



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association (“SCA”) Board of Directors
Wednesday, October 27, 2021, 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), and Randy Mauldin (Tract 300)
At-Large Members: Vice Chair Tom Hannum, Molly Popp, and Jake Reed

ABSENT: John Featherston (Tract 400)

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 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.

No public comment was received.

II. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST FROM H2GO TO EXTEND THE PAYMENT TERMS ON THE SHED FROM FULL PAYMENT IN OCTOBER 2021 TO HALF IN OCTOBER 2022 AND THE FINAL HALF TO OCTOBER 2023. FOR POSSIBLE ACTION

President Bahr introduced the item and stated that it was tabled in September until Mr. Chacon could be available to present the item.

Floyd Chacon was present via phone and stated that the shed was not received until September 2021 and asked to consider the payment for the shed to be changed to half in 2022 and the remaining half in 2023. He stated that plans are being submitted to Lostra for the renovations to the shed.

Vice Chair Hannum commented that SCA has paid for the shed in full and asked why payment for the shed could not be on schedule.

Floyd stated that they paid the 10% of the gross profits today (\$1000), and since the shed wasn't there they couldn't use it for most of the season.

No public comment was received.

Chair Park stated that the item would be brought back after reviewing the contract and original intent of both parties.

No action was taken

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A PROPOSAL FROM KARR FOOD AND ENTERTAINMENT LLC TO PROVIDE RESTAURANT AND BAR SERVICES AT THE FAIRWAY COMMUNITY CENTER RESTAURANT AND BAR FACILITY. FOR POSSIBLE ACTION

President Bahr introduced the item stating that we had received one proposal for the restaurant and bar facilities.

Jon Karr was present via phone. He stated that they planned to run a restaurant similar to Dreez in Elko with a night menu option. He stated that it may be a condensed menu at first and they would hope to be up and running in December. It stated that it would be like an American sports bar adapted to the area.

Vice Chair Hannum inquired on the hours of operation and opening dates.

Mr. Karr responded that they would like to be open 7am to 9pm on weekdays and 7am to 10-11pm on the weekends with hopes to open on December 1, 2021.

Member Reed asked whether they have toured the facility.

Mr. Karr responded that they had toured the facility and know what to expect.

Member Mauldin commented on previous restaurants in Spring Creek that have had limited hours in the past.

Member Young commented on his good business relationship with Jon Karr and was in support.

No public comment was received.

Chair Park moved/Member Reed seconded to draft an agreement with Karr Food and Entertainment LLC to provide restaurant and bar services at the Fairway Community Center. Motion carried (6-0), Member Featherston absent.

Attorney McConnell stated that the agreement would be brought back to the Board at their November 10, 2021 meeting.

IV. REVIEW AND DISCUSSION OF THE QUARTERLY UPDATE REGARDING THE ANIMAL CONTROL CONTRACT. *NON-ACTION ITEM*

Lt. Doug Fisher and Sheriff Aitor Narvaiza were present via phone. They provided updates on the activities for the Animal Control Officer and incidences outside of the SCA boundaries. They stated that there has been a total of 14,239 total calls for service. They stated they have several new hires in the training process.

No public comment was received.

No action was taken

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO ACCEPT OR REJECT OFFERS RECEIVED ON THE OLD ADMINISTRATION BUILDING LOCATED AT 451 SPRING CREEK PARKWAY (102-010-086). *FOR POSSIBLE ACTION*

President Bahr stated that we have received 2 offers on the old administration building. One from Jacob Dalstra & Jennifer Whitaker for \$190,000 and one from the American Legion Reed-Gregory Post 7 for \$150,000.

Mr. Dalstra stated that if their offer was considered, they would renovate the building and offer commercial office spaces.

Vice Chair Hannum asked whether there was due diligence and a timeframe involved.

Mr. Dalstra stated that they had already had a contractor give quotes needed for the renovation of the property.

Member Mauldin asked whether they have been involved in this type of business before. Mr. Dalstra responded that they had and they already had potential tenants lined up.

Ron Petrowski with the American Legion stated that they would want to purchase the building to help the public and veterans and not rent the space for profit.

Chair Park stated that we have 2 offers and there is a fiduciary duty to the community.

Justine Oros commented that the first offer is preapproved through Elko Federal Credit Union and the American Legion stated they were approved for \$50,000 and would have \$100,000 in donations. She also stated that an additional offer was possible.

No public comment was received.

The item will be tabled for 2 weeks to consider all offers and all updated and current offers would need to be received by November 3rd to be heard at the November 10th meeting.

No action was taken.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO TERMINATE THE CONCESSIONAIRE AGREEMENT WITH COOKS & COOKS, LLC FOR THE FAIRWAY COMMUNITY CENTER RESTAURANT AND BAR FACILITY AND PROCEED WITH ACTION FOR THE DELINQUENT AMOUNTS DUE THEREON. FOR POSSIBLE ACTION

Attorney McConnell stated that SCA served a notice of termination on Cooks & Cooks on September 22, 2021. Currently, we need a formal ratification from the Board and to collect any rents and repairs on the building until there is a new tenant.

No public comment was received.

Member Young moved/Vice Chair Hannum seconded to terminate the concessionaire agreement with Cooks & Cooks and proceed with action for delinquent amounts due and to include cleaning, any damages to the facility, and any missing items. Motion carried (6-0), Member Featherston absent.

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A USAGE AGREEMENT WITH ANTHEM BROADBAND OF NEVADA, LLC FOR TRACT 201 PARCEL A (505 SPRING VALLEY PLACE), APN 054-012-001 FOR A 15-FOOT-WIDE EASEMENT BETWEEN SPRING VALLEY PARKWAY AND EDGEWATER COURT.

FOR POSSIBLE ACTION

President Bahr introduced the item stating that there are several usage agreements for Anthem Broadband for approval.

Vice Chair Hannum provided information that it was a fiber line from Spring Valley Parkway towards the school. The usage agreement is for 15 feet along the edge of 054-012-001.

Member Reed asked whether they would be the only party able to use the easement. Attorney McConnell clarified that if someone else wanted to enter their easement, there would be an agreement between the new party and Anthem and with SCA. SCA could enter into other usage agreements for the same parcel with other parties.

Jake Libert, Anthem Broadband representative, was present via phone and clarified that Anthem Broadband LLC is the company name for Safelink in NV.

No public comment was received.

Vice Chair Hannum moved/Chair Park seconded to approve a usage agreement with Anthem Broadband of Nevada, LLC for Tract 201 Parcel A (505 Spring Valley Place), APN 054-012-001 for a 15-foot wide easement between Spring Valley Parkway and Edgewater Court. Motion carried (6-0), Member Featherston absent.

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A USAGE AGREEMENT WITH ANTHEM BROADBAND OF NEVADA, LLC FOR TRACT 201 PARCEL B, APN 054-013-001 FOR A 15-FOOT-WIDE EASEMENT BETWEEN EDGEWATER COURT TO DOVE CREEK COURT. FOR POSSIBLE ACTION

Vice Chair Hannum commented that this is the same fiber line for this usage agreement and would be for the same 15-foot easement on parcel 054-013-001.

No public comment was received.

Vice Chair Hannum moved/Member Reed seconded approve a usage agreement with Anthem Broadband of Nevada, LLC for Tract 201 Parcel B, APN 054-013-001 for a 15-foot wide easement between Edgewater Court to Dove Creek Court. Motion carried (6-0), Member Featherston absent.

IX. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A USAGE AGREEMENT WITH ANTHEM BROADBAND OF NEVADA, LLC FOR TRACT 201 PARCEL C, APN 054-014-001 FOR A 15-FOOT-WIDE EASEMENT BETWEEN DOVE CREEK COURT TO THE END OF SECTION 33. FOR POSSIBLE ACTION

Vice Chair Hannum commented that this is the same fiber line for this usage agreement and would be for the same 15-foot easement on parcel 054-014-001.

No public comment was received.

Vice Chair Hannum moved/Member Young seconded to approve a usage agreement with Anthem Broadband of Nevada, LLC for Tract 201 Parcel C, APN 054-014-001 for a 15-foot wide easement between Dove Creek Court to the end of Section 33. Motion carried (6-0), Member Featherston absent.

X. REVIEW, DISCUSSION AND POSSIBLE ACTION APPROVE FUNDS TO UPDATE THE SCHUCKMANN'S MASTER PLAN FOR FUTURE USE. FOR POSSIBLE ACTION

President Bahr stated that SCA has been working with the various sports groups for funding opportunities and this plan would provide framework for those requests. She would like to have the plan in place by December.

Vice-Chair Hannum commented that the plan would include providing extra parking, a possible dog park, extra parking for football, lighting, and a playground area.

No public comment was received.

Chair Park moved/Member Reed seconded to approve funding to update the Schuckmann's Master Plan for future use. Motion carried (5-0-1), Vice Chair Hannum abstained, Member Featherston absent.

XI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A BID TO REPAIR THE FLAT ROOF AREA ON THE OLD GOLF CLUBHOUSE. FOR POSSIBLE ACTION

President Bahr provided the quotes for the replacement of the flat portion of the old golf Clubhouse roof for \$6500. A second bid was received that was approximately \$20,000.

Vice Chair Hannum commented that the quote covers all items for the roof replacement with a 20 year manufacture warranty.

No public comment was received.

Vice Chair Hannum moved/Member Reed seconded to approve and accept the bid from Kelly Builders to repair the flat roof area on the old golf Clubhouse as presented for \$6,500. Motion carried (6-0), Member Featherston absent.

XII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A BID FOR INTERIOR PAINTING AND WALL REPAIRS IN THE RESTAURANT AND BAR AREAS OF THE FAIRWAY COMMUNITY CENTER. *FOR POSSIBLE ACTION*

President Bahr stated that staff had done inspections of the restaurant and kitchen areas a quote for interior painting and damaged wall repairs was received. VP Kerr added that the quote is for \$6,800 and includes repairing holes in sheet rock and dry wall along with texturing and painting the doors along with painting the ceiling in the kitchen.

It was discussed that these funds would be included on the collection from Cooks & Cooks.

No public comment was received.

Member Young moved/Member Reed seconded to approve a bid from Marty Vodopich Painting for interior painting and wall repairs in the restaurant and bar areas of the Fairway Community Center for \$6,800. Motion carried (6-0), Member Featherston absent.

XIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO DEVELOP A POLICY REGARDING SCA ENDORSING POLITICAL CANDIDATES. *FOR POSSIBLE ACTION*

President Bahr introduced the item on possibly creating a policy for SCA to endorse political candidates. She commented that Spring Creek is the largest unincorporated area of Elko County.

Attorney McConnell clarified that her research has shown that it is allowable for an HOA to endorse political candidates. There is a ruling that prohibits 501C(3) from endorsing, but SCA is a 501C(4) and it is not prohibited. She stressed that there would SCA would need to do its due diligence if there were multiple SCA members running, whether there would be monetary backing or if it would just be an endorsement from SCA.

Chair Park stated that we could encourage Spring Creek member to run for office and SCA could support them with careful deliberation.

Vice Chair Hannum commented that it should be local races and to find the candidate that best supports Spring Creek.

Member Young had concerns and thought it best that SCA not be involved.

Chair Park asked whether we need a policy or if there could be information actions outside of a policy.

Attorney McConnell clarified that it would be better to have a policy and if the candidates meet policy qualifications. Without a policy, endorsing goes beyond the power of the Board by the governing documents. The policy would allow endorsing, but it would not be required. Chair Park commented that a policy should be drafted for the ability to use it and it should be very carefully used.

Member Young commented that he would like to see the proposed policy and would make his decision from there.

Member Mauldin commented that he did not believe SCA should endorse political candidates.

No public comment was received.

Chair Park moved/Vice Chair Hannum seconded to develop a policy regarding SCA endorsing political candidates. Motion carried (5-1-0), Member Mauldin against, Member Featherston absent.

XIV. REVIEW, DISCUSSION AND SECOND READING 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 introduced the second reading of Policy 07-001. No changes have been made from the first reading and Attorney McConnell asked the Board to approve the content and adopt the policy.

No public comment was received.

Member Reed moved/Member Popp seconded to approve 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. Motion carried (6-0), Member Featherston absent.

XV. REVIEW AND DISCUSSION OF THE PROPOSED 2022 SPRING CREEK ASSOCIATION BUDGET.

NON-ACTION ITEM

President Bahr provided information changes to budget line items such as property insurance and purchase services/computers for the amenity camera system. She discussed the proposed staffing changes to consider items such as additional amenity maintenance from the football fields and other improvements. Also discussed were the benefits for full-time staff such as 401K and for increasing seasonal wages to attract and keep employees. All other departments were discussed showing changes in income and expense items to stay in line with 2021 actual revenues and expenses.

Treasurer Austin-Preston commented that currently, to balance the budget, there would need to be a \$3 per month increase to assessments or other items of the budget would need to be cut to balance.

Directors had general discussions and were instructed to bring back their comments and suggestions at the November 10th meeting.

No public comment was received.

No action was taken.

XVI. COMMITTEE OF ARCHITECTURE

A. REPORTS

NON-ACTION ITEM

VP Kerr commented on the COA reports and mentioned that the 200 Tract is nearly built out. Violations continue to be processed.
No action was taken.

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 437 TRECARTES AVE (202-028-009) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

VP Kerr stated the property has been in violation since August 2021, with other issues since 2017. As of 10-3-21, the property has not been cleaned.

Member Reed moved/Vice Chair Hannum seconded to refer the violation at 437 Trescartes Ave (202-028-009) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Featherston absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 878 SPRING VALLEY PKWY (202-025-042) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

VP Kerr stated the property has been in violation since 2017 and there has been no contact.

Member Mauldin moved/Member Reed seconded to refer the violation at 878 Spring Valley Pkwy (202-025-042) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Featherston absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 588 HOLIDAY DR (202-003-003) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

VP Kerr stated the property has been in violation since 2017 and there has been no contact. This property has the same owner as 878 Spring Valley Parkway.

Member Mauldin moved/Member Reed seconded to refer the violation at 588 Holiday Dr (202-003-003) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Featherston absent.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 464 LAMONT PL (202-004-005) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

VP Kerr stated that the property owner called on September 9 and stated that the property was in compliance. As of 10-3-21, the property was reviewed and not cleaned up. There has been no further contact with the owner.

Vice Chair Hannum moved/Member Reed seconded to refer the violation at 464 Lamont PL (202-004-005) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Featherston absent.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 469 FRISCO DR (107-005-030) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

VP Kerr stated the property appears to be vacant and the letters are being returned. Member Young commented that he had a contact for the daughter for the property. Attorney McConnell asked that Member Young forward her office the contact information.

Chair Park moved/Member Reed seconded to refer the violation at 469 Frisco Dr (107-005-030) to legal counsel for further action and uphold the fine. Motion carried (5-0-1), Member Young abstained, Member Featherston absent.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 477 FOXRIDGE DR (401-006-014) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

VP Kerr stated the property started construction in October 2020. The property is currently an empty shell.

Member Popp moved/Member Young seconded to refer the violation at 477 Foxridge Dr (401-006-014) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Featherston absent.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 484 PINE KNOT DR (202-019-001) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

VP Kerr stated the property has been in violation since 2016 and there has been no contact.

Member Reed moved/Vice Chair Hannum seconded to refer the violation at 484 Pine Knot Dr (202-019-001) to legal counsel for further action and uphold the fine. Motion carried (6-0), Member Featherston absent.

XVII. APPROVAL OF MINUTES:

FOR POSSIBLE ACTION

September 22, 2021 Regular Meeting Minutes

Member Young moved/Vice Chair Hannum seconded to approve the minutes from the September 22, 2021 Regular Meeting as presented. Motion carried (6-0), Member Featherston absent.

September 30, 2021 Special Meeting Minutes

Vice Chair Hannum moved/Member Reed seconded to approve the minutes from the September 30, 2021 Special Meeting as presented. Motion carried (5-0-1), Chair Park abstained, Member Featherston absent.

XVIII. ACCEPT SEPTEMBER 2021 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. FOR POSSIBLE ACTION

Vice Chair Hannum moved/Member Reed seconded to accept the September 2021 Assessment and Legal Receivable Reports. Motion carried (6-0), Member Featherston absent.

XIX. ACCEPT AUGUST 2021 FINANCIAL REPORTS. FOR POSSIBLE ACTION

Vice Chair Hannum moved/Member Reed seconded to accept the September 2021 Financial Reports. Motion carried (6-0), Member Featherston absent.

XX. MEETING SCHEDULE NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, November 10, 2021 at 5:30pm. The meeting may be held telephonically.

XXI. 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 commented on the good deliberations by the Board.

Vice Chair Hannum commented on the construction along with roads for fiber and to remain patient.

Member Reed commented on the rodeo that all of the equipment worked well and there were no complaints.

There was discussion on the responsibility of stall cleaning after the High School Rodeo. Further meetings and discussions are planned to resolve any issues.

XXII. ADJOURNMENT

The meeting adjourned at 7:47 p.m.