



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES & ORIENTATION

Spring Creek Association ("SCA") Board of Directors
Wednesday, August 23, 2023, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

The meeting was held in person and telephonically through Zoom.com

PRESENT: Kelly DiLulo (Tract 100), Jody Atkin (Tract 200), Randy Mauldin (Tract 300), Chair John Featherston (Tract 400)

At-Large Members: Vice Chair Tom Hannum, Molly Popp (left at 5:00pm)

ABSENT: Jake Reed (entered via phone 4:43pm)

CORPORATE OFFICERS PRESENT: SCA President Bahr, SCA Treasurer Austin-Preston

CORPORATE ATTORNEY: Katie Howe McConnell

CALL TO ORDER: Chair Featherston called the meeting to order in person and telephonically at 4:40 PM.

PLEDGE OF ALLEGIANCE.

NOTICE:

- 1. Items may be taken out of order**
- 2. Two or more items may be combined**
- 3. Items may be removed from agenda or delayed at any time**
- 4. Restrictions regarding Public Comment:** Pursuant to N.R.S. 241.020(c) (3), this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item. Comments during this public comment period are limited to items NOT listed on the agenda and shall be limited to not more than three (3) minutes per person unless the Board of Directors elects to extend the comments for purposes of further discussion. Persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Chair may prohibit comment, if the content of that comment is a topic that is not relevant to, or within the authority of, the Spring Creek Association or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

I. SPRING CREEK ASSOCIATION BOARD OF DIRECTORS ORIENTATION.

This item is a general orientation for the Board of Directors on topics such as Open Meeting Law, code of conduct, conflicts of interest, governing documents, and Roberts Rules of Order. No formal action shall be taken by the Board of Directors until a specific item is agendized on a subsequent agenda.

NON-ACTION ITEM

Attorney McConnell lead the discussion regarding the Open Meeting Law, Rules of Procedure and order, NRS 116, Director responsibilities and duties. She specifically outlined changes to the open meeting law that affect SCA regarding gathering and quorums where members must be gathering to take action.

There was no public comment on the orientation.

The orientation adjourned at 5:27pm and the Regular meeting was called to order at 5:34pm by Chair Featherston.

Member Popp absent at roll call.

II. COMMENTS BY THE GENERAL PUBLIC

ACTION SHALL NOT BE TAKEN

No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.

No public comment was received.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE ENTERING INTO NEGOTIATIONS WITH DUSTY SHIPP/BRAEMAR CONSTRUCTION REGARDING A PROPOSED USAGE AGREEMENT TO ALLOW ACCESS FOR A RESIDENTIAL DEVELOPMENT USING AN SCA PARCEL ALONG LAMOILLE HIGHWAY.

FOR POSSIBLE ACTION

Dusty Shipp, Braemar Construction, approached SCA to discuss entering into a usage agreement for a small highway buffer parcel along Lamoille Highway. He is looking for access to a possible development in the area. Other access options are through Cameo Dr and Frisco Dr. The development is 800 acres behind SCA with 90-95 lots planned. The frontage along Lamoille Highway through the parcel would allow access to the development and less wear and tear through SCA roads.

Attorney McConnell commented that Braemar would be contacting the eight property owners that border the access. It was also discussed that Braemar would be developing and maintaining the access.

Chair Featherston commented on whether this would be the primary access running parallel to the highway and could an intersection be developed off of the highway.

Mr. Shipp stated that they had met with NDOT and the process for an access off of Lamoille highway is lengthy and expensive process.

President Bahr stressed the importance of talking with the affected property owners and asked whether they had considered Heather Drive as an alternate access.

Mr. Shipp stated that he was open to discussion for all possible routes and would like to enter into negotiations with SCA for a possible usage agreement for the parcel.

No public comment was received.

Member DiLulo moved/Member Atkin seconded to approve entering into negotiations with Dusty Shipp/Braemar Construction regarding a proposed usage agreement to allow access for a residential development using and SCA parcel along Lamoille Highway. Motion carried (5-0-1), Member Popp absent, Member Reed abstained.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE AN AMENDED USAGE AGREEMENT WITH CARRY ON WITH STYLE FOR THE OLD CLUBHOUSE.

FOR POSSIBLE ACTION

President Bahr introduced the item stating that there needs to be clarification in the contract over who controls the patio at the old clubhouse.

Attorney McConnell provided comment that Carry on with Style was to renovate the Old Clubhouse for a rent abatement. Currently they are charging for any use of the patio. The facilities for SCA should be included with holding a golf tournament. It is similar to not allowing the restaurant concessionaire rights to rent out the deck on the FCC. The proposed agreement defines the property as the building, but does not include the patio, gardens or parking as part of the property and who has control of the property.

Chair Featherston commented that we need to protect the golf tournament receptions and should have first right on the patio.

President Bahr and Attorney McConnell commented that the Board room is handled the same way and that conflicts could harm SCA's reputation. President Bahr commented on the proposed 10 blackout dates for the patio and that SCA continues to want to be good partners with Carry on with Style.

No public comment was received.

The item was tabled and no action was taken.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST FROM CARRY ON WITH STYLE TO WAIVE FEES FOR ADVERTISING ON THE KIOSK AT THE ROUNDABOUT.

FOR POSSIBLE ACTION

President Bahr stated that this is a separate request outside of the contract for the Board to waive the fees for the permanent sign advertising on the kiosk at the roundabout. Over the typical 5 year agreement for the kiosk, this would be approximately \$8640.

President Bahr stated that Ms. Harp had also requested additional advertising at the intersection of Country Club and Spring Creek Parkway. The COA rules specifically address that there is no advertising allowed in the right of way.

No public comment was received.

Member DiLulo moved/Member Reed seconded to deny the request from Carry on with Style to waive fees for advertising on the kiosk at the roundabout. Motion carried (5-0-1), Member

Popp absent, Member Mauldin abstained.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO SUSPEND POLICY 97-001 REVISION 3, CAPITAL RESERVE FUND POLICY. FOR POSSIBLE ACTION

President Bahr introduced the item to consider suspending the Capital Reserve Fund policy. As was discussed during the audit, currently the Association has approximately \$517,000 per year allocated to capital purchases effectively reducing the operating cash for the Association. The Board is asked to consider suspending the policy until the operating and capital cash even out and then reinstate the policy.

There was general discussion on whether the policy should be rescinded vs suspended. It was discussed to bring back the policy in August 2025 to consider reinstating the policy.

Public comment:

A property owner asked who is balancing the budget?

Vice Chair Hannum moved/Member Atkin seconded to suspend the current Policy 97-001 Revision 3, Capital Reserve Fund Policy and bring back in August 2025 for discussion. Motion carried (6-0), Member Popp absent.

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE FUNDING FOR FENCING FOR THE RYAN RANCH PASTURE. FOR POSSIBLE ACTION

President Bahr introduced the item for proposed fencing for the Ryan Ranch.

Chair Featherston commented that he had inspected the fence and there was approximately 10,000 feet of fence required. He stated that the upper portion is unusable for grazing, the middle portion was in managed condition, and the lower is not an area where animals are corralled. He stated that the weeds are an issue and could affect the quality of the hay. He stated that with proper fencing and grazing, a weed management plan could be developed.

SCA received two quotes for replacing the fencing. There was general discussion on the difference between the quotes with Core International having tighter line spacing and Gold Standard Fence with longer posts. It was discussed that there was no warranty included with either quote. A professional services agreement will be completed prior to the work beginning.

No public comment was received.

Member Mauldin moved, Member DiLulo seconded to approve up to \$50,000 for fencing for the Ryan Ranch Pasture using Core International, LLC from the Capital Reserve. Motion carried (6-0), Members Popp absent.

VIII. COMMITTEE OF ARCHITECTURE

A. COA REPORTS

NON-ACTION ITEM

Secretary Duncan provided background on the COA reports, violations, and revenues. She stated that a full review of every tract has been completed.

Public Comment:

Jeanice Jensen, Tract 200, commented that there were issues with Anthem internet install and that they left a mess and the culvert still won't drain.

- IX. APPROVAL OF MINUTES: FOR POSSIBLE ACTION**
- a. **May 24, 2023, Regular Meeting Minutes**
Vice Chair Hannum moved/Chair Featherston seconded to approve the May 24, 2023 Regular Meeting Minutes as presented. Motion carried (3-0-3), Member Popp absent, Members DiLulo, Reed, and Atkin abstained.
 - b. **June 7, 2023, Special Meeting Minutes**
Vice Chair Hannum moved/Chair Featherston seconded to approve the June 7, 2023 Special Meeting Minutes as presented. Motion carried (3-0-3), Member Popp absent, Members DiLulo, Reed, and Atkin abstained.
 - c. **June 17, 2023, Annual Property Owner Meeting Minutes**
Vice Chair Hannum moved/Chair Featherston seconded to approve the June 17, 2023 Annual Property Owner Meeting Minutes as presented. Motion carried (3-0-3), Member Popp absent, Members DiLulo, Reed, and Atkin abstained.
 - d. **July 26, 2023, Regular Meeting Minutes**
Vice Chair Hannum moved/Member Atkin seconded to approve the July 26, 2023 Regular Meeting Minutes as presented. Motion carried (5-0-1), Member Popp absent, Member Reed abstained.

- X. ACCEPT JULY 2023 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. FOR POSSIBLE ACTION**
- Treasurer Austin-Preston provided general comment on the report.
- Vice Chair Hannum moved/Chair Featherston seconded to accept the July 2023 Assessment and Legal Receivable reports as presented. Motion carried (6-0), Member Popp absent.

- XI. ACCEPT JULY 2023 FINANCIAL REPORTS. FOR POSSIBLE ACTION**
- Treasurer Austin-Preston and President Bahr provided general updates.
- Vice Chair Hannum moved/Member Atkin seconded to accept the July 2023 financial reports as presented. Motion carried (6-0), Member Popp absent.

- XII. MEETING SCHEDULE NON-ACTION ITEM**
- The next Regular Board of Directors meeting is scheduled for Wednesday, September 27, 2023, at 5:30pm. The meeting may be held telephonically.

- XIII. PUBLIC COMMENT ACTION SHALL NOT BE TAKEN**
- Bill Walsh, Tract 100, commented on letters regarding the noxious weeds and inquired on who took the photos. It was clarified that an Association employee took the photos. He also commented on road maintenance – specifically on Cameo Drive and Cameo Court. He commented that the patches were not feathered out correctly.

Vice Chair Hannum suggested that everyone go check out the Horse Palace renovations.

- XIV. ADJOURNMENT**
- The meeting adjourned at 7:36 p.m.