

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
November 13, 2017, 6:00 p.m.**

Present:

Ken Ladner, Mayor
Cynthia Ann Bettison, District 1
Lynda D. Aiman-Smith, District 2
Guadalupe E. Cano, District 4

Also Present:

Alex C. Brown, Town Manager-Finance Director
Ann L. Mackie, Town Clerk

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE – Mayor Ladner called the meeting to order at 6:02 p.m. and announced that Councilor Jose A. Ray, Jr. was not present.

2. CHANGES TO THE AGENDA - None.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Aiman-Smith and Councilor Bettison congratulated the Silver City Daily Press for receiving a number of awards from the New Mexico Press Association. Councilor Cano had no comments. Mayor Ladner commented on a fire on Arizona Street and recognized the local first responders that put themselves in harm's way all of the time, and he named several fireman that were injured during the incident. He said they needed to keep in mind that first responders paid a high price for protecting their city.

6. APPROVAL OF MINUTES - Regular Meeting on October 24, 2017 - Councilor Aiman-Smith moved to approve the minutes of the Regular Town Council Meeting of the Town of Silver City of October 24, 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 three Councilors that were present said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

7. PUBLIC INPUT – Ronald Anthony Quintana from the Q's Southern Bistro, LLC commented on the Town's approval/disapproval process of a special dispenser permit. He said the events made him money and allowed him to do what they needed to do as a business, but turning in the paperwork to the Town a month prior to the event had caused him to lose out on caterings and alcohol service, etc. He asked for an easier way when the event was to be held at the conference center or other venues or banquets that would have no street closures. Manager Brown commented that he researched it with the State's Alcohol and Gaming Division and the approval of the permits were not necessarily for the Town Council's approval, but were for Town approval . He suggested that the Town Council give him the authority to do the approvals specifically for events that would take place at the Grant County Veterans Memorial Business and Conference Center since the County had set rules for that building that would satisfy the Town Council all the time because they had the same concerns that the Town had. He said the Town ordinances required that the permits obtain Council approval so he planned to work with Attorney Scavron to amend the ordinance so they could get quicker approvals for facilities that were designed to do events. He suggested the Council could possibly adopt a Resolution to authorize him to approve the permits at the Business and Conference Center. He said if he felt concerned about an event he would bring it to the Council. Mayor Ladner said he was glad that Manager Brown was willing to work on it.

8. REPORTS -

A. Staff Reports. Manager Brown said at the request of Councilor Aiman-Smith he did a cost benefit analysis for the operation of the Sustainability gas station. He said the initial cost for the startup was \$248,000, the annual debt service was \$23,592 and the operating cost for the first year was about \$1,100. He said they purchased \$72,000 worth of gas

that year, but they were only in operation about three months in fiscal year 2015. He explained further and said the departments paid for the gas that they used. He said in year one they shelled out \$42,000 more than they actually brought in, but they saved \$5,800 by purchasing bulk fuel rather than paying the rack price. He said in fiscal year 2016 they shelled out \$19,000 more than what they brought in because of warranty issues with the equipment and an employee hit a pump that was down for four months, but they saved \$18,000 from the difference between the rack price and what they paid for it as bulk fuel. He said during the fiscal year 2017 they had a \$41,000 positive cash flow so they started bringing in more money than what they were spending, and they saved \$17,000 in the fuel costs. He said they were using the building for the Town's Office of Sustainability, but now they were leasing the building which would bring in close to \$9,000 per year and the lessee was paying 80 percent of the utilities so it was decreasing the Town's utility cost. He said leasing the building was a very good decision.

Mayor Ladner commented that they were having problems with stuff flying out of people's uncovered trucks or trailers at the landfill, and that Manager Brown and staff were going to look at ways to address that in a different way than what was currently being done. Manager Brown said they would look at it from the landfill side because some other landfills around the state had come up with creative ideas. He said they could possibly require them to buy a tarp when they came in with an uncovered load, but they also did not want them to turn around and dump it illegally somewhere else. He said they would try to find a solution that did not create a bigger problem than what they already had. Mayor Ladner thanked Manager Brown for working on it.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS -

A. Approval / Disapproval of Ordinance No. 1263: an Ordinance amending Chapter 6 (Animals), Article III (Rabies Control), Section 6-137 (Duty of Owner to Surrender Animal for Observation), of the Municipal Code of the Town of Silver City. Mayor Ladner gave the floor to Councilor Bettison, sponsor of Ordinance No. 1263. She stated the Ordinance was brought forward specifically to address issues where the owners of animals that had bitten someone were waiting for the full 24 hours to turn in the animal which would cause severe angst and potential injury to the victim of the bite as they waited to find out if the animal had been vaccinated against rabies, etc. She discussed the current code and said Ordinance No. 1263 put some things in to say that the minute it was known by the owner of the animal or the animal that is under their control, and that person knew that the animal had bitten someone that they would immediately surrender the animal with vaccination records so they did not have to hunt them down. She said she wanted to add an amendment to the Ordinance as follows: "If the animal has a current vaccination for rabies, and the area involved is not under quarantine, the Animal Control or Police Officer may permit the quarantine of such animal at the owner's home." She explained further and stated the amendment was critical to her because they wanted to make sure people understood that the only people that could make the decision for quarantine was either the Animal Control or Police Officer, and the owner still needed to surrender the animal and follow the ordinance. There were no questions from the Council. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Ordinance No. 1263: an Ordinance amending Chapter 6 (Animals), Article III (Rabies Control), Section 6-137 (Duty of Owner to Surrender Animal for Observation), of the Municipal Code of the Town of Silver City with an amendment to Section 6-137 Duty of Owner or Custodian to Surrender Animal for Observation, after the sentence that reads "Thereupon, said owner or custodian shall immediately deliver and surrender said animal to Animal Control or to the Police Department for quarantine and observation along with vaccination records"; that the amendment should read, "If the animal has a current vaccination for rabies, and the area involved is not under quarantine, the Animal Control or Police Officer may permit the quarantine of such animal at the owner's home." She said the remainder of the section would read as it currently read in the ordinance. Councilor Aiman-Smith seconded. There was no further discussion. Mayor Ladner asked for a roll call vote. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; and Councilor Cano voted aye. Motion carried.

