

**TRANSPORTATION COMMISSION MEETING MINUTES
JULY 27, 2017 – 9:30 A.M.
BECKER-HANSEN BUILDING – 700 EAST BROADWAY
PIERRE, SD**

COMMISSIONERS PRESENT: Ron Rosenboom, Chairman
Kyle White, Vice Chairman
Don Roby, Member
Kathy Zander, Member
Mike Vehle, Member
Rod Fouberg, Member
Ralph Marquardt, Member

DOT STAFF PRESENT: Darin Bergquist, Joel Jundt, Karla Engle, Laurie Schultz, Doug Kinniburgh, Joel Gengler, Mark Leiferman, Julie Bolding, Ryan Johnson, Gaven Motschenbacher, Christina Bennett, Steve Johnson, Sam Weisgram, Becky Janssen, Bonnie Olson, and Patricia Saukel

OTHERS PRESENT: Rick Vallery – Congresswoman Noem; and Kirk Fredrichs – FHWA SD Division Administrator

Chairman Rosenboom called the meeting of the Transportation Commission (the "Commission") to order at 9:32 a.m. Roll call was taken and a quorum was determined.

Chairman Rosenboom asked for a motion to approve the minutes of June 29, 2017.

A MOTION WAS MADE by Roby to approve and seconded by White. All present voted aye by voice vote. The motion carried.

Chairman Rosenboom asked for a motion to approve the minutes of July 18, 2017.

A MOTION WAS MADE by Fouberg to approve and seconded by Vehle. All present voted aye by voice vote. The motion carried.

Karla Engle, Office of Legal Counsel, made a presentation about the new conflict of interest laws relating to boards and commissions.

After Engle's presentation relating to the updates to the conflict of interest laws, Chairman Rosenboom opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waivers pursuant to South Dakota Codified Law (SDCL) chapter 3-23.

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

A public hearing was conducted to consider adopting amendments to *ARSD Chapter 70:12:02, Highway Bridge Improvement Plan Requirements and ARSD Chapter 70:13:01, Local Bridge Improvement Grant Requirements*. Written comments from Chad Hanisch and Maureen Wegenke, both members of the South Dakota Transportation Advisory Committee, were brought to the attention of the commission.

Laurie Schultz, Program Manager of of the Office of Administration, discussed the proposed changes to ARSD Chapter 70:12:02, Highway Bridge Improvement Plan Requirements. No members of the public appeared at the hearing to offer testimony in support of or in opposition to the proposed rule changes.

A MOTION WAS MADE by Roby and seconded by Marquardt to approve the proposed changes to ARSD Chapter 70:12:02. All present voted aye by voice vote. The motion carried.

Schultz discussed the proposed changes to ARSD Chapter 70:13:01, Local Bridge Improvement Grant Requirements. No members of the public appeared at the hearing to offer testimony in support of or in opposition to the proposed rule changes.

A MOTION WAS MADE by Marquardt and seconded by Zander to approve the proposed changes to ARSD Chapter 70:13:01. All present voted aye by voice vote. The motion carried.

RESOLUTION #2017-07.01 was adopted.

Engle asked the Commission to set a public hearing for August 24, 2017, to consider proposed amendments to the following speed zone rules:

- 70:01:02:01 – Minnehaha County speed zone rule
- 70:01:02:06 – Brookings County speed zone rule
- 70:01:02:44 – Lincoln County speed zone rule
- 70:01:02:67 – Todd County speed zone rule

A MOTION WAS MADE by Foubert to set the public hearing date as requested. The motion was seconded by Roby. All present voted aye by voice vote. The motion carried.

RESOLUTION #2017-07.02 was adopted.

Secretary Bergquist presented the Secretary's Report. Bergquist shared with the Commission an invitation to an event celebrating the construction of a road in Yankton County that had received a loan approved by the Commission. The Dakota Plains Ag Center LLC and the Industrial Rail Park in Yankton is having a grand opening on Thursday, September 7, 2017, at 11:00 a.m. The Governor will be attending.

Bergquist also presented a discussion item to the Commission regarding the start time of the Commission meetings. Bergquist has had conversations with various Commission members desiring a change to the start time of Commission meetings. There was a consensus among the Commission members to change the start time for future Commission meetings to 9:00 a.m. beginning with the August meeting. The Chair announced this change would be implemented.

Bergquist presented to the Commission a time capsule. The time capsule was sealed on July 24, 1997, to be opened on the 100th anniversary of the Department of Transportation (the "DOT"). Secretary Bergquist handed the key to Chairman Rosenboom after explaining that it had been sealed in glass and it was broken but not opened for the meeting a few days prior. The Chair opened the box, which contained a laminated letter written by then-Governor Janklow congratulating the DOT on their 100th anniversary, another laminated letter written by then-Secretary Wheeler, a list of DOT personnel, the 1997 STIP, a South Dakota 1997 road map, and several other items. Secretary Bergquist said there will be discussion among staff regarding preparation of another time capsule and possibly discussion at the next Commission meeting.

Deputy Secretary Joel Jundt, brought before the Commission two jurisdictional transfer requests involving Charles Mix County and the City Wagner. Jundt recommended approval of the jurisdictional transfers.

A MOTION WAS MADE by Roby to approve the jurisdictional transfer of a portion of SD Highway 50 (393rd Avenue to 394th Avenue) to Charles Mix County and seconded by Marquardt. All present voted aye by voice vote. The motion carried.

A MOTION WAS MADE by Vehle to approve the jurisdictional transfer of a portion of SD Highway 50 (394th Avenue to Highway 46) to the City of Wagner. The motion was seconded by Marquardt. All present voted aye by voice vote. The motion carried.

Ryan Johnson, Specifications Engineer, Division of Operations, presented the following information regarding Construction Change Orders to the Commission. Johnson noted that there was a correction on project #1 where the location should be "South of Bad River Bridge in Ft. Pierre" and *not* US 83.

Construction change orders approved in June contain an increase of approximately \$1,321,588.

Over the past 12 months, the overall contract increase is 2.65%.

The following projects have a Construction Change Order (CCO) amounting to a contract change in excess of \$50,000.

ABERDEEN REGION

There are no CCOs amounting to a change of \$50,000 to report this period.

MITCHELL REGION

There are no CCOs amounting to a change of \$50,000 to report this period.

PIERRE REGION

- I. Project: NH 0083(84)96, Lyman County, PCN 04WP
Location: South of Bad River Bridge in Ft. Pierre to Lyman/Stanley Co. Line
Contractor: Duininck Inc.
Type of Work: Micro-Milling Asphalt Concrete, Asphalt Concrete Resurfacing,
Pipe & Erosion Repair, & Rumble Strips/Stripes

Original Contract Amount: \$ 11,965,195.70
Change on CCO No. 4: \$ 67,878.18
Net Change to Date: \$ 557,595.91

Explanation of Change on CCO No. 4: This increase is the result of extra work ordered by the Department. Due to the existing condition of the in place asphalt pavement, the Department required the Contractor to micro-mill and pave asphalt concrete in the curb and gutter section on the US 83 bypass in Pierre. The existing condition of the in place asphalt concrete required corrective measures prior to placing the final asphalt concrete pavement.

- II. Project: IM 0903(91)174, Jackson County, PCN 020K
Location: I-90 from Exit 170 to Exit 191
Contractor: Reede Construction, Inc.
Type of Work: PCC Surfacing, PCC Overlay, AC Resurfacing of Ramps, Guardrail,
& Permanent Vehicle Classification System

Original Contract Amount: \$ 17,573,321.10
Change on CCO No. 10F: \$ 124,731.78
Net Change to Date: \$ 595,778.35

Explanation of Change on CCO No. 10F: This increase is the result of the Department adjusting various contract quantities to match the actual quantities used during construction. The adjustments are considered normal variations. Larger increases were made for Contractor furnished borrow, special permanent seed mixture, and mulching. The Department considers these increases normal variations based on the type of work.

RAPID CITY REGION

- III. Project: P 014A(13)11, Lawrence County, PCN 03RV
Location: US14A from Spearfish to Savoy
Contractor: Simon Contractors of SD dba Hills Materials Co.
Type of Work: Asphalt Concrete Resurfacing, Guardrail, and Pipe Repair

Original Contract Amount: \$ 2,506,837.27
Change on CCO No. 8: \$ (275,950.90)
Net Change to Date: \$ (213,491.43)

Explanation of Change on CCO No. 8: This decrease is the result of the Department adjusting the contract quantity of asphalt concrete. Due to the existing condition of the in place asphalt pavement, the Contractor was not required to place the entire plans estimated quantity of asphalt concrete to correct the surface profile.

- IV. Project: IM 0901(38)40, Meade County, PCN 5580
Location: I 90 from Exit 40 to Exit 44 Interchange
Contractor: Heavy Constructors, Inc.
Type of Work: Grading, PCC Surfacing, Structures, Lighting, Signing, and Pavement Marking

Original Contract Amount: \$ 28,751,784.00
Change on CCO No. 1: \$ 152,320.78
Net Change to Date: \$ 152,320.78

Explanation of Change on CCO No. 1: This increase is the result of a change to the contract to add 3 contract items associated with bridge pile load testing. The contract contained requirement for the Contractor to perform the testing and detailed the payment through the 3 contract items. The 3 contract items were inadvertently omitted from the contract and were added at an agreed price on this CCO. The Department compared the Contractor furnished prices to other uses of the same item on similar projects and determined the prices to be reasonable.

V. Project: IM 1902(61)0, Pennington County, PCN 1162
Location: Exit 1 in Rapid City (near Civic Center)
Contractor: Reede Construction, Inc.
Type of Work: Interchange Replacement - Grading, PCCP & Structure, Remove & Replace PCCP, AC Surfacing

Original Contract Amount: \$ 32,588,511.91
Change on CCO No. 7: \$ (71,322.75)
Net Change to Date: \$ 335,732.12

Explanation of Change on CCO No. 7: This decrease is the result of the Department adjusting the contract quantities of various traffic control items. The Department adjusted the contract quantities to match the quantities required and installed by the Contractor during construction. The Department ordered adjustments to the location and quantities of the traffic control items to fit the construction conditions resulting in a decrease in overall quantity used.

Mark Leiferman, Engineering Manager of Project Development, requested approval of a public meeting on the removal of Crossroad #42-065-130 on 281st Street over I-29 between Exit 62-US18E (Canton) and Exit 64 – SD44W (Worthing) Interchanges – IM 0292(50)63 PCN 1241.

A MOTION WAS MADE by Roby to approve and seconded by Fouberg. All present voted aye by voice vote. The motion carried.

Leiferman requested approval of a public meeting on the removal of Crossroad #08-120-125 on 348th Street over I-90 between Exit 265-SD50N (Chamberlain) and Exit 272-SD50S (Pukwana) Interchanges.

A MOTION WAS MADE by Zander to approve and seconded by Fouberg. All present voted aye by voice vote. The motion carried.

Leiferman presented the following State Transportation Improvement Program (STIP) revisions:

INFORMATIONAL REVISIONS FOR THE COMMISSION

17-074 This revision added pavement repair, grinding, and riprap to the 2017 shoulder improvement and pipe work project located on US81 from the

US14 junction going south 9 miles (Item #58, Page 47 of the 2017-2020 STIP Book) and adjusted the cost estimate.

FY2017 Plus \$2,797,000

17-075 This revision adjusted the cost estimate of the 2017 Exit 402 reconstruction project and the Veterans Parkway construction project from I90 to Rice Street (Item #633, Page 139 of the 2017-2020 STIP Book).

FY 2017 Plus \$6,951,000

Joel Gengler of the Right of Way office provided the following items for Commission consideration:

1. Transfer – Minnehaha County

Request Transportation Commission approval to transfer by resolution to Grant Township in Lincoln County the following property acquired for highway right-of-way:

Lot H1 in the West 635.18 feet of the North 435.66 feet of Knock Tract 1 in the NW1/4 NW1/4 of Section 4, Township 98 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota. Contains 0.96 acre.

Lot H2 in Knock Tract 1 in the NW1/4 NW1/4 of Section 4, Township 98 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota, except the West 635.18 feet of the North 435.66 feet contained therein. Contains 0.14 acre.

Lot H2 in Government Lot 2 of the NW1/4 of Section 4, Township 98 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota, except Knock Tract 1 thereof. Contains 0.09 acre.

The above transfer completes the South Dakota Department of Transportation right of way agreement for project P 0017(08)42, PCN 028V and the actual transfer of title to Grant Township not having yet been made of all the state of South Dakota's interests in real property, including without limitation, roadways, bridges, culverts, sidewalks, right-of-way fences, and all other fixtures and appurtenances.

The highway right-of-way described above would be transferred by Quit Claim Deed to Grant Township and Grant Township would accept ownership, jurisdiction and maintenance responsibilities of the above described right-of-way.

A MOTION WAS MADE by Roby to approve item #1 land transfer to Grant Township. The motion was seconded by Vehle. All present voted aye by voice vote. The motion carried.

RESOLUTION #2017-07.03 was adopted.

2. Request for land trade – Lincoln County:

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

Parcel 30 - Lot H1 in Moir's Tract 7 in the E1/2 of the SE1/4 of the SE1/4 of Section 27, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota. Lot H1 contains 0.2 acre (10388 sq. ft.), more or less.

SDDOT desires to trade the above property to accommodate the reconstruction of a portion of South Dakota Highway 115 for the following Highway Easement owned by Alison and Michael Hulshof:

Parcel A11 Temporary Easement in Moir's Tract 7 in the E1/2 of the SE1/4 of the SE1/4 of Section 27, Township 100 North, Range 50 West of the 5th P.M., except Lot H1, Lincoln County, South Dakota. Temporary Easement contains 0.1 acre (1429 sq. ft.).

In addition, temporary easement will be granted from Hulshof's to DOT to include Lot H1.

The above property trade is necessary for Project NH-PH 0115(48)76, Lincoln County, PCN 0214. (See Attached plats and layout)

A MOTION WAS MADE by Fouberg to approve item #2 land trade in Lincoln County. The motion was seconded by Roby. All present voted aye by voice vote. The motion carried.

3. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project IR 029-3(68)81, PCN 1177.

4. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project

IM 029-3(68)80, PCN 1177.

A MOTION WAS MADE by Vehle to approve item #'s 3 and 4, abandonment of temporary easements. The motion was seconded by Marquardt. All present voted aye by voice vote. The motion carried.

RESOLUTIONS #2017-07.04 and #2017-07.05 were adopted.

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

July 18, 2017 Rapid City Regional Letting

Railroad Crossing Upgrade

05JW PP 8052(70)	Pennington County
Complete Concrete, Inc	\$30,583.00
Sixth Street in Rapid City	

Railroad Crossing Upgrade

05JX P 1701(14)	Pennington County
Complete Concrete, Inc	\$100,060.20
West Boulevard in Rapid City	

A MOTION WAS MADE by White to approve both projects. The motion was seconded by Vehle. All present voted aye by voice vote. The motion carried.

July 19, 2017 Bid Letting

Microsurfacing

1 05LL NH 0031(41)	Haakon, Ziebach County
Martin Resource Management Corporation	\$2,486,707.96
Various Routes in the Pierre Area	

Cold Mill Asphalt Concrete & Asphalt Concrete Resurfacing

2 04EH P 0050(113)211	Buffalo County
Asphalt Paving & Materials Co	\$1,999,087.54
SD50 from SD34, south to the Buffalo/Brule County Line	

Structure & Approach Grading (56' Prestressed Concrete Bulb Tee Bridge)

3 033L BRO 8052(61)	Pennington County
Corr Construction Services, Inc	\$617,919.70

Structure 3.5 miles west & 1.3 miles north of Caputa over Rapid Creek (Bradsky Road)

Structure & Approach Grading (3-12'x9' RCBC)

4 01Y1 BRO 8003(24) Beadle County
REJECTED BY THE SDDOT COMMISSION
Structure, 5 miles east & 0.4 miles north of Wessington over Cain Creek

Grading, Storm Sewer, Curb & Gutter & PCCP Surfacing, Shared Use Path

5 04XM NH 2042(04) Minnehaha County
T & R Contracting Inc \$8,734,500.00
Arrowhead Parkway from Sycamore to east of Veteran's Parkway, and a shared use path extending south at Highline Ave to 18th Street and then west in Sioux Falls

Water Main and Sanitary Sewer

6 X04L CIP 11064() Minnehaha County
T & R Contracting Inc \$703,814.00
Arrowhead Parkway from South Sycamore Ave. to South Highline Ave. in Sioux Falls

A MOTION WAS MADE by Roby to approve bid #'s 2, 3, 5, and 6. The motion was seconded by Fouberg. All present voted aye by voice vote. The motion carried.

A MOTION WAS MADE by Fouberg to approve bid #1. The motion was seconded by Zander. All present voted aye by voice vote. The motion carried.

A MOTION WAS MADE by Marquardt to reject bid #4. The motion was seconded by Vehle. All present voted aye by voice vote. The motion carried.

Ryan Johnson presented a PowerPoint presentation as an informational item to the Commission on Contract Time.

With no other business to come before the Commission, the meeting was declared adjourned at 12:08 p.m.