

MINUTES OF THE NEWBERG CITY COUNCIL
MAY 5, 2003
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Stewart called the meeting to order.

II. ROLL CALL

Bob Andrews
Bob Larson
Doug Pugsley

Roger Currier
Mike McBride
Robert Soppe

Others Present:

James H. Bennett, City Manager
Terrence D. Mahr, City Attorney
Michael Soderquist, Community Development Director
Barton Brierley, Planning Manager
Katherine Tri, Finance Director

III. PLEDGE OF ALLEGIANCE

Pledge of allegiance was performed.

PUBLIC MEETING SECTION

IV. PUBLIC COMMENTS

Ms. Darlyn Adams, Animal Shelter Friends, provided the animal shelter report - \$83,830.00 collected to date. She reviewed the upcoming Wags and Whiskers garage sale. Next meeting is May 22, 2003. City Manager Bennett said the auction was a great event and was well attended.

Roger Grahn, 23287 S. Scholls, Sherwood, discussed an island annexation. Mr. Grahn reviewed the criteria for annexation and the requirement to provide a general use plan which he does not have at this time. It is in an M-2 zone. It is a chicken and egg situation for industrial zoned property development. He said he does not know what to do. He wants to proceed with a letter of intent that the tenant will be a permitted industrial use. Every tenant has a whole list of needs and wants. Last months' Planning Commission meeting was turned down because the street layout did not conform with the criteria. He said there is a site/design review process. He said it is highly unfair. He is not in attendance to be antagonistic or start a fight. He would like to discuss the possibility of not having a general land use plan. He wants the property to come into a general M2 zone which he cannot do because he does not know what the final development plan will be. He wants the Council and the City staff to work out something.

Mayor Stewart said the staff will look into it.

1. Approve a letter of support for the Oregon Downtown Development Association.

City Manager Bennett reviewed the contents and purpose of the letter to be sent to Senator Gary George.

MOTION: McBride/Pugsley to approve the letter of support. (Unanimous) Motion carried.

Mayor Stewart presented Ms. Kristen Horn with an award for her diligence in working with the City's Downtown Development Association.

V. CONSENT CALENDAR

1. Approve the minutes from the Newberg City Council and Planning Commission Joint Meeting held March 18, 2003.
2. Approve **Resolution No. 2003-2443** authorizing the City Manager to enter into a final settlement of all claims by Dirt & Aggregate Interchange, Inc. from the Highway 99W Waterline Improvement Project for a total of \$75,000 (\$50,000 to be paid by CCIS, City's insurance carrier and \$25,000 to be paid by City Funds.)

MOTION: Currier/Andrews to approve the Consent Calendar. (Unanimous) Motion carried.

VI. PUBLIC HEARING

1. Public hearing on a Comprehensive Plan Amendment for 35.76 acres from LDR to P/PQ and a Zoning Map Amendment to change the zoning designation of 23.88 acres from R-1 to I and to remove the PD designation from a 61.4 acre parcel . **Ordinance No. 2003-2578.** APPLICANT: George Fox Univ./Newberg School Dist.; LOCATION: west of Villa Road, south of Mountainview Drive; TAX LOT: 3217-1900; 3218AA-200; FILE NO: CPA-20-03/Z-20-03.

Councilor Soppe said that he had ex-parte contact with citizens and other Council members on a non-factual basis. Questions concerning familiarity, what was going on procedurally. Mr. Pugsley said he worked on the steering committee concerning the bond levy. Mr. Mahr addressed the list of substantial criteria listed in the staff report. The argument and questions must be addressed to the criteria. Failure to raise it at local level may not allow people to raise it at the LUBA level. The applicant will be given a final opportunity to address the comments and criteria. If they do not waive it, the Council cannot consider and vote on the application.

Mr. Brierley reviewed the staff report and location of the property. The property is approximately 61 acres. In the early 1980's the property was approved for a PUD (Coppergold PUD). Planned for residential with multi-family and commercial. The development never went forward due to the death of the developer. The new proposal would use about 11.5 acres for an elementary school, 23.5 acres for athletic fields for GFU and the remainder of the property has no immediate planned use. To accommodate the new uses, the applicant is requesting the following actions:

- When the property was approved for the Coppergold PUD, there was a PUD overlay over the entire property. Since that is not going to happen, the applicant is requesting the removal of the overlay.
- Change 35.76 acres from LDR to P/PQ, public/quasi-public zoning.
- Change 23.88 acres from R-1 to I, institutional zoning so that the school and ball field site will remain quasi-public.

The Planning Commission recommended approval because there is an identified need for the plan as proposed. The impacts on transportation/utilities are equal to or less than the entire PUD development. The criteria have been met, changes are appropriate and staff recommends approval of the request and adoption of the Ordinance.

Discussion was held concerning the prior Coppergold PUD plan.

Councilor Currier addressed not allowing private streets.

Stacy Connery, Alpha Engineering, Daniel Seeman with Kittleson & Associates, representing the applicant, were in attendance for discussion with the Council.

Councilor Soppe addressed the transportation studies, comparisons and the impacts on surrounding zoning designations. The property would generate more trips being developed as residential than it would if converted to the proposed uses (elementary school and ball fields). Discussion was held concerning the traffic analysis and future traffic level increases. How will the development of the site impact the peak hour traffic for the existing school (morning and afternoon). Mr. Seeman addressed studying the area around school and extending hours of traffic data collection (4:00 - 6:00 p.m.). Discussion was held concerning school release times and that the majority of traffic is after the 4:00 p.m. hour. They looked at a combination of traffic levels to address the highest impact of traffic each day which seemed to occur one hour after school let out. They checked with the school to make sure they were covering a peak time and the traffic contributions of the school.

Councilor Soppe noted that the Newberg School District would be responsible to do a full width road and GFU only a ½ width road.

Jim Lange, Alpha Engineering, said there is another application already in process for the subdivision of the property into 3-4 parcels to facilitate the land transaction. The elementary school will do the sidewalk and they are going to extend sewer, water and storm drain to the end of their property. GFU will build the same level of improvements to match the school's. At staff's request, they set up a matrix of the required improvements by a development agreement.

Councilor Currier said the traffic study did not contain page numbers for each location. He discussed baseball, softball, track and other sports activities going on at the same time and did not see this scenario being applicable to the peak hour designations - 4:00 - 6:00 p.m.

Mr. Seeman said they identified with GFU what events would draw the most people, when they would occur, when cars would arrive/depart and the highest number of trips defined the peak hours. Discussion was held concerning Appendix F. Mr. Seeman said for an average weekday after looking at all the events, they defined the highest trip generation as being from 4:30-5:30 p.m.. They reviewed the beginning and ending times. Due to other event activities, the baseball games (during weekdays) are not taken into consideration because they extend past the peak times. Discussion was held concerning determination of the peak load on the system for the sports complex and the school.

Councilor Currier asked how large the on-site parking was. Mr. Seeman said that parking spaces will be provided as required by the city code.

Tape 1 - Side 2:

Discussion was held concerning parking problems that overload the area. Mr. Jim Lange said they talked quite a bit about parking which will be part of the design review of the sports facility.

Mayor Stewart closed the public testimony. Mr. Mahr said the applicant has 7 days to submit additional testimony or can waive further submission. Mr. Lange said they waive the additional testimony.

Mr. Brierley said staff recommends adoption.

MOTION: Pugsley/Soppe to read Ordinance No. 2003-2578 by title only and adopt Comprehensive Plan Amendment for 35.76 acres from LDR to P/PQ and a Zoning Map Amendment to change the zoning designation of 23.88 acres from R-1 to I and to remove the PD designation from a 61.4 acre parcel . **Ordinance No. 2003-2578.** APPLICANT: George Fox Univ./Newberg School Dist.; LOCATION: west of Villa Road, south of Mountainview Drive; TAX LOT: 3217-1900; 3218AA-200; FILE NO: CPA-20-03/Z-20-03. **City Attorney Mahr** read the Ordinance by title only. (Unanimous) Motion carried.

2. Public hearing on Comprehensive Plan Amendment for 2.28 acres from LDR to MDR and a Zoning Map Amendment to change the zoning designation from R-1 to R-2. **Ordinance No. 2003-2579.** APPLICANT: R.P. Grahn, Inc.; LOCATION: 800 Block N. Main; TAX LOT: 3218DB-700, -2400, -2401; FILE NO: CPA-22-03/Z-21-03.

City Attorney Mahr addressed the list of substantial criteria listed in the staff report. The argument and questions must be addressed to the criteria. Failure to raise it at local level may not allow people to raise it at the LUBA level. The applicant will be given a final opportunity to address the comments and criteria. If they do not waive it, the Council cannot consider and vote on the application.

Mr. Barton Brierley presented the staff report. The site consists of 2.28 acres off N. Main Street. The Planning Commission has recommended approval of the Comprehensive Map and Zone designation change and granted preliminary approval for a 13 lot subdivision to be known as Clifford Court. They found it appropriate for R-2 zoning, close to services and utilities are available for the site. The property is adjacent to other multi-family zoned land. The Commission and staff recommend approval of request.

Discussion was held concerning an existing house on the property.

Councilor Currier said that you cannot put fill in a stream bed. You can move around what is there. Does the ditch that runs along the northern side qualify as part of the stream bed? Mr. Brierley said the stream corridor stops at Main Street. Discussion was held concerning the area around the park. Mr. Brierley said there may be both a City and a State designation for the stream corridor.

Roger Grahn, 287 LaSalle, Sherwood, said the stream corridor is not really a stream corridor but is a drainage ditch and piping through the park. They are proposing to put the ditch into a pipe where all the storm water exits. He is partial owner of adjoining property which will be connected via a walkway. The house will be remodeled to accommodate the flag lot entrance. Mr. Grahn said it is his intention for the R-2 to tie in with the rest of the adjacent parcels to get access for traffic to Illinois St. It is likely to be multi-family for the adjacent property.

Councilor Currier addressed Mr. Grahn's 5,000 square foot lots for single family units. The zoning would allow up to 20 units for the density. He is asking for 13 units on the property. Mr. Grahn said Lot 1 is not intended for building at this time because of the ownership of the property to the east. It may be a drainage detention facility. If there is a requirement, he would like to use that property. Some lots are bigger than 5,000 minimum. Discussion was held concerning lot size/yield.

Laura Turchetti, 1020 N. Main, Newberg, adjacent property owners to the north. They would like to be assured that, since they have lived on the property over 13 years, their basement will remain dry. They are concerned that, with the change in the landscaping, their basement may get flooded. There has been an increase in traffic due to Jaquith Park and they would like to see the developer put in curbs and sidewalks to go to the park. There is another subdivision nearby with 17 houses with children and foot traffic. They were concerned about the fill dirt off College Street. Mr. Grahn said that his engineers have plans and are required to not allow impediment of flow of storm drainage.

Councilor Pugsley addressed the safety concerns they raised and the need for curbs and sidewalks in front of their house.

Councilor Soppe addressed the sidewalks, curbs, etc. The City generates a LID usually, but Ms. Turchetti said she would like the owner (Mr. Grahn) to pay for the curbs, gutters, sidewalks, next year. Councilor Currier said the City plans on improving N. Main Street next year.

City Manager Bennett said the subdivision was reviewed by the Planning Commission and that they considered the issues raised by Ms. Turchetti. The Planning Commission approved the subdivision contingent upon approval by the City Council of the zoning amendments. Discussion was held concerning conditions of approval providing for protection from flooding.

Mr. Brierley said the Planning Commission's decision on the subdivision required that adequate drainage to be a condition of the subdivision. The Council is not hearing the subdivision - only the zone change. Discussion was held concerning putting the storm drainage into a piping system and not outside the piping onto other people's property.

Mayor Stewart addressed the disruption of the ground affecting the underground flow. Ms. Turchetti said in her northeast corner she saw the storm drainage increase.

Councilor Currier said that he remembers similar flooding in excess of 5-6 feet across. When it has come up to the yards, even putting it through a 36 inch pipe could not handle the flow. There could be seepage and deterioration.

Discussion was held concerning having staff's names typed in where they have signed off on a project referral.

Ray Turchetti, 1020 N. Main Street, Newberg, addressed the drainage issue. He is concerned that the piping will not be sufficient to address the flow and how much will get backed up before it gets to the pipe. With the sidewalk and curbing over the past 13 years, the area around their house has been built up. It has changed the nature of the area and increased the likelihood of flooding. Discussion was held concerning having residents pay for the cost of improvements caused by development in the area.

Mr. Grahn said that storm water comes out of the 36 inch pipe at the beginning and ending of the drainage. They are extending it to close the gaps. If there would be backing up, he is not sure whether he would be responsible.

He has been consistently told that Main Street improvements would be handled through an LID. These concerns are not new to the Council or the City. It is not his responsibility to address the Turchetti's comments about an LID. Discussion was held concerning requiring a non-remonstrance agreement and the build-out of a half street. Mr. Brierley said an LID is for frontage improvements and he may not have to pay.

Councilor Soppe addressed the 36" pipe in and out of an open area. Water comes in through the open area, so there is water being added. If the pipe is continued and run-off goes elsewhere, is there going to be enough drainage for the area? Mr. Grahn said the storm water drains to a manhole in Main Street. They are required to control their run-off. Discussion was held concerning flooding created by his development. Mr. Grahn said they already have engineered an option for a detention area in the north portion which was not required. Mr. Grahn said, if it backs up in the north, capacity could be an issue. Their property is the lowest part of Main Street. After fill-in, the property will remain lower than it is now.

Tape 2 - Side 1:

Mrs. Laura Turchetti addressed houses she is aware of where the basements have flooded. Mrs. Turchetti said they have a spring on their property.

Mr. Brierley said there is no further written testimony. Mr. Mahr said the applicant has 7 days to respond. Mr. Grahn said he waives the 7 day testimony rebuttal. Mr. Brierley said staff recommends adoption.

MOTION: Andrews/McBride to read Ordinance by title only (Unanimous). **Pugsley/Andrews** to approve Comprehensive Plan Amendment for 2.28 acres from LDR to MDR and a Zoning Map Amendment to change the zoning designation from R-1 to R-2. **Ordinance No. 2003-2579.** APPLICANT: R.P. Grahn, Inc.; LOCATION: 800 Block N. Main; TAX LOT: 3218DB-700, -2400, -2401; FILE NO: CPA-22-03/Z-21-03. (Unanimous) Motion carried.

Councilor Soppe asked about the significance of the drainage issue in the application before them. Mr. Bennett said the request is to change the comprehensive plan and zoning designations.

Councilor Currier said he does not remember any R-3 property developments in the area. He also addressed other developments planned for the area. He does not know if traffic will be an issue. But increasing the numbers that are projected for future developments, he can't go over the R-1 density.

Councilor Pugsley said he likes the higher density plan and it makes good sense and the Council has to trust staff and the Planning Commission in their findings.

VOTE ON MOTION: (5 Yes/1 No [Currier]). Motion carried.

BUSINESS MEETING SECTION

VII. CONTINUED BUSINESS

1. Public Hearing concerning the regulation of the City Storm Water System and the establishment of a Storm Water Management Fee. Adopt **Ordinance No. 2003-2571 regulating the City Storm Water System;** establishing a Storm Water Management Fee for maintenance, operation, debt service and construction of the City Storm Water System and establishing an effective date.

City Manager Bennett said that staff had met with the ad hoc group from the Chamber as requested by the Council and arrived at a consensus that the ordinance should be adopted and that a storm water management fee should be adopted for an initial period of one year. Staff would come up with a storm water education program and allow for more flexibility in storm water design standards and establish a benchmark for water quality. If the Council wishes to consider the ordinance, the procedure would be to approve a motion to take the ordinance from the table

whereby the previous motion to consider the ordinance would be in effect. Subsequent to that, the council could meet in a work session to discuss a methodology for the storm water maintenance fee. This is a continuation of the prior hearing. The public hearing was not closed.

MOTION: Pugsley/Larson to take the ordinance from the table (5 yes/1 No [McBride]). Motion carried. **Pugsley/Larson** to place the ordinance on the agenda for further consideration (5 Yes/1 No [Currier]). Motion carried.

Discussion was held concerning taking more testimony.

Councilor Soppe said that it is important to determine what is before us. It is not before the Council as to the nature of the fee. That is left up to the administrative process to be later approved by the Council. The issue is whether it is appropriate - whether we want a fee.

Councilor Pugsley said he was impressed with the spirit of cooperation with everyone involved.

Councilor McBride said he was dismayed that the Council removed it from the table and they were going to talk about it as a Council and discuss it. He is not against it, but he has lots of questions about it. He would have liked to have attended the meeting. He was not aware of the meeting. The Council gave staff direction to meet with the individuals. He thought the Council was going to discuss it with them. To proceed, the Council is going to have a chance to talk about how they want the fee structured, how much they are looking at and he does not want it to be lackadaisical and wants a full discussion by the Council.

Council Currier said he voted to take it off the table so they could take the Council discussion and then it would come back for a final decision based on not a vote of the Council, but a consensus of the meeting.

Councilor Soppe said that he sees the nature of the fee as the next discussion, once we decide we are going to have a fee. We are not going to decide tonight what the fee is. What is before the Council is setting up the process. The fee will come to the Council. Mr. Bennett said the Council would have a work session. He agrees that the Council needs to further discuss it at a later work session.

Councilor Larson said he voted to put it on the agenda for further discussion and would like to have a work session on the fee.

Mayor Stewart said the motion was to accept the ordinance. Mr. Bennett said the ordinance establishes the rules for operating the storm water system and the adoption of a storm water maintenance fee at a later time.

Councilor Soppe said that the ordinance gives the Council the authority to set the amount of the fee using the Citizens Rate Review Committee process.

Councilor Andrews addressed the maintenance of the storm water system being paid for by the street and water fund. Discussion was also held concerning funds coming from the sewer fund.

Russ Thomas, Public Works Superintendent, addressed charging the expenditures of 13 personnel assigned to the street, sewer and water funds. They do have an allocation system and they do have jobs that are specifically charged to certain areas. Street sweeping is the majority of the expense under the fund. The vast majority is done out of the street fund.

Councilor Andrews had some concerns about the existing code dealing with the Citizens Rate Review Committee which specifies only the city sewer and water systems. He suggested an amendment to the ordinance to include the storm water system. It also needs further clarification in the language on procedures for appeals and hardship cases and should address people on fixed incomes. He suggested that we put in some flesh on what are appropriate design standards. He would like to see an effective date of 90 days.

Discussion was held concerning adopting the fee procedure first and the details to be worked out at later time.

AMENDMENT TO MOTION: Andrews/McBride - To amend Sections 50.40-50.99 of the existing City Code to add review of the storm water system and the storm water maintenance fee to the duties of the Citizens Rate Review Committee.

Councilor Soppe said he was comfortable with staff making the necessary changes and bringing them back to the Council for action.

Councilor Currier agreed with Councilor Soppe, but he thinks we need to make sure that the final word rests with the City Council. The inference is there, but there is some confusion.

Mr. Mahr said the amendment would cover all city code sections dealing with the Citizen Rate Review Committee. Discussion was held concerning giving clear direction to the Citizens Rate Review Committee.

Councilor Currier said that staff should prepare the changes prior to the Council making the final decision on whether or not there would be a fee. Discussion was held concerning withdrawing the amendment until staff has prepared the changes and they have been approved by the Council.

Tape 2 - Side 2:

City Attorney Mahr said that in Section 53.31(b) the following language will be added: "The City Council shall, by resolution, set the amount of the fee and any amendment to that fee amount. Section 2 will be changed to specifically address storm water maintenance fees and other sections will be renumbered.

VOTE ON AMENDMENT: (Unanimous) Motion carried.

MOTION to AMENDMENT 53.31(b): Soppe/Andrews to amend Section 53.31(b) of Ordinance 2003-2571 to state that the Council shall set the amount of the storm water maintenance fee by resolution and to renumber various sections. (Unanimous). Motion carried.

Mr. Mahr read the ordinance by title only with the amendments.

Mr. Mike Gunn , 201-B N. Meridian Street, representing Newberg Hardware and Tony Wilson. He talked with Mr. Gougler regarding the legality of enacting a fee without a vote of the people. He would like to see a sunset provision. Mr. Gunn said the ordinance allows the adoption of a fee/charge and there are no guarantees of what is going to be enacted in the future. Discussion was held concerning a sunset clause having a limited lifetime. Discussion was held concerning the need for a storm water maintenance program to begin/end.

Mr. Gunn said there are questions concerning the legality of adopting the ordinance itself. The original fee structure from staff was a flat rate of \$4-5 per month and commercial property owners would be a different rate. Mr. Gunn addressed the initial period of one year. The fee would not sunset after one year, but it would be evaluated whether it would be continued and how. Mr. Bennett reviewed the statements made in Exhibit C. Mr. Gunn said once the ordinance is enacted, the fees would be later set by the City Council.

Councilor Currier said that what they agreed to was to take the matter from the table and create or not create a fee structure. The Council can choose not to set a fee.

Mr. Mike Gougler, 5241 Windsor Terrace, West Linn, representing the Chamber of Commerce said they met with City staff and the consensus is reflected in Exhibit C. The City does need a storm water management system with a fee. They wanted Newberg to be more proactive with regard to the storm drain program. In the event the City could not determine an adequate or acceptable fee or arrive at a consensus, the fee and the program would stop. It was not the intent to agree upon a fee.

Mr. Bennett said staff feels that it is imperative to keep faith with the ad hoc committee to work with them and the Council to include the points agreed upon by the ad hoc committee. The uniform goal is to make progress on their issues and identify critical storm water management projects for the City.

VOTE ON MOTION AS AMENDED: (Unanimous) Motion carried.

Mayor Stewart called for a break at 9:35 p.m. - the meeting reconvened at 9:40 p.m.

VIII. NEW BUSINESS

1. Bi-annual review of garbage and recycling rates.

City Manager Bennett reviewed the staff report on the garbage and recycling rates. They are going to propose new services.

Mike McCullough, Newberg Garbage Service, Controller, said they have talked in previous years about upcoming changes to garbage services and the cost of service over the years. He believes that it is a good method, clearly defined and takes a lot of subjectivity away from the process.

The last 2 years of operation they have been able to meet their targets and subsequently no adjustment of the rates is required. Discussion was held concerning contamination and co-mingling. They are looking at a \$9 contamination charge as an incentive for customers to comply with the contamination/co-mingling requirements. If there are abuses to the system, they should be charged. They are trying to encourage proper use of recycling containers.

An additional cart charge is proposed for more than one recycling cart or yard debris cart. A change of service charge would allow flexibility in changing the type of service. The company tries to size the customer for the right level of service.

There were some commercial roll cart accounts that were actually designed for residential service. Commercial accounts should be allowed to use roll carts. Commercial businesses have a recycling program but are not serviced by the residential pick-up personnel. They will add \$1 to the residential cart rates for the commercial cart program.

Councilor Andrews asked whether, at the transfer site, there is a different rate for Newberg and non-Newberg residential garbage. Mr. McCullough said no. Since they offer a weekly curb-side program for solid waste in the City, it has not been seriously discussed about making any kind of concession for people who do not live within the city.

Councilor Currier addressed the \$2.62 charge per additional cart per month. Is that sufficient? Mr. McCullough said he works with customers to provide the level of service that meets their needs.

Discussion was held concerning commercial customer feedback and the programs which are effective for commercial accounts (only bottle and cans, etc.) to fit specific customer needs. Discussion was held concerning the Proposed Schedule of Rates to be effective July 1, 2003.

Councilor Currier addressed some businesses having curb-side service with roll carts. Mr. McCullough said they would convert their recycling to a commercial program.

Councilor Soppe noted a discrepancy in the new commercial rates. Mr. McCullough said he would get back with Mr. Bennett and check into the actual figures for the adjusted rates.

MOTION: Andrew/Pugsley to approve the bi-annual review of garbage and recycling rates.
(Unanimous) Motion carried.

2. **Resolution No. 2003-2441** initiating an amendment to the Development Code to modify notice requirements for land use hearings.

Mr. Barton Brierley gave the staff report on the proposed amendments to the Development Code:

Increase the mailing area for land use notices from 300 feet from the proposed site to 500 feet;
Notify tenants as well as property owners;
Change the size of the signs posted on site to allow a real estate sign type configuration.

Discussion was held concerning the length of a block - around 300 feet.

MOTION: Pugsley/McBride to approve **Resolution No. 2003-2441** initiating an amendment to the Development Code to modify notice requirements for land use hearings. (Unanimous) Motion carried.

3. **Resolution No. 2002-2442** authorizing interim financing for the Crater Lane LID.

Ms. Katherine Tri corrected the resolution number on the agenda as being No. 2003-2442. Ms. Tri said that US Bank came through with the lowest interest cost.

City Manager Bennett asked if the estimated assessments will increase or decrease. The interest rate on the bonds will be charged to the customers.

MOTION: Andrews/Pugsley to approve **Resolution No. 2002-2442** authorizing interim financing for the Crater Lane LID. (Unanimous) Motion carried.

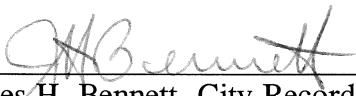
IX. EXECUTIVE SESSION

1. Executive Session pursuant to ORS192.660(1)(h) relating to pending litigation in the matter of Dirt & Aggregate Interchange, Inc. vs. City of Newberg.

X. ADJOURNMENT

MOTION: Currier/Pugsley to adjourn at 10:15 p.m. (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 21st day of July, 2003.



James H. Bennett, City Recorder

ATTEST by the Mayor this 30 day of July, 2003.



Bob Stewart, Mayor