

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING**

**Grant County Administration Center, 1400 Hwy 180, Silver City, NM**

**February 9, 2010 – 7:00 P.M.**

**Present:** James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Thomas A. Nupp, District 2  
Simon Wheaton-Smith, District 3  
Steve May, District 4

**Also Present:** Alex C. Brown, Town Manager-Finance Director  
Ann L. Mackie, Town Clerk  
Robert L. Scavron, Town Attorney  
Ed Reynolds, Police Chief  
Luan Mitchell, Town Planner  
Peter Pena, Public Works Director

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:01 p.m.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – None.

**5. COUNCIL COMMENTS** – The Council commented on the following: Councilor May challenged the person(s) that put a notice in the Silver City Daily Press without a name or disclaimer, that asked the people to replace the City Councilors, to come forward publicly to state their allegations and prove them; how the Town Council serves the public without pay and without free public services; recently attended events; the 3 exceptions when Councilor Wheaton-Smith would not return voicemail; the increase in noise citations downtown; how the rainfall total was 3.8 inches for the year so far; how the repeal of the hold harmless provisions of the State’s Gross Receipts Tax Law would devastate services to the residents and to the Town’s general fund, and how Councilor Bettison presented those concerns to the Taxation and Revenue Secretary and the Governor during the Silver City Grant County Prospector’s Legislative Day; how Secretary Mondragon promised that he would make sure there would be a special NM MainStreet unveiling in Silver City to coincide with Silver City MainStreet’s 25<sup>th</sup> Anniversary celebration; an update on the repair of pot holes; pot hole problems on private property; legislative issues; how Senator Morales received a “Distinguished Legislator” award.

**6. CHANGES TO THE AGENDA** – None.

**7. APPROVAL OF THE MINUTES – Regular Meeting – January 26, 2010:** Councilor Bettison made a motion to approve the minutes. Councilor Nupp seconded the motion. All were in favor, motion passed.

**8. REPORTS** – Manager Brown congratulated Town Clerk Mackie for receiving the designation of Certified Municipal Clerk from the International Institute of Municipal Clerks. Police Chief Reynolds reported on recent vehicle burglaries in the north area

**9. PUBLIC HEARINGS** –

**A. Approval / Disapproval of Resolution No. 2010-02: Request for a plat vacation of real estate located in Grant County, New Mexico, described as all that part of Reynolds Street, Newsham Street, Durango Street, Market Street, Kelly Street, 6<sup>th</sup> Street, 7<sup>th</sup> Street, 8<sup>th</sup> Street, College Street, 10<sup>th</sup> Street, and all of Blocks 114, 115, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 188, 189, 190, 191, and 192, including part of Block 218 and 219, Fraser Townsite Addition, Town of Silver City, Situated in Section 2 T 18 S, R 14 W, NMPM, Grant County, New Mexico. The owner and applicant is the Town of Silver City.** Mayor Marshall stated that the Town Council would serve as the hearing board and he would serve as the presiding officer. He asked the hearing board if they had any ex parte discussion concerning the case, and none had. The Town Clerk swore in 5 witnesses for the hearing. Luan Mitchell, Town Planner, presented the case and stated the property was owned by the Town, platted in 1893, and was undeveloped with no improvements. She stated the request for vacation was to

allow for the future development and replatting of the area as a part of the Town's Vista de Plata Affordable Housing Project. She said a public hearing was not required before the Planning and Zoning Commission, and the Community Development Department recommended the adoption of Resolution No. 2010-02 based on 6 findings. Tim Grattan, architect of T G Architecture, and Pamela Weber answered questions from the Council. There were no witnesses in opposition to the case, and Mr. Grattan, Agent for the Town, concluded his case. Mayor Marshall asked the hearing board if they were prepared to render a decision. Councilor May made a motion to adopt Resolution No. 2010-02 and referred to the record for the description, and cited Findings # 1, #3, #4, #5, and #6. Councilor Wheaton-Smith seconded the motion as stated. There was further discussion. A roll call vote was taken with the following results: Councilor May – aye; Councilor Wheaton-Smith – aye; Councilor Nupp – aye; and Councilor Bettison – aye. Motion passed.

**10. UNFINISHED BUSINESS** – None.

**11. NEW BUSINESS** –

**A. Approval / Disapproval of Resolution No. 2010-09: Participation in Local Government Road Fund**

**Program.** Peter Pena, Public Works Director, presented the details of Resolution No. 2010-09 for a modification to the funding received for the Fiscal Year 2009-2010 Cooperative Agreement for a project for new construction of sidewalks, curb and gutter, and ADA ramps on Cactus Street between 21<sup>st</sup> and 25<sup>th</sup> Streets. Manager Brown commented on the financing of the project, and how projects are prioritized, etc. There was further discussion. Councilor Bettison made a motion to approve Resolution No. 2010-09. Councilor Nupp seconded the motion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye.

**12. ADJOURNMENT** – Councilor Wheaton-Smith made a motion to adjourn at 7:52 p.m. Councilor May seconded. All were in favor, motion passed.

/s/

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James R. Marshall, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk