

**SPRING CREEK ASSOCIATION BOARD OF DIRECTORS
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 25, 2017, 5:30 P.M.
SPRING CREEK ASSOCIATION OFFICE
401 FAIRWAY BLVD., SPRING CREEK, NV 89815**

CALL TO ORDER: Chair Josh Park (Tract 100) Meeting Called to Order at 5:29 p.m.

DIRECTORS PRESENT: Vice Chair Pat Plaster (Tract 300), Directors: Jim Jefferies (Tract 200), Paddy Legarza (Tract 400); At Large Directors: Tom Hannum, Molly Popp, Jake Reed

DIRECTORS ABSENT: None

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

ATTORNEY: Katie Howe McConnell

PLEDGE OF ALLEGIANCE:

I. COMMENTS BY THE GENERAL PUBLIC: None

II. REVIEW, DISCUSSION AND POSSIBLE ACTION TO ACCEPT A PROPOSAL FROM ELKO COUNTY SCHOOL DISTRICT TO SELL 106D PARCEL A, A 3.4 ACRE OPEN SPACE PARCEL, AND 250 PARKCHESTER DRIVE (106D), AN 11 ACRE COMMERCIAL PARCEL, CONTINGENT UPON AN AGREEMENT REGARDING THE ROAD WORK TO BE PERFORMED ON PARKCHESTER DRIVE FOR THE PROPOSED ELEMENTARY SCHOOL AND MATTERS RELATED THERETO. President Bahr introduced the agenda item stating they had already discussed selling the property in question for a different price but in the Board packet is a new proposal that reflects that they would take care of all the road improvements on Parkchester Dr. which requires a different agreement with the School District. Jeff Zander, Superintendent of Elko County Schools, was introduced and addressed the School District's new proposal on the purchase of the property. He stated the School Board of Trustees and staff have reviewed the proposal and prior School Board agreements to build other schools in other municipalities in the County. They looked at all the contingencies requested by Spring Creek on development of the property for the new elementary school including the road work on the full length of Parkchester Dr. with turn lanes on both ends where it meets the other thoroughfares and if Spring Creek is willing to agree to that at an estimated cost of \$650,000 for that part of the project, the School District is hopeful that both of the parcels could be sold for \$1.00; the original on those parcels was \$240,000. He talked to the Board of Trustees on October 24th and everyone is excited about starting on the project. Plans for the project are in the works with plans to break ground late in the Spring of 2018. The agreement is for paved roadway improvement only, no curb, gutter or sidewalk consideration. A questions/answer and comment period ensued. Discussion on requiring curbs, gutter and sidewalk ensued. Chair Park reminded the Board of Directors and General Public that the ECSD model for school transportation is to provide bus service for all students. Mr. Zander will check on left hand turns and lighting requirements. Further discussion ensued. Vice Chair Plaster commented that moving forward with the future commercial development of the area, all parties should come together to address the issues of curbs, gutters and sidewalks. Public comment was offered by Tom Whittle (Tract 100) stating consideration should be given to lighting at intersections and an agreement to use gymnasium areas of the school for community meetings. Chair Park stated that he believes that the ECSD has previously let us use those buildings in the past and that the trend would continue. The issue of

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intersection lighting at intersections also was addressed. Brien Park (Tract 100) talked about needing Parkchester Dr. upgraded and the ECSD is offering to do more than what Spring Creek COA requested as a condition of sale. No further Board or public comment ensued. Chair Park moved to approve the amendment to the real estate purchase agreement proposed by the ECSD. Director Plaster seconded the motion. The vote was called; the motion carried 7-0.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING RUBY MOUNTAIN LITTLE LEAGUE'S INTEREST IN FORMING A SOFTBALL LEAGUE IN SPRING CREEK AND MATTERS RELATED THERETO. President Bahr introduced the agenda item. Director Molly Popp as the representative of Ruby Mountain Little League explained that parents, coaches and BOD members have approached Ruby Mountain Little League to charter a softball league. There was a meeting with the Elko Little League Softball Board about forming a league in Spring Creek and they expressed some concerns that could be addressed where better management of softball is concerned. The Elko Softball Board will try to put more Spring Creek people on their Board so that softball can be managed a bit better. The community already has other sports leagues that are supported: soccer, football, volleyball and baseball. The question is if a league is formed, would it have the support of Spring Creek Association? President Bahr offered comment on the matter and addressed who would have priority in using the sports fields suggesting Spring Creek teams should have priority. Further discussion ensued. No action on the agenda item is needed now. No additional public comment was offered.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING ALLOWING OR PERMITTING THE USE OF OFF-HIGHWAY VEHICLES ON THE ROADS WITHIN SPRING CREEK ASSOCIATION BOUNDARIES AND DISCUSSION OF RULES AND SPECIFICIATIONS TO BE REQUIRED AND MATTERS RELATED THERETO. President Bahr introduced the agenda item. Sheriff Pitts was present to provide information on Elko County Code passed in 2014, which is Elko County Code 2014-09 which outlines the County rules on Off-Highway Vehicles. At the time this ordinance was passed, SCA opted out of the roads in Spring Creek being included. He also provided the Nevada Revised Statute that is referenced by County Code and details restrictions as follows: driver must be licensed, the vehicle must be licensed, insurance, helmet requirement, age of operator and other criteria. Director Legarza asked how they are prepared to enact enforcement of these regulations since the Elko County Sheriff Dept. is already shorthanded. Sheriff Pitts suggested he didn't think this permit of OHV use on roads in Spring Creek would add to what is currently being handled by his department. If Spring Creek allowed the use of OHV's in Spring Creek, there could be an increase in accidents and other incidences, but all drivers would fall under the existing County ordinance. Further discussion ensued including the fact that the Board of Directors can add more rules but that SCA would have to enforce those that are added over and above what the ordinance states. Attorney McConnel offered clarification on the matter. The Sheriff's Office could provide educational support in conjunction with Spring Creek. SCA could require a permit option in the form of stickers/registrations. Director Legarza expressed real concern for child safety and speed limit enforcement and the issue of incurring no additional liability by Spring Creek if SCA is complying with County and State statutes. SCA would still mandate that OHV's are not allowed on greenbelt areas. Additional discussion ensued among the Board members. Public comment ensued with a five (5) minute limit per individual. Charlie Ekburg (Tract 200) suggested that consideration be given to collateral damage on outlying areas, noise, dust, destruction of roads and the potential for riders to come onto personal property and the incidence of infractions on speed limits. He prefers to keep the OHV regulation as is for Spring Creek. Jerry Short stated that OHV use is legal in towns in Arizona with no issues and has enhanced neighborhood watch programs. He states he favors allowing OHV use in Spring Creek. Steve Mellow (Tract 400) is against permitting the use of OHV's stating it is outrageous to introduce ATV's to the roadways. He has submitted complaints to SCA on ATV issues citing vehicle safety, noise, dust, public safety, respect for the law. He states it would be a big mistake to approve use of OHV's and that people have a right to peace and quiet. Steve Cummins (Tract 400) stated it is not fair to penalize those that abide by the rules because of those who don't and is for allowing the use of OHV's. Tom Whittle (Tract 100) expressed concerns on the safety of ATV's

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citing CFA reports and studies regarding ATV's on roadways. He is concerned that greenbelt use by ATV owners may increase and does not support OHV use. Matt Demore (Tract 200) supports allowing the use of OHV's on SCA roads. Stacy Wines stated she has concerns with accidents because ATV use is dangerous and that some people are not respectful of the rules. Jack Thomas, who resides on Edgewater Dr., stated that kids don't have a right to be on the roads but would be in favor if everyone follows the rules. Mike Pappas (Tract 200) would favor if people abide by the laws. Shaun Hendrickson (Tract 200) states that people currently breaking the laws will continue to do so and other people shouldn't be punished because of those individuals and would like to be able to ride in his own neighborhood. Terry St. Louis, who is not an SCA resident, stated consideration be given to the laws and towns that already allow the use of ATVs and take time to make the proper decision. She noted those who act irresponsibly will continue to act that way. Wanda Beck (Tract 400) commented that if OHV use is allowed it would stop people from riding around and around on their own property. Director Legarza stated she can see both sides of the issue but remains very concerned about safety. Director Hannum stated that more effort should be focused on enforcement and that kids shouldn't be allowed to ride by themselves. Director Jefferies favors use if people abide by the rules. Vice Chair Plaster favors permitting the use of OHVs. Director Reed states he is "on the fence" on the matter. Chair Park and Director Popp favor approval of OHV use. Terry St. Louis stated that in Moapa the law allows for side of the road use @ 15 mph. and that SCA could either do nothing or draft new policies with additional rules or stay with the Elko County policy. Concern with using the sides of the roads was expressed citing the increased need for additional maintenance and drainage issues. Chair Park moved to reverse the ban of OHV use and to change the SCA policy to match Elko County Code and the NRS and to establish a committee to consider additional guidelines effective immediately. Director Jefferies seconded the motion. The vote was called; the motion carried 4-3 (Directors Hannum, Legarza, Reed).

V. **REVIEW AND DISCUSSION OF ARTICLE X OF THE SPRING CREEK ASSOCIATION ARTICLES OF INCORPORATION AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item. In the Articles of Incorporation for Spring Creek Association, Article X dealing with **ASSOCIATION EXPENDITURES** states: that Association expenditures that for all expenditures made in each year of the Association's existence, the Association shall insure that ninety percent (90%) or more of such expenditures are made on "qualifying expenditures" under Section 528 of the Internal Revenue Code of 1954, as amended. Director Jefferies commented that the article as originally drafted states that we must spend 90% of SCA revenues every year. Discussion ensued on the matter and Attorney McConnell clarified the article stating that SCA is in compliance with the article. Chair Park reiterated that we are complying with those things that are required for SCA to qualify as a Home Owners Association. Treasurer Preston explained the IRS requirements for forms that must be filed annually as it relates to expenditures of Home Owners Associations and particularly deals with items that are not part of normal business operation such as expenses associated with advertising on the kiosk or the Ryan Ranch House rental. She clarified that those expenses are taxable. Further discussion ensued. No action was taken on the matter.

VI. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE 2018 SPRING CREEK ASSOCIATION BUDGET AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item and turned review of the 2018 Spring Creek Association budget over to Treasurer Preston. Treasurer Preston directed The Board's attention to the narrative prepared to explain the 2018 Budget detail and reviewed all budgeted areas with the Board. Discussion ensued among the Board members. Chair Park asked for clarification on the area of Legal Expenses and the COA, suggesting that he thought the COA would be more than the Assessments. Public comment was offered by Mike Pappas (Tract 200) who stated he would like to see a roping arena in the 200 Tract and provided quotes. He was requested to bring back additional information to the Board on anticipated use and other considerations such as parking area or restroom consideration.

Budget discussion interrupted to act on Agenda Items VII, B, C and D.

VII. COMMITTEE OF ARCHITECTURE:

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 468 SPRING VALLEY PKWY. (202-031-010) TO LEGAL COUNSEL FOR FURTHER ACTION AND MATTERS RELATED THERETO. Treasurer Preston reviewed the agenda item stating the property owner requested an additional week prior to turning it over for legal action and that the fine would be paid by the property owner, Karl Young, who was present. No public comment was offered. Director Hannum moved uphold the fine and refer the property at 468 Spring Valley Pkwy. to legal counsel for further action after one week. Director Popp seconded the motion. The vote was called; the motion carried 7-0.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 335 PARKCHESTER DRIVE (106A-002-062) TO LEGAL COUNSEL FOR FURTHER ACTION AND MATTERS RELATED THERETO. Treasurer Preston reviewed the agenda item. The vehicle in question is now licensed. The property owner was not present. No public comment ensued. Vice Chair Plaster moved to uphold the fine and drop any further action on the property at 335 Parkchester Dr. Director Popp seconded the motion. The vote was called; the motion carried 6-1-0 (Director Jefferies).

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 548 LYNX DRIVE (202-019-016) TO LEGAL COUNSEL FOR FURTHER ACTION AND MATTERS RELATED THERETO. Treasurer Preston reviewed the agenda item. The property owner, Lynn Nettles, was present and stated he realizes the resolution has not been completed but he is trying to cover the truck. Christina Hart and Mr. Nettles requested a 30-day extension to resolve the violation. No further public comment was offered. Director Popp moved to grant a 30-day extension to resolve the violation at 548 Lynx Dr. prior to referral to legal counsel for further action. Vice Chair Plaster seconded the motion. The vote was called; the motion carried 6-1-0 (Director Jefferies).

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE 2018 SPRING CREEK ASSOCIATION BUDGET AND MATTERS RELATED THERETO *Budget discussion continued among the Board Members.* The Board continued discussion of the budget including requesting that group insurance and 401K be brought before the Board at a later time for further discussion. Director Jefferies made a motion to increase the assessments by \$5 per month to \$57.00 per month with the increase being applied to capital expenditures, Chair Park seconded the motion. The vote was called; the motion carried 7-0.

A, REPORTS: COA report was covered previously.

VIII. STAFF REPORT: President Bahr addressed the following areas included in the Board packet and highlighted progress on:

A. Cart Paths –

B. Finalize Parking Lots –

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- C. Men’s Club Donation –**
- D. Shooting Range –**
- E. Schuckmann’s Sports Complex**
- F. Commercial Properties -**
- G. COA –**
- H. Frontier Communications –**
- I. Roads Shouldering –**
- J. Animal Control –**
- K. Weed Management –**
- L. Municipalities Study -**
- M. Geese Management –**
- N. Water Issues –**
- O. Neighbor 2 Neighbor –**
- P. Blue Reflector Program -**
- Q. Traveling Merchant –**
- R. 2017 Focus Areas -**
- S. Upcoming Events:**
 - Trunk or Treat – October 31, 2017 @ Spring Creek Marina.**
 - Breakfast with Santa – December TBA**

IX. APPROVAL OF MINUTES:

September 27, 2017 Regular Meeting Minutes – No public or Board comment was offered. Director Legarza moved to approve the BOD Regular Meeting Minutes of September 27, 2017 as submitted. Vice Chair Plaster seconded the motion. The vote was called; the motion carried 7-0.

X. ACCEPT SEPTEMBER 2017 ASSESSMENT AND LEGAL RECEIVABLE REPORTS: Treasurer Preston offered commentary. No public or Board comment ensued. Vice Chair Plaster moved to accept the September 2017 SCA Assessment and Legal Receivable Reports as submitted. Director Jefferies seconded the motion. The vote was called; the motion carried 7-0.

XI. ACCEPT SEPTEMBER 2017 FINANCIAL REPORTS: Treasurer Preston offered brief comment on the financials. No public or comment ensued. Vice Chair Plaster moved to accept the September 2017 Financial Reports as submitted. Director Reed seconded the motion. The vote was called; the motion carried 7-0.

XII. MEETING SCHEDULE:

The next Regular Board of Directors meeting is scheduled for Wednesday, November 15, 2017 at 5:30 p.m.
The December Regular Board of Director meeting is scheduled for Wednesday, December 13, 2017 at 5:30 p.m.

XIII. BOARD OF DIRECTOR COMMENTS: Director Molly Popp suggested that the Board consider implementing additional policies regarding the Off-Highway Vehicles (OHV) allowance approved earlier in the meeting. A committee will be formed to consider these policies for Spring Creek Association. Director Reed asked for clarification on the greenbelts and how use is allowed in those areas.

XIV. MEETING ADJOURNED: 8:54 P.M.