

TOWN OF LYONS BOARD OF TRUSTEES MEETING  
VIRTUAL MEETING  
LYONS TOWN HALL, 432 5<sup>TH</sup> AVENUE, LYONS, COLORADO

ZOOM LINK:

Join Zoom Meeting

<https://us02web.zoom.us/j/83740585803?pwd=cm1mNXRQYTlyaytudFNnbmdHUWl3QT09>

Meeting ID: 837 4058 5803

Passcode: 462652

One tap mobile

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DRAFT AGENDA

**TUESDAY, JULY 19, 2022**

**5:00 PM BOARD OF TRUSTEES SPECIAL MEETING**

- I. Roll Call and Pledge of Allegiance – **Present** : Mayor Rogin, MPT Farrell, Trustee Oetting, Trustee Delman, Trustee Elson **Absent**: Trustee Williams, Trustee Dady
- II. Land Acknowledgement
- III. Approve Agenda – **Motion**: move to approve **Moved by**: Trustee Delman **Seconded by**: Trustee Oetting **Motion passes unanimously**
- IV. CEMEX Application for Extension of Mining Permit
  1. Staff Overview – Planner Kimmitt provided background; all boards and commissions have provided referrals/comments as well as comments from the public for the board to review. Mayor Rogin spoke to Town's request for an extension for referral comments and the deadline that sparked this special meeting. Attorney Dittman instructed the public on the process for comments.
  2. Public Input – Bart Lorang, 12800 N. Foothills Hwy, member of Good Neighbors of Lyons, when purchased home did due diligence; accustomed to big deals; seems to be notion of only 2 options, either 15 years or indefinitely. We believe there could be a win/win situation. Kristin Powell, 107 Longs Peak, read in email. Sara Lorang, 12800 Foothills highway, 3<sup>rd</sup> option read in from packet. 5-minute break at 5:24 pm. Linda Dunlap, when buying 11 years ago did a lot of research on wind as we are 1 mile away from CEMEX which directly impacts Lyons. If emissions are toxic/dangerous we find out after the fact, encourage the leaders of the town to put as much pressure as you can to either reject or find verifiable ways to monitor. Paul Tamburello, own next to CEMEX, in thinking about a 3<sup>rd</sup> option, sent over conceptual ideas that could provide for additional commercial/residential uses, one of a kind in the country with 80% open space. Chrystal DeCoster, 113 5<sup>th</sup> Ave, submitted there has got to be room here for a third creative option, smallest plant they own in the world, improvements could be made, what a draw to seek alternatives. **Break at 5: 33 until posted meeting time.**

**7:00 PM**

- V. Reflective Moment of Silence
- VI. Staff Overview and Board and Commission Input – Planner II Kimmitt provided background. Discussion on mining permits with county VS state. MPT Farrell, if Dowe Flatts is extended 15 years, at end of 15 years they say they will no longer run the plant,

they can sell the plant to another mining entity? Attorney Dittman, if new entity came in, they would also need to apply for and obtain the permits. Trustee Oetting asked if BOCO does not meet carbon metrics they could lose funding? Mayor Rogin, DRCOG has emission reduction goals, and if not met there are mitigation measures to be implemented. TIP funding at stake for bigger municipalities. If CEMEX ceases operations, they get closer to their goals. Administrator Simonsen, they clarified that all funding for transportation is around transportation emission reduction, if they go to trucking option, then it could impact funding. Right now, they plan to fund projects that reduce emissions. Trustee Oetting – air quality, who is regulating the plant? Attorney Dittman, the Clean Air Act run by the State. Discussion on negotiations; Mayor Rogin stated we are only making a recommendation. We are not going to go through all of the Boards and Commission recommendations as they are lengthy; 2 did not comment and the rest recommended not approving. Straw poll showed no interested in 15-year extension. Mayor Rogin asked if board was interested in proposing the Good Neighbor Plan as proposed. Trustee Oetting said what is being proposed is exactly what the boards and commissions recommended. How do we convey this to the County? Trustee Delman, feels we have been misled, go for five year and if not then no extension at all. Trustee Elson if Good Neighbor Plan works, I agree, we have more skin in the game. MPT Farrell, are you looking for an approach? Strong statement, do you want those recommendations tonight? Administrator Simonsen, we have to go to the process, this has been submitted to the county's planning commission who will make the recommendation making it quasi-judicial. They cannot legally discuss until it gets to the commissioners. We need to respond to the referral and add a request to sit and discuss with the board. Mayor Rogin, we can't even talk to the planning commission, until there is a properly noticed public meeting. Administrator Simonsen, there is not a preferred format, we can respond any way. MPT Farrell, I want us to be thorough, commissions spent a lot of time and provided great feedback. Would like letter, index of maps, and public comments. Administrator Simonsen, we will not be the only respondents; you can attach everything. If they get volumes and volumes, they may not read all of them.

