

CITY OF KREBS
PLANNING AND ZONING MEETING MINUTES
DECEMBER 3, 2024

1. MEETING CALLED TO ORDER by Chairman Mark Moy
2. ROLL CALL by Chairman Mark Moy Richard Cotton- present, James Garigin- present, Larry Coxsey- present, Dana DeFrange- yes, Chairman Moy- present
3. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE MINUTES OF THE OCTOBER 1, 2024 MEETING.
 James Garigin makes a motion to approve the minutes. Dana DeFrange seconds. Chairman Moy calls for a vote. Richard Cotton- yes, James Garigin- yes, Larry Coxsey- yes, Dana DeFrange- yes. Chairman Moy- yes. **Motion passed**
4. BUSINESS PREVIOUSLY DISCUSSED
 - A. DISCUSS AND ACT TO RECOMMEND/NOT RECOMMEND REZONING PROPERTY LOCATED AT BLOCK 202 LOTS 6,7,8, & 9 OF THE CITY OF KREBS, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM C-1 COMMERCIAL TO R-1 RESIDENTIAL

 Larry Coxsey makes a motion to recommend changing property to residential. Richard Cotton seconds. Chairman Moy calls for a vote. Richard Cotton- yes, James Garigin- yes, Larry Coxsey-yes, Dana DeFrange- yes. Chairman Moy- yes. **Motion passed.**
5. BUSINESS NOT PREVIOUSLY DISCUSSED
 - A. DISCUSS AND ACT TO RECOMMEND/NOT RECOMMEND BUILDING PERMIT FOR CONSTRUCTION OF NEW HOUSE LOCATED AT 375 SE 3RD, KREBS, OK. BLOCK 102 LOT 1.

 Richard Cotton makes a motion to recommend approving a building permit. Dana DeFrange seconds. Chairman Moy calls for a vote. Richard Cotton -yes, James Garigin- yes, Larry Coxsey-yes, Dana DeFrange- yes, Chairman Moy- yes. **Motion passed.**
 - B. DISCUSS AND ACT TO RECOMMEND/NOT RECOMMEND BUILDING PERMIT FOR CONSTRUCTION OF NEW HUSE LOCATED AT 605 SW 6TH, KREBS, OK. BLOCK 47 LOT 6.

 Chairman Moy makes a motion to recommend approving a building permit. Dana DeFrange seconds. Chairman Moy calls for a vote. Richard Cotton -yes, James Garigin- yes, Larry Coxsey-yes, Dana DeFrange- yes, Chairman Moy- yes. **Motion passed.**
 - C. DISCUSS AND ACT TO RECOMMEND/NOT RECOMMEND CLOSING OF ALLEY LOCATED IN BLOCK 20 BETWEEN LOTS 12 AND 1 & 2. KREBS, OK.

 Mark Kirby Okay, my name's Mark Kirby. I live at 170 NW 2nd. I'm trying to vacate the alley at 650 NW Harrison trying to get the alley closed.
 Chairman Moy, Okay. Why? I mean what's it going to do? What's it going to do for you? And be honest with us.

Mark Kirby, So, if I don't get the alley closed, because Pam's trailer, Ms. Baker's trailer is on their half of the portion of the alley, and if I don't close it the bank is not going to loan the money for me to purchase the property.

Chairman Moy what are you going to do with the buildings?

Mark Kirby, I have to tear the buildings down. It's on the neighbor's land on the other side and on his half of the alley so I have to tear the building down and remove the concrete. I can't do anything to the property until I purchase it otherwise, I'm messing with property I don't own.

Chairman Moy We all kind of went over and looked at it and when you step it off it don't, I don't know what Milligan's doing here. I don't understand this at all.

Mark Kirby, I think he, kind of laid everything out as far as the property lines and then he did a drawing of the alley which belongs to the neighbor next door of his section of where the alley starts and his property line and things. That way we would know what belonged to him and what belonged to Ms. Baker.

Chairman Moy, the property in front of you?

Mark Kirby, belongs to Steven & Tina Ingle and they are going to sign it over to me on Friday. I have to have the alley vacated. I have to get it closed before we can proceed any further.

Chairman Moy When you close that this survey's completely wrong.

Mark Kirby, yes, it is. He will have to resurvey the land once it's completely closed.

Richard Cotton is there any utilities in the alley

Mark Kirby not that I am aware of

Chairman Moy makes a motion that if we vacate a lot, you cannot put a permanent structure over the top of it.

Larry Coxsey, what about the house that actually sitting on it already?

Chairman Moy when you close the alley he'll clear it. It won't be proper setbacks but it'll clear it.

Richard Cotton you will have to get a survey showing that that house is not on his side. It's pretty close.

Mark Kirby, it is very close within two feet.

Larry Coxsey closer than that

Mark Kirby, we figured two feet, but the air conditioner on the end of the trailer does sit on his part of the alley on his section of the alley so I'll have to have it moved.

Larry Coxsey, I'd like to see it resurveyed to the point where we can see if that house is actually on before I would suggest approving the closing of that.

Chairman Moy, we're willing to close it if he has no objections, and he don't have no objections, and we want to help you get there where you can borrow the money.

Larry Coxsey, I'll make a motion to table it until we get the correct survey and can get all that stuff straightened out first.

Richard Cotton seconds. Chairman Moy calls for a vote. Richard Cotton- yes, James Garigin- yes, Larry Coxsey- yes, Dana DeFrange- yes, Chairman Moy- yes.

Motion to table passed.

- D. DISCUSS AND ACT TO RECOMMEND/NOT RECOMMEND BUILDING PERMIT FOR CONSTRUCTION OF A NEW NINE UNIT APARTMENT BUILDING LOCATED AT 270 ELECTRIC, KREBS, OK. BLOCK 144 LOTS 9, 10, 11 & 12.

Larry Coxsey, I'll start, I called and because I was looking at all the stuff that was given to us and your building permit and one of the first things that after looking at the drawing stuff, I was looking at this. So, I called and actually I sent a message to email to him and Darryl called me and I asked him about this virtual little part because the building permit was issued on February 6, 2024. And says that the way it reads there, that's what I asked him. I said, does that mean if nothing's been done at all there since the concrete slabs and all that stuff was poured before the fire marshals got involved and all that. And he said if nothing's been done there within 180 days of February 6th, he said, this building permit is actually invalid right now.

Alan Martin, well, we have been over there and been doing work.

Richard Cotton, you haven't been over there and done anything.

Alan Martin, I've talked to the engineer that is over this because I asked him about that and the engineer that drew my plans up and stuff said If you have done any work on the site, which includes us mowing or grading or anything that we're good as far as construction, no, we haven't done any construction. I actually was going to start about a month ago whenever it was, I called Tommy, but the engineer that I talked to said that we are good because actually this was done, the slab work and stuff was done prior to us even getting or filing for the permit from the state fire marshal's office. And what the engineer said, what they're really looking for is people that just get a permit and never even start. But since we actually jumped the gun and already had work done when you're not supposed to do anything at all until you have a permit.

Larry Coxsey, well, the concrete and stuff was poured because the city council actually approved the building permit for you illegally, because at the time that they approved this, in their city bylaws and stuff, they were supposed to have a planning and zoning committee, which they didn't have, which they've approved some other stuff that's in question now too. Right. And that's what let you start doing that construction and then the fire marshals stopped you and then you had to do this, which you got that done. But the way Darryl was explaining to me, he said, so he asked me, he said, has anything been walls been erected, stuff going up? And I said, no, I can't see anything there. And he said, as of right now its invalid.

Alan Martin, well, Jonathan Strayhorn is the engineer that owns Red Dirt Solutions and he was a state fire marshal. He even trains or does trainings for the state fire marshal's office still. He said, I'm good and you can talk to 10 different people from the

Larry Coxsey, Well I'm talking to guy that actually works for the fire marshals that actually issued the permit. And I'm not saying that you're right or wrong or Strahan, I'm just saying that we need to, y'all need to contact the fire marshals and get that straightened up. And the other deal that we've seen is, what was it? It was plan, the plan review comments that the fire marshals should attach to your finished drawings that you sent to them.

Chairman Moy Second thing they told me was you should have a detailed drawing coming to us for the sprinkler system.

Alan Martin, Yeah, we haven't got that yet because I actually ordered it, but it costs \$30,000 for the guy to come and test the fire hydrants and to draw that up. And that was, I'd already talked to him before I called down here. I wouldn't even be standing here today. We would be putting walls up. But I come down here and try to get the water meter, my two-inch water meter installed and I was going to get the board put in and then Tommy told me that I had to come back through the

planning commission. I mean we would have; all the walls would probably be done by now. I shut everything down.

Chairman Moy, they told us that you had to set of plans that you had to have that before they give you a building permit.

Alan Martin, no, it says right here. So, these deals say plan review comments do not remove from this plan. That's the reason why y'all don't have these, because these are supposed to stay on here. And it says inside here that after they approve this that you have to submit the, so the sprinkler company will submit the plans that they come up with and they can't come up with the plans until they test the fire hydrants. They'll submit them to the fire marshal's office and all that has to be done and approved prior to my 50% inspection. So, I could start building the walls tomorrow, but I can't get my 50% completion inspection from the state fire marshal's office until the sprinkler plan is done and the sprinkler's installed.

Richard Cotton What about the fire hydrant? You got a plan for that

Alan Martin Well I do, but until he tests the, line back up. The fire hydrant is going to come off. Tommy said, I think Tommy or one of the guys said it's a six-inch line that comes off the water tower

Richard Cotton, but you're going underneath the road.

Alan Martin, yeah.

Richard Cotton, you got to have plans and you got to submit it to DEQ for approval.

Alan Martin, well we haven't in the past I've put fire hydrants in and never had to, but I can get Brad Garrett to do that. He's the one that's going to do the board.

Richard Cotton, Well I think you have to.

Alan Martin, just install a fire hydrant. Privately on fire hydrant.

Richard Cotton, yeah you got to put in a line underneath. You got to bore the highway.

Chairman Moy, you got to put a casing underneath it

Alan Martin, Yeah, well, so what we were going to do on the bore is a 12-inch casing and then we'll set the bore rig up on the city's land and then we'll have to dig a tail ditch on my land and pull it over. But we can, if we have to get a permit from D EQ to bore that road.

Chairman Moy, that's going to take you 30 days at least. Maybe 90. We are getting told different deals Mr. Martin.

Alan Martin Put yourself in my shoes we should have everything on here just like what you've got, I come here and did everything I was supposed to do, go over there and start construction, spend \$250,000 and then I'm stuck and then I try to get everything ready to start going again and now I'm stuck again. And how you say you're getting told and you call this guy here, it's telling you something different than an engineer says, and I could talk to Strayhorn tomorrow and he could probably call up there and tell him it's okay because we've already started work and it's like Strayhorn told me before I asked him about this, he said, if you've been working on the property you can consider it that you're working there. And I said, well, I haven't done any work other than mowing and a little bit of grading. We were going to start pouring concrete too and then we shut that down.

Richard Cotton, What about the survey? This survey here doesn't show any of your apartments on there setbacks or anything?

Alan Martin, well no, because at the city of McAlester, when you turn in something they would make you give them an elevation survey that's got the house on it, or whatever.

Richard Cotton, you still have to have a survey showing setbacks and stuff.

Alan Martin, they did not make do it when I went through all this before.

Richard Cotton, they make everybody do it here. Even residential they had too.

Alan Martin, I went through two meetings and they never made me do it. But these sets of plans here, they're to scale that show all the setbacks and everything that's on them. Little ones but you can't see it. But I mean what would I do now? It's been poured and approved. The concrete slabs there, the plumbing's there, water's there, everything's there. And it wasn't never a problem until the fire marshal got involved and that wasn't my fault, wasn't the city's fault. They didn't know. And I understand that. I mean I really don't understand because these are a brand-new set of apartment complex. You worked at the city when I was building over there, I never had a problem with anybody. People still put my name on houses I built 20 years ago. I built the King's House Church.

Richard Cotton, you have to have a survey showing setbacks here now.

Alan Martin, I know, but I'm saying whenever, when I come in here a long time ago, they didn't. I think we went and measured it.

Chairman Moy there was building codes there wasn't planning.

Larry Coxsey, the city council was just, they were doing things illegal. They were taking stuff into the meeting and when should have taken two meetings to do what they were doing, they were listening to it, approving it, and going on without checking any setbacks. That's why we've got houses setting across property lines and stuff like that because then no one went and looked at it. As of right now, from what I'm seeing what you'll need before we could approve anything else, I recommend you talk to or your guy talk to the fire marshals because commercial buildings, we really can't approve the buildings of commercial buildings. That's why Marylyns's for instance, over here, we couldn't approve that building. We couldn't approve some other stuff. The dollar store, they come in here and said that they wanted to build there and got our blessings on building stuff and got all the setbacks on the survey to show us as far as the building itself and construction, we couldn't do nothing. That's fire marshals, anything like that for an apartment complex. It's considered a commercial building too and that's why they're involved.

Alan Martin, yes, so that's what my question is. So, if I call tomorrow and the state fire marshal says, yes, sir, which I'll go through Jonathan because he knows all these guys. If Jonathan calls him and says, yes, you're good to go. Do I have to wait another month and come back to another meeting or like you said, the city really? I mean I don't see where the city has any play in this because I've had to submit so much stuff and I'm going to be going through so much scrutiny with the state fire marshal's office. It's way beyond what the city of Krebs can put me through. I mean I went through it with the King's House church and it's like you do what they say to a T and don't deviate from it.

Chairman Moy, let me ask you a question. So, if you don't have the drawing for the sprinkler system and Krebs doesn't pass, what it has to have for that, where are we at?

Alan Martin, The dude from Chris? K. K. He owns fire action, fire and Safety. He said that they can do multiple things, but he looked it up where the tower's at and the line that it's on and he said, you're not going to have a problem with it unless there's a four-inch line in there somewhere.

Chairman Moy, you need to give that to us. We're not asking too much.

Alan Martin, Yeah, I won't have that for 60 or 90 days

Chairman Moy, and if you're born under the highway, we need an approval through DEQ.

Alan Martin, Well the fire hydrants, the second that y'all say, okay, he'll come and test the fire hydrants and then he'll know there's two hydrants that he can test already and they're not going to add, I think it's 120 feet of line. It's not going to make a difference.

Larry Coxsey, so you're talking flow testing, right?

Alan Martin, Yeah, yeah. He'll do a hydraulic test on them and then he'll size this according to whatever the pressure and the volume is, but then he actually makes the plans and submits them to the fire marshal's office and then they approve them. But that Chris told me, I texted him today and talked to him a little bit back and forth. That can take 60 to 90 days.

Chairman Moy, I hear what you're saying. Yeah, and I don't like that for you. I was in the construction business all my life. I mean I understand that, but you got to understand us a little bit too. We're here trying to take care of city of Krebs. this has been going on. This has been going on what, two years. So, excuse me for not being in a hurry for you,

Alan Martin, But I can't spend another \$30,000 for him to come and test them lines and then still not know if y'all are going to approve it or not.

Chairman Moy, if you give us everything that we've asked you for, I'm pretty much sure we'll give you a building permit, but you got to tell us which way the water's running. Are you going to run all your water on your neighbors? What you, are you going to run it on the side?

Alan Martin, what are you talking about? Runoff water. Well, the runoff water is going to go the natural flow. Are you talking about the water from the roof house and from the roof

Chairman Moy so now you're catching a whole bunch of water,

Alan Martin, So the way that the water from the driveway's going there is already a cutout and it naturally falls down to that creek, to Blake Street or whatever it is right there, and then it cuts and it goes and the road and the land's basically going to do, not the road, but I mean the water from the houses is basically going to do the same thing. It's just going to all kind of go back towards Garfield. Yeah, through the backyard. Yeah, so the front, it falls west and then it goes down Garfield Street.

Richard Cotton, do those plans show that?

Alan Martin, no, they didn't have me do any type of plans like that for the fire marshal's office.

Chairman Moy, they didn't have you do them with the survey?

Alan Martin, nope. Everything I gave them, this is a complete, actually they took the plans that the engineers drew and then the fire marshal's office made these plans out of them and stamped them with their stamp.

Chairman Moy, they told me yesterday, day before yesterday? That that should be on the plan that you sent to us on the What they recommended, the whole thing. I see you've got it on there. I

Alan Martin, this is it. I mean I gave you, the only thing that you don't have there is these papers right here, and that's because it says don't remove them.

Chairman Moy, they told us it had a drawing on there. He told me that, and he told me it had a recommendation all the way through. Well, we can't read that if it's on here

Alan Martin, who told you that?

Chairman Moy, Fire marshal. Oklahoma City Fire Marshal.

Alan Martin, this guy here or are you talking about Chuck?

Chairman Moy, no, I talked to Chuck and I talked to the, I just called up there and they told me what to do

Alan Martin, well it doesn't and they don't require that. Here's everything that they gave me, the sheets that y'all got. I know you can't read them, but they're the same because that all it shows is the building code you have to go by and this is the engineering company I'm talking about when I talk about Jonathan Strayhorn. This is where it's talking about the plans for the sprinkler system that you said you'll provide the drawings, calculations and equipment data for review and approval by the state fire marshal office. It must be approved prior to the 50% building inspection.

Chairman Moy, they told me if you didn't do any of this that they wouldn't give you occupancy. If you could put the firewalls in there, why are they making you sprinkler it?

Alan Martin, Well, it's in this international building code that anything over triplex so many square feet. Yeah, well, anything over a triplex, you got to have sprinklers. Anything over what a triplex. So, I could have built three triplexes over here, had to do it and had not even been going through none of this. It done be over with. We would've never got shut down. We've just built them. I mean, it'd been over with.

Larry Coxsey What I would say I suggest is get ahold of the fire marshals and discuss that building permit. Also get ahold of DEQ and see about getting the permit for that line because I know other places just tried to get some permits and stuff and they want you to have them before construction starts

Richard Cotton that water line after its built will be dedicated to the city?

Alan Martin yes

Larry Coxsey If he was to get ahold of Fire Marshals and DEQ and get that all straightened out and come back with something positive there.

Chairman Moy, all of us, me as being the chairman, if you'll get that for us, that part we've done and take photos of that and give that to her or she can give it to us more or less. We asked that from everybody. This is new to us. This is ugly for us. But I will call a special meeting. I can't do anything more than that for you.

Larry Coxsey, with him saying we'll call a special one if you can get that. I mean I'd **make a motion to table** it until you get with the fire marshals again, making sure that's gets straightened out ODO and when you're talking to the fire marshals, see about getting a copy of what they've attached to your papers that they tell you to provide to us, but they tell you not to tear it off of these, see if there's a way we can get that so we can read it without having it all together up there on your stuff. And as long as you get that then what he said we can call special meeting and get back in.

James Garigin seconds. Chairman Moy calls for a vote. Richard Cotton-yes, James Garigin -yes, Larry Coxsey- yes, Dana DeFrange- yes, Chairman Walker- yes. **Motion to table passed.**

6. COMMENTS FROM PLANNING AND ZONING COMMISSION.

Chairman Moy, we need to make recommendation and help her and none of this should come to us until it's completely completed where we can go look at it. Second thing we need to do is everybody needs to kind of write down what you think that should be. If we need an ALTA survey.

Larry Coxsey, well let's put that on the next agenda and give us each one of us time to make some notes and stuff like that and then we'll all come together and put it all in one and make an agreement on that.

Richard Cotton, this apartment deal down there should have had an ALTA survey on it. Anything commercial should have an ALTA survey.

Chairman Moy, they opened the door and here's how we got it. It's hard to reinforce something that's already been okayed. It's hard to do that. You can't hardly do it. That's what I'm trying to say

7. ADJOURN

James Garigin makes a motion to adjourn. Chairman Moy seconds. Chairman Moy calls for a vote. Richard Cotton- yes, James Garigin- yes, Larry Coxsey-yes, Dana DeFrange- yes, Chairman Moy- yes. **Motion passed.**