

# Cedar Highlands HOA Board Meeting

November 16, 2017  
Cedar City Public Library

1). Welcome and called meeting to order – Steve

There was a quorum. Those present included Steve Swann, Beth Gaines, Linda Stetzenbach, LynAnn Imlay; Linford Nelson was not present. Other HOA members in attendance were Manny Mosqueda, Janet Webb, Randi Sparks, Debby Starks, Paul Starks, Mike Brask, Susan Allman, and Janice Swann.

2). Communications -

The minutes of the HOA meeting on October 18, 2017 were accepted and approved. The motion was submitted by Beth and seconded by LynAnn.

3). President's Report – Steve

Steve presented a review of HOA applicable law. He said that we have CC&R's that govern our HOA, plus Bylaws, and those can be overruled by state laws, for example, the Community Association Act (57-8a-226 specifically talks about the Open Meetings): [https://le.utah.gov/xcode/Title57/Chapter8A/57-8a-S226.html?v=C57-8a-S226\\_2017050920170509](https://le.utah.gov/xcode/Title57/Chapter8A/57-8a-S226.html?v=C57-8a-S226_2017050920170509)

and the Utah Revised Non-Profit Corporation Act:

[https://le.utah.gov/xcode/Title16/Chapter6A/16-6a.html?v=C16-6a\\_1800010118000101](https://le.utah.gov/xcode/Title16/Chapter6A/16-6a.html?v=C16-6a_1800010118000101)

Steve gave an example of how these Utah laws apply to the financial transparency of our HOA:

He said that state law says 'if you aren't required to keep it, you're not required to show it to members.' Before any work is done, the Board will take action on it by voting on it at a meeting. The only record of this whole process is in the minutes. Therefore, the minutes are the financial record, not the actual invoices. The bylaws cannot be changed easily, and are often confusing, which is why we turn to lawyers. The Utah Open Meeting Act does not apply to us, but the section on transparency in the Utah Community Association Act is applicable to us. LynAnn pointed out that she requested this item be put on this Board meeting's agenda, to reinforce that all Board work needs to be done during our meetings.

In answer to a question from a member about the pending legal lawsuit against the HOA Board, it was pointed out that Plant, Christensen and Knell are representing us. Our coverage is \$1,000,000. The basis of the lawsuit was to challenge the 2016 HOA vote at the June 2016 special meeting.

#### 4). Committee Reports

##### a. Financial

I. Current balance report by Beth. The money market account has \$22,157.97 in it as of Nov. 15, 2017, and earns .25%. The general account has \$44,752.69 and also earns .25%, giving the HOA a total balance of \$66,910.66. 10 lots still owe 2017 dues, 96% have paid. Hinton Burdick moved \$1,000 that was unaccounted for. Dues in arrears remain the same, 10 lots. It was asked if Barbara from Hinton Burdick could send out a second letter asking for payment and giving notice that dues must be paid by a certain day or will be sent collections. A member also asked if the money in the general account and the money market account could be combined, especially since some activity needs to take place in the money market account to avoid fees. Steve proposed to combine; Linda so moved, Beth seconded, and it was a unanimous vote. Beth will combine the two accounts, closing the money market account. Steve pointed out that HOA reserves need to be specified as to their use.

III. No questions were asked about submitted financial invoices

IV. Discussion took place on the hiring of security guards at our board meetings. 2 meetings last summer were bordering on violent and aggressive. LynAnn made a motion that no more security be hired for our Board meetings; seconded by Beth. The motion passed with 3 yays and one nay (Steve).

b. ARC – no new applications. Linford is beginning new construction and Linda clarified with him his need to get ARC approval for basement footprint.

c. Fire – Paul is doing a great job. Steve discussed a mega-fire website and video that shows land management policies may have contributed to big fires. He thought it would be nice to have everyone watch it. Junipers and scrub oak need to be “taken care of,” which means to strip trees of foliage 4-5 feet up from the bottom. A member asked what we as a Board are going to do about land-owners of vacant lots who have done nothing to their lot. Steve responded that we'll educate, provide tools and resources, encourage all to get rid of old growth, contiguous trees, junipers, look at best practices and ordinances from the Los Angeles, California area, ask where a meadow can go, make more open areas, create more ponds. Personally, Steve said, he would like to see all the junipers along the roads replaced with deciduous maples. A member stated that full-year residents in Cedar Highlands have a responsibility to lead in this effort and set an example. A member expressed his thoughts that it's all about maintenance, and that maple trees sucker. He did not want to cut down his large grandfather juniper, and recommended planting Douglas fir. LynAnn asked how newcomers are going to learn of the vision to change their lot? It was suggested that informational materials can be in the Welcome Wagon packet. Steve said he will put it out as an email.

d. Roads – a lot of work on roads and culverts has been done by Bulloch Dirt Works. Trees were removed to open up an area so that sun could shine on a place that previously was icy. Water shed was focused on this year for road maintenance. The road easement is 66 feet. Steve proposed one more grade before winter, at a cost of about \$3,000. A member asked if there was a budget so the money we have left in HOA accounts will last? There was a discussion; LynAnn asked if this last grade is something that's commonly been done in the past, and the consensus was no. Steve made a motion that when daytime temperatures are into the low 30s, and before the 1<sup>st</sup> snowfall, with a cap of \$3,000 on the cost, there could be a final grading of the main road for safety. Beth suggested we decide as a Board when we might grade, via a 5-way text. Motion was seconded by Linda, three yays and one nay (LynAnn); motion passed.

Linda suggested that one part of the main road is too narrow for 2 cars to pass each other, below the steep part, before the sharp left turn. Steve said he will ask Bulloch's to dig the road wider.

5). Town Transition – nothing can happen until January at the earliest. The town incorporation can move forward despite the pending lawsuit against the HOA Board. A member suggested we target a cash budget for the HOA for the next few months. Linda said it costs about \$4,500 /snowplow. We will not be able to plow more than 10 times, due to the amount in our bank account. Linda offered to create a budget. Steve said our average for snowplowing is \$43,000/season, with 60% of that amount being spent in December.

6). Member Questions – none

7). Date and location for next Board Meeting – Thursday, December 14, 2017, 5:30 pm to 7 pm, at the Cedar City Public Library classroom.

8). Entered into Executive session to discuss ongoing litigation at 7:05 pm

9). Adjourned regular Board Meeting at 7:00 pm