

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy 180, Silver City, NM  
December 9, 2014, 6:00 p.m.**

**Present:**

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

**Also Present:**

Alex C. Brown, Town Manager-Finance Director  
Ann L. Mackie, Town Clerk  
Jeff Fell, Assistant Fire Chief  
James Marshall, Assistant Town Manager  
Peter Pena, Public Works Director

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Morones called the meeting to order at 6:01 p.m.
- 2. CEREMONIES** – None.
- 3. PROCLAMATIONS** – None.
- 4. PUBLIC INPUT** – Nicholas Prince thanked the Council and the Town departments and said governing was not a task that was easily fulfilled, and that he respected all of the individuals that committed themselves to the governing process. He also stated he ran a business downtown and with recent events of vandalism downtown he said he would like to know the names of the people in the Police Department. He requested a deeper community engagement with the municipal police force. James Baldwin complimented the Town for repairing the potholes on Alabama Street. He also expressed his concerns about the ban of plastic sacks and said they did not consume any living organism for their production, and their production was minimal compared to what was required for the paper sacks or "green" bags that were made in China which had no pollution controls, etc. He commented that it costs the retailer 1.2 cents each for the plastic sack and a lot of 1,000 plastic sacks weighed between 5 and 6 pounds, and that the cost to the retailer for the handled paper sacks were 8.3 cents each and a lot of 1,000 would weigh between 30-35 lbs, etc.
- 5. COUNCIL COMMENTS** – The Council commented on the following: Manager Brown was thanked for his excellent presentation during the Prospector's Community Legislative Forum about the needs of Silver City in terms of capital outlay and issues with hold harmless being removed, etc.; how non-profit organizations should begin their discussions with their fiscal agents to get on the 2016 Infrastructure Capital Improvement Plan, etc.; people were encouraged not to drink and drive; gratitude for the Southwest New Mexico Council of Governments and the work they did; how drivers should slow down and keep pedestrians and bicyclists safer because a number of streets in Silver City were 15 miles per hour; how something needed to be done to stop people from walking in the bicycle lanes; how citizens expressed to Councilor Cano that they were thankful to the Water Department for reacting quickly and professionally to several issues; congratulations to Harmony Phillips who was named the Town's Employee of the Year for 2014, and congratulations to all of the Employees of the Month that were up for that award; how there would not be a second Council Meeting in December; and Mayor Morones wished everybody a Merry Christmas and that he hoped they had a great holiday season.
- 6. CHANGES TO THE AGENDA** – None.
- 7. APPROVAL OF THE MINUTES – Regular Meeting on November 17, 2014** - Councilor Bettison moved to approve the minutes of the Regular Town Council Meeting of November 17, 2014. Councilor Aiman-Smith seconded. Mayor Morones stated there was a motion and a second for approval of the minutes for the Regular Meeting of November 17, 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 said aye. He asked if any were opposed, and there were none. Motion carried.

## **8. REPORTS –**

**A. Silver City Deer Management actions - Ray Aaltonen, New Mexico Game and Fish Department.** Captain Ray Aaltonen, the Southwest Area Supervisor of New Mexico Game and Fish Department out of Las Cruces, said the last time he was there to provide an update was September 24, 2013 and there had been some action taken on the deer management efforts since then. He said the first public meeting regarding their deer management efforts was in 2009 in Silver City and there was concern about the population of deer in and around Silver City. He said a 3 pronged action plan was developed and put into place in 2012 which included trapping and transplanting, archery hunting for does, and having their officers shoot and sell deer on private property when requested to do so by the property owner(s). He listed the following accomplishments: last year ending in 2014 they trapped 75 deer and moved them; they had a minimum of 36 deer harvested on the archery hunt outside the Town limits with permission of the private property owners; and 314 deer had been removed by all 3 techniques since 2012. He said they would be back in late February to trap again and also to do a doe hunt in the special hunt area for hunters that were unsuccessful in the past. He said a graduate student with New Mexico State University was doing a study to look at the effectiveness of their trapping, transplanting, and releases. He said their goal for the year was to trap 50 deer and transplant them to the Caballo Mountains. He said the goal was not to eliminate the deer, but to reduce them so there was not such a contentious issue with some portion of the public. There was further discussion.

