

SPECIAL MEETING OF NOVEMBER 30, 1959

A special meeting of the Council of the City of Milwaukie, was held on the thirtieth day of November, 1959, for the purpose of hearings on the withdrawal of annexed territories from the Milwaukie Rural Fire Protection District, Improvement of 33rd Street by curbs only, Sewers in the Re-plat of Cole addition and Walnut Addn. and such other business necessary to come before the Council at this time.

The meeting was called to order by Mayor Clay.

MINUTES OF SPECIAL MEETING OF
NOVEMBER 30, 1959 (Continued)

Present: Mayor Clay; Councilmen Howard, Mortensen, Aebi and Sedgwick; Manager Mullan, Attorney Sheldahl and Clerk Martin.

Mr. Allen Imholt came before the Council and requested that he be permitted to bond his property (Lot 32 Sellwood Gardens) for the sewer assessment against the same which was due March 20, 1959. Proper notices of the assessment had been sent to J. M. Welter c/o Allen Imholt. It appears Mr. Welter, (a relative of Imholt) had sold the property to Imholt and that Imholt had not recorded his deed. Therefore he (Imholt) claimed he had not received notice of the assessment in time to bond for the same. It was moved by Howard and seconded by Aebi that the following Resolution be adopted.

RESOLUTION NUMBER 34-1959

WHEREAS, Mr. Allen Imholt is the owner of Lot 32, Sellwood Gardens Addition to Milwaukie, Oregon, against which a certain sewer assessment became due on March 20, 1959; and

WHEREAS, notices of such assessment had been sent to J. M. Welter who deeded to Allen Imholt; and

WHEREAS, the said Allen Imholt had not caused such deed to be recorded and therefore did not receive notice of such assessment; and

WHEREAS, the said Allen Imholt desires to bond the said assessment; and

WHEREAS, the Council believes that justice and equity require that he be given an opportunity to bond the said assessment; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that Mr. Allen Imholt be premitted to make application for bonding said sewer assessment, nunc pro tunc, as of a day upon which he might have made such application, and that the City Recorder be authorized and directed to make appropriate entries, nunc pro tunc, upon the Lien Records of said City.

Motion carried and so ordered.

The Mayor opened the hearing on the question of withdrawal from the Milwaukie Rural Fire Protection District, those territories recently annexed to the City, and called for any objections or protests to same. There was no person present who made objection, and no written protest or objection had been received. The Mayor declared the hearing closed.

The Mayor opened the hearing on the question of sewers in the Re-Plat of Cole Addition and in Walnut Addition, and called for protests or objection to the same. There was no citizen present who objected to this improvement and no written objection had been received. The Mayor declared the hearing closed.

Ordinance Number 768 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 768 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 768 AN ORDINANCE providing for the construction of sanitary sewers and sewer service laterals in the Re-plat of Cole Addition and Walnut Addition, directing the City Manager to give notice inviting proposals therefor, and declaring an emergency, was again taken up and read and put on its passage with the following result being had: Ayes: Clay, Howard, Mortensen, Aebi and Sedgwick, Nays: None. Ordinance Number 768 passed the Council and was so declared by the Mayor.

Mr. Peter Kolik appeared before the Council on behalf of Ralph Thompson, Yakima, Washington, owner of the West 52.8 feet of Lot 12 and the East 10.8 feet of Lot 13, Keil Heights. Ralph Thompson was negotiating the purchase of this property at the time sewers were laid in Keil Heights. Notice of Sewer Assessments and hearings were sent to the sellers of the property who failed to forward the same to Thompson, who knew nothing of the assessment until he received a letter from the City Recorder notifying him of the penalty and that time for bonding had elapsed. Mr. Thompson requested permission to pay two years of the assessment with interest and to be permitted to bond the balance, and requested that the penalty be excused. There was discussion on the matter and the Council agreed that inasmuch as Mr.

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Thompson knew nothing of the improvement it would be unfair to penalize him. It was moved by Howard and seconded by Aebi that the following Resolution be adopted.

RESOLUTION NUMBER 35-1959

WHEREAS, Ralph Thompson of Yakima, Washington, is the owner of the west 52.8 feet of Lot 12 and the east 10.8 feet of Lot 13, Keil Heights, Milwaukie, Oregon;

WHEREAS, the local agents representing Mr. Thompson in the matter of the sale of the said property failed to notify him or forward to him notice of sewer assessments made against his said property; and

WHEREAS, the said Ralph Thompson now desires to bond the assessment against said property, nunc pro tunc, as of a day upon which he might effectively have made application therefor; and

WHEREAS, under the circumstances, the Council is of the opinion that justice and equity require that his request be granted; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that Ralph Thompson be permitted to bond the assessment against his said property, nunc pro tunc, as of a date upon which he might have made proper application therefor, provided he pays forthwith to the City Recorder two years of the assessment with interest.

BE IT FURTHER RESOLVED That no penalties as provided by Ordinance be assessed against Mr. Thompson upon his application for bonding and upon the payment of the two years of assessment with interest as aforesaid.

Motion carried and so ordered.

The Mayor opened the hearing on the improvement of 33rd Street Quincy Addn. by curbs only, and called for objection or protests to the same. There was a delegation of property owners present. There were some who objected to sidewalks and upon questioning these owners the Council learned that in most cases it was because their dwellings or garages were too close to the property lines. Others strongly favored sidewalks and of these a goodly number favored the walks and curbs being poured together. The Mayor called for a show of hands as to who favored curbs only. There were three hands shown. The remaining majority were in favor of curbs and walks. The Mayor called for a poll of the Council on the question. Councilmen Howard, Mortensen and Sedgwick favored curbs and walks. Councilman Aebi favored curbs only.

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

RESOLUTION NUMBER - 36-1959

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT CURBS, SIDEWALKS AND DRIVEWAYS ALONG BOTH SIDES OF 33rd STREET WHERE NONE NOW EXIST, OR WHERE THEY DO EXIST BUT DO NOT CONFORM TO CITY STANDARDS AS TO ALIGNMENT, GRADE OR QUALITY, FROM ITS INTERSECTION WITH WASHINGTON STREET TO ITS INTERSECTION WITH WISTER STREET.

WHEREAS, the Council of the City of Milwaukie, Oregon deems it expedient and necessary to construct curbs, sidewalks and driveways along both sides of 33rd Street, from its intersection with Washington Street, southerly to its intersection with Wister Street where none now exist or where such as do exist do not conform to City standards as to alignment, grade or quality, and

WHEREAS, The Council of the City of Milwaukie, Oregon, has required from the City Engineer, plans and specifications for the appropriate 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,

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RESOLUTION NUMBER 36-1959 (Continued)

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

By the construction of curbs, sidewalks and driveways along both sides of 33rd Street where none now exist or where such as do exist do not conform to City standards as to grade, quality or alignment, along the following lines and termini:

Beginning at the intersection of 33rd Street with Washington Street; thence Southerly to its intersection with Wister Street, and to do all things necessary in the construction of said curbs, sidewalk and driveways, all to be done in accordance with the plans and specifications now on file in the office of the City Recorder, which plans and specifications are hereby referred to and made a part of this Resolution.

That the Engineer's estimate of the probable cost of such improvement is the sum of \$6,397.10

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

Beginning at the northwest corner of Lot 18, Block 3, Quincy Addition; thence South, along the center line of Blocks 3, 7 and 12, Quincy Addition, to the north boundary line of Wister Street; thence following the said north boundary line of Wister Street, East to the center line of Block 13, Quincy Addition; thence North along the center line of Blocks 13, 6 and 4, Quincy Addition to its intersection with the southwest boundary of Washington Street; thence northwesterly along the southwest boundary line of Washington Street to the point of beginning.

The City Engineer's estimated cost per lineal foot for curbs is \$1.45

The City Engineer's estimated cost per square foot for sidewalks is \$0.45

The City Engineer's estimated cost per square foot for driveways is \$0.65

That an assessment will be levied on all lots and parcels of land within said proposed district, where said curbs, sidewalks and driveways will be constructed, in proportion to the amount to which each lot or parcel of land is benefitted.

BE IT FURTHER RESOLVED that written remonstrance against said proposed improvement may be filed with the City Recorder on or before the 14th day of December, 1959.

BE IT FURTHER RESOLVED, that the Chief of Police of the City of Milwaukie, Oregon, shall, within ten days from the adoption of this Resolution, give notice of the adoption hereof by posting notices headed with the title "NOTICE OF CURB, SIDEWALK AND DRIVEWAY CONSTRUCTION WORK" in three public and conspicuous places along said portion of 33rd Street, which said notices shall contain a copy of this Resolution and shall specify the time in which remonstrances against the proposed improvement may be filed with the City Recorder; and that the City Council will hear such remonstrances as may be filed on the 14th day of December, 1959, at the hour of eight-thirty (8:30) o'clock P.M., in the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon.

AND WHEREAS, it is necessary that said improvement be made as soon as possible so as to take advantage of weather and other conditions in the construction of said improvement, NOW THEREFORE, AN EMERGENCY IS DECLARED TO EXIST, and this Resolution shall go into full force and effect immediately after its passage.

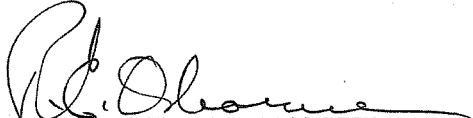
ADOPTED THIS 30th day of NOVEMBER, 1959

Earl M. Clay
Earl M. Clay, Mayor

MINUTES OF A SPECIAL MEETING OF
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RESOLUTION NUMBER 36-1959 (Continued)

ATTEST:


R. E. Osborne, Recorder

Motion carried and so ordered.

The Council requested Manager Mullan to proceed with having the plans and specifications for the City's No. 2 Fire Station completed.

Ordinance Number 769 was read for its first reading. It was moved by Howard and seconded by Aebi that Ordinance Number 769 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 769 AN ORDINANCE withdrawing from Milwaukie Rural Fire Protection District, Clackamas County, Oregon, those parts of said districts heretofore annexed to and incorporated within the boundaries of the City of Milwaukie, Oregon, 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: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance Number 769 passed the Council and was so declared by the Mayor.

Ordinance No. 766, 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 taken up and read for its second reading and put on its passage with the following result being had: Ayes: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance Number 766 passed the Council and was so declared by the Mayor.

Ordinance Number 767 AN ORDINANCE providing for the procedure, without election, to annex certain territory, contiguous to the present boundaries of the City of Milwaukie, Oregon, on the question of such annexation, directing publication of notice of such hearing, 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: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance Number 767 passed the Council and was so declared by the Mayor.

Ordinance Number 770 was taken up and read for its first reading. It was moved by Howard and seconded by Mortensen that Ordinance No. 770 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 770 AN ORDINANCE providing for the right of trial by Jury; the method of procedure for selecting Jurors; a Jury fee 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: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance No. 770 passed the Council and was so declared by the Mayor.

Ordinance No. 771 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Aebi that Ordinance No. 771 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance No. 771 AN ORDINANCE providing for the procedure, without election, to annex certain territory, contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon, fixing the 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 taken up and read for its second reading and put on its passage with the following result being had. Ayes: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance No. 771 passed the Council and was so declared by the Mayor.

Ordinance Number 772 was taken up and read for its first reading. It was moved by Mortensen and seconded by Aebi that Ordinance No. 772 be passed

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to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 772 AN ORDINANCE describing the rules and regulations for the conduct and management of the Municipal Water System of the City of Milwaukie, Oregon: fixing the charges to be made for service connections; fixing the charges for water and the method and times for billing and payment thereof; providing that such charges shall be a lien on the premises served; providing for the collection of sewage treatment user's charge; repealing Ordinances Nos. 139, 435, 478, 479, 554, 461 and 662, and repealing all other ordinances and parts of ordinances in conflict herewith; providing penalties for the violation of this ordinance, and providing the effective date of water rates 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: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance No. 772 passed the Council and was so declared by the Mayor.

On motion duly made and carried the meeting adjourned.