



## Meeting Minutes

Treece Relocation Assistance Trust Meeting  
October 14, 2010 at 1:00 P.M.  
Cherokee County Courthouse, Room 34, Columbus, KS

### **Trustee Members:**

*Present:* Gene Bicknell, John Delmont, Eddie Hamilton and Betty McBride. *Absent:* Jim Dahmen  
*Quorum present:* Yes

### **Others Present:**

KDHE: Bob Jurgens, Ryan Singer,  
City of Treece: Pam Pruitt  
Others: Les and Gayla Woodcock, Judy Blunk, Cherrie Fry

### **Proceedings:**

Meeting called to order at 1:05 p.m. by Chair Gene Bicknell

10/1/10 TRA Trust Meeting minutes: Bicknell requests motion to accept.

- McBride calls to amend draft meeting minutes
  - First page last sentence "values will be established".
  - Page two Jim Woos should read Jim Woods.
  - Last page change the word will to may.
- MMSC – Delmont/Hamilton for approval of 10/1/10 minutes. Carried 4-0

### Appraisal Update

- Mid America will be conducting appraisals October 18-19, 2010.
  - Dillon and Witt October 25-28, 2010.
  - Allen McColm will be scheduling appraisals soon.
- Pruitt indicated Phase I applicants property inspection sign-up sheets are posted for Dillon & Witt and Mid-America at city hall and all but six people have signed up.

Bicknell- Reportedly a trailer has recently been moved into town. Pruitt-hasn't heard or seen anything consistent with this report.

Bicknell- wants to hear from the Treece residents present at the meeting

- Gayla Woodcock on behalf of several family members:
  - o They purchased property at 1705 Columbus, Galena, KS abuts the north side of Oak Hill Cemetery north of Galena across the road from a Superfund Site. The Woodcocks request the property be considered an acceptable location to which the family may move if they accept the buyout offer.
  - o They have already installed septic and water.
  - o A written letter is provided from previous owner stating there is no undermining to best of their knowledge.
  - o Jurgens explains the location of the mining around the property and states that it is right on the edge, but is outside the Superfund Site boundaries.
  - o Bicknell-opens the floor for comments.
  - o MMSC – McBride/Delmont to approve the property as an acceptable location to which the Woodcocks may move should they accept the buyout offer. Approved 4-0.

- Bill & Judy Blunk
  - o Considering purchase of property approximately ¼ mile west of N. Ballard and W. North 10<sup>th</sup> Street, northwest of Baxter Springs and are requesting pre-approval that the property be considered an acceptable location to which they may move if a buyout offer is accepted.
  - o Bryant Burnett, EPA conducted XRF sampling on the property and values came back between 9 and 17 which are generally considered acceptable.
  - o Property is approximately 1/8 mile north of a Superfund site.
  - o MMSC – Hamilton/Delmont to approve the property as an acceptable location to which the Blunks may move should they accept the buyout offer. Approved 4-0.

*Old Business*

Legal Services

- Bicknell- spoke with a KC real estate attorney. Trust prefers contracting with an attorney in the SE part of the state.
- Jurgens- Discussed Trust’s purchasing requirement restrictions in the EPA/KDHE Cooperative Agreement for federal funding.
  - o Small purchase – Competitive bids not necessary if under \$100,000.
  - o KDHE and EPA recommend using some sort of competitive negotiated procurement with a defined statement of services.
  - o Hourly rate and accurate reporting of time spent by any attorney is mandatory.
  - o Trust needs an attorney with real estate and trust experience.
    - Experience needed due to variances between real estate law and state law with regards to real estate transactions.
  - o Trustees want a lawyer to assist with problems if residents do not like the offers.
  - o Discussion concerning how notice needed to ensure attorney can attend Trust meetings.
  - o Jurgens-Dillon and Witt may have legal experience. Will investigate.
  - o MMSC – McBride/Delmont requesting Jurgens to draft a legal service statement of services.
  - o Bicknell- Defer additional questions about attorneys until the next meeting.

Treece Waste Water System:

Pruitt indicated the Treece waste water consultant, Clarence Horyna, Erie, KS stated the sewer system can work with as little as one person.

- Question: Who will pay the bill?
- Jurgens recommended establishing a shut down date as we approach the end of the buyout process.

Trust Seal Stamp – KDHE will order two stamps on behalf of the Trust with the invoice sent to the Trust for payment.

Closing Service RFP:

- Jurgens discussed the RFP for closing companies.
- Is title insurance needed?
- McBride- states at her job they pay for title insurance if done piece by piece.
- Closing Conferences at the Cherokee County Courthouse in Columbus so the trust can be close to the county appraisers’ office and not far from Treece. Jurgens will leave a bid item for meeting in Treece as an option if someone cannot travel from Treece.
- Procurement Negotiating Committee was changed to include all Trustees approving vs. the PNC.

*New Business*

Moving a mobile home expenses

- Discussion concerning how to approve moving costs.
- Trust agreed to look at each move on a case-by-case basis to account for consideration of like properties, foundation requirements, etc.

- Applicants that want to move a home instead of taking the buyout will be requested to come before the Trust.
- Need to produce guidelines for foundation, hookups, etc.
- KDHE will research contractors qualified to move mobile homes, but the Trust will not be asked to recommend any companies.
- KDHE will produce a checklist form of itemized costs, such as moving the home, foundation, utility hookups, site preparation, etc.
- Trust should research what is considered industry standard costs from legitimate contractors

Exclusion Zone Variance: Trust discussed when to allow purchase of property in the defined exclusion zone area. The exclusion zone is fairly conservative and the Trust decided to consider requests on a case by case basis and not mandate an affidavit be signed preventing future relocation consideration.

Misc. comments

Bicknell expressed concerns about Ron Frazier and Justin Frazier being related and both performing appraisals for their respective companies. KDHE Will contact appraisers to ensure all companies know to complete their appraisals independent from the other contractors.

Review Appraiser:

- Bicknell requested clarification for David Thornton costs. Thornton had been chosen as the Trust's Review Appraiser. KDHE will confirm with Thornton if the per review cost relates to each property or each appraisal.
- Appraisal Review Selection: Discussion of which applications to review, random selection, biased selection, or combination of both. Jurgens indicated a common approach is to choose randomly therefore the results will not be skewed. If random reviews indicate a problem then will all appraisals need to be reviewed? Care should be taken so the Trust is not overburdened with costs.
- Hamilton motions to table the issue and ask David Thornton to the next meeting to confirm the costs and review appraisal approach.

Future Meetings:

Next meeting set for November 4, 2010 at 1:30 PM

The meeting after that will be November 29, 2010 at 1:00 PM

Bicknell- requests the trustees and KDHE keep their schedules open for December to allow time to meet for buyout offers.

MMSC – McBride/Hamilton to end the meeting. Approved 4-0.

Adjourned at 3:02 PM