funded for 50 percent of the actual amount of the cost of the Master Plan which changed the dollar amount of what they had already been allocated. Mr. Marshall said with NMFA funding they did it backwards: they make the award, the Town does the project and completes it, and then NMFA sends the documents back that says the Town would get the award for stuff the Town already did. Councilor Aiman-Smith moved to approve Resolution No. 2016-33: authorizing the execution and delivery of a Local Government Planning Grant Agreement by and between the New Mexico Finance Authority (NMFA) and the Town of Silver City in the amount of \$6,250 evidencing an obligation of the grantee to utilize the grant amount and the local match amount solely for the purpose of financing the costs of a Bicycle Master Plan. Councilor Bettison seconded. Mayor Ladner asked if there was any further discussion. Councilor Aiman-Smith thanked Peter Pena, Public Works Director, for working on the grant, Denise Smith, Executive Director of the Office of Sustainability, for being the coordinator, and Mr. Marshall and Manager Brown for making the Bicycle Master Plan happen. 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.

E. Approval / Disapproval of Resolution No. 2016-35: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for water system improvements in Silver City, Grant County. Robert Esqueda, Utilities Director, said it was a resolution to support the Utilities Department's submission of an application to the Colonias Infrastructure Board for water system improvements along Highway 15, also known as Pinos Altos Road, from Newsham Street to Pine Street. He said due to numerous conflicts with the planned road improvements by the New Mexico Department of Transportation the Town felt it best to replace the existing six-inch line and services with 8-inch line services to improve their capabilities for delivering water and to have new

infrastructure in place prior to the new road being done. There was further discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution No. 2016-35: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for water system improvements in Silver City, Grant County. Councilor Ray seconded. There was no further discussion. 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.

F. Approval / Disapproval of Resolution No. 2016-36: supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund for street improvements in Silver City, Grant County. Peter Pena, Public Works Director, said they were trying to get funding for a street improvement project and would be looking at survey and design for Ridge Road. He said the project was approximately \$198,000 and they would be looking at producing a set of plans to get them to construction to save some money. He said it was a fairly large project and the money they would save in the design part might be able to be used for construction for new paving, establishing curb, gutter, and drainage improvements, sidewalks, bike lanes, and make it a multi-mode street. He said the project area would be from New Mexico Highway 90 to the city limits and they would be looking at a design for that. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2016-36: supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund for street improvements in Silver City, Grant County. Councilor Cano seconded. There was no further discussion. 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.

G. Approval / Disapproval of Resolution No. 2016-37: a Resolution authorizing the Town Manager to submit a loan application to the State of New Mexico State Infrastructure Bank for the purpose of funding waterline reconstruction along New Mexico Highway 15 (Pinos Altos Road) due to conflicts with New Mexico Department of Transportation's scheduled roadway reconstruction of New Mexico Highway 15 from Newsham Street to 32nd Bypass Road. Manager Brown said it was exactly the same project as Mr. Esqueda's presentation (see New Business, Item E above); that they were going to have to do a project because of the New Mexico Department of Transportation's construction, whether they received the grant or not, so the resolution was a backup in case the Town did not get the grant. He said it was a safety net in case timing issues arose if the project proceeded before they closed on a grant if they did receive a grant or if they only got partial funding on a grant. He said the loan would make sure they had the funds to complete the project, and they did the same thing with the water line under the Highway 90 bridge. He provided further information and there was further discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution No. 2016-37: a Resolution authorizing the Town Manager to submit a loan application to the State of New Mexico State Infrastructure Bank for the purpose of funding waterline reconstruction along New Mexico Highway 15 (Pinos Altos Road) due to conflicts with New Mexico Department of Transportation's scheduled roadway reconstruction of New Mexico Highway 15 from Newsham Street to 32nd Bypass Road. Councilor Ray seconded. 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.

H. Approval / Disapproval of the Summary of Agreement between the Town of Silver City and Local 2430 International Association of Firefighters, AFL-CIO. Manager Brown said it was a tentative agreement negotiated with the Fire Department Union and it impacted all of the shift personnel from Captains down, but the Union was only comprised of Lieutenants down so the agreement said the Captains get what the shift personnel get because they did the same work. He said it would be a 70 cent per hour increase effective on December 18, 2016 and they currently had a cost of living increase of one and a half percent, but they agreed to change it to two and a half percent on their total pay. He explained further. There was no further discussion. Mayor Ladner asked for a motion. Councilor Cano moved to approve the Summary of Agreement between the Town of Silver City and Local 2430 International Association of Firefighters, AFL-CIO. Councilor Bettison seconded. 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.

I. Approval / Disapproval of Resolution No. 2016-31 for the Regular Municipal Election to be held on March 7, 2017. Clerk Mackie presented the details of the election resolution and stated the election would be held for the elective offices of Councilor in District 1 and Councilor in District 3 with two-year terms. She also provided important

dates and information for voters and candidates about the upcoming election. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2016-31 for the Regular Municipal Election to be held on March 7, 2017. Councilor Ray seconded. There was no discussion. 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.

J. Approval / Disapproval of Resolution No. 2016-32: Adopting Recount/Recheck Costs for the Regular Municipal Election to be held on March 7, 2017. Clerk Mackie requested the approval of the estimated recount/recheck costs that were listed in Appendix A of the resolution and stated they were based on New Mexico Statute 3-8-68 for recount/recheck costs, but the costs were actually based on their local costs. She said it was important for candidates to know what the costs were in case there was a close race. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2016-32: Adopting Recount/Recheck Costs for the Regular Municipal Election to be held on March 7, 2017. Councilor Cano seconded. There was no discussion. 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.

K. Appointments to the Planning and Zoning Commission. Mayor Ladner said the Town received two reapplications from two of their commissioners, Sherry Clements and Dorothea "Susie" Siedentop. He said the Community Development Director and the Chair of the Planning and Zoning Commission recommended their reappointments. He said he would like to reappoint Sherry Clements and Dorothea "Susie" Siedentop if there were no objections from the Council. There were no objections. He said they were so appointed and the Town of Silver City appreciated their service.

L. Appointment to the Museum Board. Mayor Ladner said the Town received an application from Jaime Embick to serve on the Museum Board. He said the Museum Director and the Museum Board President recommended her appointment. He said he would like to appoint Ms. Embick if there was objection from the Council. There was no objection. He said Ms. Embick was so appointed and the Town of Silver City appreciated her service.

12. ADJOURNMENT – Mayor Ladner asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:20 p.m., and Councilor Aiman-Smith seconded. Mayor Ladner stated there was a motion and a second to adjourn. There was no further discussion. He asked all those in favor to say aye, and all four Councilors said aye. Motion carried.

/s/

Ken Ladner, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk