CITY OF LINCOLN CITY
CITY COUNCIL AGENDA

MONDAY OCTOBER 9, 2023, 6:00 PM

6:00 PM - The Lincoln City Council will hold a Regular Meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by telephone.

Public comments submitted by email to publiccomment@lincolncity.org will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online Agenda packet.

****PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO publiccomment@lincolncity.org****

Citizens requesting to give public comment via telephone must email publiccomment@lincolncity.org no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at 541-996-1013 or kmattias@lincolncity.org. Visit the ADA Accessibility | City of Lincoln City, OR webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agenda materials for this meeting are available at www.lincolncity.org under "Government", then select "Public Meeting Agendas, Packets & Videos". To stream the meeting in HD, please visit www.lincolncity.org/government/streaming. This meeting will be televised live on Channel 4, and rebroadcast on Channel 4 multiple times a day.

If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – September 25, 2023 6:00 PM
2. Regular Meeting – Minutes of Work Session – October 2, 2023 5:00 PM
3. Oregon Liquor Control Commission- Request for Winery, Additional Privilege for Rusty Truck Brewing Co.

E. COUNCIL DELIBERATIONS

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

J. ORDINANCES

K. RESOLUTIONS

1. Resolution 2023-26 Electrical and Plumbing Program Assumption

L. SPECIAL ORDER OF BUSINESS

2. 2023 Asphalt Repair Package Bid Award
3. Construction Award for NE 14th St. Sidewalk Ph. 3

M. CITY MANAGER/CITY ATTORNEY REPORTS

N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR PUBLIC COMMENT

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

September 25, 2023, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/*.

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Present	
Rick Mark	Councilor Ward 3	Present	
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Present	

Staff Present: Daphnee Legarza, City Manager; Chief Broderick, Lincoln City Police Department; Anne Marie Skinner, Planning and Community Development Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance

Mayor Wahlke removed item L9 from the agenda.

D. CONSENT AGENDA

MOTION:	**Consent Agenda**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed**

1. Regular Meeting – Minutes of Regular Meeting – September 11, 2023, 6:00 PM

2. Regular Meeting – Minutes of Work Session – September 18, 2023, 5:00 PM

E. COUNCIL DELIBERATIONS

NONE

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

Paul & Sherry Golbuff spoke about needing to receive water service on Schooner Creek Rd.

Niki Price and Zoe Vincent from the Lincoln City Cultural Center spoke about the improvements and timeline.

Susan Palmer spoke regarding the taxis running illegally in town.

Bob Vilar spoke regarding the taxis running illegally in town.

Cherri Burgholzer spoke regarding the taxis running illegally in town.

Janice Scott and Jason Werner spoke about needing to receive water in East Devils Lake due to water issues.

G. PRESENTATIONS

3. Building Division Audit FYE June 30, 2022

Anne Marie Skinner, Planning and Community Development Director spoke about the Building Division Audit and said it passed with flying colors.

4. Lincoln County Homeless Advisory Board (HB4123)

Tim Johnson from Lincoln County gave a presentation regard the Lincoln County Homeless Advisory Board and HB4123.

5. Moving to a Tri-County Continuum

Pegge McGuire, Executive Director of Community Services Consortium, spoke regarding moving to a Tri-County Continuum and gave a detailed explanation. Council and Staff had a discussion regarding the information provided.

H. PUBLIC HEARING / ORDINANCE

None

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Hearing ZOA 2023-04 Mobile Food Unit Exception

Mayor Wahlke opened the public hearing at 7:13 PM. No Councilors had any abstentions or disqualifications. Ms. Skinner presented the staff report. Council and Staff had a discussion regarding the information provided. No Citizens were present for testimony.

MOTION:	**Motion to Close the Public Hearing and Record ZOA 2023-04 Mobile Food Unit Exception**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed via Voice Vote**

J. ORDINANCES

2. Ordinance 2023-22 for ZOA 2023-04 Mobile Food Unit Exception

MOTION:	**Motion to Approve First Reading of Ordinance 2023-22 Removing the Sentence with Dimensions**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Roll Call Vote**

3.

MOTION:	**Motion to Approve Second Reading and Adoption of Ordinance 2023-22 for ZOA 2023-04 with the Changes**
MOVER:	**Rick Mark, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Roll Call Vote**

K. RESOLUTIONS

None

L. SPECIAL ORDER OF BUSINESS

4. Lincoln County Winter Shelter Proposal

Jayne Romero and Chantel Estess gave an update for the Lincoln County Shelter Proposal and made a funding request. The Council had a discussion with Ms. Romero and Ms. Estes. Ms. Romero asked the Council for funding in the amount of $4.50 per resident.

MOTION:	**Motion to Give $50,000 to the Lincoln County Winter Shelter 2023-24 from the Outside Agency Request**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Roll Call Vote**

5. Construction Award for NE 14th St. Sidewalk Ph. 3

MOTION:	**Construction Award for NE 14th St. Sidewalk Ph. 3**
RESULT:	**Withdrawn**

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza gave an update on the current events.

N. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION, OR PUBLIC COMMENT

6.

MOTION:	**Motion to Direct Staff to Evaluate Impacts and Cost of Serving Waterline Connections Outside City Limits and UGB Areas and Report Back to Council with Findings**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Voice Vote**

7.

MOTION:	**Motion to Direct Staff to Place a Moratorium on all Approval of Potential New Waterline Connections and Services Outside City Limits and UGB, Until the Master Plan has been Completed**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Voice Vote**

8.

MOTION:	**Motion to Direct Staff to Create a Process to Consider Factors Deemed Appropriate to Comply with Title 13.12.050 so that the Council Can Make Decisions Whether or Not to Approve Exceptions for Water Services Outside City Limits and the UGB and Bring Back to Council**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Roll Call Vote**

9.

MOTION:	**Motion to Direct Staff to Review Tanko Lighting Feasibility Analysis and Other Options of Streetlight Fixtures in Lincoln City and Report Findings/Cost Comparisons back to Council for Next Step Discussions**
MOVER:	**Judy Casper, Councilor Ward 3**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Voice Vote**

10.

MOTION:	**Motion to Direct Staff to Start the Process to Eliminate the Mid-Block Crossing in Oceanlake District and Including the ODOT Recommendations**
MOVER:	**Mitch Parsons, Councilor Ward 1**
SECONDER:	**Riley Hoagland, Councilor Ward 2**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Voice Vote**

11.

MOTION:	**Motion to Direct Staff to Bring Back Findings to Reduce the Speed Limit Through Town to 30 MPH**
MOVER:	**Riley Hoagland, Councilor Ward 2**
SECONDER:	**Mitch Parsons, Councilor Ward 1**
AYES:	Casper, Hoagland, Mark, Parsons, Wahlke
RESULT:	**Passed by Voice Vote**

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

None

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Casper asked Ms. Legarza to check on the public parking rules.

Councilor Mark spoke about the Taxi drivers working in Lincoln City illegally. The Council gave consensus to have staff gather further information.

Councilor Hoagland gave an update on current events.

Mayor Wahlke asked for volunteers for the City's Boards and Committees.

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 8:15 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

The Office of
CITY ADMINISTRATION

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE WORK SESSION MEETING

October 2, 2023, 5:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. *(See Channel 4 guide on the hour at http://www2.lincolncity.org/program-guide/*.

APPROVED BY CITY COUNCIL

DATE:

1. CALL TO ORDER

Council President Casper called the meeting to order at 5:13 PM.

Attendee Name	Title	Status	Arrived
Judy Casper	Councilor Ward 3	Present	
Riley Hoagland	Councilor Ward 2	Late	5:13 PM
Rick Mark	Councilor Ward 3	Late	5:26 PM
Mitch Parsons	Councilor Ward 1	Present	
Susan Wahlke	Mayor	Late	5:33 PM

Staff Present: Daphnee Legarza, City Manager; Anne Marie Skinner, Planning and Community Development Director; Jamie Young, City Recorder.

Citizens Present: Marci Baker

2. DISCUSSION ITEMS

A. Coastal Resources

Anne Marie Skinner, Planning and Community Development Director presented the Coastal Resources portion of the Comp Plan and gave an update of the changes made. The Council and Staff had a discussion on the proposed changes.

B. Community Resiliency

Anne Marie Skinner, Planning and Community Development Director presented the Community Resiliency portion of the Comp Plan and gave an update of the changes made. The Council and Staff had a discussion on the proposed changes

C. Economic Development and Urbanization

Anne Marie Skinner, Planning and Community Development Director presented the Economic Development and Urbanization portion of the Comp Plan and gave an update on the changes made. Ms. Skinner read a public comment received from Don Williams of Lincoln City. The Council and Staff had a discussion on the proposed changes.

D. Parks, Recreation, and Open Space

Anne Marie Skinner, Planning and Community Development Director presented the Parks, Recreation, and Open Space portion of the Comp Plan and gave an update on the changes made. The Council and Staff had a discussion on the proposed changes.

E. Miscellaneous

Anne Marie Skinner, Planning and Community Development Director discussed the Land Use portion of the Comp Plan.

Councilor Casper reported on "Dave the Dead Sea Lion".

Mayor Wahlke apologized for her tardiness as she was at an Emergency Preparedness Conference.

Councilor Parsons said we need to hire a City Attorney. Ms. Legarza gave an update on the process.

3. ADJOURNMENT

_____

SUSAN WAHLKE, MAYOR

ATTEST:

_____

JAMIE YOUNG, CITY RECORDER

Council Communication

Oregon Liquor Control Commission - Request for Winery- Additional Privilege

Meeting Date:	October 9, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	3 min

Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for an Additional Privilege, Winery, for Rusty Truck Brewing Co.?

Staff Recommendations:
A review was conducted by Chief Broderick, who recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:
Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendation to the OLCC.

Lincoln City Municipal Code Chapter 5.20 sets forth the local process for making recommendations to OLCC.

Council Options:

1. Approve a favorable recommendation for an Additional Privilege, Winery, for Rusty Truck Brewing Co.

2. To not approve the license application.

Attachments:
Rusty Truck Brewing Co. Additional Priv_Redacted (PDF)

LIQUOR LICENSE APPLICATION

Check the appropriate license request option:

☐ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☒ Additional Privilege

Select the license type you are applying for.

More information about all license types is available online.

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☒ Primary location

Additional locations: ☐2nd ☐3rd ☐4th ☐5th

Brewery

- ☐ Primary location

Additional locations: ☐2nd ☐3rd

Brewery-Public House

- ☐ Primary location

Additional locations: ☐2nd ☐3rd

Grower Sales Privilege

- ☐ Primary location

Additional locations: ☐2nd ☐3rd

Distillery

- ☐ Primary location

Additional tasting locations: ☐2nd ☐3rd ☐4th ☐5th ☐6th

☐ **Limited On-Premises**

☐ **Off Premises**

☐ **Warehouse**

☐ **Wholesale Malt Beverage and Wine**

LOCAL GOVERNMENT USE ONLY

LOCAL GOVERNMENT:

After providing your recommendation, return this application to the applicant WITH the recommendation marked below

City/County name:

City of Lincoln City

(Please specify city or county)

Date application received:

Optional: Date Stamp Received Below

RECEIVED

SEP 22 2023

CITY OF LINCOLN CITY
LINCOLN CITY OR

☑ Recommend this license be granted

☐ Recommend this license be denied

[redacted]

Printed Name Date

Rusty Truck Brewing Co.

Trade Name

LIQUOR LICENSE APPLICATION

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:	Name of entity or individual applicant #2:
Whitehead Enterprises LLC	
Name of entity or individual applicant #3:	**Name of entity or individual applicant #4:**

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):
Rusty Truck Brewing Co.

Premises street address (The physical location of the business and where the liquor license will be posted):
4649 S S Highway 101

City:	Zip Code:	County:
Lincoln City	97367	Lincoln

Business phone number:	Business email:
[redacted]	[redacted]

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1].):
P. O Box 944

City:	State:	Zip Code:
Salem	OR	97308

Does the business address currently have an OLCC liquor license?	Does the business address currently have an OLCC marijuana license?
☒ Yes ☐ No	☐ Yes ☐ No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

☒ Make changes regarding this license/application on my behalf.
☒ Sign application forms regarding this license/application on my behalf.
☒ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:
Brian Whitehead

Phone number:	Email:
[redacted]	[redacted]

Mailing address:
[redacted]

Please note: liquor license applications are public records.

LIQUOR LICENSE APPLICATION

APPLICATION CONTACT INFORMATON – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:
Brian Whitehead

Phone number:	Email:
[redacted]	

TERMS

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-005-0311 and attests that:

1. At least one applicant listed in the "Application Information" section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.

2. No person not listed as an applicant in the "Application Information" section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.

3. The licensed premises at the premises street address proposed to be licensed either:
   a. Does not include any common areas; or
   b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
      - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.

4. The licensed premises at the premises street address either:
   a. Has no area on property controlled by a public entity (like a city, county, or state); or
   b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

1. Name (Print):	Whitehead Last	Brian First	Richard Middle

2. Other names used (maiden, other): None

3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes ☒ No ☐
If yes, you must list your SSN: [redacted]

SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a).

4. Do you consent to the OLCC's use of my SSN as described above? Check this box: ☑

5. Date of Birth (DOB):	[redacted]		
	(mm)	(dd)	(yyyy)

6. Driver License or State ID # [redacted]

7. State OR

8. Contact Phone: [redacted]

9. E-mail Address: [redacted]

10. Mailing Address:	[redacted]			
	(Number and Street)	(City)	(State)	(Zip Code)

11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon?

No ☒ Yes ☐ (If yes, explain in the space provided, below) Unsure ☐ Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.

Council Communication

Resolution 2023-26 Program Assumption

Meeting Date:	October 9, 2023	Primary Staff Contact:	AnneMarie Skinner
Department:	City Council	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

Question:
Should the City Council approve Resolution 2023-26 regarding assumption of the electrical and plumbing programs?

Staff Recommendation:
Staff recommends approval of Resolution 2023-26.

Authority:

OAR 918-308-0020

Except when a municipality requests responsibility for an electrical program administered by the division, a municipality seeking delegation or renewal of delegation of the electrical program shall:

(1) Comply with ORS 455.148 or 455.150; and

(2) File an application for delegation of the electrical program under the Electrical Delegation Rules, if the municipality is applying for delegation for the first time. The application shall:

(a) Be filed by the governing body of the municipality by October 1 prior to the year for which delegation is sought;

(b) Be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the municipality and all persons under it will comply with and be bound by the Electrical Delegation Rules

Background:
Lincoln City administers and enforces the building code and mechanical code. This administration and enforcement is accomplished with a third-party contractor, Northwest Code Professionals. Presently, Lincoln County administers and enforces the electrical and plumbing codes on behalf of Lincoln City. At the request of Lincoln County

to assume these programs, and to improve and streamline the building permitting process, Lincoln City prepared a program assumption plan and on September 6, 2023, submitted the application to Oregon Building Codes Division requesting assumption of both the electrical and plumbing permitting programs.

On September 27, 2023, the planning director was notified by the Oregon Building Codes Division that a resolution from City Council was needed as part of the request. The resolution signifies City Council's official sanctioning of the program assumption and acknowledgement that Lincoln City will abide by the applicable Oregon Revised Statutes and Oregon Administrative Rules.

Council Options:

Approve the Resolution.
Do not approve the Resolution.
Approve the Resolution (with amendments).

Financial Impact

None.

Potential Motions:

Move to approve Resolution 2023-26.
Move to approve Resolution 2023-26, with the following amendments.
Move to reject the proposed Resolution.

Attachments:

Resolution 2023-26 (DOCX)
Exhibit A for Resolution No. 2023-26 (PDF)

RESOLUTION NO. 2023-26

A RESOLUTION OF THE CITY OF LINCOLN CITY APPROVING SUBMISSION OF OREGON BUILDING CODES DIVISION "PROGRAM ADMINISTRATION FORM – NEW REQUEST" AND ASSURING CITY COMPLIANCE WITH ALL REQUIREMENTS AND STANDARDS OF OAR CHAPTER 918 AND ORS CHAPTERS 455 AND 479.

Recitals

A. Lincoln City applied to the Oregon Building Codes Division on September 6, 2023, with the "Program Administration Form – New Request" to assume the administration and enforcement of Electrical and Plumbing Inspection Programs as per Exhibit A**;** and

B. Lincoln City will amend the current contract with Northwest Code Professionals to use their licensed building official and inspectors to perform all of the electrical and plumbing code functions as noted in Exhibit A; and

C. Lincoln City already has in place Lincoln City Municipal Code 15.04.110 which adopted all relevant building, electrical, plumbing, mechanical, and related codes; and

D. LCMC 15.04.110 provides for administration and enforcement of the plumbing and electrical codes by Lincoln County; and

E. LCMC 15.04.110 will be revised to remove the sentence regarding Lincoln County administration and enforcement of the plumbing and electrical codes upon approval of Lincoln City's plumbing and electrical program assumption request by Oregon Building Codes Division, effective July 1, 2024; and

F. Lincoln City's master fee schedule will be revised to add fees for electrical and plumbing permits upon approval of Lincoln City's plumbing and electrical program assumption request by Oregon Building Codes Division, effective July 1, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LINCOLN CITY HEREBY:

Section 1. Accepts the recitals set forth above as true and correct, adopts them, and incorporates them herein by this reference.

Section 2. Authorizes the City Planning and Community Development Director, Anne Marie Skinner, and/or the City Manager, Daphnee Legarza, to sign and submit (noting that the submittal took place on September 6, 2023) the "Program Administration Form –New Request" and all necessary documents, or additional information that may be required by the Oregon

Building Codes Division, for Lincoln City to assume the operation, administration, and enforcement of the electrical and plumbing code programs on July 1, 2024, as may be approved by the Oregon Building Codes Division.

Section 3. Continues the appointment of Brandon Zipser with Northwest Code Professionals as the Lincoln City Building Official, with, in addition to the building and mechanical code inspection and enforcement powers already in effect, the addition of all electrical and plumbing code inspection and enforcement powers, effective July 1, 2024.

Section 4. Agrees to the administration and enforcement of all electrical and plumbing code programs applied for in Exhibit A, effective July 1, 2024, and as approved by the Oregon Building Codes Division.

Section 5. The City understands and agrees to follow all relevant ORSs and OARs related to the assumption of the administration and enforcement of the relevant electrical and plumbing programs, including, among others, ORS Chapters 455 and 479 and OAR Chapter 918.

Section 6. Effective Date. This resolution shall take effect immediately upon its passage and remain effective until replaced.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 9th day of October, 2023.

_____

SUSAN WAHLKE, MAYOR

ATTEST:

_____

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

_____

DAVID JAMES ROBINSON, INTERIM CITY ATTORNEY

Program Administration Form

Department of Consumer & Business Services
Building Codes Division
1535 Edgewater St. NW, Salem, OR
Mailing address: P.O. Box 14470, Salem, OR 97309-0404
Phone: 503-373-4133 • Fax: 503-378-2322 • Web: Oregon.gov/bcd

Department Use Only

☑ New request

☐ Renewal

Municipality: City of Lincoln City **Building official:** Brandon Zipser

Address: 801 SW Hwy 101

City: Lincoln City State: OR ZIP: 97367

Office location: Lincoln City, Oregon

Phone: 541-556-8771 Fax: Email: brandonz@nwcodepros.com

Mark program choice by indicating level:

X – Performed by the municipality applying for the renewal
A – Performed by a different municipality through an intergovernmental agreement with _____
C – Performed by county; X and A do not apply
S – Performed by state

Please see the key at the bottom of Page 2 for definitions.

Plans				Structural				Mechanical				Electrical				Plumbing					Manufactured Structures (MSI)	Park & Camp (PCI)	Master Builder Program (optional)
A	B	C	F	A	B	C	M	A	B	C	M	A	B	C	M	A	B	C	S	M			
x	x	x	x	x	x	x		x	x	x		X	X	X		X	X	X			x	x	

Note: Assumption of a structural A-level program includes the requirements for accessibility [ORS 447.220]. MSI includes manufactured dwelling installations; alterations, accessory structures, buildings, and cabana installations; plan review; and inspections. Park and camp includes mobile home and manufactured dwelling parks, recreation parks, organizational camps, and picnic parks plan review and inspection.

Respond to the following if your municipality uses a third-party building official:

Which services are provided by the third party?: Building Official, Plans Examination, Inspections

Name of third party building official: Northwest Code Professionals

Names of all designated qualified employees: Anne Marie Skinner

Attach the following:

- [x] Completed copy of municipality's operating plan (OAR 918-020-0090)
- [x] Electrical program requests (See requirements in OAR Chapter 918, Div. 308)
- [x] Changes of service areas (Include map or description if applicable)
- [x] Current fee schedules for all programs
- [x] Name of a contact person for surcharge report of assumed programs

Name: Anne Marie Skinner Phone: 541-996-1228

Address: 801 SW Hwy 101, PO Box 50

City: Lincoln City State: OR ZIP: 97367

List inspectors and others, as requested, on the back of this sheet. Attach additional pages as necessary.

Official delegation or assumption of the programs above is requested or being renewed for the period beginning July 1, 20__.

The undersigned agrees this form and all accompanying attachments comply with the applicable statutes and rules outlined in OAR 918, Division 020, and ORS Chapter 455. The undersigned further agrees this municipality's program will, at all times, be administered to operate in compliance with its operating plan and all applicable statutes and rules.

Authorized signature: Title: Director, Planning & Community Development Date:

This form will not be accepted without signature.
Electronic signatures are accepted if the form is sent via email from the signor.

K.1.b

Name of inspector and/or person responsible for program	Building official	Plans examiner				Structural inspector				Mechanical inspector				Electrical inspector				Plumbing inspector					MSI	PCI
		A	B	C	F	A	B	C	M	A	B	C	M	A	B	C	M	A	B	C	S	M		
Jack Applegate	X	X		X	X	X		X		X		X				X				X			X	X
Chris Corlies						X		X															X	
Shawn Eaton	X	X	X	X	X	X	X	X		X	X	X						X	X	X			X	X
Austin Eagon								X																
Skyler Holstad				X		X		X				X											X	
David Leifheit		X		X	X	X		X		X						X				X	X		X	
Ryan Dixon														X										
Don Meier														X	X	X							X	
David Mortier	X			X		X		X		X		X				X		X		X			X	
Derek Neff				X				X				X		X						X			X	
Cliff Pettigrew	X	X		X		X		X		X		X				X				X			X	
Robert Rice	X	X		X	X	X		X		X		X				X			X	X			X	X
Angela Sever		X		X		X		X				X												
Jerry Simon														X										
Wayne Syliaasen														X		X								
Lisa Weishoff	X	X	X	X	X	X	X	X		X	X	X				X				X	X		X	X
Robert Wentz	X			X		X		X		X		X								X			X	X
Brandon Zipser	X			X		X	X	X		X							X						X	
Tim Risseeuw														X										

Cities covered by county program: Lincoln City is requesting assumption from Lincoln County of electrical and plumbing

Cities with complete or partial program: Lincoln City - existing structural and mechanical; requesting electrical and plumbing

Emergency manager: Cassidy Boyle Phone: 541-996-1235

Address: 801 SW Hwy 101, Lincoln City, OR 97367

State fire marshal official/designee: Cody Heidt Phone: 541-996-2233
(See OAR 918-020-0020)

Address: PO Box 200, 2525 NW Hwy 101, Lincoln City, OR 97367

Health department contact: Kaline Chavarria Phone: 541-265-0433

Address: 255 SW Coast Hwy, Ste. 203A, Newport, OR 97365

Permit issuance phone: 541-996-1231

Planning/zoning phone: 541-996-2153

Key:

A A Level – All buildings or structures, except dwelling code

B B Level – Any building or structure not required to be designed by an Oregon-registered architect or engineer, except H or I occupancies over 1,500 sq. ft. and one- or two-family dwelling

C One- and two-family dwelling

F Fire and life safety

M Master permit program

MSI Manufactured structures installation inspector: electrical, plumbing, hook-up and setup

PCI Park and camp inspector

S Limited plumbing inspector: sewer

Note: As of the date of filling out this form, Tim Risseeuw and Ryan Dixon (both licensed Journeymen Electricians) are scheduled to take the A-level Electrical Inspector course in a couple weeks and are anticipated to have that certification prior to completion of Lincoln City's request for the electrical program. For further clarifity, they will not be doing any inspections for Lincoln City until the appropriate certifications have been obtained.

Council Communication

2023 Asphalt Repair Package Bid Award

Meeting Date:	October 9, 2023	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	10 minutes

Question:
Should the City Council award the construction contract for the Lincoln City, 2023 Asphalt Repair Package to Road & Driveway Co?

Staff Recommendation:
Staff recommends the City Council award the construction contract for the Lincoln City, 2023 Asphalt Repair Package to Road & Driveway Co.

Authority:
LCMC 2.05.060 (Procurement of goods and services shall be awarded as provided in the Public Contracting Code, ORS Chapter 279B, the Model Rules, and these rules.) This project follows the bids awarded by competitive bid.

Background
The City has numerous roadway utility cuts and areas of roadway requiring repair throughout the city. The scale of addressing this work is beyond the capacity for city crews to complete and would be better completed, in bulk, by a paving contractor.

Project Description
This project includes the repair of 42 different small to medium areas of roadway throughout the city, as well as the paving and/or demolition of 3 larger sections of roadway throughout the city.

Bids
Public Works Department advertised the project for bid on September 5th and 6th, 2023. The City Public Works Department opened bids for the project on September 28th, 2023. Four bids were received, three were considered complete:

Bidder	Bid Amount
Road & Driveway Co.	$185,455.09

K&L Industries	$233,325.00
North Santiam Paving Co.	$399,070.00
Gettis Paving Inc.	Incomplete

The lowest responsive and responsible bidder was Road & Driveway Co. in the amount of $185,455.09

Project Budget and Costs
The roadway repairs due to water utility work will be taken from the Water Operation, System Maintenance (221-000-6210010). This amounts to $79,028.60 of the total project amount. The remaining cost of the paving work, $106,426.49, will be taken from the Street Capital Fund- Street Overlay Projects (211-000-6210009). The FY23-24 budgeted amounts for Water system maintenance was $209,000.00 and for Street Overlay was $1,000,000.00.

The following table shows estimated cost to construct and complete the Lincoln City, 2023 Asphalt Repair Package project in FY 2023-24.

Item	Estimated Cost to Complete FY2023-24
Bureau of Labor and Industries	$250.00
Construction Bid	$185,455.09
Art (1/2 of one percent of the construction bid)	$927.28
Construction Contingency	$37,091.00
Total	$223,723.37

Recommendation
Staff recommends the construction contract be awarded to Road & Driveway Co. in the amount of $185,455.09 with a construction contingency of $37,091.00 (20 percent of bid amount) for a total of $222,546.09.

Attachments:
Bid Tab

Attachments:
BID TAB (PDF)

BID TAB

	Lincoln City - 2023 Asphalt Repair Package			Engineer's Estimate		Road & Driveway Co		K&L Industries		North Santiam Paving Co		Gettis Paving - Incomplete, Rejected	
	ITEMS	**QUANTITY**	**UNIT**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**
	Exhibits W1 - W28 Lump Sum Asphalt Repairs												
1	Repair W1 - 3116 NW Quay	1	LS	$796.00	$796.00	$1,372.02	$1,372.02	$2,000.00	$2,000.00	$5,200.00	$5,200.00		
2	Repair W2 - 3000 NE 26th	1	LS	$1,909.00	$1,909.00	$5,853.97	$5,853.97	$2,500.00	$2,500.00	$9,200.00	$9,200.00		
3	Repair W3 - 2026 NE Oar	1	LS	$1,067.00	$1,067.00	$2,500.13	$2,500.13	$2,250.00	$2,250.00	$6,200.00	$6,200.00		
4	Repair W4 - 1421 NW 19th	1	LS	$706.00	$706.00	$1,097.62	$1,097.62	$2,000.00	$2,000.00	$5,250.00	$5,250.00		
5	Repair W5 - 1927 NE 19th	1	LS	$925.00	$925.00	$1,829.37	$1,829.37	$2,000.00	$2,000.00	$7,500.00	$7,500.00		
6	Repair W6 - 1747 NE 13th	1	LS	$998.00	$998.00	$2,317.20	$2,317.20	$2,500.00	$2,500.00	$7,000.00	$7,000.00		
7	Repair W7 - 1320 NE Voyage	1	LS	$435.00	$435.00	$152.45	$152.45	$1,750.00	$1,750.00	$5,000.00	$5,000.00		
8	Repair W8 - 318 SE Jetty	1	LS	$1,384.00	$1,384.00	$3,658.73	$3,658.73	$2,500.00	$2,500.00	$7,000.00	$7,000.00		
9	Repair W9 - 405 SE Inlet	1	LS	$1,006.00	$1,006.00	$2,103.77	$2,103.77	$2,500.00	$2,500.00	$6,500.00	$6,500.00		
10	Repair W10 - 724 SE Inlet	1	LS	$1,678.00	$1,678.00	$4,664.88	$4,664.88	$2,750.00	$2,750.00	$8,500.00	$8,500.00		
11	Repair W11 - 2564 SW Anchor	1	LS	$5,466.00	$5,466.00	$20,275.48	$20,275.48	$8,500.00	$8,500.00	$14,000.00	$14,000.00		
12	Repair W12 - 2655 & 2660 SW Anchor	1	LS	$1,500.00	$1,500.00	$3,811.18	$3,811.18	$4,500.00	$4,500.00	$10,500.00	$10,500.00		
13	Repair W13 - 2694 SW Anchor	1	LS	$810.00	$810.00	$1,524.47	$1,524.47	$2,000.00	$2,000.00	$7,000.00	$7,000.00		
14	Repair W14 - 2764 SW Anchor Ave	1	LS	$1,199.00	$1,199.00	$2,500.13	$2,500.13	$2,500.00	$2,500.00	$8,000.00	$8,000.00		
15	Repair W15 - 561 SW 29th	1	LS	$738.00	$738.00	$1,341.54	$1,341.54	$2,000.00	$2,000.00	$6,500.00	$6,500.00		
16	Repair W16 - 3227 SW Beach	1	LS	$560.00	$560.00	$487.83	$487.83	$2,000.00	$2,000.00	$6,400.00	$6,400.00		
17	Repair W17 - 3740 SE Spyglass Ridge	1	LS	$782.00	$782.00	$1,402.51	$1,402.51	$2,000.00	$2,000.00	$6,500.00	$6,500.00		
18	Repair W18 - 4811 SW Coast	1	LS	$924.00	$924.00	$1,981.81	$1,981.81	$2,500.00	$2,500.00	$6,500.00	$6,500.00		
19	Repair W19 - 1424 SE 51st	1	LS	$1,476.00	$1,476.00	$3,902.65	$3,902.65	$3,500.00	$3,500.00	$7,850.00	$7,850.00		
20	Repair W20 - 4103 SE Keel Way	1	LS	$802.00	$802.00	$1,372.02	$1,372.02	$4,000.00	$4,000.00	$6,500.00	$6,500.00		
21	Repair W21 - 1305 SW 62nd	1	LS	$498.00	$498.00	$335.38	$335.38	$2,500.00	$2,500.00	$6,400.00	$6,400.00		
22	Repair W22 - 6333 SW Galley	1	LS	$1,010.00	$1,010.00	$2,134.26	$2,134.26	$3,000.00	$3,000.00	$6,500.00	$6,500.00		
23	Repair W23 - 6401 SW Harbor	1	LS	$1,495.00	$1,495.00	$4,573.42	$4,573.42	$4,000.00	$4,000.00	$7,000.00	$7,000.00		
24	Repair W24 - 6705 SW Fleet	1	LS	$829.00	$829.00	$1,372.02	$1,372.02	$3,500.00	$3,500.00	$7,750.00	$7,750.00		
25	Repair W25 - 6835 SW Galley	1	LS	$610.00	$610.00	$823.21	$823.21	$4,000.00	$4,000.00	$6,100.00	$6,100.00		
26	Repair W26 - 6860 SW Harbor	1	LS	$635.00	$635.00	$762.24	$762.24	$3,500.00	$3,500.00	$6,400.00	$6,400.00		
27	Repair W27 - 1244 SW 69th	1	LS	$760.00	$760.00	$1,097.62	$1,097.62	$4,000.00	$4,000.00	$7,000.00	$7,000.00		
28	Repair W28 - 4085 NW Logan (Safeway)	1	LS	$1,421.00	$1,421.00	$3,780.69	$3,780.69	$4,000.00	$4,000.00	$6,000.00	$6,000.00		
	Exhibits S1 - S14, Line Item Asphalt Repairs												
29	Mobilization	1	LS	$7,000.00	$7,000.00	$7,915.53	$7,915.53	$6,500.00	$6,500.00	$9,100.00	$9,100.00		
30	Temporary Work Zone Traffic Control, Complete	1	LS	$3,000.00	$3,000.00	$7,408.65	$7,408.65	$20,000.00	$20,000.00	$5,000.00	$5,000.00		
31	Sawcutting & General Demolition	1	LS	$3,500.00	$3,500.00	$18,428.56	$18,428.56	$2,500.00	$2,500.00	$10,000.00	$10,000.00		
32	Flat Top Asphalt Berm, 3" x 2" (W x H)	705	LF	$10.00	$7,050.00	$5.14	$3,623.70	$3.00	$2,115.00	$30.00	$21,150.00		
33	ACP Repair, Level II, 1/2" Aggregate, 4" depth	760	SF	$7.00	$5,320.00	$7.44	$5,654.40	$10.00	$7,600.00	$28.00	$21,280.00		
34	ACP Repair, Level II, 1/2" Aggregate, 2" depth	600	SF	$5.00	$3,000.00	$3.88	$2,328.00	$14.00	$8,400.00	$10.00	$6,000.00		
35	Aggregate base placement, 3/4"-0" or 1"-0"	10	CY	$50.00	$500.00	$133.65	$1,336.50	$200.00	$2,000.00	$400.00	$4,000.00		
36	Cold Plane pavement Removal	1	LS	$3,500.00	$3,500.00	$1,969.95	$1,969.95	$10,000.00	$10,000.00	$4,100.00	$4,100.00		
37	ACP Overlay/Inlay, Level II, 1/2" Aggregate, 2" depth	1	LS	$12,000.00	$12,000.00	$4,309.16	$4,309.16	$12,500.00	$12,500.00	$11,000.00	$11,000.00		
	Exhibit B1, SE Harbor & 3rd												
38	Mobilization	1	LS	$1,500.00	$1,500.00	$1,925.90	$1,925.90	$3,500.00	$3,500.00	$2,800.00	$2,800.00		
39	Sawcutting	65	LF	$8.00	$520.00	$2.06	$133.90	$10.00	$650.00	$5.00	$325.00		
40	General Demolition	1	LS	$2,000.00	$2,000.00	$2,579.88	$2,579.88	$3,500.00	$3,500.00	$3,000.00	$3,000.00		
41	Aggregate Base - Prep existing base, place & compact leveling Base Course	1	LS	$5,000.00	$5,000.00	$2,775.62	$2,775.62	$3,000.00	$3,000.00	$6,000.00	$6,000.00		
42	Adjust Manhole Rim	1	EA	$500.00	$500.00	$808.65	$808.65	$500.00	$500.00	$1,525.00	$1,525.00		
43	New asphalt Pavement, 4" Depth	1800	SF	$7.00	$12,600.00	$3.58	$6,444.00	$7.00	$12,600.00	$8.50	$15,300.00		
	Exhibit B2, SE Tide - 200 Block												
44	Mobilization	1	LS	$1,500.00	$1,500.00	$1,925.90	$1,925.90	$3,500.00	$3,500.00	$4,600.00	$4,600.00		
45	Measurement & Layout	1	LS	$3,000.00	$3,000.00	$2,411.27	$2,411.27	$1,000.00	$1,000.00	$5,000.00	$5,000.00		
46	Sawcutting	16	LF	$10.00	$160.00	$2.06	$32.96	$25.00	$400.00	$15.00	$240.00		
47	Aggregate Base - Prep existing base, place & compact leveling Base Course	1	LS	$6,500.00	$6,500.00	$7,355.27	$7,355.27	$2,500.00	$2,500.00	$8,250.00	$8,250.00		
48	New asphalt Pavement, Roadway 2" Depth	3885	SF	$4.00	$15,540.00	$1.79	$6,954.15	$4.00	$15,540.00	$4.00	$15,540.00		
49	New Asphalt Driveway Apron, 2" Depth. Include digout & prep	605	SF	$6.00	$3,630.00	$2.78	$1,681.90	$4.00	$2,420.00	$7.00	$4,235.00		
50	Shoulder & Driveway Rock- 3/4"-0" or 1"-0"	2	CY	$50.00	$100.00	$189.27	$378.54	$1,000.00	$2,000.00	$650.00	$1,300.00		

BID TAB

51	Splash block dispersion, drain rock or river rock 3"+, 2' wide x 8 feet deep x 6" depth	1	LS	$500.00	$500.00	$1,426.99	$1,426.99	$2,000.00	$2,000.00	$2,500.00	$2,500.00		
52	Pacific Wax myrtle - 1 gal min.	4	EA	$500.00	$2,000.00	$343.79	$1,375.16	$500.00	$2,000.00	$1,300.00	$5,200.00		
	Exhibit B3, NW Keel & 57th												
53	Mobilization	1	LS	$1,500.00	$1,500.00	$1,925.90	$1,925.90	$3,500.00	$3,500.00	$2,800.00	$2,800.00		
54	General Demolition	1	LS	$2,000.00	$2,000.00	$1,934.91	$1,934.91	$2,000.00	$2,000.00	$5,000.00	$5,000.00		
55	Aggregate Base - Prep existing base, place & compact leveling Base Course	1	LS	$2,000.00	$2,000.00	$2,495.38	$2,495.38	$2,500.00	$2,500.00	$7,250.00	$7,250.00		
56	Sawcutting	60	LF	$10.00	$600.00	$2.06	$123.60	$15.00	$900.00	$5.00	$300.00		
57	New asphalt Pavement, Roadway 4" Depth	1350	SF	$7.00	$9,450.00	$3.63	$4,900.50	$7.00	$9,450.00	$9.50	$12,825.00		
58	New Water Valve cans (Vancouver VC212) & Adjust to FG	2	EA	$600.00	$1,200.00	$680.83	$1,361.66	$500.00	$1,000.00	$350.00	$700.00		
	Bid Items 5, 9, 11, & 32 Completed prior to 11/15/23	1	LS	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00	$2,500.00		
	Total				**$149,089.00**		**$185,455.09**		**$233,325.00**		**$399,070.00**		

Council Communication

Construction Award for NE 14th St. Sidewalk Ph. 3

Meeting Date:	October 9, 2023	Primary Staff Contact:	Stephanie Reid
Department:	City Council	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

Question:
Should the City Council award the construction contract for the NE 14th Street Sidewalk Project, Phase 3 to K&E Excavating?

Staff Recommendation:
Staff recommends the City Council award the construction contract for the NE 14th Street Sidewalk Project, Phase 3 to K&E Excavating.

Authority:
LCMC 2.05.060 (Procurement of goods and services shall be awarded as provided in the Public Contracting Code, ORS Chapter 279B, the Model Rules, and these rules.) This project follows the bids awarded by competitive bid.

Background
The City constructed Phase 1 of the NE 14th Sidewalk project in 2021, from Hwy 101 to NE Port. Phase 2, currently under construction continues the sidewalk from NE Port to Spring Lake Open Space and is 10 feet wide. This phase will continue the 10 foot (transitioning to 8-foot wide) Head to Bay Trail from Spring Lake Open Space to the entrance of Regatta Park.

Project Description
This project includes installing 660 feet of storm sewer, 1,100 feet of sidewalk from Spring Lake Open Space to Regatta Park, and a soil-nail wall to accommodate the new infrastructure.

Bids
Public Works Department advertised the project for bid on August 21 & 22, 2023. The City Public Works Department opened bids for the project on September 14, 2023. Five bids were received:

Bidder	Bid Amount

K&E Excavating	$989,919.00
HP Civil	$1,090,709.74
Kodiak Pacific Construction	$1,116,813.00
Jesse Rodriguez	$1,340,409.00
Dan Kauffman Excavating	$1,338,422.26

The lowest responsive and responsible bidder was K&E Excavating in the amount of $989,919.00.

Project Budget and Costs
This project was approved in the FY23-24 budget, Street Capital Fund-Sidewalk Construction (211-000-6340208). The budgeted amount for construction was $900,000.00, the total estimated cost is $1,094,850.42. The difference of $194,850.42 would be from Street Capital Fund Reserve which has a balance of $525,921.00.

The following table shows estimated cost to construct and complete phase 3 of the project in FY 2023-24.

Item	Estimated Cost to Complete FY2023-24
Bureau of Labor and Industries	$989.92
Construction Bid	$989,919.00
Art (1/2 of one percent of the construction bid)	$4,949.60
Construction Contingency	$98,991.90
Total	$1,094,850.42

Recommendation
Staff recommends the construction contract be awarded to K&E Excavating in the amount of $989,919.00 with a construction contingency of $98,991.90 (10 percent of bid amount) for a total of $1,088,910.90. And additional funding of $194,850.42 be funded from the Street Capital Fund Reserve.

Attachments:
Bid Tab

Attachments:

Bid Tab - Phase 3 (PDF)

BID TAB

	NE 14th Sidewalk - Phase 3			Engineer's Estimate		K&E Excavating		HP Civil		Kodiak Pacific		Dan Kauffman		Jesse Rodriguez	
	ITEMS	**QUANTITY**	**UNIT**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**TOTAL**	**UNIT PRICE**	**PRICE**
	GENERAL BID ITEMS														
00210	Mobilization	1	LS	$60,000.00	$60,000.00	$97,000.00	$97,000.00	$109,070.97	$109,070.97	$170,000.00	$170,000.00	$46,877.31	$46,877.31	$99,950.00	$99,950.00
00225	Temporary Work Zone Traffic Control, Complete	1	LS	$50,000.00	$50,000.00	$90,000.00	$90,000.00	$75,000.00	$75,000.00	$41,000.00	$41,000.00	$79,497.00	$79,497.00	$63,975.00	$63,975.00
00280	Inlet Protection	5	EA	$150.00	$750.00	$80.00	$400.00	$250.00	$1,250.00	$290.00	$1,450.00	$194.75	$973.75	$55.00	$275.00
00280	Sediment Fence/straw Wattles	691	FT	$8.00	$5,528.00	$5.00	$3,455.00	$6.00	$4,146.00	$8.00	$5,528.00	$3.69	$2,549.79	$11.00	$7,601.00
00320	Clear & Grubbing	1	LS	$15,000.00	$15,000.00	$36,000.00	$36,000.00	$5,000.00	$5,000.00	$15,500.00	$15,500.00	$4,464.00	$4,464.00	$42,950.00	$42,950.00
00310	Demolition	1	LS	$5,000.00	$5,000.00	$15,000.00	$15,000.00	$12,000.00	$12,000.00	$1,100.00	$1,100.00	$11,328.00	$11,328.00	$13,650.00	$13,650.00
0330	General Excavation & Grading	1	LS	$20,000.00	$20,000.00	$48,000.00	$48,000.00	$40,000.00	$40,000.00	$46,000.00	$46,000.00	$23,876.00	$23,876.00	$65,000.00	$65,000.00
00445	Storm Sewer Pipe, 12 PVC, 3034, Class B Backfill	665	FT	$120.00	$79,800.00	$120.00	$79,800.00	$140.00	$93,100.00	$136.00	$90,440.00	$121.52	$80,810.80	$145.00	$96,425.00
00470	Storm Sewer Pipe, 10 PVC 3034, Class A Backfill	79	EA	$100.00	$7,900.00	$90.00	$7,110.00	$115.00	$9,085.00	$128.00	$10,112.00	$101.26	$7,999.54	$130.00	$10,270.00
00470	Flat Top Storm Manhole	6	EA	$4,000.00	$24,000.00	$5,200.00	$31,200.00	$8,000.00	$48,000.00	$8,700.00	$52,200.00	$5,609.33	$33,655.98	$6,250.00	$37,500.00
00470	Catch Basin, CG-3	1	EA	$5,000.00	$5,000.00	$3,100.00	$3,100.00	$4,500.00	$4,500.00	$4,500.00	$4,500.00	$3,112.00	$3,112.00	$5,500.00	$5,500.00
	Catch Basin, G-2	2	EA	$4,000.00	$8,000.00	$3,300.00	$6,600.00	$6,000.00	$12,000.00	$3,350.00	$6,700.00	$3,814.00	$7,628.00	$5,500.00	$11,000.00
00470	Catch Basin (G-1) & Connect to Existing 12"	1	LS	$3,000.00	$3,000.00	$3,900.00	$3,900.00	$6,000.00	$6,000.00	$6,400.00	$6,400.00	$2,896.00	$2,896.00	$7,695.00	$7,695.00
00490	Minor MH Adjustment	1	EA	$750.00	$750.00	$1,500.00	$1,500.00	$1,000.00	$1,000.00	$1,290.00	$1,290.00	$838.00	$838.00	$3,250.00	$3,250.00
	Major MH Adjustment	3	EA	$3,000.00	$9,000.00	$2,700.00	$8,100.00	$3,000.00	$9,000.00	$5,300.00	$15,900.00	$1,929.00	$5,787.00	$9,790.00	$29,370.00
	Major MH Adjustment with Lid in Sidewalk	3	EA	$4,000.00	$12,000.00	$2,700.00	$8,100.00	$2,500.00	$7,500.00	$6,500.00	$19,500.00	$2,049.00	$6,147.00	$6,235.00	$18,705.00
00641	Aggregate Base Rock 3/4"-0	275	CY	$120.00	$33,000.00	$95.00	$26,125.00	$65.00	$17,875.00	$113.00	$31,075.00	$80.61	$22,167.75	$41.00	$11,275.00
00759	Standard Concrete Curb, 6" Reveal	1132	FT	$50.00	$56,600.00	$44.00	$49,808.00	$50.00	$56,600.00	$51.00	$57,732.00	$54.85	$62,090.20	$43.00	$48,676.00
00759	Back of Sidewalk Curb with Rebar	20	FT	$200.00	$4,000.00	$210.00	$4,200.00	$250.00	$5,000.00	$87.00	$1,740.00	$33.43	$668.60	$550.00	$11,000.00
	Back of Sidewalk Curb with Thicken Edge	215	FT	$100.00	$21,500.00	$165.00	$35,475.00	$200.00	$43,000.00	$87.00	$18,705.00	$48.02	$10,324.30	$550.00	$118,250.00
00759	Concrete Sidewalk & Ramps, 4" Thick	10321	SF	$12.00	$123,852.00	$11.00	$113,531.00	$10.50	$108,370.50	$20.00	$206,420.00	$11.61	$119,826.81	$15.00	$154,815.00
	Concrete Sidewalk Driveway, 6" Thick	150	SF	$20.00	$3,000.00	$25.00	$3,750.00	$16.00	$2,400.00	$22.00	$3,300.00	$16.33	$2,449.50	$17.00	$2,550.00
00759	Truncated Dome	4	EA	$500.00	$2,000.00	$680.00	$2,720.00	$50.00	$200.00	$47.00	$188.00	$218.40	$873.60	$750.00	$3,000.00
00744	Level 2, 1/2" Dense ACP, 4" depth	65	Ton	$200.00	$13,000.00	$230.00	$14,950.00	$215.00	$13,975.00	$184.00	$11,960.00	$318.46	$20,699.90	$225.00	$14,625.00
	Asphalt Transition Driveway	85	SF	$100.00	$8,500.00	$6.00	$510.00	$10.00	$850.00	$15.00	$1,275.00	$126.25	$10,731.25	$24.00	$2,040.00
	Reconstruct Road (NE Regatta Way), Rock Base & 4" Asphalt	1	LS	$10,000.00	$10,000.00	$2,400.00	$2,400.00	$6,500.00	$6,500.00	$12,000.00	$12,000.00	$13,052.00	$13,052.00	$14,765.00	$14,765.00
	Thermoplastic, Extruded, Stop Bar	1	EA	$500.00	$500.00	$1,100.00	$1,100.00	$500.00	$500.00	$2,300.00	$2,300.00	$2,700.00	$2,700.00	$495.00	$495.00
	Soil Nail Wall, All Heights, Drainage, fence & Misc.	1	LS	$250,000.00	$250,000.00	$140,000.00	$140,000.00	$250,922.27	$250,922.27	$155,450.00	$155,450.00	$449,240.30	$449,240.30	$247,452.00	$247,452.00
	CIP Wall, Fence & Misc	1	LS	$12,000.00	$12,000.00	$24,000.00	$24,000.00	$35,000.00	$35,000.00	$60,000.00	$60,000.00	$8,550.00	$8,550.00	$18,245.00	$18,245.00
	Carved Wall on Soil Nail Wall	1	LS	$7,000.00	$7,000.00	$105,000.00	$105,000.00	$75,000.00	$75,000.00	$39,713.00	$39,713.00	$257,798.20	$257,798.20	$110,000.00	$110,000.00
	Top Soil	89	CY	$100.00	$8,900.00	$90.00	$8,010.00	$110.00	$9,790.00	$115.00	$10,235.00	$57.42	$5,110.38	$95.00	$8,455.00
01040	Hydro-Seeding	4100	SF	$3.00	$12,300.00	$0.75	$3,075.00	$0.75	$3,075.00	$1.00	$4,100.00	$0.48	$1,968.00	$1.50	$6,150.00
	Construction Surveying	1	LS	$30,000.00	$30,000.00	$16,000.00	$16,000.00	$25,000.00	$25,000.00	$13,000.00	$13,000.00	$31,739.00	$31,739.00	$55,500.00	$55,500.00
	TOTAL BID ITEMS				**$901,880.00**		**$989,919.00**		**$1,090,709.74**		**$1,116,813.00**		**$1,338,429.96**		**$1,340,409.00**