

MEETING OF JUNE 8, 1959

935th MEETING

The nine hundred thirty-fifth regular meeting of the Council of Milwaukie was held on the eight day of June, 1959

Earl M. Clay, having been selected by the Council to succeed Mayor Mullan, resigned, was sworn into the office of Mayor by City Attorney John Sheldahl and took his chair at the head of the Council Table.

The meeting was called to order by Mayor Clay.

Present: Mayor Clay; Councilmen Mortensen, Sedgwick and Howard; Manager Mullan, Attorney Sheldahl and Clerk Martin.

The minutes of the nine hundred thirty-fourth regular meeting of the Council, held on the eleventh day of May, 1959, were approved as written.

The minutes of a Special meeting of the Council, held on the twenty-second day of May, 1959, were approved as written.

The minutes of a special meeting of the Council, held on the twenty-fifth day of May, 1959, were read and approved as read.

Ordinance Number 745, AN ORDINANCE providing for the rezoning of certain territory in the City of Milwaukie, Oregon, amending Ordinances No. 481 and No. 576 accordingly, and declaring an emergency, was taken up and read for its second reading and put on its passage with the following results being as: Ayes: Clay, Mortensen, Sedgwick and Howard. Nays: None. Ordinance Number 745 passed the Council and was so declared by the Mayor.

It was moved by Sedgwick and seconded by Mortensen that the following Resolutions be adopted.

## RESOLUTION NUMBER 10-1959

WHEREAS, The PIONEER BANK OF MILWAUKIE, Milwaukie, Oregon has heretofore been duly designated a depository of the City of Milwaukie, Oregon, a municipal corporation; and

WHEREAS, It is from time to time necessary that the City of Milwaukie issue warrants directed to said Bank in payment of certain of its authorized obligations; and

WHEREAS, the said City desires to authorize the following officials and officers of the said City to sign and countersign said warrants,

NOW THEREFORE, BE IT RESOLVED That all warrants drawn by the City of Milwaukie, Oregon, and directed to the Pioneer Bank of Milwaukie, Oregon, be signed by the following:

R. E. Osborne

City Recorder

and countersigned by any one of the following:

E. M. Clay

Mayor

Leonard B. Mullan

City Manager Earl B. Mullan

whose signatures shall be duly certified to said Bank and that no warrants directed to said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, That said Bank is hereby authorized and directed to honor and pay warrants so drawn, whether such warrants be payable to the order of any such person signing and/or countersigning said warrants, or any of such persons in their individual capacities or not, and whether warrants are deposited to the individual credit of the person so signing and/or countersigning said warrants, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the certificate of the Recorder of the City of Milwaukie, Oregon, accompanying a copy of this Resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

ADOPTED THIS 8th day of June, 1959.

## MEETING OF JUNE 8, 1959 (Continued)

E. M. Clay  
E. M. Clay, Mayor

ATTEST:

R. E. Osborne

R. E. Osborne, Recorder

Motion carried and so ordered

## RESOLUTION NUMBER 10 - X - 1959

WHEREAS, The FIRST STATE BANK OF MILWAUKIE, Milwaukie, Oregon, has heretofore been duly designated a depository of the City of Milwaukie, Oregon, a municipal corporation; and

WHEREAS, It is from time to time necessary that the City of Milwaukie issue warrants directed to said Bank in payment of certain of its authorized obligations; and

WHEREAS, the said City desires to authorize the following officials and officers of the said City to sign and countersign said warrants,

NOW THEREFORE, BE IT RESOLVED That all warrants drawn by the City of Milwaukie, Oregon, and directed to the First State Bank of Milwaukie, Oregon, be signed by the following:

R. E. Osborne City Recorder

and countersigned by any one of the following:

E. M. Clay Mayor

Leonard B. Mullan City Manager

whose signatures shall be duly certified to said Bank, and that no warrants directed to said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, That said Bank is hereby authorized and directed to honor and pay warrants so drawn, whether such warrants be payable to the order of any such person signing and/or countersigning said warrants, or any of such persons in their individual capacities or not, and whether warrants are deposited to the individual credit of the person so signing and/or countersigning said warrants, or to the individual credit of any of the other officers or not. This resolution shall continue in force and said Bank may consider the facts concerning the holders of said offices, respectively, and their signatures to be and continue as set forth in the certificate of the Recorder of the City of Milwaukie, Oregon, accompanying a copy of this Resolution when delivered to said Bank or in any similar subsequent certificate, until written notice to the contrary is duly served on said Bank.

ADOPTED this 8th day of June 1959.

E. M. Clay  
E. M. Clay, Mayor

ATTEST:

R. E. Osborne

R. E. Osborne, Recorder

Motion carried and so ordered.

The Clerk announced that this was the time set for the hearing on the construction of sewers and trunk line sewers in Bonnie View Acres and Floss Acres. The Mayor opened the hearing on the construction of sewers as above stated. It was shown that proper notice had been given. The Mayor

## MEETING OF JUNE 8, 1959 (Continued)

called for objections or remonstrance against this improvement. No citizen present made protest. The Mayor announced that the Council would proceed with other business at hand before the closing of the hearing.

A petition, signed by thirty-one owners of property along Wake Street, requesting that sewers be constructed along Wake Street from 32nd Street easterly to the easterly end of Wake Street, was laid before the Council. During the discussion, following the presentation of this petition, it was shown that there were properties along this street which were not yet in the city limits and that the majority of the owners were making application to annex their properties, also it was shown that the work should be done at this time in order to take advantage of possible saving in the event the work would be done by the contractor for the Bonnie View Acres job. It was moved by Mortensen and seconded by Sedgwick that the following Resolution be adopted.

## RESOLUTION NUMBER 11-1959

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWERS ALONG WAKE STREET FROM 32nd STREET EASTERLY TO THE EASTERLY TERMINUS OF WAKE STREET, AND TO CONSTRUCT LATERALS FROM THE SAID SANITARY SEWERS TO PROPERTY LINES WHERE THE SAME ARE REQUESTED BY THE OWNERS OF PROPERTY BENEFITTED.

WHEREAS, the Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct sanitary sewer along Wake Street from 32nd Street to its easterly terminus, and to construct laterals from said sanitary sewer to property lines where the same are requested by the property lines where the same are requested by the property owners, and

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

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

By the construction of a sanitary sewer, and all things necessary in the construction thereof, all to be done in accordance with plans and specifications now on file with the City Recorder, which plans and specifications hereby are referred to and made a part of this Resolution.

Said Sanitary sewer to be constructed along the following lines and between the following termini:

WAKE STREET, from its intersection with 32nd Street easterly to its easterly terminus, and by the construction of SEWER SERVICE LINES, and all things necessary in the construction thereof, all to be done in accordance with the specifications of the City Engineer, said sewer lines to be constructed between the sanitary sewer line in the street and the property line where such sewer service line has been requested by the owner of property served by such service line.

That the Engineer's estimate of the probable cost of the Sanitary Sewer is \$10,712.00

That the district liable to be assessed for the foregoing improvement is as follows:

ALL LOTS OR PARTS OF LOTS IN FLOSS ACRES, APPLEBY ACRES, MAPLECREST ADDITION, AND ALL TAX LOTS IN THE GEORGE WILLS D.L.C. FACING WAKE STREET AND LYING WITHIN 100 FEET OF WAKE STREET FROM 32nd STREET TO ITS EAST-

## MEETING OF JUNE 8, 1959 (Continued)

ERLY TERMINUS.

That the Engineer's estimate of cost per front foot of said property abutting the aforementioned Street where said Sanitary Sewer will be laid is the sum of \$2.85

That the Engineer's estimate of cost of Sewer Service Lines where the same are constructed is \$100.00 for each service line.

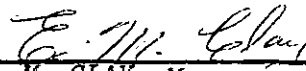
That an assessment will be levied on all lots and parcels of land within such proposed assessment district, in proportion to the amount to which each lot or parcel of land will be benefitted.

BE IT FURTHER RESOLVED, that a written remonstrance against said proposed improvement may be filed with the City Recorder on or before the 29th day of June 1959, at the hour of 7:30 PM.

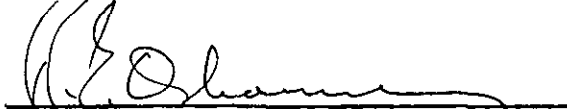
BE IT FURTHER RESOLVED, that the Chief of Police of Milwaukie, shall, within ten days from the passage of this Resolution, give notice of the passage of this Resolution by posting notices headed with the title "NOTICE OF SEWER CONSTRUCTION WORK" in three conspicuous places along the said above mentioned street, said notice shall contain a copy of this Resolution, and shall specify the time in which remonstrance against said proposed improvement may be filed with the City Recorder.

AND WHEREAS it is necessary that said improvement be made as soon as possible, on account of sewage disposal and drainage conditions in said district; NOW THEREFORE an emergency is declared to exist and this Resolution shall go into full force and effect immediately upon its adoption.

ADOPTED THIS 8th day of JUNE, 1959

  
E. M. CLAY, Mayor

ATTEST:

  
R. E. Osborne, Recorder

Motion carried and so ordered

Ordinance Number 746 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance No. 746 be passed to its second reading. Motion carried and so ordered.

A letter, from Dr. Slominiski, requesting that the north end of the narrow alley between Duerst's Addition and the Tscherner Tracts, be vacated, was read. There was discussion on this question. Councilman Mortensen recalled to the Council that this had been discussed previously in conjunction with the necessity of widening 23rd Street. It was moved by Mortensen and seconded by Howard that the City Manager contact owners of property along the west side of 23rd Street regarding this question and report at the next meeting of the Council. Motion carried and so ordered.

A petition, signed by twenty owners of property along Harvey Street, requesting that curbs be constructed along both sides of Harvey Street from 32nd Street easterly to 40th Street, was read. It was moved by Howard and seconded by Sedgwick that the following Resolution be adopted.

RESOLUTION NUMBER 12-1959

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT CURBS ALONG BOTH SIDES OF HARVEY STREET, WHERE NONE NOW EXIST, OR WHERE THEY DO EXIST BUT DO NOT CONFORM TO CITY STANDARDS AS TO ALIGNMENT, GRADE OR QUALITY, FROM ITS INTERSECTION WITH 32nd STREET, EASTERLY TO ITS INTERSECTION WITH 40th STREET.

WHEREAS, the Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct curbs along both sides of Harvey Street, from its intersection with 32nd Street easterly to its intersection with

## MEETING OF JUNE 8, 1959 (Continued)

40th Street, where none now exist or where such as do exist do not conform to city standards as to grade, quality or alignment, 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 and specifications and estimated with the City Recorder

BE IT THEREFORE RESOLVED, that the Council of the City of Milwaukie, Oregon, does hereby declare its intention and purpose to make such improvement, the location and kind of improvement being as follows:-

By construction of curbs along both sides of Harvey Street, where none now exist or where such as do exist do not conform to City standards as to alignment; grade or quality, along the following lines and termini:

Beginning at the intersection of 32nd Street and Harvey Street, thence easterly along Harvey Street to its intersection with 40th Street, and to do all things necessary in the construction of said curbs, all to be done in accordance with the plans and specifications now on file in the office of the City Recorder, which plans and specifications are hereby referred to and made a part of this Resolution.

That the City Engineer's estimate of the probable cost of such improvement is the sum of \$5,315.40.

That the district liable to be assessed for the said improvement is as follows:

ALL LOTS OR PARTS OF LOTS, OR PARCELS OF LAND, LYING WITHIN 100 FEET OF EITHER SIDE OF HARVEY STREET FROM ITS INTERSECTION WITH 32nd STREET EASTERLY TO ITS INTERSECTION WITH 40th STREET.

The Engineer's estimated cost per lineal foot for curbs where the same are to be constructed is the sum of \$1.64.

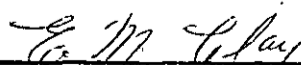
That an assessment will be levied on all lots and parcels of land within said proposed district, where said curbs will be constructed, in proportion to the amount to which each lot or parcel of land will be benefitted.

BE IT FURTHER RESOLVED that written remonstrance against said proposed improvement may be filed with the City Recorder on or before the 10th day of August 1959


BE IT FURTHER RESOLVED, that the Chief of Police of the City of Milwaukie, Oregon, shall within ten days from the adoption of this Resolution, give notice of the adoption hereof by posting notice headed with the title "NOTICE OF CURB CONSTRUCTION WORK" in three public and conspicuous places along said portion of Harvey Street, which said notice shall contain a copy of this Resolution and shall specify the time in which remonstrances against said proposed improvement may be filed with the City Recorder; and that the Council will hear such remonstrances as may be filed on the 13th day of July, 1959 at the hour of eight (8:00) o'clock P. M. in the Council Chamber of the City Hall, 926 Main Street, Milwaukie, Oregon.

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 passage.

ADOPTED THIS 8th day of June, 1959

  
E. M. Clay, Mayor

ATTEST:

  
R. E. Osborne, Recorder

Motion carried and so ordered.

No citizen having appeared to make protest to the construction of sewers and trunk line sewers in Bonnie View Acres and Floss Acres, the Mayor declared the hearing closed. Ordinance Number 747 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 747 be passed to its second reading. Motion carried and so ordered.

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

RESOLUTION NUMBER 13-1959

WHEREAS, a vacancy has occurred in the office of the City Manager of the City of Milwaukie, Oregon, occasioned by the resignation of Earl Burdick as such City Manager, on the 1st day of June, 1959; and

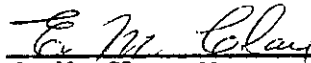
WHEREAS, by reason of such resignation and vacancy it is now necessary that a new City Manager be appointed;

NOW THEREFORE, in compliance with Chapter VI, Section 24(b) of the City Charter, the City Council of the City of Milwaukie, Oregon, does hereby declare its intention to appoint a new City Manager after the expiration of at least four (4) weeks from the date of the adoption of this Resolution.


BE IT FURTHER RESOLVED, that Leonard B. Mullan be, and he hereby is, appointed City Manager pro-tem of the City of Milwaukie, Oregon, during the interim period which must expire from the date of the adoption of this Resolution until the City Council shall have appointed a new City Manager in compliance with the provisions of Chapter VI of the City Charter.

BE IT FURTHER RESOLVED that the appointment of Leonard B. Mullan is as of the 1st day of June, 1959, and shall continue until a new City Manager shall have been appointed by the City Council, and that he shall receive as compensation for his said services the sum of \$ 450.00 per month.

ADOPTED THIS 8th day of June, 1959.

  
E. M. Clay, Mayor

ATTEST:

  
R. E. Osborne, Recorder

Motion carried and so ordered.

Ordinance Number 748 was taken up and read for its first reading. It was moved by Howard and seconded by Mortensen that Ordinance Number 748 be passed to its second reading. Motion carried and so ordered.

Ordinance Number 749 was taken up and read for its first reading. It was moved by Howard and seconded by Sedgwick that Ordinance Number 749 be passed to its second reading. Motion carried and so ordered.

Manager Mullan reported that the Centennial Committee had requested that the game of Bingo be permitted to be played during Milwaukie's Centennial celebration. It was moved by Sedgwick and seconded by Howard that the Council approve the playing of Bingo providing there be no violation of any law thereby. Motion carried and so ordered.

Manager Mullan read a letter from Stevens and Thompson, Engineers, in which they stated the Ardenwald "Area A" sewers were completed to their satisfaction and recommended that they be accepted. It was moved by Mortensen and seconded by Howard that the Council accept the recommendation of Stevens & Thompson and that a hearing on the assessment for the Ardenwald "Area A" sewers be held on July 13, 1959. Motion carried and

## MEETING OF JUNE 8, 1959 (Continued)

so ordered.

It was moved by Howard and seconded by Sedgwick that the Council accept the Sellwood Garden's Sewers completed as recommended by the Engineers. Motion carried and so ordered.

It was moved by Howard and seconded by Sedgwick that the following bill be approved and that the same be paid.

Stevens & Thompson, for Engineering services  
 Sewers Ardenwald Area A .....\$1,066.40  
 " Sellwood Gardens..... 250.80

Motion carried and so ordered.

Manager Mullan read a final report from Stevens & Thompson for work done by Contractor Don Thornton on the Sellwood Gardens Sewers, which showed a balance, which had been withheld, now due Don Thornton, of \$405.00. It was moved by Howard and seconded by Sedgwick that Don Thornton be paid this final balance. Motion carried and so ordered.

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

<u>VENDOR</u>	<u>TOTAL</u>
Richard K. Bass	\$ 7.88
J. M. Bernards Garage	109.64
Brooks Products, Inc.	72.40
E. S. Burdick	20.00
Bureau of Water Works	63.75
Casey's	45.93
Delano Studios	22.50
John H. Dodd	64.00
Feenaughty Machinery Co.	312.00
Francks Color Center	21.33
Charlie Helwig, Inc.	134.71
Hupp Photo Service	2.35
Huser Sales & Service	3.75
Internat'l Conf. of Bldg. Officials	50.00
League of Oregon Cities	40.00
Rt S. Milln	160.00
Milwaukie Lumber Co.	1.55
Milwaukie Review	178.26
Milwaukie Automotive Service	149.75
Milwaukie Volunteer Fire Dep't.	65.00
Milwaukie Fire Dep't.	35.00
Milwaukie Hardware	27.40
John T. Minnick	7.50
Neptune Meter Co.	9.11
Northwest Industrial Laundry	4.08
Nudelman Bros.	77.00
Overall Laundry	8.44
Olsen Bros. Shell Service	35.90
Pacific Telephone	161.80
Pennsalt of Washington Division	93.75
Pioneer Mercantile	15.60
Portland Road & Driveway	585.42
Portland General Electric Co.	1,007.57
Price Rite Grocery	.39
St. Paul & Tacoma Lumber Co.	97.69
Schuyler-Southwell Agencies, Inc.	7.50
Standard Oil Co. of California	52.16
Tidewater Oil Co.	174.96
Traffic Safety Supply Co.	30.33
Waterworks Supplies Co.	521.62
West Disinfecting Co.	16.20
Western Drug Label Co.	189.55
Fred Wildy	485.00
TOTALS	 \$ 5,168.77

Motion Carried and so ordered.

## MEETING OF JUNE 8, 1959 (Continued)

The Mayor announced that the Council would meet in special session on the morrow at 5:15 P.M. in order that ordinances could be read for their second readings.

On motion duly made and carried the meeting adjourned.

Ellen Martin  
Ellen Martin, Clerk.

## SPECIAL MEETING OF JUNE 9, 1959

A special meeting of the Council of Milwaukie was held on the ninth day of June 1959, for the purpose of reading Ordinances 746, 747, 748 and 749.

The meeting was called to order by Mayor Clay.

Present: Mayor Clay; Councilmen Mortensen, Sedgwick and Howard; Manager Mullan, Attorney Sheldahl and Clerk Martin. Absent: None.

Ordinance Number 746, AN ORDINANCE providing for the rezoning of certain territory in the City of Milwaukie, Oregon, amending Ordinances No. 481 and No. 576 accordingly, 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: Clay, Mortensen and Sedgwick. Nays: None. Ordinance Number 746 passed the Council and was so declared by the Mayor.

Ordinance Number 747 AN ORDINANCE providing for the construction of sanitary sewers along certain streets in Bonnie View Acres and Floss Acres, and for the construction of a trunk line sewer along the easterly right-of-way of the Southern Pacific Railroad, Boyd Street and 32nd Street: and to construct sewer service lines from said sanitary sewers to property lines where the same are requested, directing the City Manager to give notice inviting proposals therefore by publishing notice in the Daily Journal of Commerce and declaring an emergency. was taken up and read for its second reading and put on its passage with the following result being had. Ayes: Clay, Mortensen, Sedgwick and Howard. Nays: None. Ordinance Number 747 passed the Council and was so declared by the Mayor.

Ordinance Number 748 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, 1959 and ending June 30, 1960, and declaring an emergency, was taken up and read for its second reading and put on its passage with the following result being had: Ayes: Clay, Mortensen, Sedgwick and Howard. Nays: None. Ordinance Number 748 passed the Council and was so declared by the Mayor.

Ordinance Number 749 AN ORDINANCE vacating a portion of Chemeketa Street, a public Street within the City of Milwaukie, Oregon, was taken up and read for its second reading and put on its passage with the following result being had: Ayes: Clay, Mortensen, Sedgwick and Howard. Nays: None. Ordinance Number 749 passed the Council and was so declared by the Mayor.

On motion duly made and carried the meeting adjourned.

Ellen Martin  
Ellen Martin, Clerk.