

## **CEDAR HIGHLANDS HOA BOARD MEETING MINUTES**

**APPROVED**

**Thursday, April 14, 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 Linford Nelson, Tom Wootton and Regina Tashjian. Other members in attendance were Rick Silva, Jeff Hartman, Stan & Nancy Carrisoza, Monica Wootton, Kerry & Julia Smith. Attending virtually: Larry Miracle, Steve Danto, Steve Hahn, Kevin Bridges. Mike made a motion to approve March 2022 meeting minutes, seconded by Tom. Vote was taken and unanimously approved.

### **2. NEW BUSINESS**

A. Linford report and follow up discussion about Beehive moving shack. Linford has not spoken with Beehive since the last meeting. Two times in the past, Beehive agreed to move the shack off the HOA right of way. Linford said the next communication with them will probably be when he does some blue staking in that area. Mike said Beehive never installed the conduit in the ground. Linford said the HOA should decide if we want Beehive to have the shack in our road or moved. Mike said we need to find what is the best option for the shack location to get wireless, cellular and fiber that runs to that shack distributed to the members. The shack could be relocated to the common area behind it which will get it out of the right of way. Also, if we bring the roads to county standard of 28 feet, along with the ditches and easements, the shack will have to be moved anyhow. The HOA would charge Beehive rent if the shack is re-located to the common area. Beehive representatives will be coming in the spring. Linford will meet with them to discuss further and report back to the board.

3. **PRESIDENTS REPORT** – Mike said most of his report will be discussed under ROADS. Pierce Excavation has the grader available and will bring up tomorrow. We will need to vote on a budget. The side roads are not as bad as the main road which has a lot of rock exposed. Pierce won't be able to address the wash boarding unless we get material to put down. Pierce will need a few days with the grader and water truck.

### **4. COMMUNICATIONS:**

A. **With members** – only communications were regarding ARC issues.

B. **With Iron County** – Mike contacted the Iron County attorney to ask what legal basis for not paying HOA dues on the 2 lots they own. They said they would respond next week.

As a follow up to the discussion of forming an Emergency Response Team, Reggie contacted George Colson to ask if there were any model for nearby communities and George indicated there was not. Reggie asked if there was AED training for high-risk members and other available training for non-life-threatening issues. We await his response.

Reggie contacted Bruce Anderson about the availability of signs such as speed limit, No Fireworks, No Campfires, dangerous curves, etc. Bruce advised the person in charge of signs was on vacation and will get back with us upon his return. Reggie will follow up with Bruce.

Lori Silva and Reggie were delegates at the GOP Nominating Convention on April 8. They spoke with Commissioner Mike Bleak and reminded him that the property owners on the mountain would like more county participation on the roads. He agreed to attend a meeting going forward.

On April 4, Mike, Rick & Lori Silva, Reggie attending a meeting by the upper cattle guard with Commissioner Marilyn Wood and Bruce Anderson. Commissioner Wood was knowledgeable about our long-standing road issues. It was obvious by the very good questions she asked that she had read the emails Reggie copied her. Commissioner Wood stated the biggest issue is lack of funds available.

Reggie advised that she finally received the traffic studies from the Iron County Engineer, Rich Wilson, which were forwarded to the board and Roads Committee. The studies were performed February 21 thru March 6, 2021 and February 21 thru March 13, 2022, with one counter by the upper meadow where there is only 1 full time resident and Right Hand Canyon is closed. Reggie advised Richard Wilson that these studies do not reflect the year-round use of the main when a good portion of the non-resident traffic is during summer months. We requested additional studies to be performed during the summer months and include at least one holiday weekend. Richard Wilson stated he would calendar additional studies at times suggested. The original understanding was that the studies were to be performed at various times to use as a comparison of traffic. Mike said the winter studies could be a baseline for primarily residential traffic.

C. **With attorney** – there has been no communications.

## **5. COMMITTEES:**

A. **Financial** – presented by Reggie. Financial report is posted on the website. There are 5 outstanding properties that have not paid dues; 2 of which are the lots belonging to the county.

1. Discuss/Motion/Vote- current invoices

JenkinsBagley Inv# 32073 \$451.10. approved via email because of due date

Western Legacy – Inv# 547 \$420.00 for preparation/sending of 2022 dues invoices and accounts receivable assistance

Utah State Tax Commission \$100 for 2021 state return filing fee paid online

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

2. Discussion/Motion/Vote- 2021 IRS tax return. We filed an extension on the return. Utah State filing fee paid online.

**B. ARC** – presented by Tom

1. Discuss/Motion/Vote ARC applications

**Danto- Block 8 Lot 20 2017 S. High Mountain View Dr.**

Application received for a prefab outbuilding/shed to be placed on property. Fees paid to treasurer. Tom made a motion to approve, seconded by Linford. Vote was taken and unanimously approved.

