

Minutes of the Treece Relocation Assistance Trust

December 20, 2012; 11:00 am - Cherokee County Courthouse

Meeting was called to order by Chair Gene Bicknell

Roll call: Betty McBride, Eddie Hamilton, John Delmont, Jr., Gene Bicknell

KDHE: Bob Jurgens

Legal: Bill Morin

MMSC 4-0 (McBride/Delmont) to approve the minutes of the November 8, 2012 meeting

Payment Status: McBride reported bank balances of \$ 10,453.70 in American Bank; \$85,825.49 in Exchange State Bank. Invoices presented for approval (Accountant, KDHE SWPP annual fee, trustee per diem, mailbox).

MMSC 4-0: (Hamilton/Delmont) to accept the report and pay the invoices.

Buyout expenditure requests: None

Audit Status: Randy Phillips with Diehl, Banwart, and Bolton attended the meeting to discuss audit requirements. Mr. Phillips provided information concerning whether a single audit is required since federal funds are used for the relocation efforts. A single audit may need to be performed for FY10 and FY11. Jurgens will consult with KDHE's fiscal department to determine if a single audit is conducted for normal KDHE programs utilizing federal funding.

MMSC 4-0: (McBride/Delmont) to authorize the additional audit requirements pending the results of KDHE's consultation to determine a need for the additional audit task.

Tax Status update:

- Deeds not recorded: ORM-19 (Lamb) – trying to locate the owners who have moved; ORW-13 and ORW26 (Hargis) – Sent to Hargis for signature; ORW-17 (Leatherman) – Sent to Leatherman for signature. NR-3: Notification via email that property use was revised from commercial to vacant with the Cherokee County Appraiser's office. A revised tax statement was sent to TRA Trust and KDHE reflecting the lower tax amount.
- 2012 Tax Payment was approved with invoices: \$2,369.11 which includes ORM19, ORW13, ORW17, ORW26, S12, S13 and V09, which were not in TRA Trust's name yet due to deed errors and late closings. Cherokee County sent copy of statements to KDHE for inclusion into the total payment.

Vacation of City Plat and Adjoiment of Deeds in the City Limits:

- Morin is working out proper procedures with Cherokee County Counselor Kevin Clure.
- Street abandonment order will also wait until plat vacation protocol is identified.
- KDHE will begin securing a contract to survey TRA Trust properties for deed consolidation and EUC locations.

Purchase/Closing Updates:

- ORM03: Promissory Note payment received. **MMSC 4-0** (Delmont/Hamilton): All promissory note payments shall be deposited in the operating bank account.
- V-17 - Wendy Bedore (Ashworth): Morin provided and affidavit to Bedore for signature at closing. Crawford County Abstract provided the closing documents via email for review during the meeting.
- The V-18 owner (Daniel Ashworth) cannot be located.
- The S-12 and V-29 purchases have been completed for the heirs who responded to the TRA Trust's offer to purchase.
- TRA Trust properties will be sold at final auction with a quit claim deed.
- V-33: Morin reported Carl Wiles called indicating they intend to accept the offer, but paperwork has not been received to date.

County Tax Sale: No known tax sale date.

Easements:

- **Water Main Easements:** Morin reported he is working with Cherokee County RWD #3 to transfer existing water main easements from the City of Treece to the RWD. Morin recommends a simple transfer of easements to RWD #3 and preparation of a new easement to Della & Timothy Busby.
- **Ingress/Egress Easement:** An ingress/egress easement will be prepared to allow Della & Timothy Busby access to their property off of Grove Road using the Kansas Avenue. The easement will reflect the Busby's are responsible for maintenance of the driveway once the road is officially vacated.

Survey/Environmental Use Controls:

- **Property Survey:** Jurgens reported the survey task has not been started due to waiting for guidance on deed adjoinment. Morin recommends proceeding with surveys.
- **EUC:** Environmental Use Control applications for Trust-purchased property (except 6 acres near 11567 SW 10th) were submitted to KDHE's EUC Program. The EUC for the 6 acres will be submitted upon completion of the ORM04 EUC to facilitate transfer of respective property.

Complete Title Issue: Morin reported Brett Loethen, formerly Sterling Title agreed on 11/8/12 to send the TRA Trust the remaining funds in the escrow account (\$2,000+) and then discuss payment of the remaining amount. Loethen has not followed through with his promise. Trustees requested Morin send Brett Loethen a notice to complete the payment within 30 days.

EPA Testing in Treece: Jurgens reported EPA is nearing a final remedial design to remove contaminated chat and soil within the Treece City Limits and a couple outlying properties. EPA intends to remove the “hot spots” to minimize disruption to well-vegetated areas with lower levels of contamination. Contaminated soil will be placed in the old city sewage lagoons and on nearby property owned by Robert Whisner. EPA has contacted AT&T about rerouting their primary line to better facilitate excavation without causing problems with the phone service. EPA hopes to begin the soil removal in January 2013 with vegetation being reestablished in February/March 2013, weather permitting. The EPA activities will include the remaining areas where vegetation has not grown. A request will be made to the KDHE Bureau of Water to close the Storm Water Pollution Prevention permit.

Historical Sign: Jurgens provided an estimate of \$2,500-4,000 to purchase a Treece historical sign. Installation will cost approximately \$1,000. The sign will be similar to the Kansas State Historical Society signs except have a custom shape and size approximately 3’ x 4’ to 4’ x 5’. Jurgens will contact property owners at Hwy 69 and state line to discuss possible placement on the Jim Woods Marketing property, near the “Welcome to Kansas” sign or by the Whisner property at Grove Road and Hwy 69. Jurgens will develop wording for the sign using trustee comments and develop a custom shape to acknowledge the mining tradition within the community. The wording will need to be pre-approved by the trustees. The trustees also requested a road sign indicating a historical marker is located ahead.

MMSC 4-0: (McBride/Delmont) to authorize contracting for a sign not to exceed \$7,000 based.

Next Meeting: January 31st, 2013, 11:00 am, Cherokee County Court House.

Minutes Prepared by Bob Jurgens, KDHE

Betty McBride, Vice Chairperson

Approval Date