

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
March 21, 2017, 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 E. 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 6:00 p.m.

2. CEREMONIES – None.

3. PROCLAMATIONS – "**Continental Divide Trail Trail Days 2017**" - **April 2017** - Mayor Ladner read the proclamation and presented it to Raul Turrieta and Jenney Gange. Ms. Gange spoke about her experiences hiking the Continental Divide Trail from New Mexico to Canada, how she currently lives in Silver City and works for the Continental Divide Trail Coalition, and she described the events for the upcoming CDT Trail Days. Mr. Turrieta said hiking was a major economic base because the trails were so beautiful and he was glad they could share the trails with the community and the whole world.

"**Silver High School Fighting Colts Wrestling Team Week**" - **March 19-25, 2017** - Mayor Ladner asked Councilor Ray to help him present the proclamation to Coach Alvarado, his assistant coaches, and to the wrestling team. The Mayor read the proclamation and gave it to Councilor Ray who commented that Coach Alvarado was a great wrestler when he was in high school. Councilor Ray said he had several cousins in the group, and he offered his congratulations to all of the team. Coach Alvarado thanked the Town Council and Mayor Ladner, and he stated the young men represented themselves, their families, the school, and the community with class on and off the mat during the entire season. He said all of the success came from the support of the students' parents, his two assistant coaches, Juan Carlos Maynes and Jacob Vega, and from their school administration, including Marcy Marquez, who was there. He said at the state tournament they had a record high of 8 finalists and won 4 of them. He recognized each of the members of the Silver High School Fighting Colts Wrestling Team, and there was much applause.

4. PUBLIC INPUT – None.

5. COUNCIL COMMENTS – Councilor Bettison said she attended the National League of Cities Congressional City Conference in Washington, D.C. with the New Mexico Municipal League's Executive Committee and the purpose of the event was to meet with their Congressional Delegation to ensure they understood the priorities, and that the top priority was to retain the Community Development Block Grant (CDBG) money. She discussed how important that money was to the Town by providing 100 percent grant funding for sewer, water, paving, and sidewalk projects that they could not do without the money, especially since there were no capital improvement monies from the state. She also stated President Trump's budget proposed to cut \$3 billion in CDBG and to delete the Essential Air Service Program which provided the subsidy to provide planes to the Silver City-Grant County Airport. She stated the U.S. Congress makes the U.S. budget and they were well aware that the municipalities wanted to keep the CDBG money and the Essential Air Service. Councilor Cano commented that she had received complaints from constituents and employees of the Town about how they were not allowed to speak in Spanish after the election of President Trump in November. She said it was not a Town policy, but it was an issue that she was getting complaints about. She made a few comments in Spanish and did not translate those comments into English. Councilor Ray commented that he truly believed in being humane and respectful to one another, and that they tried to keep people working, but some companies were greedy and that Wal-Mart was installing more self-checking stations. He urged people not to use them

because the jobs were needed, and that Wal-Mart could afford to pay for employees and they should not let machines take over the jobs. He also commented on a letter he received about an A.C.L.U. (American Civil Liberties Union) meeting and he stated they should make Silver City a sanctuary town. He also said tourism was a good thing to have, but you also had to give credit to all of the people of Silver City for supporting all of the businesses in Grant County. Councilor Aiman-Smith said it was good to be back home and she thanked her constituents for contacting her about the same thing Councilor Ray spoke about, and she asked them to be patient for her response. Councilor Cano commented on a recent motorcycle accident and she reminded drivers to be more aware of their surroundings when driving. Mayor Ladner commented on the open volunteer positions they had in various Town boards and committees.

6. CHANGES TO AGENDA – None.

7. APPROVAL OF MINUTES - Regular Meeting on February 28, 2017 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of February 28, 2017. 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 -

A. Gilbert Helton, Grant County Emergency Manager, will report on emergency management. Mr. Helton said he had been doing emergency management for ten plus years on the local level and that the events on September 11, 2001 woke everybody up as a nation. He said many jurisdictions received funding from FEMA (Federal Emergency Management Agency) and the Department of Homeland Security for emergency management plans, etc. He said the Grant County Mitigation Plan was being re-written to include all of the local jurisdictions, and that Silver City Police Captain Ricky Villalobos was very helpful with the incident action plans for those events for the Town of Silver City and that Police Captain Freddie Portillo was learning about it. He described the types of emergency actions plans, exercises, and training they had throughout the county and state and that Grant County was in the state's section #6 with Dona Ana County, Catron County, Luna County, and Hidalgo County. He said his office was always available to assist during an emergency and to request support from the state, the Department of Homeland Security, etc. and he mentioned the Quail Ridge Fire and how he was available during recovery efforts. He said all of the jurisdiction in that section worked together and learned each other's capabilities so they could support one another, if needed. He stressed how important it was for each jurisdiction to adopt the National Incident Management System (NIMS) to receive federal preparedness funds, and said FEMA mandated it. He offered his contact information if they needed any assistance or had questions. Councilor Ray thanked him for his thorough report.

B. Staff reports. Manager Brown addressed the statement made by Councilor Cano with regard to comments made by employees. He said he needed to be told about it by the employees so he could address it. He said employees could go through their supervisor or if that did not work they could go through their union if they felt they had been harassed, etc.

9. ORGANIZATIONAL MEETING - Mayor Ladner welcomed the staff to the continuing administration and stated they still had Alex Brown as the Town Manager, James Marshall as the Assistant Town Manager, Ann Mackie as the Town Clerk, and Robert Scavron as the Town Attorney. He expressed his appreciation to all of them for the outstanding job that they did and for all the help they gave him.

A. Election of President Pro Tempore. Mayor Ladner gave the floor to Councilor Ray. Councilor Ray nominated Councilor Bettison and commented on her activities and that he was very comfortable with her being Mayor Pro Tem. Mayor Ladner asked Councilor Bettison if she accepted the nomination, and she said yes. He asked if there were any other nominations, and there were none. He asked all those in favor to say aye, and all four Councilors said aye. He said she was so elected, and he gave the floor to Councilor Bettison. Councilor Bettison thanked the Council for the continued honor for her to serve as Mayor Pro Tem. Mayor Ladner said he appreciated Mayor Pro Tem and Councilor Bettison for the way she helped him last year when he could not attend certain functions, and that she represented the Town and did it very well. He also thanked the Council for creating the environment that made the job really satisfying

for him and that it was a pleasure working with them during the past year, and he looked forward to another pleasurable year.

B. Appointments of Councilors to committee and board positions. Mayor Ladner said he wanted to keep the appointments the same and that he spoke to all of the Councilors and all of them said they wanted to continue serving on the same board or committee. 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. Mayor Ladner said they were so appointed.

Councilor Ray moved for short break at 6:52 p.m. Councilor Bettison seconded. There was no discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. Motion carried. The Mayor called the meeting back to order at 6:59 p.m.

10. PUBLIC HEARINGS - None.

11. UNFINISHED BUSINESS -

A. Approval / Disapproval of Ordinance No. 1256: an Ordinance amending Chapter 40 (Solid Waste), Article I (In General), Section 40-2, and Article III (Collection and Disposal) of the Town of Silver City Municipal Code.

Councilor Bettison said the ordinance provided for the Town's authority to provide the service of recycling in addition to its refuse collection and the collection of any fees if they were so associated, but they were not really associated with recycling. Manager Brown said it was for the enforcement of the recycling program and to change the structure for how they adopted the rates on an annual basis and he discussed Appendix A, etc. There was further discussion. Councilor Bettison moved to approve Ordinance No. 1256: an Ordinance amending Chapter 40 (Solid Waste), Article I (In General), Section 40-2, and Article III (Collection and Disposal) of the Town of Silver City Municipal Code. Councilor Ray seconded. There was further discussion. Mayor Ladner 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 Ordinance No. 1257: an Ordinance authorizing issuance of the Town's State-Shared Gross Receipts Tax Revenue bonds in the amount of \$485,000 to finance improvements to the Joint Utility System.

Manager Brown said the debt was for the utility infrastructure that had to be installed when the New Mexico Department of Transportation upgraded Highway 15. He gave the floor to Chris Muirhead, Attorney for Modrall Sperling. Mr. Muirhead said he served as bond counsel for the Town and he provided the financial details of the bond transaction. He said the final amount was \$485,000 and that it would be broken down into three annual payments of \$160,000, \$160,000, and \$165,000 and all at 2.4 percent interest. He said it was properly noticed and approved. He said it was a pledge of the State-shared gross receipts tax which was consistent with three other debts that the Town had outstanding: the 2011 Bonds, the 2012 Bonds, and the 2014 Bonds. He said the debt could be paid off in full as early as June 1, 2018 and the lender was Capital One Public Funding. He said the closing would be on April 25, 2017. He recommended the approval of Ordinance No. 1257. There was no discussion and Mayor Ladner asked for a motion. Councilor Aiman-Smith made a motion to approve Ordinance No. 1257 authorizing the issuance of the Town of Silver City, New Mexico Gross Receipts Tax Improvement Revenue Bonds, Series 2017 in an aggregate principal amount of \$485,000 for the purpose to (1) finance acquisition and construction of certain capital improvements to the Town's Joint Utility System for the benefit of the Town and its residents, and (2) pay costs of issuance of the Series 2017 Bonds; providing that the Series 2017 Bonds will be payable and collectible from and secured by a pledge of the Gross Receipts Tax distributed to the Town pursuant to Section 7-1-6.4 NMSA 1978, as amended (The "State-Shared Gross Receipts Tax"); providing for the disposition of the receipts derived from said tax proceeds; 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 Cano

seconded. There was no discussion. Mayor Ladner 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.

12. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2017-11: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2016 through June 30, 2017 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof. Manager Brown said they were increasing transfers out from the Water and Sewer fund by \$183,612 and increasing the transfers in to the Debt Service Funds for the same amount. He said the reason was because they were going to pay off a loan they had for the waterline under the Veterans Memorial Bridge since they had to borrow money for another waterline under Highway 15. He reviewed the details of the appendix. There were no questions. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2017-11: a Resolution amending the approved and adopted budget for the fiscal year commencing July 1, 2016 through June 30, 2017 and for municipal purpose in the Town of Silver City, NM, transferring and appropriating funds thereof. Councilor Bettison seconded. There was no 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.

B. Approval / Disapproval of two public celebration permits applications for the Tour of the Gila Beer Garden on Saturday, April 22, 2017 from noon to 8:00 pm at 820 N. Bullard St., Silver City, NM. Sponsor: Tour of the Gila, Inc. Liquor License Holder Information: 1) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License No. 67085, HC 68 Box 134, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License No. 63013, HC 68 Box 134, Silver City, NM. Jack Brennan said he was the Tour of the Gila Race Director and they were doing a beer garden for the Downtown Criterium. He said they moved the location because the trees at the previous location did not allow the folks inside the beer garden to see the race. He provided further details and clarifications on the map of the event, fencing, etc. There was further discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve the two public celebration permits applications for the Tour of the Gila Beer Garden on Saturday, April 22, 2017 from noon to 8:00 pm at 820 N. Bullard St., Silver City, NM. Sponsor: Tour of the Gila, Inc. Liquor License Holder Information: 1) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License No. 67085, HC 68 Box 134, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License No. 63013, HC 68 Box 134, Silver City, NM. Councilor Cano seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. There was no opposition. Motion carried.

C. Approval / Disapproval of two public celebration permit applications and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Virus Theater Spring Bliss Ball on Saturday, April 15, 2017 from 7:00 pm to 11:00 pm at 315 N. Texas, Silver City, NM. Sponsor: Virus Theater. Liquor License Holder Information: 1) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License No. 67085, HC 68 Box 134, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License No. 63013, HC 68 Box 134, Silver City, NM. Teresa Dahl-Bredine said she was representing of the Virus Theater and they had been raising money for the El Sol Theater to create a performing arts center. She said they had overwhelming support from the community and they wanted to thank the community with a celebration that would be free and open to the public and where they could share where they were with the plans for the theater, etc. She said they did get a waiver from the St. Vincent de Paul Church. Councilor Ray moved to approve the two public celebration permit applications and a waiver of NMSA 1978 Section 60-6B-10 for alcohol sales near a church or school for the Virus Theater Spring Bliss Ball on Saturday, April 15, 2017 from 7:00 pm to 11:00 pm at 315 N. Texas, Silver City, NM. Sponsor: Virus Theater. Liquor License Holder Information: 1) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License No. 67085, HC 68 Box 134, Silver City, NM, and 2) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License No. 63013, HC 68 Box 134, Silver City, NM. Councilor Cano seconded. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. There was no opposition. Motion carried.

D. Approval / Disapproval of Request for Quote #16/17-1: Scrap Metal. Manager Brown said they had two scrap metal piles of old parts, old water pipe railings, etc.. He said one of the piles was at the Water Shop and one was at the Wastewater Treatment Plant. He said they received two bids: one from D. R. I. Metals from Silver City and one from

Patrick Peralta in Silver City, and that it was staff's recommendation to award the bid to Mr. Peralta for \$0.06 per pound. There were no questions. Mayor Ladner asked for a motion. Councilor Ray moved to approve Request for Quote #16/17-1 Scrap Metal to Patrick Peralta for \$0.06 per pound at the Water Shop and \$0.06 per pound at the Waste Water Plant. Councilor Bettison seconded. There was no discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. There was no opposition. Motion carried.

E. Discussion and vote on whether to cancel the regular Council meeting scheduled for March 28, 2017 at 6:00 p.m. Mayor Ladner said as of March 16 there was no business to conduct at the regular Council meeting scheduled for that date. He said the department heads had no agenda requests, and Manager Brown was okay with cancelling the meeting. Councilor Cano moved to cancel the regular Council meeting scheduled for March 28, 2017 at 6:00 p.m. Councilor Aiman-Smith seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all four Councilors said aye. There was no opposition. Motion carried.

13. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Ray moved to adjourn at 7:35 p.m. Councilor Bettison seconded. Mayor Ladner stated there was a motion and a second to adjourn. He asked all those in favor to say aye, and all four Councilors said aye. There was no opposition. Motion carried.

/s/ _____

Ken Ladner, Mayor

Attest:

/s/ _____

Ann L. Mackie, Town Clerk