

NOTICE AND AGENDA OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Tuesday, October 08, 2024 at 6:00 PM

Marietta Municipal Building, 700 S. Highway 77, Marietta, Oklahoma 73448

BUSINESS TO BE CONDUCTED (which may include discussion, consideration, action for approval or disapproval, voting to take any appropriate action, and the revision, amendment and passage of resolutions on the following agenda items):

CALL TO ORDER.

ROLL CALL AND DECLARATION OF QUORUM.

INVOCATION.

PLEDGE OF ALLEGIANCE.

CONSENT AGENDA.

All matters listed under this sections are considered by the City Council to be routine and will be enacted by one motion and vote. Any council member may, however, remove any item from the consent agenda by request.

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the regular meeting on September 10, 2024..
3. Approval of financial reports.
4. Approval of purchase orders and expenditures from the following accounts/funds, if any: general fund; sanitation fund; cemetery care fund; expense account; grant fund; police asset forfeiture account; payroll account.

ITEMS REMOVED FROM CONSENT AGENDA.

Any matter removed from the consent agenda at the request of a council member will be considered separately.

CORRESPONDENCE.

PUBLIC PARTICIPATION.

This is an opportunity for citizens to address the city council. Remarks will be addressed to the governing body as a whole. Any issues presented will not be further discussed by the city council or the mayor at this meeting. Comments must be limited to three minutes or less.

CITY ADMINISTRATOR'S REPORT.

The City Administrator will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

REGULAR BUSINESS.

1. Public hearing regarding proposed placement of manufactured home located at 307 E. Broadway, further described as Lots 5 & 6 Block 93 Marietta City, Marietta, Love County, Oklahoma
2. Discussion and possible action regarding the application of Fernando Sandoval to place manufactured home at 307 E. Broadway, further described as Lot 5 & 6 Block 93 Marietta City, Marietta, Love County, Oklahoma.
3. Introdcion and presentation by the Southern Oklahoma Development Association's Economic Developer.
4. Discussion and possible action on changing Gilliam Street to one way during school drop off and pick up hours, or any other actions regarding traffic flow on Gilliam Street during school hours.
5. Discussion and possible action regarding making the Marietta Municipal Building a Love County/City of Marietta polling place.
6. Discussion and possible action regarding changing the Police Asset Forfeiture Fund checking account to a Treasury Fund Account.
7. Discussion and possible action regarding the renewal of agreement between the City of Marietta, Love County Commissioners, and the Love County Health Department for the Love County Health Department to use the old City Hall building located at 101 W. Main as a temporary Health Department.

NEW/UNFORESEEN BUSINESS.

Discussion and possible action with respect to any matter not known, or which could not have been reasonably foreseen, prior to the time of posting this notice and agenda.

MAYOR'S COMMENTS.

The Mayor will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

ADJOURN.

NOTICE OF POSTING:

I, the undersigned Clerk of the City of Marietta, certify that the foregoing Notice and Agenda of the Regular Meeting of the Marietta City Council was posted in prominent public view at the Marietta City Hall, located at 700 S. Hwy 77, and online at www.mariettaok.city, at 5:00 o'clock p.m. on Friday, October 4, 2024.

Scott Chaney, Deputy City Clerk
Dottie Gwin, City Clerk

Dottie Gwin



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MAYOR'S COMMENTS.

The Mayor will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

ADJOURN.

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Scott Chaney, Deputy City Clerk
Dottie Gwin, City Clerk

Dottie Gwin



NOTICE AND MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

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Marietta Municipal Building, 700 S. Highway 77, Marietta, Oklahoma 73448

BUSINESS TO BE CONDUCTED (which may include discussion, consideration, action for approval or disapproval, voting to take any appropriate action, and the revision, amendment and passage of resolutions on the following agenda items):

CALL TO ORDER.

Meeting called to order at 6:10 p.m.

ROLL CALL AND DECLARATION OF QUORUM.

PRESENT

- Mayor Kermit McKinney
- Council Member Crystal Cohee
- Council Member Tommy Kiser
- Council Member Destry Rushing
- Council Member Tambre Sanders
- Council Member Angela Vega

Council Member Becca Griggs

ABSENT

- Council Member Matt Barber

INVOCATION.

Invocation given by Scott Chaney.

PLEDGE OF ALLEGIANCE.

Pledge led by Mayor McKinney.

CONSENT AGENDA.

All matters listed under this sections are considered by the City Council to be routine and will be enacted by one motion and vote. Any council member may, however, remove any item from the consent agenda by request.

Motion made by Council Member Kiser, Seconded by Council Member Rushing to approve the Consent Agenda.

Voting Yea: Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

1. Approval of the agenda as part of the minutes.

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- 2. Approval of the minutes of the regular meeting on August 13, 2024.
- 3. Approval of financial reports.
- 4. Approval of purchase orders and expenditures from the following accounts/funds, if any: general fund; sanitation fund; cemetery care fund; expense account; grant fund; police asset forfeiture account; payroll account.

ITEMS REMOVED FROM CONSENT AGENDA.

Any matter removed from the consent agenda at the request of a council member will be considered separately.

None.

CORRESPONDENCE.

None.

PUBLIC PARTICIPATION.

This is an opportunity for citizens to address the city council. Remarks will be addressed to the governing body as a whole. Any issues presented will not be further discussed by the city council or the mayor at this meeting. Comments must be limited to three minutes or less.

Denice Halstied gave an update on Main Street Committee.

CITY ADMINISTRATOR’S REPORT.

The City Administrator will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

City Administrator stated the Library had a ribbon cutting on September 9 for the Storywalk at Shellenberger park; the City is waiting on one more deliver for storm sirens and hope to start installations on September 16; and the annual audit is being worked on.

REGULAR BUSINESS.

- 1. Discussion and possible action regarding the partial closure of Gilliam Street during school hours.

Discussion.

Motion made by Council Member Rushing, Seconded by Council Member Cohee to table Item #1..

Voting Yea: Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Griggs

Council Member Vega stepped out and was not available to vote.

- 2. Designation of special event sponsored by the Love County Frontier Days Committee and necessary street closures.

Motion made by Council Member Sanders, Seconded by Council Member Kiser to adopt Resolution 2024-30 as presented.

Voting Yea: Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega; Council Member Griggs

- 3. Discussion and possible action on the future of signs/banners hanging over Main Street.

Dicussion. No action.

- 4. Executive session to discuss the employment of Brian Eppler as a street equipment operator, and the hours, duties, compensation and benefits of said Brian Eppler, pursuant to Title 25 Oklahoma Statutes, Section 307 B (1).

Motion made by Council Member Sanders, Seconded by Council Member Kiser to go into Executive Session at 6:49 p.m.

Voting Yea: Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Griggs

- 5. Return to open session.

Returned to Open Session at 6:56 p.m.

- 6. Discussion and possible action regarding the employment of Brian Eppler as a street equipment operator, and the hours, duties, compensation and benefits of said Brian Eppler.

Motion made by Council Member Sanders, Seconded by Council Member Kiser.

Voting Yea: Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega; Council Member Griggs

NEW/UNFORESEEN BUSINESS.

Discussion and possible action with respect to any matter not known, or which could not have been reasonably foreseen, prior to the time of posting this notice and agenda.

Motion made by Council Member Sanders, Seconded by Council Member Kiser to adopt Resolution 2024-32 as presented.

Voting Yea: Council Member Cohee, Council Member Kiser, Council Member Rushing, Council Member Sanders, Council Member Vega

Item was unforeseen and could not be placed on the Agenda.

MAYOR'S COMMENTS.

The Mayor will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

Mayor McKinney stated things are going forward but we are hurting for income. Thanked the Council for letting them hang their sign. Working to make sure new Development goes in. Homeland and

Dollar General are still negotiating their contract. Talked to Civil Engineer about tin horn to keep water off of south side of town. Providing steak dinner for volunteers helping with putting Dollar Tree fire out on October 5. Asking the City to please hold costs as much as possible.

ADJOURN.

Meeting adjourned at 7:13 p.m.

NOTICE OF POSTING:

I, the undersigned Clerk of the City of Marietta, certify that the foregoing Notice and Agenda of the Regular Meeting of the Marietta City Council was posted in prominent public view at the Marietta City Hall, located at 700 S. Hwy 77, and online at www.mariettaok.city, at 5:00 o'clock p.m. on Friday, September 6, 2024.

Scott Chaney, Deputy City Clerk
Dottie Gwin, City Clerk

Dottie Gwin



RESOLUTION _____

A RESOLUTION REGARDING THE APPLICATION FOR THE PLACEMENT OF A MOBILE HOME TO OCCUPY AN R1 ZONING LOT AT 307 E. BROADWAY, FURTHER DESCRIBED AS LOTS 5 & 6 BLOCK 93 MARIETTA CITY, MARIETTA, LOVE COUNTY, OKLAHOMA

WHEREAS, Fernando Sandoval is the prospected buyer of lot zoned R1, located at 307 E. Broadway, otherwise identified as Lots 5 & 6 Block 93 Marietta City, Marietta, Love County, Oklahoma

WHEREAS, said prospected owner has made an application to place a mobile home on the property pursuant to Section 5-5.3(4) of Appendix A to the Code of Ordinances of the City of Marietta; and

WHEREAS, public notice was given pursuant to the above referenced ordinance, and a hearing regarding the application was held before the planning commission on October 3 ,2024; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted resolution PC24-06 recommending the placement of a mobile home on the real property; and

WHEREAS, the City Council has reviewed this matter and the findings of the City of Marietta Planning Commission;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta, that it is in the best interest of the City and the general public that the application, as described above, be

___ Approved, pursuant to the provisions outlined in Section 5-5.3(4) of Appendix A to the Code of Ordinances of the City of Marietta and all other applicable State laws and City ordinances.

___ Denied.

PASSED BY THE CITY COUNCIL and **SIGNED** by the Mayor of the City of Marietta this 8th day of October 2024.

CITY OF MARIETTA

ATTEST:

KERMIT MCKINNEY, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION PC24-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARIETTA REGARDING AN APPLICATION PLACEMENT OF A MOBILE HOME AT 307 E. BROADWAY FURTHER KNOWN AS LOT 5 & 6 BLOCK 93 MARIETTA CITY

WHEREAS, Fernando Sandoval, the proposed buyer of real property described above, hereinafter described, has submitted application for placement of a mobile home at said real property described above; and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on September 20th, 2024, and mailed to the owners of property located within 200 feet of the real property by the applicant on September 17th, 2024; and

WHEREAS, a public hearing regarding the placement of a mobile home was held before the Planning Commission on October 3rd, 2024; and

WHEREAS, the owner and/or representative of 0 of the surrounding properties participated in the public hearing with 0 of the owners and/or representatives in favor of the action, and 0 against the action.

WHEREAS, 0 letter(s) were received for the action and 0 letter(s) were received against the action.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Marietta, Oklahoma:

1. The Planning Commission does recommend the placement of a mobile home at 307 E. Broadway.
2. The Planning Commission does not recommend the placement of a mobile home at 307 E. Broadway.

BE IT FURTHER RESOLVED, that the foregoing resolution was introduced and moved for adoption on October 3rd, 2024, by Commissioner Twyford, and being duly seconded by Commissioner Perez, was passed by the following vote:

AYES: Twyford, Perez, Reed

NOES: —

ABSTAIN: —

ABSENT: Anderson

MARIETTA PLANNING COMMISSION

Tim Reed
TIM REED, CHAIRMAN

ATTEST

Dottie Gwin Deputy City Clerk
DOTTIE GWIN, CITY CLERK

RESOLUTION _____

DECLARING MARIETTA MUNICIPAL BUILDING LOCATED AT 700 S. HIGHWAY 77 A LOVE COUNTY/CITY OF MARIETTA POLLING PLACE

WHEREAS, the Love County Election Board contacted the City of Marietta asking that the Marietta Municipal Building could be used as a polling place.

WHEREAS, the Marietta Municipal Building has the necessary room and accommodations needed by the Election Board to make the location a polling location.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta:

1. The Marietta Municipal Building located at 700 S. Hwy 77 is hereby designated as a Love County/City of Marietta Polling Place.

PASSED by the City Council and **SIGNED** by the Mayor this 8th day of October, 2024.

CITY OF MARIETTA

ATTEST

KERMIT MCKINNEY, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

RESOLUTION CHANGING THE ACCOUNT TYPE FROM BUSINESS CHECKING TO TREASURY FUND ACCOUNT FOR THE POLICE ASSET FORFEITURE FUND

WHEREAS, it is in the best interest of the City of Marietta to change the account type of the Police Asset Forfeiture Fund from a business checking account to a treasury fund account; and

WHEREAS, this resolution serves to memorialize the action of the governing body to provide for the signatories of the mentioned account maintained by the City of Marietta.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA:

1. The following shall be authorized as signatories of the financial account detailed in this resolution:

Treasury Fund Account
 #####3969 Police Asset and Forfeiture Fund

Scott Chaney, City Administrator
 Stephanie Cannon, Deputy City Clerk
 Kermit McKinney, Mayor

Misti Kirk, City Treasurer
 Dottie Gwin, City Clerk
 Destry Rushing, Vice Mayor

PASSED by the City Council and **SIGNED** by the Mayor this 8th day of October 2024.

CITY OF MARIETTA

ATTEST

KERMIT MCKINNEY, MAYOR

DOTTIE GWIN, CITY CLERK

AGREEMENT

THIS AGREEMENT ("Agreement") entered into this _____ day of _____, 2024, by and between the following entities, (collectively "Agencies"): BOARD OF COUNTY COMMISSIONERS ("COMMISSIONERS"), the CITY OF MARIETTA ("MARIETTA"), and the LOVE COUNTY HEALTH DEPARTMENT, ("LCHD"), all of Love County, State of Oklahoma.

WHEREAS, because of the tornadic destruction to the regular building utilized by the LCHD, said LCHD will need to relocate its offices temporarily;

WHEREAS, Marietta agrees that LCHD may temporarily occupy the building located at 101 West Main Street, Marietta, OK 73448;

WHEREAS, this occupation by LCHD will economically benefit the citizens of Marietta;

NOW, THEREFORE, in consideration of their mutual covenants, the Agencies agree as follows:

1. LCHD may temporarily occupy the building located at 101 West Main Street, Marietta, OK 73448 ("Property").
2. The term of the Agreement will be from _____ to _____.
3. LCHD will use the Property for providing health services, and no other use will be made of the Property without Marietta's prior written consent, which consent will not be unreasonably withheld.

4. LCHD will not assign this Agreement or sublet any part of the Property without Marietta's prior written consent.
5. LCHD will pay all utility bills incurred in the use of the Property promptly during the term of this Agreement and will hold Marietta harmless from any utility expenses of any kind incidental to the use and occupancy of the Property by LCHD.
6. Marietta shall have no responsibility for the contents of said building if they are destroyed by fire, windstorm, or other casualty through no fault or negligence of Marietta, and the LCHD will be responsible for its own personal property that it places upon the Property. Furthermore, Marietta will maintain insurance on the building, and LCHD will maintain insurance on any personal property placed on or in the Property by LCHD.
7. During the term of this Agreement, Marietta will be responsible for maintaining the roof, outside walls, windows, and building structure in good repair.
8. During the term of this Agreement, LCHD will be responsible for maintaining the interior of the premises leased, ordinary wear and tear excepted.
9. Marietta must approve in writing any changes to the interior structure of the building made by LCHD.
10. All notices required to be given hereunder may be mailed or delivered to the parties at the following addresses:

Love County Board of County Commissioners
405 West Main Street, Room 101
Marietta, OK 73448

City of Marietta
700 South Highway 77
Marietta, OK 73448

Love County Health Department

- 11. Either party may, by written notice, as provided herein, change their address for subsequent notice to be given hereunder. Any notice so mailed shall be deemed to have been sent as of the date the same was deposited in the United States mail.
- 12. This Agreement shall be construed according to the laws of the State of Oklahoma.
- 13. This Agreement may be amended in writing by mutual consent of all parties at any time.
- 14. This Agreement may be terminated for any reason by one party providing the other parties with 30 days of written notice.

LOVE COUNTY BOARD OF COUNTY
COMMISSIONERS

ATTEST:

BY: _____
Chairman of the Board

CITY OF MARIETTA

ATTEST:

BY: _____
Mayor

LOVE COUNTY HEALTH
DEPARTMENT

ATTEST:

BY: _____
