

TONOPAH TOWN BOARD  
SPECIAL MEETING MINUTES

AUGUST 31, 2011

Tonopah Town Board Chairman, Jon Zane called the meeting to order at 9:00 am. Also present were Horace Carlyle, Javier Gonzalez and Glenn Hatch. Duane Downing was absent. There were three other people in attendance.

1. Consideration and possible adoption of resolution of the Tonopah Town Board authorizing to submit application for right of way to the U.S. Department of Interior Bureau of Land Management

Susan Dudley explained that when the Town received the letter of conditions from USDA, there were a bunch of things it needed to comply with within six months of the date of the letter. When the Town went to the BLM, they suggested that it incorporate all of the right of ways it has on the water project into one right of way so it is consistent. She noted that before the Town applies to the BLM, it needs to have a resolution by the Board to authorize that application. There a couple of right of ways that are in Nye County's name and the Town has to get them out of Nye County's name before it can deal with them. The other right of ways are already in the name of Tonopah Public Utilities. This should cover everything for the current infrastructure from Rye Patch to the Ararat Tanks. She noted that the Town is recommending applying to the BLM for the new wells to Ararat Tank under one right of way. Once that right of way has been granted by BLM, the Town will relinquish all other right of ways with the terms, conditions, and property rights to remain intact under the new right of way. The resolution give James Eason the authority to sign both assignments and the new right of way application. She noted that the right of way application will be incomplete because the Town has to have the application filed before it can complete the cultural clearance. The Town will not know the new route until the cultural clearances have been completed. On September 9, 2011 at 10:00 am, JBR Environmental has a meeting with the BLM where they will be told how to conduct the cultural clearance. They will go out in the field the following week and take about a week to complete the cultural clearance. Following that, it will take them about a month to do the documentation and environmental assessment. If they do not find any significant resources, the Town has the surveyor, Greg Bigby, lined up to go out and begin surveying. She noted that USDA knows what the Town is doing and they are in agreement with this.

Susan Dudley noted that the Town will relinquish all existing right of ways and once the new right of way is in place and it will carry with it the rental fees. The rental fees are based on acres and Nye County's new acre rate is \$48.89 per acre. The acres are based on the length and width of the right of way. She noted that the Town is currently paying \$1,500.00 per year for a Zone 3. In January 2012, Nye County will go to a Zone 4 and the cost will increase from \$32.59 to \$48.89. For one well, the Town is currently paying \$853 per year. With this, the Town will be paying for six wells, four in the current well field and two in the new well field, at a similar rate plus whatever acres the new right of way ends up being. She is estimating about \$5,000 per year

compared to about \$3,000 now. She noted that currently the Town is only paying for Well 8 with the other wells being exempt, but with the new fees the Town will be paying for Wells 5-8. She explained that the BLM charges two ways: linear feet and nonlinear feet. The well and the well site will be \$500.

Horace Carlyle made a motion to adopt the resolution of the Town Board authorizing to submit application for right of way to the U.S. Department of Interior Bureau of Land Management, Glenn seconded. Horace Carlyle asked if the Town would go back to the status quo if the BLM did not grant the new right of way. Susan Dudley explained that the language of the resolution states that the Town does not relinquish anything until the BLM grants the new right of way. If they did not approve the new right of way, the Town will maintain the existing right of ways and would now have to deal with the new well field to Wells 5-8. Motion passed 4-0-1 (Duane Downing was absent).

2. Public Comment

Horace Carlyle feels that it is important that the Board recognize that the Town needs to maintain a positive dialogue with Midway and a continuing relationship. He does not want the Board to think that it no longer has to continue to try and work in a positive way with Midway.

James Eason noted that he is meeting with Al Eisman to discuss the bonfire. Homecoming is September 15, 2011. He noted that the timeframe is very tight for them to come before the Board to ask to use the facility at Joe Friel for the bon fire. He noted that he will work with Mr. Eisman on an alternative on the school district property, If that does not work, he wants the Board to be aware that he has spoken with Mr. Eisman about possibly using the same site as last year. The same stipulations would apply.

No action was taken by the Board.

3. Adjourn

Meeting was adjourned at 9:15 am.

Minutes transcribed by:

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Mariah Rivero

Approved:

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Jon Zane, Chairman

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Horace Carlyle, Vice Chairman

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Javier Gonzalez, Clerk

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Glenn Hatch, Member

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Duane Downing, Member