

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY
REGULAR COUNCIL MEETING
GRANT COUNTY ADMINISTRATION CENTER, 1400 HWY. 180 E., SILVER CITY, NM
September 14, 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 E. Cano, District 4

Also, present:

Alex C. Brown, Town Manager
James Reynolds, Town Attorney
Freddie Portillo, Police Chief
James Marshall, Asst. Town Manager
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.

2. CHANGES TO AGENDA - None.

3. CEREMONIES – None.

4. PROCLAMATIONS – Mayor Ladner stated Constitution Week was September 17-23, 2021 and asked that Marianne Bray and Lucy Whitmarsh, of the Daughters of the American Revolution approach the podium for presentation of the Proclamation. Mayor Ladner read the proclamation declaring Constitution Week as September 17-23, 2021. Mrs. Bray thanked the Mayor and gave a short statement on keeping the legacy of our ancestors alive through their organization, Daughters of the American Revolution. She invited anyone in the audience that was interested, to consider joining the DAR and stated that there was information on the table in the back for them to take.

5. COUNCIL COMMENTS – Councilor Ray stated he had very few comments. He made reference to the proclamation stating he strongly believed in it and encouraged all to stand up for their rights. Councilor Ray stated he had invited Mr. Hawkins, Superintendent of the Silver School District to be at the next Town Council meeting to give a talk on the upcoming bond issue and entertain questions. He stated he watched a lot of Football this weekend and enjoyed seeing Americans, being Americans. Councilor Bettison thanked the Road and Streets Department for the repairs on 32nd Street. She stated that the folks concerned with a very large pothole in that area were ecstatic with how quickly it was repaired. She also thanked Mr. Brown and staff for getting Cactus Street sidewalks, etc. on the ICIP. Councilor Aiman-Smith also thanked the Town for all the work they are doing to resurface, put gravel and oil on streets, and fix the potholes in and around West Street. She also thanked all the organizers, sponsors and volunteers who put on the Taste of Downtown and the Carnitas, Musica y Mas events the past weekend. Councilor Aiman-Smith thanked the organizers, sponsors and volunteers who would be putting on the Gila River Festival beginning this week. She stated that we live in wonderful area where people live and create their own fun and it is really appreciated. Councilor Cano thanked Councilor Ray, his wife and Mr. Ogas and any others on the committee that put on the Carnitas event. She stated it was a very nice and enjoyable event for the community that required a lot of work and it was much appreciated. Councilor Cano also thanked Jason Quimby, Veteran Services Director at WNMU and the Federation of Republican women who put on a beautiful and very moving moment honoring September 11. She also thanked all the reporters who write articles about the Town. She stated that if they didn't write the articles, she wouldn't know what was going on in the Town as she doesn't consider herself a nosy Councilor. She indicated it was getting old to read things in the paper instead of knowing they are happening before she sees it in the paper. She was very annoyed to read that someone came to work on the new recreation center without knowing about it. She thought it was great they came to work on the recreation center, but as an elected official in the District where the recreation center was going to be in, she knew nothing about them coming. She felt the disabled members of the community are being forgotten and the people of District 4 need to be heard. Going along with that she stated that she felt the Council needed to go with having work sessions. She felt the current meetings appear to be rubber stamped and there is no discussion, no hashing out of issues. She felt that some ordinances that come up on the agenda need to be dealt with, with a fine-tooth comb and they cannot be; because that is not the format of the meeting. She said the work sessions didn't need to be done monthly but the community

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needs to be able to come to meetings to hear discussions rather than think that the Council Members just do what they are told rather than express their opinions. Councilor Ray added another comment stating that the school board elections were coming up. He encouraged all who vote, to vote for the person who will be for the teachers and the students rather than their own personal agenda. He added that the students need to be taught the basic ABC's but also how to be protective of their rights and how to be mindful of their elders. Mayor Ladner added his comments by thanking the many people in our community that make our community run. He said that the many events that have taken place this past few weeks in our town take hundreds of people, contributing their valuable time, to make these events happen. He thanked the various groups making the Taste of Downtown, the Make and Take Program on Mainstreet Plaza, Councilor Ray and his committee putting together the musical festival, and the 9-11 Memorial at James Stadium as well as upcoming events such as the Gila River Festival and the Knights of Columbus Golf Tournament. Mayor Ladner also announced that the Town of Silver City had finished Phases I and II of the Ridge Road Project, and it turned out beautifully. Mayor Ladner went on to say that several public input requests were received pertaining to Ordinance 1305 on storage units/shipping containers and that Mr. Brown would be addressing it under his staff report.

6. APPROVAL OF MINUTES – Regular Meeting on August 24, 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 August 24, 2021. Councilor Ray seconded the motion. No 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 three people were signed up for public input and called Mr. Simon Ortiz up first. Mr. Ortiz stated he was on the committee for the upcoming golf tournament. They recently had a meeting which became chaotic when discussing the plans for the tournament which resulted from new knowledge regarding a management change. He stated the young man there was being replaced as General Manager and there were a lot of strong feelings of dismay with regard to this issue. He believes as a tax payer, that young, local talent should be nourished instead of cast aside; which appears to be what is happening. He asked that the management process be handled by the Council and that it be made into an agenda item that the Council can discuss and act on. He asked that the Council be privy to the issue and humanize the manner in which it is handled. Mr. Ortiz stated he hopes the golf course will be utilized more and he suspects a lot more funds will be utilized for the new management project seeing it is in disrepair. Mr. Ortiz stated that Jeff Sanchez has cemented a good rapport with those who organize and depend on the entity when sponsoring these events. Mr. Ortiz stated that Mr. Sanchez was a very bright young man and was the current General Manager, and then asked the audience, how did he become the General Manager? He stated he does not have the letters following his name, but he is willing to learn, but he also needs the support of the Town to do so. Once again, he asked that the council elevate this issue to an agenda item so more discussion could be had at the next meeting. Mayor Ladner called up Mr. Eric Vreeland. Mr. Vreeland stated he was also present to speak with regard to the Golf Course. Mr. Vreeland stated he was homegrown and raised in Silver City. He heard at last night's golf meeting just what exactly Mr. Sanchez has done with the golf course under his tenure. He stated the Mr. Sanchez may not have the fancy title to follow his name, but from what he understands, the golf course has prospered while under his time managing the course. He does not understand why the Town would consider replacing some one with a minimal salary, with someone with a title and a rather high salary. Mr. Vreeland stated that this young man was evidently appointed and given the opportunity to run the facility, and he has proved himself. He asked, why not continue to give him the opportunity?

Mayor Ladner called Mr. Dave Baker to the podium. Mr. Baker stated he was the Executive Director of Bikeworks and the owner of the property at 914 N Pope Street. He wished to speak about Ordinance 1305 and stated he only heard about it through Mr. Plant. He indicated that he was not at the last meeting but he had watched the video of the meeting and felt that the staff report delivered by Ms. Embick was not forthright and honest about the impact this ordinance would have on those downtown. He stated that Ms. Embick, when questioned on the number of businesses this ordinance would impact, stated she did not know. But he felt that she did know and she also knew what businesses it would impact. He said he has worked on his business for quite some time and has gotten a ton of positive feedback with regard to his intent to create a positive street view. He indicated he had operated his non-profit for fourteen years out

