

The Board of Public Works and Safety of Plymouth, Indiana, met in Regular Session on May 13, 2013, at 6:00 p.m. in the Council Chambers of the City Building, 124 N. Michigan St., Plymouth, IN.

Mayor Senter presided for Board Members Culp, Ecker, Grobe and Smith. City Engineer Gaul, City Attorney Surrisi and Clerk-Treasurer Hutchings were also present.

Board Members Ecker and Smith moved and seconded to approve the minutes of the last regular session of the Board of Public Works and Safety on April 29, 2013, as presented since they have been reviewed and found to be correct. The motion carried.

Utility Superintendent Davidson presented his monthly reports to the members:

**CITY OF PLYMOUTH WATER DEPARTMENT
Board of Public Works and Safety
APRIL 2013 Monthly Report**

PLANT OPERATIONS

| | |
|---|--------------------------|
| Water Treated March– Ledyard Water Treatment Plant | 37,261,039 gallons |
| Water Treated March – Pine Water Treatment Plant | <u>5,188,682 gallons</u> |
| Water Treated Total | 42,449,721 gallons |
| | |
| Water Treated – Daily Average – Ledyard Water Treatment Plant | 1,242,035 gallons |
| Water Treated – Daily Average – Pine Water Treatment Plant | <u>471,698 gallons</u> |
| Water Treated – Daily Average - Combined | 1,713,733 gallons |

- Backwashed filters at Ledyard Water Treatment Plant 11 times for a total of 748,000 gallons
- Backwashed filters at Pine Water Treatment Plant 4 times for a total of 168,500 gallons
- Total backwash usage for the month was 916,500 gallons

MAINTENANCE WORK ORDERS COMPLETED

- 23 - Ledyard Water Treatment Plant Maintenance
 - Inspected water towers
 - Replaced diaphragm on #1 permanganate pump due to leak
 - Replaced in-line water filter on plant air compressor
 - Fire extinguishers inspected and serviced
- 17 – Pine Water Treatment Plant Maintenance
 - Installed piping on high service pumps #3 and #4 for pressure gauges
 - Received start-up training for the new pressure filters, high service pumps, chemical feed system, scales and chlorine analyzer.
 - Rebuilt the wastewater grinder station
- 19 – Mobile Equipment

WATER SAMPLING

- 10 Distribution system bacteria samples, IDEM required
- 60 Distribution system chlorine residual, IDEM required
- 7 Fluoride samples, ISDH required
- 372 Process control samples and analysis at the Ledyard Water Treatment Plant samples includes Ferrous Iron, Total Iron, Manganese, and Chlorine
- 111 Process control samples and analysis at the Pine Water Treatment Plant samples includes Ferrous Iron, Total Iron, Manganese, and Chlorine
- 0 Pine Filters – Top 0 / Bottom 0
- 0 Ledyard Filters – Top 0 / Bottom 0
- 0 THM's
- 0 HAA5's
- 0 VOC Sets –

SERVICE

| | |
|--|-----|
| Locates | 145 |
| Total Number of Work Orders | 159 |
| Service Disconnects | 26 |
| Service Disconnects for non-pay | 24 |
| Service Reconnects for non-pay | 21 |
| “Service Notice” left on door (Blue Tags) | 2 |
| “Insufficient Funds Notice” left on door (Pink Tags) | 14 |
| New Radio Read / Meter Installations | 1 |
| Accuracy checks | 40 |
| After Hours Call Outs | 2 |

| | |
|----------------------------------|---|
| Meters repaired | 0 |
| Hydrants Serviced | 0 |
| Hydrants Sandblasted and Painted | 0 |

CONSTRUCTION ACTIVITIES

- (3) Curb Stops Replaced/Installed**
 - 04-02-13 1216 N. Michigan St – New ¾” curb stop, box and rod
 - 04-02-13 1218 N. Michigan St. – New ¾” curb stop, box and rod
 - 04-15-13 423 E. Adams St. – Replaced ¾” curb stop, ox and rod

- (2) Old Curb Stops Found and Capped Off at Valve**
 - 04-25-13 401 W. Harrison St. – Retired ¾” pit at main (old ice house)
 - 04-25-13 408 W. Madison St. – Retired ¾” service for old train depot

- (1) New Taps Installed**
 - 04-04-13 1215 Sycamore St. – Installed a new tap and Pit (1”)

- (0) New Mains Installed**

- (7) Valve Repaired or Replaced / Valve Boxes Repaired or Replaced**
 - 04-02-13 401 N. Michigan St. – New box and rod
 - 04-15-13 1850 Walter Glaub Dr. – New box and rod
 - 04-15-13 126 Louisa St. - New box and rod
 - 04-15-13 128 Louisa St. - New box and rod
 - 04-16-13 1009 Elm St. – Broken rod – Installed new box and rod
 - 04-22-13 Novelty St. and N. Walnut St – Repacked 12” main valve (J6V001)
 - 04-24-13 W. Lake Ave. at VFW – Replaced 4” main valve (I7V013)

- (1) Hydrants Repaired or Replaced**
 - 4-22-2013 Arby’s / Bob Evans – Haskins Underground relocated hydrant #295

- (0) Main Breaks Repaired**

- (5) Service Lines Repaired, Replaced or Retired**
 - 04-04-13 1219 Sycamore St. – Cut in new ¾” valve and replaced pit setter and pit
 - 04-04-13 216 Elliott Ave. – Cut in new ¾” x ½” valve
 - 04-16-13 334 Conger St. – New pit, setter, box, rod, used 10’ of copper
 - 04-16-13 338 Conger St. - New pit, setter, box and rod
 - 04-22-13 401 W. Jefferson – Repaired ¾” line and box and rod

MISCELLANEOUS

- Asphalt restoration of previous repair sites
- 1225 W. Jefferson St. – Dug down to 4’, exposed 4” valve found to be broken. Will replace at a later date
- Received a demo from the Vermeer Co. on their Valve Exercising Trailer
- One man attended a two day course on “Basic Electrical”
- Completed cardio pulmonary testing for employees required to use respirators
- Two men attended the Spring Conference of Alliance of Indiana Rural Water, one topic was compliance on backflow prevention/cross connection

**CITY OF PLYMOUTH WASTEWATER DEPARTMENT
Board of Public Works and Safety
APRIL 2013 Monthly Report**

PLANT OPERATIONS:

- 1. Total flow in gallons 85,925,056
- 2. Average daily flow in gallons 2,864,169
- 3. Rainfall 5.97”
- 4. Monthly average in BOD removal 99.3%
- 5. Monthly average in TSS removal 98.1%
- 6. Monthly average in Ammonia removal 98.6%
- 7. General plant maintenance
- 8. Influent Headwork’s Control Project has been completed and is in operation
- 9. Completed employee cardio pulmonary testing (respirator users) and hearing tests (hearing conservation program) on 4-4-13
- 10. Land applied 1,431,000 gallons of bio-solids (162.88 dry tons) to local farm ground
- 11. Work orders completed:
 - 327 – Wastewater Treatment Plant
 - Installed new rain gauge for CSO monitoring at industrial park lift station
 - Repaired plug valve in floor of thickener building
 - Relocated CSO alarm panel in lobby on maintenance department
 - Cleaned and inspected methane boiler, which located several equipment issues
 - 60 – Vehicle/Mobile equipment
 - Replaced baffles in tanker vehicle (T-9)

- 43 – Lift Stations
- 1 – Collection System
 - 0 - Eliminated structures
 - 0 – Replaced structures
 - 1 – Replaced/adjusted castings
 - 0 – Point repairs
 - 0 – GIS data collection points
 - 1 – Point repair

MEETINGS ATTENDED:

- 04-01 MS4 audit by IDEM
- 04-01 Board of Public Works and Safety
- 04-02 Redevelopment Commission
- 04-15 Board of Public Works and Safety
- 04-16 TRC – Marshall County Economic Development, Derek Spier
- 04-16 Redevelopment Commission
- 04-25 Three employees took the IDEM wastewater certification exam
- 04-29 Board of Public Works and Safety

COLLECTION SYSTEM:

1. Cleaned 19,866 feet of sewer lines
 - 287 feet during service calls
 - 19,579 feet during preventive maintenance
2. Televised 13,287 feet of sewer lines
3. Mechanically removed roots from 1,126 feet of sewer lines
4. Removed approximately 9.9 tons of silt and debris during cleaning and inspections of sewers lines
5. Used approximately 61,200 gallons of potable water during sewer cleaning
6. Performed routine maintenance on 10 CSO's and 15 pumping station
7. Assisted in locating stormwater outfalls associated with the MS4 program
8. Point repair in alley south of Poplar St.

Fire Chief Miller presented his monthly reports:

**Plymouth Fire Department
Departmental Activity Report**

Current Period: 04/01/2013 to 04/30/2013, Prior Period: 01/01/2013 to 04/30/2013
00:00 to 24:00
All Stations
All Shifts
All Units
Fire Alarm Responses, EMS Alarm Responses, Training Classes

| Category | Current Period | | Prior Period | |
|--|----------------|-----------|--------------|-----------|
| | Count | Staff Hrs | Count | Staff Hrs |
| EMS Alarm Situations | | | | |
| No Location Provided | 181 | 1,479.08 | 668 | 3,722.93 |
| | 181 | 1,479.08 | 668 | 3,722.93 |
| Fire Alarm Situations | | | | |
| Chemical release, reaction, or toxic | 2 | 0.00 | 4 | 0.00 |
| Combustible/flamable spills & leaks | 1 | 0.00 | 1 | 0.00 |
| Dispatched and cancelled en route | 10 | 0.00 | 36 | 0.00 |
| Electrical wiring/equipment problem | 0 | 0.00 | 1 | 0.00 |
| Emergency medical service (EMS) Incident | 132 | 0.00 | 514 | 0.00 |
| Excessive heat, scorch burns with no | 0 | 0.00 | 1 | 0.00 |
| False alarm and false call, Other | 6 | 0.00 | 20 | 0.00 |
| Fire, Other | 0 | 0.00 | 1 | 0.00 |
| Good intent call, Other | 0 | 0.00 | 1 | 0.00 |
| Medical assist | 6 | 0.00 | 39 | 0.00 |
| Mobile property (vehicle) fire | 3 | 0.00 | 7 | 0.00 |
| Natural vegetation fire | 5 | 0.00 | 8 | 0.00 |
| Outside rubbish fire | 1 | 0.00 | 1 | 0.00 |
| Person in distress | 2 | 0.00 | 3 | 0.00 |
| Public service assistance | 0 | 0.00 | 1 | 0.00 |
| Service call, Other | 0 | 0.00 | 1 | 0.00 |
| Smoke, odor problem | 1 | 0.00 | 1 | 0.00 |
| Special outside fire | 1 | 0.00 | 1 | 0.00 |
| Steam, Other gas mistaken for smoke | 0 | 0.00 | 2 | 0.00 |
| Structure Fire | 5 | 0.00 | 10 | 0.00 |
| System or detector malfunction | 3 | 0.00 | 5 | 0.00 |
| Unauthorized burning | 0 | 0.00 | 1 | 0.00 |
| Unintentional system/detector operation | 3 | 0.00 | 7 | 0.00 |
| Water problem | 0 | 0.00 | 1 | 0.00 |
| | 181 | 0.00 | 667 | 0.00 |
| Training | | | | |
| Administrative Procedures | 0 | 0.00 | 2 | 16.00 |
| Airway Skills | 4 | 28.00 | 4 | 28.00 |
| Apparatus / Equipment | 0 | 0.00 | 4 | 4.50 |
| Apparatus Drafting | 0 | 0.00 | 2 | 2.00 |
| CPR | 1 | 3.00 | 37 | 105.00 |
| Disaster MGMT | 2 | 3.00 | 7 | 18.00 |

**Plymouth Fire Department
Departmental Activity Report**

Current Period: 04/01/2013 to 04/30/2013, Prior Period: 01/01/2013 to 04/30/2013
00:00 to 24:00
All Stations
All Shifts
All Units
Fire Alarm Responses, EMS Alarm Responses, Training Classes

| Category | Current Period | | Prior Period | |
|---------------------------------------|----------------|-----------|--------------|-----------|
| | Count | Staff Hrs | Count | Staff Hrs |
| Training | | | | |
| Emergency Medical Services | 0 | 0.00 | 18 | 36.00 |
| EMS Audit & Review | 21 | 22.00 | 91 | 117.00 |
| EMS Skills | 5 | 0.00 | 6 | 5.00 |
| EMT-B | 2 | 8.00 | 2 | 8.00 |
| FF I-II | 2 | 6.00 | 2 | 6.00 |
| Fire Behavior | 1 | 4.00 | 1 | 4.00 |
| Fire Ground Safety | 0 | 0.00 | 8 | 64.00 |
| Fire Streams | 1 | 1.00 | 1 | 1.00 |
| Ice Rescue | 0 | 0.00 | 4 | 4.00 |
| ICS 800 | 0 | 0.00 | 1 | 3.00 |
| Incident Command System | 0 | 0.00 | 1 | 7.00 |
| Instructor Training | 8 | 25.00 | 84 | 333.00 |
| Leadership | 0 | 0.00 | 3 | 21.00 |
| Marshall County Fire Association Mtg. | 0 | 0.00 | 4 | 6.00 |
| Mock Disaster | 2 | 2.00 | 2 | 2.00 |
| OSHA | 26 | 65.00 | 26 | 65.00 |
| Paramedic School | 6 | 22.00 | 29 | 110.00 |
| Pension Board Meeting | 0 | 0.00 | 7 | 7.00 |
| Preplan | 0 | 0.00 | 29 | 87.00 |
| Pump Operations | 0 | 0.00 | 2 | 3.00 |
| Respiratory System | 0 | 0.00 | 13 | 26.00 |
| SCBA Donning Methods | 0 | 0.00 | 4 | 2.00 |
| SCBA Inspection, Care, and Cleaning | 2 | 2.00 | 11 | 11.00 |
| SCBA Testing and Filling Procedures | 0 | 0.00 | 27 | 54.00 |
| Staff Meeting | 0 | 0.00 | 8 | 10.00 |
| Strategic and Tactical Operations | 8 | 48.00 | 8 | 48.00 |
| Training Lecture | 0 | 0.00 | 22 | 34.00 |
| Volunteer Fire Business Mtg. | 30 | 75.00 | 93 | 231.50 |
| | 121 | 314.00 | 563 | 1,479.00 |

**Plymouth Fire Department
Incidents by District (Summary)**

Alarm Date Between {04/01/2013} And {04/30/2013}

| District | Count | Pct of Incidents | Est Losses | Pct of Losses |
|----------------------------------|-------|------------------|----------------------------------|---------------|
| 006 Lapaz | 5 | 2.76 % | \$0 | 0.00 % |
| 007 Plymouth | 114 | 62.98 % | \$3,900 | 66.10 % |
| 008 Folk | 1 | 0.55 % | \$0 | 0.00 % |
| 011 Center Twp | 31 | 17.13 % | \$2,000 | 33.90 % |
| 019 West Twp | 26 | 14.36 % | \$0 | 0.00 % |
| 15 Culver Paramedic Assist | 2 | 1.10 % | \$0 | 0.00 % |
| 18 Walkerton Paramedic Assist | 2 | 1.10 % | \$0 | 0.00 % |
| Total Incident Count: 181 | | | Total Est Losses: \$5,900 | |

Chief of Police Bacon presented his monthly report:

| TYPE OF CALL | April 2013 |
|--------------------|------------|
| Information | 682 |
| Traffic Stop | 304 |
| Security Check | 302 |
| Complaint | 216 |
| 911 | 171 |
| Investigation | 103 |
| Charges Signed | 70 |
| Service | 56 |
| Civil Matter | 50 |
| Alarm | 47 |
| Animal | 43 |
| Vehicle Check | 40 |
| \$2 Parking Ticket | 33 |
| Suspicious Person | 32 |
| Juvenile Complaint | 26 |
| Assist | 22 |
| Accident PD | 21 |

| | |
|---------------------|----|
| K9 Use | 20 |
| Dispatch | 19 |
| Restraining Order | 18 |
| Traffic Warning | 17 |
| Traffic Arrest | 17 |
| Criminal Arrest | 15 |
| Escort | 13 |
| Local Ordinance | 12 |
| Theft | 11 |
| Extra Patrol | 10 |
| Disabled Vehicle | 10 |
| Training Detail | 9 |
| Welfare Check | 9 |
| Parking Enforcement | 6 |
| Open Doors / Window | 6 |
| Warrant Service | 4 |
| Code Enforcement | 3 |
| Lockout | 3 |
| Battery | 3 |
| Domestic Fight | 1 |
| Merchant Pro. Plan | 1 |
| Trespassing | 1 |

Chief Bacon said that he was contacted by Jay Stoneburner of Bremen Fire inquiring about a piece of radio equipment that is no longer used by the Plymouth Police Department. He said that he spoke with the clerk-treasurer and the mayor about turning that equipment over to Emergency Radio Service for credit and the equipment could then be purchased by Bremen.

Mayor Senter said that he had received complaints about a large pothole by Aldi's. He said that it has been determined that it is a privately owned street, not a city street.

City Attorney Surrisi referred to a proposed Unsafe Building Order regarding 308 W. Washington Street and 313 W. Washington Street. He reviewed the following memo with the members:

MEMO

TO: Board of Public Works and Safety
CC: Clerk-Treasurer, Building Commissioner, Police Chief
FROM: Sean Surrisi
DATE: 5/9/13
RE: Meth Lab Remediation at 308 & 313 W. Washington St.

Attached is a proposed Agreed Order to Take Action regarding unsafe buildings at 308 & 313 W. Washington St. As you are aware, multiple meth labs have been busted at these apartment homes recently. The Mayor, Building Commissioner, and I have been in touch with the property owners to try to work out a solution for the prompt inspection and decontamination of these properties.

The property owner, Robert Gingerich of RAB Holding Co., LLC, advised that he would not be able to do the State required meth inspection and clean-up for 90 days at the earliest as he would need to sell some other properties to raise the funds. The initial inspections are anticipated to cost from \$750-\$1,500 per home. The property owners have indicated that they would be agreeable to consenting to this order and allowing the City to perform the required inspections to get the ball rolling quicker. This work could be paid for from the Unsafe Building Fund, which currently has a balance of approximately \$37,000, once that money is appropriated. The owner would then make payments to the City to reimburse the expenses or the expenses may be recorded as a lien on the property or recovered through court action.

For various reasons, including public health and community image, cleaning up these properties is important. They are in prominent locations near the Police Department and other public facilities. Also, they are a part of the Nickel Plate neighborhood designated for revitalization in the proposed comprehensive plan update. And, the work is in line with the goals of the Operation Bright Spot campaign. Though the Building Commissioner has the authority to issue such orders on his own, because this was a somewhat new procedure and proposed use of funds, it was thought that bringing this matter before the Board for approval and input was appropriate.

Please let me know if you have any questions.

Surrisi presented the following proposed agreement for the board's consideration:

**BEFORE THE
PLYMOUTH BUILDING COMMISSIONER
ENFORCEMENT AUTHORITY OF THE
PLYMOUTH UNSAFE BUILDING AND PREMISES ORDINANCE**

In the matter of: 308 W. Washington St., Plymouth, Indiana 46563; and
313 W. Washington St., Plymouth, Indiana 46563

Interested Parties: RAB Holding Co., LLC
1711 Dogwood Rd.
Bremen, IN 46506

James A. Carnes
14291 Lawrence Lake Dr.
Plymouth, IN 46563

Sharon A. Carnes
14291 Lawrence Lake Dr.
Plymouth, IN 46563

Timothy Kuhar
14291 Lawrence Lake Dr.
Plymouth, IN 46563

City of Plymouth, Indiana
124 N. Michigan St.
Plymouth, IN 46563

AGREED ORDER TO TAKE ACTION

The interested parties desire to address the matter of 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563 without hearing or adjudication of any fact or law and consent to the entry of the following Stipulations of Fact and Order.

I. Stipulations of Fact

1. The land owners of record of 308 W. Washington St., Plymouth, Indiana 46563 are James A. Carnes, Sharon A. Carnes, and Timothy Kuhar.
2. The land owners of record of 313 W. Washington St., Plymouth, Indiana 46563 are James A. Carnes and Sharon A. Carnes.
3. Both 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563 are currently being sold by the respective land owners of record to RAB Holding Co., LLC, an Indiana limited liability company with Robert A. Gingerich as a member.
4. Under the terms of the respective land contracts, RAB Holding Co., LLC has possession of and the right to control the day-to-day use of 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563.
5. In the past, RAB Holding Co., LLC has utilized the properties as rental homes.
6. A meth lab was found on the second floor of the 313 W. Washington St., Plymouth, Indiana 46563 property on or about December 28, 2011 and tenants were arrested by law enforcement officers.
7. A meth lab was found at the 308 W. Washington St., Plymouth, Indiana 46563 property on or about April 9, 2013 and tenants were arrested by law enforcement officers.
8. A meth lab was found on the first floor of the 313 W. Washington St., Plymouth, Indiana 46563 property on or about April 30, 2013 and tenants were arrested by law enforcement officers.
9. Currently, 308 W. Washington St., Plymouth, Indiana 46563 and both the first and second floors of 313 W. Washington St., Plymouth, Indiana 46563 are subject to Indiana State Police yellow tag notices, requiring inspection by a State Qualified Inspector, and possible decontamination, or other action, before they may be deemed fit for human habitation.
10. Due to their current uninhabitable conditions, both the 308 W. Washington St., Plymouth, Indiana 46563 property and the 313 W. Washington St., Plymouth, Indiana 46563 property are unsafe buildings under the terms of Plymouth's Unsafe Building and Premises Ordinance, City Code Title IX, Chapter 100, and under the terms of the Indiana Unsafe Building Law, Indiana Code § 36-7-9 *et seq.*, and other applicable law.
11. The interested parties stipulate that all of the formal requirements of and prerequisites to the issuance of the Order set forth below, which are established by any applicable law, have been satisfied, met, and fully complied with. The interested parties waive any right to hearing before the Plymouth Board of Public Works and Safety, the hearing authority of the Plymouth Unsafe Building and Premises Ordinance, and waive any right to judicial review regarding the propriety of the issuance of this Order.

12. The interested parties stipulate that, if RAB Holding Co., LLC fails to comply with this Order, the City of Plymouth, Indiana may itself perform the required inspections, work, and repairs, at 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563, or may direct a contractor to do the same, all at RAB Holding Co., LLC's cost. Any such costs incurred by the City of Plymouth, Indiana shall be paid from the City's Unsafe Building Fund.
13. The interested parties stipulate that RAB Holding Co., LLC shall make prompt efforts to repay or to establish a repayment plan with the City of Plymouth, Indiana, to compensate the City for any money expended for the required inspections, work, and repairs, at 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563.
14. The interested parties stipulate that, if RAB Holding Co., LLC and the City of Plymouth, Indiana are unable to come to terms regarding the repayment of costs expended for the required inspections, work, and repairs, at 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563, in the City of Plymouth, Indiana's sole discretion it may seek to recover said costs, fees, expenses, and applicable penalties in the Marshall County courts. The interested parties further stipulate that, pursuant to Indiana Code § 36-7-9-11, any unpaid costs for the required inspections, work, and repairs, at 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563 may be recorded as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the respective unsafe premises, and the interested parties waive any right to additional notices and hearings regarding the recording of such liens.
15. The interested parties stipulate that they are aware of the provisions of Indiana Code § 36-7-9-27, addressing transfers of properties by persons not complying with order, which states as follows:
 - (a) A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order:
 - (1) must supply full information regarding the order to a person who takes or agrees to take a substantial interest in the unsafe premises before transferring or agreeing to transfer that interest; and
 - (2) must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of:
 - (A) the full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and
 - (B) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.
 - (b) If a judgment is obtained against the department, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure.
16. The interested parties stipulate that this Agreed Order to Take Action was a collaborative effort of the interested parties, which was submitted to the Plymouth Building Commissioner, the enforcement authority of the Plymouth Unsafe Building and Premises Ordinance, for consideration and adoption, as such, it shall not be construed against any party as drafter, and shall be interpreted in the broadest sense in line with the legislative findings of the Indiana Unsafe Building Law, and in favor of serving the goals of remediating the unsafe premises at issue.

II. Order

1. Pursuant to Indiana Code § 36-7-9-5(a)(4), (5) and as stipulated above, RAB Holding Co., LLC is hereby ordered to immediately remove a public health hazard in and about 308 W. Washington St., Plymouth, Indiana 46563 and 313 W. Washington St., Plymouth, Indiana 46563, and to repair or rehabilitate the respective unsafe buildings to bring them into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by statute, a rule adopted under IC 4-22-2, or an ordinance, including, but not limited to performance of any Indiana State Police yellow tag notice required meth lab inspection by a State Qualified Inspector, and possible decontamination, or other action.

SO ORDERED, APPROVED, AND ADOPTED.

ENTERED, this 13th day of May, 2013.

Keith B. Hammonds
Building Commissioner
City of Plymouth
111 N. Center Street
Plymouth, IN 46563
Telephone: (574) 936-2824

AGREED AS TO FORM AND SUBSTANCE:
RAB Holding Co., LLC

City of Plymouth, Indiana

By: _____
Robert A. Gingerich, Member

By: _____
Mark Senter, Presiding Officer of
Board of Public Works and Safety

James A. Carnes

Sharon A. Carnes

Timothy Kuhar

Board Members Ecker and Culp moved and seconded to approve the request as presented;
the motion carried.

Members Smith and Culp moved and seconded to allow the salaried payroll for April 16-
30, 2013 and the claims for May 13, 2013, as entered in Claim Register #2013. The motion
carried.

There being no further business to discuss, Board Members Grobe and Ecker moved and
seconded to adjourn the meeting. Motion carried. The meeting was declared adjourned at 6:12
p.m.

S/Toni L. Hutchings, IAMC, CMC, CPFA
Clerk-Treasurer

APPROVED:

S/Mark Senter, Mayor