

MINUTES OF JANUARY 13, 1958

.918th meeting

The nine hundred eighteenth regular meeting of the Council of the City of Milwaukie, was held on the thirteenth day of January, 1958.

The meeting was called to order by Mayor Mullan.

Present: Mayor Mullan; Councilmen Clay, Mortensen, Roberts, and Klein; Manager Burdick, Attorney Sheldahland Clerk Martin.

The minutes of the nine hundred seventeenth regular meeting of the Council, held on the ninth day of December, 1957, were approved as written.

The minutes of the special meeting of the Council, held on the sixteenth day of December 1957, were approved as written.

Mr. A. Emelee, owner of the Ardenwald-Portland Busses, came before the Council and stated that it was his plan to change the name of the Busses to "Milwaukie Busses, Inc.", and requested that his Franchise be renewed for a five year period. It was moved by Roberts and seconded by Mortensen that A. J. Emelee be granted exclusive franchise to pick up and discharge passengers within the city limits of Milwaukie, provided he file with the City Recorder, his schedules of fares and routes, the franchise to be terminable in five years. Motion carried and so ordered.

A group of property owners along Spring Creek, came before the Council. Attorney Frank Santos, acting as spokesman for the group, read a petition, signed by twenty-two property owners, and presented the same to the Council. The petitioners claimed that the creek was being contaminated by street drainage water, which drainage water was oily and therefore damaging to plant life in the creek. Mr. Harold Sellwood, nephew of T. R. A. Sellwood, who platted Quincy Addition, stated that his uncle had made a provision, at the time Quincy Addition was platted, that at no time was anyone to have the right to pollute the water or contaminate the creek in any way. Mr. J. B. Kampf 2836 Washington Street, stated that he had made improvements to protect the creek through his property and that he had been growing anacharis grass and selling same to pet stores for fish food, and that the contamination of the creek, which he claimed was due to oily drainage water from streets, was killing his crop and causing him much loss of business. The Council agreed that an investigation should be made and the matter was turned over to Attorney Sheldahl for that purpose. Mr. Santos requested that the complainants be notified when Mr. Sheldahl made his report to the Council.

Bids for supplying the City with Furnace oil, Stove oil and Gasoline were opened and read as follows:

	Furnace oil	Stove oil	Gasoline
Tidewater Oil Co. (400 or more gals.)	.1299	.1449	.2434
Standard Oil Co. " " "			.276
General Petroleum " " "			.245
Shell Oil Co.			.2534
Bembree	.1379	.1479	
Diamond Fuel	.14	.155	
Milwaukie Transfer	.145	.16	

It was moved by Roberts and seconded by Klein that the bids be referred to the City Manager and the Mayor for their examination and that the Mayor be authorized to sign a contract with the lowest responsible bidder. Motion carried and so ordered.

The Clerk announced that this was the time set for the hearing on the 29th St. and Penzance Street improvements. The Mayor called for objections to the assessments for the improvement of 29th Street north of Harrison Street. There were two written objections to the assessments, but it was shown that the assessment had been explained in both cases and that the complainants were satisfied. The Mayor closed the hearing and Ordinance Number 697 was taken up and read for its first reading. It was moved by Mortensen and seconded by Roberts that Ordinance No. 697 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 697 AN ORDINANCE declaring the assessment for the improvement of 29th Street by the construction of curbs, sidewalks and driveways along both sides thereof, where none existed or where they did exist but did not conform to City standards as to grade, alignment or quality, from its intersection with Harrison Street to its northerly terminus 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 and Clay, Mortensen, Roberts and Klein. Nays: None. Ordinance Number 697 passed the Council and was so declared by the Mayor.

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The Mayor called for objections to the assessment for the improvement of Penzance Street. There was no citizen present who objected. The Mayor declared the hearing closed. Ordinance Number 698 was taken up and read for its first reading. It was moved by Mortensen and seconded by Clay that Ordinance Number 698 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 698 AN ORDINANCE declaring the assessment for the improvement of Penzance Street by construction of curbs, sidewalks and driveways along the southeasterly side thereof and along Lot 8 Wilson Tract, where none existed and where they did exist but did not conform to City standards as to grade, alignment or quality 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, Roberts and Klein. Nays: None. Ordinance Number 698 passed the Council and was so declared by the Mayor.

Ordinance Number 699 was taken up and read for its first reading. It was moved by Clay and seconded by Roberts that Ordinance Number 699 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 699 AN ORDINANCE providing for the rezoning of Tax Lots 62 and 225, a part of Lot Whitcomb D.L.C., Clackamas County, State of Oregon, from 3 R-2 zone to Commercial zone and amending Ordinance No. 481 as amended by Ordinance No. 576, accordingly 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 Roberts and Klein. Nays: None. Ordinance Number 699 passed the Council and was so declared by the Mayor.

Ordinance Number 700 was taken up and read for its first reading. It was moved by Klein and seconded by Clay that Ordinance Number 700 be passed to its second reading and that it be read at this time. Motion carried and so ordered. Ordinance Number 700 AN ORDINANCE withdrawing from Oak Lodge Sanitary District, Clackamas County, Oregon, and Milwaukie Rural Fire Protection District, Clackamas County, Oregon, those parts of said districts heretofore annexed to and incorporated within the boundaries of the City of Milwaukie, Oregon, was taken up and read for its second reading and put on its passage with the following results being had: Ayes: Mullan, Clay, Mortensen, Roberts and Klein. Nays: None. Ordinance Number 700 passed the Council and was so declared by the Mayor.

Manager Burdick read a letter from the State Highway Commission in which they requested that an alley in Tract 1 of Milwaukie Industrial Park, be vacated. There was discussion on the matter and it was shown that the alley was of no use or benefit to the property. It was moved by Roberts and seconded by Klein that the following Resolution be adopted.

RESOLUTION NUMBER 1-1958

WHEREAS it has been made known to the Council of the City of Milwaukie, Oregon, that the Alley in Tract 1, of Milwaukie Industrial Park, heretofore dedicated as such in the Plat of Milwaukie Industrial Park, recorded in Volume 29, Page 12, Record of Townplats, Clackamas County, Oregon, as Plat Number 803, and lying between Short Street and the easterly boundary of Tract 1, Milwaukie Industrial Park; and which lies entirely within the boundaries of land now owned by Oregon State Highway Department, and

WHEREAS, the Council of the City of Milwaukie, Oregon, after due consideration of the interests of the City of Milwaukie, Oregon, and its inhabitants, and after due consideration of the interests of the said Oregon State Highway Department, and the public generally, deems it advisable to initiate proceedings to vacate the said public alley hereinabove described, pursuant to provisions of Section 271.130, Oregon Revised Statutes, and

WHEREAS, it is particularly desirable from the standpoint of the Council of the City of Milwaukie and its inhabitants that the said public alley be vacated in order that the Oregon State Highway Department may cause the properties abutting thereon to be developed to their fullest public capacity so as to increase the prosperity of the City of Milwaukie, Oregon, and

WHEREAS, the Council of the City of Milwaukie, Oregon, has ascertained and determined that the market value of the property abutting upon the said public alley to be vacated will be increased rather than decreased by reason of said vacation, and

WHEREAS, the City Council of the City of Milwaukie, Oregon, has been advised that the Oregon State Highway Commission, which is the owner of the property abutting upon the said public alley to be vacated will consent in writing to such vacation.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Milwaukie, Oregon, that by virtue of the foregoing and by virtue of the provisions of Section 271.130 Oregon Revised Statutes, that proceedings be and the same hereby are initiated by the Council of the City of Milwaukie, Oregon, to vacate the alley in Tract 1, Milwaukie Industrial Park described as follows:

Beginning at the northwest corner of Tract 5, Milwaukie Industrial Park; thence Easterly along the south side of Beta Street extended to the westerly right-of-way line of the Southern Pacific Tillamook Branch Railway; thence Southerly along the westerly boundary line of the said Tillamook Branch Railway to its intersection with the south boundary line of Tract 7, Milwaukie Industrial Park; thence Southwesterly on a curve to the right with a radius of 404.66 to an intersection with the south boundary line of Tract 8, Milwaukie Industrial Park; thence Westerly along the south boundary line of Tracts 8 and 9, Milwaukie Industrial Park, to the southwest corner of the said Tract 9; thence Northerly along the east line of Main Street to the point of beginning.

being an alley heretofore dedicated as such in Tract 1, Milwaukie Industrial Park the plat of which is recorded in Volume 29 Page 12 Record of Townplats, Clackamas County, Oregon, as Plat Number 803.

BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie be and hereby is ordered and directed to cause notices of these proceedings and the public hearing to be had thereon to be published and posted as required by the provisions of Section 271.130 and 271.110 of the Oregon Revised Statutes, and

BE IT HEREBY FURTHER RESOLVED that the 21st day of February, 1958 be and the same hereby is fixed as the date upon which said public hearing shall be held, and the hour of five (5:00) o'clock P.M. is hereby fixed as the time at which said public hearing shall be held upon said date, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, be and the same is hereby fixed as the place at which said public hearing shall be held at said time and on said date.

Adopted this 13th day of January, 1958.

Leonard B. Mullan
Leonard B. Mullan, Mayor.

Manager Burdick read a letter from James F. Johnson, Director, Department of Motor Vehicles, State of Oregon, in which he (Johnson) commended the work done in Milwaukie Municipal Court and Police Department in decreasing accidents.

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Manager Burdick reported that the water main extensions, sewer extensions and street improvements in Milwaukie Industrial Park were now completed and requested that the Council proceed with declaring an improvement district to assess the property on a square foot basis for the cost of same. It was moved by Mortensen and seconded by Clay that the properties lying within the following described area be assessed for the water, sewer and street improvements, now completed in Milwaukie Industrial Park, on a square foot basis, and that the area be declared an assessment district. Tracts 4,5,6,7,8,9,3, Milwaukie Industrial Park. Motion carried and so ordered.

Manager Burdick reported that Main Street Cafe were desirous of using their dining room as a card game room. There was considerable discussion but the Council took no definite action on the matter.

Attorney Sheldahl reported that the case of Jehovah Witnesses versus City of Milwaukie would be heard in the State Supreme Court. Building, Salem, Oregon, at 9:00 o'clock A.M. on January 29, 1958.

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

American Brush Co.	.	.	\$22.30
Bell Sand & Gravel Co.	.	.	11.50
J. M. Bernard's Garage	.	.	222.12
Earl S. Burdick	.	.	20.00
Bureau of Water Works	.	.	63.75
Charlton Laboratories, Inc.	.	.	20.00
Clackamas County	.	.	11.83
Diamond Fuel Co.	.	.	142.20
John J. Dodd	.	.	56.00
Feenaughty Machinery Co.	.	.	312.00
Gaylord Bros.	.	.	19.40
General Petroleum Corp.	.	.	214.23
Herman Goldberger Agency, Inc.	.	.	91.95
Charlie Helwig, Inc.	.	.	15.70
Highway Ready Mix, Inc.	.	.	61.90
Homelite	.	.	13.55
Island Sales & Service	.	.	1.75
Kilham Stationary & Printing=	.	.	26.23
Larson's Auto Parts	.	.	2.92
Leupold & Stevens Instrument Co., Inc.	.	.	1.75
Milwaukie Plumbing & Heating Co.	.	.	13.60
Milwaukie Automotive Service	.	.	75.55
Milwaukie Hardware	.	.	2.83
Milwaukie Lumber Co.	.	.	11.08
Milwaukie Review	.	.	531.35
Milwaukie Volunteer Fire Dept.	.	.	119.00
Neptune Meter Co.	.	.	404.94
Northwest Industrial Laundry	.	.	5.10
Oregon Blue Print Co.	.	.	7.42
City of Oregon City	.	.	20.00
Oregon City Printing & Stationary Co.	.	.	6.46
Overall Laundry	.	.	8.56
Pacific Telephone & Telegraph Co.	.	.	138.80
Peerless Pacific Co.	.	.	244.75
Portland General Electric Co.	.	.	904.80
Pioneer Mercantile Co.	.	.	46.80
Portland Road & Drifeway	.	.	182.09
H. T. Price	.	.	280.95
Revere Chemical Co.	.	.	59.55
Rose's Richfield Service	.	.	5.50

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Jack Spencer	.	.	15.00
Ralph Stose	.	.	65.00
St. Louis Crayon & Handle Co., Inc.	.	.	6.91
Water Works Supplies Co.	.	.	542.29
West Disinfecting Co.	.	.	16.20
Western Drug Label Co.	.	.	18.85
Northwestern Fire Equipment Co.	.	.	108.00
Wilco Fire Equipment Co.	.	.	12.75
Brooks Products	.	.	30.00
Milwaukie Review	.	.	29.70
Pelton Concrete Const. Co. 29th St. improv	.	.	359.92
Pelton Concrete Const. Co. Penzance St.	.	.	305.77

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Clerk.