

Lincoln County Port Authority
Meeting Minutes
December 15, 2025 @ 3:30 PM
LCPA Conference Room
216 West 9th Street, Libby, MT

The Lincoln County Port Authority Board met on December 15, 2025, in the LCPA Conference Room, Libby, MT.

1. **Roll Call:** Board members present were Rob Delmas, Brent Teske, Kevin Peck, Jerry Bennett, with Director Kate Stephens and notetaker Jennifer Brown. Tony Petrusha was telephonically present. Chris Bache was absent but excused. Members of the public present were Milo Bengtson, Andy Evensen, and Tina Oliphant.
2. **Public Comment on Non-Agenda Items:** Milo Bengtson addressed the board regarding significant woody debris, downed trees, and logs that were washed into his hay field during the recent flood, resulting in damage to his fencing. Mr. Bengtson asked whether the Port would take responsibility for the impacts to his property. Jerry reported that he previously requested assistance from the U.S. Army Corps of Engineers after the EPA altered the corner of Libby Creek during cleanup activities, noting that it has been an ongoing challenge to have the riprap replaced. He stated that the EPA remediated the dike area but replaced the riprap with substandard material. **Jerry further indicated that he will look into rebuilding the creek corner using emergency flood funds and will walk the area to assess the damage tomorrow.** Kevin stated that there is no insurance coverage that would apply to the cleanup of Mr. Bengtson's property, as the event was not foreseeable, but noted that there may be an opportunity to assist through a good-neighbor approach.
3. **Public Comment on Agenda Items:** No public comment was made.
4. **Approval of Minutes November 17, 2025:** Jerry noted that the word "Divers" should be corrected to "Diverse." A motion to approve the minutes with this correction was made by Brent and seconded by Kevin. There was no further discussion. The motion carried unanimously.
5. **Approval of Financials November:** Tony reported an anomaly, noting that there are two fund numbers showing the same number and the same amount. A motion to approve the November financial report was made by Kevin and seconded by Brent. There was no further discussion, and the motion carried unanimously. **Tony stated that he will follow up with Kate regarding the discrepancies in the numbers.**
6. Old Business:

- a. **Lease Cost Recommendations:** Kate shared a standardized lease agreement prepared by the attorney but noted a question regarding whether snow removal is the responsibility of the lessee or the Port. She also verified that no utilities are available for the property. A motion to approve the lease form was made by Rob and seconded by Tony. There was no further discussion, and the motion carried unanimously.
- b. **RC Racers Lease Agreement:** Kate presented proposed lease rates showing \$0.04 per square foot for bare land, which equates to approximately \$1,724 per acre per month, and \$1.20 to \$2.00 per square foot for building space. She noted that Noble is the only comparable for bare land, and that Noble and Dinning provide comparables for building space. Kate suggested charging 100% of the rate for commercial users, with reduced rates for government entities and further reductions for nonprofit organizations. Jerry discussed the issue of partial use, noting that some spaces are only rented for five to six months of the year, and emphasized the need for consistency in rate application. Kevin stated that he was not prepared to make a decision at this time but supported further discussion, and asked whether there is available data on government-to-government lease rates. It was also noted that EPA testing at the Port for the cleanup material storage area may occur in the spring due to current wet conditions. **The matter was tabled until the January meeting.**
- c. **ARP: Tabled until January meeting.**
- d. **Pond Park and Swim Pond Update:** Tony reported no new updates but noted that the headgates are currently out of the water and the overflow channels have been opened, and the ponds are draining. Jerry commented that this is a good time to address the diversion of the channel. **Brent suggested coordinating with Jesse Haag to ensure the proper permits are obtained before proceeding.**
- e. **Board Member Vacancies:** Kevin announced that he has signed up for another term on the board. Tony moved, and Brent seconded, a motion to recommend Kevin's reappointment. **The appointment will be submitted to the Lincoln County Commissioners for approval.**

7. New Business

- a. **Noble Change to Easement Request:** Noble Investments has requested a modification to the post-closing conditions of the purchase agreement, proposing a 64' exclusive easement along the south side of the property in lieu of the previously agreed non-exclusive easement along the rail to the east. Tina clarified that the request relates to the purchase agreement and noted that the rail location could change, suggesting that language allowing for flexibility should be included. She further explained that Noble is proposing the alternative easement because both the Port and Noble may want access to the city street.

Kevin inquired whether the value of the proposed exchange is equivalent and emphasized the need for equal value in any trades. It was noted that the road may eventually be granted to the city to allow for utilities. Legal counsel recommended granting a 32' easement instead of 64'. The attorney has not yet reviewed the value considerations.

Andrew added that the 32' easement would effectively replace the easement along the creek, with the 32' benefiting the Port and providing the ability to develop the property to the north. **Kate will coordinate with legal counsel for further discussion and will email value information to the Board for a decision at the January meeting.**

8. **Director Updates:** Kate reported that the Port's trails have been severely damaged by recent flooding. Gio had placed caution tape to restrict access, but people ignored it. **Brent installed a temporary gate barrier, and staff will install a more permanent solution tomorrow. Brent will also post a "No Trespassing" sign.**

Kate contacted Downing Associates regarding the audit, but they are currently too busy to take on more clients. **She plans to research further and will ask Leann at the City and the hospital about their auditing firms.** Jerry noted that government audit experience is recommended.

Wood bank processing has begun, with volunteers using rented equipment. A volunteer had a hand injury today, so **Kevin will send a notice to the Montana State Fund.** Kate is also working on an agreement with the Libby Parks District for grant writing but is still finalizing details.

Regarding the road easement requested by the Family Health and Wellness, it is currently being used by Schreiber Holdings, who indicated that Stimson Lumber granted them a perpetual easement. Kate will provide updates as the attorney reviews the situation. The proposed development by Schreiber involves road use of 20 homes. Kevin noted that it was commercial use that was not wanted on the road. Tony added that the Family Health and Wellness is seeking a portion of Port property to avoid crossing USFS land. Kate stated they would need to purchase the land. **Other negotiations are currently with the attorney and will be addressed in January.**

Kevin reported that reimbursement for the ongoing lawsuit is capped at \$50,000 and that the full amount has been utilized. He acknowledged that the Port is still awaiting the appeal on the injunction. A new complaint has been filed but not yet served. Kevin emphasized the need to consider mediation. Jerry agreed with pursuing that option, while Brent suggested waiting for the court ruling to review the specific language. Kevin added that the Port's improvements and corrections serve as leverage in the matter.

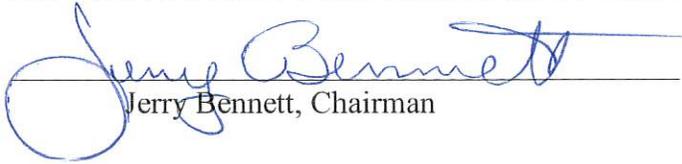
Returning to financial matters, Jerry reported that \$165,000 was returned from the loan fund. He noted that the Board should consider whether to reuse the funds. Jerry recommended keeping the funds liquid rather than reinvesting at this time.

Andrew reported that the Port previously held a stormwater permit with the State DEQ and is currently working on renewing it and making necessary changes. In his last discussion with DEQ, he was informed that water quality sampling is required, which has been completed and submitted. However, the application was subsequently terminated. Andrew is exploring options to move the permit process forward.

Adjourn: 4:40 p.m.

Next Meeting: January 12, 2026

LINCOLN COUNTY PORT AUTHORITY BOARD


Jerry Bennett, Chairman

ATTEST: 
Jennifer Brown