

SPECIAL MEETING OF THE COUNCIL  
CITY OF BROOKINGS  
AUGUST 12, 1968

The meeting was called to order at 8:00 P. M. by Mayor Bruce J. Manley.

Councilmen present were Gilbert Batty, Lloyd Mosier, Alden Loring, and Henry Kerr.

Reporters present were Dick Keusink, Nate Bull, and Marge Barrett.

Mayor Manley announced that the purpose of the meeting was to discuss the non-complying structure now being occupied by Byron Brimm.

William Taylor, the attorney representing Byron Brimm, spoke in behalf of Mr. Brimm. Mr. Taylor pointed out that he wished the structure to be considered as a home, not as a trailer. He pointed out that the structure was moved onto its present location by Mr. Brimm in good faith, and cited a similar structure in Gold Beach which complied with the local building code and was not classified as a trailer, but instead as a prefabricated house. Mr. Taylor also stressed the remoteness of the location of Mr. Brimm's structure, in that there are no streets, no sewers, or no water in that particular area.

Building Inspector Lee Fountain pointed out that Mr. Brimm had been adequately informed in advance about the non-compliance of the structure, and presented a list of the ways that it did not comply. He pointed out that the structure was erected with no permit, and pointed out that it is in violation if it is considered as a trailer or if it is considered as a prefabricated building. Mr. Fountain stated that not only was the future of Mr. Brimm's home at stake, but also the future of all the ordinances of the City of Brookings.

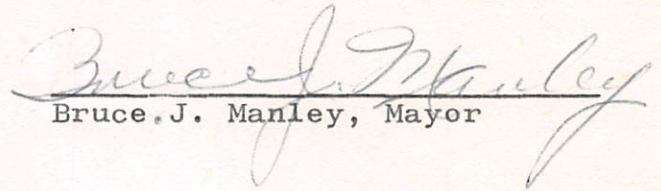
Byron Brimm pointed out that the building inspector inspected the structure when it was installed. He said that the bedroom windows were too small due to an error in construction, as he had requested them to be in compliance with the Uniform Building Code. He also pointed out that he had been informed that if a plumber were hired to correct the plastic plumbing, the plumber could face revocation of his license. Mr. Brimm pointed out that he felt that he could bring his structure up to standards to substantially comply with the Uniform Building Code.

Several questions were asked by other individuals in attendance at the meeting, and much discussion centered around these. There was also some question as to whether the structure was on the tax rolls as a home or as a trailer, and whether or not it had been licensed as a trailer by the State of Oregon.

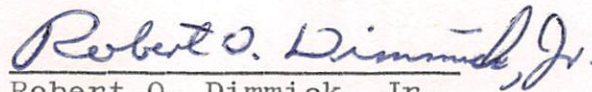
Con't:

Following discussion between Mr. Taylor and the Council, it was decided to let the League of Oregon Cities determine if the structure is a trailer or a prefabricated home. Gilbert Batty then made a MOTION that if the structure is determined to be a prefabricated home, a permit will be issued by the city provided that the structure can be brought up to acceptable standards of the Uniform Building Code, 1967 edition. Alden Loring seconded the motion, which was passed unanimously. The Council stated that the structure should be substantially completed to comply with the building codes within three months of the date of determination if it is a prefabricated structure.

The meeting was then adjourned at 10:25 P. M.

  
Bruce J. Manley, Mayor

ATTEST:

  
Robert O. Dimmick, Jr.  
City Recorder

A ■ HARLAN ■ GESSFORD  
ARCHITECTS

5TH & HIGHLAND

E ■ ERICHSEN  
ENGINEER

COOS BAY, OREGON 97420

August 6, 1968

Mr. Jerry Swanson, Assistant City Engineer  
City of Brookings  
City Hall  
Brookings, Oregon 97415

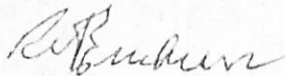
Dear Jerry:

Please cancel me from the agenda next next Tuesday, August 13. I wanted to talk to the City Council about federal programs with regard to Sewage Treatment Plant construction, however, the programs I was investigating are not funded at this time. I would appreciate your telling the Council that they should give serious consideration to retaining our firm to start making studies on their expansion program, give cost estimates and start applying for funds of various federal programs.

The maximum cost for our services would be \$500, which would be credited against any final design projects.


Please find out their thinking on this matter and tell them I am sorry I could not make their regular meeting.

Very truly yours,



R. H. Erichsen, Managing Partner

RHE/et



STATE OF OREGON  
PUBLIC UTILITY COMMISSIONER  
SALEM 97310  
August 9, 1968

IN REPLY PLEASE REFER  
TO FILE NO.

City Council  
City of Brookings  
City Hall  
Brookings, Oregon 97415

Attention: Bruce J. Manley, Mayor

Gentlemen:

This agency has received a number of complaints from residents of the City of Brookings regarding refusal of the Brookings Water Company to supply water for domestic use. The complaints have arisen due to inadequacy of wells previously relied on by the various complainants.

Persons making complaints, and seeking the assistance of this agency to alleviate them, are as follows:

Mrs. Faye Stanhurst	Fourth Street
Mrs. Orvil Davis	P. O. Box 661
Frank M. Harrison	725 Second St.
Veda L. Mattson	723 Second St.

As you may be aware, the Public Utility Commissioner is charged with the responsibility of representing consumers of utility services, including water users. Upon receipt of the complaints, we undertook to investigate the failure of the water company to provide service as requested. In the course of the investigation with respect to Mrs. Stanhurst we were advised by Mayor Manley that the City of Brookings had enacted a new ordinance, number 200, and that the company upon compliance with that ordinance would be issued a permit authorizing the company to cut the necessary pavement to allow installation of pipe to serve Mrs. Stanhurst's property. However, after the compliance by the company with ordinance 200, Mayor Manley advised this agency that the permit would not be issued. We are informed by the company that in the remaining three cases the city has similarly declined to issue permits to open streets as applied for by the company. The company asserts that it will furnish service to the complainants when the city issues the normal permits.

Page 2  
8/9/68  
City Council - City of Brookings

In his capacity as representative of water users, and in particular the four above-named persons, the Public Utility Commissioner requests that permits be issued to the Brookings Water Company, as applied for by the company, authorizing it to open streets for the purpose of installing water pipes in order that service may be rendered to the properties of those persons.

The Commissioner requests that due consideration be given to the rights of these persons to receive water service from the company and the company's duty to provide such service, which rights and duty are provided by law, Oregon Revised Statutes, Chapter 757. It is also requested that due consideration be given to the hardships entailed and the potential threat to the health of those persons deprived of adequate water service, and the consequent health hazard to the community as a whole.

I am further instructed to advise you that should the properties of the persons above-named not be served within a reasonable time, reasonable in relation to the need for service, the Public Utility Commissioner will take appropriate action on behalf of those persons, without prejudice to any actions at law for damages which they may individually initiate, to procure such service for them.

This letter should be construed as a formal demand that the City of Brookings issue the above-described permits authorizing the Brookings Water Company to open streets for the purpose of installing water pipe in order to render service to the properties of the above-named persons.

Very truly yours,

ROBERT Y. THORNTON  
Attorney General

By Richard W. Sabin  
RICHARD W. SABIN, Chief Counsel  
Assistant Attorney General  
PUC-103 Public Service Building

RWS/df

cc: Edward Branchfield  
cc: Burl L. Green  
cc: Frederic H. Starkweather, Jr.  
cc: Ken Kendall  
cc: Curry County Board of  
Commissioners  
cc: State Health Department  
cc: Stanburn, Davis, Harrison, Mattson

**GREEN, RICHARDSON, GRISWOLD & MURPHY**

**LAWYERS**

**DONALD S. RICHARDSON  
BURL L. GREEN  
JAMES B. GRISWOLD  
ALLEN T. MURPHY, JR.**

**JOHN J. HAUGH**

**B. A. GREEN  
(1914-1965)**

**218 PORTLAND LABOR CENTER  
SOUTHWEST FIRST AND ARTHUR STREETS  
PORTLAND, OREGON 97201  
TELEPHONE 228-3344**

August 8, 1968

The Honorable Bruce J. Manley  
Mayor, City of Brookings  
898 Elk Drive  
P. O. Box 'C'  
Brookings, Oregon 97415

Re: Brookings Water Company -  
City of Brookings

Dear Bruce:

This letter is merely to summarize what, at least I think, was accomplished on Monday, August 5, 1968, in the Governor's office headed toward an arbitration of the purchase of the Brookings' water supply by the City. As you know from your reading of the Copeland case, the law probably is that the City can go into competition with the existing company and in all probability without having to pay compensation for so doing. However, this does not solve many problems. First, you would constantly have a problem of refusing permits for wherever Mr. Bankus will want to lay new pipe. Secondly, there is obviously not sufficient customers for two competing systems, and the revenues very well might not support the bonds unless you have a monopoly. Third, it was the feeling in my previous discussions with the City Council that they were willing to pay Elmer Bankus a "fair" price.

All matters discussed on Monday, of course, are merely tentative subject to the approval of both parties, and I would like to set them forth in this letter. First of all concerning the appraisers, there will be three of them, one selected by each party and it is undecided as to how the third will be selected as yet. It has been agreed that these appraisers should have either engineering degrees or engineering experience and background. They will be instructed to get expert advice from C.P.A.'s concerning the books from waterworks supply people concerning the nature of the pipe and value of the system and from independent engineers. They are not limited to these but shall be instructed to advise with these three categories. The cost of the appraisers and all of the investigation, etc., is going to be quite heavy. Markweather estimated this cost at \$15,000 to \$20,000. I thought it would run closer to \$10,000 to \$12,000. This cost will be split, half by the City and half by Mr. Bankus.

**GREEN, RICHARDSON, GRISWOLD & MURPHY**

The Honorable Bruce J. Manley  
Page 2  
August 8, 1968

The elements of damage to be considered by the appraisers are as follows:

- (1) Original cost.
- (2) Replacement cost less
  - (a) Reasonable depreciation
  - (b) Physical depreciation, i.e. deterioration
  - (c) Book value depreciation
- (3) Rights of way and easements as well as the real property connected with the water system only.
- (4) The "Going Business Concern" approach. This latter would take into account the income of the company, the fact that it is a going business rather than one that has to be newly started and new customers acquired.

There is a disagreement as to whether another factor should be considered; that is, the fact of Brookings being a growth area and what the company could reasonably anticipate an income to be in future years. We did not agree to this, and it is still in dispute.

Comparable sales of other waterworks systems would probably also be considered if available.

We next get to the real sticker; that is, when the arbitrators come to the final figure, are both parties to be bound by that figure whether it be high or low? The City might have a difficult time committing itself to a figure which might be above the funds available. On the other hand, if a contract was entered into between the City and Mr. Bankus to bind themselves by arbitration this would stop all lawsuits and all attempts by Elmer Bankus to enlarge his system. The alternative might be that either side would have the right to reject the decision but upon such rejection that party would have to pay the full cost of the over-all appraisal. This would not solve too many problems so far as the current lawsuits are concerned because I'm sure everyone will push as hard to get a favorable position as possible.

Some thoughts as to how the City might possibly pay for a high award would be the issuing of a general obligation bond rather than the revenue bond now in existence. When you have had a chance to discuss this with the City Council, you might give me a call.

Very truly yours,  
GREEN, RICHARDSON, GRISWOLD & MURPHY



Bert L. Green

Aug. 7, 1968

Honorable Mayor + City Council  
City of Brookings, Brookings Oregon,

I, Dale S. Henderson, am requesting  
permission to operate a taxi within the  
corporate city limits of Brookings and in  
accordance of ordinance No. 63

I have held a chauffers license  
for many years, although no taxi experience

I plan to operate a 1969 model  
auto, radio equipped, on a 24 hr a day  
basis.

I also will operate from a highway  
101 location.

Sincerely,  
Dale S. Henderson



VOUCHERS PAYABLE  
CITY OF BROOKINGS  
JULY 31, 1968

<u>NAME</u>	<u>AMOUNT</u>
Akin Motor Co.	80.50
American Book Publishing Record	15.50
Atlantic Richfield Co.	108.58
Auto Marine Electric	32.90
Baker & Taylor	153.65
Brookings Fire Dept.	150.00
Brookings Office Supplies	14.64
Brookings Plywood	82.50
Brookings Supply, Inc.	5.25
Brookings Water Co.	244.24
Mrs. Ralph Brown	150.00
C&K Market	19.40
Certified Laboratories	46.10
Coast-to-Coast Stores	2.33
Sophia Colegrove	200.00
Collier-McMillan Co.	59.84
Columbia Record Club	32.38
Consolidated Freightways	101.67
Coos Bay Stationery Co.	371.90
Consolidated Supply Co.	546.31
Coos-Curry Electric	520.16
C. M. Cross	125.28
Curry County Clerk	11.50
Robert O. Dimmick, Jr.	17.68
Ernie's Radiator	3.50
Fauerso-Lesmeister Agency	36.35
Frank's Office Equipment	2.75
Gaylord Brothers	72.55
General Telephone	293.04
Green Door	9.70
Hanscam's	7.35
Harbor Logging Supply, Inc.	31.59
Johnson Cement Products	132.30
Kerr Hardware & Electric	40.93
Latimer's	7.00
Littrell Parts	51.31
Long Electric	2.15
Bruce J. Manley	200.00
B. A. Martin	241.30
William R. Murphy	20.00
Mattie's	6.90
Motorola	45.25
National Geographic Magazine	9.00
National Geographic Society	3.50
Neil Nelson	20.00
Newsweek	7.40
Nudelman Bros.	43.00
Paramount Pest Control	5.00
Pennsalt Chemicals Corp.	81.00
Pilot	123.92
Pilot Manufacturing Co.	85.00
Pitney-Bowes, Inc.	18.54

Proctor's	187.50
Publisher's Central Bureau	3.42
Gerald Ross Insurance Agency	541.88
J. Robert Schmidt, M. D.	15.00
Shell Oil Co.	415.03
Silver Berdett	10.67
Smith Blair	310.66
Elton Smith	10.00
Stevens-Ness Law Publishing Co.	73.75
Tartan Book Sales	62.55
Tsches Publishing Co.	20.00
Tubby's	3.20
Twin City Laundry	18.00
Unigas	7.38
Waterworker Supplies Co.	336.26
H. H. Wilson Co.	11.00
Audiovisual Instruction	8.00
Curry County Communications	75.00
	<u>\$6,801.94</u>