

MINUTES OF THE SPECIAL MEETING OF
THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, HELD ON THE 16TH
DAY OF OCTOBER, 1959

The City Council of the City of Milwaukie, Oregon, convened in special session at the Cith Hall in Milwaukie, Oregon, on the 16th day of October, 1959, commencing at the hour of 7:30 o'clock P.M.

The meeting was called to order by Mayor Earl M. Clay, Chairman of the Council.

The roll was called by Council Clerk ^FEllen Martin. Those present were: Mayor Earl M. Clay; Councilmen Peter Mortensen, James M. Howard, Theron E. Sedgwick. Councilman E. H. Aebi was absent.

Also present at the meeting were City Manager Leonard B. Mullan, City Attorney John O. Sheldahl and Council Clerk Ellen Martin.

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 15th day of October, 1959, for the purpose of canvassing the results of the annexation election held on the 16th day of October, 1959, and for the purpose of taking up such other business that might properly come before the Council.

It was then moved by Councilman James M. Howard and seconded by Theron E. Sedgwick 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 15th day of October, 1959, at which there was submitted to the legal voters of said City for their adoption or rejection an Amendment to the Charter of the City of Milwaukie, Oregon, which Charter is entitled "Charter for the City of Milwaukie, as enacted by the voters at a special election held Tuesday, November 7, 1944,

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

which Amendment was designated as Chapter VIII-A, and which appeared on the official ballot at said election and was designated by the following ballot title, to-wit:

VOTE YES OR NO

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

	CHARTER AMENDMENT PROPOSED BY THE CITY COUNCIL AND REFERRED TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON	
	PROPOSED AMENDMENT TO THE CITY CHARTER, Shall the Charter of the City of Milwaukie, Oregon, as amended, be further amended by adding thereto a Chapter to be known as Chapter VIII-A, authorizing and empowering the City Council to construct a storm sewer system within and without the limits of the City of Milwaukie, Oregon; authorizing and empowering the City Council to construct an addition to the existing sewage treatment and disposal plant in said City; authorizing and empowering the City Council to acquire by purchase and construct all the appurtenances necessary for the completion and operation of the said improvements; authorizing and empowering the City Council to acquire by gift, purchase, grant or condemnation the necessary lands and easements therefor; authorizing and empowering the City Council to issue general obligation bonds of the City of Milwaukie, Oregon, in an amount not to exceed \$215,000.00, which shall be paid by an annual ad valorem tax on all taxable property within the corporate limits of said City that is 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 authorizing, empowering and directing the City Council to provide each year in the budget of said City for sufficient funds to pay the principal and interest on said general obligation bonds.	
		YES <input type="checkbox"/>
51		NO <input type="checkbox"/>

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 Charter Amendment entitled and numbered as above set forth, and did find the results to be as follows:

Total number of votes cast for and against said Charter Amendment	138
Total number of votes cast in favor of said Amendment	88
Total number of votes cast against said Amendment	50
Total number of blank or defective ballots	

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

Whereupon Earl M. Clay, Mayor of the City of Milwaukie, Clackamas County, Oregon, did forth with issue and sign a proclamation as required by Ordinance No. 735, of which the following is a true copy:

PROCLAMATION BY THE MAYOR OF THE CITY OF MILWAUKIE, OREGON

I, EARL M. CLAY, Mayor of the City of Milwaukie, Clackamas County, Oregon, do hereby proclaim and declare that the Amendment to the Charter of the City of Milwaukie, Oregon, submitted to the legal voters of said City for their adoption or rejection at a special election held in said City on Thursday, the 15th day of October, 1959, which Charter is entitled, "Charter for the City of Milwaukie, as enacted by the voters at a special election held Tuesday, November 7, 1944", which Amendment was designated as Chapter VIII-A, appeared on the official ballot at said special election and was designated by the following ballot title, to-wit:

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

CHARTER AMENDMENT PROPOSED BY THE CITY
COUNCIL AND REFERRED TO THE LEGAL VOTERS
OF THE CITY OF MILWAUKIE, OREGON

PROPOSED AMENDMANT TO THE CITY CHARTER.
Shall the Charter of the City of Milwaukie, Oregon, as amended, be further amended by adding thereto a Chapter to be known as Chapter VIII-A, authorizing and empowering the City Council to construct a storm sewer system within and without the limits of the City of Milwaukie, Oregon; authorizing and empowering the City Council to construct an addition to the existing sewage treatment and disposal plant in said City; authorizing and empowering the City Council to acquire by purchase and construct all the appurtenances necessary for the completion and operation of the said improvements; authorizing and empowering the City Council to acquire by gift, purchase, grant or condemnation the necessary lands and easements therefor; authorizing and empowering the City Council to issue general obligation bonds of the City of Milwaukie, Oregon, in an amojnt not to exceed \$215,000.00, which shall be paid by an annual ad valorem tax on all taxable property within the corporate limits of said City that is 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 authorizing, empowering and directing the City Council to provide each year in the budget of said City for sufficient funds to pay the principal and interest on said general obligation bonds.

51

YES
NO

and that the votes cast at said special election, after being canvassed by the City Council at a special meeting duly called and held on the 16th day of October, 1959, were found, determined and ascertained to be as follows:

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

Total number of votes cast	138	138
Votes cast in favor of the amendment		88
Votes cast against the amendment		50
Number of defective or blank ballots		None

Therefore, I, EARL M. CLAY, Mayor of the City of Milwaukie, Clackamas County, Oregon, acting under and by virtue of the power vested in me by virtue of the provisions of the Charter and of Ordinance No. 735 of the City of Milwaukie, Clackamas County, Oregon, do hereby proclaim, make known and declare that 88 votes were cast in favor of said Charter Amendment and that 50 votes were cast against said Charter Amendment, and that the vote on the said Charter Amendment at said special election shows a majority who voted on the Charter Amendment to be in favor of it.

I do hereby further proclaim, make known and declare that the said Charter Amendment, designated as Chapter VIII-A, so voted upon for the purpose of amending the Charter of the City of Milwaukie, Clackamas County, Oregon, be and the same hereby is effective from the 15th day of October, 1959.

Done at the Council Chambers in the City Hall of the City of Milwaukie, Clackamas County, Oregon, in a special meeting on this 16th day of October, 1959.

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

ATTEST:

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

It was moved by Councilman James M. Howard and seconded by Peter Mortensen that the City Recorder be and he hereby is directed to give public notice of the proclamation by publishing it once in the Milwaukie Review, a newspaper of general circulation in the City and the official newspaper of the City, and by posting copies of the proclamation in five public places within the City of Milwaukie, Oregon, including the City Hall.

Upon being put to vote, the motion carried unanimously.

The Chairman of the Council then directed that the proclamation which he had so issued and signed be filed with the Charter Amendment to which it relates in the office of the City Recorder.

It was then moved by Councilman James M. Howard and seconded by Theron E. Sedgwick 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 15th day of October, 1959, at which there was submitted to the legal voters of said City for their adoption or rejection an Amendment to the Charter of the City of Milwaukie, Oregon, which Charter is entitled "Charter for the City of Milwaukie, as enacted by the voters at a special election held Tuesday, November 7, 1944", which Amendment was designated as Chapter VIII-B, and which appeared on the official ballot at said election and was designated by the following ballot title, to-wit:

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

CHARTER AMENDMENT PROPOSED BY THE CITY
COUNCIL AND REFERRED TO THE LEGAL VOTERS
OF THE CITY OF MILWAUKIE, OREGON

PROPOSED AMENDMENT TO THE CITY CHARTER.
Shall the Charter of the City of Milwaukie, Oregon, as amended, be further amended by adding thereto a Chapter to be

MINUTES OF A SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

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known as Chapter VIII-B; authorizing and empowering the City Council to construct an additional fire station in said City and to acquire by purchase new fire fighting trucks and other fire fighting equipment; authorizing and empowering the City Council to acquire by purchase and construct all the appurtenances necessary for the completion and operation of the said improvements; authorizing and empowering the City Council to acquire by gift, purchase, grant or condemnation the necessary lands and easements therefor; authorizing and empowering the City Council to issue general obligation bonds of the City of Milwaukie, Oregon, in an amount not to exceed \$85,000.00, which shall be paid by an annual ad valorem tax on all taxable property within the corporate limits of said City that is 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 authorizing, empowering and directing the City Council to provide each year in the budget of said City for sufficient funds to pay the principal and interest on said general obligation bonds.

