

CONTINUED MEETING DUBOIS COUNTY COMMISSIONERS

MARCH 19, 2009

The continued meeting of the Dubois County Commissioners was held at the Courthouse Annex in Jasper, Indiana, beginning at 6:00 p.m. (EST) on March 19, 2009. Present were Commissioners Randall L. Fleck, John G. Burger and Lawrence M. Vollmer. Also present were County Auditor Janet L. Sendelweck, County Sheriff Terry Tanner, Highway Supervisor Steven L. Berg, and County Attorney Arthur C. Nordhoff, Jr. A quorum was declared present and the meeting was reopened for business by President Fleck.

It being 6:00 pm (EST) on March 19, 2009, the time advertised for hearing on the Petition by Solar Sources Inc. for Temporary closing of CR 700 W in Boone Township from CR 580 N and running south 3960 feet, said closing being for a period of 5 years.

Copy of legal notice was read and proof of mailing of notice was presented.

Mike Owens, of Solar Sources, stated a summary of the Petition, the Facts for the Petition, and the request of the Company.

Terry Vonderheide, who resides across the road from the mine, stated his reasons why the mine should not be permitted to close the road.

Jim Schiller stated that he has worked on roads and believes that a replacement road will not hold up as well as the original road.

Glen Brittain stated that his ancestors originally owned most of the land involved in the mining project, that he currently owns 40 acres, and that he hates to see the road closed and the area mined. This is a case where a few company shareholders are causing problems for many residents, he stated, and that he had not signed a lease.

Tony Hoffman questioned whether the County will demand the posting of adequate funds to fully pay the expense of rebuilding the road at some distant time. When the road is to be replaced, the Coal Company may not exist and additional contribution from the mine may not be available. Adequate funds must be posted now at a rate established by the County.

Dan Mann stated that where roads were replaced in Pike County, the roads was not properly reconstructed because the County ran out of money before the roads were completed. His suggestion is that a certain percentage of all coal removed from under roadway should be placed in a fund to be used to replace the road.

Several individuals stated that CR 580 N is an important east-west road, has very heavy traffic, and serves an important local church. While 580 N is not included in the current Petition, they feel that 580 N is the next road to be petitioned for closure, to which they strongly objected.

Mike Owens stated that the petitioner pays thousands of dollars of property taxes in Dubois County on equipment.

Several individuals discussed the proper maintenance of the haul road running south to SR 56, including keeping the road clean and repairing the road where damaged.

Edward Durcholz stated that the petitioner originally had said that they would drill under the public roads and would not mine thru the same. He asked why they were not going to do what they said.

No other person desiring to make a statement, the Hearing was closed at 6:42 pm, and the public was advised that the various data presented and the Petition with attachment would be reviewed and a decision made at a later date.