

Town of Levan
Town Council Work Session
Levan Town Hall,
February 12, 2026, 6:00 PM
Meeting minutes

Present at meeting: Mayor Tyler Shepherd, Council member Ray Evans, Council member Rachel Goates, Council member Jerry Spencer, Planning Commissioner Carol Bennett
Town Clerk Christine Carrigan
Meeting Recorder: Treasurer Chantal Rowley
Presenter: Shay Morrison (R6)
Public attending:

Work Session started at 6:00 PM

New Council Orientation and OPMA Training

Shay Morrison from the Six County Association of Governments conducted the annual Open and Public Meetings Act (OPMA) training for the Town Council and staff. Carol Bennett, who is filling the new planning position, also attended the training.

Before beginning the formal training, Morrison followed up on several pending items with the council. He confirmed that the CBD contract had been sent to the state, with the mayor having signed it, though there was some confusion about whether the state had received the signed copy. Morrison agreed to double-check on the status.

Morrison explained that OPMA training is required annually for both the council and planning commission members. He emphasized that he is not an attorney and his opinions are not legal advice.

The training covered the fundamentals of the Open and Public Meetings Act, which governs all public bodies in Utah. For Levan, the two main bodies subject to OPMA are the Town Council and Planning Commission. Morrison explained that public bodies are primarily those that allocate funds for the town.

Meeting Notice Requirements

Morrison outlined that meeting notices must include the date, time, and location of meetings, plus an agenda listing each topic on which action will be taken. He stressed that if an item isn't on the agenda, action cannot be taken on it until the next properly noticed meeting. He recommended also listing items that will receive extensive discussion, particularly hot topics in the community, to ensure public transparency.

Communities must also post an annual notice of their regular meeting schedule, typically done at the beginning of each year.

What Constitutes a Public Meeting

Morrison explained that a public meeting occurs when the public body gathers to discuss public business. For Levan's five-member council (including the mayor), a quorum is three members. If three or more council members gather and discuss public business, it constitutes a public meeting that must be properly noticed.

He advised that while incidental encounters at church, the park, or grocery stores are acceptable as long as public business isn't discussed, it's best to avoid such gatherings due to potential rumors in small towns. The key issue is that when a quorum is present, the body can take action, which shouldn't happen without public notice.

Council Member Ray asked about supermajority requirements, and Morrison clarified that while normal votes require only three of five members (60%), entering executive sessions requires a two-thirds vote, which means four members must vote to reach the 66% threshold.

The discussion revealed that Levan's Planning Commission has only three members, which Morrison noted is challenging since many communities struggle with attendance. He suggested the possibility of restructuring to have five members with two alternates, which would provide backup when regular members can't attend.

There was discussion about what happens when Levan reaches 1,000 residents and becomes a city. Morrison explained that cities typically have six-member councils where the mayor doesn't usually vote except in ties, though he couldn't find specific requirements mandating the change to six members upon becoming a city.

Recording Requirements

Morrison stressed that recordings should never be edited and must run from the start to the end of meetings. While communities edit written minutes, recordings must remain complete and unaltered. Recordings must include date, time, and place information and be made available to the public within three business days. Morrison noted that "made available" doesn't necessarily require posting online, though many communities choose to do so for convenience.

Minutes Requirements

Pending minutes (those not yet approved) must be made available within 30 days, while approved minutes must be posted within three business days of approval.

Emergency Meetings

For emergency situations, such as a water main break, the council must attempt to notify all members, get majority approval for the meeting, and post notice as soon as possible. Morrison noted that what constitutes an emergency is somewhat subjective and left to the council's judgment.

There was discussion about a previous situation involving a resident's building permit, where council members couldn't meet due to one member being out of town. Morrison clarified this would have been a special meeting rather than an emergency meeting.

Closed Meetings

Closed sessions require a two-thirds vote (four of five members) and can only be held for specific topics outlined in state code, including personnel issues, litigation, and contract negotiations. Morrison emphasized that no voting can occur in closed sessions - only discussion. Personnel discussions are exempt from recording requirements, but the mayor must sign an affidavit confirming that only allowable topics were discussed.

Regarding current hiring processes, Morrison suggested appointing a hiring committee (such as the mayor plus one council member) to conduct interviews and make recommendations to the full council, avoiding the need for closed sessions during the hiring process.

Electronic Meetings

Communities wanting to hold electronic meetings must have an ordinance governing such meetings. This requirement was implemented during COVID when many communities shifted to Zoom meetings. There was uncertainty about whether Levan has such an ordinance in place.

Morrison noted that streaming meetings to the public would likely fall under electronic meeting requirements. Mayor Shepherd recalled when meetings were broadcast on local cable channel 9, though viewership was minimal.

GRAMA Considerations

Morrison warned that essentially everything is potentially subject to Government Records Access and Management Act (GRAMA) requests, including closed session recordings if ordered by a court. He advised being careful about how things are said, noting that people typically get in trouble for how they say things rather than what they say.

There was discussion about email and text communications between council members. Morrison explained that one-on-one communications about public business could potentially be GRAMA-requested, and group texts or emails with a quorum present should be limited to informational items only, not discussion.

The council discussed transitioning to .gov email addresses, noting they already have a levantown.gov domain but haven't fully implemented it. Morrison suggested the state route (utah.gov) is easier to obtain than federal .gov domains.

Morrison advised against texting or emailing between council members during meetings, as all such communications are public record.

Training Requirements

Annual OPMA training is required for both council and planning commission members, along with conflict of interest forms that must be posted on the website. Planning commission members in communities over 5,000 population must receive four hours of annual land use training, though Morrison recommended such training for smaller communities as well.

He suggested the Land Use Academy of Utah (luau.utah.gov) as a resource for land use training, and mentioned that the Six County Growth Summit on May 6th in Richfield would provide several hours of relevant training.

Open Meeting Requirements

This agenda item had no specific discussion beyond what was covered in the comprehensive OPMA training above.

Quorum Voting

This topic was thoroughly addressed during the OPMA training discussion, covering both regular voting requirements (three of five members) and supermajority requirements for closed sessions (four of five members).

Morrison concluded the OPMA training and transitioned into additional orientation material for newly elected officials, covering budget processes, property taxes, and other municipal topics. He noted they had time until 7:00 PM and could proceed through the additional material.

The training continued with budget timeline information, explaining the fiscal year runs from July 1st to June 30th, with key deadlines including presenting preliminary budgets by the first May meeting and adopting final budgets by June 30th. Morrison noted that property tax processes are likely to change significantly this year due to pending legislation, with details to be covered at the May 6th growth summit.

Morrison explained property tax mechanics, emphasizing that Utah's system is revenue-driven rather than rate-driven. Even when property values change through reassessment, municipalities receive the same total revenue unless they go through truth-in-taxation procedures or experience new growth.

He outlined optional taxes available to municipalities, noting that Levan currently only has the telecommunications tax from when they operated cable services. Other options include municipal energy tax, highway tax, recreation/arts/parks (RAP) tax, and transient room tax.

Morrison concluded by discussing utility rate sustainability and providing a reference sheet for public hearing notice requirements for various land use and municipal matters.

Adjourn

Work Session adjourned at 6:51 pm.

Christine Carrigan, Clerk