

## MEETING OF JANUARY 12, 1959

930th MEETING

The nine hundred thirtieth regular meeting of the Council of Milwaukie was held on the twelfth day of January, 1959.

The meeting was called to order by Mayor Mullan.

The officers elected on November 4, 1958, took their seats at the table after being sworn in to their respective offices by Attorney Sheldahl, as follows:

Leonard B. Mullan	Mayor
Earl Clay	Councilman
Dr. James M. Howard	Councilman

Present: Mayor Mullan; Councilmen Clay, Mortensen, Sedgwick and Howard; Manager Burdick, Attorney Sheldahl and Clerk Martin.

Mr. Larson of Kronberg Bros., RealEstate, laid a petition before the Council. The petition was signed by twelve owners of properties in the tract of land bounded by Harrison Street, 28th Street, Monroe Street and 21st Street. These property owners stated that they had no objection to a proposed change of zone from 3 R-1 to Commercial zone for Tax Lot 16, Whitcomb D.L.C. The signers understood that the purpose of the zone change was to permit the property to be occupied by a mortuary. Attorney Sheldahl pointed out that Ordinance 481 did not include mortuaries as a type of business allowed in the commercial zone. During the discussion that followed it was learned that other types of businesses, suitable to the commercial zone, had not been listed in Ord. 481. Attorney Sheldahl recommended that Ordinance 481 be amended to include businesses suitable to the commercial zone. A letter from the Planning Commission was read. The Commission recommended that the Council determine if it was the intent of Ordinance 481 to include mortuaries in the commercial zone, and if so, to amend the Ordinance to include them. It was moved by Howard and seconded by Sedgwick that Sub-section 1 of Section 16 of Part 3 of Ordinance 481 be amended to include Banks, Mortuaries, Medical and Dental Clinics, Real Estate offices, Restaurants and Office Buildings. Motion carried and so ordered.

Bids for furnishing the City with fuel oil and gasoline were opened and read as follows:

BIDDER	FURNACE OIL	STOVE OIL	GASOLINE
Albina Fuel	.14	.144	
Milwaukie Transfer & Fuel	.12	.135	
Standard Oil	.1159	.1309	.24
General Petroleum			.2538
Shell Oil	.124	.144	.26
Union Oil	.135	.15	.265
Tidewater	.1169	.1339	.229

It was moved by Sedgwick and seconded by Howard that the bids be referred to the City Manager and the Mayor for further analysis and that the contract be granted to the lowest responsible bidder, and that the Mayor be authorized to sign the same. Motion carried and so ordered.

Bids for building a basket weave fence, of redwood, six feet high, on the City's property, to enclose the water reservoir and storage lot, were opened and read as follows:

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Midway Lumber Supply	complete \$875.00
Fox Sales and Distributing Co.	\$1,000 for fence \$200 staining fence

It was moved by Clay and seconded by Howard that the bids be referred to the Mayor and City Manager for further analysis and that the contract be granted to the lowest responsible bidder and that the Mayor be authorized to sign the same. Motion carried and so ordered.

Mr. C. A. Higgins, Trustee for the Evangelical United Brethren Church, came before the Council and inquired as to what had been done about their application (see Minutes of October 13, 1958) to post signs guiding traffic to their church. Manager Burdick reported to Mr. Higgins that the application had been referred to the Traffic Committee and that they (Traffic Committee) had recommended that directional signs, other than official traffic signs, be not allowed to be posted.

Walter Grossenbacher, Jr. and R. A. McEachern, representing the Junior Chamber of Commerce, came before the Council and stated that the Junior Chamber of Commerce are planning to give an award for distinguished service to some young man in Milwaukie area, and requested that the Council members act as judges. The Council members were invited to attend a banquet on Wednesday, January 28, at which time their decision would be announced.

A group of Milwaukie regular firemen, with Richard House, Secretary-Treasurer of Local 1159, International Association of Fire Fighters, as spokesman, came before the Council and stated that there seemed to be a misunderstanding of the agreement covering vacations and sick leave, which agreement was accomplished in June, 1958. They stated that they felt the agreement should be in writing and that copies be furnished to them. There was discussion on the matter which included potentialities of the 1959-60 budget. It was decided that Councilmen Sedgwick and Howard should have time to study this question and that therefore this business be put on the agenda of the regular meeting of the Council of February 9, 1959.

It was moved by Clay and seconded by Mortensen that the Contract with Pennsalt Co. be accepted and that the Mayor be authorized to sign the same. Motion carried and so ordered.

A letter from Royal A. Cochran, in which he requested a zone change for Lot A, Cogswell First Addition (Thomas Roberts Estate, 2946 Lake Road) was read. The letter was referred to the Planning Commission.

Under discussion on the question of zone change requested by Mr. Cochran as above mentioned, it was moved by Clay and seconded by Sedgwick that inasmuch as this would be "Spot Zoning" the request be denied. Motion carried and so ordered.

Ordinance Number 739 was taken up and read for its first reading. It was moved by Clay and seconded by Howard that Ordinance No. 739 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 739 AN ORDINANCE providing for the procedure, without election, to annex 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, 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: Mullan, Clay, Mortensen, Howard and Sedgwick. Nays: None. Ordinance Number 739 passed the Council and was so declared by the Mayor.

Ordinance Number 740 was taken up and read for its first reading. It was moved by Mortensen and seconded by Clay that Ordinance No. 740 be passed to its second reading, and that it be read at this time. Motion carried and so ordered. Ordinance Number 740, AN ORDINANCE amending Sub-section 1 of Section 16 of Part 3 of Ordinance Number 481, as amended,

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by adding permissive uses, and declaring an emergency, was taken up and read for its second reading and put on its passage with the following results being had - Ayes: Mullan, Clay, Mortensen, Sedgwick and Howard. Nays: None. Ordinance Number 740 passed the Council and was so declared by the Mayor.

It was moved by Sedgwick and seconded by Howard that the Attorney be directed to prepare an ordinance for a special election to annex all properties entirely surrounded by the City. Motion carried and so ordered.

Attorney Sheldahl reported his findings as to Blocks 39 and 52, Milwaukie, now under the waters of Kellogg Lake, and recommended that the City request a deed from Clackamas County for the same. It was moved by Sedgwick and seconded by Clay that the following Resolution be adopted.

## RESOLUTION NUMBER 1 - 1959

WHEREAS, the Council of the City of Milwaukie is informed and believes that the County of Clackamas, Oregon, is the owner by tax foreclosure of Block 39, Plat of Milwaukie, Oregon, and

WHEREAS, the said City Council is further informed and believes that Clackamas County, Oregon is also the owner of the whole or substantial part of Block 52, Plat of Milwaukie, Oregon, and

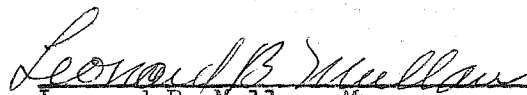
WHEREAS, the major portion of said tracts of land are submerged by Kellogg Lake, and

WHEREAS, the Planning Commission of the City of Milwaukie, Oregon, has heretofore recommended to the City Council that it take the necessary steps to acquire the said tracts of land from Clackamas County, so that the same may be used and continued to be used for public purposes by the City of Milwaukie, Oregon, now therefore,

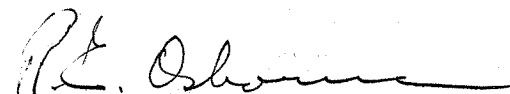
BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, that application be made to the County Court of Clackamas County, Oregon, pursuant to ORS 271.330, for a deed to Block 39, Plat of Milwaukie, Oregon, and for a deed to Block 52, Plat of Milwaukie, Oregon, or to so much of said Block 52 as may be owned by Clackamas County, Oregon, said deed or deeds to recite that the tracts of land thereby conveyed shall be used and continued to be used by the City of Milwaukie, Oregon, solely for public purposes.

BE IT FURTHER RESOLVED that the Mayor of the City of Milwaukie, Oregon, be and he is hereby authorized to direct such a request in writing to the County Court, Clackamas County, Oregon, together with a copy of this Resolution.

ADOPTED THIS 12th DAY OF January, 1959

  
Leonard B. Mullan, Mayor

ATTEST:

  
R. E. Osborne, Recorder

Motion carried and so ordered.

Manager Burdick read work progress reports for December, from Stevens & Thompson, for Sellwood Gardens Sewer and Ardenwald Area "A" sewers.

It was moved by Mortensen and seconded by Clay that the contractors for these two sewer projects be paid in the amounts shown in Stevens & Thompson report as follows:

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Lord Bros. for sewers laid in Ardenwald Area "A" \$19,680.77  
 Don Thornton, for sewers laid in Sellwood Gardens 456.04

Motion carried and so ordered.

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

The Council approved requests for the keeping of chickens as follows:

Janice Timsen 3816 Washington Street  
 Ernestine Maronna 2125 5th Ave.

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

Balzer Machinery Co. . . . .	\$ 162.64
J.M. Bernard's Garage . . . . .	37.54
Bowers, Davis & Hoffman . . . . .	905.00
E.S. Burdick . . . . .	25.00
Bureau of Water Works . . . . .	63.75
Charlton Laboratories . . . . .	90.00
Clackamas County . . . . .	17.50
Clackamas County Public Library . . . . .	18.48
Columbia Equipment . . . . .	38.75
John H. Dodd . . . . .	120.00
Feenaughty Machinery Co. . . . .	312.00
Franklin Electric Co. . . . .	57.48
Dick Groener Agency . . . . .	139.73
Charlie Helwig, Inc. . . . .	552.94
Larson's Auto Parts . . . . .	22.99
Will Loder Insurance Agency . . . . .	684.48
Milwaukie Automotive Service . . . . .	65.92
Milwaukie Glass Co. . . . .	48.88
Milwaukie Hardware . . . . .	71.71
Milwaukie Volunteer Fire Dept. . . . .	91.00
Milwaukie Lumber Co. . . . .	35.89
Milwaukie Plumbing & Heating . . . . .	49.45
Milwaukie Review . . . . .	95.46
Milwaukie Transfer & Fuel . . . . .	16.00
Multnomah Fuel Co. . . . .	16.50
National Fire Protection Assn. . . . .	15.00
Neptune Meter Co. . . . .	299.54
Northwest Industrial Laundry . . . . .	4.08
Olson Bros. Shell Service . . . . .	105.48
Oregon City Printing & Stationery Co. . . . .	102.63
Overall Laundry . . . . .	8.20
Pacific Tel & Tel . . . . .	153.30
Peake, The Shade Man . . . . .	131.90
Pioneer Mercantile Co. . . . .	13.30
Portland General Electric Co. . . . .	1,101.28
Portland Road & Driveway Co. . . . .	269.30
Remington Rand . . . . .	7.05
Sutton Manufacturing Co. . . . .	7.50
Tidewater Oil Co. . . . .	382.12
Tracey & Co. . . . .	38.78
Traffic Safety Supply Co. . . . .	94.52
Utilities Supply Co. . . . .	100.18
Vermilya Color Photography . . . . .	2.50
Waterworks Supplies Co. . . . .	1,525.72
Western Drug Label . . . . .	37.50
W. C. Winks . . . . .	37.26
Chamber of Commerce . . . . .	75.00

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

*Ellen Martin*  
 Clerk