

MEETING OF MAY 11, 1959

934th MEETING

The nine hundred thirty-fourth regular meeting of the Council of Milwaukie was held on the eleventh day of May, 1959.

The meeting was called to order by Mayor Mullan.

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

The minutes of the nine hundred thirty-third regular meeting of the Council, held on the thirteenth day of April, 1959, were approved as written.

The minutes of a Special meeting of the Council, held on the twenty-eight day of April, 1959, were approved as written.

Mr. Roy Jarman, representing the Waverly Heights Fire Protection District, came before the Council to discuss the question of fire protection being furnished them by the Milwaukie Fire Department. It was moved by Sedgwick and seconded by Howard that the Mayor be authorized to negotiate with the Board of Directors for the Waverly Heights Fire Protection District to provide fire protection to their District at an annual rate of five and one half percent ( $5\frac{1}{2}$ ) mills of the assessed valuation of the property in the District; the contract to contain other conditions as set forth in the City's contract with the Milwaukie Rural Fire Protection District and to be based on a five year time period. Motion carried and so ordered.

Attorney Sheldahl presented an agreement Contract, with the

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Milwaukie Sanitary Service for the collection of refuse in Milwaukie, for the Council's approval. Mr. George Deering, owner of Milwaukie Sanitary Service, was present and stated that the agreement was satisfactory to him. It was moved by Howard and seconded by Sedgwick that the Council approve the Contract Agreement and that the Mayor be authorized to sign the same. Motion carried and so ordered.

A letter, from the Milwaukie Planning Commission in which was stated that they had made proper investigation and had held the necessary hearing on changes of zone for properties in the city, and recommended to the Council that the zone changes be made, was read. It was moved by Howard and seconded by Mortensen that the Council accept the recommendation of the Planning Commission and that proper procedure be taken to change the zones from 3R-1 zone to 3R-2 SPECIAL on the following properties.

Tax Lots 102, 104 and 106-4 Whitcomb D.L.C.  
 The S'yly 30 feet of Lot 5, Block 15, Robertson's Addition.  
 Lots 7, 9, 11 Block 15, Robertson's Addition  
 Vacated 5th Avenue between Lots 5, 7, 9, 11, Block 15 and  
 Lots 6, 8, 10, 12, Block 6, Robertson's Addition.  
 The E'yly 100 feet of vacated 5th Avenue, west and adjacent  
 to Lots 2 & 4, Block 6, Robertson's Addition.  
 All of Block 6, Robertson's Addition.

Motion carried and so ordered.

Manager Burdick read Stevens & Thompson's (Engineers) work progress report on the Ardenwald "Area "" sewers, which the amount now due Lord Bros. Contractors, to be \$12,391.69. It was moved by Mortensen and seconded by Sedgwick that the Council approve the report and that Lord Bros. be paid \$12,391.69. Motion carried and so ordered.

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

Manager Burdick read Stevens & Thompson's report on the estimate of cost of construction of sewers in Bonnie View Acres and Floss Acres. It was moved by Howard and seconded by Mortensen that the following Resolution be adopted.

## RESOLUTION NUMBER 9-1959

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWERS IN BONNIE VIEW ACRES AND FLOSS ACRES.

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

32nd STREET from Boyd Street to Balfour Street

FLOSS AVENUE from 32nd Street to 36th Street

BOYD STREET, from 32nd Street to Southern Pacific Co. right-of way.

MALCOLM STREET, from 32nd STREET to Southern Pacific right-of way.

OLSON (HENDERSON) STREET, from 32nd Street to Southern Pacific right-of-way.

KELVIN STREET, from 32nd Street to Southern Pacific Right-of-way.

BALFOUR STREET, from 32nd Street, Westerly approximately 900 feet.

29th STREET, from Boyd Street to Balfour Street.

AND TO CONSTRUCT TRUNK LINE SEWERS ALONG

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THE EASTERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC COMPANY from the existing man-hole 250 feet north of Boyd Street southerly to Kelvin Street

BOYD STREET, from the Southern Pacific right-of-way line to 32nd Street

32nd Street, from Boyd Street to Filbert Street

AND TO CONSTRUCT SEWER SERVICE LINES FROM SAID SANITARY SEWERS LINES TO PROPERTY LINES WHERE THE SAME ARE REQUESTED.

AND WHEREAS, the Council of the City of Milwaukie, Oregon, has required from the City Engineer, plans and specifications for appropriate 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 THEREFORE 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 improvements, and the location and kind of improvements 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,

Said Sanitary Sewers to be constructed along the following lines and between the following termini:-

32nd STREET, from Boyd Street to Balfour Street.

FLOSS AVENUE, from 32nd Street to 36th Street.

BOYD STREET, from 32nd Street to the Southern Pacific Co. right-of way.

MALCOLM STREET, from 32nd Street to the Southern Pacific Co. right-of way.

OLSON (HENDERSON) STREET, from 32nd Street to the Southern Pacific right-of-way.

KELVIN STREET, from 32nd Street to Southern Pacific Co. right-of-way.

BALFOUR STREET, from 32nd Street westerly a distance of approximately 900 feet.

29th STREET, from Boyd Street to Balfour Street.

and by the construction of TRUNK LINE SEWERS, and all things necessary in the construction thereof, all to be done in accordance with the plans and specifications now on file with the City Recorder, which plans and specifications are hereby referred to and made a part of this Resolution,

Said TRUNK LINE SEWERS to be constructed along the following lines and between the following termini:-

THE EASTERLY RIGHT-OF-WAY OF THE SOUTHERN PACIFIC COMPANY from the existing man hole 250 feet north of Boyd Street, southerly to Kelvin Street.

BOYD STREET, from the Southern Pacific Co. right-of-way line to 32nd Street.

32nd STREET, from Boyd Street to Filbert Street.

and by the construction of SEWER SERVICE lines, and all things necessary in the construction thereof, all to be done in accordance with the specifications of the City Engineer, said sewer service lines to be constructed between the Sanitary sewer line in the street and the property line where such sewer service line has been

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requested by the owner of the property.

That the Engineer's estimate of the probable cost of the Sanitary Sewers is \$ 47,600.00 .

That the Engineer's estimate of the probable cost of the Trunk Line sewers is \$ 28,400.00 .

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

All Lots in the Plat of Bonnie View Acres except the following:

Lot 22, Block 9; Lot 22, Block 8; The W'ly 67.52 feet of Lot 21, Block 8; Lots 16 & 17, Block 4. All in Bonnie View Acres.

All Lots facing Floss Street in Blocks 1 and 2, Floss Acres except Lots 14 and 13, Block 1.

All Lots facing 32nd Street in Blocks 1 and 2 Floss Acres.

That the Engineer's estimate of cost per front foot of said property abutting the aforementioned Streets where said Sanitary sewers will be laid is the sum of \$ 3.00 .

That the Engineer's estimate of cost per square foot of property lying within the hereinabove described district which will be benefitted by the Trunk Line Sewer, is the sum of \$ 0.0095 .

That the Engineer's estimate of cost of Sewer Service Lines where the same are constructed is \$ 100.00 per each service line.

That an assessment will be levied on all lots and parcels of land within such proposed assessment 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 8th day of June, 1959

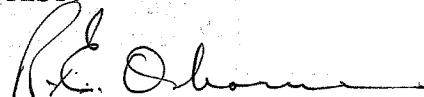
BE IT FURTHER RESOLVED, that the Chief of Police of Milwaukie, shall, within ten days from the passage of this Resolution, give notice of the passage of this Resolution by posting notices headed with the title NOTICE OF SEWER CONSTRUCTION WORK in three conspicuous places along the said above named streets; 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 11th day of MAY, 1959

  
Leonard B. Mullan, Mayor

ATTEST:

  
R. E. Osborne, Recorder.

Motion carried and so ordered.

Manager Burdick read a letter from Mr. Ralph Klein in which he referred to a private lane in the Lavagetto tract and made inquiry as to the procedure to have the City Engineer set the grade in order to have it paved. Inasmuch as this property has not yet been offer-

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ed nor accepted as a city street, the Council could not order the grades set. The Council requested Mr. Burdick to so advise Mr. Klein.

Attorney Sheldahl reported that the case of Jehovah's Witnesses vs the City of Milwaukie, Oregon, had been dismissed by the United States Supreme Court on May 4, 1959.

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.

<u>VENDOR</u>	<u>TOTAL</u>
Addressograph-Multigraph Corp'n.	\$ 22.79
American Bitumuls & Asphalt Co.	47.30
American Fire Protection Co.	172.13
Richard K. Bass	10.66
J. M. Bernard's Garage	35.18
Blacktop Paving Co., Inc.	80.00
Brooks Products, Inc.	31.20
Earl S. Burdick	20.00
Bureau of Water Works	63.75
Cascade Paint Co.	174.04
Clackamas County	94.00
Chris & John's Auto Shop Body	100.00
Clean-Rite Building Maintenance Co.	53.00
Columbia Equipment Co.	38.75
Delano Studios	75.00
John H. Dodd	44.00
Everson-Ross Co.	16.19
Feenaughty Machinery Co.	312.00
Franklin Electric Co.	80.55
Dick Groener Agency	101.02
Charlie Helwig, Inc.	1.50
R. S. Milln	30.00
Milwaukie Automotive Service	70.75
Milwaukie Hardware	15.36
Milwaukie Lumber Co.	1.55
Milwaukie Review	222.96
Milwaukie Volunteer Fire Dep.t	92.00
Bernard Muffenbier	41.00
Multnomah Fuel Co.	34.10
Neptune Meter Co.	184.45
Northwest Industrial Laundry Co.	4.08
Olson Bros. Shell Service	50.49
Oregon City Printing & Stationery Co.	1.75
The Overall Laundry	8.74
Pacific Telephone	154.83
Peerless Pacific Co.	35.67
Pioneer Mercantile Co.	60.34
Portland Concrete Pipe & Products	49.75
Portland General Electric Co.	1,046.48
Portland Road & Driveway	123.06
Portland Suburban Water District	125.00
Rich Valley Top Soil Co.	9.00
Rockwell Manufacturing Co.	486.00
Schuyler Southwell Agencies, Inc.	25.00
Standard Oil Co. of Cal.	52.97
Tidewater Oil Co.	198.08
Tracey & Co., Inc.	9.40
Waterworks Supplies Co.	270.09
Weiler Chevrolet	3.75
TOTALS	\$ 4,979.71

Motion carried and so ordered.

It was moved by Sedgwick and seconded by Howard that the City Attorney be directed to proceed with preliminary steps toward a Special Election in the City to issue and sell Bonds in the City of Milwaukie, Oregon, for necessary funds to be used for the purpose of Fire Department expansion, Sewage Disposal expansion and Parks

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and Recreational facilities. Motion carried and so ordered.

Mayor Mullan tendered his resignation as Mayor, to become effective June 1, 1959. It was moved by Mortensen and seconded by Howard that Mayor Mullan's resignation be accepted. The motion carried by a unanimous vote of the Council and was so ordered.

It was moved by Mortensen and seconded by Sedgwick that Leonard Mullan be employed as City Manager at the pleasure of the Council. The motion was carried by the unanimous vote of the Council and was so ordered.

It was moved by Sedgwick and seconded by Mortensen that Earl Clay be appointed to serve as Mayor for the unexpired term of Leonard Mullan. The motion was carried by the unanimous vote of the Council and was so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin  
Ellen Martin, Clerk.