



AGENDA STAYTON CITY COUNCIL MEETING

Monday, June 16, 2014
Stayton Community Center
400 W. Virginia Street
Stayton, Oregon 97383

CALL TO ORDER

7:00 PM

Mayor Vigil

FLAG SALUTE

ROLL CALL/STAFF INTRODUCTIONS

PRESENTATIONS/COMMENTS FROM THE PUBLIC

- a. Swearing in of Jonathan Clark as the City of Stayton Municipal Court Judge by the Honorable Walter Edmonds
- b. Santiam Family YMCA – Pool Quarterly Report

Request for Recognition: If you wish to address the Council, please fill out a green “Request for Recognition” form. Forms are on the table at the back of the room. *Recommended time for presentation is 10 minutes. Recommended time for comments from the public is 3 minutes.*

ANNOUNCEMENTS – PLEASE READ CAREFULLY

Items not on the agenda but relevant to City business may be discussed at this meeting. Citizens are encouraged to attend all meetings of the City Council to insure that they stay informed. Agenda items may be moved forward if a Public Hearing is scheduled.

- a. Additions to the agenda
- b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.

CONSENT AGENDA

- a. June 2, 2014 City Council Action Minutes
- b. Approval of Abstract of Election Results – May 20, 2014 Primary Election
- c. Resolution No. 915, Budget Transfer

Purpose of the Consent Agenda:

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The Recorder to the Council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the consent Agenda is then voted on individually by roll call vote. Copies of the Council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at Stayton City Hall, 362 N. Third Avenue, Stayton, or the Stayton Public Library, 515 N. First Avenue, Stayton.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or other accommodations for persons with disabilities should be made at least 48 hours prior to the meeting. If you require special accommodations contact Deputy City Recorder Alissa Angelo at (503) 769-3425.

PUBLIC HEARING

Ordinance No. 972, Vacation of a Portion of N. 4th Avenue

- a. Commencement of Public Hearing
- b. Staff Report – Dan Fleishman
- c. Questions from Council
- d. Proponents’ Testimony
- e. Opponents’ Testimony
- f. General Testimony
- g. Questions from Public
- h. Questions from Council
- i. Staff Summary
- j. Close of Hearing
- k. Council Deliberation
- l. Council Decision on Ordinance No. 972

UNFINISHED BUSINESS – None

NEW BUSINESS

Ordinance No. 971, Annexation of Territory into the City Limits

Action

- a. Staff Report – Dan Fleishman
- b. Council Discussion
- c. Council Decision

Resolution No. 914, Municipal Court Rules

Action

- a. Staff Report – Judge Jonathan Clark
- b. Council Discussion
- c. Council Decision

STAFF/COMMISSION REPORTS

Finance Director’s Report – Christine Shaffer

Informational

- a. May 2014 Monthly Finance Department Report
- b. Cost of Living Increases – July 1, 2014

Police Chief’s Report – Rich Sebens

Informational

- a. May 2014 Statistical Report

Public Works Director’s Report

Informational

- a. May 2014 Operating Report

Planning & Development Director’s Report – Dan Fleishman

Informational

- a. May 2014 Activities Report

Library Director’s Report – Katinka Bryk

Informational

- a. May 2014 Activities

PRESENTATIONS/COMMENTS FROM THE PUBLIC

Recommended time for presentations is 10 minutes.

Recommended time for comments from the public is 3 minutes.

BUSINESS FROM THE CITY ADMINISTRATOR

Informational

- a. Wave Broadband Rate Adjustment Notice

BUSINESS FROM THE MAYOR

- a. Appointment of Sara Trott and Kelli Eaton to the Library Board

BUSINESS FROM THE COUNCIL

FUTURE AGENDA ITEMS – July 7, 2014

- a. Municipal Court Open House
- b. Fee Schedule Resolution
- c. Jordan Bridge Repairs Update
- d. Pioneer Park Grant Update
- e. Fishing Derby Recap
- f. Alley Encroachments
- g. Public Works Standards Update

ADJOURN

CALENDAR OF EVENTS

JUNE 2014

Monday	June 16	City Council	7:00 p.m.	Community Center (north end)
Wednesday	June 18	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	June 30	Planning Commission	Cancelled	

JULY 2014

Tuesday	July 1	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	July 4	CITY OFFICES CLOSED IN OBSERVANCE OF INDEPENDENCE DAY		
Monday	July 7	City Council	7:00 p.m.	Community Center (north end)
Tuesday	July 8	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Friday	July 11	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Wednesday	July 16	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	July 21	City Council	7:00 p.m.	Community Center (north end)
Monday	June 28	Planning Commission	7:00 p.m.	Community Center (north end)

AUGUST 2014

Monday	August 4	City Council	7:00 p.m.	Community Center (north end)
Tuesday	August 5	National Night Out	6:00 p.m.	Various City Parks
Tuesday	August 5	Parks & Recreation Board	7:00 p.m.	E.G. Siegmund Meeting Room
Friday	August 8	Community Leaders Meeting	7:30 a.m.	Covered Bridge Café
Tuesday	August 12	Commissioner's Breakfast	7:30 a.m.	Covered Bridge Café
Monday	August 18	City Council	7:00 p.m.	Community Center (north end)
Wednesday	August 20	Library Board	6:00 p.m.	E.G. Siegmund Meeting Room
Monday	August 25	Planning Commission	7:00 p.m.	Community Center (north end)

Santiam Family YMCA

Pool Update for City Council Meeting 6/16/2014

2014 Revenue Reporting January-May 2014

Pool Contributions/FOP Grant	\$4500.00
Daily Pool Pass	\$10,855.61
Pool Memberships	\$27,350.75
Pool Rentals	\$4,997.00
Swim Lessons	\$22,240.85
City of Stayton Contribution	<u>\$27,080.00</u>
TOTAL	\$97,024.21

Triathlon Update:

The triathlon went GREAT! There were 166 participants, all did great ~ no injuries or incidents to report! We still have revenue and expenses coming in, but as of now the NET proceeds are \$13,134 and expenses of \$6,947.87. This expense does not include the payroll expense the Y paid the pool staff to execute the swim portion of the event. There were 3 guards, 4 lap counters, and 2 deck marshals that worked the event. We had a great time putting the event on and look forward to 2015!

Swim Lessons:

Served: As of the end of May we have given 678 swim lessons. The summer is gearing up and we will be holding 5/2week sessions for patrons to choose from. This allows them to schedule around vacations and activities. This will have our last lesson ending just prior to the closure for remodel. We will resume monthly lessons in late September or October after we re-open.

Submitted By:
Lisa Eckis
Santiam Family YMCA
Branch Director
leckis@theYonline.org

**City of Stayton
City Council Meeting Action Minutes
June 4, 2014**

LOCATION: STAYTON COMMUNITY CENTER, 400 W. VIRGINIA STREET, STAYTON

Time Start: 7:00 P.M.

Time End: 7:58 P.M.

COUNCIL MEETING ATTENDANCE LOG

COUNCIL	STAYTON STAFF
Mayor Scott Vigil (excused)	Alissa Angelo, Deputy City Recorder
Councilor Emily Gooch (excused)	Keith Campbell, City Administrator
Councilor Catherine Hemshorn (excused)	Dan Fleishman, Director of Planning & Development
Councilor Jennifer Niegel	Katinka Bryk, Library Director
Councilor Henry Porter	Rich Sebens, Police Chief
Councilor Brian Quigley	Christine Shaffer, Finance Director
	David Rhoten, City Attorney

AGENDA	ACTIONS
REGULAR MEETING	
Presentations / Comments from the Public	None
Announcements a. Additions to the Agenda b. Declaration of Ex Parte Contacts, Conflict of Interest, Bias, etc.	None Councilor Quigley received contact from a neighbor regarding the E. Burnett Street Fence. He does not feel this will effect his decision.
Consent Agenda a. May 19, 2014 City Council Action Minutes b. CCRLS Contract Renewal	Motion from Councilor Niegel, seconded by Councilor Quigley, to approve the consent agenda. Motion passed 3:0.
Public Hearing Resolution No. 911 and Resolution No. 912, Certifying Eligibility and Electing to Receive State Revenue Sharing Funds a. Commencement of Public Hearing b. Staff Report – Christine Shaffer c. Proponents’ Testimony d. Opponents’ Testimony e. General Testimony f. Questions from the Public g. Questions from Council h. Staff Summary i. Close of Hearing j. Council Deliberations k. Council Decision on Resolution No. 911 and No. 912	7:06 p.m. Ms. Shaffer briefly reviewed the staff report. None None None None None None Ms. Shaffer briefly spoke about the Community Grant funds. 7:11 p.m. None Motion from Councilor Niegel, seconded by Councilor Quigley, to approve Resolution No. 911, certifying the City of Stayton’s Eligibility to receive

<p>Resolution No. 913, Adopting the FY 2014-2015 City Budget, Making Appropriations and Levying Property Taxes for the Fiscal Year</p> <ul style="list-style-type: none"> a. Commencement of Public Hearing b. Staff Report – Christine Shaffer c. Proponents’ Testimony d. Opponents’ Testimony e. General Testimony f. Questions from the Public g. Questions from Council h. Staff Summary i. Close of Hearing j. Council Deliberations k. Council Decision on Resolution No. 913 	<p>State-Shared Revenues by providing the necessary Municipal services, and Resolution No. 912, declaring the City’s election to receive State Revenues. Motion passed 3:0.</p> <p>7:14 p.m. Ms. Shaffer briefly reviewed the staff report. None None None None Councilor Quigley stated his opposition to the new Storm Water fund.</p> <p>Ms. Shaffer stated this is also the first year a Municipal Court is included in the budget. 7:20 p.m. None</p> <p>Motion from Councilor Niegel, seconded by Councilor Quigley, to adopt Resolution No. 913, adopting the 2014-2015 Budget, making appropriations for the 2014-2015 Fiscal Year and Levying Taxes for the Fiscal Year. Motion passed 3:0.</p>
<p>Unfinished Business</p> <ul style="list-style-type: none"> a. E. Burnett Street Fence 	<p>Motion from Councilor Niegel, seconded by Councilor Quigley, to move forward with removing the E. Burnett Street fence and direct staff to approach the property owners about annexation of their properties into City limits. Motion passed 3:0.</p>
<p>New Business</p> <ul style="list-style-type: none"> a. AFSCME Union Contract b. Water System Development Charges c. Adjustment in Library Open Hours 	<p>Motion from Councilor Quigley, seconded by Councilor Niegel, to approve the AFSCME Union Contract as presented. Motion passed 3:0.</p> <p>Mr. Fleishman reviewed the Water System Development Charge Update staff report included in the Council packet. No action taken, informational only.</p> <p>Motion from Councilor Niegel, seconded by Councilor Quigley, to approve the Library Board’s recommended Library open hours. Motion passed 3:0.</p>
<p>Staff / Commission Reports</p>	<p>None</p>

Presentations / Comments From the Public	None
Business from the City Administrator	None
Business from the Mayor	None
Business from the Council	None

Future Agenda Items – June 16, 2014

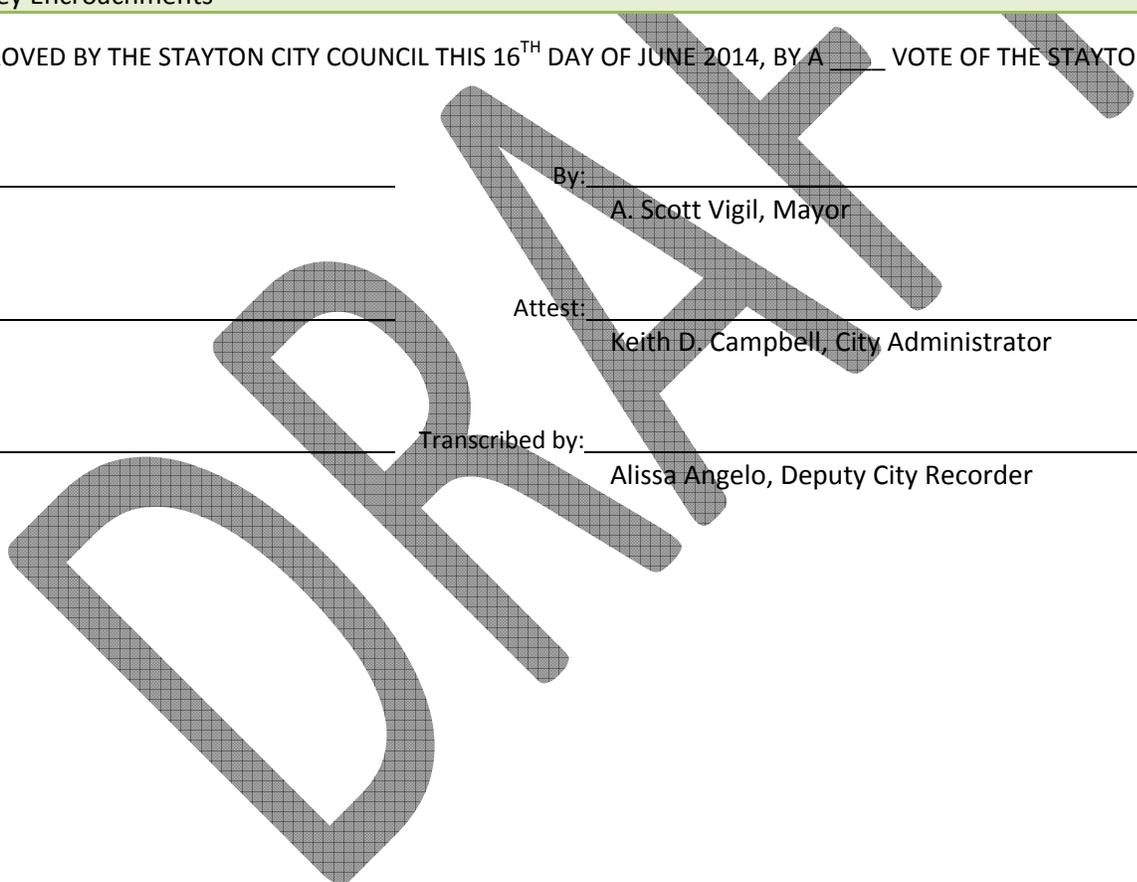
- a. Public Hearing – 4th Avenue Street Right of Way Vacation
- b. Court Rules
- c. Swearing in of Municipal Court Judge
- d. Pioneer Park Update
- e. I-Serve
- f. Cost of Living Adjustments
- g. Elections Certification
- h. Library Board Reappointments
- i. Jordan Bridge Update
- j. Pool Quarterly Report
- k. Public Works Standards Update
- l. Alley Encroachments

APPROVED BY THE STAYTON CITY COUNCIL THIS 16TH DAY OF JUNE 2014, BY A ___ VOTE OF THE STAYTON CITY COUNCIL.

Date: _____ By: _____
A. Scott Vigil, Mayor

Date: _____ Attest: _____
Keith D. Campbell, City Administrator

Date: _____ Transcribed by: _____
Alissa Angelo, Deputy City Recorder





CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Alissa Angelo, Deputy City Recorder
DATE: June 16, 2014
SUBJECT: Approval of Abstract of Election Results – May 20, 2014
Primary Election

STAFF RECOMMENDATION

By consent, accept the Abstract of Election Results.

BACKGROUND INFORMATION

ORS 255.295 requires that a local government review and acknowledge acceptance of an Abstract of Election Results, prepared by the county elections department, in connection with an election within its jurisdiction.

For your information, an undervote occurs when the number of choices selected by a voter is less than the maximum number allowed for that contest or when no selection is made for a single choice contest. An overvote occurs when one votes for more than the maximum number of selections allowed in a contest.

FACTS AND FINDINGS

An Election was held on May 20, 2014, a majority of the electors of the City of Stayton voted in the affirmative regarding the annexations.

OPTIONS

Accept the Abstract of Election Results.

MOTION(S)

Consent agenda approval.

Total Number of Ballots Cast: 42,927

24-359: Proposing Annexation of Territory into the City of Stayton. [Non Partisan Ballot]

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Yes	No	Totals
355	1	0	95	1,141	748	298	1,046
Totals:	1	0	95	1,141	748	298	1,046

Precincts Reporting 122 of 122 = 100.00%

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

 Signature of County Clerk	6/6/2014 Date of Abstract
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Total Number of Ballots Cast: 42,927

24-360: Proposing Annexation of Territory into the City of Stayton. [Non Partisan Ballot]

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Yes	No	Totals
355	1	0	88	1,141	727	326	1,053
Totals:	1	0	88	1,141	727	326	1,053

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

	
Signature of County Clerk	Date of Abstract

Total Number of Ballots Cast: 42,927

24-361: Proposing Annexation of Territory into the City of Stayton. Non Partisan Ballot

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Yes	No	Totals
355	1	0	93	1,141	724	324	1,048
Totals:	1	0	93	1,141	724	324	1,048

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

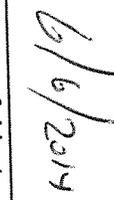
	
Signature of County Clerk	Date of Abstract

Total Number of Ballots Cast: 42,927

24-362: Proposing Annexation of Territory into the City of Stayton. || Non Partisan Ballot

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Yes	No	Totals
55	1	0	95	1,141	750	296	1,046
Totals:	1	0	95	1,141	750	296	1,046

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

	
Signature of County Clerk	Date of Abstract

Total Number of Ballots Cast: 42,927

Precincts Reporting 122 of 122 = 100.00%

24-363: Proposing Annexation of Territory into the City of Stayton. Non Partisan Ballot

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Yes	No	Totals
355	1	0	82	1,141	783	276	1,059
Totals:	1	0	82	1,141	783	276	1,059

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

	
Signature of County Clerk	Date of Abstract

Total Number of Ballots Cast: 42,927

24-364: Proposing Annexation of Territory into the City of Stayton. || Non Partisan Ballot

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Yes	No	Totals
355	1	0	72	1,141	788	281	1,069
Totals:	1	0	72	1,141	788	281	1,069

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.



6/6/2014

Signature of County Clerk Date of Abstract

Total Number of Ballots Cast: 42,927

24-365: Proposing Annexation of Territory into the City of Stayton. [Non Partisan Ballot]

Precinct	Blank Ballots Cast	Over Votes	Under Votes	Total Ballots Cast	Yes	No	Totals
55	1	0	78	1,141	804	259	1,063
Totals:	1	0	78	1,141	804	259	1,063

Precincts Reporting 122 of 122 = 100.00%

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

	
Signature of County Clerk	Date of Abstract
	6/6/2014



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Christine Shaffer, Finance Director
DATE: June 16, 2014
SUBJECT: Resolution No. 915 Budget transfer

ISSUE: Authorization of appropriation transfer in the 2013-2014 adopted budget.

STAFF RECOMMENDATION: Staff recommends adoption of Resolution No. 915, which authorizes changes to the adopted 2013-2014 budget, in accordance with State Budget Law.

BACKGROUND INFORMATION: The Pioneer Park design and engineering exceeded the \$14,700 budgeted for construction costs by \$19,072.91. Construction funds were budgeted in the amount of \$100,300.00. The Parks and Recreation Board requested that a landscape architect and engineer prepare construction plans for improvements to Pioneer Park. When the 2013-14 budget was adopted the planned parks project was improvement to the pedestrian bridge at Pioneer Park, the grant application was not approved for that project. A grant was awarded for the Pioneer Park improvements.

FACTS AND FINDINGS: Occasionally, it becomes necessary after the budget is adopted to increase the total expenditures of a category within a fund. Oregon Revised Statutes 294.450, *Transfers of appropriations within fund or from one fund to another; appropriation of pass-through revenues*, allows for the transfer of existing appropriations within the same fund. A transfer of appropriation is a decrease of one existing appropriation and a corresponding increase of another existing appropriation. In this case, the net effect to the fund is zero. To transfer an appropriation, the governing body must pass a resolution authorizing the transfer.

FISCAL IMPACT: The net impact is zero, as described above.

OPTIONS:

1. Adopt the Resolution No. 915 as presented.
2. Not adopt the Resolution and be non-compliant with Local Budget Law.

MOTION(S): N/A included as a Consent Agenda item.

RESOLUTION NO. 915

A RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED 2013-14 BUDGET

WHEREAS, after the budget process for the 2013-2014 Fiscal Year, The Parks Construction fund had expenses that exceeded appropriations;

WHEREAS, In order for the City to complete the upgrades to Pioneer Park and prepare improvement plans; and,

WHEREAS, in order to lawfully comply with the requirements of Local Budget Law, a transfer of appropriation is necessary.

WHEREAS, Oregon Revised Statutes 294.450 allows for the transfer of appropriations decreasing an existing appropriation in a fund and increasing an existing appropriation in the same fund.

NOW, THEREFORE,

BE IT RESOLVED that the City Council wishes to comply with Local Budget Law and transfer existing appropriations within the same fund; and,

BE IT FURTHER RESOLVED that a transfer should be made in the Parks Construction Fund increasing Materials and Services in the amount of \$25,000.00 and decreasing Capital Outlay in the Parks Construction Fund in the amount of \$25,000.00; and,

This Resolution shall become effective upon its adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of June, 2014.

CITY OF STAYTON

Signed: _____, 2014

By: _____
A. Scott Vigil, Mayor

Signed: _____, 2014

ATTEST: _____
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: June 16, 2014
**SUBJECT: Public Hearing and Consideration of Ordinance regarding
Vacation of a Portion of N Fourth Avenue**

ISSUE

The issue before the City Council is a public hearing to be followed by consideration of an ordinance to vacate a portion of the N Fourth Avenue right of way.

BACKGROUND INFORMATION

Attached is an application from Alan Rasmussen requesting the City vacate a portion of the N Fourth Ave right of way. The section of right of way requested to be vacated extends from the terminus of the cul-de-sac north of E Fir St to the E Cedar St right of way, a distance of about 113 feet. The street is undeveloped due to the steep slope. However, when the Third Avenue Subdivision was reviewed and approved by the Planning Commission in 2005, the Planning Commission required construction of a pedestrian path connecting the cul-de-sac with E Cedar St.

As is required by state law, the application includes the signatures of the owners of property adjacent to the right of way proposed for vacation and the signatures of owners of two thirds of the "affected land." The statute defines the affected land as property that is 200 feet either side of the right of way to be vacated and within 400 feet of each end of the right of way to be vacated.

Vacation of rights of way is not included in Chapter 17.12 of the Land Use and Development Code; therefore there are no criteria in the Code that the City Council must determine are met. ORS 271.120 provides that the City Council may grant the request for vacation "if they find the public interest will [not] be prejudiced."

There are both a water main and sewer line in the right of way proposed to be vacated, as shown on the attached map. In addition, Pacific Power has a primary voltage line crossing the N Fourth Ave right of way just south of E Cedar St and a secondary voltage line along the east side of the N Fourth Ave right of way. None of the other private utilities reported having facilities within the right of way. Pacific Power and the City of Stayton Public Works

Department have reported no objection to vacation of the right of way provided a public utility easement is retained.

On the east side, the neighboring property owner has a concrete retaining wall that encroaches approximately 12 feet into the right of way.

The Planning Commission held a public hearing on this request on May 27. At the public hearing there was testimony from several of the affected property owners.

FISCAL IMPACT

As mentioned above, in 2005 the Planning Commission required the construction of a pedestrian path between the cul-de-sac and E Cedar St. The City and the developer settled on the construction of primitive path, surfaced with wood chips. The City currently has maintenance responsibility for the path and vegetation control in the right of way. Vacation of the right of way would relieve the city of this responsibility.

STAFF RECOMMENDATION

The staff recommendation is for the City Council to vacate the right of way with the retention of a public utility easement along the entire area to be vacated. The City Attorney and City Land Use Attorney have reviewed the draft ordinance.

The Planning Commission has recommended that the City Council vacate the portion of the street.

OPTIONS AND MOTIONS

Staff has provided the City Council with a number of options, each with an appropriate motion. The Planning Department recommends the first option.

- 1. N Fourth Ave be vacated, adopting Ordinance 972 as presented.**

Move to approve Ordinance No 972 as presented.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance No. 972 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance No. 972 will be brought before the Council for a second consideration at the July 7, 2014 meeting.

- 2. N Fourth Ave be vacated, adopting Ordinance 972 with modifications**

Move to approve Ordinance No. 972 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance No. 972 will be brought before the Council for a second consideration at the July 7, 2014 meeting.

- 3. Continue the hearing until July 7, 2014.**

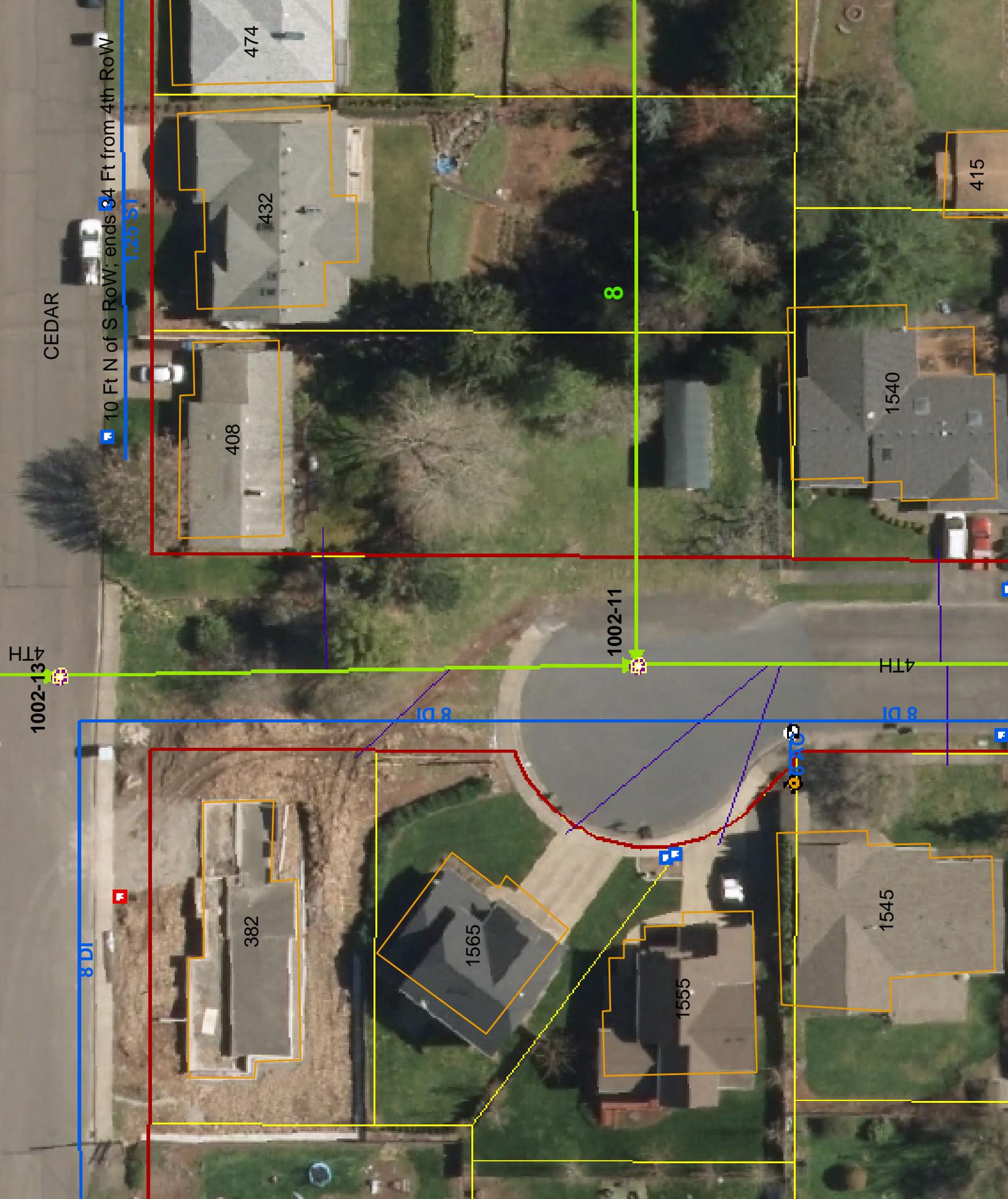
I move the City Council continue the public hearing until July 7, 2014.

4. Close the hearing but keep the record open for submission of written testimony.

I move the Stayton City Council close the hearing on the application to vacate that portion of the N Fourth Avenue right of way between the northern terminus of the cul-de-sac and E Cedar St but maintain the record open to submissions by the applicant until June 30, allowing 7 days for review and rebuttal and then an additional 7 days for the applicant to reply, with final closure of the record on July 14, 2014.

5. Close the hearing and record, and continue the deliberation to the next meeting.

I move the Stayton City Council continue the deliberation on the application to vacate that portion of the N Fourth Avenue right of way between the northern terminus of the cul-de-sac and E Cedar St until July 7, 2014.



CEDAR

10 Ft N of S RoW; ends 34 Ft from 4th RoW

175 St

408

432

474

1540

415

8

1002-11

4TH

8 DI

8 DI

382

1565

1555

1545

1002-13

4TH

8 DI

8

8 DI

**CITY OF STAYTON
PETITION FOR VACATION OF STREET OR ALLEY**

Darla Rasmussen Revocable Living Trust, represented by Alan Rasmussen HEREBY PETITIONS the City Council of the City of Stayton, Oregon to vacate the following described street or alley located within the city limits of the City of Stayton, Marion County, Oregon. To wit:

4th St right of way platted between Cedar St at the north boundary and the termination of 4TH Street by the means of the cul de sac at the south boundary of this subject unimproved right of way.

Reasons for submission of petition for street/alley vacation:

The bordering property owners who are Darla Rasmussen Revocable Living Trust, Arthur Porter, Debbie Fessler, and Laura Traegar are in agreement that they would like this land that currently is minimally being maintained to become their property through this application process. This portion of land being if vacated by the City will become a win-win for all parties. The neighboring properties will gain the extra yard space, privacy and security. The City will no longer be responsible for the surface maintenance, liability of its terrain and pedestrian use, and it will increase the tax base. There is no logical reason to maintain public pedestrian access as the terrain is difficult for most to navigate. It also does not "unlock" or provide a gateway to a larger area as access to the North is closed to a previous 4th Street ROW vacation by the Kelley family at 380 E Regis St. This requested vacation would conform with the precedent already set in the close vicinity of this neighborhood.

If vacation is granted, the vacated area will be used for:

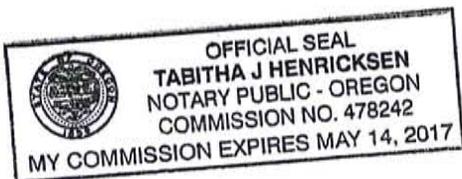
The land will be used for general residential yard space.

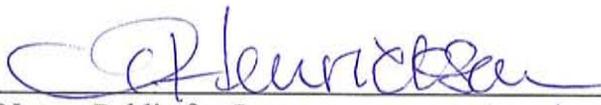
The signatures attached to this petition as Attachment A and Attachment B, which are incorporated herein by this reference, represent the consent of all owners of land abutting the street/alley for which vacation is proposed, and the consent of landowners of not less than two-thirds of the area of real property, as defined by ORS 271/080(2), affected by this petition.

Date: 4-28-14 By:  ALAN RASMUSSEN

STATE OF OREGON)
) ss.
County of Marion)

On this 28th day of April, 2014, personally appeared before me the above-named Alan Rasmussen, and acknowledged the foregoing to be (his/her) voluntary act and deed.




Notary Public for Oregon
My Commission expires: 5/14/17

ATTACHMENT A

SIGNATURE OF CONSENT FROM
RESIDENT PROPERTY OWNERS

NAME (typed or printed)	SIGNATURE	DATE
Richard Borden	<i>Richard Borden</i>	3/21/14
Barbara Borden	<i>Barbara Borden</i>	3/21/14
AGNES GROVER	<i>Agnes Grover</i>	3/21/14
ALBERT J. MCCORMICK	<i>Albert J. McCormick</i>	3-21-14
Frances M. Loucks	<i>Frances M. Loucks</i>	3-21-14
Jim Loucks	<i>Jim Loucks</i>	3-21-14
Gregory Frost	GREGORY FROST	3-21-14
DONNA L. Frost	<i>Donna L. Frost</i>	3-21-14
Clifford J. Coleman	Clifford J. Coleman	3/22/14
Sylvia A. Coleman	<i>Sylvia A. Coleman</i>	3-22-14
Arthur Porter	<i>Arthur Porter</i>	3-22-14
Donna Becker POA Bernice Fair	<i>Donna M. Becker</i>	3/22/14

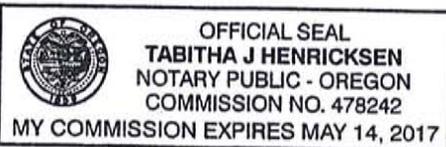
STATE OF OREGON)
) ss.
County of Marion)

I, Alan Rasmussen, being duly sworn upon oath, say that I secured each name appearing on the within and foregoing petition, and each name was signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts.

Date: 4-18-14 By: *[Signature]*

STATE OF OREGON)
) ss.
County of Marion)

On this 18th day of April, 2014, personally appeared before me the above-named Alan Rasmussen, and acknowledged the foregoing to be (his/her) voluntary act and deed.



Tabitha J. Henriksen
Notary Public for Oregon
My Commission expires: 5/14/17

ATTACHMENT A

SIGNATURE OF CONSENT FROM
RESIDENT PROPERTY OWNERS

NAME (typed or printed)	SIGNATURE	DATE
Dee Anne L. Aboud	<i>Dee Anne L. Aboud</i>	3/22/2014
GERARD L. Aboud	<i>Gerard L. Aboud</i>	3/24/2014
Darla R Rasmussen	<i>Darla R Rasmussen</i>	3/23/2014
Steven Dash	<i>Steven Dash</i>	3/25/2014
Olin West	<i>Olin West</i>	3/25/2014
Kenn West	<i>Kenn West</i>	3/25/2014
Dennis Stephens	<i>Dennis Stephens</i>	3-25-14 3-31-14
Dawn Lane	<i>Dawn Lane</i>	3-31-14
Kerian Burnett	<i>Kerian Burnett</i>	4/2/14
Eldon Silberman	<i>Eldon Silberman</i>	4-2-14
MARIAN F Barnto	<i>Marian F Barnto</i>	4-4-14

STATE OF OREGON)
) ss.
County of Marion)

I, ALAN RASMUSSEN, being duly sworn upon oath, say that I secured each name appearing on the within and foregoing petition, and each name was signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts.

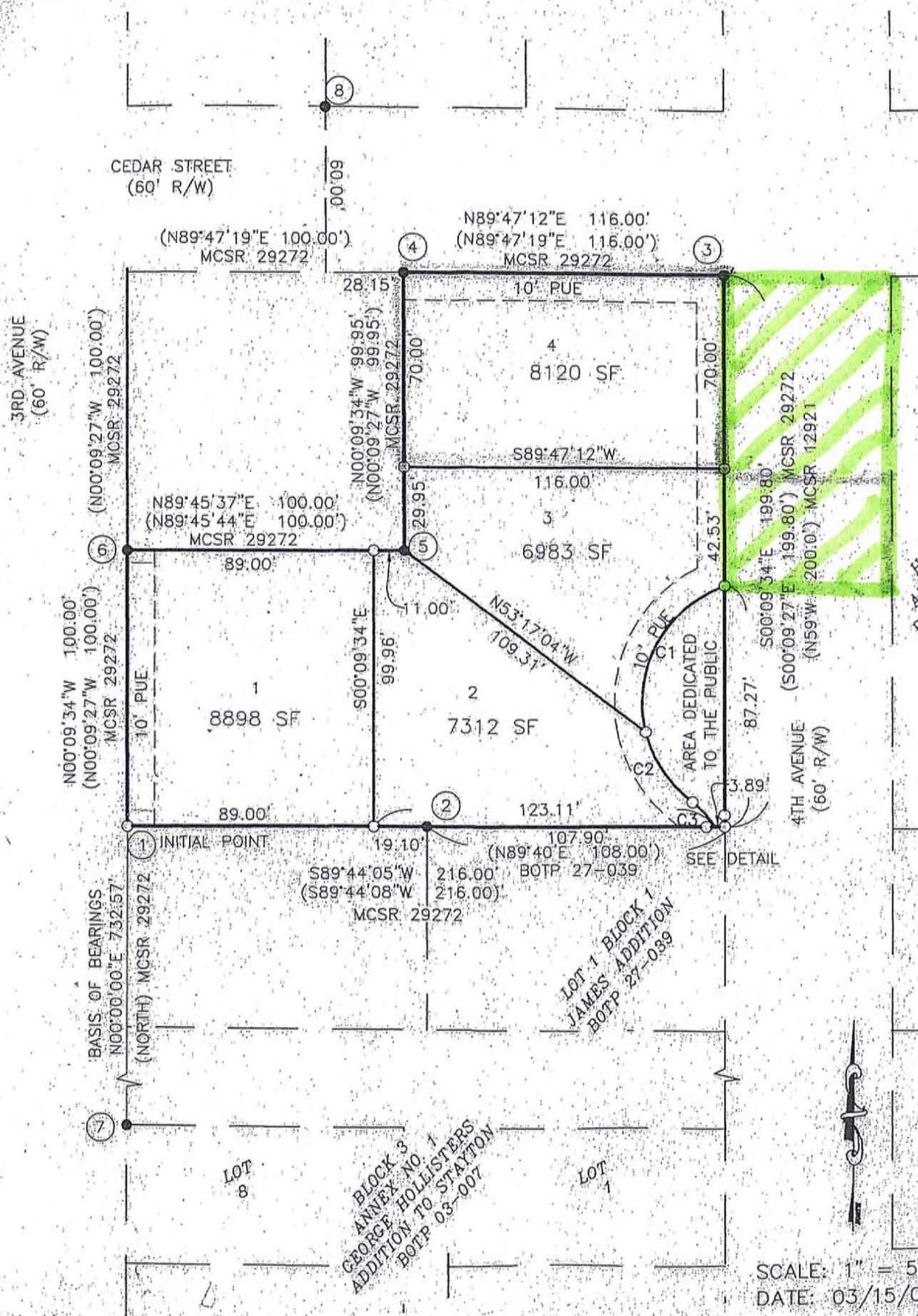
Date: 4-18-14 By: *[Signature]*

STATE OF OREGON)
) ss.
County of Marion)

On this 18th day of April, 2014, personally appeared before me the above-named Alan Rasmussen, and acknowledged the foregoing to be (his/her) voluntary act and deed.



Henricksen
Notary Public for Oregon
My Commission expires: 5/14/17



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	45.00'	66.00'	83°00'05"	N 28°06'14" E	60.31'

SCALE: 1" = 50'
DATE: 03/15/07

LOT 1 BLOCK 1
JAMES ADDITION
BOTP 27-039

BLOCK 3
ANNEX NO. 1
GEORGE HOLLISTERS
ADDITION TO STAYTON
BOTP 03-007

LOT 8

LOT 1

N00°09'34"W 100.00'
(N00°09'27"W 100.00')
MCSR 29272

(N00°09'27"W 100.00')
MCSR 29272

N89°45'37"E 100.00'
(N89°45'44"E 100.00')
MCSR 29272

(N89°47'19"E 100.00')
MCSR 29272

N89°47'12"E 116.00'
(N89°47'19"E 116.00')
MCSR 29272

N00°09'34"W 99.95'
(N00°09'27"W 99.95')
MCSR 29272

S00°09'34"E 99.96'

N53°17'04"W 109.31'

S00°09'34"E 199.80'
(S00°09'27"E 199.80') MCSR 29272
(N59°W 200.0') MCSR 12921

S89°44'05"W 216.00'
(S89°44'08"W 216.00')
MCSR 29272

(N89°40'E 108.00')
BOTP 27-039

SEE DETAIL

BASIS OF BEARINGS
(NORTH) MCSR 29272
N00°00'00"E 732.57'

1 INITIAL POINT

2

3

4

3

8

3RD AVENUE
(60' R/W)

CEDAR STREET
(60' R/W)

4TH AVENUE
(60' R/W)

B.C. AD. RO.

ORDINANCE 972

AN ORDINANCE VACATING A PORTION OF N FOURTH AVENUE, SOUTH OF E CEDAR STREET, IN THE CITY OF STAYTON, MARION COUNTY, OREGON AND ESTABLISHING AND RETAINING A PUBLIC UTILITY EASEMENT

WHEREAS, ORS 271.080(1) provides that whenever any person interested in any real property in an incorporated city desires to vacate all or part of any street, such person may file a petition setting forth a description of the ground to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation;

WHEREAS, ORS 271.080(2) provides that appended to such petition, and as a basis for granting the same, must be the written and authorized consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected;

WHEREAS, Allan Rasmussen, representing the Darla Rasmussen Revocable Living Trust, Arthur Porter, Debbie Fessler and Laura Traegar have filed a Petition requesting that the portion of N Fourth Avenue running between the Petitioners' properties be vacated;

WHEREAS, the purpose and reason for the street vacation is to revert ownership of the vacated street portion to the respective Petitioners, so that they can utilize the property;

WHEREAS, appended to such Petition was the written and authorized consent of the owners of all abutting property and of over two-thirds in area of the real property affected;

WHEREAS, on May 27, 2014 the Stayton Planning Commission did conduct a public hearing and following the public hearing recommended to the City Council that the subject portion of right of way of N Fourth Avenue be vacated;

WHEREAS, June 16, 2014, the Stayton City Council did conduct a public hearing concerning the proposed vacation at which public testimony and the written record were received and considered;

WHEREAS, at the conclusion of the public hearing the Stayton City Council determined that it was in the public interest to vacate a portion of N Fourth Avenue, for approximately 113 feet south of E Cedar St; and

WHEREAS, the public interest will be prejudiced if the vacation of N Fourth Avenue is allowed without the retention of a public utility easement.

NOW, THEREFORE the Stayton City Council hereby ordains as follows:

Section 1. That a portion of N Fourth Avenue in Stayton, Marion County, Oregon, specifically the street portion hereafter described and as shown on Exhibit A attached hereto and made a part hereof, is hereby vacated subject to a public utility easement:

Beginning at the northeast corner of Lot 4 in the Third Avenue Subdivision recorded in Volume H46, Page 25 Marion County Book of Town Plats and proceeding S 00°09'34"E 112.53 feet to the southeast corner of Lot 3 in said Third Avenue Subdivision; thence generally southeast on a curve with a radius of 45.00 feet to the east right of way line of N Fourth Avenue and the west line of Lot 10 shown a Survey for A. B. Dombrowsky and recorded with the Marion County Surveyor as County Survey 12921; then proceeding

N00°59'W to the northwest corner of said Lot 10 and the southerly line of the E Cedar St right of way; then proceeding N89°345'W 60 feet to the place of beginning.

Section 2. It is in the public interest that the street vacation, acted upon by this Ordinance, is conditioned by the retention of a public utility easement (PUE) over the area to be vacated.

The Public Utility Easement is retained by the City to be used for: all municipal purposes, including but not limited to sewer, water and storm drainage, and for the use and benefit of public utility companies furnishing electric power, natural gas, communication, and cable television; to construct and maintain public utilities; and for unrestricted ingress and egress on the property described above for the purpose of installing, repairing, testing, maintaining, and replacing the utilities and maintaining the utilities and related facilities.

The PUE described above shall be non-exclusive except that City of Stayton and such public utilities shall have the exclusive right to construct, install, maintain and operate the utilities, their equipment and all related facilities above and below ground within the PUE including the right of access to such facilities and the right to require the removal of any obstructions including trees and vegetation that may be placed within the PUE, at property owner's expense.

The PUE shall include the exclusive right, privilege, and authority to the City of Stayton and such public utilities to excavate for, and to construct, build, install, lay, patrol, operate, maintain, repair, replace, and remove underground sanitary sewer, storm drain, or water pipelines; electric power, transmission, and supply cables; natural gas pipelines; and cable television and communication lines with all appurtenances incident thereto or necessary therewith, including aboveground valve boxes, fire hydrants, or manholes, in, under, and across the said premises, and together with the right of the City of Stayton and utility owners to place, excavate, replace, repair, install, maintain, operate, inspect, add to the number of and relocate such utilities and necessary appurtenances, and make excavations therefore from time to time, in, under, and through the above-described premises within said Easement, and to cut and remove from said easement any trees and other obstructions which may endanger the safety or interfere with the use of said utilities, or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above-described premises at any and all times for the above purposes; and for doing anything necessary, useful, or convenient for the enjoyment of the Easement hereby retained.

The City of Stayton may use the surface of the PUE provided such use does not interfere with property owner's rights described in this PUE. The property owners shall not permit any other use or utilities to be located in the PUE without the written consent of the City of Stayton. Approved uses within the PUE shall consist of, but are not limited to, landscaping, paved driveway or parking areas, trails, paths, sidewalks or other uses that will not affect the ability of the City or utilities to access the PUE. Prohibited uses shall consist of, but are not limited to, permanent structures, buildings, or any other obstruction, excavation or alteration of the PUE. The PUE shall perpetually encumber the property. No additional earth fill or embankment shall be placed within the PUE, nor over any utility fixture therein without a specific written agreement between affected utility owners that may be beneficiaries of the PUE, and property owners, their successors, or assigns. Should such specific agreement be

anticipated, the City of Stayton will set forth the conditions under which such fill or embankment may be placed, including a stipulation that all risks of damage to the utilities shall be assumed by property owner, their successors, or assigns.

The City of Stayton and utilities shall be responsible for the maintenance of the utilities and related facilities located within the PUE. Property owners shall be responsible for landscape and surface maintenance within the PUE. The City of Stayton's use of the PUE shall not unreasonably interfere with property owners' use of their property.

The City of Stayton, and each utility owner beneficiary of the PUE, upon the initial installation, and upon each and every occasion that the same be repaired, replaced, renewed, added to, or removed, shall restore the premises, and any improvements disturbed by the work, to as good condition as it was prior to any such installation or work, including the restoration of any topsoil and lawn.

Section 3. This Ordinance shall take effect 30 days after adoption by the Stayton City Council and the Mayor's signing and shall be recorded in the Marion County Deed Records.

ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of June, 2014

CITY OF STAYTON

Date: _____, 2014

By: _____

A. Scott Vigil, Mayor

Date: _____, 2014

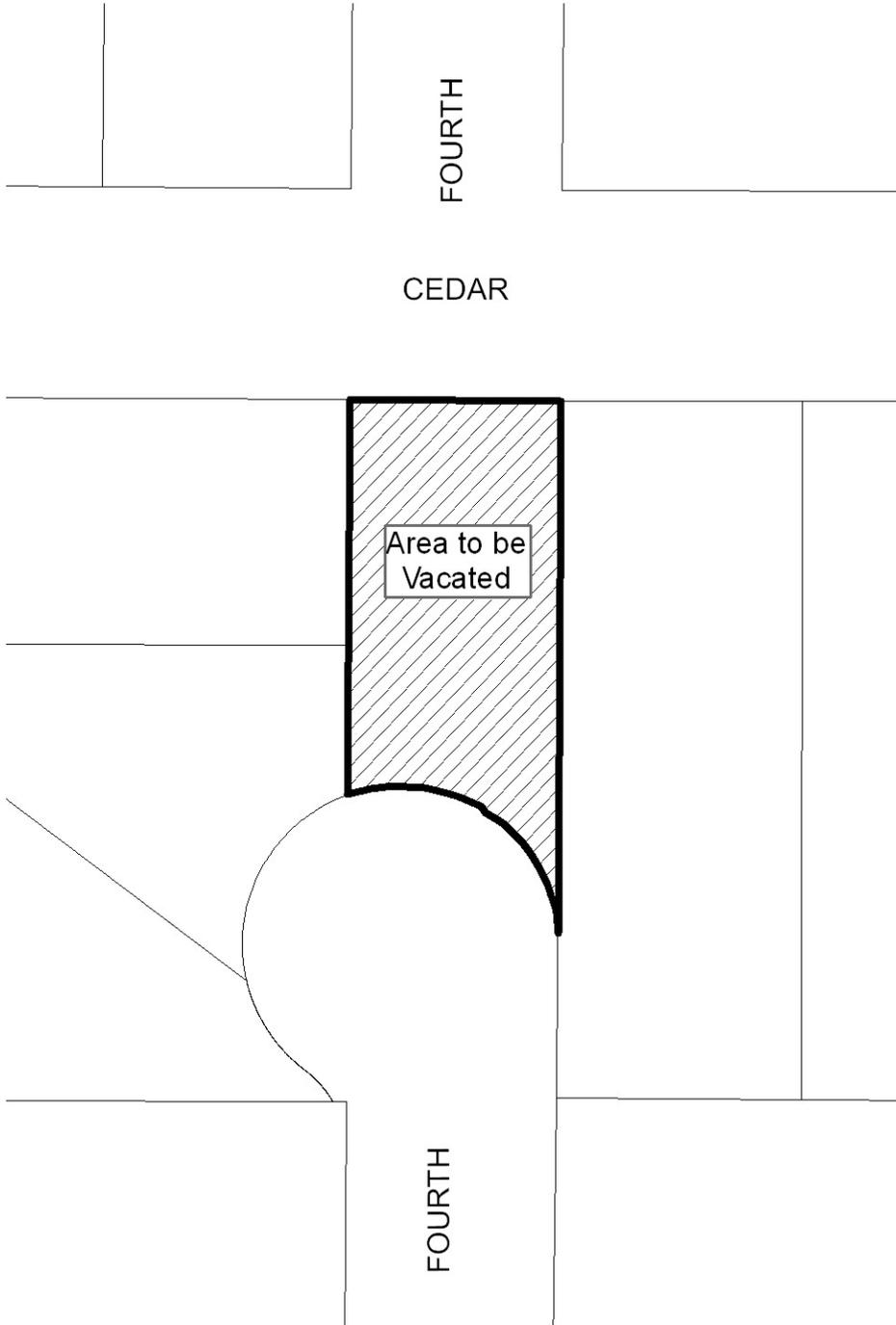
Attest: _____

Keith D Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

Exhibit A
Area to be Vacated
N Fourth Avenue





CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Dan Fleishman, Director of Planning and Development
DATE: June 16, 2014
SUBJECT: Consideration of Ordinance 971 regarding Annexation of Territory into the City Limits

ISSUE

The issue before the City Council is consideration of Ordinance 971 that would finalize the annexation of various street rights of way, a portion of the Stayton Middle School, a portion of Pioneer Park, and the City's Pine St Reservoir.

BACKGROUND INFORMATION

In January, the City Council approved the City-initiated annexation of nine street rights of way, two publicly owned parcels of land partially in the City, and the City-owned parcel of land at 2367 E Pine St. The Council's approval sent the matter to the voters of Stayton under the terms of the City Charter.

This evening, the City Council will be accepting the abstract of election results from the May 20 primary election. At the election, the voters of Stayton approved all of the annexations.

The final step in the process is the adoption of an ordinance by the City Council, formally annexing the land into the city and changing the zoning from Marion County Urban Transition to Stayton's zoning. Once the ordinance is enacted, notice is then sent to various County and State agencies and the private utilities.

FISCAL IMPACT

There will be no fiscal impact, as land being annexed is tax exempt.

RECOMMENDATION

Staff recommends the City Council approve Ordinance 971.

OPTIONS AND MOTIONS

1. Approve the first consideration of Ordinance 971.

Move to approve Ordinance 971, annexing land into the City and amending the Stayton Zoning Map.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the vote is unanimous, Ordinance 971 is enacted and will be presented to the Mayor for his approval.

If the vote is not unanimous, Ordinance 971 will be brought before the Council for a second consideration at the July 7, 2014 meeting.

