

MEETING OF APRIL 8, 1957

909th MEETING

The nine hundred ninth regular meeting of the Council of Milwaukie, was held on the eighth day of April, 1957

The meeting was called to order by Mayor Mullan.

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

The minutes of the nine hundred eighth regular meeting of the Council, held on the eleventh day of March, 1957, were approved as written.

A letter from the Milwaukie Planning Commission, in which they stated that a hearing had been held on the matter of a zone change for Tax Lot 65, Whitcomb D.L.C., that there was no objection to the proposed change and that they recommended to the Council that such change be made, was read. It was moved by Roberts and seconded by Clay that the Council accept the recommendation of the Planning Commission and that Tax Lot 65, Whitcomb D.L.C. be changed from 3 R-2 Zone to Commercial Zone. Motion carried and so ordered.

Ordinance Number 667 was taken up and read in full. It was moved by Roberts and seconded by Mortensen that Ordinance Number 667 be passed to its second reading and that it be read at this time. Motion carried and so ordered.

Ordinance Number 667 AN ORDINANCE providing for the rezoning of Tax Lot 65, a part of the Lot Whitcomb D.L.C., and amending Ordinance No. 481 accordingly, and declaring an emergency, was again taken up and read for its second reading and put on its passage with the following

MEETING OF APRIL 8, 1957 (CONT'D)

results being had: Ayes; Mullan, Clay, Mortensen, Roberts and Klein. Nays: None. Ordinance Number 667 passed the Council and was so declared by the Mayor.

An agreement, with the Portland General Electric Co. for Street lighting, for a period of five years, was taken up and examined. The terms were satisfactory to the Council and Attorney Sheldahl had approved the form. It was moved by Roberts and seconded by Klein that the Council accept the agreement and that the Mayor be authorized to sign the same. Motion carried and so ordered.

It was moved by Mortensen and seconded by Clay that the following Resolution be adopted.

RESOLUTION NUMBER 5-1957

A RESOLUTION REQUESTING THE COUNTY COURT OF CLACKAMAS COUNTY, OREGON, TO SURRENDER JURISDICTION OVER PORTIONS OF COUNTY ROADS, AND DIRECTING THE MAYOR TO REQUEST SUCH SURRENDER OF JURISDICTION ON BEHALF OF THE CITY COUNCIL.

WHEREAS, it has been considered and deemed necessary and expedient and for the best interests of the City of Milwaukie, Oregon, that the City of Milwaukie, Oregon, acquire jurisdiction over certain portions of County Roads lying within the corporate limits of said City as the same are herewith described,

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, that by virtue of the provisions of Section 373.270, Oregon Revised Statutes, that the City Council of the City of Milwaukie, Oregon, do, and it hereby does request the County Court of the County of Clackamas and State of Oregon to surrender jurisdiction over the following portions of County Roads as the same now lie within the corporate limits of the City of Milwaukie, Oregon, said portions of such County Roads being described as follows:

1. J.K. WAIT ROAD NUMBER 87 (31st Street) from Harrison to Meek St.
2. J.K. WAIT ROAD NUMBER 87 (Meek Street) from 31st Street to 32nd St.
3. ALL OF LUPELLING ROAD, NUMBER 162 (part of 32nd Street)
4. That portion of LAMBERT-LUPELLING ROAD NUMBER 163, which lies between Luelling Road No. 162 and the North City limits. (32nd St.)
5. MILWAUKIE-SANDY ROAD, Re-survey Number 228 (Harrison Street) from Main Street to the Northeast corner of the Lot Whitcomb D.L.C.
6. MILWAUKIE-SANDY ROAD NUMBER 132 (34th Street) from Harrison Street to King Street
7. MILWAUKIE-SANDY ROAD NUMBER 132 (King Street) from 34th Street to 40th Street
8. MILWAUKIE-FOSTER ROAD (Washington Street) Beginning at the intersection of the present Main Street and Adams Street, thence North on Main Street to Washington Street; thence easterly along Washington Street to Oak Street; thence Northeasterly along Oak Street to Railroad Avenue, also known as S. S. Fields Road Number 1438; thence southeasterly along Railroad Avenue (S.S. Fields Road) to the City Limits.
9. HARLOW ROAD NUMBER 208 (Jefferson Street) from Mc Loughlin Blvd. to the City limit line at the meander of the Willamette River.

BE IT HEREBY FURTHER RESOLVED THAT THE Mayor of the City of Milwaukie, Oregon, be and he hereby is authorized and directed to request of the County Court of Clackamas County, Oregon, the surrender of jurisdiction over the portions of the County Roads as hereinabove described on behalf of the

MEETING OF APRIL 8, 1957 (CONT'D)

Council of the City of Milwaukie, Oregon.

ATTEST

Leonard B. Mullan
 Leonard B. Mullan, Mayor

 Recorder.

Motion carried and so ordered.

A letter from the Milwaukie Planning Commission, in which they recommended that certain Streets and alleys in the West Side of Milwaukie Industrial Park be vacated, was read.

A letter from Portland Traction Company, in which they requested that certain Streets and alleys in Milwaukie Industrial Park be vacated, was read.

It was moved by Klein and seconded by Roberts that the following Resolution be adopted.

RESOLUTION NUMBER 6-1957

WHEREAS on the eighth day of April, 1957, Portland Traction Company laid before the Council of the City of Milwaukie, Oregon a petition requesting that FREEPORT AVENUE from Mc Brod Avenue to River Road, FACTORY AVENUE, from Mc Brod Avenue to River Road, WESTPORT DRIVE from Ochoco Street to Westport Drive, THE ALLEY from Ochoco Street to Mc Brod Avenue, as shown on the Re-Plat of Milwaukie Industrial Park, be vacated, and

WHEREAS, the Planning Commission of the City of Milwaukie, Oregon recommended that these said streets and alleys be vacated in order that other streets could be opened, in locations more suitable for the development of industries to be located on the property and more convenient to the public in general, and

WHEREAS, all of said streets and alleys lie entirely adjacent to land owned by PORTLAND TRACTION COMPANY, 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 said streets and alleys 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 streets alleys be vacated in order that the property may be re-platted to provide streets which will more adequately serve the industries to be placed on the land, and the public in general, and

WHEREAS the City Council of the City of Milwaukie, Oregon, has ascertained and has determined that the market value of the property abutting upon said streets and alleys 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 streets and alleys have consented to such vacation and have further offered to re-plat proper and adequate streets to serve the industries which will occupy the land, and the public generally,

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 FREEPORT AVENUE, from Mc Brod Avenue to River Road; FACTORY AVENUE, from Mc Brod Avenue to River Road; WESTPORT DRIVE, from Ochoco Street to Milport Avenue; THE ALLEY, extending from Ochoco Street to Westport Drive; THE ALLEY, extending from Ochoco Street to Mc Brod Avenue, as shown on the re-

MEETING OF APRIL 8, 1957 (CONT'D)

Plat of Milwaukie Industrial Park, 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 3rd day of May, 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 Council Chamber of the City Hall, 926 Main Street, Milwaukie Street, Milwaukie, Oregon, be and the same is hereby fixed as the placeat which said public hearing shall be held at said time and on said date.

Leonard B. Mullan
 Leonard B. Mullan, Mayor

ATTEST:

 Recorder.

Motion carried and so ordered.

Mr. Ralph Leonard, a member of the Board for the Oak Grove Sanitary District, came before the Council and asked if that portion of their district, which lies in an area having a natural drainage slope to the north, could empty their sewers into Milwaukie's Disposal plant. There was considerable discussion, during which Mr. Leonard was told of the many problems and complications which would arise from such an arrangement. The matter of annexing to the city was discussed. It was decided that Mr. Leonard and perhaps other members of the Board would come before the Council at a later date for further discussion of the matter, also that Mr. Burdick would ascertain the amount of tax and other expense the property owners could save by annexing to the city, and have this information available at the meeting.

Mr. Marvin Runyan, of Stevens and Thompson, Consulting Engineers, came before the Council and made the final report on the Walsh-Keil sewers and Lift Station. Mr. Runyan reported that the Contractor, Don Thornton, had done a good job on the sewers, but that James-Yost, Sub-contractors, who put in the lift station, had encountered difficulty which could not have been foreseen, due to ground water and quick sand, which required tight sheeting of the excavation. In their final estimate of cost the Engineers included \$1,500.00 to compensate for this additional expense. It was moved by Mortensen and seconded by Clay that the Council accept the report of Stevens and Thompson and that the Contractor be paid at this time, the balance due him in the amount of \$8,165.90 and that the city retain the balance of 15% of the entire cost in the amount of \$5,943.39 for a period of thirty days. Motion carried and so ordered.

The matter of right-of-way for a street, north of the Pioneer Bank, which would open a way for traffic between River Road and the new extension of Main Street, and eliminate the present dangerous intersection of River Road and Mc Loughlin Blvd., was discussed. It was moved by Mortensen and seconded by Roberts that Davis Bros., owners of the property involved for the right-of-way, be invited to the Special meeting of the Council on May 3, 1957, for the purpose of discussing this matter. Motion carried and so ordered.

The matter of the unsightly appearance of the United Evangelical Church, at 27th and Willard Streets, on account of its unfinished exterior, was brought up for discussion. It was shown that on June 12, 1950, a letter was written to the Milwaukie Planning Commission, stating that when the building was started, work would continue to complete the building at the earliest possible date. It was moved by Roberts and seconded by Mortensen that Manager Burdick contact the proper author-

MEETING OF APRIL 8, 1957 (CONT'D)

ities of the church, and ascertain why the outside of the church building has not been completed. Motion carried and so ordered.

It was moved by Mortensen and seconded by Roberts that Ordinance No. 413 be amended to abolish poultry from being kept inside the City limits unless the owners of the same have the consent of the adjacent property owners to keep such poultry. Motion carried and so ordered.

It was moved by Mortensen and seconded by Clay that Oregon Saw Chain Corp. be granted a non-conforming use of a building, owned by them, located in Milwaukie Industrial Park, formerly used for administrative and recreational purposes, such use of the building to be revocable at the pleasure of the Council. Motion carried and so ordered.

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

Earl S. Burdick, use of personal car	\$ 20.00
Bell Sand & Gravel	7.00
Bureau of Water Works, stand-by	63.75
Dave De Ford	1.00
Diamond Fuel Co.	87.42
Feenaulty Machinery Co.	312.00
General Petroleum Co.	268.41
J. K. Gill Co.	49.43
Hiway Ready Mix Inc.	17.63
Island Sales & Service	20.62
Frank Kerr	3.15
Le Bebure Corp.	442.19
Milwaukie Automotive Service	1.25
Milwaukie Electric	2.00
Milwaukie Hardware	146.72
Milwaukie Lumber Co.	10.62
Milwaukie Review	99.76
Milwaukie Richfield Service	1.90
Milwaukie Transfer & Fuel Co.	10.00
Milwaukie Vol. Fire Dept. calls & meetings	78.00
Minger Truck Line	1.00
Bernard Muffenbeier	13.50
Mullan's Garage	139.95
Olson's 5 and 10	.75
Multnomah Fuel Co.	1.54
Northwest Industrial Laundry	4.48
Nudelman Bros.	17.75
City of Oregon City	20.00
Oregon City Printing & Stationary Co.	22.25
Pacific Stationary Co.	21.50
Portland Concrete Pipe & Products Co.	104.50
Pacific Telephone & Telegraph Co.	138.95
Portland General Electric Co.	906.50
Portland Road & Driveway Co.	827.29
H. T. Price	56.70
Royal Tire Service	2.40
Royal Typewriter Company	217.50
State Industrial Accident Commission	188.21
Price Rite Grocery	.97
Traffic Safety Supply Co.	7.39
United States Pencil Co. Inc.	8.17
Wagner & Co.	37.00
Waterworks Supplies Co.	20.79
Western Drug Label Co.	62.00

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Clerk