



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association (“SCA”) Board of Directors
Wednesday, July 26, 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

ABSENT: Jake Reed (entered via phone 6:15pm)

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 5:32 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. 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.

II. ELECTION OF BOARD POSITIONS FOR THE JULY 2023-JUNE 2024 TERM:

A. Acceptance of nominations and election of a Director to serve as the Chairperson of the Board of Directors.

B. Acceptance of nominations and election of a Director to serve as the Vice-Chairperson of the Board of Directors.

FOR POSSIBLE ACTION

President Bahr provided background that each July the Board selects a Chair and Vice Chair. Attorney McConnell provided guidance on the nominations for each position.

No public comment was received.

Vice Chair Hannum nominated/Member Popp seconded to nominate John Featherston for Chair for July 2023 through June 2024.

No other nominations were made.

Vote was called and motion carried (6-0), Member Reed absent.

John Featherston nominated/Member Atkin seconded to nominate Tom Hannum for Vice-Chair for July 2023 through June 2024.

No other nominations were made.

Vote was called and motion carried (5-1), Member Reed absent, Vice Chair Hannum against.

III. DISCUSSION AND POSSIBLE ACTION TO APPROVE SIGNATURE AUTHORITY TO THE ELECTED 2023-2024 CHAIRPERSON AND VICE-CHAIRPERSON AND TO REMOVE SIGNATURE AUTHORITY FOR THE 2022-2023 CHAIRPERSON AND VICE-CHAIRPERSON FOR SCA ACCOUNTS AT NEVADA STATE BANK, MORGAN STANLEY/SMITH BARNEY, ELKO FEDERAL CREDIT UNION AND US BANK.

FOR POSSIBLE ACTION

Attorney McConnell provided guidance that there is no change in positions, so no action needed to be taken on the item.

No public comment was received.

No action was taken.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO ACCEPT AND APPROVE THE 2022 FINANCIAL AUDIT PREPARED BY EIDE BAILLY LLP.

FOR POSSIBLE ACTION

President Bahr introduced the item for the 2022 financial audit is before the Board for approval.

Teri Gage, Eide Bailly, was present. She stated the SCA has received the highest unmodified opinion and that the financial statements are fairly stated in all material aspects. She provided an overview of revenues, expenses, and assets of the Association.

There was general discussion on funds designated for capital through assessment increases

and that would be a future agenda item to discuss.

No public comment was received.

Vice Chair Hannum moved/Chair Featherston seconded to accept and approve the 2022 financial audit prepared by Eide Bailly, LLP. Motion carried (6-0), Member Reed absent.

V. REVIEW AND PRESENTATION OF THE SCA STRATEGIC PLAN FOR 2023-2028 BY FRED STEINMANN, UNR. *NON-ACTION ITEM*

Fred Steinmann, UNR, was present and provided a PowerPoint presentation for the 2023-2028 SCA strategic plan including the mission statement, vision statement, goals and objectives. Further development of the goals and action plan will be completed and presented to the Board for their final approval.

No public comment was received.

The final plan will be brought back before the Board and provided to the property owners when approved.

No action was taken.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO MODIFY OR TERMINATE THE RYAN RANCH PASTURE LEASE WITH JESS JONES. *FOR POSSIBLE ACTION*

President Bahr provided background that there have been multiple meetings and packets provided regarding the issues at the Ryan Ranch. It is before the Board to continue with the lease or terminate.

Chair Featherston commented that Jess Jones is in violation of the contract. The fence was to be repaired in 2021 and is still not completed, there has been no weed abatement plan, he has not planted other forage, dragging the meadows, and all with good workmanship. At the previous meeting, the plan was reviewed and a deadline for the fence and weed control was set.

Jess Jones commented that there was not a deadline set. President Bahr stated that the Board set a deadline for June 1, 2023, when it originally should have been completed in 2021. He commented that the weather and ground conditions would not allow for repair of the fence.

Attorney McConnell commented on subsequent conversations. The variance for the barbed wire fencing was approved on May 8, 2023, and as of June 20, 2023, the fence had not been repaired. A certified letter being sent on July 6, 2023, regarding repairing the fence. There has been no further work on the fence and there was no communication to the Board.

Chair Featherston commented that we continue to have the same conversation years later regarding the same items.

Jess Jones commented that he made plans to communicate with the Board but did not consider them punch lists to be completed.

Member Popp commented that the contract was not specific and is subjective with the exception of the 2021 date in the original contract to repair the fence. She stated that the

Board should take into consideration mother nature.

There was further general discussion regarding SCA giving a variance for barbed wire to accommodate the request, but there has been a lack of communication and follow through.

Jess Jones was asked whether he could commit to a date to complete the fence. He stated that he wanted to hay the property, then repair the fence.

It was discussed that Jess Jones has an economic benefit because of the hay and the Board could give a final date for the fencing to be complete.

Public comment:

Courtney Hunt, Tract 400 commented that he is a neighbor to the property and the issues have been ongoing for 10 plus years.

Jenny Hunt, Tract 400 commenting that the Board is representing the homeowners of SCA and commented on the willow stays in the fence and other neighbors that have complained.

Shawn Silva, Tract 100, asked how many acres were at the Ryan Ranch. It was clarified that it was 40 acres. He stated that the fence should have been upgraded prior to a lease because of the smooth wire. He stated the Board should help with the fence and reconsider the lease.

Chair Featherston commented that if SCA terminates the lease, hays the property, repairs the fence and gets a weed management plan in place, it would be in good condition for future leases.

Chair Featherston moved, Member DiLulo seconded to terminate the Ryan Ranch lease effective immediately. Motion carried (4-2), Members Popp and Vice Chair Hannum against, Member Reed absent at vote.

Mr. Jones was asked to remove all items and vacate the property by August 2, 2023.

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST FROM THE ELKO COUNTY HIGH SCHOOL RODEO CLUB FOR THE HORSE PALACE IN OCTOBER 2023. FOR POSSIBLE ACTION

President Bahr provided background information that the High School Rodeo Club is requesting the Horse Palace for their event in October. Last year, the Board charged \$2100 for the facility, power and generator donated by SCA, and the stall rentals were split with one night going to SCA and one night to the Club.

Emmitt Silva, President, was present and stated that the event dates are October 6-8, 2023. They also requested to use the facility the Thursday before the event for setup. They requested to be able to receive all of the stall rent but would be acceptable if it was split. They also requested the 24 indoor stalls be used with no electricity.

President Bahr commented that the power and generator was donated last year. It was again clarified that the facility rental was \$1500 for the indoor arena and \$600 for the outdoor arena, about 200 stalls were rented last year, and that the Club provided a water truck. The Club was reminded that the HP concessionaire has 1st right of refusal to allow other vendors/food trucks for the event.

Vice Chair Hannum commented that the new lights in the facility should be up prior to this event. SCA's light plants could be brought out to the area for the event. Also, there was discussion on porta toilets and a dumpster. The Club stated that they would be get those donated to them for the event.

There was also discussion on a planned dinner Saturday night with an auction, bar or corn hole tournament with proceeds going to their scholarship fund.

No public comment was received.

Vice Chair Hannum moved/Member Popp seconded to approve the same terms as 2022 for the Elko High School Rodeo for the dates of October 6-8 and the night of October 5 for setup. Motion carried (7-0).

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER PURCHASING A ROAD SWEEPER. FOR POSSIBLE ACTION

President Bahr provided background on the 2004 Challenger Broom that the parts are difficult to find, and it will likely cost more to repair than it is currently worth. Staff is requesting to purchase an identical sweeper to the one purchased in 2022.

The proposed sweeper has approximately 470 hours and is half the cost of a new unit.

Public Comment:

Tess King, 100 Tract, on whether SCA is just replacing a current sweeper or wanting to use two sweepers. It was discussed that SCA does currently have two sweepers, this would be to replace the aging piece of equipment.

Vice Chair Hannum/Member Popp seconded to approve purchasing the 2019 Superior Broom for \$43,750 plus shipping and tax from the Capital Reserve. Motion carried (6-0), Member Reed absent.

IX. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE ANNUAL REVIEW OF POLICY 16-001, CONFLICT OF INTEREST. FOR POSSIBLE ACTION

President Bahr provided background that the conflict-of-interest policy is reviewed yearly by the Board and there have not been any changes made to the policy.

Attorney McConnell provided information on types of conflicts of interests that may be possible for the Board, such as a business relationship, and that the Board member should recuse themselves and not participate in voting or discussion.

Member Popp commented that on why the Committee of Architecture is mentioned in the policy. Attorney McConnell clarified that since the COA does not have standalone authority and is appointed by the Board, so the policy also governs the COA.

No public comment was received.

Vice Chair Hannum moved/Member Atkin seconded to take action on the annual review of Policy 16-001, conflict of interest.

Vice Chair Hannum moved/Member Atkin seconded to amend the motion to approve the annual review of Policy 16-001, conflict of interest. Motion carried (6-0), Member Reed absent.

X. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE ANNUAL REVIEW OF POLICY 07-001, BOARD OF DIRECTORS' AND PRESIDENT'S CODE OF CONDUCT IN REGARD TO ETHICS, DIRECTORS' AND PRESIDENT'S ACTIVITIES AND ACCESS TO INFORMATION. FOR POSSIBLE ACTION

President Bahr provided background that Policy 07-001 is reviewed annually and there have been no changes made to the policy.

Attorney McConnell further clarified that this policy has been in place since 2007 and there were changes made in 2019. We want to ensure that all Board members and President have reviewed the policy regarding the code of conduct.

No public comment was received.

Member Atkin moved/Vice Chair Hannum seconded to approve the annual review of Policy 07-001, Board of Directors' and President's Code of Conduct in Regard to Ethics, Director's and President's Activities and Access to Information. Motion carried (6-0), Member Reed absent

XI. COMMITTEE OF ARCHITECTURE

A. COA REPORTS

NON-ACTION ITEM

Treasurer Austin-Preston provided background on the COA reports, violations, and revenues. Attorney McConnell provided information regarding property sales. There was discussion that Member DiLulo should abstain from any motions made on properties where she was part of the COA at the time.

B. POSSIBLE APPROVAL OF APPOINTMENT OF ONE MEMBER TO THE COMMITTEE OF ARCHITECTURE FOR THE REMAINDER OF THE TERM ENDING DECEMBER 31, 2023. FOR POSSIBLE ACTION

President Bahr stated that is one vacancy available on the COA for the remainder of the term until December 31, 2023.

Tess King, Tract 100, stated that she was born and raised in Spring Creek. She has a desire to volunteer to help the community and committee. Currently, she is a part of the Elko County Art Club and has knowledge in non-profits and boards.

Public comment:

Tam Foree, Tract 100, commented that Tess King is very responsible.

Joe Brown stated that he has been in NV for 23 years and 21 years in the Association. He would want to uphold and maintain the property values.

Alan Kimbrell was present via phone. He has been a resident since 2006 and has been with the Highway Patrol for 16 years. He believes he is fair and consistent and has the qualities necessary to be on the COA.

Elex Vavrick, Tract 100, stated that he resigned from the COA in June 2022 because

of health reasons and is ready to serve on the committee again.

The time commitment for the position was discussed including the monthly meetings and weekly plan signing. The Board commented on the quality and quantity of candidates for the position.

Vice Chair Hannum moved/Chair Featherston seconded to appoint Elex Vavrck for the remainder of the term ending December 31, 2023. Motion carried (5-0-1), Member DiLulo abstained, Member Reed absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 695 PALACE PKWY (403-018-067) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Jen Cambra, Tract 400, was present to discuss the nuisance complaint for their neighbors' dogs at large. She stated that they use her yard for a bathroom, bark and come at them, bothering delivery drivers, and killed a baby deer in their yard. Animal control and NDOW have been involved with the issues. She does state that the issues have improved but has not resolved.

Member Popp mentioned similar issues with the dogs as she lives in the vicinity.

No public comment was received.

Vice Chair Hannum moved/Chair Featherston seconded to refer the violations at 695 Palace Parkway (403-018-067) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Reed absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 424 WESTBY DR (202-012-034) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

No one was present for the nuisance item.

No public comment was received.

Vice Chair Hannum moved/Chair Featherston seconded to refer the violations at 424 Westby Dr (202-012-034) to legal counsel for further action and uphold the fine. Motion carried (5-0), Members Popp & Reed absent.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 451 WESTBY DR (202-011-043) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Terri Knack, property owner, was present. She apologized for missing the COA meeting. She stated that the issues started when building the house. The next-door neighbor complains about the dust. There have been no more kids allowed to use

ATV's or go-carts on the property.

There was general discussion regarding reseeding a property after construction is complete. The property owner stated they have done some reseeding and other weeds need cut.

The reporting party has stated that the riding has stopped, but in the past it has started again.

Attorney McConnell commented that if the nuisance were to begin again, it could come directly back to the COA. Both parties agree that the issue has stopped. The Board can impose the fine or dismiss the nuisance and the COA can follow up regarding the reseeding.

Public comment:

Courtney Hunt, Tract 400, commented on the reseeding issues and new properties near him have not reseeded.

