

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
June 14, 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
James Marshall, Assistant Town Manager
Edward D. Reynolds, Chief of Police
Yolanda C. Holguin, Acting 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.

2. CEREMONIES – Patrick Hotchkiss, Silver City MainStreet Project Board President, presented an Historic Preservation Award to Alex C. Brown, Town Manager-Finance Director, on behalf of the State of New Mexico Cultural Affairs Department, Historic Preservation Division, and he stated it was for the Town's historic preservation efforts, specifically in regards to the Silco Theater and how much the Town backed the Silver City MainStreet Project's efforts on it. He expressed his heartfelt thanks to the Town for supporting the MainStreet Project.

3. PROCLAMATIONS - None.

4. PUBLIC INPUT – Brock Nummerdor, Richard Leyba, and Trent Bohl commented on their support of the use of all terrain vehicles (ATV), off-road vehicles, and utility terrain vehicles (UTV) on public streets. Hueteotl Lopez and his 2 sons Kinan Lopez (11 years old) and Illimani Lopez (9 years old) commented on their disappointment of the Town not allowing the availability of the swim team because they used to compete against other teams in New Mexico and how they wanted to meet with the Mayor and Town Manager to bring the swim team back, etc.

5. COUNCIL COMMENTS - The Council commented on the following: how Councilor Cano was unable to stand for the Pledge of Allegiance due to medical issues with her foot; thanks to the public for attending the meeting; a reminder to the public to not use handicap parking spaces unless they were handicapped; thanks to the community for their support during the vigil in remembrance of the 49 people that passed away during the recent Orlando, Florida mass shooting incident; support of ATV and UTV use in the community; how dogs needing to be on a leash; request for more police patrol on Boston Hill on Market Street and on the Cooper Street side; how there was no update on Town Charter language; how the utilities cost to operate the municipal pool for four months was over \$60,000, not including lifeguard wages, and how the general fund subsidized the pool cost by over \$60,000 a year because entry fees did not cover the lifeguards wages; how they had to balance and prioritize Town services throughout the year; how the pool was not a money making facility; how the recycling of glass would cease July 1, 2016 because there was no market for glass, it would be costly to continue, and glass was non-toxic to the landfill; how Councilor Aiman-Smith participated in the Green Infrastructure Workshop and thanked all of the sponsors, Town Departments and staff that attended the workshop and how she was impressed with the Street Division staff's knowledge, professionalism and motivation to serve the public; working on the big open space between Combs Street and F Street returning a neighborhood eye sore to a lush and refreshing cienega, etc.; how stop signs and red lights were not suggestions and were not only for cars, but also for bicycles and motorcycles; information about the recent Conversation with the Councilor All Things ICIP event; the process of re-examining the Town's Comprehensive Plan and that the plan would be a dynamic evolving document; the important need of meaningful recreational activities for families and how the Mayor was working with Senator Morales to get funding to do an assessment; the need of community members support and involvement; and understanding the constraints of the Town, but the Mayor hoped Manager Brown could make the swimming pool available as much as they could for families.

6. CHANGES TO AGENDA – None.

7. APPROVAL OF MINUTES - Regular Meeting on May 24, 2016 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of May 24, 2016. Councilor Bettison seconded. Mayor Ladner asked if there was any other discussion, and there was none. He said there was a motion and a second, and he asked all those in favor to say aye. All 4 Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

8. REPORTS -

A. Staff reports – Assistant Town Manager, James Marshall, reported on the 2013 Water Conservation Plan that was approved August 12, 2013 and some of the highlights of his report were: a spreadsheet that showed the water pumped through 2015 and how it had dropped quite a bit; how the Town served 5 water associations which brought distribution to an additional 10,000 people; how the Town used 3 wells fields with an average depth of 911 feet and there were a total of 8 wells in those fields; how the well meters were calibrated twice a year and the meter ages range from 0 to 30 years and some may have had a wide range of error rates prior to the latest meter project; how evaporative coolers use a constant low flow of water that may not trigger the older meters and the estimate of 18,000 gallons of water used per evaporative cooler in Silver City would total 88,200,000 gallons of water per year to feed those swamp coolers; how the HTE billing software that the Town used was purchased in 1996 and had limits so they were looking at upgrading it per the auditor's advice, etc.; how the new meter installation project was complete, but they were just doing cleanup; how some of the top users of water in the community had made improvements; how the national standard for unaccounted water was 7.5 to 20 percent and Silver City's unaccounted water was at 3.7 percent and how some of it could be from firefighting and fire hydrant testing; how existing water conservation practices included a leak detection program; continued water systems upgrades and operations; how Silver City was unique with a large ground water supply with about 15,000 acre feet of water flowing through the aquifer that they use annually; how revenue neutral conservation plans kept the rates down; how the fixed costs kept rising for delivering the water so a rate increase was sometimes required; a review of the goals, performance measures, programs of the plan, etc. He summarized by saying that through the conservation measures, the public being more conscious, the tools that the Council had implemented, that they were seeing the effects and were pumping less water. He said they could predict that their permitted water would go out beyond their lifetimes. There was further discussion by Manager Brown.

Manager Brown reported they would sponsor an individual to go to training on child abuse prevention so they could come back and help the Police Department and the community in order to help people that were affected by child abuse. He also stated the ICIP (Infrastructure Capital Improvement Plan) was no longer a wish list and that the state did not have money so they wanted it to be a shovel ready project that was really needed, etc. He discussed how the ICIP projects would be identified in the Town's Comprehensive Plan, and that staff would develop an updated Comprehensive Plan with community input.

Councilor Bettison moved for a short break at 6:55 p.m. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all 4 Councilors said aye. Motion carried. The Mayor called the meeting back to order at 7:05 p.m.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS-

A. Approval / Disapproval of Ordinance No. 1246: an Ordinance deleting and replacing Article VI (Traffic Regulations), Section 12-6-18 (Texting While Driving) and Article VIII (Operation of Bicycles), Sections 12-8-1 et. seq. of the Town of Silver City Traffic Code; and, amending the Penalty Assessment Schedule found in Chapter 50, Section 50-2 of the Town of Silver City Municipal Code. Mayor Ladner stated Councilor Ray was the sponsor of the legislation and he asked him to explain the legislation, why it was needed, and what the consequences would be. Councilor Ray said the reason for it was because there were too many complaints of people texting and driving and talking on the cell phone, how someone would get hurt, and they did not want to be a statistic. He said the penalties could be high, but they had to be stern to send a message out. He said he hoped the Town Council would consider it and that it would cover all people, including police and fire departments, other entities and the public. He said the only way it was not covered was during a dire emergency. Mayor Ladner asked the Council if they had any questions. Councilor Bettison asked about Section C and whether immediate proximity included a phone sitting in a

cup holder. Attorney Scavron stated the phone had to be held in the hand of the person. Mayor Ladner asked for a motion. Councilor Ray moved to approve Ordinance No. 1246: an Ordinance deleting and replacing Article VI (Traffic Regulations), Section 12-6-18 (Texting While Driving) and Article VIII (Operation of Bicycles), Sections 12-8-1 et. seq. of the Town of Silver City Traffic Code; and, amending the Penalty Assessment Schedule found in Chapter 50, Section 50-2 of the Town of Silver City Municipal Code. Councilor Cano seconded. Mayor Ladner asked if there was any discussion. Councilor Aiman-Smith asked Police Chief Reynolds about his plans to enforce the ordinance. Chief Reynolds said making it a hands-free ordinance was a lot easier to enforce than the texting. He said enforcement would be simple because the person would be holding their phone. Mayor Ladner asked for a roll call vote. Councilor Ray voted aye; Councilor Cano voted aye; Councilor Bettison voted aye; and Councilor Aiman-Smith voted aye. Motion carried.

11. NEW BUSINESS -

A. Approval / Disapproval of Endorsement of Councilor Bettison's Candidacy for the position of Treasurer of the New Mexico Municipal League. Mayor Ladner asked Councilor Bettison to comment. Councilor Bettison said she was in her third two-year term as a Director-at-Large of the New Mexico Municipal League (NMML), and that it was critical that she ask for the Council's endorsement prior to running for a position on the NMML Board. She said she had always been honored to receive the Council's endorsement each time she sought a position on the Board. She said the position of Treasurer was one of the officer positions; that if she was elected then that would open up an opportunity for another of the Town's elected officials to seek the office of Director-at-Large. She said it was critical for the Town to have a voice at the Board level and that Silver City had unique needs so she hoped the Council would endorse her candidacy. She said it would also save the Town some money because the Board would pay some of the travel expenses. She asked for their endorsement to run for Treasurer. Mayor Ladner asked the Council if they had any questions, and there were none. He asked for a motion. Councilor Aiman-Smith moved for the Council to approve the endorsement of Councilor Bettison's candidacy for the position of Treasurer of the New Mexico Municipal League. Councilor Ray seconded. Mayor Ladner said there was a motion and a second and he asked if there was any discussion. He stated that he fully supported the endorsement of Councilor Bettison's candidacy for the position of Treasurer of the New Mexico Municipal League, and that he appreciated her leadership and involvement with the League and the recognition that she brings to Silver City. He asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed to say nay, and there were none. Motion carried. Councilor Bettison thanked the Council and said she appreciated it very much.

B. Approval/Disapproval of 2 Public Dispenser Permit Applications for the CLAY Gala Fundraiser, sponsored by the Silver City Arts and Cultural District, to be held on July 28, 2016 from 5:00 p.m. to 10:00 p.m. at the Seedboat Gallery, 214 W. Yankie St., Silver City, NM. License Holders: 1) Little Toad Creek Distillery, Liquor License #63004, HC68 Box 134, Silver City, NM 88061, and 2) Little Toad Creek Brewery, Liquor License #67021, HC68 Box 134, Silver City, NM 88061. Mayor Ladner asked who would represent the applicant in the matter. Amber Rheubottom, Silver City Arts and Cultural District, introduced herself and Daniel Ivers who was representing the Little Toad Creek, LLC. She said it would be the fifth year that the CLAY Gala had operated and it had been a successful fundraiser and great event for the CLAY Festival. She said she would answer any questions. Councilor Bettison said it also required the waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school that was not listed on the agenda. Ms. Rheubottom said she had the approval of the church and schools in the area. Councilor Bettison said yes, but the Council had to approve it as well and when the motion was made that the waiver had to be included by the person that moved. Mayor Ladner said that was correct and he would entertain a motion. Councilor Ray moved to approve 2 Public Dispenser Permit Applications for the CLAY Gala Fundraiser, sponsored by the Silver City Arts and Cultural District, to be held on July 28, 2016 from 5:00 p.m. to 10:00 p.m. at the Seedboat Gallery, 214 W. Yankie St., Silver City, NM. License Holders: 1) Little Toad Creek Distillery, Liquor License #63004, HC68 Box 134, Silver City, NM 88061, and 2) Little Toad Creek Brewery, Liquor License #67021, HC68 Box 134, Silver City, NM 88061 with the waiver. Mayor Ladner asked Councilor Bettison to complete the motion and she said with the waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school. Councilor Cano seconded. Mayor Ladner said there was a motion and a second and he asked if there was any discussion. Attorney Scavron asked the applicant about their certified statement on the application that said the event was not within 300 feet of a church or school, and he asked Ms. Rheubottom if it was. She said it was, but at the time of the application she was not aware that it was; that when she learned that it was she contacted the church and got the

approval letter from them which was filed with the paperwork. He asked her if she would like to amend her application, and she said yes. She said it was the St. Vincent de Paul Catholic Church on Market Street. He advised the Council that the amendment would make the application complete and that they could continue. Mayor Ladner asked all those in favor to say aye, and all 4 Councilors said aye. He asked if any were opposed to say nay, and there were none. Motion carried.

C. Approval / Disapproval of 2 Public Celebration Permit Applications for the CLAY in the Streets, sponsored by the Silver City Arts and Cultural District, to be held on July 30, 2016 from 5:00 p.m. to 10:00 p.m. on the 400 block of Bullard Street and the 100 block of Kelly Street, Silver City, NM. License Holders: 1) Little Toad Creek Distillery, Liquor License #63004, HC68 Box 134, Silver City, NM 88061, and 2) Little Toad Creek Brewery, Liquor License #67021, HC68 Box 134 Silver City, NM 88061. Mayor Ladner gave the floor to Amber Rheubottom from Silver City Arts and Cultural District. She said 2015 was the first year of the CLAY in the Streets event and it was a great way for the community to get involved with the CLAY Festival. She asked for their approval of the 2 public permits. There was further discussion about whether or not there was a church within 300 feet of the event location, and there was no issue. Councilor Bettison asked if the applicant had completed all of the required Town of Silver City forms to get permissions, and Manager Brown said yes. Mayor Ladner asked for a motion. Councilor Ray moved to approve 2 Public Celebration Permit Applications for the CLAY in the Streets, sponsored by the Silver City Arts and Cultural District, to be held on July 30, 2016 from 5:00 p.m. to 10:00 p.m. on the 400 block of Bullard Street and the 100 block of Kelly Street, Silver City, NM. License Holders: 1) Little Toad Creek Distillery, Liquor License #63004, HC68 Box 134, Silver City, NM 88061, and 2) Little Toad Creek Brewery, Liquor License #67021, HC68 Box 134 Silver City, NM 88061. Councilor Cano seconded. Mayor Ladner asked if there was any discussion, and there was none. He said there was a motion and a second, and he asked all those in favor to say aye. All 4 Councilors said aye. He asked if any were opposed to say nay, and there were none. Motion carried.

D. Approval / Disapproval of Resolution 2016-14: a resolution authorizing and approving the submission of an application for financial assistance and project approval to the New Mexico MainStreet Program; and authorizing the Mayor to act as the Town of Silver City's Chief Executive Officer and authorized representative in all matters pertaining to the Town of Silver City's participation in the New Mexico MainStreet Great Blocks on MainStreet Program. Manager Brown said MainStreet along with the Town of Silver City was working to submit the grant and he asked Lucy Whitmarsh, Executive Director of the Silver City MainStreet Project, to talk. Ms Whitmarsh said New Mexico MainStreet had offered Great Blocks on MainStreet Request for Proposals where they would select up to 2 public infrastructure projects on a competitive basis. She said they were in partnership with the Town of Silver City which owns the property that they wanted to address which was the grounds around the Visitor Center or the parking lot. She said it had been a priority project for the Arts and Cultural District at that property and the Silver City MainStreet and another partner, the Continental Divide Coalition. She said it was a gateway to the Downtown commercial district and the proposal included improvements to the Market Street section between the Market Street pedestrian bridge and Bullard Street, and to develop a more inviting gateway to and from the Visitor Center area to downtown. She said bringing people to the Visitor Center was an economic driver for the community and improvements to the safety and usefulness of that area would help enhance their tourism business also. Manager Brown said the grant could be filled out for \$70,000 and the Town had to match 20 percent minimum or \$14,000 which was actually included in the preliminary budget so the Town was ready for the process to move forward. There were no questions from the Council. Mayor Ladner asked for a motion. Councilor Cano moved to approve Resolution 2016-14: a resolution authorizing and approving the submission of an application for financial assistance and project approval to the New Mexico MainStreet Program; and authorizing the Mayor to act as the Town of Silver City's Chief Executive Officer and authorized representative in all matters pertaining to the Town of Silver City's participation in the New Mexico MainStreet Great Blocks on MainStreet Program. Councilor Ray seconded. Mayor Ladner asked if there was any discussion, and there was none. He asked for a roll call vote. Councilor Cano voted aye; Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; and Councilor Ray voted aye. Motion carried.

Mayor Ladner commented that they just passed an ordinance prohibiting the use of hand-held devices in automobiles and bicycles. He stated to Manager Brown that they needed to approach it in a systematic way before they started handing out tickets with public education, signs at the entrances into Silver City, a lot of communication with the newspapers and radio stations, and any other public media so the community would be aware of the ordinance and

aware of when it would begin with the issuance of tickets. There was further discussion and Mayor Ladner said in the public education process that they look at warnings for some period of time before they start slapping on the fines. Manager Brown concurred.

12. ADJOURNMENT – Mayor Ladner asked for a motion to adjourn. Councilor Bettison moved to adjourn at 7:40 p.m., and Councilor Aiman-Smith seconded. Mayor Ladner stated there was a motion and a second to adjourn. 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.

/s/

Ken Ladner, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk