

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, July 27, 2023 at 9:00 a.m. CDT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Jaf Karim, Chairman
Larry Nelson
Ron Rosenboom
Don Roby
Austin Simons
Chris Frick
Kathy Zander
Mike Vehle

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Karla Engle, Mark Leiferman, Joanne Hight, John Keyes, Sam Weisgram, Doug Kinniburgh, Christina Bennett, Jon Suomala, Andrew Dickenson, Sarah Moreno, Katlyn Wieme, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Craig Smith

OTHERS PRESENT: Mark Hoines – Federal Highway Administration (FHWA)

**OTHERS PRESENT
VIA CONFERENCE CALL:** Toby Crow – Association of General Contractors (AGC) and Jason Reaves – American Concrete Pavement Association (SDACPA)

Chairman Jaf Karim called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CDT. A roll call was taken and a quorum was determined.

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

Karim acknowledged the receipt of annual conflict of interest disclosures from Commissioners Nelson, Roby, and Karim which were included as Attachments #1A-C in the Commission packet and are attached to these minutes. No other conflicts of interest were disclosed and no new waivers were requested.

Karim asked for a motion to approve the June 29, 2023 Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the June 29, 2023 Commission meeting minutes. All present voted aye by voice vote. The motion carried.

Karla Engle, Office of Legal Counsel, presented for Commission consideration amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:00 – Interstate Highways speed zone rule and ARSD 70:01:02:27 – Fall River County speed zone rule.

Engle explained the rule adoption process that had been followed to date for the amendments to the rules. She discussed the purpose and effect of the rule changes. Engle reported that no written comments on the rule changes had been timely received.

Engle asked the Commission to edit subsection 1 in the proposed rule for ARSD 70:03:01: to read “sixty-five” instead of 65.

Karim asked for public testimony on the proposed rule amendments. No members of the public offered testimony in support of or in opposition to the rule changes.

A MOTION WAS MADE by Rosenboom and seconded by Zander to approve the amendments and make the further edit to ARSD 70:01:02:00 – Interstate Highways speed zone rule as recommended by Engle. All present voted aye by voice vote. The motion carried.

RESOLUTION #2023 – 7.1 was adopted.

Engle requested the Commission set a hearing date of August 24, 2023, to consider amendments to ARSD 70:01:02:49 Meade County Speed Zone Rule, 70:01:02:62 Union County Speed Zone Rule, and 70:06:03:02 Audits.

A MOTION WAS MADE by Roby and seconded by Simons to set the administrative hearing date for August 24, 2023. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2023 – 7.2 was adopted.

Karim opened the floor to public input.

No members of the public addressed the Commission nor offered input.

Secretary Joel Jundt presented the following items in his Secretary’s Report to the Commission:

- Federal Funding: The Infrastructure Investment and Jobs Act (IIJA)/ Bi-partisan Infrastructure Law (BIL) will expire in 2026. The annual appropriation bill that is needed to fund this legislation will expire September 30, 2023. Although progress is being made in Congress, it is expected that a continual resolution will be passed again this year to fund the federal government.
- State Legislation: The Department of Transportation (the “Department”) is in the early stages of looking to see if any legislation will be proposed by the agency in the 2024 Legislative session.
- Reminder that the September Commission meeting will be in Sioux Falls on September 26 & 27. The Department is putting together a tour for Wednesday morning that may include 41st Street, Benson Road, and Veteran’s Parkway construction projects as well as a tour of Cemcast pipe manufacturer. Also being considered is the I-90 paving project near Humboldt and specific locations near the construction projects to view the development and transportation growth of the city.

Craig Smith, Director of Operations, presented the following informational Construction Change Orders (CCO) to the Commission.

CCOs completed in June contain an increase of \$1,405,090.62. Over the past 12 months, the overall contract increase is 2.67%.

The following projects have a CCO amounting to a contract change more than \$50,000.

MITCHELL REGION

1. Project: IM 2292(108)0, Lincoln & Minnehaha County, PCN 07YD
Location: I-229 from exit 1 to exit 2
Contractor: Central Specialties, Inc
Type of Work: Asphalt concrete resurfacing, NRC pavement repair, partial depth patch, planning PCC pavement

Original Contract Amount:	\$	2,966,084.03
Change on CCO No. 4:	\$	108,115.00
Net Change to Date:	\$	1,512,071.72

Explanation of Change on CCO No. 4: This increase is the result of SDDOT settling a claim submitted by the contractor.

2. Project: IM PH 0293(107)99, Moody & Minnehaha County, PCN 05F9

Location: I-29 Structures - 1 mile north of exit 98

1.2 miles north of Minnehaha County line

3.8 miles south of exit 109

3 miles south of exit 109

Contractor: BX Civil & Construction, Inc.

Type of Work: High friction surface treatment, polymer chip seal, deck repair, curb repair, approach slabs

Original Contract Amount: \$ 5,560,000.00

Change on CCO No. 1: \$ 53,226.37

Net Change to Date: \$ 53,226.37

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for extra work to repair and strengthen the shoulders beyond the approach pavement removal limits at each structure.

3. Project: NH P 0021(175), Brule, Buffalo, Charles Mix, Jerauld County, PCN 07KD

Location: Various routes in the Mitchell area

Contractor: Highway Improvement, Inc.

Type of Work: Asphalt concrete crack sealing

Original Contract Amount: \$ 427,077.71

Change on CCO No. 1: \$ 94,328.84

Net Change to Date: \$ 94,328.84

Explanation of Change on CCO No. 1: This increase is the result of SDDOT adjusting the contract quantity of crack sealing to match the quantity completed during construction. Additional cracks were identified and sealed during construction than was estimated in the plans.

4. Project: P 0042(58)311, Hanson County, PCN 03AN

Location: SD42 7.5 miles east of the Davison County line over the James River

Contractor: Perrett Construction, Ltd.

Type of Work: Structure, approach grading, asphalt surfacing

Original Contract Amount: \$ 7,258,435.18

Change on CCO No. 9: \$ 71,572.77

Net Change to Date: \$ 1,179,198.52

Explanation of Change on CCO No. 9: This increase is the result of SDDOT adjusting the contract quantities of excavation and bridge deck concrete to match as built quantities through normal project variations.

5. Project: P 0044(204)363, Hutchinson & Turner County, PCN 05Q9
Location: SD44 Structures – 15 miles east of SD37 over the James River
9 miles west US81 over Wolf Creek
3.3 miles west of SD19 over SD owned railroad
Contractor: Journey Group Companies
Type of Work: Joint modification, concrete bridge repairs, zone painting

Original Contract Amount:	\$	2,105,698.30
Change on CCO No. 4F:	\$	115,891.40
Net Change to Date:	\$	150,239.40

Explanation of Change on CCO No. 4F: This increase is the result of SDDOT adjusting the contract quantities of asphalt concrete and bridge deck repair to match as built quantities through normal project variations.

6. Project: IM 0905(105)247, Lyman County, PCN 04D5
Location: I-90 EB & WB from west of the SD47 junction to exit 260 at Oacoma
Contractor: Duininck, Inc.
Type of Work: Asphalt concrete resurfacing, heave repair, replace approach slabs and bridge rail, edge drains, polymer chip seal

Original Contract Amount:	\$	13,499,594.86
Change on CCO No. 4:	\$	(362,894.38)
Net Change to Date:	\$	(350,879.77)

Explanation of Change on CCO No. 4: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

PIERRE REGION

7. Project: IM 0905(109)226, Lyman County, PCN 05EF
Location: I-90 – EB & WB from Presho to Reliance
Contractor: Bituminous Paving, Inc.
Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, polymer chip seal, LSDC overlay, approach slabs

Original Contract Amount:	\$	21,484,465.19
Change on CCO No. 14:	\$	52,836.50
Net Change to Date:	\$	1,216,091.14

Explanation of Change on CCO No. 14: This increase is the result of SDDOT compensating the contractor for extra work to repair a failing pipe joint, patch concrete for a heave, and shape an unstable haul road for safety purposes.

8. Project: IM 0905(109)226, Lyman County, PCN 05EF
Location: I-90 – EB & WB from Presho to Reliance
Contractor: Bituminous Paving, Inc.
Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, polymer chip seal, LSDC overlay, approach slabs

Original Contract Amount:	\$	21,484,465.19
Change on CCO No. 15:	\$	329,669.60
Net Change to Date:	\$	1,545,760.74

Explanation of Change on CCO No. 15: This increase is the result of SDDOT compensating the contractor for additional quantities of asphalt binder, class S asphalt concrete, and stabilizing additive for asphalt concrete resulting from errors in the plans which did not include all quantities necessary for work in the contract.

9. Project: NH 0033(37), Tripp County, PCN 089Q
Location: Various locations in the Winner area
Contractor: Bituminous Paving, Inc.
Type of Work: PCC pavement grinding, asphalt concrete surfacing of shoulders

Original Contract Amount:	\$	4,793,586.10
Change on CCO No. 4:	\$	300,040.00
Net Change to Date:	\$	519,100.50

Explanation of Change on CCO No. 4: This increase is the result of SDDOT compensating the contractor for extra work to place asphalt patches in areas where break up was identified by SDDOT.

10. Project: NH EM 0083(74)55, Mellette County, PCN 06L6
Location: US83 from Pony Street in Horse Creek north to White River
Contractor: Border States Paving, Inc
Type of Work: Shared use path construction, lighting

Original Contract Amount:	\$	3,394,608.33
Change on CCO No. 9:	\$	98,975.54
Net Change to Date:	\$	339,514.48

Explanation of Change on CCO No. 9: This increase is the result of SDDOT compensating the contractor for extra work to add additional roadway lightning along the project for the safety of pedestrians.

11. Project: P 0053(11)49, Mellette County, PCN 07YF
Location: SD53 from SD44 north 11 miles
Contractor: Bituminous Paving, Inc.
Type of Work: Full depth reclamation, Otta seal & blotter surfacing

Original Contract Amount:	\$	2,913,162.70
Change on CCO No. 3:	\$	97,212.00
Net Change to Date:	\$	434,711.66

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for extra work to restore a haul road.

12. Project: P 0065(19)164, Corson, Dewey, Ziebach County, PCN 06LO
Location: SD 65 from US 212 to the Grand River
Contractor: Lien Transportation, Co.
Type of Work: Pipe work, erosion control

Original Contract Amount:	\$	1,797,814.28
Change on CCO No. 1:	\$	251,150.00
Net Change to Date:	\$	251,150.00

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the Contractor for extra work to treat 4 additional pipes in poor shape discovered during construction.

13. Project: NH 0031(49), Hughes County, PCN 070C
Location: Various routes in the Pierre area
Contractor: Forby Contracting, Inc.
Type of Work: Pavement restoration

Original Contract Amount:	\$	1,278,965.00
Change on CCO No. 4F:	\$	(60,744.44)
Net Change to Date:	\$	250,672.56

Explanation of Change on CCO No. 4F: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

RAPID CITY REGION

14. Project: PH 0040(233), Rapid City Region, PCN 04RT
Location: Various locations in the Rapid City region
Contractor: Dakota Traffic Services. LLC
Type of Work: Sprayable durable pavement markings, cold applied plastic pavement markings

Original Contract Amount:	\$	512,492.50
Change on CCO No. 1:	\$	199,713.68
Net Change to Date:	\$	199,713.68

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor to install 6" edgelines instead of the 4" edgelines listed on the plans. The change increased the width of grooving and application of new markings. The change is in line with SDDOT's new standard for interstate edge lines.

15. Project: NH 0034(190)55, Meade County, PCN 05RC
Location: SD34- 16.7 miles north of the SD79N junction
Contractor: Martin Construction, Inc.
Type of Work: Bank stabilization, riprap

Original Contract Amount:	\$	1,839,094.82
Change on CCO No. 1:	\$	(256,426.21)
Net Change to Date:	\$	(256,426.21)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT adjusting the contract quantities of riprap to match as built quantities through normal project variations.

Sam Weisgram, Office of Project Development, presented to the Commission the following bid letting results:

July 19, 2023

Signing & Delineation

1	04KD PH 8062(07)	Tripp County
	Hamm Contracting, LLC	\$1,488,162.20
	Various County, City, & Township Roads in Tripp County	

Median & Ramp Crossovers, Shoulder Widening

3	092E IM 0909(97)404	Minnehaha County
	Runge Enterprises, Inc.	\$1,254,979.58
	190 E & W -Fm Exit 402 (Veterans Parkway) to Exit 406 (Corson/Brandon)	

Inslope Restoration

4	06XE NH 0012(273)301	Brown County
	Webster Scale Inc	\$771,553.50
	Various locations on US12 E&W in Brown Co	

A MOTION WAS MADE by Roby and seconded by Zander to approve bids #1, 3, and 4. All present voted aye by voice vote. The motion carried.

Modify Cross Roads

2	04NJ IM 0903(105)131	Jackson, Jones, Lyman County
	Midwest Contracting, LLC	\$1,311,224.71
	Various locations in the Winner Area	

A MOTION WAS MADE by Vehle and seconded by Rosenboom to approve bid #2. All present voted aye by voice vote. The motion carried.

John Keyes, Office of Right of Way, presented for Commission consideration the following items.

1. Abandonment – Deuel County
Request Transportation Commission approval to abandon by resolution the temporary easements on Deuel County Project P-PH 0015(77)155, PCN 04K8.
2. Abandonment – Grant County
Request Transportation Commission approval to abandon by resolution the temporary easements on Grant County Project P-PH 0015(77)155, PCN 04K8.
3. Abandonment – Grant County
Request Transportation Commission approval to abandon by resolution the temporary easements on Grant County Project P-PH 0020(152)439, PCN 04UL.

A MOTION WAS MADE by Nelson and seconded by Simons to approve the abandonment of temporary easements in Grant and Deuel Counties as presented. All present voted aye by voice vote. The motion carried.

RESOLUTION #2023 – 6.3, 2023 – 6.4, and 2023 – 6.5 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented for Commission information the following STIP revisions:

INFORMATIONAL REVISIONS FOR THE COMMISSION

(Work Type change, Cost update, Move Fiscal Year's within the 4-year construction STIP)

REV 23-SC-027 This revision increased the cost of a FY2023 Bridge Replacement project on US14 replacing three structures 2.6 miles, 4.3 miles & 6.4 miles east of Philip Over Grindstone Creek, Over Belcher Creek & Over Wilburn Creek in the Pierre Region. (Sequence # 319, Page # 97 in the 2023-2026 STIP Book).

FY 2023 Plus \$2,959,000
Original = \$9,767,000; Updated = \$12,726,000

REV 23-SC-028 This revision increased the cost of a FY2023 Zone Painting, Paint Superstructure project on various structures on or over I90 in Pennington & Jackson Counties in the Rapid City Region. (Sequence # 419, Page # 114 in the 2023-2026 STIP Book).

FY 2023 Plus \$2,347,000
Original = \$3,053,000; Updated = \$5,400,000

Joanne Hight, Program Manager for the Office of Administration, presented for Commission consideration a request to authorize the Department to make pending Bridge Improvement Grant (BIG) grant distributions for grants awarded from 2018 to the present in accordance with the procedures adopted for fiscal year 2024. .

A MOTION WAS MADE by Rosenboom and seconded by Frick to authorize the Department to make pending BIG grant distributions for grants awarded from 2018 to the present in accordance with the procedures adopted for fiscal year 2024 . All present voted aye by voice vote. The motion carried.

The Commission took a short recess from 9:52 – 10:00 a.m.

Mike Behm, Director of Planning & Engineering, and Andrew Dickinson, Office of Project Development, presented a PowerPoint presentation to the Commission about funding and loans.

Commissioner Mike Vehle requested the Commission discuss loan interest rates at a future meeting.

Secretary Jundt noted that the Department presented at the County Needs Summer Study on July 12, 2023. He mentioned that bridges and roads were part of the discussion.

With no further business to come before the Commission, Chairman Karim adjourned the meeting at 11:07 a.m. CDT.

FRIEBERG, NELSON & ASK, L.L.P.

ATTORNEYS AT LAW

ROBERT B. FRIEBERG
THOMAS H. FRIEBERG
LARRY A. NELSON
BRENDA M. ASK
SAMUEL J. NELSON
AUSTIN J. FELTS

Sender's Address:
206 E. 5th Street
P.O. Box 38
Canton, SD 57013-0038

AUGUST FRIEBERG (1863-1932)
ROSCOE A. FRIEBERG (1903-1982)
BLAINE O. RUDOLPH (1925-2016)

PHONE: (605) 987-2686
FAX: (605) 987-5779
EMAIL: lnelson@frieberglaw.com

June 19, 2023

Joel Jundt, Secretary of Transportation
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

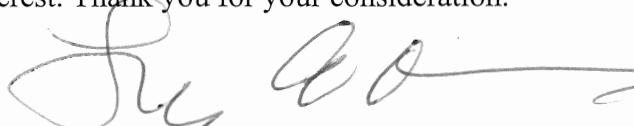
Re: *Conflict of Interest Disclosure*

Dear Secretary Jundt:

This letter is in response to SDCL § 3-23-1 and SDCL § 3-23-2, and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner. I have enclosed the completed Annual Disclosure for Commission Member pursuant to SDCL Chapter 3-23.

I am employed with the law firm of Frieberg, Nelson & Ask, L.L.P. The law firm is providing legal services for the municipalities of Hartford, Worthing, Canton, Alcester, Beresford, Wakonda, and Wagner, all of which are located in South Dakota. Should a situation arise with a SDDOT contract or transaction with any of these municipalities disclosure of any potential conflict will be made at that time.

I will continue to review the agenda items for upcoming Transportation Committee meetings and be forthcoming in any potential conflict of interest. Thank you for your consideration.



LARRY A. NELSON
Commissioner
South Dakota Transportation Commission

LAN/src

CC: Karla Engle, Chief of Legal Counsel, SDDOT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Larry A. Nelson

Name of Board, Authority or Commission: Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	Lincoln County Rural Water Systems, Inc. & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by LCRW for legal services	1996 - Renews yearly
Hired Attorney	City of Canton, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1990 - Renews yearly
Hired Attorney	City of Worthing, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Worthing for legal services	1994 - Renews yearly
Hired Attorney	City of Hartford, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1996 - Renews yearly

Attach additional pages, if necessary.

Please see additional pages attached

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	City of Beresford, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Beresford for legal services	1992 - Renews yearly
Hired Attorney	City of Alcester, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Alcester for legal services	2018 - Renews yearly
Hired Attorney	City of Wagner, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wagner for legal services	2014 – Renews yearly
Hired Attorney	City of Wakonda, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wakonda for legal services	2018 – Renews yearly
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson & Sioux Falls School District 49-5	Hired lobbyist paid by Sioux Falls School District 49-5 for lobbying services	2014 - original contract date, subsequent yearly renewals
Union County Court Appointments for criminal legal services	Samuel J. Nelson and Austin J. Felts of Frieberg, Nelson & Ask, LLP, law firm and Union County	Hired Court Appointed Attorney paid by Union County for legal services to criminal defendants who cannot afford a retained Attorney	January 1, 2016 – original contract date with subsequent renewals – ended in 2022 (One outstanding case)
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson, & The Economic Development Professionals Association	Hired lobbyist paid by The Economic Development Professionals Association for lobbying services.	2020 – original contract date, subsequent yearly renewals.
Hired Attorney	University of South Dakota School of Law & Frieberg, Nelson & Ask, law firm	Hired attorney to provide students with Legal Aid	2023-2024 school year

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

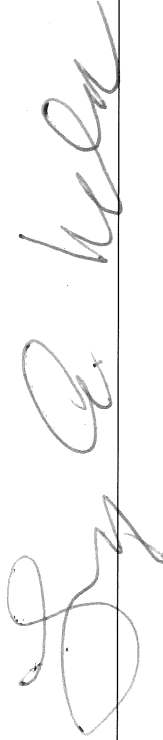
Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Counsel for the Disciplinary Board of South Dakota Bar Association	Thomas H. Frieberg and South Dakota Bar Association	Hired by and paid by Disciplinary Board of South Dakota Bar Association, which Association receives money from the Attorney General's office	Hired June 2018 by President of the Board as determined by President of the Board
Lincoln County Court Appointments for criminal legal services	Brenda M. Ask of Frieberg, Nelson & Ask, LLP, and Lincoln County	Hired by Lincoln County as Court Appointed Attorney paid by Lincoln County for legal services to criminal defendants who cannot afford a retained attorney	Placed on appointment list 2017, appointed as needed by Court
Hired Attorney	Thomas Frieberg of Frieberg, Nelson & Ask, LLP & Beresford School District	Hired Attorney paid by the Beresford School District	Firm has represented since approximately 1960 – Renews yearly
Clay County Court Appointments for criminal legal services	Samuel J. Nelson & Austin J. Felts, of Frieberg, Nelson & Ask, LLP, and Clay County	Hired by Clay County as Court Appointed Attorney paid by Clay County for legal services to criminal defendants who cannot afford a retained attorney	Placed on appointment list December 2018, will be appointed as needed by Court

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member:  Date: 6/19/2023

June 14, 2023

Mr. Jafar Karim
Chairman
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

Re: Conflict of Interest Disclosure

Chairman Karim:

This letter is in response to SDCL 3-23-1 and 3-23-2 and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner.

Some of the businesses in which we have ownership interests have properties near or bordering state highways in South Dakota. In the event an improvement on a state highway could potentially have a material effect on any of these properties, I would disclose that situation.

I will continue to review the agenda items for upcoming Transportation Commission meetings and be forthcoming in any potential conflicts of interest.

Sincerely,



Donald L. Roby
Commissioner
South Dakota Transportation Commission

CC: Joel Jundt, Secretary of Transportation, SDDOT
Karla Engle, Chief Legal Counsel, SDDOT

State Authorities/Boards/Commissions - Annual Disclosure Form

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Donald L. Roby

Name of Board, Authority or Commission: SDDOT Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable

add row

each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

ATTACHMENT B

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

add row

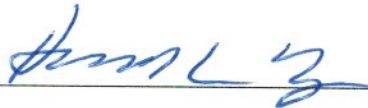
3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: _____



Date: _____

6-14-23

July 19, 2023

Joel Jundt
Secretary
South Dakota Department of Transportation
700 East Broadway
Pierre, SD 57501

RE: Conflict of Interest Disclosure

This letter is in reference to SDCL § 3-23-1 and § 3-23-2, and is intended to certify that neither I, my spouse, nor any entity in which we have an ownership interest derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner.

I am employed by Black Hills Service Company, LLC ("BHSC"). While my employer is not party to any agreement that would require disclosure under South Dakota law, an electric utility affiliate of BHSC, Black Hills Power, Inc., may enter into agreements from time to time related to crossing South Dakota highways, or transmission right of way agreements. These agreements would occur in the normal course of business and generally do not involve the exchange of financial consideration.

Please be advised that I will continue to review the agenda items for upcoming SDDOT commission meetings and will be forthcoming in disclosing any potential conflict of interest, including any potential conflicts of interest involving my employer, or an affiliate of my employer.

Sincerely,



Jafar J. Karim
Commissioner
South Dakota Transportation Commission

CC: Karla Engle, Chief Legal Counsel, SDDOT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: JAFAR KARIM

Name of Board, Authority or Commission: SOUTH DAKOTA TRANSPORTATION COMMISSION

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. **Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law** - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. **Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

Attach additional pages, if necessary.

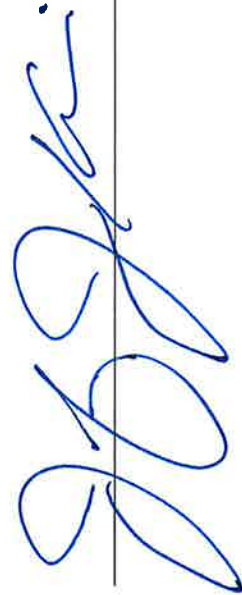
3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: _____



Date: 7.19.2023