

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

Tuesday, November 09, 2021 at 6:00 PM

Marietta Public Works Authority Meeting Room, 303 W. Main Street, 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 October 12, 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. Declaring Love County Chamber of Commerce Christmas Celebration a special event and authorizing street closures.
- 2. Appointment of Alex Manning as a volunteer firefighter.
- 3. Purchase bunker gear for the fire department.
- 4. Provide notice of City Council meetings for the calendar year 2022.
- 5. Establish City holidays for the calendar year 2022.
- 6. Holiday bonuses for City employees and volunteers.
- 7. An ordinance amending Article IV of Chapter 82 of the Code of Ordinances of the City of Marietta by defining authority of the City Council to determine street name changes and establishing procedures for street name changes, and establishing a fee pursuant to said Ordinance.
- 8. Executive session to discuss the purchase of real property located at 700 S. Highway 77 pursuant to Title 25 Oklahoma Statutes, Section 307 (B)(3).

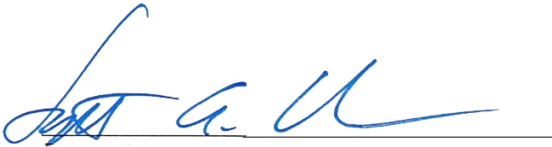
9. Executive session to have confidential communications with the attorney concerning litigation in Weldon Luke Pollard, and Red River Cloud Nine, Inc. v. City of Marietta, 20-cv-338-RAW (also numbered as 20-CIV-338-RAW), in the United States District Court for the Eastern District of Oklahoma, with 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).
10. Return to regular session.
11. Any action and any further discussion regarding the purchase of property at 700 S. Highway 77.
- [12.](#) Improvements and repairs to property located at 700 S. Highway 77.
- [13.](#) Transfer of ownership of property located at 105 S. 3rd Avenue (police headquarters) to the Chickasaw Nation.
14. 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.
15. Consider bids for the demolition and removal of structures previously declared dilapidated.

MAYOR'S COMMENTS.

NEW AND UNFORESEEN BUSINESS.

ADJOURN.

POSTED: November 5, 2021, at 3:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma, and online at www.mariettaok.city.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Tuesday, October 12, 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. by Mayor Fraire.

DECLARATION OF QUORUM.

A quorum was declared by Mayor Fraire.

PRESENT

- Council Member KorDale Lornes
- Council Member Kermit McKinney
- Council Member Lawrence Anderson
- Council Member Angela Vega
- Council Member Richard Barker
- Council Member Brandy Valenzuela
- Council Member Tambre Sanders - joined meeting at 6:03 p.m.

ABSENT

- Council Member Doug Stewart

INVOCATION.

Invocation given by Lawrence Anderson.

CONSENT AGENDA.

Motion made by Council Member McKinney, Seconded by Council Member Barker to approve the Consent Agenda.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, 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 September 14, 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.

Billy Bob Cross addressed the Council regarding the name change on Mill Street. Said property owners were not given notice and wanted to know the procedure for changing street names.

John and Beverly McMillin also appeared about the change to the street and believes it happened too quickly.

CITY ADMINISTRATOR'S REPORT.

Administrator Scott stated we got the vehicle lift at city barn and eager to get it working. Two grants were applied for, one was CDGB and one for police cameras. Still trying to secure property for McCarroll park and resolve boundary issue. Sales tax revenues are ahead of projections and a few departments are ahead for the year also. We have not received a response from the railroad.

REGULAR BUSINESS.

1. Electric Franchise Agreement with Red River Valley Rural Electric Association, and consideration of any ordinance or resolution regarding said agreement.

Motion made by Council Member McKinney, Seconded by Council Member Valenzuela to adopt Ordinance 2021-03 as presented.

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

2. Acceptance of American Recovery Plan Act (ARPA) Funds, any necessary budget amendment(s), and appointment of an authorized representative.

Motion made by Council Member Sanders, Seconded by Council Member McKinney to adopt Resolution 2021-37 as presented.

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

Council Member Vega, Council Member Barker, Council Member Valenzuela, Council Member Sanders

3. 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, Seconded by Council Member Anderson to go into Executive Session at 6:23 on Items 3 & 4 to be taken care of separately.

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

4. Executive session to discuss the purchase of real property located at 700 S. Highway 77 pursuant to Title 25 Oklahoma Statutes, Section 307 (B)(3).

Motion made by Council Member Barker, Seconded by Council Member Anderson to go into Executive Session at 6:23 p.m. on Items 3 & 4 to be taken care of separately.

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

5. Return to regular session.

Return to Open Session at 7:19 p.m.

6. 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.

7. Any action and any further discussion regarding the purchase of property at 700 S. Highway 77.

Motion made by Council Member Sanders, Seconded by Council Member Anderson to authorize Administrator Scott to negotiate the sale and for Attorney Cochran to draft a contract for 700 South Hwy 77.

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

MAYOR'S COMMENTS.

Mayor Fraire is glad to be back and she thanks everyone for praying for her.

NEW AND UNFORESEEN BUSINESS.

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None.

ADJOURN.

Meeting adjourned at 7:21 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

RESOLUTION _____

DECLARING A CHRISTMAS CELEBRATION ORGANIZED BY THE LOVE COUNTY CHAMBER OF COMMERCE A SPECIAL EVENT AND AUTHORIZING STREET CLOSURES TO ACCOMMODATE THE EVENT

WHEREAS, the Love County Chamber of Commerce is planning a special event to be held within the corporate limits of the City of Marietta on Monday, December 6, 2021; and

WHEREAS, it will be necessary to close various streets within the City of Marietta to accommodate the celebration; and

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

1. The Love County Chamber of Commerce Christmas celebration, scheduled for December 6, 2021, is recognized as a special event within the City of Marietta.
2. The City Administrator/Chief of Police may authorize the closure of City streets located adjacent to the event area to provide for safe and effective movement of traffic and pedestrians.

PASSED by the City Council and **SIGNED** by the Mayor this 9th day of November, 2021.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

APPOINTMENT OF EMPLOYEE FOR THE CITY OF MARIETTA

WHEREAS, it is necessary to employ a number of personnel to exercise the powers and perform the duties relative to the functions lawfully imposed upon or assumed by the City of Marietta;

WHEREAS, a vacancy exists within the City of Marietta based on the number of personnel funded by the budget of the current fiscal year;

WHEREAS, the following applicant was selected on the basis of their experience, aptitudes and abilities;

WHEREAS, this resolution serves to memorialize the action of the governing body regarding the hours, duties, compensation, and benefits for the employee and position described herein;

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

1. ALEX MANNING is hereby appointed as an employee of the City of Marietta to the position of FIREFIGHTER of the FIRE Department, under the supervision of FIRE CHIEF, to be effective 11/9/21.
2. Said position shall be classified as a full-time part-time volunteer employee as defined by Section 207 of the City of Marietta Employee Handbook of Personnel Policies and is eligible for all benefits prescribed by this classification.
3. Compensation for said employee shall be based on rate _____ of the Grade and Step Structure adopted by City Council on November 12, 2019.
4. Employment is subject to a probationary period as outline in Section 207.A of the City of Marietta Employee Handbook of Personnel Policies.

PASSED by the City Council and SIGNED by the Mayor this 9TH day of NOVEMBER, 2021.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

A RESOLUTION PROVIDING NOTICE OF THE REGULARLY SCHEDULED MEETINGS OF THE MARIETTA CITY COUNCIL FOR CALENDAR YEAR 2022

WHEREAS, pursuant to Title 25 O.S. Section 311, the City of Marietta is required to give notice in writing to the municipal clerk of the schedule showing the date, time, and place of the regularly scheduled meetings of the City Council.

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

1. Regular meetings of the Marietta City Council will be held at the Marietta Public Works Authority building, located at 303 W. Main Street, Marietta, Love County, Oklahoma, at 6:00 PM on the second Tuesday of every month, more specifically described as:

January 11	April 12	July 12	October 11
February 8	May 10	August 9	November 8
March 8	June 14	September 13	December 13

2. A copy of this Resolution shall be filed with the municipal clerk of the City of Marietta.

PASSED BY THE CITY COUNCIL and **SIGNED BY THE MAYOR** of the City of Marietta this 9th day of November 2021.

CITY OF MARIETTA

ATTEST:

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

A RESOLUTION ESTABLISHING CITY HOLIDAYS AND CITY HALL CLOSURES FOR CALENDAR YEAR 2022

WHEREAS, it is the desire of the City Council to formally establish annual City holidays for City Employees and to inform the public of planned City Hall closures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta that the following days will be official City holidays:

Monday, January 17	Martin Luther King Jr. Day
Monday, February 21	Presidents' Day
Friday, April	Good Friday
Monday, May 30	Memorial Day
Monday, June 20	Juneteenth (observed)
Monday, July 4	Independence Day
Monday, September 5	Labor Day
Monday, October 10	Columbus Day/Native American Day
Friday, November 11	Veteran's Day
Thursday, November 24	Thanksgiving Day
Friday, November 25	Day After Thanksgiving
Friday, December 23	Christmas Eve (observed)
Monday, December 26	Christmas (observed)
Friday, December 30	New Year's Eve (observed)

PASSED BY THE CITY COUNCIL and **SIGNED BY THE MAYOR** of the City of Marietta this 9th day of November 2021.

CITY OF MARIETTA

ATTEST:

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

AUTHORIZING HOLIDAY BONUS FOR FULL-TIME AND PART-TIME EMPLOYEES AND POLICE AND FIRE DEPARTMENT VOLUNTEERS

WHEREAS, City of Marietta employees have voluntarily participated in the Insure Oklahoma program, which provides to the City, a rebate on qualified benefit plan premiums; and

WHEREAS, said rebates from the Insure Oklahoma program have totaled \$11,774 over the last twelve (12) months; and

WHEREAS, the City received a rebate on premiums paid to BlueCross BlueShield of Oklahoma in the amount of \$4,464; and

WHEREAS, the City Council desires to return a portion of said rebates to full-time and part-time employees and police and fire department volunteers in the form of a holiday bonus;

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

1. Full-time employees shall be issued a holiday bonus in the gross amount of \$750.
2. Part-time employees shall be issued a holiday bonus in the gross amount of \$300.
3. Reserve police officers and volunteer firefighters shall be issued a holiday bonus in the gross amount of \$125.

PASSED BY THE CITY COUNCIL and **SIGNED BY THE MAYOR** of the City of Marietta this 9th day of November 2021.

CITY OF MARIETTA

ATTEST:

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 82 OF THE CODE OF ORDINANCES OF THE CITY OF MARIETTA BY DEFINING AUTHORITY OF CITY COUNCIL TO DETERMINE STREET NAMES AND ESTABLISHING PROCEDURE FOR STREET NAME CHANGES; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. Chapter 82 of the code of Ordinances of the City of Marietta, is hereby amended to reads as follows:

ARTICLE IV. STREET NAMES

Sec. 82-54. Street Names.

~~The names of streets and roads in the City of Marietta are renamed as follows:~~

~~A. Except as otherwise may be specifically stated herein, all streets and roads traveling North and South are renamed as: Avenues.~~

~~B. Except as otherwise may be specifically stated herein, all Northwest (“NW”) streets and roads are renamed: North Avenues. As an example, Northwest 2nd is renamed as North Second Avenue.~~

~~C. Except as otherwise may be specifically stated herein, all Southwest (“SW”) streets and roads are renamed: South Avenues. As an example, Southwest 2nd is renamed as South 2nd Avenue.~~

~~D. Except as otherwise may be specifically stated herein, all streets and roads traveling East and West are renamed as: Streets.~~

~~E. Northeast Front Street is renamed: North Ashwood Avenue.~~

~~F. Southwest Front Street is renamed: South Ashwood Avenue.~~

~~G. Northeast 2nd Street is renamed: North Brentwood Avenue.~~

~~H. Southeast 2nd Street is renamed: South Brentwood Avenue.~~

~~I. Northeast 3rd Street is renamed: North Candlewood Avenue.~~

~~J. Southeast 3rd Street is renamed: South Candlewood Avenue.~~

~~K. Northeast 4th Street is renamed: North Driftwood Avenue.~~

~~L. Southeast 4th Street is renamed: South Driftwood Avenue.~~

~~M. Northeast 5th Street is renamed: North Elmwood Avenue.~~

~~N. Southeast 5th Street is renamed: South Elmwood Avenue.~~

~~O. Northeast 6th Street is renamed: North Femwood Avenue.~~

~~P. Southeast 6th Street is renamed: South Femwood Avenue.~~

~~Q. Northeast 6th Street from Bill Halstied to the Limits of the City of Marietta on the North is renamed: Ward Ranch Road.~~

~~R. Southeast 6th Street that travels East and West is renamed: Choctaw Street.~~

~~S. That part of West Cherokee Street, which travels North and South, is renamed: Glenwood Avenue.~~

~~T. Cemetery Road from Oak to City Limits shall remain as Cemetery Road.~~

~~U. East Wood is renamed: Wood Street.~~

~~V. East Pine is renamed: Pine Street.~~

~~W. East Oak is renamed: Oak Street.~~

~~X. East Arch is renamed: Arch Street.~~

~~Y. Love Street extending from Highway 77 is renamed: Sobe Street.~~

~~Z. Summit Street between North 6th and North 8th is renamed: Peak Street.~~

~~AA. Northwest 6th Avenue from Love Street to North City limits is renamed: Silo Avenue.~~

~~BB. Southwest 5th Avenue from Ball to Mayall is renamed: Veterans Avenue.~~

~~CC. Banks Drive is renamed: Football Way.~~

~~DD. Ridgeview Street traveling North and South is renamed: Crestview Avenue.~~

~~EE. All of Circle Drive will remain the same.~~

The City Council shall have the authority to determine street names and numbers and to require changes in any proposed names. Such names and addresses may be subject to change by the City and should never be utilized in place of a legal description.

Secs 82-54 – 82-59. Reserved.

Sec. 82-60. Street Name-Change Procedures.

Proposed street name changes, whether or not the street is part of a recorded plat, shall be subject to the following review and approval process:

- (a) Any person or firm may propose a street name change by making application on the designated forms to the City Clerk and submitting an application fee as determined by resolution of the City Council.
- (b) The proposed name shall not duplicate, or sound like, an existing street name within the service district of Love County E911 District.
- (c) The City Council may approve a street name change by resolution, with such resolution establishing a date by which the name change shall become effective.
 - (1) Prior to approving a street name change, the planning commission shall set the matter for public hearing and give at least 15 (fifteen) days’ notice of the date, time, and place of the hearing by publication in a newspaper of general circulation and by regular mail to all owners of any properties which are addressed on the street subject to the proposed name change, with the addresses of such owners as shown by the Office of the Love County Assessor.
 - (2) Protests against the proposed change shall be filed at least three (3) days before the date of the public hearing. If protests are filed by the owners of fifty percent (50%) or more of the properties which are addressed on the street subject to the proposed name change, then the proposed change shall not become effective except by the favorable vote of three-fourths of all the members of the City Council.
- (d) The City Council may require the person or firm requesting the street name change to reimburse the City for any costs incurred for the replacement of street signs.
- (e) If the City Council approves a street name change, the City Clerk shall make notification of the change to the United States Postal Service, Love County E911 District, and all owners of property which is addressed on the street affected.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Marietta and the inhabitants thereof that this ordinance be put into full effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 9th day of November 2021.

CITY OF MARIETTA

ATTEST:

BY: _____
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: FOUNDATION REPAIR
RAM JACK OF OKLAHOMA - \$12,259.00
OKLAHOMA FOUNDATION REPAIR -
POWERLIFT FOUNDATION REPAIR -; and

WHEREAS, staff recommend the purchase of equipment as submitted by RAM JACK OF OK, based upon the following justification: NO RESPONSE FROM OTHER COMPANIES, GOOD REPUTATION, LIFETIME WARRANTY; 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 WITH AMENDMENT

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

- The purchase of FOUNDATION REPAIR AT 700 S. HIGHWAY 77 as submitted by RAM JACK OF OKLAHOMA is hereby approved based on:
 - the recommendation of staff as previously indicated.
 - the following: _____.
- The expenditure for the purchase will be deducted from the following department/account: 01-20-800 - CITY ADMINISTRATION CAPITAL OUTLAY WITH AMENDMENT

PASSED by the City Council and SIGNED by the Mayor this 9TH day of NOVEMBER, 2021.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

A RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE CHICKASAW NATION

WHEREAS, City entered into a lease agreement with the Chickasaw Nation in 2008 for occupation of a building on property located at 105 S. 3rd Avenue for use as a police station; and

WHEREAS, in 2016 the Chickasaw Nation donated to the City, the building and said property for continued use as a police station; and

WHEREAS, the said building and property are no longer needed for use as a police station or any other facility by the City of Marietta.

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

1. The property located at 105 S. 3rd Avenue, further described as Lots Fourteen (14) and Fifteen (15) of Block Twenty-Six (26) of the City of Marietta, Love County, Oklahoma, is surplus to the needs of the City of Marietta and ownership of the said property shall be transferred to the Chickasaw Nation.
2. The Mayor and City Administrator are authorized to sign all related documents and forms necessary to effect such transfer of ownership.

PASSED by the City Council and **SIGNED** by the Mayor this 9th day of November 2021.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK