



*Strengthening Community Through Workforce Housing*

**MINUTES OF THE APRIL 17, 2019  
REGULAR MEETING OF THE  
ASPEN/PITKIN COUNTY HOUSING AUTHORITY**

**CALL TO ORDER:** Rick Head, Vice Chairperson, called the Regular Meeting to order at 5:00 p.m. The April 17, 2019 meeting was held in the Board of County Commissioners Room, Pitkin County Building, 530 E Main Street.

**ROLL CALL:** Rick Head, Valerie Forbes, Chris Council, Carson Schmitz, Dallas Blaney, John Ward and Becky Gilbert were present. Ron Erickson was absent.

Staff Members in Attendance: Mike Kosdrosky, Executive Director; Cindy Christensen, Deputy Director; and Bethany Spitz, Compliance Manager.

**Rules of Decorum:** The Rules of Decorum for APCHA Board Meetings were read by John Ward.

**PUBLIC COMMENT:** Head opened the meeting to Public Comment for items not on the agenda:

- Lee Mulcahy addressed the Board stating that he just got back from Kenya. Reiterated that he believes that the Rules of Decorum is unconstitutional. Provided APCHA with a document stating a donation of art to the National Museums of Kenya. Mulcahy stated that Aspen is a community of artists and dissidents.
- Tom McCabe, past Executive Director, addressed the Board on his perspective of having elected officials on the APCHA Board. McCabe stated that it was less than ideal from several different perspectives: 1) undue influence during discussions and on decisions; 2) conversation may not be as vigorous as the elected officials appoint the community members; 3) conflict of interest in discussions on land use issues. Council suggested McCabe share his views with the City Council and the BOCC.

**EXECUTIVE DIRECTOR COMMENTS:** Kosdrosky had none for this meeting.

**DIRECTOR COMMENTS:**

- Gilbert stated that she was surprised with hiring a public relations firm at this time based on the governance issues. Kosdrosky stated that Slate Communications is to educate the community on the HIMS project as well as how APCHA does business with the community. Council stated that they could also be used to educate the public about the hearing officer position and the fine and penalty schedule.

**CONSENT CALENDAR:**

- **Blaney made a motion to approve the Minutes of April 3, 2019 Regular Meeting; Forbes seconded the motion. All were in favor. Motion passed.**

### **Public Hearing:**

- Resolution No. 04 (Series of 2019), Adopting Amendments to the Guidelines redefining the Emergency Worker Procedure and Definition: Phylis Mattice, Pitkin County Assistant Manager, stated that she worked with Christensen and solidified the criteria in the Guideline language and the Emergency Work form. Head opened the meeting to Public Comment. There being none, the Public Comment section was closed.

**Ward made a motion to approve Resolution No. 04 (Series of 2019), Adopting Amendments to the Guidelines redefining the Emergency Worker Procedure and Definition at the Public Hearing held April 17, 2019; Council seconded the motion. Roll Call Vote: Head, Forbes, Ward, Council, Schmitz, Blaney, and Gilbert voted yes. Motion Passed.**

- Resolution No. 05 (Series of 2019), Adopting Amendments to the Aspen/Pitkin County Employee Housing Guidelines Creating a Hearing Officer Position and Adopting a Schedule of Fines: Head opened the meeting to Public Comment. There being none, the Public Comment section was closed.

**Ward made a motion to approve Resolution No. 05 (Series of 2019), Adopting Amendments to the Aspen/Pitkin County Employee Housing Guidelines Creating A Hearing Officer Position and Adopting a Schedule of Fines at the Public Hearing held April 17, 2019; Forbes seconded the motion. Roll Call Vote: Gilbert, Blaney, Schmitz, Ward, Council, Forbes, and Head voted yes. Motion Passed.**

### **Land Use Hearings:**

- Request to Remove the EDU at 981 King Street: Christensen stated that the applicant is looking to redevelop the property at 981 King Street which contains a duplex unit with one side free-market and the other a deed-restricted employee dwelling unit. The applicant is requesting that upon redeveloping the property, the deed restricted unit will not be replaced on-site, but will be mitigated through the Affordable Housing Credit Program.

Christensen stated that currently the unit does not house a qualified household, nor has a lease been provided to APCHA. It has also been APCHA's policy is to recommend that an on-site unit should not be replaced through the Affordable Housing Credit Program, but with an on-site unit.

Steve Wilson, applicant's representative, stated that he was surprised that the unit was out of compliance as the owner had received an e-mail from Julie Kieffer in October that the unit complied. Spitz stated that APCHA had received two different leases and there is no record of the tenant turning in an application packet. Spitz stated that APCHA was also informed that the tenant had moved out and that two people had already moved in.

Wilson stated that there may be confusion with the deed restriction as Lot 3 was renumbered to Lot 4. Could be a different in category. Spitz stated that the leases had two different rental amounts and the utilities seemed to be too high for that unit.

