

TOWN OF SILVER CREEK
SPECIAL MEETING
JANUARY 22, 2019

A Special meeting of the Town Board of the Town of Silver Creek was held on Tuesday, January 22, 2019 in the Board Meeting Room for the purpose of discussing the Silver Creek Cemetery regulations and operations. Present were Supervisors: Greg Hull, Mike Hoops, and Denny Moen; Clerk Alison Oftedahl; and Equipment Operator Allen Anderson.

Chairman Hull called the meeting to order at 6:04 p.m.

Hull advised the group to restrict the discussion to cemetery issues per requirements for a special meeting. Hull then explained that he completed some online research of Minnesota statutes relating to cemeteries in preparation for the meeting.

A wide-ranging discussion of cemetery issues and the current rules and regulations ensued. Some changes were easily agreed upon and other issues were not clear.

After discussion, the group decided to seek legal advice from Attorney Scott Witty on the following questions:

- Is it legal to sell a "Right of Interment" as Silver Creek has been doing currently? Hull's reading of Minnesota statute seemed to require cemetery plots to be conveyed as property like other real estate. Silver Creek's current regulations still have many references to "Lot Purchase". Depending upon the attorney's answer, a disclaimer that "lot purchase" actually refers to a right of interment in a designated space will be added to the document.
- Can Silver Creek regulate or refuse Green Burials?
- Who owns the monuments and markers in Silver Creek Cemetery? This answer is needed in order to address the issue of placement and maintenance of stones. Can or should Silver Creek add fill below sinking markers, for example, or must the family do this?
- Can non-human remains be prohibited? Concerns were raised about the burial of service animals.

The following changes to the language in the Rules and Regulations were agreed upon, and the Clerk was asked to make the edits. Additional rule changes will depend upon legal advice. The items below have not been formally adopted and are not yet in effect. The group agreed to wait until all changes have been made to the Resolution document before adopting it. The regular meeting will be used to view draft changes and complete the new version.

- Delete the first two sentences of Section 1. This change resolves a conflict between language restricting the plot to one person and later language stating that two cremains can be interred in one plot.
- Move the paragraph at the top of page two that allows for Supervisors to consider unique circumstances and make exceptions to Section 13 which allows the Board to amend the regulations when needed.
- Add language in Section 1 after the second sentence to allow a non-resident to purchase Right of Interment (plot) for a deceased resident.
- Increase the price of Right of Interment (plot) purchase to \$250 for any and every plot. This would replace the \$500 Perpetual Maintenance fee for above ground markers or monuments referenced in Section 7. In the past, if plots were purchased a few at a time, the fee was not always able to be collected because the monument might be installed years later after the purchaser was deceased. By setting the initial plot price at \$250, funds for perpetual maintenance and care of the grounds would be assured.
- Increase the price for the opening of graves. For a casket burial, the new price proposed was \$750 for weekdays and \$800 for weekends. And for cremains, the new price proposed was \$350

for weekdays and \$500 for weekends. These prices have not been raised in many years and are a recognition of inflation, the cost of renting the mini-excavator, and the cost of overtime salary paid to Township employees for weekend work.

The following issues were discussed but not resolved pending attorney advice.

- Current rules in Section 6 do not allow for headstones because they only allow for one monument per four or eight family plots. Issues arise when a new burial occurs next to old gravesites with headstones that were allowed in prior years. Families usually want the markers of family members to be aligned. Several complaints related to placement of markers and monuments have been lodged with the Clerk. After discussion, Supervisors agreed that the only real solution is to ease regulations so that they would allow families to place the markers as desired provided they remain within the confines of the plot and do not exceed three feet.
- With regard to issues in which monuments or markers installed by families or monument companies are placed incorrectly or do not meet regulation, a possible solution would be to have Silver Creek employees be the only ones allowed to install a marker or monument and charge time and material fees. A major issue raised was that of having plots that are walled in by monuments and therefore not accessible to the excavator. There was not a clear resolution to this issue.

The following improvements to the Silver Creek Cemetery grounds were discussed:

- The entrance gate needs to be straightened and Town Operations Manager Reineccius left word that he plans to fix it and believes the work can be done in-house.
- There is interest in flying flags all the time and installing a solar light. The group agreed that the US flag and the POW flag would be sufficient and would like Reineccius to research costs for the pole, flags and light.
- The low spots of the cemetery were discussed. It is believed that earth can be hauled in, just not hauled out of cemeteries and after recent flooding, it may be good to try to raise a couple spots.
- The Clerk requested some sort of marking to help identify plot location during the sale process. The group agreed that installing some sort of post along the edge to identify the row number might be attractive and useful.
- The group agreed that it would be ideal to rotate the kiosk sign to face visitors as they enter the gate and allow names to fit on the sign in a more logical manner. If this can be done without damaging the kiosk, then Supervisors would like to have Township employees do so.

The meeting was adjourned at 8:15 p.m. upon motion by Hull, second Moen.

Respectfully submitted,
Alison Oftedahl, Clerk