

Cedar Highlands HOA Board Meeting
May 11, 2023
Cedar City Library, 6:00 PM

- 1) **Welcome by Mike Brask.** Board members attending were Mike Brask, Jeff Hartman and Lori Silva. (Tom Wootten was out of town)
 - a. HOA members in attendance were: virtually—Chad Atkins, Manny Mosqueta, Larry Miracle, Ann Bersi, Bob Shelton, Elizabeth Neal, Steve Hahn and physically—Nick & Patti Palanza, Jim & Sandi Grimes, Randy & Cassie Williams, Clint Bunting, Greg Dietel, Lisa & Darren Hatch, Rick Silva, Greg Pierce, and Roger Thomas.
 - b. Mike made a motion to approve the April 2023 meeting minutes; Jeff seconded, and all were in favor. Motion passed.

2) **New Business**

Ballots for the water tank location and the CC&R revision—Mike said he was aware that Lori and committee have a plan for sending out ballots, receiving and counting them. We have not received the finalized ballots as of yet. Lori asked when we would have the date from our lawyer to receive them and Mike said Justin Wayment had final revision but was currently out of town until the following week and both lawyers planned on having the final package done by the end of May. Lori asked if we have a date that these packets need to be sent out and Mike responded that the board needs to make a 30-day announcement when the work is finalized to meet the requirements of notification.

Note: As of this date, June 7th, 2023, we have not received the finalized documents yet.

3) **President's Report**

Mike has been out of town most of the time since our last meeting and he has nothing to report except he did mention that the board had discussed having a Roads Committee meeting with all community members, but our budget this year does not leave much for road work. He said the cost of snow removal amounted to \$85,000 and with \$23,000 of refundable deposits that leaves the HOA with around \$25,000 in the bank. So, we don't have very much money to put into any substantial road repairs unless we cut into the \$100,000 of funds in CDs at Utah State Bank. Those CDs are making \$11/day and we are hoping not to touch that. Bottom line: we have \$23,000 in the bank and \$13,000 that Jeff is chasing for accounts receivable still left to be paid. Question from Chad Atkin: Since we spent \$85,000 on snow removal; have we looked into buying our own snow gear and doing the work ourselves? Mike's answer was yes, we checked it out. The cost of equipment was well over \$100,000 and it didn't seem cost feasible. Mike did say that before our yearly meeting in September, we should develop a plan. Either implementing a special assessment to deal with buying our own equipment or road repairs because the amount of dues we collect just doesn't cut it. Mike reiterated that the \$85,000 spent on snow removal (which was mainly a skid-steer) still did not keep the road above High

Mountain View Drive open continuously because it could barely cut through the amount of snow and drifting that occurred. One solution might be renting a loader from Linford Nelson (he had offered before) in the future as it would cost us more to rent from Wheeler Equipment. Linford offered to charge the HOA by the hour. Mike also said we would have to look into getting insurance coverage if we rented something and had our members operating. It's up for discussion.

4) Communications

- a. With members has been ongoing. Lori stated that she had a complaint from a resident on High Mountain View drive about the road damage from a home builder's equipment. A letter with pictures of damage was sent to the homeowner/lot owner. It was received and they responded. The builder has agreed to repair the road when the weather allows. No other complaints were reported.
- b. With Iron County—Mike, Jeff, Lori & Rick Silva, and Stan Carrizosa attended the Iron County Commissioner meeting on May 15th in Parowan. Mike addressed the panel to let them know to expect two voting packets in the mail that represent the two lots that the county owns. We asked that they return the packets with a 'yes' vote for both the water tank placement and CC&R revision. Paul Monroe also addressed the commissioners along with Mike. We got a positive response. Mike also mentioned the other topic that was brought up at the Iron County Commission was the fire house proposal (since city fire chief has offered us the used fire truck). We were told to get in touch with Ryan Riddle who has wildland protection funds that might fund us (the county is not willing to fund). Lori offered to talk with Ryan and will report the outcome at the June HOA meeting.
- c. Jeff Hartman asked about some gravel loads that were promised us from CICWCD (to repair a washed-out section of roadway in the past) and whether that gravel could be used on High Juniper. It has been determined that High Juniper is in the most need of repair at this time. Mike will bring the issue of the promised gravel/road base up with Paul Monroe. He will ask that CICWCD bring up promised loads and dump them near the book exchange where the other gravel pile is (at High Mountain View & Cedar Highlands). Rick Silva said it should amount to three loads or 60 tons of gravel or 50/50 (the top layer on road). Jeff commented about installing and replacing culverts (most of these would be the home and lot owner's responsibility at their driveways). He continued that residents on High Juniper, High Cedar, and High Spruce should do their culvert upgrades if needed before any other gravel or other improvements would begin.
- d. With attorney, Carson Bagley—Mike said he had contact with our lawyer right before our meeting and was told there were two sticking points in the contract: one is priority of the water and the water conservancy cannot put language in the contract that states that Cedar Highlands is the #1 priority for water supply. It has to be based on water capacity in the tank, so they can't use that language. So, Justin Wayment and Carson Bagley are looking at coming up with wording based on maintaining a minimum tank

capacity (it would service Cedar Highlands for sure). The second issue to be amended is that CICWCD would need more temporary easement to completely backfill and berm around the water tank. So, those are the last two items to be hashed out. Jeff made the point that this tank is a public utility so anyone could tap into this tank for their use, but if that was to occur, that individual would have to pay all the infrastructure costs (more than likely that would be very expensive). But this tank is still a good deal for Cedar Highlands (providing an additional 22 fire hydrants) and the water company is bound to keep a minimum capacity in the tank once they fill it or they have to develop alternative sources. We do not know what the minimum capacity would be. That is a question to ask when Lori and others attend the next water meeting.

5) Committee Reports and Old Business

- a. Financial report was given by Jeff Hartman
 - i. Beginning statement balance for April: \$56,686
 - ii. Deposits for the month: \$1,779 and of that, \$3.40 was interest.
 - iii. Withdrawals: \$11,153, one final invoice from Pierce Construction, \$10,700; Quick Books \$58.41; GoDaddy (website), \$215.88/5-year period; and Utah Corporate Business License fee, \$13.00.
 - iv. Ending balance: \$47,312
 - v. Jeff stated that checks to pay \$9.00 to Lori Silva for certified mailing cost of letter to Mr. Hahn and \$50.00 to Rachel for bookkeeping need approval. Jeff moved to approve payment, Lori seconded, and all were in favor. Motion passed.
 - vi. Jeff commented that seven or eight lots still have outstanding dues and the two belonging to Iron County. He plans on posting the names of past-due lot owners on a whiteboard at the September meeting if there are any still not paid up.

Question from Lisa Hatch—how long do we wait before we take action against these few? Mike answered that we give them until the end of March before we start assessing late fees. But, the process would be to go to collections and have the attorney try to collect or implement liens. In the past, Mike continued, they started the lien process by the end of May.

Question from Greg Pierce—what are we doing to collect on two lots owned by the county? Mike said our attorney will try to collect from the county after this water tank vote is finished. Carson told Mike he can collect (because there is no statute or ordinance that keeps the county from paying) and these are accruing interest. Greg asked what percentage of interest are we allowed to charge and Mike thought it was 1.5%.
 - vii. There was further discussion about Pierce Construction needing to collect from four different residents for personal driveway plowing and not having the correct contact information. The HOA is not responsible for helping them collect for these invoices.

- b. ARC (Architectural Review Committee) report was given by Patti Palanza, ARC member. There is one new application from David Crowther for a pavilion at 898 E. Cedar Highlands Drive. The committee is currently verifying the setbacks. Mike asked for vote to be communicated by email. Lori moved that the vote be made via email, Mike seconded, and all were in favor. Motion passed.
- c. Roads—The board agreed to release \$10,000 for some small road improvements. A meeting is planned to be held at Mike Brask's home (2081 High Juniper Drive) on May 13th at noon to decide where the most-needed work should be. No plans have been made to work on Cedar Highlands Drive this year.

At the meeting on Saturday, May 13th, the discussion was to put the \$10,000 into improvements for High Juniper Drive. Residents were asked to do everything they could to offset the labor costs and Lori presented photos taken by Rick Silva and Lisa Hatch of much needed culvert work (either new ones—18" requirement—or installation of culverts that were never installed). Our intent is to approve money to be spent on our auxiliary roads only if the proper culverts and ditching is there first. Residents of High Juniper in attendance agreed to come up with a plan which we will take up at the June meeting.

Mike said he and Rick Silva agreed that to do nothing on Cedar Highlands Drive now would be best since grading the road now would just diminish the mag chloride product that was applied last summer. Lori received a copy of the Title V document which was posted on the HOA website that gives Iron County the sole ownership of our main road (the BLM relinquished ownership to Iron County). Mike commented that doing nothing would be our best course of action. He asked for other's thoughts.

Greg Pierce asked about the sign project and Mike answered that it would be covered later in this report. Mike also commented on the attorney costs—we haven't received the final bill yet and (they haven't completed the voting packets as of yet) our budget for the attorney has been \$12,000.

Greg Pierce asked about payment for past engineering and Mike told him that Dallas (GoCivil) never completed the work nor invoiced the HOA. He didn't send an invoice because he couldn't finish the work because the HOA couldn't afford the \$100,000 or more that it was going to cost. Dallas wrote the initial report on the drainage, but he never invoiced us. The cost to complete his report would have been \$8,000, but we decided it was going to cost too much, so didn't pursue it. Mike said he sent an email to Go Civil asking the cost of the initial report and we did not get any response.

[At 45 minutes into the meeting, we lost audio capability for about two minutes]

During this time, the discussion about it being the owner's responsibility to have and maintain the proper culverts at their driveways. The pictures were passed around that Lori talked about earlier. Everyone present joined the discussion and decided to attend t

he roads committee meeting on Saturday. Many of the residents that live on High Juniper Drive agreed to pull together to develop a plan to address the draining problem and damage to their road. Then, members discussed that High Cedar Drive has a difficult engineering problem where ditching and culvert installation needs to happen. One example was at Mr. Evans' driveway the water runs from both directions and crosses the road at the end of his driveway and fills the road completely during the snowmelt. Nick Palanza brought up the need for snow fencing on top of our community heading toward the common meadow area. Plowing the area above Glenn Cole's driveway to the upper meadow was impossible this winter due to severe snowfall and snowdrifts. Mike explained that our contractor did not bring a loader up this winter, and it is absolutely needed for this situation (this has been an ongoing need for years). Roger Thomas confirmed his responsibility to repair the damage to High Mountain View Drive due to wintertime construction in response to the complaint mentioned earlier. He was asked if he knew of another company with equipment that could keep that top section of the community open in winter and he suggested Lucky 7. However, they don't have a loader as of yet. Mike said he had Linford's offer to rent us a loader and operator in writing (next year).

Mike voiced some concern about self-created projects and the liability and who is going to pay for underground utility damage. Chad Atkins asked that along with liability, do we need to apply to ARC and pay fees to do this culvert work? Mike answered 'no'—this is all part of the CC&Rs—it's the homeowner's responsibility to maintain culverts. However, we may need to have a release of liability signed by those doing the work. A mass text was sent announcing the meeting to all members on the text blast list. An agenda was formed for the roads meeting at Mike's home on May 13th, 12-2PM:

- Needed projects by street
- Self-funding
- Create a list for Pierce Construction to work on
- \$10,000 of HOA money allocated
- Snow plow and other equipment

Larry Miracle commented on speeding on Cedar Highlands Road by construction workers. It is posted at 15 mph, so please respect our homeowners! This would be another incident to call the sheriff up here to give tickets.

Mike said we need to make a case for some assessment period to generate \$100-150,000 to build infrastructure (roughly \$600-700 per lot). We need to have a plan and the cost. Pierce Construction would give us a price for further work.

- d. Fire & Safety Committee—No meetings have been conducted with this committee. Linford Nelson wants to be included on this committee and Tom will add him. Mike asked Lori to contact Ryan Riddle to ask about any grants that may be available to put a fire house up in our common area. He is part of the Wildlife Protection Area (Federal). Lori and Jeff talked about putting up 'No Fireworks' signs before the holidays (July 4th &

24th) and asked for volunteers. A committee meeting needs to be set up when Tom and Lori are both available.

- e. Website—Kevin has nothing to report.
- f. Water—Nothing new to report.
- g. CC&R Committee—Greg Pierce asked for an advanced copy of the actual limited proxy form. Mike will send that to the CC&R committee (falls under policy & procedures). Greg reiterated the proper voting and counting procedures.
- h. Community sign project—Mike said that it is still not finished, but in progress. Review progress at the June meeting. Patti Palanza said we got approval from the Prairie Dog Conservation group to do the digging. Renting a mini excavator to do the installation costs \$1,000/week and they are currently under budget, so it looks good. It may be ready by the second week of June to get installed.

6) Member Questions

Larry Miracle let everyone know that Klaus Stetzenbach had passed away. (We now know the date for his memorial service and it has been mass-texted to all.)

7) Next meeting will be Thursday, June 15, at 6:00 pm in the Cedar City Library.

8) Meeting adjourned 7:41 PM.