

Minutes of the Hurricane City Council meeting held on June 3, 2021, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

Members Present: Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders.

Absent: Mayor John Bramall

Also Present: City Manager Kaden DeMille, City Attorney Fay Reber, Police Chief Lynn Excell, Power Superintendent Dave Imlay, Public Works Director Mike Vercimak, Planning Director Stephen Nelson, City Engineer Arthur LeBaron, Blair Gubler with Ash Creek and Fire Department Chief Tom Kuhlmann.

AGENDA

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports

Chief Kuhlmann reported their department is incredibly busy. They are responding to many fire calls that could be prevented. They are nervous with the 4th of July coming up. People have been irresponsible with their fires. People are setting up homesteads in trailers everywhere around the County because no one is enforcing the 14-day rule.

Chief Excell mentioned tomorrow is national donut day. The police department will be meeting at the Dixie Springs Park from 8-10 am to have a meet and greet in the neighborhood. He invited all the Council to attend if they are available. They are making some organizational changes within their department. Ken Thompson is going to be assigned to Animal Control Supervisor. Dan Raddatz will be the Community Policing Officer. Chad Holt and Jared Barker will be school resource officers. Hurricane Justice Court will be opening back up to in-person, so he will need to reevaluate and address the bailiff coverage.

Dave Imlay explained because of the hot weather, the generators are already up and running. Power prices are higher because of this. He has an agenda item and will be giving Council an update on the recent power department's activities. The UAMPS conference is coming up. He asked Council to get with him to finalize their arrangements.

Mike Vercimak reported building permits for this month have been about half from the previous month. It's a much appreciated slow down. The chip seal project is ongoing and is almost complete. Next up would be the street striping. They hired Weston Walker as the new Street Superintendent and his anticipated start date is June 21, 2021.

Arthur LeBaron stated the 600 N Trail project was shortlisted for funding from the State Legislature. The project was anticipated to cost 2 million dollars. He will be petitioning Washington County for a grant to possibly help out with this project. The Gould's Wash project has been registered with the federal register. The comment period for this is very short. These improvements require certain things that will completely change the look and feel of the wash. It will most definitely affect the community. The excess of concrete that is being proposed will have to be mitigated in some way. They were successful with getting the bell out of the church. It needs to be powder coated and cleaned. He inquired about how to move forward and how to display it.

Stephen Nelson reminded the Council of the combined meeting with the Planning Commission and the Ombudsman next Thursday at 5:00 p.m. The applicant for the 1100 West and 3000 South zone change couldn't be here tonight so they asked for it to be on the next agenda. There was a lot of public that came to the meeting last time so it would be beneficial to mention it at the beginning of the meeting so

people know it isn't on the agenda. He emailed public comments to the Council today regarding item 8. Perry Homes emailed him today opposing agenda item #1. Fay Reber will need to comment and possibly make a recommendation regarding this issue. Hillside Estates application is proposing a waterline through an easement. Our standards don't allow that.

Kaden DeMille reminded Council of the budget work meeting next week. Wednesday, June 9, 2021, at noon. He will send out all the materials for the meeting on Monday so they can review.

6:00 p.m. - Call to Order –

Pledge: Darrin Larson Prayer: Joseph Prete

Approval of Minutes: May 7, 2020

Joseph Prete motioned to approve the minutes. Seconded by Nanette Billings. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

Update from St. George Regional Hospital

Terry Draper with St. George Regional Hospital stated Mitch Cloward couldn't be here tonight but sends his gratitude to Council for their support. She introduced her colleagues. She wanted to give kudos to the Mayor for his drive and motivation for this project. He has been amazing and instrumental with this project thus far. They will be having a groundbreaking ceremony on June 16, 2021, at 8 a.m. and invited everyone to attend.

Cindy Gilbert stated she has lived in Toquerville for 30 years. She's always used this hospital and has always wanted more coverage in getting health services in our community. She is frustrated watching our surrounding areas grow and have these services. Having these medical facilities in our community is a big deal.

Jared Stevens is the ER Department Manager and Director. He is very excited about this project and the services it will provide. Critical Care and Trauma staff will be in Hurricane. They will be able to offer a high level of care to our community. He reviewed the presentation. They will be a freestanding emergency department. Patients with maternity, surgical, and other specialized needs will need to go to a larger hospital as these services will not be provided right now. It's possible they will be added in the future.

Nanette Billings introduced Youth City Council and their advisory people. They described certain projects they want to do. They want to focus on ADA Parks and enhancing them.

6:15 p.m. – Public Forum – Comments From Public

OLD BUSINESS

1. Consideration and possible approval on a proposed **Land Use Code Amendment Title 10-Chapter 39-subsection 15** regarding enforcement and permits within a subdivision.

Stephen Nelson stated he and Fay Reber have reviewed this and made a few edits. Most changes had to do with formatting. They suggest breaking it up and making it easier to read. Planning Commission recommended removing 2(iii) regarding curb and gutter because the asphalt hasn't been put in at this point, so it doesn't help with drainage. Staff feels it is important because curb and gutter mark the benchmark for utilities. Another issue is the letter that was received today from Perry Homes requesting to remove item 1, *such subdivision has been approved and recorded in the Office of the*

Washington County Recorder. They state there is no State code that enforces this. Mr. Nelson said the City's position is that this is implied. He reviewed state code and voiced the concerns staff has with issuing a building permit before the plat is recorded.

Fay Reber commented his initial response is the State gives the City all the powers reasonably necessary and authority to adopt its own subdivision ordinance. How do you issue a building permit on a lot that doesn't exist because it's not recorded? Under the State law it is clear the city can require recording the plat before issuance of a building permit. This is not a valid argument. What we are proposing is less restrictive than what was previously required. Mike Vercimak explained the reason the underground infrastructure needs to be done goes back to fire access. It's a safety issue. Arthur LeBaron stated every time the city approves an entitlement, we are also promising a level of municipal service. As soon as we issue a building permit, we are promising a level of municipal service. Since state code requires us to issue a building permit, we need to make sure we can deliver on all those services. This ordinance helps us.

Greg Sant with Perry Homes stated the reason for their letter because state law was changed in 2019. It hasn't always been done this way; it's been changed recently. For a certificate of occupancy, yes these should be required. There should be a list for building permits and a list for certificates of occupancy. There's a backlog of supplies for builders and they are having a difficult time. They are delayed. To get a plat recorded in the city it takes like a month and a half. He agrees that the city ordinance does not meet state law and it needs to be changed. The reason for this is to do a model home and have it done the same time the infrastructure is done.

Darin Larson our intention for just a model home is not what this is for. You can still get a special exception for a model home. Mr. LeBaron commented you can't have a passable road without the underground infrastructure. You can record if you bond. This is so much less restrictive than what is being discussed. You can get a building permit for every single lot before completing the subdivision. Chris Wyler stated it would be helpful to be able to pull a building permit if the utilities are to the lot. Mr. LeBaron commented the certificate of occupancy is tied to the issuance of a building permit. That puts the City in a situation that is uncomfortable. State code says you must issue a certificate of occupancy when the structure is done. The City wouldn't be able to hold the certificate of occupancy if the subdivision's infrastructure isn't there.

Kevin Tervort reads 2d of State code; *A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement that is not essential to meet the requirements of the building permit or certificate of occupancy under the building code and fire code; and for which the municipality has accepted an improvement completion assurance for landscaping or infrastructure improvements for the development.* Mr. Reber stated the improvements that are required in the proposed ordinance is what is required for building and fire code.

Joseph Prete motion to continue this item for two weeks. Seconded by Nanette Billings. Motion passed with Nanette Billings, Joseph Prete and Dave Sanders voting aye. Kevin Tervort and Darin Larson voted nay.

2. Consideration and possible approval on a proposed **Land Use Code Amendment to Title 10-chapter 13, table 10-13-1 regarding minimum lot acreage in RM-2, multifamily 10 units per acre and RM-3, multifamily 15 units per acre. As well as Title 10-chapter 15, table 10-15-1 regarding multifamily use in Commercial Areas in the Downtown area.**

Stephen Nelson reviewed the proposed ordinance and the changes recommended by the Planning Commission. In Table 10-13-2, residential zoning standards, they are proposing the following: *minimum area shall not be required in Downtown Area as listed within the General Plan Map to allow for infill and redevelopment*. Another proposed change is to Table 15-1 multifamily units have changed from not permitted to permitted by a conditional use permit. The standards for the conditional use permit are updated in 10-7-9B1.

Nanette Billings motioned to approve the Land Use Code Amendment. Seconded by Joseph Prete. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

NEW BUSINESS

1. Consideration and possible of approval of a resolution opposing the Critical Race Theory being taught in our schools.

Joseph Prete stated he made edits to Ms. Billing's draft resolution. He reads the resolution opposing the Critical Race Theory being taught in our schools.

Nanette Billings made a motion to approve the Resolution with the edits. Seconded by Dave Sanders. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

2. Discussion regarding the field fee for girls softball-Matt Hirschi

Matt Hirschi wants to improve the girls' softball program here in the City. They want to play here and build up the teams. They have three teams currently. He wants the Council to support him. He wants some upgrades to the facilities and not being charged for using city facilities. We rent our fields out to outside entities, but they are local. They are not here to make money. He wants to have a field prepped every Wednesday night and the lights on for them to play. They want to upgrade things and add a pitching bullpen. They would be willing to do some fundraising. He's submitted a plan to Darren Barney for the bullpen. He has a net for a batting cage if they can get a frame put up.

Nanette Billings commented these people pay taxes here. We need to be able to supply this to our kids. Right now, they have 28 girls interested. Mr. Hirschi wants to grow this. The field is reserved every Wednesday night until the end of July. Currently, it is \$150 per day per field for outside teams. Kevin Tervort wants to support our local girls, but as soon as club teams come in, they will be required to pay for the fields. Dave Sanders thinks they need to do what they can to help the youth in the community grow. Ms. Billings suggested discussing this at next week's budget meeting.

Darin Larson stated manpower to do the field prepping might be an issue. If they're able to do it within the normal hours and overtime isn't being paid out, then it might work. He suggested increasing the fees for outside teams to help cover the costs of local play. Kaden DeMille suggested looking at the fees and putting something together.

3. Consideration and possible approval of an amended final plat for Dixie Springs Lots A206 & A286, located at 3808 W 2700 S Hurricane. James F & Mary Ann Clark Applicants.

James Clark explained they are building a casita next to their house, and they need to purchase four and a half feet to meet setbacks.

Nanette Billings motion to approve the amended final plat subject to staff recommendations. Seconded by Joseph Prete. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

4. Consideration and possible approval for a **preliminary plat, River Heights Subdivision, a 70-lot subdivision located at Turf Sod Road and 5200 W.** Alcoa Holdings LLC Applicant, Corey Anderson Agent.

Nanette Billings stated the staff comments ask if there are any land issues that need to be addressed? Stephen Nelson explained the surrounding properties are not included in the tortoise reserve; however, they have to have language that references the tortoise reserve. The outstanding issue is the asphalt shows 26 feet and the city requires 32 feet on Turf Sod Road. Joseph Prete mentioned the pushback is because there is a neighboring development that has 26 feet. Arthur LeBaron stated the city standards say the minimum is 26 feet, however with all the development going in on this project, 26 will not be adequate. Thirty-two feet should have been required for Pecan Valley and not the 26 feet that is there. We are serving a lot of development. Corey Anderson explained the reason the 26 feet minimum was because no other development was there. There is no other development beyond them. They are in the same situation and should have the 26 feet requirement. This is a seventy foot right of way so the road will have more capacity when someone develops the other side. Planning Commissioners discussed impact fee credits for the road, and he would be open to that. Mr. LeBaron recommended the possibility of impact fee credit. Someday that land surrounding him is going to be developed. Twenty-six feet is required so impact fee credit on the additional eight feet would work.

Mr. Nelson suggested council add a couple of items to the motion to address services being brought to this area. Dixie Power has plans to bring power to that area, but he doesn't know what their time frame is or what the capacity is going to be. Mr. Anderson mentioned the water is under construction and the secondary access road is where the water is. The power has been surveyed and engineered with Dixie Power. They are ready to go when they get approval. They have plans to upgrade the line that goes across the property and add a new substation. Their time frame is about a year or so.

Darin Larson motion to approve the preliminary plat for River Heights Subdivision subject to staff and JUC comments regarding completion of infrastructure to the subdivision. Seconded by Dave Sanders. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

5. Public Hearing to take comments on the following:
 - a. A Sensitive Land application for **Hillside Estates located at approximately 725 S and 1450 West**, containing 5 lots.

Nanette Billings motioned to move into a public hearing. Seconded by Joseph Prete. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

No comments were made.

Joseph Prete motioned to move out of the public hearing. Seconded by Darin Larson. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

6. Consideration and possible approval on a **preliminary plat and sensitive lands application for Hillside Estates, a 5-lot subdivision located at 725 S and around 1450 W.** Chris Wyler Applicant, Civil Science Agent.

Stephen Nelson explained with a sensitive land application area with a slope of 30% or more must be undisturbed. They had to provide certain lot sizes because of the sloping. They are larger lot size because of this. This is an appropriate grading plan. There are a couple of issues with the plat. Secondary access and water looping do not comply with standards. Mr. Wyler is proposing an easement to connect to 650 South. This would be a permanent secondary access and a waterline easement for the water to go through. Staff has concerns that we recently updated our standards for waterlines. This violates that standard. Design standards regarding public water mains shall be installed in public rights of ways, dedicated roadways, or designed drainage ways with adequate access for maintenance vehicles. Pipelines will not be installed on the back lot or side lot lines due to potential floods and other damage. The Planning Commission did not agree with staff recommendations because it is in an easement.

Chief Kuhlman commented if it exceeds a 10% grade all houses are required to have sprinkler systems. Darin Larson questioned where the access road would be. There is property owned by someone else that fronts the road. Mr. Nelson stated typically this is a flag lot and there are standards that need to be adhered to as well. Joseph Prete questioned the water system design criteria standards and secondary access road requirements. Mr. Nelson explained this is an easement not a public right of way. It is privately owned. There are standards for public roads and easements and dedications. Chief Kuhlman stated because it's over 10% the secondary access road it has to be concrete or asphalt. Mr. Wyler feels this is a utility easement and he is willing to make it wider if needed. This was brought up in JUC that this easement would serve this development and Scenic Point.

Nanette Billings commented she would rather do an exception not condemn property. Chief Kuhlman recommended reviewing both developments so that things are being overlooked. Maybe the grade would change things. We haven't seen anything submitted for review from Scenic Point. Darrin Larson stated the Planning Commissioners said because it is a dedicated easement, the pipeline would be installed on the front of the lot and the side. Dave Sanders questioned who is responsible for maintaining the easement?

Arthur LeBaron mentioned the Water Dept has fifty-four square miles to cover. When a water line breaks it's all hands on deck. If it breaks in the road, it causes damage to public property. When we put a waterline in non-public property, that gives us pause. It always has pressure on that private property. When it's on a side yard or a backyard, trying to get in there for repairs with heavy equipment, adds additional risk and liability. Mr. Wyler doesn't think there is a huge concern. He would be willing to dedicate the property.

Mr. Nelson suggested continuing this matter in order to review Scenic Point's development in correlation to this development. He thinks there is a solution here, but it will involve multiple property owners. Mr. Wyler called Scenic Point on the phone who stated they don't have another option. This will help with access to the current home as well.

Nanette Billings motioned to approve the preliminary plat and sensitive land application for Hillside Estates subject to the JUC and staff comments and that the city will be dedicated a twenty-foot asphalt easement from the property line of lot 5 to 650 S. Seconded by Darin Larson. Motion failed with Darin Larson and Nanette Billings voting aye and Kevin Tervort, Joseph Prete, and Dave Sanders nay.

Darin Larson motioned to continue the preliminary plat and sensitive land application for Hillside Estates. Seconded by Joseph Prete. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

7. Consideration and possible approval of **moving the clubhouse for Pecan Valley-Chris Wyler**

Stephen Nelson explained phase three of Pecan Valley is zoned recreation resort which requires a pool, clubhouse, and onsite management. The clubhouse had an original location, but Council approved a deed restriction to relocate the clubhouse. Mr. Wyler wants to live in the home with his family and make it have an office. He's asking Council to remove the deed restriction and move the clubhouse to another lot. Our code doesn't have standards of what the clubhouse has to have. He is worried this is going to set a precedence of what a clubhouse can be.

Chris Wyler stated he is coming in with a preliminary plat for a building that is huge with recreation facilities, a coffee shop, and a pavilion for the city park. There wasn't enough space to add a pool in that area. Mr. Nelson has many concerns. We need a timeline of phases of when things will happen. There is no guarantee of when everything will be built. The first phase won't meet the minimum facility requirements and that is why the deed restriction was put in place.

Joseph Prete doesn't think a trailer meets a clubhouse standard. Kevin Tervort commented previously it's been a requirement upfront from other developers. Mr. Wyler pointed out the owners that are currently buying the lots are aware there isn't a typical clubhouse. Nanette Billings stated recreational resort requires a clubhouse. She thinks he needs to comply with the requirements. Mr. Wyler feels a trailer complies with the standard. Mr. Nelson read the agreement that states Council can change the agreement in writing with the other party.

Dave Sanders motioned to continue approval of moving the clubhouse for Pecan Valley. Seconded by Nanette Billings. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

8. Consideration and possible approval of a proposed **zone change amendment request on a small portion of parcel number H-3-1-34-4220-A from R1-6, residential 1 unit per 6,000 square feet, to RM-2, multifamily 10 units per acre, to allow for more townhome building. Short Term Investments LLC Applicant, Mike Stewart Agent.**

Public comments were allowed. Jennifer Frances lives in R1-8 zoning. She has concerns regarding additional high-density housing around her when she did her due diligence before buying her home. High density doesn't fit into their neighborhood. An amendment was already made since she purchased her home. And now there is another change being proposed. She is against this development. She requested changing the zoning back to what it was. Everyone surrounding this property wants single family zoning.

Derek Campbell moved into Ivy Wood in 2015. There have been many zone changes in the past three years. It's a surprise to move into a neighborhood and things keep changing. Planning Commissioners said they only change the plan when there is a real reason. There is not a good reason to change it.

Wade Beatty the idea is they want a good place to live. To make it denser than what it already is, and all the surrounding changes is making it unlivable.

Darin Larson gave a history of the property. Mike Stewart stated he came into this knowing he could get up to twenty-seven units. Now that 700 West is coming in and clipping the north corner of his property and the roundabout is clipping the south corner, it only leaves him enough room to build twenty-five units. This request will help him add the units he's losing. Nanette Billings commented it is hard to change the zone around citizens. She doesn't think it is worth changing it for one resident. Darin Larson commented there was a reason the buffer was created. To protect the surrounding residents. These downtown areas are higher density is planned because it is walkable. However, he feels the compromise has already been made and shouldn't be changed again.

Darin Larson motioned to deny this zone change amendment request. Seconded by Nanette Billings. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

9. Consideration and possible approval of an amended final plat for Quail Lake Estates Lot 22, located at 22 Quail Creek Drive. Mary Wintzer Applicant, Brown Consulting Engineers Agent.

Steve Kamrowsky with Brown Consulting explained Ms. Wintzer wants to combine these two lots to remodel her home and add a sunroom. Stephen Nelson explained lot 21 is technically already split in half. He stated this will leave a weird lot but there is already a home on lot 21A. It was split previously but it was never recorded correctly. Staff does recommend approval, but it's just a weird situation.

Joseph Prete made a motion to approve the amended final plat for Quail Lake Estates Lot 22. Seconded by Nanette Billings. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

10. Power Department presentation on 2020 service reliability achievement and award, discussion on summer 2021 resource adequacy and discussion on power costs and related matters-Dave Imlay

Dave Imlay reviewed his presentation. This is the third year in a row Hurricane Power has won this award. Hurricane residents averaged only seven minutes of power outages last year.

11. Consideration and possible approval of theatre activities for 2021-2022-Debbie Garrett

Kyle Myrick and Debbie Garrett proposed increasing ticketing prices to \$18 for adults, Senior \$16 and children \$8. The proposed upcoming shows are Grease April 1-30, 2022; Joseph & the Amazing Technicolor Dreamcoat July 29-August 27, 2022, and The Spitfire Grill March 31 – April 2023.

Dave Sanders motion to approve the increase in rates and the upcoming scheduled productions. Seconded by Nanette Billings. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

12. Consideration and possible approval of an ordinance amending Title 3, Chapter 10-Cindy Beteag Stephen – the ordinance has been recently revised by Fay.

Stephen Nelson discussed the revisions and suggested Council continue it to give them time to review.

Dave Sanders made a motion to continue this item. Seconded by Joseph Prete. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

13. Discussion regarding review process and issuance of grading permits

Mike Vercimak stated the current code requires City Council to approve a grading permit. It's a cumbersome process. Staff is suggesting that the staff and public would be better served if staff had the authority to issue grading permits. This would speed things up. Kevin Tervort commented on the administrative process and the benefits of it. Some people are just doing it and not going through the process because it's so cumbersome. He recommended this going to Planning Commission to change the code to move forward.

14. Consideration and possible approval of a Proclamation regarding the discharge of fireworks-Mayor Bramall

Chief Kuhlman has concerns regarding the fire potential and discussed all the current fires they have been dealing with. We are a Level Three for fireworks again this year. He wants to discuss fire restrictions during the next meeting.

Joseph Prete motion to approve the Firework Proclamation. Seconded by Dave Sanders. Motion passed with Kevin Tervort, Nanette Billings, Darin Larson, Joseph Prete and Dave Sanders voting aye.

15. Mayor, Council and Staff reports

Mayor Bramall	Airport, Administration, Police, Animal Control, School Crossing Guards, Victim Services, Public Works, Engineering -
Nanette Billings	Parks & Cemetery, Appeals Board, Airport, Historical Preservation, Solid Waste District and Youth Council – Youth City Council will be able to help the July 4 th parade.
Darin Larson	Planning Commission, Economic Development, Planning Department, Power and Swimming Pool – Met with Peach Days committee yesterday. He recommends defining the budget amount since this year will be an entire week. They are wanting to make this

	year's event bigger. Headliner concert. Golf tournament. Pickleball, Corn Hole, and other tournaments.
Joseph Prete	Court, Water, Recreation, Tree Board and Beautification Committee – Dumpsters were placed out last year for community cleanup. He would like to see that again this year. He attended a meeting today regarding the Beautification Committee. He would like to hire a grant writer who could find funding for various needs in our community. There is some tension between the Recreation Department and the Peach Days Committee due to the use of the building and trying to balance all the programs.
Dave Sanders	Emergency Management, Streets & Drainage, Prosecutor's Office, Code Enforcement and Building and Inspections -
Kevin Tervort	Ash Creek Special Service District, Golf Course, Industrial Park, Mosquito Abatement, Fire District – He attended the Water Conservancy District meeting last night. The water issue is a real thing. The Water District and the County entered an agreement and made a camping area by Kolob. You have to have reservations to stay there.
Kaden DeMille	City Administration -

16. Closed Session

No closed session was held.

Adjournment: 10:30 p.m.