

Cedar Highlands HOA Board Meeting  
December 8, 2022  
Cedar City Library, 6:00 PM

- 1) **Welcome by Mike Brask.** Board members attending were Mike Brask, Tom Wootton, Linford Nelson and Jeff Hartman. Lori Silva was out of town but voted via phone.
  - a. HOA members in attendance were: virtually—Steve Hahn, Larry Miracle, Chad Atkin, Steve Danto, Greg Pierce and physically—Rick Silva, Patti and Nick Palanza.
  - b. Mike stated that there was no meeting in November.

**2) New Business**

- a. Mike asked if all board members have reviewed and signed the Code of Ethics forms and requested that all in attendance sign at this time. Mike Brask, Jeff Hartman, Linford Nelson and Jeff Hartman signed and submitted their forms.
- b. Mike asked committee members in attendance to sign the Code of Ethics forms. Rick Silva and Patty Palanza signed and submitted their forms.
- c. Mike requested that all remaining forms be signed at or prior to the January meeting.

**3) President's Report**

Mike announced the need to increase 2023 HOA annual dues by 15%. It was mentioned at the annual meeting in September that an increase was needed, and little objection was stated at that time by members attending. The justification for the increase was to cover the cost of maintaining our roads in good condition, to put down Mag Chloride again this coming year, and to create a reserve of \$100,000 to cover any unforeseen future expenses. It is estimated that by the end of 2023, when all dues are collected and operating expenses paid, an excess of \$106,587 will be realized. Dues can be decreased in the future, if no longer needed.

Discussion was opened between board members and members in attendance virtually and physically and the majority were in favor of the increase. Tom Wootton moved that the increase be implemented, Mike Brask seconded, Lori Silva and Jeff Hartman voted in favor with Linford Nelson opposed. The motion carried.

Annual dues will increase from \$650 per lot to \$747.50 per lot and statements will be sent out via email or regular mail to all lot owners in January, 2023.

**4) Communications**

- a. With members has been ongoing. Most calls of late have been received about the plowing and sanding of our roads. Some calls were from construction companies

stating they cannot get their trucks and equipment up our road due to winter conditions. Tom read from the Owner's Construction Requirements section three:

*Preserving Subdivision Road Integrity and Condition: The CHHOA maintains the Greens Lake/High Cedar Highlands main road and all interior roads within the subdivision. To minimize wear and tear on the road, heavy equipment and trucks with heavy loads should not use the roads when the road base is wet or saturated. The property owner's election of doing construction during the wet months (defined as November through April) will require extra vigilance for both the Association and the property owner. The presence of snow-cover on or snowbanks along the roadside are generally accepted indications of a saturated roadbed; or, following heavy rains the roadbed may be temporarily saturated. Rutting, or other road destruction to the Association's right of way or culverts caused by the property owner's contractor or contractor's heavy equipment must be immediately repaired to as good or better condition and in no way hinder or obstruct through traffic by subdivision residents. Property owner must report, to any member of the Board, any damage to Association property within 24 hours. Violation of this rule may cause the Association to make repairs and back charge the responsible property owner or keep all or a portion of the property owner's refundable deposit.*

Tom wanted this to be very clear due to the unusual amount of construction being conducted during the winter months so far. Mike stated that the Roads Committee has taken a position on their requests that the HOA is not responsible for ensuring that construction equipment be able to get up our roads and have deferred them directly to Pierce Construction for their sanding and plowing needs and they have done it.

- b. With Pierce Construction has been frequent due to the early snowfall and icy conditions. Rick Silva asked if they used their truck but our sand and sander to meet the above special requests from construction crews and Mike replied that Brad Pierce will replenish our sand at his cost. Further comments about Pierce's blade not being able to turn in most cul-de-sacs and the plowing not getting done to our satisfaction. The lack of a loader or Pierce's snowblower being used has been a hardship in driveways and cul-de-sacs.
- c. With attorney, Carson Bagley and Iron County Engineer about letter that the HOA received saying that Iron County owned the roads for public benefit and our "Private Road" signs should be removed within 30 days. The attorney said not to worry and that Title V from BLM would be submitted. Mike pointed out that these signs are on

secondary roads and are landlocked by private property. Further information and discussion to be at February HOA meeting.

#### **5) Committee Reports and Old Business**

- a. Financial report was given by Jeff Hartman for the past two months
  - i. October balance \$130,400, Contractor deposits a little over \$5,000, and withdrawals of \$2,400
  - ii. November balance \$\$121,089, deposit of \$75, and withdrawals of \$9,400 (primarily to Pierce Construction)
  - iii. Checks to be paid for December are: \$70 to Rachael (accounting), \$10 Lori Silva (supplies for her duties as secretary, and \$33 to LynAnn Imlay for September meeting expenditure not yet reimbursed

Mike made a motion to approve the bills, seconded by Linford, and all were in favor. Motion carried.

- b. ARC (Architectural Review Committee)—Tom reported on the following:
  - i. No new structures were completed during the past two months
  - ii. No new ARC applications have been received during the past two months

Mike asked Linford about a new cabin he built in 2016 on High Juniper Drive that left a large ditch. Linford responded that the ditch was dug by Rocky Mountain Power and that they are responsible for fixing it. Tom asked Linford if the red roofed cabin exterior was completed yet since it has been more than 24-months and Linford said that it was. Linford also does not have a porta-potty and trash receptacle on his current site, but he has been using barrels for debris and taking them down in his pickup due to the road conditions.

On the Hinnens construction site, they do not yet have a dumpster due to waiting for better weather for grading prior to getting one.

- c. Roads—Snow plowing criteria is an accumulation of 6" and the average cost to plow our community is \$3,000. Mike said he just found out that Pierce does not work on Fridays. Requesting to have our community plowed may have some delayed response due to Pierce's crew needing to come from St. George. If requested in the afternoon, it will be done the next day. If requested very early in the morning, same day plowing is possible. Mike suggested that going to the Roads Department to see if a weight limit can be enforced during winter conditions could address some of the challenges.
- d. Fire & Safety—Linford stated that DNR has burned about 80% of slash piles recently. Members can do their own burning now by getting a permit giving permission to burn. Tom said they call him on the day when we have inclement weather to burn

safely. He doesn't get much notice, but he tries to get it out to the community as soon as he knows they will be burning that day.

Mike asked where we can look up what grant categories to see if something applies. Jeff said he had some information that he had received, and Mike asked if he could share it with him.

- e. Website—Tom reported he has gotten some training from Kevin and that they are working in tandem to keep information relevant and up to date. He has also put reminders about construction requirements in multiple places so that it is easy to see. He does the minor changes and Kevin does the more in-depth updates.
- f. Water—Linford said that Paul Monroe was to get a rendering of the proposed site to Mike and that both sites they have tested for location have been approved as viable sites. Also, Paul said he had grant money for at least ten fire hydrants in our community. Mike received the rendering, and the YouTube link is posted on our website ([https://youtu.be/JhOI8\\_S3lWs](https://youtu.be/JhOI8_S3lWs)). The access to this tank would be right off Cedar Highlands Drive up on the meadow, if that site is chosen. The tank will be concrete, measure 80 feet in diameter and mostly buried. It would possibly be enclosed with a wooden zig-zag fence to fit in with its surroundings. To compare the proposed tank size to what we currently have—our current tank holds 166,000 gallons and the new one will hold 500,000 gallons.

Some discussion took place about the feasibility of using the top of the buried water tank as a helipad for emergency helicopter landing. Mike will get in contact with Emergency Management Department Manager George Colson and Fire Chief Mike Phillips to discuss the possibility. Mike and Linford will sit down with Paul Monroe in mid-January 2023 to get additional information.

The HOA water committee members are Mike Brask, Linford Nelson, and Lori Silva. The decision on which location members prefer for the water tank needs to be determined with a two-thirds vote of the community within the next 2-3 months. Information will be sent to the community to open the discussion and request their responses be addressed via email to [board@cedarhighlandshoa.org](mailto:board@cedarhighlandshoa.org).

- g. CC&Rs—Mike stated that the board members have received a recommendation from the CC&R committee and told Stan that he would have some discussion on it at this meeting. Tom and Jeff are on this committee and Mike gave them the floor. Tom reported that the CC&R committee proposed a bylaw change. The proposed change simplifies the voting categories and identifies outdated and obsolete language. The current wording in our bylaws state that this language and provisions expired in 1993. The proposed changes are in Article II, Section 3 and 6 of the bylaws ([CHBylaws.pdf \(cedarhighlandshoa.org\)](#)) defining two classes of voting membership and cumulative voting. Class A members (owners and co-owners) may cast one vote per lot per opening on the board. Class B members (developer) may cast three votes per lot per opening on the board until the total votes of Class B members is equal to the Class A members or June 1, 1993.

Mike asked the board members if they would like to have a discussion on the change that was proposed by the CC&R committee to combine all members into one class and to eliminate cumulative voting so only one vote is submitted per lot per opening on the board. Tom made the motion to send this proposal to our attorney for review, Jeff seconded, all agreed, and the motion passed. There is some urgency to get this to the members for vote well before our next election is held.

- h. Community Sign Project—Mike said that the sign is done, but the pipe has not yet been cut. The current speed limit sign needs to be removed from the location and a receiver needs to be located before a hole will be dug. They plan to put the sign back in its original location. It may be 3-4 months before better weather allows the sign to be installed.

#### **6) Member Questions**

- a. Larry Miracle—some contractors are parking on the road and not putting chains on their vehicles, road committee is doing a good job, have they opened the hydrants to let them drip this season? Mike responded that the water district has opened the hydrants periodically when the temperatures were colder. He offered to hold a class on how to put chains on a vehicle so the slippery road calls would be lessened. He asked if there were any rules about wind-driven generators. Mike responded that there was a structure height limit in our CC&Rs and he would have to get back to Larry on that detail. However, he stated that there may be state laws or statutes that supersedes our bylaws when related to alternative energy. They talked about solar panels and gas powered generators.
- b. Patty Palanza—people our walking have found a lot of nails on the roadway that may be causing flat tires. She asked for everyone to police their vehicles to prevent the loss of nails when traveling on our roads. Tom suggested that we speak to the construction personnel to be more cautious and Mike said it would be difficult to identify the actual source of the nails since it could be from someone passing through.

7) **Next Meeting**—Thursday, January 12<sup>th</sup> at 6 pm at the Cedar City Library

8) **Meeting adjourned**

9) **Brief executive session followed**