

CITY OF KREBS  
COUNCIL MEETING  
MINUTES  
JANUARY 16, 2024

KREBS CITY HALL  
5 NE WASHINGTON  
KREBS, OKLAHOMA

JANUARY 16, 2024  
TUESDAY AT  
7:00 P.M.

1. MEETING CALLED TO ORDER – By David Bailey
2. ROLL CALL – By Cindy Cooper, City Clerk. Mayor Tommy Walker- absent, David Bailey- present, Jason Wagnon- absent, Connie Poole- present, Dan Heathcock- present.
3. PRAYER AND PLEDGE OF ALLEGIANCE. Led by Dan Heathcock
4. DISCUSS AND ACT TO APPROVE THE MINUTES OF THE DECEMBER 19, 2023 COUNCIL MEETING. Dan Heathcock makes a motion to approve the minutes with an amendment that notes that the City Council reconvened to amend item (8.E.) after the KUA meeting. Connie Poole seconds. David Bailey calls for a vote. Dan Heathcock- yes, Connie Poole- yes, David Bailey- yes. **Motion passed.**
5. DISCUSS AND ACT TO APPROVE THE CLAIMS. – Connie Poole makes a motion to approve the claims. Dan Heathcock seconds. David Bailey calls for a vote. Conne Poole- yes, Dan Heathcock- yes, David Bailey- yes. **Motion passed.**
6. REVIEW CITY OF KREBS FINANCIAL STATEMENT WITH MIKE KERN.  
Accountant, Nic DeTello refers to page three (3) of financials. Nic DeTello states we are halfway through the year so it is pretty easy to see where we are at. On the revenue side the sales tax is ahead of the budget, the fines are ahead of budget and everything else is a little bit ahead of budget. As far as collection we are doing well. On the expense side on page (5) shows that we are \$189,000 in the hole, but capital expenditures for the police, fire, street, park, the KUA is about \$250,000, and that is not part of operations. Operating income is about \$60,000 for the six months, which is ok. Nic DeTello states a lot money was spent on capital improvements the first half of the year. Nic DeTello states there is about \$60,000 left in budget for everybody including police, fire and KUA. Nic DeTello states from here on out we need to watch a little bit but, we should not need anything after what we have spent the first six months. Nic DeTello states we have made a lot of improvements.
7. BUSINESS PREVIOUSLY DISCUSSED. – None
8. BUSINESS NOT PREVIOUSLY DISCUSSED.
  - A. DISCUSSION WITH MEMBERS OF THE PLANNING AND ZONING COMMISSION –  
**Mark Moy**, Chairman of the Planning & Zoning Commission hands attorney Pat Layden a copy of an appeal made on Ordinance 23-05 (rezoning of property at lot #42 in townsite #7-Maisano Addition), and a letter presented to the planning and zoning commission, that references state statutes, state laws, court cases and the open meetings act, questioning the legality of the rezoning of the aforementioned property and possible open meeting act violations. Chairman Moy request a ruling on this. Chairman Moy states another issue with the Maisano addition is the developer (Sunview Homes/Development) has presented different plans from what had previously been agreed to. Chairman Moy states the developer has requested building permits for

nineteen (19) houses, which Chairman Moy states he would say no to, because the developer does not have any infrastructure. No sewer, no water, no electrical and no roads. Chairman Moy states that Maisano is going to drain due east toward the houses that are already there, and there will be a flood problem. You will have to divert it somewhere. Chairman Moy states he does not think we should accept it.

**Dan Heathcock** asked what happened on the changes?

**Chairman Moy** responds that when they first came in, they showed concrete curbed and guttered. Now its black top. They have got two (2) inches of black top which won't hold up, the first time a dump truck goes on that road it will be gone. Chairman Moy states he does not think it will pass the zoning commission. Chairman Moy states he believes, the issues with the validity of the zoning, is a legal matter that needs to be dealt with first.

**Pat Layden** states that, what he considers to be a complaint, was filed, alleging that the city didn't do the proper steps in planning, and zoning in the past. Pay Layden states he does remember seeing the appeal that was filed in April, but not the letter. Pat Layden states that he will review all the information, then try to meet with the planning and zoning board at their next meeting to discuss it. Pat Layden states they could then see what our position would be, what recommendations the planning and zoning board would want to make, and he could give legal opinion at that point.

**Chairman Moy** states we need that guidance done first.

**Pat Layden** states he will try to go the next meeting in February, to try and work with the planning and zoning board, give legal guidance, then when it comes to next council meeting hopefully there will be some kind of resolution, and resolve as how we are proceeding on.

**Chairman Moy** states the planning & zoning commission needs to have a work plan with the council. Chairman Moy states they need to talk about what the council wants. Do you want concrete curb and gutter, do you want black top, you want electrical? Chairman Moy states we need to have a little bit of understanding.

**Pat Layden** states typically people present something to you, if they want to rezone, build, change. Then the planning and zoning board would review it and make the recommendation to the council.

**Chairman Moy** states that is, somewhat, not happening, that's what I am trying to say. We need to have somewhat of an understanding.

**Dan Heathcock** states he had brought up in the beginning of these discussion about how the drainage was going to be, and felt like it was brushed aside. Partly due to the fact that no one else was able to feed him the information, and states that he agrees with this.

**Chairman Moy** asks, do we need to present this to a city engineer? We have one, somewhat, that works at the water plant.

**David Bailey** states it probably wouldn't hurt.

**Chairman Moy** states he thinks it needs to go there. I can tell you my opinion, and read the plans to you.

**David Bailey** states we need to meet, and make it a legal meeting.

**Pat Layden** states to make it legal, if the council is going to meet, it would have to be a scheduled special meeting.

**David Bailey** states he thinks that is what needs to be done.

**Chairman Moy** agrees that, it needs to be done. There're more things that we need to discuss.

**Dan Heathcock** asks if could be done during a time the council meets.

**Chairman Moy** states they (Sunview-Homes/Development) are going to come back to the next planning and zoning meeting, and as the Chairman he is not willing to give a recommendation. Chairman Moy states they do not even have DEQ approval, they don't have a stamp on their sewer and water yet.

**Dan Heathcock** states that there needs to be a special meeting before the next planning and zoning meeting.

**David Bailey** states he will talk with Mark Moy to set up a special meeting. David Bailey states this has got to be figured out. There has to be communication.

**Dan Heathcock** states that the information is not being shared from Sunview.

**Pat Layden** states the planning and zoning board is an investigative body to help you as council. Pat Layden states if anyone wants to rezone or build, the first step is to fill out an application, then go to the planning and zoning board. Pat Layden states the planning and zoning board would look at it, investigate, review it and

make a recommendation to the council either yes, it's a good thing to proceed on or no. Pat Layden states then the council can decide what to do, but would take into consideration what the planning and zoning board recommended, but they have the final say.

**Dan Heathcock** states, as he understands it, the printed plans now being presented are not matching up to how they (Sunview) said it would be when they were asking for approval of residential.

**Chairman Moy** states "that is a fact".

**Pat Layden** states, that if the planning and zoning did not approve, or made a no recommendation on a proposal, that whoever made the proposal would still have a right to come before the council and present it. Pat Layden states the council could ask questions or look into it then. The planning and zoning could be here to say why they did not approve/recommend it. Pat Layden states, ultimately the council can do whatever they want.

**Chairman Moy** responds, that is his understanding, but that they need the legal issue taken care of.

Pat Layden states he understands that, and will meet with them on February 6<sup>th</sup> to discuss it.

**Larry Coxsey** states that Sunview stated it may take them five or six months to get their DEQ permits.

**Chairman Moy** states, those are the rules. The rules are, you send it to the DEQ, and they approve the sewer water. Chairman Moy states you put in your infrastructure first-sewer, water, electric, gas, roads, then you get your building permits.

**Dan Heathcock** states all that stuff needs to be correct before the building permits.

**Chairman Moy** states it is not what we had agreed on.

B. DISCUSSION WITH KAITLYN TURNER, ON BEHALF OF SUNVIEW CONSTRUCTION IN REGARDS TO REZONING APPLICATION OF PROPERTY LOCATED AT THE NE CORNER OF N. CREEK ST. AND CHURCH ST. FROM A-1 GENERAL AGRICULTURAL TO R-1 SINGLE-FAMILY RESIDENTIAL TO PERMIT A RESIDENTIAL DEVELOPMENT –

**Connie Poole** asks why item B was marked out in the council books.

**City Clerk, Cindy Cooper** explained that on Friday after the books had been assembled, but before they were sent out the applicant requested to be taken off this agenda and put on next month's agenda, so the item was marked through. On Tuesday afternoon the applicant requested to be put back on the agenda, and per attorney Pat Layden this was permissible.

**Cooper Hahn**, on behalf of applicant Sunview Construction, states this is a rezoning application from A-1 to R-1 at the NE corner of Creek and Church Street. Cooper Hahn states it went before the planning and zoning commission, they voted to table it for a year. Cooper Hahn states he spoke with Pat Layden, who just laid it out, potentially in relation to some other project before you. Cooper Hahn states the planning and zoning commission is a recommending body, here to help you, but you guys (council) have the final say on rezoning applications. Cooper Hahn states that "frankly what my client will desire at some point in the near future, is a vote from this council" to try and move forward on this application in hopes of moving forward with development of this property. Cooper Hahn states our goal is to continue working with Cindy, and Mr. Layden over the next month or so. There was reference to city engineer with the water, and reference to issues with water as it relates to water at this site. Cooper Hahn states these are things we want to look into. Cooper Hahn states, what they are seeking is a vote from the council, who has the full authority to do so. Cooper Hahn states the applicant has a right to that vote, "filing the application, us paying their fee, and presenting that application." We are going to work with the city to try and address some of those issues that have been brought up. Cooper Hahn states if you have issues or concerns, please bring them to me. I will be reaching out to individual parts of this council. I have attempted to reach out to some of you already. We are going to try and work with the city, and anyone else to try and gather this information. We are going to get our own engineer involved so that we can try, and address any issues. Development can't occur without moving things forward in the right direction. Issues arise, issues have to be delt with. They have to be delt with engineers. We are going to get someone involved. We look forward to discussing this with each of you individually, and the neighbors that have concerns. We will do our best to address them in hopes for a vote, hopefully we get your approval so we can move forward with a good project that brings new homes to this

community. We are still in the fact gathering information stage, we want to present you with everything we can. Our goal is to come before you on the February 20<sup>th</sup> meeting and we will be seeking a vote.

**Dan Heathcock** ask Cooper Hahn, how is he connected with the actual builders, Sunview Construction.

**Cooper Hahn** states he is an attorney, and Sunview has retained his firm to represent them.

**Dan Heathcock** asks if he is aware of the things not being done that they said would be.

**Cooper Hahn** states he has no knowledge of the other project. He states he has been brought in on the project on the NE corner of Creek, and Church Street. Cooper Hahn states, he has been told there is something on the SE corner but he has no knowledge of that. Cooper Hahn states he believes they are independent of each other.

**David Bailey** states it is two separate deals.

**City Clerk, Cindy Cooper** states, for clarification that Sunview Construction is a separate entity form Sunview Homes, but both use the Sunview Development title sometimes.

**David Bailey** told Mr. Hahn he appreciated his time, and that the council will consider what has been said.

**Erick Silva** with Sunview Development states, what I want to be clear on, is the process, if we do get a vote yes or no, if it is yes, what is the process after it is approved, after the rezoning, we are not going to go straight into building permits. I wanted Cooper to outlay the general process of what a typical municipality goes through to approve a plat and ultimately get building permits.

**David Bailey** states we are not going to discuss that tonight because it is not on the agenda.

**Erick Silva** states, it is in regards to rezoning

**David Bailey** states to go into the whole thing about that, we are not ready to do that yet.

**Cooper Hahn** states just for informational, we plan to go through the process of rezoning, which leads to platting, and when we get there, we will make sure we abide by those standards

C. PRESENTATION FROM PATRICK TURNER, SUPERINTENDENT OF KREBS SCHOOLS, AND JAY T. BOYNTON, ARCHITECT FROM BWA ARCHITECTS IN REGARDS TO PROPOSED BOND ISSUE -

**Patrick Turner** superintendent of Krebs School brought copies of proposed building plans. Patrick Turner introduces Jay T. Boynton architect and owner of BWA architects, and the architect they used in the previous bond issue in 2014. This bond would include a tax increase, it is a 10-million-dollar bond over 12 years. Minimal tax increase based on 2023-2024 would be about \$4.50 a month for the average property owner. The election will be on February 13, 2024. There will be a community meeting at the school on January 29, 2024, in the cafeteria at 6 pm. The financial company, and Mr. Boynton will be there. The plans are for, four class rooms on NE corner of building. One class room, and restroom will be FEMA rated storm shelters for occupancy of 170 students. On the SE corner of the campus will be the elementary PE gym. These projects are needed, we are running out of space, and room. The project time line is around 2 years. Our goal is to get projects done now.

**Jay Boynton** states, we only do schools, we study schools, come up with what they need. A lot of school districts are going through the process of doing these longer bonds to take advantage of interest rates being lower than inflation right now. Borrowing money to do both projects now because interest rates that are 4- 5 % for bonds like this. Since covid we have seen prices double, we are talking 20-30% price increase per year. We don't anticipate that going on, but it will be 10, 15, or 20% so this is a good way to capture that money now. Both of these projects are needed. Jay Boynton states, we are moving the playground off the road into a more centrally located area.

**David Bailey** asks how many people does the storm shelter currently hold.

**Patrick Turner** states 500.

**Jay Boynton** states, that when you do additions, it is a code that you have storm shelter. Jay Boynton states, they thought it important to add the new storm shelter due to the potential growth of the school, and the location of the library vs where the kindergartens, and pre-K kids are located.

**David Bailey** asks what area this storm shelter will be in.

**Patrick Turner** states, at the NE corner. Patrick Turner states we are operating at 475 students, and roughly 60 staff members so we are at capacity.

**David Baily** asked if people in the city of Krebs can use the storm shelter.

**Patrick Turner** states they can use the library one right now.

**Dan Heathcock** asks, since the bond election is a year early will the bond taxes double.

**Jay Boynton** states, no, they would not double, they would just be a continuation so when the current one ends the new one would start. Jay Boynton states it does take a super majority to pass.

**Dan Heathcock** asks what the percentage is for a super majority.

**Patrick Turner** states it is 60%.

- D. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE PURCHASE OF NEW WILDLAND FIRE GEAR FROM DACO FIRE EQUIPMENT IN THE AMOUNT OF \$10,400.00 FOR THE KREBS VOLUNTEER FIRE DEPARTMENT. THIS AMOUNT WOULD BE OFFSET IN THE AMOUNT OF \$9,993.53 BY AN OPERATIONAL GRANT FROM KEDDO. A DIFFERENCE OF \$406.47 –  
**Fire Chief, Jim Cortassa** states they received a grant, and they need to replace wildland gear and boots. Chief Cortassa states they are requesting to use this money for the replacements.  
**David Bailey** clarifies all it would cost the city is \$406.47?  
**Chief Cortassa** confirms that is correct.  
**Dan Heathcock** makes a motion that this be granted. Connie Pool seconds. David Bailey calls for a vote. Connie Poole- yes, Dan Heathcock- yes, David Bailey yes. **Motion passed**
- E. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE APPOINTMENT OF JAKE FOREHAND TO THE KREBS VOLUNTEER FIRE DEPARTMENT WITH A PROBATIONARY PERIOD OF ONE (1) YEAR –  
**Fire Chief, Jim Cortassa** states Jake Forehand has passed all the test and physical agility. Connie Pool makes a motion to approve it. Dan Heathcock seconds. David Bailey calls for a vote. Connie Pool- yes, Dan Heathcock- yes, David Bailey- yes. **Motion passed.**
- F. DISCUSS AND ACT TO APPROVE/DISAPPROVE 4th QUARTER FIRE RUNS AND MEETINGS –  
Connie Poole makes a motion to approve it. Dan Heathcock seconds the motion for payment. David Bailey calls for a vote. Dan Heathcock- yes, Connie Poole- yes, David Bailey- yes. **Motion passed**
- G. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE HIRING OF KODY HANCE AS ANIMAL CONTROL/CODE ENFORCEMENT OFFICER EFFECTIVE JANUARY 22, 2024 –  
**David Bailey** makes an amendment to the motion to read, DISCUSS AND ACT TO APPROVE/DISAPPROVE THE HIRING OF KODY HANCE AS *POLICE OFFICER*/ ANIMAL CONTROL/ CODE ENFORCEMENT OFFICER EFFECTIVE JANUARY 22, 2024.  
**David Bailey** states he thought Kody Hance was already hired.  
**Connie Poole** states she also though he was already hired.  
**Police Chief Dennis Cook** states he was hired contingent upon passing his physical. Which he has now done.  
**David Bailey** asks if he could not start work immediately.  
**Chief Cook** states the 22<sup>nd</sup> is the start of the new pay period.  
**David Bailey** states they need to get the codes taken care of. David Bailey clarifies that Chief Cook will be handling everything on it, including the decisions, paperwork, and will give the council everything on it. Connie Poole makes a motion to approve it. Dan Heathcock seconds. David Bailey calls for a vote. Dan Heathcock- yes, Connie Poole- yes, David Bailey- yes. Motion Passed as amended.
- H. DISCUSS AND ACT TO APPROVE/DISAPPROVE PART TIME PERMANENT EMPLOYEES TO RECEIVE ONE (1) WEEK SICK LEAVE AND ONE (1) WEEK VACATION PER YEAR. REQUIREMENTS ARE
1. EMPLOYED SIX (6) CONSECUTIVE MONTHS
  2. USE LEAVE OR LOSE IT BY THE END OF CALENDAR YEAR
- THE PART TIME EMPLOYEE WOULD RECEIVE FULL AMOUNT OF LEAVE EACH JANUARY –

**Connie Poole** asked what is considered part time, as far as hours, how many part time employees we have, and what are their positions.

**Kay Scott**, treasurer states there are three part time employees. Two cooks at the community center, and one custodian at the museum. Kay Scott states Debbie has worked at the museum for ten years, and seven years at city hall & police department. Kay Scott states there is also a facilitator that is not yet an employee of the city as she was hired through Express Employment.

**David Bailey** clarifies they are not getting insurance, just five days of sick leave and five days of vacation. David Bailey states he thinks someone who has been with us for ten years deserves it.

**Dan Heathcock** asks if they could accumulate sick time.

**David Bailey** states, no they cannot accumulate the time. David Bailey asks for a motion.

Connie Poole makes a motion to approve it. Dan Heathcock seconds. David Bailey calls for a vote.

Connie Poole- yes, Dan Heathcock- yes, David Bailey- yes. Motion passed.

I. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE USE OF REMAINING TSET MONIES. THERE IS \$13,000.00 TO BE USED FOR A BRIDGE ON THE WALKING TRACK. –

**David Bailey** states he believes it will cost about \$14,000.00. David Bailey states the reason it is so expensive is that it has to be concrete because it sets low and fills up quickly.

**Dan Heathcock** makes a motion for this to be done. Connie Poole seconds. David Bailey calls for a vote.

Connie Poole- yes, Dan Heathcock- yes, David Bailey- yes. Motion passed.

J. REZONING DISCUSSION FROM PROPERTY OWNERS RUSSELL AND TERESA ROSS REGARDING PROPERTY AT NE CORNER OF N. CREEK ST. AND CHURCH ST. – Request rescinded.

9. COMMENTS FROM THE COUNCIL AND MAYOR –

**Connie Poole** asks, why are the service reports (calls into McAlester dispatch for the City of Krebs services including police, fire, animal control and code enforcements) even being included (in council books) and why do they have names of people.

**David Bailey** states that he talked to the Chief of Police today, and that the Chief does not want his radio logs out there. David Bailey states the information will no longer be put in there.

**Connie Poole** states she thinks it could be dangerous, in today's world, it could be dangerous for some of the people making calls, with their names out there. Connie Poole states she does not think we should be part of it.

**David Bailey** states part of the agreement was, to keep them from doing as less as they had to, they would run the radios for us. If not, we were at a point at one time, of paying them \$18,000 a year. David Bailey states he received a phone call today, that they do not want this, or we will have to go back to paying them \$18,000 a year. David Bailey states, "that will be no more."

**Connie Poole** states another thing that has come to her attention, is that a few months ago they agreed to let the police officers go to exercise places. Connie Poole asks, are they having to dock it when they go in and out? Connie states that was not part of what they had agreed upon, that they would have to check in and out. Connie Poole ask how are they being paid, is it monthly?

**Kay Scott** states "we do not pay the police officers; we pay the place they go."

**Connie Poole** ask are they having to check in and out?

**David Bailey** state he has never know a gym you had to check in and out of, but they do have to attend it. David Bailey states, if they are attending, the owner of that gym will send us a bill. David Bailey states the highest they pay is \$50.00.

**Connie Poole** states her understanding is that, they have to check in, and out for the facility to be paid. Connie Poole asks how that is being documented.

**Kay Scott** states the gyms will send her an invoice with the dates they attended.

**Connie Poole** asks, so, you need the dates they attended, because that is not what we approved.

**Kay Scott** states, that is, something you wanted to know. That, they were actually attending, otherwise the city is paying for it when they are not attending.

**Connie Poole** states correct, but even if they only go one day, they are still attending. Connie Poole states, to her, it would be a problem for one of the facilities to man every time they go.

**Kay Scott** states a lot of them have swipe cards.

**Connie Poole** clarifies, that all that is needed, is something to show they attended one time, because we did not say they have to go every day, or how many times they have to attend.

**Kay Scott** states that is correct.

**Connie Poole** states she wanted to clarify that so they can let the officers know, they do not have to have something showing when they go.

**Kay Scott** states the officers usually do not send that, the business sends it in.

**Dan Heathcock** states he checked with EM about checking the storm siren, but due to the holiday they were unable to let him know. Dan Heathcock states he is still not sure if the storm sirens are working, but did talk to one resident who states she thought she heard it come on for about three seconds. Dan Heathcock states he will continue to monitor.

10. ADJOURN TO KUA. – David Bailey asks for a motion. Dan Heathcock makes a motion. David Bailey seconds. David Bailey calls for a vote. Dan Heathcock- yes, Connie Poole- yes, David Bailey- yes. **Motion passed.**