

CITY OF KREBS
COUNCIL MEETING
MINUTES
JULY 16, 2024

1. MEETING CALLED TO ORDER by Mayor Tommy Ray Walker
2. ROLL CALL -by Cindy J. Cooper, City Clerk. Mayor Tommy Ray Walker- present, Dan Heathcock- present, Jason Wagnon- present, Connie Poole- present, David Bailey- **absent**.

11 **Mayor Walker** states he needs to read something to the council. Mayor Walker reads Oklahoma state statute O.S. 1991, § 8-108 which states.

Whenever a member of the municipal governing body is absent from more than one-half of all meetings of the governing body, regular and special, held within any period of four (4) consecutive months, he shall thereupon cease to hold office.

Mayor Walker So with that whenever I found out he (Jason Wagnon) had missed too many meetings I called and told him. He (Jason) read the letter.

Connie Poole Let me ask you why are we not going through the whole thing here. Why are we not going by the agenda

Mayor Walker First of all David isn't here so you won't have quorum because he (Jason) is not a council member.

Connie Poole Can we not follow through like we are supposed to on this agenda then when we get to it let us discuss it then

Mayor Walker, you have to have a quorum to vote on the minutes and everything else.

Jason Wagnon "I am not a council member?"

Mayor Walker Right.

Jason Wagnon Since when?

Mayor Walker Since the day I gave you that letter

Jason Wagnon, I thought I am in full capacity still until its decided by.

Pat Layden, city attorney, you are.

Mayor Walker The only reason was -interrupted by Jason

Jason Wagnon You are leaving off the last part of that. What's in that statue. You want me to read it to you?

Mayor Walker Yeah. I have read it several times. The only thing the council has to do is read it over, make sure it's right that he (Jason) missed the time. It does not say it's-interrupted by Jason.

Jason Wagnon This is the part you are leaving off. You are leaving off the part to be determined by the remaining members of the body of council

Mayor Walker What is determined.

Jason Wagnon Whether to vacate that seat or not. Why am I due a due process? You violated my due process by firing me in your pickup truck

Mayor Walker, I didn't fire you. You quit

Jason Wagnon, I did not

Mayor Walker, you read that and you said Well I guess I'm gone.

Jason Wagnon, I did not. No, I did not. You're a liar

Mayor Walker you're a liar

Jason Wagnon no I did not.

Mayor Walker, it says right here as soon as you miss the meetings, you cease to hold office

Jason Wagnon no, you tried to make me resign and I would not do it. You called me

Mayor Walker hey, that's enough lying.

Jason Wagnon you're a liar. Why did you fire me in your pick up?

Mayor Walker, I didn't fire you. I told you read that letter. You read that letter and you said Well I guess I'm gone. According to that letter you are gone. You said OK I guess I'm gone. All I want is my check

Jason Wagnon, I did not say that. You are lying

Mayor Walker Yes you did.

Jason Wagnon No I did not

Connie Poole If she can ask a question. Connie Poole states, first of all why was it out in your pick up instead of bringing him in here doing it a proper way in front of another party?

Mayor Walker Why does it make a difference

Jason Wagnon I never resigned

Connie Poole because it's a professional way of doing it

Jason Wagnon That is a lie that is a lie.

Cindy Cooper Did you not call him, and he requested to come up here?

Jason Wagnon No, he demanded I come up here

Mayor Walker No I did not. I asked you if you would come up here, I got to talk to you.

Jason Wagnon, you said it was urgent

Mayor Walker And you said, am I in big trouble. I said no.

Jason Wagnon I was making a joke. When I got here you were waiting for me in your pick up. Had me get in your pickup truck and said as much as I hate to do this, here I want you to read this. So, I read it and he said I really don't like doing it, but to be effective immediately signed Tommy Walker. So, I reached out to Pat to get him to, and found out that was wrong. You tried to tell me I might as well resign so it doesn't come out in the newspaper.

Mayor Walker How is that wrong Pat?

Pat Layden To answer several questions here. One if there was a resignation or you said you quit -interrupted by Jason

Jason Wagnon There wasn't

Pat Layden But even if there was it is not legal it's not effective unless it, is in writing, and to the council, so there is no resignation.

Jason Wagnon I never resigned

Mayor Walker State statute says as soon as it is found out he ceases to be on the council.

Pat Layden The ability to fire or terminate anybody it's up to the governing board like the statute said. I talked to OML. OML-interrupted by Jason.

Jason Wagnon, He tried to intimidate me

Mayor Walker, I did not

Pat Layden OML agrees.

Jason Wagnon Yes you did. You threated me with a newspaper

Mayor Walker Oh my God!

Pat Layden, you didn't resign

Mayor Walker Yes, he did. He said I'm gone, I guess.

Pat Layden It's not a legal resignation. A legal resignation has to be in writing to the clerk or council then interrupted by Mayor Walker

Mayor Walker, I didn't fire him. The state statute of Oklahoma got rid of him. Fired him. It says right there Pat, doesn't it. Don't you believe in the state's statute?

Pat Layden, I don't believe that's what the statute says.

Mayor Walker, it says right there cease to hold office

Pat Layden if the governing board determines there is a vacancy, then there is a vacancy

Mayor Walker, it doesn't say that

Pat Layden There has to be a vacancy. That's what's on the agenda. If the council wants to vote that there is a vacancy and second it and vote him off then he is gone

Mayor Walker They can't override the state statutes

Pat Layden The council decides who is on the interrupted by Mayor Walker

Mayor Walker You can keep talking all you want to talk but what it said was he ceases to hold office period.

Pat Layden, I talked to my legal

Mayor Walker, you can tell me what you want to tell me, and I will listen but by the state statute, we called the attorney general's office he told us we did the right thing. That's the way it's supposed to be done. But he said I should have afterwards had a meeting and told them (council) what happened which I did not do because it did not say that in the state's statute.

Pat Layden states I think what he is telling you is that you have to bring that to their attention. You discovered that, and it's a situation or a problem in your opinion. You bring that to the council's attention it goes on the agenda like it is. It's on the agenda now the council has the right to determine whether there is a vacancy or not.

Mayor Walker states, if it shows he has missed all those times. All they have to do is look at it. He has all those absences so he no longer holds office, that's what they're supposed to do

Pat Layden it's their determination it's not yours. It's the governing board, it's the council members not the mayor. You are what's called a weak mayor, Aldermanic form of government.

Mayor Walker states, I know how all that goes Pat. I have been here 25 years; I think I know something.

Pat Layden states, ok I won't talk to you any more I will talk to the council since you know it all 25 years. The council its before you on the agenda and you have a right to determine whether there is a vacancy or not. The simple issue is either I guess it's been read it's an issue. If someone makes a motion, seconds it, vote then you're done.

Connie Poole ask, can I make a motion right now

Pat Layden states you can if you want.

Connie Poole makes a motion that the position is not vacant.

Mayor Walker states, we have not gone through all the rest of the agenda

Connie Poole states I know, because you wanted to jump right there and that's where we are at

Mayor Walker I just wanted to tell you what was going on and what happened I was doing what it told me to do Connie. I have never been to one of those before. It told me as soon as he missed the days then he is gone. That's all it comes down to. They did not tell me about having a council meeting

Connie Poole that is fine, where are we going to start the agenda? Are we going to stay here where you wanted to inform us to start or are we going to jump back to where we are supposed to start to begin with?

Mayor Walker it's still my opinion he (Jason) is not on the city council

Connie Poole it's our opinion whether he is or not it's up to us

Mayor Walker it's up to y'all?

Connie Poole yes, the council.

Mayor Walker if he is not on the council there is only two of you. You can't do it.

Connie Poole Is that correct Pat?

Pat Layden, I think he still serves. There has been no vacancy declared by the governing board so as of right now there is no vacancy

Mayor Walker the attorney general told me opposite of that

Pat Layden well OML said what my research of it is, that it's up to the governing board to determine whether there is a vacancy or not, and that's the three people sitting over there. That's you decision. If the attorney general says something else, I don't know. No body has talked to me about it.

Mayor Walker, you need to call the attorney general then.

Pat Layden Why would I? I don't feel like I need to. I feel like I know the law and what's involved here.

Mayor Walker The state law supersedes the city, right? The state law supersedes the city.

Pat Layden There is states law that directs how cities and government should be run, and there is a statute on what's called vacancies in office, and the vacancies in office are determined by the governing board which is the city council. So that's why we are here. The council can vote on it whether there is or isn't. I'm not here to say, that would be up to the council to decide if they think there is, vote their conscious if there isn't vote their conscious.

Mayor Walker, we will do it your way then see what the attorney general says after we. We will go to item 9A.

*Amended at request of Dan Heathcock 'from the end of number two -after lengthy discussion'.

3. PRAYER AND PLEDGE OF ALLEGIANCE. * [Not in order as listed on agenda](#) - Prayer and pledge allegiance led by Dan Heathcock.

4. DISCUSS AND ACT TO APPROVE THE MINUTES OF THE JUNE 19, 2024 CITY COUNCIL MEETING.

Dan Heathcock, I have a question on number four just for clarification. On the last line on page four, emergency management says test will be held every third Thursday of every month. It's always been on Wednesday. I contacted EM and they said the test will be on Wednesdays. With that correction I [make a motion to approve the minutes of the June 19, 2024 meeting](#).
Connie Poole seconds.

Mayor Walker calls for a vote. Jason Wagnon- yes, Connie Poole- yes, Dan Heathcock- yes. [Motion passed](#).

5. DISCUSS AND ACT TO APPROVE THE MINUTES OF THE JUNE 28, 2024 SPECIAL CITY COUNCIL MEETING MINUTES.

Connie Poole [makes a motion to approve the minutes](#). Dan Heathcock seconds. Mayor Walker calls for a vote. Jason Wagnon- yes, Connie Poole- yes, Dan Heathcock- yes. [Motion passed](#).

6. DISCUSS AND ACT TO APPROVE THE CLAIMS.

Dan Heathcock, I don't understand what it's saying here, error, then number 358354 does that number have something to do with the error

Kay Scott, treasurer No, that's the check run number. If you look in your books the same person has fire run meetings twice. One should have been Henderson instead of Hays so your correction is the pages I laid down there. Where Henderson is getting paid once, and Hayes is getting paid once instead of Hays getting paid twice.

Dan Heathcock What page is that?

Kay Scott First page.

Dan Heathcock [makes a motion to approve the claims](#). Connie Poole seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Jason Wagnon- yes. [Motion passed](#).

7. REVIEW CITY OF KREBS FINANCIAL STATEMENT WITH MIKE KERN.

Mike Kern, city accountant Page three the 12 months ending the fiscal year the total revenue was \$2,259,253.94 page five total expenses was \$2,571,657.64 so we spent \$312,403.70 more than we took in. The carry over monies is not as strong as they have been in previous years.

Mayor Walker, I guess yell know a parenthesis around a number means a minus

Connie Poole A negative, yes, I understand that.

Mayor Walker, you see on page one cash general fund of **\$(10,448.19)**, that's how low we are. We need to start, stop spending every bit of money we can. Start saving back up. That's getting mighty low.

8. BUSINESS PREVIOUSLY DISCUSSED.

A. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE AGREEMENT TITLED 'CITY COUNTY AGREEMENT FOR JOINT CIVIL DEFENSE/EMERGENCY MANAGEMENT ADMINISTRATION' WITH PITTSBURG COUNTY EMERGENCY MANAGEMENT FOR THE FISCAL YEAR 2024-2025 FOR THE AMOUNT OF \$9,581.80.

Dan Heathcock Who put this on the agenda

Cindy Cooper, I typed it on there. I put the agendas together. Is it ok?

Dan Heathcock, I asked for it the month before and it didn't get put on there.

Cindy Cooper, it got put on there as discussion.

Connie Poole What did you say?

Cindy Cooper, it got put on there as discussion because the guy from emergency management- was here. I don't know remember who it was

Dan Heathcock Normally when we put things on the agenda it will be put on the agenda?

Cindy Cooper If it's approved by the mayor.

Connie Poole Let me ask something, whatever we ask to be put on the agenda it's not up to the mayor not to put it on the agenda from my understanding. Am I correct

Pat Layden You are correct. The council member has a right. Council member, mayor, clerk. I think that is it maybe, have the right to put a matter on the agenda.

Mayor Walker Also if you call a special meeting you have to have three of y'all to do that or I can do it with one.

Connie Poole Also if we have a special meeting, I wish y'all had a form instead of the last form I ask for. It said something about KUA and other stuff so we need a form for the special meeting.

Cindy Cooper So you are requesting a special form for special meetings?

Connie Poole Yes, because it's not on there. You all wanting me to white stuff out, or mark something out, and just write it in there, and at the bottom it has to be approved by the mayor, and that's another thing. Whatever we ask to be put on the agenda it does not have to be approved by the mayor. The yes and no should not even be down there.

Mayor Walker Yea, there's no reason for me to be here is there then?

Connie Poole, I didn't say that Tommy

Mayor Walker That's what it sounded like

Connie Poole If that's how you interrupted it, I'm sorry

Mayor Walker, you want me to do all the dirty stuff when it comes down to who goes here, and whose there.

Connie Poole Let's get this going on. I'm not getting in no argument with you. I just want things on a form properly. If we ask for something give it to us.

Dan Heathcock makes a motion to approve 8A. Connie Poole seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Jason Wagnon- yes. **Motion passed.**

*Amended at request of Dan Heathcock 'from the end of number two -after lengthy discussion'.

9. BUSINESS NOT PREVIOUSLY DISCUSSED

Not in order as listed on agenda

- A. DISCUSS AND ACT TO DETERMINE/DISCONFIRM THAT THE WARD 3 COUNCILMEMBER OFFICE IS VACATED IN ACCORDANCE WITH STATE STATUTE §11-8-108 WHICH STATES *WHENEVER A MEMBER OF THE MUNICIPAL GOVERNING BODY IS ABSENT FROM MORE THAN ONE-HALF OF ALL MEETINGS OF THE GOVERNING BODY, REGULAR AND SPECIAL, HELD WITHIN ANY PERIOD OF FOUR (4) CONSECUTIVE MONTHS, HE SHALL THEREUPON CEASE TO HOLD OFFICE.* WARD 3 COUNCILMAN JASON WAGNON HAS BEEN ABSENT FROM 4 OUT 7 MEETINGS AS FOLLOWS:

3/1/2024 -

4/9/2024 -

4/16/2024 - ABSENT

5/21/2024 -

5/28/2024 - ABSENT

6/19/2024 - ABSENT

6/20/2024 - ABSENT

*JASON WAGNON WAS MADE AWARE, ON JUNE 25, 2024 THAT HE WAS NON-COMPLIANT WITH STATE STATUTE §11-8-108 BY MAYOR TOMMY RAY WALKER.

Connie Poole makes a motion that the position is not vacant.

Dan Heathcock because of the circumstances there were times the meeting was called when he (Jason) was working his regular job

Mayor Walker that does not matter

Dan Heathcock sure it does

Mayor Walker, I guess the attorney general don't know anything huh?

Dan Heathcock not when it comes to circumstances. Dan Heathcock seconds the motion that it is not vacant because of circumstances

Jason Wagnon, am I allowed to vote in this Pat?

Pat Layden Yes.

Jason Wagnon, I agree with them.

Pat Layden There has been a motion, a second, there needs to be a call for a vote.

Jason Wagnon Yes, I agree with it.

Mayor Walker Dan did you vote?

Dan Heathcock- yes

Mayor Walker Connie did you vote?

Connie Poole- yes

Mayor Walker Jason did you vote?

Jason Wagnon- yes

Mayor Walker Ok that is what the city council says. Now we will go back up to item four.

Dan Heathcock, I have a question about that. We skipped our prayer and pledge allegiance.

Cindy Cooper Lord knows we need prayer

Mayor Walker alright Danny, we'll have it

*Amended at request of Dan Heathcock-went back to number three at this point.

- B. DISCUSS AND ACT TO APPROVE/DISAPPROVE BUILDING PERMIT FOR PROPOSED ROOM ADDITION TO EXISTING HOUSE LOCATED AT 1868 NW 14TH STREET, MCALESTER, OK. IN BLOCK 202, LOTS 6, 7, 8, & 9.

Cindy Cooper This has been heard by the planning & zoning board. They recommend approval.

Mayor Walker this is in McAlester?

Cindy Cooper It's on the other side of the freeway on the top part

Mayor Walker On this side of the railroad tracks?

Mr. Moyer Yes.

Dan Heathcock Is this one house on one of these lots

Mr. Moyer Yes.

Connie Poole makes a motion to approve it. Dan Heathcock seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Jason Wagnon- yes. Motion passed.

- C. DISCUSS AND ACT TO APPROVE/DISAPPROVE A BUILDING PERMIT FOR CONSTRUCTION OF NEW HOUSE TO BE LOCATED AT 645 W. JACKSON KREBS, OK BLOCK 20 LOT 6

Cindy Cooper Planning & Zoning recommend approval.

Connie Poole makes a motion to approve. Dan Heathcock seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Jason Wagnon- yes. Motion passed.

- D. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE APPOINTMENT OF JAX FRANKLIN TO THE TENANT COMMISSIONER POSITION ON THE KREBS HOUSING AUTHORITY'S BOARD OF COMMISSIONERS.

Dan Heathcock makes a motion that he be approved. * Amended at request of Dan Heathcock motion should read 'because the Krebs Housing Authority Board of Commissioners approved Jax Franklin then Dan Heathcock makes a motion to approve.' Connie Poole seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Jason Wagnon-yes. Motion passed.

10. COMMENTS FROM THE COUNCIL AND MAYOR

Connie Poole, I have a question. Why was the agenda given to us not on Friday evening and we got them Saturday.

Cindy Cooper Because it was too late for them to deliver them on Friday.

Connie Poole What time was it?

Cindy Cooper It was one A.M.

Connie Poole, you worked on this till one AM. You're signing off on the overtime. I know we got these on Fridays evening and they have been thicker books than this.

Cindy Cooper Let me address that for you. We have had a meeting every single week, and at your request, you want it word per word for what the minutes are. It takes a long time to type those up and there are other things I have to do so it did take that long. If you want less in the book or less information, I don't know where to cut.

Connie Poole When do you start on theses? How long does it take once you start them.

Cindy Cooper, it takes a while. When you have a lot of minutes. If you have an hour of recordings. I can't give you an exact time. I am recording word per word what that is, listening, write down, listen. It takes a long time. Then type them up and do other things in between

Connie Poole Let me ask you this. I am not trying to pick on you believe me. After we have this meeting, you have one whole month to get this reported.

Cindy Cooper yes, but each week we are having a meeting, so basically, I am constantly doing that. I have other things to do too. I am not doing just this. I am typing up ordinances, typing up permits.

Connie Poole I'm just saying we are talking; he is talking about we need to budget and everything that we are short and everything. So, I am thinking with overtime 40 hours a week for a whole month.

Cindy Cooper What would you like me to quit doing?

Connie Poole, I don't want you to quit doing anything. I'm just saying we have gotten these books on Friday evenings that were thicker than this.

Cindy Cooper Probably, and that might have been when we weren't having budget meetings every week. I don't know how to justify it to you. I am telling you that is how long it took, and I am telling you that, rest assured I am not wasting my time in there. You are welcome to come and shadow me anytime you like.

Connie Poole I am just inquiring.

Mayor Walker, they get about ten to twenty phone calls a day, every one of them. Yall are welcome to come down here and spend the day. See what goes on

11. ADJOURN TO KUA

Connie Poole makes a motion to adjourn to KUA. Dan Heathcock seconds. Mayor Walker calls for a vote. Connie Poole-yes, Dan Heathcock- yes, Jason Wagon- yes. **Motion passed.**