

MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
August 10, 2010 – 6:00 PM

Present: James R. Marshall, Mayor

Cynthia A. Bettison, District 1

Jamie K. Thomson, District 2

Simon W. Wheaton-Smith, District 3

Michael S. Morones, District 4

Also Present: Alex C. Brown, Town Manager-Finance Director

Robert L. Scavron, Town Attorney

Ann L. Mackie, Town Clerk

Ed Reynolds, Police Chief

Rudy Bencomo, Fire Chief

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND READING OF MISSION STATEMENT – Mayor Marshall called the meeting to order at 6:00 PM, and he read the Town's Mission Statement.

2. CEREMONIES – None.

3. PROCLAMATIONS – None.

4. PUBLIC INPUT – Phillip Cave, Acting Assistant Director, Curator of Education and History, at the Western New Mexico University Museum, commented on 2 events to be held at the WNMU Museum: 1) Opening Reception for a new exhibition, "Vietnam: Remembering those who served" to be held on August 21, 2010, and 2) the 5th triennial "Black on White Gala" to celebrate 35 plus years of the University Museum to be held on November 6, 2010.

5. COUNCIL COMMENTS - The Council commented on the following: recently attended events; the mural dedication at the Skatepark; the groundbreaking for the Grant County Detention Center and their water hookup application; Peter Pena, Public Works Director, and staff were thanked for their rapid response regarding bridge railings at Broadway and College; how the new Parks and Activities Guides were available and were a great resource; how public input was critical to efficient governance; community policing efforts; noise citations; unfortunate events in Town, and Police Chief Reynolds and the police officers were thanked for their work; how good information was received by the Mayor during a meeting with the State Treasurer and the U.S. Treasurer; and the upcoming 25th anniversary celebration by New Mexico MainStreet.

6. CHANGES TO THE AGENDA – None.

7. APPROVAL OF THE MINUTES –Regular Meeting - July 27, 2010 - Councilor Bettison made a motion to approve the minutes. Councilor Thomson seconded the motion. All were in favor, motion passed.

8. REPORTS – Manager Brown reported on Grindline's warranty work at the Skatepark; how the reporting requirements at the old landfill may cost the Town money with regard to methane, water issues, and the baseball fields. Manager Brown introduced Van Clothier. Mr. Clothier reported on the benefits of water harvesting and watershed restoration. Mayor Marshall commented that the Town was the biggest consumer of water and how there was an opportunity to take advantage of some of the principles recommended by Mr. Clothier. There was further discussion. Manager Brown and Fire Marshal Lambert reported on Penny Park; the pending test results and level of cleanup that may be required; and how they were waiting on an answer from the Environment Department and the insurance carrier. Mayor Marshall commented on the future marketing plan regarding Lodgers Tax disbursements and the current Request for Proposal that was allocated for Lodgers Tax awards. There was further discussion. Police Chief Reynolds reported on the July crime statistics; how domestic violence and vehicle burglaries were up and aggravated assaults, burglaries, etc. were down; how it was important for the public to report suspicious activity and have neighborhood organizations; and how the Police Department was fully staffed. Fire Chief Bencomo reported that Assistant Chief Tony Garcia was retiring, effective September 1, 2010, after 20 years of service.

Councilor Bettison made a motion for a short break. Councilor Wheaton-Smith seconded the motion. All were in favor, motion passed. Mayor Marshall called the meeting back to order at 6:55 PM.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS –

A. Approval / Disapproval of (2) Public Celebration Permit Applications for the Mimbres Region Arts Council's 14th Annual Weekend at the Galleries on October 8-11, 2010 to be held at the Seedboat Center for the Arts, 214 W. Yankee St., Silver City, NM. Councilor Thomson commented that he had a conflict of interest because he was a partial owner of High Desert Brewing Company. Mayor Marshall recommended that Councilor Thomson not participate since he was a partial owner and would probably benefit financially from the project. Councilor Bettison and Councilor Wheaton-Smith agreed. Mayor Marshall announced that Councilor Thomson had declared a conflict of interest with A.1. and the Council had concurred that he would sit out the agenda item. Dale Marcy, President of the Board for the Mimbres Region Arts Council, presented the details of the 14th Annual Weekend at the Galleries event and requested the Council's approval of 2 public celebration permit applications.

1) Winegrower & small brewer license holder information: High Desert Brewing Company, 1201 W. Hadley Ave., Las Cruces, NM. Councilor Bettison commented that one of the servers had a license that would expire prior to the event; she recommended that the server should not serve unless the license had been renewed. Councilor Wheaton-Smith made a motion to approve application #1 for High Desert Brewing Company of Las Cruces, NM. Councilor Bettison seconded the motion as stated. There was no further discussion. Councilor Bettison, Councilor Wheaton-Smith, and Councilor Morones voted aye. Councilor Thomson did not vote. Motion passed.

2) Winegrower & small brewer license holder information: St. Clair Winery & Tasting Room, 1325 De Baca Rd SE, Deming, NM. Councilor Wheaton-Smith made a motion to approve application #2 for the St. Clair Winery & Tasting Room. Councilor Bettison seconded the motion as stated. Councilor Bettison, Councilor Wheaton-Smith, and Councilor Morones voted aye. Councilor Thomson did not vote. Motion passed.

B. Approval / Disapproval of (1) Public Celebration Permit for the Silver City Museum and Silver City Museum Society to host a celebration and fundraiser to honor retired Silver City Museum Director, Susan Berry, on September 24, 2010 at the Grant County Conference Center, 3031 E. Hwy. 180, Silver City, NM. **Winegrower & small brewer license holder information: St. Clair Winery and Tasting Room, 1325 De Baca Rd SE, Deming, NM.** Tom Hines, President of the Silver City Museum Society Board, presented the details and asked for the Council's approval of the public celebration permit to honor Susan Berry with a celebration and fundraiser to honor her 36 years of service to the community and to the Silver City Museum. There was further discussion. Councilor Wheaton-Smith made a motion to approve the public celebration permit application. Councilor Bettison seconded the motion as stated. Mayor Marshall asked Manager Brown if the Town (Silver City Museum) was a partner in the permit application. Manager Brown stated the Silver City Museum Society was in control of the event. Mayor Marshall was concerned that the agenda item description included the Silver City Museum, and he said he wanted to make sure that the Town was excluded as a party to the application. Councilor Wheaton-Smith made a friendly amendment to his motion to exclude the Silver City Museum as stated on the agenda and legal notice and to reflect only the Silver City Museum Society. Councilor Bettison seconded the friendly amendment. All were in favor, motion passed.

C. Discussion and possible amendment of the Southwest NM Council of Governments' presentation of the 2012-2016 Infrastructure Capital Improvement Plan (ICIP). Manager Brown presented the details of the annual submission of the 5 year Infrastructure Capital Improvement Plan. He said the majority of the infrastructure capital improvement projects were led by the Utilities Department, Public Works Department, and Community Development Department. There was further discussion with the Council about the need for sidewalk improvements; how the roof on the waterworks building needed to be replaced; how the baseball fields needed to be relocated; street and drainage improvements in the Chihuahua Hill area; how the gas tax revenues were down; the Gabby Hayes well; how the Town still had areas without water and sewer; utilizing ICIP as an economic driver; how the baseball fields and the phases for College Avenue and 32nd Street were important to the economy; grant funding; Silver Street improvements and traffic calming devices; etc. Mayor Marshall asked that the plan include the extension of water and sewer to residents within the boundaries of the Town, and there were no objections by the Council. Manager Brown said he would make the amendments to the ICIP and bring a Resolution to the next Council meeting for approval.

D. Approval / Disapproval of Notice of Intent Ordinance No. 1168: an Ordinance adopting and enacting a new Code for the Town of Silver City, NM; providing for the repeal of certain Ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such Code; and providing when such Code and this Ordinance shall become effective. Councilor Wheaton-Smith presented the details of Notice of Intent Ordinance No. 1168 to adopt and enact a new Code of Ordinances. He commented that the recodification process addressed the mistakes, omissions, misstatements, etc. that were in the current Code. He described the process and the work of the Recodification Committee (himself, Anita Norero, previous Acting Town Clerk, and Ann Mackie, current Town Clerk), the Department Heads, and Attorney Scavron. Clerk Mackie agreed with Councilor Wheaton-Smith's comments on the process and acknowledged him and the others for their work on the project. Manager Brown commented that the Town still had one quarter percent of gross receipts taxes that could be imposed by ordinance. Councilor Bettison thanked everybody that was involved and stated the document was consistent and well organized. The Department Heads, staff, and Judge Sonya Ruiz were in attendance. Judge Ruiz commented that the new Code would be very beneficial. Mayor Marshall thanked everybody for their hard work. Councilor Wheaton-Smith made a motion to approve Notice of Intent Ordinance No. 1168. Councilor Bettison seconded the motion as stated. All were in favor, motion passed.

E. Re-appointment of 2 members on the Planning and Zoning Commission. Mayor Marshall received the Council's consensus to re-appoint Teri Matelson and Alice Jones.

F. Appointment of 1 member to the Grant County/Silver City Extra Territorial Subdivision Commission. Mayor Marshall received the Council's consensus to appoint Lita Furby.

12. ADJOURNMENT – Councilor Thomson made a motion to adjourn at 7:36 p.m. Councilor Bettison seconded the motion as stated. All were in favor, motion passed.

/s/
James R. Marshall, Mayor

Attest:

/s/
Yolanda C. Holguin, Acting Town Clerk