

**YAMPA VALLEY HOUSING AUTHORITY BOARD MEETING**  
**May 13, 2013**

Kathi Meyer, Yampa Valley Housing Authority Board President, called the regular monthly meeting of the Yampa Valley Housing Authority to order at 12:10 p.m.

Board members present: Catherine Carson, County Commissioner Doug Monger, Trish Sullivan, Kristi Brown and Rich Lowe. John Spezia, Johnny Sawyer and Scott Myller were absent.

Others present: Jason Peasley, Yampa Valley Housing Authority Executive Director, and Bob Weiss, attorney for the Housing Authority. Sarah Katherman recorded the meeting and prepared the minutes.

**EN RE: PUBLIC COMMENT**

No one from the public was present.

**EN RE: EXECUTIVE SESSION**

Kathi stated that the Board would enter executive session for the purpose of a conference with the attorney, Bob Weiss, pursuant to C. R. S. §24-6-402 (4)(b) to receive legal advice concerning specific questions pertaining to the Elk River Village property located on Elk River Road.

**MOTION**

Rich moved to enter executive session pursuant to C. R. S. §24-6-402 (4)(b) to discuss specific questions pertaining to the Elk River Village property. Included in the executive session would be the Housing Authority Board members, the Housing Authority Director, and the Housing Authority's attorney. Kristi seconded; the motion carried unanimously.

The executive session adjourned at 1:15 p.m. Kathi stated that no minutes or formal actions were taken during the executive session, and only the Elk River property was discussed during the executive session.

**EN RE: ELK RIVER VILLAGE LOAN WITH FIRST NATIONAL BANK OF THE ROCKIES**

**MOTION**

Kristi moved to suspend payment on the Elk River Village loan with First National Bank of the Rockies and to distribute a letter to be prepared by attorney Bob Weiss to the City of Steamboat Springs, Routt County and the *Steamboat Pilot and Today* newspaper. Doug seconded the motion.

Kristi rejected a friendly amendment by Catherine to give notice to the bank via an email from Bob stating that the loan payment would be suspended in June.

Under discussion, Catherine offered that it would not be the correct or professional action to withhold payment without first formally informing the bank. Doug countered that the Board has provided the bank with three months opportunity to conduct fair negotiations. He stated that the actions taken by the bank have not been fair and equitable and have not served to move the issue forward. He said that Board needs to take action at this time. Rich stated his support for Catherine's proposed amendment, citing that one month's payment would not make a significant difference and that providing the advance notice would serve to manage the public relations regarding

the Board's action by showing that the Board had gone above and beyond expectations in an effort to resolve the issue. Catherine stated that the goal was to find a resolution. Trish stated her agreement with Rich and Catherine.

Kathi offered that the Board had been very specific with the bank, and had informed the bank of the consequences of not significantly writing down the loan. The bank was also informed that without significant negotiations the suspension of payment would be discussed at this Board meeting. She said that her goal was a restructure of the loan. Rich suggested that the bank could be informed that unless a resolution was reached by May 31, 2013 the June payment would be suspended. In response to a question from Kathi, he confirmed that the bank had not taken any action when a payment was not made the last time the loan came due, although offered that the circumstances were quite different at that time.

Kathi called for a vote on the motion to suspend payment and distribute the previously prepared press releases to the City, the County and the newspaper. The motion failed on a 3 – 3 vote, with Kristi, Kathi and Doug voting in favor and Rich, Trish and Catherine voting against.

#### **MOTION**

Rich moved to authorize Bob to send the previously prepared email with "provide" changed to "have provided" (4<sup>th</sup> ¶ 2<sup>nd</sup> sentence) and with the addition that the Board will act by suspending payments, beginning with June 13, 2013 payment if a resolution is not reached by May 31, 2013. The letter will be sent to CIRSA (?) – the insurance carrier – immediately, and distributed to the City of Steamboat Springs City Council, the Routt County Board of County Commissioners, and the *Steamboat Pilot and Today* newspaper after May 31, 2013, if no resolution is reached. Doug seconded the motion.

Under discussion Kristi offered that sending the letter only puts the issue off for a month. Catherine offered that it will allow the bank an opportunity to resolve the problem prior to the end of May. The motion carried 5 -1, with Kristi dissenting.

Following discussion it was decided that Jason would inform City Manager Deb Hinsvark and City Councilman and YVHA Board member Scott Myller of the decision. Doug will review the issue with County Manager Tom Sullivan and the Board of County Commissioners.

In response to a question from Bob regarding whether a possible resolution could include Fish Creek or whether the collateral to be considered in the deal must be limited to the Elk River Village property, the Board said not to take anything off the table, but there must be demonstrable public benefit to including Fish Creek in any deal.

Rich suggested that in order to avoid misunderstanding, Bob's email should be copied to the County manager Tom Sullivan, County Attorney John Merrill, City Manager Deb Hinsvark and City Attorney Tony Lettunich.

Doug and Bob left the meeting.

#### **EN RE: CONSENT AGENDA**

The following items were presented on the consent agenda:

1. The minutes of the regular Housing Authority Board meeting of April 11, 2013.
2. The March 2013 financial statements.

the materials needed to design an appropriate program for Routt County. He said he would consult with other resort communities to find out what is being offered elsewhere.

#### **OTHER BUSINESS**

Catherine stated that the accrual account and the procedure for accounting for the withholding of the loan payment should be figured out prior to the next Executive Committee meeting.

Rich left the meeting.

#### **BOARD MEMBER SEARCH**

Kathi reported that Patrick Welsh had been appointed by City Council and the Board of County Commissioners as a new member of the Housing Authority Board. Jason said that he would set up an orientation/training for Board members per the insurance requirements. Kathi suggested that other Boards could be consulted regarding Board member training. She noted that the City is still advertising for YVHA Board members on the City page of the paper.

#### **EN RE: UPCOMING COMMITTEE MEETINGS**

Kathi proposed changing the date for the next Executive Committee meeting due to the Memorial Day holiday. She said she would discuss this with Rich.

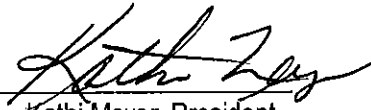
#### **EN RE: ADJOURNMENT**

Kristi moved to adjourn the regular meeting of the Housing Authority. Catherine seconded; the motion carried unanimously. The meeting was adjourned at 1:55 p.m.

No further business coming before the Board, same adjourned sine die.



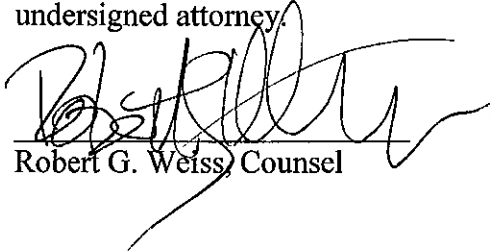
Sarah Katherman, Minute Taker



Kathi Meyer, President

**STATEMENT FROM ATTORNEY REGARDING ATTORNEY-CLIENT PRIVILEGE**

The undersigned Robert G. Weiss hereby attests, pursuant to CRS Section 24-6-402(2)(d.5)(II)(B), that the portion of the executive session held on May 13, 2013 that was not recorded and which related to receiving legal advice concerning specific questions pertaining to the Elk River Village property located on Elk River Road constituted a privileged attorney-client communication in the opinion of the undersigned attorney.

 Date: 8-5-2013

Robert G. Weiss, Counsel