

KAYSVILLE CITY COUNCIL  
July 21, 2022

Minutes of a regular Kaysville City Council meeting held on July 21, 2022 at 7:00 p.m. in the Council Chambers in Kaysville City Hall at 23 East Center Street, Kaysville, UT.

Council Members present: Mayor Tamara Tran, Council Member John Swan Adams, Council Member Mike Blackham, Council Member Abbigayle Hunt, Council Member Nate Jackson and Council Member Perry Oaks

Others Present: City Manager Shayne Scott (via phone), City Attorney Nic Mills, City Recorder Annemarie Plaizier, Community Development Director Melinda Greenwood, Information Systems Manager Ryan Judd, Parks and Recreation Director Cole Stephens, M. Bruce McGraw, Loraine Bourne, Dick Bourne, Ramona Porter, Gary Porter, Carole Walker, Jay Welk, Fawn Morgan, Gladys Moore, Sue Card, Martha Rushforth, Jed F. Barker, Scott Lloyd, Marilyn Lloyd, Valerie Cook, Jeff Fillin, Brian Griffiths, Jeff Robins, Connie Robins, Elizabeth Marsh, Dave Young, Camille Galbraith, H. Lynn Galbraith, Rob Dansie, Ann Marie Atkinson

**OPENING**

Council Member Hunt opened the meeting with a thought and led the audience in the pledge of allegiance.

**CALL TO THE PUBLIC**

Rob Dansie said that he is part of the Kaysville Historic Preservation Committee and there are many in the audience tonight in support of saving the library and figuring out what can be done with the building in the future.

**PRESENTATIONS AND AWARDS**

**ANNUAL OPEN MEETINGS ACT TRAINING**

Attorney Nic Mills explained that annual training on the Open and Public Meetings Act is required per state statute. The legislature wants local government to understand that they do the work of the public and that they are here on behalf of the public. There are two things that the Act requires: that public bodies should take their actions openly, and that they should conduct their deliberations openly. If the legislative body is going to be conducting business and taking action on things concerning the public, then the public has a right to at least be able to observe what is going on. Mr. Mills discussed the Ward V. Richfield City case with the council. Mr. Mills explained that the Act is a procedural thing and as long as the city complies with the procedure, the court will be forgiving.

**DECLARATION OF ANY CONFLICTS OF INTEREST**

No conflicts were disclosed.

## **CONSENT ITEMS**

Council Member Blackham made a motion to approve the following consent items:

- a. Approval of Minutes of June 16, 2022.
- b. Approval of Minutes of July 7, 2022.

The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Oaks, yea  
Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Hunt, yea  
Council Member Jackson, yea

The motion passed unanimously.

## **ACTION ITEMS**

### **TEXT AMENDMENTS TO VARIOUS ORDINANCES WITHIN TITLE 17 TO ALLOW MODEL HOMES, TEMPORARY CONSTRUCTION BUILDINGS, TEMPORARY TRACT OFFICES, AND TEMPORARY DEVELOPMENT SIGNS AS PERMITTED USES IN RESIDENTIAL ZONES**

Community Development Director Melinda Greenwood explained in 2021, the Planning Commission asked Staff to consider making model homes, sales trailers and signage for them as permitted uses because they felt it unnecessary that they be required to obtain conditional use approval. These uses often did not have any conditions placed on them, and they would have to come back for review annually. It seemed cumbersome for the applicants and created more workload for city Staff and the Planning Commission. Model homes, sales trailers and signage is currently allowed in residential zones, but requires Planning Commission approval for a conditional use permit. Changing these uses to a permitted use will allow Staff to process the applications administratively and will streamline the approval process. On June 23, 2022, the Planning Commission conducted a public hearing to discuss a proposed text amendment and no public comments were received. The Planning Commission voted unanimously to send a recommendation of approval to the City Council.

Mayor Tran opened the public comment period for this item.

There were no comments or questions from the public.

Council Member Oaks made a motion to approve the proposed text amendments to various Ordinances within Title 17 to allow model homes, temporary construction buildings, temporary tract offices, and temporary development signs as permitted uses in residential zones. The motion was seconded by Council Member Hunt.

The vote on the motion was as follows:

Council Member Blackham, yea  
Council Member Adams, yea  
Council Member Hunt, yea  
Council Member Jackson, yea  
Council Member Oaks, yea

The motion passed unanimously.

AN ORDINANCE ENACTING KAYSVILLE CITY CODE 17-7-5, “EXPLOSIVES PROHIBITED IN RESIDENTIALLY ZONED DISTRICTS”

Melinda Greenwood explained that this item was initially discussed last fall when the city was contacted by an ATF agent inquiring if the city allows for the manufacturing of explosives in a residence. After some internal discussion, Staff concluded that the city ordinances do not specify if we do or don't allow for this and it would be best to draft an ordinance prohibiting the manufacturing of explosives in residential zones. The proposed ordinance does just that, with a few exceptions. Class “C” Fireworks authorized by the State of Utah for retail sale would not be considered explosives for purposes of the code. Small arms ammunition and components thereof would be considered an exception, as would commercially manufactured black powder in quantities under fifty pounds. At their June 23, 2022 meeting, the Planning Commission held a public hearing regarding the proposed ordinance prohibiting manufacturing of explosives in residential zones. One citizen came forward with concerns that having model rocket motors shipped to his home and storing model rocket motors would be illegal if the ordinance were approved. The Planning Commission discussed the concern and determined to add an additional exemption to allow for commercially manufactured model rocket motors. The Planning Commission voted unanimously to recommend the approval of this enactment with the condition of drafting language to exempt model rocket motors from the ordinance. The Fire Chief, City Attorney, Building Official and Community Development Director met and agreed on language to comply with the Planning Commission's direction, which is listed as exemptions under Section 6(d) of the title.

Mayor Tran opened the public comment period for this item.

Bruce McGraw said that he has been a resident of Kaysville for several years and has held a federal explosive license with the ATF since 1982. He feels that approving this proposed ordinance is an example of typical government overreach. Explosive materials are defined by the ATF as all-inclusive. Mr. McGraw said that he first got interested in fireworks when he was thirteen and it eventually evolved into his having his own shop. He helped with the fireworks show for Kaysville City for fifteen years. He has always used his ATF license as a hobby, and does not transport explosives or manufacture them, other than flash powder that he mixed outside of his house or on-site where he would set them off. Federal law says that you can only manufacture fireworks in a building designated for explosives. If this passes, the city needs to send something to residents explaining what is and isn't allowed, as well as a list of what is considered as explosive materials as published by the ATF.

Council Member Jackson asked about Mr. McGraw's hobby.

Bruce McGraw said that when he applied for renewal of his ATF license in January, Officer Ingram, with the ATF, contacted the city attorney to discuss what is allowed in regards to handling and manufacturing fireworks, explosives and flash powder, also termed as a high explosive. Mr. McGraw said that, as a hobbyist, he typically uses flash powder, but he also will occasionally make smoke. The components to make the fireworks are stored separately and nothing is mixed indoors. When he was shooting fireworks for the city, they used his license so they could park the trailer down at Davis High. He has never bought or sold any fireworks. The license he has with the ATF says that he can do more than what he is doing, but these types of fireworks are all he has ever done and he has no interest in doing anything else. Mr. McGraw said that he understands that the city is concerned about him making more than just fireworks.

Council Member Jackson asked if there is a limit on how much of the materials can be stored on his property.

Bruce McGraw said that it does not matter as long as they are kept separate. Once the components are combined, the ATF considers this as manufacturing, which cannot be done in a building that is not designated for explosives or in a residence. Mr. McGraw said that when he does mix any of the components, it is in very small amounts.

Council Member Jackson asked if his license would be affected should this ordinance be passed.

Bruce McGraw said that he could continue to store the components for the fireworks in his home, and would be able to measure out the components at his house. He would likely just have to wait until he's on-site to mix them and set them off. Mr. McGraw said that he wasn't aware of the ordinance of 2016 that said that he couldn't mix these chemicals at his home.

Council Member Oaks asked Mr. McGraw about finding a different location to mix the chemicals and then transport that mixture to wherever he needed to.

Bruce McGraw responded that he wouldn't be able to transport any mixed chemicals without placing it inside a special container marked as "explosive material".

Attorney Nic Mills commented that the ATF had indicated to him that the license Mr. McGraw has does not limit Mr. McGraw from importing anything. He could potentially have high explosives, dynamite, C-4, and the like stored within his home. The city is concerned about having those types of high explosive items within a residential zone.

Melinda Greenwood added that the ATF has four classifications of licenses and the license that Mr. McGraw has held in the past is the highest of those licenses, meaning that he could potentially manufacture high explosives. This type of manufacturing of high explosives would only be allowed in our industrial zones. There are more layers of protection and safeguards with a commercially constructed building than in a residential home. Unfortunately, the intent of passing this regulation would be for the city to go back to the ATF to let them know that we have ordinances in place that do not allow for this type of use in residential areas. This likely means that Mr. McGraw would no longer be able to have the license that he has had in the past at his home.

