

Missoula Cemetery Board Meeting
Thursday, May 3, 2012
1:30pm
Ruth Bennett Memorial Chapel
Missoula Cemetery

Minutes

Present: Sharee Fraser, Marjorie Jacobs, Pat McHugh, Mary Lou Cordis, Carol Gordon, Douglas Waters, Ron Regan, Mary Ellen Stubb, Brentt Ramharter

Absent: None.

1. Approval of board minutes: April 2012 - Unanimously approved as submitted.

2. Items involving guests: Brentt Ramharter, CFO

Mr. Ramharter was here to discuss city administration's proposed designation for cemetery revenue in FY13 to be shared by a 10% cemetery / 90% general fund split. Mr. Ramharter said he couldn't do a lot to meet the board part way this year. Instructions from Mr. Bender were to place enough money into the care fund to cover yearly equipment replacement costs and to spread those costs more evenly over the long term budget. Based on the city equipment replacement schedule the average annual amount needed to replace cemetery equipment was estimated at \$50K. Any improvement or equipment not on the schedule must be processed through a CIP request. The shared revenue split would change in FY14 to 35% cemetery / 65% general fund. It is estimated this designation would need reviewed again by FY16 or if Missoula should experience another economic downturn prior to that. Mr. Ramharter stated everyone was stuck with the current percentage but might have some wiggle room in future years.

Mrs. Fraser wanted it noted that when administration asked the cemetery to cooperate a few years ago the cemetery did quite a bit. By vote of the council it was promised this year to go back to the original agreement where all revenue would be deposited into the cemetery care fund. The least administration could do at this point is offer a 50/50 split of revenue. Mr. Ramharter said anything is always a possibility provided council agrees. Mrs. Fraser said in all fairness the cemetery has held back on unnecessary purchases which has saved the city money but with only \$50K/ year deposited into the fund that money would be immediately expended on equipment.

Mr. Ramharter stated numerous times the cemetery must compile a list of proposed use for the care fund money. The cemetery must make their case by showing targeted uses for the money and supporting that with the ability to enhance cemetery sale opportunities. Board consensus was that Mr. Waters should create the list showing cemetery needs since he is the best to know what is needed. Mr. McHugh stated Mr. Waters is the one to know what is needed for equipment each year and what is needed for improvements.

Mrs. Jacobs asked whether board approval of the current proposal would keep city administration from coming back asking for more next year. Mr. Ramharter stated the goal was to set things in order for the next 3-4 years then review revenue allocation again. Mrs. Jacobs pointed out that a limited amount of money in and ever increasing equipment costs going out would eventually deplete the care fund. She asked if city administration was prepared to fully support the cemetery when that happened. Mr. Ramharter said the goal was to not let the fund drain but he could not guess how things will settle out.

Mr. McHugh asked what the general nature of the ordinance was regarding the care fund. The current wording in the ordinance states 100% cemetery revenue goes back to the cemetery care fund beginning FY13 unless another agreement was mutually agreed upon by city council and the cemetery

board. Mr. McHugh clarified that without modification, if the ordinance were to remain as it currently is written, then 100% of revenue automatically reverts back to the care fund. Mr. Ramharter stated the wording in the ordinance intended for all parties to discuss and mutually agree on a future plan.

Mr. Ramharter asked Mr. Waters and the board to present their recommended funding needs for the next five years to committee as soon as possible. Any need beyond five years would be discussed separately as needed. Mr. Waters suggested the board also consider negotiating for the denied line item increases as part of the current care fund negotiations.

3. Public comment: None.

4. Financials:

a. Revenues: FY12 reviewed and consistent with previous years. Vet grave sales continue to show a marked decline since the new vet cemetery opened.

b. Expenditures: FY12 reviewed and on track.

5. Motions needed. (*Full board attendance is needed*)

a. Proposed Fee Increases-update

Mr. Waters clarified the niche and memorial funds remained 100% under cemetery control. Mr. McHugh suggested Mr. Waters incorporate things like niche walls and fountains in the list of capital improvements. The effect of the proposed list would be to justify an increased amount of funding needed each year. Mr. McHugh urged Mr. Waters to target future improvements not just needed equipment.

Mrs. Gordon agreed and felt the cemetery was vulnerable with money sitting in an account without identifying uses for it. Mr. Waters stated the first and most important goal was to fund equipment. He would prefer administration also increase the line items for fertilizer and records scanning which would help cemetery staff do their jobs. Mr. Regan noted a new irrigation pump should also be a priority.

Mr. McHugh agreed equipment was necessary but stated that funds set aside with no other plan but accumulating opens the cemetery up for having those funds demanded to be used for fertilizing, salaries, and other necessary support functions as viewed by city administration. The plan that needs proposed must look down the road and show developments that will enhance and protect the needs of the cemetery not just be targeted for equipment replacement. A building, new entry way to grounds, scattering garden, memorial walls, and other significant things have to be included in a long term proposal. Mr. Regan noted another columbarium plaza is needed as the current one will soon be out of room.

Mrs. Jacobs restated that in a few years the cemetery funds would be gone and then city administration would no longer subsidize the cemetery but must fully support it. Mr. McHugh said the cemetery must defend itself by noting that if the cemetery cannot self sustain then the money must be used to enhance the cemetery. He pointed out that the old section of the cemetery needs replicated through a development plan in the open sections. Mr. Waters said there was a master plan developed by an architectural firm many years ago and could be used as a basis for future plans. He reminded the board that they had developed a basic long range plan for use of care fund money to enhance the cemetery a few years ago. He would retrieve those items and use them as a basis for his proposal to committee.

Much discussion followed on possible ideas for use of funds. Mr. McHugh encouraged Mr. Waters to keep in mind that his list must make Missoula Cemetery more appealing to the public than other local cemeteries. He said the things that the cemetery's beauty, history, and Stories and Stones have made this cemetery great and are some of the best things that have happened here. Mr. McHugh said currently all these things are on one side of the road. He said thought needs to go into how to make the open side of the cemetery as special as the old section through enhancements. The cemetery needs to keep development that promotes this as a special place.

Mr. Regan stated the one thing heard over and over would be a fence to block the railroad. People complain about that to him and definitely to office staff. Mr. McHugh agreed and stated that bears upon the ability to market the cemetery. Mr. Regan agreed that the view is what brings people here and the cemetery definitely needs something. Mrs. Jacobs agreed with the concept of a master plan but stated again that plans are nothing if there is no money to put them into motion.

6. New or Continuing Items for Discussion:

a. Preliminary draft ordinances. Right to inter.

Mr. Waters distributed a new revised draft from the city attorney and asked board members to disregard all previous versions of changes to the right to inter section of the ordinance. Mr. Waters stated the attorney needed to legalize items but this was basically the final thing and covers almost everything. Mr. Waters said the city attorney felt the cemetery needed to ask for legal documentation that proves person's ability to make decisions on burial rights.

After the board read the new document Mrs. Jacobs questioned why this was a done deal if the cemetery board did not like the proposal. Mr. McHugh asked what would happen if someone died without designating someone with authority to sign permissions. Mr. Waters said a new transfer form being developed by the attorney's office will have a direction for that. Should someone not have any documentation then an affidavit would be required at the city attorney's office to determine their rights to make grave designation decisions. Mrs. Jacobs asked whether that could be done in a timely manner. Mr. Waters hoped so and stated the attorney wanted legal documentation in order to make the individual liable for decisions made instead of the cemetery. Mr. Waters said the proposal was not perfect and would cause more work for cemetery office staff but was needed to remove liability from the cemetery. Mr. Waters explained the city attorney does not want the cemetery to take a person's word for authorization as that would hurt us in court. Legal documents and an affidavit give the city credibility should anyone contest a burial placement.

Mrs. Jacobs asked if the affidavit would apply to old graves where deeds are not available. Mr. Waters said yes, the affidavit would allow for families to continue assigning burials in old graves. Families would have to do some work to prove to the city attorney that they had the right to make those decisions in order to receive the approved affidavit. Mr. McHugh noted the affidavit should say the individual is an heir and assumes authority for the decision. The concept is very similar to a chain of title. Mr. McHugh asked if this affidavit was necessary with the cemetery records on file. Mrs. Stubb explained the cemetery records have large holes where the original deed was given to the purchaser and no copy was kept on file at the cemetery. In these instances family members have signed and notarized a transfer / assignment form developed by the city attorney's office in 2005. Mrs. Stubb has always described the relationship of the assignment in her notary book as each form was notarized. She agreed with the decision to have the city attorney revise the current form to include a clause of assuming authority when the original deed is not available. The affidavit process remained unclear and timing could be a potential concern during immediate death and burial arrangements.

Mr. Waters stated Mrs. Stubb had provided him with a two year recap of those assignments and they were well documented and justified by relationship. Mr. Waters asked the board to move to approve the draft as presented. The board denied any motion until the final draft and forms were submitted for review.

7. Informational Items *(These items require NO immediate board action but are strictly informational item)*

8. Adjournment. Next meeting: June 7 , 2012 3:11 pm.

**To conserve costs, please bring your agenda and any pertinent documents with you to meetings.