



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association ("SCA") Board of Directors
Wednesday, July 28, 2021, 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: Karl Young (Tract 200), Randy Mauldin (Tract 300), and John Featherston (Tract 400)
At-Large Members: Vice Chair Tom Hannum, Molly Popp present via phone, and Jake Reed

ABSENT: Chair Josh Park (Tract 100) and Randy Mauldin (Tract 300) – Director Mauldin entered the meeting at 5:38pm.

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 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.

Nicole Ortiz, Tract 100, provided information to the Board regarding a dog issue at their property. Lt. Fisher, Elko County Sheriff's Department was present and provided information regarding vicious dogs must have 2 documented bites within 18 months. Sheriff Narvaiza further clarified that a homeowner can protect their livestock animals and family if a dog enters their property.

II. UPDATE FROM CC COMMUNICATIONS REGARDING BROADBAND SERVICES IN SPRING CREEK. NON-ACTION ITEM

Stewart Nichols, Plant Engineer, and Mark Feest were present to provide updates to the Board regarding broadband services in Spring Creek.

Mr. Feest stated that CC Communications was committed to building out Spring Creek since providing their response to the RFP in August of 2019. They have worked with Southwest Gas and plan to provide services to Tract 200 first. He also commented on the NTIA grant and stated that he planned to ask the County Commission to be designated as an entity for the county. They are currently asking for 33% of the costs through the grant with a 67% match and the grant only requires a 10% match. He stated they will move forward with their build out plan regardless of receiving the grant funds. They plan to start in the 200's and then move to the 400's and will not wait on the Southwest Gas timeline.

Vice Chair Hannum asked when they thought they would have 100% service and Mr. Feest responded that with the grant and more crews, it could be done in 3 ½ years.

Member Mauldin spoke regarding the NNRDA Community Economic Development document that is currently being updated.

No public comment was received.

No action was taken.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A USAGE AGREEMENT WITH CC COMMUNICATIONS FOR A 10' X 10' AREA ON PARCEL 045-038-015 (VISTA GRANDE PARK – 444 BRENT DRIVE) TO PLACE A CABINET IN A FENCED AREA WITH A CONCRETE PAD. FOR POSSIBLE ACTION

Mr. Feest, CC Communications, stated that there would need to be 1 power cabinet installed per Tract. He stated that the area would be chain link fenced, by permit with no barbed wire.

No public comment was received.

Member Featherston moved/Member Reed seconded to approve a usage agreement with CC Communications for a 10'X10' area on parcel 045-038-015 (Vista Grande Park – 444 Brent Drive) to place a cabinet in a fenced areas with a concrete pad. Motion carried (6-0), Chair Park absent.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO DECREASE THE LISTING PRICE FOR THE OLD ADMINISTRATION BUILDING AT 451 SPRING CREEK PARKWAY.

FOR POSSIBLE ACTION

Justin Oros, Realtor, was present to discuss the listing of the old Administration building. She stated that the listing had been active for 106 days and there had been 5 showings. She stated that much of the feedback she received was that there was too much work to be done to bring the building up to code for the current price. The building is currently listed at \$250,000.

It was discussed that this property should be marketed to let buyers know that there is currently water and sewer to the property.

No public comment was received.

Member Featherston moved/Member Mauldin seconded drop the list \$20,000 from \$250,000 to \$230,000 and to reevaluate at the next meeting and to encourage offers. Motion carried (6-0), Chair Park absent.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF A GREENS MOWER USING THE GOLF CAPITAL RESERVE FUNDS.

FOR POSSIBLE ACTION

Travis Mahlke, GC Superintendent was present, and provided the Board with quotes for a new greens mower. He stated that Bid C was the cheapest and only 1300 hours. It was explained that the equipment was leased to golf courses for bigger tournaments. Shipping for the equipment is estimated at \$1400.

No public comment was received.

Vice Chair Hannum moved/Member Reed seconded approve the purchase of a greens mower using the Golf Capital Reserve for \$12600 plus tax. Motion Carried (6-0), Chair Park absent.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING GREAT BASIN WATER'S REQUIREMENT TO COMPLETE A COST-OF-SERVICE STUDY ORDERED BY THE PUCN.

FOR POSSIBLE ACTION

Sean Twomey, GBW President, was present via phone. He stated that the PUCN order required that GBW get a quote for a cost of service study and they have completed the request per the order and it satisfies the requirement.

Mr. Twomey explained what a cost of service study would entail. He stated that SCA is mostly residential, and it would break down the associated costs for customer classes and helps with their rate design. It would show the costs incurred by the utility to provide service.

Member Featherston asked for clarification if the study would provide information on what other similar areas are getting charged – such as Pahrump, NV vs. Spring Creek.

President Bahr commented that Attorney McConnell could speak to our attorneys regarding this as the spirit of the requirement was to understand the comparison of Spring Creek to other GBW areas.

Mr. Twomey stated that the request for a cost-of-service study is already out to consultants for NV and they expect to have results by December 21.

Vice Chair Hannum discussed the meters and cost per meter and is commercial paying the correct rate because of their higher use of water.

Mr. Twomey provided information on other system updates, included 3 million spent on water line replacements that was approved by the PUCN and Automatic meters (ARM).

No public comment was received.

No action was taken.

VII. REVIEW AND DISCUSSION OF THE ANIMAL CONTROL POSITION AND UPDATES FROM THE ELKO COUNTY SHERIFF. NON-ACTION ITEM

Lt. Fisher, ECSD, was present and provided an update on current cases and calls to service. He stated that the overall calls to service for the Sheriff has been up.

President Bahr stated that the 1st quarter dogs at large numbers had dropped. She questions whether there would be more during the summer. Lt. Fisher responded that there had been less hours worked during that quarter.

Vice Chair Hannum asked about the recent mailbox break-ins. It was stated that they have a suspect for the crimes.

Sheriff Narvaiza commented on the search and rescues, the mailbox issues, and the upcoming Sheriff's application.

No public comment was received.

No action was taken.

VIII. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ELKO COUNTY DESIGNATING THE HORSE PALACE AS AN EVACUATION SITE IN THE EVENT OF AN EMERGENCY. FOR POSSIBLE ACTION

VP Kerr provided information on the Horse Palace becoming an evacuation site as that would allow people to shelter in place if it was made a designated evacuation site.

Attorney McConnell stated that because the Horse Palace is an amenity, it would be better if there was Board approval to enter into a memorandum of understanding with Elko County.

No public comment was received.

Member Reed moved/Member Featherston seconded to approve entering into a memorandum of understanding with Elko County designating the Horse Palace property as an evacuation site in the event of an emergency. Motion carried (6-0), Chair Park absent.

IX. REVIEW, DISCUSSION AND POSSIBLE ACTION TO AMEND THE SPRING CREEK BOARD OF DIRECTORS' PROCEDURE FOR DEALING WITH APPEALS OF THE COMMITTEE OF ARCHITECTURE DECISIONS. FOR POSSIBLE ACTION

Attorney McConnell provided a red-lined procedure for dealing with appeals of the COA adding that the fee changed from \$50 to \$250 and that the noticing requirements have been updated to the 30 closest properties.

She also explained that this is a procedure and not a policy, so it can be approved at this meeting. The SCA Board's decision on an appeal is a final decision.

No public comment was received.

Member Featherston moved/Member Reed seconded approve the Spring Creek Board of Directors' procedure for dealing with appeals of the Committee of Architecture decisions as it is nearly identical to what Elko County requires. Motion carried (6-0), Chair Park absent.

X. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM STEPHANIE LICHT TO SUBMIT A LETTER OF SUPPORT, A FORMAL RESOLUTION, OR BOTH, BACKING THE ELKO COUNTY SCHOOL BOARD OF TRUSTEES (ECSD) JUNE LETTER TO GOVERNOR SISOLAK REQUESTING MORE LOCAL CONTROL OVER COVID MITIGATION EFFORTS IN THE ELKO COUNTY SCHOOL DISTRICT. FOR POSSIBLE ACTION

Stephanie Licht was present with a request of the Board to submit a letter of support for the Elko County School District letter to the Governor's office regarding local control over COVID mitigation efforts.

Member Mauldin asked since the ECSD was part of the State Board of Education, would they not make the mandates as a whole.

Ms. Licht stated that the Chair of the Board had formed a committee and is getting input.

Attorney McConnell clarified that the Board can support the letter that the ESCD sent to the Governor and there would be no legal harm to SCA.

No public comment was received.

Member Featherston moved/Member Reed seconded to authorize staff to draft a letter in support of the June letter submitted to Governor Sisolak by the Elko County School Board and that it include facts of the area and how many students are in Spring Creek. Motion carried (6-0), Chair Park absent.

XI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE ADDITIONAL FUNDING RELATING TO THE MARINA WATER QUALITY PLAN FOR PERMITTING REQUIREMENTS TO DREDGE THE MARINA. FOR POSSIBLE ACTION

VP Kerr provided background on the permitting process to dredge the Marina. It has been discovered that additional permits are needed.

Megan Wirth, NewFields, was present via phone and stated that the additional funding is required because SCA could not apply under the National permit as the requirements changed. Also, the Army Corps of Engineers is indicating that since it is an individual permit, additional permits are required for 401, Water Quality, 404, Storm water, Working & Waterways, and an archeologist must sign off on the site.

An additional \$4425 is needed to complete the permitting processes and an additional \$2195 for the archeological portion.

No public comment was received.

Member Reed moved/Member Featherston seconded to approve up to \$7000 from the Capital Reserve for the Marina Water Quality Plan for permitting requirements to dredge the Marina. Motion carried (6-0), Chair Park absent.

XII. ELECTION OF BOARD OFFICERS FOR THE JULY 2021-JUNE 2022 TERM:

Attorney McConnell provided clarification that anyone can make a nomination and if more than one nomination is made, they would be voted on separately.

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

Member Young nominated Josh Park for Chairperson.
Member Mauldin nominated Tom Hannum for Chairperson.
Member Popp nominated John Featherston as Chairperson.

No public comment was received.

Member Young moved/Vice Chair Hannum seconded to select Josh Park as Chairperson for the July 2021-June 2022 term. Motion carried (4-2-0), Members Featherston and Popp against.

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

Member Featherston nominated Tom Hannum as Vice-Chairperson.
Vice Chair Hannum nominated John Featherston as Vice-Chairperson.

No public comment was received.

Member Featherston moved/Member Young seconded to select Tom Hannum as Vice-Chairperson for the July 2021-June 2022 term. Motion carried (4-2-0), Vice Chair Hannum and Member Popp against.

XIII. DISCUSSION AND POSSIBLE ACTION TO APPROVE SIGNATURE AUTHORITY TO THE ELECTED 2021-2022 CHAIRPERSON AND VICE-CHAIRPERSON AND TO REMOVE SIGNATURE AUTHORITY FOR THE 2020-2021 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

The Chair and Vice-Chair require signature authority as they are required to sign checks over \$5,000 per SCA policy.

No public comment was received.

Member Young moved/Member Featherston seconded to approve signature authority to the elected 2021-2022 Chairperson and Vice-Chairperson and to remove signature authority for the 2020-2021 Chairperson and Vice-Chairperson for SCA accounts at Nevada State Bank, Morgan Stanley/Smith Barney, Elko Federal Credit Union, and US Bank. Motion carried (6-0),

Chair Park absent.

XIV. COMMITTEE OF ARCHITECTURE

A. REPORTS

Secretary Cromwell provided information that the review of the 200, 300, and part of the 400 Tracts is complete. She stated that of the current 1236 violations, 922 of them are new.

NON-ACTION ITEM

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 852 SPRING VALLEY PARKWAY (202-018-100) TO LEGAL COUNSEL FOR FURTHER ACTION OR ANY OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

Secretary Cromwell stated that the property has been in violation since 2019 and there has been no contact since 2020.

No public comment was received.

Member Young moved/Member Featherston seconded to refer the violation at 852 Spring Valley Pkwy (202-018-100) to legal counsel for further action. Motion carried (6-0), Chair Park absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 285 KNOX DR (202-026-009) TO LEGAL COUNSEL FOR FURTHER ACTION OR ANY OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

Secretary Cromwell stated that the property has been in violation since March 2021 and there has been no contact.

No public comment was received.

Member Young moved/Member Featherston seconded to refer the violation at 285 Knox Dr (202-026-009) to legal counsel for further action. Motion carried (6-0), Chair Park absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 505 LYNX DR (202-018-059) TO LEGAL COUNSEL FOR FURTHER ACTION OR ANY OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

Secretary Cromwell stated that the property has been in violation since March 2021 and there has been no contact.

No public comment was received.

Member Young moved/Member Featherston seconded to refer the violation at 505 Lynx Dr (202-018-059) to legal counsel for further action. Motion carried (6-0), Chair Park absent.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 615 HAYLAND DR (202-009-040) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES. FOR POSSIBLE ACTION

Secretary Cromwell stated that the property has been in violation since December 2020 and there has been no contact.

No public comment was received.

Member Young moved/Member Featherston seconded to refer the violation at 615 Hayland Dr (202-009-040) to legal counsel for further action and uphold the fine. Motion carried (6-0), Chair Park absent.

XV. APPROVAL OF MINUTES: FOR POSSIBLE ACTION

May 26, 2021 Regular Meeting Minutes

Vice Chair Hannum moved/Member Young seconded to approve the minutes from the May 26, 2021 Regular Meeting as presented. Motion carried (5-0-1), Member Reed abstained, Chair Park absent.

June 19, 2021 Annual Property Owner Meeting Minutes

Member Featherston moved/Member Young seconded to approve the minutes from the June 19, 2021 Annual Property Owner meeting as presented. Motion carried (5-0-1), Member Popp abstained, Chair Park absent.

XVI. ACCEPT MAY AND JUNE 2021 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. FOR POSSIBLE ACTION

Member Young moved/Member Featherston seconded to accept the May and June 2021 Assessment and Legal Receivable Reports. Motion carried (6-0), Chair Park absent.

ACCEPT MAY AND JUNE 2021 FINANCIAL REPORTS. FOR POSSIBLE ACTION

Member Young moved/Member Reed seconded to accept the May and June 2021 Financial Reports. Motion carried (6-0), Chair Park absent.

XVII. MEETING SCHEDULE NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, August 25, 2021 at 5:30pm. The meeting may be held telephonically.

XVIII. 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.

Attorney McConnell mentioned that there will be several appeals of the Committee of Architecture decision on the conditional use permit for the cemetery heard at the August meeting.

Member Reed commented on the possibility of adding a different type of stop sign at the south intersection of Country Club Parkway and Spring Creek Parkway.

XIX. ADJOURNMENT

The meeting adjourned at 8:42 p.m.