

APPROVED

Cedar Highlands HOA Board Meeting
January 12, 2023
Cedar City Library, 6:00 PM

- 1) **Welcome by Mike Brask.** Board members attending were Mike Brask, Tom Wootton, Linford Nelson, Jeff Hartman and Lori Silva.
 - a. HOA members in attendance were: virtually—Deb Hartman, Lisa and Darren Hatch, Larry Miracle, Kevin Bridges, Greg Pierce, Steve Hahn and physically—Rick Silva, Stan and Nancy Carrizosa, Clint Bunting, and Jim Grimes.
 - b. Mike made a motion to approve December meeting minutes, Tom seconded, all were in favor. Motion passed.

- 2) **New Business**
 - a. Mike stated that all board members have signed the Code of Ethics forms, but not all committee members have. Stan Carrizosa took forms to have the remaining CC&R committee members sign. Lori noted that not all committee members have submitted their Code of Ethics forms (Roads, Fire & Safety, and Water).
 - b. Mike said that, last month, the CC&R committee requested the board open discussion to eliminate cumulative voting by proposing a change to the bylaws. Stan Carrizosa submitted the proposal and stated that it was a two-fold request: Recommendation HOA consider changing the bylaws to combine voting class and eliminate cumulative voting. Mike did present this idea to Carson Bagley, he responded and said that is something the HOA has the authority to do under a special meeting of members. It would require a vote of at least 51% in favor for it to pass. Carson Bagley said they could handle the voting process and review the ballots so we are in compliance with our bylaws. Stan Carrizosa commented that there was a conflict in our existing bylaws because there no longer exists a Class B classification from the June 1993 reference. He wants to comply with a timeline (possibly by the end of March) to be effective by the September election. The decision today is to approve letting the membership vote on this recommendation. Stan Carrizosa stated that cumulative voting (stacking all votes onto one candidate) reads as obsolete now. We no longer have a developer class—it is obsolete language—we need to make a more manageable set of bylaws (180 actual votes out of 165 lot owners). Greg Pierce explained they had added all possible votes from the last election that were turned in and divided by the number of lots to arrive at this number. Stan Carrizosa questioned the counting of votes and suggested a time cut-off in which votes can be received, nothing should specify signatures be on ballots before cutoff time. He suggested a policy and procedure change and asked that the board take action. With no guidelines, the board is seen as negligent. He asked for permission to execute item number three on his summary/procedures. Mike agreed to have Stan Carrizosa draft a policy/procedure. Tom made the motion, Jeff

seconded, and all were in favor. The motion passed. Mike will turn any member questions to our attorney.

3) President's Report

No president's report was given to allow time to address questions from the members.

4) Communications

- a. With Iron County about road signs. Carson Bagley reviewed and discussed with Mike in reference to all secondary roads that are platted as private roads. Basically, the attorney sent the letter back to the county and said to take a hike. Sounds like our private roads signs that HOA paid for are above board and legal. No rebuttals from county.
- b. With attorney, Carson Bagley as stated above.

5) Committee Reports and Old Business

- a. Financial report was given by Jeff Hartman
 - i. December statement balance: \$121,089.50
 - ii. Debits for the month were: \$488.46 for sander box repair, \$105.85 for website 5-year renewal with Go Daddy, \$661.37 for attorney fees, and \$10.00 fix one dumpster lock.
 - iii. Deposits of \$75.06 for interest on the account, partial payment of dues, leaving an ending balance of \$116,707.69.
 - iv. Dues invoices were delayed getting out to the members, so the 30-day due date will be February 11th, at least. A text blast will be sent as an additional reminder that dues shall be paid within 30 days of receipt of invoices. All delinquencies have been paid except for the county.
- b. ARC (Architectural Review Committee)—Tom reported on the following:
 - i. No new submissions until this evening.
 - ii. No new structures were completed.
 - iii. Status update on garage for Lystrup, Block 8, Lot 15, 1134 E High Valley View Drive—structure complete, but awaiting warm weather to complete exterior finish and staining.
 - iv. Status update on back yard fence/dog run for Bettencourt, Block 9, Lot 2, 2149 High Mountain View Drive—the section in front of the home is complete and the rear sections are waiting on warmer weather.
- c. Roads—Mike said that requesting to plow in the very early morning seems to be working to get our roads plowed on the same day. Further discussion about Valley View Road and not being able to get the plow into the tight cul-de-sac to do the work and proposed they use the skid steer to clear that part so that members could access their driveways. Danny Bonner had complained to Brad Pierce about destruction to the road, so plowing was discontinued. Danny Bonner asked the

Roads Committee to request plowing to resume and Mike suggested that backing the plow up the road and pushing the snow forward may work or use the skid steer. Also, asking the plow driver to use more caution in front of houses may prevent damage to paths and other personal items near the road. Jeff suggested that members place markers where they had personal items to assist the plow driver avoid hidden objects. Tom commented on construction vehicles with trailers getting stuck on our roads. We have five active home builds taking place this winter. The sheriff department suggested placing a sign to forbid construction trucks with trailers (during winter months) so that offenders can be fined by the sheriff's department. Our board will contact Bruce Anderson and Marilyn Wood to see about getting the sign.

- d. Fire & Safety—Mike and Linford met with Fire Chief Mike Phillips and Emergency Management Department Manager George Colson and they stated they had already been working on our issue. Chief Phillips stated that the cost of a firehouse for a fire truck would be \$138,000. He approached the county commission requesting funding and they said 'no' for now. Chief Phillips has a dilemma of where to put the old engine, an \$85,000 value—they have a new one coming soon. Mike stated that time was the essence here and asked if we needed to ask HOA members for a special assessment for matching funds to ensure we get the fire house built or this opportunity will pass us by. Mike got the impression that it would be around one year before they received the new truck. Reid Erickson had a misunderstanding that nothing could be built on our common area (platted as common area), but Mike informed him that in our CC&R provisions with a two-thirds vote, we are able to allocate land. Reid Erickson will bring this new information to the commission. George Coulson has found that a helipad does not need to be concrete. Both George Colson and Chief Phillips surveyed the area in the meadows and said it was doable so the HOA members don't have to vote on that. Linford had planned a meeting on January 26th for the Fire & Safety committee, but not all committee members were able to attend, so the meeting was cancelled. Jeff and Lori discussed getting Nick Howell, BLM, to provide us with professional 'No Fire' signs to put up for July 4th and Pioneer Day where visitors shoot off fireworks. Action item: Follow up with Fire Chief Phillips on timetable for delivery of new fire truck.
- e. Website—Kevin stated he reviewed our two domains (Cedar Highlands and Cedar Highlands HOA) and the SSL certificate renews in March. It will cost \$95 per year for five years. Mike agreed to renew it. Tom agreed to act as back-up for Kevin. Kevin is out of town frequently and unable to put out emergency texts.
- f. Water—Mike asked Linford to speak about placement of the water tank. He is against the common meadow site. Central Iron County Water Conservancy District (CICWCD) sent an email to all members depicting their preferred tank site and proposed timetable.

Linford stated that our HOA has 160,000 gallons of water less than last year. He claims to own the water tank and we question that. He wants the new tank to be on his property and has 14 different reasons to have the tank somewhere else other on the HOA meadow. Because the land isn't usable that we've traded—the water tank deal is dead. It is zoned two from water collection point of view. Mike, Linford, Paul Monroe, and Reed Erickson plan on meeting and presenting to community for a vote. Linford stated he would abstain from voting since it is a conflict of interest for him. Much more discussion followed.

Mike suggested reading the information from the Water Conservancy—read all the fact sheets for future projects. Mike asked that if we are all in agreement (the board), he would like to share the CICWCD link to all members. Stan Carrizosa asked about sharing this with the community. Tom made a motion that it be shared, Lori seconded, all were in favor. The motion carried. (cicwcd.org/cedar-highlands/) Mike will reach out to Richard Wilson about the two lots that the county owns.

- g. CC&Rs—Greg Pierce stated that the committee has put forth a lot of effort and he has concerns with many of Linford's statements and requests the board to take issue with them.

6) Member Questions

7) **Next Meeting**—Thursday, February 9th at 6 pm at the Cedar City Library

8) Meeting adjourned

9) Brief executive session followed