
Regular Commission Meeting
May 10, 2023 – 1:00 pm
2 Marine Drive, Boardman, Oregon 97818

I. CALL TO ORDER AND INTRODUCTIONS

Joe Taylor called the meeting to order at 1:00 p.m.

Commissioners Present: Rick Stokoe, Marv Padberg, Joe Taylor, Jerry Healy, John Murray

Staff Present: Lisa Mittelsdorf, Eileen Hendricks, Mark Patton, Jason Hendricks, Anna Browne, Erika Lasater, Brandy Warburton

Visitors Present: Aaron Moss, Justin Nelson, Karen Pettigrew, Jonathan Tallman, Kelly Doherty, Wes Killion

By Zoom Meeting: (Staff) Miff Devin, Tim Patton, Dori Drago, Marcine Brangham
(Guests) Kalie Davis, Mike Rogoway, Tamra Mabbott, Harke, Roger, Sheena Sharma, Hillary Lambert, Sam Tucker, Mike Alldritt, Roger, Les Ruark, Jim Doherty, Torrie Griggs, Brenda P., Kim Cutsforth

Public Comment Period

Jonathan Tallman read a statement, included below as received via email.

I want to express my gratitude for granting me the opportunity to address the Port. On behalf of the Morrow county [sic] residents, I am here to discuss a matter that I have raised in two of the last three Port meetings. I am referring to the clear conflict of interest involving two members of the Port of Morrow Board. I have also included a link to an article and the comments section for your reference.

What I am highlighting is not a potential conflict of interest but an evident one. I have received images of surveys and ongoing work on other possible Amazon sites, which I believe violates the CREZ regulations prohibiting development until matters are finalized. I am skeptical of the Port's previous decisions on conflict issues and the urgency surrounding the current proceedings. The potential loss of Morrow county [sic] revenues raises concerns (and specifically when to entities right now are in a legal battle over funds). I have made inquiries, but elected officials seem reluctant to respond. They appear to have a predetermined outcome in mind and vote anyways.

To not have reporters be in the room listening to meetings and being selective about what reporter gets to listen brings up many issues. I will be attaching my public comment in with a complaint to the ethics commission on this vote as well as the vote for who was at the CREZ 3 meeting as well too.

We need more transparency not less. Please step up and do the right thing. Morrow county [sic] residents need to be shown that integrity matters.

II. CONSENT AGENDA

A. April 12, 2023 Regular Commission Meeting Minutes

B. Public Comment Policy

Rick made the motion to approve the consent agenda items as presented. Marv seconded the motion. John asked a question regarding the public comment policy on how to respond to public questions. Rick said it's his understanding that questions would be directed to staff, so staff and the commission has an opportunity to review the questions and respond at a later date. John clarified that the public comment time is not intended to be a question-and-answer period. Joe agreed. The motion passed unanimously.

III. LEGISLATIVE UPDATES

No legislative representatives were present at 1:08 PM.

At 1:31 PM, Kirby came online, and the reported on the federal legislative update. He said the debt ceiling discussion is overshadowing all current proceedings. The appropriations process is being impacted. He shared good news that each of the Port projects have been submitted to the appropriations committee for funding consideration by Senators Wyden and Merkley. First drafts of the bills should be available in early June, which is when we would learn which projects made it to step two of the process.

IV. OLD BUSINESS

A. CDA Update – Lisa announced that the CDA board is taking a trip to Chicago next week. They will be visiting a development on an old installation outside of Chicago.

B. Policy Update: Safety Policy Handbook - Brandy reported on the new safety handbook and changes that were made since it was last adopted in 2011. The biggest changes are for heat and smoke safety. She gave an overview of those new requirements. It will be one safety handbook for the entire Port rather than multiple handbooks for different divisions.

C. Membership Liaison – Board Position Appointments

Joe announced that Lisa had provided a list of the board appointments, as requested in the last meeting, so that new appointments can be made today.

CDA – Joe said Lisa is currently the voting member and Joe is the alternate. John made a motion to make Lisa the voting member with Joe as the alternate for the CDA. Marv seconded. Motion passed unanimously.

CREZ II – Currently, Lisa and Rick are the voting members and Joe is the alternate. John stated he feels strongly that CREZ II should be two elected officials who serve on the board rather than staff since no negotiations are handled with CREZ II anymore, just disbursements. Marv stated he didn't feel it makes a lot of difference either way. Joe made a motion that John and Rick would be voting members with himself (Joe) as alternate. John seconded. Motion passed 4 yes to 1 no; Jerry, John, Marv, and Joe voted yes and Rick voted no.

CREZ III – Currently, Lisa is the staff voting member and Mark is the alternate. Rick and Joe are the commission voting members and John is the alternate. Jerry moved that the same members continue with CREZ III. Marv seconded. There was no further discussion. Motion passed unanimously.

D. Broadband IGA and Broadband Ordinance – Aaron Moss

Jerry read the following statement, *“Marv and I are minority owners of a construction company providing fiber optic connectivity. There are many similar companies with comparable services in the area. Because there is such demand for fiber optic installation, there is the potential that our company could get work from the Rural Broadband project we're discussing today. However, it is also possible that any of the other companies that provide these services as well. This is not a bad thing. After all, the purpose of the project is to provide an economic and educational benefit to all people and businesses in Morrow County. With that, Marv and I will declare a potential conflict of interest.”* Marv concurred with Jerry's statement and also declared a potential conflict of interest.

Aaron Moss gave an overview of the Broadband IGA with Morrow County. The IGA is a culmination of 21 months of work. The next step is to partner with the County via the IGA in order to pursue funds and evaluate broadband solutions county wide. Between \$800-900 million dollars will be available through a state grant.

Lisa referred to page 21 regarding a contribution of \$52 thousand. Aaron answered questions regarding funding.

John commented that it's a good program and opportunity to apply for grant funds.

John made the motion to approve the IGA as presented and authorize Lisa to sign. Jerry

seconded. There was no further discussion. Motion passed unanimously.

John made a motion to approve Ordinance 2023-01 ratifying the creation of a broadband public improvement consortium known as the Morrow County Broadband Action Team in accordance with ORS 190.085. Jerry seconded. Motion passed unanimously.

John volunteered to sit on the Broadband IGA board. The first board meeting is on June 15 at 3:00 PM.

E. Grazing Lease – Lisa reported that there have been several requests for grazing leases on the north side of the freeway. The Port owns every other parcel, alternating with RDO. Mark added that the Port property has been leased to ODFW for waterfowl hunting. After a lengthy discussion including hunting access, fencing, water access, safety concerns due to proximity to the freeway, and insurance coverage, the commission said they'd like to reach out to RDO about a cooperative effort for that area and would also be open if livestock operators would be installing their own fencing. It was determined that the long parcel could go out for public bid and requested that Greg Harris be invited to the next commission meeting.

F. Other

No other old business was discussed at the time.

V. NEW BUSINESS

A. New Leases – Lisa reported that there were several extensions to existing leases.

B. Resolution 2023-02 – CREZ LTREZ PDX 154

Jerry stated, "Marv and I are minority owners of a construction company providing fiber construction services. Contrary to repeated misleading statements in the press, the construction company is not Amazon's local fiber provider. There are 8-10 similar companies with comparable services in the area that have or might do work for the companies in the enterprise zone, including Amazon. Let me repeat, there are many similar companies who may or may not do work. There is no exclusivity or guarantees. However, because there is such demand for fiber installation, there is the potential that our company could get work from the projects connected to this enterprise zone agreement we are voting on today. It is also possible and likely that other companies that provide these services will get work also. This is not a bad thing. After all, the purpose of the enterprise zone is to provide an economic benefit to all residents and businesses in Morrow County. Out of an abundance of caution, Marv and I are declaring a potential conflict of interest."

Marv reiterated for the record, *"out of an abundance of caution, I will declare a potential*

conflict of interest.”

Rick made a motion to approve Resolution 2023-02, an agreement between the sponsors of the Columbia River Enterprise Zone and Amazon Data Services, Inc. (PDX 154). Joe seconded. Under discussion, John asked if there was an actual conflict of interest on any of these 5 resolutions. Jerry said yes, there was. John restated that he has an issue with the conflict of interest for these items. He wondered if we would have to reverse any of these decisions in the next month due to an actual conflict. He asked if surveying had been done on these properties in anticipation of these projects. Mark responded yes. Marv clarified that the Windwave surveying was for extension of services to 202. John stated he has a problem with the timing. Lisa explained that the enterprise zone agreements have to be ratified within 30 days. John emphasized that he has a problem with timing and how it looks to the community.

Motion passed unanimously.

C. Resolution 2023-03 – CREZ LTREZ PDX 162

Jerry and Marv declared a potential conflict of interest.

Rick moved to approve Resolution 2023-03, an agreement between the sponsors of the Columbia River Enterprise Zone and Amazon Data Services, Inc. (PDX 162). Joe seconded. There was no further discussion. The motion passed unanimously.

D. Resolution 2023-04 – CREZ LTREZ PDX 170

Jerry and Marv declared a potential conflict of interest.

Rick moved to approve Resolution 2023-04, an agreement between the sponsors of the Columbia River Enterprise Zone and Amazon Data Services, Inc. (PDX 170). Joe seconded. There was no further discussion. Motion passed unanimously.

E. Resolution 2023-05 - CREZ LTREZ PDX 186

Jerry and Marv declared a potential conflict of interest.

Rick moved to approve Resolution 2023-05, an agreement between the sponsors of the Columbia River Enterprise Zone and Amazon Data Services, Inc. (PDX 186). Joe seconded. There was no further discussion. The motion passed unanimously.

F. Resolution 2023-06 – CREZ LTREZ PDX 202

Jerry said, *“While this is also an important vote for Morrow County, Marv and I are declaring an actual conflict of interest, because, unlike the other locations, we have just voted on, our company already has an agreement in place to provide services to the PDX 202 site. We will not participate in the discussion, and we will abstain from voting.”* Marv concurred and stated that he also has an actual conflict of interest with PDX 202.

Rick moved to approve Resolutions 2023-06, an agreement between the sponsors of the Columbia River Enterprise Zone and Amazon Data Services, Inc. (PDX 202). Joe seconded. John stated that he disagrees wholeheartedly regarding the process, the pathway that was taken, the conflicts, and he hopes people are paying attention. The motion passed unanimously with John, Rick, and Joe voting.

G. WIFIA Update – Lisa gave an update on the WIFIA loan process. The letter of interest was accepted for \$432,500,000. It’s a long-term loan paid back over 35 years to cover the cost of water and wastewater improvements. The dollars have been set aside and they will be helping us with the application to make sure it’s completed properly. She hopes to have it done and ready for approval by the end of August. Eileen added a couple of clarifications. Terms will be negotiated as part of the application process. John thanked the staff and the delegation who have been working on this process. Lisa mentioned that Kirby was instrumental.

H. SAGE Center Expansion Name – Lisa noted that preparation has begun for the SAGE Center expansion. Rick asked about including the high school students in the naming process. The others agreed and Lisa suggested Anna reach out to the schools.

I. Utility Plan Workshop Date – Lisa suggested a workshop for all commissioners regarding our utilities so that there is a better understanding of the water and wastewater systems. They decided on June 14 at 9 AM.

J. SPWF Contract – Heppner Flood Plain Work – Lisa said that the Special Public Works Fund is through Business Oregon for a \$2 million grant for the flood plain work in Heppner. The remaining \$536,000 project cost would be covered through \$86,000 from the Port, \$350,000 through WCVEDG, and a \$100,000 request from the County.

Rick made a motion to approve the SPWF contract and authorize the commission president to sign. John seconded. There was no further discussion. Motion passed unanimously.

K. Other

Joe asked about LUBGWMA and if the Port had representation. Lisa responded that no, we don't have representation. John replied that it seems like we should have someone.

VI. STAFF REPORTS

A. Project Updates

- SAGE Center – Mark gave an update on the bidding process and status of the project. May 2024 is the potential completion date if everything goes well.
- BUILD is moving forward. The road is underway as well as the wall for the new bridge.
- Digester – the cover has been placed over lagoon 3. It will take another four weeks for them to finish the cover. DEQ will be on site on May 24th for a tour. By the end of July, it should be online.
- Secondary treatment is at 60% design. We're hoping to coordinate a schedule with DEQ in the next couple of weeks.
- Winter storage lagoons are moving forward.
- Farm 4 expansion is being sent to bid, seeking a contractor to complete the work.
- South Lift Station / line – designs have been submitted to DEQ.

B. Maintenance Update – Tim talked about projects as Erika showed photos and videos of the construction projects.

C. Financial Update – Jason gave the financial update.

D. Usage Reports – The commissioners reviewed the usage reports in the packet.

E. Other

Rick asked if we should reach out to the other cities within the county for a tour. Lisa responded that they're looking at conducting a special districts board conference here and include a tour as part of that. John stated he thinks a port tour as part of the SAGE Center could be considered. Mark thought a pre-scheduled event a couple of times a month would be more manageable. Erika mentioned the self-guided port tour map.

VII. OTHER REPORTS

A. Willow Creek Valley Economic Development Group / Heppner Chamber – Kim Cutsforth provided an update for WCVED and the Chamber. They've just awarded

another round of grant funding. The Chamber awards banquet was last Thursday. Madison Rosenbalm is the new Chamber employee. She starts in July and the Chamber will be closed for the month of June.

B. Boardman Chamber Update / BCDA – Torrie and Anna reported that their presentation went well via a text to Brandy.

C. ICABO – none present.

D. City Updates – Karen thanked Lisa for taking their candidates on a tour of the Port. Brandon Hammond has been offered the city manager position and he has accepted.

E. County Updates – Tamra Mabbott shared that in the next month the economic development study will be finalized. The study will set the stage for future growth. She’s been working with port staff on a SEP.

F. Other – John asked Mark about the flex space at Heppner. Mark gave an update.

VIII. FOR THE GOOD OF THE ORDER

Joe read a thank you card for helping with the pickle ball court project in Irrigon. Mark reported that it was premature – but we will be excavating the site for them.

Joe said the Boardman FFA has a plant sale this weekend in the greenhouse the Port helped construct.

IX. UPCOMING EVENTS:

May 10th	3:30pm	POM Budget Committee Meeting
May 16th		District Elections
June 14th	1:30pm	POM Regular Commission Meeting
June 14th		POM Budget Hearing
June 14th	4pm-7pm	POM Employee and Family BBQ

The meeting was adjourned at 3:11 PM.

Submitted by:



Joe Taylor, Commission President



Lisa Mittelsdorf, Executive Director

PORT OF MORROW

Regular Commission Meeting

May 10, 2023

SIGN-IN SHEET

NAME PLEASE PRINT	COMPANY REPRESENTING	PHONE NUMBER	EMAIL ADDRESS (If we don't have it)
Aaron Moss	Morrow County Broadband Action Team	971-252-9025	
Justa Nelson	District Attorney	541-676-5626	_____
Karen Pettigrew	City	541-487-9212	
Sonathon Talus	Resident	(503) 570-7889	
Kelly Joherty	Citizen	541-401-2806	