MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
October 22, 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
James Marshall, Assistant Town Manager
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney

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 – None.

5. COUNCIL COMMENTS – Councilor Cano thanked everyone that was involved with the recent Outdoor Economic Development Conference. Councilor Ray asked for a moment of silence for a veteran that had passed away, Henry V. Morales. He said Mr. Morales deserved recognition from the news media and he said he despised the news media for not giving credit where credit was due. He thanked the veterans, the Marine Corps, and the Color Guard for doing a good job at the funeral. Councilor Ray announced that he would run for re-election and that he hoped he would stay. Councilor Aiman-Smith thanked Councilor Ray for the moment of silence. She also commented that she had the privilege of being a part of the recent Pedalista event and got to talk to people about the Master Bicycle Plan. She said the Silver City Fire Department had a grant and gave out helmets during the event, and that she was happy to be in the presence of so much fun. Councilor Bettison announced the District 1 Territorial Charter Day would be on November 16 at the corner of Yucca Street and 23rd Street. At her request, Assistant Town Manager Marshall provided more details about the upcoming community event to paint a traffic calming image on the street to hopefully control some of that neighborhood’s traffic, etc. Councilor Bettison asked the Town Manager or Town Clerk to talk about private parties versus public celebration permits under Staff Reports. She announced that she would be seeking re-election as Councilor in District 1. She said she was proud to give back to the community and hoped to continue to do so for another term for four years. Councilor Ray encouraged people to support Western New Mexico University (WNMU) and attend their football games, and he said Dr. Joe Shepard was doing an amazing job with the University, with the community and people.

6. APPROVAL OF MINUTES - Regular Meeting – September 24, 2019 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of September 24, 2019. 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 – None.

8. REPORTS –
A. Davis-Monthan Environmental Assessment report by Retired Colonel Susan Beck, U.S. Air Force. Retired Colonel Beck presented a PowerPoint slide show about the Davis-Monthan Air Force Base in Tucson Draft Environmental Assessment Report and stated it was not the Draft Impact Statement for Holloman Air Force Base. She reminded everyone that she was not an Air Force representative and considered herself not to be an Air Force advocate or an activist against the Air Force. She said she was really trying to get out some accurate information to the
community about things that were going on related to military training. She said the Draft Environmental Assessment Report was a lower level assessment for the personnel recovery training program, and she explained. She said the report would detail and upgrade their training and it proposed to train in four different states in the southwest, including New Mexico, Arizona, California, and Nevada. She said there were 21 additional training sites being proposed for use, but they were not used every year, for a total of 181 proposed personnel recovery training sites. She said they proposed to expand activities in sites they were already using, and she showed maps, pictures of training aircraft, and confirmed that training chaff and training flares would be used at some of the trainings. She stated the report concluded that the proposed action would result in less than significant impacts to a lot of different environmental resources that were listed on the chart. She said a Draft Environmental Impact Statement would not be needed because it was a higher level of analysis, and she explained. She said the document could be found at the Davis-Monthan Air Force Base website at www.dm.af.mil. There was further discussion. She concluded by providing an update on the Holloman Air Force Base Environmental Impact Statement. Mayor Ladner thanked her for all the work she did to bring them the information. She thanked them for the invitation.

B. Staff Reports – At Councilor Bettison’s request Clerk Mackie reported what she learned about the differences between a private party and a private celebration permit from the New Mexico Alcohol Beverages Control Division (NMABCD). She said Marlene Romero at NMABCD told her there were several requirements of a private party that kept them from being considered “public” and require them to apply for a permit. Those requirements were: 1) written invitations with an RSVP to people that they personally know, not a Facebook announcement or an email blast to people they did not know; 2) security must be provided to make sure only those invited guests attend the party; 3) the alcohol at the party is given; it is not sold, there are no tickets, and there is no cover charge; and if tickets were sold or if there was a cover charge, that would make it a public event; 4) the event cannot be advertised to the public so no Facebook, no social media, no mass email; and 5) a liquor licensee cannot be involved so they could not be there to serve the alcohol, but they could donate the alcohol if they wanted to, but the host cannot sell the alcohol. She said Marlene Romero also told her that the requirements were not actually in the NMABCD Rules and Regulations but were under the jurisdiction of the Department of Public Safety under law enforcement. Councilor Aiman-Smith asked if the invitations could be sent by email, and Clerk Mackie responded that she believed it had to be a written invitation in an envelope because emails could be forwarded to anybody. There was further discussion.

Police Chief Portillo talked about the Silver City Police Department’s outreach to the community with their third annual Truck or Treat event on October 25. He said they would be working with the Silver Consolidated School District, Grant County Regional Dispatch, and several other law enforcement agencies. He said last year over 500 kids attended, and they hoped it would be a good turnout again. He said it would be held in the Snell Elementary School parking lot and school gym, and he invited everyone to attend.

Councilor Bettison moved for short break at 6:46 p.m. and Councilor Ray 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 6:55 p.m.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –
A. Approval / Disapproval of Memorandum of Agreement between the Town of Silver City and Pinos Altos Mutual Domestic Water Consumers’ Association. Manager Brown said the Town provided water to 18,000 residents in Grant County, for in-town residents, for out-of-town residents, and for the four large water associations (Tyrone, Arenas Valley, Pinos Altos, and Rosedale). He said each contract allocated a certain number of Town-owned water rights for their specific use and in the Pinos Altos contract the Town dedicated 200-acre feet of water which was not even close to their highest consumption from 15 years ago. He said their consumption now was below 100-acre feet of water, and he provided further details. Mayor Ladner asked for a motion. Councilor Bettison moved to approve a Memorandum of Agreement between the Town of Silver City and Pinos Altos Mutual Domestic Water Consumers’
Association. 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.

B. Approval / Disapproval of the First Amendment to the Declarations of Protective Covenants and Restrictions for the Vistas de Plata Subdivision. Manager Brown said it was an amendment to the covenants for the Vista de Plata Subdivision that the Town built. He said it was a workforce housing subdivision, so the income requirements were not low income; that the properties were geared towards working individuals. He said they had been working with Kalvin Davis from Grand Silver City and hoped they would be their developer. Mr. Davis stated he was present to show that they were ready to work. He said Grand Silver City was a housing entity and he hoped Silver City would be a great pilot project so they could replicate the same program for other communities around the state. Mr. Davis said he anticipated having four different types of model homes to choose from and that one main benefit would be that it would allow someone to purchase a home that fit within their budget. Mayor Ladner asked for a motion. Councilor Cano moved to approve the First Amendment to the Declarations of Protective Covenants and Restrictions for the Vistas de Plata Subdivision. Councilor Bettison seconded. Th e Mayor 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.

C. Approval / Disapproval of the Sub-Development Agreement between the Town of Silver City and Grand Silver City for the Vista de Plata Subdivision. Manager Brown said the Town was the owner and developer of the subdivision, and through the process they were going to contract with Grand Silver City to be the sub-developer as described in the previous agenda item. Mayor Ladner asked for a motion. Councilor Cano moved to approve the Sub-Development Agreement between the Town of Silver City and Grand Silver City for the Vista de Plata Subdivision. Councilor Ray seconded. There was no discussion. The Mayor 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.

D. Approval / Disapproval of Resolution No. 2019-39: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2019 through June 30, 2020 and for the municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof. Manager Brown said it was a budget adjustment for the first quarter of Fiscal Year 2020 and was mainly adding a few House Bill grants and some capital outlay grants for the Senior Citizen Center. There were no questions. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2019-39: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2019 through June 30, 2020 and for the municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof. Councilor Ray seconded. The Mayor 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.

E. Approval / Disapproval of Resolution No. 2019-41: a Resolution temporarily amending the approved and adopted budget for the fiscal year commencing July 1, 2019 through June 30, 2020 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof. Manager Brown said it was a temporary transfer because they had a negative balance at the end of the quarter from paying some of the payroll liabilities in the Pooled Payroll Clearinghouse Fund. He said they were transferring money from the General Fund to the Pooled Payroll Clearinghouse Fund to avoid the negative balance, and it would be transferred back to the General Fund once they sent the quarterly report. There were no questions. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2019-41: a Resolution temporarily amending the approved and adopted budget for the fiscal year commencing July 1, 2019 through June 30, 2020 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof. Councilor Aiman-Smith seconded. The Mayor 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.

F. Approval / Disapproval of Resolution No. 2019-40: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement for the purpose of financing the costs of constructing Wastewater Treatment Plant headworks and digester improvements. Manager Brown said it was for one of the two Colonias grants they were awarded this year and they would receive $196,000 in grant funding, borrowing $21,000 in loan proceeds, and then they would contribute $21,000 to the program. Mayor Ladner asked for
a motion. Councilor Ray moved to approve Resolution No. 2019-40: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the New Mexico Colonias Infrastructure Board (“CIB”) and the New Mexico Finance Authority (“Finance Authority”, and collectively with the CIB, the “Lenders/Grantors”) and the Town of Silver City (The “Borrower/Grantee”), in the total amount of $218,640 evidencing an obligation of the Borrower/Grantee to utilize the Loan/Grant amount solely for the purpose of financing the costs of constructing wastewater treatment plant headworks and digester improvements, and solely in the manner described in the Loan/Grant Agreement; providing for the pledge and payment of the loan amount of $21,864 solely from one-quarter of one percent of Municipal Gross Receipts Tax distributed to the Borrower/Grantee by the State Taxation and Revenue Department; accepting the grant amount of $196,776; certifying that the Loan/Grant amount, together with other funds available to the Borrower/Grantee, is sufficient to complete the project; approving the form and other details concerning the Loan/Grant Agreement; ratifying actions heretofore taken; repealing all action inconsistent with this resolution; and authorizing the taking of other actions in connection with the execution and delivery of the Loan/Grant Agreement. Councilor Cano seconded. The Mayor 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. 2019-38: a Resolution to notify the Grant County Clerk of all elective positions to be filled at the Municipal Officer Election to be held March 3, 2020. Clerk Mackie stated the Resolution was to notify the Grant County Clerk of the elective positions for the March 3, 2020 election for one District 1 Councilor for a four-year term and for one District 3 Councilor for a four-year term. She said the County Clerk would notify the Secretary of State. She provided further information about the different steps in the new Election Code. She stated January 7, 2020 was declaration day for the candidates, January 14 was declaration day for any write-in candidates, and absentee and early voting would begin on February 4. There was no discussion. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2019-38: a Resolution to notify the Grant County Clerk of all elective positions to be filled at the Municipal Officer Election to be held March 3, 2020. Councilor Bettison seconded. The Mayor 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.

H. Approval / Disapproval of the destruction of records for the following departments: Executive, Finance, Community Development, Public Works, and Municipal Court. Quantity: 171 boxes. Clerk Mackie said it was their annual records destruction and that 171 boxes had met the Town’s Records Retention Schedules. She said if approved, the records would be destroyed by a bonded vendor for a witnessed shredded destruction. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve the destruction of records for the following departments: Executive, Finance, Community Development, Public Works, and Municipal Court. Quantity: 171 boxes. 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.

I. Appointments to Grant County Regional Dispatch Authority. Mayor Ladner said in their earlier appointments to different boards, groups and commissions they appointed Mayor Ladner to the Grant County Regional Dispatch Authority Board with Councilor Ray as the alternate, and the staff consisted of Manager Brown with the alternate as Assistant Town Manager Marshall. He said the recent Memorandum of Understanding changed the Board representation to only one member and one alternate. He said since Assistant Town Manager Marshall served as the Chair for that Board for many years, he was recommending that Assistant Town Manager Marshall be appointed to the Board with the alternate being Manager Brown. He said if there would no objection, he would like to make those appointments. There was no objection from the Council.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 7:27 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.

Attest:

/s/ Ann L. Mackie, Town Clerk

/s/ Ken Ladner, Mayor

October 22, 2019

Minutes Regular Council Meeting