

1 Mayor Leak called to order a regular Cornish Town Council meeting on December 1, 2021, at 7:06 p.m.
2 at the Cornish Town Hall.

3 **Attendance:** Mayor Leak, Brad Fisher, Conrad Naegle

4 Absent: Colton Creech

5 Citizens: Chris Buxton, Dale Buxton, Rocky Malin, Tiera Hansen

6 **Staff Report:**

7 Delinquent accounts were reviewed. It was decided that no shut-off letters needed to be sent out.

8 Deyette informed the council that the First Public CBDG Hearing would be held on December 15th at
9 7:00 p.m. and she has posted all the notices for that hearing and started the application process.

10 **Minutes:** November 17, 2021

11 Mayor Leak entertained a motion to approve the minutes for November 17, 2021.

12 Naegle – motioned; Fisher – seconded

13 Leak, Fisher, Naegle – Aye

14 **Action Items:**

15 **Business Items:**

16 *Rocky & Meresa Malin – Zoning Clearance:* The council reviewed the Malin's application and Mayor Leak
17 said that it appears that Malin would have to get a separate water connection for the accessory
18 apartment. The Water Ordinance was reviewed. It was determined that according to the water
19 ordinance, a service connection can only serve one residence. Malin stated that both residences will be
20 in his name so he wonders why it would be a problem and the town would require an additional water
21 connection. Fisher stated that if the council allows Malin to have two residences connected to one
22 water connection, then they would have to let everyone do so. Mayor Leak stated the council will need
23 to do some research and he doesn't want to set a precedence without the council discussing the
24 possible problems with allowing two residences on the same water connection. Mayor Leak stated that
25 the council would discuss it and then he will let Malin know what they decide.

26
27 Mayor Leak asked if anybody had any questions for Malin and stated that it appears that all of the
28 setbacks are fine. Naegle asked if the county may have any issues attaching a living-quarters to a shed.
29 Malin said that they were o.k. with it as long as it is engineered and up to code. Fisher asked if the
30 county is requiring a firewall between the shed and the accessory apartment and Malin confirmed that
31 would be the case.

32
33 Mayor entertained a motion to accept the zoning clearance for Rocky and Meresa Malin.
34

Fisher – Motioned to approve the Malin's request for a zoning clearance with the stipulation that the council has resolved the problem with having two residences on one water connection relative to the Water Ordinance.

Naegle – seconded

Leak, Fisher, Naegle – Aye

Later in the meeting, Mayor Leak asked the council how they felt about allowing the Malins to build the accessory apartment and not require a separate water connection. Mayor Leak stated that he called the county and asked about what happens when someone says they are going to build a haybarn and then it ends up having power and water and the structure is not used as an agricultural building. The mayor asked the county how to handle these type of situations. Buxton asked if someone does this, what can the town do? Mayor Leak said there really isn't anything that the town can do, but the county could come look at these buildings and the resident would face fines and costs for what they should have paid in the first place. Fisher says the town really needs to look at the language in the ordinances and stand by what it says. Mayor Leak said that the council needs to decide if there is anything that could harm the town if the council allows this situation to go forward. Naegle said that the council needs to answer the question of what the harm would be in allowing the mother-in-law apartment as well as look at property right issues.

Mayor Leak called Colton Creech and referenced the Water Ordinance where it states that two residences cannot be served by one meter. Creech stated that he doesn't believe that an accessory apartment is considered a separate residence and the Land Use Ordinance states that the accessory apartment is not required to have its own meter. Mayor Leak stated that he wants to make sure that the town is following the Water Ordinance and the Land Use Ordinance and asked Creech if he can think about any problems that would be caused if the council allows the accessory apartment to draw off of the meter of the original dwelling. Creech said he doesn't see a problem when looking at the current Land Use Ordinance and believes that an accessory apartment requires a conditional use permit that allows the town to have some control and monitor the situation and any changes.

Naegle stated that he believes the council has an immediate issue and then a long-term issue that might happen down the road where a pole barn ends up being a residence in the future and the council probably needs to deal with each situation separately. After some discussion regarding the language used in the current Land Use Ordinance and Water Ordinance, Mayor Leak asked if anyone was opposed to him calling Malin and telling him it is ok for him to go forward with the accessory apartment. Nobody was opposed.

Landon & Tiera Hansen – Zoning Clearance: Tiera told the council that they are wanting to do an addition to the home they purchased on the south side of the existing home that will almost double the square footage. Fisher asked Tiera if she knew that the septic line runs out that direction from the house and she stated that she knew that and they had gotten the new septic system approved. The council reviewed the house plans for the addition to the Hansen's home and then Mayor Leak asked if there were any issues or questions. There were none.

Mayor Leak entertained a motion to approve the Zoning Clearance for Landon and Tiera Hansen.

Naegle – motioned; Fisher – seconded

82
83 Leak, Fisher, Naegle – Aye

84 *Resolution 21-21 Appointing an Interim Councilmember* – Mayor Leak read the resolution and asked if
85 there was any discussion. There was none.

86
87 Mayor Leak entertained a motion to adopt Resolution 21-21.

88
89 Fisher – motioned; Naegle – seconded

90
91 Fisher – Aye; Naegle – Aye; Leak – Aye

92
93 Resolution passed unanimously.

94
95 *Resolution 21-20 Appointing Internal Audit Committee Members* – Mayor Leak read the resolution and
96 asked if anyone had any questions or comments. There were none.