of the recreation center annex that was generously given by the Town of Silver City. He said they have a ton of bikes and even if stacked nicely, they have a tendency to look like clutter and also encourage theft of parts, etc. His intent with the container's downtown was to contain everything so there was no theft magnet, and no unsightly bicycles. He asked that Ordinance 1305 be revisited as the six months to remove the container or bring the container up to code is a very short amount of time. He went on to say that Section 7.1.1 of the land use code talks about nonconformities or structures that exist at the time an amendment was passed, and he therefore requested that Ordinance 1305 be reconsidered and that the Council consider the effects now that they know more about who it impacts. Mr. Baker stated he is doing his best to bring the property up to code and make it positive and viable for the community. He added that he moved here because he wanted to be here, he is raising his kids here and he will continue to be here as part of the community. He closed by saying that he was sure the irony was not lost on the Council knowing that Ms. Embick, who presented Ordinance 1305, found a higher paying job out of town and is no longer here. Yet the people she impacted are still here. He thanked the Mayor and Council.

8. REPORTS –

A. Staff Reports. – Mayor Ladner turned to Mr. Brown for staff reports. Mr. Brown stated that pertaining to the ordinance, and per the Mayor's request, he and the staff will go back and review the ordinance, meet with the people that will be affected, make them part of the process and bring back recommendations to the Council that can be made to the ordinance. He also stated he had reached out to Mainstreet to see what other communities had done to address use of these types of containers being they are more commonly being used. Councilor Cano stated that when Ms. Embick did her presentation before the Council, she indicated there would be some type of grandfathering done, yet when the article was written in the paper it contradicted that information. She indicated someone's information was incorrect and needed to be corrected or amended. Councilor Bettison reiterated those comments and stated that grandfathering generally is done on existing structures. She appreciates the staff going back and reviewing the ordinance. She also wanted to clarify that the Ordinance would not be enforced at this time by Community Development. Mr. Brown verified her comment by saying that would be the case, until the Council is comfortable with the results of the review. Mr. Brown also wanted to mention that the Town is not managing the golf course. The golf course is currently being managed by OB Sports and it is in the worst shape it has ever been, hence the reasoning behind the Town taking it over September 30, 2021. The hope is to get the golf course back in shape and make it a monetary success. Mayor Ladner asked that consideration be given to the small businesses in town to extend the six months allowed for compliance on those who have containers as there would also be an expense incurred to these business owners as well. Mr. Brown acknowledge the request and said it would be taken into consideration.

9. PUBLIC HEARINGS – None.

10. UNFINISHED BUSINESS –A. Approval/Disapproval of Ordinance 1306: An Ordinance authorizing the issuance and sale of the Town of Silver City, New Mexico gross receipts tax improvement and refunding revenue bonds, Series 2021 in an aggregate principal amount not to exceed \$8,500,000 for the purpose to (1) finance acquisition, construction and improvement of certain capital improvements for the benefit of the Town and its residents, (2) to refinance, pay and discharge the Town's outstanding Series 2011 bonds maturing on and after June 1, 2022, and (3) pay costs of issuance of the Series 2021 bonds; providing that the Series 2021 bonds will be payable and collectible from and secured by a pledge of (1) 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"), and (2) the 1/8th percent municipal gross receipts tax distributed to the town pursuant to section 7-19d-9 NMSA 1978, as amended, and Town Ordinance No. 722, as amended by Town Ordinance No. 1181; providing for the disposition of the receipts derived from said tax proceeds; approving the delegation of authority to make certain determinations regarding the sale of the Series 2021 bonds pursuant to the supplemental public securities act; providing for the terms and other details concerning the Series 2021 bonds; providing for certain documents pertaining to the Series 2021 bonds; ratifying action previously taken; repealing all actions inconsistent with this ordinance; authorizing the taking of other actions in connection with the issue and sale of the Series 2021 bonds.

