



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association (“SCA”) Board of Directors
Wednesday, April 24, 2024, 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),

At-Large Members: Vice Chair Tom Hannum via phone, Jake Reed, and Molly Popp

ABSENT: Chair John Featherston (Tract 400) – entered at 5:33pm

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

CORPORATE ATTORNEY: Katie Howe McConnell

CALL TO ORDER: Vice Chair Hannum called the meeting to order in person and telephonically at 5:31 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.

Mark Hutton commented on the golf course water fee that it was an inconvenience for golfers to have to pay the fee. He stated that it was cheaper for a senior to play in Ruby View than it is in Spring Creek. It was clarified that SCA rates for passes, green fees, cart rental and storage are all less than Ruby View except for their weekday rate for senior green fees.

II. REVIEW, DISCUSSION AND POSSIBLE ACTION TO DRAFT A POLICY FOR FACILITY DONATIONS. FOR POSSIBLE ACTION

President Bahr introduced the item that the Board is asked to waive fees for facilities regularly. Staff provided suggestions for the policy to include:

- The entity must be a non-profit
- The entity must be Spring Creek based
- Must be an SCA Property Owner
- Must supply their 990 Tax form from the prior year – If there was a profit made, consideration should be made to have them pay the fees, or a portion of the fees.
- First Come First Donation
- Limit donations to a monetary amount such as equivalent to \$5000 per year

Additional items were suggested that a 501c(3) designation must be provided along with a profit and loss for the previous year.

The Board was asked to provide the maximum contributions per year as well as a per event/group maximum. There was discussion to provide exceptions for in-kind services provided to SCA and that it would be an internal policy and exceptions could be made.

The maximum per year was set at \$15,000 per year and \$1500 per group.

Public Comment:

JB Anderson commented that a proposal due date should be provided and that a dollar amount could be provided for their in kind hours.

Kevin Martindale, Tract 100, commented that there should be a cap and a per group cap.

Member DiLulo moved/Member Popp seconded to approve staff to draft a policy for facility donations to be considered at the next meeting. Motion carried (7-0).

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A PROPOSAL TO ASSIGN THE INTEREST FROM KARR FOOD AND ENTERTAINMENT LLC FOR THE GOLF COURSE CONCESSIONAIRE AGREEMENT TO JASON SCHROEDER, MULEYS BAR & FAMILY GRILL. FOR POSSIBLE ACTION

President Bahr introduced the item stating that it was Jon Karr's intent to assign the interest for the golf course concessionaire to Jason Schroeder, Muley's Bar and Grill.

Jason Schroeder was present and stated that he and John had been in discussion to take over the Klub. They moved to Spring Creek and his wife will be the onsite manager.

Attorney McConnell stated that the Karr agreement ends December 2025 after it was renewed last fall. She stated that it would be easier to do an assignment with the existing agreement

with the structure of the agreement between Schoeder and Karr being unknown. There were questions on whether the business plan would be the same, who would continue with the personal guaranty, and would a security deposit be required. Schroeder stated that it was a management agreement and they would be partners.

No public comment was received.

No action was taken on the item.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PASTURE LEASE AGREEMENT WITH JB ANDERSON FOR THE RYAN RANCH PASTURE.

FOR POSSIBLE ACTION

President Bahr introduced the item that an agreement had been drafted for the pasture lease agreement with JB Anderson.

JB Anderson provided updates to the Board regarding NRCS funding for weeds and water management. He commented on an engineered system for the water. He planned to spray weeds this weekend with the assistance of the Lamoille Conservation District.

He was encouraged to track all of the hours and expenses he incurs through the year to present with the yearly review of the agreement.

There was discussion on more definitive dates to be added for items within the agreement. Staff will work with JB to finalize the dates.

No public comment was received.

Vice Chair Hannum moved/Member DiLulo seconded to approve the pasture lease agreement with JB Anderson subject to verification of the dates with Staff and leasee. Motion carried (7-0).

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER AND/OR APPROVE A CONCESSIONAIRE AGREEMENT WITH MULEY'S FOR THE HP BAR CONCESSIONAIRE.

FOR POSSIBLE ACTION

President Bahr introduced the item and stated that Jason Schroeder, Muley's, was interested in the full-time bar at the Horse Palace.

Jason Schroeder was present and stated that they had provided the bar services for the Family Rodeo and the event went well.

A one year agreement had been provided to Schroeder stating there could be no food sales, they would be obligated to be available for events at the Horse Palace.

Public Comment:

Kevin Martindale, Tract 100, commented that he was a vendor at the Rodeo and the bar did well and worked well with other vendors.

Vice Chair Hannum moved/Member Reed seconded to approve a concessionaire agreement with Muley's for the Horse Palace Bar. Motion carried (7-0).

VI. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF A REQUEST FROM BRETT CABER, NEVADA STOCK DOG SHOOT OUT, TO DONATE THE HORSE PALACE FACILITY MAY 10 THROUGH MAY 12, 2024. FOR POSSIBLE ACTION

President Bahr introduced the item that the Nevada Stock Dog Shoot Out was requesting the Board donate the Horse Palace facility for the event.

Brett Caber was present and stated that the event does not make a profit. Last year, he paid \$1800 to rent the facility and the rates have increased since then. He stated that the TS Ranch donates the cattle for the event. The current cost for the facility would be \$3000 for the three day event. He would like to eventually bring the National Finals Stock Dog competition at the Horse Palace.

President Bahr suggested other avenues to receive funding for an event such as the Elko County Rec Board.

No public comment was received.

Vice Chair Hannum moved/Member Popp seconded to approve a reduced rate of \$2000 for the event to include the facility and corrals for the Nevada Stock Dog Shoot Out May 10 through May 12, 2024. Motion carried (7-0).

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO FINALIZE THE PRIOR APPROVED SALE OF THE COMMERCIAL PARCEL 106D PARCEL D (050-006-004) WITH THE CONDITIONS THAT THE BUYER PAYS ALL CLOSINGS COSTS, A SUGGESTED 8% COMMISSION ON THE SALE AND TO AUTHORIZE A BOARD MEMBER SO SIGN ANY DOCUMENTATION NECESSARY TO EXECUTE THE SALE. FOR POSSIBLE ACTION

President Bahr introduced the item stating that the water issues regarding the sale of this property had been resolved.

Vice Chair Hannum commented that it was not totally finished per the State, but they accepted the report of conveyance.

Attorney McConnell commented that the sale had already been approved with a contract in place contingent on the water rights. The Board would need to authorize to finalize the sale and authorize John Featherston to sign any associated documents.

No public comment was received.

Member Popp moved/Member Atkin seconded to approve the sale of the commercial parcel 106D Parcel D (050-006-004) with the conditions that the buyer pays all closing costs and authorize John Featherston to sign all documents on behalf of SCA. Motion carried (6-0-1), Member Reed abstained.

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO AMEND THE GOLF COURSE RULES. FOR POSSIBLE ACTION

President Bahr introduced the item requesting the Board consider updating the Golf Course Rules. The proposed rules clarified items such as ages and driver's license requirement for driving SCA and personal carts on the course and provided general updates for private property, damages, and pace of play reminders.

It was discussed that a rule also be added regarding excessive alcohol consumption.

No public comment was received.

Vice Chair Hannum moved/Member DiLulo seconded to amend the Golf Course Rules with an added rule on alcohol consumption. Motion carried (7-0).

IX. COMMITTEE OF ARCHITECTURE

A. COA REPORTS

NON-ACTION ITEM

Secretary Duncan provided background on the COA reports, violations, and revenues.

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER AN APPOINTMENT TO FILL THE VACANCY ON THE COMMITTEE OF ARCHITECTURE FOR THE REMAINDER OF THE TERM UNTIL DECEMBER 31, 2024.

President Bahr introduced the item that there is a vacancy on the COA for the remainder of the term until December 31, 2024.

Alan Kimbrell, Tract 400, put in an application to serve on the COA. He stated that he has been in Spring Creek since 2005, is a Nevada State Police Trooper for 17 years, and wants to ensure property values remain high for the area.

There was general Board discussion on the roles and responsibilities of the COA members.

Public Comment:

Kevin Martindale, Tract 100, thanked Alan for applying and offering to help the community and understand the rules and regulations.

Member DiLulo moved/Member Popp seconded to appoint Alan Kimbrell to the Committee of Architecture for the remainder of the term until December 31, 2024. Motion carried (7-0).

C. COA APPEAL HEARING: APPEAL OF A COA DECISION DENYING A CONDITIONAL USE PERMIT FOR A SHED AND CONEX AT THE MARINA FACILITY (101-010-001). *FOR POSSIBLE ACTION*

Attorney McConnell stated that the COA denied the conditional use permit for the shed and conex at the Marina. The shed is already located on the property and the conex was to provide storage for Boardwalk.

The vote was 2 members voting for and 2 members voting against – which resulted in a non-vote or denial.

At the meeting, it was discussed that conex are permissible structures and would be permissible in an open space designation. The DOR's provide that all necessary buildings and enclosures that are customarily required are allowed with a conditional use permit.

Some of the comments from the COA were that conex are an eyesore, but it was

discussed that they could put specific conditions on them. They also stated that they should have to buy a shed, but the COA has no right to require that.

The Board can sustain, modify or overrule the decision and could put additional restrictions on the structures. It was discussed that SCA has several conex on different types of Association property for storage.

Public Comment:

Elex Vavrick commented on the process at the COA.

Member Popp moved/Vice Chair Hannum seconded to overrule the COA action and approve the Conditional Use Permit for one hickory shed and 2 conex with the red conex to be painted an aesthically pleasing color which coincides with surrounding landscape, with approval of President Bahr, and review in one year. Motion carried (5-1-1), Member DiLulo against, Member Mauldin abstained.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 279 SPRINGFIELD PKWY (305-004-001) 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. The item was tabled and the property owner was to provide monthly check in until April. There has been no contact and no change.

No public comment was received.

Member Reed moved/Member Atkin seconded to refer the violations at 279 Springfield Pkwy (305-004-001) to legal counsel and uphold the fine. Motion carried (7-0).

X. APPROVAL OF MINUTES: FOR POSSIBLE ACTION

A. March 27, 2024, Regular Meeting Minutes

Vice Chair Hannum moved/Member Reed seconded to approve the March 27, 2024 Regular Meeting Minutes as presented. Motion carried (7-0).

XI. ACCEPT MARCH 2024 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. FOR POSSIBLE ACTION

Treasurer Austin-Preston provided general comment on the report.

Vice Chair Hannum moved/Member Atkin seconded to accept the March 2024 Assessment and Legal Receivable reports as presented. Motion carried (7-0).

XII. ACCEPT MARCH 2024 FINANCIAL REPORTS. FOR POSSIBLE ACTION

Treasurer Austin-Preston and President Bahr provided general updates.

Member Reed moved/Member DiLulo seconded to accept the March 2024 financial reports as presented. Motion carried (7-0).

XIII. MEETING SCHEDULE NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, May 22, 2024, at 5:30pm. The Annual Property Owner Meeting is scheduled for June 15 at 12pm at the Horse Palace. The meetings may be held telephonically.

XIV. PUBLIC COMMENT

ACTION SHALL NOT BE TAKEN

Vice Chair Hannum commented on the Suicide Awareness Bikini and Babes event.

ADJOURNMENT

The meeting adjourned at 8:47 p.m.