MEETING OF OCTOBER 9, 1961

COUNCIL CHAMBER 963rd MEETING

The nine hundred sixty third regular meeting of the Council of Milwaukie, was held on the ninth day of October, 1961.

The meeting was called to order by Mayor Clay.

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

The minutes of the nine hundred sixty-second regular meeting of the Council, held on the eleventh day of September, 1961, were approved as written.

The minutes of a Special meeting of the Council, held on the fifteenth day of September, 1961, were approved as written.

Mr. Peter Mortensen came before the Council and stated that the Rod and Gun Club and the Park Commission had viewed the property along the river at the foot of Jefferson Street and that they recommended that the development work for boat landing and park should be done now while the water is at a low point. The matter was referred to the City Manager.

It was moved by Howard and seconded by Aebi that the City pay the expenses for those City Officials who attend the League of Oregon Cities, when it convenes in Portland, opening October 15. The motion carried with one dissenting vote by Mr. Renard.

The time having arrived the Mayor opened the hearing on the assessment for the improvement of 26th Street south of Lake Road, and called for objections to the same, Mr. Davis stated that he had sold a part of his property and that his proposed assessment had been made for the whole of the property. Mr. Davis was referred to the City Recorder to have the assessment adjusted. The Mayor declared the hearing closed.

The Mayor opened the hearing on the withdrawal of properties annexed by Ordinance No. 854, from the Milwaukie Rural Fire Protection District, and called for objection to the same. There was no verbal objection from any person present and no written objection had been received. The Mayor declared the hearing closed.

Ordinance Number 856 was taken up and read for its first reading. It was moved by Howard and seconded by Aebi that Ordinance No. 856 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 856 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 taken up and read for its second reading and put on its passage with the following result being had: Ayes; Howard Renard, Aebi, Sedgwick and Clay. Nays: None. Ordinance Number 856 passed the Council and was so declared by the Mayor.

Mr. Fred Weber came before the Council and made inquiry with regard to sewer and water right-of-way and a public roadway from Johnson Creek Boulevard southeasterly to a proposed road in the Weber Tract known as Tarrybrook. It was moved by Howard and seconded by Renard that Attorney Sheldahl be authorized to proceed with investigation of this matter and that the following Resolution be adopted.

Discregard as per Mr. Sheldahl

The Mayor opened the hearing on the annexation of properties described in Ordinance No. 852 and called for any objection to the same. It was shown that proper notices of the hearing had been published and posted. There was no registered voter or any other person present who made objection and no written objection had been received. The Mayor declared the hearing closed.

Ordinance Number 857 was taken up and read for its first reading. It was moved by Howard and seconded by Aebi that Ordinance Number 857 be passed to its second reading and that it be read at this time. Motion carried and sororder ed.

Ordinance Number 857 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, and declaring an emergency, was taken again up and read for its second reading and put on its passage with the following result being had. Ayes: Howard, Renard, Aebi, Sedgwick and Clay. Nays: None. Ordinance Number 857 passed the Council and was so declared by the Mayor.

It was moved by Howard and seconded by Aebi that the following three Resolutions be adopted.

RESOLUTION NUMBER 26-1961

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property bounded as follows:

All that portion of Tax Lot 64 lying easterly of Johnson Creek Boulevard in the Geo. Wills D.L.C. 42, in Section 30,T. 1 S., R.2 E., of W.M. in Clackamas County, State of Oregon, bounded as follows: Beginning at the intersection of the north boundary line of Clackamas County and the easterly boundary line of Johnson Creek Boulevard and the southwesterly right-of-way boundary of the Portland Traction Company; thence southwesterly right-of way line of said Portland Traction Company a distance of approximately 180 feet; thence southwesterly a distance of 100 feet, more or less, to a point in the east shore of Johnson Creek; thence following the east shore line of said creek southeasterly a distance of approximately 225 feet; thence west parallel with with the north boundary line of Clackamas County, to the east boundboundary of Johnson Creek Boulevard; thence northeasterly along the northeast boundar line of Johnson Creek Boulevard to the point of beginning.

The South 99 feet of Tract 14, GIBSON'S SUBDIVISION OF TRACTS NUMBERED 10, 11, 12, and 13 and the west 480 feet of Tracts 1 and 2, Logus Tracts, in the County of Clackamas and State of Oregon.

The North one-half of Lot 15, GIBSON'S SUBDIVISION OF LOGUS TR TRACTS 10, 11, 12 and 13 and the west 480 feet of Tract 1 and 2 of the Logus Tracts, according to the duly recorded plat thereof, situated in the Clackamas County, State of Oregon.

The South one-half of Lot 16 as cut off by a line drawn parallel with the north line of said Lot 16, GIBSON'S SUBDIVISION of Tracts numbered 10, 11, 12 and 13, and the west 480 feet of Tracts numbered 1 and 2 of Logus Tracts, in the County of Clackamas and State of Oregon.

LOTS 6, 7, 8, BLOCK 45, MINTHORN ADDITION TO THE CITY OF PORTLAND

LOTS 41, 42, BLOCK 45, MINTHORN ADDITION TO THE CITY OF PORTLAND

AND WHEREAS, the above described real properties lie within the boundaries of the Milwaukie Rural Fire Protection District a Fire Protection district in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that it does hereby elect to cause the withdrawal from the said MILWAUKIE RURAL FIRE PROTECTION DISTRICT, all that part of said DISTRICT hereinabove lying within the boundary hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie,Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, Oregon, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, the 11th day of December, 1961 is hereby fixed as the date, the hour of 8:00 o'clock, P.M. is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real properties lying within the above described boundaries from the MILWAUKIE RURAL FIRE PROTECTION DISTRICT and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, be, and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said hearing to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVIEW, a newspaper of general circulation in said City, and that he further cause notices of the date, time, place and purpose of said hearing to be posted in four public places within the City of Milwaukie, Oregon for a like period of time.

Adopted this 9th day of October, 1961.

Earl M. Clay, Mayor

ATTEST:

R. E. Osborne, Recorder.

RESOLUTION NUMBER 27-1961

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property bounded as follows:

The South 99 feet of Tract 14, GIBSON'S SUBDIVISION OF TRACTS NUMBERED 10, 11, 12 and 13 and the west 480 feet of Trracts 1 and 2 Logus Tracts, in the County of Clackamas and State of Oregon.

The North one-half of Lot 15, GIBSON'S SUBDIVISION of Logus Tracts 10, 11, 12 and 13 and the west 480 feet of Tract 1 and 2 of the Logus Tracts, according to the duly recorded plat thereof, situated in the Clackamas County, State of Oregon.

The South one-half of Lot 16 as cut off by a line drawn parallel with the north line of said Lot 16, GIBSON'S SUBDIVISION of Tract numbered 10, 11, 12, and 13, and the west 480 feet of Tracts numbered 1 and 2 of Logus Tracts, in the County of Clackamas and State of Oregon.

LOTS 6, 7, 8, BLOCK 45, MINTHORN ADDITION TO THE CITY OF PORTLAND

LOTS 41, 42, BLOCK 45, MINTHORN ADDITION TO THE CITY OF PORTLAND

AND WHEREAS, the above described real properties lie within the boundaries of the WICHITA ZONE DISTRICT a ZONE district in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that it does hereby elect to cause the withdrawal from the said WICHITA ZONE DISTRICT, and that part of said ZONE DISTRICT hereinabove lying within the boundary hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie, Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, Oregon, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, the 11th day of December, 1961 is hereby fixed as the date, the hour of 8:00 o'clock, P.M. is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real properties lying within the above described boundaries from the WICHITA ZONE DISTRICT and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, be, and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said hearing to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVIEW, a newspaper of general circulation in said City, and that he further cause notices of the date, time, place and purpose of said hearing to be posted in four public places within the City of Milwaukie, Oregon for a like period of time.

Adopted this 9th day of October, 1961.

Earl M. Clay

Earl M. Clay, Mayor

ATTEST:

R. E. Osborne

R. E. Osborne, Recorder.

RESOLUTION NUMBER 28-1961

WHEREAS, the City of Milwaukie, by appropriate statutory procedure, has heretofore annexed the following described tracts of real property bounded as follows:

LOTS 2, 4, 6, 8, BLOCK 37, MILWAUKIE HEIGHTS

AND WHEREAS, the above described real properties lie within the boundaries of the OAK LODGE FIRE DISTRICT a FIRE district in the County of Clackamas and State of Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that it does hereby elect to cause the withdrawal from the said OAK LODGE FIRE DISTRICT, all that part of said FIRE DISTRICT hereinabove lying within the boundary hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie, Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, Oregon, thataby virtueof the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, the 11th day of December, 1961 is hereby fixed as the date, the hour of 8:00 o'clock, P.M. is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street,Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real properties lying within the above described boundaries from the OAK LODGE FIRE DISTRICT and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, be, and he hereby is ordered and directed to cause a notice of the date, time and place and purpose of said hearing to be published once each week for two successive weeks prior to the date of such hearing, in the MILWAUKIE REVEIW, a newspaper of general circulation in said City, and that he further cuase notices of the date, time, place and purpose of said hearing to be posted in four public places within the City of Milwaukie, Oregon for a like period of time.

Adopted this 9th day of October, 1961.

Earl M. Clay

Earl M. Clay, Mayor.

ATTEST:

R. E. Osborne

R. E. Osborne, Recorder.

Motion carried and so ordered.

A letter from the Milwaukie Planning Commission was,read, in which they recommended a zone change from 3-R-1 to Zone 2 on the following properties: Lots 1, 2, 3, 4, Hennemen's Acres and Tax Lot 69 John Garrett D.L.C.

Ordinance Number 858 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance No. 858 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 858, AN ORDINANCE providing for the rezoning of certain properties in the City of Milwaukie, Clackamas County, Oregon, from Zone 3-R-1 to Zone 3-R-2, amending Ordinance Number 481, as amended, was again taken up and read for its second reading and put on its passage with the following result being had: Ayes: Howard, Renard, Aebi,Sedgwick and Clay. Nays: None. Ordinance Number 858 passed the Council and was so declared by the Mayor.

Ordinance Number 859 was taken up and read for its first reading. It was moved by Howard and seconded by Aebi that Ordinance No. 859 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

ORDINANCE Number 859 AN ORDINANCE declaring the assessment for the improvement of 26th Street by curbs along both sides thereof, from a point where Geno Street intersects 26th Street, southeasterly a distance of approximately 153 feet, 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: Howard, Renard, Aebi, Sedgwich and Clay. Nays: None. Ordinance Number 859 passed the Council and was so declared by the Mayor.

An application for renewal of recommendation for a Package Store "P.B." liquor license for Bernice M. Scott for a Grocery store at 2936 Washington Street, was laid before the Council. It was moved by Sedgwick and seconded by Aebi that the recommendation be granted. Mtoion carried and so ordered.

Manager Mullan reported that the City's share of the cost of installing new traffic lights on McLoughlin Boulevard, including the removal of the present traffic light at Monroe Street would be $8500.00 It was moved by Howard and seconded by Sedgwick that the Manager be authorized to proceed with the installation of traffic lighting on McLoughlin Blvd. Motion carried and so ordered.

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

RESOLUTION NUMBER 29-1961

RESOLUTION RELATING TO PARKING ALONG THE NORTH SIDE OF MONROE STREET FROM MAIN STREET TO MCLOUGHLIN BOULEVARD BETWEEN THE HOURS OF FOUR O'CLOCK P.M. AND SIX O'CLOCK P.M.

WHERAS, by virtue of Ordinance No. 530 of the City of Milwaukie, Oregon, the City Council is authorized to make changes in traffic regulations by resolution to become effective when the proper signs have been installed; and

WHEREAS, a traffic hazard and traffic congestion has developed on Monroe Street between Main Street and McLoughlin Boulevard in the City of Milwaukie, Oregon, between the hours of four o'clock p.m. and six o'clock p.m.; and

WHEREAS, it is now deemed necessary and expedient to make the following change in the parking regulations covering the use of the north side of Monroe Street between the said Main Street and McLoughlin Boulevard, and to install and locate signs regulating such use; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that the parking of motor vehicles or vehicles of any kind or description be and the same is hereby prohibited along the north side of Monroe Street in the City of Milwaukie, Oregon, between the intersection of said Monroe Street with Main Street and McLoughlin Boulevard within said City between the hours of four o'clock p.m., and six o'clock p.m. of each day.

BE IT FURTHER RESOLVED THAT THE City Manager of the City of Milwaukie, Oregon, be and he hereby is authorized and directed to cause proper signs to be so placed as to indicate the prohibition against parking as required by this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution shall be and become effective from and after the erection of the signs herein provided for.

Adopted this 9th day of October, 1961.

Earl M. Clay, Mayor

ATTEST:

R. E. Osborne, Recorder.

Motion carried and so ordered.

The question of moving the mail box now on Monroe Street west of Main Street, in order to allow a freer flow of traffic was discussed and Manager Mullan was requested to take the matter up with the postal authorities.

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

It was moved by Sedgwick and seconded by Howard that the following Resolution be adopted. (Resolution No. 30-196

RESOLUTION NUMBER 30-1961

RESOLUTION RELATING TO THE MINIMUM WIDTH OF ROAD BED REQUIRED IN STREETS HEREINAFTER CONSTRUCTED WITHIN THE CITY OF MILWAUKIE,OREGON

Whereas, increased traffic and the increased need for fire protection within the City of Milwaukie, Oregon, will require the use of wider road beds in all streets hereinafter to be constructed within the City of Milwaukie, Oregon; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE,OREGON, that from and after the passage of this Resolution no street construction within the City of Milwaukie, Oregon, shall be undertaken or approved by the Council of the City of Milwaukie, Oregon, unless the plans for such street construction call for a road bed (space between curbs or curb lines) of not less than 32 feet in width.

Adopted this 9th day of October, 1961.

Earl M. Clay, Mayor.

ATTEST:

R.E. Osborne, Recorder.

Motion carried and so ordered.

It was moved by Renard and seconded by Sedgwick that an Ordinance be drawn requiring that all water users whose properties lie within the city limits be served with Milwaukie water, where Milwaukie water is available Motion carried and so ordered.

It was moved by Howard and seconded by Sedgwick that the Firemen's clothing allowance remain as is, as recommended by the Fire Chief. Motion carried and so ordered.

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

RESOLUTION NUMBER 31-1961

RESOLUTION RELATING TO LOCATION OF A STOP SIGN AT THE WEST END OF STUBB STREET

WHEREAS, by virtue of Ordinance No. 530 of the City of Milwaukie, Oregon the City Council is authorized to make changes in traffic regulations by resolution to become effective when the proper signs have been installed; and

WHEREAS, a traffic hazard has developed at the intersection of Stubb Street with that street which connects Stubb Street with Ochoco Street in the City of Milwaukie, Oregon; and

WHEREAS, it is now deemed necessary and expedient in the interests of safety and proper traffic regulation to require that all vehicles proceeding in a westerly direction on Stubb Street come to a complete stop before entering the intersection of said Stubb Street with that street which connects Stubb Street with Ochoco Street, and that a stop sign be established and located at an appropriate place to indicate the required stop; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that all vehicles proceeding in a westerly direction along Stubb Street be required to come to a complete stop before entering the intersection of said Stubb Street with that street which connects Stubb Street with Ochoco Street, and that a proper stop sign be placed at an appropriate place to indicate such required stop.

BE IT FURTHER RESOLVED that the City Manager of the City of Milwaukie, Oregon, be and he hereby is authorized and directed to place a proper stop sign to indicate the stop required by this Resolution, and that the provisions of this Resolution shall be and become effective from and after the erection of said stop sign.

Adopted this 9th day of October, 1961.

Earl M. Clay

Earl M. Clay, Mayor

ATTEST:

R. E. Osborne

R.E. Osborne, Recorder.

Motion carried and so ordered.

Manager Mullan read a letter from Stevens & Thompson which included the work report on the Area "D" sewer lift station, showing the amount now payable to contractor Corkum to be $6,300.00. It was moved by Howard and seconded by Sedgwick that Contractor Corkum be paid $6,300.00. Motion carried and so ordered.

Manager Mullan read Stevens & Thompson's work report of the Area "D" sewers which showed the amount now due Contractor James J. Robertson to be $14,092.20. It was moved by Howard and seconded by Renard that Contractor Robertson be paid $14,092.20. Motion carried and so ordered.

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

American Bitumuls & Asphalt Co.	833.12
Brooks Products Inc.	87.00
Carey Oil Co.	533.62
Clackamas County	119.50
Communication Specialists	10.15
Crosswhite Enterprises	4,341.40
Davis Camera Service	4.00
Doubleday & Co., Inc.	84.00
Edwards Mfg. Co.	447.09
Everson Ross Co. Inc.	34.01
Feenaughty Machinery Co.	44.03
M. L. Foxworthy	67.50
Franck's Color Center	16.97
Dick Groener Agency	107.96
G & S Janitor Supply	32.50
Charlie Helwig Inc.	221.20
Industrial Air Products	16.68
Jack's Digger Service	716.75
Leupold & Stevens Instruments, Inc.	7.61
W. J. McReady Lumber Co.	.96
Milwaukie Automotive Service	59.85
Milwaukie Hardware	19.41
Milwaukie Lumber Co.	12.85
Milwaukie Review	252.53
Munnell & Sherrill Inc.	1,935.01
R. S. Milln	225.00
National Fire Protection Assn.	15.00
Neptune Meter Co.	394.89
Norris Paint & Varnish Co.	45.00
Northwest Industrial Laundry	4.00
Nudelman Brothers	47.65
Oregon BluePrint	30.75
Olson Bros. Shell Service	482.80
Oregon City Laundry Co.	43.07
Oregon News Co.	128.62
Overall Laundry Co.	21.73
Pacific Telephone N.W.	226.20
Pacific Building Materials	602.10
Paul's Richfield Service	8.30
Pennsalt Chemicals Corp.	112.50
Perry Pharmacy	1.16
Pioneer Mercantile Co.	20.34
Portland General Electric	1,921.95
Portland Road & Driveway Co.	208.12
Price Rite Grocery	.53
Pump, Pipe & Power Co.	163.43
Richfield Oil Corp.	133.78
Shannon & Co.	14.98
Ray Smith	22.50
Southern Pacific Co.	30.00
Truck & Industrial Equipt. Co.	43.40
West Chemical Products Inc.	24.75
H. W. Wilson Co.	12.00
Waterworks Supplies Co.	2,642.92
Western Drug Label Co.	27.75
Fred Wildy	222.50

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin

Ellen Martin, Clerk.