

# **SOUTH DAKOTA AERONAUTICS COMMISSION MEETING**

Thursday, March 17, 2022 at 2:00 p.m. CDT via conference call

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

## **COMMISSIONERS PRESENT**

### **VIA CONFERENCE CALL:**

Eric Odenbach, Chairman  
Robert Huggins, Vice-chairman  
Rolf Johnson  
Dave Luers  
Jerry Rieber

### **DOT STAFF PRESENT:**

Joel Jundt, Kellie Beck, Jack Dokken, Jon Becker, Tom Koch, Nancy Hiller, Jenny Boehm, and Kari Kroll

### **DOT STAFF PRESENT**

### **VIA CONFERENCE CALL:**

Dustin DeBoer, Brad Remmich, and Kyle Weinman

### **OTHERS PRESENT:**

Bob Mercer – KELOLAND News

### **OTHERS PRESENT**

### **VIA CONFERENCE CALL:**

Steve Hamilton – South Dakota Pilots Association (SDPA); Dan Letellier – Sioux Falls Regional Airport; Brooke Edgars – Helms & Associates; Michael Bollweg; Jim Malters – Malters, Shepherd & Von Holtum Attorneys at Law; Andrea Goebel - South Dakota Aviation Association; Terry Barber; and Dean Mehlhaff

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

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Odenbach 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.

No conflicts of interest were disclosed. No waivers were requested.

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Odenbach asked for a motion to approve the February 17, 2022 Commission meeting minutes.

A MOTION WAS MADE by Johnson and seconded by Huggins to approve the February 17, 2022 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

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Odenbach opened the floor to public input.

Jim Malters of Malters, Shepherd & Von Holtum Attorneys at Law spoke on behalf of his client, Michael Bollweg, to request the Commission take a stance on the issue of building large wind turbines in western Hyde and eastern Hughes County near his property.

Dustin DeBoer, Office of Legal Counsel, shared with the Commission his understanding of current laws regarding this topic based on the documents shared by Mr. Malters and Mr. Bollweg.

The Commission asked the Department of Transportation (the “Department”) to thoroughly review the testimony provided by Dr. Cody Christensen, in Attachment #2, then provide legal opinions for the Commission on further action.

A MOTION WAS MADE by Rieber and seconded by Huggins to schedule a special meeting of the Commission on April 6, 2022 at 8:00 a.m. at the Becker-Hansen Building in Pierre to review legal opinions. All present voted aye by roll call vote. The motion carried.

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Secretary Joel Jundt presented the following items for the Secretary’s Report:

- 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.
- South Dakota HB1281 passed both houses and was sent to the Governor. If it is signed into law, it means that all federal funds for any new program or any current program that commits the department to change a policy must be heard by a special appropriation committee of legislators and approved by them before being allocated and expended by the Department. Jundt discussed the bill and elaborated on the concerns.

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Jon Becker, Office of Air, Rail, & Transit, presented to the Commission the current list of projected FY2022 Capital Improvement Program (CIP) projects that would qualify for Airport Improvement Program (AIP) grants with the new 5% match based on the action taken by the Commission at the February 24, 2022 Commission meeting.

Becker also shared that with the passing of the BIL, new funding will become available for CIP projects that will be processed separate from AIP grants.

A MOTION WAS MADE by Luers and seconded by Johnson to pre-approve the projected AIP projects listed on 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 for consideration an amendment the 2019 Pavement Maintenance AIP #3-46-4600-25-2019 grant. The federal grant amount was increased to reflect final as-build measured quantities for construction, in turn, the state share would increase accordingly.

A MOTION WAS MADE by Rieber and seconded by Luers to amend the state match grant to AIP #3-46-4600-25-2019 in the amount of \$799.78. All present vote aye by roll call vote. The motion carried.

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Vice-chairman Huggins brought to the Commission attention on page 9 of Attachment #2 where noted the "Commission made comment", it should have read "a personal comment from him and not a reflection of the Commission."

With no other business to come before the Commission, Odenbach adjourned the meeting at 3:08 p.m. CDT.