

Heber City Corporation
Airport Advisory Board Meeting
July 20, 2016
4:00 p.m.

REGULAR MEETING

The Airport Advisory Board of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 20, 2016, in the City Council Chambers in Heber City, Utah

I. Call to Order

II. Roll Call

Present: Board Chairman Mel McQuarrie
Board Member Dave Hansen
Board Member Jeff Mabbutt
Board Member Brian Rowser (via telephone)
Board Member Mike Duggin
Alternate Member Heidi Franco
Alternate Member Ronald Crittenden

Excused: Board Member Kari McFee

Also Present: Airport Manager Paul Boyer
City Manager Mark Anderson
Deputy City Recorder Allison Lutes

Others present: Mary Lou Paulson, Richard Clark, Jeremy McAlister, Dennis Jensen, Barry Hancock, Sterling Woodruff and Dale Stewart

III. Pledge of Allegiance

IV. [Minutes for Approval: June 15, 2016 Meeting Minutes](#)
[June 15, 2016 Minutes](#)

Alternate Member Franco asked whether certain items noted in the June 15, 2016 minutes had been taken care of. With regard to the AGIS survey and the FAA request for additional information which would increase the scope and cost of the study, Franco felt the issue needed to be discussed at the next meeting.

Alternate Member Franco noted the following in the June 15, 2016 minutes: Page 4 11-13: When Kristen Brownson responded to Board Member Rowser's question regarding why the FAA was issuing C-II minimums for a B-II airport, Franco felt she gave a different answer. Franco asked that the meeting audio be reviewed to ensure the accurate response was reflected in the minutes.

Board Member Duggin noted the following on page 7 lines 7-10 of the June 15, 2016 minutes: Duggin stated since he was a new board member, he was not up to speed and not able to vote. Board Member Rowser made a motion to delay. Chairman McQuarrie recused himself from the vote. Board Members Hansen, Duggin and Rowser voted aye. Alternate Member Crittenden abstained. Alternate Member Crittenden believed his abstention constituted a "no" vote. Chairman McQuarrie stated that an abstention was neither a "yea" nor a "nay" vote, and by abstaining, it would necessitate tabling the item. McQuarrie added he would have never addressed this agenda item had he known there would be an abstention from the vote.

It was noted that the foregoing motion failed and that the record needed to be corrected.

Alternate Member Franco suggested that at the beginning of each meeting, the Chairman would state whether a quorum was present and whether or not the alternates would be voting.

Alternate Member Franco moved to table the minutes upon Deputy Recorder Lutes' revisions, and the Board would vote on them in the meeting next month. Board Member Duggin made the second. Voting Aye: Board Members McQuarrie, Hansen, Mabbutt, Duggin, and Rowser. Voting Nay: None. Board Member McFee was excused. The motion carried.

1. [Airport Manager Report](#)
[Airport Manager Report: July 18, 2016](#)
[Email Correspondence Between the FAA and Armstrong Consultants](#)
[Compliance Manual](#)
[FAA Funding Cancellation for Maverik Property](#)
[FAA RPZ Policy](#)
[May 19, 2016 Letter from FAA Denver Airports District Office](#)

Boyer reviewed the contents of his monthly report for the Board.

Boyer explained that he met with Tony Kohler regarding zoning and the Runway Protection Zone ("RPZ") and what needed to be done with properties around the airport and re-zoning. He added that Kristen Brownson sent the FAA RPZ guidelines. Boyer felt it may be easier to ask Kohler to work directly with Brownson regarding the zoning, and he asked for input from the Board and the City Council on that idea. Discussion followed concerning the vagueness of the FAA RPZ guidelines, and clarifying the process involved in coordinating with the regional office of the FAA and the APP 400 (the National Airport Planning and Environmental Group) concerning airport zoning. It was also indicated that there was a distinction between what would be exempted under an existing RPZ, or an event that would change the RPZ, such as a CII upgrade or new runway alignment. Boyer suggested that GDA assist in coordinating with the FAA in the zoning project. Jeremy McAlister indicated he would be willing to create a scope of work, however he advised that this would be operating outside of the original AIP, so the match would be 100%.

2. [Aviation Lawyer Recommendations - Seeking Recommendations From All AAB Members](#)

Alternate Member Franco explained that they were looking to retain specialized legal advice for all of the current issues at the airport, and Mark Smedley agreed it would be useful. Smedley recommended Jodi Howick. Following discussion, the following names were added to the list to consider: Boyer recommended John Steel of Telluride, Colorado, who also indicated if the City were unable to identify a firm, he had many contacts and could assist in finding an attorney for Heber City. Jeremy McAlister recommended a law firm in Colorado which addressed the Colorado Airport Operators Association at the annual conference. He couldn't recall the name of the firm, but he had sent the name to Alternate Member Crittenden via email. Board Member Mabbutt mentioned a firm in Salt Lake City the Board had used at one time, however he could not recall the name at the time.

Richard Clark stated he worked as an attorney in the Litigation Division in Washington, D.C. His department defended the FAA against all aviation-related lawsuits. Clark gave a detailed explanation that the government could not be sued for making a bad regulation, but could be sued if it failed to follow a regulation. Clark noted that the discussion with Kristen Brownson in the prior month was not clear, and he encouraged the Board to be sure it understood what the FAA's role was in the issues at the airport. Clark was asked whether he would be interested in providing counsel to the Board, to which he declined.

Alternate Member Franco indicated that at its regular meeting on July 21, the City Council would set up a timeline to create a committee to interview candidates, with the hope that the interviews would be conducted in August. She encouraged the Board members to think of candidates and send the names to her, Alternate Member Crittenden, and Boyer. The committee members would include Smedley and Boyer, with other volunteers from the City Council and Board. Board Members Duggin and Rowser offered to serve on the committee.

[4. Discuss Consultant GDA Engineers' Apron Survey Proposal](#) [GDA Proposal Letter](#) [GDA Scope of Work and Fees](#)

Jeremy McAlister of GDA was present to take questions from the Board concerning GDA's proposal. He explained there was some apron area that was not under any lease, but it was not clear what exactly the area was, as there was no physical monumentation. GDA's proposal was to go out, survey and provide monumentation for that area. The proposal also included Phases 3 and 4, the Planning and Engineering phases to include parking and aircraft movement which would allow some small area for itinerant aircraft parking in the area found to not be in the FBO leasehold. It was indicated the Planning Phase could change, based on the results of the survey. McAlister confirmed that proposed pavement striping, including the run-up and jet blast areas, would be included in the Planning Phase, and the actual striping would be conducted in Phase 4(b).

Board Member Mabbutt moved to bring forward to the City Council the Pre-design and Survey phases (Phases 1 and 2) of the GDA Scope of Work. Board Member Duggin made the second. Anderson noted that once the survey was completed, they may want to look at some modifications to the lease agreement, adding that there was a landscaped area that was not within the leasehold that the FBO was currently maintaining, and if the Board wanted to discuss this

issue, then Anderson suggested they do so before the permanent markers were installed. Mabbutt agreed, and suggested temporary markers until they could confirm the surveyed area, after which permanent markers would be installed.

Alternate Member Franco moved to amend the motion as follows: that the temporary markings be done over the next month, and for the Board to go out at the August meeting and walk the field to see the markings; Board members can then decide whether they are interested in any further negotiations. Alternate Member Crittenden made the second. Voting Aye: Board Members McQuarrie, Hansen, Mabbutt, Rowser and Duggin. Voting Nay: None. Board Member McFee was excused. The motion carried.

Chairman McQuarrie called for the vote on Board Member Mabbutt's motion as amended. Voting Aye: Board Members McQuarrie, Hansen, Mabbutt, Rowser and Duggin. Voting Nay: None. Board Member McFee was excused. The motion carried.

Following the vote, Jeremy McAlister confirmed with the Board that he would not be authorized to begin work on the project until the City Council had voted on the Board's recommendation. Alternate Member Franco stated that it was not likely to make it to the following evening's Council meeting, but she was hopeful it could be done before the next Airport Board meeting.

Additionally, Barry Hancock expressed his interest in leasing some of the tie-down area in front of his hangar, and he felt the survey would impact that proposal, so his intent was to express his interest and seek guidance on the proper procedures for acquiring those spaces. Finally, Hancock expressed concerns with the way aircraft were currently parked in taxiways, and with the growing number of daily operations, he felt it was a safety concern with aircraft movement in that area, if aircraft were parked in taxiways as opposed to approved spots. He encouraged that all parties get together to find the best resolution to handle the transient jet parking.

Hancock also raised the issue concerning water intrusion into his leasehold from the new road during the last monsoonal rain, adding that he photographed and videotaped the water intrusion. Anderson asked that Hancock send him the photos and video to him to have Bart Mumford review. Alternate Member Franco asked that Boyer be copied on the email.

There was some confusion as to the exact number of tie down spaces currently available in front of Hancock's hangar. McAlister said he could confirm the number. Finally, Hancock said that once the hangar row issue was resolved, it would leave the commercial apron area and he wanted to be sure it was on an upcoming agenda to be addressed. Chairman McQuarrie noted that the Board took issues as they come, and advised Hancock to bring the issue before the Board at a future meeting.

[3. Latest Hangar Row Lease Recommendation](#) [Draft Hangar Lease - Redlined](#)

It was indicated that Mark Smedley was unable to be present during the discussion on this agenda item. Paul Boyer and Jeff Mabbutt recused themselves from discussion on this item. Mabbutt emphasized he was appearing as a member of the hangar row owners and not as an

Airport Board Member. Mabbutt's was the first hangar lease to expire, and it would be prior to a new airport layout plan ("ALP"). He indicated three main goals the City Council wanted concerning the hangar row: 1) keep the current owners in the hangars and retain ownership; 2) increase yearly revenues; and 3) if the airport needed to be expanded there would be a zero cost buyout to the hangar owners group. The City Council came up with a plan. Everyone wanted to use the same lease proposed for new construction, with a couple of exceptions: 1) instead of 20-year lease there would be a 10-year lease with 2 5-year extensions. The hangar owners would need to have their hangars inspected to meet the 10-year requirement; and 2) the buyout, section 3, "the City reserves the right to terminate the lease upon giving 4 months." The owners group and the City Council in principal agreed upon 6 month notice. Additionally, the hangar group proposed that the City would not compensate the owner for the purchase cost of improvements to the hangar.

One of the key factors the City Council was reviewing was that if the City determined it needed the space on which the hangars sat, the City would not be required to come up with a couple of million dollars to buy back the hangars.

Discussion next focused on how to handle those owners who may choose not to participate. Mabbutt expressed that was the reason he wanted to include a 6-month, rather than 4-month notice, as it was something that could be used to negotiate with the other hangar owners and he felt it was more favorable.

Alternate Member Franco felt the deadline to accept the new lease would be too difficult to meet; it was suggested it be changed to the spring.

Discussion followed on the financial aspects of the proposal and how it compared to others in Utah.

The Board was amenable to the concept. Anderson cautioned the Board to consider adding some provisions that would prevent the hangar owner from realizing an immediate windfall in the lease conversion, since the intent was to keep existing owners in their hangars. He suggested a provision or penalty whereby the City would get some of the proceeds if the owner decided to sell their hangar. Discussion ensued on the foregoing. It was indicated that the transfer fee could be increased to prevent an immediate sale. Chairman McQuarrie stated that although he did not have the authority to amend the motion, he wanted to emphasize that the Council had the room to look further into the values.

Board Member Duggin moved that the Board conceptually recommend this program to the City Council, recognizing that the transfer fees needed to be reviewed more closely so that any immediate gains could be shared more equitably between the City and the hangar owner. Board Member Hansen made the second. Voting Aye: Board Members McQuarrie, Hansen, Rowser, and Duggin. Voting Nay: None. Board Member McFee was excused; Board Member Mabbutt was recused. The motion carried.

Richard Clark gave a statement concerning a potential CII upgrade and encouraged the Board to be very cognizant of and familiar with the rules and regulations. He also noted the National Plan

for Integrated Airport Systems ("NPIAS") was a very important function of the FAA to know about, especially as the area grows. He stated that it was hard to know what long-term leases such as those being proposed would look like in the future, based on the unknowns currently regarding the airport's future. He encouraged the Board to ask the FAA to give them whatever information they needed to have to educate them so that they were clear on everything.

5. Consider Suggestion to Require Hangar Owners to Provide City Hangar Key or Entry Code
Standard Lease

Alternate Member Crittenden explained they were looking at minor adjustments in lease terms, one of which related to hangar access. He felt the City had a right of access, so the Airport Manager needed to have that access, whether a key or code. Discussion followed, after which Boyer recommended a different approach, whereby he would send a letter to the hangar owners asking them to voluntarily provide their updated contact information (phone, email) and a key or code if they wished to. He felt a softer approach would be received more favorably; further, he didn't know how to enforce a requirement to provide a key. The Board was favorable to Boyer's suggestion.

As to fire inspections, it was agreed that Alternate Member Franco would provide Boyer with a free online tool for people to schedule their own dates from a suggested date range given by the Fire Marshall for the hangar inspections. It was noted that the hangar owners needed to be advised that if they failed to schedule an inspection, then they would be "red tagged".

V. Adjourn

With no further business, the meeting was adjourned.

Allison Lutes, Deputy City Recorder