



Brookings Regional Railroad Authority Meeting
Brookings City & County Government Center
520 3rd Street, Brookings, SD
Conference Room 221

1. **3:30 PM Call to Order on Thursday, March 30, 2023**
2. **Invitation for a citizen to schedule time on the agenda for an item not listed**
3. **Approval of Agenda**
Action: Motion to Approve, Comments, Voice Vote
4. **Approval of Minutes**
Action: Motion to Approve, Comments, Voice Vote

Documents:

[04-10-2015 BRRR MINUTES.PDF](#)
5. **Reorganization of the Board**
 - A. **Nomination and Election of a Chairperson**
 - B. **Nomination and Election of a Secretary/Treasurer**
6. **Regular Business**
 - A. **Discussion and possible action regarding the Brookings Regional Railroad Safety Authority**
 - B. **Discussion and possible action on holding annual meetings and member terms**
7. **Adjourn**
Action: Motion to Approve, Voice Vote

NOTE: Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact Brookings County (605-696-8205) 48 hours in advance of the meeting to make necessary arrangements. The County of Brookings is responsive to requests for communication aids and the need to provide appropriate access and will provide alternative formats and accessible locations consistent with the American's With Disabilities Act.

Brookings County Regional Railroad Authority Meeting

April 10, 2015

Committee member Ryan Krogman called the meeting to order at 11:00 a.m. with the following members present: Ryan Krogman, Craig Howell, Tom Pierce, and Larry Jensen.

Motion by Jensen, seconded by Pierce to approve the minutes from April 4, 2014 Brookings County Regional Railroad Authority meeting. All members voted aye. Motion carried.

Motion by Howell, seconded by Jensen to nominate Tom Pierce as Chairperson. All members voted aye. Motion carried.

Motion by Howell, seconded by Jensen to nominate Ryan Krogman as Secretary/Treasurer. All members voted aye. Motion carried.

Discussion on Railroad Trust Fund Application Agenda Items. Deputy States Attorney Abigail A. Howard advised the group that Novita had declined the loan the last time it was approved, and were now re-applying. The amount of the loan request was reduced to \$4,000,000.00. Background information was provided by President & CEO, Don Endres, Vice President of Finance, Keith Bruinsma, and Vice President of Project Development, Rick Eggebrecht. Howell questioned why the Rail Authority was being given a second mortgage on the project, instead of a first. Endres explained the bank would not finance the project if their loan was not first in line. Howell voiced some concerns about having a second mortgage on the project, and not a first, when tax dollars would be utilized if a default occurred. Krogman stated that there should be enough equity in the project to protect this loan.

Motion by Krogman, seconded by Howell to approve the Railroad Trust Fund Application for Novita Aurora, LLC. Roll call vote: Krogman "aye," Howell "aye," Jensen "aye," Pierce "aye." Motion carried.

Motion by Krogman, seconded by Jensen to approve and authorize Chairperson Pierce to sign Resolution 2015-01: A Resolution Approving the Brookings County Regional Railroad Authority to Borrow Money in Relation to a Rail Project in Brookings County, South Dakota. Roll call vote: Howell "aye," Jensen "aye," Krogman "aye," Pierce "aye." Motion carried.

BROOKINGS COUNTY REGIONAL RAILROAD
AUTHORITY
RESOLUTION NO. 2015-01

A RESOLUTION APPROVING THE BROOKINGS COUNTY
REGIONAL RAILROAD AUTHORITY TO BORROW MONEY IN
RELATION TO A RAIL PROJECT IN BROOKINGS COUNTY, SOUTH
DAKOTA

WHEREAS, Novita Aurora, LLC plans to construct an agricultural processing facility near Aurora, Brookings County, South Dakota; and

WHEREAS, Novita Aurora, LLC requires the construction of a 22,389 foot loop track to facilitate rail car storage and loading for its agricultural processing facility; and

WHEREAS, Novita Aurora, LLC has requested the Brookings County Regional Railroad Authority support their application to the State Railroad Board Loan Fund; and

WHEREAS, the Brookings County Regional Railroad Authority supports the application by Novita Aurora, LLC to the South Dakota Railroad Board to borrow an amount up to Four Million Dollars (\$4,000,000.00) for construction of the Loop Track as shown on the attached plans and specifications prepared by Civil Design, Inc.; and

WHEREAS, the South Dakota State Railroad Board will require a resolution from the Brookings County Commission, acknowledging the authority of the Brookings County Regional Railroad Authority to certify any tax levy as allowed by SDCL 49-17A-21 to be used in the event of default to pay such annual payments as may be required to service the project debt arising from the construction of the siding extension project.

NOW, THEREFORE, BE IT RESOLVED, the Brookings County Regional Railroad Authority shall and hereby does make application for a loan to the South Dakota State Railroad Board in the amount of Four Million Dollars (\$4,000,000.00) to fund the construction of the loop track to serve the Novita Aurora, LLC agricultural processing plant; and

BE IT FURTHER RESOLVED, that Novita Aurora, LLC will execute and record a second mortgage to the Brookings County Regional Railroad Authority on the land on which the railroad is built and the railroad loop in order to secure payment on the loan agreement and promissory note, prior to the loan being funded; and

BE IT FURTHER RESOLVED, that, in the event of default regarding such loan, the Brookings County Regional Railroad Authority shall certify a tax levy as allowed by SDCL 49-17A-21 to be used to pay the annual payments as may be required to service such loan; and

BE IT FURTHER RESOLVED, that the Chairperson of the Brookings County Regional Railroad Authority, Tom Pierce, is hereby authorized to sign any loan documents on behalf of the Brookings County Regional Railroad Authority.

Passed, approved and adopted this 10th day of April, 2015, on a motion by Commissioner Krogman, seconded by Commissioner Jensen. Motion carried.

Voting on Motion Yea: Howell, Jensen, Krogman, Pierce

Nay: 0

Tom Pierce
Chairperson
Brookings County Regional Railroad

Authority

ATTEST: Abigail A. Howard

Committee members discussed electing an individual as Member-at-Large. No action was taken at this time.

Motion by Krogman, seconded by Howell to adjourn. All members voted aye. Motion carried.

Jenna Peterson
Finance Assistant II
Brookings County

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