Lincoln County Port Authority
Meeting Minutes
August 18, 2025 @ 3:30 PM
LCPA Conference Room

216 West 9th street, Libby, MT

The Lincoln County Port Authority Board met on August 18, 2025, in the LCPA Conference Room, Libby, MT.
Present were Kate Stephens, Tony Petrusha, Chris Bache, Jerry Bennett, Kevin Peck, Brent Teske, Jennifer Brown, Noel Duram, Rocky Schauer, Levi Thompson, Brett Duvall and Ann German.

1. **Approval of Minutes: July 21, 2025:** Brent motioned to approve the minutes of the July 21, 2025, meeting as presented. Tony seconded the motion. With no further discussion, the motion carried unanimously.

2. **Approval of Financials:** The website account is currently at 62% of budget, primarily due to start-up costs. Jerry reported that he coordinated with Sedaris to run a detailed report for the TEDD. Tony motioned to accept the financials as submitted. Kevin seconded the motion. With no further discussion, the motion carried unanimously.

3. **Old Business:**
   a) **Family Health & Wellness Easement**: Discussion was held regarding moving forward with the easement while a lawsuit is pending. Levi expressed interest in establishing an easement through the walking path on the west side of the road and stated his intent to make the arrangement workable for all parties. Brent emphasized that the scope of the easement should be clearly defined and limited to non-commercial traffic. Kate has sent proposed agreement language to the attorney and is awaiting a response. Levi noted his plan is to run electricity under Libby Creek. Tony voiced concern for preserving continued public walkway access, to which Levi confirmed that would not be an issue. Kevin requested language in the agreement to secure perpetuity of both parties' goals. Kate will check the status with Courtney for review and legal language.

   b) **ABDW Logistics Railcar Storage Agreement**: The item remains on hold. The current proposed price will not cover operating costs. Chris is continuing to work on the matter.

   c) **Pond Park and Swim Pond Update**: Tony reported ongoing work with DPHHS to define the facility classification for the swim pond. DPHHS supports the concept of fencing but raised concern regarding the lack of a lifeguard. A lifeguard is estimated to cost approximately $6,000 a year. The MOU and agreement remain on hold pending final definition of the pond's category.

d) **Foundation**: The investor, who also works with the county, has been contacted. He offers five-year GSE investments with a 1/4-point fee. Kate will schedule a meeting with the investor to meet with the board.

e) **Budget Amendment**: Kate reported that unforeseen items have created a need for some amendments. There is a slight discrepancy between her accounting and Cassie's. She recommended waiting until next month to approve the amendment. Sedaris will provide the TEDD forecast, expected this week. Jerry suggested the budget could be approved by email once the forecast is received.

f) **Family Health & Wellness License Agreement**: Ann German revisited concerns regarding the Family Health & Wellness agreement, stating she has been unable to obtain clear answers regarding the contract. Jerry reiterated that the 2023 draft was outdated, with the most current version dated December 2024. Ann expressed concern about how these license agreements came to be and requested documentation and clarity in open meetings. Jerry stated the agreement had been approved during an open meeting. Ann requested concrete documentation and will return to the next meeting. She also questioned insurance coverage for the swim pond.

g) **Appraisal Review with Engineering Information**: The appraisal returned at $10,000 per acre. Jerry asked Andy to prepare a cost estimate considering floodplain and wetland issues on the 120-acre parcel, noting the focus is on economic development rather than highest-value sales. Chris expressed concern that Andy's estimate of $5 per cubic yard for fill may be too low unless material is available onsite. Cleanup of existing ground will be required. Jerry has contacted the state regarding potential EPA funding. Brent suggested the Brownfield project may be a path forward but questioned the value of pursuing a LOMA until cleanup occurs. Kate will remove this item from the agenda until the property is closer to sale readiness.

h) **Industry Way Project**: Kate met with Chris Noble and Tina regarding the project. Nomad has withdrawn from its one-third share of the road project, but Noble remains interested in installing utilities. Legal counsel recommends a utility easement and latecomer's agreement. Jerry confirmed that the 70-foot right-of-way should allow adequate space for utilities. Kevin motioned to investigate whether an easement exists or is needed and directed legal counsel to draft a latecomer's agreement. Tony seconded. Noel expressed concern that a latecomer's agreement may not be appropriate for the Port. Motion carried, with Chris abstaining. Kate will provide the board with a cost breakdown for the utility project.

4. New Business

a) **Investment Policy:** Brent motioned to approve the Investment Policy. Kevin seconded. Motion carried unanimously.

b) **Conflict of Interest Policy:** Tony moved to approve the Conflict-of-Interest Policy. Chris seconded. Motion carried unanimously. Board members will complete and return the acknowledgement forms to Kate within one week.

c) **Individual Authorities Policy**: Kevin motioned to approve the Individual Authorities Policy. Tony seconded. Motion carried unanimously

d) **Executive Authority Policy**: Tony motioned to approve the Executive Director Authority Policy. Kevin seconded. Motion carried unanimously.

e) **Open Meeting Training**: Kate announced training is scheduled for October 27, 10:00 a.m.–12:00 p.m., at the Port building. She will send details to the board.

f) **Senate Bill 3 Legislation**

   i. **Discussion:** Kate reported that discussions with the Superintendent, legal counsel, and Corrina determined that a school district member must be recommended to the LCPA Board under Senate Bill 3. No interview is required; the recommendation will go to the County Commissioners. The school district recommended Rob Delmas. Tony moved to accept the recommendation as presented. Kevin seconded. Motion carried unanimously.

   ii. Bylaws Update: Kevin motioned to approve updated bylaws to reflect the addition of a school district representative. Chris seconded. Motion carried unanimously. Kate will bring the full, new revised draft to the September meeting for board signatures.

g) **Board Commissioner Applications:** Due to the changes under Senate Bill 3, one vacancy was created instead of two. Three applications were received. Bill Clark was nominated by Tony, with no other nominations. Motion carried unanimously. Candidate will advance to the County Commissioners for approval.

h) **Land Disposition Policy**: The board reviewed the Land Disposition Policy and memo from legal included in the meeting packet.

i) **Litigation Discussion**: Kevin recommended exploring mediation options with legal counsel. Kate advised scheduling a closed session with the attorney to discuss legal strategy. She and Reid will coordinate the meeting, which will be properly noticed with opportunity for public comment.

5. Director Updates

a) **MSA/Wildfire Mitigation:** The first SPA for berm and gate work is underway and expected to be signed within a few weeks. An RFI has been published. Approximately $9 million is currently held by the USFS, with priorities including Mitchel Jackson, Norman McCedar, and Pine Phlats. DNRC grant funds remain on hold pending fire season. Kate reported that at the recent KRDC meeting, the board expressed interest in partnering with the city, potentially hiring a grant writer/community development staff. Brent suggested discussions with KRDC regarding their separation from the Port. Kate clarified that the Port–KRDC agreement has expired.

6. **Public Comment**: Rocky raised concerns about recreation and youth safety along 5th Street, noting increased danger between the walking path and roadway. He observed encroachment into the easement and recommended removal of the steam plant and berm, with fill relocated where needed. He emphasized the need for improved traffic safety, including adjusting fencing to allow for a walking path. Rocky also noted safety issues on the northwest side of the property where an old septic and diving board are located. Brent noted property lines markers should be in place. Jerry will review the parking area concern.

Adjourn: 5:00 p.m.

Next Meeting: September 15, 2025

LINCOLN COUNTY PORT AUTHORITY BOARD

Jerry Bennett
Jerry Bennett, Chairman

ATTEST: Jennifer Brown
Jennifer Brown