

CEDAR HIGHLANDS HOA BOARD MEETING MINUTES

APPROVED

252 N 200 W, Cedar City, UT

December 16, 2019 at 6pm

1. **Welcome/Quorum established** – Mike Brask called the meeting to order. Board Members present were LynAnn Imlay, Jim Hilton, Rob Shelton and Regina Tashjian. Other members in attendance were Jeanne Shelton and Kirk Marshall. Mike made a motion to approve last meeting minutes, seconded by LynAnn. Vote was taken and unanimously approved.

2. **PRESIDENTS REPORT:**

Mike's concern is construction during months especially when the roads are muddy. There currently is no way to regulate or control what is happening to the roads because of the heavy construction trucks. There was a recent problem with a tractor-trailer that got stuck in the mud and caused a tremendous amount of damage to High Cedar View Drive from High Spruce Circle and around. The owner/contractor authorized to do some repairs of the damage, but there were still major ruts in the road that once the snow melts, it would create even more damage. As the mayor was out of town and no one on the Town Council accepted the snowplow responsibilities, Mike agreed to handle it in the mayor's absence. Mike contacted Western Rock (vehicle that caused the damage) but they refused to take responsibility stating they were contracted by the owner/contractor and the landscaping service that should be responsible. Ray Bulloch suggested to Mike that as the temperatures were well below freezing, it was a good time to use his blade to scrape the road to fix the damage caused by the construction truck. Mike authorized Ray to perform the work for \$1K set price. In addition to repairing High Spruce Circle all the way down and around High Cedar View, including pushing the berm off the road so the road could be properly plowed, they bladed the main road all the way down to the bottom and knocked off the high spots, for no extra charge. The mayor felt that Mike should have first obtained permission from the Town Council prior to engaging Ray. The HOA needs to resolve the \$1K charge with the Town Council. The board agreed Mike made a good call that helped the community. The former HOA president did not collect any impact fees from that specific construction site involved, and CH town got the money for the permits and impact fee. Unfortunately, neither Roger Thomas nor Linford Nelson attended this meeting to discuss the best protocol to deal with this situation. Mike will call them to discuss the best way forward to minimize construction damage to the roads. The contractors need to use good judgment coming up the roads with their trucks. Examples: does the truck and trailer have chains; do the trailers have brakes and brake lights. One of the contractors jackknifed and caused road damage. In the case of construction material deliveries, it should be done when the weather conditions allow and not after a heavy rain or in the afternoons when the snow is melting. Rob will attend the next Town Council meeting to negotiate the resolution of the \$1K bill from Bullochs.

3. **NEW BUSINESS:**

A. **Discuss/Motion/Vote Cover letter for 2020 Dues Invoice** – a few small modifications were made to the draft prepared by Reggie. The invoices will be created stating \$300 due in February and the balance in June. LynAnn moved to approve the modifications to the cover letter, seconded by Rob. Vote was taken and unanimously approved.

B. Discuss/Motion/Vote- Short Term Rental Violations

Bruce Jenkins contacted the attorney for Block 9, Lot 16. Bruce reviewed the materials we furnished with Tony Allen documenting the rentals are less than 30 days. Bruce advised Tony we would need a letter stating the owners would cease using their property as short-term rentals. Otherwise they will be fined. Bruce felt we had a solid case if this went to court. To save legal expense, we can generate an invoice for a STR fine. If it is not paid or violation cured, then additional fines will be assessed and we will have Bruce pursue. There was a lot of discussion and the board agreed to send an initial fine and there will be additional fines if STR violations do not stop. There was discussion about other possible legal action if violations continue. Mike made a motion to send an initial \$500 fine, seconded by Reggie. Vote was taken and unanimously approved. LynAnn will create an initial fine letter to send with the invoice.

Regarding the other 2 owners renting their properties for STR, it was agreed to hold off sending a fine this month.

4. COMMUNICATIONS:

A. **With members** - complaints re: dogs. We simply do not have the ability to control the dogs. Reinforce that members should speak with their neighbors or call the sheriff if needed.

B. **With Town** – At the November meeting, we planned to ask the town to pay for usage of the sander, based on depreciation that would be put towards future equipment purchase. The day following the board meeting, Reggie spoke with the mayor about charging for use of the sander, primarily based on depreciation of the equipment. Jim Byler expressed concerns about the town paying a fee to the HOA for the use of the sander. Reggie asked Jim Byler for a commitment from the town that if there is any damage to the sander (not including warranty work), the town would pay for the repairs prior to returning it to the HOA. After discussing this conversation with Mike, it was thought that rather than cause any division or ill will in the community, Mike would not present the HOA request for a usage fee to the Town Council. The board agreed with this decision. Mike suggested listing the old sander and using any money we get towards road repairs. Jim made a motion to sell the old sander, seconded by LynAnn. Vote was taken and unanimously approved.

C. **With attorney** - Bruce Jenkins will honor the previous rates for the current work he has performed. He will send over a new rate schedule going forward. His rates as a senior partner are a bit higher, however, one of his associate attorneys will do some of the work at a lesser rate. It was discussed that a litigator such as Bruce with his experience in HOA matters, will ultimately cost us less and provide us with the best legal service in the long run.

5. COMMITTEE REPORTS:

A. **Financial** – Rob presented the board with a management report ending December 16.

1. Expenses for review and approval-

Discussed HintonBurdick \$1188 bill. Mike has been in discussion with Robert about the bill and discrepancies we have found. We have already paid their September bill, which they state we have not. HB refuses to turn over HOA records at this time, as Robert believes it is their property. We need those records, as we are required to have them available under CC&RS. The other concern is that although Mike has administration rights

to QuickBooks, as HB manages it, we cannot make a back up copy or have any control over the program. Any negotiation must be tied to getting copy of all HOA records and the depreciation schedule. Reggie made a motion to approve up to \$1K for Bullochs, pending negotiations with the town for contribution, seconded by LynAnn. Vote was taken and unanimously approved.

2. Discuss/Motion/Vote on approval for use of new accountant for taxes, annual financials and QuickBooks training as needed. Elaine Madsen is a licensed CPA and is willing to do some works at \$50 per hour. The HOA needs some assistance with the transition from HB. Rob made a motion to use Elaine to do our taxes and annual financials required; training on QB; and resolve our relationship with HB including paying a final bill and getting our records. Seconded by Reggie. Vote was taken and unanimously approved. We are looking at budgeting \$2000 annually for Elaine's service for these functions, which was significantly less than HB, as they planned to raise our monthly fee to \$600-700 monthly and their other rates range \$60 to \$200 per hourly. Elaine will generate an engagement letter.

3. Delinquent dues collection

Block 11, Lot 11 will be sold in auction in January 16, 2020. \$216 plus current interest is past due. Reggie spoke with the mortgage company that has put the property into foreclosure who advised that the HOA dues are not part of a foreclosure. Unless the estate sells the property prior to foreclosure, and the title company handles the sale, only then will HOA dues be considered.

Block 5, Lot 8- 3 years past due which exceeds \$1600 needs to be pursued. It was agreed to file after the 2020 dues are due, in the event those are not paid either. LynAnn made a motion to pursue collections in small claims court including filing and included fees, seconded by Reggie. Vote was taken and unanimously approved.

Rob proposed we clean up the small interest charges on the members list prior to sending out the 2020 dues statements.

B. ARC

1. New Applications for review and vote- no new applications submitted

2. Status of existing construction

Nelson -**Block 2, Lot 32** Application 9/5/17; \$4000 impact fee paid to the HOA

Thomas-**Block 2, Lot 10** Application 7/16/18; approved by Steve Swann; no HOA impact fee collected.

Nelson-**Block 9, Lot 1** Application 9/5/17 approved; \$4000 impact fee paid to the HOA

Henson-**Block 3, Lot 10** Application approved 9/15/14; \$4000 impact fee paid to the HOA. It is taking longer than expected to complete the interior due to difficulty with getting sub-contractors. This property may need for a culvert due to drainage issue.

Butler -**Block 8, Lot 12** Application was officially approved at the September 2019 Board meeting. NO HOA Impact collected per the November 7, 2018 Board decision. Roof is on.

Palanza-**Block 4, Lot 1.** Application was officially approved at the September 2019 Board meeting. NO HOA Impact collected per the November 7, 2018 Board decision. Shed attached to garage.

Getman-**Block 9, Lot 7** Application for an attached garage to match existing home.

Application was officially approved at the November 2019 Board meeting. NO HOA Impact collected per the November 7, 2018 Board decision

3. **Status of friendly reminder and warning letters for ARC violations**

Gray- Block 9, Lot 9 Grading needed for drainage. Retroactive Application submitted for approval. LynAnn made a motion to approve application, seconded by Mike. Vote was taken and unanimously approved.

Callahan- Block 2, Lots 2 & 3- Driveway grading. Response received with plans. Owner stated he will submit for ARC approval any future plans. Reggie made a motion to approve, seconded by LynAnn. Vote was taken and unanimously approved.

Swann - Block 6, Lot 12- Construction of shed. No response yet to warning letter. The deadline to respond is December 17.

Reminder: All residents are reminded of the CC&Rs requirements when building or making any exterior improvements/additions/changes to their structure(s). CC&Rs and the forms to submit are listed on the HOA website. www.cedarhighlandshoa.org

4. **Discuss/Motion/Vote regarding reinstating Impact Fees** - The problems we have faced with construction damage on sites that no impact fees were collected shows that we can no longer suspend impact fees as we have no way to collect for road damage. Discussion regarding need to reinstate the impact fees. Rob made a motion to reinstate the impact fee schedule effective January 1, 2020, seconded by Reggie. Vote was taken and unanimously approved. Jim will remove the letter rescinding impact fees from the website. Reggie will draft notice to post. Jim will draft a revision of the ARC application to include conditions of use to be approved at the next meeting.

C. **Roads**

1. Protocol for road closures- If we have a situation when the main road is closed, it may require either the sheriff or Iron County to close the road at the bottom. Rob will draft a protocol to follow, including notifying the sheriff/county and posting on the websites.

2. Purchase of A-frame/road closure signs- needs to be part of the protocol. Currently, Bullocks loans us signage needed at no charge.

D. **Fire & Safety**- because there is snow, discussion tabled.

E. **Website**- LynAnn submitted the bio. Jim needs the rest of the board.

F. **Water** Jim was unable to attend the last CICWD meeting, although listed to the audio and submitted a report.

Mike discussed that plowing the road to the water tanks, should be paid by CICWD. We currently are paying approximately \$5K annually as it drifts a lot. Snow fencing may prevent the huge drifts that CICWD can contribute. We may be able to negotiate something with CICWD on these costs. Jim also suggested a national gas generator be put by the tanks in the summer when power is shut off, to keep the pumps running.

6. Member Questions – Open Discussion . No questions presented.

7. Date and Time for Next Meeting – January 22, 2020 at 6pm

8. Adjourned at 8:45

Respectfully submitted by Regina Tashjian, Secretary