

**GREENWOOD CEMETERY ADVISORY BOARD
MEETING MINUTES
FRIDAY, JANUARY 12, 2018 AT 8:30 AM
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN**

I. CALL TO ORDER

Chairperson Darlene Gehringer called the meeting to order at 8:30 AM.

II. ROLL CALL

Present: Linda Peterson
Margaret Suter
Darlene Gehringer
Laura Schreiner
George Stern

Absent: Kevin Desmond
Linda Buchanan

Administration: City Clerk Mynsberge, Deputy Clerk Arft

III. APPROVAL OF MINUTES

A. APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 8, 2017

Mr. Stern requested that under Section B, Discussion on Revisions to RFP for Greenwood Cemetery Master Plan:

- "Graduate School in" be added after "Harvard" in paragraph one; and,
- "Designated" be changed to "designed" in paragraph 11.

MOTION: Motion by Stern, seconded by Suter:
To approve the minutes of December 8, 2017, as amended.

VOTE: Yeas, 5
Nays, 0
Absent, 2 (Desmond, Buchanan)

B. APPROVAL OF SPECIAL MEETING MINUTES OF DECEMBER 15, 2017

Ms. Suter requested that "Ms. Suter pointed out that the RFP is based off the City's standard template" be changed to "Ms. Suter pointed out that the RFP is based off the City's standard language templates, as indicated by City Clerk Mynsberge."

MOTION: Motion by Stern, seconded by Suter:
To approve the minutes of December 15, 2017, as amended.

VOTE: Yeas, 5
Nays, 0
Absent, 2 (Desmond, Buchanan)

IV. NEW BUSINESS

A. DISCUSSION OF 2017 ANNUAL REPORT

Clerk Mynsberge asked the Board what the Commission is looking for regarding the Annual Report format.

Chairperson Gehringer explained to Clerk Mynsberge that last year the Commission wanted:

- A change in the information layout of the breakdown of graves and monies dispersed;
- A Master Plan; and,
- More information from Elmwood, such as a comparison between Elmwood's income and costs.

Mr. Stern stated that:

- The Board does not provide the Commission with the requisite financial information to understand the implications of the contract.
- The Commission may not be sufficiently aware of how much money is being made by the contractor in terms of commission, for example, or payments for burial, both of which he said are exorbitant amounts.
- He appreciates City Clerk Mynsberge's request for input.

Chairperson Gehringer asked that the number of lots on payment plans and their locations be included in the Annual Report.

B. CLARIFICATION OF PLOTS SOLD/TO BE SOLD IN NEW SECTIONS B & C

City Clerk Mynsberge explained that:

- According to the Quarterly Report, no more than 240 plots may be sold in Sections B and C prior to Board review.
- The Quarterly Review also states, however, that once 200 plots are sold in those sections, the Board must review those sections prior to additional plots being sold per Commission request.
 - The August 10, 2015 City Commission minutes reflect this motion.
- The Commission asked the Board to decide how to stagger plot sales within the sections. The Board decided that plot sales would likely be staggered naturally, and that no procedure for staggering plot sales was necessary.

City Clerk Mynsberge told Chairperson Gehringer that 161 plots have been sold in Sections B and C by the end of Q3 2017, with a breakdown of 123 in Section B and 38 in Section C.

City Clerk Mynsberge confirmed for Mr. Stern that:

- The 12 lots currently on payment plans were not included in the data on Sections B and C, since the sales are not yet complete.
- As the Annual Report is prepared, the Board should consider recommending to the Commission that more lots be made available for sale in these sections.

Mr. Stern agreed with City Clerk Mynsberge that the Board should recommend to the Commission that more plots be made available for sale.

City Clerk Mynsberge clarified that Board recommendations should be part of the larger discussion of the Annual Report.

V. UNFINISHED BUSINESS

Items under Unfinished Business will be presented as a status update to the Board and may not require action at this time.

