

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy 180, Silver City, NM
February 26, 2013, 6:00 p.m.**

Present:

James R. Marshall, Mayor
Cynthia A. Bettison, District 1
Pauline N. Hassler-Cook
Jose A. Ray, Jr., District 3
Michael S. Morones, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Ann L. Mackie, Town Clerk
Robert L. Scavron, Town Attorney
Jim Coates, Town Planner
Julie Salaiz, Lead Code Enforcement Officer
Peter Pena, Public Works Department Director
Robert Esqueda, Utilities Department Director

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:03 p.m.
2. **CEREMONIES** – None.
3. **PROCLAMATIONS** – None.
4. **PUBLIC INPUT** – None.
5. **COUNCIL COMMENTS** – The Council commented on the following: recently attended events; how Governor Martinez stated that she would ensure that the hold harmless was retained; the opening of the Office of Sustainability at their new location and the tour of the new solar array at the wastewater treatment plant; thanks were given to those involved with the solar array project and power purchase agreement because it was going to benefit the Town by saving the Town money over the next 20 years; thanks were given to the department heads for putting a garbage disposal at the Cemetery; how there were too many kids on skateboards and bicycles downtown; how the Mayor was still spending a large amount of his time in Santa Fe at the Legislative Session and an update on House Bill #373 regarding fireworks; how a quorum of the Council was not present during a recent informational meeting about water with the state engineer; and how the Town of Silver City supported the Grant County Water Commission's regional water proposal.
6. **CHANGES TO THE AGENDA** – None.
7. **APPROVAL OF THE MINUTES – Regular Meeting on February 12, 2013** – Councilor Bettison moved to approve the minutes of the Regular Meeting of February 12, 2013 as amended and presented. Councilor Morones seconded. Mayor Marshall stated there was a motion and a second to approve the minutes as amended of the Regular Meeting of Feb. 12, 2013. He asked if there was any discussion, and there was none. He asked all those in favor to say aye, and all 4 Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.
8. **REPORTS** –
 - A. **The Southwest Festival of the Written Word organization's report on its first book festival in downtown Silver City, Sept. 27-29, 2013.** Ted Presler reported on their first literary festival planned for September 27 - 29, 2013. He stated their mission of the festival was to celebrate the power and the beauty of the written word by embracing the rich diversity of the southwestern cultures. He said they were collaborating with WILL (Western Institute for Lifelong Learning), Western New Mexico University, the Silver City Public Library, the Silver City Museum, and the Silver City Arts and Culture District Council. He reported on various events; how the upcoming festival would be free except for a few workshops; and that they hoped to draw over 1,000 participants. He said they wanted to promote Silver City's rich literary heritage; expand reading into a public good and socially valuable practice;

encourage writers, published and unpublished, among the students, working citizens, and retirees that live here; and to invite visitors and residents to enjoy downtown through their experiences and their purses. He mentioned the locations and venues of the festival with a focus to bring visitors downtown; that they needed community support, volunteers, and cash to do the event; and that Tom Hester was the Chair of the Southwest Festival of the Written Word.

B. Staff reports. Clerk Mackie provided an update on the upcoming election on March 5th for Councilor in District 1 and Councilor in District 3. Police Chief Reynolds addressed a question that was asked by Councilor Bettison during the February 12, 2013 Council Meeting regarding court statistics on the number of convictions in the court system. He reported that Magistrate Court's current system would not give out any statistical information, but they had asked their programmers to develop a program for it.

9. PUBLIC HEARINGS –

A. Approval / Disapproval of Resolution No. 2013-05: a request for an Encroachment Permit to allow an existing abutment wall that encroaches into the West Kelly Street right-of-way. The property is described as a 0.877± acre tract of land being part of Block 14, Black's Addition, to the Town of Silver City, Grant County, NM, and is addressed as 1006 West Market Street. The applicant is Art Sanitarium LLC. Mayor Marshall stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He asked if any member of the hearing board had ex-parte discussions with any person regarding the subject, or had any communication from any party to the case, and all 4 Councilors said no. He qualified all of them to be on the hearing board. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 3 witnesses. Mayor Marshall read the procedures of how the hearing would be conducted. He said Jim Coates, Town Planner, had the floor. Mr. Coates described the property and current owner; reviewed the definitions of encroach, encroachment permit, and sidewalk; described the encroachment as 5 square feet of the sidewalk into that part of the West Kelly Street right-of-way that was reserved for pedestrians; described the historical encroachments of a wooden fence and rock wall that were on the property, and said they accepted that there were historical encroachments, but said they would like to see no other encroachments; presented various photos of the property and how a small rock wall encroached on the sidewalk and the parking area; how the survey was done January 25, 2006 when the current owner bought the property and that it did not show the encroaching rock wall so it had been built since the survey was done; described how the encroachment was discovered by the Town's building official; parking and pedestrian issues because of the encroachment; how letters were sent to all of the property owners within 300 feet of the property, and that they received no comments in objection to the encroachment permit; that the Town Council may approve the encroachment permit with findings, and he read the 3 required findings; and that the Community Development Department thought the findings could be met, and included conditions with the permit which were read. He asked if there were any questions from the Council. Councilor Bettison asked if he reviewed the encroachment permit application, and he said yes. She commented that the application was for an encroachment permit for an existing wall abutment into the Town of Silver City's C Street, but the public hearing was for a wall abutment on Kelly Street. Mayor Marshall said all of the advertising was based on Kelly Street, but the applicant was present and could testify to the typo. He asked Attorney Scavron if that was acceptable. Attorney Scavron said as long as the notice to the public mentioned where the encroachment was going to be there would be no harm done. There was further discussion.

Mayor Marshall commented that Condition #4 stated the sidewalk areas adjacent to the encroachment into the right-of-way must remain free and clear of obstructions and accessible to pedestrians at all times, and how it was not currently that way according to the pictures. He described a picture in the packet. There was further discussion. Mayor Marshall said that he wanted to make sure they were not setting up the applicant with the condition that they have to keep it free and clear when the pictures showed that it was not free and clear. He gave Peter Russell, the Community Development Director, the floor. Mr. Russell said the issue that they were interested in was that there be no further encroachments, and that the Town would like to preserve their right to put a sidewalk in on its own property and that there be no adverse possession established. He said the effort to formalize the encroachment was to put a stop to further encroachments. He said the Town always reserved the right to remove any encroachments in the future in order to construct some public infrastructure for public benefit. There was further discussion about the current owner's activities in constructing the wall; that the encroachment permit would serve as an instrument to stem further encroachments; and how the current owner purchased it with a lot of existing encroachments, and the Town did not

want to allow them to exist without comment. Mayor Marshall gave Attorney Scavron the floor. Attorney Scavron stated that it would not be a bad idea to put a statement in the Resolution that the Town would not waive any right to encroachments which were not specifically addressed in the application because there were other encroachments. He said that one might read that since they dealt with the subject at the public hearing that their silence on the other encroachments would be taken as a waiver of the Town's rights, for whatever reason, to challenge the encroachments at some future date. He said that they might make some specific notice that it was noted that there were other encroachments which were not the subject of the application and that the Town did not waive its right to proceed against those encroachments at such future time. Mayor Marshall said it would be a safer approach, both for the Town and the applicant, that they did not give them a condition that they were already in violation of, and that they protect the Town's interest in the future should they decide to do something. Mr. Russell said it was an excellent way to proceed.

Councilor Bettison stated that during the discussion it had been stated several times that the Town understood that the occupant purchased the property with existing historic encroachments, and that it was recommended that the Town not waive its rights on going back and dealing with it. She said that she found it problematic because there were historic encroachments all over town. She said that she did not want the residents to panic. She said they had this specific thing, but they had broadened it to include things they had already noted were historic to the property. She said it was suggested that they broaden it somewhat while preserving the rights of the property owner and preserving the Town's right's as well; that they were broadening the scope in some respects while not narrowing it specifically to the thing they were addressing. Mr. Russell said there were many encroachments in the town, but they did not deal with them until a particular issue came up that required that it be addressed. He said it was common that the Town agreed to the encroachment permit with the stipulation that it could be removed within 90 days. He said that he did not think it was broadening the scope of the request in any way that was detrimental to the owner. He said that it was always the case that the Town did not waive its rights even on encroaching property, but they had always found a way to accommodate those encroachments and work with people. He said that he could not think of a case where an encroachment had been removed. He said that they had worked with Mr. Acosta who was representing the LLC and that there was agreement to what was being done. He commented that the parking area be limited to compact cars, and that they were trying to establish certain standards of what was expected when people were building on their properties. There was further discussion about Condition #2 regarding the removal of all or part of any existing encroaching structures. Mayor Marshall said if they did not retain that right on all encroachments that it was an illegal transfer of property for personal use, and that they would be in a world of trouble with that, so they had to retain all of their rights that they were entitled to by law for public property. He said that he wanted to make sure they were doing it in a fashion that protected the Town, and in this case, did not overburden the applicant instantly. He asked if there were any questions regarding the Town's synopsis of the case, and there were none.

Mayor Marshall asked Mr. Xavier Acosta if he would like to present the applicant's case. Mr. Acosta said there had been no encroachment at all by the current owner, and that the abutment was constructed way before 2004 when the survey was done. He said the Town staff had included a Google map in the packet that showed a 2004 building structure that showed the existing abutment that was already there. He said the stone mason searched for the matching stones to match the walk beautifully which immediately alerted Mr. Farley, the Building Inspector, to believe that the whole thing had been built, but it had not. He said the existing fence with the railroad ties was constructed in the 1960s so it was historic and pre-existing, and prior to the Code. He said that he agreed with everything that the Community Development Department was saying about their concerns, and that he had only one concern that he would like to bring to their attention. He said there would be no further encroachments, and there were historic encroachments on the property and they could address each one individually, as it should be, because it was not a blanket approval. He said the language suggested by Mr. Scavron should be in every one of their findings because it clearly pointed it out to the individual. He said the Town may require removal of the abutment, and if the Town put in a sidewalk then the owner would remove the abutment immediately because it would improve the value of the property. He talked about the survey and acknowledged that the existing fence with the railroad ties were somewhat of an encroachment on the property line, but they had been there since the 1960s. He commented that the utility meters and other access points were not in any danger per Town staff; how the sidewalks adjacent to the encroachment and right-of-way must remain free; the stone steps; how the parking area that had historically always been there was being limited to only compact cars and that was a bit much; that it was the Council's decision to make and the owner would comply; how the wall

added to the aesthetic appearance of the property and the neighbors approved of it; that the encroachment did not hurt anyone or endanger the health or public safety or general welfare of the community, but it was an addition to the community; how the wall was properly constructed per Code; how the fireplace was constructed without a permit and that was what alerted every one, but it was to Code and would be checked by the Fire Marshal; that it was flagged properly and that they worked with Town staff diligently; and that there was no other reason not to grant the encroachment permit because it was not opposed by any one. He asked that they add the language suggested by Mr. Scavron and that they had no intention of doing any other construction on city property at the location. Councilor Bettison asked Mr. Acosta about the Google map that Mr. Acosta referred to. Mr. Coates, Town Planner, stated that it was not a Google map, but was a Town aerial photograph taken in August 2007 and he showed the photograph to Mr. Acosta. Mr. Acosta said he stood corrected because it was a city aerial map showing the same building, but the carport was removed before the date that was being alleged. Mayor Marshall asked why it was pertinent to the discussion. Mr. Acosta said he pointed it out because all of those things occurred before the owner took control of the property; that they were historically existing issues. Mayor Marshall asked if there were any other questions for the applicant, and there were none. He asked if there were any witnesses in support of the applicant's case, and there were one. He asked if there were any witnesses in opposition to the applicant's case, and there were none. There was further discussion about the parking area and the condition to post for compact cars, and that the Town Code said parking areas should remain on private property and not on Town property. Mayor Marshall asked if there were any questions for any witness, and there were none. He gave the floor to Mr. Scavron. Mr. Scavron said they needed to address the language for the Resolution and to get Mr. Acosta's agreement to it on the record. Mayor Marshall asked him to read it back into the record. Mr. Scavron said it was an amendment to Resolution No. 2013-05 in the Now, Therefore, Be It Resolved portion to add a new Section 6, "The parties acknowledge that there may be other encroachments by this property into Town rights-of-way which have not been addressed in this application. Accordingly, the granting of this encroachment permit does not waive the right of the Town to challenge any other encroachments by this property that may exist." Mayor Marshall asked Mr. Acosta if there was any objection, and he said no. The Mayor asked him if he had anything else to be reflected in the record. Mr. Acosta said that he was uncomfortable with the parking issue, but it was the Council's decision. He said that he had already voiced his opinion and concern, but leaving it completely out of the Resolution did not address it in any way and left it an open issue and did not tie it to any other decision in the Town.

Mayor Marshall asked if the hearing board was ready to render its decision, and they said yes. Councilor Ray moved to approve Resolution No. 2013-05 and he read the agenda item description with the additional language for Section 6, "The parties acknowledge that there may be other encroachments by this property into Town rights-of-way which have not been addressed in this application. Accordingly, the granting of this encroachment permit does not waive the right of the Town to challenge any other encroachments by this property that may exist." He said that under Finding No. 1, "The requested permit conforms to the Town's Comprehensive Plan, the Land Use Code, and any relevant policies adopted by the Town." He added that the 3 requirements had been met. Councilor Morones seconded. Mayor Marshall said there was a motion and a second, and asked for discussion. He offered a friendly amendment to delete item d) under Section 1 because it was being replaced, and in lieu of, by Section 6. Councilor Ray and Councilor Morones agreed to the friendly amendment. Mayor Marshall asked if there was any other discussion. Mr. Scavron said the record was clear that there was an error in the application that the encroachment was located on C Street, and it was in the record that they were not talking about C Street; that it was ministerial so they would correct it. Mayor Marshall said there was a motion and a second, and no further discussion, for approval of Resolution No. 2013-05: a request for an Encroachment Permit to allow an existing abutment wall that encroaches into the West Kelly Street right-of-way. The property is described as a 0.877± acre tract of land being part of Block 14, Black's Addition, to the Town of Silver City, Grant County, NM, and is addressed as 1006 West Market Street. The applicant is Art Sanitarium LLC. He said the Resolution was amended to add Section 6 in the Now, Therefore to read, "The parties acknowledge that there may be other encroachments by this property into Town rights-of-way which have not been addressed in this application. Accordingly, the granting of this encroachment permit does not waive the right of the Town to challenge any other encroachments by this property that may exist." He said that additionally in Section 1 in the Now, Therefore, item d) was deleted. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

B. Approval / Disapproval of the recovery of costs of the demolition associated with the remaining remnants of a dilapidated mobile home and the clean-up of strewn debris at 612 Swan St., Silver City, NM.

Mayor Marshall stated the Town Council would serve as the hearing board and he would serve as the presiding officer. He asked if any member of the hearing board had ex-parte discussions with any person regarding the subject, or had any communication from any party to the case, and all 4 Councilors said no. He qualified all of them to be on the hearing board. He asked all parties and witnesses, including staff members, to come forward to be sworn in to testify by the Town Clerk. The Town Clerk swore in 3 witnesses. Mayor Marshall read the procedures of how the hearing would be conducted. He said Julie Salaiz, Lead Code Enforcement Officer, had the floor. Ms. Salaiz presented the details of the property that they had received complaints about since 2008 because of dangerous situations that were existing on the property. She said the owner of the property was deceased so there were confidentiality matters involved, however, it was on file with the County Assessor and County Clerk's office. She said they also conducted an extensive search on the property by contacting Grant County Probate Judge, Velia Miranda. Probate Judge Miranda's findings were that there were no probate actions filed, no will filed, and there had been no change in ownership on the property. Ms. Salaiz reviewed the Town Code, Section 8-23 (a) and (b) and stated the Town had adopted the 1997 Uniform Code for the Abatement of Dangerous Buildings. She said the report was being made pursuant to that Code and she provided the legal description of the property. She said the property included a dilapidated mobile home and she described the location of the property; how there had been feral dogs living inside the ruins; how torn metal and debris were scattered all over the property; possible squatters that were removed from the property; and that there were reports of people stripping copper wire out of the remains of the mobile home. She said they moved forward with the abatement process with the assistance of the Building Inspector and the Fire Marshal, and she contacted 4 construction companies to get bids as to what it would cost to get the area cleaned up. She said 2 of the companies submitted bids and the Town Manager approved the lesser bid by Fowler Brothers Construction Company in the amount of \$7,180.62. She said additional costs paid by the Town were to the Grant County Clerk's Office in the amount of \$25.00 for recording fees, and an additional \$25.00 pending if the lien would be granted by the Town Council; that the Town Attorney fees were in the amount of \$322.13; and certified mailings were in the amount of \$35.10. She said the total cost of recovery that they were seeking for the Town was \$7,587.85. She said that because of the length of time for research and all of the investigation that was done that she felt it was appropriate for the Town to recover its cost back by placing a lien on the property. She presented before and after photos of the property, and stated that people had stopped to shake the hands of the construction workers to thank them for cleaning up the area. She said that no one had protested and asked if they had any questions. Mayor Marshall asked if there were any questions for the witness, and there were none. He asked if there were any witnesses in support of the case, and there were none. He asked if there were any witnesses in opposition to the case, and there were none. He asked Ms. Salaiz if she had anything else to reflect in the record, and she said no. He asked if any member of the hearing board had any questions for the witness, and there were no questions. He asked if the hearing board was prepared to consider the application and render its decision, and they said yes. He said that he would entertain a motion. Attorney Scavron explained how they should make the motion. Councilor Morones moved to have the assessment in the amount of \$7,587.85 placed upon the property and assessed in a special lien on said property in regards to the property cleanup at 612 Swan Street, Silver City, New Mexico. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second, and he asked if there was any discussion. There was none. He asked if everybody was comfortable with what they were voting on, and they said yes. He verified with Attorney Scavron that a roll call vote was not required. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

Councilor Bettison moved for a short break at 7:37 p.m. Councilor Cook seconded. Mayor Marshall said there was a motion and a second for a short break. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. He called the meeting back to order at 7:50 p.m.

10. UNFINISHED BUSINESS –

A. Approval / Disapproval of Ordinance No. 1215: an Ordinance amending Chapter 16, Section 16-44 of the Town of Silver City Municipal Code, relating to the terms of the Incentive Review Committee. Mayor Marshall said it was the final reading of the Ordinance and that Section 16-42 was amended so the composition of the Incentive Review Committee was changed from 7 to 5 members, and that Ordinance No. 1215 was to amend Section 16-44 from 7 to 5 members as well. He asked if there were any questions from the audience, and there were no questions. He asked if there were any questions from the Council. Councilor Bettison said the agenda stated it was related to the composition of the committee rather than to the terms of office as stated in the Ordinance title. Mayor Marshall said it was immaterial. Attorney Scavron said that he did not think it had mislead the public; that the general subject matter

had been explained, and that composition included many aspects. Councilor Bettison asked if the motion would be based on the agenda item description or the Ordinance title. Attorney Scavron said it had to be made from the Ordinance. There were no other questions. Mayor Marshall said he would entertain a motion. Councilor Bettison moved to approve Ordinance No. 1215: an Ordinance amending Chapter 16, Section 16-44 of the Town of Silver City Municipal Code, relating to the terms of the Incentive Review Committee. Councilor Morones seconded. Mayor Marshall said there was a motion and a second, and he asked if there was any discussion. There was none. He said there was a motion and a second and no discussion, and then asked for a roll call vote. Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

11. NEW BUSINESS -

A. Approval / Disapproval of Town of Silver City Audit Report for Fiscal Year ended June 30, 2012.

Mike Stone, CPA with Stone, McGee and Company, reported that the audit report was as good as it could be with no comments and an unqualified opinion on the financial statement. He said an unqualified opinion was as good as it could be; that there were no qualifications and they expressed an opinion that the financial statements were fairly stated. He said they also had an unqualified opinion on federal compliance and no findings related to the audit. He said the audit report was done timely and was released timely. He said the Town Council and staff were responsible for managing \$75,000,000 worth of assets, and about \$21,000,000 worth of revenue annually. He said those were good numbers and that if he was a Councilor the most important thing to him would be that the numbers from staff were numbers that could be relied on. He said there was no adjustment to the numbers in Fiscal Year ended June 30, 2012. He said it was an action item so they had to approve it or disapprove it. Mayor Marshall recognized the Finance Department staff and thanked them for the day to day operation and for ensuring that they had good numbers. He said that the Council understood it was a tough year and there were staff changes that made it very difficult, but they stepped up to the plate and performed better than anyone could expect. He also thanked Alex Brown, Manager-Finance Director, for his leadership and skill in managing the compliance, and the funds were always exceptional. He said that they even had 8, 9 or more years with no findings on the audit. He said the watch list with the State Auditor was large and many local governments were struggling to get an audit done, to meet compliance requirements, and general accounting principles. He said year after year after year the Town staff managed to do that so they came out with no findings. He said it was really remarkable and he hoped the newspapers would pick that up, especially in the current day and time when people questioned the management of public funds because it was not an issue in Silver City. He said they had done well; could account for all of the money; that it was used properly; and they had all of the supporting documents to show it. He told Mr. Brown that they truly appreciated his work throughout the year in making sure that they were able to do that, and it made them look good. Mr. Stone said he had a meeting with the State Auditor's office a few weeks before and there was a minimum of 60 entities (counties, municipalities, and school districts) that had an at risk designation because they were not current on their audits. Mayor Marshall said it was a major issue. He asked if there were any comments from the audience, and there were none. He asked if there were any comments from the Council, and there were none. Mayor Marshall said he would entertain a motion. Councilor Morones moved for approval of Town of Silver City Audit Report for Fiscal Year ended June 30, 2012. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second, and he asked if there was discussion. There was none. He said there was a motion and a second, and no further discussion to approve the Town of Silver City Audit Report for Fiscal Year ended June 30, 2012. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted. Motion carried.

B. Approval / Disapproval of Notice of Intent Ordinance No. 1218: an Ordinance permitting the transfer of certain real property, commonly known as the "Tennis Court Parking Lot" to Silver Consolidated Schools; all pursuant to Chapter 48, Section 48-24 of the Town of Silver City Municipal Code. Mayor Marshall said the parking lot in question was the lot that was by Fox Field and the tennis courts that were just refurbished. He said the schools had an opportunity to access funding that would pave the lot and it would be a benefit. He said there would also be a requirement that the lot remain for public use. He said in addition they had discussion with the schools regarding a portable classroom that was no longer in use and had been placed at the Ben Altamirano Sports Complex and that it was formerly the Secure School. He said that he would like to see in the Notice of Intent, right before the last Whereas, to insert another Whereas paragraph that would state, "Whereas, Silver Consolidated Schools has ownership of a portable building located at the Ben Altamirano Sports Complex that will be transferred to the Town for public use." There was further discussion about the contract. He asked if there was any discussion from the

audience, and there was one. He asked if there was any discussion from the Council. There was discussion about the amendment to the Notice of Intent, and how the ordinance would authorize the Town to enter into a contract with the schools, but the Notice of Intent was not approving the contract. Mayor Marshall said adding the building to the Whereas paragraph was an expression of the ongoing dialog between the Town and the Silver Schools regarding the 2 properties. Mayor Marshall asked if there was any other discussion, and there was none. He said he would entertain a motion. Councilor Morones moved for the approval of Notice of Intent Ordinance No. 1218: an Ordinance permitting the transfer of certain real property, commonly known as the "Tennis Court Parking Lot" to Silver Consolidated Schools; all pursuant to Chapter 48, Section 48-24 of the Town of Silver City Municipal Code with an amendment adding a "Whereas, Silver Consolidated Schools has ownership of a portable building located at the Ben Altamirano Sports Complex that will be transferred to the Town for public use." Councilor Bettison seconded. Mayor Marshall said there was a motion and a second, and asked if there was any other discussion. There was none. He said there was a motion and a second to approve Notice of Intent Ordinance No. 1218: an Ordinance permitting the transfer of certain real property, commonly known as the "Tennis Court Parking Lot" to Silver Consolidated Schools; all pursuant to Chapter 48, Section 48-24 of the Town of Silver City Municipal Code with an amendment of an insertion of "Whereas, Silver Consolidated Schools has ownership of a portable building located at the Ben Altamirano Sports Complex that will be transferred to the Town for public use." He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

C. Approval / Disapproval of Resolution No. 2013-11: the Town of Silver City approving an application to NM Finance Authority under the Colonias Infrastructure Fund. Peter Pena, Public Works Department Director, said the Resolution was support for an application to get funding for a street and drainage improvement project on Silver Street. He said it would be the second phase of the project, and the first phase went from 32nd Street to Pine Street. He said they would like to get additional funding so they could complete it all the way to U.S. Highway 180. He said it would include paving, project development, sidewalks, curb and gutter, striping, signage, and draining improvements where needed. Mayor Marshall asked if there were any questions from the audience, and there were none. He asked if there were comments or questions from the Council, and there were none. He said he would entertain a motion. Councilor Morones moved for approval of Resolution No. 2013-11: the Town of Silver City approving an application to NM Finance Authority under the Colonias Infrastructure Fund. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second to approve, and he asked if there was any discussion. There was none. He said there was a motion and a second, and no further discussion, to approve Resolution No. 2013-11: the Town of Silver City approving an application to NM Finance Authority under the Colonias Infrastructure Fund. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

D. Approval / Disapproval of Resolution No. 2013-12: a Resolution supporting an application for NM Department of Transportation Municipal Arterial Program (MAP) Funding. Peter Pena, Public Works Department Director, said the Resolution was similar to the previous Resolution; that they were looking to put in an application for MAP funding. He said they were doing a second phase on College Avenue. He said the first phase when up to Cooper Street from Texas Street, and that they would like to continue that project to E Street with similar improvements as done on the first phase which would include paving, draining improvements, sidewalks where needed, curb and gutter where needed, and also solar lighting to help with the electricity cost. Mayor Marshall said they had discussions with Western New Mexico University (WNMU) regarding the project to make sure College Street tied into the downtown area, and that they were supportive of the project. He asked if there was any discussion from the audience, and there was none. He asked if there was any discussion from the Council. Councilor Bettison asked if there was a match for the Town. Mr. Pena said there would be a 25 percent match. He said the application was around \$1,000,000 so the Town's match would be about \$250,000 if they got the entire amount. Councilor Bettison asked if the funding would come from roads. Manager Brown said it would come from the general fund or they might have to get a loan for the entire match. He said they would probably be looking at getting enough funds to complete the entire project, depending on how much was awarded, but they would make that decision at the time of the award and come back to the Council. He said they would like to complete that entire project so they could have the tie in between WNMU and downtown. Mayor Marshall commented that the Town's gross receipts were looking swell. Manager Brown said they were 9.5 percent above last year and that last year had the highest revenues ever so they were doing well. Mr. Pena said the applications were very strong because they had the designs almost complete on

both of the projects. There was further discussion. Mayor Marshall said he would entertain a motion. Councilor Ray moved to approve Resolution No. 2013-12: a Resolution supporting an application for NM Department of Transportation Municipal Arterial Program (MAP) Funding. Councilor Morones seconded. Mayor Marshall said there was a motion and a second, and he asked if there was any discussion. There was none. He said there was a motion and a second, and no further discussion, to approve Resolution No. 2013-12: a Resolution supporting an application for NM Department of Transportation Municipal Arterial Program (MAP) Funding. He asked for a roll call vote. Councilor Morones voted aye; Councilor Ray voted aye; Councilor Cook voted aye; and Councilor Bettison voted aye. Motion carried.

E. Approval / Disapproval of Resolution No. 2013-13: the Town of Silver City approving an application to NM Finance Authority under the Colonias Infrastructure Fund. Robert Esqueda, Utilities Department Director, said it was a Resolution to support a second application to the Colonias Infrastructure Fund for sewer system improvements to bypass a section of sewer line which experienced frequent blockages and was inaccessible by equipment for emergencies and maintenance. He said the sewer line was located along an arroyo from F Street which ran easterly and tied into Market Street. He said that in the past they had numerous blockages and the crews had to go in and clear the sewer line by hand with rods, and had been hurt. He said the project was needed and the people that lived in the area were supportive so they would not have to experience the odors and potential hazards with sewer backups. Mayor Marshall asked if there were any comments from the audience, and there were none. He asked if there were any comments from the Council, and there were none. He said he would entertain a motion. Councilor Cook moved to approve Resolution No. 2013-13: the Town of Silver City approving an application to NM Finance Authority under the Colonias Infrastructure Fund. Councilor Bettison seconded. Mayor Marshall said there was a motion and a second, and he asked if there was any discussion. There was no further discussion. Mayor Marshall said there was a motion and a second, and no discussion, to approve Resolution No. 2013-13: the Town of Silver City approving an application to NM Finance Authority under the Colonias Infrastructure Fund. He asked for a roll call vote. Councilor Bettison voted aye; Councilor Cook voted aye; Councilor Ray voted aye; and Councilor Morones voted aye. Motion carried.

12. ADJOURNMENT – Mayor Marshall asked for a motion to adjourn. Councilor Morones moved to adjourn at 8:17 p.m., and Councilor Bettison seconded. Mayor Marshall stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

/s/

James R. Marshall, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk