

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM
February 27, 2018, 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
James Marshall, Assistant Town Manager
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, under the direction of Annette Toney, would do a flag ceremony and lead them in the Pledge of Allegiance. Mayor Ladner said the Girl Scouts were the future leaders of their community and their country, and he thanked the Girl Scouts for doing the colors.

2. CHANGES TO THE AGENDA – None.

3. CEREMONIES – None.

4. PROCLAMATIONS – “Girl Scout Week” – March 11-17, 2018. Mayor Ladner said the Town would like to recognize "Girl Scout Week" with a proclamation, and that Councilor Cano and Mayor Pro Tem Bettison were both Girl Scouts. Councilor Cano read the proclamation that recognized the 106th Anniversary of the Girl Scouts of the United States of America, and photos were taken with the Girl Scouts.

5. COUNCIL COMMENTS – Councilor Cano thanked the Girl Scouts for coming to the meeting. She recognized Western New Mexico University (WNMU) for having the Black History 101 mobile museum come to visit Silver City. She said there would be a School Safety Town Hall on March 7 at 5:00 p.m. at Silver High School. She also reminded everyone that early voting would continue at City Hall through March 2 and the municipal election would be held on March 6, 2018 at the Woman's Club. Councilor Ray thanked Robert Esqueda, Utilities Director, and his crew for fixing up Cooper Street. Councilor Aiman-Smith thanked the Silver City Daily Press for holding candidate forums for all of the municipalities, and she thanked reporter Ben Fisher for bringing good questions. She said the Natural History of the Gila Symposium was fabulous, and that a WNMU student was running a research project to look at storm water drainage downtown. Councilor Bettison said she enjoyed Girl Scout Week and when the Girl Scouts came to the Council meeting. She said she was a former Girl Scout at the Cadet level; that it was important in her life, and her parents supported her in that endeavor. She corrected her statement from the previous Council meeting on the location of a new public parking area; that it was on Texas Street, not Arizona Street. She also thanked the person that took down the lane sign that was wrong on South Swan Street at the intersection of Swan Street and Silver Heights Boulevard.

6. APPROVAL OF MINUTES - Regular Meeting on February 13, 2018 - Councilor Aiman-Smith moved to approve the minutes of the Regular Council Meeting of the Town of Silver City of February 13, 2018. Councilor Bettison seconded. The Mayor asked if there was any discussion, and there was none. He 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.

7. PUBLIC INPUT – Eiline Kingsley encouraged other interested residents to apply for the Recycling Advisory Committee as soon as possible, and that her appointment to the committee was on hold until after the March 6, 2018 since she was a candidate for District 2 Town Councilor. She said it was important because the state deadline for annual recycling grants was on March 23 and she provided further information.

8. REPORTS -

A. The Frequency and Cause of Sirens in Silver City, NM: a Citizens Science Study presented by Kelly Hart.

Mr. Hart stated the question of why there were so many sirens in Silver City as compared to much larger cities had been asked by residents many times over the years, and that about a year ago during a discussion about noise Councilor Aiman-Smith suggested that he might conduct a study as a citizen scientist to see if he could find a definitive scientifically-based answer to the question. He said he was willing to do such a study and he described the process and steps involved in the study done by the Citizen Science Team that included himself, Rachelle Bergmann, Candace Breen Lee and another person that wanted to remain anonymous. He reported their final results and stated the data analysis showed that virtually all of the sirens clearly had valid and reasonable causes that related to some form of emergency: 65 percent of the siren events had medical causes; 14 percent were calls for police action; 11 percent were related to motor vehicle accidents; 7 percent were related to domestic trouble; and three percent were fire alarms. He said the data showed that most of the time there were multiple responders to an incident; of the 71 incidents 32 percent had a single responder while 70 percent had multiple responders, and he questioned the redundancy of response by various agencies to single requests for service. He said nearly a quarter of the events surveyed might be ascribed to problems often associated with aging. He said the citizen science project was quite worthwhile and he had a very different attitude toward the sirens that he heard and was more likely to feel more compassion for some unfortunate person in trouble. He thanked all of the various agencies in the Silver City government for their willingness to assist them in the study and their interest in finding ways to evaluate the use of sirens around town and possibly diminish the frequency of such use. He also thanked his fellow citizen scientists and Councilor Aiman-Smith for suggesting it and following through to the end by paving the way through government bureaucracy to make it happen. Assistant Town Manager Marshall said they worked with Police, Fire, and EMS to look at their policies and their controls to make sure their policies were followed. He described various situations when emergency vehicles respond and said they modified the policy, but would continue to monitor them, and that the study had given them a better view on what policies to look at and how could they truly make an impact. He said he recognized it was a quality of life issue for some, and that they should also recognize there is a lot of need in the community. He said sometimes the sirens are for people having the worse day of their life so they should have some tolerance and patience for those people as long as they felt comfortable that the sirens were appropriate for the protection of the life, safety, and health of their citizens and visitors. Councilor Aiman-Smith confirmed with Mr. Hart that the average number of sirens heard per day was eight.

B. Second Quarter Report on Silver City Arts and Cultural District's use of lodgers tax funds by Colleen Morton, Executive Director of Silver City Arts and Cultural District.

Ms. Morton said they commissioned a marketing strategy report with Skywest Media and reported the following conclusions: how their websites were weak in terms of their functionality, the dynamism of their content, and their analytics; how they were not doing enough Facebook advertising; how they had an excellent Instagram strategy; and how they needed to review the reach and scope of their print advertising in the different markets, particularly the California and Colorado markets. She said to address those issues they were completely rebuilding their websites on a new platform with greater functionality, better user experience, devoting more resources to make sure it had more dynamic content, and make it more interactive and responsive; how they were testing and placing more Facebook advertisements and adding more linkages between Instagram and Facebook content; how they were reviewing their print advertising strategy, boosting their collaborative advertising approach, and adding more digital content on top of the print advertising where packages were available; how they were reviewing California for cost effective advertising and would look at the Colorado market even though the state is not focusing on Colorado; and how they were looking at the possibility of advertising in Texas and using some Spanish language advertising and channels because they had 95 visitors in the second quarter from Mexico. She said the Facebook and Instagram reach was expanding and their videos had been extremely successful, but they did not have reliable statistics yet on their website visits. She provided the data from the Visitor Center and stated Arizona continued to rank number one in terms of the origin of the visitors to Silver City, visitors from California were second, New Mexico was third, Colorado was fourth, and then Texas. She also reported on their activities in the third quarter, and commented that Assistant Town Manager Marshall was added to the Board as an Ex Officio member. There was further discussion with Councilor Aiman-Smith and Councilor Bettison.

C. Staff Reports. Assistant Town Manager Marshall gave an update on the legislative session and reported there were a total of 1,017 bills introduced in the 30 day session; 381 bills passed one house; 131 bills passed both houses; and so far 93 bills were sent to the Governor. He said as of that afternoon the Governor had signed three bills. He said several of the Council members were interested in the small cell bill, and it did pass. He said the Local Election Act bill also

passed and there was a section pertinent only to Silver City which was very difficult to get. He said if the Governor did not act on the bills by March 7, they would be considered pocket vetoed. There was further discussion.

Manager Brown reported the recycling effort had been growing; that he signed a purchase order to purchase 500 to 600 containers. He said when they started the automated curbside recycling they purchased 2,500 containers and gave out 1,800 of them. He said they were out of containers because the program grew by 28 percent in the past year.

Manager Brown also commented on a recent press release from the State Auditor about a former Town employee. He said they found information that the employee may have embezzled a little over \$12,000 through the purchasing card process. He said the employee left and it was her replacement that found what she had been doing; that it was very technical. He said both of their previous auditors and their current auditor said based on the fact that they do everything on samples, there was almost no way they would have caught it, but the Town's current purchasing agent caught it. He said the information was reported directly to the State Auditor, not to Town management. He said the State Auditor reported it to Town management and then he reported it to the State Police. He said he also wanted to identify the full extent of the embezzlement, as well as identify weaknesses in their policies, and he stated he requested a Special Audit. He said it was not required, but because he wanted to make sure he knew the true extent of everything and to make sure the public knew they would clean things up, he contracted the Special Audit and it could be read on the State Auditor's website. He said they also contracted with the previous auditor to update their policies, and hoped to be finished by the end of March. He said the updates would be brought to the Council for their approval.

Councilor Bettison made a motion for a short break at 6:56 p.m. Councilor Aiman-Smith seconded. 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 7:01 p.m.

9. PUBLIC HEARINGS - None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS -

A. Approval / Disapproval of Resolution No. 2018-10: a Resolution authorizing the Town Manager to approve / disapprove special dispenser and public celebration permits authorizing the sale of alcoholic beverages at public events held at the Grant County Veterans Memorial Business and Conference Center. Councilor Ray said the Resolution needed to be done and he made a motion to approve Resolution No. 2018-10: a Resolution authorizing the Town Manager to approve or disapprove special dispenser and public celebration permits authorizing the sale of alcoholic beverages at public events held at the Grant County Veterans Memorial Business and Conference Center. He said state law required that local governments review and make decisions on conditions of these types of permits, and basically all of the local government did was enforce conditions to ensure public safety and compliance with local law. He said events occurring at the conference center were highly regulated by the county to such an extent that compliance with those regulations would satisfy the Town's concern about public safety and compliance. He stated that allowing the Town Manager to review and decide upon the issuance of the permits for events to be held at the conference center was more business friendly for the applicants and would take the burden off of the Council with no harm done to the Town. Councilor Ray repeated his motion to approve Resolution No. 2018-10: a Resolution authorizing the Town Manager to approve or disapprove special dispenser and public celebration permits authorizing the sale of alcoholic beverages at public events held at the Grant County Veterans Memorial Business and Conference Center. 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.

