

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
of May 10, re-convened on May 24th. 1955

Meeting called to order by Mayor Brimm.

Present: Councilmen Breuer, Campbell, Manley, and Yelton.

Officers present: Atty. Ackley, Chief Cross, Supt. Reed and Recorder Kanick. Others were Messrs. Jenkins, Leonard, Murphy, Echols, Palmer, Hill, Bechels, and Shaw, Mrs. Leonard, Mrs. Goldizen, Mrs. Woolf, Mrs. Mayea, and Mrs. Monroe.

Minutes of the previous meeting were read and approved.

ORDINANCE # 73 was presented, ~~and upon~~ motion by Mr. Manley seconded by Mr. Breuer that Ord. #73 be read once in full, twice by title and ~~put upon~~ its final passage at this meeting of the Council. Breuer, aye; Manley, aye; and Yelton, aye. ( Mr. Campbell had not arrived yet)

WHEREUPON ORDINANCE # 73, entitled: AN ORDINANCE CONTAINING DEFINITIONS: DECLARING JURISDICTION OVER SIDEWALKS: PROVIDING FOR THE ESTABLISHMENT OF THE GRADES THEREOF: PROVIDING FOR THE ISSUANCE OF PERMITS TO CONSTRUCT SIDEWALKS: SETTING FORTH PROCEDURE FOR THE ENFORCEMENT OF THIS ORDINANCE: PROVIDING PENALTIES AND DECLARING AN EMERGENCY" was read once in full, twice by title and ~~upon motion of Mr. Breuer, seconded by Mr.~~ Manley, passed by the following vote: Breuer, aye; Manley, aye; and Yelton, aye. Carried.

BERESA SUB-DIV.

Mr. Riley, Mr. Shaw, and Mr. Bechel representing Beresa Inc. and Commonwealth, Inc. were present to discuss the matter of making a connection from the proposed Beresa sewer to the City's sewer. They reported receiving a letter from Elmer Bankus stating he would not allow the City to connect onto the sewer until the City had paid him the appraisal figure of \$29,066.44 and that they were unwilling to risk litigation in the matter, and wanted the City's approval to build a septic tank.

After considerable discussion, and unwillingness by the Council to make a decision without further study, it was decided to meet with interested parties at 2 'clock Wednesday afternoon, May 25th.

Sidewalk in front of Grayschel Bldg.

Mr. Grayschel, owner and Mr. Weideman, contractor, were present at the request of the Council, to answer complaints concerning the slope of the new sidewalk in front of the Grayschell Bldg. which was creating a hazard. Mr. Weideman and Mr. Grayschel contended it eliminated the hazard of steps. The matter was referred to Supt. Reed and the contractor, Mr. Weideman, to agree upon changes agreeable to both.

County Funds for Public Libraries:

Mrs. Goldizen, a member of the local library association was present to introduce, Mrs. Woolf, Mrs. Monroe, and Mrs. Mayea of the Gold Beach Library Association, who asked the City Council to support their request of the County Court for \$1000.00<sup>to</sup> help operate their library, the supposition that it would set a precedent of giving aid to all public libraries in the County needing financial assistance. the Council Motion was made by Mr. Breuer seconded by Mr. Campbell that/resolve that it ~~recommend that Curry County~~ give financial aid to public libraries in Curry County, and that a sufficient sum therefore be included in the



2-Minutes of May 10, re-convened on May 24, 1955 Cont'd.

County budget now in the process of being prepared. Carried. Mr. Ackley to prepare letter to Judge Forsythe pertinent to this action.

Twohy Tract: (additional street R.O.W.)

Atty. Ackley presented a deed from L.G. and Ethel Twohy granting additional R.O.W. of 4 feet on either side to the 40 foot R.O.W. previously deeded, to comply with the City's recommendation for street purposes in the Twohy tract. Motion was made by Mr. Breuer, seconded by Mr. Manley that this deed for additional street R.O.W. in the Twohy tract be accepted and the Recorder directed to have same recorded. Carried.

Correspondence:

A letter was read from the Division of Sanitation and Engineering, plumbing section, stating that this department had advised the Department of Veterans' Affairs and the Federal Veterans' Administration to make requests for plumbing inspections in the City of Brookings direct to the Recorder's office.

A letter from the White House addressed to Mayor Brimm in regard to our local post office, was read. It assured that the work requested would be soon be done and the post office open to the public for box service as per hours in force before the post office was moved.

A letter was read from the State Highway Commission inclosing copies of the form of resolution to be used in applying for a portion of the Special Street Allotment fund allocated for the improvement of streets having an unusual amount of traffic.

Unemployment Service:

The Mayor reported that he had been contacted in the matter of having an unemployment office located here and that it would be opened soon.

A telegram was read from Childcraft, Inc. requesting a change in the Green River Ord. so that it could canvass the City in the interest of selling this set of books, or that a concession be made by the Council for this purpose. The Recorder was asked to reply that the Council would not take the responsibility of changing this ordinance without the vote of the people and would not set a precedent of allowing any concern to canvass the City for sales purposes.

Cliff House Dispenser's License application:

Motion was made by Mr. Campbell, seconded by Mr. Manley that the City Council approve the application of Mrs. Gordon for a dispenser's license, for the Carried. Cliff House. *Williams and Eloree Wagner.*

The City Recorder was asked to write Mr. B.A. Martin to be present at the next meeting of the Council.

Sewer letters and option:

Letters pertaining to the sewers and option on same were read. Mr. Jenkins, representing the Citizens' Committee volunteered to try and get quit claim rights in favor of the City.

BERESA SEWER:

Motion was made by Mr. Campbell, seconded by Mr. Manley, that the City accept the septic tank proposition for the Beresa Sub-division subject to the approval of the State Sanitary Commission and a written commitment by Beresa, Inc. Carried.



3- Minutes of May 10, re-convened May 24, cont'd.

The Chetco Project:

A letter from the Chetco Project Committee, enclosing an endorsement of this project was presented. Motion was made by Mr. Yelton seconded by Mr. Manley that the endorsement be signed by the Mayor and members of the Council. Carried.

Recorder Applications:

Applications for the position of Recorder were presented and read as follows: Pearl E. Marquette, Juanita Echols, Odessa White, Edna Weigel, and May Smith.

Motion was made by Mr. Yelton, seconded by Mr. Breuer that the City Council accept the application of Mae Darby Smith for the position of recorder, Treasurer and Clerk of the Court.

Recorder directed to acknowledge and thank other applicants for their applications.

Mr. Manley reported contacting the Harbor-rural Fire District for it's fire service fee but hadn't received it to date. He said he would attend the District's meeting on June 1st. and would take the matter up with them at that time.

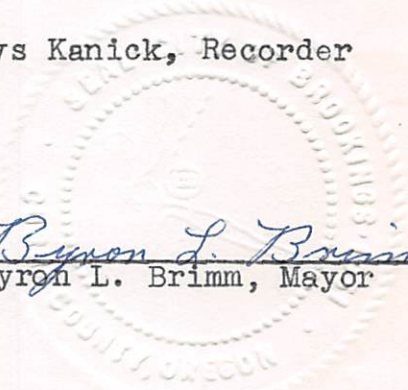
Hillside and Pacific Ave. Improvement assessments:

The Recorder advised that all assessments had been paid to date but one, Roy Brown's, a matter of \$160.00 plus interest. Motion was made by Mr. Manley, seconded by Mr. Breuer that Mr. Brown be given 10 days to pay this assessment and Mr. Ackley was authorized to so advise him. Carried.

Motion was made by Mr. Campbell, seconded by Mr. Breuer that a resolution adopting and setting forth electrical fees be passed. Carried.

Motion was made by Mr. Campbell, seconded by Mr. Manley that meeting adjourn.

Gladys Kanick, Recorder

A circular seal for the City of Brookings, Oregon, is visible in the background. The seal contains the text "CITY OF BROOKINGS, OREGON" around the perimeter and "1905" at the bottom. In the center, there is a smaller emblem.  
*Byron L. Brimm*  
Byron L. Brimm, Mayor

## City Gets Reply On Sewer Letter

The City of Brookings received a reply on their letter to the Public Utilities Commissioner concerning the sewer tangle. The City had written to the Commissioner asking if Elmer Bankus and the Brookings Land & Townsite Co. could shut off the water for non-payment of a sewer bill.

The letter, written by John R. McCullough, Chief Counsel, addressed to Gladys Kanick, City recorder, said:

Dear Madam:

You have directed an inquiry to the Public Utilities Commissioner as to whether Mr. Bankus, who operates a water company as a public utility and also a sewer system in the city of Brookings, could shut off the water furnished to certain consumers if said customers paid their water bills but not the sewer rental.

Only those operations conducted by Mr. Bankus which relates to the furnishing of water are regulated by this office. We have no jurisdiction with respect to his operations over the sewer system as the latter is not a part of public utility operations.

However, Mr. Bankus, operating as a public utility, does not have the right to shut off water service solely on the grounds that the consumer has not paid for certain other services not related to the furnishing of water service. In other words, Mr. Bankus cannot qualify the giving of water service upon any basis other than acceptance by the consumer of the provision of the tariff he has on file with us; and the present tariff certainly contains no provisions with respect to nonpayment of sewer rental.

Very truly yours,  
John R. McCullough,  
Chief Counsel.