

# **SOUTH DAKOTA AERONAUTICS COMMISSION MEETING**

**Thursday, July 21, 2022, at 2:00 p.m. CDT**

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

## **COMMISSIONERS PRESENT**

**VIA CONFERENCE CALL:** Bob Huggins, Vice-chairman  
Christopher Funk  
Kassidy Nelson  
Dave Luers  
Rolf Johnson  
Jerry Rieber  
Eric Odenbach (joined at 2:38 p.m.)

**DOT STAFF PRESENT:** Kellie Beck, Jack Dokken, Tom Koch, Nancy Hiller, Kyle Weinman, and Kari Kroll

## **DOT STAFF PRESENT**

**VIA CONFERENCE CALL:** Joel Jundt and Dustin DeBoer

## **OTHERS PRESENT**

**VIA CONFERENCE CALL:** Steve Hamilton – South Dakota Pilots Association (SDPA) and Jake Braunagel – KLJ

Vice-chairman Bob Huggins called the meeting of the South Dakota Aeronautics Commission (the “Commission”) to order at 2:00 p.m. CDT. A roll call was taken and a quorum was determined.

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Huggins opened the floor to the Commission to disclose potential conflicts of interest and to present request for waiver pursuant to the South Dakota Codified Law (SDCL) Chapter 3 – 23.

Dustin DeBoer acknowledged the submission of annual conflicts of interest disclosures from Commissioners Funk, Johnson, Odenbach, and Rieber which were included as **Attachments A-D** in the Commission packet. A revision to #1-D was also to the board as Handout “Updated 1D.” No other conflicts of interest were disclosed and no new waivers were requested.

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Huggins asked for a motion to approve the June 16, 2022 Commission meeting minutes.

A MOTION WAS MADE by Rieber and seconded by Nelson to approve the June 16, 2022 Commission meeting minutes. All voted aye by roll call vote. The motion carried.



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

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Secretary Jundt presented the Secretary's Report to the Commission. He shared the following items:

1. The Department of Transportation (the "Department") is gathering budgetary information for the Department's upcoming presentation to the legislature.
2. The Federal fiscal year ends September 30, 2022. It is not expected that an appropriations bill will be passed by that time. The Department estimates that the appropriations bill will be passed after the 1<sup>st</sup> of 2023, which means the Department will not know how much money is available for grant funding until that time.

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Jack Dokken, Program Manager for the Office of Air, Rail & Transit, presented for Commission consideration the following 2022 Airport Improvement Program (AIP) and Bipartisan Infrastructure Law (BIL) funding application:

**Highmore 3-46-0046-012-2022**

Design construction of apron expansion (approx.. 2500 Yd<sup>2</sup>) and reconstruction, seal coat and remark pavements, 3600'x60' runway, 3600'x35' taxiway and connectors.

Federal Share	\$ 49,410.00
State Share	\$ 2,745.00
Local Share	\$ 2,745.00
Total	\$ 54,900.00

**Hoven 3-46-0021-015-2022**

Design lighting improvements including replacement of MIRL, PAPIs, beacon, wind cone and archeological survey.

Federal Share	\$ 67,500.00
State Share	\$ 3,750.00
Local Share	\$ 3,750.00
Total	\$ 75,000.00

**Mobridge 3-46-0038-018-2022**

AIP – Design, construct administration/construction, observation, FAA closeout, construction for jet A fuel system including fuel tank, credit card reader and dispenser.

Federal Share	\$ 685,000.00
State Share	\$ 0
Local Share	\$ 77,435.87
Total	\$ 762,435.87



**Mobridge 3-46-0038-019-2022**

BIL – Design, construct administration/construction, observation, FAA closeout, construction for jet A fuel system including fuel tank, credit card reader and dispenser.

Federal Share	\$ 123,807.72
State Share	\$ 0
Local Share	\$ 13,756.41
Total	\$ 137,564.13

**Onida 3-46-0041-016-2022**

Construct runway 13/31 and reconstruct turnaround on 13's end.

Federal Share	\$ 3,321,000.00
State Share	\$ 184,500.00
Local Share	\$ 184,500.00
Total	\$ 3,690,000.00

**Pierre 3-46-0044-048-2022**

Rehabilitate runway 7/25, install HIRL, electrical homerun replacement. Includes flight check and cultural monitoring.

Federal Share	\$ 7,130,700.00
State Share	\$ 187,650.00
Local Share	\$ 187,650.00
Total	\$ 7,506,000.00

A MOTION WAS MADE by Rieber and seconded by Funk to approve all projects as presented in Attachment #3. All present voted aye by roll call vote. The motion carried.

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Nancy Hiller, Office of Air, Rail, & Transit, presented to the Commission the following amendments to state funding on past AIP projects. The following airport grants received federal funding amendments and are requesting the state share for these grants increase accordingly.

**Belle Fourche Municipal Airport AIP #3-46-0072-12-2019** – Rehabilitate Airport Access Road and Public Parking Lot

	<b>Federal (90%)</b>	<b>State (5%)</b>
Final project	\$236,691.00	\$13,149.51
Original grant	\$217,755.00	\$12,097.50
Change	\$18,936.00	\$1,052.01

The Department recommends approval of a state grant amendment in the amount of \$1,052.01.



**Harding County Airport AIP #3-46-0006-08-2019 – Construct Terminal and Snow Removal Equipment Building**

	<b>Federal (90%)</b>	<b>State (5%)</b>
Final project	\$427,964.00	\$23,775.81
Original grant	\$426,005.00	\$23,666.94
Change	\$1,959.00	\$108.87

The Department recommends approval of a state grant amendment in the amount of \$108.87.

**Bison Municipal Airport AIP #3-46-0003-10-2018 – Improve Auto Parking Lot and Access Road**

	<b>Federal (90%)</b>	<b>State (5%)</b>
Final project	\$195,411.00	\$10,856.18
Original grant	\$189,000.00	\$10,500.00
Change	\$6,411.00	\$356.18

The Department recommends approval of a state grant amendment in the amount of \$356.18.

**Huron Regional Airport AIP #3-46-0022-37-2019 – Reconstruct Runway lighting, REILs, Guidance Signs and Remarkings due to Magnetic Deviation Change**

	<b>Federal (90%)</b>	<b>State (5%)</b>
Final project	\$689,775.00	\$38,320.84
Original grant	\$637,505.00	\$35,416.94
Change	\$52,270.00	\$2,903.90

The Department recommends approval of a state grant amendment in the amount of \$2,903.90.

A MOTION WAS MADE by Luers and seconded by Johnson to approve all the amendments to state funding as presented in Attachment #4. All present voted aye by roll call. The motion carried.

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Hiller also shared with the Commission the results of the 2022 International Aviation Art Contest. She noted that the South Dakota winner in Category III or 14-17 Age Group went on to win 2<sup>nd</sup> place in the senior category in the 2022 U.S. Youth Aviation Art Contest supported by the National Association of State Aviation Officials.



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Dustin DeBoer, Office of Legal Counsel, presented to the Commission for their information a memorandum concerning the Federal Aviation Administration (FAA) preemption regarding air navigation hazards per request from Commissioner Huggins at the May 2022 meeting. Commissioner Huggins requested Department staff and the legal office review the current statutes, state regulations and federal regulations to determine if there may be areas of regulation in which the Aeronautics Commission may play a more active role in reviewing or approving structures which may pose air navigation hazard, with an emphasis on wind turbine installations.

Chairman Eric Odenbach joined the meeting at 2:38 p.m.

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With no further business to come before the Commission, Huggins adjourned the meeting at 3:06 p.m. CDT.



# 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: Christopher Funk

Name of Board, Authority or Commission: SD Aeronautics 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



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
Hangar Land Lease	Brookings, SD Airport	4096 sq ft Land Lease	2014
Employee of SDSU	SDSU	Employed by SDSU	Sept 2011-Present

[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: Christopher Funk

Date: 7/8/2022



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

THIS IS A PUBLIC DOCUMENT

Name of Member: Rolf Johnson

Name of Board, Authority or Commission: South DAKOTA Aeronautics 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:

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- 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:

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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
HANGAR LOT LEASE	CITY OF ABERDEEN SD AND ROLF JOHNSON	40x48 ft hangar on City Owned lot leased to myself. I own the structure	

*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:

Bry Johnson

Date:

6-24-2022



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

THIS IS A PUBLIC DOCUMENT

Name of Member: Edu Odenbach  
Name of Board, Authority or Commission: Aeronautics 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.

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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable
Hangar Lot LEASE	City of Eureka ERIC ODENZACH	I LEASE A LOT AT THE EUREKA AIRPORT FOR MY AIRPLANE HANGAR	JULY 2018

*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.*

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Signature of Member:  Date: 6-16-22



# 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: Gerald Rieber

Name of Board, Authority or Commission: DOT Aeronautics 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:

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Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
Board memeber Watertown Regional Airport	Rieber/ City of Watertown	Unpaid volunteer board memeber	2019



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
Lease Arrangement with LATC	Rieber/ Lake Area Technical College	I own an aircraft leased to LATC for their flight training program	2019

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

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: 7/10/2022

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