



**MINUTES OF THE MAY 5, 2021  
REGULAR MEETING OF THE  
ASPEN/PITKIN COUNTY HOUSING AUTHORITY**

**CALL TO ORDER:** Vice-Chairperson Carson Schmitz called the Regular Meeting to order at 4:00 p.m. The May 5, 2021 Regular Meeting was held through Zoom Meetings.

**ROLL CALL:** Kelly McNicholas-Kury, Carson Schmitz, John Ward, Rick Head, Alternates David Laughren, and Rachael Richards were present. Skippy Mesirov and Alternate Francie Jacober were absent

Staff Members in Attendance: Diane Foster, Assistant City Manager, and Interim Executive Director; Cindy Christensen, Deputy Director; Bethany Spitz, Compliance, Systems & Policy Manager; and Maddie Feder, Administrative Assistant II.

**PUBLIC COMMENT:** Vice-Chair Schmitz opened the regular meeting to Public Comment for items not on the agenda.

- David VanTine made a public comment in relation to retirement.
- Lisa VanTine made a public comment in relation to retirement. They are asking for the APCHA Board to reevaluate the retirement policy.

There being no more public comment, Schmitz closed the public comment section of the meeting.

**EXECUTIVE SESSION:** Director McNicholas-Kury made a motion to go into Executive Session to obtain legal advice from APCHA's Attorney in accordance with Pursuant to CRS 24-6-402(4) (b) Conference with the Authority's attorney for the purpose of receiving legal advice on specific legal questions, and (e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators. The specific items of discussion involve **APCHA v. Mulcahy, 2015CV30150; APCHA v. Mulcahy, 2021CV3000; and Mulcahy v. APCHA, 18-cv-01918**. Foster asked the Board to allow the following people to join the Executive Session – Ben Johnston, Attorney for Balcomb & Green; James True, City of Aspen Attorney, and Phylis Mattice, Assistant Manager for Pitkin County. Director Ward seconded the motion. The Executive Session was recorded and will be kept for 90 days. **ROLL CALL VOTE: Schmitz, Head, Ward, McNicholas-Kury, and Richards voted yes. Motion passed. The Board went into an Executive Session at 4:15 p.m.**

**Head made a motion to come out of Executive Session at 5:10 p.m. Ward seconded the motion. ROLL CALL VOTE: Schmitz, Head, Ward, McNicholas-Kury, and Richards voted yes. Motion passed.**

**EXECUTIVE DIRECTOR COMMENTS:** Interim Executive Director Foster updated the Board on the following:

- Executive Director Recruitment, GovHR is talking to eight people this week and they all look good. Director Ward asked what the salary range is for this position; Foster stated between \$126,000 and \$150,000.

**CONSENT CALENDAR:** Director Head made a motion to approve the Minutes of April 21, 2021 as submitted; Director Mc-Nicholas-Kury seconded the motion. **ROLL CALL VOTE:** Directors Schmitz, McNicholas-Kury, Ward, Richards and Head voted yes. Motion passed.

**Discussion with Community Development Department on the Aspen RMF Code Amendment with Ben Anderson and Chris Bendon:**

- Ben Anderson stated that this presentation and last presentation were for information purposes only. The change that is being proposed is small and only a few words in the Land Use Code.
- Chris Bendon, from Bendon-Adams and representing the applicant, stated that his client would like to be able to develop a multifamily unit on a lot that needs approval from City Council. Director Ward asked about the differences in square footage, and parking. Bendon stated a single-family home is around 2,500 square feet, and depending on how many units are built, up to 6,000 square feet for multi-family. They are not asking for any parking code changes.
- Director Richards asked if the units are part free-market and part deed-restricted, are the deed-restricted units protected from too high of HOA dues. Bendon stated that there are requirements that the HOA dues will be assessed based on the differences in value. Vice Chair Schmitz stated he and the Board are fully supportive of this, more full-time people, less second homeowners. Deputy Director Christensen stated staff will pull together and referral memo to provide to Ben Anderson.

**STANDARDS FOR SELLERS TO OBTAIN MAXIMUM SALES:**

- Diane Foster started the presentation on Sellers Standards with staff's recommendation on what they believe should be done. Staff suggested updating the APCHA Regulations now as follows:
  1. Require an inspection by an approved licensed inspector prior to listing a property for sale.
  2. Within the next three months, implement changes to APCHA Regulations requiring the following capital improvements, identified by a licensed Home Inspector, be completed either prior to or just after a sale, possibly utilizing funds held in escrow to ensure the improvements are made.
- Schmidt asked the Board if they would support a change to Regulations requiring an inspection prior to listing, and that staff will work on modifying the deed restriction to cover the recommended changes. Richards asked what the incentives are for people who have owned for years and are under an older deed restriction to re-sign an updated deed restriction. Schmidt stated that is an important question and staff will be bring back recommendations for the Board to review.
- Foster stated that the biggest question is who should pay for the inspection. Staff suggested that the Board/City/County pay for the inspections. Staff also suggested that if Capital Improvements are needed it could be added to the maximum sales price and that amount is credited/held in escrow for the buyer to do the repairs.
- The Board discussed the possibilities with each proposal and agreed that Staff should draft a change to the Regulations for an inspection to be required at the time the seller wants to list the home for sale, and that APCHA/City/County will pay for that inspection.


**BOARD OF DIRECTORS COMMENTS:**

- Director Richard stated that she wants to thank everyone for tolerating all the comments that she has already made, and that she will be absence from the May 19 Board meeting.

- Director Laughren stated that he likes McNicholas-Kury idea on incentives and perhaps an incentive could be that if you have a capital improvement that needs to be done, APCHA loans the money to the homeowner, they only pay the interest when they live there and when they sell they pay back the money from that loan.

**Director Ward made a motion to adjourn the meeting at 7:00 p.m. Director Richards seconded the motion. ROLL CALL VOTE: Head, Schmitz, McNicholas-Kury, Richards, and Ward were in favor. Motion passed. Meeting adjourned at 7:00 p.m.**

THE ASPEN/PITKIN COUNTY HOUSING AUTHORITY



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Carson Schmitz, Vice Chairperson



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Diane Foster, Secretary