

MEETING OF MARCH 13, 1961

COUNCIL CHAMBER

956th MEETING

The nine hundred fifty-sixth regular meeting of the Council of Milwaukie was held on the thirteenth day of March, 1961.

The meeting was called to order by Mayor Earl M. Clay.

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

The minutes of the nine hundred fifty-fifth regular meeting of the Council, held on the thirteenth day of February, 1961, were approved as written.

Mr. J. F. Coder came before the Council and requested that the City take steps toward the establishment of an Activity Center for the senior citizens. Mr. Coder explained the activities carried on at "Little House" in Menlo Park, California, and stated that the senior citizens of Milwaukie were eager to have such a project here. After some discussion of the matter, it was moved by Aebi and seconded by Sedgwick that Manager Mullan be instructed to make a survey of the feasibility of such a project in Milwaukie. Motion carried and so ordered.

Mr. Bob Martin, on behalf of Fred C. Baker (owner) and Fred E. Weber, (Developer) laid before the Council, proposed agreement whereby the Baker property along Railroad Avenue, east of Milwaukie, empty a trunk line sanitary sewer into the Milwaukie Disposal Plant. The owner of the property is willing to annex the property to the City as soon as a contiguous point is established and in the interim would like to develop the property into a residential area. It was moved by Aebi and seconded by Sedgwick that Attorney Sheldahl make an investigation into the feasibility of the City's activity and responsibility in the matter, and that he also use his best effort in having the County Court of Clackamas County, annex Railroad Avenue to the City. Motion carried and so ordered.

Mr. Marvin Shrock came before the Council on behalf of the North Clackamas County Chamber of Commerce and stated that the Chamber were interested in future planning the disposal of sewage in the area to the east and southeast of the City limits. Mr. Shrock introduced Mr. Walter Kahne who displayed a map of the area showing proposed sewer trunks which would follow a gravity flow to Milwaukie's Disposal Plant, and explained that Stevens and Thompson were making a survey of the area. Mr. Kahne explained that they were in a preliminary investigation of this project and that this Committee from the Chamber of Commerce were here to ask the cooperation of the Council in this matter. The Council assured the Committee that they were interested and would cooperate in any way they could.

Mr. Donald C. Craig came before the Council and stated that he was the owner of Lot 6, Block 2 Walnut Addition, that he had received a notice from the City Recorder to the effect that a penalty had been added to the assessment for the Area "A" Sewer because he had neither paid the assessment nor bonded for the same. He stated that his work required him to be away from home the most of the time, that he had received the notice of the assessment and thought he had answered it by letter stating that he wished to bond for the assessment, and requested that he now be permitted to pay the installment now due and interest now due on the assessment and that he be permitted to bond as of the bonding date. It was moved by Sedgwick and seconded by Aebi that Mr. Donald Craig be permitted to bond Lot 6, Block 2, Walnut Addition, for the Assessment of the Area "A" Sewer, NUNC PRO TUNC, upon the condition that he pay the installment and interest now due. Motion carried and so ordered.

Mr. J. L. Sedgwick laid before the Council a petition, signed by 34 property owners in Robertson's Addition, requesting that sanitary sewers be installed in their area. A survey of the addresses showed that no owners in Milwaukie Heights or Birkemeier Addition had signed the petition. Mr. Sedgwick stated that these areas wanted sewers. It was decided to hold the petition until Mr. Sedgwick could bring in the petition from these two areas.

The matter of the vacation of the west end of 6th Street, Robertson's Addition was discussed. Some of the Council had visited the site and viewed the property, and gave their reports. It was moved by Renard and seconded by Sedgwick that the west end of 6th Street, Robertson's Addition be not vacated at this time. Motion carried and so ordered.

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

RESOLUTION NUMBER 2-1961

WHEREAS, the City of Milwaukie, Oregon, by appropriate statutory procedures, has heretofore annexed the following described tracts of real property, to-wit:-

The West $\frac{1}{2}$ of Block 32, Gibson's Subdivision of the Logus Tracts, EXCEPT the southeast 80 feet by 130 feet described as follows: Beginning at the southeast corner of the west $\frac{1}{2}$ of Block 32, Gibson's Subdivision of the Logus Tract; thence Westerly along the south line of the said $\frac{1}{2}$ of Block 32, a distance of 80 feet; thence Northerly parallel with and 80 feet distant from the east line of said west $\frac{1}{2}$ of said Block 32, a distance of 130 feet; thence East and parallel with the south line of said west $\frac{1}{2}$ of said Block 32, a distance of 80 feet to a point in the east boundary of said west $\frac{1}{2}$ of said Block 32; thence Southerly along the east line of said west $\frac{1}{2}$ of said Block 32 a distance of 130 feet to the point of beginning.

The West $\frac{1}{2}$ of Block 25, Gibson's Subdivision of the Logus Tracts

The East $\frac{1}{2}$ of Block 26, Gibson's Subdivision of the Logus Tracts

Beginning at a point that is south 89°48' East 171.40 feet from the southwest corner of that certain tract of land described in deed recorded in Book 40, Page 14, Deed Records, described land deeded by Dunbar and others to Silverton and Portland Land, Loan and Investment Co; thence North 505 feet along the east line of a tract of land owned by Seely Norris Bennett and Anna L. Bennett, his wife, to a point; thence East 86.50 feet to a point; thence South 505 feet to a point in the south line of the Hector Campbell D.L.C.; thence north 89° 48' West 86.505 feet to the place of beginning, all being in the Hector Campbell D.L. C., subject to the rights of the public in the road to the south.

LOTS 9,10,11,12,13,14,15,16,33,34,35,36,37,38,39,40, BLOCK 45, MINTHORN ADDITION
TO THE CITY OF PORTLAND.

AND

WHEREAS, the above described real property so annexed to the City of Milwaukie, Oregon lie within the boundaries of the MILWAUKIE RURAL FIRE PROTECTION DISTRICT, a Rural Fire Protection District in Clackamas County, 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 Council of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from said Milwaukie Rural Fire Protection District all of the hereinabove described properties, heretofore annexed to and incorporated in the City of Milwaukie, Oregon

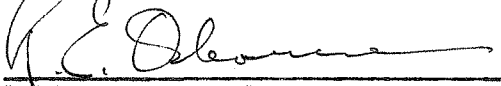
BE IT HEREBY FURTHER RESOLVED, by the City Council of the City of Milwaukie, Oregon that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of April, 1961 is hereby fixed as the date, the hour of 8:30 o'clock P.M. is hereby fixed as the time, and 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 City Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real property from the said Milwaukie Rural Fire Protection District and to determine whether such withdrawals are for the best interests of the City of Milwaukie, Oregon, and

BE IT HEREBY 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, 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 13th DAY OF MARCH, 1961.


Earl M. Clay, Mayor

ATTEST


R. E. Osborne, Recorder.

Motion carried and so ordered.

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

RESOLUTION NUMBER 3-1961

WHEREAS, the City of Milwaukie, Oregon, by appropriate statutory procedures, has heretofore annexed the following described tracts of real property, to-wit: -

The west $\frac{1}{2}$ of Block 32, Gibson's Subdivision of the Logus Tracts, EXCEPT the southeast 80 feet by 130 feet described as follows: Beginning at the southeast corner of the west $\frac{1}{2}$ of Block 32, Gibson's Subdivision of the Logus Tracts; thence Westerly along the south line of the said $\frac{1}{2}$ of the said Block 32, a distance of 80 feet; thence Northerly parallel with and 80 feet distant from the east line of said $\frac{1}{2}$ of said Block 32, a distance of 130 feet; thence East and parallel with the south line of said Block 32, a distance of 80 feet to a point in the east boundary of said west $\frac{1}{2}$ of said Block 32; thence Southerly along the east line of the said west $\frac{1}{2}$ of said Block 32 a distance of 130 feet to the point of beginning.

The West $\frac{1}{2}$ of Block 25, Gibson's Subdivision of the Logus Tracts.

The East $\frac{1}{2}$ of Block 26, Gibson's Subdivision of the Logus Tracts.

Beginning at a point that is south 89°48' East 171.40 feet from the southwest corner of that certain tract of land described in Deed recorded in Book 40, page 14. Deed Records, described land deeded by Dunbar and others to Silverton and Portland Land, Loan and Investment Co.; thence North 505 feet along the east line of a tract of land owned by Seely Morris Bennett and Anna L. Bennett, his wife, to a point; thence East 86.50 feet to a point; thence South 505 feet to a point in the south line of the Hector Campbell D.L.C.; thence North 89°48' West 86.505 feet to the place of beginning, all being in the Hector Campbell D.L.C., subject to the rights of the public in the road to the south. AND

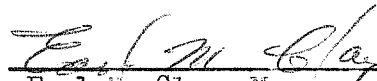
WHEREAS, the above described real property so annexed to the City of Milwaukie, Oregon lie within the boundaries of the WICHITA RURAL ZONING DISTRICT, a rural zoning district in Clackamas County, Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon,

NOW THEREFORE BE IT HEREBY RESOLVED by the Council of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from said Wichita Rural Zoning District all of the hereinabove described properties, heretofore annexed to and incorporated in the City limits of the City of Milwaukie, Oregon.

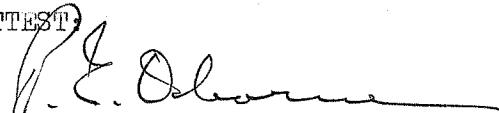
BE IT HEREBY FURTHER RESOLVED, by the Council of the City of Milwaukie, Oregon that by virtue of the foregoing and by virtue of the provisions of Section 222.524 O.R.S. the 10th day of April 1961 is hereby fixed as the date, the hour of 8:00 o'clock P.M. is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place, for a public hearing to be held by the City Council of the City of Milwaukie, Oregon, to hear objections to the withdrawal of the above described tracts of real property from the said Wichita Rural Zoning District and to determine whether such withdrawals are for the best interests of the City of Milwaukie, Oregon, and

BE IT HEREBY 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 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 13th DAY OF MARCH, 1961.


Earl M. Clay, Mayor

ATTEST:


R. E. Osborne, Recorder.

Motion carried and so ordered.

Petitions, signed by the owners of 70 pieces of property in Arden Park, requesting that Arden Park be withdrawn from the Wichita Water District, were laid before the Council.

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

RESOLUTION NUMBER 4-1961

WHEREAS, the City of Milwaukie, Oregon, by appropriate statutory procedures has heretofore annexed the following described territory of real property, to-wit:-

THE PLAT OF ARDEN PARK, a Townplat recorded in Book 27 on page 1, RECORD OF TOWNPLATS, for Clackamas County, all of the ARDEN PARK BLOCKS 5,6, and 7 recorded in Book 27 on page 12, RECORD OF TOWNPLATS for Clackamas County, AND

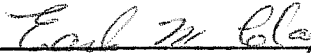
WHEREAS, the above described real property so annexed to the City of Milwaukie, Oregon, lies within the boundaries of the WICHITA WATER DISTRICT, a water district in Clackamas County, Oregon, duly organized and existing under and by virtue of the laws of the State of Oregon,

NOW THEREFORE BE IT RESOLVED by the Council of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from said Wichita Water District all of the hereinabove described property heretofore annexed to and incorporated in the City of Milwaukie, Oregon.


BE IT HEREBY FURTHER RESOLVED, by the Council of the City of Milwaukie, Oregon that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of APRIL, 1961, is hereby fixed as the date, the hour of eight-thirty (8:30) 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 City Council of Milwaukie, Oregon, to hear objections to the withdrawal of the above described real property from the said Wichita Water District and to determine whether such withdrawal is for the best interests of the City of Milwaukie, Oregon, and

BE IT HEREBY 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, 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 the 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 13th DAY OF MARCH, 1961.


Earl M. Clay, Mayor

ATTEST:


R. E. Osborne, Recorder.

Motion carried and so ordered.

Councilman Sedgwick read a letter from the Portland Suburban Water District in which proposed that they be furnished water from Milwaukie. They requested that the water be metered to them by a master meter until such time that they had paid their bonded indebtedness, then they would turn their assets over to Milwaukie and the water could be metered through the individual meters and water bills handled by the City. It was moved by Howard and seconded by Aebi that the City accept the proposal of the Portland Suburban Water District. Motion carried and so ordered.

Mayor Clay read a letter from the Milwaukie Planning Commission in which they requested that maps of proposed sewage development be furnished to them and to the Clackamas County Planning Commission. Manager Mullan was authorized to contact Stevens and Thompson and have the maps made.

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

Manager Mullan read a report on the construction and completion of Fire Station House No. 2, showing a final balance now due Jossy-Witt-Englund, Architects, in the amount of \$384.00 and a balance due the contractor of \$63.00

Manager Mullan read a report from Stevens and Thompson showing the amount now due Ferneding (contractor) on Area "D" sewers to be \$18,108.26.

It was moved by Howard and seconded by Aebi that the three bills listed above be approved and that warrants be drawn for the payment of same. Motion carried and so ordered.

Manager Mullan read the annual contract for Mosquito control along the Willamette River. It was moved by Howard and seconded by Aebi that Milwaukie share in the mosquito control programs and that Mayor Clay be authorized to sign the contract and that the City provide \$200.00 for the expense of same. Motion carried and so ordered.

It was moved by Renard and seconded by Aebi that the Mayor be empowered to advocate, in any way, that a bridge across the Willamette River, between Milwaukie and Oswego, be built. Motion carried and so ordered.

Ordinance Number 837 was taken up and read for its first reading. It was moved by Howard and seconded by Aebi that Ordinance Number 837 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 837 AN ORDINANCE adopting Volumes I through VII inclusive of the 1960-1961 edition of the National Fire Code, as prepared and recommended by the National Fire Protection Association; fixing penalties for its violation, repealing all ordinances and parts of ordinances in conflict therewith, and declaring an emergency, 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 837 passed the Council and was so declared by the Mayor.

Attorney Sheldahl reported the status of the difficulty between Deines Brothers and Milwaukie Sanitary Service.

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

American Barricade Co.	22.40
American City	4.00
P. J. Beedle	10.00
J. M. Bernard's Garage	3.00
Hilda Burdick	33.33
Bureau of Water Works	79.50
Carey Oil Co.	391.69
Clackamas County	108.50
Crosswhite Enterprises	48.00
Franck's Color Center	34.15
Franklin Electric Co.	18.22
G & S Janitor Supply Co.	16.00
Gaylor Bros. Inc.	6.45
J. K. Gill Co.	45.00
Ernest M. Grocock	65.25
Charlie Helwig, Inc.	23.65
H. W. Houston Const. Co.	15.00
Huser Sales & Service	7.20
Industrial Iron Works	13.31
Instrument Laboratory Inc.	38.00
Johnston Cement Products	180.00
K P R Co.	14.70
Jack J. Leitz	42.75
Management Information Serv.	50.00
W. J. McCreedy Lumber	3.84
R. S. Milln (Work in Progress)	150.00
Milwaukie Automotive Service	49.70
Milwaukie Electric	43.95
Milwaukie Hardware	24.37
Milwaukie Lumber Co.	27.86
Milwaukie Plumbing	1.60
Milwaukie Review	257.71
J. W. Minder Chain & Gear	1.67
Bernard Muffenbier	49.75
Multnomah Fuel Co.	36.80
Neptune Meter Co.	925.48
Northwest Industrial Laundry	3.60
Nudelman Brothers	12.75
Olson Bros. Shell Service	183.09
Oregon Blueprint Co.	15.00
Overall Laundry	21.60
Overhead Door Co.	70.00
Pacific Bldg. Materials	65.15
Pacific Telephone - NW	243.00
Pacific Waterworks Supply Co.	44.00
Pioneer Mercantile Co.	10.24
Portland Concrete Pipe & Prod. Co.	51.39
Portland General Electric	1,734.77
Portland Road & Driveway	219.19
Hank Price	67.50
Price Rite Grocery	.79
Pump Pipe & Power Co.	33.66
Richfield Oil Corp.	55.33
Alice Staley	5.40
Jack Stennet	11.50
Southern Pacific Co.	30.00
Stevens & Thompson	1,017.82
D. E. Sult	15.00
Waterworks Supplies	136.00
Weiler Chevrolet	76.53
Western Drug Label	260.00

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk.