TOWN OF WELLINGTON
3735 CLEVELAND AVENUE
P.O. BOX 127
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TOWN HALL (970) 568-3381
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BOARD OF TRUSTEES
April 8, 2008
LEEPER CENTER – 3800 WILSON AVE.

REGULAR MEETING – 7:30 PM

AGENDA

CALL TO ORDER - PLEDGE OF ALLEGIANCE
ROLL CALL
ADDITIONS TO OR DELETIONS FROM THE AGENDA
CONFLICTS OF INTEREST
PUBLIC TO BE HEARD ON NON-AGENDA ITEMS
CORRESPONDENCE
PRESENTATIONS

CONSENT AGENDA

- Board of Trustee Minutes for March 25, 2008

OLD BUSINESS

1. Boxelder Plaza Letter of Credit

NEW BUSINESS

2. Oath of Office for New Board Members
3. Resolution 13-2008 - Appointing the Mayor Pro-tem
4. Award Bid – 4th Street Improvements and 6th Street Sewer Extension
5. Resolution 14-2008 Uranium Mining
6. Discussion – Planning Commission Appointment
7. Contract for Fun Fest Inflatables
8. Bills for Approval
9. Town Attorney Update
10. Town Administrator Update

SCHEDULING OF WORK SESSIONS
OTHER
ADJOURN

BOARD OF TRUSTEES
REGULAR BOARD MEETING
March 25, 2008

The Regular Board Meeting was called to order at 7:35 p.m. March 25, 2008 at the Leeper Center 3800 Wilson Ave, Wellington CO.

TRUSTEES PRESENT:	MIKE STEELY, DAVID NOE, TRAVIS STEVENS, TRAVIS VIEIRA, MISHIE DAKNIS and KAREN ZIEGLER
TRUSTEES ABSENT:	NONE
PRESIDING:	LARRY NOEL, MAYOR
ALSO PRESENT:	LARRY LORENTZEN, TOWN ADMINISTRATOR CYNTHIA SULLIVAN, DEPUTY CLERK BRAD MARCH, TOWN ATTORNEY BILL BODKINS, PUBLIC WORKS DIRECTOR DON SILAR, TOWN ENGINEER

Additions to or deletions from the agenda
Mr. Lorentzen added a presentations to introduce Sheriff's Deputy Harvey Hildreth.

Conflicts of Interest
Trustee Ziegler had a conflict with item #2.

Public to be heard on non-agenda items.
1. Wendell Nelson, representing the Chamber of Commerce went over the events that they will be sponsoring this summer.

- School Carnival May 12
- Circus June 26
- Garage Sale June 7
- Dog Show June 28
- Softball Tournament June 28
- Antique Tractor Show July 4th

Mr. Nelson said that Candy Holtz would be running the Garage Sale. She passed out information on the event to the Board. The booths would be placed down on Main Street Markets parking lot. Ms. Sullivan asked when the event would be. Ms. Holtz said June 7th. Mr. Nelson said part of the money collected would go toward a playground in Wellington Pointe.

Mr. Nelson mentioned the candidates' forum on Thursday night March 27th at the Leeper Center Boardroom.

2. Harold Hagen, of County Road 66 West, read a letter that he had sent to Mayor Noel. He wanted the opportunity to clarify the status of his water. Mr. Hagen said the water is available for use by this town or other entities. He felt it was unfair to comment that his water is costly and tied up in litigation. He invited the Board and anyone from the public to visit his property on Saturday March 29, 2008 between 2-4pm to look at his water.

Mayor Noel said his understanding is that the water is not municipally decreed. Mr. Hagen said it is defined as a not tributary source. It was decreed and established after surveys and engineering done in 1940. When the Coffin decree came about they took wells and a few water sources like his and put them under the protection of the Coffin decree. He said his is under contention. The state engineer does not like and will try to keep it from being used. Mr. March said his understanding is that other entities would fight against the use. Mr. Hagen said there is still an open court case. Mr. March said from their discussion Mr. Hagen would look at reducing the fees to the town if the town helped with charges to adjudicate the water. He said the concern was that the town would be spending money for water that might not be adjudicated and could not be taken off the purchase price. The main question is how much it would cost to take on the fight. Trustee Vieira asked what we need to do to find out how much it would cost. Mr. March said we first have to evaluate the water and where Mr. Hagen is in the process. Then meet with the other entities to ascertain how much resistance there is. Then you have to look at historical use and see if there is a basis for using the water off the property. If all things would works out then the next question is how to get the water to our filter plant or into our system and how much that would cost.

Mr. Hagen stated that due to his age he would like to make decisions about his property and assets soon.

Trustee Ziegler asked how far this property is from town. Mr. Lorentzen said approximately 7 miles.

Willard Wright, president of a small water district, said they have offered to purchase 50 acre feet of Mr. Hagen's water contingent upon getting through any legal hoops. He had two attorneys give legal opinions on this water and they both stated that Mr. Hagen has the right to sell the water. Mr. Wright said they have put earnest money down on the water.

The Board asked Mr. March to look at the cost of this process.

3. Candy Holtz, representing Wellington Pointe HOA, asked if a Board member consulting with the Town Attorney regarding an issue with an HOA was legal. Mr. March explained that Trustee Daknis had come to him privately regarding an HOA vote. He said that he works both for private clients and public entities. He said in this situation once it looked like the town could be involved that he told Trustee Daknis that he could no longer consult on this issue. There was further discussion regarding the requirement for an HOA to have a quorum in order to take a vote.

4. Marcia Noel, of 6993 Mount Nimbus, commented on the Easter Egg Carnival at Main Street Market.

She asked for direction from the Board with regard to when and where the CAC should meet. Mr. Lorentzen said there wasn't anything in the Ordinance requiring the CAC to meet at a town owned location. It has to be posted so the public can attend. Trustee Daknis said she saw a potential problem with using the Housing Authorities facility. Ms. Noel requested that the town board set the location. She also asked if the board had been getting minutes from the meetings. Ms. Sullivan said no she had not received minutes for several months, but had talked to Vicky Andersen who said she would submit the minutes from November to current. Ms. Noel asked if the minutes were on the website. Ms. Sullivan said she only put the approved board minutes on the website. Mr. Lorentzen said that when they are put on the consent agenda then they are placed in the board packet on the website.

Ms. Noel said she is having a problem with children playing in the streets of her neighborhood. She said even the parents are stopping traffic to let their children play. The Board suggested that she contact the sheriff's department. Ms. Noel said she had and they always get their too late. Sergeant Feyen said it was not illegal for the kids to play in the street as long as they are not obstructing the right-of-way. The Sheriff's department would issue the summons, as long as the complainant testifies at the hearing.

Correspondence
State Suspension of Main Street Liquor

Presentations

Sergeant Feyen introduced Deputy Harvey Hildreth. He said the deputy works in the evenings.

Consent Agenda

- Board of Trustee Minutes for March 11, 2008
- Wellington Municipal Court Report for March 5, 2008
- Larimer County Sheriff's Report for January
- Larimer County Sheriff's Report for February

Mr. March said there was a section in library board meeting regarding the library district that he wanted to clarify. He said he would send the corrections to Ms. Sullivan.

TRUSTEE STEELY MOVED AND TRUSTEE VIEIRA SECONDED to approve the consent agenda with corrections. Roll call was taken and the motion passed unanimously.

OLD BUSINESS

1. Sheriff Department Contract

Mr. March said he found out that the contact person has changed and he just got a hold of him today. His main concern is the indemnity clause. He suggested that the Board adopt the contract and he would work on the changes for next year's contract.

TRUSTEE NOE MOVED AND TRUSTEE STEVENS SECONDED to authorize the Mayor to sign the contract for services from the Larimer County Sheriff's Office in the amount of $567,999.24 in the form it was submitted. Roll call was taken and the motion passed unanimously.

2. Boxelder Plaza Letter of Credit

Trustee Ziegler left at 8:37pm. due to conflict of interest.

Mr. March said that the bank that issued the original Letter Of Credit would not be renewing it when it expires, which would be in June. He said the town could look at reducing the amount of the letter of credit based on improvements that have been completed. The main issue has been the waterline extension. The easement for the property has been signed and now we need to get it recorded.

Mr. Lorentzen said there is also the issue of a walkthrough. When the developer calls for a walkthrough then we can create a punch list, start the warrantee period and will know how much would be needed for a new letter of credit. This needs to be done before the end of June when the current letter expires.

TRUSTEE STEELY MOVED AND TRUSTEE VIEIRA SECONDED to table until the April 8th meeting. Roll call was taken and the motion passed. Trustee Ziegler abstained due conflict of interest.

Trustee Ziegler returned at 8:50pm.

3. Discussion – Sales Tax on Groceries

Mayor Noel said a representative from Main Street Market gave a presentation in February about reducing sales taxes on food items. The Board had asked that the finance director to put together information on how a reduction from 3% to 2.25% would affect the towns revenue.

Trustee Ziegler asked how 2.25% was decided on. Mr. Lorentzen said that's what Fort Collins charges. He said information from several other communities, out of 231communities that had sales tax 41 have a reduction in grocery taxes. He said the real question is whether the reduction in sales tax would be offset by the increase in grocery sales and that the tax payers would not be burdened by the reduction in sales tax revenue. Currently a large percentage of

our tax income is still from grocery items. He said that Mr. Cummins also contacted the convenience stores regarding the steps they would have to take to change their equipment and their labeling to differentiate between the food and non food items. Mayor Noel asked what would be considered a food item. Mr. Lorentzen said the items are set by state statute. He said the reduction would not be on deli items, because they are made on the property like a restaurant.

Rick Renteria, Regional Retail Manager for Panhandle COOP Association, spoke to the Board about what a tax reduction would mean to them. He said if the Board did not like the 2.25% would they consider at 2.5%.

There was a discussion about the process to lower taxes. The comment was made that once a tax is lowered it takes a vote from residents to raise it again. The Board asked if it is possible to lower a tax for a certain time limit, just as if we raise a tax for a certain amount of years to cover a project. Mr. March said he would look into the lowering of taxes for an interim period of time.

No action was taken.

NEW BUSINESS

4. Resolution 12-2008 – Amending Fee Schedule

Mr. Lorentzen said there were a few items that were left off the resolution in January. He said there was no changes from the original just the addition of the ones that were not on the original.

TRUSTEE STEVENS MOVED AND TRUSTEE DAKNIS SECONDED to adopt Resolution 12-2008 amending fee schedule. Roll call was taken and the motion passed unanimously.

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5. Library District Lawsuit

Mr. March said the main issue is when a property is annexed if it would be exempt from the library district tax assessment. In his discussions with other library districts and the assessor, we still have not received a clear answer. He proposed filing a declaratory judgment.

TRUSTEE NOE MOVED AND TRUSTEE VIEIRA SECONDED to instruct the attorney to file the suit. Roll call was taken and the motion passed unanimously.

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6. Discussion – Uranium Mine

Trustee Daknis asked if any of the board members wanted to have a resolution drafted opposing the Uranium Mine.

Lu MacNaughton Terlesky, of 120 ECR 72, asked if each board member would state for the record if they were for or against the mining and why.

- Trustee Daknis said she was opposed to it, because she felt the state laws were not up to snuff. She did not feel that we would be protected.
- Trustee Stevens was opposed to it, because there is no advantage to the community and the health safety.
- Trustee Vieira said he was opposed because the water sources in this area are too valuable to take a risk of contamination.
- Trustee Noe said he did not feel he had enough information to make a decision either way, but what he has heard is scary.
- Trustee Steely said he was neutral because he knows people that were in the industry, but he is not totally convinced one way or the other.
- Trustee Ziegler did not take a side. She was for individual's property rights.
- Mayor Noel said it does not matter what the issue there are always going to be two sides. He also did not feel he could make a decision either way.

Jeff Edquist, property owner at 11350 WCR 96 Nunn, CO, said he had information from communities around the nation that deal with mining accidents and legislation against uranium mining. He asked if the board would like to see this information. Trustee Noe asked that he email the information to town staff.

Kent Target, of 7875 Weld CR 110, made a statement about In- Situ operation mining and the catastrophic affect it could have not only on his property and possible health but that of the surrounding communities. He also addressed lowered property values from the stigma of uranium contamination potential. He also stated that economic benefit from mining would be a fraction of the economic devastation would be.

Don Lyons, a county resident and meteorologist, said Weld County is not the only place in the area that has uranium. Residents have to check for radon which is a byproduct of decaying uranium.

Jay Davis, 51229 Weld CR 21, spoke about how water in this area is valuable in this area. He felt that we should protect it from possible contamination. He asked why we should allow a company to use our water as a tool to do their mining.

Howard Grams, of Carr, spoke about what would happen if the aquifer was contaminated. He mentioned two places in Texas that have had to deal with contamination. The first was Kleberg County Texas their attorney's name is Lowerre. The second is in Goliad Texas the President of the Farm Bureau is Pat Calhoun.

Marcia Noel, of 6993 Mount Nimbus, said she did not understand why Wellington was being pressured into passing a resolution. Why aren't they pressuring the State to ban the mining? How much of an impact is a resolution from Wellington going to be.

Morenna Mayer, of 5128 Terry Lake Rd., said 'This is a no brainer' if there is even the slightest possibility of contamination then it should not be allowed. She and her husband have been working with CARD at the State to put together a bill against the mining. She urged the Board to make a statement that they don't what this mining in their area.

Jim Woodward, of 47897 Weld CR 15, said he has opposed this for about a year and has been threatened by Power Tech with a law suit. Property rights were mentioned earlier, what about the bill of rights, allowing individuals to speak for or against issues. He suggested that the Board have another meeting to allow all sides to present more information so you can make a more educated decision and sign a strongly worded resolution against the mining.

Trustee Vieira asked if Mr. March could draft a resolution. Mr. March said he could, but asked how strongly the board wanted it worded. Trustee Daknis said similar to the resolution signed in Fort Collins.

The Board asked the attorney to draft a resolution.

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7. Purchase Request – Asphalt Paver

Mr. Bodkins, the purchase request is for the Paver only. He did give the board additional information about additional equipment needed to do the paving. He said those items would be brought back later.

Trustee Steely asked if any of the employees had experience. Mr. Bodkins said that couple of the guys worked on one last summer. Goltz will come out and do some training on the equipment when we do the pad out at the sewer plant.

Trustee Ziegler asked how long this type of equipment would last. Mr. Bodkins said we should get a few years out of it.

TRUSTEE DAKNIS MOVED AND TRUSTEE NOE SECONDED to approve the purchase of a used asphalt paver from Goltz in the amount of $11,000. Roll call was taken and the motion passed unanimously.

8. Bills for Approval

Zep Manufacturing Company	1,023.13
Dell	1,733.84
Stantec	78,654.15
NAYS	1,047.00
Sport About	5,022.93
	$87,481.05

TRUSTEE ZIEGLER MOVED AND TRUSTEE DAKNIS SECONDED to approve the bills in the amount of $87,481.05. Roll call was taken and the motion passed unanimously.

9. Town Attorney Update

Mr. March said just following up on the usual stuff.

10. Town Administrator Update

Larry updated the Board on the following:

- Boxelder Drainage – rate study by the end of the month and news letter to be put into May's bill.
- Batting Cages moving forward
- Capital Improvement Projects went out for bid. The bid opening will be on April 1st
- Stantec putting together a meeting with the railroad to do a crossing diagnostic review. Then we can get a cost estimate on the sidewalk crossing and get a contract. Then it would probably be a year before work starts.

Scheduling of Work Session

No work session was scheduled.

Other

Trustee Ziegler asked about the dirt pile on 6th and Washington.

TRUSTEE VIEIRA MOVED AND TRUSTEE ZEIGLER SECONDED to adjourn the meeting. Roll call was taken and the motion passed unanimously. Meeting adjourned at 10:25pm.

ATTEST:

Cynthia Sullivan, CMC
Deputy Town Clerk

STATE OF COLORADO

COUNTY OF LARIMER

TOWN OF WELLINGTON

I, _____, do solemnly, sincerely and truly declare and affirm that I will support the Constitution of the United States, the Constitution of the State of Colorado, and the Ordinances of the Town of Wellington, and faithfully perform the duties of the office of _____***TRUSTEE***_____ upon which I am about to enter.

STATE OF COLORADO

_____
Signature

COUNTY OF LARIMER

Subscribed and affirmed before me this ___8th___ day of ___APRIL___, 2008

_____
Officer Administering Affirmation

SEAL

_____
Title

AGENDA ITEM SUMMARY SHEET
Town Board Meeting - April 8, 2008

ITEM#: 3

SUBJECT: Resolution 12-2008 - **Appointment of Mayor Pro-tem**

The Wellington Municipal Code in accordance with C.R.S. §31-4-303 states:

Sec. 2-2-30. Mayor Pro Tem.

At its first meeting following each biennial election, the Board of Trustees shall choose one (1) of the Trustees as Mayor Pro Tem. In the absence of the Mayor from any meeting of the Board of Trustees, during the absence of the Mayor from the Town or during the inability of the Mayor to act, the Mayor Pro Tem shall perform the duties of the Mayor.

RESOLUTION NO. 13-2008

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON APPOINTING _____ AS MAYOR PRO TEM OF THE TOWN OF WELLINGTON, COLORADO

WHEREAS, the Town of Wellington's 2008 Municipal Election was held on April 1, 2008; and

WHEREAS, as provided for in C.R.S. §31-4-303, the board of trustees, at its first meeting, shall choose one of the trustees as mayor pro tem who, in the absence of the mayor from any meeting of said board or during the mayor's absence from the town or his inability to act, shall perform the mayor's duties; and

WHEREAS, the Board of Trustees of the Town of Wellington desires to appoint _____as Mayor Pro Tem.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WELLINGTON, COLORADO AS FOLLOWS:

Section 1. _____is hereby appointed as the Mayor Pro Tem of the Town of Wellington, Colorado.

Section 2. The Town Clerk shall administer the oath of office in written form.

INTRODUCED, READ ADOPTED AND APPROVED by the Board of Trustees of the Town of Wellington, upon a motion duly made, seconded and passed at its meeting held on April 8, 2008.

_____

Larry Noel, Mayor

ATTEST:

_____

Larry Lorentzen, Town Clerk

AGENDA ITEM SUMMARY SHEET
Town Board Meeting – April 11, 2006

ITEM #: 4

SUBJECT: Award Bid for Fourth Street Improvements and Sixth Street Sanitary Sewer Extension.

RECOMMENDATION:

Award Bid for Fourth Street Improvements and Sixth Street Sanitary Sewer Extension to Schmidt Earth Builders Inc., In the amount of $627,071.00

SUMMARY:

Sealed bids were received and publicly opened on April 1th from five contractors for the Fourth Street Improvements and Sixth Street Sanitary Sewer Extension. Schmidt Earth Builders submitted the low bid at $627,071.00. Attached is a recommendation from the Town Engineer, Stantec, finding Schmidt's bid to be in order, the company in good standing, and recommending the award accordingly.

The Contract generally provides for the removal and replacement of pavement, sidewalk and curb & gutter along 4th Street between Cleveland Avenue and Kennedy Avenue and the installation of a new 8-inch PVC water line and a 15-inch storm drain. The Contract also provides for the installation of a new 15-inch sanitary sewer line along 6th Street from Grant Street to Washington Avenue.

The 2008 budget includes $610,000 for the projects out of the Streets, Water, Sewer, and Storm Drainage funds. The low bid is approximately 3% over the budgeted amount. The Street fund also includes a budget of $200,000 for the Washington Avenue RR crossing signalization which we will not be able to accomplish in this budget year, so we will not be in danger of going over the bottom line in the budget.

Stantec Consulting Inc.
209 South Meldrum Street
Fort Collins CO 80521-2603
Tel: (970) 482-5922 Fax: (970) 482-6368
stantec.com

Stantec

April 03, 2008

Mr. Larry Lorentzen – Town Administrator
TOWN OF WELLINGTON
3735 Cleveland Avenue, P.O. Box 127
Wellington CO
80549 USA

RE: 4TH STREET IMPROVMEENTS AND 6TH STREET SANITARY SEWER EXTENSION

Dear Larry:

On Tuesday, April 01, 2008 five (5) bids were received at the Town Hall by the 2:00 P.M. deadline for the above referenced project. Following are a summary of the results and our recommendation.

The Bidders and their total bids are included on the attached Bid Tabulation and summarized below.

Bidder	Total Base Bid	Percent Above Apparent Low
North Ridge Construction Co. LLC	$693,437.00	11%
Connell Resources, Inc.	$672,358.50	7%
Schmidt Earth Builders, Inc.	$627,071.00	-----
Mountain Constructors, Inc.	$689,977.00	10%
MSI Enterprises, Inc.	$630,445.00	1%

The following table presents a breakdown by Schedule for the 4th Street Improvements (Schedule A) and 6th Street Sanitary Sewer Extension (Schedule B).

Bidder	Schedule A	Schedule B	Total Bid
North Ridge Construction, Inc.	$399,292.00	$294,145.00	$693,437.00
Connell Resources, Inc.	$342,147.50	$330,211.00	$672,358.50
Schmidt Earth Builders, Inc.	$316,521.00	$310,550.00	$627,071.00
Mountain Constructors, Inc.	$340,831.00	$349,146.00	$689,977.00
MSI Enterprise, Inc.	$343,667.00	$286,778.00	$630,445.00

Based on the bids received, Schmidt Earth Builders, Inc. (SEBI) is the apparent low bidder.

SEBI's qualifications statement indicates that they have been in business since 1974. They have current work of similar nature to the Town's work and projects ranging in value from $190,000 to $2,085,000. Their bonding limitations are in the mid to upper seven figure range and they have available credit of $1,000,000. Therefore, it appears they have sufficient bonding capacity and funds for the project.

SEBI has not failed to complete any work, defaulted on a contract, or been terminated by the Owner according to their Statement of Bidder's Qualifications. Additionally, they are not involved in any existing or pending lawsuits.

SEBI will perform forty (40%) to fifty (50%) of the work. Fifty (50%) to sixty (60%) percent (65%) will be subcontracted. Subcontractors will be utilized for asphalt (Coulson Excavating) and concrete (Vogel Concrete).

SEBI has listed eighty-eight (88) pieces of equipment. These appear to be sufficient in number and type to complete the Town's project.

We have reviewed SEBI's bid and find no outstanding items and/or issues of concern. Additionally, the Town and Stantec have worked with SEBI on several projects in Wellington and surrounding communities and have found them to be a reliable and well qualified company.

In summary, we have reviewed the documentation submitted by Schmidt Earth Builders, Inc. and find SEBI to meet the requirements of the Contract Documents and thus appear to be the lowest responsible and responsive bidder. Therefore, we recommend award of all Schedules of the project to Schmidt Earth Builders, Inc.

Should you have any questions and/or concerns, please feel free to contact us.

Sincerely,

STANTEC CONSULTING INC.

Donald F. Silar, P.E.
Town Engineer
dsilar@stantec.com

Attachments: Bid Tabulation, and SEBI's Bid Form, Bid Bond, and Statement Of Bidder's Qualifications

cc. Bill Bodkins – Town of Wellington

Brad March – March, Olive and Pharris

file: 187310055, 820

WELLINGTON
4th Street Improvements and 6th Street Sanitary Sewer Extension

BID TABULATION

Date/Time: Tuesday, April 01, 2008 2:00 P.M.

Location: Wellington Town Hall

	BIDDER					
	North Ridge Construction Company	Connell Resources	Schmidt Earth Builders	Mountain Constructors	MSI Enterprises	Engineer's Estimate
	BID	BID	BID	BID	BID	
Schedule A - 4th Street	$ 399,292.00	$ 342,147.50	$ 316,521.00	$ 340,831.00	$ 343,667.00	$ 308,841
Schedule B - 6th Street	$ 294,145.00	$ 330,211.00	$ 310,550.00	$ 349,146.00	$ 286,778.00	$ 348,305
Total Project Bid Price:	$ 693,437.00	$ 672,358.50	$ 627,071.00	$ 689,977.00	$ 630,445.00	$ 657,146
ATTENDED MANDATORY PREBID CONFERENCE:	Yes	Yes	Yes	Yes	Yes	
BID BOND (5%):	Yes	Yes	Yes	Yes	Yes	
STATEMENT OF BIDDERS QUALIFICATIONS:	Yes	Yes	Yes	Yes	Yes	
SCHEDULE OF SUBCONTRACTORS / EQUIPMENT:	Yes	Yes	Yes	Yes	Yes	
ACKNOWLEDGES RECEIPT OF ADDENDUM NOS. 1 & 2:	Yes	Yes	Yes	Yes	Yes	

SECTION 00300

BID FORM

TO: Town of Wellington, Colorado

PROJECT: 4th Street Improvements and 6th Street Sanitary Sewer Extension

Date: 4/1/2008

1. The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price and within the Contract Times indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

2. The undersigned bidder does hereby declare and stipulate that this proposal is made in good faith, without collusion or connection with any other person or persons bidding for the same work, and that it is made in pursuance of and subject to all the terms and conditions of the Invitation to Bid and Instructions to Bidders, the Agreement, the detailed Specifications, and the Plans pertaining to the work to be done, all of which have been examined by the undersigned.

3. Accompanying this bid is a certified or cashier's check or standard bid bond in the ~~sum~~ AMOUNT of 5 Percent ($) in accordance with the Invitation to Bid and Instructions to Bidders.

4. The undersigned bidder agrees to execute the contract and a Performance Bond and a Payment Bond for the amount of the total of this bid within fifteen (15) calendar days from the date when the written notice of the award of the contract is delivered to him at the address given on this bid. The name and address of the corporate surety with which the bidder proposes to furnish the specified bonds is as follows: Travelers Casualty and Surety Company.

5. All the various phases of work enumerated in the Contract Documents with their individual jobs and overhead, whether specifically mentioned included by implication or appurtenant thereto, are to be performed by the Contractor under one of the items listed in the Bid, irrespective of whether it is named in said list.

6. Payment for work performed will be in accordance with the Bid subject to changes as provided in the Contract Documents.

7. The undersigned bidder hereby acknowledges Addenda No. 1 through 2.

8. Bidder agrees that the Work shall be substantially completed and shall be completed and ready for Final Payment in accordance with the Conditions of the Contract on or before the dates or within the number of calendar days indicated in the Agreement.

   Bidder accepts the provisions of the Agreement as to liquidated damages in the event of failure to complete the Work within the times specified in the Agreement.

9. The following documents are attached to and made a condition of this Bid:
   Section 00410, Bid Security

Section 00420, Statement of Bidder's Qualifications

10. BID SCHEDULE
Bidder will complete the work in accordance with the Contract Documents for Unit Price Base Bid and total price as listed below.

SCHEDULE A (4th STREET IMPROVEMENTS)

ITEM	TASK	PRICE PER UNIT	QTY	UNITS	SUBTOTAL
1	Remove and Replace Curb & Gutter	27.00	924	LF	$ 24,948.00
2	Remove and Replace Handicap Access Ramp	800.00	12	EACH	$ 9600.00
3	Remove and Replace Sidewalk	18.00	904	LF	$ 16,272.00
4	Remove and Replace Concrete Crosspan (3' Wide)	24.00	64	LF	$ 1536.00
5	Remove and Replace Concrete Crosspan (6' Wide)	45.00	44	LF	$ 1980.00
6	Remove and Replace Retaining Wall	30.00	70	LF	$ 2100.00
7	Remove and Replace Fence	25.00	70	LF	$ 1750.00
8	Remove Existing Tree	1125.00	2	EACH	$ 2250.00
9	Construct Concrete Collar Around Manhole Frame	375.00	6	EACH	$ 2250.00
10	Construct Concrete Collar Around Water Valve Box	350.00	10	EACH	$ 3500.00
11	Reconstruct Existing Sanitary Sewer Manhole Top	1025.00	1	EACH	$ 1025.00
12	Remove and Replace Asphalt and Base Course	26.00	4,600	SY	$ 119,600.00
13	Remove and Replace Area Storm Inlet	3995.00	2	EACH	$ 7990.00
14	8" C900 CL 150 PVC Water Main	39.00	692	LF	$ 26,988.00
15	6" CL 250 DIP Water Main	46.00	27	LF	$ 1242.00
16	8" Gate Valve, MJ, Class 250	1250.00	3	EACH	$ 3750.00
17	8" 90° MJ Bend	320.00	2	EACH	$ 640.00

18	8"x 6" Reducer	250	1	EACH	$ 250
19	8"x 8" MJ Tee	425	3	EACH	$ 1275
20	8"x 6" Swivel Tee	400	2	EACH	$ 800
21	Install ¾" Meter Pit	975	2	EACH	$ 1950
22	New Fire Hydrant Assembly, New Water Main	2800	1	EACH	$ 2800
23	New Fire Hydrant Assembly, Existing Water Main	3000	1	EACH	$ 3000
24	Remove and Replace Existing Fire Hydrant	2500	1	EACH	$ 2500
25	Connect to Existing Mains	1000	3	EACH	$ 3000
26	Plug Existing Pipeline	125	2	EACH	$ 250
27	Plug and Abandon Existing Pipeline	475	4	EACH	$ 1900
28	Shorten and Connect Existing ¾" Service Line to New Main	1050	6	EACH	$ 6300
29	Extend and Connect Existing ¾" Service Line to New Main	1600	3	EACH	$ 4800
30	Concrete Thrust Blocks	185	9	EACH	$ 1665
31	Construct Type C Curb Inlet	2100	1	EACH	$ 2100
32	Construct 5' Type R Curb Inlet	2700	1	EACH	$ 2700
33	Construct 15" Nyloplast Drainage Basin with Standard H20 Grate	1150	2	EACH	$ 2300
34	Construct Storm Sewer Discharge Structure	5100	1	LS	$ 5100
35	15" RCP Storm Sewer	33	46	LF	$ 1518
36	15" ADS Storm Sewer	36	112	LF	$ 4032
37	Place Type VL (Class 6) Riprap with Type II (CDOT Class A) Bedding	140	4	SY	$ 560
38	Traffic Control	5000	1	LS	$ 5000
39	Site Restoration	6300	1	LS	$ 6300

40	Mobilization and Demobilization, Field Engineering & Surveying	20,000	1	LS	$ 20,000
41	Asphalt Patch – McKinley Avenue west of 4th Street	30	60	SY	$ 1800
42	Asphalt Patch – Roosevelt Avenue west of 4th Street	30	60	SY	$ 1800
43	Asphalt Patch – Roosevelt Avenue east of 4th Street	30	60	SY	$ 1800
44	Asphalt Patch – Lincoln Avenue west of 4th Street	30	60	SY	$ 1800
45	Asphalt Patch – Kennedy Avenue west of 4th Street	30	60	SY	$ 1800
	SCHEDULE A - SUBTOTAL				$ 316,521

SCHEDULE B (6th STREET SANITARY SEWER EXTENSION)

ITEM	TASK	PRICE PER UNIT	QTY	UNITS	SUBTOTAL
1	Remove Asphalt Pavement	4	4,825	SY	$ 19,300
2	Install Asphalt Pavement	28	4,825	SY	$ 135,100
3	15-Inch PVC Sewer Pipe	65	1,560	LF	$ 101,400
4	8-Inch PVC Sewer Pipe	50	28	LF	$ 1400
5	Tie to Existing Manhole	1450	1	EACH	$ 1450
6	Construct 4' Diameter Sewer Manhole	2000	7	EACH	$ 14,000
7	Construct Clay Cutoff Wall	500	7	EACH	$ 3500
8	Construct Concrete Cutoff Wall	3500	2	EACH	$ 7000
9	Construct Concrete Collar Around Manhole Frame	350	7	EACH	$ 2450
10	Windsor Reservoir Canal Crossing	90	55	LF	$ 4950
11	Traffic Control	3000	1	LS	$ 3000

12	Site Restoration	2000	1	LS	$ 2000
13	Mobilization and Demobilization, Field Engineering & Surveying	15,000	1	LS	$ 15,000
	SCHEDULE B - SUBTOTAL				$ 310550

TOTAL - ALL WORK	$ 627,071

12. PRICES
The foregoing prices shall include all labor, materials, transportation, shoring, removal, dewatering, overhead, profit, insurance, etc., to cover the complete work in place of the several kinds called for in the Contract Documents.

Respectfully submitted,

CONTRACTOR

By Jeffrey J Smith

Title JT

4/1/08

Signature Date

ADDRESS 7250 Greenridge Rd.
Windsor Co 80550

Telephone 970 962-9091

Attest

Title

4/1/08

Signature Date

Address 7250 Greenridge Rd.
Windsor, Co 80550

(Seal - if bid is by a corporation)

END OF BID FORM

SECTION 00410

BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we, the undersigned Schmidt Earth Builders, Inc. as Principal, and Travelers Casualty and Surety Company of America as Surety, are hereby held and firmly bound unto the Town of Wellington, as Owner, in the sum of $Five percent (5%) of total bid --- for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, successors, and assigns.

THE CONDITION of this obligation is such that whereas the Principal has submitted to the Town of Wellington the accompanying Bid and hereby made a part hereof to enter into a Construction Agreement for the construction of 4th Street Improvements & 6th Street Sanitary Sewer Extension

NOW THEREFORE,

(a) If said BID shall be rejected, or

(b) If said BID shall be accepted and the Principal shall execute and deliver a Contract in the form of Contract attached hereto (properly completed in accordance with said BID) and shall furnish a BOND for his faithful performance of said Contract, and for payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said BID, then this obligation shall be void; otherwise the same shall remain in force and effect, it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by any extension of the time within which the Owner may accept such BID; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals this 1st day of April, 2008, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

PRINCIPAL
Name: Schmidt Earth Builders, Inc.

Address: 7250 Greenridge Road
Windsor, CO 80550

By: Jeffrey D. Smith

Title: VP

SURETY
Travelers Casualty and Surety Company of America

Address: One Tower Square
Hartford, CT 06183

By: Darlene Krings

Title: Darlene Krings, Attorney-in-Fact

ATTEST:
By:

(SEAL) (SEAL)

NOTE: Surety Companies executing bonds must be authorized to transact business in the State of Colorado and be accepted by the Owner.

END OF BID BOND

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 217963 **Certificate No.** 001979168

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Connie K. Boston, Donald B. Martin, Chris S. Richmond, Darlene Krings, William C. Bensler, Kelly T. Urwiller, Russell J. Michels, Diane F. Clementson, Valerie R. Partridge, Penny R. Burkard, Anthony P. Stimac, Royal R. Lovell, and Jennifer Winter

of the City of Greeley, State of Colorado, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 25th day of September, 2007.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: _____
George W. Thompson, Senior Vice President

On this the 25th day of September, 2007, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2011.

MARIE C. TETREAULT NOTARY PUBLIC CONNECTICUT

_____
Marie C. Tetreault, Notary Public

58440-5-07 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 1st day of April 20 08

Kori M. Johanson, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

SECTION 00420

STATEMENT OF BIDDER'S QUALIFICATIONS

All questions must be answered and the data given must be clear and comprehensive. This statement must be notarized. If necessary, questions may be answered on separate attached sheets. The Bidder may submit any additional information they desire.

1. Name of Bidder: Schmidt Earth Builders Inc.

2. Permanent main office address: 7250 Greenridge Rd
Windsor Co. 80550

3. When organized: 1974

4. If a corporation, where incorporated: 2/3/1984 Colorado

5. How many years have you been engaged in the contracting business under your present firm or trade name? 24

6. Contracts on hand: (Schedule these, showing amount of each contract and the anticipated dates of completion.) List the location and type of construction, name of your superintendent on the project, Owner and Engineer for each project with contact persons for each the Owner and the Engineer with their telephone numbers where each may be contacted.

SEE ATTACHED

7. General character/type of work performed by your company:

EARTHWORK AND UNDERGROUND Utilities

8. Have you ever failed to complete any work awarded to you? No

If so, where and why? _____

_____

9. Have you ever defaulted on a contract? No

If so, where and why? _____

have you ever had any project terminated by the Owner? _____

If so, where and why? _____

List the more important projects recently completed by your company, stating the approximate cost of each, the month and year completed, location and type of construction, name of your superintendent on the project, owner and engineer for each project with the telephone numbers where each may be contacted. Do not list projects that are listed under 6 above.

SEE ATTACHED

---

11. List your major equipment available for this contract.

SEE ATTACHED

12. Experience in construction work similar in scope to this project. For projects completed in the last

five years list the same information as is requested for item 10 above.

SEE ATTACHED

13. Background and experience of the principal members of your organization, including officers.

SEE ATTACHED

14. Credit available. $ 1,000,000

15. Bank reference. List the Bank name, Contact person, and telephone number:

WESTERN STATES BANK

LARRY MEIER (970) 530 - 1500

16. Will you, upon request, fill out a detailed financial statement and furnish any other information that may be required by the Owner? YES

17. Are you licensed as an excavator, pipeline constructor or any other title? If yes, in what city, county, or state?

SEE ATTACHED

What class, license and numbers?

18. What percent of total contract price do you anticipate subcontracting work under this contract?

list type of work subcontracted 50 to 60 PERCENT

19. Are you involved in any lawsuits or are any lawsuits pending at the present time? NO

If yes, give the details

20. What are the limits of your public liability? SEE ATTACHED

21. What are your company's bonding limitations? _____

22. Name of proposed Superintendent for this project. Said person shall be required in the project unless agreed upon otherwise in writing by Owner.

Aaron Vigil

The undersigned hereby authorizes and requests any person, firm or corporation to furnish any information requested by the Owner in verification of the recital comprising this Statement of Bidder's Qualifications. The undersigned further agrees that they will not bring suit in a court of law for any information that is furnished to Owner in good faith by said parties or persons responding to Owner's requests for information concerning Bidder's qualifications.

Dated this 1st day of Apr. 1, 2008.

Jeffrey J Smith
Name of Bidder

By: Jeffrey J Smith

Title: VP

State of Colorado

County of Larimer

Jeffrey J Smith being duly sworn deposes and says

that he or she is Vice-President

of Schmidt Earth Builders, Inc.
(Name of organization)

and that the answers to the foregoing questions and all statements therein contained are true and correct.

Subscribed and sworn to before me this 1st day of April, 2008.

Notary Public

My commission expires 7/29/09

END OF SECTION

Current Projects

Job Name	Start Year	Projected Contract Value	Location	Project Company Contact	Project Contact Name	Phone Number	Project Engineer	Phone Number
Crossroads Tank Waterline	2006	479,000	Loveland	City of Loveland	Chris Matkins	(970) 962-3712	RTW	(970) 224-5999
Sunrise Ridge	2007	337,000	Fort Collins	Sunrise Ridge, LLC	David Houts	(970) 227-5539	Northern Engineering	(970) 221-4158
The Shops at Sunset Ridge	2007	339,000	Greeley	Summit Construction	Steve White	(970) 213-6178	Engels Design	(970) 304-9818
W.C.R. 9 1/2	2007	190,000	Greeley	Lafarge Northern	Scott Young	(720) 890-9600	Carroll Lange	(720) 872-9850
Autumn Creek Subdivision	2007	1,005,000	Fort Collins	L.R. Barker Builder	Lee Barker	(970) 416-7565	Northern Engineering	(970) 221-4158
Colorado Street Utilities	2007	606,000	Fort Collins	Garney Companies	Jeff Moore	(970) 217-1934	Stantec Consulting, Inc.	(970) 482-5922
Soapstone	2007	2,085,000	Fort Collins	City of Fort Collins	Jin Wang	(970) 221-6605	AVI	(307) 637-6017
Horseshoe Substation	2007	204,000	Loveland	Platte River Power	Derrick	(970) 226-4000	Smith Geotechnical	(970) 490-2620
High Plains Trail	2007	255,000	Loveland	Empire Management	Jon Ericson	(970) 667-5155	Northern Engineering	(970) 221-4158
Fairgrounds Park	2007	309,000	Loveland	Heath Construction	Terry Been	(970) 221-4195	Northern Engineering	(970) 221-4158
Medical Office Building #2	2007	770,000	Loveland	Delta Construction	Dan Stanbury	(970 372-0519	TST, Inc.	(970) 226-0557

Schmidt Earth Builders, Inc. Equipment List 03/31/08

Unit	Yr	Make	Model
A01	91	Case IH	7120
A03	96	JD	5400
A04	02	JD	9420
C05	87	Cat	815B
C08	95	Cat	CP433C
C09	97	Rex	3-35C
C10	98	Cat	CP433C
C11	96	Cat	815F
C12	99	Hvster	C530AH
C14	00	Rex	3-35C
C15	98	Cat	CP433C
C16	01	Cat	CP563D
D07	96	Cat	D5CIIIXL
D08	98	Cat	D6RXL
D09	00	Cat	D5M PSXL
D10	03	Cat	D6RXL II
E07	96	Hitachi	EX550LC
E08	97	Hitachi	EX300LC3
E09	96	Cat	315L
E10	00	Cat	330BL
E11	98	Cat	320BL
E12	00	Hitachi	EX450
E13	01	Cat	322CL
E14	04	Hitachi	ZX450LC
G07	98	Cat	160H
G08	98	Cat	140H
G10	98	Cat	163H
G12	05	Cat	140H
L08	93	Cat	928F
L11	96	Volvo	L90C
L12	96	Cat	938F
L13	96	Volvo	L120C
L14	98	Volvo	L120C
L15	97	Cat	928G
L16	00	Cat	938G
L17	03	Volvo	L70D
L18	98	Cat	962G
L19	04	Volvo	L90E
L30	99	Volvo	L30Z
M06	84	Cat	613C
M07	95	Cat	436B
M08	97	JD	210E
M09	90	Arrow	HJ1250R
M10	97	Cat	416C
M12	99	Vermeer	8550
M13	00	JD	210LE
M14	02	Cat	420D
M15	05	Cat	430D
M16	05	DW	RT95
M17	05	Rome	8TRCH-16
M18	96	Volvo	A30
M19	05	JD	210LE
M20	06	Cat	420D
M21	74	Cat	623B
M22	05	VacTron	Pothole
S13	93	Cat	615CII
S14	94	Cat	615CII
S15	98	Cat	623F
S16	99	Cat	623F
S17	93	Cat	627E
S18	97	Cat	627F
S19	97	Cat	627F
S20	00	Cat	623F
S21	01	Cat	627G
T22	90	Pete	Tractor
T24	93	Pete	Dump Tk
T26	95	Pete	Tractor
T27	00	Pete	Fuel Tk
T28	97	Ford	Flatbed
T29	99	FL	Water Tk
T30	03	Pete	Dump Tk
T31	99	FL	Water Tk
T32	99	FL	Water Trk
T33	00	FL	Water Trk
T34	01	FL	Water Trk
T35	99	FL	Water Trk
H16	84	Will	Pup
H22	87	Will	Pup
H23	86	CMI	Belly Dump
H24	87	Fruehauf	Rock Dump
H26	89	CMI	Belly Dump
H27	91	HMD	Flat Bed
H28	94	Etnyre	Lowboy
H29	94	Etnyre	Dolly
H30	95	LK	Tilt Deck
H31	97	Mega	Water Tower
H32	00	LK	End Dump
H33	06	Load King	Lowboy

Residential Projects - Completed

Job Name	Start Year	Comp Year	Final Contract Value	Location	Project Company Contact	Project Contact Name	Phone Number	Project Engineer	Phone Number
Raven View	2006	2007	865,000	Fort Collins	Anchor Development	Russ Wells	(970) 217-8222	Northern Engineering	(970) 221-4158
Mineral Addition	2006	2007	756,000	Loveland	Site Stone Land Development	Jeryl Benner	(970) 227-2628		
Waterford Hill	2006	2007	335,000	Fort Collins	The Land Exchange	Marv Barstow	(970) 221-1428	KBN Engineering	(970) 395-9880
Madison Avenue	2006	2007	846,000	Loveland	Millhaus Financial	David Scott Mills	(970) 484-6480	DMW Civil Engineers	(970) 461-2661
Cottonwood Offsite Sewer	2006	2006	243,000	Wellington	CG Smith Construction	Geoff Smith	(970) 674-3383	Northern Engineering	(970) 221-4158
Wellington Downs	2006	2006	140,000	Wellington	MICOAL Investments	John Vazquz	(970) 217-9965	Northern Engineering	(970) 221-4158
Cottonwood Park	2006	2006	1,899,000	Wellington	CG Smith Construction	Geoff Smith	(970) 674-3383	Northern Engineering	(970) 221-4158
Mary's Farm Phase 2	2005	2006	195,000	Berthoud	Grand Valley Development	Mike Tracy	(303) 447-1970	Crane Associates	(970) 872-2433
The Meadows in Wellington Phase 2	2005	2006	782,000	Wellington	Meadows Investment Group	Marc Desalle	(970) 679-9243	Northern Engineering	(970) 221-4158
Autumn Valley Ranch	2005	2006	1,726,000	Dacono	Dacono Investments, LLC	Marc Desalle	(970) 679-9243	MB Consulting	(303) 825-7475
Park Meadows	2005	2006	1,459,000	Wellington	Park Meadows of Wellington LLC	Ron Young	(970)481-0808	Northern Engineering	(970) 221-4158
Rigden Farm Dirt	2005	2006	301,000	Fort Collins	Rigden Farm LLC	John Sailer	(970) 412-9605	JR Engineering	(970) 491-9888
Soaring Eagle 3	2005	2006	1,082,000	Windsor	The Everitt Companies	Aaron Everitt	(970) 226-1500	Northern Engineering	(970) 221-4158
Soaring Eagle Hwy Widenings	2005	2006	350,000	Windsor	The Everitt Companies	Aaron Everitt	(970) 226-1500	Northern Engineering	(970) 221-4158
West Prospect Ponds Phase II	2005	2006	220,000	Fort Collins	Garney Companies	Jeff Moore	(970) 217-1934		
Timber Ridge 3	2005	2006	1,801,000	Severence	The Everitt Companies	Aaron Everitt	(970) 226-1500	Northern Engineering	(970) 221-4158
Meadows Frontage Road	2004	2006	692,000	Wellington	CG Smith Construction	Geoff Smith	(970) 674-3383	Northern Engineering	(970) 221-4158
Meadowbrook	2003	2006	2,939,000	Loveland	Kelrns Development	Bob Kelrns	(970) 566-0576	Shear Engineering	(970) 226-5334
Belmont Farms 4	2005	2005	387,000	Severence	The Land Exchange	Marv Barstow	(970) 221-1428	KBN Engineering	(970) 395-9880
Soaring Eagle Phase 2B	2005	2005	323,000	Windsor	The Everitt Companies	Aaron Everitt	(970) 226-1500	Northern Engineering	(970) 221-4158
Fossil Lake Filing 2 - Phase 3 and 4	2004	2005	1,000,000	Fort Collins	The Everitt Companies	Aaron Everitt	(970) 226-1500	Northern Engineering	(970) 221-4158
Hearthfire Filing 2 Phase 2	2004	2005	877,000	Fort Collins	Kunz Construction Company	Dean Kunz	(303) 423-9700	Shear Engineering	(970) 226-5334
Summitview Filing II	2003	2004	714,000	Severence	Severence West LLC	Mike Tracy		Northstar Design	(970) 686-6939
The Meadows in Wellington	2003	2004	3,762,000	Wellington	CG Smith Construction	Geoff Smith	(970) 674-3383	Northern Engineering	(970) 221-4158

Hearthfire Filng 2 Phase 1	2003	2004	583,000	Fort Collins	Kunz Construction Company	Dean Kunz	(303) 423-9700	Shear Engineering	(970) 226-5334
Belmont 3	2003	2004	735,000	Severence	The Land Exchange	Marv Barstow	(970) 221-1428	KBN Engineering	(970) 395-9880
Swift Addition	2002	2004	3,291,000	Fort Collins	The Everitt Companies	Aaron Everitt	(970) 226-1500		
Timber Ridge 2	2003	2003	945,000	Severence	The Everitt Companies	Jim Birdsall	(970) 226-1500		
Peakview	2002	2003	905,000	Fort Collins	BLS Development	Vicki Wagner	(970) 493-7309	Loonan	
Belmont 2B	2002	2003	211,000	Severence	The Land Exchange	Marv Barstow	(970) 221-1428	KBN Engineering	(970) 395-9880
West Fork	2002	2003	558,000	Greeley	Fisbeck/Sheel	Noal Hopkins	(970) 339-4525		
Mary's Farm	2002	2003	408,000	Berthoud	Grand Valley Development	Mike Tracy	(303) 447-1970	Crane Associates	(970) 872-2433
Timber Ridge/Scotch Pines	2001	2003	3,299,000	Severence	The Everitt Companies	Jim Birdsall	(970) 226-1500		
Soaring Eagle	2001	2003	2,896,000	Windsor	The Everitt Companies	Jim Birdsall	(970) 226-1500	Northern Engineering	(970) 221-4158
Fossil Creek III	2001	2003	261,000	Fort Collins	KEM Homes	Dave Brown	(970) 223-4900		
Sage Creek	2000	2003	558,000	Fort Collins	The James Company	Merle Bush		Sear Brown	(970) 482-5922
Huntington Hills	2000	2003	862,000	Fort Collins	Davis Brothers Construction	Tom Davis	(281) 355-3800	TST Engineering	(970) 226-0557
Westfield Village	2002	2002	887,000	Laramie	Hoffman Properties	Paul Hoffman	(970) 498-8766	Northern Engineering	(970) 221-4158
St. Vrain Filng 5	2001	2002	678,000	Firestone	Saint Vrain Partners	Rod Unger	(303) 478-0780	Northern Engineering	(970) 221-4158
Richards Lake	2001	2002	681,000	Fort Collins	Harmon Contractors	Mike Walters	(303) 297-0340	Inter-Mountain Engineering	(970) 949-5072
Fossil Lake Second	2001	2002	2,278,000	Fort Collins	The Everitt Companies	Jim Birdsall	(970) 226-1500	Northern Engineering	(970) 221-4158
Emerald Glen Townhomes	2001	2002	581,000		KEM Homes			Northstar Design	(970) 686-6939
Clydesdale Park	2000	2002	1,176,000	Fort Collins	Empire Management	Dwayne Walker	(970) 667-5155	Sear Brown	(970) 482-5922
Fossil Creek	2000	2002	417,000	Fort Collins	Andover Fossil Creek, LLC	Bob Campbell	(713) 880-5800		
Meadows 3 - Windsor	1999	2002	1,365,000	Windsor	Highland Patios LLC	Jon Turner	(949) 644-1264		
Wellington Development for ZWZ									
Knolls Frontage Road	2003	2003	218,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
G.W. Bush 16" Water Main	2003	2004	113,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Coal Creek Offsite	2003	2004	328,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Columbine Offsite Sewer	2003	2004	207,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158

Fifth Street Sewer	2004	2004	123,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Westside 16" Water Main	2004	2004	125,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Reagan Ave. Box Culvert	2004	2005	277,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Jefferson Avenue Bridge	2004	2005	137,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Coal Creek Drainage Swale	2004	2005	41,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Reagan Avenue Bridge	2005	2005	114,000	Wellington	Concrete Structures	Wayne Schell	(970) 535-0202	Northern Engineering	(970) 221-4158
Jefferson Street	2005	2006	146,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
County Road 60 Improvement	2005	2006	224,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
Wellington West Water Line Ph 2-3	2005	2006	282,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
6th Street Waterline	2005	2006	78,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158
McClelland's Creek	2006	2007	360,000	Wellington	Double Eagle	Gregg Seebohm	(970) 223-3500	Northern Engineering	(970) 221-4158
Boxelder Commons	2006	2007	2,154,000	Wellington	ZWZ	Fred Ziegler	(970) 218-7080	Northern Engineering	(970) 221-4158

Municipal Projects - Completed

Job Name	Start Year	Comp. Year	Final Contract Value	Location	Project Company Contact	Project Contact Name	Phone Number	Project Engineer	Phone Number
Harmony Ziegler Rd Improvement	2007	2007	733,000	Fort Collins	Lafarge Northern	Kelly Steele	(970) 407-3600	Stantec Consulting, Inc.	(970) 482-5922
Eastdale Drive Sanitary Sewer	2007	2007	258,000	Fort Collins	Garney Companies	Jeff Moore	(970) 217-1934	Stantec Consulting, Inc.	(970) 482-5922
Bobcat Ridge	2006	2007	242,000		BT Construction	Dave Emm	(303) 469-0199	Anderson Consulting	(970) 226-0120
Fairbairn Ave. Sewer Replace.	2006	2007	302,000	Mead	JB Wright Associates	Jim Wright	(970) 225-9559	JB Wright Associates	(970) 225-9559
Neptune Sewer Replacement	2006	2007	101,000	Fort Collins	South Fort Collins Sanitation Dist.	Ron Beilby	(970) 226-3104		
Shoofly 2 Detention Pond	2005	2007	411,000	Loveland	Empire Management	Dwayne Walker	(970) 667-5155		
Boyd Lake/Rocky Mountain Loop	2006	2006	387,000	Loveland	City of Loveland	Tom Degrand	(970) 962-3701	RTW	(970) 224-5999
Kechter Road Waterline	2006	2006	316,000	Fort Collins	Fort Collins/Loveland Water District	Jay East	(970) 226-3104	TEC	(303) 484-7477
Dry Creek Dam #1	2005	2006	599,000	Fort Collins	Garney Companies	Jeff Moore	(970) 217-1934	URS	(303) 694-2770
Oxbow Levee	2005	2005	162,000	Fort Collins	Garney Companies	Jeff Moore	(970) 217-1934	Anderson Consulting Eng.	(970) 226-0120
Todd Creek Well Two	2005	2005	218,000	Brighton	Equinox Construction	Ted Dale	(303) 799-6000	TST Engineering	(970) 226-0557
Prospect Ponds at Oxbow	2004	2005	341,000	Fort Collins	Garney Companies	Jeff Moore	(970) 217-1934	URS	(303) 694-2770
Rocky Mountain Ave. Sewer Ext.	2004	2005	135,000	Loveland	City of Loveland	Tom DeGrand	(970) 962-3701		
Fort Lupton 12" SS Forced Main	2003	2003	73,000	Fort Lupton	Hydro Construction Company	Larry Rice	(970) 225-2211		
Todd Creek	2002	2005	546,000	Brighton	Todd Creek Metropolitan District	Ken Nakan	(303) 637-0344	TST Engineering	(970) 226-0557
NCWCD Water Line	2002	2003	706,000	Berthoud	JR Engineering	Kyle Arend	(970) 491-9888	JR Engineering	(970) 491-9888
North Weld County Water District Projects									
NWCWD Hwy 257 & CR 74	2006	2006	41,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD 6" Waterline	2006	2006	44,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD Hwy 14/CR 13 Waterline	2005	2006	67,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD CR 27 & 70 Vault	2005	2005	22,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD 16" Monfort Water Line	2004	2005	370,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD 16" Water Line	2004	2005	387,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD 30" Water Line	2004	2005	1,449,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020

NWCWD EPA 36" DIP	2004	2005	164,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD Poudre	2004	2005	204,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD 48" D.I.P.	2003	2005	183,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD Station 7 Exterior	2004	2004	44,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD Station 7 Interior	2004	2004	34,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD 30" Line	2003	2003	1,234,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD 8" Meter Vault	2003	2003	13,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD - Galeton Line	2002	2002	104,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
NWCWD - Highway 392/C.R. 27	2002	2003	56,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020
Tank 1-B	2002	2003	395,000	Weld County	North Weld County Water District	Don Posselt	(970) 356-3020	North Weld Cty Wtr Dist.	(970) 356-3020

Key Personnel

Name/Title	Construction Industry Since	With SEBI Since	Biographical Information
Jerry Bragg President	1971	1979	Jerry has worked in the construction industry as an: equipment dealer, factory service manager, factory salesman, pipeline superintendent, construction estimator, project manager, general superintendent, general manager, and president. He is a Viet Nam veteran and served in the United States Air Force.
Jeff Smith Vice President	1977	2005	Jeff worked for ADS Inc. as a Market Development Specialist and Sales Engineer. He was instrumental in developing new business opportunities in the midwest and western regions. He has a degree in Marketing form the University of Missouri, Columbia.
Darryl Bragg Vice President	1992	1992	Darryl has worked with our company in the capacities of scraper operator, earthmoving foreman, estimator, project manager and safety officer. He is a U.S. Marine Corps veteran who served during Operation Desert Storm and with U.S. Embassies and Consulates.
Christina King Controller	1975	1988	Christina is responsible for the corporate accounting, financial reporting and tax returns. She has a Bachelor of Science in Accounting from Colorado State University.
Mark Van Ronk Project Manager	1982	1998	Mark has extensive experience in estimating and project management. He is a graduate of Colorado State University with a degree in Construction Management.
David Peugh Project Manager	1982	2004	David has been a mine manager, estimator and project manager. A graduate of Colorado

			State University, he has a degree in Construction Management. He is also a Viet Nam veteran as a Commander with the U.S. Navy.
Gary Martinson Project Manager	1967	2005	Gary's experience includes geotechnical engineering, testing, asphalt paving, estimating and project management. He has worked in the City of Fort Collins Engineering Department as a project and construction manager. Gary has a Bachelor of Science in Engineering from the University of Wisconsin.
Joe Huss Utilities Superintendent	1972	1979	Joe is an extremely experienced heavy equipment mechanic and operator. He has also been a foreman and is now the utilities superintendent responsible for all sizes and types of underground utility construction. Joe coordinates all utility projects for the company as well as all utility personnel. He attended Northeastern Junior College and Colorado State University.
Gene Pfeif Earthwork Superintendent	1972	1990	Gene is an experienced heavy equipment operator, pipeline foreman, earthwork foreman and supertintendent. He coordinates all earthwork projects for the company as well as all earthwork personnel.
Steve Tintes Lead Earthwork Foreman	1967	1982	Steve has extensive earthmoving experience, as an equipment operator, mechanic, welder, foreman, superintendent and site manager. He is a U.S. Army Corps of Engineers Viet Nam veteran.
Duane Overbeck Lead Utility Foreman	1982	1989	Duane is a pipeline crew foreman with many years as being a heavy equipment operator. He has been our lead utility foreman since 1992 with the responsibility of operating the most complex projects.
Larry Vigil Earthwork Foreman	1967	1999	Larry is a very adept equipment operator and paving/finish crew foreman who enjoys the highest regard in all of Northern Colorado.

Licenses/Bonding

City of Greeley

Type	Cement Contractor License
Business Number	0200-00265
Reference Number	BL07RENEWAL
Issue Date	01/24/2008
Expiration Date	12/30/2008

City of Greeley

Type	Cement Contractor Bond
Expiration Date	12/31/2008

City of Fort Collins

Type	Specialized Contractor - Demolition
Number	DM-1466
Issue Date	03/01/2007
Expiration Date	03/01/2009

City of Fort Collins

Type	Construction Supervisor - Demolition
Number	1769
Issue Date	03/01/2007
Expiration Date	03/01/2009

City of Fort Collins

Type	Utilitiy Contractor Bond
Expiration Date	01/01/2009

City of Fort Collins

Type	Right of Way Contractor Bond
Expiration Date	01/01/2009

Town of Wellington

Type	Construction
Number	C181-07
Issue Date	01/01/2008
Expiration Date	12/31/2008

Insurance Information

General Liability Insurance

Agent — Van Gilder Insurance Corp.
700 Broadway
Suite 1000
Denver, CO 80203
Deanna Napier
(800) 873-8500

Carrier — Zurich American Insurance Company

Limits:		
	General Aggregate	2,000,000
	Products - Comp/Op Aggregate	2,000,000
	Each Occurrence	1,000,000

Automobile Liability Insurance

Carrier — Zurich American Insurance Company

Limits:		
	Combined Single Limit - Each Accident	1,000,000
	Any Auto	
	Hired Autos	
	Non-Owned Autos	

Excess/Umbrella Liability

Carrier — National Union Fire Ins. Co.

Limits:		
	Each Occurrence	4,000,000
	Aggregate	4,000,000

Workers Compensation and Employers' Liability

Carrier — Zurich American Insurance Company

Limits:		
	Each Accident	1,000,000
	Disease - Each Employee	1,000,000
	Disease - Policy Limit	1,000,000

Bonding

Agent — Flood and Peterson Insurance Inc.
4821 Wheaton Drive
Fort Collins, CO 80527
Darlene Krings
(970) 266-8710

Carrier — Travelers Casualty and Surety Company

SECTION 00430

SCHEDULE OF SUBCONTRACTORS/MAJOR EQUIPMENT ITEMS

Company Name	Portion of Work/Equipment
Coulson Excavating	Asphalt
Vogal Concrete	Concrete

END OF SECTION

AGENDA ITEM SUMMARY SHEET
Town Board Meeting –April 8, 2008

ITEM #: 5

SUBJECT: Resolution 14-2008 – Uranium Mining

SUMMARY:

Brad prepared two versions of a resolution concerning the Uranium Mining Proposal. The first version mirrors Fort Collins Resolution in opposing the mining of uranium in northern Colorado. The second version does not oppose mining but supports the efforts in the State Legislature to strengthen mining standards to better protect the public and environment from the potential adverse effects of uranium mining.

The fifth Whereas in both versions claims in-situ mining has never been done in Colorado, but the Larimer County Environmental Advisory Board reports that in-situ extraction was conducted in northern Colorado near Grover by Wyoming Mineral Corporation in the 1980s with the operation was halted due to the low price of uranium at the time. This Whereas should be cut from either version if adopted.

Following are the two versions, Senate Bills, information Jeff Edquist stated he would forward at the last meeting, the Fort Collins Resolution and the Advisory Board's report.

RESOLUTION NO. 14-2008

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WELLINGTON, COLORADO, EXPRESSING OPPOSITION TO THE MINING OF URANIUM IN THE VICINITY OF NUNN, COLORADO

WHEREAS, Canadian company PowerTech Uranium Corporation ("PowerTech") is considering a uranium mining operation across nearly 6000 acres of land in the vicinity of Nunn, Colorado, about 11 miles northeast of Fort Collins, known as the Centennial Project (the "Project"); and

WHEREAS, PowerTech has indicated that it will start the permitting process for the Project in mid-2008; and

WHEREAS, PowerTech proposes to extract the uranium in-situ, meaning that uranium will be dissolved out of porous sands located deep underground and brought to the surface for processing; and

WHEREAS, PowerTech has not ruled out extracting some uranium using open-pit mining techniques; and

WHEREAS, the Project would be the first in-situ uranium mining operation in Colorado; and

WHEREAS, in-situ uranium mining is a newer method of mining uranium and the environmental impacts and threats to public health and safety posed by the process are largely unknown; and

WHEREAS, in-situ leaching mining technology holds inherent risks, including possible contamination of groundwater and degradation of natural groundwater conditions through the groundwater restoration process utilized after completion of the leaching operations; and

WHEREAS, because the mining operations involved in the in-situ process and the potential damage caused by such process occur below the surface, early detection of such problems may not be possible; and

WHEREAS, the Project will be located in an area near Wellington which is experiencing rapid population growth; and

WHEREAS, the Town Board believes that the Colorado North Front Range and, in particular, the site presently under consideration by PowerTech, is not a suitable location for uranium mining, both because the level of risk to the health and safety of area residents presented by uranium mining cannot be determined with any degree of certainty and because the presence of such an operation in the proposed location will almost certainly have a detrimental effect on the image and economic well-being of the City; and

WHEREAS, for those reasons, the Town Board is strongly opposed to the Project and wishes to convey its concerns and position of opposition to those county, state and federal agencies that may review the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WELLINGTON, COLORADO, as follows:

Section 1. That the Town Board hereby expresses its strong opposition to the Project and urges all county, state and federal agencies involved in the permitting process for the Project to recognize that locating the Project along the North Front Range and in close proximity to the Town of Wellington is ill advised because it may well be injurious to the health, safety and/or welfare of the residents in the area and do irreparable harm to the economic well-being of the Town of Wellington.

Section 2. That, for the foregoing reasons, the Town Board further urges such agencies to deny any and all permit applications for the Project.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF WELLINGTON, COLORADO, THIS _____ DAY OF _____, 2008.

TOWN OF WELLINGTON, COLORADO

_____
Larry Noel, Mayor

ATTEST:

_____
Larry Lorentzen, Town Administrator/Clerk

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(MO&P 03/26/08)

RESOLUTION NO. 14-2008

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WELLINGTON, COLORADO, IN SUPPORT OF STATE LEGISLATION STRENGTHENING STANDARDS FOR URANIUM MINING

WHEREAS, Canadian company PowerTech Uranium Corporation ("PowerTech") is considering a uranium mining operation across nearly 6000 acres of land in the vicinity of Nunn, Colorado, about 11 miles northeast of Fort Collins, known as the Centennial Project (the "Project"); and

WHEREAS, PowerTech has indicated that it will start the permitting process for the Project in mid-2008; and

WHEREAS, PowerTech proposes to extract the uranium in-situ, meaning that uranium will be dissolved out of porous sands located deep underground and brought to the surface for processing; and

WHEREAS, PowerTech has not ruled out extracting some uranium using open-pit mining techniques; and

WHEREAS, the Project would be the first in-situ uranium mining operation in Colorado; and

WHEREAS, in-situ uranium mining is a newer method of mining uranium and the environmental impacts and threats to public health and safety posed by the process are largely unknown; and

WHEREAS, in-situ leaching mining technology holds inherent risks, including possible contamination of groundwater and degradation of natural groundwater conditions through the groundwater restoration process utilized after completion of the leaching operations; and

WHEREAS, because the mining operations involved in the in-situ process and the potential damage caused by such process occur below the surface, early detection of such problems may not be possible; and

WHEREAS, the Project will be located in an area near Wellington which is experiencing rapid population growth; and

WHEREAS, the Town Board believes that it would be prudent for the Colorado Legislature to take proactive steps to address the adequacy of mining requirements in the State, particularly in light of current mining proposals.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WELLINGTON, COLORADO, as follows:

Section 1. That the Town Board hereby expresses its support of the adoption of legislation strengthening mining standards in the State including proposed House Bills 1161 and 1169 currently before the Colorado Legislature.

PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF WELLINGTON, COLORADO, THIS _____ DAY OF April, 2008.

TOWN OF WELLINGTON, COLORADO

Larry Noel, Mayor

ATTEST:

Larry Lorentzen, Town Administrator/Clerk

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(MO&P 03/26/08)

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0574.01 Thomas Morris **HOUSE BILL 08-1161**

HOUSE SPONSORSHIP

Kefalas and Fischer, Butcher, Carroll M., Frangas, Gagliardi, Green, Levy, McFadyen, McKinley, Primavera, Riesberg, Solano, Soper, and Weissmann

SENATE SPONSORSHIP

Johnson, and Bacon

House Committees
Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

CONCERNING AN INCREASE IN THE REGULATORY AUTHORITY OF THE MINED LAND RECLAMATION BOARD OVER MINING, AND, IN CONNECTION THEREWITH, ENSURING THE PROTECTION OF GROUND WATER AND PUBLIC HEALTH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Defines "in situ mining" and "in situ leach mining". Requires the reclamation of lands affected by in situ leach mining. Specifies that uranium mining is a type of designated mining operation. Requires all in situ leach mining of uranium to restore all affected ground water to its

premining quality for all constituents. In the case of in situ leach mining, requires restoration of ground water to begin immediately upon any cessation of extraction or production. Requires all operators to reclaim all affected surface and ground water. Requires applicants for in situ leach mining permits to notify the owners of record of lands within 3 miles of the affected land.

Requires the mined land reclamation board (board) to:

- Require, as a condition of permit issuance, that the applicant for an in situ leach mining operation pay for an initial site characterization and ongoing monitoring of the affected land and affected surface and ground water;
- Deny a permit if the applicant fails to demonstrate that reclamation can and will be accomplished; and
- Deny a permit for in situ leach mining unless the applicant submits competent evidence of at least 5 similar mining operations that did not result in ground water contamination.

Authorizes the board to deny a permit:

- Based on uncertainty about the feasibility of reclamation;
- If the existing or reasonably foreseeable potential future uses of the affected ground water include domestic or agricultural uses;
- If the applicant has previously violated the reclamation laws and any violation remains unabated; or
- If the applicant has demonstrated a pattern of willful violations of environmental protection requirements.

Requires notification to the office of mined land reclamation of any failure or imminent failure of certain listed mining structures within 24 hours after such failure or the discovery of an imminent failure. Expands the list of such mining structures.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 34-32-103 (3.5) and (8), Colorado Revised Statutes, are amended, and the said 34-32-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

34-32-103. Definitions. As used in this article, unless the context otherwise requires:

(3.5) (a) "Designated mining operation" means a mining operation at which:

(I) Toxic or acidic chemicals used in extractive metallurgical processing are present on site; ~~or~~

(II) Acid- or toxic-forming materials will be exposed or disturbed as a result of mining operations; OR

(III) URANIUM IS PRODUCED OR EXTRACTED, EITHER BY IN SITU LEACH MINING OR BY CONVENTIONAL UNDERGROUND OR OPEN PIT MINING TECHNIQUES.

(b) The various types of designated mining operations are identified in section 34-32-112.5. ~~Such mining operations exclude operations which do not use toxic or acidic chemicals in processing for purposes of extractive metallurgy and which will not cause acid mine drainage.~~

(5.7) "IN SITU LEACH MINING" MEANS IN SITU MINING THROUGH THE IN-PLACE DISSOLUTION OF MINERAL COMPONENTS OF AN ORE DEPOSIT BY CAUSING A CHEMICAL LEACHING SOLUTION, USUALLY AQUEOUS, TO TRICKLE DOWNWARD OR TO BE PUMPED DOWN WELLS THROUGH THE ORE BODY AND THEN REMOVING THE MINERAL-CONTAINING SOLUTION FOR RECOVERY OF THE MINERAL VALUES; EXCEPT THAT IN SITU LEACH MINING DOES NOT INCLUDE IN SITU MINING FOR SODIUM MINERALS OR OIL SHALE.

(5.8) "IN SITU MINING" MEANS THE IN-PLACE RECOVERY OF A MINERAL BY MEANS OTHER THAN OPEN MINING OR UNDERGROUND MINING.

(8) "Mining operation" means the development or extraction of a mineral from its natural occurrences on affected land. The term "MINING OPERATION" includes, but is not limited to, open mining, ~~and~~ IN SITU MINING, IN SITU LEACH MINING, surface ~~operation~~ OPERATIONS, and the disposal of refuse from underground and in situ mining. The term "MINING OPERATION" ALSO includes the following operations on affected

lands: Transportation; concentrating; milling; evaporation; and other processing. The term "MINING OPERATION" does not include: The exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe; the development or extraction of coal; the extraction of geothermal resources; OR smelting, refining, cleaning, preparation, transportation, and other off-site operations not conducted on affected land.

SECTION 2. The introductory portion to 34-32-110 (2) (a), Colorado Revised Statutes, is amended to read:

34-32-110. Limited impact operations - expedited process. (2) (a) Any person desiring to conduct mining operations on less than ten acres, which mining operations will result in the extraction of less than seventy thousand tons of mineral or overburden per calendar year, prior to commencement of mining, shall file with the office, on a form approved by the board, an application for a permit to conduct mining operations; EXCEPT THAT APPLICATIONS FOR IN SITU LEACH MINING SHALL BE FILED PURSUANT TO SECTION 34-32-112.5 (3) (d). This application shall contain the following:

SECTION 3. The introductory portion to 34-32-112 (3), 34-32-112 (3) (a), the introductory portion to 34-32-112 (3) (e), and 34-32-112 (10) (c), Colorado Revised Statutes, are amended to read:

34-32-112. Application for reclamation permit - changes in permits - fees - notice. (3) The reclamation plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by the operator. Reclamation shall be required ~~on~~ FOR all the affected land AND ALL AFFECTED SURFACE AND GROUND WATER. The reclamation plan shall

include:

(a) A description of the types of reclamation the operator proposes to achieve in the reclamation of the affected land, AFFECTED SURFACE WATER, AND AFFECTED GROUND WATER, why each was chosen, and the amount of acreage accorded to each;

(e) A map of all of the proposed affected land AND AFFECTED SURFACE AND GROUND WATER by all phases of the total scope of the mining operation. It shall indicate the following:

(10) (c) In addition, the applicant shall mail a copy of such notice immediately after first publication to all owners of record of the surface rights of the affected land, to the owners of record of immediately adjacent lands, TO THE OWNERS OF RECORD OF LANDS WITHIN THREE MILES OF AFFECTED LAND IN THE CASE OF A PROPOSED IN SITU LEACH MINING OPERATION, and to any other persons who are owners of record that may be designated by the board that might be affected by the proposed mining operation. Proof of such notice and mailing, such as certified mail with return receipt requested where possible, shall be provided to the board or the office and become part of the application.

SECTION 4. 34-32-112.5 (3) (d), Colorado Revised Statutes, is amended, and the said 34-32-112.5 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

34-32-112.5. Designated mining operation - rules. (3) When promulgating rules governing designated mining operations, the board shall consider the economic reasonableness, the technical feasibility, and the level or degree of any environmental concerns which may result from:

(d) Any other designated mining operation, INCLUDING ANY IN SITU LEACH MINING AND URANIUM MINING OPERATIONS, which shall be

referred to AS "112d-3" permits.

(5) (a) THE BOARD SHALL REQUIRE AS A CONDITION OF PERMIT ISSUANCE THAT THE APPLICANT FOR AN IN SITU LEACH MINING OPERATION SUBMIT A PLAN FOR AN INITIAL SITE CHARACTERIZATION AND ONGOING MONITORING OF THE AFFECTED LAND AND AFFECTED SURFACE AND GROUND WATER. THE BOARD OR THE OFFICE SHALL SELECT THE CONTRACTOR TO CONDUCT THE CHARACTERIZATION AND ONGOING MONITORING, AND THE APPLICANT SHALL PAY FOR THE COSTS REASONABLY INCURRED BY THE CONTRACTOR IN CONDUCTING THE CHARACTERIZATION AND ONGOING MONITORING. THE CONTRACTOR SHALL BE SELECTED THROUGH A QUALIFICATIONS-BASED SELECTION PROCESS DESIGNED TO ENSURE A LACK OF ANY BIAS AND TO ENSURE SUBSTANTIAL EXPERIENCE IN THE DESIGN AND IMPLEMENTATION OF SCIENTIFICALLY DEFENSIBLE GROUND WATER, SURFACE WATER, AND ENVIRONMENTAL MONITORING PROJECTS. THE CONTRACTOR SHALL EXERCISE ITS PROFESSIONAL JUDGMENT INDEPENDENTLY OF THE BOARD AND THE OFFICE. THE BOARD'S AND THE OFFICE'S EXERCISING OF THEIR DUTIES UNDER THIS SUBSECTION (5) SHALL NOT BE CONSTRUED TO:

(I) SUBJECT A CONTRACTOR TO THE CONTROL OF THE BOARD OR OFFICE;

(II) CREATE ANY PARTNERSHIP, JOINT VENTURE, OR OTHER AGENCY RELATIONSHIP BETWEEN A CONTRACTOR AND THE BOARD OR OFFICE; OR

(III) GIVE OR ALLOW ANY CLAIM OR RIGHT OF ACTION WHATSOEVER BY ANY THIRD PERSON.

