MEETING OF JUNE 13, 1960

947th REGULAR MEETING

The nine hundred forty-seventh regular meeting of the Council of the City of Milwaukie, was held on the thirteenth day of June, 1960.

The Meeting was called to order by Mayor Clay.

Present: Mayor Clay; Councilmen James Howard, Peter Mortensen, E. H. Aebi, and Theron Sedgwick; City Manager Leonard Mullan, Attorney John Sheldahl and Clerk Ellen Martin.

The minutes of the nine hundred forty-sixth regular meeting of the Council, held on the ninth day of May, 1960, were approved as written.

The minutes of a special meeting of the Council, held on the thirteenth day of May, 1960, were approved as written.
The minutes of a special meeting of the Council, held on the twenty-seventh day of May, 1960, were approved as written.
The minutes of a special meeting of the Council, held on the thrity-first day of May, 1960, were approved as written.
The minutes of a special meeting of the Council, held on the third day of June, 1960, were approved as written.
The minutes of two special meetings of the Council, held on the fourth day of June, 1960, were both approved as written.
The minutes of a special meeting of the Council, held on the sixth day of June, 1960, were approved as written.

Mrs. Mildred Campbell came before the Council and stated that she had not signed a bond application to bond one of her lots (Lot 19, Block 1, Appleby Acres) for the Area "B" sewer assessment. Mrs. Campbell stated that she had paid the assessment on one of her lots and had expected to receive funds with which to pay the assessment in full on the other lot, that she had not yet received the money and was worried that she would be charged the penalty for not paying or bonding, and requested that she be permitted to bond the property at this time in order to escape the penalty which is due to be added on July 25th. After discussion, the Council advised Mrs. Campbell that the Council would meet again on July 11th, and that if she had not already paid the assessment, to come before them at that time.

A petition, signed by 78 residents in the Plat of Fieldcrest, requesting that street lights be installed in Fieldcrest, was read. It was moved by Mortensen and seconded by Sedgwick that the City Manager make proper investigation on the matter of location etc for street lights in Fieldcrest. Motion carried and so ordered.

Mr. Gunter, former proprietor of the Sweet Shop, came before the Council and requested a permit to operate a popcorn wagon in Milwaukie. Mr. Gunter stated that he had permission to park the wagon on the Signal Station lot at 21st and Monroe streets for the convenience of the children at the swimming pool, but would like to park on the streets near the Jr. High School and near St. John School during games at these places. It was moved by Mortensen and seconded by Aebi that Mr. Gunter be given a revokable permit to operate a popcorn wagon as outlined above. Motion carried and so ordered.

It being eight o'clock, the Mayor opened the hearing on the Area "D" sewers in Masonmead and Derry Acres and areas east of 41st Street, and called for objections to the same. There were many owners of property in the Plat of Fieldcrest and the unplatted area east of 41st Street and north of Fieldcrest who objected to sewers in this area. Those in Fieldcrest stated that they were not having trouble with their septic tanks and did not anticipate trouble. They strongly protested the square foot assessment for trunk line and lift station as they felt sure they would never have use for the same. The owners of unplatted properties along the east side of 41st Street had the same reasons for their objections as the Fieldcrest owners. There were a few residents of Masonmeade and Derry Acres who stated they had not been invited to sign the petition requesting the sewers and felt they should be given this right. After much discussion, the citizens from these areas suggested that petitions be circulated in the areas which would give them the opportunity to sign either for or agains the improvement. The Council agreed that this be done and authorized the City Manager to furnish such petitions to those volunteers who would circulate same.

The Mayor opened the hearing on the improvement of 40th Court from Olsen Ave. south, by paving. There was objection made to assessing the properties 100 feet back from each side of the street as Lots 3,4 and 7, Block 3, Plimpton Tracts, lying within 100 feet of 40th Court but facing Olsen Avenue and 41st Street would in no way benefit from this improvement. It was agreeable to the property owners along 40th Court that the assessment district be only 50 feet back from 40th Court. It was moved by Sedgwick and seconded by Aebi that the improvement of 40th Court by black-top pavement proceed. Motion carried and so ordered.

Mr. Fred Schlaf, from Portland Traction Co. was present at the meeting to discuss the condition of the recently laid railroad tract in McBrod Avenue. It was shown that the track was not in conformance with the street grade. Mr. Schlaf stated that their engineer understood that the street grade was to be changed. After considerable discussion it was agreed that the City would furnish the Portland Traction Co. with the grade of the street and that the Portland Traction Company would put the tracks in to conform with the street level.

A letter from the Milwaukie Planning Commission was read. The Commission recommended that Block 2 Streib's Addition be changed from Zone 3R-1 to Commercial Zone. It was moved by Mortensen and seconded by Howard that the Council accept the recommendation of the Planning Commission and that the zone change be made. Motion carried and so ordered.

Ordinance Number 804 was taken up and read for its first reading. It was moved by Howard and seconded by Mortensen that Ordinance Number 804 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 804 AN ORDINANCE providing for the rezoning of certain property in the City of Milwaukie, Clackamas County, Oregon, from Zone 3R-1 to Commercial Zone, amending Ordinance Number 481 as amended, and declaring an emergency; was taken up and read for its second reading and put on its passage with the following result being had, Ayes: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance Number 804 passed the Council and was so declared by the Mayor.

Ordinance Number 802 was taken up and read for its first reading. It was moved by Howard and seconded by Aebi that Ordinance Number 802 be passed to its second reading and that it be read at this time. Motion carrried and so ordered.

Ordinance Number 802 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 taken up and read for its second reading and put on its passage with the following result being had; Ayes: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance Number 802 passed the Council and was so declared by the Mayor.

Ordinance Number 803 was taken up and read for its first reading. It was moved by Howard and seconded by Aebi that Ordinance Number 803 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 803 AN ORDINANCE providing for the procedure to annex, without election, 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 result being had; Ayes: Clay, Howard, Mortensen, Aebi and Sedgwick. Nays: None. Ordinance Number 803 passed the Council and was so declared by the Mayor.

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

RESOLUTION NUMBER 20-1960

A RESOLUTION REQUESTING THE COUNTY COURT OF CLACKAMAS COUNTY, OREGON TO SURRENDER JURISDICTION OVER STREETS LYING WITHIN THE BOUNDARIES OF THE CITY OF MILWAUKIE, OREGON, AND DIRECTING THE MAYOR TO REQUEST SUCH SURRENDER OF JURISDICTION ON BEHALF OF THE CITY COUNCIL.

WHEREAS, it has been considered and deemed necessary and expedient and for the best interests of the City of Milwaukie, Oregon, that the City of Milwaukie, Oregon, acquire jurisdiction over certain streets lying within the corporate limits of said City as the same are (is) herewith described

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that by virtue of the foregoing and by virtue of the provisions of Section 373.270 Oregon Revised Statutes, that the City Council of the City of Milwaukie, Oregon, do and it hereby does, request the County Court of the County of Clackamas and State of Oregon to surrender the jurisdiction over the following portions of the County Roads as the same now lie within the corporate limits of the

City of Milwaukie, Oregon, said portion of said streets being described as follows:

SHERRETT STREET from 28th Street to 29th Avenue (in the Plat of Burley Acres)
28th STREET from Clackamas County line to 21st Ave.(Van Water Street) (in the plat of Burley Acres)
The following streets in the plat of Ardenwald:
DEPOT AVENUE from the Southern Pacific Railroad to 21st Avenue.
21st AVENUE from Roswell Street to Van Water Street
28th STREET from Roswell Street to Van Water Street
28th PLACE from Roswell Street to Van Water Street
30th AVENUE from Roswell Street to Van Water Street
31st AVENUE from Roswell Street to Van Water Street
29th AVENUE from Clackamas County line to its southerly terminus
30th AVENUE from Sherrett Street to its southerly terminus
EAST AVENUE from Sherrett Street to its southerly terminus
VAN WATER STREET from 32nd Street to its westerly terminus

ROSWELL STREET from the west boundary of the Plat of Ardenwald to its E'ly terminus
BOYD STREET from the west boundary of Bonnie View Acres to 32nd Street
MALCOLM STREET from the westerly boundary of Bonnie View Acres to 32nd Street
OLSON STREET (Henderson St.) from the westerly boundary of Bonnie View Acres to 41st Street
KELVIN STREET from the westerly boundary of Bonnie View Acres to 32nd Street
BALFOUR STREET from the westerly boundary of Bonnie View Acres to 32nd Street
SHERRETT STREET from 32nd to 36th Street
33rd STREET from Sherrett Street to the south boundary of Lot 6, Blk 1, Cole Add.
33rd STREET from Roswell Street to its N'ly terminus in Walnut Add'n.
34th STREET from Sherrett Street to Barba Street
KATHERYN COURT from 34th Street to its easterly terminus
MARY COURT from 34th Street to its easterly terminus
35thSTREET from Barba Street to its northerly terminus
BARBA STREET from 33rd Street to 36th Street
FLOSS STREET from 32nd Street to its easterly terminus
WAKE STREET from 32nd Street to its easterly terminus
36th STREET from Sherrett Street to Roswell Street
FILBERT STREET from 32nd Street to 41st Street
ROCKWOOD STREET from 32nd Street to 38th Street
HAZEL LANE from 38th Street to 40th Street
38th Street from Lot 6, Block 2, Strawberry Hill to Hazel Lane
37th STREET from Lot 23, Block 2, Strawberry Hill to Rockwood Street
40th STREET from King Road to Olson Street
39th STREET from Wake Street to Roswell Street
39th STREET from Roswell Street to Johnson Creek Boulevard
40th COURT from Olson Street to its southerly terminus
40th STREET from Roswell Street to Johnson Creek Boulevard
41st STREET from Johnson Creek Boulevard to Harvey Street
43rd AVENUE (42nd) from Johnson Creek Boulevard to its southerly terminus in Derry Acres.
MASON LANE from 41st Street to its easterly terminus
FIELDCREST STREET from 41st to its easterly terminus
FIELDCREST DRIVE from Fieldcrest Street to its easterly terminus
FIELDCREST AVENUE from Fieldcrest Street to its easterly terminus
47th AVENUE from Fieldcrest Drive to its northerly terminus
COVELL STREET from 41st Street to 43rd Street (Glover Road)
43rd STREET (Glover Road) from Covell Street to Howe Street
ROCKWOOD STREET from 43rd Street (Glover Road) to its easterly terminus
ROCKWOOD DRIVE from Rockwood Street to its easterly terminus
HOWE STREET from 40th Street to its easterly terminus
44th PLACE from Rockwood Street to Howe Lane
HOWE LANE from 44th Place to its easterly terminus
45th STREET from the southerly boundary of Arden Park to Glovers Street
GLOVERS STREET from 45th Street to the east boundary of Arden Park
47th AVENUE from Rockwood Street to Logus Road

The following streets in the Plat of Leone Acres:
46th AVENUE from Logus Road to Roberta Lane
ROBERTA LANE from 46th Avenue to its easterly terminus
WILLOW STREET from 46th Avenue to Harvey Court
HARVEY COURT from Willow Street to Harvey Street
HARVEY STREET from 47th Avenue to Harvey Court
LEONE LANE from Harvey Court to its westerly terminus

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ROSWELL STREET from the west boundary of the Plat of Ardenwald to its E'ly terminus
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MALCOLM STREET from the westerly boundary of Bonnie View Acres to 32nd Street
OLSON STREET (Henderson St.) from the westerly boundary of Bonnie View Acres to 41st Street
KELVIN STREET from the westerly boundary of Bonnie View Acres to 32nd Street
BALFOUR STREET from the westerly boundary of Bonnie View Acres to 32nd Street
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39th STREET from Wake Street to Roswell Street
39th STREET from Roswell Street to Johnson Creek Boulevard
40th COURT from Olson Street to its southerly terminus
40th STREET from Roswell Street to Johnson Creek Boulevard
41st STREET from Johnson Creek Boulevard to Harvey Street
43rd AVENUE (42nd) from Johnson Creek Boulevard to its southerly terminus in Derry Acres.
MASON LANE from 41st Street to its easterly terminus
FIELDCREST STREET from 41st to its easterly terminus
FIELDCREST DRIVE from Fieldcrest Street to its easterly terminus
FIELDCREST AVENUE from Fieldcrest Street to its easterly terminus
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ROCKWOOD DRIVE from Rockwood Street to its easterly terminus
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HARVEY COURT from Willow Street to Harvey Street
HARVEY STREET from 47th Avenue to Harvey Court
LEONE LANE from Harvey Court to its westerly terminus

46th STREET from Railroad Avenue to Adams Street in the plat of Martin Heights.
STANLEY STREET (Sellwood Street) in the Plat of Minthorn, from the easterly line of Lot 8, Block, 88 Minthorn Addition to 35th Street.
JEFFERSON STREET from 42nd Street to its easterly terminus in the Plat of Keil Hts.
WASHINGTON STREET from 42nd Street to its easterly terminus in the Plat of Martin Hts.
ADAMS STREET from 42nd Street to its easterly terminus in the Plat of Martin Hts.
RIO VISTA STREET from 42nd Street to its easterly terminus
FRANKLIN STREET from 42nd Street to its easterly terminus
46th STREET from Washington Street to its northerly terminus in the Plat of Martin Hts.
ADA LANE from Washington Street to its easterly terminus in the Plat of Martin Hts.
47th STREET from Washington Street to Adams Street in the Plat of Martin Hts.
RAILROAD AVENUE, from 46th Street to Adams Street.

The streets in Robertson's Addition as follows:
1st STREET from the Willamette River to McLoughlin Boulevard
2nd STREET from the Willamette River to McLoughlin Boulevard
3rd STREET from the Willamette River to 6th Avenue
4th STREET from the Willamette River to 7th Avenue
5th STREET from the Willamette River to its easterly terminus
6th STREET (Lakewood) from the Willamette River to its easterly terminus
2nd AVENUE from 2nd Street to 4th Street
2nd AVENUE from 5th Street to 6th Street
3rd AVENUE from 1st Street to 5th Street
4th AVENUE from 1st Street to 4th Street
4th AVENUE from 5th Street to 6th Street
5th AVENUE from 1st Street to 5th Street
6th AVENUE from 1st Street to 6th Street (Lakewood)
7th AVENUE from McLoughlin Boulevard to 6th Street (Lakewood)
3rd STREET from 7th Avenue to its easterly terminus
4th STREET from 7th Avenue to its easterly terminus
LAKEVIEW DRIVE from 7th Avenue to its easterly terminus
9th AVENUE from 5th Street to 7th Street
10th AVENUE from 5th Street to 7th Street

BE IT FURTHER RESOLVED that the Mayor of the City of Milwaukie, Oregon, be,and he hereby is authorized and directed to request of the County Court of Clackamas County, Oregon, the surrender of jurisdiction over the portions of County Roads as hereinabove described, on behalf of the Council of the City of Milwaukie, Oregon.

Motion carried and so ordered.

Manager Mullan read a letter, written to Fire Chief Lillis, from the Clackamas County Civil Defense, in which Mr. Lillis was advised that Milwaukie's share in the cost of a new County Fire Base Station was the sum of $50.00. It was moved by Howard and seconded by Aebi that the Council approve the bill and that the same be paid. Motion carried and so ordered.

Manager Mullan read the work report on the Storm Sewer, from P.S. Lord Mechanical Contractors, for the month of May showing the amount now due to be $6,303.82. It was moved by Sedgwick and seconded by Mortensen that the Council approve the bill and that P.S. Lord Mechanical Contractors be paid $6,303.82. Motion carried and so ordered.

Manager Mullan read a letter from Robert L. Strasser, of the Strasser Drilling Co., with regard to a deep well Turbine Pump to be installed in the new deep well at Railroad Avenue. Mr. Strasser offered to pay the pump supplier for the pump and add the cost to the cost of the well, combine both amounts into a one payment contract bearing interest at 4% per annum on unpaid balances. Terms of the contract to be decided at a later date. It was moved by Mortensen and seconded by Aebi that the Council approve Mr. Strasser's offer. Motion carried and so ordered.

A letter,from Fire Chief Lillis, in which he recommended that Assistant Chief Jerry Carpenter be authorized to attend the Oregon Fire Chief's Conference at Seaside, Oregon, June 19 to 23, and that an expense account of $50.00 be allowed, was read. It was moved by Mortensen and seconded by Aebi that Assistant Fire Chief Jerry Carpenter attend the Conference and that $50.00 expense account be allowed. Motion carried and so ordered.

Manager Mullan reported that he has an estimate of cost of $2,000.00 for the paving of a 30 feet strip of Lava Drive. It was moved by Mortensen and seconded by Aebi that the Manager be authorized to call for bids for this improvement. Motion carried and so ordered.

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

Manager Mullan reported that trucks and other heavy traffic were damaging Washington Street from Main Street to McLoughlin Boulevard and suggested that these heavy vehicles be routed over Jefferson Street. It was moved by Mortensen and seconded by Howard that an Ordinance be prepared to control the weight of traffic on Washington Street between Main Street and McLoughlin Boulevard. Motion carried and so ordered.

Manager Mullan read a letter from Wheelock & Richardson, Attorneys, in which they stated that their client was requesting that the penalty be excused on the assessment for sewer. It appears that the owner of Lot 9 and a part of Lot 10, Block 3, Bonnie View Acres had died without bonding for the assessment, that his heir was not aware that this matter had been neglected and was now requesting to be allowed to bond without penalty. It was moved by Howard and seconded by Mortensen that this matter be referred to the City Attorney. Motion carried and so ordered.

Manager Mullan presented a list of City owned, and other properties, which had been assessed to the City for different improvements, and requested that the Recorder be permitted to write off these assessments. It was moved by Howard and seconded by Mortensen that the Recorder be permitted to write off the assessments against the following properties:

ADDITION	LOT	BLOCK	AMOUNT	IMPROVEMENT
* Luelling Park	7	3	$267.78	North Main Street Curbs
* " "	8	3	93.70	" " " "
* Kerr & Shindler	20	A	22.50	28th Street Curbs & Walks
* " "	21	A	25.50	" " "
* " "	27	A	21.00	" " "
* Whitcomb DLC Tax Lot 19			20.00	" " "

(City replaced curbs already in and paid by owners of property)

* property not owned by the city but improvements were replaced.

° Zanders	7		491.52	Harvey Street Curbs
° Quincy	7 & 8	15	550.25	Sellwood Street Sewer

° City owned property.

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.

VENDOR	AMOUNT
Abbott & Lind	$ 3.69
All Electric Service Co.	28.00
American Barricade Co.	14.40
American Fire Protection Co.	3,016.00
Amerman's Divers Supp. Co.	3.50
Richard K. Bass	19.02
Bell Sand & Gravel Co.	7.20
J.M. Bernards Garage	10.60
Brooks Products	102.00
Bureau of Water Works	79.50
Carey Oil Co.	355.15
Clackamas County	19.15
Francks Color Center	42.39
Fred's Septic Service	73.82
Gaylord Bros. Inc.	96.90
Dick Groener Agency	413.92
Charlie Helwig, Inc.	4.90
International Harvester Co.	86.58
Irwin-Hodson Co.	136.63
Mason & Brenner	9,793.80
Peter I. Kolik	75.00
Robert W. Lillis	15.00
Will Loder Ins. Agency	60.48
M. C. Martin & Son	1,000.00
R. S. Milln	150.00
Milkiewa Feed Mills	2.70

Milwaukie Automotive Service	194.70
Milwaukie Hardware	28.36
Milwaukie Lumber Co.	3.40
Milwaukie Review	450.70
Milwaukie Transfer & Fuel Co.	28.00
Milwaukie Volunteer Fire Dept.	32.00
The Monroe Co. Inc.	13.75
Bernard Muffenbier	14.00
Leonard B. Mullan	20.00
Multnomah Fuel Co.	77.00
Munnell & Sherrill, Inc.	13.50
M & N Sheet Metal Works, Inc.	1.00
National Fire Protection Ass'n	15.00
Neptune Meter Co.	86.69
N. Clackamas County Chamber of Comm.	200.00
Northwest Industrial Laundry	7.50
Nudelman Bros.	31.20
Olson Bros.	179.53
The Overall Laundry	8.68
Pacific Telephone	186.73
Perkins Bros.	2,045.93
Pennsalt of Wash. Div.	93.75
Pioneer Mercantile Co.	8.20
Portland General Electric Co.	1,238.67
Portland Road & Driveway	369.18
Price-Rite Grocery	1.79
Pump, Pipe & Power Co.	2,438.85
Reddaway's Truck Line	3.50
Richfield Oil Co.	132.96
Rockwell Mfg. Co.	708.05
Schuyler Southwell Agencies	10.00
Sheldahl & Misko	1,012.50
Shuler, Sayre, Winfree & Rankin	125.00
Jack E. Spencer	71.00
State Dept. of Finance & Adm.	37.85
Alice Staley	15.60
Stevens & Thompson	665.00
Sutton Manufacturing Co.	2.00
Water Works Supplies Co.	475.20
J. Weiner & Co.	55.93
Western Union	1.37
Western Drug Label Co.	407.25
Fred Wildy	203.75
Total	$ 27,325.40

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin

Ellen Martin, Clerk

SPECIAL MEETING OF JUNE 17, 1960

A special meeting of the Council of the City of Milwaukie was held on the seventeenth day of June, 1960 for the purpose of a hearing on the proposed annexation of a portion of the Oak Grove area, by election within the area.

The meeting was called to order by the Chairman of the Council, Peter Mortensen.

Present: Councilmen Peter Mortensen, James Howard, E. H. Aebi and Theron Sedgwick; and Clerk Ellen Martin. Absent: Mayor Earl Clay, Attorney John Sheldahl and Manager Leonard Mullan.

Chairman Mortensen opened the hearing and called for objection to the annexation of a portion of the Oak Grove area. It was shown that proper notice of the hearing had been published and posted.