

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, March 24, 2022, at 9:00 a.m. CDT

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

COMMISSIONERS PRESENT: Bruce Cull, Chairman
Jaf Karim, Vice-chairman
Larry Nelson
Mike Vehle
Don Roby
Lynn Jensen

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:** Ron Rosenboom
Kathy Zander (joined 9:01 a.m. / left 9:51 a.m.)

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Mike Behm, Ryan Johnson, Jon Suomala, Joel Gengler, Mark Leiferman, Sam Weisgram, Rick Gordon, Steve Johnson, Kyle Weinman, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Mark Peterson

**OTHERS PRESENT
VIA CONFERENCE CALL:** Kirk Fredrichs – Federal Highway Administration (FWHA) and Marc Clausen (FHWA)

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.

Commissioner Kathy Zander joined the meeting at 9:01 a.m.

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 long-time 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 Roby 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 a motion to approve the February 24, 2022 Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the February 24, 2022 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Cull asked for a motion to approve the March 10, 2022 Commission meeting minutes.

A MOTION WAS MADE by Jensen and seconded by Roby to approve the March 10, 2022 Commission meeting minutes. All present voted aye by roll call vote. 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.

Karla Engle, Office of the Legal Counsel, presented for Commission consideration amendments to Administrative Rules of South Dakota (ARSD) 70:01:02:26 - Edmunds County Speed zone rule.

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

Cull 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 change.

A MOTION WAS MADE by Vehle and seconded by Roby to approve the proposed changes to ARSD 70:01:02:26 – Edmunds County Speed zone rule. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2022 – 3.1 was adopted.

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

- Update on Federal funding – On March 15, 2022 President Biden signed the Consolidated Appropriations Act of 2022, which provides full-year funding through September 30, 2022 for projects and activities of the Federal Government. The Act includes funding that will help the implementation of the Infrastructure Investment and Jobs Act, Public Law No. 117-58, November 15, 2021 (also known as "Bipartisan Infrastructure Law ["BIL"]). The Department will start to receive funding under the BIL for previously established programs while new programs continue to be developed. Jundt explained the

process of how the federal funds are paid for state construction projects for the Commission's clarification. With the BIL, three additional grant funding opportunities were advertised that the Department will pursue – INFRA (Infrastructure For Rebuilding America), Mega (National Infrastructure Project Assistance program), and Rural (Rural Surface Transportation) Grants. The Mega and Rural Grants are both new grants provided by the BIL

- Update on State Legislation – HB1281 was passed by the Senate and the House of Representatives. Jundt discussed the bill.
- Federal Funding and Local Governments – with the new funding from BIL, there is a twenty-one percent (21%) increase over last year in available formula funding. Historically, the Commission has provided the same increase in Statewide Transportation Block Grant Program (STBGP) allocation to the now 18 Class I cities (includes Tea which is new this year) and the 66 counties.

A MOTION WAS MADE by Nelson and seconded by Karim to approve a 21% increase in STBGP allocation to Class I cities and all counties. All voted aye by roll call vote. The motion carried.

- Jundt introduced Mike Behm, Director of Planning & Engineering, to give an update on the Department's Electronic Vehicle (EV) Plan in accordance with the National Electronic Vehicle Infrastructure (NEVI) Program. Behm shared there are currently 20 individuals on the advisory group. The kick-off was held on March 14, 2022 to begin the process of requesting proposals for a consultant to assist the Department with preparing a plan.
- Jundt invited comments from the Commission about when to compensate Commission members for travel to public meetings, events, conferences and other gatherings. The Commission asked the Department to propose recommendations for the April 28, 2022, Commission meeting.

Ryan Johnson, Division of Operations, presented the following Construction Change Orders (CCOs) to the Commission for their information.

CCOs approved in February contain an increase of \$82,224.28. Over the past 12 months, the overall contract increase is 2.40%.

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

ABERDEEN REGION

1. Project: PH 8039(16), Kingsbury County, PCN 02UM
Location: Various county roads in Kingsbury County
Contractor: Hamm Contracting, LLC
Type of Work: Signing and delineation

Original Contract Amount:	\$	1,444,940.90
Change on CCO No. 1:	\$	(61,573.50)
Net Change to Date:	\$	(61,573.50)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting the contract quantities prior to construction resulting from plan errors identified by the Contractor.

MITCHELL REGION

2. Project: ER-P 0038(52)330, McCook County, PCN 07N9

Location: SD 38 - 1.5 miles west of junction with US81 over the west fork of the Vermillion River

Contractor: Grangaard Construction, Inc.

Type of Work: Structure and approach grading

Original Contract Amount:	\$	3,612,797.96
Change on CCO No. 2:	\$	223,800.00
Net Change to Date:	\$	293,200.00

Explanation of Change on CCO No. 2: This increase is the result of the Department making an incentive payment to the Contractor for completing the project early. The incentive payment was made in accordance with the Special Provision for Contract Time.

3. Project: IM FP 0908(95)362, McCook County, PCN 05HP

Location: I-90 EBL from 2 miles west of Salem interchange to 2 miles west of Humboldt

Contractor: Reede Construction, Inc.

Type of Work: Remove and replace PCC pavement, pipe work, replace structures & approach grading, deck overlay, approach slabs, polymer chip seal

Original Contract Amount:	\$	37,412,446.36
Change on CCO No. 7:	\$	202,384.80
Net Change to Date:	\$	(277,389.67)

Explanation of Change on CCO No. 7: This increase is the result of the Department compensating the Contractor for extra work performed to place a deck overlay. The deck overlay was necessary to correct a plan error.

4. Project: NH 0050(100)411, Clay and Union County, PCN 023V

Location: SD 50 WBL from Vermillion to the end of the divided lanes west of I-29

Contractor: Reede Construction, Inc.

Type of Work: Grading and PCC surfacing

Original Contract Amount:	\$	11,056,344.80
Change on CCO No. 4:	\$	51,545.76
Net Change to Date:	\$	486,037.00

Explanation of Change on CCO No. 4: This increase is the result of the Department adjusting numerous contract quantities. Larger increases were made for asphalt concrete, asphalt binder, and excavation. The changes were made to match the quantities used during construction due to normal project variations.

5. Project: NH 0018(179)402, Hutchinson and Turner County, PCN 036L

Location: US 18 from US 81 to SD 19

Contractor: Bowes Construction, Inc.

Type of Work: Grading, structures, interim surfacing, permanent signing

Original Contract Amount:	\$	17,483,650.16
Change on CCO No. 12F:	\$	(77,876.84)
Net Change to Date:	\$	(1,257,661.99)

Explanation of Change on CCO No. 12F: This decrease is the result of the Department adjusting the contract quantity of unclassified excavation due to an error in the plans.

6. Project: P 0048(12)371, Union County, PCN 05EQ

Location: SD 48 from I-29 to east of Iowa state line & Structure on SD 48 - 1.5 miles east of SD 11 over east Union Creek

Contractor: Knife River Midwest, LLC

Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, intersection improvements, pipe work, berm repair & rip rap

Original Contract Amount:	\$	6,769,998.70
Change on CCO No. 3:	\$	(264,657.88)
Net Change to Date:	\$	244,870.16

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

7. Project: P 1358(05), Minnehaha County, PCN 05JE

Location: 26th Street from Cleveland Avenue to west of Southeastern Avenue in Sioux Falls

Contractor: D&G Concrete Construction, Inc.

Type of Work: Grading, storm sewer, curb & gutter, PCC & asphalt concrete surfacing, signals, lighting, permanent signing, sidewalk

Original Contract Amount:	\$	23,990,635.29
Change on CCO No. 9:	\$	(120,093.37)
Net Change to Date:	\$	601,029.05

Explanation of Change on CCO No. 9: This decrease is the result of the Department eliminating a temporary box culvert from the contract. The Contractor's chosen sequence of work eliminated the need for a temporary box culvert.

8. Project: P TAPU(23), Lincoln County, PCN 06Y5

Location: Harrisburg, north side of Willow Street from east of SD115 to east of Columbia Street

Contractor: Runge Enterprises, Inc.

Type of Work: Shared use path

Original Contract Amount:	\$	913,875.57
Change on CCO No. 5F:	\$	(59,820.47)
Net Change to Date:	\$	(65,277.67)

Explanation of Change on CCO No. 5F: This decrease is the result of the Department adjusting the contract quantity of Contractor furnished borrow excavation. A design change during construction eliminated the need for a portion of the fill material between Cliff Avenue and the shared use path.

PIERRE REGION

9. Project: P 0248(15)225, Lyman County, PCN 07C3

Location: SD 248 from US 83 to Reliance

Contractor: Bituminous Paving, Inc

Type of Work: Asphalt concrete resurfacing

Original Contract Amount:	\$	8,338,450.78
Change on CCO No. 1:	\$	122,503.03
Net Change to Date:	\$	122,503.03

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the Contractor for extra haul. A shortage of base course material at the plan designated source resulted in the need to haul state furnished material from two other sources at a longer distance.

10. Project: NH 0014(209)190, Stanley County, PCN 04WK

Location: US 14 from SD 34 to east of Hayes

Contractor: Bituminous Paving, Inc.

Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, structures, culvert repair

Original Contract Amount:	\$	7,525,920.45
Change on CCO No. 10F:	\$	(557,580.34)
Net Change to Date:	\$	(520,449.05)

Explanation of Change on CCO No. 10F: This decrease is the result of the Department adjusting numerous contract items. Larger adjustments were made for excavation, asphalt concrete, various granular items, and pavement marking. The adjustments were made to match the quantities used during construction through normal project variations. Additionally, the Department made a fuel cost adjustment (burner fuel) in accordance with the contract due to the variations in quantities of asphalt concrete used.

RAPID CITY REGION

11. 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. 3:	\$	100,264.98
Net Change to Date:	\$	102,744.98

Explanation of Change on CCO No. 3: This increase is the result of the Department compensating the Contractor for extra work performed to stabilize poor subgrade material revealed during testing after the original contract repairs. The poor subgrade was stabilized by adding foam injections under the concrete surface.

12. Project: P 0020(172)66, Perkins County, PCN 05RX

Location: SD 20 from east of Prairie City to SD 73

Contractor: Border States Paving, Inc

Type of Work: Cold milling asphalt concrete

Original Contract Amount:	\$	8,310,020.48
Change on CCO No. 4:	\$	165,287.34
Net Change to Date:	\$	176,709.34

Explanation of Change on CCO No. 4: This increase is the result of the Department adjusting the contract quantity of asphalt binder. The Contractor selected and Department verified target binder content was higher than estimated in the plans.

13. Project: P 0020(172)66, Perkins County, PCN 05RX

Location: SD 20 from east of Prairie City to SD 73

Contractor: Border States Paving, Inc

Type of Work: Cold milling asphalt concrete

Original Contract Amount:	\$	8,310,020.48
Change on CCO No. 5:	\$	236,266.00
Net Change to Date:	\$	412,975.34

Explanation of Change on CCO No. 5: This increase is the result of the Department making an incentive payment for pavement smoothness in accordance with the contract.

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

March 16, 2022

Grading, Interim Surfacing, Replace Structure (7x4 CIP or Precast RCBC, 4-12x12 CIP RCBC, 3-10x7 CIP or Precast RCBC)

1	00XM P 0047(111)203	Walworth County
	Central Specialties, Inc	\$15,779,720.03
	SD47 - Fm SD20 to US12	

Structure (332' Steel Girder), Gravity Large Concrete Block Wall, Approach Grading, Curb & Gutter, Asphalt Concrete Surfacing

2	01QA IM-B 2291(01)10	Minnehaha County
	Grangaard Construction Inc	\$6,500,005.66
	60th Street North in Sioux Falls	

Shared Use Path

6	07RH P TAPU(29)	Pennington County
	Ti-Zack Concrete, Inc.	\$824,920.52
	Box Elder – along Briggs St from Patriot Dr to Libery Blvd, along Libery Blvd from Briggs St to N Ellsworth Rd, along N Ellsworth Rd from Libery Blvd to Frontage Rd	

A MOTION WAS MADE by Roby and seconded by Vehle to approve bids # 1, 2, 6. All present voted aye by roll call vote. The motion carried.

Structure (92' Prestressed Girder Bridge) & Approach Grading

3	01DX BRF 6140(08)	Tripp County
	Prahm Construction, Inc.	\$1,344,500.20
	Structure 2.9 miles north of Witten over Cottonwood Creek	

A MOTION WAS MADE by Karim and seconded by Vehle to approve bid #3. All present voted aye by roll call vote. The motion carried.

Asphalt Surface Treatment

4	088G P 0011(157)	Edmunds, McPherson County
	Bituminous Paving, Inc.	\$1,393,879.95
	Various Routes in the Aberdeen Area	

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

Asphalt Surface Treatment

5	088U P 0012(293)	Brookings, Hamlin County
	Bituminous Paving, Inc.	\$1,057,145.35
	Various Locations in the Watertown Area	

A MOTION WAS MADE by Jensen and seconded by Nelson to approve bid #5. 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. Request Transportation Commission approval to dispose of the following SDDOT right-of-way property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01.

Lot H1 in the SW1/4 SW1/4 of Section 17, Township 92 North, Range 50 West of the 5th P.M., Union County, South Dakota. (Containing 1.22 acres, more or less)

Appraised Value: \$1,220

The property is located adjacent to Interstate 29 and south of the Exit 26 DOT Junction City maintenance complex. Access is from vacated section lines and I29 future access is not allowed. Yankton Area DOT requests the property disposal.

A MOTION WAS MADE by Roby and seconded by Jenson to approve the disposal of property in Union County. All present voted aye by roll call vote. The motion carried.

2. Request Transportation Commission approval to dispose of the following SDDOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01.

That portion of Tract A lying between Railroad and Lot H1 of Roth Subdivision in the NE1/4 NE1/4 of Section 9, Township 3 North, Range 6 East of the B.H.M., Meade County, South Dakota. (Containing 1.59 acres, more or less)

Appraised Value: \$1,000

The above property is located at the intersection of Deerfield Road northwest of Piedmont near I90 Exit 44. The properties are excess from DOT project IM 0901(108)44, PCN 3465. No access will be allowed to I90. County setback requirements restrict development, and this uneconomic remnant has no zoning. Rapid City Area DOT requests disposal.

3. Request Transportation Commission approval to dispose of the following SDDOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01.

Lot A in the E1/2 SE1/4 of Section 4, Township 3 North, Range 6 East of the B.H.M., Meade County, South Dakota. (Containing 2.24 acres, more or less)

Appraised Value: \$1,000

The above property is located at the intersection of Deerfield Road northwest of Piedmont near I90 Exit 44. The properties are excess from DOT project IM 0901(108)44, PCN 3465. No access will be allowed to I90. County setback requirements restrict development, and this uneconomic remnant has no zoning. Rapid City Area DOT requests disposal.

A MOTION WAS MADE by Nelson and seconded by Roby to approve the disposals of property in Meade County noted as Items #2 and #3. All present voted aye by roll call vote. The motion carried.

4. Abandonment – Aurora County

Request Transportation Commission approval to abandon by resolution the temporary easements on Aurora County Project P 0042(70)280, PCN 02R0.

5. Abandonment – Clay County

Request Transportation Commission approval to abandon by resolution the temporary easements on Clay County DOT Project P-PH 0046(47)356, PCN 025D

6. Abandonment – Haakon County

Request Transportation Commission approval to abandon by resolution the temporary easements on Haakon County DOT Project NH 0034(186)154, PCN 05DY.

7. Abandonment – Haakon County

Request Transportation Commission approval to abandon by resolution the temporary easements on Haakon County DOT Project NH 0034(186)154, PCN 05TN.

8. Abandonment – Lincoln County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lincoln County Project P-PH 0046(47)356, PCN 025D.

9. Abandonment – Stanley County

Request Transportation Commission approval to abandon by resolution the temporary easements on Stanley County DOT Project NH 0014(209)190, PCN 04WK.

10. Abandonment – Turner County

Request Transportation Commission approval to abandon by resolution the temporary easement on Turner County DOT Project P-PH 0046(47)356, PCN 025D.

A MOTION WAS MADE by Jensen and seconded by Nelson to approve the abandonment of temporary easements in Aurora, Clay, Haakon, Haakon, Lincoln, Stanley, and Turner Counties, noted as items #4 through #10. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2022 – 3.2, 2022 – 3.3, 2022 – 3.4, 2022 – 3.5, 2022 – 3.6, 2022 – 3.7, and 2022 – 3.8 were adopted.

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

FOR COMMISSION APPROVAL

(to add or delete a project in the 4-year construction STIP)

REV 22-025 This revision will add a FY2022 Statewide project for the Development of the State Electric Vehicle Infrastructure Deployment Plan.

FY 2022 Plus \$520,000

A MOTION WAS MADE by Roby and seconded by Vehle to approve STIP revision REV 22-025. All present voted aye by roll call vote. The motion carried.

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

Commissioner Larry Nelson addressed the Commission about HB 1281.

Secretary Jundt asked the Commission for future information items. He suggested an autonomous vehicle discussion. The Commission asked for EV plan updates at future meetings.

With no further business to come before the Commission, Cull adjourned the meeting at 9:07 a.m. CST.

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

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

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March 14, 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. Brenda Ask, a partner attorney with the firm, was recently retained by Cory and Breanna Garbers, 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: _____

3/14/2022

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

Cory and Breanna Garbers, South Dakota residents, and SD Department of Transportation.

b) Board Member's role in the contract

I am an employee attorney with the law firm of Frieberg, Nelson & Ask, LLP. Brenda M. Ask, an attorney with the firm is being retained to advise Cory and Breanna Garbers. I do not represent, nor do I participate in the representation of, Cory and Breanna Garbers in the contract matter.

c) Purpose and objective of the contract

I am informed that SDDOT has provided a contract to Cory and Breanna Garbers to purchase their property in relation to the construction project of Hwy 18, Lincoln County, known as NH0018.


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

I am informed that Brenda M. Ask will be paid by Cory and Breanna Garbers for her legal work. Cory and Breanna Garbers may receive compensation from the State of South Dakota for the sale of the real property.

e) Duration of the contract

March, 2022 to a date unknown at this time.

Signature of Requesting Party: _____



Date _____

3/14/2022

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
Corey and Breanna Garbers, homeowners for advisement related to the SDDOT purchasing their real property related to work on SD Hwy 18 in rural Canton, SD	Brenda M. Ask, attorney with Frieberg, Nelson & Ask, LLP and attorney for Corey and Breanna Garbers; SDDOT as purchaser	I am an employee attorney with the firm of Frieberg, Nelson and Ask. Brenda M. Ask, Attorney with the same law firm, is a Partner attorney for and paid by Corey and Breanna Garbers to advise them and perform legal work in relation to the contract.	March 2022

Attach additional pages, if necessary.

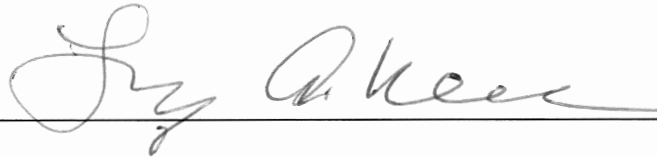
3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3.23-3.1.

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 _____

3/14/2022