

1 Mayor Leak called to order a regular Cornish Town Council meeting on Nov. 4, 2020 at 7:01 p.m. at the
2 Cornish Town Hall.

3 **Attendance:** Matt Leak (Mayor), Colton Creech, Brad Fisher, Conrad Naegle, Jana Williams

4 Fisher left at 10:00 p.m.

5 Absent: none

6 Citizens: Chris Buxton, Dale Buxton, Kimberlee Creech, Cassidy Creech, Justin Williams

7 **Staff Report:**

8 The water heater is still leaking and the pressure relief valve needs to be replaced. In addition, Fisher
9 has gotten most of the file boxes off of the floor and sorted. Because there was such a great amount of
10 old records that needed to be shredded, Deyette called Epic Shred so they could properly dispose of the
11 records needing to be destroyed because the time they needed to be stored had expired.

12 Deyette and Fisher will organize and label the records that need to be kept and the council will need to
13 decide what records should be archived with the state and what the town would like to keep in the
14 town's possession. It was decided that Fisher should be paid \$12/hour to sort through the files because
15 it is such a big job. In addition, it was suggested that the town build a filing room upstairs to keep a few
16 filing cabinets in order to store records that the town wants to maintain possession of.

17 The park lawnmower was picked up on October 31, 2020 so the company could replace the moter again.
18 Fisher suggested that when Jay Williams gets it back, he should let it idle for a few hours to see if the
19 problem has been fixed before the town sends the payment in.

20 Delinquent accounts were reviewed and the mayor informed the council what two residents had set up
21 a payment plan with him. It was decided that one shut-off letter needed to be given to the mayor so he
22 can deliver it.

23 **Minutes:** October 21, 2020

24 Mayor Leak entertained a motion to approve the minutes for October 21, 2020 with the suggested
25 change.

26 Creech – motioned; Williams – seconded

27 Leak, Naegle, Creech, Williams – Aye

28 **Action Items:**

29 Deyette will look into becoming a notary as well as find out what the required notarial bond premium
30 would be.

31 Deyette will make sure future meetings are being recorded on the digital recorder as well as on Zoom.

Deyette will see how much the annual fee is for a Zoom subscription.

Business Items:

CARES Funding Allocations – Mayor Leak stated that all the money the town has received for CARES funding needs to be allocated by Nov. 30, 2020 and spent by December 31, 2020. Mayor Leak has sent off the agreement for the water reading upgrade and it is ready to be installed as soon as the town gets new computers and upgraded software. Mayor Leak also talked with leaders from other municipalities and found out they are paying ahead on contracts for emergency response teams but that might not qualify for an expenditure that can be paid with CARES funding.

Unapproved Drinking Water System – Because Dyer Pitcher will be working out of town for a month, he asked Ray Pitcher to take water samples for him while he is gone. In addition, Dyer asked Ray to contact a water contractor in Smithfield if the town has any problems with the water system. Mayor Leak did have a Cornish resident ask about working under Dyer in order to train and become a future town water operator. The mayor asked if the council would want him to pursue that. Creech stated that before pursuing it, the council would need to define what their role would be and how much it would cost. Fisher asked about having one of the council members trained in order to become a water operator. Mayor Leak suggested hiring someone to help Dyer who is a little more tech savvy. Williams believes that why the town trains Dyer on the new water system, the town should also train another person to be able to take over when Dyer retires. Fisher commented that seems he is the council member over water, Dyer should have included him on any decisions on who would be helping with the water system while he was out of town. Mayor Leak agreed that Dyer should have reached out to Fisher before he set something up.

Mayor Leak said that the RCPP Grant deadline has been moved from Nov. 4, 2020 to Nov. 30, 2020. Mayor Leak stated that CRS Engineers has done a lot of work and the town got a good deal for what they contracted them to do. Mayor Leak also let the council know that he will be on the agenda for a West Cache Irrigation meeting to work on getting something set up that will increase the possibility of the town getting a grant. Creech asked besides repairing Pitcher Well, what other town projects are the engineers including in the grant request? Mayor Leak said besides the well house, they are including upgrading the storage tanks and pipelines. Mayor Leak said the well house project is still looking at being 50% funded and all the other projects will be funded at 50% to 75% on construction and 100% on engineering and design.

Subdivision Ordinance – The subdivision ordinance was reviewed and Creech asked if the council would like to put a lot split back into the ordinance or just leave it as is where any split in a plat would be considered a subdivision. Naegle asked if the lot split would make it easier for someone to split a lot because it would have less requirements? Creech said it was about the same amount of requirements with the changes that have been made to the ordinance. Williams asked what a lot split was and Creech said it is making a subdivision by splitting one parcel into two. Mayor Leak and Fisher said they were fine with how it is. Naegle asked if there was any public comment on that issue and Creech said no.

