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**STORY COUNTY, IOWA  
CERTIFICATE OF CONDITIONAL USE PERMIT  
AND WRITTEN FINDINGS OF FACT**

**IN THE MATTER OF THE APPLICATION OF:** : **PERMIT NO. CUP08-17**  
**Bradley Perkins, 1641 T Avenue Madrid, IA for** :  
**Parcel ID 09-18-100-215, Section: 18 Township:** :  
**83 Range: 24, Washington Township, for** :  
**CUP08-17 for a Commercial Campground and** :  
**Travel Trailer Park for 20 permanent cabins and** :  
**10 parking spots for RVs.** :

**On March 21, 2018, the Story County Board of Adjustment approved the Conditional Use Permit application CASE NO. CUP08-17 for the Commercial Campground and Travel Trailer Park for 20 permanent cabins and 10 parking spots for RVs.**

**Motion: Bruns  
Second: Scarlett**

**VOTE:       Ayes:       Brekke, McGill, Scarlett  
              Nayes:       Bruns  
              Absent:     Youngberg  
              Vote:       (3-1)**

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**Case Summary**

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Bradley Perkins submitted a Conditional Use Permit application CUP08-17 for a Commercial Campground and Travel Trailer Park for 20 permanent cabins and 10 parking spots for RVs to be available May through September and not more than 30 days during the months of October

through April. This proposed use is in addition to the eight-room Bed and Breakfast and 4,400 square foot event venue for up to 300 guests approved as CUP09-17 by the Board of Adjustment on February 21, 2018.

Emily Zandt, Story County Planner, reviewed the Conditional Use Permit Application, site plans, written narrative, and other related submittal materials and responses from the applicant to County staff comments in accordance with Chapter 90 Conditional Uses of the Story County Land Development Regulations.

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## March 21, 2018, Story County Board of Adjustment Meeting

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### Staff Presentation

Emily Zandt presented the staff report at the March 21, 2018, Story County Board of Adjustment meeting. Zandt provided information on the proposed request and stated that it is not consistent with the Ames Urban Fringe Plan Land Use Framework Map designation and policies of the Urban Residential Area, is not compatible with surrounding land use, and has potential for major impacts on nearby property owners. Zandt showed the Board site photos, including of the view to the north toward US Highway 30 showing several apartment buildings and hotels north of the highway, west toward the adjacent, nearest dwelling and the tree line separating the properties, and south toward the adjacent agricultural land. Zandt also showed an aerial image and a photo looking east from the southern edge of the subject property showing a “nice buffer of trees along the eastern edge of the property.”

Zandt went through each standard for approval for conditional use permits and staff's analysis and findings of fact.

Applicable Regulations: Chapter 90.04: Standards for Approval

The Board of Adjustment shall review the proposed development for conformance to the following development criteria:

1. *Compatibility. The proposed buildings or use shall be constructed, arranged and operated to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious, nor offensive in appearance to abutting or nearby properties. Zandt stated that all setbacks and supplemental standards for commercial campgrounds would be met. All proposed development will be located on the south side of the creek.*

Staff feels camping does not compare to uses associated with single-family dwellings. Camping may involve hiking on the property and near adjacent properties, outdoor parties, activities and recreation involving music, cooking, bonfires, and other noisy activities. Outdoor lights, fireworks, and other late-night activities may be disruptive to adjacent properties.

The addition of a commercial campground with as many as 20 cabins, accommodating up to six (6) guests each, plus 10 RV sites accommodating two (2) to four (4) guests each, could potentially have a major impact on the immediate vicinity due primarily to

potential noise and traffic. This is in addition to the bed and breakfast and event venue use. The commercial use may have an impact on future residential growth in the area.

- 2. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.*

Zandt stated that there are many trees and a large natural area on the property that may act as a partial buffer of the proposed uses.

All development will be located on the south side of the creek, between ¼ mile and ½ mile south of 240th Street.

The proposed campground use is proposed to be developed to the southwest of the existing single-family dwelling, increasing the intensity of use throughout the 74-acre site.

If the proposed use is approved, the applicant would be required to add landscaping equivalent to 20% of the impervious surface being added to the site. The additional landscaping may be placed in areas to further screen the proposed uses from the adjacent properties. It would, however, be difficult to fully buffer the potential noise and disruption caused by the commercial campground users.

- 3. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.*

Zandt stated the average annual daily traffic count on 240<sup>th</sup> Street is 60 vehicles. With the cabins at 50% capacity, that's 60 additional trips or a 100% increase in traffic. This does not account for the RV spaces, bed and breakfast, or event venue traffic. With everything at maximum capacity, there could be nearly 500 people on the site at one time.

As a condition on the bed and breakfast, the applicant must provide dust control along the road if traffic counts exceed 150 average annual daily traffic counts. The applicant has indicated he's very willing to do the dust control.

- 4. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.*

Zandt discussed the parking maximum, driveway width, and tree to parking space ratio requirements that would be required to be met if the use were approved.

- 5. Signs and Lighting. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.*

Zandt discussed the sign and lighting requirements that would be required to be met if the use were approved.

6. *Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.*

Zandt discussed how several of the cabins and the access road could be located within the floodplain. The floodplain boundaries are being updated by FEMA and may shift. The applicant will need to monitor water across the driveway. The current property owner did indicate that there have been three or four times that the bridge area has flooded from the creek, although he indicated that it's never been more than three or four inches in depth.

The applicant will be required to provide 20% landscaping to offset impervious surfaces and design the site in accordance with the Iowa Storm Water Management Manual and SUDAS for erosion control.

Zandt stated that (following Chapter 90.04: Standards for Approval) if the Board concludes that all the above development criteria will be met, it must recommend approval of the application unless it concludes that, if completed as proposed, there is a strong probability the development will cause one of the following issues:

1. *The development will not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining or surrounding property.*

Zandt stated that the proposed campground will likely have significant potential impact on the neighboring properties. In addition to the traffic from the proposed event venue and bed and breakfast, guests at the campground may enter and exit the subject property throughout the day and night. Camping uses and activities do not compare to uses associated with single-family dwellings and agricultural uses.

2. *The development will not impair an adequate supply of air and light to surrounding property.*

Zandt stated that it is not anticipated that the proposed commercial campground will impair an adequate supply of light to the surrounding properties. However, the impact of nighttime lighting from the campground is unknown. No lighting plan has been submitted at this time. Surrounding properties may be impacted by smoke from numerous campfires, grills, and other uses at the campground.

3. *Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers.*

It is anticipated that with all of the proposed uses on this property there will be a significant increase in traffic along 240<sup>th</sup> Street. With structures near to or within the floodplain area, damage from flood is possible. Additionally, the hazard of fire is greatly increased with the addition of numerous campfires, grills, and other uses to the site. Planning and Development staff have not received confirmation that Xenia Rural Water will have the capacity to serve all of the proposed uses on this site, including the existing single-family dwelling, eight-room bed and breakfast, event venue for up to 300 guests, and a commercial campground.

4. *Diminish or impair established property values on adjoining or surrounding property.*

The Story County Assessor's Office raised no concerns with this proposed development from its review of the requested Conditional Use Permit application. It would be noted, however, that campgrounds are not typically associated or easily integrated with single-family dwellings or planned residential developments.

5. *Not be in accord with the intent, purpose and spirit of the Ordinance or the Cornerstone to Capstone Comprehensive Plan.*

The proposed use is not in accordance with the Story County Land Development Regulations, which permits Commercial Campground and Travel Trailer Parks in the A-1 Agricultural district if a Conditional Use Permit is granted by the Story County Board of Adjustment. The proposed Commercial Campground does not align with the Urban Residential Land Use designation of the Ames Urban Fringe Plan or related policies, which supports single-family residential development, with a minimum average net density of 3.75 units per acre.

Zandt discussed the burden of persuasion from Chapter 90.04(C):

1. The burden of persuasion as to whether the development, if completed as proposed, will comply with the requirements of this Chapter is at all times on the applicant.
2. The burden of presenting evidence to the Board of Adjustment sufficient enough for it to conclude that the application does not comply with the requirements of this Chapter is upon

In addition to staff's findings, Zandt presented comments received from county departments, members of the public, and the Planning and Zoning Commissioners. Zandt stated that Environmental Health noted the Iowa DNR would be permitting authority for the septic system due to the volume of wastewater. The County Engineer had comments on requiring dust control if over 150 trips a day are generated. The assessor noted that the parcel would be changed to a dual classification for tax purposes. Any development within the floodplain needs to comply with the County's regulation set forth in Chapter 80- Floodplain Management Program, of the Story County Code of Ordinances.

Public notification letters were mailed to surrounding property owners within a quarter-mile of the site on February 26, 2018, regarding the Conditional Use Permit application. Numerous emails in support of the proposal were received and forwarded to the board. Additional emails and letters were also provided to the board at the meeting.

Planning and Development staff also received an e-mail and document supporting the staff recommendation to deny the conditional use permit application, which has also been provided.

Application materials were routed to the City of Ames and the City of Gilbert on February 21, 2018. The City of Ames provided a letter dated February 26, 2018, indicating Ames Planning and Housing Staff does not support approval of the proposed Commercial Campground and

Travel Trailer Park on this property and does not support a change in the future land use designation of the Ames Urban Fringe Plan or zoning to accommodate a campground. A copy of the letter was posted on the Agenda Center.

The City of Gilbert took no official position on the Commercial Campground and Travel Trailer Park Conditional Use Permit submittal.

Comments were received from Mary Greeley Medical Center which included questions for emergency response regarding the ease of access for emergency vehicles, signage/ lighting/ addressing for identifying specific buildings, and if an AED or first aid/bleeding control will be available on site. The applicant has indicated the design will accommodate emergency vehicles and supports having first aid and medical supplies on site.

Zandt stated that Planning and Development staff recommend denial of the proposed Commercial Campground and Travel Trailer Park Conditional Use Permit and that the Story County Planning and Zoning Commission recommended approval of the Conditional Use Permit for the Commercial Campground and Travel Trailer Park without conditions at their March 7, 2018, meeting.

### **Comments and Questions from the Board of Adjustment**

The Board clarified that the Planning and Zoning Commission recommended approval. Brekke asked how many local residents commented. Zandt stated that there were several nearby property owners, but the emailed comments came from all over. Scarlett asked if there is a map that shows the physical property with the bed and breakfast, event venue, and the proposed campground in relation to the neighbors. Zandt showed an aerial image and pointed out where the items proposed would be located and the dwelling to the southwest. Scarlett asked if the bridge would be strong enough to support RVs. Moore stated that the property owner is here and may be able to comment on that. Brekke asked what the property has been used for in the past. Zandt stated that it used to be row crops before the trees were planted.

### **Applicant and Property Owner Comments**

The applicant, Brad Perkins, spoke about his request and addressed staff's concerns and findings:

- No construction would occur in the floodplain.
- Mature trees will be preserved.
- Xenia Rural Water can provide a 30-gallon-a-minute maximum flow rate, there is a well, and water will be collected in a cistern from the event center roof. They will be able to provide water for 33 showers at a time, which exceeds what is needed. The cistern will provide water for the toilets with storage to cover five days at full capacity restroom use.
- The septic system will be permitted by the Iowa Department of Natural Resources.
- The applicant met with the Westory Fire Chief and Assistant Chief. They suggested installing a dry hydrant off the lake so they may connect their pumper truck to it and draw water for the lake in case of a fire. This was their only suggestion. The applicant proposed to install a dry hydrant and showed how it would be installed.

- Regarding the concerns about compatibility, the applicant does not believe staff's concerns are accurate as there are several examples of single-family dwellings near campgrounds in Story County:
  - The applicant showed an aerial image showing apartments and a single-family home under 800 feet from the Hilton Garden Inn and Sleep Inn Suites in Ames (across Highway 30 from the subject property). The applicant noted that the event center was over 1,000 feet from all neighboring single-family dwellings.
  - There are also nearby areas in the City of Ames where single-family dwellings are near parks with hiking trails and picnicking areas.
  - The applicant showed an aerial image illustrating the wooded area between the property, where the cabins and RVs would be located, where the event center would be located, and the neighbor to the west. The applicant pointed out that in staff's photos, the roof of the home was barely visible. There is also a rise in the land to the west that provides a physical barrier for noise in addition to line of sight.
  - The applicant gave the example of Dakins Lake Park in Zearing, Iowa, where the Board of Adjustment recently approved cabins. There is a dwelling within 437 feet of the campsites with no topographic or vegetative buffer between them.
- Regarding the concerns about traffic:
  - They are 1.7 miles from the Hilton Garden Inn.
  - For a 300-person event, the intent would be for a shuttle to be used for guests from the hotels.
  - Excluding cabins, there are 60 parking spaces proposed. This is on purpose to encourage the use of shuttles and reduce traffic impacts.
- Regarding the concerns about compatibility with future land use:
  - If neighboring properties were developed as housing in the future, they would still be over 760 feet from the cabins at minimum.
  - The cabins will be nine feet tall and 500 square feet. Future residential neighbors will not notice them.
  - The cabins are slab-on-grade and could be removed if the property was developed for single-family dwellings in the future.
  - The area that the cabins will be in are actually designated as Natural Area in the Ames Urban Fringe Plan. Dakins Lake is designated as Natural Resources area in the Story County Cornerstone to Capstone Comprehensive (C2C) Plan. It is also adjacent to the City of Zearing's Urban Expansion area.
  - The C2C Plan citizen survey showed the number one way to improve the quality of life in Story County was through recreational opportunities.
  - The applicant stated that the property is zoned for what he is proposing.
  - He believes the Planning and Zoning Commission agrees with him that nothing he is proposing prohibits future residential development.

McGill asked the applicant to give information on the current proposal only and to try to limit the presentation to include only what is significant to this property and keeping in mind that there are possible violations with the Ames Urban Fringe Plan.

McGill asked if the sale of the property had culminated. Perkins indicated it was contingent on being able to do the business.

The property owner, Doug McCay, also spoke. He detailed why they did not go through with an Ames Urban Fringe Plan amendment to do a housing development. They would have had to annex and the cost of an associated rural water buyout was too much. He also clarified that

there wasn't a bridge in the driveway, there are several culverts at the stream crossing. Large trucks have crossed it before. He also noted flooding of the driveway has not really been an issue.

McGill clarified with the applicant that rural water could provide sufficient service. The cistern is to collect runoff and use the water to flush toilets. Perkins said he was confident it would work.

Zandt noted a policy of the Ames Urban Fringe Plan for Natural Areas is to discourage development.

## **Public Comments**

Attorney Greg Ervanian, on behalf of James and Teresa Palensky, asked if his statement was included in record for the board. Zandt stated that it was emailed to the board and Ervanian had no further comments.

Mike Stott, SB&A Architects, spoke. He was the architect retained by the applicant for the project design. He stated that the proposed cabins would meet all setbacks. He understands camping involves hiking, music, and cooking. He was the architect for a youth camp in Boone on 33 acres with 180 campers in cabins and tents. They went through a similar process with the Board of Adjustment and similar concerns about late-night noise, lights, etc. arose. The conditional use permit was granted. For the past eight years, the camp has had activities late at night—capture the flag with screaming girls, there is a lot of cooking and campfires. The camp owners do outreach to the neighbors and the neighbors noted that they rarely see or hear anything. They wonder if it is still operating. There have been no noise or other impacts on adjacent property owners. The subject property and Perkin's proposal provide twice the area with twice the buffer size from adjacent properties than the Boone example. Additional landscaping will also be provided, and areas could be found to plant additional trees.

On the traffic concerns, Stott stated that with 60 trips per day, during 18 waking hours, the 60 trips amount to 3.2 vehicles per hour. If there was a 100% increase, as indicated by county staff, it would amount to 6.4 cars per hour. The 150 trips generated from the venue would not be every day—just the days the facility is utilized. Over a six to eight-hour time the venue is being used, that's 12.5 to 25 additional vehicles per hour. Stott deduces that when you break down the traffic, the impact is relatively low.

Stott noted that the county has not adopted a building code. Perkins has retained Stott and a civil engineer to stamp all the drawings and plans. As registered design professionals, he is utilizing the International Building Code, including plumbing and electrical codes. By using these codes, they are protecting the health, safety, and welfare of persons residing or working in adjoining or surrounding property (a standard of approval).

Stott added that there is a need in the area for this type of proposal. The park-like setting will complement and improve the opportunity for future development in the area that is consistent with the Ames Urban Fringe Plan.

Westory Fire Chief and City of Kelley Mayor Kenney Kline stated that he met with Perkins over the past weekend. The turnaround is big enough for emergency vehicles. Their vehicles can reach all areas and they have off-road vehicles for fires out in the treed area. Kline stated that he recommended a dry hydrant. There are several nearby hydrants they've also used. The fire department has the ability to fight fires in the area in the event of a fire emergency. They have a

28-E agreement if mutual aid is needed. With the pond, there's an opportunity to have water on the site.

Ryan Gehling, Ames resident, spoke and stated that he is in support of this project and feels that his family would benefit from it. Mr. Gehling stated that he did not feel noise would be a factor because users would be there for family time and to relax.

Kim Christiansen, the owner of an adjacent properties to the east with two dwellings, stated that the area is very controversial with the city. He was not aware of the Ames Urban Fringe Plan when it was developed even though he lived in the area, and was not aware of the property rights they lost with the plan. The city changes its mind about future development frequently. What the city wants is to put together large pieces of property to involuntary annex others in the area. If this is truly a matter of if the proposal is compatible with what the city wishes to see in the area, and it's a natural area, there couldn't be a more compatible use with what is being proposed. Parks have cabins and RV hookups. Mr. Christiansen stated that he has no problem with this proposed project.

John Moore, the adjacent property owner to the northeast of the pond on the subject property, spoke and seconded Christiansen's comments. He has been working with Perkins. He stated that his only concern is dust control, not traffic. And that a fence is put up to keep people from walking across his property and horse pasture. Perkins has been responsive to these concerns John Moore does not feel that noise will be an issue and that he is strongly in favor of this development.

Jolene Trickle spoke and stated that she is in favor of the development and does not feel any future development would be affected by this project and asked the board to vote in favor.

### **Board of Adjustment Discussion**

Jerry Moore stated that the primary land use designation for the property is Urban Residential. Moore stated that staff is required to look at both the zoning and the future land use designation when reviewing conditional use permits. If the Board of Adjustment concludes that the proposal is compatible with the area, the applicant should go through the Ames Urban Fringe Plan amendment process to ensure the future land use map designation is also compatible. The Ames Urban Fringe Plan is not just Ames' plan—it's Story County and Gilbert's as well.

Perkins spoke again and acknowledged that this is a complicated issue. Perkins asked the board to keep in mind that the fringe plan is not law, but that the zoning code is the law. Perkins asked at the beginning of the process if Ames needed to approve the conditional use permit and was told by staff they did not, but that they would provide input. He hasn't found where it is in the code that an Ames Urban Fringe Plan amendment is required for the conditional use permit to be approved. The property owner asked the city for an amendment and they said they would consider it over the course of the next two years. Perkins stated that the Ames Urban Fringe Plan is for the future, to know what's coming. In the meantime, he is asking to use the land for a purpose that's allowed in the current zoning district.

Bruns asked Jerry Moore to clarify the process again. McGill stated he had the same question. Moore stated that the county's conditional use permit review process requires consideration of the future land use in addition to the zoning district requirements and the standards of approval for conditional uses that Zandt discussed. The future land use designation is Urban Residential.

It is intended to accommodate future single-family dwellings. Moore explained the amendment process.

McGill asked if the board has authority given the Ames Urban Fringe Plan designation. Jerry Moore stated that this use is not consistent with the Ames Urban Fringe Plan and that an amendment would need to be made to the plan in order to approve the requested conditional use permit.

