

# **SOUTH DAKOTA AERONAUTICS COMMISSION MEETING MINUTES**

## **Thursday, August 20, 2020 at 2:00 p.m. CDT**

Becker-Hansen Building/Commission Room – 700 E. Broadway Ave, Pierre SD 57501

**COMMISSIONERS PRESENT:** Eric Odenbach, Chairman  
Bob Huggins, Vice-chairman  
Rolf Johnson, Member  
Gerald “Jerry” Rieber, Member  
Dave Luers, Member

**COMMISSIONER PRESENT  
VIA CONFERENCE CALL:** Christopher Funk, Member

**DOT STAFF PRESENT:** Joel Jundt, Jack Dokken, Jon Becker, Tom Koch, Brad Remmich, and Kari Kroll

**DOT STAFF PRESENT:  
VIA CONFERENCE CALL:** Dustin DeBoer and Bonnie Olson

**OTHERS PRESENT  
VIA CONFERENCE CALL:** Steve Hamilton – South Dakota Pilots Association (SDPA);  
Jacob Braunagel – KLJ; and Dave Mingo (City of Yankton)

Chairman Odenbach called the meeting of the South Dakota Aeronautics Commission (the “Commission”) to order at 2:00 p.m. CDT. A roll call was taken to verify a quorum.

\*\*\*\*\*

Odenbach opened the floor to the Commission to disclose potential conflicts of interest and to present requests for waivers pursuant to the South Dakota Codified Law (SDCL) chapters 3 – 23.

Odenbach presented an annual conflict of interest disclosure received from Commissioner Rieber, concerning a conflict which was previously disclosed to the Commission. The Commission acknowledged receipt of Rieber’s annual disclosure of potential conflict of interest, which will be filed with the required state agencies. A copy of the written annual disclosure is attached to and incorporated in these minutes as **Attachment A**.

A MOTION WAS MADE by Luers and seconded by Huggins that the matters disclosed in the annual conflict of interest disclosure are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote, except Rieber who abstained. The motion carried.

Odenbach presented an annual conflict of interest disclosure received from Commissioner Funk, concerning a conflict which was previously disclosed to the Commission. The Commission acknowledged receipt of Funk’s annual disclosure of potential conflict of interest, which will be

filed with the required state agencies. A copy of the written annual disclosure is attached to and incorporated in these minutes as **Attachment B**.

A MOTION WAS MADE by Huggins and seconded by Johnson that the matters disclosed in the annual conflict of interest disclosure are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote, except Funk who abstained. The motion carried.

\*\*\*\*\*

Odenbach asked for a motion to approve the July 16, 2020, Commission meeting minutes.

A MOTION WAS MADE by Rieber and seconded by Luers to approve the July 16, 2020, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

\*\*\*\*\*

Odenbach opened the floor to public input. No members of the public address the Commission or offered input.

\*\*\*\*\*

Dustin DeBoer of the Office of Legal Counsel presented for the Commission consideration the amendment of ARSD 70:02:01:03 and the repeal of ARSD 70:02:01:02; ARSD chapter 70:02:02 – Aerial applicators; ARSD chapter 70:02:03 – Structures affecting aviation; ARSD chapter 70:02:05 – Registration of aircraft; and ARSD chapter 70:02:06 – Pilot and airport employee identification. DeBoer explained the rule adoption process that had been followed as well as the purpose and effect of proposed rule changes. DeBoer reported that no written comments had been received on these proposed rule changes.

No member of the public offered testimony in support of or in opposition to the rule changes.

A MOTION WAS MADE by Luers and seconded by Huggins to approve the amendment of ARSD 70:02:01:03 and the repeal of ARSD 70:02:01:02; ARSD chapter 70:02:02 – Aerial applicators; ARSD chapter 70:02:03 – Structures affecting aviation; ARSD chapter 70:02:05 – Registration of aircraft; and ARSD chapter 70:02:06 – Pilot and airport employee identification. All present voted aye by roll call vote. The motion carried.

\*\*\*\*\*

Deputy Secretary Joel Jundt presented the Secretary's Report. Jundt shared the current status of the federal funding appropriations bill that is expiring at the end of September. The Department of Transportation (the "Department") is anticipating Congress to pass a continuing resolution. The additional stimulus package has been held up while Congress is trying to work out additional details. One part of the funding package that is undecided is any potential additional funding on the airport side and whether it would continue the 100% federal match on Airport Improvement

Program (AIP) grants that is happening through the Coronavirus Aid, Relief, and Economic Security (CARES) Act on 2021 AIP projects.

Jundt also shared that the state revenue that goes into the Aeronautics Trust Fund has bottomed out with no sign of improving. The tax received for fiscal year 2020 on taxation of aircraft is significantly lower than the past few years. Each state agency is currently preparing their budgets that will then be provided to the Governor. The Department is currently working on its 2021 budget.

\*\*\*\*\*

Vice-chairman Huggins brought to the Commission two topics of discussion during the Secretary's Report. He asked the Commission about how to approach the Commission's authority on tall structures and unmanned aircraft systems (UAS)/drones. The Department and the Commission members discussed options and potential for zoning. The Department will provide additional information at the Commission's next meeting.

\*\*\*\*\*

Jon Becker, Office of Aeronautics, presented two fuel tax funding requests.

The first funding request was from the Chan Gurney Field of Yankton in the amount of \$8,300 for a new mower. The airport's current fuel tax balance is \$9,744.17.

A MOTION WAS MADE by Johnson and seconded by Rieber to approve the fuel tax funding request in the amount of \$8,300 for Chan Gurney Field of Yankton for a new mower. All present voted aye by roll call vote. The motion carried.

The second funding request was from the Gettysburg Municipal Airport in the amount of \$665.96 for beacon lights. The airport's current fuel tax balance is \$2,504.01.

A MOTION WAS MADE by Huggins and seconded by Johnson to approve the fuel tax funding request in the amount of \$665.96 for beacon lights at the Gettysburg Municipal Airport. All present voted aye by roll call vote. The motion carried.

\*\*\*\*\*

Becker presented the 2020 Airport Improvement Program (AIP) grants to the Commission for consideration. Becker informed the Commission CARES Act funding will be used to provide the state and local match on the 2020 AIP projects, except the Sioux Falls 3-46-0050-055-2020 project which requires a local match on the funding.

**Aberdeen 3-46-0001-042-2020**

Acquire ARFF mobile foam test cart.

Federal Share	\$35,000.00
State Share	\$
Local Share	\$
Total	\$35,000.00

**Clark County 3-46-0009-013-2020**

Runway and connector taxiway reconstruction.

Federal Share	\$ 2,020,000.00
State Share	\$ 0
Local Share	\$ 0
Total	\$ 2,020,000.00

**Gettysburg 3-46-0017-012-2020**

Acquire and install AWOS-III.

Federal Share	\$ 318,139.00
State Share	\$ 0
Local Share	\$ 0
Total	\$ 318,139.00

**Mobridge 3-46-0038-016-2020**

Replace beacon, beacon tower and foundation. Design apron rehabilitation and taxiway reconstruction.

Federal Share	\$ 205,000.00
State Share	\$
Local Share	\$
Total	\$ 205,000.00

**Sioux Falls 3-46-0050-055-2020**

Reconstruct runway 3/21 approach ends and shoulders; MIRL; runway 21 MALSR bar.

Federal Share	\$ 10,040,465.00
State Share	\$ 557,803.00
Local Share	\$ 557,804.00
Total	\$ 11,156,072.00

State share is \$557,803.00.

**Spearfish 3-46-0065-028-2020**

Design & construct wildlife fence, gates and operators.

Federal Share	\$ 1,700,000.00
State Share	\$
Local Share	\$
Total	\$ 1,700,000.00

A MOTION WAS MADE by Rieber and seconded by Luers to approve the AIP grant funding requests as presented. All present voted aye by roll call vote. The motion carried.

\*\*\*\*\*

With no other business to come before the Commission, Odenbach adjourned the meeting at 3:17 p.m. CDT.