Lincoln County Port Authority
Meeting Minutes
September 15, 2025 @ 3:30 PM
LCPA Conference Room

216 West 9th street, Libby, MT

The Lincoln County Port Authority Board met on September 15, 2025, in the LCPA Conference Room, Libby, MT.
Personally present were Kate Stephens, Tony Petrusha, Chris Bache, Jerry Bennett, Kevin Peck, Brent Teske, Rob Delmas, Jennifer Brown, Jessica Svendsbye, Mike France, Noel Duram, DC Orr, and Tony Wickham. Present via Zoom were Gage Zobell, Courtney Ellis, and Reid Perkins.

1. Welcome New Board Member: Rob Delmas
The LCPA Board welcomes Rob Delmas as the new board member.

2. Approval of Minutes: August 18, 2025
Brent motions to approve the August 18, 2025, meeting minutes as presented; Tony seconds the motion. There being no further discussion or corrections, the motion passes unanimously.

3. Approval of Minutes: August 26, 2025
Tony motions to approve the August 26, 2025, meeting minutes as presented; Kevin seconds the motion. There being no further discussion or corrections, the motion passes unanimously.

4. Approval of Financials
Jerry asked if the $614 railroad charge was for a single crossing. Kate clarified it is an annual fee. Brent motions to approve the financial statements through August 2025 as presented, Kevin seconds the motion. There being no further discussion or questions, the motion passes unanimously.

5. Old Business

a. Family Health and Wellness Easement: Kate reported LCPA counsel has been in communication with Mr. Thompson regarding the Family Health & Wellness easement. Counsel recommended a temporary license agreement instead of an easement to allow construction vehicles to cross the east side of Libby Creek. Brent motions to authorize Kate to proceed with license agreement negotiations and bring the draft back for board approval, Kevin seconds the motion. Motion passes unanimously.

b. Family Health and Wellness License Agreement: Counsel continues to work with Mr. Thompson on the 2025 Family Health & Wellness License Agreement in light of pending litigation to determine the best path forward.

c. Industry Way Project & Utility Easement: The City of Libby, LCPA, and Noble discussed granting the City both a utility easement on Industry Way as well as springing easement along the south side of the property, the latter becoming effective only when utilities are installed. Kevin motions to authorize Kate to work with counsel to prepare the easements and return to the board for final approval; Brent seconds the motion. Motion passes unanimously.

d. ABDW Logistics Railcar Storage Agreement: ABDW representatives expressed concern that proposed storage rates were too high for the market. Jerry stated the port has limited capacity for projects that are not currently profitable. Kevin suggested publishing the proposed rates to see how the market responds. Chris asked if the agreement would be exclusive to ABDW; Kate said that was not stated in the agreement. Jerry stated $150 per car was a fair starting price. The Board advised Kate to proceed as discussed.

e. Pond Park and Swim Pond Update: Tony reported the Montana Department of Public Health and Human Services classified the swim pond as a flow-through system, similar to a hot springs, triggering requirements for a lifeguard on duty, visibility to the pond bottom, and inlet/outlet screens. Lifeguard costs are estimated at $6,000 per season, requiring four to five lifeguards. Tony states the LCPA owns the pond but the Libby Parks District will manage it. He requested reconvening the sub-pond committee and noted questions remain about volunteer insurance coverage. The swim pond is expected to be operational by next season under State DPHHS oversight. There are volunteers ready for fence construction around the pond.

f. Bylaws Signatures: Kate reported the bylaws approved at the last meeting require signatures. Vince Backen shared Study Commission questions regarding:

- Article 5, Section 1: Why board members do not need to be Montana residents. Jerry explained this is due to state law.
- Number of board members: Language allows "up to" seven members rather than requiring seven. Jerry noted multiple recruitment efforts have failed to fill vacancies.
- Section 2: Whether a City of Libby representative could be appointed to the board.
- Section 3: The Study Commission questioned notice requirements for special meetings and compliance with open meeting laws. Reid Perkins clarified the language refers to board member notification, not public notice.
- Section 4: States but if less than a majority of Port Commissioners are present at any meeting, a majority of the Port Commission present may adjourn the meeting from time to time without further notice. The Study commission questions why it doesn't say date and place to be reopened.
- Deposit language: Definition of "elsewhere" for deposit locations. Jerry stated the board would review these concerns further.

6. New Business

a. RC Racers Lease Agreement: The current RC Racers lease agreement has expired, and a new one is needed. Jerry noted the current lease is overly complicated, especially regarding property tax calculations, and recommended a simple monthly fee instead. Kate will research lease terms for clarity and compliance. Kevin mentioned that MCA rules for leasing property need to be reviewed before finalizing. Tony raised liability concerns for volunteers working on the property. The board agreed to take time to review and return with recommendations for a revised lease fee structure.

b. Grounds Work on Recreational Property: Grounds work on LCPA recreation property was partially completed. Contractor quotes for the grounds work came in high. Kate recommended purchasing equipment to handle grounds maintenance internally and noted there are grant opportunities for funding. Jerry offered to repair some existing equipment over the winter for Port use. Kate will prepare a list of equipment needs for board review.

c. 5th Street Extension Safety and Right of Way: Brent reported safety concerns raised by Rocky Shauer at the previous meeting. He noted encroachment issues and the road not being centered within the right-of-way. He suggested moving fences if the property is sold and designating safe parking areas to improve safety. Jerry recommended barricading unsafe parking areas, and Brent suggested adding a crosswalk for additional safety.

d. Astrodome Storage: Kate reported that storage space at the Astrodome has been advertised, with two campers currently stored—one fully paid, one pending contact. Storage fees are set at $100 per month. Jerry recommended implementing a standardized parking process. Kevin suggested exploring opportunities for a private business to manage expanded outdoor storage around the Astrodome rather than the port handling it directly. Kate will gauge interest from the business community.

e. Vincent Logging Contract: Vincent Logging, working on a bear habitat project with grant funding, requested use of Port employees for forestry technician work and offered to pay wages and mileage at the federal rate for LCPA vehicles. The agreement is for one year but may extend up to three years. Kevin motions to accept the contract with the addition of mileage reimbursement; Chris seconds the motion. There being no further discussion, the motion passes unanimously.

7. Director Updates

Kate reported that Gio attended the Libby Dam celebration event, securing additional sign-ups for home assessments, while Devon did the same at the Forest Fair. Gio has completed over 25 home assessments to date. Kate further reported the first Supplemental Project Agreement with the U.S. Forest Service has been approved, providing $31,000 for Doak Creek Road work and $50,000 for berm construction and administrative costs.

8. Open for Public Comment

DC Orr expressed concerns about public trust during the current lawsuit, stating that greater transparency is needed in government matters. He questioned agenda and minutes detail, the conflicting role of city council members on the KRDC board, and overall openness regarding city infrastructure projects. He reported filing a complaint about the sewer system and stated the city could have communicated project plans more clearly.

Vince Backen shared that the Study Commission raised questions about water and sewer connections, specifically stating the 2016 Economic Development Plan states KBP will connect to city water. Jerry noted the port has already paid over $500,000 toward sewer improvements.

9. Adjournment

Meeting adjourned at 4:32 p.m. Motion by Brent; second by Tony. Motion passes unanimously.

10. Closed Executive Session

4:35 p.m. Jerry convened a closed executive session for attorney-client discussions. Minutes were taken.

Next Meeting: October 20, 2025

LINCOLN COUNTY PORT AUTHORITY BOARD

Jerry Bennett

Jerry Bennett, Chairman

ATTEST: Jennifer Brown

Jennifer Brown