Mayor Leak entertained a motion to adopt Ordinance 20-10 the Cornish Town Subdivision Ordinance.

71 Naegle – motioned; Fisher – seconded

72 Naegle – Aye; Fisher – Aye; Creech – Aye; Williams – Aye; Leak – Aye

73 Motion passed unanimously.

74 *Water Hookup Fees* – Mayor Leak asked if anyone had any more thoughts or questions on what the
75 council talked about at the last meeting. Williams asked what the \$1,000 fee that the council decided
76 on was for and wondered if it was charged to cover the cost of putting in the water hookup. Creech said
77 no and stated it was an administrative cost fee. Mayor Leak asked if the council wanted to change the
78 water hookup fee tonight? Creech stated that the council might want to work on the water ordinance
79 before deciding on the fees. Fisher believes it is best for the town to be in charge of who installs the
80 water line and meter and is fine with adopting the fees tonight. Naegle said after reading the water
81 ordinance, there were fees laid out in the ordinance and would prefer that the water ordinance be
82 changed to just refer to the fee schedule rather than have the fees listed in the ordinance. Creech said it
83 references service and connection fees, etc. and states that applicable fees shall be changed and
84 adjusted via resolutions passed by the town council. After reading the fee section in the Water
85 Ordinance, Creech believes that all the fees that are referenced in the ordinance need to be put on a
86 separate Water Fee Schedule. Mayor Leak asked if the council wants to pass the fee change tonight?
87 Creech said he would like to change the Water Ordinance and pass both of them at the same time. Item
88 tabled.

89 *Subdivision Fees* – Subdivision fees of other close communities were reviewed. Creech stated that he
90 likes a flat fee plus a fee per lot. Fisher suggested a \$500 application fee with \$50/lot fee for anything
91 over 5 lots. After reviewing other municipality's fees and Cornish Town's current subdivision fees, the
92 council decided that the current fees were pretty high and discussed possible options. Creech
93 suggested having an application fee and then a per lot fee regardless of how many lots were being
94 created. Mayor said he is o.k. with Creech's suggestion and asked if the council had any questions or
95 concerns or if they wanted to go ahead and pass the fees. There were no more questions or concerns.

96
97 Mayor leak entertained a motion to amend the Cornish Town Fee Schedule for subdivisions and change
98 it to \$500 per application and \$50 per lot.

99

100 Williams – motioned; Creech – seconded

101

102 Leak, Naegle, Creech, Fisher, Williams – Aye

103 *Town Website & Computer/Technical Equipment* – Three bids from website companies were reviewed as
104 well as an XpressBill Pay bid which would allow residents to pay their water bills online. Williams asked
105 what the yearly maintenance fee would be on each bid. Town Web was \$500/year with a \$299 set up
106 fee. Mayor Leak said there is a company that also makes it possible for the town to upload ordinances,
107 histories, business licenses, etc. for a small monthly fee. Creech said that the websites he received bids
108 on offer that service as well seems they are doing governmental websites. Revize is \$2,200 up front and
109 no mention of a maintenance fee but Creech said they charge Newton Town \$1,300/year. Fisher asked
110 who would upload the ordinances on the other websites? The mayor said that the company he received
111 a bid from would also include a fee of \$12/month so a website employee could upload any ordinances

112 onto the town's website when they had been changed or updated. The bid that the mayor received was
113 for \$2,500 and that included everything except Xpress Bill Pay which would cost an additional \$1,575.

114
115 Williams thinks that seems the government money is paying for the set up for the website she is fine
116 with the set up charges, but she is concerned about the yearly maintenance fee because the town will
117 have to pay for that in the future. Fisher asked how many people would use the online pay and it was
118 decided that quite a few people would probably use the online bill pay. Naegle suggested that having
119 the ability for residents to pay online would reduce mistakes. Creech agreed and said it would also
120 reduce the hours that the town would need to pay the town's Treasurer. Williams just wants to make
121 sure it is worth the money spent and that it will be used by the town residents. Fisher stated that if
122 people will use it, he has no problem with getting a website. Mayor suggested using the CARES money
123 to set up a website as well as pay for the first year maintenance fee and then the council could go from
124 there and decide if the town council wants to maintain the website. Creech would like to see if the bids
125 can be whittled down a bit and see what the maintenance fee is for Revize. It was decided to allocate
126 CARES money for the highest bid and then the town could choose another company if they decided to
127 and pay for it before the year-end deadline. Consequently, the council decided to allocate \$4,800 for a
128 website and online bill pay.