B. Approval / Disapproval of Resolution No. 2018-11: a Resolution dedicating portions of 16th Street and Pope Street located within the boundaries of the Town of Silver City as public rights-of-way. Manager Brown said the Town had been working with Bethel Development on the senior affordable housing facility that they were awarded credits for, and that Bethel Development was finalizing their financing. He said as part of the requirement of financing they needed public right-of-way into the facility. He said the Town found out that the section in front of the entrance to

the old hospital was Town-owned property, but it was not a dedicated road. He said the bank and the title company agreed to move forward with the closing as long as the Town gave Bethel Development a public easement over that property. He said they agreed in the next month or two they would go ahead with the process to dedicate the same piece of property as a road right-of-way, but that would require an ordinance which would have taken too much time to get to their planned closing date of March 1. He said with the Resolution they would meet all of their requirements so they could close on March 1, 2018. Manager Brown thanked Attorney Scavron for working really hard on the project to make sure they got to the closing, and that he did a really good job. Councilor Bettison and Manager Brown discussed the future ordinance and the location of the property. Councilor Bettison moved to approve Resolution No. 2018-11: a Resolution dedicating portions of 16th Street and Pope Street located within the boundaries of the Town of Silver City as public rights-of-way. 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; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried.

C. Approval / Disapproval of Bid #17/18-3: College Avenue Phase II roadway and drainage improvements.

Manager Brown said it was for a Colonias project that they were awarded two years ago and they had received funding for the roadway replacement, sidewalk, curb, gutter, drainage, and painting of the lines. He said Dr. Shepard at Western New Mexico University (WNMU) had some money available and requested that the Town work with WNMU so they could turn it into an entrance into the university and add vegetation, trees, lighting like the downtown lighting, and that WNMU would pay for the utilities to be put underground from West Street to E Street. He said the scope and size of the project had increased substantially and they agreed that the Town would pay for the original scope and WNMU would pay for all of the additions. He said it would be really nice with brick crosswalks and planters and trees with an irrigation system and electric boxes next to the trees for sparkly lights at night. He said it would be really beautiful. He said Bid Lot #1 was the Town's responsibility and Bid Lot #2 was WNMU's responsibility and they would share the gross receipts taxes proportionately to the costs. He said WNMU would reimburse the Town for the cost of the engineering for their portion of it, and the Town's portion was the grant match for the grant construction. He said they came out really good because the grant was \$903,000 and they only had the portion of the project for Bid Lot #1. He stated it was staff's recommendation to award the project to Southwest Concrete and Paving, Incorporated for both Bid Lots, Bid Lot #1 for \$666,747.00, Bid Lot #2 for \$724,952.75 plus gross receipts taxes of \$111,335.98 for a total project of \$1,503,035.73. He said WNMU would reimburse the Town for their portion and because the Town had more money than they would need they would probably pay for a part of WNMU's portion of the project. He said because it was a government to government transaction, it was all legal to do it and they were ready to move forward on the project. There was further discussion about drainage. The Mayor said it was a great example of the Town and the university working together on a project and that Manager Brown had worked some great miracles working through the complications that would arise on this type of partnership. He thanked Manager Brown for all that he did. He asked for a motion. Councilor Aiman-Smith moved to approve per staff recommendation to award the following bids to Southwest Concrete and Paving Incorporated: Bid Lot #1 in the amount of \$666,747.00, Bid Lot #2 in the amount of \$724,952.75, for a total project without gross receipts taxes of \$1,391,699.75; the total project with gross receipts taxes of \$111,335.98 for a total project of \$1,503,035.73, and understanding that the recommendation is contingent upon WNMU contributing the funding required to construct Bid Lot #2. Councilor Cano 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.

D. Appointments to the Trails and Open Space Advisory Committee. Mayor Ladner said this official committee was a good example of the commitment the Town has made to develop their trails systems which was not only a good thing for their community members, but also for people that visited Silver City that wanted to walk around and enjoy their beautiful countryside. He thanked Assistant Town Manager Marshall and Jaime Embick, Community Development Director and Trails and Open Space Coordinator, for getting the committee going. He said Ms. Embick recommended the seven appointments to the new committee that was authorized by Resolution No. 2018-02 on January 9, 2018. He said other individuals interested in volunteering on the trails may contact the Town Manager's office to become volunteers. He said the following persons were recommended for appointment: Daniel Dietzel from District 1 for a two-year term; James Wightman from District 2 for a two-year term; Peter Gorman from District 2 for a two-year term; Edwin Ferris from District 2 for a two-year term; Christian Schlabach from District 3 for a one-year term; Kenneth Sexton, county resident, for a one-year term; and Robert Schiowitz, county resident, for a one-year

term. He said if there was no objection he would like to appoint those individuals. There were no objections from the Council.

E. Appointment to the Cemetery Board. Mayor Ladner said the Chair of the Cemetery Board, Linda Nunez, recommended the reappointment of Elizabeth Miller. He said Mrs. Miller had served on the Cemetery Board since 2010, and if there were no objections he would like to reappoint Elizabeth Miller to the Cemetery Board. There were no objections from the Council.

12. ADJOURNMENT – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:19 p.m., and Councilor Ray 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. Motion carried.

/s/

Ken Ladner, Mayor

Attest:

/s/

Ann L. Mackie, Town Clerk