

HILLSBORO CITY COUNCIL MEETING  
JANUARY 27, 2009

The meeting was called to order at 7:00 pm by Commissioner Trost who would be serving as Mayor Pro-tem in the absence of Mayor Baran due to an illness.

Roll call was taken and those in attendance were Commissioner Trost, Commissioner Hill, Commissioner McCammack and Commissioner Sherer.

The "Pledge of Allegiance" was recited.

Minutes of the previous meeting were approved.

Commissioner Trost reported that Mayor Baran wished to thank everyone for their well wishes following his wife's surgery.

Commissioners Hill, McCammack and Sherer had nothing to report.

City Attorney Jarman stated anything he had would be addressed later in the agenda.

Commissioner Sherer reported that only one bid had been received for the surplus dive vehicle and recommended the bid be accepted.

**Motion was made by Commissioner Sherer** and seconded by Commissioner McCammack to accept the bid from Eugene Hogue in the amount of \$1,051.00 for the surplus dive vehicle. Motion carried 4-0.

City Attorney Jarman discussed a request from the Village of Butler for an easement to run a new sewer line. Jarman stated he had not received a map showing the area of the proposed easement and recommended tabling the request until one is produced.

Commissioner Trost discussed a change in the zoning code involving fees recommended by Commissioner Hill and Code Officer Booher.

**Motion was made by Commissioner Hill** and seconded by Commissioner Sherer to approve **Ordinance #1492** changing fees in the Zoning Code. Motion carried 4-0.

There was a brief discussion on a proposal to enter into a legal agreement concerning the recapture of funds spent in the removal of atrazine from our drinking water. This would involve costs from the past and future. The major concern was what the City's cost would be. City Attorney Jarman stated the costs would be deducted from any monetary award. Therefore, there would be not out of pocket expense to the City.

**Motion was made by Commissioner McCammack** and seconded by Commissioner Hill to approve a litigation agreement concerning the costs for removal of atrazine from drinking water. Motion carried 4-0.

Commissioner Sherer asked for a discussion concerning Consolidated Communications franchise agreement and the removal of some of the local channels from the current package.

Commissioner McCammack stated he had been aware of the problem and had met with representatives of Consolidated Communications along with the City attorney to discuss the recent changes. Commissioner McCammack stated the problem involved duplicate local networks and an action level that was reached when subscribers reached a certain level. The problem all relates to competition for advertising dollars. McCammack did note that Consolidated has not lived up to the agreement making their services available to all within the City limits and this will be addressed. The Village of Raymond has filed suit against Consolidated for breach of their franchise agreement and the City should closely monitor that situation. Commissioner McCammack also informed those currently using Consolidated's television service that a discount will be offered if they call with complaints about the recent changes.

Commissioner Trost stated that Mayor Baran had recommended the appointment of Bob Albracht to the Zoning Board to fill the vacancy of Cory Davidson.

**Motion was made by Commissioner McCammack** and seconded by Commissioner Hill to appoint Bob Albracht to the Zoning Board to fill the vacancy of Cory Davidson.

The Council next again discussed the subject of offering early retirement to employees meeting the requirements. It was decided to have a meeting with departments affected by early retirement to analyze the logistics of getting the same amount of services with fewer employees. A representative of the union would also be present for their input.

If a resolution was adopted offering early retirement through IMRF the window of opportunity would be for one year to any employee meeting the requirements. The window could not be reopened until the costs for implementation were paid back to IMRF.

The Council had been presented with a copy of the minutes from the three previous zoning hearings for their review.

**Motion was made by Commissioner McCammack** and seconded by Commissioner Sherer to approve the minutes of the Zoning Board hearings. Motion carried 4-0.

Commissioner Trost stated the next item for consideration was action on the recommendations of the Zoning Board regarding an amendment to the zoning code referencing an amendment to allow coal mining as a "special use" in an agricultural district. Commissioner Trost read the advisory report of the zoning board stating their findings and recommendations. (see attached)

City Attorney Jarman read a copy of the proposed ordinance amending the code to reflect the recommendations of the zoning board.

**Motion was made by Commissioner Sherer** and seconded by Commissioner Hill to approve the recommendation of the Zoning Board and adopt Ordinance #1493 amending Section 4-04-4 of the zoning code. Motion carried 4-0.

The Council stated upcoming agenda items would be the sewer easement for the Village of Butler and early retirement incentives.

**Motion to adjourn was made at 7:33 by Commissioner Hill** and seconded by Commissioner Sherer. Motion carried 4-0.

Respectfully Submitted,  
Dave Booher, City Clerk

**ADVISORY REPORT**

TO: Hillsboro City Council  
FROM: Zoning Board  
RE: Hillsboro Energy LLC and Montgomery Land Co. request for zoning amendment to allow coal mining and related activity as a special use in Agricultural District

Findings of Fact per 40-10-33

- (A) Existing zoning is Agricultural, primary use being agricultural and the municipal airport.
- (B) Existing use and zoning of other lots in vicinity is also agricultural and some residential.
- (C) The property in question is suitable for uses already permitted.
- (D) The property in question is suitable for the proposed use, the proposed use is consistent with the comprehensive plan, and there is evidence of the public need for the proposed use.
- (E) There is no discernable trend of development in the vicinity.

The board recommends the City Council amend the Zoning Code to make the following a special use in the Agricultural District:

“An underground coal mine facility, together with (a) related aboveground mining facilities, equipment, shafts, and portals, (b) related coal transportation, handling, and storage facilities and systems; and, (c) coal washing, crushing, disposal, and screening facilities and systems; provided, however, that prior to the operation of such facilities the Illinois Department of Natural Resources, Offices of Mines and Minerals shall have duly issued to the permittee all necessary permits required by it for the operation of a coal mine.”

This recommendation is made pursuant to the request of the Petitioners and pursuant to the finding of facts above, after public hearing on December 9, 2008, January 12, 2009 and January 20, 2009.

DATED: Jan 26<sup>th</sup> 09

Zoning Board of Appeals

By: W.A. White

Chairman