The Vanderburgh County Drainage Board met in session this 6th day of December, 2016 at 5:35 p.m. in Room 301 of the Civic Center Complex with President Stephen Melcher presiding.

**Call to Order**

President Melcher: We'll go ahead and start the Vanderburgh County Drainage Board, December 6, 2016. According to the clock back there it's 5:35.

**Pledge of Allegiance**

President Melcher: Will you all rise for the Pledge?

(The Pledge of Allegiance was given.)

**Approval of the November 15, 2016 Drainage Board Meeting Minutes**

Commissioner Ungethiem: Okay, I make a motion to approve the previous minutes of the previous meeting.

President Melcher: I will second it. All in favor say aye.

Commissioner Ungethiem: Aye.

President Melcher: Aye. It passes.

(Motion approved 2-0)

**Surveys Comment to President Melcher**

President Melcher: Okay.

Jeff Mueller: I'm on?

President Melcher: You can start. Yes, you are.

Commissioner Ungethiem: You're the man.

Jeff Mueller: Well, as long as we're giving accolades, Mr. Melcher, I would like to wish you the best. It's been a good four years with you. I appreciate our working together, and I consider you a friend, and I wish you the best of luck.

President Melcher: Thank you very much.

Jeff Mueller: I could go on a lot more, but we'll just keep it at that. I would say something about Joe, but he's not in the room. I really need to, because he's on County Council.

President Melcher: You'll see him again.

Jeff Mueller: Yeah.

**Fickas Harmon Subdivision: Request to Waive Drainage Plan**

Jeff Mueller: Okay, Fickas Harmon Subdivision, this is a request to waive the drainage plan. This is for a three lot subdivision located south of the levee, between Weinbach and Old Green River Road. This is an area where nothing can be built, and the subdivision is essentially for the purpose of splitting the ground. Since this is a three lot subdivision, it therefore is a major subdivision, by definition, and the code requires that a drainage plan
be submitted for major subdivisions. However, in this case, the developer has requested that this requirement be waived, and I’m in full agreement with this request. You’ve got in your package a letter from the surveying company where, you know, they’re requesting that, for the waiver, as well as the plat. As you can see on here though, you know, this is the 1-164/1-69, Green River Road is over here, Weinbach is over here. These are all borrow pits for the interstate, and this is all south of the levee. We’re not going to be putting homes up or anything there. So, like I said, it does say we have to have a drainage plan. It’s at your discretion that you can waive that plan. I think it’s a good idea that we do that, waive it.

President Melcher: Any questions?

Commissioner Ungethiem: What is the planned use for it?

Jeff Mueller: They’re going to, my understanding is, part of the land is owned by the old Koester Contracting. I’m not sure what’s going on, but they’re splitting, there’s some sale of some real estate going on, and so that’s why it’s being divvied up into three parcels. So, you know, that’s, it’s just mainly a splitting of the ground into three parcels, but, like I said, that kicks it into a major subdivision.

Commissioner Ungethiem: I didn’t know if it had any particular use, as we get closer and closer to a new bridge across the river.

Jeff Mueller: It’s in that general vicinity, but I don’t know. If nothing else, it might be used for some wetlands. It looks like there are some wetlands, actually constructed wetland parcels up here.

Commissioner Ungethiem: Okay. I will make a motion to waive the drainage plan for Fickas Harmon Subdivision.

President Melcher: I’ll second it. All in favor say aye.

Commissioner Ungethiem: Aye.

President Melcher: Aye.

(Motion approved 2-0)

Snyder Minor/Select Source: Final Drainage Plan

Jeff Mueller: Okay, next is Snyder Minor/Select Source, final drainage plan. This plan is for the proposed expansion of the Select Source facility located at 4505 East Boonville-New Harmony Road, which is on the south side of Boonville-New Harmony Road, between Green River and Highway 57. The proposed plan is for the construction of an expanded warehouse and a single dry basin on the eastern border of the project. That basin would tie into an existing basin that is along Boonville-New Harmony Road, in between the road and the parking lot. Okay? I want to point out that the original building was constructed, it was constructed at an elevation that was acceptable at that time, to the requirements. However, there’s been some changes in the floodplain mapping in this area, there’s been a whole lot of issues going there, it’s really kind of complex, and it’s an issue with the Building Commission. What I want to point out is, they said you either had to expand the building at a higher elevation, which would mean a ramp within the building, or in the case that they’re currently planning, the building will be built with sufficient venting and some other requirements to meet the Building Commission’s requirements for the flood protection grade. With that said, our code also requires building two feet above the 100-foot flood elevation. Since this really is a building code, Building Commission issue, that’s going to be their issue on approving or not approving the building, but we also need a variance in our drainage, we need a variance from our drainage plan to allow them to not have to build two feet above the 100 foot, 100-year floodplain. So, you have a copy of that variance in your package. The second thing that I want to note is that the drainage plan for the original building was submitted in 2005, that plan required the construction of a basin in front of the building, with an outlet pipe to have an orifice plat. When we started reviewing the plans, it was found that the basin that was constructed was undersized when compared to the design, and that the restrictor plate or orifice was never installed.
With that said, the final drainage plan was originally submitted on November 1, 2016, however, when it was noted that there were issues with the original basin, I had the engineer go back and start over, and therefore the plan was reviewed and submitted on November 16, 2016, with revisions submitted on November 28th and December 1, 2016. The plan that is requested to be approved consists of the submitted documents, with a receipt date of November 16, 2016, with revisions submitted on November 28th and December 1, 2016, along with drawings C-502, submitted on November 28th, and drawings C-101 and C-501 with a submittal date of December 1, 2016. The review of the submitted drainage plan is part of your package, and I request that that review document be made part of the approved final drainage plan. The drainage plan that’s proposed was reviewed by the County Surveyor and is found to be in compliance with the Vanderburgh County drainage code, with the exception of the variance on the elevation, and therefore is being submitted to the Drainage Board for approval under section 13.04.090. However, as previously noted, the site is not currently in compliance, and so I would like to bring that to your attention and discuss what criteria you may want to place on the site, as far as deadlines with getting the basin completed, but also taking into account the time of the year. So, I guess, what I’m saying is, you know, the drainage plan meets it, except for the variance, but I do think that we need to make sure that what’s proposed to be built and what was supposed to be built gets built, and that we have some kind of a hammer on that situation. Now, I would like to say let’s go out and get it fixed tomorrow, but this isn’t the best time in the world. So, I don’t know if we want to just say that we would, a certificate of occupancy would not be issued until the plans are certified and all of the corrections are made. If that’s what the Board would like to see. Or if you have any other recommendations.

Commissioner Ungethiem: Your recommendation would be to approve the final drainage plan? Is that—

Jeff Mueller: It meets the code, yes.

Commissioner Ungethiem: It meets the code?

Jeff Mueller: Yes.

Commissioner Ungethiem: So, we would approve the final drainage plan, or potentially approve the final drainage plan, and would that include the variance?

Jeff Mueller: Yes.

Joe Harrison, Jr.: Along with the variance.

Commissioner Ungethiem: Along with the variance. So, we would put those two together.

Joe Harrison, Jr.: Subject to—

Commissioner Ungethiem: And we could put subject to completion before they get occupancy—

Jeff Mueller: Yes.

Commissioner Ungethiem: --of the new portion of the building?

Jeff Mueller: Yes.

Commissioner Ungethiem: I would make a motion then to approve the final drainage plan, with the variance, with a footnote that occupancy would not be granted, a certificate of occupancy would not be granted until the final drainage plan is complete.

Jeff Mueller: That’s fine with me.

President Melcher: Joe, do you want to second that?

Commissioner Kiefer: I’ll second that.

President Melcher: Okay. Is there somebody else that would like to speak on this?
Jim Morley, Jr.: My only concern relative to...I’m sorry, Jim Morley, Jr., Morley and Associates, Project Engineer. My only concern, and to be honest with you, I actually recommended certificate of occupancy about five minutes ago, but as I thought about that, my only concern about that is getting the full vegetation on the basin and stuff relative to if they build through the winter. If the timing, I mean, I think they can get all of the dirt work done and all of that stuff, but to be fully complete and have to be 70 percent vegetated, I think. So, that would be my only concern that if there is a vegetation issue relative to—

Commissioner Ungethiem: What’s the timing on completion of the building?

Jim Morley, Jr.: The building, it’s a pretty simple steel metal building. I mean, it’s just a warehouse. So, my guess is it’s a three-month build, or something like that, you know, so, in theory they could be done in March or something like that. You’re not going to get a very good grass stand in March. So, that would be my only concern would be, not about the construction of the basin or the grading or that part of it, but more just having a good stand of grass.

Joe Harrison, Jr.: Well, can you say certificate of occupancy or further determination by the Board.

Jim Morley, Jr.: Yeah, I mean, yeah, I mean—

Joe Harrison, Jr.: Come back and just—

Jim Morley, Jr.: Yeah, if they got it built except for grass or something, they would come back and say.

Commissioner Ungethiem: Well, you either have to have 70 percent green cover, or you need to cover it with some other cover, is that correct?

Jeff Mueller: I don’t know that we actually have a 70 percent in our code. It’s an erosion control issue. It’s not in our code for the drainage.

Commissioner Ungethiem: So, it’s not a drainage issue, it’s an erosion control issue?

Jim Morley, Jr.: Correct, but typically when we do a punch list—

Jeff Mueller: Yes, I agree, I agree.

Jim Morley, Jr.: -- we pull that code in.

Jeff Mueller: There’s intermixing of the two.

Jim Morley, Jr.: I totally understand the desire to have a time limit. I just also know that grass, you know, the growing season—

Jeff Mueller: We can make the certificate of occupancy on that everything physically is done, and then if things, you know, with being able to come back, and if they don’t follow up on greening it, we can send them one of our little letters with an invitation to pay $100 a day if they don’t get the seeding done correctly. I would hope this wouldn’t be a problem, since they sell products to deal with erosion control. So, I’m hoping that we wouldn’t have a problem.

Commissioner Ungethiem: We wouldn’t have to go far to get the material?

Jeff Mueller: Yes.

Commissioner Ungethiem: Okay.

Jim Morley, Jr.: They might know where to get it.

President Melcher: At a real good price.

Jeff Mueller: I mean, I do, I’m disappointed that we found the site not in compliance, but that’s, the people that are doing business there now, I don’t know that they knew that. They’ve had some issues with this floodplain, and I’m not sure they’re completely
resolved. I would hate to punish them for that, but I do want to make sure that the stuff is done correctly too. I cannot always be completely hard on these objects.

Commissioner Ungethiem: Well, if we pass it as noted, and then the building gets completed before it significantly vegetated, is there the possibility that they come back and ask for a variance on that?

Jeff Mueller: Yeah, yeah.

Commissioner Ungethiem: And we take a look at it at that point in time.

Jeff Mueller: Yeah, or we get them to come back in March and they say we’re ready to go except for that, and we say, okay, fine you’ve got 60 days.

Commissioner Ungethiem: If we get a hard winter, they’re not going to start construction for a few months anyway. So, it would be a moot point.

Jim Morley, Jr.: Like you said, it’s all about the timing as to when they finish, whether it, I mean, it could be a total non-issue, or it could be an issue, just depending on when they finish.

Jeff Mueller: And we’ve got it noted in the minutes that it was an issue.

Commissioner Ungethiem: Okay.

Jim Morley, Jr.: Thanks.

President Melcher: So, are we ready to vote?

Commissioner Ungethiem: Yep, we had a motion and a second.

President Melcher: Let’s roll call on this one.

Madelyn Grayson: Commissioner Ungethiem?

Madelyn Grayson: Commissioner Kiefer?

Madelyn Grayson: President Melcher?

President Melcher: Yes.

(Motion approved 3-0)

Spaetti-Meyer Drainage Obstruction Petition: Withdrawn

Jeff Mueller: Alright, next is the obstruction petition, Spaetti-Meyer, continued from October 18, 2016. I talked with Mr. Spaetti yesterday, and he said at this time there’s not been sufficient rainfall to determine if the revisions that were made will work. I asked if there was any standing water, and he said, no, but again, he did not believe that the revisions had been tested with a strong rain. He wanted to wait until after a spring rain. Also, he was concerned about how his neighbor built up the ground and put additional drainage on him. As I explained, we do not have any authority over him changing the elevation on the lot, especially on an old subdivision where there’s no approved drainage plan. I also explained that as far as the obstruction petition went, that we were under a mandated deadline that we would either need to move forward, or he should withdraw the petition. If you recall, we were going to have to, you know, the January 3rd meeting was the last one that fell within the timeframe of the filing of the petition. I told him that he could always look at the spring rains and come back if he felt that, you know, it was being obstructed. So, he stated that he would like to withdraw the petition, and I would recommend to you that we would refund his filing fee. So, he’s pulling the petition out, and my recommendation to the Board is that we refund his $100 filing fee.
Commissioner Ungethiem: I make a motion to refund the filing fee, pending the fact that the petition is withdrawn.

Commissioner Kiefer: I'll second that.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion passes 3-0)

Hawthorne 2: Final Drainage Plan

Jeff Mueller: Next, Hawthorne 2, final drainage plan. This submittal is for approval of the final drainage plan for a proposed 41 lot subdivision located on the west side of Seib Road. The preliminary drainage plan for this subdivision was approved by this Board on August 9, 2016. You may recall the discussion on this subdivision, that Section 2 of the subdivision is adjacent to Hawthorne Section A that was developed by a different developer. The final drainage plan for the entire subdivision, including what's already been developed in the first section, I'm sorry, the final drainage plan for the entire subdivision, including a proposal for this area, was approved on August 8, 2006. The original subdivision proposed a large lake, as well as a storm sewer system that would convey drainage from the proposed area. Both the lake and the sewer system were constructed, and the Surveyor's Office is in receipt of an as-built drawing dated June 26, 2006. The lake is within a lake maintenance and storm detention easement of the Hawthorne Estates, Section A plat. The plat states that, "is provided as a storm water detention facility". This lake was intended to handle the storage for the entire subdivision, both this section and the original, and according to the drawings and calculations presented in this final plan, the lake still has that capacity. I again bring this whole issue up to your attention because we have had similar issues with lakes, now owned by homeowners, where they ask how their lake can be utilized for storm water drainage. I do want to address, and the County Engineer has made it clear to the developer, that just because storm water is running through this lake, does not mean the lake can be utilized for silt. The expectation is that proper erosion control will be in place on all lots prior to the water entering this section of the subdivision. In other words, the lake can be utilized as it was intended, to reduce storm water quantity, but it cannot be used as a silt basin, or we are looking at water quantity and not quality. With that said, there's been some dirt work done on out there, and Mr. Stoll has received some complaints on this very issue. The last one being yesterday. I know Mr. Stoll made an inspection to the site last week, and he sent the developer a ten-day notice. So, we do have some problems out there, but they're on the water quality. Okay? So, as part of the drainage plan a second pond is proposed for this phase of the subdivision that will have additional storage and limit the runoff from portions of this proposed section. The only other item to note is that the proposed plan will allow 1.13 acres of developed area to leave the site, undetained, toward some wooded parcels. The current watershed of 1.99 acres is currently flowing in this same area. So, we're reducing the area when it gets developed, but there will still be some undetained drainage. We placed a requirement for a drainage easement in the backyards of those homes that will not have, will have this detention, and are requiring permanent vegetative strips in the drainage easement, and that no drains from pools, sump pumps or house rain gutters are to be placed within the easement. Before we go any farther, there were two people that had requested, from the original notification from the preliminary plan, that they wanted to be notified when any additional action occurred on the plan. We notified both of those parties of tonight's meeting. I don't know if there's anybody here on Hawthorne or not. It doesn't look like it. So, we notified them that we were going to have the meeting tonight, but I guess they chose not to come. So, with that in mind, the final drainage plan was submitted on October 13, 2016, with revisions submitted on November 18th, December 2nd, and December 5, 2016. The plan that is requested to be approved consists of the submitted document dated October 13, 2016, and additional data and revisions submitted on November 18th, December 2nd, and December 5, 2016, along with drawings 1, 3 and C-109 submitted on October 13, 2016 and drawings 2, C-101, C-106 and C-110 dated December 2, 2016. Also submitted for reference on October 13, 2016 were the road plan drawings, C-104 and C-105. I've provided you with a copy of the review of the submitted drainage plan, and request that
the review document also be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor and found to be in compliance with Vanderburgh County’s drainage code, with one exception, and therefore is being submitted to the Drainage Board for approval under section 13.04.090. The exception is that the proposed lake to be constructed does not meet the criteria under section 13.04.440 (L), which addresses that a lake is supposed to be at least six feet deep over 50 percent of the area. When the preliminary drainage plan was approved by you, a variance to this requirement was granted. I would request, as mentioned in the preliminary drainage plan approval process, that it is my recommendation that the Board put as a condition for approval that Basin 1 be completed, vegetated and certified prior to certificate of occupancy be granted on any home within that drainage sub-basin. Also, I don’t know if you may, but you may want, I don’t know if you want to add any conditions regarding the situation that’s out there right now with the issues that Mr. Stoll may have. So, John, did you want to address anything on this?

John Stoll: Like Jeff said, we did get some complaints, and when I went out there I did see some failed erosion control measures. I sent a notice to the developer letting him know that it was the first notice of violation according to the erosion control ordinance, and that gives him a ten-day window to make corrections. I’ll go back out there, I believe the ten days is up this Friday, if it’s still got the same problems, then we’ll issue fines and issue the second notice of violation. Like Jeff said, I also got a complaint again yesterday. One of the things that person said was, what was the county going to do about making corrections to the problems, the damage done to the lake? I said, that’s a civil matter. We can only do what’s called for in the ordinance. I explained to him that we were doing inspections and we’ll issue fines if necessary. So, he at least knows that any damage claims, that’s going to be an issue that he’ll have to take up with the developer by himself. So, that’s kind of where we’re at at this point.

Commissioner Ungethiem: The violation is actually draining into the lake?

John Stoll: I just inspected, really, the south boundary of the subdivision. I didn’t go to the north boundary, so, I don’t know if there’s violations on the north side of it, but in the southwest corner of the area that’s outlined in blue in that picture, there is a drain that take the runoff from Hawthorne 2 into the pond, and Hawthorne 1, that was an area where I saw some failed erosion control measures. Then, on the east side of the site over towards Seib Road, you can see that east-west ditch that runs from Seib Road back towards the boundary between the two subdivisions, there was a failed silt fence there as well. That allowed the silt to go into that ditch, and then that ditch drained into an inlet that also went into that pond. So, that’s the two primary points where I saw the problems at this stage of the game.

Commissioner Ungethiem: Okay. You had a lot of stuff there. Are you recommending that we—

Jeff Mueller: Well, I guess my feeling is, is that they meet our drainage code, as far as this, as far as the water quantity issue. I think Mr. Harrison would agree that if it meets the code, then we need to, then there’s no reason to deny it. But, I do think that we have put conditions on things before, and the Board could put some conditions, like, for example, that, you know, that the drainage plan is approved, but you will not do any installation of any piping until Mr. Stoll is happy with the erosion control. So, if they get the erosion control under control, then they can go ahead and start back up on their pipe installation, but until then, you can’t do anything outside of the things that, you know, as far as new dirt work. Or, they can go out and fix the erosion control, but they can’t do any pipe installation until such time. That would be one way to address it, you know, that way we would still be, you would still be meeting the code of approving the drainage plan, but still have a condition over them, and maybe force their hand a little bit on getting this work done a little bit quicker.

Commissioner Ungethiem: If we put that condition on this, how do we police it, so to speak? How do we understand what he’s doing or not doing?

Joe Harrison, Jr.: Well, Mr. Stoll will periodically go out there, I guess, if he hears complaints, and I think he’ll issue citations or civil penalty notices if there is still erosion control issues. So, I’m sure he’ll report that back to Mr. Mueller.
Jeff Mueller: Yeah, I guess the easiest way to police would be, right now we’re almost at the end of a ten-day period. So, if John goes out there Friday and everything is up to snuff, then they can move forward. If John goes out there and says, no, there’s a lot of work to be done yet, and I’m gonna, you know, you guys are going to write a check to the county, then they’re on hold until John says they’re clear.

Commissioner Ungethiem: So, if we were to say we would make a motion to approve this final drainage plan, contingent on compliance with soil erosion requirements by the county, is that what you’re saying?

Jeff Mueller: And that no structures would be put in place, and no piping until such time as they become in compliance.

Commissioner Ungethiem: Until you’re in compliance with the soil erosion plan.

Joe Harrison, Jr.: Yes.

Commissioner Kiefer: I think that’s a pretty good plan.

Commissioner Ungethiem: I’ll make that motion.

Commissioner Kiefer: I’ll second that.

President Melcher: Did you get all of that?

Madelyn Grayson: No.

Glen Meritt: Glen Meritt with Cash Waggner. I guess my only comment on that is that some of the storm sewers on site that will be put in place, once this drainage plan is approved, will allow the run off to be diverted to our detention basin that’s on site, that is kind of in between the two ditches that, those little fingers coming through the property. So, I don’t know necessarily that that’s going to help. I mean, I know the developer has been contacted, I know the contractor that’s working out there. I think they’re going to do, I mean, I can’t guarantee it, because I’m not the one physically doing it, but they’re going to do what they can to make John Stoll happy, and keep the erosion on our site. Like I said, I think, I don’t know, Jeff or John may agree or disagree with me, but I think some of the storm sewer piping installation will help us divert the water to a permanent storm water detention basin that is to be utilized to collect silt while the construction site is going on. I think it will actually help the situation out there, rather than hurt it. So, that’s the only comment I have.

Commissioner Ungethiem: Okay.

Jeff Mueller: I guess, my only comment is there’s places back there where, you know, I went out the other day because I was looking at, I had some questions about the drainage plan, and we put up, a couple bales of straw were put up, and it was not in the areas that they needed to do it. I know what Glen’s saying, yeah, you could divert some of this drainage here into a basin, but where I saw problems like down here and over in here, it was just a problem with the swales being nice and wide and water is running off, and there’s a whole big area that’s been disturbed, and the area needs to be strawed, and in the area where it’s running off they need to do a better job of controlling it than putting up two straw bales and putting a couple of stakes up.

Joe Harrison, Jr.: I think, at the end of the day, if Mr. Stoll and Mr. Mueller believe that, even though everything may not be resolved, if they think some piping, sewer pipe, storm sewer is okay, they’ll come back and tell this Board and that will be fine. Don’t you agree?

Jeff Mueller: I would like to see 100 percent concentration—

Joe Harrison, Jr.: Right.

Jeff Mueller: --and John would too, on resolving this issue. We don’t want another issue off of Felstead Road. I know Mr. Stoll feels the same way.

Commissioner Ungethiem: Okay, well we have a motion to approve the final drainage plan.
President Melcher: John’s coming up.

Commissioner Ungethiem: Oh.

John Stoll: Along those same lines, it’s almost identical conditions. About everything in those blue lines, in that area outlined in blue, is bare dirt right now. It’s December 6th, so it’s the same circumstances we battled on the west side relative to having too much exposed dirt at the wrong time of the year. So, the conditions are set up to be the same problems we battled on the west side for the past two winters. So, that’s my primary concern, with that much exposed dirt, there’s quite a bit of potential for ongoing problems.

Joe Harrison, Jr.: Okay.

Commissioner Ungethiem: So, let me review. We currently have a motion and a second to approve the final drainage plan, and a condition that before any final piping be in place that the erosion control measures need to be put in place and approved by the County Engineer.

Jeff Mueller: And also a condition that there be no certificate of occupancy on any home within the sub-basin for the lake that’s to be constructed too. So that we get that lake constructed in a timely manner.

Commissioner Ungethiem: Okay.

Commissioner Kiefer: Okay.

Commissioner Ungethiem: Do you got all of that?

Madelyn Grayson: It’s on the tape.

President Melcher: I asked her a while ago. She said, I don’t know.

Commissioner Kiefer: We have a motion and a second on that.

President Melcher: We’ll have a roll call vote on this.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: President Melcher?

President Melcher: Yes.

(Motion approved 3-0)

Jeff Mueller: Okay, I wanted to make sure you guys had fun at your last meeting.

President Melcher: Thank you.

**Trilogy North: Status of Work**

Jeff Mueller: Okay, Trilogy North, the status of the work. I made a site visit on December 1, 2016 after the receipt of an as-built drawing on the site, which our office received on November 29th. You have in your packet an email that was sent on December 2nd, in which you can see that I’ve summarized the issues. I think, you know, just to kind of discuss those issues real quickly, you know, they still haven’t built the swale on the south side of the property. The basin itself has been built, it’s looking a lot better than it was previously. It’s been seeded, of course naturally it’s not greened up yet, but the other thing was we got a certification for the basin, but we don’t have anything saying, I’m sorry, we got an as-built for the basin, but we don’t have anything saying that, you know, the basin has 20,000 cubic feet of storage and it meets the, you know, the design requirements. So, we need a little bit of clean up on the paperwork, and we still need them
to physically get this ditch constructed down here, but the rest of the site, as far as the basin, as far as some other issues that have to do with Area Plan, they have done, they have moved ahead. So, like I said, this email has got it, but I just want to bring you up to date on where we are on the site.

Commissioner Ungethiem: Are we still holding certificate of occupancy until this is complete?

Jeff Mueller: If you tell me to.

Commissioner Ungethiem: I thought I recalled that. Okay.

Jeff Mueller: Okay.

President Melcher: Any other questions?

Commissioner Kiefer: Are we required to take any action?

Commissioner Ungethiem: Do we know a plan of completion for these activities?

Jeff Mueller: I have not gotten a response back from the email yet.

Commissioner Ungethiem: Okay.

Jeff Mueller: Mr. Meritt, do you have…he’s their engineer too, but he was copied on the email.

Joe Harrison, Jr.: Okay.

President Melcher: Okay.

Jeff Mueller: Okay?

Blue Heron: Revised Drainage Plan

Jeff Mueller: Blue Heron, revised drainage plan. We’ve got a number of issues to cover on this, so, let me start with the easy ones first. As you recall, there were three items in which you delegated to John and I a tentative power of approval, I guess that’s what we would call it. You have in your files two emails in which John and I gave the okay to proceed on two of the three work items. So, I would request a formal approval on those, which is the pipe along Millersburg Road. If you remember, the one gentleman was here and talked to you a couple of different times on that. John and I were fine with that. The alterations to the swale between Bombay Circle and Osprey Circle. The actual approval that you would be giving consists of two drawings, they’re both labeled number one. They have a receipt date of November 21, 2016, along with a pipe calculation sheet with a receipt date of November 17, 2016, and two emails that you have as a copy in your package. So, I’m requesting that you approve that, so that our tentative approval is now officially approved by you all.

Commissioner Kiefer: I make a motion to do that.

Commissioner Ungethiem: I second it. This drawing that you have up here, what’s the difference between the magenta and the red?

Commissioner Kiefer: You’re good. You know those colors.

Jeff Mueller: The magenta was where they had to do work. Red was, was that where we had paperwork needed?

Jim Morley, Jr.: I think red was the pipe work that they just (Inaudible).

Jeff Mueller: Okay.

President Melcher: Can you hear that?

Commissioner Ungethiem: Say it again.
Jeff Mueller: You’re not approving this drawing. This is up here just more for reference. What you’re approving, what you’re asking me to approve is, if you remember, there was a pipe right here, and we’ve got a drawing on that pipe now with details. There was a swale right here. That swale is consisting, and actually this is a little bit older drawing, the swale it does a little, jogs over just a little bit, but that swale is a one-foot-deep swale, and it’s got a French drain in the bottom of it. So, the drawing that we have, we are fine with, so, we gave them the okay to move ahead with that. So, like I said, those are the two things we’re asking. The third thing was a pipe on, right here, and I had a visit by the homeowner there and he’s still got some questions on that. So, we, I know John put some additional requests back to them. So, that one is still kind of in the works a little bit, but the other, like I said, the other two items we’re fine with.

President Melcher: Okay.

Commissioner Ungethiem: So, what is it you’re asking us to approve?

Jeff Mueller: To formally approve the emails that John and I sent out approving the pipe and approving the swale.

Commissioner Ungethiem: Okay.

Jeff Mueller: You’re putting your stamp on our approval.

Commissioner Ungethiem: Alright.

Joe Harrison, Jr.: We have a motion and a second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

(Motion passes 3-0)

Jeff Mueller: Okay. Next is, you have a letter in your package from Mike and Patricia Lodato. It was delivered to our office yesterday. You may recall that Mr. Lodato, and he’s here tonight, spoke to you at the last meeting. It appears from his letter that he’s now okay with what’s being proposed on his lot, which would be to vacate the drainage easement. I just want to make sure that whatever gets done ensures that the standing water on the corner of his lot will be addressed. We still need to review the exact plan. I will say that we did get a package from Morley and Associates late Friday afternoon that’s got a whole bunch of information in it. John and I have not had a chance to review it yet, but I did notice in there that, I think there was some paperwork in there on vacating the easement. Mr. Lodato, I don’t know, did you have any comments to your letter?

Michael Lodato: I certainly hope it’s self-explanatory.

Jeff Mueller: Yeah, I mean, it was to me. So, I mean, the only thing we want to make sure of is that whatever happens in that southwest corner, where all of your stuff is going to, that that works out okay.

Michael Lodato: Yes.

Jeff Mueller: Okay, so we kind of need to review that.

Michael Lodato: Yes, I understand.

Jeff Mueller: Okay.

Michael Lodato: So, contingent on—

Jeff Mueller: Anyway, I delivered that letter in your package, just because, you know, I felt it was a Drainage Board issue. I’m not asking for any approvals or anything, just an opportunity. Okay? Next is Mr. Bosma has a request of you to release a lot. A letter is in your package on this issue, and he’s here, I’m assuming, to address that issue. I do want to give you the fine print from myself, which is to say that I’ve included this in your package, at the developer’s request, but by me bringing this before the Board it in no way
signifies that I’m in agreement with the request. So, the letter is there, and we’ll let these folks talk about it.

Chris Wischer: Good evening. Chris Wischer with the Bamberger firm. I apologize I’m not in my attorney sanctioned uniform, but I got out of the house this morning forgetting that I had to come tonight. So, I apologize. But, okay, so, Blue Heron has submitted a request for release of Lot 56. As you know, I think you have a moratorium, if you would call it that, on building permits, on the lots owned by Blue Heron in Blue Heron Subdivision until this is fully complete. There are currently three lots subject to that moratorium. There’s also six, I don’t know the exact number, but it’s more than a $60,000 letter of credit out there that supports and secures the work that needs to be done in this project. I think, as Mr. Mueller stated, and I think he would agree, Blue Heron has made substantial progress towards completing all of these items. It’s been a substantial amount of work to get done. As far as the drainage plan itself, you approved tonight two of the major components of that, and the pipe that he was talking about, Morley has submitted responses to Jeff’s comments, and they will continue to work through that, and whatever concerns the homeowner has. That’s the pipe that where the house was actually built, this wasn’t a house that Blue Heron built, but it was built into the easement, and that pipe needs to be relocated, so to speak, and that’s 100 feet of pipe. It’s going to be a substantial project. So, there’s still paperwork being done; all of those waivers, easements, encroachment agreements are all in the process. We’re working hard with John and Jeff to make sure that they’re satisfied. There’s still, there’s been a lot of work completed. Mr. Bosma tells me he’s spent close to $100,000 or more in completing this work thus far. The work that’s left, there’s a small amount of swale work, there are these pipings that we were talking about tonight that still need to be done. It’s a smaller amount of work, but it’s the more expensive type of work that needs to be done. We expect that to cost in excess of $30,000 to complete. So, this lot, it’s an opportunity that’s been presented. Jagoe Homes is interested in buying it. The sale price is $35,000. These have marketed for $48,000, but he’ll sell this for $35,000. What we ask is that you consider releasing this particular lot, under the conditions that the net proceeds from the closing would all be deposited into our trust account, as we’ve done before, and all of those funds would be used solely to complete drainage work. Like I said, we still have more than $30,000 worth of work to be done, and this cash could be used to complete that, so that we can get this done timely. It still leaves two lots that you have held, as well as the letter of credit, which we think is now an amount that exceeds the amount of drainage work that needs to be done to complete the plan. Whereas, when we started this, the letter of credit, you know, as I’ve said, we’ve spent $100,000, wasn’t close. So, we think the county is protected, and this will allow Blue Heron to have the cash flow it needs to get, the contractor needs to get paid. It’s the end of the year, and he’s, we just need to get the work done. This would allow us to do that.

Commissioner Kiefer: Where is lot 56? Can you point that out please?

Chris Wischer: Can you guys point it out?

Jim Morley, Jr.: It’s the last lot on the left, at the end of that cul-de-sac.

Commissioner Kiefer: Okay, and the other one that we’ve been holding up is the one next to it?

Chris Wischer: Do you know where the other two lots are?

Jim Morley, Jr.: They’re back in the body of the sub.

Commissioner Kiefer: Okay.

Chris Wischer: He’s not marketing those for sale. This is, Jagoe knows these lots are there. They have somebody that’s interested in building a home there, and they’re interested in taking it. They know this entire situation. They’re aware of the work on that particular lot has all been done. So, the swale work in the rear of that lot that was required by the drainage plan, has been completed.

Commissioner Kiefer: So, no work is required, additional work is required?

Chris Wischer: No.
Commissioner Ungethiem: Chris, can you define timely fashion, in terms of weeks?

Chris Wischer: Yeah, let me ask—

Commissioner Ungethiem: When is this going to be complete?

Chris Wischer: So, when will this work be completed, Alan?

Alan Bosma: (Inaudible)?

Chris Wischer: Yeah, the piping work that this money will be used for?

Alan Bosma: Basically we lack the French drain, is what is left. It’s the bottom part to fix. We’ve got to fix the front, drainage up in the front, and that’s it.

Chris Wischer: But if he, as I understand it, if he has the money to tell the contractor you’re going to get paid, then the contractor’s been out there. He’s been real good to work with. He’s been out there every day we can get him out there to do work. So, I guess, the question that Mr. Ungethiem is asking is, how long can we tell them—

Commissioner Ungethiem: What’s the end date?

Chris Wischer: --it will be until these things will be done?

Alan Bosma: I would say worst case scenario would probably be four weeks. I’m hoping we can get it done in three. I’ve got the guy, he will be there in the morning. It depends on the weather right now. We’re fighting the weather and going that route.

Chris Wischer: Right, and that’s all subject to, there is the one pipe that hasn’t been approved that we’re working with Jeff and John to make sure that gets approved. That needs to get approved before we can get out there and do work. These are the pieces that we’ve held doing the work until they got approved, because they are substantial. There’s a French drain, and these are pipes that we’re putting in the ground. So, until they were approved, you don’t want to go, the other swales and everything. Alan and his partner were willing to take the risk to get out there and get that work done, knowing that if Jeff didn’t approve it, and it changed, they would have to come out and redo it. Pipes are a little different story, so those have been, now that those are approved, they’re ready to get out there, but, we want to be able to guarantee the contractor that he’s going to get paid, so he’ll go out and do it.

Joe Harrison, Jr.: What about the other paperwork, you know, the encroachments and the waivers and all of that, are you still working on all of that?

Chris Wischer: My, I mean, Jeff can correct me, I think that we had to have the forms approved, and then now they’re being out circulated for signature.

Joe Harrison, Jr.: I’m just curious.

Jeff Mueller: Yeah, I mean, I know there was, I want to say about seven encroachments, I think six or seven encroachments that we were fine with. So, we’re waiting on getting those back. I know in the last package, Jeremy, you could probably tell me better, but wasn’t there like three or four encroachments and four or five waivers.

Jeremy Elrod: Yeah.

Jeff Mueller: I mean, I’m just kind of guessing. There was a vacation in there too. So, there’s quite a bit, as a matter of fact, I’ve got a spreadsheet that I’ve given to Linda, because she’s kind of tracking all of this. So, there’s a lot of paperwork that’s either come to us that we’ve approved, or has come and is sitting on our desk that we haven’t gotten a whole lot of stuff signed back yet. So, I don’t know what the status is of a lot of the signing yet, because, of course, the encroachment agreements, they’re going to have to be brought before you all—

Joe Harrison, Jr.: Right.
Jeff Mueller: -- for your approval, so that they can then be recorded. The only other thing is that we need to make sure they understand that once we see the waivers in more detail, we'll review the ones we've been given, if we're fine with them, we're still going to have to make sure that the lot owners are fine with them and signed. So, yeah, you know, so, I don't know the answer to, you know, some of that, you know.

President Melcher: What do you think about this lot they're asking about?

Jeff Mueller: I would just, you know.

Commissioner Ungethiem: Is all of the drainage work complete on this lot?

Jeff Mueller: It is done on this lot. They did do—

Commissioner Ungethiem: So, this lot—

Jeff Mueller: --and there's an adjoining lot that had a fence in it that didn't have a swale. So, they have got the swale on this and the adjoining lot done, and they did get the fence moved. Yes.

Commissioner Ungethiem: Okay. So, this lot requires no more work, no more easements?

Jeff Mueller: Unless we go out there next week and, you know, a gully washer had washed, you know, eroded it or something, but when I saw it the other day, it looked fine. It's a fairly flat swale.

Commissioner Kiefer: I think it's a good offer. You know, they're going to put it in for the use of paying their bills to get the rest of the work done. I support this. I think it would be fair to allow them to sell this lot to move forward.

Chris Wischer: And I'll commit to you, as we've done on the other, I mean, the payments are made out of our trust account, upon receipt of an invoice—

Commissioner Kiefer: Right.

Chris Wischer: --and directly to the contractor. No money is going, will go to Blue Heron.

Commissioner Kiefer: That's what I like about it, how you've got it set up.

Chris Wischer: No money will go to Blue Heron until the whole thing is approved and released. If there's any money left in the account, which there probably won't be, then that would be released, but not until then. So, it's guaranteed to be used for this project. I think really all it does is convert one asset into a useable asset, leaving others that secure you and make sure that we do what we say we're going to do.

President Melcher: So, you're asking just for this one lot?

Commissioner Kiefer: Right.

Chris Wischer: Lot 56.

Commissioner Kiefer: I'll make the motion to approve releasing that one lot, with the contingencies that it goes into that account and it's paid from your account, the trust account the way you described.

Commissioner Ungethiem: Do you know what the schedule Jagoe has on building the structure on this lot?

Chris Wischer: I'm told they're ready to acquire it and they're ready to start, which is good for us, because we can close it quickly and get the money.

Commissioner Ungethiem: Okay. I'm trying to determine whether there's a way we can restrict the certificate of occupancy on that building until everything is complete. Legally can we do that?

Joe Harrison, Jr.: I think we're protected. I think, it's going to go in the trust. They've got two more lots, that's the good thing, that they are still hanging out there.
Commissioner Ungethiem: Right.

Chris Wischer: And a letter of credit.

Joe Harrison, Jr.: And a letter of credit. They’ve just got to, you’ve got to get that paperwork in.

Chris Wischer: Right, and that’s the challenge. I think the plan work, right, the engineering work, and the physical work is a challenge, but that all can be handled. When we’re doing the paperwork, and even some of the physical work, we’re dealing with the other parties, the owners. We have to give them time to review them, we have to make sure that they’re comfortable with them. We have to work with them to make sure their issues are addressed, and that takes some time, and we can only control so much of that. We can control when we get the contractor out in the easement and do work, and we can control how we communicate with Jeff and John. We can’t always control how quickly somebody, you know, can review, have their attorney look at it, or whatever they need to do, and we’re trying to make sure that happens.

Commissioner Ungethiem: Okay. I will second Joe’s motion, and I will count on you gentlemen to get this done, get this completed in a timely fashion, so we don’t have to go back at some later date and argue the other two lots. Let’s get it over with.

Alan Bosma: Believe you me, I’m ready. I’m ready for it to be over just as bad as you are.

Commissioner Ungethiem: Yeah, we all are ready.

Commissioner Kiefer: The other thing you guys might want to note, I mean, the three of us have been here to understand what the situation is, and, so, what you need to do is prove yourself for the next set of Drainage Board members, because you’re going to have two different, new Drainage Board members in January, and it would be nice to come back and say, hey, we sold that lot, we’re taking the money, we’ve done what we said we were going to do.

Chris Wischer: Right.

Commissioner Kiefer: Because I can’t tell you how the other two new Commissioners, or Drainage Board members will react. I’m for this, and I’m ready to vote.

President Melcher: Okay. Let’s do a roll call.

Charlie Anslinger: Before you vote, I would like to ask a couple of questions.

President Melcher: Okay.

Charlie Anslinger: I’m Charlie Anslinger from 8424 Pelican Pointe, Lot 62, in Blue Heron Estates. I just want to make sure, before you guys vote this through, that we’re still considering that this is, those pipes being laid and Mr. Lodato’s situation being done, that’s it. Because I’ve still got standing water, I still have a letter to you guys, or to the County Surveyor from last meeting that still needs to be addressed, and these waivers and all this other. So, I just want to make an understanding before you guys vote, and say, okay, this is okay, and then it’s all done.

Joe Harrison, Jr.: No.

Commissioner Kiefer: No, we’re not voting that it’s all done. We’re just voting to let them sell that one lot so he can have the money to do some of the other work.

Charlie Anslinger: I totally agree with that, but then there’s still the waivers and all of those other things that are still going to be addressed?

Commissioner Kiefer: Right.

President Melcher: They said that. They said that there was going to be waivers and stuff still being negotiated.

Commissioner Ungethiem: And they’ve still got to complete that, along with some other construction work before we’ll release the other two lots.
Charlie Anslinger: Okay, but then—

Joe Harrison, Jr.: Before they approve the plan.

Charlie Anslinger: And then, oh, okay, approve the plan and all of that will be taken care of next time?

Joe Harrison, Jr.: The plan is not approved.

Chris Wischer: As-builts, all of those other things have to…everything still has to, this is not changing any of that.

Charlie Anslinger: Okay.

Joe Harrison, Jr.: Right.

Charlie Anslinger: I’m good. I just wanted to get my two cents worth in.

President Melcher: No, I would do the same thing.

Jeff Mueller: Just to add to Mr. Anslinger’s two cents, we have his comments. So, if you remember, that’s the plan that was submitted, you know, or something similar was submitted, but we do have comments from some other folks that have to be addressed along, you know, just because their maps show this, John and I know some other things that, you know, we want done.

Joe Harrison, Jr.: Sure.

Jeff Mueller: And, you know, Mr. Anslinger’s on that list of things, because he came in and said he had some problems a couple of lots down from him, on record last time.

President Melcher: I think we all understand.

Jeff Mueller: Yeah, we haven’t forgotten you.

Jim Morley, Jr.: And, I can tell you, Mr. Anslinger’s property was included in the packet that was submitted on Friday, that they said they hadn’t had a chance to review yet. His property was included in that packet also.

Commissioner Ungethiem: Okay.

President Melcher: Okay, we’ll have a roll call.

Madelyn Grayson: Commissioner Ungethiem?

Commissioner Ungethiem: Yes, get it done quickly.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes, and keep in mind you’ve got to stay attentive to the next set of Drainage Board members, because you’re going to have to re-educate, but I vote yes.

Madelyn Grayson: President Melcher?

President Melcher: I also vote yes, because I believe this is the way we’re going to get this project done. That’s what I’m counting on.

(Motion approved 3-0)

Chris Wischer: Appreciate it.

President Melcher: I like that it’s going into the trust also, because that gives the people out there a little bit of security, and we need you to work with everybody out there.

Chris Wischer: And, Joe, I’ll submit to you the same letter that we’ve done the last time.

Joe Harrison, Jr.: Okay.

Chris Wischer: Just so, with the language you asked for is the same exact, I’ll send you that this week.
Joe Harrison, Jr.: Thank you.

President Melcher: Okay, that passes 3-0.

Chris Wischer: Thank you.

President Melcher: Thank you. Jeff?

Jeff Mueller: One other issue on Blue Heron, just so we know. You know, we’ve got a letter on hold still regarding fines. You have a more updated letter. The nice thing about Word Perfect is I can always change times and dates, but there is a letter in there. So, whenever you feel that you’re not happy with things, or you want to start issuing fines, I’m providing you a letter each meeting, that’s available for you to do whatever.

Joe Harrison, Jr.: Okay.

Jeff Mueller: I’m assuming you want to right now just put that on hold, is that correct?

Commissioner Kiefer: Yeah.

President Melcher: Well, the attorney is shaking his head yes. So, that’s who I look at.

Commissioner Ungethiem: I would put it on hold, but come January 3rd, if we’re not in a very, very good position, I’m going to change my mind.

Joe Harrison, Jr.: Christmas will be past us by then.

Chris Wischer: My question would be, do we need to be here every meeting just in case, to address the potential of fines? Or do you think—

Commissioner Ungethiem: I would leave that up to Jeff and John.

Chris Wischer: Okay, Jeff will let us know if he’s unhappy.

Commissioner Ungethiem: There’s no Drainage Board meeting on the 20th.

Joe Harrison, Jr.: There’s no meeting on the 20th, so you’re good.

Chris Wischer: Okay, good. Alright, thank you.

Joe Harrison, Jr.: January 3rd.

Chris Wischer: I like you guys better now.

Madelyn Grayson: But, they moved the time to 3:00.

Chris Wischer: Okay, thank you.

Jeff Mueller: Okay, that’s it for Blue Heron, unless there’s folks that…okay, you’re all good?

President Melcher: Anybody else? Okay, next.

**Other Business**

Jeff Mueller: Other business, next year’s meeting, I know, I guess, Madelyn, you’ll be handling when you change the Commissioners time, you’ll just note that our meeting will follow? I did want to know if it would be possible to get that tentative schedule so that I could look at it from the Drainage Board perspective. Because there’s probably a few meetings next year that we may, I would prefer to cancel them up front, and kind of also know some things. We’ve got that whole issue of setting the rates and bidding and all of that. So, I would like to start being able to fit all of that in.

Commissioner Ungethiem: I’ll have Kristin send that to you in the morning.

Jeff Mueller: Okay, yeah, because that way I can come in January 3rd and say, you know, we’ve got the rates to set for the ditches and all of that kind of stuff, you know, that happens those first few months that Joe’s going to miss.
Commissioner Kiefer: I think you ought to have a meeting every time, and really load them up.

Jeff Mueller: So, is that coming from County Council, does that mean that you’re going to give us additional funds for these meetings and stuff?

Commissioner Ungethiem: Don’t pay any attention to him. He’s going to be on Council next year.

Jeff Mueller: You know, I just thought we’d try to get a commitment for some money out of him while we’ve got him up here on the record.

Commissioner Ungethiem: There you go.

Jeff Mueller: You know?

President Melcher: Well, that’s the reason why I supported him, I said, you’ve got to support the Commissioners.

Jeff Mueller: And the County Surveyor, and, by the way, Joe, I did want to, I did appreciate your comments on South Green River Road. I know some elected officials that were raised in that area, and, you know, it’s a good area.

Commissioner Kiefer: Yeah, I agree.

Jeff Mueller: So, anyway.

**Ditch Maintenance Claims**

Jeff Mueller: The last thing on the agenda, ditch maintenance claims. You have a summary spreadsheet I’ve submitted for your approval, 18 claims to eight different vendors for a total of $17,101.19. Most of these claims are for the normal maintenance. There is one claim for $560 to Invite Management for tire removal. As you may recall, we discussed at the November 15th meeting that we had a bunch of tires, which it ended up being 204 tires altogether, which were pulled out of the curve at Maidlow Ditch. So, that was the fee to have those hauled off. I am requesting on that particular invoice that we go ahead and pay 100 percent, because the tires have been loaded out and they’re gone. There’s no reason to withhold anything. So, I would request approval of those total of 18 claims.

Commissioner Ungethiem: I make a motion to pay the ditch claims for December 6th.

Commissioner Kiefer: Second.

President Melcher: All in favor say aye.

All Commissioners: Aye.

*(Motion passes 3-0)*

**Public Comment**

President Melcher: Just a reminder, we don’t have a meeting December 20th. Our next meeting is January 3rd following the Commissioners meeting.

Commissioner Kiefer: Darn.

President Melcher: Okay, the Commissioner, did you get that? The next meeting.

Jeff Mueller: And I did supply the other two Commissioners with your handout from tonight, so they’ll kind of, they have homework.

Commissioner Ungethiem: Okay.

Commissioner Kiefer: Take a picture of Commissioner Melcher’s last vote.
Adjournment

Commissioner Ungethiem: Motion to adjourn.

Commissioner Kiefer: So moved.

President Melcher: We are adjourned. Thank you.

(The meeting was adjourned at 6:30 p.m.)

Those in Attendance:
Stephen Melcher        Joe Kiefer          Bruce Ungethiem
Jeff Mueller           Joe Harrison, Jr.     Madelyn Grayson
Chris Wischer          Jim Morley, Jr.       Alan Bosma
John Stoll             Charlie Anslinger     Glen Meritt
Jeremy Elrod           Michael Lodato       Others Unidentified
Members of Media

VANDERBURGH COUNTY
DRAINAGE BOARD

_______________________________
Stephen Melcher, President

_______________________________
Joe Kiefer, Vice President

_______________________________
Bruce Ungethiem, Member

(Recorded and transcribed by Madelyn Grayson.)