

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

Tuesday, December 10, 2019 at 6:00 PM

**Marietta Public Works Authority Building
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.

Rules for public participation:

CONSENT AGENDA.

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the October 12, 2019, 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 monthly payments.

ITEMS REMOVED FROM CONSENT AGENDA.

PUBLIC PARTICIPATION.

CITY ADMINISTRATOR'S REPORT.

NEW BUSINESS.

1. Appointment of David Bond as volunteer firefighter.
2. Appointment of board member to vacancy on Marietta Public Works Authority Board of Trustees.
3. Establish part-time position within Police Department to be staffed by student intern.
4. Purchase signs for Lakeview Cemetery and Pairievew Cemetery.

5. Review of the condition of, and any improvements to, property located at 119 West Main Street, Marietta, OK in the name of Red River Cloud Nine, Inc., and which also may be described as follows: All of Lot One (1), and the West 19 feet of Lot Two (2), Block Twenty-Five (25) and the East 12 feet of Lot Two (2), and the West 6 feet of Lot Three (3), and the East 19 feet of Lot Three (3), Block Twenty-Five (25), City of Marietta, Love County, Oklahoma, according to the recorded plat thereof.
6. Executive session to have confidential communications with the attorney concerning the litigation and the resulting order in Red River Valley Rural Electric Association v. City of Marietta, CV-2019-23, in the District Court of Love County, State 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).
7. Resolution acknowledging journal entry in First National Bank and Trust Company of Ardmore, Ardmore, Oklahoma et al., vs. City of Marietta, Case Number CV-19-23, pending in the District Court of Love County, State of Oklahoma.

MAYOR'S COMMENTS.

ADJOURN.

POSTED: Monday, December 9, 2019, at 5:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Tuesday, November 12, 2019 at 6:00 PM

**Marietta Public Works Authority Building
303 W Main Street, Marietta, Oklahoma**

CALL TO ORDER.

Meeting was called to order by Mayor Fraire at 6:10 p.m.

DECLARATION OF QUORUM.

A quorum to conduct business was declared.

PRESENT

Mayor Kimberly Fraire
Council Member Kermit McKinney
Council Member Doug Stewart
Council Member Lawrence Anderson
Council Member Tommy Kiser
Council Member Vanessa Wright

ABSENT

Council Member KorDale Lornes
Council Member Angela Vega
Council Member Richard Barker

INVOCATION.

Invocation was given by Lawrence Anderson.

CONSENT AGENDA.

Motion made by Council Member McKinney, Seconded by Council Member Kiser.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Kiser, Council Member Wright

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the October 8, 2019, Regular Meeting and the October 30, 2019 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 monthly payments.

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ITEMS REMOVED FROM CONSENT AGENDA.

None.

PUBLIC PARTICIPATION.

(This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited to three minutes or less.)

None.

CITY ADMINISTRATOR'S REPORT.

Dustin Scott gave an update on the cemetery project. City does not own Prairie View Cemetery. It belongs to the County but County has no interest in it. The County is planning to deed to City for purpose of cemetery.

The CBDG grant we applied for was denied but we are applying for another grant.

Talked about Smart 911 and its benefits.

NEW BUSINESS.

1. Provide notice of City Council meetings for the calendar year 2020.

Resolution 2019-39 providing notice of 2020 city council meetings.

Motion made by Council Member McKinney, Seconded by Council Member Anderson.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Kiser, Council Member Wright

2. Establish City holidays for the calendar year 2020.

Resolution 2019-40 establishing holidays for 2020 calendar year.

Motion made by Council Member McKinney, Seconded by Council Member Stewart.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Kiser, Council Member Wright

3. Holiday bonuses for City employees and volunteers.

Resolution 2019-41.

Motion made by Council Member Anderson, Seconded by Council Member Wright.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Kiser, Council Member Wright

4. Ordinance amending the employee retirement system, a defined benefit plan for the City of Marietta, by adopting a revised and restated retirement plan; and Master Defined Benefit Plan Joinder Agreement.

Ordinance 2019-11.

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Motion made by Council Member McKinney, Seconded by Council Member Kiser.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

5. Ordinance amending Section 5-5.3(4) of Appendix A to the Code of Ordinances of the City of Marietta regarding the placement of mobile homes in R-1 and R-2 zoning lots.

Ordinance 2019-12.

Motion made by Council Member Kiser, Seconded by Council Member McKinney.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

6. Application for placement of mobile home at 609 W. Cherokee Street pursuant to Section 5-5.3(4) of Appendix A to the Code of Ordinances of the City of Marietta.

Resolution 2019-42 approving placement of mobile home at 609 W. Cherokee Street.

Motion made by Council Member Kiser, Seconded by Council Member Stewart.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

7. Amendment to Employee Handbook

Resolution 2019-43.

Motion made by Council Member Anderson, Seconded by Council Member Wright.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

8. Purchase of school zone safety beacons and pedestrian safety crosswalk systems.

Resolution 2019-44 authorizing purchase from Gades Sales Company for \$24,985.00 from Street Improvement Budget.

Motion made by Council Member Wright, Seconded by Council Member Stewart.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

9. Purchase aggregate spray injection road repair machine.

Resolution 2019-45 as presented to Jo-Co Equipment in the amount of \$74,960.00.

Motion made by Council Member Anderson, Seconded by Council Member McKinney.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

10. Executive session to discuss the employment of a sanitation driver, and the hours, duties, compensation and benefits of said sanitation driver, pursuant to Title 25 Oklahoma Statutes, Section 307 B (1).

Went into Executive Session at 6:58 p.m. on Items 10 and 11.

Motion made by Council Member Kiser, Seconded by Council Member McKinney.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

11. 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.)

Went into Executive Session at 6:58 p.m. on Items 10 and 11.

Motion made by Council Member Kiser, Seconded by Council Member McKinney.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

12. Hiring a sanitation driver and the hours, duties, compensation, and benefits of said sanitation driver.

Resolution 2019-48 as presented to hire Monica Westervelt.

Motion made by Council Member McKinney, Seconded by Council Member Kiser.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

13. Approval of job descriptions and any necessary wage adjustments of all employees.

Resolution 2019-46 as presented adopting job descriptions for employees.

Motion made by Council Member Kiser, Seconded by Council Member Anderson.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

Resolution 2019-47 as presented adopting pay grade for employees.

Motion made by Council Member Wright, Seconded by Council Member Kiser.
Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,
Council Member Kiser, Council Member Wright

MAYOR'S COMMENTS.

PUBLIC PARTICIPATION.

(Any matter not known, or which could not have been reasonably foreseen, prior to the posting of this Agenda.)

ADJOURN.

Meeting was adjourned at 7:40 p.m.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

**IN THE DISTRICT COURT OF LOVE COUNTY
STATE OF OKLAHOMA**

FIRST NATIONAL BANK AND TRUST)
 COMPANY OF ARDMORE, ARDMORE)
 OKLAHOMA, SOUTHERN OKLAHOMA)
 TECHNOLOGY CENTER, JOE STEPHEN)
 LYNN REED, NGO & WONG INVESTMENT)
 LLC, FLOW VALVE, LLC,)
 and BIG FIVE COMMUNITY)
 SERVICES, INC.)

Plaintiffs)

-vs.-)

CITY OF MARIETTA, an Oklahoma)
 Municipal Corporation)

Defendant)

Filed in District Court
Love County, OK

DEC 03 2019

Kim Jackson, Court Clerk
3y _____ Deputy

Case No. CV-2019-23

JOURNAL ENTRY OF JUDGMENT

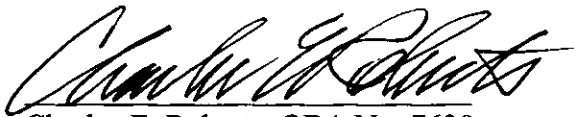
The Court, having reviewed the Amended Petition filed in this cause on September 26, 2019, the exhibits to the Amended Petition, the Motion for Summary Judgment filed in this cause on November 1, 2019, and the exhibits to that Motion, finds that the City of Marietta Ordinance 2019-05, amending the zoning of a parcel of real property described therein, did not receive sufficient votes for its passage.

IT IS THEREFORE ORDERED AND ADJUDGED that City of Marietta Ordinance 2019-05 is declared invalid and set aside, and the previous zoning of C-3 (Highway Commercial and Commercial Recreation District) is reinstated.

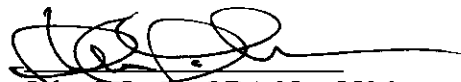


 Wallace Coppedge, District Judge

Approved:



Charles E. Roberts, OBA No. 7630
9 West Main Street
Ardmore, Oklahoma 73401
Attorney for Plaintiffs



John I. Love, OBA No. 5536
228 Robert S. Kerr, Suite 540
Oklahoma City, Oklahoma 73102
Attorney for Defendant

RESOLUTION _____

**RESOLUTION ACKNOWLEDGING JOURNAL ENTRY OF JUDGMENT
IN CASE NO. CV-2019-23, DISTRICT COURT OF LOVE COUNTY**

WHEREAS, a Journal Entry of Judgment (“Judgment”) was entered on December 3, 2019, in the case of First National Bank and Trust and Trust Company of Ardmore, Ardmore, Oklahoma et al., vs. the City of Marietta, an Oklahoma Municipal Corporation, Case No. CV-2019-23, in the District Court of Love County, Oklahoma;

WHEREAS, the Judgment sets aside Ordinance 2019-05 and reinstates the zoning of C-3 for the property affected thereby;

WHEREAS, for record purposes the Judgment should be recognized by the City Council;

WHEREAS, a recognition of the Judgment is not an admission by all members of the City Council that all members agree with the relief granted in said Judgment;

NOW, THEREFORE, BE IT RESOLVED THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA that the Judgment, a certified copy of which is annexed hereto, is acknowledged by the City as being entered and is recognized as part of the official minutes of the City of Marietta.

PASSED by the City Council and **SIGNED** by the Mayor this _____ day of _____ 2019.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK