

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
November 6, 2025**

APPROVED Minutes

5:00 p.m. Special Meeting

I. SPECIAL MEETING - 5:00 P.M.

Mayor Heidi Franco called the meeting to order at 5:02 p.m. and welcomed everyone present.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - remotely
Council Member Aaron Cheatwood - remotely
Council Member Mike Johnston
Council Member Sid Ostergaard
Council Member Scott Phillips

Staff Present: City Manager Matt Brower
Airport Manager Travis Biggs
City Recorder Trina Cooke

Staff Participating Remotely: City Attorney Jeremy Cook, IT Specialist Anthon Beales, Deputy City Recorder Robin Bond, and Finance Director Sara Jane Nagel.

Also Present: Jay Henry, Bob Baird, Jeanne Henry, Jeff Peterson, Jake Perkins, Oliver Talley, Jay Townsend, Jason Talley, Bart Mounter, Jeff Mabbutt, and those who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (Names are listed as signed-in online) Don, Jen, John, and Nick Lopez.

II. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

III. CLOSED MEETING: Pending or Reasonably Imminent Litigation

Motion: Council Member Ostergaard moved to enter a Closed Meeting for the purpose of holding a strategic discussion of pending or reasonably imminent litigation.

Second: Council Member Johnston made the second.

Voting Yes: Council Members Phillips, Ostergaard, Barney, and Johnston.

Voting No: None.

Council Member Cheatwood had not yet arrived.

The **Motion Passed 4-0.**

The Closed Meeting began at 5:07 p.m.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - remotely
Council Member Aaron Cheatwood - remotely
Council Member Mike Johnston
Council Member Sid Ostergaard
Council Member Scott Phillips

Staff Present: City Manager Matt Brower
Airport Manager Travis Biggs
City Attorney Jeremy Cook - remotely
City Recorder Trina Cooke

Motion: Council Member Phillips moved to end the Closed Meeting and return to the open meeting.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Phillips, Ostergaard, Johnston Cheatwood, and Barney.

Voting No: None.

The **Motion Passed 5-0.**

The Council returned to the open meeting at 6:14 p.m.

IV. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Resolution 2025-19 Adopting an Airport Lease Form (Jeremy Cook, City Attorney, Travis Biggs, Airport Director) - *30 min*

City Attorney Jeremy Cook explained there were a number of different lease forms at the airport. The City had been unable to locate a previous formal adoption of a standard lease form. The intent of the proposed Resolution 2025-19 was to formally adopt a standard lease form that would be acceptable and beneficial to both the City and the leaseholders. Staff recommended the adoption of the standard lease form to eliminate ongoing and future confusion. The form would need to be vetted through the Airport Advisory Board (AAB) once adopted by Council. Mr. Cook further reviewed the form with the Council.

Airport Advisory Board (AAB) Chair and Heber City resident Jason Talley, disclosed that he held a lease at the airport that would expire in 2048. He also had an application with the City to enlarge his commercial activities to include flight training, larger aircraft maintenance, and hangar operations. He recalled speaking to the Council on October 7, 2025, to express his concern that the Council would be adopting a form lease without input from the AAB.

Mr. Talley said that the following day, October 8, the AAB had reviewed the lease line by line and had agreed upon the following terms they felt the lease should contain:

- The initial term of the lease should be 20 years instead of five and include a right of renewal.
- The lease should allow for a rate reset every five years based upon the then current non-reversionary ground lease rates in effect at the time and subject to FAA (Federal Aviation Administration) fairness.
- The lease would follow the rates and fees charges to ensure fairness.
- Lease rates would not go down, but would go up.
- The conclusion of the lease should allow the right to enter into a new standard airport lease, pursuant to certification that the building was structurally sound at the time and was projected to be structurally sound for the duration of the new lease.
- Lease-holders should be allowed to sublet a portion of their hangar to other aircraft, as long as the lease-holder was occupying it, without going through a sublet process.
- He disagreed with the language in section eight, which indicated the hangars and all property therein, was the property of the City. He felt it was clear the hangars and property therein was not the property of the City and proposed that specific language be removed from the section.
- Section 12 - A1, replace the phrase "the unamortized value of the improvements calculated on a straight line basis from the date such improvements were substantially completed to fair market value."

Mr. Talley proceeded to describe his efforts and that of the AAB to meet and further review the proposed lease form and provide a recommendation to Council. He asked Council to consider the following:

- For leases that were expiring, or in the process of expiring or following the defined sales process, finish that process with the current lease that had been on the website until last week.
- Table the matter until the AAB could recommend a lease form, which should be early December, or earlier if Council wanted the AAB to try to call a meeting, or if Council must adopt the lease proposed, to adopt it with the aforementioned amendments.

Jeff Peterson was representing the Tenants and Hangar Association Advisory Board and had previously served on the AAB. He distributed a copy of his hangar lease to the Council. Mr. Peterson had recently built the T-hangars at the airport. He questioned the pending or imminent litigation cited on the agenda for the Closed Meeting and stated that he had asked two staff members who had advised him that they were not aware of any pending or imminent litigation at the airport.

Mr. Peterson did not feel it was transparent to call a special meeting. He said there was an email in late September requesting the AAB review the proposed lease but none of their recommendations had been implemented in the proposed lease. Mr. Peterson then questioned whether the Council had read the proposed lease. He recalled purchasing a hangar at the airport, then selling it, and was now in the process of buying it back. He had been through the lease process three times and each had used the previous non-reversionary lease offering a term of 20-years with the option to extend the term for five years at a time, two times, for a total of up to 30-years. Mr. Peterson wished to explain the inconsistencies he had found and expressed concern with what he felt was the City discussion behind closed doors. He suggested the Council vote to table the item for 60 days and to give a directive to the AAB and Staff to have a recommendation to forward in that time. To also place a hold on new hangar sales until the standard lease form was complete. Thirdly, to honor all applications that had been submitted. He felt the City could save a lot of money in legal fees by doing what he suggested.

Jeff Mabbutt, Heber City resident since 1991, had served on the AAB multiple times. He asked who had called the City Council meeting that night and pointed out the code that indicated that a special meeting may be called by the Mayor or two City Council Members. City Manager Matt Brower advised that staff could set an agenda. Mr. Mabbutt expressed support for the comments made by the AAB Chair Jason Talley and Jeff Peterson. He thanked the Airport Manager Travis Biggs, the Mayor, and City Council for all they did and noted the AAB was established to advise the Council regarding professional matters as they pertained to aviation and the airport.

Jason Talley expressed concern that the special meeting was violating the Open and Public Meetings act and said Utah code 10-3-502 was very clear that the mayor of a municipality or two council members may order the convening of a special meeting of the Council.

Jeff Hendrickson, resident and pilot, felt the timing of the meeting was unique due to the election two days previously. He did not feel the City staff should be calling meetings as they were not elected by the voters. He was concerned the City's airport attorney was not licensed in Utah. Mayor Franco noted that Steve Osit was an airport legal consultant, not the City's attorney.

Heber City Attorney Jeremy Cook stated that the meeting was appropriately noticed and Council's affirmative response that they could attend, complied with the State Code requirement. Council Member Barney did not feel the Council had been asked to approve calling a special meeting. Council Member Johnston noted the staff worked for the Council and felt that the Council relied on staff to guide them and provide information and data in order for Council to process issues. All members of the Council had agreed to the meeting.

Council Member Johnston suggested the City issue a public notice of the pending changes to the airport standard lease form for 60 to 120 days. He felt the City should honor existing current applications and publicly notice that no new applications would be accepted until the new standard lease form was adopted.

Council discussion regarding the proposed changes recommended by the AAB and how to proceed followed.

Motion: Council Member Phillips moved to approve Resolution 2025-19 and the form lease with the changes suggested by the AAB to go into effect that day. Any transactions or requests that were fully legal before then would revert to the lease that was on the website until October 16, 2025. To set a timeframe for the standard lease form to be finalized by March 31, or before, with additional input from the AAB and consultants, and to grant extensions upon request.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Phillips, Ostergaard, Barney, and Johnston.

Voting No: Council Member Cheatwood.

The **Motion Passed, 4-1.**

V. ADJOURNMENT:

Motion: Council Member Phillips moved to adjourn.

Second: Council Member Ostergaard made the second.

Voting Yes: Council Members Phillips, Ostergaard, Cheatwood, Barney, and Johnston.

Voting No: None.

The **Motion Passed 5-0.**

The meeting adjourned at 7:30 p.m.




Trina Cooke, City Recorder