

SPECIAL MEETING OF JUNE 24, 1963

A special meeting of the Council of Milwaukie, was held on the twenty-fourth day of June, 1963, for the purpose of hearings on the improvement of 36th Street north of Harvey Street and sewer installations in 26th and 28th Streets south of Lake Road and such other business necessary to come before the Council at this time.

The meeting was called to order by Mayor Joseph M. Bernard, Jr.

Present: Mayor Joseph M. Bernard Jr.; Councilmen Robert Richmond, Theron Sedgwick, Walter Freeman and Charles Renard; City Manager Leonard Mullan, Assistant Manager Max Thompson, City Attorney John O. Sheldahl and Clerk Ellen Martin.

At eight o'clock the Mayor opened the hearing on the improvement of 36th Street north of Harvey Street, by black-top pavement and called for objection to the same. There was no citizen present who made objection and no written objection had been received. The Mayor declared the hearing closed.

Ordinance Number 981 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Freeman that Ordinance Number 981 be laid on the table. Motion carried and so ordered.

At 8:15 o'clock the Mayor opened the hearing on the question of sewers in 26th and 28th Streets south of Lake Road, which included a share in the cost of a lift station and pressure pump, including pressure line to Lake Road, and called for objection to the same. Manager Mullan explained the costs of the sewers and lift station and the advantage to the property along these streets, if the sewers were put in at this time, on account of a fifty-one unit apartment being built on Tax Lots 291 and 106-1, Whitcomb D.L.C, where the builders intend to install a lift station and pump the sewage to the Lake Road trunk line. The owners of the apartment project were willing to enlarge the lift station and pump to accommodate the properties along these two streets provided the properties bear their share of the cost of enlargement. Mr. Lord of Cooney, Isaacs & Lord Co., owners and builders of the apartments, explained that the cost of the lift station, pump and pressure line to accommodate the apartments was \$8,500.00. That they (Cooney, Isaacs & Lord) wanted to be good neighbors and were willing to enlarge the plant to accommodate sewers in these two streets, but that they felt the cost of the enlargement should be borne by the properties benefitted. Mr. Renke, from Stevens & Thompson, Engineers, explained how this added cost had been estimated and how it had been divided to the properties. There was considerable discussion on this question by the property owners along both streets. The question of who would maintain the lift station was asked, as well as the question of why the cost along 26th Street was not the same as that along 28th Street. It was explained that if sewers along these streets empty into the lift station, the maintenance will be the City's responsibility and that the added cost along 26th Street was because of ditching and replacement of the street which is paved. There were several owners of properties along 28th Street who indicated they favored putting in sewers at this time. The Mayor called for a showing of hands, the result showed that four of the six owners of properties along 26th Street were not in favor of installing sewers at this time, those along 28th Street appeared to favor the installation of sewers at this time. It was moved by Renard and seconded by Richmond that this assessment district be cancelled, and that if the owners of properties along 28th Street wish to install sewers at this time and participate in the pump and lift station, they petition to that effect. Motion carried and so ordered. The Mayor declared the hearing closed.

Mr. Kenneth Waymire came before the Council and inquired as to why Lot 1, Block 2, Town and Country Plat No. 1, had been assessed for the 47th Street Logus Road trunk sewer. It was shown that the man-hole at the west end of the trunk line would service this property.

Manager Mullan made inquiry about fireworks in Milwaukie and the sale of same. It was moved by Renard and seconded by Richmond that Ordinance No. 216 be amended to conform with the State Code. Motion carried and so ordered.

It was moved by Sedgwick and seconded by Renard that Ordinance No. 981 be taken off the table and read at this time for its second reading and it be read by title only. Motion carried and so ordered.

Ordinance Number 981, AN ORDINANCE fixing charges to be paid for sewer service; requiring connection to be made to the sewer; repealing all ordinances and parts of ordinances in conflict herewith, and declaring an emergency, was taken up and read for its second reading by title only and put on its passage with the following result being had. Ayes: Richmond, Sedgwick, Freeman, Renard, and Bernard. Nays: None. Ordinance No. 981 passed the Council and was so declared by the Mayor.

The Mayor declared this session of the Council closed, and that the Council would reconvene immediately for the purpose of canvassing the votes of election.

RECONVENED MEETING OF JUNE 24, 1963

Following a special meeting of the Council, held on the twenty-fourth day of June, 1963, the Council of the City of Milwaukie reconvened for the purpose of canvassing the votes of election, held on the twenty-fourth day of June, 1963.

The meeting was called to order by Mayor Joseph M. Bernard, Jr.

Present: Mayor Joseph M. Bernard Jr.; Councilmen Robert Richmond Theron Sedgwick, Walter Freeman and Charles Renard; City Manager Leonard Mullan, Assistant Manager Max Thompson, Attorney John O. Sheldahl and Clerk Ellen Martin.

The Mayor declared that the Council would proceed to canvass the votes of the election, held this day

The votes of election on the following question were then canvassed and showed the following result:

TAX LEVY EXCEEDING CONSTITUTIONAL LIMITATION:

"Shall the City Council of the City of Milwaukie, Clackamas County, Oregon, be authorized and directed to include in the budget and levy a tax on all taxable property in said City in the sum of \$232,021.60, for the fiscal year 1963-1964, for general city purposes, which sum exceeds the six percent limitation on taxation as set forth in Section II, Article XI of the Constitution of Oregon, and which shall be in addition to all other taxes levied?"

TAX LEVY EXCEEDING CONSTITUTIONAL LIMITATION

|                  |     |             |
|------------------|-----|-------------|
| 51               | YES | <u>96</u>   |
| 51               | NO  | <u>136</u>  |
| VOTES REJECTED   |     | <u>None</u> |
| TOTAL VOTES CAST |     | <u>232</u>  |

The Mayor declared that the Tax levy exceeding the constitutional limitation for the 1963-1964 Budget had been defeated.

It was moved by Richmond and seconded by Sedgwick that the members of the Board of Election be paid \$1.00 per hour for services rendered. Motion carried and so ordered.

It was moved by Richmond and seconded by Sedgwick that the city hold an election on July 9, 1963 for the purpose of placing before the registered voters of the City of Milwaukie the following question.

TAX LEVY EXCEEDING CONSTITUTIONAL LIMITATION:

"Shall the City Council of the City of Milwaukie, Clackamas County, Oregon, be authorized and directed to include in the budget and levy a tax on all taxable property in said City in the sum of \$232,021.60, for the fissional year 1963,1964, for general city purposes, which sum exceeds the six per-cent limitation on taxation as set forth in Section II, Article XI of the Constitution of Oregon, and which shall be in addition to all other taxes levied?"

and that the following Resolution be adopted.

RESOLUTION NO. 21-1963

A RESOLUTION PROVIDING FOR THE CALLING OF A SPECIAL CITY ELECTION IN THE CITY OF MILWAUKIE, OREGON, ON THE 9th DAY OF JULY, 1963, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, THE QUESTION OF AUTHORIZING AND DIRECTING THE CITY COUNCIL OF SAID CITY TO INCLUDE IN THE BUDGET AND LEVY THE SUM OF \$232,021.60 FOR THE FISCAL YEAR 1963-1964 FOR GENERAL CITY PURPOSES, WHICH AMOUNT EXCEEDS THE CONSTITUTIONAL SIX PER CENT LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE XI OF THE CONSTITUTION OF OREGON, AND WHICH AMOUNT IS IN ADDITION TO ALL OTHER TAXES LEVIED.

WHEREAS, the City Council and the duly constituted Budget Committee of the City of Milwaukie, Oregon, has determined that it is necessary and advisable that there be included in the budget and levy for the fiscal year 1963-1964 for general city purposes the sum of \$232,021.60, and which amount exceeds the constitutional six per cent limitation on taxation set forth in Section 11, Article XI of the Constitution of Oregon; and

WHEREAS, before said amount so exceeding said constitutional limitation can be included in the budget and levy, it is necessary to submit the matter to the legal voters of the City of Milwaukie, Oregon, for the purpose of seeking their authorization and approval; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, THAT THERE shall be submitted in the manner prescribed in this Resolution to the legal voters of the City of Milwaukie, Oregon, at a special election to be held on the 9th day of July, 1963, for their approval or rejection, the following proposition;

"Shall the City Council of the City of Milwaukie, Clackamas County, Oregon, be authorized and directed to include in the budget and levy a tax on all of the taxable property in said City in the sum of \$232,021.60 for the fiscal year 1963-1964, for general City purposes, which sum exceeds the six per cent limitation on taxation as set forth in Section 11 of Article XI of the Constitution of Oregon, and which sum shall be in addition to all other taxes levied?"

BE IT FURTHER RESOLVED that the election precinct for said special city election shall be and constitute all of the territory included within the corporate limits of the City of Milwaukie, Oregon, and that there shall be one polling place for said special city election, namely in the City Hall, 926 Main Street, Milwaukie, Oregon.

BE IT FURTHER RESOLVED that the following named persons, all legal voters of Milwaukie, Oregon, be and they are hereby designated and appointed as the chairman and clerks of election, to act as the election board at such polling place on said date, to-wit: Gertrude Westerby, Chairman, and Florence Salter, Pearl Sedgwick, and Harriet Saremal, Clerks.

BE IT FURTHER RESOLVED that the Recorder of the City of Milwaukie, Oregon, is hereby ordered and empowered to make all other arrangements and to secure the necessary supplies for said special election.

BE IT FURTHER RESOLVED that it is not practical to submit the foregoing proposition in the form and by ballot title required by subsection (1) of Section 20 of Article V of Ordinance No. 735 of the City of Milwaukie, Oregon, and that, in order to truly and impartially state the purpose and effect of the proposition in question, the proposition should be submitted to the voters in the following form and ballot title, to-wit:

"AUTHORIZING CITY COUNCIL TO ADOPT BUDGET AND LEVY TAXES IN EXCESS OF CONSTITUTIONAL LIMITATION.

"Shall the City Council of the City of Milwaukie, Clackamas County, Oregon, be authorized and directed to include in the budget and levy a tax on all of the taxable property in said City in the sum of \$232,021.60 for the fiscal year 1963-1964, for general City purposes, which sum exceeds the six per cent limitation on taxation as set forth in Section 11 of Article XI of the Constitution of Oregon, and which sum shall be in addition to all other taxes levied?"

BE IT FURTHER RESOLVED that the City Recorder be and he hereby is directed to give at least ten (10) days' notice of the special election hereby called by posting notices thereof in three (3) public places within the boundaries of the City of Milwaukie, Oregon, and by publishing said notice once in the official City newspaper. The said notice shall be in the following form:

"NOTICE OF SPECIAL ELECTION

On the 9th day of July, 1963, in the City of Milwaukie, Oregon from 8:00 o'clock A.M. until 8:00 o'clock P.M., Pacific Daylight Time, a special election will be held at which the following proposition will be submitted to the legal voters of the City of M Milwaukie, Oregon, for their approval or rejection:

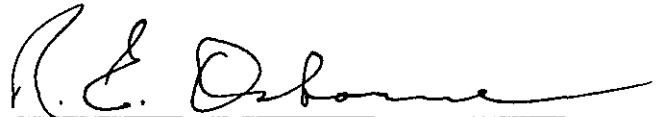
'Proposed by the City Council and referred to the legal voters of said City:

AUTHORIZING CITY COUNCIL TO ADOPT BUDGET AND LEVY TAXES IN EXCESS OF CONSTITUTIONAL LIMITATION.

Shall the City Council of the City of Milwaukie, Clackamas County, Oregon, be authorized and directed to include in the budget and levy a tax on all of the taxable property in said City in the sum of \$232,021.60 for the fiscal year 1963-1964, for general City purposes, which sum exceeds the six per cent limitation on taxation as set forth in Section 11 of Article XI of the Constitution of Oregon, and which sum shall be in addition to all other taxes levied?"

The polling place for the said special election will be the CITY HALL, 926 Main Street, Milwaukie, Oregon.

Published by order of the City Council of the City of Milwaukie, Oregon.

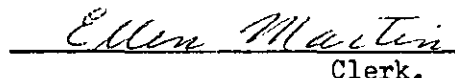


Recorder of the City of Milwaukie, Oregon."

ADOPTED THIS 24th DAY OF JUNE, 1963.

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.



Clerk.