

MEETING OF NOVEMBER 26, 1951

COUNCIL CHAMBER

785th MEETING

The seven hundred eighty-fifth regular meeting of the Council was held on the twenty-sixth day of November, 1951

The meeting was called to order by Mayor Sperr

Present: Mayor Sperr; Councilmen Taylor, Mullan, Klein and Norbeck; Manager Telford, Attorney Kirkpatrick, Police Chief Delp and Recorder Martin.

The minutes of the seven hundred eighty-fourth regular meeting of the Council, held on the thirteenth day of November 1951, were approved as corrected.

Mr. Herman W. Suehlsen came before the Council and made request that the hearing of his application for recommendation for unrestricted Restaurant License, be postponed to a later date, in order that he could invite those persons or organizations protesting his proposed operation of a "Dine and dance" at the Main Street Cafe, to view the premises and learn how he operated his business. The Recorder was asked to read the letters on hand, protesting the recommendation. There were written protests from First Baptist Church, Milwaukie, Women's Christian Temperance Union, Kellogg Park Community Church, and Greater Milwaukie Church Association. There were verbal protests from Mr. Charles, for United Brethren Evangelical Church; Gordon Falk, for Minthorn Community Church; Evelyn Church, for Church of Christ; Mrs. Emma Thompson, not representing any particular church. The protestants stated that their protests were not directed in a personal way nor against persons, but pointed out that a "Dine and Dance" place where liquor was served, would not be a credit to the City, and that in many instances this type of place becomes a nuisance. One letter called the attention of the Council to the unsavory publicity already given the teen-agers, and the gambling ill of Clackamas County, and stated that it was their firm belief that the Council would serve their constituents best by refusing the recommendation of such license. The Mayor called on each member of the Council and asked for their opinion which were given as follows: Klein: "Mr. Suehlsen has requested that his application be withheld, he has therefore withdrawn, at least temporarily, the application, which leaves us nothing to act upon at this time" Mr. Norbeck: substantially the same as Klein; Mr. Taylor: "The protestants have voiced their opinions, I therefore move that the recommendation for this license be denied". The motion was lost for want of a second. Mr. Mullan, "If Suehlsen requests that the application be withdrawn, I approve the withdrawal".

Manager Telford announced that Mr. C.C. Puderbaugh had been appointed Fire Chief and that he will be on active duty December 15. Mr. Telford stated that the task of selecting a Fire Chief had been a difficult one as the applicants were all very capable men.

Manager Telford read a petition, now before the Public Utilities Commission, pertaining to the laying of a spur track to be laid to the California Spray Chemical Corp. property. Manager Telford pointed out that in the petition the statement was made that the track would cross only a small segment of Harvester Drive and would not enter upon the travel area thereof. Mr. Telford stated that, according to the blue print accompanying the petition, the spur track would cut down the travel portion of Century Drive and Harvester Drive to less than 25 feet, and that he had written the Public Utilities Commissioner to this effect. Mr. Telford stated that he had also pointed out to the Utilities Commission the following:

That the Council had granted a revocable permit with the understanding that

- (a) The R.R. spur location was to be approved by the City Engineer.
- (b) The R.R. spur was to cross Century Drive and Harvester Drive Intersection at pavement grade (top of rail to be flush with top of pavement)
- (c) The area between the rails and to a point 18 inches outside of each rail was to be paved by the R.R. Co. or California Spray Chemical Co. if and when required.
- (d) That all construction work and any further maintenance work to a point of 18 inches outside of each rail is to be done at no expense to the City of Milwaukie

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(e) That no railroad cars will be parked within the limits of either Century or Harvester Drives, and that he had therefore requested that the Commission deny said petition as now written and that it be returned to the Southern Pacific Co. for re-submittal in accordance with the wishes of the Council.

Ordinance Number 562 was taken up and read in full for its first reading. It was moved by Taylor and seconded by Klein that Ordinance Number 562 be passed to its second reading. Motion carried and so ordered.

Ordinance Number 561 was taken up but not read. There was considerable discussion on one of the provisions of the Ordinance, ie. Section 2 provides that unless the sewage treatment user charge is paid, that the water user's water shall be shut off. It was the opinion of some that a sewage treatment user charge was unfair to the property owners where there was no sewer available. It was decided that the Ordinance be not taken up for its second reading at this time and that an investigation be made by Manager Telford as to what other Cities are doing in a like circumstance.

Manager Telford reported that the drain for storm water on the west side of the Tillamook Branch R.R. at Harrison Street, had clogged with sand and gravel and that it would have to be dug out and another grade used for a new installation.

Manager Telford stated that he had answered a request of the Ardenwald Sewer District, as to their cost, in the event they used Milwaukie's Sewage Treatment Plant, to the effect that their share of cost of the Treatment Plant as of January 1, 1952 was estimated to be \$52,900.00

Manager Telford reported that the cost of sewer along Harvester Drive was \$12,575.10 and that he would like to be authorized to bill International Harvester Co and Bayly Co. for their shares of same. Mr. Telford read a letter from Bayly Co. in which they proposed to pay one-fourth of the cost. There was discussion on the matter. The Council decided that the cost should be divided equally between International Harvester Co., Bayly Company and City of Milwaukie and directed Manager Telford to bill International Harvester Co. and Bayly Co. on that pro-ration.

A letter, from Milwaukie Volunteer Fire Department, in which they requested that \$180.00 be paid to them for clothing replacement fund for the years 1949-1950-1951, was read. The Council agreed to pay the Volunteer Fire Department the 1951 budgeted allowance and any amounts budgeted in the past not yet paid.

An application for recommendation for renewal of Package Store Class A license was laid before the Council by Safeway Store. A statement to the effect that he approved a recommendation for Safeway Store, signed by Police Chief Delp accompanied the application. It was moved by Mullan and seconded by Norbeck that recommendation be granted Safeway Store for a Package Store Class "A" license. Motion carried and so ordered.

An application for recommendation of R.M.B.A. Class A and P.B. Class B license for Vic's Tavern (C.V. Crispin) was presented to the Council. Approval of Chief of Police Delp accompanied the application. It was moved by Mullan and seconded by Norbeck that recommendation for Retail Malt Beverage Class A, and Package Store Class B license for Vic's Tavern be granted. Motion carried and so ordered.

Mr. C. Lorenz, who operates an eating place at 856 32nd Street, came before the Council and stated that many of his patrons had requested him to serve beer with their meals. Mr. Lorenz did not have a regular application from the Oregon Liquor Commission, he stated that before making formal application to the Liquor Commission, he would like to know how the Council would look upon recommendation for same. Mr. Lorenz stated that he would make application for bottled beer only, as he did not have room to install tap service. There was considerable discussion. One point of argument being that Mr. Lorenz had not as yet presented an application for recommendation as he did not have the necessary form from the State Liquor Commission. It was moved by Taylor and seconded by Norbeck that a request to serve beer at 856 32nd Street be denied. There was a suggestion made that the vote be called. Mayor Sperr objected to a called vote. It was agreed that the poll be not called. The motion was put with results as follows: Ayes: Two. -

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Nays: Three. The motion was lost. Mr. Lorenz was told to present his application in regular form. The Council felt that the neighboring property holders should have opportunity to appear in this matter.

The Milwaukie Business Women's Club laid before the Council, the following request and offer:

- (a) A request to use the party room in the basement for meeting place.
- (b) An offer to re-decorate and properly clean the party room.
- (c) A request to place a locker for dishes in the kitchen or to use the present space under the stairway with the privilege of locking the door to same.

The Council agreed that the Business Women's Club's request be granted.

Mr. A.H. Kessinger, 726 36th Street came before the Council and requested that a street lamp be placed on 36th Street between Harrison and King Streets. The Council agreed that a light was necessary in this vicinity and advised Mr. Kessinger that an investigation would be made as to the best location for same.

Mayor Sperr reported that a post had been removed and the post hole left unfilled, making a dangerous hazard at the south end of the foot bridge across Kellogg Lake.

Manager Telford read a copy of a letter written by Hilton R. Bowman to Jack Hayes, State Director of Civil Defense. The letter informed Mr. Hayes that the Milwaukie Auxiliary Police and Senior Patrol were disbanding and the reason for their action.

Mayor Sperr reported that the Milwaukie Civil Defense group will begin functioning after December 15.

A petition from Milwaukie Box and Veneer Plant requesting that a system of traffic control be put into effect at the entrance to their plant from McLoughlin Blvd. was read. There was discussion on this matter. It was agreed that this problem be taken up with the Highway Commission to see if some solution could be worked out with their help.

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

There was discussion about getting an emergency generator for the radio system at the City Hall, but no action was taken at this time.

The Treasurer's financial report was reviewed and discussed.

It was moved by Mullan and seconded by Klein that the following bills be approved and that the Recorder be directed to issue warrants for the payment of same.

Scientific Supplies Co. supplies and equipment for sewage treat plant.	\$229.19
L.M. Curtis & Sons, first aid kit	27.52
Ray Grimshaw, tractor tire repair etc.	11.00
Goodat Crane Service, rent of equipment	100.50
Ballou & Wright, Prestone	60.24

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Recorder.