

materials be totally screened on all four sides. He indicated Mr. Kriens would need to follow the home occupational permit with respect to vehicles. Councilmember Look asked if there were complaints received in the future, could there be a requirement for fencing. Associate Planner Gladhill responded as of now there was not that requirement, but if complaints were received in the future regarding screening, it could come back to Council. Councilmember Elvig stated he does not want to enforce fencing and noted there was a provision to have the area screened. Mayor Ramsey stated because Mr. Kriens had taken responsibility for the illegal dumping and burning, he would be voting to grant this permit. Councilmember Wise stated because Mr. Kriens had not received any neighbor complaints regarding this business, he would be voting in favor of this request. Councilmember Dehen stated he would be voting in favor of this, but he was concerned about outdoor storage and asked the applicant to conceal the outdoor storage as much as possible.

Amended Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Look, Dehen, and Wise. Voting No: Councilmember McGlone. Absent: Councilmember Jeffrey.

Case #4: Request to Consider Evidence of Intent to Continue use of Motor Vehicle Sales Related to Legal Non-Conforming Use Claim at 8110 Highway 10 NW; Case of Chad Lundquist and Eric Lundquist

Associate Planner Gladhill reviewed the staff report.

Councilmember Dehen asked how long the lease was in existence.

Eric Lundquist responded it was from March 2008 to March 2009. He stated the lease required a rental of \$700.00 per month. He stated they have had many renters in their location and sometimes they were not paid.

Chad Lundquist stated Amazon Auto decided to take on a second location and he did not want to be pressured into changing his lot from one location to another and that was why Amazon Auto signed a new lease at a lower rate.

Councilmember Dehen stated he has never seen anyone occupy the building.

Chad Lundquist responded there was a person who used that building as storage and repair, but he did not have an active business there.

Eric Lundquist stated he was not sure what that person was doing, but he was paying for storage and they needed the rent.

Councilmember Elvig believed the landowner's intent was to have cars there and whether or not the tenant brought cars there was not their problem, but the City needed evidence of intent to continue.

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to instruct staff that materials provided related to request of legal non-conforming use at 8110 Highway 10 NW do provide credible evidence of legal non-conforming use.

Further discussion: Councilmember Dehen asked for the City Attorney's opinion. City Attorney Goodrich summarized the requirements of abandonment. He believed there was evidence of intent to continue with the signed lease. He reviewed State Statute regarding non-conforming use. Councilmember Wise asked if there would be a problem in March, 2010. Eric Lundquist responded they had two businesses that wanted to come into the premises in December. Councilmember Look asked if the applicants understood that if they got a tenant in with a lease over a year that did not sell cars, they would lose their legal non-conforming use. Eric Lundquist responded he did not believe the building would suit any purpose other than a car lot. He noted the two businesses that wanted to move in are car dealers.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Elvig, Dehen, Look, and Wise. Voting No: None. Absent: Councilmember Jeffrey.

Case #5: Adopt Ordinance Amending Section 3.30 Purchasing Policy of City Code

Finance Officer Lund reviewed the staff report.

Motion by Councilmember Look, seconded by Councilmember Wise, to waive the reading of the Ordinance per City Charter and adopt Ordinance 09-17 Amending Section 330 Purchasing Policy of City Code.

A roll call vote was performed by the Recording Secretary:

Councilmember Dehen	aye
Councilmember McGlone	aye
Councilmember Wise	aye
Councilmember Elvig	aye
Councilmember Jeffrey	absent
Councilmember Look	aye
Mayor Ramsey	aye

Motion carried.

Case #6: Approve Extension of Business Registration Certificate (BRC) to July 1, 2010

City Clerk Jo Thieling reviewed the staff report.

Motion by Councilmember Elvig, seconded by Councilmember Look, to approve extending the expiration of the current Business Registration Certificates to July 1, 2010.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Look, Dehen, McGlone, and Wise. Voting No: None. Absent: Councilmember Jeffrey.