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

Tuesday, August 11, 2020 at 6:00 PM

Marietta First Baptist Church, 402 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 July 16, 2020 Regular Meeting of the Marietta City Council.
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. Presentation of financial audit of the fiscal year ending June 30, 2019. (Information will be presented to the governing body via teleconference.)
2. Closing unused bank account maintained with BancFrist of Marietta.
3. Engagement with Rahhal, Henderson, Willis, PLLC for preparation of financial statements as of June 30, 2020.
4. Agreements with XTO Energy, The Rudman Group, and the Ron McCutchin OK Partnership, LTD, and any other necessary parties, for easements, and deed from XTO Energy, to access Prairieview Cemetery and solve boundary issues.
5. Purchase of vehicle for police department/city administration and purchase and installation of emergency equipment on said vehicle.
6. Interlocal Cooperative Agreement with Love County for jail services.
7. Love County Frontier Days Committee regarding the annual Frontier Days' Halloween Bash.

- 8. Public Hearing regarding an alleged dilapidated building located at 119 W. Main Street, further described as follows: All of Lot One (1), and the West 19 feet of Lot Two (2), Block Twenty-Five (25) and the East 12 feet of Lot Two (2), and the West 6 feet of Lot Three (3), and the East 19 feet of Lot Three (3), Block Twenty-Five (25), City of Marietta, Love County, Oklahoma, according to the recorded plat thereof.

- 9. Finding of a dilapidated building at 119 W. Main Street, further described as follows: All of Lot One (1), and the West 19 feet of Lot Two (2), Block Twenty-Five (25) and the East 12 feet of Lot Two (2), and the West 6 feet of Lot Three (3), and the East 19 feet of Lot Three (3), Block Twenty-Five (25), City of Marietta, Love County, Oklahoma, according to the recorded plat thereof.

MAYOR'S COMMENTS.

NEW AND UNFORESEEN BUSINESS.

ADJOURN.

POSTED: Monday, August 10, 2020 at 5:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Thursday, July 16, 2020 at 6:00 PM

Virtual Meeting

CALL TO ORDER.

Meeting was called to order at 6:00 p.m.

DECLARATION OF QUORUM.

A quorum was declared.

PRESENT

- Council Member KorDale Lornes
- Council Member Doug Stewart
- Council Member Lawrence Anderson
- Council Member Vanessa Wright
- Council Member Angela Vega
- Council Member Richard Barker
- Council Member Brandy Valenzuela

INVOCATION.

Invocation was given by Lawrence Anderson.

CONSENT AGENDA.

Motion made by Council Member Anderson, Seconded by Council Member Lornes.
Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the June 9, 2020 Regular Meeting of the Marietta City Council.
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.

CITY ADMINISTRATOR'S REPORT.

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City Administrator Dustin Scott stated three employees are out due to Covid-19 related matters and mandatory wearing of masks has been implemented.

REGULAR BUSINESS.

- 6. The property located at 119 West Main Street, Marietta, OK in the name of Red River Cloud Nine, Inc., and which also may be described as follows: All of Lot One (1), and the West 19 feet of Lot Two (2), Block Twenty-Five (25) and the East 12 feet of Lot Two (2), and the West 6 feet of Lot Three (3), and the East 19 feet of Lot Three (3), Block Twenty- Five (25), City of Marietta, Love County, Oklahoma, according to the recorded plat thereof.

No improvements have been made to the property located at 119 W. Main Street. City Administrator Scott advised the next step is to seek bids to demolish the building.

Motion made by Council Member Lornes, Seconded by Council Member Stewart to seek bids to demolish building.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

- 7. Budget amendments for fiscal year ended June 30, 2020.

Motion made by Council Member Anderson, Seconded by Council Member Lornes to adopt Resolution 2020-25.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

- 8. Declare as surplus certain equipment and provide for disposal of same.

Motion made by Council Member Wright, Seconded by Council Member Vega to adopt Resolution 2020-26 to declare Glock pistols and magazines as surplus.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

- 9. Renewal of lease-purchase agreements with BancFirst for the fiscal year ending June 30, 2021; 2019 Freightliner sanitation truck, 2020 Freightliner fire apparatus.

Motion made by Council Member Barker, Seconded by Council Member Stewart to adopt Resolution 2020-27 regarding a Sanitation Department vehicle and authorize the City Administrator and Deputy Clerk to sign necessary documents.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

Motion made by Council Member Anderson, Seconded by Council Member Valenzuela to adopt Resolution 2020-28 regarding a Fire Department Apparatus and authorize the City Administrator and Deputy Clerk to sign necessary documents.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

10. Renewal with BlueCross BlueShield of Oklahoma for employee medical and dental coverage for October 1, 2020 through September 30, 2021.

City Administrator Scott stated medical premiums will decrease and dental premiums will see a slight increase.

Motion made by Council Member Barker, Seconded by Council Member Lornes.
Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

11. Replacement of a reinforced concrete box across State Highway 32 and Main Street and drainage improvements in the railroad right-of-way and along North Front Street and Bill Halstied Street.

City Administrator Scott stated ODOT has said the box under Main Street does not need to be increased. BNSF will help with reshaping drainage and ODOT will help with costs for drain pipes. The low bid for the project in February or March was Overland for \$398,791.30. Mayor Fraire recommends rebidding and proceeding with the project.

Motion made by Council Member Lornes, Seconded by Council Member Wright to proceed with project..

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

12. Installation of a backup power generator at the Police Department.

Motion made by Council Member Lornes, Seconded by Council Member Valenzuela to adopt Resolution 2020-29.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

13. Purchase vehicle for the Sanitation Department.

City Administrator Scott stated this was budgeted last year but was never purchased. Funds are available in the current budget.

Motion made by Council Member Anderson, Seconded by Council Member Stewart to adopt Resolution 2020-30 to purchase a pickup for the Sanitation Department.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

14. Purchase dump truck for the Operations Department.

City Administrator Scott stated we only have one truck and are looking to replace it with a larger truck.

Motion made by Council Member Lornes, Seconded by Council Member Valenzuela to adopt Resolution 2020-31 to purchase Freightliner and to add lease purchase with BancFirst for 5 years for 5% or less.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson,

Council Member Wright, Council Member Vega, Council Member Barker, Council Member Valenzuela

15. Executive session to discuss the employment of Danny Hammer as a street equipment operator, and the employment of Cody Blagg as a police officer, and the hours, duties, compensation and benefits of said Danny Hammer and Cody Blagg, pursuant to Title 25 Oklahoma Statutes, Section 307 B (1).

Motion made by Council Member Lornes, Seconded by Council Member Anderson to go into Executive Session at 6:47 p.m.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

Council Member Wright not present.

Returned to Open Session at 7:00 p.m.

16. Appointment of Cody Blagg as a police officer and the hours, duties, compensation and benefits thereof.

Motion made by Council Member Valenzuela, Seconded by Council Member Stewart to adopt Resolution 2020-31 to hire Cody Blagg as a police officer in accord with Resolution.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

Council Member Wright now present.

17. Appointment of Danny Hammer as a street equipment operator and the hours, duties, compensation and benefits thereof.

Motion made by Council Member Anderson, Seconded by Council Member Stewart to adopt Resolution 2020-33 to hire Danny Hammer as a street equipment operator in accord with the Resolution. He will have 90 (October 19, 2020) days to get a CDL or be terminated.

Voting Yea: Council Member Lornes, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

Council Member Wright not present.

18. Procedures for future in-person and/or virtual City Council meetings.

COVID meeting procedures were discussed. Mayor Fraire recommended the meetings should be in person with restrictions. The City can provide masks.

Motion made by Council Member Valenzuela, Seconded by Council Member Lornes.

Voting Yea: Council Member Lornes, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

Voting Nay: Council Member Stewart

Council Member Wright not present.

MAYOR'S COMMENTS.

None.

NEW AND UNFORESEEN BUSINESS.

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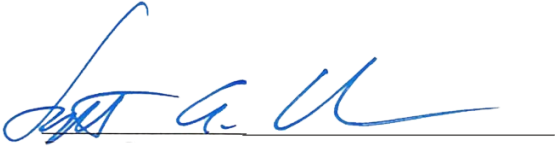
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(Any new or unforeseen issues which were not known at the time of publishing the agenda which must be discussed and/or acted upon at this meeting.)

None.

ADJOURN.

Meeting adjourned at 7:13 p.m.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

RESOLUTION NO. _____

A RESOLUTION CLOSING A BANKING ACCOUNT

WHEREAS, it is necessary to establish and maintain certain financial and banking accounts in order to exercise the powers and perform the duties relative to the functions lawfully imposed upon or assumed by the City of Marietta; and

WHEREAS, a banking account maintained with BancFirst of Marietta, Oklahoma, further described herein, is no longer necessary for the exercise and performance of said powers and duties; and

WHEREAS, the City’s financial advisors recommend the closure of said unnecessary banking account; and

WHEREAS, this Resolution serves to memorialize the action of the governing body to provide for the closing of said account.

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

1. The City Administrator is authorized and directed to close the banking account ending 2537 maintained with BancFirst of Marietta, Oklahoma.
2. The City Administrator is authorized and directed to transfer any funds remaining in the account ending 2537 to the City’s general fund.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma, this 11th day of August, 2020.

CITY OF MARIETTA

KIMBERLY FRAIRE, MAYOR

ATTEST

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 the purchase were submitted:

- 2020 DODGE DURANGO PPV - JOHN VANCE MOTORS - \$31,125
- 2020 FORD PI UTILITY - JOHN VANCE MOTORS - \$34,903
- 2020 DODGE DURANGO PPV - BOB HOWARD - \$33,046; and

WHEREAS, staff recommend the purchase of equipment as submitted by JOHN VANCE - DURANGO based upon the following justification: LOWEST BID, VEHICLE IMMEDIATELY AVAILABLE; and

WHEREAS, funding is available to provide for this expenditure within the budget of the current fiscal year, under the following department/account: POLICE CAPITAL OUTLAY

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

1. The purchase of 2020 DODGE DURANGO PPV (Q4813) as submitted by JOHN VANCE MOTORS is hereby approved based on:
 - the recommendation of staff as previously indicated.
 - the following: _____.
2. The expenditure for the purchase will be deducted from the following department/account: POLICE - CAPITAL OUTLAY 01-75-800.

PASSED by the City Council and SIGNED by the Mayor this 11 day of AUGUST, 2020.

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 the purchase were submitted:

- EQUIPMENT INSTALLATION - DEFENDER SUPPLY - \$5,963
- EQUIPMENT INSTALLATION - 911 OUTFITTERS, LLC -
- EQUIPMENT INSTALLATION - HERO OUTFITTERS -; and

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

WHEREAS, funding is available to provide for this expenditure within the budget of the current fiscal year, under the following department/account: POLICE CAPITAL OUTLAY

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

1. The purchase of POLICE EQUIPMENT INSTALLATION as submitted by _____ is hereby approved based on:
 - the recommendation of staff as previously indicated.
 - the following: _____.
2. The expenditure for the purchase will be deducted from the following department/account: POLICE CAPITAL OUTLAY 01-75-800.

PASSED by the City Council and **SIGNED** by the Mayor this 11TH day of AUGUST, 2020.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

**INTERLOCAL COOPERATIVE AGREEMENT
JAIL SERVICES**

THIS AGREEMENT (hereinafter the “Agreement”) made and entered into this 1st day of September, 2020 between the Board of County Commissioners of Love County, Oklahoma, a political subdivision of the State of Oklahoma (hereinafter the “County”) and the City of Marietta, an Oklahoma municipal corporation (hereinafter the “City”).

WITNESSETH:

THE PARTIES hereto, for mutual considerations hereinafter stated, covenant, contract and agree to the following pursuant to the authority of all Oklahoma Statutes pertaining thereto:

1. The purpose of this Agreement is to set out the terms of access of the City to the Love County Jail.
2. The City shall have access to the Love County Jail (hereinafter the “jail”) operated by the Sheriff at all times in the performance of law enforcement duties.
3. This Agreement shall be in full force and effect from September 1, 2020, until June 30, 2021. Pursuant to Oklahoma Statutes, Title 74, Section 1004.C.5, this Agreement shall continue from year to year unless and until at least 60 days prior to the expiration of the fiscal year, the County, or the City votes to terminate this Agreement for the succeeding fiscal year. Such action shall be communicated by the termination party to the other party, in writing, within 10 days after such action has been taken. The parties mutually agree that by entering this Agreement, each party mutually terminates the prior Interlocal Cooperative Agreement, i.e., the current jail contract, and that the termination date will be the effective date of this agreement.
4. All employees hired for the operation of the jail are employees of the Sheriff.
5. All intentional damages to the jail by City prisoners shall be paid by the City to the extent that insurance does not cover the damages, including deductibles on insurance in effect at the time of the damages.
6. All City prisoners shall be booked and secured in the jail in an expeditious manner by the jailor on duty. In determining priority to booking or jailing, the originating agency shall not be considered as a factor, be it the City of the County. If there is not a jailor on duty, the arresting officer placing the prisoner in the jail shall perform the booking to the extent possible.
7. City police officers shall furnish all necessary paperwork and information, including a written probable cause affidavit (48-hour affidavit) for all prisoners, jailed between 4:30 p.m. on Friday and 8:30 a.m. on Monday of every weekend, and every day during any state or county holiday, to the Sheriff on state charges, and the Sheriff shall be responsible for the obtaining, handling and receiving of bond for the release of such prisoners on such bond for state charges.

- 8. All City and County officers and employees shall abide by all state and local jail rules.
- 9. The County shall furnish all supplies, utilities, materials, and manpower for the operation of the jail, except for the City arrest and report forms, which shall be provided by the City.
- 10. The County shall maintain insurance on the jail and premises and all other insurances or bonds required by law.
- 11. The City will pay the County a per diem rate for each City prisoner. The per diem rate will be \$35.00 per day, or any portion thereof, and will be billed by the County to the City on a monthly basis.
- 12. No separate legal administrative entity is created by the Agreement, and it is expressly intended to afford the City access to the jail services and facilities aforementioned. Pursuant to Oklahoma Statutes, Title 74, Section 1004.C, this Agreement is being financed solely by the contribution herein by the City to the County. This Agreement is to be administered pursuant to Oklahoma Statutes, Title 74, Section 1004.D by the Sheriff, the City, and by the County, and they shall all be responsible for administering the cooperative undertaking as provided in Oklahoma Statutes, Title 74, Section 1004.D.1.
- 13. The County shall not refuse to accept a City prisoner, except at times when said acceptance would amount to an infraction of the Oklahoma jail standards.
- 14. The parties further agree that no party shall, in any way, manner or form, interfere with the duty of either department and that both the Sheriff's Department and the City Police Department shall work together in a professional manner.
- 15. City prisoners and County prisoners are defined as follows:
 - A. City prisoners are:
 - 1) Prisoners being held for City municipal court offenses;
 - 2) Prisoners serving jail time on City convictions.
 - B. County prisoners are:
 - 1) Prisoners arrested on District Court warrants;
 - 2) Prisoners initially appeared before the Judge of the District Court.
 - C. Prisoners arrested by the City will initially be City prisoners until the time District Court charges are filed. Once District Court charges are filed, then the prisoners will be County prisoners.
- 16. If the City arrests a prisoner, and the County is paid the per diem rate from another agency for that prisoner, then the City shall not be liable for the per diem rate for that prisoner, and if

already paid by the City, the City shall be given credit for said per diem paid.

17. Notice pursuant to this Agreement may be mailed or delivered to the respective entities at the following address:

A. If to County: Chairman of the Board of County Commissioners
Love County, Oklahoma
405 West Main Street, Room 101
Marietta, OK 73448

and to

Sheriff of Love County
8339 US Highway 77
Marietta, OK 73449

B. If to City: Mayor
City of Marietta
101 West Main Street
Marietta, OK 73448

IN WITNESS HEREOF, the Parties have approved this Agreement and authorized the signatures below as of the dates there set out.

BOARD OF COUNTY COMMISSIONERS OF LOVE COUNTY

Attest: By: _____ Date: _____
J. Stacy Rushing, Chairperson

Shelly Russell, County Clerk

CITY OF MARIETTA

Attest: By: _____ Date: _____
Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

APPROVED as to form and content:

Marty Grisham, Sheriff

Date

Samson Buck, Assistant District Attorney

Date

Richard A. Cochran, Jr., Attorney for City

Date

RESOLUTION _____

DECLARING THE STRUCTURE LOCATED AT 119 W. MAIN STREET A DILAPIDATED AND DANGEROUS STRUCTURE THAT CONSTITUTES A GRAVE AND IMMEDIATE DANGER TO THE HEALTH, SAFETY, OR WELFARE OF THE GENERAL PUBLIC AND THE COMMUNITY THAT REQUIRES IMMEDIATE AND PROPER ACTION TO SUMMARILY ABATE SAID NUISANCE

WHEREAS, the City of Marietta desires to remove structures in the community that are dangerous by reason of being dilapidated and have become detrimental to the health, safety, or welfare of the general public and the community; and

WHEREAS, the procedures as outlined in Title 11 O.S. § 22-112, titled Condemnation of Dilapidated Buildings – Notice – Removal – Lien, have been followed.

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

SECTION 1. The structure owned by Red River Cloud Nine, Inc., located at 119 W. Main Street, more particularly described as all of Lot One (1), and the West 19 feet of Lot Two (2), Block Twenty-Five (25) and the East 12 feet of Lot Two (2), and the West 6 feet of Lot Three (3), and the East 19 feet of Lot Three (3), Block Twenty-Five (25), City of Marietta, Love County, Oklahoma, according to the recorded plat thereof, is determined to be a dilapidated and dangerous structure that constitutes a grave and immediate danger to the health, safety, or welfare of the general public and the community which requires immediate and proper action summarily to abate said nuisance.

SECTION 2. The property owner is given sixty (60) days from the adoption of this Resolution to summarily abate the described nuisance inclusive of, but not limited to, removal all personal property from the identified real property, razing or tearing down of all buildings and any other improvements on the property, clear the property of all debris, level the property and terminate and secure all sewer service lines at a depth of not less than twenty-four (24) inches from the surface.

SECTION 3. The City Administrator and/or agents of the municipality are granted the right of entry on the property for the performance of the necessary duties as a governmental function of the municipality and shall take appropriate action to abate the nuisance if the work is not performed by the property owner within the dates herein.

SECTION 4. The City Clerk shall immediately file this Resolution as a notice of dilapidation and lien with the Love County Clerk describing the property identified herein in Section 1, the findings of the municipality at the hearing, and stating that the municipality claims a lien on the property for the destruction and removal costs and that such costs are the personal obligation of the property owner from and after the date of filing of this notice.

PASSED BY THE CITY COUNCIL and **SIGNED** by the Mayor of the City of Marietta, Oklahoma, on this 11th day of August 2020.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK