

07/01/2010

THE BUTTE COUNTY COMMISSIONERS CONVENE AT 2:10 P.M. July 1, 2010 for a special meeting. Commissioners present were Kindsfater, Harms and Hansen. Chairman Kling and Commissioner Smeenck were both absent. State's Attorney Vander Heide was present.

Vice - Chairman Kindsfater called the special meeting to order at 2:10 p.m.

Motion by Hansen Second by Harms to approve the meeting agenda as presented. Vote Unanimous. Motion Carried.

Motion by Hansen Second by Harms to go into an Executive Session at 2:10 p.m. regarding legal matters. Vote Unanimous. Motion Carried. State's Attorney Tim Vander Heide was present.

Commissioner Smeenck arrived while in Executive Session at 2:20 p.m.

Motion by Hansen Second by Smeenck to come out of Executive Session at 2:50 p.m. Vote Unanimous. Motion Carried.

State's Attorney Tim Vander Heide presented the Commissioners with Exhibits 1 & 2 that he had received from Attorney Scott Odenbach. Attorney Odenbach represents Terry and Wendy Carr. Attorney Odenbach stated to the Commissioners that he feels that the Applicant Mr. Bill Keester is an unsuitable applicant and the location of the Butte County Speedway is an unsuitable location for a Retail (on-off sale) Malt Beverage License. The ownership of the premises is also in question. Therefore, Terry and Wendy Carr are asking the Commissioners to deny the application.

Mr. Bill Keester spoke on his own behalf stating that he will amend his lease and will fulfill all necessary requirements to have his application in proper form.

State's Attorney Tim Vander Heide's opinion was that the application and lease are not in compliance with each other. A valid lease consistent with a valid entity needs to exist before granting the Malt Beverage license.

Motion by Smeenck to deny the Malt Beverage application based on the deficiencies that were presented. Vice – Chairman Kindsfater called for a Second to the motion three times. There being no Second to the motion the motion failed for the lack of a Second.

Motion by Hansen Second by Harms to defer the issue to July 21, 2010 for further review. Voting yes were Hansen, Harms and Kindsfater. Smeenck voted no. Motion Carried.

A discussion was held regarding the repair of the Freightliner Truck (#48) in the Highway Department. Highway Superintendent Don Adams said the estimated cost for the repairs was \$11,000.00. No action was taken.

Motion by Smeenck Second by Hansen to adjourn the meeting at 3:40 p.m. Vote Unanimous. Motion Carried.

APPROVED BY THE COMMISSION:
Kim Kling, Chairman

ATTEST: Elaine Jensen, Auditor