

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT
October 13, 2020, 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
Robert Higgins, Information Technology Director
Ann L. Mackie, Town Clerk
Freddie Portillo, Police Chief

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:00 p.m. Clerk Mackie did a roll call of the Mayor, Councilors, and staff.

2. CHANGES TO AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Cano expressed concern that a recent “Faith Under Fire” rally at Gough Park had the event without a permit, no insurance, only half of the participants were social distancing, and 90 percent of them were not wearing masks. She commented how two police officers arrived and spoke with the organizers. She said Grant County is now a red spot on the map with more cases every day and that it was really irresponsible for organizers to have the event that way and for the officers not to enforce the Town’s ordinance. She questioned why the Town had a mask ordinance if it was not going to be enforced. Councilor Ray announced that he would be unable to attend the October 27 Council meeting and he encouraged everyone to go vote. Councilor Bettison expressed concern that several large businesses were not enforcing the Governor’s Public Health Order and the Town’s Ordinance with regard to wearing masks. She said the Town needed to make sure the businesses and the impromptu events occurring in the park understand there was a mask ordinance in the Town and they do not want their county to continue to be red. She said it was really concerning considering the number of beds in the hospital and with the flu season upon them. Councilor Aiman-Smith said at the last Council meeting she reported there were 110 COVID-19 cases and it was currently up to 147 cases in Grant County. She discussed the Governor’s recent statement and how social distancing, good hygiene, and mask wearing had been proven to stop the spread of the disease. She commented on a recent hike on Boston Hill where she and her friends wore masks, and other hikers and a mountain biker were also wearing masks. She stated early voting was occurring at the County Clerk’s Office and they were doing a really good job of doing good health precautions, and she encouraged people to exercise their citizen duty and vote. Mayor Ladner commented on a letter he received from a citizen on Langstroth Lane that commended the Public Works employees for promptly repairing potholes, etc. He commented how Halloween was normally celebrated and he encouraged everybody to heed the Governor’s outline on how to enjoy Halloween without putting people at risk. He said he sensed frustration by the Governor and if things did not change really quick, they may be back to a situation as before that really hurt their small businesses. He also mentioned that former Mayor Ken Havens passed away and that he served as Mayor from 1989 to 1992. He invited everyone to join him in a brief moment of silence on behalf of Ken Havens.

6. APPROVAL OF MINUTES - Regular Meeting on September 22, 2020 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of the Town of Silver City of September 22, 2020. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He 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.

7. PUBLIC INPUT – Mayor Ladner asked Clerk Mackie if any public input was received by email. Clerk Mackie said no public input was received.

8. REPORTS –

A. Staff Reports – Manager Brown reported all city buildings were still closed except for the Library’s curbside service. He said all the employees were working in the offices and services were provided by appointment, etc. He said the reason they stayed closed is to give the employees a week’s notice before opening, how they’ve been monitoring the COVID-19 numbers before changing, and the closest they got to reopening was two weeks ago, but stuff started happening. He said they would continue to monitor the numbers of COVID-19 cases in the community, and once they were at a point where the employees were safe and the public that they serve was safe, they would reopen the offices. He said all the employees were working in the offices and people could make appointments. He also reported water consumption was 17 percent higher than their 10-year average and he attributed it to the heat, no rain, and the increasing numbers of accounts in their system. He said the revenues were up four percent and they were not turning off water for delinquent accounts and not charging fees for paying online. He said there was an average of 80 delinquent accounts per month and currently they had 456 and the amount owed was less than a half a percent of the total number of accounts, so he was not concerned. He said a lot of people needed help and they would continue to look at opportunities to help their residents and those connected to their system. He said they hoped to have the software updated for online payments by the beginning of the calendar year. He said currently people could pay through their bank or call in with a credit card without fees.

Mayor Ladner asked Manager Brown for an update about the CARES Act grant for small businesses. Manager Brown said all the applications were being sent to the Chamber of Commerce for evaluation so there was one point of contact since Silver City, Bayard, Hurley and Grant County received funds. He said James Marshall, Assistant Town Manager, was the Town’s representative on the Review Board. There was further discussion about the process being simple with a one-week turnaround; how they wanted to help as many businesses as possible and need applicants; and how a component of the grant could be used for overtime for the police and fire departments and emergency management issues.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1295: An Ordinance permitting the transfer of ownership of Town-owned property in exchange for privately-owned property commonly known as the “Hearst Millsite” located within the Town of Silver City, all pursuant to Chapter 48, Section 48-21 et seq., of the Town of Silver City Municipal Code. Mayor Ladner asked Assistant Manager Marshall to present the details of the Ordinance. Mr. Marshall said it was a transfer of Town-owned property with a little over one-acre on Grandview in the Indian Hills Subdivision, and it was outside the Town limits. He said it was not an essential piece of property. He said the Town was trading for a little over three and a half acres of land that was located within the Town limits, and it would become part of the Town’s trails system. He said the request came up ten years ago and they completed the negotiations, have the surveys, and the fair market value was in the Town’s favor. He said the contract had been signed by both parties and would go into effect if the Ordinance was approved. He said staff recommended to proceed and add the property to the Town’s assets for trails and open space. There was further discussion about the remediation of the property per EPA (Environmental Protection Agency) standards; how Phase I had been completed; and how they would proceed with completing Phase II since there were State resources available even though it was not relevant if they left the property as open space and did not develop the property. Councilor Bettison moved to approve Ordinance No. 1295: An Ordinance permitting the transfer of ownership of Town-owned property in exchange for privately-owned property commonly known as the “Hearst Millsite” located within the Town of Silver City, all pursuant to Chapter 48, Section 48-21 et seq., of the Town of Silver City Municipal Code. Councilor Cano 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.

11. NEW BUSINESS -

A. Approval / Disapproval of Closed Session pursuant to NMSA 1978 Section 10-15-1(H) (2) regarding limited personnel matters to discuss the Town Manager’s contract. Mayor Ladner said if they went into closed session only

the matter listed on the agenda and in the motion would be discussed. He asked for a motion. Councilor Bettison moved for the Town Council to go into Closed Session pursuant to NMSA 1978 Section 10-15-1(H) (2) regarding limited personnel matters to discuss the Town Manager's contract. 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. The Mayor, Councilors and Manager Brown exited the remote Regular Meeting and conducted a separate and private remote closed session meeting.

They rejoined the remote Regular Meeting at 6:53 p.m. Mayor Ladner stated they were back in open session and stated no matters other than those contained in the motion were discussed. He asked for a roll call vote to affirm that statement. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

12. ADJOURNMENT – Mayor Ladner concluded the meeting. Councilor Ray moved to adjourn at 6:55 p.m., and Councilor Aiman-Smith 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.

/s/ _____
Cynthia Ann Bettison, Mayor Pro Tem

Attest:

/s/ _____
Ann L. Mackie, Town Clerk