

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

Tuesday, January 09, 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 December 12, 2023.
- 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. Presentation by Kermit McKinney regarding drainage in the City of Marietta and any possible discussion or necessary action.
2. Special election for the position of Mayor, City Marshall and Street Commissioner for the City of Marietta.
3. Sale, lease, renovation, or demolition or other disposition of the train depot
4. Sale, lease, renovation, or other disposition of the old Marietta Police Department building located at 103 S. 3rd Ave.
5. Executive session to discuss the employment of Ricky Graham, and the hours, duties, compensation and benefits of said employee, pursuant to Title 25 Oklahoma Statutes, Section 307 B (1).
6. Employment of Ricky Graham and the hours, duties, compensation and benefits of said employee, pursuant to Title 25 Oklahoma Statutes, Section 307 B (1)

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 Municipal Building located at 700 S. Hwy 77, and online at www.mariettaok.city, at 5:00 o'clock p.m. on Friday, January 5, 2024.

Scott Chaney, Deputy City Clerk
Dottie Gwin, City Clerk

Dottie Gwin



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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

Tuesday, December 12, 2023 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.

Meeting called to order at 6:01 p.m.

ROLL CALL AND DECLARATION OF QUORUM.

PRESENT

- Mayor David Spradling
- Council Member Matt Barber
- Council Member Tommy Kiser
- Council Member Kermit McKinney
- Council Member Destry Rushing
- Council Member Tambre Sanders
- Council Member Angela Vega
- Council Member Candice Dixon

INVOCATION.

Invocation given by Kermit McKinney.

PLEDGE OF ALLEGIANCE.

Pledge of Allegiance led by Matt Barber.

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 Spradling submitted his letter of resignation and discussed the dirt work by the railroad.

CONSENT AGENDA.

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

2. Approval of the minutes of the regular meeting on November 14, 2023.
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.

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

Voting Yea: Council Member Barber, Council Member Kiser, Council Member McKinney, Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member Dixon

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 stated on 12/14/23 they are having coffee with the cops and a gift wrap worship on 12/16/23 from 9-2 at the Taste and community gathering on 1/25/24 at 5:30 at the Taste.

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 Scott discussed the election resolution, update on the Tru North mapping, update on ODOT sidewalk project, update on the library remodeling, update on stripping of Main Street and the Municipal and update on drainage ditches.

REGULAR BUSINESS.

1. Appointment of board member to vacancy on Marietta Public Works Authority Board of Trustees.

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Motion made by Council Member Barber to adopt Resolution 2023-46 as presented,
Seconded by Council Member Sanders.

Voting Yea: Council Member Barber, Council Member Kiser, Council Member McKinney,
Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member
Dixon

- 2. Renovation payment to the Southern Oklahoma Library System.

Motion made by Council Member Sanders to pay SOLS \$50,000 per invoice, Seconded by
Council Member Barber.

Voting Yea: Council Member Barber, Council Member Kiser, Council Member McKinney,
Council Member Rushing, Council Member Sanders, Council Member Vega, Council Member
Dixon

- 3. Properties that have liens placed on them by the City of Marietta

Discussion, no action.

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.

None.

ADJOURN.

Meeting adjourned at 6:28 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 101 W. Main Street, and online at www.mariettaok.city, at 5:00 o'clock p.m. on Friday,
December 8, 2023.

Scott Chaney, Deputy City Clerk
Dottie Gwin, City Clerk

Dottie Gwin



RESOLUTION _____

NOTICE OF SPECIAL ELECTION
CITY OF MARIETTA, OKLAHOMA

- I. **BE IT RESOLVED** by the governing body of the City of Marietta that for the purpose of electing officers of said City that a general election shall be held on Tuesday, April 2, 2024.
- II. **BE IT FURTHER RESOLVED** that the filing period for electing said officers of the City shall begin at 8:00 a.m. on Monday, February 5, 2024, and end at 5:00 p.m. on Wednesday, February 7, 2024.
- III. **BE IT FURTHER RESOLVED** that the following officers will be elected to the following positions, for the terms as stated:

POSITION	TERM
Mayor	Remainder of the Unexpired Term
City Marshall	Remainder of the Unexpired Term
Street Commissioner	Remainder of the Unexpired Term

- IV. **BE IT FURTHER RESOLVED** that each office shall be filled by voting at large.
- V. **BE IT FURTHER RESOLVED** that each candidate must be a qualified elector by virtue of being a resident and registered voter within the municipality for at least six (6) months prior to filing a declaration of candidacy.
- VI. **BE IT FURTHER RESOLVED** that absentee ballots will be provided in accordance with State law.
- VII. **BE IT FURTHER RESOLVED** that the election shall be a nonpartisan election.

PASSED by the City Council and **SIGNED** by the Mayor this 9th day of January 2024.

CITY OF MARIETTA

ATTEST

KERMIT KCKINNEY, ACTING MAYOR

DOTTIE GWIN, CITY CLERK

CONTRACT

THIS CONTRACT (“Contract”) is entered into on the _____ day of _____, 20____, in the City of Marietta, County of Love, State of Oklahoma, by and between the City of Marietta, (“City”) a municipal corporation, with its principal office located at 101 West Main, Marietta, Oklahoma 73448 and _____, (“Employee”) whose address is _____ and who has agreed to employment with the City.

WHEREAS the initial Hiring Date of the Employee is _____ (“Hiring Date”);

WHEREAS the City agrees to pay for the cost of the Ardmore Truck Driving School training classes (“Training”) for the Employee;

WHEREAS the City needs the Employee to stay employed with the City for two years after the Employee’s initial Hiring Date in order for the City to justify the expenditure of funds for the Training;

WHEREAS the Employee agrees to reimburse the City for all funds expended for the Training under the conditions as hereinafter stated;

NOW, THEREFORE, the parties agree as follows:

1. If the Employee’s employment with the City is discontinued, herein also referred to as a “Discontinuation,” within two (2) years of the Hiring Date, the Employee shall reimburse the City for the funds expended by the City for the Training.
2. To determine the two (2) years from the Hiring Date, the two years shall expire at 11:59 p.m. on the same day of the month of the Hiring Date two (2) years later. For example, if the Employee is hired on January 4, 2024, the two years will expire at 11:59 p.m. on January 4, 2026.
3. A Discontinuation for purposes of reimbursement shall be deemed to be caused by the following:
 - A. Termination of employment by the City.
 - B. Involuntary resignation of employment by the Employee.
 - C. Voluntary resignation of employment by Employee.
 - D. Death of the Employee for causes unrelated to the Employee’s employment with the City.
4. A Discontinuation for purposes of reimbursement shall not be deemed to be caused by the

following:

- A. The termination of the employment of the Employee caused by layoffs due to insufficient funds to employ the Employee by the City.
 - B. Death of the Employee for causes related to the Employee’s employment with the City.
5. In addition to any other arrangements that may be made for reimbursing the City for the Training, the Employee agrees that the City may withhold from any payments due the Employee (“Withholding Funds”) by the City the sums to reimburse the City for the Training. Withholding Funds is not the only remedy available to the City.
6. All funds due the City for reimbursement of the Training are due to the City at the following times:
- A. Prior to the end of the employment of the Employee with the City if the Employee voluntarily resigns.
 - B. Within one (1) month from the end of the employment of the Employee for any of the other reasons causing reimbursement.
7. If the Employee breaches this Contract, the City is entitled to civil judgment against the Employee for all unpaid funds owed by the Employee to the City. Any unpaid funds will carry interest at the rate of 6%. Further, the City is entitled to attorney fees and costs if litigation is involved pursuant to default of any of the terms and conditions of this Contract by the Employee.
8. Should any of the provisions of this Contract ever be held by a Court of competent jurisdiction to be invalid or ineffective for any reason, any such clause or provision shall be deemed separate from the remainder of this Contract and shall not affect the validity and enforceability of the remainder of this Contract, if the remaining terms of such Contract effectuate the full intent of the parties hereto.
9. All remedies conferred on the City in this Contract shall be deemed cumulative, and no one exclusive of the other or any other remedy conferred by law.
10. The terms and provisions of this Contract shall be construed under the laws of the State of Oklahoma. The venue for enforcement of this Contract shall be the District Court of Love County, State Oklahoma.
11. This Contract shall be executed in duplicate and, when executed by both City and Employee, shall be binding upon and inure to the benefit of City and Employee, their heirs, legal representatives, successors, and assigns. This Contract sets forth the complete understanding of the City and Employee and supersedes all previous negotiations,

representations, and agreements between them and their agents. This Contract can only be amended or modified by written agreement signed by the City and Employee.

Dated the day and year first above written.

CITY OF MARIETTA

EMPLOYEE

BY: _____
Scott Chaney
City Administrator

BY: _____
Printed Name: _____
Title: _____

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF LOVE)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared _____ to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____ and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth. Given under my hand and seal of office the day and year last above written.

NOTARY PUBLIC

My Commission Expires: _____ My Commission
Number: _____

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF LOVE)

Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 20____, personally appeared, _____, to me known to be the identical person who subscribed his name to the foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed. Given under my hand and seal of office the day and year above written.

NOTARY PUBLIC

My Commission Expires: _____My Commission Number: _____