McGill asked that even though this is zoned A-1 Agricultural, there Board does not have zoning authority due to the Ames Urban Fringe Plan designation. Jerry Moore stated that one of the standards of approval for a conditional use permit is considering the future land use. If the Board feels that the use is appropriate that the Ames Urban Fringe Plan would need to be changed first and a process that they should go through.

Bruns asked if they approve the conditional use permit, would Ames and Gilbert need to approve the amendment for it to be approved? Jerry Moore stated that staff is recommending that if the board wants to approve the conditional use permit, the applicant should first go through the amendment process.

McGill asked how long an amendment process would take. Jerry Moore stated that Ames is currently amending its comprehensive plan, which includes reviewing growth areas. Zandt stated that there has been a request to change the land use that was denied by the City of Ames. Ames has stated that they would not recommend approval of a designation change at this time. All three entities must recommend approval.

Perkins stated that the Board of Adjustment has the power to solely approve or deny conditional use permits under the Ames Urban Fringe Plan agreement.

McGill stated that this is an unusual circumstance.

Bruns stated the board could approve the conditional use permit and see what Ames would do.

Ervanian stated that there is a legal document, a 28-E agreement between the City of Ames, City of Gilbert, and Story County, in which Story County signed off agreeing to comply. McCay, the property owner, understood that an amendment may be required and began to go through that process.

Christiansen stated that when the conditional use permit was approved for the event center and YSS, the city did not approve of it either. Jerry Moore stated that the first request for the bed and breakfast was supported by the City of Ames with conditions, similar to the YSS request. Moore stated that they communicated the campground would not be compatible with the future land use designation since the beginning of the process. Moore read from the Story County Land Development Regulations Chapter 90 "the objective of the conditional use permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area." Moore stated that reviewing compatibility with future land uses was a requirement.

Bruns asked if that meant the bed and breakfast and event venue were problems. Moore stated these were approved with conditions.

Bruns stated that based on the report, he thought it should be denied. McGill agreed.

Brekke stated that as an Ames resident he feels Ames plows forward with housing and that there is a desire to preserve natural areas with the proposal and he's in favor of the proposal but this is a really contradictory case (in regard to the Ames Urban Fringe Plan).

Scarlett stated that when there are cases like this, usually the public is opposed.

McGill asked why the Planning and Zoning Commission approved this item. Moore stated that there was not a lot of discussion amongst the commission and Zandt shared a narrative she had prepared of the discussion the commission had prior to approving the conditional use permit at their meeting.

- One commissioner stated that the risk of fire was not a concern, it is something rural communities know how to deal with.
- One commissioner stated they understand the Ames Urban Fringe Plan agreement, but they do not see how the designation is fitting of this area since growth has not been occurring.
- One commissioner stated that traffic would be less than that generated by a large subdivision.
- One commissioner asked how commercial campgrounds could be established if we always say not here, not now.

Brekke stated that it is unusual to have a room full of people in favor. Brekke asked if the board is to approve this item if it would still need to be approved by the City of Ames. Jerry Moore stated that it is suggested, due to the Ames Urban Fringe Plan, that if the conditional use permit is supported by the Board of Adjustment because they've concluded it's a compatible use, and Ames Urban Fringe Plan would need to be amended. Moore stated that Conditional use Permits can also be challenged within 30 days in district court.

**MOTION: The Story County Board of Adjustment approves the Conditional Use Permit for the Raspberry Hill Resort Commercial Campground and Travel Trailer Park as put forth in case CUP08-17, as submitted.**

Motion: Bruns

Second: Scarlett

Ayes: Brekke, McGill, Scarlett

Nays: Bruns

Not Voting: None

Absent: Youngberg

Vote: (3-1)

Moore asked why Bruns made the motion to approve, but voted to deny. Bruns stated that he made the motion so that the rest of the board had the chance to vote yay or nay.

### **Board of Adjustment Action on Written Findings of Fact**

**Date: June 15, 2022**

**VOTE:           Ayes           Nays**

**McGill  
Neubauer  
Excell  
Hovick  
Jondle**

**Vote:**

**Chair:** \_\_\_\_\_