**Linford- Block 3, Lot 12** resubmitted new plans with a smaller house. Fees and deposits previously paid. Tom made a motion to approve, seconded by Mike. Vote was taken and unanimously approved, with Linford abstaining from voting.

**Lystrup- Block 8, Lot 15** The application for a garage was submitted just prior to the start of the board meeting, along with the checks for fees and deposit. Reggie made a motion to have the ARC committee review it and have the board approve via email within the 30 days. Motion seconded by Linford. Vote was taken and unanimously approved.

**Structures Complete:** No new completed structures currently.

2. Discussion/Motion/Vote- Modifications to Owner's Construction Requirements. Reggie read the draft changes to the Owners Construction Requirements (OCR) page 4 #6, and pages 6 & 7 regarding the Iron County Building Permit. Tom made a motion to accept the draft changes, seconded by Linford. Vote was taken and unanimously approved.

Unrelated to the changes addressed in the draft, Linford brought up different areas of the document concerning construction after 6pm and before 6am and not taking vehicles up when the roads are saturated. Mike pointed out that there is a lot of road damage caused when construction vehicles come up in mud and winter conditions. The contractors should be responsible for damage. It was pointed out that the OCR form has been in force since about 2006. The issue of curfew was due to complaints in years past about noise and lights disrupting property owners. Mike said contractors should communicate neighbors and give 24 hour notice if late work must be done.

**C. Roads** – presented by Mike

Last year, we did not complete the targeted projects for maintenance because Bulloch wasn't available. Our new contractor, Pierce Excavation, will have their grader and equipment available to grade. We don't want to put a lot of money into the main road until we get a final decision from the county of what they may do. There are areas on the main road that are very bad. Pierce does not want to damage his equipment with the exposed rocks unless we put some material down. Rick drove the areas and spray painted areas that need fill dirt. Last year, the \$350 a truckload for type 2 road base. The 50/50 mix was \$50 more per truck. Type 2 will hold up better, when rolled with water truck. To do it more efficiently, there should be more than 1 truck bringing up material. The current work is not in conjunction with the engineering we are doing on secondary roads. The grading will deal with the ruts and repairs not done last year. For the secondary roads,

for GoCivil to determine the material cost, we need to decide the width of the road. The minimum width the county approves is 24 feet; 26 feet meets the fire department requirements; and the county standard is 28 feet with easements on each side. This is an expensive project that will need to be discussed with all the members.

We met with the county on the cattle grade near the upper meadow. (Project 1 on the map). We cannot move the cattle guard as it would create a liability to adjacent landowners that would have to put a fence up. They suggested putting the pipe back, pack it full of dirt again and add a secondary culvert in front to handle water flow to avoid the erosion on either side. The wings could be put back on the cattle guard for safety. The projected cost for GoCivil to engineer this area is \$3250+, and then an additional cost for the county engineer to review and approve. If we go that route, we have an engineered, approved area of the road up to county standard.

Other targeted area with massive drainage issue is on High Valley View Circle (Project 3 on the map). The engineer will give us the amount of material needed and prepare a plan using the flow rates. The information from GoCivil we can give to a contractor. In the past, we did work without engineering which did not always turn out well. It is far better to form a plan based on engineering.

Other major problem with drainage and erosion is on High Mountain View and High Oak. (Project 2 on the map). We need to add culverts and put in a ditch along Porter's side, to bring the water down across the road into the ravine. The projected cost for the engineering solution to bring to county standard and fix this section of the road is \$10,300.

There are many areas that need improvement, but we do not know how much money available and cannot do everything. We identified the worst areas to target first. We do not want to spend a lot of money without an engineered plan to make certain we are not wasting HOA money on work that will not last.

If we pitch the road as needed for drainage and then it is graded flat from snowplow, the road will go back to where we are now, unless we put a coating on it to hold the material in place. That is the reason why chip seal was used on Right Hand Canyon, so it was not washed away each year.

The HOA budget will not afford a major project without a massive increase in dues or assessment that the community will need to approve. With our current funds, we can do our best to keep the water off the roads and deal with the drainage which is the main cause of road damage. We need to keep the water coming down from people's driveways and washes the road out in front of them. If those driveways are made concave with a ditch along the side to push the water into the culverts, and would not damage the road.

