

CEDAR HIGHLANDS HOA BOARD MEETING MINUTES
Thursday, March 10, 2022 at 6 PM
Cedar City Library, 303 N 100 E, Cedar City, UT. 84721

APPROVED

1. Welcome/Quorum established – Mike Brask called the meeting to order. Board members in attendance were LynAnn Imlay, Linford Nelson, Tom Wootton and Regina Tashjian. Other members in attendance were Rick & Lori Silva, Monica Wootton, Jeff and Debra Hartman, Kerry and Julia Smith. Members attending virtually were Jim Grimes, Larry Miracle and Phil Miller. Mike made a motion to approve February 2022 meeting minutes, seconded by Tom. Vote was taken and unanimously approved.

2. NEW BUSINESS

A. Discussion and Implementation of Code of Ethics Form for board and committee members. All board members have now signed the document. Reggie provided forms for each committee. The board member on each committee will obtain signatures.

B. Discuss/Motion/Vote- Establish Emergency Response Team. LynAnn and Reggie met with George Colson, Iron County Emergency Manager, and Sheriff Ken Carpenter. The sheriff advised that in an emergency during winter conditions, the mobilization time to get equipment up the mountain is 1 to 1 ½ hours. They both urged us to establish an Emergency Response team and will furnish training. The most urgent situation is a heart attack or stroke that needs help within about 8 minutes. Having one or more defibrillators would help. Discussed problems with getting one to the person, liability, response times, etc. Realistically, it is best that high risk individuals should have one in their own home and family members trained on its use. For non-critical situations, we could seek volunteers to get people to the hospital. Our annual meeting is probably the best time to have further discussion about creating a team, responsibilities, scope and training. Reggie will ask George Colson if there are programs in other communities that we could model that may give us direction.

Member brought up that if Rocky Mountain cuts power, the Heritage Center is set up to assist people.

Nothing to vote on at this time.

Linford brought up that Beehive agreed to move their communications shack in right of way for several years and haven't. Mike has been in touch with Beehive and was advised they applied for a grant to re-run their infrastructure. Mike asked them if they want to be involved in any work we do on that road and relocate their lines at that time. Right now, some of their lines are exposed and could be damaged. Linford has documentation, including letters exchanged between his attorney with Beehive, and will follow up with them on their intentions. Tom advised Beehive intends to bring fiber optic cable to our area and was told to check back later this year as they are working on it. Tom advised that anyone interested can fill out an online form on the Beehive website. Tom will get additional information and have Kevin post on our website. If several members show interest in high-speed internet, Beehive may boost the priority level.

C. Discuss/Motion/Vote- additional Policy & Procedures- Ethics, Calendar, Document retention. Reggie believes the calendar would assist future boards to be aware of critical dates and deadlines, that they may not know existed.

During the June 2020 board meeting, we voted on the following:

Treasurer- will maintain all records, invoices and receipts for 7 years

ARC- all records will be kept permanently

Studies involving water, geology, engineering studies, pertinent historical information involving the subdivision, etc. will be kept permanently.

At that time, the board discussed making digital copies and index it to facilitate easy access to the information. Most of that information can be posted on our website.

Reggie advised that during the period Hinton Burdick handled our accounting, the HOA treasurers did not keep copies of invoices/receipts. Once we terminated their services, they refused to furnish us with those copies. Hinton Burdick must maintain the records for 7 years and we can request documents as needed, for which we will be charged. Ever since we began handling our accounting internally, all receipts, invoices and documents have been maintained as required by the governing documents and Utah code.

LynAnn will draft the Ethics Policy & Procedure.

Reggie will draft the Calendar and Document Retention

No vote necessary at this time.

3. PRESIDENTS REPORT – Mike continues to work with Pierce Excavation and GoCivil Engineering. Pierce is having problems with the sander truck because it is diesel and doesn't start in freezing temperatures. Using the block heater is not working out well as the generator has no power source. Discussed having the truck at a member's house. That will require Pierce's crew to get the plow equipment down the mountain and drive back up to where the sander is parked. Also, the pea gravel needs to be near the sander with the skid steer available to load it. Pierce was able to sand the roads only one time this season. This has caused problems especially on the grade when it becomes icy. Pierce is a smaller company with limited crew and does not have a loader available to use on our roads, all of which causes delays in getting work done. Right now, there are no other vendors that are willing to do our work or have the necessary equipment. We have elected to plow with snow under 6 inches as there are no guarantees the roads would be sanded, which has worked out ok. Mike will follow up with Pierce about their plan for the sander truck.

4. COMMUNICATIONS:

A. With members – nothing at this time

B. With Iron County – LynAnn and Reggie met with George Colson and Sheriff Carpenter which was addressed in New Business. LynAnn and Reggie got the impression that it will be a long time before anything will happen with our main road. The county will not take over our roads unless we get them to county specifications and due to the grades above 10%. Iron County Resolution 98-1 was discussed, that has been in force since January 1998 and outlines the requirements for the county to take over maintenance. It was suggested that we first ask the members if they want to turn over the roads to the county. The

county may not take over the private (side) roads which the HOA will need to plow and maintain. HOA dues will have to cover that cost, in addition to any assessment members pay for improvements on the main road. BLM gave Iron County the right of way to the main road in a Title V dated August 19, 1994 which terminates after 30 years. Iron County gave the main road to CH Town in 2018 following incorporation. Reggie has requested a copy of the current Title V from the county on 3 occasions and has not yet received it. Linford understands the main road is currently owned by BLM and said we should contact Paul Briggs, BLM to confirm.

C. With attorney – there was a virtual meeting with Carson Bagley, Mike, Tom, and Reggie at the request of the CC&R Committee. Mike recorded it for all members to access. From prior discussions with our other attorney, our concern was we would lose the 2/3 requirement vote and must adopt 3/4. Carson advised if we update our governing documents, we can maintain the 2/3 vote requirement. However, every lender will have to be contacted and given 60 days to respond about revising the CC&Rs and By Laws. If they do not respond, that is considered a YES vote. The basic re-write is \$2500, but it will most likely cost more than that. Also, the cost for printing and postage needs to be considered which will be about \$700 or so. The revision could be done within 6 months, but it would be rushed. Once the attorney has reviewed the draft, there is printing and mailing times of approximately 60 days. It is very unlikely we could get it completed and mailed prior to the annual meeting. It is better to provide the community with all the information about the changes proposed and make a presentation at the annual meeting for open discussion, rather than spending money to draft new CC&Rs if the community does not want changes. There is a misconception that our CC&Rs are null & void because they are 30 years old. In the Bible-Brown vs CH HOA lawsuit, the judge applied current Utah code where needed. A copy of that judgment was given to Carson Bagley. The advantage to changing the CC&Rs is to bring them current with Utah code and adapting today's technology.

5. COMMITTEES:

A. **Financial** – presented by Reggie

1. Discuss/Motion/Vote- current invoices

QuickBooks monthly autopay 2/17/22 - \$53.10

GoDaddy domain CHHOA.org renewal online payment 2/22/22 - \$94.99

Pierce Excavation Inv # 2559. \$5540.80 less 2% = \$5429.99

Tom made a motion to approve the above bills for payment, seconded by LynAnn. Vote was taken and unanimously approved.

2. 2021 financial report to all members by month end. Last year we emailed the annual financial report to all members, and it was agreed to do so again this year.

B. **ARC** – presented by Tom

1. Discuss/Motion/Vote ARC applications

Crowther- Block 6 Lot 1; 898 E. Cedar Highlands Dr.

Application submitted initially on 2/22 for new home construction; check for \$4000.00 and paper copy of application received on 2/28. **\$1000 Impact fee and \$3000 Deposit paid.**

The ARC committee had discussed issues regarding the culvert. Tom sent the member a copy of the GoCivil engineering report regarding drainage. ARC recommends approval. LynAnn made a motion to approve, seconded by Mike. Vote was taken and unanimously approved.

Hatch- Block 11 Lot 3 2215; S. High Mountain View Dr.

Application submitted electronically on 3/7 for construction of a garden shed. The check and paper copy of application received today. ARC recommends approval. It will require a permit. Tom made a motion to approve, seconded by Mike. Vote was taken and unanimously approved.

Mays- Block 10 Lot 6 1130; Cedar Highlands Dr.

Application submitted to board member on 3/7 for pre-fab outbuilding/shed. We now have the check and paper copy of the application. ARC recommends approval. It will require a permit. Tom made a motion to approve, seconded by Mike. Vote was taken and unanimously approved.

No construction has been completed.

2. Discussion/Motion/Vote- ARC Policy & Procedure 2022-2 changes concerning building permits. Reggie advised the agenda incorrectly stated the ARC P&P when it was meant to be the Owner's Construction Requirement Form. The form may be confusing to members as Page 6 requests the Iron County Permit Number yet CC&R Article VI, Section 1 states no building permit should be applied until ARC approval is obtained. Reggie suggested minimal modifications to page 6 & 7 to clarify this issue. Draft will be presented for vote at next meeting.

Linford stated it is not always possible for material drop-offs to take place on the property and would like to see that changed.

Discussion that the CC&Rs do not allow outside watering. Some members now have a greenhouse that use a drip system, which uses much less water. Mike suggested the CC&R Committee adopt this for discussion and address at the next board meeting.

C. Roads – presented by Mike

Mike will schedule a committee meeting and with Dallas at GoCivil to get next phase of engineering performed. The board acknowledged all the great work Rick Silva has been doing with the roads and working with Pierce's crew.

Lori Silva advised that someone almost went off the side of the cattle guard and it needs to be fixed. There is a steep drop-off at the edge of it and the guard is only 16 feet wide with no wings making it hazardous. It is also located in a high water flow area and could easily be washed out. The culvert that was underneath it previously, was removed as it was clogged by huge rocks. Afterwards, it became packed with dirt to the top of the cattle guard and non-functional. Cedar Highlands originally paid for it at the request of the county. Mike suggested discussing this issue at the Roads Committee meeting and also with GoCivil. Lori suggested moving the cattle guard up the road closer to the meadow which may be a better solution. Lori will contact Commissioner Marilyn Wood and ask if this is possible.

D. Fire & Safety – presented by Linford

BLM has had control burns between 100-115 acres in the area lower and common area below the subdivision. Ryan Riddle did some burns today towards the bike trail/Capone's house. The north areas have not yet had control burns. The biggest fire concern is south, east and west of the sub-division where most of the work has been done. They plan to do 100-150 acres on Linford's property on Square Top after the geological survey from the county is done, probably in the summer, to prevent fires coming down from Square Top. John Schmidt will get back up when they can to work on burn piles located on member's properties, depending on weather and funds. Linford will ask to be notified of control burns so that members can be advised. Sometimes they do burns without notice.

E. Website – Kevin is not present. He is working on the member's directory for the website.

F. Water – presented by LynAnn

LynAnn spoke with Rick about the flood on High Mountain View near the Beehive shack. CICWCD opened a hydrant and used a hose in a black conduit to direct the water flow further down into a ditch. On the 23rd during a snowstorm, CICWCD came up to move the hose but got stuck and didn't do it. The plow operator didn't see it and ripped it out. LynAnn called CICWCD and was told every winter, water is going to run down that road naturally and they need to leave the hydrant open as parts of their system freezes. There were 4 hoses coming from the hydrant. It appears that some non-resident members do not have water to their houses. CICWCD assured that all their customers in Cedar Highlands are getting water. CICWCD needs to be made aware that they cannot leave water lines on the road. LynAnn will call them to ask them what they plan to do for a more permanent solution. Linford has an appointment with CICWCD tomorrow on another issue and will also bring up the water lines/hoses. High Mountain View used to be banked to the hydrant side and we need to re-establish that. Over the years it has been bladed flat. The Roads Committee is working with GoCivil to plan this work for spring. Discussed having Paul Monroe or someone from CICWCD speak at our annual meeting about their long-term projects.

LynAnn spoke with James Pollard who is requesting permission to perform research on mosquito population status in our area. After the snow has melted, he will come up to see what properties would be best, especially around Greens Lake. He suggested using about 5 properties in our subdivision to document mosquito populations. SUU students will be planting traps in the spring and collect samples weekly through the summer. The results will be available in the fall.

6. MEMBERS QUESTIONS– Open Discussion- all discussion occurred during the meeting and no further questions were presented.

7. Date and Time for Next Meeting- Thursday, April 14, 2022

8. Meeting adjourned to Executive Session

Respectfully submitted by Regina Tashjian, HOA Secretary & Treasurer