

**TRANSPORTATION COMMISSION MEETING MINUTES
MARCH 23, 2017 – 9:30 A.M.
BECKER-HANSEN BUILDING – 700 EAST BROADWAY
PIERRE, SD**

COMMISSIONERS PRESENT:

Ron Rosenboom, Chairman
Kyle White, Vice Chairman
Rod Fouberg, Member
Don Roby, Member
Kim Vanneman, Member
Ralph Marquardt, Member

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:**

Mike Vehle, Member

DOT STAFF PRESENT:

Darin Bergquist, Karla Engle, Mike Behm, Doug Kinniburgh, Joel Gengler, Sam Weisgram, Kristi Sandal, Jason Humphrey, Christina Bennett, Mark Leiferman, Bonnie Olson, Greg Fuller, Kellie Beck, and Patricia Saukel

OTHERS PRESENT:

Representative Mary Duvall, Toby Crow – AGC, Kirk Fredrichs and Mark Clausen – FHWA

Chairman Rosenboom called the meeting 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 February 23, 2017.

A MOTION WAS MADE by Roby to approve and seconded by Vanneman. All present voted aye by roll call vote. The motion carried.

Chairman Rosenboom asked for a motion to approve the minutes of March 9, 2017.

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

Chairman Rosenboom opened the floor to Commission members to disclose potential conflicts of interest and to present requests for waivers pursuant to South Dakota Codified Law (SDCL) chapter 3-23.

There were no disclosures or waivers to address.

Secretary Bergquist asked the Commission to amend the agenda to enter into executive session immediately before or after the Right of Way informational item presentation.

Bergquist began by thanking Representative Mary Duvall for her work on House Commemoration No. 1024 honoring the South Dakota Department of Transportation (the "Department") on the one hundredth anniversary of its creation. Bergquist proceeded to read the commemoration to the commission members. Bergquist stated that the Department will host events and other activities to recognize the anniversary, making it a yearlong-celebration.

Bergquist proceeded to give an overall legislative summary of the past session. The Department's budget was approved as proposed by the Governor with no significant changes. A minor change in the budget included a reduction of 12 FTE's. The change would not impact current staffing levels, only remove unutilized hours.

Bergquist gave a brief overview of the Department's bills passed which included SB 22 (drone registration) and SB 23 (state highway fund loans). There were five other bills where the Department testified in opposition and all five failed to pass. Those were: SB 154 (native plants), HB 1188 (equal consideration to local planning efforts for any South Dakota Department of Transportation grant money), SB 119 (township culvert placeholder bill), SB 76 (prohibit use of federal funds for state highway maps), and SB 58 (Isabel snow removal bill). Overall, Bergquist said the Department had a successful legislative session.

On the federal level, Bergquist said the new administration in Washington, D.C. proposed a budget with a number of cuts to the Department of Transportation. Two cuts in particular that could affect the State are the elimination of EAS (Essential Air Service) funding (subsidized commercial airline service to smaller airports) and the TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant program. Bergquist said there was a substantial cut of 13% to the USDOT budget which does not impact federal highway funding that the Department gets every year.

Greg Fuller, Director of the Division of Operations, presented the following information regarding Construction Change Orders to the Transportation Commission:

Construction change orders approved in February contain an increase of approximately \$126,220.

Over the past 12 months, the overall contract increase is 1.64%.

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

ABERDEEN REGION

- I. Project: NH 0212(162)380, Codington County, PCN 03RN
 Location: US 212 in Watertown
 Contractor: Knife River Midwest LLC
 Type of Work: PCC Overlay

| | | |
|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 7,655,236.37 |
| Change on CCO No. 4: | \$ | 106,073.88 |
| Net Change to Date: | \$ | 108,073.88 |

Explanation of Change on CCO No. 4: This increase was the result of extra work and materials required of the Contractor as the result of a change ordered by the Department to change the joint spacing from 14' to 12' on the concrete overlay.

