

**MINUTES OF THE COUNCIL OF THE TOWN OF SILVER CITY**  
**REGULAR COUNCIL MEETING**  
**REMOTE MEETING IN COMPLIANCE WITH THE NM OPEN MEETINGS ACT**  
**September 22, 2020, 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 Marshall, Assistant Town Manager  
Robert L. Scavron, Town Attorney  
Ann L. Mackie, Town Clerk  
Kylle Marshall, Deputy Chief of Fire Prevention  
Jason Woods, Police Captain of Field Services  
Robert Higgins, Information Technology Director

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE** – Mayor Ladner called the meeting to order at 6:00 p.m. Clerk Mackie did a roll call of the Mayor, Councilors and staff. The Mayor also recognized the attendance of Randy Van Vleck, General Counsel of the New Mexico Municipal League.

**2. CHANGES TO AGENDA** – None.

**3. CEREMONIES** – “Presentation of Retirement Plaque to Robert Scavron, Town Attorney.” Mayor Ladner presented a retirement plaque to Attorney Scavron for his 19 years of faithful and honorable service to the Town and community. He gave everybody an opportunity to comment. The follow persons shared their experiences, thanks and congratulations to Attorney Scavron for his years of service to the Town and to the community: Councilor Bettison; Councilor Aiman-Smith; Councilor Ray; former Mayor Michael Morones; former Mayor and current Assistant Town Manager James Marshall; Clerk Mackie read email messages from former Mayor and Councilor Steve May and former Councilor and Town Clerk Simon Wheaton-Smith; Manager Brown; Clerk Mackie; Captain Jason Woods; and Randy Van Vleck, General Counsel of the New Mexico Municipal League.

Mayor Ladner told Attorney Scavron he would go down in history as one of the most tenacious and dedicated city attorneys the Town has ever been lucky enough to have in its service, and he thanked him. He told Attorney Scavron that his insights, experience and ability to analyze and understand issues that span the spectrum from small and simple to large and legislative in scope have enabled the Town to move forward and to avoid many potential troubles along the way. He said last year Attorney Scavron valiantly helped the city fight to protect and preserve its Territorial Charter voting structure, although it was not one hundred percent successful, they were able to preserve some of the elements of voting in their charter. Mayor Ladner said on a personal level Attorney Scavron had been an enormous resource to him to help him learn the ropes as he took on the job as a new mayor, and he had been a source of good counsel and solid reasoning ever since. He said Attorney Scavron was not hesitant to tell him like it is, and although he did not always agree with him, and sometimes they had some pretty spirited discussions and arguments, in the end what he learned when he listened to him was that things always worked out for the better. Mayor Ladner told Attorney Scavron he would miss him, their discussions, and his words of wisdom greatly, but he hoped he would not disappear altogether. He said he was blessed to have made such a good friend. He wished him the best of luck and enjoyment on his retirement.

Attorney Scavron thanked Mayor Ladner on behalf of himself, his family, and the city because for him to be the Mayor during these troubled times, with his strength of compassion and understanding of human beings and true commitment to this community, was perfect for the time. He said he worked for federal, state and native American governments, and for many years engaged in private practice, but without reservation, he stated the Town of Silver City government has been the most ethical, professional, and compassionate organization he had ever represented. He thanked the four mayors that he had the privilege of working with: Terry Fortenberry, James Marshall, Michael Morones, and Ken Ladner. He thanked all of the Town Councilors who had worked tirelessly to create intelligent policy for the governing of the Town, and that they were always motivated by thoughts of the common good. He thanked the Town staff and said whatever success he had was due in large part to them, and that he could not recall ever being part of an organization so

characterized by intelligent, professional, and committed public servants. He named many past and present members of staff and thanked them specifically. He said his most meaningful achievement as Town Attorney was his success in supporting the Mayor, Council, and staff in their pursuits of accomplishment for the benefit of the Town. He listed many accomplishments and said he was grateful to be a trusted part of the team. He gave the greatest credit to Alex C. Brown, Town Manager, for all that had gone right in Town government for almost two decades, and that he rarely met someone who was so gifted in the art of public service as Alex. He said his conduct as Town Manager set a fine example for all of his staff with his integrity in office and in his personal life, compassion shown to others, professional behavior in the face of adversity, and true commitment to his staff and to the people of Silver City. He thanked Manager Brown for constantly challenging his legal talents by his creativity and expectations of excellence. He said his 50-year legal career had ended; that it had been a wonderful and exciting journey from Washington, DC to San Francisco, to Seattle, to Alaska, and after some years of world travel, to Silver City. He concluded by saying one chapter closes and another opens.

**4. PROCLAMATIONS – “Fire Prevention Week” – October 4 - 10, 2020.** Mayor Ladner read the proclamation and asked Deputy Chief Marshall if he had any comments. Kyle Marshall, Deputy Chief of Fire Prevention, said this year due to the COVID-19 pandemic they were altering how they educated the public during Fire Prevention Week. He said they were working on some new ideas that would allow parents and teachers to bring their message in to their schools and homes, and they were also working on a video to give a virtual tour of the fire stations and perform their fire safety presentation for the audience. He said with the theme of “Serve up Fire Safety in the Kitchen!”, he wanted to remind the public that cooking was the leading cause of home fires and home fire injuries with Thanksgiving being the leading day for fires in homes. He also reminded the public that unattended cooking was the leading cause of kitchen fires, so it was important to stay in the kitchen at all times when cooking. He gave a few tips: keep a lid nearby when cooking; keep combustible materials away from the stove; do not wear any loose-fitting clothing around an open flame; and have a kid-free zone of at least three feet around the stove. He thanked the Mayor and Town Council for the proclamation and said they looked forward to “Fire Prevention Week.” Mayor Ladner thanked Deputy Chief Marshall and the Fire Department for keeping the citizens of their community safe. He also thanked the Silver City Police Department and the first responders for doing the same thing.

**5. COUNCIL COMMENTS –** Councilor Ray commented that he received a call about fireworks near the college and he asked the Police and Fire Departments to tell the public that fireworks were not allowed now. He asked Manager Brown about Boston Hill and asked if it was feasible to put color-coded signs with the name of the trail. Manager Brown said yes, they were planning to do color-coded signage for the different routes of the trails. He asked Manager Brown if it was feasible to have an emergency telephone at the Boston Hill trails, and Manager Brown said he would look into it. He commented on “Black Lives Matter” and said the Spanish word for soul is “alma” and his interpretation was that “All Lives Matter Always”. He said he hoped that would be taken into consideration because there was way too much hatred here and in the United States. He said people could be so cruel to each other because of politics; that they had a choice and you vote for who you want to vote for and may the best person win. He said God Bless America and all of us. Councilor Bettison said she would miss Mr. Scavron and his wise counsel and friendship. Councilor Aiman-Smith said on September 8 there were 89 positive cases of Coronavirus in Grant County and currently there were 110 so it was not over. She said she really appreciated seeing more and more people wearing masks, social distancing, and being very careful. She thanked Councilor Ray for his comments about fireworks because she also was hearing firecrackers go off. She encouraged people to call Central Dispatch rather than leaving a report of certain incidents on her message phone because she may not pick up her messages for a couple of days. She said Central Dispatch would track those concerns and had a data base. She commented that Ben Franklin was one of her heroes; that he was a scientist as well as a humanitarian and was very interested in data and encouraged the Constitutional Convention to include in the Constitution having a Census. She said they had run a Census every 10 years for the last 230 years; that it was really important for various regions because it gave them representation and resulted in financial support from federal funding. She said there were eight days to finish the Census and she encouraged everyone, if they had not done it yet, to do their Constitutional duty and fill out the Census form. Councilor Cano reminded everyone that young students had gone back to school so school zones were back in effect with a 15 mile per hour speed zone. She asked everyone to pay attention to the school zones when driving. She commented on a nice new ramp for accessibility on the corner of Pinos Altos and Yankie Streets, but unfortunately at the top of the ramp you have to take a five inch step down whether you go right or left, and to go forward you have to take a five inch step up. She said it needed to be looked into and fixed because it was extremely

dangerous and not at all accessible; that someone with a wheelchair would think they could get through, but they absolutely could not get through. Mayor Ladner thanked the Police Department, Fire Department, and first responders who put their lives on the line every day. He said they were sometimes taken for granted until something happened, and you see them fighting a fire, putting their life on the line, or encountering a dangerous situation with someone who had done something illegal. He thanked them and said he appreciated them. He also said he appreciated how the Council was in the community by doing various things in the community and helping their community to become even better than it was.

**6. APPROVAL OF MINUTES - Regular Meeting on September 8, 2020 - Councilor Aiman-Smith moved to approve the Minutes of the Regular Town Council Meeting of the Town of Silver City of September 8, 2020.** Councilor Ray seconded. The Mayor asked if there was any discussion, and there was none. He 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.

**7. PUBLIC INPUT** – Mayor Ladner asked Clerk Mackie if any public input was received by email. Clerk Mackie said no public input was received.

## **8. REPORTS –**

**A. Staff Reports – Budget Update from Alex C. Brown, Town Manager.** Manager Brown stated the Town was awarded CDBG (Community Development Block Grant) Colonias funding to do the Phase V waterline replacement project on the east side of Highway 90 off of Chihuahua Hill. He said the Town was also awarded the CARES Act funding for business retention and COVID-19 funding, one for \$486,000 and another for \$360,000. He said in January he would bring a budget adjustment to the Council that would include those three awards into the budget, but they would go ahead and move forward with the award of the business retention grants. He said the General Fund gross receipts tax revenues were 13% above the revenue projections that were included in the budget. He said they approved a nine percent decrease over the last three years average, and last fiscal year was the highest they ever brought in and were even a half percent above that. He proposed they add one position back to the Streets Department and one position back to the Parks Department and include two temporary employees for those departments to help them catch up, and he would include it in the budget adjustment. He also recommended they put back the 3.9 percent that was taken back from everyone's pay. He said they currently had \$787,000 above what was approved for expenditures in the budget and all of the expenditures he just explained would cost about \$368,000. He said he would get that done within the next two weeks so they could get some people employed and get some services back on the street. He said the Water and Sewer Fund was three percent above projections and they budgeted a zero percent increase, so they were doing very well. He said the Lodgers Tax Fund was eight percent above projections, but he was not going to do anything with Lodgers Tax until the third quarter of the fiscal year to ensure those revenues came in before they looked at additional expenditures. Councilor Ray thanked him for doing a great job.

**9. PUBLIC HEARINGS** – None.

**10. UNFINISHED BUSINESS** – None.

## **11. NEW BUSINESS -**

**A. Approval / Disapproval of Resolution No. 2020-22: A Resolution adopting the 2022-2026 Infrastructure Capital Improvement Plan (ICIP) for the Silver City Senior Center.** Manager Brown said the Senior Center program was done by HMS (Hidalgo Medical Services); that the Town owned the facility, but it was operated by HMS and HMS was responsible for preparing the ICIP document. He said each Senior Center facility throughout the state was required to have their own ICIP and public meetings. He said HMS got public input from the people that participated in the senior programming at the Senior Center. He said they were currently awarded funding for kitchen equipment and stucco work with two different grants from two previous years. He said those projects were in the works. He said number one on the list was for equipment like pool tables, etc., and then there were vehicles that were necessary to deliver the meals, and the solar panel installation that would save money for future operations. Councilor Ray moved to approve Resolution No. 2020-22: A Resolution adopting the 2022-2026 Infrastructure Capital Improvement Plan (ICIP) for the Silver City

Senior Center. Councilor Bettison seconded. 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.

**12. ADJOURNMENT** – Mayor Ladner thanked Mr. Higgins for setting up the meetings and he concluded the meeting. Councilor Ray moved to adjourn at 7:00 p.m., and Councilor Aiman-Smith seconded. 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.

/s/ \_\_\_\_\_  
Ken Ladner, Mayor

Attest:

/s/ \_\_\_\_\_  
Ann L. Mackie, Town Clerk