

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
February 17, 2026**

APPROVED Minutes

**4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting**

I. WORK MEETING - 4:00 P.M.

Mayor Pro Tem Aaron Cheatwood called the meeting to order at 4:01 p.m. and welcomed everyone present.

City Council Present: Council Member Yvonne Barney
Council Member Aaron Cheatwood - Mayor Pro Tem
Council Member Mike Johnston
Council Member Morgan Murdock
Council Member Sid Ostergaard - arrived at 4:27 p.m.

City Council Absent: Mayor Heidi Franco

Staff Present: City Manager Matt Brower
Assistant City Manager Mark Smedley
Community Development Director Tony Kohler
City Engineer Russ Funk
Finance Manager Sara Jane Nagel
City Attorney Jeremy Cook
City Recorder Trina Cooke
Chief of Police Parker Sever

Staff Participating Remotely: Deputy City Recorder Robin Bond, Finance Manager Sara Jane Nagel, Public Works Director Matthew Kennard, IT Director Anthon Beales, Accounting Technician Wendy Anderson, City Engineer Russ Funk, Engineering Technician Desiree Muheim

Also Present: Bill Tew, Jay Townsend, Nadim Abuhaidar, Craig Hoggan, Jay Henry, Jeanne Henry, Eric Gosch, Chip Polvoorde, Bart Munteer, Troy Small, Poleman Bird, Brian Balls, Howard Saldarini, Bryan Williamson, Jason Glidden, Brad Hiatt, and others who did not sign in or whose handwriting was illegible.

Also Attending Remotely: (names are shown as signed-in online) Grace Doerfler - kpcw, Airport Legal Consultant Steve Osit, Catherine, Craig Hancock (UDOT), Jon Haderlie, Scott Phillips, Andrea Clayton, B, Bill, Cody W, George Bennett, Jen, JS, Lizzie Shumway, Malori Garner, Naomi Kisen (UDOT), Phil Jordan, S, Shorty5, SRH, Steven Rowley (K&C), and Tyler.

1. Review of OK3 Settlement Obligations & Agreements (Steve Osit) - 80 min

Airport Legal Counsel Steve Osit shared background regarding a lawsuit initiated by OK3 against Heber City in 2017. He reviewed section three in the Airport's Minimum Standards that OK3 claimed Heber City had violated. Mr. Osit provided an overview of the current status of the Airport's settlement agreements with OK3 Air, as included in the attached presentation. He described the City's efforts to meet its obligations as outlined in the settlement agreements. The FAA (Federal Aviation Administration) was in the process of finalizing an environmental study in compliance with the National Environmental Policy Act at the airport in order to maintain the airport's grant assurances with the FAA.

Chip Plovoorde was concerned that by allowing OK3 to have an exclusive right to be the only vendor of jet fuel at the airport might put the airport out of compliance with the FAA for grant assurances. He felt the local pilots could use a self-serve which wouldn't compete with OK3 for fueling small jets and the turboprops. Mr. Osit responded that the settlement agreements had been coordinated with the FAA in order to ensure compliance.

Marcus Williams, an attorney who also had an airplane at the Airport, wanted an explanation for how the prevention of competing facilities at the airport could comply with the FAA's non-discrimination and grant assurances clauses. Mr. Osit explained the intent of the settlement agreement was to address a previous agreement established in 1995 and ensure compliance. Discussion continued.

2. Preferred Procedure for Reviewing and Updating the Airport Advisory Board (AAB) Bylaws (Jeremy Cook, City Attorney, Matt Brower, City Manager) - 30 min

City Manager Matt Brower proposed an ad-hoc committee consisting of staff, legal counsel, and Airport Advisory Board (AAB) representatives to review and make necessary corrections to the AAB Bylaws to maintain compliance. City Attorney Jeremy Cook described the conflicts of interest with AAB members and referenced the State Code requirement to declare conflicts of interest within the decision-making and recommendation process. Council Member Johnston expressed appreciation for the AAB and described the confidence he placed in their expertise. He noted the like-minded goal of the AAB, Airport users, and the City Council to ensure the success of the airport and keep it financially self-funded.

Bill Tew, Vice Chair of the AAB, said he had been flying from the Heber Valley Airport for 20 years and had served on the AAB for the past two. He was a hangar owner and had an airplane. He said the Mayor had appointed him because he had a conflict of interest and she had felt he would represent what the users and owners would want. He agreed that there was problematic language in the existing bylaws because any opinion he had would be a conflict of interest because of his role as an aviator. He did not feel it was a big issue as the role of the AAB was to advise the Council based on what the owners and operators would like.

Jeff Mabbutt, AAB Member, felt that one of the functions board was to discuss and make amendments to the AAB bylaws. He did not feel that any of the AAB members should be omitted from the decision-making process by organizing an ad-hoc committee and proposed that staff and legal counsel join the discussion at the AAB meeting. He agreed that the bylaw's needed to be updated.

Council Member Johnston recalled the Council's recent amendments to the Rules of Order and Procedure and the recently adopted Communications Policy. He felt the Council's discussions resulted in better policies, better understanding, and clearer rules. Jay Townsend, AAB Member, recognized there would always be opposing views on any board but did not feel the existing bylaws needed to change. Bill Tew noted the role of the City Council was to vet the recommendations of the AAB, but the Council were the ultimate decision-makers. Jeremy Cook said the bylaws needed to be consistent with the role the AAB was expected to fill. He wanted everyone to understand their roles, including staff, council, consultants, attorneys, and the AAB. He felt that there was too much time being spent on the procedural issues for the Airport and did not believe it was an efficient use of time. Craig Hoggan, with OK3, felt Jeremy Cook was offering good advice. He felt it was important to look at the function of the AAB. Council discussion continued regarding the best way to proceed, collaborate, and accomplish what needed to be done.

With additional time remaining in the Work Meeting, Council brought forward agenda item one on the Action Item agenda for discussion.

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Pro Tem Aaron Cheatwood called the meeting to order at 6:10 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Mike Johnston, Council Member)

Council Member Johnston led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Aaron Cheatwood, Council Member)

Mayor Pro Tem Cheatwood shared a prayer.

IV. CONFLICT OF INTEREST DISCLOSURE:

Council Member Johnston shared a conflict with the Saldarini Annexation as he was assisting the applicant with the annexation process.

V. PUBLIC HEARINGS: (Council May Take Action Following Public Comment and Upon Conclusion of the Public Hearing)

1. Public Hearing for Ordinance 2026-01, Saldarini Annexation, located at 110 W Moulton Lane (Jamie Baron, Planning Manager) -

Community Development Director Tony Kohler reviewed the elements of the proposed annexation and provided an overview of the development agreement included with the annexation as attached to the meeting materials. He explained that the public hearing being held that night was the next required step in the annexation process. He shared the map of the proposed area and explained that the Saldarini property had created an island when a previous annexation had been accepted into the City boundary. Mr. Saldarini had not been ready to annex then.

Mayor Pro Tem Aaron Cheatwood opened the public hearing at 6:21 p.m. With no one coming forward to comment, the public hearing was closed at 6:22 p.m.

Motion: Council Member Ostergaard moved to approve Ordinance 2026-01 to annex the parcel located at 110 West Moulton Lane with the amendment proposed for the trail language be approved between staff and the developer.

Second: Council Member Murdock made the second.

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

Voting No: Council Member Barney.

Recused: Council Member Johnston was recused.

The **Motion Passed, 3-1.**

VI. CONSENT AGENDA:

1. January 22, 2026, City Council Meeting Minutes for the 2026 Annual City Council Retreat Day 1; January 24, 2026, City Council Meeting Minutes for the 2026 Annual City Council Retreat Day 2; and February 3, 2026, City Council Meeting Minutes (Trina Cooke, City Recorder)

Motion: Council Member Ostergaard moved to approve the Consent Agenda as presented.

Second: Council Member Barney made the second.

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

Voting No: None.

The **Motion Passed Unanimously, 5-0.**

VII. PUBLIC COMMENTS: (3 min per person/20 min max)

Scott Phillips encouraged the Council to consider the dissolution of the Airport Advisory Board (AAB). He felt the board had only been problematic for the City since its creation. He recalled the lawsuit that he thought had been caused by Council's actions taken at the recommendation of the AAB. He proposed the businesses at the Airport go to the City directly as the City was the Airport sponsor. Mr. Phillips deduced that the AAB was comprised of Airport tenants and users and should be an independent Tenants and Users Association.

Catherine Moore had read in the Park Record that the City was going to turn the old fire station into an arts center. She was concerned with the parking availability in the area and had been under the impression that the City was going to tear down the old fire station to accommodate parking for the park events.

Council Member Barney read a comment received by email from Brad Hiatt that is attached to the end of the meeting minutes.

VIII. GENERAL BUSINESS ITEMS:

1. Wasatch Commons Preferred Employer Program Presentation (Scott Ogilvie, Wasatch Commons) - *10 min*

Scott Ogilvie shared that he was one of the new owners of the Wasatch Commons apartment complex. He described the Preferred Employer program that offered discounted apartment rental rates to local and essential workers. The program was available to all Heber City employees.

2. Fiscal Year 2025 Financial Statement Audit Presentation (Jon Haderlie, CPA, Larson & Company, PC , Del Barney, Audit Committee Chair) - *30 min*

Chair of the Audit Committee Del Barney shared that the Committee had met with the auditor and voted to forward the findings to Council. Jon Haderlie, with Larson and Company, had performed the audit and shared the findings and recommendations as included in the attached meeting materials.

3. Utah Department of Transportation (UDOT) Environmental Impact Statement (EIS) Update (UDOT) - *20 min*

Craig Hancock with UDOT (Utah Department of Transportation) provided a report regarding the ongoing public comment period for the proposed Heber Valley Corridor. The UDOT team was in the process of reviewing all the comments received, which numbered approximately 300 comments to date. Mr. Hancock clarified that the comments were not a vote. Comments could continue to be submitted through the website through March 9, 2026. The letter sent by the Heber City Council had been

received. There had been no other letters received by other entities or groups.

City Manager Matt Brower shared a recent comment made by Senator John Curtis regarding federal funding to be offered for critical Olympic infrastructure and proposed Heber City submit a letter of interest to the Olympic Committee regarding the Heber Valley Corridor.

4. Bryan Williamson request for discussion on Villa Two Parcel in Sawmill Development (Tony Kohler, Community Development Director) - *30 min*

Council Member Johnston disclosed that he had worked on the development project years earlier when it had been under different owners. He was no longer involved and did not have a conflict of interest.

Community Development Director Tony Kohler provided the background of the development agreement approved by Council when the property had been under the previous owner. Bryan Williamson and Jeff Larsen had been trying to settle Mr. Williamson's deceased parents' estate, including a parcel of land that appeared to have been sold to two separate parties. The issues were outlined on the slides included in the meeting materials. Staff agreed to work with the parties involved to find an amenable conclusion for all.

5. Proposed Changes to Sawmill Phase 6 & 8 (Jamie Baron, Planning Manager) - *30 min*

Community Development Director Tony Kohler explained the developer wanted to shuffle the development design and shared the previous and proposed designs as included in the meeting materials. Brian Balls and Ryan Johnson, representing the development, further described the proposed changes resulting in increased open space, fewer units, and a lower roofline on the town home units. The town homes would be mainly owner-occupied. City Engineer Russ Funk wanted to ensure the proposed design would meet the City's setback requirement for utilities. Council proposed additional design features and adjustments. The applicant agreed to implement Council's suggestions and return to the next meeting scheduled for March 3, 2026.

6. Flex Ready Homes Presentation on Potential Development at Approximately 895 South 1200 West (continued discussion from December 2, 2025) (Tony Kohler, Community Development Director) - *30 min*

Community Development Director Tony Kohler indicated that the requested changes to the development plan were outlined in the attached Staff Report. Petitioners for the proposed Flex Ready Homes described their efforts to bring down the AMI (Average Median Income) in their concept plan. They outlined the updated design concept plan and recalled the style of building that would allow the homeowner to add onto the structure as equity was accumulated. The petitioners added that the goal of the

proposed structure was to help people get into homes by providing affordability and to help Heber City fill the need for "missing middle" housing. He felt the proposed design concept allowed them to offer the most affordable housing. Council discussion continued regarding zoning, the need for this type of affordable housing, and a potential field trip to visit the Flex Home development site in Ephraim.

Brad Hiatt shared an entire property line with the proposed development. He had purchased his first home where he could afford to, in Utah County, 30 years ago. He did not anticipate that his three children would ever own homes in Heber City. He did not feel the Council should modify the code to allow the density being proposed in this development. It had not been affordable when he moved to Heber City but he had worked his way up to purchasing a home here. He had intentionally purchased a home in an area that was not zoned for high density.

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

1. Heber City's America 250 Monument Proposal (Matt Brower, City Manager) - *15 min*

City Manager Matt Brower shared renderings of potential monuments to honor the 250th birthday of the United States. Council discussed the options and provided feedback. Mr. Brower agreed to return to a future meeting with updated design proposals to integrate Council suggestions.

Mayor Pro Tem Cheatwood moved the meeting forward on the agenda to discuss the Legislative updates Communication Item.

X. COMMUNICATION:

1. 2026 Legislative Session Update (Matt Brower, City Manager)

Mr. Brower provided an update on a number of proposed legislative bills that would potentially affect the City. He would keep the Council posted on the outcome.

Mr. Brower shared that he, the City's Community Development Director Tony Kohler, and Council Member Ostergaard had met with the Executive Director of the Mountainlands Community Housing Trust Jason Glidden to discuss the Affordable Housing University for Council. Mr. Glidden would create a syllabus to present to Council.

The remodel of the upper level of the City Administration Building was nearing completion. Going forward, the Closed Meetings for City Council would convene in another room. Mr. Brower explained that, logistically, it would be easier for the Council to depart the Chambers for the Closed Meeting rather than asking everyone from the public to do so. City Attorney Jeremy Cook proposed holding Closed Meetings at the

beginning of Council Meetings and having dinner at that time.

The Main Park Plaza survey would go live the following day. The first open house would be held at the Public Safety Building in the Community Room that Saturday from 11:00 a.m. to 2:00 p.m. There would be a social media push coming. Mr. Brower asked everyone to share the survey link and three open house locations and times with friends and family. He hoped to see a large community participation. The POSTT (Parks, Open Space, Trails, and Trees) committee chair Mia Yue had created a video inviting the community to participate in the open houses and the surveys.

Jason Glidden explained he was present to act as a resource for Council in the affordable housing aspect. He was assisting the City staff with connecting to professionals that specialized in housing studies. He intended to bring a variety of professionals to speak with Council.

XI. ADJOURNMENT:

Motion: Council Member Johnston moved to adjourn.

Second: Council Member Ostergaard made the second.

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

Voting No: None.

The meeting adjourned at 9:45 p.m.




Trina Cooke, City Recorder