

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

**Tuesday, September 14, 2021 at 6:00 PM**

**Marietta Public Works Authority Meeting Room, 303 W. Main St., Marietta, OK 73448**

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 August 10, 2021 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. Appointment of Willis Choate to a vacancy on Marietta Public Works Authority Board of Trustees.
2. Renaming West Mill Street and Bill Hastied Street to West Bill Halstied Street and East Bill Halstied Street, respectively.
3. Adoption, filing, and notification of the 2021 Biennial Supplement to the Code of Ordinances of the City of Marietta.
4. Application to 2022 Community Development Block Grant - Rural Economic Action Plan.
5. Purchase automotive lift for Operations Department.
6. Ordinance providing rules and procedures for condemnation and removal of dilapidated buildings and authorizing the appointment of an administrative hearing officer.
7. Ordinance amending Medical Marijuana Code.
8. Repair or replacement of commercial sanitation collection truck.
9. Repairs to City Hall building and/or relocation of city administration to alternate location.


10. 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).
11. Return to regular session.
12. 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.

**MAYOR'S COMMENTS.**

**NEW AND UNFORESEEN BUSINESS.**

**ADJOURN.**

POSTED: Monday, September 13, 2021 at 3:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma, and online at [www.mariettaok.city](http://www.mariettaok.city).



Dottie Gwin, City Clerk  
Scott Chaney, Deputy City Clerk

**MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL**

**Tuesday, August 10, 2021 at 6:00 PM**

**Marietta Public Works Authority Meeting Room, 303 W. Main St., Marietta, OK 73448**

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 at 6:00 p.m. Attorney Cochran stated the posting date should show 2021 rather than 2020.

**DECLARATION OF QUORUM.**

Vice Mayor McKinney declared a quorum.

**PRESENT**

- Council Member KorDale Lornes
- Council Member Kermit McKinney
- Council Member Doug Stewart
- Council Member Lawrence Anderson
- Council Member Richard Barker
- Council Member Tambre Sanders

**ABSENT**

- Mayor Kimberly Fraire
- Council Member Angela Vega
- Council Member Brandy Valenzuela

**INVOCATION.**

Invocation was given by Lawrence Anderson.

**CONSENT AGENDA.**

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

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, Council Member Sanders

1. Approval of the agenda as part of the minutes.
  
2. Approval of the minutes of the July 13, 2021 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.

#### **PUBLIC PARTICIPATION.**

None.

#### **CITY ADMINISTRATOR'S REPORT.**

City Administrator Scott stated they are still working on projects but nothing new to report.

#### **REGULAR BUSINESS.**

1. Acceptance of donations and purchase of unmanned aircraft system (drone) for Police Department.

Assistant Chief Harris addressed the Council regarding the drone, donations and licensing.

Motion made by Council Member Lornes to accept donations from Flanagan Watts Funeral Home and E3 Systems out of Lewisville in the amount of \$500 each and \$6209 from Texoma Labs, Inc., Seconded by Council Member Anderson.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, Council Member Sanders

Motion made by Council Member Barker to adopt Resolution 2021-29 as presented, Seconded by Council Member Lornes.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, Council Member Sanders

2. Amendment of Article III of the Agreement Establishing OMAG.

Motion made by Council Member Anderson to adopt Resolution 2021-30 as presented, Seconded by Council Member Sanders.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, Council Member Sanders

3. Oklahoma Municipal Management Services membership renewal.

Motion made by Council Member Barker to adopt Resolution 2021-31, Seconded by Council Member Sanders.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, Council Member Sanders

4. Executive session to discuss the employment of a vehicle and equipment maintenance technician, and the hours, duties, compensation and benefits of said employee, pursuant to Title 25 Oklahoma Statutes, Section 307 B (1).

Motion made by Council Member Anderson to go into Executive Session at 6:34 p.m., Seconded by Council Member Lornes.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, Council Member Sanders

Return to Open Session at 7:07 p.m.

5. Appointment of a vehicle and equipment maintenance technician and the hours, duties, compensation, and benefits of said employee.

Motion made by Council Member Lornes to adopt Resolution 2021-32 as presented to hire Rod Shankles as a Vehicle Maintenance Technician and authorize City Administrator and City Attorney to work out an Agreement for the rental of his tools, Seconded by Council Member Anderson.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, 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 Anderson to go into Executive Session at 6:34 p.m., Seconded by Council Member Lornes.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Barker, Council Member Sanders

Return to Open Session at 7:07 p.m.

7. 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 action taken.

#### **MAYOR'S COMMENTS.**

None.

#### **NEW AND UNFORESEEN BUSINESS.**

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None.

**ADJOURN.**

Meeting adjourned at 7:10 p.m.

A handwritten signature in blue ink, appearing to read 'D Gwin', is written over a horizontal line.

Dottie Gwin, City Clerk  
Scott Chaney, Deputy City Clerk

# Marietta Public Works Authority

Marietta, Oklahoma 73448

303 West Main Street

Phone 580-276-2181

August 18, 2021

Mayor Kim Fraire and City Council of Marietta

101 W. Main Street

Marietta, Okla. 73448

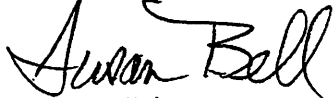
RE: VACANCY

The Marietta Public Works Authority Board of Trustees has a vacancy created by the death of Mr. Jim Bob Campbell.

Mr. Willis Choate has expressed his concern and willingness to fill the remainder of the term limit of Mr. Campbell. The term expires January 1, 2022.

In the regular scheduled MPWA Board meeting held Tuesday, August 17, 2021, the remaining members unanimously approved Mr. Choate to fill the vacancy.

Respectfully,



Susan Bell /Office Manager /MPWA

### Petition to change W Mill Street name change to Bill Halstied St.

<u>Name</u>	<u>Address</u>	<u>Signature</u>
Carlos & Arlene Ortiz	139 W Mill St	_____
School District 16	W Mill St	baseball park
Janana V Epperley	304 W Mill St	vacant
Winston T Warthen Jr	306 W Mill St	<u>Sue Watter</u>
Billy & Barbara Cross	404 W Mill St	_____
Kenneth D Morgan	408 W Mill St	<u>vacant</u>
Michelle L Kelly	409 W Mill St	<u>vacant</u>
Methodist Church	506 W Mill St	<u>vacant</u>
Teofilo & Andrea Flores	508 W Mill St	<u>Andrea</u>
Charlene Gray	509 W Mill St	<u>John Bean</u>
Marciano & Aldaba Gomez	600 W Mill St	<u>marciano aldaba</u>
Gregg W. Newman	602 W Mill St	<u>vacant / garage</u>
Gregg W Newman	604 W Mill St	<u>vacant / garage</u>
Gregg W Newman	606 W Mill St	<u>vacant / garage</u>
McMillin Properties, LLC	603 W Mill St	<u>Tommy Matthews</u>
Felipa Barrientos	607 W Mill St	<u>No house / not Pedro</u>
Dale L & Cindy R Faulkenberry	700 W Mill St	<u>D L Faulkenberry</u>
Bobby L Reed, Sr	702 W Mill St	<u>Bobby L Reed</u>
Flow Valve, LLC	W Mill St	<u>Charles Hodges</u>
Flow Valve, LLC	W Mill St	<u>Charles Hodges</u>
Jammi Thogmartin	703 W Mill St	_____
Beverly McMillen	705 W Mill St	<u>Tommy Damman</u>
<u>Ruby J. Stalter</u>	<u>608 W Mill St</u>	<u>Ruby J. Stalter</u>



**RESOLUTION \_\_\_\_\_**

**RENAMING WEST MILL STREET AND BILL HALSTIED STREET AS WEST BILL HALSTIED STREET AND EAST BILL HALSTIED STREET, RESPECTIVELY**

**WHEREAS**, the family and friends of the late Bill Halstied have requested the renaming of West Mill Street in the City of Marietta to honor of the former resident and City Council member; and

**WHEREAS**, family and friends of the late Bill Halstied have acquired a resident's signature in support of the change from \_\_\_\_\_ percent of the total residences/structures addressed on West Mill Street; and

**WHEREAS**, if West Mill Street is renamed as West Bill Halstied Street, then the portion of the street currently named Bill Halstied Street should be designated as East Bill Halstied Street; and

**WHEREAS**, it has been determined that renaming of these streets is in the best interest of the City and the general public.

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

**SECTION 1.**

1. All of West Mill Street, located in the City of Marietta, be renamed West Bill Halstied Street.
2. All of Bill Halstied Street, located in the City of Marietta, be renamed East Bill Halstied Street.

**SECTION 2.** The Operations Department is authorized to purchase and directed to install any signage necessary to affect this Resolution.

**PASSED BY THE CITY COUNCIL** and **SIGNED** by the Mayor of the City of Marietta this 14<sup>th</sup> day of September 2021.

CITY OF MARIETTA

\_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

ATTEST

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

RESOLUTION \_\_\_\_\_

**A RESOLUTION AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT / RURAL ECONOMIC ACTION PLAN FUND**

**WHEREAS**, the City of Marietta desires to seek funding from the Community Development Block Grant / Rural Economic Action Plan Fund for \_\_\_\_\_  
\_\_\_\_\_ in the City of Marietta, Love County, Oklahoma; and

**WHEREAS**, it is in the best interest if the residents of the City of Marietta to expedite the preparation and submission of an application for financial assistance from the Community Development Block Grant / Rural Economic Action Plan Fund, in the form of a grant.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA** that City Administrator Dustin Scott and Deputy City Clerk Scott Chaney are authorized to sign all related documentation necessary to file for and process a grant through the Community Development Block Grant / Rural Economic Action Plan Fund on behalf of the City of Marietta.

**PASSED BY THE CITY COUNCIL** and **SIGNED** by the Mayor of the City of Marietta this 14<sup>th</sup> day of September 2021.

CITY OF MARIETTA

\_\_\_\_\_  
KERMIT MCKINNEY  
ACTING MAYOR/COUNCIL PRESIDENT

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: FORWARD CR14 EL EXTENDED CERTIFIED 14,000 LB. 4 POST LIFT - DEREK WEAVER CO. INC \$7,199;  
BEST BUY AUTOMOTIVE EQUIPMENT \$7,660; MOBILE DISTRIBUTOR SUPPLY \$7,299.99; \_\_\_\_\_; and

WHEREAS, staff recommend the purchase of equipment as submitted by DEREK WEAVER CO. INC, 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: OPERATIONS/CAPITAL.

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

- 1. The purchase of FORWARD CR14 4 POST AUTOMOTIVE LIFT as submitted by DEREK WEAVER CO INC 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: OPERATIONS - CAPITAL OUTLAY / 01-70-800.

PASSED by the City Council and SIGNED by the Mayor this 14 day of SEPTEMBER, 2021.

CITY OF MARIETTA

ATTEST

\_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK