

Minutes of the Regular Atoka City Council Meeting of July 18, 2022, 6:00 p.m., Atoka City Hall, 353 East A Street, Atoka, Oklahoma. Original Agenda Posted July 15, 2022, at 4:00 p.m., Atoka City Hall, 353 East A Street, Atoka, Oklahoma.

I. Convene Meeting

- A. Meeting Called to Order- 6:00 PM
- B. Welcome- Mayor Brian Cathey
- C. Pledge of Allegiance – Mayor Brian Cathey
- D. Invocation- Council Member Coby Sherrill
- E. Roll Call- Council Member Coby Sherrill, Council Member Erica Pogue, Council Member Pat Turner, Council Member Diane McGee, Mayor Brian Cathey
- F. Public Recognition- Carol Ervin, Miranda Donihoo, Melissa Fergueson, Adam Fergueson, Wanda Jones-Keeton, Phyllis Bates

II. Public Comments - (limited to 3 minutes per speaker)

Adam and Melissa Fergueson addressed the council regarding the codes against modular or manufactured homes. Mr. Fergueson explained that he and his wife are selling their home in Oklahoma City and moving back to Atoka and would like to put nicer rent houses in the city limits of Atoka, however, the codes do not clarify modular homes.

While there was no Council discussion, Mayor Cathey informed the Fergueson's that the ordinance banning mobile homes from city limits unless grandfathered in was placed some time ago and could be clarified at a later date. Mr. Cathey went on to explain the types of permissible housing construction (pier and beam/slab) by the city and the definition of a mobile home or manufactured home being anything that holds a title.

City Attorney, Johnny Sandmann, reminded the council that during public comments, there may be no discussion or action taken; should the need arise, the item should be placed on a future agenda as not to violate the open meeting act.

III. Business Agenda

A. Public Hearing

B. Agenda Items

1. Discussion and action regarding approving or rejecting the minutes of the meeting of July 5, 2022 (Attachment #1)

A motion was made by Council Member McGee and seconded by Council Member Pogue to approve of the minutes of July 5, 2022. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

2. City Manager's Report (Attachment #2).

Mayor Cathey expressed appreciation to the city employees for working in the heat Saturday, July 16th, while the surplus auction that took place.

A motion was made by Council Member McGee and seconded by Council Member Pogue to

approve of the City Manager's Report. Voting aye, Turner, McGee, Sherrill, Pogue, and Mayor Cathey. Voting nay, none. Motion carried.

3. Discussion and action on approving or rejecting the payment of purchase orders for the City of Atoka for the month of June 2022. (Attachment #3)

A motion was made by Council Member Pogue and seconded by Council Member McGee to approve of the payment of purchase orders for the City of Atoka for the month of June 2022. Voting aye, McGee, Sherrill, Pogue, Turner, and Mayor Cathey. Voting nay, none. Motion carried.

4. Discussion and action to rescind, vacate and cancel Resolution 2022-09 regarding the Rural Economic Action Plan (REAP) Grant to assist with the installation of new sewer and/or water lines project previously voted on. (Attachment #4)

Mayor Cathey asked for clarification on this item at which time the City Attorney and City Clerk explained that due to a technicality, the REAP Grant must show one project rather than two.

A motion was made by Council Member McGee and seconded by Council Member Pogue to rescind, vacate and cancel Resolution 2022-09 regarding the Rural Economic Action Plan (REAP) Grant to assist with the installation of new sewer and/or water lines project previously voted on. Voting aye, Sherrill, Pogue, Turner, McGee, and Mayor Cathey. Voting nay, none. Motion carried.

5. Discussion and action regarding adopting or rejecting Resolution No. 2022-10; authorizing the application for Financial Assistance from the Rural Economic Action Plan (REAP) to assist with the Water Improvement Project. (Attachment #5)

A motion was made by Council Member Pogue and seconded by Council Member McGee to adopt Resolution No. 2022-10; authorizing the application for Financial Assistance from the Rural Economic Action Plan (REAP) to assist with the Water Improvement Project. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

6. Discussion and/or action to approve or reject Grant Agreement #3-40-0124-016 2022 by and between the U.S. Department of Transportation, Federal Aviation Administration and the City of Atoka for obstruction removal at the Atoka Municipal Airport; and, to designate Danny Delay as the City's authorized representative to execute all documents and certificates necessary to complete said award. (Attachment #6)

Mayor Cathey explained to the council that this grant is a 90/10 match for obstruction removal pertaining to an electrical pole at the Airport.

A motion was made by Council Member McGee and seconded by Council Member Sherrill to approve Grant Agreement #3-40-0124-016 2022 by and between the U.S. Department of Transportation, Federal Aviation Administration and the City of Atoka for obstruction removal at the Atoka Municipal Airport; and, to designate Danny Delay as the City's authorized representative to execute all documents and certificates necessary to complete said award. Voting aye, Turner, McGee, Sherrill, Pogue, and Mayor Cathey. Voting nay, none. Motion carried.

7. Discussion and/or action regarding approving or denying the Mayor and/or City Manager to enter into a Contribution-in-aid-of-construction agreement with Public Service Company of Oklahoma in the amount of \$94,247.36. (Attachment #7)

Mayor Cathey explained to the council that this is the agreement between the City of Atoka and PSO in regards to the pole that is considered an obstruction at the airport. The city will be reimbursed for 90% of the cost.

A motion was made by Council Member Pogue and seconded by Council Member Sherrill to approve the Mayor and/or City Manager to enter into a Contribution-in-aid-of-construction agreement with Public Service Company of Oklahoma in the amount of \$94,247.36. Voting aye, McGee, Sherrill, Pogue, Turner, and Mayor Cathey. Voting nay, none. Motion carried.

8. Discussion, consideration and possible vote regarding the finding from the Administrative Hearing for the property located at 366 W 5th Street. (Attachment #8)

Code Enforcement Officer, Phyllis Bates, explained to the council that this structure burned in March of 2022 and was never secured. Letters have been mailed, a notice published in the paper, and there have been two hearings that the property owner has not responded to or shown up for. The council discussed the location of this property.

City Attorney, Johnny Sandmann, explained the legal details and litigation associated. After a misunderstanding between Ms. Bates and Mr. Sandmann, this item was moved to the end of the meeting.

9. Discussion and or action on proposed ordinance number 587, Amending the City Code of Atoka, Oklahoma (2020) by adding a new section 14-112 titled power to close streets, public ways, or easements by ordinance – reopening – rights of utilities; providing for repealer and severability; and declaring an emergency. (Attachment #9)

City Attorney, Johnny Sandmann, clarified that while the city management has the authority to close a street temporarily, a city ordinance should be in place to close streets as well as open streets back up. All franchise holders must have notice of closures. Council discussion ensued regarding current closed streets at which time it was determined that legally, the City manager can close a street temporarily; however, a legal closure may be required by ordinance. A private individual may not close a public street.

A motion was made by Council Member Sherrill and seconded by Council Member McGee to adopt ordinance number 587, Amending the City Code of Atoka, Oklahoma (2020) by adding a new section 14-112 titled power to close streets, public ways, or easements by ordinance – reopening – rights of utilities; providing for repealer and severability. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

A motion was made by Council Member Sherrill and seconded by Council Member McGee to declare Ordinance Number 587 an emergency. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

10. Discussion and or Action on proposed widening of alleyway through Lot 6 of Block 26 from

20 feet to 30 feet. (Attachment #10)

Mr. Sandmann stated that the city did not previously own the 30-foot right of way, but because the Atoka City Industrial Development Authority has purchased the property, the alley may be widened. Council discussion took place reiterating the importance of a wider alley for delivery trucks and avoiding collisions.

A motion was made by Council Member Sherrill and seconded by Council Member Pogue to approve of the widening of alleyway through Lot 6 of Block 26 from 20 feet to 30 feet. Voting aye, Turner, McGee, Sherrill, Pogue, and Mayor Cathey. Voting nay, none. Motion carried.

11. Discussion and/or action regarding appointing a person to serve on the Planning and Zoning Commission.

Mayor Cathey mentioned that there were two individuals that showed interest in the position to serve on the Planning and Zoning Commission. Council Member Pogue asked Ms. Wanda Jones-Keeton, present at the meeting, why she wants to serve on the Planning and Zoning Commission. Ms. Jones-Keeton, answered with her desire to see Atoka grow and her ability to help determine where and what is best for the City of Atoka. Ms. Jones-Keeton went on to discuss aspects of Atoka including walkability, biking, and locations that she would like to help redefine the codes and place input on working to strategically zoning areas.

A motion was made by Council Member Pogue and seconded by Council Member McGee to appoint Ms. Wanda Jones-Keeton to serve on the Atoka Planning and Zoning Commission. Voting aye, McGee, Sherrill, Pogue, Turner, and Mayor Cathey. Voting nay, none. Motion carried.

12. Discussion and/or action to encumber \$41,700 to be used as a match for a USDA Rural Development Grant from the funds received from the Choctaw Nation.

A motion was made by Council Member McGee and seconded by Council Member Pogue to encumber \$41,700 to be used as a match for a USDA Rural Development Grant from the funds received from the Choctaw Nation. Voting aye, Sherrill, Pogue, Turner, McGee, and Mayor Cathey. Voting nay, none. Motion carried.

The Council, at this time, returned to agenda item number 8.

8. Discussion, consideration and possible vote regarding the finding from the Administrative Hearing for the property located at 366 W 5th Street. (Attachment #8)

Ms. Bates and Mr. Sandmann determined that this property is listed under beforementioned trust and currently under litigation as the trustees haven't taken a role of responsibility at this time. Ms. Bates, based on the findings of the administrative hearing, recommends that the council have this structure removed as well as the shed on the property which is also deteriorating.

A motion was made by Council Member Sherrill and seconded by Council Member McGee to follow the administrative hearing ruling and have the structure removed for the property located at 366 W 5th Street. Voting aye, Sherrill, Pogue, Turner, McGee, and Mayor Cathey.

Ms. Bates asked if this motion includes the shed on the property in which the council agreed that the shed must also be removed.

C. Public Requested Agenda Items

IV. Consent Agenda Items

None.

V. Executive Session

None.

VI. New Business

VII. Council Comments

VIII. Adjournment

A motion as made by Council Member McGee and seconded by Council Member Pogue to adjourn this meeting at 6:33 PM. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

Adjourned at 6:33 PM

Attest:

Atoka City Council

(seal)

Kayle Wallis, City Clerk

Brian Cathey, Mayor