



## Final Minutes

TOWN OF LYONS

**Thursday July 14th 2022 6pm-8pm**

Parks and Recreation Commission

HYBRID: Town Hall (Possibly)

And

Join Zoom Meeting (likely)

<https://us02web.zoom.us/j/87276488232>

**Passcode: 303823**

Or call in!

+1 929 205 6099

Meeting ID: 872 7648 8232

**Attendance:** Julia Herz, Glen Delman, Yelena Hughes, Gil Sparks, Dave Cosgrove, Dave Kimmett (planner and Liaison to PRC), Kim Mitchell

**1. Approval of Minutes** - Unanimous approval.

**2. Audience Business** - Limited to 15 minutes - All comments will be limited to 4 minutes per person

3. Updates

- a. BoT Liaison- Trustee Glen Delman -
- b. Staff liaison - Dave Cosgrove, Parks and Public Works Director
- c. **CEMEX renewal**

We need to complete by 8:00 AM tomorrow if possible - to Marissa. Dave K and Alex Painter will be compiling master document that goes to BOT which then sends to County Commissioners. Dave has now done 3 other meetings concerning this topic. Evidently Cemex did not want Lyons to be involved in this decision.

DaveK - the "binary" choice given to us from Cemex is a 15 year extension that would give us open space acquisition and closing mine in 15 years. Their threat is that they will otherwise just continue indefinitely.

No one knows if Cemex can actually truck in material financially and make it work. Or it may be a



bluff to Boulder County.

Good Neighbors packet gives more nuanced choices and compromises, such as a 5 year extension.

We should NOT limit ourselves to just these choices. We can also bring up other creative ideas.

Gil - Public Meeting on the 19th for gathering public comment on this needs to be well advertised. He would like his Comments document attached, see below Appendix I.

Claudia K -

There is a problem with trust in Cemex. The previous promises are not being kept, to turn over the land for open space in 2022. Instead, they are giving us only two choices, give them what they want or they will simply continue indefinitely. That was not the deal. Although they offer enticements in open space granting and trails, it is very unlikely that any open space given to the County would be accessible, and the county will build no trails. This would injure connectivity plans for linking Lyons to Longmont or Boulder.

The main issue is the emissions problem. 15 more years of greenhouse gases is too much. We need more options, such as Cemex running their plant using renewable energy sources.

We all need concrete - but we know there are better ways to make it.

Boulder county has emission goals that would be in peril if the permit is given without modifications.

The way this is being presented by Cemex feels a bit like extortion instead of negotiation in good faith. I feel Boulder County is also remiss in ignoring Lyons as a partner in these discussions much sooner.

Dave K ... In Cemex proposal they say if we give them 15 years, we would get a trail easement toward Longmont. Our IGA with BoCo is acreage on the plant itself and on hwy 66. There could also be a connection to Lyons and a living space development there.

Dave recommends to "ask big" in these negotiations.

Federal TIP money is tied to cleaner air quality - DRCOG will get a chunk of that money 2024-2027 and allocate to Boulder County, but only if CEMEX coal burning doesn't pollute so that we go over limits in emissions. GEMM law (2021) affects emissions permitted for 4 companies, Cemex is one. Solar is where these companies are going. Cemex can do this also.

Dave - we do need to stay with our lens on our commission, but can add more also. Existing master plans look at regional trails and open space opportunities that may not include specific properties, but are strategic. Lyons to Rabbit mountain trail, etc.

Would Lyons have an opportunity to renegotiate IGA with Boulder County in discussion of these properties? What fire mitigation issues are affected? What partnerships and collaborations can be reworked?



We have been presented with 2 stringent options, and there may well be others out there. The BOT will probably present others, which would be desirable.

Yelena - can we make that suggestion that CEMEX go to 100% renewable energy use by a certain year? Dave K, yes. We can put in good big ideas. The form we are filling out simply streamlines the collation of all these docs.

Gil Sparks: Recommends for consideration:

Will Boulder County approve, deny, or modify the request by Cemex?

We should decline the application, but suggest a modification that would include the Town of Lyons in the discussion. Climate goals cannot be met under the current proposal. We should suggest that meeting those 2030 goals and staying on track to meet them be part of the deal.

Yelena - concern is environmental impact, and as PRC, emissions affect our ability to recreate in a healthy way. Suggestions - county would need to enforce emissions standards, we would hope.

Can we see commitment to trails, and to healthy levels of emissions?

Can Cemex commit to reclamation, or a higher level of soil improvement?

Dave K - commitment is a piece that seems to be missing. Platitudes are given, but are not solid. The Good Neighbors proposals and Claudia mentioned that the promises of the past are not being honored. However it goes, all commissions should put their best foot forward in their suggestions.

Glen Delman - initially had been amenable to Cemex's request, but now sees that there has been deception, and a lot of facts not accurate or have been hidden. The BOT is looking at 3rd options. There is a lot of coal burning. Tires would lower actual emissions, and keeps tires out of landfill. So that may be an option to ask for.

PRC members not in attendance must submit comments independently of this document. Public Forum 5-7 pm on July 19th.

**Top 3 concerns:**

Meeting Boulder County's emissions goals and keeping environmental standards high, for example grant monies may be at risk.

Lack of confidence that Cemex will honor its long term or short term commitments to the community or environment



Potential impact on regional trail and open space opportunities for the future. Promises may not be kept.

### **3 suggestions or conditions:**

Meaningfully involve town of Lyons in future permit extension discussions/negotiations.

Update existing environmental standards to include a higher percentage of renewable energy and ensure strict compliance with Boulder County climate goals and timetables.

If any extension is granted, short or long term, CEMEX will provide full and complete funding for trail and park improvements desired or planned by the town of Lyons within our state mandated planning area.

[BOT CEMEX referral Packet](#) –

### **A Re-evaluation of Significant Resources and Trail Feasibility across Corona Hill on Hall Ranch Open Space:**

<https://www.townoflyons.com/DocumentCenter/View/2323/Corona-Hill-Assessment-Report>

We do have the option of BOPOS come and present their assessment on Corona Hill if desired. This outcome according to Dave C was not a surprise, and was done thoroughly. We want to know what would be the next step in making the connection from Lyons to Hall Ranch, especially for pedestrians. There is right of way through the CR 69 route, but we need County help to formalize this and get it done.

Gil - if we invite Boulder County, can we have Mark Browning come as well? Yes, that would be a great idea. We can also make sure public is aware of that meeting.

Yelena and Dave will get that set up with the BOPOS folks.

-EAB request for comments on SRCP document

St. Vrain River Corridor Action Plan needs comments, we would need more time for this.

-Project Updates

Black Bear area Bridge is behind schedule and the contractor will face financial penalties if not moving forward.

Black Bear hole bridge will be closed soon for new work.

Pedestrian Bridge - we should see that set in the next couple of weeks. New caissons in place.



Dirt bike park improvements are in place, looking good, positive comments. They will come back one more time this year, and we will get a professional group to maintain.

Moisture/watering needs to happen, we need to get volunteers to help out.

4. New Business/ Events -

PRC Events:

Dark Sky Event- Aug 5th (alt Aug 19th)

All systems go, town calendars show event, Need PRC and other volunteers to help with event on August 5th. Calendar invites out. PRC members should spread the word through personal media. Ian Brighton will be providing music.

Funds were received from LCF, over \$850.

Poster is complete and out. We will also monitor weather a few days out.

[Promotion Plan](#)

And a draft [media advisory](#).

Updated special event permit for August 2022

6. Adjournment – Next meeting August 8th, 6:00 PM location TBD.

## **Appendix I:**

### **PRC Commission Member Comments**

Gil Sparks:

I am a retired attorney and live at 2169 Apple Valley Road in Lyons. I serve on the Lyons Parks and Recreation Commission, the Lyons Arts and Humanities Commission, the Lyons Community Foundation Board and the Lyons Regional Library District Board.

I have reviewed the Cemex extension request for Dowe Flats. As currently proposed, I oppose the extension request.



While Cemex is dangling some enticing financial incentives to obtain Boulder County's support for the requested extension, the extension request is contrary to Boulder County's stated climate goals. The Boulder County climate goals are far more important for our health and the health of our children and grandchildren than any financial incentives Cemex can offer. Creating or protecting more open space is not the solution.

I am unaware of anything in Cemex's proposal that remotely attempts to meaningfully mitigate the harm caused by allowing Cemex's high levels of pollution to continue unabated.

Additionally, based on the information I have received, Cemex's proposal does not mean the physical plant will actually cease operations at the end of the extension period. There is no commitment to either decommission the plant or not sell it to another operator. Any negotiation to allow even a brief extension, must be coupled with the requirement to decommission the cement plant permanently.

Also, the Town of Lyons has not been part of the ongoing negotiations with Cemex, contrary the spirit of the 2012 IGA. Without prior involvement or input in the negotiation process, the request for comments from the Town is too short. I can support a possible short extension of the Dowe flats application, as long as the Town of Lyons can meaningfully participate in all future discussions or negotiations regarding the Cemex extension request.

Julia Herz:

Cemex has an egregious track record. EPA investigation, CO Dept of Health notice of violations, a pattern of unreported upsets, lawsuits, etc. Their permit should not be renewed without Cemex first improving their pollution controls and submitting proof to a special task force of Boulder County citizen representatives. Until such time their permit should be considered expired thus forcing them to cease operations.