

Cedar Highlands Homeowners Association Board Meeting  
890 South 1750 West, Cedar City, UT January 15, 2010 at 6:00pm

The Cedar Highlands Homeowners Association Directors held their monthly board meeting on January 15, 2010 at 6:00 p.m. at the home of Linford and Connie Nelson.

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

**Others Present:** Gary Rosenfield, Curtis Nielson and George Mason.

The minutes were taken by Janet Webb.

1. **The meeting was called to order at 6:15 p.m.; Welcome and Introduction of visitors – John Tully**
2. **Approval of Minutes:** Minutes from 2008's annual meeting were not voted on at 2009's annual meeting. Therefore, Manny motioned for the Board to have a preliminary vote of the annual meeting minutes from August 2008, subject to member approval at the annual meeting in 2010. This way they could be added to the website for review by all members. John seconded the motion. The vote on the motion was unanimous. Beth motioned to approve the corrected minutes for October 2009. Manny seconded the motion. The vote on the motion was unanimous. Janet motioned to approve the corrected minutes for November 2009. Beth seconded the motion. The vote on the motion was unanimous.
3. **Committee Reports:**
  - A. **Fire – Clive Newell**

Clive spoke with John Schmidt of the Utah Division of Forestry. They will continue chipping and with Linford's approval, they would like to extend our defensible area between the common area and the existing fire break along the cattle trail. John Schmidt also suggested we send a letter asking that their agency hold a mock fire drill to enable them to practice coordination of resources of several other agencies. In light of the results from the New Harmony fire, this could prove to be beneficial.
  - B. **Architectural Report – Manny Mosqueda**

Manny reported there are still 71 homes in the subdivision, which includes one under construction. No new applications.
  - C. **Water Report –George Mason/John Tully**
    - 1) **Power to Well-** John brought us up to speed on the error made by ACDC Electrical. The board agreed to pay the difference for the correct panel provided they give us the invoice showing the invoice cost of the panel. Beth will notify Hinton Burdick not to pay ACDC until this issue is resolved.
    - 2) **Land Use Agreement (Linford Nelson)-** John has been working with Attorney Ben Reusch of Sanders and Reusch who will draw up a land use agreement. The attorney has requested a \$2,500 retainer fee to continue the process. As we neared the end of our board meeting, Linford handed out copies of Section 700-5., "Lot Line Adjustments within a Recorded Plat or Minor Subdivision". He stated he needs to obtain signatures, representing approval from adjacent property owners, to the property he and five others own in which he is trying to develop. He was not willing to disclose the proposed lot line adjustments. He then stated he won't sign the land use agreement, intended to protect the CHHOA's water sources spring 5 and 6 located within those parcels unless we sign his lot line adjustment document. Since this was not on the agenda of the meeting, it will be added to the agenda for the next meeting.

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- 3) **Estimates (Nolte/Curtis Nielson)** - Curtis brought us up to date on the draft of the Master Plan. He states it is 95% complete. They will have a 3<sup>rd</sup> party look at it before presenting the final draft to us. John reminded us that this will be the “blue print” for us or any new board members to utilize to prioritize work on our water system. This is a plan to bring our water system up to standard and maintain CHHOA infrastructure. This plan is considered a long term plan. The master plan should be completed by Nolte and approved by this board in February. This allows us to move forward with requesting additional funding from the State of Utah in March. Curtis said a copy of our Master Plan will be on file at the Division of Drinking Water. Curtis also gave us blue prints for the pump house which we reviewed. These could be used to obtain bids after the March State meeting if needed.
  - 4) **Scata System-** George has already had the range for the antennas verified. One antenna will be attached directly to the pump house. George will be able to remotely monitor the water level and record usage. He will be able to monitor spring flows once floating probes are installed in the springs. Spring flow monitoring is a State requirement. George has a rough draft agreement he has been working on with Scott Wilson of the CICWCD for use of the software. This should be completed in the spring.
  - 5) **General-** George said the heater in the pump house is not working. He cleaned the inside of the pump house for safety reasons and installed a shelf. Due to hazardous winter conditions, he chlorinated the upper tank utilizing a 12 volt pump he purchased. He reported the lower tank level was down three (3) marks during the Christmas holiday period but started to rise shortly thereafter. This means there isn't a leak, just more usage due to holiday traffic. Water samples have been coming back clean. All testing is current.
- D. **Roads – John Tully, Beth Gaines & Manny Mosqueda-** Hinton Burdick accounting firm received a bill from Phil Schmidt for snow removal. None of the board members have seen the bill and are requesting to have the accounting firm scan the bill and attach with the e-mail they send requesting us to come sign the check.
- E. **Financial- Beth Gaines-**
- 1) **Balances-** Beth discussed bank account balances and the issue of a double payment made to Rocky Mountain Power. The overpayment will be refunded to our account.
  - 2) **Hinton Burdick/discuss updated procedures-** Beth said we will receive a list of payables twice a month. She will let them know to scan any invoices received for road work or snow removal and send to board members with request to sign checks.
  - 3) **Budget for 2010-** Board members were presented with two documents: a “Comparative Revenue and Expenses and Budget Worksheet” and an “Analysis of Projected Cash Available to Budget for Expenditure for the Calendar Year 2010”. The board discussed each line item in detail. A motion was approved at a previous meeting to increase the general membership dues by 15% due to the lack of emergency funds at the end of the 2009 year. Water system maintenance fees and water usage fees will remain the same. Verbiage, mailing date and due date for the HOA dues notices was discussed and agreed upon.

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**4. Beehive-**Janet spoke with paralegal Deb Caley and Attorney Rick Guerisoli Durham Jones and Pinegar to ask if there are actions we should be taking regarding recent contact by Beehive to members. The complaint they filed against us was in October, 2007. The HOA's attorney was working with Beehive's Attorney, Alan L. Smith. Per their conversations, Beehive was supposed to write up a new proposal that incorporated the HOA's stipulations and send it to our attorney. Our attorney hasn't received anything. Regarding the telephone calls to individual home owners that Art Brothers was making in November 2009, the attorney said it is not illegal for him to do this as long as it isn't their legal counsel contacting individuals that are a party to the complaint. At this time the board has agreed not to take any legal action and wait for Beehive to come forward appropriately with an offer for resolution.

**5. Other Business/Discussion**

- a. Manny heard from a realtor that the owner of Lot 1, Block 3 left the water on in the basement area to prevent freezing. Not only did this present flooding concern, but is also an unnecessary drain to our water supply which was already low from holiday usage. The situation was resolved.
- b. Gary Rosenfield had been asked to look into bank financing terms for a \$140,000 - \$150,000 loan to build the pump house. He reported that Zion Bank wants personal guarantees from board members, holding them jointly and severability responsible for the loan if we default. State Bank is willing to do the loan by encumbering our water system as the asset. We the Board, hopes to get state funding for this project but is interested in investigating other options including a special assessment.
- c. Gary Rosenfield expressed an interest in becoming a board member again. Steve Gray's position was never replaced due to a lack of interest. Janet made a motion to add Gary to the board. Manny seconded the motion. The vote on the motion was unanimous.

**6. Public comment period-** No public comments were received.

**7. Action Items –**

- a. Clive will write a letter to the Forestry Division asking them to schedule a mock emergency fire drill.
- b. Janet will write a letter to owner of Lot 1 Block 3 informing them of their water being shut-off due to delinquent HOA payments on their agreement.
- c. Beth will get the exact verbiage for the HOA dues notices to Hinton Burdick.
- d. John will purchase a harness for the water master to use when climbing up the water tank.
- e. John will contact Phil Schmidt about clearing the cul-de-sac at Maple Circle and by the pump house.
- f. Beth will notify Hinton Burdick about not paying ACDC Electric until the billing amount is resolved. She will also have them start sending a scan of the invoices for all road work and snow removal along with her e-mail to come sign the check.

**8. Time and place of next meeting-**The next board meeting will be held at 6:00p.m. February 19, 2010 at Manny & Stephanie Mosqueda's Residence located at 1147 Cedar Highlands Drive.

**9. Adjourn:** Janet motioned to adjourn the meeting, Gary seconded the motion. The vote on the motion was unanimous. Meeting adjourned at 9:51 pm.