

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, April 28, 2022, at 9:00 a.m. CDT

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

COMMISSIONERS PRESENT: Bruce Cull, Chairman
Ron Rosenboom
Larry Nelson
Mike Vehle
Don Roby
Kathy Zander

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Jaf Karim, Vice-chairman
Lynn Jensen

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Mike Behm, Christina Bennett, Joel Gengler, Mark Leiferman, Joseph Sestak, Becky Hoffman, Ryan Johnson, Kyle Weinman, and Kari Kroll

DOT STAFF PRESENT

VIA CONFERENCE CALL: Craig Smith

OTHERS PRESENT: Ryan Brunner – Governor’s Office; Secretary Kevin Robling – Department of Game, Fish & Parks (GFP); and Scott Simpson - GFP

OTHERS PRESENT

VIA CONFERENCE CALL: Office - Association General Contractors (AGC) and Audry Ricketts – South Dakota Department of Veteran Affairs (SDDVA)

Chairman Bruce Cull called the meeting of the South Dakota Transportation Commission (Commission) to order at 9:00 a.m. Central Time. A roll call was taken and a quorum was determined.

Cull 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.

Karla Engle, Office of Legal Counsel, presented a request for waiver and annual disclosure received by Commissioner Larry Nelson concerning a potential conflict of interest. A copy of the disclosure and request for waiver is attached to and incorporated into these minutes as **ATTACHMENT A**. Engle explained that Commissioner Nelson’s law firm seeks to represent new clients who are landowners affected by a Highway 18 project located near Canton, South Dakota. Commissioner Nelson is not participating in his firm’s representation of the landowners. Commissioner Nelson will not receive or review any Commission packet materials relating to these landowners and will recuse himself from any discussion and vote relating to these landowners that might come before the Commission. .

A MOTION WAS MADE by Vehle and seconded by Rosenboom that the matters disclosed in the waiver request are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Nelson who abstained. The motion carried.

Cull asked for any additional conflicts of interest or requests for waiver. No other conflicts of interest were disclosed, and no other waivers were requested.

Secretary Joel Jundt presented to the Commission the Secretary's Report. It included the following items:

- Introduced Ryan Brunner as the new Senior Advisor from the Governor's Office that will be working with the Department of Transportation (the "Department").
- Christina Bennett, Program Manager for the Office of Operations Support, presented for Board consideration, the Fallen Hero Bridge Dedications recommended by a committee that includes members from the Department of Military, Department of Veteran Affairs, and the Department. She shared the committee received 50 applications and, for the second year in a row, have recommended 12 name dedications. The following names and bridges are:

Army Corporal Martin Fluegel	Near Salem
Army Staff Sargent Robert Prue	SD18 bridge – three miles east of Okreek
Army (NG) Staff Sargent Daniel M. Cuka	SD46 – two miles west of intersection of SD46 and SD81
Air Force Captain Tommy L. Callies	SD34 – east edge of Howard
Army Private 1 st Class David Gatton	South of Murdo – Big White River bridge on SD83
Army Sargent James Haider	Big Sioux River bridge on SD212 (Watertown)
Marine Corporal John W. Hutchinson	White River bridge on SD183 – 15 miles south of Presho
Army Sargent Richard R. Maynard	Near Dupree
Army Private Frederic Schroeder	Big Sioux River bridge on SD34 – one mile east of Egan
Navy Seaman 2nd Class Wayne Bridge	Near Wagner
Army Private 1st Class Frederick Farlee	SD212 mile marker 144 – two miles west of Lantry
Army Private August Otto	Westbound Lane SD106 – between Claire City and Hammer

A MOTION WAS MADE by Jensen and seconded by Roby to approve naming the bridges as requested. All present voted aye by roll call vote. The motion carried.

- Consideration of funding for the Department of Game, Fish & Parks (GFP). Jundt introduced GFP Secretary Kevin Robling who shared with the Commission the GFP's annual report of projects completed with the funds from FY22 and the anticipated use of funds for FY23.

A MOTION WAS MADE by Vehle and seconded by Zander to approve funding to GFP in the amount of \$2,800,000 for fiscal year 2023. All present voted aye by roll call vote. The motion carried.

Craig Smith, Director of Operations, presented the following Construction Change Orders (CCOs) for the Commission's information.

CCOs approved in March contain an increase of \$741,556.17. Over the past 12 months, the overall contract increase is 1.15%.

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

ABERDEEN REGION

1. Project: P 0015(83)199, Roberts County, PCN 04XA
Location: SD15 – 1.2 miles west of SD 123 over the north fork of the Whetstone River
4 miles east of I-29
4.8 miles east of I-29
Contractor: Midwest Contracting, LLC
Type of Work: Structures and approach grading

Original Contract Amount:	\$	3,488,643.93
Change on CCO No. 3:	\$	(206,947.58)
Net Change to Date:	\$	(130,138.70)

Explanation of Change on CCO No. 3: This decrease is the result of the Department adjusting the contract quantities of numerous items to match the quantities used during construction. The adjustments are considered normal project variations.

MITCHELL REGION

2. Project: IM 0909(75)402, Minnehaha County, PCN 00WN
Location: I-90 Exit 402 from I-90 to Rice Street
Contractor: Riley Bros Construction, Inc.
Type of Work: Grading, structures

Original Contract Amount:	\$	54,665,168.60
Change on CCO No. 16:	\$	75,746.16
Net Change to Date:	\$	6,023,696.09

Explanation of Change on CCO No. 16: This increase is the result of the Department compensating the Contractor for extra work performed to install a different hanger and conduit detail. The Department ordered the change to provide a more durable installation and to prevent future maintenance issues.

3. Project: IM 0909(75)402, Minnehaha County, PCN 00WN

Location: I-90 Exit 402 from I-90 to Rice Street

Contractor: Riley Bros Construction, Inc.

Type of Work: Grading, structures

Original Contract Amount: \$ 54,665,168.60

Change on CCO No. 23: \$ 64,720.00

Net Change to Date: \$ 6,527,737.81

Explanation of Change on CCO No. 23: This increase is the result of the Department adjusting the Engineer Directed Survey hours from plan quantities to actual used quantities.

4. Project: NH 0050(117)406, Clay County, PCN 04YU

Location: SD 50 – from divided lanes west of Vermillion to divided lanes east of Vermillion

Contractor: Midland Contracting, Inc.

Type of Work: Grading, cold milling asphalt concrete, asphalt concrete surfacing, lighting, structure repair

Original Contract Amount: \$ 6,839,500.50

Change on CCO No. 6: \$ 79,218.62

Net Change to Date: \$ 108,653.22

Explanation of Change on CCO No. 6: This increase is the result of the Department adjusting the quantity of nonreinforced PCC pavement due to a plan error.

5. Project: P 0044(201)276, Gregory County, PCN 05GP

Location: SD 44 – from east of SD 47 to 6.5 miles west of the Platte/Winner bridge

Contractor: Schweigert Construction, Inc.

Type of Work: Landslide repair

Original Contract Amount: \$ 1,295,861.50

Change on CCO No. 3: \$ 50,106.15

Net Change to Date: \$ 168,051.00

Explanation of Change on CCO No. 3: This increase is the result of the Department paying an incentive bonus for the Contractor's timely completion of the project. The Department made the incentive payment in accordance with the contract.

6. Project: P 0044(225)290, Gregory County, PCN 087V
Location: SD 44 - .3 miles west of the Platte/Winner bridge
Contractor: Schweigert Construction, Inc.
Type of Work: Slide repair

Original Contract Amount:	\$	959,902.44
Change on CCO No. 1:	\$	98,947.19
Net Change to Date:	\$	98,947.19

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the Contractor for additional work performed to place additional embankment material. The additional materials were used to fill in a low area on the project.

7. Project: P PH EM 0046(60)347, Clay County, PCN 04J5
Location: SD 46 – from Irene to west of SD 19/19A
Contractor: Central Specialties, Inc.
Type of Work: Shoulder widening, structures, pipe work, spot grading, asphalt concrete surfacing

Original Contract Amount:	\$	11,277,765.88
Change on CCO No. 3:	\$	90,860.10
Net Change to Date:	\$	125,291.19

Explanation of Change on CCO No. 3: This increase is the result of the Department paying an incentive bonus for the Contractor's timely completion of a portion of the project. The Department made the incentive payment in accordance with the contract. Additionally, the Department adjusted the contract quantities of excavation, dust control chlorides, and sand for flush seal due to normal project variations.

PIERRE REGION

8. Project: IM FP 0903(108)163, Jackson County, PCN 04D7
Location: I-90 EBL – from east of Belvidere Exit to west of the Jackson/Jones County line
Structure over I-90 – 2.5 miles southwest of SD 63 north exit
Contractor: Complete Concrete, Inc.
Type of Work: Grading, PCC surfacing, cold milling & asphalt concrete resurfacing, pipe work, approach slabs

Original Contract Amount:	\$	22,771,269.16
Change on CCO No. 5:	\$	230,057.05
Net Change to Date:	\$	987,933.86

Explanation of Change on CCO No. 5: This increase is the result of the Department adjusting the quantities of numerous contract items to match the quantities used during construction through normal project variations.

9. Project: NH EM 0083(74)55, Jones & Mellette County, PCN 04E8
Location: US 83 – from White River to south of Murdo
Contractor: Border States Paving, Inc.
Type of Work: Asphalt concrete surfacing, ADA upgrades

Original Contract Amount:	\$	16,190,104.15
Change on CCO No. 3:	\$	121,361.88
Net Change to Date:	\$	429,361.88

Explanation of Change on CCO No. 3: This increase is the result of the Department compensating the Contractor for the placement of a 1" leveling lift. The leveling lift will provide a more uniform paving surface on the existing patched roadway. The uniform paving surface will also provide a more uniform asphalt mat thickness resulting in improved density and improved final pavement smoothness.

RAPID CITY REGION

10. Project: IM NH 0040(323), Pennington County, PCN 06FY
Location: Various locations in the Rapid City region
Contractor: Complete Concrete, Inc
Type of Work: PCC pavement repair

Original Contract Amount:	\$	512,487.57
Change on CCO No. 5:	\$	100,747.00
Net Change to Date:	\$	237,539.74

Explanation of Change on CCO No. 5: This increase is the result of the Department compensating the Contractor for extra work performed to remove the existing surfacing and replace it with new PCC pavement. During construction, the Department determined the existing thin surfacing section would not hold up to interstate traffic.

Joe Sestak, Access Management Engineer for Aberdeen and Mitchell Regions, presented for Commission consideration a control of access relinquishment in Union County.

A MOTION WAS MADE by Nelson and seconded by Roby to approve the relinquishment of control of access for a driveway on Northshore Drive in North Sioux City, with the special permitting conditions identified by the Department. Commissioners Cull, Jensen, Karim, Nelson, Roby, Rosenboom, and Zander voted aye and Commissioner Vehle voted nay by roll call vote. The motion carried.

RESOLUTION #2022 – 4.1 was adopted.

Becky Hoffman of the Office of Project Development presented the following bid letting results:

April 20, 2022

Wetland Mitigation Bank Site

2	07FK P 00SW(92)	Haakon County
	Dakota Prairie Landscapes, LLC	\$291,633.55
	Haakon County - 15 Miles NW of Midland	

Commercial Vehicle Electronic Screening System

3	08AE NH-HR X006(01)	Pennington County
	Muth Electric, Inc.	\$305,211.20
	SD Highway 79 approximately 3 miles south of Rapid City Limits	

Durable Pavement Marking

5	04RN PH 0010(116)	Brown County
	Dakota Traffic Services, LLC	\$354,033.50
	Various locations on the State System in the Aberdeen Region	

Asphalt Surface Treatment

6	088X NH-P 0023(63)	Hutchinson, Turner, Union County
	The Road Guy Construction Company Inc	\$2,281,044.80
	Various Locations in the Yankton Area	

