

**MINUTES
CITY COUNCIL MEETING
May 6, 2014**

The Wayne City Council met in regular session at City Hall on Tuesday, May 6, 2014, at 5:30 o'clock P.M. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Cale Giese, Rod Greve, Jennifer Sievers, Nick Muir, Kaki Ley, Matt Eischeid and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Jon Haase.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on April 24, 2014, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Sievers made a motion, which was seconded by Councilmember Eischeid, whereas, the Clerk has prepared copies of the Minutes of the meeting of April 15, 2014, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: ALMQUIST, MALTZAHN, SE, 19400.00; AMAZON.COM, SU, 430.42; AMERICAN BROADBAND, SE, 2494.08; AMERITAS LIFE INSURANCE, SE, 4049.93; APPEARA, SE, 316.71; ARDENT LIGHTING GROUP, SE, 11600.00; AS CENTRAL SERVICES, SE, 448.00; BAKER & TAYLOR BOOKS, SU, 783.96; BANK FIRST, FE, 240.00; BARONE SECURITY SYSTEMS, SU, 78.00; BEHLEN MFG, SU, 1452.00; BIG T ENTERPRISES, SU, 128.80; BLACKBURN MANUFACTURING, SU,

268.56; BLACK HILLS ENERGY, SE, 689.64; BOMGAARS, SU, 13.26; CITY EMPLOYEE, RE, 79.14; BROWN SUPPLY, SU, 768.00; BSN SPORTS, SU, 1754.99; CHEMQUEST, SE, 595.00; CHILD SUPPORT, RE, 200.00; CITY OF NORFOLK, SE, 222.42; CITY OF PONCA, RE, 12719.91; CITY OF WAYNE, PY, 120559.56; CITY OF WEST POINT, RE, 18463.56; CITY OF WISNER, RE, 1922.44; COMMUNITY HEALTH, RE, 8.00; CONSOLIDATED MANAGEMENT, SU, 9.50; COPY WRITE, SE, 37.00; CUMMINS CENTRAL POWER, SE, 868.17; DANKO EMERGENCY EQUIPMENT, SU, 33.25; DE LAGE LANDEN FINANCIAL, SE, 115.84; DEARBORN NATIONAL LIFE, SE, 92.88; DUTTON-LAINSON, SU, 1880.27; ECHO GROUP, SE, 349.25; ECHTENKAMP, DOUGLAS, RE, 500.00; CITY EMPLOYEE, RE, 576.99; ELECTRIC FIXTURE, SU, 98; ELKHORN FENCE, SE, 4365.00; EXHAUST PROS, SE, 151.03; FIREMAN'S ASSOCIATION, SU, 25.00; FIRST CONCORD GROUP, SE, 3271.64; FLOOR MAINTENANCE, SU, 216.09; FREDRICKSON OIL, SE, 14.00; FRY & ASSOCIATES, SU, 8756.50; GEORGE A BEAUDETTE, RE, 75000.00; GEORGINA CASTANEDA, SE, 87.50; GERHOLD CONCRETE, SU, 1466.79; GROSSENBURG IMPLEMENT, SU, 280.88; HEGGEMEYER, LOWELL, RE, 256.76; HOMETOWN LEASING, SE, 147.02; HYDRAULIC EQUIPMENT, SU, 487.54; ICMA, SE, 13901.18; IRS, TX, 45464.35; J.P. COOKE COMPANY, SU, 130.50; JEO CONSULTING GROUP, SE, 4142.50; KEPSCO ENGRAVING, SU, 7.88; KRIZ-DAVIS, SU, 566.31; LANCASTER CO COURT, RE, 149.00; MARCO, SE, 1245.86; MIRIAN AGUIRRE, SE, 50.00; CITY OF WAYNE, RE, 975.00; MULTIMEDIA SALES & MARKET, SE, 370.50; CITY EMPLOYEE, RE, 91.00; NE DEPT OF REVENUE, TX, 6596.08; NE LAW ENFORCEMENT, SE, 80.00; NE LIBRARY COMMISSION, SU, 1066.00; NE NOTARY ASSOC, SE, 154.23; NE PUBLIC HEALTH, SE, 150.00; N.E.NE AMERICAN RED CROSS, RE, 59.24; NNPPD, SE, 4066.00; NOVA HEALTH EQUIPMENT, SU, 9997.00; NWOD, FE, 10.00; ODEYS, SU, 17667.04; ORIENTAL TRADING CO, SU, 148.24; PAT GARVIN, RE, 40000.00; PITNEY BOWES, SE, 648.00; PONCA RURAL FIRE BOARD, RE, 3043.87; QUILL, SU, 386.20; RON'S RADIO, SE, 56.50; SEWER MATIC, SE, 6600.00; STADIUM SPORTING GOODS, SU, 882.50; STATE NEBRASKA BANK, RE, 49880.00; STATE NEBRASKA BANK, RE, 113.41; CITY EMPLOYEE, RE, 120.40; TYLER TECHNOLOGIES, SE, 200.00; ULINE, SU, 150.51; UNITED WAY, RE, 12.40; US BANK, SE, 3806.11; USA BLUE BOOK, SU, 292.94; VAKOC CONSTRUCTION, SU, 814.50; VERIZON, SE, 256.99; VIAERO, SE, 252.07; VILLAGE OF WINSIDE, RE, 4068.92; WATCHGUARD VIDEO, SU, 12449.00; WAYNE AIRPORT, SE, 444023.57; WAYNE HERALD, SE, 92.00; WESCO, SU, 44652.90; WESTERN RIDGE III, RE, 88000.00; WISNER WEST, SU, 36.61; CITY EMPLOYEE, RE, 416.00; BAKER & TAYLOR BOOKS, SU, 725.10; BARONE SECURITY SYSTEMS, SE, 716.04; BIG STONE TRANSPORTATION, SU, 4363.20; CHARTWELLS, SE, 6244.02; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, RE, 678.40; CLAUSSEN & SONS IRRIG, SE, 197.10; CLEAN TO A T, SE, 1300.00L; COPY WRITE, SE, 186.36; DEMCO, SU, 109.25; DUTTON-LAINSON, SU, 170.40; EASYPERMIT POSTAGE, SU, 785.79; ECHO GROUP, SU, 733.52; GALE GROUP, SU, 145.11; GERHOLD CONCRETE, SU, 4822.89; GILL HAULING, SE, 155.00; GROSSENBURG IMPLEMENT, SU, 2.95; HEWLETT-PACKARD, SU, 6505.69; HOUCHEN BINDERY LTD, SU, 81.70; INGRAM BOOK CO, SU, 920.55;

INTERSTATE ALL BATTERY, SU, 231.50; JASON CAROLLO, SE, 70.00; JOHN'S WELDING AND TOOL, SU, 5.58; KATIE KASL, SE, 160.00; KELLY SUPPLY, SU, 480.34; KORY LESEBERG, RE, 75000.00; KRIZ-DAVIS, SU, 7073.73; MARCO, 126.36; MATHESON TRI-GAS, SU, 159.00; MIDWEST TAPE, SU, 169.95; MIKE TOWNE, SE, 500.00; MSC INDUSTRIAL, SU, 27.98; MURPHY TRACTOR & EQUIPMENT, SU, 702.54; NNEDD, SE, 9064.79; NE DEPT OF ROADS, SE, 3150.00; NE NEB INS AGENCY, SE, 630.00; NORFOLK TRUCK CENTER, SU, 73.52; NNPPD, SE, 13185.52; ODEYS, SU, 143.40; ONE CALL CONCEPTS, SE, 88.10; PAC N SAVE, SU, 242.42; PIEPER & MILLER, SE, 4559.00; PLUNKETT'S PEST CONTROL, SE, 954.75; QUALITY 1 GRAPHICS, SU, 150.00; QUILL, SU, 62.57; RANDOM HOUSE, SU, 2508.75; RON'S RADIO, SE, 185.36; SEVERN TRENT WATER, SE, 4133.49; SOOLAND BOBCAT, SU, 104.94; SHOPKO, SU, 329.25; STADIUM SPORTING GOODS, SU, 577.50; STATE NEBRASKA BANK, RE, 1000000.00; STATE NEBRASKA BANK, SE, 69.60; VAKOC BUILDER'S RESOURCE, SU, 128.23; VOSS LIGHTING, SU, 279.60; WAYNE COUNTY CLERK, SE, 280.00; WAYNE COUNTY COURT, RE, 400.00; WAYNE VETERINARY CLINIC, SE, 189.00; WESCO, SU,; 432.39; WISNER WEST, SU, 209.23; ZACH HEATING & COOLING, SE, 1032.76

Councilmember Brodersen made a motion, which was seconded by Councilmember Sievers, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the south wall of the City Auditorium and was available for public inspection. In addition, he advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Phil Monahan, Fire Chief, introduced Andrew Scholl and requested Council consideration to approving his membership application to the Wayne Volunteer Fire Department. Andrew was a former cadet on the department.

Councilmember Brodersen made a motion, which was seconded by Councilmember Giese, to approve the membership application of Andrew Scholl to the

Wayne Volunteer Fire Department. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Alex Koch, Recreation Services Director, was present requesting Council consideration to approve his hiring of Tom Cliff as Pool Manager for the 2014 summer season. Mr. Koch also hired Mr. Cliff's two sons, one of which will be the head lifeguard and the other a full-time lifeguard. Mr. Cliff is the soccer coach at Wayne State College.

Councilmember Eischeid made a motion, which was seconded by Councilmember Giese approving Tom Cliff as the Pool Manager for the 2014 season. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Penny Vollbracht, Senior Center Coordinator, advised the Council that one bid was received for the preparation of the hot meals at the Senior Center. The bid came from Chartwells. Congregate meals will increase to \$5.18 per meal and home-delivered will increase to \$5.44 per meal. This bid is in effect from July 1, 2014, through June 30, 2015.

Councilmember Ley made a motion, which was seconded by Councilmember Eischeid, approving the bid received from Chartwells to prepare the hot meals as part of the nutrition program for the elderly at the Wayne Senior Center. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Councilmember Eischeid introduced Ordinance 2014-11, and moved for approval of the third and final reading thereof; Councilmember Ley seconded.

ORDINANCE NO. 2014-11

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 26 CIVIL SERVICE, ARTICLE III CIVIL SERVICE COMMISSION, SECTION 26-81 CREATED AND SECTION 26-89 QUORUM; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Haase who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a “Land Lease Agreement” with Verizon Wireless. The term of the lease will be 15 years, with a 3% increase each year, with no extensions. The rental payments will be \$12,000 per year. The tower will be placed on a 75’x75’ site in the grassy area just east of the First Bankcard Center parking lot and just north of where any future eastward extension of 10th Street would be built.

Councilmember Sievers was not fond of the proposed location of the tower.

Councilmember Giese introduced Resolution 2014-35 and moved for its approval; Councilmember Muir seconded.

RESOLUTION NO. 2014-35

A RESOLUTION APPROVING LAND LEASE AGREEMENT WITH VERIZON WIRELESS.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Sievers who voted Nay, and Councilmember Haase who was absent, the Mayor declared the motion carried.

Mayor Chamberlain noted that Jeff Carstens of Wayne State College requested that Agenda Item No. 8 regarding the Interlocal Agreement to share law enforcement resources with Wayne State College be tabled until the next meeting.

Councilmember Haase arrived at 5:50 p.m.

Councilmember Eischeid made a motion, which was seconded by Councilmember Ley, to table action on Resolution 2014-36 – Approving Interlocal Agreement to Share Law Enforcement Resources between the City of Wayne and the Nebraska State Colleges, d/b/a Wayne State College until the next meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-432 Permitted Conditional Uses in the B-3 Neighborhood Commercial District. The Applicant, the City of Wayne, wishes to add this to the code to allow multi-family dwellings in the B-3 District under certain conditions.

Joel Hansen, Zoning Administrator, stated this matter arose from discussions at the Council Retreat regarding multifamily dwellings. This would allow multifamily dwellings as a conditional use in the B-3 District which is located primarily along East 7th Street and along the south and west perimeter of Wayne State College. The conditions would be set to allow the Zoning Administrator to approve the use within the City Code the same as currently exists in the B-2 and R-3 Districts where multifamily dwellings are allowed as a conditional use. If this agenda item were approved, then the following two

agenda items would need to fail, as they also deal with multifamily dwellings in the B-3 District. The Planning Commission reviewed this matter at their public hearing on April 7, 2014, and recommended that the Council not amend Section 90-432 Permitted Conditional Uses to allow multifamily dwellings in the B-3 District as a conditional use. The Planning Commission felt that what the City has now is adequate for the community until they see something different through, perhaps, a Comprehensive Plan.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-424 Exceptions in the B-3 Neighborhood Commercial District. The applicant, City of Wayne, wishes to amend the code to allow multi-family dwellings in the B-3 district under certain conditions.

Joel Hansen, Zoning Administrator, stated this matter arose from discussions at the Council Retreat regarding multifamily dwellings. This would allow multifamily dwellings as a use by exception in the B-3 District which is primarily located along East 7th Street and along the south and west perimeter of Wayne State College. The applicant would have to come before the Planning Commission and the Council to obtain the permit, and those bodies could place specific requirements on each project beyond those set in the City Code. If the Council wishes to approve this agenda item, then the previous agenda item needs to fail. The Planning Commission recommended to not amend Section 90-424 Exceptions to allow multifamily dwellings in the B-3 District as a use by

exception. Again, the Planning Commission felt that what the City has now is adequate for the community until they see something different through, perhaps, a Comprehensive Plan.

It was noted that R-3, R-4 and B-2 districts allow multifamily dwelling units.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-425 Special Conditions and Conditions for Granting Exceptions in the B-3 Neighborhood Commercial District. The applicant, City of Wayne, wishes to amend the code to set conditions under which multifamily dwellings are allowed.

Joel Hansen, Zoning Administrator, stated this would set conditions in the City Code under which a multifamily dwelling would qualify to apply to receive a use by exception if the previous agenda item was approved. Those conditions would apply to all projects and could not be waived for individual projects. If the previous agenda item fails, then this one should as well. The Planning Commission recommended to not amend Section 90-425 Special Conditions & Condition for Granting Exceptions in the B-3 District.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-264 Permitted Conditional Uses in the R-3 Residential District. The applicant, City of Wayne, wishes to amend the code to remove multifamily dwellings as a use in the R-3 District.

Joel Hansen, Zoning Administrator, stated this item arose from discussion at Council retreat regarding multifamily dwellings. This would remove multifamily dwellings as a conditional use in the R-3 District. If that occurred, multifamily dwellings would only be allowed in the B-2 and R-4 Districts. The intent of the R-3 District, as listed in City Code, is to provide living areas within the city where development is limited to high-density concentrations of multiple-family dwellings and single-family dwellings. The Planning Commission recommended to not amend Section 90-264 Permitted Conditional Uses in the R-3 District to remove multifamily dwellings.

The Code states the intent of this district as "to provide living areas within the City where development is limited to high density concentrations of multiple family dwellings and single family dwellings," and for that reason, the Planning Commission did not feel it made sense to have a district with that exact intent being removed therefrom.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission's recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-710 Parking Regulations.

The applicant, City of Wayne, wishes to amend the code to require one-half of minimum off-street parking requirements for residential uses be met on the lot.

Joel Hansen, Zoning Administrator, stated this item arose due to a discussion of multifamily dwellings at a Planning Commission meeting and the number of cars parked on the city terrace. In previous discussion, staff had recommended to require the number of parking spaces required for multifamily dwellings to be changed from 1.5 per dwelling unit to 1.5 per sleeping room. The Planning Commission and Council changed it to 1 per sleeping room. The City Code, at one time, stated the required parking stalls had to be provided on the lot. Over time, that was violated as people began to install terrace parking, as owner-occupied housing was converted into rental housing. Last year, the City amended the code to allow terrace parking to be used to meet the minimum parking requirements, with the exception that corner lots could only use one of the frontages for parking. If this item is approved, then we would move back towards previous language by requiring half of the required stalls to be on private property for any residential use. Many of the newer apartments that were built still would have met this requirement as they park half on the terrace and half in the rear off of the alley. However, the apartments built on corner lots have put most of their parking on the terrace except where the corner lot extended all the way to the alley. The Planning Commission recommended to not amend Section 90-710 Parking Regulations.

Mayor Chamberlain stated he would probably be bringing this parking matter back to Council, at least for discussion, to look at the size of the parking stalls required.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

Wendy Vawser spoke in favor of amending this section of the code, as did Joe Blankenau and Verlyn Francis.

Sharon Braun stated the consensus of the Planning Commission was to leave the code alone until the Council solicits requests for proposals for a new comprehensive plan. There has been a tremendous amount of growth in the community, and we have seen a lot of upheaval over all of the apartment complexes being built. She also noted that the “townhouse” that was built at the corner of 8th and Pearl Street (12 units) could also be built in an R-1 district. Someone found a loophole in the code to allow the same.

Mr. Hansen advised that a recommendation from the Planning Commission on the definition of “townhouse” will be brought before Council at their next meeting which will address the “loophole” in the code.

Chad Sebade stated he thought the parking should be considered on a case by case basis.

There being no further comments, Mayor Chamberlain closed the public hearing.

Mayor Chamberlain advised the Council that because the Planning Commission recommended no changes be made, no ordinances were prepared for Council action. If Council would like to bring any of these items back for action, they just need to let him know.

Mayor Chamberlain declared the time was at hand for the public hearing to consider the Planning Commission’s recommendation in regard to amending the Wayne Municipal Code, Chapter 90 Zoning, specifically Section 90-753 Nonconforming Structures. The applicant, City of Wayne, wishes to amend this particular section to more clearly define it.

Joel Hansen, Zoning Administrator, stated this issue arose from staff trying to interpret the City Code when property owners wished to replace an old structure with a new one. Paragraph (b) states that a nonconforming structure may be rebuilt, repaired or remodeled. Paragraph (c) states that if a nonconforming structure is damaged or destroyed, by any means, to the extent of more than 60% of its current property tax assessed value, then it cannot be restored unless it shall thereafter conform to the regulations. In the past, the City has allowed property owners to rebuild nonconforming structures based upon the first paragraph, provided they met the timeframe listed in the second paragraph. At the time of the Planning Commission meeting, staff felt these two paragraphs were contradictory to one another. After further discussion with legal counsel, we now believe they are not, but the first paragraph should reference the second one for clarity if the 60% rule is to remain in effect. The 60% rule also applies to nonconforming uses. The rule was most likely adopted as a means to transition existing properties to new requirements over time. Zoning works on the basis of a Comprehensive Plan. The Plan is a vision the community develops for how they want to see development and growth occur over time. The Code is the rules by which that growth and development takes place without taking away a use or a building with value until such a time that the use is abandoned for a period of time or the building has lost its value to a certain degree. If these uses and structures were grandfathered forever, then growth and development on these properties would never meet the vision of the community and those properties would be granted certain privileges and rights not available to other properties within the same zoning district. The map functions to determine where various rules apply to allow for differences in agricultural, residential,

commercial, and industrial uses. The Planning Commission recommended amending Section 90-753 to remove the requirement that once a nonconforming structure is damaged to the extent of 60 percent or more of its current property tax assessed value, it shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located.

After much discussion with legal counsel and further review of the intent of zoning, it was the recommendation of staff that the Council not amend paragraph (c) to remove the 60% rule, but rather amend paragraph (b) to add reference to the 60% rule to avoid any confusion about the intent of the rule.

Sharon Braun and Chad Sebade spoke during this public hearing.

Councilmember Sievers did not agree, and thought that if you tear down a structure or something happens to the structure, the same should be restored pursuant to new code requirements.

City Clerk McGuire had not received any comments, either verbal or in writing, for or against this public hearing.

There being no further comments, Mayor Chamberlain closed the public hearing.

Councilmember Ley introduced Ordinance 2014-12 and moved for approval of staff's recommendation, and in addition, adding the language to subparagraph (b) that any work completed under authorization of subparagraph (b) must comply with subsection (c) thereof; Councilmember Muir seconded.

ORDINANCE NO. 2014-12

AN ORDINANCE AMENDING WAYNE MUNICIPAL CODE CHAPTER 90, ARTICLE IX. NONCONFORMING USES BY AMENDING SECTION 90-753 NONCONFORMING STRUCTURES; TO PROVIDE FOR THE REPEAL OF

CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmembers Brodersen and Haase who voted Nay, the Mayor declared the motion carried.

Mayor Chamberlain stated that in regard to Agenda Item No. 16 - Action to Consider the Request of Dave Headley to vacate the half block alley between Lots 9 and 10, Block 24 of the Original Town of Wayne, we received a letter from Vern Schulz who was against vacating or closing the alley. In addition, Administrator Johnson stated he received requests from the following people to not close or vacate the alley: Kelby Herman, Alex Koch, Terry Schulz, and three tenants that reside in Mr. Herman's apartments.

Councilmember Giese stated he had received a phone call to not vacate the alley as well.

Gloria Lawrence who owns property at 105 Sherman Street was present and requested that the alley not be closed or vacated.

The agenda item "Action to Consider the Request of Dave Headley to vacate the half block alley between Lots 9 and 10, Block 24 of the Original Town of Wayne died for lack of a motion.

Councilmember Ley made a motion, which was seconded by Councilmember Muir approving the appointment of Councilmembers Cale Giese and Jennifer Sievers to the "Fraternal Order of Police Labor Agreement Negotiating Committee." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried.

Councilmember Giese made a motion, which was seconded by Councilmember Muir, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, the Mayor declared the motion carried and the meeting adjourned at 7:01 p.m.