



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association ("SCA") Board of Directors
Wednesday, January 27, 2021, 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 due to the COVID-19 Pandemic

PRESENT: Chair Josh Park (Tract 100), Randy Mauldin (Tract 300), and John Featherston (Tract 400)

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

ABSENT: Karl Young (Tract 200)

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

CORPORATE ATTORNEY: Katie Howe McConnell

CALL TO ORDER: Chair Park called the meeting to order both in person and telephonically at 5:30 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.

II. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO ACCEPT A PROPOSAL FROM EIDE BAILLY TO PROVIDE AUDIT SERVICES TO SPRING CREEK ASSOCIATION FOR THE YEAR ENDING DECEMBER 31, 2020. FOR POSSIBLE ACTION

Teri Gage, Eide Bailly partner, presented the proposal for audit services for 2020. There was a 2.8% increase in the fees.

No public comment was received.

Member Mauldin moved/Member Popp seconded to approve the proposal from Eide Bailly to provide audit services to Spring Creek Association for the year ending December 31, 2020. Motion carried (6-0), Member Young absent.

III. REVIEW AND UPDATES FROM SOUTHWEST GAS ON NATURAL GAS EXPANSION IN SPRING CREEK. NON-ACTION ITEM

Debra Gallo and Frans Yorgenson were present to provide updates for the 2021 expansion and an update for 2022. Construction will begin in the Spring of 2021 as they continue working on permitting. Information is available on the Spring Creek outreach at swgas.com. They currently have joint trench agreements with NDOT and CC Communications.

Chair Park inquired on providing a savings calculator for residents. SW Gas is still working on a tool.

Vice-Chair Hannum requested information on the cost of meters. Frans Yorgenson further explained there is no cost to residents for the meter and they will stub the line in and set the meter for when a resident is ready to convert. They will have a year to convert from the install of the meter.

Chair Park suggested SW Gas reach out to their preferred contractors to get an average price to convert and changeover.

Member Reed requested further information on whether water heaters would be convertible. It was discussed that the control panel and burner can be changed in most models.

Member Mauldin requested information on meter accuracy and the process if someone has a very high reading. Representatives explained their high bill investigation process and meter change out program.

No public comment was received.

No action was taken.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A LAND USAGE AGREEMENT WITH SOUTHWEST GAS FOR PIPELINE AND REGULATOR STATION INSTALLATION ON THE NORTHEAST SIDE OF PALACE PARKWAY AND LAMOILLE HIGHWAY INTERSECTION, SW GAS WR#4107035. FOR POSSIBLE ACTION

Frans Yorgenson provided information regarding the requested usage agreement to place pipeline and a regulator station, SW Gas WR # 4107035, on the northeast side of Palace Parkway and Lamoille Highway intersection.

Vice-Chair Hannum provided information to the Board that the regulator stations will be on SCA land along the highway from parcels given back to SCA from NDOT and are outside designated public utility easement areas.

Member Reed inquired about charging an annual fees for the property use.

Attorney McConnell explained that need for a usage agreement as SCA cannot convey the property but it is a benefit to the members. She explained that it is an irrevocable usage agreement and that there is no reason the Board could not charge a one-time or annual fee and it is the Board's discretion. If fees are to be investigated, the Board could direct President Bahr to negotiate the fee.

Public Comment:

Floyd Chacon, Tract 400, inquired about safety measures provided around the regulator stations. It was clarified that there would be bollards installed as well as surrounded by a chain link fence.

Member Featherston moved/Vice-Chair Hannum seconded to approve a land usage agreement with Southwest Gas for pipeline and regulator station installation on the northeast side of Palace Parkway and Lamoille Highway intersection, SW Gas WR #4107035 and to designate Josh Park for signatory authority. Motion carried (6-0), Member Young absent.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A LAND USAGE AGREEMENT WITH SOUTHWEST GAS FOR PIPELINE AND REGULATOR STATION INSTALLATION ON THE NORTHWEST SIDE OF THE ROUNDABOUT NEAR THE LIGHT PARKWAY AND LAMOILLE HIGHWAY INTERSECTION, SW GAS WR#4107034. FOR POSSIBLE ACTION

Frans Yorgenson provided information regarding the requested usage agreement to place pipeline and a regulator station, SW Gas WR # 4107034, on the northwest side of the roundabout near the Licht Parkway and Lamoille Highway intersection.

