

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

**Tuesday, February 11, 2020 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.**

## **PUBLIC HEARING.**

1. Public hearing regarding the placement of a manufactured home at 201 Dexter Street, otherwise identified as Lot 1, Block 104, Marietta, Love County, Oklahoma.
2. Public hearing regarding condition of buildings, and secondary or accessory structures as detailed in Exhibit A.

## **OLD BUSINESS.**

1. Approval of the agenda as part of the minutes.
- [2.](#) Approval of the minutes of the January 14, 2020 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.**

(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.)

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

## **OLD BUSINESS.**

1. Appointment of Council member to the unexpired term for Ward 4, Place 2.

**NEW BUSINESS.**

1. Application for placement of manufactured home at 201 Dexter Street.
2. Application of Allen Jacobs for temporary housing at 103 N. Highway 77.
3. Finding of dilapidated conditions of buildings, secondary and accessory structures as detailed in Exhibit A.
4. Renaming a street in honor of Martin Luther King, Jr.
5. Approval of Fire Department Bylaws and Standard Operating Procedures.
6. Declare as surplus certain vehicles, equipment and materials and provide for disposal of same.
7. Purchase body/vehicle cameras for Police Department.
8. Executive session to discuss the employment of Brett Harris, and the hours, duties, compensation and benefits of said employee, pursuant to Title 25 Oklahoma Statutes, Section 307 B (1).
9. Employment of Brett Harris and the hours, duties, compensation, and benefits of said employee.

**MAYOR'S COMMENTS.**

**NEW AND UNFORESEEN BUSINESS.**

(Any new or unforeseen issues which were not known at the time of publishing the agenda which must be discussed and/or acted upon at this meeting.)

**ADJOURN.**

POSTED: Friday, February 7, 2020, 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, January 14, 2020 at 6:00 PM

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

## CALL TO ORDER.

Meeting called to order at 6:02 p.m.

## DECLARATION OF QUORUM.

A Quorum was declared. The Mayor announced Tom Kiser resigned his position effective January 10, 2020.

## PRESENT

Council Member KorDale Lornes  
Council Member Kermit Mckinney  
Council Member Doug Stewart  
Council Member Lawrence Anderson  
Council Member Angela Vega  
Council Member Richard Barker

## ABSENT

Council Member Tommy Kiser  
Council Member Vanessa Wright

## INVOCATION.

*Rules for public participation:*

Invocation given by Lawrence Anderson.

## CONSENT AGENDA.

No questions.

Motion made by Council Member Barker, Seconded by Council Member Mckinney.

Voting Yea: Council Member Lornes, Council Member Mckinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker

Voting Abstaining: Mayor Fraire

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the December 10, 2019, Regular Meeting of the Marietta City Council.
3. Approval of financial reports.

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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.**

(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.)

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

Spoke with BNSF and they have agreed to do all drainage work on right-of-way. City will save \$30-40 thousand. Had a massive water leak at library and never found, but replace meter. Commercial trash truck lost power and had to have a new fuel pump put on. Because of holidays, publication deadlines were not met and it will be brought up at next meeting.

#### **OLD BUSINESS.**

1. Appointment of board member to vacancy on Marietta Public Works Authority Board of Trustees.

The Mayor, Kermit and KorDale met with Layton from the Water Department. The Mayor is nominating Doug Barger be appointed as the Board member to the Marietta Public Works Authority.

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

Voting Yea: Council Member Lornes, Council Member Mckinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker

#### **NEW BUSINESS.**

1. Appointment of Danny Kiser as volunteer firefighter.

Resolution 2020-01. Chief Michael introduced Danny Kiser and asked that he be appointed as a volunteer firefighter. No equipment needed.

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

Voting Yea: Council Member Lornes, Council Member Mckinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker

2. Declare as surplus certain vehicles, equipment and materials and provide for disposal of same.

Resolution 2020-02. Will collect sealed bids on many items and then donate other to charitable cause in the City first, then outside the City. No weapons.

Motion made by Council Member Stewart, Seconded by Council Member Mckinney.  
Voting Yea: Council Member Lornes, Council Member Mckinney, Council Member Stewart,  
Council Member Anderson, Council Member Vega, Council Member Barker

3. Purchase surplus backup power generator from Love County E911 District.

E-911 is moving in with Sheriff's Office and has equipment to get rid of. City is working on getting an appraisal on the generator and moving it from E-911 to the police department.

No action.

4. Amendments to budget for fiscal year ending June 30, 2020.

Resolution 2020-03.

Motion made by Council Member Barker, Seconded by Council Member Lornes.  
Voting Yea: Council Member Lornes, Council Member Mckinney, Council Member Stewart,  
Council Member Anderson, Council Member Vega, Council Member Barker

5. 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).

Executive Session at 6:19 p.m.

Motion made by Council Member Lornes, Seconded by Council Member Anderson.  
Voting Yea: Council Member Lornes, Council Member Mckinney, Council Member Stewart,  
Council Member Anderson, Council Member Vega, Council Member Barker

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

Returned to Open Session at 6:35 p.m.

Resolution 2020-04 for Joshua Coop.

Motion made by Council Member Mckinney, Seconded by Council Member Stewart.  
Voting Yea: Council Member Lornes, Council Member Mckinney, Council Member Stewart,  
Council Member Anderson, Council Member Vega, Council Member Barker

## **MAYOR'S COMMENTS.**

Tom Kiser resigned effective 1/10/2020. If anyone has any recommendations, please let Mayor know. Sales tax election next month and will be putting stuff on social media and having a Town Hall meeting.

## **ADJOURN.**

Meeting adjourned at 6:37 p.m.

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

Dottie Gwin, City Clerk  
Scott Chaney, Deputy City Clerk

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

**APPLICATION FOR A MOBILE HOME TO OCCUPY AN R1 ZONING LOT AT  
201 DEXTER ST.**

**WHEREAS**, Brett Williams is the owner of R1 zoning lot located at 201 Dexter Street, further described as Lot 1, Block 104, City of Marietta, Love County;

**WHEREAS**, Brett Williams has made an application to place a mobile home on the property pursuant to Section 5-5.3(4) of Appendix A to the Code of Ordinances of the City of Marietta; and

**WHEREAS**, public notice was given pursuant to the above referenced ordinance, and a hearing regarding the application was held before the planning commission on January 30, 2020; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission adopted resolution PC 20-01 recommending the placement of a mobile home at 201 Dexter Street; and

**WHEREAS**, the City Council has reviewed this matter and the findings of the City of Marietta Planning Commission;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Marietta, that it is in the best interest of the City and the general public that the application, as described above, be

\_\_\_ approve pursuant to the provisions outlined in Section 5-5.3(4) of Appendix A to the Code of Ordinances of the City of Marietta and all other applicable State laws and City ordinances.

\_\_\_ denied.

**PASSED BY THE CITY COUNCIL** and **SIGNED** by the Mayor of the City of Marietta this 11<sup>th</sup> day of February 2020.

CITY OF MARIETTA

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

ATTEST

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

RESOLUTION PC 20-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MARIETTA REGARDING AN APPLICATON FOR TEMPORARY HOUSING AT 103 N. HWY 77, FURTHER KNOWN AS BEG AT NW/C OF LOT 3 LANEY ADD TH W 88' TH S 70' TH E 88' TH N 70' TO POB SEC 19 7S 2E**

**WHEREAS**, Allen Jacobs, the owner of real property described above, hereinafter described, has submitted application for temporary housing at said real property described above; and

**WHEREAS**, the type of temporary housing will be a 2018 RV; and

**WHEREAS**, the amount of time allowed for temporary housing will be 1 months/weeks ; and

**WHEREAS**, if the remodel takes longer than 1 months/weeks the applicant will have to reapply.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Marietta, Oklahoma:

1.  The Planning Commission does recommend temporary housing to be permitted at 103 N. Hwy 77, further known as beg at nw/c of lot 3 Laney Add th w 88' th s 70' th e 88' th n 70' to pob sec 19 7s 2e
2.  The Planning Commission does not recommend temporary housing to be permitted at 103 N. Hwy 77, further known as beg at nw/c of lot 3 Laney Add th w 88' th s 70' th e 88' th n 70' to pob sec 19 7s 2e

**BE IT FURTHER RESOLVED**, that the foregoing resolution was introduced and moved for adoption on January 30<sup>th</sup> 2020, by Commissioner Reed, and being duly seconded by Commissioner Cohee, was passed by the following vote:

AYES: Reed, Cohee, Anderson, Perez  
NOES: None  
ABSTAIN: None  
ABSENT: None



MARIETTA PLANNING COMMISSION

  
\_\_\_\_\_  
TIM REED, CHAIRMAN

ATTEST

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

**NOTICE**

**PUBLIC NUISANCE ADMINISTRATIVE HEARING  
CITY OF MARIETTA, OKLAHOMA**

**DILAPIDATED BUILDING(S)**

**NOTICE DATE:** January 21, 2020

**HEARING DATE/TIME:** Tuesday, February 11, 2020, at 6 p.m.

**HEARING LOCATION:** Meeting Room, Marietta Public Works Authority Building  
303 W. Main St., Marietta, OK 73448

**PROPERTY ADDRESS  
(if available) AND  
LEGAL DESCRIPTION:**

307 East Broadway  
LOTS 5 AND 6, BLOCK 93, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA

501 East Broadway  
LOT 8, BLOCK 91, CITY OF MARIETTA, LOVE COUNTY, OKLAHOMA

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

606 Higgins  
SOUTH 157 FEET OF LOT 10, AND SOUTH 157 FEET OF EAST 35.7 FEET  
LOT 11, BLOCK 2, HILLCREST ADDITION, CITY OF MARIETTA, LOVE  
COUNTY, OKLAHOMA

605 East Cherokee  
LOT 3 LESS BEGINNING AT NORTHWEST CORNER, THE SOUTH 70 FEET,  
THE EAST 75 FEET, THE NORTH 70 FEET, THE WEST 75 TO POINT OF  
BEGINNING AND LOT 4 LESS WEST 114 FEET BLOCK 78, CITY OF  
MARIETTA, LOVE COUNTY, OKLAHOMA

119 West Main  
ALL OF LOT 1, AND WEST 19 FEET LOT 2 BLOCK 25, CITY OF MARIETTA,  
LOVE COUNTY, OKLAHOMA

To the owner(s) and/or other parties having an interest in the above described properties which are located within the corporate limits of the City of Marietta, Oklahoma, you are hereby notified that conditions which presently exist at the property are alleged to be in violation of **11 O.S. 22-112** of the Oklahoma Statutes regarding dilapidated building(s).  
Corrective actions needed:

**demolition and removal of building(s) upon property.**

This notice is to inform you that a hearing will be held at the above date, time and location by the City Council, to determine whether or not a dilapidated building(s) exists and whether or not such shall be abated. You may appear at such time and submit any arguments or evidence you may have pertaining to this matter.

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

**RENAMING \_\_\_\_\_ IN THE CITY OF MARIETTA**

**WHEREAS**, the Dr. Martin Luther King, Jr. Committee has requested \_\_\_\_\_, which is located in the City of Marietta, be renamed Martin Luther King, Jr. Street, in honor of the late minister and civil rights activist; and

**WHEREAS**, members of the Committee have acquired a resident's signature in support of the change from \_\_\_\_\_ percent of the total residences/structures addressed on the aforementioned street; and

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

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

**SECTION 1.** That \_\_\_\_\_, located in the City of Marietta, be renamed Martin Luther King, Jr. Street:

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

**PASSED BY THE CITY COUNCIL** and **SIGNED** by the Mayor of the City of Marietta this 11<sup>th</sup> day of February 2020.

CITY OF MARIETTA

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

ATTEST

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

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

**DECLARING CERTAIN PROPERTY OWNED BY THE CITY TO BE SURPLUS TO  
THE CITY'S NEEDS AND DIRECTING DISPOSAL OF SAME**

**WHEREAS**, the City of Marietta is the owner of certain items of property, more particularly described herein, which are no longer useful or suitable for municipal purposes; and

**WHEREAS**, it has been determined that the surplus and sale or disposal of said items is in the best interest of the City and the general public.

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

**SECTION 1.** That the following property be declared surplus property and disposed of pursuant to Section 2-172 of the City of Marietta Code of Ordinances, by soliciting sealed bids:

|      |              |                      |                        |
|------|--------------|----------------------|------------------------|
| 1998 | Freightliner | E-ONE Fire Apparatus | VIN: 1FV6JLCB4WH805133 |
| 2008 | Ford         | Crown Victoria       | VIN: 2FAHP71V88X143119 |

Any local fire department, which desires to commission the aforementioned apparatus for service in said department, shall have the opportunity to submit a bid for consideration prior to the City receiving public bids.

**SECTION 2.** The City Administrator is authorized to donate any unsold items of surplus property to any charitable cause, with preference given to those charities located, or having a presence, in the corporate boundaries of Marietta. In the event no charitable cause can be found for such purposes, the City Administrator may give the surplus property to any non-profit organization or, have the items disposed as solid waste.

**SECTION 3.** Any proceeds collected from the disposal of said property shall be deposited into the fund from which said property was purchased.

**PASSED BY THE CITY COUNCIL** and **SIGNED** by the Mayor of the City of Marietta this 11<sup>th</sup> day of February 2020.

CITY OF MARIETTA

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

ATTEST

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

RESOLUTION \_\_\_\_\_

**PURCHASE OF EQUIPMENT FOR CITY OF MARIETTA**

**WHEREAS**, the purchase of equipment, materials and supplies is necessary to perform the duties relative to the functions lawfully imposed upon or assumed by the City of Marietta; and

**WHEREAS**, the following described equipment is needed to allow for the performance of the above described duties/functions; and

**WHEREAS**, in accordance with Section 2-172 of the Code of Ordinances, the following competitive bids for the purchase were submitted:

PROVISION HD IN-CAR/HD BODY/LICENSE/SOFTWARE \$33,533  
AXON BODY 2 (BODY CAMS ONLY)/LICENSE/STORAGE \$19,161  
WATCHGUARD 4RE IN-CAR/VISTA BODY/LIC./SOFTWARE \$37,495; and

**WHEREAS**, staff recommend the purchase of equipment as submitted by WATCHGUARD, based upon the following justification: SUPERIOR FEATURES; HEADQUARTERED IN DFW; SATISFIED WITH EXISTING SYSTEM; and

**WHEREAS**, funding is available to provide for this expenditure within the budget of the current fiscal year, under the following department/account: 01-75-800 - POLICE C/O.

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

1. The purchase of 4-4RE IN-CAR/7-VISTA CAMERA SYSTEMS as submitted by WATCHGUARD is hereby approved based on:  
 the recommendation of staff as previously indicated.  
 the following: \_\_\_\_\_.
2. The expenditure for the purchase will be deducted from the following department/account: 01-75-800 POLICE - CAPITAL OUTLAY.

**PASSED** by the City Council and **SIGNED** by the Mayor this 11 day of FEBRUARY, 2020

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 assign personnel to certain positions 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 for the position of Assistant Chief of Police within the City of Marietta Police Department;

**WHEREAS**, the following employee was selected for promotion 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. Brett Harris, a current employee of the City of Marietta, is hereby appointed to the position of Assistant Chief of Police under the supervision of the Chief of Police, to be effective July 1, 2020.
2. Said position shall be classified as full-time as defined by Section 207.B of the City of Marietta Employee Handbook of Personnel Policies and is eligible for all benefits prescribed by this classification.
3. On the effective date of the promotion, compensation for said employee shall be based on rate O-1 of the Grade and Step Structure adopted by City Council on November 12, 2019.
4. Until such promotion to Assistant Chief of Police is effective, Brett Harris is promoted to the position of Police Officer II and the compensation for said employee shall be based on rate M-3 of the Grade and Step Structure adopted by City Council on November 12, 2019, to be effective immediately.

**PASSED** by the City Council and **SIGNED** by the Mayor this 11<sup>th</sup> day of February, 2020.

CITY OF MARIETTA

ATTEST

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

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