97
98 Mayor Leak entertained a motion to adopt Resolution 21-20.

99
100 Fisher— motioned; Buxton – seconded

101
102 Fisher – Aye; Naegle – Aye; Buxton – Aye; Leak – Aye

103
104 Resolution passed unanimously.

105
106 *Cornish Water Project Loan Approval* – Mayor Leak stated that the town was approved for a loan for the
107 town’s General Plan through the state for \$40,000 and it is for 100% forgiveness. Mayor Leak also asked
108 CRS to back off of trying to use a reverse osmosis system in the new water system and CRS wants to
109 know how much land the town owns where the current Pitcher Wellhouse sits. The Cache County
110 Parcel Viewer was reviewed and it was determined that the town does not own the land that the
111 current Pitcher Wellhouse is on. Dale stated that the town has a perpetual easement for all reservoir
112 sites as well as a perpetual pump house site easement that is about a 50 foot-square around the pump
113 house. Mayor Leak asked if the town can then build on that piece of land and Dale read the description
114 of the perpetual easement and confirmed that it stated that the town could build on the site.

115
116 Mayor Leak stated that the new water tank needs to be built a little bit lower than the current one so it
117 can be filled up and the town could utilize 100% of the water tank. Dale stated that the dimensions for
118 the lower reservoir site is 160 feet wide by 300 feet. Mayor Leak said that the status on the new water
119 system is that CRS is finishing up the engineering for the new water tank and a few more things before
120 they start looking for bids from contractors to start the project.

121
122 **Old Business:**

123 **Council Reports:**

124 *Roads* – Mayor Leak asked if the snowplow is ready to plow the roads and Naegle said he believes that
125 the hitch needs to be dropped down a little bit in order to run the sander well and he will work on
126 seeing if adjustments need to be made. Naegle said a town resident would like the town to get some

more speed monitoring signs and get a solar charged one and then just leave the sign in place. Naegle asked the council how they felt about getting another speed monitoring sign since the town has 4 entrances into town. Mayor Leak said he would like the council to look at some costs and Naegle said he will do some research on the costs and come with a proposal to the next meeting. Naegle stated that he was able to get some replacement cones from the county at no charge.

Naegle asked if there was anything revealed by the recent fire that the council should be aware of and the mayor said that Fisher was right on top of it. Fisher said if he hadn't come up and started pumping water from the Trenton Well, the town would have probably run out water. Fisher stated that he felt pretty good about how he was able to keep the water tank filled to 11 feet and believes that the town could have gone for a few more hours pumping that much water. Naegle asked the council if the town needs to have a plan to exercise the fire hydrants a couple of times a year. Mayor Leak stated that the town should do it when they are working on the Master Plan. Buxton asked if there are any structures that could require more water than the current fire and it was decided that there probably was not, and Fisher said he was glad that the town had enough water to handle it.

Planning & Zoning – none.

Parks/Town Hall/Finance – C. Buxton said he is still trying to get quotes for replacing the Town Hall doors and said he will also take care of the cleaning of the Town Hall in order to get it ready to be rented.

Water – Fisher summarized his findings about Koller's water rights regarding 20% of the water from the Pearson Springs. Fisher stated that he needs to find the documents in order to see if the Kollers can only have 20% of the water during irrigation season or if it covers the entire year and is looking for a summation from the town's attorney at that time. Mayor Leak read from the judgement from the Kimball Decree (from 1938) and it stated that the Kollers had 1/5th of the water rights from Pearson Spring from April 1st to October 31st of each year. Fisher said he had seen that decree, but he knows it was challenged later but he is not sure the challenge was successful and he will need to look for that documentation. Dale reviewed portions of the decree and stated that it appears that the Koller's also have a water right for a ¾ inch tap as well as 1/5th of the water from the Pearson Springs. Dale recommended having a professional (such as a title agent) research the final judgement and make sure the town is understanding the interpretation of the decree correctly and how the water rights work out.

Fisher stated that he really wants to find out if the town can do the well house construction with Koller's blessing and the mayor said he will talk to Koller and Fisher said he would be happy to go with him. C. Buxton asked if the town has a map showing where the protection zone is on Koller's land. Fisher stated that the town does have a map showing where the protection zone is. C. Buxton said that it would be nice to have all this information on the Master Plan.

C. Buxton said he went and looked at Kofed Spring and there was a lot of water there and he believes that the town should look into using it and shouldn't abandon it. Fisher said that someone said that if the town used that spring, they could abandon the spring and the well. Mayor Leak said it wouldn't hurt to tie onto it, but the town wouldn't want to pump the water uphill to the West but the town could use

168 it in an emergency. Fisher said the town could also use it if the town grows and he will look into finding
169 the proposal that was once provided to the town by a hydrologist.

170 **Mayor's Report:**

171

172 **Citizen comments:**

173 **Next Meeting:**

174 **Bills:**

175 Bills were reviewed and an invoice from Top Job for \$1,100 was added for the painting of the railroad
176 crossings.

177

178 Total = \$3,615.86

179

180 Mayor Leak entertained a motion to pay the bills.

181

182 Fisher – motioned; Naegle – seconded

183

184 Leak, Fisher, Naegle, Buxton – Aye

185 **Adjourn:**

186 Mayor Leak entertained a motion to adjourn.

187 Buxton – motioned; Fisher – seconded

188 Leak, Naegle, Fisher, Buxton – Aye

189 End at 9:47 p.m.