

MEETING OF FEBRUARY 11, 1957

COUNCIL CHAMBER

907th MEETING

The nine hundred seventh regular meeting of the Council of the City of Milwaukie, was held on the eleventh day of February, 1957

The meeting was called to order by Mayor Mullan.

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

It was moved by Mortensen and seconded by Clay that the minutes of the nine hundred sixth regular meeting of the Council, held on the fourteenth day of January, 1957, be approved as written. Motion carried and so ordered.

Ordinance Number 658, AN ORDINANCE providing for procedure without election to annex certain territory contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon, fixing a day for public hearing before the Council of the City of Milwaukie, Oregon, on the question of such annexation, and directing publication of notice of such hearing, was taken up and read in full for its second reading and put on its passage with the following results being had; Ayes: Mullan, Clay, Roberts, Mortensen and Klein. Nays: None. Ordinance Number 658 passed the Council and was so declared by the Mayor.

The matter of vacation of a cul-de-sac in the easterly end of Ada Lane Martin Heights, was again laid before the Council. It was moved by Clay and seconded by Klein that the following Resolution be adopted.

RESOLUTION NUMBER 2-1957

WHEREAS on the 14th day of January, 1957, M.C. Martin laid before the Council of the City of Milwaukie, Oregon, a petition requesting that a cul-de-sac in the easterly end of Ada Lane, Martin Heights, a Townplat recorded in Book 27, Page 18 RECORD OF TOWNPLATS, be vacated, and

WHEREAS, M.C. Martin offered to the City of Milwaukie, a deed for a strip of land extending Ada Lane through the above mentioned cul-de-sac, which would open said Ada Lane as a thoroughfare through Homewood Park to

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Home Avenue, and

WHEREAS, all of said cul-de-sac lies entirely adjacent to land owned by M.C. Martin and Ada R. Martin, husband and wife; M Clifford Martin and Margaret E. Martin, husband and wife and Jerry J. Ward and Marie T. Ward, husband and wife, 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 public generally, deems it advisable to initiate proceedings to vacate the said cul-de-sac herein above described, pursuant to the provisions of Section 271.130 Oregon Revised Statutes, and

WHEREAS, it is particularly advisable from the standpoint of the City of Milwaukie, Oregon, and its inhabitants that the said cul-se-sac be vacated in order that Ada Lane may be extended through Homewood Park to Home Avenue, and

WHEREAS, the Council of the City of Milwaukie, Oregon has ascertained and has determined that the market value of the property abutting upon said cul de sac 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 herein above named owners of all property abutting upon the said cul de sac to be vacated, have consented to such vacation and have further offered a deed for a strip of land fifty feet in width, extending Ada Lane through said cul de sac,

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 cul de sac at the easterly end of Ada Lane, Martin Heights Addition, Milwaukie, Oregon.

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

BE IT HEREBY FURTHER RESOLVED that the 11th day of March 1957 be and the same hereby is fixed as the date upon which said public hearing shall be held and the hour of eight (8:00) o'clock P.M. be and the same is hereby fixed as the time at which the said public hearing shall be held upon said date, and the 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.

Leonard B. Mullan
 Leonard B. Mullan, Mayor of Milwaukie

Motion carried and so ordered.

A letter from Dieringer Bros. (Frank B. Dieringer, Pres.) in which they petitioned the Council to vacate Llewellyn Street between 42nd St. and 44th St. was read. It was moved by Roberts and seconded by Clay that the following Resolution be adopted.

RESOLUTION NUMBER 3-1957

WHEREAS on the 11th day of February 1957, Dieringer Bros. a Corporation, doing business under the name of Woodstock Properties, Inc. laid before the Council of the City of Milwaukie, Oregon, a petition requesting that Magnolia Avenue, also known as Llewellyn Street, from Cleveland Avenue, also known as 42nd Street to Harrison Street, also known as 44th Street, all in the City of Milwaukie, Oregon, and

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WHEREAS all of said portion of Magnolia Avenue, also known as Llewellyn Street, lies adjacent to land now owned by Woodstock Properties Inc., 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 public generally, deems it advisable to initiate proceedings to vacate the said portion of Magnolia Ave., also known as Llewellyn Street, pursuant to the provisions of section 271.130 Oregon Revised Statutes, and

WHEREAS the Council of the City of Milwaukie, Oregon, has ascertained and has determined that the market value of the property abutting upon said portion of Magnolia Avenue, also known as Llewellyn Street, to be vacated will be increased rather than decreased by reason of said vacation, and

WHEREAS the Council of the City of Milwaukie, Oregon, have been advised that the hereinabove named owners of all of the property abutting upon said portion of Magnolia Avenue, also known as Llewellyn Street, have consented to such vacation

NOW THEREFORE BE IT 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 that portion of Magnolia Avenue, also known as Llewellyn Street, bounded and described as follows:

Beginning at the Southwest corner of Block 12, Minthorn Addition, a Townplat recorded in Book 3, Pages 5 to 11 inc. RECORD OF TOWNPLATS, running thence Easterly along the south line of said Block 12 to the southeast corner thereof, thence South to the northeast corner of Block 17, said Minthorn Addition; thence Westerly along the north line of said Block 17 to the northwest corner thereof; thence North to the place of beginning.

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

BE IT FURTHER RESOLVED that the 11th day of March 1957 be and the same hereby is fixed as the date upon which said public hearing shall be held, and the hour of 8:15 o'clock P.M. be and the same is hereby fixed as the time at which the 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 hereby is fixed as the place at which said hearing shall be held at said time and on said date.


Leonard B. Mullan Mayor

Motion carried and so ordered.

The Clerk announced that this was the time set for hearing on the proposed assessments on the east Jefferson Street Sewer, the east Adams Street sewer and the 21st Street improvement from Jefferson Street to Lake Road.

The Mayor called for objections to the assessment for the sewer and extension in Jefferson Street from 42nd Street easterly a distance of 600 feet. There was no objection from the citizens present and the Clerk stated that no written objections had been recorded. It was moved by Roberts and seconded by Klein that an ordinance declaring the assessment for the above mentioned sewer assessment be drawn.

Motion carried and so ordered.

The Mayor called for objection to the proposed assessment for the sewer extension in Adams Street from 42nd to the easterly boundary of Keil Heights. There were no citizens present who objected. The Clerk reported that no written objection had been filed. It was moved by Mortensen and seconded by Clay that an ordinance be drawn declaring the assessment for the above mentioned sewer extension. Motion carried and so ordered.

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The Mayor called for objections to the proposed assessment for the improvement of 21st Street from Jefferson Street to Lake Road, by curbs, sidewalks and driveways. There was no citizen present who made objection. The Clerk reported that no written objection had been filed. It was moved by Clay and seconded by Roberts that an ordinance declaring the assessment for the above mentioned improvement of 21st Street be drawn. Motion carried and so ordered.

The Clerk laid before the Council a time schedule with additional evening buss service noted, which had been filed by Ardenwald Stages Inc.

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

A letter from the Milwaukie Planning Commission was read as follows:

"The Milwaukie Planning Commission has made investigation into the following matters and wish to make recommendations to you as follows:

1. That the City purchase land just north of the Pioneer Bank for the purpose of opening a street to intersect with River Road and Main Street making a straight crossing across Mc Loughlin Blvd, and eliminating the now very hazardous intersection of River Road and McLoughlin Blvd.
2. That the Zone for Tax Lot 65, Whitcomb D.L.C. be changed from 3 R-1 to Commercial Zone.
3. That the Zone for Tax Lot 40, Whitcomb D.L.C. be changed from Industrial to Commercial Zone, on the condition that the owner of the property shows satisfactory proof and willingness to fulfill his promise heretofore made to the City Council pertaining to street, parking area and building to be placed thereon."

Dr. Paul J. Slominski, owner of Tax Lot 65 was present and explained to the Council, the type of building he proposes to place on this property. It was moved by Roberts and seconded by Mortensen that Tax Lot 65, Whitcomb D.L.C. be changed from 3 R-2 to Commercial Zone and that the attorney be instructed to draw the necessary papers. Motion carried and so ordered.

A letter from Portland Traction Co. signed by F. V. Schlaf, Traffic Manager, in which they requested to purchase Tract 20 in Milwaukie Industrial Park. Manager Burdick reported that Tract 20 was the lot where the water tank for Kellogg Park, had been placed and was 90 by 140 feet in size, and that, based on the sale price of other land in the Industrial Park, \$3,643.46 would be a fair price to ask for the property. It was moved by Roberts and seconded by Mortensen that the City sell Tract 20, Milwaukie Industrial Park for \$3,643.46 and that an ordinance be prepared for the sale. Motion carried and so ordered.

Mr. Wm. Charack, representing Mr. John Praggastis, owner of Tax Lot 40 Whitcomb D.L.C. laid before the Council an outline of the bowling alley, street and parking area, which is proposed to be placed in Tax Lot 40. It was moved by Roberts and seconded by Mortensen that the zone for Tax Lot 40, Whitcomb D.L.C. be changed from Industrial to Commercial upon the following condition

1. That the land to be used for the extension of Campbell Street through the tract be deeded to the City.

2. That the city shall have a binding commitment from the owner that he will improve said Campbell Street extension suitable to City specifications as follows:

- A. Heavy Rock base six inches deep
 - B. Blacktop pavement three inches thick
 - C. Proper grade and suitable drainage, all to be approved by the City Engineer
- Motion carried and so ordered.

Ordinance Number 659 was taken up and read for its first reading. It was moved by Clay and seconded by Roberts that Ordinance 659 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

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Ordinance Number 569 AN ORDINANCE declaring the assessment for the construction of a sanitary sewer along Jefferson Street from 42 Street easterly a distance of 600 feet, 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: non. Ordinance Number 569 passed the Council and was so declared by the Mayor.

Ordinance Number 660 was taken up and read in full for its first reading. It was moved by Klein and seconded by Roberts that Ordinance number 660 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 660 AN ORDINANCE declaring the assessment for the construction of a sanitary sewer along Adams Street from 42nd Street to the easterly boundary of Keil Heights, 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 660 passed the Council and was so declared by the Mayor.

Ordinance Number 661 AN ORDINANCE declaring the assessment for the improvement of 21st Street by construction of curbs, sidewalks and driveways along both sides thereof, where none existed and where they did exist but did not conform to City standards as to grade, alignment or quality, from its intersection with Jefferson Street southerly to its intersection with Lake Road, 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 661 passed the Council and was so declared by the Mayor.

Manager Burdick laid before the Council an agreement with the City of Portland for Mosquito control which is participated in by other Clackamas County Cities along the Willamette River. It was moved by Clay and seconded by Klein, that Milwaukie participate in the mosquito control program and that the Mayor be authorized to sign the agreement. Motion carried and so ordered.

It was moved by Roberts and seconded by Mortensen that the following bills be approved and that the same be paid.

Addressograph Multigraph Corp.	\$ 6.45	Bernard's Garage	\$109.86
Bell Sand & Gravel	17.60	Earl S. Burdick, advance	20.00
Bureau of Water Works, 2 stand-by	127.50	Clackamas County	5.25
Clackamas County	6.00	Columbia Equipment	64.86
Albert N. Combs	5.00	Diamond Fuel Co.	179.04
Ditto Inc.	30.57	General Petroleum	60.08
E.&H. Welding & Machine Works	4.30	Halprin Supply Co.	105.00
M&N. Sheet Metal Works	16.50	Kilham Stationary & Print	8.35
Management Information Service	50.00	Milwaukie Vol. Fire Dept.	108.00
Milwaukie Hardware	37.29	Milwaukie Lumber Co.	45.00
Milwaukie Review.	7.15	Mullan's Garage	193.84
Multnomah Fuel Co.	174.60	National Fire Protect Assn.	12.50
Northwest Industrial Laundry	4.04	Olson's 5 & 10	2.25
City of Oregon City	20.00	Pacific Fence and Wire Co.	165.00
Pacific Stationary Co.	17.95	Pacific Telephone & Tele.	139.45
Portland General Electric Co.	988.21	Panther Co.	131.25
Portland Concrete Pipe & Pro.	10.31	Portland Road & Driveway	68.37
H. T. Price	7.50	Reddaway Truck Line	3.08
Richfield Oil Corp...	28.80	Royal Tire Service	3.25
San Fax Co.	152.50	Standard Oil Co.	101.61
State Industrial Acc. Commsn.	169.47	State of Oregon	6.60
Western Drug Label	54.25	Water Works Supply Co.	10.90
Wilco	6.45		

Motion carried and so ordered.

On Motion duly made and carried the meeting adjourned.

Ellen Martin
Clerk