

**ECONOMIC DEVELOPMENT FINANCE AUTHORITY
BHR CAPITOL CONFERENCE ROOM B20, 500 E CAPITOL AVE, PIERRE, SD
WEDNESDAY, MARCH 10, 2021**

**10:30 A.M. Central Time or immediately following the Board of Economic
Development Meeting.**

TABLE OF CONTENTS

- A. Regular Session Agenda
- B. Minutes
- C. Executive Agenda
- D. Watchlist
- E. FIMCO, Inc.
- F. Riverview, LLP
- G. Carson Kirby
- H. Bills

Notice is further given to persons with disabilities that this meeting is being held in a physical accessible place. Please notify the above mentioned office within 48 hours of the public hearing if you have special needs for which this agency will make the necessary arrangements.

**ECONOMIC DEVELOPMENT FINANCE AUTHORITY
BHR CAPITOL CONFERENCE ROOM B20, 500 E CAPITOL AVE, PIERRE, SD
WEDNESDAY, MARCH 10, 2021**

Board
Members

Jeff Erickson

Don
Kettering

Sharon
Casey

Tom Jones

Mike Luken

Jim Schmidt

Matt Judson

**10:30 A.M. Central Time or immediately
following the Board of Economic Development Meeting**

EDFA Meeting: Please note times:

Call To Order: _____

Executive Session: _____

Regular Session: _____

Adjournment: _____

Motion Sheet

Agenda

Motion to approve the Agenda as presented.

Motion made by _____ and seconded by _____.

Minutes

Motion to approve the minutes of October 23, 2020 public hearing, January 13, 2021 and March 2, 2021 public hearing, as presented.

Motion made by _____ and seconded by _____.

Public Comments

Commissioners Comments

Executive Session

Motion to enter into executive session to discuss contract matters and commercial and financial information relating to loan and other assistance to applicants.

Motion made by _____ and seconded by _____.

Chairman: Declare board out of executive session. [a.m.]. Chairman: The EDFA entered into executive session to discuss contract matters and commercial and financial information relating to loan and other assistance to applicants. No action was taken.

Motion to approve the chairman's report from executive session.

Motion made by _____ and seconded by _____.

Old Business

FIMCO, Inc.

Motion to approve the waiver of representation with Dorsey & Whitney.

Motion made by _____ and seconded by _____.

FIMCO, Inc.

Motion to approve the bond issue up to \$10,000,000 and Resolution B as presented.

Motion made by _____ and seconded by _____.

Riverview, LLP

Motion to approve Resolution B as presented and approve the bond issue and forthcoming closing documents.

Motion made by _____ and seconded by _____.

New Business

Carson Kirby

Motion to approve the Beginning Farmer Bond to Carson Kirby in the amount up to \$420,000 and passing Resolution A.

Motion made by _____ and seconded by _____.

Bills

Motion to approve the bill payable to US Bank in the amount of \$2,500.

Motion made by _____ and seconded by _____.

Adjourn

Motion made by _____ and seconded by _____.

A

**ECONOMIC DEVELOPMENT FINANCE AUTHORITY
BHR CAPITOL CONFERENCE ROOM B20, 500 E CAPITOL AVE, PIERRE, SD
WEDNESDAY, MARCH 10, 2021**

10:30 A.M. Central Time or immediately following the Board of Economic Development Meeting.

The public may participate by the following:

Call In Number: (669) 900-9128 Meeting ID: 96677988449 Participant Id: # Passcode: 421401
<https://state-sd.zoom.us/j/96677988449?pwd=S1I2bW5wRkd6OWJmVjUza0N2K1pDQT09>
www.zoom.com Meeting ID: 96677988449 Passcode: 421401

REGULAR SESSION AGENDA

- 10:30 A.M. Call To Order, Chairman, Jeff Erickson
- 10:35 A.M. **Approve Agenda**
RECOMMENDED ACTION: Motion to approve Agenda as provided or amended.
- Approve Minutes**
RECOMMENDED ACTION: Motion to approve Minutes as provided or amended.
- Public Comments**
- 10:40 A.M. **Commissioner's Comments**
- 10:45 A.M. **Executive Session**
RECOMMENDED ACTION: Motion to enter into executive session to discuss contract matters and commercial and financial information relating to loan and other assistance applicants.
- 11:05 A.M. **Report from Executive Session**
RECOMMENDED ACTION: Approve Chairman's report from Executive Session.
- Other Motions
FIMCO, Inc.
FIMCO, Inc. Waiver
Riverview, LLP
Carson Kirby
- Bill
US Bank - \$2,500

Notice is further given to persons with disabilities that this meeting is being held in a physically accessible place. Please notify the above mentioned office within 48 hours of the public hearing if you have special needs for which this agency will make the necessary arrangements.

B

**Economic Development Finance Authority
FIMCO, Inc. Public Hearing
Sioux Falls Convention Center 1201 Northwest Ave, Room 12-14
Friday, October 23, 2020, 10:00 a.m. CT**

The Economic Development Finance Authority, convened at 10:02 AM on Friday, October 23, 2020 at the Sioux Falls Convention Center, Rooms 12-14, Sioux Falls, South Dakota.

A motion was made by Jim Schmidt and seconded by Don Kettering to approve the agenda as presented.

The purpose of the meeting was to conduct a public hearing on the proposal for the Authority to issue Agricultural Development Revenue Bonds, for the Project identified below, in the maximum principal amount indicated. The proceeds of the Bonds shall be loaned to the Borrower named below (who will be the owner and operator of the Project) for the purpose of financing a portion of the cost of the Project described below.

Agribusiness Bond Project Number: 5-0017. Project: To purchase equipment and assist in construction of an agricultural manufacturing facility. Maximum Principal: \$10,000,000.00. Owner/Operator: FIMCO, Inc., 200 South Derby Lane, North Sioux City, Union County, South Dakota. Location: 200 South Derby Lane, North Sioux City, SD.

Hearing Officer: Tim Engel, Pierre, South Dakota.

Members of the Board in Attendance: Jeff Erickson, Don Kettering, Tom Jones, Sharon Casey and Jim Schmidt

Members of the Board Via Teleconference: Sharon Casey and Matt Judson

Others in Attendance: Commissioner Steve Westra, Ashley Moore, Cassie Stoesser, LaJena Gruis, Joe Fiala, Terri LaBrie and Cassidy Kulesa

Written Testimony:

No written comments were submitted.

Oral Testimony:

There was no proponent testimony.

There was no opponent testimony.

Adjourn

A motion was made by Mike Luken and seconded by Don Kettering to adjourn the meeting at 10:14 a.m.

Motion passed by a roll call vote.

Respectfully submitted,

Matt Judson, Secretary/Treasurer
Economic Development Finance Authority
Date: 10/23/2020

**Economic Development Finance Authority
BHR Capitol Conference Room B20, 500 E Capitol Ave, Pierre, SD
Wednesday, January 13, 2021, 10:30 a.m. CT**

Members Present

Vice-Chairman Don Kettering, Sharon Casey, Tom Jones, Mike Luken, Jim Schmidt and Matt Judson

Staff Present

Cassie Stoesser, Ashley Moore, LaJena Gruis, Terri LaBrie, Cassidy Kulesa, Dale Knapp and Natalie Likness

Call to Order

Vice-Chairman Kettering called the meeting to order at 10:59 a.m.

Agenda

A motion was made by Matt Judson and seconded by Mike Luken to approve the agenda as presented.

Motion passed by a roll call vote.

Minutes

A motion was made by Jim Schmidt and seconded by Tom Jones to approve the minutes of October 23, 2020 as presented.

Motion passed by a roll call vote.

Public Comment Period – none

Executive Session

A motion was made by Mike Luken and seconded by Tom Jones to enter into executive session at 11:00 a.m. to discuss contract matters and commercial and financial information relating to loan and other assistance to applicants.

Motion passed by a roll call vote.

Executive Session

The Vice-Chairman declared the board out of executive session at 11:06 a.m. The Economic Development Finance Authority entered into Executive Session to discuss contract matters and commercial and financial information relating to loan and other assistance to applicants. No action was taken.

A motion was made by Matt Judson and seconded by Mike Luken to approve the vice-chairman's report from executive session.

Motion passed by a roll call vote.

Old Business

Enclose Manufacturing, Inc.

A motion was made by Mike Luken and seconded by Jim Schmidt to approve the request to payoff the APEX loan over three months as presented.

Motion passed by a roll call vote.

Bills

A motion was made by Jim Schmidt and seconded by Tom Jones to approve the bills payable to Department of Legislative Audit in the amount of \$10,338.05 and US Bank in the amount of \$2,500.

Motion passed by a roll call vote.

Adjourn

A motion was made by Sharon Casey and seconded by Mike Luken to adjourn the meeting at 11:09 a.m.

Motion passed by a roll call vote.

Matt Judson, Secretary/Treasurer

**Economic Development Finance Authority
Riverview, LLP Project #6-0037
Public Hearing
City Hall/Community Center, 115 E Main Street, Bryant, SD
Tuesday, March 2, 2021, 1:00 p.m. CST**

A local public hearing under ARSD 12:22:01:09 concerning Economic Development Finance Authority Project 6-0037 convened at 1:00 PM on Tuesday, March 2, 2021 at the City Hall/Community Center, 115 E Main St., Bryant, SD.

Timothy M. Engel of Pierre, South Dakota, acted as hearing officer.

Present on behalf of the Economic Development Finance Authority was Senior Loan Officer Terri LaBrie.

Others in attendance in person were Winfred Noem, Erik Schafer, Fred Staudy, Rick Metzger, Alex Hohertz, Jeff Davis, Harvey Virechoas, Nate Knobloch, Chris Schafer, Doug Noem, Leland Roe, Terry Schlagel, Brady Jarnza, Tom Walsh, Stephanie Sauder, Isaac Sauder, Debra Laube, and Jon Anderson

Persons in attendance via telephone were Ashley Moore of the Governor's Office of Economic Development and Jason Grubbs of the Frazer Lanier Company. Frazer Lanier Company is the bond underwriting company hired by the owner of the project to assist with the bond issue.

Mr. Engel explained the purpose of the proposed bond issue is to assist in the acquisition and construction of manure collection, processing and disposal facilities associated with a new dairy. The proposed solid waste disposal expenditures include site preparation, concrete collection lanes, lagoons, settling ponds and related equipment to collect, process and dispose of animal waste. The maximum principal amount of the bonds sought to be issued is twenty-five million Dollars. The owner/operator is Riverview LLP, 26406 470th Ave., Morris, MN 56267. The project location is 19287 440th Ave, Bryant SD 57221.

Mr. Engel further explained the purpose of hearing is to take public testimony on the proposal for the Authority to issue an Agricultural Development Revenue Bond for the project as described by him. The proceeds of the Bond shall be loaned to Riverview LLP, which will also be the owner and operator of the project, for the purpose of financing a portion of the cost of the Project.

Mr. Engel first asked for proponent testimony from persons attending in person and on the phone. There was none.

Mr. Engel then asked for opponent testimony from persons attending in person.

Erik Schafer requested an explanation of the bond, what the tax exemption is, and explained he is concerned that the project is completed and now they are asking for a bond after the fact. Ms. LaBrie and Mr. Engel answered these questions and explained the bond and the process, including that the request for issuance of the bond and an inducement resolution were made and adopted before the work to be financed by the bond commenced.

Harvey Virechoas asked about the term of the bond, which question was answered by Jason Grubbs.

Terry Schlagel had a question on the interest rate the bonds will have. Although the rate is not yet determined, Jason Grubbs estimated between 1.5% and 2%. Mr. Schlagel was also concerned that the loan could be converted to a grant and asked if that could happen. Mr. Engel explained the funds that will be loaned are not state funds and thus could not be converted into a state grant.

Leland Roe had a question on the process that was answered by staff.

Chris Schafer indicated that there are several requirements that need to be met to make sure the solid waste costs were verified, and he asked who does that. He also asked about the environmental issues of the project and who from the state is making sure those things are done. Ms. LaBrie reiterated that the underwriter will make sure the project is completed as it was supposed to be, and that numerous others involved, such as the underwriter, bond counsel, underwriter counsel, etc. will make sure the project is completed as expected and that all expenses paid for with bond proceeds are eligible under the Internal Revenue Code. Ms. LaBrie also explained the environmental permit matters are within the jurisdiction of other agencies.

Eric Schafer asked about the total project costs, which question was answered by Ms. LaBrie.

Terry Schlagel asked if this bond is only for this project or could it also be used for future projects. Ms. LaBrie explained the bond is for this project only.

Mr. Engel then asked for questions or comments from persons on the telephone; there none.

Mr. Engel then asked again for questions or comments from those present in person. Hearing none, Mr. Engel declared the hearing adjourned at 1:31 p.m.

Respectfully submitted,

Terri LaBrie
Senior Loan Officer
Governor's Office of Economic Development
3/2/21

H

**Economic Development Finance Authority
March 10, 2021**

BILLS REQUIRING ACTION

US Bank

\$2,500.00



Corporate Trust Services
EP-MN-WN3L
60 Livingston Ave.
St. Paul, MN 55107

Copy of Previously Printed Invoice Number:
Account Number:
Invoice Date:
Direct Inquiries To:
Phone:

[REDACTED]
[REDACTED]
09/11/2020
DAN E. SHEFF
[REDACTED]

**SOUTH DAKOTA ECONOMIC DEVELOPMENT FINANCE AUTHORITY ECONOMIC DEVELOPMENT
REVENUE BONDS POOLED LOAN PROGAM 1990**

The following is a statement of transactions pertaining to your account. For further information, please review the attached.

STATEMENT SUMMARY

PLEASE REMIT BOTTOM COUPON PORTION OF THIS PAGE WITH CHECK PAYMENT OF INVOICE.

TOTAL AMOUNT DUE \$2,500.00

All invoices are due upon receipt.

Please detach at perforation and return bottom portion of the statement with your check, payable to U.S. Bank.

**SOUTH DAKOTA ECONOMIC DEVELOPMENT FINANCE
AUTHORITY ECONOMIC DEVELOPMENT REVENUE
BONDS POOLED LOAN PROGAM 1990**

Invoice Number: [REDACTED]
Account Number: [REDACTED]
Current Due: \$2,500.00

Direct Inquiries To: DAN E. SHEFF
Phone: [REDACTED]

Wire Instructions:
U.S. Bank
ABA # 091000022
Acct # [REDACTED]
Trust Acct # [REDACTED]
Invoice # [REDACTED]
Attn: Fee Dept St. Paul

Please mail payments to:
U.S. Bank
CM-9690
PO BOX 70870
St. Paul, MN 55170-9690