City of Bayard

CITY COUNCIL REGULAR MEETING

August 10, 2020 at 1:30 PM

Bayard City Hall

AGENDA

WORK SESSION

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF THE AGENDA

PUBLIC INPUT

CONSENT AGENDA

1. Minutes of Regular Meeting on July 27, 2020.
2. Accounts payable report for the period ending August 10, 2020.
3. Wastewater report for the month of July 2020.
4. Fire report for the month of July 2020.

OLD BUSINESS

5. Approval of an amendment to the Rules and Regulations of the Bayard Cemetery to remove the flat plaque requirement and allowing for upright monuments and section wording for Part IV.

NEW BUSINESS

6. Increasing the professional services fees related to the rebid of the Well #3 Project for the amount of $3,872.75 excluding gross receipts taxes. The fees pertain to the second bid process for the project.
7. Approval of destruction of miscellaneous municipal records in accordance with Resolution 6-2019 Municipal Records Retention Policy and Email Retention Guidelines. Records destruction list includes approximately 377 boxes.

MAYOR AND COUNCILORS REPORTS

NEXT MEETING DATE:

Regular Meeting - August 24, 2020

ADJOURNMENT

City of Bayard
CITY COUNCIL REGULAR MEETING
July 27, 2020 at 1:30 PM
Bayard City Hall

MINUTES

WORK SESSION

The Bayard City Council discussed the items on the July 27, 2020 agenda.

CALL TO ORDER: Mayor Chon S. Fierro

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Mayor Chon Fierro
Mayor Pro-tem Raul Villanueva
Councilor Charles Kelly
Councilor Eloy Medina
Councilor Adrian Ortiz

A quorum was present.

APPROVAL OF THE AGENDA

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

PUBLIC INPUT

Ms. Francis Gonzales provided public input regarding assistance for utilities with federal aid. She will forward any information when it is received.

CONSENT AGENDA

Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Medina.

Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

The consent agenda includes the following items:

1. Approval of the minutes for Regular Meeting of July 13, 2020.

2. Approval of the Accounts Payable Report for the period up to July 27, 2020.

3. Approval of the Police Department Reports for the months of February to June 2020.

4. Approval of attendance to NM Rural Water Conference August 11-13, 2020 in Albuquerque for Adrian Badillo for training credits.

OLD BUSINESS

5. Request for speed bump on Royal Street.
Recommendation to install stop signs.
Recommendation to install stop signs at the intersection of Royal Street/Taylor Street and Royal Street/Dayhill Street.

   Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

NEW BUSINESS

6. Swearing in of new hire Nicole Tavizon as Police Officer.
Municipal Judge Jose Sandoval conducted the swearing in of Officer Nicole Tavizon.

7. Mayor Stevens to provide input on the 2020 wastewater rate increase.
Mayor Stevens would like to have more information provided on the operational expenses of the wastewater facility. He understands that the costs of the facility are high and will continue to rise in the future. Meetings to discuss operations so he can understand the needs of the facility is requested as well as to prepare for future increases.

   Clerk Treasurer Ortiz stated that the meetings could be held in conjunction with the Tri-City Landfill Authority meetings and changing the month used for the consumer price index would be good when trying to establish the rates for the next fiscal year.

8. Installation of 28' x 60' 2019 manufactured home on Canyon Street with a rear setback variance from 20' to 15' to avoid placing home in flood zone area.
Ronald Carbajal and Kanisha Villanueva request authorization for the Installation of 28' x 60' 2019 manufactured home on Canyon Street with a rear setback variance from 20' to 15' to avoid placement within flood zone area.
Motion made by Councilor Kelly, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Councilor Kelly, Councilor Medina, Councilor Ortiz
Voting Abstaining: Mayor Pro-tem Villanueva

9. Amendment to the Cemetery Rules and Regulations Policy allowing the placement of upright monuments and removing the requirement of flat plaques.
Discussion held on an amendment to the Cemetery Rules and Regulations Policy which would allow the placement of upright monuments and removing the requirement of only flat plaques.
Item is recommended to be postponed to the August 10, 2020 Council meeting.
Motion made by Mayor Pro-tem Villanueva, Seconded by Councilor Ortiz.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

10. 2021 Final Budget approval
Fiscal Year 2021 Final Budget is submitted for approval. The position of the major funds is holding steady. A couple of funds will run in the red for a few thousand dollars when comparing annual revenues to expenditures. There is available cash balance to absorb these costs for the 2021 fiscal year. The fiscal year will begin with $5,858,086 and with approximately $5,200,790. Most of the reduced funds contribute to the influent wastewater funding provided in advance by the State Board of Finance with a current balance of approximately $650,000.00.
Motion made by Councilor Kelly, Seconded by Councilor Medina.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

ORDINANCES/RESOLUTIONS

11. Authorization to enter into a grant agreement with NMED for SAP #20-E2128-STB.
Resolution 21-2020 provides authorization to enter into a grant agreement with New Mexico Environment Department, authorizes grantee representatives and signatory authority for the City of Bayard.

Motion made by Councilor Kelly, Seconded by Mayor Pro-tem Villanueva.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

Resolution 21-2020

Whereas, the City Council of the City of Bayard of Grant county of the State of New Mexico shall enter into a Grant Agreement with the State of New Mexico Environment Department, and

Whereas, the Agreement is identified as SAP Project #20-E2128-STB Grant Agreement.

NOW THEREFORE, BE IT RESOLVED by the named applicant that:

Chon S. Fierro, Mayor, is authorized to sign the agreement for this project, and

Kristina Ortiz, Clerk Treasurer or Marlena Valenzuela, Deputy Clerk or her successor is the GRANTTEE REPRESENTATIVE(s) who is(are) authorized to submit any documents pertaining to the project and act as the point of contact, and

Kristina Ortiz, Clerk Treasurer or Marlena Valenzuela, Deputy Clerk or her successor is the SIGNATORY AUTHORITY who is authorized to sign reimbursement requests and other documents

requiring a signature for submittal to the New Mexico Environment Department.

PASSED, APPROVED AND ADOPTED this 27th day of July 2020.

//s//_____
Chon S. Fierro
Mayor

ATTEST:

//s//_____
Kristina Ortiz, MMC
Clerk Treasurer

12. Resolution 22-2020 for the 2021 Fiscal Year Budget
Resolution 22-2020 authorizes the 2021 Fiscal Year Budget as approved by City Council.

Motion made by Councilor Kelly, Seconded by Mayor Pro-tem Villanueva.
Voting Yea: Mayor Fierro, Mayor Pro-tem Villanueva, Councilor Kelly, Councilor Medina, Councilor Ortiz

Resolution 22-2020

WHEREAS, the governing body of the City of Bayard, State of New Mexico has developed the final operating budget for the fiscal year 2020-2021 and,

WHEREAS, said final budget was developed on the basis of need and through cooperation of all departments, elected official's and department supervisor's and,

WHEREAS, the official meeting for the public input and review of the proposed budget requirements were held on May 11, 2020 in compliance with the requirements of the state open meeting law, and it is the majority opinion of this governing board that the proposed budget meets the requirements as currently determined for this fiscal year.

NOW THEREFORE, be it resolved by the City Council of the City of Bayard, State of New Mexico, that this final budget is **PASSED, APPROVED AND ADOPTED** this 28th day of July, 2020.

//s//_____
Chon S. Fierro
Mayor

Zoom Attendance_____
Raul Villanueva
Mayor Pro-tem

Zoom Attendance_____
Eloy Medina
Councilor

Zoom Attendance_____
Charles Kelly
Councilor

Zoom Attendance_____
Adrian Ortiz
Councilor

ATTEST:

//s//_____
Kristina Ortiz, MMC

MAYOR AND COUNCILORS REPORTS

Councilor Medina welcomed Officer Tavizon to the City of Bayard and his efforts to improve the department and City of Bayard.

Chief Alirez informed the Council on the protest on July 25, 2020.

Mayor Fierro welcomed Officer Tavizon, inquired on the Christmas lighting, and stated that purchasing a bucket truck is in the best interest of the municipality, and inquired on the little league equipment and status of the concession stand.

NEXT MEETING DATE:
Regular Meeting - August 10, 2020

ADJOURNMENT

MEETING ADJOURNED AT 3:00 P.M.

Chon Fierro
Mayor

ATTEST:

Kristina Ortiz, MMC
Clerk Treasurer

ACCOUNTS PAYABLES
August 10,2020

GENERAL FUND - 10

Anthem Sports Parks& Rec	Bleacher Shade Cover	$	26,870.00
The Line LLC.	uniforms and tatical gear PD	$	1,141.72
Quill	3rd quarter Supplies	$	134.16
Wal Mart	Dog and Cat Food For AC Shelter	$	68.84
Amazon	Books for Kristy Calculus/MGMT	$	82.22
Oriley Auto Parts	Parts for PD unit 50 and 60	$	402.40
Bank of America	Care kit CDBG Grant	$	165.97
TOTAL:		**$**	**28,865.31**

JNT W/S O&M FUND - 150

Ferguson Waterworks	Fire Hydrants/Supplies for water Opera	$	9,815.37
Baker Utility Supply Corp.	Meter Register for Snell Middle School	$	80.91
O'Riley auto parts	Jump starter for Shop	$	104.99
Bank of America	Care Kit CDBG Grant	$	165.98
Advanced Auto Parts	Auto Lift repairs	$	455.63
Silver City Daily Press	Re-bid well #3 rehab&reequipt advertisment	$	58.02
TOTAL:		**$**	**9,815.37**

JNT WASTEWATER FUND - 170

Aquionics	High Voltage Lamp Wire	$	140.57
Mountian Ace Hardware	Carhart boots	$	345.98
Share Corp.	Toilet paper and paper towles	$	450.40
Keenan Supply	Copper Tubing rec plant	$	43.98
Humphrey Enterprises	vac/pump out grit channels Truck &labor	$	1,773.90
Napa A-5 Auto	Filters for Backhoe	$	277.20
Cummings Sales & Service	Full Service And Load testing 2Genarators	$	4,160.60
Bank of America	Care Kit CDBG Grant	$	165.98
Keenan Supply	Greasezilla,DeSulph-A-Nator Field Supp	$	12,591.64
TOTAL:		**$**	**19,950.25**

COMMUNITY CENTER FUND - 200

TOTAL:		**$**	-

LIBRARY FUND - 210

TOTAL:		**$**	-

MUNNICIPAL STREET FUND - 240

Bank of America	Care Kit CDBG Grant	$165.97
Sun Valley	56 bags of 50lb Bags of street Xcold Mix	$1,057.90
TOTAL:		**$1,223.87**

MUNICIPAL COURT FUND - 20

TOTAL:

FIRE FUND- 30

MES	Voice Amplifier	$ 3,497.44
Overhead door CO.	Repair parts and Labor	$ 2,419.79
Oriley Auto Parts	Disck,brakes and Battery	$ 781.76
TOTAL:		**$ 6,698.99**

LAW ENFORCEMENT FUND - 60

Axon Enterprises	Body Cam	$ 522.00
TOTAL:		**$ 522.00**
GRAND TOTAL:		**$ 67,075.79**

ACCOUNTS PAID
10-Aug-20

GENERAL FUND - 10

Comcast	Monthly for 07/05-08-05-09-04-2020	$	1,068.06
Salas Services	Monthly IT Services for City Hall and PD	$	134.84
Hatch Ford Service Dept.	New Actuator install 2016 Police unit	$	487.06
Ocupational Health	2 Drug and Alchol Tests PD		$322.00
Ricoh USA Inc.	Monthly services	$	64.73
Samsara	Licence for Vehicle Gatways	$	684.79
Silver City Daily Press	Legal Publication for Council meeting	$	34.52
Petty Cash	Petty cash for CH and PD	$	25.87
Krystal Mountain Water	Cold Drinking Water for PD&CH	$	112.01
Grant County Pest Control	city hall,parks & rec, public saftey,ACO	$	111.64
CenturyLink	Circuit lines and Fax lines for PD & CH	$	573.62
Century Link	Long Distance	$	11.18
TOTAL:		**$**	**3,630.32**

JNT W/S O&M FUND - 150

Salas Services	Monthly It Services	$	67.42
Petty Cash	Petty cash for July	$	12.94
Badger Meter	Network Ssrvices for July 2020	$	261.64
Grant county Pest control	Monthly Pest Control	$	10.16
Krystal Mountain Water	Cold Drinking Water	$	14.80
Century Link	Monthly Services	$	70.97
TOTAL:		**$**	**437.93**

JNT WASTEWATER FUND - 170

Salas Services	Monthly IT service	$	67.42
Krystal Mountain Water	Cold drinking water	$	44.39
Grant County Pest Control	Monthly pest control	$	47.16
Century Link	Monthly Services	$	306.86
The UPS store	Shipping for BOD water testing	$	198.70
TOTAL:		**$**	**664.53**

COMMUNITY CENTER FUND - 200

GC pest control	Monthly Pest control	$	27.16
Century Link	Monthly Services	$	220.80
TOTAL:		$	247.96

LIBRARY FUND - 210

Salas Services	Monthly IT services	$	67.44
Occupational Health	Drug and alcohol tests new Hire	$	72.00
Ricoh	Monthly Services	$	32.36
Grant county pest control	Monthly pest control	$	27.16
Century Link	Monthly Services	$	156.96
Century Link	Long Distance	$	1.18
TOTAL:		**$**	**357.10**

MUNNICIPAL STREET FUND - 240

Bank of America	People Finder for Sidewalk Project	$	15.90
TOTAL:		**$**	**15.90**

MUNICIPAL COURT FUND - 20

Salas Services	Monthly IT Services	$	67.44
Amazon	Anti Glare Screen For MC	$	57.67
City of Bayard	Petty Cash	$	12.94
Century Link	Monthly Services	$	119.66
Century Link	Long Distance	$	0.58
TOTAL:		**$**	**258.29**

FIRE FUND- 30

Salas Services	Monthly IT service	$	67.42
Wal Mart	Alcohol test strips fire station	$	30.96
Xfinity/comcast	extra line for FD	$	7.98
Century link	Circuit line and faxd	$	225.11
TOTAL:		**$**	**331.47**

LAW ENFORCEMENT FUND - 60

TOTAL:

Solid Waste -160

Salas Services	Monthly IT Service	$	67.42
City Of Bayard	Petty Cash	$	12.94
Total :		**$**	**80.36**

GRAND TOTAL: **$ 6,023.86**

City of Bayard Wastewater Treatment Plant

July 2020

07-01-2020: Turned the #1 #2 and #3 drying beds.

07-02-2020: Plant staff swapped the #1 UV unit to the #2 UV unit. The #1 unit had 1556hrs on it. The E-coli test came in at TNTC. Dement electric came down to the plant and worked on the exhaust fan on the UV building roof and chased down a ground wire for the influent wet well level indicator. Contractor came down and inspected the reclamation storage tank.

07-03-2020: Plant staff were called out by the plant alarm for the headworks at 11:47pm, Plant staff found the power cable to the headworks bar screen had broken the wires in the power cable causing the unit to go BO. Plant staff spliced the wires together to get the unit operational.

07-06-2020: Plant staff started to tear down the #1 UV unit. Plant staff found that a high voltage wire for the lamps had melted and arced out melting the lamp harness and lamp wires. The arcing had melted the stainless spacers for the wiper motor and had burn marks coming out of the wiper motor itself. Dement electric came down to the plant to survey the wires and told plant staff the wire harness would have to be pulled all the way to the UV cabinet. Dement electric also put a temporary power cable on the headworks to get it running until a machine cable that is UV resistant can be located.

07-07-2020: Plant staff turned the #1 and #2 drying beds and pulled the sludge out of the #3 drying bed.

07-08-2020: Plant staff checked the fire extinguishers and eyewash stations. City maintenance repaired the 4" water main that was leaking in the plant yard.

07-09-2020: Plant staff pulled the sludge out of the #1 and #2 drying beds and added it to the sludge stockpile.

07-12-2020: Plant staff called out to the plant for a power failure alarm.

07-13-2020: Dement electric came down to the plant and found the fan on the lab building burnt out and the HMI module for the effluent pump panel burnt out.

07-14-2020: Plant staff rebuilt the #3 drying bed, and changed out light bulbs in some of the yard lights and the lights on the digesters.

07-15-2020: Plant staff started to look for the leak on the 1" potable water line going to the reclamation plant. Started to dewater the #1 digester.

07-16-2020: Plant staff found and repaired the 1" potable water line going to the reclamation plant. #1 digester didn't dewater turned the air back on.

07-17-2020: Plant staff dumped the #2 digester to the #3 drying bed. Turned the water back on in the 1" water line going to the reclamation plant. Plant staff went and picked up salt for the chlorine generation station and filled the bulk diesel tank.

07-20-2020: Plant staff rebuilt the #1 drying bed and changed out the barrel of de-sulph-a-nator at the North Hurley lift station.

07-21-2020: Shut down the #1 digester to see if it would dewater. Plant staff turned the #3 drying bed. Plant staff started to change out the chlorine pump in the reclamation plant. Plant staff were called out to the plant after hours for a power failure alarm.

07-22-2020: Plant staff put a bug on the rope in the influent lift station to combat the build up of the pillow in the aerated grit chamber. Plant staff worked on the chlorine pump installation in the reclamation plant. Plant staff replaced the burnt out GFI on the emergency generator and replaced the air filters on the case backhoe. Plant staff also put bait traps in the equipment to try and stop the rodents from eating all of the equipment's wiring harnesses. Plant staff called out after hours for generator power failure alarm.

07-23-2020: Humphreys came down to the plant and vacced out all of the grit channels and the top of the North Hurley lift station. Plant staff turned the #3 drying bed.

07-24-2020: Dumped the #1 digester to the #1 drying bed. Plant staff moved a polymer barrel into the ras/was room to replace the barrel that ran out during the pour. Plant staff changed out the greasezilla barrel at the North Hurley lift station.

07-25-2020: Plant staff called out for a clarifier bar screen alarm.

07-26-2020: Plant staff called out to the North Hurley lift station for a high-level alarm.

07-27-2020: Plant staff worked on the chlorine system in the reclamation plant.

07-28-2020: The wastewater treatment plant suffered two power bumps that took the plant down, the first one occurred at 9:05am. The second one occurred at 9:08am. When these power bumps occur and take down the plant systems, one of the systems that is greatly affected is the UV system. The lamps are shut off and restarted which decreases the life of the lamps dramatically. Plant staff worked on the chlorine system in the reclamation plant and dewatered the #2 digester.

07-29-2020: Plant staff rebuilt a washwater pump scavenging usable parts from a couple of junk pumps for body parts and using new internals. The pumps that the plant uses for the washwater system are no longer being made. There will be internal parts for a few years but the pump manufacturers are telling people that they need to upgrade their systems. The price for a new skid this year was around 7,000 dollars. This didn't include the installation charge because a contractor would have to be found to install the new skid. The treatment plant has two washwater pumps that will need to be updated in the near future. Plant staff worked on the reclamation plant A/C and ran some water to the rec plant filter basins to start clearing out the stagnant water that is in the line from the distribution box to the rec plant, Turned the #1 and #3 drying beds.

07-30-2020: Cummins Rocky Mountain came down to the plant to service the emergency generators and to repair a faulty block heater that was melting the gfi unit in the generator cabinet. This faulty block heater would call plant staff out for a power failure alarm. The technician also found the control panel membranes had started to peel away from the transfer switch panels and recommended that they be replaced. The technician was given the okay to replace the membranes which would then allow him to test the circuit boards to make sure that no water had gotten into them and shorted them out. At the present time the control panel membranes will not function to let anyone work them. The technician also found the generator next to the headworks will need to have its radiator replaced next year. The Hydrogen sulfide gas that is present in the plant has started to corroded it to the point it is starting to disintegrate. Plant staff hauled sludge to the Silver City landfill and installed the grating in the reclamation plant.

07-31-2020: Cummins Rocky Mountain came out to load test the emergency generators.

Bayard Fire Department

Monthly Report

July 2020

Monthly Fire Calls: There were 4 fire calls for service in July.

7/2/2020: Dispatched to 410 ½ Orchard for a grass fire that was started by fireworks.

7/15/2020: Dispatched to North Hurley for a grass fire. Arrived and found smoke coming from on top of the mountain. Could not access and turned it over to forest service.

7/18/2020: Dispatched out to Hwy 180 and Hwy 61 to set up Landing Zone for Native Air 30.

7/25/2020: Dispatched out Snell Middle School for standby for a demonstration.

Monthly EMS calls:

There were 27 reported EMS calls for the month of July.

Bayard	18 Calls
Hurley	7 Calls
North Hurley	2 Calls
Hanover	0 Calls
Vanadium	0 Calls
Santa Clara	1 Calls

July Training

Fire:

7/2/2020: Structure Training

7/7/2020: Training on computer and registry for Hazmat training and report writing training.

Officers training.

7/8/2020: Training on water supply and pre-op operations

7/21/2020: Vehicle Inspections and Driver training.

Officers training.

EMS:

7/8/2020: Water supply and pre- op operations.

7/16/2020: Hazmat Class Discussion.

Equipment:

Apparatus	Mileage	Engine Hours
Engine 1	7759.8	1063.1
Engine 2	12517.4	
Command 3	31681.0	3020
Mini	11661.5	1361.9

Safety: No incidents reported this month.

Submitted by,

Juan Estrada

Bayard Fire Department

Secretary

RULES AND REGULATIONS OF THE BAYARD CEMETERY
July 2020

The Bayard Cemetery is owned and operated by the City of Bayard, New Mexico. The Cemetery shall always be kept a place of beauty. To this end certain rules and regulations are necessary for the protection of grave space owners to give them assurance that nothing of an unsightly or objectionable nature can ever be placed on grave spaces adjacent to their own and the cemetery shall not become a place of disorder or reproach.

These rules and regulations are designed for the protection of the owners of interment rights as a group. Their enforcement will help protect the cemetery to create and preserve its beauty.

Part I – Use of Cemetery

The Bayard Cemetery is a municipal cemetery available for use by the general public. All business matters relating to the cemetery shall be transacted at City Hall, 800 Central Avenue, Bayard, NM 88023. Hours of operation at City Hall are Monday through Friday, 8:00 a.m. to 4:30 p.m., except designated holidays. The Bayard Cemetery is open to visitors Sunday through Monday from 8:30 a.m. to 4:00 p.m. The cemetery is closed to visitors when the entrance gates are closed. Visitors are permitted entry to the cemetery only through the entry gates.

All owners of rights of interment, all visitors and those performing work within the cemetery shall be subject to these rules and regulations, and any amendments or alterations that shall be adopted from time to time.

The City of Bayard shall not be liable for any act of the owners of rights to interment, visitors, licensees, or trespassers within the cemetery or for any damage to persons or property within the cemetery; nor for any damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, explosions, unavoidable accidents, insurrections, riots, or other than as provided herein. The City of Bayard shall strictly enforce cemetery rules and regulations.

A. Rules

- Persons within the Cemetery grounds, shall use only the avenues, walks and roads. No one shall ride a motorcycle, motorbike or bicycle except on designated roadways or walkways.
- Skateboards or roller skates are not permitted.
- The Cemetery is intended to be sacred; it is not a park intended for recreation.
- Animals shall be on leashes at all times, and owners must pick up and dispose of their droppings in garbage receptacles.
- No use of alcoholic beverages, in accordance with the City Ordinance.
- No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the Cemetery.
- No unauthorized person(s) shall be permitted to bring or carry firearms within the Cemetery.
- No hunting is allowed within the Cemetery boundaries.

- All persons are strictly forbidden to break or injure any tree or shrub; mar any landmark, marker, or memorial; or in any way deface the grounds of the Cemetery.
- No excavations, construction, planting of trees or shrubs are permitted without City approval.
- Motor vehicle parking shall be limited to the designated parking areas.

B. Interments

- All interments, including cremains, must be under the supervision of a licensed funeral director.
- All grave sites in the Cemetery shall be five (5) feet in width by ten (10) feet in length, with the lengths running east and west.
- The City requires a minimum standard of using a casket within a 2 piece concrete/fiberglass box for traditional burials. The setting of the burial vaults is the responsibility of the funeral home. The City may set the burial vault with a fee assessed. All cremains must be placed in an urn suitable for burial.
- No more than one interment shall be allowed in any grave, except as provided herein:
    1. An adult and an infant may be interred in the same grave, provided not more than one casket is interred.
    2. Two (2) infants may be interred in the same grave, provided such infants are under the age of three (3) years.
    3. Two (2) cremated remains may be interred in any occupied or unoccupied grave and shall be covered by no less than 12" of soil. Cremains are to be interred only after a casket has been interred. A casket shall not be interred at any time after cremains are interred.
- In the event any error shall be made in the interment or disinterment of any space in the Cemetery, the City reserves the right to remove and transfer the remains to another space of the same value.
- Neither interments nor disinterment will be allowed in any space where the interment rights in the opinion of the City management, remains undetermined. In such cases, an order from a Court of competent jurisdiction will be required.
- If for some reason the grave site is not ready, such as rock, acts of nature, or any other valid reason, the burial will be postponed until the grave is ready, or alternative arrangements will be provided.

C. Disinterments

- The disinterment from a burial space within the Cemetery shall be permitted only after approval of City management, and in compliance with the laws of the State of New Mexico, and then will be done at the earliest convenience of the Cemetery personnel. All requests for disinterment will be presented to the Clerk Treasurer in writing with reason for disinterment stated on the request. Disinterment's must be approved by the Clerk Treasurer and by the State Health Department in cases where death was caused by a contagious disease. The cost of disinterment will be determined by actual audit cost; such cost will be at the expense of the party requesting the disinterment. Any disinterment requested by a non-family member shall require a Court order.
- All disinterments must be scheduled through a licensed Funeral Director.
- Funeral Directors must acquire a permit for disinterment and re-interment as issued by the state registrar, if required, and verified by city staff.

- The City cannot be liable for the condition of remains or the methods by which they are retrieved. Cemetery employees are not to come in contact with the deceased in any matter. Cemetery employees are to unearth the ground and pull up casket and/or vault only. Employees may help put the remaining casket and/or vault on a trailer for hauling purposes only.
- Funeral Directors shall be present at disinterments and are responsible for the removal of all remains (casket, vault, deceased).

Part II – Purchase of Rights of Interment

- Purchase of Rights of Interment are for the "right to use the lot for burials". Ownership of land will not be transferred from the municipality to the purchaser of the Rights of Interment.
- All cemetery plots are for human burial purposes.
- Purchase arrangements can be made either at City Hall or through a funeral home of your choice at the time of need or in advance.
- Burial plots are to be taken in order; (Section A, Block 1, Row 1, Lot 1; Section A, Block 1, Row 1, Lot 2)
- Pre-need purchases shall not exceed four (4) plots per family. The Clerk Treasurer, at his discretion, can authorize the purchase of additional grave sites.
- The purchaser will be required to sign that they understand the rules of the Cemetery (separate document), and they shall receive a copy of the "Bayard Cemetery Rules and Regulations Governing Burials".
- Full purchase price must be made to the City prior to the Certificate of Interment Rights being issued or the opening or any grave.
- The City shall retain all original Certificates of Interment Rights to avoid any possible ownership disputes. The Clerk Treasurer or designee will administer the resale of rights, to avoid possible ownership disputes.

