



**MINUTES OF THE JUNE 7, 2023
REGULAR MEETING OF THE
ASPEN/PITKIN COUNTY HOUSING AUTHORITY**

CALL TO ORDER: Chairperson Carson Schmitz called the APCHA Board Meeting of June 7, 2023, to order at 3:04 p.m. The APCHA Board Meeting was held in person and through Zoom Meetings.

ROLL CALL: John Ward, John Doyle, Alycin Bektesh, Carson Schmitz, John Ward, and Ward Hauenstein were present. Kelly McNicholas-Kury and Francie Jacober joined via Zoom.

Staff Members in Attendance: Matthew Gillen, Executive Director; Cindy Christensen, Deputy Director Housing Operations and Property Management; Bethany Spitz, Deputy Director; Karen Bromka, Administrative Specialist; and Tom Smith, APCHA Attorney were present. Diane Foster, Assistant City Manager was present via zoom.

PUBLIC COMMENT: Schmitz opened the regular meeting to Public Comment for items not on the agenda. There being no Public Comment, Schmitz closed the meeting to Public Comment.

APCHA BOARD OF DIRECTOR'S COMMENTS:

- McNicholas-Kury had no comment.
- Hauenstein had a point of order and he questioned if McNicholas-Kury dropped off the phone on Zoom, could the meeting continue. Smith confirmed that an elected City Council Board member and a BOCC Board member have to be present in the meetings at all times.
- Doyle had no comment.
- Bektesh heard a report of someone losing their Castle Ridge lease with a couple of weeks' notice, they had never been under compliance, and she was wondering why a perfectly good lease would be canceled to bring in someone else. She wondered what kind of relations APCHA has with Castle Ridge or how it would be investigated. She is very disheartened every time she hears these issues, and it has been years, so it is not infrequent that she hears tenants of Castle Ridge have this experience. Bektesh requested an update on the Right Sizing Program. She is looking forward to the Board Retreat for getting on the same page and communication issues between staff and board and community. When the board was asked the frequency of meetings and the time of meetings, she said at the time she thinks holding meetings consistently is going to be the best way for public comment to happen. Her understanding of the resolution that is in front of the Board today, is that they did want more discussion. For that to not have happened and now be asked to vote on something, feels like the board is missing that connection.
- Christensen stated it is her understanding from the last meeting that the Board requested a resolution on this item with the changes that they suggested at that previous meeting.
- Schmitz responded in the last meeting there was a Broader discussion and the way he understood it is that there was a piece of this that the Board wanted to advance and then continue that broader discussion. He thinks this (resolution) specifically was to accommodate anyone wishing to completely

scrape the place, put a new property on. There was an expanded conversation that will still continue about how APCA will handle capital improvements, for that larger conversation.

- Ward agreed with Bektesh that this resolution was specifically for the owners of 16 Ajax.

EXECUTIVE DIRECTOR'S COMMENTS/STAFF UPDATE: Gillen updated the Board on the following:

- The Right Sizing Program is live, but no matches have been made yet. There have been a handful of the upsize requests. There were several press releases and articles in the paper, and staff will keep publicizing it.
- Excited for the Board Retreat on July 19. The facilitator is John Dougherty. The Retreat will kick off with Tom Smith and Diane Foster going over the IGA, what is the roll of the Board, and how it all fits together. The strategic plan will be next with this year's work plan to be a brief session on ideas for next year's work plan. Then it will be handed over to John for the balance of the meeting. He will have the board do some deep thinking about the role of the board. The Retreat will be at the Inn at Aspen Home Team BBQ.
- July 18 is the City and County will have a day-long session on Affordable Housing.
- Liz Axberg and he will go in front of the City Council on Monday night with the Grant Program. Had a successful meeting two weeks ago in front of the BOCC and thanked Jacober and McNicholas-Kury shepherding that through. He asked for \$100,000 and the County countered with \$200,000. They had some good input on including the building performance standards team and CORE in kind of an advisory role.
- Christensen stated there were 4 bids that will close today, another one will come online next week that is a Hunter Creek unit. No new rental units have come up, but staff is still working through their list. Staff has had luck with filling some of the T2 2-bedrooms and Aspen Country Inn units because the maximum income levels for low-income tax credit went up quite a bit for 2 people.
- Schmitz had no comments.

AGENDA AMENDMENTS:

- There were no proposed amendments to the agenda.

CONSENT CALENDAR: Hauenstein made a motion to approve the Minutes of the May 3, 2023, Regular Meeting; Ward seconded the motion. **ROLL CALL VOTE:** McNicholas-Kury, Hauenstein, Schmitz, Bektesh, and Ward voted yes. Motion passed.

After a brief discussion, **Ward made a Motion to approve Resolution No. 04 (Series of 2023), Authorizing Changes from Category 4 to Category 5 and New Deed Restrictions for the Lots of Smuggler Run Subdivision, specifically in the context of a more permanent structure being added to property.** Hauenstein seconded the motion. **ROLL CALL VOTE:** Hauenstein, Schmitz, and Ward voted yes; McNicholas-Kury and Bektesh voted no. Motion passed.

APCHA staff will bring back at a later date a broader discussion on what is maintenance and actual capital improvements in context with non-conforming mobile homes.

Schmitz stated that given the Board has a public hearing on appeal on the agenda, and this board has not a public hearing on appeal, Schmitz made a motion to go into Executive Meeting for a conference with APCA Attorney for purpose of receiving legal advice under C.R.S. Section 24-6-402(4)(b) regarding Public Hearing on Appeal of Highlands Villas, LLC from the Findings of Fact, Conclusions of Law and Ruling of APCA Hearing Officer dated January 20, 2023 at 3:41pm. Bektesh seconded the motion. **ROLL**

CALL VOTE: Ward, Bektesh, Schmitz, Hauenstein, and McNicholas-Kury voted yes. The motion passed at 3:41 p.m. APCHA Attorney Tom Smith stated for the benefit of the public and the parties, this is to discuss hearing procedures because the board has not had an appeal hearing before.

Bektesh made a motion to come out of Executive Session at 4:00 pm. Ward seconded the motion. ROLL CALL VOTE: Ward, Bektesh, Schmitz, Hauenstein, and McNicholas-Kury voted yes. Motion passed.

Public Hearing on Appeal of Highlands Villas, LLC, from the Findings of Fact, Conclusions of Law and Ruling of APCHA Hearing Officer dated January 20, 2023

- Christensen stated this case is an appeal by Highlands Villas, LLC of APCHA's July 21, 2022, Notice of Violation (NOV). MAA has a priority given to it by the deed restriction to rent dorm units during June, July, and August. APCHA was notified by MAA during the summer of 2022 that Highlands Villas, LLC was requiring the MAA to lease the dorm units for some of May and September if MAA wanted the units during June, July, and August. APCHA Staff did not have first-hand information. The two parties of interest had first-hand information: MAA and Highlands Villas, LLC. APCHA believes we acted in good faith and still believe that the NOV was valid, and the Hearing Officer agreed to that. When Highlands Villas, LLC objected to the NOV, MAA had the first-hand information. That is why APCHA is not the main party to presenting the main case to the Board. All the evidence is in the record and the Board is bound by the record in terms of the facts and Staff believes the Hearing Officer was correct in his decision.
- Jody Edwards, Attorney at Klein Cote Edwards Citron, LLC representing Highlands Villas, LLC was accompanied by Kevin Joseph, a local business owner and member of Highlands Villas, LLC, and John Keneally, an assistant in his office. Edwards presented his case and finished at 4:38 p.m.
- Maria Morrow, attorney for the MAA and Aspen Music Festival and School, was present with Jenny Elliott, one of the longtime MAA employees whose title is Senior Vice President for Strategy and Administration. Morrow presented her case and finished at 5:15 p.m.
- Edwards responded with a few more comments.
- Morrow responded with a few more comments.

Schmitz stated the Board would go into Executive Session with Tom Smith and continue deliberations in public at the Wednesday, June 21st meeting at 3:00 p.m. Tom Smith stated the attorneys cannot talk at that time, but it is fair that the attorneys are able to be present. It would strictly be Board deliberations and the law requires that as a Board, their deliberations must be in public, but they are not obligated to provide any public input beyond what they have already received. The Board will also not have the opportunity to ask any questions of the attorneys. It was confirmed that both attorney Jody Edwards and Maria Morrow would be available for that meeting.

Bektesh made a motion at 5:28 p.m. for the Board to go into Executive Session for a conference with the APCHA Attorney for purpose of receiving legal advice and for clarification under C.R.S. Section 24-6-402(4)(b) regarding Public Hearing on Appeal of Highlands Villas, LLC from the Findings of Fact, Conclusions of Law and Ruling of APCHA Hearing Officer dated January 20, 2023, and not for the purposes of deliberations. Ward seconded the motion. ROLL CALL VOTE: Jacober, Hauenstein, Schmitz, Bektesh, and Ward voted yes. Motion passed.

Ward made a motion at 6:28 p.m. for the Board to come out of Executive Session; Bektesh seconded the motion. ROLL CALL VOTE: Jacober, Hauenstein, Schmitz, Bektesh, and Ward voted yes. Motion passed.

Ward made a motion at 6:28 p.m. to adjourn the meeting; Bektesh seconded the motion. ROLL CALL VOTE: Jacober, Hauenstein, Schmitz, Bektesh, and Ward voted yes. Motion passed. Board meeting adjourned at 6:28 p.m.

THE ASPEN/PITKIN COUNTY HOUSING AUTHORITY



Carson Schmitz, Chairperson



Matthew Gillen, Secretary