

MEETING OF JUNE 24, 1946

COUNCIL CHAMBERS

655th MEETING

The six hundred fifty-fifth regular meeting of the Council was held on the twenty-fourth day of June 1946.

The meeting was called to order by Mayor Sperr.

Present: Mayor Sperr, Councilmen Hamlin, Nelson, Roberts and Rowe, Manager Kelsey, Auditor Phillips, Treasurer Walcott, Water Superintendent Hofmann, Officer Burbank and Recorder Martin. Absent: Attorney Kirkpatrick and Fire Chief Lewellyn.

The minutes of the six hundred fifty-fourth regular meeting of the

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Council, held on the tenth day of June, 1946 were read and approved as read.

Mr. J. Earl Jones came before the Council, and requested that the Council take under advisement the matter of vacating two and one-half ($2\frac{1}{2}$) feet of the north side of Washington Street from Main St. to Front Street. It appears that Mr. Jones is the present owner of Lots 1 and 8 in Block 29 Milwaukie, and Lots 4 and 5 in Block 38 Milwaukie. Upon having a survey made of Block 29 it was discovered that the building on Lot 1 had been set outside of the Lot and onto Washington Street a distance of two and one-half ($2\frac{1}{2}$) feet. Mr. Jones stated that at the time he purchased the property he was unaware of this, and that since he was the owner of the property on both sides of the street, he would be willing to deed to the City, for street purposes, tow and one-half ($2\frac{1}{2}$) feet from the north side of Lots 4 and 5 Block 38 Milwaukie. It was moved by Rowe and seconded by Nelson that the Manager and Attorney make investigation of the matter and be prepared to make recommendation to the Council at the next regular meeting. Motion carried and so ordered.

It was moved by Nelson and seconded by Roberts that Manager Kelsey be authorized to put up signs designating the City Limits at different points where he considers signs necessary. Motion carried and so ordered.

Mr. Calvin G. Hyde, 1206 29th St. came before the Council with regard to a triangle of land, which had been a portion of the Carver right-of-way, and now owned by the City. It was shown that the County of Clackamas also had a lien against the property. Mr. Hyde stated that he would be interested in purchasing the property and asked that the City quote a price for the same. It was moved by Rowe and seconded by Nelson that Manager Kelsey make investigation of the matter and make recommendation to the Council. Motion carried and so ordered.

Mr. E.A. Donnelly came before the Council with regard to a part of Lots 29 and 30, Block 3, Robert's Re-Plat of J.R.W. Sellwood's Addn. It appears that the owner of the property, Mr. Basnett had purchased this property from the City a number of years ago, and had been given a Quitclaim Deed for same. About the same time it was agreed by the City to furnish Mr. Basnett with a Warranty Deed for Lot 3 Block 3 Robert's Re-plat of J.R.W. Sellwood's Addn. in exchange for property he deeded to the City for street purposes, but that the City had issued a Quitclaim deed. Mr. Donnelly, being a prospective purchaser of part of these properties, wished to be assured that the City would issue the necessary Warranty Deed in order that the records of the property may be clear. It was moved by Roberts and seconded by Nelson that upon the return of the City Attorney the Warranty deeds be issued. Motion carried and so ordered.

It was moved by Rowe and seconded by Nelson that Ordinance 481 be read by title only for its second reading. Motion carried and so ordered.

Manager Kelsey called the attention of the Council to the zoning map which is a part of Ordinance 481.

Mr. Hamlin wished to go on record as being opposed to "Spot Zoning"

Ordinance Number 481 AN ORDINANCE dividing the City of Milwaukie Oregon, into districts; prescribing the uses to which property in such districts may be put; regulating, restricting, and prohibiting the location of industries, trades, apartment houses, two family houses, and single family houses; and keeping of livestock; regulating and restricting the area and dimensions of lots and yards; the erection, alteration, and maintenance of buildings, and the height and alignment thereof; providing for the establishment of building set back lines; providing penalties for the violation thereof, and repealing all ordinances, or parts of ordinances in conflict therewith, and declaring an emergency, was read for the second time by title only and put on its passage with the following results being had: Ayes: Sperr, Hamlin, Roberts, Nelson and Rowe. Nays: None. Ordinance Number 481 passed the Council and was so declared by the Mayor.

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It was moved by Rowe and seconded by Roberts that Ordinance Number 482 be read by title only for its second reading. Motion carried and so ordered.

Ordinance Number 482 AN ORDINANCE providing for the improvement of 37th Street in Milwaukie, Oregon from the southerly line of the paved surface of Harvey Avenue to the Northerly line of the paved surface of King Street, and declaring an emergency, was taken up and read by title only and put on its passage with the following result being had. Ayes: Sperr, Hamlin, Roberts, Nelson and Rowe. Nays: None. Ordinance Number 482 passed the Council and was so declared by the Mayor.

It was moved by Rowe and seconded by Nelson that Ordinance Number 483 be read by title only for its second reading. Motion carried and so ordered.

Ordinance Number 483 AN ORDINANCE providing for the improvement of 35th Street in Milwaukie, Oregon, from the north line of Wister Street, running southerly 600 feet to the westerly projection of the southerly line of Lot 31, Block 15, Quincy Addition to Milwaukie, Oregon and declaring an emergency, was taken up and read by title only and put on its passage with the following results being had. Ayes: Sperr, Hamlin, Roberts, Nelson and Rowe. Nays: None. Ordinance Number 483 passed the Council and was so declared by the Mayor.

It was moved by Rowe and seconded by Roberts that Manager Kelsey be authorized to call for bids for the improvement of 35th Street and 37th Street. Motion carried and so ordered.

It was moved by Rowe and seconded by Nelson that Ordinance 484 be read by title only for its second reading. Motion carried and so ordered.

Ordinance 484 being the 1946-47 budget ordinance the Mayor called for any protest or objection that might be made. There was no protest made.

Budget
Ordinance Number 484, AN ORDINANCE providing a tax levy on all taxable property within the City of Milwaukie, Oregon, for city purposes for the fiscal year beginning July 1, 1946 and ending June 30, 1947, and declaring an emergency, was taken up and read by title only and put on its passage with the following results being had. Ayes: Sperr, Hamlin, Roberts, Nelson and Rowe. Nays: None. Ordinance Number 484 passed the Council and was so declared by the Mayor.

Ordinance Number 485 was taken up and read for the first time. It was moved by Nelson and seconded by Rowe that Ordinance Number 485 be passed to its second reading. Motion carried and so ordered.

Ordinance Number 486 was taken up and read for the first time. It was moved by Rowe and seconded by Nelson that Ordinance Number 486 be passed to its second reading. Motion carried and so ordered.

The following resolution was taken up and read.

Resolution 8-1946
WHEREAS the City of Milwaukie, Oregon did by virtue of a certain deed recorded in Book 211, page 2, of the Deed records of Clackamas County, Oregon and by virtue of a lien for sewer upon which said deed was based, acquire some right title and intrest in and to the following described premises, to-wit:

A tract of land as described in deed recorded in Vol. 138, page 581 Record of Deeds for Clackamas County, Oregon, excepting that part occupied by Harrison Street, Milwaukie.

AND WHEREAS the City of Milwaukie, by virtue of said lien and did in fact acquire no intrest in any land other than the following described premises, situate in the County of Clackamas and State of Oregon, to-wit:

As described in that certain deed wherein the City of

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Milwaukie is the grantor and William R. Davis is the grantee, which said deed is recorded in Book 329 on page 154 of the Deed Records of Clackamas County, Oregon:

NOW THEREFORE, the City of Milwaukie, does hereby renounce all right title and intrest in and to the land described as follows:

A tract of land as described in deed recorded in Vol. 138, page 581 Record of Deeds for Clackamas County, Oregon excepting that part now occupied by Harrison Street; and also excepting the following described premises, situate in the County of Clackamas and State of Oregon to-wit:- As described in that certain deed wherein the City of Milwaukie is grantor and William R. Davis is the grantee, which said deed is recorded in Book 389 at page 154 of Deed Records of Clackamas County, Oregon.

Adopted this 24th day of June, 1946

Approved by the Mayor this 25 day of June, 1945

(Signed) FRED SPERR
Mayor

(SEAL)
()

ATTEST ELLEN MARTIN
Recorder

It was moved by Rowe and seconded by Nelson that the Resolution be adopted. Motion carried and so ordered

A letter from Auditor Phillips, in which he requested that certain sums of money be transferred into General Fund and that estimated balances at the end of the fiscal year be transferred to the "Sinking Fund for Betterment Work" was read.

It was moved by Rowe and seconded by Nelson that a transfer from "Sewer" to General Fund in the amount of \$325.29, representing collection of Delinquent Sewer Assessments and Intrest during the current fiscal year, be made. Motion carried and so ordered.

It was moved by Roberts and seconded by Hamlin that a transfer be made from General Fund to such other 1945-46 budget accounts as may be required to balance each item, the remaining unexpended balance, after first deducting the amount of \$1,500.00 carried in the 1946-47 budget, to be transferred to "Sinking Fund for Addition and Betterment Work" in accordance with legal requirements. Motion carried and so ordered.

A letter from Mr. Murphy of the East Side Busses, in which they requested a franchise was read. It was decided that upon the return of Attorney Kirkpatrick that he and Mr. Kelsey contact Mr. Murphy and arrange for a suitable franchise.

A letter from Mr. Roy F. Burke requesting permission to build a residence on a 50'X 75' Lot at 40th and Adams Streets, the lot being the south one half of lote 38-39-4- Block 74 Minthorn Addition, was read. It was moved by Roberts and seconded by Nelson that Mr. Burke be permitted to build the residence in accordance with the plans presented with the letter. Motion carried and so ordered.

A letter and agreement from the Vancouver Plywood and Veneer Co. was read. The Agreement set forth certain conditions upon which the Vancouver Plywood and Veneer Co. would be permitted to transfer logs, poles and piling over certain of the streets of the City, and agreed to pay their share of the expense of maintenance and repair of the streets they were permitted to use. It was moved by Roberts and seconded by Hamlin that the City accept the agreement and that

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the Mayor and Recorder be directed to sign the same, and that the permit be issued in accordance with the agreement. Motion carried and so ordered.

Manager Kelsey stated that the Pacific Telephone and Telegraph Co. had contacted him and he expected to be able to make a report as to what could be done about the Fire Call telephones in Kellogg Park.

It was moved by Rowe and seconded by Roberts that Mr. H.A. Burbank be allowed two weeks vacation. Motion carried and so ordered.

It was moved by Roberts and seconded by Nelson that Wm. Hofmann be allowed two weeks vacation with pay. Motion carried and so ordered.

Manager Kelsey announced that the sewer district being formed south of Milwaukie had enough signers to put the Sewage Disposal proposal on the ballots in November and that they looked with favor upon Milwaukie joining with them in building a disposal plant.

It was moved by Hamlin and seconded by Roberts that the City Hall chairs be loaned to the Milwaukie Masonic Lodge, Saturday June 29, 1946. Motion carried and so ordered.

It was moved by Nelson and seconded by Hamlin that the Auditor Treasurer Financial report be accepted as presented. Motion carried and so ordered.

It was moved by Rowe and seconded by Nelson that the following bills be allowed and that the Recorder be directed to issue warrants for the payment of same.

Ivan Molzan, work on pump house, well #3.	\$ 84.00
Pacific Telephone & Telegraph Co. 2-4021.	9.45
" " " " " 2-4111.	1.30
Portland Box & Label Co, postage advances.	30.00
State Industrial Accident Commission,	75.36
League of Oregon Cities, 1946-47 dues.	154.38
Kilham Stationary & Printing, general engineering supplies.	1.38
Pacific Stationary & Printing Co. stationary, folders.	4.81
Reddaway's Truck Line, drayage.75
Zellerbach Paper Co. paper towels.	6.16
Milwaukie Hardware, casters for typing table.	1.29
Julius Frei, trimming shrubs.	6.00
Colyear Motor Sales Co. timkin.69
Swender Blue Print Co. prints of man-hole covers & man holes.	1.28
M. & N Sheet Metal Co. tank for rural fire truck.	700.00
(estimated for 1945-46 budget)	

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Recorder.