

Cedar Highland
HOA BOARD MEETING MINUTES
Thursday, January 9, 2025, at 3:00 PM
Cedar City Public Library, 303 N 100 E, Cedar City, Utah

1. **WELCOME BY PRESIDENT:** Jim Grimes welcomed the meeting attendees and confirmed that there was a quorum of board members, (Jim Grimes, Jim Helsper, Patti Palanza). The Chair indicated he would exercise his right to vote as needed.
2. **APPROVAL OF JANUARY MEETING AGENDA:** The President stated that we are updating some of the action items and that we will be adding new payments for January. He entertained a motion to approve the revised agenda, Senior moved, and Patti seconded. Agenda was approved.

3. **CONSENT AGENDA:**

- a. We called property improvements “home improvements” in our August minutes. Instead of revising the August minutes, we are correcting that error here. Jim entertained a motion to approve the August, September, October and November minutes, Senior moved, and Patti seconded. Consent agenda was approved.

b.

December Invoice Payments

Payee	Expense	Cost
American Family Insurance	Monthly Insurance Policy Fees	\$187.75
D. Crowther	Lot Owner ARC Deposit Refund	\$1,000.
Image Pro	Printing Services	\$24.34
Jenkins Bagley, Sperry	Professional Fees	\$2,180.61
QuickBooks	Monthly Subscription Fee	\$69.39
Staples	Office Supplies	\$39.44
Tractor Works	Road Plowing & Sanding Service	\$8,482.11
Tractor Works	Snow Equipment Staging	\$6,500.
	Total	\$18,483.64

January Invoice Payments

Payee	Expense	Cost
American Family Insurance	Monthly Insurance Policy Fees	\$192.75
J. Helsper	Reimburse Certified Mail Postage Fee	\$32.00
Jenkins Bagley, Sperry	Professional Fees	\$1,668.50
QuickBooks	Monthly Subscription Fee	\$69.39
Tractor Works	Tarp for Sand	\$287.48
Tractor Works	Snow Equipment Staging	\$6,500.00
Western Legacy	Accounting Fees	\$522.50
	Total	\$8,750.12

- c. The Treasurer requested these additional expenses be included in the consent agenda:

- December: Sunroc - sand and gravel = \$359.88
- January: Image Pro - copies = \$56.95
- January: J. Helsper - reimburse mail = \$32.00

The Chair entertained a motion to approve these payments, Senior moved, and Patti seconded, Payments were approved.

4. ACTION ITEMS:

- a. The Chair advised that Tom Wootton had resigned from the Board, effective January 1.
- b. The Chair stated that we are advising the community that there is an open position on the Board. We are now soliciting candidates for this appointment within 30 days. Candidates do not have to have experience though it is a plus if they have an HOA background. We will ask for bios to help us determine who is best qualified.
- c. Approval of new committee members:
 1. ARC - Trina Hollingsworth
 2. ARC - Justin Hawks
 3. ARC - Stephen Nye
 4. ARC - Eva Danto
 5. CCR/By-Laws - Kerry Smith
 6. CCR/By-Laws - Julia Smith

The Chair entertained a motion to approve the new committee members, Senior moved, and Patti seconded, new committee members were approved.

5. COMMITTEE REPORTS TO THE BOARD:

- a. Fire/Safety: Jim Grimes advised that he is taking over Tom's position as the lead of the Fire/Safety Committee for now and that he had nothing further to report.
- b. Roads: Rick Silva thanked Kerry Smith for helping him place some of over 380 snow markers throughout the neighborhood. He also thanked Paul Huddle for filling our potholes at his own expense. Paul did not want any credit, but some Members feared that we would have to pay for his work.
- c. ARC Report: Patti Palanza noted that there are fewer ARC report changes than usual, despite covering two months. She reported six potential new projects requiring applications. Regarding non-action items, there are now four instead of five, as the Sages have completed their project. The number of active construction projects has decreased from 15 to 13, with two projects finalized. One refund was issued, while one impact fee was retained. She encouraged members to visit the website for more details. Patti reminded us of the need to adhere to HOA guidelines to minimize road damage and to make the roads safer. We all need to be alert to construction and delivery vehicles on the roads. With piles of snow along the road it magnifies the issue & with ice the roads become even more challenging

and hazardous. When delivery trucks with trailers that jack knife or slide into a ditch and block the road it puts everyone at risk and prevents access for emergency vehicles.

Patti informed us that she is resigning from being the Chair of the ARC Committee as she feels her first responsibility is as our Treasurer. She will continue to work in the ARC Committee, and Jim SR will assume the role of ARC Committee Chair.

- d. Iron County: Jim SR's research revealed that the entire Cedar Highlands development was assessed a taxable value of over \$74,000,000. This works out to be about \$373,000 in property taxes - of which Iron County takes 10%. He told us that we have ninety homes with occupancy certifications out of 165 lots. He has been visiting with County Commissioners, and he will continue to do so. He will be reminding the top officials of our contributions in the expectation that they will step in and help with the roads.
- e. Treasurers Report: The Treasurer provided a streamlined two-month financial report.
 - **November Summary:**
 - Beginning & Ending Balance (General Fund): \$25,289.05
 - Deposits: \$762.88
 - Withdrawals: \$33,250.28
 - Restricted Account Balance: \$18,141.49
 - **December Summary:**
 - Beginning Balance (General Fund): \$25,289.05
 - Deposits: \$182.75
 - Withdrawals: \$12,077.64
 - Year-End Balance (General Fund): \$13,394.16
 - Year-End Restricted Account Balance: \$18,168.48

To avoid late fees, we changed our account from a Money Market to a basic Checking Account. When our balance increases from paid dues the account will be changed back into a Money Market Account. The returned \$1000 Construction deposit was paid from the general fund and now needs to be transferred from the Restricted fund account into the general fund account.

- f. CCR/By-Laws: The Chair reported that he has provided the CCR Committee with an analysis of conflicts between the CC&Rs and state and county regulations, as well as inconsistencies between the CC&Rs and By-Laws. The committee's approach will prioritize governance, starting with revisions to the CC&Rs, followed by policies, and finally, the general guidance document, which serves as an instructional tool.

To improve clarity, the committee is working to mitigate as much as possible unnecessary legal jargon from the CC&Rs and By-Laws while ensuring legal compliance with county, state, and federal regulations, particularly regarding the community's 501(c) status. The Chair emphasized the importance of community participation and will provide updates at every meeting. He encouraged members to share their input via email, phone, or in person, fostering collaboration on improvements. The goal is to create a clear, functional framework that enhances community safety, preserves property values, and streamlines processes for contractors. The revised CC&Rs will be distributed for community review in April.

Attorney Dave Crowther, a community member, has volunteered to assist the CCR Committee drawing from his prior experience in CC&R-related legal matters. Additionally, the committee will seek guidance from the association's retained attorney to ensure legal soundness.

- g. **CICWCD/CH HOA Water Tank & Fire Hydrant Agreement:** The Chair reported ongoing discussions with the association's attorney, Mr. Carson Bagley, and Mr. Justin Wayment, attorney for the Central Iron County Water Conservancy District (CICWCD). While the water tank agreement remains unresolved, the CICWCD Board is scheduled to meet on January 16, 2025, and the Chair expects a resolution at that time.

CICWCD has indicated that no outstanding issues remain. Once the contractor contract is approved, they will have several months before spring to secure contractor agreements and procure necessary materials, including fire hydrants, additional supplies, and paint.

6. INFORMATION ITEMS:

- a. **ARC Construction Form - Reminder:** The Chair reminded us that the ARC construction form is on our website, together with wet month construction rules.
- b. **Wet Month Construction - Roads Reminder:** We must minimize construction during the winter months, and we must not bring a fully loaded trailer up the mountain, especially after it snows.

7. PRESIDENT'S MESSAGE:

The President addressed the challenges faced by the Board when inconsistencies arise in CC&R Bylaws and policies. Over the past five years, three different Presidents have led the HOA, each President interpreting these convoluted governing documents differently. This has made consistent decision-making difficult. However, past decisions were made with the Board's guidance and approval and should not be considered incorrect.

The President emphasized the impact on volunteers and the community, noting that decision-making influences the community dynamic. Disagreements can lead to questions and concerns, which should be addressed openly. He encouraged open communication and unity, rather than division. The Board's fiduciary duty remains the betterment of the community.

To strengthen governance, the Board is committed to refining policies and business processes, ensuring clarity and consistency in CC&Rs, Bylaws, and General Guidance Documents. This will provide a solid foundation for future Boards.

Prior Board Decisions Reaffirmed:

- **Hartman ARC Fee Refund**
Previous Board of Directors approved a refund of ARC fees for driveway improvements. The Board of Directors led by President Stan Carrizosa reviewed and upheld this decision. The matter is considered settled, and no further action will be taken regarding any past Board decisions. The President confirmed that there was no evidence of intent to defraud the Association. The Hartman's remain in good standing and have contributed to the community through Board and committee service.

- **Mike Brask & Road Repair Approval**

The Board of Directors lead by President Stan Carrizosa found no reason for legal action as there was no evidence of willful wrongdoing. Mike has been a dedicated supporter of the community. The decision to allocate funds for road repairs before the monsoon season, while not ideal, was made in good faith. It does not constitute misappropriation of funds. A policy is now in place to guide future road repair decisions. Mike remains in good standing with the community, and his contributions are appreciated.

- **Fine Schedule Policy Clarification**

The President clarified that per the Fine Schedule Policy (Section 1, Part 3), two independent complaints must be filed within a 30-day period for enforcement. This timeframe may be extended at the Board's discretion.

The Chair entertained a motion to open the floor for attendees. Senior moved for approval, and Patti seconded. Motion was approved.

8. COMMUNITY COMMENTS:

Earlier, the Chair noted that no one had signed up to speak at this meeting. He acknowledged that the three-minute comment period may feel brief and stated that he had the discretion to extend the time if necessary. The public comment session was scheduled last to allow those who did not wish to stay the option to leave.

Jeff inquired about the snow plowing policy, specifically whether plowing occurs when snowfall reaches six or eight inches. The Chair explained that Rick, who resides near the top of the mountain, checks snow levels at 4 a.m. If the snow reaches six inches or more, plowing services are requested. Jeff sought confirmation that his street would be plowed under these conditions. The Chair assured him that all community-owned roads would continue to be plowed when possible. However, some roads may be inaccessible due to hazardous conditions, making plowing impractical. The Chair cited the Hiltons' road as an example of a particularly challenging area.

Rick raised concerns about the Porters, who have been unable to access their property due to a water main break that occurred several months ago. Jeff suggested repairing the damage independently and billing the Conservatory afterward. The Chair responded that while the CC&Rs may allow for such action, it would require a Board vote. Additionally, dry conditions would be necessary for the work to proceed safely.

9. EXECUTIVE MEETING: Will be held immediately afterwards for new committee members to sign confidentiality documents.

10. NEXT MEETING:

**THURSDAY, FEBRUARY 13, 2025 at 3:00 PM,
Cedar City Library, 303 N 100 E, CEDAR CITY.**

11. ADJOURN: The Chair reminded us that we can always contact him about anything we are hearing or if we have any questions. Since no one had any more comments or questions, he entertained a motion to adjourn, Senior moved, and Patti seconded. Approval to adjourn at 3:47 PM.

JANUARY 9, 2025 HOA BOARD MEETING ATTENDEES:

1. Justin Hawks
2. Eva Danto
3. Steve Danto
4. Debra Hartman
5. Jeff Hartman
6. Ankara Rosser
7. Rick Silva
8. Julia Smith
9. Kerry Smith
10. Sandi Grimes
11. Nick Palanza

2. There were no online attendees.