

1 Mayor Leak called to order a regular Cornish Town Council meeting on November 1, 2023, at 7:09 p.m.
2 at the Cornish Town Hall.

3 **Attendance:** Colton Creech, Chris Buxton, Lauren Draney, Matt Leak, John Forsgren, Brad Fisher

4 **Absent:**

5 Citizens: Nick Creech, Tom Griffin

6 **Staff Report:** Lauren asked the council if she should do the 3 months that were billed from Lewiston as
7 well as October and November on the November water bill. Mayor Leak said that there were two
8 options, they could pro rate it so it is not as big of a shock to the residents, or they could just put all of it
9 in this month's bill. Creech said that they could make a note that if they cannot pay it in full now to
10 contact the Town. Forsgren said that they could keep it at \$8.50 and have it eventually paid in full at the
11 end of 12 months.

12 Mayor Leak explained that Lewiston is billed by the ton, and that the price could potentially go up
13 depending on the cost at the landfill. He said that they are averaging out what the cost is for an average
14 household and then adding a little more just to make sure it is covered. Creech asked when it would
15 even out and when Logan would be sending the bill. Mayor Leak said that Logan City send Lewiston the
16 bill monthly and Lewiston is charging an average of \$6 dollars to try and even out the fluctuations
17 throughout the year. Mayor Leak said that on the contract he changed that it is going to be \$6 a can for
18 solid waste.

19 Creech said that he thinks we should bill the 5 months of landfill fee and keep it at \$6. Mayor Leak said
20 that he thinks there are more people that will not be able to pay the \$30 than they realize. Fisher asked
21 if it would be a big deal to pro rate it. Mayor Leak said no. Buxton said he likes the idea of pro rating it.
22 He explained that if we keep it at the pro-rated amount, it will give the Town a little cushion for
23 inflation. Mayor Leak said that he liked the idea of prorating it as well. Forsgren said that in a year from
24 now they can decide to change it if they need to. Creech said that it is bad to tell people that their
25 garbage bill is going to be raised 50% for the next year.

26 Mayor Leak read the contract concerning the landfill fees. Creech clarified that the fee will only change if
27 Logan City's fee changes. Mayor Leak said that was correct. Fisher said that he did not feel comfortable
28 charging more than we are being charged. Mayor Leak said that they will be catching up for the next
29 twelve months and at that point they can revisit. Creech clarified that they will need to revisit this at the
30 October meeting next year.

31 Mayor Leak said that the contract from Lewiston is for 5 years. Forsgren clarified that during that time
32 Logan City can change the tonnage rate which would change the price. Mayor Leak said that was
33 correct. Creech said that the contract should be the same as Econo Waste where it is a 4-year contract
34 with a 5th year option. He said that they should get out of this deal as soon as they can. Mayor Leak said

35 that according to the contract with Lewiston, they will give Cornish the tonnage information from Logan
36 if the prices change.

37 Mayor Leak asked if they need to make a resolution to make this decision. Forsgren said they did not.
38 Mayor Leak said that they will do the pro-rated option. He asked if anyone had any specific verbiage for
39 the note on the water bills. Creech said that it should explain where it comes from. Mayor Leak agreed
40 but that it doesn't need to be too specific.

41 Lauren explained that because she did not get to post the bills, she did not have an accurate delinquent
42 list. She did make a list of who she thought would be on the list for this month. There is one that is for
43 sure due for a shut off because he was on the list last month. Mayor Leak said that Lee has been good
44 about making payments if he gets a text from him, but that Lauren should print out an official letter to
45 be fair to anyone else who gets into this situation. Nick asked if they can shut off someone's water if
46 they do not pay. Mayor Leak said that they can and that the letter they send gives them 10 days to
47 either pay in full or set up a payment plan with him.

48 Lauren also reported that the bill from Wi-Fiber will be \$5.00 more because they implemented a new
49 fee for people who do not have automatic payments set up.

50 **Minutes:**

51 Mayor Leak entertained a motion to approve the minutes for the regular meeting on October 18, 2023.

52 Creech – Motioned; Fisher - Seconded

53 Creech – Aye; Buxton – Aye; Fisher – Absent; Leak – Aye; Forsgren – Aye

54 The minutes were approved unanimously.

55 **Action Items:**

56 **Executive Session:**

57 **Business Items:**

58 *Roads-* Forsgren said that he has looked at nine snowplows and there was only one that would be worth
59 getting. He said that that one has a few problems, the battery is old, and the exhaust has a leak. He said
60 that it has a spreader in the back and a four-way plow. Mayor Leak asked what it was. Forsgren said that
61 it was an International 4400 with a 6 speed Allison automatic and has the International engine in it. He
62 said that it 79,000 miles on it but runs really nice. He explained that they might need to turn the blade
63 over on it. Mayor Leak asked where the exhaust leak is. Forsgren explained where it was at and that it
64 would be an easy fix. He also talked more about the battery and said that the door sensor was magnetic
65 and when it gets cold it stays on. Forsgren said that the guy said he would fix it. Mayor Leak asked if it
66 was Morgan City. Forsgren said it was not, that it was a guy who owns an excavation company. Fisher
67 asked what he is asking for it. Forsgren said \$34,000. He said that he plowed with it last winter and that

the tires are good but that they will need to do some patchwork on the plow where it was rusted through. Fisher said that he had ordered chains for the plow. Forsgren said that the tires are the same size so the chains will still work. He also explained that it has the magnesium stuff on it.

Buxton showed a different plow. Forsgren said that it looks like a better truck. Buxton will send the link to that plow to Forsgren. Mayor Leak suggested not giving up on the truck from Morgan until they knew for sure the other truck is a better deal.

Creech said that the person who was interested in buying the Town's snowplow is still interested and wants to come this weekend. Buxton showed the snowplow that Forsgren had seen in Morgan. He explained that it comes with a plow and a sander, and that the bed is hydraulic. It also has a mag system that sprays out the side. Fisher asked how much the Town is asking for the plow. Creech said \$7,000.

Planning & Zoning – Creech said that they need to get a replacement for Earl on the Planning and Zoning Commission and asked if the council had any recommendations. Forsgren asked who was on it now. Creech said that Tim Lunday, Jordan Beckmann, and Clayton Richardson are on there now. Mayor Leak suggested Bethany Stuart. Fisher said that they should get someone they do not know like Gretchen Carter.

Mayor Leak said that there are problems with the construction going on by Robert Eames house. Mayor Leak went and talked to the contractor about what was going on. He said that Robert Eames wants Mayor Leak to change the ordinance to stop people from working late at night. Mayor Leak said that as a farming community he doesn't want to do anything that would keep people from farming at night.

Mayor Leak explained that the set back in the plans says 36 feet from the back of the property to the house. Creech said that the ordinance requires at least 30 feet, so they were good. Mayor Leak said it looked like it was close. Forsgren said that he went and talked to someone there and they said that they thought they measured from the fence. Robert said they should be measuring from the ditch. Fisher said that the property line is at the fence.

Creech said that they have a person who has been there for decades with no neighbors, and he is mad that there is someone building next to them and is trying to do what he can to stop it. Mayor Leak said that Robert was mad that the Town had not done anything to change the ordinance. He said that he is bringing it up again because he told Robert he would. He asked if there is anything in the ordinance that talks about noise or lights. Creech said that there is a nuisance section in the ordinance, but he didn't know exactly what it said. Mayor Leak said he talked to the construction guy and asked if they could do what they could to get it done quickly and get along with Robert. Mayor Leak mentioned that it is a 15-acre property and he decided to build right next to the neighbor's house.

Forsgren asked if it is three parcels. Creech said that they tried to subdivide it but that they did not go through with it. Mayor Leak asked if the County would check the setbacks. Forsgren said that they do not care and will not check it. Buxton asked what they could do if they were not meeting their setbacks. Mayor Leak said that they could be more proactive about checking setbacks. Fisher said that he had the property surveyed when he sold it to Rob Olsen and that it should be on the fence. They looked up the county map and Buxton noticed that there is a small gap between the two properties. Creech looked up

the ordinance and said he did not see anything in the ordinance about nuisances or lights. Mayor Leak said that when he went to talk to the construction guy, he said he had talked to Robert Eames and explained what they would be doing that night.

Parks/Town Hall/Finance – Buxton said that he has a door coming and an installation bid for the basement. He said that Creech talked to Jorgen about doing a bid for the parking lot at the park one with curb and one without. Creech will get two more companies to bid.

Water – Mayor Leak said that he talked to Levi, and he had not been out to fix any leaks because he was told it was not an emergency. Mayor Leak said that there was still a small leak at the Black's house. He said that he talked to Lee about it and asked if he wanted the Town to look into it. Lee said that he thinks it's on his side. Fisher thinks it's on the Town's side. Mayor Leak said that he might have Levi go look at it when he comes to fix the other leak. Fisher said that there is another small leak at the Smith's. He thinks that it is on their side not the Town's.

Mayor Leak said that they are working on getting Clayton familiar with what he will need to do for the water system. Dale has mentioned that the tank is overflowing a lot. Clayton noticed that the communication had been going on and off from the tank. Mayor Leak and Clayton went to look at the tank to see what was in there. They found that there was 8 feet of water in it. Mayor Leak explained that the overflow is not at the tank and that it goes somewhere else. Clayton thought the transducer was off and will order a new one. Fisher asked if Clayton was turning it on and off. Mayor Leak said that he thinks it is. He explained that they have been overflowing the water at the tank more than they should have been because the readings were off.

Fisher said that the nitrate samples came back at .117. He said that he talked to David Kruze from the State, and he is happy with the way the Town is doing samples. He also said that they are clean with all the other samples.

Mayor Leak said that all the easements and dealings with the Koller's are in the hands of the Trust. Mayor Leak said that the Koller's want to try to rent the house, but the bank is worried about the water. Fisher said that the Town was not required to provide water to the Koller's house. Creech said that the Town cannot hook up the Koller's house because it is outside of the Town boundaries. Fisher asked if that meant that they could not get water to the Wangsgards. Creech said they might be able to if they had an agreement. Mayor Leak said that it is a sit and wait game at this point and the Town cannot move forward on anything. Fisher asked about the strip of land that was not deeded to anyone. Mayor Leak said that they are still waiting.

Old Business:

Mayor's Report: Mayor Leak said that he called Mayor Jeff Hall. He said that they have an interlocal agreement from Lewiston. He said that he would like to change a few things and that they tie it with the contract from Econo Waste. He said that Lewiston is being charged \$14 from Econo Waste for garbage pick up. He also explained that the contract with Econo Waste does not mention anything about landfill fees and that they do not have any part of those fees. He said that he is going to call Val from Econo Waste to see if we can get the rates down to the same as Lewiston because it is an easy route. Buxton

asked why he thinks Val is charging more. Mayor Leak said he thinks that Val may have thought that Cornish would be too spread out and difficult to pick up. Creech asked if Mayor Leak had any recollection of talking to Val about landfill fees. Mayor Leak said he does not remember talking to him about any kind of extra fees. Mayor Leak will send the contract to the council to get their input. Creech asked if he had any recollection of Val talking about landfill fees. Creech said that he should tell Val that Cornish has no interest in renewing their contract. Mayor Leak said that he is mad about the difference in price between Cornish and Lewiston. Creech was frustrated with how Econo Waste is handling the operating expenses. Lewiston has a huge number of cans and is willing to sell some to Cornish for about \$35. He told Lauren to send anyone wanting a can to call Lewiston. Mayor Leak asked the council to read through the contract and let him know what their thoughts are.

Citizen comments:

Tom Griffin and Nick Creech were here to talk about the uncovered waterline on West Cache Irrigation right of way. Mayor Leak explained that they went to look at it and that it was right in the right of way of West Cache.

Tom explained that no one cares that it is in the right of way, they just wanted it to be in a place where it won't cause problems. He said that when they were cleaning the canal, they found the pipe and that the pipe needed to be lowered. They are not sure exactly where the pipe goes. He said that Brad McKnight was there when the pipe was put in and may know where it was going. Mayor Leak showed on a map where they think the waterline goes. He thinks that it might go to Corey and Stacy Law's house. He said that they found a one-inch line that runs parallel to the larger line. Mayor Leak asked Fisher if he knew anything about the one-inch line and where it might go. Fisher said he did not.

Buxton asked what Tom thinks they should do. Tom said that they are planning on cleaning out the canal in that area and before they do that, they cover the pipe for the winter then in the spring come up with a plan to drop it six feet. They would like the work to be done the following fall after the water has gone out for the season. Buxton asked if they want to go deeper so they can lower their bank. Tom said that it is to make sure they have plenty of depth in the future and so they can eliminate an elbow on the line.

Nick said that the bottom of the canal is about six feet below the pipe. He thinks that they bored below the canal then back up on the other side. They do not know how deep the line is under the canal. They do not have any record of the work that was done so it is hard to know where it is, where it goes, and why it went that way.

Tom showed how the pipe is on the map. Mayor Leak showed pictures of where they dug down to see the pipes as well as where the pipe is exposed. Fisher thinks that the one-inch line goes to the Elwoods. Creech asked how close it was to the sand pit. Tom showed on the map where it is at. Creech asked if they were going to go through he trouble to bury it if they should just put it by the road. Mayor Leak said that it would be a lot more of a project and that it is steep. Tom said that they might have to bore under the road and deal with the railroad. Creech said that they would dhave to cross the road twice but they would not need to deal with the railroad.

197 Mayor Leak said that they should make a record of what is going on and where things are. Mayor Leak
198 asked if the canal company can control how much Jess digs out. Tom said that they can and that he has
199 pretty much stopped at his limit. He also said that they could get markings on where lines are and where
200 the right of ways are. Mayor Leak said that they should have it marked anyway.

201 Fisher said that Floyd Veibell who would have been the Mayor at that time would have had an
202 agreement with West Cache. Tom said that he didn't think there was and that it was a very informal
203 agreement. Creech said that this is less about the right of way and more about protecting the pipe. He
204 said that if the pipe broke it could drain the tanks. Tom explained that if there is a water break it could
205 cause a lot of problems especially in the summer if the break washes out the sand and causes a break in
206 the canal. Fisher asked if there was any danger of freezing. Tom said that he didn't think so. He was
207 going to talk to Jess to see if he would cover it. Buxton said that because that pipe goes to people who
208 have livestock there should be plenty of flow to keep it from freezing.

209 Mayor Leak said that he thinks they should go forward with this plan and that they make a record of it.
210 Tom said that once the Town decides what they want to do they will take that decision to the canal
211 board to vote on. Mayor Leak said that they should make sure it is the Town's pipe. Tom mentioned a
212 few people they could talk to that might know.

213 Creech asked who would do the project. Mayor Leak said that it would probably be Bracken. Buxton
214 suggested the Smiths. Creech said that if they are going to do it, they need to find someone quick. Tom
215 said that they had a year before they do the project to lower the pipe. Mayor Leak said they will have
216 Jess put some sand on top for now to help keep it from freezing.

217 Tom and Nick left then came back later and said that they had talked to Brad McKnight, and he told
218 them where the pipe was and they did not bore, they just excavated straight down and over. They
219 talked about a possible elbow. Creech asked about the one-inch pipe. Tom said they did not ask.

220

221 **Next Meeting:**

222 **Bills:**

223 Total = \$2,052.15

224 Fisher said that he got two hydrant wrenches. Buxton said he got one to replace the one they broke
225 from Trenton. Creech asked what the battery was for. Buxton said it was for the solar at the tank. Mayor
226 Leak said the Clayton did not think they were getting enough power at the tank and the batteries were
227 going there.

228 Mayor Leak entertained a motion to pay the bills.

229 Fisher - Motioned; Buxton – Seconded

230 Creech – Aye; Buxton – Aye; Fisher – Absent; Leak – Aye; Forsgren - Aye

231 The bills passed unanimously.

232 **Adjourn:**

- 233 Mayor Leak entertained a motion to adjourn.
- 234 Buxton – Motioned; Forsgren - Seconded
- 235 Creech – Aye; Buxton – Aye; Fisher – Absent; Leak – Aye; Forsgren - Aye
- 236 Ended at 8:57 p.m.