

SOUTH JORDAN CITY  
CITY COUNCIL ELECTRONIC STUDY MEETING

February 16, 2021

**Present:** Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Jason McGuire, Council Member Don Shelton, Council Member Tamara Zander, CM Gary Whatcott, ACM Dustin Lewis, City Attorney Ryan Loose, Engineering Director Brad Klavano, Police Chief Jeff Carr, Administrative Services Director Spencer Kyle, Planning Director Steven Schaefermeyer, Public Works Director Jason Rasmussen, CFO Sunil Naidu, City Recorder Anna Crookston, Communications Manager Rachael VanCleave, City Commerce Director Brian Preece, Strategic Services Director Don Tingey, Fire Chief Chris Dawson, IT Director Jon Day

**Others:** Attendance electronically via Zoom.

4:30 PM  
STUDY MEETING

**A. Welcome, Roll Call and Introduction:** *By Mayor Dawn R. Ramsey*

Mayor Ramsey welcomed everyone present. She introduced the electronic meeting.

**B. Invocation:** *By CFO, Sunil Naidu*

CFO, Sunil Naidu offered the invocation.

**C. Mayor and Council Coordination**

Council Member Marlor asked for an update on the road projects. City Engineer, Brad Klavano said Rocky Mountain Power finally got out there yesterday and is trying to get the power line out of the way. If it's successful they're going to be setting the rest of the boxes for the culvert this week and weather permitting, the plan is to open up the road towards the end of next week. Mr. Klavano added, unfortunately, utility companies delay the projects, and now that winter has finally hit we are hoping it doesn't delay them too much. Mr. Klavano said the River Heights and 10400 south closure will be from Sunday, February 28 to Saturday, March 6. Work began on the storm drains taking away the dual lefts from South Jordan Parkway onto River Heights south and north which has created some traffic issues. He added UDOT is still on time to close 10400 south the first of May, with a completion date of November.

Mayor Ramsey asked for an update on communication about the Bingham Court project. CM, Whatcott said an all-employee information sheet was sent out and the same can be prepared to send out to the school district. Mayor Ramsey said she would appreciate the school district staff being notified and wants to make sure staff is aware of the opportunity and the process to apply. City Commerce Director, Brain Preece said two employees are preparing to make offers and added he has been working with John Larson to put out information on the down payment program.

Council Member Zander said it has been brought to her attention Ivory Homes is not paying commission to agents who bring buyers for these project units and added she is extremely disappointed and shocked if this is the case because it was never disclosed by them. She noted it should be industry standard and they have a responsibility to pay agents who bring buyers to these affordable housing units and asked if anyone else has more details or who to reach out to with Ivory Homes.

Mayor Ramsey said she has not heard that and asked if anybody had any other insight. Mr. Preece said he has not heard that either. Mr. Preece and Mr. Whatcott gave some suggestions for a point of contact with Ivory Homes. Council Member Zander requested Mr. Preece and Mr. Whatcott join her in contacting Ivory Homes. Mr. Preece said he didn't recall it being discussed one way or another, and certainly not that they wouldn't pay. Mr. Whatcott said it is not any of the agreements that the commission is included. Council Member Zander said she would appreciate the help sending communication to them.

Mayor Ramsey noted in the Friday fax email from the league it is time for the "Why I like my Community" Essay Contest. She said a few years ago someone from South Jordan won and added the information is on the league's website. She elaborated it is for fourth and seventh graders because that is when Utah history is studied. First place winner receives \$500 and \$1,000 for their school, second place is \$300 and \$750 for their school and third place is \$100 and \$500 goes to their school. She went on to say they also have the chance to read them on video and that would highlight their city. The kids get to come and read those in person or on Zoom at the League of Cities and Towns Conference. She requested staff to advertise to the schools to get their participation. She said it gives the students a chance to earn money to be used as scholarship money and to bring in some money to their schools. Mr. Whatcott said he would get with Rachael Van Cleave to come up with a plan. He said it won't be a problem to share and get the kids participating in the program.

Council Member Zander said it is so important to get the youth involved and is a terrific exercise for them to get involved and appreciate their community. She recommended an email be sent to all the elementary and junior high schools inviting them to participate. Mayor Ramsey concurred and asked Mr. Whatcott and Ms. Van Cleave to send an email and advertise it on social media.

#### **D. Discussion/Review of Regular Council Meeting**

Mayor Ramsey reviewed tonight's agenda. She asked City Attorney, Ryan Loose to go over Action Item I. Mr. Loose said as part of the annual audit there is some items the auditors would like to see and the Fraud and Abuse Hotline is one of those items. It is a hotline for the public, employees, or volunteers to anonymously report if they think there might be fraud or abuse happening by someone in the city. He explained it is up to individual any given department's discretion as to how it is routed to be investigated. The information will be added to the city website.

CFO, Sunil Naidu added the final item to complete after the hotline to be considered a low-risk city is for the Mayor and Council to watch some training videos through the State Auditor's Office. He will be forwarding the video link to have them complete the video by June 30. Mr. Loose said the annual disclosure form from this year was related to what was suggested by the auditor as well.

#### **E. Presentation Item: Art Council Report and Discussion. (By Laura Gailard, Arts Council Chair and Melanie Kirkland, Art's Council Vice-Chair)**

Mayor Ramsey welcomed Art's Council Chair, Laura Gailard, Art's Council Vice-Chair Melanie Kirkland, and Art's Program Coordinator, Haley Greene.

Ms. Gailard and Ms. Kirkland, reviewed a prepared presentation (Attachment A).

Mayor Ramsey expressed her appreciation for continuing the program considering the unique circumstances of 2020. She said the city is working hard with Salt Lake County and Daybreak has

dedicated a parcel of land to the County for a performing arts center. There is no funding for it right now and it is years down the road but the plan is to continue to work together to try and make it happen.

Council Member Zander asked if the mural being painted under the tunnel of 11400 south, by Daybreak Lake was theirs. Ms. Gailard said there are three tunnels. Two are controlled by UDOT and the other is controlled by Daybreak. Daybreak Art's Council painted the first mural. She said now that there are contracts in place with UDOT, we can do the other two or in conjunction with Daybreak.

Council Member Jason McGuire thanked Ms. Gailard, Ms. Kirkland, and Ms. Greene for all their work, support, and dedication to make sure art moves forward in South Jordan.

Mayor Ramsey said she likes the idea of traveling sculptures.

Council Member Patrick Harris said they have done a great job. He looks forward to the direction the arts council continues to go.

Mayor Ramsey asked if they have chosen the show for this fall. Ms. Gailard said the show would be decided once a director is chosen and added they are excited to have such a high caliber of directors applying.

**F. Discussion Item: Home Business & Alcohol Licensing Request. (By Bart Mensinger, Resident)**

Bart Mensinger, located at 11286 South 445 West in an agriculture zone with 5 acre lots. He said 2020 was an interesting year for everybody. He owns a business down in American Fork that was dramatically impacted by COVID, with about a 95% drop in our sales. It made him focus on the value of self-sufficiency, and what he could do differently with his property. He concluded he wanted to plant grapevines. He ran the numbers and has what he wants to accomplish out of a business. He looked into licensing with the state and the tax and trade rules of the federal government and they seem easy and straightforward, but when he looked into the business licensing there is an issue with the city. There is no option for manufacturing. He added he has no intention to sell only to manufacture and sell to state liquor stores. There are other municipalities nearby that have the option. The difference in cost is why he is wanting to do it from his property.

Mayor Ramsey clarified Mr. Mensinger's request to grow grapevines on his property and open a winery, to sell to the state liquor stores. She deferred to staff to give direction.

Mr. Loose said there are two aspects. One is the land-use zoning to use your land and the second one is the licensing. As he understands the second part of the licensing is there is not a manufacturing license. He said if the council wanted to move in that direction there would need to be language created appropriate to manufacturing and use their discretion to adopt it or not. The other part is land use. He asked Planning Director, Mr. Schaefermeyer if he is allowed to grow for production in that zone.

Mr. Schaefermeyer said he spoke with Mr. Mensinger before this and based on the information given, he can grow grapes on his property. He said he has a large property in the residential R-1.8 zone. As long as he's not running a business on the property, meaning he doesn't have employees or customers coming to the home, from a zoning standpoint, he can grow grapes and turn them into grape juice. The issue is fermenting the grapes and turning them into wine. Zoning then defers to business licensing. He added you're allowed a home business through business licensing. Zoning looks at the size and scale. If you

have the space for growing grapes and turning them into juice is an accessory to residential use, once it turns alcoholic is where you hit a snag.

