

SOUTH DAKOTA AERONAUTICS COMMISSION MEETING MINUTES

Thursday, August 20, 2020 at 2:00 p.m. CDT

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

COMMISSIONERS PRESENT: Eric Odenbach, Chairman
Bob Huggins, Vice-chairman
Rolf Johnson, Member
Gerald “Jerry” Rieber, Member
Dave Luers, Member

**COMMISSIONER PRESENT
VIA CONFERENCE CALL:** Christopher Funk, Member

DOT STAFF PRESENT: Joel Jundt, Jack Dokken, Jon Becker, Tom Koch, Brad Remmich, and Kari Kroll

**DOT STAFF PRESENT:
VIA CONFERENCE CALL:** Dustin DeBoer and Bonnie Olson

**OTHERS PRESENT
VIA CONFERENCE CALL:** Steve Hamilton – South Dakota Pilots Association (SDPA);
Jacob Braunagel – KLJ; and Dave Minto (City of Yankton)

Chairman 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 to verify a quorum.

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

Odenbach presented an annual conflict of interest disclosure received from Commissioner Rieber, concerning a conflict which was previously disclosed to the Commission. The Commission acknowledged receipt of Rieber’s annual disclosure of potential conflict of interest, which will be filed with the required state agencies. A copy of the written annual disclosure is attached to and incorporated in these minutes as **Attachment A**.

A MOTION WAS MADE by Luers and seconded by Huggins that the matters disclosed in the annual conflict of interest disclosure are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote, except Rieber who abstained. The motion carried.

Odenbach presented an annual conflict of interest disclosure received from Commissioner Funk, concerning a conflict which was previously disclosed to the Commission. The Commission acknowledged receipt of Funk’s annual disclosure of potential conflict of interest, which will be

filed with the required state agencies. A copy of the written annual disclosure is attached to and incorporated in these minutes as **Attachment B**.

A MOTION WAS MADE by Huggins and seconded by Johnson that the matters disclosed in the annual conflict of interest disclosure are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote, except Funk who abstained. The motion carried.

Odenbach asked for a motion to approve the July 16, 2020, Commission meeting minutes.

A MOTION WAS MADE by Rieber and seconded by Luers to approve the July 16, 2020, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

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

Dustin DeBoer of the Office of Legal Counsel presented for the Commission consideration the amendment of ARSD 70:02:01:03 and the repeal of ARSD 70:02:01:02; ARSD chapter 70:02:02 – Aerial applicators; ARSD chapter 70:02:03 – Structures affecting aviation; ARSD chapter 70:02:05 – Registration of aircraft; and ARSD chapter 70:02:06 – Pilot and airport employee identification. DeBoer explained the rule adoption process that had been followed as well as the purpose and effect of proposed rule changes. DeBoer reported that no written comments had been received on these proposed rule changes.

No member of the public offered testimony in support of or in opposition to the rule changes.

A MOTION WAS MADE by Luers and seconded by Huggins to approve the amendment of ARSD 70:02:01:03 and the repeal of ARSD 70:02:01:02; ARSD chapter 70:02:02 – Aerial applicators; ARSD chapter 70:02:03 – Structures affecting aviation; ARSD chapter 70:02:05 – Registration of aircraft; and ARSD chapter 70:02:06 – Pilot and airport employee identification. All present voted aye by roll call vote. The motion carried.

Deputy Secretary Joel Jundt presented the Secretary's Report. Jundt shared the current status of the federal funding appropriations bill that is expiring at the end of September. The Department of Transportation (the "Department") is anticipating Congress to pass a continuing resolution. The additional stimulus package has been held up while Congress is trying to work out additional details. One part of the funding package that is undecided is any potential additional funding on the airport side and whether it would continue the 100% federal match on Airport Improvement

Program (AIP) grants that is happening through the Coronavirus Aid, Relief, and Economic Security (CARES) Act on 2021 AIP projects.

Jundt also shared that the state revenue that goes into the Aeronautics Trust Fund has bottomed out with no sign of improving. The tax received for fiscal year 2020 on taxation of aircraft is significantly lower than the past few years. Each state agency is currently preparing their budgets that will then be provided to the Governor. The Department is currently working on its 2021 budget.

Vice-chairman Huggins brought to the Commission two topics of discussion during the Secretary's Report. He asked the Commission about how to approach the Commission's authority on tall structures and unmanned aircraft systems (UAS)/drones. The Department and the Commission members discussed options and potential for zoning. The Department will provide additional information at the Commission's next meeting.

Jon Becker, Office of Aeronautics, presented two fuel tax funding requests.

The first funding request was from the Chan Gurney Field of Yankton in the amount of \$8,300 for a new mower. The airport's current fuel tax balance is \$9,744.17.

A MOTION WAS MADE by Johnson and seconded by Rieber to approve the fuel tax funding request in the amount of \$8,300 for Chan Gurney Field of Yankton for a new mower. All present voted aye by roll call vote. The motion carried.

The second funding request was from the Gettysburg Municipal Airport in the amount of \$665.96 for beacon lights. The airport's current fuel tax balance is \$2,504.01.

A MOTION WAS MADE by Huggins and seconded by Johnson to approve the fuel tax funding request in the amount of \$665.96 for beacon lights at the Gettysburg Municipal Airport. All present voted aye by roll call vote. The motion carried.

Becker presented the 2020 Airport Improvement Program (AIP) grants to the Commission for consideration. Becker informed the Commission CARES Act funding will be used to provide the state and local match on the 2020 AIP projects, except the Sioux Falls 3-46-0050-055-2020 project which requires a local match on the funding.

Aberdeen 3-46-0001-042-2020

Acquire ARFF mobile foam test cart.

Federal Share	\$35,000.00
State Share	\$
Local Share	\$
Total	\$35,000.00

Clark County 3-46-0009-013-2020

Runway and connector taxiway reconstruction.

Federal Share	\$ 2,020,000.00
State Share	\$ 0
Local Share	\$ 0
Total	\$ 2,020,000.00

Gettysburg 3-46-0017-012-2020

Acquire and install AWOS-III.

Federal Share	\$ 318,139.00
State Share	\$ 0
Local Share	\$ 0
Total	\$ 318,139.00

Mobridge 3-46-0038-016-2020

Replace beacon, beacon tower and foundation. Design apron rehabilitation and taxiway reconstruction.

Federal Share	\$ 205,000.00
State Share	\$
Local Share	\$
Total	\$ 205,000.00

Sioux Falls 3-46-0050-055-2020

Reconstruct runway 3/21 approach ends and shoulders; MIRL; runway 21 MALSR bar.

Federal Share	\$ 10,040,465.00
State Share	\$ 557,803.00
Local Share	\$ 557,804.00
Total	\$ 11,156,072.00

State share is \$557,803.00.

Spearfish 3-46-0065-028-2020

Design & construct wildlife fence, gates and operators.

Federal Share	\$ 1,700,000.00
State Share	\$
Local Share	\$
Total	\$ 1,700,000.00

A MOTION WAS MADE by Rieber and seconded by Luers to approve the AIP grant funding requests as presented. All present voted aye by roll call vote. The motion carried.

With no other business to come before the Commission, Odenbach adjourned the meeting at 3:17 p.m. CDT.

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

THIS IS A PUBLIC DOCUMENT

Name of Member: Gerald Rüber

Name of Board, Authority, or 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
Watertown Airport Board	City of Watertown	Volunteer Board member no Direct Compensation no financial interest	2-25-20
Watertown School District Lake Area Technical College	Spouse is school board member Gerrits	Elected - nominal compensation Admission Advisor Board member - volunteer position	

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
Dry lease Cessna 150L	Lake Area Technical College @ GMR Aviation	Provide Cessna 150L to Lake Area Technical College via dry lease below current market rates for use in Aviation Training program -	3/2020

Attach additional pages, if necessary.

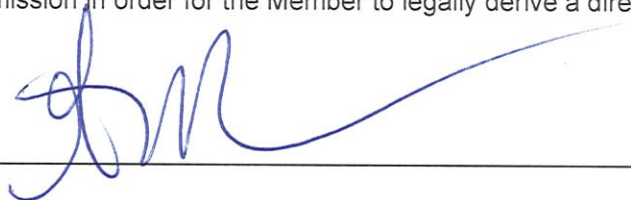
3. **Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services** – Provide the following for each such entity. See SDCL 3.23-3.1.

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 _____

7/20/20

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

THIS IS A PUBLIC DOCUMENT

Name of Member:

Christopher Furl

Name of Board, Authority, or 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
Land Lease	Brookings SD Airport Christopher Furtak	4096 Sq Ft Land Lease	2014
Employee of SDSU	SDSU Christopher Furtak	Employed By SDSU	Sept 2011 - Present

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 _____

7-22-2020