VII. Board Discussion and Direction to Staff Regarding Cemex Referral Response

Outline for response:

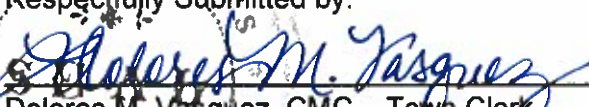
1. Major reasons to say no:
  - i. Climate crisis – highly polluting plant doesn't make sense (Mayor Rogin)
  - ii. Trustee Oetting – state we reject the renewal; 15-year extension does not meet any notion of remediation/rezoning of plant site. We need legal access at some point. Particulate matter - needs to commit to a higher quality.
  - iii. Trustee Delman – outdated plant; coal burning does not seem right.
  - iv. Trustee Elson – don't accept; use input from commissions and somehow get to table to negotiate.
  - v. MPT Farrell agrees with Trustee Oetting; Good neighbor plan gives us potential of 50-year plan. What would we do with that kind of land/opportunities for the town?
2. Questions to ask:
  - i. So many unknowns: traffic studies, fiscal impacts, etc. (Mayor Rogin)
  - ii. Trustee Oetting agrees, but we need to stay in our lane. Need an end game to effectively annex the plant site. How broad or should we stay in our lane?
  - iii. Trustee Elson – we should state our disagreement, use board information and add pieces of proposals that are the biggest gets for both sides.
  - iv. Trustee Delman – submit the 5-year plan as a compromise; it's good for everyone.
  - v. MPT Farrell wants a thud factor; hit them with all the public comments/maps/data from boards and alternate plan

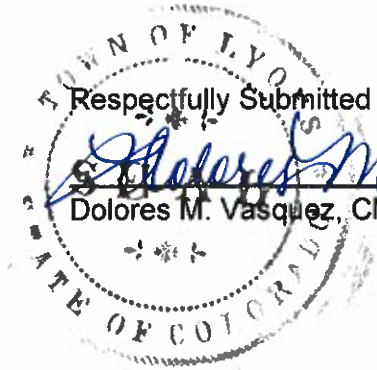
**Trustee Williams joined the meeting at 8:12 pm.** Trustee Williams stated we are very fortunate in this county to be able to advocate for ourselves. Glad we will not endorse the 15-year continuation. Planner Kimmett feels comfortable with direction for a strong cover to incorporate boards/commissions feedback and public comments. Mayor Rogin, to be clear, we do not support a 15-year extension and would like to be at the table should it be denied. Administrator Simonsen, other than submitting referral do you want to appoint a spokesperson? Mayor Rogin, everyone individually can decide to speak for themselves; I would like to speak on behalf of the town. Administrator Simonsen, we have until 8/17 so a little time. Mayor Rogin, speaking with Open Space Director Glowaki, she stated there are no plans for Dowe Flats Recreation.


VIII. Summary of Action Items

1. Planner Kimmett to draft referral response per direction given by the board
2. Mayor/MPT Farrell to review and then staff submit by 4pm Friday.
3. Mayor Rogin would like to find out if they can pool time with BOCO commissioners
4. Mayor Rogin to speak on behalf of the town.

IX. Adjournment – **Motion**; move to adjourn **Moved by:** Trustee Oetting **Seconded by:** MPT Farrell **Motion passes unanimously** Meeting adjourned at 8:23 pm.

Respectfully Submitted by:  
  
Dolores M. Vasquez, CMC – Town Clerk



  
Mayor Hollie Rogin

"The Town of Lyons will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Persons needing accommodations or special assistance should contact the Town at [hr@townoflyons.com](mailto:hr@townoflyons.com) as soon as possible, but no later than 72 hours before the scheduled event."