

## SPECIAL MEETING OF DECEMBER 2, 1963

The City Council of the City of Milwaukie, Oregon, convened in special session by common written consent in the Council Chamber at the City Hall in Milwaukie, Oregon, on the 2nd day of December, 1963, commencing at the hour of 8:00 o'clock P.M., Pacific Standard Time.

The meeting was duly called to order by Mayor Joseph M. Bernard, Jr., Chairman of the Council.

In the absence of Council Clerk Ellen Martin, the roll was called by Max Thompson, City Manager Pro tem.

Those present were: Mayor Joseph M. Bernard, Jr.; Councilmen Theron Sedgwick, Robert Richmond, Charles Renard, and Walter J. Freeman, being all of the members of the City Council.

Absent: Clerk Ellen Martin.

Also present at the meeting were: City Manager pro tem Max Thompson, City Recorder R. E. Osborne, and City Attorney John O. Sheldahl.

The hour of 8:00 o'clock p.m., having arrived, the City Council proceeded to open the sealed bids received by it pursuant to the advertisement of the proposed sale of the general obligation bonds of the City of Milwaukie, in the sum of \$150,000.00. It was announced that bids were received from the following:

Dominick & Dominick, 400 S.W. Sixth Avenue, Portland, Oregon.

The First National Bank of Oregon, Oak Grove Branch, Oak Grove, Oregon,

Blyth & Co., Inc., Pacific Building, Portland, Oregon

Mr. Osborne, City Recorder, reported that a fourth bid had been received from the First State Bank of Milwaukie, Oregon. A lengthy search was made for such bid but could not be found anywhere.

It was moved by Councilman Renard and seconded by Councilman Freeman that all bids be rejected without revealing the amounts of the bids; that the envelopes in which the bids were received be sealed and returned to the respective bidders.

Upon being put to a vote by the Mayor and Chairman of the Council, the motion was unanimously adopted.

The matter of considering and passing a resolution providing for the issuance and sale of negotiable general obligation bonds of the City of Milwaukie, Oregon, in the principal sum of \$150,000.00 heretofore authorized by the legal voters of said City; prescribing the form of said bonds and of the interest coupons pertaining thereto; providing for the sale of said bonds and providing for notice of such sale, was then taken up.

It was thereupon moved by Councilman Freeman and seconded by Councilman Sedgwick that the following transcribed Resolution be adopted:

## RESOLUTION NO. 36-1963

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF NEGOTIABLE GENERAL OBLIGATION BONDS OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, IN THE PRINCIPAL SUM OF \$150,000.00; PRESCRIBING THE FORM OF SAID BONDS AND OF THE INTEREST COUPONS PERTAINING THERETO; PROVIDING FOR THE SALE OF SAID BONDS: AND PROVIDING FOR NOTICE OF SUCH SALE

WHEREAS, heretofore on the 15th day of March, 1963, at a special election duly called and held in the City of Milwaukie, Clackamas County, Oregon, the legal voters of said City duly adopted Chapter VIII-E as an amendment to the Charter of the City of Milwaukie, Oregon, adopted by the people of the City of Milwaukie, Oregon, on the 7th day of November, 1944, as amended, which provides as follows:

## CHAPTER VIII-E

In addition to the other methods provided by the Charter of the City of Milwaukie, Oregon, or the General Laws of the State of Oregon, and not in derogation of any such powers, the City Council of the City of Milwaukie, Oregon, when in its discretion it is deemed advisable, may provide by resolution or resolutions for the establishment, construction, equipment and maintenance of a building to be used for a public library on property now owned by said City within the boundaries of said City, either by contract method or city construction method, or by the combination of both, together with all the appurtenances necessary for the completion and operation of said public library; and to pay the cost thereof, the City Council of the City of Milwaukie is hereby authorized to issue \$150,000.00 in negotiable general obligation bonds of the City of Milwaukie, Oregon, which shall be paid by an advalorem tax on all taxable property within the corporate limits of the said City of Milwaukie.

