

MINUTES OF A PUBLIC HEARING CONDUCTED BY THE ST. LOUIS COUNTY PLANNING COMMISSION HELD BOTH VIRTUALLY VIA WEBEX AND IN-PERSON AT THE ST. LOUIS COUNTY GOVERNMENT SERVICES BUILDING, LIZ PREBICH ROOM, VIRGINIA, MN ON THURSDAY, JULY 8, 2021.

9:02 AM – 10:24 AM

Planning Commission members in attendance: Dave Anderson (at 9:10)
Steve Filipovich
Daniel Manick
Commissioner Keith Nelson
Dave Pollock
Roger Skraba, Chair
Ray Svatos
Diana Werschay (at 9:05)

Planning Commission members absent: None - 0

Decision/Minutes for the following public hearing matters are attached:

NEW BUSINESS:

- A. Koochiching County, a conditional use permit for a general purpose borrow pit as an Extractive Use - Class II.
- B. Christine Schlotec,
 - a. a conditional use permit for roll off dumpster storage as an Industrial Use - Class II.
 - b. a conditional use permit for an auto mechanic shop as a Commercial, Retail and Service Establishments Use - Class I.
 - c. a conditional use permit for a used car sales business as a Commercial, Retail and Service Establishments Use - Class III.
- C. Lakes Gas Co., a conditional use permit for a bulk propane business as an Industrial Use – Class II.
- D. Darrel Kaml,
 - a. a conditional use permit for a countertop fabrication business as an Industrial Use - Class II.
 - b. a conditional use permit for a storage business as a Commercial, Retail, and Service Establishment Use - Class II.

OTHER BUSINESS:

Two items of correspondence were received and discussed regarding the accuracy of the June 10, 2021 hearing minutes.

Motion by Pollock/Svatos to acknowledge receipt of the correspondence and approve the minutes of the June 10, 2021 meeting as accurate.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay – 8

Opposed: None – 0

Motion carried 8-0

NEW BUSINESS:

Koochiching County

The first hearing item was for Koochiching County, a conditional use permit for a general purpose borrow pit as an Extractive Use - Class II. The property is located in S29, T64N, R21W (Unorganized). *Mark Lindhorst*, St. Louis County Senior Planner, reviewed the staff report as follows:

- A. The applicant is requesting approval for a general purpose borrow pit.
- B. The proposed operation will include crushing, washing, screening and recycling of asphalt and concrete.
- C. The applicant estimates that 3,000 cubic yards of material will be removed each year.
- D. The applicant is requesting the standard hours of operation on Monday through Saturday, 7:00 a.m. until 6:00 p.m.
- E. It is estimated that five trucks will leave the pit per day.

Mark Lindhorst reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 B., indicates general purpose borrow pits are an allowed use with a conditional use permit.
 - 2. The St. Louis County Comprehensive Land Use Plan under Objective LU-4.5 states that the development of new general purpose borrow pits should be directed to areas designated as Forest and Agriculture (FA) on the Future Land Use Map. The property is not designated FA but is zoned Forest Agricultural Management.
- B. Neighborhood Compatibility:
 - 1. The area consists primarily of large tracts of undeveloped forest and agricultural land. These large tracts of land are under both private and public ownership.
 - 2. The development density in this area is very low with only one residence within one quarter mile.
 - 3. The parcel is bordered to the north and east by state land and to the south and west by Conservation Fund-owned property.
- C. Orderly Development:
 - 1. This is a rural area consisting of primarily large undeveloped parcels.
 - 2. The request of a borrow pit should have little to no effect on the future development of the surrounding area.
- D. Desired Pattern of Development:
 - 1. There is not a high level of future growth anticipated in the area.
- E. Other Factor:
 - 1. The property has had historic use as a borrow pit. St. Louis County issued two borrow pit permits for public road projects.

Mark Lindhorst noted no items of correspondence.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II, the following conditions shall apply:

Condition Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres.
3. The applicant shall adhere to all local, county, state, and federal regulations.
4. The Wetland Conservation Act shall be followed.
5. Only one access entrance to the borrow pit is allowed.
6. The hours of operation as requested shall be Monday through Saturday, 7:00 a.m. until 6:00 p.m.

Dave Reimer, the applicant and Koochiching County Highway Engineer, stated they originally bought this property from Potlatch. They had leased this property from Potlatch for years. They subdivided this 40 acre parcel which had an easement through Potlatch property. They asked to keep the easement that was there now. The other access to the north is already blocked off. They would have needed another easement to that property from the Conservation Fund. One access should work.

No audience members spoke. *Jenny Bourbonais*, Acting Secretary, checked with each of the virtual attendees to see if they had any comments to add.

The *Planning Commission* discussed the following:

- A. Commissioner *Nelson* stated that based on what is being done on the property and what the applicant is proposing to do, it does not make sense to have one access into the property. There are two existing entrances on the property. *Mark Lindhorst* stated there is an easement to the property to the south. The other access does not have an easement and the applicant was going to close off this access.
- B. Commission member *Skraba* stated if in the future someone purchases the property owned by the Conservation Fund, would they be able to get access to the pit? *Mark Lindhorst* stated that decision is based on what the easement says. Any future access to the north and west would require another conditional use permit. Commissioner *Nelson* stated that the intent of the Conservation Fund is to acquire land to trade. The Conservation Fund property could end up as state or county land in the future. *Dave Reimer* added that, in the past, they have declined others from crossing through their gravel pit to limit traffic through the pit.

DECISION

Motion by Svatos/Manick to approve a conditional use permit to allow a general purpose borrow pit as an Extractive Use-Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:

1. Zoning Ordinance 62, Article V, Section 5.6 B., indicates general purpose borrow pits are an allowed use with a conditional use permit.
2. The St. Louis County Comprehensive Land Use Plan under Objective LU-4.5 states that the development of new general purpose borrow pits should be directed to areas designated as Forest and Agriculture (FA) on the Future Land Use Map. The property is not designated FA but is zoned Forest Agricultural Management.

B. Neighborhood Compatibility:

1. The area consists primarily of large tracts of undeveloped forest and agricultural land. These large tracts of land are under both private and public ownership.
2. The development density in this area is very low with only one residence within one quarter mile.
3. The parcel is bordered to the north and east by state land and to the south and west by Conservation Fund-owned property.

C. Orderly Development:

1. This is a rural area consisting of primarily large undeveloped parcels.
2. The request of a borrow pit should have little to no effect on the future development of the surrounding area.

D. Desired Pattern of Development:

1. There is not a high level of future growth anticipated in the area.

E. Other Factor:

1. The property has had historic use as a borrow pit. St. Louis County issued two borrow pit permits for public road projects.

The following conditions shall apply:

Condition Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.

Conditions Concurrent:

1. All minimum extractive use standards shall be followed.
2. The extractive use activity shall be limited to less than 40 acres.
3. The applicant shall adhere to all local, county, state, and federal regulations.
4. The Wetland Conservation Act shall be followed.
5. Only one access entrance to the borrow pit is allowed.
6. The hours of operation as requested shall be Monday through Saturday, 7:00 a.m. until 6:00 p.m.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None - 0

Motion carries 8-0

Christine Schlotec

The second hearing item was for *Christine Schlotec*, a conditional use permit for roll off dumpster storage as an Industrial Use-Class II; a conditional use permit for an auto mechanic shop as a Commercial, Retail and Service Establishments Use-Class I; and a conditional use permit for a used car sales business as a Commercial, Retail and Service Establishments Use-Class III. The property is located in S29, T62N, R18W (Owens).

Jenny Bourbonais, Acting Secretary, stated *Christine Schlotec* submitted correspondence after the hearing had been noticed stating that she would not be available for the hearing and asked the hearing be postponed. She was informed that the hearing item would be opened because it was legally noticed. However, the Planning Commission can table the decision based on the applicant's wish to be present. The meeting was opened up and no audience members spoke.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* stated this should be the last time that the Planning Commission tables this case; it should be acted on the next time this case is heard.
- B. Commission member *Manick* stated he drives by the site daily. The site is not kept in a neat and orderly fashion and there is no screening from the highway.
- C. Commissioner *Nelson* suggested that this case be heard as the last item on the Planning Commission agenda in September.

Motion by Nelson/Svatos to table the hearing at the applicant's request until the September 9, 2021 Planning Commission hearing to be heard at the conclusion of all other September hearings of the Planning Commission agenda.

In Favor: Anderson, Filipovich, Nelson, Pollock, Skraba, Svatos, Werschay - 7

Opposed: Manick - 1

Motion carries 7-1

Lakes Gas Co.

The third hearing item was for Lakes Gas Co., a conditional use permit for a bulk propane business as an Industrial Use – Class II. The property is located in S10, T55N, R17W (Ellsburg). *George Knutson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to use the subject parcel for bulk propane storage. The tank would be used to refill bobtails delivering in the area.
- B. The site would contain one 30,000 gallon tank (approximately 10 foot by 70 foot) and a gravel area for the driving surface.
- C. The hours proposed are 8:00 a.m. until 4:30 p.m., Monday through Friday.
- D. Less than 10 trucks will enter/exit the site per day.

George Knutson reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 A., indicates bulk storage tanks as an Industrial Use - Class II which is an allowed use within the Forest and Agriculture Management (FAM) zone district with a conditional use permit.
 - 2. The property falls within the Forest and Agriculture land use category of the St. Louis County Comprehensive Land Use Plan.

- a. The Forest and Agriculture land use category takes up the majority of the county's unincorporated land area.
3. Goal LU-7 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial development to serve local and regional markets throughout the county.

B. Neighborhood Compatibility:

1. The zoning of the subject parcel and the surrounding area is Forest and Agriculture Management (FAM)-3. The FAM zone district is typically used in areas with land development at very low densities.
2. In the immediate area, there are a few residential uses as well as an extractive use.
 - a. There are three residential dwellings adjacent to the subject parcel. The closest dwelling to the proposed tank area is approximately 475 feet.
 - b. There is a borrow pit directly across Highway 53 from the subject parcel (east).
3. Outside of the immediate area, the majority of parcels are large vacant land.
4. The subject parcel is along Highway 53 which is heavily used by various motor vehicles. The immediate area includes existing entering/exiting truck traffic due to the borrow pit located directly east of the subject parcel.

C. Orderly Development:

1. Future growth may include additional uses that are allowed within the FAM zone district. This may include other industrial, or extractive uses and other residential uses too, among others.
 - a. Due to existing parcel sizes in the area and required zoning minimums, any new use is anticipated to be located on parcels of nine or more acres.
2. Per the proposal, development on the subject parcel would be limited to a tank and a gravel drive area. The use will result in additional truck traffic, but with proper screening maintained, other impacts to the surrounding area should be minimal.

D. Desired Pattern of Development:

1. It is anticipated that this area will continue to have low development density due to the zoning and existing parcel sizes.
2. Existing development around the subject parcel west of Highway 53 includes three residential uses.
 - a. All three residential uses are on parcels of at least 10 acres.
 - b. Directly east of the subject parcel (across Highway 53) is an existing borrow pit.

E. Other Factors:

1. The applicant is proposing to use the existing access off Highway 53.
2. Due to the quarter-quarter being split by Highway 53, the subject parcel is only approximately 5.72 acres. The parcel is zoned FAM-3 which allows a max of 10 percent impervious surface coverage.
 - a. Maximum impervious surface allowed on the subject parcel is approximately 24,916 square feet.
 - b. The applicant has indicated that they can meet the impervious surface maximum standard.

George Knutson noted one item of correspondence from John Hinzmann Jr, the District 1 Land Management Supervisor for the Minnesota Department of Transportation (MNDOT). This correspondence was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a bulk propane business as an Industrial Use – Class II, the following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. Notice of the proposal shall be sent to the local fire department.

Conditions Concurrent:

1. Impervious surface shall not exceed maximum allowed in the zone district.
2. Vegetative screening from Highway 53, the access road to the north, and adjacent properties shall be maintained.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. All other local, state, and federal standards shall be met.

Jess Blake, the applicant and Regional Manager of Lakes Gas Co., stated that signage is an industry standard. Any bulk propane storage tank will have the company who owns it and a phone number. They are required by the federal government to put safety stickers on the tank (such as danger, propane). He clarified that the intention is for three to four trucks to access the site per week with a transport truck coming once every two weeks come winter and coming with less frequency in the summer.

No audience members spoke. *Jenny Bourbonais*, Acting Secretary, checked with each of the virtual attendees to see if they had any comments to add.

The *Planning Commission* discussed the following:

- A. Commissioner *Nelson* asked if there was a conversation from MNDOT regarding signage. Bulk propane companies have been using their tanks to advertise on, which exempts them from the Lady Bird Johnson Act (also known as the Highway Beautification Act). The Highway Beautification Act is used for federally-funded roads. Because of where these tanks are located, they are being placed to advertise. *George Knutson* stated he is not aware of any conversation with MNDOT regarding signage. One of the proposed conditions is to keep vegetative screening along Highway 53, the access road and any adjoining properties. This could help mitigate any sort of advertising on the tank.
- B. Commissioner *Nelson* added that any advertising should be left off of the tank but it could be placed on the property. Commission member *Pollock* asked if the tank should be a clear, painted tank with nothing to identify it belonging to a business at all. Commissioner *Nelson* stated the tank cannot be used as an advertising device. Commission member *Skraba* stated it could be a delicate balance between free speech and signage. *Jenny Bourbonais*, Acting Secretary, stated there is a condition that states all local, state and federal standards shall

be met which should cover this. A more specific condition could be added so that the applicant could meet MNDOT signage requirements.

- C. Commission member *Manick* asked if Lakes Gas Co. owns the property. *Jess Blake* stated they have a purchase agreement with the current owner of the property based on getting approval to use the site.
- D. Commission member *Manick* stated there is excellent screening along Highway 53.
- E. Commissioner *Nelson* proposed a friendly amendment to include a condition: any signage placed on the tank (structure) shall be considered as part of the maximum square footage for allowable signage on the property. This condition will allow them to advertise, but will be what is allowed in the Zoning Ordinance. *Jenny Bourbonais* agreed that this could be a good standard condition to use in the future.
- F. Commission member *Svatos* seconded the friendly amendment.
- G. Commission member *Pollock* stated that the tank owner could say they need their name and their telephone number on the tank. Commissioner *Nelson* stated that the name, address and phone number would be considered a sign. Any required stickers that caution of danger and propane are not considered a sign.

DECISION

Motion by Manick/Pollock to approve a conditional use permit to allow a bulk propane business as an Industrial Use – Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:
 - 1. Zoning Ordinance 62, Article V, Section 5.6 A., indicates bulk storage tanks as an Industrial Use - Class II which is an allowed use within the FAM zone district with a conditional use permit.
 - 2. The property falls within the Forest and Agriculture land use category of the St. Louis County Comprehensive Land Use Plan.
 - a. The Forest and Agriculture land use category takes up the majority of the county's unincorporated land area.
 - 3. Goal LU-7 of the St. Louis County Comprehensive Land Use Plan is to develop opportunities for neighborhood commercial development to serve local and regional markets throughout the county.
- B. Neighborhood Compatibility:
 - 1. The zoning of the subject parcel and the surrounding area is Forest and Agriculture Management (FAM)-3. The FAM zone district is typically used in areas with land development at very low densities.
 - 2. In the immediate area, there are a few residential uses as well as an extractive use.
 - a. There are three residential dwellings adjacent to the subject parcel. The closest dwelling to the proposed tank area is approximately 475 feet.
 - b. There is a borrow pit directly across Highway 53 from the subject parcel (east).
 - 3. Outside of the immediate area, the majority of parcels are large vacant land.
 - 4. The subject parcel is along Highway 53 which is heavily used by various motor vehicles. The immediate area includes existing entering/exiting truck traffic due to the borrow pit located directly east of the subject parcel.

C. Orderly Development:

1. Future growth may include additional uses that are allowed within the FAM zone district. This may include other industrial, or extractive uses and other residential uses too, among others.
 - a. Due to existing parcel sizes in the area and required zoning minimums, any new use is anticipated to be located on parcels of nine or more acres.
2. Per the proposal, development on the subject parcel would be limited to a tank and a gravel drive area. The use will result in additional truck traffic, but with proper screening maintained, other impacts to the surrounding area should be minimal.

D. Desired Pattern of Development:

1. It is anticipated that this area will continue to have low development density due to the zoning and existing parcel sizes.
2. Existing development around the subject parcel west of Highway 53 includes three residential uses.
 - a. All three residential uses are on parcels of at least 10 acres.
 - b. Directly east of the subject parcel (across Highway 53) is an existing borrow pit.

E. Other Factors:

1. The applicant is proposing to use the existing access off Highway 53.
2. Due to the quarter-quarter being split by Highway 53, the subject parcel is only approximately 5.72 acres. The parcel is zoned FAM-3 which allows a maximum of 10 percent impervious surface coverage.
 - a. Maximum impervious surface allowed on the subject parcel is approximately 24,916 square feet.
 - b. The applicant has indicated that they can meet the impervious surface maximum standard.

The following conditions shall apply:

Conditions Precedent:

1. The applicant shall obtain access approval from the appropriate road authority.
2. Notice of the proposal shall be sent to the local fire department.

Conditions Concurrent:

1. Impervious surface shall not exceed maximum allowed in the zone district.
2. Vegetative screening from Highway 53, the access road to the north, and adjacent properties shall be maintained.
3. Lighting shall be directed downward in accordance with dark sky standards.
4. All other local, state, and federal standards shall be met.
5. Any signage placed on the tank (structure) shall be considered as part of the maximum square footage allowed for signage.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None – 0

Motion carries 8-0

Darrel Kaml

The fourth hearing item was for Darrel Kaml, a conditional use permit for a countertop fabrication business as an Industrial Use-Class II and a conditional use permit for a storage business as a Commercial, Retail, and Service Establishments Use-Class II. The property is located in S10, T62N, R20W (Linden Grove). *Stephen Erickson*, St. Louis County Planner, reviewed the staff report as follows:

- A. The applicant is proposing to use an existing building as a countertop fabrication business.
- B. The proposed hours of operation will be 7:00 a.m. until 3:00 p.m. Monday through Friday.
- C. There will be no outside storage of material or equipment.
- D. The applicant is also proposing to rent out storage space in the existing buildings.

Stephen Erickson reviewed staff facts and findings as follows:

- A. Plans and Official Controls:
 - 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, B, indicates a countertop manufacturing business is an allowed use with a Conditional Use Permit.
 - 2. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, B, indicates storage businesses are an allowed use with a Conditional Use Permit.
 - 3. St. Louis County Comprehensive Land Use Plan objective LU-4.3 states: encourage infill, redevelopment, or reuse of vacant commercial or industrial properties.
- B. Neighborhood Compatibility:
 - 1. The proposed use is bordered by residential dwellings to the south and east.
 - 2. The parcel has previously been used as an industrial use by St. Louis County Public Works Department.
- C. Orderly Development:
 - 1. A majority of the parcels in the vicinity of the proposed use are 40 acres in size or larger.
- D. Desired Pattern of Development:
 - 1. The subject parcel is zoned Multiple Use (MU)-5 all other neighboring parcels are zoned Forest and Agriculture Management (FAM)-2.
 - a. Multiple Use zone districts are intended to accommodate a wide range of uses.
 - b. A countertop manufacturing business is an allowed use with a Conditional Use Permit.
 - c. A storage business is an allowed use with a Conditional Use Permit.
 - 2. The area is zoned MU-5 requiring 2.5 acres, the parcel has enough acreage to allow two uses.
- E. Other Factor:
 - 1. The parcel was previously used by St. Louis County Public Works Department as the Linden Grove maintenance facility.

Stephen Erickson noted one item of correspondence from John Hinzmann Jr, the District 1 Land Management Supervisor for the Minnesota Department of Transportation (MNDOT). This correspondence was provided to the Planning Commission prior to the hearing.

STAFF RECOMMENDATION

In the event that the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit to allow a countertop manufacturing business as an Industrial Use - Class II and a storage business as a Commercial, Retail, and Service Establishments Use - Class II, the following standards shall apply:

1. Any structure expansion or replacement must meet ordinance requirements.
2. The property shall be kept in a neat and orderly manner.

Darrel Kaml, the applicant, stated he had nothing to add.

Julia Maki, the applicant's realtor, stated she had nothing to add.

No audience members spoke. *Jenny Bourbonais*, Acting Secretary, checked with each of the virtual attendees to see if they had any comments to add.

The *Planning Commission* discussed the following:

- A. Commission member *Skraba* asked what the property line setbacks are. *Stephen Erickson* stated the existing structures are nonconforming to the property line setback. *Jenny Bourbonais*, Acting Secretary, stated that the structures are allowed to remain at this existing setback, but if the buildings are replaced, they would need to meet the property line setback.
- B. Commission member *Filipovich* asked what structures are located west of the property. Commissioner *Nelson* stated the structures to the west are St. Louis County buildings that are built on land leased from the state. The county will allow those leases to drop off as time goes on and to replace what those structures are used for with a new facility. The new county facility is located in the city of Cook.

DECISION

Motion by Manick/Nelson to approve a conditional use permit to allow a countertop manufacturing business as an Industrial Use - Class II and a storage business as a Commercial, Retail, and Service Establishments Use - Class II, based on the following staff facts and findings:

- A. Plans and Official Controls:
 1. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, B, indicates a countertop manufacturing business is an allowed use with a Conditional Use Permit.
 2. St. Louis County Zoning Ordinance 62, Article V, Section 5.6, B, indicates storage businesses are an allowed use with a Conditional Use Permit.
 3. St. Louis County Comprehensive Land Use Plan objective LU-4.3 states: encourage infill, redevelopment, or reuse of vacant commercial or industrial properties.
- B. Neighborhood Compatibility:
 1. The proposed use is bordered by residential dwellings to the south and east.
 2. The parcel has previously been used as an industrial use by St. Louis County Public Works Department.

C. Orderly Development:

1. A majority of the parcels in the vicinity of the proposed use are 40 acres in size or larger.

D. Desired Pattern of Development:

1. The subject parcel is zoned Multiple Use (MU)-5 all other neighboring parcels are zoned Forest and Agriculture Management (FAM)-2.
 - a. Multiple Use zone districts are intended to accommodate a wide range of uses.
 - b. A countertop manufacturing business is an allowed use with a Conditional Use Permit.
 - c. A storage business is an allowed use with a Conditional Use Permit.
2. The area is zoned MU-5 requiring 2.5 acres, the parcel has enough acreage to allow two uses.

E. Other Factor:

1. The parcel was previously used by St. Louis County Public Works Department as the Linden Grove maintenance facility.

The following conditions shall apply:

1. Any structure expansion or replacement must meet ordinance requirements.
2. The property shall be kept in a neat and orderly manner.

In Favor: Anderson, Filipovich, Manick, Nelson, Pollock, Skraba, Svatos, Werschay - 8

Opposed: None - 0

Motion carries 8-0

Motion to adjourn by Svatos. The meeting was adjourned at 10:24 a.m.