A. FINAL REVISIONS TO RFP FOR GREENWOOD CEMETERY MASTER PLAN TO REMOVE BONDING REQUIREMENTS

City Clerk Mynsberge told the Board that:

- The bonding requirement is not necessary since this is a service contract and not a construction contract, and can be removed if the Board approves.

- The RFP date of submission should be changed from 1/11/18 to 1/16/18.
- The date change gives bidders a little more than a month to prepare a submission.

Chairperson Gehringer stated that this change allows all the other dates in the RFP to remain the same.

Mr. Stern lauded the city staff for taking the Board's feedback under advisement.

MOTION: Motion by Suter, seconded by Peterson:
To approve the RFP as amended.

VOTE: Yeas, 4 (Peterson, Suter, Gehringer, Schreiner)
Nays, 0
Absent, 2 (Desmond, Buchanan)

Chairperson Gehringer asked Mr. Stern how he preferred to vote.

Mr. Stern asked whether a 'Nay' vote on his part would prevent the RFP from being mailed out.

City Clerk Mynsberge explained to Mr. Stern that:

- A Nay vote would not prevent the RFP from being mailed out.
- Casting an affirmative or negative vote is required.

Mr. Stern then asked for clarification as to whether a 'Nay' vote on his part would prevent the RFP from being mailed out.

Chairperson Gehringer clarified for Mr. Stern that the current majority vote on the motion would allow the RFP to be mailed out, regardless of Mr. Stern's vote.

Mr. Stern attempted to abstain.

City Clerk Mynsberge advised Mr. Stern that an abstention was not possible without a Board-approved reason.

Mr. Stern voted in favor of mailing out the RFP.

MOTION: Motion by Suter, seconded by Peterson:
To approve the RFP as amended.

VOTE: Yeas, 5
Nays, 0
Absent, 2 (Desmond, Buchanan)

B. FINALIZATION OF RECOMMENDED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

The Board discussed how to indicate that 75% of each payment installment should be immediately remitted to the Greenwood Cemetery Perpetual Care Fund.

Per discussion, a new paragraph was inserted after paragraph two to read: "The Greenwood Cemetery Perpetual Care Fund shall receive 75% of each payment at the time payment is made."

Ms. Schreiner clarified for Mr. Stern that:

- Per paragraph five, "failure to pay entire contract in full on or before the final payment due date will result in forfeiture of property and all monies paid to date" refers to any plots on a payment plan.
- This would not apply to occupied plots within said lot, however, since full payment is required for occupation before burial.

Mr. Stern pointed out that "entire contract" in paragraph five could refer to both paid and unpaid plots within a lot. He was concerned that this language indicates that both paid and unpaid plots are forfeited in the case of non-payment, with the paid occupant potentially being disinterred.

Ms. Schreiner agreed with Mr. Stern and suggested that the language be changed to reflect that a fully paid and occupied plot within an unpaid lot would not be forfeited.

Chairperson Gehringer suggested paragraph five be changed to "For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date."

Ms. Schreiner shared concern that:

- Paragraphs four and five are redundant.
- Paragraph three refers to a "farthest plot", which may lead to confusion in the future regarding how "farthest" is determined.

Mr. Stern suggested that the language in paragraph three be changed to "an end plot" and "interior", rather than "adjacent".

Chairperson Gehringer said:

- The language in paragraph three should remain "adjacent", and not "interior", because plots within a lot should be filled in succession and not with gaps between the plots.
- "An end plot" would be appropriate language for paragraph three.
- Paragraph three should be amended to "...are not paid in full but internment is needed, an end plot will be utilized first..." with the rest of the paragraph remaining the same.

Mr. Stern asked:

- How plots on a payment plan would be presented in the Audit.
- If the Contractor's receivables are on the City's books.

Chairperson Gehringer told Mr. Stern that the Contractor's receivables are not on the City's books.

City Clerk Mysnerberge clarified for Mr. Stern that the Board has the power to decide what information goes into the Annual Report, not the audit, as the audit has predefined parameters.

Ms. Schreiner suggested that a column with the title 'Under Contract' should be added to the Annual Report.

Chairperson Gehringer:

- Agreed with Ms. Schreiner; and,
- Suggested removing the last paragraph from the policy.

The Board concurred about removing the last paragraph.

MOTION: Motion by Schreiner, seconded by Peterson, to forward to the City Attorney for review as to form and content and for comments on appropriate next steps, and to the Contractor for comment, the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations.

Chairperson Gehringer asked to strike "and to the Contractor for comment".

MOTION: Motion by Schreiner, seconded by Peterson, to forward to the City Attorney for review as to form and content and for comments on appropriate next steps the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations.

City Clerk Mynsberge confirmed for Mr. Stern that the contractor received the above information with an invitation to attend this evening's Board meeting. The contractor did not attend, and no reply was received.

VOTE: Yeas, 5
 Nays, 0
 Absent, 2 (Desmond, Buchanan)

VI. CONTRACTOR REPORT

Contractor was not in attendance.

VII. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

VIII. BOARD COMMENTS

Ms. Peterson asked if there is a cemetery policy on monument upkeep.

Chairperson Gehringer explained that:

- Cemetery regulations specify that each owner is responsible for the upkeep of their monuments.
- These regulations should be included in the Master Plan.
- Municipalities take different approaches to repairing historical markers.

Ms. Peterson asked if there is room to add an urn in a previously occupied plot.

Mr. Stern stated that:

- The Department of Public Services used to use a rod to measure depth before ~~interring an urn above a casket.~~ interning an urn.*
- Most plots in Greenwood are 10'-12', which allows room for up to four urns.
- He agrees with Chairperson Gehringer that there should be ground-penetrating radar (GPR) testing.

Chairperson Gehringer said:

- GPR should be included in the Master Plan; and,
- The fee for GPR is under \$10,000 and includes the whole cemetery.
- Using rods for depth measurement is not as functional an option as radar due to likely deterioration of old grave materials.

**As amended at the Board's February 2, 2018 meeting.*

Ms. Peterson suggested that the Board:

- Put together informational bullet points on cemetery law and policy to share with the community;
- Advertise the ongoing conversation in the Birmingham Eccentric; and,
- Have a special evening meeting inviting residents to learn about said bullet points.

City Clerk Mynsberge clarified that this would need to be a recommendation to the Commission, not a unilateral Board project.

Mr. Stern asked if Chairperson Gehring was open to Board comments on the Contractor Report.

Chairperson Gehring clarified for Mr. Stern that the Board was now discussing Item VIII and had concluded discussion of Item VI.

Mr. Stern:

- Stated he would share his comments about Item VI under Item VIII.
- Asked about the difference between interest payments and delinquency fees in the Contractor Report.

Ms. Suter and Chairperson Gehring said Mr. Stern's question was a useful one.

Ms. Schreiner said there is a difference between delinquency and interest fees, and that charging a delinquency fee is legitimate.

Chairperson Gehring clarified that the delinquency fee would be remitted to the contractor.

The Board asked City Clerk Mynsberge to let Elmwood know that there was a complaint about insufficient snow removal in Greenwood between Christmas and New Year's.

Chairperson Gehring reiterated the gates to the cemetery should be locked at night.

Mr. Stern reported that:

- In December he was concerned about the cemetery demographic information in the RFP.
- Accordingly, he has looked at about 4,000 plot records.
- There are plots in Section H owned by the City that have not been made available for sale.

Ms. Peterson recalled that the Board thought Section H was full.

Mr. Stern explained that the Board was told erroneously by Elmwood that no plots were available in Section H.

Chairperson Gehring asked Mr. Stern to keep the Board updated.

IX. ADJOURN

The meeting was adjourned at 9:58 a.m.