

MEETING OF NOVEMBER 12, 1962

COUNCIL CHAMBER

976th MEETING

The nine hundred seventy-sixth regular meeting of the Council of the City of Milwaukie, was held on the twelfth day of November, 1962.

The meeting was called to order by Mayor Earl Clay.

Present: Mayor Earl M. Clay; Councilmen James M. Howard, Charles Renard, Paul Baer and Theron Sedgwick; City Manager Leonard B. Mullan, City Attorney John O. Sheldahl, Assistant Manager Max Thompson and Clerk Ellen Martin.

The minutes of the nine hundred seventy-fifth regular meeting of the Council, held on the eighth day of October, 1962, were approved as written.

The minutes of a Special meeting of the Council, held on the seventh day of November, 1962, were approved as written.

Mr. Martin Runyan, from Stevens & Thompson, Consulting Engineers, reported that the work on the addition to the sewage treatment plant was substantially completed, that minor items such as patching of pavement, sidewalk installation and planting of lawn were not done yet and recommended that this work be done in the spring when weather conditions were more suitable. That in addition to the normal 10% retainage, an extra \$1540.00 had been withheld to provide for completion of these items. Stevens & Thompson recommended that the project be accepted, that the 10% retainage of \$17,238.51 be released at the end of 30 days upon receipt of a letter from the Contractor (Seabold & Wolverson) certifying that all bills have been paid, (labor and materials), retain \$1540.00 until all items of work have been satisfactorily completed. It was moved by Howard and seconded by Sedgwick that the Engineer's recommendation on the Sewage Treatment Plant be accepted. Motion carried and so ordered.

Mr. Runyan also made a progress report on the elevated Water Tank.

The Mayor opened the hearing on the withdrawal from the Oak Lodge Sanitary District of properties annexed to the City by Ordinance Number 937 and by an election held on March 19, 1959, (Robertson's Addition) and called for objection to the same. There was no person present who objected and no written objection had been received. The Mayor declared the hearing closed. Ordinance Number 944 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 944 be moved to its second reading and that it be read at this time by title only. Motion carried and so ordered. Ordinance Number 944 AN ORDINANCE withdrawing from the Oak Lodge Sanitary District, Clackamas County, Oregon, those parts of said District heretofore annexed to and incorporated within the boundaries of the City of

Milwaukie, Oregon, was again taken up and read by title only for its second reading and put on its passage with the following result being had. Ayes : Howard, Renard, Baer, Sedgwick and Clay. Nays: None. Ordinance Number 944 passed the Council and was so declared by the Mayor.

The Mayor opened the hearing on the annexation of properties as described in Ordinance Number 943 and called for objection to this annexation. There was no person present who objected and no written objection had been received. The Mayor declared the hearing closed. Ordinance Number 945 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 945 be passed to its second reading and that it be read at this time by title only. Motion carried and so ordered. Ordinance Number 945 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 was again taken up and read for its second reading by title only and put on its passage with the following result being had. Ayes: Howard, Renard, Baer, Sedgwick and Clay. Nays: None. Ordinance Number 945 passed the Council and was so declared by the Mayor.

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

RESOLUTION NUMBER 45-1962

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

West 1/2 of Lot 1, Logus Tracts, Except a 40 foot road and Except the North 560 feet.
South 1/2 of Lot 6, Block 4, Furnberg Park Addition, divided in the following manner: Beginning at the southeast corner of said Lot. The eastern boundary along S. E. Corinne Avenue shall have a length of 90 feet; thence starting at the southwest corner of said lot, the western boundary between Lot 5 and Lot 6 shall have a length of 56.57 feet. The northern boundary is a straight line between two points of the northern extremes of these extensions.

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.

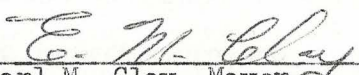
NOW THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Milwaukie, Oregon, that it does hereby elect to cause the withdrawal from the said Milwaukie Rural Fire Protection District, all that part of said Fire District hereinabove described and heretofore incorporated in and annexed to the City of Milwaukie, Oregon.

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie, that by virtue of the foregoing and by virtue of the provisions of Chapter 401, Oregon Laws, 1957, the 10th day of December, 1962, is hereby fixed as the date, the hour of 8:10 o'clock Pacific Standard Time 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 property 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 alike period of time.

ADOPTED this 12th day of November, 1962.


 Earl M. Clay, Mayor
 CITY OF MILWAUKIE, OREGON

ATTEST:


 R. E. Osborne, Recorder

Motion carried and so ordered.

The Mayor opened the hearing on the question of withdrawing of territories annexed by Ordinances 937 and 939 from the Milwaukie Rural Fire Protection District, and called for any objections to the same. There was no person present who made objection and no written objection had been received. The Mayor declared the hearing closed.

Ordinance Number 946 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 946 be passed to its second reading and that it be read at this time by title only. Motion carried and so ordered.

Ordinance Number 946 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 again taken up and read for its second reading by title only and put on its passage with the following result being had. Ayes: Howard, Renard, Baer, Sedgwick and Clay. Nays: None. Ordinance Number 946 passed the Council and was so declared by the Mayor.

The Mayor opened the hearing on the withdrawal of properties described in Resolution Number 41-1962 from the Oak Lodge Fire District and called for objection to the same. There was no person present who made objection and no written objection had been received. The Mayor declared the hearing closed. Ordinance Number 947 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 947 be passed to its second reading and that it be read at this time by title only. Motion carried and so ordered. Ordinance Number 947 AN ORDINANCE withdrawing from the Oak Lodge 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 again taken up and read for its second reading, by title only, and put on its passage with the following result being had. Ayes: Howard, Renard, Baer, Sedgwick and Clay. Nays: None. Ordinance Number 947 passed the Council and was so declared by the Mayor.

The Mayor opened the hearing on the withdrawal of areas as described in Resolution 38-1962, from the Clackamas Water District, and called for objection to the same. There was no person present who made objection and no written objection had been received. The Mayor declared the hearing closed. Ordinance Number 948 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 948 be passed to its second reading and that it be read by title only at this time. Motion carried and so ordered. Ordinance Number 948 AN ORDINANCE withdrawing from the Clackamas Water District, Clackamas County, Oregon, those parts of said District heretofore annexed to and incorporated within the boundaries of the City of Milwaukie, Oregon, was again taken up and read for its second reading and put on its passage with the following result being had. Ayes: Howard, Renard, Baer, Sedgwick and Clay. Nays: None. Ordinance Number 948 passed the Council and was so declared by the Mayor.

Ordinance Number 949 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 949 be passed to its second reading and that it be read by title only at this time. Motion carried and so ordered. Ordinance Number 949 AN ORDINANCE providing for the procedure providing for the procedure to annex, without election, certain territory, contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon, fixing the 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 and declaring an emergency, was again taken up and read by title only for its second reading and put on its passage with the following result being had. Ayes: Howard, Renard, Baer, Sedgwick and Clay. Nays: None. Ordinance Number 949 passed the Council and was so declared by the Mayor.

Mr. William McDonald came before the Council and requested that Dr. James Howard be appointed to the Library Board and that his appointment be retroactive to June 1, 1962. Mayor Clay appointed Dr. Howard to the Library Board, the appointment to be retroactive to June 1, 1962.

Manager Mullan read a report from Stevens & Thompson, on the 47th Avenue-Logus Road sewer, stating that the work was completed, that the total construction cost had been \$18,711.87 with a payment of \$8,925.18 now due to Contractor Don Thornton and that 30 days after the official acceptance by the Council, the retained 10% amounting to \$1,871.19 will become due. Stevens & Thompson stated that they felt the project had been satisfactorily completed and recommended its acceptance. It was moved by Howard and seconded by Sedgwick that Contractor Don Thornton be paid \$8,925.18. Motion carried and so ordered. No action was taken to accept the sewer.

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

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

The Health Department report was read and ordered filed.

Manager Mullan read a letter from American Pipe & Construction Co. in which they requested an extension of time in the construction of the Water Stand Pipe, on account of a delay in their shop due to damage done by the October 12th wind storm. It was moved by Howard and seconded by Sedgwick that American Pipe and Construction Co. be allowed 26 days extension of time. Motion carried and so ordered.

It was moved by Sedgwick and seconded by Howard that the Wichita Water District be requested to serve the Weber Tract to be known as Cedarcrest with water until such time that their 4-inch water main will be inadequate to serve the dwellings being built there. Motion carried and so ordered.

Applications for recommendation of liquor license renewals, together with the Police Chief's letters recommending the renewals, were laid before the Council as follows:

<u>NAME OF APPLICANT</u>	<u>NAME OF BUSINESS</u>	<u>ADDRESS</u>	<u>TYPE OF PERMIT</u>
James Hunt	Mac's Pit	1916 Washington	D.A.
Alhire, Inc.	Char House	625 Main St.	D.A.
Bernice Scott	Scotty's Grocery	2936 Washington	P.B.
Vic Crispin	Vic's Tavern	1049 McLoughlin	R.M.B.A.&P.B.
Beverly Andreason	Candlelight Pizza	1921 River Road	R.M.B.A.
Annie Hayden	41st St.Groc.	8929 - 41st Ave.	P.A.
Clyde Basler	Price-Rite Groc.	1113 Main St.	P.B.
Safeway Store, Inc.	Safeway Store	730 Main St.	P.B.
Herman Suelsen	Speed's Main St.	1212 Main St.	D.A.
Ernest & Jewel Aebi	Chalet L'Abbe	2311 6th Ave.	R.A.

D.A.	Class A Dispenser's
P.B.	Package Store
R.M.B.A.	Retail Malt Beverage Class A
P.A.	Package Store Class A.
R.A.	Class A. Restaurant

It was moved by Howard and seconded by Renard that the Council recommend the licenses as listed above. Motion carried and so ordered.

It was moved by Howard and seconded by Sedgwick that the following Resolution be adopted. Resolution 46-1962.

RESOLUTION NUMBER 46-1962

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; and

WHEREAS, a traffic hazard has developed at the intersection of Jefferson Street with Highway 99E within the City of Milwaukie, Oregon; now therefore


BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that parking of vehicles along the west curb line of Highway 99E for a distance of 20 feet north of the north intersection line of Jefferson Street with said Highway 99E be and the same is hereby prohibited at all times.

BE IT FURTHER RESOLVED that any sign now located in said area relating to parking be and the same is hereby ordered removed.


BE IT FURTHER RESOLVED that the curb along said 20 feet hereinabove described be and the same is hereby ordered painted yellow for the purpose of indicating that the parking of vehicles along the curb so painted is prohibited.

BE IT FURTHER RESOLVED that this Resolution be and it shall become effective as of the time the said curb shall have been painted yellow as hereinabove directed and the said parking sign heretofore located in the area of said 20 feet shall have been removed.

ADOPTED THIS 12th DAY OF NOVEMBER, 1962.


 Earl M. Clay, Mayor
 CITY OF MILWAUKIE, OREGON

ATTEST:


 R.E. Osborne, Recorder

Manager Mullan reports that he had received the following prices on mowing machines.

Northwest Tractor & Equipment Co.	\$2,975.00
International Harvester	3,000.00
Farm Tractor Co.	3,200.00

The Council requested the Manager to view the mowing machines and report his findings at the next meeting.

It was moved by Howard and seconded by Sedgwick that an amendatory ordinance be prepared, to amend Ordinance Number 879, to provide for the adoption of Section 303 of the Uniform Building Code. Motion carried and so ordered.

It was moved by Howard and seconded by Baer that Attorney Sheldahl be authorized to make investigation and ascertain who owns Block 2, Streib's First Addition except the east 70 feet thereof, and to notify the owner that the hole on the property must be filled. Motion carried and so ordered.

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

A Active Business Machines	69.75
Addressograph-Multigraph Corp.	17.85
All Electric Construction	333.11
American Barricade Co.	11.40
American Bitumals & Asphalt Co.	218.43
American Photocopy Equip. Co.	16.25
Badger Meter Mfg. Co.	875.25
Richard K. Bass	23.25
Brooks Products, Inc.	92.80
Burroughs Corp.	803.09
Chris & John's Body Shop	81.35
Clackamas County	233.32
Clackamas County Public Library	14.51
Howard Cooper Corp.	49.80
Francis Motor Car Co.	8.50
Franck's Color Center	25.92
Charles M. Gardner Co.	32.28
Gaylord Bros., Inc.	50.00
Ernest M. Groocock	110.00
Heisler's Car Wash	4.00
Charlie Helwig, Inc.	190.47
Industrial Air Products Co.	6.54
Interol Co., Inc.	17.22
Jack's Digger Service	65.50
Kimmel's Hometown Hardware	5.20
Larson's Auto Parts	6.51
McCready Lumber Yard	5.08
Mercer Steel Co., Inc.	65.00
Milkiewa Feed Mills	1.20
Milwaukie Automotive Service	7.32
Milwaukie Hardware	103.43
Milwaukie Lumber Co.	18.32
Milwaukie Oil Co.	52.78
Milwaukie Plumbing & Heating Co.	15.80
Milwaukie Review	426.73
Milwaukie Volunteer Fire Dept.	33.00
Multnomah Fuel Co.	286.58
Munnell & Sherrill, Inc.	88.20
National Geographic Society	6.75
Neptune Meter Co.	427.78

New Method Book Bindery, Inc.	16.39
New York Times	26.50
Ray Norris Heating & Sheet Metal Wks.	119.00
Northwest Natural Gas Co.	13.17
Northwest Industrial Laundry Co.	4.00
Olson Bros. Shell Service	223.33
Oregon City Laundry Co.	47.82
Oregon City Printing & Stationery Co.	26.50
Oregon News Co.	298.51
Overall Laundry, Inc.	20.20
Pacific Bldg. Materials	153.90
Pacific Northwest Bell	245.03
Paulsen & Roles Laboratories	52.12
Pioneer Mercantile	63.54
Pennsalt Chemicals Corp.	37.50
Portland General Electric Co.	2,293.98
Portland Road & Driveway Co.	215.36
Pump, Pipe & Power Co.	256.81
R & W Sales & Service	125.00
Rich Valley Top Soil Co.	82.35
Scientific Supplies Co.	5.50
Otto A. Sinkie	5.00
Bob Skown, Inc.	21.40
Southern Pacific Co.	30.00
Texaco, Inc.	432.90
Time, Inc.	9.75
Towne Equipment Co.	214.00
Traffic Safety Supply Co.	115.60
Trophies Unlimited	37.52
Water Department	391.55
Waterworks Supplies Co.	1,350.89
West Chemical Products Inc.	24.75
Western Drug Label Co.	350.15

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
 Ellen Martin, Clerk