Mr. Preece said in the past a local restaurant was purchasing equipment to do a micro-brewery. They started the application process which started the same conversation with the council. However, the equipment sold to someone else, the application was withdrawn and the process to change the ordinance to allow manufacturing of alcohol as a home occupation, restaurant, or otherwise did not continue. He said if it is something the council wants to explore, a new licensing category would need to be created.

Mr. Whatcott suggested if we go this route to have a broad perspective because this won't be the only property with interest in manufacturing alcoholic products and it can't be done for one property. He said it is not surprising Mr. Mensinger is requesting this because there is a trend in small batch production of distilled spirits around the nation.

Council Member Marlbor said he has no issue with people brewing beer or making wine in their own homes. It is taking the next step to where you're doing it for profit and added there could be ramifications with people coming to any residents for any kind of manufacturing. He understands that is not what Mr. Mensinger is implying, but wants to be careful. He asked when fermenting is there any kind of odor, that is generated from that process.

Mr. Mensinger said wine is different than distilled liquor. With distilled liquor, there would be concerns in that regard. He added to the best of his knowledge and by limited experience, there wouldn't be an odor, it is grape juice in a barrel getting older over time. There would be no concerns of safety or smell.

Council Member Harris said he understands Mr. Schaefermeyer's explanation but wants to better understand what the risks to the city will be.

Mr. Schaefermeyer said from the zoning perspective, zoning ends at alcohol. The concerns from zoning when it comes to alcohol are the same with any business. The impact on neighbors with odor, traffic, customers, or employees coming to the home. If it is Mr. Mensinger and his family who lives with him growing, picking, and turning the grapes into juice, leaving alcohol out of it creating a product and sold elsewhere, from a zoning perspective it would be allowed.

Mr. Preece said business licensing has similar concerns. He added the problem currently is it isn't allowed and the current ordinance would need to be changed to allow it.

Council Member Harris said he knows the serving of alcohol is regulated. He asked if there is anything we need to be aware of for manufacturing exposure in the city. Mr. Loose said one of the requirements in any proposed ordinance given a manufacturing license follows all of the required safety requirements and building codes. It would all be checked through the review process. From there it is whatever the state requires.

Council Member Harris asked if there a risk when the wine being manufactured is served to guests. Mr. Loose said generally no, there are many home hobbyist home brewers and make all different kinds of alcoholic beverages. As long as it is not being sold, you can serve and consume it. The hard part is enforcing it when people use the guest idea to do something else. It would need to be put in the ordinance to prevent that behavior.

Council Member Harris asked if there would be an issue of naming the city in a lawsuit from liquor liability exposure for authorizing such an operation that may be out of the norm. Mr. Loose said not if the ordinance is specific in manufacturing rights. He added as long as we're not authorizing any sale or consumption on the premises, it is not the city's liability. The same with the manufacturing as long as our ordinance is manufacturing only, and specifically prohibits it. If we knew about it and refused to enforce it, maybe then.

Council Member Harris asked if the same regulations for a home business would be the same as a commercial zone. Mr. Loose said we would want to put requirements in the ordinance to be the same as a commercial zone for a home business of manufacturing for sale. They would still need to meet the health and safety guidelines you otherwise would have to. He added not a lot of time has been spent on researching how to draft a manufacturing ordinance for alcohol or wine. He said time would need to be spent making sure the city is insulated from any exposure and also, protect the customers. If the State of Utah is buying the product he imagines they'll have their own high regulations.

Council Member Harris said his concern is he doesn't have all the answers about how the home business alcohol manufacturing works. If they're able to skirt around regulations that a normal full-blown commercial operation would have to follow would there be fewer standards or easier protocols and procedures? He asked could a situation arise where the city becomes known to allow easier ways around the regulations with alcohol. He recommends being very cautious and do a lot more digging to look into getting more answers.

Council Member Marlor said there are a lot of different things you can do when manufacturing from a home and as long as it's not retail he has been supportive of doing some of those things and as long as there is an ordinance or legislation that allows it. He cautioned Mr. Mensinger to be careful about neighbors who see friends coming over and if there is drinking it may appear to the neighbors of sales going on. He asked if this home business would require additional outbuildings to accomplish the process.

Mr. Mensinger said he has mapped it out in his basement where he hopes to have it and does not find outbuildings necessary. He said with the state manufacturing permit it's required to provide an outline of the premises and where the manufacturing will take place. He added he is not lacking square footage with an unused full basement, guest house, and barn on the property. No new construction would be required.

Council Member Zander asked if the neighbors know about Mr. Mensinger's intentions, are there any intentions to hire any employees, and what are the plans for transporting the wine to the liquor stores. Mr. Mensinger said yes, he is on good terms with his neighbors and they seem fairly supportive of the idea. From his perspective, the main fear on the street is neighbors dividing their 5 acre lots to create subdivisions. He said in talking with the zoning department his scope needs to be limited to what he can do onsite without bringing in additional help. He said as for transportation he has not thought about that until the question was asked. He is unsure what the requirements are but is happy to abide by any rules set.

Council Member Zander said if he were to get permission to do this, he would be manufacturing on his property, in his basement by himself. Mr. Mensinger responded he has researched to know how much he can manufacture per season by himself. His hopes in the future are more grandiose. If it's successful he wants to open up a commercial location on a main street to offer the full experience he is wanting it to be. He said there will be a five-year test program to be able to have enough product to take to market. Council Member Zander noted she lived in California and said the wineries are beautiful. She said she doesn't drink but attended a few wine tasting events that were wonderful, but she doesn't want to see the

residential areas turn into that. She said it would be a great addition to a commercial area and she appreciates Mr. Harris's comments about concerns of liability and concurs with Mr. Marlor supporting businesses and locally owned businesses, especially during this time. She added she is not opposed to it but needs more questions answered before endorsing it. Also, she would like to get the neighbor's thoughts and make sure they're comfortable.

Council Member Shelton asked for clarification that outside of the alcohol, this would be an allowed use. Mr. Schaefermeyer said something he can do right now is grow the grapes, pick the grapes and make them into juice. The sale of it would be deferred to business licensing. He mentioned there was a conversation about the challenges of a larger commercial operation at this location, requiring a whole rewrite to change the property to a commercial zone. He added there is development pressure in this particular neighborhood. The neighbor to the south has submitted a concept plan for the property to be subdivided into a cul-de-sac with an R-1.8 zone.

Council Member Shelton said for the size of the operation being proposed and if it was to produce grape juice instead of wine and sell the grape juice, would it be an allowed use. Mr. Preece said there are limits set on the number of trips per day. It is also dependent on some agricultural exemptions in state law. The difference is the alcohol aspects of it. He added the thing to remember is this would allow it throughout the city and not just this property but for anyone who met the standards and same criteria.

Mr. Whatcott said there is not an ordinance currently that allows the manufacturing of alcoholic beverages. When manufacturing an alcoholic beverage it adds a whole new aspect than manufacturing juice. He said the direction needed tonight is if this is something they want to do. An ordinance will need to be created on a more broad scope for city-wide, not just this property. He added it's trying to find that balance to keep the integrity of the neighborhood zone intact, as well as allowing individuals to use their property in a way that's meaningful to them.

Mayor Ramsey asked over the course of the next five years what the output goal is to be able to start selling to the State Liquor stores. Mr. Mensinger said in maximizing what he's capable of doing himself, it'd be about 10,000 bottles per year. The fermenting takes place in about 100 barrels that will be stored in the basement and bottled when they are ready to be sold to the state.

Council Member Harris said with this not being limited to just the applicant and by allowing it, what could this open it up to. What limitations could be put out there and not put out there in regulating this? Mr. Loose said from a staff perspective drafting a regulation applied city-wide. If inclined to go this direction, we would look at what the best practices are, ways to regulate it and bring back recommendations and a framework. He added Mr. Mensinger can apply for a text change to do the same thing. Depends on if you want staff to work on it or for him to come back with a proposal.

Council Member Harris said he has seen the commercial distilleries with the massive containers. He asked could we get ourselves to that point of allowing large structures to accommodate this type of operation. Mr. Loose said there are height limits that would do that. The limits are prohibiting how much of your property you can start to fill up with buildings with accessory buildings and how much of a footprint they can take up. He said the use chapter is what we can use to determine that and see how it relates to licenses given out.

Council Member Harris said if we're going to get into the business of allowing alcohol manufacturing it has a very wide scope and how it's done. He said 32 feet could accommodate some pretty big industrial

size distillery-type operations that could start going into backyards. He added if we open this up, we need to be able to keep it pretty limited.

Mr. Loose said one self-limiting factor, at least as a home occupation is how much the individual or family can physically do since they can't have employees. There's a difference between the total production you might be able to do on five acres, versus what one person might be able to do on that five acres for one family.

Mr. Preece said you would want to limit it to what is grown on the property and not to allow them to bring in grapes if they can't grow enough.

Mr. Whatcott said this will open it up to a lot of inquiries. The pizza store across the street could have had an operation and production of beer, contained inside their building and on-site. Once we breach this one time this won't be the end of inquiries.

Council Member Zander suggested Mr. Mensinger take the feedback from tonight and come back with a written proposal. She added from there we can take steps and staff time if that is the direction we go in.

Council Member Harris said he thinks the applicant has good intentions. His concerns are not with the applicant, it's what opening it up does. He said Mr. Whatcott gave good advice, it's not going to be the last we hear of it. He said he has concerns of looser standards, than what a commercial zone would have for alcohol manufacturing than in residential neighborhoods. Based on the information that he has currently, he would not be in favor of it. He added he would need a lot of questions answered before he can get comfortable with this.

Council Member Marlor said there would have to be several hurdles for anyone to be able to manufacture out of their home. Very small things he understands, but thousands and thousands of bottles of wine to be sold ups the ante a bit. He is wondering how to craft an ordinance for a home occupation license that that allows Mr. Mensinger to do this and not open up ourselves to some serious issues. He said he realizes not everybody has five acres, but traditionally if you have that much acreage we're not going to let you open up a manufacturing site in a residential environment. That's just not a home occupational license that's a commercial or industrial application. He expressed concern if there was legislation allowing something like this. He said he wants to look at what Mr. Mensinger put together. He has reservations about being able to have the right type of scope.

## ADJOURNMENT

**Council Member Shelton made a motion to adjourn. Council Member Zander seconded the motion. The vote was unanimous in favor.**

The February 16, 2021 City Council electronic study meeting adjourned at 6:19 p.m.

**This is a true and correct copy of the February 16, 2021 City Council Study Meeting Minutes, which were approved on March 2, 2021.**

*Anna Crookston*

**South Jordan City Recorder**



SOUTH JORDAN  
Arts Council



# 2020 in Review



## **LIGHT POLE BANNERS:**

DISPLAYED ON BECKSTEAD LANE AND  
SOON TO BE ON TOWNE CENTER DRIVE

## **CROSSWALK MURALS:**

POSTPONED UNTIL A LATER DATE

## **TRAIL WALL MURALS:**

- UDOT CONTRACT EXECUTED
- CURRENTLY ACCEPTING APPLICATIONS

# 2021 Arts Council Programming

**ARTIST ON DISPLAY:** YEAR-ROUND

**WRITERS CONTEST:** SPRING 2021

**TRAIL WALL MURALS:** SUMMER 2021

**UTILITY BOX WRAPS:** SUMMER 2021

**ANNUAL ART SHOW:** FALL 2021



**FEBRUARY 2021 AOD: MIKE WARREN**



# Theatre Production

**DATE:** FALL 2021

**DIRECTOR:** CURRENTLY RECRUITING

**LOCATION:** COMMUNITY CENTER  
OR SCHOOL AUDITORIUM RENTAL





# Circulating Sculpture Program

## INFORMATION:

- 5 LOCATIONS WITH MOUNTED BASE PLATES FOR SCULPTURES
- SUBMISSIONS ARE EVALUATED AND CHOSEN BY THE ARTS COUNCIL
- ARTISTS RECEIVE STIPEND & CITY RETAINS A PERCENTAGE OF SALES
- 1 YEAR DURATION





# St. George - Art Around the Corner

ARTAROUNDTHECORNER.ORG



**"EGGHEAD"**  
BY KIMBER FIEBIGER



**"ARC OF PEACE"**  
BY LORRI ACOTT



**"BOXELDER SEED II"**  
BY NATHAN JOHANSEN



**"A WINDOW IN TIME"**  
BY RICHARD PRAZEN

# City Council & Staff Feedback

**PROGRAMMING SCHEDULED FOR 2021**

**THEATER PRODUCTION**

**CIRCULATING SCULPTURE PROGRAM**

