

CITY OF KREBS
COUNCIL MEETING MINUTES
OCTOBER 18, 2022

1. MEETING CALLED TO ORDER by David C. Nelms
2. ROLL CALL by W. Kay Scott, City Treasurer. Chuck Nelms – present, Tommy Walker – present, Connie Poole – present, Jason Wagnon – present, David Bailey – present.
3. PRAYER by David Bailey. PLEDGE OF ALLEGIANCE led by Mayor, Chuck Nelms.
4. DISCUSS AND ACT TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 2022, COUNCIL MEETING. Mayor Nelms asked for a motion to approve the minutes. David Bailey requested the minutes be corrected on Item #9 The Comments From The Council And Mayor. Mr. Bailey stated that he didn't want Mr. Walker to lose the time that he had spent on projects. Mayor Nelms asked if there was any other additions or corrections. Mr. Walker made a motion to approve, David Bailey seconded the motion. Mayor Nelms called for a vote. Tommy Walker – yes, Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes. Motion passes.
5. DISCUSS AND ACT TO APPROVE THE CLAIMS. Tommy Walker made a motion to approve. Jason Wagnon seconded the motion. Mayor Nelms called for a vote. Tommy Walker – yes, Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes. Motion passes.
6. REVIEW CITY OF KREBS FINANCIAL STATEMENT WITH NICK DETELLO. Mr. DeTello stated to turn to page 3 of the Statement of Revenues and Expenses. The month of September – On the city side we are doing quite well the Revenues were \$193,034.97. Expenses were \$135,019.24. A Net increase of \$58,015.73. We are a quarter way through the budget for the year. Year to date your sales tax should be about 25% of the budget. It is almost 30% so we are holding our own on sales tax which a lot of towns aren't doing yet. Your expenses are under control, we are having a good year so far. Enough to put \$75,000.00 into the PWA. Jason Wagnon made a motion to approve. Connie Poole seconded the motion. Mayor Nelms called for a vote. Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes, Tommy Walker – yes.
7. BUSINESS PREVIOUSLY DISCUSSED.
 - A. DISCUSS AND ACT TO EXTEND THE VARIANCE ALLOWING TEMPORARY HOUSING ARRANGEMENTS FOR 110 SW BUCHANAN. Mr. and Mrs. Meeks are not present for the meeting. Mrs. Poole made a motion to not extend. Mr. Walker stated that nothing has changed at the property. Mrs. Scott stated the variance expires this month in a couple of days this has been since April of this year, and we agreed to give them six months. Mrs. Poole made a motion not to extend. Mr. Bailey seconded the motion. Mayor Nelms called for a vote. Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes, Tommy Walker – yes. Motion passes for variance to expire.
 - B. DISCUSS AND ACT TO REZONE PROPERTY LOCATED AT BLOCK 144 LOTS 9, 10, 11 AND 12, NORTH AND WEST ADDITION. REZONE REQUEST FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-2 MULTI-FAMILY RESIDENTIAL. Several residents were present and addressed the board: Charles Wood questioned if an EPA study or plat plan had been done and was concerned that the board is not

voting with the constituents if re-zoning is approved. Mrs. Poole stated that Mr. Martin is just asking to be rezoned at this time and asked Attorney Pat Layden if they need to get an EPA prior to Rezoning. Mr. Layden stated he was not aware of that. Mayor Nelms stated that this will be determined once he gets the building permit.

Angela Sellmeyer addressed the council: Mrs. Sellmeyer stated that she has concerns about the influx of traffic and trash this might have on the safety and welfare of current residents and asked the council to not approve this until such time as Mr. Martin brings more information so an informed decision can be made.

James Greer and Sharon Long addressed the council. Mr. Greer stated that they live next door to the property, and they had spoken to a Broker/Realtor because Mr. Martin had stated that this wasn't going to depreciate our property value. The Broker advised that it might not hurt the value of our property, but if we ever decided to sell, your potential purchasers for the property are going to be diminished because no one wants to buy a house next door to apartment or duplexes. We just want to be heard and that we are against this agenda. Mr. Layden addressed the council and said you can make a motion to strike it and take no action on it. Mr. Martin can come back and put on the agenda. Mayor Nelms stated we need to vote on that right now. Mr. Walker asked Mr. Bailey if he had anything, his reply was I think Mr. Martin should have been here. Mr. Bailey made a motion to strike it. Connie Poole seconded the motion. Mayor Nelms called for a vote. Jason Wagnon – yes, Connie Poole – yes, Tommy Walker – yes, David Bailey – yes. Motion passes to Strike.

8. BUSINESS NOT PREVIOUSLY DISCUSSED.

- A. Paul Petrone addressed the council: Mr. Petrone advised that he had been to court and was told he would have to go to the Judge about the violation. He went on to say he was upset about the second ticket and was confused about the problem since he had always cleaned the yard, put up a fence, and removed cars from the property when he was told to do so over the last twenty years.

Police Chief Dennis Cook addressed the council and advised that tickets had been issued because Mr. Petrone is non-compliant. He went on to say that there is a video and Mr. Petrone knew what was going on and that this is a criminal matter. Attorney, Mr. Pat Layden, intervened and stated that if Mr. Petrone was written a ticket, he needed to present it to a judge, and then the judge would decide on it. He warned Chief Cook to not discuss it further because it is a pending criminal matter and advised the Council to not intervene or get involved because a judge will make the decision. Councilman David Bailey agreed with Attorney Layden and stated that this was not a matter for the council and the council could not rule in any way.

Mayor Nelms advised Mr. Petrone that this issue was between him, the officer, and the judge.

- B. DISCUSS AND ACT TO PUT MAYOR CHUCK NELMS ON ALL BANK ACCOUNTS AS A SIGNER. David Bailey made a motion to have Mayor Nelms on all bank accounts. Connie Poole seconded the motion. Mayor Nelms called for a vote. Tommy Walker – yes, Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes. Motion passes.
- C. DISCUSS AND ACT TO SELECT A FOURTH SIGNER FOR THE BANK ACCOUNTS. Mayor Nelms asked if anyone would want to be a fourth one. Mr. Bailey said he has the time. He is retired but except for when I'm not in town. Mayor Nelms said we have three signers right now, Mrs. Scott, himself, and Mr. Walker. Jason Wagnon made a motion to select David Bailey the fourth signer. Connie

Poole seconded the motion. Mayor Nelms called for a vote. Tommy Walker – yes, Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes. Motion passes.

- D. DISCUSS AND ACT TO CHANGE LIGHTS IN THE CITY HALL, SENIOR CITIZENS, AND POLICE DEPARTMENT TO LED LIGHTS. PSO IS OFFERING AN INCENTIVE TO REPLACE THESE LIGHTS. W. Kay Scott addresses the council. As you may notice, we are going to have to replace these here in the lobby as well because they are going out. We've already had to replace some of the lights in the offices and since this incentive came up, I asked PSO to come out and give us a quote. David Bailey stated that LED are good lights and a lot brighter. Our portion of the PSO bill will be \$ 2,239.59 and PSO's portion will be \$ 3,980.32. Mrs. Scott stated as far as she knows PSO will replace here in the lobby; thirteen lights. They are going to replace the restrooms, the offices seven lights to replace or maybe fifteen. This is for the City Hall only. (Total for all 3 is \$6,758.26 our portion). Mr. Walker asked if they will be changing the ballast's as well, and Mrs. Scott responded with yes. David Bailey had made a motion to get it done. Connie Poole seconded the motion. Mayor Nelms called for a vote. David Bailey – yes, Jason Wagnon – yes, Connie Poole – yes, Tommy Walker – yes. Motion passes.
- E. DISCUSS AND ACT TO ACCEPT THE MAYOR'S APPOINTMENT OF JOHN MITCHELL TO THE KREBS VOLUNTEER FIRE DEPARTMENT WITH A PROBATIONARY PERIOD OF ONE (1) YEAR. Jimmy Cortassa addresses the council. The Fire Department is bringing over John Mitchell and he will be accepted into the Krebs Fire Department for one (1) year probation. Mr. Walker asked where he lived. Mr. Cortassa said he lives in McAlester, so he can get here quick. Mr. Walker also asked where Mr. Mitchell works. Mr. Cortassa replied at the base, which the base will let him go to fight a fire. Mr. Walker also asked how many Firemen we have. Mr. Cortassa said ten or eleven but that we are allowed up to twenty, so we are way down. Mr. Walker made a motion to add John Mitchell to the Krebs Fire Department. Jason Wagnon seconded the motion. Mayor Nelms called for a vote. David Bailey – yes, Jason Wagnon – yes, Connie Poole – yes, Tommy Walker – yes. Motion Passes.
- F. DISCUSS AND ACT TO ACCEPT THE MAYOR'S APPOINTMENT OF DYLAN SENSIBAUGH TO THE KREBS VOLUNTEER FIRE DEPARTMENT WITH A PROBATIONARY PERIOD OF ONE (1) YEAR. Jimmy Cortassa addresses the council. Mr. Bailey asked where he lives and works at. Mr. Cortassa said he works at Tolliver Chevrolet and lives in McAlester. Connie Poole made a motion to appoint Dylan Sensibaugh to the Krebs Volunteer Fire Department. Tommy Walker seconded the motion. Mayor Nelms called for a vote. Tommy Walker – yes, Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes. Motion passes.
- G. DISCUSS AND ACT TO ESTABLISH A KREBS FIRE DEPARTMENT RESERVE PROGRAM. Jimmy Cortassa addresses the council. Mr. Cortassa stated that we are low on people. We have some people that have retired, and they have made comment that they would come and help but we need to pass it by the council to let them be a reserve type firefighter. They will just be required to come on calls. Won't have any meetings or attendance records on them. They will be on a pay per call basis. They are already drawing their pension. The city won't have to pay any of the pension. Pat Layden was asked by David Bailey if there would be any legal problem with having a retired firefighter work as a reserve and would they be covered by the insurance if they get hurt. Mr. Layden replied under workman's comp they would be covered. Mr. Bailey asked are they only going to call them when we are running short of firemen? Mr. Cortassa said if their pager goes off and they respond, they will be dispatched. David Bailey made a motion to establish a Krebs Fire

Department Reserve Program. Connie Poole seconded the motion. Mayor Nelms called for a vote. Tommy Walker – yes, Connie Poole – yes, Jason Wagnon – yes, David Bailey – yes. Motion passes.

9. COMMENTS FROM THE COUNCIL AND MAYOR. Mr. Walker asked Jonathan Clifton if he's heard anything from the water tower people. Mr. Clifton responded that the water tower is mostly all drained out on last Thursday. Mr. Clifton stated he has called the people several times. They kept telling him that someone was going to meet us, but no one showed. Mayor Nelms asked if there is any way that we could bill them for our employee's time? Mr. Layden asked what our contract said so we would have to look at it to see what it mentions. Mr. Layden said there usually is. Mr. Layden stated that we could write them a letter to try and put a little pressure on them. Mr. Walker stated that we have everything ready to go for when they get here.

Mr. Bailey mentioned that they want to make sure we clean up the park to get it ready for Halloween. He said that someone is putting on a big party the Friday before Halloween 2:00 pm to 11:00 pm for the kids. Mrs. Scott stated someone did come in and ask if they could have a party at the park. But we don't reserve anything for anybody. It's a first come first serve.

Mrs. Poole said she didn't have anything at this time.

Mr. Wagnon does not have anything currently.

Mr. Walker asked Billy Robinson if we were going to get anymore asphalt. Mr. Robinson responded, we already got our load, for the week.

Chief Dennis Cook addresses the council. Our monthly code enforcement was handed to you tonight and if you have any questions, I'm here to answer them. If you'll notice on Questions 1, 2, and 5 was no compliance so those were issued citations and those were setup for court. The rest of them, overall have complied with what they needed to do. The one question that I do have is Question # 3, they were here last month for the meeting. They tore down the building, but they didn't do anything with it. Mr. Walker stated if we could see how much just a regular guy would charge to haul all of that off. Chief Cook stated that the city does have that option, but we would have to put a lien on the property. Mayor Nelms asked about the red ones, Chief Cook said they have trial dates so they will just keep getting tickets till they comply and if they don't pay, there will be warrants issued and their bond is what they owe the city. They will have forty-five days. The judge decides under the city ordinance whether there was a violation or not.

Mayor Nelms asked if anyone had anything else.

10. ADJOURN TO KUA. David Bailey made a motion to adjourn to KUA. Tommy Walker seconded the motion. Mayor Nelms called for a vote. Jason Wagnon – yes, Connie Poole – yes, Tommy Walker – yes, David Bailey – yes.