

AGENDA
OSCEOLA CITY COUNCIL “Special called” MEETING.
February 8, 2023 - 5:00 pm
303 W. HALE AVENUE - COUNCIL CHAMBERS

1. PRAYER – Pastor Moses Black
2. MEETING CALLED TO ORDER & ROLL CALL by City Clerk Jessica Griffin
3. BUSINESS
 - a. Ordinance: UPDATED Code violations for maintaining property
 - b. Ordinance: UPDATED Code violations for maintaining weeds and grass
 - c. Ordinance: Adoption for ALL State Building Codes for New Construction and/or Renovations.
 - d. Update: River Back Estates – Mayor Joe Harris Jr/Cody Shreve
4. ANNOUNCEMENTS:
5. ADJOURN

Ordinance No. 2023 -

AN ORDINANCE **TO AMEND ORDINANCE NO. 2004-797**; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, **previously, the City of Osceola adopted Ordinance No. 2004-797** entitled "AN ORDINANCE PROHIBITING THE MAINTENANCE OR ALLOWANCE OF DELAPIDATED BUILDINGS OR STRUCTURES" UPON PRIVATE PROPERTY AND REQUIRING PREMISES TO BE KEPT FREE FROM DILAPIDATED BUILDINGS OR STRUCTURES ; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES"; and

WHEREAS, the City of Osceola has found that such ordinance needs to be modified.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, ARKANSAS:

Section 1. That Section 3 of Ordinance No. 1991-650 shall be amended to read as follows: If the owner or owners of any lot or other real property within the City of Osceola, after receiving seven (7) days notice in writing by the City Code Enforcement Officer, shall refuse or neglect to perform the duties in connection with his or her property as described in SECTIONS .1 and 2. hereof, the City of Osceola is hereby authorized to enter upon the property and have said dilapidated or unsightly building or structure torn down and to have said property cleaned up and the cost thereof shall be charged against said premises and shall constitute a lien thereon.

Section 2. That Section 6 of Ordinance No. 1991-650 shall be amended to read as follows: In addition to the lien provisions as provided herein, any owner, owners or occupant of any lot or other real property within the City of Osceola, Arkansas, after having been given seven (7) days notice by the City Code Enforcement Officer, who shall fail, refuse or neglect to correct or rectify said condition, shall be guilty of a violation of this Ordinance, and upon conviction therefor, shall be punishable by a fine of not less than **Two hundred and fifty (\$250.00) Dollars and not more than Five Hundred (\$500.00) Dollars**; and each day such violation occurs or shall continue, shall be considered a separate offense.

Section 3. That all other provisions of Ordinance No. 1991- 650, be and the same shall remain in full force and effect .

Section 4. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is therefore declared to exist, and this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 8th day of February 2023

CITY OF OSCEOLA, ARKANSAS

By:

Mayor Joe Harris Jr

ATTEST:

By:

City Clerk Jessica Griffin

SECTION 3. Failure to comply. If the owner and/or occupant of any lot or other real property shall neglect or refuse to remove, abate, or eliminate any condition cited by the "Notice to Remove" as provided under Section I hereunder. after having been. given seven (7) days' notice in writing to do so, then the Code Enforcement Officer, acting on behalf of the City of Osceola, is authorized to do whatever is necessary to correct the condition and impose a daily fine of \$50.00 thereof to the owner of the lots or other real property. In particular, the Code Enforcement Officer may:

- A. Issue a subsequent Summons in person or by written notice citing the owner and/or occupant for continued violation of the provisions of "Section I" of this Ordinance. The fine for such violation found by the Osceola District Court shall be not less than Two hundred and Fifty (\$250.00) nor greater than Five Hundred Dollars (\$500.00).
- B. May proceed with cleanup on behalf of the City of Osceola, in a method he deems necessary and reasonable. The total cost of the clean-up *will* be tabulated and collected in a manner described herein. The City shall file a lien for costs incurred in the cleanup process and shall file the lien with the Circuit Clerk no later than one hundred twenty (120) days after the City completes the clean-up work on the property.

SECTION 4. Fee covering cost of administration for city clean up. The Code Enforcement Officer, acting on behalf of the City of Osceola is authorized to assess the owner and/or occupant a fee of Two Hundred and Fifty Dollars (\$250.00) or ten percent (10%) of the total costs incurred by the City to remedy the violation, whichever is greater, to cover the cost of administering the removal and correction of the violations.

noted of Section 1 of this Ordinance. This fee shall be in addition to the actual cost of the work involved in correcting the conditions and is to be in addition to any fines imposed by the Osceola District Court.

SECTION 5. Cost Collection Procedure.

The costs incurred by the City of Osceola to remedy any violation of this Ordinance may be enforced and collected in one (1) of the following manners:

- (a) The costs incurred may be enforced at any time within eighteen (18) months after the work has been done, by an action in Circuit Court; or
- (b) The cost incurred by the City of Osceola may be determined at a hearing before the City Council held in accordance with the notice provided to the owner and/or occupant of the real property in the Notice to Remove delivered to the owner and/or occupant of the real property by the Code Enforcement Officer or served by any other method allowed hereunder in accordance with Arkansas law. Once the costs are determined by the City Council, a Resolution setting out the findings of the City Council shall be prepared and approved by the City and a lien shall be filed against the real property and its owner with the Circuit Clerk no later than sixty (60) days after the City Council confirms the lien amount. The lien shall also be filed with the tax collector to add the costs to the tax rolls as delinquent taxes. The amount determined by the City Council at the hearing shall be certified by the City Council to the Mississippi County Tax Collector, and by him placed on the tax books as delinquent taxes and collected accordingly. and the amount, less three percent (3%) thereof, when so collected, shall be paid to the City of Osceola Arkansas.

SECTION 6. Out of State or Unknown Property Owners. In case the owner and/or occupant of any lot or other real property in violation of this Ordinance is unknown or his whereabouts is unknown or he is a non-resident of this State. then a copy of the written notice hereof referred to shall be posted upon the premises. Before any action to enforce such lien shall be had, the City Clerk shall make an Affidavit setting out the facts as to unknown address or whereabouts of non-residents. Thereupon., service the publication, as now provided for by law against non-resident Defendants may be had. An attorney ad litem shall be appointed to notify the Defendant by registered letter addressed to his last known place of residence if it can be found.

SECTION 7. Options, Remedies. The City of Osceola shall have the option of enforcing this Ordinance by any one or more of the methods as provided for herein. and the use of one remedy as prescribed herein by the City shall in no way prevent or prohibit the City of Osceola, Arkansas, from proceeding under different or other remedies as are herein provided.

SECTIONS. Conflicts. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 9. Emergency Clause It is hereby determined that this Ordinance is necessary and is vital to the health, welfare and safety of the public, therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after it's passage and approval.

PASSED AND **APPROVED** this 30th day Of January 2023

CITY OF OSCEOLA, ARKANSAS

By: _____
Mayor Joe Harris Jr

ATTEST:

By: _____
City Clerk Jessica Griffin

ORDINANCE NO. 2023- _____

City of OSCEOLA, ARKANSAS

AN ORDINANCE ADOPTING STATE ENERGY, ELECTRICAL, MECHANICAL, PLUMBING, AND FUEL GAS, AND FIRE PREVENTION CODE FOR NEW BUILDING CONSTRUCTION AND/OR RENOVATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OSCEOLA, ARKANSAS.

Section 1: ADOPTION OF ALL State Building Codes required by State Law. There is hereby adopted by the City of Osceola, Arkansas for the purpose of establishing rules and regulations standards for new building construction, and existing buildings. The City of Osceola will hereby automatically adopt all codes as they are passed by the governing state agency and or state government. Said codes will be adopted as whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which not less than three (3) copies of this ordinance, as well as, three (3) copies of said new code currently in affect or when adopted by State of Arkansas will be filed in the office of the Clerk or Recorder of the City of Osceola, Arkansas, and the same ordinance is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction and or modification of all buildings and structures therein contained within the corporate limits of the City of Osceola, Arkansas.

Section 2: INCONSISTENT ORDINANCES REPEALED. All regulations, ordinances, or parts of ordinances heretofore in effect which are in conflict with, or which are inconsistent with, the provisions of this Ordinance, to the extent of their inconsistency are hereby repealed.

Section 3: SEPARABILITY. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity or any other part thereof which can be given effect without such invalid part or parts.

Section 4: EMERGENCY CLAUSE. Whereas it is of the utmost urgency that the city of Osceola, Arkansas, have an up-to date Energy Code to protect the citizens of our city, therefore, an Emergency is hereby declared to exist and this ordinance being necessary for the immediate protection of the public shall take effect immediately on its passage and approval.

PASSED AND APPROVED this 30th day of January 2023.

CITY OF OSCEOLA, ARKANSAS

BY: _____

Mayor Joe Harris Jr

ATTEST:

Jessica Griffin, City Clerk



SALLY LONGO WILSON
MAYOR

Arkansas Department of Health
4815 W Markham St.
Little Rock, AR 72205

October 14, 2022

Dear Sir or Madam

Re: River Back Estates' Sewer Force Main

The west side of Osceola in the Earl Quinn area is experiencing the beginning of residential development. There is currently a 104-lot subdivision in review by the city and another development in the planning stage. To assist these and future developments, the city has decided to install a sanitary sewer lift station and connections to our existing force main to the treatment plant south of this area. The plans for River Back Estate are being sent with this letter for approval purposes.

Please contact me with any questions

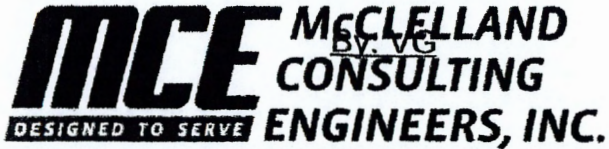
Sincerely,

Sally Wilson, Mayor

Cell (870)822-0574

RECEIVED

JAN 19 2023



Please remit payment to: 7302 Kanis Road | Little Rock, AR 72204
For account information contact: Little Rock: 501.371.0272
Fayetteville: 479.443.2377
Fort Smith: 479.434.5333
Tulsa: 918.619.6803

City of Osceola
Tim Jones
P.O. Box 443
Osceola, AR 72370

Invoice number 225829-001
Date 01/12/2023

V2234

Project **225829 Osceola - Summer Avenue Lift Station**

Billing Period: November 1, 2022 through December 31, 2022

Engineering services in connection with the above referenced project in accordance with our agreement.

DESIGN

| | Hours | Rate | Billed Amount |
|------------------------|-------|--------|---------------|
| Draftsman II | 4.00 | 70.00 | 280.00 |
| Project Designer IX | 36.50 | 110.00 | 4,015.00 |
| Sr. Project Manager II | 4.50 | 175.00 | 787.50 |
| Phase subtotal | | | 5,082.50 |

GEOTECHNICAL INVESTIGATION

| | Hours | Rate | Billed Amount |
|---------------------|-------|--------|---------------|
| Project Designer IX | 31.25 | 110.00 | 3,437.50 |
| Invoice total | | | 8,520.00 |

Don't pay yet

Invoice Summary

| Description | Contract Amount | Prior Billed | Total Billed | Current Billed |
|------------------------------|-----------------|--------------|--------------|----------------|
| SURVEY | 0.00 | 0.00 | 0.00 | 0.00 |
| PRELIMINARY ENGINEERING | 0.00 | 0.00 | 0.00 | 0.00 |
| DESIGN | 0.00 | 0.00 | 5,082.50 | 5,082.50 |
| GEOTECHNICAL INVESTIGATION | 0.00 | 0.00 | 3,437.50 | 3,437.50 |
| CMT | 0.00 | 0.00 | 0.00 | 0.00 |
| SERVICES DURING CONSTRUCTION | 0.00 | 0.00 | 0.00 | 0.00 |
| EXPENSES | 0.00 | 0.00 | 0.00 | 0.00 |
| Total | 0.00 | 0.00 | 8,520.00 | 8,520.00 |

Approved by

Adam S. Triche
Sr. Project Manager, P.E.

Burnett Law Firm

900 W. Hale Ave/P.O. Box 704

Osceola, AR 72370

burnett_law@yahoo.com

Attorney at Law: C. David Burnett, Esq.
Kristie Jones Legal Assistant

Phone: (870) 926-7977

Fax: (870) 563-4713

January 26, 2023

Tony Pardew
President
Olympus Construction Inc.
2506 W Washington
Jonesboro, AR 72401

Re: River Back Estates Sewer System

Mr. Pardew:

The City of Osceola appreciates your decision to develop a subdivision within our community. Affordable housing is essential to the growth of any community. With your development, we understand the need to install a sanitary sewer lift station to connect with our existing force main to the treatment plant. I have been informed that you are working on establishing an improvement district to provide funding for the sewer and other necessary additions. Unfortunately, the City is not in a financial position to install the sewer system at this time. As City Attorney I will be happy to assist in any effort to establish a improvement district and have been advised by our Mayor Joe Harris that the good offices of the city will be available to assist in this endeavor.

Should you have any questions please feel free to call. I can assure you that the city is most anxious to see your project completed. We have received one invoice for engerning on the project and will pay that invoice to assist in the matter.

Sincerely,



David Burnett
City Attorney
City of Osceola