

**CITY COUNCIL MEETING
NOVEMBER 6, 2019
SALMON, IDAHO**

Mayor Leo Marshall opened the regular City Council meeting at 6:00 p.m. Those in attendance were:

COUNCIL MEMBERS: **Jim Baker**
 Jim Bockelman
 Ken Hill
 Neal James
 Robin Phillips
 Fred Waidely

CITY ATTORNEY: **Fred Snook**

Decisions/Action Items

- 1) Council approved Resolution 2019-7
- 2) Council approved Ordinance 19-842
- 3) Council approved Resolution 2019-6

Amendment to Agenda

- 1) Remove item 5 per Darlene Welch's request.

Councilor Bockelman made a motion to amend the agenda to omit item 5. Roll call: Bockelman...aye, Waidely...aye, Phillips...aye, James...aye, Baker...aye, and Hill...aye.

Consent Agenda – Action Item

- a) Minutes of October 16, 2019 Meeting
- b) Bills for approval

Councilor Hill made a motion to accept the consent agenda, the Minutes of October 16, 2019 and bills as presented. Roll call vote: Waidely...aye, Bockelman...aye, Hill...aye, Baker...aye, James...aye, and Phillips...aye.

Public Comments

- 1) Russ Chinske, 703 Lena Street, asked Council to support Resolution 2019-7 in support of seeking common actions that restore Salmon and Steelhead fish

populations and benefit energy, agriculture and communities in the upper Salmon River region.

- 2) Emerald LaFortune spoke in support of Resolution 2019-7.
- 3) Garret Visser – urged Council to support the Resolution.
- 4) Gary Power, former Fish and Game employee, commented on the concerns for the lack of fish and the effect on the economy.
- 5) Jo Philpott, 26 West Bannock Road, Salmon encouraged City Council to pass the resolution.
- 6) Jessica McAleese, 193 Highway 93 North, urged Council to adopt the resolution. She loved seeing seeking common actions that benefit energy, agriculture, and communities in the upper Salmon River region in the resolution.

Request to Waive Processing Fee – Darlene Welch – Action Item

Removed from Agenda

Update on Request for Support and Approval of Resolution 2019-7 - A Resolution Of The City Council Of The City Of Salmon, Idaho Declaring Support In Seeking Common Actions That Restore Salmon And Steelhead Fish Populations And Benefit Energy, Agriculture, And Communities In The Upper Salmon River Region – Action Item

RESOLUTION NUMBER 2019-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALMON, IDAHO DECLARING SUPPORT IN SEEKING COMMON ACTIONS THAT RESTORE SALMON AND STEELHEAD FISH POPULATIONS AND BENEFIT ENERGY, AGRICULTURE, AND COMMUNITIES IN THE UPPER SALMON RIVER REGION.

WHEREAS existing federal recovery plans and goals are not adequate in promoting the expeditious recovery of Salmon and Steelhead fish populations in the upper Salmon River region; and,

WHEREAS the City Council of the City of Salmon is interested in the economic health of the community and its citizens that could be enhanced through the recovery of said populations; and,

WHEREAS the City Council wishes to support the efforts within and by this community to become more involved in Salmon and Steelhead recovery by urging changes in federal policy.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SALMON, IDAHO THAT THE CITY OF SALMON FORMALLY

SUPPORTS COMMUNITY AND STATE EFFORTS TO RESTORE HARVESTABLE, SELF-SUSTAINING WILD AND HATCHERY SALMON AND STEELHEAD POPULATIONS IN THE UPPER SALMON RIVER REGION AND THAT THE ELECTED LEADERSHIP OF THIS CITY IS BEHIND THIS INITIATIVE.

RESOLVED this 6th Day of November, 2019.

This Resolution supersedes Resolution No. 2004-2 and replaces all other Resolutions pertaining to the same policy.

ADOPTED by the Salmon City Council on November 6, 2019.

APPROVED by the Mayor of the City of Salmon, Idaho, on November 6, 2019.

Councilor Phillips asked where the resolution came from. City Clerk, Mary Benton, stated that the resolution was drafted from an existing resolution with amendments to reflect the requests for support at the October 16 Council Meeting. She asked if part of the agenda is breaching the dams on the Snake River.

Garrett Visser stated that he believes the Resolution is broad in nature because there is one silver bullet. It is seeking common solutions that benefit all of these. His organization does not have the dam breaching status. They represent hunters and fishermen and they only care about finding common solutions. He believes it is important for riverside communities to speak up for our fish.

Councilor Hill made a motion to accept resolution 2019. Roll call vote: Hill...aye, Baker...aye, James...aye, Phillips...aye, Waidely...aye, and Bockelman...aye.

6:15 P.M. - PUBLIC HEARING – PROPOSED CEMETERY ORDINANCE & COLUMBARIUM FEES

Mayor Marshall opened the public hearing at 6:15 p.m.

