

## MEETING OF FEBRUARY 14, 1966

COUNCIL CHAMBER

1027th MEETING

The one thousand twenty-seventh regular meeting of the Council of Milwaukie was held on the fourteenth day of February, 1966.

The meeting was called to order by Mayor Robert E. Richmond.

The invocation was given by Rev. T. Whitehead of the St. Paul's Methodist Church, 11631 Linwood Avenue.

Those present were: Mayor Robert Richmond; Councilmen James M. Howard, Don W. Graf, Paul J. Slominski and Edgar D. Fuller; City Manager Max Thompson, City Attorney George Van Bergen, City Engineer Wayne Daigle and Clerk Ellen Martin. Also present was a group of Boy Scouts (Troop 203) who are studying citizenship, with them was their leader, former Mayor Joseph Bernard, Jr.

The minutes of the one thousand twenty-sixth regular meeting of the Council, held on the twenty-fourth day of January 1966, were approved as written.

Mr. Charles Cuculich, 4335 King Road, again came before the Council and reported the drainage problem along King Street east of Glover Road (43rd St.). Mr. Cuculich stated that he was afraid the water that drains off of Dieringer's Market and King Street, into his yard and patio, would cause the wall of his basement to cave in and requested that, if the City was not going to put curbs along King Street, that he be permitted to put in the curb along his property, and requested that the grade and specifications for the same be furnished to him. Manager Thompson explained that Clackamas County had been requested to finish that part of King Road which they had left unfinished, and which was causing this problem, in order that the City could then put in curbs along that part of King Road within the City limits. Mr. Cuculich was advised that Engineer Daigle had made a survey in the area and he could get the elevations and curb line from Mr. Daigle.

Manager Thompson reported that the City's contract with Mr. Frank Fairly for the auditing had expired. It was moved by Graf and seconded by Fuller that the City Attorney be directed to draw a contract for the City's audit; that the contract specify that it be renewable annually; that the dead line for the audit report be on October 15 each year and that the contract be submitted for the approval of the Council and the approval of the Auditor before the Council authorizes the Mayor to sign the same. Motion carried and so ordered.

The Mayor opened the hearing on the withdrawal of recently annexed properties in Block 37 Minthorn Addition, from the Milwaukie Rural Fire Protection District, and called for objection to the same. There was no person present who objected and no written objection had been received. The Mayor declared the hearing closed.

The Mayor opened the hearing on the withdrawal of recently annexed properties in Block 37, Minthorn Addition, from the Wichita Water District and called for objection to the same. There was no person present who objected and no written objection had been received. The Mayor declared the hearing closed.

The Mayor opened the hearing on the withdrawal of recently annexed properties in Block 37, Minthorn Addition from the Wichita Zoning District and called for objection to the same. There was no person present who made objection and no written objection had been received. The Mayor declared the hearing closed.

Ordinance Number 1108 was taken up and read for its first reading. It was moved by Howard and seconded by Graf that Ordinance Number 1108 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 1108 AN ORDINANCE withdrawing from the Milwaukie Rural Fire Protection District, Clackamas County, Oregon, those parts of said District heretofore annexed to and incorporated within the

boundaries of the City of Milwaukie, Oregon, was again taken up and read for its second reading and put on its passage with the following result being had. Ayes: Howard, Graf, Slominski, Fuller and Richmond. Nays: None. Ordinance Number 1108 passed the Council and was so declared by the Mayor.

Ordinance Number 1109 was taken up and read for its first reading. It was moved by Howard and seconded by Fuller that Ordinance Number 1109 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 1109 AN ORDINANCE withdrawing from the Wichita Water District, Clackamas County, Oregon, those parts of said District heretofore annexed to and incorporated within the boundaries of the City of Milwaukie, Oregon, was again taken up and read for its second reading and put on its passage with the following result being had. Ayes: Howard, Graf, Slominski, Fuller and Richmond. Nays: None. Ordinance Number 1109 passed the Council and was so declared by the Mayor.

The Mayor opened the hearing on an appeal for a zone change from Zone 3-R-1 to Zone 3-R-2 Special for Lots 4 and 5, Block 3, Gloverland and stated that those favoring the change would be permitted to speak first.

Mr. David Scott, representing the present owners and Mr. Lloyd Bousman, who proposes to purchase the property, if the zone is changed, pointed out that the location of the property was most suited to multiple dwellings, that it was adjacent to property now used as commercial as well as properties now occupied by apartment buildings. Mr. Scott also showed a drawing of the proposed apartment building to be located on the property which showed two one-story buildings and one two-story building. The plan also showed adequate off-street parking.

A letter from Mr. J. W. Clark stating that he owned adjacent property and that he has no objection to the change, was read. Letters from the following owners of properties in the area, protesting the zone change, were read: Nilio Untinen, 9326 43rd St.; Glen I. Doner, 4111 Howe St.; Doris A. Barto, 4207 Covell St.

A petition, signed by 42 persons (includes husbands and wives) living in the area, objecting to the change, was read.

Home owners, living in the area, speaking against the change were as follows: Arlie Brown, 4984 43rd St.; Glen Doner, 4111 Howe Street; Nilio Untinen, 9326 43rd Street; Merlin Bourquein, 9474 43rd St.; William Reed, 4401 Rockwood; Frank Budwill, 2190 41st St.

The Mayor called upon the members of the Council for their opinions. They agreed that the Planning Commission had made a thorough investigation of the case before making their recommendation to the Council. It was moved by Slominski and seconded by Howard that the Council approve the recommendation of the Planning Commission and that the zone on Lots 4 and 5, Block 3, Gloverland, be not changed. Motion carried and so ordered.

The Mayor announced that Mr. Roger Hollingsworth had requested that he not be appointed to serve on the Planning Commission.

It was moved by Howard and seconded by Fuller that the following citizens be appointed to serve on the Planning Commission:

Paul Baer	4006 Drake St.	Reappointed
David Strauss	10916 Woodhaven	"
Jerry Miller	3580 Nase Court	"
Mervin Englund	4326 White Lake Rd.	"
Allen Jones	1646 31st Street	"
Richmond Eddy	3517 S. E. Roethe Rd.	"
Robert Kennedy	2936 Monroe St.	Appointed in place of Roger Hollingsworth.

Motion carried and so ordered.

Manager Thompson opened and read bids for new overhead doors at the Water Dept. warehouse, as follows:

Overhead Door Co.	6 doors installed and complete	\$1135.25
Crawford Door Co.	6 doors	\$1010.00
	removing old doors	150.00
	painting doors	79.20
		<u>1239.20</u>
		1239.20

It was moved by Fuller and seconded by Graf that the bid of Overhead Door Co. be accepted, subject to the investigation and recommendation of the City Engineer. Motion carried and so ordered.

Manager Thompson reported that many properties, now in the City, were in the Wichita Lighting District; that we had not withdrawn these properties from the District and that they were still paying their assessment for street lighting to the District; that it would be fair and right for the City to assume the assessments charged to those properties now in the City as we were collecting revenues from the Portland General Electric Co. for these properties. Mr. Thompson stated that there was to be a meeting of the Board of the Wichita Lighting District in the near future and that he intended attending the meeting and explain to them that the City would withdraw these properties from the District and would pay to them (District) the assessments charged to the properties withdrawn. The Council agreed with Mr. Thompson on this action.

Manager Thompson reported to the Council that the codification of Ordinances has been completed and that 117 ordinances had been repealed.

Manager Thompson stated that in his opinion, 21st Street should be extended north from Harrison Street and urged the Council to take some action in this matter. It was moved by Graf and seconded by Slominski that the matter of extending 21st Street north from Harrison Street be referred to the Planning Commission for their investigation and recommendation. Motion carried and so ordered.

Manager Thompson reported that there would be a meeting of the Metropolitan Study Commission at the Court House in Oregon City on February 28.

Mayor Richmond read a report from the Civil Service Commission with regard to collective bargaining. It was moved by Fuller and seconded by Graf that the following Resolution be adopted.

RESOLUTION NUMBER 4-1966

WHEREAS, there was passed by the 1965 Legislative Assembly, a law titled Chapter 543, amending O.R.S. Chapter 243, and which provides generally that Civil Service Boards are required to establish procedures for collective bargaining, electing bargaining representatives and the enforcement thereof, and

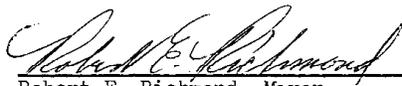
WHEREAS, the Oregon Attorney General has interpreted the law as being applicable to city civil service boards as well as state boards, and

WHEREAS, the Milwaukie City Council is informed and believes there is a serious constitutional question of "Home Rule" involved, and

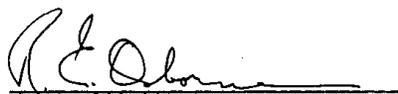
WHEREAS, the Council is informed that there are other serious constitutional questions involved, i.e. unconstitutional delegation of legislative power, in that such a suit has been filed in Marion County by the A.F. of L., wherein the Oregon Civil Service Commission is named defendant.

NOW THEREFORE, IT IS RESOLVED by the Milwaukie City Council that during the forthcoming 1966-67 budget review, adoption and presentation to the citizens for approval, that all matters dealing with employment relations will be considered in accordance with the Milwaukie Charter Civil Service provisions adopted in 1964, and that no effect will be given to said Chapter 543 Oregon Laws 1965, until said issues of constitutionality are resolved.

Dated this 14th day of February, 1966.

  
Robert E. Richmond, Mayor

ATTEST:

  
R. E. Osborne, Recorder

Motion carried and so ordered.

Mayor Richmond reported that Mr. George Fossati had resigned from the Budget Committee and that Elmer McClure had been appointed in his place.

Councilman Graf reported that he had attended a meeting of the Civil Defense for Clackamas County and gave a report of the activities carried on by the Civil Defense. Mr. Graf stated that he was surprised at the lack of interest in Civil Defense and stated that he felt it was important that citizens continue to take an interest in what is going on around them.

Councilman Howard reported that the Library would be going ahead to finish the music room, thanks to the generosity of Mrs. William Perry. He also explained the help and benefits received from the County Library.

Councilman Fuller gave a report of the Retirement Committee.

Councilman Graf gave a report of the Tax Base Study Committee.

Ordinance Number 1110 was taken up and read for its first reading. It was moved by Fuller and seconded by Howard that Ordinance No. 1110 be passed to its second reading. Motion carried and so ordered.

Ordinance No. 1110 AN ORDINANCE withdrawing from the Wichita Zoning District, Clackamas County, Oregon, those parts of said District heretofore annexed to and incorporated within the boundaries of the City of Milwaukie, Oregon, was again taken up and read for its second reading and put on its passage with the following result being had: Ayes: Howard, Graf, Slominski, Fuller and Richmond. Nays: None. Ordinance Number 1110 passed the Council and was so declared by the Mayor.

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

Addressograph-Multigraph Corp.	26.86
Air-Mac, Inc.	179.00
Allied Arts Studio	94.32
American Building Maintenance Co.	274.40
American Library Association	30.50
American Lincoln Prod. Inc.	65.00
Automotive Products	4.73
Robert H. Ayre	100.86
Binfords & Mort	2.60
Blue Seal Ind. Service	44.63
Dallas Brown	6.35
Jerry Carpenter	32.50
Carpenter Paper Co.	9.56
Cascade Construction Co.	12.00
Chevron Chemical	10.00
Clackamas County Fire Def. Bd.	5.00
Clackamas County Public Library	102.95
Doubleday & Co. Inc.	4.74
Econolite	251.30
Eichelberger's	15.00
J. H. Eldridge	30.00
Berg Evans Chain Co.	9.00
Evergreen Communications	38.00
Feenaughty Machinery	9.16
Ernie Freeman	7.50
M. O. Gardner	56.10
Gerber Mfg. Co.	7.42
Heisler's Car Wash	11.25
Charlie Helwig, Inc.	41.93
Horton Electric	820.46
Industrial Control	5.74
The Institute for Research	10.33
International Harvester	6982.00
Lampert, Fairly & Co.	960.00
Langston Tree Service	62.50
Larson's Auto Parts	37.84
League of Oregon Cities	1521.82
Darold L. Matthews	31.20

McCready Lumber Yards	15.15
Milwaukie Automotive Service	248.73
Milwaukie Hardware	34.67
Milwaukie Heating & Air Conditioning	15.00
Milwaukie Lumber Co.	21.48
Milwaukie Oil Co.	150.89
Milwaukie Plumbing & Heating Co.	152.75
Milwaukie Review	208.80
Milwaukie Sand & Gravel	6.60
Milwaukie Volunteer Fire Dept.	38.00
Mobil Oil Co.	44.55
National Fire Protection Association	8.34
Neptune Meter Co.	171.56
Northwest Natural Gas Co.	97.71
Northwest Photocopy Co.	63.75
Olson Bros.	12.30
Oregon City Laundry	58.87
The Oregon News Co.	13.94
Pacific Northwest Bell	381.69
The Pennzoil Co.	198.26
The Perry Pharmacy	1.98
Petty Cash	24.54
Pioneer Mercantile	25.44
Portland Con. Pipe & Products	386.76
Portland General Electric	3722.78
Portland Road & Driveway	354.33
Public Empl. Retirement Board	15.84
Pump Pipe & Power	48.00
Rasmussen & Co.	5.35
Clyde Rice	19.16
Richfield Oil Corp.	510.73
Rose City Label Co.	31.55
Sanderson Safety Sup.	6.90
Paul Slominski	16.40
Southern Pacific Co.	30.00
State of Oregon - Dept. of Motor Vehicles	73.00
Stevens & Thompson	1779.52
Street Fund	57.72
Tire Sales & Service	31.25
Thomas Office Supply	340.60
Truck Wrecking Yard	2.50
Vengelen & Vincent Co.	24.55
Volunteer Firefighter	6.00
B. T. Walton	79.02
Water Fund	284.77
Waterworks Supplies	48.64
Weiler Chevrolet	3.52
West Chemical Products	38.70
Western Fire Equipment Co.	12.38

Motion carried and so ordered.

On motion duly made and carried, the meeting adjourned.

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Ellen Martin, Clerk