129
130 Naegle stated that he got a quote from Intermountain Traffic Safety on the speed limit displays. He
131 received quotes on four options for two different sizes screens as well as a portable unit or solar
132 powered ones. These quotes came in between \$3,000 to \$3,500/each. Williams asked how many
133 Naegle thought the town needed. Naegle stated that the units also gather information and make
134 reports that could be forwarded to the town council on how many cars went by and what the speeds
135 were, etc. Naegle also believes that the data gathered could be taken to the county as well so they
136 might be able to patrol the road at certain times when there is the greatest problem. Naegle said that
137 the portable one has to be charged and then put back up where the solar ones can be left and will
138 charge themselves. Williams believes it would really benefit the town and would like to see the town
139 buy 3 of them.

140
141 Mayor Leak will call and see if it is o.k. to buy the speed signs with CARES money. Dale Buxton asked if
142 Naegle had gotten approval from UDOT to set the units up. Naegle confirmed that he has names of
143 people to contact in order to get approval to put them up. Buxton thinks the council is on the right
144 track and agrees that putting two of them on 13400 and one on 4800 West is a great idea. It was
145 decided that the council will make a decision on this the next time they meet after it is determined if
146 these are acceptable expenditures for the CARES money. Naegle will ask about the installation cost and
147 see if he can get additional bids as well as look on Amazon to see what options and costs are there.

148
149 Mayor Leak talked to other towns and found that that the town should probably be recording meetings
150 on the digital recorder as well as the zoom recording. The mayor then reviewed the bids on a computer
151 upgrade as well as the cost for changing the town's internet provider. Mayor Leak stated that the town
152 does need to purchase microphones to put on the table so the meetings can be recorded and everyone
153 can be heard. Dale Buxton said he has had the conversation fade out a little bit but hasn't had a
154 problem with buffering. Mayor Leak stated that there is a new internet provider that would match what
155 the town is currently paying but the set up would be about \$2,000. Creech stated that he is not
156 interested in the internet as much as the computer upgrade because the new internet provider will be
157 available in the future without such a big set up fee. As for the computer upgrade, things that the
158 council did not feel needed to be upgraded were removed and the resulting cost was \$6,418. Williams
159 suggested not getting the internet right now but thinks the town should consider doing it in the future.

Mayor Leak will get a few more bids on computer upgrades and the council can vote on that at the next meeting.

Deyette suggested getting a ring motion detector light or ring doorbell if there is any money left.

Old Business:

None.

Council Reports:

Roads – Naegle mentioned that there is a snow storm forecasted for this weekend and he asked if there is a formula to when the road should be plowed or not if it snows. Mayor Leak said it will depend on how warm it will be and if it will melt. Fisher stated that the best way to do it is to plow the snow so the snow is off the road and doesn't melt on the road and turn to ice. Naegle stated that he talked with the county and they thought it would cost about \$450 per run to come out and plow Cornish's road. This price would include sand and salt and they would need 48 hours notice if the town wants them to come out and plow the roads. Naegle suggested using them once when the town receives a significant amount of snow and then the council can see how much it costs in order to decide if they want to use them again. Williams asked how much the sander costs that could be put on the back of the snowplow. Naegle said there are several choices for used ones but all of the ones he has looked at are probably at the end of their life span. Naegle said he could continue to look for used ones and said new ones are running about \$1800 to \$3300. After some discussion about how much it has cost to pay for someone other than the town to plow the roads, it was decided that a new sander that could be attached to the current snowplow would be the best way to go. Mayor Leak stated that if a new sander is acquired, he could weld a receiver on the current snowplow so the sander could be used with the current snowplow. Naegle will look into getting the \$1800 new one and see what salt it requires.

Planning & Zoning – None.

Parks – None.

Water – Fisher stated that in 1990 the town condemned some of Koller's property in order to keep nitrates out of the spring's water because it was determined that the high amount of nitrates was a result of Evan Koller fertilizing his land. Because Koller refused to stop farming the ground, the town had to condemn the land and take over the protection zone. As a result, the town paid someone to kill the vegetation on the protection zone and only allowed certain things to grow on it. The town took care of that ground for a few years but after being able to mix the water from two springs, the nitrates went down and the town no longer managed the protection zone or ensuring Koller was not farming or fertilizing the land. Fisher said the town needs to start monitoring the nitrates in the water at each source and the mayor confirmed that recent testing has shown that the nitrates are too high from one of the springs. Fisher also stated that in regards to the current landuse agreement, Mark Koller is having the same attitude as his father and Fisher believes that the town will have to condemn the land in order to do a source protection for the Pitcher Well. Mayor Leak said that he talked to Max Pierce and Mark Chandler to see if the town can work around not having to have a landuse agreement signed by the Kollers.

Regarding the property that was previously condemned, Fisher stated that the town paid \$100,000 for the use of that land but believes the rules for Adverse Possession have probably been met by the Kollers and the town must look into preventing the Kollers from getting the use of the protection zone back. Fisher also stated that if the Kollers have met the requirements for Adverse Possession, this will give the town problems if the town must also condemn the piece of property around the Pitcher well. Williams believes the town needs to do something about it for sure and mentioned that Justin Williams can help and has read a written description on what area of land should not be used for growing crops and he will see if he can get a copy of that document. Williams believes somebody needs to go up on the land and verify that those markings showing where the protection zone is are still there.

Mayor Leak stated that he has a document showing that Koller traded a water hookup for access to the Griffith's spring. Fisher says there might been an easement on that protection zone stating that it shouldn't be farmed. Justin Williams said he has wondered several times why that land has been farmed. Mayor Leak stated that the state is also going to require water testing from each of the town's water sources and not just at the end of the line. Dale Buxton stated that a source protection agreement was executed for that piece of land and there was a use easement but the town had a hard time enforcing the agreement and maintaining the land. Buxton suggested getting a water sample at the source and finding what the nitrate count is at the springs and then contact an attorney or someone who can determine the town's rights and legal responsibilities. Williams stated that if the amount Koller wants to be compensated for not being able to use the land around Pitcher Well will be more than legal costs, she believes the council needs to be prepared and have a plan. Mayor Leak believes that the town should focus on getting the landuse agreement signed for Pitcher Well or have it taken care of as Rural Water suggests. The mayor believes the town can then work on getting nitrate samples and the issue with the protection zone taken care of at a later date. Fisher says if nitrate levels are high from the Griffith's source testing and the state won't let the town use the water from the springs, we might need to enforce the previous condemnation of Koller's land. Fisher said he will look for those documents on the condemnation so the town can be begin to prepare for what might happen.

Mayor Leak asked what he should do regarding Koller not wanting to sign the Landuse Agreement seems it is going to cause problems with repairing Pitcher Well. Williams stated the town needs to look into what can be done because the council must protect the town's water source and be ready to do what needs to be done. Mayor Leak asked if he should call Mark Koller and see what he wants for compensation or see if the engineers can work around it. It was decided that the mayor should wait to see what the engineers can do.

Mayor's Report:

Citizen comments:

Lee Black stated that he and Floyd Veibell have been having issues for years now and the rocks in front of his house have been there for 3 years and the only person having trouble with them has been Veibel. Black said his deed states there is only a 12 ½ right-of-way from the center of the road for the town. Black then asked if everyone in town had received a release of liability agreement like he had because several people in town have trees, fences, or other things in the right-of-way of the roads. Mayor Leak confirmed that there were no other residents who had received a release of liability and stated that after checking, he found out that the right-of-way for Cornish roads is 22 feet. Mayor Leak thanked

247 Black for coming in and getting it on the record and that he has talked to law enforcement and other
248 residents and he doesn't think that it would be good for the town to get involved in the contention
249 between him and Veibell.

250 Fisher asked if Veibell hadn't come in and asked the town to make him move the rocks and there wasn't
251 a problem with Veibell, would Blacks be o.k. with moving the rocks? Black said no, the rocks were
252 placed there because corn farmers and buses have driven on his grass and run into his fences. Naegle
253 asked seems the town has an easement or a right-of-way on that piece of land, does the town have a
254 duty to protect that and have some responsibility to enforce the laws on the space? Mayor Leak was
255 told that the easement is 22 feet so the right-of way would be 11 feet from the middle of the road and
256 the rocks appear to be behind that line. The mayor said that he and the council will discuss it and let
257 Veibell know what the council decides on what needs to be done.

258 Mayor Leak asked what Black's thoughts were on signing the release of liability agreement and Black
259 said he doesn't have a problem signing it but thinks it is a moot point since the rocks are not in the right-
260 of-way . Naegle said if Black doesn't have a problem signing it, Naegle would like him to sign it so it can
261 be on the record that the town has addressed the issue. Black said he would add some verbiage to it
262 before signing it that stated that the rocks are technically, not in the right-of-way. The council thought
263 that would be a good idea and then the agreement could be filed and there would be a record of the
264 town addressing the issue.

265 **Next Meeting:**

266 CARES funding allocation for the town website, computer upgrade, and speed signs, etc.

267 **Bills:**

268 Bills were reviewed.

269 Total = \$3,590.14

270

271 Mayor Leak entertained a motion to pay the bills.

272

273 Naegle – motioned; Williams – seconded.

274

275 Leak, Naegle, Creech, Fisher, Williams – Aye

276 **Adjourn:**

277 Mayor Leak entertained a motion to adjourn.

278 Naegle – motioned; Williams– seconded

279 Leak, Naegle, Creech, Williams – Aye

280 End 10:03 p.m.