

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**Grant County Administration Center, 1400 Hwy. 180, Silver City, NM**  
**November 9, 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  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk

**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:01 p.m. He introduced Police Captain Fred Portillo. Captain Portillo said he graduated in 2006 from the Western New Mexico University Police Academy and had worked for the Silver City Police Department for ten years. He said he was promoted to Captain in July 2016, and he thanked them for the opportunity.

**2. CEREMONIES** – None.

**3. PROCLAMATIONS** - None.

**4. PUBLIC INPUT** – None.

**5. COUNCIL COMMENTS** - Councilor Bettison commented that her recent discussions with the New Mexico Municipal League (NMML) staff and Manager Brown about the format of the budget's quarterly report submitted to the Department of Finance and Administration (DFA) determined that there was information lost in translation with the DFA's recent presentation, etc. She said the Town of Silver City was reporting all monthly and quarterly reports accurately and in a timely fashion so it had all been resolved. She commented that at the recent NMML and New Mexico Association of Counties Joint Executive Committee Meeting it was acknowledged that local governments would face one of the most difficult legislative sessions in the history of the two associations being formed. She discussed local government concerns regarding gross receipts taxes, hold harmless distributions, and how the municipalities and counties needed to be a united front to ensure they had a place at the table during tax reform discussions. Councilor Bettison also announced her intent to run for re-election for the Councilor in District 1 seat. Councilor Cano congratulated all of the winners in the local races for the past election on November 8. She said she hoped that the municipality would be able to work on some projects with the new five-person County Commission, and do a lot of good stuff for the county and municipality. Councilor Ray announced there would be a Veterans Day Ceremony at the bridge on Hudson Street (for the naming of the Veterans Memorial Bridge) and it would include all of the Veterans groups. He said a couple of plaques would be installed on the bridge. He also announced that he would not be running for re-election because his wife was retiring. Councilor Aiman-Smith thanked all of the Councilors for all the work they did. She also commented on citizen science and how a citizen named Kelly Hart was working with Central Dispatch and Police Chief Reynolds to track sirens and to gather evidence on the amount of sirens there were each day, which was expected to be about 8 sirens per day. She said Police Chief Reynolds would later share the results of the data. She said there was a lot of opportunity for citizen science in local governance and she gave examples. Mayor Ladner said he would attend the NMML Municipal Officials Leadership Institute training in Santa Fe the next week. He also stated Assistant Town Manager James Marshall would present three options of the "Welcome to Silver City" signs to the Town Council during the December 13 meeting.

**6. CHANGES TO AGENDA** – None

**7. APPROVAL OF MINUTES - Regular Meeting on October 25, 2016 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of October 25, 2016.** Councilor

Bettison seconded. The Mayor asked if there was any discussion, and there was none. He asked those in favor to approve the minutes to say aye, and all four Councilors said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

**8. REPORTS - None.**

**9. PUBLIC HEARINGS - None.**

**10. UNFINISHED BUSINESS- None.**

**11. NEW BUSINESS -**

**A. Approval / Disapproval of Resolution No. 2016-29: a Resolution supporting the Town of Silver City's participation in a Capital Outlay Program administered by the NM Department of Transportation for sidewalk improvements in Silver City, Grant County.** Manager Brown said the Resolution would accept the capital outlay award of \$125,000 for sidewalk improvements. He said the plan for the funds was to upgrade some of the sidewalks and put additional sidewalks on the north side of 32nd Street between Pinos Altos and Silver Streets to create a safer route to the school from Pinos Altos for kids and residents to walk. There were no questions from the Council. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2016-29: a Resolution supporting the Town of Silver City's participation in a Capital Outlay Program administered by the NM Department of Transportation for sidewalk improvements in Silver City, Grant County. Councilor Cano seconded. There was further discussion. The Mayor 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.

**B. Approval / Disapproval of Resolution No. 2016-30: a Resolution authorizing the execution and delivery of a Colonias Infrastructure Project Fund loan/grant agreement in the amount of \$903,397 for Phase II of the College Avenue improvements.** Manager Brown said the Resolution was for the grant/loan that was approved by the Colonias Infrastructure Program for the fiscal year and the project would be along the length of the street from West Street through to E Street to repave the street, replace the curb and gutter, and replace sidewalks where necessary. He also stated they were working with Western New Mexico University to include lighting and some landscaping that the University wanted to include in the project, and the University was willing to put funding into it so it was a good cooperative project between the Town and the University and may double the size of the project of the grant. He said the grant had a ten percent match and a \$90,000 loan that could go for twenty years, but they could pay it off at any time. He said they were paying off the 2013 Colonias grant this year so they could schedule when to pay off the \$90,000 loan for this project. There was further discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2016-30: 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, New Mexico (The "Borrower/Grantee"), in the total amount of \$903,397, evidencing an obligation of the Borrower/Grantee to utilize the Loan/Grant amount solely for the purpose of financing the costs of street and drainage improvements on College Avenue (Phase II) from Cooper Street West to E Street, and solely in the manner described in the Loan/Grant Agreement; providing for the pledge and payment of the loan amount of \$90,340 solely from solely from the sixth one quarter of one percent increment of Municipal Gross Receipts Tax distributed to the Borrower/Grantee by the State Taxation and Revenue Department; and acceptance of a grant amount of \$813,057; 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 and 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 Loan/Grant Agreement and the Intercept Agreement. Councilor Cano seconded. There was no further discussion. Mayor Ladner 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.

**C. Approval / Disapproval of Notice of Intent Ordinance No. 1253: an Ordinance amending Chapter 10, Article II (Business Registration) Title and Sections 10-20 through 10-22; Article III (Business License), Sections 10-44 through 10-64 of the Municipal Code of the Town of Silver City, NM.** Councilor Aiman-Smith stated the Notice of Intent Ordinance was a way to clarify language and remove redundancies across documents and ordinances having to do with the Town authorizing any entity to conduct business in the Town, and to hopefully simplify the process. She said the review and the changes were prompted by a project called "The Sharing Economy" going on in Silver City, and an example was peer to peer short-term lodging which had grown enormously in the past two years in Silver City. She provided background information on how peer to peer lodging opened a way for people to stay in other people's properties instead of making a reservation at a hotel and how there were over sixty of them in Silver City. She said they were actually small businesses, but most of them were not registered as a business or did not have a business license, and were not paying taxes. She said they wanted them to come into the fold; that the Town encouraged small businesses of all types. She said the Notice of Intent Ordinance was the first step in trying to make it easier for people to actually get a business license and have a small business. There was further discussion about lodgers tax and gross receipts taxes paid by small businesses that helped to market the Town and how the unregistered entities were benefiting from the marketing of the Town without contributing; that it was only fair to have them contribute for the services that the Town provided. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Notice of Intent Ordinance No. 1253: an Ordinance amending Chapter 10, Article II (Business Registration) Title and Sections 10-20 through 10-22; Article III (Business License), Sections 10-44 through 10-64 of the Municipal Code of the Town of Silver City, NM. Councilor Bettison seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors voted aye. He asked if any were opposed, and there were none. Motion carried.

**D. Discussion and vote on whether to change or cancel the regular Council meeting scheduled for November 22, 2016.** Mayor Ladner said it was a time when a lot of families, Town employees, and others travelled to family. He asked the Council if they had any questions for Manager Brown or Clerk Mackie on the feasibility of it. Manager Brown said there were no deadlines during the period. Mayor Ladner asked for a motion. Councilor Bettison moved to cancel the regular Council meeting scheduled for November 22, 2016. Councilor Aiman-Smith seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if there were any opposed, and there were none. Motion carried.

**E. Discussion and vote on whether to change or cancel the regular Council meeting scheduled for December 27, 2016.** Mayor Ladner said it was for the same reason as Item D above. Manager Brown said there were no deadlines. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to cancel the regular Council meeting scheduled for December 27, 2016. Councilor Ray seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. He asked if any were opposed, and there were none. Motion carried.

**12. ADJOURNMENT** – Mayor Ladner asked for a motion to adjourn. Councilor Bettison moved to adjourn at 6:36 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 four 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