Blaney asked why the Board was hearing this request if the unit was out of compliance. Christensen stated that Community Development requested a recommendation by the Board relating to the removal of the unit to see if the applicant would move forward with the same request. Wilson stated that the applicant, Mr. Shoaf, would like to buy out the 1.75 FTE Category 2 unit through the Affordable Housing Credit program. Wilson stated that the owner may demolish the house and leave as open space whereby the program would lose a unit. Gilbert stated that the owner would still need to rebuild at some point in time.

Jennifer Phelan, City Community Development Deputy Director, and Kevin Rayes, City Planner, were present. Phelan stated that a review of the original subdivision documents would need to be reviewed, but there is probably an obligation to keep the unit.

**Council made a recommendation to deny the request to mitigate through the Affordable Housing Certificate Program and that at such time the property is redeveloped, mitigation shall be satisfied with an on-site one-bedroom, Category 2 unit; Gilbert seconded the motion. ROLL CALL VOTE: Ward, Schmitz, Council, Forbes, Head, Gilbert, and Blaney voted yes. Motion passed.**

Blaney stated as a FYI that when asking for a variance, the Board becomes defensive by saying the applicant is just going to demolish the unit.

**Discussion Item:**

- APCHA Governance re: Proposed Sixth Amended and Restated IGA: Council suggested that each Board member express their opinion on the proposed changes to the IGA.
  - Head: Didn't have a major problem with the new IGA but had an issue that a decision has not been made on who the Executive Director should be reporting to.
  - Ward: The Board should be made of all citizens and no elected to make it less political. The Executive Director should be reporting to the APCHA Board.
  - Forbes: Hesitate to share opinion. Could be pulled in too many ways. Now it is an all-volunteer Board. Not sure what would happen with electeds' on the Board.
  - Gilbert: Would rather see the decision for the Board's makeup by the to-be-seated City Council.
  - Schmitz: Intent is good but needs work. Lack of solutions to problems. The City Council was concerned with eight people being around the table and there are eight people now.

Need to include the current APCA Board in a more formal format. An example is the Board approved the Hearing Officer position and a Fee Schedule last September and it still has not been formally accepted by the BOCC and City Council. The Board is not empowered, and it is not an effective use of their time. A solution would be to have the Board elected like the Hospital and Fire Board's. The Executive Director should report to the Board. The Board use to have elected representation and there were conflicts of interest, especially in land use cases. APCA is an independent authority.

- Blaney: Echo what Schmitz said. City Council and the BOCC had good intentions. It will politicize the Board. Is this best for the community and the program? The role of the Executive Director should be with the APCA Board.

Council Stated that there is an opportunity for the Board to vote on a non-binding resolution. Blaney stated that by empowering the Board, requires more accountability with the City and County.

Kelly McNicholas, Pitkin County Commissioner, stated that she is looking forward to working together with the changes to the IGA to empower the authority. The administration portion of the program has not been decided on, more specifically who the Executive Director reports to. The changes do still empower the Board to make decisions on the Guidelines. This discussion will continue at a later date as soon as the new Council is seated.

Sara Ott, Interim City Manager, stated that first reading is set for May with City Council.

After further discussion, **Council made a motion to have a non-binding resolution for all elected officials to put a pause with any changes to the IGA until the new City Council has been seated and engagement between all parties – City Council, BOCC and the APCA Board – have met for discussion in a public forum. Head seconded the motion. ROLL CALL VOTE: Schmitz, Council, Head, Forbes, Gilbert, Blaney, Ward voted yes. Motion passed.**

The meeting was adjourned at 6:10 p.m.

THE ASPEN/PITKIN COUNTY HOUSING AUTHORITY



Rick Head, Vice Chairperson



Michael A. Kosdrosky, Secretary



**NATIONAL MUSEUMS OF KENYA**

WHERE HERITAGE LIVES ON

**NATIONAL MUSEUMS OF KENYA  
ART GIFT AGREEMENT**

This Gift Agreement is made this 31<sup>st</sup> day of July 2017 by and among Lee Mulcahy (Donor/Artist), and the Director General of the National Museums of Kenya (Museum).

The Artist and the Museum agree as follows:

The Artist hereby pledges to the Museum the art work of the following features:

Title: Occupy 7. Berlin  
Date: 2013  
Medium: Mixed media  
Dimensions: 116cm x 198cm (mounted)  
Value (Ksh):NFS

Title: Exhibit@universitat der Kunst  
Date: 2013  
Medium: Mixed media  
Dimensions: 116cm x 198cm (mounted)  
Value(Ksh):NFS

which as provided for herein is designated for the benefit of *National Museums of Kenya*.

**Artist Commitment.**

I Lee Mulcahy (Artist) [Signature] (sign)

in desiring to support the cultural, educational, promotional and related objectives of the Museum, for good and valuable consideration, hereby donated to the Museum the above listed art works, that were collaboratively produced with artist Krystian Schneidewind. The Museum is free to use the art work in any way it feels appropriate for the benefit of *National Museums of Kenya*.

**Receiving**

**Ms. Lydia Gatundu Galavu**

**Curator of Contemporary Art**

**National Museums of Kenya**