- II. Project: P 0081(93)157, Codington County, PCN 026X
 Location: US 81 in Watertown
 Contractor: Reede Construction, Inc.
 Type of Work: Urban Grading, Roadway Lighting, Storm Sewer, Curb & Gutter, Sidewalk, Traffic Signals, PCC Surfacing

| | | |
|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 6,479,412.15 |
| Change on CCO No. 8: | \$ | 69,979.29 |
| Net Change to Date: | \$ | 174,840.90 |

Explanation of Change on CCO No. 8: This increase was the result of the Department settling a claim submitted by the Contractor. The Contractor claimed additional time was justified due to delays associated with utility conflicts on the project. By settling the claim, the Department is adjusting the liquidated damages and disincentive assessed to the contract resulting in the additional payment.

MITCHELL REGION

- III. Project: IM 0293(96)73, Lincoln County, PCN 01QS
 Location: I-29 from Exit 73 (Tea) to 57th Street & I-229
 Contractor: T & R Contracting Inc.
 Type of Work: Grading, Structures, PCC Surfacing, Lighting & Utilities

| | | |
|---------------------------|----|---------------|
| Original Contract Amount: | \$ | 33,819,550.57 |
| Change on CCO No. 2: | \$ | 99,658.39 |
| Net Change to Date: | \$ | (211,292.22) |

Explanation of Change on CCO No. 2: This increase was the result of extra work and materials needed to construct an acceleration lane to safely accommodate traffic during construction. In addition, a plan error resulted in the need for additional electrical work to be performed by the Contractor.

- IV.** Project: NH 0050(99)383, Yankton County, PCN 6926
 Location: SD 50 in Yankton
 Contractor: D & G Concrete Construction, Inc.
 Type of Work: Grading, PCC Pavement, Roadway Lighting, Storm Sewer, Curb & Gutter, Sidewalk, Traffic Signals, & Permanent Signing

| | | |
|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 5,467,187.31 |
| Change on CCO No. 5: | \$ | (119,496.47) |
| Net Change to Date: | \$ | (57,391.96) |

Explanation of Change on CCO No. 5: This decrease was the result of numerous minor adjustments made to various contract items. The adjustments were made to match the actual quantities used during construction and are considered normal variations.

PIERRE REGION

- V.** Project: P 0010(81)224, McPherson County, PCN 0297
 Location: SD 10 in Eureka
 Contractor: Duininck, Inc.
 Type of Work: Grading, Curb & Gutter, Sidewalk, Storm Sewer, Lighting & Asphalt Concrete Surfacing

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|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 3,193,123.57 |
| Change on CCO No. 6F: | \$ | 133,151.36 |
| Net Change to Date: | \$ | 163,261.81 |

Explanation of Change on CCO No. 6F: This increase was the result of a change to the contract quantity of base course. The item was adjusted to match the actual quantity used during construction due to normal variations. Additionally, asphalt concrete for detour repair was added to repair the county road used as a detour in accordance with the detour agreement with the county.

- VI.** Project: P 0020(117)254, Potter County, PCN 02R9
 Location: SD 20 in Hoven
 Contractor: Sharpe Enterprises, Inc.
 Type of Work: Grading, AC Surfacing, Curb & Gutter, Roadway Lighting, Sidewalk, Storm Sewer, & ADA Upgrades

| | | |
|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 3,711,800.02 |
| Change on CCO No. 11: | \$ | 114,040.95 |
| Net Change to Date: | \$ | 169,602.01 |

Explanation of Change on CCO No. 11: This increase was the result of a change to the contract quantities of asphalt concrete and various erosion control items. The items were adjusted to match the actual quantity used during construction due to normal variations. Additionally, extra work was performed by the Contractor to remove and replace additional concrete sidewalk in order to meet the ADA requirements.

RAPID CITY REGION

- VII.** Project: NH-P 0042(60), Meade County, PCN 053D
 Location: Various Routes in Belle Fourche Area
 Contractor: Jensen Rock & Sand, Inc.
 Type of Work: Asphalt Surface Treatment (Chip Seal)

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|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 1,282,880.56 |
| Change on CCO No. 1F: | \$ | (65,621.38) |
| Net Change to Date: | \$ | (65,621.38) |

Explanation of Change on CCO No. 1F: This decrease was the result of adjusting the contract quantities of asphalt for surface treatment, cover aggregate, flagging, and pilot car. The quantities were adjusted to match the actual quantity used during construction due to normal project variation.

- VIII.** Project: IM 0901(162)14, Lawrence County, PCN 020U
 Location: 1-90 in Spearfish
 Contractor: Heavy Constructors Inc.
 Type of Work: Interchange Reconstruction - PCC Paving, Structure, Lighting, and Signals

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|---------------------------|----|---------------|
| Original Contract Amount: | \$ | 27,668,106.00 |
| Change on CCO No. 7: | \$ | 148,252.70 |
| Net Change to Date: | \$ | 197,689.18 |

Explanation of Change on CCO No. 7: This increase was the result of additional flagging needed on the project to safely accommodate the traveling public and construction equipment and operations.

- IX.** Project: NH 0016(78)67, Pennington County, PCN 01TH
 Location: US 16 from Tower Rd to Flomann St in Rapid City
 Contractor: Reede Construction, Inc.
 Type of Work: Urban Grading, Storm Sewer, C&G, Sidewalk, Lighting, Signals, PCCP Surfacing, & Bridge Rehabilitation

| | | |
|---------------------------|----|--------------|
| Original Contract Amount: | \$ | 9,919,392.23 |
| Change on CCO No. 18: | \$ | 79,740.25 |
| Net Change to Date: | \$ | 89,644.20 |

Explanation of Change on CCO No. 18: This increase was the result extra work performed by the Contractor to place seed, fertilizer, soil additives, and a fiber matrix erosion control measure in an effort to establish vegetation on disturbed areas at the end of construction.

- X. Project: PH 0040(214), Custer County, PCN 04GR
 Location: SD 87 and US 16A Junction
 Contractor: Quinn Construction, Inc.
 Type of Work: Intersection Improvements

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|---------------------------|----|------------|
| Original Contract Amount: | \$ | 663,465.90 |
| Change on CCO No. 2: | \$ | 191,032.43 |
| Net Change to Date: | \$ | 214,604.43 |

Explanation of Change on CCO No. 2: This increase was the result of numerous minor adjustments made to various contract quantities. Increases were made for unclassified/rock excavation, base course, and asphalt concrete. The adjustments were made to match the actual quantities used during construction and are considered normal variations.

Mike Behm, Director of Planning and Engineering introduced Joel Gengler of the Right of Way office. Gengler provided the following items for Commission consideration:

1. Transfer – Lawrence County

Request Transportation Commission approval to transfer by resolution to the city of Deadwood the following property acquired for highway right-of-way:

Lot A1 in a portion of Lot H2 and the 66 foot right of way of US Highway 85 in Tract 1 of the Jim Lode Mineral Survey 1636; the 66 foot right of way of US Highway 85 in Lot 7 and Placer Claim 57 in Section 27 - Township 5 North - Range 3 East of the B.H.M., and a portion of Lot H2 and the 66 foot right of way of US Highway 85 in M.S. 107 in Section 27 - Township 5 North – Range 3 East of the B.H.M., all located in the City of Deadwood, Lawrence County, South Dakota, containing 44,162 square feet, more or less, according to the plat thereof to be filed for record in the office of the Register of Deeds in and for said county.

The above transfer will complete a portion of the requirements of Agreement #614300 signed by the city of Deadwood on July 7, 2014 and signed by the State of South Dakota, through its Department of Transportation, on August 5, 2014; and the actual transfer of title to the city of Deadwood pursuant to said agreement 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 and the city of Deadwood would accept ownership, jurisdiction and maintenance responsibilities of the above described right-of-way. (See attached)

Gengler informed the Commission that Item #1, concerning a right of way transfer in Lawrence County, is not ripe for Commission consideration, as the Department needs to conduct additional investigation into the legal description. Gengler will bring this item back to the Commission at a later date.

2. Disposal of Excess Property – Minnehaha County

Request Transportation Commission approval to dispose of the following DOT 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 19, Township 103 North, Range 47 West of the 5th P.M., lying South and East of Highway 11, Minnehaha County, South Dakota, less portions of Lots H1, H2, E1 and railroad right of way.

Appraised Value: \$17,000

Lot B in the E1/2 SE1/4 and E1/2 W1/2 SE1/4 of Section 19, Township 103 North, Range 47 West of the 5th P.M., lying South and East of Highway 11, Minnehaha County, South Dakota, less portions of Lots H1, H2, E1 and railroad right of way.

Appraised Value: \$30,000

Lots A and B are triangle shaped properties located 1/2 mile southwest of Garretson. Zoning is A-1 Agricultural and no additional access will be allowed from Hwy 11. The properties do not qualify for home-building.

Lot A contains 2.13 acres of grassland with a powerline easement along the north boundary.

Lot B contains 6.75 acres of trees with wetlands in the narrow western portion. A permanent private access easement exists in the southeast corner.

Sioux Falls Area DOT advises the property is not needed for future department use.
(See attached layout)

A MOTION WAS MADE by Vanneman to approve Item #2. The motion was seconded by Marquardt. All present voted aye by roll call vote. The motion carried. No resolution is needed.

3. Amend Condemnation Resolution for- P 0016(84)67, Pennington County, PCN 049F – US16 - From Flormann St to St. James St in Rapid City Urban Grading, Storm Sewer, C&G, Sidewalk, Lighting, Signals & PCC Surfacing

10 - JB Properties. LLC

A MOTION WAS MADE by Roby to approve Item #3. The motion was seconded by Vanneman. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2017-03-01 was adopted.

4. Abandonment – Charles Mix County

This resolution will abandon the temporary easements on Charles Mix County Project P 1804(43)115, PCN 04F8.

5. Abandonment – Custer County

This resolution will abandon the temporary easements on Custer County Project SB SD12(01), PCN 044U.

6. Abandonment – Gregory County

This resolution will abandon the temporary easements on Gregory County Project NH 0018(197)327, PCN 04XV.

7. Abandonment – Gregory County

This resolution will abandon the temporary easements on Gregory County Project P 0044(158)291, PCN 02A9.

8. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project P 0042(14)369, PCN 5633.

A MOTION WAS MADE by Marquardt to approve Items #4, 5, 6, 7, and 8. The motion was seconded by Fouberg. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2017-03.02 (Item #4), #2017-03.03 (Item #5), #2017-03.04 (Item #6), #2017-03.05 (Item #7), and #2017-03.06 (Item #8) were adopted.

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

FOR COMMISSION APPROVAL

17-050 This revision will defer a 2017 Transportation Alternative projects located in Tea (Sequence # 522, Page 122 of the 2017 2020 STIP Book) to 2018, and will defer a 2017 project in Crooks (Sequence #646, Page 140 of the 2017 2020 STIP Book) to 2019.

FY 2017 Minus \$576,000
FY 2018 Plus \$117,000
FY 2019 Plus \$459,000

17-056 This revision will delete two 2018 City of Brooking local urban surfacing projects located on 3rd Street and on Sunrise Ridge Road/Eastbrook Drive. The City requested these projects be deleted from the STIP in lieu of a STP Fund distribution.

FY 2018 Minus \$1,339,000

17-057 This revision will advance two 2018 local bridge replacement projects in Clark and Sully Counties (Sequence #s 158 & 965, Pages 61 & 182 in the 2017 2020 STIP Book) to 2017 and will change the 80%/20% Federal/Local funding to 80%/20% State/Local funding.

FY 2017 Plus \$666,000
FY 2018 Minus 679,000

17-SC-034 This revision will advance a 2018 pavement preservation project in the Pierre Area on US14 and SD34 (Sequence #s 337, 870, and 1050, Pages 91, 172, and 195 in the 2017-2020 STIP Book) to 2017 and will adjust the segments and cost. It will also advance some segments of a 2019 Pierre Area pavement preservation project (Sequence #s 342, 410, 751, 875, 969, and 1028, Pages 92, 104, 156, 172, 182, and 191 in the 2017-2020 STIP Book) to 2017 and will add them to the project above.

FY 2017 Plus \$2,805,000
FY 2018 Minus \$2,544,000
FY 2019 Minus \$525,000

A MOTION WAS MADE by Vanneman to approve the above listed revisions. The motion was seconded by Fouberg. All present voted aye by roll call vote. The motion carried.

The following informational revisions and information was provided to the Commission.

INFORMATIONAL REVISIONS FOR THE COMMISSION

17-052 This revision changed a 2017 shoulder repair project located on SD115 from north of Sioux Falls, north 12 miles (Sequence #638, Page 139 of the 2017 2020 STIP Book) to a Mill & AC Resurfacing of Shoulders project due to deterioration of the existing shoulders.

FY 2017 Plus \$1,479,000

17-058 This revision changed the 80%/20% Federal/Local funding to 80%/20% State/Local funding for three 2017 local bridge replacement projects in Clark, Roberts and Grant Counties (Sequence #s 153, 306 & 816, Pages 61, 86 & 163 in the 2017 2020 STIP Book).

FY 2017 No Change

17-059 This revision added rail safety funding to the 2017 Veterans Parkway project from I90 to Rice Street (Sequence #633, Page 139 in the 2017-2020 STIP Book) northeast of Sioux Falls. It was determined that the structures over the railroad track qualify for the use of rail safety funds.

FY 2017 No Change

17-SC-036 This revision deleted some segments of a 2017 pavement preservation project on US212 in the Belle Fourche Area (Sequence #s 385 & 602, Pages 100 & 134 in the 2017-2020 STIP Book) and adjusted the cost. These segments will be programmed for resurfacing in the near future.

FY 2017 Minus \$3,461,000

Sam Weisgram, Engineering Supervisor in Project Development, presented the following bid letting results:

March 9, 2017 letting

Sidewalk, Curb & Gutter, Permanent Signing & Pavement Marking

| | |
|------------------------|---------------|
| 04QF P TAPR(03) | Haakon County |
| Kenzy Construction Inc | \$121,273.48 |
| City of Philip | |

A MOTION WAS MADE by Marquardt to approve the March 9, 2017 bid opening item. The motion was seconded by Vanneman. All present voted aye by roll call vote. The motion carried.

March 15, 2017 letting

Structures & Approach Grading (3-12'x10' & 2-8'x7' Precast Box Culverts)

| | | |
|---|---|--------------|
| 1 | 02F5 BRF 6410(00) | Butte County |
| | A-G-E Corporation | \$521,100.92 |
| | Structures 16.3 miles east & 2 miles north, and 22.8 miles east & 2 miles north of Newell | |

Signing & Delineation

| | | |
|---|--|-----------------------------|
| 2 | 04R6 PH 8068(12) | Charles Mix, Yankton County |
| | Hamm Contracting, LLC | \$627,993.60 |
| | Various County, City, and Township Roads in Yankton & Charles Mix Counties | |

Corridor Signing

| | | |
|---|--------------------------|--|
| 3 | 04H5 PH 0010(104) | Brown, Hamlin, Hyde, Kingsbury, Spink County |
| | Dakota Pro Striping, LLC | \$129,397.77 |
| | Aberdeen Region | |

High Friction Surface Treatment Polymer Chip Seal, Joint Modification

| | | |
|---|--|----------------------|
| 4 | 03R4 IM-PH 0296(31)151 | Deuel, Hamlin County |
| | Louis-Company, LLC | \$557,949.55 |
| | I29 - Strs, 0.9 N of SD28 over Peg Munky Run Ck; 3.5 NW of SD28 over 471 Ave; 6.9 NW of SD28 over 188 St; 6.0 SE of SD22 over 469 Ave; 5.5 SE of SD22 over Hidewood Ck; 2.5 SE of SD22 over 184 St; 4 NW of SD22 over Stray Horse Ck | |

Asphalt Concrete Crack Leveling

| | | |
|---|---------------------------------------|---|
| 5 | 05XK NH-P 0010(132) | Brown, Day, Deuel, Hamlin, Hand, Marshall, Spink County |
| | Highway Improvement, Inc | \$676,869.10 |
| | Various Routes in the Aberdeen Region | |

Asphalt Concrete Crack Sealing

| | | |
|---|--|--|
| 6 | 056E IM-NH-P 0021(160) | Charles Mix, Davison, McCook, Sanborn County |
| | Asphalt Surface Technologies Corporation | \$494,016.64 |
| | Various Routes in the Mitchell Area | |

Asphalt Concrete Crack Sealing

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|---|--------------------|---|
| 7 | 05KL NH-P 0013(39) | Beadle, Hand, Hyde, Kingsbury, Spink County |
|---|--------------------|---|

Asphalt Surface Technologies Corporation \$454,223.87
 Various Routes in the Huron Area

Asphalt Concrete Crack Sealing

8 060U P 0022(64) Lake, Lincoln, Minnehaha County
 Highway Improvement, Inc \$167,398.38
 Various Routes in the Sioux Falls Area

Asphalt Concrete Surface Treatment

9 055T P 0033(24) Lyman, Mellette County
 Bituminous Paving Inc \$793,916.81
 Various Routes in the Winner Area

Asphalt Concrete Surface Treatment

11 055A P 0011(92) Brown, Day, Edmunds, Marshall, McPherson, Spink County
 Jensen Rock & Sand, Inc. \$3,451,575.38
 Various Routes in the Aberdeen Area

Asphalt Concrete Surface Treatment

12 055K NH-P 0034(174)141 Haakon, Hughes, Stanley County
 The Road Guy Construction Company Inc \$699,084.68
 SD34 from west of Billsburg to SD63 and from US14B east 1.8 miles

Scour Protection

13 02PR, 02PS IM 0291(121)35, P 0048(09)375 Union County
 K & L Construction, Inc. \$116,533.25
 I29, 4.5 miles north of SD48 over a creek and SD48, 3.8 miles east of I29 over a creek

A MOTION WAS MADE by Roby to approve bids #1 through #13 (Bid #10 was withdrawn by addendum and is currently advertised for the 4/5/17 letting). The motion was seconded by Fouberg. All present voted aye by roll call vote. The motion carried.

Joel Gengler, Office of Right of Way and Karla Engle, Office of Legal Counsel presented an informational item concerning Right of Way Acquisition and Eminent Domain Process.

Secretary Bergquist requested the Commission enter into an executive session at 11:15 a.m. pursuant to SDCL 1-25-2(4) for the purpose of preparing for contract negotiations. The conference call line that Mike Vehle was connected to was disconnected at this time. Vehle was then called on his private line for the executive session.

A MOTION WAS MADE by Roby to enter into executive session. The motion was seconded by Fouberg. All voted aye by voice call vote except Vehle who had disconnected the phone call. The motion carried.

The Commission concluded executive session at 12:02 pm.

With no other business to come before the Commission, the meeting was declared adjourned at 12:02 p.m.

DRAFT