

MEETING OF APRIL 12, 1954

COUNCIL CHAMBER

842nd MEETING

The eight hundred forty-second regular meeting of the Council was held on the twelvth day of April 1954

The meeting was called to order by Mayor Mullan.

Present: Mayor Mullan; Councilmen Shook, Clay, Klein and Wright; Manager Sperr, Attorney Kirkpatrick and Recorder Martin.

The minutes of the eight hundred forty-first regular meeting of the Council, held on the twenty-second day of March, 1954, were approved as written.

The matter of refunding a sewer assessment collected on a sixty foot intersection of 33rd Street in Roseland Addition, vacated, was again laid before the Council. (See minutes of March 8 and 22, 1954) Mr. Rickman was not present at the meeting but the Recorder reported that he had been in the office following the last meeting of the Council and had stated that his Attorney had advised him to accept an adjustment rather than bring suit against the City. There was some discussion on the matter but no action was taken, however, the Council did indicate that if the County refunded taxes on this street, that they (the Council) would be willing to make adjustment.

Mr. Arthur Coleman made application to park a trailer-house in the street at 3845 Jefferson Street for a period of three or four weeks. It was moved by Wright and seconded by Shook that the Manager be authorized to issue a revokable permit to Mr. Coleman to park a trailer house at 3845 Jefferson Street, said permit to have a limit of time not to exceed thirty days duration. Motion carried and so ordered.

MEETING OF APRIL 12, 1954 (Cont'd)

A group of residents in Crystal Lake Park came before the Council and requested that the City take over their streets and maintain the same. These streets are private driveways and a part of them are outside the city limits. These people were referred to the Planning Commission.

A petition, signed by all the property owners along 34th Street south of Harrison Street, asking that the street be paved, was read. The Council agreed that this street would be put on the Street Improvement program for the summer of 1954.

A petition, signed by the members of the Board of the Milwaukie Community Club, asking that their property be taken in to the City, was read. There was discussion on the matter and the Board members were asked to make an effort to have property owners, adjacent to their property, also sign the petition.

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

Mr. Ed. Jasmer, a member of the Traffic Committee, appeared before the Council on behalf of some of the business men along Main Street and stated they would like to return to the two hour parking time limit. Councilman Wright, also a member of the Traffic Committee recommended that the one hour parking continue until June 1, to give it a fair trial, and that it then be brought up for hearing as to whether or not it shall continue.

Ordinance Number 598 was taken up and read for its first reading. It was moved by Wright and seconded by Shook that Ordinance No. 598 be passed to its second reading. Motion carried and so ordered.

Ordinance Number 596 AN ORDINANCE defining nuisances, prohibiting their creation or maintenance, and providing a penalty for the violation thereof, was taken up and read for its second reading and put on its passage with the following results being had: Ayes: Mullan, Shook, Clay, Klein and Wright. Nays: None. Ordinance Number 596 passed the Council and was so declared by the Mayor.

Mr. Ernest Aebi and Mr. F.C. Baker, members of the Milwaukie Rural Fire Protection Board and their Attorney Mr. Frank Severs, came before the Council to discuss the terms of their proposed contract with the City. After considerable discussion it was suggested that the following changes be made in the contract.

1. That the language that limits the amount of taxation be changed to the amount of money which the District is legally authorized to expend.
2. (following the "limitation of \$175,000.00) add "In the event that it becomes evident during the term of this contract that proportionate cost borne by the District will exceed \$175,000.00 the District agrees to submit to the voters of the District, a proposition for a special levy in the amount of such excess, and if the voters fail to approve such levy, then the City may terminate the contract at the end of that fiscal year.

It was suggested that the agreement be amended on page one as follows: Changing Section 1 Paragraph ___ "from a three men on duty at all times to two men on duty at all times, within the City Station", provided this change does not change the insurance rating in either the City or the Rural Fire Protection District, and that the Rural Fire Protection Board be invited to sit in with the City Budget Committee when the Fire Department Budget is made up.

It was moved by Klein and seconded by Wright that the above mentioned suggested clauses and amendments be incorporated in the contract with the Milwaukie Rural Fire Protection District, and that the Council tentatively approve the contract with these changes. Motion carried and so ordered.

It was moved by Klein and seconded by Wright that until the Rural Fire Protection District complete their building, that the wervice rate specified in their present agreement, plus \$7,000.00 per annum, shall continue to be in effect, but this rate shall not be in effect beyond June 30, 1955. Motion carried and so ordered.