Vice Chair Hannum moved/Member Atkin seconded to dismiss the fine and violation, since both parties agree it has stopped at 451 Westby Dr (202-012-034). Motion carried (5-0), Members Popp & Reed absent.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 137 ARROYO VISTA DR (301-007-010) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Secretary Duncan stated the property has been in violation since August 2022. There has been no contact since March 2023.

No public comment was received.

Member DiLulo moved/Vice Chair Hannum seconded to refer the violations at 137 Arroyo Vista Dr (301-007-010) to legal counsel for further action and uphold the fine. Motion carried (5-0), Members Popp & Reed absent.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 123 DEERBRUSH DR (102-004-007) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Secretary Duncan stated that the property has been in violation since September 2021. The last contact was April 2022, and the violations remain.

No public comment was received.

Member DiLulo moved/Vice Chair Hannum seconded to refer the violations at 123 Deerbrush Dr (102-004-007) to legal counsel for further action and uphold the fine. Motion carried (5-0), Members Popp & Reed absent.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 779 HOLIDAY DR (202-001-029) TO LEGAL COUNSEL FOR FURTHER

ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Secretary Duncan stated that the property has been in violation since August 2021. The last contact was in January 2023 and the violations remain.

No public comment was received.

Vice Chair Hannum moved/Member Atkin seconded to refer the violations at 779 Holiday Dr (202-001-029) to legal counsel for further action and uphold the fine. Motion carried (4-0-1), Member DiLulo abstained, Members Popp & Reed absent.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 926 OAKMONT DR (402-015-011) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Secretary Duncan stated that the property has been in violation since July 2021. There has been no contact and the violations remain.

No public comment was received.

Vice Chair Hannum moved/Chair Featherston seconded to refer the violations at 926 Oakmont Dr (402-015-011) to legal counsel for further action and uphold the fine. Motion carried (4-0-1), Member DiLulo abstained, Members Popp & Reed absent.

J. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 371 SPRING VALLEY PKWY (201-004-020) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Secretary Duncan stated that the property has been in violation since May 2019. There has been significant improvement the last several weeks and recommend sending back to the COA to monitor.

No public comment was received.

Vice Chair Hannum moved/Member Atkin seconded to refer the violations at 371 Spring Valley Pkwy (201-004-020) back to the COA. Motion carried (5-0), Members Popp & Reed absent.

K. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 622 SPRING VALLEY PKWY (202-009-055) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Secretary Duncan stated that the property has been in violation since September 2022. The violations have been resolved and recommend dismissing the violations.

No public comment was received.

Vice Chair Hannum moved/Member Atkin seconded to dismiss the violations at 622 Spring Valley Pkwy (202-009-055). Motion carried (4-0-1), Member DiLulo abstained, Members Popp & Reed absent.

L. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 597 WESTCOTT DR (401-012-020) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Secretary Bundrock stated that the property has been in violation since August 2021. The property owner contacted staff today and asked for an extension to resolve the violations to October 2023.

No public comment was received.

Vice Chair Hannum moved/Member Atkin seconded to refer the violations at 597 Westcott Dr (401-012-020) back to the COA. Motion carried (4-0-1), Member DiLulo abstained, Members Popp & Reed absent.

XII. APPROVAL OF MINUTES:

FOR POSSIBLE ACTION

- a. May 24, 2023, Regular Meeting Minutes
- b. June 7, 2023, Special Meeting Minutes
- c. June 17, 2023, Annual Property Owner Meeting Minutes

There was not a quorum of the Board members present for the proposed minute approvals, so all minutes were tabled until the next meeting.

XIII. ACCEPT MAY & JUNE 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 May & June 2023 Assessment and Legal Receivable reports as presented. Motion carried (5-0), Members Popp & Reed absent.

XIV. ACCEPT MAY & JUNE 2023 FINANCIAL REPORTS.

FOR POSSIBLE ACTION

Treasurer Austin-Preston and President Bahr provided general updates.

Vice Chair Hannum moved/Member DiLulo seconded to accept the May & June 2023 financial reports as presented. Motion carried (5-0), Members Popp & Reed absent.

XV. MEETING SCHEDULE

NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, August 23, 2023, at 5:30pm. The meeting may be held telephonically.

XVI. PUBLIC COMMENT

ACTION SHALL NOT BE TAKEN

Members DiLulo and Atkin were welcomed to the Board.

XVII. ADJOURNMENT

The meeting adjourned at 9:43 p.m.