

MEETING OF AUGUST 10, 1953, (Cont'd)

Pacific Telephone & Telegraph Co.	\$ 93.05
P.S.Lord	145.59
General Fund from Water Fund	786.43
Water Fund from General Fund	184.43
D.E.Johnson	270.00
D.E.Johnson, Oak St. Imp	85.00
Elder Hardware	3.09
Mullan's Garage	21.99
Milwaukie Lumber Co.	25.10
Poole's	12.65
Pacific Stationary Co.	4.56
M.& N.Sheet Metal Works	2.25
Pacific Body Builders, Inc.	44.70
Duplicating Products	3.60
Staff Jennings	18.66
Milwaukie Pharmacy	.25
Addressograph Multigraph	2.01
The Milwaukie Review	75.66
Bureau of Water Works	30.00
Portland General Electric	932.56
J.M.Bernards Garage	.35
Richfield Oil Corp.	344.64
A.W.Schnur	33.00
Milwaukie Automotive Service	27.13
Portland Road & Driveway	59.25
McCready Lumber Co.	.72
Price Rite Grocery	1.84
Neptune Meter Co.	197.12
Allied Supply Co.	16.36
Columbia Pipe Co.	67.39
Volunteer Fire Dept.	108.00
Wasco Construction Co.	195.00
Mannings Radio & Television	12.25
Milwaukie Hardware	9.07
Bernard Muffenbeier	6.00
Nelson Equipment Co.	6.30
Fred Sperr	20.00
D.E.Johnson, improvement of streets	7131.02
Ellen Martin, planning commission	15.00
Sperr's Shell Service	79.93

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Recorder.

MEETING OF AUGUST 24, 1953

COUNCIL CHAMBER

827th MEETING

The eight hundred twenty-seventh regular meeting of the Council was held on the twenty-fourth day of August, 1953

The meeting was called to order by Mayor Mullan

Present: Mayor Mullan, Councilmen Shook, Clay, Klein and Wright; Manager Sperr, Attorney Kirkpatrick, Fire Chief Lillis and Recorder Martin

The minutes of the eight hundred twenty-sixth regular meeting of the Council, held on the tenth day of August, 1953 were corrected.

A letter from Thomas Wisse, was read.

MEETING OF AUGUST 24th, 1953 (Cont'd)

A letter from Stevens and Thompson, Engineers, with regard to completion of the pipe line from Harvester Drive to the north end of Main Street was read.

Attorney Kirkpatrick turned over to the City Council, a deed from Irvin R. and Mable Delano for a portion of Lot 7 Block 1 Quincy Addn. and a deed from Bernard E. and Norma Lombard for a portion of Lot 6 Blk 1, Quincy Addn. These portions of lots had been given for street purposes at no cost to the City. It was moved by Wright and seconded by Clay that the Recorder write letters of thanks to the donors of the above mentioned land. Motion carried and so ordered.

Attorney Kirkpatrick reported to the Council that the trial for condemnation of the Lavagetto property for sewer right of way had been set for September 24.

The hearing on the matter of application for permit to build a church on Lots 25-26, Block 3 Robert's Re-Plat of J.R.W. Sellsood's Addition, now came before the Council.

The Recorder read a copy of the Public Notice of this hearing which had been published in the Milwaukie Review.

A letter, dated July 16, 1953, over the signature of Dellmore Lessard, Attorney, was read. The letter stated that the Milwaukie Company of Jehovah's Witnesses would appeal to the Council from the ruling of the Planning Commission on the grounds that the Commission had acted arbitrarily and capriciously in denying the permit.

A letter from the Planning Commission, under the date of July 11, 1953, was read. The letter stated that the Commission had viewed the petitions of both for and against this useage of the property, that they had checked the addresses of the signers of same and had heard arguments both for and against the use of this property for church purposes and that they voted to deny the recommendation for permit for a church building on this property.

A letter from Edwin and Rosella Norbeck, in which they requested that their names be stricken from a petition, stating they did not object to this useage of the property, was read.

The Council viewed petitions both for and against the useage of the property for a church as follows:

Those having no objection to the non-conforming use of the property:

- 3 property owners residing in Robert's Re-Plat. Addn.
- 6 non-property owners residing in Kellogg Park
- 1 residing at 3915 Harrison Street
- 1 residing at 3832 Jefferson Street
- 1 residing at 2305 Washington Street
- 98 residing outside the City limits.

Those opposing the non-conforming use of the property; all residing in close proximity to Lots 25-26 Robert's Re-Plat were:

- 39 property owners residing in Robert's Re-Plat and Wilson's Addns.
- 3 property owners in J.E.W. Sellwood's Addition.
- 4 property owners in Sellwood's Addition to Quincy Addition
- 3 property owners in Quincy Addition, along Elmer Street
- 3 property owners in Kerr & Bindler's Addn.
- 1 property owner in Karlen's Addition

Mr. Dellmore Lessard, attorney for the Milwaukie Company of Jehovah's Witnesses, stated that the Company were appealing to the Council because they feel they are entitled to the permit to build a church on this property, and that they would furnish ample off-street parking of the property. A scale model of the building and plot was displayed.

Mr. H.H. Hughart, president and minister of the Company, stated that the Company now held meetings on Tuesday, Thursday and Sunday Evenings, that their meetings were quiet; mostly devoted to study. Mr. Hughart stated that they had no membership list; that at present there were fifty-five members engaged in their work; that the area they served was from Portland City limits, south to Gladstone city limits, and from the Willamette River east to 82nd Avenue.

MEETING OF AUGUST 24, 1953. (Cont'd)

Mr. R.O.Wright, proposed builder of the church building, stated that the estimated cost to build was \$15,000.00 and the estimated seating capacity was 125; that off-street parking in the rear of the building would accommodate 20 or 22 cars; that the front set-back would be 20 feet, which, if necessary, could be used as parking area, and that the building would conform to the building code.

Mr. Calvin Hyde, 1206 29th Street, objected to this useage of the property stating that Milwaukie is getting more industries and this residential area is needed for dwellings. Mr. Hyde stated that he now has a proposed buyer for property he owns in the area who was postponing the purchase of the property, pending the outcome of this hearing, as he did not want to buy if the permit for the church was granted. Mr. Hyde also pointed out that the Church property would be tax free, whereas dwellings on the property would be taxed.

Mr. D.A.Hughart, 11717 Home Ave. stated that the people in Milwaukie Company of Jehovah's Witnesses were vitally interested in placing a church here as it was the hub of the area which is their district.

Mr. Clyde Lawrence, 3145 Myrtle Street, stated that he had contacted forty-two neighbors living in the immediate area of the proposed church and that they were all opposed to a church being located in this residential zone.

Mr. Ivar Tolstead, 3105 Elmer Street, pointed out that a great majority of the property owners in this area were opposed to this type of building in the area and admonished the Council that to allow it there would be contrary to the wishes of the people.

Mr.E.A.Donnelly, 3155 Myrtle Street, stated that he lived two lots from the property, that 90% or more of the property owners, in the area, object to this useage of the property, that a church or a school would depreciate the sale value of residential property, and that, as resident owners, this group were attempting to bar any public building from this area in order to protect their residential property. Mr. Donnelly stated that there were many sites where churches could be built in unrestricted districts and suggested that the Jehovah's Witnesses build in an area where the location would be more central for the members.

Mr. D.A.Hughart stated that to allow a property owner to control what is built on adjacent property would be taking away the freedom of worship.

Mr. Lessard stated "We feel the objection is from people who just don't like churches, churches and schools have made our country great, everyone has a right to his belief".

Mr. Donnelly, "I maintain that property adjacent to churches or schools is not desirable".

Mr. W.O.Hampton, 546 37th Street stated that he was not speaking for Jehovah's Witnesses, but asked the Council that they go on record as being in favor of churches and schools in Milwaukie.

At the close of the hearing Councilman Klein asked how many persons connected with the church resided in the City. Mr.H.H.Hughart again outlined the territory served by this Company, and that at present there were about 150 attendants at their meetings. Attorney Kirkpatrick asked if any of these were residents of Milwaukie. Mr. Hughart did not specify any number.

Councilman Klein, "It appears that no one connected with the church lives in the city, we represent the people in the city and must look to their interest." It was then moved by Klein and seconded by Shook that the appeal for the permit to the Milwaukie Company of Jehovah's Witnesses, to build a church on Lots 25-26 Block 3, Robert's Re-Plat of J.R.W.Sellwood's Addition, based on the grounds that the Planning Commission had acted arbitrarily and capriciously, be denied. The motion was unanimously carried and so ordered.

Mr.H.H.Hughart thanked the Council for consideration shown them and time spent in their behalf.

MEETING OF AUGUST 24, 1953 (Cont'd).

Attorney Kirkpatrick reported that he and Manager Sperr had talked with Mr. Dawson, Director of Federal Housing Project, Kellogg Park, and that the 1953-53 "in lieu of taxes" would be paid by them but the city would now be billed for \$30.00 per month Water stand-by, \$3.00 per month electric minimum for the water pump and electric light service for twenty-nine street lamps.

Manager Sperr reported that the Traffic Committee had met, and laid before the Council, a sketch of their recommendations for parking regulations along the down town streets.

It was moved by Wright and seconded by Shook that the following resolution be adopted.

RESOLUTION NUMBER 9-1953

RESOLUTION RESTRICTING PARKING OF AUTOMOBILES

WHEREAS: Traffic safety requires the parking of vehicles near intersections be restricted,

BE IT THEREFORE RESOLVED that no vehicle be parked within ten (10) feet of any cross walk, within the City of Milwaukee, except at the following places, parking be forbidden within 25 feet of cross walks: along the east side of Main Street at the northeast corner of its intersection with the following streets: Washington Street, Jefferson Street, Monroe Street, Jackson Street and Harrison Street; and along the west side of Main Street at the southwest corner of its intersection with Harrison Street, Jackson Street, Monroe Street, Jefferson Street and Washington Street; and along the south side of Monroe Street at the southeast corner of its intersection with Main Street, and that parking of vehicles be prohibited along the east side of McLoughlin Blvd. from its intersection with Washington Street southerly one hundred and fifty (150) feet.

BE IT FURTHER RESOLVED that parking in excess of two hours be prohibited on the following streets: Both sides of Jefferson Street from McLoughlin Blvd. to 21st Street. Both sides of Washington Street from McLoughlin Blvd. East to the Tillamook Branch of the Southern Pacific Railroad.

BE IT FURTHER RESOLVED, that this resolution become effective immediately as to any of the above named restricted areas, in Milwaukee, when the same shall be suitably marked so as to inform the public that parking is prohibited at such places.

This resolution to become effective as a part of Ordinance Number 530.

Adopted this 24th day of August, 1953.

Leonard B. Mullan
Leonard Mullan, Mayor

ATTEST:

Ellen Martin
Recorder.

Motion carried and so ordered.

Manager Sperr reported the work being done on 32nd Street north of Harrison, and on 32nd Street south of Elmer Street, also the work being done on 37th and 28th Streets.

It was moved by Klein and seconded by Wright that the following bills be approved and that warrant-checks be drawn for the payment of same.

State Industrial Accident Commission	.	.	\$131.59
D.E. Johnson	.	.	515.28
Stevens & Thompson	.	.	128.90

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Recorder.