The City Council of the City of Milwaukie, Oregon, each year shall provide in the budget for sufficient funds to pay the principal and interest on said negotiable general obligation bonds of the City of Milwaukie, Oregon, which taxes shall be in addition to all other taxes permitted by the Charter, as amended, of the City of Milwaukie, Oregon, and the Constitution and the laws of the State of Oregon.

and

WHEREAS, It is now necessary to procure funds for the aforesaid purposes and to issue the bonds authorized by said charter amendment so designated as Chapter VIII-E; now therefore,

BE IT RESOLVED By the City Council of the City of Milwaukie, Oregon, that the City of Milwaukie, in Clackamas County, State of Oregon, do issue and sell its negotiable general obligation bonds in the principal sum of \$150,000.00 for the purpose of establishing, constructing, equipping and maintaining a building to be used for a public library on property now owned by said City within the boundaries of said City, and to pay the cost thereof.

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that said negotiable general obligation bonds shall be dated December 1, 1963, and shall be in the denomination of ONE THOUSAND DOLLARS (\$1,000.00) each and shall be numbered consecutively beginning with number ONE (1) and ending with number ONE HUNDRED FIFTY (150) and shall be issued to mature serially in numerical order in principal amounts as follows:

<u>Bond Numbers</u> <u>Inclusive</u>	<u>Maturity Dates</u>	<u>Amount</u>
1 - 10	December 1, 1964	\$10,000.00
11 - 20	December 1, 1965	10,000.00
21 - 30	December 1, 1966	10,000.00
31 - 40	December 1, 1967	10,000.00
41 - 50	December 1, 1968	10,000.00
51 - 60	December 1, 1969	10,000.00
61 - 70	December 1, 1970	10,000.00
71 - 80	December 1, 1971	10,000.00
81 - 90	December 1, 1972	10,000.00
91 - 100	December 1, 1973	10,000.00
101 - 110	December 1, 1974	10,000.00
111 - 120	December 1, 1975	10,000.00
121 - 130	December 1, 1976	10,000.00
131 - 140	December 1, 1977	10,000.00
141 - 150	December 1, 1978	10,000.00

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that the said bonds shall be the general obligation of the City of Milwaukie, Oregon, and shall bear interest semi-annually on June first and December first, beginning with June, 1964, at a rate or rates not exceeding five per cent (5%) per annum; that both the interest upon and the principal of said bonds shall be paid at the office of the treasurer of said City in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America; that the said bonds shall be signed by the Mayor and attested by the City Recorder of said City and that the interest coupons appertaining to said bonds shall bear the facsimile signatures of the Mayor and the City Recorder; and that, except as to numbers and maturities and such modifications as may be necessary to conform the said bonds to the terms of the successful bid therefor, the said bonds shall be of uniform tenor and read substantially as follows:

No. \_\_\_\_\_ \$1,000.00  
UNITED STATES OF AMERICA  
STATE OF OREGON  
COUNTY OF CLACKAMAS  
CITY OF MILWAUKIE  
GENERAL OBLIGATION BOND

THE CITY OF MILWAUKIE in CLACKAMAS COUNTY, OREGON, for value received hereby promises to pay to bearer the sum of . . . . . ONE THOUSAND DOLLARS . . . . . (\$1,000.00) upon the FIRST DAY OF DECEMBER, 19\_\_\_, with interest thereon from the date hereof to maturity at the rate of \_\_\_\_\_ per cent per annum payable semi-annually upon the first days of June and December of each year hereafter to the bearer of the respective coupons therefor hereto attached, upon the presentation and surrender thereof as the said coupons respectively mature. Both the principal hereof and the interest hereon are payable at the office of the Treasurer of said City in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts within the United States of America.

THIS BOND, one of a series of like date and tenor, except as to maturities, aggregating ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) par value par value in amount numbered one to one hundred fifty inclusive, is a general obligation of the City of Milwaukie, Oregon, payable both as to principal and interest from unlimited ad valorem taxes upon all of the property within the said City so taxable for its purposes and is issued in accordance with the Statutes of the State of Oregon thereunto appertaining and of Chapter VIII-E of the Milwaukie Charter of 1944, duly adopted by the legal voters of said City at a special election regularly called and legally held therein on the 15th day of March, 1963, for the purpose of establishing, constructing, equipping and maintaining a building to be used for a public library on property now owned by said City within the boundaries of said City, and to pay the cost thereof.

IT IS HEREBY CERTIFIED, RECITED and DECLARED that all conditions, acts and things required to exist, to happen and to be performed precedent to and in the issuance of this bond have existed, have happened, and have been performed in due time, form and manner as required by the Constitution and Statutes of the State of Oregon and by the Charter and Ordinances of said City and that the issue of which this bond is a part and all other obligations of said City are within every debt limitation and other limit prescribed by the said Constitution, Statutes and City Charter.

IN WITNESS WHEREOF, the said City of Milwaukie has caused this bond to be signed by its Mayor and attested by its Recorder under its corporate seal, and has caused the attached interest coupons to bear the facsimile signatures of its said officers, all as of the first day of December, 1963.

*Joseph M. Bernard* (SEAL)  
Mayor of the City of Milwaukie,  
Oregon

ATTEST:

*R. E. Osborn*  
Recorder of the City of Milwaukie, Oregon

## COUPON

No. \_\_\_\_\_

\$ \_\_\_\_\_

ON THE FIRST DAY OF \_\_\_\_\_, 19\_\_\_\_, THE CITY OF MILWAUKIE, in Clackamas County, Oregon, will pay the bearer \_\_\_\_\_ Dollars AT THE OFFICE OF THE TREASURER OF SAID CITY for six (6) months' interest then due on City of Milwaukie General Obligation Bond No. \_\_\_\_\_, dated December 1, 1963.

Joseph M. Bernard (SEAL)  
Mayor of the City of Milwaukie,  
Oregon

ATTEST:

R. O. Osborn  
Recorder of the City of  
Milwaukie, Oregon

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that the hour of 8:00 o'clock p.m., Pacific Standard Time, December 20, 1963, be and the same is hereby fixed as the time and date for the sale of City of Milwaukie General Obligation Bonds in the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00).

BE IT FURTHER RESOLVED By the City Council of the City of Milwaukie, Oregon, that the City Recorder of the City of Milwaukie is hereby authorized and directed to advertise the said bonds for sale and shall advertise said sale once each week for not less than two successive weeks in the Milwaukie Review, a weekly newspaper published in Milwaukie, Clackamas County, Oregon, which is a newspaper printed and published within the boundaries of the City of Milwaukie. Such notice shall be substantially as follows:

## NOTICE OF BOND SALE

NOTICE is hereby given that sealed bids will be received by the undersigned until 8:00 o'clock p.m., Pacific Standard Time, on the 20th day of December, 1963, and immediately thereafter opened by the Council of the City of Milwaukie for the purchase of general obligation bonds of said City in the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00). Bonds 1 to 150 inclusive shall be in the amount of ONE THOUSAND DOLLARS (\$1,000.00) each. All bonds to be dated December 1, 1963, and to mature in numerical order as follows:

<u>Bonds Numbered</u> <u>Inclusive</u>	<u>Maturity Dates</u>	<u>Amount</u>
1 - 10	December 1, 1964	\$10,000.00
11 - 20	December 1, 1965	10,000.00
21 - 30	December 1, 1966	10,000.00
31 - 40	December 1, 1967	10,000.00
41 - 50	December 1, 1968	10,000.00
51 - 60	December 1, 1969	10,000.00
61 - 70	December 1, 1970	10,000.00
71 - 80	December 1, 1971	10,000.00
81 - 90	December 1, 1972	10,000.00
91 - 100	December 1, 1973	10,000.00
101 - 110	December 1, 1974	10,000.00
111 - 120	December 1, 1975	10,000.00
121 - 130	December 1, 1976	10,000.00
131 - 140	December 1, 1977	10,000.00
141 - 150	December 1, 1978	10,000.00

said bonds to bear interest at the rate of not to exceed five per cent (5%) per annum, payable semi-annually at the office of the Treasurer of Milwaukie, Oregon.

The bonds will be in coupon form, and will be payable both as to principal and interest at the office of the Treasurer of said City from unlimited ad valorem taxes upon all the taxable property in said City.

The bonds will be sold for cash to the responsible bidder whose proposal will result in the lowest net cost to the City, but for not less than their par value and the entire amount of accrued interest thereon. Each bidder shall submit with, or include in, his or its bid a statement of the total net interest cost to the City, under his or its bid, if accepted. The City reserves the right to reject any or all bids and waive formalities in the awarding of the bonds.

Bids submitted must be unconditional, and must be accompanied by a Cashier's Check or Certified Check in favor of the said City, of or upon a bank doing business in Oregon, in the amount of \$3,000.00. The deposit will not draw interest, but will be forfeited to the City as liquidated damages if the bidder to whom the bonds are awarded fails or refuses to complete his or its purchase in accordance with the terms of his or its bid.

The bonds will be delivered complete, without undue delay, at the expense of the City at such city in Oregon as the successful bidder shall name. The legal opinion of Messrs. Shuler, Sayre, Rankin & Myers, of Portland, Oregon, approving the validity of the bonds, will be furnished by the City without cost to the successful bidder.

Upon being put to a vote by the Mayor and Chairman of the Council, the motion to adopt the foregoing resolution was unanimously adopted, the vote being as follows:

Ayes: Joseph M. Beranrd, Jr., Theron Sedgwick, Robert Richmond, Charles Renard, and Walter J. Freeman. Nays: None.

The Mayor declared the motion carried.

The Council discussed the plans for the conversion of the Ledding house to a public Library. It was decided that the plans be presented to the Planning Commission for their examination with the Library Board on December 13.

Mr. Ray Mackenzie, 1504 Oxford Lane, presented a draft of the easements for existing sewers in Waverly Heights which information is necessary to the City if the sewers are taken over for City maintenance.

The Mayor appointed the following Committee to meet with the Bureau of Municipal Research, to start a "Master Planning Program" for the City. John Coursey, Chm., Walter Freeman, Ed. Fuller, George VanVergen and John Gleason. The City Manager is to notify these Committee members of their appointment and arrange for a meeting place for the Committee.

It was moved by Sedgwick and seconded by Richmond that the traffic on McLoughlin Boulevard at Monroe Street be moved to Jefferson Street and McLoughlin Blvd. Under discussion it was moved by Richmond and seconded by Freeman that the above motion be tabled until the regular meeting of the Council on December 9. Motion carried and so ordered.

The Mayor read a letter from Mr. Cordova, of the Security Bank, Milwaukie, requesting that City funds be deposited in this Bank. It was moved by Sedgwick and seconded by Bernard that City funds be not moved from the present depository. Motion carried and so ordered.

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

RESOLUTION NUMBER 37 - 1963

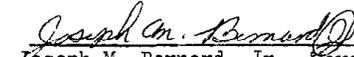
WHEREAS, it is necessary that the City of Milwaukie, Oregon, have a "Petty Cash" account, in the amount of \$25.00, from which small amounts may be paid in cash, and

WHEREAS, said "Petty Cash" account may be provided by moneys drawn from the General Fund and the Water Fund of the City, and

WHEREAS, small cash disbursements from the "Petty Cash" account may be replaced from moneys drawn from the General Fund and the Water Fund,

NOW THEREFORE BE IT AND IT HEREBY IS RESOLVED that the City of Milwaukie establish and maintain a "Petty Cash" account in the amount of \$25.00

ADOPTED THIS 2nd DAY OF DECEMBER, 1963.

  
Joseph M. Bernard, Jr., Mayor.

ATTEST:

  
R. E. Osborne, Recorder.

Motion carried and so ordered.

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

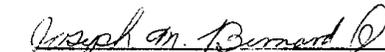
RESOLUTION NUMBER 38-1963

WHEREAS, it is necessary that the City of Milwaukie, Oregon, have a "Cash Register Fund" in the General Fund, and a "Cash Register Fund" in the Water Fund of the City, for making change for moneys received in payment of assessments, water bills, etc., and

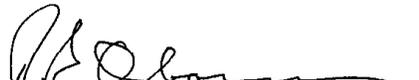
WHEREAS, it is necessary that such "Cash Register Funds" be established,

NOW THEREFORE BE IT AND IT HEREBY IS RESOLVED that the City of Milwaukie establish and maintain a "Cash Register Fund in the General Fund in the amount of \$100.00 and a "Cash Register Fund" in the Water Fund in the amount of \$100.00.

ADOPTED THIS 2nd DAY OF DECEMBER, 1963.

  
Joseph M. Bernard, Jr., Mayor

ATTEST:

  
R. E. Osborne, Recorder.

Motion carried and so ordered.

A letter from the Randall Investment Corp., J.S. Ellison, President, was read. The Randall Investment Corp. requested that a sanitary sewer be installed in Glover Road (43rd St.) from the present man-hole in Glover Road near the northwest corner of Gibson's Subdivision of the Baptist Campbell Tract, thence south to King Road; thence east to 44th Street. It was moved by Freeman and seconded by Sedgwick that the City Manager make investigation of this matter and report at the regular meeting of the Council on December 9. Motion carried and so ordered.

It was moved by Richmond and seconded by Freeman that the Council approve recommendations for renewals of the following liquor licenses.

Safeway Stores Inc. Store No. 249 Package Store Class B PB  
Day-Night Food Service, 9310 32nd St., Albert I. Erlandson, Package Store Class B  
Price-Rite Grocery, 1113 Main St., Clyde Basler, Package Store Class B PB  
Motion carried and so ordered.

It was moved by Richmond and seconded by Renard that the City Manager be authorized to advertise for bids for the sale of City owned Lots 14, 15, 16, Block 12 Quincy Addition. Motion carried and so ordered.

It was moved by Freeman and seconded by Richmond that the City Manager be authorized to select a building Inspector for the City. Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

*Ellen Martin*  
Ellen Martin, Clerk.

MEETING OF DECEMBER 9, 1963

COUNCIL CHAMBER

989th MEETING

The nine hundred eighty-ninth regular meeting of the Council of the City of Milwaukie was held on the ninth day of December, 1963.

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

The invocation was given by Reverend Maynard McGaven, of Harmony Memorial Evangelical United Brethren Church.

Those present were Mayor Joseph M. Bernard, Jr.; Councilmen Theron Sedgwick, Robert Richmond, and Walter Freeman; City Manager Max Thompson, City Attorney John O. Sheldahl and Clerk Ellen Martin. Absent: Councilman Charles Renard.

The minutes of the nine hundred eighty-eighth regular meeting of the Council, held on the eleventh day of November, 1963, were approved as written.

The minutes of a Special meeting of the Council, held on the second day of December, 1963, were approved as read.

Mr. Ray Mackenzie, 1504 Oxford Lane, appeared before the Council with regard to the proposed sanitary sewer trunk line from Waverly Heights. Mr. Mackenzie pointed out the fact that the present sanitary sewer in Waverly Heights is used also as a storm sewer from a point approximately 400 feet easterly from the man-hole at the northwest corner of Lot 14 and suggested that the sanitary trunk line be extended to this point where the storm water could be diverted into the drain pipe presently emptying into the river. Mr. Carl Reinke, from Stevens & Thompson, stated that the estimated cost of this extension was \$2,000.00.

It was moved by Sedgwick and seconded by Freeman that this change be made and that the following resolution be adopted.

RESOLUTION NUMBER 39-1963

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT A SANITARY TRUNK LINE SEWER, FROM A SANITARY SEWER LINE PRESENTLY APPROXIMATELY 400 FEET EASTERLY FROM THE NORTHWEST CORNER OF LOT 14, WAVERLY HEIGHTS, RUNNING THENCE WESTERLY AND SOUTHEASTERLY AND PARALLEL WITH THE PORTLAND TRACTION CO. (SOUTHERN PACIFIC CO.) RIGHT-OF-WAY TO INTERSEPT THE SANITARY SEWER PRESENTLY LYING ALONG THE WEST SHORE OF JOHNSON CREEK AT TAX LOT NO. 263 OF THE LOT WHITCOMB D.L.C.

WHEREAS, the Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct a trunk line sanitary sewer from a sanitary sewer line presently approximately 400 feet east of the northwest corner of Lot 14, Waverly Heights, running thence westerly and southeasterly and parallel with the Portland Traction Co. (Southern Pacific Co.) right-of-way to intersept the sanitary sewer lying along the west shore of Johnson Creek at Tax Lot No. 263, Lot Whitcomb D.L.C. and

WHEREAS the Council of the City of Milwaukie, Oregon, has required from the City Engineer, plans and specifications for approximate 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, specifications and estimates in the office of the City Recorder,