Mayor Ladner read the synopsis for Ordinance 1306 and turned the meeting over to Mr. Brown who then turned it over to Mr. Chris Muirhead. Mr. Brown stated that Chris has worked with the Town for the past 20-21 years as the Town's Bond Attorney and had been involved in all of the debt that the Town has issued. Mr. Muirhead of the Modrall firm thanked the Mayor and Council and proceeded to give more details stating that in approving the Ordinance today, the Council would be setting the parameters for the issuance of the debt with a maximum amount of 8 million dollars for capital improvements, as well as re-funding the Series 2011 Bonds. Traditionally there is a ten-year protection limitation where bondholders know the bonds won't be paid off. It is very common at the end of the ten years for the issuer of the debt, or the Town, to reissue the debt at a much lower interest rate. The 2011 bonds, when issued, were issued at a rate between 3.25-4.25%. The outstanding maturities are between 2022-2038 and the longer period of time that you go out borrowing money, the higher the interest rates will be. By refinancing, you take the outstanding amount which is 3.315 million at the 4.25% and reissue new debt at pay off the existing bonds with a lower interest rate at 1-2% until the maturity ends. This results in a significant debt service savings over the life of the bonds. It does not extend the maturity, does not add new conditions but really just replaces a more onerous debt service with a more cost-effective debt service. Mr. Muirhead stated that approving the ordinance authorizes issuance of the bonds in one or more series so as to go out for reissuing of debt quicker with the current historically low interest rates now to acquire the savings and then address the capital outlay project financing further on down the road. It will also delegate authority to Mr. Brown to act on the terms for placing of bonds in the current market or to come before the Council for that decision. He stated it is a limited obligation of the Town and not a general obligation, and is consistent with several outstanding debts where there is a pledge of the state shared gross receipts tax of 1.225 and the 1/8% municipal local option gross receipts tax. The bond is structured with the intent to use the municipal gross receipt tax to pay the debt back, if there is a default in any six-month period of interest and annual principal, then the state shared portion will cover the difference. This allows for lower interest rates being you have significant revenues from those two sources with the flexibility to use one of the sources for debt service repayment. He indicated most of the ordinance in just the mechanics of the bond process. The Town has never defaulted and there is no personal liability to those on the Council. Should there ever be a default, the bond holder can only look to the two specific sources of revenue that are pledged. It is consistent with what the Town has done in the past and he would be happy to answer any questions. Mayor Ladner asked if there were any questions. Councilor Bettison wanted clarification for the public that these are taxes that have already been collected and not new taxes. She stated it was important the public know that the Town has never incurred debt they could not pay during her term in office. Mr. Brown stated that in 2011 the Town was issued an A plus-plus standard rating and it is now double A minus and therefore has actually increased since then. Mr. Muirhead stated that in 2011 when the bonds were issued the revenues produced from these gross receipts' taxes were actually ten times more than what was needed for debt services. That is what bond rating agencies look for, that you have liquidity and you are not stretching finances too thin or operating without fiscal control. This allows the town to borrow inexpensively with regard to interest rates. Councilor Bettison thanked Mr. Brown and Mr. Muirhead for the clarification. Mayor Ladner asked if there were any other questions. Councilor Aiman-Smith asked Mr. Brown to recap the debt service payment conditions. Mr. Brown stated the town is looking to refinance 3.3 million dollars or less of the current debt. He said when the Series 2011 debt of 6.5million was originally issued it was at an interest rate of between 2-4%. The town is currently looking to finance 7.3 million, 4 million of it being new money and the remainder being the refinanced balance. Therefore, with the decrease in the interest costs and the principal balance of the 2011 bonds being lower, the debt service payment will be in the same ballpark amount of what the town is currently paying now. The savings on the refinance will come out to about four hundred thousand to five hundred thousand dollars when they go out

