

**CITY OF KREBS
CITY COUNCIL
MEETING MINUTES
FEBRUARY 25, 2025**

1. **MEETING CALLED TO ORDER** by Mayor Tommy Ray Walker
2. **ROLL CALL** by Cindy J. Cooper, City Clerk Mayor Tommy Ray Walker- present,
David Bailey- present, Chuck Nelms- present, Connie Poole- present, Dan Heathcock-present.
3. **PRAYER AND PLEDGE OF ALLEGIANCE.** Led by Dan Heathcock
4. **DISCUSS AND ACT TO APPROVE/DISAPPROVE THE MINUTES OF THE JANUARY 6, 2025 SPECIAL CITY COUNCIL MEETING**
Dan Heathcock makes a motion to approve the minutes of the January 6, 2025 meeting. Connie Poole seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Chuck Nelms- yes, David Bailey- yes. **Motion passed.**
5. **DISCUSS AND ACT TO APPROVE/DISAPPROVE THE MINUTES OF THE JANUARY 13, 2025 SPECIAL CITY COUNCIL MEETING**
Dan Heathcock makes a motion to approve the minutes of the January 13, 2025 meeting. David Bailey seconds. Mayor Walker called for a vote. David Bailey- yes, Chuck Nelms- yes, Connie Poole- yes, Dan Heathcock- yes. **Motion passed.**
6. **DISCUSS AND ACT TO APPROVE/DISAPPROVE THE MINUTES OF THE JANUARY 21, 2025 CITY COUNCIL MEETING**
Dan Heathcock, part of that, that I can't agree with is the way it's worded, the way it was worded and I would ask the city attorney if he wouldn't give an opinion on it.
Mayor Walker, What's the deal you're talking about?
Dan Heathcock, it's on 12 D of the January 21st, 2025 City council meeting
Mayor Walker, and which number was it?
Dan Heathcock, 12 D, it's with the way some of the things that were said that I'm having trouble agreeing with
Mayor Walker, like what
Dan Heathcock The way the city councilman back at that time was let go. That he gave up the seat because he missed a meeting, and I understood that the council at the time said the seat was not vacated so that indeed his seat was not given up since it wasn't vacated.
Mayor Walker, okay. Now what specifically don't you like
Dan Heathcock, yeah. That part that I didn't agree with that we did wrong because he shouldn't have been allowed to keep the seat and without a seat being vacated. I don't see what the deal was when I went back and went over the minutes of that. When that happened back in July, the sitting attorney we had at that time said that we acted properly.

David Bailey. Danny, if you don't mind me interrupting, okay. If you wait on that, I'll address that problem. When we get to that specific thing, I'm not taking away from what you want on the minutes. I'll address that if you let me.

Dan Heathcock, so would you have me to go ahead and approve it then?

David Bailey, That's up to you. That's up to you. I'll not tell you what to do. Not to or what not to. That's up to you. You don't have to if you don't want to.

Mayor Walker, so you going to make a motion Danny?

Dan Heathcock, I don't approve of them the way they are.

Mayor Walker, you don't approve of any of them?

Dan Heathcock no, not of that section

Mayor Walker, we need to ask our lawyer then

David Bailey, I think the person that presented that they have a right to present what they want to present. I mean, the way they said it, I mean they can accuse us of whatever they want to accuse us of, but if you wait, I will address that later on here. But if you don't want to approve the minutes, that's up to you on that. **I'm making a motion to approve the minutes.**

Mayor Walker asks for a second.

Chuck Nelms seconds.

Mayor Walker calls for a vote. Dan Heathcock- no, Connie Poole- no, I just want everybody to understand what's in the minutes that he's uncomfortable with. Chuck Nelms- yes, David Bailey- yes.

Mayor Walker, well first tie. Well, we could go ahead and pass it with an exception or something.

Exception to whatever you're talking about and we can change it or whatever you want to do with it. After David gets through talking about it too after a while.

Chuck Nelms, you have to change the motion. That's not what the motion was right? The motion was approve/disapprove.

Mayor Walker, if it's up to me. If it's a tie on the deal I say yes. Approve it. **Motion passed.**

Connie Poole, what was the final outcome?

Cindy Cooper, it passed. Those minutes passed

7. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE CLAIMS.

David Bailey who is our phone company?

Cindy Cooper, US Cellular

David Bailey, I was looking through all the deals on paying them and I couldn't find it them whether we paid them or not. I couldn't find it in the deals or whether we paid or not.

Mayor Walker, I remember signing some of them

David Bailey. You know what, I couldn't find it in there and I just wondered, we don't have phone bills. I'd be glad of that. Will you check that out for me Cindy, and see a month or something and see, because I couldn't find it.

David Bailey makes a motion to approve the claims. Connie Poole seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Chuck Nelms- yes, David Bailey- yes. **Motion passed.**

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

Mike Kern as everybody's aware, we're at the end of seven months for the fiscal year ending January 31st, 2025. Our total revenues for the seven months, \$1,346,074.33. Our expenditures for the same period of time. Over on page five. Total expenses, \$1,184,111.42 We do have a net income of \$161,962.91 Our sales tax is moving along at a pace to exceed our budget number that we've set up. Same thing with the fines and same thing with the capital improvement and you can see that the use tax is already equal to

what the budget was. So, all of our revenues are in good shape right now. Our expenses, there's nothing unusual that I have to report on the expenses, so we've made a lot of headway in these seven months. A lot of headway. Any questions or comments?

***Cindy Cooper**, I think we have some clarification for you on that phone bill (ref. #7 claims)

Jayme Busby, Micheal (Fulgium, treasurer) said that we did not owe a phone bill this month because we had paid a month ahead so we're good. We're even with US Cellular.

Cindy Cooper So that we won't be behind as of this month. He is trying to pay the bills ahead so that...

David Bailey that's good, I just wondered where it went.

***Mayor Walker** (ref. #6) on the January 6th meeting I did want to make one correction. On number three, talking about how much the city attorney would charge. It shows David saying it was \$675 an hour. It should have stated \$675 a month, just wanted to make sure that was clear.

9. BUSINESS PREVIOUSLY DISCUSSED.

A. DISCUSS AND ACT TO APPROVE/DISAPPROVE BUILDING PERMIT FOR CONSTRUCTION OF NEW HOUSE LOCATED AT 375 SE 3RD, KREBS, OK. BLOCK 102 LOT 1. (PLANNING & ZONING BOARD RECOMMENDED)

Dan Heathcock makes a motion to approve this building permit. David Bailey seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Chuck Nelms- yes, David Bailey- yes.

Motion passed.

B. DISCUSS AND ACT TO APPROVE/DISAPPROVE ADOPTING THE STATE STATUTES FROM THE 'PURCHASING HANDBOOK FOR OKLAHOMA COUNTIES' BOOK AS DISCUSSED AT THE DECEMBER 17, 2024 COUNCIL MEETING AND/OR AS DISCUSSED AT THE JANUARY 21, 2025 COUNCIL MEETING.

Dan Heathcock, the one from Tulsa on that group there, if we used it, we could reword that, wipe out the deal that's from Tulsa and say that it pertains to the city of Krebs, Oklahoma and use that

Mayor Walker, well only thing Danny, Tulsa is a big city, ain't it?

Dan Heathcock, well now this is the state statutes is what they had adopted on that. They adopted the state statute §61(101-138) and that's all the state statutes on there.

Mayor Walker, so if you're going by the state statute, why are we getting another book in here? We go by OML all the time.

Dan Heathcock, well, this condenses it in my opinion.

Mayor Walker, more books you got out there, more difference it's going to be.

Chuck Nelms, you don't actually have to adopt a book for the process. You got state statutes that your guide and requirement. You just, the book is just a guide to break the statute down in layman's terms and the competitive

Dan Heathcock, the competitive bidding Act is a state statute §61(101-138). So that should cover us on pretty much about anything and just take away that line now which says it's City of Tulsa and just say where it pertains to the city of Krebs.

David Bailey, Mr. May on OML's bidding statutes on their bidding, are they using state statutes also or is it set up different?

Ronnie May, my understanding is that there's the county's book that's used by most, I'd say majority of the cities and that county's book includes the state statutes. It's all, that's the book. If you're asking me on the book, I think Tulsa and Oklahoma City probably are their own entities that they have overpasses, they have

bridges, they have a lot of other stuff that smaller towns would not have. And the majority of the cities in Oklahoma have adopted the county's handbook and I think that if you were going to adopt one, I wasn't here for December meeting, but evidently the county's handbook was talked about in December. I guess I was here last month and first I've heard Tulsa was mentioned in the January meeting, so I think that both of them would cover it, but I think probably the county's book probably be a little closer to pertaining to Krebs situation than the city of Tulsa Oklahoma's book, which is going to have a lot more stuff in there in addition to the state statutes.

Mayor Walker, I thought Tulsa, Oklahoma City were charter cities.

Ronnie May, that's what I'm saying. They are.

Mayor Walker, Charters are different.

Ronnie May, they're different than what most, like I say, most cities use the county's book that includes the state statutes and if you're going to have a book for guidance as Mr. Councilman Nelms says, I think the county one would be sufficient.

David Bailey Well this one December the 17th I put out there, it was something for us to go by and it was the county state statutes over here. It was not as condensed.

Ronnie May Yeah, well and probably set up a little bit different for people to, I'm a lawyer and I read the statutes. They were written by lawyers and everything else, but the county's book is. I haven't seen that other one. I've done a little checking and most cities adopt that county book.

Dan Heathcock If I may address it a little bit further, the county handbook is 14 chapters long that Pittsburgh County goes by and this one that I got from Tulsa to make for Krebs is only chapter five. It is the state statutes that deal expressively with competitive bidding act.

Ronnie May, well are you looking for a regular book? Or are you looking for one just on one issue. They do more than just competitive bidding.

Dan Heathcock, Lot of the county stuff wouldn't pertain to us.

Chuck Nelms, you just don't look at it.

Ronnie May, Yeah, you just skip that chapter. But I would think you would want something more inclusive than to exclude a bunch of other items. Something might pertain or come up in one of the discussions or issues that come up that might not be addressed in chapter five of the Tulsa book. So, it'd probably be a little better to have a county book which most cities use. That's my legal opinion in my reviewing it. And that's you're looking at competitive bidding and grants and things like that that's covered in the county's books and that's what the counties have adopted and if you need a guide, that'd be the one I'd say to use.

Mayor Walker, I said the only difference I was talking about because there're a charter, McAlester is a charter, they change and make their own rules just about on all that, and we can't make our own rules unless we're a charter. Right?

Ronnie May, right.

Mayor Walker we can look at old books,

Ronnie May Never bad, have too much knowledge, check out the terms.

Mayor Walker We've been using OML for 20 years I've been here,

Ronnie May So unless there's a reason why it's something's not covered in the county's books. Whatever. You all have to make that decision, but you got two choices here. I guess either one would be fine, but I think you probably won't have more choices.

Caylin Crone, I signed up over here to speak on this issue. I just wanted to address how it's worded and everything in there so we don't make a mistake. So y'all are wanting to just use it as a guide? Correct? Just to use it as a guide, am I correct?

Mayor Walker, I presume that's what we are doing.

Caylin Crone Just like the parts that pertain to the city. That's my understanding. Am I correct on that? Okay, so as it's worded, it's worded different as like we're adopting the state statutes from the book, which you can't list it like that. So, you would just have to discuss and act to approve it as a guide for and list it as that, like what it's going to be used for and as. That way you don't run into things that don't pertain to us or things that we might need to modify to fit our city in that. Just making sure that it's listed as a guide and not a final statute because it's a statute for adopting statutes, we have to list out each one as adopted with our own statute numbers and things like that. So, I just wanted to bring that up so that way it could be fixed before it's passed.

Mayor Walker, Danny the book you're looking at, the only parts you're looking at is about the bidding practice.

Dan Heathcock, is the competitive bidding act

Mayor Walker, that's the only thing you're talking about right.

Dan Heathcock, right.

Mayor Walker is there any specific reason for that?

Dan Heathcock, that's what we were talking about when this was brought up to accept the requirements from the purchasing handbook through Oklahoma Counties.

Mayor Walker, state statute says the same thing. I don't see what the big deal is.

Dan Heathcock, I got the county book and I had trouble following when they would spell out something in there, I had trouble following what would they put that under. Why were they doing it that way? But that's just me if that's a better way to do it then...

Mayor Walker I was just wondering why that the only one you pulled out with the bidding practices

Dan Heathcock, because that's the state statutes that covers the competitive bidding act

Mayor Walker, I know that Danny, but I mean how come you don't do the whole book? You're just doing one section

Dan Heathcock, you mean instead of doing other purchasing requirements?

Mayor Walker, well if you're going to do that and like I said, you can check with OML, you can check with the state statute. They all run about the same. From what I've read, every one of them, they're all about the same to me because if it's under a hundred thousand dollars you can get quotes for it, but if it's over a hundred thousand dollars you got to have a sealed bid on all of it. But it used to be \$50,000. They changed it here; I think last year.

Chuck Nelms if it's construction, if its construction it can go up to \$100,000

Dan Heathcock the way they word that in the county book, I couldn't pick it out like that, but with the state statute I can see it.

Connie Poole, we don't have to adopt this, is that correct? We don't have to adopt it?

Chuck Nelms, you can use it as a guide without adopting it

Connie Poole, use it as a guide don't adopt it.

Ronnie May, you follow state statutes. You don't have to adopt those. You follow those. That's what's going to be controlling here is the state statute. If you want a book just to be able to interpret and give their different interpretations to see if that's something that fits under the state statute. Yeah, I think that'd be okay. You don't have to adopt the book as the law in Krebs. I think what I'm hearing, like I said, I don't know the context of where it came up in December. I wasn't here, I wasn't city attorney then, but I don't know what the issue is or what context it was raised in. But like I say, you follow the state statutes no matter what, you don't adopt and we don't have to adopt the book. If you want to use the book, it's a guide and any questions that come up, I guess that's one of my roles is if I have the book and you say, interpret that for me, this is what we want to do and I look at the book and I give you my legal opinion. That's what I would say

Dan Heathcock, with this just says adopting the state statutes from the purchasing handbook. That's all it's talking about. Is us adopting the state statutes? Is that my understanding?

Ronnie May, yes. Statutes are followed. We can incorporate those into ours, we have to follow the state statutes.

Chuck Nelms, I mean as far as a guide to follow, I think the one that Pittsburgh County puts out is probably the better one to follow since that DA is the one that's going to charge you for embezzlement. So, if you've done it wrong under Pittsburgh County is the one looking at.

Ronnie May That's for you all to make that decision. If you want to go that route, that's your call.

Mayor Walker Well do you want to stay like we are and look at the other book that we need instead adopting it? Wouldn't that work?

David Bailey, we need to table this and bring it back.

Chuck Nelms I'll make a motion that we don't approve anything but we use that as a guide. Connie Poole seconds. Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Chuck Nelms- yes, David Bailey- yes. **Motion passed.**

C. DISCUSS THE CITY COUNCIL ATTENDANCE LAWS AND REQUIREMENTS. REQUEST THOSE BE ENFORCED AND UPHELD ON BEHALF OF THE TAX PAYING CITIZENS OF KREBS OKLAHOMA

David Bailey, okay, I'm going to talk a little on that, third time it's been on here. Second or third time we went over this, went over this. I talked with OML, the council and I'm sure this any way you want to look at it. Fact Jason, we reinstated him or he had never left. But the council has the right to reinstate is my understanding with OML or discharge and that's the council what they can do on it

Mayor Walker, you don't have to wait until the next month because you got to get on the agenda, wouldn't you? Wouldn't you think so?

David Bailey, what you mean?

Ronnie May, the council, it's not an automatic deal just because there has to be a finding made and the person whose position, what I understand, I'm trying to read through some of the previous, like I say, discussions that happened before I became city attorney. There was something that came up about somebody not attending enough meetings, whatever. You just don't automatically go in and say you're done. That person has a right to have a hearing and present evidence and the counsel makes a decision. It's not just you're done, get out of here and it's one person.

Mayor Walker, the state Statute says if you miss all that you're automatically out.

Ronnie May, but that's, you've got to still follow the due process rules that councilman was elected and cannot be removed just because you walk in and say, okay, you missed this meeting, this many meetings and we're never going to have a hearing on it to determine what if they have a

Mayor Walker, Is that in the state statute?

Ronnie May, absolutely. It's something the case law interpreting it. A person has a right to that seat until they're removed and there has to be a finding made. There has to be a finding made. In other words, you can't just say we've got what we need to know and nothing else is ever heard. That's not the way it works. It's not a one-sided deal. That person might object to it and say, hey, I've got some evidence to present. Here's what happened or there's a reason the numbers are wrong or whatever. It's still a question for the counsel to decide to remove them. They have to make that finding that they didn't do this. But it's not just a black and white deal because the statutes, yeah, it says that, but interpreting that statute, I looked at that and there has to be a finding made by the council. It cannot be one person or two people say, hey, you're done.

Mayor Walker, why even put that in the state statutes if they're not going to go by it?

Ronnie May, they put lots of things in the state statutes that have to be interpreted by the courts and the courts have interpreted that to state and I looked at it earlier today. There is a right to a hearing that person, if they want to contest it, they can say, look, your numbers are wrong. Let me see your information. And if it turns out they're wrong and you, do it without just giving them an opportunity for a hearing, they were elected to that seat. They have an interest in that seat and you can't take it away without some type of due process being put in place. It doesn't have to be a major deal. The council conducts a hearing and lets that person have their opportunity to say something, they would make the decision. If the council says after hearing everything, we still make that finding. But like Mr. Councilman Bailey said, if the council did that, there's nothing to prevent them from reappointing them the next month. What I'm saying is that there's an interest that person has in having that seat. They were elected and you can't, I know the state statute, I read it too. It says that by operational law, a person is no longer, but the operational law has to be put into effect. It's not a situation where you don't have an opportunity to be heard. They have an opportunity to be heard. The council makes that decision and the council will decide whether they retain that seat or not on a vote majority vote.

Mayor Walker, I understand that. What I'm saying is if they do that at the council, wouldn't they have to wait until the next council meeting and put them on the agenda to reinstate him or keep him or whatever?

Ronnie May, you have the opportunity to call special meetings.

Mayor Walker, yeah, but it can't be done in that meeting is what I'm trying to say,

Ronnie May, you don't have to do it at a council meeting. You can do a special meeting if it's going to be-

Mayor Walker, Yeah, I understand that too.

Chuck Nelms, we have the due process. Just like any employee, you got a 10-day notice for a pre-term hearing and you go in executive session and you present your case and *inaudible* make a decision?

Mayor Walker, does that count for anybody that works in the city of Krebs?

Ronnie May, anybody that works in the city of Krebs has a, depending on your contract with them, I don't know what all you *inaudible* employees, you're absolutely entitled to a pre-determination hearing if it is for cause or whatever you present that you give them notice of it and then you have another hearing after that and the council votes. But yeah, that's how it works. Basically. Unless there is a vote made in not vote, but a special session held and they talk about it in special session, they come out, the vote has to be public of what they vote on. If that person wants to challenge it, I guess they have an opportunity to be heard.

Mayor Walker, if somebody that works through city Krebs and they went in executive session and fired somebody when they come out, they got to say they fired them or whatever. But doesn't that person have that same right you're talking about?

Ronnie May, they're given that notice before the special session, the special meeting. They're given the pre-determination notice.

Mayor Walker, they didn't say they're going to fire or not. They just said look at what was going on. But anyway, the person never was called to executive session. You're talking about rights and say what you want to say. They didn't let her say anything. It sounds like you got two different deals going on.

Ronnie May, now if they're entitled to, if there's a termination taken place entitled to predetermination notice and hearing on a different position that council has certain rights to remove people. I don't want to get into specific examples, but the council retains that right to call a special session and discuss the merits of it or what they're going to discuss. They don't vote on it in special session. They have to vote out in public and then it's a personnel matter they can handle in special session.

Mayor Walker, you talking about having rights and stuff, it looked like they didn't give her any rights at all.

Ronnie May, I don't know.

Mayor Walker, and on top of that, I got to ask you one more question. While I was sick with the Covid, I couldn't be down here. Nobody ever called me. They come up and had a meeting with executive session and fired a person. Well, after I come back from being sick, David was filling in for me. Well, when I come back, I'd ask about what happened because I am the mayor. Don't I have the right to know what happened in there. He was filling in for me.

Ronnie May, I don't know what any of the particulars of what happened that day and without any specific note facts, I can't, I don't know. I mean it's basically a situation. I hope the counsel making everybody aware of what's going on. I mean that should happen. They should have given you, I don't know if you got notice or didn't get notice or whatever.

Mayor Walker, I didn't get any notice.

Ronnie May, I can't speak to that. I don't know.

Chuck Nelms, we're discussing things that's not on the agenda.

Ronnie May, right. We're outside of that. But we're talking about things happening way before I was the city attorney. I don't know if you're asking for hypotheticals that might happen in the future. I don't know.

Mayor Walker, what's fair for everybody, it should be the same.

Connie Poole, can you state your name again?

Caylin Crone, yes, it's Caylin Crone. As far as the, whenever a city council member, mayor, anyone takes a position, you have rules that you follow, guides, rules, state statutes, all those things. And they specifically detail about meetings being missed. What that is. So that's the policies, that's the roles that are in place. When they miss, they actually cease to hold office. There are certain appeal rights but they cease to hold office at that point. They can appeal it. I talked to the state attorney's office, and they cease to serve at that point. There are certain things that they can do. They can be brought back by the council; they can be reinstated. That has to be a separate meeting. It has to be a separate meeting on a separate agenda. And there are other things considering what the issue is or that they're talking about as far as being removed but being absent from meetings. Unless your charter has exceptions or other things in place that the state allows, then they cease to hold office at that point. They're not serving, they cannot vote on anything at that point until they're reinstated. At the point of the meeting that we are referring to with Jason, he had ceased to serve because he had missed at the point, he missed the meetings, he ceased to hold office. And that is in the state statutes. There is no exception to that. I talked to the state's attorney's office and you can call them too.

Ronnie May, have you read the case law on it?

Caylin Crone, yes.

Ronnie May, about the right to have a-

Caylin Crone, but they're removed from the office. They're no longer in that they're removed first they do have appeal rights and things like that, but they don't continue to hold that position while their appeal rights, while they're going through their appeal, they're removed and they can be reinstated based on an appeal or other policies and procedures in place.

Ronnie May, bring a state's opinion, I would like to see that too.

Caylin Crone, that's what that they told me.

Ronnie May, my interpretation, the statute is not that way, but that's fine. That's why you have lawyers disagree on somethings.

Caylin Crone, absolutely.

Ronnie May, that's not the way I read the statute. That person's entitled, you just can't call decide all of a sudden, they're not going to be here.

Caylin Crone, you didn't, you have a law established already. You're not creating a law; you're not coming up with new policies.

Ronnie May, the court has interpreted that to give them the right to a due process, they cannot be taken from that position. So that due process includes make a finding by the city council in that situation that they did violate that statute and they're removed. And that's the way that I interpreted that statute. You sit here and say, well, but this is on a piece of paper that they are removed. That's not the way it works.

Caylin Crone, and what they told me was that unless our charter, which we don't have, we had two people up there, two different people for the state's attorney's office.

Ronnie May, which office? Did you talk to OML?

Caylin Crone, I talked to one person that I've talked to for over a year now and then another one up there. I've talked to OML couple times.

Ronnie May, who at the state's attorney's office?

Caylin Crone, the attorney general's office. And then I also talked to the auditors who have an attorney there also works with that. And that's verified and they've also had to contact down here and things over the last year. They've been involved. They know kind of about the city of Krebs. But to answer-

Ronnie May, of course in response to that, they've heard one side of it of the way that the facts went. I don't know what the facts were. I haven't heard it, but anybody can call somebody and say this is a set of facts without knowing whether that's actually what happened or not.

Caylin Crone, I just asked about proceedings and procedural things.

Ronnie May, you're talking about state's attorney though, giving you advice on a particular situation telling you about it. But that advice I have clients come and talk to me all the time about stuff and if I hear what they say, if I haven't heard the other side of it, it's hard for me to sit. Of course-

Caylin Crone, I didn't bring up anyone. I just asked about the proceedings

Mayor Walker while we're on this point right now. Let's go ahead and go on and y'all look it up and whatever you figure out, come back again right now we need to move on.

Dan Heathcock, mayor I've got one more question concerning this. Ms. Crone, vacated is the word that I remember seeing in the law and I was being told the councilman's seat was being vacated because of his failure to attend. But it says it is up to the council to make that decision whether that seat is to be vacated or not.

Caylin Crone, not in state law or in our city law. We don't have it.

Dan Heathcock, I'm just telling you the way I understood it.

Caylin Crone, I can read it to you. It says 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 consecutive months, he shall there upon cease to hold office. And when you take office, you should know that.

Dan Heathcock, I understand. I understand all what you said.

Caylin Crone, right. So, at that point-

Dan Heathcock, that's the reason I couldn't agree to approve the minutes tonight.

Caylin Crone, but at that point, based off of state law, that is what he ceased to hold. Now it has where y'all could reinstatement. It had to be separate.

Dan Heathcock I just wanted to bring up my point.

Mayor Walker, Okay. Is everybody done talking?

Dan Heathcock, I'm done.

Caylin Crone, that's just all I was going to ask and that's why that was still on there. And also ask about repayment. Otherwise, things were done off of the agenda that were not listed on the agenda, which violates open meetings acts. I didn't know which direction we needed to go with that. They either violated open meetings, acts based off what was done, and voted on. Or a repayment due to the cease to serve. Thanks. So that's what I was just wondering

Mayor Walker, y'all get all your stuff together and we'll talk about it again.

10. BUSINESS NOT PREVIOUSLY DISCUSSED.

- A. DISCUSS AND ACT TO APPROVE/DISAPPROVE MAKING MAYOR TOMMY RAY WALKER, VICE MAYOR DAVID BAILEY AND TREASURER MICHEAL FULGIUM AUTHORIZED SIGNERS FOR A NEWLY CREATED BANK ACCOUNT *amended to add 'AT FIRST NATIONAL BANK, MCALESTER, OKLAHOMA,'* WHICH WAS CREATED AS RESULT OF ORDINANCE 24-05 BEING APPROVED, THAT GRANTS A 27% INCREASE ON MUNICIPAL CITATIONS, IN AN AMOUNT NOT TO EXCEED \$50.00, TO BE EARMARKED FOR CAPITAL OUTLAY FOR THE POLICE DEPARTMENT FOR THE PURPOSE OF PURCHASING POLICE VEHICLES AND EQUIPMENT**

Dan Heathcock, I'm going to comment on that one. I would like to stay on that as an authorized signer so that I can continue to be an authorized signer in case the need ever arises.

Mayor Walker, we've got three on there right now.

Dan Heathcock, I was told that two more business, there'll just be two.

Mayor Walker, then we'll have to vote somebody else or get somebody else in there.

Dan Heathcock, I was voted to be on there anyway as a check signer.

David Bailey *inaudible*

Mayor Walker, if something happens in the month. Got until April 1st, I guess.

David Bailey, no, April 15th.

Mayor Walker, April 15th?

Dan Heathcock, I'd like to make a motion that I be continue to be on that.

Mayor Walker, it is not in it right now, so I don't see where we can vote on that.

Cindy Cooper, he'd have to make an amendment to the motion?

Mayor Walker, can we make an amendment to put Danny back on there?

Cindy Cooper, it's not taking him off of anything. It's a new account. It's not taking you off of anything that you're already on.

Mayor Walker, you're still where you are. This is just about the ticket, but we're not taking you off of it is what I understand.

Dan Heathcock, the trouble I've had with the bank in the past, is that once you're not listed then all y'all, re-sign up when I don't sign up, and I'm off of it. That's what I've run into in the past.

Chuck Nelms, this is a new account.

David Bailey, this is a totally different account.

Dan Heathcock, still yet, once y'all go up as we sign up to be on the new account, then I'm dropped from all of them.

Mayor Walker not from all of them. This is a totally different deal through the police department

Dan Heathcock, I've been through it before and that's why I'm making the motion.

Mayor Walker, well, I hadn't heard anything about it.

Cindy Cooper, what's the motion that you're making specifically?

Dan Heathcock, that they keep me as an authorized signer and check even on this new account.

Cindy Cooper, so, you're making a motion to approve this, if we add, with you added on as a signer?

Dan Heathcock, yes.

Connie Poole, we're just amending it, correct?

Cindy Cooper, yes, I have him on.

(?) and that way we get, *inaudible*

Mayor Walker, we'll have to make an amendment to put you on there.

Chuck Nelms, you'll take the minutes to the bank and they'll have minutes *inaudible*

Dan Heathcock, I made a motion, to do that.

Cindy Cooper, you'll have to get second.

Mayor Walker, it's not on here right now. it's two different deals we're talking about. I don't see what the, you're still on the same deal, Danny, with all the other ones.

Connie Poole, Mr. May on this new account here, can we back do amendment, amend it where we can add his name on this checking account also?

Ronnie May, if it's under the business you're talking, you can amend the motion, amend what you're doing, it's approved and second it and voted on. Yes, you can amend the motion, but it's up to you all.

Dan Heathcock that's the motion I make to amend this to keep me on as a signer.

Connie Poole, I second it.

Cindy Cooper, to add you on.

David Bailey, still ain't got the motion yet

Cindy Cooper, to add you on Danny, not keep you on. Add you on. Okay. Add you on because you're-

Dan Heathcock, to the new account along with the other accounts.

Chuck Nelms, add Danny's name to this list.

Ronnie May, it's not changing the other accounts; they're staying the same. All you're doing is adding him if counsel, make sure I understand the question wanted to be added to this account. That's it. This only applies to this.

Mayor Walker it's one account with the police.

Ronnie May One motion or a business item is only talking about the new account.

Mayor Walker, right.

Ronnie May, okay.

Dan Heathcock, well, and to stay on the other accounts, that was already-

Ronnie May, you're already on those so you don't have to amend that. You don't have to make that part of it.

Mayor Walker, we're going to amend this for the new purchasing for the vehicles and stuff with \$50 is what we're going to make a motion of. Anybody make one?

David Bailey, I'll make a motion.

Cindy Cooper, Dan already made the motion

David Bailey, to approve making Tommy Ray Walker, vice Mayor, David Bailey and councilman...

Mayor Walker, we got to put the treasurer on there

David Bailey And treasurer, Mike also. Danny Heathcock will amend to be on this.

Mayor Walker Okay.

Mike Kern, Mayor, may I say something at this time? Everybody knows that that ordinance was passed and everything. Over on the financial statements, I've got the information from the clerks over at the police department about how much money should be in there because that was supposed to be adopted through from August or something like that. I don't remember exactly when it was.

Mayor Walker, I don't think it was that far back.

Mike Kern, well, something like that. But anyway, I think what you should do or at least discuss the amount that needs to be in that checking account, if you'll look over there on the financial statement on page three, and you'll see in the revenue department, in the revenue section, the second to the bottom line says fines, vehicle replace. That's the amount that should be in that account at the end of January 31st. What I would suggest talking about is you would need to transfer that money from the general fund because that's where all the money is right now. As soon as you set this account up, you need to transfer that money over there into that checking account. Because that account set up has to stand on its own. You all need to discuss that. What I'm saying is you need to again amend that to include the transfer of \$37,906.

Connie Poole, how much?

Mike Kern, over there on page three. You see where that under year to date actual from fines, vehicle replacement, \$37,906.

Connie Poole, so why does that amount have to be in there for this?

Mike Kern, that's what the ordinance No, that's what the ordinance was voted on. That's what you voted on the ordinance to set up that account and put that money in it.

Mayor Walker, and also, they get the \$50 after the people pay the fine, not just since they give the ticket out.

Mike Kern, yes, and I've got that information.

Mayor Walker, I wondered if you had

Mike Kern, from the clerks. Yeah, from the clerk. That's what she's keeping track of the ones that paid. It's paid, yeah. Once it's paid, it's not written. It's when they pay the fine.

Mayor Walker, lot of them people hadn't paid tickets in three or four years and we got somebody going out there trying to get that money. Those has been out there for two or three years. Can we add the \$50 to those since there've been a long time ago?

Mike Kern, I don't know. That's more of a legal question.

Mayor Walker, that's what I mean. I'm trying to figure what's legal.

Dan Heathcock, Mr. Mayor, am I not correct that what we are voting on now is just to add me as an additional signer.

Connie Poole, yeah that's all we are voting on.

Mayor Walker, okay, that's what we'll do right now. We will talk about that other later. Motion here plus add on Danny. And who second it? Second. All right. Danny.

David Bailey, I make a motion. Connie Poole seconds.

Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole- yes, Chuck Nelms- yes, David Bailey- yes.

Motion passed.

Chuck Nelms, I'd say chief, chief maybe the next meeting. Put it as just that agenda item and have an actual number and date.

Mike Kern, yeah, we can do that

Dennis Cook agenda item do it next month

Chuck Nelms, get an exact amount.

Mike Kern, yeah, that's the exact amount at the end of January, I'll get an updated number in February. It'll be on the financials just like that.

Mayor Walker, one other question, I think y'all voted on this deal about the \$50. I thought it said at the end of it that since they've got this \$50 deal on every ticket, that the police department wouldn't have to come and get money from the capital improvement for cars.

? inaudible

Mayor Walker, you said yes to it.

Mike Kern you guys are going to have to discuss that during the budget.

Connie Poole did we approve this already?

David Bailey, yes, we approved the \$50.

Connie Poole, we can't talk about it after we approved it thought. I don't understand inaudible

Mayor Walker, we'll go back through there and see, I know what we said

B. DISCUSS AND ACT TO APPROVE/DISAPPROVE GIVING TREASURER MICHEAL FULGIUM A PAY RATE INCREASE TO \$25 PER HOUR TO BE RETROACTIVE TO 12/26/2024

Mayor Walker, I got to say he come in in the middle of all the trouble we had going on and he's been trying really hard. We had a few problems, but he's coming on now. I think we got everything caught up far as money wise. We did tell him after 90 days that if everything went right, he'd get a raise. So, we're going to vote on giving him up to \$20 an hour from \$23, wasn't it?

Cindy Cooper, from \$23 to \$25

Dan Heathcock I've got a question on that matter, and I was going to address Michael, but since he's not here tonight, I'll address him about it later. But there is an issue that hasn't been corrected.

David Bailey, that's not on here Danny. You need to put it on the agenda that you need to discuss there. I'm not trying to be smart with you, but it's not on here. This is just to see if we give him the raise.

Mayor Walker asks for a motion.

David Bailey makes a motion to approve the raise. Connie Poole seconds. Mayor Walker calls for a vote.

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

C. DISCUSS PAPERWORK SUBMITTED IN DECEMBER 2024 REQUESTING WARD 2 COUNCILPERSON STEP DOWN BECAUSE OF ELECTION FRAUD IN THE 2021 ELECTION, AND ALSO TO REPAY THE CITY OF KREBS FOR MONEY RECEIVED WHILE SERVING ILLEGALLY

Larry Coxsey, I'm Larry Coxey. I'm the one that submitted this paperwork. This has been brought up verbally to the city several times through the past years that this person wasn't living in the ward. And then in February of 2022, after the 2021 elections, the ward boundaries were changed to loop this person into the ward they were voted into. When you go and fill out your paperwork to run for, and this is the reason I ask questions before and when you fill out the paperwork to run for city council, you sign an oath saying that you have read over all the qualifications and requirements right here, title 11-8-101 as the section 11-8-101 qualifications for elected office. Municipal elected officials shall be a resident and registered voter of the municipality in which they serve. And all council members and trustees from wards shall actually reside in the respective wards. If an elected official ceases to be a resident of the municipality, he shall therefore cease to be an elected official of that municipality. None of the paperwork, none of the stuff on the paperwork is fraud. But when it boils down to it, when you signed the oath saying that you've read over all this and that you meet all the requirements and qualifications and you don't live in that ward, that is what I'm considering fraud. So, we've had a councilperson that's been in there for quite some time that's drawn pay, that did not live in the ward that they were elected into.

David Bailey well, I disagree with you. That wasn't her fault. She went there to the board. The board told her that she was in this area. She served did her duties and she was supposed to do her duties. She did not commit no fraud. To commit fraud. You have to have an intent to commit fraud. And she had no intent to commit fraud. And I know what you're saying, Larry and everything, but she did what she felt she was supposed to do when the city found out from the election board that things have been changed. They corrected the problem. So, I see where she has done nothing on herself to commit fraud to be illegal. And I understand what you are saying.

Larry Coxsey Okay. But whenever you go down there and you talk to the election board, which it's the state election board or the county election board, it's upon the person that's running to make sure that they live in the ward that they're running for. And the description of the ward on that time is plain and simple. As a matter of fact, right there is, (points to ward map on wall) it's been there until February, 2022. Then it switched to this one. (points to ward map in display window) So, anybody can go up there and look and see where they live and it's on them to make sure that they do it. I'm not downing you or anything like that, that's not it. But whenever-

David Bailey well it sure been coming across that way, that you're downing her, from what I see

Larry Coxsey, People can take things however they want. I can't help that.

David Bailey, that's the way I see it.

Larry Coxsey, I'm just saying the taxpayer money has gone out to somebody that wasn't in that ward.

David Bailey, she worked and did her job. Your saying taxpayer money went out. No, she was here doing her duty. She was doing her duty Larry.

Larry Coxsey not saying she didn't

David Bailey anyway we can sit here, swing that way

Larry Coxsey, I've tried to get in to talk to the new attorney and I've been down there twice and they said that he had called me back and I also have called down there. And if I could have got in to talk, maybe wouldn't even have bring this up.

David Bailey my Thing is if you're that set on it and that, try and take it to your attorney and get the district judge and let him make a ruling on it.

Larry Coxsey Well, I'll tell you this much. I did take it to the DA's office. Matter of fact, they come and collected all the stuff that I've got and did a report on it. I got to go and sit down with the DA. His exact words were yes, that's breaking the law. But he also said, I'm not going to do anything at this time because of something else and I'm not allowed to be saying stuff about that.

Connie Poole, Mr. Coxsey, first of all, I this to you also. I have done nothing wrong. I'm not going to step down. Everything that I did was through the city of Krebs and I understood I was doing everything right, how I fought and everything. But I have done nothing knowingly wrong and I'm not going to step down.

Larry Coxsey, did you not know where you lived at, in the wards?

Connie Poole when they showed me where I lived, they said I was in the right ward and that's what I went by.

Larry Coxsey some people messed up.

Connie Poole I would not knowingly wouldn't fall and ask people to vote with me in the city of Krebs if I wasn't in the right area. Not only I would not have done that.

Larry Coxsey Okay. And then whenever they changed the ward map in February, 2022, the minutes of the meeting doesn't say everything that was said. I've got the audio of it and there's a lot of laughing and joking. Mr. Bailey was not here when that was done at that meeting. But a lot of laughing and joking on why this ward boundaries has changed the way it is. And do we have to accept that? Yes, you do have to accept is what the mayor said. And the reason it was done is so the Connie would be in her right deal.

Mayor Walker, I wasn't the mayor then. I wasn't the mayor then.

Larry Coxsey, all I'm saying is we need to follow statutes, laws and guidelines where they're supposed to be.

Mayor Walker, that's what they're there for.

Ronnie May I'd like to go ahead on the legal side, give a little, I've done research on this. I've talked to the OML and I've looked at the state statute and there's an attorney general's opinion. Well, I want to hear from her (Caylin Crone) first so I can-

Caylin Crone no, go ahead

Ronnie May no, no. I want to hear what you have to say because I've got the law on the case.

Caylin Crone, the case law does not supersede state statutes. That's the first thing. So, I just want to address I would love to clear that up. So, as for what kind of, to piggyback off of what he said, it doesn't matter that you went to somebody and asked them or whoever you asked it is your job, your due diligence to know without a doubt that your address, you can see, get a physical copy of it, double check, do those things. That's your due diligence. It's great that you've been here and you've been doing that. The fact of the matter is you served for a ward that you didn't live in. There is no exception to the law. That is the law. You have to, and if you don't have it done within 30 days of an election, you don't get to proceed with

office. And that's also in the law. But we went along with it, whoever was here at the time and continued whether they told you wrong, whatever that is. But as your job, I would check where my house is and look to see to make sure, because we have seen time and time again how many times our city has gotten things wrong. City attorneys, city council, mayor, other people. It's been time and time again for years. And it just continues to happen. And at what point are we going to stop? What point are we going to say, okay, let's take responsibility and be adults and act like that and do what we should do and do what's right. Whether you feel like you did something wrong or not, I can't tell you how to feel, but you did. And that's where take some responsibility and say, I didn't check that. I didn't do that. I served out of a ward I didn't live in for years because you did. And that's where we're coming from because I pay taxes. You all pay taxes. You wouldn't like it if somebody was up here doing stuff, serving, lying on stuff because you signed under a penalty of perjury actually, not fraud

Dan Heathcock Ms. Crone You're making accusations that I'm not up on. Never. So, I'd like to hear from my attorney now, I don't understand your accusations, but I would like to hear from my attorney now.

Caylin Crone. Okay, so you're stopping me while I'm speaking under my freedom of speech.

Dan Heathcock, yeah because you're getting a little bit ugly.

Caylin Crone, I have a freedom of speech though. And that's another thing that you would know-

Dan Heathcock and you said your piece

Caylin Crone and you can't stop me. I'm still speaking on the issue on the agenda and I have that legal right.

Mayor Walker Well, it's set whatever the counsel set it at. I don't know if it was five minutes or 10 minutes, I think it was five.

Caylin Crone, did they time me?

Mayor Walker, it used to be five minutes.

Caylin Crone Yeah, I haven't been talking five minutes, before you interrupted. But I think I got my point across. I mean, we have to take responsibility and follow the laws. I've said this time and time again; I've been up here so many times and I'm tired of it. I'm tired of it. I don't want to have to come up here. That'd be great. I would love it if we just follow the law. Simple.

Mayor Walker, if we would just go by the state statutes, we would all be better.

Ronnie May Yes. There's no statutory authority for the council to come in and request that she vacate portion her position on city council. Here's what the way it works under the statute that we've all operating under the time has passed. You can challenge her candidacy of any day time prior to her election. You can challenge it after she's elected. Those time limits have passed. She was elected three times or four times, however many times it was. She was elected. No one ever challenged her when she ran for the position. I don't know if she had candidates or not, but the statute allows a challenge to be made if she's unchallenged and doesn't have anybody's running against her, A constituent in the city or member of the city can file an objection. None of that was ever done in any of these elections that she had. And basically the, I checked through the OML and also did my research. She talked about case law. There's an attorney's general opinion that came out. And in that situation, it's the same or analogous close to what we have here. Back in 2001, the person ran for a school board and one of the requirements is they had to have 15 hours of continuing education. That person didn't get that done. And there was, people raised a stink saying they should be removed because they didn't meet the qualifications to run for office. They were not challenged; they were never challenged before they were elected. They were challenged after they were elected. And the attorney general, unless there's case law separate, that's the law that interprets that statute.

Larry Coxsey that's school board.

Ronnie May, it applies to any board member of any place in the state. And it's the same as what we have here, we have a board member who has been all alleged and she didn't comply with the statutes when she ran for office. That time has run, it's called latches. If you don't have a limitation on when you can file a

challenge, you could do it 20 years later. There's got to be some finality to this. So, there's no challenges made to any of her elections before she was elected or after she was elected. And state statute or she talks about that's been raised. Any candidate hereafter referred to as petitioner may contest the candidacy of any other candidate for the same office hereafter referred to as contestee by filing a written petition with the secretary of the election board with whom said candidate filed the declaration of Candidacy. In the event only one candidate filed for office a petition contest in the candidacy may be filed by any registered voter who is eligible to vote for the candidate. And it applies to any council member, your school board, city council Attorney General said it applies to anybody who's running for office on a counsel type situation, which we have here. Also talking about the challenge that was made about the candidacy, the statute Title 26, section five-117 states Secretary of any election board shall accept any declaration of candidacy which the secretary is authorized to accept except such declaration, which on its face shows that the candidates does not meet the qualification to become a candidate for the office set forth as contained in the Oklahoma Constitution statutes or resolution calling the election. Such acceptance shall entitle the candidate to have the candidate's name appear on the appropriate ballot unless the candidate withdraws a candidacy according to law or unless the contest is said candidacy is sustained in the manner hereafter described. So that wasn't done. That's the first part of it. That wasn't done. None of her. There were no challenges made. Then we talked about in that case what the, they came up with said that even if, and I'm not, I don't know any of the facts of the situation.

I know what you presented to me. I haven't heard the other side or anything. I wanted to research this before the meeting. I know you brought that in to me and I looked the stuff over that you gave me, but I wanted to make sure that in 2001 in this attorney's General's opinion, that's where I'm looking at for case law and for guidance from the OML. I contacted the OML and that's got an email back saying directed in this situation. So that's where we're going first. It says that Title 26 5- 118 cover situation where somebody claims it claims that someone is holding the office incorrectly and at the time no challenge was made. Title 26 5-118 states that any candidate hereafter referred to his petitioner, as I mentioned earlier, can challenge that. That was not done in this case that I'm referring to. They found that even if the facts were true, even if the person had not met their election requirements with no challenges made, the actions taken by that person while on the board were valid, which would invalidate any claim that any money be paid back. So, there's no claim here, no statutory authority, and there's nothing that the city council can do to recoup that other than if a person wanted to go to court, you went to the DA, he said, and they didn't file anything there, but I don't know what happened there, but there were no criminal charges filed. Also, if there's an action you want to take, you have the right to go to district court and the rules are still going to apply. So, there's no requirement for her to return any monies. Okay. Because she was a duly elected official according to the election board. That's what we have to go by. That's the final word. She was duly elected person who election was not objected to and protested to by anybody, even assuming as you put in your paper you gave to me that you claim she acted illegally. There was no election fraud committed. There has been no finding that election fraud was committed in the situation. There's no proof of that. And then that has to be proven not to a city council. There are places to do that. This isn't the right forum to try and claim that.

Larry Coxsey I've been trying-

Ronnie May, you get an attorney or if you want to file it yourself, you can file something to district court. And they also, the reason why they said that doesn't apply to the city council making that finding is because that, once again we talk about due process. She was elected, duly elected that position, she's entitled to that position and she's entitled to, especially on the situation when you're talking about making a claim that she violated law and taking it under oath and make a false statement. She's entitled to do process consideration there too. And that can happen through district court action, but you have to file that. So, the bottom line is

there's no statutory authority for her to have to pay back any money or give up her position. That's what I've read. That's all OML told me. I've got an email from them saying that. So that's where we're at.

Chuck Nelms But as an elected person without this violation of meetings or something like that, the counsel can't even act to take her off, can it?

Ronnie May, No.

Chuck Nelms, you don't have any authority for it?

Ronnie May, No. There're other avenues out there, but this is the one to do it.

D. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE CITY GETTING A CITY CREDIT CARD

Dan Heathcock, mayor I would like to table this (D) until we can get either an ordinance or a resolution that would control that credit card.

Mayor Walker, how you going to do that Danny?

Dan Heathcock, we'll come up with what the limits are, who's going to be the one to use it? Where is that card going to be kept.

Mayor Walker, we got to have somebody follow the credit card around, right? Every time it's used.

Dan Heathcock, right. In my opinion, there needs to be a person down in the treasury or whoever, someone who will have control of that credit card and be the only one authorized to use it.

Mayor Walker, we have to get it passed first, then we'll make the rules on it like everything else.

Chuck Nelms Well, I don't know that we really need an ordinance of that guidance, but there does need to be some checks and balances put in place.

Ronnie May, maybe city treasurer.

Chuck Nelms, it needs a process like a PO issued for it we need to identify a process

Dan Heathcock it should only be able to be used when there's not a check to be written.

Ronnie May, credit cards in cities sometimes get into trouble. I'll leave it at that.

Mayor Walker like cash.

Ronnie May, I have, I'm the city judge in Hartshorne, so I have a little bit of experience. You can't just say here's a credit cards; somebody walk in the door and hand it to them and say go use it. You're going to have to have some accounting, some checks and balances. You might want to table it. Find out a little bit of who's going to use it, who has access to it, what it's used for.

Connie Poole I was just more or less thinking that when we have some of the employees', when they have to go to motels or classes that they can automatically pay with a credit card instead of having money taken out of their pockets because that runs them short.

Ronnie May, what you would use it ideally for is if you're sending employees to a meeting or an overnight meeting, they're paid in advance anyways. The city's going to pay that in advance anyway. If you wanted to use a credit card to do that. The city's probably going to write a check. I'm the city judge at Hartshorne when I went to a meeting back in April last year and Wilburton paid for the stuff in advance and all. I did was show up, I didn't have to have anything. There are ways to handle it. You probably need to tighten it up a little bit.

Chuck Nelms there's some things that a credit card anymore is getting to where you have to use it. Not taking checks, but there's definitely needs to be some checks and balances and that needs to be laid out.

Mayor Walker, we need to postpone this until we come up with how we're going to use it. Is that what you're saying?

Chuck Nelms, I don't necessarily have a problem with approving to get one, but there needs to be a procedure in place.

Mayor Walker, that's what we planned on doing.

David Bailey, that's what we need to do. I'll make the motion to go ahead and accept it.

Mayor Walker asks for the second

Dan Heathcock, I had already motioned to table.

Chuck Nelms, yeah, you have to wait too *inaudible*.

Mayor Walker, anybody second it?

Chuck Nelms, you talking about Danny or David?

David Bailey Danny tabled it.

Mayor Walker but nobody voted on it right?

Cindy Cooper, nobody seconded it.

Mayor Walker its dead then, right?

David Bailey, I made a motion to table.

Dan Heathcock, I would motion to table until we come up with the boundaries.

Chuck Nelms did you ask for another second?

Mayor Walker asks for a second. Anybody want to second? All right. Going once. All right. Nobody else second it. I guess it's dead in the water. We'll still check into it and we'll figure out how we got to do this. Checks and balances and all that.

David Bailey Now, I'll make my motion that we accept the credit card. Make amendment that rules need to go with it. Who takes care of it, right? Certain rules. You just can't go out there when you got big tips or anything like that. There got to be some rules on. Yeah, there have to be some.

Mayor Walker, that's what we are going to do if y'all decided. Anybody want to second that?

Chuck Nelms seconds. Mayor Walker calls for a vote. Dan Heathcock-no, Connie Poole- yes, Chuck Nelms-yes, David Bailey- yes. **Motion passed.**

E. DISCUSS AND ACT TO APPROVE/DISAPPROVE THE SALE OF 125 HOURS OF VACATION TIME FROM JOHN TROUSSEL AT A RATE OF \$28.75 PER HOUR WHICH EQUALS A GROSS AMOUNT \$3593.75. LESS TAXES OF \$1015.78 WHICH EQUALS \$2577.97

Connie Poole, I make a motion to approve it.

Dan Heathcock seconds.

Mayor Walker calls for a vote. Dan Heathcock- yes, Connie Poole-yes, Chuck Nelms- yes, David Bailey- yes. **Motion Passed.**

F. DISCUSS AND ACT TO APPROVE/DISAPPROVE HIRING CALEB AUSTIN ANDERSON AS A NEW KREBS POLICE OFFICER EFFECTIVE 2/24/2025.

Dennis Cook, Police Chief, I would like to amend that to start date of March 2, 2025. This is an application to replace an applicant, a police officer, applicant. He's been through all the testing, the MMPI, the physical, everything that's been required. He's passed everything. Backgrounds are good. He's a current deputy at Latimer County, still working. He's applied. This is to replace Mike House. He's been off since October of last year, so it's taken us this long to get somebody to hire in. He also qualifies if he signs a three-year commitment for a \$5,000 sign on bonus. \$3,000 upon signing of the bonus. A thousand dollars on each anniversary.

Dan Heathcock makes a motion to approve. Connie Poole seconds.

Mayor Walker calls for a vote. David Bailey- yes, Chuck Nelms- yes, Connie Poole- yes, Dan Heathcock-yes. **Motion passed.**

11. COMMENTS FROM THE COUNCIL AND MAYOR

*Comments from Stephanie Mervine, Economic Developer from Choctaw Nation of Oklahoma.

Stephanie Mervine, good evening, Mayor. Council members. My name is Stephanie Ervine. I'm with Choctaw Nation Economic Development and I'm here to introduce myself and I will be working with Pittsburgh, Atoka and Coal counties for economic development, which includes retail, housing, infrastructure. We have a department that we've expanded. I'll be working with all the municipalities to share some things that we've learned out in the field, but also to invite developers and different things that could benefit Krebs. So just wanted to say hello and introduce myself. I live in McAlester so I'm very close and I'll be stopping by and just checking in and see if there's anything you need. So

Mayor Walker, are you based out of Durant or here?

Stephine Mervine, no, we work remote. I work with the small business Choctaw entrepreneurs here and I work from home and we travel a lot, but we are out there trying to share the information about Choctaw Nation Economic Development and what we can do. We actually got an award down in Durant today for our department. It was really exciting and so we're investing in the communities in ways of bringing people here. I worked with Allsup's and the QT'S and all of those and the TAs in Savannah who was with them last week. So yeah, hopefully I can bring some value. And I gave Cindy my card, so if you ever need me, I'm close by.

Mike Kern, do you need to leave right after the meeting?

Stephine Mervine, no, And I think you and I have met, I think we have,

Mike Kern, I'm a CPA. I'm Choctaw.

Stephine Mervine, Perfect. Awesome. So yeah, it's nice to meet you all. Thank you.

Dan Heathcock, is that appropriate, would the water treatment plant fall into that anyway?

Stephine Mervine, Sure.

Mayor Walker, I went to a meeting one time with Oklahoma City, an engineer and all that and had an Indian representative up there, OML. We had everybody, DEQ and they all told us they would help us, which they have so far. We're getting close to it.

Stephanie Mervine, I work with the state level too. on their grants we work very closely and some of them come down here and meet. They met in Atoka with their water two implant. I'm kind of like the, hopefully help you get it done.

Mayor Walker, I got something I need to read here before we adjourn.

**(Letter from Joquita Klink -enclosed in this book) "Words are, I've never enough to thank someone, but I want to thank the Krebs Police Department, Krebs Fire Department, Emergency Management, McAlester Police Department, numerous private citizens, neighbors that are friends and my family for helping look for my husband. Many of you know Ed because of his years of service on the council here. Officer Hunter was very professional and so very nice. He had a plan and put it in action right away. Krebs fire department members are volunteers and I so appreciate you coming out in the cold to assist in finding Ed. Each and every neighbor I called said we will start looking and they did. Our little town is the best. Thank you for Krebs for all you do. Signed Joquita Klink and family."*

Mayor Walker, this is from Ed's wife, Joquita thanking all y'all. I think y'all deserve a hand on this one.

David Bailey, I'm going to say this about Hunter from everything I heard and talked to some people in different things. I know she said in a letter, but that young man did one heck of a job that night. Am I not right, chief?

Dennis Cook, yes sir.

David Bailey, and I think Mr. Nelms here will agree with me. He was good. What he'd done at the age he is the with no more time he has in as a police officer I thought was outstanding.

Dennis Cook, Right, but the really, the fire department did an outstanding job. I mean they were, I don't know, 25 people out there looking. They're the real heroes of this. Mr. Klink, he wouldn't have lasted very long through the night. It was a bad situation. And these guys, job well done Chief. Thank you. Good job.

David Bailey, I didn't mean to take it away from y'all.

Dennis Cook *inaudible* he came out; he was a great help. Everything just came together. Everybody kind of did their jobs independently quite well.

Chuck Nelms one thing you noticed the teamwork was outstanding. Everybody just rolling.

Dennis Cook, he was located in about an hour and a half, so it wasn't bad.

Connie Poole, I owe a lot to him. He was like my mentor he's the one that actually asked me that I should run again that second time. I learned a lot from him. I'm glad everything worked out great for him.

Mayor Walker, anybody else got anything? Council or mayor or whatever. Okay, well the people are redoing a roof here and all that and the walls outside. They said he was going to be back here Thursday or Monday, whichever they get. But they don't like a whole lot from finishing up on the roof. They're going to be here a while doing the outside of it because they've done a terrible job, what they were doing, which is going to have to be redone. But anyway. And we're supposed to hear back from the OWRB about Krebs Lake getting started on the spillway and all that. Hopefully here the next day or two, but hopefully if everything works out right, we should have enough money left from here, that was ARPA money, wasn't it?

Cindy Cooper, for the roof, yes.

Mayor Walker, if we have enough money left, we're going to go ahead and put a whole new roof on the community center down here, going to cover the whole thing. I hope we're going to have enough money for that. Supposed to find out more about the water plant too. The way they were talking I think we got 75% or something of the money, of the grants, or whatever. Hadn't heard anything lately have you Jonathan.

Jonathan Clifton, no.

Mayor Walker, I'm going to call him tomorrow

12. ADJOURN TO KUA

Connie Poole makes a motion to adjourn. Dan Heathcock seconds. Mayor Walker calls for a vote.

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