

Cedar Highlands HOA Board Meeting Agenda
Thursday, April 11, 2024, at 6:00 pm
Cedar City Library, 303 N 100 E, Cedar City, Utah

START RECORDING

Meeting called to order at 6:00 PM

1. **WELCOME** (Establish Quorum of the Board)

Stan shared the Board's condolences on the loss of community member and former board member Reggie Tashjian. He asked that we all honor a moment of silence and dedicate the opening of this meeting to Reggie.

Stan announced that board member Patti Palanza was not in attendance this evening because her and her husband were out of state for important medical procedures.

2. **APPROVAL OF THE AGENDA**

- **Correct a misprint on the consent agenda for the Tractor Works billing. Fee is for "service" not "storage."**
- **Update the amount paid to Carson Bagley to \$1516.46**
- **Bills paid to be added to the agenda for ratification include:**
- **Western Legacy Accounting: \$462.50**
- **Walmart Office Supplies: \$12.99**
- **Intuit Quickbooks Monthly Fee: \$63.87**

Motion by Tom, second by Lori, board voted unanimously to approve adjustments to the 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.

Stan shared that some members have sent emails requesting that their statements/questions be read and responded to during public comment in their absence. He said that immediately following the change in Board leadership in January the board made an exception to present written questions during Public Comment to help ease the tension of that change. The consent agenda is an opportunity for the members to appear before the board and share comments/questions. The Public Comment opportunity is not an open door for members to email requests to participate in Public Comment remotely. Members must be present to participate in Public Comment.

LynAnn Imlay requested to speak. She offered heartfelt comments honoring the recent passing of Reggie Tashjian. She also expressed her opinion of what she perceived to be non-compliance with Utah State Open Meetings Act during the Board's actions at the January 11th meeting.

Linford Nelson spoke and asked the Board again to reconsider their action to withhold the security deposits from Mr. Nelson's three most recent new home construction projects. Following an appeal hearing for Mr. Nelson at the March 14th meeting the Board took action to withhold the three security deposits after Mr. Nelson elected to continue construction during the wet months of November through April 2022-23 and 2023-24. The Board reiterated that due process has been carried out in accordance with the HOA CCRs and Owners Construction Requirements and this actions has been taken. Mr. Nelson requested the HOA to forward our final written confirmation of this action to his lawyers. Stan rejected this request as in appropriate because the HOA are not clients of Mr. Nelson's attorneys. Mr. Nelson is the client, and it is his responsibility to communicate directly with his legal counsel on such matters. Mr. Nelson clarified that one of the two attorneys is his daughter-in-law and part owner for his Cedar Highlands properties. As part owner of the lots the Board agreed to send her a copy of the same confirmation documents sent to Mr. Nelson.

Mr. Nelson also requested action by the board to allow him access to HOA property to create an extended road for fire access at the top of the community. Stan requested he put his request in writing with the necessary details (property description, maps, and planned actions) to consider his request formally.

Finally, Mr. Nelson cited that he had paid a preliminary \$1000 deposit to start clearing the lot of his next new home construction site. Because this deposit was made and clearing had begun prior to the change in ARC Policy and Owners Construction Requirements, he asked that this lot be "grandfathered in" under the requirements of the policy that was in effect when he began to clear the lot. Stan made a motion and Tom second to put his request on the Action Agenda for the Board's consideration later in the meeting.

4. CONSENT AGENDA

- a. Tractor Works: \$3250. Staging / \$3813. Service
- b. Carson-Bagley: \$1516.46
- c. Western Legacy Accounting: \$462.50
- d. Walmart Office Supplies: \$12.99
- e. Intuit Quickbooks Monthly Fee: \$63.87
- f. Approval of Meeting Minutes (03/14/2024)

A motion by Tom and second by Lori, the board voted unanimously to approve the Consent Agenda as amended.

5. ACTION ITEMS

- a. Treasurer- Monthly Report and action on all financials and approval to pay bills.
- b. Draft Board Policy 2024-3: FALL ROADS REPAIR/MAINTENANCE- Final Review
- c. Appeal Hearing for Mr. McDaniel – fined for continuing violation of barking dogs.
- d. *Nelson request for his most recent new home construction project be grandfathered in under the previous ARC requirements.*

Stan presented the Treasurer's report. He reviewed the ending balance of our account for February and the beginning balance for March. He reminded us that our reports run one month behind. He went on to summarize all of the deposits for March and all of the checks/expenses paid in March. He further shared the most current transactions that have transpired in early April as well and presented the board with our most current account balance.

On a motion by Tom and second by Lori, the board voted unanimously to approve the Treasurer's report.

Lori reviewed the updated, final draft of Board Policy 2024-3 Roads Repair & Maintenance. She reminded us that the first draft was presented at the March meeting and the draft was then posted on the HOA website for any and all members who offered feedback/input. Stan added a special thank you to HOA member Jim Grimes for his consistent participation in reviewing draft policies while they are in development and offering feedback/input. This policy sets forth the requirements for the board to plan and take action to execute the annual summer/fall road repairs and maintenance.

On a motion by Stan and second by Tom the board voted unanimously to approve the new policy.

