

SOUTH DAKOTA RAILROAD AUTHORITY MEETING MINUTES
FEBRUARY 17, 2021 at 10:45 a.m. CST
BECKER-HANSEN BUILDING / DOT COMMISSION ROOM
700 EAST BROADWAY AVENUE, PIERRE, SOUTH DAKOTA

MEMBERS PRESENT: Jerry Cope, Chairman
Greg Carmon, Member

MEMBER PRESENT

VIA CONFERENCE CALL: Jeff Burket, Vice-chairman
Steve Scharnweber, Secretary/Treasurer
Gary Doering, Member

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Jack Dokken, and Kari Kroll

OTHERS PRESENT: Dick Huff, Alex Huff, Toby Morris, Steve Coomes – WATCO, and
Jimmy Patterson – WATCO

OTHERS PRESENT

VIA CONFERENCE CALL: John LeSuer – Slover & Loftus, Bruce Lindholm, and Heath
Haden – Dakota Southern Railway Company (DSRC)

Chairman Jerry Cope called the meeting of the South Dakota State Railroad Authority (the “Authority”) to order at 10:45 a.m. CST. A roll call was taken, and a quorum was determined.

Cope opened the floor to the Authority members to disclose potential conflicts of interest and to present requests for waiver pursuant to the South Dakota Codified Law (SDCL) chapters 3 – 23.

No conflicts of interest were disclosed, and no waivers were requested.

Cope asked for a motion to approve the December 16, 2020 Authority meeting minutes.

A MOTION WAS MADE by Carmon and seconded by Doering to approve the December 16, 2020 Authority meeting minutes. All present voted aye by roll call vote. The motion carried.

It was explained that January 7, 2008 was the last time that the Authority had met prior to the December 16, 2020 meeting. It was missed at the December meeting to approve the previous meeting’s minutes.

Cope asked for a motion to approve the January 7, 2008 Authority meeting minutes.

A MOTION WAS MADE by Burket and seconded by Carmon to approve the January 7, 2008 Authority meeting minutes. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, presented for the Authority's consideration the conveyance of real property to the Department of Transportation (the "Department"). Engle provided a brief history of the acquisition of the rail lines. The Mitchell to Rapid City ("MRC") railroad line was acquired by the Authority by deeds executed by the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company ("CMSP&P") in 1981. SDCL 49-16B-43 required that once all debts on the MRC line had been satisfied, the Authority convey the MRC line to the Division of Railroads within the South Dakota Department of Transportation (the "Department"). The Authority conveyed the MRC line to the Division of Railroads in 1982. Effective July 1, 1996, SDCL 49-16B-43 was amended to require that conveyances from that date forward be made by the Authority to the Department, rather than the Division of Railroads.

As part of the deed preparation for the proposed sale of the MRC line, the Department has discovered some minor errors or omissions in the deeds from the Authority to the Department. The Department is requesting that the Authority authorize execution of three corrective deeds and one quit claim deed to address these minor errors or omissions, irrespective of whether the sale of the MRC line is finalized.

A MOTION WAS MADE by Doering and seconded by Scharnweber to authorize the chairman of the Authority to execute deeds as set forth in resolution #s 2021-A-1, 2021-A-2, 2021-A-3, and 2021-A-4. All present voted aye by roll call vote. The motion carried.

Cope opened the floor to public input.

Alex Huff shared with the Authority the passing of Gerald "Tub" Harrington, former member and chairman of the Napa Platte Regional Rail Authority.

With no other business to come before the Authority, Cope adjourned the meeting at 10:55 a.m.