

MINUTES OF REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF  
BROOKINGS, OREGON

November 8, 1956

Meeting called to order by Mayor Brimm.

Councilmen present: Messrs. Manley, Campbell, Breuer and Yelton.

Others present: Attorney Balderee, Supt. Reed, Chief Cross, Judge Kirby, Sidney Laswell, (from Cornell, Howland, Hayes and Merryfield), Charles Echols, Dave Fortier, Raymond Pisarek, Sam Hall, Percy Hanks, Elmer Erb, Ben Phetteplace, Hans Nelson, Mike Page, Mr. Morton, Mr. Warren Smith, and Mrs. Klise.

DISTRICT #2; - Hearing held at 7:00 o'clock.

A letter from Mr. Elmer Erb was read. Mr. Erb objected to the proposed reassessment due to the fact that their property would not be benefited and asked that proper adjustments be made. Mr. Reed reported on the elevation of the house, and said there was sufficient fall.

A protest from Raymond L. Pisarek objecting to (1) the assessment or reassessment of any part of his land for the reason that said land is not and will not be specially benefited by the sewer because his residence is not susceptible of being drained by the gravity method, (2) that according to the plans and specifications the council is without authority to assess this property, (3) the method of determining assessment is not applicable to the land because the area is not made up of uniform sized lots, (4) the land is not specially benefited by service not available to him. Mr. Reed reported that the elevation of the house is equal to the elevation of the sewer, and that the assessment is on the property not the house. Mr. Hall requested the council to notify him of their decision on this property.

DISTRICT #4: - Hearing held at 8 o'clock.

A letter signed by C. A. Page, Chairman of Scout Building Committee, was read. Mr. Page protested against the assessment on the Scout Building Property. Mr. Balderee reported that the letter is on the basis of need but there is nothing the council can do about it. Mayor Brimm suggested this matter be made a community affair, after which several volunteered cash donations.

The returns of the general city election held November 6, 1956, was canvassed by the council. The results of the returns were as follows: Precinct #1

MAYOR

#23	C. F. Campbell	347
24	Willard J. Spencer	142

COUNCILMEN:

25	Percy D. Hanks	265
26	Leland P. Hein	265
27	Ben R. Phetteplace	341

A motion was made by Councilman Manley and seconded by Councilman Yelton that the city accept the official election returns on Precinct #1. Motion carried.

PRECINCT #2:

MAYOR

TOTALS

#23	C. F. Campbell	283	630
24	Willard J. Spencer	166	308

COUNCILMEN:

25	Percy D. Hanks	266	531
26	Leland P. Hein	251	516
27	Ben R. Phetteplace	306	647
28	Gordon Olsen	1	1

A motion was made by Councilman Breuer and seconded by Councilman Manley that the city accept the official election returns on Precinct #2. Motion carried.

Mr. Page also protested on/ <sup>the assessment of</sup> his property located on the Old County Road and on Pioneer Road.

A letter from the Brookings-Harbor School District 17C signed by Mr. D. D. Williams, Supt. requesting the City to issue a special permit for diagonal parking on Pioneer Avenue fronting the high school building. Chief Cross advised the city to permit the diagonal parking for the school term of the year. A motion was made by Councilman Campbell and seconded by Councilman Manley granting them a permit for diagonal parking at this location for an indefinite period, the permit to be subject to revocation at any time by the council's action .

Attorney Balderee referred to a letter from Caka, Jaureguy, and Hardy signed by John H. Buttler, attorney for Mr. Bankus, and also referred to a memorandum regarding proposals concerning sale of Brookings sewer system. In brief the memorandum stated that the appraisal price of the Old Brookings Sewer System is \$29,044.66 which appraisal depreciates the sewer system (except the outfall) at the rate of 46%. The proposal was that the sum of \$14,044.66 be paid to Mr. Bankus at the time the contract was entered into, and the balance of \$15,000.00 be paid in escrow with the condition that if any lawsuit was filed within one year from the date of the contract, the total of \$15,000.00 would remain in escrow until a final determination of such lawsuit or lawsuits. If now lawsuit

was filed within the one year period, \$5,000.00 of that sum in escrow would be paid to Mr. Bankus and the balance of \$10,000.00 would remain in escrow for another year and one-half. If no lawsuit was filed in this one and one-half year period, the \$10,000.00 would be paid over to Mr. Bankus and the escrow closed. If a lawsuit was filed during the escrow period the money would stay in escrow until lawsuit was determined. Matter will be discussed further at the council meeting of November 13, 1956.

DISTRICT #7: - Hearing held at 9 o'clock.

A letter from the Klise Apartments signed by Orson F. and Nina Klise was read. Mr. and Mrs. Klise requested that the reassessment be based only on the actual useable area. Attorney Balderee suggested that the council weigh the number of assessments against the protests in considering this protest.

A letter of protest from Bessie L. Stamey was also presented to the council. Said protest objected to the amount of assessment because the property does not abutt on the sewer, the ground will not be benefited by the sewer, assessment was arrived at by a superficial mode of determination rather than an actual appraisal, value of property will not be enhanced, proposed assessment is not in keeping with propositions submitted to the legal voters and the assessment exceeds almost four times the ad valorem tax assessment. In considering this request Attorney Balderee asked the council to consider the fact whether or not this property was deeded to Mrs. Stamey, a relative of Morton and Smith, to avoid assessment. Attorney Balderee also reported that the plans and specifications referred to in the protest are not the final plans of the consulting engineers. Mr. Haswell advised that at the time of assessment it was felt that the property would be benefited. Mr. Smith felt the valuation was disregarded.

The League of Oregon Cities Convention was brought up and reservations taken.

A motion was made by Councilman Breuer and seconded by Councilman Manley that the meeting be adjourned.

Byron L. Brimm  
Byron L. Brimm, Mayor

Bernice M. Huddleston  
Bernice M. Huddleston, Recorder

