

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy. 180, Silver City, NM**  
**March 8, 2016, 6:00 p.m.**

**Present:**

Ken Ladner, 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  
Robert L. Scavron, Town Attorney

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

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** – “Girl Scout Week” – **March 6-12, 2016.** Mayor Ladner said the week of March 6-12 was “Girl Scout Week” and the Town would like to honor the Girl Scouts with a proclamation. He asked former Girl Scouts, Councilor Bettison and Councilor Cano, to help him with the presentation. Mayor Ladner read the proclamation and it was presented to Annette Toney, Membership Manager of the Girl Scouts of the Desert Southwest.

**4. PUBLIC INPUT** – Bruce Ashburn from PNM commented that the PNM Power Up Grants were ready for this year’s grant cycle and the opportunities that they would offer would support community and neighborhood revitalization projects, promote area improvements and green space development, and create meaningful public spaces. He said for the first time municipalities could apply for them, and he could provide assistance if needed.

**5. COUNCIL COMMENTS** - The Council commented on the following: complaints from people that were feeling harassed by individuals trying to obtain petition signatures; recently attended events; traffic issues downtown; how the Hudson Bridge work was done and the Silco Theater was open; how there was good data that showed savings in landfill costs as provided by the plastic bag ordinance and there was a dramatic decrease in hideous blowing bags; an emphasis on a local living economy with 3 components: shopping, buying, and being local; upcoming events; congratulations to the new Mayor and to Councilor Aiman-Smith and Councilor Cano on their reelection; and how the traffic light at 14th Street and Silver Heights Boulevard was working and thanks were given to Town staff for working on it. Mayor Ladner thanked the members of the Council for being so helpful to him since the election with lots of good suggestions and things that would help him conduct the meeting. He said he appreciated their input and help.

**6. CHANGES TO AGENDA** – None.

**7. APPROVAL OF MINUTES - Regular Meeting on February 23, 2016** - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City on February 23, 2016. Councilor Bettison seconded. Mayor Ladner asked if there was any discussion, and there was none. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**8. REPORTS -**

**A. Staff Reports.** Manager Brown introduced Gary Stailey and said the Town had been working with Mr. Stailey on community projects with the Juvenile and Probation Office, but Mr. Stailey had an Eagle Scout that did a project for the Town of Silver City. Mr. Stailey introduced Michael Good and said he was finishing up on his Eagle Scout project which was a culmination of about 8 years of diligent and focused work. Michael Good said he just completed his Eagle Scout project which consisted of fixing up 5 picnic tables at Lyons Park by the Big Ditch and he described the work

that was done on the project. There was further discussion and Mr. Good was congratulated by members of the Council and Manager Brown.

Manager Brown talked about the hunting for deer population in the town and stated it was illegal to discharge a weapon in town; that it was illegal to shoot a bow or gun at an animal. He said it was under the State's purview to allow hunting, but it was under the Town's purview as far as the discharge of a weapon and it was not allowed. He also reported a change in operation at the golf course; that Silver Fairways was able to continue to maintain the operations for the club house and restaurant for the serving of liquor and that Western New Mexico University had taken over the operation of the golf course facility. He provided further details.

**9. ORGANIZATIONAL MEETING.** Mayor Ladner said he was looking forward to working with the staff and welcomed all of them to the new administration. He said he looked forward to the continuation of the excellent work that the Council and the Town staff had done during the past years. He expressed his appreciation to Manager Brown, Attorney Scavron, Clerk Mackie, and the others in the office that had been so willing to help him get up to speed.

**A. Election of President Pro Tempore.** Mayor Ladner asked if there were any nomination for Mayor Pro Tem. Councilor Aiman-Smith moved to nominate Councilor Cynthia Ann Bettison. The Mayor stated nominations did not require a second. He asked if there were any other nominations, and there were none. He stated the nominations were closed. He asked for a vote of all those in favor of Councilor Bettison as being the Mayor Pro Tem, and all 4 Councilors said aye. Motion carried. Mayor Ladner congratulated Councilor Bettison. She thanked the Mayor and Councilors and said it would be an honor to serve as Mayor Pro Tem again.

**B. Appointments of Councilors to committee and board positions.** Mayor Ladner referred to the Boards and Commissions list in their meeting packet and stated he would like to keep the appointments the same, and he read them as follows: Councilor Cano appointed to the Cemetery Board; Councilor Ray appointed to Dispatch Board, Southwest Solid Waste, and Parks and Recreation Board; Councilor Aiman-Smith appointed to Library Board and Area Transportation Authority; Councilor Bettison appointed to Museum Board and the Southwest New Mexico Council of Governments; and Mayor Ladner appointed to Dispatch Board, Southwest Solid Waste, Grant County Water Commission, and Ex Officio to Silver City MainStreet Board. He asked if there were any objections, and there were none. He thanked all of them for being willing to serve.

**10. PUBLIC HEARINGS** - None.

**11. UNFINISHED BUSINESS** - None.

**12. NEW BUSINESS** -

**A. Approval / Disapproval of Notice of Intent Ordinance No. 1245: authorizing the issuance of the Town of Silver City, New Mexico Municipal Gross Receipts Tax Improvement Revenue Bonds, Series 2016 in an aggregate principal amount not to exceed \$800,000 for the purpose to (1) finance acquisition of equipment for the Town's solid waste system for the benefit of the Town and its residents, and (2) pay costs of issuance of the Series 2016 Bonds; providing that the Series 2016 Bonds will be payable and collectible from and secured by a pledge of 1/4th percent Municipal Gross Receipts Tax distributed to the Town pursuant to Section 7-19D-9 NMSA 1978.** Mayor Ladner said he was the sponsor of the legislation which would authorize the Town to issue Tax Improvement Revenue Bonds. He asked Manager Brown to explain the legislation, why it was needed, and what the consequences would be. Manager Brown said the Notice of Intent Ordinance was to issue debt for the purpose of purchasing 2 additional recycling vehicles, also known as sideloaders, and recycling containers for residential and commercial. He said it would be paid through the Solid Waste Fund, and they were looking at \$120,000 annually. He said the final ordinance and bond documents would be brought back to them in a month. There was further discussion and Manager Brown said the 6th increment or the 1/4 percent of the municipal gross receipts taxes would be used as collateral. Mayor Ladner said before they implemented a program that they make sure lots of information was disseminated to the community so people would know exactly what was going on and what their role was in participating in the program. Manager Brown said they were working towards that, and the only thing that would not be recycled any longer was glass; that public education was important because they wanted to push up the recycling rate so it would decrease the tipping fees and generate more cash flow. Mayor Ladner said he was the sponsor of the legislation, and he made a motion to approve Notice of Intent to Adopt Ordinance No. 1245: authorizing the issuance

of the Town of Silver City, New Mexico Municipal Gross Receipts Tax Improvement Revenue Bonds, Series 2016 in an aggregate principal amount not to exceed \$800,000 for the purpose to (1) finance acquisition of equipment for the Town's solid waste system for the benefit of the Town and its residents, and (2) pay costs of issuance of the Series 2016 Bonds; providing that the Series 2016 Bonds will be payable and collectible from and secured by a pledge of 1/4th percent Municipal Gross Receipts Tax distributed to the Town pursuant to Section 7-19D-9 NMSA 1978, as amended, and Town Ordinance No. 1232; providing for the disposition of the receipts derived from said tax proceeds; providing that certain terms of the bonds will be provided in a subsequent Resolution; prescribing other details concerning the bonds and tax proceeds, including but not limited to covenants and agreements in connection therewith and the form, terms, conditions and manner of execution of the bonds; ratifying all action previously taken in connection therewith; and repealing ordinances in conflict herewith. Councilor Bettison seconded. Mayor Ladner asked if there was any further discussion. Councilor Aiman-Smith said if the Town ordinance in the motion was 1232 or 1237. Mayor Ladner said it should have been 1237. Councilor Aiman-Smith seconded the amended motion. There was no further discussion. Mayor Ladner said there was a motion and a second for a Notice of Intent to Adopt Ordinance No. 1245 as read into the record. He asked for a vote of all those in favor, and all 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**B. Approval / Disapproval of Resolution No. 2016-11: a Resolution declaring that the execution of a water rights lease between the Town of Silver City and the Town of Hurley is in the best interests of the Town.** Mayor Ladner urged the adoption of the Resolution for several reasons. He said the first reason was that the Town of Hurley did not own any water rights; that they currently bought their water rights and would lose that lease in December 2018; and the lease presented would secure a source of water at no cost to Hurley for the next 40 years and would be subject to renewal. He said the second reason was that he believed strongly in and was committed to the regional water system for the benefit of the communities in Grant County; that Silver City was blessed with a plentiful source of water and he said he believed they had a responsibility to share some of that water with other communities in Grant County. He asked Manager Brown to describe the purpose of the lease and what was hoped to be achieved. Manager Brown said they had worked on the project for about 8 years and they were putting together a regional water system which would provide a primary source of water to Hurley because Hurley had no water rights and was currently purchasing water from the Freeport McMoRan Mine. He said the ultimate intent of the regional water system was to be a secondary or supplemental water source to Bayard, Santa Clara, and the water associations between Hurley and Tyrone. He said the Town of Silver City was granted approval for 747 acre feet of recharge credits out at the Grant County Airport at 2 well sites, and they were leasing the recharge credits or 270 acre feet which was the 40 year plan projected for the water needs for the Town of Hurley. He provided further details of the lease agreement. He said the Town was not going to take over any water system; that it was only a well and transmission facility, not a storage distribution system. He said Hurley owned a storage distribution system, but did not have the initial source which was the wells and transmission into the town or the right to pump the water. He said the water rights had very little financial benefit to the Town because it was very expensive to build the infrastructure to get it from the airport to the Town of Silver City, and he provided further information. He said since Silver City was the shopping center for Grant County and the region, it was in the Town's best interest that their neighbors were strong, especially the mining district, because Silver City was where their residents shopped, and gross receipts taxes were the Town's primary source of revenue. He said it was for all of their interests, if they were strong, then the Town of Silver City would be strong, and they could not have additional economic development if there was not a strong infrastructure. There was further discussion. Mayor Ladner thanked Manager Brown for working so hard on it for a lot of years. He said it was a great example of doing the right thing for the right reasons. There was further discussion and Manager Brown said the Town of Hurley voted in favor of the lease agreement the previous day. Mayor Ladner said he also appreciated Attorney Scavron for using his legal expertise to make it happen in the fashion that it needed to happen for all of it to go forth. Mayor Ladner said he was the sponsor and he moved to approve Resolution No. 2016-11: a Resolution declaring that the execution of a water rights lease between the Town of Silver City and the Town of Hurley is in the best interests of the Town. Councilor Bettison seconded. Mayor Ladner 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.

**C. Approval / Disapproval of Request for Proposal #15/16-2P: General Engineering Support.** Manager Brown said the Town received 4 RFP responses and the review committee made a recommendation that the Town approve

Engineers Inc. from Silver City, New Mexico, Smith Engineering from Las Cruces, New Mexico, and HDR Engineering from Albuquerque, New Mexico as their engineers on call. There was further discussion. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Request for Proposal #15/16-2P: General Engineering Support per staff recommendation to Engineers Inc., Silver City, New Mexico, Smith Engineering, Las Cruces, New Mexico, and HDR Engineering, Albuquerque, New Mexico. Councilor Ray seconded. Mayor Ladner said there was a motion and a second and he asked for a vote of all those in favor. All 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**D. Approval / Disapproval of Bid #15/16-4: Vista de Plata drainage project.** Manager Brown said it was for the Vista de Plata Affordable Housing Subdivision project and it entailed the continuation of the Vista de Plata street, sidewalks, drainage, and lighting from 10th Street to Kelly Street. He said the Town received \$963,649 from the Colonias Infrastructure Fund Grant and \$93,000 was the loan component. He said they received 3 proposals: Southwest Concrete & Paving, Inc. of Silver City, New Mexico, Spartan Construction of Santa Theresa, New Mexico, and Morrow Enterprises from Las Cruces, New Mexico. He said it was staff's recommendation to award Bid Lots 1 through 6 for a total of \$859,649.00 plus gross receipts taxes to Southwest Concrete & Paving from Silver City, New Mexico. Mayor Ladner asked for a motion. Councilor Cano moved to approve Bid #15/16-4: Vista de Plata drainage project per staff's recommendation to Southwest Concrete & Paving, Inc, from Silver City, New Mexico for Bid Lot #1 for \$542,426.60, Bid Lot #2 for \$90,614.00, Bid Lot #3 for \$41,174.00, Bid Lot #4 for \$30,586.00, Bid Lot #5 for \$53,936.80, Bid Lot #6 for \$100,911.60 for a total project of \$859,649.00 plus gross receipts tax. Councilor Aiman-Smith seconded. Mayor Ladner said there was a motion and a second, and he asked for a vote of all those in favor. All 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**E. Approval / Disapproval of Bid #15/16-6: Polyethylene trash bags.** Manager Brown said staff put out a bid for 32 gallon, 2 mil bags as well as 60 gallon, 1.6 mil bags. He said the 1.6 mil bags were for the Parks Department and the 2 mil, 32 gallon bags were the ones they sold at City Hall and also used in the 32 gallon trash containers. He said technically they did not need to go out to bid and could have gone with written quotes, and there was some discrepancy with the 32 gallon bags, but there was no discrepancy with the 1.6 mil, 60 gallon bags. He said it was staff's recommendation to award the 1.6 mil, 60 gallon bags to Unipak from Brooklyn, New York for \$950.00. Mayor Ladner asked if there were any questions or comments from the Council, and there were none. He asked for a motion. Councilor Bettison moved to approve Bid #15/16-6: Polyethylene trash bags per staff's recommendation for the 1.6 mil, 60 gallon bags to Unipak from Brooklyn, New York for \$950.00. Councilor Aiman-Smith seconded. Mayor Ladner said they had a motion and a second and he asked for a vote of all those in favor. All 4 Councilors said aye. He asked if any were opposed, and there were none. Motion carried. Mayor Ladner thanked everybody for being there and for taking an interest in city government.

**13. ADJOURNMENT** – Mayor Ladner asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:02. Mayor Ladner stated there was a motion to adjourn, and he asked for a vote of all those in favor. All 4 Councilors said aye. Motion carried.

/s/

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Ken Ladner, Mayor

Attest:

/s/

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Ann L. Mackie, Town Clerk