

REGULAR COUNCIL MEETING
September 24, 1952

meeting called to order by Mayor Dimmick.

Councilmen present: Fox, Lesmeister, Smith and Young.

Others present: Inspector Arp, Chief Brown, Engineer Echols, Atty. Hall, Judge Nelson, Fire Chief Nelso and Recorder Manick. Also Mr. & Mrs. Glen Hurst, Gus Johnson, Dave Shaw, Mrs. McVey, Harold Young, Mr. Harmer, Mr. & Mrs. Leonard, and Mr. Brooks.

minutes of the previous meeting were read and approved with the correction that the electric company should be designated as Coos-Curry Electric rather than P.U.D.

The following bills were read:

West Coast Tel. Co.,.....	\$41.28
Coos-Curry Elec. Co.....	143.36
L.A. Marcy.....	10.00
William Hynes.....	60.80
L.Z. Harbin.....	96.75
Petty Cash.....	20.00
K.B. Williamson..express, Police	9.54

It was pointed out by the Mayor that the school district had agreed to pay for one light and the recorder was asked to bill said school district for light service from April 1st to August 20th.

It was moved by Mr. Smith and seconded by Mr. Fox that the bills be allowed as read. Carried.

The Mayor reported having contacted Mr. Bankus in re: the man-hold cover hazard, that Mr. Sandbo's clogged drain had been cleaned, that the parking meter man had arrived and was ready to begin installation of the meters, and that the culverts Mr. Fox and he had ordered from the Eureka Boiler Works had arrived in that city and that Mr. Fox would haul them sometime this week.

The following letters were read:

Pacific Stationery acknowledging our request for quotes on office furniture and requesting specific information regarding our needs.

Harry S. Dorman advising that our request for budget advice in person had been referred to the department of audits, for reply.

Dor Earl T. Newbry, secretary of state in regard to our letter to Mr. Dorman, inclosing certain pamphlets and a resolution form relative to procedure to acquire an audit, was read.

George Baldwin, ex. secy. of the Tax Supervising and Conservation Commission replying to a request from us early this month regarding budgeting, in which he gave some clear, concise advice, was read and recorder asked to thank him and advise that we will contact him further at the League of Oregon Cities in November.

Oregon State Speed Control Board setting certain speed zones on Chetco Blvd. and inclosing copy of resolution authorizing same.

Mr. Manley, representing the Brookings Chamber of Commerce, spoke in the interest of using one of two locations not now being used for streets upon which to erect a temporary tourist bureau office. One is next to the bank and one near Young's Hotel. It was agreed we write the State Highway Department in regard to the matter and Mr. Echols to supply the technical description.

Mr. & Mrs. Glen Hurst and Mr. Gus Johnson represented by consul Dave Shaw

were present in the interest of allowing their partly constructed building to remain extending into an alley. Mr. Shaw reviewed the facts of the case as it appeared to him, namely; that the alley was not being used as a thoroughfare, and was not dedicated to public use until 1920, has an insurmountable obstacle to full use of it which object would entail costly work to remove, and that a building permit was given his clients by the city. Admits his clients should have taken the matter up with the city before going ahead with construction. quotes Tolson case in Portland as parallel in point.

Mr. Echols, city engineer, was asked by the mayor if he surveyed the lot, and if so, to make a report. Mr. Echols replied that he did make such a survey but it was done as a private job and not as city engineer. He did say, however, that he set the stakes according to the size of the lot and Mr. Johnson was present when the stakes were driven.

Mr. Hall was asked his opinion in the matter and said he hadn't changed from his original one that the Ursts and Johnson were within their rights to use a portion of the alley when it was not and could not be used, but would be guided by the position the council decides to take.

Mrs. Mcvey, who has lots on the opposite side of the alley said she had nothing against use of the alley for this purpose as she did not use it anyway.

The opposition in the persons of Harold Young and Mr. Harmer presented their objections namely: that Mr. Youngs full use of the alley to go in and out of a garage which is to be built on the back of his lot. He said he had no other place for it as his lot is only 52' deep and his house is up against it now.

Mr. Shaw asked when he purchased the lot and it it wasn't true that the contested building was not already under construction. Mr. Young replied that it was but that he didn't at the time know that it projected into the alley.

Mr. Harmer said he owns two lots adjoining which he purchased two years ago. When buying it he was favorably influenced by the fact that records showed an alley. He maintained the obstruction in the alley wouldn't be too much of a problem to remove.

Mr. Arp, building inspector, said the foundation was laid before an application for a permit was made, and that required plans had not been made available to him, and that he is not required to check property descriptions, he merely approves plans and approximate locations.

Councilman Smith said that inasmuch as Mr. Harmer and Mr. Young had bought their property showing a 15 foot alley, they should have the right to use it. He made four points as follows:

1. Their legal right to have use of this alley.
2. The property was staked first and permit asked for later.
3. We incorporated so that people would not violate the rights of others with impunity.
4. We should take a stand as a matter of principle. What we do now will set a precedent and we should be extra careful.

Mr. Hall suggested property owners get together and see if they can work out the matter amongst themselves to their mutual satisfaction. Mr. Shaw said his clients would be willing to put up a bond to insure their willingness to tear down that part of the building should the alley be opened from one end to the other. It was pointed out that this was not acceptable to the other property owners.

Mr. Shaw suggested they all leave and allow the council to take the matter up privately.

Morris Kemp was present in the interest of having the closing hours for card tables extended to 3 o'clock. Chief Brown pointed out it would mean 2 hours

extra policing as taverns have to close at 1 o'clock.

Mr. Brooks representing the Coos-Curry Elec. Company asked for a list of names of Brookings electric users. It was the opinion of those present that the electric company had better access to such a list than the city does.

Motion was made by Mr. Smith and seconded by Mr. Fox that Ordinance #30, entitled: "AN ORDINANCE PROVIDING FOR THE SEIZURE AND CONFISCATION OF WEAPONS, PROVIDING FOR THE DISPOSITION THEREOF AND DECLARING AN EMERGENCY" be read in full once, twice by title, and passed at this meeting of the council. A poll of votes cast a unanimous ballot: Fox, aye; Lesmeister, aye; Smith, aye; and Young, aye;

whereupon Ordinance # 30, was read by attorney Hall, once in full, twice by title and on motion made by Mr. Fox and seconded by Mr. Young, was passed unanimously by the following vote: Fox, aye; Lesmeister, aye; Smith, aye; and Young, aye.

Motion was made by Mr. Smith and seconded by Mr. Fox that Ordinance #31, entitled: "AN ORDINANCE PROVIDING A METHOD FOR NOMINATING CITY OFFICIALS AND REGULATING THE CONDUCT OF GENERAL AND SPECIAL ELECTIONS AND DECLARING AN EMERGENCY," be read in full once, twice by title, and passed at this meeting of the council. A vote poll cast a unanimous ballot; Fox, aye; Lesmeister, aye; Smith, aye; and Young, aye.

Whereupon Ordinance #31 was read by attorney Hall, once in full, twice by title and on motion made by Mr. Lesmeister, seconded by Mr. Young, was passed by the following vote; Fox, aye; Lesmeister, aye; Smith, aye; and Young, aye.

Mr. Hall discussed briefly the fire district's in corporation into the city. He said the necessary steps are being take.

Petty cash fund report made and recorder ordered to replenish same.

The mayor reported on his trip to Salem and Eugene. Said matter of Hydrant purchase, monthly water rate and installation would be discussed with council and Mr. Bankus when P.U.C. holds meeting here next month.

On motion meeting adjourned.

Gladys Karick
Recorder.