

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2024 – OR – 009

AN ORDINANCE DISPOSING OF SURPLUS OR WORTHLESS PERSONAL PROPERTY BELONGING TO THE TOWN OF SELLERSBURG, INDIANA AND AUTHORIZING THE SPECIAL PURCHASE OF A USED YARD WASTE TRUCK.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body for Sellersburg, Indiana (the “Town”) and the President of this Council is the Town Executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the Town; and,

WHEREAS, pursuant to Ind. Code § 5-22-22-3(b), this Council, acting as the purchasing agent, may sell property that “belongs to the governmental body, but is no longer needed for the purpose for which it was intended”; and,

WHEREAS, if the purchasing agent does not engage an auctioneer or if the surplus property is not sold through an Internet auction site under Section 4.5 of Ind. Code § 5-22-22 *et seq.*, the purchasing agent shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of the sale, unless otherwise allowed under Indiana law. Advertisement of sale shall be made in accordance with Ind. Code § 5-3-1 and all sales shall be made to the highest and most responsible bidder. (*Ind. Code § 5-22-22-5*); and,

WHEREAS, pursuant to Ind. Code § 5-22-22-8, “if the property is worthless, it may be demolished or junked.” Property may be determined to be worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property; and,

WHEREAS, pursuant to Ind. Code § 36-1-11-9, “[w]henever a disposing agent purchases new property with a condition that property of a similar nature is to be traded in or exchanged as part of the purchase and in reduction of the purchase price, the exchange or trade-in may be made without compliance with section 7 of this chapter but must comply with section 16 of this chapter”; and,

WHEREAS, this Council has determined a need for a newer yard waste truck to replace the trucks currently used by the Town; and,

WHEREAS, it is acknowledged that used yard waste trucks are a special purchase due to all of the variables and differing components dependent on size and use; and,

WHEREAS, this Council instructed the Town Manager to obtain several quotes on the different types of yard waste trucks available; and,

WHEREAS, this Council, after receiving several quotes and at the recommendation of the Town Manager, decided to trade in two (2) trucks and purchase a used 2020 Peterbilt 337 because it fit the needs of the Town and would be a savings of approximately \$100,000 - \$200,000 instead of purchasing a brand new truck.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

1. The following personal property shall be traded in and disposed of consistent with Indiana law:

2019 Peterbilt
3BPDJ0X4KF103096
Mileage: 38406
Hours: 4945


2002 Freightliner
1FVHBXAK92HJ53247
Mileage: 121336
Hours: 4441

- 2. The proceeds from the trade in shall be applied to the purchase price of the of the used 2020 Peterbilt 337 and the compatibility of the truck and accessories were substantial considerations in the purchase while being the only source that met the Town’s reasonable requirements.
- 3. This Council further grants the Town Manager the authority to trade the above-referenced personal property.
- 4. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 8 day of July, 2024.

“Aye”

“Nay”



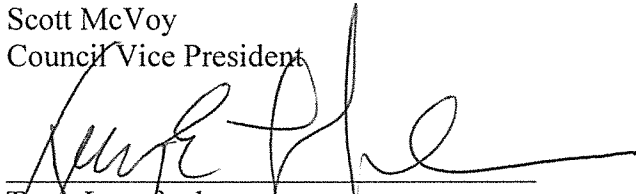
 Brad Amos
 Council President

 Brad Amos
 Council President

Absent 7/8/2024

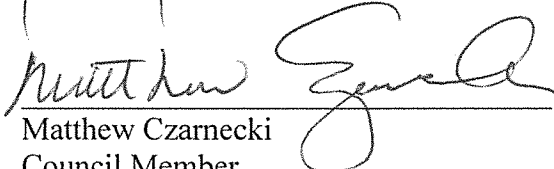
 Scott McVoy
 Council Vice President

 Scott McVoy
 Council Vice President



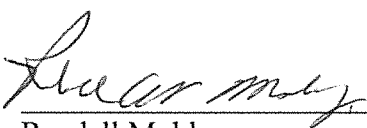
 Terry Langford
 Council 2nd Vice President

 Terry Langford
 Council 2nd Vice President



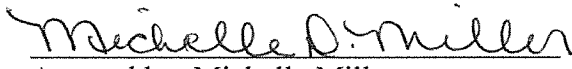
 Matthew Czarnecki
 Council Member

 Matthew Czarnecki
 Council Member



 Randall Mobley
 Council Member

 Randall Mobley
 Council Member



 Attested by: Michelle Miller
 Sellersburg Clerk-Treasurer

FIRST READING

DATE: 7/8/24

MOTION: Ozamecki

SECOND: Spafford

VOTE: 4 AYE 0 NAY 0 ABSTAIN

APPROVAL

DATE: 7/8/24

MOTION: Ozamecki

SECOND: Mohler

VOTE: 4 AYE 0 NAY 0 ABSTAIN