
Minutes
Levan Town Council Regular Meeting
April 13, 2023
7pm

Opening Ceremonies:

Welcome: Mayor Bruce Rowley

Invocation: Mayor Rowley

Pledge of Allegiance: Councilmember Shannon Thomas

Meeting Began at 7:20 pm

In Attendance: Mayor Bruce Rowley

Councilmembers: Nick Mangelson, Shannon Thomas, Ray
Evans

Meeting Recorders: Christine Carrigan and Judy Smith

Others in Attendance: Steve Peterson, Teagan

Christensen, Jaida Christensen, Kendall Carrigan, Alan Paystrup,
Russell and Christie Mangelson, Ashlee Mangelson, Justin
Thomas, Rebecca Dopp, Rachel Goates, Mike Lloyd, Don and
Lenore Francom, Tyler Shepherd, Bob Shepherd.

Regular meeting closed and LBA meeting opened:

Local Building Authority - Agenda Item

Mayor Rowley explained that the current dump/plow truck is over thirty years old and is rusted out. He noted that used trucks of this type are hard to find and usually in rough shape. This bond will allow the town to purchase a new dump/plow truck at half of a percent interest.

Mayor Rowley read the following:

“Consideration and adoption of a Resolution authorizing an annually renewable Lease, a Master Resolution, Security Documents and the issuance and sale by the Authority of its Local Building Authority of Levan Town Equipment Lease Revenue Bond, Series 2023 to finance the cost of acquiring a dump plow truck and related public works equipment; calling of a public hearing to receive input with respect to the issuance of Equipment Lease Revenue Bonds and any impact to the private sector from the acquisition of the public works equipment to be funded by the Bonds; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated.”

Councilmember Shannon Thomas made the motion to approve the resolution. Nick Mangelson made the 2nd. All in favor. Resolution Passed.

Local Building Authority adjourned and regular meeting resumed.

Regular Town Council Meeting Agenda:

Consideration and adoption of a Resolution authorizing an annually renewable Lease, a Master Resolution, Security Documents and the issuance and sale by the Authority of its Local Building Authority of Levan Town Equipment Lease Revenue Bond, Series 2023 to finance the cost of acquiring a dump plow truck and related public works equipment; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated.

Councilmember Shannon Thomas made the motion to approve the resolution. 2nd by Nick Mangelson. All in favor. Resolution passes.

1. Discussion Items:

Veterinarian use of ambulance bays for spay/neuter program. Judy Smith spoke on behalf of Darlene Kimball. Ms. Smith said that the program needs an enclosed area for the veterinarian to spay and neuter the cats brought in and that Ms. Kimball had requested use of the ambulance bay for that purpose. Ms. Smith added that the vet the program had lined up was unable to come from Park City and that the program was seeking another veterinarian and there was currently, no timeline for when the bays would be needed. Councilmember had no objections and asked to be informed when a timeline was established.

2. Action Items:

a. Review/Approval of Building Permit for:

- Teagan Christensen – new home
- Chris Chipping – new home
- Kendall Carrigan – Shop/outbuilding
- Trent Stowell – new home

Councilmembers examined the plans and permit applications and discussed the plans with the applicants present. The mayor and councilmembers noted that three parties were going in together to build the necessary road for the Stowell home. The council said the Stowell permit

would be approved on the condition that the road would need to be deeded to the town, warrantied and completed before all the utilities for the house would be connected.

A few members of the audience had questions about the town boundaries in regard to the Stowell property. Boundaries were shown on a map to answer those questions.

Nick Mangelson made the motion to approve the building permits. Shannon Thomas made the 2nd. All were in favor. Motion carries.

b. Approval for lawn mower purchase for cemetery

The mayor told the council that the current cemetery lawn mower is falling apart and that the purchase of a new one has been in the budget for a couple years. The new mower is a grasshopper 725DT with a state bid price of \$18,300.

Ray Evans made the motion to approve the purchase of the new mower. Shannon Thomas made the 2nd. All in favor. Motion passes.

c. ATVs

The Town Council held a special meeting on April 6th, 2023, to take public input about the use and possible restrictions on OHVs in the Town of Levan. Mayor Rowley asked the council if they wanted to take any action, such as reducing the speed limit, or a motion to continue to adhere to the state laws.

There were some questions from the audience on enforcement of laws. Currently, the speed limit for all vehicles on town residential streets is 25mph. State law also requires children aged 0-17 years old to wear a helmet and be within the supervision of a parent to operate an OHV. (With the exception of farm vehicles and operators that have a driver's license) The Sheriff's Office will enforce those laws. The town has no authority to enforce those laws but can request additional patrols. Individuals can sign a ticket if they witness a violation.

Mayor Rowley said he was in contact with the Sheriff's Office about getting the OHV class set up in Levan. This would be part of the required OHV certification for youth.

Steve Petersen said that since the Special Meeting, that the kids have been much better about their OHV use.

Nick Mangelson made the motion to leave the ATV speed limit as the 25mph state law.

Ray Evans made the 2nd. All were in favor. Motion passes.

Mayor Rowley added that the town would ask for more enforcement.

d. Watercooler/beverage allowance for office.

The office staff asked to have the town provide a watercooler or bottled water. They said the water in the fountain and kitchen is very stagnant. Councilmembers said that they did not want to spend the money for a water cooler. No action was taken.

e. Impact fees

The mayor asked the council if they would pass an ordinance to facilitate impact fees. He said that the council could work the details and lower the proposed fees once the impact fee ordinance was in place and those fees would not go into effect for 90 days. If the council does not pass the ordinance today, the fees would not be in effect for 90 days of whenever the ordinance was passed. Mayor Rowley said with the number of permits coming in, the town would lose the chance to collect the fees needed to pay for the required infrastructure updates the longer they waited.

Councilmember Nick Mangelson said that they should do more calculations before they vote on this resolution. Ray Evans asked if the council could pass the resolution so they have it in place and then decide on implementation later. Mayor Rowley said that was what he had in mind.

An audience member asked if they passed the resolution now, would the council be stuck with the numbers in the impact fee plan as it is written. Mayor Rowley explained that the fees in the plan were the maximum allowable amount and that they could be adjusted lower but not higher.

Ray Evans said he was okay with tabling the motion for now. No further action was taken.

f. Fence

Mayor Rowley said this is about the fence that belongs to the Lowe's. The town did a survey and did a title search. The Town does not own the road, but it is a right-of-way. According to the survey the Lowe's fence is on the right-of-way by as much as 12 feet. He added that the Town's attorney said that you cannot encroach on a right-of-way. Mayor Rowley said he asked Amy Lowe if she would move her fence onto her property and she said no. He felt that this issue was black and white and asked for a motion on what the Council wanted to do about the fence.

An audience member said that the fence was also a safety issue due to height, placement and that it is not a see-through fence.

Alan Paystrup, Planning Commissioner, said that the section to the north is 6 feet tall and a solid fence. He said the fence must come down in height in some areas in order to meet the Town's fence ordinance.

Councilmember Ray Evans asked if the Town would go around and correct all the fences around town. Mayor Rowley said that those fences weren't built when he was mayor and that those fences will be corrected when someone comes in to get a permit to rebuild a fence. He added that the planning commission was re-writing the fence permit application to require a

survey or inspection whenever a fence is built adjacent to city property and that if the fence was built onto city property it would be removed at the owner's expense.

Nick Mangelson made that motion that the fence needs to be put on the property line. 2nd by Shannon Thomas.

Roll Call Vote:	Bruce Rowley	Yes
	Ray Evans	Yes
	Shannon Thomas	Yes
	Nick Mangelson	Yes

All in favor. Motion carries.

3. Mayor/Councilmember/Department/Committee Reports

- a. Mayor/Council Member Reports:
- b. Office Issued Permits Report: **Back -up Generator – Mike Morgan**
- c. Planning Commission Report:
- d. Committee Reports:
- e. Other Reports:

4. Council Business:

Approval of Minutes for March 9, 2023

Motion by to approve minutes by Ray Evans, 2nd by Shannon Thomas. All in favor.
Motion Carries

Approval of Claims (3-1-2023 to 3-31-2023) Motion to approve claims by Shannon Thomas. 2nd by Ray Evans. All in favor. Motion carries.

Approval of Payroll Comparison Report (2-1-2023 to 3-31-2023)

Motion to approve made by Nick Mangelson. 2nd by Ray Evans. All in favor. Motion carries.

Approval of Final Cash Receipts Report (2-1-2023 to 2-31-2023)

Motion to approve made by Ray Evans. 2nd by Shannon Thomas. All in favor. Motion Carries.

- 5. Public Comments:** *Each speaker may be provided up to two minutes to speak. In addition to topics on the agenda, the council may allow public comment on other topics.*

Steve Peterson asked that the Town clean up around the Maintenance building and DUP building.

6. Convened into Executive Session -

a. Discussion of the character and competence of an individual, collective bargaining, litigation, real property, water shares, security systems, investigative proceedings, deliberations, procurement process.

Motion to made by Ray Evans. 2nd by Nick Mangelson. All in favor. Moved into executive session at 8:55pm.

Moved back into regular session at: 9:06 pm

- 7. Adjourn:** Motion by Ray Evans. 2nd by Nick Mangelson. All in favor. Meeting adjourned at 9:06 pm