City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, October 14, 2024, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

- A. Call to Order
- **B.** Pledge of Allegiance
- C. Roll Call

D. Ceremonies/Appointments/Announcements

- 1. Domestic Violence Awareness Month Proclamation The SAFE Project [Pg. 1]
- 2. Curry County Cruisers Appreciation Day Proclamation Curry County Cruisers Car Club [Pg. 2]

E. Scheduled Public Appearances

(Informational presentations to Council on non-agenda items – 10 minute limit per person.)

1. Kathryn Bernhardt – Curry Public Transit

F. Oral Requests and Communications from the audience

(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

G. Consent Calendar

1. Approve Council minutes for September 23, 2024 [Pg. 3]

H. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders

- 1. Community Resource Officer pickup truck purchase [Pg. 5]
 - a. Quote Roberson Motors Inc. [Pg. 6]
- 2. Prohibit Beach Camping in Brookings City Limits [Pg. 7]
 - a. ORS 183.390 Petition to the Oregon Parks and Recreation Commission to Protect Mill Beach in Curry County June 6, 2024 [Pg. 9]
 - b. Map Impact of Proposed Camping Ban in Brookings [Pg. 23]
 - c. Oregon Parks and Recreation Commission Agenda Item 1e July 30, 2024 [Pg. 24]
 - d. Overnight Camping Ban Survey City Manager Tim Rundel [Pg. 26]
- 3. Valley Street Water Line Replacement [Pg. 34]
 - a. McLennan Excavation Inc. Bid [Pg. 35]
 - b. 5R Excavation & Paving LLC Bid [Pg. 36]
 - c. Tidewater Contractors Inc. Bid [Pg. 37]
- 4. Ransom Street Water Line Replacement [Pg. 38]
 - a. McLennan Excavation Inc. Bid [Pg. 39]
 - b. 5R Excavation & Paving LLC Bid [Pg. 40]
 - c. Tidewater Contractors Inc. Bid [Pg. 41]

I. Informational Non-Action Items

1. September 2024 Vouchers [Pg. 42]

J. Remarks from Mayor, Councilors and City Manager

K. Adjournment

^{*} Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, and at Brookings City Hall. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours. All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 541-469-1102 if you have any questions regarding this notice. You can view City Council meetings LIVE on television on Charter PEG Channel 181, or stream on the City's YouTube Channel https://www.youtube.com/@cityofbrookingsoregon8039.



In the City of Brookings in recognition of the important work done by survivors, domestic violence programs and victim service providers, I urge all citizens to actively participate in the scheduled activities and programs sponsored by The SAFE Project and other community organizations to work toward the elimination of intimate partner violence.

- WHEREAS, in just one day, across the U.S. and its territories, nearly 75,000 victims of domestic violence sought services from domestic violence programs and shelters. That same day, more than 9,000 requests for services, including shelter, housing, transportation, childcare representation, could not be provided because programs lacked the resources to meet victims' needs;
- WHEREAS, the impact of domestic violence is wide ranging, directly affecting individuals and society as a whole, here in this community, throughout the United States and the world, and
- WHEREAS, racism, homophobia, transphobia, ageism and discrimination based on physical ability, nationality or other factors help to perpetuate domestic violence and make finding safety even more difficult for some victims;
- WHEREAS, the need for safe houses continues to be rated as survivors' most urgent need; and
- WHEREAS, Brookings joins with others across Oregon and the nation in supporting victims of domestic violence, as well as local programs, state coalitions, national organizations, and other agencies nationwide who are committed to increasing public awareness of domestic violence and sending a clear message to abusers that domestic violence is not tolerated in Brookings;
- WHEREAS, domestic violence impacts millions of people each year, but it can be prevented. Preventing domestic violence requires the collective voice and power of individuals, families, institutions, and systems - each whose "#1Thing" adds a valuable and powerful component to transforming our communities.

NOW, THEREFORE BE IT RESOLVED, that I, Isaac Hodges, Mayor of the City of Brookings, do hereby proclaim October 2024 as

Domestic Violence Awareness Month

In Witness Whereof, I, Mayor Isaac Hodges, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 14th day of October, 2024.



WHEREAS, the Curry County Cruisers Car Club strives to preserve, promote, and encourage the enjoyment of all special interest automobiles, trucks, and motorcycles; and

WHEREAS, the Curry County Cruisers Car Club dedicates itself to benefit the community with its annual car show, donating all proceeds to local nonprofit charities and organizations; and

WHEREAS, the Curry County Cruisers Car Club has donated over \$100,000 in the last 10 years to its local communities; and

WHEREAS, the Curry County Cruisers Car Club Annual Car Show proceeds went to 24 different organizations this year; and

WHEREAS, the Curry County Cruisers Car Club participates in several community events throughout the year; and

WHEREAS, the Curry County Cruisers Car Club is a community oriented club.

NOW, THEREFORE BE IT RESOLVED, that I, Isaac Hodges, Mayor of the City of Brookings, do hereby proclaim October 15, 2024 as

Curry Cruisers Appreciation Day

BE IT FURTHER RESOLVED

In Witness Whereof, I, Mayor Isaac Hodges, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 14th day of October, 2024.

Mayor Isaac Hodges

City of Brookings CITY COUNCIL MEETING MINUTES

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

Monday, September 23, 2024

Call to Order

Mayor Isaac Hodges called the meeting to order at 7:00 PM

Roll Call

Council Present: Mayor Isaac Hodges, Councilors Andy Martin, Kristi Fulton, Phoebe Pereda, and Clayton Malmberg; a quorum present

Staff present: City Manager Tim Rundel, Public Works and Development Services Director Tony Baron, and City Recorder Brooklyn Osterhage

Media Present: 0

Others Present: approximately 10 audience members and new Grant/Project Manager Wendy Giordano

Scheduled Public Appearances

1. Leslie Wilkinson provided an update on the Festival of Lights for Nature's Coastal Holiday

Deputy Public Works & Development Services Director Lauri Ziemer acknowledged Leslie Wilkinson for her volunteer work and presented her with an award from the City thanking her on behalf of the many events she has assisted with while living here.

<u>Ceremonies/Appointments/Announcements</u>

Tim Rundel introduced the new Grant/Project Manager, Wendy Giordano

Consent Calendar

- 1. Approve Council minutes for September 9, 2024
- 2. Receive monthly financial report for August 2024

Councilor Malmberg moved, Councilor Pereda seconded, and Council voted unanimously to approve the Consent Calendar.

Staff Reports

1. Beach Camping

Staff Report provided by Tony Baron

Information and answers to Council's questions were provided by Justin Helberg, South Coast District Manager of the Oregon Parks and Recreation Department, and Lieutenant Donny Dotson.

Council discussed possible positives and negatives of prohibiting beach camping in Brookings.

Councilor Martin moved, Councilor Malmberg seconded, and the vote failed 2-3 with Mayor Hodges and Councilors Fulton and Pereda against the motion to have the City write a letter of support to the Oregon Parks and Recreation Department for the petition to ban camping on beaches and ocean shores within the City limits of Brookings, joining several other Oregon cities.

2. Public Works Service Truck Purchase

Staff Report provided by Tony Baron

Councilor Martin moved, Councilor Pereda seconded, and Council voted unanimously to authorize City Manager to purchase a new public works service truck from Newberg Ford in the amount of \$88,849.75.

3. Appoint City Recorder

Staff Report provided by Tim Rundel

Mayor Hodges moved, Councilor Pereda seconded, and Council voted unanimously to appoint Brooklyn Osterhage as City Recorder.

Remarks from Mayor and Councilors

Mayor Isaac Hodges adjourned the meeting at 8:22 PM.

Councilor Fulton congratulated Brooklyn on her appointment and reminded everyone that September is Suicide Awareness month and that the issue should stay in the spotlight throughout the year.

Councilor Martin welcomed Wendy Giordano to the City and thanked Tony Baron and Lieutenant Dotson on their hard work.

Adjournment

Respectfully submitted:	ATTESTED: this 14 rd day of October, 2024:
Isaac Hodges, Mayor	Brooklyn Osterhage, City Recorder

CITY OF BROOKINGS

Council AGENDA Report

Meeting Date: October 14th, 2024

Originating Dept: Police Department

Signature (submitted by)

City Manager Approval

Subject:

Community Resource Officer pickup truck purchase

Recommendation:

Motion to authorize the Police Department to purchase one pickup truck from Roberson Motors, Inc., for \$45,284.23, and to authorize the Finance Director to enter into a financing agreement for this vehicle.

Financial Impact:

The cost for the pickup is \$45,284.23.

Background/Discussion:

The Community Resource Officer (CRO) is tasked with lessening the negative impact of homelessness on individuals, families, and our community. They do this by seeking out and engaging chronically homeless persons and attempting to connect them with appropriate resources with the goal of helping those individuals off of the street and into housing. A significant barrier for many of the homeless is transportation. Our CRO works to assists these individuals in accessing care and services by transporting them to appropriate appointments and services. The CRO also assists in the removal of these individuals when they are trespassed from private property.

Our CRO has identified having a pickup truck as the greatest need for the success of this program currenty. Not having one is a significant barrier to assisting homeless individuals and mitigating those negative impacts on the community. Unfortunatley, transporting them to services or a more appropriate location is quite often unfeasible due to the enormous amount of personal belongings to include camping gear, bicycles, animals, trash, etc. This vehicle would also allow the CRO to transport items from abandoned camps in our parks and on public property to safekeeping in a more timely manner without having to schedule a later time with public works, thereby lessening one of the negative impacts of homelessness on the rest of our community if those items where to remain there.

This pickup for the CRO was discussed during the budget process and the Council approved it as part of the current budget. Roberson Motors Inc., has the State of Oregon Statewide Price Agreement for these vehicles. Statewide Price Agreements offer discounted rates that are already negotiated by the State of Oregon. This is allowed in our City Procurement Policy.

Attachment:

a. Quote - Roberson Motors Inc.

DEAL# 95417 CUST# 99812

108695

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CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date:

October 14, 2024

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

Subject: Prohibit Beach Camping In Brookings City Limits

Recommended Motion:

- 1. Authorize the Mayor to sign a letter to the Oregon Parks and Recreation Department in support of prohibiting overnight camping on beaches in the City of Brookings.
- 2. Authorize the Mayor to sign a letter to the Oregon Parks and Recreation Department in opposition of prohibiting overnight camping on beaches in the City of Brookings.

Financial Impact:

Unknown at this time.

Background/Discussion:

State of Oregon Parks and Recreation Department (OPRD) received a petition from local citizens (as allowed under ORS 183.390) requesting the department open rulemaking to add Brookings to the list of cities where overnight camping is prohibited, within the city limits, along the ocean shore. Oregon State Parks and Recreation Commission approved opening the rulemaking process and has opened the public comment period until tomorrow October 15, 2024.

Under Oregon Law, it is legal to camp overnight along the ocean shore to accommodate recreational hikers on the Oregon Coast Trail. The exception to this is beach areas fronting those cities that have requested no camping adjacent to the boundaries of their city. City governments and individual petitioners can request, under Oregon Administrative Regulation (OAR) 736-030-0020 to be included on a list of cities where overnight camping is prohibited. The Cities of Cannon Beach, Lincoln City, Seaside, Newport, Bandon, Gold Beach, Rockaway Beach and Manzanita currently prohibit overnight camping on the beach under this provision.

The City has received complaints in the past from the Macklyn Cove Condominium Association concerning transient camping on Mill Beach. This matter has been discussed numerous times over the past several years. This matter was the subject of a review by the City Council and the Parks and Recreation Commission in 2009 and again in 2017. During those review periods, council did not want to restrict camping on beaches in the City of Brookings.

Macklyn Cove Condominium Association submitted a petition to the Oregon Parks and Recreation Department on June 6th 2024 to consider, under ORS 183.390, adding Brookings to the list of coastal communities that have prohibited overnight camping on beaches. OPRD reached out to the City of Brookings staff and elected officials for comments on the matter. Council discussed the petition submitted to OPRD during a regular City Council meeting on September 23, 2024 and continued the discussing at the October 7, 2024 Council Workshop where City Manager Tim Rundel presented survey results from City Managers and Police Chiefs in the coastal communities of Cannon Beach, Seaside, Manzanita, Rockaway Beach, Lincoln City, Newport, Bandon and Gold Beach. The survey was used to gauge how the ban on beach camping has had an effect on their communities. The responses in general were positive and supported the ban of overnight camping on beaches in their respective communities.

Attachments:

- 1. ORS 183.390 Petition to the Oregon Parks and Recreation Commission to Protect Mill Beach in Curry County June 6, 2024
- 2. Map Impact of Proposed Camping Ban in Brookings
- 3. Oregon Parks and Recreation Commission Agenda Item 1e July 30, 2024
- 4. Overnight Camping Ban Survey City Manager Tim Rundel

ORS 183.390 PETITION TO THE OREGON PARKS AND RECREATION COMMISSION TO PROTECT MILL BEACH IN CURRY COUNTY

Petitioner, Macklyn Cove Condominium Association.

Street address is 200 Macklyn Cove Drive Units 1 through 14, Brookings, OR 97415.

Petitioners have formed an alliance to protect against risks to public health, public safety, and marine ecosystems, along Oregon's ocean shore. Petitioners are requesting under ORS 183.390 that the Oregon Parks and Recreation Commission ("Commission") initiate rulemaking to amend OAR 736.030-0020 "Prohibition of Camping" to protect Mill Beach similar to many other beaches.

Petitioners propose adding one new word to the current rule as shown underlined and red below:

OAR 736-030-0020 Prohibition of Camping

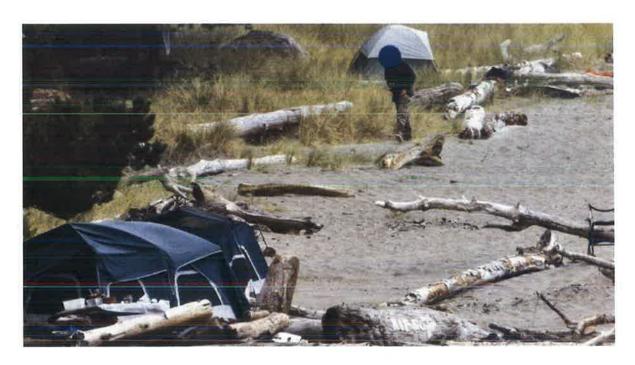
Overnight camping, including overnight sleeping in tents, driftwood shelters, sleeping bags, recreational vehicles, trailers or automobiles, on the ocean shore within the city limits of Cannon Beach, Lincoln City, Seaside, Newport, Bandon, Gold Beach, <u>Brookings</u>, Rockaway Beach and Manzanita is prohibited.

Camping is also already prohibited outside city limits in areas of Clatsop and Tillamook Counties under OAR 736-030-0095 and OAR 736-030-0100. An alternative would be to enact a new rule similar to OAR 736-030-0095 and OAR 736-030-0100 prohibiting camping in all of Curry County.

BACKGROUND Several photos¹ of camping on Mill Beach are below:



¹ Throughout this document, faces of campers are redacted to respect their privacy.



Petitioners are the legal owner of the dry sand area between the tide and vegetation lines of some of the beachfront property (in front of the Macklyn Cove Condominiums) called "Mill Beach" located within the city limits of Brookings, Oregon and within Curry County. This property is subject to the public easement according to an unbroken custom per *State ex rel. Thornton v. Hay*, 254 Or 584, 462 P.2d 671 (1969). The public easement is controlled and regulated exclusively by the State of Oregon through the Oregon Parks and Recreation Commission. Although this property is located within the city limits of Brookings, the State (not City) controls regulation of the public easement on this beach.

Brookings owns the parking lot and street that comes down to and publicly accesses Mill Beach. In the parking lot, Brookings built a facility housing public restrooms with toilets and hand-washing sinks. However, Brookings closed these restrooms approximately six (6) years ago, and these restrooms have remained closed continuously since then due to drug paraphernalia and trash being flushed into and clogging the plumbing. Below is a picture of the gates and bolted chains evidencing closure of this restroom facility.



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Petitioners are aware of no other beaches along the Oregon Coast in Curry County that claim to allow camping. The nearby Harris Beach State Park does not allow camping on the beach. Harris Beach State Park has an adjacent camping ground with sanitary facilities, including toilets, handwashing, and trash disposal, and charges a fee to camp. Chetco Point, a Brookings City Park abutting the Oregon Coast nearby, is closed from one-half hour after sunset until one-half hour before sunrise and prohibits camping pursuant to Brookings Municipal Code 12.25.010, 12.25.012, and 12.25.020(B) as quoted in relevant part below. Curry County Code, Article Six, Division Eleven, at 6.06.053(d) prohibits camping within 250 feet of the ocean and other waterways.

Petitioners request that the Commission, vested with sole authority and control to regulate public access/easement along Oregon's Ocean Shore, make necessary OAR changes to prohibit camping on Mill Beach.

EVIDENCE OF NEED AND POTENTIAL IMPACTS

This petition to add Mill Beach within Brookings to the regulatory prohibition of camping along the Oregon shore not only aligns with statute and rule but also is necessary for the preservation of the health, safety, and welfare of the public's easement/use of Mill Beach. Camping on Mill Beach has caused a demonstrable harm to public health, safety, and welfare, which will be alleviated by the proposed amendment. Foreseeable risks and hazards can only be alleviated by a camping prohibition on Mill Beach.

1. With the closure of the City's necessary sanitary, restroom, and washing facilities bordering Mill Beach for the better part of the past decade, camping on Mill Beach creates a public health hazard. Campers have no choice but to urinate and defecate on Mill Beach. Below is a censored picture of a camper in the process of pulling down his pants and about to poop on the beach next to his camp. Camping cannot be healthy, safe, or sanitary without required sanitary facilities. See above photograph of chains bolting restrooms shut and closing them to the public. This public health hazard, by itself, necessitates a camping prohibition on Mill Beach.



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2. Inadequate trash disposal services & facilities to accommodate the waste caused by campers on Mill Beach creates an additional hazard to public health. Campers on Mill Beach have amassed loads of garbage. Historically, there have been inadequate, trash-disposal services to accommodate this waste. Given the inability by local service to dispose of and handle this trash accumulation, the burden of responsibility and expense for such trash disposal has fallen on the Oregon State Rangers at nearby Harris Beach State Park. Below and attached are pictures of State Rangers removing truckloads of trash on Mill Beach for disposal. These State Rangers are assigned to Harris Beach State Park and are unavailable, on a daily basis, to monitor and address the trash disposal requirements caused by campers on Mill Beach.



This trash accumulation includes rotting food products, broken bottles/plastics and crushed cans buried in the sand, as well as putrid refuse which expose the beachgoers on Mill Beach to illness, infestations, and stench. This causes more than a nuisance and rises to the level of a serious, health hazard to the public using Mill Beach. It also is hazardous for the marine ecosystem.



3. Park employee support. Petitioners have been in contact with Adan Jones, Park Manager Harris Beach State Park, Management Unit, Oregon Parks and Recreation Department, 1655 Highway 101 N, Brookings, OR 97415, and Kelsie Bradfield, Assistant Park Ranger Harris Beach State Park. These public servants have communicated to Petitioners that they support prohibiting camping on Mill Beach. Petitioners urge the Commission to talk with on-the-ground agency staff at Harris Beach State Park about the need for this rule amendment. The Commission should also consider agency cost/time savings.

4. High tides and unpredictable, rogue waves and currents can wash campers away and threaten campers' life, health, and safety. Many campers have found their camping equipment or themselves swamped by the ocean tides, currents, and sneaker waves causing a risk of harm to both person and property. Attached and below are pictures depicting this harm on Mill Beach to camps swamped by the sea. Quite simply and clearly, it is unsafe to camp on Mill Beach. Campers face the foreseeable and already demonstrable risk of drowning while sleeping.



5. Camping on Mill Beach creates a fire hazard to public health and safety. Unattended and/or abandoned campfires cause a fire hazard. Although fires are prohibited, in reality campers on Mill Beach have invariably built camp fires on the beach for warmth and cooking and then go to sleep and/or leave without dousing the fire. Everyone is on notice that campers historically have not observed or obeyed signage prohibiting campfires. The below and attached photographs depict these smoking, unattended/abandoned campfires. Where local services have been unable to properly and timely respond to and handle the fire hazards this has caused on Mill Beach, the Oregon Park Rangers from nearby Harris Beach State Park have had to shoulder the responsibility and concomitant expense of responding to calls requesting emergency response to this fire hazard. The foreseeable risk and concomitant duty to address these fire hazards continue so long as camping is allowed on Mill Beach.

When fires are sparked in the middle of the night or very early morning, they might spread while people are sleeping/unaware of the alarm caused by unattended fires and, thus, unable to call for emergency assistance until it is too late to save persons from perishing in the fire and destruction of property burned from such campfires.



Campfires on Mill Beach not only harm public health and safety but also property surrounding the beach. The dense willows, driftwood, and severed tree trunks/logs framing the vegetation line of Mill Beach are susceptible to forest fires which can easily and quickly spread up the hillside surrounding the beach and reach the homes, residential neighborhoods, and businesses above and surrounding Mill Beach.

- 6. Placement of camping tents/shelters/sleeping bags or other sleeping equipment restrict public access to Mill Beach. The public cannot freely walk the beach, fly kites, play frisbee, or otherwise access the beach as they cannot traverse through a tent/shelter nor trample a sleeping bag. This is no different than erecting a fence denying public access to a portion of the beach as proscribed in State ex rel. Thornton v. Hay, 254 Or 584, 462 P.2d 671 (1969).
- 7. Illegal Activities on Mill Beach create a harm to public health, safety, and welfare. Illegal activities have been documented. For example, Petitioners have seen and taken pictures of drug users on Mill beach injecting drugs intravenously and persons indecently exposing themselves on Mill Beach. To turn a day-use beach such as Mill Beach, into a bedlam of nefarious activity prompted by camping not only fails to serve the public interest but creates a risk to public health, safety, and welfare.
- 8. The proposed OPRD ban on camping at Mill Beach poses no conflict to Brooking's Municipal Codes. In fact, it would be completely consistent with Brookings' Code Section 12.25.012 (A)(1) (quoted below) prohibiting camping in each and all city parks.

The beach at Harris Beach State Park, a few meters north on Highway 101, is open only from one-half hour prior to sunset until one-half hour after sunset, making it a day-use beach. Mill Beach (like Harris Beach State Park & all City of Brookings Parks) should be day use only, closing one-half hour after sunset until one-half hour before sunrise with a prohibition against camping.

Brookings Municipal Code ("BMC") 12.25.012 prohibits camping in all City Parks in Brookings. BMC 12.25.012 entitled "Rules and regulations specific to city-owned parks" provides: "The following activities and uses are prohibited in all city parks, except by city park employees, volunteers or contractors in the performance of authorized maintenance or construction: 1. Camping..." (emphasis added).

9. The Oregon Coast Trail does not abut or come near to Mill Beach. This proposed amendment/enactment of a new regulation to add Mill Beach within Brookings to the Commission's regulatory list of no-camping beaches along the Oregon Shore has no effect on hikers along the Oregon Coast Trail. In Brookings, the Oregon Coast Trail follows highway 101 and abuts the City of Brookings' Azalea Park.

As Oregon Coast Trail hikers cannot camp in City Parks abutting the Trail, a like proscription of camping on Mill Beach (that does not abut the Trail) effects no change to, and actually maintains, the status quo.

² To keep this document PG, these pictures are not included. They can be provided upon request.

10. Consistency of proposed amendment with other state statutes and local government regulations. Statutes and case law recognize the public's easement and access over the ocean beaches of the state which are vested exclusively in the State of Oregon to hold and administer. State ex rel. Thornton v. Hay, 254 Or 584, 462 P.2d 671 (1969); ORS 390.610. In this regard, this petition for Mill Beach to be treated in the same manner (by prohibiting camping) as the other beaches along the Oregon Shore listed in OAR 736-030-0020 and OAR 736-030-0095 would manifest consistency with not only these state statutes and regulations but also with local municipal and county codes banning camping on all city parks and county beaches in the same area. As such, the proposed amendment or addition to ORPD regulation as sought herein to prohibit camping on Mill beach is consistent, not conflicting, with other comparative state law as well as Brookings municipal ordinances. After all, the Oregon Supreme Court recognized that "Ocean-front lands from the northern to the southern border of the state ought to be treated uniformly." State ex rel. Thornton v. Hay, 254 Or 584, 595, 462 P.2d 671, 676–77 (1969).

For further comparison, ORS 195.520 providing for camping in vehicles on property of religious institutions requires that the provider, at subsection (3), "must also provide access to sanitary facilities, including toilet, handwashing and trash disposal facilities." At Mill Beach such sanitary facilities are no longer provided and have not been so provided for more than a half decade. The absence of sanitary facilities at Mill Beach, by itself, requires a prohibition of camping. When coupled with the other demonstrated hazards to public health, safety, and welfare as detailed above, such proscription becomes more compelling, if not mandated.

- 11. Avoiding agency liability risks. Failing to exercise reasonable care to prevent these sorts of hazards creates unjustifiable risks to public safety for beach goers, neighbors, and campers alike. This is a liability risk for the Oregon Parks and Recreation Department. See Mark v. State ex rel. Dep't of Fish & Wildlife, 191 Or App 563, 573, 84 P.3d 155, 161 (2004) (citing Mark v. Dept. of Fish and Wildlife, 158 Or App 355, 362, 974 P.2d 716, rev. den., 329 Or 479, 994 P.2d 127 (1999) (Oregon Department of Fish and Wildlife's failure to take reasonable steps to prevent offensive nudity in a wildlife area was sufficient to constitute a claim for nuisance). The agency can and should limit its own liability exposure by amending rules to prohibit camping.
- 12. A positive economic impact on businesses will result from the proposal. The proposed rule amendment reduces unsanitary hazards to public health and fire hazards that could destroy surrounding businesses as well as homes, and which will further obviate/reduce crime & unlawful activity. This can only benefit everyone and positively impact the health, safety, and welfare of the general public.

This proposed amendment will reduce the costs and human resources expended by the OPRD's Park Rangers to dispose of trash, put out fires, make service calls, and respond to crime at Mill Beach perpetrated by and upon campers. Technology and economic conditions all fit within the mosaic of opportunity for maximum public enjoyment of the Oregon shore to include Mill Beach and for reduced state costs to administer/handle incidents posing threats to health and safety on Mill Beach. The reality of tidal conditions, currents, epic storms, and rogue waves along the Pacific Ocean at Mill Beach, creating a perfect storm of drowning risk to campers, should be of paramount importance in banning camping on Mill Beach.

The existing rules prohibiting camping at other beaches are important and needed. The existing rules are straightforward, enforceable, and consistent with other laws and regulations. In order to further the substantive goals of the existing rules based on the evidence of problems since the existing rule's adoption highlighted by this petition, Petitioners merely ask that the rules also include one new word "Brookings" to protect public safety and marine ecosystems at Mill Beach. Alternatively, a rule similar to OAR 736-030-0095 and OAR 736-030-0100 could protect all beaches in Curry County consistent with the County Code, Brookings' Code, and the rule already protecting Gold Beach.

Petitioners urge the Commission to seek additional public comment and agency staff comment on the need for this rule amendment. Per OAR 137-001-0070(1), other interested persons are assumed to be City of Brookings (898 Elk Drive Brookings, OR 97415) and Curry County (94235 Moore Street, Gold Beach, OR 97444), as well as the Harris Beach State Park employees noted above.

Below are pictures showing a few of the many recent camps on Mill Beach;







9 of 14





10 of 14





11 of 14





12 of 14

Below are pictures showing a few more of the many times that Oregon State Rangers from nearby Harris Beach State Park have needed to clean up trash left by campers on Mill Beach:





13 of 14

Our firm represents Macklyn Cove Condominium Association, which is the petitioner per ORS 183.390 and ORS 183.310(8). Under OAR 137-001-0070(1), this petition is signed on behalf of our client. Macklyn Cove Condominium Association did most of the work to prepare this petition.

Yours truly,

/s/ Steve Elzinga

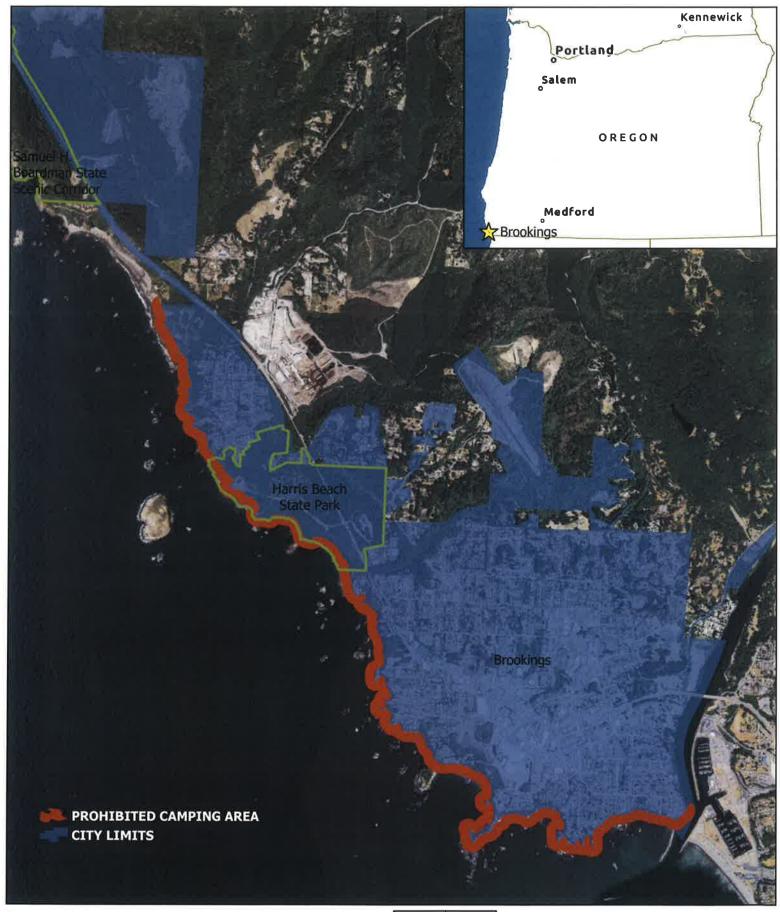
Steve Elzinga on behalf of Macklyn Cove Condominium Association steve@shermlaw.com

impact of Proposed Camping Ban in Brookings

Oregon Parks and Recreation Dept. 725 Summer St. NE, Suite C Salem OR, 97301







This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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Oregon Parks and Recreation Commission

July 30, 2024

Agenda Item: 1e Action

Public Comment Allowed: Yes

Topic: Request to Open Rulemaking 736-030-0020- Adding Brookings to list of cities where camping on ocean shore is prohibited

Presented by: Katie Gauthier, Government Relations and Policy Manager

Background: ORS 183.390 authorizes an interested person to petition an agency requesting the promulgation, amendment, or repeal of an administrative rule. The department received a petition on June 6, 2024, from the Macklyn Cove Condominium Association in Brookings requesting an amendment to OAR 736-030-0020 to add Brookings to the list of cities where overnight camping on the ocean shore is prohibited within city limits.

The Macklyn Cove Condominium Association, the petitioner, owns beachfront property above Mill Beach in Brookings. They cite concerns over public health, risks to public safety, and impacts on the marine ecosystem along the ocean shore as reasons for proposing the closure of camping on the ocean shore in Brookings. Their petition (included as attachment A) includes a series of photos and examples demonstrating concerns and reasons for closure.

This petition has been reviewed by legal counsel for sufficiency and meets requirements contained in the Attorney General model rule 137-001-0070. Under ORS 183.390, within 90 days of receiving the petition, the commission must either initiate rulemaking or respond in writing regarding why the petition is denied. If the petition were to be denied, the agency would also need to allow for an opportunity for public comment on the rule, including whether options exist for achieving the rule's substantive goals in a way that reduces the negative economic impact on businesses.

Currently, overnight camping is prohibited on the ocean shore within the city limits of Seaside, Cannon Beach, Manzanita, Rockaway Beach, Lincoln City, Newport, Bandon, and Gold Beach. Camping is also prohibited on the ocean shore in Clatsop and Tillamook counties, under different rules within division 30.

OPRD staff recommend opening rulemaking to allow for a full public process to consider the question of camping on the ocean shore within the city limits of Brookings.

This issue has been discussed for decades within the city of Brookings, its residents, and park staff. However, it does not appear a formal rulemaking process has ever occurred. Most recently, in 2019, city staff began the process of considering requesting rulemaking and developing a city

ordinance. The city council ended up voting 3-2 against moving forward with requesting a camping ban at the time.

OPRD Beach Rangers from the Harris Beach Management Unit are responsible for rule enforcement in the Mill Beach area. OPRD staff work with law enforcement from the Brookings Police Department and the Oregon State Police when issues exceed our authority.

If rulemaking were opened, staff would continue discussions of the proposed rule change with City of Brookings staff, local leaders, and community members. Public comment would be opened in September, and a public hearing would be held in Brookings. Staff anticipate bringing a summary of comments and recommended action to the Commission for consideration in the fall or winter.

Prior Action by Commission: In November 1997 the Commission added Cannon Beach, Rockaway Beach, and Manzanita to the list of cities where camping is prohibited on the ocean shore within city limits.

Action Requested: Open rulemaking to consider amending OAR 736-030-0020 adding Brookings to the list of cities where camping is prohibited on the ocean shore within city limits.

Attachments:

Attachment A- Petition requesting rulemaking

Attachment B- Marked Copy

Attachment C- Map of ocean shore near Brookings

Prepared by: Katie Gauthier

OPRD Overnight Camping Ban Survey

Below is the email that I sent and the responses I received from City Managers and Police Chiefs in the following communities: Cannon Beach, Seaside, Manzanita, Rockaway Beach, Lincoln City, Newport, Bandon, and Gold Beach (all cities had at least one person reply). ~ Tim Rundel

Chief/City Manager
I'm the new City Manager in Brookings and I hope all is well in The purpose of this email is to get your input on a situation that recently surfaced here in Brookings. The Oregon Parks and Recreation Department received a petition from a local HOA to add Brookings to the list of cities where overnight camping is prohibited along the ocean shore within the city limits. Some residents living near Mill Beach in Brookings expressed concerns over public health, risks to public safety, etc. as reasons for proposing the closure of camping on the ocean shore in Brookings.
Currently, overnight camping is prohibited on the ocean shore within the city limits of your city Cannon Beach, Seaside, Manzanita, Rockaway Beach, Lincoln City, Newport, Bandon, and Gold Beach.
My council gave me a task to see how banning the overnight camping has affected your community and I was wondering if you could answer a few quick questions - it would be much appreciated.
When did the ban on overnight camping take place in?
2. Is the ban for the entire city limits of or one particular stretch of the beach?
3. Does the state (OSP & OPRD) assist in patrolling the beaches or is it left up to the City o to monitor and patrol the beaches?
4. Would you say the ban had a negative or positive impact on your community? If so, why?

Rockaway Beach

Tim,

I can answer your questions the best I am able, but I want to preface the answers with some initial information. Tillamook County (my jurisdiction) has 75 miles of coastline and beaches. The City of Rockaway Beach accounts for around 2 miles of that. We do provide police services for the city of Rockaway Beach but that only started in late 2021.

My answers are in red below and probably won't help that much but I do hope it does.

Joshua Brown | Sheriff TILLAMOOK COUNTY

- 1. When did the ban on overnight camping take place in Rockaway Beach? I do not know when the ban was placed.
- 2. Is the ban for the entire city limits of Rockaway Beach or one particular stretch of the beach? Again, I do not know the details of the ban. If this was a state parks ban then they may have the answer and if it was a city of Rockaway Beach ban then I suspect their city manager would know.
- 3. Does the state (OSP & OPRD) assist in patrolling the beaches or is it left up to the City of Rockaway Beach to monitor and patrol the beaches? By default, the responsibility for the beaches in Tillamook County falls to OSP but through a strong partnership we generally assist each other. That means Rockaway Beach contracted deputies, regular Sheriff's Office patrol deputies, and OSP. Even Manzanita Police assist occasionally.
- 4. Would you say the ban had a negative or positive impact on your community? If so, why? It's just the way it is in our county and has been for some time. Meaning I wouldn't say there is a negative or positive impact specifically. I hope that makes sense.

Hi Tim,

I've pasted Rockaway's the code section below. It looks like the ban was adopted in the late 50's so I don't think I can speak to its impact. In our area of the coast, State Parks and OSP do not have the capacity patrol to the beach. Enforcement is largely left to our Fire and LE staff, even though the city has very limited authority on state lands.

Best,

-Luke

Luke Shepard City Manager City of Rockaway Beach

§ 90.03 CAMPING ON BEACH; PROHIBITED.

- (A) From and after the effective date of this section, no person shall camp upon any portion of the beach located within the city limits.
- (B) For the purpose of this section, the following definition shall apply unless the context indicates or requires a different meaning.

CAMP and **CAMPING**. The setting up upon the beach a tent or other means of shelter with the intent to use the beach and tent or other means of shelter as a place for housing or shelter for a period of time.

(C) The erection of a tent or other shelter upon the beach shall be deemed prima facie evidence of the person's intent to use the tent or shelter as housing or for purposes of shelter. (Prior Code, Ord. 59, passed 8-11-1959) Penalty, see § 90.99

Seaside

Thanks for reaching out, Tim. I'll reach out to my team to get the best answers to your questions. From what I know, our ban covers the whole beach within Seaside's city limits, and the state doesn't really enforce much on our beach.

Thanks, Spencer Kyle City Manager City of Seaside

1. When did the ban on overnight camping take place in Seaside?

Seaside has had a prohibition for lodging in public, including the beach, as long as I have been here (29 years). It has been in our City Ordinance (Unlawful Lodging 131.19) for a long time. Since the homeless camping became more of a problem within the last several years, an additional camping ordinance was created to work around the more recent Oregon laws regarding the topic.

2. Is the ban for the entire city limits of Seaside or one particular stretch of the beach?

The ban (city ordinance) includes the entire city and entire beach area. Again, a more recent ordinance regulating the homeless types of camping (time/place/manner) has adjusted how we enforce and, in our situation, we have created a designated camping area to help with our ability to control where those experiencing homelessness can camp. My understanding is that if you are prohibiting everyone from something, not specifically targeting a group, then generally you are ok. The beach (or maybe a city park) is not open for camping for anyone; therefore, this is not a legitimate time/place/manner for those experiencing homelessness to use.

3. Does the state (OSP & OPRD) assist in patrolling the beaches or is it left up to the City of Seaside to monitor and patrol the beaches?

No, the state does no real patrol or response to our beach for camping related activities. I'm sure they are around to do certain things for them, but we have little contact with them and do not expect their presence when it comes to enforcement of any law enforcement types of situations on the beach.

4. Would you say the ban had a negative or positive impact on your community? If so, why?

Due to the beach being closed to camping for so long here, there really isn't an impact to the community to speak of. Most visitors who come here and set up a camp and get told of the prohibition didn't realize it was illegal and pack up to leave without incident. We do find homeless who push it a little more and try to conceal camps within the larger sea pine or scotch broom growth areas, but tend to move along once discovered. Our residents are very familiar with the long-standing camping prohibition on the beach and call us regularly if they see it.

Hopefully this helps. Our current issues concerning those experiencing homelessness have been quite the focus lately as it relates to camping, but our long-standing beach camping really is not much of a discussion because we have the ordinance and OAR's backing it.

Dave Ham Police Chief City of Seaside

Cannon Beach

Hey Tim,

I have asked out police chief to get back to you. Good luck on your new gig.

Bruce St. Denis City Manager City of Cannon Beach

Tim,

Here are my answers to your questions:

- 1. When did the ban on overnight camping take place in Cannon Beach?

 I began my career here at Cannon Beach PD and we had a ban on overnight camping then so I don't know when they implemented the ordinance.
- 2. Is the ban for the entire city limits of Cannon Beach or one particular stretch of the beach? The ordinance covers the beach and the city limits of the town.
- 3. Does the state (OSP & OPRD) assist in patrolling the beaches or is it left up to the City of Cannon Beach to monitor and patrol the beaches?

 The police department patrols the beach and responds to calls for service for overnight camping on

the beach and throughout town.

- 4. Would you say the ban had a negative or positive impact on your community? If so, why? I believe the ordinance has had a positive impact on the community for the following reasons:
- 1. **Preservation of Natural Areas**: Limiting overnight camping helps protect local ecosystems, preventing damage to flora and fauna that can occur with increased foot traffic and waste.
- 2. **Enhanced Visitor Experience**: By reducing crowding and noise at night, the ordinance ensures a more peaceful environment for both residents and daytime visitors, allowing everyone to enjoy the beach more fully.
- 3. **Public Safety**: Restricting overnight camping can decrease risks associated with fire hazards, wildlife interactions, and health concerns, making the area safer for everyone.
- 4. **Improved Cleanliness**: With no overnight campers, there's typically less litter and debris, which helps maintain the natural beauty of the beach and reduces cleanup efforts for the community.
- 5. **Economic Benefits**: The ordinance can encourage visitors to stay in local accommodations like hotels and bed-and-breakfasts, supporting the local economy and promoting longer stays.

6. **Community Harmony**: Reducing overnight camping can alleviate tensions between residents and visitors, fostering a more harmonious community atmosphere.

Let me know if you have any other questions that we can answer.

Rob Schulz

Chief of Police

Cannon Beach Police Department

Lincoln City

- 1. When did the ban on overnight camping take place in Lincoln City? We do not know when this happened. It is our understanding that if a city wants to ban camping along its beaches, it has to comply with the OR Administrative Procedures Act, which includes gathering signatures in support and applying for rule making thought OPRS (see generally ORS 183.390).
- 2. Is the ban for the entire city limits of Lincoln City or one particular stretch of the beach? Overnight camping is prohibited on beaches along the territorial boundaries of Lincoln City. The OPRD beaches run the length of the city and camping is banned throughout. The only exception to this would be the Siletz Bay, which is partially Lincoln City owned beach as well as Oregon State Lands. Camping is banned in these areas as well.
- 3. Does the state (OSP & OPRD) assist in patrolling the beaches or is it left up to the City of Lincoln City to monitor and patrol the beaches? Technically the criminal jurisdiction on the beach is OSP, up to the high-water mark. However, LCPD responds to routine calls on the beach. If there is a major incident (homicide, etc.) OSP has jurisdiction. OPRD patrols the beach when there are rangers available. They will respond when notified of camping complaints and post the site with notice and eventually remove the camp/campers once their time limits run the course.
- 4. Would you say the ban had a negative or positive impact on your community? If so, why? We believe this ban has been in place for a long time so we have not known it to be any other way. Our suspicion however, would be that if open camping were allowed we may face many more calls for service on the beach due to fires, litter, alcohol related incidents etc. but this is just an educated guess.

Daphnee Legarza
City Manager
City of Lincoln City

Manzanita

I have worked for the Manzanita Police Department since 2003. Since I have worked here there has always been a no camping on the beach rule. The Manzanita Police Department does have a contract with ORPD for enforcement of some OAR's both on the beach and the neighboring Nehalem Bay State Park/Oswald West State Park. We get a few complaints a year about people camping on the beach, but it has not been much of a problem. Our department will respond to the complaints that are directly in front of the City of Manzanita, but OSP is still the primary response agency.

Since I don't know a difference of a before and after view of camping being allowed, I would say that no camping on the beach is a positive thing for our city.~ Erik Harth, Chief of Police, City of Manzanita

Bandon

1. When did the ban on overnight camping take place in Bandon?

The City's overnight camping ordinance was adopted by the City Council on June 26, 2023 and said ordinance became effective 30 days thereafter (see Attached Ordinance).

2. Is the ban for the entire city limits of Bandon or one particular stretch of the beach?

Camping is not allowed at any time in any of the following places:

- Any area zoned Residential (R-1 or R-2) on the City of Bandon Zoning Map in effect at the time, or adjacent to any residence.
- Within the Waterway Overlay or Old Town Commercial Zones, as determined by the City of Bandon Zoning Map and Bandon Development Code.
- Any place where camping, a camp, or camp materials create a physical impediment to emergency or nonemergency ingress, egress, or access to property, whether private or public, or on public sidewalks or other public rights-of-way, including, but not limited to, driveways providing access to vehicles, and entrances or exits from buildings and/or other real property.
- Any vehicle lane, bicycle lane, or roundabout within any public right-of-way.
- Within 1,000 feet from any safe parking site or shelter approved under the Bandon Development Code and/or any applicable provision of State law.
- On any street or public right-of-way, the City has closed to camping due to construction, heavy vehicle use, or other use of the roadway that is incompatible with camping in the right-of-way. The City does not need to close a street to vehicle traffic to close a street to camping under this section.
- Any City Park, or Trail, developed or undeveloped.
- City Parking Lots
- Within 500 feet from any school or childcare facility
- 3. Does the state (OSP & OPRD) assist in patrolling the beaches or is it left up to the City of Bandon to monitor and patrol the beaches?

The beaches in Bandon are not under the jurisdiction of the City and are patrolled by the Oregon Parks and Recreation Department (OPRD).

4. Would you say the ban had a negative or positive impact on your community? If so, why?

The ban is intended to prevent publicly-owned property such as parks, open space, and public rights-of-way from being used for sheltering purposes. People living in makeshift camps in these areas often lack access to safe and sanitary restrooms and trash receptacles, resulting in unsanitary conditions from improper disposal of human waste and trash. The ordinance is intended to address health and safety concerns of the public, city residents, and individuals residing or camping within the City. The ordinance promotes a safe environment, limits unsanitary conditions, allocates public resources effectively, and meets legal and humanitarian standards for all people within the City.

TORREY CONTRERAS

City Manager, City of Bandon

Gold Beach

Hi Tim.

I saw an article in the newspaper last week about this and I was kind of confused. We never banned camping on the beach here in GB.

We came up with an ordinance (attached) that established time, place, and manner rules as well as where people could set up living quarters. After we did it, we had to readjust it to add a time frame in as people were trying to setup permanently. We never addressed the beaches as we let the state parks and rec handle that. We have called them a couple times on a camp that was set up in the dunes. They took care of clean up and removal.

Please let me know any other questions.

Thank you,

Anthony Pagano City Administrator

Answers to your questions:

- 1. When did the ban on overnight camping take place in Gold Beach?

 We have had this city ordinance in place for approximately a year.
- 2. Is the ban for the entire city limits of Gold Beach or one particular stretch of the beach? This ban covers any public area in the city limits.
- 3. Does the state (OSP & OPRD) assist in patrolling the beaches or is it left up to the City of Gold Beach to monitor and patrol the beaches?

 The patrol is left up to the city police to handle.
- 4. Would you say the ban had a negative or positive impact on your community? If so, why? I believe it has had a positive impact on our community. The citizens have responded favorably to the enforcement, and it has helped to "clean up" the area.

David Vershall Sergeant Gold Beach Police Department

Newport

Camping on Newport beaches is regulated by OAR 736-030-0020. The State Parks govern this, not the City of Newport. I have been in Newport for 30 years, and the OAR has been existence the entire time. There is no camping on all of Newport beaches. There are no parts where it is allowed.

OSP does not patrol the beaches in Newport. We don't actively patrol the beaches, but we handle all events/crimes on the beaches within City limits.

We don't have any problems with people camping on Newport beaches. Most of the complaints and camps we find are in the wooded areas that border the beach. Many of the areas are on the beach right of way. We have a great relationship with our local State Park staff, so we often work together to post unlawful camps, vacate the camps, and coordinate the camp clean up.

The positive is that Newport Beaches are generally free of camp debris and garbage because camping is prohibited. The only negative, is we find many camps in the wooded right of way area, and there is a process and cost to have the camps vacated and abated.

Jason Malloy Chief of Police City of Newport

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 14, 2024

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

Subject: Valley Street Water Line Replacement

Motion: Authorize City Manager to execute a contract with Tidewater Contractors Inc. for the installation of a new water main line on Valley Street in the amount of \$63,800

Financial Impact: \$63,800 from Water System Replacement Funds (SRF)

Background/Discussion:

Valley Street is scheduled for a paving overlay this fiscal year (2024-25). In order to do that work, a 2" copper water main line needs to be replaced. The project includes the installation of a new 4" water main line, reconnect all water service connections.

Staff solicited bids from three qualified contractors represented in the bid tabulation table below. Staff recommends awarding the project to the lowest bidder Tidewater Contractors Inc.

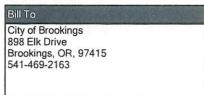
Bidders	Bid
McLennan Excavation Inc.	\$71,155
5R Excavation & Paving LLC.	\$66,793
Tidewater Contractors Inc.	\$63,800

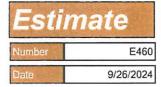
Attachments:

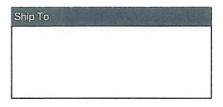
- a. McLennan Excavation Inc. Bid
- b. 5R Excavation & Paving LLC. Bid
- c. Tidewater Contractors Inc. Bid

McLennan Ex Oregon CCB# 19: 98109 N. Bank Cl 541-412-0106		
	BID PROPOSAL	
Date: Attention: Project:	September 25, 2024 Tony Baron – City of Brookings Valley Street	
Unless otherwi	tion of the Job: ise specified, starting will be deemed to occur when personnel or equipment commences work at the site dents, weather, acts of nature or delays beyond our	e; all scheduling is contingent
McLennan agre under the work preparing this p be done on an	rees to perform the specified construction and/or imply description presented to McLennan by the custome proposal. Any alteration or deviation from said proposal as needed basis, McLennan will attempt to contact k or materials needed before the commence of additione is of the essence, and it will be done immediately aind.	er for the purposes of osal involving extra cost will the customer and discuss ional work, however,
2 - Hot 6 – 1" s Saw cu Not inc	services connecting to existing meters utting and hauling off spoils cluding asphalt ed pay rates	Estimate \$71,155.00
	Respectfully Submitted this 2	25 th day September 2024.
Accepted this	By: (M) (Casey	M. McLennan, President nnan Excavation Inc.
Accepted this	day or, 2024.	
Ву:		
Name:		
*This actimat	nte is good for 60 days from date submitted preseen price increases from suppliers' prices ma	ay increase

5-R Excavation and Paving LLC P.O. Box 5120 Brookings, OR 97415 CCB# 155657 LCB# 9611 CSLB# 1052373 5rexcavationandpaving@gmail.com 541-251-3720







Description	Amount	CONTRACTOR CONTRACTOR
Bid for Valley Street Water Line job.		
Bid includes all labor, materials and equipment costs required to complete scope of work.		
Lump Sum Bid	\$66,793.00	
AMOUNT PAID \$0.00	DISCOUNT	\$0.00
AMOUNT DUE \$66,793.00	SHIPPING COST	\$0.00
	SUB TOTAL	\$66,793.00
	TOTAL	\$66,793.00

Tidewater Contractors, Inc. Phone: 541-469-5341 PO Box 1956/16156 Hwy 101 South Fax: 541-469-0137 Brookings, OR 97415 CCB# 29995 CAL LIC# 456696 DIR# 1000008899 Est. 1978

Est. 1978

Options

Sq. 1989 Material Only 54/469-5341 · 541-932-4888 **Price Quote** Materials & Labor Delivery/Start Date (Expected): Phone: Fax: Fall/ Winter To: City of Brookings E-Mail: Private Project Attention: Tony Baron **Public Project** Contracting Party/Agency: City of Brookings Project Location: Valley Street between Pacific and Hillside Brookings, Or Project Name: Valley Street Waterline Bill Address: Description of Work: Waterline Installation Item No. Units **Unit Price** Description Quantity Discount Total LS \$ Install 4" C900 waterline (410') 1 \$ 63,800.00 63,800.00 \$ \$ \$ \$ \$ \$ \$ 63,800.00 Tax Delivery George Fitzhugh Total Quoted By: Date: 9/28/2024 Accepted By: Print: Date: (Company/Title) General Terms of Quote: QUOTE IS ALL OR NOTHING, no item may be speparated from quote without prior written approval All sales are subject to any/all applicable Federal/State/Local taxes without a valid resale license on file with Tidewater. Payment in full due by the 10th of the following month. Monthly financing charges of 1.5% applied to all unpaid balances. Quotation valid for ____ days, and based upon mutually agreeable schedule. Material purchase agreements must be signed prior to delivery, billing will be based on scale ticket weights or quantity shown. Earliest possible notification of quote acceptance is required to meet construction schedule. No Testing or Inspection Included in Above Items

Raw material prices are extremely volatile and are increasing on a monthly basis.

See additional Terms and Conditions

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date:

October 14, 2024

Originating Dept: PW/DS

Signature (submitted by)

City Manager Approval

Subject: Ransom Street Water Line Replacement

Motion: Authorize City Manager to execute a contract with McLennan Excavation Inc. for the installation of a new water main line on a private drive off Ransom Avenue in the amount of \$31,662

Financial Impact: \$31,662 from Water System Replacement Funds (SRF)

Background/Discussion:

The public works department has responded to several water main breaks over the past few years on a 2" AC water main line located on a private drive off of Ransom Avenue. Past repairs have required call outs at all hours of the day and night, causing disruption to water service in the area on several occasions. The aged 2" AC line is extremely brittle and due for replacement. The project includes installing a new 2" PVC line approximately 280 lf. as well as reconnecting all customer water service connections and asphalt patching over new water main line trench.

Staff solicited bids from three qualified contractors represented in the bid tabulation table below. Staff recommends awarding the project to the lowest bidder McLennan Excavation Inc.

Bidders	Bid
McLennan Excavation Inc.	\$31,662
5R Excavation & Paving LLC.	\$39,544
Tidewater Contractors Inc.	\$36,160

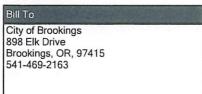
Attachments:

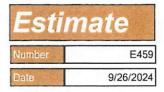
- a. McLennan Excavation Inc. Bid
- b. 5R Excavation Inc. Bid
- c. Tidewater Contracting Inc. Bid

	BID PROPOSAL
Date:	September 25, 2024
Attention: Project:	Tony Baron – City of Brookings Ransom
Start/Complet	ion of the Job:
Unless otherwi	se specified, starting will be deemed to occur when McLennan Excavation Inc
("McLennan") p upon anv accid	personnel or equipment commences work at the site; all scheduling is contingent lents, weather, acts of nature or delays beyond our control.
<u>Description of</u>	f the work to be Performed: ees to perform the specified construction and/or improvement work required
under the work	description presented to McLennan by the customer for the purposes of
preparing this r	proposal. Any alteration or deviation from said proposal involving extra cost will
be done on an	as needed basis, McLennan will attempt to contact the customer and discuss or materials needed before the commence of additional work, however,
sometimes, tim	he is of the essence, and it will be done immediately with the best interest of the
customer in mi	
	ng 280 linear feet of 2" PVC pipe
Hot tap	services connecting to existing meters
	itting and hauling off spoils
Not inc	luding asphalt Total Estimate \$31,662.00
	Respectfully Submitted this 25th day September 2024.
	$\Lambda \Omega \Omega$
	By: Am h
	Casey M. McLennan, President
	McLennan Excavation Inc.
Accepted this	day of, 2024.
•	
•	

McLennan Excavation, Inc.

5-R Excavation and Paving LLC P.O. Box 5120 Brookings, OR 97415 CCB# 155657 LCB# 9611 CSLB# 1052373 5rexcavationandpaving@gmail.com 541-251-3720







Description	Amount	
Bid for Ransom Driveway Water Line Installation.		
Bid includes all labor, materials and equipment costs required to complete scope of work.	建设设置	
Lump Sum Bid	\$39,544.00	
		\$
AMOUNT PAID \$0.00	DISCOUNT	\$0.00
AMOUNT DUE \$39,544.00	SHIPPING COST	\$0.00
	SUB TOTAL	\$39,544.00
	TOTAL	\$39,544.00
	TOTAL	\$55,544.00

Tidewater Contractors, Inc. Phone: 541-469-5341 PO Box 1956/16156 Hwy 101 South Fax: 541-469-0137 Brookings, OR 97415 CCB# 29995 CAL LIC# 456696 DIR# 1000008899 Est. 1978

Est. 1978

Office Sq. John Day. Material Only Sq/ 469-5341 • 541-932 **Price Quote** Materials & Labor Delivery/Start Date (Expected): Phone: Fax: Fall/ Winter To: City of Brookings E-Mail: Attention: Tony Baron **Public Project** Private Project Contracting Party/Agency: City of Brookings Project Location: Shared Driveway off Ransom near 1224 Ransom Ave Project Name: Ransom Driveway 2" Waterline Brookings, Or Bill Address: Description of Work: Waterline Installation Item No. Description Units **Unit Price** Quantity Discount Total Install 2" PVC waterline (280') LS \$ 36,160.00 \$ 36,160.00 1 \$ \$ \$ \$ \$ \$ \$ \$ 36,160.00 Tax Delivery Quoted By: George Fitzhugh Date: 9/28/2024 Total Accepted By: Print: Sign: (Name) (Company/Title) General Terms of Quote: QUOTE IS ALL OR NOTHING, no item may be speparated from quote without prior written approval All sales are subject to any/all applicable Federal/State/Local taxes without a valid resale license on file with Tidewater. Payment in full due by the 10th of the following month. Monthly financing charges of 1.5% applied to all unpaid balances. Quotation valid for ____ days, and based upon mutually agreeable schedule. Material purchase agreements must be signed prior to delivery, billing will be based on scale ticket weights or quantity shown. Earliest possible notification of quote acceptance is required to meet construction schedule. No Testing or Inspection Included in Above Items Raw material prices are extremely volatile and are increasing on a monthly basis.

See additional Terms and Conditions

Report Criteria:

Report type: Summary

GL eriod	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
09/24	09/11/2024	92116	1	Patrick Howe	20-00-2005	188.44- V
09/24	09/05/2024	92237	5876	Advanced Reporting LLC	10-00-2005	55.00
09/24	09/05/2024	92238	5908	Amazon Capital Services	49-00-2005	70.89
09/24	09/05/2024	92239	313	Brookings Vol Firefighters	10-00-2005	2,250.00
9/24	09/05/2024	92240	5144	Tim Brush	20-00-2005	63.00
9/24	09/05/2024	92241	715	Budge McHugh Supply	20-00-2005	718.55
9/24	09/05/2024	92242	5567	CAL/OR Insurance Agency	30-00-2005	683.33
9/24	09/05/2024	92243	6031	Cascade Home Center	10-00-2005	2,013.98
9/24	09/05/2024	92244	5842	Century West Engineering Corp	33-00-2005	4,825.65
9/24	09/05/2024	92245	3015	Charter Communications	30-00-2005	749.96
9/24	09/05/2024	92246	5822	Chaves Consulting Inc	49-00-2005	370.20
9/24	09/05/2024	92247	5952	Chetco Auto Marine & Industrial Supply	25-00-2005	36.51
9/24	09/05/2024	92248	4977		49-00-2005	9,812.33
9/24	09/05/2024	92249	3834	Clean Sweep Janitorial Service	33-00-2005	2,635.00
9/24	09/05/2024	92250	5827	•	10-00-2005	960.00
9/24	09/05/2024	92251	1745	Coastal Paper & Supply Inc	10-00-2005	310.50
09/24	09/05/2024	92252	6078	Curry County Reporter	50-00-2005	630.00
09/24	09/05/2024	92253	317	DCBS - Fiscal Services	10-00-2005	1,009.80
9/24	09/05/2024	92254	1		20-00-2005	300.00
09/24	09/05/2024	92255		Alan Fullerton	20-00-2005	26.92
9/24	09/05/2024	92256	1	Gina Jorgensen	20-00-2005	281.48
9/24	09/05/2024	92257	1	John Pizzi	20-00-2005	160.85
		92258				
)9/24)9/24	09/05/2024	92259	1	'	20-00-2005	187.56 170.87
	09/05/2024		2106	•	20-00-2005	
9/24	09/05/2024	92260	2186	Ferguson Waterworks #3011	20-00-2005	2,131.25
9/24	09/05/2024	92261	5432	First Community Credit Union	25-00-2005	4,559.48
9/24	09/05/2024	92262	6297	Firstline Business Systems Inc	50-00-2005	18,725.00
9/24	09/05/2024	92263	6265		10-00-2005	3,261.72
9/24	09/05/2024	92264	1130	H.D. Fowler	20-00-2005	580.00
)9/24	09/05/2024	92265	6030	Hartwick Automotive LLC	10-00-2005	71.79
9/24	09/05/2024	92266	4980	iSecure Inc	10-00-2005	36.30
)9/24	09/05/2024	92267	328		10-00-2005	256.13
)9/24	09/05/2024	92268	4269	Gary Milliman	10-00-2005	325.00
9/24	09/05/2024	92269	6296	Mountain View Fence	50-00-2005	50,540.00
9/24	09/05/2024	92270	4443	•	10-00-2005	4.12
9/24	09/05/2024	92271	699	OR Transportation Infrastructure Bank	44-00-2005	125,255.00
9/24	09/05/2024	92272	4794	Pacific Rim Copy Center	10-00-2005	25.00
)9/24	09/05/2024	92273	5389	Pape Material Handling	10-00-2005	757.42
9/24	09/05/2024	92274	252	Paramount Pest Control	10-00-2005	225.00
09/24	09/05/2024	92275	4	Evald Kashkenov	10-00-2005	266.00
9/24	09/05/2024	92276	322	Postmaster	25-00-2005	1,200.00
9/24	09/05/2024	92277	6229	Wayne E Sheffel Jr	10-00-2005	695.33
9/24	09/05/2024	92278	5979	LeeAnn Spring Sheffel	10-00-2005	695.33
9/24	09/05/2024	92279	5638	Guy Smith	20-00-2005	63.00
9/24	09/05/2024	92280	2863	Verizon Wireless	10-00-2005	715.30
9/24	09/05/2024	92281	861	Village Express Mail Center	10-00-2005	113.44
9/24	09/05/2024	92282	4220	Woof's Dog Bakery	61-00-2005	60.79
9/24	09/12/2024	92283	5876		10-00-2005	35.00
9/24	09/12/2024	92284		Amazon Capital Services	10-00-2005	72.31
09/24	09/12/2024	92285		Angel Armor LLC	10-00-2005	1,291.59
09/24	09/12/2024	92286	6121	_	10-00-2005	6.99
09/24	09/12/2024	92287	193	Central Equipment Co, Inc	15-00-2005	2,105.00
09/24	09/12/2024	92288	4882		10-00-2005	4,883.00

	Check Issue Dates: 9/1/2024 - 9/30/2024					
GL	Check	Check	Vendor		Check GL Account	Amount
Period	Issue Date	Number	Number	Payee		
09/24	09/12/2024	92289	185	Del Cur Supply	50-00-2005	2,025.00
09/24	09/12/2024	92290	1	Patrick Howe	20-00-2005	188.44
09/24	09/12/2024	92291	5951	Executech Utah LLC	49-00-2005	32.34
09/24	09/12/2024	92292	6127	Ferguson Enterprises LLC #3325	25-00-2005	54.04
09/24	09/12/2024	92293	6289	Colton Hill	10-00-2005	723.90
09/24	09/12/2024	92294	5858	Jacobs Engineering Group Inc	25-00-2005	140,880.83
09/24	09/12/2024	92295	6261	Language Line Services Inc	10-00-2005	6.86
09/24	09/12/2024	92296	6065	Local Government Law Group PC	10-00-2005	2,188.00
09/24	09/12/2024	92297	5789	Moss Adams LLP	10-00-2005	14,100.00
09/24	09/12/2024	92298	6298	MuniAid LLC	10-00-2005	600.00
09/24	09/12/2024	92299	329	New Hope Plumbing	10-00-2005	801.00
09/24	09/12/2024	92300	3159	NorthCoast Health Screening	10-00-2005	45.00
09/24	09/12/2024	92301	4332	Oregon Assoc Chiefs of Police	10-00-2005	249.05
09/24	09/12/2024	92302	322	Postmaster	25-00-2005	1,200.00
09/24	09/12/2024	92303	207	Quill Corporation	10-00-2005	151.28
09/24	09/12/2024	92304	6229	Wayne E Sheffel Jr	10-00-2005	695.33
09/24	09/12/2024	92305	5979	LeeAnn Spring Sheffel	10-00-2005	523.88
09/24	09/12/2024	92306	5195	Sonsray Machinery LLC	15-00-2005	802.00
09/24	09/12/2024	92307	4542	Umpqua Bank	45-00-2005	5,322.00
09/24	09/12/2024	92308	4734	• •	10-00-2005	120.00
09/24	09/12/2024	92309	861	Village Express Mail Center	10-00-2005	30.44
09/24	09/12/2024	92310	2122	Cardmember Service	10-00-2005	6,113.18
09/24	09/12/2024	92311	169	Waste Connections Inc	10-00-2005	864.00
09/24	09/12/2024	92312	5992		30-00-2005	329.89
09/24	09/19/2024	92313	5070	Canon Solutions America	10-00-2005	325.69
09/24	09/19/2024	92314	193	Central Equipment Co, Inc	10-00-2005	65.80
09/24	09/19/2024	92314	5874	Cumulus Global	49-00-2005	156.00
09/24	09/19/2024	92316	5663	Engineering News-Record	10-00-2005	99.99
09/24	09/19/2024	92317	4518	Government Ethics Commission	10-00-2005	1,323.95
09/24	09/19/2024	92318	6265		10-00-2005	
09/24		92319	6289	H&S Energy Group Colton Hill		3,211.28
09/24	09/19/2024 09/19/2024	92320	5615	International Inst of Municipal Clerks	10-00-2005 10-00-2005	180.98 185.00
09/24	09/19/2024	92321	2	·	10-00-2005	50.00
09/24				Micah Chaffin		
	09/19/2024	92322			10-00-2005	100.00
09/24 09/24	09/19/2024	92323 92324	5931		15-00-2005	655.05 165.54
09/24	09/19/2024			Pitney Bowes Global Financial LLC	10-00-2005	
	09/19/2024	92325		Pitney Bowes, Inc.	10-00-2005	201.66
09/24	09/19/2024	92326	207	•	10-00-2005	92.97
09/24	09/19/2024	92327	6231	Billy R Reynolds	10-00-2005	125.00
09/24	09/19/2024	92328	6229	Wayne E Sheffel Jr	10-00-2005	714.38
09/24	09/19/2024	92329	5979	LeeAnn Spring Sheffel	10-00-2005	714.38
09/24	09/19/2024	92330	6264	Tradewind Signs LLC	10-00-2005	56.94
09/24	09/19/2024	92331	169	Waste Connections Inc	25-00-2005	1,242.32
09/24	09/19/2024	92332	5992		25-00-2005	1,061.27
09/24	09/26/2024	92333	5908	Amazon Capital Services	49-00-2005	974.58
09/24	09/26/2024	92334	5966	BNT Promotional Products	10-00-2005	603.54
09/24	09/26/2024	92335	5048	Brookings Harbor Medical Center	25-00-2005	150.00
09/24	09/26/2024	92336	5070	Canon Solutions America	10-00-2005	83.72
09/24	09/26/2024	92337	193	Central Equipment Co, Inc	10-00-2005	212.21
09/24	09/26/2024	92338	6299	Chetco Resources LLC	10-00-2005	5.00
09/24	09/26/2024	92339	1620	Curry County Community Development	10-00-2005	130.00
09/24	09/26/2024	92340	575	Dell Marketing L.P.	49-00-2005	1,332.35
09/24	09/26/2024	92341	1	Alisha Carroll	20-00-2005	158.53
09/24	09/26/2024	92342	1	Glenn Julyan	20-00-2005	221.05
09/24	09/26/2024	92343	2640	Dyer Partnership	52-00-2005	19,007.43
09/24	09/26/2024	92344	5004	Galls LLC	10-00-2005	137.40

Check Register - Summary Check Issue Dates: 9/1/2024 - 9/30/2024

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
enou	————					
09/24	09/26/2024	92345	6030	Hartwick Automotive LLC	10-00-2005	299.89
09/24	09/26/2024	92346	4269	Gary Milliman	10-00-2005	66.67
09/24	09/26/2024	92347	4487	Net Assets Corporation	10-00-2005	255.00
09/24	09/26/2024	92348	329	New Hope Plumbing	10-00-2005	389.50
09/24	09/26/2024	92349	6300	Newberg Ford	50-00-2005	88,849.75
09/24	09/26/2024	92350	5008	Online Information Services	10-00-2005	123.16
09/24	09/26/2024	92351	6202	Oregon Water Resources Department	20-00-2005	441.00
09/24	09/26/2024	92352	4	John McCreadie	10-00-2005	563.50
09/24	09/26/2024	92353	4	Fernando Silva	10-00-2005	258.00
09/24	09/26/2024	92354	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00
09/24	09/26/2024	92355	5768	Proficient Auto Center Inc	10-00-2005	975.50
09/24	09/26/2024	92356	3	Banana Belt Property Mngmnt	20-00-2005	30.74
09/24	09/26/2024	92357		Gabby Dominguez	20-00-2005	113.74
09/24	09/26/2024	92358		Ron Enright	20-00-2005	329.90
09/24	09/26/2024	92359	6276	Sage Bruce Construction Inc	50-00-2005	141,403.00
09/24	09/26/2024	92360	6229	Wayne E Sheffel Jr	10-00-2005	561.98
09/24	09/26/2024	92361	5979	LeeAnn Spring Sheffel	10-00-2005	533.40
09/24	09/26/2024	92362	6243	Southern Oregon Trees and Stumps LLC	10-00-2005	500.00
09/24	09/26/2024	92363	797	- · · · · · · · · · · · · · · · · · · ·	61-00-2005	53.50
09/24	09/26/2024	92364	861	Village Express Mail Center	10-00-2005	14.20
09/24	09/26/2024	92365	169	Waste Connections Inc	61-00-2005	138.00
09/24	09/26/2024	92366	5992	Ziply Fiber	10-00-2005	212.94
G	rand Totals:				-	695,494.07
					=	<u> </u>
D)ated:					
M	layor:					
City C	ouncil:					
City C	ourion					

Report Criteria:

City Recorder: ___

Report type: Summary