

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY  
REGULAR COUNCIL MEETING  
Grant County Administration Center, 1400 Hwy. 180, Silver City, NM  
December 11, 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.

**2. CHANGES TO THE AGENDA** – None.

**3. CEREMONIES** – None.

**4. PROCLAMATIONS** – None.

**5. COUNCIL COMMENTS** – Councilor Aiman-Smith acknowledged the recent presentation at the Prospectors Legislative Forum and said it was really informative. She shared how citizens were thankful that the Town and the *Silver City Daily Press* were running a series of articles about the aspects of Town operations, and she thanked Manager Brown and Nickolas Seibel, Publisher/Editor of the *Silver City Daily Press*. Councilor Bettison gave holiday greetings to everyone. Councilor Cano thanked the Town Employees’ Social Committee for inviting the Council to join them in their annual Christmas celebration and that it was good to hear about staff members that reached years of service designations. She said the Town had a lot of staff that spent their whole careers with the Town and that she thought that was special about Silver City. She congratulated the employees that reached some of their milestones. Councilor Ray gave holiday greetings and thanked Mr. Seibel. Mayor Ladner commented on the signal light that was out at the intersection of Pope and 12<sup>th</sup> Street, and how traffic moved faster with everyone stopping. He asked Manager Brown to look at a feasibility study to make that intersection a four-way stop. Manager Brown stated the Town could make the decision since they were Town streets, and they would look into it.

**6. Approval of Minutes for the Regular Town Council Meeting held on November 27, 2018.** Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of November 27, 2018. 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.

**7. PUBLIC INPUT** – None.

**8. REPORTS -**

**A. Report by the Rural Community Assistance Corporation regarding the financial impact of the regional water project in Grant County.** Karl Pennoch, Rural Development Specialist with the Rural Community Assistance Corporation, said they were invited by the Grant County Water Commission to prepare a preliminary financial analysis of how the Grant County Regional Water Project might affect each community that might be affected by the project. He said the project had been in development for several years and in 2014 the Grant County Water Commission commissioned a preliminary engineering report that described the potential of building a water project that would serve the Town of Hurley, the Village of Santa Clara, the City of Bayard, Arenas Valley, and the Town of Silver City. He said the project would provide a reliable fresh source of water and improve the water security for towns along the mining corridor, as well as provide opportunities for economic growth. He said a lot of regional projects were looked at very

favorably by funders, and he described several scenarios that were broken down into grant components for a 50 percent grant and a 75 percent grant which he said could be a very distinct possibility. He said the amount of the project in 2014 was about \$18 million, and in 2018 they added a three percent multiplier for a current estimated amount of \$18.3 million that included the first phase which was already funded for the Town of Hurley. He reviewed 50 percent grant scenarios and 75 percent grant scenarios that either included or excluded the Silver City complex. He said the cost for each entity for the postage stamp scenario was based on the aggregate number of connections that the project would serve or 10,000, and that each community would pay the same rate. He said the train ticket scenario would be based on a unit cost for each entity based on their number of connections, and that the project would be very expensive based just on usage. He said one of the proposals would be to look at the project on a per connection basis, so everyone would share the cost of the entire project, and it would make the prices affordable for the smaller communities and be in reach for Silver City as well. He said if Silver City did not participate the costs would rise substantially and may not be tenable for some communities and would make the project much more difficult to finance and to pursue.

Manager Brown said they had worked on the project for many years and had gotten to the point of Phase IA and they were finalizing the bid for the construction of that project. He said he looked at what the Town needed for the short term and for the long-term prospects for water. He said the Town had four wellfields, but the Anderson wellfield was not being used because it needed to be re-drilled. He said in 2011 the Town was pumping approximately 64 percent of the water rights they owned at that time, and they had an ordinance that when they reached 80 percent they had to start looking at ways to scale back consumption. He said scaling back would start with the water associations and then to Silver City residents. He said currently they had the capacity to pump about 80 percent of what they owned at the wellfields, but to do that they would have to pay substantial infrastructure costs of about \$8 to \$12 million to pump the additional 20 percent. He said due to those substantial costs they started looking at a regional project, and they identified that they owned 193 acre feet of water at the airport. He said they applied for recharge credits and got an additional 748 acre feet of water so now the Town owned over 900 acre feet of water at the Hurley airport, but it was very expensive to pump that water. He said they wanted to plan for growth and for the needs of the future of their community and provide their partners in the mining district communities and water associations with good quality infrastructure for future economic development because there was not a lot of space to build in Silver City. He said there were three options: 1) how they could increase their pumping capacity by paying the infrastructure costs to get to the water rights they owned at Anderson wellfield and those costs would be completely born by the Town, 2) how they adopted and implemented a water conservation plan which included the water meter project and the large meter maintenance program, and the water consumption was reduced from 64 percent in 2011 down to 47 to 49 percent in 2018, and 3) how they could take advantage of a regional water project by requiring some of the water associations to move to the regional water project which would decrease the demand on the Town's infrastructure. He said the water conservation plan helped right away, but the regional water plan was for the future of their community; that they needed to make decisions that were not hugely expensive but would impact the community immensely in the long term. He recommended that they continue to work with them to see the best options.

There was further discussion from Councilor Aiman-Smith, Councilor Bettison, and Mayor Ladner about the following: how the regional water plan was to make sure their neighbors would not be thirsty; how it was the best example of risk management; how it would help with a major water line break or catastrophe; how it would support the other communities in the area; and how the plan was so wonderful for Hurley because they would have been without water in the near future, etc.

**B. Staff reports.** Clerk Mackie provided information on the upcoming election on March 5, 2019.

Mayor Ladner said he had a request to go into Executive Session pertaining to threatened or pending litigation, and he asked for a motion. Councilor Bettison moved for the Council to go into Executive Session pursuant to NMSA 1978 Section 10-15-1 H (7) of the State's Open Meetings Act to be subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant. Councilor Aiman-Smith seconded. There was no discussion, and the Mayor asked for a roll call. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye. Motion carried at 6:37 p.m. Mayor Ladner said the Council would convene in the conference room after a five-minute break. The Council returned to open session at 7:14 p.m. Mayor Ladner stated that no matters other than those matters included in the motion to go into Executive

Session were discussed. He asked the Council members for their affirmation of that statement. Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted aye; and Councilor Cano voted aye.

## 9. PUBLIC HEARINGS - None.

## 10. UNFINISHED BUSINESS –

**A. Approval / Disapproval of Ordinance No. 1275: An Ordinance amending the Municipal Code of the Town of Silver City, Grant County, NM, Chapter 50 (NM Uniform Traffic Code Adoption), Sections 50-1, 50-2 and a New Section 50-3 (Superceding Amendments).** Attorney Scavron provided the details of the ordinance that would keep the amendments to the Uniform Traffic Ordinance (UTO) that the Council had done in the past, keep the penalty assessment schedule from 2017, and remove language that they would automatically adopt future updates of the UTO by the State. There were no questions from the Council. Councilor Cano moved to approve Ordinance No. 1275: An Ordinance amending the Municipal Code of the Town of Silver City, Grant County, NM, Chapter 50 (NM Uniform Traffic Code Adoption), Sections 50-1, 50-2 and a New Section 50-3 (Superceding Amendments). Councilor Ray seconded. 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.

## 11. NEW BUSINESS -

**A. Approval / Disapproval of Resolution No. 2018-29: Supporting an application to the NM Finance Authority under the Colonias Infrastructure Fund for a street and drainage improvement project on Ridge Road.** Manager Brown said it was a duplicate of the application they submitted last year, but their application was not considered last year because they were not able to meet the threshold for the construction on College Street. He said they would meet the threshold this year and it would be for Phase I for curb, gutters, sidewalk, drainage improvements, paving and bike lanes on Ridge Road from Highway 90 to Chukar. He provided further details of the project. He said the total application would be close to \$900,000 and there would be a \$85,000 match in engineering, etc. He said they would have to acquire rights-of-way for the entirety of Ridge Road, and that the Community Development Department was talking to the different property owners. He said they already had approval from all the owners to turn it over to the Town because it would increase the value of their property. He answered Councilor Ray's question about timing and stated if the project was awarded in March 2019 then the earliest the construction could start would be October 2019. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2018-29: Supporting an application to the NM Finance Authority under the Colonias Infrastructure Fund for a street and drainage improvement project on Ridge Road. Councilor Cano seconded. The Mayor 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. 2018-30: Supporting an application to the NM Finance Authority under the Colonias Infrastructure Fund for improvements to the Town's Wastewater Treatment Plant.** Manager Brown said it was a resubmittal of their application from last year and would replace the headworks and make digester improvements at the Wastewater Treatment Plant. He said it would cost over \$200,000 and the match would be about \$20,000 for the project. There was no discussion. Mayor Ladner asked for a motion. Councilor Ray moved to approve Resolution No. 2018-30: Supporting an application to the NM Finance Authority under the Colonias Infrastructure Fund for improvements to the Town's Wastewater Treatment Plant. Councilor Cano seconded. The Mayor 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 Resolution No. 2018-31: a Resolution declaring the eligibility and intent of the Town of Silver City in Grant County, NM to submit an application to the Federal Highway Administration (FHWA) for federal fiscal year 2020/2021 Federal Lands Access Program (FLAP) Funds.** Manager Brown said it would give staff authorization to submit a joint grant application with the County, and that he met with the County and the Forest Service about it. He said the Town had worked on Little Walnut Road since the late 1990s when they did Phase I. He said they did Phase II in the early 2000s which brought curb, gutter, sidewalks, ADA improvements, drainage improvements, bike lanes, and pavement to a little past Chavez Lane. He said this application, if awarded, would continue the curb, gutter, etc. from Chavez Lane to the city limits, and they would be fixing a multitude of drainage problems and fix everything they could. He said lighting was not included but could be done with regular power poles. He said the

application was for \$8 million to complete the construction, and the County was applying for \$3 million to do it from the city limits to the Little Walnut picnic area. He said the Federal Lands Access Program (FLAP) was a program to connect communities to federal lands so it would connect Silver City to the Little Walnut picnic area. He said they identified other streets they could use this funding for in the future, and he mentioned Cottage San and North Swan. He said if the application was approved they would have to make sure they had all the rights-of-way in place, but the federal government would take care of all of the construction. He said they would have to do a Memorandum of Agreement to work on the project with the County. There was further discussion. Mayor Ladner asked for a motion. Councilor Aiman-Smith moved to approve Resolution No. 2018-31: a Resolution declaring the eligibility and intent of the Town of Silver City in Grant County, NM to submit an application to the Federal Highway Administration (FHWA) for federal fiscal year 2020/2021 Federal Lands Access Program (FLAP) Funds. Councilor Bettison seconded. 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.

**12. ADJOURNMENT** – Mayor Ladner concluded the meeting and asked for a motion. Councilor Aiman-Smith moved to adjourn at 7:36 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