



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association (“SCA”) Board of Directors
Wednesday, May 25, 2022, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

The meeting was held telephonically through Zoom.com due to the COVID-19 Pandemic

PRESENT: Chair Josh Park (Tract 100), Karl Young (Tract 200), Randy Mauldin (Tract 300), and John Featherston (via Zoom) (Tract 400)

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

ABSENT:

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 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.

Chair Park began the meeting with a prayer for those involved in the school shooting in Texas.

Sean Twomey, Great Basin Water President, was present on the phone and provided an update on the general rate case that was agreed upon by the PUCN and the BCP. He had stated previously that they would be filing a consolidated rate case but that they were unable to consolidate the rates. He stated that they could request the consolidation in 3 years at the next rate case.

Chair Park provided comment regarding the process and that intervening in the rate case was not worth it as it appeared that there were back door communications where the rate case was agreed upon.

II. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING REQUESTS BY THE ELKO COUNTY HIGH SCHOOL RODEO CLUB FOR THE HIGH SCHOOL RODEO IN OCTOBER 2022. *FOR POSSIBLE ACTION*

Staff provided details of the expenses and revenues for the event. The proposal included charging \$2100 facility rental, all power and generator would be donated by SCA, and that the rental of the stalls would be split between SCA and the club with one night revenue going to each entity, and that SCA could hire an individual (from the Rodeo Club) for the grooming and panel set up as requested.

No public comment was received.

Vice Chair Hannum moved/Member Featherston seconded to approve the proposal for the High School Rodeo in October 2022 as submitted. Motion carried (7-0).

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST FROM THE SPRING CREEK ELEMENTARY PTA TO DONATE SCA MANPOWER AND EQUIPMENT NEEDED TO REMOVE EXISTING PEA GRAVEL AND SPREAD NEW MATERIAL AT THEIR PLAYGROUND WITH SCA RETAINING THE MATERIAL. *FOR POSSIBLE ACTION*

Jamie Joggerst, Nina Moore, and Kimberly Hall, members of the Spring Creek Elementary PTA, were present and provided background that there was inadequate ground cover material at the playground at Spring Creek Elementary for fall protection. They stated that the PTA had set aside \$10,000 for new material.

They are requesting assistance from SCA to remove the pea gravel from the areas and that members of the PTA would be available to assist with the hand labor. They hope to have the project completed this summer.

It was estimated that there would need to be approximately 30 trucks of material removed.

No public comment was received.

Chair Park moved/Member Popp seconded to approve the request from Spring Creek Elementary PTA to donate SCA manpower and equipment needed to remove existing pea gravel and spread new material at the playground with SCA retaining the material. Motion carried (6-0), Member Reed absent at vote.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A USAGE AGREEMENT TO INSTALL A PORTABLE AIR QUALITY PLATFORM AND SENSOR AT 405 FAIRWAY CIRCLE (106B-006-006). *FOR POSSIBLE ACTION*

Megan Collins, Desert Research, was present and stated that they are partnered with NOAA and NDEP and would like a usage agreement to install a portable air quality platform and sensor above the Fairway Community Center. She stated that the equipment was purchased through NDEP.

No public comment was received.

Member Featherston moved/Vice Chair Hannum seconded to approve a usage agreement to install a portable air quality platform and sensor at 405 Fairway Circle (106B-006-006). Motion carried (6-0), Member Reed absent at vote.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST FROM BREANNA BESENDORFER, SPRING CREEK SWEET SHOP, TO LEASE THE HORSE PALACE CONCESSIONS. *FOR POSSIBLE ACTION*

Breanna Besendorfer, Spring Creek Sweet Shop, was present and requested a 3-year lease agreement for the Horse Palace concessions. She currently has a cottage food license and will get a full permit.

She had concerns about the portion of the current contract that stated that the contract could be terminated with a 30 day notice and she requested that a 5 day cure be added. Also, it stated that the concessionaire must be open and provide services for ALL events. She was concerned if she was unable to provide services for an event due to staffing she could be automatically terminated without an attempt to cure. To help with this issue, she stated that she would be open to allowing other food trucks for events that she would be unable to staff.

She requested to make some improvements to the area if the item was approved such as repainting, floors, and counter tops at her own expense. She initially thinks she could be open 2-3 days a week. She stated that she is starting to develop a food menu as well.

Chair Park commented that he would like to see her strategics for providing food for events and a broad scope of her plan.

Treasurer Austin-Preston provided comment on the health permit that would be in their name and the use by others in the actual kitchen area should not be allowed.

No public comment was received.

Chair Park moved/Member Featherston seconded to approve a temporary usage agreement to be negotiated with the President and Legal Counsel, until a more formal agreement can be drafted for the Horse Palace Concessions. Motion carried (6-0), Member Reed absent.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REVIEW THE YEARLY PLAN OR TERMINATE THE RYAN RANCH PASTURE LEASE. *FOR POSSIBLE ACTION*

President Bahr provided background that there needs to be a yearly review on the lease.

Jess Jones was present via phone and stated that he had organic barley to plant and had sent soil samples to the Agriculture Board. He stated that he had repaired the ditch on the bottom end and needed to find the exact lot lines for the border fences.

Member Feathers asked what progress has been made in the pasture area and whether the drain hole has been filled in. Mr. Jones stated that he had been repairing some fences and working to allocate water and irrigation and that he will fill in the drain hole.

Chair Park asked whether the hay was cut, if there were other diversions added, drug the meadow, and sprayed the weeds. He stated that he did cut the hay, no other diversions were added, the meadow was too wet to drag and he will be spraying the hemlock.

It was suggested that the 2022 list be brought back next year with a description of the achievements for the review next year.

No public comment was received.

No action was taken.

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO SUSPEND THE H2GO WATERSPORTS USAGE AGREEMENT FOR THE MARINA FOR ONE YEAR. FOR POSSIBLE ACTION

President Bahr provided the Board information that H2GO would not be operating due to an unforeseen illness of the owner. There could be options to allow food trucks.

Attorney McConnell stated that suspending the agreement would open up the option for food trucks as it takes away the exclusivity and responsibilities in the agreement.

There was further discussion amongst the Board on whether it would make more sense to terminate the agreement rather than suspend.

Attorney McConnell stated that if the Board was not inclined to suspend it could be terminated.

Public Comment:

Debbie Addenbrooke, 200 Tract, commented that if they did not have the option, they may be less inclined to rent the facility not knowing whether they have it next year.

After further discussion, a 10 day default notice could be served for not being in business per the agreement.

No action was taken.

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO PROVIDE COMMENT REGARDING THE PROPOSED CONGRESSIONAL CLEAN ENERGY MINERALS REFORM ACT OF 2022. FOR POSSIBLE ACTION

President Bahr provided background regarding the Clean Energy Minerals Reform Act of 2022 and referenced the Humboldt County Commissioners letter and stated that Elko County had also drafted a letter.

No public comment was received.

Member Featherston moved/Member Young seconded to draft a letter similar to Humboldt and

Elko County Commission's letters opposing the Clean Energy Minerals Reform Act of 2022. Motion carried (6-0), Member Reed absent.

IX. REVIEW AND DISCUSSION REGARDING THE ANIMAL CONTROL CONTRACT WITH ELKO COUNTY SHERIFF. NON-ACTION ITEM

President Bahr stated that the Animal Control Contract ends in June 2022. She stated that the County was adding the position to their budget for the rest of the year and would like to come back to SCA for future funding.

Chair Park mentioned the lack of response from the Sheriff's office and President Bahr had received similar communication that the designated Spring Creek person had not been working for months.

No public comment was received.

No action was taken.

X. COMMITTEE OF ARCHITECTURE

A. COA REPORTS NON-ACTION ITEM

Secretary Bundrock commented that the number of violations has decreased from 2200 to 1700. She provided a general overview of the reports.

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 905 SPRING VALLEY PKWY (202-028-018) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

Secretary Bundorck stated that the inops are no longer present and there has been significant improvement on the property.

No public comment was received.

Vice Chair Hannum moved/Member Featherston seconded to close the COA violation at 905 Spring Valley Pkwy (202-028-018). Motion carried (6-0), Member Reed absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 907 SPRING VALLEY PKWY (202-028-019) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

Secretary Bundrock stated that it has been in violation since May 2019 and we received contact yesterday. They are requesting more time to repair the roof and green house because of recent wind. They are also getting rid of the trailer and 4-wheelers.

No public comment was received.

Chair Park moved/Member Mauldin seconded to refer the COA violation at 907 Spring Valley Pkwy (202-028-019) back to the COA. Motion carried (6-0), Member Reed absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 653 ABARR DR (402-007-022) TO LEGAL COUNSEL FOR FURTHER

**ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.
FOR POSSIBLE ACTION**

Secretary Bundrock stated that the property was tabled for 30 days and newly reviewed. She stated that the tires had been covered and the exterior conditions painting was completed.

No public comment was received.

Vice Chair Hannum moved/Member Popp seconded to close the COA Violation at 653 Abarr Dr (402-007-022). Motion carried (6-0), Member Reed absent.

**E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION
AT 439 GYPSUM LN (202-025-016) 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 June 2021 and that one inop behind the shop is gone.

No public comment was received.

Member Featherston moved/Vice Chair Hannum seconded to refer the violation at 439 Gypsum Ln (202-025-016) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Reed absent.

**F. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION
AT 455 LYNDHURST DR (101-006-012) 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 January 2022 and there has been no contact.

No public comment was received.

Vice Chair Hannum moved/Member Popp seconded to refer the violation at 455 Lyndhurst Dr (101-006-012) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Reed absent.

**G. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION
AT 389 KIMBLE DR (202-014-016) TO LEGAL COUNSEL FOR FURTHER
ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.
FOR POSSIBLE ACTION**

Secretary Bundrock stated the property has been in violation since April 2021. The property owner called yesterday and staff asked for a list of the vehicles and no email was received back

No public comment was received.

Chair Park moved/Member Young seconded to refer the violation at 389 Kimble Dr (202-014-016) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Reed absent.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 897 SPRING VALLEY PKWY (202-028-014) 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 January 2022.

No public comment was received.

Chair Park moved/Member Featherston seconded to refer the violation at 897 Spring Valley Pkwy (202-028-014) to legal counsel for further action and to uphold the fine. Motion carried (6-0), Member Reed absent.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 828 THISTLE DR (402-008-020) 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 of 2021. There has been no contact.

No public comment was received.

Member Featherston moved/Member Young seconded to refer the violation at 828 Thistle Dr (402-008-020) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Reed absent.

J. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 419 LAWDALE DR (103-006-110) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

Secretary Bundrock requested the Board refer the violation back to the COA for further monitoring.

No public comment was received.

Chair Park moved/Vice Chair Hannum seconded to refer the violation at 419 Lawndale Dr (103-006-110) back to the COA. Motion carried (6-0), Member Reed absent.

K. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 612 WILLINGTON DR (401-022-008) 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.

No public comment was received.

Vice Chair Hannum moved/Member Featherston seconded to refer the violation at 612 Willington Dr (401-022-008) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Reed absent.

L. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 893 SPRING VALLEY PKWY (202-028-012) 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. An email was received on May 13 and it was requested to refer back to the COA.

No public comment was received.

Chair Park moved/Vice Chair Hannum seconded to refer the violation at 893 Spring Valley Pkwy (202-028-012) back to the COA. Motion carried (6-0), Member Reed absent.

**XI. APPROVAL OF MINUTES: FOR POSSIBLE ACTION
April 27, 2022 Regular Meeting Minutes**

Vice Chair Hannum moved/Member Young seconded to approve the minutes from the April 27, 2022 Regular Meeting as presented. Motion carried (5-0-1), Member Popp abstained, Member Reed absent.

XII. ACCEPT APRIL 2022 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. FOR POSSIBLE ACTION

Chair Park moved/Vice Chair Hannum seconded to accept the April 2022 Assessment and Legal Receivable reports as presented. Motion carried (6-0), Member Reed absent.

XIII. ACCEPT APRIL 2022 FINANCIAL REPORTS. FOR POSSIBLE ACTION

Treasurer Austin-Preston provided updates regarding the Board's request to seek further local quotes for the engine replacement previously approved. Other vendors were contacted, and they declined to provide a bid. She also provided information on the mower and aerator that were purchased, and staff was able to negotiate with the sellers for money to be returned to SCA for necessary repairs on the equipment.

Member Featherson moved/Member Young seconded to accept the April 2022 financial reports as presented. Motion carried (6-0), Member Reed absent.

XIV. MEETING SCHEDULE NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, July 27, 2022 at 5:30pm. The meeting may be held telephonically.

The Annual Property Owner meeting is scheduled for June 25, 2022 with a barbecue at 11am and meeting at 12pm.

XV. 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.

Stephanie Licht, Tract 300, thanked the Board and staff.

XVI. ADJOURNMENT

The meeting adjourned at 7:28 p.m.