1. Discussion/Motion/Vote- roads projects and expenditures. Mike suggested a \$20,000 budget for work being done next week for material to get the road graded to be drivable through the summer. Discussed that the best way to get the material hauled up by Sunroc as they have the bigger and more trucks to keep the material coming for the grader to put down. It is inefficient for Pierce to get the

material with one truck bringing a load, considering the time to get to the mine and back. Mike will call the sheriff to advise of any road closure and advise Pierce. We also want to negotiate the material with Sunroc to control the price and let Pierce run the equipment. We understand Pierce is understaffed and under equipped, but they are the only contractor willing to do our work. Brad Pierce has no problem if we have Sunroc deliver material as he has only 1 truck. We don't know if the \$20k budget will cover the material to cover the 4 areas Rick identified on the main road and Pierce to grade and clear out ditches. Rick will be meeting with Brad Pierce tomorrow and get estimate amount of material needed. Pierce wants to grade next week so emailing budget for board approval won't work. Mike spoke with Kelly at Sunroc, and they will be available to deliver material. Reggie made a motion to approve a final amount via email once Rick advises the material cost for the grading and clearing ditches on the main road. Tom seconded the motion. Vote was taken and unanimously approved.

Reggie spoke with Paul Briggs, BLM about the current Title V. In 2018, then Cedar Highlands Town Mayor, Steve Swann, applied to change the Title V from Iron County to the town and Cedar Highlands owns the road. As the town is now dissolved, Paul Briggs advised this situation has never occurred and did not really know the answers to the question about the current Title V. Paul requested we furnish all the documents of dissolution. Reggie obtained the documents from former town mayor, Jim Byler, which states that the boundaries for the former town revert to Iron County. These documents were sent to Paul Briggs today. He stated he will research what, if anything, needs to be done. Mike brought up that the county will need to decide what they will do with the lots that were bought by the town with money from the transportation (right of way) to realign the 17% grade which are now owned by the county.

**D. Fire & Safety** – presented by Linford

Fire is a huge concern. Linford will ask John Schmidt to speak with the members. Having access to fight fires is important. Depending on availability, hopefully they will chip this summer. Because it was a mild winter, Right Hand Canyon was open most of the winter. Mike brought up that in winter when Right Hand Canyon is closed, if fires are caused from campers below us, we have no access out. If we were to have staged equipment on the mountain, it would have to be in a heated building in order not to freeze. This could be done on the meadow, but it would be totally funded by the HOA. Fire Chief Phillips advised us there is no guarantee the fire department could man it. CICWCD plans to put another water tank which would help with fighting fires. Currently, we do not have enough water to fight a major fire. We need to push people to have defensible space around their own lot. Tom has firefighting experience and suggests we consider outfitting an older truck with water tank, hose that help with brush fires. We have reached out to the county requesting signs for No Campfires, No Fireworks. Hopefully we can get them prior to summer.

**E. Website** – presented by Kevin

Kevin will send out the link and password for the directory

1. Follow up from Tom regarding Beehive's plan for high-speed internet  
Tom will follow up to see if they have a formalized plan prior to reaching out to members to determine interest.

F. **Water** – presented by Linford

CICWCD will be installing a second tank. The location is currently unknown. The higher up, the better to assist with fire protection that may be caused above us. Linford will get with Paul Monroe. The pond at top can supply water for helicopters used for fire suppression. Linford spoke with Tracy at CICWCD about the hoses left where the water lines froze. They will pick them up.

Mike spoke with Paul Monroe and CICWCD wants to be involved if any road work is done on High Mountain View. They still owe us gravel. Mike said it is good if we share our engineering plans with CICWCD in addition to Rocky Mountain Power, Beehive and Dominion to give them an opportunity to bury lines or fix a problem while we are digging. This will help build team effort to share costs.

LynAnn sent an email in which SUU advised that they are going forward with mosquito population research on Cedar Mountain. They do not need to set the traps on private lots and will begin around May 1. We will send an email/post on website to advise the members not to disturb the traps. SUU projects the results will be available in August.

G. **CC&R** – Stan reviewed the video conference with our attorney. The original plan will be modified of what is possible to do. The committee will meet to review sections at a time to create a list of bullets of items we think should be changed. The committee will report to the board for review and then share with the members monthly. At the annual meeting, the committee can provide an update to the members for open discussion. We should be able to get a feeling if a 2/3 vote is possible. When all sections are complete, we can decide if we want to incur the expense for the attorney to review and make the changes to revise/update the governing documents. The 3 lenses we need to look through:  
Are there any statutory changes we are not in compliance?  
Are there any conditions that are in CC&Rs that no longer exist (i.e. water)  
Any changes the community is interested or brought up by the members?