Bruce McGraw commented that his current license does allow for point-of-use manufacturing. When his license expires in three years, he would be able to renew his license, unless the ATF approves a statute saying that no licenses would be permitted in any residential areas.

There were no further comments or questions from the public.

Council Member Jackson commented that he is not concerned about Mr. McGraw's intentions with holding his type of ATF license, but has concerns about other future individuals that may not be as prudent.

Council Member Oaks said that he appreciates the due diligence done by Staff and the Planning Commission to take the time to try to understand this situation.

Council Member Blackham made a motion to approve an Ordinance enacting Kaysville City Code 17-7-5, "Explosives Prohibited in Residentially Zoned Districts". The motion was seconded by Council Member Oaks.

The vote on the motion was as follows:

Council Member Adams, yea  
Council Member Hunt, yea  
Council Member Jackson, yea  
Council Member Oaks, yea  
Council Member Blackham, yea

The motion passed unanimously.

#### MAIN STREET REVITALIZATION PLAN ADOPTION

Melinda Greenwood explained that the Main Street Revitalization Plan was discussed as a work item at the July 7, 2022 City Council meeting. Based on that discussion, a final draft is being presented to the Council for approval. The Kaysville Main Street Revitalization Plan has been discussed for over two years now. UDOT has been involved in those discussions, as they own this portion of Main Street. Members of the community, including businesses and stakeholders have also been involved in these discussions. While Staff feels that there will likely need to be further amendments made to the plan, we feel that it is ready for approval so that Staff can begin to look for ways to fund this project. A cost estimate for the preferred option is \$2,363,000 in 2025 dollars.

Mayor Tran added that the city will continue to engage with the community about the plan, but in order to begin to find funding sources to help implement this plan, a plan has to be adopted. The library building is not included with this plan. The plan focuses more on a redesign of the road to make it a more walkable area and to create more parking for businesses on Main Street.

Council Member Blackham added that the city is not looking to implement this plan with city money but rather to really look at other sources, including UDOT, to get the funding.

Council Member Oaks commented that this is a good starting point for the city and the plan will revitalize this area of town.

Council Member Adams made a motion to adopt the Main Street Revitalization Plan, seconded by Council Member Jackson.

The vote on the motion was as follows:

Council Member Hunt, yea  
Council Member Jackson, yea  
Council Member Oaks, yea  
Council Member Blackham, yea  
Council Member Adams, yea

The motion passed unanimously.

Council Member Jackson encouraged the community to continue to provide input to the city. We want to do this project the right way and preserve the culture we have here.

## **WORK ITEMS**

### **LIBRARY BUILDING EVALUATION PRESENTATION/COUNCIL DISCUSSION**

Steve Cornell, with FFKR Architects, explained that their company was hired to do an assessment on the old library building. Mr. Cornell made a presentation to the City Council of their findings. Mr. Cornell said that the exterior envelope of the building is not performing well, but there are opportunities for improvement and remediation of these issues. There are certain issues isolated to limited areas. They feel that they can help to further prevent water intrusion through landscape and irrigation modifications. The exterior masonry walls need to be repointed. There needs to be repairs done to the exterior doors and windows. There will need to be some structural enhancements done, as well as the repair and stabilization of precast concrete elements at the entrances and cornices. The roofing membrane will need to be replaced. There will need to be repair done to the water damaged areas, wall finishes, flooring, ceilings, etc. The foundations will need to be insulated from the inside as well as the exterior wall. A seismic evaluation was done on the building and there were ten potential deficiencies found in the building, however some of these deficiencies may prove adequate upon further review. The two main deficiencies include deficiencies due to inadequate structural detailing, and deficient wood diaphragms.

Council Member Jackson asked if the exterior walls would need to be removed to address the structural renovations.

Steve Cornell responded that they would not need to do much dismantling of the building and likely would not have to touch any of the stone on the exterior walls. Mr. Cornell reviewed the conceptual construction cost estimate for the stabilization and remodel of the old library building with the city council. Mr. Cornell said that this building renovation can be catered to whatever the city has budget for and what the city wants to see done to the building. These conceptual costs are for construction only, are based on an open competitive bid basis, and do not include inflation.

This projected cost also does not include what the general contractor would add to the cost. The conceptual costs are in line with what new construction costs today and includes the seismic upgrade to the building.

