

The Cedar Highlands Homeowners Association Directors held their monthly board meeting on November 4, 2006 at 1147 E High Cedar Highlands in Cedar City, UT. The meeting was called to order by President Jacqueline Tully at 6:00 p.m.

Cedar Highlands Members Present: Jacqueline Tully, Ron Reber, Gary Rosenfield, Linford Nelson, Clive Newell, and Manny Mosqueda

Others Present: Richard Dickinson, Steve and Christina Beasley, Bob Havens, Stephanie Mosqueda, Robert and Kathleen Bravin, Paul and Diane Leddy, Erin and Sherri O'Boyle, Michael Berndt, John Tully and Terry Chapman.

Note: Dave Rowles was not able to attend, and gave Gary Rosenfield a letter to read aloud at the beginning of the meeting. He gave Gary his proxy vote. A copy of this letter is included with the minutes for future reference if needed.

1. **Approval of Minutes:** Manny Mosqueda made a motion to approve the minutes (with corrections) of September 29, 2006. Linford Nelson seconded the motion. The vote on the motion was unanimous.

There were two items that needed to be corrected:

- 1) Road Paving SID section: to state "ran by engineer to verify costs."
- 2) Committee Reports – Fire Safety section: to state "Utah Division of Forestry."

These items have been changed in the September 29, 2006 Minutes.

2. Call meeting to order; Welcome and Introduction of visitors- Jacqueline Tully

3. Board member time commitments/conflicts and project summary outline - Jacqueline Tully

Jacque stated that she realizes board members have time issues and scheduling conflicts with their personal and business lives that can possibly interfere with their commitment to the Home Owners Association.

She had two ideas which should help shorten the monthly meetings:

- 1) Hold committee meetings at least once a month. At these meetings short-term and long-term plans for each committee can be created. This should reduce the amount of time spent discussing each issue at the monthly board meeting.
- 2) Create an ongoing "Action List" which can be updated at the monthly meeting. This should eliminate items being overlooked.

4. Committee Reports

A. Water - Dave Rowles

“Cedar Highlands Water Report November 2006” was read aloud at the meeting. A copy of this report is included with the minutes.

Bob Havens stated that additional chlorine may be needed in both tanks

He also stated that the engineering project began due to soil shifting. Heavy rains “short circuited” into our lower spring, compromising the springs. After we get approval from the state we will get bids. An approved engineer will give us the specifications.

Linford Nelson said that Bulloch Brothers did the job originally. When we find someone, we should stipulate someone who does excavating and plumbing. They also need to be licensed and insured.

Bob Havens is going to get in touch with Scott Hacking about specifications.

Bob said the skirt around the tank is doing its job.

Clive Newell asked about the status of the well. As of now the application has been turned in and we are awaiting further instruction from the county.

Martin Haeberle and Paul La Broad have both agreed to be on the water committee.

Bob Havens stated that because of 9/11, fines are now 1 million dollars and 20 years for tampering with water and 5 years and \$20,000 for threatening a water system. We can get signs that warn people. He also said that it is illegal to have drawings or pictures of the water system in vehicles, etc.

B. Architectural Committee - Manny Mosqueda

A Security deposit of \$1000.00 has been returned to the Bravins.

Currently there are 67 homes completed or under construction (53 completed 14 under construction).

Manny voiced his concerns about homeowners feeling it is the responsibility of the ARC to be involved in personal disagreements between neighbors. He has recommended that the home owners contact the Health Department or building inspector about their concerns with a construction project next to their property.

A major concern of the ARC is that dumpsters for construction waste are being left on subdivision roads and are a hazard to homeowners and others. The CC & R's state that receptacles for trash cannot be placed on the street. The goal of the ARC is to keep construction areas and surrounding properties clean, and safe.

The ARC committee is going to compile a list of receptacle options in order to keep roads clear; such as 55 gallon barrels or pickup trucks. If access to a job site prohibits the placement of a dumpster on the homeowner's property, the contractor and homeowner will be presented with these other options for containment of their construction waste.

Mike Berndt said that in Southern Nevada homeowners are required to sign a waiver which makes the homeowner solely responsible for any damage due to a dumpster being on the road right-of-way.

Manny feels that the board may want to consider increasing the "refundable" portion of the construction deposit. This money is withheld if owners or their contractors fail to comply with the list of rules for construction which they are given prior to beginning a project.

Stephanie Mosqueda stated that there have been 3 different occasions where the ARC wanted to fine a homeowner or contractor for non-compliance but there would be no money left for future infractions.

"We want more leverage so that they will follow the rules" Manny said.

Clive Newell made a motion to increase the refundable portion of the construction deposit from \$1000.00 to \$3000.00 with no increase to the non-refundable deposit. Gary Rosenfield seconded the motion.

The motion received a majority vote to increase the refundable deposit to \$3000.00 effective January 1, 2007.

C. Fire - Clive Newell

Clive stated that at the appropriate time brush piles on the side of the road will be burnt by the BLM. John Schmidt, Utah Division of Forestry is continuing with the clearing of lots. Next on the schedule will be the cattlemen's trail on the southern border of the subdivision. One aspen tree of the three by the water tank has been cut. Further direction will be given by Water Master Bob Havens.

Clive also reviewed the "In Kind match" sheets, whereby work done by homeowners, if logged on the sheets, acts as a credit for work done by the Utah Division of Forestry.

D. Roads - Gary Rosenfield

The road ballots are continuing to come in and are being counted.

Richard Dickinson mentioned that he sent out a letter to the Homeowners stating that he felt the ballot did not adequately outline the negatives of the road improvement options.

Discussion on both sides followed.

At the next meeting the board will discuss the vote.

5. Beehive tower progress - Jacqueline Tully

Jacque Tully has been in touch with Judith Hooper, the attorney representing Beehive Telephone, regarding the Conditional Use Permit. She received the specifications for the tower and the easement information. This information has been forward to the HOA attorney. The Conditional Use Permit is being held until the attorney reviews and approves the agreement and all of the ballots are received and reviewed.

Someone asked if we are going to charge Beehive rent. At this time we are not charging them rent. It was stated that this may be something the board should consider.

Erin O'Boyle asked if the Public Service Commission has been contacted regarding this issue. They have not been contacted. Jacque will forward the information to Erin who has agreed to contact them.

A. Homeowner concerns - Beasley Family

Steve Beasley came to the meeting to voice his concerns about the construction of Beehive's Microwave tower that will be 250 feet from his daughter's bedroom. He stated that the beam could come right into his daughter's bedroom. He discussed his findings with internet research regarding higher health risks to children. Risks such as cancer, learning disabilities, etc., were mentioned. He said it would probably be safe on a flat surface with the antennas being much higher, but because this tower is on a mountain where the angle of the beam could be in the path of their house, he is against the idea of building a tower in a residential area.

Jacque Tully asked Christina Beasley if she has had time to contact the Health Department about this issue. She has not done this yet.

6. Insurance update - Jacqueline Tully

Corry Insurance has not responded to our insurance requests. 5M and 10M quotes were requested two months ago with no information yet. The property coverage including coverage for the water tanks and pump house has been increased, but the liability coverage options have not been received. The current plan was renewed until limits can be increased. The plan is to pay monthly and shop around for another carrier.

Jacque requested approval to accept an agreement for at least the 5M to protect all who serve on the board.

Clive Newell motioned to allow Jacque to get 5M – 10M Liability coverage and 5M – 10M D & O coverage with an upper limit of \$8000.00. Gary Rosenfield seconded the motion. This motion received a unanimous vote.

7. 2007 Budget Update - Richard Dickinson

The first item discussed was the Member Accounts Receivable Summary dated October 30, 2006. There are several homeowners who are behind on HOA dues by as much as 3 years. Richard Dickinson is going to send an additional letter to these homeowners again requesting payment with a note that non payment could result in court action or a lien.

Jacqueline Tully is going to find out if there are any existing liens on any properties for non payment.

The board reviewed the 5 year Comparative Revenue and Expense Statement submitted by Richard Dickinson, they also reviewed the Comparative Revenue and Expense summary YTD and last year. Comparative Balance sheets with supporting documentation were also discussed. Copies of these items are included with the minutes.

Taxes were discussed. If Cedar Highlands has Green Belt status the taxes will be less. Linford Nelson is going to re-apply for the Green Belt status.

Shelly Newell is going to find out what the Water Meter hook up fees will increase to after January 1, 2007.

Gary Rosenfield motioned that we spend the \$6,200.00 that was budgeted for the Aspen Fencing for the meadow. Clive Newell seconded the motion. The vote was unanimous.

Addendum: After discovery that the existing aspen fence was not placed on the property line, the board unanimously approved the additional cost of \$600.00 to put the fence in the proper place before constructing the new portion of the fence.

On page 2 of 2 of the 5 Year Comparative Revenue and Expense Statement (2007 Budget), Richard Dickinson used a figure of \$175.00 for the Water System Annual

Assessment versus \$100.00. (165 x \$175.00) He also used a figure of \$300.00 for the Water Usage Fee's versus \$150.00 (61 x \$300.00)

Discussion regarding the current water fees and usage fee's continued.

Clive Newell made a motion that the annual water system assessment be \$200.00 (up from \$100.00) and that the water usage fee be \$300.00 (up from \$150.00) Ron Reber seconded the motion. Majority vote approved the increases.

Richard Dickinson will revise the budget and submit it to the board for approval at the next month's board meeting.

Jacque Tully requested that a due date be put on the invoice this year. She also requested that verbiage be added regarding interest fees and/or liens that can be incurred because of late or non payments.

8. Public comment period

Erin O'Boyle asked if we have ever had a reserve study done. Clive Newell is going to research additional information regarding reserve studies.

9. Time and place of next meeting

Clive and Shelly Newell's home located at 2323 S. High Aspen Drive
6 pm Saturday Dec. 2

10. Adjourn

The meeting was adjourned at 9:15pm