

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL

Dec. 14, 1954

Meeting called to order by Mayor Dimmick.

Present: Mr. Campbell, Mr. Lesmeister, and Mr. Manley.

Officers: Messrs. Ackley, Echols, Arp, Chief Cross, Chief Nelson, Judge Nelson, and Recorder Kanick. Others were Mr. Brimm, Mr. Murphy, Mr. & Mrs. Henry Huovila, Mr. Reece, Mr. Tyler, Mr. Breuer, Mrs. Lowe, Mr. DePhillips, Mr. Thompson, and Mr. Steenburger.

The Minutes of the regular meeting of Nov. 9, and the Special meeting of December 1st. were read and on motion approved.

The hazard of an open ditch that runs on the upper side of Fir Street was brought to the attention of the Council by a letter signed by a group of citizens living close by this ditch. A delegation of people interested in seeing to it that some action be taken to remedy this condition, was also present.

Various suggestions were made by Mr. Huovila, Mr. Echols, Mr. Arp, Mrs. Lowe and Mr. Campbell. The concensus of opinion finally was that the St. Supt. Mr. Arp use free river-run gravel to fill up the most dangerous portions of the ditch using the city dump truck. Motion was made by Mr. Campbell, seconded by Mr. Lesmeister that Mr. Arp take care of this matter as unanimously agreed upon. Carried.

A representative from the Modern Plumbing Company, who <sup>has</sup> the plumbing contract for the new bank building, was present asking for a permit to open the street to make a sewer connection. It was pointed out that the building was <sup>located</sup> on a state highway not a city street. City Attorney Ackley advised that the City didn't not have any jurisdiction in the matter.

The following bills were read:

Brookings Water Co.....	96.00
Hendrick Furn. Co.....	61.20
mBrookings Vol. Fire Dept..	24.00
Chetco Home & Auto Supply..	76.22
W.S.Chadwick.....	30.05
U.S. Nat'l. Bank.....	35.89
" " " ".....	20.67
Howard Cooper Corp.....	37.16
Brookings Texaco.....	1.00
Florence Buchanan.....	14.70
Dunning Motors.....	8.92
E.E.Hanscams.....	16.80
Dairy Creem.....	9.25
Brookings Market.....	8.00
Ward's Propane Serv.....	59.08
Coos-Curry Elec.....	104.52
Edw. F. Ackley.....	39.11
West Coast Tel. Co.....	42.70
Curry County Lbr. Co.....	59.87
Par Store.....	3.140
Dick & Virg's Richfield....	116.09
Sylvia Knox.....	5.00
Plywood Corporation.....	32.72
Brookings Mac. Shop.....	3.65
O K.Rubber Welders.....	45.00
Brookings Red-E-Mix .....	63.00
Gibbs Concrete Prod. Col..	69.75
Curry County Weed Control./	163.50
Yelton's.....	.99
Brookings Land & Townsite	2.25

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Chetco Home & Auto Supply Co.... 2110  
Brookings Water Co.,

Motion was made by Mr. Manley, seconded by Mr. Lesmeister that bills be allowed. Carried unanimously.

Correspondence:

A notice from the Fire Marshal Department giving the compliance date as of January 3rd. 1955 for certain fire hazard improvements, read.

A letter was read from the Oregon State Highway Department advising that white had been approved for all traffic line and pavement stencil and including a sketch illustrating the newly approved standard. The State requested that a change-over be started in 1955.

A letter was read from Mr. Elmer Bankus stating he would be unable to attend council meeting as requested but that one more hydrant had been installed (at Redwood and Oak Streets) and would be included in next month's billing for fire hydrants. He also stated that work in installations had been held up because of the absence of his foreman, Mr. Allsup. The recorder was asked to pay the fire hydrants bills for last month and the current month.

Mayor Dimmick reported contacting the Plywood Company in regard to the smoke caused by the fire in the company's saw-dust pile. It was suggested that the City contact the State Fire Marshall's office stating our problem and asking his advice in the matter, and stressing the need for immediate attention to our problem.

The treasurer presented the monthly financial reports.

Mayor Dimmick that he and Mr. Echols were out during the last storm investigating the drainage situation on the property of Mr. Goetz. It was reported that an asphalt ridge a short distance along the curb at a cost of an estimated \$100.00 would eliminate this surface water from running down into the Goetz property. Motion was made by Mr. Lesmeister, seconded by Mr. Campbell that Mr. Arp be authorized to make the necessary arrangements to get this work done. Motion carried.

Atty. Ackley reported that the city can assess a privilege tax on any utility using city streets. He said the 2% of revenues would have to be computed at the end of the fiscal year whenever that ends for the utility in question.

The matter of the Plywood Corporation's discontinuance of the \$50.00 monthly toward the Chief of Police's salary, was discussed. The recorder was asked to write the Plywood requesting them to re-consider and continue these payments until the new budget goes into effect July 1st. 1955. If not continue \$50.00 per mo. mileage & expense to be allowed him. was presented  
request from Mr. Dale A. Landing that Mill Beach Road be made passable. Mr. Arp reported having already acted on this matter having found the old culvert and had it mucked out at a cost of \$14.00 which he said the Plywood agreed to pay.

Mr. Arp reported that Memory Lane bridge was in very bad condition and suggested a culvert and fill to replace this bridge.

Planning Commission Report:

The Planning Commission recommended that the petition of John Campbell for a temporary use permit to build a trailer court in an R02 district, be disallowed.

They also recommended that the Council and the Commission take concerted

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action to abate the smoke nuisance caused by the Plywood fire.

REED'S PETITION

The Planning Commission recommended that the petition of Ralph and Zerrita Reed to remodel a non-conforming building in an R-1 district into a duplex, be granted but shop plans rejected and private hobby shop instated.

Motion was made by Mr. Lesmeister seconded by Mr. Manley that we accept the recommendation of the Planning Commission in regard to the Reed's petition and that a hearing be held Monday evening 8 P.M. at the City Hall, December 20th. on said petition.

Mr. Lesmeister advised that the City General Comprehensive liability insurance would be due January 14, 1955 and suggested that bids be called for on all the city's insurance policies. Mr. Ackley to have legal call for bids advertised in The Brookings-Harbor Pilot, to be opened January 11th. 1955.

Mr. Ackley stated that the attorney general's office had ruled that the cities that had voted new tax bases must budget to the amount of that base or lose the advantage gained by the voters establishment of a new base. Brookings new base is \$29,250.00 so the budget for 1955-56 must equal that amount.

Motion was made by Mr. Manley, seconded by Mr. Campbell that the City accept the deeds (quit claim) for a street called Moore Lane for an regular established street. Mr. Ackley to prepare a declaratory ordinance for this purpose. Unan. carried.

discussion was held on whether or not it was necessary for a firm to have a business location in the City in order to obtain a license.

RESIGNATION OF CITY RECORDER, TREAS. COURT CLERK.

The resignation of Gladys Kanick, City recorder, treasurer, and Clerk of the municipal court was read at this time.

Motion was made by Mr. Lesmeister seconded by Mr. Manley that the resignations of O.D. Arp, Chas. Echols and Gladys Kanick, be accepted. Carried.

Mr. Arp reported that building valuations for the year 1954 were over \$1,000,000. Eleven new commercial buildings, thirty residences and three churches.

Mayor Dimmick thanked the council members, & the various department heads for their cooperation and help during his term as mayor and offered Mayor Elect Brimm and the new council his help in any way possible.

Motion was made by Mr. Manley seconded by Mr. Campbell that the council adjourn.

Gladys Kanick,  
City Recorder

The liquor application of the Brookings Elks Club was approved by the Mayor Dimmick as authorized on page 2 of the regular minutes of the council of Nov. 9th.

RESOLUTION.

Whereas the ownership of that certain sewer system, constructed within the streets of the City of Brookings, is in dispute, and

Whereas it is necessary in the best interests, health, safety, sanitation and public welfare of the City of Brookings that the ownership of said sewer system be established by law, and

Whereas it appears that the proper procedure to establish the ownership of the said sewer system is for the City to commence proceedings in the Circuit Court of the State of Oregon for Curry County for the purpose of securing a Declaratory Judgment from the said Court as to the true owner or owners of said sewer system providing that the names of said owner or owners may be discovered, now therefore,

Be it hereby resolved by the Council of the City of Brookings, Oregon:

1. That Ed F. Ackley, attorney for the City of Brookings, is hereby employed, retained, authorized, directed and empowered by the City of Brookings to commence, upon behalf of the City of Brookings, Oregon, special proceedings in the aforesaid Circuit Court for the purpose of securing a Declaratory Judgment from said Court setting forth the name or names of the true owner or owners of the aforesaid sewer system and for such other and further relief as, in the opinion of said Attorney for the City of Brookings, is indicated in said proceedings.
2. That as additional compensation, over and above his salary as City Attorney, as set forth in the City Budget, for his services in taking the aforesaid proceedings to judgment in the said Circuit Court, there is hereby appropriated to said Ed F. Ackley, out of the contingent fund of the City Attorney as set forth in the City Budget, the sum of \$ 300.00.
3. That, for the purpose of securing evidence, searching records,

accumulating facts surrounding the said proceeding, stenographic expense, paying for additional legal counsel and the payment of all of the costs and disbursements incurred by the City, or said City Attorney, in the matter of prosecuting said proceeding before the said Court, there is hereby appropriated to pay for each and every item aforesaid out of the contingent fund of the City Attorney as set forth in the City Budget, the sum of \$ 450.00. All expenditures made out of the said last mentioned fund shall be made only upon the certificate of the said City Attorney, attached to a statement of such expense and duly itemized, to the effect that the same has been expended or incurred upon behalf of the City and for the purposes herein contained.

Dated: December 1, 1954.

Cleve D. Manly  
Councilman.

Moved that the above resolution be adopted by Councilman Campbell

Seconded by Councilman Smith

Placed upon passage by the Mayor.

Ayes: Councilmen: 4

Nays: Councilmen:

Declared \_\_\_\_\_ adopted by the Mayor this 1st. day of December, 1954.