

MINUTES OF THE SALT LAKE CITY COUNCIL SPECIAL MEETING

FRIDAY, MARCH 29, 2019

The City Council met in Special Session on Friday, March 29, 2019 in Room 326, Committee Room, City County Building, 451 South State Street.

In Attendance: Council Members Amy Fowler, Chris Wharton, Erin Mendenhall, Charlie Luke, James Rogers, and Analia Valdemoros.

Absent: Councilmember Andrew Johnston

Staff in Attendance: Cindy Gust-Jenson, Council Executive Director; Jennifer Bruno, Council Executive Deputy Director; David Litvack, Mayor's Deputy Chief of Staff; Catherine Brabson, Senior City Attorney; Katherine Lewis, Senior City Attorney; Joel Nelson, Airport Property and Real Estate Manager; Brady Fredrickson, Airport Director of Planning and Environmental; Marco Kunz, Senior City Attorney; and Kory Solorio, Assistant City Recorder.

Guests in Attendance: Robert Mansfield, Mitchell Barlow & Mansfield, P.C.; Neil Kunz and Dick Kunz, property owners.

Councilmember Luke presided at and conducted the meeting.

The meeting was called to order at 10:03 a.m.

MEETING ITEMS

#1. [10:03:58 AM](#) BRIEFING REGARDING AND CONSIDERING ADOPTING A RESOLUTION FOR A REQUEST FROM THE DEPARTMENT OF AIRPORTS THAT WOULD AUTHORIZE EMINENT DOMAIN PROCEEDINGS REGARDING AVIGATION (AIRSPACE) EASEMENTS BURDENING PORTIONS OF REAL PROPERTY NEAR THE TOOELE VALLEY AIRPORT IN TOOELE COUNTY.

Joel Nelson briefed the Council regarding eminent domain proceedings. Comments included: funding opportunities, proposed resolution, and State law.

[View materials submitted by Landowners](#)

Robert Mansfield, representing the property owners, briefed the Council about legal aspects concerning the eminent domain process. Comments included: issues with the City's process of eminent domain proceedings, failure to comply with statutory obligations, lack of opportunity for the property owners to make a presentation to the Council, prior process (2007) to take eminent domain, lack of reasonable negotiation with landowners, obtaining

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a new appraisal (by the City), procedural fairness, and requesting the Council not approve the proposed resolution.

Neil Kunz and **Dick Kunz**, property owners, briefed the Council with a [PowerPoint presentation](#). Comments included: concern with the lack of proper engineering on the project, right of flight, property background, Federal Aviation Administration (FAA) Building Restriction Line (BRL), Airport Layout Plan (ALP), FAA grant funding, violation of the Uniform Act, fair property value, approach surfaces, easement distance demonstration, amending the resolution, and purchase of the entire property by the City.

The Council entered into Closed Session at 10:32 a.m. (see item 4 below) and reconvened at 11:12 a.m.

[11:12:23 AM](#) Councilmember Fowler moved and Councilmember Mendenhall seconded to **adopt [Resolution 6 of 2019](#) and further moved to encourage the parties to negotiate in good faith for the City to acquire the real property**, which motion carried, all members present voted aye.

STANDING ITEMS

#2. [11:12:55 AM](#) REPORT OF THE EXECUTIVE DIRECTOR, INCLUDING A REVIEW OF COUNCIL INFORMATION ITEMS AND ANNOUNCEMENTS. *The Council may give feedback or staff direction on any item related to City Council business, including but not limited to scheduling items.*

Cindy Gust-Jenson said at the Tuesday, April 2, 2019, Council meeting, the Council would consider adoption of a joint ceremonial resolution with the Mayor supporting the United Nations treaty on the prohibition of nuclear weapons. She said the Noble Peace Prize-winner would be in attendance at the meeting and the Mayor's office was having a reception prior to the meeting (the Mayor would be out of town) and the Council was invited to act in a hosting capacity.

#3. REPORT OF THE CHAIR AND VICE CHAIR

Item not held.

#4. [10:32:59 AM](#) CONSIDER A MOTION TO ENTER INTO CLOSED SESSION, IN KEEPING WITH UTAH CODE §52-4-205 FOR ANY ALLOWED PURPOSE.

Councilmember Mendenhall moved and Councilmember Fowler

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seconded to close the public/property owner comment period and enter into Closed Session to discuss pending or imminent litigation pursuant to Utah Code §52-4-205(1)(c); and to discuss the purchase, exchange, or lease of real property pursuant to Utah Code §52-4-205(1)(d), Utah Open and Public Meetings Law. A roll call vote was taken. Council Members Wharton, Luke, Valdemoros, Mendenhall, Fowler, and Rogers voted aye. See File M 19-1 for [Sworn Statements](#).

In Attendance: Council Members Mendenhall, Fowler, Luke, Rogers, Valdemoros, and Wharton.

Absent: Councilmember Johnston

Others in Attendance: Cindy Gust-Jenson, Jennifer Bruno, Catherine Brabson, Marco Kunz, Joel Nelson, Brady Fredrickson, David Litvack, Katie Lewis, and Kory Solorio.

The Closed Session adjourned at 11:06 a.m.

The Work Session meeting adjourned at 11:13 a.m.

COUNCIL CHAIR

CITY RECORDER

This document is not intended to serve as a full transcript as other items may have been discussed; please refer to the audio or video for entire content pursuant to Utah Code §52-4-203(2)(b).

This document along with the digital recording constitute the official minutes of the City Council Special meeting held March 29, 2019.

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