

## MEETING OF FEBRUARY 9, 1959

931st meeting

The nine hundred thirty-first regular meeting of the Council of Milwaukie was held on the ninth day of February, 1959.

The meeting was called to order by Mayor Mullan.

Present: Mayor Mullan; Councilmen Clay, Mortensen and Howard; Manager Burdick, Attorney Sheldahl and Clerk Martin. Absent: Councilman Sedgwick.

The minutes of the nine hundred thirtieth regular meeting of the Council, held on the twelfth day of January 1959, were approved as written.

A letter from Multnomah County Labor Council, AFL-CIO, which was a salutation to the citizens of Milwaukie for their fine cooperation and efforts in rehabilitating the Jasmer family after the disastrous fire which destroyed their home and took the lives of four children, was read.

A letter from the Milwaukie Planning Commission, in which they reported that a hearing had been held on the question of change of zone for Tax Lot 16, Whitcomb DLC and the north 35 feet of Lots 1, 2, 3, Block 41, Minthorn Addition, and that in accordance with the long range plan for zoning along Harrison Street, they recommended that the zone be changed from 3 R-1 to Commercial on these two parcels of land. Attorney Sheldahl was directed to prepare the necessary Ordinance providing for the change of zone for these two properties.

The Clerk reported that this was the time set for a hearing on the annexation of properties as listed in Ordinance No. 739.

Mayor Mullan opened the hearing and called for objections or remonstrances to the annexation of these properties. There was no citizen present who objected to such annexations.

Ordinance No. 741 was taken up and read for its first reading. It was moved by Clay and seconded by Mortensen that Ordinance No. 741 be passed to its second reading. Motion carried and so ordered.

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

## RESOLUTION NUMBER 2-1959

WHEREAS, the City of Milwaukie, Oregon, has heretofore negotiated with the Southern Pacific Company, a Delaware corporation, for a grant of the right to construct, reconstruct, maintain and operate an eighteen inch (18") sewer pipeline within a thirty-six inch (36") steel casing, and eight inch (8") sewer pipe and one manhole in, along, across and beneath the property and tracks of the Southern Pacific Company, at or near Willsburg Junction, Clackamas County, Oregon, and

WHEREAS, as a result of such negotiations the said Southern Pacific Company has presented to the City Council of the City of Milwaukie, Oregon, an agreement in duplicate and in writing entitled an "Indenture" which sets forth the extent of the grant and the terms, conditions and rentals under which it is willing to make such grant, to which are also attached as a part thereof maps indicating the permissive location of said structure and specifications by which the construction and maintenance of the structure beneath the tracks of the said Southern Pacific Company shall be governed, and

WHEREAS, the City Council of the City of Milwaukie, Oregon, after careful consideration of said "Indenture" in duplicate, the extent of the rights thereby granted, the terms and conditions of the grant, the rental to be paid therefor, and the maps and specifications thereto attached and made a part thereof, finds and determines that it is to the best interests of the City of Milwaukie that the said grant and the terms and conditions thereof as set forth in said "Indenture" and attachments made a part there-

## MEETING OF FEBRUARY 9, 1959 continued

of be accepted and that the City Council cause the said "Indenture" to be signed and executed as provided by the City Charter, and deliver one of the said duplicate originals so signed, executed and acknowledged to the Southern Pacific Company, thereby causing the City to accept said grant and thereby binding the City, its successors and assigns, to comply with all of the terms, rental requirements and conditions thereof as therein set forth.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Milwaukie, Oregon, that the City of Milwaukie, Oregon, accept the grant of the rights set forth in the "Indenture" and the attachments made a part thereof as hereinabove set forth, and all of the terms, rental requirements, obligations and conditions thereof?

BE IT HEREBY FURTHER RESOLVED by the City Council of the City of Milwaukie, Oregon, that Leonard B. Mullan, Mayor of the City of Milwaukie, Oregon, the city officer authorized by the City Charter to sign, execute and acknowledge all instruments on behalf of the said City of Milwaukie, Oregon, be and he hereby is authorized, empowered and directed to sign, execute and acknowledge said "Indenture" on behalf of the City of Milwaukie, Oregon, to affix the official seal of the City thereto, to cause his signature to be attested by the City Recorder, and to do any and all other acts that may be required to effectually execute the said "Indenture" on behalf of the City of Milwaukie, Oregon, to effectually bring about the said City's acceptance of said "Indenture", to effectually bind the said City to faithfully perform all of the terms, conditions, obligations, and payments in said "Indenture", (including attachments made a part thereof) set forth, and to deliver one executed duplicate original of said "Indenture" to the Southern Pacific Company.

BE IT HEREBY FURTHER RESOLVED that this Resolution be forthwith in full force and effect as of this 9th day of February, 1959.

STATE OF OREGON        )  
                          ) ss.  
County of Clackamas)

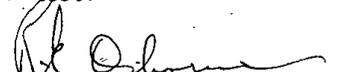
I, R. E. Osborne, do hereby certify that I am the duly appointed, qualified and acting Recorder of the City of Milwaukie, Oregon; that as such Recorder all of the minutes of the meetings of the City Council of said City are in my possession and under my control; that the above and foregoing Resolution was duly and legally passed and adopted by the City Council of said city at a meeting of said City Council duly and regularly held on the 9th day of February, 1959, as set forth in the minutes of said meeting; that I have carefully compared the foregoing copy of said Resolution with a copy of the original Resolution as the same is set forth in the minutes of said meeting of the City Council held on the 9th day of February, 1959, and that it is a correct copy transcribed therefrom, and the whole of such original Resolution as the same appears in the official minutes of the meetings of the City Council of the City of Milwaukie, Oregon, of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Milwaukie, Oregon, this 31st day of March, 1959.

  
\_\_\_\_\_  
City Recorder of the City of  
Milwaukie, Oregon

  
\_\_\_\_\_  
Leonard Mullan, Mayor

Attest:

  
\_\_\_\_\_  
R. E. Osborne, Recorder

## MEETING OF FEBRUARY 9, 1959 continued

Motion carried and so ordered.

Members of the Fire Department came before the Council for the purpose of coming to an understanding of the sick leave and insurance question. There was considerable discussion on this subject, after which it was moved by Mortensen and seconded by Clay that the following policy be adopted regarding this question.

Sick leave to be for two months or sixty (60) calendar days - maximum - to be accumulated one day per month of continuous service.

Sick leave pay to be as follows:

The City to pay the difference between the weekly benefit paid by the group insurance and the monthly salary of the employee.

Example: Employee monthly salary	\$300.00
Group insurance weekly benefit	
@ \$30.00 per week-- Monthly	120.00
To be paid by City	180.00

The object of this policy is to provide the employees their full monthly salary for the period of their accumulated sick leave.

Motion carried and so ordered.

Manager Burdick read a letter from R.J. Strasser Drilling Co. in which prices for drilling a well for additional water supply, were quoted as follows:

Six inch diameter test well using six inch standard steel pipe for the unit footage. \$5.60 per foot. To convert this into a production well they will leave the 6" casing in place and provide a surface water seal for an additional \$1.30 per foot.

To drill a 12" production well, furnish and install 12" standard steel pipe, perforate, develop and test same for the unit footage. \$16.80 per foot.

The Council requested Manager Burdick to obtain full information as to location, etc. for this project.

Manager Burdick read a letter from Jack O. Lannon, requesting a permit to operate a card room in his pool hall at 1216½ Main Street. The matter was laid on the table.

It was moved by Howard and seconded by Clay that Mr. Fred Kobs be sent to the Sewage Works Operators Short School to be held in Corvallis, February 23 to 25. Motion carried and so ordered.

Manager Burdick read a petition requesting that a street light be placed at 42nd and Rio Vista Streets. Manager Burdick stated that he had also had requests for street lights to be placed at 40th and Drake Streets and 38th and Drake Streets. The Council authorized the installation of these street lights.

Manager Burdick reported a delinquent lien against Lots 18 and 19, Block 8, Quincy Addition. The Council agreed that legal procedure be taken to collect the lien.

The Police Chief's monthly report was read and ordered filed.

Manager Burdick reported that he had made survey of traffic conditions at the intersection of 7th Avenue with 99E (McLoughlin Blvd.) and recommended that southbound traffic on McLoughlin Blvd. be not permitted to turn right into 7th Avenue.

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

MEETING OF FEBRUARY 9, 1959 continued

RESOLUTION NUMBER 3-1959

WHEREAS, by virtue of Ordinance Number 530 of the City of Milwaukie, Oregon, the City Council is authorized to make changes in parking and traffic regulations by resolution to become effective when proper markers and signs have been installed,

AND WHEREAS traffic hazards have developed at the intersection of Seventh Avenue and McLoughlin Boulevard (99E), and

WHEREAS it is now deemed necessary and expedient to prohibit south-bound traffic from turning right into Seventh Avenue,

NOW THEREFORE BE IT RESOLVED by the CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that motor vehicles or vehicles of any kind or description, be prohibited from making a right turn onto Seventh Avenue from McLoughlin Boulevard (99E) in the City of Milwaukie, Oregon.

BE IT FURTHER RESOLVED that the City Manager of the City of Milwaukie be, and he is hereby, directed to cause proper signs to be placed to indicate the prohibition of such right turn.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be and become effective from and after the erection of the "NO RIGHT TURN" sign herein provided for.

Adopted by the Council of Milwaukie, Oregon this 9th day of February, 1959.

*Leonard B. Millan*  
Leonard B. Millan, Mayor

ATTEST:

*R. E. Osborne*  
R. E. Osborne, Recorder

Motion carried and so ordered.

Manager Burdick read a letter from the Southern Pacific R.R. with regard to parcels of land along the west side of their right-of-way Tillamook Branch, between Monroe Street and Washington Street. This property would be of value to the City as a street which would relieve the congestion of traffic at the Post Office. The letter was laid on the table.

Manager Burdick read work reports from Stevens and Thompson, Consulting Engineers, which included bills as follows:

To Stevens & Thompson, engineering, work on storm sewers.....	\$850.00
Stevens & Thompson, Ardenwald District A. sewers. . . . .	447.16
Lord Bros. work on Ardenwald "A" Sewers . . . . .	12,474.45

It was moved by Clay and seconded by Howard that the above bills be approved. Motion carried and so ordered.

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

<u>VENDOR</u>	<u>AMOUNT</u>
American City	\$ 4.00
American Brush Co.	54.16
Bell Sand & Gravel Co.	5.50
Brooks Products	62.40
Earl S. Burdick	20.00
Bureau of Water Works	63.75
J.M. Bernard's Garage	34.80
Clackamas County	65.85

## MEETING OF FEBRUARY 9, 1959 continued

Wm. G. Dickson	\$ 19.00
Ditto, Inc.	7.70
Feenaughty Machinery Co.	312.00
Franck's Color Center	61.10
Dick Groener Agency	2,616.28
Charlie Helwig, Inc.	13.32
Homelite	29.58
International City Managers Assn.	50.00
Boyd Jossy	400.00
KPR Company	1.45
Midway Lumber Co.	875.00
Milwaukie Automotive Service	79.90
Milwaukie Hardware	36.61
Milwaukie Lumber Co.	20.24
Milwaukie Review	19.72
Milwaukie Volunteer Fire Dept.	53.00
Multnomah Fuel Co.	52.80
North Clackamas County Chamber of Commerce	15.00
Northwest Industrial Laundry	6.12
Olson Bros. Shell Service	78.60
Oregon City Printing & Stationery Co.	176.90
Oregon-Washington Transport	43.25
Overall Laundry	12.30
Pacific Telephone	154.35
Pitney-Bowes, Inc.	96.85
Portland General Electric Co.	1,095.22
Portland Road & Driveway	447.95
Remington Rand	16.05
F. E. Stein	40.62
Motorola	440.00
H. F. Price	37.50
Standard Oil Co. of California	44.04
Tidewater Oil Co.	180.69
Tracey & Co.	3.50
Ray Van De Moortele	40.00
Waterworks Supplies Co.	1,960.55
Weiler Chevrolet	5.85
Western Drug Label	37.50
Wilco Fire Equipment Co.	6.25
Totals	\$ 1,897.25

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

*Ellen Martin*  
Ellen Martin, Clerk

## SPECIAL MEETING OF FEBRUARY 16, 1959

A special meeting of the Council of Milwaukie, was held on the sixteenth day of February, 1959 for the purpose of a hearing on the assessment for the Sellwood Gardens sewers and trunk line sewers and for such other business as was necessary to come before the Council at this time.

The meeting was called to order by Mayor Mullan.

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

The Mayor opened the hearing on the assessment for the Sellwood Gardens trunk line and sanitary sewers and called for protests or objections to the same. The Clerk read nine written protests, the majority of which were objections to the condition of the streets following the laying of the