

MEETING OF OCTOBER 14, 1963

COUNCIL CHAMBER

987th MEETING

The nine hundred eighty-seventh regular meeting of the Council of the City of Milwaukie, was held on the fourteenth day of October, 1963.

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

Those present were: Mayor Joseph M. Bernard Jr.; Councilmen Theron Sedgwick, Robert Richmond, Walter Freeman and Charles Renard; City Manager Max Thompson, City Attorney John O. Sheldahl and Clerk Ellen Martin.

The minutes of the nine hundred eighty-sixth regular meeting of the Council, held on the ninth day of September, 1963 were approved as written.

The minutes of a Special meeting of the Council, held on the sixteenth day of September, 1963, were approved as written.

The minutes of a Special meeting of the Council, held on the thirtieth day of September, 1963, were approved as written.

Mr. John Coursey came before the Council and urged that the Council make investigation and plans for an overall development plan for Milwaukie and the close surrounding area. It was moved by Renard and seconded by Richmond that the Council go on record as favoring an overall development plan and that the Mayor appoint a committee to start the initial proceedings for such development. Motion carried and so ordered.

City Manager Thompson introduced the new Fire Chief, Mr. Robert Wickam.

A letter from the Milwaukie Planning Commission in which they recommend the following zone changes, was read.

LOT 50, SELLWOOD GARDENS, from Industrial Zone to Industrial-Commercial Zone.

LOT 1, BLOCK 1, LEO ADDITION, from Industrial Zone to Commercial Zone.

It was moved by Richmond and seconded by Freeman that the Council approve the Planning Commission's recommendation to change the zone of LOT 50, SELLWOOD GARDENS. Motion carried and so ordered.

It was moved by Sedgwick and seconded by Freeman that the Council approve the Planning Commission's recommendation to change the zone of LOT 1, BLOCK 1, LEO ADDITION. Motion carried and so ordered.

Ordinance Number 991 was taken up and read for its first reading. It was moved by Sedgwick and seconded by Richmond that Ordinance No. 991 be passed to its second reading. Motion carried and so ordered.

Ordinance Number 991 AN ORDINANCE providing for the rezoning of certain properties in the City of Milwaukie, Clackamas County, Oregon, from Industrial to Zone Industrial-Comercial and from Zone Industrial to Zone Commercial, amending Ordinance Number 481, as amended, 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: Sedgwick, Richmond, Freeman, Renard and Bernard. Nays: None. Ordinance Number 991 passed the Council and was so declared by the Mayor.

A letter from the Milwaukie Planning Commission, in which they recommend that an Ordinance be written prohibiting electric fences in Milwaukie, be written, was read. Mr. Wm. Hupp explained to the Council the different kind of electric fences. It was moved by Richmond and seconded by Sedgwick that this matter be tabled until the City Manager and City Attorney could make investigation as to what other Cities are doing about electric fences. Motion carried and so ordered.

Manager Thompson made inquiry as to the opinion of the Council on the matter of a change of zone on a portion of the Fred Weber property west of Linwood Avenue and north of Railroad Avenue. The matter of Mr. Weber's agreement to pay on a payment basis, for his share of the sewer lift station at Johnson Creek Boulevard was brought up and discussed. It was moved by Renard and seconded by Richmond that the Council wait until the five month period, allowed for the lift station payments, has been completed before further negotiations with Mr. Weber are made. Motion carried and so ordered.

Manager Thompson reported that Mr. Bob Moe had sold property along Boss Lane and had given an easement for ingress and egress to the purchasers; that now these owners of properties want the City to accept this lane as a public street. The matter was discussed and the Council decided that if Mr. Moe and the other property owners were willing to deed a fifty foot wide roadway to the City that they (the Council) would be willing to accept the same as a public street.

Manager Thompson reported a twenty foot roadway which intersects King Road and runs north to the plat of Town and Country Addition, and stated that the platters of Town and Country requested that the City share the expense of paving this alley. It was moved by Richmond and seconded by Sedgwick that the City Manager inform the owners of the property that the City cannot accept a street less than fifty feet in width with a thirty-two foot travel lane, which should be paved. Motion carried and so ordered.

City Manager Thompson reported to the Council that he had investigated the traffic problem at the north end of Twenty-third Street, Streib's Addition and that he felt the best way to control the "squirreling" and speed driving was to install a bump across the street. Councilman Richmond stated that he felt an investigation should be made to ascertain if the City Council could be held liable for any injury sustained from hitting the bump at high speed, and requested that the City Manager make such investigation and report his findings at the next meeting of the Council.

City Manager Thompson reported that he had requested the State Highway Department to make a study of traffic conditions along McLoughlin Boulevard in Milwaukie.

City Manager Thompson reported that Stevens & Thompson had completed their estimates for the trunk line sewer for Waverly Heights as follows:

Estimated cost of Trunk Line Sewer \$31,000.00, to be assessed on a square foot basis to properties benefitted at an estimated cost of \$0.012 per square foot. It was moved by Richmond and seconded by Freeman that the following Resolution be adopted.

RESOLUTION NUMBER 32-1963

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT A SANITARY TRUNK LINE SEWER, FROM A SANITARY SEWER LINE PRESENTLY NEAR THE NORTHWEST CORNER OF LOT 14, WAVERLY HEIGHTS, RUNNING THENCE SOUTHEASTERLY AND PARALLEL WITH THE PORTLAND TRACTION CO. (SOUTHERN PACIFIC CO.) RIGHT-OF-WAY TO INTERSEPT THE SANITARY SEWER PRESENTLY LYING ALONG THE WEST SHORE OF JOHNSON CREEK AT TAX LOT NO. 263 OF THE LOT WHITCOMB D.L.C.

WHEREAS, The Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct a trunk line sanitary sewer from a sanitary sewer line presently near the northwest corner of Lot 14, Waverly Heights, running thence southeasterly and parallel with the Portland Traction Co. (Southern Pacific Co.) right-of-way to intersept the sanitary sewer lying along the west shore of Johnson Creek at Tax Lot No. 263, Lot Whitcomb D.L.C. and

WHEREAS the Council of the City of Milwaukie, Oregon, has required from the City Engineer, plans and specifications for approximate 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 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 trunk line, 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 Trunk Line to be constructed along the following lines and between the following termini:

From the sanitary sewer line presently located near the northwest corner of Lot 14, Waverly Heights, running thence southeasterly and parallel with the Portland Traction Co. (Southern Pacific Co.) right-of-way to connect with a Sanitary Sewer presently lying along the west shore of Johnson Creek at Tax Lot 263, Lot Whitcomb D.L.C.

THAT THE DISTRICT LIABLE TO BE ASSESSED FOR THE AFORESAID IMPROVEMENT IS AS FOLLOWS:

Tax Lot 1 of Lot 1, Waverly Heights
 Tax Lot 1 of Lot 2, Waverly Heights
 The west $\frac{1}{2}$ of Lot 3, Waverly Heights
 The west $\frac{1}{2}$ of Lot 4, Waverly Heights
 Lots 8, 9, 10 & 11, Waverly Heights
 Lot 12, Waverly Heights and all subdivisions thereof
 Lot 13, Waverly Heights and all subdivisions thereof
 Lot 14, Waverly Heights and all subdivisions thereof
 Lot 15, Waverly Heights and all subdivisions thereof
 Lot 16, Waverly Heights and all subdivisions thereof
 Tax Lot 140, Lot Whitcomb D.L.C.
 Tax Lot 141, Lot Whitcomb D.L.C.
 Tax Lot 244, Lot Whitcomb D.L.C.
 Tax Lot 243, Lot Whitcomb D.L.C.
 Tax Lot 241, Lot Whitcomb D.L.C.
 Tax Lot 245, Lot Whitcomb D.L.C.

THAT THE ENGINEER'S ESTIMATED TOTAL COST OF THIS IMPROVEMENT IS \$31,000.00

THAT THE ENGINEER'S ESTIMATE OF COST PER SQUARE FOOT FOR PROPERTIES SERVED BY THIS SANITARY SEWER TRUNK LINE IS THE SUM OF \$0.012 PER SQUARE FOOT

That an assessment will be levied on all lots or parcels of land within such improvement 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 October 28, 1963

BE IT FURTHER RESOLVED that the City Recorder of the City of Milwaukie, Oregon, shall, within ten days from the passage of this resolution, give notice of the passage of this Resolution by causing to be posted notices headed with the title "NOTICE OF SEWER TRUNK LINE CONSTRUCTION WORK" in three conspicuous places along said above route of said trunk line sewer, which said notice shall contain a copy of this Resolution and specify the time in which remonstrances 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 14th day of OCTOBER, 1963.

Joseph M. Bernard, Jr.
Joseph M. Bernard, Jr., Mayor

ATTEST:

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

Motion carried and so ordered.

City Manager Thompson reported that Stevens & Thompson had reported their estimates on the cost of a Storm Sewer in Adams Street Duerst's Addition, to be \$4,522.00. It was moved by Richmond and seconded by Sedgwick that the following Resolution be adopted.

RESOLUTION NUMBER 33-1963

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT A STORM DRAIN SEWER ALONG ADAMS STREET, FROM MAIN STREET TO A POINT APPROXIMATELY 150 FEET EAST OF 21st STREET.

WHEREAS, the Council of Milwaukie, Oregon, deems it expedient and necessary to construct a STORM DRAIN SEWER in Adams Street, from Main Street to a point approximately 150 feet east of 21st Street, and

WHEREAS, the Council of the City of Milwaukie, Oregon, has required from the City Engineer plans and specifications for the approximate improvement to accomplish the above, and an estimate of 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 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 STORM DRAIN 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 STORM DRAIN SEWER to be constructed along the following lines and between the following termini:

From the existing Storm drain Sewer in Main Street, thence easterly along Adams Street to a point approximately 150 feet east of 21st Street.

THAT THE DISTRICT LIABLE TO BE ASSESSED FOR THE AFORESAID IMPROVEMENT IS AS FOLLOWS:

The south 100 feet of Block 3, Duerst's Addition.

The north 100 feet of Block 2, Duerst's Addition.

THAT THE ENGINEER'S ESTIMATED TOTAL COST OF THIS IMPROVEMENT IS \$4522.00

THAT THE ENGINEER'S ESTIMATED COST PER LINEAL FOOT FOR PROPERTIES SERVED BY THIS IMPROVEMENT IS \$10.77 per lineal foot.

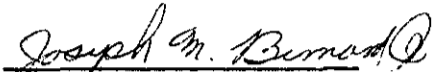
That an assessment will be levied on all lots or parcels of land within such improvement district, in proportion to the amount to which such lot or parcel of land will be benefitted.

BE IT FURTHER RESOLVED that a written remonstrance against said proposed improvement may be filed with the City Recorder on or before October 28, 1963.

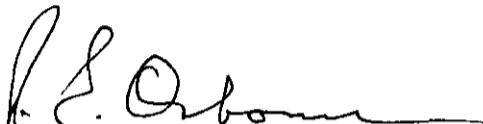
BE IT FURTHER RESOLVED THAT the City Recorder of the City of Milwaukie, Oregon shall, within ten days from the passage of this Resolution, give notice of the passage of this Resolution by causing to be posted notices headed with the title "NOTICE OF STORM SEWER CONSTRUCTION WORK", in three conspicuous places along said above route of said Storm drain sewer, which notice shall contain a copy of this Resolution and specify the time in which remonstrances 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 so as to take advantage of weather conditions, NOW THEREFORE an emergency is declared to exist and this Resolution shall go into full force and effect immediately upon its adoption.

ADOPTED THIS 14th DAY OF OCTOBER, 1963.


Joseph M. Bernard, Jr., Mayor

ATTEST:


R. E. Osborne, Recorder

Motion carried and so ordered.

Manager Thompson presented a letter from the North Clackamas Chamber of Commerce in which they enclosed a copy of their letter sent to the Clackamas County Board of Commissioners, and requested that the City Council also write to the County Commission in support of their proposed location of Interstate Highway No. 205. It was moved by Freeman and seconded by Sedgwick that a letter be written to the Clackamas County Board of Commissioners urging their support of the proposed location of Interstate Highway Number 205. Motion carried and so ordered.

The Police Chief's report was read and ordered filed.
The Fire Chief's report was read and ordered filed.
The Health Department report was read and ordered filed.
The State Fire Marshall's report was read and ordered filed.

The members of the Wichita Water District Board had arrived at this time and the Council discussed with them ways and means of transferring that portion of their Water District now within the city limits, to the City. After considerable discussion there were many things to be clarified and no definite action could be taken at this time.

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

Acme Chemical Co.	73.50
Acme Visible Records, Inc.	99.00
American Barricade Co.	8.00
American Fire Protection Co.	1,632.00
R. K. Bass	46.95
Brooks Products, Inc.	89.20
J. C. Brown	777.40
Burns Bros.	69.65
Henry Bushman	7.95
Business Systems, Inc.	89.99
Clackamas County	194.50
Cornell Manufacturing Co.	79.03
Daily Journal of Commerce	20.30
Auto-Lectric Service	14.11
Francis Motor Car Co.	8.39
Franck's Color Center	14.64
G & S Janitor Supply Co.	41.10
Goodat Specialized Sports	.75
Ray Grimshaw	219.84
Dick Groener Agency	37.61
Spencer B. Brass	275.00

Robert Hedensten	7.50
Heisler's Car Wash	16.00
Charlie Helwig	436.89
Höpp's	38.00
The H. R. Huntling Co., Inc.	6.06
Industrial Iron Works	23.90
International Harvester Co.	555.50
King Bros., Inc.	579.00
Larson's Auto Parts	45.68
McCready Lumber Yards	30.97
Mercer Steel Co., Inc.	473.50
Milwaukie Automotive Service	23.90
Milwaukie Electric	339.56
Milwaukie Hardware	26.63
Milwaukie Lumber Co.	4.47
Milwaukie Oil Burner Sales	14.50
Milwaukie Transfer & Fuel Co.	30.47
Milwaukie Volunteer Fire Dept.	30.00
Minger Truck Line	39.99
Motorola C & E. Co.	474.00
Munnell & Sherrill Inc.	110.05
Neptune Meter Co.	628.33
New Method Book Bindery, Inc.	6.59
Nickol's Shoe Store	14.39
North Clackamas Publishers & Printers Inc.	207.05
Northwest Industrial Laundry Co.	4.00
Northwest Natural Gas Co.	7.74
Northwest Photocopy Corp.	8.50
Olson Bros. Shell Service	40.90
Oregon City Laundry Co.	50.34
Oregon City Printing & Stationery Co.	7.54
Oregon News Co.	74.91
Oregon Dept. of Finance & Administration	888.88
Overall Laundry Inc.	20.90
Pacific Motor Trucking	3.00
Pacific Northwest Bell	240.40
Paulson & Roles Laboratories	25.50
Pennzoil Co.	57.00
Pennsalt Chemicals Corp.	75.00
Petty Cash	9.48
Donald Peterson	6.34
Pioneer Business Forms	113.61
Pioneer Mercantile Co.	55.59
Portland General Electric Co.	2,811.90
Portland Road & Driveway Co.	359.23
Pump Pipe & Power Co.	42.76
Railway Express Agency	2.90
Richfield Oil Corp.	465.59
Don Peterson	4.50
Bob Skow, Inc.	13.50
C. W. Snedden	17.97
Southern Pacific Co.	30.00
Star Machinery	1,130.24
Thomas Office Supply	10.23
Utilities Supply Co.	3,061.15
Van Fleet Communications	10.10
Water Fund	343.03
Waterworks Supplies Co.	59.60
Weiners	8.75
Western City	13.50
Western Drug Label Co.	35.00
Western Golf Course Supply	200.00
Fred Wildy	130.50
Willamette Falls Community Hospital	18.00

Motion carried and so ordered.

It was moved by Sedgwick and seconded by Richmond that the members of the Council and the City Manager get together on Monday October 21 for a discussion on matters pertaining to the operation of the Police Department, and that the Police Department members be invited to this discussion. Motion carried and so ordered.

On motion duly made and carried the meeting adjourned.

Ellen Martin
Ellen Martin, Clerk.