



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

Spring Creek Association ("SCA") Board of Directors
Wednesday, August 28, 2019, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

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

ABSENT: Pat Plaster (Tract 300) and At-Large Member 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.

Fran Yorgesen, Tract 100 and District Manager for Southwest Gas, provided an update on the filing with the Public Utilities Commission of Nevada (PUCN), noting they are in the discovery stage. There is a Consumer Session scheduled for September 12, 2019 at 6:00 p.m. at the Spring Creek High School. Southwest Gas will have a booth at the Elko County Fair to answer questions from the public.

II. PRESENTATIONS BY THE GOVERNOR’S OFFICE OF SCIENCE INNOVATION AND TECHNOLOGY BROADBAND ACTION TEAM, CHURCHILL COUNTY COMMUNICATIONS, COMMNET, AND SAFELINK REGARDING BROADBAND SERVICES WITHIN SPRING CREEK. *NON-ACTION ITEM*

Joe Freddoso, Chief Operating Officer, Mighty River, LLC, stated they are working with communities on behalf of the Governor’s Office of Science, Innovation and Technology to offer enhanced and improved internet service. An RFI (request for information) was issued for Spring Creek on June 18, 2019 and three companies responded. A citizen’s survey revealed that 76 percent were dissatisfied with their internet service and 96 percent wanted faster service. Mr. Freddoso stated the current service does not meet the advertised speed, outages are common, businesses have trouble processing transactions and new business growth won’t happen with the current service available. He provided an overview of the RFI.

CC Communications:

Mark Feest, General Manager of CC Communications provided a written proposal to the Board for both wireless and fiber solutions. He noted that they believe wireless is a short term solution and that fiber is the best solution for Spring Creek residents. CC Communications is an enterprise fund of Churchill County, Nevada; they receive no tax dollars from Churchill County residents and finances are kept separate between CC Communications and Churchill County. The Churchill County Commission sits as the board for CC Communications. They currently serve Churchill Country, Reno and Carson City Metro. Their proposal is to lay fiber optic cable when Southwest Gas opens the trench for natural gas. They also provided a proposal for a wireless solution which would require between 6 and 10 tower locations. He noted it would be a challenge to provide a temporary wireless solution that would satisfy residents. Oversubscription could cause slides in the user experience with the wireless solution. CC Communications would provide 24/7 phone support 7 days a week using local technicians. There are no contracts and they would provide a 2-year price lock. CC Communications provides IT TV, unlimited phone, and VOIP. If they are able to lay fiber optic cable in the Southwest Gas trench, they will not ask for a subsidy from residents.

Public Comment:

Kevin Martindale, Tract 100, asked how long it would be before residents could get the service.

Mr. Feest stated it is dependent on Southwest Gas, but likely a year after they started their project.

Commnet Wireless, LLC:

Chris Arnold, Director of Strategic Planning for Commnet Wireless stated they are proposing to offer a fixed wireless broadband service under Choice Broadband. They currently serve thousands of fixed wireless subscribers in Nevada, Arizona, New Mexico, Utah, and Colorado and 15+ schools and libraries in rural Nevada. They currently operate 5 cellular towers in Elko County, including 2 sites covering Spring Creek. They have 50 subscribers in Spring Creek today. They are proposing a staged deployment plan to allow them to build a network and still remain in business. The stages are as follows:

Stage 1. Upgrade Existing Wireless Service

Stage 2. Expansion of Wireless Coverage

Stage 3. Middle-mile fortification

Commnet Wireless has local support with an office in Elko, 2 field technicians within 2 hour driving distance, and a 24/7 network monitoring system. They charge \$149.00 installation fee and \$99.00 activation fee with a 2 year contract. They do have promotions where the fees are waived and the first month is free. Commnet was awarded \$2.37M of annual support to serve 47 Census Block Groups and plan to serve Nevada's broadband needs for the next 10 years through that funding. Mr. Arnold noted that they will be moving forward with this project without requesting any money from the Spring Creek Association Board of Directors.

Public Comment:

Randy Mauldin, Tract 300, asked what the difference between Commnet and Rise Broadband services were.

Mr. Arnold stated he is not familiar with the equipment Rise Broadband uses and the difference is the equipment. They are a fixed wireless provider that is investing in the community. He stated that current customers have plans ranging from \$30.00 to \$80.00 monthly. Currently there is not 25/3Mbps service available, they offer 9/2Mbps as that is what is available today.

Safelink Internet Services:

Jacob Hansen, Safelink CEO, stated Safelink has been in business for 23 years and anticipates having a local presence for well beyond 20 years. They are proposing a fiber solution with deployment between 12 to 24 months from the project start date. They recently moved to fiber in the last 4 years. Fiber allows for unlimited data and no throttling. They will offer a price lock for the life of the plan, 24/7 local tech support and a service guarantee that lets people out of their contract if they are not satisfied with their service. Safelink does not advertise up to speeds; you get the speed you pay for in your plan. They will have an on-site technician available within the same day or 24 business hours. You will be able to control access to your internet through an online app. It will allow you to control time, sites, etc., and allow you to control access even if you are away from your home. Mr. Hansen stated that Spring Creek would require 50 to 60 towers to meet the demand for a wireless option, which is why he believes that fiber is the ultimate choice. He noted that the limit of fiber is unknown at this point and it is future proof, it is easily upgraded without massive changes and increases property values. A power point of what construction would look like was presented to the Board of Directors. The cost per home is approximately \$3000.00 and they would ask \$1000.00 per household to show commitment. He noted that some communities will pay up front and some

split the cost with the homeowners. He stated that a payment plan would be available to homeowners. They are structuring it this way to provide the service now rather than later.

No action was taken.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO GIVE STAFF DIRECTION ON WHICH COMPANY TO MOVE FORWARD WITH FOR BROADBAND SERVICES WITHIN SPRING CREEK.
FOR POSSIBLE ACTION

SCA President Bahr stated that the Association is requesting direction on which company to move forward with for broadband services.

The Board members discussed the proposals and provided their comments.

Public Comment:

Kevin Martindale, Tract 100, voiced his concerns on the costs for services with Safelink. He noted it might be hard for people to pay \$1,000.00 and the monthly fee.

Vice Chair Hannum asked if a subsidy is available through a grants program. Joe Freddoso, Chief Operating Officer, Mighty River, LLC, stated that the Association would need to explore that piece and that perhaps we could work that out in conjunction with Elko County. He noted it would make more sense to serve the entire market.

Vice Chair Hannum moved/Member Popp seconded to proceed with Safelink as the first option and CC Communications as the second option to move forward with for broadband services within Spring Creek. Motion carried (4-1) Chair Park opposed and Members Plaster and Reed absent.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE WAIVING LIGHT FEES AT THE HORSE PALACE FROM OCTOBER 2019 THROUGH MARCH 2020.
FOR POSSIBLE ACTION

Robbin Rowley, Katie Steele, and Chad Steele were present to answer questions from the Board. Robbin gave an overview on light fees being waived in the past and the increase in passes being sold during that time.

Chair Park moved/Member Popp seconded to waive the light fees at the horse palace from October 2019 to March 2020. Motion carried (5-0) Members Plaster and Reed absent.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO GRANT PERMISSION TO GREAT BASIN WATER COMPANY TO CONDUCT EXPLORATORY WATER WELL DRILLING ON SCA PARCEL #046-005-002 LOCATED ON BUTTERFIELD AND VERDES DRIVE.
FOR POSSIBLE ACTION

Tim Scheidt, Great Basin Water, stated they are requesting permission to put a ring on the parcel listed above and conduct exploratory drilling. It will take 5 to 10 days to complete and if there is promise, they will request an exploratory well and then a permit.

Attorney McConnell stated this item is for permission to conduct exploratory drilling only.

Vice Chair Hannum moved/Member Featherston seconded to grant permission to Great Basin Water Company to conduct exploratory water well drilling on SCA Parcel #046-005-002 located on Butterfield and Verdes Drive. Motion carried (5-0) Members Plaster and Reed absent.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE 2018 FINANCIAL AUDIT PREPARED BY EIDE BAILLY LLP. *FOR POSSIBLE ACTION*

SCA President Bahr stated the audit is performed yearly.

Teri Gage with Eide Bailly presented a power point for the 2018 financial audit noting the Association has a clean opinion on financials. She provided an overview of the financials that were provided in the Board packet.

It was noted that on page 16 and 17 of the financials the actual assessments for the Spring Creek Association are \$215.00 less than the CPI.

Vice Chair Hannum moved/Member Young seconded to approve the 2018 Financial Audit prepared by Eide Bailly. Motion carried (5-0) Members Plaster and Reed absent.

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

Attorney McConnell noted that the Board reviews the conflict of interest policy yearly. The policy was provided to the Board and no changes were made to the policy.

Vice Chair Hannum moved/Member Popp seconded to approve Policy 16-001, Conflict of Interest. Motion carried (5-0) Members Plaster and Reed absent.

VIII. 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 APPOINTMENT OF A MEMBER TO THE VACANT COMMITTEE OF ARCHITECTURE POSITION. *FOR POSSIBLE ACTION*

SCA President Bahr stated 2 applicants are present to answer questions from the Board.

Rhonda Morfin, Tract 300, stated she has been a resident of Spring Creek for 47 years and has worked for Nevada Department of Transportation (NDOT) for 25 years. She noted she enjoys giving back to the community and that is her reason for applying for the vacancy.

Stefanie Sisk, Tract 400, stated she has been a resident of Spring Creek for 3 years and works for Kinross Gold where she serves on 4 different committees. She noted she works with a diverse group of people and through that experience has learned how to make the best decision through the policies in place.

Member Featherston moved/Member Young seconded to appoint Stefanie Sisk to the Committee of Architecture. Motion carried (3-2) Vice Chair Hannum and Member Popp opposed and Members Plaster and Reed absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 96 FLOWING WELLS DR (301-007-024) 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 in violation since July 2019. The item was on the Committee of Architecture agenda on August 13, 2019 and the committee voted to refer the property to the Board of Directors for further action and suspend the \$200.00 fine.

The property owner was present. She stated they have lived here since 2006 and have had the dogs since 2011 with no problems. The Animal Control Officer moved into 108 Flowing Wells Drive, and since that time they have received 2 violations. They have bark collars for both of their dogs. She stated the dog at 108 Flowing Wells Drive barks constantly. They have put different bark collars on their dogs and moved them to a different area away from the fence. The whole neighborhood has dogs that bark. The only time they receive a violation is when they are not home. Currently they are in court for the issue. She noted she is fearful of the Animal Control Officer and feels she is being bullied.

Chair Park asked if she had contacted the Sheriff's Department about her concerns and if the dogs are kenneled. The property owner stated she had not contacted the Sheriff's Office and that yes the dogs are kenneled.

Public Comment:

Matt McCarty, Tract 300 and neighbor, presented a letter to the Board. He noted that he has a dog that gets out also. Shortly after the Animal Control Officer moved to 108 Flowing Wells Drive, she was sitting in their driveway and stated that his dog was being nuisance. He informed her of his efforts to try to contain the dog. A few days later he ran into the property owner at 96 Flowing Wells Drive and she informed him of the situation with her property. In another month the Animal Control Officer was in his driveway and stated his dog was running at large. At that time, the dog was kenneled and he informed the Animal Control Officer of that. The dog is also micro chipped. The neighborhood is pretty quiet. He noted that the Animal Control Office drives up and

down the street regularly in her patrol vehicle. He walks by the property at 96 Flowing Wells Drive and notes that other than normal dog behavior he has never noticed an issue.

Animal Control was not present at the meeting.

Chair Park moved/Member Popp seconded to dismiss the Committee of Architecture violation at 98 Flowing Wells Drive. Motion carried (5-0) Members Plaster and Reed absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 13 LAWNDALE CT (104-001-013) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated the property has been in violation since January 2019. There has been no contact from property owner. The item was on the Committee of Architecture agenda on August 13, 2019 and the Committee voted to refer the property to the Board of Directors for further action and uphold the \$200.00 fine. An email was sent to the property owner notifying him of this meeting. He sent an email back stating he had a guy taking care of the property. His office manager called and stated the shed is being painted and the roof was being taken care of. To date the property is not in compliance.

Chair Park moved/Member Featherston seconded to refer the property at 13 Lawndale Court to legal counsel for further action and uphold the \$200.00 fine. Motion carried (5-0) Members Plaster and Reed absent.

E. 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 has been in violation since February 2018. There has been no contact with property owner and all mail has been returned. This item was on the Committee of Architecture agenda on August 13, 2019, and the Committee voted to refer the property to the Board of Directors for further action and uphold the \$200.00 fine.

Vice Chair Hannum moved/Member Featherston seconded to refer the property at 361 Buffside Court to legal counsel for further action and uphold the \$200.00 fine. Motion carried (5-0) Members Plaster and Reed absent.

IX. APPROVAL OF MINUTES:

FOR POSSIBLE ACTION

A. July 24, 2019

Vice Chair Hannum moved/Member Young seconded to approve the July 24, 2019 Regular Meeting Minutes. Motion carried (5-0) Members Plaster and Reed absent.

X. ACCEPT JULY 2019 ASSESSMENT AND LEGAL RECEIVABLE REPORTS.
FOR POSSIBLE ACTION

Member Popp moved/Vice Chair Hannum seconded to accept the July 2019 Assessment and Legal Receivable Reports. Motion carried (5-0) Members Plaster and Reed absent.

XI. ACCEPT JULY 2019 FINANCIAL REPORTS.
FOR POSSIBLE ACTION

Member Popp moved/Vice Chair Hannum seconded to accept the July 2019 Financial Reports. Motion carried (5-0) Members Plaster and Reed absent.

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

The next Regular Board of Directors meeting is scheduled for Wednesday, September 25, 2019 at 5:30pm.

XIII. 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.

SCA President Bahr noted that the Association applied for grant from FEMA and it was approved.

XIV. ADJOURNMENT

The meeting adjourned at 9:44 p.m.