There were no comments from the public and no written comments were submitted.

The public hearing was closed at 6:17 p.m.

Ordinance No. 19-842 - An Ordinance Amending The Salmon City Code Title 12, Cemetery To Provide For Columbarium Niche Burials; Approving A Summary Of The Ordinance; And Providing An Effective Date. – Action Item

ORDINANCE NO. 19-842

AN ORDINANCE AMENDING THE SALMON CITY CODE TITLE 12, CEMETERY TO PROVIDE FOR COLUMBARIUM NICHE BURIALS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of the City of Salmon, Lemhi County, Idaho.

Section 1: That Title 12 of the Salmon City Code, be, and the same is hereby amended to read as follows:

CHAPTER 1

CEMETERY REGULATIONS

SECTION:

- 12-1-1: Definitions of Terms
- 12-1-2: Conveyance of Cemetery Plots **and Niches**
- 12-1-3: Interment Standards
- 12-1-4: Regulations For Plot **and Niche** Use
- 12-1-5: General Use of the Cemetery
- 12-1-6: Cemetery Administration
- 12-1-7: General Regulations and Policy
- 12-1-8: General Disclaimers and Reservations
- 12-1-9: Fees
- 12-1-10: Payments
- 12-1-11: Penalties
- 12-1- 12: Severability
- 12-1- 13: Repealer

12-1-1: **DEFINITIONS OF TERMS**

ACTIVATE: To create a grave **or open a niche** for human remains or cremains. (Ord. 09-732; 2-18-2009)

CEMETERY: The City of Salmon burial park for human interments.

CITY: The City of Salmon, Idaho, Lemhi County.

CITY CLERK: The City Clerk of the City of Salmon, Idaho.

COLUMBARIUM: A stand-alone wall with niches to hold urns containing human cremains.

COUNTY: Lemhi County.

CREMAINS: The cremated remains of a single human body, in a container suitable for interment.

DISINTERMENT: The removal of human remains and containers from a grave or niche. (amd. Ord. 06-709; 3-21-2007)

GRAVE: Excavation for burial of human remains. (amd. Ord. 09-732; 2-18-2009)

HEAD OF PLOT: The west end of the cemetery plot. (amd. Ord. 09-732; 2-18-2009)

INFANT GRAVE: Excavation for burial of human infant remains where the coffin length will not exceed four (4) feet. (amd. Ord. 06-709; 3-21-2007, amd. Ord 09-732; 2-18-2009)

INFANT PLOT: A three (3) foot by six (6) foot defined space for an infant grave.

INTERMENT: The burial of human remains within a grave or placement of cremains in a niche. (amd. Ord. 06-709; 3-21-2007)

MARKER: A monument, flat marker, tablet, headstone or tombstone.

NICHE: A display vault in a wall or structure specifically designed to hold cremation urns.

NONRESIDENT: Any individual who does not live within the official city boundaries.

- PETS: Dogs, cats, ferrets, or other animals or reptiles kept within the home for domestic purposes.
- PLOT: A defined space for a grave. (Ord. 09-732; 2-18-2009)
- RESIDENT: Any individual who currently resides within the official city boundaries and has proof of residing within city boundaries for a period of at least 6 months.

12-1-2 **CONVEYANCE OF CEMETERY PLOTS AND NICHES:**

- A. General Conveyance: Under authority of Idaho Code Section 50- 320, the City shall convey cemetery plots and niches for burial rights by deeds signed by the Mayor and countersigned by the City Clerk, to individuals who pay a fee therefore. Such deeds shall be in the form of a minimum of one plot or niche per deed, which shall be recorded in the office of the County Recorder without further acknowledgment.

Each deed shall contain the language “this deed is subject to the current Salmon City Code in affect at the time of purchase”. The deed shall also contain interment options as allowed in the current City Code. Such deeds shall vest in the owner, his or her heirs and assigns, a right in fee-simple to the plots and niches for the sole purpose of interment. The rights of heirs and assigns to interment in plots and niches conveyed by deeds shall be determined as set forth hereinafter.

Ownership of burial rights may be transferred only as specified hereinafter. All burial rights owners shall be subject to the City Code herein. (See Section 12-1-7-l) The deed of burial rights and any amendments thereto shall be the sole agreement between the City and the plot and/or niche owner, his heirs and assigns. (amd. Ord. 06-709; 3-21-2007, amd. Ord. 09-732, 2-18-2009)

- B. Procedure for Conveyance of Cemetery Plots and Niches: A deed shall be issued for each plot and niche sold for burial rights in the cemetery. (See 12-1-2-A) An application form, accompanied by the appropriate fee, shall be filled out prior to issuance of the deed, indicating the name of the party(ies) to whom the plot and/or niche is being sold and the name in which the deed to the plot and/or niche is to be issued. Right to use a plot or niche for interment shall not be granted until all appropriate fees have been paid and the necessary deed obtained.

However, in the case of a licensed mortuary’s request in writing, via e-mail or by certified mail for a plot or niche, the application may be filled out by the City staff

on behalf of the mortuary, listing the mortuary as the requesting party, with the name of the deceased to be placed on the deed as owner and the mortuary billed monthly for all such plots **and niches** requested the previous month. If such payments are not kept current, the City Clerk may refuse to issue further deeds and may prohibit interment until payment in full has been received.

Deeds shall be issued by the Office of the City Clerk in the name specified on the application. All deeds shall be recorded with the Lemhi County Clerk. (amd. Ord. 06-709; 3-21-2007, amd Ord 09-732, 2-18-2009)

- C. Rights of Interment: The person whose name is subscribed on the deed as the owner shall have the right to be interred in the plot **or niche** specified on the deed, unless a legal transfer of ownership pursuant to this City Code was made prior to his demise. The owner shall also have the right to specify, by means of a will or other legal document, that an additional interment be allowed in this plot **or niche** subject to the provisions set forth elsewhere in the City Code. If the owner is interred elsewhere, the plot **or niche** otherwise reserved for his interment shall be available to his heirs and assigns in the order of their demise, subject to proof of assignment or inheritance being presented to the City. Such heirs and assigns shall also have the right to transfer ownership, subject to presentations of proof of assignment or inheritance. Transfer of ownership must meet criteria as set forth in section 12-1-2 D. Plots **or niches** can be used only for the purposes as provided by this City Code. (amd. Ord. 06-709; 3-21-2007,amd. Ord. 09-732; 2-18-2009, amd. Ord. 10-766; 11-3-2010)
- D. Transfers, Assignment: Burial rights may be transferred to those persons eligible to be original purchasers of burial spaces **or niches**. If a "resident" wishes to transfer burial rights to a "nonresident" the difference in fees plus recording fees will be charged according to the current rate. A resident that loses residency due to nursing home care shall not lose resident burial fee rights. No transfer or assignment of any plot **or niche** or interest therein shall be valid until a new burial permit is issued, recorded, and the original permit is terminated. Such transfer or assignment permit shall be recorded in the office of the County Clerk. If the legal holder of a Cemetery Deed wishes to sell burial rights back to the City of Salmon, they must establish proof of ownership. The seller shall execute a deed giving rights to burial back to the City of Salmon. Buyback amounts with a fixed minimum shall be set by resolution. If maintenance and recording fees were paid at the time of purchase, they shall not be refunded. (amd. Ord. 06-709; 3-21-2007, amd. Ord. 09-732; 2-18-2009; amd. Ord. 10-766; 11-3-2010; amd. Ord. 17-826; 09-20-2017)

INTERMENT STANDARDS:

- A. Caskets **and Cremains Containers**: All caskets laid in opened graves in the cemetery shall be placed either in concrete or metal vaults in accordance with industry standards. **The container for cremated remains to be inurned in a niche in the columbarium shall be of material approved by the City of Salmon and shall be of a size suitable for the niche. No cardboard boxes will be permitted in a niche.** (amd. Ord. 06-709; 3-21-2007, amd. Ord. 09-732; 2-18-2009)
- B. Markers: All interments shall include a marker as defined by this Code. The placement of markers or monuments as herein required is to be at the head of each plot. Such markers are to be placed on a concrete base that shall be a minimum of four (4) inches thick. The concrete base shall be constructed so no less than six (6) inches of concrete borders the marker and/or any other permanent object such as vases, statues, or any other ornamental items. The concrete base shall be constructed to specifications set by the City and shall be flush with the surface of the ground. There shall be no more than two markers per plot, with the exception of a single military marker as defined below. If two markers are placed on one plot, they must be placed side by side at the head of the plot and mounted on a single concrete base as stipulated above. If there is an existing embedded monument that cannot be removed from its base, a second base shall be added. It must be placed in line with, abutting, and beside the existing base. If a military marker is placed on the plot, it may be placed at the head of the plot (not to exceed two markers) or placed six (6) feet from the head of the plot. Any military marker placed not at the head of the plot shall be flush with the surface of the ground and bordered with six (6) inches of concrete and a minimum of four (4) inches thick. No marker(s) or its accompanying items shall exceed the measurements of the plot(s) purchased. Concrete forms shall be inspected by the Sexton prior to the pouring of concrete. All placements of markers shall be approved by the Cemetery Sexton prior to actual placement. (amd. Ord. 06-709; 3-21-2007; amd. Ord 10-754: 5-5-2010)

Niche Covers: Upon placement of cremains in a niche an engraving shall be required for identification purposes. In order to maintain the columbarium in a uniform manner, the City of Salmon will arrange for the engraving of the niche cover. Only name, birth date and death dates will be allowed. To recognize Veterans one line will be available for the Veterans service upon proof of honorable discharge. A military emblem or plaque may also be applied to the niche cover. Application of the emblem will be arranged by the City of Salmon. Only one font pattern will be allowed on all niche covers. An engraving fee will be assessed at the time of the engraving at the current rate. Engraving of the niche cover is allowed before interment of the cremains. A temporary replacement cover will be installed by the City of Salmon until the engraved cover is returned.

- C. Ashes: Ashes may be spread on a purchased plot subject to the conveyance and assignment standards set forth in Section 2 of this City Code. (amd. Ord. 09-732; 2-18-2009)

12-1-4 **REGULATIONS FOR PLOT AND NICHE USE:**

A. Floral Regulations:

1. The City shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the Cemetery as soon as, in the judgment of the sexton, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standards maintained. Vases or items taped, glued, or stuck to the niches or walls are not allowed.

2. Shrubs or ornamental trees less than four (4) feet in height at maturity may be placed at the head of the plot. The owner will be responsible for the planting and initial care of such shrubs or ornamental trees. (amd. Ord. 06-709; 3-21-2007, amd. Ord 09-732; 2-18-2009)

3. The City shall not be liable for lost, misplaced or broken flower vases. The City shall not be responsible for plants, herbage or plantings of any kind damaged by the elements, thieves, vandals or by other causes beyond its control.

4. The City reserves the right to regulate the method of decorating graves so that a uniform beauty may be maintained.

5. The City reserves the right to prevent the removal or destruction of wild flowers, trees, shrubs, plants, or herbage of any kind unless it gives its consent. (amd. Ord. 09-732; 2-18-2009)

- B. Ornament Regulations: No glass objects of any kind are allowed. Permanent objects such as vases, statues, or any other ornamental items will only be allowed at the head of the grave as provided by Section 12-1-3-B.

- C. Prohibited Structures: No person shall erect or maintain any fence, corner post, coping, hedge or boundary of any kind upon any plot in the Cemetery. No person shall grade the ground of any plot in the Cemetery, except under the supervision of the sexton. The sexton shall, whenever requested, furnish the true lines of the plot according to the official markers, and shall prevent and prohibit any grading thereof that might destroy symmetry of the land. (amd. Ord. 09-732, 2-18-2009)

- D. Subdivision of Plots: The subdivision of plots **or niches** is not allowed, and no one shall be interred in any plot **or niche** not having any interest therein, except by written consent of the City and of all parties interested in such plot. (amd. Ord. 09-732; 2-18-2009)

12-1-5 **GENERAL USE OF THE CEMETERY:**

- A. Improprieties: It is of the utmost importance that there shall be strict observance of all of the proprieties of the cemetery, whether embraced in the City Code or not, as no improprieties shall be allowed, and the City shall have the power to prevent improper assemblages.
- B. Use of Walks: Persons within the cemetery grounds shall use the avenues, walks, alleys and roads provided as much as possible. (amd. Ord. 09-732; 2-18-2009)
- C. Safety: The City shall owe no duty to the plot owner to keep the property, or the memorial thereon, in a reasonably safe condition. (amd. Ord. 09-732; 2-18-2009)
- D. Children: Children under fifteen (15) years shall not be permitted within the cemetery or its buildings unless accompanied by an adult. (amd. Ord. 09-732; 2-18-2009)
- E. Hunting: No hunting is allowed in the Cemetery. (amd. Ord. 09-732; 2-18-2009)
- F. Smoking: Expectorating or smoking within any of the cemetery buildings is prohibited.
- G. Littering: The throwing of rubbish on the drives and paths, or any part of the ground, or in the buildings, is prohibited. Receptacles for waste material are located at convenient places.
- H. Motorized Vehicles: Motorized vehicles shall not be driven through the grounds at a speed greater than the posted speed limit and must always be kept on the right-hand side of the cemetery roadway. Motorized vehicles are not allowed to park or to come to a full stop in front of an open grave unless such vehicles are in attendance at the funeral. Motorized vehicles are not allowed to drive on any grass areas unless approved by the sexton. (Amd. Ord. 09-732; 2-18-2009)
- I. Peddling or Soliciting: Peddling of flowers or plants, or soliciting the sale of any commodity, is prohibited within the confines of the cemetery. Solicitation of any kind is strictly forbidden at any time in the cemetery without the approval of the City.

- J. Firearms: No firearms shall be permitted within the cemetery except on special permit from the Sexton. The American Legion and other military, police and fire organizations that routinely perform interment ceremonies requiring the use of firearms shall be exempt from this section. (Amd. Ord 05-691; 1-19-2005)
- K. Pets: Pets shall not be allowed on the cemetery grounds or in any buildings.

12-1-6 **CEMETERY ADMINISTRATION:**

- A. Admission to Cemetery: The City reserves the right to refuse admission to anyone not a plot **or niche** owner or relative of a person interred in the cemetery, and to refuse the use of any of the cemetery facilities at any time to any persons whom the management may deem objectionable to the best interests of the cemetery.
- B. Dates and Times Cemetery is Open: The cemetery will be open seven (7) days a week between the hours of eight o'clock (8:00) A.M. to four-thirty o'clock (4:30) P.M. (amd. Ord. 09-732; 2-18-2009)
- C. Authority of Sexton: All funeral processions upon reaching the Cemetery shall be under the supervision of the sexton. The sexton and such other employees as the City may designate are empowered to enforce this City Code, and to exclude from the cemetery any person violating the same. The sexton and his assistants shall have charge of the grounds and buildings at all times.

12-1-7 **GENERAL REGULATIONS AND POLICY:**

- A. Subject to Laws: Besides being subject to this City Code, all interments, disinterment and removals are made subject to the orders and laws of the properly constituted authorities of the City, County and State.
- B. Fees: Fees will be set by Resolution by the City Council. (amd. Ord. 09-732; 2-18-2009)
- C. Holidays and Sundays: No interments, disinterment, removal or interment service shall be permitted on Sundays or any of the following holidays: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving Day, or Christmas Day. When any of the holidays mentioned in this subsection falls, or is legally observed on a Saturday or Monday, funerals will be received on the last business day preceding the holiday up to twelve o'clock (12:00) noon, but

no further or final disposition will be made. (amd. Ord. 09-732; 2-18-2009, amd Ord. 16-815; 6-01-2016)

D. Authorization to Inter or for Disinterment:

1. Authorization to Inter: The City may open a grave in a plot **or niche** for the purpose of interment upon receipt of a burial transit permit or equivalent document, as required by Idaho Code § 54 -1120, and payment of all fees upon proper written authorization by any plot **or niche** owner of record made out on forms approved by the City and duly filed in its office, unless there are written instructions to the contrary already on file in the office. No interment may occur without the owner or mortuary first scheduling such a request, with the City. Requirements for the presence of funeral director or designated official during interments are set forth by the State Statute or County Ordinance at the time of interment.(amd. Ord. 06-709; 3-21-2007, amd. Ord. 09-732; 2-18-2009).

2. Authorization for Disinterment: No disinterment shall take place without presenting the proper approval as required by the State of Idaho and arrangements for the disinterment made with the cemetery sexton at least one week prior to the disinterment. **No disinterment of cremains in a columbarium niche will be allowed on weekends or holidays as defined in Section 12-1-7-C** (amd. Ord. 09-732; 2-18-2009)

E. Location of Plot **or Niche**: If instructions from the plot owner cannot be obtained, or are indefinite, or when for any reason **the** plot **or niche** cannot be opened where specified, the City may, in its discretion, open it in such location in the plot **or columbarium** as it deems best and proper, so as not to delay the funeral; and the City shall not be liable in damages for any error so made. (amd. Ord. 09-732; 2-18-2009)

F. No Interment Permitted Unless Property Paid For and Transit Permit Received: No interment shall be permitted or marker placed **or niche engraved** in or on any plot **or niche** not fully paid for, except by special emergency arrangement. Such exceptions shall be by written consent of the City Clerk and under the terms specified by the City. Prior to interment, an Authorization for Final Disposition-Transit Permit or equivalent document must be received by the office of the City Clerk. If circumstances do not allow for documentation to be left at city offices, the permit may be left with the Cemetery Sexton at the time of interment. (amd. Ord. 09-732; 2-18-2009)

G. Control of Work by the City: All landscaping, improvements, alterations and care on plots shall be under the direction of and subject to the consent and approval of the Sexton. All trees, shrubs and herbage of any kind may be planted, trimmed, cut, or removed by the City. All openings and closing of graves **and**

niches, and all interments, disinterment, and removals shall be provided for by the City. (amd. Ord. 09-732; 2-18-2009)

- H. **Gratuities Prohibited:** No person, while employed by the City, shall receive any fee, gratuity, or commission, except from the City, either directly or indirectly, under penalty of immediate dismissal.
- I. **Interment of More Than One Body:** Multiple interments as provided herein may be allowed for members of a **niche or** plot owner's immediate family, heirs, or assigns, subject to presentation of proof in writing to the City that the owner gave permission for the additional interment. No such additional use of an owner's plot **or niche** shall be permitted without documentation of this written permission. Multiple interments shall be allowed as follows:

A. Cemetery Plots Sold Prior to December 1, 2006

1) Activated – A maximum of four (4) interments shall be allowed in any given activated plot consisting of solely one of the following combinations:

- a) One (1) body plus three (3) cremains
- b) Four (4) Cremains
- c) One (1) Infant body or two (2) infant cremains in an infant plot

2) Non-Activated – All non-activated plots are subject to the current Salmon City Code in affect at the time of Activation.

B. Cemetery Plots Sold After December 1, 2006 – A maximum of two (2) interments shall be allowed in any given plot consisting solely of one of the following combinations:

- 1) One (1) body plus one (1) cremains
- 2) Two cremains
- 3) One (1) infant body or two (2) infant cremains in an infant plot

C. New Plots Sold after February 26, 2009

All plots sold after February 26, 2009 shall be subject to and will be posted with the current Salmon City Code in affect at the time of purchase.

Proper identification shall be made of such interment or interments on no more than two (2) regulation markers, with the exception of a military marker, as set forth in Section 12-1-3 B. Military markers may be attached to the regulation marker or as defined in 12-1-3 B. All names of those interred in the

grave shall be identified on the markers. (amd. Ord. 06-709; 3-21-2007, amd. Ord. 10-754; 5-5-2010)

D. Columbarium Niches

A maximum of two (2) human cremains shall be allowed in any given niche. All names of those interred in the niche shall be identified on the niche cover.

- J. Removal to Other Plot **or Niche**: A body may be disinterred from its original grave **or niche** and interred in another plot **or niche** in the cemetery, when there has been an exchange or purchase for that purpose. (amd. Ord. 06-709; 3-21-2007, amd. Ord 09-732; 2-18-2009)

- K. Payment of Service Charges: The charges for the cemetery services must be paid at the time of the issuance of the order of interment, disinterment or removal. On line banking payments shall be accepted from Funeral Directors if payment is no more than fourteen (14) working days from activation of a cemetery plot **or niche**. Fees in addition to normal interment as set forth in Section 9, shall be billed to the owner and made payable according to the current payment policy of the City of Salmon. (amd. Ord. 06-709; 3-21-2007; amd. Ord. 15-798, 03-04-15)

12-1-8 **GENERAL DISCLAIMERS AND RESERVATIONS:**

A. Disclaimers:

1. Loss of Damage: Whether or not guards are used, the City disclaims all responsibility for loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage is direct or collateral.

2. Telephoned/Verbal Orders: The City shall not accept any order given by telephone. Orders shall be in writing, via e-mail or by certified mail. The City shall not be held responsible for any mistake occurring from the want of precise and proper instructions as to the particular plot **or niche**, size and location in a plot **or niche** where interment is desired. (amd. Ord. 09-732; 2-18-2009)

3. Delays Caused by Protests: The City shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or where this Code has not been complied with.

4. Embalming or Identification: The City shall not be liable for the interment permit nor for the identity of the person sought to be interred; nor shall the City be liable in any way for the embalming of the body.
5. Removal: The City shall exercise due care in making disinterment and removal, but it shall assume no liability for damage to any casket or burial case or urn incurred in making disinterment and removal.

B. Reservations:

1. Roadways and Replatting: The right and privilege to resurvey, enlarge, diminish, replat, alter in shape or size, or otherwise to change all or any part of the property mapped and platted, including the right to lay out, establish, close, eliminate or otherwise modify or change the location of roads, walks, or drives, and to file amended maps or plots thereof, and to use the same for the erection of buildings or for any purposes or uses connected with, incidental to or convenient for the care, preservation or preparation for the disposal or interment of human dead bodies, or other cemetery purposes, together with easements and rights of way over and through the premises, and the right of installing, maintaining and operating pipelines, conduits or drains for sprinklers, drainage, electric or communication lines or for any other purpose is expressly reserved.

2. Easement-Right of Interment: No easement or right of interment is granted to any plot owner in any road, drive, alley or walk within the cemetery, but such road alley or walk may be used as a means of access to the cemetery or buildings as long as the City devotes it to that purpose.

3. Notice Provisions: The right is reserved by the City to insist upon at least twenty-four (24) hours' notice before any interment, and to at least one week's notice prior to any disinterment or removal.

4. Correction of Errors: The City reserves, and shall have the right to correct any errors that may be made by it either in making interments, disinterment or removals, or in the description, transfer or conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City, or by refunding the amount of money paid on account of the purchase. In the event the error shall involve the interment of the remains of any person in such property, the City reserves, and shall have the right to remove and re-inter the remains to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

The City shall also have the right to correct any errors made by city personnel. (amd. Ord. 09-732; 2-18-2009)

12-1-9 **FEES:** Cemetery fees and charges shall be set and adopted each fiscal year by resolution of the City Council and copies of the resolutions shall be kept on file and made available in the office of the City Clerk.

A. Establishment of Fees: Fees established by this Code and set by resolution shall be:

Resident Fees

- a. Infant Cemetery Plot
- b. Standard Cemetery Plot
- c. Cremation Interment
- d. Infant Interment
- e. Standard Interment
- f. Weekend Interment
- g. Outside Normal Working Hours as set forth in Section 6.B.
- h. Disinterment
- i. Disinterment of Cremains
- j. Recording Fees

Nonresident Fees

- a. Infant Cemetery Plot
- b. Infant Plot Maintenance Endowment
- c. Standard Cemetery Plot
- d. Standard Plot Maintenance Endowment
- e. Cremation Interment
- f. Infant Interment
- g. Standard Interment
- h. Weekend Interment
- i. Disinterment
- j. Disinterment of Cremains
- k. Outside Normal Working Hours
- l. Recording Fees

(amd. Ord. 06-709; 3-21-2007, amd. Ord. 09-732; 2-18-2009, amd. Ord 10-766: 11-03-2010)

12-1-10 **PAYMENTS:** Payment plans for the purchase of cemetery plots **or niches** are provided with the following conditions;

A. Monthly payment schedule for a period not to exceed twenty-four months. (amd. Ord. 09-732; 2-18-2009)

- B. A handling and administrative fee of five (5) percent of the purchase price will be added to the base purchase price. (amd. Ord. 09-732; 2-18-2009)
- C. Purchaser may pay the balance at any time during the payment term.
- D. Balance must be paid in full prior to activating the plot **or niche**. (amd. Ord. 09-732; 2-18-2009)
- E. Delinquent Account: When payments are not made within ten (10) days from the past due date, the City shall issue a written notice of delinquency and possible termination of the purchase plan. When bills are not paid within twenty-five (25) days from the past due date, the City will terminate the payment plan, the purchaser will forfeit the cemetery plot **and/or niche**, and there will be no refund of previous payments. (amd. Ord. 06-709; 3-21-2007)

12-1-11 **PENALTIES:** Any violation of this Code shall be a misdemeanor and punishable as a General Offense as defined in Section 5-2-1 Salmon Municipal Code, Ord. 99-609, 8-9-1999, by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding thirty (30) days. (amd. Ord. 06-709; 3-21-2007)

12-1-12 **SEVERABILITY:** The provisions of this code are hereby declared to be severable and if any provision of this code or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

12-1-13 **REPEALER:** All Codes or parts of Codes in conflict herewith are hereby repealed. (Ord. 04-676; 12-01-2004; amd. Ord. 09-732; 2-18-2009)

Section 2: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: That the summary of this Ordinance, attached hereto as Exhibit A, is approved as to both form and content.

Section 4: This ordinance shall take effect and be in full force upon its passage, approval and publication of the summary of this Ordinance in one issue of the Recorder Herald, a newspaper of general circulation in the City of Salmon, and the official newspaper of said City.

PASSED at a convened meeting of the City of Salmon City Council held on the 6th day of November, 2019.

EXHIBIT "A"
STATEMENT OF SALMON CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. 19-842

The undersigned, Fred Snook, in his capacity as City Attorney of the City of Salmon, Idaho, hereby certifies that he is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. 19-842 of the City of Salmon, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code §50-901A(3).

DATED this 6th day of November, 2019.

Fred Snook
City Attorney

SUMMARY OF ORDINANCE NO. 19-842 OF THE CITY OF SALMON, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the City of Salmon, Idaho, adopted at its regular meeting of November 6, 2019, that Ordinance No. 19-842 entitled:

AN ORDINANCE AMENDING THE SALMON CITY CODE, TITLE 12, CEMETERY; TO PROVIDE FOR COLUMBARIUM NICHE BURIALS; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance explains Cemetery Regulations for the City of Salmon.

This ordinance provides a section for definitions of terms.

The ordinance amends section 12-1-2, to provide for conveyance of columbarium niches.

It amends section 12-1-3, to provide interment standards regarding containers used for niche burials and standards for niche covers.

The ordinance amends section 12-1-4, to provide for regulations for niche use.

Section 12-1-7 is amended to provide for general regulations and policy regarding niche authorization to inter or disinterment, location of niche, payments and permits, control of work by the City, interment of more than one body, and removal to another niche.

The ordinance amends section 12-1-8, to provide for telephoned/verbal orders regarding niches.

Section 12-1-10 is amended to include niches regarding payment plans.

The effective date of the Ordinance is the date of its passage, approval and publication.

A copy of the full text of the Ordinance is available at the City Clerk's office, 200 Main Street, Salmon, Idaho 83467. Examination may be requested in writing or in person during regular business hours of the City Clerk's office, from 8:00 a.m. to 4:45 p.m.

DATED this 6th day of November, 2019.

City of Salmon, Idaho

Councilor Bockelman made a motion to suspend the rules for three readings. Roll call vote: Bockelman...aye, Waidely...aye, Phillips...aye, James...aye, Baker...aye, and Hill...aye.

Councilor Bockelman made a motion to pass Ordinance 19-842 by title only. Roll call: Hill...aye, Baker...aye, James...aye, Phillips...aye, Waidely...aye, Bockelman...aye.

Resolution 2019 – 6 - Fee Schedule For Columbarium Niche Burials – Action Item

**RESOLUTION 2019 – 6
FEE SCHEDULE FOR COLUMBARIUM NICHE BURIALS RESOLUTION**

A RESOLUTION APPROVING A FEE SCHEDULE FOR COLUMBARIUM NICHE BURIALS AT THE SALMON CITY CEMETERY.

WHEREAS, the City of Salmon has purchased a columbarium for human cremains burial at the Salmon City Cemetery; and

WHEREAS, the City of Salmon wishes to establish fees for said burials; and

WHEREAS, a public hearing has been held and fees do not exceed the cost to the City to provide a columbarium and deliver the services for burial; and

WHEREAS, the following fees are being added to the City's current fee schedule.

Department	Fee Description	Current Fee	Proposed Fee	Total Fee to Customer	Increase Amount	% Change
Cemetery	Columbarium Niche – Resident		\$400.00	\$400.00		100%
Cemetery	Columbarium Niche – Infant		\$400.00	\$400.00		100%
Cemetery	Columbarium Niche – Non Resident		\$600.00	\$600.00		100%
Cemetery	Columbarium Niche – Infant Non Resident		\$600.00	\$600.00		100%
Cemetery	Disinterment – Resident/Non Resident		\$100.00 + Niche Cover Replacement Cost	\$100.00 + Niche Cover Replacement Cost		100%
Cemetery	Columbarium Niche - Weekend Interment – Resident		\$150.00	\$150.00		100%
Cemetery	Columbarium Niche – Weekend Interment – Non Resident		\$200.00	\$200.00		100%
Cemetery	Outside Normal Hours Per Hour Per Employee – Resident		\$25.00	\$25.00		100%
Cemetery	Outside Normal Hours Per Hour Per Employee – Non-Resident		\$35.00	\$35.00		100%
Cemetery	Niche Engraving		Current Rate	Current Rate		100%

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SALMON, IDAHO:

Section 1. The fee schedule be approved and effective immediately.

Section 2. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the Salmon City Council on November 6, 2019.

APPROVED by the Mayor of the City of Salmon, Idaho, on November 6, 2019.

Councilor James made a motion to approve Resolution 2019-6. Roll call vote: Bockelman...aye, Waidely...aye, Phillips...aye, James...aye, Baker...aye, and Hill...aye.

Reports – Team Meeting– Informational Item

a) Parks and Recreation Team Meeting Minutes

Councilor Bockelman asked that his report be on the agenda to reviewed minutes from his meeting with the Elks Club concerning the playground equipment at the Police Department. Their board discussed the possibility of seeking funds to develop a pavilion with barbeque equipment for that area that would be a rentable

facility. Grounds would be maintained by the city parks department. They would like to know if the city is on board with this project. They would also like to see a continuing partnership with the City.

Executive Session IC 74-206 (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent.

Councilor Bockelman made a motion to go into executive session at 6:30 p.m. Roll call vote: Bockelman...aye, Waidely...aye, Hill...aye, Baker...aye, James...aye, and Phillips...aye.

Councilor Waidely made a motion to come out of executive session and proceed with the council meeting at 7:10 p.m. Roll call vote: Hill...aye, Baker...aye, James...aye, Phillips...aye, Waidely...aye, and Bockelman...aye.

Informal Discussion/Round Table

- 1) Councilor Bockelman stated that at a meeting with representatives from the Governor's office concerning the census was very impressive. He also went to a meeting demonstrating the new voting equipment.
- 2) Councilor Phillips noted that she was surprised that the census will not be mailed to a post office box. She also said she feels the Parks Superintendent and Police Chief should get together concerning Councilor Bockelman's report from the Elks Club. They should then come to Council with their concerns and recommendations. On another topic, the 5% retainage on a construction project is not paid until the job is complete. In reference to the Wastewater Treatment plant project the contractor was to provide lien releases and a final inspection. That has not been done since the Eagle Rock representative came to Council. She would like further discussion. She feels that Keller and Associates has not fairly defended our position and looked after our best interests.
- 3) Councilor Waidely reminded everyone that Monday is Veteran's Day.
- 4) Councilor James said there used to be notices at elections to see up to the minute results. There is really no place to get information.
- 5) Councilor Baker said he thought but wasn't sure that the notice for the Local Option Tax stated that it was endorsed by the City. Councilor Waidely said he thought it said it was administered by the City. Also, congratulations to the elected officials.
- 6) Councilor Hill also congratulated the newly elected officials.

Committee Meetings / Public Information

- a) Public Works Team – November 13, 2019 – 2:00 p.m.

- b) Parks and Recreation Team – To be announced
- c) Finance Team – No Meeting
- d) Public Safety Team – November 13, 2019 – 4:00 p.m.

Public Comments

None

Future Council Meeting Agenda Items Future Action Items

- 1) Completion of Monk Street Transfer of Property (Beers/Slavin) –Pending Plat Map from Wade Surveying
- 2) Project Completion at Wastewater Treatment Plant

Adjournment – Action Item

The Council meeting was adjourned at 7:25 p.m.

Mayor, Leo Marshall

Mary Benton, City Clerk