Council Member Jackson asked about grants and funding the city might receive.

Steve Cornell said that there are opportunities from the state and UDOT to help get funding for this project.

Council Member Blackham asked about what it would cost to get detailed drawings drawn up in order to put a bid out for contractors. Typically, those drawings will cost about 6% of the estimated cost of the project.

Steve Cornell said that it would be 6-7% of the estimated cost of the project. The cost for design drawings has not been factored into the construction cost estimate, and would be in addition to them. Other soft costs have not been included in the construction estimate as well. However, grants could potentially be given to cover some of the soft costs.

Council Member Hunt asked if this building would become more costly to repair as time goes on, and if the building would be sustaining more damage if it were to remain in its current state.

Steve Cornell responded that the cost would continue to increase, especially with inflation costs. They feel that the building is in a fairly stable state and would remain so.

Mayor Tran said that she would like to see the building repurposed somehow. She would like to see this put out for bid to see if there is any interest from private companies who might be interested in locating something within the building, and would be willing to help to pay for renovation costs. The city might be able to offer some incentives or alternatives. The city has been told in the past that there are people interested in repurposing this building, and by putting this out to bid, we would be given the opportunity to see if there really is an interest and what that would be. Mayor Tran said she would also like to see the museum and historic preservation committees work towards finding grants or other funding to pay for the renovations. The city is aware of current inflation and cost for construction, and that this project will cost a lot of money. We all need to try to work together to see if there is a way to fund this outside of city funds.

Council Member Oaks said that nothing was mentioned in the report indicating that the building should be torn down. This building is part of Kaysville, and we need to have a plan for it. The city should have renovated it years ago when this was first discussed. If we find a way to repurpose the building, we might be able to find a way to help generate revenue for the city.

Council Member Adams said that it would be expensive to tear the building down. The only way to have old buildings is to keep them around. The pattern around the country seems to be to tear old buildings down, but we need to think in a new direction. We need to come up with a plan of action, rather than just continuing to talk about it. Our museum and historic preservation committees can't do it on our own. They need a commitment from the city that we will try to keep the building.

Council Member Oaks said that the city should come up with a decision of what we would like the

building to be used for, and then ask the committees to help to make that happen.

Council Member Hunt commented that Main Street wouldn't be the same without the old library. The old library is part of the city's identity. We need a plan so that we can move forward and get it done.

Parks and Recreation Director Cole Stephens commented that there has always been three options for the building: restore it, demo it, or look at what else could be done with the building. Staff is looking for direction on what the city would like to have here, and how it can be done. Mr. Stephens said that Staff could create an RFP so businesses in our community can let us know if they have any interest in being part of this and help provide a vision of what they want for the building.

Council Member Blackham said that the city had over a \$1 million deficient in our budget this year and the council decided to use "rainy-day" funds to cover that cost. We are very conscientious about the city budget right now and if there are other parties interested in participating in this, we need to get a commitment from them. It seems that the first step in this process would be to get detailed drawings made up.

Mayor Tran commented that we also need to consider what we would do next if we don't receive any responses to the RFP.

Council Member Blackham said that the city might have to consider getting a bond.

Steve Cornell commented that if the city decides to have design drawings done, the city should consider bringing the contractor on early to help in the design process. The city could renovate the building just as a shell, and then the tenant would have to front the costs for tenant improvements to the building. It would bring design cost down because we wouldn't be designing the space being used by the tenant.

Council Member Jackson said that this project is about preserving our culture in the community, but it also needs to be about better strategic planning and using the building for whatever fits best for the area. We might have to come up with creative ways to save the building because the costs being presented are very concerning. It makes sense for the city to cover the cost for the shell of the building. Council Member Jackson said that he liked the idea of having a space in the building to highlight Kaysville's history, as well as having an active art space.

Cole Stephens added that the city could also do an RFB for engineering services. Mr. Stephens thanked FFKR Architects for their work because it has gotten us to this point tonight.

Mayor Tran suggested that the city also reach out to businesses, realtors, and developers in the area to let them know about the RFP once it is posted.

### **COUNCIL MEMBER REPORTS**

Council Member Oaks said that he had been working with Loretta Cole, who is over the CERT program, and she expressed the lack of funding and the need for a radio repeater so that members of CERT could communicate with other members more easily in the case of emergency.

**ADJOURNMENT**

Council Member Adams made a motion to adjourn the City Council meeting at 8:55 p.m., seconded by Council Member Oaks and passed unanimously.