



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association ("SCA") Board of Directors
Wednesday, July 22, 2020, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

The meeting was held in person and telephonically through Zoom.com due to the COVID-19 Pandemic

PRESENT: Chair Josh Park (Tract 100), Karl Young (Tract 200), Randy Mauldin (Tract 300) and John Featherston (Tract 400)
At-Large Members: Vice Chair Tom Hannum, Molly Popp, Jake Reed

ABSENT:

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

CORPORATE ATTORNEY: Katie Howe McConnell

CALL TO ORDER: Chair Park called the meeting to order both 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. DISCUSSION AND UPDATE FROM SOUTHWEST GAS ON NATURAL GAS.

NON-ACTION ITEM

Debi Gallo, SW Gas, was present to provide an update on natural gas. Bids have been awarded for a 12.3 mile pipeline and permitting and construction has begun. They hope to start the 2nd phase in early 2021.

Member Mauldin requested information on whether their customers are required to sign a contract.

Mark Stuppe clarified that there would be a contract regarding the service.

Member Young requested information on the cost to convert for a home. It was stated that it would be dependent on the type of appliances that need to be and can be converted.

Member Hannum asked whether there would be additional costs for a property owner that did not hook up within the initial period. It was clarified that if it was not hooked up within the initial 12 month time period there would be additional costs to bring the service to the home.

No public comment was received.

No action was taken.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL FROM H2GO WATERSPORTS FOR IMPLEMENTATION OF A NON-MOTORIZED WATERCRAFT RENTAL SHOP AT THE MARINA AND POSSIBLE ACTION TO AUTHORIZE AN AGREEMENT REGARDING TERMS THERETO .

FOR POSSIBLE ACTION

President Bahr introduced the item discussing looking for a contractor to provide non-motorized water sports and the on-going need for additional security at the Marina for vandalism.

Floyd Chacon, H2GO Watersports, was present via phone. He stated that his company would help provide security at the Marina and enforce the rules. He has requested that the Association provide a kiosk with power, A/C, heater and countertops. He would propose a rental shop, bait shop, ice skating, etc. They would project a May 1st to Labor Day weekend season.

President Bahr stated that insurance would require there be hold harmless waivers for all rentals and use.

Chair Park requested additional information on the ice skating rink.

Attorney McConnell cautioned the Board that summer water sports were all that was included in the proposed agreement and ice skating would be an additional agreement.

Floyd stated that they would like to do food and beverage out of the rental shop. Again, Attorney McConnell stated the agreement could only deal with water sports.

Chair Park requested information on the liability beyond the policy that would be held by H2GO watersports. Attorney McConnell stated that there is no guarantee for not being sued, but we could make sure the language is enough to satisfy the insurance company and H2GO's insurance would be the 1st coverage.

Member Popp had concerns that SCA would be providing all of the investment, platform and customers and H2GO would be generating all of the profit.

Chair Park asked what length of contract H2GO would propose. Mr. Chacon responded that he would like a 20 year agreement with rights to renew every 5 years.

Attorney McConnell recommended a 5 year contract at most but it could include successive 5 year options.

H2GO offered 10% of gross sales to be included in the agreement to go to SCA.

Member Featherston inquired whether they could provide lifeguard duty. H2GO said they could look into the option.

As the season would be nearing the end, Attorney McConnell suggested that the Board could authorize her to draft the contract and allow Chair Park to sign instead of waiting for the next meeting to review the contract.

No Public Comment was received.

Member Young moved/Member Featherston seconded to approve Attorney McConnell to draft a contact between SCA and H2GO Watersports with a 5 year agreement and a 5 year renewable option including items for a 10% gross profit, including SCA's ability to audit the books, and security at the Marina with Chair Park and President Bahr approved to sign. Motion carried (7-0)

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF A SHED FOR USE AT THE MARINA. *FOR POSSIBLE ACTION*

President Bahr introduced the agenda item for a 14X32 shed with a garage door in the front and windows for transactions. The lead time on the shed is approximately 7 weeks.

Floyd Chacon was present via phone for H2GO Watersports. He commented that they could do a temporary kiosk until the shed arrived or possible rent a conex.

Member Popp commented on the facility that H2GO uses at Southfork and suggested they do something similar in one of the picnic areas at the Marina.

Attorney McConnell clarified that a conex could not be permanent at the Marina because of the zoning, but it could be there for temporary construction.

Chair Park requested H2GO to provide a temporary facility for the watersports rental shop until the shed is received.

Member Mauldin was concerned with warranty issues and vandalism if the shed were not used for the rest of the year once it was received.

No public comment was received.

Member Featherston moved/Member Popp seconded to approve up to \$17,000 for the purchase of a 14X32 shed for watersports kiosk contingent upon an agreement approval with H2GO Watersports. Motion carried (7-0) Member Young absent.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING AN OFF-LEASH DOG PARK PROPOSAL PRESENTED BY KELLY CARR. *FOR POSSIBLE ACTION*

Kelly Carr, property owner and lead volunteer at the Lamoille Dog Park, proposed a plan for a dog park in Spring Creek. An area near the Marina inlet was suggested as a possible location. She stated that she currently has a person willing to donate up to \$5000 for items inside the dog park such as waste receptacles, agility items, and is just asking for SCA to provide the land and fencing.

The Board commended the thorough presentation.

Chair Park inquired on who would carry the insurance. Kelly stated that there would be release of liability posted at the site.

President Bahr commented on the property owner survey and strategic plan that a dog park was included in the plan but was voted a lower priority. Also, our current insurance would not cover the park and we would need to get costs for a high risk addition. The location near the inlet was further discussed as not being an option because of the work with the State Water Engineer and Army Corp of Engineers.

Attorney McConnell clarified that the governing documents would not prohibit a dog park, but the insurance would need to be investigated and neighboring properties consider this a nuisance in their area.

The Board provided guidance for next steps would be to work with President Bahr for planning, logistics, and location.

Public Comment:

Veronica Martinez, Tract 100, suggested that the fencing be 8' tall and that she would be interested on being part of the committee.

No action was taken.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST FROM SPRING CREEK JUNIOR FOOTBALL FOR THE PURCHASE OF BLEACHERS, SCOREBOARDS AND GOAL POSTS FOR THE FOOTBALL FIELDS.

FOR POSSIBLE ACTION

President Bahr stated that the football fields are both in with sod and we are currently watering them.

Mike Popp, SC JR Football President, and Pat Whitson, SC JR Football Board Member, were present and discussed options on how to work together with SCA to get bleachers, scoreboards, and goal posts for the football fields.

Member Mauldin requested the number of players for the previous year. It was stated that approximately 400 kids from Spring Creek played JR football last year. He also requested information on whether the bleachers are portable. It was clarified that they have large tires and are very durable.

Chair Park discussed providing seed money to the group, identify a list of needs, and have football fundraiser.

No public comment was received.

Chair Park moved/Member Young seconded to allocate Spring Creek Jr Football \$50,000 out of the Capital Reserve for bleachers, scoreboards, and goal posts. Motion carried (6-0-1), Member Popp abstained.

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO RESCIND THE APPROVAL OF A LEASE AGREEMENT WITH ELKO COUNTY AMBULANCE FOR USE OF THE OLD ADMINISTRATION BUILDING. *FOR POSSIBLE ACTION*

President Bahr stated that Elko County Ambulance does not intend to move forward with using the old Admin building. VP Kerr stated that the County will not be moving forward with any capital improvements as a result of COVID-19 and the shutdowns.

No public comment was received.

Member Reed moved/Member Mauldin seconded to rescind the approval of a lease agreement with Elko County Ambulance for the use of the old Administration Building. Motion carried (7-0).

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO DETERMINE NEXT STEPS REGARDING THE OLD ADMINISTRATION BUILDING. *FOR POSSIBLE ACTION*

President Bahr introduced the agenda item that since Elko County Ambulance would not be leasing the building that we would need to look at next steps for the building.

General Board discussion included looking for a different lease or tenant or possibly putting it back onto the market.

No public comment was received.

The item was tabled for future discussion.

IX. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING AN AGREEMENT WITH KG MINING (BALD MOUNTAIN), INC. FOR ROAD IMPROVEMENTS NEAR MARTIN

AVENUE.

FOR POSSIBLE ACTION

President Bahr and Vice Chair Hannum introduced the item stating that KG Mining (Kinross) is installing a parking lot of Martin Avenue by Coldwell Banker. SCA maintains Martin Avenue, so there is a proposed agreement to chip seal that road each year for the next 4 years at KG Mining's cost.

The section of the road is approximately 540' long and will be charged at \$.27 per square foot and KG Mining would be required to regrade the ditches and clean out the culverts.

Member Featherston moved/Member Reed seconded to approve an agreement with KG Mining with minor changes to the agreement not to interfere with the overall message or details. Motion carried (7-0).

X. ELECTION OF BOARD OFFICERS FOR THE JULY 2020-JUNE 2021 TERM:

A. Acceptance of nominations and election of a Director to serve as the Chairperson of the Board of Directors.

B. Acceptance of nominations and election of a Director to serve as the Vice-Chairperson of the Board of Directors.

FOR POSSIBLE ACTION

Vice Chair Hannum moved/Member Young seconded to nominate Josh Park as the Chair of the Board for the 2020/2021 term. Motion carried (6-0-1), Chair Park abstained.

Member Featherston moved/Member Reed seconded to nominate Tom Hannum as Vice-Chair of the Board for the 2020/2021 term. Motion carried (6-0-1), Vice Chair Hannum abstained.

XI. DISCUSSION AND POSSIBLE ACTION TO APPROVE SIGNATURE AUTHORITY TO THE ELECTED 2020-2021 CHAIRPERSON AND VICE-CHAIRPERSON AND TO REMOVE SIGNATURE AUTHORITY FOR THE 2019-2020 CHAIRPERSON AND VICE-CHAIRPERSON FOR SCA ACCOUNTS AT NEVADA STATE BANK, MORGAN STANLEY/SMITH BARNEY, ELKO FEDERAL CREDIT UNION AND US BANK.

FOR POSSIBLE ACTION

No action was taken on the item as the Chair as Vice-Chair did not change, therefore they are already granted signature authority.

XII. COMMITTEE OF ARCHITECTURE

A. REPORTS

NON-ACTION ITEM

The COA reports were provided in the Board packet for review. Minutes from previous meetings will be provided in August.

XIII. APPROVAL OF MINUTES:

FOR POSSIBLE ACTION

A. May 27, 2020 Regular Meeting Minutes

Member Featherston moved/Vice Chair Hannum seconded to approve the May 27, 2020 Regular Meeting Minutes. Motion carried (7-0)

B. June 20, 2020 Special Meeting Minutes

C. June 20, 2020 Special Meeting Minutes

Vice-Chair Hannum moved/Member Reed seconded to approve the June 20, 2020

Special Meeting Minutes and the June 2020 Annual Property Owner Minutes. Motion carried (5-0-2), Chair Park and Member Popp abstained.

XIV. ACCEPT MAY AND JUNE 2020 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. *FOR POSSIBLE ACTION*

Vice Chair Hannum moved/Member Reed seconded to accept the May and June 2020 Assessment and Legal Receivable Reports. Motion carried (7-0).

XV. ACCEPT MAY AND JUNE 2020 FINANCIAL REPORTS. *FOR POSSIBLE ACTION*

Chair Park moved/Member Reed seconded to accept the May and June 2020 Financial Reports. Motion carried (7-0).

XVI. MEETING SCHEDULE *NON-ACTION ITEM*

The next Regular Board of Directors meeting is scheduled for Wednesday, August 26, 2020 at 5:30pm. The meeting may be held telephonically.

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.

No public comment was received.

XVII. ADJOURNMENT

The meeting adjourned at 8:10 p.m.