2. Approve Ordinance 971 with modifications

Move to approve Ordinance 971 with the following changes ... and direct staff to incorporate these changes into the Ordinance before the Ordinance is presented to the City Council for a second consideration.

The City Recorder shall call the roll and the names of each Councilor present and their vote shall be recorded in the meeting minutes. If the first consideration is approved, Ordinance 971 will be brought before the Council for a second consideration at its July 7, 2014 meeting.

ORDINANCE NO. 971

AN ORDINANCE ANNEXING INTO THE CITY OF STAYTON TERRITORY OWNED BY THE CITY OF STAYTON AT 2635 E PINE ST, TERRITORY OWNED BY THE NORTH SANTIAM SCHOOL DISTRICT, TERRITORY OWNED BY THE SANTIAM WATER CONTROL DISTRICT, AND VARIOUS STREET RIGHTS OF WAY AND AMENDING THE CITY OF STAYTON ZONING MAP FROM MARION COUNTY URBAN TRANSITIONAL TO VARIOUS CITY OF STAYTON ZONING AND DECLARING AN EMERGENCY.

WHEREAS, on December 2, 2013 the Stayton City Council adopted Resolution 906 initiating annexation of the Territories described above, all of which are larger than one acre in area;

WHEREAS, these annexations were initiated because of the need to clarify jurisdiction of the Stayton Police Department due to the opening of the Stayton Municipal Court on July 1, 2014.

WHEREAS, the Stayton City Charter requires that annexation of territory of one acre or more requires approval of the electors of the City;

WHEREAS, the Stayton Planning Commission held a public hearing on the proposed annexations on December 30, 2013 and recommended to the City Council that the Territories be annexed;

WHEREAS, the Stayton City Council held a public hearing as required by law on the proposed annexations on January 21, 2014 whereupon the Stayton City Council adopted Resolution 890 containing findings and conclusions in support of its decision and referring the annexations to the electors of the City of Stayton measures to approve the proposed annexations;

WHEREAS, on May 20, 2014, a majority of the electors of the City of Stayton voted in the affirmative regarding the measures to approve the proposed annexations; and

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance as it is necessary for the proper functioning of the Stayton Municipal Court and the preservation of the public peace, health and safety.

NOW THEREFORE, the City of Stayton ordains:

Section 1. Pursuant to ORS 222.125, the Stayton City Council hereby proclaims the annexation into the City of Stayton, Oregon, the following Territories the legal descriptions of which are described in Exhibits 1 through 7, which are attached hereto and by reference incorporated herein:

- A. The northern portion of the Shaff Road right of way, west of Cascade Highway to Marion County Assessor's Map 091W04D Lot 1200, approximately 1.3 acres of land (Exhibit 1);
- B. The Cascade Highway right of way, north of Shaff Road to the center of Mill Creek, approximately 3.0 acres of land (Exhibit 2);
- C. The Fern Ridge Road right of way, north of Marion County Assessor's Map 091W011A Lot 300 and Map 091W11BA Lot 100, east to the Highway 22 right of way, approximately 2.7 acres of land (Exhibit 3);
- D. The E Jefferson Street right of way, adjacent to the Jefferson Place subdivision,

approximately 1.4 acres of land (Exhibit 4);

- E. That portion of the Stayton Middle School property north of Mill Creek, identified as a portion of Marion County Assessor's Map 091W04D Lot 100, approximately 37 acres of land (Exhibit 5);
- F. That portion of Wilderness Park that is in Township 9 Range 1 West, Section 11, identified as the eastern portion of Marion County Assessor's Map 091W11C Lot 1400, approximately 17 acres of land (Exhibit 6);
- G. The property at 2365 E Pine St, identified as Marion County Assessor's Map 091W11AC Lot 100, approximately 4.4 acres of land (Exhibit 7).

A legal description of each territory to be considered for annexation and a map showing the Territory is attached hereto as Exhibits 1 through 7 and incorporated herein by reference.

Section 2. Pursuant to ORS 222.005 the Stayton City Recorder shall provide by certified mail to all public utilities, telecommunication facilities, and franchise holders operating within the City a written notice of each site address to be annexed as recorded on the Marion County assessment and tax roles, a legal description and map of the proposed boundary changes, and a copy of this Ordinance. This notice shall be mailed within ten (10) working days of the passage of this Ordinance.

Section 3. Pursuant to ORS 222.010 the Stayton City Recorder shall, within ten (10) days of the passage of this Ordinance, provide to the Marion County Clerk, and Marion County Assessor a report of the annexation including a detailed legal description of the new boundaries established by the City.

Section 4. Pursuant to ORS 222.177 the Stayton City Recorder shall transmit to the Secretary of State a copy of Resolution 906, an abstract of the results of the May 20 election showing the whole number of electors voting on the annexation, the number of votes cast for annexation and the number of votes cast against annexation, and a copy of this Ordinance

Section 5. Pursuant to ORS 308.225(2) the Stayton City Recorder shall, provide to the Oregon Department of Revenue, a copy of this Ordinance, containing the legal description and map of the territories being annexed.

Section 6. The Stayton Official Zoning Map is hereby amended to include the annexed territories as shown on the zoning maps in Exhibits 1 through 7 attached hereto and incorporated herein by reference.

Section 7. Upon adoption by the Stayton City Council and the Mayor's signing, this Ordinance shall become effective on July 1, 2014.

ADOPTED BY THE STAYTON CITY COUNCIL this 16th day of June, 2014

CITY OF STAYTON

Date: _____, 2014

By: _____

A. Scott Vigil, Mayor

Date: _____, 2014

Attest: _____
Keith D Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney

DRAFT

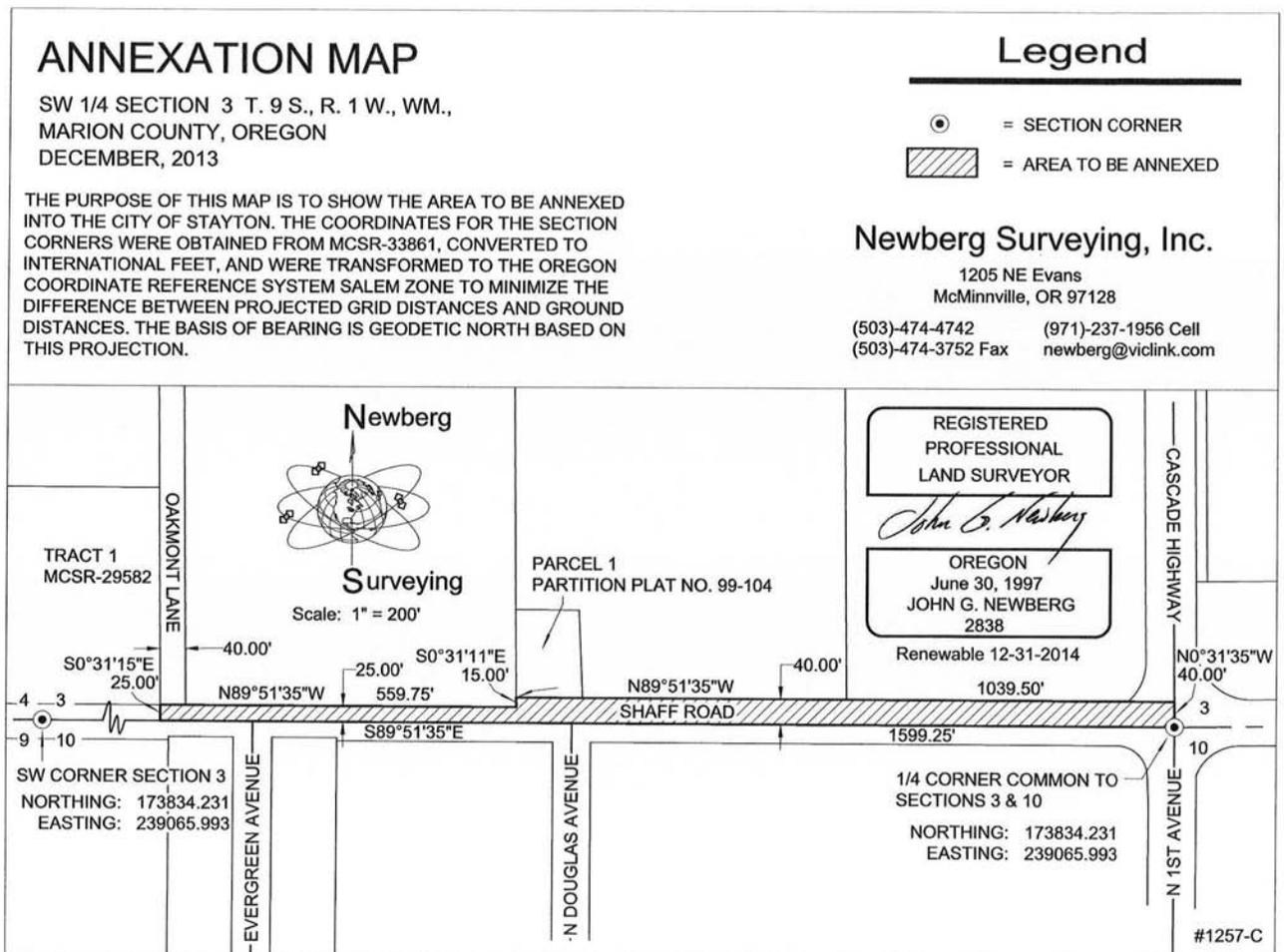
EXHIBIT 1

Legal Description, Map of Territory Annexed and New Zoning Assigned: Shaff Road Right of Way, West of Cascade Highway (1.3 acres)

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at the quarter corner on the south line of Section 3, T9S, R1W, Willamette Meridian, Marion County, Oregon, thence North $00^{\circ} 31' 35''$ West 40.00 feet along the centerline of the existing Cascade Highway to a point on the prolongation of the north margin of Shaff Road; thence North $89^{\circ} 51' 35''$ West 1039.50 feet, more or less, along the north margin of Shaff Road to the Southwest corner of Parcel 1 of Partition Plat 99-104; thence South $00^{\circ} 31' 11''$ East 15.00 feet; thence continuing along the north margin of Shaff Road North $89^{\circ} 51' 35''$ West 559.75 feet, more or less, to the intersection with the east boundary of Tract 1 of MCSR-29582; thence South $00^{\circ} 31' 15''$ East 25.00 feet to the south line of said Section 3; thence South $89^{\circ} 51' 35''$ East 1599.25 feet, more or less, to the place of beginning.



Ordinance No. 971

Annexation & Zoning Map Amendment – Street Rights of Way, Stayton Middle School,
Wilderness Park and Pine St Reservoir
Exhibit 1

Zoning Map

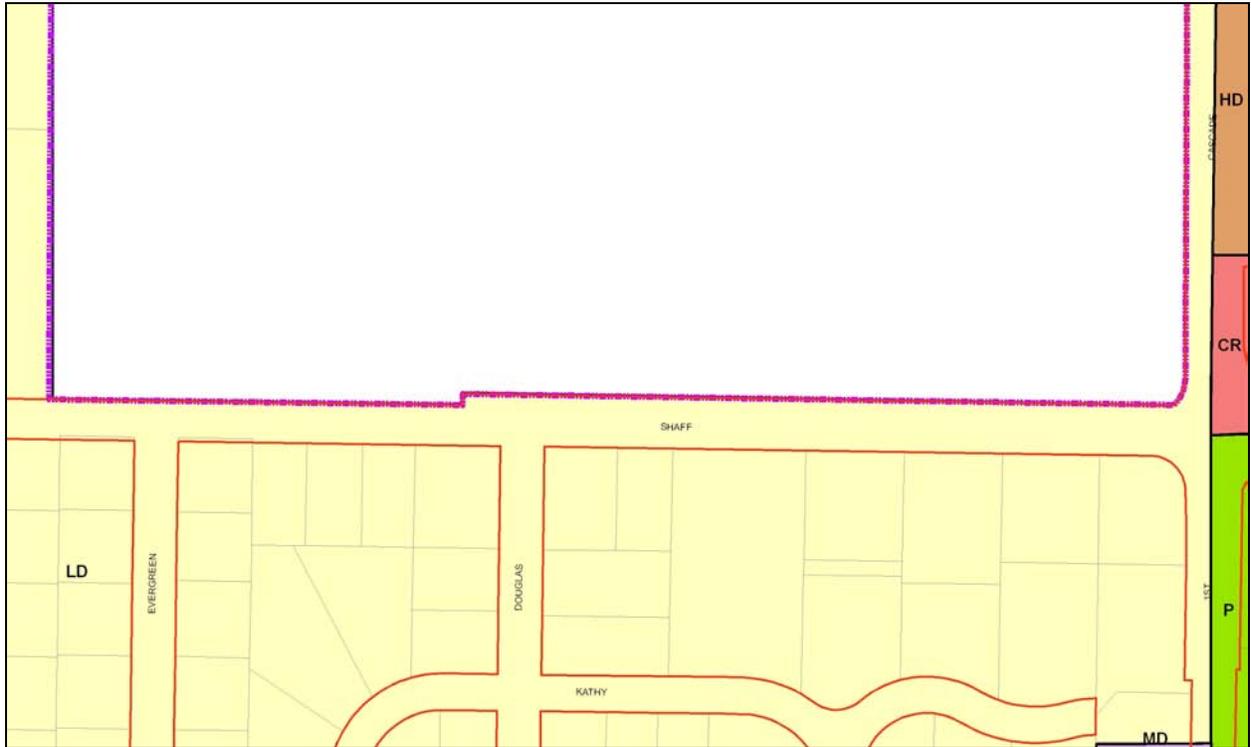


EXHIBIT 2

Legal Description, Map of Territory Annexed and New Zoning Assigned: Cascade Highway Right of Way, North of Shaff Road to Mill Creek, 3 acres

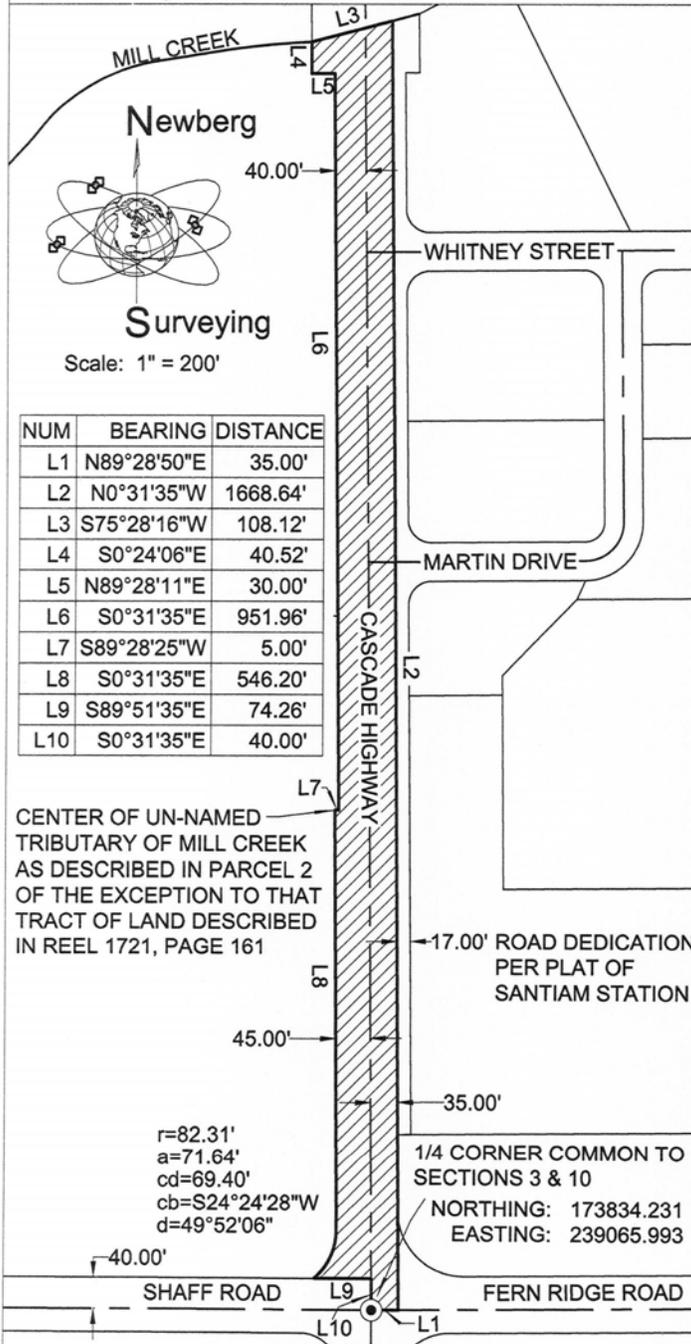
Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at the South quarter corner of Section 3, T. 9S. R. 1W., Willamette Meridian, Marion County, Oregon, said place of beginning being in the centerline of the Cascade Highway; thence North 89° 28' 50" East 35.00 feet along the south line of Said Section 3 to a point, said point being on the prolongation of the west boundary of the SANTIAM STATION Subdivision; thence North 00° 31' 35" West parallel to and 35.00 feet from said centerline and along the west boundary of said SANTIAM STATION Subdivision a distance of 1668.64, more or less, to a point in the center of Mill Creek; thence South 75° 28' 16" West 108.12 feet, more or less, along the center of Mill Creek to the intersection with the west boundary of the Cascade Highway; thence South 00° 24' 06" East 40.52 feet to an angle point in said west boundary; thence North 89° 28' 11" East 30.00 feet to an angle point in said west boundary, said point being 40.00 feet from centerline; thence South 00° 31' 35" East 951.96 feet, more or less, to the center of the unnamed tributary of Mill Creek as described in Parcel 2 of the exception to that tract of land described in Reel 1721, Page 161, Marion County Deed Records; thence South 89° 28' 25" West 5.00 feet along the center of said creek; thence South 00° 31' 35" East 546.20 feet, more or less, along the west boundary of said Parcel 2 to the intersection with the north margin of Shaff Road; thence 71.64 feet along a 82.31 foot radius curve, concave to the northwest, chord bearing South 24° 24' 28" West 69.40 feet along the north margin of Shaff Road; thence South 89° 51' 35" East 74.26 feet to the centerline of the Cascade Highway; thence South 00° 31' 35" East 40.00 feet to the place of beginning.

ANNEXATION MAP

SW 1/4 & SE 1/4 SECTION 3 T. 9 S., R. 1 W., WM.,
MARION COUNTY, OREGON
JANUARY, 2014



THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION. THE RIGHT-OF-WAY ANGLE POINTS SHOWN WERE CALCULATED FROM MCSR-37982 AND REEL 1721, PAGE 161.

Legend

- = SECTION CORNER
- = AREA TO BE ANNEXED

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Newberg

OREGON
June 30, 1997
JOHN G. NEWBERG
2838

Renewable 12-31-2014

Newberg Surveying, Inc.

1205 NE Evans
McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

#1257-G

Ordinance No. 971

Annexation & Zoning Map Amendment – Street Rights of Way, Stayton Middle School, Wilderness Park and Pine St Reservoir
Exhibit 2

Zoning Map

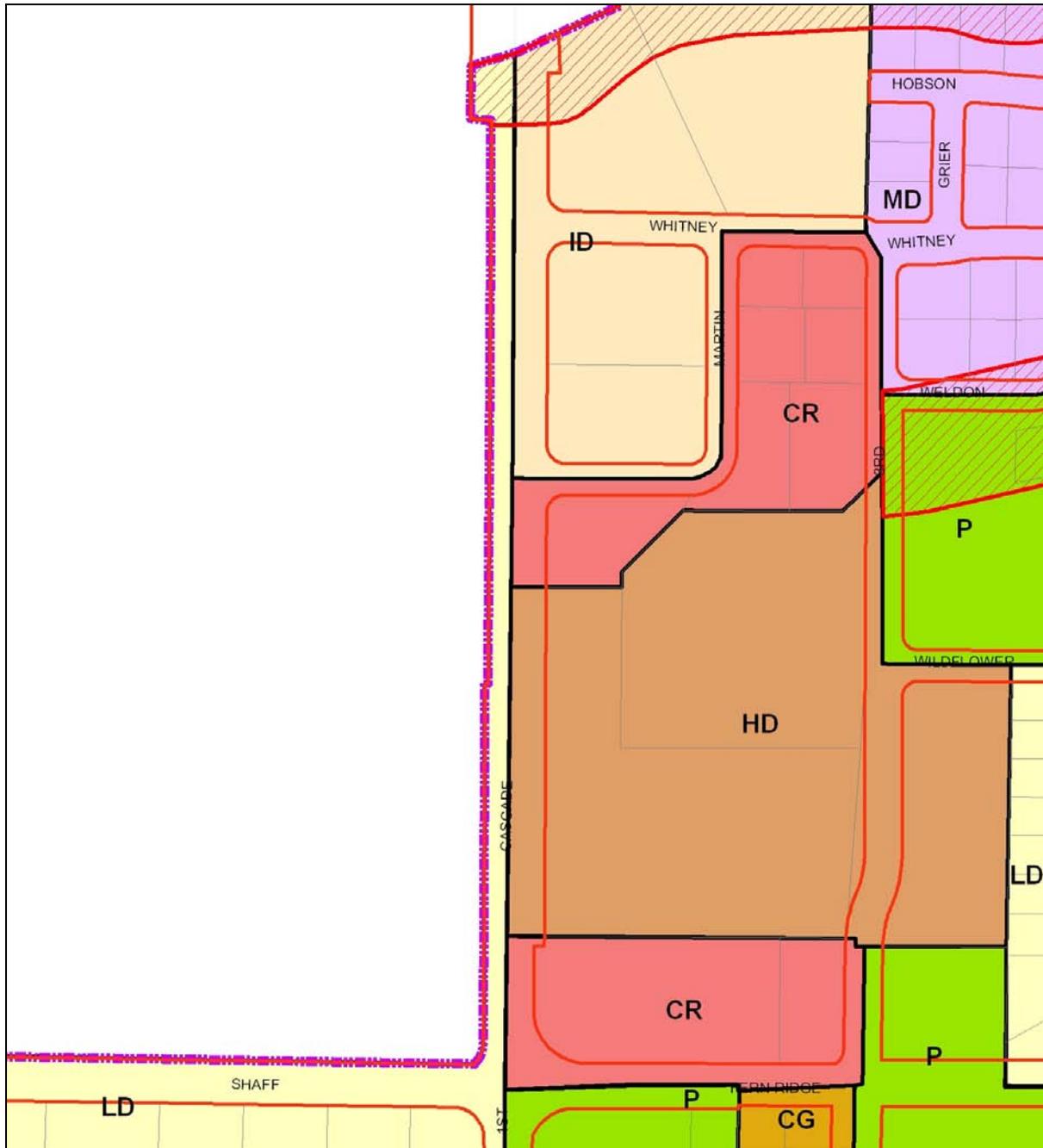


EXHIBIT 3

Legal Description, Map of Territory Annexed and New Zoning Assigned: Fern Ridge Road Right of Way, West of Route 22, 2.7 acres

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at a point on the South line of Section 2, T9S, R1W, Willamette Meridian, Marion County Oregon, said point being North 89° 31' 01" East 1294.26 feet from the Southwest corner of said Section and being the northeast corner of that tract of land previously annexed in Ordinance No. 282 dated April 6, 1953; thence South 00° 27' 01" West 25.00 feet along the east line of said land described in Ordinance No. 282 to the south margin of Fern Ridge Road; thence North 89° 31' 01" East 525.98 feet along the south margin of Fern Ridge Road to an angle point; thence South 00° 28' 59" East 35.00 feet to an angle point; thence North 89° 31' 02" East 599.86 feet, more or less, to the southerly margin of the North Santiam Highway (OR 22), said point being 95 feet from centerline; thence North 63° 24' 45" West 477.96 feet, more or less, to a point that is 100 feet from centerline and at an iron rod at the southeast corner of that tract of land described in Resolution No. 497, dated August 25, 1992; thence following along the boundary of that tract of land described in Resolution No. 497 the following courses: South 27° 11' 10" West 64.94 feet to an iron rod; thence South 89° 31' 01" West 454.10 feet to an iron rod; thence South 00° 29' 10" East 100.00 feet, more or less, to an angle point on the South line of Section 2; thence South 89° 31' 01" West 215.58 feet to the point of beginning.

ANNEXATION MAP

SW 1/4 SECTION 2 T. 9 S., R. 1 W., WM.,
 NW 1/4 SECTION 11 T. 9 S., R. 1 W., WM.,
 MARION COUNTY, OREGON
 DECEMBER, 2013

THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED INTO THE CITY OF STAYTON. THE COORDINATES FOR THE SECTION CORNERS WERE OBTAINED FROM MCSR-33861, CONVERTED TO INTERNATIONAL FEET, AND WERE TRANSFORMED TO THE OREGON COORDINATE REFERENCE SYSTEM SALEM ZONE TO MINIMIZE THE DIFFERENCE BETWEEN PROJECTED GRID DISTANCES AND GROUND DISTANCES. THE BASIS OF BEARING IS GEODETIC NORTH BASED ON THIS PROJECTION. MCSR 37982 WAS USED TO CALCULATE THE ANGLE POINTS.

Legend

-  = SECTION CORNER
-  = AREA TO BE ANNEXED

Newberg Surveying, Inc.

1205 NE Evans
 McMinnville, OR 97128
 (503)-474-4742 (971)-237-1956 Cell
 (503)-474-3752 Fax newberg@viclink.com

Newberg



Surveying

Scale: 1" = 200'

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

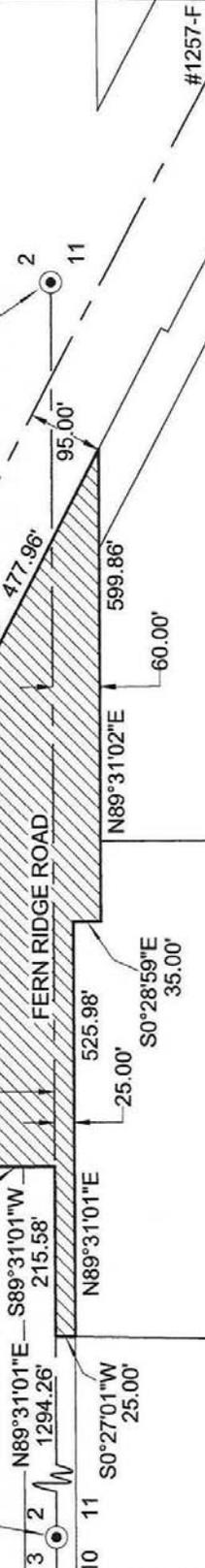
John G. Newberg

OREGON
 June 30, 1997
 JOHN G. NEWBERG
 2838

Renewable 12-31-2014

SW CORNER SECTION 2
 NORTHING: 173858.254
 EASTING: 241715.977

1/4 CORNER COMMON TO
 SECTIONS 2 & 11
 NORTHING: 173880.439
 EASTING: 244346.849



#1257-F

Zoning Map

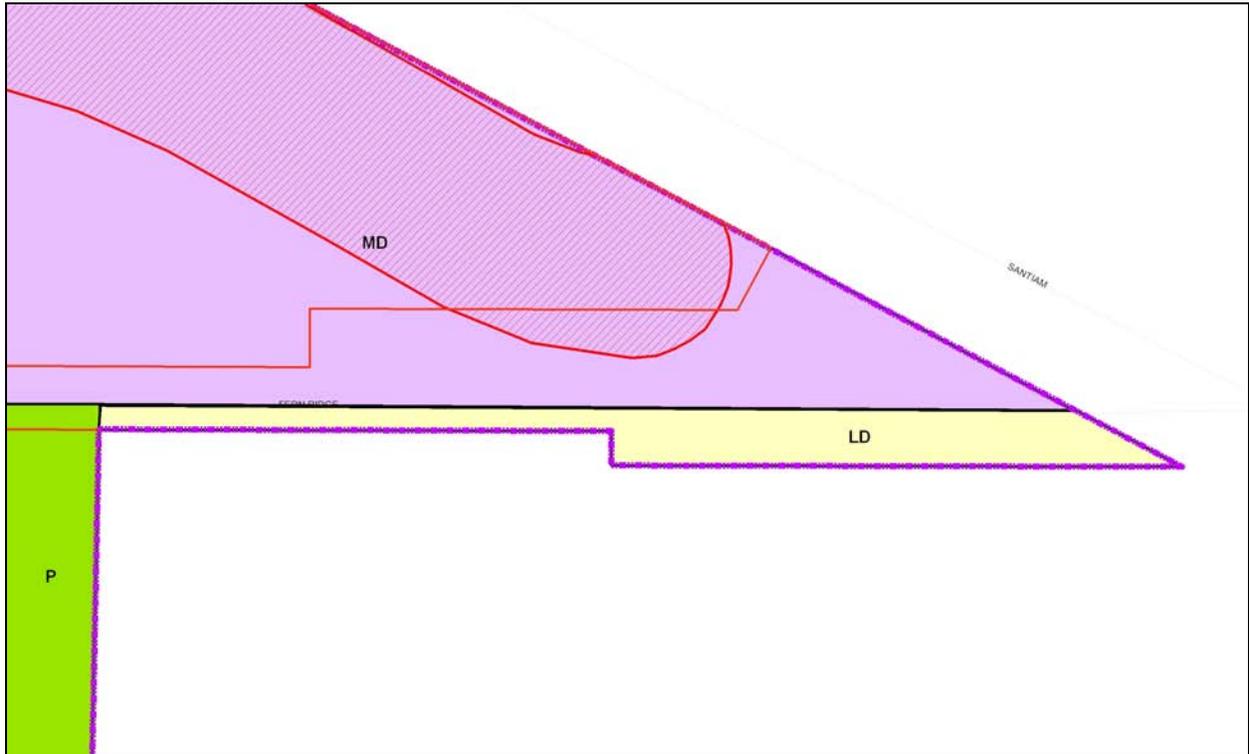


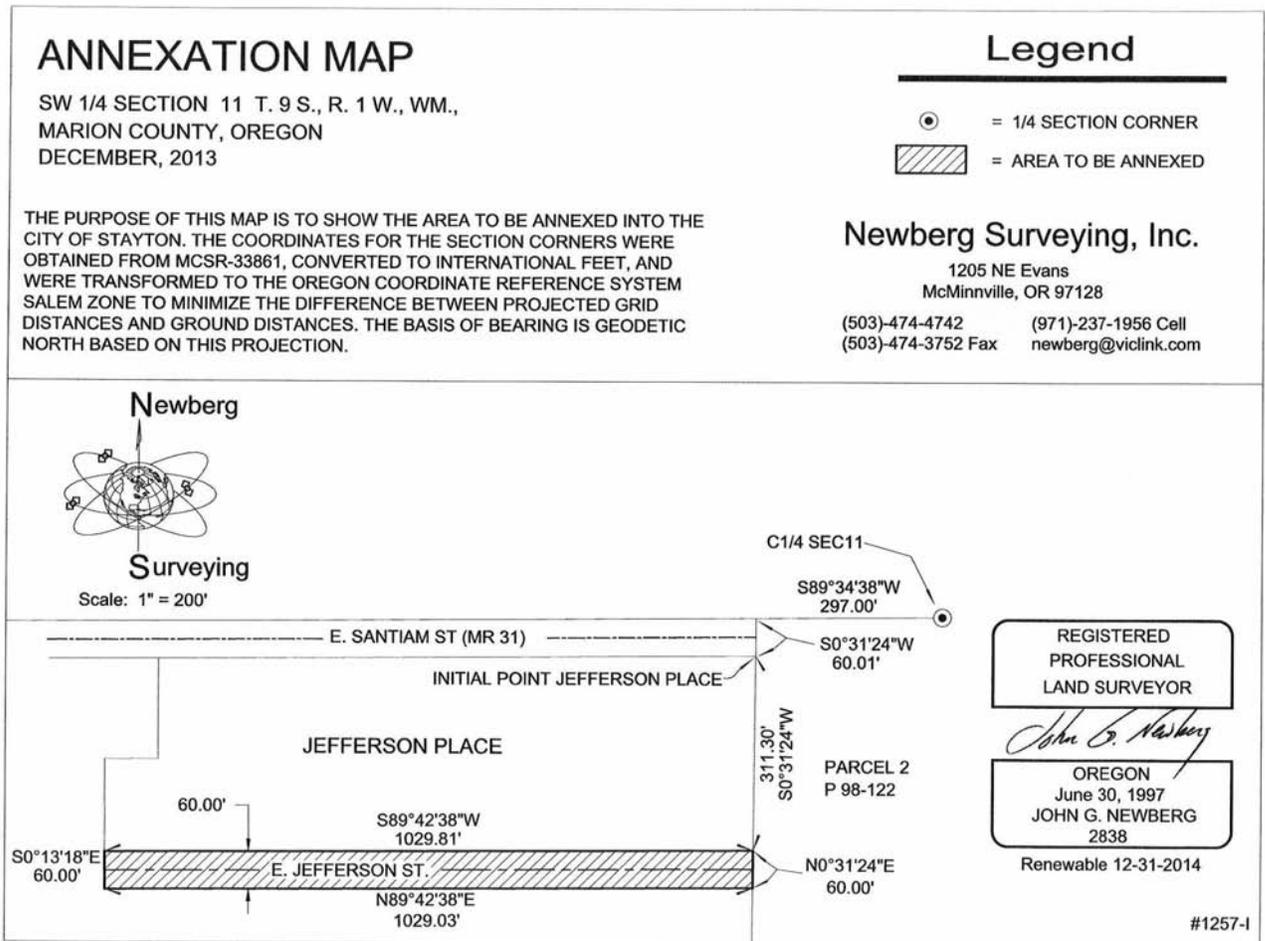
EXHIBIT 4

Legal Description, Map of Territory Annexed and New Zoning Assigned: E Jefferson St Right of Way, 1.4 acres

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

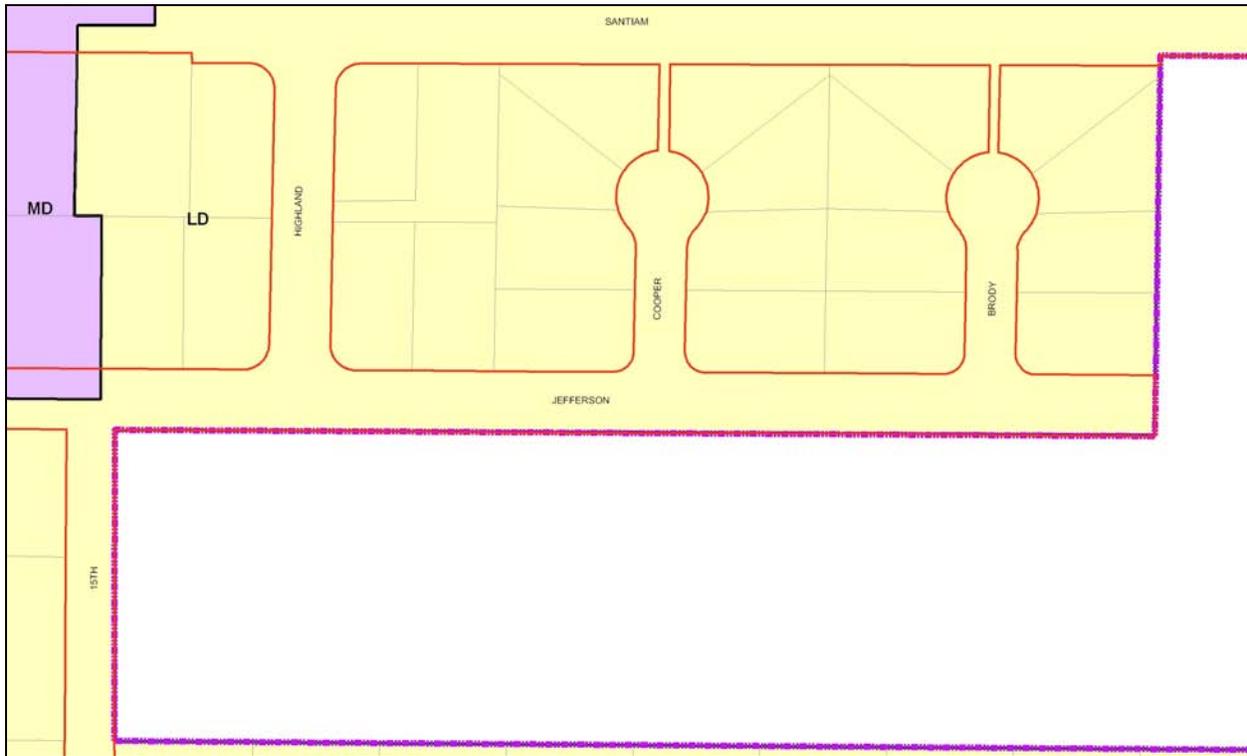
Beginning at a point on the northerly right-of-way of East Jefferson Street which bears South 89° 34' 38" West 297.00 feet and South 0° 31' 24" West 371.31 feet from the Center 1/4 Corner of Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence South 89° 42' 38" West along the Northerly right-of-way of East Jefferson Street 1029.81 feet to the Southwest corner of Lot 23 Jefferson Place Subdivision; thence South 0° 13' 18" East 60.00 feet to the Southerly right-of-way of East Jefferson Street; thence North 89° 42' 38" East 1029.03 feet to the Westerly boundary of Parcel 2 Partition 98-122; thence North 0° 31' 24" East 60.00 feet to the point of beginning, containing 1.4 Acres +/-.



Ordinance No. 971

Annexation & Zoning Map Amendment – Street Rights of Way, Stayton Middle School, Wilderness Park and Pine St Reservoir
Exhibit 4

Zoning Map



DRAFT

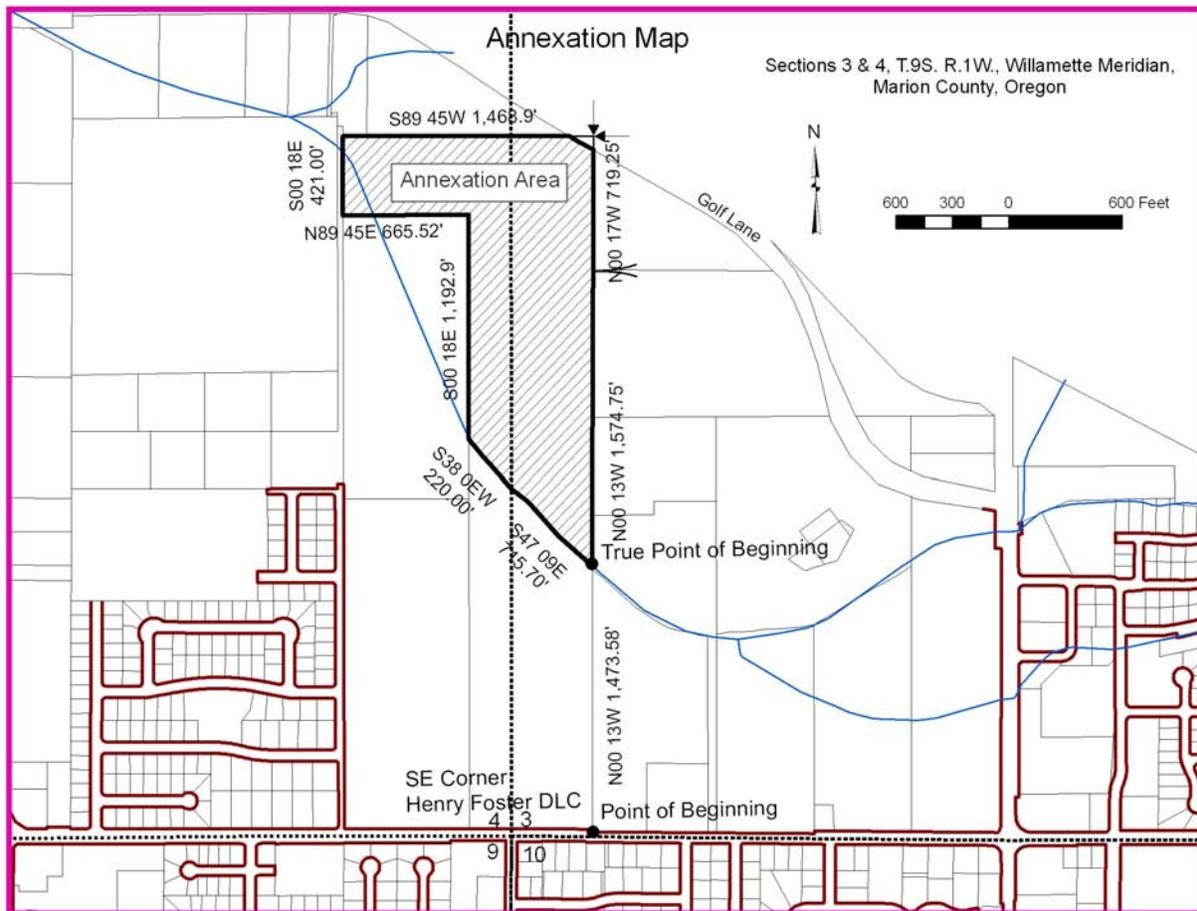
EXHIBIT 5

Legal Description, Map of Territory Annexed and New Zoning Assigned: Stayton Middle School property, north of Mill Creek, 37 acres

Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at the Southeast corner of the Henry Foster Donation Land Claim and proceeding North $00^{\circ}13'$ West 1,473.58 feet to the thread of Mill Creek and the true point of beginning of the territory to be annexed; then proceeding N $00^{\circ}13'W$ 1,574.75 feet; then proceeding N $00^{\circ}17'W$ 719.25; then S $89^{\circ}45'W$ 1,468.9 feet to appoint; then S $00^{\circ}18'E$ 421.00 feet to appoint; then N $89^{\circ}45'E$ 665.52 feet; then S $00^{\circ}18'E$ 1,192.9 feet to the thread of Mill Creek; then S $38^{\circ}00'E$ 220.00 feet; then S $47^{\circ}09'E$ 715.70 feet to the point of beginning, excepting that portion of the above described included in the right of way of Golf Lane.



Zoning Map

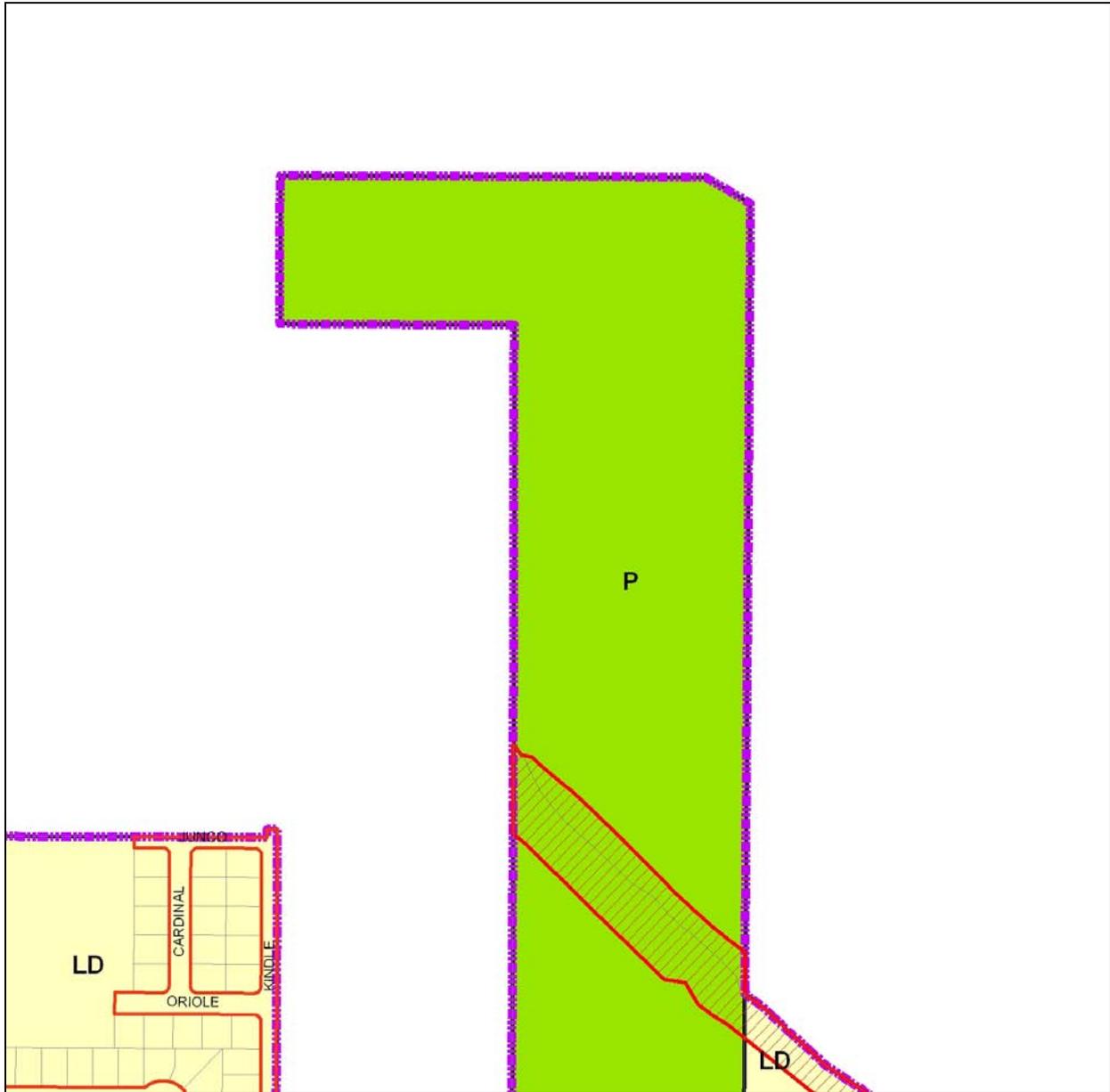


EXHIBIT 6

Legal Description, Map of Territory Annexed and New Zoning Assigned: Portion of Wilderness Park in Section 11, 17 acres

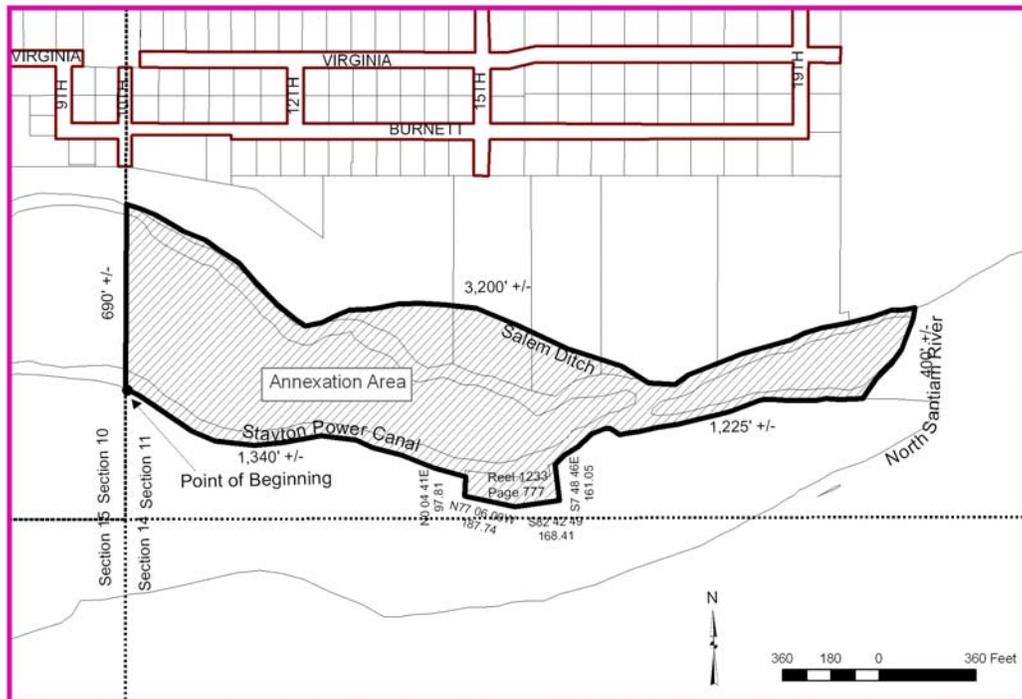
Legal Description

That certain tract of land located in Marion County, Oregon and which is legally described as follows:

Beginning at a point on the line between Section 10 and Section 11, Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon such point being on the south bank of the Stayton Power Canal (also known as the Reid Canal); then proceeding northerly 690 feet more or less along the section line to a point on the north bank of the Salem Ditch; then proceeding along the north bank of the Salem Ditch generally easterly and south easterly 3,200 feet more or less to the north bank of the North Channel of the North Santiam River; then generally southwestery 400 feet more or less along the north bank of the North Channel of the North Santiam River to the south bank of the Stayton Power Canal; then generally westerly along the south bank of the Stayton Power Canal 1,225 feet more or less to the easterly line of that certain tract conveyed to the Santiam Water Control District per Reel 1233, Page 777, Marion County Records; then along said easterly line S 7°48'46"E 161.05 feet, more or less, to the southeast corner thereof; thence S 82°42'49"W 168.41 feet thence along the southerly line thereof; then N 77°06'00"W 187.74 feet to the southwest corner thereof; then N 0°04'41"E 97.81 feet along said westerly line thereof to the southerly bank of the Stayton Power Canal; then generally westerly along the Stayton Power Canal 1,340 feet more or less to the line between Section 10 and Section 11 and the point of beginning.

Annexation Map

Section 11, T9S, R1W Willamette Meridian,
Marion County, Oregon



Ordinance No. 971

Annexation & Zoning Map Amendment – Street Rights of Way, Stayton Middle School,
Wilderness Park and Pine St Reservoir
Exhibit 6

Zoning Map



EXHIBIT 7

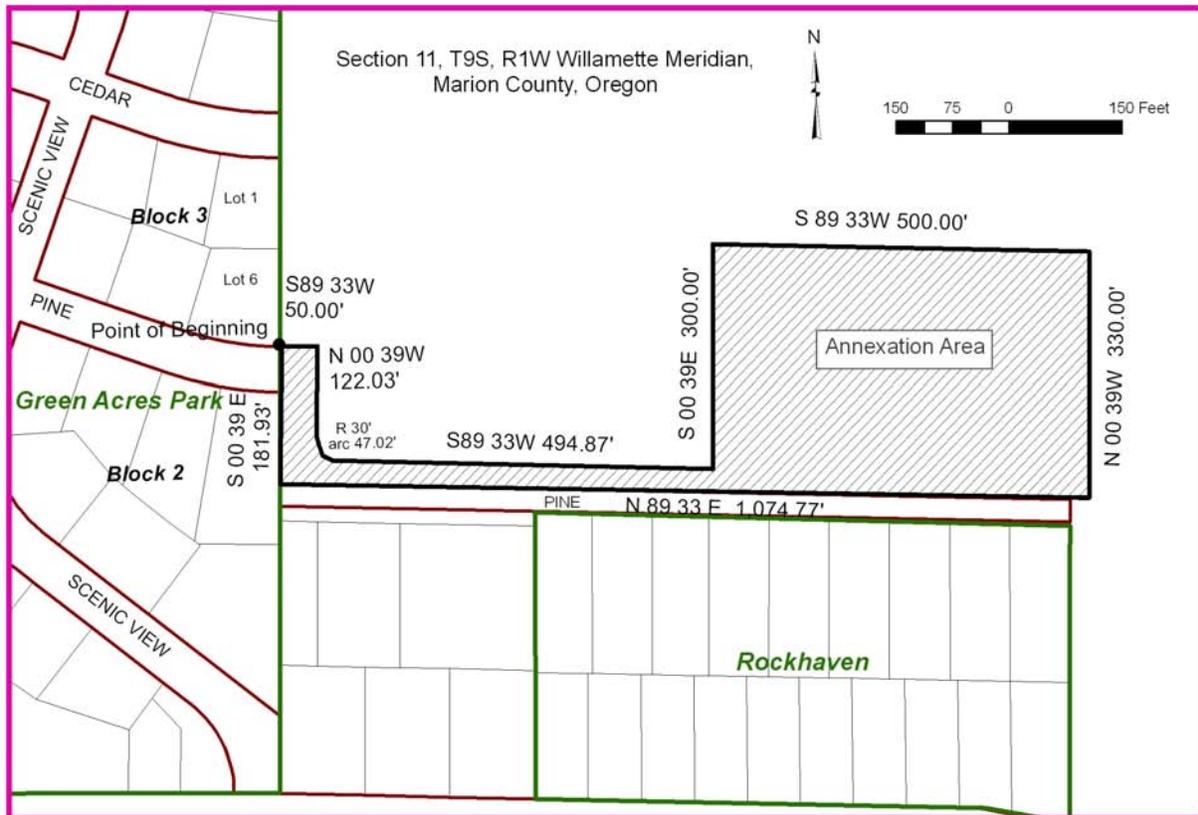
Legal Description, Map of Territory Annexed and New Zoning Assigned: 2365 E Pine St, 4.4 acres

Legal Description

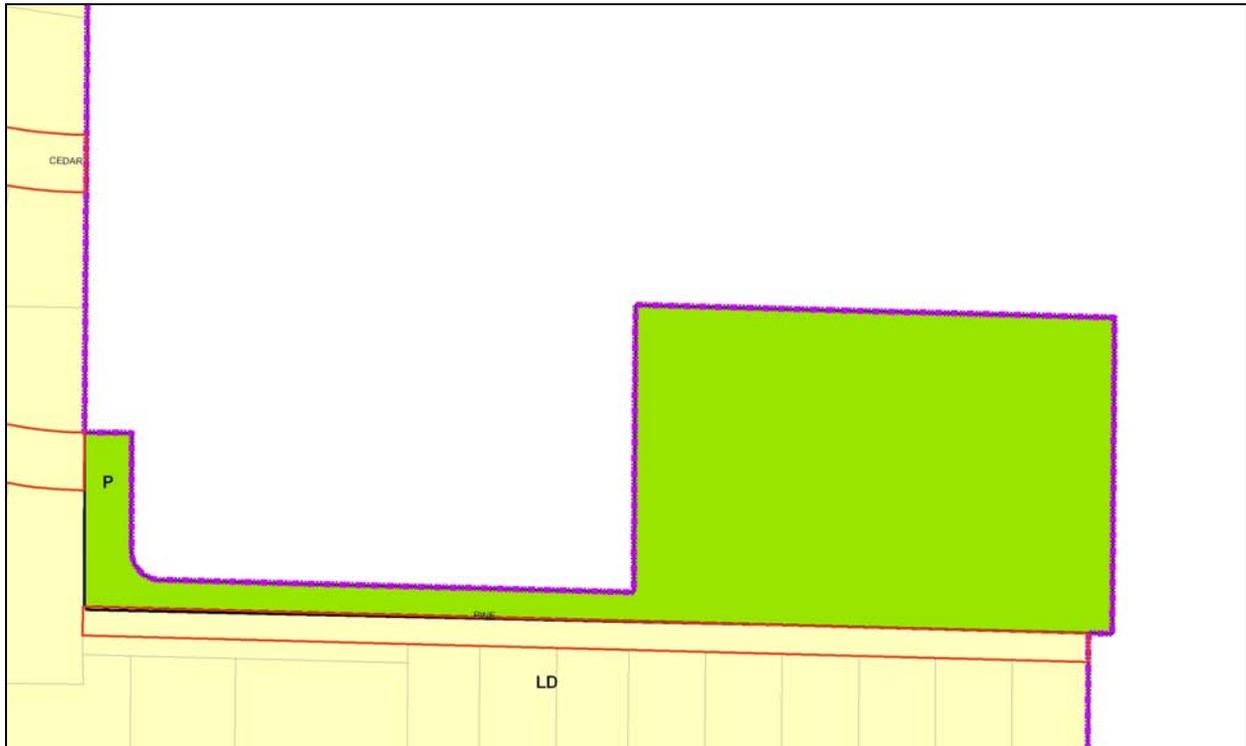
That certain tract of land located in the southwest quarter of the northeast quarter of Section 11 Township 9 South, Range 1 West, Willamette Meridian, Marion County, Oregon and which is legally described as follows:

Beginning at the southeast corner of Lot 6, Block 3 of Green Acres Park Subdivision, and proceeding along the east line of Green Acres Park Subdivision $S00^{\circ} 39'E$ 181.93 feet to a point on the north right of way line of E Pine St.; then $N89^{\circ} 33'E$ 1,074.77 feet; then $N00^{\circ} 39'W$ 330.00 feet; then $S89^{\circ} 33'W$ 500.00 feet; then $S00^{\circ} 39'E$ 300.00 feet; then $S89^{\circ} 33'W$ 494.87 feet; then curving to the right on a 30 foot radius an arc of 47.02 feet; then $N00^{\circ} 39'W$ 122.03 feet; then $S89^{\circ} 33'W$ 50.00 feet to the point of beginning.

Annexation Map



Zoning Map





CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Honorable Jonathan Clark, Stayton Municipal Court Judge
DATE: June 16, 2014
SUBJECT: Resolution No. 914, Adopting Rules Governing the Operation of the Stayton Municipal Court

ISSUE

Rules for the Stayton Municipal Court, prepared by the Municipal Judge, are subject to the approval of the Stayton City Council.

ENCLOSURE(S)

- a. Resolution No. 914
- b. Proposed Rules of the Stayton Municipal Court

BACKGROUND INFORMATION

The proposed Stayton Municipal Court Rules complement the newly amended Stayton Municipal Code Chapter 2.20, "Municipal Court" and are provided as guidance for the Court's proceedings.

STAFF RECOMENDATION

Approve Resolution No. 914 as presented.

OPTIONS

Approve, deny or direct modification of the proposed Resolution No. 914.

MOTIONS

- 1) Motion to approve the Resolution No. 914 as presented.
- 2) Motion to approve Resolution No. 914 with modifications as follows _____.
- 3) Deny Resolution No. 914. No motion necessary.

RESOLUTION NO. 914

A RESOLUTION ADOPTING THE RULES OF THE STAYTON MUNICIPAL COURT

WHEREAS, the City of Stayton is re-establishing its Municipal Court and has amended the Stayton Municipal Code (SMC) Chapter 2.20 "Municipal Court" to provide the authority;

WHEREAS, SMC Chapter 2.20 directs the Municipal Judge to establish Rules for the Court to be approved and adopted by Resolution of the Stayton City Council; and,

WHEREAS, Jonathan A. Clark, Municipal Judge, presents his Rules, attached to this Resolution, as Exhibit A, seeking approval of them by the Council.

NOW THEREFORE, the City of Stayton Resolves that:

The Rules of the Stayton Municipal Court (Exhibit A) are hereby approved and adopted effective July 1, 2014.

This Resolution shall become effective upon adoption by the Stayton City Council.

ADOPTED BY THE STAYTON CITY COUNCIL this ____ day of _____, 2014.

CITY OF STAYTON

Signed: _____, 2014

By: _____
A. Scott Vigil, Mayor

Signed: _____, 2014

ATTEST: _____
Keith D. Campbell, City Administrator

APPROVED AS TO FORM:

David A. Rhoten, City Attorney



Stayton Municipal Court Rules

Stayton Municipal Court Rules (SMCR)

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GENERAL INFORMATION REGARDING THE SMCR

Governing Laws and Code Pertaining to the General Powers of Oregon Municipal Courts

Stayton Municipal Code (SMC) authorizes the Municipal Judge to adopt rules which facilitate “the prompt and orderly conduct” of court business. The Stayton Municipal Court Rules (SMCR) are issued under that authority and are binding on all court participants unless waived by the Court for good cause.

Pursuant to Oregon Revised Statutes (ORS), courts have seven powers to aid in the administration of Court justice and proceedings. Accordingly:

Every court of justice has power:

- (1) To preserve and enforce order in its immediate presence.
- (2) To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority.
- (3) To provide for the orderly conduct of proceedings before it or its officers.
- (4) To compel obedience to its judgments, orders and process, and to the orders of a judge out of court, in an action, suit or proceeding pending therein.
- (5) To control, in furtherance of justice, the conduct of its ministerial officers and of all other persons in any manner connected with a judicial proceeding before it, in every matter appertaining thereto.
- (6) To compel the attendance of persons to testify in an action, suit or proceeding pending therein, in the cases and manner provided by statute.
- (7) To administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

CHAPTER 1 – GENERAL PROVISIONS

1.010 SCOPE OF THESE RULES

- (1) Effective July 1, 2014, these rules apply uniformly to all proceedings in Stayton Municipal Court except those proceedings and actions specified in SMCR 1.010(3) or proceedings and actions for which a limited application is specifically provided by these rules.
- (2) These rules shall be construed so as to achieve consistency with ORS and SMC provisions and to promote the just, speedy and cost effective adjudication of every proceeding and action as well as the efficient use of judicial time and resources.
- (3) These rules apply to attorneys and to persons representing themselves.

1.020 AMENDMENT OF THESE RULES; EFFECTIVE DATE

- (1) The SMCR may be amended by order of the Stayton Municipal Judge.
- (2) Proposed amendments to the SMCR will be posted on the City of Stayton website and in a public place in the courthouse. Changes to the SMCR will be presented for approval to the Stayton City Council by a Resolution.
- (3) If the Municipal Judge deems an emergency change to rules is needed due to public or court safety, the Municipal Judge may make the amendments, post them, and present them to Council at the next City Council meeting along with the reason for the emergency amendment.
- (4) The Court Clerk or designee shall serve as the SMCR Reporter and may correct typographical errors, grammatical errors, and inaccurate website addresses if the correction does not change the substance of the rule. The Court Clerk shall give appropriate notice of corrections to the public.

1.030 TRANSITION TO THESE RULES

On their effective date, these rules, and any amendments, shall apply to all actions and proceedings pending on or commenced after that date, except to the extent that, in the opinion of the court, application of the amendments in a particular action pending when the amendments take effect would not be feasible or would work injustice, in which event, the former procedures apply.

1.040 ENFORCEABILITY OF LOCAL PRACTICES

When any local practice of the Stayton Municipal Court is not contained in its adopted court rules, the court may not enforce such local practice or impose any sanction therefore, unless the court has first afforded the party or attorney a reasonable opportunity to cure the violation by complying with the local practice.

1.050 FORMAT AND LOCATION OF COURT RULES

- (1) The SMCR will be numbered according the discretion of the Court.
- (2) Rules will be maintained pursuant to SMC.

1.060 SANCTIONS

- (1) If a party or attorney fails to file a pleading or other document in the manner, form or the time required by these rules, the court may strike the pleading or document, or order some other remedy as justice requires.
- (2) If a party or attorney is willfully and prejudicially resistant or refuses to comply with SMCR, the court, on its own motion or that of a party, may do any of the following:
 - a. Assess against the noncompliant party or attorney or both reasonable costs, expenses and attorney's fees incurred by a party, attorney or the court.
 - b. Otherwise award reasonable costs, expenses and attorney's fees incurred by a party, attorney or the court.
 - c. Strike the offending pleading or other document.
 - d. Such remedies as justice requires
- (3) The court may schedule a hearing prior to making an order under section 2 above. If the court makes a ruling without a hearing, the sanctioned party shall be entitled to review of the court's order by hearing upon request. If the sanction is not substantially changed, the court may make an additional award under section 2.

1.070 RELIEF FROM APPLICATION OF COURT RULES

Relief from application of these rules in an individual case may be given by the court on good cause shown if necessary to prevent hardship or injustice.

1.080 DEFINITIONS AND ABBREVIATIONS

As used in these rules:

- (1) Party means a litigant or the litigant's attorney.
- (2) Court Clerk means the court administrator, the administrative officer of the records section of the court, and where appropriate any designee of the Court.
- (3) City Attorney means any attorney providing City Attorney services to the City or any attorney appointed for prosecution of offenses in this court, as required by the context.
- (4) Days mean calendar days, unless otherwise specified in these rules.
- (5) SMC means Stayton Municipal Code.
- (6) SMCR means Stayton Municipal Court Rules.
- (7) ORS means Oregon Revised Statutes.
- (8) ORCP means Oregon Rules of Civil Procedure.
- (9) UTCR means Uniform Trial Court Rules.
- (10) SLR means Supplemental Local Rules of Marion County.

1.090 TIME COMPUTATION

[ORCP 10](#) shall be followed in computing any time period prescribed by these rules.

1.100 LOCATION OF COURT

The Stayton Municipal Court is located at 260 N 2nd Ave, Stayton, Oregon. The Court hours will be posted by the City.

1.110 FILING OF DOCUMENTS IN COURT

Filings are accepted at the Stayton Municipal Court located at 260 N 2nd Ave, Stayton, Oregon. Filings delivered to a judge outside of a court proceeding, judge's staff, judge's mailbox, or chambers are not considered filed until received by the Court Clerk or designee at the courthouse.

1.120 COURT WEBSITE

This section reserved for addition.

1.130 INFORMATION ON FREE OR LOW-COST LOCAL LEGAL SERVICES

Information on free or low-cost legal services in Marion County and the Stayton area can be found at the Oregon State Bar website (<http://www.osbar.org/public>).

CHAPTER 2 – STANDARDS FOR PLEADINGS AND DOCUMENTS

2.010 FORM OF DOCUMENTS

The court shall accept all forms of documents from unrepresented litigants in which the intent and meaning are clear. The court may instruct an unrepresented party to follow these rules, and thereafter upon failure to follow such rules, the court may impose those sanctions according to SMCR1.060. Prior to requiring compliance with these standards the court shall determine that imposing such standards do not work a hardship on the party. The form of all documents, including pleadings and motions, except where a different procedure is specified by ORS, SMC or rule, must be:

- (1) Definitions
 - a) Document, as used in this rule, means every paper filed in any type of proceeding.
 - b) Printed document means documents wholly or partially printed.
- (2) Size of Documents
 - a) All documents, except exhibits, must be prepared on letter-size (8 ½ x 11 inches) paper, except that smaller size paper may be used for bench warrants, commitments, uniform citations and complaints and other documents otherwise designated by the court.
- (3) Documents Must be Printed or Typed
 - a) All documents must be printed or typed; except that blanks in preprinted forms may be completed in handwriting, and notations by the Court Clerk or Court may be made in handwriting.
- (4) Spacing, Paging and Numbered Lines
 - a) All pleadings, motions and requested instructions must be double-spaced and prepared on paper with numbered lines;
 - b) All other documents may be single-spaced and the lines need not be numbered.

- c) On the first page of each pleading or similar document, not less than two inches or more than four inches at the top of the page shall be left blank.
 - d) All documents, except exhibits, shall be prepared with at least a one-inch binding margin. The binding margin shall be at the edge of each sheet of paper in the document corresponding to the top of the first page printed on the sheet of paper. All documents containing printing on the back side of a sheet shall be printed in such a manner so that when the page is turned on the binding edge, print on the back side is oriented in the same direction as the print on the front side of the following sheet.
- (5) Signature
- a) The name of the party or attorney signing any pleading or motion must be typed or printed immediately below the signature. All signatures must be dated.
- (6) Attorney and Litigant Information
- a) All documents must include the author's name, address, telephone number, fax number, if any, and, if prepared by an attorney, the name, e-mail address, and the Bar number of the author and the trial attorney assigned to try the case. Any document not bearing the name and Bar number of an attorney as the author or preparer of the document must bear or be accompanied by a certificate in substantially the form set out in Form 2.010.7 in the [UTCR Appendix of Forms](#).
- (7) Exhibits
- a) When an exhibit is appended to a filed document, each page of the exhibit must be identified by the word "Exhibit" or "Ex" to appear at the bottom right-hand side of the exhibit, followed by an Arabic numeral identifying the exhibit. Each page number of the exhibit must appear in Arabic numeral immediately below the exhibit number;
 - b) e.g.: "Exhibit 2
 - c) Page 10"
 - d) Exhibits appended to a pleading may be incorporated by reference in a later pleading.
- (8) Information at Bottom of Each Page

- a) The name of the document, and the page number expressed in Arabic numerals, must appear at the bottom right-hand side of each page of each document.
- (9) Document Title
- a) The title of each document filed with the court must include an identification of the filing party, such as “Defendant.” When there are multiple parties on a side, the party submitting the document must be suitably identified,
 - b) The court case number must appear in the caption of every document. Every motion must show in the title the name of the pleading against which it is directed.
 - c) When a document applies to more than one case number for the same party, all case numbers must be listed in the caption or attached as an addendum to the document.
- (10) Orders, Judgments or Writs
- a) The Municipal Judge’s signature portion of any order, judgment or writ prepared for the court must appear on a page containing at least two lines of the text. Orders, judgments or writs embodying the ruling of a particular judge must have the name of the judge typed, stamped or printed under the signature line.
 - b) If the order, judgment or writ is prepared by a party, the name and identity of the party submitting the order must appear therein, preceded by the words “submitted by.”
 - c) Motions and orders may be submitted as a single document.
 - d) Motions and orders submitted as a single document must contain a double solid line across the page separating the motion portion of the document from the order portion. The caption of the document must be labeled “Motion xxxxxx and Order” in the upper right-hand corner of the document. The full description of the motion must be included in the title. The order portion must be clearly labeled “Order.” The order portions must be written as clearly and simply as possible. Where appropriate, the order must contain two check boxes as follows: one for allowed, the other for denied. Below this the order must contain appropriate lined space labeled “Additional Record.” The check boxes and Additional Record must be placed above the date and signature lines provided for the court.
 - e) If the order, judgment, writ or ruling of the court is encompassed in a letter opinion issued by the Judge of the Stayton Municipal Court, the words

“Order, Judgment, Motion Granted, or Motion Denied, etc.” shall be clearly and prominently displayed in bold-face above the salutation and again at the end of the letter above the standard (date and) signature line.

- f) A hand-written order, judgment, writ or ruling of the court may be entered in any criminal, violation, infraction, or parking violation decision in the Stayton Municipal Court so long as the case number, citation, or summons number and defendant’s name is clearly displayed and the words “Order, Motion xxx Granted, or Motion xxx Denied, etc.” shall be clearly and prominently displayed above the date and signature line.
- (11) Citation of Oregon Cases
- a) In all matters submitted to the Stayton Municipal Court, Oregon cases must be cited by reference to the Oregon Reports as Blank v. Blank, ____ Or ____ (year) or as State v. Blank, ____ Or App ____ (year); cases cited from Stayton Municipal Court must be cited as City of Stayton v. Blank, case number YYYY- _____-CR.
- (12) Notice of Address, Telephonic Number, or Email Address Change
- a) An attorney or unrepresented party whose address or telephonic number changes must immediately mail or deliver notification of such change to the Stayton Municipal Court, Court Administrator and all other parties to the case.
- (13) Application to Court Forms
- a) Forms created by the Stayton Municipal Court are not required to comply with the provisions of UTCR 2.010(4) or (8) where the Stayton Municipal Court determines variation from those provisions will promote administrative convenience for the court or parties. Such forms and exact copies of such forms may be used and submitted to the Stayton Municipal Court without challenge.

2.020 CERTIFICATE OF SERVICE

When a summons or other civil process is served by one other than a sheriff, deputy sheriff, or other qualified person, the certificate of service must include the name, telephone number and address of the person who served the summons or process.

2.030 MATTERS UNDER ADVISEMENT MORE THAN 30 DAYS

- (1) If the Municipal Judge or Pro Tem judge shall have any matter under advisement for a period of more than 30 days, it shall be the duty of all parties to call the matter to the Court Clerk or designee's attention forthwith, in writing.
- (2) If the matter remains under advisement for 60 days, all parties are required to call the matter to the judge's attention forthwith, in writing, with copies to the acting judge.

2.040 COMMUNICATION WITH COURT

- (1) Except as exempted by ORS, UTCR 2.100, or UTCR 2.110, when written communication is made to the court, copies must simultaneously be mailed or delivered to all other parties and indication made on the original of such mailing deliver.
- (2) All written communication to the court shall refer to the title of the case and the case number.

2.050 FILINGS FOR CONSOLIDATED CASES

Cases that are consolidated are consolidated for the purposes of hearing or trial only. All pleadings, memoranda, and other documents applicable to more than one file will be filed in each case under existing captions and case numbers unless otherwise ordered by the court. Unless otherwise ordered by the court, any document applicable to only a single file will be singly filed. It is the duty of counsel to provide the court administrator with sufficient documents to allow filings consistent with this rule or a court order pursuant to this rule.

2.060 AFFIDAVITS

Unless otherwise mandated by statute, an affidavit required by the UTCR need not be notarized, but it must be signed by the affiant and must include a sentence, in prominent letters immediately above the signature of the affiant, that is in substantially the same form as the sentence for declaration under penalty of perjury as specified in ORCP 1 E.

CHAPTER 3 – DECORUM IN PROCEEDINGS

3.010 *PROPER APPAREL*

- (1) All persons attending the court must be dressed so as not to detract from the dignity of court. Members of the public not dressed in accordance with this rule may be excused from the courtroom.
- (2) When appearing in court, all attorneys and court officials must wear appropriate attire.

3.020 *PROPER APPAREL FOR INCARCERATED WITNESSES AND DEFENDANTS APPEARING IN CRIMINAL PROCEEDINGS*

Incarcerated witnesses and defendants appearing for trial must be dressed in neat, clean civilian clothing, unless otherwise ordered by the court.

3.030 *MANNER OF ADDRESS*

During trial, the litigants and litigants' attorneys must not address adult witnesses, jurors or opposing parties by their first names, and, except in voir dire, must not address jurors individually.

3.040 *ADVICE TO CLIENTS AND WITNESSES OF COURTROOM FORMALITIES*

Attorneys must advise their clients and witnesses of the formalities of the court and must encourage their cooperation. Unrepresented parties must similarly advise their witnesses and encourage their cooperation.

3.050 *PROPER POSITION OF PARTIES BEFORE COURT*

Parties must:

- (1) rise from their positions at counsel table and remain standing while addressing the court or the jury, except during voir dire;
- (2) not approach the bench except by permission;
- (3) be allowed to move freely about the courtroom during trial unless otherwise instructed by the court.

3.060 *DEFENDANT IN CRIMINAL TRIAL*

During arraignment, plea and sentence, the defendant must stand unless otherwise permitted by the court.

3.070 *PERSONS PERMITTED WITHIN BAR OF COURT*

- (1) Except as otherwise permitted by the court, during trial of any case or the presentation of any matter to the court, no persons, including members of litigants' families, shall be permitted within the bar of the courtroom, other than clients, attorneys, court personnel and witnesses when called to the stand.
- (2) Unless specifically excluded by the court, during arraignment on criminal matters, a legal assistant, paralegal or third year certified law clerk may be permitted within the bar of the courtroom to assist the city attorney, assistant city attorney or defense attorney in facilitating the arraignment process and providing discovery.

3.080 *PROCEDURES FOR SWEARING WITNESSES*

The swearing of witnesses shall be conducted as a serious ceremony and not as a mere formality. Judges shall, in their discretion, choose and administer an oath which communicates the seriousness of testifying, communicates the witness's moral duty to testify truthfully, and offers the witness the opportunity to "swear, promise or affirm" their agreement with the oath given.

3.090 *UNDUE RECOGNITION OR FAMILIARITY BY JUDGE*

Judges shall refrain from showing undue recognition of or familiarity with any person in the courtroom.

3.100 *PROPER USE OF COURT CHAMBERS*

Except when court business is being conducted, parties must not congregate in the court's chambers or use the facilities or the court's entryway between the chambers and the bench without the permission of the court. This rule does not apply, and other rules are not in effect, when an appropriate City official has provided community access to the courthouse for non-court business.

3.110 CONFERENCES IN CHAMBERS

Conferences may be conducted in chambers and shall be conducted without litigants present unless required by the court, requested by a party and allowed by the court, or otherwise required.

3.120 COMMUNICATION WITH JURORS

- (1) Except as necessary during trial, and except as provided in subsection (2), parties, witnesses or court employees must not initiate contact with any juror concerning any case which the juror was sworn to try. The judge trying the case and court employees may provide procedural information to jurors as necessary for the efficient progress of the trial.
- (2) After a sufficient showing to the court and on order of the court, a party may have contact with a juror in the presence of the court and opposing party when:
 - a) there is a reasonable ground to believe that there has been a mistake in the announcing or recording of a verdict; or,
 - b) there is a reasonable ground to believe that a juror or the jury has been guilty of fraud or misconduct sufficient to justify setting aside or modifying the verdict or judgment.

3.130 DISCLOSURE OF RELATED MATTERS WHEN SEEKING COURT ORDER

When a party seeks to obtain an order from a judge, the party must inform that judge of any ruling, hearing or application for a ruling or hearing before any other judge that concerns the subject of the order requested.

3.140 MOTION TO WITHDRAW, RESIGN, CHANGE, OR SUBSTITUTE ATTORNEYS

- (1) Except as provided in subsection (2), an attorney appointed by this court to represent an indigent defendant shall remain the attorney-of-record until a judgment or final determination is entered in the appropriate record of this court.
- (2) At any time, upon the Court's own motion, or written motion and supporting affidavit of the client or attorney-of-record, for good cause shown, the client or attorney may seek to change, withdraw, resign, or substitute attorneys when:

- a) There is a reasonable ground to believe an ethical conflict has arisen which has irretrievably broken the attorney-client relationship or compels the attorney to seek to resign;
 - b) There is a reasonable ground to believe the client is no longer indigent and is capable of employing his/her own counsel;
 - c) There is a reasonable ground to believe that the administration of justice and the rights of the client would be best served with new counsel; and
 - d) The motion to withdraw is not made for purposes of delay or to frustrate any prior case-related rulings of the court.
- (3) Except as provided in subsection 2, an attorney who is retained and who files the initial appearance for a defendant, or who personally appears for a defendant at arraignment on an offense, is deemed to be that defendant's attorney-of-record, unless at that time the attorney otherwise notifies the court and the City Attorney in open court that he/she is appearing on behalf of the actual attorney-of-record, and shall remain the attorney-of-record until a judgment or final determination is entered in the appropriate record of this court.
- (4) At any time, for good cause shown, the Court may substitute one court-appointed attorney for another, or end an appointment made for indigency if the client no longer qualifies for court appointed counsel on the grounds of indigency.
- (5) When an attorney or defendant seeks to obtain an Order allowing withdrawal, resignation, change or substitution of counsel from this court, the moving party must inform the court of any ruling, hearing or application for a ruling before any other judge that concerns the subject of the order requested. The Municipal Judge shall have final authority.
- (6) When an attorney or defendant seeks to obtain an Order allowing withdrawal, resignation, change or substitution of counsel less than thirty (30) days before trial, the motion shall be presented to the Municipal Judge for final ruling.
- (7) Substitution of one attorney for another in the same law firm shall be made by oral motion at the time of appearance. The court shall grant this motion unless such change works a hardship on any other party. Such substitution shall not be considered grounds for a continuance when made at the time of appearance.

Court records shall continue to reflect the original attorney as the attorney of record until written notice of the motion and order is provided by an attorney or delegate from the firm at issue.

3.150 NO REACTION TO JURY VERDICT

After the jury returns a verdict, all persons present in the courtroom must remain seated until the jury has left the room and must refrain from visibly or audibly reacting to the verdict in a manner which disrupts the dignity of the courtroom.

3.160 EXPLANATION OF PROCEEDINGS TO JURORS

In jury cases, after sustaining a dismissal of the case before verdict, the judge, in dismissing the jury, should, without discussion of the facts, briefly explain the procedure and why a verdict was unnecessary.

3.170 MEDIA OR OTHER PUBLIC ACCESS COVERAGE OF COURT EVENTS

- (1) Public Access Coverage Defined. As used in this rule:
 - a) “Public access coverage” means coverage by means of any public access coverage equipment.
 - b) “Public access coverage equipment” means any of the following in the possession of person other than the court or the court’s staff; television equipment; still photography equipment; audio, video, or other electronic recording equipment.
- (2) Courtrooms. Upon request or on the court’s own motion, after notice to all parties, public access coverage shall be allowed in any courtroom, except as provided under this rule.
 - a) All news media personnel must request permission in advance to take photographs, films, or audio or video recordings in areas under the Court’s control and supervision.
 - b) Requests for media access shall be made to the Court Administrator at least 30 minutes prior to routine trials or hearings and by 3:00 PM of the preceding day for major trials.

- c) Persons who are not members of the news media may not take films, photographs, or audio or video recordings of Court proceedings without special approval from the Court.
- (3) There shall be no media or public access coverage of the following:
- a) Proceedings in chambers.
 - b) Any notes or conversations intended to be private, including, but not limited to, counsel and judge at the bench and conferences involving counsel and their clients.
 - c) Voir dire.
 - d) Any juror anywhere during the course of the trial in which he or she sits.
 - e) Recesses.
- (4) Limitations on Denial of Public Access Coverage in Courtrooms. The Court may deny a request for or terminate public access coverage only after making findings of fact on the record setting forth substantial reasons for the denial. The Court may prohibit public access coverage if there is a reasonable likelihood of any of the following:
- a) The public access coverage would interfere with the rights of the parties to a fair trial or would affect the presentation of evidence or outcome of the trial.
 - b) Any cost or increased burden resulting from the public access coverage would interfere with the efficient administration of justice.
- (5) The Court may summarily prohibit public access coverage of a particular witness only if the judge finds on the record that public access coverage would endanger the welfare of the witness or materially hamper the witness' testimony.
- (6) Equipment and Personnel for Public Access Coverage. The court may limit the location of public access coverage equipment. One pool video camera and one pool still camera and one pool tape recorder may be permitted.
- a) No public access device shall be operated by more than one person.
 - b) No person shall use public access coverage equipment that interferes or distracts from proceedings in the court room.
 - c) The video camera must be mounted on a tripod or other device or installed in the courtroom. The tripod or other device must not be moved while the proceedings are in session. Video equipment must be screened where practicable or located and operated as directed by the court.
 - d) No artificial lighting devices of any kind shall be allowed.

- e) Any pooling arrangement required by limitations on equipment and personnel imposed by the Court or by these rules must be the sole responsibility of the persons seeking public access coverage, without calling upon the judge to mediate any disputes involved therein.
- (7) The Court may impose other restrictions or limitations necessary to preserve the solemnity, decorum, and dignity of the court and to protect the parties, witnesses, and jurors.
- (8) Nothing in these rules is intended to limit the court's contempt powers.

3.180 *USE OF CELL PHONES AND OTHER PERSONAL DATA AND COMMUNICATION DEVICES WHICH HAVE AUDIO RECORDING, PHOTOGRAPHIC OR ANY OTHER VISUAL OR IMAGE RECORDING OR REPRODUCTION CAPABILITY*

- (1) Cell phones and other personal data or communication devices which have audio recording, photographic or any other visual or image recording or reproduction capability:
 - a) constitute public access coverage equipment as used in these rules; and
 - b) must be turned off when entering any courtroom in any facility occupied by the court, and must not be turned on for any use in a courtroom without permission of the Court.
- (2) Cell phones or other telecommunication devices may be used in areas outside of a courtroom without violating this rule provided that such use is restricted to the transmission of the user's oral communication only and does not involve any operation or use of the device's audio recording, photographic or any other visual or image recording or reproduction capability.
- (3) In addition to any other consequence permitted under law or court rules, violators of this rule are subject to being ordered by the court to delete from the device any audio recording, photographic or any other visual or image recording or reproduction made in a court facility.

CHAPTER 4 – PROCEEDINGS IN CRIMINAL CASES

4.010 TIME FOR FILING PRETRIAL MOTIONS IN CRIMINAL CASES

- (1) Motions for pretrial rulings on matters subject to ORS 135.037 and ORS 135.805 to 135.873 must be filed in writing not less than 21 days before trial or within 7 days after arraignment, whichever is later, unless a different time is permitted by the court for good cause shown.
- (2) No hearing will be set for a motion, until the motion has been filed with the court.
- (3) Unless for good cause shown, in order to facilitate compliance with subsection (1), the City Attorney and defendant's counsel shall provide discovery to the defendant, or defendant's counsel if represented, in all criminal matters in accordance with ORS 135.805 and 135.835, et seq.
- (4) It shall be the responsibility of the court to provide discovery to both defense counsel and the City Attorney's office in all court-initiated probation violation matters. Discovery will be provided at arraignment, or as otherwise directed by the court.

4.020 PROCEDURE FOR ORDER OF TRANSPORTATION

- (1) Any motion that a person held in custody be transported from the place of confinement to a designated place must be accompanied by a separate proposed court order directing the officer to transport the person to and from the designated place at the appointed time.
- (2) All proposed orders of transportation must contain the dates and times on which the person in custody is to appear at the designated place and is to be returned to the place of confinement, the exact location of the designated place and, if the person in custody is to appear as a witness in a court proceeding, the caption and number of the case. A person in custody appearing as a witness must be returned to the place of confinement only after execution of an order of release signed by the judge presiding over the court proceeding.

4.030 ORAL ARGUMENT ON MOTIONS IN CRIMINAL CASES

- (1) There must be oral argument if requested by the moving party in the caption of the motion or by a responding party in the caption of the response, except that the court is not required to grant oral argument on a motion to postpone trial. The first paragraph of the motion or response must include an estimate of the time required for argument.

- (2) Counsel for either the City or the defense may request that a motion not requiring testimony be heard by telecommunication. The following apply to a request for oral argument by telecommunication:
 - a) A request must be in the caption of the motion or response. If oral argument by telecommunication is requested, the first paragraph of the motion or response must include the names and telephone numbers of all parties served with the request, a statement whether the office of the requesting person is more than 25 miles from the courthouse, the position of opposing counsel, and if the defendant has waived in writing the right to appear at the hearing.
 - b) A request by counsel for defense must be granted if counsel for defendant represents that the defendant agrees to the procedure and provides a signed waiver of personal appearance, and if counsel for the defendant is located more than 25 miles from the courthouse.
 - c) A request by the City must be granted if both parties agree and counsel for the defense provides a written waiver from the defendant.
- (3) “Telecommunication” must be by telephone or other electronic device that permits all participants to hear and speak with each other.

4.040 *MOTION TO SUPPRESS EVIDENCE*

- (1) All motions to suppress evidence:
 - a) Must make reference to any constitutional provision, statute, SMC, rule, case or other authority upon which it is based; and
 - b) Must be accompanied by the moving party’s brief which must reasonably apprise the court and the adverse party of the arguments and authorities relied upon.
- (2) Any response to a motion to suppress:
 - a) Together with opposing affidavits, if any, upon which it is based must be in writing and must be served and filed not more than 7 days after the motion to suppress has been filed, unless otherwise designated by the court;
 - b) Must state the grounds thereof and, if the relief or order requested is not opposed, wholly or in part, a specific statement to the extent to which it is not opposed; and
 - c) Must make specific reference to any affidavits relied on and must be accompanied by an opposition brief adequate reasonably to apprise the court and moving party of the arguments and authorities relied upon.

- (3) When averments in an affidavit are made upon information and belief, the affidavit must indicate the basis thereof.
- (4) Failure to file a written response shall not preclude a hearing on the merits.

4.050 DISMISSAL OF CHARGES FOLLOWING SUCCESSFUL COMPLETION OF DIVERSION

For any charge dismissed based upon successful completion of diversion for driving under the influence of intoxicants, City Attorney diversion, or any other diversion program, the dismissing instrument must state the basis for dismissal.

4.060 APPEARANCE AT CRIMINAL PROCEEDINGS BY MEANS OF SIMULTANEOUS ELECTRONIC TRANSMISSION

The court may conduct an appearance in a criminal proceeding by the following types of simultaneous electronic transmission, as defined in ORS 131.045, if the transmission complies with the requirements of ORS 131.045, 135.030, 135.360, 135.767, 137.040, and 137.545:

- (1) Telephone;
- (2) Video conference; and
- (3) Internet.

CHAPTER 5 - RESERVED FOR FUTURE USE

CHAPTER 6 – TRIALS

6.010 CONFERENCES/SETTLEMENT CONFERENCES IN CRIMINAL CASES

In any criminal proceeding the parties may request the court to schedule a settlement conference to consider:

- (1) Simplification of the issues;
- (2) The possibility of obtaining stipulations as to the admissibility of certain documents, exhibits or related matters;

- (3) The possible settlement of the case; and,
- (4) Such other matters as may aid in the disposition of the case.

6.020 SUBMISSION AND COPIES OF MOTIONS, BRIEFS, MEMORANDA, AND POINTS AND AUTHORITIES; COPIES TO BE DESIGNATED TRIAL COURT COPY

- (1) A copy of a motion, brief, or memoranda shall be submitted directly to the judge scheduled to hear the matter.
- (2) The copy of the motion and all supporting documentation for the use of the judge shall be designated “TRIAL COURT COPY.”
- (3) Copies shall identify the name of the judge hearing the motion, the time of the hearing, the date of the hearing or the show cause assignment date if it has been set.
- (4) Jury Instructions, Verdict Forms, Trial Memorandums, and similar materials, shall be submitted directly to the judge scheduled to hear the matter prior to jury selection or swearing of first witness in a bench trial.
- (5) Motions in Limine shall be submitted to the court at the Pre-trial conference or at such other time as designated by the court at the time the defendant’s not guilty plea was entered.

6.030 COURT NOTIFICATION ON SETTLEMENT OR CHANGE OF PLEA

- (1) In criminal cases, the parties must notify the court immediately of any decision that a case will be dismissed or a change of plea entered.
- (2) In all criminal jury trial cases, the parties must immediately notify the court of a decision to settle, dismiss, change plea, or otherwise resolve a case. After receipt of a signed waiver of jury trial and notice of intent to plea, the court may release the jury panel summoned for the trial, require the defendant to appear as scheduled for trial to enter the plea and sentence, or authorize the defendant to appear on a different date and time upon signing a new hearing notice.
- (3) If the parties to a jury trial fail to notify pursuant to (2) the court of a settlement before 12:00 p.m. (noon) of the last judicial day preceding a jury trial, or if the case settles after 12:00 p.m. (noon) of such day, the court may assess on one or both parties or their attorneys the per diem fees of bringing in the jury panel for that particular trial.

- (4) In criminal cases, motion to dismiss a pending matter shall be in writing, must note the basis for the motion with particularity, and whether the requested dismissal is with or without prejudice.
- (5) In criminal cases, if there were any pre-trial motions or contested hearings on the matter, the motion to dismiss shall be presented to the judge who heard the motion, or the presiding judge if the pro tem judge who heard the motion is no longer serving as a pro tem, or is otherwise not available.

6.040 *PERSONAL COMMUNICATION DEVICES IN JURY ROOMS DURING DELIBERATIONS AND IN COURTROOMS DURING PROCEEDINGS*

- (1) Unless otherwise permitted by the judge presiding over the trial, personal communication devices (any electronic or other equipment capable of communicating with others outside a jury room, including, but not limited to cell phones and pagers) are not allowed in a jury room during jury deliberations.
- (2) After a jury has been instructed and charged to commence deliberations the courtroom clerk will collect all such devices and retain them in a secure place during deliberations.
- (3) Unless otherwise permitted by the judge presiding over the proceeding, personal communication devices (any electronic or other equipment capable of communicating with others outside a courtroom by transmission of sound or images, including, but not limited to cell phones and pagers) taken into a courtroom by any person shall be turned off upon entering the courtroom and shall remain off until after the person has departed from the courtroom.
- (4) See 3.182 regarding the operation of cell phones and other personal data and communication devices which have audio recording, photographic or any other visual or image recording or reproduction capability.

6.050 *POSTPONEMENT OF TRIAL*

- (1) A request to postpone a trial must be by written motion, unless otherwise allowed by the court.
- (2) A motion to postpone a trial must be signed by the attorney of record and contain a certificate stating that counsel has advised the client of the request and must set forth:
 - a) The date scheduled for trial,

- b) The reason for the requested postponement,
 - c) The dates previously set for trial,
 - d) The date of each previous postponement,
 - e) Whether the opposing counsel objects to the requested postponement, and,
 - f) Whether a specific waiver of speedy trial rights has been previously made.
- (3) If the motion to postpone is based upon a conflicting proceeding in another court, it must set forth, in addition to the information required by subsection (2) of this section:
- a) The name of the court in which the conflict exists,
 - b) The date of the conflict,
 - c) The date on which the other proceeding is to begin,
 - d) The case number and the date of filing of the conflicting case,
 - e) The date on which the conflicting case was set for trial, and
- (4) The motion may be decided by a summary determination without a hearing.

6.060 *RESOLVING SCHEDULING CONFLICTS*

- (1) When a party is scheduled to appear in more than one court at the same time, and has been unable to obtain a postponement in one of the courts, the scheduling conflict will be resolved by the presiding judges of the affected courts on motion of the affected party in both courts.
- (2) In resolving scheduling conflicts, the following must be considered
- a) Statutory preference;
 - b) The custodial status of a criminal defendant;
 - c) The filing date of the case;
 - d) The dates on which the courts sent notices of the trial date;
 - e) The relative complexity of the cases;
 - f) The availability of competent, prepared substitute counsel; and
 - g) The inconvenience to the parties, the witnesses or the court.

6.070 SUBMISSION OF TRIAL MEMORANDA

Trial memoranda, if any, must be filed with the Court Administrator, and copies must be delivered concurrently to the court and to opposing parties.

6.080 SELECTION OF THE JURY

- (1) A trial jury in the Stayton Municipal Court shall consist of six (6) persons, sworn to try and to determine the questions of fact, selected and drawn as provided in SMC.
- (2) Both the defendant and the City are entitled to three peremptory challenges. Peremptory challenges shall be made by secret ballot. The defendant may challenge one juror, and then the City may challenge one juror. After each challenge, the jury panel shall be filled with a juror passed for cause. A party may refuse to exercise a challenge. Subsequently, that party may only challenge such additional jurors as may have been called following that party's refusal.
- (3) Challenges for cause shall be presented to the Court. There shall be no limit to challenges for cause, and the number of challenges for cause shall have no impact on the number of peremptory challenges available under these rules. Challenges for cause shall be decided in the Court's discretion. The Court may dismiss a juror for cause on the Court's own motion.
- (4) All six of the jurors sworn to try the cause must concur to render a verdict.

6.090 PROPOSED JURY INSTRUCTIONS AND VERDICT FORMS

- (1) All requested jury instructions and verdict forms must be in writing and delivered concurrently to the trial judge and to opposing parties.
- (2) The original and one copy of the requested jury instructions and verdict forms must be submitted to the court.
- (3) Requested instructions may include any Uniform Oregon Jury Instruction by reference only to its instruction number and title: such as "Instruction No. 70.04 – Lookout." If the uniform instruction contains blanks or alternative choices, the appropriate material to complete the instruction must be supplied in the request.

- (4) Requested jury instructions, including references to Uniform Oregon Jury Instructions, must be prepared as follows:
 - a) Requested uniform instructions must be identified in accordance with SMCR 6.090(3).
 - b) Instructions, including uniform instructions, must be numbered consecutively, beginning with the number “1” for the first requested instruction.
 - c) Except for requested uniform instructions, not more than one proposed instruction must appear on each sheet of paper.
 - d) If any requested jury instruction requires more than one page to be set out, each of the pages must be numbered at the lower left-hand corner; the number must contain the consecutively assigned requested jury instruction number provided pursuant to subparagraph (b) of this paragraph, followed by a hyphen, followed by the consecutive number for each page.
 - e) The designation of the party requesting the instruction must be typed on each page.
 - f) Below each requested instruction must be a statement citing the statute, decision or other legal authority which supports the requested instruction.
- (5) The court must inform the parties before argument of the instructions that it proposes to give.
- (6) Proposed verdict forms must be prepared without the name of the attorney or the firm or reference to the City Attorney’s office and must be submitted at commencement of trial and as otherwise allowed by the court.

6.100 JURY INSTRUCTIONS

No identifying information relating to the parties or any other extraneous material, including authorities, shall appear on submitted jury instructions.

6.110 MARKING EXHIBITS

- (1) Before the commencement of the trial, parties must mark all exhibits in the following manner:
 - a) Plaintiff’s exhibits must be marked consecutively from 1 through 99.
 - b) Defendant’s exhibits must be marked consecutively from 101 through 199.
 - c) On request, the court must assign additional blocks of numbers.

- d) In cases involving multiple parties or large number of exhibits, the city attorney shall use 1-99; the first-named defendant shall use 101-199; the second-named defendant shall use 201 -299; on so on. If the parties cannot reach agreement, or the number system cannot accommodate the parties, then the court may direct the parties to use any other numbering system not inconsistent with the intent of this section.
- (2) The parties must submit to the court at the time of trial a list of premarked exhibits.
- (3) Exhibits not available at the commencement of trial, exhibits not reasonably anticipated to be used and exhibits intended for impeachment purposes need not be premarked.

6.120 EX PARTE MATTERS

Ex parte matters may be presented as designated by the court.

6.130 EXAMINATION OF WITNESSES

Except for good cause shown, no more than one attorney for each party shall examine a witness or present argument on an issue.

6.140 RECORDING OF TESTIMONY

When good cause is shown, the court may authorize a court reporter to record testimony during a trial, at the requesting party's expense or as authorized by the court.

6.150 DISPOSITION OF EXHIBITS

Unless otherwise ordered, all exhibits shall be returned to the custody of counsel for the submitting parties upon conclusion of the trial or hearing. Counsel to whom any exhibits have been returned must retain custody and control until final disposition of the case or appeal. After disposition of the case, if exhibits have not been returned to the parties, notice shall be sent to the parties of record that, unless they withdraw their respective exhibits within 30 days, the exhibits will be disposed of by the court.

6.160 WEAPONS AND DANGEROUS INSTRUMENTS IN THE COURTROOM

If a party intends to offer into evidence any weapons or other hazardous materials at an evidentiary hearing or trial, before bringing the items into the courtroom, the party must notify the court of the presence and intended use of such item and leave the same outside

the courthouse until the court instructs the party on the method and place to be used as storage prior to submission to the court. And, the party must:

- (1) For weapons:
 - a) All firearms, BB guns, and pellet guns intended to be offered in evidence must be unloaded and either rendered inoperable or have a trigger guard installed.
 - b) Guns and ammunition must be kept separate at all times.
 - c) Knives, scissors, and any other sharp objects that could penetrate the skin must be sealed in puncture-proof containers, provided with secure and protective sheaths, or otherwise rendered harmless.
- (2) For other hazardous materials;
 - a) Hypodermic needles must be provided with covers over needle points and sealed in a transparent puncture-proof bag.

An unbreakable, transparent tube that locks on one end must be provided for safe handling and viewing of chemicals, pharmaceuticals, and biological substances.

6.170 WEAPONS AND HAZARDOUS SUBSTANCES IN COURT FACILITIES

Unless otherwise ordered by the court, no person except a law enforcement officer shall possess in a court facility a firearm, knife, device, or hazardous substance capable of inflicting death or physical injury.

CHAPTER 7 – CASE MANAGEMENT AND CALENDARING

7.010 PLEAS, NEGOTIATIONS, DISCOVERY AND TRIAL DATES IN CRIMINAL CASES

- (1) At the time of arraignment, the court may either accept a not guilty plea and set a trial date or set a date for entry of plea in accordance with subsection (2) of this section.
- (2) Plea agreements, negotiations, discovery, and investigations must be concluded by a date as set by the court which is:
 - a) For defendants in custody, not less than 21 days after arraignment but, in any event, not later than 21 days prior to the trial date; and

- b) For defendants who are not in custody, not less than 35 days after arraignment, but not later than the 35th day prior to the trial date.
- (3) Not later than the date set pursuant to subsection (2), trial counsel must jointly report the following:
 - a) Whether jury trial is requested;
 - b) The probable length of trial;
 - c) The need for a pretrial hearing;
 - d) Any other matter affecting the case.
- (4) Relief from the dates set pursuant to subsection (2) of this rule shall be granted for good cause shown.

7.020 *COMPLEX CASES*

- (1) Any party in a case may apply to the Court to have the matter designated as a “complex case.”
- (2) The criteria used for designation as a “complex case” may include, but are not limited to, the following: the number of parties involved, the complexity of the legal issues, the expected extent and difficulty of discovery, the number of pending charges, and the anticipated length of trial.
- (3) The Court may assign any matter designated a “complex case” to a specific judge who shall thereafter have full or partial responsibility for the case as determined by the Court.

7.030 *NOTIFY COURT OF SETTLEMENTS AND OTHER MATTERS*

The parties shall report immediately to the court any resolution of any matter scheduled on the court’s docket.

**7.040 *AMERICANS WITH DISABILITIES ACT (ADA)
ACCOMODATION***

- (1) If special accommodation under the ADA is needed for an individual in a court proceeding, the party needing accommodation for the individual must notify the court as soon as possible, but no later than four judicial days in advance of the proceeding. For good cause shown, the court may waive the four-day advance notice.
- (2) Notification to the court must provide:

- a) The name of the person needing accommodation;
- b) The case number;
- c) Charges (if applicable);
- d) The nature of the proceeding;
- e) The person's status in the proceeding;
- f) The time, date, and estimated length of the proceeding;
- g) The type of disability needing accommodation; and
- h) The type of accommodation, interpreter, or auxiliary aid needed or preferred.

7.050 FOREIGN LANGUAGE INTERPRETERS

- (1) If a foreign language interpreter is needed for a court proceeding, the party in need of an interpreter must notify the court as soon as possible, but no later than four judicial days in advance of the proceeding. For good cause shown, the court may waive the four-day advance notice.
- (2) Notification to the court must include:
 - a) The name of the person needing an interpreter;
 - b) The case number;
 - c) Charges (if applicable);
 - d) The nature of the proceeding;
 - e) The person's status in the proceeding;
 - f) The time, date, and estimated length of the proceeding; and
 - g) The language to be interpreted.

7.060 INTERPRETERS' REQUESTS FOR INFORMATION

If requested by a neutral court interpreter, parties in criminal cases shall provide a list of specialized terminology expected to be used in the proceeding in which the interpreter will be providing services. The list shall be provided prior to the commencement of the proceeding. The list shall be kept confidential by the interpreter and is not discoverable.

CHAPTERS 8 THROUGH 15 RESERVED FOR LATER USE

CHAPTER 16 – VIOLATIONS

16.010 ATTORNEYS– Violation Cases

A defendant who intends to be represented by an attorney at a traffic or violation trial must provide notification of such intention together with proof of service on the City Attorney and the Chief of Police and must be filed with the Court Clerk in writing no later than 5 days before trial, unless otherwise allowed for good cause.

16.020 TRIALS BY AFFIDAVIT

Pursuant to ORS 153.080, the Stayton Municipal Court will allow trial by affidavit under the following conditions:

- (1) When offender's place of residence is greater than 100 miles from the Stayton Municipal Court.
- (2) Use Waiver and Affidavit forms in Appendix 1 and 2.
- (3) The waiver and affidavit must be received before the summons date on the citation.
- (4) The Court Clerk shall post procedures for the trial by affidavit on its website, as approved by the Court.
- (5) Trials by affidavit for violations, including parking tickets, shall apply to citations filed with the court beginning thirty (30) days after the Court Clerk posts the procedures approved by the Court.

16.030 ARRAIGNMENT AND ARRAIGNMENT APPEARANCE OPTIONS

- (1) Prior to any arraignment date specified on the summons, the defendant may exercise one of the following options to dispose of the case:
 - a) The defendant may file a written plea of no contest and pay the presumptive fine amount on the summons, by mailing the written plea and a check or money order for the fine to the Court. The plea and payment must reach the Court on or before the arraignment date.
 - b) The defendant may enter a written plea of no-contest and submit a written explanation of the incident in mitigation of the penalty and/or request a

reduction based on driving record. A check or money order for the amount indicated on the summons must be included. The letter and plea must reach the Court prior to the arraignment date.

- c) The defendant may enter a written plea of not guilty and request that the matter be set for court trial. Any defendant electing to proceed under this subsection must verify his or her residence address and current mailing address. Defendants may request a court trial either in writing, mailed to the Court, or in person. The request must be received on, or prior to, the arraignment date. A default judgment which exceeds the presumptive fine amount set on the citation may be imposed against a defendant who requests a court trial but fails to appear in court for such proceeding.
- (2) At the date and time set for arraignment on the summons, the defendant may appear in person, or by counsel, and may enter a plea of no-contest or not guilty.
 - a) If the defendant enters a plea of no-contest an explanation or statement may be given in mitigation of the offense charged.
 - b) If the defendant enters a plea of not guilty, a court trial will be scheduled. Subject to the availability of court staff, the defendant or counsel must remain to sign for the trial appearance. When court staffing levels are insufficient due to temporary absences or illness, the Court Clerk may allow for written mailing of court trial notices after receiving verification of the defendant's current mailing and residential address. The defendant or counsel must contact the court if a trial notice and court date is not received within four weeks of the arraignment.

16.040 VIOLATIONS BUREAU

- (1) Pursuant to ORS 153.800, and SMC 2.20.090 the Stayton Municipal Court has the authority to establish a Violations Bureau by Judicial Order. Once issued, a copy of the Judicial Order can be obtained at the Court or from the Court Clerk.
- (2) If the cited person appears personally, a form which records the person's appearance and contains a waiver of trial and plea of no-contest shall be signed and filed with the Court, pursuant to ORS 153.800(5)(a).
- (3) The fine and applicable assessment(s) shall be paid immediately and in full, unless the Court approves a payment plan.

16.050 NOTICE OF REPRESENTATION BY ATTORNEY

- (1) If the defendant is represented by counsel for purposes of a first appearance on

the violation, the attorney may file with the court a notice of representation and enter a plea on behalf of the defendant. The notice and plea must be signed by the attorney and the signed original notice must be filed on or prior to the date of the first appearance set on the summons.

- (2) If a defendant is to be represented by an attorney at trial on a violation, and a notice of representation has not been filed previously, notification in writing of such representation together with proof of service on the City Attorney and the Chief of Police must be filed at least five (5) court days prior to the date of the trial.

16.060 POSTPONEMENTS

Court Trials

The request for a postponement of a court trial must be made to the Court, in writing and must be received more than 7 days prior to the scheduled trial date. The request must demonstrate good cause for the request in order to be granted.

Notice

When the Court grants a postponement, the Court will notify all parties of the action. If the postponement is granted in open court, parties personally present are deemed notified. All witnesses must be notified by the parties of the postponement.

16.070 SETTING ASIDE DEFAULT JUDGMENTS

Except for good cause shown, a defendant against whom a default judgment is entered may request relief from the default judgment, within a reasonable time, not to exceed one year.

16.080 DIVERSION, DEFERRED SENTENCE, ALTERNATIVE DISPOSITION

- (3) The Stayton Municipal Court has established a traffic diversion program, effective with the adoption of these rules. Persons cited are eligible when the following criteria are met:
 - (a) The citation was issued for an offense which occurred after the effective date of these court rules.
 - (b) The offender has not had any moving violations or traffic crimes (including DUII) in the past five (5) years in any state.
 - (c) The offender has not attended or participated in a court-ordered traffic school

within the past ten years in any state; this includes in-person and on-line programs.

- (d) Unless on the offender's motion granted for good cause shown, or on the court's own motion, the following are excluded from the traffic diversion program:
 - i) Violations occurring in a school zone, work zone, or safety corridor
 - ii) Violations involving an accident; and
 - iii) Violations of the open container and careless driving laws.
 - (e) The offender has no other pending motor vehicle citation(s) in this or any other court.
 - (f) The offender pleads no contest to the traffic offense.
 - (g) The offender pays the fine set by the court for the offense.
 - (h) The offender attends, completes, and provides proof of completion of a court mandated traffic safety program.
 - (i) The offender receives no motor vehicle citations within the next 180 days.
- (2) Successful completion of the traffic diversion program will result in a dismissal of the moving violation. Non-completion of the traffic diversion program will result in a conviction of the offense and the full presumptive fine will be imposed.
 - (3) There will be no extensions for this program without order of the Municipal Judge.
 - (4) If the Court determines that a defendant was not eligible for the program, the court shall revoke the diversion and impose the full presumptive fine. The court may refer the case to the City Attorney's office or designee for criminal prosecution.

16.090 *PRETRIAL MOTIONS AND DEMURRERS*

The rules regarding pretrial motions and demurrers in criminal cases, shall apply to violations with respect to any pretrial motion or demurrer applicable by law in a violation case.

- (1) A motion to dismiss a violation citation, which is not a part of a criminal proceeding, that is based upon officer error (i.e. cited defendant to the wrong court), may be submitted by the officer with a supporting memo advising the court whether the violation has been served a new citation or if no intent to recite.

- (2) A motion to dismiss a violation citation, which is not a part of a criminal proceeding, unless otherwise allowed by the court, must state the basis for the motion with particularity, and if being made by anyone other than the issuing officer, must include a Certificate of Service showing the Chief of Police has been served with a copy of the motion.

CHAPTER 17 –PARKING VIOLATIONS

17.010 PARKING CITATIONS – DEFENDANT’S APPEARANCE

- (1) A person receiving a parking citation issued pursuant to SMC, has two options to appear:
 - a) Plead no contest by paying in full the bail indicated on the citation, either by mailing or personally delivering the payment, together with the citation. All pleas and payments must be received before the 14th day after the issuance of the citation.
 - b) Request a court hearing by personally appearing before the court, or sending a written request received by the court, on or before the 14th day after the issuance of the parking citation.
- (2) An Order for impoundment of a vehicle pursuant to SMC, may be issued pursuant to SMCR 17.030 if the defendant does not appear in a manner indicated in this rule.

17.020 DISMISSAL OF A PARKING CITATION BEFORE TRIAL

- (1) The Court, may dismiss parking citations without the appearance of the defendant in the following instances:
 - a) The parking citation was issued prior to release of title interest and transfer of possession of the vehicle to the new owner, but the new owner is named as the defendant on the notice of delinquency. However, the new owner’s failure to submit an application for title to the Oregon Department of Motor Vehicles (“DMV”) within 30 days of the transferor’s release of interest shall not be grounds for summary dismissal of the citation and an appearance shall be required;
 - b) The parking citation was issued subsequent to the release of title interest and transfer of possession to the new owner but the named defendant on the notice

of delinquency is the prior owner. A prior owner who provides documentation described in SMCR 17.020(4), below, shall not be subject to liability under this Chapter, for the parking of the vehicle by another person;

- c) There was no vehicle license number or other registration number written on the citation;
- d) The vehicle license number written on the citation does not correspond to the vehicle registration information filed with the DMV ;
- e) No violation is indicated on the parking citation;
- f) The parking citation was issued to a vehicle that was reported to the police as stolen within 24 hours of the date and time listed on the citation or was issued on a date when the status of the vehicle remained listed as stolen, and a stolen report was on file with the Stayton Police Department;
- g) A parking citation was issued to a vehicle on government business of such urgency that the driver was prevented from complying with parking regulations. Routine, scheduled court appearances, such as grand jury proceedings, motion hearings, or trials, shall not constitute “government business of such urgency that the driver was prevented from complying with parking regulations.”
- h) The court received a written request for dismissal of the citation from the issuing officer explaining the specific error in the issuance of the parking citation, together with the approval of the citing officer’s supervisor; or
- i) The exemption or privilege in ORS 811.635 for the holder of a disabled person parking permit is applicable to the type of parking offense cited and the registered owner or other recipient of the ticket provides proof to the clerk of the court of a valid disabled person parking permit at the time of the violation. This includes:
 - i. Overtime tickets unless the zone allows parking for only 30 minutes or less; or
 - ii. Parking in a disabled zone pursuant to ORS 811.615(1)(a); or
 - iii. Disabled zone parking offense cited under SMC _____ if a disabled person was being transported; or
- k) A parking citation was issued for unlawful use or misuse of a disabled person parking permit for parking in a manner that would otherwise be a privilege for a permit holder and the registered owner or other recipient of the ticket provides proof to the clerk of the court of renewal of an expired disabled parking permit.

- (2) The Court may dismiss the parking citations listed in SMCR 17.020(1) by signing a list containing the license numbers of the vehicles and the reasons for the dismissals
- (3) The Court Clerk as authorized by the Court.
- (4) When a parking citation is subject to dismissal under SMCR 17.020(1) (a) or (b), above, the person receiving the notice of citation must bring the parking citation(s) and relevant documents relating to the transfer of the vehicle, including title, bill of sale or contract and vehicle registration if available, to the court. Proof that the prior owner notified the DMV of the transfer of the vehicle as required by Oregon law, together with proof of delivery of possession of the vehicle and assignment of title to a transferee, shall exempt the prior owner from liability for the parking of the vehicle by another person, provided the date of issuance of the parking citation is subsequent to the date of transfer of the vehicle reported by the prior owner.
- (5) In all cases, the Court may order a hearing to prevent abuse of the summary dismissal proceedings.

17.030 TOWING AND IMPOUNDMENTS

The court may order a vehicle towed if the registered owner or any other person, has not paid the bail or fine.

17.040 NOTICE OF REPRESENTATION BY AN ATTORNEY

An attorney representing a person in a parking citation case must notify the Court in writing of the representation at least five days before the date of trial. The notification must certify that a copy has been delivered to the Chief of Police and City Attorney's office.

17.050 POSTPONEMENTS AND OTHER MOTIONS

- (1) When requested at least five days prior to the scheduled trial date for a parking citation, a person may obtain a single postponement of the court hearing. Such requests may be made in writing or by appearing personally at the court. The person making the request must state a reason for the postponement.
- (2) At any time before the trial date, the person cited, whether or not represented by counsel, may withdraw a not guilty plea or remove the case from the court docket by following the procedure for mail pleas set out in SMCR 17.010. The Court

will notify the police officers, the parking enforcement officers and volunteers and the City Attorney, as appropriate.

- (3) A person whose car has been ordered impounded by the Court may appear personally at the court and request that the matter be placed on the docket for hearing.

17.060 HEARING PROCEDURE IN PARKING CITATION CASES

- (1) In trial, the judge may take an active role in questioning the witnesses to insure substantial justice will be done.
- (2) Jury trials are not permitted in parking citation cases.
- (3) Parking citations issued against a particular defendant's vehicle may be consolidated for trial only at the discretion of the Court.

17.070 FAILURE TO APPEAR

The registered owner of a vehicle for which a parking citation is issued, is required to appear, as described in SMCR 17.010, above, on the cited offense. If the registered owner of a vehicle for which a parking citation has been issued, or any other person, fails to appear to answer the citation within 14 days, the court may, after written notice to the named defendant at the address maintained in the records of DMV, enter a default judgment against the defendant. Judgments may be assigned to an external resource for collection. Unless otherwise ordered by the court, a judgment of conviction on the parking citation shall be entered against the registered owner of the vehicle.

CHAPTER 18 RESERVED FOR LATER USE

CHAPTER 19 – CONTEMPT PROCEEDINGS

19.010 SCOPE, CONSTRUCTION, APPLICATION

- (1) The rules in this Chapter govern contempt proceedings under ORS 33.015 – 33.155 and SMC 2.20.060 and are intended to promote efficient and fair resolution of contempt proceedings. The rules in this Chapter will be changed only by action of the Stayton Municipal Judge.
- (2) The rules in this Chapter do not preclude the Court from exercising its inherent authority in contempt proceedings over matters not covered by rule or statute, so long as that exercise fosters efficient and fair resolution of the matter.

19.020 INITIATING INSTRUMENT REQUIREMENTS

- (1) In addition to any other requirements for initiating instruments, the initiating instrument in a contempt proceeding under ORS 33.055 (remedial) or ORS 33.065 (punitive) must state:
 - a) The maximum sanction(s) that the party seeks;
 - b) Whether the party seeks a sanction of confinement; and
 - c) As to each sanction sought, whether plaintiff considers the sanction remedial or punitive.
- (2) Maximum Penalty Imposed

The court shall not impose a sanction greater than the sanction sought. A punitive sanction is presumed greater than a remedial sanction. A punitive sanction of confinement is presumed greater than other punitive sanctions. A remedial sanction of confinement is presumed greater than other remedial sanctions.

19.030 ALLOWING REMEDIAL SANCTIONS

Rules that apply to allowing remedial sanctions in a proceeding for only remedial sanctions under ORS 33.055 also apply to allowing remedial sanctions in a proceeding for punitive sanctions under ORS 33.065.

19.040 APPLICABILITY OF ORCP AND OTHER UTCR

- (1) To the extent rules in the Chapter are inconsistent with other applicable rules; the rules in this Chapter govern contempt proceedings under ORS 33.015 to ORS 33.155. Except as otherwise provided in this chapter:

- a) Oregon Rules of Civil Procedure (ORCP) and Oregon Rules of Appellate Procedure (ORAP) apply respectively to original contempt proceedings for remedial sanctions under ORS 33.055;
 - b) UTCR and ORAP that govern criminal proceedings apply respectively to original contempt proceedings for punitive sanctions under ORS 33.065.
- (2) On its own motion or that of a party in a contempt proceeding for remedial sanctions, the court may determine that a specific rule of procedure would not foster the fair and efficient resolution of the contempt proceeding.
- a) When the court makes that determination, it may modify the specific rule or adopt a different rule for all or part of the proceeding, so long as the modified or new rule fosters the fair and efficient resolution of the proceeding. Under this rule, the court may increase or decrease time limits or may limit or exclude responsive pleadings, or both, and may also modify other rule provisions.
 - b) The court must give all parties to the proceeding notice that describes the modified or new rule. The notice must be in writing or at such time as the court becomes a court of record, on the record, or both.

CHAPTER 20 THROUGH 21 – RESERVED FOR FUTURE USE

CHAPTER 22 – COURT-APPOINTED ATTORNEY BILLINGS

22.010 COURT-APPOINTED ATTORNEY BILLINGS

- (1) Appointed counsel is compensated pursuant to SMC. As in SMC certain expenses need preauthorization before expenses are incurred. Appointed counsel is responsible for all reasonable and necessary expenses that are ordinary and related to the preparation and presentation of the case.
- (2) The Municipal Court is sustained by appropriated funds by City Council through the City’s budget process. If the court believes appropriated funds will not be sufficient to sustain the Court’s operation the court will seek additional funding through a supplemental request to City Council. If City Council does not appropriate sufficient funds, the court will fashion a remedy that is fair and

equitable among all appointed counsel. The court will reasonably consult with appointed counsel regarding funding shortages.

- (3) Billing of all services shall be submitted upon completion of a case. For all cases in which services are completed, appointed counsel must submit payment requests to the court within 60 days of the date the court enters in the register of actions:
 - a) an order allowing or requiring counsel to withdraw; or
 - b) final judgment
- (4) When services to the client are suspended because the client enters into a program or agreement which delays final adjudication, counsel may submit payment requests to the court within 90 days.
- (5) When the client fails to appear or the court issues a warrant, counsel may bill no earlier than 21 days but no later than 90 days from the date the person fails to appear or issues a warrant.
- (6) Billing packets will include the following:
 - a) Affidavit and form of Order for Compensation
 - b) Supporting documentation which includes:
 - i) Date of event
 - ii) Description of event
 - iii) Hours/time for task or partial hour
 - iv) Rates for attorney's fees and support
 - v) Additional expenses
 - vi) Extended billing amount per line item
 - vii) Total amount billed
- (5) Billing will be printed and legible. Total time billed divided among several defendants on a pro rata basis for a court appearance and shall not exceed the actual time in court, nor shall double billing for an activity be submitted.
- (6) As a general policy the court will not pay interim requests for attorney fees and expenses except as authorized by the judge.
- (7) Counsel may not bill for matters on appeal at circuit court, except for the purposes of perfecting the appeal. Circuit court will appoint counsel if defendant qualifies for such counsel.

- (8) The court will return requests submitted late unless counsel submits a written explanation showing good cause to excuse delay. The judge will review the written explanation and approve or disallow payment based upon the reason.
- (9) Out-of-Court attorney/client communication which requires interpreter services should be billed directly to the court by the interpreter using the prescribed form as back-up to the billing, except as otherwise authorized by the court.

APPENDIX 1 - Defendant's Waiver of Oral Testimony

**IN THE MUNICIPAL COURT OF THE CITY OF STAYTON
COUNTY OF MARION, STATE OF OREGON**

City of Stayton)	DEFENDANT’S WAIVER OF ORAL
)	TESTIMONY (Trial by Affidavit)
Plaintiff)	
V)	Case/Citation # _____
_____)	
Defendant)	

I have pled **NOT GUILTY** and I hereby waive my rights to have testimony presented in open Court and authorize testimony to be in the form of an affidavit. I realize by signing this waiver that the officer may file an affidavit and not appear in Court. I also realize that I need not appear in person, but may appear by affidavit.

I further state my intentions as follows:

- I waive my right to be present at a hearing and declare that I will submit to the Court my affidavit containing my testimony and affidavits of witnesses, if any, to the Court within thirty (30) days of today’s date, and if I fail to submit said affidavit within thirty (30) days, I authorize the Court to decide whether I am guilty or not guilty based upon the contents of my file. I understand the Court will also consider the officer’s affidavit in deciding whether I am guilty or not guilty.

- I do not waive my right to be present at a hearing and request that I be notified of the date and time of hearing. I waive my right to have the officer testimony presented orally in court.

I CERTIFY THAT I HAVE READ THE ABOVE AND WAIVE MY RIGHT TO HAVE TESTIMONY PRESENTED IN OPEN COURT. I REQUEST THAT THIS MATTER BE DECIDED AS STATED ABOVE.

Dated: _____

_____	Signature	Print Name
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Mailing Address	City, State, Zip Code
IN THE MUNICIPAL COURT OF THE CITY OF STAYTON COUNTY OF MARION, STATE OF OREGON	
_____ Stayton, Oregon 97383	

City of Stayton)	DEFENDANT’S AFFIDAVIT
)	(Trial by Affidavit)
Plaintiff)	
V)	Case/Citation # _____
_____)	
Defendant)	

APPENDIX 2 - Defendant's Affidavit



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Christine Shaffer, Finance Director
DATE: June 16, 2014
SUBJECT: Monthly Staff Report

Attached are the month-end reports for the major operating funds of the City. I have identified the following funds as the major operating funds: General Fund, Public Works Administration Fund, Library Fund, Water Fund, Sewer Fund, Street Fund and Swimming Pool Fund. If you have any questions, please let me know.

Departmental activity:

Utility Billing:	April 2014	May 2014
Number of Bills sent out	2,566	2,509
Delinquent Notices sent out	501	468
Courtesy Delinquent Notices sent to Landlords	211	147
Notified of Impending Shut off & Penalty	93	126
Customers with Interrupted Services Non-Payment	16	20
Services still Disconnected	0	0

Accounts Payable:

Number of Checks Issued	169	167
Total Amount of Checks	\$837,409.84	\$239,453.96

CITY OF STAYTON
FUND SUMMARY
FOR THE 11 MONTHS ENDING MAY 31, 2014

GENERAL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	1,700,078.82	1,671,970.00	(28,108.82)	101.7
CHARGES FOR SERVICES	3,907.25	7,200.00	3,292.75	54.3
GRANTS & CONTRIBUTIONS	382.00	1,500.00	1,118.00	25.5
FRANCHISE FEES	796,394.29	767,000.00	(29,394.29)	103.8
LICENSES, PERMITS & FEES	14,536.27	16,000.00	1,463.73	90.9
FINES & FORFEITURES	53,874.30	40,500.00	(13,374.30)	133.0
INTERGOVERNMENTAL	164,687.96	166,400.00	1,712.04	99.0
INTEREST	(218.33)	500.00	718.33	(43.7)
MISCELLANEOUS/TRANSFERS	388,860.11	392,195.00	3,334.89	99.2
	<u>3,122,502.67</u>	<u>3,063,265.00</u>	<u>(59,237.67)</u>	<u>101.9</u>
<u>EXPENDITURES</u>				
NON-DEPARTMENTAL	328,604.58	404,000.00	75,395.42	81.3
ADMINISTRATION	305,996.27	429,356.00	123,359.73	71.3
POLICE	1,680,958.77	1,915,047.00	234,088.23	87.8
PLANNING	119,253.89	157,771.00	38,517.11	75.6
COMMUNITY CENTER	46,727.02	58,398.00	11,670.98	80.0
PARKS	118,887.09	152,706.00	33,818.91	77.9
STREET LIGHTING	85,695.79	116,685.00	30,989.21	73.4
	<u>2,686,123.41</u>	<u>3,233,963.00</u>	<u>547,839.59</u>	<u>83.1</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2014

PUBLIC WORKS ADMINISTRATION

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
INTEREST	138.14	100.00	(38.14)	138.1
MISCELLANEOUS/TRANSFERS	413,000.00	414,000.00	1,000.00	99.8
	<u>413,138.14</u>	<u>414,100.00</u>	<u>961.86</u>	<u>99.8</u>
<u>EXPENDITURES</u>				
DEPARTMENT 80	374,247.46	429,908.00	55,660.54	87.1
	<u>374,247.46</u>	<u>429,908.00</u>	<u>55,660.54</u>	<u>87.1</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2014

LIBRARY FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	144,781.05	145,000.00	218.95	99.9
CHARGES FOR SERVICES	79,470.75	78,883.00	(587.75)	100.8
GRANTS & CONTRIBUTIONS	25,655.00	25,200.00	(455.00)	101.8
LICENSES, PERMITS & FEES	12,371.50	13,500.00	1,128.50	91.6
FINES & FORFEITURES	13,733.91	15,000.00	1,266.09	91.6
INTERGOVERNMENTAL	.00	1,339.00	1,339.00	.0
INTEREST	313.38	400.00	86.62	78.4
MISCELLANEOUS/TRANSFERS	119,525.05	120,500.00	974.95	99.2
	<u>395,850.64</u>	<u>399,822.00</u>	<u>3,971.36</u>	<u>99.0</u>
 <u>EXPENDITURES</u>				
DEPARTMENT 80	<u>376,029.56</u>	<u>468,189.00</u>	<u>92,159.44</u>	<u>80.3</u>
	<u>376,029.56</u>	<u>468,189.00</u>	<u>92,159.44</u>	<u>80.3</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2014

WATER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	1,608,644.00	1,745,000.00	136,356.00	92.2
LICENSES, PERMITS & FEES	32,283.25	29,000.00	(3,283.25)	111.3
INTEREST	3,368.12	3,500.00	131.88	96.2
MISCELLANEOUS/TRANSFERS	8,984.81	11,000.00	2,015.19	81.7
	<u>1,653,280.18</u>	<u>1,788,500.00</u>	<u>135,219.82</u>	<u>92.4</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	<u>1,738,495.09</u>	<u>1,952,300.00</u>	<u>213,804.91</u>	<u>89.1</u>
	<u>1,738,495.09</u>	<u>1,952,300.00</u>	<u>213,804.91</u>	<u>89.1</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2014

SEWER ENTERPRISE FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	2,716,380.94	2,866,680.00	150,299.06	94.8
LICENSES, PERMITS & FEES	5.00	.00	(5.00)	.0
INTEREST	10,444.74	9,000.00	(1,444.74)	116.1
MISCELLANEOUS/TRANSFERS	6,545.24	12,500.00	5,954.76	52.4
	<u>2,733,375.92</u>	<u>2,888,180.00</u>	<u>154,804.08</u>	<u>94.6</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	2,886,978.18	3,459,805.00	572,826.82	83.4
	<u>2,886,978.18</u>	<u>3,459,805.00</u>	<u>572,826.82</u>	<u>83.4</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2014

STREET FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
CHARGES FOR SERVICES	78,602.14	84,000.00	5,397.86	93.6
INTERGOVERNMENTAL	493,206.88	481,269.00	(11,937.88)	102.5
INTEREST	833.48	200.00	(633.48)	416.7
MISCELLANEOUS/TRANSFERS	36,060.38	70,250.00	34,189.62	51.3
	<u>608,702.88</u>	<u>635,719.00</u>	<u>27,016.12</u>	<u>95.8</u>
 <u>EXPENDITURES</u>				
DEPARTMENT 80	<u>518,457.00</u>	<u>659,063.00</u>	<u>140,606.00</u>	<u>78.7</u>
	<u>518,457.00</u>	<u>659,063.00</u>	<u>140,606.00</u>	<u>78.7</u>

CITY OF STAYTON
 FUND SUMMARY
 FOR THE 11 MONTHS ENDING MAY 31, 2014

SWIMMING POOL FUND

	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>				
PROPERTY TAXES	149,545.36	149,000.00	(545.36)	100.4
CHARGES FOR SERVICES	290.00	.00	(290.00)	.0
INTEREST	432.53	250.00	(182.53)	173.0
MISCELLANEOUS/TRANSFERS	15,000.00	15,000.00	.00	100.0
	<u>165,267.89</u>	<u>164,250.00</u>	<u>(1,017.89)</u>	<u>100.6</u>
<u>EXPENDITURES</u>				
DEPARTMENT 86	178,390.22	233,057.00	54,666.78	76.5
	<u>178,390.22</u>	<u>233,057.00</u>	<u>54,666.78</u>	<u>76.5</u>



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Christine Shaffer, Finance Director
DATE: June 16, 2014
SUBJECT: Informational: Cost of living increases (COLA) July 1, 2014

BACKGROUND INFORMATION:

American Federation of State, County & Municipal Employees (AFSCME) local #3222 union collective bargaining agreement for July 1, 2011 through June 30, 2014 includes an annual COLA increase due on July 1, 2014 based on the CPI-W percentage of change from May 1, 2013 through April 30, 2014. The CPI calculation sheet has been included this year's COLA to be awarded is 1.4%.

The Stayton Police Officers Association (SPOA) collective bargaining agreement for July 1, 2012 through June 30, 2015 includes an annual COLA increase effective July 1, 2014 of 2%. The SPOA COLA is not based on the CPI.

Unless there are objections, staff will process the necessary documents to award the Management COLA and the AFSCME COLA at 1.4% and the SPOA COLA at 2% July 1, 2013. The City of Stayton 2014- 15 Adopted Budget is budgeted to allow for the contractual increases.



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Rich Sebens, Chief of Police
DATE: June 16, 2014
SUBJECT: June Staff Report

ISSUE

Below you will see the stats for the Police Department for the month of April.

	May 2014	Year to Date 2014	May 2013	Year to Date 2013
Police Activity	653	3312	908	4105
Investigated Incidents	153	1178	NA	NA
Citations/Warning	92	543	220	1215
Traffic Accidents	4	28	8	39
Juvenile Abuse	5	14	1	14
Arrests	43	251	59	359
Reserve Volunteer Hours	256.50	1293.00	347.10	1794.10
Citizen Volunteer Hours	39	100	23	231.25
Peer Court Referrals:	7	15	3	7

**STAYTON POLICE DEPARTMENT
CONSOLIDATED MONTHLY CATEGORIZED REPORT-NIBRS
5/1/2014 - 5/31/2014**

	CRIMES		CRIMES CLEARED				PERCENT CLEARED				PERSONS ARRESTED			
	1/1/14 to 5/31/14		1/1/13 to 5/31/13		1/1/14 to 5/31/14		1/1/13 to 5/31/13		5/1/14 to 5/31/14		1/1/14 to 5/31/14		5/1/14 to 5/31/14	
	5/1/14 to 5/31/14	% Change Yr to Yr	5/1/14 to 5/31/13	% Change Yr to Yr	5/1/14 to 5/31/14	5/1/13 to 5/31/13	5/1/14 to 5/31/14	5/1/13 to 5/31/13	Juv	Adult	Total	Juv	Adult	Total
NON-CRIMINAL														
ACCIDENT-INJURY	0	4 25.0%	5	4	5	4	25.0%							
ACCIDENT-PROPERTY	1	17 -5.9%	16	17	16	17	-5.9%							
ALL OTHER NON-CRIMINAL	65	1,205 -37.8%	750	1,205	750	1,205	-37.8%							
NON CRIM DOMESTIC DISTURB	2	47 -42.6%	27	47	27	47	-42.6%							
NON-CRIMINAL TOTALS	68	1,273 -37.3%	798	1,273	798	1,273	-37.3%							
PERSON														
AGGRAVATED ASSAULT	3	7 14.3%	8	7	8	7	14.3%	3	8	7	100.0%	0	5	5
KIDNAPPING	1	2 50.0%	3	2	3	2	50.0%	1	3	2	100.0%	0	1	1
NEGLIGENT MANSLAUGHTER	0	0 0.0%	0	0	0	0	0.0%	0	0	0	0.0%	0	0	0
OFFENSE AGAINST FAMILY	0	1 -100.0%	0	1	0	1	-100.0%	0	0	1	0.0%	0	0	0
OTHER ASSAULTS	7	30 6.7%	32	30	27	25	84.4%	5	27	25	83.3%	2	5	7
RAPE	1	0 0.0%	2	0	0	1	0.0%	0	1	0	50.0%	0	0	0
RESTRAINING ORDER VIOLATION	1	4 -50.0%	2	4	0	0	-50.0%	0	0	3	0.0%	0	0	0
ROBBERY	0	1 -100.0%	0	1	0	1	-100.0%	0	0	1	0.0%	0	0	0
SEX OFFENSES	4	5 100.0%	10	5	1	2	100.0%	0	1	2	10.0%	1	1	2
PERSON TOTALS	17	50 14.0%	57	50	9	40	41	52.9%	40	41	70.2%	3	12	15
PROPERTY														
ARSON	0	1 0.0%	1	1	0	1	0.0%	0	1	1	100.0%	0	0	0
BURGLARY - BUSINESS	0	2 50.0%	3	2	0	1	50.0%	0	1	1	33.3%	0	0	0
BURGLARY - OTHER STRUCTURE	0	4 25.0%	5	4	0	1	25.0%	0	0	1	0.0%	0	0	0
BURGLARY - RESIDENCE	2	9 144.4%	22	9	0	2	4.5%	0	1	2	22.2%	0	0	0
COUNTERFEITING/FORGERY	0	7 -28.6%	5	7	0	1	-28.6%	0	1	1	20.0%	0	0	0
FRAUD	3	31 -16.1%	26	31	1	6	13	33.3%	6	13	23.1%	0	1	1
LARCENY														
Pickpocket	0	1 -100.0%	0	1	0	0	-100.0%	0	0	0	0.0%	0	0	0
Purse Snatching	0	2 -100.0%	0	2	0	0	-100.0%	0	0	0	0.0%	0	0	0
Shoplifting	6	41 -48.8%	21	41	3	13	27	50.0%	13	27	61.9%	2	3	5
Theft from a Motor Vehicle	11	31 22.6%	38	31	0	1	2	0.0%	1	2	2.6%	0	0	0
Theft of MV Parts/Accessories	0	5 0.0%	5	5	0	0	0.0%	0	0	0	0.0%	0	0	0
Theft of Bicycle	5	2 600.0%	14	2	0	0	600.0%	0	0	0	0.0%	0	0	0
Theft from Building	3	10 -16.7%	10	12	1	2	-16.7%	1	2	5	20.0%	0	0	0
All Other Larceny	11	56 -12.5%	49	56	4	10	13	36.4%	10	13	20.4%	0	5	5
PROPERTY TOTALS	11	166 14.0%	127	166	9	41	41	52.9%	41	41	70.2%	3	12	15

	CRIMES			CRIMES CLEARED BY ARREST & EXCEPTION			PERCENT CLEARED			PERSONS ARRESTED					
	5/1/14 to 5/31/14	1/1/14 to 5/31/14	1/1/13 to 5/31/13 % Change Yr to Yr	5/1/14 to 5/31/14	1/1/14 to 5/31/14	1/1/13 to 5/31/13	5/1/14 to 5/31/14	1/1/14 to 5/31/14	1/1/13 to 5/31/13	5/1/14 to 5/31/14	1/1/14 to 5/31/14	1/1/13 to 5/31/13			
	Juv	Adult	Total	Juv	Adult	Total	%	%	%	Juv	Adult	Total			
PROPERTY TOTALS	50	243	265	-8.3%	12	53	82	24.0%	21.8%	30.9%	3	11	14	50	87
SOCIETY															
ALL OTHER	8	80	98	-18.4%	1	23	63	12.5%	28.8%	64.3%	0	4	4	14	26
ANIMAL	0	1	1	0.0%	0	1	1	0.0%	100.0%	100.0%	0	0	0	0	1
CURFEW	2	3	10	-70.0%	2	3	10	100.0%	100.0%	100.0%	4	0	4	4	13
CUSTODY-MENTAL	0	4	4	0.0%	0	4	4	0.0%	100.0%	100.0%	0	0	0	4	4
CUSTODY-PROTECTIVE	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0
DISORDERLY CONDUCT	6	17	13	30.8%	6	17	13	100.0%	100.0%	100.0%	2	6	8	22	16
DR WHILE SUSP	1	5	12	-58.3%	1	5	12	100.0%	100.0%	100.0%	0	1	1	4	12
DRIVING UNDER INFLUENCE	3	20	20	0.0%	3	20	20	100.0%	100.0%	100.0%	0	3	3	20	20
ELUDING	0	0	3	-100.0%	0	0	3	0.0%	0.0%	100.0%	0	0	0	0	4
ESCAPE	0	1	1	0.0%	0	1	1	0.0%	100.0%	100.0%	0	0	0	1	1
FAIL TO DISPLAY DL	0	0	2	-100.0%	0	0	2	0.0%	0.0%	100.0%	0	0	0	0	2
FUGITIVE	0	0	0	0.0%	0	0	0	0.0%	0.0%	0.0%	2	13	15	78	17
HIT & RUN	3	12	18	-33.3%	0	0	4	0.0%	0.0%	22.2%	0	0	0	0	2
LIQUOR LAWS	2	7	2	250.0%	1	6	2	50.0%	85.7%	100.0%	0	1	1	10	3
MIP TOBACCO	0	4	14	-71.4%	0	4	14	0.0%	100.0%	100.0%	0	0	0	5	12
NARCOTICS/DRUGS	2	23	35	-34.3%	2	22	31	100.0%	95.7%	88.6%	1	1	2	38	39
PROP RECOV - FOR OTHER AGENCY	0	3	3	0.0%	0	0	1	0.0%	0.0%	33.3%	0	0	0	0	0
RECKLESS DRIVING	1	4	0	0.0%	0	3	0	0.0%	75.0%	0.0%	0	0	0	3	0
RUNAWAY	2	7	23	-69.6%	1	6	21	50.0%	85.7%	91.3%	2	0	2	8	19
SEX OFFENSES	0	0	1	-100.0%	0	0	0	0.0%	0.0%	0.0%	0	0	0	0	0
TRESPASS	1	15	26	-42.3%	1	11	18	100.0%	73.3%	69.2%	0	1	1	6	13
VEH RECOV - FOR OTHER AGENCY	0	0	2	-100.0%	0	0	1	0.0%	0.0%	50.0%	0	0	0	0	0
WARRANT	14	60	63	-4.8%	14	59	63	100.0%	98.3%	100.0%	0	0	0	2	64
WEAPONS	2	7	7	0.0%	2	6	6	100.0%	85.7%	85.7%	0	2	2	4	4
SOCIETY TOTALS	47	273	358	-23.7%	34	191	290	72.3%	70.0%	81.0%	11	32	43	223	272
GRAND TOTALS	182	1,371	1,946	-29.5%											



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Jennifer Russell, Public Works Administrative Assistant
DATE: June 16, 2014
SUBJECT: Public Works Monthly Operating Report for May

KEY ACTIVITIES

STATUS

- **WWTP Facility** Effluent flows: 39.23 million gallons were treated during May. The highest flow was 1.71 million gallons on May 1st, and the lowest flow was .87 million gallons on May 30th. The average flow was 1.27 million gallons. Total rainfall for April was 3.88 inches.
- **WTP** Highest production day was 2,564,000 on the 23rd.
- **Water System** We replaced 4 meters this month. Repair to a water service on Noble. Replaced a meter stop at 1110 Wyatt. Removed 4 valves and abandoned water lines at Evergreen and W. Washington. This completes the water project on W. Washington from Evergreen to First Ave.
- **Streets** Swept 150 curb miles and removed approximately 22 cubic yards of material.
- **Parks** Volunteers: SHS Life Skills – 67.5 hours
- **Building Permits**

<u>Permit Type</u>	<u>Issued</u>	<u>SDC's Paid</u>
New Single Family Dwelling	2	\$24,320.00
Residential Building Addition/Alter/Other	2	0
Commercial Building Addition/Alter/Other	1	0
Electrical	0	0
Mechanical	0	0
Plumbing	1	0
TOTAL	6	\$24,320.00

One (1) Residential SDC = \$11,065 + \$670.00 for Mill Creek SDC



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Dan Fleishman, Planning and Development Director
DATE: June 16, 2014
SUBJECT: Report of Activities for May, 2014

Enforcement Activity Highlights

Three certified Notices of Violation and Orders of Abatement sent for unmowed vegetation
Eleven letters sent for unmowed vegetation
One letter and a certified Notice of Violation and Order of Abatement sent rubbish
One letter sent for setback violation on a shed
Bids solicited from private lawn care contractors to mow two properties

Planning & Development Activity Summary

Planning Commission meeting
Reviewed 2 building permit application
Working with Public Works Department staff, improvements to the Geographic Information System continued



CITY OF STAYTON
M E M O R A N D U M

TO: Mayor A. Scott Vigil and the Stayton City Council
FROM: Katinka Bryk- Library Director
DATE: June 16, 2014
SUBJECT: Library Statistics for May 2014

The Library hosted 18 children's programs in May, with a total of 491 children and 300 adults attending. There were six teen programs with 42 attendees. An additional eight meetings were held in the E.G. Sigmund Meeting Room, with 279 in attendance.

The Roland Smith author event had 98 attendees! He thoroughly enjoyed his visit here also. The children and teen Summer Reading events and the Adult Summer Reading programs are all planned and scheduled. Sign up has begun.

In May, the Library Outreach Program had 715 children and 105 adults, in addition to outreach to four teen parents and their children at the high school.

Also, the Library has signed up for "The Edge Technology Initiative" training; Mark Greenhalgh-Johnson and I will be doing the training online.

Library patrons can now pick up their holds and use the self-check to check them out themselves. Of course library staff is always ready to help.

2013 - 2014 Monthly Library Statistics

	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	2012-13	2013-14 YTD	% Change
1ST TIME CHECKOUTS	12,712	12,114	10,667	14,011	12,048	11,230	13,842	9,544	11,588	9,068	8888.00		107,319	125,712	17%
Adult print										3,022	3126.00				
Adult audio-visual										1,749	1625.00				
Youth print										3,320	3278.00				
Youth audio-visual										977	859.00				
Self check out										624	695.00				
Renewals										717	699.00				
Holds filled										651	701.00				
Check-ins										9,663	9017.00				

INCOME RECEIVED															
Non-resident cards	\$917.00	\$1,760.00	\$342.00	\$720.00	\$582.00	\$1,148.00	\$500.00	\$605.00	\$586.00	\$552.00	\$530.00		\$6,718.00	\$8,242.00	23%
Fines: overdue books	\$888.54	\$2,337.97	\$909.43	\$857.00	\$834.00	\$2,301.66	\$1,084.00	\$489.30	\$2,319.03	\$555.25	\$1,157.73		\$9,578.47	\$13,733.91	43%
Room fees	\$177.00	\$108.00	\$1,027.00	\$348.00	\$0.00	\$1,285.00	\$0.00	\$0.00	\$140.00	\$792.00	\$252.50		\$3,095.00	\$4,129.50	33%
Total													\$19,391.47	\$26,105.41	35%

REFERENCE QUESTIONS															
Reference questions	645	585	476	619	589	552	600	571	921	826	830		4,440	7,214	62%
Telephone	356	393	374	384	276	305	393	522	358	348	282		2,649	3,991	51%
Total													7,089	11,205	58%

NEW PATRON CARDS															
										64	81		N/A	145	-

INTERNET USE															
	1,940	1,900	1,502	1,700	1,529	1,659	1,691	1,295	1,553	1,252	1,253		14,804	17,274	17%

PROGRAM ATTENDANCE															
Children/teens	517	379	174	365	335	174	591	360	430	429	533		3,088	4,287	39%
Adults	223	154	130	177	165	122	327	250	272	236	305		1,489	2,361	59%
Outreach	80	0	195	887	829	451	692	626	783	727	820		4,472	6,090	36%
Total													9,049	12,738	41%
TOTAL MEETING ROOM ATTENDANCE	1,195	1,033	571	907	824	452	895	786	1,016	972	1,117		6,763	9,768	44%

PATRON VISITS															
	9,317	8,445	6,881	7,727	6,835	5,671	7,506	6,322	6,975	7,267	7,716		69,037	80,662	17%

ELECTRONIC RESOURCES USAGE / SEARCHES															
Ancestry										196	78			274	-
Chilton										0	n/a		42	0	-
Gale Reference resources										361	75			436	-
Library2Go	568	589	543	570	523	562	470	630	685	635	603			6378	-
Powerspeak										2	n/a			2	-
Novelist										n/a	n/a			0	-

WAVE[®]

BROADBAND

May 29, 2014

Stayton City Hall
362 N 3rd Avenue
Stayton, OR 97383

ATTN: City Administrator

RE: WaveDivision IV, LLC ("Wave Broadband"); Rate Adjustment Notice

We are providing the following details in compliance with the 30-day advanced notification of an adjustment to rates under the applicable FCC regulations and the requirements of our franchise with the City of Stayton, Wave Broadband will be adjusting the retail price of some of its video services starting July 1st, 2014.

The monthly rates for the following services will be adjusted: Basic Cable service, and any packages including that service, will increase by \$2.26. These rate changes are exclusive of franchise fees, regulatory fees, and other governmentally imposed charges.

This rate adjustment is a result of increased video programming license fees from TV networks owned by Viacom (such as Nickelodeon, Comedy Central, MTV, VH1, CMT, Spike) and Disney/ESPN (such as Disney Channel, ESPN, ABC Family).

At Wave, we offer our Basic Cable TV programming tier to customers at the same cost we pay for the content included in it. When network owners increase their monthly fees to our customers, we must increase this portion of our TV rates to match.

We work diligently on our customers' behalf to manage TV programming costs, seeking more choice for customers in the channels they pay for and reasonable rates for the channels customers care about most. We will continue to invest in our network to bring our customers the latest technologies, enhancing their service experience, at very competitive prices.

Please contact me directly with any questions.

Sincerely,



Karen Hurlburt Daniher
Vice President of Operations

RECEIVED
JUN - 2 2014
CITY OF STAYTON



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE:

Library Board

PLEASE CHECK ONE:

- New Applicant
- Application for reappointment

Years resided in Stayton: 5

PLEASE PRINT

Name Sara Trott

Address 1339 Wilshire Drive Home Ph# 503-551-7691

Email Address strott77@gmail.com ^{Stayton, OR 97383} Cell Ph# Same

Occupation stay-at-home mom

Place of Employment _____

Business Address _____

Phone _____ Email _____

- Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

I have a masters in Library Science and have worked at Blackwell's Book Services which provides ~~book~~ services to libraries.

- Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

With three young children, we have used the library a lot. I appreciate all the work the library ~~is~~ does and would like to see that continue and grow.

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

I would like to see the programs for children and teenagers improve and continue to encourage a love of reading and learning.

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

I have helped to start the Stayton MOPS (mothers of preschoolers) group at Foothills Church. I ~~am~~ am the treasurer of the Stayton Elementary

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

no

Parent Teacher Club.

6. How did you learn about this vacancy?

_____ Our Website Word of mouth _____ Other

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

~~yes~~ no

Signature of Applicant Sara Trott Date 3/22/2014

PLEASE RETURN TO: City of Stayton
362 N. Third Avenue
Stayton, OR 97383

It is the policy of the City to comply with all federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual employee or job applicant's sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, genetic information, veteran status or any other legally protected status per state and federal law.

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION



CITY OF STAYTON

APPLICATION FOR COMMISSION/COMMITTEE

NAME OF COMMISSION/COMMITTEE: _____

PLEASE CHECK ONE:

- New Applicant
- Application for reappointment

Years resided in Stayton: 31 years - + 6 in Sublimity (my age is 36)

PLEASE PRINT

Name Kelli A. Eaton

Address 535 NE Starr St Sublimity OR 97385 Home Ph# 503-769-2915

Email Address Jesse.eaton90@yahoo.com Cell Ph# 503-510-4234

Occupation Homemaker (Dental Assistant license)

Place of Employment _____

Business Address _____

Phone _____ Email _____

1. Please give a brief description of the experience or training that qualifies you for membership on this commission/committee. (If you wish, you may attach a resume or other pertinent material.)

I have lived in Stayton/Sublimity area my whole life.

I am trained dental assistant and I quitte my job 8 yrs. ago to stay at home with my children. My children use the library and enjoy their time here. I believe it's a good place to be and resource for our children & community.

2. Why do you want to become a member of the above-mentioned commission/committee and what specific contribution would you hope to make?

I feel that I am a good asset to be able to give input on what would make the library seem or to be perceived as a professional & resourceful place to be. I have good habits and truly care about our community and the places we have available as a city.

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION

3. Please list the community concerns related to this commission/committee that you would like to see addressed if you are appointed.

whatever is pertinent at the time

4. Briefly describe your present or past involvement in relevant community groups. (Having no previous involvement will not disqualify you for appointment.)

none

5. Are you currently serving on any Advisory Boards, Commissions or Committees? If so, which ones?

no

6. How did you learn about this vacancy?

Our Website Word of mouth Other *Signe Woods asked me to consider this.*

7. Are you employed by, have any business, contractual arrangements or family connections with programs having contractual agreements with the City that might be within the purview of the committee on which you are seeking appointment?

no

Signature of Applicant *[Signature]* Date *3-25-14*

PLEASE RETURN TO: City of Stayton
362 N. Third Avenue
Stayton, OR 97383

It is the policy of the City to comply with all federal and state statutes on equal employment opportunity. This policy shall be applied without regard to any individual employee or job applicant's sex, race, color, religion, national origin, ancestry, age, marital status, political affiliation, genetic information, veteran status or any other legally protected status per state and federal law.

PLEASE COMPLETE BOTH SIDES OF THIS APPLICATION

Dan Fleishman

From: Scott Mumey [smumey42@hotmail.com]

Sent: Sunday, June 15, 2014 10:18 AM

To: Dan Fleishman

Cc: Scott Mumey

Subject: Land Use File #8-04/14

Dan,

Can you see that the following letter be presented to the mayor and city council? Thanks.

Mayor & Council,

This letter is in regards to the Land Use application for the vacation of the northern part of N 4th Ave between E Fir St and E Cedar St. Our family resides at 1555 N 4th Ave in the cul-de-sac. We have been at this address for 5 years and have enjoyed having the walking path from the cul-de-sac to E Cedar St. Over the years we have not noticed any excessive or misuse of the trail. The majority of people using the trail are immediate residents.

In the event the city decides to move forward with vacation of the property, we feel it would be in the best interests of the tax payers, to sell the property to the adjacent homeowners and use the proceeds to complete the cul-de-sac on N 4th Ave. We have spoken to several other neighbors and they too have expressed interest in the completion of the cul-de-sac. As tax payers, we feel the city government should not be giving away city owned property for free. We hope the city council will take our concerns to heart and come to the best decision possible for all involved.

Thank you for your time,

Scott & Christine Mumey
1555 N 4th Ave
Stayton, OR 97383
503-507-6764
smumey42@hotmail.com

Dan Fleishman

From: Judy [skinner@wvi.com]
Sent: Wednesday, May 28, 2014 12:21 PM
To: Dan Fleishman
Subject: proposed vacation of 4th Street south of Cedar

Dan,

I live near this location. While it would be steep for a street, it has been used as a pedestrian path for many years. The Master Plan talks about maintaining paths to encourage walking. A public path needs to be maintained in this location.

Please include this in the written testimony related to this proposal.

Thank you,

Judy Skinner
610 E Cedar St.
Stayton, OR 97383

SCRIPT TO BE READ AT COMMENCEMENT OF PUBLIC HEARING

Good evening, my name is Scott Vigil and as Mayor I will be presiding over this hearing. This is the time and place set for the public hearing in the matter of Land Use File #8-04/14, a request to vacate a portion of the N Fourth Ave right of way south of E Cedar St.

This hearing is now open.

A copy of a map showing the area proposed to vacated is available at the back counter. Also at the back counter is the agenda for this evening's meeting, which lays out the order in which people will be called on to speak during the public hearing, the City Council's Rules of Procedure for Land Use Public Hearings, and a brochure written to facilitate your participation in the public hearing. You are encouraged to obtain and read a copy of these documents as well.

At this time I would ask the audience if there are any objections to the notice that was provided for this hearing. I hear none (if there are none). To the jurisdiction of this body to hear and consider this case? I hear none (if there are none). Are there any declarations of conflict of interest; ex parte contact or bias by any members of this body? I hear none (if there are none).

We are now ready for the staff introduction.

CLOSING STATEMENT

The Council's action may be appealed within 21 days of the mailing of the notice of decision to the Land Use Board of Appeals under ORS 197.805-855. Anyone aggrieved by the Council's action should consult with their own legal counsel regarding an appeal of this decision.

2011 ORS § 271.190¹

Consent of owners of adjoining property

• other required approval

No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 (Vacations in municipalities included in port districts) unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

...

(No annotations for this section.)

¹ Legislative Counsel Committee, *CHAPTER 271—Use and Disposition of Public Lands Generally: Easements*, <http://www.leg.state.or.us/ors/271.html> (2011) (last accessed Mar. 25, 2012).

² OregonLaws.org contains the contents of Volume 21 of the ORS, inserted alongside the pertinent statutes. See the preface to the ORS Annotations for more information.

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

Currency Information

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Date: 6-16-2014

File No. _____

CITY OF STAYTON REQUEST FOR RECOGNITION

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the session whenever possible, and should be submitted to the staff bench. Please wait for recognition from the Council bench before addressing the Council.

Your name (please print): CAROLYN Wendell
Address: 1540 N. 4th STAYTON OR 97383
Street City State Zip

Topic (if this is an agenda item, please list the agenda number and topic): vacation of 4th

Speaking in support of _____; in opposition to ; general testimony _____.

Comments: _____

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning Department at 503-769-2998, or their office is located at 311 N. Third Avenue, Stayton, Oregon 97383.

Date: June 16

File No. _____

**CITY OF STAYTON
REQUEST FOR RECOGNITION**

The purpose of this form is to ensure that anyone wishing to address the Stayton City Council will have the opportunity to do so. This form is to be completed prior to the opening of the session whenever possible, and should be submitted to the staff bench. Please wait for recognition from the Council bench before addressing the Council.

Your name (please print): DAVID WENDELL
Address: 1540 N. 4th St Stayton OR 97387
Street City State Zip

Topic (if this is an agenda item, please list the agenda number and topic): VACATION
OF 4th St.

Speaking in support of _____; in opposition to X; general testimony _____.

Comments: _____

Please limit presentations to 10 minutes or less, and comments to 3 minutes or less.

If you wish to obtain a copy of a land use decision, please contact the Planning Department at 503-769-2998, or their office is located at 311 N. Third Avenue, Stayton, Oregon 97383.