



**SPRING CREEK ASSOCIATION
BOARD OF DIRECTORS REGULAR MEETING MINUTES**

Spring Creek Association ("SCA") Board of Directors
Wednesday, December 12, 2018, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

PRESENT: Chair Josh Park (Tract 100), Terry Lister (Tract 200), Vice Chair Paddy Legarza (Tract 400)
At-Large Members: Tom Hannum, Molly Popp, Jake Reed

ABSENT: Pat Plaster (Tract 300)

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 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.

Andrea Shirley, Community Relation Specialist for Great Basin Water, read a press release regarding the water treatment plant in Spring Creek nearing its end of life. She noted that the demand for wastewater has been increased and they are working to reach temporary and permanent solutions to protect the watershed. A larger plant will be necessary for full build out. They are waiting for approval from the Nevada Division of Environmental Protection (NDEP) and the Public Utilities Commission of Nevada (PUCN) before they can begin to replace the current water treatment plant.

II. REVIEW, DISCUSSION AND POSSIBLE APPROVAL TO ACCEPT A PROPOSAL FROM EIDE BAILLY TO PROVIDE AUDIT SERVICES TO SPRING CREEK ASSOCIATION FOR THE YEAR ENDING DECEMBER 31, 2018.
FOR POSSIBLE ACTION

SCA President Bahr stated we have a yearly request to provide audit services for the Association.

Teri Gage with Eide Bailly noted the engagement letter is the same as last year, with no changes in fees.

Member Lister moved/Member Reed seconded to accept the proposal from Eide Bailly to provide audit services to the Spring Creek Association for the year ending December 31, 2018. Motion carried (6-0) Member Plaster absent.

III. REVIEW, DISCUSSION AND POSSIBLE AMENDMENT TO THE GOLF COURSE RESTAURANT LEASE AGREEMENT WITH COOKS & COOKS LLC.
FOR POSSIBLE ACTION

Ericia Cook and Sarrah Urbahn with Cooks & Cooks were present. They are requesting a decrease in rent until the golf course re-opens, increased lighting for the parking lot and business sign, minimization of the room rental fees and discussion of the 12% additional food cost.

The Board Members discussed the requests and agreed that more lighting outside the building is necessary. It was suggested that Cooks & Cooks purchase an open sign for the business and lighting for the sign would be handled by them. The room rates and 12% fee will be removed. The first right of refusal for the Board Room only will be removed; however, there will be no access to the kitchen. Utilities at the clubhouse will be on a month to month basis and there will be no monthly rent decrease.

Attorney McConnell suggested the Board approve the First Amended Concessionaire Agreement provided in their packet, deleting Section 5.3 regarding the first right of refusal and the 12% fee, changing Section 9.2 to a \$2,250.00 monthly rental fee, and changing Article 17 to read "The additional cost for this use is \$180.00 per month on a month to month basis".

Vice Chair Legarza moved/Member Reed seconded to approve the First Amended Concessionaire Agreement as of December 1, 2018 and as clarified by legal and listed above. Motion carried (6-0) Member Plaster absent.

IV. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF A REQUEST FROM GREAT BASIN WATER COMPANY FOR A ROAD CUT ON CAMEO DRIVE.
FOR POSSIBLE ACTION

Eric Chittim with Great Basin Water gave an update on the request for a road cut on Cameo Drive and stated he needs approval so he can get water service to the property. He noted that cold patch will be put down as soon as possible.

Member Hannum stated they will still be responsible to patch the road when the weather is warmer; as the cold patch is temporary, and they must maintain it until the point it is repaired permanently.

Member Hannum moved/Member Lister seconded to approve the road cut on Cameo Drive. Motion carried (6-0). Member Plaster absent.

V. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF A REPAIR TO THE ENGINE OF THE KENWORTH DUMP TRUCK. *FOR POSSIBLE ACTION*

SCA President Bahr gave an overview on the increase in cost for the engine repair of the Kenworth Dump Truck.

Member Lister moved/Member Reed seconded to approve the repair cost for the engine of the Kenworth Dump Truck. Motion carried (6-0) Member Plaster absent.

VI. REVIEW AND POSSIBLE ACTION REGARDING THE PERFORMANCE EVALUATION FOR THE PRESIDENT/GENERAL MANAGER IN ACCORDANCE WITH THE TERMS OF THE EMPLOYMENT CONTRACT. *FOR POSSIBLE ACTION*

It was noted that every July and December the President's performance is evaluated.

The Board Members discussed the many things that have been accomplished since President Bahr has come to the Association, the image being better than in the past, and the good team in place at Association.

Chair Park moved/Vice Chair Legarza seconded to approve a 3 percent merit increase and a contract bonus similar to last year effective January 1, 2019. Motion carried (6-0) Member Plaster absent.

VII. COMMITTEE OF ARCHITECTURE

A. REPORTS

NON-ACTION ITEM

COA Secretary Shields gave an overview on the report provided to the board.

B. APPROVAL OF APPOINTMENT TO THE COMMITTEE OF ARCHITECTURE.

Reappoint Cassandra Banuelos, Randy Hesterlee, Jill Holland, John Featherston, and Diane Parker for one-year terms commencing January 1, 2019.

FOR POSSIBLE ACTION

Member Lister moved/Member Popp seconded to reappoint Cassandra Banuelos, Randy Hesterlee, Jill Holland, John Featherston and Diane Parker for one-year terms commencing January 1, 2019. Motion carried (6-0) Member Plaster absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 235 FLORA DR (102-014-014) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since July 2018. There has been no contact from the property owner and there is no phone number on file. To date, after 5 months, the property owner has not brought the property into compliance.

Member Hannum moved/Member Popp seconded to refer the property at 235 Flora Drive to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0) Member Plaster absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 459 GYPSUM DR (202-021-014) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since June 2018. There has been no contact with the property owner and there is no phone number on file. To date, after 6 months, the property owner has not brought the property into compliance. Member Popp moved/Member Reed seconded to refer the property at 459 Gypsum to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0) Member Plaster absent.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 730 HAYLAND DR (202-010-061) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since June 2018. There has been no contact with property owner and the number on file is not a working number. To date, after 6 months, the property owner has not brought the property into compliance.

Member Reed moved/Vice Chair Legarza seconded to refer the property at 730 Hayland Drive to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0) Member Plaster absent.

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

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since June 2018. There has been no contact with property owner. A message was left informing the property owner of the BOD meeting on 12/12/18. To date, after 6 months, the property owner has not brought the property into compliance. The property owner sent an email noting he would pay any fines and that the shingles would be replaced when the weather permits.

Member Popp moved/Chair Park seconded to uphold the \$200.00 fine and refer the property at 285 Knox Drive back to the COA to allow the property owner to bring the property into compliance by June 1, 2019. Motion carried (6-0) Member Plaster absent.

G. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 388 DOVE CREEK PL (201-003-045) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since January and June 2018. There has been contact with property owner via phone and email. He is aware of the meeting and will be attending. The weeds have been mowed on the property. To date, after 11 and 6 months, respectively, the property owner has not brought the property into compliance.

The property owner was present and noted the weeds have been mowed. He stated every time he gets close to finishing he gets another letter. He requested the Board give him more time to bring the property into compliance. He noted the vehicles are licensed and insured with the exception of the Mustang.

Public comment:

Jill Holland, member of the SCA COA, would like a plan of action as they have seen the property in this condition many times. She requested the Board ask him for a timeline.

Chair Park suggested a completion date of February 1, 2019.

President Bahr directed COA Secretary Shields to send a letter or meet with the property owner on what needs to be completed by February 1, 2019.

Attorney McConnell recommended allowing until February 1, 2019 to bring the property into compliance; otherwise, referring it to legal if not completed.

Chair Park moved/Member Hannum seconded to allow the property owner at 388 Dove Creek Place until February 1, 2019 to bring the property into compliance; otherwise, referring the property to legal counsel for further action. The \$200.00 fine is upheld. Motion carried (6-0) Member Plaster absent.

H. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 744 HOLIDAY DR (202-003-028) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since February 2017. There has been contact with property owner via email and by phone. They are aware of the meeting but are not able to attend and wrote a letter in their absence. To date, after 22 months, property owner has not brought the property into compliance.

Member Lister moved/Member Reed seconded to refer the property at 744 Holiday Drive to legal for further action and uphold the \$200.00 fine. Motion carried (6-0) Member Plaster absent.

I. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 495 LILAC DR (304-008-030) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since May 2018. There has been no contact with the property owner and there is no phone number on file. To date, after 7 months, the property owner has not brought the property into compliance.

Chair Park moved/Member Reed seconded to refer the property at 495 Lilac Drive to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0) Member Plaster absent.

J. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 670 BLUEGRASS DR (401-009-028) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since June 2018. There has been no contact with the property owner. To date, after 6 months, the property owner has not brought the property into compliance.

The property owner was present and noted that she got divorced and her name is still on the property although that was supposed to be taken care of in the divorce. She stated the home is abandoned.

Attorney McConnell noted it can be referred to legal and handled with the bank. She noted that the bank is the one paying on the property and is involved at this point in time.

Member Hannum moved/Member Lister seconded to uphold the \$200.00 fine and refer the property at 670 Bluegrass Drive to legal for further action. Motion carried (6-0) Member Plaster absent.

K. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 733 WESTCOTT DR (401-010-028) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since May 2018. There has been no contact with property owner and there is no phone number on file. To date, after 7 months, the property owner has not brought the property into compliance.

Member Reed moved/Member Hannum seconded to refer the property at 733 Westcott Drive to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0) Member Plaster absent.

L. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 825 ROYAL OAK DR (402-002-025) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property owner has been sent three (3) notices regarding these violations in accordance with the Regulations, Policies & Procedures Manual "Notice of Non-Compliance" procedures. The property owner has been in violation since October 2018. There has been contact with the property owner via phone. He is aware of the meeting on 12/12/18 and will be attending. Animal Control will also be in attendance. To date, after 2 months, the property owner has not brought the property into compliance.

Animal control was unable to attend the meeting.

The property owner was present and stated he came into the office and talked to someone after the first notice. He stated that the dog got loose but the situation was solved that day.

COA Secretary Shields stated there were 2 incidents and they are pending with the District Attorney's Office at this time.

The people with the dog will be moving on February 1, 2019.

Public Comment:

Steve Trainor, Tract 100, suggested that Animal Control or The Sheriff's Office come in to clarify the law regarding firearms. He asked if we have a county leash law.

Chair Park clarified that there is no county leash law.

Chair Park moved/Member Lister seconded to dismiss the \$200.00 fine and close the violation at 825 Royal Oak Drive. Motion carried (5-1) Member Hannum opposed and Member Plaster absent.

VIII. STAFF REPORT **NON-ACTION ITEM**

The staff report was provided in the Board's packet.

IX. APPROVAL OF MINUTES: **FOR POSSIBLE ACTION**

A. November 14, 2018, Regular Meeting Minutes

Member Lister moved/Chair Park seconded to approve the November 14, 2018 Regular Meeting Minutes. Motion carried (6-0) Member Plaster absent.

X. ACCEPT NOVEMBER 2018 ASSESSMENT AND LEGAL RECEIVABLE REPORTS.
FOR POSSIBLE ACTION

Vice Chair Legarza moved/Member Reed seconded to accept the November 2018 Assessment and Legal Receivable Reports. Motion carried (6-0) Member Plaster absent.

XI. ACCEPT NOVEMBER 2018 FINANCIAL REPORTS.
FOR POSSIBLE ACTION

Member Hannum moved/Member Reed seconded to accept the November 2018 Financial Reports. Motion carried (6-0) Member Plaster absent.

XII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A LEGAL SERVICES AGREEMENT WITH MCCONNELL LAW.
FOR POSSIBLE ACTION

Attorney McConnell stated they are requesting an increase of \$35.00 per case and an increase in hourly rate which includes a 10% discount for the Spring Creek Association. She noted they have not requested an increase in fees for 2 years.

Member Lister moved/Member Popp seconded to approve the Legal Service Agreement with McConnell Law. Motion carried (6-0) Member Plaster absent.

XIII. MEETING SCHEDULE **NON-ACTION ITEM**

The next Regular Board of Directors meeting is scheduled for Wednesday, January 23, 2019 at 5:30pm.

XIV. 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.

XV. ADJOURNMENT

The meeting adjourned at 8:10 p.m.