



SCAPPOOSE

Oregon

Tuesday, January 20, 2026
City Council meeting minutes
Regular Meeting 7:00pm
Council Chambers
33568 East Columbia Avenue
Scappoose, Oregon 97056

Disclaimer: These minutes are intended to summarize the conversations that took place in this meeting rather than provide a full transcript. Anyone wishing to view the full conversation can find a recording of this meeting on YouTube at www.youtube.com/watch?v=kPl37Sy542c.

Call to Order

Mayor Backus called the January 20, 2026 City Council meeting to order at 7:00pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Benjamin Burgener	City Manager
Tyler Miller	Council President	Chris Fluellen	Police Chief
Jeannet Santiago	Councilor	Dave Sukau	Public Works Director
Kim Holmes	Councilor	Susan M. Reeves	City Recorder/HR
Joel Haugen	Councilor	N.J. Johnson	Assistant to City Manager/City Planner
Marty Marquis	Councilor		

Excused: Councilor John E. Riutta; and Student Representative Tyler Ferreira

Remote: Legal Counsel Nancy Werner (left at 8:06pm); Troy Gagliano Verizon's Gov Affairs person for Oregon (left at 8:06pm); and Alicia Heiges (arrived at 7:19pm and left at 7:24pm).

Approval of the Agenda

Council President Miller would like to add a discussion about trees at the bottom of JP West.

Councilor Haugen moved, and Councilor Holmes seconded the motion to approve the agenda as amended. Motion Passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Haugen, aye; and Councilor Marquis, aye.

Public Comment ~ Items not on the agenda

Alicia Heiges read her public comment submission (which is included below).

Scappoose City Council – Public Comment Submission

Submitted by: Alicia Heiges, Resident of Scappoose, Oregon

Date: January 20, 2026

To: Mayor and City Council, City of Scappoose

Re: Written Public Comment – General Fund Overspending, Personnel Costs, Transparency, and Proposed Bonding

Mayor and Council Members,

My name is Alicia Heiges, and I am a resident of Scappoose.

I am submitting this written public comment regarding the General Fund, based on the City's December Fiscal Year 2025–2026 financial report included in tonight's City Council meeting packet.

That report shows that, partway through the fiscal year, the General Fund is already operating at a negative retained earnings position of approximately \$736,000. In other words, current expenditures are exceeding current revenues, and the difference is being covered by fund balance. This directly aligns with a concern raised by a councilor at the previous meeting, that the City appears to be over budget by roughly one million dollars year after year.

What is most concerning is not only the number itself, but the absence of a clear, on-the-record accounting.

When this question was raised publicly, the response was that the City Manager could explain it later, privately. That is not appropriate for General Fund finances. These are public dollars, and residents deserve to understand how they are being managed. Explanations for recurring operating shortfalls should be provided openly and on the record, not behind the scenes.

It is also important to clarify what this overspending is not attributable to.

The expense of newly hired police officers was already accounted for in the adopted budget. The Police Department's own activity report shows only a modest increase in calls for service, with several enforcement categories declining. Service volume does not explain persistent cost escalation.

Police nevertheless remain the single largest General Fund expense, which raises a related and unresolved transparency issue that directly affects budget oversight.

Last year, I submitted a public records request for employee and police employment contracts. The City provided several contracts but refused to release the employment contracts for Police Chief Fluelen and former Chief Lougal. No legal explanation was provided, and no exemption was cited that would justify withholding compensation agreements for public employees.

That selective refusal is concerning from a budgetary standpoint.

Chief Lougal had significantly more law-enforcement experience, yet the City has chosen not to allow the public to compare compensation structures between successive police chiefs. Without transparency, the public cannot evaluate whether compensation is reasonable, consistent, or aligned with experience and performance. I previously raised this issue during a City Council meeting and received no response.