Rout & Seal

8	07KC P 0013(158)	Kingsbury, Miner County
	Northwest Asphalt & Maintenance	\$73,311.56
	SD25 - Fm Howard to the Miner/Kingsbury Co Line	

Rout & Seal

9	088D, 088F NH 0022(86), NH-P 0023(62)	Bon Homme, Lincoln, Turner, Yankton County
	Northwest Asphalt & Maintenance	\$154,459.32
	Various Routes in the Sioux Falls & Yankton Area	

A MOTION WAS MADE by Roby and seconded by Nelson to approve bids #2, 3, 5, 6, 8, and 9. All present vote aye by roll call vote. The motion carried.

Grading, Asphalt Concrete Surfacing, Pavement Marking & Storm Sewer

1	05F8 PH 8041(20)	Meade, Pennington County
	Nemo Rd - Horizontal curve at Pennington/Meade Co line; Norris Peak Rd - Horizontal curve at intersection with Bogus Jim Rd	

A MOTION WAS MADE by Nelson and seconded by Rosenboom to reject bid #1. All present voted aye by roll call vote. The motion carried.

Pavement Restoration

4	087A NH-P 0041(175)	Meade, Pennington County
	Tru-Form Construction, Inc.	\$614,062.68
	Various Routes in the Rapid City Area	

A MOTION WAS MADE by Vehle and seconded by Zander to approve bid #4. All present vote aye by roll call vote. The motion carried.

Asphalt Surface Treatment

7	088M NH-P 0021(178)	Brule, Buffalo, Charles Mix, Davison, Gregory, Jerauld, McCook, Sanborn County
	Bituminous Paving, Inc.	\$6,026,336.94
	Various Locations in the Mitchell Area	

A MOTION WAS MADE by Roby and seconded by Karim to approve bid #7. All present voted aye by roll call vote. The motion carried.

Joel Gengler, Program Manager for the Office of Right of Way (ROW), presented the following items for the Commission's consideration.

1. Transfer – Minnehaha County

Request Transportation Commission approval to transfer by resolution to city of Sioux Falls the following property acquired for highway right-of-way:

A portion of Russell Street from its interchange with I-29 east to its intersection with West Avenue and thence south to its intersection with 12th Street; all in Sioux Falls, Minnehaha County, South Dakota.

This resolution will transfer a portion Russell Street from its interchange with I-29 east to its intersection with West Avenue and thence south to its intersection with 12th Street in Sioux Falls towards completing Exchange Agreement #710142 between the City of Sioux Falls and Department of Transportation. The highway right of way for this segment would be transferred to the city of Sioux Falls and the city of Sioux Falls would accept ownership, jurisdiction, operational and maintenance responsibilities of the segment.
Sioux Falls Area DOT recommends the transfer.

2. Transfer – Minnehaha County

Request Transportation Commission approval to transfer by resolution to city of Sioux Falls the following property acquired for highway right-of-way:

A portion of North Cliff Avenue from E. Rice St. to the Big Sioux River, in the city of Sioux Falls, Minnehaha County, South Dakota.

This resolution will transfer a portion North Cliff Avenue from E. Rice St. to the Big Sioux River in Sioux Falls towards completing Exchange Agreement #710142 between the City of Sioux Falls and Department of Transportation. The highway right of way would be transferred to the city of Sioux Falls and the city of Sioux Falls would accept ownership, jurisdiction, operational and maintenance responsibilities of the segment.

These parcels were found while researching other highway right of way and were missed on the transfer of right of way for this segment when approved by the Transportation Commission June 2021.

Sioux Falls Area DOT recommends the transfer.

A MOTION WAS MADE by Vehle and seconded by Roby to approve transfers #1 and #2 to the city of Sioux Falls. All present vote aye by roll call vote. The motion carried.

RESOLUTIONS #2022 – 4.2 and 2022-4.3 were adopted.

3. Abandonment – Bennett County

Request Transportation Commission approval to abandon by resolution the temporary easements on Bennett County Project NH-PH 0018(198)173, PCN 04XH.

