

The nine hundred sixty-ninth regular meeting of the Council of the City of Milwaukie, was held on the ninth day of April, 1962.

The meeting was called to order by Mayor Earl M. Clay.

The roll call showed the following present: Mayor Earl M. Clay; Councilmen James Howard, Charles Renard, E. H. Aebi, and Theron Sedgwick; City Manager Leonard Mullan; City Attorney John O. Sheldahl and Clerk Ellen Martin.

The minutes of the nine hundred sixty-eighth regular meeting of the Council, held on the twelfth day of March, 1962, were approved as written.

The minutes of a special meeting of the Council, held on the twenty-sixth day of March, 1962, were approved as written.

Mr. Fred Weber, Mr. George Eivers and Mr. D. Allred came before the Council with regard to the sewer which will be laid along Railroad Avenue. The size of the flow line, which will take care of properties in the plat of Windemere Addition, and the lift station and pressure line, to take care of properties of Wood Avenue, was discussed. The Council referred the question to these gentlemen for them to work out an arrangement to their satisfaction and needs.

Attorney Sheldahl reported his findings in the matter of adding fluoride to the City's water supply as follows: The ordinance proposed to be voted upon by the Jr. Chamber of Commerce contained four WHEREAS paragraphs; Section 1 provided that fluoride in an appropriate amount conducive to better health, be added. Mr. Sheldahl explained that there was no explanation as to how much fluoride was "conducive to better health". Section 2 provided that the distribution of fluoride shall at all times be subject to the regulations of the Oregon State Board of Health. Mr. Sheldahl pointed out that this was contrary to our Home Rule Charter. It was moved by Councilman Howard and seconded by Councilman Aebi that the Ordinance providing for the fluoridation of the City's water, as presented by the Jr. Chamber of Commerce, be not accepted. Motion carried and so ordered.

At the hour of eight o'clock the Mayor opened the hearing on the annexation of properties as described in Ordinance No. 892, and called for objection to the same. There was no person present who made objection and no written objection had been received. The Mayor declared the hearing closed.

Mr. Charles R. Holloway, Vice President of the Northwest Natural Gas Co. laid before the Council their proposed Franchise Ordinance which had been amended to conform with the recommendations of City Attorney Sheldahl. It was moved by Sedgwick and seconded by Aebi that the Northwest Natural Gas Co. Franchise Ordinance as amended to provide that it may be renegotiated in ten years, be accepted and read at this time. Motion carried and so ordered.

Ordinance Number 896 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Aebi that Ordinance No. 896 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance No. 896 AN ORDINANCE granting a non-exclusive gas utility franchise to Northwest Natural Gas Company, and fixing terms, conditions and compensation of such franchise, was again taken up and read for its second reading and put on its passage with the following result being had: Ayes: Howard, Renard, Aebi, Sedgwick and Clay. Nays: None. Ordinance No. 896 passed the Council and was so declared by the Mayor.

Ordinance No. 897 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance No. 897 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance No. 897 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 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: Howard, Renard, Aebi, Sedgwick and Clay. Nays: None. Ordinance Number 897 passed the Council and was so declared by the Mayor.

Ordinance Number 898 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Aebi that Ordinance No. 898 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 898 AN ORDINANCE providing for the procedure, without election, to annex certain territories, contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon, fixing a day for public hearing before the City Council of the City of Milwaukie, Oregon, on the question of such annexation directing publication of notice of such hearing, 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: Howard, Renard, Aebi, Sedgwick and Clay. Nays: None. Ordinance Number 898 passed the Council and was so declared by the Mayor.

A letter from the Milwaukie Planning Commission, in which they recommended that Lots 5, 6, 7, 8, Block 1, and all of Blocks 8 and 9, J. R. W. Sellwood's Addition be changed from 3-R-1 Zone to 3-R-2 SPECIAL Zone. It was moved by Howard and seconded by Sedgwick that the Council accept the recommendation of the Planning Commission. Motion carried and so ordered.

Ordinance Number 899 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Howard that Ordinance No. 899 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 899 AN ORDINANCE PROVIDING for the rezoning of certain properties in the City of Milwaukie, Clackamas County, Oregon, from zone 3-R-1 to Zone 3-R-2 SPECIAL amending Ordinance Number 481 as amended, 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: Howard, Renard, Aebi, Sedgwick and Clay. Nays: None. Ordinance Number 899 passed the Council and was so declared by the Mayor.

It was moved by Howard and seconded by Sedgwick that the following Resolution be adopted.

RESOLUTION NO. 15-1962

A RESOLUTION PROVIDING FOR THE CALLING OF A SPEICAL CITY TAX BASE ELECTION IN THE CITY OF MILWAUKIE, OREGON, ON MAY 18, 1962, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, THE QUESTION OF ESTABLISHING A NEW TAX BASE FOR THE PURPOSE OF APPLYING THE LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE XI, OREGON CONSTITUTION.

WHEREAS, the City Council of the City of Milwaukie, Oregon, has determined that a new tax base should be established as authorized by subsection (2), Section 11, Article XI, Oregon Constitution, in order to permit the proper operation of the city affairs within the limitation contained in Section 11, Article XI, Oregon Constitution, and

WHEREAS, it is necessary to submit the question of establishing a new tax base to the legal voters of the City of Milwaukie, Oregon, in accordance with said Constitutional provisions and the provisions of ORS 310.410,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that the following proposition shall be submitted in the manner prescribed in this Resolution to the legal voters of the City of Milwaukie, Oregon, at a special city tax base election to be held on May 18, 1962;

"Shall the City of Milwaukie, Clackamas County, Oregon, increase its tax base from \$54,771.98 to \$ 245,000.00 ?"

BE IT FURTHER RESOLVED that this special city tax base election be and the same hereby is called to be held concurrently with and as a part of the state-wide regular election being held in the State of Oregon and in the City of Milwaukie, Oregon, on May 18, 1962.

BE IT FURTHER RESOLVED that the regular polling places designated by the County Court of Clackamas County, Oregon, in the voting precincts in the City of Milwaukie hereby are designated as the polling places for the city tax base election; the poll books adopted by the County Court of Clackamas County, Oregon, as the poll books for the statewide regular election for the voting precincts in the City of Milwaukie hereby are adopted as the poll books for the city tax base election; and the judges and clerks of election appointed by the County Court of Clackamas County, Oregon, to serve at the statewide regular election hereby are designated as the judges and clerks of and for the city tax base election.

BE IT FURTHER RESOLVED that the judges and clerks shall hold their respective offices as designated for the statewide regular election.

BE IT FURTHER RESOLVED that the polls for the city tax base election shall be opened in each of the voting precincts at the same hour, and shall be kept open until the same hour, as the polls are opened and closed for the statewide regular election that will be held on the same day.

BE IT FURTHER RESOLVED that notice of the city tax base election shall be given by posting notices thereof in three public places in each voting precinct within the City of Milwaukie, Oregon, at least ten days prior to the date of election, and by publishing notice thereof once in the Milwaukie Review, the official city paper, at least ten days prior to the said election.

BE IT FURTHER RESOLVED that the notice published in the said newspaper and the notices to be posted in three public places in each voting precinct shall be in substantially the following form:

NOTICE OF SPECIAL CITY TAX BASE ELECTION

On May 18, 1962, in the City of Milwaukie, Clackamas County, from 8:00 A.M. till 8:00 P.M., Pacific Daylight Time, a special election will be held at which the following proposition will be submitted to the to the legal voters of the City of Milwaukie for their approval or rejection:

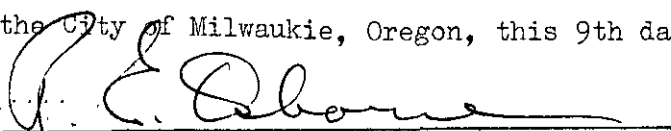
ESTABLISHING NEW CITY TAX BASE. Shall the City of Milwaukie,	YES	
Clackamas County, Oregon, increase its tax base from		
\$54,771.98 to \$245,000.00?	NO	

This proposition, if adopted, will establish a new tax base for the City of Milwaukie, Oregon, for the purpose of applying the limitation on taxation set forth in Section 11, Article XI, Oregon Constitution. The present tax base is \$54,771.98, the new tax base if adopted will be \$245,000.00, and the new tax base if adopted shall first apply to the levy for the fiscal year next following this election.

The city and county precincts within the City of Milwaukie will have uniform boundaries and the same election boards. The polling places in the City for the special city tax base election will be at the same places as provided by Clackamas County for the state-wide regular election to be held on the same day, May 18, 1962, and to such places as the election boards may legally adjourn.

The City Council by resolution has appointed the identical officers appointed by the County Court of Clackamas County, Oregon, for the state-wide regular election, as the judges and clerks of the special city tax base election to serve in each of the polling places in the respective precincts to which they are appointed by the County Court of Clackamas County, Oregon.

WITNESS my hand and the seal of the City of Milwaukie, Oregon, this 9th day of April, 1962.


Recorder of the City of Milwaukie, Oregon

It shall be unnecessary for either the City of Milwaukie or any official thereof to furnish the legal voters in the special city tax base election pamphlets containing either the text of the proposition or arguments in support of or in opposition to the proposition.

BE IT FURTHER RESOLVED that the following is the number and form in which the question shall be printed upon the official ballot:

VOTE YES OR NO

Mark a cross (X) in the square for the answer voted for

PROPOSED BY THE CITY COUNCIL AND REFERRED TO THE LEGAL VOTERS OF SAID CITY

ESTABLISHING NEW CITY TAX BASE. Shall the City of Milwaukie, Clackamas County, Oregon, increase its tax base from \$54,771.98 to \$245,000.00?	YES	<input type="checkbox"/>
	NO	<input type="checkbox"/>

BE IT FURTHER RESOLVED that the Recorder of the City of Milwaukie, Oregon, is hereby empowered and directed to cause to be posted and published the Notice of Special Election as herein set forth, and to make all further arrangements and to secure the necessary supplies for said election.

Motion carried and so ordered.

Manager Mullan read a report from Stevens & Thompson, consulting Engineers, for the cost of sewers in Leone Acres, which would include a sanitary sewer along Logus Road to a point approximately 600 feet east of Winworth Road. It was moved by Howard and seconded by Sedgwick that the following Resolution be adopted.

RESOLUTION NO. 16-1962

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWERS ALONG THE STREETS IN LEONE ACRES AND ALONG A PORTION OF LOGUS ROAD.

WHEREAS, the Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct SANITARY SEWERS along:

- 46th Avenue, from Logus Road to Roberta Lane
- 47th Avenue, from Logus Road to Rockwood Street
- 3 HARVEY COURT, from Harvey Street to Willow Street
- ROBERTA LANE, from 46th Street to the end
- WILLOW STREET, from 56th Street to Harvey Court
- LEONE LANE, from Harvey Court to the end
- HARVEY STREET, from 47th to Harvey Court
- LOGUS ROAD, from 47th Avenue easterly to approximately 600 feet east of Winworth Road

AND TO CONSTRUCT SERVICE LATERALS from said sanitary sewers to the property line where such service laterals are required and requested.

AND WHEREAS the Council of the City of Milwaukie, Oregon, has required from the City Engineer, plans and specifications for approximate improvement to accomplish the above and an estimate of the cost of the work to be done,

AND WHEREAS, the City Engineer has heretofore filed such plans and specifications and estimates in the office of the City Recorder,

BE IT FURTHER RESOLVED BY THE COUNCIL of the City of Milwaukie, Oregon, that the above mentioned plans, specifications and estimates of the City Engineer now on file with the City Recorder are found to be satisfactory and are hereby approved.

BE IT FURTHER RESOLVED that the Council of the City of Milwaukie, Oregon, does hereby declare its intention and purpose to make such improvement, and the location and kind of improvement being as follows:

By the construction of sanitary sewers, and all things necessary in the construction

thereof, all to be done in accordance with plans and specifications now on file with the City Recorder, which plans and specifications hereby are referred to and made a part of this Resolution.

Said sanitary sewers to be constructed along the following lines and between the following termini:

- 46th AVENUE, from Logus Road to Roberta Jane.
- 47th AVENUE, from Logus Road to Rockwood Street.
- HARVEY COURT, from Harvey Street to Willow Street.
- ROBERTA LANE, from 46th Street to the end.
- WILLOW STREET, from 46th Street to Harvey Court.
- LEONE LANE, from Harvey Court to the end.
- HARVEY STREET, from 47th Avenue to Harvey Court.
- LOGUS ROAD, from 47th Avenue easterly to approximately 600 feet east of Winworth Road.

That the district liable to be assessed for the aforesaid improvement is as follows:

All lots in the Plat of LEONE ACRES.

ALL PARCELS OF LAND within the City of Milwaukie, laying within 100 feet from the north and south sides of Logus Road from 47th Avenue to approximately 600 feet east of Winworth Road.

THAT THE ENGINEER'S ESTIMATE OF COST PER EACH FRONT FOOT OF SAID PROPERTIES ABUTTING THE AFOREMENTIONED STREETS WHERE SAID SANITARY SEWERS WILL BE LAID IS THE SUM OF \$5.40

THAT THE ENGINEER'S ESTIMATE OF COST PER SERVICE LATERAL FROM SAID SANITARY SEWER TO PROPERTY LINE, WHERE THE SAME ARE REQUESTED IS \$85.00 PER SERVICE

THAT THE ENGINEER'S ESTIMATED COST FOR THIS IMPROVEMENT EXCLUSIVE OF THE SERVICE LATERALS IS THE SUM OF \$41,000.00

That an assessment will be levied on all lots and parcels of land within such proposed improvement district, in proportion to the amount to which each lot or parcel of land will be benefitted.

BE IT FURTHER RESOLVED that a written remonstrance against said proposed improvement may be filed with the City Recorder on or before the 14th day of May, 1962

BE IT FURTHER RESOLVED that the City Recorder of Milwaukie, shall, within ten days from the passage of this Resolution give notice of the passage of this Resolution by causing to be posted notices headed with the title "NOTICE OF SEWER CONSTRUCTION WORK" in three conspicuous places along said above named streets, which said notices shall contain a copy of this Resolution and shall specify the time in which remonstrances against said proposed improvement may be filed with the City Recorder.

AND WHEREAS, it is necessary that said improvement be made as soon as possible on account of sewage disposal and drainage conditions in said district; NOW THEREFORE an emergency is declared to exist and this Resolution shall go into full force and effect immediately upon its adoption.

ADOPTED THIS 9th DAY OF APRIL, 1962.

Earl M. Clay
Earl M. Clay, Mayor

ATTEST:

R. E. Osborne
R. E. Osborne, Recorder.

POSTED THIS 19th DAY OF APRIL, 1962

Motion carried and so ordered.

Manager Mullan reported the completion of improvement of 26th Street south of Lake Road and recommended its acceptance. It was moved by Howard that the improvement of 26th Street south of Lake Road be accepted and that the Assessment Roll be prepared. The motion was not seconded and therefore not put to a vote.

It was moved by Howard and seconded by Sedgwick that the Mayor be authorized to sign a contract agreement with Frank Fairly for auditing the City books and the Portland Suburban Water District books. Motion carried and so ordered.

Manager Mullan read Stevens & Thompson's progress report on the Sewage Treatment Plant showing the amount now due Seabold & Wolverton, Contractors to be \$12,265.06. It was moved by Howard and seconded by Aebi that the Contractor be paid.

Manager Mullan read the annual contract agreement with Clackamas County for mosquito control which called for an advance deposit of \$300.00. It was moved by Howard and seconded by Aebi that the city accept the agreement and deposit the \$300.00. Motion carried and so ordered.

Manager Mullan read Stevens & Thompson's final report on the "Area D" lift station showing the amount now due Contractor Corkum to be \$2,012.00. It was moved by Howard that the city pay Contractor Corkum the \$2,012.00. The motion was not seconded and therefore not put to a vote.

Manager Mullan read Stevens & Thompson's report of their engineering work on the widening of Harrison Street. Their bill in the amount of \$3,090.48 accompanied the report. It was moved by Howard and seconded by Sedgwick that Stevens & Thompson be paid \$3,090.48. Motion carried and so ordered.

The Police Chief's monthly report was read and ordered filed.
The Fire Chief's monthly report was read and ordered filed.

Attorney Sheldahl reported that the City's Civil Service case will be heard at 9:30 A.M. on May 10.

Attorney Sheldahl reported that the City's condemnation suit against Mr. O. J. Jensen had been adjudged in the City's favor and that the City could proceed to lay water main and sanitary sewer main through the land.

It was moved by Howard 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.

Addressograph-Multigraph Corp.	2.55
American Barricade Co.	3.60
American Brush Co.	61.14
Andrews & Andrews Equipment	17.10
American Photocopy Equip. Co.	24.64
American Library Assn.	6.00
Clackamas County Public Library	8.76
Bidger Meter Mfg. Co.	963.70
Richard K. Bass	67.28
Brooks Products Co.	21.24
Francis J. Burdick	20.00
Burroughs Corporation	1.80
Clackamas County	146.50
Crosswhite Excavating Inc.	1,500.00
Feenaughty Machinery Co.	171.26
Furbish Chemical & Supply Co.	9.55
Franck's Color Center	15.17
G & S Janitor Supply Co.	54.75
Gaylord Bros. Inc.	12.05
Dick Groener Agency	85.88
Heisler's Car Wash	7.00
Griffith & Rassmussen	3.25
Charles Helwig Inc.	70.79
Hoesley Furniture	38.00
Industrial Air Products Co.	10.80
The Irwin-Hodson Co.	396.83
Jack's Digger Service	75.25
J. E. Johnson	26.15
Milwaukie Hardware	18.22
McCready Lumber Co.	12.84
R. S. Milln	95.00
Milwaukie Automotive Service	632.95
Milwaukie Lumber Co.	14.14
Milwaukie Oil Co.	141.50
Milwaukie Plumbing & Heating Co.	32.83
Milwaukie Review	634.23
Milwaukie Volunteer Fire Dept.	7.00

Mitchell, Lewis & Staver	7.30
Munnell & Sherrill	129.85
Multnomah Fuel Co.	23.00
Neptune Meter Co.	309.67
Northwest Industrial Laundry Co.	4.00
Northwest Natural Gas Co.	34.76
Olson Bros. Shell Service	182.84
Oregon City Laundry Co.	44.73
Overall Laundry Co.	25.65
Pacific N.W. Bell	190.37
Pacific Water Supply Co.	36.42
Paul's Richfield Service	14.00
Pederson Bros. Hardware	5.93
Peerless Pacific Co.	121.54
Pioneer Mercantile Co.	68.12
Portland General Electric Co.	2,188.60
Portland Road & Driveway Co.	6,445.57
Price Rite Grocery	.50
Ralph's Spraying Service	20.00
Reddaway's Truck Line	22.21
Senter Tool Service	16.25
Sheldahl & Misko	10.90
Southern Pacific Co.	30.00
Schuyler Southwell Agencies, Inc.	25.00
Texaco Inc.	447.33
Traffic Safety Supply Co.	371.36
Truck & Industrial Equip	59.44
Truck Wrecking Yard	72.75
Underwood Corporation	295.00
Utilities Supply Co.	1,804.01
Water Department	484.23
Waterworks Supplies Co.	211.35
Weiler Chevrolet	278.47
Wentworth & Irwin	750.00
Shuler, Sayre, Winfru & Rankin	750.00
Sheldahl & Misko	3,412.50
Daily Journal of Commerce	39.40

On motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk