

MESA HILLS HOMEOWNERS ASSOCIATION  
MINUTES OF MONTHLY BOARD MEETING  
Tuesday May 3, 2022

The Mesa Hills Homeowners Association Board Committee held a Board meeting on Tuesday May 3, 2022 at the Cedar City Aquatic Center.

Members Present

Gordon Goodall  
Jerry Callahan  
Derek DeGroot  
Bob Jacobs

Homeowners Present

Ray Cole  
Charlene Cole  
Evan Jones

Others Present

Ron Adams  
Justin Wayment  
Todd Thorley

**1. CALL TO ORDER**

Gordon called the meeting to order at 4:10 p.m.

**2. APPROVAL OF MINUTES**

**MOTION: April 5, 2022 minutes reviewed. Proposed, seconded and passed unanimously.**

**3. FINANCIAL REPORT**

- A. Monthly Financial Report
- B. Bills To Be Paid

**4. ARCHITECTURAL COMMITTEE**

- A. Block wall on back and west of 2289 West Parkview Drive. (Goodall)

**MOTION: Block Wall approved. Proposed, seconded and passed unanimously.**

B. 2 Garages to be built on lots CC2L15, CC2L17 (Jones/Cole). Both to go on the old lot CC2L16 that they both added ½ of to their own lots. Todd Thorley Construction. Cole garage will be 35' wide and 50' deep. Setback from the front is 30', side yard to the West is 10' 2", East side is a minimum of 10' to existing house, rear is 101.7'. Roof will either be Asphalt or metal to match color of house and the exterior will be stucco and the color of the house. Garage doors will be 8' and 12' in height.

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Jones garage will be 35' wide and 50' deep. Setback from the front is 31', side yard to the East is 16', West side is a minimum of 10' to existing house, rear is 104'. Roof will either be Asphalt or metal to match color of house and the exterior will be stucco and the color of the house. Garage doors will be 8' and 12' in height.

**MOTION: Garages Approved. Proposed, seconded and passed unanimously.**

## **5. HOMEOWNERS PRESENTATION OF NON-AGENDA ITEMS**

### **6. OLD BUSINESS**

- A. Update on Brown Family wall drop off in rear yard. Work Progressing.
- B. Follow-up on E-Mail sent to the Board regarding changes to the CC&R's.  
(See attachment) This is being discussed under New Business Letter A below.
- C. Follow-up the Pocket Park maintenance to the swings. Swings to be painted and repaired this month.
- D. Spring clean-up, dumpster dates and newsletter. The dumpster will be placed out on Friday June 24<sup>th</sup> and picked up at end of the day on July 8<sup>th</sup>. The Spring newsletter will be prepared and sent out by the end of May with the information on the dumpster etc.

### **7. NEW BUSINESS**

A. Attorney Justin Wayment to discuss CC&R's changing etc. (Move up to top of Agenda)

Justin began by asking the Board how they would like to cover the subject of CC&R's. They ask the process for changing or updating our current ones if there were some changes that needed to be made. He mentioned that a meeting of the members of the association would have to be noticed and called. Those present would discuss the changes as outlined by the Board and then a ballot vote would be taken and a 66 and 2/3% in favor vote from those present would be needed to make the changes. Prior to the meeting Justin suggested that the Board prepare each Section and Item change and follow a three-fold format of listing the CC&R as it is now and then some suggested changes and finally the new CC&R as it will be changed to.

Justin mentioned that a new law has been passed by the State that trumps all prior CC&R's. In other words, State law overrides anything that was in place before. So, this process would take some time to review what changes need to be made if any and allow for some input. The Board recognizes that the current CC&R's have sections that are outdated. Sections 3 and 4 cannot be changed. Fines were brought up for violations and Justin said we would have to use Code 57-88-218 to create and collect them. So overall, it will take some time to review the Utah State laws and see what needs to change, if any and proceed from there.

Justin made the comment that we have probably the best Homeowners Association he has seen as we seem to have found a happy medium between being hard core and very lenient, and do a good job making Mesa Hills a great place to live.

The Board will continue to follow up at future meetings on this item.

B. Discussion of motorcycle track in back yard of 2359 W Nature View Drive. (Hunt) He was told to cease and desist and has not used it since. The Board will not allow this use. A letter will be prepared and sent out to him as formal notice of the Board's action.

C. Annual Dinner September 23, 2022. Meal suggestions and ideas for meeting. The Board thought the dinner was just great last year. They thought we could just have

the same layout and menu as last year. There is plenty of time to decide if some changes sound better. The Marriott has been booked and the deposit paid for the September 23<sup>rd</sup> date.

## **8. ADJOURNMENT**

Next meeting to be held June 7, 2022, at the Cedar City Aquatic Center, 4:00PM.

Meeting adjourned at 6:05 p.m.

Respectfully Submitted:  
Ron Adams, Administrator

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Approval Date: \_\_\_\_\_

## **ATTACHMENTS**

From Michael and Ann Clark

The purpose of this document is:

- 1 We need a process to amend the Association CCRs
- 2 We need a process to give MHHOA board members more ability for oversight
- 3 We need a process for lot owners (MHHOA) to appeal to the MHHOA Board Amendments or changes to the MHHOA CCRs can be made by consent of the members. Each lot owner has one vote. In order to vote on an amendment, the lot owner must be current in the payment of MHHOA dues. To become a part of the CCRs of MHHOA, an amendment must pass with a 2/3 majority vote of the lot owners that vote. The board shall be the sole authority to authorize, canvass and count the votes. This decision is final.
- 4 It is proposed that 5 members MHHOA Architecture Committee be elected to fill terms of office the same as the MHHOA Board members. The duties of the Architectural Committee are enumerated in the original MHHOA Rules.
- 5 It is proposed that violations of the MHHOA CCRs be given: (due process)
  - 1 A letter stating the violation and an example remedy. This written notice shall be signed by the board members. The member found in violation has the right to appeal. The board shall acknowledge the appeal and if still found in violation, the process continues to step 2

- 2 If steps to correct the violation are not taken in 45 days from the date of the written notice (step one), 2 members of the board are to meet with the lot owner to personally review the violation of the CCRs to discuss a resolution
- 3 If after steps one and two and the lot owner fails to resolve the violation, the board may vote to issue a fine of \$100. To be levied against the lot in violation.

Mesa Hills is considered a prime residential area. Lot owners are reminded that house trailers, boats and large profile vehicles are not to be parked in front of the lot or in the front side yards. Long term storage of such is prohibited in residential lots. A small trailer, such as would haul an ATV is permitted in side yards. Recreational vehicles and trailers boats, camper shells and covered work trailers are permitted seasonal short-term storage for not more than 30 days.

It is proposed that there shall be no display of flags except for the official flag of the USA. Game day flags are permitted. Other signs and banners are not permitted to be display on the lot for no more than 2 weeks.

It is proposed that all appeals to the CCRs and board decisions must be presented in writing. The board will thus consider written appeals and may hear at their discretion personal appeal by the lot owner. After a decision by the board is rendered, it is final and the decision must be communicated in writing to the lot owner making the appeal. This decision is final and the lot owner is responsible to abide by the decision of the MMHOA board.

It is proposed that lot owners who fail to pay yearly dues shall automatically be fined \$100. For each year the dues are not paid.