

Minutes of the Atoka City Council Meeting of **January 17, 2023**, 6:00 p.m., Atoka City Hall, 353 East A Street, Atoka, Oklahoma. Original Agenda Posted **January 13, 2023**, at 4:00 p.m., Atoka City Hall, 353 East A Street, Atoka, Oklahoma.

I. Convene Meeting

- A. Meeting Called to Order- 6:09 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, Miranda Donihoo, Phyllis Bates, Jerry Stephens

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

III. Business Agenda

- A. Public Hearing
- B. Agenda Items

1. Discussion and/or action regarding approving or rejecting the minutes of the meeting of January 3, 2023 (Attachment #1)

A motion was made by Council Member McGee and seconded by Council Member Pogue to approve the minutes of the meeting of January 3, 2023. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

2. Discussion and/or action regarding accepting or rejecting the City Manager's Report (Attachment #2).

A motion was made by Council Member McGee and seconded by Council Member Pogue to accept the City Manager's Report. Voting aye, Turner, McGee, Sherrill, Pogue, and Mayor Cathey. Voting nay, none. Motion carried.

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

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

4. Discussion and/or action regarding approving or rejecting the 2022 Budget Adjustments for the General Fund (Attachment #4)

City Manager, Danny Delay, referred all questions to the City Treasurer, Kelly Ingram. Council Member McGee asked of any differences at which Ms. Ingram stated that these are the annual amendments which include any grants received. Discussion took place of the new parking lots and of tourists in town.

A motion was made by Council Member McGee and seconded by Council Member Pogue to approve the 2022 Budget Adjustments for the General Fund. Voting aye, Sherrill, Pogue, Turner, McGee, and Mayor Cathey. Voting nay, none. Motion carried.

5. Discussion and/or action regarding adopting or rejecting Resolution No. 2023-03; to amend the General Fund Budget for the Fiscal Year 2022 (Attachment #5)

A motion was made by Council Member Pogue and seconded by Council Member McGee to adopt Resolution No. 2023-03; to amend the General Fund Budget for the Fiscal Year 2022. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

6. Discussion and/or action regarding approving or rejecting the 2022 Budget Adjustments for Capital Improvement (Attachment #6)

A motion was made by Council Member McGee and seconded by Council Member Pogue to approve the 2022 Budget Adjustments for Capital Improvement. Voting aye, Turner, McGee, Pogue, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

7. Discussion and/or action regarding adopting or rejecting Resolution No. 2023-04; to amend the Capital Improvement Budget for the Fiscal Year 2022 (Attachment #7)

A motion was made by Council Member McGee and seconded by Council Member Pogue to adopt Resolution No. 2023-04; to amend the Capital Improvement Budget for the Fiscal Year 2022. Voting aye, McGee, Sherrill, Pogue, Turner, and Mayor Cathey. Voting nay, none. Motion carried.

8. Discussion and/or action on accepting the resignation of Associate City Judge, Joe Trail. (Attachment #8)

City Attorney, Johnny Sandmann, stated that Mr. Trail was the Associate City Judge, filling in when City Judge, David Youngblood, could not make it. Mr. Sandmann will be finding a replacement for Mr. Trail and place on an upcoming agenda.

A motion was made by Council Member McGee and seconded by Council Member Pogue to accept the resignation of Associate City Judge, Joe Trail. Voting aye, Sherrill, Pogue, Turner, McGee, and Mayor Cathey. Voting nay, none. Motion carried.

9. Discussion regarding property located at 587 S Montana Atoka, OK. – Mr. Jerry Stephens

City Attorney, Johnny Sandmann, requested that the Council move to item number 10 at this

time, as he has a recommendation to strike this and place on a future agenda.

10. Discussion, consideration, and possible action regarding the finding from the Administrative Hearing for the property located at 587 S Montana Atoka, OK. (Attachment #10)

City Attorney, Johnny Sandmann, stated that Code Enforcement Officer, Phyllis Bates, has photos of this property and as per the City Code emergency provisions, the loose metal shall be removed. This property has been in foreclosure litigation for approximately ten years. The property owner has been notified of the Administrative Hearings; however, the Mortgage Company must also be notified. This will not be going to the Sheriff's sale. Council discussion took place. Ms. Bates contacted the names listed with the assessor's office per usual, and has been instructed by Mr. Sandmann to also contact the Mortgage Company. Mr. Sandmann recommended that no action be taken on this item. Council Member McGee asked if the council is at liberty to discuss the property with Mr. Jerry Stephens who would like to speak regarding this matter, at which Mr. Sandmann said yes.

Item died from lack of motion.

Mayor Cathey then moved on to read item number 9. At this time, Mr. Stephens stated to the council that he is able to fix this property if given the opportunity, but has been unable to speak with the mortgage company. Mr. Stephens would like to or at least see someone purchase the property to fix up rather than tear down; he stated that he understands the need to secure the building as it has been vacant for four years. Mayor Cathey informed Mr. Stephens that the City of Atoka would go through the appropriate procedures, thus the process would be a slow one. The sale of the property would be up to the mortgage company and the owner, as the City does not want to tear down.

11. Discussion and/or action regarding approving or denying the Atoka Police Department to purchase two (2) new vehicle units from Vance Country Ford in the amount of \$90,469.20; state contract pricing. (Attachment #11)

City Manager, Danny Delay, explained that these vehicles are included in the budget and will have another to be ordered on the next agenda to replace the damaged vehicle in a recent collision.

A motion was made by Council Member McGee and seconded by Council Member Pogue to approve the Atoka Police Department to purchase two (2) new vehicle units from Vance Country Ford in the amount of \$90,469.20; state contract pricing. Voting aye, McGee, Sherrill, Pogue, Turner, and Mayor Cathey. Voting nay, none. Motion carried.

12. Discussion and/or action regarding adopting or rejecting Ordinance No. 590; amending the Employee Retirement System, defined contribution plan for the City Manager for the City of Atoka. (Attachment #12)

City Manager, Danny Delay, explained to the Council that due to IRS Tax laws, he must have this ordinance in place for his retirement. No city funds will be used, this is solely for Mr. Delay to hold more of his own funds back for retirement.

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

adopt Ordinance No. 590; amending the Employee Retirement System, defined contribution plan for the City Manager for the City of Atoka. Voting aye, Sherrill, Pogue, Turner, McGee, and Mayor Cathey. Voting nay, none. Motion carried.

Council discussion took place regarding the emergency vote, at which City Attorney, Johnny Sandmann, explained that because the agenda item does not include declaring this ordinance an emergency, the council may not vote to do so.

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 Sherrill and seconded by Council Member McGee to adjourn this meeting at 6:31 PM. Voting aye, Pogue, Turner, McGee, Sherrill, and Mayor Cathey. Voting nay, none. Motion carried.

Adjourned at 6:31 PM

Attest:

Atoka City Council

(seal)

Kayle Wallis, City Clerk

Brian Cathey, Mayor