

SOUTH DAKOTA STATE RAILROAD BOARD MEETING
December 16, 2015, 2015 @ 11:00 AM
DOT Building – Room 202C Teleconference
Pierre, South Dakota

MEMBERS: Todd Yeaton, Chair via phone
Carl Anderson via phone
Jeff Burket via phone
Jerry Cope via phone
Sheldon Cotton via phone
Gary Doering via phone

PHONE: Alex Huff and Jack Parliament

STAFF: Darin Bergquist, Bruce Lindholm, Misty Siedschlaw, Bill Nevin, Bonnie Olson, Tessa Wenner, and Lynn Kennison

Agenda Items:

Call to order

- 1) Approve the minutes of meeting on November 18, 2015
- 2) Consideration of Slover & Loftus law firm contract
- 3) Consideration of Plymouth County, Iowa conservation easement
- 4) Consideration of the revision of paragraph 3 from Guideline No.3 haying, grazing, and farming State owned land
- 5) Update on MRC line project

Chair Yeaton called the regular meeting of the South Dakota State Railroad Board (the "Board") to order at 11:00 AM. with a quorum present (via phone).

- 1) Motion by Anderson, second by Cotton, to approve the November 18, 2015, Railroad Board meeting minutes.

Motion carried by roll call vote (5 aye, 1 abstain [Cope]).

Darin Bergquist, Secretary of the South Dakota Department of Transportation

- 2) Consideration of Slover & Loftus law firm contract

Secretary Bergquist provided the Board with a brief explanation of the Department's request to enter into an agreement with Slover & Loftus LLC. The Department previously entered into an agreement with Slover & Loftus LLC to provide legal

services and represent the State of South Dakota regarding matters related to the sale of the Canadian Pacific line, which included proceedings before the Surface Transportation Board (STB). The current contract expires on December 31, 2015. The Department is requesting to enter into a new agreement with Slover & Loftus LLC to provide legal counsel for services related to filings with the STB for the Napa-Platte rail line.

Cope entered the meeting during the discussion at 11:11 a.m. Chair Yeaton noted that since Cope missed some of the discussion, he would be unable to vote

Motion by Burket, second by Cotton to direct the Secretary of the South Dakota Department of Transportation, or his designee, to execute all documents necessary to enter into an agreement with Slover & Loftus LLC to provide professional legal services for matters relating to the Napa-Platte rail line.

Motion carried by roll call vote (5 aye, 1 abstain [Cope]).

Bruce Lindholm, Office of Air, Rail, and Transit

3) Consideration of Plymouth County, Iowa, conservation easement

Lindholm provided the Board with the details of Plymouth County, Iowa, permanent conservation easement. The easement is necessary to comply with federal wetland mitigation requirements.

Motion by Cope, second by Anderson to direct the Department to enter into a permanent conservation easement with Plymouth County, Iowa, to create a wetland on property owned by Plymouth County, Iowa.

Motion carried by roll call vote (all aye)

4) Consideration of the revision of paragraph 3 from Guideline 3 Haying, Grazing and Farming State owned land

Lindholm addressed the Board and requested the Board to approve amending property management guideline No. 3 to eliminate the requirement for an agriculture permit to be granted to a party other than the adjoining landowner only upon approval of the adjoining landowner, and to allow the Department to issue permits for agricultural purposes to a permit applicant on a first come first serve basis.

Motion by Anderson, second by Cotton to approve revising paragraph 3 of property management guideline No. 3 to read, "An agricultural permit will be granted to a permit applicant on a first come first serve basis."

Motion carried by roll call vote (all aye).

- 5) Lindholm provided the Board with an update on the MRC project. 13 miles of steel has been placed from Reliance towards Kennebec. The Chamberlain to Reliance bridges will be completed by January 1, 2016. The culverts are done. The rip rap still needs to be placed under the bridges, but will need to wait until the ground freezes. Switch material has started to arrive and should be here by Friday, December 18, 2015. The last couple truckloads of bars should be here this week. The Department is working on the contract bid documents for salvage of the bridge lumber the Board previously approved.

The meeting was adjourned at 11:34 a.m. upon a motion for adjournment by Cope, seconded by Burket.

Next meeting is scheduled for January 20, 2016, at 11:00 a.m.