

April 15, 2020

The Lincoln County Board of Commissioners met for a regular session on April 15, 2020 in the Lincoln County Courthouse, Libby, Montana. Present were Commissioner Bennett, Commissioner Peck, County Administrator Patrick McFadden, and Clerk and Recorder Robin Benson. Commissioner Letcher was present via VisionNet.

Commissioner Peck opened the meeting with the **Pledge of Allegiance**.

10:30 AM **Administrative Issues:** Present were via phone conference were Derrick Perkins, Ray Stout, Nikki Meyer and DC Orr.

- Robin presented the minutes for April 8, 2020 regular meeting for approval. **Motion** by Commissioner Bennett to approve minutes as submitted. Second by Commissioner Letcher, motion carried unanimously.
- Robin presented minutes for a closed meeting on January 8, 2020. **Motion** by Commissioner Bennett to approve the minutes as presented. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Bennett discussed that at the time Lincoln County settled with LIV Golf Cart, there was \$6,290.00 due on property taxes that was overlooked and left unpaid. Taxes owed are for years 2014, 2015, and part of 2016. Commissioner Bennett requested to abate those taxes. **Motion** by Commissioner Bennett to approve the abatement of taxes in the amount of \$6,290.00. Second by Commissioner Letcher, motion carried unanimously.
- Commissioner Bennett said he has toured the Kootenai Falls area several times and decided to keep the area open. Commissioner Bennett said he has discussed with the Forest Service that he is inclined to keep the park open. Appropriate signage such as no camping, pack-in, pack-out signs and others will be posted. Commissioner Bennett stated his preference is to keep the park open to give people access to some recreation, as long as we are not experiencing community spread.

10:45 AM **Public Comment Time:** Present were Derrick Perkins, Ray Stout, Nikki Meyer, DC Orr and Jake Mertes.

- DC Orr said he is here to discuss the recent settlement with the Doney/Crowley law firm. The settlement has been announced in the newspaper, and Mr. Orr said he has looked at the minutes but is not finding where decisions were made. Mr. Orr asked when information will be released to the public.  
Commissioner Peck said decisions were made during closed meetings, but the IG Report and all other documents are open to the public, but he will need to check on the availability of closed meeting minutes.  
Mr. Orr commented that one of his concerns is that what he is reading in newspapers is not accurate. Mr. Orr stated that Allan Payne was a deputy county attorney at the time and questioned the county attorney's involvement in the settlement process. Mr. Orr said his main issue is that while Allan Payne was a deputy county attorney, he allowed the ROD to go through which affects every citizen regarding liability.  
Commissioner Peck said he cannot discuss the closed meetings, but all the paperwork, requests, and reports are available and would answer most questions.  
Mr. Orr said personal liability was allowed to be added to the ROD while the EPA was illegally paying the deputy county attorney, so there was an opportunity for the county to take that language out. Another opportunity is in the 5-year review of the ROD. Mr. Orr said that voting on something in a closed session is not how American Government works.
- Mr. Orr commented that putting someone on mute is taking people out of the public meeting. Mr. Orr said that he was muted, and Ray Stout was muted (referring to today's meeting). Mr. Orr said it shows up on his phone as muted and that is unethical. Ray Stout commented that he called back thinking he lost connection.

11:00 AM **Planning/Public Hearing for Indian Springs Phase 3 RV Park:** Present were County Planner Jake Mertes, Toby McIntosh, Troy Truman, Derrick Perkins, Ray Stout, DC Orr and Nikki Meyer.

Indian Springs Phase 3 RV Park falls within the Indian Spring Subdivision Phase 2A, approximately 1 mile north from the Town of Eureka and directly northeast of the intersection of Lindsay Road and US HWY 93N.

Kristin talked about the history of Indian Springs Subdivision and explained the developers are proposing to create an approximate 27.5-acre lot to serve as an RV Park. Development is to be completed in 2 phases. Kristin said the impacts are still the same and talked about the review criteria set forth in MCA 76-3-608(A) and conditions for approval. Kristin said the planning staff recommends the commission to grant preliminary approval to Indian Springs RV Park Phase 3 Subdivision subject to conditions and based on the findings in the staff report and amended by the Planning Board. Commissioner Peck opened the public hearing portion of the meeting and asked for public comment. There were no public comments. **Motion** by Commissioner Bennett to grant preliminary approval to Indian Springs RV Park Phase 3 Subdivision subject to conditions and based on planning staff recommendation. Second by Commissioner Letcher, motion carried unanimously.

12:00 PM **Meeting Adjourned**

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

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Mark Peck, Chairman

**ATTEST:** \_\_\_\_\_  
Robin A. Benson, Clerk of the Board