

**SPRING CREEK ASSOCIATION BOARD OF DIRECTORS  
REGULAR MEETING MINUTES  
WEDNESDAY, DECEMBER 14, 2016, 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 5:30 p.m.

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

**DIRECTORS ABSENT:** None

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

**CORPORATE OFFICERS ABSENT:** None

**ATTORNEY PRESENT:** Katie Howe McConnell

**PLEDGE OF ALLEGIANCE:**

**I. COMMENTS BY THE GENERAL PUBLIC:** None.

**II. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A MERIT INCREASE AND MODIFICATION TO THE EMPLOYMENT AGREEMENT FOR THE PRESIDENT/GENERAL MANAGER, JESSIE BAHR, AND MATTERS RELATED THERETO.** Chair Legarza introduced the item and had requested the item be placed on the meeting agenda. Commentary was offered by Vice Chair Park and explanation of the budgeted salary amounts currently in place was given by Treasurer Preston. Public comment was offered by Gary Skinoff (Tract 100) who asked about the evaluation process and criteria for increases in salary. Board comment was also offered regarding authorizing an additional week of vacation per year into the Jessie Bahr's contract. Vice Chair Park moved to increase Jessie Bahr's salary to \$100,000 per year and authorize an additional week of vacation. The motion was seconded by Director Plaster. The vote was called and the motion carried 7-0.

**III. REVIEW, DISCUSSION AND POSSIBLE ACCEPTANCE TO ACCEPT A PROPOSAL FROM EIDE BAILLY TO PROVIDE AUDIT SERVICES TO SPRING CREEK ASSOCIATION FOR THE YEAR ENDED DECEMBER 31, 2016 AND MATTERS RELATED THERETO.** Teri Gage, a partner of Eide Bailly, presented the proposal and stated the proposal was similar to prior years except for raising the proposed audit service fee by \$2,000 for the audit period ending December 31, 2016. Board comment was offered as to the satisfactory audit history that SCA has had in previous years with Eide Bailly. Director McFarlane moved to approve the proposal submitted by Eide Bailly to provide audit services to SCA as presented. Director Jefferies seconded the motion. The vote was called and the motion carried 7-0.

**IV. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO MOVE FORWARD WITH REPAIRS TO THE GOLF COURSE DRIVING RANGE POLES AND NETTING AND MATTERS RELATED THERETO.** President Bahr introduced the item citing damage experienced because of recent wind storms. Additional comment was offered by Steve Abe who also submitted information on aspects of a possible redesign of the range. It was clarified by the Board that golf course/driving range redesign ideas will not be included or funded through the current repair request but

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would be part of the proposed SCA General Plan. Public comment was not offered. Director Mahlke moved to approve moving forward with repair to the Driving Range. Director McAnany seconded the motion. The vote was called and the motion carried 7-0.

- V. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING THE PROPOSALS RECEIVED FOR THE GOLF PROFESSIONAL AND RESTAURANT LESSEE, INCLUDING SCHEDULING INTERVIEWS OR OTHER STEPS TO MOVE FORWARD AND MATTERS RELATED THERETO.** President Bahr reviewed the detail that the requests for both the Golf Pro and Restaurant Lessee proposals had a deadline of December 7, 2016. Proposals had been received by Dennis McLaughlin for the Golf Pro position. Jason Jerman submitted a proposal for both positions, and Cooks & Cooks catering for the restaurant only. Board discussion ensued on how to proceed with either continuing to advertise for the positions and to review the compensation contract and establish goals and reward parameters. Public comment was offered by Richard Montoya (Tract 100). Director McFarlane commented on the shortcomings noted on past golf course management by Jason Jerman noting absenteeism, lack of supervision of staff and the absence of golf merchandise for purchase in the Pro Shop. Additional comment was offered by President Bahr and Board members emphasizing accountability of the golf pro/restaurant lessee candidates. Discussion of contract details ensued with emphasis placed on the importance of having a good contract in place by Director McAnany. Attorney McConnell commented on the progress and detail needed to complete contracts for both positions. Accountability of the person(s) serving in both positions is imperative where their performance and business success is concerned as a revenue source and representative of SCA. Director McFarlane moved to direct staff to enter negotiations with Jason Jerman and proceed with developing the contract for the Golf Pro and Restaurant Lessee. Vice Chair Park seconded the motion. Vote was called and the motion carried 6-0-1 (Director Mahlke abstained).
- VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE MOVING FORWARD TO REZONE 106D PARCEL D AND 106D PARCEL C TO GENERAL COMMERCIAL AND MATTERS RELATED THERETO.** *The agenda item was taken after agenda item XIV.* President Bahr reviewed the history and the need to consider the rezoning of these two parcels. 106D Parcel D is a 4-acre piece and 106D Parcel C is 2.95 acres and both would be rezoned to C-1 (General Commercial) and offered for sale. The funds of the sale of these two pieces would be used to fund other SCA projects. Once the properties are rezoned the issue of the sale of the land was discussed with clarification that a 75 % approval vote of the SCA property owners is required by the Articles of Incorporation to sell the land. The land was originally designated as recreational land/green belt area. The issue of leasing the land was also discussed. Both properties are ideally positioned for business development. Public comment was offered by Charlie Ekburg (Tract 200) who stated he recalled that around 1979 or 1980, the SCA sold part of the green belt land at Buffside and Spring Valley Court to a private individual and that action may have set precedent for the ability to sell the parcels now being discussed. Attorney McConnell stated that caution be exercised in not setting precedent and putting the BOD in a position of potential lawsuit by this action. Director Mahlke made a motion to move forward to have the SCA land described as 106D Parcel D and 106D Parcel C to be rezoned to C-1, General Commercial. The motion was seconded by Director Jefferies. The vote was called and the motion carried 7-0.
- VII. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF PROPOSED AMENDMENT TO ARTICLE VI OF THE SCA BYLAWS REGARDING ELECTRONIC VOTING AND MATTERS RELATED THERETO.** Attorney McConnell introduced the agenda item and reviewed the history of the proposed amendment. This is the second reading of the proposal and this amendment of the SCA By Laws would allow for electronic voting. Public comment raised the question of why electronic voting was necessary and sought clarification on the estimated cost of the third-party software that will be purchased. President Bahr clarified that the amendment would facilitate more vote participation by SCA property owners and enable the purchase of third-party software to facilitate the process. Director Park moved to

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approve the amendment of Article VI of the SCA By Laws to enable electronic voting and eliminate proxy voting. Director Plaster seconded the motion. The vote was called and the motion carried 7-0.

- VIII. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF THE DRAFT SCA GENERAL PLAN AND MATTERS RELATED THERETO.** President Bahr introduced the item. Director McFarlane questioned the scope of the general plan and how the various items already addressed from the feasibility studies recently addressed, i.e. the Horse Palace, Municipalities, water issues, fit into the scope of the general plan. President Bahr clarified how she worked to draft the master plan by taking the issues and feedback from the community meetings and the feasibility study results and worked “backwards” to incorporate these findings into the general plan. She also noted that staff performance goals are tied to the general plan so approval of the general plan draft is a priority to be able to measure staff performance goals for the new year to the plan. No public comment was offered. Director McFarlane moved to approve draft of the SCA General Plan. Director Plaster seconded the motion. The vote was called and the motion carried 7-0.
- IX. REVIEW, DISCUSSION AND POSSIBLE ACCEPTANCE OF A BILL DRAFT REQUEST FOR THE 2017 NEVADA LEGISLATIVE SESSION GENERALLY REGARDING WATER AND UTILITY COMPANIES, PROPOSED BY WILLIAM ADLER OF CAPITOL PARTNERS, LLC AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item as it relates to the water rates paid in our community versus other communities. The bill draft is provided in the BOD packet and the Board is asked to review it. Public comment was offered by Brien Park (Tract 100) who questioned the efficacy of the bill draft since the utility companies have a fair amount of money invested in lobbyists and the legislature to protect their own interests versus our position as a small community and our own ability to influence the Nevada Legislature to understand our position. President Bahr addressed those concerns explaining that this is a first step. We must begin the process with the bill draft to see what SCA should do to advance our position and to see what kind of “push back” we may get from the legislature; i.e. if we should hire a lobbyist. Director McFarlane moved to accept the Bill Draft Request for the 2017 Nevada Legislative Session generally regarding water and utility companies proposed by William Adler of Capitol Partners. The motion was seconded by Director Jefferies. The vote was called; the motion carried 7-0.
- X. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF THE 2017 HORSE PALACE FEE SCHEDULE AND MATTERS RELATED THERETO.** The agenda item was introduced by Treasurer Preston. Some ideas were suggested by staff. The proposal is not raise the fees this year like what we did with the golf course but to offer additional pricing options like discounts to seniors and guidelines for families with kids keeping pricing reasonable. No public comment was offered. Vice Chair Park moved to accept the 2017 Horse Palace fee schedule as proposed. The motion was seconded by Director Plaster. The vote was called and the motion carried 7-0.
- XI. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO MOVE FORWARD WITH APPLYING FOR THE NEVADA DIVISION OF WILDLIFE 2017 SHOOTING RANGE GRANT AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item and the option to obtain grant funding to facilitate improvements at the Shooting Range. The application can be submitted directly to NDOW. No public comment was offered. Vice Chair Park made the motion to move forward with applying for the Nevada Division of Wildlife 2017 Shooting Range Grant. The motion was seconded by Director Plaster. The vote was called and the motion carried 7-0.
- XII. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO MOVE FORWARD WITH APPLYING FOR THE STATE OF NEVADA RECREATIONAL TRAILS 2017 GRANT AND MATTERS RELATED THERETO.** President Bahr introduced this agenda item and commented on the

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need for the grant to improve trails and green belt areas. No public comment was offered. Director Mahlke made a motion to move forward with applying for the State of Nevada Recreational Trails 2017 Grant. Director Plaster seconded the motion. The vote was called and the motion carried 7-0.

- XIII. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF A RANGE OF FUNDING TO BE USED FOR ADDITIONAL ITEMS AT THE FAIRWAY COMMUNITY CENTER AND MATTERS RELATED THERETO.** President Bahr introduced the agenda item. Treasurer Preston commented on the costs of items needed for the new Fairway Community Center that were not included in the contractor bid for construction of the project. Kitchen and Bar furnishings and some office furnishing are included in the range of funding being requested. Treasurer Preston indicated that limited landscape costs had been budgeted in Bailey Construction's bid in the amount of \$9,000. President Bahr stated considerable landscape will still have to be done but that expense had been budgeted previously. Vice Chair Park moved to approve a range of funding up to \$40,000 for additional items at the Fairway Community Center. Director Jefferies seconded the motion. The vote was called and the motion carried 7-0.

**XIV. COMMITTEE OF ARCHITECTURE:** Chair Legarza introduced the agenda item after Agenda Item V to expedite discussion of item XIV D.

**A. REPORTS:** No Board or public comment was offered. This is a non-action item.

**B. APPROVAL OF APPOINTMENT TO THE COMMITTEE OF ARCHITECTURE.**

Reappoint Diane Parker and Jill Holland for one year terms commencing January 1, 2017. No Board or public comment was offered. Director McFarlane moved to reappoint both Diane Parker and Jill Holland to the COA for a one year term commencing January 1, 2017. The motion was seconded by Director Jefferies. The vote was called and motion carried 7-0.

**C. REVIEW AND POSSIBLE APPOINTMENT TO THE COMMITTEE OF ARCHITECTURE.**

Brien Park and Ivan Shigaio have provided Letters of Interest to be appointed for one year terms commencing January 2, 2017. Mr. Shigaio commented that he would like to be on the BOD eventually and he felt the COA would be a good place to start. Director McFarlane inquired whether Mr. Shigaio was prepared to address the responsibilities of a COA member because often the duties can be unpleasant. Mr. Shigaio stated he was prepared to take the job seriously. Brien Park detailed that he has been involved in SCA already helping to prepare documentation for property owners on soils of the area and weed management and has been involved in special events. No public comment was offered. Director McFarlane moved to appoint both Brien Park and Ivan Shigaio to the COA for a one year term. The motion was seconded by Director Mahlke. The vote was called and the motion carried 7-0.

- D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATIONS AT 518 SPRING CREEK PARKWAY (101-003-020) TO LEGAL COUNSEL FOR FURTHER ACTION.** The property owner, Robert Montoya, was present to explain the history of his nuisance complaint violation. He stated that he is aware and respectful of his neighbor's work schedule and need for rest as well as how this relates to his kids riding their dirt bikes at the back of his property that borders the neighbor. He states his kids ride at the back of the property on a limited basis and not when it's dusty. He also admitted that he has a fence related disagreement with the neighbor and indicated that he is having his property surveyed to know exactly where his boundaries are to resolve that issue. He admits that he has ignored previous letters from the SCA/COA. Additional discussion occurred among the BOD and Attorney McConnell. No public comment was offered. Director Plaster moved to refer the violation at 518 Spring Creek Pkwy back to the COA to see if the nuisance does exist. Mr. Montoya was also counselled that he

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should take the initiative not to ignore the COA and to make the effort to meet with them to explain his awareness of the issue and his position. The motion was seconded by Director McAnany. Vote was called and the motion carried 7-0.

### **XV. STAFF REPORT:** President Bahr updated progress on:

- A. Fairway Community Center** – They are attempting to arrange temporary occupancy to be able to move office staff into the facility by the end of January 2017.
- B. Horse Palace** – Comment has been received by Horse Palace users on what they would like to see in improvements. We will continue to solicit comments from users and work to see those suggestions are incorporated into what we do.
- C. Shooting Range** – The grant process is being pursued and volunteers can also help with some aspects of improvement projects.
- D. COA** – Violations are the focus.
- E. Road Maintenance** – Snow removal is the focus.
- F. Animal Control** – Met with attorney Curtis Calder, the City of Elko owns the Animal Shelter not Elko County. Mr. Calder stated they were open to working with us to alleviate some of the issues we face. We still want to meet with Sheriff Pitts to see if there is anything we can do to help Animal Control in our area.
- G. Grants** – President Bahr stated she would keep the Board informed on the progress of our grant applications.
- H. Year in Review** – Information on what was accomplished in 2016 as well as what is planned for 2017 was communicated to property owners in the year end letter.
- I. Weed Management** – Additional meetings are planned and grant funding is being pursued. Noxious weeds will be a focus and putting together volunteer groups to focus on weed management is our goal.
- J. Municipalities Committee** – Still working on having the initial study draft complete in early 2017.
- K. Water Committee** – The water meter reading/billing issue is the focus. The PUC is aware of the issue and we are making good headway with the commission launching an investigation into the books and each account and requiring the Utility company to submit their billing records so the commission can review them and assure the accuracy of what is being billed to consumers. Complaints are still being fostered to keep the commission apprised of the scope of the problem.
- L. Business and Renewal Permit Fees** – The Elko County model is presented for review. Attorney McConnell commented on business fees and that there is nothing to prohibit us from charging business fees for using our roads, etc. Discussion ensued on how home occupations are tracked and licensed. Expected revenue generation was mentioned; right now, there is no way to project the revenue stream that could be anticipated.
- M. Review of Properties Previously Approved for Sale** – Pricing for SCA properties approved for sale was discussed and a request for input from the Board on pricing is requested.

### **XVI. APPROVAL OF THE NOVEMBER 16, 2016 REGULAR MEETING MINUTES:** No public comment was offered. Vice Chair Park moved to approve minutes of the November 16, 2016 Board of Directors Regular Meeting. Director Mahlke seconded the motion. The vote was called; motion carried 5-0-2 (Directors McAnany and McFarlane)

### **XVII. ACCEPT NOVEMBER 2016 SPRING CREEK ASSOCIATION ASSESSMENT AND LEGAL RECEIVABLE REPORTS:** Treasurer Preston offered clarification of a refund. No public comment and

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Board comment was offered. Director Plaster moved to accept the November, 2016 SCA Assessment and Legal Receivable Reports as submitted. Vice Chair Park seconded the motion. Vote was called. Motion carried 7-0.

**XVIII. ACCEPT NOVEMBER 2016 FINANCIAL REPORTS:** Treasurer Preston offered clarification on some financial documentation. No Public or Board comment was offered. Director Plaster moved to accept the November, 2016 Financial Reports as presented. Director Jefferies seconded the motion. The vote was called and the motion carried 7-0.

**XIX. MEETING SCHEDULE:** The next Regular Board of Directors meeting is scheduled for Wednesday, January 25, 2017 at 5:30 p.m.

**XX. BOARD OF DIRECTOR COMMENTS:** Director Plaster commented on some problem dogs that the Sheriff took away after she had contacted dispatch. Additional comments on the dog issues were offered by the Board and President Bahr. Director McFarlane offered thanks and Merry Christmas. Director Jefferies commented on the sand trucks being out by 6 a.m. and the Roads Supervisor doing a good job with proactive maintenance. Additional comment was offered about vehicles that have gone off the road due to icy conditions so sanding the roads is vital.

**XXI. MEETING ADJOURNED: 7:42 PM**