This matters because personnel costs are ongoing obligations, not one-time expenses. If compensation includes enhanced pay, severance provisions, incentives, or special terms, those provisions represent long-term financial risk to the City, particularly if disciplinary or legal issues arise. Those risks ultimately fall on the General Fund and on taxpayers.

Planning and Community Development also represent a significant and growing General Fund expense, yet the activity described in the meeting packet reflects long-term planning and consultant-driven work that does not generate offsetting revenue. Together, police and planning account for the majority of General Fund operating costs, yet the City has not provided a clear, public explanation of where the recurring overage is occurring.

While property tax limitations are a known and longstanding constraint, they have been identified in City budgets for years and do not explain recurring operating overruns without a clear, public accounting of spending decisions.

Against this backdrop, the City has discussed proposing a bond and asking the community to contribute additional money to fill this gap.

I do not support asking the community for more money before the City demonstrates that it can manage its existing budget within its means. Bonds and levies should follow transparency, discipline, and accountability, not replace them. Asking residents to shoulder additional financial burden while recurring operating shortfalls remain unexplained, and while key compensation information is withheld, undermines public trust.

Budgets are not merely accounting documents, they are accountability documents. When operating shortfalls become recurring, explanations must occur in public, with enough clarity for residents and councilors alike to understand what is driving the gap before any request is made to taxpayers.

I am not asking for speculation. I am asking for basic fiscal accountability, including:

- Equal disclosure of employment contracts
- Clear justification for compensation levels
- A public, on-the-record explanation of recurring General Fund overruns
- Demonstrated budget discipline before any bond or levy is proposed to the community

Thank you.

Respectfully submitted,

Alicia Heiges
Resident, Scappoose, Oregon

end of public comment

Consent Agenda January 5, 2026 City Council meeting minutes

Councilor Holmes moved, and Council President Miller seconded the motion to approve the Consent Agenda January 5, 2026 City Council meeting minutes. Motion Passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Haugen, aye; and Councilor Marquis, aye.

Old Business

Ordinance No. 924: An Ordinance Approving Annexation of Property to the City of Scappoose, Amending the Zoning Map, and Minor Partition

Mayor Backus explained at the last meeting they read Ordinance No. 924, there was a public hearing, and there was a first and a second to approve. He asked if there was any more discussion.

Councilor Santiago asked if the improvements to the sidewalks were going to be fully applicant funded.

Assistant to City Manager/City Planner N.J. Johnson replied they are.

Mayor Backus read the title for a second time ~ Ordinance No. 924: An Ordinance Approving Annexation of Property to the City of Scappoose, Amending the Zoning Map, and Minor Partition.

Motion Passed (5-0). Mayor Backus, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Haugen, aye; and Councilor Marquis, aye. Council President Miller abstained stating he knows the individuals involved.

