

MEETING OF MAY 11, 1964

COUNCIL CHAMBER

994th MEETING

The nine hundred ninety-fourth regular meeting of the City Council of the City of Milwaukie, Oregon was held in the Council Chamber at the City Hall in Milwaukie, Oregon, on the 11th day of May, 1964, commencing at the hour of 7:30 o'clock p.m., Pacific Daylight Time.

The meeting was duly called to order by Mayor Joseph M. Bernard, Jr., Chairman of the Council.

The invocation was given by Reverend Harvey Schmidt, Presbyterian Church, 2416 Lake Road, Milwaukie, Oregon.

The roll was called by Council Clerk Ellen Martin. Those present were; Mayor Joseph M. Bernard, Jr., Councilmen Theron E. Sedgwick, Robert E. Richmond, Charles Renard and Walter J. Freeman, being all of the members of the City Council.

Also present at the meeting were City Manager Max Thompson, City Attorney John O. Sheldahl, and Council Clerk Ellen Martin.

The matter of considering and passing a resolution providing for the issuance and sale of negotiable general obligation bonds of the City of Milwaukie, Oregon, in the principal sum of \$150,000.00 heretofore authorized by the legal voters of said City; prescribing the form of said bonds and providing for notice of such sale, was then taken up.

It was thereupon moved by Councilman Theron E. Sedgwick and seconded by Councilman Robert E. Richmond that the following transcribed Resolution be adopted:

RESOLUTION NUMBER 11-1964

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NEGOTIABLE GENERAL OBLIGATION BONDS OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, IN THE PRINCIPAL SUM OF \$150,000.00; PRESCRIBING THE FORM OF SAID BONDS AND OF THE INTEREST COUPONS PERTAINING THERETO: PROVIDING FOR THE SALE OF SAID BONDS: AND PROVIDING FOR NOTICE OF SUCH SALE

WHEREAS, heretofore, on the 24th day of April, 1964, at a special election duly called and held in the City of Milwaukie, Clackamas County, Oregon, the legal voters of said City duly adopted Chapter VIII-F as an amendment to the Charter of the City of Milwaukie, Oregon, adopted by the people of the City of Milwaukie, Oregon, on the 7th day of November, 1944, as amended, which provides as follows:

CHAPTER VIII-F

In addition to the other methods provided by the Charter of the City of Milwaukie, Oregon, or the General Laws of the State of Oregon, and not in derogation of any such powers, the City Council of the City of Milwaukie, Oregon, when in its discretion it is deemed advisable, may provide by resolution or resolutions for the construction, either by contract method or city construction method, or both, of a fire drill tower and improvements to existing fire stations within the city limits of the said City of Milwaukie, Oregon, and to acquire by purchase new fire fighting trucks and other additional fire fighting equipment, together with all the appurtenances necessary for the completion and operation of said improvements, and for such purposes may acquire by gift, purchase, grant or condemnation necessary lands and easements therefor within the corporate limits of the City of Milwaukie, Oregon; and to pay the cost thereof, the City Council of the City of Milwaukie, Oregon, is hereby authorized to issue \$150,000.00 in general obligation bonds of the City of Milwaukie, Oregon, which shall be paid by an ad valorem tax on all taxable property within the corporate limits of said City of Milwaukie.

The City Council of the City of Milwaukie, Oregon, each year shall provide in the budget for sufficient funds to pay the principal and interest on said general obligation bonds of the City of Milwaukie, Oregon, which taxes shall be in addition to all other taxes permitted by the Charter, as amended, of the City of Milwaukie, Oregon, and the laws of the State of Oregon.

and

WHEREAS, It is now necessary to procure funds for the aforesaid purposes and to issue the bonds authorized by said charter amendment so designated as Chapter VIII-F; now therefore

BE IT RESOLVED By the City Council of the City of Milwaukie, Oregon, that the City of Milwaukie, in Clackamas County, State of Oregon, do issue and sell its negotiable general obligation bonds in the principal sum of \$150,000.00 for the purpose of constructing a fire drill tower and improvements to existing fire stations within said City, for the purpose of acquiring by purchase new fire fighting trucks and additional fire fighting equipment, together with all of the appurtenances necessary for the completion and operation of said improvements, and for the purpose of acquiring by gift, purchase, grant or condemnation the necessary lands and easements therefor, and to pay the cost thereof.

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that said negotiable general obligation bonds shall be dated June 1, 1964, and shall be in the denomination of ONE THOUSAND DOLLARS (\$1,000.00) each and shall be numbered consecutively beginning with number One (1) and ending with number ONE HUNDRED FIFTY (150) and shall be issued to mature serially in numerical order in principal and amounts as follows:

<u>Bonds Numbered</u> <u>Inclusive</u>	<u>Maturity Dates</u>	<u>Amount</u>
1 - 10	June 1, 1965	\$10,000.00
11 - 20	June 1, 1966	10,000.00
21 - 30	June 1, 1967	10,000.00
31 - 40	June 1, 1968	10,000.00
41 - 50	June 1, 1969	10,000.00
51 - 60	June 1, 1970	10,000.00
61 - 70	June 1, 1971	10,000.00
71 - 80	June 1, 1972	10,000.00
81 - 90	June 1, 1973	10,000.00
91 - 100	June 1, 1974	10,000.00
101 - 110	June 1, 1975	10,000.00
111 - 120	June 1, 1976	10,000.00
121 - 130	June 1, 1977	10,000.00
131 - 140	June 1, 1978	10,000.00
141 - 150	June 1, 1979	10,000.00

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that the said bonds shall be the general obligation of the City of Milwaukie, Oregon, and shall bear interest semi-annually on December first and June first, beginning with December, 1964, at a rate or rates not exceeding five per cent (5%) per annum; that both the interest upon the principal of said bonds shall be paid at the office of the Treasurer of said City in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America; that the said bonds shall be signed by the Mayor and attested by the City Recorder of said City and that the interest coupons appertaining to said bonds shall bear the facsimile signatures of the Mayor and the City Recorder; and that, except as to numbers and maturities and such modifications as may be necessary to conform the said bonds to the terms of the successful bid therefore, the said bonds shall be of uniform tenor and read substantially as follows:

No.	\$1,000.00
UNITED STATES OF AMERICA STATE OF OREGON COUNTY OF CLACKAMAS CITY OF MILWAUKIE GENERAL OBLIGATION BOND	

THE CITY OF MILWAUKIE in CLACKAMAS COUNTY, OREGON, for value received hereby promises to pay to bearer the sum of ONE THOUSAND DOLLARS (\$1,000.00) upon the FIRST DAY OF JUNE, 19____, with interest thereon from the date hereof to maturity at the rate of _____ per cent per annum payable semi-annually upon the first days of December and June of each year hereafter to the bearer of the respective coupons therefor hereto attached, upon the presentation and surrender thereof as the said coupons respectively mature. Bothe the principal hereof and the interest hereon are payable at the office of the Treasurer of said City in any coin or currency which, at the time of payment, is legal tender for the payment of public

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and private debts within the United States of America.

THIS BOND, one of a series of like date and tenor, except as to maturities, aggregating ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) par value in amount numbered one to one hundred fifty inclusive, is a general obligation of the City of Milwaukie, Oregon, payable both as to principal and interest from unlimited ad valorem taxes upon all of the property within the said City so taxable for its purposes and is issued in accordance with the statutes of the State of Oregon thereunto appertaining and of Chapter VIII-F of the Milwaukie Charter of 1944, duly adopted by the legal voters of said City at a special election regularly called and legally held therein on the 24th day of April, 1964, for the purpose of constructing a fire drill tower and improvements to existing fire stations within said City, for the purpose of acquiring by purchase new fire fighting trucks and additional fire fighting equipment, together with all of the appurtenances necessary for the completion and operation of said improvements, and for the purpose of acquiring by gift, purchase, grant or condemnation the necessary lands and easements therefor, and to pay the cost thereof.

IT IS HEREBY CERTIFIED, RECITED and DECLARED that all conditions, acts and things required to exist, to happen and to be performed precedent to and in the issuance of this bond have existed, have happened, and have been performed in due time, form and manner as required by the Constitution and Statutes of the State of Oregon and by the Charter and Ordinances of said City and that the issue of which this bond is a part and all other obligations of said City are within every debt limitation and other limit prescribed by the said Constitution, Statutes and City Charter.

IN WITNESS WHEREOF, the said City of Milwaukie has caused this bond to be signed by its Mayor and attested by its Recorder under its corporate seal, and has caused the attached interest coupons to bear the facsimile signatures of its said officers, all as of the first day of June, 1964.

Joseph M. Bernard, Jr.
Joseph M. Bernard, Jr., Mayor of the
City of Milwaukie, Oregon

ATTEST:

R. E. Osborne
R. E. Osborne, Recorder of the
City of Milwaukie, Oregon

COUPON

No. _____ \$ _____

ON THE FIRST DAY OF _____, 19____, THE CITY OF MILWAUKIE, in Clackamas County, Oregon, will pay the bearer _____ Dollars AT THE OFFICE OF THE TREASURER OF SAID CITY for six (6) months' interest then due on City of Milwaukie General Obligation Bond No. _____, dated June 1, 1964.

Joseph M. Bernard, Jr.
Joseph M. Bernard, Jr., Mayor of the
City of Milwaukie, Oregon

ATTEST:

R. E. Osborne
R. E. Osborne, Recorder of the
City of Milwaukie, Oregon

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that the hour of 8:00 o'clock p.m., Pacific Daylight Time, June 1, 1964, be and the same is hereby fixed as the time and date for the sale of City of Milwaukie General Obligation Bonds in the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00).

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that the City Recorder of the City of Milwaukie is hereby authorized and directed to advertise the said bonds for sale and shall advertise said sale once each week for not less than two successive weeks in the Milwaukie Review, a weekly newspaper published in Milwaukie, Clackamas County, Oregon, which is a newspaper printed and published within the boundaries of the City of Milwaukie. Such notice shall be substantially as follows:

NOTICE OF BOND SALE

NOTICE is hereby given that sealed bids will be received by the undersigned until 8:00 o'clock p.m. Pacific Daylight Time, on the first day of June, 1964, and immediately thereafter opened by the Council of the City of Milwaukie for the purchase of general obligation bonds of said City in the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00). Bonds 1 to 150 inclusive shall be in the amount of ONE THOUSAND DOLLARS (\$1,000.00) each. All bonds to be dated June 1, 1964, and to mature in numerical order as follows:

<u>Bonds Numbered Inclusive</u>	<u>Maturity Dates</u>	<u>Amount</u>
1 - 10	June 1, 1965	\$10,000.00
11 - 20	June 1, 1966	10,000.00
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61 - 70	June 1, 1971	10,000.00
71 - 80	June 1, 1972	10,000.00
81 - 90	June 1, 1973	10,000.00
91 - 100	June 1, 1974	10,000.00
101 - 110	June 1, 1975	10,000.00
111 - 120	June 1, 1976	10,000.00
121 - 130	June 1, 1977	10,000.00
131 - 140	June 1, 1978	10,000.00
141 - 150	June 1, 1979	10,000.00

said bonds to bear interest at the rate of not to exceed five per cent (5%) per annum, payable semiannually at the office of the Treasurer of Milwaukie, Oregon.

The bonds will be in coupon form, and will be payable both as to principal and interest at the office of the Treasurer of said City from unlimited ad valorem taxes upon all the taxable property in said City.

The bonds will be sold for cash to the responsible bidder whose proposal will result in the lowest net cost to the City, but for not less than their par value and the entire amount of accrued interest thereon. Each bidder shall submit with, or include in, his or its bid a statement of the total net interest cost to the City, under his or its bid, if accepted. The City reserves the right to reject any or all bids and waive formalities in the awarding of the bonds.

Bids submitted must be unconditional, and must be accompanied by a Cashier's Check or Certified Check in favor of the said City, of or upon a bank doing business in Oregon, in the amount of \$3,000.00. The deposit will not draw interest, but will be forfeited to the City as liquidated damages if the bidder to whom the bonds are awarded fails or refuses to complete his or its purchase in accordance with the terms of his or its bid.

The bonds will be delivered complete, without undue delay, at the expense of the City at such city in Oregon as the successful bidder shall name. The legal opinion of Messrs. Shuler, Sayre, Rankin & Myers, of Portland, Oregon, approving the validity of the bonds, will be furnished by the City without cost to the successful bidder.

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Upon being put to a vote by the Mayor and Chairman of the Council, the motion to adopt the foregoing Resolution was unanimously adopted, the vote being as follows: Ayes: Joseph M. Bernard, Jr., Theron E. Sedgwick, Robert E. Richmond, Charles Renard and Walter J. Freeman. Nays: None. The Mayor declared the motion carried.

Mr. K. Hoseid, Manager of the Milwaukie Plywood Co. made a verbal request that Meek Street be vacated from its intersection with 31st Street to the east right-of-way line of the Southern Pacific Railroad. It was moved by Richmond and seconded by Sedgwick that this matter be referred to the Planning Commission. Motion carried and so ordered.

Mr. Carl Maier, representing Fuller Brush Co. came before the Council with regard to Ordinance No. 352, which prohibits their salesmen from working in Milwaukie. It was moved by Sedgwick that Ordinance No. 352 be enforced until such time that it is repealed. The motion died for lack of a second. It was moved by Richmond and seconded by Renard that this question be tabled until the special meeting of the Council on May 15, Motion carried and so ordered.

The Mayor opened the hearing on the annexation of properties described in Ordinance No. 1014 and called for objection to the same. Kenneth L. and Roberta A. Waymire, owners of Tax Lot 53, Garrett D.L.C. further described in Ordinance No. 1014, came before the Council and requested that this piece of property be not annexed at this time. It was moved by Richmond and seconded by Renard that Parcel I and II of Tax Lot 53 Garrett D.L.C. be withdrawn from this annexation. Motion carried and so ordered. There was no citizen present who objected to the annexation of other properties described in Ordinance No. 1014, and no written objection had been received. The Mayor declared the hearing closed.

A letter, from the Milwaukie Planning Commission was read. The Commission recommended that hereafter, when streets are improved, the City require the following minimum specifications.

1. That the traffic area be 36 feet in width.
2. That sidewalks be 4 feet wide.
3. That sidewalks be set out 6 inches from the property line.
4. That a 2 foot wide parking yard be allowed between the sidewalk and the curb.
5. That the curb be 6 inches wide.

It was moved by Sedgwick and seconded by Richmond, that the Council accept the recommendation of the Planning Commission and that an Ordinance be drawn to this effect. Motion carried and so ordered.

A letter from the Milwaukie Planning Commission, in which they recommended that the zone on Lots 1, 2, 3, 4 and the west 100 feet of Lot 5, Engle Addition, and Tax Lot 24 of Campbell D.L.C. be not changed at this time, was read. Mr. Eastman, representing Richfield Oil Co., pointed out the need for the zone change, stating that the land cannot be sold for any purpose other than commercial, and requested that the Council overrule the Planning Commission's recommendation. It was moved by Richmond and seconded by Freeman that the Council accept the recommendation of the Planning Commission. A called vote showed results as follows: Ayes: Freeman, Richmond and Bernard. Nays: Renard and Sedgwick. Councilmen Sedgwick, Renard and Freeman voiced their reasons for their votes.

Mr. McPhail, Manufacturing Manager for Omark Industries came before the Council and displayed plans for their development of the Omark Industrial Area south of the Southern Pacific main line Railroad and north of Lake Road, and discussed with the Council the matter of water supply and sewer service. It was moved by Renard and seconded by Sedgwick that the City Manager be instructed to plan and present to the City Council a proposal of financing a trunk line sewer serving Omark Industrial Park area. Motion carried and so ordered.

Mr. James Praggastis laid before the Council a plot plan for store and parking area for properties on both sides of Adams Street between the Southern Pacific Tillamook branch line and Main Street. A letter from the Milwaukie Planning Commission, in which they recommended that the plot plan be approved; that a bumper strip be laid along the north side of Adams Street; that the south side of Adams have a sidewalk from Main Street to the east extremity of a proposed building and a walk-way from the building through the Southern Pacific right-of-way to 21st Street and that the parking spaces along both sides of Adams Street be diagonal at 33 degrees, was read. It was moved by Richmond and seconded by Sedgwick that the Council accept the recommendation of the Planning Commission and that the City Attorney draw an agreement between the Council and the property owners that will be satisfactory to both parties. Motion carried and so ordered.

It was moved by Freeman and seconded by Sedgwick that the following bills be approved and that warrants be drawn for the payment of same. Motion carried and so ordered.

Adams Electric Co.	11.00
Affiliated Publishers	11.25
Air-Mac Inc.	45.00
Allied Arts Studio	63.00
American Interstate Corp.	6.40
American Photocopy Equipment Co.	6.90
The W. H. Anderson Co.	7.50
Brooks Products, Inc.	23.00
Burns Bros. Truck Station	1.15
Clackamas County PublicLibrary	5.69
Demco Supplies	7.55
Diamond Fuel Co.	101.78
Doubleday & Co.	2.49
Dwyer Fuel Co.	12.00
Election Payroll 4 @ \$13.25	53.00
Francis Motor Car Co.	6.00
Furbish Chemical & Supply Co.	19.90
Gaylord Bros. Inc.	9.80
Herb's Uniform Co.	315.30
Franck's Color Center	23.53
Charlie Helwig, Inc.	19.55
H. R. Hunting Co.	10.56
Heisler's Car Wash	9.00
International Harvester Co.	51.60
Industrial Air Products Co.	10.80
Jack's Digger Service	58.50
Jim's Window Cleaning Co.	25.00
Lanson's Inc.	238.70
Larson's Auto Parts	32.33
Mackey Laboratories	63.30
McCready Lumber Yards	16.57
Mid-Mountain Machinery Inc.	6.95
Milkiewa Feed Mills	4.50
Milwaukie Automotive Service	210.97
Milwaukie Hardware	38.25
Milwaukie Lumber Co.	4.40
Milwaukie Plumbing & Heating	27.50
Milwaukie Review	240.45
Milwaukie Upholstering Co.	4.00
Milwaukie Volunteer Fire Dept.	36.00
Minnesota Mining & Manufacturing Co.	26.66
National Chemsearch Corp.	87.81
Neptune Meter Co.	184.26
Northwest Photocopy Corp.	63.75
Northwest Industrial Laundry Co.	12.00
Olson Bros. Shell Service	11.05
Oregon Association of Police Officers	150.00
Oregon City Laundry Co.	53.13
Oregon City Printing & Stationery Co.	27.80
Overall Laundry, Inc.	24.20
Pacific Northwest Bell	288.30
Pennsalt Chemicals Corp.	112.50
Pennzoil Co.	33.45
Petty Cash	23.50
Portland General Electric Co.	2,778.09
Portland Road & Driveway Co.	467.60
Publisher's Paper Co.	212.41
Pioneer Mercantile Co.	104.75

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Richfield Oil Co.	4.47
St. Johns Episcopal Church Womens Council	64.00
Sanfax Corporation	78.80
Sautu Spray Equipment Co.	7.18
Secretary of State	40.47
Sheldahl & Misko	2.50
Southern Pacific Co.	30.00
Schuyler Southwell Agencies Inc.	17.50
Stevens & Thompson	12.10
Street Fund	9.06
Thomas Office Supply	41.80
Mrs. Louis Tolstead	32.65
Traffic Safety Supply Co.	50.00
R. W. Tweet	64.00
Van Fleet Communications	4.10
Van Waters & Rogers, Inc.	134.04
Water Fund	328.19
Waterworks Supplies Co.	359.17
West Chemical Products, Inc.	24.75
Western Drug Label	237.60
Robert C. Wickam	122.00
Wills-Paulson, Inc.	11.30
World Year Book - 1964	5.95
Zep Manufacturing Co.	262.50

Manager Thompson reported that the State Highway Department has set a price of \$22,000.00 for two traffic lights, (one at Jackson Street & 99E, one at Jefferson Street and 99E) the City's share to be \$11,000.00. It was moved by Sedgwick and seconded by Richmond that the City request these two lights be installed, with a hide-away from Jackson Street to Jefferson Street, and request left turn signals at Jefferson Street. Motion carried and so ordered.

Mayor Bernard announced that the Council would meet at 10 o'clock P.M. on Friday May 15, and that there would be a special meeting at 7:30 P.M. on Monday May 18.

Mr. Thompson reported that the State Highway Department will meet with the Council at the Highway Department Building on McLoughlin Blvd. at 10 o'clock A.M. on the morrow.

Manager Thompson reported the progress on the remodeling of the Ledding house for a Library and showed that the amount now due the Contractor is \$12,975.41. It was moved by Sedgwick and seconded by Richmond that the Milwaukie Construction Co. be paid \$12,975.41. Motion carried and so ordered.

Mayor Bernard announced that the Council would meet on Monday, June 1, for the purpose of opening bids for the Fire Equipment Bonds.

The County Health Department report was read and ordered filed.
 The Fire Chief's report was read and ordered filed.
 The Police Chief's report was read and ordered filed.
 The Street Department report was read and ordered filed.
 The Water Department report was read and ordered filed.

Under Council discussion, Mayor Bernard stated that he felt the City should establish a Public Works Department which would include Water, Street and the Sewer Departments.

Councilman Sedgwick made inquiry about the City's agreement with Clackamas County Housing Authority whereby they pay to the City "In lieu of taxes". The City Manager was requested to make investigation of the contract and report, to the Council, his findings.

It was moved by Sedgwick and seconded by Richmond that Tracts I and II of Tax Lot 53, Garrett D.L.C. be deleted from Ordinance No. 1018. Motion carried and so ordered.

Ordinance Number 1018 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Richmond that Ordinance No. 1018 be passed to its second reading. Motion carried and so ordered. Ordinance Number 1018 AN ORDINANCE annexing certain territories, contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon, and fixing the effective date of such annexation. was again taken up and read for its second reading and put on its passage with the following result being had. Ayes: Freeman, Renard, Sedgwick, Richmond and Bernard. Nays: None. Ordinance No. 1018 passed the Council and was so declared by the Mayor.

Ordinance Number 1019 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Richmond that Ordinance Number 1019 be passed to its second reading. Motion carried and so ordered. Ordinance Number 1019 AN ORDINANCE amending Subsection 8 of Subsection 3 of Section 16 of Part III of Ordinance Number 481, as amended, and declaring an emergency. was taken up and read for its second reading and put on its passage with the following result being had. Ayes: Freeman, Renard, Sedgwick, Richmond and Bernard. Nays: None. Ordinance Number 1019 passed the Council and was so declared by the Mayor.

Ordinance Number 1020 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Freeman that Ordinance Number 1020 be passed to its second reading. Motion carried and so ordered. Ordinance Number 1020 AN ORDINANCE repealing Ordinance Number 352 and declaring an emergency, was again taken up and read for its second reading and put on its passage with the following result being had. Ayes: Freeman, Renard, Sedgwick, Richmond and Bernard. Nays: None. Ordinance Number 1020 passed the Council and was so declared by the Mayor.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk.