

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
October 9, 2018, 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  
James Marshall, Assistant Town Manager  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Milo E. Lambert, Fire Chief  
Jaime Embick, Community Development Director  
Priscilla Arredondo, Town Planner/Zoning Administrator

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m.
- 2. CHANGES TO THE AGENDA** – None.
- 3. CEREMONIES** – None.
- 4. PROCLAMATIONS** – “Fire Prevention Week” – October 21 – 28, 2018. Mayor Ladner read the proclamation and presented it to Fire Chief Milo Lambert. Chief Lambert gave some fire statistics and said the Silver City Fire Department would be assisting citizens to create evacuation plans and to teach them how to practice an escape plan. Mayor Ladner thanked the Silver City Fire Department and first responders for all of the goods things they do and for providing safety to the community.
- 5. COUNCIL COMMENTS** – Councilor Bettison commented on the following: provided phone number 575-388-1214 to obtain leasing information, etc. about the Mountain View Apartments for senior affordable housing; several upcoming events at the Silver City Museum; how the Western New Mexico University (WNMU) Museum was again open to the public; and congratulations to Benjamin Fisher, reporter of the Silver City Daily Press, on his new position in Iowa as a political reporter. Councilor Cano commented on the following: how she could not stand for the Pledge of Allegiance because she had a cast on her foot; citizen complaints about the way the road construction crews drove on Pinos Altos Road and how it was a NM Department of Transportation project, not a Town project; and congratulations to reporter Benjamin Fisher on his new position. Councilor Ray commented on the following: good luck to Benjamin Fisher; two bond issues on the election ballot and how he was tired of paying taxes; and a recently attended concert at WNMU. Councilor Aiman-Smith praised the Mimbres Region Arts Council's Youth Mural Program and said the mural at the Visitor Center was astonishingly beautiful, and she acknowledged all of the volunteers and folks that work so many hours and in such a creative way to make the community beautiful.
- 6. Approval of Minutes for the Regular Town Council Meeting held on September 11, 2018.** Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of September 11, 2018. Councilor Bettison 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** – Mayor Ladner said he would postpone the input from the folks that signed up for the bee ordinance until the agenda item. Jack Lallo stated she was from the Zuni Tribe and was the President of the Native American Organization at Western New Mexico University. She invited everyone to the first Aztecan Flower Songs event on October 20, 2018 in downtown Silver City. Allyson Siwik, Executive Director of the Gila Conservation Coalition, commented on the Holloman Air Force Base proposal of F16 training over the Gila region, and encouraged the Council to approve the letter to the Air Force that indicated the Town Council's opposition to Alternate 2.

## 8. REPORTS -

**A. First Annual State of the Watershed Report by Allyson Siwik, Executive Director of the Gila Resources Information Project.** Ms. Siwik gave background information on the Silver City Watershed Keepers and their partnerships, and said the program was organized in response to the NM Environment Department's (NMED) request for a citizen-based watershed stewardship group that could take on more regular water quality monitoring and restoration projects for San Vicente Creek and the Silver City Watershed. She said the NMED monitors the water quality of San Vicente Creek once every seven to 10 years, but the Silver City Watershed Keepers (SCWK) and their volunteers were able to monitor the creek every quarter and alert the NMED of any problems. She discussed various projects of the SCWK and provided details of the report. Dave Menzie, Quality Assurance Officer and Technical Advisor for the Silver City Watershed Keepers, provided details of the testing and monitoring they do for physical, chemical, and biological properties of the water, and said the data shows that the streams are in pretty good shape. Ms. Siwik said they distributed 500 copies of the report around town, and it was also available electronically on the internet at [www.gilaresources.info](http://www.gilaresources.info) and at [www.silvercitywatershedkeepers.org](http://www.silvercitywatershedkeepers.org).

**B. Fiscal Year 2019 Tourism Marketing Plan by Griffin & Associates.** Dave Hayduck, President of HK Advertising, and Joanie Griffin, Chief Executive Officer of Griffin & Associates, said they had been in advertising for over 36 years in New Mexico and worked with several businesses in Silver City so they could help the Town of Silver City put heads in beds and let tourists explore and understand what there is to love in Silver City. They discussed their marketing plan and reviewed travel trends; advertising with the New Mexico True brand; their 2019 goals, strategies and tactics; and marketing timeline, etc. There was further discussion.

**C. PNM policy of maintaining power line clearance through trees by Bruce Ashburn, PNM Representative.** Mr. Ashburn discussed how trimming trees was definitely part of keeping the community safe and he provided details of how trees can interfere with power lines, etc. He said only trees that could potentially cause harm were trimmed, and going forward they would attempt a face to face contact with customers at least one to two weeks before trees were trimmed in the area. He said door hangers would be hung with information of the nature of the work that must be done. There was further discussion.

**D. Staff reports: 1) Manager Brown's report of the Fiscal Year 2018-2019 final budget approval by the State of New Mexico Department of Finance and Administration, Local Government Division.** Manager Brown said the state required the Town to include in their minutes how the Town's budget was approved by DFA for fiscal year 2019, and there were no stipulations indicated.

Councilor Bettison moved for a short break at 7:00 p.m., and Councilor Cano 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. The Mayor called the meeting back to order at 7:12 p.m.

## 9. PUBLIC HEARINGS -

**A. Approval / Disapproval of Ordinance No. 1273: a request for a Zone Change, #ZC 18-02, for a tract of land, from a Residential A District to Historic Downtown Commercial District for a portion of College Avenue generally between Pope Street and Cooper Street, tracts of land described as: Lots 1 through 16 of Block 177 of the Fraser Survey of the Town of Silver City; Lots 1 through 16 of Block 176 of the Fraser Survey of the Town of Silver City; Lots 1 through 16 of Block 175 of the Fraser Survey of the Town of Silver City Fraser Block: 201 Lot: 2 and:- Lot: 4 and:- Lot: 6 Cen 50' Lot 2, Pt Lot 4, Pt Lot 6 0.133 AC; Fraser Block: 201 Lot: 2 and:- Lot: 4 and:- Lot: 6 E45' Lot 2, E45' of S30' & E27' of N20' Lot 4, E27' Lot 6 .126 AC, Sole & Separate; Fraser Block: 201 Lot: 2 and :- Lot: 4 W55' Lot 2, S14.4' of W55' Lot 4 0.081 AC; Fraser Block: 202 Lot: 1 Thru :- Lot: 6 E41.32' Lot 2, E41.32' of S43' & E26.4' of N7' Lot 4, E26.4' Lot 6 .650 AC; Fraser Block: 202 Lot: 2 and:- Lot: 4 Pt Lot 2, Pt Lot 4 .220 AC; The applicant is the Town of Silver City.** Mayor Ladner stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He read the procedures for the public hearing. He asked if any member of the hearing board had ex-parte discussions with any person regarding the subject matter, or had any communication from any party to the case, and all four Councilors said no. The Mayor declared a conflict of interest and said he would not vote or participate in the discussions relative to the issue because his wife had property

that may be affected by the decision of the Council. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in eight witnesses. Priscilla Arredondo, Town Planner/Zoning Administrator, said it was an amendment to the Official Zoning Map from Residential A to Historic Downtown Commercial for a portion of College Street. She said two property owners in the proposed zone change area approached the Community Development Department because their properties were zoned as Residential A, and it was determined that the majority of the properties in the proposed zone change were commercial properties and would benefit from the zone change to Historic Downtown Commercial. She said staff recommended to approve the zone change to the Town's Planning and Zoning Commission based on four findings, and she read those findings. She said the Planning and Zoning Commission voted not to approve the zone change based on an increase in traffic, traffic safety, walkability, noise, and different use changes. She said none of the testimony made by the Planning and Zoning Commission was supported by traffic studies or walkability studies, and there was no anticipated change from what currently exists. She showed the map of the proposed zone change area and photos of the neighborhood and businesses in area. She said when the Town Council made its final decision they would need to make at least one of seven findings, and she read them. She said it was the opinion of the Community Development Department that the zone change could be approved based on findings 1, 2, 4, and 7, and she read each of them. She read a letter from one of the property owners, Rojan Stites, that stated he supported the area to be rezoned to be either Historic Downtown Commercial or Mixed-Use rather than Residential A. Mayor Ladner asked the applicant if they had any witnesses in support of the application. Testimony in support of the application was received from Bruce McKinney, Harry Bright, and Becky Smith Ladner. There was discussion concerning Mr. McKinney's support of a Mixed-Use zone when the application was not for that type. Mr. McKinney stated Historic Downtown Commercial was acceptable to him. The Mayor asked Ms. Arredondo if that concluded her case in chief, and she said yes. He asked if there were any witnesses in opposition to the application, and testimony was received from Marcia Stout. Councilor Bettison asked Ms. Stout several questions about her testimony, and Ms. Stout concluded that she had no problem with Mixed-Use. Councilor Bettison asked Ms. Arredondo and Jaime Embick, Community Development Director, why the application was for Historic Downtown Commercial zone rather than Mixed-Use zone. Ms. Embick explained what zones were in the nearby areas and how they were trying to avoid a spot zone, and that they were trying to correct errors in the Official Zoning Map. There was further discussion. Mayor Ladner asked if the applicant had anything else to reflect in the record, and Ms. Embick and Ms. Arredondo said no. He asked if the hearing board was ready to consider the application and render its decision. Councilor Aiman-Smith moved to approve Ordinance No. 1273 and she read the title paragraph of the ordinance in its entirety, and the recommendation by staff that the zone change be approved based on the following findings and she read findings 1, 2, 4, and 7. Councilor Bettison seconded the motion. There was no further 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.

Councilor Aiman-Smith moved for a short break at 8:14 p.m. Councilor Bettison seconded. 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 8:23 p.m.

Manager Brown asked if they could do a report that was missed. Gary Stailey reported that Councilor Ray's District 3 Territorial Charter Volunteer Day at La Capilla Park was very successful with 17 citizens participating. He said the youth and the adults did a great job cleaning up, weed trimming, etc. He said it was the last of the four Charter Volunteer Days and that he would like them to have four new dates for the coming year before the Territorial Charter Day Celebration on February 16, 2019. There was further discussion, and Councilor Ray thanked Mr. Stailey. Assistant Town Manager Marshall also thanked Mr. Stailey for all of the creativity to plan those events, and how the kids that showed up were great kids, worked hard, and really made a difference in the town. He encouraged everyone that belonged to a social club or organization to get involved in the Volunteer Days. Mayor Ladner thanked Mr. Brown and Mr. Marshall for providing a lot of resources for the projects.

## **10. UNFINISHED BUSINESS –**

**A. Approval / Disapproval of Superceding Notice of Intent Ordinance No. 1272: an Ordinance amending Chapter 6 (Animals), Article 1, and adding a new Section 6-15 (Keeping of Honey Bees) of the Code of Ordinances of the Town of Silver City.** Councilor Aiman-Smith said the purpose and intent of the ordinance concerning hobby bee keeping was to provide for safe and orderly keeping of honey bees in the town; that it was

primarily directed at protecting the safety, welfare, and quality of life of all of the citizens of the Town of Silver City. She said in the past year the Town Council issued a proclamation for "Bird, Butterfly, and Bee Friendly Day in Silver City" and talked about the other ways that the Town acknowledged the importance of bees for the environment for the health of the planet and local food production. She provided further details on her research, etc. and discussed the changes in the Superceded Notice of Intent Ordinance (NOI). Mayor Ladner asked for public input and six citizens expressed their opposition to the NOI, and one citizen was in favor of it. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Superceding Notice of Intent Ordinance No. 1272: an Ordinance amending Chapter 6 (Animals), Article 1, and adding a new Section 6-15 (Keeping of Honey Bees) of the Code of Ordinances of the Town of Silver City. Councilor Bettison seconded. There was further discussion and Councilor Cano and Councilor Ray expressed their opposition to the NOI. 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 nay. The vote was tied. Mayor Ladner expressed his concerns, but said he would vote yes to move the NOI forward to see what would come out of it. Motion carried.

**B. Approval / Disapproval of Amending Resolution No. 2018-24 adopted September 11, 2018 for the Participation in Capital Outlay Program administered by the NM Department of Transportation (to construct sidewalk and ADA improvements on Market Street from Bullard Street west to Pinos Altos Street).** Manager Brown explained why the same resolution was back on the agenda and stated he wanted to apply the project to the area where it was most needed, but the State changed their process and required the project description in the resolution. He said the projects on Market Street and Cactus Street were compared, and he explained how it was more cost effective to do the Market Street project. Councilor Ray moved to approve Resolution No. 2018-24 adopted September 11, 2018 for the Participation in Capital Outlay Program administered by the NM Department of Transportation (to construct sidewalk and ADA improvements on Market Street from Bullard Street west to Pinos Altos Street). Councilor Cano seconded. There was 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.

Councilor Ray moved for a short break. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. He called the meeting back to order at 9:38 p.m.

