

## CEDAR HIGHLANDS HOA BOARD MEETING MINUTES

252 N 200 W, Cedar City, UT  
September 23, 2019 at 6pm

**APPROVED**

### **1. Welcome/Quorum established** -

LynAnn Imlay, Rob Shelton, Jim Hilton and Regina Tashjian were present. Mike Brask attended remotely via FaceTime. Other members in attendance: Jim Butler, Larry & Dayleen Miracle, Rick & Lori Silva, Jeanne Shelton, Peg Hilton, Linford Nelson, Cynthia Byler, Charlotte Bible, Manny Mosqueda, Fred & Sherrie Getman, Roger Thomas, Kirk Marshall, Tom & Monica Wooten, and Sam Tashjian. LynAnn made a motion to approve August 31, 2019 Annual Members meeting minutes seconded by Jim Hilton. Vote was taken and unanimously approved.

2. Mike welcomed Jim Hilton and Rob Shelton as the newly elected Board Members and acknowledged LynAnn's re-election to another 2-year term.

#### **A. Determine Board Members Responsibilities**

Mike made a motion to assign Treasurer to Rob, seconded by Jim. Vote was taken and unanimously approved.

LynAnn nominated Mike to continue as President, seconded by Jim. Vote was taken and unanimously approved.

Regina nominated LynAnn to continue as Vice President, seconded by Rob. Vote was taken and unanimously approved.

LynAnn nominated Regina to continue as Secretary, seconded by Jim. Vote was taken and unanimously approved.

With Jim's experience in construction and as a fire captain, he will take over ARC & Fire responsibilities.

LynAnn will be responsible for the Road Committee along with Mark Imlay, Rick Silva, Jim Hilton and others volunteers that have experience in this area.

**B. Discussion whether to Add HOA Website/Email** - Jim has been the HOA webmaster and will continue that function. It was discussed and agreed to add this as a board responsibility in the event Jim is no longer on the board, there should be a point of contact. All the board members will be using the chhoa.org email for all board business

#### **C. Discuss whether to Add Water to board responsibilities.**

Jim offered to handle water as he believes it goes along with Fire. Jim has also attended some meetings with the CICWCD. Mike made a motion to include the website and water to board responsibilities and Jim will assume handling ARC, Web, Fire and Water; seconded by LynAnn. Vote was taken and unanimously approved.

### **3. President's Report** -

Mike said he wants to review Article VIII, Section 9 of the CC&Rs and decide on a procedure on how the board handles infractions. Mike has been receiving emails and calls regarding issues such as trailers. It was noted that previous boards made

exceptions and allowed trailers to remain through the winter. Mike feels the board should take a position of what is acceptable. In practice, over the past 5-10 years, there are trailers all over. It is best to be consistent in our position. The snow load requirement for structures in our area is 150 lbs per sq. ft. and trailers/mobile homes are not able to support that amount.. This supports the position of not allowing members to leave trailers on property over the winter. Any requests for variances must be submitted in writing and include letters from neighbors approving the variance. Mike has also received calls from perspective buyers who ask if certain structures are allowed. They will need to submit a request to the ARC for review and approval according to the CC&Rs.

It was brought up that some areas of the CC&Rs are outdated and not applicable. at some point, it may be a good idea to revise and update the CC&Rs to current Utah law. Between now and the next annual picnic, we could discuss changes to the CC&Rs as it will require a 2/3 member approval and that is the best opportunity to set it out for a vote. Charlotte Bible was involved with 2 other members several years ago with attempt to revise the CC&Rs. There were too many changes.

Charlotte said it would be much more manageable to review/update small sections at the time. Every time CC&Rs are amended, they must be recorded.

Discussion about the water. From Jim's recent attendance at a CICWCD meeting, the well water currently is not drinkable. So if there was a fire, that water could not be used as it would be put into the water system. CICWCD does a water analysis. Jim will find out if there is any information to post on the website.

#### **4. COMMUNICATIONS**

##### **A. With members -**

I. Rob suggested starting a citizens committee to revamp our Cedar Highlands entrance signs and other beautification ideas. He suggested it is on a volunteer basis and use the creative talent of members. Mike suggested also check out Rainbow Signs that does a good job on signs and reasonably priced. Rob will write up something and Jim will to put it up on the website.

##### **B. With Town-**

I. Joint efforts with town to address mitigation of speeding and out of control driving by off-roaders and reduce dust. LynAnn thinks this should be part of the Roads Committee. Discussed inviting Ray Bulloch to speak at an HOA meeting and give different options & cost to mitigate dust especially for those who live on the main road. Member suggested using digital speed signs that track speed in problem areas. The issue is that main road was designated as ATV trail. It wasn't a big problem until now because of the increase in ATV's, dirt bikes, etc who speed up & down the main road causing a dangerous situation. The town's contract with Iron County Sheriff does not include speed patrol. Another suggestion is use of cameras by the Miracle's guard shack.. Mike suggested we contact BLM who designated it as an ATV trail and bring to their attention the issues including the liability if someone got hurt and see what the BLM can do to assist with this problem. Rob offered to go with Mike to talk with them. Member suggested asking residents to video people who are speeding.

II. Support town re: snow plow efforts- The people who live at various locations in the subdivision and previously did this for the HOA, will measure snow to report to Mayor Byler who will make the call for the snow plow.

**C. With attorney**

I. Discussion re: implementation of the fine schedule. Regina advised that she spoke with HOA attorney, Randy Allen, to advise of the steps the HOA has taken. Randy confirmed that the HOA has done everything required. Discussion about the procedure for the HOA to implement it, especially with STRs that have the most effect on our members. It will be complaint driven. The process going forward will not deal with prior violations. Jim stated it is important for members to try to resolve problems directly with the offending party. Member said that dealing with neighbors does not always work. It was suggested that if a member feels uncomfortable dealing directly with a neighbor, they should come to the board for assistance. Complaint letters need to be specific about the violation, signed and dated.

**5. COMMITTEE REPORTS**

**A. Financial**

I. Expenses for review and approval submitted by Regina. Hinton Burdick \$400, Jenkins Bagley \$12.90, Justin Waymant \$70, Regina Tashjian \$471.83 (Image Pro printing of fine schedule \$108.32; State of Utah Business Renewal \$10; Walmart food for annual picnic \$103.34 ; Costco food for annual picnic \$87.17; Walmart office supplies \$6.87; Family Dollar supplies for annual picnic \$8.60; Staples name tags for annual picnic \$7.23; USPS mailing of executed fine schedule \$140.30). LynAnn made a motion to approve the expenses; seconded by Jim Hilton. Vote was taken and unanimously approved with Regina abstained from voting on the expenses she submitted for approval.

II. Delinquent dues- collections efforts. There are only 2 members that are delinquent.

Block 11, Lot 11- Regina sent the W9 as requested to reverse mortgage company in August and still no payment has been received. Manny advised that apparently they are foreclosing on the property. Manny advised a lien was placed on the property years ago. Therefore, the HOA will be paid once it forecloses.

Block 5, Lot 8 is 3 years past due. The 7/29/19 letter was not returned by the post office, nor any other mailings to them, which confirms the address is good. We will have to file a lien on their property.

III. CPA- Because of the issues we have experienced and the limited number of checks we need to issue, Jim made a motion to eliminate the monthly use of the CPA except for the requirement in the CC&Rs for the year-end statements and taxes to be done by a CPA. Rob as the new Treasurer, will pick up the mail, issues checks and maintain the accounts for the HOA. Regina seconded the motion. Mike suggested a meeting with Robert of the CPA and Rob to discuss the future relationship. If we use QuickBooks, we could give Hinton Burdick an accountant copy to do the required annual statement and tax filings. Vote was taken and unanimously approved. LynAnn made a motion for an addendum to this motion to confirm whether there is a contract with Hinton

Burdick. Regina seconded the motion; vote was taken and unanimously approved. The IRS and Utah State tax filings are prepared. Mike will sign them when he returns home. They aren't due until October 15.

IV. Assign board members to sign checks; update State Bank of Utah- Rob as Treasurer will not sign checks and Mike does not feel he should either. Mike will update the authorization letter with the bank. Regina will go to the bank with Jim and Rob and bring a copy of the August minutes confirming their election to the HOA Board. Rob needs to have online access to the account.

## **B. ARC-**

Houses under construction:

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

**Thomas Block 2 Lot 10-** Application 7/16/18; approved by Steve Swann no HOA impact fees collected. Roger agreed to do whatever is necessary if any drainage issues.

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

**Henson Block 3 Lot 10-** Application approved 9/5/14; \$4000 impact fees paid to the HOA. The exterior is done with the interior still under construction. Delays due to problems with sub-contractors.

**Butler Block 8 Lot 12-** Pending Construction. As discussed in July board meeting, the HOA approval went through town website mycityinspector.com. The due date for HOA approval was prior to the July meeting. The Butler's permit application has been delayed due to problems with the town website. Regina stated she thoroughly reviewed the plans. The set backs are in accordance with CC&Rs Article VII, Section 5. The home is log construction with a color palette of amber hue and green metal roof. The Butlers submitted their HOA ARC application twice, which the CPA did not give us. It was located with the ballots for the annual elections. Now that we officially have the ARC application, Regina made a motion to approve the construction; LynAnn seconded the motion. Vote was taken and unanimously approved.

**Palanza Block 4, Lot 1.** Application for shed, which is attached to the garage. It is 21 x 13 feet; 273 sq ft using the same materials for the exterior and roof as the garage. Regina made a motion to approve; seconded by LynAnn. Vote was taken and unanimously approved.

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

Jim reminded everyone that exterior projects also need ARC approval.

## **C. Roads-**

The town just completed \$23K for road repairs. Washboard is starting already primarily because of the speed. There is a drag that can help with the washboard that is located by the dumpster. People were encouraged to drag it up/down the main road whenever possible.

#### **D. Fire & Safety-**

Jim said that based on the success of prior Fire Wise events, depending on the weather, we should consider having another event. There are a lot of woodpiles that need to be chipped. Jim offered to assist with homeowner's personal fire & safety issues. People should think about having 2 ways out from every room. Chipping is usually done before the snow. If DNR does not want to chip the older wood, chippers can be rented for \$500. The town may have the DNR already scheduled to chip. If not, Mike said we should handle via email to arrange for a workday possibly with the town. Rob will donate his truck to pull the chipper. LynAnn made a motion to approve spending up to \$600 to rent a chipper over the next month or two, and split the cost with the town if possible. This will follow discussion with the town to see if chipping has already been arranged. Regina seconded the motion. Vote was taken and unanimously approved. Member brought up Rocky Mountain Power that they might shut off power depending on wind and humidity to avoid wildfires. Members should check RMP website and receive alerts to be prepared. If anyone has a medical need for power, they should contact RMP and they will provide back up power supply.

#### **5). Member Questions – Open Discussion**

Regina read the letter sent from Danny & Emily Banner regarding roads. It was agreed to post the letter on the HOA website. Mike asked the Road Power Point from the annual meeting also be posted. We want the community to send the board their input on roads and other issues. There was open discussion with members present. Member asked if any fire trucks have 4WD. Jim stated there was 1 truck. It was pointed out that if Iron County takes over (if the town is dissolved), it is their intention to pave it. There are pros & cons for all sides of the road issue. It is important for the board to know what exactly the members want as it will take 2/3 vote to approve. If the county is involved, it is important to negotiate with the county to see if they could plow the private (secondary) roads.

Member brought up need to collect the full dues next year to be prepared in the event the town is dissolved there needs to be money to plow and serve the community. It was discussed that there are secondary roads that are in dire need of repairs.

**6). Date and Time for Next Meeting-** October 29, 2019 at 6pm.

**7). Adjourn –** LynAnn made a motion to adjourn, seconded by Regina.