

Description

Minutes for MUP-18-020 & S-18-011 Day 3
Save Madison Valley
2925 E Madison St
Wednesday, December 12, 2018

Time: 9:00 a.m.
Examiner: Barbara Dykes Ehrlichman
Assistant: Alayna Johnson

Party Representatives:

Bryan Telegin, Counsel for Appellant
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Patrick Mullaney, Counsel for Applicant
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Michelle Rusk, Counsel for Applicant
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Date

12/12/2018

Location

Large Hearing Room

<u>Time</u>	<u>Speake</u>	<u>Note</u>
9:01:13 AM		Hearing Examiner opens Day 3 of the hearing.
9:01:37 AM		Discussion of hearing schedule.
9:08:31 AM		Hearing will continue on January 22nd, 23rd, and the morning of the 24th.
9:11:23 AM		Newman re-calls Steinbrueck as a witness for continuation of testimony.
9:12:56 AM		Mullaney continues cross examination of Steinbrueck.
9:37:30 AM		Mullaney concludes.
9:37:33 AM		Newman begins redirect examination of Steinbrueck.
9:43:35 AM		Mullaney objects; issue dismissed. Overruled with respect to SEPA appeal.
10:02:30 AM		Mullaney objects; leading. Sustained.
10:08:06 AM		Newman offers comment letter e-mail from Peter Steinbrueck and it is marked and admitted as Exhibit 34.
10:09:22 AM		Newman offers two letters to the Design Review Board from M.S. Patterson and they are marked and admitted as Exhibits 35 and 36.
10:15:41 AM		Newman concludes.
10:15:45 AM		Mullaney begins re-cross examination of Steinbrueck.
10:21:15 AM		Newman objects.
10:21:27 AM		Mullaney responds.
10:21:32 AM		Overruled.
10:25:52 AM		Newman objects.
10:25:57 AM		Mullaney responds.
10:30:35 AM		Mullaney concludes.
10:30:38 AM		Newman begins redirect examination of Steinbrueck.
10:31:09 AM		Mullaney objects; leading. Overruled.
10:31:19 AM		Newman concludes.
10:31:29 AM		Break. Back at 10:45.
10:45:44 AM		Back on the record.
10:45:51 AM		Newman calls Tina Cohen as a witness and she is sworn in.
10:46:36 AM		Newman begins direct examination of Cohen.
10:48:24 AM		Newman offers Cohen's resume and it is marked and admitted as Exhibit 37.
10:56:43 AM		Mullaney objects to line of questioning.
10:57:38 AM		Newman responds.
10:58:07 AM		Hearing Examiner will allow testimony. Mullaney responds.
10:59:34 AM		Newman responds.
10:59:56 AM		Mullaney responds.
11:00:08 AM		Newman continues direct examination of Cohen.
11:05:11 AM		Newman offers site plan with tree data and land title survey and they are marked and admitted as Exhibits 38 and 39.
11:09:01 AM		Newman will submit another copy of Exhibit 38 that is to scale.
11:13:58 AM		Mullaney objects; leading. Newman rephrases.

11:15:44 AM	Mullaney objects; outside scope of hearing.
11:17:21 AM	Hearing Examiner responds.
11:17:30 AM	Mullaney responds.
11:18:06 AM	Hearing Examiner rules on objection.
11:21:01 AM	Newman offers arborist report and it is marked and admitted as Exhibit 40.
11:37:38 AM	Newman offers the updated arborist report and it is marked and admitted as Exhibit 41.
11:42:54 AM	Newman offers excerpts from site plans and they are marked and admitted as Exhibit 42.
11:44:08 AM	Newman offers site plan and it is marked and admitted as Exhibit 43.
12:08:15 PM	Newman offers green factor score sheet and it is marked and admitted as Exhibit 44.
12:29:14 PM	Break for lunch. Back at 1:45.
1:47:01 PM	Back on the record.
1:48:07 PM	Newman continues direct examination of Cohen.
1:53:41 PM	Newman concludes.
1:53:54 PM	Mills begins cross examination of Cohen.
1:57:56 PM	Mills concludes.
1:58:00 PM	Mullaney begins cross examination of Cohen.
1:59:41 PM	Newman objects; foundation. Mullaney rephrases.
2:07:42 PM	Newman objects; withdrawn.
2:19:30 PM	Mullaney concludes.
2:19:34 PM	Newman begins redirect examination of Cohen.
2:21:23 PM	Newman concludes.
2:23:32 PM	City witness will be taken out of order to accomodate schedule.
2:23:58 PM	Mills calls Art Pederson as a witness and he is sworn in.
2:24:49 PM	Mills begins direct examination of Pederson.
2:28:18 PM	Mills offers packet of exhibits and they are marked and admitted as Exhibits 45 through 50.
3:03:14 PM	Mills concludes.
3:03:26 PM	Mullaney begins direct examination of Pederson.
3:11:53 PM	Mullaney concludes.
3:11:58 PM	Newman begins cross examination of Pederson.
3:39:23 PM	Newman concludes.
3:39:29 PM	Break. Back at 3:55.
3:56:17 PM	Back on the record.
3:56:25 PM	Newman asks one more question on cross.
3:57:51 PM	Newman concludes.
3:57:55 PM	Mullaney begins redirect examination of Pederson.
4:06:09 PM	Mullaney concludes.
4:07:15 PM	Telegin calls Andrew Kirsh as a witness and he is sworn in.
4:08:05 PM	Telegin begins direct examination of Kirsh.

4:11:39 PM	Telegin offers set of photographs and they are marked and admitted as Exhibit 51.
4:17:25 PM	Telegin offers Cornell Lab of Ornithology report and it is marked and admitted as Exhibit 52.
4:23:27 PM	Telegin offers memorandum from Jim Keany to Geza DeGall and it is marked and admitted as Exhibit 53.
4:30:56 PM	Telegin concludes.
4:31:07 PM	Mills begins cross examination of Kirsh.
4:33:24 PM	Mills concludes.
4:33:27 PM	Mullaney begins cross examination of Kirsh.
4:37:36 PM	Mullaney concludes.
4:37:55 PM	Telegin calls Wallis Bolz as a witness and she is sworn in.
4:38:53 PM	Telegin begins direct examination of Bolz.
4:42:52 PM	Telegin offers photographs of the Mad P-Patch and they are marked and admitted as Exhibit 54.
5:02:34 PM	Hearing Examiner closes Day 3 of the hearing. Direct examination of Bolz will continue on Day 4.
5:03:19 PM	Back on the record for schedule clarification.
5:03:42 PM	Off the record.