**B. Staff reports.** 1) Manager Brown said the Town had applied for recharge credits out at the airport where the well fields already had 193 acre feet, and that the Town was granted 747 acre feet so now they owned 941 acre feet of water there that would be used for the regional water project. 2) Jeff Fell, Assistant Fire Chief, reported that Fire Marshal Milo Lambert was recently awarded the Fire Officer of the Year for the entire State of New Mexico for 2014. He said they were very proud of him for that accomplishment. He also said he distributed to the Council a 3 page summary of the Community Wildfire Protection Plan that they had been developing for over a year. He said it was a work in progress and the ultimate goal was to reduce the wildfire vulnerability for the Town of Silver City and the extraterritorial jurisdiction. He provided some details of the plan and said they were educating the public by having community meetings, and that in the future they would make presentations to the Council and to the County Commission. There was further discussion with the Council. 3) Clerk Mackie provided information on the upcoming municipal election and on the openings in various Town boards and committees. 4) James Marshall, Assistant Town Manager, said he represented the Town in various partnerships in the community and that he had been working with Gary Stailey who had a contract to work with children assigned with community service for various infractions against the community. He said part of Mr. Stailey's objective was that the children would leave community service with a skill. He described the various community service work that the children did and how it was truly remarkable to see how the children took pride in their work; how they were learning values, skills, and team building; and how most groups they had worked with wanted them back.

## **9. PUBLIC HEARINGS - None.**

## **10. UNFINISHED BUSINESS –**

**A. Approval / Disapproval of Ordinance No. 1235: an Ordinance granting a franchise for cable services to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, amending Appendix A, Article IV of the Town of Silver City Municipal Code.** Manager Brown said it was the exact same document that was brought to them as a Notice of Intent Ordinance and that it would enact a new franchise agreement. He said Bayard and the County would adopt very similar agreements. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Bettison moved to approve Ordinance No. 1235: an Ordinance granting a franchise for cable services to Comcast of Colorado/Florida/Michigan/New Mexico/Pennsylvania/Washington, LLC, amending Appendix A, Article IV of the Town of Silver City Municipal Code. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for the approval of Ordinance No. 1235 and he repeated the motion. 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.

## 11. NEW BUSINESS –

**A. Discussion and action on recommendation of Library Board reference the Fred S. Norton Estate.** Manager Brown said that at the last Library Board meeting representatives of the estate of Mr. Norton were there to inform the Board that Mr. Norton had left a substantial amount of funds to the Silver City Library, and the first allocation was approximately \$400,000. He said there would be a second allocation once the estate was closed, but that amount was not known. He said during the Library Board meeting they discussed whether the Town wanted the funds to go to the Town to hold or to go to the Library Foundation which was set up for the exact purpose of accepting bequests, etc. He said the benefit of it going to the bequest was that it could be used for other things that the Town could not do as a government entity, and that the Town was restricted because of procurement and anti-donation, etc. He explained further and said the Board took a vote and their recommendation to the Town Council was that the funds be put into the Foundation. He said the Library Foundation was not very active and currently only had a small amount of funds that was mostly used for summer programs, however, the Museum Society was very active and had a very good model of how a Foundation or Society benefited the Library or Museum. He said his recommendation was that if the Town Council decided to go ahead and agree to have the money go to the Library Foundation, that it go with a few stipulations that the Library Foundation model itself after the Museum Society which was a proven positive and a very beneficial partner with the Museum and the Town of Silver City. There was further discussion about whether the Library Foundation and Museum Society could work together; how perhaps the Library Foundation should update their bylaws and model them after the Museum Society; how it was important that the Library Foundation had expertise in investment and to make sure the money would not be spent right away; and how 2 separate Foundations were necessary so they were both equal in the eyes of the Internal Revenue Service as 501c3 organizations and that they each had different purposes, goals, and objectives. Mayor Morones said he would be inclined to have it go to the Library Foundation because there was a lot more flexibility and it would be much easier for them to use the funds in an appropriate manner and not have to go through the Procurement Code and Anti-Donation laws that the Town was encumbered by. Manager Brown said he would take that direction and would come back to the Council before a disbursement to the Foundation was made so the Council could be comfortable with it.

**B. Approval / Disapproval of Resolution No. 2014-32: a Resolution authorizing a loan agreement with the State of New Mexico for benefit of the Town's Wastewater Treatment Plant.** Manager Brown said it was one of the Colonias grant loans for the benefit of the Wastewater Treatment Plant for a belt filter press. He said the total amount of the loan was \$59,191 disbursed over 10 years, and the grant amount was \$532,714. He said the Resolution would authorize the Town to enter into a loan and a grant agreement. There was further discussion. Councilor Bettison moved to approve Resolution No. 2014-32: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Loan/Grant Agreement by and among the New Mexico Colonias Infrastructure Board ("CIB") and the New Mexico Finance Authority ("Finance Authority," and Collectively with the CIB, the "Lenders/Grantors") and the Town of Silver City (the "Borrower/Grantee"), for the benefit of the Borrower/Grantee and the communities of Rosedale and Tyrone, in the total amount of \$591,905, evidencing an obligation of the Borrower/Grantee to utilize the Loan/Grant amount solely for the purpose of financing the costs of design and construction of wastewater facility enhancements to allow the Wastewater Treatment Plant owned and operated by the Borrower/Grantee to accept regional wastewater from haulers and provide additional capacity for growth to include construction of a belt filter press to increase sludge dewatering capacity and additional sludge drying beds, and solely in the manner described in the Loan/Grant Agreement; providing for acceptance of a grant amount of \$532,714 and payment of the loan amount of \$59,191 solely from the net system revenues of the joint water and wastewater system of the Borrower/Grantee; certifying that the Loan/Grant amount, together with other funds available to the Borrower/Grantee, is sufficient to complete the project; approving the form of and other details concerning the Loan/Grant 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 Loan/Grant Agreement. Councilor Aiman-Smith 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. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

Councilor Bettison moved for a short recess at 7:00 p.m. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for a short 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. Mayor Morones called the meeting back to order at 7:10 p.m.

**C. Approval / Disapproval of Resolution No. 2014-33: a Resolution authorizing a loan agreement with the State of New Mexico for benefit of the Town's Phase II street and drainage improvements on Silver Street from Pine Street to South of Lamb Street.** Manager Brown said it was another Colonias grant received from the State last year, and it was for street improvements for Phase II on Silver Street for that project area. He said the grant amount was \$489,623, but rather than it being a loan/grant combination, it was a grant/match/grant combination. He said the grant match with local funds out of the Town's budget was \$97,925 for design and construction oversight, etc. and that they had been doing design for a few years so part of that would be credited towards the match. Councilor Cano moved to approve Resolution No. 2014-33: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund Grant Agreement by and among the New Mexico Colonias Infrastructure Board ("CIB") and the New Mexico Finance Authority ("Finance Authority," and collectively with the CIB, the "Lnders/Grantors") and the Town of Silver City (the "Grantee"), in the total amount of \$489,623, evidencing an obligation of the Grantee to utilize the grant amount solely for the purpose of financing the costs of constructions of Phase II street and drainage improvements on Silver Street from Pine Street to South Lamb Street, and solely in the manner described in the Grant Agreement; certifying that the grant amount together with other funds available to the Grantee, is sufficient to complete the project; approving the form of and other details concerning the Grant 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 Grant 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. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

**D. Approval / Disapproval of Resolution 2014-36: a Resolution supporting an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for street and drainage improvements.** Peter Pena, Public Works Director, said they were just approving their applications from last year and now it was time to go into the next year's fiscal funding for 2015. He said Resolution No. 2014-36 would support an application to the New Mexico Finance Authority under the Colonias Infrastructure Fund for a street and drainage improvement project in the Vistas de Plata Subdivision. He said they only had 235 feet of street constructed so far and recently they put in all of the utilities. He said now they would like to do new construction for the street improvements that would include paving; curb and gutter; sidewalks on both sides of the streets; and conduit for the lighting. He provided further details. Councilor Cano moved to approve Resolution No. 2014-36: a Resolution supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund for street and drainage improvements. Councilor Ray seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2014-36 and he repeated the motion. He asked if there was further discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

**E. Approval / Disapproval of Resolution 2014-39: a Resolution supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund for Wastewater Treatment Plant improvements.** Manager Brown said Resolution No. 2014-39 would authorize the staff to submit a grant application benefiting the Wastewater Treatment Plant for continued upgrades for the plant to update the grit chamber. He said they had been having problems with that part of the plant because it was built in 1971. He said it would be submitted as a regional project because Rosedale and Tyrone would be served as well. Councilor Bettison moved to approve Resolution 2014-39: a Resolution supporting an application to New Mexico Finance Authority under the Colonias Infrastructure Fund for Wastewater Treatment Plant improvements. Councilor Cano seconded. Mayor Morones said they had a motion and a second for approval of Resolution No. 2014-39 and he repeated the motion. 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.

**F. Approval / Disapproval of Resolution No. 2014-34: a Resolution supporting a Recreational Trails Program Application and Maintenance Commitment.** Councilor Ray said Resolution No. 2014-34 would be a starting point and that the Town would ask for a loan for \$45,000 from the Department of Transportation for signage to point where to go. Assistant Town Manager Marshall said the Town would only be paying 14.56 percent or \$6,500, and that the Arts and Cultural District had committed to assisting the Town with that amount. There was further discussion and

Councilor Ray thanked the staff at the Arts and Cultural District and Assistant Town Manager Marshall for helping him work on the Resolution. He said it was good for Silver City and good for New Mexico. He moved to approve Resolution No. 2014-34: a Resolution supporting a Recreational Trails Program Application and Maintenance Commitment. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2014-34 and he repeated the motion. He asked if there was further discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Ray voted aye; Councilor Aiman-Smith voted aye; and Councilor Bettison voted aye. Motion carried.

**G. Approval / Disapproval of Resolution 2014-35: a Resolution approving the submittal of a Re-Certification Application to the Mortgage Finance Authority for the 2014-2015 House-by-House Homeowner Rehabilitation Program.** Manager Brown said the Town had been doing housing rehabilitation since 2002 by either replacing or completely remodeling homes that were not very inhabitable for residents in Silver City and in the county. He said they had done somewhere in the range of 38 homes over the years and it would be a continuing process by doing 2 to 3 homes per year. Councilor Bettison moved to approve Resolution No. 2014-35: a Resolution approving the submittal of a Re-Certification Application to the Mortgage Finance Authority for the 2014-2015 House-by-House Homeowner Rehabilitation Program. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2014-35 and he repeated the motion. 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.

**H. Approval / Disapproval of Resolution 2014-37: a Resolution supporting the designation of the Murray Ryan Visitor Center as the Silver City Urban Trailhead.** Councilor Aiman-Smith stated a resolution could direct staff and folks to take action and could also be a public statement of their values and what was important to them. She recognized that the Town and concerned citizens had been working on the Big Ditch and the trail ways system since the 1970s, and commented on how wonderful the Murray Ryan Visitor Center was. She said the Visitor Center was a hub for people and the location was ideal for access to downtown and for visualizing a more complete and extensive trail system. She said it was the action of engaged citizens that really spurred them forward and motivated them. She said Resolution No. 2014-37 formally recognized that they valued their trail systems and they valued their downtown. She said they wanted to have the Visitor Center designated as the Silver City Urban Trailhead; to recognize it as the hub to an extensive trail system that they had been working on for some time. There was further discussion. Councilor Aiman-Smith moved to approve Resolution No. 2014-37: a Resolution supporting the designation of the Murray Ryan Visitor Center as the Silver City Urban Trailhead. Councilor Bettison seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2014-37, and he repeated the motion. 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.

**I. Approval / Disapproval of Resolution 2014-38: a Resolution authorizing and approving financial assistance and project approval for a Bicycle Master Plan.** Councilor Aiman-Smith said it was a Resolution that directed staff to submit a grant proposal for a Master Plan for bicycling. She discussed a variety of bicycle programs that people had worked on to have a bicycle and pedestrian friendly community, and that Resolution No. 2014-38 would have staff or a department try to get a grant to support a Bicycle Master Plan, and it would position the Town as a platform to get other funds. She provided examples and said having a Master Plan formally acknowledged the economic benefits of integrating these recreational and quality of life trails and other systems that the Town was really working on. She said having a Master Plan was another block in terms of having a sense of place that they were developing for tourism and for their own residents, and potentially for new residents. Manager Brown agreed with her statements and said once they were done with the Bicycle Master Plan that they planned to update the Town's Comprehensive Plan which would include all of the individual plans and put them into the big picture. There was further discussion. Mayor Morones said he would entertain a motion. Councilor Aiman-Smith moved to approve Resolution 2014-38: a Resolution authorizing and approving financial assistance and project approval for a Bicycle Master Plan. Councilor Bettison seconded. Mayor Morones said there was a motion and a second for approval of Resolution No. 2014-38, and he repeated the motion. 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.

**J. Appointment to the Planning and Zoning Commission.** Mayor Morones said they had an application from Sherry Ann Clements, the current Chair, and that she was doing a wonderful job. He said he would like to reappoint her if there were no objections. There were no objections from the Council, and Sherry Ann Clements was reappointed.

**K. Appointment to the Library Board.** Mayor Morones said they had an application from Hannah Nell Wecks, and that he spoke to staff and board members, and that they were in favor of her appointment. He said he would like to appoint her if there were no objections. There were no objections from the Council, and Hannah Nell Wecks was appointed.

**L. Discuss and vote on changing the regular Council meeting scheduled for January 27, 2015 to Wednesday, January 21, 2015 at 6:00 p.m. at the same location.** Mayor Morones said it was due to the Grant County Days at the State Legislature that a number of the Council members would like to attend. He confirmed with Clerk Mackie that the room was available. Councilor Bettison moved to change the regular Council meeting scheduled for January 27, 2015 to Wednesday, January 21, 2015 at 6:00 p.m. in the same chambers. Councilor Aiman-Smith seconded. Mayor Morones said there was a motion and a second, and he repeated the motion. 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 Aiman-Smith moved to adjourn at 7:40 p.m., and Councilor Bettison 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/

---

Michael S. Morones, Mayor

Attest:

/s/

---

Ann L. Mackie, Town Clerk