

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
February 20, 2014, 6:00 p.m.**

**Present:**

James R. Marshall, Mayor  
Cynthia A. Bettison, District 1  
Pauline N. Hassler-Cook, District 2  
Jose A. Ray, Jr., 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  
Tim Heidrich, Assistant Fire Chief  
Peter Pena, Public Works Director  
Robert Esqueda, Utilities Director

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Marshall called the meeting to order at 6:00 p.m. He said the Girl Scouts would present the colors and lead them in the Pledge of Allegiance.

**2. PROCLAMATIONS** – "**Girl Scout Week**" - **March 9-15, 2014**. Mayor Marshall read and presented the proclamation to the Girl Scouts of the Desert Southwest. The Girl Scouts presented Mayor Marshall with a plaque to honor him as an "Honorary Girl Scout," and placed a Girl Scout pin on his lapel. "**2014 - The Year of the Volunteer**" - Mayor Marshall read and presented the proclamation to a group from the Volunteer Center of Grant County.

**3. PUBLIC INPUT** – Councilor Cook thanked everybody that had supported her and brought to her attention things that had been going on in town. She said she followed through on everything and tried to answer everything. She said the Council was wonderful and after putting in 2 years she understood the commitment the Council made because of their love for the town. She said she loved her business and their town was a wonderful place, and their weather was wonderful. She said the people that represented them really were good people and they did their best for the town; that all of the department heads were wonderful; and that all of the employees were extremely polite and nice. She thanked everybody, and said they should get out and vote because it was their right and privilege and they should use it.

Lucy Whitmarsh, President of the Board of the Silver City MainStreet Project, also known as the Corporation of Downtown Development, stated their Board had passed a resolution in support of the renewal of the Silver City Public Safety Tax. She read the resolution and thanked the Council and all of the public safety people. Kathy Anderson, President of the Silver City Neighborhood Alliance, commented that they supported the renewal of the 2004 Public Safety Tax and were particularly encouraged by Resolution No. 2014-09 that was on the agenda. She also commented on an upcoming Preparedness Symposium that would be held March 7-8, 2014, and listed 7 critically successful property treatments to prevent fire and that they must become common knowledge. She thanked Mayor Marshall for his service.

**4. COUNCIL COMMENTS** – Councilor Bettison acknowledged the folks that called her about the issuance of burn permits by the Town's Fire Department because they were concerned about winds and excessive burning. She encouraged people to attend the Preparedness Symposium, and said she supported the permanent renewal of the Public Safety Tax that was on the ballot. She said it had been a pleasure to sit next to Councilor Cook and that she enjoyed the perspective that she brought to the Council. She stated that it had been an honor and a pleasure to serve with Mayor Marshall, and that she learned quite a bit from him on how to be of service to her community; that together all of the Council members that she had served with had done incredibly effective work for the Town. She commented on how the future Council would have 3 women and 2 men. Councilor Cook thanked Yolanda Holguin, Secretary to the Executive Department and Acting Town Clerk, and Ann Mackie, Town Clerk, for their work. Councilor Ray commented on an upcoming bike run for the Blues Festival. Councilor Morones said it had been an absolute pleasure working with Councilor Cook and that she had been a great voice for her constituents. He said she had asked many important questions during their debates and had done a wonderful job for the Town, and he appreciated working with her. He said it had been a great honor working with Mayor Marshall and that he would consider it a success if he could

conduct and operate that position half as well. Mayor Marshall said he would hold his comments until the end of the agenda.

**5. CHANGES TO THE AGENDA – None.**

**6. APPROVAL OF THE MINUTES – Regular Meeting on February 11, 2014** - Councilor Bettison moved to approve the minutes of the Regular Meeting of February 11, 2014 as presented. Councilor Morones seconded. Mayor Marshall stated there was a motion and a second to approve the minutes of the Regular Meeting of February 11, 2014. 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.

**7. REPORTS -**

**A. Staff Reports.** Assistant Fire Chief Tim Heidrich reported that the Fire Department had been working on the burn permit issue because it had been getting hotter and drier, and that with the 2 fires that happened in the Gila near Reserve and Bear Mountain over the past weekend that the status was elevated from moderate to high. He said effective immediately the Fire Department would cancel all burn permits.

