

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

Tuesday, April 12, 2022 at 6:00 PM

Marietta Public Works Authority Building, 303 W Main Street, Marietta, Oklahoma

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

CALL TO ORDER.

DECLARATION OF QUORUM.

INVOCATION.

CONSENT AGENDA.

- 1. Approval of the agenda as part of the minutes.
- 2. Approval of the minutes of the Regular Meeting of the Marietta City Council on March 8, 2022.
- 3. Approval of financial reports.
- 4. Approval of 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.
- 5. Approval of payroll and scheduled payments.

ITEMS REMOVED FROM CONSENT AGENDA.

PUBLIC PARTICIPATION.

CITY ADMINISTRATOR'S REPORT.

REGULAR BUSINESS.


- 1. Public hearing regarding conditions of buildings, and secondary or accessory structures located at 200 S. 6th Avenue (otherwise identified as the East 15 feet of Lot 3 and all of Lot 4, Block 35, City of Marietta, Love County, Oklahoma), and 703 W. Main Street (otherwise identified as Lot 3, Block 31, City of Marietta, Love County, Oklahoma).
- 2. Finding and order of abatement of dilapidated conditions of buildings, and secondary or accessory structures located at 200 S. 6th Avenue (otherwise identified as the East 15 feet of Lot 3 and all of Lot 4, Block 35, City of Marietta, Love County, Oklahoma), and 703 W. Main Street (otherwise identified as Lot 3, Block 31, City of Marietta, Love County, Oklahoma).
- 3. Amendments to the budget for the fiscal year ending June 30, 2022.
- 4. Lease purchase agreement for renovation of the future municipal building located at 700 S Highway 77.
- 5. Furniture for the future municipal building located at 700 S. Highway 77.
- 6. Purchase lawn mower for cemetery and park department.

MAYOR'S COMMENTS.

NEW AND UNFORESEEN BUSINESS.

ADJOURN.

POSTED: April 11, 2022, at 5:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma, and online at www.mariettaok.city/meetings.

A handwritten signature in blue ink, appearing to be "D. Gwin", written over a horizontal line.

Dottie Gwin, City Clerk

Scott Chaney, Deputy City Clerk

MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Tuesday, March 08, 2022 at 6:00 PM

Marietta Public Works Authority Building, 303 W Main Street, Marietta, OK

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

CALL TO ORDER.

Meeting called to order by Vice Mayor McKinney at 6:01 p.m.

DECLARATION OF QUORUM.

A quorum was declared.

PRESENT

- Council Member Kermit McKinney
- Council Member Doug Stewart
- Council Member Lawrence Anderson
- Council Member Angela Vega
- Council Member Richard Barker (arrived at 6:04 p.m.)
- Council Member Brandy Valenzuela
- Council Member Tambre Sanders

ABSENT

- Mayor Kimberly Fraire
- Council Member KorDale Lornes

INVOCATION.

Invocation given by Lawrence Anderson.

CONSENT AGENDA.

Motion made by Council Member Valenzuela to approve the Consent Agenda, Seconded by Council Member Vega.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Valenzuela, Council Member Sanders

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

2. Approval of the minutes of the Regular Meeting of the Marietta City Council on February 8, 2022, and the Special Meeting of the Marietta City Council on February 22, 2022.

3. Approval of financial reports.

4. Approval of 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.
5. Approval of payroll and scheduled payments.

ITEMS REMOVED FROM CONSENT AGENDA.

None.

PUBLIC PARTICIPATION.

None.

CITY ADMINISTRATOR'S REPORT.

Received permit from Railroad for drainage project and construction has resumed on the park.

REGULAR BUSINESS.

1. Love County Chamber of Commerce Easter Egg Hunt.

Motion made by Council Member Anderson to adopt Resolution 2022-04, Seconded by Council Member Barker.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

2. Love County Frontier Days and subsequent street closures.

Motion made by Council Member Sanders to adopt Resolution 2022-05 as presented, Seconded by Council Member Stewart.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

3. Bids for the relocation of a waterline at Main Street and Martin Luther King Avenue.

Motion made by Council Member Barker to accept the bid of Timco Blasting and Coatings, Inc. in the amount of \$249,199.80, Seconded by Council Member Sanders.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

4. Furniture for the future municipal building located at 700 S. Highway 77.

Motion made by Council Member Anderson to accept bid of OCI in the amount of \$11,610.47, Seconded by Council Member Valenzuela.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

5. Lease purchase agreement for renovation of the future municipal building located at 700 S Highway 77.

Motion made by Council Member Sanders to adopt Resolution 2022-06 as presented, Seconded by Council Member Barker.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

6. Executive session to have confidential communications with the attorney concerning litigation in Weldon Luke Pollard, and Red River Cloud Nine, Inc. v. City of Marietta, 20-cv-338-RAW (also numbered as 20-CIV-338-RAW), in the United States District Court for the Eastern District of Oklahoma, with the advice of the attorney, for the reason that disclosure will seriously impair the ability of the public body to discuss the litigation in the public interest, pursuant to Title 25 Oklahoma Statutes, Section 307 (B)(4).

Motion made by Council Member Barker to go into Executive Session at 6:23 p.m. regarding Red River Cloud Nine suit, Seconded by Council Member Anderson.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

7. Executive session to have confidential communications with the attorney concerning litigation in Casey Carroll (Estate of Jason Carroll) v. City of Marietta, *et al.*, Case Number 22-cv-056-SPS, in the United States District Court for the Eastern District of Oklahoma, with the advice of the attorney, for the reason that disclosure will seriously impair the ability of the public body to discuss the litigation in the public interest, pursuant to Title 25 Oklahoma Statutes, Section 307 (B)(4).

Motion made by Council Member Stewart to go into Executive Session at 6:24 p.m. regarding the Estate of Jason Carroll suit, Seconded by Council Member Valenzuela.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

8. Executive session to discuss the employment of Clarence Lee with the City of Marietta, pursuant to Title 25, Oklahoma Statutes, Section 307 (B) (1).

Motion made by Council Member Anderson to go into Executive Session at 6:25 p.m. regarding the employment of Clarence Lee, Seconded by Council Member Sanders.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

9. Return to regular session.

Returned to Regular Session at 6:37 p.m.

10. Any action and any further discussion on Weldon Luke Pollard, and Red River Cloud Nine, Inc. v. City of Marietta, 20-cv-338-RAW, (also numbered as 20-CIV-338-RAW) in the United States District Court for the Eastern District of Oklahoma.

No further discussion and no action.

11. Any action and any further discussion on Casey Carroll (Estate of Jason Carroll) v. City of Marietta, *et al.*, Case Number 22-cv-056-SPS, in the United States District Court for the Eastern District of Oklahoma.

No further discussion and no action.

12. Appointment of Clarence Lee as park and cemetery maintenance operator.

Motion made by Council Member Anderson to adopt Resolution 2022-07 as presented,
Seconded by Council Member Valenzuela.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Vega, Council Member Barker, Council Member Valenzuela, Council
Member Sanders

MAYOR'S COMMENTS.

None.

NEW AND UNFORESEEN BUSINESS.

None.

ADJOURN.

Meeting adjourned at 6:40 p.m.



Dottie Gwin, City Clerk

Scott Chaney, Deputy City Clerk

STAFF REPORT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: M-22-0004
PROPERTY LOCATION: 200 S. 6th Ave
OWNER: Christoun, Joan & Garcia, Jocelyn Salas
ADDITIONAL PARTY: Robles, Ismael
CAUSE: Dilapidated
PREPARED BY: Lance Glaze, Code Enforcement

SUMMARY

This action involves a single-story residence that has been neglected for up-keep and has numerous violations and arrests from this property. The interior of the residence has mold on the walls, missing sub flooring, electrical issues, as well as plumbing and septic issues. Add-ons have been built without proper permits. This residence is unsafe and creates a hazard and a public nuisance for the community.

PUBLIC NUISANCE CASES

Dangerous Structure August 2020, January 2022
Dead Trees/Limbs May 2021, April 2017, January 2022
Dilapidated Structure January 2022
High Grass/Weeds June 2017, September 2018, April 2017
Improperly Stored Vehicle June 2021, January 2022
Trash and/or Debris May 2021, June 2017, April 2017, January 2022

NOTICE

Posting March 17, 2022, by Lance Glaze
Certified Mail March 17, 2022, by Lance Glaze
Publication Marietta Monitor

CURRENT STATUS

The structure is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

Given the extent of damage to the structure, restoration is impossible.

COMMENTS

None

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.

STAFF REPORT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: M-22-0034
PROPERTY LOCATION: 703 W. MAIN ST.
OWNER: RAUL ABEL ALVAREZ
ADDITIONAL PARTY: N/A
CAUSE: Dilapidated
PREPARED BY: Lance Glaze, Code Enforcement

SUMMARY

This action involves a single-story residence that was destroyed by a fire in 2022. The interior of the house was badly damaged along with roof trusses. The exterior of the home is smoke damaged.

PUBLIC NUISANCE CASES

| | |
|---------------------------|---------------|
| Dangerous Structure | March 2022 |
| Dead Trees/Limbs | NONE |
| Dilapidated Structure | NONE |
| High Grass/Weeds | NONE |
| Improperly Stored Vehicle | NONE |
| Trash and/or Debris | November 2021 |

NOTICE

| | |
|----------------|--------------------------------|
| Posting | March 17, 2022, by Lance Glaze |
| Certified Mail | March 17, 2022, by Lance Glaze |
| Publication | Marietta Monitor |

CURRENT STATUS

The structure is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

Given the extent of damage to the structure, restoration is impossible.

COMMENTS

None

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.

ORDER OF ABATEMENT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing
E 15' Lot 3 & All Lot 4, Blk 35, Marietta City

PROPERTY LOCATION: 200 S. 6th Ave

CASE NUMBER: M-22-0004

HEARING DATE: April 12, 2022

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

An appeal of this Order may be made to Love County District Court, 405 W. Main Street, Marietta, Oklahoma, 73448, within thirty (30) business days from the date of this Order.

CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

ORDER OF ABATEMENT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing
Lot 3 BIK31, Marietta City

PROPERTY LOCATION: 703 W. Main St.

CASE NUMBER: M-22-0034

HEARING DATE: April 12, 2022

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

An appeal of this Order may be made to Love County District Court, 405 W. Main Street, Marietta, Oklahoma, 73448, within thirty (30) business days from the date of this Order.

CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

RESOLUTION _____

**ADOPTING BUDGET AMENDMENTS AND APPROVING TRANSFER OF FUNDS
BETWEEN DEPARTMENTS FOR FISCAL YEAR ENDED JUNE 30, 2020**

WHEREAS, the City Council has adopted a budget as a method for planning and authorizing the expenditure of public funds; and

WHEREAS, the Oklahoma Municipal Budget Act permits the City Council to amend the City’s annual adopted budget. The budget may be amended for supplemental appropriations up to the amount of any additional revenues that are available due to: revenues received from unanticipated sources; revenues from anticipated sources in excess of unbudgeted estimates; or unanticipated, unencumbered cash balances on hand at the end of the previous fiscal year in excess of budgeted estimates; and

WHEREAS, it has become necessary to amend the budget of the fiscal year ending June 30, 2022, to provide for transfers of funds between departments and revenues received from unanticipated sources.

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

SECTION 1. The budget amendment forms attached hereto as “Attachment A” are hereby adopted and the budget for the fiscal year ending June 30, 2022 is amended as detailed within said attached exhibit.

SECTION 2. A copy of this resolution and attached exhibits shall be forwarded to the City Clerk, and a copy shall be filed with the Office of the State Auditor and Inspector pursuant to the Oklahoma Municipal Budget Act.

PASSED BY THE CITY COUNCIL and **SIGNED** by the Mayor of the City of Marietta this 12th day of April 2022.

CITY OF MARIETTA

KIMBERLY FRAIRE, MAYOR

ATTEST

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

A RESOLUTION CLARIFYING THE TERMS OF A LEASE-PURCHASE AGREEMENT WITH AMERICAN NATION BANK FOR THE RENOVATION OF THE FUTURE MUNICIPAL BUILDING

WHEREAS, the City Council determined that there existed a need to secure financing for the renovation of the future municipal building located at 700 S. Highway 77; and

WHEREAS, at a regular meeting on March 8, 2022, the City Council considered bids submitted for said financing, and upon a motion, second, and unanimous vote, approved Resolution 2022-06 authorizing a lease-purchase agreement with American Nation Bank; and

WHEREAS, additional information is necessary to execute said agreement.

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

SECTION 1. The City Administrator is authorized to enter into a lease-purchase agreement with American Nation Bank for the purpose of securing financing for the renovation of the future municipal building located at 700 S. Highway 77, Marietta, Love County, Oklahoma.

SECTION 2. The term of the said agreement shall be for a period of fifteen (15) years with an interest rate of two and one-half (2.5%) percent.

SECTION 3. The principal amount of the said agreement shall be five hundred thousand (\$500,000) dollars.

PASSED BY THE CITY COUNCIL and **SIGNED** by the Mayor of the City of Marietta this 12th day of April 2022.

CITY OF MARIETTA

ATTEST:

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

PURCHASE OF EQUIPMENT FOR CITY OF MARIETTA

WHEREAS, the purchase of equipment, materials and supplies is necessary to perform the duties relative to the functions lawfully imposed upon or assumed by the City of Marietta; and

WHEREAS, the following described equipment is needed to allow for the performance of the above described duties/functions; and

WHEREAS, in accordance with Section 2-172 of the Code of Ordinances, the following competitive bids for SEATING FOR COURT/MEETING ROOM were submitted by AMAZON - \$7,891.85; OCI - \$12,060.00; STAPLES - \$8629.26; _____; and

WHEREAS, staff recommend the purchase of equipment as submitted by AMAZON, based upon the following justification: LOWEST BID _____; and

WHEREAS, funding is available to provide for this expenditure within the budget of the current fiscal year, under the following department/account: 01-20-800 CITY ADMINISTRATION - CAPITAL OUTLAY.

- NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta:
1. The purchase of SEATING FOR COURT/MEETING ROOM as submitted by AMAZON is hereby approved.
2. The expenditure for the purchase will be deducted from the following department/account: 01-20-800 - CITY ADMINISTRATION - CAPITAL OUTLAY.

PASSED by the City Council and SIGNED by the Mayor this 12TH day of APRIL, 2022.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK