

**Regular Commission Meeting**  
**March 8, 2023 – 1:30 pm**  
**2 Marine Drive, Boardman, Oregon 97818**

**I. CALL TO ORDER AND INTRODUCTIONS**

President Joe Taylor called the meeting to order at 1:30 p.m.

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

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

**Visitors Present:** Tami Sinor, Jonathan Tallman, Chief Mike Hughes, Karen Pettigrew

**By Zoom Meeting:** (Staff) Dori Drago, Marcine Brangham, Tim Patton  
(Guests) Sam Tucker, Mike Rogoway, Tamra Mabbott, Torrie Griggs, Dawson Quinton, Aaron Palmquist, Greg Smith, Kim Cutsforth, Kirby Garrett, Debbie Pedro, Jr. Drago

Added Public Comment: Jonathan Tallman provided a written copy of his statement, which has been included verbatim below. His speech in person varied some from the provided written version.

*Thank you for giving me the opportunity to address the port commission today. I love true Port of Morrow and what it has done in creating jobs in this area. Unfortunately, we have more jobs opportunities (thousands) than we do new construction homes built in Irrigon and Boardman. People are not moving to the area just renting.*

*Last month, I spoke about the conflict of interest involving two Windwave owners who didn't vote due to their acknowledged "actual conflict", and I appreciate their integrity in doing so at the meeting.*

*However, the acting city manager of Boardman, to which he receives employee income from, Rick Stokoe, voted despite his conflict of interest over representing the Port constituents as a port commissioner, which is disappointing because this money is the county's not the city's.*

*Today, I am troubled to see the Crez lines up for re-election on the agenda again. I am concerned that this could be another sweetheart deal for a trillion-dollar company at the expense of taxpayers, who last time ended up mortgaging their future for the benefit of a few, like on the last CREZ deals. I urge the port members to consider changing their ways and acting in the best interest of the county and negotiating a better like what was done in city of The Dalles getting more money than their first original deals with Google.*

*Also, I believe in the importance of still working together, but it has shown that the port and a company in particular, along with their other entities, have not made a genuine effort to collaborate with neighbors by their history of past non-actions and letting lawyers handle things by saying it is not their problem. I have personally experienced being ignored and threatened with lawsuits. I implore you to prioritize the well-being of the county and not your own personal gains by acknowledging the existing conflicts of interest that is causing this chaos.*

*As port commissioners, you have a fiduciary responsibility to act in the best interest of Morrow county taxpayers and not your own personal interests. I urge you to do the right thing, as your decisions will affect those you serve and the county as a whole going forward with more frustrations to come by ignoring these problems. Please listen to the concerns of those who are asking for help. Thank you for your time. I look forward to working with you.*

*Jonathan Tallman*

## **II. CONSENT AGENDA**

- A. February 8, 2023, Regular Commission Meeting Minutes** – Jerry requested a correction on the February 8 minutes to change the word to “plat” instead of “plan” on New Business, Item D regarding the legal description.

John made the motion to approve the consent agenda items. Rick seconded the motion. No further discussion was had. The motion passed unanimously.

## **III. LEGISLATIVE UPDATES**

- A. State** – Greg Smith gave an update on state legislative matters. He talked about the revenue forecast, committee meetings, and highlighted a few of the bills that he is involved with and ones that are on his radar, such as the enterprise zone legislation which is up for reconsideration. Other bills are housing, drought relief and behavioral health. Legislation that he doesn’t support with its current language are bills concerning data centers and one restricting CAFCOS.

**B. Federal** – Kirby Garrett talked about the federal legislative status. Four requests were submitted for the Port of Morrow under congressionally directed spending requests. The first was funding to assist with the wastewater infrastructure improvements, the second was to address some of the old rail infrastructure, in the south port area, the third was for the SAGE Center expansion, and finally, for the Exit 165 interchange improvements. Separately, the City of Boardman submitted a request for a business incubator facility, similar to the city of Irrigon. We are also doing what we can to support the request from Morrow County for drinking water infrastructure funding. Senate offices will be vetting those projects and then submitting them to the Senate appropriations committee. We heard from Congressman Benz who has started a similar process on the House side. Kirby ’s looking forward to the upcoming PNWA Mission to Washington trip. The federal budget for the year will be unveiled tomorrow by the President.

#### **IV. OLD BUSINESS**

John inquired about the timing of board appointments for outside memberships like CREZ. Lisa and Eileen stated that they have never been done annually and are only looked at when the current appointment can’t continue in the position. John stated that he would prefer it be done annually, since we currently have three Boardman Port representatives on the CREZ board, and he thinks there should be better representation from across the county. Jerry said that he’d be willing to give up his spot as an alternate on CREZ III and let John step into that role.

Jerry nominated John to replace him (Jerry) as the alternate vote for CREZ III. Marv seconded. There was no further discussion. The motion carried unanimously.

##### **A. CREZ III – Areas of Influence – Amendment #2**

Joe summarized the vote from the previous meeting on CREZ III Areas of Influence. After consulting with legal experts, the motion failed because there was a lack of majority quorum. Attorney Sam Tucker explained the legal aspect to the group.

Jerry stated that since the last commission meeting, he had a chance to speak with the Oregon Ethics Commission about this agenda item. He read from an email exchange with them, “After consultation on the topic of amending the IGA to expand the City of Boardman’s Area of Influence, would amending the IGA as proposed to expand the City of Boardman’s Area of Influence result in a certain financial impact for you or Windwave? Based on the information provided, it does not seem so. Thus, it is not an actual conflict of interest. Does amending the IGA as proposed to expand the City of Boardman’s Area of Influence result in a possible, but not certain, financial impact for you or Windwave? Maybe. Having the City at the table when negotiating tax abatement agreements with the County, Port of Morrow, and Amazon, might result in Amazon expanding the development at site 202 and the additional airport sites, which could lead to further work for

Windwave. Thus, you would have a potential conflict of interest.”

Jerry said that based on the conversation with the Oregon Ethics Commission and their analysis of the issue, he would declare a potential conflict of interest on this matter. Marv concurred after conversations and consultations with the Ethics Commission that a potential conflict of interest is in order for him as well.

Brandy explained the changes that have been made to the amendment #2 to the group.

Joe explained that the CREZ board has requested the new area be added to the City of Boardman’s area of influence.

Rick made a motion to approve the IGA amendment #2 for Columbia River Enterprise Zone III and add the land as shown on the map to the City of Boardman’s area of influence. Marv seconded.

John read a prepared statement, included as provided below.

*March 8, 2023*

*Good afternoon fellow commissioners, the following comments are directed at the commission and Not staff.*

*There is a certain freedom in wanting to serve the people of Morrow County on the Port commission but not being heartbroken if I am not reelected. I care about the port and its integrity which I believe is suffering because of recent actions, you of course are free to disagree with me on this point.*

*Never in 25 years of public service and numerous committees, boards, and commissions have I had issues with ethics until being elected to this position.*

*A county commissioner recently commented that ‘anyone with a pencil can file a complaint’ and I suspect it was meant derogatorily at the time but that is exactly the way our laws work and for good reason. In my opinion it is not just bad for the elected official when a complaint is proven true, it is worse for the organization’s integrity, professional reputation and public trust.*

*As actual conflicts of interest have already been declared on issues affecting the port’s activities at the airport, do they still apply today?*

*The vote on the IGA amendments adds another entity to the bargaining table who has a profit motive, ie the city of Boardman and the resulting funds likely to be assigned to them if past actions in CREZ2 funds disbursement is any indication. It seems to me that adding a monetarily motivated negotiator to the bargaining group interested in securing contracts*

*for data centers might play well into a fiber providers business plan and thus be a conflict of interest.*

*I still have the same objections to these IGA amendments as last month.*

*1-I do not believe the amendments further or enhance the port of morrows mission and in fact work against them in showing preferential treatment to one city over others.*

*2-adding an entity with a profit motive to the negotiations through a process that did not keep the commission as an informed and confirmed participant resembles (I stopped short of saying greed).*

*3-Amazon turned in their EZ applications over a year ago. I asked our EZ administrator why they have taken so long and he conjectured that it was political, that Amazon felt they would get a better deal with a change in county leadership, I'd like to hear confirmation of that from Amazon.*

*As a commissioner I was contacted during this time and told Amazon was ready to move forward and that the CREZ3 board was not willing to do so. For a year, no progress in a year? I believe Mr. Sweek's answer was correct, it was political, but for a different reason and from a different entity, that being Boardman and their exclusion from the disbursement of money from 5 more data centers if their area of influence was not enlarged.*

*Reason 4-the port commission has significant conflicts of interest around this topic and it's voting members on the CREZ3 board all claim residence in Boardman. Why is that?*

*5-why are there amendments now? This IGA stands to expire in 2025 unless the state legislature extends the program in this session, it is now a 5 year duration versus the normal 10. Unless of course its the money? The date EZ agreement is signed versus the makeup of the EZ negotiation board at the time then becomes very important.*

*6-we are the Port of Morrow, not the port of Boardman as we are acting like. Boardman does and will continue to benefit from our activities and from CREZ3 as it now stands, these amendments only damage the integrity of the port. Have I as a port commissioner been supportive of every request brought openly to me in a commission meeting from what I refer to as the ports number one business partner, the city of Boardman, yes! And I will continue to but these IGA amendments, in my opinion, have not been developed or brought to me in this way at all.*

*For these reasons I will be voting, and voting no.*

*Area of Influence expansion discussion:*

*Airport property is owned by the port correct? (Yes)*

*We the port are responsible for infrastructure. Fresh and wastewater, roads, what else?  
Is it county law enforcement jurisdiction? (Yes)*

*Boardman fire and rescue covers this area, are they going to bonded in these EZ agreements like they are in all previous ones, CREZ2 agreements I mean. They should be. As well as other taxing districts serving there. It appears to me that Boardman gets benefits without a majority of the costs associated with developments at the airport property.*

Rick asked for a Roll Call vote. Rick-Yes; Marv-Yes; Joe-Yes; John-No; Jerry-Yes.  
Motion passed 4 to 1.

#### **B. CREZ III – Boundary Expansion**

Joe reported that Amazon has applied for a SIP agreement with the county, which makes this item a non-issue now. The vote to expand the boundaries of CREZ III that was done at our last meeting will be repealed.

#### **C. CDA – Jerry and Marv declared a possible conflict of interest for this agenda item.**

Greg Smith, CDA Director, reported that the transaction was completed on Friday, which transferred around 11,000 acres to local control. The next steps that need to be completed are 1) CDA has 180 days/6 months to transfer 4,000 acres to CTUIR and 2) CDA also have 12 months to follow through on the commitment to the US Army to complete an interpretive site commemorating the Oregon Trail. There is also an obligation to have a memorial plaque and yearly commemoration ceremony for soldiers who lost their lives in the igloo explosion. He anticipates these conversations will take place soon. He also said he anticipates a conversation by the board regarding the 640 acres to the north of the depot that was part of an original conversation. He noted that there are two companies expressing interest in locating at the depot.

Joe reported that there will be a ceremonial signing during the upcoming Mission to Washington.

#### **D. Other**

### **V. NEW BUSINESS**

#### **A. New Leases** – Lisa gave an overview of leases. One has been extended through May at the mill site; one for a lay down yard at the airport; and one for grazing cattle. Joe talked about the fence line changes.

Lisa said we are continuing to entertain meetings regarding other projects and properties.

She also stated there's a request for a letter of support from PGE to support the renewable hydrogen project at the former coal fire plant.

**B. Other**

Mark introduced Jeff Wilson as the new project manager for the Port. Jeff gave a brief history of himself to the group.

**VI. STAFF REPORTS**

**A. Project Updates**

- **B.U.I.L.D.** – Mark said that we're working through RFIs. Contractors have been hired and we are hoping to begin moving dirt in the next several weeks. Paving likely won't happen until next year.

Lisa said Jeff has been working on the Terminal 1 dredging project so we can begin that project during the work window.

Mark added the internet parkway project will be completed around June.

Mark gave a brief update on the airport project.

He said Farm 4 expansion is moving forward with DEQ approval, which will add 1,200 acres for land application.

**B. Maintenance Update** - Tim gave an overview of projects while Erika showed photos, including the airport, BUILD, digester, internet parkway distribution center, and the south lift station. Also included were photos of SAGE Saturday and the new grain bin build at Morrow County Grain Growers.

**C. Financial Update** –Jason presented the financial update.

**D. Usage Reports** – The commission reviewed the usage reports included in the packet.

**E. Other** -Lisa called attention to the Tesla charging use report for the SAGE Center. Torrie reported that they're waiting for City of Boardman approval on the universal charging stations and that construction should begin soon after that. She answered additional questions regarding exhibit updates.

**VII. OTHER REPORTS**

**A. Willow Creek Valley Economic Development Group / Heppner Chamber** – Kim Cutsforth gave an update for WCVEDG and the Chamber. The WCVEDG programs are popular. Chamber Town & Country nominations open next week. Next weekend is the St.

Patrick's celebration. They're also looking for a new chamber director. Kim reported that they're waiting for permits and they have ordered building supplies for the Old Heppner Gazette Building. They'd like to open it in August.

- B. Boardman Chamber Update / BCDA** – Torrie called attention to the upcoming banquet, golf tournament, and the Chamber luncheon. She also said she and Anna will be starting a Workforce Wednesday podcast along the same format as the Chamber Talk with Torrie podcasts. The Columbia Avenue pedestrian path is getting close to being complete and they are almost ready to move forward with the new incubator building. The new Welcome to Boardman sign is under construction and should be installed soon. She also reported that the homebuyer's grant remains one of the most popular programs.
- C. ICABO** – Mark gave an update for the City of Ione. The sewer system is progressing. They're seeking a USDA loan for the project and hope to go to bid this fall. The school project is also going well.
- D. City Updates** – Aaron Palmquist from the City of Irrigon said they're looking forward to working with the Port on their incubator project.

Karen Pettigrew from the City of Boardman gave an update on the city manager position. They will be going back out for advertisement. They're starting phase two on the water system. Construction of the City Hall expansion was moving along until the recent snow, and then it slowed down.

Chief Hughes thanked Mark and Tim for the Port's work crews, who have done an outstanding job.

- E. County Updates** – None present.
- F. Other** -Anna said that the Columbia Works and High School internships are now open.

### **VIII. FOR THE GOOD OF THE ORDER**

Joe mentioned the necessity for a public comment policy and that it will be something we need to develop. He's tasked Port staff to work on a policy. Jerry agreed that it is needed and suggested we check with SDAO for an example.

### **IX. UPCOMING EVENTS:**

March 8 <sup>th</sup>	5:00pm	City, County & Port Joint Meeting
March 16th		Filing Deadline for Candidacy
March 19-23		PNWA 2023 Mission to Washington
April 12th	1:30pm	POM Regular Commission Meeting
April 12th	3:30pm	POM Budget Committee Meeting
May 10th	3:30pm	POM Budget Committee Meeting
May 16th		District Elections
June 14th		POM Budget Hearing



## X. EXECUTIVE SESSION

Jerry and Marv declared a potential conflict of interest before going into executive section.


The Port will hold an executive session meeting for the permissible reason(s) stated below under ORS 192.660(2). Representatives of the news media and designated staff and other persons shall be allowed to attend the executive session in-person. All other members of the audience will be asked to leave the room. The public virtual Zoom Meeting link will be closed during the executive session as permissible executive session meetings are not subject to HB2560. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision will be made in this executive session. At the end of the executive session, we will not return to open session.

- A. For the Purpose of Consideration of Deliberations with the Port's Executive Director and Other Staff Members Who Have Been Designated by the Port to Negotiate Transactions Related to the Sale or Lease of Real Property – ORS 192.660 (2)(e)**
- B. For the Purpose of Consultation with Counsel Concerning the Legal Rights and Duties of a Public Body with Regard to Current Litigation or Litigation Likely to be Filed – ORS 192.660 (2)(h)**

Joe adjourned the regular meeting at 3:45 PM. Executive session started at approximately 3:50 pm. There being no further business, the Commission meeting adjourned at approximately 4:26 pm.

Submitted by:

  
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Joe Taylor, Commission President

  
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Lisa Mittelsdorf, Executive Director

**PORT OF MORROW**  
**Regular Commission Meeting**  
**March 8, 2023**

**SIGN-IN SHEET**

<b>NAME</b> <b>PLEASE PRINT</b>	<b>COMPANY</b> <b>REPRESENTING</b>	<b>PHONE NUMBER</b>	<b>EMAIL</b> <b>ADDRESS</b> <b>(If we don't have it)</b>
Mike Alvarez	Berkowski Firm		
Anna Brome	POM		
Daphon Tallman	me	(209) 570-7589	
Karen Pettigrew	city-		