

# Minutes of the Treece Relocation Assistance Trust

July 25, 2013; 11:00 am - Cherokee County Courthouse

Meeting was called to order by Chair Gene Bicknell

Roll call: Betty McBride; Eddie Hamilton and John Delmont, Jr. (via teleconference)

KDHE: Bob Jurgens, Legal: Bill Morin, Cherokee County: Rod Edmondson, County Clerk (portions of the meeting), Cherokee County RWD #3 - Jon Houser,

**MMSC 4-0** (Hamilton, McBride) to approve the June 20, 2013 meeting minutes.

**Payment Status:** McBride reported bank balances of \$10,472.47 in American Bank and \$61,414.66 in Exchange State Bank. Trustee compensation, Bill Morin legal fees and KS Employment Security Fund payment expenses presented for payment approval.

**MMSC 4-0:** (Hamilton, Delmont) to accept the report and payment requests.

## Receipts:

- **ORM03:** McBride confirmed the 7th promissory note payment (Due June 2013) of \$107.44 was received on July 1st, but the July 2013 payment was not received by July 20<sup>th</sup> as required per the promissory note. A total of \$725.08 has been received as of July 25, 2013. Jurgens sent a late payment notice on July 16, 2013 to Bill & Judy Blunk requesting payment of a \$50 in accumulated late fees for the late May and June payments. Another late payment letter will be prepared for July.
- **Money's Owed:** Hamilton requested the trustees evaluate all past due funds owed from the Blunks and Brett Loethen, Sterling Title to ensure the Trust is consistent in the collection of the funds. The Blunks signed a promissory note in consideration of the property closing. The former Sterling Title took over the property closing activities for Complete Title of SW Missouri and has not agreed to any financial settlements to date. Morin is to look into the Sterling Title and Complete Title of SW Missouri past and current bonding status.

**Buyout expenditure requests:** None

**Financial Audit:** A financial audit of the Trust's July 1, 2012 to June 30, 2013 fiscal year financial statements are due per K.S.A. 49-512(g).

**MMSC 4-0:** (McBride, Hamilton) to request Diehl, Banwart, Bolton CPA of Fort Scott, Kansas conduct the audit as was completed in the previous years.

## Property update:

- **Deeds Received:** ORM03 (Blunk), ORM-04 Swap (Johnston), ORM-19 (Lamb), S-10 (Hart)
- **Access Easement:** An Easement Grant was received from Jim Woods Marketing for placement of a Treece Historical Marker on their property at the northwest corner of State Line and Hwy 69.
- **Water Line Easements** – Morin to contact Alan Moore, Lyon Township to facilitate transfer of the City's water line easement to Cherokee County RWD #3.

- **NR-7 - Jim Woods Marketing:** Jurgens shall request a quote from B-3 Construction for removal of raised concrete pads/walls from the Jim Woods Marketing property to better prepare the lot for placement of the Treece Historical Marker. The Trust will consider the quote at the August meeting.
- **EUC:** A Kansas Environmental Use Control (EUC) limiting property use will be finalized by KDHE for the six acres near the NW corner of Section 12, Township 35 South, Range 23 East. The property is to include S-03, ORM19, ORM30 and three acres in the ORM04 land swap.

**2013 Cherokee County Tax Sale:** Cherokee County Commission is planning a tax sale for the Treece properties only. Morin previously provided property research to the County for all the properties. Rod Edmondson, County Clerk previously requested a sales tax date of August 29, 2013 at 9:00 am. from the County Commission. Edmondson notified the Trust the August date was not an option due to the amount of time needed by the county's legal counsel to contact the current owners. An October or November 2013 date is being considered. The TRA Trustees requested the Cherokee County Commission and County Counselor Kevin Clure expedite the tax sale to allow the Trust to complete their work prior to the Trust's required disbandment in 2014. The Trust thanked Edmondson for his continual assistance in trying to finalize the tax sale date. Morin is to contact Kevin Clure to assist with any legal activities needed to finalize a tax sale date.

**Cherokee County RWD #3:** The Cherokee County RWD #3 must petition to have properties added to their rural water district with 50% of owners approving. The RWD #3 provided a cost from their legal counsel, Darrel Shumake to complete the activities necessary to annex the water users' property formerly supplied by the City of Treece water system and now supplied by the RWD #3. The quoted fees were \$2,500.00 for attorney fees and up to \$2,250 for title expenses (maximum 30 properties). The Trust has title reports for all properties purchased in the relocation project and will provide the information to Shumake, as appropriate. Jurgens will provide a map to Shumake. Morin will call Shumake to discuss the project in more detail.

**MMSC 4-0:** (McBride, Hamilton) Approve up to \$4,750.00 in legal expense assistance to Cherokee County RWD #3 assuming the least number of properties required will be included in the annexation area.

#### **Sewage Lagoon Closure and SWPP:**

- Trust must wait for EPA to finish filling the former sewage lagoons with contaminated soil excavated for the relocation properties before completing the lagoon closure documents. Lagoon backfilling is over half done and EPA contractors plan to be finished with the lagoon closures in the next 30-60 days.
- KDHE's Bureau of Water has verbally informed Jurgens a release from the demolition project Stormwater Pollution Permit is pending. The release is being granted because properties outside of town meet the revegetation requirements and the tracts in town that have not been not revegetated (primarily city streets) have been disturbed by the ongoing EPA remedial activities and are no longer the Trust's responsibility.

**Media: Sunflower Journeys Documentary:** KDHE was contacted by Sunflower Journeys, a KTWU program to discuss environmental and health impacts from the mining in Cherokee County, specifically Treece, KS. KTWU has been broadcasting local public television in eastern Kansas and portions of Missouri, Nebraska and Oklahoma since 1965. The station license is held by Washburn University with studios located on the Washburn campus in Topeka, Kansas. Bob Jurgens was interviewed concerning the environmental impacts and cleanup effort and Farah Ahmed, KDHE Environmental Health Officer was interviewed regarding the health effects on workers and the residents. A fall television broadcast is planned.

**Next Meeting:** August 29, 2013 Mtg.: 9:00 am, Cherokee County Court House. NOTE THE TIME CHANGE.

*Minutes Prepared by Bob Jurgens, KDHE*

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Betty McBride, Vice Chairperson

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Approval Date