

Town Council

Meeting minutes

July 11, 2024

7:00 P.M.

Meeting started at 7:01 pm

Present at Meeting: Mayor Bruce Rowley, Council Members: Rachel Goates, Chris Chipping, Ray Evans, Bre Aagard. Meeting Recorders Chantal Rowley and Christine Carrigan. Also present: Carol Bennet, Deana Ballow, Bret Ballow, Shane & Holly Thomas, Rebecca Dopp (Times-News)

Welcome: Mayor Bruce Rowley called the meeting to order and welcomed all the attendees.

Invocation: Rachel Goates

Pledge of Allegiance: Ray Evans

Discussion Items

Mountain West Communities Business License (West Trailer Park)

The council members reviewed the application for a business license from Mountain West Communities. The applicants confirmed that all necessary inspections had been completed. The Council thanked them for their prompt attention to the matter.

East Trailer Park Business License

Discussion ensued regarding compliance and the completion of required improvements to obtain the business license. The council reviewed a letter from the building inspector about the electrical system which still has not been upgraded to pass the current code and a trailer that needs to be removed due to mold and disrepair.

Main Street Flags

The council discussed the absence of flags on Main Street and plans to rectify this for patriotic events.

Ballow/Squire Conditional Use Permit

The council reviewed recommendations from the Planning Commission and discussed what a flag lot is and the implications for the conditional use permit for the Ballow/Squire property.

Water Conservation

A proposal was discussed to divide the town into two sections for water conservation purposes, with one side watering on odd days and the other on even days. Timing restrictions to prevent watering during peak daytime hours were also discussed. The Council decided to split the town into two zones using 200 East as the dividing line. A letter will be sent to residents.

Action Items

Mountain West Communities Business License Application

The council reviewed the application and verified all compliance checks had been met.

Motion to approve the business license for Mountain West Communities to operate the trailer park made by Ray Evans. Seconded by Rachel Goates. All in favor. Motion carries.

Home Building Permit – N. Childs

Nick Childs applied for a building permit, and all required inspections were noted to be complete.

Motion to approve the building permit for Nick Childs made by Rachel Goates. Seconded by Chris Chipping

All in Favor. Motion carried.

Home Building Permit – Squire

Discussion continued around the flag lot usage and all required conditions for the permit were verified.

Motion to approve the building permit with the conditions set by the conditional use permit for Ballow/Squire made by Ray Evans. Seconded by Chris Chipping.

All in favor. Motion Carried.

Home Building Permit – Thomas

The Thomas' applied for a home building permit next to their parents' place. Review indicated everything was in order.

Motion to approve the building permit for Thomas made by Rachel Goates. Seconded by Ray Evans.

All in favor. Motion carried.

Outbuilding Permit – T. Royce

T. Royce's application for an outbuilding permit was reviewed and determined to be straightforward.

Motion to approve the outbuilding permit for T. Royce made by Ray Evans. Seconded Bre Aagard.

All in favor. Motion passed.

Impact Fees Facility Plan Ordinance

The ordinance and study conducted for impact fees were presented, aiming at fair contributions from new community members. [See attached ordinance]

Motion to approve the impact fees facility plan ordinance to take effect in 90 days made by Ray Evans. Seconded by Bre Aagard.

All in favor. Ordinance passed.

Adequate Public Facilities Ordinance

The council discussed the ordinance which allows denying building permits if adequate services are not available. [See attached ordinance]

Motion to pass the ordinance implementing adequate public facilities made by Chris Chipping. Second by Ray Evans.

All in favor. Ordinance passed.

Water Conservation Action

The proposal discussed from earlier was revisited, leading to decisions on days and times for allowed watering.

No vote was needed on this agenda item.

Other Discussions

East Trailer Park Compliance

Further detail was sought on completing required improvements and compliance issues at the East Trailer Park.

Job Posting

It was noted that there has been a job posting for a receptionist as Judy is set to retire. Multiple applications have already been received.

Mayor/Councilmember/Department/Committee Reports

Committee Reports

There were various relevant community and planning reports provided by different members. For the Levan Pioneer Day celebration, the council members will help with serving dinner and watching over the dodgeball and tug-of-war games. Cheryl and Terry Stephensen have been named as the Town Grand Marshals. The Levan Fire Chief, Jared Rosquist is resigning from his position and there was some discussion about who might be replacing him.

Council Business

Approval of Minutes for June 13, 2024, Regular Meeting & Work Session

Council reviewed the minutes.

Motion to approve the meeting minutes of June 13, 2024, Regular Meeting & Work Session made by Rachel Goates. Second by Ray Evans. All in favor. Minutes approved. Result: Passed

Approval of Financials

Approval of Claims (6-1-2024 to 6-30-2024)

Approval of Payroll Comparison Report (5-1-2024 to 6-30-2024)

Approval of Final Cash Receipts Report (5-1-2024 to 5-31-2024)

Motion to approve the claims, payroll comparison report, and final cash receipts report for the month range provided made by Rachel Goates. Second by Ray Evans.

All in favor. Motion carries.

Public Comments

Public comments were addressed regarding door-to-door pest control sales and compliance with municipal ordinances for solicitation.

Executive Session

There was no need for an executive session.

Motion to adjourn the meeting made by Ray Evans. Seconded by Bre Aagard. Result: Passed

Meeting adjourned at 8:16 p.m.

Christine Carrigan, Clerk

LEVAN TOWN, UTAH

ORDINANCE NO. 07112024-01

AN ORDINANCE ADOPTING AN IMPACT FEE FACILITIES PLAN AND IMPACT FEE ANALYSIS AND IMPOSING CERTAIN IMPACT FEES; PROVIDING FOR THE CALCULATION AND COLLECTION OF SUCH FEES; PROVIDING FOR APPEAL, ACCOUNTING AND SEVERABILITY OF THE SAME, AND OTHER RELATED MATTERS

WHEREAS, On March 30, 2023, Levan Town, Utah (the "Town") posted notice as to its intention to prepare an impact fee facilities plan ("IFFP") and impact fee analyses ("IFA") for culinary water and electric impact fees and invited all interested parties to participate in the impact fee preparation process, consistent with UCA Section 11-36a-501 and 11-36a-503;

WHEREAS the Town is a municipality in the State of Utah, authorized and organized under the provisions of Utah law and is authorized pursuant to the Impact Fees Act, Utah Code Ann. 11-36a-101 et seq. to adopt impact fees; and

WHEREAS, on March 30, 2023, the Town posted notice of a public hearing on Utah's Public Notice Website, the Town's Website, and at the Town's administrative building to consider the assumptions and conclusions of the Impact Fee Facilities Plans and the Impact Fee Analyses.

WHEREAS the Town Council (the "Council") met in regular session on April 13, 2023, to convene a public hearing and to consider adopting the IFFP and IFA, imposing impact fees, providing for the calculation and collection of such fees, and providing for an appeal process, accounting and reporting method and other related matters; and

WHEREAS, on March 30, 2023, Jones & DeMille Engineering and EFG-Consulting LLC (collectively the "Consultants") certified their work under UCA section 11-36a-306(1);

WHEREAS, on April 13, 2023, after considering the input of the public and stakeholders and relying on the professional advice and certification of the Consultants, the Town adopted the findings, conclusions, and recommendations of the IFFP prepared by the Consultants, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, on March 30, 2023, the Consultants certified their work under UCA Section 11-36a-306(2);

WHEREAS, based on the input of the public and stakeholders and relying on the professional advice and certification of Consultants; and

WHEREAS, based on the input of the public and stakeholders and relying on the professional advice and certification of Consultants; and Town Library, and on the Town Website; and

WHEREAS, on March 30, 2023, the Town posted notice of the date, time and place of the public hearing to consider the IFA in three public places and on the public notices website, and on the Town Website; and

WHEREAS, on April 13, 2023, the Council held a public hearing regarding the IFA and the Impact Fee Ordinance; and

WHEREAS the Consultants in connection with the Town prepared a schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement. A copy of such Schedule of Fees is attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, after careful consideration and review of the comments at the public hearing, the Council has determined that it is in the best interest of the health, safety and welfare of the inhabitants of the Town to adopt the findings and recommendations of the IFFP and IFA to address

the impacts of development upon the culinary water and electric systems, to adopt the IFFP as proposed, to approve the IFA as proposed, to adopt the impact fees as proposed, to provide for the calculation and collection of such fees, and to provide for an appeal process, and an accounting and reporting method of the same.

NOW, THEREFORE, BE IT ORDAINED by the Council as follows: Section 1. Findings. The Council finds and determines as follows:

1.1 All required notices have been given and made and public hearings conducted as required by the Impact Fees Act with respect to the IFFP, the IFA, and this Impact Fee Ordinance (this "Ordinance").

2. Growth and development activities in the Town will create additional demands on its infrastructure. The facility improvement requirements that are analyzed in the IFFP and the IFA are the direct result of the additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the facilities needed to serve the growth and development activity.

3. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.

1.4 In enacting and approving the IFA including the impact fees recommended and this Ordinance, the Council has taken into consideration, and may consider on a case-by-case basis in the future, the future capital facilities and needs of the Town, the capital financial needs of the Town that are the result of the Town's future facilities' needs, the distribution of the burden of costs to different properties within the Town based on the use of the water and electric systems of the Town by such properties, the financial contribution of those properties and other properties similarly situated in the Town at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to the Town, and the impact on future facilities that will be required by growth and new development activities in the Town.

1.5. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.

Section 2. Definitions.

2.1 Except as provided below, words and phrases that are defined in the Impact Fees Act shall have the same meaning in this Ordinance.

2.2 "Service Area" shall mean that geographic area consisting of the entire Town.

2.3 "Project Improvement" does not mean system improvement and includes, but not limited to, those projects identified in the plans for the benefit of growth.

2.4 "Utah State Impact Fees Act" shall mean Title 11, Chapter 36a, Utah Code Annotated or its successor state statute if that title and chapter is renumbered, recodified, or amended.

Section 3. Adoption.

The Council hereby approves and adopts the IFA including the recommended impact fees attached and the analyses reflected therein. The IFFP and the IFA are incorporated herein by reference and adopted as though fully set forth herein.

Section 4. Impact Fee Calculations.

4.1 Impact Fees. The impact fees imposed by this Ordinance shall have one or two components depending upon the fee; an equity buy-in and a future facilities impact fee. The Impact Fee shall be calculated as set forth below.

4.2 Developer Credits/Developer Reimbursements. A developer, including a school district or charter school, may be allowed to receive a credit against or proportionate reimbursement of impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the Town and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements to the respective utilities or are dedicated to the public and offset the need for an identified future improvement.

4.3 Adjustment of Fees. The Council may adjust either up (but not above the maximum allowable fee) or down the standard impact fees at the time the fee is charged in order to respond to an unusual circumstance in specific cases and to ensure that the fees are imposed fairly. The Council may adjust the amount of the fees to be imposed if the fee payer submits studies and data clearly showing that the payment of an adjusted impact fee is more consistent with the true impact being placed on the system.

4.4 Impact Fee Accounting. The Town shall establish a separate interest- bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account.

a. **Reporting.** At the end of each fiscal year, the Town shall prepare a report generally showing the source and amount of all monies collected, earned and received by the fund or account and of each expenditure from the fund or account. The report shall also identify impact fee fund by the year in which they were received, the project from which the funds were collected, the capital projects from which the funds were budgeted, and the projected schedule for expenditure and be provided to the State Auditor on the appropriate form found on the State Auditor's Website.

b. **Impact Fee Expenditures.** Funds collected pursuant to the impact fees shall be deposited in such account and only be used by the Town to construct and upgrade the respective facilities to adequately service development activity or used as otherwise approved by law.

4.5 Refunds. The Town shall refund any impact fee paid when:

(a) the fee payer has not proceeded with the development activity and has filed a written request with the Council for a refund within one (1) year after the impact fee was paid;

b. the fees have not been spent or encumbered within six (6) years of the payment date; and

c. no impact has resulted.

Section 5. Appeal.

5.1 Any person required to pay an impact fee who believes the fee does not meet the requirements of the law may file a written request for information with the Council.

5.2 Within two (2) weeks of the receipt of the request for information the Town shall provide the person or entity with a copy of the reports and with any other relevant information relating to the impact fee.

5.3 Any person or entity required to pay an impact fee imposed under this article, who believes the fee does not meet requirements of the law may request and be granted a full administrative appeal of that grievance. An appeal shall be made to the Council within thirty (30) calendar days of the date of the action complained of, or the date when the complaining person reasonably should have become aware of the action.

5.4 The notice of the administrative appeal to the Council shall be filed and shall contain the following information:

- a. the person's name, mailing address, and daytime telephone number;
- b. a copy of the written request for information and a brief summary of the grounds for appeal; and
- c. the relief sought.

5.5 The Town shall schedule the appeal before the Council no sooner than five (5) days and no later than fifteen (15) days from the date of the filing of the appeal. The written decision of the Council shall be made no later than thirty (30) days after the date the challenge to the fee is filed with the Town and shall, when necessary, be forwarded to the appropriate officials for action.

Section 6. Recitals. The recitals set forth above are adopted and incorporated herein.

This Ordinance shall be effective as of October 9, 2024 (90 days after its adoption by the Council as outlined in the Impact Fee Act).

Brian Realy Mayor

Attested By:

Town Recorder



LEVAN TOWN, UTAH
ORDINANCE 07112024-02
AN ORDINANCE IMPLEMENTING AN
ADEQUATE PUBLIC FACILITIES ORDINANCE
FOR THE TOWN OF LEVAN

WHEREAS, Levan Town is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Levan Town Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the Levan Town Council finds it is in the public interest for the municipality to adopt an Adequate Public Facilities Ordinance for the Town of Levan and the adoption of this ordinance will serve that purpose; and

WHEREAS, the Levan Town Council finds the public safety, health, and welfare of the Town of Levan will be better served by the adoption of this ordinance.

NOW THEREFORE,

The Levan Town Council hereby ordains as follows:

1. That an Adequate **Public Facilities Ordinance** is established and adopted as follows:

Section 1.1. Adequate Public Facilities to be Available Concurrent with Development Approval (APF Requirement).

No request for development (including and not limited to: subdivision, single-family homes, multi-family homes, commercial buildings and outbuildings with utilities) approval, and no development permit or license shall be granted, approved, or issued unless the applicant has provided information necessary to establish that adequate public facilities in the area affected by the proposed development have been determined to have sufficient capacity available at the adopted level of service (LOS) standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat or final site plan approval.

Section 1.2. Essential Public Facilities.

Essential public facilities to which the adequate public facilities (APF) requirement applies include

the following:

- A.** culinary water system, including water quality, treatment, storage, transmission, distribution, and system capacity;
- B.** secondary water (pressurized irrigation), including source, storage capacity, transmission, and distribution;
- C.** sanitary sewer/septic systems, including treatment facilities, outfall lines, lateral, and collector lines;
- D.** storm drainage, including surface and subsurface, and flood control;
- E.** power, including adequate source, capacity, distribution, transmission lines, and redundancy;
- F.** transportation facilities, including streets, roads, highways, and intersections.

Section 1.3. Procedures.

An application for a development approval shall include information necessary to demonstrate that adequate public facilities will be available at the specified levels of service (LOS) within a reasonable period of time, following the issuance of a development permit for the proposed development. Such a determination may include the timing, phasing, and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth in this Chapter as they may from time to time be amended. The Reviewing Departments, Planning Commission, and Town Council may request additional information from the applicant to address the adequacy and availability of public facilities to include the culinary water system, secondary water (pressurized irrigation), sanitary sewer/septic system, storm drainage, including surface and subsurface and flood control facilities, power, transportation facilities and planning, including a traffic impact analysis.

Section 1.4. Level of Service Standards.

The level of service (LOS) standards by which the adequate public facilities requirement shall be measured are as follows:

- A. Culinary Water System.** Source, treatment, storage, transmission, distribution capacity and sizing to accommodate peak instantaneous flows with a minimum of

20 pounds per square inch (psi) pressure existing in the system at all points in order to comply with Utah Administrative Code R309-105-9.

B. Secondary Water (Pressurized Irrigation). This requirement shall be subject to review by the Reviewing Departments, Planning Commission, and Town Council to determine if it is reasonably attainable by the applicant based on the specific facts and circumstances posed by the proposed development.

C. Sanitary Sewer/Septic System. The applicant shall submit information demonstrating that the proposed development has an adequate sanitary system.

D. Storm Drainage, including surface and subsurface, and flood control facilities). This requirement shall be subject to review by the Reviewing Departments, Planning Commission, and Town Council which may require compliance with the design standards for storm drainage, including surface and subsurface, and flood control facilities as required by the Levan Town Design Standards and Public Improvement Specifications.

E. Power. Sufficient source, transmission and distribution capacity, sizing, and redundancy is required.

F. Transportation Facilities, including streets, roads, highways and intersections. Existing roads adjacent to or impacted by the proposed development can accommodate the anticipated traffic loads generated by the proposed development for a 20-year design period. The Town has adopted a Level of Service for all Town roads and streets.

Section 1.5. Compliance with Adequate Public Facilities Required.

If it is determined that adequate public facilities will not be available at the specified levels of service (LOS) within a reasonable period of time following the issuance of final development approval so as to assure that such services will be available at the time of occupancy of the new development being proposed, the Reviewing Departments, Planning Commission and Town Council, in the exercise of their discretion, may:

- A.** deny development approval;
- B.** defer final development approval and the issuance of building permits until all necessary public facilities are adequate and available;
- C.** require timing, sequencing, and phasing of the proposed development consistent with the available capacity of public facilities; or
- D.** allow the applicant to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of agreement, which may include, as appropriate, provisions for credits or

reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

Saving Clause

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Levan Town.

Effective Date

This ordinance shall become effective when passed, approved, adopted, and ordained, and after any required posting and/or publication has been accomplished according to law.

PASSED, APPROVED, ADOPTED and ORDAINED this 16 day of July, 2024

LEVAN TOWN:

By: Bruce Rowley

Bruce Rowley, Mayor

ATTEST: Christine Carrigan

Christine Carrigan, Recorder

