

The Cedar Highlands Homeowners Association Directors held their monthly Board Meeting on Saturday September 20, 2008 at 6:00 p.m. at 2215 S. High Mountain View Drive, Cedar City, UT. The meeting was called to order by Acting President Clive Newell at 6:18 p.m.

Cedar Highlands Board Members Present: Beth Gaines, Steve Gray, Manny Mosqueda, Linford Nelson, Clive Newell, John Tully and Janet Webb.

Others Present: Michael Berndt, Bob Havens, Tom Kosakowski and Stephanie Mosqueda.

The minutes were taken by Janet Webb.

1. Call meeting to order. Welcome and Introduction of visitors – Acting President Clive Newell.

2. Approval of Minutes: Linford Nelson motioned to approve the July 2008 minutes. Manny Mosqueda seconded the motion. The vote on the motion was unanimous.

3. Election of Officers, Board Member and Committee Chairs:

John Tully motioned that Beth Gaines serve the remainder of Bob Havens' term since she had the next highest votes at the Annual Meeting. Manny Mosqueda seconded the motion. The vote on the motion was unanimous.

A. President: Janet Webb motioned to nominate John Tully as President. Beth Gaines seconded the motion. John accepted the nomination. There were no other nominations. The vote for John Tully as President was unanimous.

B. Vice President: John motioned to nominate Clive Newell as Vice President. Manny Mosqueda seconded the motion. Clive accepted the nomination. There were no further nominations. The vote for Clive Newell as Vice President was unanimous.

C. Secretary: Janet Webb motioned to nominate Steve Gray as Secretary. Linford Nelson seconded the motion. Steve accepted the nomination. There were no further nominations. The vote for Steve Gray as Secretary was unanimous.

D. Treasurer: John Tully motioned to nominate Beth Gaines as Treasurer. Manny Mosqueda seconded the motion. Beth accepted the nomination. There were no further nominations. The vote on the motion was unanimous.

E. Committee Chairs:

1. **Road Committee:** Linford Nelson motioned to nominate Beth Gaines as Chair of the road committee. Clive Newell seconded the motion. Beth accepted the nomination. The vote on the motion was unanimous. Beth volunteered Stan Gaines to assist on the committee.

2. **Water Committee:** John Tully motioned to nominate Steve Gray as Chair and Mike Berndt as Co-Chair of the water committee. Clive seconded the motion. Steve and Mike accepted the nomination. The vote on the motion was unanimous.

3. **Architectural Committee:** Steve Gray motioned to nominate Manny Mosqueda to Chair the architectural committee. John seconded the motion. Manny accepted the nomination. The vote on the motion was unanimous. Mike Berndt, Tom Kosakowski and Stephanie Mosqueda volunteered to assist on the committee.

4. **CC&R Committee:** Linford Nelson motioned to nominate Janet Webb as Chair of the CC&R committee. John Tully seconded the motion. Janet accepted the nomination. The vote on the motion was unanimous. Stephanie Mosqueda volunteered to assist on the committee.

5. **Fire Committee:** Manny Mosqueda motioned to nominate Clive Newell as Chair of the Fire committee. Janet Webb seconded the motion. Clive accepted the nomination. The vote on the motion was unanimous.
4. **Webcast of HOA Board Meetings:** After discussion of pros and cons, the pros being more participation and the cons being that the agenda and meetings would have to be split into open meeting and closed meeting topics, Manny Mosqueda motioned that we not broadcast the meetings. Clive Newell seconded the motion. A majority of the Board approved the motion with Steve Gray dissenting.

5. Financial Report –

- a. **The “Cedar Highlands Expenses and Deposits August 2008” report** was presented to the board. A copy of this is included as an attachment to the minutes. Janet Webb motioned to approve the financial report and Manny Mosqueda seconded the motion. The vote on the motion was unanimous.
- b. **Collection Agency report:** Discussion followed regarding the Collection Agency negotiating an agreement for a reduced amount of delinquent HOA dues from two owners. This agreement makes the collection less than the contractually approved 70% of the total bill. Although the Board agreed this should not have occurred, it agreed that we should accept it this time. The check has not been received as of this date. It was brought up that the home on lot 9 block 9 previously owned by Jacquelyne Lee has changed hands and the lien was not paid. Stephanie will talk to the person who applied the lien to find out why we weren't paid when the property changed hands. Janet and Stephanie will research the legalities and payment order of property liens and report back to the Board next month.

6. Committee Reports

a. Fire – Clive Newell

1. Clive Newell said he has received several forms for matched time and will be getting them turned in to John Schmidt for credit.
2. Manny Mosqueda volunteered to collect the lot and block numbers of those needing chipping or burning and will get the list to Clive Newell.

b. Architectural – Manny Mosqueda

1. There are now 70 homes in the subdivision, which includes two under construction. Clive Newell's new garage has been completed. He has requested his security deposit to be refunded. Linford Nelson has completed construction on lot 2 block 4 as well as two garages and has also requested his security deposits be refunded. Linford will contact Manny Mosqueda to inspect the properties when grounds are cleared. Manny will then draft out a security deposit return letter for the treasurer to cut a check.
2. Janet Webb and Stephanie Mosqueda will draft a letter to the owner, realtor, county offices and utility companies informing them of the hazardous condition of the home within the slide area. The letter will be ready for review at the next meeting.
3. Janet Webb will contact the City water department to determine the legality of turning off water to homeowners who are in arrears on their HOA dues which include water service.

c. Water—George Mason

1. **New water master & Insurance-** John Tully read the monthly Water Report prepared by George Mason. A copy of this report is included in the minutes as an attachment. The Associations portion of the indemnity policy for one (1) million of annual coverage cost is \$375.00.
2. From Jaqueline Tully; Here is the update on the Legal stuff I have been working on. Beehive has done nothing new, we have not heard from them since the last update, so we are still waiting for them to send us a draft of a contract for building the tower. As it is now fall, it seems that they are not so interested in getting this done this year. As for the easement, and Land use agreement paperwork between us and Linford, we are still working on the legal description of the Zone 2 source protection zone and I should have most of the paperwork finalized by the next board meeting. - Have a great meeting! - Jaq
3. **Other spring protection zones-Linford Nelson Subdivision-** Linford Nelson agreed to provide the Board with copies of his approval letters from the Southwest Water District; DDQ and the State Water Engineer. (??) These letters, along with three Board members attending the September 4, 2008 Planning and Zoning Commission meeting, is the Board's due diligence in case of water contamination brought on by septic system leach lines installed at homes in Linford Nelson's future development named, "Capo Di Monte Cluster Subdivision".

d. Roads - Beth Gaines

1. The security deposit was returned to the owner of Block 8 Lot 18. Manny Mosqueda, along with the road committee, completed the inspection and found it to be in compliance and the deposit was refunded.
2. Linford Nelson stated his new subdivision will have its own Homeowners Association and **will not include** in it, participation in the maintenance of the main road through our subdivision.
3. John Tully asked Linford if he plans to be a good neighbor and if his intent is to build quality log homes such as the ones he currently builds in Cedar Highlands. Linford stated that his intention is to be a good neighbor to Cedar Highlands and to build quality log homes.
4. Mike Berndt mentioned Rob Yates' generosity of using his tractor to work on our roads, but has concerns that if it is broken, we will incur the cost of the repairs. The board unanimously agreed that Rob's tractor should no longer be used.

e. CC&R's – Janet Webb

1. Stephanie Mosqueda will send out pages 1-4 of the CC&R's to all board members no later than 10 days prior to the next board meeting. Everyone is to read them and have their comments/questions and suggestions to her no later than 3 days before the next meeting. This section's draft will be finalized at the next board meeting.

7. Other Business

- a. **Beehive Telecommunications tower update-** See Jacqueline Tully's report (section 6c-2). Jacqueline will be consulted to see if we should move forward.

- b. **Linford Nelson easement update/concerns-** Linford Nelson was informed that the easement issue is still with the attorney. For liability issues, this needs to be done legally.
- c. **We need someone who will watch the published (or on the web) legal notices for county projects that may affect Cedar Highlands Subdivision:** Steve Gray volunteered to review the legal notices in the on-line version of the Spectrum for any issues that may pertain or affect Cedar Highlands. If anything of interest is found, he will blast it on the web.
- d. **Discussion of Board members' conflict of interest-** It was discussed and agreed upon that anyone with a conflict of interest on any agenda item shall be excused from any discussion or voting on the subject matter. It was also agreed upon that anyone with information or knowledge of anything that could affect Cedar Highlands shall inform the board in a timely manner.
- e. **To e-mail blast or not to blast-** It was discussed and agreed upon that when sending Steve Gray information, let him know if it is for Board members only or to be blasted on the web.
- f. **Posting August Minutes to the web as a "draft to be approved in August 2009-** It was agreed that the "approved" draft of the August 2008 annual meeting minutes should be posted on the HOA website as soon as available.

8. Public Comment Period

There were no public comments.

9. Action Items:

- a. Linford Nelson to provide his three (3) approval letters for his septic tank placements within protection zones 2 and 3 of Cedar Highland's springs. If contamination of our spring water should occur, we will be able to provide our legal counsel these letters for a suit to show that due diligence was completed by this Board.
- b. Linford Nelson to notify adjoining property owners of Block 7 Lot 1 and Block 5 Lot 10 regarding his request for a right of way easement within the Cedar Highlands common area.
- c. Stephanie Mosqueda to contact the company who placed the lien on the home of block 9 lot 9 to find out why the lien wasn't honored at the time the home changed hands.
- d. Janet Webb to contact the City water department regarding the legalities of shutting off water to anyone behind on their HOA dues which includes water usage.
- e. Janet Webb and Stephanie Mosqueda to write a draft letter to all appropriate parties regarding the hazardous conditions by the home in the slide area on block 8 lot 10.
- f. Manny Mosqueda to inspect the completed new construction on three (3) properties and request deposits be refunded if appropriate.
- g. Manny Mosqueda to collect lot and block information for chipping and burning and provide to Clive Newell.
- h. Stephanie Mosqueda to e-mail pages 1-4 of the CC&R's 10 days prior to the next board meeting. Each board member to read pages 1-4 and submit any questions/comments or changes to Stephanie Mosqueda at least three (3) days prior to the next board meeting.

10. Date, time and place of next Board meeting:

Saturday October 18, 2008 at 6pm

The Home of Connie Nelson

1134 E. High Valley View Circle Cedar City, Utah

Block 8 Lot 15, Cedar Highlands Subdivision.

The combined November-December Board meeting will take place at the home of Steve and April Gray at 2146 S. High Mountain View Drive, Lot 9 Block 8, on December 13, 2008 at 6 p.m.

11. Adjourn:

Janet Webb motioned to adjourn the meeting, Clive Newell seconded the motion. Meeting adjourned at 9:52 pm.

See other reports below pages 6 & 7.

Cedar Highlands Water Report September 19, 2008

On 1 Sept. myself (George Mason) & David Lake become the water operators for the Cedar Highlands Water System. We met with Bob and Manny a number of times to familiarize ourselves with operation of the system and location of testing sites for chlorine and bacteria sampling.

Current Status of the Water System

- Storage tanks have remained full with lower tank running over during the first week of the month.
- Two water samples taken for bacteria were negative.
- Weekly samplings of Chlorine residuals for upper and lower systems were adequate.
- All special annual water testing required by the state have been completed by Bob.
- We will be adding insulation to the tops of the new vaults in the next couple of weeks as a precautionary measure against possible freezing.

Other

- Reframed door opening to the pump house and replaced door with metal door.
- Repaired spring 1A tank lid hinge.
- Replaced frayed rope for chlorine basket in upper tank with chain.
- Contacted the state office for Source Protection Plans for status of plan for the well. A letter from the state was sent out on the 5th of Aug. requesting additional information and corrections to the plan submitted by GEM engineering. Contacted Joel at Gem Engineering and confirmed that he had received a copy of the letter. Joel said” that the necessary information required will be completed next week and sent to the state”. I will follow up next week on status.

Cedar Highlands Expenses & Deposits August 2008

Water Account Expenses:

Cedar Plumbing (Bersi, Huddle Meter, Spring 1 & 1A)	\$ 1519.34
Pump House - Janet Webb – weed killer/weed eater supplies	\$ 52.39
SUU Water Testing	\$ 255.00
Mountain Valley Excavation (3 rd PRV)	\$ 16,581.67
Chem Tech	\$ 235.00
TOTAL	<u>\$ 18,643.40</u>

HOA Account:

Block 2 Lot 16 (construction deposit refund)	\$ 1,000.00
Paul Leddy (propane for August meeting)	\$ 46.56
Stephanie Mosqueda - Stamps, plats, Xerox water plats, ink	\$ 55.23
Steve Gray - Domain renewal	\$ 19.18
Jacqueline Tully: Food and beverages for picnic & July Board meeting	\$ 266.49
Mountain Valley excavation (blade main road)	\$ 2500.00
TOTAL	<u>\$ 3,887.46</u>

Deposits to HOA Account:

Block 6 Lot 2 Construction Deposit for garage	\$ 1,500.00
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