APPEAL HEARING FOR RICHARD MCDANIELS: The Board opened the floor for an appeal hearing requested by Mr. McDaniel regarding his fine for the continuing violation of excessive barking dogs dating back to November 2023. Mr. McDaniel expressed his perceptions of how he has been verbally mistreated by neighbors and two board members who personally delivered his Warning letter. He alleged that his interactions with members of our community have not been “welcoming” and that when visited by board members Lori Silva and Patti Palanza that Lori “threatened to shoot his dogs.” He shared that he moved here with two boys and as a single dad and the transition has been challenging to get everyone settled in, including the dogs. He presented a series of artifacts as evidence of the various things he has tried to quiet the dogs. These artifacts included shock collars, shock lasers, specialized dog chew bones designed to reduce dog anxiety and a series of high frequency devices he has installed throughout his yard and home. He explained that the high frequency monitors have great reduced the dogs barking. He is also now restricting the dogs to remain indoors while he is not home.

Stan shared that he had been in recent contact with the initial complainant and confirmed that the problem has been much better over the past few weeks. Stan asked that Mr. McDaniel confirm that the most recent efforts he has made to quiet the dogs will be maintained as an ongoing, permanent solution to this problem. Mr. McDaniel stated he planned to continue his current strategies indefinitely.

Lori Silva spoke and strongly refuted the allegation that she threatened to shoot his dogs. She reminded him that Patti was present with her and a witness to their conversation and she never made such a comment. She clarified that she expressed concern for the dogs being outside and barking when he is not home, and should they get out to be aware that people up here may be frightened they do carry guns. She apologized for any misunderstanding he may have of what she said and assured him that she is an adamant dog lover and would never intentionally hurt a dog. Stan thanked Mr. McDaniel for attending to share the details of his experience in this matter.

Stan made a motion to suspend Mr. McDaniel’s fine to be held in abeyance however, if the problem returns and continues Mr. McDaniel will be issued the fine with no further notification required. Tom second the motion and the board voted unanimously to approve this action.

Stan made a motion to approve Mr. Nelson’s request that his most recent new home construction project be grandfathered in under the ARC requirements that were in effect when he paid the initial \$1000 deposit to start clearing that lot. Lori second and the board voted unanimously to approve this request.

6. COMMITTEE REPORTS TO THE BOARD

a. Fire/Safety– *Tom & Lori*

Tom reported that the fire committee held its monthly meeting to continue reviewing the requirements to submit a grant proposal for funding to improve fire safety throughout our community. He shared that the grant requires a physical street address for all applicants and a PO Box address is not acceptable. Tom said that while the board is in the process of securing storage facility for consolidated and properly storing all HOA files/records, it may be possible to use the street address of the storage facility as the grant defines the required address as the “place where all HOA files/records are housed.” More information will be reported next meeting.

b. Roads – *Lori & Stan*

Lori reported that the Roads committee will be meeting soon to review the new policy for Roads Repair/Maintenance and to begin the spring roads assessment process. The committee plans a complete ride-around to identify any problems with road conditions, drainage, and HOA culverts. The committee will compile a list of projects and rank their priority based on safety and cost-effectiveness. This priority list will be presented to the board at a public meeting for review and appropriate action. Lori reminded us that not all projects will be able to be done in one season depending on available funding.

c. ARC (action on applications/refund approvals) – *Patti & Tom*

Tom presented the ARC report and reviewed the status of all pending ARC projects. He also confirmed completion of projects and approval from the ARC to return security deposits as authorized under the CCRs.

On a motion by Lori and second by Stan the board voted unanimously to approve all actions requested in the ARC report.

d. CCR/Bylaws – *Stan*

Stan shared that CCR committee is dormant at time and there was not 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 Action Officer Greg Pierce to share a monthly update. Greg shared that direct contact between the CICWCD and CH HOA have been established. Ongoing communication is now occurring. The most recent update is that the “water guys” are in the bidding process for the project and initial ground preparations and construction should commence this summer.

7. INFORMATION ITEMS

a. Annual Dues Collection – “Declaration of Intent to Achieve 100%” – Update

Stan thanked everyone for their support to pay our annual dues in a timely manner. The board initiated a series of text reminders to be sent out during the 30-day grace period for all dues to be paid. They set a goal to achieve 100% in the first 30 days. After the initial text announcement that dues invoices were in the mail, there were two follow-up text reminders sent to all members. Stan announced that other than the two lots owned by the county (who have never paid annual dues) all other members have paid or we have confirmation that their payments are on the way.

b. Community Sign Update

Stan reported that the sign construction is now in the very final stages (sealcoating & hardware) and the community signs should be up before the May meeting.

d. Beehive Technologies Update

Tom reported that continued communication has occurred with Beehive and a location has been identified to construct a new utility box for their expanded service to the community. The new location is just north of the current box and will be off the road and on the HOA common area. According to Beehive the project will only take 90 days or so and they will begin this spring. More information to follow.

e. Correspondence/ Board Member Remarks

No further comments from the Board

8. **NEXT MEETING** Thursday May 9, 2024, at 6:00PM

9. **ADJOURN. END RECORDING**

Meeting adjourned at 7:02 PM