

COUNCIL CHAMBER, 7:45 P. M.

Monday, May 23, 1955.

Council met in regular session. Present 6; Battin, Bratrud, Goering, Hooker, Humiston, Tollefson. Absent 3; Jensen, Perdue (taking his seat at 7:50 P. M) and Stojack.

It was moved by Dr. Battin, seconded by Dr. Humiston, that the minutes of the previous meeting, copies of which had been mailed by the Clerk to each Councilman, be approved and the reading thereof be dispensed with. Motion carried on roll call: Ayes 6; Nays 0; Absent 3; Jensen, Perdue, Stojack.

Mayor Tollefson said he had been advised that a number of people, who had received notices about the "ripping" of Thompson Avenue, were present to take this matter up with Council, and that he would entertain a motion to suspend the rules so that they might be heard at this time.

It was moved by Dr. Humiston, seconded by Col. Hooker, to suspend Rule 5 (Order of Business) in order to hear the delegation from Thompson Avenue. Motion carried unanimously.

Mr. Staman, Director of Public Works, stated that late this afternoon he had received a call from Hugh Quigley, 5647 South Thompson, reporting that the residents on Thompson Avenue between 56th and 64th were greatly disturbed because they had received notices that the street was to be "ripped". Mr. Quigley told him that the street was in good condition and the people were opposed to having it "ripped", so he went out to investigate personally, Mr. Staman stated. The street actually is not in too bad condition, Mr. Staman admitted, and most certainly should not be "ripped". He was having an investigation and resurvey made on all "ripping of streets" and orders have gone out that no more ripping would be done until this resurvey is completed, as he intends to get at the bottom of the matter. Mr. Quigley and two other residents all agreed with Mr. Staman that the street should not be ripped as it is in as good condition as 90% of the City of Tacoma streets. Mr. Backstrom said he has asked that hereafter photographs be taken of the streets before any ripping is done, so that the City would have proof that the condition warranted this action. Mr. Staman was asked to make a report to the Council when he gets to the bottom of this case and ascertains who gave the orders. The matter was discussed further and it was suggested by Mr. Quigley that perhaps a more satisfactory method might be used to advise the property owners of the contemplated action than by the handbills which are now being used, as several in the area had not received them and many had not realized their significance and had thrown them away without being read. The discussion concluded with an agreement that this street would be patched if it were feasible.

Order of business reverted to

RESOLUTIONS:

Initial Resolution No. 14265. L. I. D. 2229.

By JENSEN:

Stating intention of Council to order grading to the established grade and placing thereon an oil mat surface on South 53rd Street from South Alaska Street to Wilkeson Street; also the construction of concrete sidewalk on both sides of said street; creating L I D 2229 and fixing June 21st, 1955 as the date for hearing thereon. It was moved by Mr. Bratrud, seconded by Col. Hooker to suspend Rule 9, and carried unanimously on voice vote. The resolution was then

1955

adopted without having been read in full.

Adopted on roll call May 23, 1955.  
Ayes 7; Nays 0; Absent 2; Jensen, Stojack.

INITIAL RESOLUTION No. 14266. L. I. D. 4552.

By JENSEN:

Stating intention of Council to order grading to the established subgrade and placing thereon an asphalt surface on South L Street from South 43rd Street to 45th Street; creating L I D 4552 and fixing June 21st, 1955 as the date for hearing thereon. It was moved by Dr. Humiston, seconded by Col. Hooker to suspend Rule 9, and carried unanimously on voice vote. The resolution was then adopted without having been read in full.

Adopted on roll call May 23, 1955.  
Ayes 7; Nays 0; Absent 2; Jensen, Stojack.

FIRST READING OF ORDINANCES:

Ordinance No. 15339.

Repealing Ordinance No. 15107, entitled: "An ordinance providing for the improvement of Bennett Street from North 26th Street to North 30th Street by grading and oil mat; creating Local Improvement District No. 4537". Read by title and placed in order of final reading.

Ordinance No. 15340. L. I. D. 1924.

Approving and confirming the assessment and assessment roll certified to Council for the cost of the improvement in L I D 1924. Read by title and placed in order of final reading.

Ordinance No. 15341. L. I. D. 5233.

Approving and confirming the assessment and assessment roll certified to Council for the cost of the improvement in L. I. D. 5233. Read by title and placed in order of final reading.

Ordinance No. 15342. L. I. D. 5240.

Approving and confirming the assessment and assessment roll certified to Council for the cost of the improvement in L I D 5240. Read by title and placed in order of final reading.

Ordinance No. 15343. L. I. D. 2230.

Providing for improvement of East I Street from East 36th Street to East 37th Street, by grading and oil mat; creating L. I. D. 2230. Read by title and placed in order of final reading.

Ordinance No. 15344. L. I. D. 4551.

Providing for the improvement of the alley between South D Street and Pacific Avenue from South 38th Street to South 40th Street by paving; creating L I D 4551. Read by title and placed in order of final reading.

Ordinance No. 15345. L. I. D. 5246.

Providing for the construction of a 12-inch cast iron water main in South

72nd Street from L Street to Sheridan Avenue; an 8-inch cast iron water main in Sheridan Avenue from South 68th Street to South 72nd Street; and a 6-inch cast iron water main in M Street from South 68th Street to South 72nd Street, in South 68th Street from J Street to M Street; and in L Street from South 68th Street to a point approximately 814 feet North of the North line of South 68th Street; creating L I D No. 5246. Read by title and placed in order of final reading.

Ordinance No. 15346.

Authorizing the appropriation of the sum of \$8,750.00 from the Street and Bridge Construction Fund of 1955 to pay for the acquisition of right of way for the improvement of South 56th Street from South Junett to South Prospect Street. Read by title and placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 15336.

Authorizing the proper officers of the City of Tacoma to enter into a lease between O. J. Swanes, Vernon Swanes and Hildur Swanes, copartners doing business as Northern Fish Products Company; and setting out the terms and provisions thereof. Read by title. It was moved by Dr. Humiston, seconded by Mr. Perdue to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Jensen, Stojack.

Ordinance No. 15337.

Amending Section 68 of Ordinance No. 13443, as amended, entitled: "An ordinance to be known as the Electrical Code, regulating the sale, lease, rental, installation, repair, use and removal of electrical wiring, equipment, and appliances; providing a penalty for the violation hereof; repealing Ordinances Nos. 2275, 9986, 12354 and all parts of ordinances in conflict with this ordinance; and specifying the effect date hereof." (ELECTRICAL CODE- Se. 68- Metering- permitting use of a fused switch ahead of the meter in lieu of a circuit breaker under certain circumstances). Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously on voice vote. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Jensen, Stojack.

Ordinance No. 15338.

Amending Section 1 of Ordinance No. 13987, as amended, entitled; "An ordinance imposing gross earnings taxes for the benefit of the General Fund, upon certain subdepartments of the Department of Public Utilities and the Garbage and Refuse Department; repealing all ordinances or parts of ordinances in conflict herewith; and declaring the effective date hereof." (Making gross earnings tax subordinate to the payment of principal of and interest on revenue bonds of the City of Tacoma heretofore or hereafter issued.) Read by title. It was moved by Dr. Humiston, seconded by Dr. Battin to suspend Rule 9 and carried unanimously. The ordinance was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Jensen, Stojack.

1 MAY 23 1955  
Ordinance No. 15334. (Laid over to this date on May 16th).

Amending Sections 1 and 2 of Ordinance No. 15024, entitled: "An ordinance authorizing and directing the City attorney of the City of Tacoma to purchase and/or institute and prosecute an action in the Superior Court of the State of Washington for Pierce County under the right of eminent domain for the condemnation and acquisition in fee simple of certain tracts or parcels of land for the purpose of acquiring a right of way for an alley between MacArthur and Meyers Streets from South 8th Street to South 10th Street in the City of Tacoma; and providing for the payment therefor." in order to include additional property for acquisition of said alley, and to appropriate additional money for said acquisition. Read by title. It was moved by Dr. Battin to suspend Rule 9, seconded by Mr. Perdue and carried unanimously on voice vote.

M. L. Dellen, residing at 818 South MacArthur, who is one of the parties interested in this alley, briefed the Council on the difficulties they have faced in endeavoring to get a dedicated alley through. About three or four years ago some of the residents got together and approached the Public Works Department to see what could be done to get an alley and they were told to circulate a petition and to deed the necessary property to the City for this purpose. This was done and 17 out of 22 property owners deeded land to the City and they were told that the City would buy or condemn the remainder of the property necessary to be obtained. There are eleven garages on this alley and they can use only one end of it as the party on the corner, who has not deeded land, has built a fence there, Mr. Dellen added. Mr. Boyle was called upon to explain the legal aspects involved. Their office felt that it would expedite matters and be as economical in the end if the City negotiated the purchase of the property rather than to obtain it through condemnation proceedings. However when Assistant City Attorney Brown began negotiations with this party he refused to accept the amount set forth in Ordinance No. 15024 and demanded more money, which is the reason the amendment under discussion was submitted. It was pointed out by Mr. Boyle that it is not likely this situation will ever arise again, as, at the instigation of the City of Tacoma, a bill was passed by the Legislature which makes it possible to include the cost of the right-of-way in the L. I. D., eliminating the necessity of condemnation proceedings, which law becomes effective June 9th. The possibility of giving back the deeds, which have been previously recorded, to the donors and proceeding under the new law after June 9th was suggested by Dr. Humiston, as this would be more equitable to all interested. Mr. Bratrud asked about the difference in cost between outright purchase and condemnation, and was told by Mr. Boyle it would probably amount to about the same, but the condemnation proceedings would take more time. Mr. Bratrud also asked how much the property had been appraised for, and whether or not the City was being charged too much. Mr. Boyle endeavored to find Mr. Brown's file on this but was not successful. After further discussion, the majority of the Council felt that this matter had "hung fire" much too long and the ordinance should be passed without further delay, so the property owners could have the alley as soon as possible.

Ordinance No. 15334 was then passed without having been read in full.

Roll call: Ayes 7; Nays 0; Absent 2; Jensen, Stojack.

#### UNFINISHED BUSINESS:

The L. I. D. Committee reports that hearing was held by the Committee on L I D 5244 on April 19, 1955, for Cast Iron Watermains and Fire Hydrants in Lexington Street from North 49th to North 51st and in North 49th and North 51st from Frace to Lexington, at which time the remonstrance was reported to be 59.107%. The hearing was continued to May 17th, 1955 and in the meantime additional remonstrances, bringing the total to 69.80%, had been filed by property owners. On May 17th, in view of this large remonstrance, the L I D Committee sustained the remonstrance and

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MAY 23 1955

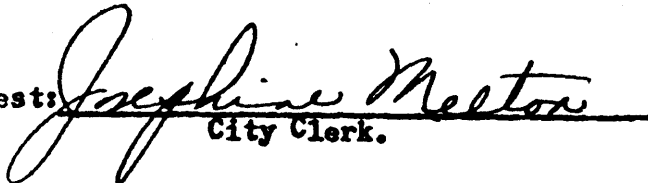
85

ordered the district abandoned and makes this recommendation to the Council. It was moved by Dr. Humiston, seconded by Dr. Battin to concur in the recommendation of the L. I. D. Committee and carried on roll call: Ayes 7; Nays 0; Absent 2. Jensen, Stojack

Mr. Backstrom referred to C.M. #32, April 5, 1954, relative to a proposed minimum housing code for Tacoma, and advised that the Staff has worked out a tentative minimum housing ordinance, which is about ready for submission to Council. In view of the disastrous fire of last week in which 2 lives were lost, he felt the time was auspicious for presenting this code to the public. He recommended that the Mayor appoint a Committee from the Council to study the tentative ordinance and meet with the Staff and interested groups. The Mayor designated the "General Committee" consisting of Paul Perdue, Chairman, Frank Stojack and Col. Hooker as the proper committee and directed Mr. Perdue to make arrangements for a meeting.

Upon motion, duly seconded and carried, Council then adjourned at 8:47 P. M.

  
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President of City Council

Attest:   
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City Clerk.