

Minutes of the Special Atoka City Council Meeting of **August 8, 2022**, 6:00 p.m., Atoka City Hall, 353 East A Street, Atoka, Oklahoma. Original Agenda Posted **August 4, 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- Mayor Brian Cathey
- 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

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

None.

III. Business Agenda

- A. Public Hearing
- B. Agenda Items

1. Discussion and action regarding adopting or rejecting Resolution 2022-11 for the reference of the Trust Indenture Titled “Oklahoma Municipal Retirement Fund” and Authorizing the Mayor and Clerk to execute the agreement to pool funds with other Oklahoma cities and towns for the purposes of administration, investment, and management. (Attachment #1)

City Attorney, Johnny Sandmann, stated that he has reviewed the documents provided by Oklahoma Municipal Retirement Fund (OKMRF) and has no changes to make. Mr. Sandmann went on to state that without the adoption of the Resolution and Ordinance, Mr. Delay will be unable to enroll in the program.

A motion was made by Council Member McGee and seconded by Council Member Sherrill to adopt Resolution 2022-11 for the reference of the Trust Indenture Titled “Oklahoma Municipal Retirement Fund” and Authorizing the Mayor and Clerk to execute the agreement to pool funds with other Oklahoma cities and towns for the purposes of administration, investment, and management. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

2. Discussion and action regarding adopting or rejecting Ordinance No. 588 regarding an employee retirement system, defined contribution plan for City Manager for the City of Atoka, Oklahoma; providing for repealer and severability; and declaring an emergency. (Attachment #2)

A motion was made by Council Member McGee and seconded by Council Member Sherrill to adopt Ordinance No. 588 regarding an employee retirement system, defined contribution plan for City Manager for the City of Atoka, Oklahoma. Voting aye, Turner, McGee, Sherrill, Pogue, and Mayor Cathey. Voting nay, none. Motion carried.

A motion was made by Council Member Pogue and seconded by Council Member McGee to declare Ordinance No. 588. Voting aye, McGee, Sherrill, Pogue, Turner, and Mayor Cathey. Voting nay, none. Motion carried.

3. Discussion and action regarding approving or denying the Mayor to sign the Authorized Agent Notification Form allowing for the City Treasurer to act as Authorized Agent. (Attachment #3)

Council Member Pogue asked why the Treasurer is the authorized agent, at which Mr. Delay answered that because the Treasurer handles payroll and benefits, she will be the authorized agent for the Oklahoma Municipal Retirement Fund.

A motion was made by Council Member Pogue and seconded by Council Member McGee to approve the Mayor to sign the Authorized Agent Notification Form allowing for the City Treasurer to act as Authorized Agent. Voting aye, Sherrill, Pogue, Turner, McGee, and Mayor Cathey. Voting nay, none. Motion carried.

4. Discussion and action regarding accepting or rejecting the Employee Contract Agreement between the City Manager and the City of Atoka.

City Attorney, Johnny Sandmann, explained the details of the contract between the City Manager and the City Manager to the council. Details included were the financials, the retirement, and the City will no longer contribute to an IRA, there will be no automotive allowance, and the duration of the contract being on a one-year term, with a three-month severance package with limited work to for a transition period. Failure to comply with terms could result in a lawsuit for breach of contract.

There was questioning regarding the effective date of the retirement package being different than the approval dates, at which was answered that due to a 90 day waiting period, the effective date would have to be November 1, 2022; however, Mayor Cathey explained that the contract for the City Manager is separate from the Retirement package previously voted on.

City Attorney, Mr. Sandmann, went on to explain other benefits, such as a four weeks of vacation time rather than the standard two. Each council member was handed a copy of the contract at this time. Council discussion took place regarding the average employee's benefits.

Council Member Pogue inquired about a top out for the City Manager's pay, at which she was answered with no, there is not a top for this unless voted on by the council.

The City Attorney added that the city will indemnify the City Manager to the extent allowed by applicable law and allowed by insurance policies for unintentional wrongdoing.

A motion was made by Council Member McGee and seconded by Mayor Cathey to accept the Employee Contract Agreement between the City Manager and the City of Atoka. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

5. Discussion and or action on approving or rejecting the Agreement Between the City of Atoka and MTC Tulsa, LLC dba Miller Tippens Construction for Construction Management Services Pursuant to Title 61 O.S. Section 217.

The City Attorney explained the details of the contract and the City Manager discussed the original encumbering of 2.3 million and the amount saved by the city completing work without contracting out, and the reevaluation of money which will allow the city to unencumber funds previously encumbered to put towards this new contract.

At 6:28 PM Council Member Sherrill stepped out of the meeting.

A motion was made by Council Member McGee and seconded by Mayor Cathey to approve the Agreement Between the City of Atoka and MTC Tulsa, LLC dba Miller Tippens

Construction for Construction Management Services Pursuant to Title 61 O.S. Section 217 in the amount of \$536,745.00. Voting aye, Turner, McGee, Pogue, and Mayor Cathey. Voting nay, none. Motion carried.

6. Discussion and or action on approving or rejecting the General Conditions of the Contract for Construction between the City of Atoka and MTC Tulsa, LLC dba Miller Tippens Construction.

A motion was made by Council Member McGee and seconded by Mayor Cathey to approve the General Conditions of the Contract for Construction between the City of Atoka and MTC Tulsa, LLC dba Miller Tippens Construction. Voting aye, McGee, Pogue, Turner, and Mayor Cathey. Voting nay, none. Motion carried.

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 6:29 PM. Voting aye, Pogue, Turner, McGee, and Mayor Cathey. Voting nay, none. Motion carried.

Adjourned at 6:29 PM

Attest:

(seal)

Atoka City Council

Kayle Wallis, City Clerk

Brian Cathey, Mayor