

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b> October 10, 2016
	<b>Agenda Item No.</b> 37 <b>Roll Call No.</b> <u>16-1729</u> <b>Communication No.</b> <u>16-577</u> <b>Submitted by:</b> Benjamin R. Page, Park and Recreation Director

**AGENDA HEADING:**

Approval of Islamic Center Renewal Agreement for the exclusive use of a section of the Glendale Cemetery to bury deceased members of the Islamic faith.

**SYNOPSIS:**

Recommending approval of the renewal of the License Agreement for the exclusive use of a section of the Glendale Cemetery to bury deceased members of the Islamic faith. The agreement grants 527 spaces in Block 37B of Glendale Cemetery where there are currently 181 spaces which have been used since the agreement was established.

**FISCAL IMPACT:**

Amount: \$20,000

Funding Source: Deposited into Fiscal Year (FY) 2017 Operating Budget, Cemetery, G001 PK200220, page 153

**ADDITIONAL INFORMATION:**

On October 8, 1996, the Park and Recreation Board approved Resolution No. 11770, the designation of an exclusive area in Glendale Cemetery, approximately one-half acre in size, for the burial of members of the Islamic faith. City Council approved the recommendation from the Park and Recreation Board, by Roll Call No. 97-74, at its January 6, 1997 meeting and permitted the Islamic Center of Des Moines the right to perform burials without a vault or burial space liner and permit certain variations in the burial process with regards to the manner of digging graves and handling the body as it is lowered into the grave.

The Islamic Center of Des Moines was granted a license in 1997 to use 527 spaces in Block 37B of Glendale Cemetery to bury members of the Islamic faith. That License agreement terminates on January 6, 2017, with the Islamic Center having the option to renew the License. There are currently 346 spaces remaining in block 37B. The agreement does not include sales of burial spaces, lots or plots, burial services, memorials or cemetery monument foundations.

The Park and Recreation Board's Citizen Cemetery Committee, legal counsel, and staff met with members of the Islamic Center of Des Moines at a special meeting on Wednesday, November 4, 1998, to discuss the concerns. The following resolution was agreed upon by all parties and is recommended to the City Council for its approval:

1. Use of a vault or liner will be discontinued for Islamic burials unless requested on an individual basis.
2. The grave will be dug normal depth, but narrower to accommodate the special placement requirements of the body.
3. Representatives of the deceased will be responsible for handling the body and lowering it into the grave; no one, including staff, will go into the grave for any reason.
4. Representatives of the deceased will cover the body completely with dirt prior to cemetery staff back-filling the grave.
5. Cemetery staff, after filling the grave, will tamp and refill the grave with dirt as needed to ensure minimal settling.
6. Every effort will be made by cemetery staff to bury the deceased as soon as possible; however, both parties agree that instances will occur where a non-work day (Sunday) and/or a holiday will create a delay in burial. In those rare instances, arrangements will be made by the Islamic Center with a funeral home to keep the body preserved until the earliest possible burial can take place.
7. A burial service must not occur when backfilling a grave cannot take place before dark. This situation will be determined by the Cemetery Supervisor or his designee.
8. A funeral director or institutional (hospital) mortician, who issues the death certificate, is responsible for notifying the Cemetery Supervisor, or his designee, that a burial opening/closing may occur.

Since the last changes in the License Agreement were made, a significant population of Muslims of Eastern European ancestry moved into the Des Moines area and became members of the Islamic Center. The preferred style of burial for the Eastern European Moslem is slightly different from that of the Moslem of African or Middle Eastern ancestry. Consequently, staff was asked to consider additional changes to the License Agreement in order to accommodate the religious burial preferences of the Eastern European Moslem. Concurrently, a slight alteration in the digging of the graves for African and Middle Eastern Moslems was suggested. The Citizens Cemetery Committee met with staff on February 17, 1999, and agreed to recommend the above changes to the full Park and Recreation Board. On April 27, 1999, at its regular monthly meeting, the full Park and Recreation Board, by Resolution No. 99-133, approved the recommendation as presented above from the Citizens Cemetery Committee.

The Islamic Center will pay the Parks and Recreation Department \$5,000 and the terms of the License Agreement shall be extended until January 6, 2022. The Islamic Center may exercise up to three (3) additional five (5) year renewal terms of this License Agreement for the payment of \$5,000 per renewal if, no later than 90 days prior to the expiration of the then current term, the Islamic Center communicates its desire to renew the License Agreement in writing to the Parks and Recreation Department. Any renewal will be subject to the availability of burial space in Glendale Cemetery and subject to the continuing determination that the \$5,000 payment provides fair market value. The total payments from the Islamic Center to the Parks of this 20-year agreement will be \$20,000.

**PREVIOUS COUNCIL ACTION(S):**

Date: May 24, 1999

Roll Call Number: 99-1692

Action: Second Addendum to License Agreement with the Islamic Center of Des Moines to permit additional variations in the burial process at Glendale Cemetery. ([Council Communication No. 99-249](#)). Moved by Hensley to adopt. Motion Carried 5-2.

**BOARD/COMMISSION ACTION(S):**

Board: Park and Recreation Board

Date: September 27, 2016

Resolution Number: 16-071

Action: Motion by Davis accept the Islamic Renewal Agreement. Second by Scavo. Motion carried.

Board: Park and Recreation Board

Date: April 27, 1999

Resolution Number: 99-133

Action: Unanimous approval of the Addendum.

Board: Park and Recreation Board

Date: November 4, 1998

Resolution Number: 98-215

Action: Unanimous approval of Addendum.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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