

CEDAR HIGHLANDS HOA BOARD MEETING MINUTES
Thursday, January 13, 2022 at 6 PM
Cedar City Library, 303 N 100 E, Cedar City, UT. 84721

1. Welcome/Quorum established – Mike Brask called the meeting to order. Board members in attendance were LynAnn Imlay, Linford Nelson, Regina Tashjian and Tom Wootton (remotely). Other members in attendance were Debra & Jeff Hartman, Lori & Rick Silva, Greg Pierce, Patti & Nick Palanza, Greg Dietel, Nancy & Stan Carrizosa. Virtual attendance by Larry Miracle and Phil Miller. LynAnn made a motion to approve December 2021 meeting minutes, seconded by Linford. Vote was taken and unanimously approved.

2. NEW BUSINESS

A. Discuss changes to DRAFT 3 ARC Policy & Procedure 2022-2. Discussed the changes proposed by LynAnn to Draft 3. Reggie will send the updated version to Kevin to post as Draft 4 on the website and we can vote to adopt it at the next board meeting. Tom's suggestion of adding online payment of fees and submission of application will not be included. Reggie checked with State Bank of Southern Utah (SBSU) and it is not cost effective for online payments with all the associated cost and monthly fees.

B. Discussion/Motion/Vote of Document for Board incorporating written consent for email approvals of ARC applications & expenses; code of conduct & ethics, conflict of interest prepared by LynAnn which she emailed to the board. Reggie suggested we add the Misrepresentation of facts as stated in the form used by the 2009 Board, which the board agreed. Reggie made a motion to approve expense to have Jenkins Bagley review the document to be certain it complies with Utah Code, seconded by Mike. Vote was taken and unanimously approved.

C. Discussion/Motion/Vote- Appointment of committee members.

Roads Committee will be LynAnn and Mike board members, Rick Silva, Mark Imlay, Greg Pierce, Nick Palanza, Richard DeHemmer.

ARC Committee will be Mike and Tom board members, Patti Palanza, Larry Miracle, Roger Thomas, Jim Helsper

CC&R Committee will be Tom and Reggie board members, Stan Carrizosa, Deb & Jeff Hartman, Patti Palanza, Clint & Brianne Bunting

Fire Committee will be Linford and Tom, board members, Lori & Rick Silva, Jeff & Deb Hartman

Mike made a motion to accept the members of the committees, seconded by Reggie. Vote was taken and unanimously approved.

Stan Carrizosa discussed the CC&R Committee. He is preparing a timeline to conduct the work with the final presentation to the members by the 2022 annual meeting. Draft sections could be sent periodically to the members for feedback. The timeline needs to consider that the ballots and CC&R changes would need to be finalized at the July meeting for mailing early August, 30 days prior to the annual meeting. Also, there needs to be enough time for the HOA attorney to review. If

Jenkins Bagley has a template that would be helpful. The prior quote from them to review our governing documents was \$1800. If they have a template, we should ask to purchase. Reggie previously gave Stan a copy of the draft changes to the CC&Rs prepared by Charlotte Bible, Ann Bersi and John Childs about 10 years ago.

D. Discussion/Motion/Vote- presentation by Deb Hartman regarding community signs. Jeff provided the board members with a file folder with photos and map of the various sites for signs. The estimated cost for posts and signs will be \$700. Discussion about the placement of the signs to be more visible and avoid the snowplow, which probably will be on the high side of the road. If in the easement, it will not require the property owner's permission. Spring will be the best time to install signs. Yellow appears to be the most visible color and using action words (i.e. Do NOT Enter, STOP). Deb and Jeff will get more options to the board for vote at the next meeting.

E. Discuss survey to see how much interest there is in forming a member's directory. Kevin was not in attendance at the meeting. The board agreed it was a good idea. Reggie will ask Kevin to email the members with a survey to determine extent of interest.

3. PRESIDENTS REPORT

Mike and Rick have been working with Pierce Excavation to get them up to speed on some of the issues regarding plowing the roads. Rick road with one operator to show them how to run the blade. There is more work to be done with Pierce, but there has been improvement. We have a list of members that want Pierce to plow their driveways for which Pierce purchased a snowblower to handle. Pierce is very interested in maintaining the business relationship with us. For future storms when plowing and sanding is needed, they will dispatch 2 operators instead of one. Also, they are looking into other equipment that will make them more efficient.

4. COMMUNICATIONS:

A. With members – Mike has received calls from members about driveway plows which is being addressed by Pierce

B. With Iron County – Reggie read the January 11, 2022 email from Dan Jessen, Iron County Auditor in response to the dues invoices for the 2 lots.

Reggie,

We have received two invoices for annual HOA dues on Lots 05-02, and 05-01 respectively. There is a bit of a back story with these lots you're you need to understand. Iron County received these lots when the town was dissolved. Iron County purchased them a year or so ago upon request of the Cedar Highlands Town in order to realign the road to make it more safe for the residents of Cedar Highlands to transit. The intention was to use special Corridor Preservation funds (which are closely governed by state law as to their allowable use) to purchase the lots on behalf of the city. Once the road was realigned, the City was going to sell the new newly shaped lots on either side of the road to a private citizen so that they could be put back into use. Only before the City could realign the road, sell the lots, and give the money back to the County, the Town was dissolved. The County was forced to make a claim on the lots to make sure the issue didn't create a legal situation resulting from the unlawful use of Corridor Preservation Funds. The County Engineer is actively in the process of finishing what the

Town didn't. Namely, to realign the road, legally redefine the boundaries of the lots and then sell them. Once that has occurred, you will be able to once again assess HOA fees on these lots. In the meantime, the County will not be paying any HOA fees.

Thanks for your understanding on this complex issue. I will update you once the issue is resolved.

Dan Jessen

Iron County Auditor

Mike suggested we ask Jenkins Bagley's opinion on the county's legal liability. The CC&Rs and ByLaws go with the land. We also discussed asking the county to pay us with road base. The positive take is that the county is working on the 17% grade. Discussed if it was worthwhile to spend a few hundred dollars for legal expense on \$1300 in HOA fees for the 2 lots. It may be best to ask the county for their engineering and proposal for what they intend to do regarding the alignment along with a timeframe.

Prior to Christmas, Reggie communicated with Reed Erickson and he agreed to furnish us with the current Title V on the main road along with the results of the traffic counter study. He also committed to having a meeting with the HOA and our roads committee early in the new year. Reggie sent an email January 11 to follow up to obtain the information. Reed has not yet replied.

C. With attorney – nothing at this time

5. COMMITTEES:

A. Financial

Dues invoices have gone out to all members and checks are starting to come in. Mike went over the Management Report. Mike made a motion to accept the financial report for December 2021, seconded by Tom. Vote was taken and unanimously approved. Mike advised that the invoices from Pierce are now per job and are less money than similar work previously done by Bulloch.

1. Discuss/Motion/Vote- Reggie presented current invoices for approval
Pierce Excavation Invoice #2456 for \$8670 less 2%= \$8496.60; HOA card for USPS postage on 1/10/22 for \$17.40; Approved via email: Pierce Excavation Invoice #2379 for \$2230 paid 12/14/21 and Invoice #2417 for \$691.25 less 2% = \$677.42 paid 12/22/21; QuickBooks monthly fee \$53.10.

Mike made a motion to approve invoices as stated, seconded by Tom. Vote was taken and unanimously approved.

Reggie advised there is currently only 1 delinquent account with Justin Wayment. All others we have received payment. The legal fees were very low, and members were individually billed for legal expense incurred for collection of their account.

As several members asked about online payments, Reggie met with the online department for SBSU to find out the cost. There are monthly fees and other costs involved, which is just not cost effective to do with payments for annual dues and occasional ARC fees.

B. ARC

1. Discuss/Motion/Vote ARC applications- Tom reported no new activity over the previous month. Nothing completed, and nothing commenced.

C. Roads

Mike went over the November 24, 2021 GoCivil initial report (Phase 1). Mike asked them to expedite the water flow and drainage issues. The report has a map identifying the major flow areas. Dallas estimated the water flow and the correct culvert sizes needed. Having the drainage addressed will help us if we bring roads up to county standards. The next phase is to either survey or use topo maps to estimate the raw materials needed to build the road with proper camber, which we could take to Sunroc or other supplier to get good numbers of ultimate cost. Discussion about the cattle guard on the road leading to the meadow that is slick and easy to slide off the side. There was a huge boulder blocking the culvert that we had removed. To remove the cattle guard, we would have to deal with the Livestock Association and Iron County, which is not in our best interest at this time.

Greg Pierce reported that some Permazyme tests have been done and Jed Nelson's pit up top passed. The Roads Committee will continue to take samples. PSI tests are done. They need to see how long the material will hold up. Greg felt there has been good progress, although the studies are not yet complete. Mike has contacted Dallas, Go Civil to set up a meeting with the Roads Committee.

D. Fire & Safety

Linford spoke with John Schmidt, DNR about clear cutting on Linford's property on Square Top above our subdivision for fire mitigation. BLM put in a campground in Shurtz Canyon below us and they will do some burning. Paul Riggs is an official with BLM. John Schmidt suggested we have some property owners call BLM officials to advise of our concerns for fire mitigation. John Schmidt will come to a board meeting and give us some information of their plans for the mountain along with BLM. They have some plans for improvement of the 'C' Trail and Overlook. It probably will draw more people, which may then impact our main road along with Right Hand Canyon. We need to get FireWise projects for the spring. John Schmidt said they will do some burns, depending upon weather, snow conditions and resources. There was a fire on a lot from burning trash and it appears the owner did not have a burn permit. A member advised she called John Schmidt and asked if someone could come up to walk their lot to give suggestions of what further they could do for fire mitigation. Member was told they will when their schedule allows.

E. Website

Tabled in Kevin's absence.

F. Water

CICWCD is planning to put in a new tank for storage, mainly help with fires. They are treating the well to keep it good quality. We do not have enough moisture and we will probably be dealing with a few years of drought.

LynAnn listened to the CICWCD meeting December 7 and the meeting is on their website. It discussed the water issues in Iron County.

6. **MEMBERS QUESTIONS**– Open Discussion. Questions answered during meeting.

7. Date and Time for Next Meeting- Thursday, February 10, 2022

Meeting adjourned.

Respectfully submitted by Regina Tashjian, Secretary