## 11. NEW BUSINESS -

**A. Approval / Disapproval of two public celebration permit applications for Little Toad Creek's Annual OcToadber Fest on October 20, 2018 at 200 N. Bullard Street, Silver City, NM, with alcohol service from 2:00 p.m. to 11:00 p.m. Liquor License Holder: Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63013 and DBA Little Toad Creek Brewery #67085, 203 S. Mill Road, Silver City, NM.** Councilor Bettison had questions, but the applicant was not present. There was discussion about whether or not to consider the agenda item. Councilor Bettison's questions about the sidewalk, ADA ramp, and stair access during the event were answered by Manager Brown because he had previously discussed those same issues with the applicant. He said it was very clear that the sidewalk, stairs, ramp and any access would remain open to the public during the event. Mayor Ladner stated if the Council was comfortable with Manager Brown's explanation, then he would entertain a motion. Councilor Ray moved to approve two public celebration permit applications for Little Toad Creek's Annual OcToadber Fest on October 20, 2018 at 200 N. Bullard Street, Silver City, NM, with alcohol service from 2:00 p.m. to 11:00 p.m. Liquor License Holder: Little Toad Creek, LLC, DBA Little Toad Creek Distillery #63013 and DBA Little Toad Creek Brewery #67085, 203 S. Mill Road, Silver City, NM. Councilor Cano 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. The Mayor asked if the application process could include a statement from the applicant to acknowledge that someone would attend the Council meeting to make their presentation or the Council would not deal with it. Attorney Scavron said the state law requires the applicant to obtain the Council approval, and the conditions for that approval were up to the Council. The Mayor asked the Council if they were comfortable with that approach, and they said yes.

**B. Approval / Disapproval of a Mutual Aid Agreement for Emergency Medical Transportation Services by and between Gila Regional Medical Center and the Town of Silver City.** Assistant Town Manager Marshal said the Mutual Aid Agreement was between Gila Regional Medical Center and the Town of Silver City for the provision of assisting each other and providing ambulance service transport for the occupants of Silver City. He said they had a

Joint Powers Agreement for 20 years, and it had been expired for about five or six years, but they had been negotiating during that time. He said the agreement was more fitting with today's situation, including the addition of EMS providing stand-by services when there were large fires to provide care to the firefighters. He said the Fire Chief and Attorney Scavron had reviewed it, and they recommended its approval. Mayor Ladner asked for a motion. Councilor Bettison moved to approve a Mutual Aid Agreement for Emergency Medical Transportation Services by and between Gila Regional Medical Center and the Town of Silver City. Councilor Aiman-Smith 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. Mayor Ladner thanked Manager Brown and Assistant Town Manager Marshall, and there was further discussion.

**C. Approval / Disapproval of Bid #18/19-1: Town of Silver City Welcome Signs.** Manager Brown said the Town received four bids and it was staff's recommendation to reject all bids. He said three of the bids were responsive and one of the bids was unresponsive, but the other three responsive bids were way higher than the budget available for construction. There was further discussion. Mayor Ladner asked for a motion. Councilor Bettison moved to accept staff's recommendation to reject all bids and rebid the project for the Town of Silver City welcome signs. Councilor Ray seconded. The Mayor asked if any were opposed, and there were none. Motion carried.

**D. Approval / Disapproval of a letter regarding the Environmental Impact Statement (EIS) for Special Use Airspace Optimization at Holloman Air Force Base, New Mexico in Opposition to Alternative 2.** Councilor Aiman-Smith reminded the Council that on October 24, 2017 the Town Council approved the forwarding of two letters regarding Holloman Air Force Base's proposed expansion of F16 training over the area, and how the letters expressed grave concern that the area had been left out of scoping meetings required by the Air Force, and that the two alternates being considered had only recently come to their knowledge. She provided further details and stated the letter would give the Air Force information they do not know they need, and would let the Air Force decision maker know how it would impact the area; that it was not boiler plate language. There was further discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve a letter regarding the Environmental Impact Statement (EIS) for Special Use Airspace Optimization at Holloman Air Force Base, New Mexico in Opposition to Alternative 2. Councilor Aiman-Smith seconded. The Mayor 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.

**E. Approval / Disapproval of a letter urging New Mexico Senators to initiate legislative action at the federal level to support the designation of parts of the Gila and San Francisco Rivers and their tributaries as Wild and Scenic.** Councilor Cano said 2018 was the 50th anniversary of the Wild and Scenic Rivers Act and in southern New Mexico they did not have any rivers designated as of yet. She said Senators Heinrich and Udall had been working toward getting part of the Gila River, the San Francisco River, and some of the tributaries in the Gila National Forest designated as Wild and Scenic Rivers. She said it would be important for the protection of the Gila River, and would help with outdoor recreation and provide opportunities for economic development. She provided further information and asked Nathan Newcomer to speak. Mr. Newcomer said he had a list of organizational support and business owners that supported the legislation for Wild and Scenic Rivers, and he named some of those businesses. Councilor Cano moved to approve a letter urging New Mexico Senators to initiate legislative action at the federal level to support the designation of parts of the Gila and San Francisco Rivers and their tributaries as Wild and Scenic. Councilor Ray 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.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 10:09 p.m., and Councilor Ray 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.

/s/ \_\_\_\_\_

Ken Ladner, Mayor

Attest:

/s/ \_\_\_\_\_

Ann L. Mackie, Town Clerk