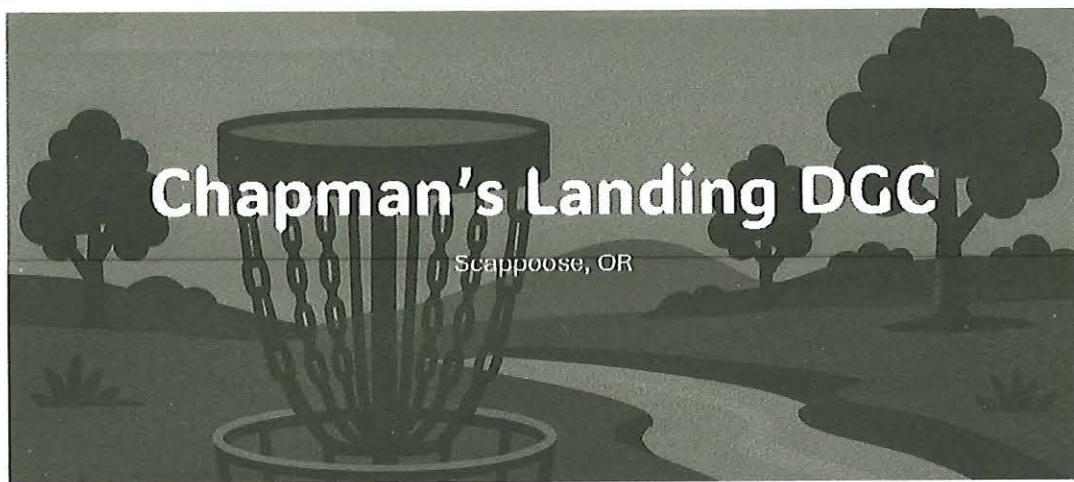
New Business

Chapman Landing Disc Golf

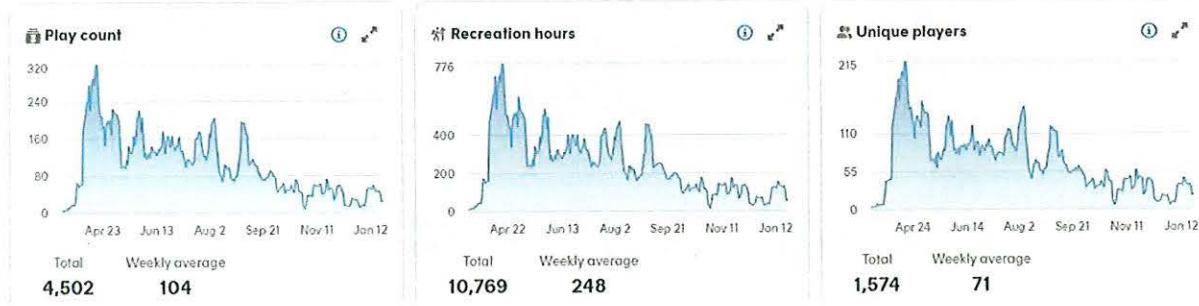
Public Works Director Dave Sukau went over the staff report. In 2019, the City of Scappoose took over ownership of Chapman Landing from Columbia County. Since then, the Scappoose Public Works Department has been working hard to clean up and improve the facility. When the City took ownership, the property was heavily overgrown with invasive vegetation and housed some homeless camps. Public Works crews have been working to remove brush and create open space with a nice tree canopy for people to hike and potentially launch kayaks from. It has also been a site the City Staff has identified as a potential disc golf course. Shortly after the City announced the successful LGGP Grant for the EJ Smith/Grabhorn parcel, I was contacted by Jesse Tomaino. Jesse explained his passion for disc golf and involvement in creating the course in Warren and that he would like to be involved in the design of the EJ Smith/Grabhorn course. After some discussion about that, I asked if he

had interest in looking at Chapman Landing to see how feasible he felt a course there would be and he agreed to. After walking the property, both Jesse and his colleague Joe Coulter, have designed the course that is attached to this presentation. We collectively believe that this is a course that is small, but presents enough challenge to encourage golfers from the area to come and play regularly. I also believe that this may draw players from outside the area, which helps the community with tourism. The Parks Fund budget identifies \$100,000.00 annually for City Park Improvements. Staff recommends using a portion of these funds to purchase the necessary supplies for the Public Works crew to construct removable baskets and throwing pads. City Staff is seeking Council's support of creating a disc golf facility at Chapman Landing

Jesse Tomaino & Joe Coulter, All Day Disc, went over the presentation.



The Roots Impact

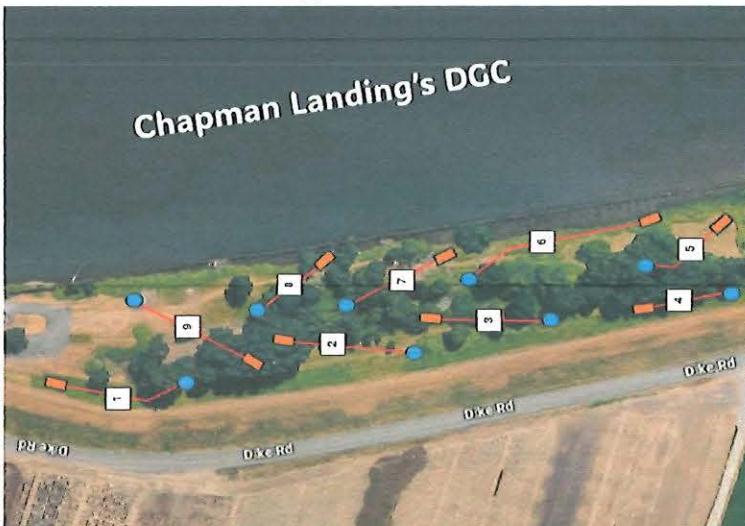


- The Course has been open since April 2025
- Udisc only accounts for about 30% of ALL disc golf players and rounds
- According to The Roots front desk, there have been over 10,000 rounds since opening 9 months ago
- The reception from the public has been overwhelmingly positive with XC meets, yoga classes, and school outings happening weekly.

Easily Accessible for Everyone

- The Roots provides an opportunity for more advanced players to enjoy the sport but putting a beginner friendly course in the area will boost popularity and active disc golf participation in the area.
 - Shorter design allows beginners to play and watch skills grow
 - Family Friendly – this is a course that is for everyone, it will take less than 30 mins to play, and is short enough for families with small kids
 - Even though it is a beginner course, there is thoughtful design that makes it interesting for all disc golf skill levels.
- Cost Accessibility
 - All a person needs is one disc (\$15) and a park
 - It is easy for anyone to play

Course Design



- Course stays away from the dike
- It helps get rid of invasive species
- Utilizes a part of the land that has gone unused for years.
- Partnering with local business to install the course as economically as possible
- Lots of opportunities for fundraising and local volunteerism.

Responsible Land Management

- There is a PDGA initiative – “Throw Green”
 - Encourages golfers to be good stewards of the environment where we play.
- Disc golfers keep the area clean and maintained
- Volunteer days
 - Pull invasive species
 - Create walking trails
 - Build benches
 - Etc...



We play in some incredible spaces!

Positive Recreation Impact

- Currently this park is used by walkers and fisher-folk
- This course could increase the number of patrons using the city park spaces significantly
- Provide after school activities for students

After further discussion the consensus of the Council is to move ahead with the disc golf course.

Mayor Backus and Council thanked Jesse & Joe.

Ordinance No. 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes

City Manager Benjamin Burgener went over the staff report. The City currently allows use of the rights-of-way by utility providers through individually negotiated franchise agreements with each provider, which historically has included Astound Broadband, AT&T, Century Link, Comcast, CRPUD, Lumen, NW Natural Gas and Waste Management. The City is interested in implementing a new licensing process that will replace franchise agreements, once they expire, with a simplified license intended to more efficiently manage use of the rights-of-way by requiring each utility provider to follow the same requirements for use of the rights-of-way (as

allowed by applicable laws) through the adoption of a new chapter of Scappoose Municipal Code (SMC), Chapter 13.36, and edits to existing SMC Chapter 3.08. Ordinance 925 is attached which would enact these amendments. Fee Resolution 26-01 to set the applicable new fees is also attached. Under the proposed process in new SMC Chapter 13.36, utilities that own facilities in the City's rights-of-way would be required to get a license from the City to authorize this use of the rights-of-way. Utilities with current franchise agreements would be required to get a license once their existing franchise agreement expires. Utilities that use the City's rights-of-way to provide utility services but do not own any facilities in the City would file a registration with the City under new SMC Chapter 13.36. The main goals of SMC Chapter 13.36 are to (i) reduce the expense of franchise negotiations; (ii) more efficiently and effectively manage the rights-of-way through uniform standards that apply to all utilities; and (iii) to better track entities that earn revenues through use of the rights-of-way in the City.

