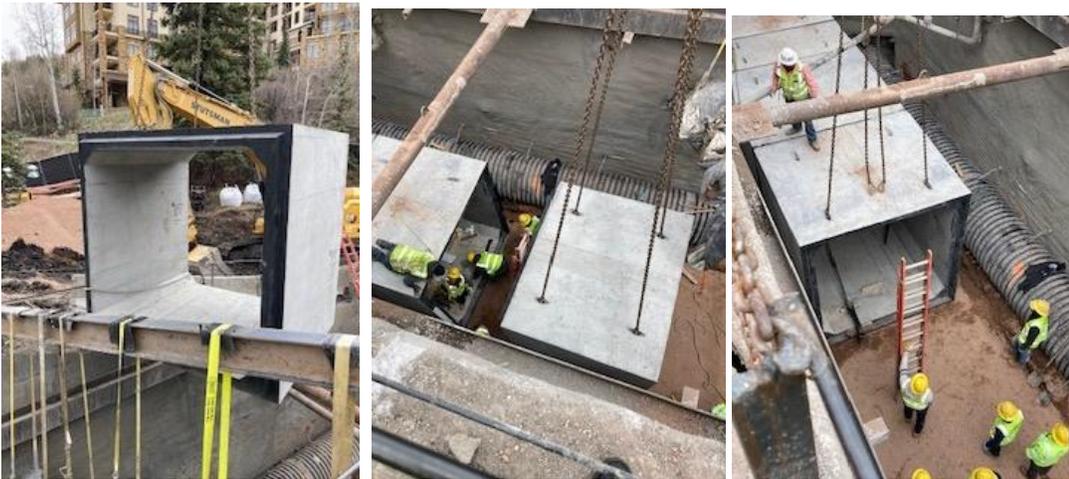




To: Mayor and Town Council
From: Clint Kinney, Town Manager
Date: May 10, 2024
Re: Info Update

GOOD GOLLY, THAT IS ONE BIG HOLE

It's pretty amazing how big of a hole \$6+ million dollars will buy the taxpayer. The cut below Brush Creek Road is about 30 feet deep; so deep that that the soils are required to be held back with shotcrete rather than a trench box. This week, the contractor needed to divert Brush Creek (the actual water part), via a cofferdam, into a large plastic pipe so the bottom of the "trench" could dry and sections of the 9 foot tall concrete culvert can be installed. But wait, there's more..... the contractor can't just simply place the large culvert pieces into this 30 foot deep "trench" because there are all sorts of unmovable things in the way like sewer lines, gas lines, other utilities and structural braces. I don't know much about construction, but infrastructure like that needs to be avoided/missed by these 15 ton pieces of concrete. It's pretty easy to now understand why it took multiple decades to replace this critical infrastructure. (here comes one of the understatement of the year) It's a big, deep, complex job. We are aiming for completion in early July.



RIDE'M COWBOY

The arena fence, bleachers, rodeo lights and the maintenance facility are all going up at Town Park. Overall progress is a bit behind the projected finish date, by about a week, but everything is still expected to be completed in time for the first rodeo on June 19. This will be the Rodeo's 50th anniversary, so it will be great to kick it off with a new facility. Traditionally, the first rodeo is lightly attended and kind of a dress rehearsal for the rest of the season. We will have 100 tickets

available for Town employees and their families that night. We are planning to have the ribbon cutting celebration and thank you speeches lined up for the June 26 rodeo. For that event, we have 500 tickets to distribute to community members so everyone can celebrate together. We are planning to offer them to the Town's Boards and Commission members first and then open up the rest of the tickets to everyone in the community. If anyone wants to ride a bull or a buck'n bronco, let me know, we can line that up as well. It should be a great night to celebrate.

MIDRIM TRAIL DESIGN EFFORT

After we recently received the letter from the Sinclair HOA opposing the use of their land HOA land for the proposed MidRim Connector trail, we received a letter from the Aspen Valley Land Trust on this topic as well. AVL T is our trusted partner who "owns" the conservation easement on the Town-owned land and ultimately controls the use of the land. Unfortunately, AVL T has determined that the MidRim trail is not a consistent use of the Conservation Easement, and is not something AVL T is able to approve under the terms of the existing Conservation Easement. So, between the HOA position and the determination of AVL T, we will, unfortunately, but rightly, need to stop the work on this trail design.

TID BITS;

- We are continuing to walk through the Krabloonik site as they prepare to close their operations. As of earlier today, they still had about 35 dogs on the property (down from 55 dogs at last count) and all but 20 of them had homes they were going to. Fences and dog houses are being removed. We are preparing to take over the site on June 1.
- If anyone on the Council has any feedback on the request from the residents of Sinclair Meadows HOA to take over the ownership of Gamble Way, please let me know.
- As is our practice, we will be using a third party to audit a number of businesses and lodges to ensure compliance with sales and lodging tax remittances.
- The work on the Coney Game Express chairlift, is underway. BTW, I have no idea what Ski Co is really calling the new chair, but I am hoping Coney Game sticks!
- Highline Road is coming along well. We are still on track for total completion mid June. Enough of Highline Road is expected to be completed by Memorial Day to use Club House Dr. As the project transitions uphill on to Owl Creek Road, there will be single lane closures and traffic lights.
- We have arrived at the rough terms of a settlement agreement with the artist of the Ice Cubes sculpture. To make the story of this multiyear saga a bit shorter, the shop/foundry/manufacturer the artist used to "construct" all of his previous ice cube work closed, and after multiple attempts to build the sculpture for us, his new "shop" could not create the ice cubes at the size we were promised. The artist spent considerable dollars and time trying to make this process work, but alas, it was not to be. He will be entering a payment plan to pay the Town back 50% of the down payment we have paid him. While not the outcome we were hoping for, it seems like as decent of a settlement as we can hope for.
- We have submitted a transit grant applications to the Federal government, which could be awarded as soon as 2025 ish, for smaller transit vehicles with voice announcements for stops and other ADA compliant technology.

- More great transit news, we are continuing to make good progress on our version of the downtown app. We are still aiming for a soft launch this summer.
- As a quick follow-up to the concerns presented regarding the trash enclosure doors being difficult to open; it is true, the doors are stiffer than ever. After talking with Anne, she reminded me that we needed to rebuild a number of these doors because the bears are bigger and stronger than ever and were starting to be able to open the enclosures; hence we needed to tighten up the doors. We are paying attention to the balance of easy for humans to open and hard for bears to open. Of course, we will continue to take any feedback (one way or the other) if we are hitting the correct balance.
- The election for the Holy Cross Board is underway. Details can be found at: <https://www.holycross.com/elections/#candidates>
- This year's wildfire mitigation work is about halfway done. Our partnership with the Fire Authority on this project has been great. So far, the vast majority of work has been on the hillside between Town Hall and Mountain View. The next phase will be along Brush Creek from Wood Road up the hill along the creek itself.
- The request from Upper Carriage Way Condo Associations to change the Workforce Housing Master Plan will be heard by the Planning Commission on May 15.
- Work on the Draw Site design is continuing. We are working with the Fire Authority on emergency access, Transportation on transit access, and utility issues with the Water and Sanitation District.
- At the risk of jinxing anything, for the first time in a long time, the Parks, Recreation and Trails team is fully hired for the summer.
- A big congratulations (along with a stinks for us) goes to our friend and colleague Officer Franz Zedlacher. Franz took a great promotional opportunity with the County as a Sergeant in the Sheriff's Department. We're grateful he isn't going to far, but he will be missed.
- Speaking of being missed, Heavy Equipment Operator Scott Binigar retired this past week after 18 years of service to the community. Scott is off to lower elevations and warmer temperatures. The rumors of him joining a ZZ Top cover band have not been verified (yet).
- Ending on a high note..... we are continuing to work with the County on a potential library branch to be constructed adjacent to the Recreation Center. They are currently working on a draft letter of intent that will layout expectations for the project from both sides. More to come.

CC: Department Heads



April 26, 2024

Andy Worline
Parks, Recreation & Trails Director
Town of Snowmass Village
2835 Brush Creek Rd.
PO Box 5010
Snowmass Village, CO 81615

Via email: aworline@tosv.com, jmoe@tosv.com, rlipari@tosv.com

RE: MidRim Trail Proposal

Dear Andy and the TOSV Trails Team,

Thank you for reaching out about the MidRim Trail proposal. AVL T has long been a proud partner and collaborator with the Town of Snowmass Village, and we are appreciative of the hard work your team has put into both wildlife habitat conservation and recreational trail development. Balancing outdoor recreation with wildlife habitat values requires nuance and finesse, and we value how you and your team have always approached such matters in an open and collaborative way.

As you are aware, Wildcat Ridge (the "Property") is encumbered by a conservation easement, granted to the Aspen Valley Land Trust (AVLT) recorded in Pitkin County on December 10, 2023 at reception number 492265 (the "Easement"). The purpose of the Easement is *"to assure that the Property will remain forever predominantly in its scenic, natural and open space condition, subject to the uses of the Property permitted hereunder, and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property and, in the event of their degradation or destruction, to restore such Conservation Values of the Property"* (Section 1 - pg. 2). The Easement also describes consistent uses, prohibited uses and reserved rights for the Property.

One of the main intents of the Easement is to forever protect the ongoing public use and maintenance of the Rim Trail, which predates the Easement. As stated in the Easement recitals, one of the primary intentions of the Easement is for the Property to *"be preserved and maintained by the continuation of land use patterns, including, without limitation, those relating to recreational access on the Rim Trail existing at the time of this grant, which the Trust acknowledges and agrees do not significantly impair or interfere with those values;"* (pg. 1).

It is important to note that in addition to the Rim Trail, the Mountain View Trail and Melton Ranch Trail also pre-date the Easement, as confirmed by historic aerial imagery. Because these trails pre-date the Easement and were included as existing conditions at the time the Easement was recorded, they are considered consistent uses or grandfathered features.

Unfortunately, AVL T has determined that the MidRim trail is not a consistent use of the Easement, and is not something AVL T is able to approve under the terms of the Easement.

Section 4.D of the Easement lists as a prohibited use *"the removal, destruction, or cutting of native vegetation except for fire mitigation and trail maintenance;"* (pg. 3). This section makes clear that the removal of native vegetation for trail maintenance is allowed, but omits the development of new trails as an exception.

Further, Section 5.B lists as a consistent use *"non-motorized use of the Rim Trail and spur train [sic] during appropriate seasons, maintenance of said trails as needed, and other access for scientific, education or conservation purposes;"* (pg. 5). This section allows for the use and maintenance of the Rim Trail and spur trail



(erroneously referred to in the Easement as spur “train”), but like Section 4.D also omits mention of new trails as a consistent use. AVL T staff believes that “spur trail” in this instance is referring to the several spur options of the Rim Trail near the ying yang feature, which also predates the Easement. Considering this language, AVL T staff has determined that new trails may be allowed in the Easement if they are minor enough to be considered by AVL T staff a spur of the Rim Trail, in other words a reroute that is considered part of the Rim Trail itself. This would allow for short trail reroutes on the Rim Trail, if necessary for trail maintenance, wildlife, safety, or other reasons.

Because the MidRim trail is expected to be approximately one mile long, include up to ten switchbacks on a major slope, and divert significantly in grade from the existing Rim Trail, AVL T considers it a major trail and not simply a spur of the existing Rim Trail.

In 2019, AVL T staff was able to approve of the construction of the new Hawk Ridge Trail along portions of the southern border of the Property. Because the Hawk Ridge trail only occasionally encroached into the Easement, was immediately adjacent to more impacted and developed parcels off the Easement, and did not traverse sensitive areas of the Property, AVL T staff found the trail to be inconsequential to the Property’s Conservation Values. The Property’s Conservation Values are listed as “natural, ecological, scenic, open space, wildlife habitat and recreational values” (pg. 1). Because of this, AVL T was able to offer approval of the Hawk Ridge Trail.

In contrast to the Hawk Ridge Trail, impacts of the MidRim trail would likely be quite different from those of the Hawk Ridge Trail. While the MidRim trail may positively benefit the Property’s recreational values, it would quite negatively impact the Property’s remaining Conservation Values, especially its ecological, scenic, and wildlife habitat values. Due to this net negative impact on non-recreational Conservation Values, AVL T staff has determined the trail to be inconsistent with the Easement.

Conservation Easements that include both recreational and wildlife habitat values challenge both the landowner and the Land Trust to seek balance between those sometimes-conflicting values. AVL T deeply appreciates our partnership with the Town, and applauds Town staff’s ability to reach out and facilitate these thoughtful conversations. Thank you for your continued commitment to conservation and thoughtful trail development in the region—AVL T looks forward to our continued partnership.

Please do not hesitate to contact me below with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bud Tymczyszyn", is written over a horizontal line.

Bud Tymczyszyn (*tīm-chīz-in*)
Stewardship Director
Aspen Valley Land Trust
bud@avlt.org
970.456.1915 (cell)