to market in the Spring. Councilor Aiman-Smith clarified that the Town would be receiving 4 million in new monies and there would be no change to the current payment. Mr. Brown concurred. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Ordinance 1306 authorizing the issuance and sale of the Town of Silver City, New Mexico gross receipts tax improvement and refunding revenue bonds, Series 2021 in an aggregate principal amount not to exceed \$8,500,000 for the purpose to (1) finance acquisition, construction and improvement of certain capital improvements for the benefit of the Town and its residents, (2) to refinance, pay and discharge the Town's outstanding Series 2011 bonds maturing on and after June 1, 2022, and (3) pay costs of issuance of the Series 2021 bonds; providing that the Series 2021 bonds will be payable and collectible from and secured by a pledge of (1) 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"), and (2) the 1/8th percent municipal gross receipts tax distributed to the town pursuant to section 7-19d-9 NMSA 1978, as amended, and Town Ordinance No. 722, as amended by Town Ordinance No. 1181; providing for the disposition of the receipts derived from said tax proceeds; approving the delegation of authority to make certain determinations regarding the sale of the Series 2021 bonds pursuant to the supplemental public securities act; providing for the terms and other details concerning the Series 2021 bonds; providing for certain documents pertaining to the Series 2021 bonds; ratifying action previously taken; repealing all actions inconsistent with this ordinance; authorizing the taking of other actions in connection with the issue and sale of the Series 2021 bonds. Councilor Aiman Smith seconded the motion. There was no discussion. Mayor Ladner asked for a roll call. Councilor Bettison stated aye; Councilor Aiman Smith stated aye; Councilor Ray stated aye; Councilor Cano stated aye. Motion carried.

Councilor Bettison made a motion for a short break at 6:55pm. Councilor Aiman-Smith seconded the motion. All in favor, motion carried. Mayor Ladner called the meeting back to order at 7:01 pm.

B. Approval/Disapproval of Ordinance 1307: An Ordinance amending Appendix C, Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.2, Use Table, and Section 3.3, Use Regulations, Subsection 3.3.1, Use-Specific Standards, by adding a new paragraph 3.3.1 H), entitled "Cannabis Establishments," of the Municipal Code of the Town of Silver City, Grant County, New Mexico, to provide zoning and regulation of Cannabis Establishments pursuant to the Cannabis Regulation Act of 2021. Mayor Ladner stated Councilor Cano was the sponsor of this Ordinance and passed the meeting to her. Councilor Cano commented that all members of the Council had received much public input on this issue and stated it would be continuing. She stated several corrections, and a map that she requested be included were not in the Ordinance yet, possibly due to staff shortages in Community Development. She asked that the approval of this Ordinance be postponed until then. Councilor Cano stated she had been approached by a public group that would like to meet. A public meeting will be scheduled for Monday, September 20, 2021 at 10:00 a.m. on the first floor of the Washington Federal Building. She stated she would be in attendance, and possibly other Town staff but asked if any other Council Members planned on attending to please advise the Acting Town Clerk so the proper notice could be advertised indicating a possible quorum of the Town Council. She asked that those in the audience who came with the intent to speak on this ordinance be given the opportunity to do so now, seeing they had sat through the meeting thus far. Mayor Ladner agreed and asked for a motion. Councilor Cano moved to postpone, indefinitely, the approval of Ordinance 1307: An Ordinance amending Appendix C, Land Use and Zoning Code of 2010, Article III, District Regulations, Section 3.2, Use Table, and Section 3.3, Use Regulations, Subsection 3.3.1, Use-Specific Standards, by adding a new paragraph 3.3.1 H), entitled "Cannabis Establishments," of the Municipal Code of the Town of Silver City, Grant County, New Mexico, to provide zoning and regulation of Cannabis Establishments pursuant to the Cannabis Regulation Act of 2021. Councilor Ray seconded the motion as stated. Mayor Ladner

asked anyone wishing to speak approach the podium. Mr. Ruben Gallegos, an attorney with the Gallegos Law offices in Albuquerque, stated he represented Enchantment Botanicals which is owned by his son, Ramon Gallegos and who was also present. The company is interested in opening a recreational boutique here in Silver City when the Cannabis Regulation Act goes into effect April of next year. Their goal is to open an upscale retail and consumption business that will provide a positive social and economic impact to the Town. They would also utilize and sell related food and items that are manufactured locally. The site is in the planning stage but would be different from the current medical cannabis sites where you purchase the product then leave. What they envision for their location would be more of an upscale place to visit and consume Cannabis in an inviting social environment such as a cigar bar while in compliance with rules and regulations to be set forth by the Cannabis Control Division. Being recreational use of Cannabis is fairly new ground for not only New Mexico but the rest of the country, he stated they would like to be in contact with Councilor Cano to discuss amendments and suggestions to the ordinance, and would be in contact to participate in the process. They are here and wish to be a positive impact on the community. Mayor asked if there was any other discussion from the Council. There was none. Mayor Ladner asked for a roll call. Councilor Bettison stated aye, Councilor Aiman-Smith stated aye, councilor Ray stated aye, Councilor Cano stated aye. All in favor, motion carried.

11. NEW BUSINESS –

A. Approval/Disapproval of Resolution No. 2021-20: A Resolution approving the mediation settlement agreement in Docket No. D-202-CV-2018-08036, City of Albuquerque, et al v. Stephanie Schardin Clarke and New Mexico Taxation and Revenue Department, in the Second Judicial District Court of New Mexico (the “lawsuit”), and authorizing the Town Manager to execute all documents on behalf of the town to implement and conclude the settlement agreement, including: 1) approval of the mediation settlement agreement, settlement amount and contingency fee, and 2) the release.

Mayor Ladner asked Mr. Brown to proceed with presenting this Resolution. Mr. Brown turned it over to Mr. James Marshall stating he had worked on this issue since the beginning. Mr. Marshall stated “the lawsuit” came before the council for review and consideration in the latter part of 2018. In 2019, the Town agreed to enter into the class lawsuit along with other multiple municipalities and counties within the state. The lawsuit is very complex within itself and with regard to the settlement formulation as there are some legal issues that differ from year to year. The lawsuit came about through the City of Eunice some years back when they discovered something was wrong with how the taxes were being calculated for payment back to the municipalities. It still is not known what was wrong because the state has kept it very confidential. The Town has argued that while the state is the entity that authorizes and collects the tax, it is ultimately the Town that imposes the tax. Therefore, it is the Town’s tax and not the states to hold confidential from the Town. He asked Mr. Reynold’s to take over the presentation. Mr. Reynolds stated this lawsuit involves 44 separate governments who sued the Taxation and Revenue Department as defendants. Mr. Reynolds stated that the Town of Clayton originally began the process whereby the claim made was that the Taxation & Revenue Department was miscalculating the amount of monies to be paid to the local government entities for local gross receipts tax for several years back. This past Spring and Summer the parties engaged in mediation. All 44 plaintiffs including Taxation & Revenue, recently, in theory, agreed to a settlement. The settlement, by means of this Resolution 2021- 20, requires that the Council formally approve it, and that they appoint the Town Manager to execute any necessary documents to affect the settlement. The Town’s net recovery is \$113,802.48 after paying a total of 10% to the law firm for the contingency fee. Mr. Reynolds recommends the Council approve it. Councilor Bettison commented that this has been a subject of discussion for years and all involved have signed confidentiality statements. She is pleased to see it has been settled and

stated she was in favor of approving it. She stated the New Mexico Municipal League itself has contributed to the funds and although the amount may not be what we wanted in terms of return funds, that fact that all 44 agreed to the settlement is something in itself. She stated it was the hope of the NMML Board of Directors and the league that there will be legislation going forward to make sure this is corrected and how interpretation of processes by staff at Taxation & Revenue is implemented. Mayor Ladner asked if there were any other comments. Mr. Marshall informed the Council that legislation has already been passed to alleviate what has happened on the front end of this issue and legislation is still being worked on to cover the last couple of years. He stated it was very important to pass this resolution as there are municipalities within the state that have millions on the line. Although \$100 thousand dollars of our citizens money is important to bring back, we all have to agree to this or it all goes away. There are other municipalities that have lost millions and will be recovering a significant portion of that for their communities. Mayor Ladner asked if there any other questions or comments. There were none. Mayor Ladner asked for a motion. Councilor Bettison moved to approve Resolution No. 2021-20: A Resolution approving the mediation settlement agreement in Docket No. D-202-CV-2018-08036, City of Albuquerque, et al v. Stephanie Schardin Clarke and New Mexico Taxation and Revenue Department, in the Second Judicial District Court of New Mexico (the “lawsuit”), and authorizing the Town Manager to execute all documents on behalf of the town to implement and conclude the settlement agreement, including: 1) approval of the mediation settlement agreement, settlement amount and contingency fee, and 2) the release. Councilor Ray seconded the motion. There was no discussion. Mayor Ladner asked for a roll call. Councilor Bettison stated aye, Councilor Aiman-Smith stated aye. Councilor Ray stated aye, Councilor Cano stated aye. All in favor motion carried.

B. Approval/Disapproval of Resolution No. 2021-22: A Resolution adopting the 2023-2027 Infrastructure Capital Improvement Plan (ICIP).

Mr. Brown stated that every year the Town is required to adopt the ICIP for the Senior Centers and the Community in general. The Council of Governments and the Community Development Department had a public hearing that was not attended by anyone from the public. Town Staff reviewed the ICIP's and compiled a list to identify projects in the community that are currently underway, or projects that the Town could get funding for and the attached list was the result. He indicated 4.475 million was already received for the Gough Park/Recreation Center Project with funding for the other 4 million in the works as discussed earlier in the meeting. He stated all the funding for Ridge Road was all in place and will go out to bid in the Spring. Little Walnut improvements totaling \$1.275 million will go out to bid this Spring as well. He stated additional Utility drainage work is needed at the workforce development housing of Vistas De Plata so the entire subdivision can be built out. The fifth project is a two-part irrigation system at the Golf Course to address a larger line for effluent to be routed to the greens for proper watering. He stated that the correct number should read \$1 million being that the \$450 thousand only addresses the effluent upgrades and the other \$550 thousand was for irrigation improvements on the golf course itself. The last upgrades on the system were done in 1984 and prior to that in the 70's. He went over the Waterworks building and 32nd Street sidewalk improvements and then asked the Council if they had any questions. Councilor Bettison wanted the public to know that we are currently in fiscal year 2022 and next July would start Fiscal Year 2023 and she thanked the Town staff for doing this. Councilor Aiman-Smith said she was happy that work on drainage on Little Walnut is continuing and commented that the work on the Waterworks building is fabulous. Mayor Ladner asked if there were any other comments. There were none. Mayor Ladner entertained a motion. Councilor Ray made a motion to approve Resolution No. 2021-22: A Resolution adopting the 2023-2027 Infrastructure Capital Improvement Plan (ICIP) to include an amendment adding \$550 million to the total indicated for the Golf Course Irrigation project for a total of \$1 million. Councilor Aiman-Smith seconded the motion with the amendment to

change the total for the Golf Course Irrigation Project to \$1 million dollars. Mayor asked if there were any other questions or comments. There were none. Mayor Ladner asked for a roll call. Councilor Bettison stated aye, Councilor Aiman-Smith stated aye, Councilor Ray stated aye, Councilor Cano stated aye.

C. Re-appointment to the Cemetery Board- Mayor Ladner stated that Mr. Marshall, Acting Director for the Community Development Department referred the recommendation to re-appoint Twana Sparks, MD to the Cemetery Board. The Mayor indicated he would like to reappoint her if there was no objection from the Council. There were no objections. Mayor Ladner re-appointed Twana Sparks, MD to the Cemetery Board.

Mayor Ladner asked Councilor Bettison if she had a comment. Councilor Bettison responded she did as a point of privilege, and proceeded to read a letter to the Mayor and Town Councilors and residents of the Town of Silver City indicating her resignation due to health reasons as Town Councilor, District 1 for the Town of Silver City. She stated it had been an honor and privilege to serve as their councilor since 2009 and as Mayor Pro Tem since 2010. She went on to mention several former and current Councilors and several committed Mayors, the Town Manager, the Town Clerk, the Fire and Police Chiefs. She referred to the rebuild of Penny Park after two devastating fires, having completely overhauled the Land Use Code in 2010, creation of the Vistas de Plata Affordable Housing Development, installation of a solar array at the waste water treatment plant saving an estimated \$6 million over 20 years, securing of a \$6 million bond without a tax increase for quality of life projects, prohibited texting while driving before the State Legislature, and today's securing of an \$8.5 million bond without a tax increase to fund the new Town Recreation Center and refinancing of Series 2011 bonds, and many more ordinances, resolutions, and projects for the betterment of the Town. She stated she was proud of having sponsored and co-sponsoring legislation that included the Reduction of Single-Use Plastic Carryout Bags; restricting firework purchase and use to specific holiday periods; permitting backyard chickens; the proper care and maintenance of animals, including prohibiting single point tethering and chaining; and a passing the resolution requesting State Legislators retain the Hold Harmless Gross Receipts Tax distribution and other municipal revenues. She closed by giving a special thanks to her colleagues on the Town Council as well as the Town staff for their support this past 10 years having served as a member of the New Mexico Municipal League Board of Directors as Director-at-Large, Treasurer, Vice President, President Elect, President (10/2019-9/2020), Immediate Past President, and Past President. Councilor Bettison thanked the municipality and its residents for allowing her the honor to serve as their councilor and closed by stating her resignation was effective immediately following the adjournment of today's meeting.

Mayor Ladner asked if any of the Councilors would like to make any comments. Councilor Cano addressed Councilor Bettison stating they may not have always agreed but she always respected that fact that Councilor Bettison always put her everything in herself into being a Councilor. She appreciates how important that type of scrupulous focus means when serving in the capacity of a Councilor. She admired it and stated she would be hard to replace. Councilor Ray stated he had enjoyed working with Councilor Bettison although they may not have always agreed on issues, but he gave her his blessing and stated she deserved it and thanked her for her service. Councilor Aiman-Smith stated that Councilor Bettison had been her mentor and was always someone she could count on for guidance in Council matters. She stated she appreciated her knowledge, expertise and dedication and noted they would stay in touch. Mayor Ladner indicated that Councilor Bettison was a tremendous example of someone who gave community service unselfishly. He commented that they had worked together many years at the University and now as a Councilor and has a great deal of respect for her. Mayor Ladner thanked her for her service and her friendship and wished her the best of luck. Councilor Bettison made note that she would still live in the community as it will always be her home. She was grateful to all and welcomed anyone willing to serve in the role of a Councilor to contact her through the Acting

Town Clerk for her contact information. She would be happy to discuss how being a Town councilor works as well as how City government operates.

12. ADJOURNMENT - Mayor Ladner thanked all for being present tonight and participating in city government. He made a comment that the Mayor and Council serve on a voluntary basis and receive no compensation whatsoever. Mayor Ladner indicated this was the conclusion of the business of the Town of Silver City, and entertained a motion to adjourn. Councilor Aiman-Smith moved to adjourn. Mayor asked for a second. Councilor Ray asked for a moment and stated he apologized for the language he used earlier when speaking on masks. He stated he should have used better language although he did not like the masks. He then seconded the motion to adjourn at 7:43pm. Mayor Ladner asked if there were any comments or discussion, there was none. All in favor. Mayor asked all opposed say nay, there were none opposed. Motion carried.

(SEAL)

/s/
Ken Ladner, Mayor

Attest:

/s/
Maria C. Sublasky, Acting Town Clerk