# NOTICE AND AGENDA OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL Tuesday, November 12, 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 special meeting on October 10, 2024.
- 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.**

Agenda - Regular Meeting November 12, 2024 Page **1** of **3** 

- 1. Introduction and report from Shane Frye Regional Economic Recovery Manager for Southern Oklahoma Development Assocciation.
- 2. Discussion and possible action relating to approval of the Our Lady of Guadalupe Parade route put on by the Good Shepard Catholic Church
- 3. Public hearing relating to turning Gilliam Street into a one-way street.
- 4. Discussion and possible action to approve an ordinance allowing for the rules and regulations of one-way streets and alleys.
- Discussion and possible action relating to a resolution making Gilliam Street a one-way street.
- 6. Ordinance amending Section 90-33 Of Article II and Section 90-56 of Article III of Chapter 90 of the Marietta Code of Ordinances continuing the total excise tax of three percent (3%).
- 7. Consideration and possible action to approve a resolution that will call for an election for the continuance of three percent (3%) sales tax.
- 8. Consideration and possible action relating to the designation of a Christmas tree lighting organized by the Love County Chamber of Commerce as a special event, and necessary street closures.
- 9. Consideration and possible action relating to the establishment of City holidays for the calendar year 2025.
- 10. Consideration and possible action relating to notice of regular meetings of the City Council for the calendar year 2025.
- <u>11.</u> Consideration and possible action relating to holiday bonuses for City employees and volunteers.
- 12. Discussion and possible action relating to forclosing on certain properties that have leins placed on them by the City of Marietta.

### **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 City Hall, located at 700 S. Hwy 77, and online at www.mariettaok.city, at 5:00 o'clock p.m. on Friday, November 8, 2024.

Scott Chaney, Deputy City Clerk Dottie Gwin, City Clerk

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INVOCATION.

### PLEDGE OF ALLEGIANCE.

### CONSENT AGENDA.

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- 1. Approval of the agenda as part of the minutes.
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### ITEMS REMOVED FROM CONSENT AGENDA.

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#### CORRESPONDENCE.

### PUBLIC PARTICIPATION.

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### 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.**

Agenda - Regular Meeting November 12, 2024 Page **1** of **3** 

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- 7. Consideration and possible action to approve a resolution that will call for an election for the continuance of three percent (3%) sales tax.
- 8. Consideration and possible action relating to the designation of a Christmas tree lighting organized by the Love County Chamber of Commerce as a special event, and necessary street closures.
- 9. Consideration and possible action relating to the establishment of City holidays for the calendar year 2025.
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### **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:

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Scott Chaney, Deputy City Clerk Dottie Gwin, City Clerk

# NOTICE AND MINUTES OF THE SPECIAL MEETING OF THE MARIETTA CITY COUNCIL Thursday, October 10, 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.

Meeting called to order at 6:00 p.m. by Mayor McKinney.

### ROLL CALL AND DECLARATION OF QUORUM.

### **PRESENT**

Mayor Kermit McKinney Council Member Matt Barber Council Member Crystal Cohee Council Member Tommy Kiser Council Member Angela Vega Council Member Becca Griggs

#### **ABSENT**

Council Member Destry Rushing Council Member Tambre Sanders

### INVOCATION.

Invocation given by Scott Chaney.

### PLEDGE OF ALLEGIANCE.

Pledge led by Mayor McKinney.

### CONSENT AGENDA.

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

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Vega, Council Member Griggs

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

Minutes - Regular Meeting October 10, 2024 Page 1 of 4

- 2. Approval of the minutes of the regular meeting on September 10, 2024.
- 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.

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 updated the Council on the Main Street Committee.

### **REGULAR BUSINESS.**

1. Public hearing regarding proposed placement of manufactured home located at 307 E. Broadway, further described as Lots 5 & 6 Block 93 Marietta City, Marietta, Love County, Oklahoma

Mayor called for Public Hearing. No one present for said hearing.

Motion made by Council Member Barber to close Public Hearing at 6:08 p.m., Seconded by Council Member Kiser.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Vega, Council Member Griggs

2. Discussion and possible action regarding the application of Fernando Sandoval to place manufactured home at 307 E. Broadway, further described as Lot 5 & 6 Block 93 Marietta City, Marietta, Love County, Oklahoma.

Planning Commission recommended it and no one contested it.

Minutes - Regular Meeting October 10, 2024 Page **2** of **4**  Motion made by Council Member Kiser to adopt Resolution 2024-23 as presented, Seconded by Council Member Barber.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Vega, Council Member Griggs

 Discussion and possible action on changing Gilliam Street to one way during school drop off and pick up hours, or any other actions reguarding traffic flow on Gilliam Street during school hours.

Superintendent Naylor addressed the Council regarding the making Gillham a one way street during School hours.

Motion made by Council Member Barber to put a Public Hearing on next months agenda to make Gillham a one way street, Seconded by Council Member Cohee.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Vega, Council Member Griggs

4. Discussion and possible action regarding the renewal of agreement between the City of Marietta, Love County Commissioners, and the Love County Health Department for the Love County Health Department to use the old City Hall building located at 101 W. Main as a temporary Health Department.

Motion made by Council Member Kiser to extend agreement with the Health Department another 6 months, Seconded by Council Member Griggs.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Vega, Council Member Griggs

5. Discussion and possible action regarding making the Marietta Municipal Building a Love County/City of Marietta polling place.

Motion made by Council Member Barber to adopt Resolution 2024-34 as presented, Seconded by Council Member Vega.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Vega, Council Member Griggs

6. Discussion and possible action regarding changing the Police Asset Forfeiture Fund checking account to a Treasury Fund Account.

Motion made by Council Member Barber to adopt Resolution 2024-35 as presented, Seconded by Council Member Griggs.

Voting Yea: Council Member Barber, Council Member Cohee, Council Member Kiser, Council Member Vega, Council Member Griggs

### 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 Chaney stated last part for tornado sirens should be finished in the next week or so. He has sent in for reimbursement from FEMA. They are having a site assessment with FEMA

Minutes - Regular Meeting October 10, 2024 Page **3** of **4**  tomorrow at Homeland. The City will have a table at the Halloween Bash on the 26th if anyone wants to help.

### **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 McKinney stated the Homeland leases have been signed and discussed the estimated shortage on the taxes since the tornado.

### ADJOURN.

Meeting adjourned at 6:35 p.m.

Scott Chaney, Deputy City Clerk Dottie Gwin, City Clerk

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<b>ORDINANCE</b>	NO.
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AN ORDINANCE BEING CODIFIED AS SECTION 94-91 OF THE MARIETTA CITY CODE, TO PROVIDE RULES AND REGULATIONS FOR ONE-WAY STREETS AND ALLEYS AND DECLARING AN EMERGENCY.

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

**SECTION 1.** Section 94-91 of the Marietta City Code will be read as follows:

### Sec. 94-91. One-Way Streets and Alleys:

- (a) Authority To Designate: The city council, by resolution, may designate any street or alley or part thereof as a one-way street or alley. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- (b) Direction Of Traffic: Upon those streets and parts of streets and in those alleys and parts of alleys designated as one-way streets and alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

**SECTION 2.** There exists an immediate necessity in order to provide proper regulation of property within the City of Marietta, and for the preservation of the peace, health, and safety of the citizens of said City, and emergency is hereby declared to exist whereby this Ordinance shall be in full force and effect from and after its passage, as provided by law.

**PASSED** by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 12<sup>th</sup> day of November 2024.

	CITT OF MARIETTA
ATTEST:	BY:KERMIT MCKINNEY, MAYOR
DOTTIE GWIN CITY CLERK	

CITY OF MADIETTA

	RESOLUTION			
A RESOLUTION EST	TABLISHING GILLIAN	A STREET AS A	ONE-WAY	STREET
WHEREAS, Marie	etta Public Schools has as	ked the City Cou	ncil to make G	illiam Str

WHEREAS, Marietta Public Schools has asked the City Council to make Gilliam Street into a one-way street for student safety and traffic control issues; and

WHEREAS, a public hearing was held before the City Council on 11-12-24; and

**WHEREAS**, Section 94-91 of the Code of Ordinances of the City of gives the City Council authority by resolution to designate a one-way street.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA Gilliam Street is designated as a one-way street and the rules of the road as follows:

- 1. Gilliam Street will be a one-way street between Veterans Avenue and U.S. Highway 77 with the traffic flow traveling west.
- 2. Traffic signs will be erected and maintained at every intersection where movement in the opposite direction is prohibited.
- 3. All posted speed limits will remain unchanged.

**PASSED** by the City Council and **SIGNED** by the Mayor this 12<sup>th</sup> day of November 2024.

	CITY OF MARIETTA
ATTEST	KERMIT MCKINNEY, MAYOR
DOTTIE GWIN, CITY CLERK	

ORDINANCE NO. 2024-
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ORDINANCE AMENDING SECTION 90-33 OF ARTICLE II AND SECTION 90-56 OF ARTICLE III OF CHAPTER 90 OF THE MARIETTA CODE OF ORDINANCES CONTINUING THE TOTAL EXCISE TAX OF THREE PERCENT (3%) WITHOUT AN AUTOMATIC TERMINATION DATE; AND ESTABLISHING REPEALER

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

**Section 1.** Section 90-33 of Article II of Chapter 90 of the Marietta Code of Ordinances shall be amended to state as follows:

Sec. 90-33. Levy.

- (a) There is levied an excise tax of three percent (3%) upon the gross receipts derived from all sales taxable under the state sales tax code, 68 O.S. § 1350 et seq., including but not exclusive of the following:
  - (1) Tangible personal property.
  - (2) Natural or artificial gas, electricity, ice, steam, or any other utility or public service except water.
  - (3) Transportation for hire of persons by common carriers, including railroads, both steam and electric, motor transportation companies, taxicab companies, Pullman car companies, airlines, and all other means of transportation for hire.
- (b) All other sections of this article to the contrary notwithstanding, such tax is also levied on all sales of natural or artificial gas and electricity.
- (c) The levy of excise tax of three percent (3%) will commence on March 3, 2025, without an automatic termination date.
- **Section 2.** Section 90-56 of Article III of Chapter 90 of the Marietta Code of Ordinances shall be amended to state as follows:

Sec. 90-56.	Excise	tax	on	storage,	use,	or	other	consumption	of	tangible,	persona
	propert	y lev	/ied								
	namar n										

- There is hereby levied, and there shall be paid by every person storing, using, or otherwise consuming within the municipality tangible, personal property purchased or brought into this municipality, an excise tax on the storage, use, or other consuming within the municipality of such property at the rate of three percent (3%) of the purchase price of such property. Such tax shall be paid by every person storing, using or otherwise consuming, within the municipality, tangible, personal property purchased or brought into the municipality. The additional tax levied hereunder shall be paid at the time of importation or storage of the property within the municipality and shall be assessed to only property purchased outside Oklahoma; provided that the tax levied herein shall not be levied against tangible, personal property intended solely for use outside the municipality, but which is stored in the municipality pending shipment outside the municipality or which is temporarily retained in the municipality for the purpose of fabrication, repair, testing, alteration, maintenance or other service. Any person liable for payment of the tax authorized herein may deduct from such tax any local or municipal sales tax previously paid on such goods or services; provided that the amount deducted shall not exceed the amount that would have been due if the taxes imposed by the municipality had been levied on the sale of such goods or services.
- (b) The levy of excise tax of three percent (3%) will commence on March 3, 2025, without an automatic termination date.

**Section 3**. Any ordinances, code provisions, or any parts thereof in conflict with the provisions of this ordinance are repealed.

Passed by the City Council of the City of Marietta, Oklahoma, and signed by the Mayor on November 12, 2024.

CITY OF MARIETTA

ATTEST:

BY:

CITY CLERK

KERMIT MCKINNEY

MAYOR

(SEAL)

Ordinance	2024-	

### NOTICE OF ELECTION

### AND

### RESOLUTION NO. 2024-\_\_\_\_

WHEREAS, there currently is in effect in the City of Marietta, Oklahoma, the tax of three percent (3%) imposed on proceeds from sales and the storing, using, or otherwise consuming within the municipality tangible personal property purchased or brought into the municipality; and

WHEREAS, a special election should be called to be held in the City of Marietta on January 14, 2025, to approve or reject the question of whether the tax imposed on proceeds from sales and the storing, using, or otherwise consuming within the municipality tangible personal property purchased or brought into the municipality herein, shall continue the additional one percent (1%) sales tax, without an automatic termination date, for a total tax of three percent (3%);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Marietta, Oklahoma, that they do hereby notify the Secretary of the Love County Election Board that they will call and give legal notice of a special municipal election to be held on January 14, 2025, to vote upon the Proposition of whether proposed Ordinance No. 2024—

amending Section 90-33 of Article II and Section 90-56 of Article III, of Chapter 90 of the Marietta Code of Ordinances, to continue the additional one percent (1%) without an automatic termination date, commencing March 3, 2025, for a total tax of three percent (3%), and continuing thereafter, as the total tax imposed on proceeds from sales and the storing, using or otherwise consuming within the municipality tangible

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personal property purchased or brought into the municipality should be approved.

**BE IT THEREFORE RESOLVED** that the exact wording of said Proposition to be submitted to the registered voters shall be as follows:

### **PROPOSITION**

Shall proposed Ordinance No. 2024-\_\_\_\_\_ amending Section 90-33 of Article III and Section 90-56 of Article III, of Chapter 90 of the Marietta Code of Ordinances, to continue the additional one percent (1%), without an automatic termination date, commencing March 3, 2025, for a total tax of three percent (3%) imposed on proceeds from sales and the storing, using or otherwise consuming within the municipality tangible personal property purchased or brought into the municipality; and repealing any ordinances or code provisions, or any parts thereof, in conflict therewith, be approved?

**BE IT FURTHER RESOLVED** that the ballot setting out the Proposition to be submitted to the registered qualified voters residing in the city limits of the City of Marietta shall set out the Proposition as above set forth and shall also contain the following words:

FOR THE ABOVE PROPOSITION: ( ) YES

AGAINST THE ABOVE PROPOSITION: ( ) NO.

BE IT FURTHER RESOLVED that such election shall be held at the same place and in the same manner prescribed for the conduct of special municipal elections and that the designated polling places shall be open from 7:00 a.m. until 7:00 p.m.

**BE IT FURTHER RESOLVED** that this Resolution shall also constitute the proclamation calling for such special election, and the City Clerk is directed to transmit a copy of said Resolution to the Secretary of the Love County Election Board after the

Council approves of the same.

PASSED AND APPROVED by the Mayor and Council of the City of Marietta, this November 12, 2024.

	KERMIT MCKINNEY MAYOR	
ATTEST:		
CITY CLERK		

RESOL	LUTION		
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# 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 9<sup>th</sup>, 2024; 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 9<sup>th</sup>, 2024, 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 12<sup>th</sup> day of November, 2024.

	CITY OF MARIETTA
ATTEST	
	KERMIT MCKINNEY, MAYOR
DOTTIE GWIN, CITY CLERK	

RESOLUTION	
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### A RESOLUTION ESTABLISHING CITY HOLIDAYS AND CITY HALL CLOSURES FOR CALENDAR YEAR 2025

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:

Wednesday, January 1 New Year's Day Monday, January 20 Martin Luther King Jr. Day Monday, February 17 Presidents' Day Friday, April 18 Good Friday Monday, May 26 Memorial Day Thursday, June 19 Juneteenth Friday, July 4 Independence Day Monday, September 1 Labor Day Monday, October 13 Columbus Day/Native American Day Tuesday, November 11 Veteran's Day Thursday, November 27 Thanksgiving Day Friday, November 28 Day After Thanksgiving Wednesday, December 24 Christmas Eve Thursday, December 25 Christmas Wednesday, December 31 New Year's Eve PASSED BY THE CITY COUNCIL and SIGNED BY THE MAYOR of the City of Marietta this 12th day of November 2024. CITY OF MARIETTA KERMIT MCKINNEY, MAYOR

ATTEST:

DOTTIE GWIN, CITY CLERK

RESOLUTION	

### A RESOLUTION PROVIDING NOTICE OF THE REGULARLY SCHEDULED MEETINGS OF THE MARIETTA CITY COUNCIL FOR CALENDAR YEAR 2025

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 Municipal Building, located at 700 S. Hwy 77, Marietta, Love County, Oklahoma, at 6:00 PM on the second Tuesday of every month, more specifically described as:

January 14	April 8	July 8	October 14
February 11	May 13	August 12	November 13 (Thursday)
March 11	June 10	September 19	December 9

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 12<sup>th</sup> day of November 2024.

	CITY OF MARIETTA	
ATTEST:	KEMIT MCKINNEY, MAYOR	
DOTTIE GWIN, CITY CLERK		

RESOLU	ITION	

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

WHEREAS, City of Marietta has regularly given a holiday bonus to all full-time, parttime and volunteers for the Police Department and the Fire Department; and

WHEREAS, the City has funds available in the in the budget due to not replacing employees.

WHEREAS, the City Council desires to use those unused salary and insurance funds 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 12<sup>th</sup> day of November 2024.

	CITY OF MARIETTA
ATTEST:	KERMIT MCKINNEY, MAYOR
DOTTIE GWIN, CITY CLERK	