

Harrisburg City Council Meeting
Council Room, City Hall
Harrisburg, Illinois
Regular Meeting
April 18, 2019
6:00 pm

The Harrisburg City Council met on April 18, 2019 at 6:00 pm in the Council Room, City Hall, and Harrisburg, Illinois.

Pastor Jerry Wells from the Dorrisville Social Brethren led the group in prayer and the Pledge of Allegiance.

John McPeek was sworn in as the Mayor by City Clerk, Sarah Wofford.

Mayor John McPeek thanked Kelly Hefner for his 20 years of service to the City of Harrisburg. He commended him on his dedication and outstanding leadership to the Water and Sewer Department.

Mayor John McPeek thanked Robert Wilson and John Okerson for running a clean race for Mayor. He thanked the citizens of Harrisburg for trusting him and always remember that he is their Mayor. His office is their office and he is there for the people of Harrisburg. He thanked the employees for their hard work during the last three years. He thanked Attorney Todd Bittle for his work and looks forward to his help in the future. He stated that he sees great things coming for Harrisburg with this new council and looks forward to next four years. He announced that the citizens can always call him and he will always answer.

Raymond Gunning was sworn in by Mayor John McPeek.

Roger Angelly was sworn in by Mayor John McPeek.

Rupert Johnson was sworn in by Mayor John McPeek.

Ron Morse was sworn in by Mayor John McPeek.

Mayor John McPeek called the April 18, 2019 meeting to order. Mayor John McPeek presided over the meeting with Commissioners Raymond Gunning, Roger Angelly, Rupert Johnson, and Ron Morse present and answering roll call.

Mayor John McPeek made the motion to appoint Ron Morse as Commissioner of Accounts and Finance. Seconded by Roger Angelly. A roll call was taken with all voting yes. Motion carried.

Mayor John McPeek made the motion to appoint Raymond Gunning as Commissioner of Public Health and Safety. Seconded by Rupert Johnson. A roll call was taken with all voting yes. Motion carried.

Mayor John McPeek made the motion to appoint Rupert Johnson as Commissioner of Streets, Public Improvements and Public Property. Seconded by Commissioner Raymond Gunning. A roll call was taken with all voting yes. Motion carried.

Mayor John McPeek made the motion to appoint Roger Angelly as Commissioner of Water/Sewer/Flood Control. Seconded by Commissioner Raymond Gunning. A roll call was taken with all voting yes. Motion carried.

Commissioner Ron Morse made the motion to approve the following items on Consent Agenda:

1. Regular Meeting April 4, 2019
2. Year-end Budget adjustments - Adjourned Meeting
3. Check Register and Warrant Report - April 2019 - Adjourned Meeting
4. Saline County Circuit Clerk Court Fees - \$4,527.75
5. Harrisburg Lake: Lease Renewal:
 - William and Cynthia Roberts - First Addition, Block 2, Lot 3
 - Marshall Ralph Lane, Jr. (1 year) - Second Addition, Block 1, Lot 8
 - Shannon and Patricia Cossey - Fourth Addition, Lot 8
 - Dennis W. Brooks - First Addition, Block 3, Lot 3
 - Carl and Symantha Banks - Fourth Addition, Lot 20
 - Richard and Pam Alecci - First Addition, Block 2, Lot 11
 - John and Lucy Hathaway - Second Addition, Block 2, Lot 10
 - Paul Schlenker - First Addition, Block 3, Lot 7
 - Dennis Wiseman - First Addition, Block 1, Lot 1
 - Steve Dowdy and Norma Thaxton (1 year) - Second Addition, Block 1, Lot 2
 - Steve and Barb Edwards - First Addition, Block 3, Lot 6
 - Ron and DeAnna Morse, Brandon Morse - Southeast Addition, Lot 3
 - Wayman and Cynthia Winters - First Addition, Block 1, Lots 6 & 7
 - Kevin L. Craig and Charlene Angelton - First Addition, Block 1, Lot 3

Seconded by Commissioner Roger Angelly. A roll call vote was taken with all voting yes except Commissioner Raymond Gunning abstained. Motion carried.

Commissioner Roger Angelly made the motion to repeal ordinance 1765. Seconded by Commissioner Rupert Johnson. A roll call was taken with all voting yes. Motion carried.

Jim Brown from Brown and Roberts spoke regarding MFT. The City of Harrisburg receive MFT money from the State of Illinois. A monthly allotment is received and it is for the purpose of streets and roads. In order to expend those funds, a program is set up which indicate to IDOT in Carbondale where those funds will go. The reports indicates what roads will be oil and chipped, how much aggregate will be purchased, and how much equipment rental you want to

expend. You have to send in the program before you can spend any MFT money. A program has been prepared with Rick Brown. There is no timeline for this project, but we do not want to wait too far into the year. This was presented to Commissioner Johnson just a couple of days ago, so it is very new to him. Commissioner Rupert Johnson asked to table the program at this time.

Commissioner Ron Morse had an open discussion about the possible controversy over the appointment of City Attorney and he believes the Council needs to know going forward who they will answer to as City Attorney. Commissioner Ron Morse made a motion to amend the order of the agenda to put the appointment of City Attorney at the top of the list. Seconded by Raymond Gunning. Mayor John McPeek said he did not have an appointment for City Attorney and was not ready to make the appointment. A roll call vote was taken with all voting yes except Mayor John McPeek voted no. Motion carried.

Mayor John McPeek stated that at this time the City Attorney is Todd Bittle until the Mayor says otherwise. Mayor John McPeek stated that the ruling was from the Illinois Municipal League. Ron Morse stated that the Mayor may appoint the attorney, but with the consent and advice of the council. Mayor John McPeek made the motion to appoint Todd Bittle as City Attorney. Seconded by Commissioner Roger Angelly. Roll call was taken with Commissioner Gunning voting no, Commissioner Angelly voting yes, Commissioner Johnson voting no, Commissioner Morse voting no and Mayor McPeek voting yes. Motion failed.

Commissioner Raymond Gunning made the motion to appoint Kolby Smithpeters and Robert C. Wilson be engaged/appointed as City Attorneys. Seconded by Commissioner Angelly. A roll call was taken with all voting yes except Mayor McPeek voting no. Mayor John McPeek expressed his displeasure with the motion

Todd Bittle spoke and informed council that is not a proper motion to be heard. The only person who has the power to appoint the City Attorney is the Mayor. Todd Bittle announced that he will continue to be the City Attorney until the Mayor make the appointment. The advice and consent of the council does not matter. The seat stays filled until the Mayor decides it is changed. Mayor John McPeek stated that he will continue to have Todd Bittle as the City Attorney.

Robert Wilson congratulated Mayor McPeek on his election. Robert Wilson stated that the municipal codes reads that the Mayor, with the advice and the consent of the city council, "may" appoint an attorney or a corporate council. He points out that the code states "may" and as he understands "may" means it is permissive and doesn't say "shall" and is exclusive. The City Council just voted and those four people on the City Council, who are required to approve who was appointed as the attorney for the City Council, voted to employee Kolby Smithpeters and Mr. Wilson. The council has spoken and he respectfully submits that with four member of City Council indicating that they want Kolby Smithpeters and Robert Wilson as the City Attorney, that it should continue as there was no objection taken. Tuesday morning,

Robert Wilson stated that Mayor McPeek proposed to these four gentlemen that Todd Bittle and Robert Wilson would be the City Attorneys.

Todd Bittle stated that Mr. Wilson is sitting to the wrong code. Todd Bittle said that as the City Attorney, he was familiar with the city code that Mr. Wilson cited the wrong statute in this case. Municipal City Code says under 2-160 that the City Attorney "shall" be appointed by the Mayor with the consent of council. He said that "shall" means that the Mayor has the appointment and nobody else has the power to do that. Mayor John McPeek stated that Todd Bittle shall currently be the City Attorney.

Commissioner Ron Morse stated that it is not clear who is the City Attorney. Mayor John McPeek said that we would get an answer from the Illinois Municipal League. There is an email with an opinion, but we will move forward.

Commissioner Ron Morse thanked Sally Wofford for her 12 years as City Clerk. Her time has been very much appreciated. Commissioner Ron Morse appointed Terri Jenkins as the new City Clerk. Seconded by Commissioner Raymond Gunning. A roll call was taken with all present voting yes except Mayor John McPeek voted no. Motion carried.

Terri Jenkins was sworn in by Mayor John McPeek.

Commissioner Ron Morse thanked Linda George for her decade of service to the City of Harrisburg as the Treasurer. He believes that we are in need of a CPA in the Treasurer's Office. Commissioner Ron Morse made the motion to appoint David B. Cox, CPA as the new Treasurer. Seconded by Commissioner Raymond Gunning. A roll call vote was taken with all present voting yes except Mayor John McPeek voting no. Motion carried.

The council chose to table the pay increases. A special meeting will be held next week.

Commissioner Raymond Gunning said that he would like to thank the City of Harrisburg for allowing him to be a part of a great city. He would like to thank the employees that he had the privilege of working with since 1989. As of today, he has retired from the City of Harrisburg as an employee. His new focus is to be the best representative that he can be for Harrisburg. He thanked all of his supporters who believed him. He will give his very best. He thanked his wife and family for their support during his journey on becoming a council member. He gave God all the glory for his success.

Commissioner Raymond Gunning made the motion to appoint Michael Riden to Chief of Police. Seconded by Commissioner Rupert Johnson. A roll call vote was taken with all present voting yes. Motion carried.

Commissioner Raymond Gunning made the motion to re-appoint John Gunning to Fire Chief. Seconded by Commissioner Roger Angelly. A roll call vote was taken with all present voting yes. Motion carried.

Commissioner Rupert Johnson made the motion to appoint Michael Owens as Superintendent of Street, Public Improvements, and Public Property. Seconded by Commissioner Roger Angelly. A roll call vote was taken with all present voting yes. Motion carried.

Commissioner Rupert Johnson stated that Fire Chief John Gunning informed him that all inspections have been made, approved the site, and all fees have been paid as required. The public hearing has been held. Commissioner Rupert Johnson made the motion to approve that the mobile home permit for Roger Burroughs at 1114 Largent be approved. Seconded by Commissioner Roger Angelly. A roll call vote was taken with all present voting yes. Motion carried.

Commissioner Rupert Johnson made the motion for City Clerk to advertise a public hearing on May 16, 2019 prior to the meeting to hear public comments on the petition to vacate the alley running North and South adjacent to 411 W. Poplar Street. Seconded by Commissioner Roger Angelly. A roll call vote was taken with all present voting yes. Motion carried.

Commissioner Rupert Johnson made the motion to allow a CEO Showcase Banner to be hung over Poplar Street from Monday, April 22 through Friday April 26, 2019. Seconded by Commissioner Raymond Gunning. A roll call vote was taken with all present voting yes. Motion carried.

Commissioner Roger Angelly thanked Kelly Hefner for his help through this transition. He has provided a lot of help. Commissioner Roger Angelly made the motion to appoint Larry Greer as the Water/Sewer/Flood Control Superintendent. Seconded by Commissioner Raymond Gunning. A roll call vote was taken with all present voting yes. Motion carried.

Mayor John McPeek made the motion to appoint David Williams as the Code Enforcement Officer. Seconded by Commissioner Raymond Gunning. A roll call vote was taken with all present voting yes. Motion carried.

Mayor John McPeek made the motion to adjourn this meeting to April 30, 2019 at 8:00 to pay bills and approve the budget. Seconded by Commissioner Raymond Gunning. A roll call vote was taken with all present voting yes. Motion carried.

Commissioner Roger Angelly made the motion to adjourn. Seconded by Commissioner Ron Morse. A roll call vote was taken with all present voting yes. Motion carried.

Adjourn: 6:49 p.m.