Scappoose currently collects the fees below through a franchise agreement with each provider:

Provider:	Fee ¹ :	Franchise agreement expiration date
Astound Broadband	5%	Expired – December 2025
AT&T	5%	Expired - October 2021
Century Tel, dba Century Link	7%	June 2028
Comcast	5%	May 2033
CRPUD	5%	July 2033, but will renew for another 10 years until 2043, unless written notice is provided 60 days prior to July 1, 2033 expiration date
NW Natural Gas	5%	March 2032
Waste Management	5%	November 2026

Under the proposed process contained within new SMC Chapter 13.36 and edited Chapter 3.08, once their franchises have expired, each utility provider would pay the existing privilege tax in SMC Chapter 3.08. The privilege tax applies to utility providers who own facilities in the City's rights-of-way and to those that utilize facilities in the City's rights-of-way to provide service to customers within the City. The current privilege tax is 5% of the utilities' gross revenues from customers in the City. The proposed edits to SMC Chapter 3.08 would increase the privilege tax to 7% of gross revenues. The privilege tax is subject to several legal limitations, including a federal law that caps the fee for cable providers at 5% of revenue from cable services. Cable providers will continue to negotiate franchise agreements as required in federal law, and Waste Management will continue to negotiate a franchise agreement separately since they do not own or use the rights-of-way in the same way as a utility provider does. As set out in amended SMC Chapter 3.08, if a utility occupies or requests to occupy a City right-of-way but does not provide service to customers within the City or otherwise earn revenue within the City from such services, the utility shall instead pay an annual right-of-way fee, as proposed in attached Resolution 26-01. SMC Chapter 3.08 currently refers to this fee as an annual permit fee, but it does not appear that the City has established or collected this fee. While the privilege tax and

right-of-way fee have been in SMC Chapter 3.08 for many years, the City anticipates that enforcement of the privilege tax and right-of-way will provide additional revenue to the City. (1 Based on gross revenues of provider within City of Scappoose)

The increase in the privilege tax from 5% to 7% of revenue will increase revenues once providers' franchises expire. We also anticipate that the new license and registration process in SMC Chapter 13.36, if adopted, will identify utilities that have been using the City's rights-of-way but do not have franchise agreements and thus have not been paying franchise fees or the privilege tax. For example, some entities like cell providers may utilize facilities in the rights-of-way to provide their cell service but have not been paying the privilege tax as currently required in SMC Chapter 3.08. While it is possible some entities that historically enforce the privilege tax, staff are not aware of any existing legal impediment to imposing the privilege tax on utilities using and/or occupying the rights-of-way so long as we do so consistent with several discreet limitations on the City's authority, such as the limitation on cable providers mentioned above. In addition to establishing a new right-of-way fee, attached Resolution 26-01 also establishes a right-of-way annual registration fee and a right-of-way license application fee, which would be good for 5 years. For the current fiscal year, the City anticipates revenues of \$510,800 from franchise agreements. As existing franchise agreements expire, each utility provider would then be subject to Chapter 13.36 and 3.08, which sets the privilege tax at 7%, except cable providers which are capped at 5% and Waste Management, which will continue to negotiate its franchise agreement separately. The City also anticipates that enforcement of the new registration and license requirements will identify entities that have been subject to the privilege tax and right-of-way fees but have not been paying. For this reason, revenue is expected to increase in the future for utilities that currently only pay 5% and for any utility providers that we aren't currently collecting from.

Recommendation:

1. Staff recommend that Council adopt Ordinance 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to Add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes, as written.
2. Staff recommend that Council adopt Resolution 26-01, A Resolution Amending the Fees and Charges for the City of Scappoose Adopted by Resolution No. 25-10, as written.

Nancy Werner, Bradley Werner, LLC (Franchise Legal Counsel) explained the process in terms of doing a license as opposed to a franchise. She doesn't believe there is a legal risk there. She explained the franchise process does take longer. She stated generally speaking she thinks this is a fast approach that most utilities like. There is a provision in the new right of way ordinance, Chapter 13.36 that would allow the Council to grant a franchise if a company came in and said they simple could not follow the right of way ordinance due to a unique situation. She has never seen that come up but she likes to keep it there just in case.

Mayor, Council, Staff and Legal Counsel discussed this topic in more detail.

Mayor Backus opened the public hearing at 7:49pm.

Troy Gagliano, Verizon's Gov Affairs person for Oregon, thanked Council for allowing him to speak this evening. He explained the City of Scappoose is one of their customers and they are honored to serve the various departments. He asked Council not to adopt this tonight as they would like to engage in further discussions. He gave an example of how they provide service to customers.

There was a discussion on holding off adopting the resolution this evening.

Mayor Backus if there was anyone else opposed, or proponents, or neutral? Seeing none he closed the public hearing at 8:00p.m.

Council President Miller moved, and Councilor Marquis seconded the motion that Council approve Ordinance No. 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes as written.

Mayor Backus read the title for the first time ~ Ordinance No. 925: An Ordinance Amending Title 3 & 13 of the Scappoose Municipal Code to add Chapter 13.36, Utility Use of Public Rights-of-Way, and to Amend Chapter 3.08, Public Utility Taxes.

Councilor Santiago asked if they could get a detailed list of who this might apply to.

City Manager Burgener explained some of them are just unknown at this point because we don't have agreements with them at this point.

Solid Waste Franchise Renewal

Councilor Holmes explained given her employer has contracts with Waste Management and most of the haulers around the State and providing funding for recycling services which could impact economics of recycling across the State long term she is going to recuse herself from this discussion about rates.

City Manager Benjamin Burgener gave a summary of where we are at with this. He explained they were hoping to present the franchise agreement with Waste Management, but they are still working on it. Since Councilor Haugen asked about rates we wanted to make sure we followed up to show the rate analysis comparisons. He explained the current franchise expires February 18, and the next meeting is February 17 so they will be proposing an emergency ordinance to make sure it is effective right away.

Dave Huber, WM of Oregon, Senior Manager – Public Sector Services, and Nick Ries, WM of Oregon, Operations Manager, went over their presentation.



City of Scappoose & WM

Protecting the environment.
Looking toward the future.

Dave Huber - Sr. Manager Public Sector
Nick Ries - Operations Manager

January 20, 2026



Tonight's Discussion

1. Franchise renewal
2. Collection services
3. Rate comparisons
4. Recycling updates
5. Questions

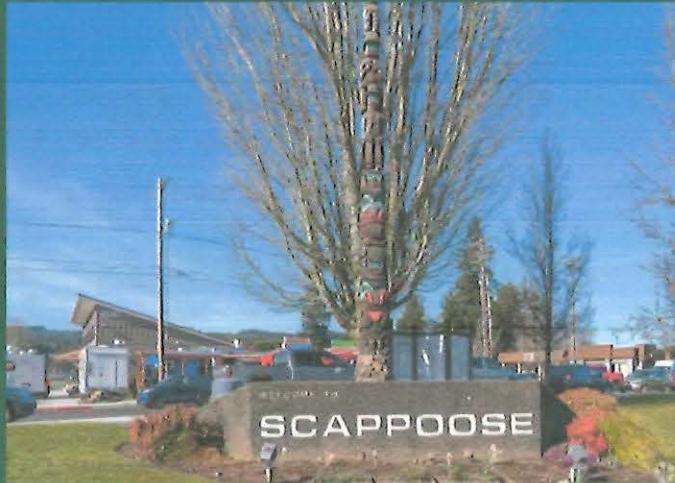


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WM Collection Services

Residential, Commercial and Industrial

- Community partner for 26 years
- Comprehensive recycling, subscription yard debris and garbage service
- Serving the following customers:
 - 2,397 Residential
 - Weekly trash
 - Bi-weekly Recycling/ Subscription Yard Debris
 - 143 Commercial
 - Weekly trash and recycling
 - Industrial/Drop Box
 - MSW, Construction, Recycling and Grape Skins/Stems



Comparison of Rates

Four cities and three unincorporated jurisdictions of Columbia County

Service	City of Scappoose Serviced by WM*	City of Portland Multiple Service Providers	Columbia County Scappoose Area Serviced by WM	City of St. Helens** (non-WM)	Columbia County St. Helens Area (non-WM)	City of Vernonia Serviced by WM	Columbia County - Vernonia Area Serviced by WM
35-gallon	\$27.35	\$43.80	\$36.69	\$34.60	\$39.33	\$31.90	\$38.21
65-gallon	\$40.20	\$48.85	\$53.81	\$53.20	\$62.16	\$52.60	\$61.89
95-gallon	\$52.36	\$55.70	\$69.56	\$71.70	\$85.02	\$62.75	\$84.22
Commercial 2-yard 1x/week	\$192.64	\$187.80	\$236.32	\$223.60	\$333.70	\$244.50	\$336.43

* Recycling is serviced every other week. Yard debris is subscription service @ \$9.28 per month service every other week

**Recycling and yard debris serviced weekly



Recycling in Oregon

WM's New Recycling Facility Brings Big Improvements for Oregon



WM

On behalf of our WM employees who service the Scappoose community, thank you for your partnership.

Questions?

WM

Mayor Backus and Council thanked Dave and Nick.

Supporting the Library District Operating Levy

Mayor Backus explained he would like to wait to present a resolution to Council until a measure number has been assigned so it will be really specific to what they are supporting.

Council consensus is in support of supporting the Library District Operating Levy.

Councilor Liaisons

Mayor Backus went over the list of committees and updated the Councilor Liaisons.

Cancel February 2, 2026 City Council Meeting

Councilor Haugen moved, and Councilor Santiago seconded the motion that Council approve to cancel the February 2, 2026 City Council meeting. Motion Passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Haugen, aye; and Councilor Marquis, aye.

Trees at the bottom of JP West Road

Council President Miller explained there were two fir trees at the bottom of JP West Road there were estimated by an arborist to be about 120 years old and in excess of 100 feet and because of updates to the property the City required the homeowner to put in a streetlight. Where the trench for the lights needed to go they had to cut down these trees. He explained when something like this occurs he feels we need to consider whether it would be by Council or by a policy that staff evaluates because this was disappointing in his opinion.

City Manager Burgener explained there are codes that all kind of played a role in this piece and staff gave the homeowner several options on how she could avoid cutting those trees down.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

Updates: City Manager; Police Chief; Councilors; and Mayor

City Manager Burgener gave an update on different training courses. He stated just a quick correction on an earlier comment about the general fund mentioning that is was in a \$700,000 deficit right now. The report shows a \$700,000 surplus. He gave an update on CET.

Council President Miller moved, and Councilor Marquis seconded the motion to extend the meeting past 9:00pm if needed. Motion Passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Haugen, aye; and Councilor Marquis, aye.

Police Chief Fluellen gave an update on the Police Department.

City Manager Burgener reminded everyone if there is an after-hours water emergency to contact the non-emergency dispatch and they will get ahold of our Public Works Staff.

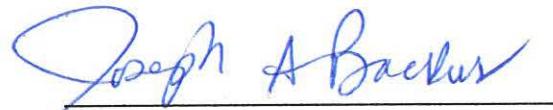
Councilor Marquis explained he is really looking forward to the Council Retreat.

Council President Miller talked about a new concept for the Annual Town Meeting. He explained he is still working with Lexipol's grant team to try to find grant money to replace the Police Departments radio equipment's and possibly the other agencies in the County. He offered to fund that personally because he thinks it is really important.

Chief Fluellen thanked Council President Miller.

Adjournment

Mayor Backus adjourned the meeting at 9:01pm.



Mayor Joseph A. Backus

Attest:



Susan M. Reeves
City Recorder/HR Susan M. Reeves, MMC

