

**Cedar Highlands HOA Board Meeting**  
**July 13, 2023**  
**Cedar City Library, 6:30 PM**

- 1) Welcome by Mike Brask.** Board members attending were Mike Brask, Jeff Hartman, Lori Silva, and Tom Wootton.
- a. HOA members in attendance were: virtually—Heather Atkin, Danny Banner, “Pilgrim,” Paul & Paula Huddle, Ann Bersi & Bob Shelton, Steve Hahn, Jim H. and physically—Monica Wootton, Greg Pierce, Debra Hartman, Larry & Dayleen Miracle, Rick Silva, Cary Wood, Lisa Hatch, Glen Foss, Cindy Temple, Nancy & Stan Carrizosa, Robin Day, Mike & Liz Neal, Eyal Katz, Jim Grimes, Clint & Bri Bunting, Kevan Toombs, Linford Nelson, Nick & Patti Palanza, Randy & Cassie Williams, Kerry & Julia Smith, and Manny Mosqueda.
  - b. Mike made a motion to approve the June 2023 meeting minutes; Jeff seconded, and all were in favor. Motion passed.
  - c. Mike wanted to move the agenda order tonight to focus on election issues and he has Carson Bagley, our attorney online to answer questions about elections and other events.

**2) Communications**

- a. With members
  - i. A letter was received from the Fosses, who are under construction. They submitted a letter pertaining to the Beehive fiber communications building encroachment. Linford Nelson was actively suing them because it is on his land as well. So, there is some active engagement with this issue, but beyond that, the HOA hasn’t gotten anywhere with trying to move the tower and shack. They have run fiber optic cables up to the shack, but no further. Mike has spoken with Beehive and they have applied for a state grant to redo the infrastructure in our neighborhood and other small neighborhoods and distribute fiber around, but they don’t have that grant approved yet. Beehive has been dodging phone calls from Mike to address the issue of the placement of that power. Mike read the letter aloud to be adopted into the minutes. The letter reads:

I am submitting this to follow-up on a subject that I raised that last year’s annual meeting and that apparently has not received subsequent attention. That being the issue of the Beehive Communications facility on High Mountain View Drive. It would be greatly appreciated if this could be added to the agenda of the next board meeting. The subject: commercial installation has been located on subdivision property for many years and has benefited from our road access without ever paying anything for the privilege. That

does not seem equitable to the lot owners who may or may not use the roads and other amenities and are subject to ever increasing HOA dues. The facility is an eyesore and detracts from the scenic beauty of our neighborhood and consequently reducing the value of nearby properties. In addition, it is a traffic hazard and an impediment to snow removal due to its location at a sharp curve in the road. I urge the Board of Directors to notify Beehive that the facility is no longer welcome in its current location and to request that it be relocated. If it is to be moved to another location on Cedar Highlands common area, Beehive should pay rent to cover the road access for their service vehicles. If an agreement to site it on private property within the subdivision is not legal, it should be moved out of Cedar Highlands. Thank you for your consideration.

Mike said that maybe after the annual picnic, when they have a new board that this can be an item that can continue to be addressed. There was some discussion about whether it was actually on Linford Nelson's property and the status of his lawsuit against them. Mike doesn't have enough information about Beehive's plans to move forward with fiber optics in our neighborhood if they get a grant approved. He did say that the placement went through the HOA at one time, but there are no clear records on it. Mike wants to add it as a nuisance item for the board to address over the next two years.

Tom Wootton researched Beehive communications online. There are no local requests for fiber optics. He did reach out to them last year to see if they could run fiber to the houses and they responded that they didn't have the requests yet. Tom will reach out to them again.

- ii. Mike received an email from a member regarding the need to update the financials and P&L statements posted on the website and that is in play. Lori asked when they say "financials" is that what is already posted on there every month. Mike responded that it is the balance sheet and P&L—we have a management report printed out monthly from Quick Books that needs to be put up on our website. The minutes are being posted monthly, but the financial reports that Jeff gets have not been posted.

b. With Iron County

Mike and Rick Silva met with Grant, who is in charge of sign placement on our roads, and they located several sites for the sign placement for him to approve. Iron County will consider an application from our HOA to get permission for the placement of our sign to be within the right of way (66 feet). Because the HOA does not know what the proper footing should be, Mike has reached out to Go Civil Engineering to provide a proper footing drawing to be submitted with the application. This should be ready within the next week or so.

- c. With our attorney
- i. Mike has been working with him on all the voting packages and the first one will be mailed out tomorrow. The packet for the water tank vote changes have been made and the exhibits updated, so it's ready to go.
  - ii. Mike has our attorney, Carson Bagley and Kayla Gotthard, another attorney that has been helping with this project. Carson recapped the current packet that is to be mailed for the CC&R revision that will eliminate cumulative voting for electing members to the Board of Directors. For this change to pass, 83 votes in favor are needed. If it passes, this will give members one vote per director per lot. They have prepared a direct and unlimited proxy that will allow your vote to be counted if you are not at the meeting on August 10<sup>th</sup>.
  - iii. Mike spoke about when we went from an HOA to being a town and returned to an HOA with regards to violations in the community. The previous boards never had an opportunity to enforce our community's guidelines. So, the community developed a fine schedule and policy to implement fines if people are not following the Bylaws. In our community, the form of government is the HOA. The Bylaws and CC&Rs are what we live by and were decided upon many years ago. The board recognized there are deficiencies in the CC&Rs early on and a committee was formed to work on that. In the meantime, the board is in the position to deal with compliance issues on a variety of things. Mike said that he, personally, does not want to be a part of a board that is selectively enforcing rules. He expects the board to be uniform and consistent and has asked Carson to speak on that tonight. Carson Bagley referred to the fact that there are updates being worked on he is planning to move forward when they receive CC&R updates. Currently, the governing documents we have are from the nineties and introduces Kayla to speak to the board members regarding general duties and elected obligations. Kayla addresses the general responsibilities and fiduciary duties of the board. She then speaks about committee tasks, responsibilities, recommendations, and findings. Kayla then speaks to duty of loyalty and conflicts of interest. Kayla established associations are not supposed to act arbitrarily and should follow its governing documents. Following the governing documents are important to avoid liability. Carson Bagley interjects with regards to fiduciary responsibilities and being prepared and knowledgeable for meeting agendas. There is a right to abstain by making a motion to continue the pending motion until the board has further knowledge or continue this subject to the next meeting. In the instance where an ordinance is being violated and there are plans to amend it, the board can differ to a purgatory period—the approval time it takes between current rules and amended ones. The purgatory period can be addressed by the Board tabling an issue;

however, the current rules should be enforced. He would be open to discussion with the Board in an executive session about each situation to determine if the board has some discretion not to enforce something. The Board should do their best to enforce all provisions as written until they are changed.

Jim Grimes asked if the board members are expected to stay up to date with all state and county rules as they change and Carson said that would be difficult to expect that and that's why they should seek counsel.

Jeff asked if the HOA rules and regulations override those of the county and state. Carson answered "at times." The HOA can restrict things that the county or state doesn't. In those instances, the association's governing documents will control.

Lisa Hatch asked what would happen if no one volunteers for board positions, do we dissolve the HOA? Carson Bagley addressed the options and procedures if there is no one running to serve on the board. Board members cannot be paid, so you cannot hire them. Our community members may be reluctant to serve on the board, but they should understand how difficult it is to enforce the guidelines and the time it takes to volunteer.

Board members have some indemnification, some protection as long as they act in good faith and are reasonable, the legislature understands they are volunteers, not attorneys, accountants, etc. It is important that board members are involved in and are diligent in overseeing the finances and other matters of the association.

Nick Palanza asked if 80-90 percent of members were in violation of some ordinance in the CC&Rs, how does the board deal with that situation? Carson responded to do the best you can. If the board is aware of violations and they are material violations that are harming the community, do the best you can—worst first. If we think that 90 percent of the association doesn't agree with this restriction, move forward and get it amended.

Lori stated that since she is required to vote a certain way as a board member and not how she feels, it doesn't feel like a democracy.

Carson responded that, as a member of the association, your most important vote you will cast is for the election of a director, because the association is controlled by the Board of Directors. You vote on somebody who you trust and who will make good business decisions. The other part of the democracy is your governing documents—it takes a majority, 67 percent of the members can vote to change those governing documents. So, if there's something in the CC&Rs that over 67 percent of the members want to change, that's the democratic part of it, preparing that amendment, voting on that amendment, and having that amendment passed so that restriction is no longer there or if a restriction needs to be added.

Chad Atkin stated that he understands that many of our CC&Rs are outdated and don't really serve a purpose for the community. He has heard that they are being reviewed for a year and a half now and that we are not attacking them as we identify them. He understands it is a big project and asked Carson how long does it usually take to rewrite and vote on changes. Carson responded that creating the CC&R amendment committee like our association has already done, they could send out a straw poll to see how people will respond to a change. If it is favorable, then move forward with the next issue. He suggested that doing them as a package would be much cleaner for the members to understand when they have a new, fully stated document to reference in the future. It's a longer process, but worth the time. However, if it's something urgent, then he would do a spot amendment which would take a couple of months to get passed. Chad continued with a question about if one provision is going to be changed, so the board decides to stay that provision, does that mean that other provisions can't be enforced. Carson generally responded that if it exists, you need to enforce it. He suggested that the board consult with his office to see if the facts and circumstances justify the board not enforcing provision.

Jeff asked if we have ten sections that the CC&R Committee wants to overhaul, could each section be separate voting. Carson responded that some people may be in favor of one amendment and not in favor of another. So, instead of putting it as one vote up or down, it is more difficult and costly for the association, but if that is the way they want to proceed they would do it. He could bundle votes into provisions to get the matters that have the community support passed.

Larry Miracle stated that if anyone has a question or suggestion about a change, please speak up and let the CC&R Committee address it. He wasn't in favor of doing away with all the rules. Mike responded that our association was in favor of a township until they realized what it would cost. So, we came back to being a self-governed HOA where our main function and money goes to snow maintenance and road repair. Mike asked Carson that in Section Eight of our Bylaws that tie the provisions to a fine scale, some members want to modify our CC&Rs on various points. Does the board need to open up the whole article or can they subjectively pick and choose the ones they want to address and then legally be able to fine and enforce on the ones they don't like? Carson responded with an example where a board hadn't enforced a restriction for some time and decided to start enforcing it after a third of the community was in violation. The court ruled that the provision was abandoned since there had been so many people allowed to violate that particular covenant. He restated that the board has a duty to enforce the CC&Rs and until the documents are changed, it's their duty to enforce that provision. He suggests that our board put it out to vote—do an informal straw poll to address separate

amendments to see if there are enough people in favor of a change (over 40%, for example), then put it out to the community. If it doesn't pass the formal vote, then the Board's response is that they attempted to amend it, but it didn't receive adequate support and there's nothing else they can do—they are stuck enforcing.

Jeff asked for clarification on the number needed for the informal straw poll before proceeding with a vote to the membership. Carson responded that we are a small democracy and that all 165 owners will never be satisfied. But in an informal polling situation, a significant number would be 50 members would justify proceeding with it. In our case, a majority would be 67 percent of members to be able to pass an amendment to remove or impose an additional restriction. If there's something that's a large enough concern, that's where you band together and make that known to the board, and the board moves in the direction of seeking those amendments that have that favor.

Steve Danto asked if Carson had in his experience had an HOA dissolve or do away with their Bylaws and go by the county restrictions. If there's a nuisance, then people get together to address it. Carson responded that it would take nearly all of the members to dissolve our HOA. Dissolving would mean that the HOA is gone altogether, but diluting would mean there are basic restrictive covenants and we pay assessments so we can maintain the roads through snow removal. As far as architectural restrictions, as long as it meets county code we are fine with it—that would require a 67 percent vote to cut restrictions that are above and beyond county ordinance. It is a possibility. That would mean the HOA is there to collect assessments and to maintain the common areas, everything else is left up to the county to enforce. In his opinion, we would lose what he considers a higher value community.

Mike said that at the end of the day it requires us to work together as a community. When winter comes, our roads need to be maintained and the county whose rules you want to adopt doesn't want to support you—they don't plow our roads and they don't intend to. Someone in the audience asked where our tax dollars go. Mike responded that our MSF fee gets spread around the 65,000 residents in Utah and is used by all the other communities and neighborhoods. The tax dollars they collect, about \$45,000 a year for our road gets put into other areas.

Isn't our road a county road? Mike responded that it was and he is going to those county meetings and working that agenda because the conversations in this room don't get it done. He is working with the Iron County Planning Commission and making the point that he knows they get \$45,000 from our community for that road. He also made the point with them about Right Hand Canyon Road wash-out and the people on top are required to have two points of access to those communities and our road is the other one. If the washout had been

worse, they wouldn't have been able to get fire protection up there. We are still zoned as a seasonal community, but he is working on getting that changed. We are a 165-lot community and we are governing ourselves.

Nick Palanza said we are zoned R-1/2, but when Patti talked with people at the county, they say we are zoned R-1, one-acre. Mike said that R-1 is correct and the map has not been updated. Patti said that she spoke with Terry and Chelsea, they brought the map and told her that when the city of Cedar Highlands was dissolved, they changed all the zoning to R-1. Mike said the county was enforcing R-1 rules for our community and they guys at the building department are dealing with the owners of smaller lots on a case-by-case basis. Linford questioned whether the county was saying it was zoned R-1/2 or R-1. If you have a lot that requires different setbacks, you have to take those plans into the county to get a variance. They went back to the original zoning for the rest of the mountain to A-20.

Greg Pierce said we are classified as a seasonal community. Mike responded that we are officially classified as seasonal and that is why we could not get grant money for a firehouse on top—they cannot use grant money for seasonal communities. Mike is working with the county to get our community reclassified. Greg asked if the county was required to give us two points of access. Mike said their provisions are dated and don't reflect the trailhead to a bunch of park trails, we weren't a thoroughfare to Kolob and the upper canyon, and we were 30 houses instead of 90+, and the last thing on their letter is the 17 percent grade. They own two lots to do something about it, but their engineering doesn't financially support them making that call right now, but they haven't given up on it yet, either. There's no cell service between our community to Kolob, so how do you communicate an emergency, so those issues need to be pressed.

Mike thanks Carson and Kayla and lets them go.

Someone in the audience asked Mike if there were a minimum number of full-time residents we need to have to change our status. Mike responded that we had to be over 50 percent. Tom pulled up a document that Mike read that said we have 42 full-time, 70 part-time, and 53 lots. It was discussed that some homeowners have two lots and only one home, so getting the higher number will be a challenge. The best button to push with Iron County is fire and safety as we grow as a community and more people going up to enjoy the mountain.

Mike brought up that we could get a loan to improve our road with an SID (Special Improvement District) where half the cost of the improvement would be passed onto Iron County. There was further discussion on the pros and cons of HOA maintaining the control of our side roads. A copy of our governing documents should have been provided every buyer at the closing table and all are encouraged to read them.

Greg Pierce read a county document that talks about road standards that have to be achieved (mostly grade and occupancy) for the county to maintain them. Mike said that when the town of Cedar Highlands was formed, they had Sunrise Engineering to estimate the cost of paving the road and it was \$8 million, that was six years ago. There was further discussion about paving and utility relocation costs associated with improving the road and it will be ongoing.

### 3) Committee Reports and Old Business

- a. Financial report was given by Jeff Hartman
  - i. Beginning statement balance for June: \$48,217.49
  - ii. Deposits for the month: \$10,779.01, \$2.55 interest earned
  - iii. Withdrawals: \$12,082.56 (\$4,918.77 to Pierce Excavation for work on High Juniper, \$5,286.49 to Jenkins Bagley our attorney, \$58.41 to Quick Books, \$951.95 to Scholzen Products for culvert pipe, \$25.02 to Home Depot for tubes of caulk to seal culvert, and \$647.33 to Sunroc Corp for road base)
  - iv. Ending balance: \$46,913.94
  - v. Mike stated that \$22,000 was in refundable deposits which leaves about \$24,000, and as of last week, they are still trying to collect dues
  - vi. The HOA still has \$100,000 in CDs for emergency funds. Greg Pierce asked if there was a statute that says they need to have the reserve and Mike responded that there was none, but a decision of the board. If they chose to address a project right now, they could. The cost of snow removal last year was over \$80 thousand and may be more this winter due to new full-time residents up top
  - vii. Three checks need board approval (\$384 for CNA bond insurance, \$100 to Rachael for bookkeeping and \$1,000 refund to Steven & Eva Danto for construction). Tom moved that the board approve payment, Mike seconded, and all were in favor. Motion passed.
  
