

Indian Hills Elementary—School Community Council (SCC)  
Meeting Minutes  
September 2, 2020  
7:30 a.m. on Zoom

In attendance:

SCC Committee Members: Tom Luthy, Keli Beard, Kim Johnson, Katie Moore, Roshawn Starr, Barb Dahl Fassel, Elliot Lof, Robyn Rudge

Others: Suzanne Kingsford, Aimee Burrows, Kristina Kindl, Steve Rich, Rebecca Pittam, Brad Bush, Kristie Gurgel, Buckd (Sarah), Paul Schulte, Melissa Ford, Scott Stone

1. Welcome:

- a. Katie Moore conducted the meeting. The meeting was called specifically to discuss the SCC's involvement with concerns raised by community members regarding the cell towers located on Indian Hills Elementary School.
- b. Katie presented a timeline of events, starting from when the Salt Lake City School District (District) executed the telecom lease with T-Mobile (or its predecessor-in-interest) to the date of the meeting. The timeline is attached as Exhibit A to these minutes.
- c. Barb Fassel asked the District for an update regarding the District Superintendent meeting with the community members. Rebecca responded that she had worked with Brad and the District to exchange relevant information, but at Brad's request, she will no longer be working on this issue.

Rebecca indicated that the District's position is that it trusts the FCC and its recommendations, the towers are safe, and that, after consulting with counsel, T-Mobile has not breached its agreement.

Rebecca stated that the District has delegated its authority to Kristina Kindl on this matter and that all information and communication should now be directed to Paul and Kristina.

2. Community Member Conversation: Katie turned the time to community members and requested that each make a specific request of the SCC.

- a. Brad Bush.
  - i. Brad said that he's heard from many concerned community members about the safety of the cell towers and about the process by which the towers appeared on the school. Brad expressed concern about the contract, stating that it was very lopsided and that the SCC at the time was not consulted about the contract.

- ii. Request: Brad asked the SCC to request the Board of Education to pursue all available options to return the decisions regarding the lease to the SCC.
- b. Scott.
  - i. Scott emphasized the unknown dangers of cell towers and that just because the FCC says it is safe doesn't mean it is safe. He analogized cell radiation to asbestos or other dangerous products that once filled our homes and communities but have since been determined to be unsafe.
  - ii. Scott indicated that radiation from cell towers could be an acceptable benefit to society, but having it on top of a school might not be the best way to do it. Essentially, because the science on cell radiation has not given clear indication of safety, it is best to move with an abundance of caution favoring protecting kids and the community.
  - iii. Request: Scott asked the SCC to take into consideration that there is an opportunity to proceed with an abundance of caution to protect kids and community as responsibly as possible.
- c. Aimee Burrows (chair of East Bench Community Counsel).
  - i. She stated that it was not fair to say that the universal reaction to the cell towers is outrage. In her role, she's spoken to many people about the cell towers and some people are not concerned at all, some people are grateful for the income, and some are comfortable with the school's recent determination that the radiation readings are far below FCC levels of concern.
  - ii. Aimee indicated that if people are concerned about cell towers, they should focus on the SLC planning commission's recent proposed rule to allow stealth cell towers anywhere in city, without public notice and input, so long as they don't look like cell towers.
  - iii. Request: Aimee requested the SCC to take into consideration that there isn't universal outrage over the cell towers amongst community members.
- d. Sarah (buckd):
  - i. Sarah noted that T-Mobile is in violation of its contract.
  - ii. She stated that the community members were trying to put T-Mobile on notice of breach to preserve the right to terminate and give the SCC time to study the issue. Sarah wanted the SCC to give notice quickly because otherwise the SCC's right to enforce the contract would run out. She said that it is wise just to keep the options open.
  - iii. Request: Sarah requested the SCC to preserve a contractual right to terminate the contract to buy the group time for further consideration.

- e. Kristina Kindl indicated that there was nothing the SCC could do to preserve a contractual right to terminate the contract for itself or the community members.
  - f. Brad stated that he wants the SCC statement to simply request that the SCC be brought back into the conversation.
  - g. There was a discussion between Kristina, Sarah, and others about T-Mobile's breach. T-Mobile has violated Salt Lake City's code by failing to obtain appropriate permits for the recent cell towers on IHE. The city has given T-Mobile notice and T-Mobile has 14 days from the date of the notice to remedy the situation. The District is satisfied that the city's process is sufficient to ensure that T-Mobile obtains the necessary permits.
  - h. Brad indicated that T-Mobile needs a conditional use permit, although Kristina disagreed and indicated that it needed only a permit as a stealth tower.
  - i. The two primary requests from the community members are:
    - i. "We recommend the School Board pursue all available options to return the right of approval with respect to the cell tower lease on Indian Hills Elementary, to the School Community Council, as provided for in the [Shared Governance Guide] , including sending notice of breach to T-Mobile." (quote directly from Zoom Chat)
    - ii. Put T-Mobile on notice of breach of its contract to preserve an option to terminate the contract and give the SCC time to investigate further.
  - j. Kristina clarified that while the SGG requires the District to consult with the SCC on cell tower contracts, that portion of the SGG was not in place in 2005 when the T-Mobile agreement was signed and does not apply. In 2005, cell tower agreements didn't go through the District because they did not involve a spending request. Kristina emphasized that the only party with authority to claim breach is the District and while the SCC could request the District to make a claim of breach, the decision would rest solely with the District.
  - k. Scott asked whether the SCC's formal request would be taken into consideration and Kristina responded that the District would definitely take the SCC's request into consideration.
  - l. Keli noted that the SCC's request would not preserve any contractual rights. Brad agreed, but noted that under the SGG, the SCC has a role and its voice is powerful.
  - m. Barb Fassl suggested that the SCC should gather more information and determine how the school community as a whole feels about the matter.
3. Motion: Barb made a motion that the SCC define the kind of information it needs at the next meeting. The SCC members unanimously approved the motion.
- a. Scott offered to help survey the community.

- b. Kim asked whether the SCC represents the school community or the community as a whole. Tom believes the SCC represents the community as a whole.
  - c. Katie indicated that the SCC would be stepping back from the legal issues raised by the community members, but that the SCC would independently survey the community regarding concerns about cell towers.
- 4. Adjournment:
  - a. Keli moved to adjourn and Kim seconded the motion.

Exhibit A  
to Indian Hills Elementary SCC Minutes  
September 2, 2020 7:30 a.m. Meeting

**TimeLine of Cell Tower Events on Indian Hills Elementary as it Pertains to the SCC**

**1999** – SLC School District Memo from Gregg Smith (former Building Director for SLC Schools) regarding a cell tower on Uintah Elementary indicates SCC's should be consulted on issues such as constructing cell towers. <https://www-old.slcschools.org/board-of-education/board-meetings/documents/agendas/2000/Sept21/act8a.pdf>

**2005** – T Mobile erected a cell tower on top of Indian Hills Elementary after entering into a 30-year contract with the Salt Lake City School District due to end in 2035. The contract is renewable every 5 years by T-Mobile

**2015** – It was added to the SGG (Shared Governance Guide) that the SCC would be informed before any future cell tower contracts were to be made:

"Review and discuss any issues that involve long term contractual obligations for the school, such as the proposed installation of a cell phone tower, new construction proposals, and potential lease opportunities with third parties, etc. Documentation of these discussions and the outcome of such discussions (e.g. consensus reached, results of vote, general feedback) must be kept for the purpose of informing the board of the SCC's position on these issues."

**July 2020** – T Mobile removes the brick facade around the existing cell tower to make upgrades. Community members living in close proximity to the school take notice and begin inquiring about the details surrounding the cell tower.

**7/30/2020** – Brad Bush contacts Tom Luthy, Principal of Indian Hills to discuss the concerns surrounding cell tower safety. Tom Luthy forwards Brad's concerns onto the district.

**8/5/2020** – Tom Luthy involves the SCC and PTA in the conversation to set up an SCC meeting

**8/12/2020** – the SCC hold a meeting to hear concerns from community members. The SCC invite Paul Shulte and Rebecca Pittam to attend as they have knowledge of the cell tower contracts. Points of the meeting include:

1. T Mobile's reading shown to be within FCC guidelines. Community expresses concern that the FCC guidelines are not up to date and that the effects of RMF are unknown.
2. Rebecca Pittam puts together a rough plan with community about the next steps:
  - a. hire an engineer to take readings on the cell tower
  - b. once readings are in, set up a meeting with the superintendent
  - c. hold a community meeting to hear Brad Bush's presentation and public comment.

**Interim Events:**

1. Principal Luthy sends out an email to the school community with T-Mobile letter attached
2. SLC school district hires an engineer to take readings at the school
3. Brad Bush interacts with the district regarding concerns and ideas about the lease

**8/13/2020** – Brad Bush contacts Paul Shulte with concerns about the legality or durability of the lease. Rebecca Pittam says that she will forward the information to the attorney for the school district.

**8/14/2020** – Rebecca Pittam responds to Brad Bush with updates and is waiting for more information from the city and the engineer before moving forward

**8/21/2020** – Brad Bush contacts Katie Moore asking for another SCC meeting to be held with the following specifics being the focus:

Brad Bush: "I also want to be clear that my request is not for this meeting to be decisive on the subject of whether the School Board should exit the lease, simply to vote on sending a *recommendation to the School Board to pursue all available options under the lease agreement*, including sending a notice of default, to preserve the option for the SCC to vote on ending the lease...

Specific question of whether to approve a recommendation that the District preserve the option of the SCC to vote on the lease agreement in the future."

**8/23/2020** – Katie Moore responds that she will set up a meeting as soon as possible

**8/27/2020** – Katie Moore sets up a meeting for 9/2/20 at 7:30am with the agenda item being consideration of SCC involvement with cell tower concerns and issues. The meeting is meant to update the full council on events surrounding the cell tower up to this time. Brad Bush is invited to put forward his recommendation or request during the 5 minute period open to the public.