



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

Spring Creek Association ("SCA") Board of Directors
Wednesday, May 22, 2019, 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), 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.

Elko County Sheriff Narvaiza gave an update on the Spring Creek sub-station, noting it should be operational in the next month or so. He also stated the Sheriff's Office will start taking online complaints for dog calls to allow deputies more time on patrol.

II. REVIEW AND DISCUSSION OF A PRESENTATION BY EAGLE COMMUNICATIONS REGARDING INTERNET SERVICES. *NON-ACTION ITEM*

Dale Lotspeich, Eagle Communications/White Cloud, provided handouts on internet services they will be providing. The company is based out of Twin Falls, Idaho and provides high speed wireless service 4G LTE with no data caps. This service provides clients with simm cards and only so many clients can be subscribed.

Public comment:

Kelly Martin, Tract 400, asked how tall the towers were and where they would be located.

Mr. Lotspeich noted there are anywhere from 200 to 500 towers and they are typically between 80 and 100 feet, depending on the location.

No action was taken.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING AND ADDRESSING THE MISINFORMATION AND UNTRUE STATEMENTS REGARDING THE SPRING CREEK ASSOCIATION ON SOCIAL MEDIA PAGES MANAGED BY THERON J. HUNT. *FOR POSSIBLE ACTION*

Theron Hunt was not present at the meeting.

Attorney McConnell stated he was personally served pursuant to NRS 241.033.

President Bahr stated she has communicated with Mr. Hunt via email and he was provided notice to attend the meeting.

Chair Park stated that this item is being addressed so that misinformation does not continue to be spread. Mr. Hunt's comments go beyond freedom of speech and this item is being addressed to clarify the truth. He noted the Board will not tolerate defamatory comments, including comments attacking personnel and alleged illegal activity within the Spring Creek Association. The Spring Creek Association is a transparent authority; financials, minutes, etc. will be provided to anyone upon request. He stated the members of the Board of Directors are not compensated in any form.

Vice Chair Legarza noted that President Bahr has gone to the greatest degree to try to inform the public through various avenues including the website, Facebook, etc.

Member Hannum noted that addressing Mr. Hunt's actions is taking time away from a lot of other SCA business.

Member Popp notes that social media is a great place for people to hide behind and when invited to come to a meeting, they do not show up.

Chair Park noted the Committee of Architecture exists for the benefit of everyone and for the mutual enjoyment of Spring Creek.

Public comment:

Steve Trainor, Tract 100, stated he would have already put the legal action in place before now. If you look about the association widely, social media has less of an impact on the people.

Attorney McConnell noted for the record that the Nevada open meeting law requires 5 days of notice before the meeting, and Mr. Hunt was served well in advance of that.

No action was taken.

IV. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE BIDS TO REPAIR THE HORSE PALACE ROOF AND DAMAGED BATHROOMS. FOR POSSIBLE ACTION

President Bahr stated that no action is required on this item and the insurance company will have to approve the bids provided for repair of the horse palace roof and damaged bathrooms.

Member Hannum provided an overview to the board. He noted the seam panels are not made anymore, and the bathroom quote was difficult. The bathroom will be a second phase due to the condition and bringing it up to code. The roof will be covered by the insurance company, less the deductible. It could take 3 weeks for the parts to come in.

Public comment

John Featherston, Vice Chair of the Committee of Architecture, asked about the weight per square foot.

Member Hannum noted 30lbs per sq. foot is the new snow load requirement. One section will be updated where the snow drifts to prevent the same thing from happening again.

No action was taken.

V. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PURCHASE OF CHIP ROCK FOR THE 2019 ROAD PROJECT. FOR POSSIBLE ACTION

Treasurer Austin-Preston stated there are 32.72 miles of road for the 2019 road project and noted that the delivery costs provided in the Board's packet were correct.

The Board discussed why it was hard to get quotes for chip rock.

Treasurer Austin-Preston stated the road crew tried to use ½ inch chip one year and it didn't work; so they went back to 3/8 chip.

Member Hannum noted that ½ chip is supposed to be a more durable surface, but there wasn't as much performance with it. He noted that the Association is waiting for a quote for micro pave for the roads that are true asphalt.

Chair Park suggested getting a quote from an independent contractor for hauling the material. He noted the chip price went up in cost compared to last year. The increase was roughly \$22,000.00 for the same miles of road. The road management plan has been completed and there are core samples of every road. The Association is able to look at wear and be able to manage the roads better.

Member Hannum moved/Member Reed seconded to approve the quote from Vega Construction for purchase of chip rock for the 2019 road project as quoted. Motion carried (7-0).

VI. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE OPTIONS FOR CONCESSION AND BATHROOM FACILITIES AT SCHUCKMANN'S SPORTS COMPLEX AND APPROVE USING FUNDS FROM THE CAPITAL RESERVE FOR THE EXPENDITURE. *FOR POSSIBLE ACTION*

President Bahr requested the Board give direction on which option they would like to move forward with for the concession and bathroom facilities at Shuckmann's Sports Complex.

It was noted the concessions would be maintained by the Association.

Public Comment:

Steve Trainor, Tract 100, asked who runs the concession stand.

President Bahr noted the sports group would run the concession stand.

Andrea Shirley, Tract 100, asked if the COA rules would be amended to allow the conex as a concession stand since the rules state they can only be used for storage.

Attorney McConnell clarified that the COA rules apply to residential lots. The parcel where the concession stand is located is currently zoned public and open space and doesn't necessarily apply to this zoning.

John Featherston, Vice Chair of the Committee of Architecture, noted that the conex is cheaper and suggested that it be placed under a pavilion to look more aesthetically pleasing and protect the building.

President Bahr noted the stick built option will only have one male and one female bathroom. There is a need for more bathrooms.

Devin Rattazzi, Tract 400, stated he is not opposed to the concession stand; but by having the conex option it opens it up to every resident to want to do the same thing.

Vice Chair Legarza moved/Member Popp seconded to direct staff to move forward with the conex option for the concession and bathroom facilities at the Shuckmann's Sports Complex using funds from the capital reserve for the expenditure. Motion carried (7-0).

VII. REVIEW, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CONSTRUCTION OF NEW FOOTBALL FIELDS AND ASSOCIATED EXPENSES AT SCHUCKMANN'S SPORTS

COMPLEX AND APPROVE USING FUNDS FROM THE CAPITAL RESERVE FOR THE EXPENDITURE. **FOR POSSIBLE ACTION**

President Bahr gave an overview of the request and noted that football and soccer happen at the same time, which is why the soccer fields can't be utilized during football.

Vice Chair Legarza suggested partnering with the schools.

Chair Park noted that we do partner with the schools currently, but the scheduling of the fields becomes a conflict.

The Board discussed the cost of sod versus the cost of seeding.

Public Comment:

John Featherston, Vice Chair of the Committee of Architecture, suggested the cost of synthetics might be worth looking into.

Member Hannum noted that if sod was used, the fields would be done this year.

Member Hannum moved/Member Reed seconded to approve the construction of the new football fields using estimate #2 for sod in the amount of \$97,505.00, estimate #2 for irrigation in the amount of \$58,000.00, and all other costs as presented. Motion carried (6-1) Vice Chair Legarza opposed.

VIII. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING NEGOTIATING PRICES FOR INTERNET AND PROPANE FOR SCA RESIDENTS. **FOR POSSIBLE ACTION**

SCA President Bahr noted that other townships and communities negotiate prices and the Association has been looking and trying to get key specific information out to the residents. The Association is trying to put together a pamphlet with the best rates available.

Member Plaster moved/Member Hannum seconded to give direction to SCA President Bahr to look into negotiations for internet and propane prices for SCA residents. Motion carried (7-0).

IX. REVIEW DISCUSSION AND POSSIBLE ACTION TO AMEND 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**

Attorney McConnell stated there were small changes to Policy 07-001 on page 2. No. 8., and page 5. Letter B.

Member Plaster moved/Vice Chair Legarza seconded to approve the amended policy 07-001 as presented in the packet. Motion carried (7-0).

X. COMMITTEE OF ARCHITECTURE

A. REPORTS

NON-ACTION ITEM

COA Secretary Shields gave an overview on the report provided to the Board. It was noted that the Committee of Architecture is concentrating on noxious weeds.

SCA President Bahr updated the Board on measures the Association is taking to prevent weeds on SCA property.

B. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 395 BERRY CREEK PL (201-009-030) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

This item was on the February 12, 2019 COA agenda and the Committee voted to give the property owner until the May 14, 2019 COA meeting to bring the shed at 395 Berry Creek Place into compliance and reduce the fine to the amount of \$100.00. At that time the shed was not in compliance. The \$100.00 fine had been paid. At the May 14, 2019 COA meeting the Committee voted to refer the property to the Board of Directors for further action and reinstate the \$100.00 fine. There was contact with the property owner before this meeting and she requested more time to bring the property into compliance due to weather.

Member Plaster moved/Member Hannum seconded to refer the property at 395 Berry Creek Place back to the Committee of Architecture and uphold the reinstated fine of \$100.00. Motion carried (7-0).

C. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 518 SPRING CREEK PKWY (101-003-020) 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 June 2018. The property owner contacted the office on July 20, 2018, and stated he was planning on fixing the roof by the end of the summer. He contacted the office on December 12, 2018, and stated he would not be able to get to his roof right now. The violation was put on hold until the end of March with a request that the property owner contact the office with a plan of action before the end of March. On May 2, 2019, the property owner contacted the office and stated he received another letter. He was informed that since he did not contact the office with a plan of action, a letter was sent. He stated he could not afford the roof expense. It was suggested he attend the meeting and speak with the Committee. This Item was on the May 14, 2019 Committee of Architecture agenda. The property owner was not present. The Committee voted to uphold the \$200.00 fine and refer the property at 518 Spring Creek Parkway to the Board of Directors for further action.

Member Plaster moved/Member Legarza seconded to refer the property at 518 Spring Creek Parkway to legal counsel and uphold the \$200.00 fine. Motion carried (7-0).

D. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 169 VERDES DRIVE (301-006-002) 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 January 2019. There has been no contact from the property owner and all mail has been returned. This item was on the May 14, 2019 Committee of Architecture agenda and the

Committee voted to uphold the \$200.00 fine and refer the property to the Board of Directors for further action. To date, the livestock application has been turned in.

Member Hannum moved/Member Plaster seconded to refer the property at 169 Verdes Drive back to the Committee of Architecture and uphold the \$200.00 fine. Motion carried (6-0) Member Reed abstained.

E. REVIEW, DISCUSSION AND POSSIBLE ACTION TO REFER COA VIOLATION AT 362 BERRY CREEK COURT (201-009-048) TO LEGAL COUNSEL FOR FURTHER ACTION AND OR OTHER ACTION CONSISTENT WITH COA RULES.

FOR POSSIBLE ACTION

COA Secretary Shields stated this item was on the February 12, 2019 COA agenda for the same violation. The COA voted at that meeting to close the violation and reduce the fine to \$100.00. Animal Control has been in contact since that meeting and the dog is still running at large. This item was on the Committee of Architecture agenda on May 14, 2019 and the Committee voted to uphold the \$200.00 fine and refer the property to the Board of Directors.

Animal Control Officer Smith was present and stated they have received multiple calls in regards to dogs running at large and the owners have been issued citations. She noted that she has dealt with them personally 7 times.

Public comment:

Steve Trainer, Tract 100, asked if there have been 7 violations why the dogs don't get taken away.

Officer Smith gave an overview of how the process is handled. She noted that it can be escalated to the District Attorney's Office and it is ultimately up to them. They are only allowed to take the dog away if it has bitten someone 3 times.

John Featherston, Vice Chair of the Committee of Architecture, noted the property owner attended a meeting and had a plan, but did not follow through.

The renter at 362 Berry Creek Court was present and stated that both dogs are now gone; one went to a ranch and the other was adopted. It took him a month and a half to find the dogs a home. He stated he did not know there was a problem and the landlord did not give him the letter until the Committee of Architecture meeting was over. The dogs have been gone since the middle of April.

Animal Control Officer Smith noted that her last contact was April 15, 2019 and the dogs were still present at that time.

Chair Park moved/Member Popp seconded to have animal control substantiate that the dogs have been removed from 362 Berry Creek Court; otherwise, the item will come back before the Board of Directors in one month. The fine will be upheld in the amount of \$100.00. Motion carried (7-0).

XI. APPROVAL OF MINUTES:

FOR POSSIBLE ACTION

A. April 24, 2019, Regular Meeting Minutes

Member Hannum moved/Member Reed seconded to approve the April 24, 2019 Regular Meeting Minutes. Motion carried (6-0) Chair Park abstained.

XII. ACCEPT APRIL 2019 ASSESSMENT AND LEGAL RECEIVABLE REPORTS. *FOR POSSIBLE ACTION*

Member Plaster moved/Member Hannum seconded to accept the April 2019 Assessment and Legal Receivable Reports as submitted. Motion carried (7-0).

XIII. ACCEPT APRIL 2019 FINANCIAL REPORTS. *FOR POSSIBLE ACTION*

Member Plaster moved/Member Reed seconded to accept the April 2019 Financial Reports as submitted. Motion carried (7-0).

XIV. MEETING SCHEDULE *NON-ACTION ITEM*

Annual Property Owner Meeting is June 15, 2019 at 11am for the BBQ and 12pm for the meeting at FCC. The next Regular Board of Directors meeting is scheduled for Wednesday, July 24, 2019 at 5:30pm.

XV. PUBLIC COMMENT *ACTION SHALL NOT BE TAKEN*

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Steve Trainor, Tract 100, acknowledged Vice Chair Legarza and thanked her for her service.

XVI. ADJOURNMENT

The meeting adjourned at 8:08 p.m.