Manager Sperr read a letter from Oregon Saw Chain Corporation, under date of April 5, 1954, and over the signature of John D. Gray, in part as follows:

MEETING OF APRIL 12, 1954, (Cont'd)

"A review of the basic offer of February 8th is as follows and as modified by recent discussion. Oregon Saw Chain Corp. offers to purchase specified land on the following basis:

1. Price for the approximate 3.9 acres to be \$15,500.00, payments to be made as desired by the City Council. The land extends from "A" road, south on Highway 99E for 770 feet; then directly West for about 70 feet to Johnson Creek; then follows Johnson Creek in a Northwesterly direction to "A" road; then directly east on "A" road for about 435 feet to the starting point.
2. Acreage to include property up to edge of Johnson Creek and not reserve for the public, a ten-foot fishing pathway.
3. Acreage also to include the ten-foot strip bordering Highway 99E formerly reserved for State Highway Department. This agency no longer has any desire for this strip as per their letter of February 25, 1954
4. City to bring minimum of 8" water main to property.
5. All grading and filling to be done by purchaser at his expense.
6. Purchaser to observe requirement of minimum setback from Highway property of 30 feet.
7. Purchaser to adhere to pertinent zoning requirements concerning noise, smoke and fumes.
8. City to insist on easements across property to the North so that a railroad siding may be brought in at expense of purchaser.

Because the above acreage will not provide adequate parking in the event of expansion, it is necessary that adjacent land be purchased concurrent with the above. Therefore, Oregon Saw Chain Corp. offers to purchase the following land on these terms:

1. The land lying directly west of Johnson Creek, fronting 120 feet on "A" Road and extending South on "A" Avenue 200 feet, then East to the creek, approximately 200 feet, totaling about .718 acres
2. Price to be paid to be computed at the rate of \$4,500.00 per acre, exact acreage to be determined by a survey.
3. If the City should desire to also sell the third lot (the tentative 100' tract adjacent to and South of the above), we would be willing to pay at the rate of \$3,300.00 per acre. Approximately .554 acres involved."

It was moved by Wright and seconded by Clay that the Council accept Mr. Gray's proposition as stated in his letter, provided that they (Oregon Saw Chain) give the City an easement for sewers and that they give the City a right-of-way easement to the City's property to the south of the property being purchased by Oregon Saw Chain Corp. The motion carried with one dissenting vote by Klein.

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

RESOLUTION NUMBER 6-1954

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE TO CONSTRUCT CURBS AND SIDEWALKS ALONG BOTH SIDES OF 31st STREET BETWEEN ITS INTERSECTION WITH ELMER STREET AND ITS SOUTHERLY TERMINUS, WHERE NONE NOW EXIST AND WHERE THEY DO EXIST BUT DO NOT CONFORM WITH CITY STANDARDS AS TO ALIGNMENT, GRADE OR QUALITY.

WHEREAS: The Council of the City of Milwaukie deems it expedient and necessary to construct, repair and relay all curbs and sidewalks, where none now exist or where such as do exist do not conform to city standards as to alignment, grade or quality, along both sides of 31st Street, between its intersection with Elmer Street and its southerly terminus, and between the following termini:

MEETING OF APRIL 12, 1954 (Cont'd)

Beginning at the intersection of 31st Street with the southerly line of Elmer Street, running thence southerly to the southerly terminus of said 31st Street.

AND WHEREAS, the Council of the City of Milwaukie has required from the City Engineer plans and specifications for the 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, that the above mentioned plans, specifications and estimates of the City Engineer, now on file with the Recorder, are found to be satisfactory and are hereby approved.

BE IT FURTHER RESOLVED, That the Council of the City of Milwaukie does declare its intention and purpose to make such improvement, the location and kind of improvement being as follows:

By the construction of certain curbs and sidewalks along both sides of 31st Street, along the following lines and termini:-

Beginning at the intersection of said 31st Street with the southerly line of Elmer Street thence southerly along 31st Street to its southerly terminus; and to do all things necessary in the construction of said curbs and sidewalks; all to be done in accordance with the plans and specifications now on file in the office of the City Recorder, which said plans and specifications are hereby referred to and made a part of this resolution.

Said curbs and sidewalks to be constructed wherever none now exists or where they do exist but do not conform to the standards established by the City Engineer as to grade, alignment or quality.

The City Engineer's estimate of the probable cost of such improvement is the sum of \$7,081.80

That the district liable to be assessed for said proposed improvement is as follows:- Beginning at the most northerly corner of Lot 6, Block 1 Quincy Addition to the Town of Milwaukie; thence southerly along the center line of Blocks 1, 9 and 10, and on said line extended southerly to a point 100 feet south of Lot 14, Block 10 said Addition; thence easterly and parallel with the southerly line of Lot 14, Block 10, and the extension thereof easterly to the SE. corner of Lot 17, Block 11, said Addition; thence Northerly along the center line of Blocks 11, 8 and 2, said Addition to the southerly line of Elmer Street; thence easterly along the southerly line of Elmer Street to the point of Beginning.

That the City Engineer's estimate for the cost of each front foot for curbs where the same will be constructed is \$1.30 per lineal foot; and said Engineer's estimate for the cost of each square foot of sidewalk, where the same will be constructed or reconstructed is \$0.35 per square foot; and the said Engineer's estimate for the cost of each square foot of driveway where the same will be constructed will be \$0.50

That an assessment will be levied on all lots and parcels of land within said proposed improvement district, where said curbs will be constructed or reconstructed, in proportion to the amount to which each said lot or parcel of land will be benefitted; and where sidewalks or driveways will be constructed or reconstructed, in proportion to the amount to which each lot or parcel of land will be benefitted.

BE IT FURTHER RESOLVED, that written remonstrances against said proposed improvement may be filed with the Recorder on or before the 10th day of May 1954

BE IT FURTHER RESOLVED, That the Chief of Police of the City of Milwaukie shall, within ten days from the adoption of this resolution, give notice of the adoption of this resolution by posting a notice headed with the title "NOTICE OF CURB AND SIDEWALK CONSTRUCTION WORK", in three public and conspicuous places along the said portion of 31st Street, which said notice shall contain a copy

MEETING OF APRIL 12, 1954 (Cont'd)

of this Resolution, and shall specify the time within which remonstrance against the proposed improvement may be filed with the Recorder; and that the Council will hear such remonstrances as may be filed on the 10th day of May 1954 at the hour of 8:00 P.M.

AND WHEREAS it is necessary that said improvement be made as soon as possible, so as to take advantage of weather and other conditions in the construction of said improvement; now therefore AN EMERGENCY IS DECLARED TO EXIST and this Resolution shall go into full force and effect immediately after its adoption.

Adopted this 12th day of April, 1954

Leonard B. Mullan
Leonard Mullan, Mayor

ATTEST:

Ellen Martin
Ellen Martin, Recorder

Motion carried and so ordered.

It was moved by Klein and seconded by Shook that Mr. Earl Burdick and Mr. Ed. Turner be appointed to serve on the City Budget Committee. Motion carried and so ordered.

It was moved by Shook and seconded by Clay that the following bills be approved and that warrant-checks be drawn for the payment of same.

Pacific Telephone & Telegraph Co.	\$ 97.60
Portland General Electric	926.42
Nelson Equipment Co	55.63
Griffith Rubber Mills	61.50
Bureau of Water Works, 2 stand-by	60.00
The Milwaukie Review	210.79
Tidewater Associated	267.60
Brooks Products Inc.	60.00
Neptune Meter Co.	315.97
Goodyear Rubber & Asbestos	8.25
Utilities Supplies	25.00
J.C.O'Quinn	5.00
Milwaukie Hardware	53.37
American Brush Co	7.50
Milwaukie Pharmacy	.89
W.B.Horner Co.	15.60
Milwaukie Lumber Co.	9.34
City of Oregon City	20.00
Mullan's Garage	51.66
Ellen Martin, Planning Commission	20.00
Waterworks Supplies	82.00
Fred Sperr, gasoline advances	20.00
Elder Hardware	2.88
Sperr's Shell Service	34.15
Royal Tire Service	438.44
Water Fund to Revolving Fund	119.00
Water Fund to General Fund	531.39
General Fund to Water Fund	222.48
General Fund to Revolving Fund	118.85
Milwaukie Automotive Service	71.62
Portland Road & Driveway	890.92
Multnomah Fuel Co	100.80
McCready Lumber Co.	1.20
Ed's Bicycle Shop	5.00
Addressograph Multigraph Corp.	2.48
Price Rite Grocery	1.19
J.M.Bernard's Garage	10.30
Milwaukie Volunteer Fire Dept.	93.00

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Recorder.