6. **MEMBERS QUESTIONS**– Open Discussion

Discussion about the signs. Deb Hartman asked via email to have it on the May agenda.

7. Date and Time for Next Meeting- Thursday, May 12, 2022

8. Adjourned to Executive Session.

Respectfully submitted by Regina Tashjian, HOA Secretary



## Owner's Construction Requirements

following the first notice of complaint is grounds for withholding all or a portion of the property owner's refundable deposit.

**F. Lot Signs:** Only one 18" x 24" sign per building lot shall be allowed. The property owner will be notified of any violation of this rule and will be given five (5) days within which to correct the violation or all or a portion of the refundable deposit may be withheld.

**G. Temporary Dwellings:** Temporary dwellings (i.e.: Recreational Vehicles, Fifth Wheels or trailers) are prohibited during construction except for use solely by the property owner. Upon the first notification of complaint, the property owner shall have five (5) days to remove the temporary dwelling. Failure to do so in that time period is grounds for withholding all or a portion of the property owner's refundable deposit.

**6. Prohibited Uses of the Association Right-of-Way:** All roads within the subdivision have a 66-foot-wide right-of-way and are under the full ownership and control of the CHHOA. All construction vehicles, equipment, trailers or flat beds shall be parked only on the property under construction and not on the Association's road right-of-way. **When it is not feasible to do so, then the vehicles, trailers, flatbeds and equipment must be parked so as not to block or obstruct the right of way for residents and guests. Any vehicles or equipment that is parked on the Association's road must be cleared when construction ends for the day. Further, no construction action, material deliveries or drop offs shall take place within the Association road right-of-way. Construction action, material deliveries or drop offs shall take place on the property. If that is not possible, the vehicles should not block the road for resident and guest traffic.** Utility markers (i.e.: "blue stakes") for phone, water, gas or electricity may be allowed so long as access traffic by residents and their guests is unhindered and unobstructed. Further violation of this rule after the first notice of complaint is grounds for withholding all or a portion of the property owner's refundable deposit.

**7. Maintenance of Proper Culvert and Drainage Channels:** Property owners with new construction must include a driveway culvert at the juncture with the road if there is any chance of runoff from the owner's property affecting the Association's road. The culvert should be a minimum of 20' long and 18" in diameter, and must be buried so that snow removal does not damage the culvert material or placement. Further, each end of the culvert shall be marked with appropriate markers that can be seen above the snow so that snow removal equipment will not damage said culvert.

The construction site shall maintain proper drainage control and culvert integrity so that any surface runoff is appropriately channeled to existing culverts and drainage systems. Sediment, rock, and soil from the construction site must be contained on the property with proper drainage control in effect along roadsides at all times. Owner's contractor shall not put or allow the collection of construction debris, trash, rock, soil, cement slabbing or broken portions thereof to accumulate or collect in Association culverts or drainage ditches bordering the property owner's lot. The property owner shall be fully responsible and liable for restoring any portion of a damaged culvert or drainage ditch caused by his contractor and/or subcontractors or laborers. Any such damage to the culvert or drainage ditches must be repaired within five (5) days of the notice of complaint to avoid the withholding of all or a portion of the property owner's refundable deposit. If the Association is required to make repairs to the culvert, and the invoice for such work exceeds the property owner's deposit, the property owner will be required to pay the Association the difference in addition to losing the full amount of the refundable deposit.

## Owner's Construction Requirements

I hereby agree as a condition of ARC approval of my submitted application inclusive of all plans, drawings and materials list to comply with all of the above stated ARC rules and CC&Rs. I also accept and understand that my failure to do so will result in a withholding of all or a portion of my refundable deposit. If a building permit is required, I will apply for one after receiving HOA approval of this application. Later, I will furnish the ARC Committee with the Iron County Building Permit Number.

Signed: \_\_\_\_\_  
(Owners) \_\_\_\_\_ Date \_\_\_\_\_ (Name of Contractor or Sub Contractor)

Signed: \_\_\_\_\_  
(All Owners) \_\_\_\_\_ Date \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Date: \_\_\_\_\_

Contact phone numbers: \_\_\_\_\_ E-Mail: \_\_\_\_\_

### **CEDAR HIGHLANDS HOMEOWNERS ASSOCIATION Owner's Application to Build, Landscape, Fence, etc. Lot Block \_\_\_\_\_**

Owner Names \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Property Address \_\_\_\_\_

*The following information is required for consideration of application by the Board of Trustees*

**Note: No outbuildings are permitted unless there is a home on the property.**

**Type of Construction:** Home \_\_\_\_\_ Detached Garage \_\_\_\_\_ Outbuilding \_\_\_\_\_ Other \_\_\_\_\_

**Square Footage:** Main Level \_\_\_\_\_ Second Story \_\_\_\_\_ Loft \_\_\_\_\_ Basement \_\_\_\_\_

**Total Square Footage:** \_\_\_\_\_ **Iron County Building Permit No.** \_\_\_\_\_

**Any structure (no matter whether built onsite, or trucked in) that is over 200 sq. ft. requires a building permit issued by the Iron County Building Department.**

Wall \_\_\_\_\_ Retaining Wall \_\_\_\_\_ Landscaping \_\_\_\_\_ Other \_\_\_\_\_



# Owner's Construction Requirements

**DWELLING INFORMATION:** *(Form also for submitting changes after completed construction.)*

## CHECKLIST

1. Plot plan showing setbacks, driveway.
  2. Complete set of exterior plans with:
    - a.) All elevations
    - b.) Any changes to land contour with grade of driveway
- Please Note: Iron County requires 15 ft. between any structures on a lot.
3. Exterior - **Product brochure or sample required**
    - a.) Roof - materials and colors
    - b.) Exterior of home - materials and colors
    - c.) Rock, brick, etc. materials and colors
  4. Landscape Plan (**No Lawn**)
  5. Plans for fence, wall, retaining walls, shed, detached garages, etc.

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**Owner has read both, the Conditions, Covenants and Restrictions of the Cedar Highlands Homeowners Association and the Owner's Construction Requirements concerning the subject property. Owner agrees to abide by same throughout the construction of home / improvement. Failure to do so will result in loss of all or part of owners Security Deposit and may be subject to additional financial liabilities as described in the above documents.**

Date to begin construction \_\_\_\_\_ E-Mail: \_\_\_\_\_

All Owners Signatures \_\_\_\_\_ Date \_\_\_\_\_

All Owners Signatures \_\_\_\_\_ Date \_\_\_\_\_

All Items Received by \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Checks received for Project: Impact Fee chk # \_\_\_\_\_ Date \_\_\_\_\_  
Deposit chk# \_\_\_\_\_ Date \_\_\_\_\_

Committee Recommendations: \_\_\_\_\_  
\_\_\_\_\_

Deposit returned Date: \_\_\_\_\_ by: \_\_\_\_\_ Method \_\_\_\_\_

Project closed Date: \_\_\_\_\_ by: \_\_\_\_\_

**IRON COUNTY BUILDING PERMIT NUMBER:** \_\_\_\_\_



ALUMINUM COILS ARE AVAILABLE IN A RANGE OF TEMPERATURES TO BE PREPARED AND COIL CITY ROOMS.

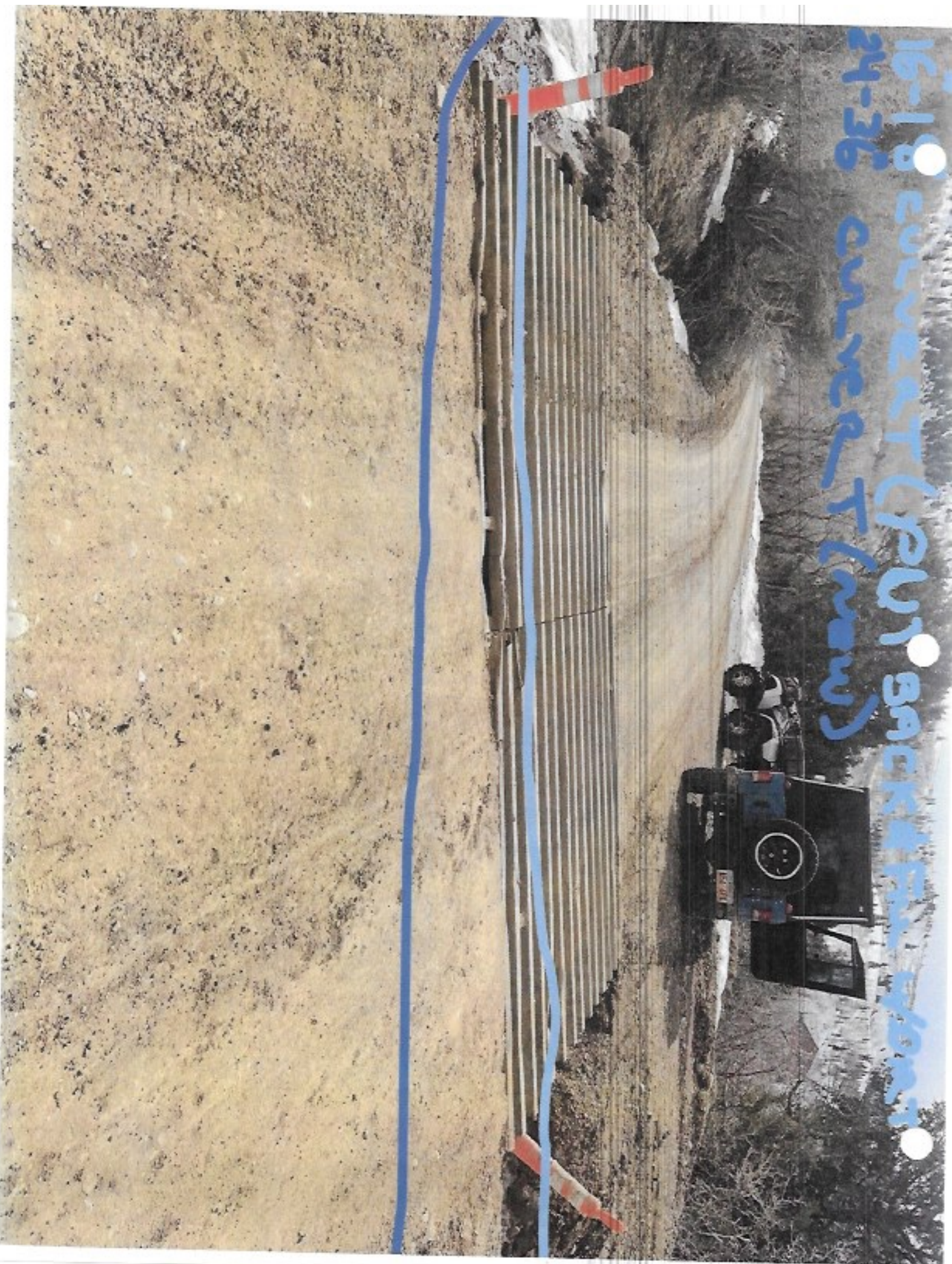
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Project 2  
1700 SW 14th St. (Miami Beach, FL 33134)  
\$100K  
Open: 10/01/01 - 01/01/02

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16-18 convert (yellow) back to yellow  
24-36 convert (new)





TO: Cedar Highlands HOA, Board of Directors  
FROM: Stan Carrizosa, CC&R Committee Chair  
DATE: 4/14/2022  
RE: CC&R Committee Update

The CC&R Committee met on Wednesday, April 13, 2022. After a thorough review of the key points discussed in the video conference call with legal counsel the committee is submitting the following revisions to the proposed plan for a review/update of the HOA CC&R's:

1. Plan on 60 days to 12 months for completion.
  2. Set monthly CC&R Committee meetings to address Articles in sequential fashion.
  3. Review each Article through three primary lenses:
    - Statutory updates
    - Minor clarifications
    - Amendments: Outdated condition(s) i.e., Water Services
  4. Cross-reference with HOA By-laws and Rules and note necessary changes for alignment/consistency of language.
  5. Create list bullets of specific concerns with current Articles (detail explanation).
  6. Suggest replacement language if appropriate (i.e., Water Services).
  7. Review/discuss "side-letter addendums" such as the Legal Judgement from Brown/Bible, HOA Fine Schedule.
  8. Provide monthly updates (bullet list of concerns by Article) to HOA Board at regularly scheduled meetings.
  9. Consider sharing Board-reviewed Articles as information updates, to *all* HOA members via electronic circulation.
  10. Consider comprehensive update/report on the CC&R Review Project at Annual Labor Day meeting.
- \*\*\*\*\*
11. Once all updates/proposed amendments have been reviewed by the Board and circulated for information to all members, submit written review/assessment to legal counsel with list of concerns and suggested new language where appropriate.
  12. Once legal counsel has reviewed/responded to full project submission, schedule an Open Forum Public Meeting for all members w/ attorney present.
  13. Following Open Forum, begin legal procedures for conducting HOA membership vote on CC&R Update Project.