The Vanderburgh County Drainage Board met in session this 8th day of December, 2015 at 5:51 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem presiding.

**Call to Order**

President Ungethiem: I would like to call the December 8, 2015 Drainage Board meeting to order.

**Pledge of Allegiance**

President Ungethiem: Joe, would you lead us in the Pledge of Allegiance?

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you.

**Approval of the November 10, 2015 Drainage Board Meeting Minutes**

President Ungethiem: I would entertain a motion to approve the minutes of the previous meeting.

Commissioner Kiefer: So moved.

Commissioner Melcher: Second.

President Ungethiem: I've got a motion and a second. All those in favor say aye.

All Commissioners: Aye.

President Ungethiem: Opposed? The meeting minutes are approved.

(Motion approved 3-0)

**FedEx Final Drainage Plan**

President Ungethiem: Okay, Jeff, FedEx final drainage plan.

Jeff Mueller: Okay, this is the final drainage plan for a FedEx distribution center to be located on the westside of U.S. 41, just south of Azteca, along Norm Wagner Drive frontage road. The proposed site consists of 36.2 acres, and will consist of the construction of a 254,000 square foot distribution center. The drainage plan consists of the construction of two large dry detention ponds, one located on the northern border, and the other on the southern border of the development. Water will be conveyed to the ponds through a combination of open ditches and storm sewers. Both basins will discharge into the Pond Flat Lateral B drain, which technically begins on the north side of Baseline Road. Discharge from both the basins is through a 12 inch diameter pipe, though the pipe from the north basin will be fitted with a 10 inch orifice in order to meet the release requirements for the drainage code. The discharge rate from the site is designed to meet a ten year undeveloped rate, which was calculated at 13.11 cfs, or .36 cfs per acre. It should be noted, however, that in order to meet the stormwater quality considerations, the design engineers have actually limited this rate for smaller storms. Both ponds, as well as the ditches are designed to also meet Indiana water quality standards. In order to assist in meeting these standards, the developer is requesting a variance to eliminate a portion of the liners in both basins so that the water will be flowing over a large area of grass, which will allow for filtering. Both detention basins will
be constructed with multi-stage outlet control structures that will have small holes drilled in the bottom of the structures to allow for a slower outlet rate for a calculated one year storm, and additional storage times of 24 hours for this smaller storm. Vanderburgh County does not have any design criteria for this type of work, so the developer utilized Indianapolis standards for their calculations. The calculations for the standards were provided and sealed by an Indiana licensed engineer. The variance to eliminate the portion of the liners is justified and therefore I support this variance. Second, the developer is requesting that the basins not be located in drainage easements, since the basins serve a single entity, and I would also support this request. As the proposed FedEx site is located in an impacted drainage area, the pond is designed to withhold the excess water from a 100 year storm, instead of the 25 year storm. The final drainage plan was submitted on October 20, 2015, with revisions submitted on November 16, 2015. The plan that is being submitted for approval consists of the revised submitted document, with an as received date of November 16, 2015, and drawings C-101 through C-109; C-501 through C-504; L-101 and L-102; and D-1, which was submitted November 16, 2015. I’ve provided you with a copy of the review of the submitted drainage plan, and request that the review document be made part of the approved final drainage plan. The drainage plan was reviewed by the County Surveyor, and with the two requested variances, found to be in compliance with the Vanderburgh County drainage code, and therefore is being submitted to the Drainage Board for approval, under Section 13.04.090. Any questions?

President Ungethiem: Jeff, the blue square in the picture here—

Jeff Mueller: That’s the 36 acres that will be developed.

President Ungethiem: Okay. What about the area to the west of that?

Jeff Mueller: They are going to parcel that off, and they will not be the owners of that property.

President Ungethiem: Alright.

Commissioner Kiefer: There’s a ditch that runs right on the west of that blue—

Jeff Mueller: There’s where the two basins are going to outflow.

Commissioner Kiefer: -- line there, and it’s a natural demarcation.

President Ungethiem: Break?

Commissioner Kiefer: Yeah, a natural break, but I’m assuming that that ditch is being utilized as part of—

Jeff Mueller: That’s where the two basins are going to outflow.

Commissioner Kiefer: Right.

Jeff Mueller: There will be a basin on the south and one in the north.

President Ungethiem: So, it will outflow, it will go out to the ditch at the railroad track and north?

Commissioner Kiefer: No, no, the ditch is at the blue line there.

Jeff Mueller: No, it will go out right here, and then there’s actually a large pipe under Azteca.

President Ungethiem: Okay.

Jeff Mueller: Then it will come up into Pond Flat, the Pond Flat B drain there.

President Ungethiem: So, it crosses under Azteca?

Jeff Mueller: Uh-huh.

President Ungethiem: Going to the north? Okay.
Jeff Mueller: So, most of the area you see outside of the parking islands and the offsite area, most of the area is going to be either building or parking lot.

President Ungethiem: I’m assuming this is going to be 100 percent runoff area?

Jeff Mueller: Yeah, I mean, yeah over a large percentage of it, yes.

President Ungethiem: There won’t be much absorption on this?

Jeff Mueller: Uh-huh.

President Ungethiem: Okay.

Jeff Mueller: So, they’ve designed some pretty large basins. Like I said, they’ve actually, I actually like their design work, because they’re filtering, they’re trying to filter to meet also the stormwater quality standards. So, on the smaller storm, there’s going to be some retention that normally wouldn’t occur on a smaller storm, because it’s going to filter through the rock and through some smaller holes. Then on the bigger storm, it’s going to hold up, when we hit over the ten year up to the 100, it’s going to hold that storm and then release it. So, it’s going to, I think it’s a little bit better design than what we normally see.

President Ungethiem: You had mentioned something that this design was not in our standards, so they used a design out of Indianapolis?

Jeff Mueller: Yeah, we don’t have a water quality design standard. So, rather than just, sometimes some people will say, I’ve looked at it and, you know, we can make it work. These guys went through the effort to say, you know, we’re going to do this, this and this, they used some calculations that were in the Indianapolis code book for water quality. So, you know, and like I said, they went through their calculations. It’s not an area of my expertise, but they went through and used Indianapolis’ and used those. That’s why I’m saying they’re also, not only are they doing the ten year, the 100 year, ten year undeveloped, but they’re also looking at water quality standards. Is it, John, 60?

John Stoll: 60 percent.

Jeff Mueller: 60 percent reduction of solids. So, that’s what this is going to do, between that and, they actually instead of putting a whole concrete ribbon in, because what they were saying was, if we have a concrete ribbon along this really long basin, then the water is going to come through there and just shoot. So, they put a concrete ribbon in part, and then they wanted to filter out through the grass, and then filter back in, so that they’ll get more solid, the grass will allow the solids to clean up. So, like I said, it’s a nice design, a little bit better than what we’re used to seeing. So, it meets our code, and I think John was real happy with it from the stormwater quality standards too.

President Ungethiem: I don’t know that we need to, but I assume the Big Creek Ditch Association is, would not have an issue with this, because this eventually goes up and hits Big Creek, right?

Jeff Mueller: Well, I mean, it, you know, as many times as they’ve all told me, they’re all concerned about any future development in that area.

President Ungethiem: Right.

Jeff Mueller: I mean, I’ve had more than one of them say that, and I understand that. It meets our code, and like I said, actually I like it because when we have these two and three inch rains they’re actually going to have some retention here, which you normally wouldn’t have.

President Ungethiem: Right.

Jeff Mueller: Because of what they’ve done.

President Ungethiem: It should actually make it better downstream.
Jeff Mueller: Uh-huh, yeah, so, I mean, you know, and that's what I was talking about, Bruce, in the code changes, is that in this Impacted Area, if the county would want to in the future, instead of saying 10 year undeveloped, five year undeveloped or two year undeveloped, then that's something that you could look at too. Because, like I said, you live up there, and I as well know the concerns of those folks up there, and they all recognize that this is going to be developed, but they're also all concerned about the amount of water coming that direction.

President Ungethiem: Right. Okay. Commissioners, any questions?

Commissioner Kiefer: I'll make a motion to approve.

Commissioner Melcher: Second.

President Ungethiem: Any comments from the audience? Alright, there's a motion and a second. Roll call, Madelyn.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes.

(Motion approved 3-0)

Crown Castle Request to Encroach on Legal Drains
(Continued from the November 10, 2015 Meeting)

President Ungethiem: Okay, Jeff, the Crown Castle request.

Jeff Mueller: Do we have anybody here from Crown Castle? I guess we don't. As you recall, you know, there was going to be, you know, they wanted to get over there on the Crawford Brandeis, over there by, in front of Old National, and they were going to look at an alternative. If that didn’t work, they were going to come back in and request that. I haven’t heard anything from them since the last meeting. I’m assuming, and I talked to the City Engineer’s Office, they haven’t heard anything either. I’m assuming that they’re looking at an alternative location to see if that works. So, for right now, I would just recommend that we table that until we hear from them otherwise.

Commissioner Kiefer: I’ll move that we table it then.

President Ungethiem: Okay.

Commissioner Kiefer: Do we need to set a specific date?

Joe Harrison, Jr.: No.

Commissioner Kiefer: Just until they come back before us?

Commissioner Melcher: Second.

President Ungethiem: There’s a motion and a second. Madelyn, roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.

Madelyn Grayson: President Ungethiem?
President Ungethiem: Yes.

(Motion approved 3-0)

Enclave at Eagle Cliff Status Report

President Ungethiem: Enclave at Eagle Cliff.

Jeff Mueller: Okay, the status report. At the November 10th meeting, it was stated that things were not yet done, and a little more time would be required. It was suggested that we cover the status of this project at tonight's meeting, with an inspection to occur before tonight. In your packet you will see an e-mail from Mr. Johnson, and he’s here tonight, the attorney representing The Enclave. The inspection occurred on Friday. Mr. Stoll and I made the inspection, and Commissioner Ungethiem joined us on the inspection. I will proceed through a little presentation, and I think John’s got some comments on some of the presentation too. Just mainly the highlight is that we’ve got a lot of area out there that is not green, a lot of brown out there. So, that’s, you know, our big issue out there was to try to get everything greened up. So, we’ll go with that and go from there. So, first of all, this was Basin #1 in October, and this is it now. As you can see from Basin #1, the maintenance has improved a lot from what we saw the last time out there. This is the feeder ditch to Basin #1. This again was back in October, and this was on our December 4th inspection, a lot of it has been seeded. Also, we have a commercial site over here, and one of my comments is that it probably needed to be over seeded, and I talked to Mr. Stemaly, and I understand that they did over seed it. So, hopefully, we’ll see the effects of that over seeding help it out. Okay? Now, what we do have is we have a ditch on the west side and north of Stellar Drive that still needs a lot of work, and actually this ditch is not in the drainage plan. So, we actually need a ditch design for it, and then it being brought up to snuff or no ditch there, one of the two. It would only make sense really to have a ditch there since there’s a pipe that goes underneath the road right there. This is swale, I’m going to call it Swale 203. This is on the south side of Stellar Drive. This picture you can’t see very well, maybe you can see it on your monitors better, but there’s a house right up against here, and this ditch needs to be finished up. That’s it right up here. It needs to come on down, they got some hay bales or straw bales right here to block this, but this ditch needs to be finished cut, it needs to be stabilized, seeded, strawed, etcetera. This is Basin #2, this was in October. Now, in putting in their storm sewers to the different streets, they’ve had to bring some piping in, and they’ve got a pipe here and one here, but there was still some work that needed to be done. I think Mr. Stemaly might address where they went with this since we were out there on Friday. Then, also, they crossed the emergency spillway, so that rip rap is going to have to be placed back in when they’re done. Some of the basins, some of the upland areas of the basins are still going to need to be seeded. Lot 13, this is on the extreme western boundary, and this is from the street. So, you can see that it’s been flattened out, in other words, the first picture is right over here from my arrow looking this way. So, it’s been flattened out, but the dirt needs to be brought on down at an angle, so that this again can be stabilized. This is where a lot of the erosion was showing in the past, so if this dirt gets in here and this gets stabilized, then we’ll have a lot of the area that was going into this before is now going to go to the basin, and then when we get this stabilized this will green up. This is Swale 208 and 209, this was back in the summer, and this was December 4th. I don’t know who these two guys are standing in the ditch getting their feet wet. This is along Cliftwood, this is down at the end of the cul-de-sac, a lot of exposed area. Of course, this area right in here is going to be paved, and we’ve got dirt on lots. Then we’ve got some lots here, this is on the south side of the development, that needed to get some sodding and get this erosion taken care of, potential erosion. This is looking towards Arden Court, and, again, you can see a lot of area that’s exposed. There’s going to be a street put in right here, but, again, all of this exposed area needs to get graded out and seeded. This is where Swale 208 ends, and someone built a pool here, and I’m going to let Mr. Stemaly discuss this, but the end result is this needs to be seeded, whether it’s his responsibility or the homeowners or Jagoe’s. I’m going to let them discuss about that, but we need this area taken care of. So, there’s a punch list of items, and, by the way, I’ve delivered this punch list to Mr. Stemaly and Mr. Johnson. So, they’ve got it here. Basin #1 is in good condition, but needs continued maintenance. Swale 200 that feeds the basin has been
sodded and is in fairly good condition. The commercial area to the north needs additional seeding, and I understand that's been done, it just hasn't come up yet. The unapproved swale on the west side of the property north of Stellar Drive needs to be addressed. Swale S-203 on the west side of the property south of Stellar Drive needs to be completed. Basin #2 needs to be completed and seeded, the emergency spillway needs to be re-shaped and the rip rap replaced. Lot 13 needs substantial fill and the site needs to be stabilized, as runoff from the area does not run through a retention basin. Swales 208 and 209 have been completed, but there are some problems with the flow lines, especially on Swale 208. There are large areas of Arden Court, that's that picture I showed you, and the west end of Cliftwood that need vegetation and ground cover established. There are a number of incomplete homes that do not have sod, including Lot 1, along Swale 203, and the backs of some of Lots 33 through 37, as well as behind the completed Lot 18 where a swimming pool was installed. John, do you want to cover this erosion control plan issues? Because this is more his office.

John Stoll: Some of the areas have been improved, but, likewise, with all the disturbed areas due to all the construction there's also been some problem areas still. These pictures show the end of Cliftwood Drive. There was a sanitary sewer installed along the south side of Cliftwood in front of a handful of houses out there. There was mud on the streets tracked out there. You can see four different, three different dates where we had inspectors out there. Just ongoing problems with lack of suitable erosion control measures. The entire subdivision wasn't as bad as Cliftwood, but there were also problems similar to these on Stellar off and on. So, the erosion control just still needs maintenance and still needs improvement. Back to this slide, there are several items on the punch, not the punch list, but several items on the erosion control plan where erosion control blankets are called for, staked sod is called for, and the sod and blankets don't exist in all the locations, as called for on the plan. So, there's issues like that need to be resolved as well. Overall, like Jeff said, the primary concern relative to erosion is the tremendous amount of area that's bare dirt, and knowing that we're not going to be able to get anything to grow this time of year. I didn't have any other great details about the erosion, it's just an ongoing maintenance issue that needs to continually be addressed. The streets, at least Cliftwood and Tawny are county maintained, so, technically, tracking mud into those areas would be considered a violation of the county's erosion control ordinance. The section of Stellar Drive is not maintained by the county as of yet, so, technically, that would be still on-site sediment. It hasn't left the development site and gone into the county property, but Tawny and Cliftwood would be violations. So, that's in a nutshell where we stand, and I'll let Jeff give you more details.

President Ungethiem: Any questions from the Commissioners?

Jeff Mueller: The three slides that have the punch list, I printed paper copies of those. So, I’ve given them to Mr. Stemaly and Mr. Johnson, because I figured they would want to do that. I’m sure they might have some, got some questions or comments they want to—

President Ungethiem: Yeah, do you gentlemen have anything that you want to add to the discussion?

Jim Johnson: Good evening. Since my letter of October we’ve made quite a bit of progress here. We’ve done work, we’ve put the sewers in, the roads will be completed probably by the end of this week, we have seeded many of the areas. Jagoe is building homes in the area. We are moving forward, and we’ve had, Stemaly has had people out there constantly. We are doing the best we can to get this job completed. Jeff can answer any of the specific items on these lists.

Jeff Stemaly: Good evening. Item number one where he discussed the commercial area that needs to be seeded, that was overseeded about ten days ago. The second item, the unapproved swale along Stellar Drive. I’ll have to ask Morley, the design engineer, what the intent was, because there’s a 24 inch pipe that goes under the road. Without a swale underneath it goes nowhere. So, I don’t, I can’t answer the intent at this time, but I will check on that. Swale 203 on the west side of the property, currently Jagoe has a house on Lot number one, which is adjacent to Swale 203. I am going to have to work in coordination with them to cut that swale and complete that swale
sometime in the next week or so. I can’t do it and then they'll destroy it when they put
the yard in. So, I have to literally do it at the same time, and do it for them. Like I said,
that will take, within the next week or so that should be done, and it will be sodded after
that. Basin #2, since the inspection was done on Friday, we’ve installed concrete
ribbons to tie the basins together, we’ve cleaned it up and put rip rap down, and we’re in
the process of, tomorrow we should have that completed. Lot 13, as Jeff showed you, it
does need fill. At the current time we lime stabilized the roads today, we’re going to lime
stabilize tomorrow so that we can get the roads tested and turn them over to get them
paved. After that, I suspect after tomorrow we’ll focus on putting the fill on the lots, and,
as you saw in the slide, we have to address that area. Swale 208 and 209, I will have to
go out and look at 208 and see what the problem is. I personally cut that swale, and
when I cut it, it had great fall. So, I'll have to take a look at that. The areas of Arden
Court and Cliftwood Drive are where we're generating the dirt for the fill at this time. As
soon as we're done we’re going to have to seed and mulch. I suspect we'll have to put
rows of silt fence and over excessive mulch down to control everything over the winter.
The incomplete homes item I will have to discuss with Jagoe, to see if there’s something
we can do to help them with that. Swales 204 and 207 and 208, there again I'll have to
look at that and address it, whether it's an issue with us, Jagoe or a combination. The
last item, erosion control blankets on Lots 13, 14, 26 and 27, those lots are currently
being filled. As soon as the roads are done, we'll be turning all of our attention to filling
those lots. Then, after that, we will stabilize them. The downstream side of those lots
should be stable with silt fence and straw bales at this time. We're trying to control the
erosion in that manner. I think that’s pretty much the whole list. Is there anything I can
answer for you?

President Ungethiem: No, I don’t think so. Comments?

Commissioner Melcher: I think it might be better too in the future, just throwing this out
for a suggestion, I like the way you’ve been doing this so far, but I think Jagoe ought to
be here every time we have this in front of us. So, he could have helped say what’s
going on too. So, it shouldn’t all be on them, you know, Jagoe is part of this too, and
they've been coming. That’s why I was surprised when I didn’t see them. So, we just
need to make sure they're here.

President Ungethiem: Yeah. My overall thoughts on this is, back, I think in June or July
we made a request that we get all of the dirt work completed in time for the seeding
season in September and October of this year, so we didn’t have to go through the
winter with open dirt exposed to erosion. Apparently that has not happened. When I was
out there with John and with Jeff, there was quite a bit of dirt exposed. That is frustrating
a little bit to me, because we knew in advance that if we got that dirt work done by
October we could have had it seeded and could have had cover going through
December. Now your job is to ensure that that open dirt does not create an erosion
problem, and does not create a problem off of this property through the ditches either in
the front or in the back or to the west. So, I will expect you to put all of the erosion
control measures that are necessary to keep that open and exposed dirt on the property
until such time as it can be fully seeded in the spring. If that means overseeding, if that
means matting, if that means blowing straw, whatever that means, we will fully expect
that that happen during this winter period of time. You might want to take a look at the
weather profile for the rest of this week and this weekend. I think they're projecting two
to three inches of rain Friday, Saturday or Sunday.

Commissioner Kiefer: Oh, is it? I thought it was supposed to be sunny.

President Ungethiem: It’s supposed to be sunny all week, but next weekend there’s
supposed to be a rain event next weekend.

Commissioner Kiefer: Oh, okay.

President Ungethiem: So, anything you can do this week to prevent that soil from
leaving the property during this rain event would be appreciated. From John’s
standpoint, from the soil erosion standpoint, I would like to see a monthly inspection of
the property, and if there are issues around that, then they be duly pointed out, and if
that includes citations or fines or whatever, then we need to do that. It is time to solve
this problem and get it behind us.
Jeff Stemaly: I appreciate your comments. I also have some ideas on additional ways to control these lots that you’ve discussed that are bare, to carry them through to April or so. So, we’ll probably enhance what we’ve done and add more to it as an effort to control it, as you have negligible growing from December, January, February. So, I believe I have some ideas that will be beneficial to this and address your concerns.

President Ungethiem: Okay, I would take those ideas to John or to Jeff and review them with them so that they can understand what you’re doing and make sure that they monitor it accordingly.

Jeff Stemaly: Okay. Appreciate it.

President Ungethiem: Okay?

Jim Johnson: Thank you.

Jeff Stemaly: Thank you.

President Ungethiem: Other comments? Thank you, gentlemen.

**Ditch Maintenance Claims**

President Ungethiem: Jeff, other business?

Jeff Mueller: Claims, bear with me for a minute. I’ve got 23 claims up there for a total of, if my Excel sheet did it right, $31,852.39. I do want to point out that one claim for $11,165.50, that’s on Big Creek, or it’s called Pond Flat Main in here, there’s an extra total of $2,000 over the original bid. What happened there was that was the one in which we had to get a construction in floodway permit from DNR, and a lot of times up there on those ditches, those farm ditches, we just dig them and that’s it, but DNR requires those to be seeded, mulched and fertilized. So, after they had already bid the work, they had to do the seeding work, which they did not bid in their original bid. So, there’s an extra $2,000 in there for that. It’s a very reasonable amount, considering the amount, I think Linda calculated there was five or six acres of area from the length times the slope. So, it’s a reasonable number. If you’re ever out there on Woods, is that Woods Lane, Woods Road? Just up there in the very corner of the county and look down that Big Creek it looks really good. The contractors did a really nice job. The farmers are happy, of course, they’re out there every day making sure it’s done right. Bruce, you know those guys better than I do.

President Ungethiem: No, not my buddies.

Jeff Mueller: Yeah, so, you know, everybody’s happy, other than the fact that we went through the permit process, and so everything was done the way we should have done it, and everything looks good.

President Ungethiem: And I assume we had sufficient funds in that account to pay that extra?

Jeff Mueller: Yes, we do. Yes.

President Ungethiem: Okay. I would entertain a motion to approve the ditch claims.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: Madelyn, roll call.

Madelyn Grayson: Commissioner Kiefer?

Commissioner Kiefer: Yes.

Madelyn Grayson: Commissioner Melcher?

Commissioner Melcher: Yes.
President Ungethiem: Yes.

(Motion approved 3-0)

### Other Business

President Ungethiem: Jeff, anything else?

Jeff Mueller: The Aces are on t.v. tonight, the Pacers are playing who is it, the undefeated—

President Ungethiem: The undefeated Golden State Warriors.

Jeff Mueller: Yeah, so anybody, basketball junkies you’ve got two choices tonight, at least.

### Public Comment

President Ungethiem: Any public comment?

### Adjournment

President Ungethiem: I would entertain a motion to adjourn.

Commissioner Melcher: So moved.

Commissioner Kiefer: Second.

President Ungethiem: This ditch association, or Drainage Board meeting is adjourned.

(The meeting was adjourned at 6:50 p.m.)

Those in Attendance:

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<tr>
<th>Bruce Ungethiem</th>
<th>Stephen Melcher</th>
<th>Joe Kiefer</th>
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<tr>
<td>Jeff Mueller</td>
<td>Joe Harrison, Jr.</td>
<td>Madelyn Grayson</td>
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<td>John Stoll</td>
<td>Jim Johnson</td>
<td>Jeff Stemaly</td>
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<td>Others Unidentified</td>
<td>Members of Media</td>
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VANDERBURGH COUNTY
DRAINAGE BOARD

Bruce Ungethiem, President

Stephen Melcher, Vice President

Joe Kiefer, Member

(Recorded and transcribed by Madelyn Grayson.)