

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

Tuesday, April 13, 2021 at 6:00 PM

Marietta Public Works Authority, 303 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 March 9, 2021 Regular Meeting and the April 5, 2021 Special 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. Update on Marietta Public Works Authority operations and review of Financial Statements for the fiscal year ended June 30, 2020.
- [2.](#) Purchase or lease of property owned by the City of Marietta, located at 600 E. Main Street (otherwise known as Lot 1, Block 79, less the East 70 feet of said Lot 1, and the North 20 feet of Lot 2, Block 79, less the East 70 feet thereof, of the City of Marietta, Love County, Oklahoma) by the Marietta Public Works Authority.
- [3.](#) Public hearing regarding conditions of buildings, and secondary or accessory structures as detailed in Exhibit A.
4. Finding and order of abatement of dilapidated conditions of buildings, and secondary or accessory structures as detailed in Exhibit A.
5. Executive session to discuss the employment of ALL EMPLOYEES of the City of Marietta, pursuant to Title 25, Oklahoma Statutes, Sections 307 (B) (1). (Notice: Without stating each individual name herein, all employees, full-time and part-time, with the City of Marietta, are notified that their employment and/or appointment will be discussed in this executive session.)

- 6. Modification of job descriptions, wage adjustments of any or all employees, and/or employment incentives.
- 7. Replacement of perimeter fencing at Prairieview Cemetery.
- 8. Updated Law Enforcement Commission Agreement with the Chickasaw Nation.

MAYOR'S COMMENTS.

NEW AND UNFORESEEN BUSINESS.

ADJOURN.

POSTED: Monday, April 12, 2021, at 5:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma, and online at www.mariettaok.city/meetings.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

Exhibit A

307 E. BROADWAY STREET

LOTS 5 & 6, BLOCK 93, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA

501 E. BROADWAY STREET

LOT 8, BLOCK 91, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA

109 N. ELMWOOD AVENUE

THE NORTH HALF OF LOT 3, BLOCK 88, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA

606 HIGGINS STREET

THE SOUTH 157 FEET OF LOT 10 AND THE SOUTH 157 FEET OF THE EAST 35.7 FEET OF LOT 11 IN BLOCK 2, HILLCREST ADDITION, MARIETTA, LOVE COUNTY, OKLAHOMA

605 E CHEROKEE STREET

LOT 3, BLOCK 78, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA, LESS AND EXCEPT A PART OF LOT 3, BLOCK 78, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST COMER OF LOT 3; THENCE SOUTH 70 FEET; THENCE EAST 75 FEET; THENCE NORTH 70 FEET; THENCE WEST 75 FEET, TO THE POINT OF BEGINNING; AND LOT 4, BLOCK 78, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA, LESS AND EXCEPT A PART OF LOT 4, BLOCK 78, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST COMER OF LOT 4; THENCE SOUTH 75 FEET; THENCE EAST 114 FEET; THENCE NORTH 75 FEET; THENCE WEST 114 FEET, TO THE POINT OF BEGINNING;

500 BILL HALSTIED STREET

THE NORTH HALF OF LOT 1, BLOCK 91, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA

MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Tuesday, March 09, 2021 at 6:00 PM

First United Methodist Church, 603 W. Main Street, Marietta, Oklahoma

CALL TO ORDER.

The meeting was called to order at 6:06 p.m. by Vice Mayor, Kermit McKinney.

PRESENT

- Mayor Kimberly Fraire (arrived at 6:25 p.m.)
- Council Member KorDale Lornes
- Council Member Kermit McKinney
- Council Member Lawrence Anderson
- Council Member Angela Vega
- Council Member Brandy Valenzuela
- Council Member Tambre Sanders

ABSENT

- Council Member Doug Stewart
- Council Member Richard Barker

DECLARATION OF QUORUM.

A Quorum was declared.

INVOCATION.

Invocation was given by Lawrence Anderson.

CONSENT AGENDA.

Motion made by Council Member Lornes, Seconded by Council Member Valenzuela to approve the consent agenda.

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

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the February 9, 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.

Scoutmaster Quentin Butcher announced that members of BSA Troop 32 were attending the meeting as a requirement for earning a merit badge.

CITY ADMINISTRATOR’S REPORT.

The City Administrator discussed moving forward with the drainage repair, the replacement of sidewalks on Main Street, possibly replacing light poles on Main, getting electricity to Shellenberger Park and the closure of the Transfer Site due to trailers being non-operational. He stated the two (2) new officers are making a good fit and will be attending the CLEET academy in May, he has lost a part-time sanitation worker and he is trying not to replace that employee and will use those funds for more equipment. He also stated there was a scheduling order in Pollard v. City of Marietta.

REGULAR BUSINESS.

- 1. Purchase wildland fire fighting gear for Fire Department.

Dusty Michael addressed the Council and stated the life span of the equipment is 10 years and their wildlife equipment is older than that. The price for eighteen (18) people will be \$8,120.15.

Motion made by Council Member Lornes to adopt Resolution 2021-10 as presented, Seconded by Council Member Anderson. Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Vega, Council Member Valenzuela, Council Member Sanders

- 2. Improvements and refurbishments at Charles McCarroll Park.

Administrator Scott discussed the McCarroll Park renovations and the costs for same.

Motion made by Council Member McKinney to approve a \$100,000.00 budget for the park renovations and make a plan and secure bids for same. The Cares Act money will be used to fund same, Seconded by Council Member Lornes. Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Vega, Council Member Valenzuela, Council Member Sanders

- 3. Award bids for fencing for Prairieview Cemetery improvement project.

Administrator Scott and Attorney Richard Cochran stated an agreement had been reached regarding the easement with a condition that the City construct a new entryway to the Rudman property. Administrator Scott presented a bid for the new entryway, submitted by Built-Rite Fence, in the amount of \$9,750.00, and a change order to the bid previously submitted by the same company for the Prairieview Cemetery entryway, in the amount of \$6,750. Competitive bids were not received as Built-Rite Fence was responsible for designing the entryway to Rudman's acceptance and the company has been awarded all other bids associated with the ongoing project.

Motion made by Council Member Anderson to accept bids submitted by Built-Rite Fence as presented, Seconded by Council Member Lornes.

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

4. Adjust fees for disposal of rubble and refuse at Trash Transfer Station.

Administrator Scott presented a schedule of fees for the acceptance of trash and brush at the Transfer Site. Scott advised the schedule modified the rates for brush to be assessed based on weight rather than the size of the vehicle delivering the brush and established different rates for residential and commercial customers.

Motion made by Council Member Valenzuela to adopt Resolution 2021-11 as presented, Seconded by Council Member Sanders.

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

5. Presentation of financial audit of the fiscal year ending June 30, 2020. (Information will be presented to the governing body via teleconference.)

Chris Angel presented a draft of the audit report for the year ending June 30, 2020.

Motion made by Council Member McKinney to accept the draft of the final Audit as presented, Seconded by Council Member Valenzuela.

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

MAYOR'S COMMENTS.


The Mayor commended the administrator and his staff for professionalism during the audit.

NEW AND UNFORESEEN BUSINESS.

None.

ADJOURN.

Meeting adjourned at 7:14 p.m.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

MINUTES OF THE SPECIAL MEETING OF THE MARIETTA CITY COUNCIL

Monday, April 05, 2021 at 6:00 PM

Marietta Public Works Authority Building,

303 W Main Street, Marietta, OK

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.

The meeting was called to order at 6:00 P.M. by Mayor Fraire.

DECLARATION OF QUORUM.

A quorum was declared to conduct business.

PRESENT

- Mayor Kimberly Fraire
- Council Member KorDale Lornes
- Council Member Kermit McKinney
- Council Member Doug Stewart
- Council Member Lawrence Anderson
- Council Member Angela Vega
- Council Member Richard Barker
- Council Member Brandy Valenzuela
- Council Member Tambre Sanders

INVOCATION.

Invocation was given by Lawrence Anderson.

REGULAR BUSINESS.

1. Repair of Commercial Sanitation Collection Truck

City Administrator Dustin Scott addressed the city council about the commercial sanitation collection truck needing repairs due a pump going out. He advised the truck was towed to Summit Truck Group in Ardmore and that that was the only place were repairs were available.

Motion made by Council Member Lornes, Seconded by Council Member McKinney to authorize City Administrator Scott to spend up to 7,000 to repair the commercial sanitation collection truck.

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

2. 2021 Love County Frontier Days and Subsequent Street Closures

Nic McMillan from the Frontier Days committee addressed the council seeking to declare Frontier Days a special event and authorize street closures for the event.

Motion made by Council Member McKinney, Seconded by Council Member Anderson to approve Resolution 2021-12 to declare Frontier Days a special event and authorize street closures to accommodate the event.

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

ADJOURN.

Meeting was adjourned at 6:08 P.M.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

600 E. Main Street

Property owned by the City of Marietta

000 TREVINO

002 CITY OF MARIETTA

001 CITY OF MARIETTA

003 SHAFER



STAFF REPORT
City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: D20-01
PROPERTY LOCATION: 307 East Broadway Street
OWNER: Guadencio Aldava Gomez
ADDITIONAL PARTY: None
CAUSE: Extensive Structural Decay
PREPARED BY: Dustin Scott, City Administrator

SUMMARY

This action involved as storm shelter and concrete foundation. The shelter is open and collecting precipitation, creating an opportunity for mosquito infestation. Many cracks have formed in the walks of the structure, jeopardizing structural integrity. The structure is unsecure, which allows access by unwanted persons and children.

The structure was previously declared dilapidated on February 11, 2020. There has been no improvement to the physical condition of the property since the finding of dilapidation.

PUBLIC NUISANCE CASES

- Dangerous Structure- April 2018
- Dead Trees/Limbs March 2017, May 2017, February 2018
- Dilapidated Structure February 2020
- High Grass/Weeds March 2017, May 2017
- Improperly Stored Vehicle None
- Trash and/or Debris March 2017, May 2017

NOTICE

- Posting March 29, 2021 by Lance Glaze
- Certified Mail March 29, 2021 by Dustin Scott
- Publication None

CURRENT STATUS

The structure is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

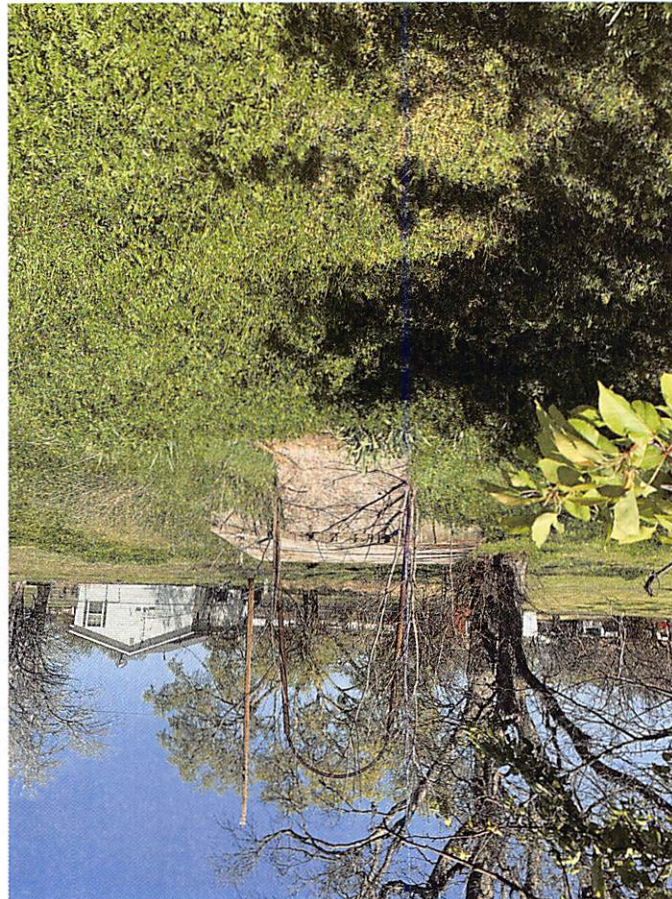
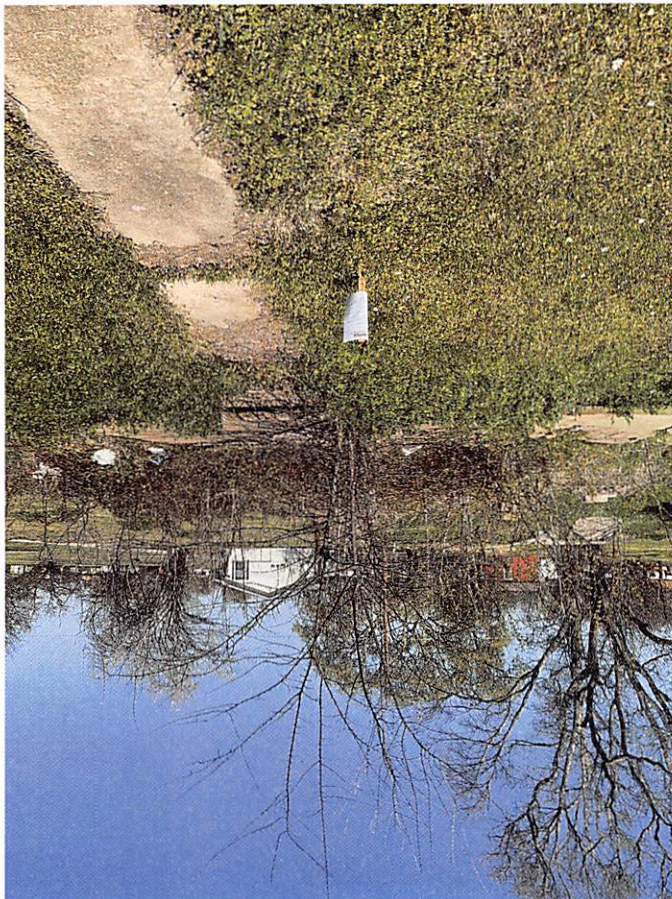
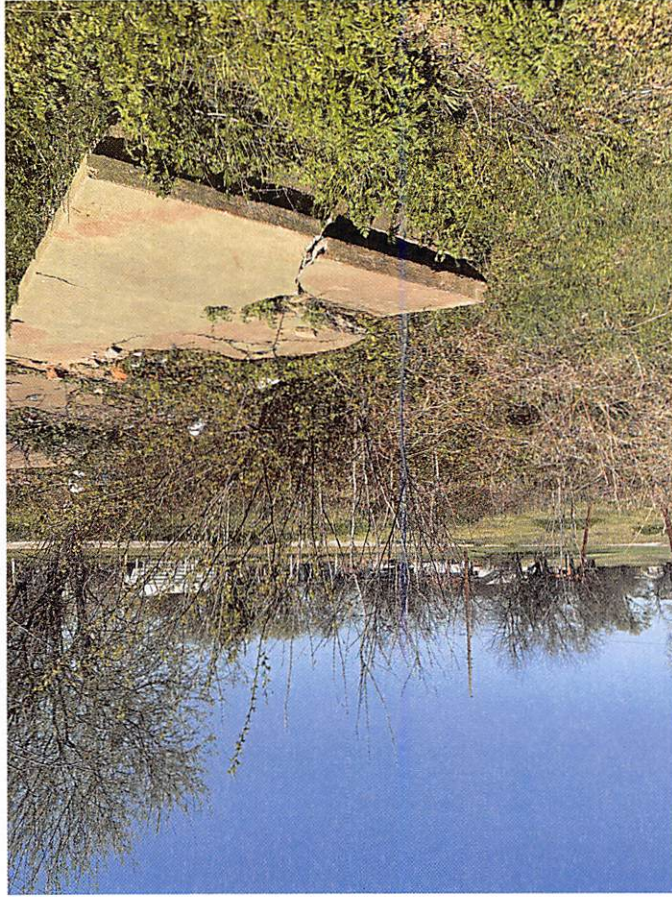
Given the extent of damage and deterioration to the structure, restoration is impractical.

COMMENTS

None

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.



ORDER OF ABATEMENT
City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

PROPERTY LOCATION: 307 E. BROADWAY
CASE NUMBER: D20-01
HEARING DATE: APRIL 13, 2021

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

An appeal of this Order may be made to Love County District Court, 405 W. Main Street, Marietta, Oklahoma, 73448, within thirty (30) business days from the date of this Order.

CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

STAFF REPORT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: D20-02
PROPERTY LOCATION: 501 East Broadway Street
OWNER: Guadencio Aldava Gomez
ADDITIONAL PARTY: None
CAUSE: Extensive Structural Decay
PREPARED BY: Dustin Scott, City Administrator

SUMMARY

This action involves a vacant, single-story residence, primarily constructed of wood, with pier and beam foundation. The structure is in an extreme state of decay. Areas of the foundation have failed and are no longer providing proper support to the structure. The exterior walls of the structure are without weather resistant covering and are not providing structural support to the residence.

The structure was previously declared dilapidated on February 11, 2020. There has been no significant to the physical condition of the structure since the finding of dilapidation.

PUBLIC NUISANCE CASES

Dangerous Structure- July 2019
Dead Trees/Limbs March 2017, April 2017
Dilapidated Structure February 2020
High Grass/Weeds April 2017, March 2019
Improperly Stored Vehicle August 2016
Trash and/or Debris April 2017, December 2017, March 2019

NOTICE

Posting March 29, 2021 by Lance Glaze
Certified Mail March 29, 2021 by Dustin Scott
Publication None

CURRENT STATUS

The building is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

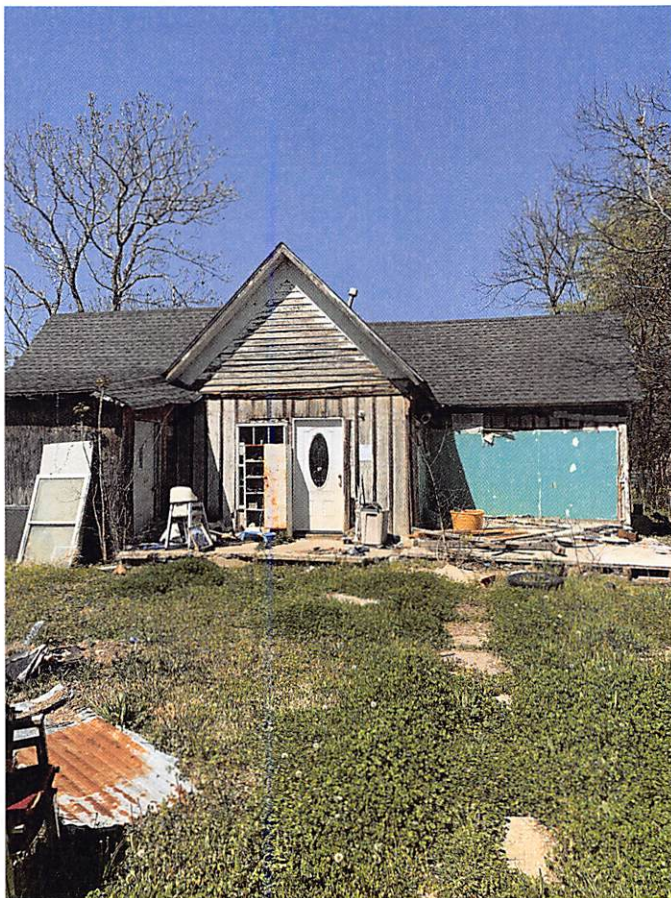
Given the extent of damage and deterioration to the structure, restoration is impractical.

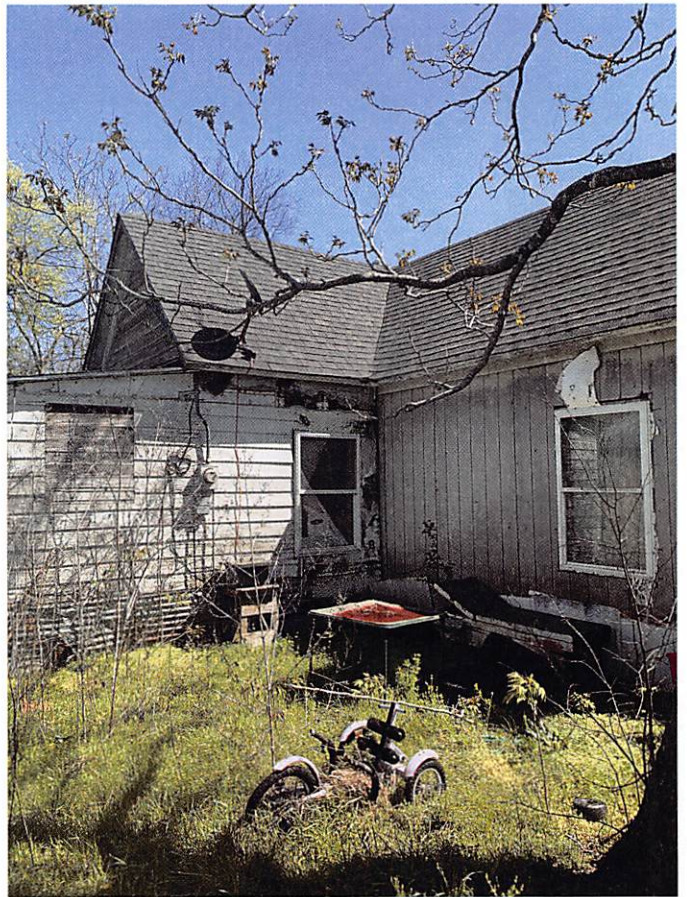
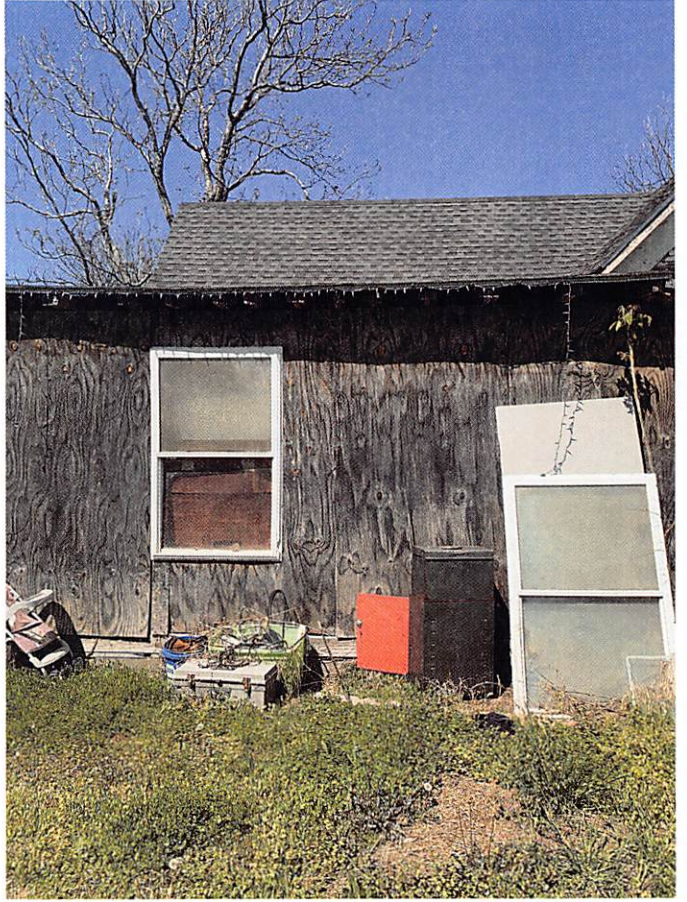
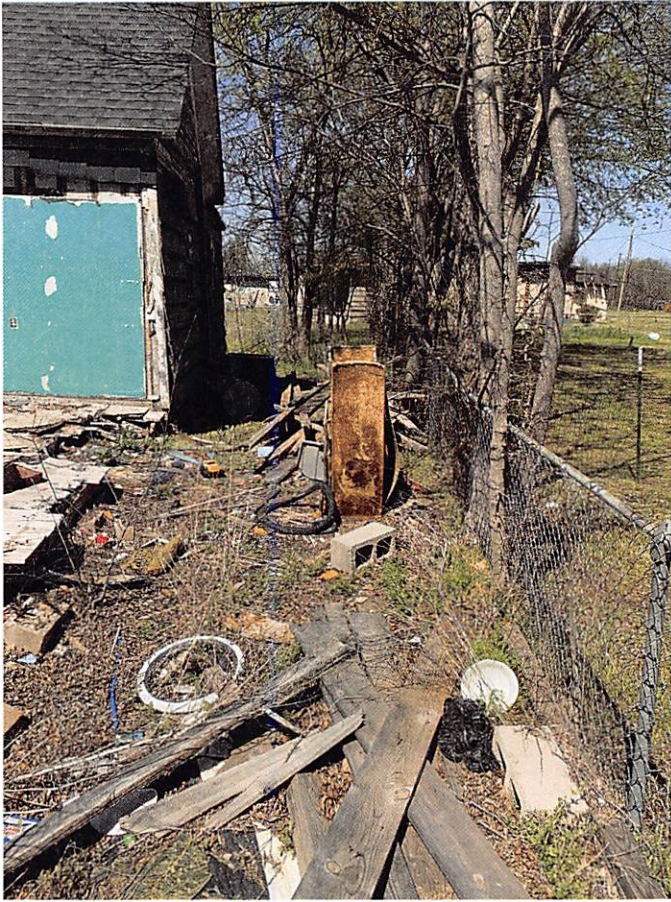
COMMENTS

Invoice C-17-04-043 for \$370.18 has not been paid.

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.





ORDER OF ABATEMENT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

PROPERTY LOCATION: 501 E. BROADWAY

CASE NUMBER: D20 - 02

HEARING DATE: APRIL 13, 2021

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

An appeal of this Order may be made to Love County District Court, 405 W. Main Street, Marietta, Oklahoma, 73448, within thirty (30) business days from the date of this Order.

CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

STAFF REPORT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: D20-03
PROPERTY LOCATION: 109 N. Elmwood Avenue
OWNER: Ventura Gomez Andrade
ADDITIONAL PARTY: None
CAUSE: Extensive Structural Decay
PREPARED BY: Dustin Scott, City Administrator

SUMMARY

This action involves a vacant, single-story residence, primarily of wood construction with brick veneer, and a pier and beam foundation.

The bricks have pulled away from the exterior wall allowing weather elements to freely enter and deteriorate structural members. Areas of the foundation have failed and are no longer providing proper support to the structure.

There is extensive decay to roofing members caused by hold in the roofing fascia.

The structure was previously declared dilapidated on February 11, 2020. There has been no improvement to the physical condition of the property since the finding of dilapidation.

PUBLIC NUISANCE CASES

Dangerous Structure	February 2018
Dead Trees/Limbs	None
Dilapidated Structure	February 2020
High Grass/Weeds	July 2018
Improperly Stored Vehicle	None
Trash and/or Debris	None

NOTICE

Posting	March 29, 2021 by Lance Glaze
Certified Mail	March 29, 2021 by Dustin Scott
Publication	None

CURRENT STATUS

The structure is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

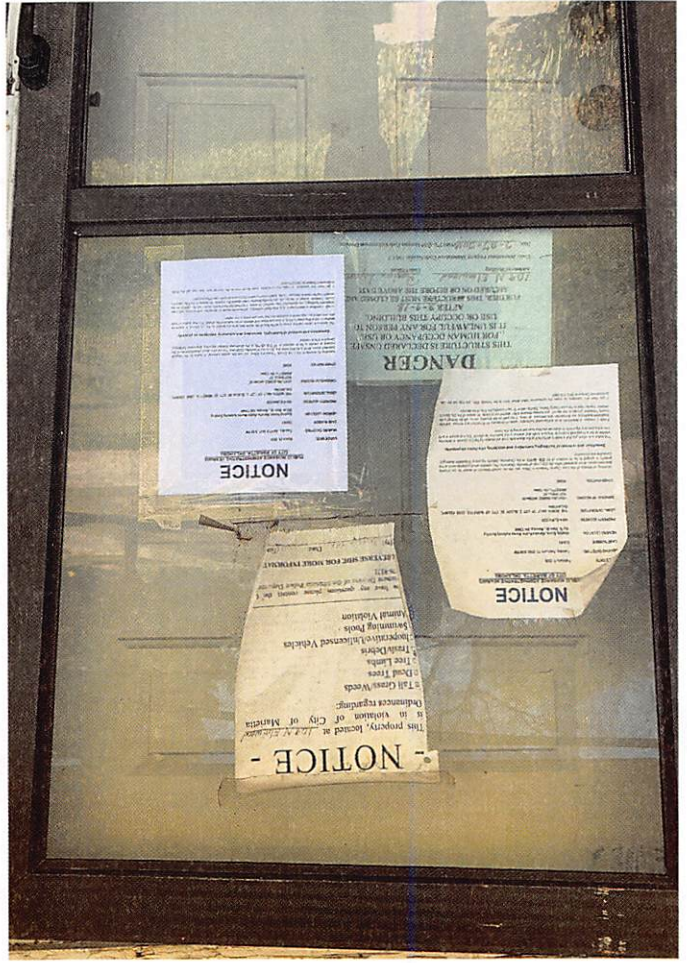
Given the extent of damage and deterioration to the structure, restoration is impractical.

COMMENTS

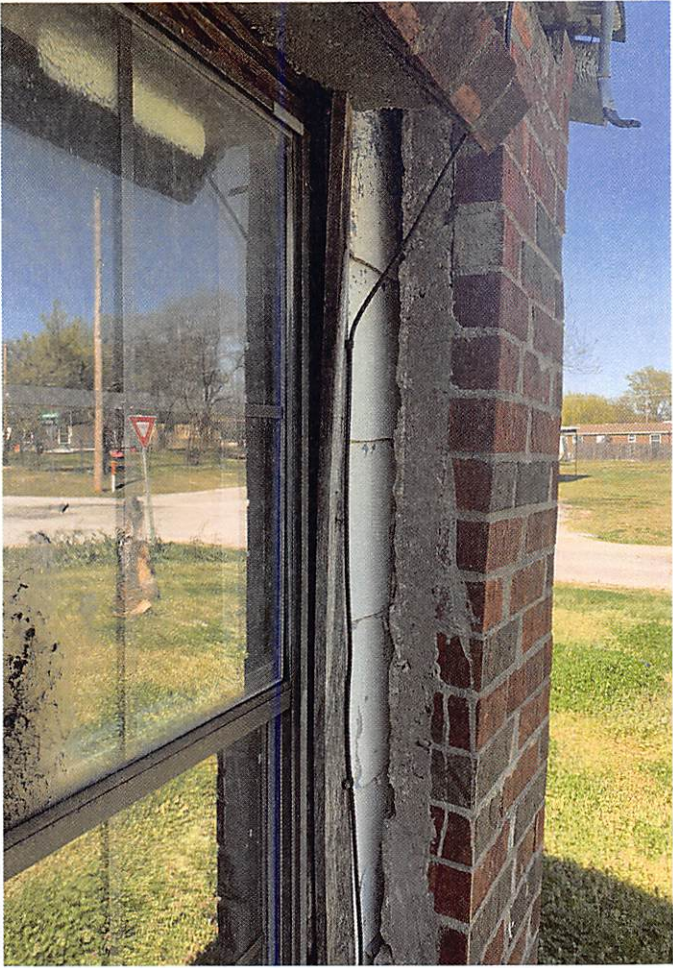
In conversations prior to the last hearing, the property owner expressed interest in the City demolishing the structure.

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.







ORDER OF ABATEMENT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

PROPERTY LOCATION: 109 N. ELMWOOD
CASE NUMBER: D20-03
HEARING DATE: APRIL 13, 2021

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

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CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

STAFF REPORT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: D20-04
PROPERTY LOCATION: 606 Higgins Street
OWNER: Judy Greggs
ADDITIONAL PARTY: None
CAUSE: Fire Damage
PREPARED BY: Dustin Scott, City Administrator

SUMMARY

This action involves a vacant, single-story residence and two accessory buildings, primarily of wood construction with brick veneer. The foundation of the residence is concrete.

A fire destroyed the residence by compromising its structural integrity in 2017.

There are holes in the roof and the gables of the structure allowing weather elements to freely enter and further deteriorate structure members.

The structure was previously declared dilapidated on February 11, 2020. There has been no improvement to the physical condition of the property since the finding of dilapidation.

PUBLIC NUISANCE CASES

Dangerous Structure	September 2019
Dead Trees/Limbs	None
Dilapidated Structure	February 2020
High Grass/Weeds	None
Improperly Stored Vehicle	None
Trash and/or Debris	None

NOTICE

Posting	March 29, 2021 by Lance Glaze
Certified Mail	March 29, 2021 by Dustin Scott
Publication	None

CURRENT STATUS

The structure is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

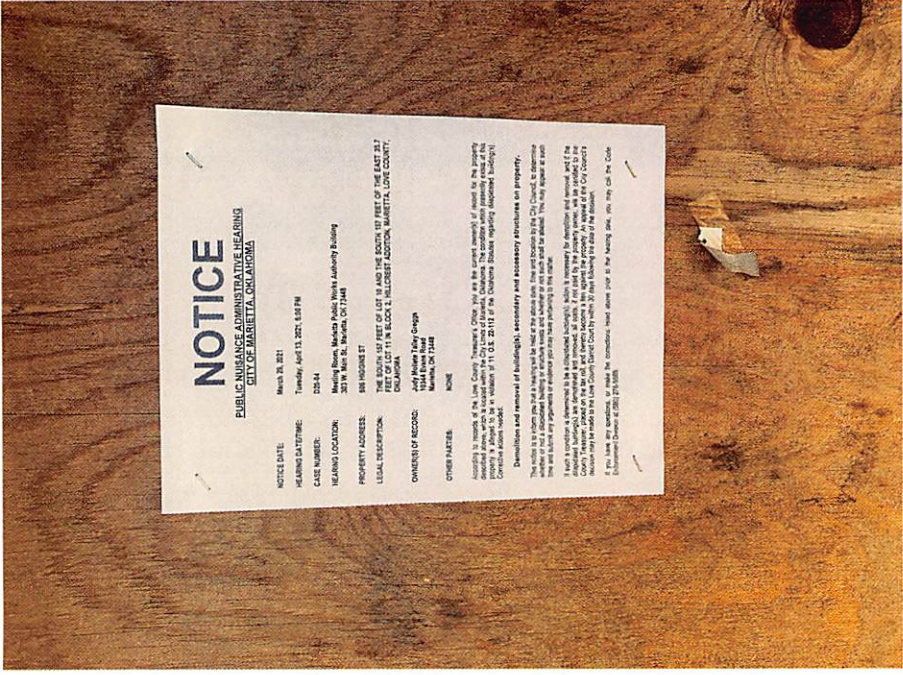
Given the extent of damage and deterioration to the structure, restoration is impractical.

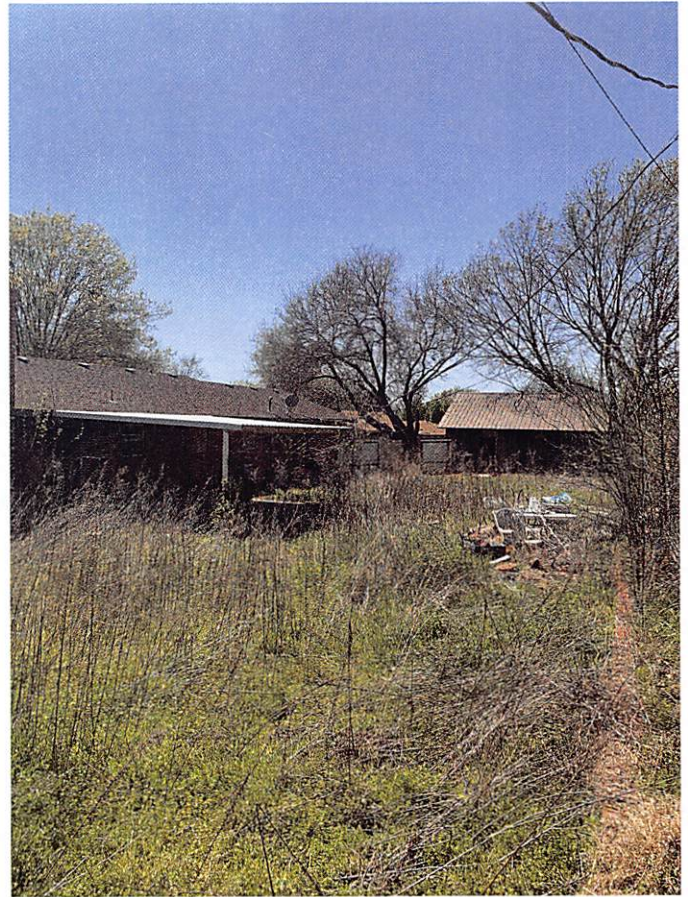
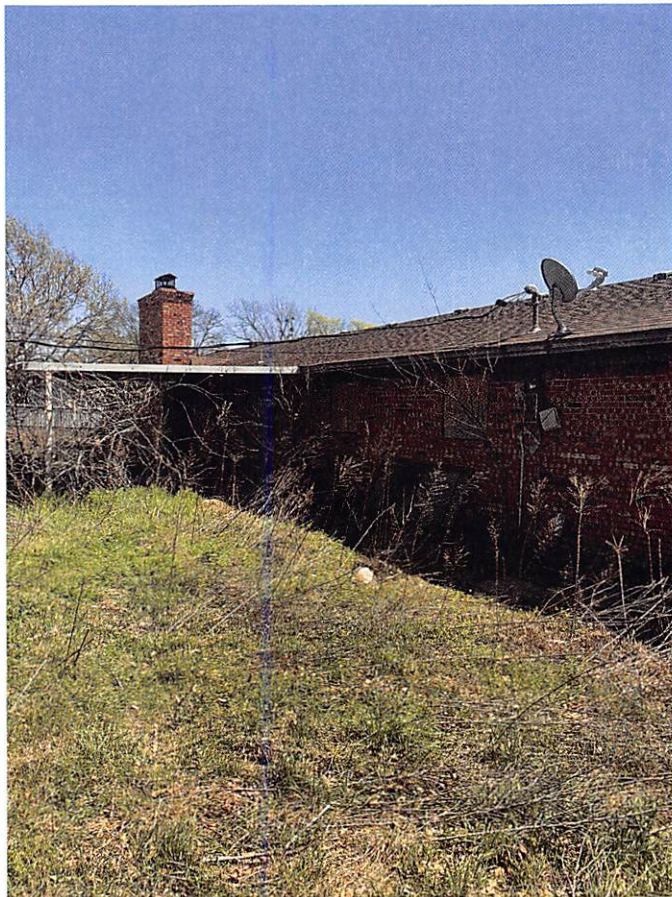
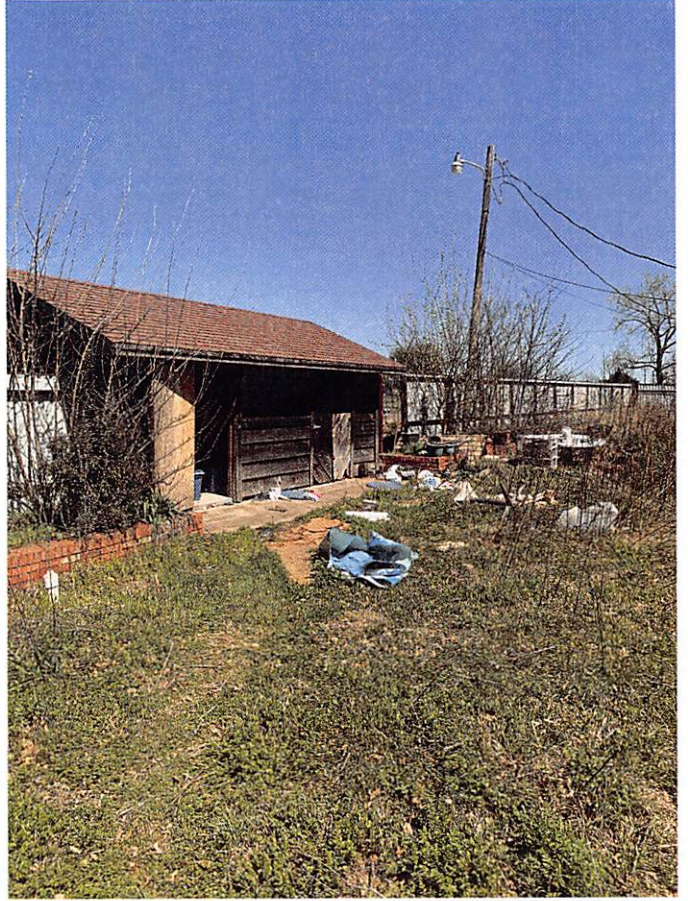
COMMENTS

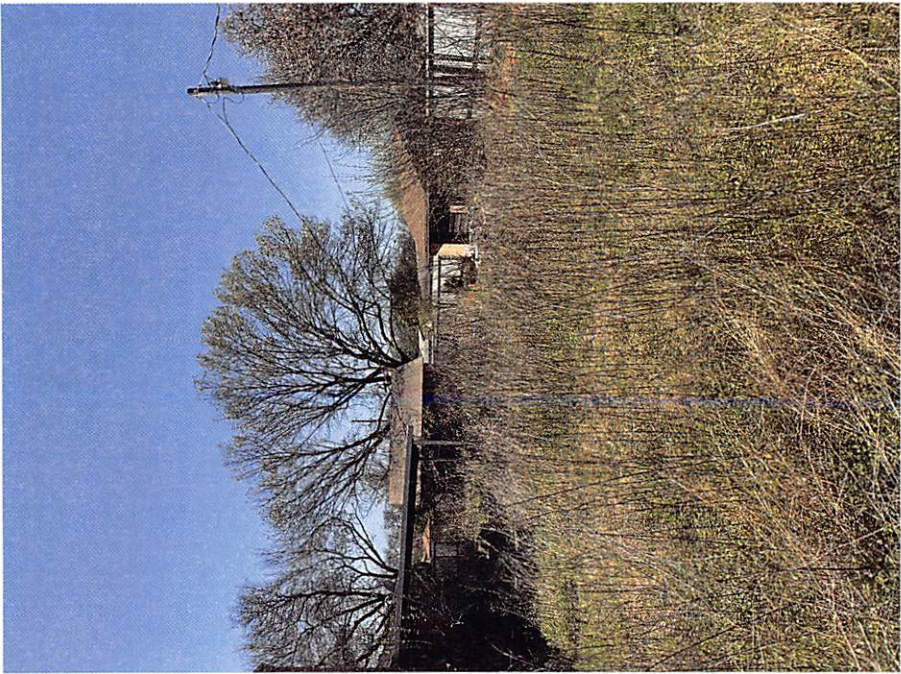
The property has become an attractive location for vagrants. Neighbors have reported witnessing drug deals at the property and officers have located evidence of narcotic activity inside the remains of the residence.

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.







ORDER OF ABATEMENT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

PROPERTY LOCATION: 606 HIGGINS STREET

CASE NUMBER: D20-04

HEARING DATE: APRIL 13, 2021

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

An appeal of this Order may be made to Love County District Court, 405 W. Main Street, Marietta, Oklahoma, 73448, within thirty (30) business days from the date of this Order.

CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

STAFF REPORT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: D20-05
PROPERTY LOCATION: 605 E. Cherokee Street
OWNER: William and Angelina Kemper
ADDITIONAL PARTY: None
CAUSE: Storm Damage
PREPARED BY: Dustin Scott, City Administrator

SUMMARY

This action involves a vacant, single-story residence, primarily of wood construction, with pier and beam foundation

The roof was penetrated by a tree during storms in 2018. The weight of the tree caused the exterior walls to buckle. The unrepaired hole has allowed weather elements to freely enter the residence and further deteriorate structural members. Areas of the foundation have failed and are no longer providing support to the structure.

The structure was previously declared dilapidated on February 11, 2020. There has been no improvement to the physical condition of the property since the finding of dilapidation.

PUBLIC NUISANCE CASES

Dangerous Structure	October 2018
Dead Trees/Limbs	None
Dilapidated Structure	February 2020
High Grass/Weeds	None
Improperly Stored Vehicle	None
Trash and/or Debris	None

NOTICE

Posting	March 29, 2021 by Lance Glaze
Certified Mail	March 29, 2021 by Dustin Scott
Publication	None

CURRENT STATUS

The structure is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

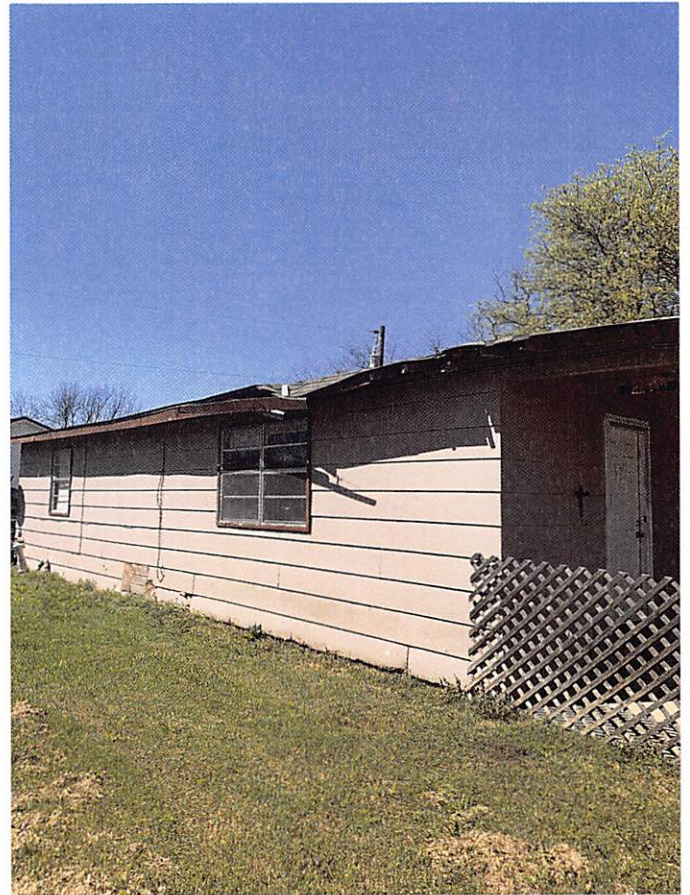
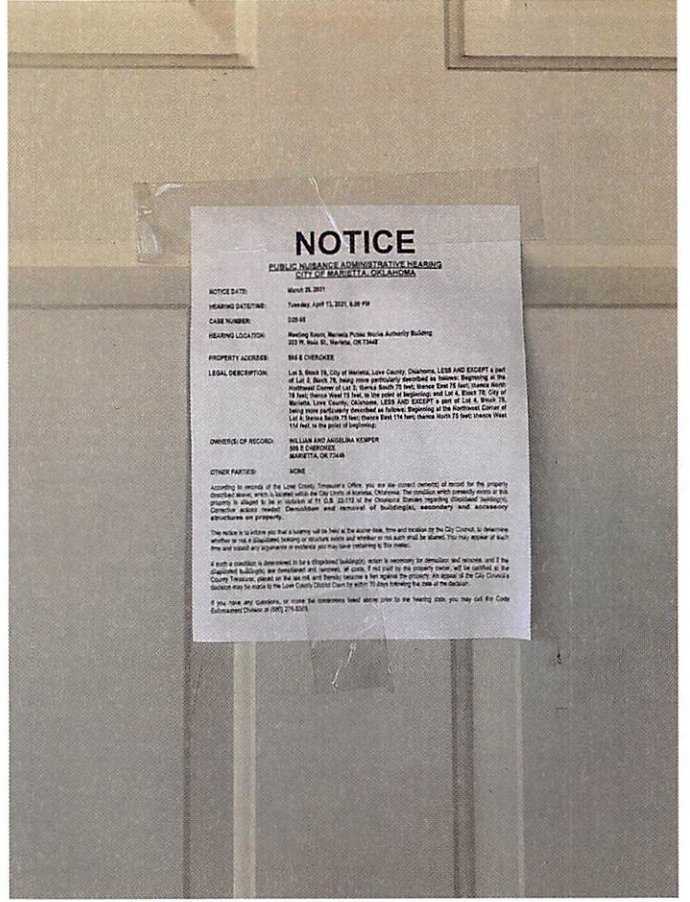
Given the extent of damage and deterioration to the structure, restoration is impractical.

COMMENTS

None

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.







ORDER OF ABATEMENT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

PROPERTY LOCATION: 605 E. CHEROKEE
CASE NUMBER: DZO-05
HEARING DATE: APRIL 13, 2021

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

An appeal of this Order may be made to Love County District Court, 405 W. Main Street, Marietta, Oklahoma, 73448, within thirty (30) business days from the date of this Order.

CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

STAFF REPORT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

CASE NUMBER: D21-01
PROPERTY LOCATION: 500 Bill Halstied Street
OWNER: Juana Sanchez
ADDITIONAL PARTY: First National Bank and Trust Company of Ardmore
CAUSE: Fire Damage
PREPARED BY: Dustin Scott, City Administrator

SUMMARY

This action involves a single-story residence that was destroyed by a fire in 2020. One wall and the concrete foundation is all that remains of the residence.

PUBLIC NUISANCE CASES

Dangerous Structure	May 2018
Dead Trees/Limbs	February 2018
Dilapidated Structure	None
High Grass/Weeds	None
Improperly Stored Vehicle	None
Trash and/or Debris	February 2018

NOTICE

Posting	March 29, 2021 by Lance Glaze
Certified Mail	March 29, 2021 by Dustin Scott
Publication	None

CURRENT STATUS

The structure is dilapidated and a violation of 11 O.S. § 22-112. Specifically, it can be considered dilapidated for the following criteria: (C.1.a.) a structure which through neglect or injury lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that the structure is a hazard to the health, safety, or welfare of the general public.

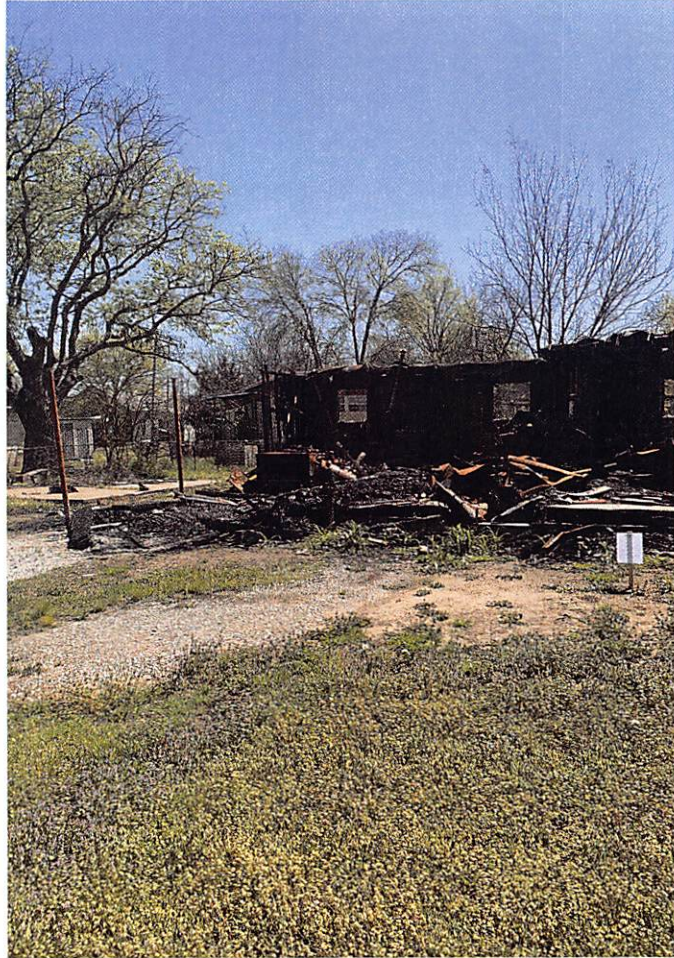
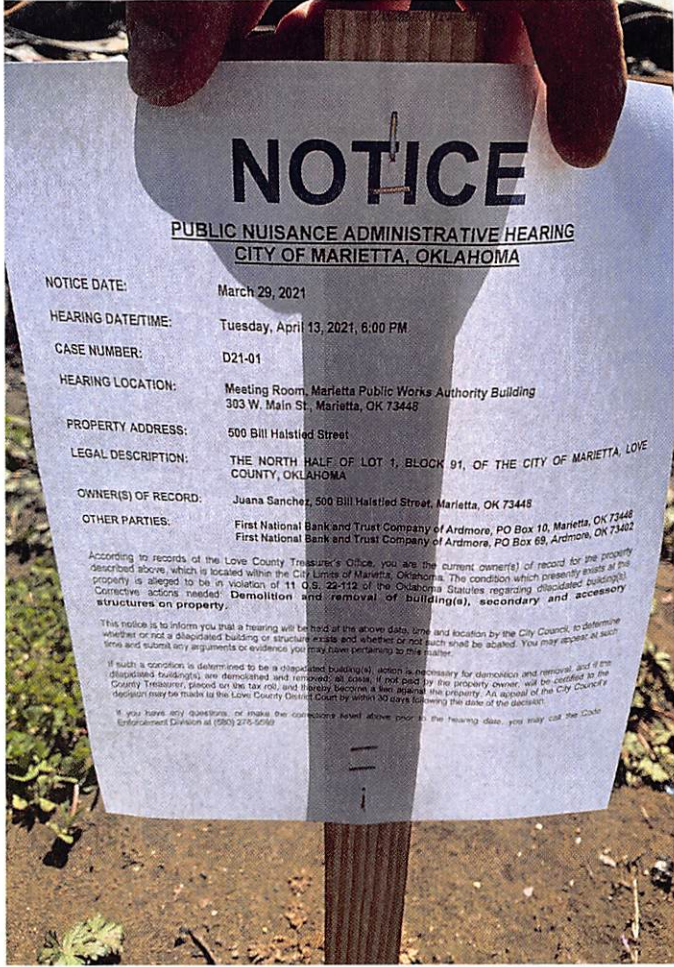
Given the extent of damage to the structure, restoration is impossible.

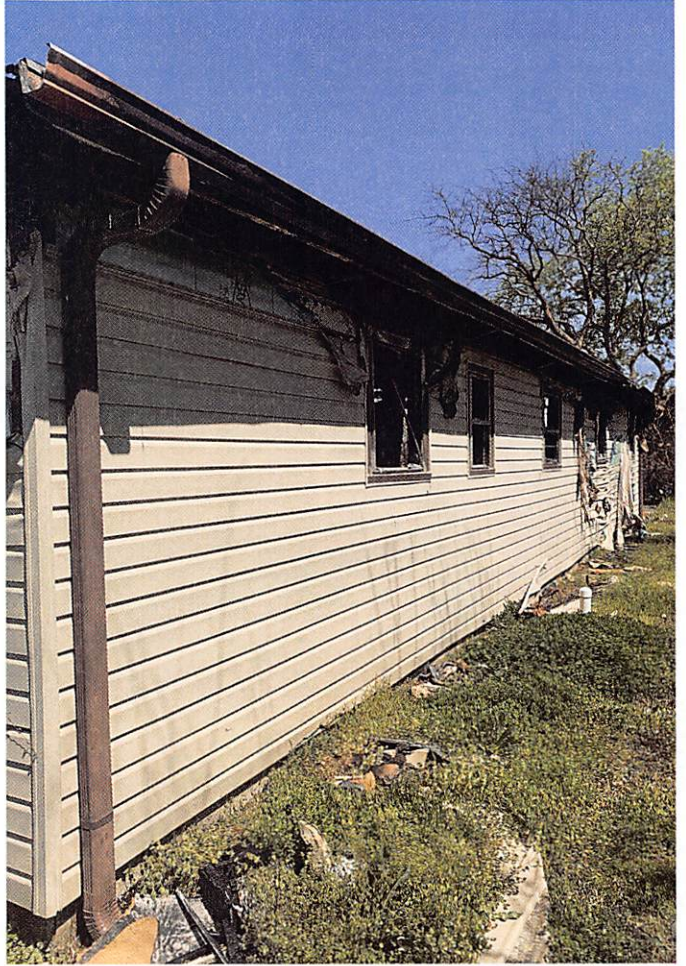
COMMENTS

None

RECOMMENDATION

The Council should declare the property a public nuisance and order it abated by the immediate repair or demolition and removal.





ORDER OF ABATEMENT

City of Marietta, Oklahoma
Public Nuisance Administrative Hearing

PROPERTY LOCATION: 500 BILL HALSTIED ST.
CASE NUMBER: DZ1-01
HEARING DATE: APRIL 13, 2021

A public hearing was held before the City Council of the City of Marietta on this date concerning the existence of a public nuisance on the property described above.

A determination was made that written notice had been properly served upon the property owner as shown by the records of the County Treasurer of Love County, Oklahoma, in accordance with Oklahoma Statutes.

As a result of this hearing, a public nuisance was determined to exist as defined by the Oklahoma Statutes, to-wit: **Dilapidated Building as defined by 11 O.S. § 22-112**

THEREFORE, it is ordered by the City Council of the City of Marietta, that the owner of the property take immediate action to repair the dilapidated building(s) and obtain a certificate of occupancy, as required by Section 8-3 of Appendix A to the City of Marietta Code of Ordinances, by _____.

If the owner of the property fails to take action to repair the dilapidated building(s), authorized officers of the City of Marietta, Oklahoma, or designated agents thereof, shall take action to abate the public nuisance existing upon the property by any procedure necessary. Said abatement shall commence on or after _____.

A bill for all costs and expenses associated with the abatement of this public nuisance shall be prepared by the City Clerk, certified by the Mayor or his designee, and forwarded to the property owner shown above. Should said bill not be paid in full within six (6) months, said costs and expenses shall be certified to the County Treasurer of Love County, Oklahoma, and shall be placed on the tax rolls for said property, and thereby become a lien against the property.

An appeal of this Order may be made to Love County District Court, 405 W. Main Street, Marietta, Oklahoma, 73448, within thirty (30) business days from the date of this Order.

CITY OF MARIETTA

ATTEST:

BY: Kimberly Fraire, Mayor

Dottie Gwin, City Clerk

RESOLUTION _____

MODIFYING PAY GRADE FOR CERTAIN JOB DESCRIPTIONS

WHEREAS, the City of Marietta has adopted job descriptions for all positions within the City of Marietta; and

WHEREAS, the adopted job descriptions provide for the base pay rate for employees performing the duties of said job based on the Grade and Step Structure adopted by City Council Resolution 2019-47 on November 12, 2019; and

WHEREAS, the City Council desires to adjust the associated pay grade of certain job descriptions to provide current and future employees with compensation consistent with similar positions within other municipalities and private entities.

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

1. The pay grades as detailed within the following job descriptions, adopted by City Council Resolution 2019-46, are hereby modified as follows:

POSITION TITLE	PAY GRADE
Animal Control Officer	J
Assistant Chief of Police	R
Chief of Police	V
Code Enforcement Officer	J
Court/Deputy Court Clerk	M
Operations Official	L
Park & Cem. Equip. Oper.	K
Park & Cem. Maint. Oper.	H
Park & Cem. Supervisor	O

POSITION TITLE	PAY GRADE
Police Officer I	O
Police Officer II	P
Sanitation Operator	K
Sanitation Supervisor	O
San. Transport Operator	L
Street Equip. Operator	K
Street Supervisor	O
Transfer Site Operator	I

2. The modified pay grades detailed in Section 1 shall be retroactively effective for all current full-time employees to April 11, 2021.

PASSED by the City Council and **SIGNED** by the Mayor this 13th day of April, 2021.

CITY OF MARIETTA

KIMBERLY FRAIRE, MAYOR

ATTEST

DOTTIE GWIN, CITY CLERK

**CHICKASAW NATION LAW ENFORCEMENT COMMISSION
AGREEMENT**

PREAMBLE

WHEREAS, Chickasaw Nation possesses a reservation recognized as “Indian Country” for purposes of criminal law enforcement, as that term is defined at 18 U.S.C. § 1151. *See Proclamation from the Office of the Governor of the Chickasaw Nation* (Mar. 11, 2021); *Bosse v. Oklahoma*, PCD-2019-124 (Okla. Ct. Crim. App., Mar. 11, 2021); *cf. McGirt v. Oklahoma*, No. 18-9526 (U.S.S. Ct., Jul. 9, 2020).

WHEREAS, Marietta Police Department (“Department”) is a law enforcement agency of the State of Oklahoma or subdivision thereof and exercises criminal law enforcement authority under Oklahoma law within Chickasaw Nation Indian Country;

WHEREAS, in forming and entering this Agreement, our intent is to coordinate and provide mutual support for purposes of effective law enforcement throughout Chickasaw Nation Indian Country in the interest of the general public’s safety;

WHEREAS, Oklahoma has enacted 21 O.S. § 99a(D), vesting Tribal officers with **Oklahoma Peace Officer** status by providing “a tribal law enforcement officer of a federally recognized Indian tribe who has been commissioned by the Federal Bureau of Indian Affairs and has been certified by the Council on Law Enforcement Education and Training shall have state police powers to enforce state laws . . . in Indian Country.”

WHEREAS, the Chickasaw Nation is party to the 2005 master cross-deputation agreement (“2005 Master Cross-Deputation Agreement”), establishing processes for Tribal, State, and Local officers to obtain U.S. Bureau of Indian Affairs **Special Law Enforcement Commissions** for purposes of enforcing Federal law within Chickasaw Nation Indian Country and which 2005 Master Cross-Deputation Agreement additionally recognizes Chickasaw Nation’s authority to authorize non-Chickasaw law enforcement officers to enforce Tribal law within Chickasaw Nation Indian Country;

WHEREAS, Chickasaw Nation Tribal Legislature General Res. Nos. 22-007 (Nov. 20, 2004) and 23-064 (May 19, 2006) support Chickasaw Nation’s entry into agreements with non-Chickasaw law enforcement agencies as “necessary to carry out the enforcement of tribal or other potentially applicable laws in the Indian Country of the Chickasaw Nation”;

WHEREAS, Chickasaw Nation Executive Ord. No. 21-01 (Mar. 11, 2021) directs Chickasaw Nation Lighthouse to “update its policies and procedures relating to the cross-

commissioning of non-Tribal police as Chickasaw Lighthorse Police officers,” with support from Chickasaw Nation Department of Governmental Affairs and Partnership and legal counsel;

WHEREAS, issuing *Chickasaw Nation law enforcement commissions* to non-Chickasaw law enforcement officers acting within Chickasaw Nation Indian Country serves the shared governmental interest of the parties hereto to provide effective law enforcement throughout Chickasaw Nation Indian Country in the interest of the general public’s safety.

NOW, IN CONSIDERATION THEREOF, Chickasaw Nation and Department agree as follows:

TERMS OF AGREEMENT

1. After entry to this Agreement, Department shall provide Chickasaw Nation a list of Department’s full-time officers presently certified by the Council on Law Enforcement Education and Training (“CLEET”) and authorized to enforce Oklahoma law.
2. In addition to any commissions already established and implemented consistent with the 2005 Master Cross-Deputation Agreement and earlier Chickasaw Nation authorizations, all of Department’s full-time and CLEET-certified officers who are authorized to enforce Oklahoma law, shall have a *Chickasaw Nation Law Enforcement Commissions*, which commission empowers each officer so commissioned to enforce Chickasaw Nation law within Chickasaw Nation Indian Country as a Chickasaw Nation Lighthorse officer; *provided*, each officer so commissioned shall—
 - a. participate in trainings on Chickasaw Nation law and process, as prescribed by Chickasaw Nation Lighthorse and conducted in coordination with Department;
 - b. be bound by Chickasaw Nation Lighthorse standards and procedures with respect to the performance of Chickasaw Nation law enforcement functions;
 - c. cooperate and coordinate with Chickasaw Nation Lighthorse and assigned prosecutors with respect to actions taken within the scope of the commission; and
 - d. remain commissioned for so long as—
 - i. the officer remains in the Department’s full-time employment and in good standing with his or her CLEET certification; or
 - ii. the Chickasaw Nation suspends or terminates the officer’s commission by written notice to the Department and officer.

3. To facilitate implementation of this Agreement, Department shall annually provide to Chickasaw Nation an update to the list required by ¶1 and a report showing each officer's completion of his or her annual training requirements and good standing with Department. Upon Department's request, Chickasaw Nation shall cause commission cards annually to issue to qualifying officers; *provided*, possession of a commission card shall not be necessary to legally effectuate any commission.
4. This Agreement ratifies and documents that all Department's officers who satisfy the requirements of ¶2, above, are duly commissioned for purposes of enforcement of Chickasaw Nation law within Chickasaw Nation Indian Country in accord with this agreement, and Chickasaw Nation shall cause this agreement to be published for purposes of public notice.
5. This Agreement relates to the performance of Tribal self-governance functions (25 U.S.C. § 450, et seq.), and the Federal Tort Claims Act ("FTCA") should address liability for claims arising from acts taken in the enforcement of Chickasaw Nation law within Chickasaw Nation Indian country. Additionally, Chickasaw Nation maintains insurance to address liability for claims arising from acts taken in the enforcement of Chickasaw Nation law within Chickasaw Nation Indian country and shall cause Department and Department's commissioned officers to be named as additional insureds on such additional coverage for such purposes; *provided*, such additional coverage shall not be available for claims arising from acts taken by an officer commissioned in accord with this Agreement if the claim has been adjudicated as covered by the FTCA.
6. Department and Chickasaw Nation Lighthorse will coordinate and cooperate in good faith with respect to implementing this Agreement, meeting regularly for such purposes, and Department will work with Chickasaw Nation Office of Governmental Affairs and Partnerships with respect to any dispute that may arise hereunder or to any amendment or revision proposed hereto. Each party shall ensure the other has current contact information for all persons appropriate for handling matters relating to or otherwise for purposes of implementing this Agreement.
7. As they may deem appropriate, the parties may amend or revise this Agreement in a writing approved and executed by both.
8. This Agreement shall remain in force and effect, as it may from time to time be amended or revised, until it is terminated by either or both parties on one hundred eighty (180) days' written notice; *provided*, no termination shall be effective for any purpose until the completion of the notice period, nor shall such termination have any effect on actions taken during the period in which the Agreement was in force and effect.

9. Nothing herein, including acts taken in accord with ¶¶5&6, waives nor shall it be deemed to have waived the sovereign immunity of the Chickasaw Nation for any purpose.

APPROVED

For CHICKASAW NATION

Bill Anoatubby,
Governor

Date: _____

For Marietta Police Department

Signature

Date: _____

Type/Print Signature

Title