

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy 180, Silver City, NM**  
**March 23, 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  
Rudy Bencomo, Fire Chief  
Sonya Ruiz, Municipal Judge Elect  
Robert Esqueda, Utilities Director  
Peter Pena, Public Works Director

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 7:00 p.m.

**2. CEREMONIES** – Mayor Marshall honored Councilor Thomas A. Nupp, Councilor Harold Steve May, and Municipal Judge Edith Gutierrez for their years of service. Mayor Marshall commented on how the Councilors should be honored because they stepped out of the box and made all of their opinions and thoughts public, and exposed themselves and their families to criticism. He said they should be honored for their time and the commitment that they made, and their families made, to the Town. He commented that they had not always agreed in their robust debates, but that was what made it a stronger Council. He said that they always had the same mission which was to make it a great place to live, work, raise a family, and retire. Mayor Marshall commended Judge Gutierrez for her service; her long hours; for doing what was she knew was best according to the laws that they provided to her; and how her commitment to the Town had not gone unnoticed and that they appreciated her time and service. He presented plaques to each of them and paid tribute and honor to them for their years of service, dedication, and contributions to the community. Mayor Marshall invited people to go to the podium to offer thanks to the three public servants. Police Chief Ed Reynolds, Fire Chief Rudy Bencomo, Former Councilor Nick Seibel, Municipal Judge Elect Sonya Ruiz, and Manager Brown offered their comments.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – Pat Casey commented that they could increase employment and revenues if the Town of Silver City would change its procurement code to allow for a local bidder preference of possibly five per cent. Murray Ryan commented that the cemetery looked as fine as he had ever seen it, and he wanted to thank the Council and acknowledge whoever was in charge of the cemetery. Councilor Nupp commented that the person mostly responsible for the good condition of the cemetery was Mrs. Nupp, Chair of the Cemetery Board. Mayor Marshall also recognized the Parks Department for their work at the cemetery.

**5. COUNCIL COMMENTS** – The Council commented on the following: how owners of dogs should keep them restrained and not let them run loose; thanks were given to Councilor Nupp, Councilor May, and Judge Gutierrez for their years of service, etc.; pot holes in the Albertson's parking lot; how the variance process and appeal process in the proposed revised Land Use Code were completely unacceptable; the process that citizens could use to file a complaint and Animal Control Officer Sherwood Nance was acknowledged for his use of that process; openings on Town Boards and Committees; how Secretary Mondragon, Secretary of Economic Development, would be in Silver City on March 26<sup>th</sup> to receive updates on economic development and work in progress, and how he would provide advisement to the Mayor's Climate Protection Citizens Advisory Committee; and how the Mayor was invited to speak on economic development in Belen, NM on March 19<sup>th</sup> by Senator Bingaman and State Senator Michael Sanchez.

Councilor Nupp commented that the reason he decided to run for Councilor the first time was to get rid of the old Hillcrest Hospital; how he thought his time as Councilor would qualify for the Eagle Scout's Citizenship in the Community merit badge; and how he would bring an animal control ordinance forward to the Town Council at a

later date. Councilor May thanked the current Mayor and Council; former Mayor Fortenberry and former Councilors; Manager Brown and the department heads and staff; Attorney Scavron; the voters of District 4; and his wife, Nancy. Mayor Marshall commented that it was important to thank the wives for their support because of the time and disruption it brought to their lives, and that they were part of the asset to the Town as well.

#### **6. CHANGES TO THE AGENDA – None.**

**7. APPROVAL OF THE MINUTES – Regular Meeting – March 9, 2010:** Councilor Bettison made a motion to approve the minutes. Councilor Nupp seconded the motion. There was no further discussion. All were in favor, motion passed.

**8. REPORTS –** Manager Brown reported on the pot hole issues in the parking lot crossover near Arby's and stated a contract was in place between Arby's and Southwest Concrete and the work would be done by the end of the week. He also commented that because of the special status that the Town of Silver City had with their territorial charter, the Town had the ability to write their procurement code. He said the Council could make that decision. There was further discussion between Manager Brown and the Council about the 40% decrease in lodger's tax revenues from the previous year, and Manager Brown said he would make a recommendation at the next meeting.

Councilor Bettison made a motion to recess at 7:45 p.m. and Councilor May seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 8:00 p.m.

#### **9. PUBLIC HEARINGS –**

**A. Approval / Disapproval of an application to extend Town water outside Town limits. Request was to extend a 6" water line to the proposed Wind Canyon Fire Station to be constructed near the intersection of Hwy. 180 W. and Truck Bypass Rd. Applicant was Grant County Government; Authorized Representative was Jon Saari, County Manager.** 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 6 witnesses for the hearing. Robert Esqueda, Utilities Director, presented the staff report of the case and stated the applicant, Grant County Government, was the owner of the property for which the extension of water was requested, and had completed the required application and complied with all requests from the Town. He stated 17 findings and recommended approval, with 2 conditions. Jon Saari, County Manager and applicant, presented his case and answered questions from the Hearing Board. He stated the Wind Canyon area was growing rapidly, and the residents had formed a Volunteer Fire Department and were working under the Tyrone Fire Department realm. He said the fire station would benefit the residents of Silver City as well as Grant County because there was no fire service in that area and because the urban interfaces would have fires that burn quickly. Manager Brown commented that any businesses or residents that wanted to tie on to the water line would have to pay the water acquisition fees and go through the same process. Randy Villa, Grant County Volunteer Fire Chief, commented that they were on the County Wildlife Protection Plan and the plan stated that it would benefit the community to have some emergency protection in the wild land fire district. There were no witnesses in opposition to the case. Mr. Saari concluded his case. Mayor Marshall asked the hearing board if they were prepared to render a decision. Councilor Wheaton-Smith made a motion to approve the application with recommendations 1 and 2 that were in the application. Councilor May seconded the motion as stated. There was no further discussion. All were in favor, motion passed.

#### **10. UNFINISHED BUSINESS – None.**

#### **11. NEW BUSINESS**

**A. Approval / Disapproval of Resolution No. 2010-12: A Resolution to designate the Mayor to sign the Special Appropriations Project No. SAP 09-3799-STB Water and Wastewater System Improvements Grant Agreement; to designate a Grantee Representative who would act as the point of contact; and to designate the Grantee Signatory Authority.** Manager Brown presented the details of Resolution No. 2010-12 and stated the Environment Department was the only agency that required a resolution that authorized the Mayor to sign the grant agreements, etc. Councilor Bettison made a motion to approve Resolution No. 2010-12. Councilor Nupp seconded

the motion. There was no further discussion. A roll call vote was taken with the following results: Councilor Bettison – aye; Councilor Nupp – aye; Councilor Wheaton-Smith – aye; and Councilor May – aye. Motion passed.

**B. Approval / Disapproval of Resolution No. 2010-13: A Resolution supporting an application for NM Department of Transportation Municipal Arterial Program (MAP) Funding.** Peter Pena, Public Works Director, presented the details of Resolution No. 2010-13 and stated it was to obtain funding for a street and drainage project on College Avenue. He said the street improvements would include curb and gutter, new sidewalks, re-paving, ADA ramps, and drive pads. There was further discussion about funding the project. Councilor Nupp made a motion to approve Resolution No. 2010-13. Councilor May seconded the motion. 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.

**12. ADJOURNMENT** – Councilor May made a motion to adjourn at 8:30 p.m. Councilor Nupp seconded. All were in favor, motion passed. A reception followed the adjournment to celebrate the service of Councilor Nupp, Councilor May, and Judge Gutierrez.

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/s/  
James R. Marshall, Mayor

Attest:

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/s/  
Yolanda C. Holguin, Acting Town Clerk