No public comment was received.

Member Featherston moved/Member Popp seconded to approve a land usage agreement with Southwest Gas for pipeline and regulator station installation on the northwest side of the roundabout near the Licht Parkway and Lamoille Highway intersection, SW Gas WR#4107034 and to designate Josh Park for signatory authority. Motion carried (6-0), Member Young absent.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A LAND USAGE AGREEMENT WITH SOUTHWEST GAS FOR PIPELINE INSTALLATION AT THE INTERSECTION OF SPRING CREEK PARKWAY AND LAMOILLE HIGHWAY NEAR PALACE PARKWAY, SW GAS WR#4107960. FOR POSSIBLE ACTION

Frans Yorgenson provided information regarding the requested usage agreement for pipeline installation, SW Gas WR # 4107960, at the intersection of Spring Creek Parkway and Lamoille Highway near Palace Parkway.

No public comment was received.

Member Featherston moved/Member Popp seconded to approve a land usage agreement with Southwest Gas for pipeline installation at the intersection of Spring Creek Parkway and Lamoille Highway near Palace Parkway, SW Gas WR#4107960, and to designate Josh Park for signatory authority. Motion carried (6-0), Member Young absent.

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE H2GO WATERSPORTS PLAN FOR 2021 SUMMER AND WINTER WATERSPORTS AT THE MARINA. FOR POSSIBLE ACTION

Floyd Chacon outlined H2GO's plan at the Marina. He suggested moving the location of their kiosk area to the north end of the beach area to leave more areas available for public use. They state they will install the floating dock at their expense, install a floating water park after the filtration system work is completed, would like to install an ice skating rink.

He is asking for SCA to provide power, of up to 400 amps, to purchase an additional kiosk for the building for approximately \$4500, and discussions on providing the necessary items for a commercial concession area such as a gray water tank and pump.

Vice-Chair Hannum provided information regarding sewer and septic issues with a grease interceptor and that they are not allowed under the sink for a commercial concession.

President Bahr suggested a better use may be a food truck that is brought into the area.

Attorney McConnell provided clarification on the addition of a commercial kitchen because the Marina is a Common Recreation Facility and is zoned open space and it is an issue if there is a commercial designation because of the DOR's. She stated that a food truck would be better.

Chair Park stated that he supports the ideas, but a lot of the details need filled in regarding power and other items.

Public Comment:

Elex Vavrck, Tract 100, admired the project but asked whether it would interfere with property owner usage. He would like to see more planning and good contractual agreements for SCA protection.

No action was taken.

VIII. REVIEW AND PRESENTATION BY SAM BILLIN REGARDING THE WATER QUALITY AND PLANS AT THE MARINA. FOR POSSIBLE ACTION

Sam Billan, Linkan Engineering, was present. He stated that they could conclude that the nutrient sources for the algae was not from an inflow of nutrients causing the issue such as

leaking septic systems, etc. He stated that the algae blooms are regenerating from the sludge on the bottom of the Marina. He provided information on a 3 step approach to help resolve the issue. Removing/dredging the Marina to remove the solids from the bottom of the Marina, filtering the water, which may just be temporary, and ultra-sonic emitter systems to disrupt the algae structure. He stated that he would prioritize the ultra-sonic approach as dredging is extremely expensive for such a large area.

Member Reed requested information if there were chemical applications to help with the algae issue. Mr. Billin stated that Copper Sulfate could be applied with a broadcast seeder and that would cause the algae to sink and could be a stop gap measure. He could further investigate the bio-uptake for the fish.

Member Hannum asked whether if the Marina should be dredged first. Mr. Billan stated that ideally you could dredge first, if it weren't cost prohibitive, and then use the ultra-sonic measures to stop the cycle.

President Bahr inquired about a fence or wall structure to help with the issue. Mr. Billan stated that a floating silt fence could prevent the algae.

No public comment was received.

No action was taken. Mr Billan will return with additional information in February or March of this year.

IX. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE CONCESSIONS AND BATHROOMS AT SCHUCKMANN'S SPORTS COMPLEX, RELATED ELECTRICAL AND WATER NEEDS, AND INDOOR APPLIANCES AND SHELVING.

FOR POSSIBLE ACTION

President Bahr presented the plan for concessions and bathrooms at Schuckmann's Sports Complex. Additional quotes were provided for the water main line and backflow preventer. The water line quotes replaced the water line, water main, and backflow preventer estimates provided. The total for the project is approximately \$91,700 and will be funded from the Capital Reserve.

Vice Chair Hannum provided information on the septic system already in place and electric is available near the site.

Vice Chair Hannum moved/Member Featherston seconded to approve concessions and bathrooms at Schuckmann's Sports Complex, related electrical and water needs, and indoor appliances and shelving. Motion carried (5-0-1), Member Young absent, Member Popp abstained.

X. REVIEW, DISCUSSION AND POSSIBLE MODIFICATION OR CANCELLATION OF THE ANIMAL CONTROL OFFICER AGREEMENT WITH ELKO COUNTY.

FOR POSSIBLE ACTION

Attorney McConnell clarified that SCA would need to provide notice to cancel or terminate the agreement by February 1st or the contract will automatically renew. There have been questions on calls not within Spring Creek. There are options to either adjust the contract for a reduced rate and the office could leave the area or have an acceptable margin of time to be

spent with Spring Creek. There are concerns from a contractual perspective and the Board could move to terminate the agreement.

Undersheriff Ames and Lt. Fisher were present from the Sheriff's Office. VP Kerr provided a powerpoint presentation regarding the required specifics and reporting required in the contract. They stated that they are committed to working with all of Elko County and have agreed to provide the statistics per the contract. They also stated that the county attorney has approved the contract. They stated that the Officer is to be in Spring Creek as much as possible. Lt Fisher provided information that the position is funded approximately 74% by SCA and 26% by Elko County.

Chair Park stated he is a supporter of the program but it appears to not be mutually beneficial and the intent was to have a dedicated officer in Spring Creek. Perhaps SCA could look at other options for a civil patrol person.

Attorney McConnell reiterated that if the Board approves of the agreement and work performed under it, that they cannot go back to renegotiate the agreement in 6 months. The Board could approve the agreement as is and evaluate in a year or terminate the agreement for any suggested modifications.

President Bahr requested clarification if it will remain 100% SCA or if a certain percentage outside of the area is permitted.

General Board discussion ensued regarding it being a needed service within SCA and to give the agreement an additional year with review of statistics at the end of the term.

Public Comment:

Kevin Martindale, Tract 100, commented on the statistics and issues brought to the COA.

Member Popp moved/Member Mauldin seconded to approve the Animal Control Office Agreement as written and presented for 1 year. Motion carried (6-0), Member Young absent.

**XI. REVIEW, DISCUSSION AND ALLOCATION OF THE 2020 CARRY-FORWARD FUNDS.
FOR POSSIBLE ACTION**

President Bahr provided an overview of the suggested capital items and projects for the carry-forward funds of \$400,000 including the following:

Working capital - \$200,000

Marina Updates/Floating Docks, water purification - \$40,000

Road Chipper Rebuild (braking system, conveyor system, bearings, clutch) - \$40,000

Security Cameras – All amenities - \$50,000

Schuckmann's Soccer Complex Updates (pavilions, trees, tables, etc) - \$65,000

VG Park Rubber Mulch - \$5,000

Other items considered from the Capital Reserve include:

Soccer Complex Updates (playground equipment, bathrooms, shade structures, tables, lights, goals) - \$100,000

Splash Pad (pad, fence with locking gate & code, coverings, sittings areas, lights) - \$300,000

Multi-Court (Multi-court, concrete, electric, fencing, pavilion, equipment, lighting) - \$213,000

General discussion on the costs of a new Chipper vs repairing the old machine.

Public Comment:

Kevin Martindale, Tract 100, suggested the use of Boy Scout projects for items such as rubber mulch.

Chair Park moved/Member Reed seconded to approve the Carry-Forward allocation of \$200,000 to the projects listed out as presented. Motion carried (6-0), Member Young absent.

Member Mauldin moved/Chair Park seconded to approve spending \$613,000 from Capital Reserves for the Soccer Complex Updates, Splash Pad, and Multi-Court as presented. Motion carried (6-0), Member Young absent.

XII. COMMITTEE OF ARCHITECTURE

A. REPORTS

COA Secretary Cromwell provided information on the COA permits provided.

NON-ACTION ITEM

B. COA APPEAL HEARING:

APPEAL OF A COA DECISION AT 154 CASCADE DRIVE AT THE NOVEMBER 10, 2020 COA MEETING REGARDING A CHICKEN COOP. FOR POSSIBLE ACTION

Attorney McConnell provided information to the Board regarding the appeal of COA decisions from November 2020 for a violation and a nuisance complaint from December 2020. The Board was provided with the same information as was provided to the COA for the purpose of the appeal. The applicable appeal procedures were covered with the possible actions that can be made.

Sue Standley, is appealing the COA determination that allowed the Dunhams to keep a chicken coop stating it was against the rules and setbacks. She stated that the coop should be placed somewhere else on the property for the setbacks, height requirement, is permanently fixed, and should be aesthetically pleasing. She is also claiming there are health risks due to the chickens.

Chair Park inquired about the location and asked for clarifications of the pictures provided.

Tom Dunham stated that his coop is not in violation and was built within the regulations of not more than 32 square feet and not more than 4 feet tall. He stated that he does not intend to have more than 5 chickens. He offered that he would maintain the neighbor's fence on their side if they provided the materials and would sign a document stating they would never have more than 5 chickens and never have a rooster.

Sue Standley claimed that the coop was not in compliance because of the 15' setbacks and it is a permanently fixed structure over 6 feet tall.

A general discussion of the COA rules ensued. The rule states that it must be over 32 square feet and over 4 foot tall and that both conditions must be met according to the rule. It was discussed that the COA and SCA do not get involved in civil disputes between neighbors. After reviewing the information on the possible health risks, the Board concluded that the health risks were not present.

No public comment was received.

Chair Park moved/Member Featherston seconded to sustain the appeal and affirm the COA decision at 154 Cascade Drive of the November 10, 2020 meeting. Motion carried (5-0-1), Member Young absent, Member Reed abstained.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 295 SPRINGFIELD PKWY (305-003-006) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

This property has been in violation since March of 2020. The property owners were given until July 2020 and there has been no further contact.

No public comment was received.

Member Featherston moved/Member Mauldin seconded to refer the violation at 295 Springfield Parkway (305-003-006) to legal counsel and uphold the fine. Motion carried (6-0), Member Young absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 468 SPRING VALLEY PKWY (202-031-010) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

Property owner Daniel Dorohov was present. The roof of the shed is sagging and need new shingles and he intends to complete the repairs.

No public comment was received.

Vice Chair Hannum moved/Member Featherston seconded to refer the violation at 574 Shadybrook Dr (304-005-048) back to the COA and to communicate the progress to the COA. Motion carried (5-0-1), Member Young absent, Member Mauldin abstained.

XIII. APPROVAL OF MINUTES: *FOR POSSIBLE ACTION*

December 9 2020 Regular Meeting Minutes

Vice Chair Hannum moved/Member Reed seconded to approve the December 9, 2020 Regular Meeting Minutes as presented. Motion carried (6-0), Member Young absent.

XIV. ACCEPT DECEMBER 2020 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. *FOR POSSIBLE ACTION*

Member Reed moved/Vice Chair Hannum seconded to accept the December 2020 Assessment and Legal Receivable Reports. Motion carried (6-0), Member Young absent.

XV. ACCEPT SEPTEMBER 2020 FINANCIAL REPORTS. *FOR POSSIBLE ACTION*

Member Featherston moved/Chair Park seconded to accept the December 2020 Financial Reports. Motion carried (6-0), Member Young absent.

XVI. MEETING SCHEDULE *NON-ACTION ITEM*

The next Regular Board of Directors meeting is scheduled for Wednesday, February 24, 2021 at 5:30pm. The meeting may be held telephonically.

XVII. PUBLIC COMMENT

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.

XVIII. ADJOURNMENT

The meeting adjourned at 9:43 p.m.