

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

- 1) Welcome by Mike Brask.** Board members attending were Mike Brask, Tom Wootton, Lori Silva, Patti Palanza, and Stan Carrizosa.
- a. HOA members in attendance virtually were—Bri Bunting, Darren & Lisa Hatch, Pilgrim, & Reggie Tashjian and physically—Robin Day, Stephen Nye, Rick Silva, Larry & Dayleen Miracle, Kevan Toombs, Steve & Eva Danto, Clint Bunting, Nick Palanza, Greg Pierce, Nancy Carrizosa, Monica Wootton, Debra & Jeff Hartman.
  - b. Lori asked to approve August minutes after an error had been corrected. All board members had read them except Mike. Stan made a motion to table the approval of August minutes until November, Tom seconded, and all were in favor. The motion passed. Lori asked when will September meeting minutes be discussed and that they will be ready for the November meeting with input from all board members present.
  - c. With the new board members, Mike discussed the distribution of board positions and responsibilities over the committees. It was proposed that the following board members fill the following positions:  
Mike as President, Tom made motion, Patti seconded, all approved. Mike accepted as he wants to drop off the roads committee and chair the Water Committee  
Stan as Vice President, Tom made motion, Mike seconded, all approved and Stan accepted.  
Patti as Treasurer, Mike made motion, Stan seconded, all approved.  
Lori continues as Secretary, Mike made motion, Stan seconded, all approved.

It also was proposed that the board members be on the following committees:  
ROADS COMMITTEE—Lori, primary; Patti, alternate; Rick Silva, Nick Palanza, Steve Danto and Robin Day committee members

ARCHITECTURAL REVIEW COMMITTEE (ARC) —Patti, primary; Mike, alternate; and Ankara Rosser committee member

FIRE & SAFETY COMMITTEE—Tom, primary; Lori, alternate; Greg Pierce, Jim Grimes, Nick Palanza and Lisa Hatch committee members

WATER COMMITTEE—Mike, primary; Lori, alternate

CC&R COMMITTEE—Stan, primary; Tom, alternate; and Sharon Dietel committee member

Mike moved that these board members be approved as stated above, Tom seconded, and all were in favor. The motion passed.

Stan mentioned Jeff Hartman's resignation effective September 2023 and thanked him for serving as the interim treasurer. Stan said the primary focus going forward will be to focus on overhauling/revising the CC&Rs.

## 2) Communications

- a. With the secretary about the water tank/fire hydrant voting results with a total by the close of the polls at 115 yes votes and 2 no. This count was validated by Tom Wootton, Greg Pierce, and Lori Silva the evening after the Annual Meeting on September 2, 2023. Reiteration: There are 20 new fire hydrants promised, but Mike is trying to make a deal with CICWCD to get two additional ones placed in much-needed areas on cul-de-sacs off High Mountain View Drive. Stan made a motion to grant Iron County Water District the easement which encompasses the water agreement that was approved by over two-thirds vote of our membership. Tom seconded the motion and all approved. The motion passed.  
According to our CC&Rs, Article 10, Section 1, Paragraph E states the board is able to "Grant easements where necessary for utilities and sewer facilities over the common properties to service the common properties and the lots"  
[see page 17 of Declaration of Covenants and Restrictions of the Cedar Highlands Subdivision]
- b. With Iron County—Mike has had discussions with them about finding a way to change our community's status from seasonal to full-time residency. He started dialog with Richard Wilson and Reed Erickson in pushing the county commissioners to grant him a work session regarding this issue. Mike will keep the board informed.
- c. With our attorney—The board is forwarding the results of the water tank easement vote to the attorney. There has been no further contact with the attorney as they wait for the final bill to arrive. The board got a final cost of attorney fees related to the cumulative voting revision and the water tank easement voting of roughly \$9,300. The board budgeted for \$12,500 to address these issues, but they did not consider the cost of mailing and postage related to the voting process. However, they now have a good template for future voting processes. Stan remarked on questions that were raised at the September meeting about the legal wording of the water tank easement (specifically indemnification). Local residents who are attorneys and Carson Bagley, the HOA's attorney reassured us that the wording was acceptable.
- d. Stan passed out the Code of Ethics forms for the board members to sign and they did at that time. Copies are filed with the HOA Secretary.

## 3) Committee Reports and Old Business

- a. Financial report was given by Patti Palanza
  - i. Ten CDs are in place and have gained \$211.80 each with a maturity date of 3/17/24 with an interest rate of 4.18%.
  - ii. Balance as of this date: \$6,824.83
  - iii. Deposits for the month: \$3,287.95

- iv. Bank fee: \$8
  - v. Debits: \$634.77 (\$50 for bookkeeping, \$165 to Rick Silva for mini-ex rental, \$80 to Manny Mosqueda for meadow mowing, \$400 to Elaine Madsen for income tax preparation, and \$165.83 to Larry Miracle for rebar and lumber for HOA sign installation)
  - vi. Stan moved that the board approve payment, Tom seconded, and all were in favor. Motion passed.
- b. Community sign project—The board thanked all the volunteers for working on the installation of the sign posts for the new HOA sign. It is almost complete. Patti reported that the main poles are mounted into the concrete and the poles will be drilled soon. Once the remaining wood gets delivered, they can be finished. But, the main part is done since the poles are mounted in ground. She reiterated that the budget for that project was \$8,000 and only \$7,200 has been used.
- c. Lori asked if the board had completed all items that were printed on our monthly calendar. Update: Insurance renewal has also been paid. The bill amounted to \$2,200 (which was \$600 less than budgeted). Mike said we should be getting the business license and homeowners renewal bills in November. Mike also noted an error amount reported in refundable deposits (\$22,000 was reported earlier), but we actually have a liability of \$30,000 for refundable construction deposits. As far as the budget is concerned, we will end up in the negative. WE WILL NEED TO DECIDE TO RAISE DUES AND THE AMOUNT BY THE END OF DECEMBER. Stan commented that in summary, in a 12-month year that we budget for if we don't project a dues increase and we incur the expenses that we have been aware of and we ride that out, then we would be \$53,000 in the hole (based on carrying that deficit). Mike said that he put the projected budget proposal onto Cedar Highlands Homeowners website under Financials. Stan made a motion to approve this budget put forth in October 2023 (please look on our HOA website under financials) recognizing that we've got to pay attention to the structural deficit in this year and the deficit we are carrying forward. Then, we will look at some combinations of dues increases and cost savings that we can generate. Lori seconded the motion and all approved. Motion passed.
- d. ARC (Architectural Review Committee) report was given by Tom Wootton. One new application from Collins, Lot 14, Block 4. Fees have been paid and construction is starting in the spring of 2024. ARC is recommending approval. Mike made the motion for approval, Patti seconded, and all were in favor. Motion passed.
- e. Roads— Mike generated an RFQ [request for vendor quote] just in case we need to replace our existing contractor, Pierce Construction. Lori stated there will be a roads committee meeting on Saturday, October 14<sup>th</sup> @ 3:30. Members of the Roads Committee agreed that Rick Silva & Patti Palanza would have a lunch meeting with existing contractor, Brad Pierce to solidify his commitment to the HOA going forward. Mike proposed we communicate via e-mail in case we need to make motions or approvals. If Cedar Highlands HOA would like to retain Pierce Construction AFTER Rick & Patti's meeting with Brad then we do nothing. Or if they have reservations then we can send the RFQ to new vendors. Representatives will go through a checklist with Brad to try to fix

some issues that occurred last winter [2022-2023]. Brad Pierce made a commitment to service Cedar Highlands over 5 years with a condition of good performance, renewable from year to year [no contracts allowed]. If the Roads Committee decides to change road plowing/sanding vendor, then we should put out the RFQ so we can get a response by early November.

Also there will be a notice sent to all lot owners to put up snow poles on either side of their culverts [painted blue preferably] at 7-9 feet from ends of culvert AND also poles put up at ends of their driveway entrances [these should be a different color than blue]. This way the snow plow operator can see and avoid. This reminder will sent by mass text and e-mail. Please adhere to this as it is an owner's responsibility to mark their driveway and culverts. Also discussed was the possibility of using cinder for our sanding this time. Lori will price out all the sanding products available for the Roads Committee decision.

- f. Fire & Safety Committee—Tom Wootton reported that Greg Pierce worked with the Wildfire Defense System to request grant monies. Greg said we are eligible because we are in a wildfire risk area and we are also considered to be in a low income criteria because of the county we live in. Another factor is because of more than one natural disaster occurring in our region [one being the covid pandemic and the other being the Brian Head fire]. Greg said he thinks we stand a very good chance to get approved for one or more grants or a waiver for matching funds except for a small problem [he got locked out of the Sam.gov acct because they won't accept a PO box as an address. We have to have a Sam.gov acct to apply for grants so Greg will now try using Mike Brask's business address as it already has a cage code and has had interactions with the federal government. Tom thanked Greg Pierce and Lisa Hatch for working with him to attain fire related grant monies and Tom said they hope to have some answers by the end of December.
- g. Website—Kevin is not available tonight. Stan will give Kevin all the pertinent names and position changes to post on our HOA website.
- h. Water Committee—Mike did have one new conversation with Paul Monroe with CICWCD to let him know how our vote went and to give the totals of that vote and also to request additional fire hydrants be put in by CICWCD. Mike said it's all in waiting period right now. Lori asked if the water vote and the recording of said vote satisfied our HOA responsibility. Mike said we need to look over the final document, see if we need to make any final revisions to it and add the addition of final fire hydrants, then get a final draft signed and notarized. Same for CICWCD, then we have it officially exchanged. Also, we need to add in Ann Bersi's notes about indemnification that were given to Carson Bagley.

**4) President's report**—Mike said "I feel a lot of support coming in the new year." He asked how we can move forward where our board can agree on enforcement of the CC&Rs. A rough poll had been taken at the annual picnic meeting in September and the results were that a majority of folks there did want to revisit changing and/or eliminating some of our CC&Rs. Primarily, taking a look at Article 8, Sections 10, 11 & 14. Mike reiterated that he does like the selective enforcement choice. Stan said we have erred on the side of leniency as a board, past and present, and we haven't been consistent in implementing enforcement. His opinion is that our

CC&Rs are clearly outdated. They need to be rewritten and voted on in September 2024 (they will require a two-thirds approval of the membership to pass).

- 5) New business**—Stan presented, under Article 7 (Officers), the board may appoint a subordinate officer to help, voluntarily. It gives us a chance to go from a 4 or 5-person board to a 6, 7 or 8, to assist in projects. Stan presented NEW Policies and Procedures (not to be acted upon today, but to be called a ‘first reading’). Then we can post it as a meeting summary and everyone will have a month to see it. We could send out via text with a link that you can click on to see the back-up documents. Everyone could see what we are proposing and how it’s certified in the by-laws. We can bring it back in November and it’ll be on top as an action item. By doing that, we commit to updating the CC&Rs over the course of the next 10-11 months. We would postpone the enforcement of existing violations and then, whatever the outcome of the vote in September is, we will have to live by it. Stan’s revision to the ARC policy is a change in the non-refundable fees if building continues during the winter months, the fee would go up to \$5,000 over the existing \$4,000. We would be proposing that \$5,000 be attached per year, so if building continued during the winter months, the fee would become non-refundable and be put directly into the roads budget. Stan also gave out revisions to review about a one-year stay on violations enforcement. He reported that Utah State law states that we are able to put them on hold for one year while making changes. Stan said, as a board, he is proposing that putting existing violations on hold and discourage any new infractions. Mike wondered about the fines that already have been given out (e.g. Air BnB). Stan suggested everything would be postponed. Lori said she would contact the Iron County Commissioner Woods to ask about the road sign that was promised earlier saying ‘No Trailers’ during winter conditions. Mike said that Iron County requires our HOA to attach a dangler to our new community sign, when it is complete, stating that the road is a county-owned road. We can’t do anything on weight limit restrictions on the main road, but we could put up weight limit restriction signs on our auxiliary roads. In addition to Stan’s new ARC proposal that the board has copies of, since the destruction of all the roads are happening during winter conditions and mainly by construction equipment and builder’s workers, we want to raise the non-refundable amounts to be used in our roads budget.
- 6) Member questions**—Larry Miracle spoke from 7:36-7:40 about keeping the CC&Rs in place as written. Debra Hartman spoke from 7:40-7:44 about keeping the CC&Rs in place as written. She also wanted to see the line-item expenses pertaining to the new signs. Mike responded yes and that they are in QuickBooks chart of accounts. Steve Danto raised a question about changing the annual dues date—thus changing our fiscal year to accommodate the need for road plowing. Stephen Nye had a question concerning the plugged culvert on High Cedar View Drive between Spruce and Juniper. It’s a culvert running under the road itself going from north to south. The Roads Committee will look into it. Greg Pierce spoke from 7:56-7:57. Patti Palanza had the floor and recalled questioning a submission of an ARC application that she had questions about approval. She was just a committee member at that time. She was told

that precedents had been previously set re a certain type of home and nothing could be done about a previous build. Her point is that, right now, that's the same scenario concerning the CC&Rs. Then, Mike said he feels that it's up to the board to follow through.

**7) Next meeting will be on November 9<sup>th</sup>.** That is not correct. The next meeting is scheduled for November 16<sup>th</sup> at 6 PM in the Cedar City Library.

**8) Meeting adjourned 8 PM.**