



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association ("SCA") Board of Directors
Wednesday, November 13, 2019, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

PRESENT: Karl Young (Tract 200), Pat Plaster (Tract 300), and John Featherston (Tract 400)
At-Large Members: Vice Chair Tom Hannum, Molly Popp, and Jake Reed

ABSENT: Chair Josh Park (Tract 100),

CORPORATE OFFICERS PRESENT: SCA President Bahr, SCA Treasurer Austin-Preston

CORPORATE ATTORNEY: Katie Howe McConnell

CALL TO ORDER: Vice Chair Hannum called the meeting to order 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 USAGE AGREEMENT WITH TARYN AND MIKE HARP FOR THE OLD CLUBHOUSE.
FOR POSSIBLE ACTION

Attorney McConnell stated there were minor changes to the agreement including a change to correct the address, change to paragraph 15 stating the SCA shall pay all real estate taxes on the property and Harp shall pay all taxes on Harp's personal property placed in or upon the premises. There are blanks in the agreement which include the term and the date when the fee would start to be paid.

Taryn Harp stated they are pre-approved for \$150,000.00 loan. They are requesting the Board waive the fee for the first 3 years while they invest in the building, and then negotiate the fee for the next 5 year term. They would like to take possession of the building on December 1, 2019.

Vice Chair Hannum asked if they have a tentative opening date.

Taryn Harp stated they would like to be open by April 1, 2020.

Attorney McConnell stated the Board could approve a rent abatement for 3 years with proof of the Harps' putting in at least \$100,000.00 into the building. Then there would be an option to negotiate for the next 5 year term and added language for fair market value at that time.

Member Featherston suggested a contingency in case it falls through based on a business timeline.

Attorney McConnell suggested 12 months; if the business isn't started in 12 months, the contract would default.

Public Comment:

Steve Trainor, Tract 100, asked about insurance and liability.

Paddy Legarza, Tract 400, asked about protection from liens. Attorney McConnell stated it was included in the agreement.

Member Reed asked about unforeseen items that would prevent them from being able to continue. Attorney McConnell stated they could come back and say that, however, they cannot ask for money back that they have already put into the building. If they vacate, the agreement would be terminated.

Treasurer Austin-Preston stated that in regards to utilities, the Board may wish to consider a certain amount as there is no separate meter for water or electricity, only for propane.

Member Hannum suggested they put in separate meters at their cost.

Member Featherston suggested they look into a sub-meter which could be monitored by both parties.

Member Featherston moved/Member Popp seconded to approve the Usage Agreement with Taryn and Michael Harp for the Old Clubhouse including correction to the address, a term of 3 years commencing December 1, 2019 with usage payments abated if the minimum of \$100,000.00 is met, start and be in business by December of 2020, an exclusive option to renew for 5 years with the monthly payment to include cost of utilities or have a separate meter for water and power, and SCA will be responsible for property taxes. Motion carried (6-0) Chair Park absent.

III. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF MODIFICATIONS AND AN EXTENSION TO THE AGREEMENT WITH RICK LONGHURST, GOLF PRO.

FOR POSSIBLE ACTION

This item was not considered.

IV. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF AN UPDATED AGREEMENT WITH COOKS FIRE OVEN AND GRILL.

FOR POSSIBLE ACTION

Cooks Fire Oven & Grill was not present.

President Bahr stated there was a concern about office space they are using at the Old Clubhouse. The association has briefly looked into relocating an office downstairs; however, it would be very costly.

Attorney McConnell stated there is currently no office or storage space in the contract. There is no obligation for the Board to provide that.

Public Comment:

Steve Trainor, Tract 100, asked about storage space. President Bahr stated they do have storage space downstairs.

Vice Chair Hannum asked if we provide the office space and a dollar amount, do they have any opinions on increasing the rent. President Bahr noted that had not been discussed with them at this point.

Attorney McConnell stated that would be a completely separate issue.

Member Young suggested getting a bully barn for their office.

President Bahr stated it is the Board's consideration; it would just be the cost.

Attorney McConnell suggested the Board could approve the contract as is, and if they don't agree, they can request the item to come back before the Board.

Member Plaster moved/Member Popp seconded to approve the Agreement with Cooks Fire Oven and Grill as written. Motion carried (6-0) Chair Park absent.

V. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF THE 2020 PROPOSED BUDGET AND PROPOSED AMENITY USAGE FEES.

FOR POSSIBLE ACTION

President Bahr gave an overview of the 2020 proposed budget and noted they are requesting an increase in kiosk rent from \$140.00 to \$150.00; no increase in green fees, but a suggestion

for a twilight rate and punch cards; adding a seasonal position for the Parks Department, increasing the weed abatement budget, and the increase in chip, rock and oil.

Public Comment:

Jim Carragher, Tract 100, voiced his concerns on the increase in dues and requested that the Board consider how the money is being spent.

Steve Trainor, Tract 100, stated in his opinion the Board is very frugal. Prices go up for oil, gas, gravel, tar etc. What we get for \$59.00 is amazing.

President Bahr offered to sit down with Jim Carragher and go over the budget.

Member Hannum commented on plowing of the roads and noted that in order to plow the entire road you have to drive down the street 2 times. It is hard to drive 300 miles in 4 hours. He also noted the Association plows snow 24-7 vs Elko which only plows between 8 am and 5 pm.

Member Popp suggested charging a fee for each side of the Kiosk, giving the option for the business to rent both sides if they choose.

Steve Trainor, Tract 100, suggested putting an offer in for the electric sign next to the car wash in town that isn't being used.

Member Hannum asked if the chip seal was budgeted for 3/8 chip. Treasurer Austin-Preston noted it was, and stated she increased the budget for chip seal about 10%, as least years prices went up approximately 15%.

Member Plaster requested that they have a budget with different homeowner fees that would show what is cut per each dollar of dues.

Member Young stated his concerns on cutting the budget for labor.

Vice Chair Hannum noted there is a need for additional staff for the road crew. If we don't have enough staff, we can't keep up to standards with lack of maintenance.

Member Featherston stated that Board has to get a handle on the deferred maintenance. The dues haven't increased and now we are making up for that, it will take money to balance the budget.

Member Young stated the taxes for the County have gone up, it is nationally more. He noted that the real estate sales have increased in Spring Creek.

Steve Trainor, Tract 100, stated we should not have to pay for animal control and that should be something that Elko County offers.

Member Young moved/Member Plaster seconded to approve the 2020 budget as presented. Motion carried (6-0) Chair Park absent.

VI. COMMITTEE OF ARCHITECTURE

A. REPORTS

NON-ACTION ITEM

Treasurer Austin-Preston stated the reports were provided in the Board packet.

VII. APPROVAL OF MINUTES:

FOR POSSIBLE ACTION

A. October 23, 2019 Regular Meeting Minutes

Member Plaster moved/Member Reed seconded to approve the October 23, 2019 Regular Meeting Minutes. Motion carried (6-0) Chair Park absent.

VIII. ACCEPT OCTOBER 2019 ASSESSMENT AND LEGAL RECEIVABLE REPORTS.

FOR POSSIBLE ACTION

Member Plaster moved/Member Featherston seconded to accept the October 2019 Assessment and Legal Receivable Reports. Motion carried (6-0) Chair Park absent.

IX. ACCEPT OCTOBER 2019 FINANCIAL REPORTS.

FOR POSSIBLE ACTION

Treasurer Austin-Preston stated that we did pay for the Fairway mower and explained how that would be handled in the budget.

Member Plaster moved/Member Reed seconded to accept the October 2019 Financial Reports. Motion carried (6-0) Chair Park absent.

X. MEETING SCHEDULE

NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, December 11, 2019 at 5:30pm

XI. 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.

Jim Carragher, Tract 100, stated he was not trying to pick on anyone. He noted that when the dues increase, it is tough on him also.

XII. ADJOURNMENT

The meeting adjourned at 6:47 p.m.