

Meadow View Heights Owners Association
General Meeting, Sat., 6-23-07

Board members present: Sharon Adams, Glen Miller, Clark Hirschi, Sherri Kesterson
and Kibby Betz

Board members absent: Dave Peters

Acting President Sharon Adams opened the meeting at 10:00 AM.

Everyone was welcomed and the Board members were introduced.

Thanks to: Ken Johnson and CMFPD for preparing their facility for our use.
Jim Adams for helping set up and putting up with all the neglect.
Bill Betz, Clark and Shirley Hirschi, and Sherri Kesterson for helping set up.
Bruce and Sherry Slack for manning the sign-up table.
Paula Shepard for manning the computer to answer questions after the meeting, for answering
Sharon's questions and generally keeping Sharon going through the tough times.
Iris Johnson, Notary Public for being available after the meeting for anyone in Plat E wishing
to sign their Consent & Dedication form.
Duck Creek Community Church and Marty Shurtleff for donating the taping of the meeting
minutes onto CD.
Susan Miller for the many hours she spent getting the Association's computer updated, as well
as teaching Sharon how to use it.

Balance Sheet: Our recent lack of a Treasurer was explained, and Glen Miller explained
the balance sheet. Yvette Wright Zarate asked for which position Glen
was running and Sharon explained that Board members are simply
elected by the general membership present and that specific positions are
decided upon later by the Board members at the next Board Meeting.

Communications: The problems with communicating with the Association Board via
phone and e-mail were discussed.
The Board is seeking a Webmaster and will soon have the e-mail capacity on the website
up and running.
The Association phone line is now being checked regularly, so no more messages should
be lost or go unanswered. Web address and phone number are in the
newsletters.

Goals: Sherri Kesterson talked of the plan to have two more applications of magnesium chloride on all
roads throughout the division. Many positive comments were received about the results
from the first application this year.
Also suggested were possible community cleanup days, as well as monthly get-togethers and
barbeques.
A suggestion was made from the floor to incorporate the different Plat CCRs into one consistent
set of CCRs for everyone in the Meadow View Heights Owners Association. This will
be discussed further at the Board Meeting.

Sharon passed along information from Sheriff Lamont Smith regarding the upcoming 911 grid and the
multitude of levels (City, County, etc.) into which it must fit. The Sheriff's Office also asked all
property owners to be responsible for making sure that all kids riding motorized vehicles meet the
age requirements, are supervised and wear their helmets. (Flyers containing all these requirements
and guidelines are available from the Sheriff's Office and on the MVHOA board.) Call the
Association regarding illegal parking and dumping problems. This information will be passed on

to the Sheriff's Office, who will respond. Deputy Leon Brinkerhoff was present and available for questions.

Elections: The number of Board members needed was discussed. Term of office is 2 years.

Yvette Wright Zarate volunteered to run, along with the existing members.

Paula Shepard suggested that each person running share their views regarding CCRs, liens, foreclosure, permanent trailers, etc. This was done.

Lynn Davis made a motion to accept all those running. The motion was seconded and carried unanimously.

All Board members shared brief backgrounds.

Guest Speakers: J.J. Smith and Diane Beatty were present from CMAC (Cedar Mountain Advisory Council). J.J. shared CMAC's accomplishments to date, as well as their future goals.

- 1) Law Enforcement-CMAC continues to meet with them quarterly, especially targeting law enforcement presence in the area during busy weekends. Two additional law enforcement officers specifically for our area would cost \$150,000—this will not be possible.

CMAC works with Parks and Recreation for the improvement of trails, etc.

- 2) Number one problem on the mountain: ROADS. J.J. discussed the possibility of forming a Service District for road maintenance, etc.,--the residents would have to pay taxes for this District, in addition to the County taxes they already pay. CMAC has been meeting with LeGrand Bitter, the Director of Special Service Districts. The statute used to require a vote by all registered voters in the area to set up a Special Service District—that is now being amended to allow a vote by all property owners instead. Possibilities and limitations were discussed.
- 3) CMAC is working with the Forestry Service to acquire certain properties. Under the Town Site Act up to 640 acres can be acquired. Example: Would like to acquire the land upon which the Fire Station stands.
- 4) The County has pledged interest in bringing up to the mountain all County Services for some time each week.
- 5) Medical Center scheduled to open August 1. Thanks to Mark Jacobs, who donated the property. Center will be manned by a Physician's Assistant who is very experienced in Emergency Room procedures.
- 6) CMAC is trying to look 20 years ahead. Possible future projects: a school, a shuttle down the mountain for live-away employees.
- 7) Incorporating was looked into, and would put us in total control up here, but is just too expensive. Was tried once; got close, but money ran out.
- 8) Summer trash pickups now daily instead of weekly. CMAC is working for a winter pickup spot up here also. Goal: To work out all issues with existing company and avoid using a Special Service District slot for this.
- 9) Don Van Dine asked about possible site for future sewage system. J.J. said location studies are ongoing, but the Water Conservancy District seems a logical site.
- 10) Everyone was referred to CMAC website (cedarmountainadvisorycouncil.com) for future updates. CMAC meets on the 3rd Saturday of each month at 10 AM. Will skip July; the August meeting will be in the Strawberry Valley Community Center. Meeting minutes are also posted on the website.

Fire Chief Ken Johnson talked about fire hazards.

- 1) We're already having August weather conditions. The CMFPD has already responded to more fires than they usually have in an entire year. Keep campfires low (limited to knee high) and douse all fires, even charcoal, to put them completely out. Fire restrictions will probably go into effect July 1. This means no fires at all, including pit fires, and will be posted in newspapers, at the entrance of each subdivision and

throughout the area. In case of fire, CALL 911, not the Station. It is faster to call 911 & crews will be dispatched.

- 2) Absolutely NO FIREWORKS. Possible July 4th fireworks show in Village. Fireworks have already been canceled at the Kane County Fair.
- 3) CMFPD is pretty much set up regarding equipment. Training is ongoing, crews are putting in a lot of hours.
- 4) Need volunteers—Not just fire fighting. Need drivers, rehab, etc.
- 5) EMS/Ambulance—CALL 911. Our local crew is at Intermediate level. They transport to Cedar City approximately 90% of the time, but can transport further when necessary. St. George EMS is the closest crew at Paramedic level.
- 6) For fire pit inspections, pick up regulations at the Station. Call Kane County Sheriff's Office or 911 to report suspected fire pit problems.
- 7) ISO rating—Being reviewed this year after Water Conservancy gets paperwork to Ken.
- 8) CMFPD covers 142 sq. miles—Navajo Lake to Hwy 89. Over 5,000 lots. They also respond to Mammoth Creek and KOA (almost to Orderville) when asked.
- 9) CMFPD meetings are open to the public and held the 2nd Saturday of every month.

Ed Robbins, Attorney for MVHOA talked about Homeowners' Associations and the related growing pains.

- 1) MVHOA's lawyer fees are minimal—the Board handles most issues.
- 2) Plat E concerns—Plat E will have to have a formal vote (which means that every Plat E property owner will have to receive a ballot) in order to rejoin the MVHOA as a whole. This is something that Plat E must do themselves—the Association cannot be involved. Individual Plat E property owners can sign a Consent & Dedication form for their own property.
- 3) The wording in our bylaws concerning lien and foreclosure is standard for all associations.
- 4) Several possibilities were put forth (and duly noted) regarding changing the bylaws, with many suggestions being offered by Ed, by Board members, and by property owners in attendance. But making any changes in the bylaws was objected to by some as a waste of time and money, since those pushing for these changes are in the vast minority. A property owner in attendance reminded everyone that the Board's responsibility is to go with what the majority of the members want. Glen Miller suggested that no changes can occur immediately and suggested that the Board needs to find out what the majority of the membership wants and set goals accordingly.
- 5) Bill Price: "Bill Price. I've been patient back here, but I've got a couple of questions that I'm gonna hit you with all at once. Number one, for Ed Robbins—would you explain to me what 'equitable servitude' is on the form that you like people to sign in Section E. Tell me what that means—tell me what that does to our property rights."
Ed Robbins: "I can't respond to that question--'equitable servitude' can mean so many things."
Bill Price: "Thank you very much. People don't know what they're signing, then, is that what you're saying?"
Ed Robbins: "No, that's not what I said. I said I can't respond to that question. You see, what you guys have done—you guys have gone and found a legal book somewhere and pulled some stuff out, and 'Well, hey, here's a phrase—maybe it applies. Throw it at him.'"
Bill Price: "No, I'm reading it directly out of the letter for people to sign in Section E."
Ed Robbins: "Okay, you're talking about the Consent form."
Bill Price: "Absolutely. What does the wording in it—'equitable servitude'--mean?"
Ed Robbins: "The Consent form. Look, what the Consent form says is that you're irrevocably committing your lot to the Association. To membership in the Association. Now what's confusing about that?"
Bill Price: "You can't explain what 'equitable servitude' is."
Ed Robbins: "Well, I could give you fifty definitions—maybe not fifty, but ten definitions for 'equitable servitude'. What that does, what that form does is it uses language that through a variety of ways will make it very, very clear that when you sign that thing, you're committing that lot—not just for you, but for your successors, the people that you sell it to--to

membership in the Association. Okay. Now, you want other definitions of 'equitable servitude'? We can come up with them. But it's not going to get us anywhere. Okay?"

6) Bill Price: "That's fine. The next thing I've got are the bylaws 4-10. It says 'Nothing in these bylaws shall be construed to limit the authority of the Association.' Those are kinds of wordings that have a lot of people upset. There's no definition. 'Nothing in the bylaws shall be construed to limit the authority of the Association'?!"

Glen Miller: "I would take that to mean the 550 people that are in the Association, not the Board. I think that's simply saying that the Association, as a whole, could basically set out and, based on a majority rule, do anything they want."

Ed Robbins: "Bill, let's read the rest of that clause, Bill, shall we? 'Nothing in these bylaws shall be construed to limit the authority of the Association to take action, by member consent, or ballot, as allowed by applicable law.' What that clause means is that you don't always have to have a meeting to take action. It can be done by written ballot, it can be done by consent using other kinds of approaches. And even though the bylaws have procedures for meetings, these other options that are available by law are not foreclosed—that's ALL that means."

Bill Price: "Thanks."

The County is responsible for street signs and will get them back up. They are waiting until addresses are changed to meet 911 code. They will also make the signs in all subdivisions consistent.

Roads are the responsibility of Kane County and property owners can call them regarding road issues.

Everyone was welcomed to attend the County Commission meeting on Monday, June 25 at 2 PM in Kanab. Also,

CMAC's website lists the County Commission's e-mail address.

Discussion was held regarding Spring Drive (AKA "The Cut"):

- 1) Sunrise Engineering was paid \$94,000 and spent 3 years redesigning this road. A map of their proposal was available to all at the meeting.
- 2) Inability to mag chloride until the grade is changed was explained. County is buying right-of-way to do this, as well as planning where to place excess dirt.
- 3) Drake Cherry shared the issues he's had with his three lots, which are all located along The Cut. Sharon was at the County Commission meeting when they voted to purchase part of the Cherry property in order to reroute the road, but this has never been done.
- 4) A suggestion was made that the Association have water brought in to "set" the mag chloride on the roads that have been treated, and perhaps to also water down The Cut on weekends to keep the dust down until the County resolves this issue. Lynn Davis volunteered to drive the truck, when one can be obtained.

Jim Adams admitted that while we will never be able to please everyone, the Association has made a major step forward this year by getting the first application of mag chloride done. He suggested Plat E return to the Association and that we move forward together.

The Plat E issue was raised again.

Diane Beatty stated that a new vote to rejoin the Association is something that the Plat E people must do on their own if that's what they want to do.

A property owner in attendance reminded everyone that Ralph Chadwick worked hard to get Plat E out of the Association, and is still adamant about keeping Plat E out. Plat E owners were warned that they will have to contend with Ralph's resistance, and added that he was at this meeting early on and appeared very unhappy about what was being said by Plat E owners, which was overwhelmingly positive toward being back in the Association.

Drake Cherry suggested that since only a few more Plat E owners need to sign Consent & Dedication forms in order to reach a majority, the issue of Plat E Association membership might be settled that way. He also suggested that regarding the fairness of nonmembers getting their roads mag chloride treated along with the paying members, we mag chloride all subdivision roads and put flyers on the nonmembers' doors saying, "Mag Chloride treatments courtesy of members of the Association. Please join."

Glen Miller suggested that if anyone is approached by dissatisfied owners, it could be suggested that those dissatisfied individuals should join the Board.

It was agreed that next year's meeting will be held on the same weekend as this year, rather than over Memorial Day weekend. Glen Miller challenged everyone present to bring a neighbor to next year's meeting.

The meeting was adjourned at 12:45 PM.