

MEETING MINUTES March 14, 2024

(These minutes have been reviewed and approved by the Cedar Highlands HOA Board and serve as the official summary of the meeting which includes the official audio file)

Cedar Highlands HOA Board Meeting Agenda
Thursday, March 14, 2024, at 6:00 pm
Cedar City Library, 303 N 100 E, Cedar City, Utah

START RECORDING

Meeting was called to order at 6:00 PM

1. WELCOME (Establish Quorum of the Board)

Stan announced that HOA Board member Lori Silva was home ill and not able to attend this evening's Meeting. It was confirmed that a majority (Patti Palanza, Tom Wootton, Stan Carrizosa) of the Board was in attendance and formal business could be conducted.

2. APPROVAL OF THE AGENDA

On a motion by Tom and second by Patti the board voted unanimously to add the February Minutes to the Consent Agenda.

3. PUBLIC COMMENT: During Public Comment members may address the Board on any matters under the authority of the HOA including items on the agenda and items not on the agenda. The Board is not authorized to act on items not on the agenda. Public comment is limited to 3 minutes per person (yielding time to others is prohibited) and 10 minutes per topic, unless extended by the Board officer presiding over the meeting. Members requesting to speak during public comment will state their name and residential address for public record. In accordance with our Cedar Highlands HOA Bylaws, any other discussion or comments from attendees must be approved by a majority vote of the Board.

Before opening Public Comment Stan reminded everyone how the Public Comment section works, why it exists and what not to share during public comment. He also reminded everyone that this is their opportunity to address the Board regarding matters on the agenda and not on the agenda as long as they relate directly to HOA business.

Debra Hartman addressed the Board asking about the costs associated with repairing a lot owners culvert last fall that had been damaged by our plow service and as a result was causing damage to our main road. Stan explained the details of that action and decision and that the Board approved a 50/50 compromise solution with the lot owner. This was approved by the Board and completed in conjunction with the lot owner. The Board later approved to pay the expense of their 50% share of these costs. The culvert was fixed and any further damage to the main road was averted.

Linford Nelson addressed the Board regarding the Board's consideration to withhold refundable security deposits for his home construction during the wet months of November through April 2022-23 and 2023-24 and the resultant damage to the HOA roads. He asked if the Board sought legal counsel on this decision and shared that the previous HOA president had given him a verbal

confirmation that if he submitted the required documentation (Certificates of Occupancy) for his two homes on High Juniper, that he “would get his money back.” Linford then submitted the CO’s to the Board along with his annual dues for his lots for 2024. The Board was not aware of this exchange between Linford and the former HOA President and reminded him that a single Board member does not have authority to make such decisions without action and approval of the full Board. Stan explained that the Board reviewed an aggregate of factors to make their final decision. In addition to confirming that Linford’s construction crews travelled the roads routinely during the wet months, the Board reviewed pictures of the road damage, the historical impact of construction vehicles and damage to wet roads, the steady cost increases to the HOA over the past several years to repair/maintain the road system throughout Cedar Highlands which culminated in the 2023 budget deficit of \$37K for the association’s expenses to repair the roads. Stan concluded his response by stating that when using an aggregate assessment to withhold impact fees, it was important for the Board to apply this decision to all lot owners who elected to continue construction during the wet months of 2022-23 and 2023-24.

4. CONSENT AGENDA

- a. Tractor Works Monthly Staging Fee \$6500.
- b. Tractor Works Monthly Service fee \$6378.37
- c. American Insurance Premium \$838.32
- d. Simple Texting Subscription \$321.76
- e. Go Daddy SSL Fee \$99.
- f. Image Pro Copies \$9.81
- g. Western Legacy Accounting \$975.

On a motion by Patti and second by Tom the Board voted unanimously to approve the Consent Agenda.

5. ACTION ITEMS

- a. Approval of Meeting Minutes (02/08/2024) [Approved on Consent Agenda](#)
- b. Treasurer- Monthly action on all financials and approval to pay bills.

Patti reported the monthly financial activity including expenses, revenues, account status and fund balance. She thanked everyone who has paid their dues and reminded us that we want to achieve 100% of our dues collected during our first 30-day grace period.

On a motion by Tom and second by Stan the Board voted unanimously to approve actions recommended in the Treasurer’s Report.

- c. Reimbursement from Lot Owners Constructing New Homes – Road Damage Repairs

Stan explained that the Board was considering action to withhold refundable impact fees from four lot owners who elected to continue construction during the wet months of November through April contributing to record damage to the road system during the winters of 2022-23 and 2023-24. These lot owners received a certified letter notifying them of the decision being considered by the board and when and where they could appear to request a hearing with the Board on the matter.

[One of the property owners, David Hinnars was present and requested a public hearing. The Board took](#)

action to open a public hearing so he could present his appeal to the Board. Mr. Hinnners started his comments by sharing his resume' as a form of self-introduction. He then laid out his appeal to the Board's proposed action which included references to his construction schedule and work done by his builder. He also cited sections of the Owners Construction Requirements and expressed that he was not concerned with any other lot owners or their builders that may have also been building during these wet months. He presented a construction schedule that confirmed he had elected to continue construction during the months of November and December of 2022 and April, 2023. He further cited wording in the Owner Construction Requirements that required the Board to provide notification to a lot owner of any "infractions" and give them an opportunity to correct those "infractions." Stan shared that the Owners Construction Requirements state that construction during the wet months is strongly discouraged but it does not say it is prohibited. It is up to each lot owner to decide if they want to continue construction during the wet months. As such, there is no "infraction" for continuing construction during the wet months but those owners who elect to continue construction do so at their own risk of being liable for damage throughout the Cedar Highlands roads.

In accordance with CCRs/Owners Construction Requirements it is the homeowner's responsibility to notify the Association when and if any damage occurs to any HOA property as a result of their construction. This includes damage to the HOA streets & alleys, all common areas or any neighboring properties. It is further stated that the Association is not responsible to patrol, monitor, identify damages/infractions. The Association is responsible to notify the homeowner of any complaints filed against them and to respond to homeowners when they self-report any damages. Mr. Hinnners failed to self-report the damage occurring to the HOA streets which was contributed to by the travel of his construction vehicles.

Stan continued to explain that damage to the roads caused by continuing construction goes beyond just the section of road in front of a specific property. Construction vehicles travel a few miles along the main road and then travel along auxiliary roads to arrive at their destination. Consequently, the HOA historically waits until the project is completed, and does a review of all the factors involved with a home construction project.

Stan explained again that the HOA reviewed an aggregate of factors to make a final decision. In addition to confirming that Hinnners construction crews travelled the roads during the wet months of 2022-23, the HOA reviewed pictures of the road damage, the historical impact of construction vehicles and damage to wet roads, the steady cost increases to the HOA over the past several years to repair/maintain the road system throughout Cedar Highlands, which culminated in the 2023 budget deficit of \$37K for the association's expenses to repair the roads.

Mr. Hinnners disagreed and said he did not care about any aggregate assessment involving his home construction and insisted that he was supposed to be notified and given an opportunity to correct any "Infractions" cited by the HOA. Consistent with our CCRs, the HOA is not citing an "infraction." Absent any self-reported damage/infractions by the homeowner, the HOA has historically conducts a cumulative assessment at the completion of a new home construction projects. The HOA did an aggregate assessment of damage to our roads caused in part by lot owners who elected to continue construction during the wet months. Stan further explained the Board's intention to treat all lot owners who elected to continue construction during the wet months referenced, equally.

Tom cited the section in the Owner Construction Requirements that requires a lot owner to notify the

HOA immediately should there be any damage to HOA property and/or common areas. Mr. Hinners did not fulfill this requirement and did not respond or acknowledge this responsibility.

Patti described an experience she had when as the ARC Committee Chair, she was asked to review and confirm some elements of construction along the way and could not access the property because the driveway was inaccessible due to heavy snow buildup.

The Board closed the public hearing for Mr. Hinners.

On a motion by Tom and second by Patti, the Board voted unanimously to approve the withholding of the refundable impact fees for the lot owners who elected to continue construction during the wet months.

- d. Illegal Parking/ Road Blockage – Second Rules Violation: Apply Penalty

Stan shared that he had been emailed by Mr. Hinds acknowledging receipt of the certified letter and notice of the meeting. He stated that he lives out of town and confessed that he had not read the CCRs/required documents. He shared that he had contacted his contractor and they had reviewed all the requirements. He believes this will prevent any further infractions and agreed to stay in more content contact with his builder.

On a motion by Patti and second by Tom the Board voted unanimously to apply the penalty to Mr. Hinds following this second violation of CCRs/Owner Construction Requirements.

- e. Barking Dogs Nuisance: Continuing Violation (November – Present): Levy Fine

Stan shared a sequence of actions that have taken place between the homeowner and HOA representatives. This included a personal visit and delivery of a warning letter. The nuisance continued so the HOA contacted the Sheriff who sent a deputy up to visit the home three times. The Board asked if other neighbors have also been impacted by the barking dogs and three of them submitted additional formal written complaints to the HOA. These additional complaints were provided to the deputy and on the third visit the deputy issued a citation to the homeowner for the constant barking of the dogs. The homeowner responded that he would fight this citation in court. This nuisance has persisted since last November and multiple attempts to resolve the problem have been made by neighbors adjacent to the home and HOA representatives.

On a motion by Tom and second by Patti the Board unanimously approved to levy the fine on the homeowner.

6. COMMITTEE REPORTS TO THE BOARD

- a. Fire/Safety– *Tom & Lori*

Tom reported that Fire Committee had met and discussed several issues. They are currently requesting from the City/County copies of any available government grants for fire safety services.

- b. Roads – *Lori & Stan*

Stan shared that the Roads Committee had met and are working on two priorities currently. First is the possibility of constructing a Loafing Shed as recommended by our roads vendor. This would be to store the material used to sand our roads during the winter. By providing a structure like the shed the material will stay dry and easy to access and distribute through their sanding equipment. Second, they are starting their annual assessment of the roads and will be prioritizing a list of road maintenance and repairs to be conducted this summer /fall.

- c. ARC (application approval) – *Patti & Tom*

Patti reviewed the status of current ARC projects and reported one new application for shade covers. In addition, we have an application for new home construction which will remain pending until a final review of the ARC committee is done.

On a motion by Tom and second by Stan the Board voted unanimously to approve the application for the shade covers.

- d. CCR/Bylaws – *Stan*

No Report

- e. CICWCD/ CH HOA Water Tank & Fire Hydrant Agreement – *Greg Pierce & Lori*

On a motion by Stan and second by Tom the board voted unanimously to open the floor for Administrative Officer Greg Peirce to share an update on the CICWCD Water Tank and Fire Hydrant Agreement. Greg shared that he and Lori Silva had their first meeting with the ICWCD representative who is serving as their main contact for updates on the project. Greg reported the following details: The project is out to bid. Bids will be opened and awarded in March/April. Greg further shared that the main contractor will likely be from out of town as there are no contractors locally with the capacity for complete such a project. Pre-construction and construction will begin this summer. Greg closed by confirming again that we now have designees identified from both our HOA and the CICWCD and they will remain in regular contact as the process gest underway.

7. INFORMATION ITEMS

- a. Draft Board Policy 2024-3: FALL ROADS REPAIR/MAINTENANCE- First Reading

Stan presented the first public reading of a new policy that guides the HOAs Fall Roads Maintenance/Repairs. Simply put, the Board is proposing a policy that clarifies the role and expectations of the Roads Committee and prohibits the investment in and application of any road repairs to be done such that they are exposed to damage from the annual monsoon season (August/September). This draft policy is on the HOA website for members to review and provide feedback and input over the next 30 days. Any revision/updates to the draft will be shared again for possible Board action at the next regularly scheduled meeting in April.

- b. Beehive Communications – Update

Tom reported on a meeting held last Friday, March 8th with the HOA Board and representatives from Beehive Broadband. Tom shared that Beehive currently has a service box located in our subdivision. They are seeking cooperation from the HOA to replace this older box with a new one that will have greater capacity for them to serve our area. The current box is not in an ideal location and both parties agreed to try and find a better location. After a review of maps and common areas the HOA has suggested a location near the existing box and still on HOA common area. Discussions are ongoing and both parties are doing their due diligence to try and reach a positive conclusion. Once installed, this new box will enable Beehive to offer hardwire broadband internet and cable TV services to any interested home/lot owners in Cedar Highlands.

c. Community Sign Update

Patti Reported that sign is now in the final stages of completion. She acknowledged and thanked HOA members who have been volunteering their expertise/service to finish construction of the sign. As soon as it is complete we will move forward with installation.

d. Correspondence/ Board Member Comments - **No further comments**

8. **NEXT MEETING** Thursday April 11, 2024, at 6:00PM

9. **ADJOURN. END RECORDING**

Meeting was adjourned at 7:28 PM