

CITY OF KREBS  
SPECIAL CITY COUNCIL MEETING MINUTES  
JANUARY 23, 2024

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- present, Connie Poole-absent, Dan Heathcock- present, James Garigin, Larry Coxsey, Robert Patton, Dana DeFrange- present.
3. BUSINESS
  - A. DISCUSSION BETWEEN THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION REGARDING GOALS, GUIDELINES, EXPECTATIONS, COMMUNICATION AND CONCERNS –

**David Bailey** states this is informal we are here to express ideas, get to where we can work together. We need input from the planning and zoning commission.

**Mark Moy**, Chairman of the planning and zoning commission asked the council what did the developer tell you they would do, basically, at the Maisano Addition such as roads, sewer lines, electric lines. Did they tell you they were going to do concrete curb and gutter or black top.

**David Bailey** states to his understanding it was supposed to be concrete, just like Waters Edge.

**Jason Wagon** states that also what he thought.

**Larry Coxsey** states in the engineering plans that were originally given to the planning and zoning board, it showed curb and gutter to begin with, now it shows black top.

**David Bailey** states tonight is just for discussion.

**Mark Moy** states we are not making any actions. Mark Moy states we need guide lines, what is the council wanting. Mark Moy asked do you want black top, concrete curb and gutter? There are certain things any developer has to do. That is sewer, water and roads, they have to do that.

**Dan Heathcock** states, and storm drainage.

**Mark Moy** states that you should not get building permits until all the substructure is in, roads, water lines, sewer lines, electric lines, gas lines or what ever you are putting in.

**Larry Coxsey** states that is how it is in any city, the infrastructure goes in first, then you get building permits.

**David Bailey** states we will put down, as one of the guidelines, that infrastructure should always be in before the building permits are allowed.

**Dan Heathcock** states flooding and draining should be assessed, and appropriate measures taken to accommodate those issues. Such as pipes and tin horns being utilized.

**David Bailey** states it is the job of the planning and zoning commission to give us the information, and we should take heavily into consideration their recommendations.

\* Connie Poole arrives @ 1809

**Mark Moy** asked the council what did you think you were going to get. Did you think you were going to get concrete curb and gutter, and concrete streets? Did you think you were going to get Church Street and Creek Street redone?

**David Bailey** states that is way I thought it was supposed to happen, and they were supposed to widen it.

**Dan Heathcock** states that was what he thought too, and widen the road twenty-seven (27) feet.

**Mark Moy** states that is just Church Street. Nothing done on Creek. Mark Moy states that is not what they have.

**Dan Heathcock** states they said they would make the storm drainage where it would drain properly.

**Mark Moy** states they have a retention pond, and a pipe that goes across Creek Street into the creek that is by Larry's house. The pipe they have going under the road is 18 inches.

**Dan Heathcock** asked if that would handle the storm waters?

**David Bailey** replies that he does not think so.

**Mark Moy** states that is a big question mark.

**Larry Coxsey** states where that retention pond will be dumping is not into a ditch that runs along Church Street, it actually dumps across Creek Street right onto the Ross property, then eventually works down into the creek.

**Mark Moy** states that is why we wanted an idea of what you all were thinking was happening. We don't have control; all we can do is tell you what we think. Mark Moy states we need to figure that out tonight, when we, the planning and zoning board makes a recommendation to the council, we need to be able to tell you in depth what we think. Mark Moy states we are trying to get an idea of what everyone is wanting, but the point is, we need these guidelines between us. It can change. Mark Moy states what we are trying to do for the city of Krebs is get the most that we can out of the developers, and stay within state guidelines.

**Dan Heathcock** states roads should be sufficient as to where the trash trucks would not wear them down, water, and storm drainage will be sufficient so that houses would not be flooded at any time.

**David Bailey** states the planning and zoning board makes the recommendations of what they think is good for the city of Krebs. That the streets are right, the infrastructure is right, and that everything meets state standards.

**Mark Moy** states Spruce Street is a problem. He states there is nothing done there. They are going to dump out ten (10) houses into a dead-end street or half way alley.

**Larry Coxsey** states it is platted for thirty (30) feet. There is another problem with Spruce Street. The front of those houses that back up to Spruce Street facing Marino Street. The front of the house has to have a 25-foot set back from the street for houses. Larry states as far as the back yard, according to code, you cannot put anything within 10-foot of the property line. There are a couple of shops and sheds back there. If you open up a road behind those houses, you now have a city street that has shop buildings sitting within feet of the street. The code says you have to have them sitting off the street. They are showing this as an emergency exit, but it cannot be an emergency exit because people can use it anytime they want. It has to be a legal street. In that easement if they do concrete curb and gutter, they can use the whole 30 feet for the street, if they use asphalt, that 30 feet would include ditches which are 7-8 feet off each side now you are back to having a 15-foot road that will not sustain 2-way traffic. That is the same way Creek, and Church Street are now.

**Mark Moy** states, we have not approved anything, we are trying to get a feed on what we all want done.

**David Bailey** states that would be the planning and zoning commissions job

**Mark Moy** states he disagrees. Mark states they can make a recommendation, but they have to know what the guidelines are.

**Dan Heathcock** agrees, the planning and zoning board and council need to be on the same page.

**David Bailey** asks what is it you are looking for in the guidelines, or do we even know. David states tell us what you all want in the guidelines.

**Mark Moy** states that is what we are here to talk about. Right now, we have one way in, and one way out. If you open Spruce, you are going to be right up against some people's buildings. That has happened in the past. Nobody looked at it or thought about it. Mark states it is our problem now. In our city ordinances, which are on line, the set backs are 20 feet in the front, 5 feet on each side and 30 from the back. There is a violation all the way around over there on Spruce. So, what do we do? We are going to have to have some type of guideline.

**Dan Heathcock** clarifies that there is not 30 feet of road on Spruce because there are buildings built on the property lines.

**Mark Moy** confirms this is true. Mark Moy states we are not trying to make a ruling we are telling you some of the problems we are running into.

**Dan Heathcock** states he agrees that there needs to be two ways in, and two ways out.

**Mark Moy** states, if we let that work. There is nothing on paper that states they will black top it. They said they would but it is not on paper.

**Dan Heathcock** states “another promise broke”.

**Mark Moy** states the council has not approved it yet, and neither has the planning & zoning board. Mark Moy states the planning and zoning board is going to make some recommendations to the council. Mark Moy states DEQ has to approve any sewer, and water, which they don't have yet. Now, they are coming before the planning and zoning board wanting 19 building permits.

**Dan Heathcock** states that it sounds like to him, that they are wanting it all approved so that any money they put into it won't be wasted if it comes down to it, and they can't do the project. Dan states the infrastructure needs to be done before the permits are issued.

**Mark Moy** states if the council approves this, then the council will have to take money out of the city of Krebs budget, for Spruce, the top part of Creek Street, and Church Street.

**Larry Coxsey** states, and also part of Osage street as it is only 15 feet wide on parts.

**Connie Poole** asks if those are a couple of stipulations that we can let them know we require to be done.

**Mark Moy** states that is what we are here for now. That is what the planning and zoning board is doing, we are telling them what they need to do.

**Connie Poole**, states we listen to y'all. We need to go by the board's guidance. Connie states the board is going to let us know what we need to do, and what needs to be done, and that way we can approve it. Connie states we want it to be what is good for Krebs. We don't want to go 10 years down the road then Krebs has got problems the city has to cover.

**Dan Heathcock** states it should be at the developer's expense, not the city of Krebs.

**Mark Moy** states I agree. This is a workshop for us to get an idea. We are letting you all know what is coming at you. Mark Moy states, we want to get a working relationship, or certain type guidelines.

**Connie Poole** states if they are coming to our town, they should go by our guidelines, for our town our stipulations, and regulations. They should have to do what we want

**David Bailey** states we should pay close attention to what the planning and zoning commission brings to us.

**Mark Moy** states there are some ordinances that need to be changed.

**Connie Poole** states we value the planning and zoning boards opinions, and we are going to go with what you all say because you all know more about this than we do.

**Mark Moy** they are going to build these 10 feet apart.

**Dan Heathcock** asked, edge of roof to edge of roof.

**Mark Moy** states no, wall to wall. Mark Moy states you know how hard it is when one house catches on fire with 10 feet in between, let alone 5 feet, but we cannot change it for these. Those are changes that will have to be made for future building.

**Larry Coxsey** states, we know that the developers met with the council, and mayor, and promised some things. What we want is to make sure of, is that they are delivering on what they promised to begin with, and that is what the council wants. And if the council makes exceptions, we need to know that.

**Mark Moy** states we are going to make recommendations to you.

**Dan Heathcock** asks when the houses are built, will there be a plastic pipe under each driveway.

**Mark Moy** states he told them what our city ordinance said, which is 12-inch tin horns, or approved plastic

**Dan Heathcock** asked if there would be a ditch in between each one of them?

**Mark Moy** states there should be.

**Dan Heathcock** states that is the way he was made to understand it, that is how they explained it to him. **Mark Moy** states the law says we have to have some guidelines, but the guidelines come from the council. Mark states we will make recommendations on what to do, but the council has to do it. The board cannot establish their own guidelines. Mark Moy states we are not the deciding factor, that's the council, but we are going to make some heavy recommendations. Mark Moy states, when it come to the council, and we did not recommend it, there is going to be a reason. Mark Moy states if we are going to improve Krebs it should be concrete curb and gutter.

**Dan Heathcock** states, I would rather know the details about the recommendations.

**David Bailey** states we need someone from the planning and zoning board at the meetings, to tell the council why they did, or did not recommend. David states he would like them there in case he has questions about the recommendations.

**Mark Moy** states in the past if the developer/builder did not like the recommendation from the planning and zoning board, they would just by pass them, and go to the city council. Mark states, what the council should do first, is ask them, what did the planning and zoning board recommend, and why.

**Cindy Cooper**, city clerk states for clarification, the changes the planning and zoning board needs to make to ordinances, should be typed up with the changes, and the reason for the change, then presented to the council to approve.

**Connie Poole** asks if these need to be done quickly.

**Mark Moy** states we can't change what is already under consideration, but we can for the future.

**Dana DeFrange** asked if the engineer has given any recommendations.

**Larry Coxsey** states the city needs and should have a comprehensive plan. Larry states it will guide in development, and infrastructure updates. There are companies that can come in, and develop a comprehensive plan for the city of Krebs. Having a comprehensive plan takes the personal feelings out of it, and things are done by the book. The way it is suppose to be done. This would also keep the city from getting in a bind that could cost the city a lot of money in the long run.

**James Garigin** states it would provide a check list of what needs to be done.

**David Bailey** states we are headed in the right direction. He states there are still a few things to work out, but the main thing right now, is to really take into consideration what the planning and zoning board is bringing to us.

**Larry Coxsey** asked where things stand on the appeal, because until that gets done, they really can't move forward on anything.

**David Bailey** states he does not know the status.

**James Garigin** asks if Krebs has the water to support another housing addition.

**Mark Moy** states that we do for the Maisano addition, but that's all.

**David Bailey** states we do for Maisano, but it is loaded. Originally the council was told they would not be able to support the housing addition, but the engineers came in, and stated the city could handle this addition, but no more big projects.

**Jim Garigin** states, if someone comes in wanting to build a bunch of units, we cannot do it. Not having the water supply stops it right there.

**David Bailey** states, we cannot handle any more big projects. David states, we have the water, we have no way to supply the water. David states until we get a new water plant, there is very little we can bring in here, we can bring a very few little things, but very little

**Connie Poole** asks if we had put in for a grant.

**David Bailey** replied that we did put in for a grant but it has not been granted.

**Larry Coxsey** states there was a .1 cent sales tax voted for in 2013 to go toward building a new water/sewer plant.

**Connie Poole** states “we put in for a grant, there was some kind of technicality, I don’t know what exactly happened. We were not considered, but we went back in there, and then we were reconsidered”. Connie states that’s what we need to check on, to see where we are at on that grant.

**Dan Heathcock** states to his understanding we were waiting on the state audit.

**David Bailey** states we lost that one grant because the state audit was not ready.

**Dan Heathcock** states that no one had told him that. Dan states we are behind on our communications, we don’t keep communicated enough.

**David Bailey** states on the grants we need to get back and see where we can go on that. David states, the audit, we lost one grant because the state audit was not done. A \$200,000.00 grant.

**Mark Moy** states but you still have in play the DEQ or EPA one. It’s one of the two. That’s the big one, but you can not build a water plant for 12 million dollars. You might double that.

**Larry Coxsey** states, you cannot build one in a years’ time either.

**David Bailey** states no, its going to take several years.

**David Bailey** states I think in this meeting, we got things headed in the right direction.

**Mark Moy** states, to answer Larry’s question about the status of the legal issue, Pat (city attorney) is going to bring it to the council and it will go from there.

**Larry Coxsey** states it needs to be done, and done right otherwise it is just going to be drug out.

4. COMMENTS FROM THE COUNCIL, PLANNING & ZONING COMMISSION AND MAYOR

**Dan Heathcock** states he has a question about something he saw in the newspaper listing five (5) commercial spaces for rent. Dan asks if anyone knows anything about that.

**Mark Moy** states anything on Hwy.31 or Hwy 270 and most of Electric is already commercial.

**Dan Heathcock** clarifies that on the February 6, 2024 Planning and Zoning meeting they will discussing the property on Electric, and Blake for a proposed Dollar General Market store.

**Mark Moy** confirms that yes that will be on the agenda.

**Dan Heathcock** states part of his frustration is, that he sees things in the paper relating to Krebs, that he does not know about, and by the time he finds out about it, he doesn’t have time to look into it. Dan states he would like to know about things before it is time to vote on it so that he can have information about it.

**Mark Moy** states the council should not even be looking at anyone until it goes through the planning and zoning board, and they make a recommendation. Mark states, so if they go around the planning and zoning board to the council, the council should shut them off, and tell them they need to get to through the planning and zoning board. Mark states the planning and zoning board will get all the information, and make sure it is right before making a recommendation.

**David Bailey** states that does not mean you cannot talk to someone about bringing a business in to Krebs, but they have to go through the planning and zoning board.

**Mark Moy** states it goes back to the water. We have to reserve a little water for commercial business. You have to do that. Mark states, Krebs will not exist without commercial business.

**Larry Coxsey** states Oklahoma statues 11-43-109 says *the commission shall make a preliminary report, and hold public hearings before submitting its final report. The governing body, should not hold public hearings or take action until it has seen the final report from the commission.* So, if the planning and zoning tables something, and they don’t like it, then they try to go around the board to the council.

**Cindy Cooper** asks for clarification, if someone does not like the answer they get from the planning and zoning board, would they not then go to the board of adjustments?

**Mark Moy** states if the planning and zoning makes a recommendation one way or the other, and the requester did not agree, then they would need to go to the board of adjustment before going to the council. Mark Moy states at this point they have not made a ‘no’ recommendation; they have just tabled a request.

**Larry Coxsey** states if anyone has any hard feelings against Ms. Crone for filing the appeal, you need to know that Ms. Crone will help you in any way she can. She has done a lot of research and provided a lot of useful information.

**David Bailey** states that he respects Ms. Crone, and what she does. David states she has the right to speak up however she wants to.

**Ms. Crone** states she wants things to be fair, and legal because you will open a door if you go around the law. Ms. Crone, states she does not want the city having to pay more money for not doing things correctly.

5. ADJOURN-

David Bailey makes a motion to adjourn. Dan Heathcock seconds. David Bailey calls for a vote. David Bailey- yes, Dan Heathcock- yes, Connie Poole- yes. **Motion passed.**