(b) THE CONTRACTOR SHALL DESIGN AND CONDUCT A SCIENTIFICALLY DEFENSIBLE GROUND WATER, SURFACE WATER, AND

ENVIRONMENTAL BASELINE CHARACTERIZATION AND MONITORING PLAN FOR THE PROPOSED MINING OPERATION. THIS PLAN SHALL BE DESIGNED IN SUCH A MANNER AS TO:

(I) THOROUGHLY AND COMPLETELY CHARACTERIZE PREMINING SITE CONDITIONS;

(II) DETECT ANY SUBSURFACE EXCURSIONS OF CHEMICALS USED IN OR MOBILIZED BY IN SITU LEACH MINING DURING THE MINING OPERATIONS; AND

(III) EVALUATE THE EFFECTIVENESS OF POSTMINING RECLAMATION AND GROUND WATER RESTORATION PLANS.

(c) THE DESIGN AND OPERATION OF THE BASELINE CHARACTERIZATION AND MONITORING PLAN, TOGETHER WITH ALL INFORMATION COLLECTED IN ACCORDANCE WITH THE PLAN, SHALL BE A MATTER OF PUBLIC RECORD.

(d) IN THE CASE OF IN SITU LEACH MINING, RESTORATION OF GROUND WATER SHALL BEGIN IMMEDIATELY UPON CESSATION, WHETHER TEMPORARY OR PERMANENT, OF EXTRACTION OR PRODUCTION.

SECTION 5. 34-32-115, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

34-32-115. Action by board - appeals. (5) (a) THE BOARD OR THE OFFICE MAY DENY A PERMIT BASED ON UNCERTAINTY ABOUT THE FEASIBILITY OF RECLAMATION AND SHALL DENY A PERMIT IF THE APPLICANT FAILS TO DEMONSTRATE THAT RECLAMATION CAN AND WILL BE ACCOMPLISHED IN COMPLIANCE WITH THIS ARTICLE, INCLUDING THE PROTECTION OF GROUND WATER AND OTHER ENVIRONMENTAL RESOURCES AND HUMAN HEALTH.

(b) THE BOARD OR THE OFFICE SHALL DENY A PERMIT FOR IN SITU

LEACH MINING:

(I) UNLESS THE APPLICANT SUBMITS SUBSTANTIAL EVIDENCE OF AT LEAST FIVE IN SITU LEACH MINING OPERATIONS THAT HAVE OPERATED FOR AT LEAST FIVE YEARS, THAT HAVE CEASED OPERATIONS FOR AT LEAST FIVE YEARS, AND THAT DID NOT RESULT IN ANY LEAKAGE, VERTICAL OR LATERAL MIGRATION, OR EXCURSION OF ANY LEACHING SOLUTIONS OR GROUND-WATER-CONTAINING MINERALS, RADIONUCLIDES, OR OTHER CONSTITUENTS MOBILIZED, LIBERATED, OR INTRODUCED BY THE IN SITU LEACH MINING PROCESS INTO ANY GROUND WATER OUTSIDE OF THE INTENDED IN SITU LEACH MINING AREA; OR

(II) IF THE APPLICANT FAILS TO DEMONSTRATE BY SUBSTANTIAL EVIDENCE THAT IT WILL RESTORE ALL AFFECTED GROUND WATER TO ITS PREMINING QUALITY FOR ALL CONSTITUENTS.

(c) THE BOARD OR THE OFFICE MAY DENY OR REVOKE A PERMIT IF:

(I) THE APPLICANT, AN AFFILIATE, OFFICER, OR DIRECTOR OF THE APPLICANT, THE OPERATOR, OR CLAIM HOLDER HAS DEMONSTRATED A PATTERN OF WILLFUL VIOLATIONS OF THE ENVIRONMENTAL PROTECTION REQUIREMENTS OF THIS ARTICLE, RULES PROMULGATED PURSUANT TO THIS ARTICLE, A PERMIT ISSUED PURSUANT TO THIS ARTICLE, OR AN ANALOGOUS LAW, RULE, OR PERMIT ISSUED BY ANOTHER STATE, THE UNITED STATES, OR A FOREIGN JURISDICTION;

(II) THE EXISTING OR REASONABLY FORESEEABLE POTENTIAL FUTURE USES FOR ANY POTENTIALLY AFFECTED GROUND WATER, WHETHER CLASSIFIED OR UNCLASSIFIED PURSUANT TO SECTION 25-8-203, C.R.S., INCLUDES DOMESTIC OR AGRICULTURAL USES; OR

(III) (A) EXCEPT AS SPECIFIED IN SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (III), THE APPLICANT OR ANY AFFILIATE, OFFICER, OR

DIRECTOR OF THE APPLICANT HAS PREVIOUSLY VIOLATED THIS ARTICLE, RULES PROMULGATED PURSUANT TO THIS ARTICLE, A PERMIT ISSUED PURSUANT TO THIS ARTICLE, OR AN ANALOGOUS LAW, RULE, OR PERMIT ISSUED BY ANOTHER STATE, THE UNITED STATES, OR A FOREIGN JURISDICTION.

(B) THE BOARD OR OFFICE MAY CONDITIONALLY ISSUE OR REINSTATE A PERMIT IF THE APPLICANT SUBMITS PROOF THAT THE VIOLATION REFERRED TO IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) HAS BEEN CORRECTED OR IS IN THE PROCESS OF BEING CORRECTED TO THE SATISFACTION OF THE BOARD OR IF THE APPLICANT SUBMITS PROOF THAT THE APPLICANT HAS FILED AND IS PRESENTLY PURSUING A DIRECT ADMINISTRATIVE OR JUDICIAL APPEAL TO CONTEST THE VALIDITY OF THE ALLEGED VIOLATION. FOR PURPOSES OF THIS SUB-SUBPARAGRAPH (B), A DIRECT ADMINISTRATIVE OR JUDICIAL APPEAL TO CONTEST THE VALIDITY OF THE ALLEGED VIOLATION SHALL NOT INCLUDE AN APPEAL OF AN APPLICANT'S RELATIONSHIP TO AN AFFILIATE. IF THE VIOLATION IS NOT SUCCESSFULLY ABATED OR IF THE VIOLATION IS UPHELD ON APPEAL, THE BOARD OR OFFICE SHALL REVOKE OR DENY THE CONDITIONAL PERMIT ISSUED OR REINSTATED PURSUANT TO THIS SUB-SUBPARAGRAPH (B).

SECTION 6. The introductory portion to 34-32-116 (7) (q) and 34-32-116 (7) (q) (III), Colorado Revised Statutes, are amended, and the said 34-32-116 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

34-32-116. Duties of operators - reclamation plans. (7) Reclamation plans and the implementation thereof shall conform to the following general requirements:

(q) All reclamation provided for in this section shall be carried to completion by the operator with all reasonable diligence and shall be conducted concurrently with mining operations to the extent practicable, taking into consideration the mine plan, mine safety, economics, the availability of equipment and material, and other site-specific conditions relevant and unique to the affected land and to the postmining land use. Upon termination of the entire mining operation and in accordance with the reclamation plan, each phase of final reclamation shall be completed ~~prior to the expiration of~~ WITHIN five years after the date on which the operator advises the board that such phase has commenced, unless such period is extended by the board pursuant to section 34-32-112 (7); except that:

(III) (A) With the approval of the board and the owner of the land to be reclaimed, the operator may substitute land previously mined and owned by the operator not otherwise subject to reclamation under this article or, in the alternative, with the approval of the board and the owner of the land, reclamation of an equal number of acres of any lands previously mined but not owned by the operator if the operator has not previously abandoned unreclaimed mining lands. The board also has authority to grant, in the alternative, the reclamation of lesser or greater acreage so long as the cost of reclaiming such acreage is at least equivalent to the cost of reclaiming the original permit lands. If any area is so substituted, the operator shall submit a map of the substituted area, which map shall conform to all of the requirements with respect to other maps required by this article. Upon completion of reclamation of the substituted land, the operator shall be relieved of all obligations under this article with respect to the land for which substitution has been permitted.

(B) SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III) SHALL NOT APPLY TO IN SITU LEACH MINING.

(8) ALL URANIUM EXTRACTION OPERATIONS USING IN SITU LEACH MINING OR RECOVERY METHODS, INCLUDING ANY INJECTION OF ANY CHEMICALS DESIGNED TO MOBILIZE URANIUM RESOURCES, SHALL RESTORE ALL AFFECTED GROUND WATER TO ITS PREMINING QUALITY FOR ALL CONSTITUENTS. IN ESTABLISHING, DESIGNING, AND IMPLEMENTING A GROUND WATER RESTORATION PLAN, THE MINE OPERATOR SHALL USE BEST AVAILABLE TECHNOLOGY.

SECTION 7. 34-32-121.5, Colorado Revised Statutes, is amended to read:

34-32-121.5. Reporting certain conditions. Any person engaged in ~~any~~ A mining operation shall notify the office of any failure or imminent failure as soon as reasonably practicable after such person has knowledge of such condition, BUT IN NO EVENT MORE THAN TWENTY-FOUR HOURS AFTER SUCH FAILURE OR THE DISCOVERY OF AN IMMINENT FAILURE, of: Any impoundment, embankment, or slope that poses a reasonable potential for danger to any persons or property or to the environment; ANY STRUCTURE DESIGNED TO DETECT, PREVENT, MINIMIZE, OR MITIGATE ADVERSE IMPACTS ON GROUND WATER; ANY STRUCTURE USED IN CONNECTION WITH IN SITU LEACH MINING DESIGNED TO DETECT, PREVENT, MINIMIZE, OR MITIGATE ADVERSE IMPACTS ON HUMAN HEALTH, WILDLIFE, OR THE ENVIRONMENT; or any environmental protection facility designed to contain or control chemicals or waste ~~which~~ THAT are acid- or toxic-forming, as identified in the permit.

SECTION 8. Applicability. This act shall apply to mining applications filed and mining operations occurring on or after the

effective date of this act.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0298.01 Thomas Morris **HOUSE BILL 08-1165**

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

CONCERNING AN INCREASE IN THE REGULATORY AUTHORITY OF THE MINED LAND RECLAMATION BOARD OVER MINING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the mined land reclamation board (board) to:

- Take human health and environmental risks into consideration in the permitting process;
- Regulate mining operations so as to prevent and mitigate significant adverse environmental impacts;
- Recognize the established principle of reasonable accommodation; and

! Protect public health, safety, and welfare, including protection of the environment and wildlife resources.

Increases the board to 9 members, including the executive director of the department of public health and environment (department) and one member representing local governments. Gives the department an opportunity to comment during the board's decision-making process.

Specifies that construction materials mining operations that also extract other minerals are subject to the board's jurisdiction. Makes all information submitted to the board a public record other than information relating to the location, size, or nature of an ore deposit. Increases the time to object to or support an application for a permit to 45 days, and increases the time for filing of an appeal to 60 days.

Establishes that the funding to ensure that reclamation is achieved should be established as a requirement for permit approval and should be borne by the operator. Requires reclamation costs to be calculated based on when the reclamation is anticipated to occur rather than current costs. Limits the types of proof of financial responsibility that a foreign entity formed under a statute or common law of a jurisdiction outside of the United States may provide.

Defines and establishes fees for in situ leach mining. Authorizes the board to take emergency action when an operator fails or refuses to respond to a board order requiring corrective actions for any measure used for in situ leach mining designed to detect, prevent, minimize, or mitigate any adverse impacts on human health, wildlife, or the environment.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 34-32-102 (1), (2), and (3) (c), Colorado Revised Statutes, are amended to read:

34-32-102. Legislative declaration. (1) It is declared to be the policy of this state that the extraction of minerals and the reclamation of land affected by such extraction are both necessary and proper activities. It is further declared to be the policy of this state that both such activities should be and are compatible. It is the intent of the general assembly by the enactment of this article to foster and encourage the development of an economically sound and stable mining and minerals industry and to encourage the orderly, SUSTAINABLE development of the state's natural

resources while PROTECTING SURFACE OWNERS' RIGHTS BY RECOGNIZING THE ESTABLISHED PRINCIPLE OF REASONABLE ACCOMMODATION, MAINTAINING LOCAL CONTROL OVER MINING ACTIVITIES, AND requiring those persons involved in mining operations to reclaim land affected by such operations so that the affected land may be put to a use beneficial to the people of this state. It is the further intent of the general assembly by the enactment of this article to PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF THE STATE, TO conserve natural resources, to aid in the protection of wildlife and aquatic resources, AND to establish agricultural, recreational, residential, and industrial sites. ~~and to protect and promote the health, safety, and general welfare of the people of this state.~~

(2) The general assembly further declares that it is the intent of this article to require the development of a mined land reclamation regulatory program in which the economic costs of reclamation measures utilized ARE BORNE BY OPERATORS AND bear a reasonable relationship to the environmental benefits derived from such measures. The mined land reclamation board or the office, when considering the requirements of reclamation measures, shall evaluate the benefits expected to result from the use of such measures. It is also the intent of the general assembly that consideration be given to the economic reasonableness of the action of the mined land reclamation board or the office. In considering economic reasonableness, the financial condition of an operator shall not be a factor.

(3) The general assembly further finds, determines, and declares that:

(c) The funding to ensure that reclamation is achieved should be

ESTABLISHED AS A REQUIREMENT FOR PERMIT APPROVAL AND SHOULD BE borne ~~equitably~~ by ~~both the public and private sectors~~ THE OPERATOR;

SECTION 2. 34-32-103 (8), Colorado Revised Statutes, is amended, and the said 34-32-103 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

34-32-103. Definitions. As used in this article, unless the context otherwise requires:

(5.7) "IN SITU LEACH MINING" MEANS IN SITU MINING THROUGH THE IN-PLACE DISSOLUTION OF MINERAL COMPONENTS OF AN ORE DEPOSIT BY CAUSING A CHEMICAL LEACHING SOLUTION, USUALLY AQUEOUS, TO TRICKLE DOWNWARD OR TO BE PUMPED DOWN WELLS THROUGH THE ORE BODY AND THEN REMOVING THE MINERAL-CONTAINING SOLUTION FOR RECOVERY OF THE MINERAL VALUES; EXCEPT THAT IN SITU LEACH MINING DOES NOT INCLUDE IN SITU MINING FOR SODIUM MINERALS OR OIL SHALE.

(5.8) "IN SITU MINING" MEANS THE IN-PLACE RECOVERY OF A MINERAL BY MEANS OTHER THAN OPEN MINING OR UNDERGROUND MINING.

(8) "Mining operation" means the development or extraction of a mineral from its natural occurrences on affected land. The term "MINING OPERATION" includes, but is not limited to, open mining, ~~and~~ IN SITU MINING, IN SITU LEACH MINING, surface ~~operation~~ OPERATIONS, and the disposal of refuse from underground and in situ mining. ~~The term~~ "MINING OPERATION" includes the following operations on affected lands: Transportation; concentrating; milling; evaporation; and other processing. ~~The term~~ "MINING OPERATION" does not include: The exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe; the development or extraction of coal; the extraction of geothermal resources; OR smelting, refining, cleaning, preparation,

transportation, and other off-site operations not conducted on affected land.

SECTION 3. 34-32-105 (2), Colorado Revised Statutes, is amended to read:

34-32-105. Office of mined land reclamation - mined land reclamation board - created. (2) The board shall consist of ~~seven~~ NINE members: The executive director, who shall serve as secretary to the board; THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR HIS OR HER DESIGNEE; a member of the state conservation board appointed by such board; and ~~five~~ SIX persons appointed by the governor with the consent of the senate. Such appointed members shall be: Three individuals with substantial experience in agriculture or conservation, no more than two of whom shall have had experience in agriculture or conservation; ~~and~~ two individuals with substantial experience in the mining industry; ~~Effective July 1, 1976, the terms of office of the existing members of the mined land reclamation board shall terminate, and, prior thereto, the governor shall appoint two members of the board, effective July 1, 1976, whose terms of office shall expire March 1, 1977, and three members of the board, effective July 1, 1976, whose terms of office shall expire March 1, 1979. Subsequent~~ AND ONE MEMBER REPRESENTING LOCAL GOVERNMENT INTERESTS. Appointments shall be made for a term of four years. Vacancies shall be filled in the same manner as original appointments for the balance of the unexpired term. All members of the board shall be residents of the state of Colorado. All members of the board except for the executive ~~director~~ DIRECTORS shall receive compensation for their service on the board at the rate of fifty dollars per diem and shall be reimbursed for necessary

expenses incurred in the performance of their duties on the board. The board shall, by majority vote of all members, ~~elect its chairperson from among the appointed members at its first meeting in July, 1976, and the board shall~~ elect its chairperson from among the appointed members biannually. ~~thereafter.~~

SECTION 4. 34-32-106 (1) (c), Colorado Revised Statutes, is amended to read:

34-32-106. Duties of the board. (1) The board shall:

(c) TAKE HUMAN HEALTH AND ENVIRONMENTAL RISKS INTO CONSIDERATION IN THE PERMITTING PROCESS AND develop and promulgate standards for land reclamation plans and substitution of affected lands as provided in section 34-32-116;

SECTION 5. 34-32-106 (2), Colorado Revised Statutes, is amended to read:

34-32-106. Duties of the board. (2) It is the duty of the department of agriculture, the department of higher education, the state conservation board, the Colorado geological survey, the division of parks and outdoor recreation, the division of wildlife, the division of water resources, the university of Colorado, Colorado state university, Colorado school of mines, and the state forester to furnish the board and its designees, as far as practicable, whatever data and technical assistance the board may request and deem necessary for the performance of total reclamation and enforcement duties. THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL BE GIVEN AN OPPORTUNITY TO PROVIDE COMMENTS, PURSUANT TO A TIMELY AND EFFICIENT PROCEDURE, DURING THE BOARD'S DECISION-MAKING PROCESS REGARDING THE PROTECTION OF PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING

PROTECTION OF THE ENVIRONMENT.

SECTION 6. 34-32-107, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

34-32-107. Powers of board. (3) THE BOARD SHALL REGULATE MINING OPERATIONS SO AS TO:

(a) PREVENT AND MITIGATE SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS ON ANY AIR, WATER, SOIL, OR BIOLOGICAL RESOURCE RESULTING FROM MINING OPERATIONS;

(b) RECOGNIZE THE ESTABLISHED PRINCIPLE OF REASONABLE ACCOMMODATION; AND

(c) PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING PROTECTION OF THE ENVIRONMENT AND WILDLIFE RESOURCES.

SECTION 7. 34-32-109 (6) and (9), Colorado Revised Statutes, are amended to read:

34-32-109. Necessity of reclamation permit - application to existing permits. (6) No governmental office of the state, other than the board, nor any political subdivision of the state shall have the authority to issue a reclamation permit pursuant to this article, to require reclamation standards different than those established in this article, or to require any performance or financial warranty of any kind for mining operations. The operator shall be responsible for assuring that the mining operation and the postmining land use comply with city, town, county, or city and county land use regulations and any master plan for extraction adopted pursuant to section 34-1-304 unless a prior declaration of intent to change or waive the prohibition is obtained by the applicant from the affected political subdivisions. Any mining operator subject to this article shall also be subject to zoning, ~~and~~ land use, AND ENVIRONMENTAL

PROTECTION authority and regulation by political subdivisions as provided by law. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT OR PREEMPT THE AUTHORITY OF ANY CITY, TOWN, COUNTY, CITY AND COUNTY, OR OTHER POLITICAL SUBDIVISION TO CONDITION OR PROHIBIT ANY MINING ACTIVITY, OPERATION, OR PROCESS.

(9) All mining operations for construction materials, as defined in section 34-32.5-103 (3), shall be subject to ~~the provisions of~~ article 32.5 of this title and not this article; EXCEPT THAT, IF SUCH MINING OPERATIONS ARE FOR THE PURPOSE OF OR RESULT IN THE DEVELOPMENT OR EXTRACTION OF A MINERAL THAT INCLUDES MINERALS OTHER THAN CONSTRUCTION MATERIALS, THE MINING OPERATION SHALL BE SUBJECT TO THIS ARTICLE. Construction materials mining operations operating under permits issued prior to July 1, 1995, under ~~the provisions of~~ this article shall continue to operate under such permits, and such permits shall be deemed to be permits issued under ~~the provisions of~~ article 32.5 of this title.

SECTION 8. 34-32-113 (3) and (5.5) (f), Colorado Revised Statutes, are amended to read:

34-32-113. Prospecting notice - reclamation requirements. (3) All information provided TO the board in a notice of intent to conduct prospecting IS A MATTER OF PUBLIC RECORD SUBJECT TO THE OPEN RECORDS ACT, PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.; EXCEPT THAT INFORMATION RELATING TO THE LOCATION, SIZE, OR NATURE OF THE ORE DEPOSIT shall be protected as confidential information by the board and SHALL not be a matter of public record in the absence of a written release from the operator or until a finding by the board that reclamation is satisfactory.

(5.5) (f) The head of the office may NOT waive any of the administrative provisions of this subsection (5.5). ~~which pertain to aquifers upon written application filed with the director.~~

SECTION 9. 34-32-114, Colorado Revised Statutes, is amended to read:

34-32-114. Protests and petitions for a hearing. Any person has the right to file written objections to or statements in support of an application for a permit with the board. Such protests or petitions for a hearing shall be timely filed with the board not more than ~~twenty~~ FORTY-FIVE days after the date of last publication of notice pursuant to section 34-32-112 (10). For good cause shown in the protest or petition documents, the board, in its discretion, may hold a hearing pursuant to section 34-32-115 on the question of whether the permit should be granted. The applicant shall be notified within ten days of any objections to ~~his~~ THE application and SHALL be supplied with a copy of the written objections.

SECTION 10. 34-32-115 (3) and the introductory portion to 34-32-115 (4), Colorado Revised Statutes, are amended to read:

34-32-115. Action by board - appeals - rules. (3) If action upon the application is not completed within the period specified in subsection (2) of this section, the permit shall be ~~considered to be~~ DEEMED approved and shall be promptly issued upon presentation by the applicant of a financial warranty in the amount of two thousand dollars per acre affected or such other amount as determined by the board. NOTWITHSTANDING SECTION 24-4-106 (4), C.R.S., A PERSON AGGRIEVED BY THE BOARD'S FINAL AGENCY ACTION MAY FILE AN APPEAL WITH THE DISTRICT COURT WITHIN SIXTY DAYS AFTER SUCH ACTION.

(4) The board or the office shall grant a permit to an operator if the application complies with the requirements of this article. EXCEPT AS SPECIFIED IN SUBSECTION (5) OF THIS SECTION, the board or the office shall not deny a permit if the operator demonstrates compliance with the following:

SECTION 11. 34-32-116.5 (6), Colorado Revised Statutes, is amended to read:

34-32-116.5. Environmental protection plan - designated mining operation - rules. (6) THE BOARD SHALL REFER all ~~applicants~~ APPLICATIONS for new permits ~~shall contact~~ TO the division of wildlife for appropriate wildlife protection recommendations AND TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR APPROPRIATE RECOMMENDATIONS CONCERNING HUMAN HEALTH AND ENVIRONMENTAL RISKS, which RECOMMENDATIONS THE BOARD shall ~~be reviewed~~ REVIEW as part of the application process. ~~If protecting wildlife is determined to be necessary by the board,~~ The office ~~may~~ SHALL incorporate such ~~wildlife protection~~ recommendations into the new permit as a condition for such permit IF IT DETERMINES THAT DOING SO IS NECESSARY TO PROTECT HUMAN HEALTH, WILDLIFE, OR THE ENVIRONMENT.

SECTION 12. The introductory portion to 34-32-117 (3) (f) and 34-32-117 (4) (b) (I), Colorado Revised Statutes, are amended to read:

34-32-117. Warranties of performance - warranties of financial responsibility - release of warranties - applicability. (3) (f) Proof of financial responsibility may consist of any one or more of the following, subject to approval by the board; EXCEPT THAT A FOREIGN ENTITY, AS DEFINED IN SECTION 7-90-102, C.R.S., THAT IS FORMED UNDER A STATUTE OR COMMON LAW OF A JURISDICTION OUTSIDE

OF THE UNITED STATES MAY NOT PROVIDE PROOF OF FINANCIAL RESPONSIBILITY PURSUANT TO SUBPARAGRAPHS (VI) OR (VII) OF THIS PARAGRAPH (f):

(4) (b) (I) In any single year during the life of a permit, the amount of required financial warranties shall not exceed the estimated cost of fully reclaiming all lands to be affected in said year, plus all lands affected in previous permit years and not yet fully reclaimed. For the purpose of this paragraph (b), reclamation costs shall be computed with reference to ~~current~~ THE REASONABLY PREDICTED reclamation costs AS OF THE TIME THE RECLAMATION IS ANTICIPATED TO OCCUR. The amount of the financial warranty shall be sufficient to assure the completion of reclamation of affected lands if the office has to complete such reclamation due to forfeiture. Such financial warranty shall include an additional amount, equal to five percent of the amount of the financial warranty, to defray the administrative costs incurred by the office in conducting the reclamation.

SECTION 13. The introductory portion to 34-32-124.5 (1) and 34-32-124.5 (1) (b) (III), Colorado Revised Statutes, are amended, and the said 34-32-124.5 (1) (b) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

34-32-124.5. Emergencies endangering public health or the environment. (1) Following an investigation, an emergency response ~~shall be~~ IS justified pursuant to section 34-32-122 (3) if the board or office determines that any person is:

(b) An operator with a permit who is failing or refusing to respond to a board order requiring corrective actions for:

(III) Any other measure identified in such permit or as provided

for in this article or any rule promulgated pursuant to this article ~~which~~ THAT is intended to protect human health, ~~or~~ property, or the environment; OR

(IV) ANY MEASURES TAKEN IN CONNECTION WITH IN SITU LEACH MINING AND DESIGNED TO DETECT, PREVENT, MINIMIZE, OR MITIGATE ADVERSE IMPACTS ON HUMAN HEALTH, WILDLIFE, OR THE ENVIRONMENT.

SECTION 14. 34-32-127 (2) (a) (I) (N) and (2) (a) (IV) (E), Colorado Revised Statutes, are amended, and the said 34-32-127 (2) (a) (IV) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

34-32-127. Mined land reclamation fund - created - fees - fee adjustments - rules. (2) (a) Fees for fiscal year 2007-08 and for each subsequent year of operation shall be collected by the office for operations according to the following schedule:

(I) Applications pursuant to:

(N) ANY PROVISION GOVERNING AN oil shale OR IN SITU LEACH MINING application and amendment fee: If the costs to review and process an oil shale OR IN SITU LEACH MINING application or amendment exceeds twice the value of the fee for a new application or amendment pursuant to sub-subparagraph (H) or (M) of this subparagraph (I), the applicant shall pay the additional costs. The costs shall include those of the division, another division of the department involved in the review, and any consultants or other nongovernmental agents that have specific expertise on the issue in question acting at the request of the division in the review of the oil shale OR IN SITU LEACH MINING permit application. The division shall inform the applicant that the actual fee may exceed twice the value of the listed fee and shall provide the applicant with an

estimate of the actual charges for the review of the application or amendment within ten days after receipt of the application. An appeal of this estimate shall be made to the board within ten days after the applicant's receipt of the estimate.

(IV) Annual fees for fiscal year 2007-08 and for each subsequent year for operations pursuant to:

(E) Section 34-32-112 (for designated mining operations OTHER THAN IN SITU LEACH MINING) $ 1,150

(E.5) SECTION 34-32-112 (FOR IN SITU LEACH MINING) $ 2,500

SECTION 15. Applicability. This act shall apply to mining applications filed and mining operations occurring on or after the effective date of this act.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

RESOLUTION 2007-108
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXPRESSING COUNCIL'S OPPOSITION TO THE
MINING OF URANIUM IN THE VICINITY OF NUNN, COLORADO

WHEREAS, Canadian company PowerTech Uranium Corporation ("PowerTech") is considering a uranium mining operation across nearly 6000 acres of land in the vicinity of Nunn, Colorado, about 11 miles northeast of Fort Collins, known as the Centennial Project (the "Project"); and

WHEREAS, Powertech has indicated that it will start the permitting process for the Project in mid-2008; and

WHEREAS, Powertech proposes to extract the uranium in-situ, meaning that uranium will be dissolved out of porous sands located deep underground and brought to the surface for processing; and

WHEREAS, Powertech has not ruled out extracting some uranium using open-pit mining techniques; and

WHEREAS, in-situ uranium mining is a newer method of mining uranium, and research has shown that the environmental impacts and threats to public health and safety posed by the process are significant; and

WHEREAS, in-situ leaching mining holds inherent risks, including but not limited to the possible contamination of groundwater and degradation of natural groundwater conditions through the groundwater restoration process utilized after completion of the leaching operations; and

WHEREAS, because the mining operations involved in the in-situ process and the potential damage caused by such process occur below the surface, early detection of such problems may not be possible; and

WHEREAS, the Project will be located in an area near Fort Collins which is experiencing rapid population growth; and

WHEREAS, the City Council believes that the Colorado North Front Range and, in particular, the site presently under consideration by PowerTech is not a suitable location for uranium mining, both because the level of risk to the environment and to the health and safety of area residents that is presented by uranium mining cannot be determined with any degree of certainty and because the presence of such an operation in the proposed location will almost certainly have a detrimental effect on the image and economic well-being of the City; and

WHEREAS, for those reasons, the City Council is strongly opposed to the Project and wishes to convey its concerns and position of opposition to those county, state and federal agencies that may review the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section1. That the Council hereby expresses its strong opposition to in-situ, open pit, and leach mining projects such as the proposed Centennial Project and urges all county, state and federal agencies involved in the permitting process for such projects to recognize that locating such projects along the North Front Range and in close proximity to the City of Fort Collins is ill advised because it may well be injurious to the health, safety and/or welfare of the residents in the area and do irreparable harm to the economic and environmental well-being of the City of Fort Collins.

Section 2. That for the foregoing reasons, the Council further urges such agencies to deny any and all permits applications for such projects.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 4th day of December, A.D. 2007.

Mayor

ATTEST:

City Clerk

Report on In Situ Leach and Open-Pit Mining

Prepared for the Larimer County Commissioners
By
The Larimer County Environmental Advisory Board

February 12, 2008

Executive Summary

The Larimer County Environmental Advisory Board was tasked by the County Commissioners to investigate the use of in-situ and open-pit mining operations for the extraction of uranium. Concern has been raised about the potential for such operations occurring near the county. To date, no applications have been submitted and no permitting processes have begun regarding the Centennial Project, although Powertech has submitted various documents to both Department of Natural Resources (DNR) and Colorado Department of Public Health and Environment (CDPHE) to be able to drill monitoring wells and overhaul some of the previous test bores on the Centennial site. No specific plans or precise information has been made available by the parties that have expressed interest in potential mining operations. Due to the early nature of the project and the request for a review prior to specific information becoming available, the EAB report focuses on uranium mining in a general sense and the risks that are associated with both in-situ and open pit mining.

Uranium mining has been conducted in Colorado for an extended period and active uranium mines are currently extracting ore in other counties. Larimer County had an active uranium mine, the Copper King mine, up from 1951 to 1953. The centennial mine would not be the first In situ leach (ISL) operation in northern Colorado, as Wyoming Mineral Corporation briefly conducted ISL operations in Weld County in the 1980s.

Uranium is not a highly radioactive mineral. The isotope used for energy production, U235, occurs at a rate of about 0.7% in uranium ore extracted from the earth. Uranium, like other heavy metals is toxic at sufficiently high doses, but unlike many other elements, the dosage for toxicity is rather large – on the order of grams.

The radioactive elements of radium and radon are both found in conjunction with uranium (both are the products of the radioactive decay of uranium). These elements are more radioactive than uranium. Radon occurs naturally as a gas and is easily wind dispersed. Radium occurs in very small quantities but is a serious environmental and public health issue.

A number of risks are identified with ISL operations. The environmental impact of these risks can affect the soil, air and water of the region. Water contamination is the most serious risk posed by ISL operations. The probabilities of any of these risks at a proposed site in Colorado remain unknown. Without baseline information regarding the operation geology and water quality, the EAB is unable to determine the chances that Larimer County will be adversely affected by the operation. There is a probability that the quality of ground water which supplies rural residences and agricultural businesses can be adversely affected. Most municipal water supplies for Larimer County are derived from water sheds to the west in the mountains and thus would have a very low chance of being affected by ISL operations.

Open pit mining operations present higher risks to the environment than ISL operations with the potential for serious land degradation and surface and ground water contamination as well as health impacts to mine workers, nearby residents and the ecosystem in whole. The minerals, such as selenium, released in such operations have been linked to deformities in birds.

Although the current permitting and regulation processes are extensive and requires monies to be set aside for remediation of any environmental damage, the end result is that the risks to the mining operators are strictly financial while the risks to the community are potentially financial, health and environmental with costs that may exceed any capabilities of the operations to rectify.

The effects of such operations, even if they have a relatively low risk of environmental degradation can damage the socioeconomic structure of the region. It is unclear what the short term or long term effects to the communities both socially and economically will be. Economic effects are not necessarily based on rational processes and can impact the region on a larger scale than the actual mining operations.

It is often the standard that entities other than the principle operators must show that harm will result in order for permitting to be halted. Given the seriousness of the potential risks (many of which appear to have low probabilities of occurring), the board would expect that those proposing the mining operation, provide a reasoned and scientifically based risk assessment of the operations as well as the risks of not mining, making public all data collected. The risks and the ability of the mine operator and local governments to address these risks should be weighed against the benefits that may be derived.

Introduction

The Environmental Advisory Board (EAB) of Larimer County was tasked by the Board of County Commissioners to investigate the mining processes that may be used at a proposed uranium mine in Weld County near the border with Larimer County. The two forms of mining that are discussed with respect to the Powertech Centennial Project are In Situ Leaching (ISL) and open-pit mining. Although at the time of completion of this report, Powertech has begun the permitting process, no detailed documents regarding the specifics of the Centennial Project were made available to the EAB.

This report is not exhaustive in nature. The EAB is a volunteer board and as such was limited in time and resources that could be devoted to the task. The board interviewed researchers with expertise in the subject, attended a symposium on the topic and read through a large body of primary literature on uranium mining in developing this report.

The EAB decided to investigate the methods of uranium extraction and to focus on the potential impacts of the process on the environment. The board recognizes that there are three main areas of impact: water, air and soil. Each of these is subject to risks due to mining operations and this report describes the known effects.

Although there has been much information presented regarding the proposed Centennial Project by a variety of interested parties, the EAB report is based on factual information. The scientific literature is somewhat limited in the analysis of ISL operations but a substantial literature of government reports provides a solid basis for understanding the issues regarding uranium mining and the impacts it may have to the environment of northern Colorado.

A Brief History of Uranium Mining

In Colorado, uranium was discovered in 1871 in Gilpin County and uranium oxide (later named carnotite) was discovered in Montrose County in 1881; but no major mining of uranium occurred in the 19th Century. Uranium was first actively sought in the 20th Century as a source of radium. Much of this mining occurred in the Uravan district in Montrose County. At about the same time production of vanadium started in Colorado and the carnotite ores also contained significant quantities of vanadium.

Not until the 1940s were uranium bearing ores actively mined for uranium, first as a source for weapons and later as fuel for reactors. Mining continued in Uravan and new sites were discovered across Colorado with the largest uranium deposit mined in Jefferson County. During this period uranium was mined in Larimer County near Red Feather Lakes at the Copper King mine. The EPA lists at least 25 other mines or occurrences of uranium in Larimer County. A confluence of factors led to the steep decline in the price of uranium in the 1980s and 1990s and the concomitant cessation of most mining operations in the state. The major production of uranium in Colorado has been via open pit and underground mines. Currently underground mining continues at the Sunday Mine in Montrose County. In situ mining of uranium began in the 1960s in Eastern Europe. In situ mining is currently used in Europe, Australia and in the U.S. in Texas, Nebraska and Wyoming. ISL extraction was briefly conducted in northern

Colorado near Grover, but the operation was halted apparently due to the low price of uranium at the time.

Uranium Mining

Uranium is extracted by three main processes, underground mining, open-pit mining and in situ leaching. Underground mining is not common currently. Underground mining prior to a complete understanding of the effects of radon, and improved techniques was associated with numerous cases of cancer in the miners. Underground mining would not be feasible for recovering uranium at the Centennial site. Both in situ and open-pit mining are apparently being considered for extracting uranium at the Centennial site and this report will describe both processes.

In Situ Leaching

The In-Situ Leaching (ISL) process involves the drilling of a series of wells into the aquifer containing the deposits. Often the aquifer that contains the deposits is below the aquifer that is used as a source for domestic, industrial and agricultural needs. In such cases it is very important that a sufficient low-permeability zone, such as a layer of shale, separate the production and drinking water aquifers (See Figure 1). A concentrated leaching solution (oxygen rich) called the lixiviant, is then pumped into the aquifer containing the deposits to oxidize, dissolve and mobilize the uranium minerals from the surrounding rock, so that the uranium concentration in the water increases and thus more uranium can be pumped back to the surface for extraction at a processing plant. The wells are divided into injection and extraction wells, and a number of extra wells are located outside the area where active pumping occurs to monitor any escape of the mining solutions. There are a variety of leaching solutions that can be used to dissolve the uranium, as well as numerous configurations for pumping and monitoring wells.

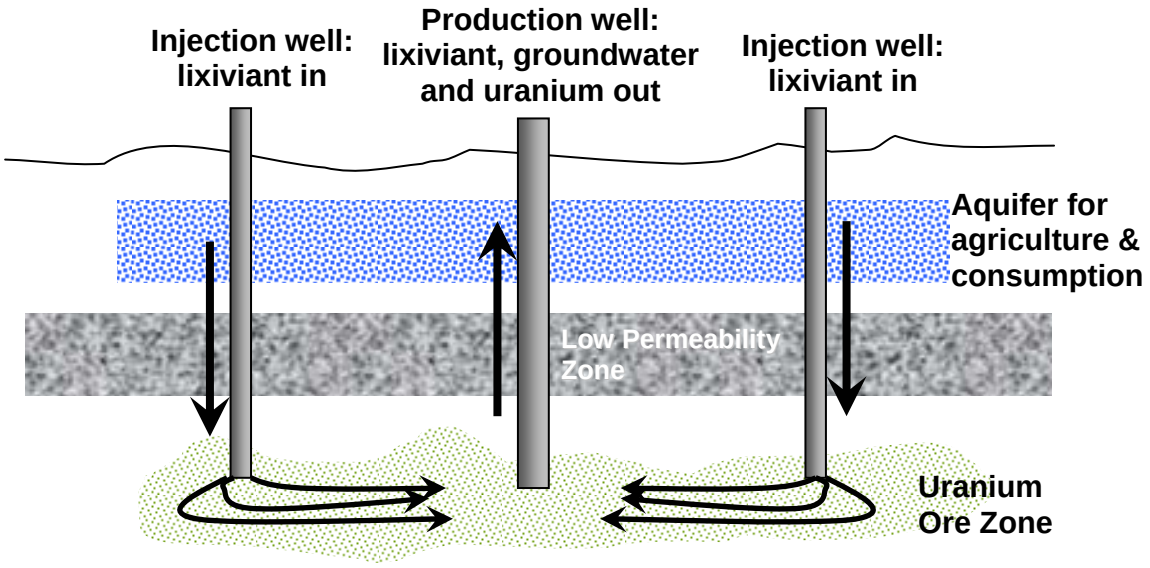

Figure 1: Schematic of ISL operations

Currently in the United States, all ISL uranium production is with alkaline leaching chemistry using carbon dioxide or sodium-carbonate and oxygen (lixiviant). The most common acid used in ISL is sulfuric acid. Acid leaching was only used once in the United States (in Wyoming) but is used in other countries.

One of the critical operational principles of any ISL mine is to control both the horizontal and vertical movement of leaching solutions within the groundwater area being mined. Not only is it important from an economic standpoint, but it is of importance for environmental protection so that the groundwater surrounding the mine site can continue to be used in the manner it was prior to ISL operations. An escape of leaching solutions, referred to as an *excursion,* and can result in contamination of soil, surface water or ground water. The main techniques used to prevent excursion are the engineering of groundwater bores to prevent leakage via the bore, and maintaining a negative pressure gradient on the injection wells relative to the production well. This means pumping out more water than the quantity of lixiviant injected into the ground.

The configuration of injection and extraction wells is also quite important for the successful control of the mining solutions. The main principle behind the patterns is that four (or six or twelve) injection wells surround one extraction well. A 5-spot pattern is thus square shaped, while a 7-spot pattern is hexagonal shaped.

ISL operations require a well designed groundwater monitoring system that can detect any excursion. It is intended that the wells are closely spaced so that any excursion of lixiviant will be detected by a monitoring well, detected by routine sampling and remedial action can be planned and undertaken. Monitoring wells need to be located with the uranium ore zone on order to detect horizontal excursions, and within any drinking water aquifers to detect vertical excursions into the domestic use aquifer.

After the pregnant (uranium rich) lixiviant is extracted from the ore zone, it is pumped to the processing plant, which is typically on the mine site. Here the uranium is extracted from the solutions using standard metallurgical techniques. The extracting solution is generally cycled through the well field, orebody and processing plant numerous times before being replaced by fresh lixiviant. The processing of pregnant lixiviant is very similar to standard uranium milling techniques.

Waste Stream

The ISL process leads to the formation of liquid and solid waste streams. These are produced from the bleed solutions, waste processing solutions, solid residues that build up due to the precipitation of minerals from the highly concentrated solutions involved, solid waste from the processing plant (such as contaminated clothing and equipment), and other normal wastes from industrial facilities. Due to the nature of ISL mining, quite large volumes of wastewater are created, which are often highly saline and contain toxic levels of heavy metals, process chemicals, and radionuclides. Excess ISL process water that is not re-injected is typically either directed to an evaporation pond, or injected into a deep disposal well to an aquifer below the uranium deposit and domestic aquifers.

Solid wastes are generally disposed of at an approved radioactive waste management site, or in an engineered facility on site. Since the ore body itself is not extracted, there are no tailings or residual rock material remaining in a large tailings dam. Treatment methods for the liquid waste incorporate strategies including biological treatment in wetlands, evaporation ponds, and reactive barriers. All of these strategies are designed to

isolate the toxic waste into a solid sludge and to then dispose of the sludge recovered according to regulations. For the Centennial project, solar evaporation ponds would likely be used. These are shallow, lined ponds that allow for water to evaporate, condensing the waste.

Restoration

After the orebody has been mined, it is standard practice to restore the groundwater quality to pre-mining levels. Restoration is required by state regulations. There are several approaches to restoration, as seen in Table 1.

Table 1: Methods for restoring aquifers after ISL operations

Restoration Technique	Process	Impacts
Groundwater Sweep	Extraction of water from production wells to induce a flow of uncontaminated groundwater through the mined zone. Extracted water is treated the same as normal mining operations. Contaminated water is sent to evaporation ponds or is treated and discharged.	Requires substantial use of ground water. Is effective when the confining substrate allows leakage, potentially drawing down useable water supplies.
Forward Recirculation	Water is withdrawn via production wells, treated so that it meets required water quality and is reinjected via the injection wells.	Does not allow for removal of lixiviant or mobilized minerals that have escaped the mined aquifer (i.e. will not clean up an excusion).
Reverse Circulation	Treated water is injected via the production wells and extracted via the injection wells.	Similar effects to the forward circulation method.
Directional Groundwater Sweep	Contaminated water is pumped from a specific set of wells while treated water is injected into the aquifer outside of the boundaries of the mined area. Clean water is thus drawn into the contaminated portions of the aquifer.	While not requiring as much groundwater as the groundwater sweep method, additional groundwater is required for this technique.

The net effect is stabilization of minerals back into the geology and restoration or improvement in the post –mining water quality of the aquifer. Baseline groundwater quality data that were collected prior to initiation of the ISL mining are used to determine restoration standards. After an ISL mining project has been completed, the site is rehabilitated and returned to the former land use. All infrastructures are removed, such as buildings, roads, pipes, processing equipment etc. The remaining solid and liquid wastes are disposed of in radioactive waste facilities, and these sites are managed according to regulatory requirements.

Open Pit Mining

Open pit mining, also known as opencast or open-cut mining, is a type of surface mining that involves excavating earth, rock, and other material to uncover an orebody that lies close to the surface (typically such mines excavate to a depth of no more than 550 feet). The topsoil is removed and then the material between the topsoil and the orebody, the overburden, is removed. The overburden is generally low in radioactive elements, but is considered waste. The ratio of overburden to ore for uranium open-pit mines is 30:1 on average. The excavation of the overburden is completed in rectangular blocks in plain view called pits or strips. The pits are parallel and adjacent to each other with each strip of overburden and the mineral beneath extracted sequentially. The mining process moves the overburden laterally to the adjacent empty pit where the mineral has been extracted. This lateral movement is called casting or open-casting. The overburden is moved by heavy equipment, with the use of explosives to sometimes loosen the overburden. The uncovered mineral is excavated and hauled out of the pit to processing operations. Filling the adjacent empty pits with the overburden is systemic to the process and therefore is the foundation of land reclamation. The processed ore is known as tailings. Uranium strip-mine operations create large areas that require remediation. Large tailings ponds are created to contain the radioactive materials. Federal law requires the tailing ponds to be covered so that rainwater does not mix with the radioactive waste. These pond coverings may be eroded over time by water and wind, which could allow mobilization of radionuclides.

Reclamation / Restoration

Open pit mine reclamation and restoration begins prior to mining operations. Careful characterization of the surface slope, composition of the flora at the site and hydrological structure of the region is needed before operations begin. Often open pit waste rock and overburden is put back into the cut after mineral extraction. The decision to place overburden back into the mine is based on the presence of water and whether leaching will cause migration of radionuclides and heavy metals.

Generally, not all overburden can be returned to the pit. The standard technique to address the issue of exposed overburden and waste rock is to dry-cover the overburden and recontour the material.

The last steps for reclamation involve revegitation. The reseeding or replanting of the site helps control erosion and controls dust. Revegitation limits infiltration of precipitation into the disturbed rock and soil.

Risks

The question regarding environmental impacts largely hinges on the risks associated with the potential impacts and the probability of the impacts occurring. Some of the risks associated with these types of operations have been characterized and are discussed below. Some risks likely remain unknown. To determine the scale of potential impacts, a survey of the EPA list of superfund sites indicates that no ISL operations have yet generated problems that would require inclusion. A number of uranium milling

operations, as a result of open-pit and hard rock mining, in New Mexico, Colorado and Utah have been declared superfund sites. ISL operations and milling share similarities in the drying process but differ substantially in the processing of the orebody to generate the yellowcake. Clean up at the mill sites has involved soils, surface water and ground water. The EPA lists one open pit uranium mine as a superfund site with surface and ground water contamination. Thus, in a worst case scenario, the risks to the environment of northern Colorado are serious. The board was not able to quantify the likelihood of such risks, but merely identify them. Any risk assessment should be based on sound science.

Waste production is directly linked to the risk of adverse environmental impacts in relation to both open pit and ISL uranium mining operations. Mining waste is regulated and management must comply with environmental laws. ISL mining has demonstrated to have far less waste production and risk than open pit operations. ISL mining is the operation of choice where feasible for extracting uranium. Human risks are greatest to miners in cave and open pit operations. Public risks are usually limited to affects of waste through contaminated water and/or soil and their propensity toward mobility and resulting exposure and uptake. Wastes associated with ISL operations include: drilling wastes, wastewater, wastewater sludge, lab wastes, produced water, leachate, liquids from the aquifer restoration, evaporates and refuse if radioactive. Radon levels increase where levels of radium 226 have become concentrated in solid wastes. Management strategies most frequently include solar evaporation or deep well injection for liquid wastes while solid materials may be buried onsite or transported to approved disposal sites/facilities. ISL operations minimize the production of all types of waste compared to open pit operations.

Of concern is the risk of water contamination. It should be noted that the aquifers used for ISL mining are not suitable for drinking water. The location of mineralized soil will by its very nature be contaminated with heavy metals and uranium, and unfit for use regardless of if any mining takes place. Thus the concern is that the aquifers used to for domestic, industrial and agricultural will become contaminated during the mining operations.

There are several ways that water can be contaminated. The first is when water migrates between aquifers. Communication and contamination can occur between aquifers above (shallow) or below (deep) the aquifer or site of interest and operation. Water (and contaminants) may migrate from one aquifer to another by damaged or disturbed geologic features, altered pressure gradients, advection, percolation, or intentional injection. Two of the most important variables to limit the risk of contamination between aquifers are ensuring that an adequate low-permeability zone separates the drinking water aquifer from the production aquifer, and that the injection and production wells are property sealed to prevent leakage between aquifers.

Groundwater is a major source of water for human consumption in many rural locations. Groundwater chemical characteristics are established as baseline reference prior to ISL operations and become reclamation standards for post operations restoration. The law requires that mining companies cleanup groundwater to the same or similar quality established by the baseline contaminant levels so that the groundwater may be used as it was prior to operations. There exists no obligation to improve the quality beyond prior levels. Use practices vary from site to site. ISL aquifer sites commonly do not have quality drinking water prior to or following mining operations and are not used

for primary human needs. Chemical characteristics of groundwater are commonly altered by ISL mining activities due to uranium and other elements becoming mobilized for extraction or waste production and contamination during or after the operations. Some elements have appeared in greater concentration following stabilization of aquifers while others have been reduced as a result of the reclamation process. Analysis of groundwater for quality assessment after stabilization from the Crow Butte, Wyoming ISL revealed minor to moderate increases in concentrations of 13 of 33 contaminants and parameters evaluated including: alkalinity, arsenic, bicarbonate, calcium, iron, magnesium, molybdenum, nitrate and nitrite, potassium, radium 226, uranium, and vanadium. However, the concentration of 16 of the 33 contaminants were reduced including those for ammonium, barium, boron, cadmium, carbonate, chloride, copper, fluoride, lead, manganese, nickel, selenium, silica, sodium, sulfate, total dissolved solids, and zinc. The remaining two contaminants evaluated, chromium and mercury, were essentially at the same concentration. The pH was slightly lower but essentially the same (8.5 prior to 8.18 post - slightly basic) (NRC, 2007, Table 5). The same NRC report provides additional data from the Ruth, Wyoming Pilot R & D Study indicating similar effects to the groundwater quality when assessing 20 different contaminant levels and/or characteristics.

Surface spills from mining operations may also be a source of contamination of groundwater. For example, in the period from December 1999 to August 2007, the Smith Ranch ISL in Wyoming reported 37 spills or leaks with an average spill volume of 6,040 gallons. It may be possible that contaminated water is percolates downward and may contaminate groundwater in non-site shallow aquifers used for human consumption or food production. Percolation depth is a function of soil type and viscosity. For example clay soils are essentially impenetrable whereas, sandy-loamy soils percolate water downward very rapidly. Each site must be assessed for safety precautions to avoid and manage spills particularly if none minded aquifers are close to the surface.

Consequences

ISL operations can impact water, air and land resources. Research into the potential effects of excursions, surface spills, fugitive dust and other risks is not complete. Without scientific studies characterizing the scope of the impacts, a complete risk assessment is not available. The following sections discuss potential consequences of contamination from ISL operations.

Water

Potable water supplies derived from contaminated sources (aquifers or surface) pose threats to human and ecosystem health. The Safe Drinking Water Act establishes the Maximum Contaminate Levels (MCLs) for approximately 84 primary and 20 secondary contaminants. Sources used for municipal drinking water are monitored, evaluated, treated and quality is assured/required. Private wells that become contaminated may not be detected. Private citizens do not monitor and evaluate all water quality parameters, as do municipalities. Raw water commonly used in farming and agricultural production is not subject to the same evaluation, monitoring or standards as drinking water. Contaminants pose threats to health through increased concentration to dangerous levels. Exposure is through primary consumption of the contaminated water as well as secondary

consumption through eating food stuffs / products exposed to contaminated water. The Agency for Toxic Substances and Disease Control (ATSDR), reported that toxicological assessment has determined contaminant levels associated with ISL operations may pose health threats. For example, the ISL Crow Butte water quality assessment revealed arsenic levels ranging from 0.002 mg/L prior to mining increased to 0.017 mg/L following stabilization. Research suggests risks from arsenic levels 0.01 to 0.1mg/L are associated with possible hepatic (liver) injury whereas concentrations as low as 0.0037 mg/L were associated with skin lesions. Pre and post selenium levels reduced from 0.003 mg/L to 0.002 mg/L however, levels greater than 0.002 mg/L have been associated with liver damage. Background levels of uranium ranged from 0.092 mg/L prior to operations increased to 1.73 mg/L post mining; levels as low as 0.05 mg/L are associated with kidney damage.

The ISL site evaluation must consider flora and fauna of the area and region, and both resident and migratory plant and animal species. Major impacts to ecosystems from ISL operations come from site disturbance via large ponds and/or pits onsite used to manage wastes as well as the solids produced from drilling and disturbing the geology related to operations. Management strategies inevitably concentrate contaminants that may become mobilized and adversely impact the ecosystems of the area.

Crops can be impacted by the drying up of these ponds which can result in particulate contamination that can result in dispersion of radionuclides. These radioactive particles can be deposit on crops, and can be consumed by animals.

Plants are impacted generally by the disturbance of operations such as in drilling aquifer access holes (hundreds or thousands), setting pipe, building structures, roadways, etc. ISL operations require large scale holding ponds for water that impact surface habitat. Flooding crop areas will destroy production and increase salinity of soils from solar evaporation of water. This will impact plant growth and limit use in future times. Limiting plant growth has the potential to increase air contamination in the future. Plant contact with contaminated water may transfer contaminants to the plant by adsorption or absorption. Contaminant may either “stick” to the surface of plants or be taken-up into the plant.

Domestic animals are impacted by operations as described above. Consumption of contaminated water can produce adverse health affects similar to those seen in other species including humans and are agent specific. Bioaccumulation or concentration of contaminants can also occur in disparate members of the local food web and this can affect species that are commonly consumed by humans thus imparting higher exposures of agents as in radionuclides concentrated by cattle and sheep.

The ecosystem in and around the ISL operations can be influenced by contamination from the operations. As with the agricultural processes, bioaccumulation of contaminants can increase as the minerals and radionuclides move through the food web. The local ecosystem will experience such bioaccumulation, but the region is also in a flyway for many bird species so the potential to affect other ecosystems linked by the migration and dispersal of animals is also an issue.

Air

Dust is inevitable in mining operations due to disturbance of the geology. Fugitive dust emissions are considerably less in ISL operations when compared to open pit

mining. Disturbance of the site results from the operations described above. Mobilization of solids is dependant on wind patterns, barriers and methods used to suppress dust.

Radon levels have been increased where levels of radium 226 has become concentrated in solid wastes. This is a much greater problem in cave and tunnel mining where air circulation is minimized. ISL pit bottoms are common places for sediment/precipitate to concentrate. As solar evaporation of water concentrates solid materials, radionuclides decay and produce higher levels of radon. This is released to the atmosphere. Radon is dispersed easily in the atmosphere (which is why home basement mitigation systems vent directly to the outside) and the risks for radon exposure are limited to the immediate area around the operation.

Mining operations require the use of vehicles and other equipment that operates with fossil fuels. Increased traffic on rural roads could lead to congestion and further air pollution. Open-pit mining would require the use of heavy equipment, further increasing the local air pollution. This increase in air pollutants is not likely to be significant, although it should be noted that the proposed mining sites are within the EPA non-attainment area for the Denver Metro area.

Land / Soil

Land disturbance is significant but far less in ISL operations compared to open pit mining. Disturbances are described above and usually affect a large surface area at the mine site. For example, thousands of holes may be drilled and hundreds of acres may be used for wastewater ponds and pits. Most ISL sites create buffer zones by acquiring thousands of acres around the site of interest. Excursions of lixiviant, pregnant lixiviant, or wastewater all pose a risk to the soil of the mining site. The use of the soil near the operations for agricultural purposes either during operations or after the operations are complete could be impacted by such excursions.

Wildlife is impacted by site operations and disturbance of the ecosystem. The site evaluation must consider species that are both resident in the area and those that are migratory. It is suggested that most impacts are temporary and restoration permits a return and reestablishment of wildlife in time. Habitat fragmentation can occur with the construction of wellfields, roads constructed to support the mining and any fencing done during mining or during reclamation. This fragmentation affects the migration and dispersal of species. Of concern would be the impact on any endangered species (both plant and animal) that utilize the area affected by the mining.

Open-pit mining

ISL mining is considered to reduce environmental risks compared with open-pit mining. The wastes generated in open pit mining include protore, overburden, waste rock, drill cuttings and wastes, wastewater, treatment sludge, lab wastes, and pit water. Open pit mines may create increased runoff, wind and water erosion. Dewatering of the mine area can create groundwater depressions.

Ground and surface water can be pumped out of the region of the open-pit mine to facilitate access to the ore. After the mining is complete, the pumping is stopped and the pit can refill with ground and surface water. The mine water can be contaminated with metals, radioactive elements and dissolved solids. In some instances, the ground water

takes on the chemical characteristics of the mine dewatering effluent. Mine water pumped out of the mine can be high in radionuclides and other metals.

The overburden and waste rock can become a source for acid runoff. This runoff can negatively impact surface and ground water downstream from the mine.

Greater volumes of airborne contaminants can occur with open pit mines with respect to ISL operations. The excavation processes, movement of heavy equipment, wind dispersion of overburden can create fugitive dust. This dust can contain heavy metals and other toxics. Generally, during mine operations water is sprayed on waste and overburden piles to reduce dust. Overburden and waste rock can release higher amounts of radon gas. Although it disperses quickly, radon can be a health risk to workers.

Clearly open-pit mining disturbs soils to a large extent. This type of mining operation can increase the radioactivity of the soil. Both radium and thorium concentrations have been shown to increase in some open-pit mines.

Baseline Data

It is important that any risk assessment be based on solid science, which in turn, must be grounded in data that describes the region. This information is also needed if ISl operations are conducted to determine the effectiveness of restoration and any remediation that would be necessary.

Baseline assessments of the geology of the aquifer must be carried out prior to operations to establish baseline restoration goals. The ISL process is intended to mobilize minerals. Pre-mining mineral level concentrations in the water must be determined prior to disturbing the hydrogeology of the site. Assessment and validation is incumbent on the individuals/company seeking access for mining operations and the agencies providing permits.

Likewise, water quality parameters must be established prior to disturbance of any aquifers to establish current quality and restoration goals.

Soil analysis must be performed to establish constituent make-up for the detection of change and/or concentration of contaminants posing health risks to the ecosystem and necessary clean-up strategies, technologies, and goals.

Evaluation of air quality and wind patterns must be performed to establish current quality and restoration goals and probabilities for offsite migration through fugitive dust emissions.

Conclusions

Mining operations carry with them the potential for significant environmental impacts. Water, soil and air contamination are all possible with the operations that may be conducted in Weld County. The probabilities associated with these impacts are not presently known. In the absence of sound scientific data, an acceptable risk assessment is not currently possible. Without a risk assessment, detailed project descriptions, or access to baseline data the EAB is unable to make recommendations regarding the Centennial Project at this time.

The effects of the Centennial Project extend beyond environmental impacts. There are potential public health and economic impacts as well. The economic impacts of the

project may not be tied to actual risks but perceptions. In this case, regardless of the risks, the project may have a negative impact to the region. Other economic impacts may include additional jobs and tax revenue for the duration of the mining operations.

It is often the standard that entities other than the principle operators must show that harm will result in order for permitting to be halted. This approach, however, presupposes that the action is "innocent of harm until proven guilty" and places the burden of proof on those who usually have fewer resources to make their case. Given the seriousness of the potential risks (many of which appear to have low probabilities of occurring), the board would expect that those proposing the mining operation will provide the public with all of the data which they possess that could have any relevancy to the matter at hand and then use these data to propose a reasoned and scientifically based risk assessment of the operations. Without meeting this standard, it is impossible for the Board or the public to provide their informed consent or for the outcome to represent a just resolution. The risks (environmental, economic, health, and social) and the ability of the mine operator and local governments to avoid or mitigate these risks should be weighed against the benefits that may be derived from such an operation when determining whether the mine is acceptable for the region.

Regulatory requirements

Powertech is required to acquire federal, state and county permits on the Centennial Project in order to commence uranium mining activities. The Colorado Department of Public Health and Environment (CDPHE) has identified the following State and Federal Permits, Authorizations and Requirements that may be required for an in-situ uranium mining and milling operation. The list may change depending on the specific proposal for operation.

Colorado Department of Public Health and Environment:
Radiation Control:

1) Radioactive materials/uranium mill license. C.R.S. §25-11-101 et seq., 6 CCR 1007-1, Parts 1, 3, 4, 10, 17, 18. *Colorado's radiation control regulations are authorized through agreement with the U.S. Nuclear Regulatory Commission. In-situ mining of uranium ore is subject to licensing requirements due to the byproduct materials produced. The requirements include provisions regarding environmental assessment, financial assurance, operations, residuals management, worker and public safety and decommissioning.*

Water Quality:

1) Surface water discharge permit (if there will be a discharge to surface water). C.R.S. §25-8-501; 5 CCR 1002-61.
2) Storm water permit. 5 CCR 1002-61.
3) Ground water discharge permit (if the Division of Reclamation and Mining Services {DRMS} fails to provide adequate ground water quality protection). C.R.S. § 25-8-202(7); 5 CCR 1002-61.14. *Any radioactive materials license issued by DRMS would require containment of contaminated solutions within a defined aquifer area. If releases occur, a license requires corrective actions to be evaluated and implemented. Decommissioning requirements include*

decontamination of the mined zone and return to conditions consistent with groundwater standards, or pre-mining conditions.

Air Quality:

1) Air quality permit if there will be air emissions. C.R.S. §25-7-101 et seq. *The requirements for air emissions permits are evaluated when an applicant submits an Air Pollution Emission Notice (APEN) the Air Quality Control Division for review.*

Hazardous Materials and Waste Management:

1) Hazardous waste permit, if applicable. C.R.S. §25-15-101 et seq. *Permits are required if specified amounts of hazardous waste are generated or stored on the property.*
2) Solid waste certificate of designation, if applicable. C.R.S. §25-15-101 et seq. *A certificate of designation is required for onsite solid waste disposal activities.*

Department of Natural Resources

Division of Reclamation and Mining Services:

1) Reclamation permit. C.R.S. § 34-32-109. *The Rules and Regulations adopted by the Mined Land Reclamation Board contain performance standards for groundwater quality, drainage, post-mining use, wildlife and materials handling during the reclamation phase.*
2) Notice of Intent to Prospect. C.R.S. § 34-32-113. *A notice is required for exploration to define ore bodies, characterize groundwater and determine possible mining and refining methods.*

State Engineer's Office

1) Ground water permit. C.R.S. Title 37, Article 90.

US Environmental Protection Agency

1) Class I or Class III Underground Injection Control Permit. 42 U.S.C. §300h; 40 CFR §144.6, 147.301. *This program regulates waste disposal and injection wells used for in-situ uranium mining. Standards for wells pertain to construction methods, operating parameters such as injection volume and pressure, monitoring and reporting, well closure and abandonment procedures, and financial responsibility. Before injection can occur, an applicant must obtain an "aquifer exemption" from the EPA. An exemption can be issued only if the aquifer under consideration does not serve as a source of drinking water and cannot become one in the future due to its mineral, hydrocarbon or geothermal energy content.*

Weld County

1) Use by Special Review. Weld County Code, Chapter 23 (Zoning), Article II, Division 4. *The standards for use by special review require County review and approval to address issues related to compatibility with existing and planned uses in the neighborhood. The standards for approval include a requirement that adequate provisions for the protection of the health, safety and welfare of the neighborhood and County be made. Public hearings before the Planning Commission and County Commissioners must be held in*

Future Statutory Requirements

1) Bills Submitted for Consideration. *In January of 2008, a group of Northern Colorado lawmakers introduced two bills designed to protect public health and property values from uranium and other mining activities. House Bill 1161 would require mining companies to show they will restore groundwater aquifers to their pre-mining levels. House Bill 1165 would require mining companies to inform residents of mining activity taking place near them, and require local governments to protect local water sources from mining activities.*

Glossary of Terms

Aquifer – An aquifer is a geologic formation or a group of formations that contain sufficient water to permit extraction by wells or release through springs. Aquifer hydrogeology characteristics greatly affect water contaminant levels.

Arsenic – Arsenic is a metalloid exhibiting properties of both metals and non-metals. It may be present in combination with other compounds. Arsenic is present in nature and varies in concentration within the geology of soils. It is a known carcinogen and toxic agent. The primary target organs with chronic exposure include the skin, nervous system, liver and vascular system. High level ingestion (70 – 180 milligrams can be fatal to humans. Arsenic is found in our drinking water and food. It is estimated that the average daily intake (ADI) from food is 0.04 milligrams. For those with high seafood diets, the ADI may be as high as 0.02 milligrams. Current drinking water standards limit concentrations to 10 micrograms (.01 milligrams) per liter while most water sources are less than 5 micrograms (0.005 milligrams per liter in the US.

Extraction Well – A bore hole or well in an in situ well field through which pregnant lixiviant and ground water are drawn to the surface. Also known as a production well. Typically, an extraction well is surrounded by a number of injection wells.

Fold – Bending of rock layers due to slow sustained forces.

Food web – An ecological concept that relates species by which species consume others. Plants, which make their own food do not consume other organisms. Often, food webs are represented as simple food chains with a hierarchy, plants consumed by herbivores, which are consumed by predators and so on. Actual food webs are highly reticulated with various loops. Food webs are important for understanding the movement of elements (nutrients or toxic substances) from one part of an ecosystem to another.

Hard rock mining – Technique in which tunnels are dug and the ore is extracted from veins found underground. This technique generates less waste material but exposes miners to much higher radiation from the associated radon gas. The waste rock carries with it the possibility of subsequent leaching of toxic elements such as uranium, radium, selenium, or molybdenum into the groundwater.

In situ mining leaching – Mining technique, also known as in situ recovery or solution mining, in which holes are bored into the rock containing the mineral. Treated water is forced into a set of holes in order to dissolve the mineral. The water is treated either with sulfuric acid or sodium bicarbonate (sodium bicarbonate is currently used in the United States). The solution containing the mineral is brought to the surface via pumping from another set of holes. The dissolved mineral is then recovered from solution. The mineral-depleted water is then re-injected into the boreholes. This technique generates the least amount of rock waste but raises issues of contamination of useful aquifers by migration of water between aquifers from older drill holes. The region in Weld County where current mining interests are involved was explored in the 1970s with thousands of drill holes bored. Currently in situ mining is the main method used in the United States to extract uranium.

Injection Well – A bore hold or well in an in situ well field through which lixiviant enters the aquifer containing the orebody.

Isotope – An element can occur as different isotopes. The nucleus of an atom of a particular element contains the same number of protons but can contain different numbers of neutrons. These variants based on the number of neutrons are the isotopes of the element. The fewer the number of neutrons means the isotope is subject to more radioactive decay.

Open pit mining – Technique involves the removal of the rock and soil overburden to allow for the extraction of the mineral ore. Generally, this process involves a large amount of dust and extensive use of water is used to mitigate the dust. After the mineral is extracted, generally the area undergoes reclamation. This method also carries with it the possibility of subsequent leaching of toxic elements such as uranium, radium, selenium, or molybdenum into the groundwater.

Pregnant Solution - A solution containing lixiviant and the mineral targeted for extraction. Other minerals are often found in the solution having been mobilized by the lixiviant as well.

Protore – A mineral deposit that could become economically viable if prices change or technology for extraction improves.

Radiation – Energy in the form of waves or particles. It can be either ionizing or non-ionizing (heat, light, microwaves, radio waves). Three forms of ionizing radiation are alpha, beta and gamma. Alpha radiation is easily blocked and only when the source is internal can cellular damage occur (such as when Radon is inhaled, or when ingested, such as Polonium-210 poisoning). Beta radiation can penetrate tissue farther and can cause skin lesions at high exposures, or increased risk of cancers at lower exposures. Gamma radiation has the highest energy and can penetrate tissue readily and can increase the risk of certain cancers. Gamma radiation can cause DNA damage resulting in hereditary changes (in mammals, but such changes have not been documented in humans). As a radioactive element decays it changes to isotopes of different elements each releasing radiation until a final resting state is achieved (non-radioactive isotope). This sequence is the decay chain and the uranium decay chain releases alpha, beta and gamma radiation at various steps. Uranium decay occurs regardless of its location or any physical properties. Radon is an important decay product in the uranium decay chain. Uranium is naturally present in soil and water.

Radium – Radium is a naturally occurring radioactive element that assumes 16 different isotopes. The most common isotopes are radium 226, 224 and 228 used widely in medicine and industry. Radium forms when isotopes of uranium or thorium decay in the environment. Most radium (226) originates from the decay of the plentiful uranium (238). Radium 224 and 228 form when Thorium decays. Radium like uranium are naturally occuring and in the soil. Radium is a toxic element that targets the skeletal system causing bone cancer (osteogenic sarcoma).

Radon – A radioactive noble gas. The EPA lists radon as the second leading cause of lung cancer. Radon is a daughter element of uranium, that is, when uranium decays one of the elements it becomes is radon. Radon occurs naturally as a gas and as such is generally quickly dispersed in open air. Radon poses a serious health risk when it is allowed to concentrate. Radon can collect in subterranean areas without proper ventilation (mine shafts, basements, etc).

Reclamation – Reclamation standards and practices address environmental protection and stability post-mining operations including topsoil salvage and storage, surface and groundwater protection, stability of acreage exposed to wind and water erosion. These standards are established by the permitting agency and are meant to ensure recovery of the site. Standards are focused at surface mining impacts such as in open pit coal mining. The Surface Mining Control and Reclamation Act of 1977 created the Office of Surface Mining Reclamation and Enforcement within the Department of the Interior administered by the State of Colorado.

Remediation – Remediation is the cleanup or other methods used to remove or contain a toxic spill or hazardous materials from a Superfund site, or uranium mine or extraction facility, including those included under the Uranium Mill Tailings Radiation Control Act (UMTRCA).

Selenium – Selenium is metal and an essential nutrient. It may be present in combination with other compounds. Selenium is present in nature and varies in concentration within the geology of soils. Deficiency causes cardiomyopathy (heart abnormality). The ADI is estimated at 0.02 milligram through food consumed. Selenium has low toxicity but may also be toxic at very high levels 100 – 100,000 times normal intake. Target organs include skin, hair, nails, and nervous system.

Tailings – Tailing are the solid material wastes (waste rock) from mining operations. Tailings are formed when the ore is extracted from the substrate. Uranium mining tailings, while generally low in radioactive elements can contain higher concentrations of contaminants including heavy metals. Open pit and tunnel mining produce large amount of tailings. Tailings reclamation are usually required by the permit process.

Uranium – Uranium is the heaviest naturally occurring element. It is found in low concentrations in water, rock and soil. Uranium is weakly radioactive, emitting alpha particles. Uranium occurs as several isotopes. The three most common are U-238 (99.28% of all naturally occurring Uranium), U-235 (0.71%) and U-234 (0.0054%).

Uranium is a heavy metal and as such is toxic to humans. The LD50 dosage for uranium is 29 grams in an average adult. Uranium, in large quantities, damages the kidneys. The CDC reports no radiological effects from naturally occurring uranium.

Yellowcake - a processed oxide of uranium, U_3O_8, extracted and concentrated from uranium ore: used as the raw material for commercial nuclear materials, esp. fuel elements in nuclear reactors.

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From: "Edquist, Jeff" <JEFF.EDQUIST@aei.com>
To: <sullivcj@co.larimer.co.us>, <jbrinkhoff@msps.com>
Date: 3/25/2008 11:28 PM
Subject: FW: Request for Information

Hello,

As discussed at tonight's Wellington Town council meeting, here is information regarding the clean up costs for the Atlas uranium mine site. This was a traditional mine, tunneled with a typical tailings pile. I learned of this site while researching Richard Blubaugh (senior managment at Powertech).
reference: http://www.secinfo.com/dS9Jj.934.htm

NAME AND BUSINESS ADDRESS POSITION WITH ATLAS PRINCIPAL OCCUPATION CITIZENSHIP

Philip R. Mengel Director Chief Executive Officer U.S.
Corporate Office and member of the Board,
1166 Spring Street Glen-Gery Corporation
P.O. Box 7001 (building materials
Wyomissing <https://webmail.aei.com/$/SEC/Registrants.asp?City=19610/Wyomissing> , PA
<https://webmail.aei.com/$/SEC/Registrants.asp?State=PA> 19610-6001
<https://webmail.aei.com/$/SEC/Registrants.asp?ZIP=19610> manufacturer)

Gary E. Davis President Same U.S.

Richard E. Blubaugh Vice-President, Same U.S.
Environmental and
Governmental Affairs

Gregg B. Shafter Vice-President, Same U.S.
Project Development

James R. Jensen Controller and Principal Same U.S.
Accounting Officer

Jerome C. Cain <https://webmail.aei.com/$/SEC/Name.asp?S=jerome+c.+cain> Secretary, Vice President Same U.S.
of Finance, and Treasurer

Atlas Mine site - Moab UT
Northern Arizona University
http://www.cpluhna.nau.edu/Change/uranium.htm

Please see the 4th paragraph below the heading - The first ghosts

Mr. Blubaugh held a senior management position with Atlas corporation during it's years of operation. When the EPA stepped in to require a cleanup of the site, Atlas declared bankruptcy. This left the site cleaning to the Department of Energy.

My inquiries to Utah State lead to the below email from the DOE contractor.
My personal feeling is that this cleanup will continue to use taxpayer funds for many years before the site will be
safe again. My concern regarding Powertech is that their senior management carries this legacy.

Sincerely,

Jeff Edquist

_____

From: Wendee Ryan [mailto:Wendee.Ryan@gjemtac.doe.gov]
Sent: Fri 12/21/2007 10:10 AM
To: Edquist, Jeff
Cc: Don Metzler; Gail Majors; Joel Berwick; Joe Ritchey; Kym Bevan; Cindy Smith; 'bobrien@utah.gov'; 'Connie Nakahara (cnakahara@utah.gov)'; 'Loren Morton (lmorton@utah.gov)'; Taylor, William; 'beverett@utah.gov'; 'jswanson@utah.gov'
Subject: Request for Information

Mr. Edquist,

The Utah Department of Environmental Quality referred your request for information about the former Atlas millsite to the U.S. Department of Energy (DOE). Thank you for your interest in the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project. DOE assumed ownership of the former Atlas millsite in October 2001. Since then, DOE has spent approximately 60 million dollars through fiscal year (FY) 2007. These costs have been paid for by the federal government; the State of Utah does not participate in cleanup costs associated with the Moab UMTRA Project. Anticipated FY 2008 funding is approximately $23 million.

Additional information about the Moab UMTRA Project can be found on our website at www.gjem.energy.gov/moab. The U.S. Nuclear Regulatory Commission may have additional information about the site when it was owned by Atlas Minerals Corporation.

Wendee Ryan

Public Affairs Manager

S&K Aerospace, Inc.

contractor to DOE

wryan@gjemtac.doe.gov

THE STATE OF TEXAS	**§**	**IN THE COMMISSIONER'S COURT**
COUNTY OF GOLIAD	**§**	**OF GOLIAD COUNTY, TEXAS**

RESOLUTION OPPOSING
URANIUM MINING IN GOLIAD COUNTY

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS Goliad County, Texas ("Goliad County") has a land area of approximately 859 square miles surrounded by Victoria County in the east, Refugio County in the south, Bee County in the west, and Dewitt County in the north; and

WHEREAS groundwater is a precious commodity in Goliad County; and

WHEREAS the primary source of drinking water in Goliad County is the Gulf Coast Aquifer; and

WHEREAS the role of groundwater and surface water interaction in sustaining the fragile ecosystem within Goliad County is important; and

WHEREAS it is generally recognized that eco-tourism, development of the airpark, spring water for ranching and hunting are seen as major drivers of the economy; and

WHEREAS the future economic health of Goliad County is highly dependant upon a reliable source of groundwater; and

WHEREAS groundwater must be managed on a "sustainable" basis; and

WHEREAS uranium intrusion, uranium contamination and lowered water quality are a risk from in-situ uranium mining; and

WHEREAS the residents and property owners of Goliad County have expressed valid concerns regarding in-situ uranium mining in Goliad County..

THEREFORE, BE IT RESOLVED that Goliad County Commissioners Court hereby resolve and express its firm and absolute opposition to in-situ uranium mining in Goliad County. Goliad County Commissioners Court supports the Goliad County Groundwater Conservation District's mission and goal in protecting the groundwater resource in Goliad County, Texas.

Approved this _____ day of October, 2006.

_____
Harold Gleinser
County Judge

_____
Julian Flores, Precinct 1

_____
Jerry Rodriguez, Precinct 2

_____
Jim Kreneck, Precinct 3

_____
Ted Long, Precinct 4

ATTEST:

_____
Gail Turley, County Clerk

Please see the attached file as was presented to the State of Virginia legislature.
Author Elizabeth H. Haskell - reference: http://www.centerforpolitics.org/programs/govcon/wilder_bio-ehaskell.htm

This link will take you to the Viginia state law banning uranium mining:
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+45.1-283

This final letter delivers as promised the documents I spoke of this evening. I appreciate the council's time
and thought on this matter.

With regard to the lady who felt this was a waste of your time, I can only say this. I am a patriot and a citizen.
I fought for my country as an Army National Guardsmen and then again as a Marine. I did this for my family and for people I do not know, to include the lady protesting our request for help. Please, Please consider our plight and take a stand for us. I trust your opinion counts highly with the Weld County Council as they will address the issue forthcoming.

Sincerely,

Jeff Edquist
630 West 5th St Loveland CO
11350 WCR 96 Nunn, CO

Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

March 10, 2008

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7005 1820 0005 1478 8828

Mr. John McCarthy
Power Resources, Inc.
P.O. Box 1210
Glenrock WY 82637

RE: Insitu Uranium Permits 603 and 633, Notice of Violation, Docket No. 4231-08

Dear Mr. McCarthy:

Enclosed you will find a Notice of Violation issued under the provisions of W.S.§ 35-11-415(a) and (b)(ii). The Notice of Violation is based on the investigation conducted Mr. Mark Moxley during the fall of 2007. The investigation found that PRI failed to conduct concurrent reclamation which is a violation of Chapter 3, Section 2(k)(i)(D), and that PRI failed to follow the approved permits.

The Wyoming Department of Environmental Quality/Land Quality Division (LQD) is attempting to resolve this issue without further enforcement action, and requires that you contact Mr. Donald R. McKenzie, LQD Administrator at 307-777-7046 **within fifteen (15) days of receipt of this letter** to schedule a meeting to resolve this enforcement action. Should resolution of this enforcement action be reached as a result of this meeting, a Settlement Agreement including a penalty assessment will be signed by both parties.

Respectfully,

John V. Corra
Director
Department of Environmental Quality

Donald R. McKenzie
Administrator
Land Quality Division

Enclosures: Notice of Violation
Investigation Report

cc: Lowell Spackman, District I w/attachments
Mark Moxley, District II w/attachments
Docket # 4231-08 w/attachments
Doug Mandeville, NRC w/attachments

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO POWER RESOURCES, INC. **DOCKET NO. 4231-08**
P.O. BOX 1219
GLENROCK, WY 82637
Re: Insitu Uranium Operation, Permit #603
Re: Insitu Uranium Operation, Permit #633

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to W.S. §35-11-701(c) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation specifying the provision of the act, rule, regulation, standard, permit, license, or variance alleged to be violated.

2. As a result of Land Quality Division (LQD) concerns over the slow pace of groundwater restoration of wellfields at Power Resources, Inc. Permits 603 and 633 Insitu Uranium Mine, an investigation was conducted of the mine and reclamation plans in the approved permits, plus information provided in annual reports. This investigation was conducted by LQD staff during October and November of 2007. In addition to the violations cited below, LQD identified serious deficiencies with both permits. The plans contained in the permit documents are dated and incomplete in numerous ways: spill detection, reporting, and follow-up protocols are not defined in the permit; groundwater restoration procedures, necessary facilities, and time schedules for restoration must be thoroughly described; waste disposal facilities and processes must be described for all waste streams; all critical process installations need thorough construction details and specifications; and topsoil protection procedures are not adequately defined. As a consequence of the inadequacies of the permits, both operations are seriously under-bonded.

3. The investigation found that PRI failed to conduct concurrent reclamation which is a violation of Chapter 3, Section 2(k)(i)(D) requiring concurrent reclamation; and that PRI failed to follow the approved permits, which is a violation of W.S. §35-11-415(a). The following lists the specific violations:

Permit 603

a. Wellfield C was in production for approximately ten years. The approved Mine Plan states, *"Once a wellfield is installed it takes approximately one to three years to recover the leachable uranium from a production area."* Extending the production time period has become a routine practice and is not in compliance with the approved permit or the requirement for concurrent reclamation.

b. In addition to the production phase, Wellfield C has now been in restoration for ten years. The 2007 Annual Report states that the ground water quality is similar to *"end of mining"* wellfield conditions. The permit states that restoration and stability are estimated to take approximately five years. This restoration delay is not in compliance with the approved permit or the requirement for concurrent reclamation.

c. Wellfield E has removed 100% of the leachable reserves, and in recent years wellfield production has slowed to maintenance levels. This rate of production delays completion of mining and restoration of this wellfield

unit. This is not in compliance with the approved permit, and is a violation of Chapter 2, Section 2(b)(ii) which requires coordination of the Mine and Reclamation Plans to facilitate orderly development and reclamation.

d. The timetable listing the schedule of mining-related activities in the permit (Figure A, page OP-3A) and the timetable provided in the 2007 annual report both indicate that PRI is not in compliance with their restoration schedules for Wellfields C, D, and E. The schedule shows that Wellfield C should be decommissioning instead of in restoration, and that Wellfields D and E should be in restoration instead of production.

Permit 633

a. The permit indicates that "An updated schedule will be supplied with the annual report if the mining or restoration schedule varies from Table 3-1." The timetable commitments in the permit are not consistent with wellfield status. Therefore, the table in the annual report is the schedule that PRI is committed to for wellfield status. Based on this table, PRI is not in compliance with their restoration schedules for Wellfields 2, 3, and 4/4A. The annual report text indicates that Wellfield 2 will continue to be in production, while the annual report schedule referred to in the permit shows that it will be in restoration in 2008. Wellfields 3 and 4/4a should be in restoration instead of production.

b. The permit states that it generally takes "three years for uranium production, and three years for aquifer restoration." Actual times for wellfield production and restoration are, thus far, 2-3 times longer than permit commitments.

4. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars ($10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THIS NOTICE shall be interpreted to in any way, limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 7th day of March, 2008

John V. Corra
Director
Department of Environmental Quality

Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Donald R. McKenzie, Administrator, Land Quality Division, Wyoming Department of Environmental Quality, 122 West 25th Street, Cheyenne, WY 82002. Telephone No. (307) 777-7046.

ec: Lowell Spackman, District I
Mark Moxley, District II
Docket # 4231-08
Doug Mandeville, NRC

Report of Investigation

Operator : **Power Resources, Inc.**

Facility : **Smith Ranch - Highland Uranium Project**
Mine Permit #603 (Highland) and #633 (Smith Ranch)

Prepared By : **Mark Moxley, LQD District 2 Supervisor**

Date : **November 21, 2007**

Background:

This investigation was conducted at the request of Rick Chancellor, LQD Administrator, in response to concerns over recent spills and the slow pace of groundwater restoration at the Smith Ranch-Highland ISL operation. PRI's operation is located in Converse county in LQD District 1. An investigator was brought in from LQD District 2 with the intention of having a fresh pair of eyes look at the operation. The investigation was intended to identify and focus on "big picture" issues, not specific details. The investigation proceeded as follows:

- Review of permit documents and annual reports
- Interviews with LQD District 1 staff
- Site tour and interviews with PRI staff
- Interviews with LQD District 3 staff
- Follow-up reviews and discussions

PRI began producing in 1988 and is currently the only significant producer of uranium in Wyoming. They are currently producing at capacity levels (2 million pounds of yellow-cake in 2006 and they are expecting similar production in 2007). PRI has applied for a mine permit amendment to add the Reynolds Ranch property and they are also planning to consolidate the Smith Ranch and Highland permits. This will result in a combined mine permit area some 41,000 acres in size. PRI is planning to increase their throughput capacity next year and add approximately 30 people to their current staff of 100. They are also considering adding facilities to provide toll milling services to process feedstock from other operators.

Given that PRI's operation has for many years been the major uranium producer in Wyoming, there is an expectation that the operation might serve as a model for excellence in ISL mining. Unfortunately, this is not the case. There are a number of major long-standing environmental concerns at this operation that demand immediate attention. Recommendations are made as to how to address these concerns.

Currently the uranium industry is experiencing a major boom. Drilling and pre-permitting investigations are proceeding on many different properties around the state, including several owned by PRI. The LQD is expecting numerous new ISL mine permit applications within the coming 12-18 months. This increase in workload will be a major challenge for the LQD staff. Achieving regulatory effectiveness and efficiency will be a high priority for LQD and it will require the cooperation of the industry.

Major Regulatory Issues and Concerns with Permits 603 & 633:

1. Mine Permit:

The mine permit document is the primary regulatory mechanism governing the operation. The mine and reclamation plan should describe in detail how the operation will be conducted so as to comply with all of the major regulatory requirements. The mine and reclamation plans should be updated and maintained so as to be a definitive reference for the operator, the regulatory agencies, and also the public. Having a definitive mine and reclamation plan is particularly important for new staff. In the case of the Smith Ranch - Highlands operation (mine permits #603 and #633), the plans contained in the permit document are out of date and incomplete in several important areas. The following major deficiencies were noted:

A. The approved mining and reclamation schedules are not being followed and are not current. PRI is not conducting contemporaneous restoration as required by their permit and WDEQ-LQD regulations. See discussion under item 2, below.

B. Spill detection, reporting, delineation, remediation, follow-up and tracking protocols are not defined in the permit and should be. PRI experiences spills on a routine basis. See discussion under item 3 below.

C. Groundwater restoration processes, facilities and procedures (incorporating and defining BPT), flow rates and time schedules should be thoroughly described in the permit so that expectations are clear. This has implications for bonding also.

D. Waste disposal facilities and processes should be clearly defined for all waste streams. One example of inaccurate information in permit #603 (on pages OP-15 and 19) states that byproduct solid waste materials will be disposed at the ANC Gas Hills facility (which closed in 1994). This waste actually goes to the Pathfinder Shirley Basin facility.

E. Construction details and specifications should be thoroughly described for critical process installations, including wells, pipelines, header houses, ponds, etc. One example of inaccurate information in permit #603(on page OP-24)states that well casing joints are fastened with screws. This practice is not consistent with the regulations and was discontinued years ago.

F. Topsoil protection procedures are not adequately defined to assure that disturbance is minimized and that the soil resource is protected. PRI's typical wellfield installation procedures result in the near total disturbance of the native vegetation and soils. This is not consistent with the regulation that allows for "minor disturbance" without topsoil stripping. More definitive procedures should be implemented to restrict and consolidate disturbance from roadways and pipelines and to insure careful topsoil salvage from well sites, mud pits, pipelines, roadways, etc.

With the permit updates required by Chapter 11 and the proposed consolidation of the Highland and Smith Ranch permits, now is an opportune time to correct permit deficiencies and construct a permit that is informative and useful to all parties.

2. Contemporaneous Reclamation:

One of the fundamental requirements for any mining operation is that reclamation be conducted concurrently with mining. Not only is this the most efficient operational strategy but it also insures that the reclamation liability is kept at a reasonable and manageable level. This approach ensures that the public is protected in the event of a forfeiture.

The schedule in permit #603, Highland, dates from 2005. An identical schedule was provided in the July, 2007 annual report. That schedule shows that restoration of the C wellfield should have been completed in 2006 and decommissioning should now be in progress. In actuality the restoration of the C wellfield has been on-going for ten years and the RO treatment phase has only just recently begun. According to the schedule, restoration of the D wellfield should have commenced in 2006 and restoration of the E wellfield should have commenced in early 2007. The annual report states that both the D and E wellfields are still in production. According to the schedule there should now be five wellfields in production (D-ext, F, H, I & J), two in restoration (D & E) and three restored (A, B & C). In fact there are currently 7 wellfields in production, one in restoration (C), and only 2 restored (A & B) at Highland.

The schedule contained in permit #633, Smith Ranch, dates from 1998. A more current schedule was provided in the July, 2007 annual report, yet even this recent schedule is not being followed. According to that schedule, wellfields 1, 3 and 4/4A should now be in restoration. Production from these wellfields was started in 1997, 1998 and 1999 respectively. Restoration of wellfield 1 is to be complete by mid 2008 and restoration in wellfield 2 is to commence in early 2008. However, as reported in the annual report only wellfield 1 is in restoration (no completion date stated) and no mention is made of any other planned restoration. In addition, a new wellfield (K) went into production this year and it does not even appear on the schedule. According to the schedule there should now be three wellfields in production (2, 15 & 15A)and three in restoration (1,3 & 4/4A). In fact there are currently five wellfields in production and only one in restoration. No wellfields have been restored at Smith Ranch.

It is readily apparent that groundwater restoration is not a high priority for PRI. Reclamation is not contemporaneous with mining. A total of 12 wellfields are now in production and restoration is proceeding (slowly) in only 2 wellfields. Only 2 wellfields (A and B) have been restored in 20 years of operation. The permits project that production will typically last for 3-5 years per wellfield and restoration will take 3-5 years per wellfield. It appears in reality that both production and restoration timeframes have doubled or tripled and yet additional wellfields are being brought into production.

It is recommended that a notice of violation be issued to PRI for failure to conduct concurrent reclamation and failure to follow the approved schedules. A rigorous compliance schedule should be implemented to accelerate restoration. A thorough re-evaluation of the operation schedules is warranted. As pointed out below, new deep disposal wells (DDW's) and RO units will be required to support restoration operations. LQD approval of the Reynolds Ranch amendment as well as any new wellfields should be contingent on installation of appropriate DDW's and RO units and completion of restoration in existing wellfields.

3. Spills, Leaks and Excursions:

Over the years there have been an inordinate number of spills, leaks and other releases at this operation. Some 80 spills have been reported, in addition to numerous pond leaks, well casing failures and excursions. Unfortunately, it appears that such occurrences have become routine. The LQD currently has two large three- ring binders full of spill reports from the Smith Ranch - Highland operations.

Protocols for spill detection, reporting, control, delineation, remediation and tracking should be defined in the mine plan to cover all potential fluid types (injection fluids, production fluids, waste fluids, chemicals and petroleum products) and all potential sources (buried pipelines, surface pipelines, wellhead fittings, headerhouses, ponds, well casing failures, etc.). Protocols should include mapping and delineation of the extent of soil and/or groundwater contamination associated with each occurrence. A GIS system should be developed to facilitate long term tracking of all spills and releases. An updated cumulative spill map showing all historic spills and releases should be presented in each annual report along with documentation of follow-up actions. Excursion protocols are addressed in some detail in the permit, but excursions should be tracked on a cumulative basis in the annual report.

Cumulative tracking of spills and releases is important to insure appropriate follow-up on every incident. Some of the spills may have little impact individually, but cumulatively they might have a significant effect on soils and/or groundwater. A cumulative record will also assist in pinpointing potential problem areas and developing appropriate preventative measures. PRI should develop and implement an inspection and maintenance program designed to prevent future spills. Spills should not and need not be an accepted consequence of ISL mining.

4. Reclamation Cost/Bonding:

The reclamation cost estimates contained in PRI's annual reports assume completion of all groundwater and surface reclamation in 4 years with a staff of 26 people (1/4 of current staff), using the existing facilities with the addition of only 2 new 400gpm RO units. This scenario is totally infeasible and unsupported by any critical path timeline or water balance. Rough calculations based primarily on PRI's figures reveal an alarming scenario.

- Adding the pore volumes for all of the existing wellfields gives a total pore volume (PV) for the project (excluding restored wellfields A&B) of 5,133 Ac.Ft.

- PRI's bond calculation includes only one PV of groundwater sweep, vs three PV's specified in the permit. [Removal of this volume of water from the aquifer would be problematic and warrants further evaluation.] PRI's four existing deep disposal wells (DDW's) have a combined capacity of approximately 600gpm (@100% availability). Disposal of one PV would take more than 5 years! This is not an acceptable schedule. A more reasonable scenario would require at least doubling the disposal capacity (1,200gpm), which would require 4 or 5 new DDW's. These would also be needed for disposal of RO brine and should be included in the bond.

- PRI's bond calculation includes only 3 pore volumes of RO treatment. The approved reclamation plan specifies circulation of a total of 6 PV's (3 groundwater sweep and 3 RO). It is likely that at least 5 PV's of RO treatment would be required if only one PV of groundwater sweep was completed. Using the five existing RO units on the site, plus two new 400 gpm units included in the bond calculation, producing a combined total of 1,360gpm of permeate (@80/20 permeate to brine ratio @100% availability), it would take 854 days (2.3 years) to treat one PV! It would take at least 11.5 years to treat 5 pore volumes. This is a not an acceptable schedule. A more realistic reclamation scenario would require increasing the RO capacity by 2-3 times (3,000 - 4,000 gpm permeate production). The additional RO units, as well as the additional building space, ancillary treatment facilities and piping, should be included in the bond.

- Using the existing RO units (plus the two bonded RO units) and existing DDW's, reclamation would take 20+ years, assuming groundwater restoration was achieved without any problems. (5 years for one PV of GW sweep + 11.5 years for 5 PV's of RO treatment + 1 year stability monitoring + 1 year decommissioning + 1 year of surface reclamation). Clearly this is not an acceptable schedule, but it does point out the need for reevaluation of the reclamation plan, restoration schedule and the bond calculation.

- PRI's bond calculation includes minimal funds for new infrastructure, maintenance, replacement and repair. Only two new 400 gpm RO units are included in the bond estimate. The need for new wells, including DDW's, water storage and treatment ponds, additional RO units, membranes, pumps, piping and general wellfield renovation should be anticipated and included in the bond calculation.

- PRI's bond calculation assumes a staff of only 26 people, with 22 of them on a salary of only $34,000 per year! If their current operations require a staff of 100 people then it will take at least 1/2 to 2/3 of that staff to conduct restoration. The restoration operations will look very similar to production operations. Operation of RO units, in particular, is very high maintenance and labor intensive. Retaining competent staff will require that wages and benefits be at least $50,000 per year.

- Considering that reclamation will take several times longer, require at least twice the staff with higher wages and require much greater investments in infrastructure than PRI has estimated, a realistic reclamation cost estimate for this site would likely be on the order of $150 million, as compared to PRI's current calculation of $38,772,800. PRI is presently bonded for a total of only $38,416,500. No bond adjustments have been made since 2002. Clearly the public is not protected. It is recommended that PRI's bond be immediately raised to a level of $80 million until a thorough evaluation, including critical path analysis, can be completed and an appropriate bonding level established. No permit amendments should be approved or new wellfields authorized until the bonding situation is corrected.

5. Regulatory compliance:

Achieving environmental compliance at an operation of the size and complexity of PRI's Smith Ranch - Highland Mine requires a high level of commitment from both the company and the regulatory agency. PRI's environmental efforts have suffered from inadequate staffing, high turnover, lack of institutional memory and a low level of corporate commitment. There has been a lack of continuity and follow-through on many issues. At this point in time, overall environmental compliance at this operation is poor. PRI should retain a full-time environmental staff of 4-5 qualified people, including a groundwater hydrologist to manage the groundwater restoration. It is recommended that LQD immediately assign a staff person full-time to manage this project as their #1 priority, and that monthly inspections be conducted to get a handle on the issues identified in this investigation.

End of Report

AGENDA ITEM SUMMARY SHEET
Town Board Meeting - April 8, 2008

ITEM#: 6

SUBJECT: Planning Commission Membership Vacancy

After the resignation of Jim Flowers from the Planning Commission in January, staff advertised and posted the vacancy of a citizen Planning Commission member, asking for interested individuals to apply. No applications were received. In the past after an election, the Board has asked unsuccessful candidates if they would be willing to serve on any of the Advisory Boards which have vacancies.

Section 1.13.105 (a) of the Wellington Land Use Code on membership states:

> "The Planning Commission shall consist of seven members, three ex-officio members consisting of the Mayor, a Trustee selected by the Mayor a Trustee selected by the Board of Trustees and four citizens appointed by the Board of Trustees. The terms of appointment shall be in accordance with Section 31-23-203(3), C.R.S." (6 years)

The only requirement for the eligibility is the citizen must be a Town Resident, but the Board has typically asked for a residency of at least one year.

AGENDA ITEM SUMMARY SHEET
Town Board Meeting - April 8, 2008

ITEM#: 7

SUBJECT: Contract for Fun Fest Inflatables

Linda Kinzli for the CAC had requested the contract with the company supplying the inflatables for the Fourth of July be on the agenda. The company was supposed to be faxing me the contract, but at packet time I had not received it and Linda was not able to contact the individual at the company . If the contract shows up prior to the meeting I will send it along.

TOWN OF WELLINGTON

BILLS FOR APPROVAL

APRIL 7, 2008

1	CITY OF FORT COLLINS	$1,000.00
2	JAX	$1,134.90
3	SPRINT	$1,263.10
4	HALL-IRWIN CORPORATION	$1,310.80
5	TEAM PETROLEUM	$1,356.01
6	COMPLETE MAILING SOLUTIONS	$1,560.00
7	DENVER INDUSTRIAL SALES & SERVICE	$2,094.75
8	MARCH, OLIVE & PHARRIS, LLC	$5,113.00
9	WELLS FARGO, N.A. (COLO. WATER RESOURCES)	$36,747.29
10	HOFF CONSTRUCTION	$51,863.40
	TOTAL	**$103,443.25**

City of Fort Collins

Transportation Services

Streets Department

INVOICE ST- 082207

INVOICE DATE: 01-APR-2008
DUE DATE: 01-MAY-2008

TOWN OF WELLINGTON
3735 CLEVELAND
WELLINGTON CO 80549

ATTN: DON DEGROOT

REMIT TO:
CITY OF FORT COLLINS
FINANCE DEPARTMENT
PO BOX 580/330 S COLLEGE
FORT COLLINS CO 80522-0580

Please detach and return upper portion with your remittance - cancelled check is your receipt

DESCRIPTION: VIN#1D9PM246-6-K1004190-TACK WAGON

Date	Description	Quantity	Price	Total
01-APR-2008	EQUIPMENT	1.00	$1,000.00	$1,000.00

410-350100-366901-Charge: $1,000.00
410-231714-Sales Tax: $ .00
Total Amount Due: $1,000.00

410-350100-366901
Vendor # 103941

Document# Batch#

Date Paid

Jax Outdoor Gear, 1200 N. College Ave.
Ft Collins CO 80524 • 970-221-0544
• Www.Jaxoutdoor.Com •

STATEMENT

Date 4/1/08

A136383

Tom Klahr
Town Of Wellington
P.O. BOX 127
Wellington C0 80549

Acct #: A136383
(970) 568-3381

Amount Due **1,134.90**

Amount Enclosed: _____

Charges

Charge Date	Invoice No:	PO/Ref #	Charge Amount	Paid Amount	Discount	Unpaid Amount
12/5/07	AW871117	jko	119.95	119.95	0.00	0.00
12/12/07	AX884111	mdh	170.84	170.84	0.00	0.00
12/13/07	CS886853	bls	99.95	99.95	0.00	0.00
12/18/07	AX899634	mdh	111.00	111.00	0.00	0.00
3/17/08	AX1027220	def	97.75	0.00	0.00	97.75
3/17/08	AW1027215	Langholf- LAK	37.77	0.00	0.00	37.77
3/20/08	HB1029280	8826	359.38	0.00	0.00	359.38
3/20/08	HB1029523	0	495.00	0.00	0.00	495.00
3/21/08	EI1031583	doug corman	145.00	0.00	0.00	145.00

Amount Due 1,134.90

Payments

Pay Date	Pay Ref No	Pay Type	Total Paid:
1/14/08	20663	CHEK	501.74

0-30 Days	31-60 Days	61-90 Days	Over 90 Days
1,134.90	0.00	0.00	0.00

YOUR SPRINT INVOICE

NEXTEL

> ACCOUNT INFORMATION

Account Name
TOWN OF WELLINGTON

Account Number
211623635

Invoice Number
211623635-026

Current P.O.
013006

TIN Number
84-1116272

ABA Number
111-000-012

Current P.O. Date
January 30, 2006

Invoice Date
March 29, 2008

Total Amount Due
$1,263.10

> MONTHLY INVOICE SUMMARY

February 26 - March 25, 2008

Previous Balance	780.07
Adjustments to previous balance	-49.99
Payments as of 03/26/08 - Thank you	-780.06
Outstanding Balance	**-$49.98**
0001-Access and Related Items	818.42
0002-Cellular Services	3.78
0004-Messaging Services	2.55
0006-Equipment and Retail Purchases	471.92
0007-Sprint Surcharges	16.41
***Total Current Charges for 211623635-026 Due 04/18/08**	**$1,313.08**
Total Amount Due	**$1,263.10**

> CUSTOMER CARE

Register and Logon
www.sprint.com

Call Sprint
1-877-639-8351

> SPRINT NEWS AND NOTICES

This section contains important updates about your Sprint Services, including Service or Rate Changes, Promotions and Offers.

Correspondence

Please send all correspondence including billing inquiries to:
Sprint Customer Service
PO Box 8077
London, KY 40742
Do not enclose your payment with the correspondence.
You may also contact Sprint Customer Care at the number listed on your invoice or by going to sprint.com.

> PAYMENT OPTIONS

To Pay Your Bill Online Go To
www.sprint.com/mysprint
Sign up for Recurring Direct Debit!

To Pay Your Bill By Phone Call
1-800-639-6111 or
611 from your Sprint phone

To Pay Your Bill By Mail
See reverse side for details. >

8000027Z0E

NEXTEL

PO Box 541023
Los Angeles,CA 90054-1023

#BWNKCTX ***AUTO**ALL FOR ADC 800
#0000 0211623635 B 3#
0000001964 06 AB 1.417
TOWN OF WELLINGTON
PO BOX 127
WELLINGTON, CO 80549-0127

HALL-IRWIN CORPORATION
301 CENTENNIAL DRIVE
P.O. BOX 309
MILLIKEN, CO 80543
970 352-6057

Invoice

Bill To:
WELLINGTON, TOWN OF
3735 CLEVELAND AVE
PO BOX 127
WELLINGTON , CO 80549

Location #:	200
Customer #:	WELTOW
Invoice:	4581
Address:	3800 WILSON AVE WELLINGTON
Customer Job:	FIELDS
PO Number:	
Date:	3/27/2008
Page:	1

Ticket	Product	Qty	-----Material------ Rate	Amount	-----Freight----- Rate	Amount	Total
379831	FIRESTONE INFIELD WITH MVP	12.15	36.20	439.83	0.00	0.00	439.83
379849	FIRESTONE INFIELD WITH MVP	12.29	36.20	444.90	0.00	0.00	444.90
379860	FIRESTONE INFIELD WITH MVP	11.77	36.20	426.07	0.00	0.00	426.07
		36.21 Ton		$1,310.80		$0.00	$1,310.80

Invoice Total	36.21 Ton	$1,310.80		$0.00	$1,310.80

PLEASE PAY FROM THIS INVOICE. A finance charge is computed on a periodic rate of 2% per month, which is an annual rate of 24%, on any previous balance not paid within 30 days.

Subtotal:	$1,310.80
STATE (0.00%):	$0.00
Total:	$1,310.80

statement

TEAM PETROLEUM
A LTD. LIABILITY COMPANY

105 E. LINCOLN
FORT COLLINS, CO 80524
PH. 970-482-2533

REMITT TO
P.O. BOX 1831
FORT COLLINS, CO 80522
800-540-3915

DATE 03/31/08
ACCOUNT NUMBER 27T
Due: Net 10th Following Month

DATE 03/31/08
ACCOUNT NUMBER 27T
Due: Net 10th Following Month

To insure proper credit please check those items being paid in the " ✓ " column and return this portion of the statement with your payment.

CITY OF WELLINGTON
P O BOX 127
WELLINGTON, CO 80549-0127

REFERENCE	DATE	CODE	DESCRIPTION	AMOUNT	BALANCE	REFERENCE	CODE	AMOUNT
33079	03/18/08		OIL SALES	39.90	39.90	33079		39.90
11759	03/28/08		FUEL SALES	1316.11	1356.01	11759		1316.11

A finance charge of 2% will be charged on all past due accounts. Customer agrees to pay all reasonable collection and/or attorney fees.

PLEASE PAY 1356.01

TOTAL 1356.01

TEAM PETROLEUM

HAPPY SPRING!

COMPLETE MAILING SOLUTIONS

3001 S Tejon Street
Englewood, CO 80110-1316
ph (888)843-9937 - (303)761-0681
fax(303)761-7837

Invoice

Date	Invoice #
3/28/2008	20247

Bill To	Ship To
Town of Wellington 3735 Cleveland Avenue Wellington, CO 80549	Town of Wellington 3735 Cleveland Avenue Wellington, CO 80549

P.O. Number	Terms	Due Date	Ship	Via
	Net 30	4/27/2008	3/28/2008	Ground

Quantity	Item Code	Description	Price Each	Amount
	SC-DS-70	Annual maintenance on a Folder/Inserter #N/A Effective 5/8/08 - 5/7/09.	1,560.00	1,560.00

Subtotal	$1,560.00
Sales Tax (0.0%)	$0.00
Total	**$1,560.00**

WE ACCEPT VISA & MASTERCARD
Federal ID # 84-1589593 DUNS# 03-443-7876
Equipment Maintenance contracts not paid by the due date could result in loss of coverage and hourly parts and labor charges will be assessed on equipment serviced after these dates.

DENVER INDUSTRIAL SALES & SERVICE CO.
850 SO LIPAN ST
DENVER, CO 80223
PHONE (303)935-2485
FAX (303)935-6787

Invoice

DATE	INVOICE #
3/10/2008	130145

BILL TO	Shipped To
City of Wellington PO Box 127 Wellington CO 80459	

P. O. No.	TERMS	DUE DATE	REP	SHIP DATE
306392	Net 30	4/9/2008	MPS	3/10/2008

QUANTITY	DESCRIPTION	RATE	AMOUNT
1	per week Rental Crafco Super Shot 125D 1C9EY1075T141831 March 10th - March 17th, 2008	700.00	700.00

Thank you for your business.

Total $700.00

1 1/2% Per Month Compounded 18% Annual Interest Is Charged On All Invoices 30 Days Past Invoice Date.

DENVER INDUSTRIAL SALES & SERVICE CO.
850 SO LIPAN ST
DENVER, CO 80223
PHONE (303)935-2485
FAX (303)935-6787

Invoice

DATE	INVOICE #
3/10/2008	130146

BILL TO	Shipped To
City of Wellington PO Box 127 Wellington CO 80459	

P. O. No.	TERMS	DUE DATE	REP	SHIP DATE
306386	Net 30	4/9/2008	MPS	3/10/2008

QUANTITY	DESCRIPTION	RATE	AMOUNT
3	ea 1/4" x2" x 12" 60D Silicone Squeegee Replacements	10.30	30.90
3	ea BTT-VSR Reversible Silicone Crack Filling Squeegees (Red)	44.35	133.05
2	ea Crafco 50270 Duck Bill Tip	14.00	28.00
2,480	lb Crafco 34515 Roadsaver 515 Crack Sealant	0.485	1,202.80

Thank you for your business.

Total $1,394.75

1 1/2% Per Month Compounded 18% Annual Interest Is Charged On All Invoices 30 Days Past Invoice Date.

MARCH, OLIVE & PHARRIS, LLC
Attorneys And Counselors At Law
110 East Oak Street, Ste. 200
Fort Collins, Colorado 80524
(970) 482-4322

March 21, 2008

Wellington, Town of
3735 Cleveland Avenue
P.O. Box 127
Wellington, CO 80549

Our File Number 97010003 Town of Wellington/General Business

For Services Rendered

			Hours	Amount
02/21/08	JBM	Prepare and forward Stipulation for vicious dog matter.	0.40	60.00
02/22/08	JBM	E-mails with Goddard regarding Cottonwood depositions; E-mails and telephone conference regarding vicious dog.	0.40	60.00
02/25/08	JBM	E-mails with Goldstein regarding Daubert Farms.	0.20	NC
02/26/08	JBM	Attend board meeting; Review packet.	3.00	450.00
02/26/08	JBM	E-mails Daggett and Liley (storm drainage) .	0.20	30.00
02/27/08	JBM	Meeting with Storm Drainage group in Denver; Conferences with Larry, follow ups with Daggett.	5.00	750.00
02/27/08	JBM	E-mails with Goddard regarding Cottonwood.	0.20	NC
02/28/08	SHH	Telephone conference with Court Clerk regarding docket and trials.	0.40	34.00
02/28/08	JBM	Telephone conferences with Goddard, Lorentzen.	0.50	75.00
02/28/08	JBM	Review and revise storm drainage agreement; Review Lorentzen modifications.	0.30	45.00
02/29/08	SHH	Review docket; Telephone conference with Court Clerk; Telephone conference with Kevin McDonald regarding OJW from February 2007 docket.	0.60	51.00
02/29/08	JBM	Telephone conference with Pat Hyland and letter to Pat at CSU regarding Knolls agreement.	0.30	45.00

March 21, 2008
Invoice 115630
97010003 Town of Wellington/General Business

03/03/08	SHH	Draft show cause order for Wymer; Update notebook and docket for Court; Telephone conference with Deputy Lafferty regarding service of trial subpoenas; E-mail to WJH regarding report on juveniles.	1.50	127.50
03/03/08	JBM	Telephone conference with Goddard, Lorentzen regarding Cottonwood; Telephone conference regarding Governmental Immunity claim; E-mail Neiman regarding Daubert.	0.50	75.00
03/04/08	SHH	Review docket with Brad; Update docket regarding payments; Telephone conference with Norden regarding removal of dog from town.	0.70	59.50
03/04/08	JBM	Meeting with Daggett; Review Boxelder Agreement.	0.50	75.00
03/04/08	JBM	Review Daubert/Sundance and notes.	0.80	120.00
03/04/08	JBM	Follow up letter Juhl and Garcia regarding nuisance.	0.20	30.00
03/04/08	JBM	Meeting with Hilderman regarding sewer plant.	2.00	300.00
03/05/08	SHH	Telephone conference with Trial witness and Deputy Wenrick regarding Trial; Update docket and notebook.	0.40	34.00
03/05/08	JBM	Meeting with Lorentzen regarding code and other matters; E-mail Dobbs regarding Government Immunity claim.	1.00	150.00
03/05/08	JBM	Prepare for and telephone conference with witnesses and attend Court.	2.00	300.00
03/06/08	SHH	Telephone conference with Blaine Juhl regarding demolition of building; E-mail regarding same to Larry Lorentzen.	0.30	25.50
03/06/08	JBM	Telephone conference with Daknis regarding Sundance.	0.30	45.00
03/06/08	JBM	Review Juhl status.	0.20	30.00
03/07/08	JBM	Telephone conference with Lorentzen; Work regarding Board package materials; Review Sundance materials, Code amendments; DiCola memo regarding Boxelder Plaza; Conference with Korb regarding Boxelder Plaza, Board communication.	2.70	405.00
03/07/08	JBM	E-mail with Mike regarding property ownership matter Niesent/Mason.	0.20	30.00

March 21, 2008
Invoice 115630
97010003 Town of Wellington/General Business

03/11/08	JBM	Telephone conference with N. 40; Review letter to library board materials; Review library district attorney letter; E-mail to Setter.	0.20	30.00
03/11/08	JBM	Boxelder IGA revisions.	0.50	75.00
03/11/08	JBM	Review packet and Town Board meeting.	3.20	480.00
03/12/08	SHH	Telephone conferences with Terri Jay regarding OJW in 2005; Review Court docket and files regarding fine payment in 2005.	0.80	68.00
03/12/08	JBM	Cursory review of Seaworth materials.	0.20	30.00
03/12/08	JBM	Follow up regarding Reservoir 4; Dictate letter to Howard.	0.20	30.00
03/12/08	JBM	E-mails regarding library district; Telephone conference with Hass office and Assessor; Lengthy e-mail to Hass explaining library board issue; E-mail from library board attorney regarding service.	0.80	120.00
03/12/08	JBM	Forward Seaworth Orders to Jeffers and Hass.	0.20	30.00
03/12/08	JBM	Boxelder flood meeting with Daggett and Smith; Review and revise agreement.	1.20	180.00
03/13/08	JBM	Telephone conference with Seaworth.	0.20	30.00
03/13/08	JBM	E-mail regarding Sundance/Wellington IGA concerns; Review agreement.	1.00	150.00
03/14/08	JBM	Telephone conference with Hass regarding Library district; Research.	0.30	45.00
03/19/08	JBM	Review letter from Horizon Bank regarding unwillingness to renew LOC Boxelder Plaza.	0.20	30.00
03/20/08	SHH	Telephone conference with Diane at Town Hall regarding OJW payment and update docket.	0.40	34.00
03/20/08	JBM	Telephone conference and e-mail regarding DiCola and ZWZ, request Patterson materials regarding Boxelder Plaza.	0.30	45.00
03/24/08	SHH	Telephone conference with Annette Merritt regarding 2002 OJW; Telephone conference with Town Hall regarding payment by Merritt in 2002; E-mail to Court Clerk; Update notebook for April docket.	1.40	119.00
03/25/08	SHH	Telephone conference with Cecilia Jamison regarding missed Court date and OJW fine payment; E-mail to Town Hall and Court Clerk.	0.60	51.00

March 21, 2008
Invoice 115630
97010003 Town of Wellington/General Business

03/26/08	SHH	Telephone conference with Carol regarding docket; Update notebook and docket; Telephone conference with Jamison regarding OJW payment.	0.70	59.50
		Total Hours and Fees	37.20	5,013.00
		Total This Invoice		5,013.00

Fee Summary	Hours	Rate	Amount
J. Bradford March	29.00	150.00	4,350.00
J. Bradford March	0.40	0.00	0.00
Sandra Hoy Helzer	7.80	85.00	663.00
Totals	37.20		5,013.00

02/21/08	Previous Balance	6,842.50
03/05/08	Payment	-3,226.50
03/20/08	Payment	-3,616.00
	Total this Bill	5,013.00
	New Balance	5,013.00

Accounts Receivable Aging	
Current	5,013.00
30 Days	0.00
60 Days	0.00
90 Days	0.00
120 Days	0.00

*** PAYMENT IS EXPECTED WITHIN 20 DAYS AFTER STATEMENT IS MAILED, PLEASE INCLUDE FILE NO. ON CHECK *
*** OUR BILLING CYCLE IS FROM THE 20TH OF ONE MONTH UNTIL THE 20TH OF THE NEXT***
PLEASE CORRECT THE TAX IDENTIFICATION NUMBER FOR OUR FIRM TO 75-3152229

MARCH, OLIVE & PHARRIS, LLC
Attorneys And Counselors At Law
110 East Oak Street, Ste. 200
Fort Collins, Colorado 80524
(970) 482-4322

March 21, 2008

Wellington, Town of
3735 Cleveland Avenue
P.O. Box 127
Wellington, CO 80549

Our File Number 97010022 Wellington Pointe

For Services Rendered

			Hours	Amount
02/28/08	JBM	Draft e-mail Wellington Pointe; Telephone conference with Daknis.	0.30	NC
03/07/08	JBM	WELLINGTON-TOWNHOMES -- Telephone conference with Mishie, Nash.	0.50	100.00
		Total Hours and Fees	0.80	100.00
		Total This Invoice		100.00

Fee Summary	Hours	Rate	Amount
J. Bradford March	0.30	0.00	0.00
J. Bradford March	0.50	200.00	100.00
Totals	0.80		100.00

02/21/08	Previous Balance	100.00
03/20/08	Payment	-100.00
	Total this Bill	100.00
	New Balance	100.00

Accounts Receivable Aging

Current	100.00
30 Days	0.00
60 Days	0.00
90 Days	0.00
120 Days	0.00

*** PAYMENT IS EXPECTED WITHIN 20 DAYS AFTER STATEMENT IS MAILED, PLEASE INCLUDE FILE NO. ON CHECK *
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PLEASE CORRECT THE TAX IDENTIFICATION NUMBER FOR OUR FIRM TO 75-3152229

COLORADO WATER RESOURCES &
POWER DEVELOPMENT AUTHORITY
Logan Tower Bldg. - Suite 620, 1580 Logan Street, Denver, Colorado 80203-1942
303/830-1550 • Fax 303/832-8205 • info@cwrpda.com

April 1, 2008

Larry Lorentzen
Town of Wellington
3735 Cleveland Ave.
P.O. Box 127
Wellington, CO 80549

RE: Colorado Water Resources and Power Development Authority
Drinking Water Revolving Fund Direct Loan Program

Dear Larry Lorentzen

Below is a breakdown of your loan repayment due: **May 1, 2008**

Loan Number	Principal	Interest	Total
D01F116	$20,692.85	$16,054.44	$36,747.29
Total amount due	$20,692.85	$16,054.44	$36,747.29

Payment instructions for wire transfer, ACH transfer or by mail are as follows:

Wire Instructions	ACH Instructions	By Mail
Wells Fargo Bank, N.A.	Wells Fargo Bank, N.A.	Wells Fargo, N.A.
ABA: 121000248	ABA: 091000019	Attn: Sandra Shupe
Acct. No. 0001038377	Acct. No. 0001038377	**MAC 7300-107**
BNF: Corp. Trust Clearing	BNF: Corp. Trust Clearing	1740 Broadway
OBI: 14878100	OBI: 14878100	Denver, CO 80274

If you have any further questions, or you are unable to comply with this procedure, please call me prior to the payment date at (303) 830-1550 extension 19. Additionally, please notify me of any address changes by e-mail at jnoll@cwrpda.com or by phone at the number listed above.

Thank you for your assistance.

Sincerely,

Justin Noll

Justin Noll
Senior Accountant

If paying by check:
Please make checks payable to
WellsFargo, N.A.
Do NOT send checks to The Authority

Cc: Sandy Shupe, Trust Officer, Wells Fargo

FDL

Stantec Consulting Inc.
209 South Meldrum Street
Fort Collins CO 80521-2603
Tel: (970) 482-5922 Fax: (970) 482-6368
stantec.com

Stantec

April 03, 2008

Mr. Larry Lorentzen – Town Administrator
WELLINGTON, TOWN OF
3735 Cleveland Avenue, P.O. Box 127
Wellington, CO 80549

RE: WELLINGTON BATTING CAGES – PAY APPLICATION: 7297 - 1

Dear Larry:

Attached is a copy of Hoff Construction's application for payment. We have reviewed the quantities and unit prices submitted. Bid Item No. 5 appears to be a overestimation of the work done since they have not installed the flap gate and riprap (estimated at $500 to $700). But they have not requested payment for the footings, foundation walls and floor slab for Bid Item No. 18 - Concession Shed (estimated at $1,000) which have completed. In light of the relatively close value of these items and the fact that this is the first application submitted and only 24% of the total project amount, we recommend that in lieu of requesting revisions to the pay application the Town accept the application as submitted. Therefore, we recommend approval of the application by the Town and payment of the amount of $51,863.40 to Hoff Construction.

Should you have any questions and/or concerns, please feel free to contact us.

Sincerely,

STANTEC CONSULTING INC.

Donald F. Silar, P.E.
Town Engineer

Attachment: Pay Application 1 (2 pages)

c. 187310055 / 822

Hoff Construction

1815 West 12th Street
P O Box 7448
Loveland CO 80537
970-669-3255

HoffConstruction

Unit Billing

Application: 7297 1

Period: 03/26/2008

Purchase Order # :

Owner: Town of Wellington
3735 Cleveland Avenue
Wellington CO 80549

Job Location: Wellington Batting Cages
BuffaloCreekPkwy & StampedeDr
Wellington CO

Application For Payment On Contract

Contract Sum to Date	215,916.60
Total Complete to Date	57,626.00
Total Retained	5,762.60
Total Earned Less Retained	51,863.40
Less Previous Billings	0.00
Current Payment Due	51,863.40
Balance on Contract	158,290.60

OK PG

Contractor's Certification of Work

The undersigned contractor certifies that, to the best of the contractor's knowledge, the work on the above named job has been completed in accordance with the plans and specifications to the level of completion indicated on the attached schedule of completion.

Contractor: Pamela S Pritzlaff asst Sec Date: 3-26-08

Terms: Invoices are due and payable 20DY from the date of invoice. All overdue amounts will be charged a service charge of 18.00 % per anum. Please make checks payable to: Hoff Construction

Thank you for your prompt payment.

Unit Billing

Application: 1

Period 03/26/2008

Schedule of Work Completed

Bid Item	Description	Price/Unit	Contract Plus Changes	Previous Units Billed	Current Units Complete	Total Units Complete	Previous Value	Current Value	Total Value	Retained
1	Mobilization	10,385.00	10,385.00		0.90	0.90		9,346.50	9,346.50	934.65
2	Site Work	9,469.00	9,469.00		0.70	0.70		6,628.30	6,628.30	662.83
3	Silt Fence	2.95	2,507.50		800.00	800.00		2,360.00	2,360.00	236.00
4	Drain Pipe	21.00	3,360.00		160.00	160.00		3,360.00	3,360.00	336.00
5	Pipe Outlet	1,290.00	1,290.00		1.00	1.00		1,290.00	1,290.00	129.00
6	Conc. Ent @ Buff Cr									
7	Conc. Walk	6.70	10,103.60							
8	Conc. Batting Cage	33,073.00	33,073.00		0.10	0.10		3,307.30	3,307.30	330.73
9	Asphalt									
10	Vert & Horz Steel Posts	28,742.00	28,742.00		0.70	0.70		20,119.40	20,119.40	2,011.94
11	B/C Partition Fence	6,201.00	6,201.00							
12	B/C Gates	520.00	2,600.00							
13	B/C Netting	23,112.00	23,112.00							
14	B/C Main Mast	6,655.00	6,655.00		0.40	0.40		2,662.00	2,662.00	266.20
15	Machinery Roof	10,018.00	10,018.00							
16	Pitching Mach.	5,738.00	5,738.00							
17	Elec.	34,210.00	34,210.00		0.25	0.25		8,552.50	8,552.50	855.25
18	Concession Bldg.	26,934.00	26,934.00							
19	Bike Rack	830.50	830.50							
20	H/C Signs									
21	Parking Striping									
22	Demob	688.00	688.00							
	Totals:		**215,916.60**		**964.05**	**964.05**		**57,626.00**	**57,626.00**	**5,762.60**