- b. ARC (Architectural Review Committee) report was given by Tom Wootton.
  - i. Structures complete: Danto (Block 8, Lot 20), prefab outbuilding/shed. The \$1,000 refund for was just voted on and approved.
  - ii. Hinds (Block 2, Lot 11), ARC recommends approval even though work has already been started. Mike asked if all the setbacks are met and Tom affirmed.
  - iii. Hilton (Block 7, Lot 4), application for a shipping container/shed. ARC recommends approval pending receipt of the necessary fees. None have yet to be paid. Mike asked if drawings have been submitted and Tom replied that they received them last month. Mike suggested that they not approve the request until all the fees are paid.



- iv. Nelson (Block 4, Lot 16), application for lot clearing and \$1,000 fee paid at this meeting (July 13, 2023). Details of work to be conducted will be submitted once lot is cleared. Tom recommends approval of the lot clearing.
  - v. Tom moved that the board approve the Hinds and Nelson applications. Mike seconded. All were in favor. Motion passed.
  - vi. Lori asked if the Hinds were fined for starting construction prior to ARC approval. Tom replied that they got a \$500 fine.
- c. Roads—Mike reported that projects were done on High Juniper Drive replacing a damaged portion of the culvert and putting down road base. Mike said he asked Brad Pierce what it would cost to grade all the secondary roads, put the blade at the proper pitch, cut all the ditches, and clean everything out and bring in about 200 tons of dirt to fill all the potholes—including the 17% grade. Some portions of the road will be difficult to deal with through the winter if they're not cleaned up. He received a bid this morning for \$35,000 to grade the 17% grade area and all the secondary roads, but not the main road. That would address the complaint about the cul-de-sacs being ripped to shreds by the builder using the roads during winter conditions. This gives us the opportunity to see what it costs to have those repairs done and let's keep their deposit—is it enough or is it too much? So, it gives you something to gage it against when you apply compensation for damage being caused. Lori asked how much dirt were they planning on getting. Mike restated that Brad's estimate was 200 tons—11-12 truckloads to fill spots. That would include a week's worth of equipment, compacting roller and a water truck. Earlier in the year, we decided that it would be a mistake to scratch up all the road that was held in place by the mag chloride, so for any work we did, we wanted to roll and wet down. Lori asked if that was for the end of this year and Mike responded that he wanted to get with the Roads Committee on it. The board has had discussions on how to manage compensation for damage done by contractors and weigh that against work that someone has done and have some numbers for that work. Greg Pierce suggested that the board utilize policies and procedures to define what work needs to be done and have it overseen by the roads committee and the price for that work could easily change based on the actual cost of repair at that time [instead of a flat fee]. Mike responded that there has been quite a bit of work done to the ARC policy and the missing piece was how do you figure out the value. Lori asked Rick Silva what he thought about the \$35,000 price—too low, she thinks. Mike responded that it wasn't like last year's main road project where 6-8 inches of road base was brought in to build up infrastructure to hold mag chloride. It's triage and repair, grading and compacting so what you have stays in place. It isn't an effort where we spend \$100,000 on dirt. Nick Palanza stated that not knowing the exact cost but it's good to have an estimate. We do our secondary roads and put any left-over money toward the BLM road. Tom responded that is a difficult position because they will not plow our roads if it will damage their equipment. The problems on the 17 have to be addressed before winter. Mike stated further that it is the expense of living in a private mountain community and that \$750 a year for dues will

not get the reserve money needed to compensate for repair and maintenance or infrastructure building. We may have to consider a special assessment and increase dues year after year because of inflation. Jeff asked if we would save any money if we asked Brad not to plow from the bottom up to the 17? Would that bother anybody? Mike responded that he has to drive the equipment up no matter what. Jeff said, if the road isn't fixed, he won't have to worry about hitting rocks on that portion. Mike said his argument has always been fire and safety and emergency services. Jeff said that if there is snow on our road, they aren't coming up anyway. Mike said the fire department has one truck in Cedar City for that situation. Someone asked if the HOA has ever considered owning a grader and Tom responded that they have discussed it: who will maintain it, where will it be stored, who will operate it, and who covers the liability insurance on it. The discussion continued about the point—do we want to be a self-sufficient community, Mike said it can be discussed with the new board.

Lori asked for clarification about the signs that Mike brought up earlier. He is to meet with Richard Wilson next week to discuss the easement and Grant reported to them favorably that the placement looked okay. Patti asked if anyone found the receiver and Mike said that the original place will be too steep for the new sign. Lori explained that a new hole needed to be dug with a footing poured. The spot up top may be in the way of the construction. Mike said that when Rick gets back from vacation in August, he can dig the hole.

- d. Fire & Safety Committee—Tom Wootton said some of the committee members met with John Schmidt and they discussed the Community Wildfire Preparedness Plan. The previous one had been written in 2005 and updated last in 2010. It is in our best interest to go through this and get it updated so that grants have an opportunity to be approved. They base them off this document. He would like to have a rough draft by the annual meeting to show everyone about our wildfire preparedness. Lisa Hatch said that he talked about everyone prepare their homes and be ready to respond to wildfire. The more people that participate in the Firewise plan, the better. Tom said that chipping and shredding of green trees and branches will be done at the end of the month by DNR. Lori brought pamphlets on how to get your home fire ready and they were passed to those interested. Tom also asked members to keep a record of the hours spent making your home a defensible space. Some of the technology has changed on how to protect your home, so go to their website under fire to see what you can do in advance to protect your home. This benefits everyone. The forms are on our website, fill them out and submit to Tom and he will pass it on to John. The chipping program is a result of the previous Wildfire Preparedness Plan. Lori and Tom talked about the possibility of Ryan Riddle, or someone from his department, coming to our neighborhood to do assessments of fire readiness. Julia Smith asked if there was a way we could identify dead trees throughout the community so owners could be asked to address them. Tom responded that the DNR will come help you take the dead trees down and arrange to burn them, but they will not chip or shred them. Lori said that one thing they learned in

the meeting was that it wasn't the dead trees, but the live ones with resin—needles that burn quickly. Also, don't put wood chips around the base of your home to keep the weeds down, use rocks.

- e. Website—Kevin Bridges was not available so Mike reported that the HOA is set up for the auto renew for five-year subscription. Lori stated that this has been reported several times already this year. Mike said it was for the domain name and Tom said that we should check into it since Kevin has forwarded an email him about the upcoming renewal. They also talked about the simple texting fees that were reported that the board uses to send information to the community en masse.
- f. Water—Tom reported that all the final exhibits have been updated. The plan is that the ballots go out for the voting amendment and then on August 10<sup>th</sup> at the special meeting, the votes will be tallied when the voting is cut off at 6:15pm. Then the ballot going out for the board elections and the water tank proxies will be mailed on August 11<sup>th</sup>. The committee that was formed at last month's meeting will take care of the mailing and counting of proxies.
- g. CC&R Committee—Stan Carrizosa recapped the actions of the CC&R Committee over the past year. Their goal was to get through a revision, review and propose updates to both the CC&Rs and the Bylaws. During last year's voting, they discovered that a lot of steps were missing and they have addressed that. He explained the background on the reasoning for cumulative voting that was supposed to end in 1993. So the upcoming vote is an effort to address that. He also encouraged everyone to read the CC&Rs and Bylaws themselves instead of trusting the talk between neighbors that may not be entirely factual. The cumulative voting issue is what they wanted to put forward in a special meeting. There was a legal protocol they had to follow to get the proxy sent out properly. Now we know how to do it and we can use this information to move forward. He gets the sense tonight that the CC&R Committee will get the opportunity to address the things members in the community are frustrated about and address those in the coming months. Lisa Hatch asked that if a member doesn't respond to the proxy, is it an automatic 'no' vote? Several of the board members said yes. So if we have a large portion of people that don't pay attention to this, all this time has been wasted? Mike responded that Carson recommended they check names off as responses come in and reach out to those who haven't yet participated to encourage them to do so. We only need 50% plus one to pass the Bylaw change, but we will need a two-thirds vote to pass that one. Stan said they will have a call tree to reach out to those who haven't responded. Now we know how to expedite change faster. He kindly addressed the conflicts with enforcement of our current Bylaws by saying that when one decides what we want is more important than the rules for everybody, we end up in situations where we are in conflict. Mike added that if we vote on something and we agree to stay something waiting for a vote, if it doesn't go in favor of a change, we're going to have to

live with the outcome. Jim Grimes said to Stan Carrizosa that some state ordinances that affect us were just revised in May of this year, so there may be some changes needed in the CC&Rs as a result. Stan responded that we can build into our Bylaws provisos where we overlap with state ordinances that any update in a state ordinance can automatically be implemented in ours so we don't have to go out for a majority vote every time there's a change. More discussion about strategies to get member participation for the upcoming issues took place. The water tower vote requires two-thirds to pass. Linford said he had 10 reasons why we don't want to put the tower where they want it. He has an email that said it would increase our water system when he believes it will steadily decrease our water system. The way he has it calculated, we are going to have less water. Tom asked how many hydrants come with not getting our water tank where they have proposed? Linford said we don't lose them, we just don't get them now. Mike said we would get them trickled in over time. Mike had a question for Linford: when the original deal was made and he was willing to trade a half-acre behind the current water tank, we wouldn't have gotten more water than either. And now, the only reason we didn't go with that spot is that it geologically didn't comply. So now, the water tank is 300 feet to the left because you didn't want to trade a half-acre to the left, you wanted to trade a half-acre at the lower level. You wanted them to pump water up above Right Hand Canyon Road and spend all that energy to bring it back down. What's the value in that for Cedar Highlands? Linford responded that it had no value to Cedar Highlands, but if they put it where the Water Conservancy wants it, they will lose the ability to hook onto some wells, springs and some ponds. They will have zero fire protection east of the tank, but if they put it on top they would have the benefit of gravity flow. Mike restated that if his earlier deal would have been accepted, none of that would have happened, so it's a moot point. Someone asked who owns our water and Mike said we don't own any water—it was deeded to the Conservancy and they are responsible for maintaining a certain capacity in the tank. If they fall short, they have to come up with a source for that, they are legally bound to do that. They chose the location because it was the most affordable and best location due to the structure in the ground was able to support the weight of the tank. The current tank location has too much clay and moisture in it to support the weight of a 500,000 gallon tank. The way we structured the agreement, they have two years to put in 24 fire hydrants. If you do something different, they will trickle them in at their own pace. Lori asked Linford where he got his information. She has gone to some water meetings and she thought we were running aligned to the well. Mike explained that the water tank was a storage tank and the well and pump house will pump to the tank. The water in the meadow has served the community so they didn't have to use the well. Right now they have to keep a certain level in the 165,000 gallon tank and the lower one that also holds 165,000 gallons, so we will have 665,000 gallons of water capacity and 24 fire hydrants. Linford said in a fire, it would take eight hours to empty the 500,000 gallon tank and Mike asked how long it would take to empty the current 165,000 gallon tank? About two minutes. Paul doesn't want to pay the \$300,000 to pump the water up to Linford's and he isn't willing either. Steve Danto

asked if they are going to run new water lines down and Mike said there's already existing water lines that they will tie in to that tank and will continue to distribute to that infrastructure and he is talking with them to meet the right of way requirements so we don't have hydrants in the road. If anything was ever done with the road, all that would have to move and he is trying to prevent things from having to be redone. Work shouldn't start this year.

**4) Next meeting will be a special meeting at 6-7 pm on Thursday, August 10, with the regular meeting at 6:30 pm in the Cedar City Library.**

**5) Meeting adjourned 9 PM.**