

**Description**

CF-314356  
David Fuchs  
7009 Greenwood Ave N  
Monday, April 30, 2018

Time: 9:00 a.m.  
Examiner: Ryan Vancil  
Assistant: Alayna Johnson

Party Representatives:

Jessica Clawson, Counsel for Applicant

Lindsay King, for Department  
SDCI

**Date**

4/30/2018

**Location**

Large Hearing Room

| <u>Time</u>                 | <u>Speak</u> | <u>Note</u>                                                                                                              |
|-----------------------------|--------------|--------------------------------------------------------------------------------------------------------------------------|
| <a href="#">9:05:04 AM</a>  |              | Hearing Examiner opens hearing and offers opening statement.                                                             |
| <a href="#">9:07:05 AM</a>  |              | Jessica Clawson, Applicant's counsel, asks procedural question.                                                          |
| <a href="#">9:07:46 AM</a>  |              | Public testimony will begin.                                                                                             |
| <a href="#">9:07:52 AM</a>  |              | John Kennedy is sworn in.                                                                                                |
| <a href="#">9:08:08 AM</a>  |              | Kennedy begins testimony.                                                                                                |
| <a href="#">9:10:04 AM</a>  |              | Kennedy concludes.                                                                                                       |
| <a href="#">9:10:17 AM</a>  |              | Jeff Reibman is sworn in.                                                                                                |
| <a href="#">9:10:29 AM</a>  |              | Reibman begins testimony.                                                                                                |
| <a href="#">9:13:04 AM</a>  |              | Reibman concludes.                                                                                                       |
| <a href="#">9:13:29 AM</a>  |              | Irene Wall is sworn in.                                                                                                  |
| <a href="#">9:13:41 AM</a>  |              | Wall begins testimony.                                                                                                   |
| <a href="#">9:17:47 AM</a>  |              | Wall concludes.                                                                                                          |
| <a href="#">9:18:04 AM</a>  |              | Ron Lewis is sworn in.                                                                                                   |
| <a href="#">9:18:20 AM</a>  |              | Lewis begins testimony.                                                                                                  |
| <a href="#">9:21:42 AM</a>  |              | Lewis concludes.                                                                                                         |
| <a href="#">9:21:54 AM</a>  |              | Henry Brandis is sworn in.                                                                                               |
| <a href="#">9:22:06 AM</a>  |              | Brandis begins testimony.                                                                                                |
| <a href="#">9:25:36 AM</a>  |              | Brandis concludes.                                                                                                       |
| <a href="#">9:25:57 AM</a>  |              | Esther Bartfeld is sworn in.                                                                                             |
| <a href="#">9:26:10 AM</a>  |              | Bartfeld begins testimony.                                                                                               |
| <a href="#">9:37:37 AM</a>  |              | Bartfeld offers supporting documents and they are marked as Exhibit 1. Bartfeld concludes.                               |
| <a href="#">9:37:44 AM</a>  |              | Neil Shay is sworn in.                                                                                                   |
| <a href="#">9:37:52 AM</a>  |              | Shay begins testimony.                                                                                                   |
| <a href="#">9:41:00 AM</a>  |              | Shay concludes.                                                                                                          |
| <a href="#">9:41:25 AM</a>  |              | Jan Weldin is sworn in.                                                                                                  |
| <a href="#">9:41:34 AM</a>  |              | Weldin begins testimony.                                                                                                 |
| <a href="#">9:43:17 AM</a>  |              | Weldin concludes.                                                                                                        |
| <a href="#">9:43:30 AM</a>  |              | Clawson offers binder of Applicant's exhibits.                                                                           |
| <a href="#">9:45:07 AM</a>  |              | Exhibit 1 is admitted.                                                                                                   |
| <a href="#">9:46:55 AM</a>  |              | Exhibit 1 is re-labelled as Exhibit 49. The Applicant's exhibits 1-48 will be entered as Exhibits 1-48.                  |
| <a href="#">9:47:12 AM</a>  |              | The printed copy of the Applicant's presentation will be marked as Exhibit 50. Exhibits 1-50 are admitted.               |
| <a href="#">9:48:28 AM</a>  |              | Clawson calls Shannon Loew as a witness and he is sworn in.                                                              |
| <a href="#">9:48:38 AM</a>  |              | Loew begins testimony for the Applicant.                                                                                 |
| <a href="#">10:23:10 AM</a> |              | Loew refers to page 20 of Exhibit 50.                                                                                    |
| <a href="#">10:32:34 AM</a> |              | Record will stay open through Friday, May 4th for public comment because of issues with SDCI's website over the weekend. |
| <a href="#">10:32:54 AM</a> |              | Break. Return at 10:45.                                                                                                  |
| <a href="#">10:45:41 AM</a> |              | Back on the record.                                                                                                      |
| <a href="#">10:50:40 AM</a> |              | Applicant offers more letters of support from the public, and they are marked and admitted as Exhibit 51.                |
| <a href="#">10:57:13 AM</a> |              | Loew refers to page 27 of the presentation.                                                                              |

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| <a href="#">10:57:20 AM</a> | Ray Johnston is sworn in to provide testimony for this portion of the presentation.                                  |
| <a href="#">10:57:29 AM</a> | Johnston begins testimony.                                                                                           |
| <a href="#">11:15:24 AM</a> | Johnston concludes.                                                                                                  |
| <a href="#">11:15:31 AM</a> | Clawson begins testimony for the Applicant regarding Exhibit 31, the updated rezone application.                     |
| <a href="#">11:30:13 AM</a> | Clawson concludes.                                                                                                   |
| <a href="#">11:30:47 AM</a> | Lindsay King is sworn in.                                                                                            |
| <a href="#">11:30:56 AM</a> | King begins testimony for the Department of Construction and Inspections.                                            |
| <a href="#">11:41:52 AM</a> | Public comments received by SDCI will be submitted as an exhibit before the end of the week.                         |
| <a href="#">11:45:13 AM</a> | Weber offers a larger version of the map included in SDCI's recommendation. It is marked and admitted as Exhibit 52. |
| <a href="#">11:53:47 AM</a> | Weber concludes.                                                                                                     |
| <a href="#">11:54:18 AM</a> | Hearing Examiner asks questions of parties.                                                                          |
| <a href="#">11:58:51 AM</a> | Hearing Examiner concludes.                                                                                          |
| <a href="#">11:58:54 AM</a> | Clawson asks procedural question.                                                                                    |
| <a href="#">11:59:24 AM</a> | Record will remain open for public comment through May 4th at 5 p.m.                                                 |
| <a href="#">11:59:44 AM</a> | Hearing Examiner closes hearing.                                                                                     |