Part III – Opening and Closing

- Interments shall be permitted only when the grave space and the interment charges are fully paid. Internment shall not be allowed in any grave where the ownership remains unsettled.
- The City of Bayard performs all openings and closings. Funeral services set-up are the responsibility of the funeral homes.
- The cost of the opening and closing is NOT included in the purchase price of the Rights of Interment. Additionally, any extra costs for interment or disinterment that may be incurred by the City will be charged to the purchaser of the rights, and be payable within ten (10) days of receiving the City's invoice. This may include: overtime wages, rock breaker or excavator equipment; blasting materials, other materials, or special equipment.
- Any damage that is done to the cemetery by any private contractor is the liability of the purchaser of the grave for whom the contractor was working.
- Burials are performed from 9:00 a.m. to 4:00 p.m. Monday through Friday. Burials on Holidays and Saturdays must be approved by the Clerk Treasurer.
- All graves shall be six (6) feet in depth. However, should hard rock be encountered, a lesser depth may be allowed provided the depth is not less than four (4) feet. Graves shall be filled level with ground surface.

- A forty-eight (48) hour notice must be given to City Hall prior to interment with the completion of an application for interment. The notice will be provided to a representative of the funeral home and the Cemetery Supervisor.
- Closing procedure of the interment site will not begin until the public has departed the immediate area.
- City personnel have the authority to require that all bystanders vacate the immediate area before beginning the closing process due to safety and liability concerns.

Part IV – Graves and Markers

- Prohibited items on graves or lots are: coping, gravel, decorative rocks, plants, trellises, metal fixtures, frames or boxes, and chairs and settees.
- No enclosures of any kind shall be permitted around any grave or lot.
- Monuments must be installed by a pre-approved monument company.
- Monuments for a single plot shall be no more than four (4) feet long by twenty-four (24) inches wide by six (6) inches thick, made of concrete and the top shall be flush with the ground surface. Monuments for two combined plots shall be no more than four (4) feet long by twenty-four (24) inches wide by six (6) inches thick, made of concrete and the top shall be flush with the ground surface. Monuments/markers must be installed flush with the ground surface upon a cement foundation which shall be no less than the base of the monument. Each grave monument/marker shall be installed on the top center of the grave it identifies. Prior to the installation of a grave monument/marker, a City employee will stakeout the grave space for the correct placement of the monument/marker.
- The City will have the authority to enter upon any lot and remove any objectionable or prohibited items, including but not limited to, copings that may have been placed there contrary to the regulations.
- The City shall provide all landscaping and planting in the cemetery.

Part V – Maintenance

- The Cemetery is maintained by the City.
- Maintenance consists of: keeping the weeds and other vegetation in open areas under control; the upkeep of roads and drainage systems; and general maintenance as determined by the City.
- The purchase of Rights to Internment includes such maintenance.
- Any damage caused by the City crews in the opening, closing or maintenance work shall be repaired at the City's expense.
- A care and maintenance fee shall be added to the Rights of Interment fee for each lot at the time the rights are purchased.

Part VI – Plants, Vases, Etc.

- The planting of vines, borders of plants, roses, shrubs, trees or any type of permanent plant is strictly prohibited.
- Small removable vases and containers of flowers may be placed on graves for suitable occasions. If the owner desires to keep such containers, they must be removed within a reasonable time. Otherwise, the Cemetery personnel will remove them, and no responsibility will be assured for their safekeeping.

- Persons desiring to retain floral arrangements or other material used at burials, including flags, must remove them within 48 hours after burial.
- All flags placed at gravesites for National holidays must be removed within 48 hours after observance of holiday.
- The Cemetery Management reserves the right to remove all material not considered suitable or desirable in the Cemetery.

Part VII – Above Ground Burial Vaults

- No above ground burial vaults will be permitted in the cemetery.

Part VIII – Correction of Errors

- The City reserves and shall have the right to correct any errors that may be made in making interments or disinterments. In the event such error shall involve the interment of the remains of any person, the City shall have the right to disinter such remains in such other grave of equal value and similar location as may be substituted and conveyed.
- The City shall have the right to correct any error that may be made in placing a grave marker at the wrong grave.

