

## AGENDA REPORT

TO: Mayor & City Commission

FROM: Ken Hibel, City Manager

DATE: November 11, 2009

RE: Policy for Transfer of Ownership – Cherry Grove Cemetery Unused Burial Spaces

For the Agenda of November 16, 2009

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Background. The City currently has no established policy for the buy-back or sale of owned but unused burial spaces for the Cherry Grove Cemetery. We recently received a request from a former Clare-area resident whose family had departed the area and thus had no use for the grave space to buy back the grave space owned by the individual. The City did so at the current residential rate. But in doing so, we determined that it is prudent to establish a formal policy or practice for the transfer of ownership of unused burial spaces.

We searched numerous websites for already-established grave buy-back policies for cemeteries across the nation and provided the Cherry Grove Cemetery Advisory Board multiple options to select from. The result was the policy (*copy att'd*) unanimously recommended (*see copy of att'd October 6<sup>th</sup> minutes*) by the Board.

The City Commission is asked to consider the proposed policy for approval.

Issues & Questions Specified. Should the City Commission approve the buy-back policy?

Alternatives.

1. Approve the proposed, recommended policy.
2. Approve an amended version of the proposed buy-back policy.
3. Do not approve a buy-back policy.
4. Set the matter aside for consideration, deliberation, and decision at a subsequently scheduled Commission meeting.

Financial Impact. The fiscal impact is expected to be insignificant as any grave space purchased by the City will ultimately again be sold, thereby recouping any monies expended to purchase the grave space.

Recommendations. I recommend that the City Commission approve the proposed recommended policy by adoption of Resolution 2009-120 (*copy att'd*).

Attachments.

1. Proposed Policy.
2. Minutes.
3. Resolution 2009-121.

**CITY OF CLARE  
CHERRY GROVE CEMETERY  
POLICY FOR THE  
TRANSFER OF OWNERSHIP OF UNUSED BURIAL SPACES**

*Any individual interested in selling unused burial spaces in the Cherry Grove Cemetery may offer them back to the City of Clare or to any other individual. Sellers must provide written documentation showing adequate proof of ownership (examples being having the original deed and/or being able to prove that he/she is the sole owner/heir if said burial spaces).*

1. The seller shall advise the City of Clare that they are interested in selling unused burial spaces in the Cherry Grove Cemetery, and confirm that they have sole ownership.
2. The City of Clare shall have thirty (30) days to inspect the space(s) offered as well as ownership documents to determine if they will repurchase said space(s).
  - a. If the City of Clare declines to re-purchase the unused burial spaces, they shall provide the seller the answer in writing along with the reason for the declination.
  - b. If the City of Clare agrees to re-purchase the unused burial spaces being offered, the purchase price shall be at the current residential rate per space (including perpetual care). The seller shall surrender the original deed issued prior to receiving payment for the unused burial spaces.
3. When the seller transfers ownership of the unused burial spaces to another individual or entity, a notarized quit-claim deed showing transfer of ownership shall be filed with the City of Clare before such transfer will be recognized. There is no charge for the filing of a quit-claim deed.

1. **Call to Order.** Chairman Reverend Margaret Vredevelde called the meeting of the Cherry Grove Cemetery Advisory Board to order at 6:00 p.m. in the Clare City Hall Commission Chambers. Following recital of the Pledge of Allegiance, roll call was taken. Board Members present were: Bob Bergey, Bethany Mittan, Michael Sved, and Rev. Margaret Vredevelde. Absent: Marlene Hales. Also present, Cathy Davis - Board Secretary, and Ken Hibl - Clare City Manager.

2. **Approval of Agenda.** Moved by Bethany Mittan, supported by Mike Sved to approve the agenda as presented. Yeas: 4 Nays: 0 Absent: 1 Motion passed.

3. **Approval of Minutes.** Moved by Bob Bergey, supported by Bethany Mittan to approve the unofficial minutes of June 4, 2009 as presented. Yeas: 4 Nays: 0 Absent: 1 Motion passed.

4. **Old Business.**

A. *Cemetery Rules & Regulations* – Each board member had received a copy of the amended version adopted by the Clare City Commission on July 21, 2008 in their meeting packet. Rev. Margaret requested that they all read through the Rules & Regulations more thoroughly before the next meeting, making note of any errors.

B. *Wish List Updates* –

- Bench – the bench was purchased and placed at the Veteran’s Memorial (across from the existing bench).
- Flagpole – the old wooden flagpole has been braced on each side so it is standing again, has been painted white, is lit, and is once again flying a flag.
- Arch – Mike talked to Jim Bond and asked him to contact Bob Bonham regarding a proposal for the arch. It was generally believed that Marlene had someone in mind as well, Ken Hibl will contact her about this.
- Civil War Monument – the Board requested Cathy contact Brewer-Bouchey monument for their recommendations about the lettering on the monument and making it more readable.
- Lighting – Moved by Mike Sved, supported by Bob Bergey to remove the wish for lighting along the main drive of the cemetery. Yeas: 4 Nays: 0 Absent: 1 Motion passed.

C. *Walk Through List Status* – Mike Sved worked 10 hours per week this summer on the walk through list raising monuments, trimming trees, etc... Ken Hibl advised that we have received several compliments on the upkeep of the cemetery this summer and contributes this to the efforts of AWOL and the additional work completed by Mr. Sved. Mike Sved also advised that he had taken his class to the cemetery again for their annual field trip researching information on decedents.

5. **New Business:**

A. *Proposed Buy-Back Policy:* City staff members have been approached recently by individuals requesting to sell their unused burial spaces back to the City of Clare. However, there is no ‘official’ buy-back policy in place. Moved by Mike Sved, supported by Bob Bergey to send the following proposal to the Clare City Commission for formal adoption:

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POLICY FOR THE  
TRANSFER OF OWNERSHIP OF UNUSED BURIAL SPACES**

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Yeas: 4    Nays: 0    Absent: 1    Motion passed.

- B. *Review of Reports:* The board reviewed reports on Lot Sales, Burials, and openings for the St. Cecelia's Catholic Cemetery.

**6. Adjournment:** Moved by Bethany Mittan, supported by Mike Sved, to adjourn this meeting and hold the next meeting at 6:00 p.m. on Tuesday, January 12, 2010, in the Clare City Hall Commission Chambers. Yeas: 4 Nays: 0 Absent: 1 Motion passed. Meeting adjourned at 6:55 p.m.

**CHERRY GROVE CEMETERY BOARD – ‘WISH LIST’**

*2008-2009 FY Capital Outlay Budget:* City Manager reported that the Clare City Commission had been forced to make budget cuts this year and, regrettably, the Cemetery Capital Outlay fund was one of those cuts. He reassured the Board that the Cemetery operating budget was firmly in place and that if they felt during the course of the fiscal year that there was something they felt the cemetery definitely needed, they should still bring it up for consideration. He also encouraged the board to continue working on a “Cemetery Wish List”. This list is in alphabetical order (***not*** priority order). *Once an item has been completed, it is removed from the list.*

1. ARCH (at the main entrance) – restoration of the arch while striving to maintain the historical integrity. \$5,000.00 has been budgeted towards this item. Marlene has heard of a reputable stone worker for any stone work involved. Jim Bond does reputable work with a synthetic stone as well.
2. CIVIL WAR MONUMENT – restoration of the monument while striving to maintain the historical integrity. Cathy Davis contacted Ron Cooper regarding his knowledge of the civil war monument. Mr. Cooper advised that he did not have a picture of the original monument and he did not have any recollection of it being any different that it is today. Monument is also becoming very hard to read through the years.
3. LIGHTING – add indirect lighting on the Cherry Grove Cemetery sign.

**RESOLUTION 2009-121**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING A POLICY FOR TRANSFER OF OWNERSHIP OF UNUSED BURIAL SPACES FOR THE CITY-OWNED CHERRY GROVE CEMETERY.**

**WHEREAS**, the City currently has no established policy for the buy-back of owned but unused graves spaces in the Cherry Grove Cemetery; and

**WHEREAS**, it is deemed prudent by the City to establish a formal policy for the buy-back of owned but unused graves spaces in the Cherry Grove Cemetery; and

**WHEREAS**, the Cherry Grove Cemetery Advisory Board has developed and unanimously recommended a proposed policy for buy-back of unused grave spaces to the Clare City Commission; and

**WHEREAS**, the Clare City Commission has reviewed and considered said policy and determined it meets the needs and best interests of the City.

**NOW THEREFORE BE IT RESOLVED THAT** the City Commission of the City of Clare hereby approves a policy for the buy-back and transfer of ownership of unused burial spaces in the Cherry Grove Cemetery, a copy of said policy attached to this resolution as Attachment A.

**WHEREAS**, the City Staff is hereby directed to amend the currently approved policies of the Cherry Grove Cemetery to incorporate said grave space buy-back policy.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.**

**The Resolution was introduced by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_. The Resolution declared adopted by the following roll call vote:**

**YEAS:**

**NAYS:**

**ABSENT:**

Resolution approved for adoption on this 16<sup>th</sup> day of November, 2009.

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Diane, City Clerk