4. Abandonment – Brown County

Request Transportation Commission approval to abandon by resolution the temporary easements on Brown County DOT Project P 0010(123)273, PCN 03AM.

5. Abandonment – Haakon County

Request Transportation Commission approval to abandon by resolution the temporary easements on Haakon County DOT Project NH-P 0031(29), PCN 042G.

6. Abandonment – Lake County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lake County DOT Project NH 0034(163)387, PCN 03TC.

7. Abandonment – Lawrence County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lawrence County DOT Project NH 014A(15)41, PCN 04FA.

8. Abandonment – Lawrence County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lawrence County DOT Project NH 014A(14)38, PCN 04FX.

9. Abandonment – Lincoln County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lincoln County Project NH 0018(232)447, PCN 04PC.

10. Abandonment – Minnehaha County

Request Transportation Commission approval to abandon by resolution the temporary easements on Minnehaha County DOT Project P 0115(51)104, PCN 03RT.

11. Abandonment – Minnehaha County

Request Transportation Commission approval to abandon by resolution the temporary easements on Minnehaha County DOT Project IM 0293(102)98, PCN 04A8.

12. Abandonment – Pennington County

Request Transportation Commission approval to abandon by resolution the temporary easements on Pennington County DOT Project P 016A(14)55, PCN 04PG.

13. Abandonment – Stanley County

Request Transportation Commission approval to abandon by resolution the temporary easements on Stanley County DOT Project NH-P 0031(29), PCN 042G.

A MOTION WAS MADE by Rosenboom and seconded by Vehle to approve the abandonment of temporary easements in Bennett, Brown, Haakon, Lake, Lawrence (2), Lincoln, Minnehaha (2), Pennington, and Stanley Counties. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2022-4.4, 2022-4.5, 2022-4.6, 2022-4.7, 2022-4.8, 2022-4.9, 2022-4.10, 2022-4.11, 2022-4.12, 2022-4.13, and 2022-4.14 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following Statewide Transportation Improvement Plan (STIP) revisions for the Commission's information:

INFORMATIONAL REVISIONS FOR THE COMMISSION

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

- REV 22-030 This revision advanced a FY2023 Shared Use Path project in Spearfish to FY2022 in the Rapid City Region. (Sequence #456, Page 115 in the 2022-2025 STIP Book).
- FY 2022 Plus \$782,000
 FY 2023 Minus \$782,000
- REV 22-SC-018 This revision added “Norris Peak Rd – Horizontal curve at intersection with Bogus Jim Rd” to the location description to a FY2022 Horizontal Curve modification project on a local route in Meade and Pennington Counties in the Rapid City Region. (Sequence #542 & 655, Page 129 & 145 in the 2022-2025 STIP Book).
- FY 2022 No Change
- REV 22-SC-019 This revision increased the cost of a FY2022 Asphalt Surface Treatment project on Various Locations in the Mitchell Area in the Mitchell Region. (Sequence #105, 112, 146, 222, 307, 419, 518 & 791, Page 55, 57, 62, 76, 91, 110, 125 & 160 in the 2022-2025 STIP Book).
- FY 2022 Plus \$1,312,000
- Original = \$3,788,000; Updated = \$5,100,000
- REV 22-SC-020 This revision increased the cost of a FY2022 Scour Protection project on structures on US85 and SD79 in Butte and Lawrence Counties in the Rapid City Region. (Sequence #123 & 450, Page 58 & 115 in the 2022-2025 STIP Book).
- FY 2022 Plus \$1,202,000
- Original = \$734,000; Updated = \$1,936,000
- REV 22-SC-021 This revision increased the cost of a FY2022 Rout & Seal project on Various Routes in the Winner Area in the Pierre Region. (Sequence #404, 563 & 953, Page 107, 132 & 177 in the 2022-2025 STIP Book).
- FY 2022 Plus \$341,000
- Original = \$159,000; Updated = \$500,000

Mike Behm, Director of Planning & Engineering, shared with the Commission the retirement of Joe Feller, Program Manager for the Department's Office of Materials & Surfacing. Behm noted that Feller's successor is Tanner Fitzke.

Behm also shared that Marc Clausen of the Federal Highway Administration (FHWA) has taken another position. Behm wanted to acknowledge the great work Clausen had done with the Department.

Cull opened the floor to public or Commission input. No members of the public addressed the Commission or offered input.

Secretary Jundt informed the Commission there would be a discussion about new federal bridging funding at the May 26, 2022, meeting. He also indicated the Commissioners could expect a tour of the Pierre-Fort Pierre bridge construction site in the coming months.

With no further business to come before the Commission, Cull asked for a motion to adjourn the meeting.

A MOTION WAS MADE by Roby and seconded by Vehle to adjourn the meeting. All present voted aye by roll call vote. The meeting was adjourned at 10:31 a.m. CDT.

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

ATTORNEYS AT LAW

ROBERT B. FRIEBERG
THOMAS H. FRIEBERG
LARRY A. NELSON
BRENDA M. ASK (SD & IA)
SAMUEL J. NELSON

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

April 26, 2022

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 a supplemental response to my July 23, 2021 Conflict of Interest Disclosure and in response to SDCL § 3-23-1 and SDCL § 3-23-2. The letter is intended to address whether I or my wife, 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 an employee in the law firm of Frieberg, Nelson & Ask, L.L.P. Thomas H. Frieberg, a partner attorney with the firm, was recently retained by Kirk and Cheryl Rikansrud, homeowners on Hwy 18 located in rural Canton, South Dakota.

I have enclosed the completed the Supplemental Disclosure for Commission Member pursuant to SDCL Chapter 3-23, and Supplemental Request for State Board Waiver pursuant to SDCL Chapter 3-23.

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

STATE OF SOUTH DAKOTA
TRANSPORTATION COMMISSION

REQUEST FOR STATE BOARD WAIVER
PURSUANT TO SDCL 3-23-3

THIS IS A PUBLIC DOCUMENT

Date: April 26, 2022 _____

Name of Board Member or Former Board Member: Larry A. Nelson

Name of Board, Authority, or Commission: South Dakota Transportation Commission

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

Kirk and Cheryl Rikansrud, South Dakota residents, and SD Department of Transportation

b) Board Member's role in the contract

I am an employee with the law firm of Frieberg, Nelson & Ask, LLP. Thomas H. Frieberg, a partner in the firm is being retained to advise Kirk and Cheryl Rikansrud. I do not represent nor do I participate in the representation of Kirk and Cheryl Rikansrud in the contract matter.

c) Purpose and objective of the contract

I am informed that the SDDOT have approached the Rikansruds for the purchase of property from them, including their homestead, in relation to the construction project of US Highway 18, Lincoln County, known as NH0018.

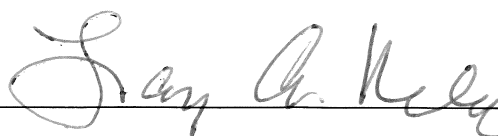
d) Consideration or benefit conferred or agreed to be conferred upon each party

I am informed that Thomas H. Frieberg will be paid by the Rikansruds for his legal work and that the Rikansruds will receive compensation from the State of South Dakota for the sale of their property.

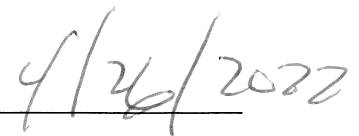
e) Duration of the contract

April, 2022 to a date unknown at this time.

Signature of Requesting Party: _____



Date _____



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:

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. **Contract 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
Homeowners Kirk and Cheryl Rikansrud for legal representation in the sale of property to the State of SD for work to be completed on the widening and improving of Highway 18 between Interstate 29 and Canton, Lincoln County	Thomas H. Frieberg, attorney with Frieberg, Nelson & Ask, LLP and Kirk and Cheryl Rikansrud, Sellers of property to the State of SD, DOT	I am an employee of the firm Frieberg, Nelson & Ask, LLP. Thomas H. Frieberg is a partner in the firm and paid by Kirk and Cheryl Rikansrud to provide legal services related to the sale to the SDDOT.	April 2022

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 4/26/2022