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CITY COUNCIL MINUTES

City Council Chambers, 7 P. M.
Tuesday, April 18, 1961

Council met in regular session. Present on roll call 9: Bott, Cvitanich, Easterday, Murtland, Olson, Porter, Price, Steele and Mayor Hanson.

Mrs. Price moved that the minutes of the meeting of March 30, 1961 be approved as submitted. Seconded by Mrs. Olson. Voice vote was taken and motion carried.

Mrs. Price moved that the minutes of the meeting of April 4, 1961 be approved as submitted. Seconded by Mr. Steele. Voice vote was taken and motion carried.

HEARINGS AND APPEALS:

The City Planning Commission recommending the denial of the petition of C. E. Loveless for the rezoning of the property located at So. 64th from Park to Yakima, to be rezoned from an "R-2" & "R-4" District to a "C-2" District.

Mayor Hanson said that no appeal has been filed by the petitioner and the time for appeal has expired.

Mr. Murtland moved that the Council concur in the recommendation of the Planning Commission to deny the petition for the rezoning of the property located at So. 64th from Park to Yakima. Voice vote was taken and the motion carried.

RESOLUTIONS:

Resolution No. 16509: (postponed from the meeting of April 4, 1961)

Authorizing the proper officers of the City to execute certain easements to the Port of Tacoma in exchange for easements for rights-of-way for the transmission facilities for the Northeast Substation.

Mr. Rowlands said that Mr. Benedetti, Acting Director of Utilities, has requested that this be set over for two more weeks until May 2, 1961.

Mr. Easterday then moved that the Resolution be set over until May 2, 1961. Seconded by Mrs. Price. Voice vote taken; motion carried.

Resolution No. 16526

Fixing Monday, May 22, 1961 at 4: P. M. as the date for hearing on L I D 2323 for grading and oil mat surface on Woodlawn Street from So. 13th to So. 17th and on So. 15th from Pearl to Highland Sts.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was then taken on the Resolution

The Resolution was then declared adopted by the Chairman.

Resolution No. 16527:

Fixing Monday, May 22, 1961 at 4:00 P. M. as the date for hearing on L I D 3522 for sanitary sewers in the alley between Ea. 70th and East 71st from East L to East M Street.

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mrs. Price. Voice vote was taken.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16528:

Fixing Monday, May 8, 1961 at 4:00 P. M. as the date for hearing on L I D 5332 for water mains in Mildred from No. 17th to No. 24th; No. 24th from Mildred to Hawthorne; No. 17th from Mildred to Lexington; No. 23rd from Mildred to Lexington; and in Lexington from No. 17th to No. 23rd. St.

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mr. Easterday.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16529:

Authorizing the proper officers of the City to execute and deliver to Isabelle M. Templin a local improvement assessment deed upon payment of the sum of \$550.05 for property located on the S. W. corner of So. 69th and Madison.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Steels.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16530:

Authorizing the proper officers of the City to sign the stipulation essentially in the same form of the attached stipulation with the United States of America for flood and road purposes over approx. 700 acres of land owned by the City of Tacoma in the Green River watershed.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Steele.

Mr. Benedetti, Acting Utilities Director, explained that this stipulation provides for the transfer to the Government, Corp. of Engineers, easement rights over approximately 700 acres of land for the Howard Hanson

Dam Reservoir. He added, that the Corps of Engineers is presently building the Howard Hanson Dam and lands owned by the Water Division of the City held for the purposes of its Green River Watershed are needed for this Reservoir. An agreement has been worked out with the Government whereby the Government agrees to pay \$149,918.00 for the taking of easements over the 706.06 acres; the City still retains title to the property and is giving the Government the right to flood this property to a certain elevation. The Dept. feels that this is a very favorable settlement on behalf of the City, he added.

Mayor Hanson said he understands that this property was acquired by the City a few years ago for approximately \$149,000 and we are receiving approximately \$150,000 for giving only an easement.

Mr. Benedetti said not only will the City receive more than they paid for the property but also the agreement is such, that it will give to the City a potential, of perhaps increasing the City's Green River water storage 3 times.

Voice vote was then taken on the Resolution.

The Resoluion was then declared adopted by the Chairman.

Mayor Hanson said he would like to congratulate Mr. Benedetti for working out something that is of extreme benefit to the City and doing it without fanfare. The City ended up by tripling the capacity of water installations that would have cost millions of dollars to duplicate. He congratulated Mr. Benedetti for his splendid effort in accomplishing this.

Resolution No. 16531:

Authorizing the proper officers of the City to enter into an agreement which will permit Mr. Richard H. Todd to use the area located near 36th and Madison St. for a parking lot and for the erection of an open storage shed.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Steele.

Mr. Benedetti said this is a small piece of property located near 36th and Madison and adjacent to Mr. Todd's residence, which he has requested permission to use in connection with his Nursery business. Mr. Benedetti explained that the property is not presently being used by the Dept. and is not essential to continued effective utility service. The agreement provides for a 30 day revocable permit at a fair rental which will allow the City to terminate the agreement any time they so desire.

Mr. Benedetti added the 30 day permit was placed on the property because of the fact that this property is not zoned for this particular type of use, although upon discussing it with the Planning Commission, they would have no objections to the use of the property for this purpose providing that there was this 30 day termination clause in the Agreement.

**Voice vote was taken on the Resolution.
The Resolution was then declared adopted by the Chairman.**

Resolution No. 16532:

Authorizing the proper officers of the City to execute the agreement with the International Brotherhood of Electrical Workers Local 483 concerning wages, hours and conditions of labor of Light Division Electrical Workers.

Mr. Benedetti said the Utility Board has requested that this Resolution be postponed until May 16th.

Mrs. Price said she had talked to Mr. Disbro, Union Representative, and he said that he concurred in the request that this be postponed.

Mr. Easterday then moved that the Resolution be postponed to May 16, 1961. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

Resolution No. 16533:

Authorizing the proper officers of the City to pay the claim of Parkland Light and Water Co. in the amount of \$834.33 for damages incurred as a result of a conductor failure.

It was moved by Mr. Easterday that the Resolution be adopted. Seconded by Mr. Cvitanich. Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16534:

Authorizing the proper officers of the City to transfer a parcel of land from the Light Dept. to the Public Works Dept. along Manitou Way, into the So. 64th St. entrance of the Manitou Way Substation, upon payment of \$400.00 to move and relocate the existing cyclone fence.

It was moved by Mrs. Price that the Resolution be adopted. Seconded by Mr. Bott.

Mr. Rowlands explained that the Dept. of Public Works would like this tract of land for the widening and proper alignment of Manitou Way from South 64th to South 66th Streets, and since the Light Dept. has no further need for the property, the transfer was made for the amount of \$400.00 and for the relocation of an existing cyclone fence along Manitou Way.

**Voice vote was taken on the Resolution.
The Resolution was then declared adopted by the Chairman.**

Resolution No. 16535:

Authorizing the proper officers of the City to execute a Quit Claim Deed and Partial Release of easement to the State of Washington, Dept. of Highways, for property needed to construct the Ohop Valley Road.

It was moved by Mr. Bott that the Resolution be adopted. Seconded by Mr. Cvitanich.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Resolution No. 16536:

Authorizing the sale of land located near So. 35th & Vista Place in University Place to University Place Water Co. in the amount of \$804.00.

It was moved by Mr. Cvitanich that the Resolution be adopted. Seconded by Mr. Murtland.

Mr. Benedetti explained that this small parcel of land is located near South 35th and Vista Place in University place adjacent to the City's sound view Substation; since it is no longer essential to effective utility service, the land was advertised for sale. Two bids were received, and it is recommended that the sale of the land be awarded to the highest bidder, which is the University Place Water Co. , for the price of \$804.00.

Voice vote was taken on the Resolution.

The Resolution was then declared adopted by the Chairman.

Mrs. Olson moved to suspend the rules in order to consider Resolution No. 16538 which does not appear on the agenda. Seconded by Mr. Cvitanich. Voice vote was taken. Motion carried.

Mrs. Olson explained, that she spoke with Mr. McCormick, City Attorney, relative to changing some of the Council rules. She added, since any change in the rules has to be submitted at one meeting and voted upon at the next, she is requesting the suspension of the rules in order that this Resolution be introduced tonight, and voted upon next week.

Resolution No. 16538:

Amending Resolution No. 16095 which sets up the rules for the government of the City Council.

Mayor Hanson stated that inasmuch as this is a Resolution changing the Council rules it cannot pass until next week.

FIRST READING OF ORDINANCES:

Ordinance No. 16784:

Amending the official code of the City by adding three new sections 13.06.402, 404 & 406 in reference to the Temporary use of premises.
Read by title.

Mr. Rowlands explained that Ordinance No. 16784 which was distributed with the Agenda on Friday, has been changed somewhat, and copies have been distributed to the Council Members. The changes are: Page 1, Title changed to include New Section 13.06.408 which was originally part of 13.06.400; Page 12, Section 13.06.408 "BOARD OF ADJUSTMENT--VARIANCES" inserted; Page 16, Definition of "FRONTAGE ROAD" inserted which was inadvertently omitted from the original draft.

Mr. Rowlands added that this is rather a comprehensive Ordinance involving a temporary use of premises. Mr. Buehler and the Planning Commission have gone over this very carefully and the Ordinance points out the fact that the Board does have the right to issue temporary permits not to exceed 3 years. It indicates also that it does not necessarily have to be 3 years, that it will be under the jurisdiction of the Board of Adjustment as to whether it will be 6 months, 1 1/2 or 3 years depending upon the circumstances. Other changes are made concerning gravel pits and excavation operations and the conditions in which these pits must be left after excavation.

Mr. Buehler, Planning Director advised that the supplemental material submitted with the Resolution by the Planning Dept. gives a summary explanation of proposed changes and their objectives. He added, if there are any further questions he would be happy to answer them.

Mr. Bott asked if there has been any objections voiced by the Builders on these changes.

Mr. Buehler replied that there was not. He said there was one objector within one area on a specific case which was before the Board of Adjustment and he was asked to submit a letter in reference to his objections but no letter was ever received. This has been in the process of almost a year. Notices have been sent to home Builders, General Contractors, Engineers and Architects and various other firms that would be interested.

Mr. Murtland asked if this would increase the use of storage yards in allowing more liberal conditions.

Mr. Buehler said yes, it would, generally speaking.

Mr. Murtland asked if this would affect the Miller Construction Co.

Mr. Buehler said it would affect the plants at N. E. Tacoma, another proposed location on Pearl Street and one on 72nd for which a permit has been requested for a tract office and fabrication yard.

Mr. Cvitanich asked, "what are the powers and duties of the Board of Adjustment at the present time compared to what is proposed here."

Mr. Buehler said the Board is allowed to give temporary use permits of this nature for the storage yards, for the placing of a trailer on the property when a house is being constructed by the individual himself, for a period to not exceed a year; also to issue variance permits.

Mr. Cvitanich said then they will not circumvent the Planning Commission.

Mr. Buehler said, they will not, this is in conjunction. A member of the Planning Commission is a member of the Board of Adjustments. The Board of Adjustments is concerned only with temporary or minor variations.

Mr. Rowlands explained that the Board of Adjustments also has the right to grant what is called "exceptions or variances." If a house is built on a lot which would make it physically impossible for it to observe the side yard requirements, the Board might waive the requirements.

The Ordinance was then placed in order of final reading.

Ordinance No. 16785:

Authorizing the appropriating of the sum of \$35,000 or so much as may be necessary from the Cumulative Reserve Belt Line Railway Cost & Investment Fund and from the Belt Line Railway Current Fund for the purpose of paying the purchase of one used 1950 ALCO-GE 100 Ton 660-Horsepower Diesel Electric Locomotive. Read by title.

Mr. Benedetti, explained that the Belt Line Division, the past month, became aware of the availability of the huge 600 Horsepower 100 Ton Diesel Electric Locomotive which was identical to one large unit they presently own. The price at which this unit is offered is attractive for the Belt Line to consider. He added that a mechanic was sent to Dallas, Texas to examine the locomotive and he found it in excellent condition. It is of 1950 vintage and had only 18,000 hours use. Additionally the Pan American Engineering Company who is offering this locomotive for sale were willing to take one of the Belt Line's small 300 horsepower locomotives in trade, and offered what was felt a very attractive trade in allowance.

Mr. Benedetti explained that in considering this purchase they relayed the information they had gathered together with the inspection results to the Trunk Line Railroads, as they felt they were more familiar with this type of transaction. They received to date three letters indicating that they felt, for the City's purpose, this was a very attractive offer.

Mr. Benedetti further stated that the locomotive is offered at \$44,650.00 less \$13,750.00 trade-in for the Belt Line's small locomotive, and taking into consideration the freight to Tacoma which would involve an actual cash outlay of about \$34,700 to the City. In addition, upon examination

of the locomotive and the spare parts available, it was found that there was in excess of \$3,000 worth of spare parts that would be a part of this transaction. A new locomotive would cost in the neighborhood of \$135,000 so the Dept. feels that this offer is very attractive to the City. It is the recommendation of the Belt Line and the Utility Board that the Belt Line be allowed to make this purchase.

Mr. Cvitanich explained that there is a question hereof, where it is impractical, and we are waiving the competitive bidding procedure.

Mr. McCormick said that was true; the Charter provides that when the Council finds that it is impractical to call for competitive bids, they may follow this procedure.

The Ordinance was then placed in order of final reading.

FINAL READING OF ORDINANCES:

Ordinance No. 16767: (postponed from the meeting of April 4, 1961)

Amending Chapter 13.06 of the Official Code and adding a new Sec. 13.06.160 (4) to include property on the west side of Sprague Ave. between So. 35th and So. 37th in an "M-1" Light Industrial District. Read by title.

Mayor Hanson said this matter has been continued on a number of occasions and he believed that most of the problems have been worked out.

Mr. Rowlands said he understands that the problems have been practically resolved as he has been in contact with the parties concerned and there seemed to be no reason for further delay.

Mr. Murtland asked if this is rezoned at this time, does it become simply a "M-1" District.

Mr. Rowlands said that is correct.

Mr. Murtland asked if there has been any restrictive contract entered into.

Mr. Rowlands advised that they have been negotiating the last 4 or 5 days but he would not say whether or not they have actually consummated the agreement.

Mayor Hanson asked if it was felt that the City is sufficiently protected in terms of the conditions establishing an Industrial Park.

Mr. Rowlands said what this amounts to, is that when this goes into effect it becomes an "M-1" District. Some of the Council members last week raised the question as to whether it would be logical to change it to an "M-1" irrespective of some of these conditions. As Mr. Buehler pointed out it was the provision of the Planning Commission itself as to whether it should be restrictive. The Parties involved in the restrictive covenant would then enter into such an agreement outside of the purview of the Ordinance itself.

Mr. Murtland asked when Mr. Rowlands is speaking of parties, is he speaking about the buyer and the seller.

Mr. Rowlands said, yes, just the buyer and the seller.

Mr. Murtland said the City is certainly a party as far as the rezoning is concerned. So, if the Planning Commission is still making the recommendation that this should be a restrictive covenant, are we not in the same position as we were last week.

Mayor Hanson said he understood they had reached an agreement with reference to the conditions referred to in Section (5) of the Planning Commission's recommendation, wherein it stated "that this rezoning was recommended with the understanding that the owner and the prospective buyer prior to final action would consider signing a restrictive covenant binding said parties to development of this site in a manner providing the Industrial Park standards".

Mr. Rowlands said he would not say categorically at the moment whether this covenant has been signed, there have been negotiations the past 4 or 5 days. He added, he talked to the parties last night and they were to inform him if there were any further reasons why this should be deferred.

Mrs. Olson asked Mr. Buehler if there was other "M-1" zoning in this immediate vicinity.

Mr. Buehler replied that there was.

Mrs. Olson asked if there were any restrictive covenants on the other "M-1" zoning.

Mr. Buehler answered there was not.

Mrs. Olson said this area to be rezoned is approximately 10 acres. She asked what amount of area does the other "M-1" zone comprise.

Mr. Buehler said a rough estimate would be approximately 30 acres.

Mrs. Olson asked if an Industrial Park did not usually encompass more than 10 acres of land.

Mr. Buehler said, some of them have been smaller depending on where they are located.

Mrs. Olson asked if the use of this land would be for one particular industry.

Mr. Buehler said as he understands it, it is contemplated for one industry; however, it could be sold for any number.

Mrs. Olson said in view of the fact the recommendation states only that these parties should consider signing a restrictive covenant, the Council would certainly not be bound by that stipulation.

Mr. Rowlands said that is correct and the Council would not be bound. As pointed out last week, prior to the Council taking final action, consideration should be given to the signing of a restrictive covenant binding said parties, that was a matter of the Council's discretion.

Mayor Hanson said he believed "Item 5" of the recommendation indicated that this was recommended that the Ordinance be adopted with the understanding that the owner and buyer will, prior to the Council taking final action, consider signing a restrictive covenant. Perhaps, the answer to satisfying the recommendation of the Planning Commission is have the parties consider signing an agreement.

Mr. A. L. Ricono, the property owner, said it was his understanding

that if any restrictions such as are being discussed were put on the land, it would end all negotiations for use of this property because finances would not be available for construction with those restrictions.

Mr. Rowlands asked Mr. Ricono if any progress has been made between the parties involved.

Mr. Ricono said he did not believe there was any question as to the intent or the plans for this property. As a matter of fact, there are possibly two or three hundred acres in that area zoned "M-1". Directly across the street and also adjacent to the property it is zoned "M-1" without any restriction. As he recollects the Commission recommended the "M-1" Zoning with the understanding that the parties consider signing a restrictive covenant.

Mr. Porter said as he recalls that Mr. Ricono's statement is very factual as this section was taken from the original large "M-1" petition because of the Freeway. He believed he was the member on the Planning Commission who moved that this be passed and sent to the Council for their decision as to whether these recommendations should be approved or bypassed.

Mr. Cvitanich asked how many people will be employed in this particular area under discussion.

Mr. Rowlands said there would be several hundred employees.

Roll call was then taken on the Ordinance resulting as follows:
Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

MR. PORTER LEAVING AT THIS TIME

Ordinance No. 16779:

TEMPORARILY

Approving and confirming the assessment roll for L I D 1996 for sanitary sewers in Wapato Lake Drive from the existing line at 60th and Alaska Street to So. 64th Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16780:

Providing for the improvement of L I D 2324 for grading and concrete sidewalks on No. 9th; No. 10th; Shirley to Villard and from Bennett and Dahl Drive. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16781:

Providing for the improvement of L I D 2326 for oil mat surface on East "E" from East 84th to 86th Streets. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 8; Nays 0; Absent 1, Porter.

The Ordinance was then declared passed by the Chairman.

MR. PORTER COMING IN AT THIS TIME.

Ordinance No. 16782:

Providing for the improvement of L I D 3520 for sanitary sewers in Locust and Linden Lane from 6th Ave. to So. 12th Street. Read by title and passed.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

Ordinance No. 16783:

Providing for the improvement of L I D 5331 for water mains in the area bounded by Union Ave.; No. 36th; Lawrence and No. 33rd Streets.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was then declared passed by the Chairman.

UNFINISHED BUSINESS:

Report on L I D 4677:

Mr. Easterday who is a member of the L I D Committee explained that this concerns an undeveloped property south of 72nd Street, which the developer is very anxious to develop, but according to the rules for assessing the property the committee found that the people now residing along South 72nd Street between Roosevelt and East T Streets would be required to participate in the expense of the improvements to this undeveloped land lying north. He added, their assessments run from \$1416.10 to \$2614.40. It might be that their property may benefit some from the development of this property to the north of them, but they have already a paved highway on 72nd Street in front of their property to enjoy. He felt to assess them for this particular improvement seems unfair. Mr. Easterday said that Mr. Hamilton, Assistant City Attorney, advised the Committee that there was another method by which this assessment could be handled and he would look into the matter.

With this in mind, Mr. Easterday added, the L I D Committee recommended that this District be abandoned. He said he thought that Mr. Hamilton would find ways and means of applying some other rule other than the one that we have been working under generally in determining L I D assessments.

Mayor Hanson said he understands that Mr. Shadle, one of the property owners along 72nd Street is concerned, that should this go through, it will affect the access to his property. He asked Mr. Schuster if this appeared to be an unsurmountable obstacle?

Mr. Schuster said, off hand, he did not know what Mr. Shadle would be referring to. His property is located on the corner of East 72nd and T Street.

Mr. Bott asked if the property owners on 72nd Street paid for the improvements on 72nd Street.

Mr. Schuster explained that one half of the improvement on 72nd Street was paid by the Bond Issue and half of it by the County since it is on the dividing line. None of the cost was borne by the property owners, however.

Mayor Hanson asked how many building sites are involved.

Mr. Dowling, the developer, said there are ultimately 186 building sites.

Mayor Hanson asked if this were to be approved would he be prepared to proceed immediately with construction of some of the homes.

Mr. Dowling said they have sold two homes already contingent upon the approval of this Ordinance. He said the City will realize from this development some \$40,000 per year in tax revenue. He said this will be a beautiful area especially with the new Junior High School opening on 56th Street.

Mrs. Olson said inasmuch as Mr. Dowling owns 80% of the land involved it would be impossible for the people protesting to get 60% remonstrances.

Mr. Cvitanich asked if the City initiated the L I D in this particular area.

Mr. Schuster said there was a petition filed for paving in the Herstad Addition and the Barkely Grove Addition, but this property on 72nd Street was not in the original petition.

Mr. Cvitanich asked if the people in the area were notified of the fact that the area was being expanded.

Mr. Schuster said this was not called to their attention.

Mr. Shadle, owner of property along 72nd Street submitted a letter to the Council members calling their attention to the fact that he did not have access to his property from 72nd Street. He said when the City improved 72nd Street, a 10 foot bank was left in front of his house, so he has access to his property only on East T Street. After the last L I D meeting, he added, Mr. Dowling called him and told him that if this L I D were killed, Mr. Dowling was going to build a fence across his property to prevent him access to his property. That is the reason Mr. Dowling said that Mr. Barnhisel whom he represents still owns the land in front of Mr. Rody and Mr. Shadle's property which they have been intending to deed to the City for the East T Street right-of-way. If the L I D is defeated he has no choice but to find ingress and egress from some other location. Therefore, Mr. Dowling felt

it was his duty to inform Mr. Rody and Mr. Shadle that they would then have no public thoroughfare up to their property.

Mayor Hanson remarked that assuming representations of ownership are true, he asked Mr. McCormick if any law or Ordinance had been violated in terms of making known such an intention.

Mr. McCormick said there has not been. If a party has property in front of another person's property, he may keep that person off of his property.

Mr. Stevenson another property owner residing along 72nd Street said the L I D Committee has recommended that this improvement be killed. He said he has paid over a \$1000 for water mains and sewers are being installed which will cost him between \$1100 and \$1200, and he still does not have sidewalks, curbs and gutters, and now, he added, the developer is asking us to pay for his improvements.

Mayor Hanson asked Mr. Stevenson if it were his contention then, that they will not be benefited by this development.

Mr. Stevenson replied that they would not be benefited one bit.

Mayor Hanson asked Mr. McCormick if they could prove this, could they be deleted from the assessment roll.

Mr. McCormick said they could not be deleted from the district at this time but when the assessment roll comes up for hearing before the Council, and if they can establish that their property is not increased in value, then of course, they could not be legally assessed.

Mayor Hanson asked Mr. McCormick if this L I D has been examined to ascertain if the proper zoning termini method, as established by the Legislature, has been followed.

Mr. McCormick said, the Zone and Termini Method has been followed, but he thought it should be pointed out that included in this L I D, is a sanitary sewer improvement also.

Mr. Murtland asked in Mr. Stevenson's case whose assessment is \$470.65, what amount is for sewers and what amount for streets.

Mr. Schuster said his assessment for street and storm sewers amounts to \$226.00 and for sanitary sewers, \$243.75.

Mr. Cvitanich said, "I believe that much of this is very desirous if we can afford it. By the same token I feel that we should look at a person's ability to pay these things. Because of the unemployment situation, we have Mt. Rainier Ordnance Depot on which County Commissioner Sprinker is doing a good job in our State Delegation, also as well as other County officials. By the same token we must look at a person's ability to pay. If you haven't got it, then what?"

Mrs. Cole also spoke against having to pay for the developing of the unplatted land located behind her property as there was no way this would improve their property.

Mayor Hanson advised the property owners that they will still have an opportunity to protest at the time the assessment roll comes up for hearing, if at that time they receive no satisfaction they still will have the opportunity to take the matter to court.

Mr. Rody said he had consulted an Attorney on the threat made him that he would be landlocked should this L I D be abandoned, and he was advised this would be impossible under the circumstances.

Mayor Hanson asked Mr. McCormick if the access across what is known as East T Street is legally defined as trespassing.

Mr. McCormick said as he understands it, East T Street is not a public street as yet, it is privately owned property, and therefore whoever has the ownership of that property has the right to control it until it is dedicated as a public street and accepted as such, or unless somebody acquired the right by usage for more than 10 years. If a party is landlocked, however, there is a legal procedure whereby you can go in and condemn by way of an assessment.

Mr. Rody explained even though this road is unimproved it does go all the way through to East 64th Street and has been used as a public road for over 10 years.

Mr. Cvitanich said, "months ago I requested that we sit down with our Department of Public Works and formulate something definite in regard to the creation of the L I D's. Councilman Easterday did that, I believe it was two weeks ago. As yet we have had no success and my feeling is that it should be the property owners who initiate these local improvement districts rather than the Department of Public Works. Many of the people have no knowledge at all that this is being created and I feel that we are not going to get any compromise at all until we do sit down with the Department of Public Works and the Council as a group and try and formulate some definite policy rather than bumping into this vague situation, time and time again."

Mayor Hanson said he was prepared to suggest a meeting tomorrow morning at 8:00 A. M.

Mr. Cvitanich said, "that will be fine. I will be here."

Mayor Hanson said he had received a letter from the Home Builders Association of which Mr. A. E. Berger is President urging the passage of this improvement. He said he has also been in contact with representatives of labor, Mr. McIlvaigh, Mr. Jim Davis and Mr. Bill Henderson. He asked Mr. Davis, who was present, if labor had anything to say with reference to developing this project.

Mr. Jim Davis, Business Agent for the Building and Construction Trades Council, said the proposed large home development would aid the City's sagging economy.

Mayor Hanson said he was also contacted by the Association of General Contractors.

Mr. Rowlands explained that the Association of General Contractors are also vitally concerned in reference to additional building. Of course, from the City's standpoint the City is trying to encourage building within the City limits.

Mr. Cvitanich, "Mr. Davis, I can sympathize with your building trade Council because I know you employ a great number of carpenters, etc., but by the same token I think that we have to look at it from the other side also. We're taxpayers as well. We provide employment for a small group, I can't say, because I actually don't know the number of people that are employed within your trade, but how many would be occupied on this particular project and what would be the result in tax structure upon the City of Tacoma as a whole. This is

what concerns me."

Mrs. Olson said she thought this was all very important about building new homes and the interest of the Association of General Contractors, etc. in this development, but presumably a certain number of houses will be built in Tacoma which will satisfy the needs of the people who want to build, whether they are built on East 70th Street or whether they are built in some other area of town. I presume there is only a market in Tacoma for so many homes and we cannot base a decision on a L I D as to whether, there have only been two sites sold in this particular L I D, so we can't determine the success of this project and base our decision on its projected success. It seemed to her that the Council could determine only on the facts before them, and she thought it was very important for the Council to realize that in this one particular area aside from the developers themselves, we have practically 100% remonstrance from everyone who owns property who is not involved in the development. For that reason she moved that the City Council concur in the recommendation of the L I D Committee to abandon the district. Seconded by Mr. Porter.

Mr. Bott asked if it would be practical to refer this back to the Committee to have them delete this portion in question and let the developers go ahead and develop the area at their own expense.

Mayor Hanson asked if this would be legally possible.

Mr. McCormick said it would not be possible as it is in one contiguous area.

Mr. Murtland asked if the developer could pick up the tab, and if it were possible that the developer can enter into any contract they want to with the property owners.

Mr. McCormick said that could be possible.

Mayor Hanson said he is certainly not without sympathy for the people who are getting along very fine without this development, but it is exactly the same position we receive on almost every L I D where there is any remonstrance at all, and if we were to accept this as a principle to apply to our L I D procedures, we could not proceed with any development in our City with the exception in the rare occasions where there is 100% agreement. The developer should not be regarded as being any different than any other series of people who all agree that this should be done, because he takes the risk and bears the burden of development in an area that appears to be ideal for development. The fact that there is a financial problem here, if the people who are objecting in fact will have no benefit they will have an opportunity to establish that either on another hearing on the assessment roll or in Court.

Mr. Porter said he certainly agrees with the Mayor that we need development in the City. However, his decision on all L I D's has been based on the wishes of the majority of the people. In this case he feels that those empty sites that might be developed can't be counted as people as yet, therefore, he is going to vote with the recommendation of the Committee to kill the L I D.

Mr. Dowling said before you abandon this, he asked if it would be agreeable to shift this street over to the west of their property which we own for access to 72nd Street, and then we will bear the burden of the cost on the west side without having to go thru all of the legal procedures of having the petition re-initiated.

Mayor Hanson said the matter of shifting a road would be a matter for the Planning Commission.

Mr. Buchler, Planning Director, said this has been a preliminary plat approved by the Planning Commission. This is the final plat, all the departments and agencies have been contacted relative to the street pattern and he would say that this would have to be reprocessed for any changes such as this.

Mr. McCormick said this is simply a hearing on the initial resolution and a passing on the recommendation of the L I D Committee. The Council still could, under the original hearing, continue this for a week or two in the hopes that something could be worked out whereby these people could be relieved from the assessment which they feel are unfair and something may be worked out with the developer whereby they can still pave the streets.

Mrs. Price moved at this time for a two weeks postponement to give the developers and the property owners an opportunity to work out a satisfactory agreement. Seconded by Mr. Murtland.

Roll call was then taken on the motion resulting as follows:

4yes 8; Nays 1, Cvitanich; Absent 0. Motion carried.

Mr. Easterday said that the Council is in the same position the LID Committee was in when Mr. Hamilton at that time made a suggestion that there was some other method that could be applied whereby these folks on 72nd Street could be relieved of this assessment and for that reason alone did he vote to kill the L I D as far as the Committee was concerned. Mr. Hamilton said at that time maybe they would have to initiate this again, but Mr. Easterday said he felt reasonably sure that something will come up and some way will be found to relieve these people from their assessment.

Ordinance No. 16778; Advertising Ordinance up for discussion on the amendments.

Amending Sections 5, 6, 10 and 11 of Ordinance No. 16660 entitled, an Ordinance granting to the State-Wide Advertising Co., the right, privilege and permission to place, construct and maintain benches with advertising at designated locations on the streets and sidewalks in the City of Tacoma.

Mr. Porter explained that Mr. Copeland, Attorney for the State Wide Advertising Co. was present, and perhaps he would be able to analyze this amendment to the Ordinance.

Mr. Copeland advised that he was retained by the State Wide Advertising Company for a legal interpretation of what could and could not be done under the Ordinance as written. He said, he was impressed with what he considered to be a few grammatical and typographical errors that occurred in the drafting of the Ordinance. Apparently, he added, there were some things in the Ordinance which were very difficult to understand. The intent of the Ordinance was to permit Commercial Advertising, but again it referred to the fact that Commercial Advertising was prohibited in the City. It seemed inconsistent that one should grant by franchise something that was prohibited.

Mr. Copeland further added that the changes also would eliminate the prohibition of benches bearing church and political advertising. He feels the City should allow the School District, the Park Board and the Port Commission to utilize this advertising media to advertise and promote millage issues and bond issues.

He added consequently there are some major and important changes. He said, he is saying this critically from the standpoint that he thought the Ordinance was lacking not to take note of those things. He felt there were altogether too many places in the City government where too much is put in the hands of one person, not only from the standpoint of too much power, but also too many responsibilities of detail are placed upon one person, which makes him less effective in the broader areas where his services should be utilized.

Mr. Copeland said another point was: He did not think that the abutting property owners should be in a position at no cost to them to arbitrarily stop something that might be good for the City without a hearing. Therefore, he inserted a section in the Ordinance whereby the abutting property owners cannot just arbitrarily, without giving any reasons, veto the placing of an advertising bench. This was changed so that they have all the right of a hearing.

He said he felt that everyone's rights are well protected because the benches are not the only object placed on sidewalks and streets. For instance, he said he has clients downtown who were not consulted before mail boxes or trash cans were set up in front of their property. He tried to set up this Ordinance so that it was not oppressive and yet so that everyone's rights are protected.

Mr. Murtland explained that he is of the opinion that Mr. Copeland seems to feel that these benches are definitely for the good of the public. He asked if Mr. Copeland did not think that they are just as much of commercial value to his client as they are for the good of the public.

Mr. Copeland said there was no doubt about that, he felt they were. He said he thought there are a lot of other things which are approved of commercial good, that should not be frowned upon for the purpose alone because it is only through the success of commercial activities that they as attorneys prosper or that the City as a whole prospers. He said sometimes it

might be objectionable to have the trash can in front of your property but it has to be some place if we are going to have a trash can, it might not bring in any money or bring in any business or help any one financially, but it does help our City by keeping it cleaner. All that this Ordinance proposes is that the property owner still has the right to protest.

Mr. Murtland said he felt the rights of the property owner to determine whether or not he wants a bench in front of his property have been eliminated by this amendment. His impression is that the property owner would not have any right to appeal on the grounds that he does not want it. He feels the right of the property owner to determine if he wishes the bench placed in front of his property should be established before the bench is installed.

Mr. Copeland said he did not believe that Mr. Murtland interpreted the amendment correctly as it doesn't state that on appeal the request cannot be denied on the basis of simply not wanting a bench.

Mr. Murtland said if the City Manager or City Council did deny the placing of a bench on the basis that a property owner didn't want it, you might say they are being arbitrary.

Mr. Copeland replied that there wasn't any basis for this statement. All this amendment will do is to change the procedure as it is still left up to the discretion of the City Manager with one thing imposed upon it.

Mr. Murtland still contended, why make it necessary for a property owner to go through an appeal procedure when he could say in the beginning he does not want it.

Mayor Hanson explained that this is the preliminary discussion on these provisions and these points should be discussed thoroughly for the Council's consideration prior to final action. The point has been made that the holder of the franchise is putting the burden on the property owner to come up and reverse the decision to put the benches in front of his place. That will be a matter to consider prior to the passage of the proposed amendment.

Mr. Harry E. McDaniel, 6447 S. Lawrence, said the Council has gone to considerable trouble and expense trying to beautify Tacoma and he thought all advertising on City property should be stopped.

The Director of Public Works presents the following assessment rolls for hearing:

L I D 2256 for grading and oil mat surface on East D from East 82nd to East 84th; East 83rd to the cul-de-sac.

L I D 3509 for sanitary sewers in No. Bennett and No. Highland from No. 14th to No. 18th; No. 18th from Highland to Woodlawn and the alley west of Highland from No. 18th S. of No. 26th St.

Mr. Bott moved that the date of Monday, May 22, 1961 at 4:00 P. M. be set as the date for hearing on the assessment rolls for L I D 2256 and L I D 3509. Seconded by Mr. Easterday. Voice vote was taken. Motion carried.

ITEMS FOR FILING IN THE OFFICE OF THE CITY CLERK:

- a. Fire Dept. report for the month of March 1961.
- b. Report from the Water and Light Division for the month of Feb. 1961.

COMMENTS:

Mr. Easterday asked if the placing of Parking meters was approved by Resolution or by Ordinance.

Mr. McCormick replied they were installed by Ordinance upon recommendation of the Traffic Engineer.

Mr. Easterday said he would like to request that an Ordinance be prepared so as to place parking meters on South 7th from E. to St. Helens Avenue. He said he has received many requests from people that parking meters be placed here as they are in other areas.

Mayor Hanson said he might point out to the members of the Council if they wish to change the procedure of the Agenda and have the comments by the Council prior to the Comments by the City Manager, then it would certainly be within our right. But he pointed out that Comments by the Council follow Comments by the City Manager.

Mr. Bott moved that the Agenda be amended so as to accommodate Mr. Easterday's remarks. Seconded by Mr. Easterday.

Mayor Hanson said we might ask that this amendment be contained within the rule change that is being placed before us.

Mr. Bott said he meant just for this evening.

Mr. Rowlands said in reference to Mr. Easterday's request, this matter has been pending for several weeks and the area was investigated by the Traffic Engineer, Mr. Schuster, Public Works Director, and himself. It was their opinion that the area in this particular block should definitely have a 2 hour parking limit. The abutting streets in the area do not have meters, some down below do have meters, therefore, it was their feeling to try it out on a 2 hour limit to prevent all day parking before installing meters. He said he wanted to point out that this has been investigated, as a matter of fact, there is a report being presently prepared to present to the Council up to date on the lighting of the intersection as well as this particular block.

VERBATIM AS REQUESTED

Mr. Rowlands: This is with respect to the bombing which occurred unfortunately last week to Mr. Porter's car, and I told Chief Hager to bring it up to date since I had been requested by a member of the Council to discuss it tonight. I think it might be better for me to read this so I can quote verbatim what is said. Chief Hager has written, "For you request we submit the following information, relative to the progress of our investigation on this case. Our Detective Division has made a very thorough preliminary investigation and gathered evidence which has been submitted to the F B I laboratories

for analysis. We hope by this method to determine the type and source of the explosives used as well as other useful information. Some of the department's best investigators have been assigned to the case and in the past several days have investigated numerous tips and possible sources of information. They have eliminated some for consideration for various reasons and are continuing others. At this time the motives behind the attack are not clearly established, and a thorough check of records and background information on certain individuals is being conducted in the hope of shedding more light on the case. In summation, let me state that everything possible is being done to attempt to bring this case to a successful conclusion. Any further disclosure of details of the investigation is not in the best interest of the ultimate success of our investigation and cannot be made at this time. " In brief they are doing everything possible to investigate every angle that is presented to them.

Mayor Hanson. Thank you. Do you have any other matters to report?
End of verbatim.

Mr. Rowlands announced that the Ball Team comes back home and the opening game will be held this Friday afternoon and another game in the evening. He said there will be a short parade Thursday afternoon and a Booster's meeting Thursday night.

Mr. Rowlands said he would like to know if the Council would meet at 8:00 A. M. in the morning to discuss the L I D program. For the past two or three weeks there has been an attempt to arrange such a meeting but on several occasions some of the Council members were not able to attend.

It was the concensus of the Council members that 8:00 A. M. , Wednesday morning, in the Conference Room would be a convenient time to discuss this matter.

Verbatim as requested

Mr. Cvitanich: I have a statement here and it won't take me but several minutes to read and appreciate the Council to bear with me, as well as the audience. Quote, "In the Tacoma News Tribune Issue of Thursday, April 13, 1961, speaks of the quote 'Porter Group' closed quote! To my knowledge there is no 'Porter Group.'" Speaking for myself, I have tried always and I will continue to try to vote on each issue on its merits after I have heard the pros and cons and after I have studied and considered the matter as much as I can. Anyone who has attended the meetings of this City Council would, I think, be the first to agree that there is no voting pattern on this Council, and I don't say that to be facetious, believe me. I was elected by the people of the City of Tacoma and I am trying to do everything I can to serve all of them, the City, County and State in which we all live. I am committed in advance to no person or secret group on or off the Council. We, the people of Tacoma and the County have more than our share of problems, the expressed problem for example. When all City Council business and our problems discussed openly and frankly at meetings, which the public is not only permitted to attend but it is invited and encouraged to attend, I am certainly pleased to see that we are doing this more and more. We know what our problems are, and when I say our, I'm including the City and I feel this way, that we should get on with the job of trying to solve these problems. The people of the City want to work together and the people of this Council want to work together."

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Verbatim as Requested

Mr. Porter: I wonder if Mr. Rowlands would care to give the Council the report regarding his meeting with the F. B. I. last Friday.

Mr. Rowlands: I would be very happy to do that. Mr. Milnes is the agent, the F. B. I. agent from Seattle in this area. As everyone probably knows the Police Department has a very close working relationship with Mr. Milnes and other F. B. I. agents in this area. We also try to have a very close working relationship with other Police Departments not only in this immediate area but in the entire State of Washington and also in the entire West Coast. So I wanted to talk to Mr. Milnes to assure him that the City stood ready to continue to work closely with the F. B. I. as we always have in the past. We have 4 or 5 officers that are members of the F. B. I. Academy, who had that training and we certainly hope in the future we will have the opportunity to send more of our officers back there, too, for training. So it was merely a matter of talking to him personally and also discussing with him in detail the unfortunate thing that occurred a couple of weeks ago. I thought he was entitled to know what was involved in that since he would naturally be inquiring as to what took place. So that was the reason for having him come in and I also had Chief, then Acting Chief Hager, come in to talk to him and of course they have been friends for some time. That was the purpose of the meeting.

Mr. Porter: By the issue that happened two weeks ago, you meant regarding Chief Kerr?

Mr. Rowlands: That is correct, I mean the replacement

Mr. Porter: Or the Hidehaven issue.

Mr. Rowlands: No, no, I am talking about the replacement of, the (unintelligible) replacement of the Chief.

Mr. Porter: Thank you. Mr. Mayor, I don't want to behabot the point of this bombing but there are a few things that I would like to say about it. I would like to thank very much all of the people who have written me and called me to extend their sympathy and also those members of the Council who have done the same. And I would like to state that within the few hours following the bombing I got reports from several friends around town that rumors were starting to fly, one, that I had perhaps caused the bombing to gain sympathy, another one that the Mayor had perhaps caused the bombing to get revenge, and another one that Mr. Sheffield, who is apparently suing the Musicians Union of which I am a representative, had caused it to get revenge. After considering this for several hours I went to the Manager and requested that I be allowed to take a polygraph test, a lie detector test, on this subject, which I was allowed to take and passed and that eliminated one possibility. Following that, Mr. Sheffield who is suing the Musicians Union, also took one which eliminated, I believe, the possibility because he passed the test, that it could have been, eliminated the possibility that it could have been in regards to his suing the Musicians Union. That didn't elimitate, however, the other rumors and I, may I state at this time, that I am quite confident that there is no one on this bench up here who would be involved in anything of that nature. However, I took the test myself for two reasons, to stop the rumors and also

by stopping them to eliminate some of the trails that the Police would have to track down, and to make it perhaps easier, for them to find out who actually did this, and at this time I would like to suggest, in fact, urge as strongly as I can, that the Mayor and the City Manager and the other member of the Council request to take this test so that all of those rumors can be stopped and then the Police will only have to trace two possible solutions. One that it is some mentally slightly disturbed person who was excited perhaps by some of the past Council meetings we've had where some of us, and I feel I should say this, the Mayor got a little excited and said some unwise things which I believe were regretted, but perhaps may cause some one of these people who were a little weak mentally to do this sort of a crack pot act. The other possibility, of course, is that it could be connected in some way with politics or City Business or the business of the Vice Squad or Chief Kerr or Pin balls but I believe it is now by the actions that have been taken by myself and Mr. Sheffield in taking this polygraph test limited to those two possibilities, and I do believe that if the Mayor and the City Manager and the other members of the Council would request to take this test that it would perhaps stop those type of rumors from flying and I would suggest strongly that that be done.

Mayor Hanson: At least it would permit a daily report on who passed the test.

Mr. Bott: Mr. Mayor.

Mayor Hanson: Mr. Bott.

Mr. Bott: I was just wondering when Mr. Porter said that he would request the rest of the Council to take that thing and then the other slightly disturbed persons were you excluding.....

Mr. Porter: I hope I hesitated between those two statements.

Mr. Bott: I didn't know, I wanted to make that clear.

Mr. Porter: Also at this time, Mr. Mayor, in order possibly to kill another rumor I've heard, I would like to ask if any member of the Council has had lunch in Seattle in the past few months with someone representing pin ball interests in the Seattle area, and if so, does he care to disclose the subject of conversation to the rest of the Council at this time. I hear no answers to the affirmative so I suppose that's my answer.

Mayor Hanson: Perhaps you should disclose the rumor that you heard in a more specific manner.

Mr. Porter: Well, Mr. Mayor, there have been quite a few rumors and anonymous calls, letters, since that bombing and the Police are tracing the source of them.

Mayor Hanson: I agree with you, it has been quite a lengthy evening (unintelligible) discussing the various rumors that have come to my attention alone. I'm sure that other members of the Council would have a great number of others, but we would like to have, if you present it for consideration to the Council, we would like to have a more specific reference to the rumor that you are presenting to the Council as spreading to the Council.

Mayor Hanson: Is there any further discussion.

End of Verbatim

Mr. Cvitanich asked at what time was the Washington Research Council date set for public hearing.

Mr. Rowlands said he sent a notice to the Council last week, that Mr. Carrant would attend such a hearing on the 9th of May.

Mr. Cvitanich inquired also about the MC on the sewer rate that he requested.

Mr. Rowlands said there was quite a lot of material involved in bringing this up to date, and said this report should be ready by next Friday.

Mayor Hanson advised at 10:00 A. M. Wednesday morning there will be a meeting of the Industrial Committee. There will be at least one person in attendance who has first hand knowledge of the conditions surrounding the operation of the Mt. Rainier Ordnance Depot. He added, we are waiting for instructions with reference to action from Senator Magnuson. We will urge the public to stand ready and act as soon as they are called upon to make their opinion known in Washington as to individuals and as groups. He said the facts uncovered thus far bring him to the conclusion that if we can convey properly the material in terms of its affect on the overall defense effort, we will have a strong chance of reversing the order that will ultimately result in closure. However, there are still a great number of facts to be gathered.

Mayor Hanson said he would like to be excused from the next Council meeting as he has been invited to be the guest of Pan American Airways in their inaugural flight non-stop service to the Scandinavian Countries. It will be a 5 day trip and on the way back he said he will stop in Washington, D. C. to inquire further into the Mt. Rainier Ordnance Depot matter.

Mr. Easterday moved that the Mayor be excused from the meeting of April 25, 1961. Seconded by Mr. Porter. Voice vote taken. Motion carried.

Mr. Porter said if there will not be a quorum present at next week's meeting, he will arrange to fly back Tues. afternoon from Coos Bay, Oregon where he will be attending the Northwest Conference of Musicians for which he is President.

Mr. Easterday moved that Mr. Porter be excused and Mrs. Price serve as Chairman. Seconded by Mr. Cvitanich. Voice vote taken. Motion carried.

Mr. McDaniels a member of the audience complained about the condition of the street in his neighborhood due to the installation of trunk lines which was finished in January of this year. He said the street needs some oil to decrease the dust which has become quite a problem. He has requested previously that something be done about this but has received no satisfaction to date.

Mr. Easterday asked what would it cost to treat this street with some calcium chloride.

Mr. Schuster explained that this was a difficult problem at this time of year and regardless of whether oil or calcium chloride is put on the streets, it is practically lost because of the rains.

There being no further business, upon motion duly seconded and passed, the meeting adjourned at 10:00 P. M.