

JUL 06 2009

ORDINANCE NO. 2731

**AN ORDINANCE TO AUTHORIZE THE SALE OF  
SURPLUS PERSONAL PROPERTY OF THE CITY OF  
COLUMBIA, ILLINOIS BY PUBLIC AUCTION**

  
City Clerk

WHEREAS, the City of Columbia, Illinois (the "City") is an Illinois municipality having a population of under 500,000; the corporate authority of which is a city council comprised of a mayor and eight (8) aldermen;

WHEREAS, the Illinois Municipal Code, in pertinent part, provides and allows that an Illinois municipality having a population of less than 500,000, by simple majority vote of its corporate authorities, may by ordinance authorize the sale of items of its surplus personal property in such manner as said corporate authorities may designate, with or without advertising the same for sale (65 ILCS 5/11-76-4);

WHEREAS, the City owns and possesses certain items of personal property, including several vehicles, which the City Council of the City has determined to be surplus property, which is no longer necessary or useful for the City to continue to own (a partial listing of such personal property is attached hereto as "Exhibit B");

WHEREAS, the City Council of the City has found and determined and does hereby declare that it is in the welfare and best interest of the City to employ Action Auction Associates to sell the City's surplus personal property (as listed on "Exhibit B", as well as other personal property any City Officer deems to be surplus) by public auction to the highest qualified bidder of each item of surplus personal property to be sold; and,

WHEREAS, this Ordinance is enacted in order to authorize the sale of the City's surplus personal property and to authorize various City employees to execute the documents necessary to accomplish the sale of such surplus personal property for and on behalf of the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

**Section 1.** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

**Section 2.** The City Council of the City of Columbia, Illinois (i) does hereby authorize the employment of Action Auction Associates to provide auctioneering services for the sale of the City's surplus personal property (as identified on "Exhibit B", as well as other personal property any City Officer deems to be surplus) by public auction, either with or without a minimum reserve price, to the highest qualified bidder; and (ii) does further authorize any City Officer, or the Department Head of the department from which the

surplus personal property is being sold, to make the determination as to whether or not a minimum reserve price is to be required, and if so, to set the minimum reserve price to be obtained; and (iii) does further authorize and direct the City Administrator to execute and deliver the "PERSONAL PROPERTY AUCTION CONTRACT", in the form attached hereto as "Exhibit A", evidencing such employment of Action Auction Associates to provide such auctioneering services for the City, which agreement is hereby approved as to form, in as many counterparts as said City Administrator shall determine; and (iv) does further authorize and direct any City Officer, or the Department Head of the department from which the surplus personal property is being sold, to execute and deliver the title, if any, for any surplus vehicle, as well as any and all other documents necessary to be signed and delivered in order to consummate the sale of any item of the City's surplus personal property that is to be sold at the public auction authorized hereby, for and on behalf of the City, in as many counterparts as such City Officer or Department Head shall determine.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage, as provided by law.

Alderman Oberkfell moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Stumpf, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Niemietz, Row, Hejna, Oberkfell, Stumpf and Roessler.

NAYS: None.


ABSENT: Alderman Agne.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 6<sup>th</sup> day of July, 2009.

  
\_\_\_\_\_  
KEVIN B. HUTCHINSON, Mayor

ATTEST:

  
\_\_\_\_\_  
J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS     )  
                                  ) SS  
COUNTY OF MONROE    )

**CERTIFICATE OF TRUE COPY**

I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Monroe and St. Clair Counties, Illinois and as such I am the keeper of the corporate books, records and corporate seal of said City.

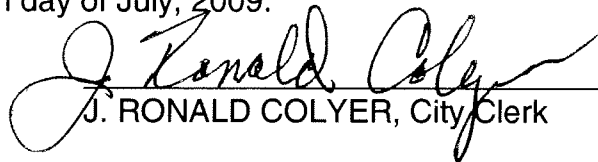
I do further certify that the foregoing pages to which this Certificate is attached is a full, true, perfect and complete copy of City of Columbia, Illinois Ordinance No. 2731 entitled:

**“AN ORDINANCE TO AUTHORIZE THE SALE OF SURPLUS PERSONAL PROPERTY OF THE CITY OF COLUMBIA, ILLINOIS BY PUBLIC AUCTION”**

enacted at a regular meeting of the City of Columbia, Illinois City Council held on the 6<sup>th</sup> day of July, 2009.

I do further certify that, prior to the making of this Certificate, the Ordinance was spread at length upon the permanent records of said City Council where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, this 6th day of July, 2009.

  
\_\_\_\_\_  
J. RONALD COLYER, City Clerk

(SEAL)

Exhibit A

**PERSONAL PROPERTY AUCTION CONTACT**

Agreement made this \_\_\_\_\_ day of June 2009, between City of Columbia, hereafter called seller, and **Action Auction Associates**, hereafter called Auctioneers.

The auctioneer hereby agrees to use professional skill, knowledge, and experience to the best advantage of both parties in preparing for and conducting the auction.

The seller hereby agrees to turn over and deliver to the auctioneers to be sold at public auction the items listed on the auction advertisements. No item shall be sold or withdrawn from the auction prior to the auction except by mutual agreement between seller and auctioneers. If item is sold or withdrawn auctioneer shall receive full commission on the item.

The auction is to be held on Saturday, July 11, 2009 beginning at 10:00 a.m. at 311 Monroe St., Columbia, IL. It is agreed that the auctioneers may deduct their fee at the set rate below from the gross sales receipts, resulting from said auction sale. The seller agrees that all expense incurred for the advertisement, promotion, and conducting of said auction shall be deducted from the gross proceeds of said auction. The auctioneers agree to turn net proceeds of auction along with sale records and receipts over to seller as soon as possible following auction.

The seller covenants agrees that they have good and clear title and right to sell all merchandise and goods being offered at this auction sale. Seller further agrees to provide merchantable title to all items sold and deliver said titles to auctioneers or purchasers.

Seller agrees to pay auction expenses:

Auctioneers' Fee: 10% of gross proceeds

Clerk's Fee: \$10.00 per hour

Cashier's Fee: \$10.00 per hour

Set-up and Hold-up Fee: \$10.00 per hour per person

Auctioneers agree to furnish the following:

Display Wagons or Tables at no cost

Lunch stand at no cost

Port-a-potty at cost of \$40.00 per day (day of auction only)

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Auctioneer's Signature

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Seller's Signature

## **Exhibit B**

This Exhibit B represents a partial listing of the surplus personal property of the City of Columbia, Illinois, to be sold by public auction:

- Old City Telephone System (approx. 66 phones)
- Burster – Office Machine
- Two (2) IBM Printers
- Twenty (20) Computer Monitors
- Two (2) Scanners
- Two (2) Misc. Printers
- Ten (10) Foot Conference Table
- Several Old Desks and Chairs
- Several Bicycles
- Small Refrigerator
- 1999 Chevy 2500 Utility Body Truck
- 1996 Ford F-250 Utility Body Truck
- 1986 Chevy 2500 Pick-up Truck
- 1992 Chevy Caprice
- 1986 Ford F-800 Fire-Rescue Truck