

Cedar Highlands Homeowners Association Board Meeting
2323 S. High Aspen Drive, Cedar City, UT July 13, 2007 6:00pm

The Cedar Highlands Homeowners Association Directors held their monthly board meeting on July 13, 2007 at 6:00 pm at 2323 S. High Aspen Drive Cedar Highlands, Cedar City, UT. The meeting was called to order by President Jacqueline Tully at 6:00pm

Cedar Highlands Board Members Present: Bob Havens, Linford Nelson, Clive Newell, and Jacqueline Tully.

Others Present: Martin Haeberle, Judy Haeberle, Milt Davenport, Jonathon and Michelle Davenport, Tom Kosakowski, Bill and Charlotte Bible, Elaine Monaco, Diane Leddy, Tom Payne and John Tully

The minutes were taken by Shelly Newell.

A. Call meeting to order; Welcome and Introduction of visitors – Jacqueline Tully

B. Approval of Minutes: Bob Havens made a motion to approve the June 2007 minutes. Clive Newell seconded the motion. The vote on the motion was unanimous.

C. Committee Reports

1. **Financial Reports** –Richard Dickinson was not present to give a report.

2. **CC & R's** – No one was present to give a report

3. **Road Committee – Linford Nelson / Gary Rosenfield**

a. Roger Murie has completed work on the roads.

b. Originally the estimated costs were \$19,680.00. The invoice being submitted today by Linford Nelson for Roger Murie is \$21,136.00

c. Bob Havens motioned to pay Roger Murie \$21,136.00. Clive Newell seconded the motion. The vote on the motion was unanimous.

d. Mr. Synko will pay personally for work done on his driveway.

e. Bert Ton stated that he was overbilled for snow removal. He was charged \$25.00 per time instead of \$20.00. The board will either refund the money or apply a credit towards next years snowplowing. They will do this for all parties who were affected by the error.

f. The board will announce the October 15, 2007 deadline to sign up for snow removal at the annual meeting. One-time snow removal will no longer be allowed. Contact Linford Nelson. A Snow Plowing form, which includes a liability waiver, must be signed before any snow removal can be done on any homeowner's property.

g. A letter from Gary Rosenfield summarizing the proposed road improvement S.I.D. was reviewed.

h. At this time, the board will not prepare a letter and ballot regarding bringing the main road inside the subdivision up to specs. Further research is required.

4. **Fire Committee – Clive Newell**

a. The Fire committee's Annual HOA meeting outline was reviewed

b. Square Top Mountain, to the SW of the subdivision, is a concern due to potential fire hazard. Linford volunteered to improve access to this area.

5. **Architectural Committee** – Manny Mosqueda was not present to give a report.

6. Water – Bob Havens.

- a. The “July 2007 Water report” was handed out for discussion. A copy of this document is included in the minutes as an attachment.
- b. Bob stated that the pressure reducing valves had not been properly maintained for several years, and this is the main priority of the Water Committee at this time.
- c. Bob purchased a blower, which is used for safety purposes while digging out the valves. Tom K. has volunteered to assist Bob with the blowing. Once this is completed, Terry and Bob will start the rebuild of the subdivision’s Pressure Reducing Valves (PRVs.)
- d. Because of the cost of new PRVs the board agreed with Bob that rebuilding is the best option if possible.
- e. There are five PRVs that need to be repaired or rebuilt. Bob said he may be able to get 3 of the 5 completed this summer.
- g. It was suggested that in the future, new homes being built in the development should have a PRV in the home.
- h. Bob also mentioned that homes should have an expansion tank on the water heater. It is required to pass code in Iron County.
- i. Bob will supply examples of PRV’s for homes at the Annual Meeting.
- j. Bob suggested that Martin Haeberle consult with Sunrise Engineering to get the most important part of the job done first. Once plans are completed, bids can be requested. The cost to rebuild PRV’s is approximately \$1,000.00 to \$2,000.00 each. He also stated that “every 2 – 3 years they will need to be re-budgeted and rebuilt”.
- m. Bob believes that we have enough money in the budget to address the PRV issue this year. The board agreed that next year they can address the well and possibly increasing the storage capacity.
- n. Jacque Tully motioned to get de-icer prices in place before winter. The de-icer keeps a layer of ice from forming at the top of the water storage tanks, which makes it difficult to chlorinate the water during the winter. Research for solar and electric de-icers will be done to determine the best option. Linford Nelson seconded the motion. The vote on the motion was unanimous.

D. Other Business

1. Beehive Telephone has not submitted any additional information. The item will need to be addressed again at the annual meeting. Linford Nelson feels that Beehive should pay to lease the land used.
2. Mr. David Lowden sent an email to the board president regarding his concerns about the Beehive tower. A copy of the email is included in the minutes as an attachment. The board decided that this will be discussed again at the annual meeting.
3. Pat Aragon (current owner of former McCabe residence) contacted Jacque Tully regarding his concerns about unstable ground around his home. Mr. Aragon asked to address the Board regarding his concerns about soil stability and the proposed solutions he received from the engineering company he hired to research this problem for him. He was asked to

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bring the engineering study and proposed solutions to the meeting to present to the Board. Jacque subsequently phoned the Aragon residence and spoke to Mr. Aragon's wife to ask if

the Board could view the problem area prior to the meeting, and to inform them of the meeting date change. Mrs. Aragon said she would give him the message, but he did not call back and did not attend the meeting.

4. Joe Jarvis sent an email to Ms. Tully regarding the cattle grazing in the upper meadow. A copy of the email is included in the minutes as an attachment. His concerns were addressed separately by the Board as follows.
 - a. The board agreed that having the cattle graze is a benefit for two reasons. The first is to continue receiving Green Belt status which saves the association money, and the second is for fire abatement.
 - b. Clive Newell suggested that Joe Jarvis contact John Schmidt from the Utah Division of Forestry.
 - c. Linford Nelson suggested that at the Cedar Highlands HOA Annual meeting we have the lot owners vote on this subject. The board will discuss this at the Annual meeting in August.
 - d. Bob Havens wanted it on record that he "would like the cows fenced in for fire purposes."
 - e. Linford Nelson had paperwork that reflected that Joe Jarvis himself had authorized the grazing when he was the President of the HOA.
5. Thistles – Clive Newell will contact Vicki Tyler to ask her to forward information on how this can be addressed in our community.
6. Dave Rowles resigned from the board effective immediately due to personal conflicts.

E. New Action Items

1. Bob Havens will give the information on well diggers to Sue Dawn and Kyle Sheetz who will investigate who our best option is.
2. Bob is going to investigate how many meters on the main road will need to be moved beyond 28 feet.
3. Bob Havens is going to take the Haeberle's and Tom K. on a "field trip" to discuss water turn off valves and show them important information about the water system.
4. Bob Havens – attending conservancy meeting.
5. July Haeberle will coordinate the food for the annual meeting.

F. Action Items review

1. Type Bylaws - Denise Rosenfield
2. Service and recalibrate pressure reducing valves. - Bob Havens & Tom Kosakowski
3. Contact legal counsel concerning Linford Nelson property lien, waiting for response – Jacque Tully
4. Move ATV signs – Linford

5. Gather information on grants that may be available to support and assist HOA with water issues. – Martin Haeberle

G. Time and place of next meeting

The next meeting will be held on August 18, 2007. Lunch is at 11 am for all residents. The meeting will begin at 12 noon.

The lunch is potluck; for anyone wishing to contribute please contact July Haeberle.

- I. Adjourn:** The meeting adjourned at 9:15p

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June 21, 2007

VIA EMAIL

Jacqueline Tully
President
Cedar Highlands Home Owners Association
Cedar City, UT

Re: Unmanaged Livestock Grazing in Cedar Highlands

Dear Jacque:

The recent decision by the HOA Board to allow unmanaged livestock grazing in the common areas of Cedar Highlands has been brought to our attention. We believe this decision is inconsistent with the interests of the HOA as a whole and should be immediately suspended pending a full vote by the membership of the HOA.

The vote by the Board was not ordinary and affected many people who have a deeded interest in the common areas. The vote to introduce unmanaged livestock grazing in the common areas affects all in Cedar Highlands and must be brought to a vote at the annual meeting of the HOA. It now appears the vote was managed within the Board alone, and, thus, at a minimum, raises a conflict of interest based on the self interest of at least one board member. It is the usual practice for livestock operators to lease land for grazing at \$7-10 per AUM, not to expect free grazing on lands owned by others. The Iron County ordinance establishing open range does not mention free range, but simply states a landowner cannot claim damages by wandering livestock unless he has first fenced his property to exclude livestock.

Please provide us with any documents reflecting the demand by the Livestock Association for free grazing use within the subdivision.

The Greenbelt qualification can be satisfied in several, less intrusive ways, including grazing only a few horses such as is already allowed by the Covenants and Restrictions. The Greenbelt issue was previously presented to the Board and determined not to require further action because the common areas were already being used by livestock operators (Tom Williams, Brent Hunter) when moving their sheep to and from the adjacent Cedar Mountain Livestock Trail. Also, by law and by the subdivision approval from Iron County, common areas cannot be productive areas and be appraised like the building lots in the subdivision. The common areas have no economic return and by their very nature no potential for increase in value or productivity.

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The open range issue was previously addressed by building the fence around the meadow and lake. If the fence has been removed or is no longer functional, further steps should be taken by the HOA to prevent the intrusion of livestock into the common areas and private property.

Neither I nor other adjoining lot owners were advised of the change in policy regarding grazing use and the likely impact upon their individual properties. At the very least, the lot owners should have been given a deadline to protect their own properties and not to have their property interests negatively impacted based on the interests of individual board members. In reality, the Board's decision shifts the costs of supposed tax increases to the individual lot owners. It would be far more reasonable and efficient to assess lot owners and build a fence around the subdivision rather than have a collection of individual fences. Under the Board's approach, as individual homeowners fence their lots, the unmanaged livestock will move onto adjacent unfenced lots causing each adjacent lot owner in succession to construct fences until all are fenced individually at a much more significant individual cost.

In the past, when I served as water master, the State insisted during their inspections that livestock not be allowed to concentrate in the meadow due to potential contamination of the springs in the meadow and the obvious value as a water source for the main lower spring by the water tank. Since our sources of culinary water are very shallow subsurface water, any intense use of the land surface will affect the quality of the water to our springs. A review of the hydrologic report will clearly substantiate this fact. The protection of the meadow also allows for more healthy grass development, which in turn assists our springs. A good stand of grass holds the snow in place instead of the snow blowing off, which results in more snowmelt to infiltrate into the shallow subsurface water and feed the lower main spring.

When I moved into my home in 1995, anyone who walked in the meadow or even along the road through the meadow afterward found a few ticks attached to their body. When we began keeping the cattle out of the meadows on a regular basis, the ticks disappeared and were no longer a problem. It seems obvious that livestock and concentrations of people, which is the purpose of a subdivision, do not mix well.

We hereby request that the Board's decision regarding grazing in the common areas be suspended at the next board meeting pending full voter approval at the annual meeting. Furthermore, all facts and interests of the board members on this issue should be disclosed to all HOA members. Should the Board fail to take this action, we will have no choice but to resort to litigation to protect our home and property value.

Thank You,

Joseph M. Jarvis

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From: "dglowden" <dglowden@cox.net>
To: <president@cedarhighlandsHOA.org>
Subject: Email from the HOA Website
Date: Tue, 10 Jul 2007 19:50:03 -0700

I am in receipt of the Summer 2007 Association letter and ballot. I was shocked to learn about a proposed telecommunications tower. I have been a property owner since February 2006, and, prior to this letter, I have never received any information regarding this issue, nor was I provided a ballot for voting. If it's not proper near some owners, why would it be right to move it near others? I purchased my lot (Lot 1, Block 1) with full intentions of making a substantial investment in this community in 2008 when I will build my home. I selected my lot for its view and its location near the common area, never dreaming a tower would mar the terrain. The issue is larger than my personal loss and aggravation. The issue is the long-term welfare of the community. If my view is marred, I assure you I will not be making the investment (I'll sell). If I'm not willing to make a sizable investment in the community, the next owner probably will not either. When you soil the land, you devalue the property, decreasing the property owners' willingness to invest (not only in their homes, but in community improvements as well). Any cash flow from a lease (I assume it's a proposed lease), will be lost many times over in the long-run and the community as a whole will suffer. If the location of the tower is where I think, it will be seen everyday by every property owner driving up and down the mountain. What a shame! It's like selling your soul - the beauty of the mountain and the long-term welfare of the community sold for a few dollars from a commercial enterprise. The wave of progress brings development, but how we develop is still within our control. I've lived in Las Vegas, Nevada, for 36 years, and I've seen poor judgment by developers and our councilmen and commissioners needlessly destroy sections of the Las Vegas Valley, and now much of the damage is irreversible. I selected Lot 1, Block 1, of Cedar Highlands to be away from this kind of foolishness.

If this seems like much ado about nothing, please consider that this structure will be in the face of every property owner everyday as they drive up and down the mountain - for a long time. Further, this structure (incompatible with the natural beauty of the mountain landscape) will be a landmark that defines the community for a long time to come. It will be a statement as to who resides in the community and how much they appreciate and respect, or in this case don't respect, natural beauty and the welfare of their community.

Please let me know how I may obtain a list of Cedar Highlands Homeowners Association members, with mailing addresses, in order that I may communicate regarding this issue. In addition, please forward my letter to members on the e-mail list. Finally, I would appreciate any information you can supply regarding the proposed tower and Board Member candidates.

You can send it by e-mail, or you can U.S. mail to David G. Lowden, 3221 S.

Torrey Pines, Las Vegas, NV 89146. I have added myself to the e-mail list.
I hope I receive Association correspondence in the future. Thank you
for your assistance.

>
Sincerely,
David G. Lowden
Lot 1, Block 1

July 07 Water Report

Not all of the lead copper tests are in but Kirk verbally said that we were compliant.

Do not have the numbers on the 5th test from Kosakowski, but I think his carbon pre filter may be the solution to the aggressive water.

Bac-ti tests taken in June were compliant.

Waiting for nitrate results from the springs, 1A, 5, 7-9.

The result of the Microscopic Particulate Analysis for springs 7-9 was seven. Seven is in the low risk range. 0-9 = low risk for pathogens.

The pressure systems are parallel, when the supply to the High Mountain View PRV was turned off the pressure at Beasleys dropped to 10 psi, too low to supply the Beasley home with water, but better than high pressures for those living on High Cedar View or High Juniper View.

The main the High Mountain View PRV is controlling the pressure and not the low flow bypass PRV. The big valve is on and the little one is off. The little, low flow valve, should be on and the big valve should be off.

I was able to get the big valve to drop the pressure 60 psi. Tully went from 180psi down to 120 psi

When the system is repaired, the pressures will be 30 psi at the PRV vaults. The highest pressure on the system will be 113 psi.

Homes on the mountain must have their own pressure reducing valves. Even when the system is, repaired pressures will rise with water hammers. The water heaters are required to have expansion tanks.

Even municipal water operators make mistakes that create water hammers.

I got someone to clean our #1 spring field for \$100. Paul Kline. He is available on weekends.
435 592 0953

Cedar Highlands Pressure Reducing and Valve Layout 2