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 Charter Amendment entitled and numbered as above set forth, and did find the results to be as follows:

Total number of votes cast for and against said Charter Amendment	138
Total Number of votes cast in favor of said amendment.	108
Total number of votes cast against said Amendment.	29
Total number of blank or defective ballots.	1

Whereupon, Earl M. Clay, Mayor of the City of Milwaukie, Clackamas County, Oregon, did forthwith issue and sign a proclamation as required by Ordinance No. 735, of which the following is a true copy:

PROCLAMATION BY THE MAYOR OF THE CITY OF MILWAUKIE, OREGON

I, EARL M. CLAY, Mayor of the City of Milwaukie, Clackamas County, Oregon, do hereby proclaim and declare that the Amendment to the Charter of the City of Milwaukie, Oregon, submitted to the legal voters of said City for their adoption or rejection at a special election held in said City on Thursday, the 15th day of October, 1959, which Charter is entitled, "Charter for the City of Milwaukie, as enacted by the voters at a special election held Tuesday, November 7, 1944," which Amendment was designated as Chapter VIII-B, appeared on the official ballot at said special election and was designated by the following ballot title, to-wit:

VOTE YES OR NO

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

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (CONTINUED)

CHARTER AMENDMENT PROPOSED BY THE CITY
COUNCIL AND REFERRED TO THE LEGAL VOTERS
OF THE CITY OF MILWAUKIE, OREGON

PROPOSED AMENDMENT TO THE CITY CHARTER
Shall the Charter of the City of Mil-
waukie, Oregon, as amended, be further
amended by adding thereto a Chapter to
be known as Chapter VIII-B, authorizing
and empowering the City Council to
construct an additional fire station
in said City and to acquire by purchase
new fire fighting trucks and other
fire fighting equipment; authorizing
and empowering the City Council to
acquire by purchase and construct all
the appurtenances necessary for the
completion and operation of the said
improvements; authorizing and empower-
ing the City Council to acquire by gift,
purchase, grant or condemnation the
necessary lands and easements there-
for; authorizing and empowering the
City Council to issue general obliga-
tion bonds of the City of Milwaukie,
Oregon, in an amount not to exceed
\$85,000.00, which shall be paid by
an annual ad valorem tax on all tax-
able property within the corporate
limits of said City that is in addi-
tion 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 authorizing,
empowering and directing the City
Council to provide each year in the
budget of said City for sufficient
funds to pay the principal and inter-
est on said general obligation bonds.

52

YES

NO

and that the votes cast at said special election, after being canvassed by the City Council at a special meeting duly called and held on the 16th day of October, 1959, were found, determined and ascertained to be as follows:

Total number of votes cast	138
Votes cast in favor of the amendment	108
Votes cast against the amendment	29
Number of defective or blank ballots	1

THEREFORE, I, EARL M. CLAY, Mayor of the City of Milwaukie, Clackamas County, Oregon, acting under and by virtue of the power vested in me by virtue of the provisions of the Charter and of Ordinance No. 735 of the City of Milwaukie, Clackamas County, Oregon, do hereby proclaim, make known and declare that 108 votes were cast in favor of said Charter Amendment and that 29 votes were cast against said Charter Amendment, and that the vote on the said Charter Amendment at said special election shows a majority who voted on the Charter Amendment to be in favor of it.

I do hereby further proclaim, make known and declare that the said Charter Amendment, designated as Chapter VIII-B, so voted upon for the purpose of amending the Charter of the City of Milwaukie, Clackamas County, Oregon, be and the same hereby is effective from the 15th day of October, 1959.

Done at the Council Chambers in the City Hall of the City of Milwaukie, Clackamas County, Oregon, in a special meeting on this 16th day of October, 1959.

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

/s/ Earl M. Clay
 Mayor of the City of Milwau-
 kie, Oregon

ATTEST:

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

It was then moved by Councilman James M. Howard and seconded by Peter Mortensen that the City Recorder be and he hereby is directed to give public notice of the proclamation by publishing it once in the Milwaukie Review, a newspaper of general circulation in the City and the official newspaper of the City, and by positing copies of the proclamation in five public places within the City of Milwaukie, Oregon, including the City Hall.

Upon being put to vote, the motion carried unanimously.

The Chairman of the Council then directed that the proclamation which he had so issued and signed be filed with the Charter Amendment to which it relates in the office of the City Recorder.

It was moved by Councilman James M. Howard and seconded by Councilman Theron Sedgwick that the members of the Special Election Board be paid \$1.00 per hour for their services. Upon being put to a vote the motion was carried by the unanimous vote of all of the members of the Council and was so ordered by the Mayor.

Manager Mullan laid before the Council the question of an adjustment for curb assessment against the south 15 feet of Lot 2 and the north 35 feet of Lot 3, Block 15, Quincy Addition. It appears that the curb had been constructed along this property prior to the improvement of 35th Street by curbs and sidewalks and that by mistake this curb had been included in the assessment for the Street improvement, and the owners of the property were asking that this assessment be excused. It was moved by Councilman James Howard and seconded by Councilman Peter Moretnsen that inasmuch as the assessment for curbs against the south 15 feet of Lot 2 and the north 35 feet of Lot 3, Block 15, Quincy Addituon, was an unjust assessment, and that no assessment should have been made against this property for curbs, that the cost of the curbs, in the amount of \$60.00 assessed for curbs, be excused. Upon being put to a vote the motion was passed by the unanimous vote of all of the members of the Council and was so declared by the Mayor.

The Council then proceeded to canvass the votes of a Special Annexation Election, held in a portion of Ardenwald Precinct No. 4 and Wichita Precinct No. 3, in accordance with the provisions of Ordinance Number 759 of the City of Milwaukie, Oregon, the results of the canvass of the votes being as follows:

Total votes for annexation	104
Total votes against annexation	25
Ballots rejected	<u>None</u>
Total votes cast	129

The Mayor proclaimed and declared that the majority of votes were in favor of annexing the following territory, described as follows:

All of the plat of ARDEN PARK, a Townplat recorded in Book 27 on Page 1, Record of Townplats for Clackamas County, Oregon.
 All of ARDEN PARK, BLOCKS 5, 6 and 7, a Townplat recorded in Book 27 on Page 12, said Record.
 All of the Plat of LEONE ACRES, a replat of part of Tracts 5 and 6, Logus Tracts, recorded in Book 28 on Page 19, said Record of Townplats, and all of the Plat of LEONE ACRES NUMBER 2, a replat of part of Tract 5, Logus Tracts, recorded in Book 28 on Page 5, said Records ALSO:
 Beginning at the southeast corner of Tract 4 and 3 of said Plat and the westerly extension thereof to the west boundary of 45th Street; thence South along the said boundary of 45th Street to the north boundary of Logus Road; thence East along the north boundary of Log-

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

us Road to the intersection with the southerly extension of the west boundary of Tract 7 of said Leone Acres No. 2; thence North following the southerly extension of the west boundary of Tract 7 and the west boundary of Tracts 7, 6 and 5 to the herein last mentioned point of beginning.

to the City of Milwaukie, Oregon, and that in accordance with the provisions of Ordinances Numbered 758 and 759 of the City of Milwaukie, Oregon, the herein above described territory was ANNEXED TO THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON.

It was moved by Councilman Theron Sedgwick and seconded by Councilman E. H. Aebi that the following resolution be adopted.

RESOLUTION NUMBER 28-1959

WHEREAS, the Council of the City of Milwaukie, Oregon, heretofore by Ordinance Number 758 of the said city duly passed and signed by the Mayor on the 11th day of August, 1959, did initiate proceedings to annex the territory hereinafter described, which is contiguous to the present boundaries of the City of Milwaukie, Oregon, pursuant to the provisions of Sections 22.120, 22.130, 22.140, 22.150, and 22.170 of Oregon Revised Statutes, and

WHEREAS, the Council of the City of Milwaukie, Oregon, by Ordinance Numbered 758 of said city duly passed and signed by the Mayor on the 11th day of August, 1959, did dispense with submitting the question of such annexation to the registered voters of the City of Milwaukie, Oregon, and did fix the date, place and time for a public hearing before it at which the registered voters of the city might appear and be heard upon the question of such annexation at the hour of 8:00 o'clock P.M. on the 14th day of September, 1959, in the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, and

WHEREAS, notice of said public hearing was published in the Milwaukie Review, a newspaper of general circulation in Milwaukie, Oregon, on September 17th, 1959 and on October 8th, 1959, and written notice of such hearing was posted in four public places in the City of Milwaukie, Oregon, for two successive weeks prior to the date of said hearings, and

WHEREAS, on the 14th day of September, 1959, at the hour of 8:00 P.M. in the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, a public hearing was held by the Council of said city at which hearing the registered voters of said city were given an opportunity to appear and be heard on the question of such annexation of territory to the City of Milwaukie, Oregon, and

WHEREAS, at such hearing, no registered voter of the City of Milwaukie, Oregon, appeared and made any objection to such annexation of said territory, and

WHEREAS, by Ordinance Number 759 of the City of Milwaukie, Oregon duly passed by the City Council of said city and signed by the Mayor of said city on the 14th day of September 1959, the territory hereinafter bounded and described was declared to be annexed to the City of Milwaukie, Oregon, upon the condition that the majority of the votes cast by the registered voters residing within the territory be in favor of such annexation, and

WHEREAS, by Ordinance Number 759 of the City of Milwaukie, Oregon, duly passed by the Council of the City of Milwaukie, Oregon, and duly signed by the Mayor of said city on the 14th day of September 1959, and annexation election was ordered to be held within such territory on the 16th day of October, 1959, submitting to the registered voters residing within said territory the question of whether or not said territory be annexed to the City of Milwaukie, Oregon, and

WHEREAS, pursuant to the provisions of said Ordinance Number 759 of the City of Milwaukie, Oregon, an annexation election was held in the said territory on the 16th day of October, 1959, between the hours of 8:00 A.M. and 8:00 P.M. on said day, and

WHEREAS, at a special meeting called for that purpose on the 16th day of October 1959, the Council of the City of Milwaukie, Oregon, did proceed to canvass the votes cast at such annexation election, and

WHEREAS, it was determined by the Council of the City of Milwaukie, Oregon, at said special meeting that 129 votes were cast at said annexation elec-

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

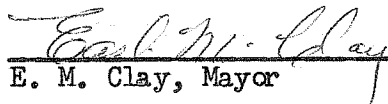
tion within said territory, of which 104 were cast in favor of the annexation of said territory to the City of Milwaukie, Oregon, and of which 25 ballots were cast against the annexation of said territory to the City of Milwaukie, Oregon, and that a majority of all votes cast at said annexation election favored annexation of said territory to the City of Milwaukie, Oregon, and

WHEREAS, the Council of the City of Milwaukie, Oregon, finds that all of the said proceedings relating to said annexation have been had and done pursuant to and in conformity with the provisions of Chapter 222 Oregon Revised Statutes,

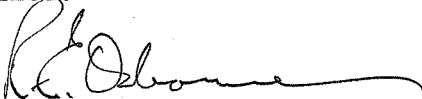
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that by virtue of the foregoing and by virtue of the provisions of Chapter 222, Oregon Revised Statutes, that the Council of the City of Milwaukie, Oregon, do, and it hereby does, PROCLAIM THAT THE TERRITORY BOUND-ED AND DESCRIBED AS FOLLOWS, to-wit:

All of the plat of Arden Park a Townplat recorded in Book 27 on Page 1, RECORD OF TOWNPLATS for Clackamas County, Oregon, all of the ARDEN PARK BLOCKS 5, 6 and 7, a TOWNPLAT recorded in Book 27 on Page 12 said record, all the plat of LEONE ACRES, a replat of part of TRACTS 5 and 6 LOGUS TRACTS recorded in Book 28 on Page 19 said record and all of the plat of LEONE ACRES No. 2, a replat of part of TRACT 5, LOGUS TRACTS recorded in Book 28 on Page 5, said record. ALSO beginning at the southeast corner of Tract 4 of said LEONE ACRES No. 2; thence West along the south boundary of Tracts 4 and 3 of said plat and westerly extension thereof to the west boundary of 45th Street; thence South along said boundary of 45th Street to the north boundary of Logus Road; thence East along the north boundary of Logus Road to the intersection with the southerly extension of the west boundary of Tract 7 of said LEONE ACRES No. 2; thence North following the southerly extension of the west boundary of Tract 7 and the west boundary of Tracts 7, 6 and 5 to the herein last mentioned point of beginning.

BEING TERRITORY CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF MILWAUKIE, OREGON, IS ANNEXED TO THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON.


E. M. Clay, Mayor

ATTEST:

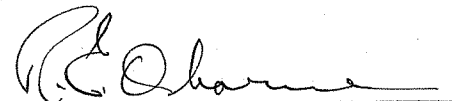

R. E. Osborne, Recorder

Dated this 16th day of October, 1959

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STATE OF OREGON)
) ss
County of Clackamas)

I, R. E. OSBORNE, the duly appointed and acting Recorder of the City of Milwaukie, Oregon, hereby certify that I have read the foregoing Resolution Number 1959 and that the same is a true and correct copy of RESOLUTION NUMBER , of the City of Milwaukie, Oregon, passed by the Council of the City of Milwaukie, Oregon, and signed by the Mayor on the 16th day of October, 1959.


R. E. Osborne, Recorder

MINUTES OF SPECIAL MEETING OF
OCTOBER 16th, 1959 (Continued)

The motion was unanimously carried.

Upon motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk.