

**COMMON COUNCIL
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard.

Please make sure that your contact information is accurate in case we need to get in touch with you. The Common Council meets on the 1st and 3rd Monday of each month at 6:30 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	02/27/2013	Requested Meeting Date:	03/04/2013
Received by:		Confirmed Meeting Date:	

Contact Information: Please provide all requested information in the fields below. (Print or Type)

On Behalf of Organization or Individual:			
Name:	Lynnette Gray	Telephone:	(317) 738-3365
Title or Position: City Attorney			
E-Mail:	lynng@embarqmail.com		
Address:	63 E. Court Street		
City:	Franklin	State:	IN
ZIP:	46131		

Who will attend the meeting and present the request?

Name:	Lynnette Gray & John Henderson	Telephone:	(317) 738-3365
Title or Position: City Attorney			
E-Mail:	lynng@embarqmail.com		

Please describe the purpose or title of your presentation.

To request approval of Resolution No. 13-09 approving an Interlocal Agreement between the City of Franklin, Indiana and Johnson County, Indiana relative to the South Street Bridge Rehabilitation Project

Supporting documents: All supporting documents should be submitted with the request form.

1. A Resolution Approving an Interlocal Agreement Between the City of Franklin, Indiana and Johnson County, Indiana Relative to a Project Commonly Known as the "South Street Bridge Rehabilitation Project"
- 2.
- 3.

RESOLUTION NO.: 2013-09
OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF FRANKLIN, INDIANA AND JOHNSON COUNTY, INDIANA RELATIVE TO A PROJECT COMMONLY KNOWN AS THE "SOUTH STREET BRIDGE REHABILITATION PROJECT"

WHEREAS, the City of Franklin by and through its Franklin Board of Public Works and Safety and Johnson County, Indiana, by and through its Board of Commissioners have agreed to cooperate in the rehabilitation of Bridge 501, commonly known as the "South Street Bridge" in Franklin, Indiana;

WHEREAS, such agreement is memorialized in the Interlocal Agreement attached as Exhibit "A", and

WHEREAS, pursuant to Indiana Code §36-1-7 *et seq.*, the Common Council of the City of Franklin is in favor of the Interlocal Agreement.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, RESOLVES:

- 1) **Approval of Interlocal Agreement.** The Common Council of the City of Franklin, Indiana approves the Interlocal Agreement attached hereto as Exhibit "A".
- 2) **Effective Date.** This Resolution shall be in full force and effect from and after its passage and as provided for by applicable law.

Introduced and Filed on the ____ day of _____, 2013. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of ____ in Favor and ____ Opposed, pursuant to Indiana Code § 36-4-6-13.]

DULY PASSED on this ____ day of _____, 2013 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote ____ in Favor and ____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Voting Opposed:

Steve Barnett, President

Steve Barnett, President

Joseph P. Abban, Vice President

Joseph P. Abban, Vice President

Joseph R. Ault, Member

Joseph R. Ault, Member

Kenneth Austin, Member

Kenneth Austin, Member

Robert Henderson, Member

Robert Henderson, Member

Stephen Houghland, Member

Stephen Houghland, Member

Richard Wertz, Member

Richard Wertz, Member

Attest:

Janet P. Alexander,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana § 36-4-6-15, 16 this _____ day of _____, 2013 at _____ o'clock _____M.

Janet P. Alexander
City Clerk Treasurer

This Resolution having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16a)(1) Vetoed pursuant to Indiana code § 36-4-6-16(a)(2), this _____ day of _____, 2013 at _____ o'clock _____M.

Joseph E. McGuinness, Mayor

Attest:

Janet P. Alexander,
City Clerk Treasurer

Approved as to Form:

Lynnette Gray, City Attorney

**INTERLOCAL AGREEMENT BETWEEN JOHNSON COUNTY,
INDIANA AND THE CITY OF FRANKLIN, INDIANA**

This Agreement is binding and effective upon execution by both parties. This Agreement shall be recorded in all counties and cities in which the County, City or other unit of government is a party as required by IC 36-1-7-6, and shall be registered with any governmental agency as required by law.

***THE PARTIES TO THIS AGREEMENT ARE JOHNSON COUNTY, INDIANA AND
THE CITY OF FRANKLIN, INDIANA.***

WHEREAS, Johnson County, Indiana ("Johnson County") and the City of Franklin, Indiana recognize that Bridge 501, known as the South Street Bridge over Young's Creek in Franklin, Indiana, is in need of stream bank and channel maintenance; and,

WHEREAS, Bridge 501 is on the inventory of Bridges for Johnson County; and,

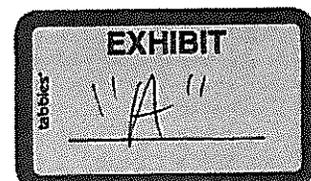
WHEREAS, Johnson County and the City of Franklin agree to provide funding as outlined in this Agreement for the stream bank and channel maintenance of Bridge 501; hereafter referred to as "project"; and,

WHEREAS, this Agreement sets forth the requirements by which the above described funds are to be utilized; and

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions set forth herein, the parties agree as follows:

Section 1. Purpose. The purpose of this Agreement is to set forth the framework and plan in which certain funds will be provided to the City of Franklin by Johnson County for the project.

Section 2. Duration. This Agreement shall remain in effect until the date of the Final Inspection and Acceptance following construction activities for the project, but in no event shall the duration of this Agreement be longer than four (4) years from the date of execution by both Parties pursuant to Indiana Code 36-1-7-9(b)(1).



Section 3. Review by County and City Councils. The funding provided by Johnson County as well the funding of the project by the City of Franklin is subject to approval by the Johnson County Council and the Franklin City Council respectively.

Section 4. Project Development Responsibilities. The City of Franklin and Johnson County agree to participate in the project and will be responsible for the development of and funding of the following items necessary to complete the project:

1. **Preliminary Engineering & Permitting** – The City of Franklin will utilize the services of the City's "on call" City Engineer to perform any necessary pre-construction project activities, including survey, construction plan and specification preparation, permitting and solicitation and award of construction bids. Johnson County will provide technical assistance for these activities as needed.
2. **Construction Costs** – The City of Franklin and Johnson County will each be responsible for fifty-percent (50%) of the construction costs for the project.
3. **Construction Inspection** – Johnson County will be responsible for oversight and inspection services during the construction phase of the project.

Section 5. Distribution. Upon the City of Franklin's award of the construction contract herein, the City of Franklin will submit an appropriate claim to Johnson County as soon as reasonably possible, and will provide necessary documentation to Johnson County for payment of claim. This claim will be for the estimated portion of construction costs that will be the responsibility of Johnson County as identified in Section 4. Johnson County shall make payment upon the proper submission of claims, pursuant to this Agreement. Upon completion of construction of the project, final pay quantities and funding requirements for Johnson County and the City of Franklin will be determined. The City of Franklin will submit a final claim to Johnson County for additional monies or shall issue a check to Johnson County as a credit for overpayment.

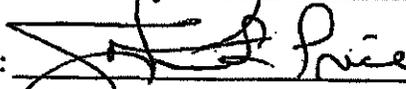
Section 6. Construction Changes. The Parties agree that during the construction of the project, both parties shall provide written approval of any changes of work arising from unforeseen field conditions that would impact the construction cost of the project prior to additional work being started. Each party shall pay its portion of any change order costs arising from unforeseen field conditions occurring within the project as described above. The cost of any additional work desired by one party that falls outside of the intended scope of this project shall be fully borne by said party.

Section 7. Contracting Party. The Parties agree that the City of Franklin would be the contracting party and that upon completion of the project the bridge will remain in the inventory of Johnson County, Indiana.

Section 8. Delegation of Duty. Pursuant to Indiana Code 36-1-7-4(a)(3), the Parties hereby delegate the duty to receive, disburse and account for all monies associated with the Bridge 501 project herein to the City of Franklin.

Effective Date. This Agreement shall be effective upon the date of the last to sign this Agreement.

Executed for Johnson County, Indiana
Johnson County Board of Commissioners

By: 
John L. Price, President

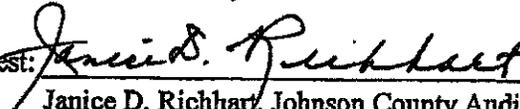
Date: Sept. 10. 2012

By: 
Troy A. DeHart, Commissioner

Date: Sept. 10. 2012

By: 
Thomas A. Kite, Commissioner

Date: Sept. 10. 2012

Attest: 
Janice D. Richhart, Johnson County Auditor

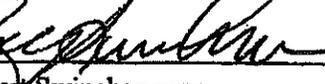
Date: Sept. 10. 2012

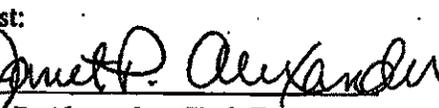
Executed for City of Franklin, Indiana
Board of Public Works and Safety:

Voting Affirmative:


Mayor Joseph E. McGuinness


Steve Barnett


Robert Swinehammer

Attest: 
Janet P. Alexander, Clerk Treasurer

Voting Opposed:

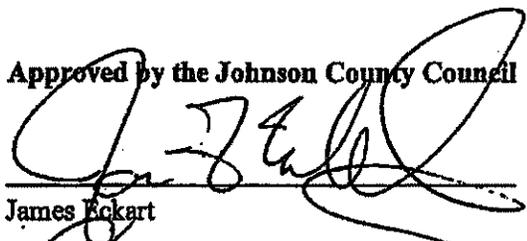
Mayor Joseph E. McGuinness

Steve Barnett

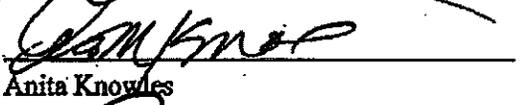
Robert Swinehammer

Date: _____

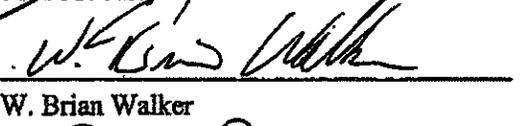
Approved by the Johnson County Council

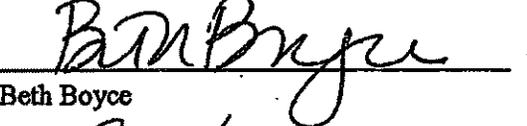

James Eckart

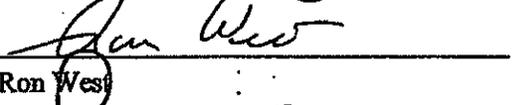
Date: Sept. 10, 2012

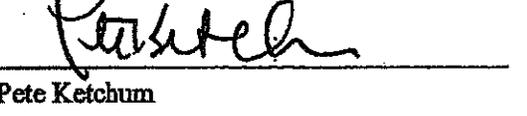

Anita Knowles


Josh McCarty

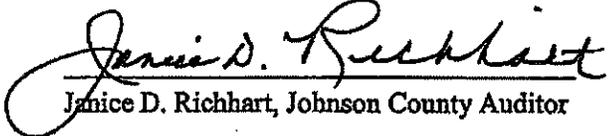

W. Brian Walker


Beth Boyce


Ron West


Pete Ketchum

Attest:


Janice D. Richhart, Johnson County Auditor

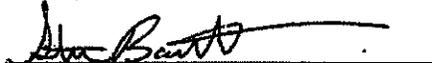
Prepared by: Lynnette Gray
Attorney No.: 11567-41

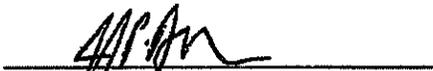
Introduced and Filed on the 17th day of September, 2012. A motion to consider same on the First Reading or day of introduction was [not offered] [sustained by a vote of 6 in Favor and 0 Opposed, pursuant to Indiana Code § 36-4-6-13.]

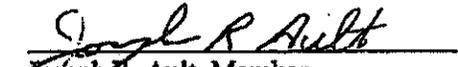
DULY PASSED on this 17th day of September, 2012 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 6 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

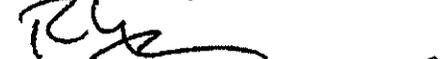
Voting Affirmative:

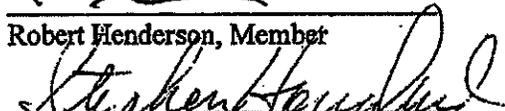

Steve Barnett, President


Joseph P. Abban, Vice President


Joseph R. Ault, Member

Absent
Kenneth Austin, Member


Robert Henderson, Member


Stephen Houghland, Member


Richard Wertz, Member

Voting Opposed:

Steve Barnett, President

Joseph P. Abban, Vice President

Joseph R. Ault, Member

Kenneth Austin, Member

Robert Henderson, Member

Stephen Houghland, Member

Richard Wertz, Member

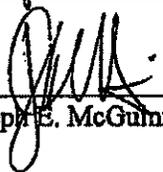
Attest:


Janet P. Alexander,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana § 36-4-6-15, 16 this 17th day of September, 2012 at 7:10 o'clock P.M.


Janet P. Alexander
City Clerk Treasurer

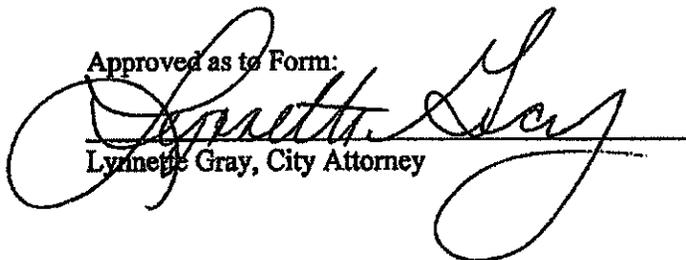
This Interlocal Agreement Between Johnson County, Indiana and the City of Franklin, Indiana having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16a)(1) Vetoed pursuant to Indiana code § 36-4-6-16(a)(2), this 17th day of September, 2012 at 7:10 o'clock P.M.


Joseph E. McGuinness, Mayor

Attest:


Janet P. Alexander,
City Clerk Treasurer

Approved as to Form:


Lynette Gray, City Attorney