

MEETING OF AUGUST 12, 1957

COUNCIL CHAMBER

913th MEETING

The nine hundred thirteenth regular meeting of the Council of Milwaukie was held on the twelfth day of August, 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 Martin.

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

The minutes of a special meeting of the Council, held on the fifteenth day of July, 1957, were approved as written.

Mr. M. C. Martin came before the Council and requested an extension of time on his agreement to build not less than sixty houses in Martin Heights by April, 1958, explaining that conditions beyond his control, was his reason for making the request. It was moved by Clay and seconded by Roberts that an extension of time of one year be granted Mr. Martin. Motion carried and so ordered.

Mr. Howard Hamlin, acting as spokesman for a delegation of citizens living in the area surrounding the plywood plant at 31st and Llewellyn Streets, now owned by Coquille Lumber Co., made protest to the Council against the noise, smoke and ashes, coming from the mill, the latter two being especially damaging, as they are carried a considerable distance by the winds. It was moved by Mortensen and seconded by Clay that the Attorney be instructed to take necessary procedure to have the Coquille Lumber Co. abate this nuisance. Motion carried and so ordered.

The Clerk announced that this was the time set for the hearing on four street improvements.

The Mayor called for objection or protest to the improvement of 29th Street from Harrison Street to its northerly terminus, by curbs and sidewalks. There was no citizen present who made protest. It was moved by Clay and seconded by Klein that the city proceed with the improvement of 29th Street north of Harrison Street. Motion carried and so ordered.

The Mayor called for protests or objections to the improvement of the southeast side of Penzance Street by curbs and sidewalks. There was no citizen present who objected. Mr. E. L. Reedy, owner of Lot 8, Wilson Tract, on the northwest side of Penzance Street requested that the curbs and walks be installed at his property and that his property be included in the assessment district. It was moved by Klein and seconded by Mortensen that Mr. Reedy's request be granted and that the city proceed with the improvement of Penzance Street. Motion carried and so ordered.

The Mayor called for protests or objection to the improvement of 28th Street by curbs and sidewalks, from Washington Street to Harrison Street. There was no citizen present who made objection. It was moved by Mortensen and seconded by Roberts that the city proceed with the improvement of 28th Street from Washington Street to Harrison Street. Motion carried and so ordered.

The Mayor called for protests or objection to the improvement of 35th Street by curbs and sidewalks, from Washington Street to Lake Road. Mr. James W. Jemison and Mr. John Hammelman, owners of property along 35th Street, both stated that their curbs and sidewalks were already in and had been constructed according to City specifications and grade as set by the City Engineer, and that at the time of construction the engineer had made inspection and had approved the work, and they felt that if the grade were to be changed and their improvements removed and replaced, they should not be assessed for such replacement. The gentlemen were assured that the grade would no doubt remain the same but that in the event a change of grade was made requiring their walks to be removed, the removal and reconstruction would be at the City's expense. It was moved by Klein and seconded by Roberts that the city proceed with the improvement of 35th Street, from Washington Street to Lake Road. Motion carried and so ordered.

Ordinance Number 678 AN ORDINANCE relating to the vacation of streets or part of any street, avenue, boulevard, alley, plat or other public place, the cost of proceedings thereon, and benefits to be assessed against the abutting property 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 and Roberts, Klein. Nays; None. Ordinance Number 678 passed the Council and was so declared by the Mayor.

A recommendation from the Milwaukie Planning Commission, that Lots 8, 9 & 10, Block 2, Leo Addition, be changed from Industrial Zone to Commercial Zone, was heard. It was moved by Roberts and seconded by Clay that an ordinance amending 481 as amended by Ordinance 576, be drawn providing for the change of zone on Lot 8, 9, 10, Block 2, Leo Addition. Motion carried and so ordered.

Ordinance Number 679 was taken up and read for its first reading. After considerable discussion on the matter of annexation by consent of part of the area involved, or holding an election including a larger area, it was moved by Roberts and seconded by Mortensen that the date for the hearing on the annexation of territories contiguous to the city as listed in the ordinance, be August 30, at the hour of eight (8:00) o'clock P.M. and that Ordinance Number 679 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 679 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 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 for its second reading and put on its passage with following results being had. Ayes: Mullan, Clay, Mortensen, Roberts and Klein. Nays: None. Ordinance Number 679 passed the Council and was so declared by the Mayor.

Mr. and Mrs. Millard Reddaway came before the Council and requested that the southeasterly dead end of Washington Street, Quincy Addition, and the westerly dead end of Conway Street, Minthorn Addition, be vacated. It was shown that neither of these streets could be used as streets, that in their present state they were a public nuisance and that the City would be benefitted by said vacations. The owners of properties along both sides of these portions of both streets had signed a request for the vacations. It was moved by Roberts and seconded by Clay that the Attorney be instructed to prepare the necessary Ordinances to vacate Washington Street from its intersection with 35th Street, southeasterly to the westerly boundary of Minthorn Addition to the City of Portland, and Conway Street from its westerly terminus, easterly a distance of 109 feet. Motion carried and so ordered.

Mr. George Deering came before the Council and requested that he be permitted to make a change in the cost of residential garbage collections, as of September 1, 1957 as follows: 1-30 gallon can, from \$1.25 to \$1.50. 2-30 gallon cans from \$2.25 to \$2.50. It was moved by Mortensen and seconded by Roberts that the request be granted and that a supplementary agreement, with Mr. Deering, to this effect, be drawn. Motion carried and so ordered.

The Clerk reported to the Council that in 1935, Lots 29, 30 and 31, Block 3, Roberts Re-Plat had been deeded to the City for street purposes and that at the time there was taxes in the amount of \$9.88 unpaid on same; that the Tax Department of the County had requested that this sum be paid and relieve them of the book work necessary to carry it forward. It was moved by Mortensen and seconded by Clay that the \$9.88 be paid. Motion carried and so ordered.

Manager Burdick reported that the Engineer had re-assessed the property in the Keil Heights-Walsh Farm sewer and lift station assessment district, and requested that a hearing date be set on the same. It was moved by Mortensen and seconded by Roberts that the Council accept the Engineer's report and that the hearing on the assessment be held on September 9, 1957 at eight o'clock P.M.

Manager Burdick reported that repairs had been made to the curbs and sidewalks along 34th Street, Quincy Addition, and recommended that in conformance with the Council's decision in December 1956, the assessment as first figured, without discount, be levied for this improvement. It was moved by Roberts and seconded by Mortensen that the Council accept the Manager's recommendation and that the hearing on this re-assessment be held on September 9, 1957 at fifteen minutes after eight o'clock P.M. Motion carried and so ordered.

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

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RESOLUTION NUMBER 17-1957

WHEREAS, the following public streets, to-wit:

Milport Road from the east boundary line of Main Street easterly to the easterly boundary of Milwaukie Industrial Park, and Eastport Drive, from its southerly terminus northerly to the southerly boundary of Olson Avenue,

being intersecting public streets heretofore dedicated as such in that part of Milwaukie Industrial Park, Milwaukie, Oregon, lying to the east of U.S. Highway 99E, the plat of which is recorded in Volume 29, page 12, Record of Town Plats, Clackamas County, Oregon, as Plat No. 803, are public streets which lie entirely within the boundaries of land now owned by the Oregon Saw Chain Corporation, a corporation.

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 Saw Chain Corporation, and the public generally, deems it advisable to initiate proceedings to vacate the said public streets hereinabove described pursuant to the provisions of Section 271.130, Oregon Revised Statutes, and

WHEREAS, it is particularly desirable from the standpoint of the City of Milwaukie, and its inhabitants that the said public streets be vacated in order that the Oregon Saw Chain Corporation, may cause the properties abutting thereon to be developed to their fullest public and industrial capacity so as to increase the tax revenue and general prosperity of the City of Milwaukie, Oregon, and

WHEREAS, the Council of the City of Milwaukie, Oregon, has ascertained and has determined that the market value of the property abutting upon the said public streets 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 Saw Chain Corporation which is the owner of all the property abutting upon the said public streets to be vacated will consent in writing to such vacation, and

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 following public streets which intersect each other and which are named and described as follows:

Millport Road from the east boundary line of Main Street easterly to the easterly boundary of Milwaukie Industrial Park, and Eastport Drive, from its southerly terminus, northerly to the southerly boundary of Olson Avenue,

being public streets heretofore dedicated as such in that part of Milwaukie Industrial Park, Milwaukie, Oregon, lying to the east of U. S. Highway 99E, the plat of which is recorded in Volume 29, page 12, Record of Town Plats, Clackamas County, Oregon, as Plat No. 803.

BE IT HEREBY FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, be and he 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 as required by the provisions of Section 271.130 and 271.110 of the Oregon Revised Statutes, and,

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BE IT HEREBY FURTHER RESOLVED that the 16th day of September 1957, be and the same hereby is fixed as the date upon which said public hearing shall be held, and hour of 5:00 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, 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 12th day of August, 1957

*Leonard B. Mullan*  
Leonard B. Mullan, Mayor

ATTEST:

*R. E. Osborne*  
R. E. Osborne, Recorder

Motion carried and so ordered.

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

RESOLUTION NUMBER 16-1957

WHEREAS, the following public street and intersecting public alley, to-wit:

Eastport Drive from the north boundary line of Olson Avenue to the south boundary line of Beta Street and all of that alley which lies between Tracts 3 and 4 of Milwaukie Industrial Park,

being an intersecting public street and alley heretofore dedicated as such in that part of Milwaukie Industrial Park, Milwaukie, Oregon, lying to the east of U. S. Highway 99E, the plat of which is recorded in Volume 29, page 12, Record of Town Plats, Clackamas County, Oregon, as Plat No. 803, are a public street and alley which lie entirely within the boundaries of land now owned by the Hoffman Construction Company, a corporation, 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 Hoffman Construction Company, and the public generally, deems it advisable to initiate proceedings to vacate the said public street and alley hereinabove described pursuant to the provisions of Section 271.130, Oregon Revised Statutes, and

WHEREAS, it is particularly desirable from the standpoint of the City of Milwaukie, and its inhabitants that the said public street and public alley be vacated in order that the Hoffman Construction Company may cause the properties abutting thereon to be developed to their fullest public and industrial capacity so as to increase the tax revenue and general prosperity of the City of Milwaukie, Oregon and,

WHEREAS, the Council of the City of Milwaukie, Oregon, has ascertained and has determined that the market value of the property

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abutting upon the said public street and 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 Hoffman Construction Company, which is the owner of all of the property abutting upon the said public street and 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 following public street and public alley which intersect each other and which are named and described as follows:

Eastport Drive from the north boundary line of Olson Avenue to the south boundary line of Beta Street and all of that alley which lies between Tracts 3 and 4 of Milwaukie Industrial Park,

being an intersecting public street and alley heretofore dedicated, as such in that part of Milwaukie Industrial Park, Milwaukie, Oregon, lying to the east of U. S. Highway 99E, the plat of which is recorded in Volume 29, page 12, Record of Town Plats, Clackamas County, Oregon, as Plat No. 803.

BE IT HEREBY FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, be and he 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 Sections 271.130 and 271.110 of the Oregon Revised Statutes, and

BE IT HEREBY FURTHER RESOLVED that the 16th day of September, 1957, be and the same hereby is fixed as the date upon which said public hearing shall be held, and the hour of 5:00 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, 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 12th day of August, 1957

*Leonard B. Mullan*  
Leonard B. Mullan, Mayor

ATTEST:

*R. E. Osborne*  
R. E. Osborne, Recorder

Motion carried and so ordered.

Mr. Monroe Sweetland came before the Council and suggested that signs be placed along McLoughlin Blvd. at the proper places, informing the public that Milwaukie Industrial Park was in Milwaukie. There was considerable discussion and it was decided that the City Manager take up the matter with the Chamber of Commerce.

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

A letter from Stevens and Thompson, in which they recommended that Lubin and Son, Contractors, for laying sewer and water main in Milwaukie Industrial Park, be paid \$1548.72 at this time, also a statement from Stevens and Thompson for services on the same projects in the amount of \$1537.36 was read. It was moved by Roberts and seconded

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by Mortensen that these bills be paid.. Motion carried and so ordered.

It was moved by Klein and seconded by Clay that the following bills be approved and that the same be paid.

American Brush Co. . . . .	\$ 26.00
J. M. Bernard's Garage . . . . .	69.65
Clackamas County . . . . .	1.00
Albert N. Combs . . . . .	5.00
Daily Journal of Commerce . . . . .	23.10
Diamond Fuel Co. . . . .	56.83
Bureau of Water Works . . . . .	63.75
Ditto, Inc. . . . .	44.55
Feenaughty Machinery . . . . .	312.00
General Petroleum Corp. . . . .	290.74
Island Sales and Service . . . . .	28.30
Knapp Construction Co. . . . .	80.00
Leopold & Stevens Instruments . . . . .	4.50
Milwaukie Hardware . . . . .	7.19
Larson's Auto Parts . . . . .	10.22
McCready Lumber Co. . . . .	1.30
McNaughton's . . . . .	1.90
Milkiewa Feed Mills . . . . .	1.80
Milwaukie Lumber Co. . . . .	5.97
Milwaukie Plumbing & Heating . . . . .	50.34
Milwaukie Review . . . . .	69.68
Milwaukie Richfield Service . . . . .	1.00
Milwaukie Volunteer Fire Dept. . . . .	138.00
Mobile Glass Co. . . . .	12.00
Mullan's Garage . . . . .	232.67
Melson Equipment Co. . . . .	6.00
Neptune Meter Co. . . . .	122.74
Northwest Industrial Laundry . . . . .	4.08
Nudelman Bros. . . . .	40.83
Norris-Walker Paint Mfg. Co. . . . .	283.00
City of Oregon City . . . . .	20.00
Oregon City Printing & Stationary Co.,	2.54
Pacific Stationary Co. . . . .	4.52
Pacific Telephone & Telegraph Co. . . . .	139.15
Pennsylvania Salt . . . . .	93.75
Pioneer Bank . . . . .	7.76
Portland Concrete Pipe & Products . . . . .	243.82
Portland General Electric Co. . . . .	1041.26
Portland Road & Driveway Co. . . . .	131.06
Traffic Safety Supply Co. . . . .	15.37
Wallace & Tiernan, Inc. . . . .	46.97
Waterworks Supplies Co. . . . .	53.24
Western Auto Supply . . . . .	9.72
Western Golf Course Supply . . . . .	33.08
Don Thornton, contractor . . . . .	720.00
Portland Road & Driveway . . . . .	10,176.87
League of Oregon Cities, dues . . . . .	309.50
Lawn Care, June & July . . . . .	62.00
B. Muffenbeier . . . . .	8.00
Uniform Building Code Assn. . . . .	24.75
League of Oregon Cities . . . . .	50.00
International Conf. of Bldg. Officials . . . . .	50.00
General Petroleum . . . . .	194.62
Willamette Valley Service Sta. Supply . . . . .	1.00
Clackamas County Radio Dept. . . . .	2.35

Motion carried and so ordered.

Manager Burdick read a letter from Fire Chief Lillis in which he recommended condemnation of a dilapidated residence at 31st and Llewellyn Streets. Manager Burdick reported that he had asked Fire Chief Lillis to inspect the premises, and that he had also had Al Jager, building contractor, to look at the building, as he (Burdick) had been informed that remodeling of the dwelling was being done,

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Attorney Sheldahl recommended that inasmuch as the residence was in the Industrial zone and in a very dilapidated condition, that no building permit be granted for remodeling the same. It was moved by Roberts and seconded by Clay that no building permit be granted for remodeling a residence in the Industrial zone at 31st and Llewellyn Streets. Motion carried and so ordered.

It was moved by Clay and seconded by Roberts that Manager Burdick be authorized to have the following street lamps installed at the following locations:

6000 Lumen Lamps at  
42nd & Washington Sts.  
44th & Drake Sts.  
46th & Washington Sts.  
47th & Washington Sts.

8000 Lumen Lamps at  
King & Glover Rd.  
Main St. & Milport Rd.

Motion carried and so ordered.

There was discussion about log trucks which travel over the city streets. It was decided that a log truck route should be marked. Manager Burdick recommended that signs marking the route be placed at the following locations: 21st Street, north side of Jefferson St.; Jefferson and Main Sts; Milport and McLoughlin; Main and Harrison Sts.; Main and Jackson Sts.; Main and Monroe Sts.; Main and Adams Streets. It was moved by Mortensen and seconded by Klein that the Manager be authorized to place signs as above listed. Motion carried and so ordered.

Manager Burdick read a letter from State Industrial Accident Commission in which they made inquiry about insurance for the Ambulance operators. Inasmuch as the Volunteer Fire Department owns the ambulance and the City in no way participates in its operation, the Council felt that the city should in no way be responsible for insurance, and the Manager was authorized to advise the State Industrial Accident Commission to this effect.

Councilman Mortensen had several items listed to bring up before the Council for discussion, among which were railroad crossings and rat nuisance. Due to the lateness of the hour, these matters were discussed briefly but no action was taken by the Council.

On motion duly made and carried the meeting adjourned.

*Edwin Martin*  
Clerk.