Approved this _____ day of _____, 2018.

_____
Chon S. Fierro
Mayor

ATTEST:

_____
Kristina Ortiz, MMC
Clerk Treasurer

Bayard Cemetery Fee Schedule

Right to Interment Per Lot

Regular $400.00
Infant.....$200.00
Cremains (within Section C only).....$200.00

Care and Maintenance Fee (added per lot).....$50.00

Opening and Closing

Regular.....$400.00
Infant.....$200.00
Cremains.....$150.00

City Observed Holiday or Saturday.....$100.00 in addition to opening and closing fee.
City observed holidays as set annually

Disinterment.....$500.00

AMENDMENT TO OWNER-ENGINEER WORK ORDER

2018 Colonias Infrastructure Fresh Water Well Rehabilitation – Bayard Well #3
Work Order #18-02
Stantec Project #227300245

AMENDMENT #1

1. **Background Data**

   a. Effective Date of Work Order #18-02: August 7, 2018

   b. Owner: City of Bayard, NM

   c. Engineer: Stantec Consulting Services Inc. (Stantec)

   d. Project: 2018 Colonias Infrastructure Fresh Water Well Rehabilitation – Bayard Well #3

2. **Nature of Amendment** *[Check those that are applicable and delete those that are inapplicable.]*

   ☐ Additional Services to be performed by Engineer

   ☒ Modifications to Services of Engineer

   X Modifications to Payment to Engineer

   ☐ Modifications to other terms and conditions of the Agreement

3. **Description of Modifications**

The scope of work for the original Work Order was for the completion of the following professional services for the project area as outlined in the Work Order #18-02:

Project Development/Scoping
Topographic/Utility Location Survey
Preliminary Design
Final Design

Amendment #1 is required at this time to adjust the original Topo/Utility Location Survey, Preliminary Design, and Final Design fees to actual amounts incurred. Amendment #1 is also required at this time to complete the Re-Bidding Phase of the project

Re-Bidding Phase – will consist of assisting the City of Bayard with the advertisement for bids, conducting the Pre-Bid meeting, issuance of addenda, conduct Bid Opening, review of bids received, preparation of bid recommendation package, obtain NMED - CPB concurrence on bid award, and issuance of Notice of Award to construction contractor.

Stantec proposes that the services associated with the **Re-Bidding Phase** services be billed as indicated, with the breakdown summarized below:

Personnel	Additional Hrs.	Rate	Amount
Senior Project Manager	1	$173.00	$ 173.00
Project Engineer	12	$143.00	$1,716.00
Office Administrator	1	$122.00	$ 122.00
Administrative Assistant	11	$ 92.00	$1,012.00
Electrical Engineer Subconsultant	1.1	$800.00	$ 880.00
Project Mileage/Reproduction			$ 123.00
		Re-Bidding Phase	**$4,026.00** **(T&E)**

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AMENDMENT TO OWNER-ENGINEER WORK ORDER

2018 Colonias Infrastructure Fresh Water Well Rehabilitation – Bayard Well #3
Work Order #18-02
Stantec Project #227300245

AMENDMENT #1

If the City of Bayard requests additional professional services, other than what is listed on the previous page, an Amendment will be required prior to commencing work. A lump sum or hourly fee proposal will be submitted to the City of Bayard for consideration and approval. Or if a projected upper target is anticipated to be exceeded, a proposal will be submitted to the City of Bayard for consideration and approval of increasing the upper target amount.

Below is a total amended engineering fee breakdown:

Original Work Order #18-02		
Project Development/Scoping	$ 3,675.00	
Topo/Utility Location Survey	$ 1,243.38	
Preliminary Design	$ 11,996.10	
Final Design	$ 5,110.00	
Subtotal - Original WO		$ 22,024.48
Amendment #1		
Topo/Utility Location Survey (decrease)	$ (62.13)	
Preliminary Design (decrease)	$ (68.62)	
Final Design (decrease)	$ (22.50)	
Re-Bidding	$ 4,026.00 (T&E)	
Subtotal – Amendment #1		$ 3,872.75
Total Amended Fee		**$ 25,897.23 + NMGRT**

Owner and Engineer hereby agree to modify the above-referenced Work Order as set forth in this Amendment. All provisions of the Agreement/Work Order not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is August 7, 2020.

OWNER:	ENGINEER:
City of Bayard, NM	Stantec
By:	By: Ramses S. Ortega
Title: Chon S. Fierro, Mayor	Title: Ramses S. Ortega, Project Engineer
Date Signed:	Date Signed: August 5, 2020

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