



SPRING CREEK ASSOCIATION BOARD OF DIRECTORS REGULAR MEETING MINUTES

Spring Creek Association ("SCA") Board of Directors
Wednesday, September 23, 2020, 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) and Randy Mauldin (Tract 300)
At-Large Members: Vice Chair Tom Hannum and Jake Reed

ABSENT: Chair Josh Park (Tract 100), John Featherston (Tract 400), Molly Popp (At-Large)

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.

Aitor Narvaiza, Elko County Sheriff, provided an update to the Board regarding deputy responses, call types, and arrests.

President Bahr asked whether the calls received during this time period were average. Sheriff Naravaiza stated that it was average.

Member Mauldin discussed winter search and rescue.

II. RECOGNITION OF THE ELKO COUNTY COVID-19 MASK MAKERS.

NON-ACTION ITEM

President Bahr stated that SCA wanted to recognize the Elko County Covid-19 Mask Makers for their dedication and efforts to help during this time.

Jennifer Morreale was present and stated that the group started out sewing masks for health care workers. Since the beginning, they have provided over 69,000 masks nationwide. She stated they had received donations for material but they were all volunteers. She stated that she appreciated the recognition for the group.

No public comment was offered.

The group was presented with water bottles and certificates of appreciation.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A VETERAN'S DAY PARADE ON SPRING CREEK PARKWAY.

FOR POSSIBLE ACTION

President Bahr introduced the item that Elko County was requesting to have a Veteran's Day parade in Spring Creek.

Rex Steninger, Elko County Commissioner, stated that the County puts on the parade and Elko City informed them they had to get OSHA approval and OSHA stated they were not allowing spectator events. He would like to see the parade continue to honor the veterans.

Public Comment:

Ericia Cook, Cooks Fire Oven, was in favor of holding the parade in Spring Creek.

Sheriff Narvaiza supports the parade and stated that law enforcement will provide support for the parade.

Member Young moved/Member Reed seconded to invite the Veteran's Day Parade to Spring Creek. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION OF A REQUEST FROM COOKS FIRE OVEN AND GRILL TO PURCHASE A REACH IN REFRIGERATOR AND/OR A REACH IN FREEZER.

FOR POSSIBLE ACTION

President Bahr stated that the Board approved up to \$7250 for the purchase of a refrigerator and freezer at the August meeting.

Ericia Cook, owner, was present and stated that after further research, she got a quote for the same models of refrigerators and freezers we currently have that were purchased in 2008 and have had no issues. She stated that the new units will have warranties, but that SCA staff would have to install them into the building.

No public comment was received.

Member Young moved/Member Reed seconded to increase the purchase price to \$8872.89 for a refrigerator and freezer for Cooks Fire Oven & Grill. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE A REQUEST TO WAIVE LIGHT FEES FROM OCTOBER 2020 TO MARCH 2021 FOR THE HORSE PALACE.

FOR POSSIBLE ACTION

Chad Steele and Suzanne Hoffman were present and requested the Board waive the light fees from October to March from 6-9pm each night. They stated that they hope to bring in additional activities and that pass revenue should continue to increase.

No public comment was received.

General discussion on the needs of the Horse Palace ensued. It was discussed that the heating system and speaker system should be considered for upgrade.

Member Mauldin moved/Member Young seconded to approve the request to waive light fees from October 2020 to March 2021 for the Horse Palace for 3 hours per night. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER A REQUEST FROM SAFELINK TO WAIVE ALL PERMIT AND RIGHT OF WAY FEES FOR CONSTRUCTION WITHIN SPRING CREEK ASSOCIATION LIMITS.

FOR POSSIBLE ACTION

Jasen Herr requested SCA to waive all permit and right of way's for construction within SCA. He stated that Elko County and the City of Elko had waived their permit fees.

President Bahr asked for clarification if they had waived franchise or ROW fees.

Mr. Herr responded that the city had waived franchise fees for 5 years.

Member Young asked whether the County or City do inspections. It was clarified that the county does not do any inspections for ROW's.

Member Young also asked whether these fees had been waived for any other entity. It was clarified that they have not been previously waived.

President Bahr further clarified that SCA maintains the County roads and that all utilities are required to get ROW permits and we do a pre and post inspection on each permit. The fee

charged for the permit offsets the cost of the inspection, so it is not being subsidized by the property owner's fees.

Attorney McConnell presented her opinion that waiving the fees would set a precedent for any individual private, for-profit business requesting fees to be waived. She stated that not all property owners will sign up with this provider and the Board has a fiduciary duty to manage the property owner's money and represent all property owners.

Mr. Herr stated that other entities may qualify for waiving of fees with the county or city if they put a certain amount of money into the county. He did not specify that amount. He also stated that they had changed their business plan and plan to do all installations for those who choose the service for \$0 installation fee.

Vice Chair Hannum further clarified the need for the ROW permits as the pre and post inspection process has helped improved road issues we've had in the past from contractors. Previously, we had no recourse with the contractor to fix an issue they may have created. He explained the Board approved tiered ROW permit fees stating that a single permit is \$100 and the tiered permit is \$100 for the first 1000 feet and \$.50 per additional foot for the larger projects. He reiterated that the County does not do any inspections and that SCA does not receive any tax dollars from Elko and no economic development funds. Vice-Chair Hannum estimated that the total amount for the permits would be around \$75k, not the \$150k that Mr. Herr had put into his request.

Attorney McConnell again stressed that the Board needs to have a uniform application for all SCA residents and not all residents would benefit from the provider.

Member Mauldin asked what the benefit to the Spring Creek Community was and if they would not come into the area if this item were not approved.

Mr. Herr responded that it had crossed their mind to not come in if it were not approved.

President Bahr asked Mr. Herr to clarify that they would consider not moving forward with the project if the fees were not waived.

Mr. Herr went on to discuss the RFI process that happened in 2019 and that they had 'won' the process. President Bahr clarified that we were asking for information from prospective internet providers through the RFI process.

Member Young stated that the fees should pass on to the user, not all property owners.

Member Mauldin continued and stated that their intention was to break ground in March of 2020. Mr. Herr replied that they had issues with the city and were working on their plans to offer \$0 install to customers.

Member Mauldin also inquired about BLM permits and Mr. Herr responded that they have received previous permits from the BLM within a couple weeks. He also talked about a redundant system and those are the permits that would go through BLM and are not necessary at this time.

Member Mauldin asked about the initial projection of \$800-\$1200 installation costs to the property owner. Mr. Herr responded that they were officially going to be waiving install costs.

Member Reed requested information on monthly service charges. Mr. Herr stated that Spring Creek will have their own rates.

Member Young moved/Member Reed seconded to decline the request from Safelink to waive all permit and right of way fees for construction within SCA limits. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO IMPLEMENT NON-PROPERTY OWNER PASS FEES FOR USE OF THE MARINA. *FOR POSSIBLE ACTION*

President Bahr stated that with the addition of the services by H2GO at the Marina, the use by non-property owners has increased. Staff has proposed a fee schedule for the Board to review.

Public Comment:

Kevin Martindale, Tract 100, requested information on how it would be regulated.

President Bahr provided information on the gate access system as well as assistance from H2GO.

After discussion, it was determined daily rates should also be set for each option. The Board proposed the following:

Couples Daily: \$20

Senior Daily: \$8

Senior Couples Daily: \$15

Family Daily: \$32

Member Reed moved/Member Young seconded to approve and implement non-property owner fees at the Marina as presented with the daily rate change as proposed. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING POTENTIAL AGREEMENTS WITH WHITE CLOUD FOR TOWER CONDITIONS AND TOWER ACCESS WITHIN SCA BOUNDARIES. *FOR POSSIBLE ACTION*

President Bahr stated that the COA approved 2 of the 4 towers proposed by White Cloud and we would like an agreement to ensure other users could utilize those towers.

Attorney McConnell stated that an agreement could be made between SCA and White Cloud with certain conditions and that we do not want White Cloud to create a monopoly. While we cannot regulate the terms they have for their own colocation agreements, we could have terms in our agreement such as:

- If there is an application for a colocation agreement, SCA is copied on those agreements.
- They could only charge market value for another provider for space on the tower.

- If an applicant is denied, that the applicant could request a review by the Board of Directors and White Cloud would agree to that review or mediation.
- That the towers be required to blend into the surroundings.
- That the variance could be revoked and towers must be removed for breach of the agreement.

No public comment was received.

Vice Chair Hannum moved/Member Reed seconded to authorize staff to draft an agreement to set conditions on towers located within SCA based upon the key points brought forth by staff and legal counsel. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

IX. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF SAND FOR THE 2020/2021 WINTER SEASON *FOR POSSIBLE ACTION*

Treasurer Austin-Preston introduced the item stating that bids were sought for 1200 tons of sand for the winter salt/sand mixture for the roads. Bid requests were sent to 5 local companies and we received 4 quotes.

Vice Chair Hannum provided the Board with specifications on each vendor's sand and a price comparison. He stated that we would want a sand with less fine material.

General discussion on sand, gravel, and delivery costs ensued.

No public comment was received.

Member Young moved/Member Reed seconded to approve the purchase of sand for the 2020/2021 winter season from Staker Parsons with delivery included. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

X. COMMITTEE OF ARCHITECTURE

A. REPORTS

VP Kerr provided the update to the Board.

NON-ACTION ITEM

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO CONSIDER ADVERTISING FOR THE COMMITTEE OF ARCHITECTURE POSITIONS FOR 2021. **FOR POSSIBLE ACTION**

Last fall, the Board requested that the COA positions be advertised to all those interested.

No public comment was received.

Member Mauldin moved/Vice Chair Hannum seconded to advertise for the Committee of Architecture positions for 2021. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 682 BLUEGRASS DR (401-009-026) TO LEGAL COUNSEL FOR FURTHER

ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

This property has been in violation since March 2020. There has been no contact from the property owner.

Member Young moved/Member Reed seconded to refer the violation at 682 Bluegrass Drive to legal counsel for further action and uphold the \$200 fine. Motion carried (4-0), Chair Park, Member Featherston, and Member Popp absent.

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 306 RUSTIC DR (202-007-008) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

This property has been in violation since March 2020. There has been no contact from the property owner.

Member Young moved/Member Reed seconded to refer the violation at 306 Rustic Dr to legal counsel for further action and uphold the \$200 fine. Motion carried (4-0), Chair Park, Member Featherston and Member Popp absent.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 229 COUNTRY CLUB PKWY (102-010-027) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

This property has been in violation since June 2020. There has been no contact from the property owner.

Member Reed stated he knew the property owner by it would have no influence his vote.

Member Reed moved/Member Mauldin seconded to refer the violation at 380 Berry Creek Dr to legal counsel for further action and uphold the \$200 fine. Motion carried (4-0), Chair Park, Member Featherston and Member Popp absent.

XI. APPROVAL OF MINUTES: *FOR POSSIBLE ACTION*

August 26, 2020 Regular Meeting Minutes

Member Young moved/Member Reed seconded to approve the August 26, 2020 Regular Meeting Minutes as presented. Motion carried (4-0), Chair Park, Member Featherston and Member Popp absent.

XII. ACCEPT AUGUST 2020 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. *FOR POSSIBLE ACTION*

Member Young moved/Member Reed seconded to accept the August 2020 Assessment and Legal Receivable Reports. Motion carried (4-0), Chair Park, Member Featherston and Member Popp absent.

XIII. ACCEPT AUGUST 2020 FINANCIAL REPORTS. *FOR POSSIBLE ACTION*

Member Featherston moved/Member Young seconded to accept the August 2020 Financial Reports. Motion carried (4-0), Chair Park, Member Featherston and Member Popp absent.

XIV. MEETING SCHEDULE

NON-ACTION ITEM

The next Regular Board of Directors meeting is scheduled for Wednesday, October 28, 2020 at 5:30pm. The meeting may be held telephonically.

- A. The Regular Board of Directors meeting in November is scheduled for November 25, 2020. As that is the Wednesday before Thanksgiving, it is the Board’s pleasure to consider changing the meeting to Wednesday, November 18, 2020 at 5:30pm.

FOR POSSIBLE ACTION

Member Reed moved/Member Young seconded to change the November meeting date from November 25 to November 18, 2020. Motion carried (4-0), Chair Park, Member Featherston and Member Popp absent.

- B. The Regular Board of Directors meeting in December is scheduled for December 23, 2020. As this falls near Christmas, it is the Board’s pleasure to consider changing the meeting to Wednesday, December 9, 2020 at 5:30pm.

FOR POSSIBLE ACTION

Member Young moved/Member Reed seconded to change the December meeting date from December 23 to December 9, 2020. Motion carried (4-0), Chair Park, Member Featherston and Member Popp absent.

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.

Member Reed stated that he may be absent at the October 28th meeting.

Member Mauldin commented positively on Sheriff Narvaiza.

XV. ADJOURNMENT

The meeting adjourned at 7:30 p.m.