A rundown of the government and business activity over the last month, with particular focus on issues and items that are important to the Real Estate community.

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Aspen —

Aspen Street townhomes approved, as chances for new hotel sink

Aspen City Council approved 14 townhomes and 17 affordable housing units on the west side of Aspen Street, immediately below Lift 1-A, practically ending hopes that the site would be developed as a hotel.

City Council has sent mixed messages over the years about its desire for the property, which is considered ideal for a hotel. It rejected two separate lodging proposals for the site even as it invited hotel proposals from various ownership groups.

The current owners sought to amend the 2003 approval for townhomes and affordable housing by moving some of the affordable housing off-site, taking pressure off the neighboring Juan Street homes. They agreed to build or purchase an additional affordable unit as part of the approval.

Aspen 1 Building to feature high end boutiques, farm-to-table dining

The new Aspen 1 Building, at the former location of The Gap clothing store, will feature several high-end luxury retailers. Theory, Helmut Lang Boutique and Dolce & Gabbana all are reported to have signed leases for Galena Street storefronts. On the second floor, David Burke Kitchen is scheduled to open in February. The restaurant will be farm-to-table style, using locally grown meats and vegetables as much as possible.

Aspen Music Festival and School patron Bucksbaum dead at 87

Matthew Bucksbaum, former chair of the Aspen Music Festival and School Board of Directors, whose leadership and financial gift helped rebuild the music school campus on Castle Creek, died last month at the age 87.

Matthew Bucksbaum and his wife, Kay, originally came to Aspen in summer 1953 to celebrate their first wedding anniversary and began his 50 years of support for the music school. He joined the festival and school’s board in 1985. He chaired the board from 1999 to 2002, a tenure included the construction of the Benedict Music Tent, as well as in 2005-06. Kay was chair 2010 to 2012, while the campus was being redesigned and constructed.

The Bucksbaums’ gave $25 million toward construction of the recently redeveloped music school campus on Castle Creek Road. The campus was named in their honor and opened this past summer.

Local design firm adds employees

Design Workshop, an Aspen-based landscape architecture, land planning, urban design and strategic services firm, has hired three new employees at its Aspen office, a sign of the ongoing improvement in the construction sector. They include and office and project assistant, an urban designer; and a landscape designer.
City to buy Edge of Ajax units
The city of Aspen plans to purchase three studio condominiums on East Hopkins Avenue for $309,000. The three units, ranging from 417 to 428 square feet, are located in the Edge of Ajax complex and are for sale by the Ulrych Estate. Deed restrictions associated with the units require rents of $402 and $412 per month, which are below the city’s Category 1 rent level of $460. The deed restrictions expire in 2032. The city plans to convert the center unit into a Category 2 rental, while retaining the other two as Category 1 rentals.

Soup shop owner sues builder over lost business
Dez Bartelt owner of the The Little Soup Shop is suing Jack Wilke Builder for $50,000 for causing her to be shut down during one of the most lucrative weeks of the year — the Food & Wine Festival — because it mistimed its renovation work in the Tom Thumb Building on E. Hyman Ave.

Bartelt said she was told that construction affecting her space would be finished by June 1. The firm’s senior project manager agreed in writing to a June 1 reopening date for the restaurant. The agreement included a reimbursement provision should the Soup Shop for any losses due to delays in it reopening.

Sales taxes continue upward trend in September
Taxable retail sales in the city of Aspen were 4 percent higher this September, capping a strong summer for Aspen’s economy. Lodging tax collections for the month were up 16 percent from the same period in 2012. Both lodging and sales tax receipts are up 6 percent year-to-date through September. The month of September accounts for between 6 percent and 8 percent of taxable sales activity each year.

ABC to tell true tales of Aspen
Producers from the American Broadcasting Company are looking for Aspen locals who are willing to share their lives with America in a new TV series. ABC producer Terence Wrong is planning to turn his lens loose in the resort this winter. He is the man behind ABC’s “NY Med” and other “observational documentaries,” and who has visited Aspen since the 1970s. An email seeking participants says producers are “casting a wide net in the hopes of finding a diverse group of authentic Aspenites who represent all walks of life in their professions, avocations and outlook.” No title or airing schedule has been released.

Team Pain selected for Rio Grande skate park expansion
Team Pain, a skate park design and build firm was recently selected to complete a “phase two” expansion of the Rio Grande skateboard park. The project involves expanding the existing park to the north, where a basketball court now sits and adding street skate features like stairs, rails, boxes, pyramids, quarter-pipes or wedge ramps.

USA Pro Challenge to begin in Aspen for second year
The world’s top cyclists will return next summer for the first two stages of the USA Pro Challenge. Events include a circuit race on roads between Aspen and Snowmass Village and a start from Aspen that will end in Mount Crested Butte. The circuit race, which kicks off the multi-stage event, will be held Aug. 18.

Off season closures now allowed at St. Regis
Aspen City Council agreed to revise a 10-year old development approval so the St. Regis Hotel can close during off season. The hotel committed to remain open year round as part of the 2003 approval that allowed 98 hotel room to be converted into fractional units and a spa.

Pacifica owner closes doors, puts restaurant up for sale
Pacifica restaurant is closing its doors and the business is for sale. Owner Russell Hoffberger said that the business has been lucrative but that it’s simply time for him to move on. He is trying to sell the assets, chiefly restaurant equipment — along with a lease that doesn’t expire until the end of June 2015. Hoffberger has owned Pacifica for nine years.

Coach Sirko retires after leading Aspen High Skiers to seven straight playoffs
Aspen High School football coach Mike Sirko announced his retirement last month, bringing an end to an extremely successful stint for the Skiers. Sirko ranks sixth all-time in Colorado high school football wins. The Skiers made it to the playoffs seven consecutive years under his leadership.

**Little Nell rehires executive chef Bryan Moscatello**
Bryan Moscatello, executive chef at The Little Nell from 1992 through 2000, has returned to the job. He most recently was chef-partner at Storefront Company in Chicago. He has also worked in Deer Valley, Denver and Washington, D.C. He was recognized in 2003 by Food & Wine Magazine as one of America’s 10 Best New Chefs.

**Ideas Fest to run 10 days and add third session**
The tenth annual Aspen Ideas Festival will include three sessions over a 10-day span, from June 24 to July 3. The festival’s theme, “Imagining 2024,” will look ahead at trends in technology, education, and media, as well as manifestations of climate change.

**O’Grady leaves Aspen Magazine after two-and-a-half decades**
Janet O’Grady stepped down at Aspen Magazine after 26 years as editor-in-chief and owner. The new owner, Modern Luxury, a Los Angeles-based publishing group, her on board as editor for a year to help with the transition.

**Aspen Historical Society names new executive director**
The Aspen Historical Society hired Kelly Murphy as its next executive director and chief executive officer. Murphy is an Aspen attorney and former marketing manager with Aspen Skiing Co. She has lived in the Aspen area on and off since 1987. She succeeds Georgia Hanson, who served in the position for 11 years.

**X Games to stage shows in Wagner Park**
ESPN permission will stage two concerts at Wagner Park during the X Games this winter, with the Saturday show featuring rock and roll and the Sunday show electronic dance music. ESPN is limiting ticket sales to 6,000 general admission tickets 200 premium tickets in order to ease the impact to downtown, which was overwhelmed by free X Games shows in the mid-2000s that drew more than 10,000 people. The shows will take place Jan. 25 and 26 from 4-6:30 p.m.

**Snowmass Village —**

**District Attorney investigating dog sledding operation**
The 9th Judicial District Attorney’s office has launched an investigation into allegations of animal abuse and neglect at the Krabloonik dog sledding operation and restaurant in Snowmass Village. Noting allegations by former mushers that owner Dan MacEachen has beaten his dogs and deprived them of food, shelter and veterinary care, DA Sheri Caloia said an investigation was “in the public’s best interest.” MacEachen denies allegations that he abuses his dogs.

Krabloonik was last investigated in 2009 following eyewitnesses reports that an unconscious dog was dragged by a musher’s sleigh. No charges were brought.

**Snowmass Village lodging draws well through summer**
From May to October, the declines in Aspen’s occupancy rate ended up being Snowmass Village’s gains. Occupancy for the six-month period was 52.1 percent in Aspen, a 1.4 percent dip from the same period last year, while Snowmass’s occupancy of 28.5 percent represented an increase of 22.9 percent. Snowmass Village benefited from the reopening of 400 rooms at the Westin Snowmass and Wildwood Resorts properties, which underwent extensive renovations last summer.

**Sales down in September for first time in 2013**
September was the first month of 2013 where sales tax revenues declined year-over-year in the town of Snowmass Village. Revenue collected in September dropped 16.2 percent compared to the same month in 2012, according to the town finance department. Sales for the first nine months of the year are still up 12.5 percent.
Snowmass Tourism officials say a big reason for the drop in September was low attendance at the Balloon Festival. Front Range visitors were likely deterred from making the trip because of the floods that ravaged their communities in the middle of the month, and rains here delayed or canceled scheduled flights.

**Westin, Wildwood renovation work continues into winter**

Starwood Capital Group, which owns the Westin Hotel and Wildwood Inn, continues to make improvements, most recently with an outdoor plaza adjacent to the slopes and continuing work on a new restaurant. The plaza below the Westin lobby makes it more accessible from the slopes. The restaurant, which will serve ramen, is set to open in the Wildwood on the weekend of the Winter X Games, Jan. 23 through 26.

**Bowling alley opens in Snowmass**

Slow Your Roll Slopeside Lanes, the long-anticipated bowling alley, in Snowmass Village is open for business on the Mall, next to Aspen Sports and across from the Westin. The boutique alley has eight lanes, four 180-inch TVs, a kitchen with a wood-fired pizza oven shipped from Italy, a full-service bar, and high-top tables made out of cedar recovered from now-closed bowling alleys that opened in he 1950s. It is open seven days a week.

**Basalt —**

**New deal gives more land to RMI, hastens closure of Taqueria el Nopal**

Taqueria el Nopal restaurant will likely end up closing earlier than expected as result of a new agreement between the town government and Rocky Mountain Institute. The town plans to sell the building where the popular Mexican restaurant is located to RMI, which will build an office and conference center on the site.

The exact date that the restaurant will be evicted isn’t known yet, but the new agreement spells out general terms for the building’s demolition without linking it to RMI’s construction schedule. Councilwoman Karin Teague expressed concern that the agreement could result in the restaurant being evicted long before RMI is ready to start construction.

The amended deal also increases the amount of land RMI will acquire from the town without increasing the price. The original agreement called for the institute to buy 0.55 acres for $600,000; the new agreement boosts the amount of land to 0.87 acres for the same amount of money.

**Town manager seeks downtown development plan**

Town Manager Mike Scanlon wants to hire journalist Paul Andersen to organize community visioning meetings where residents share ideas for the future of the Pan and Fork Mobile Home Park site and downtown.

Scanlon and the Basalt Planning and Zoning Commission have kicked around ideas for interconnected development of publicly and privately owned parcels downtown, including Lions Park, the Phillips 66 gas station and the Clark’s Market building as part of a Downtown Development Plan. It would allow the town government to plan what public improvements are necessary to accommodate it.

The town will eventually put out a request for proposals based on the plan seeking developers who want to buy into the project and execute the community vision.

P&Z and Scanlon currently consider creation of an Urban Renewal Authority as the best way to raise funds to finance the infrastructure. Using tax-increment financing, the bonds would be issued based on the anticipated increase in value of the property — and increased property tax revenues that result — and repaid over a number of years.

**Retirement and nursing home center receives final approval**

Basalt Town Council approved Aspen Valley Foundation’s Continuing Care and Retirement Community, which will include 96 new residences, 30 assisted-living units and 24 skilled-nursing units for senior citizens. The project will be located on the 18-acre Stott’s Mill property in Basalt’s Southside neighborhood, near Basalt High School.
The first phase includes 52 independent living units, 12 cottages, 20 assisted living units and 12 skilled-nursing units. As residents age and their needs change, they can transfer from the independent units and cottages into the assisted- and skilled-nursing units.

The last major issue was the town’s affordable-housing code, which called for 39 affordable units. The foundation said that number would make the development impossible. Basalt and the foundation agreed to apply an assessment onto the purchase contracts, and use the money to future affordable-housing projects.

**Basalt to dam Roaring Fork and re-grade streambed and banks**

Voters’ decision to allow the town to issue $5 million in bonds will accelerate heavy duty work in the streambed and on the banks of the Roaring Fork River. American Civil Contractors of Littleton will build a temporary dam in the river so it can remove cobblestones and regrade the streambed, relining it with a specific kind of rock.

The town will also turn about 2.5 acres of the Pan and Fork trailer park into riverside open space. Once the work is complete, town officials say surging floodwaters and run off will flow into riparian areas, as they once did.

**Crown Mountain Recreation Center tax loses badly**

Midvalley voters overwhelmingly rejected two tax increases to pay for a proposed 63,000-square-foot recreation center at Crown Mountain Park. One tax would have paid for construction, the other would have subsidized operations. The board of the Crown Mountain Park and Recreation District, which runs from El Jebel to Old Snowmass, and includes sections of Missouri Heights and the Fryingpan River Valley, is reassessing plans.

**Pitkin County —**

**Conflict of interest, neighbors protests nix approval in Maroon Creek**

The Pitkin County commissioners rejected applicant David Boehm’s proposal to build a 13,250 square foot home in an avalanche path using four transferable development rights (TDRs).

The commissioners upheld the appeal of an earlier approval by five neighbors who oppose the project for a variety of reasons, including the effects on the view plane, location in an avalanche zone, effects of mitigation work on the rural character of the valley, and an alleged conflict by hearing officer Tom Smith, who gave the project initial approval.

Neighbors asserted — and the commissioners agreed — that Smith should not have considered Boehm’s application, because in 2002 he helped the former owners of the parcel secure development rights.

Boehm’s lawyers pointed out to no avail that his neighbors received approvals for a home and several outbuildings despite vulnerability to avalanches and mudslides.

Under previous approvals, Boehm still has the right to build an 8,250-square-foot house on his property, located on the western slope of the Maroon Creek Valley off of Bulkley Drive.

The commissioners have yet to formally overturn Smith’s approval, but are expected to in January.

**Two wells proposed for Thompson Divide would generate significant truck traffic**

Plans for two exploratory natural gas wells in western Pitkin County will generate approximately 1,034 round trips of trucks into the heart of the Thompson Divide region, according to an application submitted to the U.S. Forest Service to drill about 10 miles southwest of Carbondale.

Improvements to forest roads and reconstruction of an abandoned well pad would generate about 222 round trips; drilling and completion of two wells would add an estimated 812 round trips. The application will be delayed by the ongoing review of all Thompson Divide leases by the Bureau of Land Management.
Marijuana greenhouse application lights up county debate

Review of an application by Ron Radtke for 19,000 square feet of greenhouses on 38 acres off Lower River Road is highlighting the problems elected officials in Pitkin County are having with the “marijuana mandate” from county voters.

The county commissioners recently engaged in a four-hour discussion about whether greenhouses enhance rural character and if marijuana should be considered an agricultural crop, a pharmaceutical, or something else entirely. Neighborhood opposition to the associated business activities — cultivation, production and sales — has made their job difficult.

The Woody Creek Caucus, for instance, voted 91-7 to recommend denial of Radtke’s proposal. Similar resistance has come from the Emma, Snowmass/Capital and Fryingpan caucuses.

The commissioners have yet to decide on Radtke’s proposal.

New food safety rules worry local growers

Farmers in the Roaring Fork Valley are concerned food safety rules proposed by the Food and Drug Administration will place a significant burden on the way they grow and distribute food.

The rules, if adopted, will govern water testing, fertilizer application and food handling practices. They include requirements that irrigation water be tested weekly and that manure used as fertilizer be applied nine months prior to harvest rather than the four months before harvest as currently allowed. Farmers who pack or hold produce from other farms would need to submit a food safety plan, which may impact popular Community Supported Agriculture (CSA) programs that distribute locally grown fruits and vegetables. CSA boxes are sometimes comprised of produce from multiple growers.

The new rules, sparked by passage in 2011 of the Food Safety Modernization Act, represent the first comprehensive update to food safety laws governing fruits and vegetables since 1938. There are some exemptions for operations that generate less than $500,000 per year in profits, or distribute directly to consumers within a 275-mile radius.

Wingspan limits at airport under scrutiny

Managers at the Pitkin County airport say they will likely allow longer wingspans than currently permitted at the airport if commercial flights are to continue in Aspen. County and Federal Aviation Administration rules restrict the wingspans of planes using the Aspen airport to 95 feet.

Bombardier Inc., the manufacturer of the CRJ-700 that currently serves Sardy Field, said orders for the 70-passenger jet have simply stopped. Sam Cherry from Bombardier says there are several regional planes with wing lengths under the limit, but they are not capable of serving Aspen.

The jets that carriers are currently purchasing have wingspans ranging up to 115 feet, just two feet shy of the Boeing 737, and carry 90-150 passengers. Airlines appear to prefer planes that accommodate more passengers as they upgrade their fleets to take advantage of better mileage and other amenities.

The county commissioners are reluctant to consider allowing greater wingspans at Sardy Field, but nevertheless agreed to fund an ongoing study to examine the options.

Trails app commissioned by Pitkin County

Hikers, bikers and horseback riders using Pitkin County’s extensive trail network will soon have an interactive, smartphone ready map at their fingertips, with data on trail routes, difficulty levels, surface types, lengths and seasonal closures. Points of scenic or historical interest will feature photos and supplemental text, and river access points will be highlighted for fishermen, kayakers and rafters.

The map will be built using existing geographic information systems (GIS) data maintained by the city of Aspen and Pitkin County.
CDOT raises speed limits on Highway 82
Speed limits along Highway 82 between the airport and roundabout were raised from 35 mph to 45 mph, and to 55 mph from the airport past Brush Creek Road. The Colorado Department of Transportation determined the higher speed limits were appropriate after comparing the roadway with other “suburban” stretches around the state.

New policies speed up TSA lines
The Transportation Security Administration eased checkpoint screening procedures at Pitkin County airport so that some passengers no longer will need to remove shoes, headwear or light outerwear. Passengers who qualify are those who are already enrolled in the agency’s PreCheck program, or those the TSA agent determines are not a security risk. They will still need to remove laptop computers and other electronic devices, however.

County adds to open space in Redstone area
Pitkin Board of County Commissioners unanimously approved spending $165,000 to purchase two Redstone-area parcels, comprising approximately 21.3 acres, from the owners of the onetime coal mining outfit, Mid Continent Resources. The purchase creates an open space corridor in the community that includes more than a mile of riverfront.

Regional —

Polo enthusiasts purchase equestrian lands near Carbondale
Aspen Valley Polo Club LLC purchased the 15-acre equestrian facility at Highway 82 and Catherine Store Road, possibly for polo games and activities. The land sold for $1.85 million. Attorney Gary Wright declined to reveal the names of the buyers behind Aspen Valley Polo Club LLC, although valley locals involved in the polo scene say they include noted members of the national and international polo set.

Glenwood Springs entrepreneur aims to exploit hemp industry
Glenwood Springs entrepreneur Barbara Filippon has developed an agriculture and manufacturing plan that involves textiles, building materials, hemp seed oil and other products manufactured at factories between Glenwood Springs and Grand Junction. The state Department of Agriculture adopted hemp cultivation rules, which is an important step in turning her dream from a plan to a reality. Filippon has more than three decades experience in the hemp industry, and currently runs the natural fiber business EnviroTextiles in Glenwood Springs.

John Denver statue finds home at Red Rocks
“Spirit,” the statue of Colorado icon John Denver will be permanently displayed at Red Rocks Amphitheater starting next summer. The Colorado Music Hall of Fame and the city of Denver to relocate the towering bronze statue featuring Denver with an eagle landing on his outstretched arm and a guitar on his back will be erected at one of the main entrances to Red Rocks.

Carbondale tapped for new brewery
Chase Engel and his wife, Aly Sanguily, are in the process of opening Roaring Fork Beer Co. in Carbondale. Their goal is to produce craft beers in a Delores Way brewery by the end of December and serve them in a taproom by February or March. Their primary emphasis will be supplying kegs to eating and drinking establishments in the Roaring Fork Valley. Engel, 30, has eight years in the brewing industry, and was recently recognized with a medal at the Great American Beer Festival in Denver.

Communities vary widely on marijuana policies
With just one month to go before retail marijuana shops begin to open, local governments are all over the map on the issue.

Carbondale was the first government in the valley to adopt rules allowing retail shops, grow operations and manufacturing. Aspen and Glenwood Springs quickly followed. Rifle and Silt also allow recreational marijuana shops. Basalt Town Council last month agreed allow medical marijuana establishments, with no plans to address recreational marijuana sales until next year. Snowmass Village has a marijuana ban in place.
Garfield County has banned all activity related to recreational marijuana sales, including cultivation. Eagle County has a moratorium in place, but has discussed adopting regulations in the coming year. And Pitkin County recently adopted rules covering renewal of retail licenses, signage, facility requirements, changes in licenses, inspections, penalties and revocation, and operating fees.

From the Colorado Association of Realtors —

Time running out to comment on Flood Insurance call for action

The "Flood Insurance Could Sink Your Sales" Call for Action is still live on the NAR Website, but time is running out.

The Problem: Congress provided a 5-year reauthorization of the National Flood Insurance Program (NFIP), but severe implementation problems threaten to undermine real estate transactions where flood insurance is required to obtain a mortgage.

- New NFIP rate structures have caused serious confusion and hardship for property owners.
- The Federal Emergency Management Agency (FEMA) continues to delay and miss deadlines.
- The legally required transition to true risk rates has plagued consumers with increases in rates beyond what anyone imagined possible.

The Solution: A four-year time-out. Congress has legislation in the House, H.R. 3370 and Senate, S. 1610, to delay changes to the NFIP. These bills would prudently defer rate increases until FEMA completes the affordability study mandated by law; create a system for targeted rate relief; and establish an office of the Advocate for flood insurance rate and mapping concerns.

Please Take Action today and tell your Member of Congress and Senators that NAR supports the “Homeowner Flood Insurance Affordability Act.”

Click here for live link: Call for Action: Flood Insurance Issues Could Sink Sales

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