

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy 180, Silver City, NM**  
**May 27, 2014, 6:00 p.m.**

**Present:**

Michael Shawn Morones, Mayor  
Cynthia Ann Bettison, District 1  
Lynda D. Aiman-Smith, District 2  
Jose A. Ray, Jr., District 3  
Guadalupe "Lupe" Cano, District 4

**Also Present:**

Alex C. Brown, Town Manager-Finance Director  
Robert L. Scavron, Town Attorney  
Ann Mackie, Town Clerk  
Tim Heidrick, Acting Fire Chief

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:00 p.m. He asked that everyone remain standing for moment of silence in remembrance of 3 Aldo Leopold Charter School students, Ella Kirk, Ella Myers, and Michael Mahl. He directed the Town staff to fly the flags at half mast on Friday, May 30, 2014.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – None.

**4. PUBLIC INPUT** – Peter Burrows commented on his previous public input at a recent Council meeting regarding voter identification and an Albuquerque ordinance; how the City of Albuquerque had a home charter and the Town of Silver City had a territorial charter; examples of voter fraud across the nation; and how the local voter registrations had not been purged for 8 years. William Joseph commented on the Town's "grandfathered in" clause and talked about a trailer park near his neighborhood on Montana Street that was "grandfathered in" and did not have to follow the standards of trailer parks. He asked the Council and Manager to walk through the trailer park to see what they experienced at different times of the day, and requested a meeting to discuss it and a written response to him if they found it to be okay. He also asked the Police Department to bring records to the meeting that detailed how many times they had to go to the trailer park and the reasons why. Faye McCalmont, Executive Director of the Mimbres Region Arts Council, said the recent Blues Festival was the most successful festival to date, and she thanked the Town, the Council, and the Parks Department for the great job that they did. She said W & N Enterprises handled the crowd easily and she thanked Councilor Ray for the Blues Bike Run and said it was a successful addition to the event. She said they heard great feedback from visitors from out of town and how they said everyone was friendly and welcoming. She said they were getting ready for the 20th Anniversary of the Blues Festival in 2015.

**5. COUNCIL COMMENTS** – The Council commented on the following: thanks were given to Mimbres Region Arts Council, the Town, and the staff for all the work they did to make the Blues Festival a wonderful event; the positive comments from visitors about how friendly Silver City was; congratulations to Councilor Ray for the wonderful Blues Bike Run; residents in District 2 were warned that Code Enforcement would be coming around to check on big dry grass, bushes, and weeds that should be cut down; how people could make donations at Western Bank for the families of the 3 teenagers that passed away; an upcoming forum regarding the Silver Consolidated School District; a Silver City Museum event on the Gila National Forest; and some of the Memorial weekend events and a reminder of what Memorial Day was really about.

**6. CHANGES TO THE AGENDA** – None.

**7. APPROVAL OF THE MINUTES – Regular Meeting on May 13, 2014** - Councilor Bettison moved to approve the minutes of the Regular Meeting of May 13, 2014. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second to approve the minutes of the Regular Meeting of May 13, 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.

## **8. REPORTS –**

**A. Acting Fire Chief Heidrick's report on fire restrictions due to severe or extreme drought.** The Acting Fire Chief, Tim Heidrick, reported on a Wildfire Protection Plan that they were working on with the Wind Canyon community. He also said they were experiencing critical fire weather because the area was still in a severe drought and he reviewed the 6 local fire restrictions. There was further discussion with the Mayor and Council.

**B. Library report.** Eileen Sullivan, Library Director, reported that the Library's goals were to provide technology rich spaces; to provide opportunities for community participation and engagement; to provide information and experiences; and to support collaboration and creativity within the community. She described each in detail. She said they were one of the recipients of funding from Freeport McMoRan Foundation Community Investment Fund and that it would allow them to purchase 15 computers, and she described how the computers would benefit the community. She commented that they had been short staffed by 2 full time employees since August 2013 and commended the Library staff for working extremely hard and for going above and beyond their normal duties. She said in order to accomplish their goals it was essential to have full staffing. She said it was her strong belief that by investing in the Library and investing in the programs that they provide that they would continue to be an entity that helped with literacy in the community which was important in the long term for the work force and for economic development. She said with the additional initiatives with technological training and digital literacy training they were making a strong impact on the quality of the work force and for the ability for people to continue to learn and develop skills, etc. She said they would love to have additional volunteers, especially those that have some technology skills.

**C. Staff reports.** Manager Brown thanked all of the Town staff and said the Public Works Department, Street Division, Parks Division, Police Department, Fire Department and the Library were all short staffed, and for them to be able to put on the Blues Festival event, as well as the quality of services that the Library had been able to provide. He said it showed what kind of individuals were working for the Town of Silver City.

**9. PUBLIC HEARINGS - None.**

**10. UNFINISHED BUSINESS - None.**

## **11. NEW BUSINESS –**

**A. Approval / Disapproval of Resolution No. 2014-16: authorizing the execution and delivery of a taxable Loan Agreement and Intercept Agreement by and between the Town of Silver City, NM (the "Governmental Unit") and the NM Finance Authority (the "Finance Authority"), in the principal amount of \$362,332 for the purpose of financing the costs of rehabilitating the Silco Theater within the Governmental Unit.** Manager Brown said Silver City MainStreet and the Town were working to renovate and reopen the Silco Theater as a movie theater and as an anchor facility for downtown. He said MainStreet was having problems raising the additional funds to do the final renovation so they could open. He said with the help of the State's Economic Development Department and NM Finance Authority (NMFA) they have been able to refinance the original loan with NMFA that was for \$200,000. He said it was bringing in an additional \$362,000 which MainStreet needed to complete the renovation. He described how MainStreet had been bringing in additional funds. He said the loan would extend the time frame of repayment so the actual annual debt service would remain the same. He said the State would intercept the money from the Town's gross receipts tax check, but MainStreet had been diligent in paying their lease payments on time. He stated the Town had not used its own funds for the repayment of the loan. He told the Council that they were given a draft of the long term lease agreement and that they would make sure that the lease payments would equal any debt service at least so no funds would come out of the Town's pocket. He said the only expenses by the Town had been from manpower hours to work on the loan, etc. There was further discussion about the loan agreement and the lease agreement between the Town and Silver City MainStreet and how they wanted to get a long term lease agreement in place before the loan agreement closed. Lucy Whitmarsh, President of the Silver City MainStreet Board, addressed the Town Council and said they were committed to the project and were willing to sign the long term lease.

Councilor Ray moved to approve Resolution No. 2014-16: authorizing the execution and delivery of a Taxable Loan Agreement and Intercept Agreement by and between the Town of Silver City, NM (The "Governmental Unit") and the NM Finance Authority (the "Finance Authority"), in the principal amount of \$359,158 for the purpose of financing the

costs of rehabilitating the Silco Theater within the Governmental Unit, funding a Loan Agreement Reserve Account and paying a loan processing fee, and evidencing the special limited obligation of the Governmental Unit to repay the principal amount of \$359,158, together with interest thereon; providing for the payment of the principal and interest due under the Taxable Loan Agreement solely from the one-eighth of one percent Municipal Infrastructure Gross Receipts Tax imposed pursuant to Ordinance No. 855 and Section 7-19D-11, NMSA 1978, and distributed to the Governmental Unit by the State Taxation and Revenue Department; providing for the distribution of Municipal Infrastructure Gross Receipts Tax to be redirected by the State Taxation and Revenue Department to the Finance Authority or its assigns for the payment of principal and interest due on the Taxable Loan Agreement pursuant to an Intercept Agreement; ratifying actions heretofore taken; repealing all action inconsistent with this Resolution; and authorizing the taking of other actions in connection with the execution and delivery of the Taxable Loan Agreement and Intercept Agreement. Councilor Bettison seconded. Mayor Morones said there was a motion and a second as read into the record. He asked if there was further discussion, and there was none. He asked for a roll call vote and Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

**B. Approval / Disapproval of Resolution No. 2014-18: a Resolution adjusting property tax rates within the Town.** Manager Brown said that during the budget process he was proposing to implement a Street Maintenance Fund with diverse revenue sources to supply the funding for it. He said currently street maintenance was only funded by gas taxes, and he was proposing to use gas tax, some gross receipts taxes, and some property taxes. He said the .6 mils for property taxes was already in place and the taxpayers were already paying it. He said the proceeds went to paying the 1994 General Obligation Bonds, and the final payment would be this fiscal year. He said the .6 mils of property tax would either go away or it could be kept imposed and dedicated and reallocated to the Street Maintenance Fund. There was further discussion about how it was critical in order to be able to maintain the streets; how it was critical to diversify the revenue streams; the General Obligation Bond process and its effect on property taxes; how the gas taxes were depleting so it was a struggle to meet their obligations to maintain the roads; and the enormous expense of road construction. Councilor Bettison moved to approve Resolution No. 2014-18: a Resolution adjusting property tax rates within the Town. Councilor Cano seconded. Mayor Morones said there was a motion and a second for the approval of Resolution No. 2014-18: a Resolution adjusting property tax rates within the Town. He asked if there was further discussion and there was none. He asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

Councilor Bettison moved for short break at 7:07 p.m. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for recess. 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. Mayor Morones called the meeting back to order at 7:20 p.m.

**C. Approval / Disapproval of Resolution No. 2014-19: a Resolution adjusting water and sanitary sewer rates.** Manager Brown said it was required to bring the rates to the Town Council every year to be adopted with the budget, and that the rates should be in line with what was required to fulfill the needs of the adopted budget. He recommended an In Town access fee of \$10.25 and to bill for every 1,000 gallons from 0 to 10,000 gallons as recommended by the Water Conservation Plan. He said the rate would be \$3.74 per 1,000 gallons, and it would be \$4.51 for everything over 10,000 gallons. He said the Out of Town rates would have an access fee of \$18.02 and \$6.20 for the first 10,000 gallons and \$7.28 for over 10,000 gallons, and the sewer and waste water rates would remain the same as the previous year. There was further discussion about possibly increasing the deposit amount from \$100 to \$200 and the reasons why; the reasons why the water rates were being increased; how the new rates were still a lot lower than many other municipalities; how reserves were not built into the Enterprise Funds; how the Town's reserves were the available taxing authority; and a comparison of the cost of a gallon of bottled water versus the cost of a gallon of city water. Councilor Aiman-Smith moved to approve Resolution No. 2014-19: a Resolution adjusting water and sanitary sewer rates. Councilor Bettison seconded. Mayor Morones said there was a motion and a second to approve Resolution No. 2014-19: a Resolution adjusting water and sanitary sewer rates. He asked if there was further discussion, and there was none. He asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

**D. Approval / Disapproval of Notice of Intent Ordinance No. 1231: an Ordinance amending Chapter 40 (Solid Waste), Article II (Litter Control) of the Town of Silver City Municipal Code, by adding a new Section 40-27 (Reduction of Single-Use Plastic Carryout Bags).** Councilor Bettison said Notice of Intent Ordinance No. 1231 was drafted by the Recycling Advisory Committee and Dr. Terry Timme, Chair, and that they did an excellent job of researching the reduction of plastic bags throughout the country and locally in New Mexico. She said visitors comment on the large number of plastic bags in the bushes and how reducing the use of plastic carry out bags by grocers would make living conditions in town nicer. She said anything they could do to make their environment more aesthetically pleasing for themselves, for the children, and for visitors would be a positive thing. She said Dr. Timme talked with the large establishments like grocers in the area to see if they were amenable and they were, and that if the ordinance was approved it would not be effective until 6 months after its adoption so establishments would have sufficient time to turnover their complete stock of plastic bags and to generate other types of bags that would be acceptable. Dr. Timme showed the type of plastic bags that they wanted to eliminate the use of and other types of bags that would be acceptable. There was further discussion about the types of bags; how the thin plastic bags created problems in the recycling equipment; how they needed to consider the poor, elderly and disabled; how the plastic bags were a major litter problem; how the Southwest Solid Waste Authority was in the process of repermitting the landfill and controlling litter was part of that process; how the costs for litter control were passed to the consumer and the plastic bags were the problem; how the Town could purchase cloth bags and distribute them in order to promote it; and how the fee for non-compliance was in line with what they could charge as a municipal government, etc. Councilor Bettison moved to approve Notice of Intent Ordinance No. 1231 and she read the title paragraph of the Ordinance. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second to approve Notice of Intent Ordinance No. 1231: an Ordinance amending Chapter 40 (Solid Waste), Article II (Litter Control) of the Town of Silver City Municipal Code, by adding a new Section 40-27 (Reduction of Single-Use Plastic Carryout Bags). He asked if there was any further discussion, and there was none. 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.

**E. Approval / Disapproval of Preliminary Budget for Fiscal Year 2014-2015.** Manager Brown said the preliminary budget was the same budget that was presented to them at the last Council meeting, but he filled in the Special Revenue, Capital Funds, and Trust and Agency pages. He said in the General Fund he moved some of the Executive salaries and operations out to the Enterprise Funds in order to get to the 1/12th reserve. He commented on the Municipal Court's budget and how he put funding in for the Alternate Judge and that Judge Ruiz signed off on it. Councilor Bettison asked if the upcoming Infrastructure Capital Improvement Plan (ICIP) would be adjusted to increase the Municipal Court's security. Manager Brown confirmed that the project was added to the ICIP, and that he would have the Police Chief and Facility Maintenance work with the Court on their security issues. Councilor Bettison moved to approve the Preliminary Budget for Fiscal Year 2014-2015. Councilor Cano seconded. Mayor Morones said there was a motion and a second to approve the Preliminary Budget for Fiscal Year 2014-15. 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.

**F. Appointment to Recycling Advisory Committee.** Mayor Morones said they had 1 application from David Krisch, and that he was highly recommended by Dr. Terry Timme and also had great references from the Library Board. He said he would like to appoint Mr. Krisch, and asked if there was any objection. There was no objection from the Council.

**G. Discuss and vote on whether to change the Town Council meeting scheduled for June 10, 2014 at 6:00 p.m. to June 9, 2014 at 6:00 p.m.** Councilor Bettison moved to change the Town Council meeting scheduled for June 10, 2014 at 6:00 p.m. in the chambers to June 9, 2014 at 6:00 p.m. in the chambers. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second and said the reason for the meeting date change was to allow 2 Councilors to attend a New Mexico Municipal League training that began at 8:00 a.m. on June 11th. He said there was a motion and a second to change the Town Council meeting scheduled for June 10, 2014 at 6:00 p.m. in that building to June 9, 2014 at 6:00 p.m. in that building. 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.

**H. Discuss and vote on whether to change the Town Council meeting scheduled for June 24, 2014 at 6:00 p.m. to June 17, 2014 at 6:00 p.m.** Mayor Morones said 2 Councilors would be absent during the week of June 24th so they

were looking to move the meeting date in order to have a quorum. Councilor Bettison moved to change the Town Council meeting scheduled for June 24, 2014 at 6:00 p.m. in the chambers to June 17, 2014 at 6:00 p.m. in the chambers. Councilor Cano seconded. Mayor Morones said there was a motion and a second and he repeated the motion. He asked if there was any discussion. Councilor Aiman-Smith said she would be in the Mountains of Jemez on June 17th without cell phone service so all of the important business would be up to them. Mayor Morones said they would have 3 Councilors and a Mayor and that he could only vote in the case of a tie, but it would not happen with 3 Councilors. 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.

**12. ADJOURNMENT** – Mayor Morones asked for a motion to adjourn. Councilor Bettison moved to adjourn at 8:10 p.m. Councilor Aiman-Smith seconded. Mayor Morones 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/

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Michael S. Morones, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk