

**SPRING CREEK ASSOCIATION BOARD OF DIRECTORS
REGULAR MEETING MINUTES
WEDNESDAY, FEBRUARY 22, 2017, 5:30 P.M.
SPRING CREEK ASSOCIATION OFFICE
451 SPRING CREEK PARKWAY, SPRING CREEK, NV 89815**

CALL TO ORDER: Chair Paddy Legarza called the Meeting to order at 5:31 p.m.

DIRECTORS PRESENT: Vice Chair Josh Park, Directors, Pat Plaster, Paul McAnany, Travis Mahlke, Mike McFarlane

DIRECTORS ABSENT: Jim Jefferies

CORPORATE OFFICERS PRESENT: Jessie Bahr – SCA President
Kristine Austin-Preston – SCA Treasurer

CORPORATE OFFICERS ABSENT: None

ATTORNEY PRESENT: Katie Howe McConnell

PLEDGE OF ALLEGIANCE:

I. COMMENTS BY THE GENERAL PUBLIC: Terry Lister (Tract 100) commented on a February 16, 2017 courtesy notice letter he received from the COA on February 23rd. The letter indicated the need for some structure painting on a property he owns. He stated that, in his opinion, the letter was not specific enough on what needed to be done and that due to the delay in receiving the letter he didn't have enough time remaining to satisfy the time frame for repair indicated in the letter. He explained that he did not want to deal directly with the COA but wanted further explanation on the matter from President Bahr and how she considered the matter should have been handled. President Bahr stated that reasonable accommodation can be made if he or any property owner contacts the COA as requested in the letter and indicates the plan and a time frame to take care of the issue cited. She also explained that with the new COA software the notification letters for violations are generated in specific time frames and with photographic detail based on COA adopted rules. Mr. Lister stated that as former Board member he understands the need to address the issues at hand where property condition is concerned. He stated he could have contacted the COA earlier indicating a time frame to resolve the matter but wanted to use the current BOD meeting forum to state his position and displeasure on how the matter was handled. Chair Legarza suggested that before notification letters are sent out a review of violation mailings might help to determine if a notice of violation is warranted and the time frame for resolution is sufficient.

Charlie Ekborg (Tract 100) commented on his observation with respect to animal control and the prior meeting when Sheriff Pitts addressed the BOD on a proposal for animal control services. Mr. Ekborg noted that Sheriff Pitts appearance was a second attempt to get financial support for County animal control services in Spring Creek. He reminded the BOD that when Sheriff Pitts made his first presentation the BOD was not inclined to provide funding; that after the second proposal was presented the BOD now appears to be in favor of the County obtaining SCA funding to handle animal control in our community. Ekborg stated that at the first meeting on animal control he raised objection to the proposal and it seemed to get no traction from the BOD at that time. He questioned how a second presentation by Sheriff Pitts on a new proposal now suddenly appears to have BOD support. Mr. Ekborg stated that he felt the current move by the BOD to consider an Animal Control contract with Elko County was in violation of the Open Meeting Law and he perceived it to be a "behind the scenes" effort by the BOD to get support for animal control funding behind the backs of those who voiced objection.

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Director McFarlane clarified that the first proposal for animal control proposed having a Spring Creek employee perform the function of animal control officer but that the liability issue with SCA's insurance company was of foremost concern in the first meeting with Sheriff Pitts on the matter. Further discussion ensued by various Board members and Attorney McConnell who clarified their own personal position/feelings on the matter. Chair Legarza clarified that the continued focus on the animal control issue is driven by the number of community survey comments received and the Board's need to recognize that this matter continues to be of concern to many property owners. The Board and President reassured Mr. Ekborg that there was no intent to ignore or disregard his comments nor were there any discussions prior to the meeting undermining the opening meeting law process. Confusion on how the matter has been handled to this point appears to have been addressed satisfactorily by all concerned. No additional public comment was offered.

- II. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF PAYMENT FOR ADDITIONAL COSTS RELATING TO THE CONSTRUCTION OF THE FAIRWAY COMMUNITY CENTER, INCLUDING AN ADDITIONAL FURNACE, ADDITIONAL INSULATION AND OTHER ITEMS FURNISHED BY BAILEY & ASSOCIATES, LLC AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item stating the focus is a conversation between Bailey & Associates, Robert Howard, Jessie Bahr, and herself when they talked about the need to make these additional improvements. She called attention of the Board to the Change Order Log and what was approved and items not approved. Robert Howard reviewed the \$37,000 in change orders requested over and above what had been specified in the contract versus what has been done to date. Mr. Howard offered his opinion and commented favorably on the project from his own management perspective and the quality of construction by Bailey & Associates. Director McFarlane questioned why the need to approve additional funds when some change orders, specifically the wet fire suppression system versus the dry system, resulted in less cost than originally planned and whether those cost savings would alleviate the need to approve more funding in the amount being requested. Discussion on various costs and detail on change orders ensued between the Board, President Bahr and Robert Howard. Two major additional costs that were not approved by the Board were also discussed. Some changes were required by the County, specifically the 4th Air conditioning unit and attic insulation that were noted as required in the building permit process. Mr. Howard was aware of the additional requirements cited previously from day one of the project build. Jon Bailey stated that they have not nickel and dimed the SCA; that close to \$80,000 of other contingency items that he has analyzed were not brought back to the Board as a request for additional funding. He offered additional comments which prompted further discussion and comment by the Board. Attorney McConnell addressed the construction contract verbiage regarding change orders and increases in cost and how changes required by building code would be handled. Further discussion ensued with respect to comments made by Mr. Howard at the beginning of the build project with respect to the cost of the project not to exceed a specified amount. Mr. Bailey stated that there is a disclosure that states that things outside the plan review are not included in the cost. After further commentary, explanation and discussion on construction details. Jon Bailey clarified what was offered to resolve the issue of these additional costs; who would pay for the insulation and who would cover the cost of the 4th A/C unit. No public comment was offered. Director McFarlane moved to approve covering the cost of the attic insulation for \$17,820 but not to cover the cost of the additional 4th A/C unit. The motion was seconded by Director Mahlke. The vote was called and the motion carried 5-1 (Vice Chair Park).
- III. PRESENTATION BY JOE BALBAS OF SERVPRO, GENERALLY RELATING TO FROZEN WATER LINES, DAMAGE FROM BROKEN WATER LINES AND MATTERS RELATED THERETO.** The agenda item was tabled; the ServPro representative was not able to attend the meeting.
- IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PROPOSED GOLF PRO AND CONCESSION AGREEMENT WITH JASON JERMAN FOR A ONE YEAR TERM AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item and stated the final

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draft of the Golf Pro contract has been provided to the Board with final revision suggested at the last BOD meeting in January. The term of the contract is one year with possible renegotiation in one year. No public comment was offered. Director McFarlane asked if Mr. Jerman had reviewed and agrees with the contract wording and reporting requirements. President Bahr indicated that he had reviewed the final contract draft and agreed with what is stated in the contract document. Further discussion on the contract and performance detail ensued. No public comment was offered. Director McAnany moved to approve the proposed Golf Pro and Concession contract agreement with Jason Jerman for a period of one year. The motion was seconded by Vice Chair Park. The vote was called and the motion carried 5-0-1 (Director Mahlke).

- V. **REVIEW, DISCUSSION AND POSSIBLE REVISION TO THE SPRING CREEK ASSOCIATION SNOW PLOW POLICY AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item. She noted one small change to item #4 of the policy which currently states that we *do not plow to the pavement on chip sealed roads*; she explained that contrary to that statement, we do in fact do that; the snow plow crew tries to remove as much snow as possible. We do not have “shoes” on any of the snow plow blades; we try to remove as much snow as possible during snow removal. She explained that the buildup of snow and ice on the chip seal creates potholes and other issues. The change to item #4 reflects the revised verbiage of the first line. Director McFarlane suggested a change to the wording of item #3 with respect to the priority of plowing or what gets plowed first: i.e. changing the wording “parkways followed by the bus routes” to newly suggested wording of “parkways and then by bus routes”. No public comment was offered. Director McFarlane moved to accept the revised Snow Plow Policy with the suggested small changes. Director Mahlke seconded the motion. Vote was called and the motion carried 6-0.
- VI. **REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF THE SPRING CREEK ASSOCIATION FIELD PERMIT TO REPLACE THE CURRENT USER AGREEMENT FOR YOUTH SPORTS GROUPS ACCESSING SPRING CREEK ASSOCIATION FIELDS.** President Bahr introduced the agenda item. She explained the issues with the youth groups now using the fields and compared the permit language to what is used by Elko County permit language and expectations. She expressed the need to have consistency in the SCA standards and expectations predicated the need to revise the current user agreement and include the language for waivers of liability for all players. She suggested the need to revise item #1 where guidelines for scheduling, the active seasons and hours, removing exact dates and meeting with the President or BOD 30 days in advance of each seasons start date. It was also noted a correction was needed for a typo on page 7 of the Player Assumption of Risk, Waiver of Liability and Indemnification Agreement: the spelling of the word *supersedes* should be corrected to *supercedes* under the section on **Clarifying Clauses**. No public comment was offered. Director Plaster moved to approve the SCA Field Permit document with the current End User Agreement for Youth Sports Groups accessing SCA Fields. Vice Chair Park seconded the motion. The vote was called and the motion carried 6-0.
- VII. **REVIEW, DISCUSSION AND POSSIBLE ACTION TO ALLOW STAFF TO MOVE FORWARD REGARDING ROAD USE AND DAMAGE TO ROADS CAUSED BY THIRD PARTY CONTRACTORS AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item and called attention to photos included in the BOD packets documenting the scope of the issue. Some of the destruction to the chip seal is caused by Elko Sanitation and others. She suggested there must be a way to prevent the continued damage and cost of repair always falling to SCA property owners who are not the cause of the damage. Trying to determine who causes the damage is a prime consideration. We need to have proof of the cause versus assuming damage is caused by certain contractors or service companies. Director McFarlane offered comment on how damage is caused from his perspective as an observer; namely that contractors building homes cause much of the problem. It was suggested SCA and the COA require contractors to take before and after photos of the road pavement condition prior to

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permitting/start of work and another photo after the project is complete that would detail if repair has been made to any damage of the road or that the roadway remained undamaged during construction. Charlie Ekburg offered public comment on how to set the garbage can. Chair Legarza suggested a short instruction comment on the SCA website about garbage can placement at the curbside might be helpful. No action was taken.

VIII. COMMITTEE OF ARCHITECTURE:

A. **REPORTS:** No Board or public comment was offered on the COA reports.

IX. STAFF REPORT: President Bahr updated progress on:

- A. **Fairway Community Center** – Phone lines have not yet been run by Frontier Communications. We will be waiting another month or two for that to occur. We won't be moving in till that is resolved. The Grand Opening is scheduled for April 8, 2017 from 11a.m.-1 p.m.
- B. **Horse Palace** – Lots of information is still to be forthcoming. Working on fixing some recurring problems.
- C. **Shooting Range** – A grant application was submitted on February 22,2017 requesting \$35,000 for improvements to the facility. Staff expects to hear if the proposal is being considered in March, 2017.
- D. **Schuckmann's Sports Complex** – The meeting on foundations was cancelled and will be rescheduled. The issue of the scoreboards was discussed and who is handling that aspect.
- E. **COA Operations** – Possible revision to some rules continues to be evaluated. The issue of culverts and ditch standards which caused some flooding problems is being reviewed.
- F. **Roads** – The review of road repairs that are needed will begin in a couple of weeks with emphasis placed on fixing potholes as the weather conditions improve allowing the road crew to proceed.
- G. **Animal Control** – Sheriff Pitts has drafted a contract as discussed at the January, 2017 BOD meeting. We are waiting for Elko County to review the proposed contract. Attorney McConnell will then review the final contract draft.
- H. **Weed Management** – The road crew created a machine to help with this process and property owners will be encouraged to manage weed containment/eradication of their respective properties.
- I. **Municipalities Study** –The Municipality Study will be presented by Hanford on Saturday, February 25, 2017 from 9a.m. - 12 Noon.
- J. **Water Committee** – The Public Utility Commission is set for further proceedings and anticipate PUC engineers to review/evaluate the current system and meter reading data. The Assembly bill draft needs to be reworked through committee. Elko County is encouraged to come to future meetings as we address the water issues in the SCA community.
- K. **Board of Director Openings** – There are 3 openings up for election on the upcoming BOD.
- L. **Ranch Rodeo** – The format for this year's Ranch Rodeo is changing to a family format to include events for kids. We will utilize the services of V Bar L Rodeo to coordinate the event.
- M. **AYSO** – We have been receiving questions on the upcoming youth soccer season. User fees and questions about what goes on will be addressed.
- N. **Upcoming Events** – Rodeo is upcoming on April 29th. The schedule updated schedule for other future events has been provided.

X. **APPROVAL OF THE JANUARY 25, 2017 REGULAR MEETING MINUTES:** Board comment was offered. Director McFarlane moved to approve minutes of the January 25, 2017 Board of Directors

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Regular Meeting minutes with corrections as noted. Director Plaster seconded the motion. The vote was called; motion carried 5-0-1 (Director McAnany).

- XI. ACCEPT JANUARY 2017 SPRING CREEK ASSOCIATION ASSESSMENT AND LEGAL RECEIVABLE REPORTS:** Treasurer Preston noted a typo on the date entered for Aging Breakdown of Delinquent Accounts: the entry should be dated January 17, 2017. Director McFarlane asked for clarification on Fairway Community Center data. Director Plaster moved to accept the January, 2017 SCA Assessment and Legal Receivable Reports as submitted. Vice Chair Park seconded the motion. The vote was called; the motion carried 6-0.
- XII. ACCEPT JANUARY 2017 FINANCIAL REPORTS:** Director McFarlane asked for clarification on what comes out of Capital Reserve funding and Treasurer Preston clarified that area of the Financial Report. She stated there is approximately about \$500,000 out of the Capital Reserve Fund that remains to be paid for the building. At the close of January, 2017 Treasurer Preston stated she had not yet added the \$250,000 to the Capital Reserve Fund that she would normally have added at this point. She made some additional clarification on what is projected for February and March 2017. No Public or Board comment was offered. Director Plaster moved to accept the January, 2017 Financial Reports as presented. Vice Chair Park seconded the motion. The vote was called and the motion carried 6-0.
- XIII. MEETING SCHEDULE:** The next Regular Board of Directors meeting is scheduled for Wednesday, March 22, 2017 at 5:30 p.m.
- XIV. BOARD OF DIRECTOR COMMENTS:** Director McFarlane suggested that it would be helpful to see the Strategic Plan/Capital Reserve Plan detailing what is planned and when it is to be scheduled to appear as an expense. Director McAnany will be putting his house up for sale in March and moving outside the Association. Director McFarlane stated he is termed out from serving on the Board of SCA.
- XV. MEETING ADJOURNED: 7:30 p.m.**