

MEETING OF MAY 9, 1960

946th MEETING

The nine hundred forty-sixth regular meeting of the Council of the City of Milwaukie was held on the ninth day of May, 1960.

The meeting was called to order by Mayor Earl Clay.

Those present were Mayor Earl Clay; Councilmen James Howard, Peter Mortensen, Ernest Aebi and Theron Sedwick; Manager Leonard Mullan, Attorney John Sheldahl and Clerk Ellen Martin.

The minutes of the nine hundred forty-fifth regular meeting of the Council, held on the 11th day of April, 1960, were approved as written.

The minutes of a special meeting of the Council, held on the eighteenth day of April, 1960, were approved as written.

The minutes of a special meeting of the Council, held on the twenty-fifth day of April, 1960, were approved as written.

The minutes of a special meeting of the Council, held on the twenty-ninth day of April, 1960, were approved as written.

Mr. T. K. Welch came before the Council and laid plans for a multiple family housing project to be located on Tax Lot 23, H. Campbell D.L.C., along the north side of King Street at 42nd Street. Mr. Welch also presented a written application and consent to annexation of the property to the City. The property lies within the area proposed to be annexed by election on June 3, 1960. Attorney Sheldahl advised that inasmuch as the boundary lines for the election includes this property, the ordinance providing for the hearing on the annexation of this property could be read at this time providing that the time for the hearing be set for June 3, 1960.

Ordinance Number 796 was taken up and read for its first reading. It was moved by Councilman Aebi and seconded by Councilman Sedgwick that Ordinance Number 796 be passed to its second reading and that it be ready at this time. Motion carried and so ordered.

Ordinance Number 796 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, repealing Ordinance Number 787 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 796 passed the Council and was so declared by the Mayor.

Manager Mullan reported to the Council that Mr. R. C. Hopson, contract owner of Lot 15, Block 7, Ardenwald, had called and explained that he had not received a notice of assessment for sewer in Ardenwald. Upon investigation Mr. Mullan learned that Mr. Hopson had not recorded his contract and that the assessment had been recorded to the U.S. National Bank as the owner of record, (taken from the record in Clackamas Co.) and that all notices pertaining to the assessment had been sent to the U.S. National Bank in Portland. Inasmuch as no notices had been returned, the Recorder was correct in assuming the U.S. National Bank was the owner. It was evident that the Bank had not forwarded the notices to Mr. Hopson, and they did not notify the City of the transfer of ownership. Mr. Hopson requested that the City excuse the penalty, offered a substantial down payment and requested that he be permitted to bond the balance, the bond to be dated the same as other bonds for this improvement. It was moved by Councilman Howard and seconded by Councilman Mortensen that inasmuch as Mr. Hopson had shown his good intention by coming to the City for information, and that he was in no way to blame for the time elapse, that the penalty be excused and that he be permitted to bond the balance of the assessment after his down payment was made at this time, and that the Recorder be authorized to post date the bond for the sewer assessment on Lot 15, Block 7, Ardenwald. Motion was carried and so ordered.

A letter, from the Milwaukie Planning Commission, was read, in which they recommended that the easterly 137.5 feet of Tax Lots 10, 6, 14, 13, H. Campbell D.L.C. be changed from zone 3R-1 to zone 3R-2 SPECIAL on the condition that a street 40 feet in width with a road bed 36 feet in width, be opened from the housing project proposed to be placed on this property, to 32nd Street. It was moved by Councilman Mortensen and seconded by Councilman Aebi that the Planning Commission's recommendation be accepted.

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

RESOLUTION NUMBER 16-1960

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWERS AND TRUNK LINE SEWERS IN MASON MEAD, DERRY ACRES, AND ALONG JOHNSON CREEK BOULEVARD.

WHEREAS, the Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct sanitary sewers along

ROSWELL Street from 39th to 41st and 41st to the easterly termini of Roswell.
 39th STREET from Johnson Creek Boulevard to Roswell Street.
 40th STREET from Johnson Creek Boulevard to Roswell Street.
 41st STREET to Roswell Street.
 43rd STREET from Johnson Creek Boulevard to Roswell Street.

And to construct a trunk line sewer along

Easterly along Johnson Creek Boulevard to the easterly city limits line at Johnson Creek Boulevard; thence easterly along the meander line of Johnson Creek to a point in the west line of Tax Lot 45; following the west line of Tax Lot 45 and Tax Lot 46 to the northeast corner of the City Limits; thence southerly along the easterly city limits line to a southwest angle corner of the city limits line; thence easterly along the city limits to Johnson Creek; thence following the meander of Johnson Creek to Gibson Ave (55th St.) thence south along Gibson Ave approximately 200 feet to City Limit line.

And to construct a sewage lift station.

LAND TO CONSTRUCT SERVICE LATERALS from said sanitary sewer to the property line where such service laterals are required.

AND WHEREAS, the Council of the City of Milwaukie, Oregon, has required from the City Engineer, plans and specifications for approximate improvement to accomplish the above and an estimate of the cost of the work to be done

AND WHEREAS, the City Engineer has heretofore filed such plans, specifications and estimates in the office of the City Recorder,

BE IT FURTHER RESOLVED by the Council of the City of Milwaukie, Oregon, that the above mentioned plans, specifications and estimates of the City Engineer now on file with the City Recorder are found to be satisfactory and are hereby approved.

BE IT FURTHER RESOLVED that the Council of the City of Milwaukie, Oregon does hereby declare its intention and purpose to make such improvement, and the location and kind of improvement being as follows:

By the construction of sanitary sewers, and all things necessary in the construction thereof, all to be done in accordance with plans and specifications now on file with the City Recorder, which plans and specifications hereby are referred to and made a part of this Resolution .

By the construction of a trunk line sewer, and all things necessary in the construction thereof, all to be done in accordance with plans and specifications now on file with the City Recorder, which plans and specifications hereby are referred to and made a part of this Resolution.

By the construction of a sewage lift station, and all things necessary in the construction thereof, all to be done in accordance with plans and specifications now on file with the City Recorder, which plans and specifications hereby are referred to and made a part of this Resolution.

Said sanitary sewers to be constructed along the following lines and between the following termini:

ROSWELL Street from 39th to 41st and 41st to the easterly termini of Roswell,
 39th STREET from Johnson Creek Boulevard to Roswell Street,
 40th STREET from Johnson Creek Boulevard to Roswell Street,
 41st STREET to Roswell Street,
 43rd STREET from Johnson Creek Boulevard to Roswell Street.

And to construct a trunk line sewer along

Easterly along Johnson Creek Boulevard to the easterly city limits line at Johnson Creek Boulevard; thence easterly along the meander line of Johnson Creek to a point in the west line of Tax Lot 45; following the west line of Tax Lot 45 and Tax Lot 46 to the northeast corner of the city limits; thence southerly along the easterly city limits line to a southwest angle corner of the city limits line; thence easterly along the city limits to Johnson Creek; thence following the meander of Johnson Creek to Gibson Ave. (55th St.) thence south along Gibson Ave approximately 200 feet to City Limit Line.

That the district liable to be assessed for the aforesaid improvement is as follows:

All of the plat of Masonmeade;

Lots 1, 7, 8, 9, 10, 11, 12, 13, Block 1, Garner Acres;
 All of the plat of Derry Acres;
 All property lying within the city limits along the north side of Johnson
 Creek Boulevard;
 All unplatted properties lying within the City Limits south of Johnson Creek
 Boulevard, west of Gibson Avenue and north of the plat of Arden Park;
 All of the plats of Fieldcrest.

That the City Engineer's estimate of cost per each front foot of said
 property abutting the aforementioned streets where said sanitary sewers will
 be laid is the sum of \$2.79.

That the City Engineer's estimate of cost per each square foot of property
 lying within the hereinabove described territory which will be benefitted by the
 trunk line sewer, is the sum of \$0.01.

That the City Engineer's estimate of the probable cost of such improvement
 is the sum of NINETY ONE THOUSAND FIVE HUNDRED (\$91,500.00) DOLLARS.

That the City Engineer's estimate of the cost of the service laterals
 is \$75.00 per lateral.

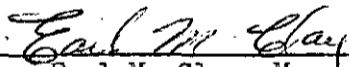
That an assessment will be levied on all lots and parcels of land lying
 within such proposed improvement district, in proportion to the amount to which
 each lot or parcel of land will be benefitted.

BE IT FURTHER RESOLVED that a written remonstrance against said proposed
 improvement may be filed with the City Recorder on or before the 13th day of
 June, 1960.


BE IT FURTHER RESOLVED that the City Recorder of Milwaukie, shall, within
 ten days from the passage of this Resolution, give notice of the passage of this
 Resolution by causing to be posted notices headed the the title NOTICE OF SEWER
 CONSTRUCTION WORK in three conspicuous places along said above named streets;
 which said notice shall contain a copy of this Resolution, and shall specify
 the time in which a remonstrance against said proposed improvement may be filed
 with the City Recorder.

AND WHEREAS, it is necessary that said improvement be made as soon as
 possible on account of sewage disposal and drainage conditions in said district;
 NOW THEREFORE an emergency is declared to exist and this Resolution shall go
 into full force and effect immediately upon its adoption.

ADOPTED this 9th day of May, 1960.


 Earl M. Clay, Mayor

ATTEST:


 R. E. Osborne, Recorder

Motion carried and so ordered.

Manager Mullan read a letter from Stevens & Thompson in which was given
 the final cost estimate for the Sellwood Street Sewers east of 55th Street,
 completed by contractor Don Thornton. The final cost including the cutting
 and replacing of surfacing was \$1486.60. Manager Mullan stated that there
 was a little street work to be done to properly complete the work, and suggest-
 ed that \$27.00 should cover the cost. It was moved by Councilman Howard and
 seconded by Councilman Mortensen that \$27.00 be withheld and that Don Thornton
 be paid \$1459.60 at this time. Motion carried and so ordered.

Manager Mullan read the final bill from Jossy, Witt, Englund, Architects
 for the design of the Fire Sub-station at 40th and Harvey Streets, in the
 amount of \$1132.00. It was moved by Councilman Aebi and seconded by Councilman
 Sedgwick that this bill be approved and paid. Motion carried and so ordered.

Manager Mullan read a report from Stevens & Thompson on the progress of the storm sewers. The amount due Stevens & Thompson for work complete this date is \$7,225.31. It was moved by Councilman Howard and seconded by Councilman Mortensen that Stevens & Thompson be paid \$7,225.31. Motion carried and so ordered.

Manager Mullan read a report from Stevens & Thompson showing the final amount withheld from contractor Don Thornton and now due him for work completed on the Area "B" sewers to be \$8,358.46. It was moved by Councilman Aebi and seconded by Councilman Sedgwick that Don Thornton be paid \$8,358.46. Motion carried and so ordered.

A letter, from the Clackamas County Health Department, was read. The letter suggested a manner in which the City could avail itself of the services of that department in controlling sanitary conditions in the City. It was decided that Mr. Bordon, of the County Health Department, be invited to meet with the Council for a discussion on this matter.

The police report was read and ordered filed.

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

RESOLUTION NUMBER 17-1960

WHEREAS, the City of Milwaukie, Oregon, has heretofore executed an agreement with the City of Portland, Oregon, to furnish the City of Milwaukie, Oregon, with water in the event an emergency arises,

AND WHEREAS, the said agreement will expire on June 30, 1960,

AND WHEREAS the City Council of the City of Milwaukie, Oregon, considers that it is necessary that this water stand-by protection should be continued for the safety and welfare of the City of Milwaukie, Oregon, and the inhabitants thereof;

NOW THEREFORE, BE IT AND IT HEREBY IS RESOLVED, that the Mayor of the City of Milwaukie, Oregon, be authorized to sign an agreement with the City of Portland, Oregon, providing for the continuance of water stand-by service to the City of Milwaukie, Oregon.

Motion carried and so ordered.

Manager Mullan reported the condition of several much used streets and recommended that repair work be done at this time. It was moved by Councilman Sedgwick and seconded by Councilman Howard that Manager Mullan be authorized to repair the following streets with an oil - mat finish. Moores Street, Ochoco Street, Clatsop Street and 33rd Street Quincy Addition and to black-top Harvey Street from 32nd Street to 40th Street, Washington Street from Main Street to McLoughlin Boulevard. Motion carried and so ordered.

Ordinance Number 797 was taken up and read for its first reading. It was moved by Councilman Mortensen and seconded by Councilman Aebi that Ordinance Number 797 be moved to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 797 AN ORDINANCE adopting rules and regulations governing conduct of the members and the operation of the Fire Department of the City of Milwaukie, Oregon, 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 797 passed the Council and was so declared by the Mayor.

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

VENDOR	AMOUNT
Addressograph-Multigraph	\$.60
American Barricade Co.	17.20
Bureau of Water Works	79.50
Carey Oil Co.	256.68
Clackamas County	43.50
Clean-Rite	61.00
Daily Journal of Commerce	28.00
Electrical Construction	26.00
Franck's Color Center	6.56
Franklin Electric	55.75
Grossenbacher Bros.	9.00
Charlie Helwig, Inc.	73.55
Instrument Sales & Service	9.00
Kilham Stationery & Printing	20.51
League of Oregon Cities	390.00
Loggers & Contractors	494.64
R. S. Milln	50.00
Milwaukie Automotive	74.99
Milwaukie Electric	6.80
Milwaukie Hardware	16.63
Milwaukie Landscape Construction	267.50
Milwaukie Lumber	16.64
Milwaukie Review	239.28
Milwaukie Volunteer Fire Dept.	41.00
Leonard B. Mullan	20.00
Multnomah Fuel Co.	194.70
Neptune Meter Co.	1.86
Norris Paint & Varnish Co.	349.95
Olson Bros. Shell Service	251.05
Oregon City Printing & Stationery	9.00
Overall Laundry	7.90
Pacific Tel & Tel Co.	189.55
Peerless Pacific	45.94
Pioneer Mercantile Co.	42.20
Portland General Electric	1,243.65
Portland Road & Driveway	435.44
Powell Valley Water District	35.00
Price Rite Grocery	1.67
Pump, Pipe & Power Co.	257.92
Reddaway's Truck Line	5.83
Rockwell Mfg. Co.	700.25
Schuyler, Southwell Agencies	25.00
Scientific Supplies	6.88
Sheldahl-Misko	28.90
Alice Staley	4.25
Waterworks Supply Co.	1,114.64
Western Drug Label Co.	302.60
Western Union	1.51
Fred Wildy	292.50
West Disinfecting Co.	16.20
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	\$ 7,868.72

Motion carried and so ordered.

Upon motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk