



820 Black Bear Road, Unit G-17
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SAN MIGUEL REGIONAL HOUSING AUTHORITY
REGULAR MEETING

OCTOBER 3, 2022 @ 1 PM

Via Zoom	ID#: 484.178.1222	PW: Board
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I. CALL TO ORDER

II. PUBLIC DISCUSSION

No more than five minutes per person.

III. REVIEW OF AGENDA

IV. APPROVAL OF MINUTES

August 15, 2022

V. WORKSESSION ITEMS

- A. Administrative Coordinator Update
- B. 2023 Annual Report
- C. SMRHA Education
- D. Deed Restricted Inventory

VI. ACTION ITEMS

Consideration of a Request for an Extension of time to perform under the exception agreement and PDA dated 12/8/21. Motion.

VII. MANAGER REPORT

VIII. OTHER BUSINESS

IX. ADJOURN

NEXT SCHEDULED MEETING

November 7, 2022

3:30 PM

This agenda is subject to change including the addition of items or the deletion of items at any time. The lengths of discussions may be shorter or longer, at the Board's discretion. If you are planning to come speak to a matter, let the SMRHA Manager know by calling 970-728-3034, ext. 5.



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SAN MIGUEL REGIONAL HOUSING AUTHORITY
REGULAR MEETING MINUTES
MONDAY, AUGUST 15, 2022 @ 1 PM

The following Board Members were present via Zoom:

- Mike Bordogna, San Miguel County Manager
- Adrienne Christy, Telluride Town Council Member
- Scott Robson, Telluride Town Manager

The following were absent:

- Pamela Shifrin, At Large Board Member
- Lance Waring, San Miguel County Commissioner

The following were also in attendance:

- James Van Hooser, San Miguel County Assistant Manager
- Courtney McEleney, SMRHA Manager

I. CALL TO ORDER

The Regular Meeting of the San Miguel Regional Housing Authority (SMRHA) Board was called to order by Adrienne Christy on Monday, August 15, 2022 at 1:03 p.m. via Zoom.

II. PUBLIC DISCUSSION

No public items were received.

III. REVIEW OF AGENDA ITEMS

No additions or subtractions of the Agenda were considered.

IV. APPROVAL OF MINUTES

Upon MOTION by Adrienne Christy and seconded by Mike Bordogna, the minutes of June 28, 2022 were unanimously approved.

V. WORKSESSION ITEMS

- A. **Administrative Coordinator Discussion** – It was decided to list the Administrative Coordinator position at 28-40 hours with a salary range and benefits for 30 hours +. Courtney will update the job listing and let the respective HR
- B. **SMRHA Reserves** – \$61,000 in SMRHA reserves. Posting the Administrative Coordinator position at full-time with benefits will not impact 2022 budget.
- C. **Rico Bedrock Subdivision** – Review of Rico Subdivisions 10 Deed Restricted Rental Properties. This led to a larger discussion regarding SMRHA contracting with

jurisdictions outside of San Miguel County. SMRHA Board will continue to discuss when we receive formal requests for consulting or administrative management.

- D. **SMRHA Newsletter** – It was decided SMRHA will start a newsletter in January 2023 or another staff member is hired, whichever comes first. SMRHA staff will decide on content and work with TOT/SMC on distribution list.
- E. **Application Format Discussion** – Courtney will look into ways to make Deed Restricted applications an online process. It was requested to research this prior to approval of 2023 budget in case of increased cost to build online platform.

VI. Manager Report

Courtney reviewed the Manager Report

VII. Other Business

Annual Report – Courtney brought up the need to revive SMRHA Annual Report. She will send the board a copy of the most recent Annual Report. She asked Board to come back with ideas for the 2022 Annual Report in the next meeting.

VIII. Adjourn

The Regular Meeting of the San Miguel Regional Housing Authority (SMRHA) Board was adjourned by Adrienne Christy on Monday, August 15, 2022 at 1:58 p.m. via Zoom



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MEMO

TO: Telluride Housing Authority Subcommittee
FROM: Courtney McEleney, SMRHA Manager
DATE: September 29, 2022
MEETING DATE: October 3, 2022
RE: Consideration of a Request for an Extension of time to perform under the Exception agreement and PDA dated 12/8/21. Motion.
ATTACH: McKinley Project Update [EMAIL]

Purpose:

Consideration of a request by Martin McKinley (“Applicant”) for an Extension of time to perform under the Exception agreement and PDA dated 12/8/21. Motion.

Overview:

Applicant was required to execute a Project Developers Agreement outlining his responsibilities and timeline for his development of the duplex as well as an acknowledgement of the deed restriction. The Agreement expired in September 2022.

Applicant is an owner of the local business, Baked in Telluride. As do many local businesses, Baked in Telluride faces constant staffing challenges due to the lack of available affordable housing for its employees. Currently, affordable housing in the Lawson Hill neighborhood is not priced capped and, therefore, often unattainable by many employees.

To satisfy his current employee needs, Applicant purchased a unit in the Meadows via cash, creating a temporary dent in liquidity.

Motions to Consider:

1) **Deny:** I move to deny the request for an Extension of time to perform under the Exception agreement and PDA dated 12/8/21 to _____, _____.

OR

2) **Approve:** I move to deny the request for an Extension of time to perform under the Exception agreement and PUD dated 12/8/21.

Re: Project Developer Agreement Followup

Martin McKinley <mjmckinley11@gmail.com>

Tue 9/27/2022 10:53 AM

To: Courtney <courtney@smrha.org>

Cc: Michael Lynch <mlynch@rwolaw.com>

Courtney, I trust you will pass this on to the boars.

We are the owners of Baked in Telluride. Employee housing and labor shortages are two of the most challenging issues facing merchants in Telluride.

When we purchased the lot in Lawson Hills, it was with the idea of constructing a prefab duplex. Most prefab contractors we contacted had a multi year backlog or had discontinued single projects in favor of larger developments.

In the meantime, the inheritor of the house owned by the now deceased former owner of the bakery put it up for sale displacing 4 employees who occupied the house. We faced an emergency situation. There was a house in the meadows available for purchase and we acquired it. Immediate problem solved. We are now housing 11 employees between a condo in Telluride and the house in the Meadows. Without these facilities we would be out of business

Due to the necessity of the timing, I paid cash for the home in the Meadows. This has created a temporary dent in my liquidity.

Economic conditions would (inflation recession) indicate that this is not a good time to imitate the project we had intended for Lawson Hills. I would still like to pursue it, but I would request that we revisit the issue one year from now with more certainty.

Marty

Sent from my iPad

On Sep 26, 2022, at 10:30 AM, Courtney <courtney@smrha.org> wrote:

Hi Marty,

I have spoken with the Board of County Commissioners and San Miguel County legal counsel. You will need to formally request an extension of the Project Developer Agreement since it has expired. The SMRHA board will hear the request at their board meeting on Monday, October 3, 2022. Hopefully you can attend the meeting if you have any questions.

Can you submit a plan and timeline (via email will suffice) by EOD Wednesday, September 28?

Please let me know if you have any questions.

Thank you,
Courtney

Lot Description:
Lawson Hill, Lot 320 A&B

Project Developer Agreement
Pursuant To San Miguel County Land Use Code Sections 5-1305 B.XIV. and 5-1306 B.

PROJECT DEVELOPER OF AFFORDABLE HOUSING LOTS

THIS AGREEMENT, made and entered into this 8th day of December, 2021, between the San Miguel County Housing Authority, hereinafter called "Housing Authority" and Martin J. McKinley, hereinafter called "Project Developer," is as follows:

The Project

The following information shall be provided by the Project Developer within nine (9) months of signing this Agreement:

- (1) Project Description location, lot number(s), number of units, lot size, unit size(s), brief project description, projected completion date;
- (2) Financing Plan- name of lending institution for land and/or construction, terms of loan, and repayment schedule;
- (3) Business & Marketing Plan - plans for resale, time for resale, estimated cost of construction, sale price, and profit; and
- (4) Qualifications of Project Developer and contractor(s).

Agreement

NOW, THEREFORE, in consideration of the foregoing the mutual covenants, restrictions and equitable servitudes stated herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby represent, covenant and agree as follows:

1. Project Developer agrees to submit The Project, including the Project Description, Financing, Business & Marketing Plan and Qualifications, if any, described above within nine (9) months of signing this Agreement AND before any construction begins.
2. Project Developer agrees to obtain all required permits and inspections in accordance with the Project Description.
3. Project Developer agrees to build in accordance with the Project Description.
4. Project Developer agrees to build in accordance with all restrictions and covenants imposed by the Lawson Hill Property Owners company.
5. Project Developer agrees to provide Housing Authority with bi-monthly progress updates that include completion of tasks, number of hours billed to project by Project Developer and subcontractors, whether project is on budget, whether project is on viable timeline, and any other

notable activity or potential for delay.

6. The Housing Authority may inspect the property after providing the Project Developer twenty-four (24) hours written notice if the Housing Authority determines it is necessary to ensure the Project Developer is complying with this Agreement.
7. In accordance with Land Use Code Section 5-1305 B.XIV f., the Housing Authority and Project Developer agree that if the Housing Authority has reasonable cause to believe that the Project Developer is not actively developing and marketing lot(s) and/or unit(s) in conformance with this Agreement, including the failure to provide progress update or failure to adhere to schedule submitted in Project Description, the Housing Authority may:
 - a. Purchase the lot(s) and improvements at the same price the Project Developer paid, plus improvement cost; or
 - b. Require the Project Developer to sell the lot(s) and improvements at the same price the Project Developer paid, plus improvement costs; or
 - c. Require Project Developer to remit five (5) percent of sales price to Housing Authority at the time of closing; or
 - d. Pursue appropriate legal or equitable action, including but not limited to specific performance, injunction, abatement or eviction of occupants, or such other remedies and penalties as may be specified in Sections 1-16 and 5-1305 of the San Miguel County Land Use Code, or under law.
8. Prior to exercising its purchase option or the requirement to sell, the Housing Authority agrees to notify the Project Developer that the Project Developer has thirty (30) days to comply with this Agreement before such option or requirement is exercised.
9. **The Agreement executed this day between the Housing Authority and the Project Developer shall be reviewed on 12/15/21 [DATE]. [Signature] (Initials).**
10. **The Agreement executed this day between the Housing Authority and the Project Developer expires on 12/15/21 [DATE]. [Signature] (Initials).**
11. If modification of this Agreement or attachments hereto becomes necessary due to change of plans or new information, the Project Developer agrees to notify the Housing Authority immediately. The Project Developer shall submit an amended Agreement, which must be approved by the Housing Authority.
12. Project Developer was granted an exception by the Board of County Commissioners Acting as the San Miguel County Housing Authority to retain ownership of one duplex unit and rent to a qualified employee under a Multi-family Deed Restriction and Covenant. Term of the exception have been included in the Exception Agreement, dated _____.
13. It is further understood that if an Affordable Housing unit is rented while on the market pursuant to the Project Developer's marketing plan, the unit must be rented to a qualified Employee in compliance with Land Use Code Sections 5-1305 F.I. and G.
14. This Agreement, applicable provisions of the San Miguel County Land Use Code, and applicable Colorado Revised Statutes shall constitute the entire agreement between the parties and shall supersede all prior proposals, representation, negotiations and letters of intent, whether written or

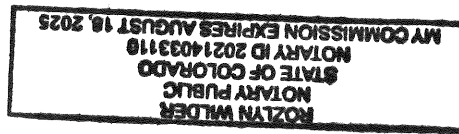
oral, pertaining to this project.

15. **Integration.** This Agreement constitutes the entire integrated understanding of the Parties regarding the subject matter set forth herein and no prior or contemporaneous promise, representation, term, condition, or understanding shall be of any legal force or effect, unless embodied herein in writing, or in a written amendment mutually agreed to by the Parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers on the date first appearing above.

Project Developer:

By Martin J. McKinley



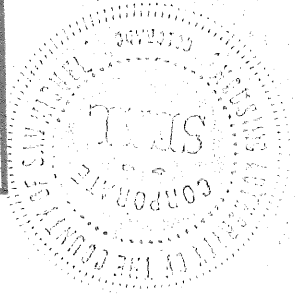
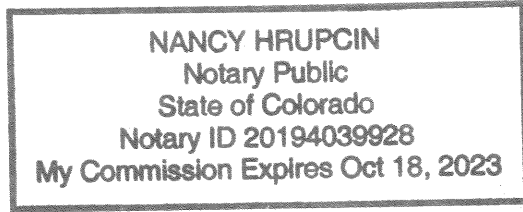
STATE OF COLORADO)
) ss.
COUNTY OF SAN MIGUEL)

The foregoing instrument was acknowledged before me this 15 day of Dec, 2021, by Martin J. McKinley.

Witness my hand and official seal. My commission expires: Aug 18 2025
Rozlyn Wilder
Notary Public

San Miguel County Housing Authority or Designee:

By Lance Waring
Lance Waring, Chair



STATE OF COLORADO)
) ss.
COUNTY OF SAN MIGUEL)

The foregoing instrument was acknowledged before me this 8 day of December, 2021, by Lance Waring, Chair, San Miguel County Housing Authority.

Witness my hand and official seal. My commission expires: 10-18-2023
Nancy Hrupcin
Notary Public



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MANAGER REPORT

Administration

- CM to prepare 2023 Budget for review
- CM to schedule 2023 Compliance meetings with respective jurisdictions

Deed Restriction

- **SMC:**
 - 2 closings in September
 - 1 rental application
 - Pinion Park Lottery: 9 open homes
 - Upcoming review of SMC DR processing materials – application needs, etc.
 - Upcoming adoption of SMC Retention Schedule
 - Upcoming review of Rio Vista & Multi-Family Units
- **TOT:**
 - 1 August Closing
 - 4 July Rental Applications – 3 Renewals

Foreclosures

- 103 Timberline Ct – County exercised its right to purchase

Housing Voucher Program

- CM in the process of HQS Inspector Training
- CM in the process of Elite Access Training
- Currently the bulk of Manager's workload



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SAN MIGUEL REGIONAL HOUSING AUTHORITY 2022 BOARD MEETINGS

1:00 P.M.
(unless otherwise noted)

Via Zoom	ID#: 484.178.1222	PW: Board
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January 24
February 7
March 7
March 21 - Special
March 30 - Special
April 18
May 16
May 23 - Special
June 6
June 28 - 12 PM
August 15
August 30 - CANCELLED
October 3
November 7 - 3:30 PM
December 5

The Meeting Dates and Times are subject to change as are the Agendas, including the addition of items or the deletion of items at any time. If you are planning to come speak to a specific matter, please let the SMRHA Manager know by calling Courtney at 970-728-3034, ext. 5.

Packet materials are available from the San Miguel Regional Housing Authority by contacting the SMRHA Office no later than 24 hours prior to the meeting.