

MINUTES OF THE REGULAR MEETING OF THE CITY
COUNCIL OF THE CITY OF BROOKINGS,
Feb. 9th. 1954.

Meeting called to order by Mayor Dimmick.

Present: Clive Manley, Pete Lesmeister and Warren Smith.

Officers present: Mr. Ackley, Mr. Arp, Chief Cross, Mr. Echols, Judge Nelson and recorder Kanick. Others present were Mr. Stiffler and Mr. Armstrong from the State Highway Office, Mr. Reed, Mr. Bankus, Mr. Jacobs, Mr. Jennings, Mr. Phelps and a delegation from the Lucky Seven Club.

Minutes of the previous meeting were read and approved.

Correspondence:

A letter from the West Coast Tel. Company inclosing a check for 192.33 representing the 2% of the revenues from phone service within the City of Brookings as per franchise, was read.

A letter from Clark & Groff engineers advising that they had just finished an appraisal of the Gold Beach water system and inviting our participation in a similar appraisal for Brookings, read.

A letter from Glenn Rogers owner and proprietor of the Azalea Lanes bowling establishment protesting the city license for same in the sum of \$35.00, was read. The concensus of opinion of the council members was that this amount was equitable.

A registered letter from the State Fire Marshall advising that certain improvements to the City Hall were necessary and extending the date of compliance to May 1, 1954, was read.

An inquiry from the Department of Commerce, Bureau of Cansus, regarding the City's incorporation, was read. Recorder reported sending maps showing city limits, date of incorporation and other pertinent information.

The following bills were presented:

Ralph Carson.....	28.84
B. & H. Logging Co.,...	254.80
Loyd Weeks.....	141.71
Robert Morton.....	156.00
Coos-Curry Elect.....	100.55
Iva Kruger.....	6.25
W.S. Chadwick.....	13.90
Roy W. Dimmick.....	118.30
Coast Freight Lines..	44.93
Hans G. Nelson.....	64.60
Yelton's	1.89
Dawson's Shell Service..	2.65
Curry Co. Lbr. Co.....	226.37
Ward's Propane Service.	44.75
Brookings Water Co.....	6.75
Chas. T.M. Echols.....	40.00
Kerr Hdwe. Co.....	22.46
Brookings-Harbor Pilot..	11.05
Ed & Mendy.....	23.04
Geo. C. Jacobs.....	11.50
Shanghai Cafe'.....	1.00
C.B. Volz Co.....	3.50

Bills cont'd:

Sacramento Fire Exting. Co...	19.45			
B & H Logging Supply Co..	5.26			
Shannon & Co..	16.79			
Brookings Mkt.	6.03			
Frank's Plumb. & Elec....	5.00			
Foster & Bolvi.....	78.06			
" " "	50.82	State St. Fd.		
James Kirby.....	40.00	"	"	"
Gibbs. Concrete Products...	13.20	"	"	"
Brookings Red-E-Mix.....	461.00	"	"	"
Davis Truck & Tractor.....	25.19			
Bruce W. Stewart.....	15.75			
State Ind. Accident Com....	19.86			
Magee-Hale Park-O-Meter....	213.00			
West Coast Tel. Co.....	48.75			
Coos-Bay Mattress & Uphol.	57.00			

Motion was made by Mr. Lesmeister and seconded by Mr. Smith that bills be allowed as read.

Motion was made by Mr. Smith and seconded by Mr. Lesmeister that the absence of Council Young due to illness be hereby excused.

Finance and Budget reports were presented by the Recorder-Treas.

Mr. Stiffler and Mr. Armstrong were present from the State Highway Department to discuss side-walks and streets with the council.

The status of our side-walks as to ownership, construction of and care and maintenance was referred to Mr. Stiffler and Mr. Armstrong for official clarification.

According to Mr. Stiffler and Mr. Armstrong the State of Oregon owns the streets abutting on the State Highway. The policy of the State is to refuse to build side-walks within a city's limits but have done so but do not maintain or repair them. Mr. Stiffler said the City may hold property owners responsible for the condition of walks in front of each property and can require such owner to make necessary repairs and if this isn't done, the City can go ahead and make the required repairs and charge it against the property.

Mr. Stiffler and Mr. Armstrong both were of the opinion that the State would give the City of Brookings deed to all side-walks from the abutting property line to the curb from the Chetco River bridge to East St. so that the City could have jurisdiction over all side-walks. They suggested that Right-of-way engineers of the State Highway Dept. prepare deeds.

Mr. Stiffler recommended that the City Council go on record requesting this action.

Motion was made by Mr. Smith, seconded by Mr. Lesmeister that the City Attorney request the State Highway Commission to furnish deeds to that portion of the highway from the back end of the curb to the abutting property line, ~~to the City of Brookings.~~ Carried.

Improvement of City Street by the State, was discussed. Mr. Stiffler agreed to either oil or black top this street by May 1st. provided the drainage problem has been taken care of.

Mr. Armstrong and Mr. Stiffler disclaims any ownership by the State of Pacific Ave or Fern. Believes the County has. Also believes that the City should acquire same from the County and would lose nothing by doing so. State could only spend money on it by being in a greement with the county on the matter. The Council agreed to consider the matter.

-3 Minutes of the Council Meeting of Feb. 9, 1954, cont'd.

The dangerous condition at the ~~Chesee~~^{Winkler} Bridge due to the wet slippery condition of the highway prevalent most of the year was discussed. No cure advanced but Mr. Stiffler agreed to see that more caution signs would be placed there.

Pop Reed, president of the Lions' Club was present to request that his organization be given the carnival concession for the time of the Lilly Festival. No objection voiced if All Events Committee approved.

City Attorney Ackley read the Brookings Water Company contract and emphasized one change that of Section 7, and approved it for acceptance by the council. He presented the following resolution and ordinance for the approval and acceptance by the Council: Motion was made by Mr. Manley, seconded by Mr. Smith that Res.#2 be passed. Motion carried.

RESOLUTION NO. II

WHEREAS it is necessary for the public peace, health and safety of the City of Brookings, that hydrants be installed within the corporate limits of the City and the same be served with sufficient water for the purpose of fire protection within said city limits, and

WHEREAS the Brookings Water Company, a public utility operating within said corporate limits, has agreed to supply the aforesaid water and install the aforesaid hydrants for fire protection purposes, and

WHEREAS the Brookings Water Company has prepared a written contract to such effect and has presented this said contract to the City Council for it's consideration, approval and acceptance; Motion by Mr. Manley, seconded by Mr. Smith that Res.#2 be passed. Motion carried.

NOW, THEREFORE:

BE IT RESOLVED by the Council of the City of Brookings, convened this 9th. day of February, 1954, in it's regular February meeting, as follows:

1. That the certain written contract, herein above referred to and mentioned, which has been presented to the Council for consideration be, and the same hereby is approved and accepted on the part of the City of Brookings.
2. That the Mayor and City Recorder be, and the same hereby are, directed and authorized to, in their official capacity, execute this said contract, which is hereby approved and accepted by the Council, upon behalf of the City of Brookings.
3. That an ordinance be passed by this Council giving the Mayor and City Recorder authority to execute this aforesaid contract upon behalf of the City.

Date: February 9th. 1954

Clive D. Manley, Councilman.

ORDINANCE ~~54~~⁵⁴ entitled: "AN ORDINANCE DIRECTING AND AUTHORIZING THE MAYOR AND RECORDER, UPON BEHALF OF THE CITY OF BROOKINGS, TO ENTER INTO AND EXECUTE a written contract by and between the city AND THE BROOKINGS WATER COMPANY FOR THE INSTALLATION OF HYDRANTS AND THE SUPPLY OF WATER THERETO FOR THE PURPOSE OF FIRE PROTECTION WITH THE LIMITS OF THE CITY" was on motion by Mr. Lesmeister, seconded by Mr. Smith, be read in full once, twice by title and passed at this meeting of the council. Manley; aye, Smith; aye and Lesmeister; aye.

WHEREUPON Ordinance #54 was read once in full, twice by titled and on motion by Mr. Lesmeister, seconded by Mr. Smith passed at this meeting of the council by the following vote: Lesmeister; aye, Manley; aye, and Smith; aye.

A delegation of the Lucky Seven Club requested that the curfew hour be extended to 12 o'clock on Friday and Saturday nights. Chief Cross was of the

-4 Minutes of the Council Meeting of Feb. 9, 1954, cont'd.

of the opinion that the curfew should remain at 10;30. Council to take the matter under consideration.

Mr. Gerhard Trostad made formal request for a sewage disposal pumping and cleaning franchise. Mr. Trostad has a permit already secured from the Dept. of Health of both State and County. Recorder to write the League of Oregon Cities for copies of franchises dealing with this matter. It was suggested that in the meantime, Mr. Trostad secure a license and post or file his fees with the City Recorder.

no. of
A new census figure based on/school pupils was discussed. Mr. Ackley to investigate and write the proper authorities in regard to another census for Brookings.

Mr. Ackley reported that the City Hall and fire station belongs to the Chamber of Commerce inasmuch as it was deeded to that organization by Mr. & Mrs. Williamson. Mr. Ackley to write the Chamber of Commerce and take up the matter of obtaining the proper deed.

The Mayor reported that all property owners attending the meeting on the Hillside and Pacific Avenue improvement signified their approval of the project to the extent of at least 80 % of all the property owners with property abutting on this improvement. The following ordinance, ORDINANCE # 55 entitled:

AN ORDINANCE CREATING A SPECIAL IMPROVEMENT DISTRICT, PROVIDING FOR THE PAYMENT THEREOF, DESIGNATING THE PROPERTIES TO BE SPECIALLY BENEFITED THEREBY, LEVYING A SPECIAL ASSESSMENT UPON SAID PROPERTIES AND DECLARING AN EMERGENCY" was on motion by Mr. Lesmeister, seconded by Mr. Manley, be read in full once, twice by title and passed at this meeting of the Council. Lesmeister; aye, Manley; aye, and Smith; aye.

WHEREUPON Ordinance #55 was read in full once, twice by title and on motion by Mr. Manley, seconded by Mr. Smith passed by the following vote: Manley; aye, Lesmeister; aye and Smith; aye.

Engineer Echols presented the official map of the city streets and intersections and City Attorney Ackley presented an ordinance providing for the establishment of a street system.

ORDINANCE # 56; entitled:

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A SYSTEM OF STREETS AND INTERSECTIONS: THE NAMING OF EACH STREET SO ESTABLISHED: DESCRIBING AND SETTING FORTH THE BOUNDARY LINES AND ESTABLISHING THE GRADE THEREOF: AND DEDICATING THE SAID STREETS AND INTERSECTIONS TO THE PUBLIC USE" was on motion by Mr. Manley, seconded by Mr. Smith to be read once in full, twice by title and passed at this meeting of the Council. Smith; aye, Manley; aye, and Lesmeister; aye.

WHEREUPON Ordinance #56 was read once in full, twice by title and passed at this meeting of the council by the following vote: Manley; aye, Lesmeister; aye, and Smith; aye.

The Recorder reported that the hearing on the Ralf Jensen petition to re-zone had been held January 27th 1954 at the City Hall and that no-one appeared against said petition. Mr. Ackley was instructed to draw up necessary ordinance allowing for this change in zoning.

The following Tentative Report on the Boy Scout petition and the Final Report on the Lessard Petition was presented by the Planning Commission:

REPORT ON HEARING

(Petition of Rolf Jensen to re-zone)

The petition of Rolf Jensen to re-zone Tax lot #57 in Section 6, T. 41 S. R. 13 W.M. in the City of Brookings, Curry County, Oregon, came on for hearing at 8 p.m. January 27, 1954 at the City Hall, as duly advertised in the Brookings-Harbor Pilot, the official City organ of publication, on January 14, 1954.

This is to certify that there were no objections registered against this petition and Mr. Rolf Jensen appeared in person to present his case.

In witness whereof, I, Gladys Kanick, City Recorder, do hereby set my hand and seal this 27th. day of January, 1954.


Gladys Kanick, Recorder



Boy Scout Petition to re-zone

The petition of the Boy Scout Organization to amend the use of a single lot was verified to the Planning Commission for sufficiency and a hearing date set for February 23rd to be advertised in the Feb. 11th issue of the Brookings Harbor Pilot.

Gladys Kanick, Secy.

A FINAL REPORT

To The Honorable Mayor and City Council
of Brookings, Oregon,

Gentlemen: We the City Planning Commission of Brookings do herewith present a final report in regard to a petition by E.L. Lessard and the Brookings Machine Shop to re-zone an area of approximately 2 acres currently zoned as C-2 Commercial to an M-1 Industrial zone, more fully described in the petition.

On January 27, 1954 after due notice and pursuant to Ordinance No. 35, the Commission did hold a public hearing on the above petition to give all persons interested and the general public, an opportunity to be heard on the proposed change in zoning. Those present at the hearing generally supported the petition to re-zone. The following spoke in favor of the change: Gordon Goetz, Clifford Brimm, Elmer Bankus, Al Jennings, C.H. Grayschel, W.H. Brady, Earl Breuer, Roy Brimm, Fred Moore, and Les Dimmick.

Various reasons and opinions were offered in support of the petition for re-zoning. The majority stressed the need for expansion of the Brookings Machine Shop. The Commission does not question the sincerity of the proponents for the petition to re-zone. However, the general zoning ordinance does provide more than ample area for expansion in all districts. The present Ordinance provides a total of some 45 acres, exclusive of streets, that have been zoned into M-1 industrial districts. Of this are some 24 acres are located South of Highway #101 and adjoining the M-2 heavy industrial district. Out of this area of 24 acres, less than 3 acres have been developed, leaving approximately 20 acres available for expansion. We therefore see no reason why M-1 industrial districts should be increased in area.

Serious consideration was given to the possible effects that the proposed change might have on the whole zoning structure. Would this change be an opening wedge to establish an industrial area within the district now zoned for commercial development? What effect would an industrial on the highway have on the traveling public, who pass thru our community? How about the home owners and residents to the West of the City? Will they enjoy their daily drive thru an industrial district in order to reach down town Brookings? What would happen to development and values in the residential district overlooking and adjoining this area to the North? Would they enjoy looking down at an industrial district close to their front yard? These and other questions are of grave importance to the City of Brookings and are certainly in the interest of the public at large.

The Commission did further consider the following important rules that govern zoning, particularly those that have a legal bearing on re-zoning. First, it is a well established principle that the validity of an amendatory Ordinance depends on whether it tends to promote the general welfare. Second, when a general zoning ordinance has been enacted, property owners or persons buying property have a right to rely on the rule of the law

-6 Minutes of the Council Meeting of Feb. 9, 1954, cont'd.

-2 A FINALE REPORT cont'd.

-- that the classification made in the general ordinance will not be changed unless the change is required for the Public Good. T

Third, a property owner, who desires to have his property re-classified shall first prove that the requested re-classification will be for the public interest, health, convenience, comfort, safety, order and the public welfare.

Fourth, merely the benefits of a large investment is not a valid reason for re-zoning.

Fifth: the fact that the property in question would be of much more value if the requested use or change be granted, is not a ground for re-zoning.

Sixth: do not assume that because no one appears in opposition to a proposed re-zoning, it is any more valid than any other requested spot zoning.

Seventh; a change of zone or district must promote the general welfare of the people at large and not for the interest of any private group.

Eighth: amendment to a general zoning ordinance should be made with caution and only where Changing Conditions clearly require the amendment, otherwise the very purpose of zoning will be destroyed.

We, the City Planning Commission of Brookings after careful study and serious consideration of all the factors contained in this report and by unanimous vote, do hereby recommend to the City Council of the City of Brookings that the petition by E.L. Lessard and the Brookings Machine Shop for re-zoning, be denied.

Respectfully submitted,

City Planning Commission of the City of
Brookings

President

Secretary

The Recorder was asked to write the State Highway Commission, a letter of appreciation for the help and services rendered us by Mr. Sage during the time he had charge of this district.

On motion by Mr. Manley, meeting adjourned until March 9th. 1954.

Gladys Kanick
Gladys Kanick, Recorder