



Regional Railroad Authority Meeting
Brookings City & County Government Center
520 3rd Street
Community Room, Room 300

1. **11:00 AM Call to Order on Friday, April 10, 2015.**

2. **Approval of Minutes**

Documents:

[04-04-14 MINUTES DRAFT.PDF](#)

3. **Reorganization of the Board**

A. **Nomination and Election of the Chairperson**

B. **Nomination and Election of the Secretary/Treasurer**

4. **Regular Business**

A. **Action to Approve the Railroad Trust Fund Application for Novita Aurora, LLC.**

B. **Action to Approve 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.**

Documents:

[RESOLUTION 2015-01.PDF](#)

5. **Old Business**

A. **Discussion and possible Action to elect Member-at-Large**

6. **Adjournment**

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 Area Regional Railroad Authority Meeting

April 4, 2014

Chairperson Donald Larson called the meeting to order at 3:00 p.m. with the following members present: Donald Larson, Tom Pierce, and Craig Howell. Dennis Falken was absent.

Motion by Howell, seconded by Pierce to approve the minutes from the October 28, 2013 Brookings Area Regional Railroad Authority meeting. All members voted aye. Motion carried.

Motion by Howell, seconded by Pierce to acknowledge receipt of a letter from Novita, LLC regarding their intent to decline the loan from the SDDOT and South Dakota Railroad Board and to give notice to the SDDOT that the Brookings Area Regional Railroad Authority will not be proceeding on the loan.

Commission Assistant Stephanie Ellwein said the loan was contingent on the project beginning May 15, 2014. She said this doesn't mean the loan disappears; but if no money is dispersed, then no money has to be paid back. Pierce said there may not be money available in the future. Larson said he is glad Novita was up front with them and came to them in advance of the due date. Larson said he's not sure the Novita project will happen, but since they acknowledged this early on and gave proper notification, he doesn't believe it has hurt their credibility. Howell noted no money has come to the Railroad Authority from this loan. Deputy State's Attorney Abigail Howard said she will draft a letter to send to the state.

All members voted aye. Motion carried.

Motion by Pierce, seconded by Howell to name Deputy State's Attorney Abigail Howard as the Registered Agent for the Brookings Area Regional Railroad Authority. All members voted aye. Motion carried.

The board asked that Citizen Interest Applications be posted to fill the open position on the board.

Motion by Howell, seconded by Pierce to adjourn. All members voted 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, _____, is hereby authorized to sign any loan documents on behalf of the Brookings County Regional Railroad Authority.