**8. PUBLIC HEARINGS - None.**

**9. UNFINISHED BUSINESS - None.**

**10. NEW BUSINESS –**

**A. Approval / Disapproval of Special Dispenser Permit Application for the Hunting Heritage Banquet on March 29, 2014, from 5:30 pm to 10:00 pm, at the Grant County Veterans Memorial Business and Conference Center, 3031 Hwy. 180 E., Silver City, NM. Sponsored by the Gila Gobblers. Liquor License Holder: Buffalo Bar LLC, Liquor License #0361, 211 N. Bullard, Silver City, NM.** Don Fell, President of the Gila Gobblers Chapter of the National Wild Turkey Federation in Silver City, requested permission to use the services of the Buffalo Bar and their liquor license to serve alcohol for their 11th annual Hunting Heritage Banquet on March 29th at the Grant County Conference Center in Silver City. He said they were a 501C3 non-profit organization and he described the banquet activities and how funds would be raised for their organization to do work projects. There was further discussion about how there would be games of chance at the banquet but the alcohol would be served in another area; that the alcohol would be served in the common break room area and the patio area; how their floor plan map needed to be corrected to state where the alcohol would be permitted and not permitted; and how the only place to allow alcohol was the common break room and patio with the Buffalo Bar and security at the 2 entrances. Mayor Marshall said that for the record the permit was for alcohol service in the common break room area and the patio area as marked on the map, but it would be helpful if they would provide a map that was only colored in the area that they wanted to serve alcohol in. He said he would entertain a motion. Councilor Ray moved to approve the Special Dispenser Permit Application and he read the agenda item description, and added that the alcohol would be served in the common break room and the patio. Councilor Morones seconded. There was no further discussion. Mayor Marshall said there was a motion and a second to approve the Special Dispenser Permit Application for the Hunting Heritage Banquet on March 29, 2014, from 5:30 pm to 10:00 pm, at the Grant County Veterans Memorial Business and Conference Center, 3031 Hwy. 180 E., Silver City, NM. Sponsored by the Gila Gobblers. Liquor License Holder: Buffalo Bar LLC, Liquor License #0361, 211 N. Bullard, Silver City, NM with the understanding that it would be in the common break room and patio only. 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.

**B. Approval / Disapproval of Resolution No. 2014-08: supporting an application for the New Mexico Department of Transportation Municipal Arterial Program (MAP) Funding for Phase II of the street and drainage improvements on College Avenue.** Peter Pena, Public Works Director, stated the Resolution was to support an application for MAP funding from the New Mexico Department of Transportation to do the second phase on College Avenue from Cooper Street west to B Street. He said it would include new paving, sidewalks, curb and gutter, drainage, signage, and striping. Mayor Marshall asked if anybody from the audience wanted to comment, and nobody commented. Councilor Cook moved to approve Resolution No. 2014-08 and she read the agenda item description.

Councilor Bettison seconded. Councilor Morones asked if there would be matching funds. Mr. Pena said the match from the Town would be 25 percent or approximately \$125,000, and the total construction cost would be approximately \$500,000. Manager Brown said the matching funds would be included in the next year's budget. Mayor Marshall said there was a motion and a second to approve Resolution No. 2014-08: supporting an application for the New Mexico Department of Transportation Municipal Arterial Program (MAP) Funding for Phase II of the street and drainage improvements on College Avenue. 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.

**C. Approval / Disapproval of Resolution No. 2014-09: a Resolution for the intent to use appropriate and available Town resources to improve prevention and response to wildland fire risk.** Mayor Marshall reviewed the details of the Resolution and said in the past years the risk to wildfire and exposure to wildfire had increased in the area, and Southwest New Mexico or Climate Division 4 was predicted to be hotter and drier through the year 2050 and beyond with increasing risk of wildfire. He said the Town had an obligation to protect the public's health, safety, and welfare, and the Town had adopted and referenced the need for improving their wildfire prevention and preparedness in the past. He commented further on the Resolution which stated available and appropriate private and public resources needed to be utilized to implement strategies, policies and procedures to improve prevention and response capabilities of the Fire Department and residents. He said Assistant Fire Chief Heidrich would talk about the Community Wildfire Protection Plan that was being developed; that they all saw the effects of the Quail Ridge Fire a couple of years ago; and that they had been in many meetings where the Forest Service spoke about how fire behavior was off the charts and had never been documented before. He said that it was in a critical phase where the Town as a whole, and the residents of the area surrounding the Town and in Grant County, must take action by putting in defensible space around their homes, by not doing things that would increase the risk of starting a wildfire, and by taking all possible mitigation measures. He asked that the Town take a proactive step in assessing to make sure the Fire Department had the capacity to respond to wildfires and appropriately manage them and have the equipment to do so. He encouraged the public to attend the Preparedness Symposium in March. Assistant Fire Chief Heidrich talked about the Community Wildfire Protection Plan that they had been working on and that the core team involved the Town of Silver City, Grant County, Nick Sussillo, the Forest Service, the State Forestry, and the Bureau of Land Management. He said they were looking at 14 areas of concern around Silver City and that a lot of the fires were grassfires and wind driven. He said they decided to really focus on the Wind Canyon area as a starting point because of several issues. He said the Town and the County needed to work hand in hand with regard to their Community Wildfire Protection Plans. Other comments were received from Nick Sussillo, Kathy Anderson, and Cissy McAndrew. Mayor Marshall said he would entertain a motion. Councilor Bettison moved to approve Resolution No. 2014-09 and she read the agenda item description. Councilor Morones seconded. There was no further discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2014-09: a Resolution for the intent to use appropriate and available Town resources to improve prevention and response to wildland fire risk. 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.

**D. Approval / Disapproval of Resolution No. 2014-10: supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund for the Phase II street and drainage improvements on Silver Street.** Peter Pena, Public Works Director, stated the Resolution was to support an application for funding through the Colonias Infrastructure Fund through the New Mexico Finance Authority. He said it was for street and drainage improvements on Silver Street from Pine Street south to Lamb Street, and the project would cost approximately \$500,000. He said the project did have a match, but the Town already had the matching funds because the money used for the design, that was 75 percent complete, could be used toward the matching funds. He said the project would consist of new paving, reconstruction and construction of sidewalks, curb and gutter, striping, and signage. Mayor Marshall asked if there were any comments from the audience, and there were none. Councilor Morones moved to approve Resolution No. 2014-10 and he read the agenda item description. Councilor Ray seconded. There was no further discussion. Mayor Marshall said there was a motion and a second and no discussion to approve Resolution No. 2014-10: supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund for the Phase II street and drainage improvements on Silver Street. 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. 2014-11: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for Wastewater Treatment Plant improvements.** Robert Esqueda, Utilities Director, said the Resolution would support the second application to the Colonias Infrastructure Fund for the Wastewater Treatment Plant improvements to purchase and install a belt filter press, and he described the project. Mayor Marshall asked if there were comments from the audience, and there were none. He said he would entertain a motion. Councilor Ray moved to approve Resolution No. 2014-11 and he read the agenda item description. Councilor Morones seconded. Mayor Marshall asked if there was any other discussion and Councilor Morones asked if it would work within the budget and current rate structures. Manager Brown said yes, and that the ordinance that set the water and sewer rates had to be done every year with the budget. He said they would get a decision from the New Mexico Finance Authority on whether they would get the funding before they adopted next year's budget, and if necessary they could do any budget adjustments. Mr. Esqueda said the purchase and installation of the belt filter press would cost approximately \$400,000 so the Town's match would be approximately \$40,000. There was further discussion. Mayor Marshall said there was a motion and a second to approve Resolution No. 2014-11: supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for Wastewater Treatment Plant improvements. 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.

**F. Appointment to Museum Board.** Mayor Marshall said they had an application from Marguerite Flanagan, and her application had been reviewed by the Chair of the Museum Board and Councilor Morones. He said they all concurred that she was qualified, that she had a great interest in the Museum, and that she was an appropriate applicant. He said if there was no objection from the Council that he would like to appoint her to the Museum Board. There was no objection.

**11. CEREMONY - The Town Manager to honor Mayor Marshall and Councilor Cook for their years of service with a reception following the adjournment.** Mayor Marshall commented on what had guided his career and his life that included The Four Agreements and a special quote by Albert Einstein that he attributed to his Dad. He commented on how he was asked to run for the Mayor position in 2005 and that his campaign slogan was, "Moving Forward," because the Town was not broken, but there were challenges ahead. He said he took office on April 1, 2006 and then learned he was the Chief Executive Officer of the Town. He said that he decided that he was not going to worry about re-election, but would do the job that he was elected to do. He commented on transparency and said they went above and beyond with the open meetings requirements, and that it was important to him to require that all of the advisory boards publish their meetings. He said it was important that the public trusted them, especially since the trust in government was so low, and that having transparency in the Town made all of their jobs much easier, and also made for a more informed and trustworthy citizenry. He said the Council came to the meetings with an open mind and did not make their decisions in advance, and listened to the public. He said they allowed a lot of public input in their meetings and that it was absolutely not required by law or by any regulation, but it was important that the Council let people feel like they had been heard. He said he had the honor and the pleasure of serving with the following Council members: Judy Ward, Steve May, Simon Wheaton-Smith, Gary Clauss, Michael Morones, Cynthia Bettison, Jamie Thomson, Polly Cook, Thomas Nupp, and Jose Ray. He reviewed some of the things that were accomplished by the Council while he was Mayor; listed things that still needed to be worked on; and commented on lessons that were learned. He expressed his appreciation for the work done by the staff and how he would not have run for 4 terms had it not been for them. He gave special appreciation to his Dad in the audience and for how he was raised. He also thanked his Mom for being responsible for how he turned out, and he pointed out other members of his family that were present. He said his wife, Mary, had been his biggest supporter and regulator, as well as his children, grandchildren, Mom, Dad, and his brother, and he shared some personal stories. He said the members of the Council were diverse and were a great group to serve with. He talked about each of the Councilors' attributes and his service with Councilor Ray; Councilor Morones; Councilor Bettison; and Councilor Cook. He concluded by thanking the citizens, and said it had been an honor and a privilege, and that he had been humbled to be selected to be their Mayor.

On behalf of the Town, Manager Brown presented Councilor Cook with a plaque in appreciation for her 2 years of service, and he said that he really appreciated everything that she had done. He presented Mayor Marshall with a plaque in appreciation for his 8 years of distinguished service and respected leadership of the Town. He said they were

really going to miss him, his quick wit, and his service, and that they really appreciated him. Manager Brown also presented Mayor Marshall with an engraved gavel set. He invited the public to speak, and many members of the audience and staff spoke about Mayor Marshall and Councilor Cook, and expressed their appreciation for their service.

**12. ADJOURNMENT** – Mayor Marshall asked for a motion to adjourn. Councilor Cook moved to adjourn at 8:10 p.m., and Councilor Morones 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. He invited the public to join them for the reception.

/s/

---

Michael S. Morones, Mayor

Attest:

/s/

---

Ann L. Mackie, Town Clerk