



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association (“SCA”) Board of Directors
Wednesday, September 28, 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: Josh Park (Tract 100), Chair John Featherston (Tract 400)

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

ABSENT: Karl Young (Tract 200) & Randy Mauldin (Tract 300) - Entered 5:35pm

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 5:30 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 APPROVE A REQUEST TO WAIVE 3 HOURS PER NIGHT LIGHT FEES FROM OCTOBER 2022 TO MARCH 2023 FOR THE HORSE PALACE PRACTICE SESSIONS. FOR POSSIBLE ACTION

Katie Steele was present to request 3 hours of lights be waived for 7 days per week from October 2022 through March 2023 for the group practice nights at the Horse Palace.

No public comment was received.

Member Park moved/Member Reed seconded to approve to waive 3 hours per night light fees from October 2022 to March 2023 for the Horse Palace practice sessions.. Motion carried (5-0-1), Member Mauldin abstained, Member Young absent.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING NEIGHBORHOOD WATCH PROGRAMS AND OTHER UPDATES FROM THE ELKO COUNTY SHERIFF. FOR POSSIBLE ACTION

Lt. Doug Fisher was present from the Elko County Sheriff. He provided updates regarding communications, funding, and previous neighborhood watch programs.

He stated the previous programs may not have had as much community interest and they are continuing to do research and gather information from other successful programs in the state.

Vice Chair Hannum asked what the feasibility of a successful neighborhood watch program. Lt Fisher stated that there would be a need for volunteers.

Member Park stated that the level of engagement now would be different and social media could help with participation. He stated that the visibility and recruitment of previous law enforcement to lead the program would help.

Public Comment:

Andrew & Anita Collins, Tract 100 asked what skills would be taught to volunteers in the program. Lt Fisher responded that they would be taught to de-escalate situations.

Lt Fisher will continue to research and plan for neighborhood watch programs.

No action was taken.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF SAND FOR THE 2022/2023 WINTER SEASON. FOR POSSIBLE ACTION

President Bahr introduced the item and Treasurer Austin-Preston provided information on the quotes received from Staker Parsons and Vega Construction. Staker Parsons was the least expensive option. It was noted that the sand was purchased from and delivered by Staker Parsons in 2021 and it was satisfactory.

No public comment was received.

Vice Chair Hannum moved/Member Park seconded to approve the purchase of sand for the 2022/2023 winter season from Staker Parsons. Motion carried (6-0), Member Young absent.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO EITHER ACCEPT AN OFFER FROM ERICIA COOK OR PROCEED WITH LITIGATION OR OTHER ACTION REGARDING THE BREACH OF AGREEMENT BETWEEN SCA AND COOKS AND COOKS.

FOR POSSIBLE ACTION

Attorney McConnell provided background for the issue including a timeline of activities and the invoice for rent and other services that was submitted to Cooks and Cooks when they vacated the premises.

Attorney McConnell stated that Ericia Cook was served with an NRS 241 notice to discuss her character & business practices. She also stated that she was given the authority to discuss the details of the settlement by Ms. Cook's attorney.

Originally, Cooks had agreed to pay the back rent portion of the invoice at \$1000 per month and the new arrangement would be to pay the back rent portion at \$2500 per month with an attached confession of judgment. (This is an admission that you already owe the money.) Attorney McConnell explained that the Board can settle for that arrangement or move forward and file a lawsuit.

Attorney McConnell stated that currently there are no bankruptcy filings or payroll tax liens. Cooks & Cooks has been dissolved; however, they legally cannot dissolve the company without paying outstanding obligations. If the Board chooses to file suit, Ericia Cook would be sued individually.

Member Park asked whether a lien could be attached to the company. Attorney McConnell explained that we could garnish her payroll or any managerial amounts from her new company.

It was explained that there is no guarantee to get the full amount, but SCA could recover more than what they are currently offering.

Chair Featherston commented that they left the premises excessively dirty when they left.

Attorney McConnell also clarified that Cooks & Cooks would have been responsible for rent until the end of their term of their contract in February 2023, but SCA found a new tenant prior to that.

Member Park and Member Featherston agreed that this is the final invoice due to SCA in full.

Vice Chair Hannum asked what the odds of collecting the monies owed. Attorney McConnell stated that it depends on whether she defends the suit, and it could easily be drawn out in court. If the business in Elko is in trouble there is a possibility of bankruptcy.

Member Park stated that the amount of the invoice, over \$30,000, has taken \$.50 in assessments from each property owner.

Member Mauldin inquired if she defaulted on the current offer if the confession of judgment could be for the whole amount, not just the back rent.

Member Reed inquired whether she could be sued personally or any new business she may start. Attorney McConnell reiterated that we could sue her personally, but generally bankruptcy would be personal and a business and if the debt is discharged in bankruptcy, we would be unable to collect.

Member Popp commented that SCA should collect as much as possible on the debt.

Member Park asked how much in legal fees that Attorney McConnell has billed on this issue. She clarified that the contract for Cooks & Cooks says that the winning party is entitled to attorney fees as well.

No public comment was received.

Member Popp moved/Member Park seconded to counter-offer Cooks and Cooks current offer and agree to \$2500 monthly payments with a confession of judgement for the total amount of \$30,770.42 by Friday, September 30, 2022, at 3pm. If she refuses the offer, to enter into a lawsuit. Motion carried (6-0), Member Young absent.

**VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO EITHER ENTER INTO AN AGREEMENT WITH ANDREW COLLINS FOR THE GOLF PROFESSIONAL OR PROCEED WITH REQUEST FOR PROPOSALS FOR THE GOLF PROFESSIONAL CONTRACT.
FOR POSSIBLE ACTION**

Attorney McConnell introduced the item stating that Rick Longhurst, current Golf Pro, was retiring and there has been communications with Andrew Collins on a possible contract. Andrew has provided his revisions to the contract, but the agreement has not been finalized.

Andrew Collins was present and stated that he has lived in Spring Creek for twenty plus years and was working with Rick to get certified as a PGA Class A Pro. He appreciated the opportunity and consideration for the position but requested some changes in the language of the agreement. He stated that he has plans for many items at the golf course, including junior plan, course etiquette, etc.

Chair Featherston reiterated that SCA needs a pro with the golf course in the fore front of their mind and it will be their focus. SCA could put out a request for proposals and asked whether Andrew would still be interested. Andrew stated that he wants to be the Pro.

Member Park stated that he believed that the contract needed to be negotiated with a Board representative, staff, and legal.

Andrew commented on some language in the agreement such as the Pro is to be at the course each and every day that it is open and that the position is an independent contractor that typically sets their own hours.

Attorney McConnell commented that the language is expected to be at the course, not must,

and that running the golf course should be the number one priority over a private business such as private lessons. A job description would be needed and importance of items defined.

President Bahr commented on the importance of staying within the payroll budget and that SCA not pay for payroll when it was due to a private business.

Andrew commented that he would be willing to supplement the payroll budget should the overage be caused by the private business or the possibility of giving a percentage of private lessons to SCA.

No public comment was received.

Member Featherston moved/Member Mauldin seconded to continue with negotiations of the contract with Andrew Collins for the Golf Professional with John Featherston participating in those negotiations to finalize the contract to be brought to the Board's attention for approval in October.

Member Featherston moved/Member Mauldin seconded to amend the motion to continue negotiations of the contract with Andrew Collins for the Golf Professional with John Featherston acting as the Board Liaison to finalize the contract to be brought to the Board's attention for approval in October. Motion carried (6-0), Member Young absent.

VII. COMMITTEE OF ARCHITECTURE

A. COA REPORTS

NON-ACTION ITEM

Secretary Bundrock provided information to the Board regarding the on-going violations and violations currently at legal that have closed. We continue to hear a lot of ATV complaints on the greenbelts.

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 609 WESTBY DR (202-010-028) 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 February 2020. She stated they have made progress and could close the exterior paint violation and refer the storage of tools and trash back to the COA.

No public comment was received.

Vice Chair Hannum moved/Chair Featherston seconded to close the exterior paint violation and refer the storage of tools and trash back to the COA at 609 Westby Dr (202-010-028). Motion carried (5-1-0), Member Park against, Member Young absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 496 MERINO DR (202-018-011) 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 February 2020. She spoke to the property owner on September 28 and encouraged them to come to the meeting. They stated that they had no way to clean the property.

No public comment was received.

Member Park moved/Member Popp seconded to refer the violations at 496 Merino Dr (202-018-011) 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 424 WESTCLIFF DR (201-008-028) 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 2020. She noted that there had been some improvement, but there has been no contact from the property owner.

No public comment was received.

Chair Featherston moved/Member Popp seconded to refer the violation at 424 Westcliff Dr (201-008-028) to legal counsel and uphold the fine. Motion carried (4-2-0). Members Park and Reed against, Member Young absent.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 418 WESTCLIFF DR (201-008-027) 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 2022. The property owners emailed that they have moved vehicles behind the shop, but they can still be viewed from the right of way.

No public comment was received.

Vice Chair Hannum moved/Chair Featherston seconded to refer the violation at 418 Westcliff Dr (201-008-027) to legal counsel and uphold the fine but to allow Secretary Bundrock to send an email to the property before action. Motion carried (5-1-0), Member Park against, Member Young absent.

F. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 504 CROYDON DR (101-005-014) 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 June 2020. There has been no contact from the property owner.

No public comment was received.

Vice Chair Hannum moved/member Popp seconded to refer the violation at 504 Croydon Dr (101-005-014) to legal counsel and uphold the fine. Motion carried (6-0), Member Young absent.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 153 EDGEWOOD DR (102-002-004) 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 2021. She commented that there had been some cleanup but no further contact.

No public comment was received.

Member Park moved/Chair Featherston seconded to refer the violation at 153 Edgewood Dr (102-002-004) to legal counsel and uphold the fine. Motion carried (6-0), Member Young absent.

VIII. APPROVAL OF MINUTES: FOR POSSIBLE ACTION

Aug 24, 2022 Regular Meeting Minutes

Member Park moved/Chair Featherston seconded to approve the minutes from the August 24, 2022, Regular Meeting as presented. Motion carried (6-0), Member Young absent.

IX. ACCEPT AUGUST 2022 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. FOR POSSIBLE ACTION

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

X. ACCEPT AUGUST 2022 FINANCIAL REPORTS. FOR POSSIBLE ACTION

Treasurer Austin-Preston provided general updates on the financials.

Member Park moved/Vice Chair Hannum seconded to accept the August 2022 financial reports as presented. Motion carried (6-0), Member Young absent.

XI. MEETING SCHEDULE NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, October 26, 2022, at 5:30pm. The meeting may be held telephonically.

XII. PUBLIC COMMENT ACTION SHALL NOT BE TAKEN

President Bahr provided updates regarding the surveys for the Horse Palace and for the strategic plan. Staff is continuing to put together formal scopes of work and researching grants using surveys as guides for users for a CMAR or design build options for the ARPA funds for the Horse Palace.

Member Mauldin commented that he did not want SCA to put together bids and then no action was taken to complete a project at the Horse Palace.

XIII. ADJOURNMENT

The meeting adjourned at 8:20 p.m.