

MEETING OF MARCH 11, 1963

COUNCIL CHAMBER

980th MEETING

The nine hundred and eightieth regular meeting of the Council of the City of Milwaukie, was held on the eleventh day of March, 1963.

The invocation was given by Rev. John Million of the Ardenwald Nazarene Church.

The meeting was called to order by Mayor Joseph M. Bernhard, Jr.

Present: Mayor Joseph M. Bernhard, Jr.; Councilmen Theron E. Sedgwick, Robert E. Richmond, Walter J. Freeman and Charles Renard; City Manager Leonard B. Mullan, Assistant Manager Max Thompson, Attorney John O. Sheldahl and Clerk Ellen Martin.

It was moved by Sedgwick and seconded by Freeman that Water Superintendent Wm. Hofmann be given a leave of absence to attend the Waterworks Operators Short Course of Study, to be given at the University of Oregon, and that the cost of the course be borne by the City. Motion carried and so ordered.

Mr. Fred Weber came before the Council with regard to his sewer in Railroad Avenue. Mr. Weber stated that he had intended to install a gravity flow sewer from the City's sewer in Railroad Avenue, easterly as far as necessary to meet a pressure line sewer to accommodate Cedar Crest Subdivision; that Mr. Eivers, who would also need to use the gravity flow line for a Convalescent Hospital, which he (Eivers) was building on Stanley Ave., had talked with him on the matter and that they had never made a written agreement on the matter. Mr. Weber stated that Mr. Eivers had gone ahead and installed the gravity flow sewer as he (Eivers) would need it before Weber would have it installed. Mr. Weber stated that recently he had emptied his pressure line sewer into the man-hole at the east end of the gravity flow sewer and that this had made Mr. Eivers unhappy. The Mayor called upon Attorney Sheldahl to advise the Council as to their (Council) position in this matter. Mr. Sheldahl advised that in his opinion the Council should not interfere in this dispute between these two gentlemen.

A letter, from the Milwaukie Planning Commission, in which they recommended that Lot 2, Karlen's Second Addition, be changed to Commercial Zone, was read. Mr. Stephen Parker, Attorney for Mr. Wilfred Wilhelm, who intends to build a mortuary on the property, explained to the Council the type and size of the building, and that provisions had been made for twenty-two parking spaces on the property and that arrangements for the use of the Church of Christ parking lot had been made. It was moved by Renard and seconded by Sedgwick that the recommendation of the Planning Commission be accepted. Motion carried and so ordered.

Mr. George Hibbard, representing Albertson's Stores, came before the Council and stated that Albertson's were desirous of locating a market at Harrison Street east of Railroad Avenue in Milwaukie, and requested a zone change for a part of the property they would use. It was moved by Freeman and seconded by Renard that this matter be referred to the Planning Commission. Motion carried and so ordered.

Mr. Albert Hoffman, Jr. laid before the Council a petition, signed by nine property owners, requesting that Balfour Street be improved by curbs only, from 32nd Street to 29th Street. It was moved by Sedgwick and seconded by Freeman that the City Manager be authorized to have the Engineer's survey made for the improvement of Balfour Street from 32nd Street to its westerly terminus. Motion carried and so ordered.

Mr. Harvey Osborn, Attorney, came before the Council and requested the Council to meet with him and a group who were interested in a "Meritt System" (Civil Service) for the City Employees. It was decided that the Council would accept the invitation and make investigation of this proposed system.

Mr. Eivers and Mr. Haley, from the Milwaukie Convalescent Hospital, came before the Council with regard to the sewer in Railroad Avenue. After some discussion it was agreed that this matter be referred to the attorneys representing Mr. Eivers and Mr. Fred Weber and the City.

A letter from the Milwaukie Planning Commission, in which they recommended that no driveway opening into McLoughlin Boulevard, from Lots 5 and 6, Block 1, Lewelling Park be permitted. It was moved by Sedgwick and seconded by Richmond, that the Council adopt the recommendation of the Planning Commission. Motion carried and so ordered.

Ordinance Number 968 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Richmond that Ordinance Number 968 be passed to its second reading and that it be read at this time by title only. Motion carried and so ordered.

Ordinance Number 968 AN ORDINANCE providing for the rezoning of certain properties in the City of Milwaukie, Clackamas County, Oregon, from Zone 3-R-2 SPECIAL to Commercial Zone, amending Ordinance No. 481, as amended, and declaring an emergency; was again taken up and read for its second reading, by title only, and put on its passage with the following result being had: Ayes: Sedgwick, Richmond, Freeman, Renard and Bernard. Nays: None. Ordinance Number 968 passed the Council and was so declared by the Mayor.

Ordinance Number 969 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Richmond that Ordinance Number 969 be passed to its second reading, and that it be read by title only at this time. Motion carried and so ordered.

Ordinance Number 969, AN ORDINANCE providing for the procedure to annex, without election, certain territory, contiguous to the present boundaries of the City of Milwaukie, Clackamas County, Oregon, fixing a day for public hearing before the City Council of the City of Milwaukie, Oregon, on the question of such annexation, directing publication of notice of such hearing and declaring an emergency; was again taken up and read, by title only, for its second reading and put on its passage with the following result being had: Ayes: Sedgwick, Richmond, Freeman, Renard and Bernard. Nays: None. Ordinance Number 969 passed the Council and was so declared by the Mayor.

It was moved by Sedgwick and seconded by Renard that the City's contract with Mr. Frank Fairly, for auditing the City books, be approved and that the Mayor be authorized to sign the same. Motion carried and so ordered.

CITY MANAGER Mullan read a letter from American Tank and Pipe Co., in which they requested an extension of time to June 22, for the completion of the water tank at 40th and Harvey Streets. It was moved by Renard and seconded by Richmond that the Council grant this extension of time with the stipulation that there must be a very good excuse for any further extension of time. Motion carried and so ordered.

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

City Manager Mullan read a letter from Clyde Bradley in which he requested a meeting with the City Council to explain the advantages of the Clackamas County Physicians Health Insurance Plan. No action was taken on this matter at this time.

Manager Mullan read a letter from Western Pacific Construction Co. who are planning a housing development on Lots 5, 6, 7, 8, 9, Waverly Heights, in which they stated that they would like to discuss, and come to an understanding with the Council on the matter of Streets, sewer, water and lighting for the project. The Council requested that Mr. Mullan get more information on this question.

Manager Mullan reported that the Milwaukie Plywood Co. had requested permission to improve Moss Street from 31st Street westerly to its westerly terminus. It was moved by Richmond and seconded by Sedgwick that Milwaukie Plywood Co. be permitted to improve Moss Street by pavement from 31st Street westerly to its westerly terminus. Motion carried and so ordered.

Manager Mullan reported to the Council that our ordinance for the licensing of hospitals was now obsolete and requested that a more modern ordinance be written. It was moved by Freeman and seconded by Richmond that this matter be referred to the next regular meeting for discussion. Motion carried and so ordered.

Assistant Manager Max Thompson, explained to the Council a preliminary

survey of costs for sewer disposal maintenance and water services. Manager Mullan was requested to have a complete survey made of all types of users.

It was moved by Sedgwick and seconded by Richmond that the following bills be approved and that warrants be drawn for the payment of same:

Addressograph-Multigraph Corp.	6.85
Air Mac, Inc.	179.00
All Electric Construction	30.00
American Bitumuls & Asphalt Co.	11.75
American Heritage Junior Library	6.10
American Photocopy Equip. Co.	32.50
American Locksmith Service	24.00
Richard K. Bass	7.50
Brooks Products, Inc.	85.80
Clackamas County	215.00
Clackamas County Public Library	15.37
Cascade Construction Co.	9.59
Combs Insurance Agency	10.00
Communication Specialists	7.50
Howard Cooper Corp.	3.78
Crosswhite Enterprises	82.00
Doubleday & Co., Inc.	6.46
W. Frank Fairly & Co.	350.00
Feenaughty Machinery Co.	32.54
M. L. Foxworthy	36.00
Franck's Color Center	2.93
G & S Janitor Supply Co.	99.75
Charlie Helwig, Inc.	17.30
The H. R. Huntting Co., Inc.	82.63
Inland Construction Co.	105.00
Jack's Digger Service	555.75
Larkon's Auto Parts	1.05
Lodger Insurance Agency	1,601.26
W. J. McCready Lumber Co.	1.64
Ralph S. Milln	165.00
Milwaukie Automatic Service	179.40
Milwaukie Hardware	18.72
Milwaukie Lumber Co.	145.98
Milwaukie Plumbing & Heating Co.	100.37
Milwaukie Transfer & Fuel Co.	74.25
Milwaukie Volunteer Fire Dept.	15.00
Minnesota Mining & Manufacturing Co.	511.80
Multnomah Fuel Co.	34.50
Moore Business Forms Inc.	6.18
Munnell & Sherrill, Inc.	32.70
North Clackamas Publishers & Printers Inc.	178.30
Northwest Industrial Laundry Co.	4.00
National Geographic Society	6.00
Nation's Business	19.75
Neptune Meters Co.	52.26
Northwest Natural Gas Co.	48.87
Nurnberg Thermometer Co.	7.86
Olson Bros. Shell Service	193.09
Oregon City Laundry Co.	38.61
Oregonian	7.80
Oregon City Printing & Stationery Co.	30.30
Overall Laundry Inc.	21.40
Pacific Northwest Bell	225.79
Petty Cash	9.98
Perry Pharmacy	2.45
Bernard Muffenbier	67.42
Peter Persch & Sons Co.	1.82
Pioneer Mercantile Co.	37.10
Portland Concrete Pipe & Products Co.	9.09
Portland General Electric Co.	2,580.09
Milwaukie Floral Co.	10.00
Portland Road & Driveway Co.	596.62
Publishers' Paper Co.	200.43
Pump Pipe & Power Co.	7.70
Reddaway's Truck Line	7.04
Richfield Oil Corporation	484.19
Bob Skow, Inc.	15.10
Southern Pacific Co.	30.00
Stevens & Thompson	42.26
Thomas Office Supply Co.	70.00

Tire Sales & Service	39.00
Traffic Safety Supply Co.	59.80
Wallace & Tiernan, Inc.	87.00
Water Fund	327.67
Waterworks Supplies Co.	4,155.83
Weiler Chevrolet	350.88
J. Weiner & Co.	41.15
Western Drug Label Co.	7.00

Motion carried and so ordered.

The matter of the bridge over Johnson Creek at Milport Road was discussed. The Mayor called a meeting of the Council, to be held on Monday, March 18, for further discussion of this question.

The matter of the improvement made on 36th Street in Orchard Acres, was laid before the Council as a result of a complaint from owners of property in Orchards Acres, who claimed that Mr. Jaeger, the contractor from whom they bought their properties, had agreed that the street would be paved and that the paving had never been done. The Council agreed that this question should be settled between the property owners and Mr. Jaeger.

Councilman Renard displayed new types of building materials and suggested that our building code be amended to include materials that have F. H. A. approval. No action on this question was taken by the Council at this time.

It was moved by Sedgwick and seconded by Richmond that the following Resolution be adopted.

#### RESOLUTION NUMBER 9-1963

WHEREAS, it has been known to the City Council of the City of Milwaukie, Oregon, that Bisio Avenue, from its northerly terminus southerly a distance of 350 feet, a public street within the City of Milwaukie Oregon, is neither used nor useful as a public street, and that the City would be benefited by its vacation; 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 adjoining property owners, deems it advisable to initiate proceedings to vacate said public street hereinbefore described 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 public street 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 all of the owners of property abutting upon said public street 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 that part of Bisio Avenue, from its northerly terminus southerly a distance of 350 feet, a public street within the City of Milwaukie, Oregon.

BE IT HEREBY FURTHER RESOLVED That the 15th day of April, 1963, is hereby fixed as the time, and the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon, is hereby fixed as the place for a public hearing to be held by the City Council of the City of Milwaukie, Oregon, to hear objections and remonstrances to the vacation of said public street, if any.

BE IT HEREBY FURTHER RESOLVED that the City Recorder of the City of Milwaukie, be and he hereby is directed and ordered 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 Section 271.130 and 271.110 of the Oregon Revised Statutes.

Joseph M. Bernard, Jr.  
Joseph M. Bernard, Jr., Mayor of the  
City of Milwaukie, Oregon

ATTEST:

R. E. Osborne  
R. E. Osborne, Recorder  
of the City of Milwaukie, Oregon

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin  
Ellen Martin, Clerk

SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,  
OREGON, HELD ON MARCH 15, 1963.

The City Council of the City of Milwaukie, Oregon, convened in special session at the City Hall in Milwaukie, Oregon, on the 15th day of March, 1963, commencing at the hour of 8:00 o'clock p.m., Pacific Standard Time.

The meeting was called to order by Mayor Joseph M. Bernard, Jr. Chairman of the Council.

The roll was called by Council Clerk Ellen Martin. Those present were: Mayor Joseph M. Bernard, Jr; Councilmen Theron Sedgwick, Robert Richmond and Charles Renard.

Also present at the meeting were City Manager Leonard B. Mullan, City Attorney John O. Sheldahl, and Council Clerk Ellen Martin.

Absent was Councilman Walter J. Freeman.

Clerk Ellen Martin then presented to the Chairman a written consent to the special meeting signed by all of the members of the City Council. Chairman Bernard, Jr., ordered such written consent so signed to be attached to and made a part of the minutes of the special meeting.

The Chairman of the Council then announced that the special meeting had been called for the purpose of canvassing the results of the Special City Election held on the 15th day of March, 1963, and for the purpose of taking up such other business that might properly come before the Council.

It was then moved by Councilman Renard and seconded by Councilman Sedgwick that the Council proceed to count, canvass and return the votes cast at the Special Election held in the City of Milwaukie, Oregon, on the 15th day of March, 1963, at which there was submitted to the legal voters of said City for their adoption or rejection an Amendment to the Charter of the City of Milwaukie, Oregon, which Charter is entitled "Charter for the City of Milwaukie, as enacted by the voters at a special election held Tuesday, November 7, 1944," which Amendment was designated as Chapter VIII-E, and which appeared on the official ballot at said election and was designated by the following ballot title, to-wit: