MEETING OF OCTOBER 13, 1958

927th MEETING

The nine hundred twenty-seventh regular meeting of the Council of Milwaukie was held on the thirteenth day of October, 1958.

The meeting was called to order by Mayor Mullan.

Present: Mayor Mullan; Councilmen Clay, Mortensen and Klein; Manager Burdick, Attorney Sheldahl and Clerk Martin.

It was moved by Mortensen and seconded by Clay that Mr. Theron Sedgwick be appointed to fill out the unexpired term of Councilman Fred O. Roberts, deceased. A called vote showed the following results Ayes: Mullan, Clay, Mortensen and Klein. Nays: None. The motion was carried and so ordered.

Mr. Sedgwick was sworn in to office, the oath being given by Attorney Sheldahl, a Notary Public of Oregon, and was seated at the Council table.

The minutes of the nine hundred twenty-sixth regular meeting of the Council, held on the eighth day of September, 1958, were approved as written.

The minutes of the special meeting of the Council, held on the thirtieth day of September, 1958, were approved as written.

Mr. Howard Hamlin came before the Council and suggested that the City Council contact the School Board of School District No. 1 and make an effort to trade the City Hall property for the Junior High School property. The Council took no action on the matter.

The Clerk announced that this was the hour set for a hearing on the annexation of properties in Floss Acres, Appleby Acres and Minthorn Addition. The Mayor opened the hearing and called for objections or remonstrances against the annexation of these properties. There was no citizen present who remonstrated or objected. The Mayor closed the hearing.

Ordinance Number 732 was taken up and read for its first reading. It was moved by Clay and seconded by Mortensen that Ordinance Number 732 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 732 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 again taken up and read for its second reading and put on its passage with the following result being had. Ayes: Mullan, Clay, Mortensen, Sedgwick and Klein. Nays: None. Ordinance Number 732 passed the Council and was so declared by the Mayor.

Ordinance Number 733 was taken up and read for its first reading. It was moved by Klein and seconded by Mortensen that Ordinance Number 733 be passed to its second reading. Motion carried and so ordered.

A committee, from Emmanuel Evangelical United Brethren Church, came before the Council and requested permission to place roadside signs, directing traffic to their church, at the following intersections: McLoughlin Blvd. and Washington Street, 27th and Washington Streets and 27th Street and Lake Road. It was moved by Clay and seconded by Mortensen that this request be referred to the Traffic Committee. Motion carried and so ordered.

Petitions, signed by 100 property owners in Bonnie View Acres, requesting that sewers be laid in Boyd, Malcolm, Olson, Kelvin and Balfour Streets, were laid before the Council. A group of citizens

from the area were present. Mrs. McCroskey, 9252 S.E. 29th Ave. stated that she had contacted all the residents in the area and that there were a few who did not sign because they were renters. Inasmuch as all these properties are not within the city limits at this time, the question of laying sewers and assessing the p roperties was discussed. This question was referred to Attorney Sheldahl for investigation. It was moved by Sedgwick and seconded by Mortensen that Manager Burdick obtain the Engineer's estimate for cost of sewers in this area. Motion carried and so ordered.

A petition, signed by thirty residents in the area, requesting that waste fill material, rubbish and scrap iron be removed from the city property at 40th and Harvey Streets, was read. Manager B urdick stated that the fill dirt was being held as a stock pile, that a portion of the same would be used to fill and level the property, where it was stored and suggested that a fence be built around the property. It was moved by Mortensen and seconded by Sedgwick that the City Manager be authorized to obtain competitive bids for a bids for a fence to inclose the city property at 40th and Harvey Streets. Motion carried and so ordered.

It was moved by Clay and seconded by Klein that the following Resolution be adopted.

RESOLUTION 18-1958

WHEREAS, Almighty God, in His infinite wisdom has seen fit to remove from this earthly life, FRED O. ROBERTS, and

WHEREAS, FRED O. ROBERTS was a highly respected citizen of the City of Milwaukie, and had faithfully and honorably served the City of Milwaukie

As Chairman of the Council,	January 1937 - February 1940
As Mayor,	February 1940 - January 1945
As Councilman,	January 1945 - August 1945
As Councilman,	January 1957 - October 8, 1958

with credit and honor to himself and to the City of Milwaukie, and

WHEREAS, the Council of the City of Milwaukie is appreciative of the services rendered to the City by the said FRED O. ROBERTS, and the high type of citizenship which he exemplified, and regret his p assing, NOW THEREFORE

BE IT, AND IT IS HEREBY RESOLVED, that the appreciation of the Council of the City of Milwaukie, of the high type of citizenship exemplified by FRED O. ROBERTS, and the creditable and honorable services which he rendered to the City, and further, the regret of said Council at his passing, be conveyed to his surviving relatives, and further, that a copy be spread upon the minutes of the proceedings of this body.

Passed by the Council of the City of Milwaukie, this thirteenth day of October, 1958

Approved by the Mayor this thirteenth day of October, 1958

Leonard B. Mullan
Leonard B. Mullan, Mayor

Earl S. Burdick
Earl S. Burdick, City Manager

ATTEST:
R. E. Osborne
R. E. Osborne, Recorder

Motion carried and so ordered.

Ordinance Number 734 was taken up and read for its first reading. It was moved by Mortensen and seconded by Klein that Ordinance Number 734 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 734, AN ORDINANCE providing for the procedure, without election, to annex certain territories, contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon, fixing a 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 results being had. Ayes: Mullan, Clay, Mortensen, Sedgwick and Klein. Nays: None. Ordinance Number 734 passed the Council and was so declared by the Mayor.

Ordinance Number 735 was taken up and read for its first reading. It was moved by Mortensen and seconded by Klein that Ordinance Number 735 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 735 THE INITIATIVE AND REFERENDUM ORDINANCE of the City of Milwaukie was again taken up and read for its second reading and put on its passage with the following results being had. Ayes: Mullan, Clay, Mortensen, Sedgwick and Klein. Nays: None. Ordinance Number 735 passed the Council and was so declared by the Mayor.

Ordinance Number 736 was taken up and read for its first reading. It was moved by Klein and seconded by Sedgwick that Ordinance Number 736 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 736 AN ORDINANCE prohibiting the running at large of dogs in the City of Milwaukie, Oregon, and providing a penalty for the violation of the provisions of this ordinance, was again taken up and read and put on its passage with the following results being had. Ayes: Mullan, Clay, Mortensen, Sedgewick and Klein. Nays: None. Ordinance Number 736 passed the Council and was so declared by the Mayor.

It was moved by Mortensen and seconded by Clay that the following Resolution be adopted.

RESOLUTION NUMBER 19-1958

A RESOLUTION PROVIDING FOR THE CALLING OF A SPECIAL CITY TAX BASE ELECTION IN THE CITY OF MILWAUKIE, OREGON, ON NOVEMBER 4, 1958, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, THE QUESTION OF ESTABLISHING A NEW TAX BASE FOR THE PURPOSE OF APPLYING THE LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE IX, OREGON CONSTITUTION.

WHEREAS, the City Council of the City of Milwaukie, Oregon, has determined that a new tax base should be established as authorized by sub section (2), Section 11, Article XI, Oregon Constitution, in order to permit the proper operation of the city affairs within the limitation contained in Section 11, Article XI, Oregon Constitution, and

WHEREAS, it is necessary to submit the question of establishing a new tax base to the legal voters of the City of Milwaukie, Oregon,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that the following proposition shall be submitted in

the manner prescribed in this Resolution to the legal voters of the City of Milwaukie, Or gon, at a special city tax base election to be held on November 4, 1958:

> "Shall the City of Milwaukie, Clackamas County, Oregon, increase its tax base from $32,065.39 to $56,143.00?"

BE IT FURTHER RESOLVED that this special city tax base election be and the same hereby is called to be held concurrently with and as a part of the statewide regular election being held in the State of Oregon and in the City of Milwaukie, Oregon, on November 4, 1958.

BE IT FURTHER RESOLVED that the regular polling places designated by the County Court of Clackamas County, Oregon, in the voting precincts in the City of Milwaukie hereby are designated as the polling places for the city tax base election; the poll books adopted by the County Court of Clackamas County, Oregon, as the poll books for the statewide regular election for the voting precincts in the City of Milwaukie hereby are adopted as the poll books for the city tax base election; and the judges and clerks of election appointed by the County Court of Clackamas County, Oregon, to serve at the statewide regular election hereby are designated as the judges and clerks of and for the city tax base election.

BE IT FURTHER RESOLVED that the judges and clerks shall hold their respective offices as designated for the statewide regular election.

BE IT FURTHER RESOLVED that the polls for the city tax base election shall be opened in each of the voting precincts at the same hour, and shall be kept open until the same hour, as the polls are opened and closed for the statewide regular election that will be held on the same day.

BE IT FURTHER RESOLVED that notice of the city tax base special election shall be given by posting notices thereof in three public places in each voting precinct within the City of Milwaukie, Oregon, at least ten days prior to the date of election, and by publishing notice thereof once in the Milwaukie Review, the official city paper, at least ten days prior to the said election.

BE IT FURTHER RESOLVED that the notice published in the said newspaper and the notices to be posted in three public places in each voting precinct shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

On November 4, 1958, in the City of Milwaukie, Clackamas County, Oregon, from 8:00 A.M. till 8:00 P.M., a special city election will be held at which the following proposition will be submitted to the legal voters of the City of Milwaukie for their approval or rejection:

ESTABLISHING NEW CITY TAX BASE. Shall the City of Milwaukie, Clackamas County, Oregon, increase its tax base from $32,065.39 to $56,143.00?	YES	☐
	NO	☐

This proposition, if adopted, will establish a new tax base for the City of Milwaukie, Oregon, for the purpose of applying the limitation on taxation set forth in Section 11, Article XI, Oregon Constitution. The present tax base is $32,065.39, the new tax base if adopted will be $56,143.00, and the new tax base if adopted shall first apply to the levy for the fiscal year next following this election.

The city and county precincts within the City of Milwaukie will have uniform boundaries and the same election boards. The polling places in the city for the city tax base special election will be at the same places as provided by Clackamas County for the state-wide regular election to be held on the same day, November 4, 1958, and to such places as the election boards may legally adjourn.

The City Council by resolution has appointed the identical officers appointed by the County Court of Clackamas County, Oregon, for the state-wide regular election, as the judges and clerks of the city tax base special election to serve in each of the polling places in the respective precincts to which they are appointed by the County Court of Clackamas County, Oregon.

WITNESS my hand this 15 day of October, 1958.

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

It shall be unnecessary for either the City of Milwaukie or any official thereof to furnish the legal voters in the city tax base election pamphlets containing either the text of the proposition or arguments in support of or in opposition to the proposition.

BE IT FURTHER RESOLVED that the following is the number and form in which the question shall be printed upon the official ballot:

VOTE YES OR NO

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

Proposed by the City Council and referred to the legal voters of said city.

51	ESTABLISHING NEW CITY TAX BASE. Shall the City of Milwaukie, Clackamas County, Oregon, increase its tax base from $32,065.39 to $56,143.00?	YES	☐
		NO	☐

BE IT FURTHER RESOLVED that the recorder of the City of Milwaukie, Oregon, is hereby empowered to cause to be posted and published the notice of special election as herein set forth, and to make all further arrangements and to secure the necessary supplies for said election.

Motion carried and so ordered.

It was moved by Mortensen and seconded by Klein that the following Resolution be adopted.

RESOLUTION NUMBER 20-1958

A RESOLUTION PROVIDING FOR THE CALLING OF A SPECIAL ELECTION IN THE CITY OF MILWAUKIE, OREGON, ON NOVEMBER 4, 1958, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, THE QUESTION OF ADOPTING A DOG CONTROL ORDINANCE PASSED BY THE CITY COUNCIL AND REFERRED TO THE LEGAL VOTERS OF SAID CITY.

WHEREAS, the City Council of the City of Milwaukie, Oregon, did, on the 13th day of October, pass an ordinance in words and figures as follows, to-wit:

ORDINANCE NUMBER 736

AN ORDINANCE PROHIBITING THE RUNNING AT LARGE OF DOGS IN THE CITY OF MILWAUKIE, OREGON, AND PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any owner or keeper of any dog or dogs in the City of Milwaukie, Oregon, to allow or permit such dog or dogs to run at large on the streets, alleys or highways in the City of Milwaukie, Oregon, unless accompanied by the owner or keeper of such dog or dogs.

Section 2. Any person or persons who shall violate the provisions of this ordinance shall, upon the conviction thereof, be punished by a fine not exceeding the sum of $50.00.

Section 3. This ordinance shall be submitted to the legal voters of the City of Milwaukie, Oregon, for their approval or rejection, at a special election to be called and held on November 4, 1958..."

and

WHEREAS, by said ordinance it is provided that it shall be submitted to the legal voters of the City of Milwaukie, Oregon, for their approval or rejection, at a special election to be held on November 4, 1958,

THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, that the following measure 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 November 4, 1958:

"PROHIBITING DOGS RUNNING AT LARGE. Purpose: Ordinance making it unlawful, unless they accompany them, for owners or keepers of dogs to allow them to run at large on Milwaukie's public thoroughfares."

BE IT FURTHER RESOLVED that this special election be and the same hereby is called to be held concurrently with and as a part of the statewide regular election being held in the State of Oregon and in the City of Milwaukie, Oregon, on November 4, 1958.

BE IT FURTHER RESOLVED that the regular polling places designated by the County Court of Clackamas County, Oregon, in the voting precincts in the City of Milwaukie hereby are designated as the polling places for the special election; the poll books adopted by the County Court of Clackamas County, Oregon, as the poll books for the statewide regular election for the voting precincts in the City of Milwaukie hereby are adopted as the poll books for the special election; and the

judges and clerks of election appointed by the County Court of Clackamas County, Oregon, to serve at the statewide regular election hereby are designated as the judges and clerks of and for the special election.

BE IT FURTHER RESOLVED that the judges and clerks shall hold their respective offices as designated for the statewide regular election.

BE IT FURTHER RESOLVED that the polls for the special election shall be opened in each of the voting precincts at the same hour, and shall be kept open until the same hour, as the polls are opened and closed for the statewide regular election that will be held on the same day.

BE IT FURTHER RESOLVED that notice of the special election shall be given by posting notices thereof in three public places in each voting precinct within the City of Milwaukie, Oregon, at least ten days prior to the date of election, and by publishing notice thereof once in the Milwaukie Review, the official city paper, at least ten days prior to the said election.

BE IT FURTHER RESOLVED that the notice published in the said newspaper and the notices to be posted in three public places in each voting precinct shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

On November 4, 1958, in the City of Milwaukie, Clackamas County, Oregon, from 8:00 A.M. till 8:00 P.M., a special city election will be held at which the following measure will be submitted to the legal voters of the City of Milwaukie for their approval or rejection:

PROHIBITING DOGS RUNNING AT LARGE. Purpose: Ordinance making it unlawful, unless they accompany them, for owners or keepers of dogs to allow them to run at large on Milwaukie's public thoroughfares.	YES	☐
	NO	☐

The full measure to be voted on is on file with the City Recorder at the Recorder's Office at the City Hall of Milwaukie, Oregon, and there available for inspection.

The city and county precincts within the City of Milwaukie will have uniform boundaries and the same election boards. The polling places in the City for the special election will be at the same places as provided by Clackamas County for the statewide regular election to be held on the same day, November 4, 1958, and to such places as the election boards may legally adjourn.

The City Council by resolution has appointed the identical officers appointed by the County Court of Clackamas County, Oregon, for the statewide regular election, as the judges and clerks of the special election to serve in each of the polling places in the respective precincts to which they are appointed by the County Court of Clackamas County, Oregon.

WITNESS my hand this 15 day of October, 1958.

R. E. Osborne
Recorder of the City of Milwaukie
Oregon

It shall be unnecessary for either the City of Milwaukie or any official thereof to furnish the legal voters in the special election pamphlets containing either the text of the measure or arguments in support of or in opposition to the measure.

BE IT FURTHER RESOLVED that the following is the number and form in which the measure shall be printed upon the official ballot:

VOTE YES OR NO

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

PROPOSED BY THE CITY COUNCIL AND REFERRED TO THE LEGAL VOTERS OF SAID CITY

PROHIBITING DOGS RUNNING AT LARGE. Purpose: Ordinance making it unlawful, unless they accompany them, for 52 owners or keepers of dogs to allow them to run at large on Milwaukie's public thoroughfares.	YES	☐
	NO	☐

BE IT FURTHER RESOLVED that the recorder of the City of Milwaukie, Oregon, is hereby empowered to cause to be posted and published the notice of special election as herein set forth, and to make all further arrangements and to secure the necessary supplies for said election.

Motion carried and so ordered.

A letter from Portland Traction Co. requesting that a strip of land which had been reserved for right-of-way, but shown in the re-plat of the west side of Milwaukie Industrial Park, as an alley, be vacated, was read. The matter was referred to Attorney Sheldahl.

Clerk Martin reported that Consent to Annexation for Lots 1 and 2, Rockwood Acres, had been signed by Harold D. and Elsie L. Carr, that this property had been annexed by Ordinances 726 and 728 and that since the annexation, she (Martin) had learned that Carr did not own the whole of the properties. This matter was referred to Attorney Sheldahl.

Applications from Vic's Tavern and Main Street Cafe, for recommendations of renewals of liquor licenses, were read. There no report of misconduct against either of these places. It was moved by Mortensen and seconded by Clay that recommendations for renewal of licenses be granted as follows:

Vic's Tavern	R.M.B.A., Retail Malt Beverage Class "A"
Main Street Cafe	D.A., Class "A" Dispensers

Motion carried and so ordered.

Attorney Sheldahl reported that the time in which the Jehovah Witnesses could appleal their case against the City of Milwaukie had elapsed.

Manager Burdick reported that he had received the Engineer's report of work done on the sewers in Sellwood Gardens and that to date the amount due to Don Thornton, contractor, was $7,789.95.

MEETING OF OCTOBER 13, 1958 continued

Manager Burdick reported that the final payment for the sewer in Harrison Street east of 42nd Street was now due Don Thornton, Contractor, and recommended that it be paid. It was moved by Sedgwick and seconded by Klein that Don Thornton be paid $7,789.95 for sewers completed in Sellwood Gardens and $176.00. final payment for sewer in Harrison Street, east of 42nd Street. Motion carried and so ordered.

It was moved by Mortensen and seconded by Clay that the following bills be allowed and that warrants be drawn for the payment of same.

Anderson - Hord	$ 2.75
J. M. Bernard's Garage	127.50
E. S. Burdick	20.00
Bureau of Water Works	63.75
Charlton Laboratories	30.00
Clackamas County	304.46
Columbia Equipment Co.	38.75
John H. Dodd	293.24
Feenaughty Machinery Co.	312.00
General Petroleum Corp.	39.85
H. & M. Ribbon & Carbon Co.	15.00
Hiway Ready Mix, Inc.	17.85
Hoesly Furniture Co.	33.58
K.P.R. Company	336.80
McCready Lumber Yard	2.24
Milwaukie Automotive Service	57.80
Milwaukie Hardware	25.02
Milwaukie Lumber Co.	15.37
Milwaukie Marina	34.58
Milwaukie Review	161.87
Milwaukie Transfer & Fuel Co.	139.96
Milwaukie Fire Department	225.00
B ernard Muffenbier	74.00
Multnomah Fuel Co.	49.50
Neptune Meter Co.	13.62
Northwest Industrial Laundry Co.	6.12
Nudelman Bros.	96.55
Olson Bros. Shell Service	88.86
Oregon Blue Print Co.	7.80
Oregon City Printing Co.	11.75
Oregon News Co.	52.19
Overall Laundry	8.20
Pacific Telephone	168.00
Portland Concrete Pipe & Products	209.46
Portland General Electric Co.	1,118.88
Portland Road & Driveway	2,057.00
Remington Rand	31.35
Tidewater Oil Co.	325.91
Traffic Safety Supply Co.	63.05
Waterworks Supplies Co.	4,303.42
Wilco Fire Equipment Co.	2.09
Fred Wildy Landscape Service	85.00
H. M. Wilson Co.	60.00
Zellerbach Paper Co.	25.25
	$11,155.37

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin

Ellen Martin, Clerk