

TOWN HALL MILWAUKIE, OREGON, OCTOBER 23RD. 1914.

An adjourned meeting of the one hundred fifty-first regular meeting of the Town Council of the Town of Milwaukie was held on the above ~~xxx~~ named date. Meeting called to order by Mayor Elmer. Present, Mayor Elmer, Councilmen, Mitchell, King, Loeding, Albee and Counsell, Recorder Mathews and Marshal Reed. Upon motion duly made and carried, the bid of the First State Bank of Milwaukie for the Dewitt Street improvement bonds was opened and read, and there being no certified check in closed with the same the Recorder was instructed to notify Mr. Polstad of the bank of the fact. Upon motion duly made and carried, Montague-O'Reilly Company was allowed \$10.00 toward the payment of the printing of the Front Street Bonds. A resolution entitled,"

Resolution
5-1914

- A Resolution providing for and approving the form of Milwaukie Improvement Bonds and the Coupons attached thereto to be issued under and pursuant to the provisions of ordinance No. 116; authorizing, approving and confirming the sale of said bonds and delivery thereof, and declaring an emergency," was read and approved as read.

Upon motion duly made and carried, the Mayor and Recorder was authorized to draw warrants in place of warrant No. 50 to enable the holder of said warrant to get the money that is on hand in the Front Street fund.

Mr. Strong representing the Clackamas County Gas Company was present and presented a proposed Ordinance granting the Company a franchise to lay gas mains within the Town, which ordinance was referred to the Street Committee. Upon motion duly made and carried the Council adjourned until the 30th day of October, 1914.

D. P. Mathews
Recorder

TOWN HALL MILWAUKIE, OREGON, OCTOBER 30TH. 1914.

An adjourned meeting of the regular one hundred fifty-first meeting of the Town Council was held on the above named date. Meeting called to order by Mayor Elmer. Present, Mayor Elmer, councilmen Loeding, Counsell and Albee, Recorder Mathews and Marshal Reed. A letter from the Treasurer containing the warrants drawn in place of warrant #50 and refusing to pay the same was read and referred to the Finance Committee. A communication from the S. P. Co. regarding the girder over Front Street was read and ordered placed on file. The following report of the Street Committee was read and upon motion duly made and carried, was adopted as read:

To the Honorable Mayor and Town Council:

Your Street Committee, having carefully considered the conditions of the proposed franchise presented by the Clackamas Gas Company, referred to this committee at an adjourned meeting of the Council held October 23rd, 1914, beg to report:

We find:

Under the terms of the franchise the rate charged for gas shall be a reasonable rate which is qualified by a maximum rate of \$1.25 per 1000 cubic feet of gas, and no minimum charge is given. This is further qualified by the provision that whenever 5,000,000 cubic feet of gas shall be consumed within twelve consecutive months, the rate shall be \$1.00 per 1000 cubic feet. These rates and charges are unjustly discriminatory and unreasonable as compared to the rates charges by the Portland Gas & Coke Company in other suburbs of Portland, Oregon.

The franchise contains no provision fixing the character, kind and extent of service to be furnished, which is a material omission, since no power is reserved to the town of Milwaukie to regulate and control in these matters. The Clackamas Gas Company should be compelled to extend its mains, and furnish gas service upon the same terms, conditions and regulations as the Portland Gas and Coke Company does in other suburbs of Portland, Oregon. The franchise prohibits the town of Milwaukie from imposing an occupation, license or earning tax against the Clackamas Gas Company. This provision is unconstitutional, and it is not within the power of the Council to contract the right of taxation away.

The franchise has an emergency clause attached, thereby preventing a referendum, should the franchise be granted, which is an unnecessary provision, in that no emergency exists.

For the aforesaid objections, we recommend that the franchise be not granted.

Pursuant to your instructions, we hereby submit a substitute franchise, drafted by this committee, fully protecting the rights of both parties concerned; and which we believe meets the wished of the Citizens of Milwaukie. We recommend that the substitute franchise be granted.

Respectfully submitted,

Street Committee

(Herman Loeding
Chas. H. Counsell.

Dated this 30th day of October, 1914.

Ordinance No. 118 entitled," An ordinance granting to the Clackamas County Gas Company, a corporation, its successors and assigns, for a period of fifty years the right, privilege, and franchise to lay, maintain, and operate gas mains, pipes, and appurtenances thereto, in