

Minutes of
SPECIAL COUNCIL MEETING

SPECIAL COUNCIL
MEETING 4/15/55

April 15, 1955

Mayor Brimm called a special meeting of the city council, the planning commission, the citizens committee and the budget committee; at 7:30 P. M. April 15, 1955, in the high school.

Mr. Brimm introduced Mr. Sidney Lasswell, representing Cornell, Howland, Hayes & Merryfield, Consulting Engineers, Corvallis, Oregon.

Mr. Lasswell presented and read "An Engineering Report on a Preliminary Study of Sewage Collection and Treatment Facilities" for the city of Brookings, Oregon.

SEWER SURVEY
PRESENTED

Mayor Brimm requested the audience to ask any questions they wished, and they are as follows:

DISCUSSION
OF SEWER SYSTEM
& QUESTIONS

Mr. Murphy, "Is a sewage treatment required right now?"

Mr. Lasswell: "The State Sanitary Commission requires a primary treatment facilities immediately. They do not require chlorination equipment at this time, but it is desirable to have it, and the State may require it at any time."

Mr. Weideman: "Does the State require a primary treatment plant?" Mr. Lasswell: "Yes".

Mr. Ackley: "Could the Chetco Point location be served by gravity flow without pumping stations?"

Mr. Lasswell: "Pumping stations as recommended in survey are required."

Mr. Lasswell

Mr. Arrell: "Would a pumping station cheapen the value of the surrounding property?"

Mr. Lasswell: "No, not necessarily. The station is small."

Mr. Phillips: "Does this $1\frac{1}{2}$ ¢ per sq. ft. assessment affect all property along the sewer line?"

Mr. Lasswell: "Only property within 150' of the sewer line."

Mr. Aldrich: "Have you included cost of land property in your estimates?"

Mr. Lasswell: "We have allowed approximately \$1,000 per acre. If the cost is too high, you can condemn property. A percentage of property is city-owned or provided on Chetco Point. The right of way is figured on a normal cost."

Mr. Dempsey: "Would a sewer line buried in a property be undesirable in the property?"

Mr. Lasswell: "It is very unlikely that a sewer line buried in the property would be undesirable."

Mr. Phillips: "Would the sewer lines be located in the center of the streets?"

Mr. Lasswell: "They would try to lay down a line where it could be laid the cheapest within the right of way."

Mr. Aldrich: "Construction of 50 homes is of immediate consideration. Could an alternative sewer system of Area 1 be ready for occupancy of home? Could we put in a temporary outfall?"

Mr. Lasswell: "The State would not allow, and cost would not justify."

Mr. Weideman: "Would the State allow a temporary basis?"

Mr. Aldrich: "The State might go on a temporary basis if assurance be given it would not be operated for any length of time."

Mr. Weideman: "What is the footage cost?"

Mr. Lasswell: "\$3.00 per foot to lay sewer pipe in ground and covered."

Mr. Reed: "Could the flow of Spruce Drive be taken East of North direct to Memory Lane?"

Mr. Lasswell: "Yes."

Mr. Reed: "Is it the policy of the State Financial Board to grant extensions of two to five years for a disposal plant?"

Mr. Lasswell: "No, if the City can afford otherwise."

Mr. Reed: "It is $1\frac{1}{2}\%$ instead of 15% cost per sq. ft.?"

Mr. Lasswell: "Yes, that is a typographical error".

Mr. Weideman: "What is the minimum pitch?"

Mr. Lasswell: "4 feet."

Mr. Manley: "Can the present sewer handle Areas 3 and 4?"

Mr. Lasswell: "Yes, with the changes as recommended."

Mr. Arrell: "Is there any reason to dig up new streets?"

Mr. Lasswell: "No."

Mr. Ackley: "In your estimate, existing topography is shown in 2' intervals."

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QUESTIONS &
ANSWERS

Mr. Lasswell: "Streets will not be graded up or down 1 to 2'."

Mr. Taylor: "Will the sewer system take storm water."

Mr. Lasswell: "No, the sewer system can not be designed to take storm water at a reasonable price."

Mr. Weideman: "Are there storm sewers only on Chetco Ave. now?"

Mr. Lasswell: "I do not know."

Mr. Arrell: "How does this affect the funds for paving Oak St.?"

Mr. Lasswell: "The sewer goes down Oak St. The sewer should be laid before paving. This policy should be established on all streets."

Mr. Phillips: "Are sewer drains to take care of storm drains very expensive?"

Mr. Lasswell: "Approximately \$200,000.00. However, the street program should require drainage at intersections."

Mr. Hampton: "When is a pumping station needed?"

Mr. Lasswell: "The number of houses in a sub-division that require a pumping station determines this."

Mr. Weideman: "What method is used for septic tanks now here when city goes ahead with sewer system?"

Mr. Lasswell: "The city adopts an ordinance and requires sewer system used if gravity service is possible. Property owner must be connected."

Mr. Aldrich: "With the data you have supplied here, could the construction company of the 50 homes construct a sewer line themselves to the ocean and then revert to the city?"

Mr. Lasswell: "This would not be practicable. The city should construct the first phase this summer as a more desirable solution."

50 homes

Mr. Aldrich: "Could that money be spent by the home construction company on a sewer system rather than on septic tanks?"

Mr. Lasswell: "Yes. But then you would have to go to court to prove ownership and if it appears to be temporary sewage disposal."

Mr. Taylor: "Is the cost of present system based back to 1917 reproduction costs?"

Mr. Lasswell: "There are several ways to figure reproduction costs. 1. Historical in actual value. 2. Estimate original cost. 3. Original construction cost. 4. A dependable figure on a present day price. Our method starts with highest method. Fair value is opinion and each person's opinion is different. The quality of materials today are better."

Mr. Weideman: "Does the present system need revamping?"

Mr. Lasswell: "A few sewer connections in this area will make old system complete." There are 620 people served by the present system."

Mr. Phillips: "How many connections are on the old system?"

Mr. Lasswell: "We did not count the houses in that area, but this could be done."

Mr. Aldrich: "Is the 14,000' of sewer line from property line or from manhole?"

Mr. Lasswell: "Mains and laterals. No service connections."

Mr. Murphy: "Will plant maintenance entail full time man?"

Mr. Lasswell: "We have set up \$2400.00 theoretically for one-half time, then he would also be available for street and water work."

Mr. Taylor: "Is the reproduction made on same size pipe?"

Mr. Lasswell: "No. The line we go to is 12" line."

Mr. Brewer: "Is vitrified clay better than concrete pipe?"

Mr. Lasswell: "Yes, but we do not need to use it where there are no strong industrial wastes."

Mr. Hampton: "Will present system meet State requirements?"

Mr. Lasswell: "The States does not specify size in inspection as long as the system is providing the proper service."

Mr. Hampton: "Is new high school not in Area 3 because it is now being served by the present system? Can it be placed in Area 3 on future construction?"

Mr. Lasswell: "Yes".

Mr. Taylor: "There has been no arrangements made for easements in present system."

Mr. Aldrich: "With reference to the location of the treatment plant, is it necessary to make a 10' cut to get to the treatment plant where there is nothing to be served at the present time? Could the treatment plant be moved and save money?"

Mr. Lasswell: "No".

Mr. Taylor: "Area 7. Why did you leave out all the shore property?"

Mr. Lasswell: "The area slopes rapidly and gravity flow is not available to 150' of sewer line."

Mr. Phillips: "Do you plan to have a pumping plant at the mill?"

Mr. Lasswell: "No, it would be double cost."

Mr. Henricks: "In financing, who owns sewer? Can purchase price of present system be put in general bond?"

Mr. Lasswell: "Yes."

Mr. Henricks: "Can the people be assessed less on a square foot basis? Where the four areas included in order to get a bond issue passed?"

Mr. Lasswell: "Yes."

Mr. Hampton: "Would the Sanitary system be to establish sewer districts just for areas and people to be served?"

Mr. Lasswell: "That area would determine cost per square foot. Everone in town would pay tax for large trunk sewers, but just people served would pay for the lateral which runs by the house."

Mr. Reed: "Area 1 costs \$64,254. Could you form a district in Area 1 to do what we want to do immediately in order to take advantage of what Besia Co. would put in. Could we set up and take advantage of money he wants to pay?"

Mr. Lasswell: " It would be difficult to make some arrangement that was not involved and unsatisfactory."

Mr. Brimm: "Shall I call a meeting Saturday?"

Mr. Taylor: "I think we owe a vote of thanks to the engineering firm and this man for his presentation."

Mr. Bankus: "Would the disposal plant be less objectionable over the bluff?"

Mr. Lasswell: "That would cost \$50,000.00 more than over the area planned."

Mr. Dempsey: "Bankus, you own that property. Will you contend it is objectionable?"

Mr. Bankus: "I am not saying I will object."

Mr. Brimm: "People need the sewer and we are going to endanger the health of our people. Why up here, the stuff stands on top of the ground. Let's decide now where to build. We have paid the engineers where to tell us."

Mr. Swan: "You asked us to ask questions whether right or wrong. Would it be cheaper or not?"

Mr. Brimm: "Do you want to sell the sewer?"

BANKUS SALE

Mr. Bankus: "Read the letter I wrote you."

Mr. Brimm: "Mrs. Kanick, will you please read the letter from Mr. Bankus."

Mrs. Kanick: "In letter of Feb. 8th to City Council,"

Mr. Bankus: "That is not my last letter."

Mr. Brimm: "That is the last letter we have from you, and you agree to accept information."

Mr. Bankus: "I wrote you that I would sell the sewer and water together on the appraised value of the engineering firm of Cornell, Howland, Hayes & Merryfield."

Mr. Brimm: "What about the cost of appraisal? There is no price on sewer alone? We would have to have

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BANKUS SALE
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the water system appraised before that."

Mr. Bankus: "If you buy the water and sewer, I will pay the cost of appraisal. I mean, I will sell at appraised value the water and sewer system, and pay one-half of appraisal, if you buy."

Mr. Henricks: "Has there been made any appraisal on water?"

Mr. Bankus: "I will not sell sewer system separately."

Mr. Brimm: "No one knows." Rice told us that attorneys would get the money out of it."

Mr. Ackley: The city can condemn the sewer system and have it appraised and pay that."

Mr. Aldrich: "We are taking recommendations of this engineering concern. Who is to determine ownership of sewer?"

Mr. Dempsey: "If Bankus agrees to accept \$29,000.00 figure tonight, he would defend the title."

Mr. Bankus: "If the people of Brookings are going to get me into a lawsuit, then it is going to be part of my cost and I will add it to my appraised cost."

Mr. Ackley: "No attorneys' fees. If the city decided to condemn this sewer system through a lawsuit, they would offer an appraised price and would put it in trust in the bank and leave it there until he wants to accept it. The jury and circuit court would set the price and that would be what the city would have to pay Bankus. There might be some costs. If the award was less than the city offered to pay then Bankus would have to pay the costs. "In case he was successful, then the city would have to pay costs."

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BANKUS SALE
Cont'd

Mr. Taylor: "If money is offered in court for a water system, he has to accept. If the city realizes a warranty deed or judgment, he would buy whatever Elmer owned in system."

Mr. Bankus: "Here is a certified copy of my deed, and it is what I am going to sell you. This deed is to the Brookings Land & Townsite Co. and is a deed to the water right and system, and Fairy Creek Dam, also the entire sewer system. It was authorized in a letter dated September 31, 1916 from the Del-Cur Co. It is a certified copy of what is on record in Gold Beach."

Mr. Dempsey: "Suppose we buy it and at a later date find there are other claimants, what are we going to do?"

Mr. Ackley: "When the city gets ready to buy, a title insurance policy should be obtained, and if there are no reservations or mars on the title, go ahead. If there are reservations and flaws it would appear in the title insurance policy."

Mr. Bankus: "If I have to go to law to defend myself, and anyone can be sued, and you have no right to sue me, I am going to add attorneys' fees to the appraisal value."

Mr. Brimm: "It would be better to make a legitimate deal if we can, and without going to court."

Mr. Dempsey: "The title insurance company would make a search before purchase."

Mr. Phillips: "Couldn't we buy title insurance and

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BANKUS SALE
Cont'd.

protect the city and Mr. Bankus?"

Mr. Brimm: "We would like to have a price on the water system."

Mr. Bankus: "I agreed to pay one-half of that \$6700.00 price to get an appraisal, that is if you buy it."

Mr. Brimm: "We will have to adjourn and call another meeting of the committees." Mr. Dempsey, will you give a report on the highway."

HIWAY 101

Mr. Dempsey: "The report that work on highway 101 is going to be abandoned is not true. The Highway Commission advises no change whatsoever. The highway is as far as Pistol River is to be surveyed and passed, then they would build it when they had the money. The highway from Pistol River to Brookings would cost \$240,000.00 per mile to construct the roadbed."

Meeting adjourned.

ADJOURNMENT

Approved: _____

By Winifred Stanley

Byron L. Brimm