

MEETING OF NOVEMBER 10, 1947

688th MEETING

The six hundred eighty-eighth regular meeting of the Council was held on the tenth day of November 1947

The meeting was called to order by Mayor Sperr.

Present: Mayor Sperr, Councilmen Hamlin, Mortensen, and Nelson; Manager Taber, Attorney Kirkpatrick and Recorder Martin.

It was moved by Mortensen and seconded by Nelson that the minutes of the six hundred eighty-seventh regular meeting of the Council, held on the twenty-seventh day of October 1947, be approved as written. Motion carried and so ordered.

Fire Chief Lewellyn presented a sample ordinance providing for the condemnation of dangerous buildings. The Council requested Mr. Lewellyn to get more copies in order that each member could have the opportunity to study same.

A committee from the Chamber of Commerce came before the Council and requested permission to stand a Christmas tree at the intersection of Main and Monroe Streets. It was agreed that the request be granted.

The matter of the proposed service road through Milwaukie, along the McLoughlin Blvd (99E) was also brought up by the Chamber of Commerce Committee. After some discussion it was moved by Hamlin and seconded by Mortensen that this matter be turned over to the Planning Commission for their investigation and that they report back and make recommendation to the Council. Motion carried and so ordered.

Attorney Kirkpatrick read the following Resolution:

RESOLUTION 7-1947
WHEREAS, the City of Milwaukie desires to open, widen and improve 21st Street in said City of Milwaukie, and

WHEREAS, School District No. 1 of Clackamas County is the owner of the following described premises, which it is required to open and widen said Street, said premises being described as follows, to-wit: Situate in the County of Clackamas and State of Oregon:-

Beginning at the northeasterly corner of Block 13, Milwaukie, running thence easterly along the southerly line of Harrison Street 30 feet to the true point of beginning; running thence southerly and parallel with the easterly line of Blocks 13 and 16 Milwaukie, to the northerly line of Monroe Street; thence easterly along the northerly line of Monroe Street 30 feet to a point; thence northerly and parallel with the easterly line of said Block 13 and 16 to the southerly line of Harrison Street; thence westerly along the southerly line of Harrison Street to the true point of beginning.

AND WHEREAS, there is now situated on said premises and other premises owned by said School District No. 1, a building generally known as the Old City Hall; and whereas in order to widen said street it is necessary that said Old City Hall be dismantled,

Now therefore, BE IT RESOLVED that School Board No. 1, for Ten Dollars and other valuable considerations as hereinafter set forth, convey said premises to the City of Milwaukie and permit said City to dismantle said Old City Hall from the premises it now occupies; such other considerations being as follows:-

That the City undertake to widen, grade and improve said street, in such a manner that the same will be 60 feet in width, with the paved portion thereof improved by concrete, or other satisfactory surface; that sidewalks be placed on both sides thereof, and proper curbs built; all such improvements to be without cost to said School District; and further that said City will at its own cost, move the backstop now located partly on said premises and erect it again at a location and in a manner to be specified by said School District; and further that the said City will at its own

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cost erect a chain link fence along the easterly line of said Street for the full length of the property owned by said School District between said Harrison Street and Monroe Street at a height of not less than 6 feet, according to specifications provided by said School District; and that in event that any profit is made from the dismantling of said Old City Hall that the same shall be paid to the said School District; and further that said City will pass an ordinance forbidding parking on the easterly side of said 21st Street when the same has been completed; and further that the said improvement of said 21st Street will be completed within 2 years from the date hereof, unless an extension of time be granted by said School District; that the grounds now occupied by the Old City Hall be left by the City of Milwaukie in a condition satisfactory to the School District.

Adopted this 5th day of November 1947.

CLACKAMAS COUNTY SCHOOL DIST.#1 by

(Signed) Paul W. Knopf Chairman

Attest:

(Signed) A.W. Bertman Clerk

It was moved by Sperr and seconded by Nelson that the proposition as submitted by School District No. 1 as evidenced by the above Resolution, adopted by its Board be accepted by the City. Motion carried and so ordered.

The following bids for disposing of the old City Hall were read:-

George Kirkpatrick:-Would dismantle building, within 60 days for building & materials, plus \$355.00

W.M. Clark:- Would pay \$205.00 and remove building within 90 days.

It was moved by Mortensen and seconded by Hamlin that the City accept the bid of Mr. Clark provided it is satisfactory to the School Board. Motion carried and so ordered.

Attorney Kirkpatrick brought before the Council the matter of condemnation of property in order to widen 21st Street between Jefferson and Harrison Streets.

It was moved by Mortensen and seconded by Nelson that the Mayor appoint the viewers for the condemnation of property necessary for the widening of 21st Street. Motion carried and so ordered.

It was moved by Hamlin and seconded by Mortensen that the following resolution be adopted.

RESOLUTION OF NECESSITY 8-1947

WHEREAS, It is necessary that 21st Street between Harrison Street and the southerly line of Jefferson Street in Milwaukie, Oregon be opened, widened, altered, graded and surfaced in order to provide a traffic outlet parallel to the existing congested Main Street traffic,

AND WHEREAS, it is contemplated that said improvement be started forthwith,

AND WHEREAS, it is necessary that said portion of 21st Street be so widened that the same will be a minimum width of 60 feet; and that it is to the best interests of the City of Milwaukie, and of every one concerned that said portion of 21st Street be so widened by adding to it a strip of land lying east of the existing 21st Street that will make it as sided 60 feet in width.

BE IT THEREFORE RESOLVED, that it is necessary to acquire by condemnation or otherwise the following described premises, situated in the County of Clackamas and State of Oregon, to-wit:

Beginning at a point in the easterly line of 21st Street, Milwaukie, Oregon as now dedicated, which is 150 feet N. 10 deg W. of a point formerly designated as the center of Jefferson Street and Irving Street, Milwaukie, Oregon,

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and N. 79 deg. 30' E. 10 feet; said center point being 4 chains ^{2.5 and 1.5 chains} north of quarter section corner common to Section 35 and 36, T. 1 S. R. 1 E. of Willamette Meridian; thence from said true point of beginning of the land herein described N. 79 deg 30' E. 20 feet; thence S. 10deg E. 57½ feet; thence S. 79 deg 30' W. 20 feet to the easterly line of said 21st Street as now dedicated; thence N. 10 Deg. W. along the easterly line of said 21st Street as now dedicated 57½ feet to the true point of beginning.

BE IT FURTHER RESOLVED that the City Attorney be and hehereby is directed to institute an action for the condemnation of the above described real estate.

BE IT FURTHER RESOLVED that A.D. Newman; B.S. Stewart and L.A. Weiversiek, three competant and disinterested persons be and they hereby are appointed a s viewers, who shall within 30 days from the beginning of said action for condemnation, view said real estate and make report to this Council of the value of the said real estate, and of the right and intrest of the several persons having intrests therein.

Submitted this 10th day of November, 1947

Adopted by the Council of the City of Milwaukie this 10th day of November, 1947

Attest:

Ellen Martin (signed)
Recorder.

Fred Sperr (signed)
Mayor

Motion carried and so ordered.

It was moved by Nelson and seconded by Hamlin that a letter be written to the School Board of District No. 1, thanking them for their generosity and cooperation in the matter of the widening and improvement of 21st Street. Motion carried and so ordered.

Ordinance Number 500, AN ORDINANCE establishing certain Streets and portions of streets as "THROUGH STREETS" and requiring the erection of "STOP" signs do as to indicate the same, and requiring all vehicles entering such through s streets to come to a complete stop at such indicated intersections, and repealing ordinances numbered 390 and 475, was taken up and read in full for its second reading. The called vote showed the following result: Ayes: Sperr and Nelson, Nays: Hamlin and Mortensen. Ordinance Number 500 failed to pass the Council

Councilman Mortensen explained that his reason for voting against the passage of Ordinance 500 was that he had not made a personal check of traffic conditions at the intersection of Monroe and Oak Streets and Railroad Ave. and would therefore like to have an opportunity to vote again on the ordinance. It was moved by Hamlin and seconded by Mortensen that the Council re-consider the vote by which Ordinance Number 500 was lost. Motion carried and so ordered.

It was moved by Mortensen and seconded by Hamlin that Ordinance No. 500 be made a special order of business at 9 P.M. November 24, 1947. Motion carried and so ordered.

Manager Taber read a letter from Robert A. Finlayson, Oregon City, inviting Milwaukie to take part in a preliminary meeting of representatives from Clackamas County Cities for the study of Highway Road and Street Revenues and Taxation. It was decided that Manager Taber and any member of the Council who could go would attend the meeting and that the Chamber of Commerce be invited to send representatives to attend.

Manager Taber made the following report of his investigation of the Milwaukie Cafe, 1212 Main Street; that the building was 50% deteriorated, that electric wiring was in dangerous condition, that an electric fan had been used in the kitchen which had drawn grease into an attic above the kitchen and that altogether it was a dangerous fire hazard and the owner had admitted its hazardous condition, as he had gone through the building with Fire Caption Stevens and Manager Taber.

RESOLUTION

9-1947

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MILWAUKIE, OREGON TO WIDEN, GRADE AND SURFACE 21st STREET FROM THE SOUTHERLY LINE OF HARRISON STREET TO THE SOUTHERLY LINE OF JEFFERSON STREET, IN MILWAUKIE, AND TO CONSTRUCT CURB AND SIDEWALKS ALONG BOTH SIDES OF SAID PORTION OF 21st STREET AS WIDENED.

WHEREAS, the City Council of the City of Milwaukie deems it expedient and necessary to widen, grade and surface 21st Street from the southerly line of Harrison Street to the southerly line of Jefferson Street in Milwaukie, Oregon, and to construct curbs and sidewalks along both sides of said portion of 21st Street as widened.

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 acquiring the necessary real property to widen said street, and the cost of the work to be done.

AND WHEREAS the City Engineer has heretofore filed such plans and specifications and estimates in the office of the City Recorder.

BE IT THEREFORE RESOLVED, by the Council of the City of Milwaukie, that the aforesaid plans and specifications and estimate of the City Engineer now on file with the Recorder are found to be satisfactory and hereby are approved.

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

1. To widen 21st Street from the Southerly line of Harrison Street to the Southerly line of Jefferson Street, so that as widened it shall be of uniform width of 60 feet.
2. To establish a grade and to grade said portion of 21st Street for the appropriate street surface, curbs and sidewalks.
3. To establish and construct a suitable base of gravel or rock to carry such street surface.
4. To surface such street with a suitable bituminous surface.
5. To establish a grade for and construct a suitable concrete curb on both sides of said street as surfaced.
6. To establish a grade for and construct a suitable concrete sidewalk along both sides of said portion of 21st Street.

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 improvements to be constructed and created upon the following described real estate, to-wit:-

Beginning at the northeasterly corner of Block 13, Milwaukie, Clackamas County, Oregon; running thence easterly along the southerly line of Harrison Street 60 feet to a point; thence southerly and parallel with the easterly lines of Block 13, 16, 27 and 30, Milwaukie Oregon to a point in the easterly projection of the southerly line of Jefferson Street that is 60 feet distant easterly from the northeasterly corner of Block 30 Milwaukie, thence northerly along the easterly lines of Block 27, 16 and 13, and the extensions thereof southerly to the northeasterly corner of Block 13, Milwaukie.

That the termini of said improvement shall be the southerly line of Harrison Street and the Southerly line of Jefferson Street.

That the City Engineer's estimate on the probable cost of such improvement is \$22,500.00

That the district liable to be assessed to pay the cost and expenses of said improvement is as follows:-

Beginning at the southeasterly corner of Lot 1, Block 27, Milwaukee, running thence northerly along the center line of Block 27, 16 and 13 and the extensions thereof northerly to the northwest corner of Lot 4 Block 13 Milwaukee; thence easterly along the southerly line of Harrison Street 270 feet, to a point on the southerly line of Harrison Street; thence southerly and parallel with the easterly line of Block 13, 16 and 27 to a point in the easterly extension of the northerly line of Block 30, Milwaukee which is 270 feet from the northwest corner of Lot 4, Block 30, Milwaukee; thence westerly to the northwest corner of Lot 4 Block 30, Milwaukee; thence westerly to the northwest corner of Lot 4, Block 30, Milwaukee; thence northerly to the point of beginning.

That the Engineer's estimate of the cost per each front foot of the property to be assessed to pay the cost and expense of the same is \$17.90

That an assessment will be levied on all lots and parcels of land within said proposed improvement in proportion to the amount to which each lot or parcel of land will be benefited.

BE IT FURTHER RESOLVED that a written remonstrance against said proposed improvement may be filed with the City Recorder on or before 7:30 P.M. on the 24th day of November, 1947.

BE IT FURTHER RESOLVED, that the Chief of Police of Milwaukee, shall within five days from the passage of this resolution, give notice of the passage of this resolution by posting notices, headed with the title, "NOTICE OF STREET IMPROVEMENT WORK" in three conspicuous places along said portion of 21st Street; as is proposed to be improved and widened; which said notice shall contain a copy of this RESOLUTION, and shall specify the time within which a remonstrance against said proposed improvement may be filed with the City Recorder.

AND WHEREAS, the said improvement is urgently needed, to relieve traffic congestion, which traffic congestion creates a hazard to life NOW THEREFORE an emergency is declared to exist, and this resolution shall go into full force and effect immediately upon its passage and adoption.

ADOPTED THIS 10th DAY OF NOVEMBER 1947

Signed _____
Fred Sperr, Mayor

ATTEST:

Ellen Martin
Recorder.

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Manager Taber reported to the Council that he had been making investigation of the insurance policies held on different properties of the City and asked that the Council give some serious thought to the matter of combining the properties under one policy.

It was moved by Mortensen and seconded by Sperr that the Social Hygiene Study Group be given the use of the assembly room for their meetings at \$3.50 per meeting. Motion carried and so ordered.

Ordinance Number 501, AN ORDINANCE amending section 18 and 20 of Ordinance Number 470 and providing the interest rate which assessments for the improvement of streets and sewers shall bear; the manner in which such assessments may be bonded; and the amount for which the same may be bonded; and providing the manner in which such bonds may be sold, the interest which they may bear; and the time in which they may mature; and the time in which they may be paid; and the manner in which they may be called for payment, was taken up and read for the second reading and put on its passage with the following results being had: Ayes: Sperr, Hamlin, Mortensen and Nelson. Nays: None. Ordinance Number 501 passed the Council and was so declared by the Mayor.

It was moved by Hamlin and seconded by Mortensen that the Safeway Store be granted a recommendation for Class "A" package store license renewal on the recommendation of the Chief of Police. Motion carried and so ordered.

It was moved by Hamlin and seconded by Mortensen that Mr. Spencer Wing 146 37th St. be permitted to move his dwelling across 37th Street. Motion carried and so ordered.

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

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| Peck Bros. parts for automobile. | \$ 22.07 |
| Portland General Electric, street lighting. | 242.95 |
| " " " City Hall lighting | 23.46 |
| " " " Old City Hall lighting. | 1.00 |
| Jack Sperr service station. . grease job & fuses. | 1.35 |
| Norton's Garage, starter installation, casters etc. | 12.05 |
| W.J. McCready, nails. | .48 |
| Wm. Ellis, installing vibrator. | 4.00 |
| W.J. McCready Lumber Co, lumber. | 6.15 |
| Portland Road & Driveway, gravel | 11.00 |
| J.M. Bernard Garage, repairs, oil change. | 3.50 |
| Mullan's Garage, bolts nuts angle iron, labor. | 10.80 |
| Feenaughty Machinery Co. cab, mower for street maintainer. | 540.00 |
| Munnell & Sherrill, helmets straps, etc. | 45.24 |
| Pacific Stationary & Printing, office supplies. | 10.15 |
| Milwaukie Hardware, misc supplies. | 12.82 |
| Shannon & Co. office supplies. | 15.28 |
| Milwaukie Lumber Co, lumber. | 4.80 |
| Milwaukie Review, fire permits, advertising for bids. | 9.05 |
| James E. Flaherty, radio technician. | 26.00 |
| Jack Taber, use of personal car. | 20.00 |
| Portland General Electric, power for pumps, lights. | 183.95 |
| Addesograph, nota frames. | 1.40 |
| Bureau of Water Works, stand-by. | 30.00 |
| Klippel's, sind shield swipe, battery cable. | 2.28 |
| Pump, Pipe & Power. | 54.23 |
| Milkiw a Feed Mills, gopher gas. | .60 |
| Water works Supplies, misc supplies. | 43.44 |

Motion carried and so ordered.

On motion duly made and carried the meeting adjourned .

Ellen Martini
Recorder.