

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
August 10, 2021, 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
James Reynolds, Town Attorney
Freddie Portillo, Police Chief
Charmeine Waite, Director, Silver City Mainstreet
May Merritt, resident from Cactus Street
Jack Brennan, Director-Tour of the Gila
Lisa Jimenez
Geoffrey Plant, Silver City Daily Press
Roger Lanse, Grant County Beat
Georgia Rivera and James Harris
Teresa Dahl-Bredine, Little Toad Creek, LLC.
Mrs. Patricia Cano
Mrs. Jose A. Ray
Katherine Kunnert, Town Clerk
Maria C. Sublasky, Admin Asst. to Exec.

Department

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE - Mayor Ladner called the meeting to order at 6:00 p.m. Mayor Ladner recognized Chief Portillo and several members of the press, present at tonight's meeting.

2. CHANGES TO AGENDA - Mayor Ladner stated that a minor change needed to be made to the Agenda due to a clerical error and it did not require a motion. The change was listed under New Business, item 11A., the date indicated on the second line from the bottom read August 13, 2021. It should read August 10, 2021.

3. CEREMONIES – None.

4. PROCLAMATIONS – None.

5. COUNCIL COMMENTS – Councilor Aiman Smith stated that she wanted to express appreciation to the Daily Press for hosting and presenting the Candidate 101 Workshop last week. It was well attended, there were really good questions and it was a good process. She indicated several people contacted her for more information after the workshop. Councilor Aiman-Smith thanked the Daily Press.

Councilor Cano stated with this being election season, she wanted the public to be informed that the reason she does not stand for the pledge of allegiance is not because she is unpatriotic or has any issues with saying the pledge. It is because she is normally in a wheelchair. Another thing she mentioned is that she received a threatening email that morning and personally, she would not be responding to anything that is threatening in nature. Lastly, she said that she has concerns with a lot of people riding their OHV's lately, especially when they have minors as passengers. She asked Chief Portillo to comment on what should be practice for minors when riding in OHVs. Chief Portillo stated that any minors in a UTV and under the age of 18 should be wearing a helmet. He referred to the Town's UTV Ordinance and stated that it could also be found on the Town's website. He also stated that UTV's are not to be operated on State Highways and also outlined in the Ordinance. He welcomed the public to contact the Police Department and said they would be happy to answer any questions they might have.

Councilor Ray thanked James Hamilton Construction, a local contractor, for doing a great job on the current road project. He asked that they be given thanks and support from the public for the work they're

doing. Councilor Ray gave his opinion on getting vaccinated. He indicated he was not in favor of the mask mandate, but asked that the public abide by the rules given us. Councilor Ray indicated that as Councilors there will be times, they do things that the public does not agree with. He said the public only sees certain things, or what they want to see, from the outside. He invited them to run for office and see what they could do. He also stated he received an email from a person stating this person was his boss. Councilor Ray commented his boss is the man upstairs and no one else. In closing, he commented that he would like to see the time return when Sunday was a day of rest and all shopping was done Monday through Saturday. He asked that we continue to support small business regardless of the occupancy limits being imposed on these places. He commended the work that the city workers and town crews were doing for the parks and asked that we be supportive of them.

Councilor Bettison echoed Councilor Cano's comments that she will also not be responding to the threatening emails or voice messages. She does not feel that she needs to be threatened to do the job she needs to do. She indicated that if she feels threatened, especially with bodily harm, her recourse would be to make sure the Chief of Police knows about it. She informed anyone posting anything to a public address, be aware they are posting to a government entity. She will also reject any email addressed to the university email address. Councilor Bettison indicated that the Infrastructure Capital Improvement Project meeting will be held on Wednesday, August 18, 2021 at 5pm in the upstairs conference room of the City Hall Annex. She asked Mr. Brown that the advertisement not be printed as a classified but rather in a more visible format such as a public notice. She recommended that the public attend this meeting so they could make recommendations on projects that they think should be included in the infrastructure and capital outlay project lists. Mr. Brown indicated he would make sure it is published as a public notice. Councilor Bettison indicated she has been on the Council since 2009 and the Cactus Street project comes up every year. Some of the street was completed but unfortunately certain things changed and more monies than expected had to be used to address issues with a smaller section of the street. She indicated that Mrs. Merritt has photos to submit that show the condition of Cactus Street. The sidewalks in place are crumbling and falling apart, and every year she asks if the street can be moved higher up on the list. She is asking, before it comes before the Mayor and Council, that it be included on the new list so that it gets completed in District 1. She stated that there are so many people out walking and she wants for them to be safe and not have to walk in the streets, including those that are disabled.

Mayor Ladner asked if there were any other Council comments. Councilor Cano stated she forgot to mention that the State Legislature came up with a new committee or board to work on redistricting. The satellite meeting in Silver City will be held on Thursday, August 12, from 3pm to 7pm (a come and go meeting format) at the Global Resource Center at Western New Mexico University. She said anyone interested in the redistricting process or who have comments on what you think should happen during redistricting, those are the people to take it to so they can then take it to the Legislature.

Mayor Ladner asked if there were any other comments. Councilor Ray stated that he believes even though he is elected by the people, he will "ask" rather than tell people to do something. He will not "tell" them what to do.

Mayor Ladner wanted to thank all who made the festival this past Saturday a success at Gough Park. He wanted to recognize and thank the Police, Fire, and First responders. He said we take the protection provided for granted especially after the incident involving someone pulling out a gun on an officer and shooting at them. Every day they put their lives out on the line. He asked that the Chief please pass along to the other departments how much we appreciate what they do on a daily basis.

6. APPROVAL OF MINUTES - Regular Meeting on July 27, 2021. Mayor Ladner asked for a motion to approve the minutes. Councilor Aiman-Smith moved to approve the Minutes of the Regular Council Meeting of the Town of Silver City of July 27, 2021. Councilor Bettison seconded the motion as stated. The Mayor asked if there was any discussion. Councilor Cano asked that Mrs. Patricia Cano's name also be included in the minutes as well seeing that the public in attendance is now being named. The Mayor asked if there was any further discussion. Councilor Bettison clarified that she seconded the motion as amended. There was no further discussion. Mayor asked that all in favor say aye. All in favor. Mayor asked those opposed to say nay. There were none opposed. Motion carried.

7. PUBLIC INPUT - Mayor Ladner stated only one person, May Merritt had signed up for public input. He asked her to come up to the podium. Mrs. Merritt thanked the Mayor and Council for allowing her to speak. She stated she has lived in Silver City since 1954, and has lived on Cactus Street since 1963. She is here to draw attention to the fact that the concrete sidewalk and curb is absolutely worn away and a hazard, as people are now having to use the street to walk on. She is requesting action from the officials from the Town of Silver City, that the street of North Cactus be finished after a ten-year span so that there is a safe place for people, young and old to walk on. She thanked the Council for their time and mentioned she had pictures that she would leave for all to see.

8. REPORTS - A. Staff Reports. – Charmaine Waite, Executive Director of the Silver City Mainstreet Program presented a progress report of projects listed in the Downtown Action Plan and Cultural Plan. She stated each year they are required by New Mexico Mainstreet to develop a work plan whereby part of their accreditation depends on implementation of that work plan. Both plans are written in partnership with New Mexico Mainstreet and the Town of Silver City. Between the two plans, 80 projects were identified and 71 were completed or ongoing for an 83% completion rate. Some of the projects that they have implemented were the Mainstreet Plaza, the Make and Take activities at the Maker's Market, Mainstreet Gift Certificates, and Western New Mexico Student Discount Program, Small Business Assistance Program, Vacancy and Lease surveys, Wayfinding Signs, Kelly St. Stub, Property Owners Toolkit and the Taste of Downtown. She stated they appreciate the partnership as the plans serve as a roadmap for the town and congratulated the Town on getting so many of their projects implemented under these plans. Mayor Ladner asked if there were any questions or comments.

Councilor Aiman-Smith requested more be said on the Small Business Assistance Program. Mrs. Waite indicated it was started last year through a funding partnership with the Town whereby small forgivable loans were provided for the businesses in the downtown district. It was so successful that Wells Fargo, the NM Resiliency Alliance, and the New Mexico Oil and Gas-Brighter Future Fund have donated monies to the cause. To date 43 projects have been funded for small businesses to include with signage, facades, freezers, roof repairs or anything needed for them to be successful through the pandemic and post pandemic. She indicated that for every dollar that has gone in three dollars have been contributed by the businesses. It is a great way to leverage public and private monies to help our downtown businesses. She also added that in most Mainstreet's across the country, 72% of the Mainstreet businesses are locally owned. In Silver City however, the downtown businesses are 100 % locally owned by people who live and work here. There is a total of 132 businesses downtown.

Councilor Aiman-Smith asked for more detail on the funding on sprucing up the facades downtown and stated it looks great. Ms. Waite indicated that Mainstreet received feedback from people indicating there were no businesses downtown. As a result, they found that many businesses had signs flat up against the buildings so they were not visible. So, some of the funds went to signage and a Signage Plan that as a result, Los Alamos Mainstreet has now borrowed to implement in Los Alamos.

Councilor Aiman-Smith stated she had one more question and asked how the Property Owner's dashboard or Toolkit was coming along. Mrs. Waite indicated a Toolkit was developed that is on their website, to assist the small business property owners with what rules they needed to follow in order to fix up their buildings. Ms. Waite also stated that the New Mexico Mainstreet organization liked the plan so much that they took it and generalized the form so it could be utilized throughout the whole state through the New Mexico Mainstreet program. Councilor Ray requested a list of the businesses downtown that benefited from these projects. Mrs. Waite stated she shared that with the Town, Mr. Brown and Mr. Marshall but would be happy to get that to him.

Mr. Brown wanted to add that the funding sources they utilized to do these projects are specially designated for Mainstreet Downtown projects and the funding sources cannot be utilized for any other projects in town. Mr. Brown indicated that TIF funding, Mainstreet funding through the Economic Development Department and Stimulus funding were all made available to all the businesses around town through an application process. Downtown fared well because Mainstreet was there for them to spread the word and make sure they knew about these monies that were available to them. He indicated the intent was not to leave other businesses out and he just wanted to make sure it was understood that this was the only way the monies could be spent.

Mayor Ladner asked Mr. Brown if there were any other staff reports. Mr. Brown stated that paving on Ridge Road started today and it will cause a bit of backup especially on Highway 90. It should be completed by Friday. Councilor Bettison asked if this was the project out on Ridge Road. Mr. Brown responded it was and is the portion from Highway 90 to Bob White. Mr. Brown added that funding was already secured to continue the project from Bob White to the city limits. It will go out to bid this winter and construction is projected to start in the spring. He indicated they will focus on completing the section between Bob White and Fairway first being that this area is where most of the traffic goes through. He also stated the work on Little Walnut which is for 1 million, will also have started by then as well as some work on the San Vicente Trail. There is also Colonias monies to finish the work on the Chloride Flats Water Tanks renovations that will start just as soon as the grant agreements are received in October. Mayor Ladner asked if there were any other staff reports or comments. There were none.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS – None.

11. NEW BUSINESS

A. Approval / Disapproval of Resolution 2021-18. Mr. Brown stated that Resolution 2021-18 is the Resolution required to participate in the Council of Governments Program on an annual basis. It allows the Town to utilize all the existing services they provide for the community as well as the additional services they have expanded to include through Stimulus funding. Mr. Brown stated that the Council of Governments is very vital in helping to secure funding for the projects and in addition, they also help the other governmental organizations in the four-county area as well as the Quasi-Governmental entities such as the Water Associations and Solid Waste Authority. They are a huge help for the community and it was his recommendation that the resolution be approved. Mr. Brown indicated he would be the primary representative for the Town, as he is the Vice Chair for the Council of Governments currently. Mayor Ladner asked if there were any questions or comments from the Council. There were none. Mayor Ladner entertained a motion. Councilor Cano made a motion to approve Resolution 2021-18 of the Town of Silver City ratifying a certain agreement between the Town of Silver City and the Southwest New Mexico Council of Governments, dated August 10, 2021, and authorizing the executive of same by the proper official of the Town of Silver City. Councilor Ray Seconded. The Mayor asked if there was any discussion, and there was none. Mayor asked for a roll call, Councilor Bettison voted aye; Councilor Aiman-Smith voted aye; Councilor Ray voted Aye; Councilor Cano voted aye. Motion carried.

B. Approval / Disapproval of the Selection of a Voting Delegate and Alternate to vote at the New Mexico Municipal League's Annual Conference. Mayor Ladner indicated those attending this year's conference would be himself, as Mayor; Mayor Pro Tem and Immediate Past President of the New Mexico Municipal League - Councilor Bettison; and Councilor Cano. Mayor Ladner asked if there were any nominations from the Council. Councilor Aiman-Smith made a motion to nominate Mayor Ken Ladner as Voting Delegate with Cynthia Ann Bettison as the Alternate Voting Delegate. Mayor Ladner asked if there were any other nominations. Mayor Ladner asked for a motion to close nominations. Councilor Aiman-Smith moved to close nominations. Councilor Ray Seconded. Mayor asked all those in favor to say aye to close nominations. All four Councilors responded aye. Mayor Ladner asked for a motion to proceed with the selection of the Delegates. Councilor Aiman-Smith moved to select as Voting Delegate, Mayor Ken Ladner, and Cynthia Ann Bettison, as Alternate Voting Delegate at NMML Annual Conference. Councilor Ray seconded. All in favor. Motion carried.

C. Approval / Disapproval of Public Celebration Permit for the Tour of the Gila Beer Garden on October 2, 2021 with alcohol service from noon to 7:00 p.m. at 820 N. Bullard, Silver City, NM. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #67085, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #63013, 203 S. Mill Road, Silver City, NM. Mr. Jack Brennan, Race Director for the Tour of the Gila stated they were planning their 35th Annual Tour of the Gila this September 29 through October 3rd. He requested their approval for the permit and asked if there were any questions. There being none, the Mayor asked for a motion. Councilor Ray moved to approve the Public Celebration Permit for the Tour of the Gila Beer Garden on October 2, 2021 with alcohol service from noon to 7:00 p.m. at 820 N. Bullard, Silver City, NM. Liquor License Holder: 1)

Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #67085, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #63013, 203 S. Mill Road, Silver City, NM. Councilor Cano seconded the motion as stated. Mayor asked for comments or discussion. There was none. All in favor. Motion carried.

D. Approval/ Disapproval of Public Celebration Permit and Waiver of NMSA 1978 Section 60-6B-10 for alcohol service near a church for the Tour of the Gila VIP Beer Garden on October 2, 2021 with alcohol service from noon to 5:30 p.m. at The Hub at 601 N. Bullard, Silver City, NM. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #67085, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #63013, 203 S. Mill Road, Silver City, NM. Mr. Brennan again asked for approval of the permit for the VIP Beer Garden at The Hub for this year's downtown criterium. Mayor asked if there were any questions or comments. There were none. Mayor Ladner asked for a motion. Councilor Ray moved to approve the Public Celebration Permit and Waiver of NMSA 1978 Section 60-6B-10 for alcohol service near a church for the Tour of the Gila VIP Beer Garden on October 2, 2021 with alcohol service from noon to 5:30 p.m. at The Hub at 601 N. Bullard, Silver City, NM. Liquor License Holder: 1) Little Toad Creek LLC, DBA Little Toad Creek Distillery, License #67085, and 2) Little Toad Creek LLC, DBA Little Toad Creek Brewery, License #63013, 203 S. Mill Road, Silver City, NM. Councilor Cano seconded the motion as stated. The Mayor asked if there was any comments or discussion from the council, and there was none. Mayor asked all those in favor say aye. All in favor. Mayor asked those opposed to say any, there were none opposed. Motion carried.

12. ADJOURNMENT - Mayor Ladner asked for a motion to adjourn. Councilor Aiman-Smith made a motion to adjourn at 6:48 p.m. Council Ray seconded. Mayor Ladner asked if there were any comments or discussion, there were none. All in favor. Mayor asked all opposed say nay, there were none opposed. Motion carried.

/s/

Ken Ladner, Mayor

Attest:

/s/

Katherine Kunnert, Town Clerk