11. NEW BUSINESS -

A. Approval / Disapproval of a Special Dispenser Permit Application for the Silver City Grant County Chamber of Commerce Banquet at the Grant County Veterans Memorial Business and Conference Center on Nov. 17, 2017 with alcohol service from 6:00 pm to 8:30 pm. Liquor License Holder Information: W&N Enterprises, Inc., DBA Snappy Mart #204, License #0151, P.O. Box 559, Silver City, NM 88062. Mayor Ladner

gave the floor to Scott Terry, President and Chief Executive Officer of the Silver City Grant County Chamber of Commerce. Mr. Terry requested the approval of the permit because they would like to have a cash bar during the banquet. There was further discussion. Councilor Aiman-Smith moved to approve a Special Dispenser Permit Application for the Silver City Grant County Chamber of Commerce Banquet at the Grant County Veterans Memorial Business and Conference Center on Nov. 17, 2017 with alcohol service from 6:00 pm to 8:30 pm. Liquor License Holder Information: W&N Enterprises, Inc., DBA Snappy Mart #204, License #0151, P.O. Box 559, Silver City, NM 88062. Councilor Bettison seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all three Councilors that were present said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

B. Approval / Disapproval of two Public Celebration Permit Applications for the Mimbres Region Arts Council Black Tie Ball at the Grant County Veterans Memorial Business and Conference Center on Jan. 13, 2018 with alcohol service from 7:00 pm to 11:30 pm. Liquor License Holder Information: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 203 S. Mill Road, Silver City, NM 88061, 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM 88061. Mayor Ladner gave the floor to Kevin Lenkner, Executive Director of the Mimbres Region Arts Council, and David Crosley, owner of Little Toad Creek LLC. Mr. Lenkner said the alcohol service should be until midnight, not until 11:30 pm. There was further discussion about correcting the permit application. Mayor Ladner asked for a motion. Councilor Bettison moved to approve two Public Celebration Permit Applications for the Mimbres Region Arts Council Black Tie Ball at the Grant County Veterans Memorial Business and Conference Center on Jan. 13, 2018 with alcohol service from 7:00 pm to midnight which was an additional 30 minutes from what was published on the agenda. Liquor License Holder Information: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #63013, 203 S. Mill Road, Silver City, NM 88061, 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #67085, 203 S. Mill Road, Silver City, NM 88061. Councilor Aiman-Smith seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all three Councilors that were present said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

C. Approval / Disapproval of Special Dispenser Permit Application for the Hidalgo Medical Services Annual Christmas Gala at the Grant County Veterans Memorial Business and Conference Center on Dec. 9, 2017 with alcohol service from 5:00 pm to 11:00 pm. Liquor License Holder Information: Dahl Enterprises, LLC, DBA Q's Southern Bistro, LLC, License #28098, 101 E. College Ave., Silver City, NM 88061. Mayor Ladner gave the floor to Dan Otero, Chief Executive Officer of Hidalgo Medical Services, and to Ronald Anthony Quintana of Q's Southern Bistro. Mr. Quintana discussed the times for alcohol service and said it would be a good event for the employees of Hidalgo Medical Center. Mr. Otero said he really appreciated the opportunity to move forward with the event for about 240 employees and guests for the awards celebration with music, dance, and a nice meal, and that it was important for the employees to have access to a cash bar. He added that if they had missed the Town's timeline they would have had to cancel the whole event until January. There were no questions from the Council. Mayor Ladner asked for a motion. Councilor Cano moved to approve a Special Dispenser Permit Application for the Hidalgo Medical Services Annual Christmas Gala at the Grant County Veterans Memorial Business and Conference Center on Dec. 9, 2017 with alcohol service from 5:00 pm to 11:00 pm. Liquor License Holder Information: Dahl Enterprises, LLC, DBA Q's Southern Bistro, LLC, License #28098, 101 E. College Ave., Silver City, NM 88061. Councilor Aiman-Smith seconded. There was no further discussion. Mayor Ladner asked all those in favor to say aye, and all three Councilors that were present said aye. He asked if any were opposed to say nay, and there was no opposition. Motion carried.

D. Appointment to Historic Design Review Committee. Mayor Ladner said the Town received an application from Becky Smith Ladner, a current member whose term would expire on November 30. He said she had served on the Committee as the resident member since 2004 and that she chaired the Committee. He said he consulted with the Town's legal counsel and learned it would not be a conflict of interest if he, as her husband, recommended her to be reappointed to the Historic Design Review Committee. He said if there were no objections he would like to make the appointment. There were no objections from the Council. Mayor Ladner reappointed Becky Smith Ladner to the Historic Design Review Committee.

E. Appointment to Planning and Zoning Commission. Mayor Ladner said the Town received an application from Sunil Otto Khera, and the Chair of the Planning and Zoning Commission and the Director of the Community Development Department recommended his appointment. He said if there was no objection he would like to make the appointment. There was no objection. Mayor Ladner appointed Sunil Otto Khera to the Planning and Zoning Commission and stated it would give them a full slate on the Planning and Zoning Commission.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 6:35 p.m., and Councilor Bettison 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 three Councilors said aye. Motion carried.

/s/

Ken Ladner, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk