

TRANSPORTATION COMMISSION CONFERENCE CALL MEETING MINUTES
SEPTEMBER 9, 2016 – 9:30 A.M.
BECKER-HANSEN BUILDING – 700 EAST BROADWAY
PIERRE, SD

PRESENT VIA PHONE:

Timothy Dougherty, Chairman
Larry Thompson, Vice Chairman
Rodney Fouberg, Member
Don Roby, Member
Ronald Rosenboom, Member
Kim Vanneman, Member
Kyle White, Member
Kathy Zander, Member

DOT STAFF PRESENT: Darin Bergquist, Greg Fuller, Karla Engle, Bonnie Olson, Sam Weisgram, Terri Boyle, Joel Gengler, Mark Leiferman, Leah Demers, and Kellie Beck

OTHERS: Becky Hedman – AGC and Bob Mercer (via phone)

Chairman Dougherty called the meeting to order at 9:30 a.m. Roll call was taken and a quorum was determined.

Chairman Dougherty 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.

Marquardt submitted a letter (Attached as Letter 1), dated August 3, 2016, disclosing a potential conflict of interest to the Commission. Karla Engle, Office of Legal Counsel, read the written disclosure into the record. Marquardt is an officer and owner of more than 5% interest in several companies based out of Yankton, South Dakota. To the best of Marquardt's knowledge, there are no contracts or other matters involving transportation-related activities. If Marquardt becomes aware of a specific contract or matter that creates a conflict of interest, Marquardt will submit a letter of disclosure to the Commission and request a waiver.

A MOTION WAS MADE by Roby that the matters underlying the potential conflict are fair, reasonable, and not contrary to the public interest, but that Marquardt should disclose the details of any specific conflicts of which he becomes aware for the Commission's particular

consideration. This motion was seconded by Vanneman. All voted aye by roll call vote, except Marquardt, who was absent from the meeting. The motion carried.

Sam Weisgram presented the bid letting results from the September 7, 2016, letting as follows:

September 7, 2016 letting

Corridor Signing

1 04GY PH 0020(141)

Brookings, Charles Mix, Clay, Davison, Douglas,
Gregory, Hanson, Kingsbury, Lake, Miner,
Minnehaha, Todd, Tripp, Union, Yankton County

Dakota Traffic Services

\$263,316.15

Various Locations in the Mitchell Region

A MOTION WAS MADE by Roby to accept bid # 1 and seconded by White. Roll call vote resulted in all ayes, motion carried.

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

1. Abandonment – Pennington County

This resolution will abandon the temporary easements on Pennington County Project NH 0235(01)0, PCN 3151.

A MOTION WAS MADE by Rosenboom to approve Item #1 and seconded by Fouberg. All voted aye by roll call vote and motion carried.

RESOLUTION # 2016-09.01 was adopted.

2. Amendment to dispose of excess property in Pennington County.

Request Transportation Commission approval to amend some of the legal descriptions of property to be received by DOT in a property trade approved on July 28, 2016, in accordance with the procedures provided by SDCL 31-2-27, SDCL 31-19-46 and ARSD chapter 10:02:01. The property to be transferred by DOT is legally described as:

Lot 6 of Lot D, Wood Subdivision, less Lot H1, and the east 88 feet of Lot D, less Lot H1, all in the NE1/4 NW1/4 of Section 9, Township 1 North, Range 8 East of the B.H.M., Pennington County, South Dakota.

The above property contains 0.33 acre located at the Elk Vale Road / School Drive intersection in Rapid City.

Rapid City Area DOT desires to trade the above property to Holiday Stationstores, Inc. in exchange for receiving from Holiday Stationstores, Inc. the following Highway right-of-way, drainage easement and access easement also located at the Elk Vale Road / School Drive intersection in Rapid City:

Lot H1 in Lot X of Lot B of Johnson School Subdivision in the NE1/4 NW1/4 of Section 9, Township 1 North, Range 8 East of the B.H.M., Pennington County, SD.

Lot H1 in Vacated School Drive in the NE1/4 NW1/4 of Section 9, Township 1 North, Range 8 East of the B.H.M., Pennington County, South Dakota.

Permanent drainage easement located in Lot X of Lot B of Johnson School Subdivision in the NE1/4 NW1/4 and East 88 feet of Lot D in the NE1/4 NW1/4 less Lot H1 and Vacated School Drive and Lot 6 of Wood Subdivision, all in the NE1/4 NW1/4 of Section 9, Township 1 North, Range 8 East of the B.H.M., Pennington County, South Dakota.

Permanent access easement located in Lot C of the NE1/4 NW1/4 and Lot X of Lot B of the NE1/4 NW1/4, all of Johnson School Subdivision; and the East 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Vacated School Drive and Lot 6 of Wood Subdivision, all in the NE1/4 NW1/4 of Section 9, Township 1 North, Range 8 East of the B.H.M., Rapid City, South Dakota.

The request for amendment relates to the permanent drainage easement and permanent access easement described above, which have been corrected and have or will be platted with the corrected descriptions.

Holiday Stationstores will perform all the surveys, plats, recordings, and appraisals at its expense and any trade valuation difference will be incurred by the appropriate party.

A MOTION WAS MADE by Roby to approve Item #2 and seconded by Zander. All voted aye by roll call vote and motion carried.

Secretary Bergquist requested authorization to into an agreement with the City of Sioux Falls regarding repurposing of federal earmark funds. The Department currently has the ability to

repurpose any remaining contract authority and obligation limitation on past earmarks. The total remaining obligation limitation is \$7,648,679.51. The department proposes to repurpose the contract authority and obligation limitation in exchange for the following payments by the department to the City of Sioux Falls: 1) a lump sum payment of \$2.2 million in state highway funds to the City of Sioux Falls; 2) a deposit of \$4,465,192.85 into the City's STP account; and 3) payment of State matching funds in the amount of \$983,486.66 on the STP deposit. These three payments equal the total remaining obligation limitation amount of \$7,648,679.51.

A MOTION WAS MADE by Vanneman to authorize the Department to enter into an agreement with the City of Sioux Falls regarding repurposing of federal earmark funds and seconded by Fouberg. All voted aye by roll call vote and motion carried.

With no other business to come before the Commission, the meeting was adjourned at 9:53 a.m.

Submitted by:

Kellie Beck
Recording Secretary

Approved by:

Darin P. Bergquist
Secretary, Department of Transportation

RALPH MARQUARDT
P. O. BOX 1040
YANKTON, SD 57078

August 3, 2016

Mr. Darin Bergquist
South Dakota Department of Transportation
Becker-Hansen Building
700 E. Broadway
Pierre, SD 57501

Re: Letter of Disclosure Relating to HB 1214

Dear Mr. Bergquist,

In response to the passage and enactment of House Bill 1214 – An Act to Regulate Conflicts for Interest for Authority, Board, or Commission Members, I am submitting this correspondence to address the requirement for disclosure of potential conflicts of interest as it relates to my position as an appointed member of the State DOT Board. I have served as a member of this board since my appointment by Governor Mike Rounds and subsequent reappointment by Governor Dennis Daugaard.

I am an officer and owner of several companies which are based in the Yankton, South Dakota area. These include grain elevators, a cow/calf operation, farming, an alfalfa pelleting plant, and two gravel pit operations. Most of these entities have no direct or indirect relationship or interest with the State of South Dakota or the Department of Transportation in any capacity.

As it relates to our gravel business, Utica Gravel, we provide aggregate, sand, and other materials used in many applications including road maintenance and construction. If a project bid or let by the Department of Transportation requires this type of material to be supplied where my company could be involved, I will submit the Request for State Board Waiver and recuse myself from any discussion, deliberation, negotiation, or award of that portion of the project. I have and always will endeavor to avoid the appearance of impropriety as it relates to any state contract and my position as a member of the State DOT Board.

Please feel free to contact me if you have any questions or if I may be of any assistance as it relates to this matter.

Sincerely,


Ralph J. Marquardt