



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

Spring Creek Association ("SCA") Board of Directors  
Wednesday, August 22, 2018, 5:30 PM, PST  
Fairway Community Center Meeting Room  
401 Fairway Blvd, Spring Creek, Nevada

**PRESENT:** Chair Josh Park (Tract 100), Vacant (Tract 200), Pat Plaster (Tract 300), Vice Chair Paddy Legarza (Tract 400)

**At-Large Members:** Tom Hannum, Molly Popp, Jake Reed

**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.

Paul Herman, 491 Shadybrook Drive, came before the Board to discuss the late fee on his account. Treasurer Austin-Preston noted that the check sent in January 2018 was split between 2 accounts as stated on the check. Mr. Herman noted that he sold one of the properties in 2017 and must not have changed it on the check electronically. He requested that the Board remove the late fee.

Attorney McConnell stated that the Board is not able to take action on this item today since it is not an action item before the Board.

Chair Park stated that he will contact Mr. Herman directly.

**II. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPOINT A MEMBER TO FILL 200 TRACT BOARD VACANCY FOR THE REMAINDER OF THE TERM ENDING IN JUNE 2019 PURSUANT TO SPRING CREEK ASSOCIATION BYLAW 5.9. FOR POSSIBLE ACTION**

President Bahr gave an update on the 3 applications received, noting one had been withdrawn.

Applicant Terry Lister noted he had served on the board previously and in that time was always prepared with reading the materials provided and attending the meetings. He stated he has already read through the budget that was passed for this year, has a few questions, and believes he can help with the budget related to equipment items.

Applicant Randy Hesterlee stated that when he saw there was a vacancy he thought he could fill the role. He has acted as an advisor to various government bodies, has been responsible for budgets for the State, has knowledge of the roadways, right of ways, and experience with personnel issues.

Public comment:

Rhonda Morfin, Tract 300, stated she believes either would be a very good pick.

Attorney McConnell stated that both applicants have been checked and qualify to serve as a member on the Board of Directors.

Discussion ensued among the board members in regards to the candidates.

Member Plaster moved/Vice Chair Legarza seconded to appoint Terry Lister to fill the Tract 200 Board vacancy for the remainder of the term ending in June 2019 pursuant to the Spring Creek Association bylaws. Motion carried (6-0).

**III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST BY JAMES AND LORI ALLEN TO DONATE THE USE OF THE HORSE PALACE INDOOR ARENA FOR A BENEFIT ROPING. FOR POSSIBLE ACTION**

Treasurer Austin-Preston noted the request is to benefit a local Elko man who was injured.

There was discussion on the fees typically charged for events at the Horse Palace for non-profit entities. It was noted that if the Association donates the use of the Horse Palace, it is not the Association's responsibility to determine what is done with the money made from the event.

Member Popp moved/Member Reed seconded to donate the use of the Horse Palace indoor arena, including lights, heat, etc., to James and Lori Allen for a benefit roping for one (1) day (date to be determined). Motion carried (6-0).

**IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST BY GREAT BASIN WATER COMPANY TO CUT THE ROAD AT 710 AND 723 BRONCO DRIVE TO INSTALL WATER METER PITS. *FOR POSSIBLE ACTION***

President Bahr noted that the Association typically does not allow the roads to be cut after the chip seal is completed; however, this is a unique situation.

Eric Chittim, Great Basin Water, gave an overview of the process for repairing leaks. He noted that 50 to 60 percent of the water mains are located under the roads. There are 15 to 20 leaks reported per week and they were unable to get to this request before chip seal completion. The contractor has already started working on one house and will do asphalt patches where the road is cut. He noted this will be completed within the next month.

Member Hannum moved/Member Popp seconded to approve the request by Great Basin Water Company to cut the road at 710 and 723 Bronco Drive to install water meter pits pursuant to the Spring Creek Association right of way permit. Motion carried (6-0).

**V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PROPOSAL FOR AN INUNDATION MAP UPDATE FOR THE SPRING CREEK MARINA DAM EMERGENCY ACTION PLAN. *FOR POSSIBLE ACTION***

President Bahr gave an overview and noted that the Association is required to update the Emergency Action Plan (EAP) for the Spring Creek Marina Dam.

Member Hannum stated that he will abstain from voting on this item as he is employed by Summit Engineering and they provided a quote for the inundation map.

Member Plaster moved/Member Reed seconded to accept the bid from Summit Engineering for an inundation map update for the Spring Creek Marina Dam Emergency Action Plan. Motion carried (5-0-1) Member Hannum abstained.

**VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A PROPOSAL TO RECONSTRUCT THE MARINA DOCK. *FOR POSSIBLE ACTION***

President Bahr gave an update on the dock at the Spring Creek Marina and noted proposals for the reconstruction of the dock were included in the Board's packet.

Member Hannum noted the proposals are not to replace the dock; they are for adding components to preserve the existing dock.

President Bahr stated research had been done on floating docks and numerous cities and towns were contacted for information on their dock systems.

Public Comment:

Randy Hesterlee asked if the quote is for minimum tip or design. Member Hannum explained the design depth and noted that there is very little information on the existing dock.

Member Plaster moved/Member Reed seconded to accept the proposal from Versa Grade and Schell Creek Construction to reconstruct the marina dock. Motion carried (6-0).

**VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE YEARLY REVIEW OF THE CONFLICT OF INTEREST POLICY, 16-001. *FOR POSSIBLE ACTION***

Attorney McConnell gave an overview of the conflict of interest policy, asked the Board to review the policy and determine if they are requesting any changes to the policy.

Member Plaster moved/Member Popp seconded to approve the Conflict of Interest Policy 16-001. Motion carried (6-0).

**VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE AND SIGN THE YEARLY REVIEW OF POLICY 07-001, BOARD OF DIRECTORS' AND PRESIDENT'S CODE OF CONDUCT IN REGARD TO ETHICS, DIRECTORS' AND PRESIDENT'S ACTIVITIES AND ACCESS TO INFORMATION. *FOR POSSIBLE ACTION***

The item was tabled until the next Board of Directors meeting on September 26, 2018.

**IX. COMMITTEE OF ARCHITECTURE  
A. REPORTS**

***NON-ACTION ITEM***

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

**B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 438 JASPER DR (202-018-046) 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. The property owner has been in violation since February 2018 and there has been no contact from the property owner. The property is in legal for other COA violations. To date: after 6 months, the property owner has not brought the property into compliance.

Attorney McConnell stated that they may be able to amend the complaint that is already in legal to add the additional violations.

No action was taken.

**C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 361 BUFFSIDE CT (201-004-034) 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. This property owner has been in violation since February 2018 and there has been no contact with the property owner. All mail has been returned. To date: after 6 months, the property owner has not brought the property into compliance.

Member Plaster moved/Reed seconded to send the property at 361 Buffside Court to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0).

**D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 120 EDGEWOOD AVE(102-003-003) 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. This property owner has been in violation since April 2018 and there has been no contact with the property owner. To date: after 4 months, the property owner has not brought the property into compliance.

Member Popp moved/Member Plaster seconded to refer the property at 120 Edgewood Avenue to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0).

**E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 127 EDGEWOOD AVE(105-001-007) 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. The property owner has been in violation since April 2018 and there has been no contact with property owner. To date: after 4 months, the property owner has not brought the property into compliance.

Member Popp moved/Chair Park seconded to refer the property at 127 Edgewood Avenue to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0).

**F. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 456 GYPSUM DR (202-025-003) 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. The property owner has been in violation since March 2018 and there has been no contact with property owner. This property owner is in legal for other violations. To date: after 5 months, the property owner has not brought the property into compliance.

Attorney McConnell stated there is no judgement on the property at 456 Gypsum Drive; however, the property is in legal for other violations.

It was clarified that the jeep has always been in violation but the trash is a new violation.

Chair Park moved/Member Popp seconded to refer the property at 456 Gypsum Drive back to the Committee of Architecture for further review. Motion carried (6-0).

**G. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 390 SMOKEY DR (202-011-064) 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. The property owner has been in violation since March 2018 and there has been no contact with property owner. To date: after 5 months, the property owner has not brought the property into compliance.

Member Plaster moved/Member Reed seconded to refer the property at 390 Smokey Drive to legal counsel for further action and uphold the \$200.00 fine. Motion carried (6-0).

**X. STAFF REPORT**

***NON-ACTION ITEM***

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

**XI. APPROVAL OF MINUTES:**

***FOR POSSIBLE ACTION***

A. July 25, 2018, Regular Meeting Minutes

Vice Chair Legarza moved/Member Hannum seconded to approve the July 25, 2018 regular meeting minutes. Motion carried (6-0).

**XII. ACCEPT JULY 2018 ASSESSMENT AND LEGAL RECEIVABLE REPORTS.**

***FOR POSSIBLE ACTION***

Member Hannum moved/Member Plaster seconded to accept the July 2018 assessment and legal receivable reports. Motion carried (6-0).

**XIII. ACCEPT JULY 2018 FINANCIAL REPORTS.**

***FOR POSSIBLE ACTION***

Treasurer Austin-Preston provided an update to the Board on the July 2018 financial reports.

Vice Chair Legarza moved/Member Plaster seconded to accept the July 2018 financial reports. Motion carried (6-0).

**XIV. DISCUSSION AND POSSIBLE ACTION TO APPOINT A MEMBER OF THE BOARD TO PARTICIPATE IN MEDIATION WITH THE NEVADA STATE REAL ESTATE DIVISION REGARDING A COMPLAINT FILED BY MARY ELLEN BURCKHARD.**

***FOR POSSIBLE ACTION***

Attorney McConnell requested that the Board appoint a member to participate in the mediation with Nevada State Real Estate Division.

Vice Chair Legarza moved/Member Reed seconded to appoint member Josh Park to participate in mediation with the Nevada State Real Estate Division. Motion carried (6-0).

**XV. MEETING SCHEDULE**

***NON-ACTION ITEM***

The next Regular Board of Directors meeting is scheduled for Wednesday, September 26, 2018 at 5:30pm.

**XVI. PUBLIC COMMENT**

***ACTION SHALL NOT BE TAKEN***

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Randy Hesterlee, Tract 200, voiced his concerns related to the Manual on Uniform Traffic Control Devices (MUTCD) and the need for it to be followed.

**XVII. ADJOURNMENT**

The meeting adjourned at 6:50 p.m.