

## SPECIAL MEETING OF MAY 31, 1961

A special meeting of the Council of Milwaukie was held on the 31st day of May, 1961, for the purpose of opening bids for the Ardenwald Area "D" sewers and lift station, canvassing votes of a special election, and such other business necessary to come before the Council at this time.

The meeting was called to order by Mayor Clay.

Present: Mayor Earl M. Clay,; Councilmen James Howard, Charles Renard, E.H. Aebi and Theron Sedgwick; Manager Leonard Mullan, Attorney John Sheldahl and Clerk Ellen Martin.

The condition in which the streets in the Ardenwald Area "C" sewers have been left was discussed. It was moved by Renard and seconded by Aebi that if the repair and replacement work on these streets has not been started within ten days, the City take the responsibility of repairing them. Motion carried and so ordered.

Mr. Jim Brink, representing the Holman Transfer Co. came before the Council and requested that Holman Transfer Co. be permitted to build two 20' X 40' portable buildings on their property in Milwaukie Industrial Park. A letter from the Planning Commission in which they recommended the permit be issued was read. It was moved by Renard and seconded by Aebi that the fire restrictions be waived and that a revocable permit be granted to Holman Transfer Co. to build two 20' x 40' portable buildings on their property in Milwaukie Industrial Park. Motion carried and so ordered.

Bids for the construction of sanitary sewers and lift station in Masonmead, Garner Acres and Derry Acres (Ardenwald Area "D") were opened and read as follows:

| Bidder                     | #1 San. Sewer | #2 Lift Sta. & Trunk Line | Alternate #2                              |
|----------------------------|---------------|---------------------------|---|
| Riverside Construction Co. | 59,825.30     | \$19,950.00               | \$1,000.00 off if awarded both contracts. |
| C. M. Corcum               | -----         | 23,178.00                 | 16,112.00                                 |
| Seabold & Wolverton        | -----         | 23,620.00                 | 19,150.00                                 |
| System Const. Co.          | 52,948.00     | -----                     |   |
| James G. Robertson         | 45,927.30     | 22,930.00                 |   |
| Gail Gysset                | 56,624.50     |                           |   |
| C. J. Montag & Sons        | 53,639.90     |                           |   |
| Paul W. Ferneding          | 48,491.76     | 12,772.88                 | 15,172.88                                 |
| Don Thornton               | 47,982.40     |                           |   |

It was moved by Howard and seconded by Sedgwick that the bids be referred to the Engineer and City Manager for their further examination and that upon their recommendation the contract be awarded to the lowest responsible bidder and that the Mayor be authorized to sign the contract. Motion carried and so ordered.

A group of citizens, representing five families living along 36th and 34th Streets, south of Harrison Street, came before the Council and made protest to a horse stall now under construction at the home of Glen G. Morgansen, 1005 - 36th Street. Mr. Morgansen had been given a permit to pasture a horse on land south of his property, the permit to pasture the horse had been recommended by the Planning Commission after Mr. Morgansen had laid before them a petition signed by owners of properties abutting the Southern Pacific Co's. property, which was the proposed pasture, stating that they had no objection to the horse being pastured there. Mr. Sam Espejo, 925 - 36th Street stated that the signers of the petition had not been aware of the plan to build a shelter for the horse, that they had signed a petition stating that they did not object to the pasturing of the horse on the S.P. Co. property. Mr. Morgansen stated that he had purchased the horse after he had obtained the permit to keep it, that, not being familiar with horses, he did not realize how necessary it was that they have a place of shelter, that he did not start to build the shelter until he had received a building permit to do so, that he had pledged himself to keep the shelter clean and sprayed, that all manure would be cleaned up daily and deposited in a tight covered box and the shelter would be hosed out; that he had been advised it was necessary to obtain permission of those owners of property abutting the proposed pasture; that he had complied in every way with City regulations and was very sorry that the neighbors' feelings had been hurt and that this matter was causing such unhappiness in the neighborhood and again stated that he would keep the shelter clean and he felt sure the neighbors would not be inconvenienced by his horse and shelter. Mr. Charles Hurrel Jr., 936 - 36th Street; Mr. O.R. Curll, 1006 - 36th Street; Mrs. Roger Harmes, 926 - 36th Street, and Mrs. K. Lister, 936 - 34th Street, all stated that they objected to the shelter, stating that it would attract flies and create an odor. The Mayor declared the question closed, and that the Council would again take it up before the close of the meeting.

The question of converting the Ledding house into a library was brought before the Council. Mayor Clay suggested that the Library Board view the property and bring their suggestions and recommendations before the Council. The Council agreed with the Mayor.

City Manager Leonard B. Mullan then reported to the City Council that there was a dangerous building located on Tax Lot 1 of Lot 8, and Tax Lot 1 of Lot 9, Block 3, Plimpton Tracts, in the City of Milwaukie, Oregon, said premises being commonly known as 4020 Olsen Street, Milwaukie, Oregon, and that the said dangerous building consist of a partially burnt residential structure left in such a condition and so situated as to endanger property and human life.

It was thereupon moved by Councilman Sedgwick and seconded by Councilman Aebi that the following Resolution be adopted:

RESOLUTION NO. 14-1961

WHEREAS, the Council has considered the report of its City Manager that a dangerous building is located and permitted to exist on the following described property within the City of Milwaukie, Oregon, to-wit:

Tax Lot 1 of Lot 8, and Tax Lot 1 of Lot 9, Block 3, Plimpton Tracts, being commonly known as 4020 Olsen Street, Milwaukie, Oregon,

now therefore,

BE IT RESOLVED By the Council of the City of Milwaukie, Oregon, that, pursuant to the provisions of Ordinance No. 502, a public hearing be held as required by said Ordinance upon the question of whether or not the partially burnt structure on the above-described premises is or is not a dangerous building as defined by said Ordinance;

BE IT FURTHER RESOLVED That the place, time and date of said public hearing be and the same are hereby fixed as the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, at the hour of 8:00 o'clock p.m., on July 10, 1961;

BE IT FURTHER RESOLVED That the City Recorder be and he hereby is directed to mail a notice in writing to Mr. Carl W. Benson, the record owner of the above-described premises, notifying him that a hearing will be held at the place, time and date hereinabove fixed, upon the question of whether or not a dangerous building is located upon the above-described property. Such notice shall be mailed at least 10 days prior to the date of the hearing.

BE IT FURTHER RESOLVED That the City Recorder be and he hereby is further directed to cause a Notice of such hearing to be posted in three (3) public places within the City at least ten (10) days prior to the date of said hearing.

Upon being put to a vote by the Chairman, the fore-going Resolution was unanimously adopted.

Motion carried and so ordered.

Mayor Clay announced that there would be a special meeting of the Council on June 5, 1961 following the Budget Committee meeting.

The Council discussed the matter of the permit for a shelter for the horse at 1005 - 35th Street. It was moved by Aebi and seconded by Renard that Mr. Morgansen be issued a revokable permit to build the horse stall provided he comply with all requirements as to the building and the sanitary care of the same. Upon being put to a vote the following results were had. Ayes: Howard, Aebi and Clay. Nays: Sedgwick. Councilman Howard was not present to vote, having left the meeting earlier.

CONSENT TO SPECIAL MEETING OF THE CITY COUNCIL TO BE HELD ON MAY 31, 1961

We, the undersigned, the Mayor and members of the City Council of the City of Milwaukie, Clackamas County, Oregon, do hereby acknowledge that each and all of us have received due, timely and verbal notice from the said Mayor of a special meeting of the City Council of the City of Milwaukie, Oregon, to be held at the hour of 9:30 o'clock p.m. Pacific Daylight Time, on the 31st day of May, 1961, for the purpose of canvassing the results of the special city election held on the 31st day of May, 1961, and for the purpose of taking up any other or further business that might properly come before the Council.

We do hereby accept service of the aforesaid verbal notice, and we hereby waive any and all irregularities therein, and consent and agree that the said City Council of the City of Milwaukie, Oregon, shall meet at the Council Chambers in the City Hall of the City of Milwaukie, Oregon, at the hour of 9:30

o'clock p.m., Pacific Daylight Time, on the 31st day of May, 1961, for the purposes above stated.

Dated this 31st day of May, 1961.

Earl M. Clay  
Mayor of the City of Milwaukie, Oregon

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Councilman of the City of Milwaukie, Oregon

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Councilman of the City of Milwaukie, Oregon

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Councilman of the City of Milwaukie, Oregon

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Councilman of the City of Milwaukie, Oregon

Clerk Ellen Martin then presented to the Chairman a written consent to the special meeting signed by all of the members of the City Council. Chairman Clay ordered such written consent so signed to be attached to and made a part of the minutes of the special meeting.

The Chairman of the Council then announced that the special meeting had been called for the purpose of canvassing the results of the Special City Election held on the 31st day of May, 1961, and for the purpose of taking up such other business that might properly come before the Council.

It was then moved by Councilman Renard and seconded by Aebi that the Council proceed to count, canvass and return the votes cast at the Special Election held in the City of Milwaukie, Oregon, on the 31st day of May, 1961, at which there was submitted to the legal voters of said City for their adoption or rejection the proposition of levying a tax for general city purposes exceeding the Constitutional limitation by the sum of \$135,153.23 for the fiscal year 1961-1962, and which appeared on the official ballot at said election and was designated by the following ballot title, to-wit:

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VOTE YES OR NO.      MARK A CROSS (X) IN THE SQUARE FOR THE ANSWER VOTED FOR

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REFERRED TO THE PEOPLE BY THE CITY COUNCIL

TAX LEVY EXCEEDING CONSTITUTIONAL LIMITATION.

"Shall the City Council of the City of Milwaukie, Oregon, be authorized and directed to include in the budget and levy a tax on all the taxable property in said City in the sum of \$135,153.23, for the fiscal year 1961-1962, for general city purposes, which sum exceeds the six per cent limitation on taxation as set forth in Section 11, Article XI, of the Constitution of Oregon, and which shall be in addition to all other taxes?"

YES     

NO

Upon being put to a vote, the motion carried unanimously.

Whereupon the City Council did proceed to count, canvass and return the votes cast at said election for the said proposition entitled and numbered as above set forth, and did find the results to be as follows:

|  |             |
|--|-------------|
| Total number of votes cast for and against<br>said proposition ..... | <u>320</u>  |
| Total number of votes cast in favor of said<br>proposition .....     | <u>62</u>   |
| Total number of votes cast against said<br>proposition .....         | <u>258</u>  |
| Total number of blank or defective ballots.....                      | <u>none</u> |

Whereupon Earl M. Clay, Mayor of the City of Milwaukie and Chairman of its Council, did forthwith declare that the vote on the said proposition at said Special Election shows a majority who voted on the proposition to be not in favor of it.

On motion duly made and carried the meeting adjourned.

Ellen Martin  
Ellen Martin, Clerk.