SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES WEDNESDAY, JANUARY 25,2017, 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

DIRECTORS ABSENT: Paul McAnany

CORPORATE OFFICERS PRESENT: Jessie Bahr – SCA President

Kristine Austin-Preston – SCA Treasurer

CORPORATE OFFICERS ABSENT: None

ATTORNEY PRESENT: Katie Howe McConnell

PLEDGE OF ALLEGIANCE:

I. COMMENTS BY THE GENERAL PUBLIC: None.

II. PRESENTATION, REVIEW AND DISCUSSION ON THE FORMATION OF THE COMMUNITY FOUNDATION OF ELKO COUNTY AND MATTERS RELATED THERETO. Ben Reed, one of the Board members of the newly formed Community Foundation of Elko County, presented the agenda item. Kerry Aguirre and Vivian Wright also were in attendance; all three have been involved in the formation of the Community Foundation of Elko County and have worked together for over a year putting the Community Foundation together. The presentation to the SCA Board does not involve solicitation of funds but rather to inform of the work being done and membership levels. The Community Foundation of Elko County is an affiliate of the Community Foundation of Western Nevada, a 501(c)3 charitable entity, headquartered in Reno, NV for the past eighteen years which has over \$80M in financial holdings and give out hundreds of awards each year and in 2016 gave out \$5.8M in awards and have been supportive of Elko County communities. The Community Foundation of Elko County philanthropic mission statement is "Connecting People Who Care with Causes That Matter in Elko County"; not just Elko proper, but Jackpot, Carlin and all outlying Elko County communities. It's to support the community in not just one cause but in the broad spectrum. Scholarships, mentoring, wildlife causes, non-profits and additional causes. Monetary donations and investments are under the control of the Community Foundation of Elko County BOD and is strictly locally controlled. The Elko County branch has only been in operation one year and is in its infancy but the goal is to build an endowment fund. The total balance of the current fund for Elko County is \$16K. Mr. Reed reviewed the types of donations that can be given, i.e. money, property, estate planning, stock proceeds. A brochure was provided for review including a local brochure. Terry Aguirre also commented on her history with the SCA community and her other philanthropic activities and how grants are awarded by the funds generated on interest made on the endowment investment fund. The presentation was well received by the SCA Board. Comments were offered on the value and need for this foundation by Vice Chair Park. Questions were asked by Board and SCA staff including on how donations are made to the Community Foundation. The SCA HOA can also apply for funding on some of this community's special projects if the need arises.

- III. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING A REFUND OF BUILDING/FACILITY RENT DUE TO BATHROOM FAILURE CAUSING SIGNIFICANT REVENUE LOSS TO THE BAR AT THE NEW YEAR'S EVE RODEO AND MATTERS RELATED THERETO. Jess Jones, the New Year's Eve Rodeo producer, met with President Bahr requesting the refund and was present to explain the request for the refund due to bathroom failure at the Horse Palace. Chair Legarza requested public comment. No public comment was offered. The plumber reported paper towels and roots in the septic lines. Attorney McConnell clarified Paragraph 7 of the contract stating that SCA has not defaulted on the agreement. Mr. Jones has a receivable due to SCA for previous bar leases and hay purchases. The dollar amount of relief being requested was clarified as all of the light and heat charges being waived as well as the receivable. Further discussion ensued. Vice Chair Park also commented on cleaning up the language of the agreement moving forward. Clarification was discussed on whether splitting the cost of a refund could be considered. Mr. Jones stated that he was not willing to entertain splitting the cost of a refund and that he was no longer interested in coordinating any future events at the Horse Palace due to the current issue at the Horse Palace and some issues he stated he has had in the past. The amount of refund consideration being requested is \$1,500. Further discussion ensued on amounts that could be considered for a refund. Vice Chair Park moved to waive the \$820 amount for lights and heat and request and the previous balance of \$625 be paid by Mr. Jones. Director Plaster seconded the motion. The vote was called and the motion carried 6-0.
- IV. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSAL FROM CAPITOL PARTNERS, LLC FOR LOBBYING SERVICES FOR THE 2017 NEVADA LEGISLATIVE SESSION GENERALLY RELATED TO WATER AND UTILITY COMPANIES AND MATTERS RELATED THERETO. President Bahr introduced the item and the details of the history of rate increases and other water issues. Will Adler of Capitol Partners, LLC presented the proposal for the Board. The firm, located in Reno, NV, represents a variety of interests exclusive to the area of Northern Nevada. They've worked with SCA and President Bahr since November of 2016 on the proper intentions reflected in the bill draft generally related to water and utility companies to the Nevada Legislature. They've met with the Public Utility Commission of Nevada (PUCN) three times previously on the language and scope of the current bill draft. They found the issue of SCA's private water utility is more complex than originally planned with history dating back to 2006. There is a lack of representation for rural utility users in the PUCN. The PUCN has promised that this matter will receive utmost attention in conjunction with the attention at the Nevada Legislature that may change Nevada Revised Statutes governing utilities. Mr. Adler summarized other aspects of the bill draft through the legislative process. A consumer advocate has never been appointed through the NV Attorney General's Office that would represent the consumer against private water utilities. The PUCN only works with public utilities and not private water utilities. Capitol Partners services will provide that this bill draft process stays a focus of the PUCN and the Legislature through potential passage of the bill and the implementation at the regulatory level. Capitol Partners would represent SCA at every step of the process. The contract cost of their lobbying services for the 2017 legislative session would be \$23K. Discussion and a question and answer period on the legislative and regulatory process and the possible outcome of these lobbying efforts ensued. The scope of this bill draft and the lobbying process was discussed in depth. It is very important to get this passed through the legislative process for the consumer advocate and the PUCN to become more proactive in monitoring not just public utilities but all utilities, public and private. Other communities face the some of the same issues with private utilities but none have gotten the attention from the PUCN that SCA has gotten to this point. Public Comment was offered by Assemblyman John Ellison who offered the use of his office space, for meetings, phone calls, use of office equipment during this lobbying process. Mr. Adler encouraged SCA property owners to testify before the PUCN on behalf of their experiences with water utilities. Vice Chair Park moved to continue to retain the services of Capitol Partners, LLC and accept the proposal for lobbying services for the 2017 Nevada legislative session generally related to water and utility companies and matters related thereto starting February 1, 2017 when the legislative session begins. Director Jefferies seconded the motion. The vote was called and the motion carried 6-0.

- V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PROPOSED GOLF PRO AND CONCESSION AGREEMENT WITH JASON JERMAN FOR A ONE YEAR TERM AND MATTERS RELATED THERETO. President Bahr reviewed the detail on the agenda item and commented that she, Attorney McConnell and Jason Jerman have been in contract negotiation for the Golf Pro and Restaurant Lessee proposals for SCA located at the new Fairway Community Center. Comments from the survey that was circulated previously are also part of the contract documentation and expressed as items Spring Creek Association is detailing in what must be provided as a condition of the contract. The contract draft is included in the Board packet. Treasurer Preston and President Bahr also indicated reports that they would like to see on a regular basis from Mr. Jerman are also included as part of the contract. Attorney McConnell reviewed some of the details of the contract as currently drafted. Article 9 details the rental of the facilities monthly at \$2,250; the Golf Pro share of those utilities and half of the point of sale system monthly cost is included in the facility rental. SCA will collect all fees and the Golf Pro is paid back his percentage portion of fees collected. Article 10 of the contract specifies his monthly salary compensation of \$55,000 per year. A question and answer period ensued by the Board. Chair Legarza cited some areas of concern or suggested revision dealing with insurance coverages to be paid by the Golf Pro/Restaurant Lessee. Director McFarlane commented on adding more specific wording in the contract. Clarification of the food concession hours of operation and maintenance were addressed. A question of auditing the Golf Pro Shop, Restaurant and Bar revenues was also raised. A distinction was made on who paid for telephone lines: SCA pays for the Golf Course line and the Restaurant line is paid by the Lessee. Vice Chair Park also commented on some of the details requested and other aspects of the contract. President Bahr clarified that some of the detail is driven by what the SCA image for that facility should be and what we would like to see at the Fairway Community Center as a community. Additional comment was offered by other Board members and President Bahr 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 Mahkle. Chair Legarza clarified that the contract is probationary term limited to one year and at that time the contract can be modified or terminated. No public comment was offered. Director McFarlane moved to send the contract draft back to Attorney McConnell to work with President Bahr to revise and finalize it and bring it back for final approval at the February 22, 2017 BOD meeting. Director Plaster seconded the motion. Vote was called and the motion carried 5-0-1 (Director Mahlke).
- VI. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO EXTEND AND/OR MODIFY THE AGREEMENT WITH COOKS & COOKS FOR THE HORSE PALACE CONCESSION LEASE AND MATTERS RELATED THERETO. President Bahr reviewed the agenda item. No public comment was offered. Director Mahlke asked questions about maintenance of the facility. Treasurer Preston clarified the concession maintenance kitchen areas. Maintenance of restrooms was also raised and it was suggested that specific comment on restroom maintenance should be included in the contract as it is in other contracts such as the previous agenda item on golf and restaurant facilities care. Director Mahlke made a motion to modify the Cooks & Cooks contract for the Horse Palace concession regarding the janitorial services (#5) and days and hours of operation (#9). Vice Chair Park seconded the motion. The vote was called and the motion carried 6-0.
- **FUNDING** AND AND POSSIBLE ACTION REGARDING VII. REVIEW, DISCUSSION SERVICES SPRING CONTROL ANIMAL OF **IMPLEMENTATION** ASSOCIATION AND MATTERS RELATED THERETO. The agenda item was taken out of order after agenda item IV. President Bahr introduced the agenda item and reviewed the history of the funding for animal control. President Bahr has met with Sheriff Pitts on how this issue is to be handled and invited him to attend today's meeting and detail how the animal service cost would be handled. Summary information is included in the BOD packets on the subject. Sheriff Pitts presented this program previously. He recently revisited the original proposal costs at President Bahr's request to assure the numbers were in line with expectations. He explained that SCA would pay for the services of the Animal

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Control Officer itself including insurance and retirement and uniform allowance starting with an Elko County Sheriff's Office Step 1 Pay scale with increases of 2%-3% annually so long as SCA continues to approve and fund this position. Elko County Sheriff's Office would fund the vehicle, the fuel, the training and everything else involved in doing the job. The employee would be an not be a POST certified officer. A contract for the position would stipulate the Animal Control Officer would stay in Spring Creek on full time duty with additional continuing coverage on weekends and evenings agreed to and covered by the regular Elko County Animal Control Officer. Officer coverage would be twenty-four hours a day seven days a week. A question and answer period ensued along with further discussion. President Bahr also commented that Elko County would be getting additional tax revenue from the new mine opened by Newmont which SCA might be able to request the County to use for these types of projects but there is no guarantee that this could happen. Attorney McConnell offered clarification on various details of the matter at hand. Sheriff Pitts stated that SCA management and property owners would have direct contact with him, as the Animal Control officer's supervisor, to share concerns and provide input on what SCA is experiencing and what expectations may still need to be met. Public comment was offered by Rex Steninger who stated that as a County commissioner, he can verify the funding shortages that Elko County departments are experiencing and stated he was encouraged to see that Spring Creek was willing to fund such a position to address our concerns and mitigate the funding of our animal control issue. Sheriff Pitts explained additional details of this position. Charlie Ekburg offered public comment that he thought it weird that one could "buy" extra services from the County. Chair Legarza clarified that for this reason is exactly why the matter has been approached as relying on the County to handle this issue and having SCA outside the loop but with input. Additional comment was offered by various Board members. Director Jefferies moved to approve President Bahr to work with Sheriff Pitt on a proposal to Elko County on a cooperative agreement for an animal control officer for Spring Creek Association. Vice Chair Park seconded the motion. The vote was called and the motion carried 6-0.

- VIII. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO PURCHASE A BACKHOE ATTACHMENT TO BE USED ON A JOHN DEERE TRACTOR AND MATTERS RELATED THERETO. The agenda item was taken out of order after agenda item VII. President Bahr introduced the agenda item and Golf Course Superintendent Steve Abe provided specifics of the bid information that was received. No public or Board comment was offered. Director Mahlke moved to approve the purchase of the backhoe attachment reflected in Bid A from Stotz Equipment of Bluffdale, UT. Director McFarlane seconded the motion. The vote was called and the motion carried 6-0.
 - IX. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE MOVING FORWARD WITH LISTING THE PROPERTY AT 244 COUNTRY CLUB FOR SALE AND MATTERS RELATED THERETO. President Bahr introduced the agenda item. We have a potential buyer that is very interested in the location. Discussion on the merits of the sale ensued. A motion was made by Director Plaster to list the property at 244 Country Club for sale at \$85,000. A motion was made by Director Plaster. The motion was seconded by Director McFarlane. The vote was called; the motion carried 5-0-1 (Director Mahlke).
 - TIMELINE APPROVAL OF A AND **POSSIBLE** DISCUSSION X. REVIEW, IMPLEMENTATION OF METHODS TO MANAGE THE GEESE POPULATION IN SPRING CREEK ASSOCIATION AND IMPLEMENT AN ANTI-FEEDING RULE FOR GEESE AND MATTERS RELATED THERETO. The agenda item was introduced by President Bahr. A timeline and methods to be employed are included in the BOD packets. Comment was made by various Board members. No public comment was offered. Director McFarlane moved to a timeline and implementation of methods to manage the geese population in Spring Creek Association and implement an anti-feeding rule for geese. The motion was seconded by Director Jefferies. The vote was called and the motion carried 6-0.

- XI. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO MOVE FORWARD WITH PURCHASING HARDWARE FOR A POINT OF SALE SYSTEM TO BE UTILIZED AT THE FAIRWAY COMMUNITY CENTER AND MATTERS RELATED THERETO. President Bahr introduced the agenda item. Detail is included in the BOD packets. Chair Legarza asked whether the purchase of equipment could also be supported by a different company. The answer to the question was yes. Treasurer Preston included her own comments clarifying the difference in bid detail. No public comment was offered. Director Plaster made the motion to accept the bid from Imagine Technologies to purchase a point of sale system. The motion was seconded by Director Jefferies. The vote was called and the motion carried 5-0-1 (Vice-Chair Park).
- XII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO HOST THE HIGH SCHOOL BOYS' STATE GOLF TOURNAMENT AT THE SPRING CREEK GOLF COURSE AND MATTERS RELATED THERETO. Director Mahlke introduced this agenda item stated he had been approached by the high school golf coach to host the High School Boys' State Tournament. He detailed what could be donated to the event and that the course would be closed the two days of the tournament and why it is necessary. He contacted current golf pro, Jason Jerman, and Steve Abe, golf course Superintendent when the request was made. All board members voiced being in favor of hosting this event. No public comment was offered. Director McFarlane moved have the Spring Creek Association host the High School Boys' State Golf Tournament at the Spring Creek Golf Course. Director Plaster seconded the motion. The vote was called and the motion carried 6-0.
- XIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO DETERMINE A COURSE OF ACTION WITH RESPECT TO THE OLD CLUBHOUSE BUILDING INCLUDING DEMOLITION, RENOVATION OR OTHER OPTIONS AND MATTERS RELATED THERETO. President Bahr introduced the agenda item. Treasurer Preston offered supporting commentary. No additional Board or public comment was offered. Chair Legarza commented that she is not in favor of keeping the building and doing renovation and suggested inspections for code issues by the Fire Marshall and County. Director Jefferies also stated it should be torn down. President Bahr offered the option to renovate it on a cost-conscious basis in view of the asset value currently in place. Director McFarlane also commented on the weakness of the structure. It was suggested that if we were going to keep the facility we should get estimates on what it would cost to renovate and bring it to code and generate revenue. Due diligence on renovation cost and revenue potential versus demolition is advised. Further discussion and commentary was offered by Board members. Vice Chair Park moved to authorize President Bahr to proceed with basic improvements and market the existing building until a later date provides opportunity for due diligence for other improvements. Director Jefferies seconded the motion. The vote was called and the motion carried 6-0.
- XIV. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO OF A FEE STRUCTURE TO BE USED FOR THE NEW FAIRWAY COMMUNITY CENTER AND OTHER SPRING CREEK ASSOCIATION FACILITIES AND MATTERS RELATED THERETO. President Bahr introduced the agenda item and the detail on SCA Rules and Regulations for Facilities Use and detailed fee structure and funding of Association facilities is included in Board packets. A question and answer period ensued. No public comment was offered. Director McFarlane moved to approve a fee structure to be used for the new Fairway Community Center and other Spring Creek Association Facilities. The motion was seconded by Director Jefferies. The vote was called and motion carried 6-0.
- XV. REVIEW, DISCUSSION AND ALLOCATION OF THE 2016 CARRY FORWARD FUNDS AND MATTERS RELATED THERETO. Treasurer Preston introduced, reviewed and commented on the detail of the agenda item. She also provided a recap of 2016 numbers and the 2017 Final Budget. The carry forward amount is \$700K. She explained the 2017 current capital purchase requests and the suggested capital purchases request: i.e. funding allocation for various projects like Geese Management,

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Road Consultant, Animal Control Officer funding, Marina walking path paving, Shooting Range improvements and other projects listed on page 5 of the 2017 Carry Forward Notes. President Bahr also commented on road work maintenance that should be performed and is needed. A question and answer period ensued. Director McFarlane moved to have the 2016 Carry Forward Funds be allocated as presented in the Carry Forward Notes. The motion was seconded by Vice Chair Park. The vote was called and the motion carried 6-0.

- XVI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO PUT OUT A REQUEST FOR PROPOSAL FOR THE HORSE PALACE BAR LEASE AND MATTERS RELATED THERETO. President Bahr reviewed the agenda item stating that there is no contract in place currently for a bar lessee at the Horse Palace and that now is the time to get the request for proposal out and get someone in the facility to service the events currently on the schedule. No public or Board comment was offered. Director McFarlane moved to put out a request for a proposal for the Horse Place Bar Lease. Director Mahlke seconded the motion. The vote was called and the motion carried 6-0.
- XVII. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF AMENDED POLICIES TO BE INCLUDED IN THE SCA EMPLOYEE HANDBOOK AND MATTERS RELATED THERETO. President Bahr reviewed the agenda item. No public or Board comment was offered. Vice Chair Park moved to approve the amended policies to the included in the SCA Employee Handbook. Director Jefferies seconded the motion. The vote was called and the motion carried 6-0.
- XVIII. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING IMPLEMENTING NON-PROFIT USER RATES FOR SPRING CREEK ASSOCIATION FACILITIES AND MATTERS RELATED THERETO. President Bahr presented the agenda item. Treasurer Preston also commented on some of the proposed non-profit fee changes. No public comment was offered. Director Mahlke asked for clarification on Golf Course fees to high school students for golf tournaments since the high school itself is classed as a 501 (c) 3 not for profit entity. President Bahr clarified how the fee schedule is applied for the different facilities. Further discussion ensued and no consensus was reached by the Board on the proposed fees. The agenda item be tabled pending further deliberation at the next meeting. No action would be taken at this meeting.

XIX. COMMITTEE OF ARCHITECTURE:

- A. REPORTS: Chair Legarza commented that Attorney McConnell's reports are helpful to the Board to determine that status of properties in violation that have been turned over to legal for further action. No other Board or public comment was offered. This is a non-action item.
- **XX. STAFF REPORT:** President Bahr updated progress on:
 - **A.** Fairway Community Center Move in is targeted by the end of January 2017.
 - B. Horse Palace Lots of information is still to be forthcoming.
 - C. Shooting Range Met with the committee for improvement project. The grant process is being pursued for improvement and pending the grant funding amount we will be determining how much will be spent by SCA toward that project.
 - **D.** Schuckmann's Sports Complex Met with that committee recently on some aspects of the project foundations. We'll know more on the scope of that project and can determine if we move forward on that project by the next BOD meeting.
 - E. COA Operations We are looking at issues the COA could be addressing: i.e. ATV ticketing, looking at the business permit process and exploring how we can deal with other businesses who currently use our roads, possibly charging some business use fee to companies accessing our roads. The COA appeal process for property owners was recently approved. COA is looking at vacant lots and what rules may be applied to keep vacant lots maintained.

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- F. Roads Snow removal and pot holes in the roadways are an issue. Property owners are plowing/disposing of snow in prohibited areas causing potentially hazardous driving conditions. Elko County and SCA have ordinances/policies dealing with snow removal methods. We will continue to monitor the snow removal process by property owners. Snow disposal in ditches on the property line is allowed in SCA but plowing snow across the roadways is prohibited.
- G. Animal Control Was discussed earlier in the meeting.
- H. Weed Management We plan on seeking additional funding from the County and are looking at the purchase of a large brush beater/weed sprayer attachment so we can brush beat and spray weeds at the same time.
- I. Municipalities Study –Monday the 23rd of January saw a phone call review of the first draft of the study. We confirmed some assumptions during the call. The first study report will be detailed at the next BOD meeting.
- J. Water Committee The water meter reading/billing issue has been addressed. We previously discussed the work Capitol Partners and the bill draft and meetings with the PUCN. We are proceeding with the water company to have them turn over their books for an external audit.
- **K. Upcoming Events Schedule** The schedule is provided: The Ranch Rodeo and many other events are upcoming.
- L. Mailbox Clusters Complaints about mailbox areas not being maintained.
- XXI. APPROVAL OF THE DECEMBER 14, 2016 REGULAR MEETING MINUTES: No Board comment was offered. Director Mahlke moved to approve minutes of the December 14, 2016 Board of Directors Regular Meeting minutes. Director Jefferies seconded the motion. The vote was called; motion carried 6-0.
- XXII. ACCEPT DECEMBER 2016 SPRING CREEK ASSOCIATION ASSESSMENT AND LEGAL RECEIVABLE REPORTS: Treasurer Preston offered clarification on the report for December. Attorney McConnell also clarified some items as well. No public or Board comment was offered. Director Plaster moved to accept the December, 2016 SCA Assessment and Legal Receivable Reports as submitted. Director McFarlane seconded the motion. Vote was called. Motion carried 6-0.
- **XXIII.** ACCEPT DECEMBER 2016 FINANCIAL REPORTS: Treasurer Preston explained some large overages and shortages from the Budget for the year 2016. No Public or Board comment was offered. Director Plaster moved to accept the December, 2016 Financial Reports as presented. Director McFarlane seconded the motion. The vote was called and the motion carried 6-0.
- **XXIV. MEETING SCHEDULE:** The next Regular Board of Directors meeting is scheduled for Wednesday, February 22, 2017 at 5:30 p.m.
- XXV. BOARD OF DIRECTOR COMMENTS: President Bahr stated we would announce on February 1st that there will be three Board of Director openings. The SCA website details the information on which positions have openings and how letters of interest from persons interested in running for the open Board positions can be submitted between February 1st and March 31st. The At Large Directors positions currently filled by Travis Mahlke, Mike McFarlane and Paul McAnany will be open to re-election.. The names of persons submitting a letter of interest in running will be announced at the June 2017 annual meeting.
- XXVI. MEETING ADJOURNED: 9:52 PM