MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HIGHWAY 180 EAST
APRIL 22, 2003—7:00 P.M.

PRESENT: Terry Fortenberry, Mayor
Judy Ward, District 1
Nickolas C. Seibel, District 2
Gary Clauss, District 3
Steve May, District 4

ALSO PRESENT: Alex C. Brown, Town Mgr./Finance Dir.
Robert Scavron, Town Attorney
Jane Toomajanian, Town Clerk

CALL TO ORDER AND PLEDGE OF ALLEGIANCE—7:00 p.m.

PROCLAMATIONS
• National Public Safety Telecommunications Week, April 20-26, 2003.
• Tribute to Teachers Day, May 2, 2003.

PUBLIC INPUT
Rev. Richard “Bear” Smith thanked interim Police Chief, Capt. Poncé for all the accomplishments downtown over the last six months. Kyle Johnson of CATS reminded everyone of the First Annual Enchilada Dinner for CATS this weekend, April 26, from 4-8 p.m. at the Elks Lodge downtown. He said that there were many events this weekend including the Diabetes Dash, the Health Fair and Earth Day. Frank Drysdale called for a public accounting to the taxpayers relating to the disruption in the Planning Department. Alan Wagman said that the Council failed three ways: 1) by allowing mismanagement that resulted in a $170,000 settlement to an employee; 2) by not demonstrating to citizens and staff that they can be trusted because he had not received a response from the mayor regarding a statement that he made; and 3) by not making clear that instructions from the Council are not frivolous requests. Joe Hutto said the altering the Land Use Code is a serious matter and there are proper procedures for doing so, referring to Ordinance 1076. Sherry Tippett asked that something be done about the traffic on Cooper Street. She lives one block south of the Library and requested that speed humps be installed, that a crosswalk be painted in front of the library, and that speed enforcement be conducted. Lisa Houston said she was very concerned about the current state of the Planning Department. She said that it appears that the Town is dismantling the department.

COUNCIL COMMENTS
Councilor Ward publicly apologized to Mr. Case for chastising him at the March 25 meeting. She said that she has asked him to work with her to attract other companies to Silver City. Councilor Seibel said that in addition to all the events that Mr. Johnson mentioned, Trek for Trash will be held this coming weekend. It starts at 8 a.m. at the Community Built Park on Saturday, April 26. He added that it was very important right now how the town looks in order to attract new businesses to the community. Also, the Tour of the Gila will be held April 30 through May 4. Councilor May thanked Sen. Altamirano for intervening earlier this week and helping the Highway Department find additional funds to keep the rest stop open between Silver City and Deming. He would like to see a joint resolution with other local communities, at the May 13 meeting calling to keep the rest stop open. He said that Ft. Bayard Medical Center would be unable to operate much longer unless a new facility is built. The current facility will not pass certification much longer. It will take $70-80 million to build a new facility and a statewide bond issue would have to be passed in order to fund this project. He said that Silver City and Grant County should take the lead on this issue because we cannot afford to lose more jobs. Councilor May said he was also concerned about traffic pulling out from the side streets, Arizona and Pinos Altos, onto Broadway by the Museum and Texas-New Mexico Power Company. The cars park diagonally there and he would like parking to be parallel. It is very dangerous to pull out because a driver has to creep forward out into Broadway in order to see if there is any traffic. Also he said that there are burned out streetlights that need to be replaced on the bridge going over Highway 90 going out of town. He requested reports from the police department regarding this matter. Also reported were two streetlights needing replacement on Pope Street next.
to Life Quest. Councilor Ward supplied a fact sheet on Stream International showing the benefits to the community by having the company here for two and a half years.

CHANGES TO AGENDA
Mayor Fortenberry requested to move the approval of the audit for fiscal year 2001-2002 to the first item under New Business so that the auditor could return to Las Cruces at a decent hour. The Council concurred.

CONSENT AGENDA
MINUTES, APRIL 8, 2003.
Councilor Seibel moved to approve the Consent Agenda, which was seconded by Councilor Clauss and passed unanimously.

UNFINISHED BUSINESS
These minutes were originally approved at the April 8, 2003 meeting. Additional changes under Council Comments were requested by Councilor Ward. The sentence approved on April 8 read, “Councilor Ward asked Mr. Case where the information was gotten from that appeared on Stream’s website regarding the Town looking for another company to replace Stream.” The proposed amendment is, “Councilor Ward asked Mr. Case where the information was gotten from that appeared on the Murky Depths website regarding the Town negotiating with another company to replace Stream.” Councilor May moved to approve the Minutes of March 25, 2003 with the amendment. Councilor Ward seconded the motion, which passed unanimously.

ORDINANCE 1076, AMENDING ARTICLE VI, SECTION 6.3.4 A) OF THE LAND USE CODE OF THE TOWN OF SILVER CITY.
Attorney Scavron said that since the Notice of Intent was passed, there was quite a bit of discussion and several changes in wording. He believes that there is agreement on the language now by almost everyone involved. As requested, he also spoke with Randy Van Vleck, the New Mexico Municipal League’s attorney, regarding this ordinance. Councilor Clauss made a motion to approve the amendments made to the Notice of Intent Ordinance 1076. Councilor Ward seconded the motion. After discussion from the Council and the public, the vote was taken and it passed three to one with Councilor May voting against the amendments. Councilor Clauss then made a motion to adopt Ordinance 1076 as amended. Councilor Seibel seconded the motion and it passed three to one with Councilor May voting against adopting the ordinance.

NEW BUSINESS
ACCEPTANCE OF AUDIT FOR FISCAL YEAR 2001-2002.
Ed Fierro of Fierro & Fierro, P.A., discussed the audit findings and the steps taken to remedy the problems. He answered questions and concerns from the Council. Councilor Clauss moved to accept the audit for Fiscal Year 2001-2002. Councilor Ward seconded the motion, which passed unanimously.

Tom Stewart presented information on the beer garden request for the upcoming Festival. Some concerns and comments from the Council were that last year there was overflowing trash, parking problems for area merchants, barking dogs and kids on skateboards. Noting that there was some concern about minors being inside the beer garden, Councilor May made a motion to approve the Special Dispensers Permit provided that the liquor license holder prohibit minors inside the beer garden. Councilor Ward seconded the motion, which passed unanimously.

COMMUNITY DWI GRANT, MEMORANDUM OF AGREEMENT.
Ms. McClean said that this is the annual comprehensive community DWI Prevention Program jointly shared with Bayard, Santa Clara, Hurley and Grant County. Councilor Seibel moved to approve the joint application, seconded by Councilor Clauss and passed unanimously.

RESOLUTION 2003-07, AUTHORIZING PARTIAL STREET VACATIONS OF THE GOLD STREET RIGHT-OF-WAY APPROXIMATELY 0.008 ACRES IN SIZE AND THE SIXTH STREET RIGHT-OF-WAY APPROXIMATELY 0.022 ACRES IN SIZE ADJACENT TO LOT 16, BLOCK 121, FRASER’S ADDITION (503 N. GOLD STREET), BOUNDED
BY GOLD STREET TO THE WEST AND SIXTH STREET TO THE NORTH, AND GENERALLY WEST OF SILVER STREET AND NORTH OF KELLY STREET, APPLICANT GEORGIA RIVERA.
Acting Planning Director, Jerry Huckaby, explained the details of this resolution to the Council. Councilor Ward moved to approve Resolution 2003-07, seconded by Councilor May and unanimously passed.

EASEMENT ACQUISITION FOR LITTLE WALNUT PHASE II PROJECT.
Mr. Brown said that this easement was over the $5000 limit for him to approve, therefore, the Council must approve this easement purchase, which was needed to complete construction along Little Walnut Road. The total to be paid would be $11,650.00 to three owners. Councilor Seibel made a motion to approve the purchase of this easement from Joseph W. Hodges, Jr., Eva Hodges Watt and John Norman Hodges. Councilor May seconded the motion, which passed unanimously.

JOINT POWERS AGREEMENT BETWEEN THE NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT (EMNRD) AND THE TOWN OF SILVER CITY.
New fire chief, Rudy Bencomo, told the Council that this JPA would help in the organization of wildfire activities and protection on non-municipal lands adjacent to the Town. The EMNRD would pay the Town for the use of backup fire equipment if needed. Councilor Ward moved to approve the JPA, which was seconded by Councilor Seibel and passed unanimously.

APPOINTMENTS TO THE CHARTER COMMISSION.
Due to the receipt of only four applications, Mayor Fortenberry extended the deadline for applications until 5:00 p.m., May 12. There must be at least seven people to serve on this committee

ADJOURNMENT—The Council adjourned at 10:10 p.m.

Terry Fortenberry, Mayor

Attest:

Jane Toomajanian, Town Clerk