

**SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING
SEPTEMBER 25, 2019 AT 9:00 A.M. CDT**

Becker-Hansen Building – 700 E. Broadway Ave, Pierre

COMMISSIONERS PRESENT: Kathy Zander, Chair
Mike Vehle, Vice-chair
Rod Fouberg, Member
Ron Rosenboom, Member
Larry Nelson, Member
Bruce Cull, Member
Don Roby, Member
Jafar Karim, Member

**COMMISSIONER PRESENT
VIA CONFERENCE CALL:** Benj Stoick, Member

DOT STAFF PRESENT: Darin Bergquist, Karla Engle, Joel Jundt, Mike Behm, Jason Humphrey, Kristi Sandal, Tony Ondricek, Brad Maupin, Bonnie Olson, Sam Weisgram, Christina Bennett, Jacob Rosecky, Ryan Johnson, Rick Gordon, Tammy Williams, Becky Hoffman, Joel Gengler, Doug Kinniburgh, and Kari Kroll

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Becky Janssen

OTHERS PRESENT: Mark Clausen – Federal Highway Administration (FHWA); Bob Mercer – Keloland; Ken Teunissen – Military Order of the Purple Heart (MOPH); Robert Dunsmore – Cheyenne River Sioux Tribe (CRST); staff and students from the Woonsocket School District and members of the Woonsocket community.

Chair Kathy Zander called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. Roll call was taken, and a quorum was determined.

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

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

Zander asked for a motion to approve the minutes of August 29, 2019, Commission meeting.

A MOTION WAS MADE by Rosenboom and seconded by Karim to approve the August 29, 2019, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Darin Bergquist advised the Commission that the Department would be requesting the Commission go into executive session towards the end of the meeting, either before or after the Public Input portion of the agenda.

Karla Engle, Office of Legal Counsel, requested the Commission set an administrative hearing date for October 24, 2019, to consider adoption of ARSD Article 70:15-Automated Vehicles, as well as amendments to ARSD 70:01:02:32 Hamlin County Speed Zone Rule and ARSD 70:03:01:65 Longer Combination Vehicles – Approved Routes and Access Restrictions.

A MOTION WAS MADE by Roby and seconded by Vehle to set the hearing date for October 24, 2019. All present voted aye by roll call vote. The motion carried.

Secretary Bergquist informed the Commission he did not have anything to present for the Secretary's Report but did want to provide an update on the grade raises due to flooding on US Highway 18 and US Highway 81. US Highway 18 in Lake Andes is now open, but the water does continue to rise and there has been additional water over the roadway. US Highway 81 grade raise near Arlington is still under construction, with the hope to have it open to the public in October.

Jason Humphrey, Pierre Region Engineer, presented the following Construction Change orders to the Commission.

Construction change orders completed in August contain an increase of approximately \$1,342,988.

Over the past 12 months, the overall contract increase is 3.04%.

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

ABERDEEN REGION

- I. Project: IM 0299(72)225, Roberts County, PCN 021V
Location: I-29 SBL from north of Exit 224 (Peever) to south of Exit 242
Contractor: M10 Inc DBA Michels Corporation
Type of Work: PCC Surfacing, PCC Overlay, & Bridge Deck Polymer Chip Seal

Original Contract Amount:	\$	13,967,321.37
Change on CCO No. 7:	\$	244,455.48
Net Change to Date:	\$	276,498.46

Explanation of Change on CCO No. 7: This increase is the result of the Department of Transportation (the "Department") adjusting the contract quantities for asphalt binder and asphalt concrete. Additional material was needed to correct grade depth and width variations and to extend the temporary ramps to an area clear of the construction operations.

- II.** Project: NH 0081(100)107, Brookings & Kingsbury Counties, PCN 04DX
Location: US 81 from US 14 south 9 miles
Contractor: BX Civil & Construction, Inc.
Type of Work: PCC Pavement Repair, Grinding PCC Pavement, Asphalt Resurfacing of Shoulders, Pipe Repair, and Rip Rap

Original Contract Amount:	\$	3,130,607.20
Change on CCO No. 4:	\$	(126,992.44)
Net Change to Date:	\$	(123,174.91)

Explanation of Change on CCO No. 4: This decrease is the result of the Department adjusting the contract quantities of asphalt binder, asphalt concrete, and several other items that were eliminated from the work. The asphalt binder and asphalt concrete items varied due to variations in the roadway width between the rip rap on either side of the roadway. The eliminated items were determined not necessary for construction.

- III.** Project: NH-P 0013(40), Huron Area, PCN 05L1
Location: Various Routes in the Huron Area
Contractor: Bituminous Paving, Inc.
Type of Work: Asphalt Surface Treatment (Chip Seal)

Original Contract Amount:	\$	5,683,009.09
Change on CCO No. 1F:	\$	(345,171.41)
Net Change to Date:	\$	(345,171.41)

Explanation of Change on CCO No. 1F: This decrease is the result of the Department adjusting the contract quantities of asphalt for surface treatment and cover aggregate. The Department approved mix design contained a target value lower than estimated in the plans for both items.

- IV.** Project: P 0037(144)133, Beadle County, PCN 04EN
Location: SD 37 from SD 28 south 12 miles
Contractor: Asphalt Paving & Materials Company
Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, and Pipe Work

Original Contract Amount:	\$	1,845,306.60
Change on CCO No. 1F:	\$	(59,355.32)
Net Change to Date:	\$	(59,355.32)

Explanation of Change on CCO No. 1F: This decrease is the result of the Department adjusting the contract quantities of several items. Additionally, the flush seal was eliminated from the project. The items with larger adjustments included base course, asphalt binder, asphalt concrete, asphalt for tack, and controlled density fill. The variations are all considered normal variations.

MITCHELL REGION

- V. Project: NH 0018(218)339, Charles Mix County, PCN 06CQ
Location: US 18 from Lake Andes to SD 50
Contractor: Spencer Quarries Incorporated
Type of Work: Cold Milling Asphalt Concrete and Asphalt Concrete Resurfacing

Original Contract Amount: \$ 5,898,526.81
Change on CCO No. 1: \$ 1,041,682.80
Net Change to Date: \$ 1,041,682.80

Explanation of Change on CCO No. 1: This increase is the result of the Department adding a grade raise project to this contract. The grade raise is on US 18 just east of Lake Andes. The work was designed by the Department and completed as directed by the Department at negotiated prices.

PIERRE REGION

- VI. Project: P 0047(105)44, Lyman County, PCN 03U5
Location: SD 47 Structures over Waterhole Creek and the White River
Contractor: Schweigert Construction Inc.
Type of Work: Replace Box Culvert and Scour Protection

Original Contract Amount: \$ 2,243,686.02
Change on CCO No. 5: \$ 223,807.30
Net Change to Date: \$ 250,838.99

Explanation of Change on CCO No. 5: This increase is the result of the Department adding 3 pipe repair locations to this contract. Due to excessive runoff and moisture, the repair work at these locations was added to this project. The work was completed as directed by the Department at negotiated prices.

- VII. Project: P 0183(24)51, Lyman County, PCN 03U0
Location: US 183 over the White River
Contractor: Heavy Constructors, Inc.
Type of Work: Structures, Approach Grading, & Outlet Repair

Original Contract Amount: \$ 6,200,484.00
Change on CCO No. 7: \$ 61,430.69
Net Change to Date: \$ 283,643.32

Explanation of Change on CCO No. 7: This increase is the result of the Department adding repair work to this contract. The repair work is the result of damage caused by 2 separate rain events in the spring of 2019. The work was completed as directed by the Department using existing contract unit price when applicable and negotiated prices for new items.

VIII. Project: PH 0083(70)0, Todd County, PCN 03B2
Location: US 83 from the Nebraska State Line to south of Mission
Contractor: Bituminous Paving, Inc.
Type of Work: Shoulder Widening, Spot Grading, Asphalt Concrete Surfacing, Sidewalk, & Lighting

Original Contract Amount: \$ 13,412,013.04
Change on CCO No. 14: \$ 135,315.20
Net Change to Date: \$ 584,790.10

Explanation of Change on CCO No. 14: This increase is the result of the Department settling a claim on the project.

RAPID CITY REGION

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

Christina Bennett, Operations Traffic Engineer, presented for Commission consideration the Purple Heart Signing Program. She asked for approval of the Department's proposed policy. Ken Teunissen of the Military Order of the Purple Heart (MOPH) of the Dakotas spoke on in support of the Department's proposed policy.

A MOTION WAS MADE by Cull and seconded by Roby to adopt the Purple Heart Signing Program policy for entities designated by the Purple Heart Trail Program. All present voted aye by roll call vote. The motion carried.

Tony Ondricek, Construction and Maintenance Engineer, presented the Department's proposed 2019 – 2020 SDDOT Winter Maintenance Plan for Commission consideration.

A MOTION WAS MADE by Vehle and seconded by Roby to approve the 2019 – 2020 SDDOT Winter Maintenance Plan. All present voted aye by roll call vote, except Stoick, who did not vote. The motion carried.

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

September 4, 2019

Grading, Shoulder Widening, Structures (197'-6" Cont Conc Bridge & 3 RCBCs), & Interim Surfacing

1	025D P-PH 0046(47)356	Clay, Lincoln County
	Runge Enterprises, Inc	\$14,012,206.89
	SD46 from west of the SD19/19A Jct to 1/2 mile west of I29	

A MOTION WAS MADE by Fouberg and seconded by Vehle to approve bid #1. All present voted aye by roll call vote. The motion carried.

Grading, Interim Surfacing

2	04XH NH-PH 0018(198)173	Bennett County
	Schweigert Construction Inc.	\$3,598,043.87
	US18 from east of Vetal to the Bennett/Todd County line	

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve bid #2. All present voted aye by roll call vote. The motion carried.

Culvert Repair

3	041Q NH-P 0023(37)	Bon Homme, Charles Mix, Hutchinson, Yankton County
	Various Locations in the Yankton Area	

A MOTION WAS MADE by Rosenboom and seconded by Fouberg to reject bid #3. All present voted aye by roll call vote. The motion carried.

Transverse Rumble Strips

4	06U0 PH 0010(154)	Beadle, Brookings, Brown, Buffalo, Day, Edmunds, Grant, Hamlin, Hand, Marshall, Miner, Roberts County
	Surface Preparation Technologies, LLC	\$144,771.40
	Various locations in the Aberdeen & Mitchell Regions	

A MOTION WAS MADE by Roby and seconded by Fouberg to approve bid #4. All present voted aye by roll call vote. The motion carried.

September 18, 2019

Structure (60'-6" Prestressed Dbl Tee) & Approach Grading

2	02ER BRF 6418(00)	Miner County
	Prahm Construction, Inc.	\$407,402.10
	Structure 7 miles south & 2.6 miles east of Carthage over Rock Creek	

Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing & Rumble Strips

5	068G NH 0083(86)0	Todd County
	Bituminous Paving, Inc.	\$6,950,879.72
	US83 from the Nebraska State Line to Mission	

Signing & Delineation

6	03BB PH 8031(05)	Hanson County
	Hamm Contracting, LLC	\$671,897.00
	Various County, City, & Township Roads in Hanson County	

A MOTION WAS MADE by Vehle and seconded by Cull to approve bids #2, 5, and 6. All present voted aye by roll call vote. The motion carried.

Structure (4-10'x10' RCBC) & Approach Grading

1 5756 BRO 8014(00) Clay County
Nolz Dragline & Construction Company, Inc \$507,795.68
Structure 7.5 miles east & 5.1 miles south of Irene over Frog Creek on Norwegian Ave. just south of 302nd St.

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

Bridge Deck Polymer Chip Seal, Repair Approach Slabs, Replace Joints, & Weld Repair

3 05DA, 05DC, 05DD NH 0014(213)415, NH 014B(172)419, P 0022(59)379
Brookings, Deuel County
BX Civil & Construction, Inc. \$930,000.00
Structures on US14, 1.9 miles east of Volga; US14B near Brookings
& SD22 8.7, 9.3, & 11.4 miles east of SD15

A MOTION WAS MADE by Vehle and seconded by Roby to approve bid #3. All present voted aye by roll all vote. The motion carried.

Cold Milling Asphalt Concrete & Asphalt Concrete Resurfacing

4 04EC, 04ED, 04EE P 0034(169)269, P 0047(107)88, P 0249(02)73
Buffalo, Lyman County
Spencer Quarries Incorporated \$3,242,162.07
SD34 from Ft Thompson to SD50, SD47 from Big Bend Dam to Ft Thompson, & SD249 from Ft Thompson to SD50

A MOTION WAS MADE by Rosenboom and seconded by Karim to approve bid #4. All present voted aye by roll call vote. The motion carried.

Centerline Rumble Stripes

7 06AL PH 0010(137) Aberdeen Region
Brookings, Codington, Deuel, Hamlin, Kingsbury County

A MOTION WAS MADE by Cull and seconded by Roby to reject bid #7. All present voted aye by roll call vote. The motion carried.

Joel Gengler, Program Manager for the Office of Right of Way, presented the following items for Commission consideration:

1. Disposal - Stanley 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.

That portion of the SE1/4 SW1/4 lying North and East of Lot H4, Section 20, Township 5 North, Range 31 East of the B.H.M., Stanley County, South Dakota.

Appraised Value: \$1

The above property contains 1.81 acres located adjacent to the Fort Pierre city limits on the north side of Hwy 14. The triangular shape, rough topography and lack of existing access contribute to the \$1 value. Zoning is agricultural with no future access allowed from Hwy 14.

Pierre Area DOT advises the property is excess after completion of project NH 0014(186)225, PCN 03J4 and not needed for future department use.

A MOTION WAS MADE by Roby and seconded by Fouberg to dispose of the property in Stanley County. All present voted aye by roll call vote. The motion carried.

2. Request for land trade – Pennington County

Request Transportation Commission approval to trade the following DOT property related to Project: P 0231(13)79 Pennington County, PCN 03CP – SD231 (W Chicago/W Omaha) - From Sheffer Street to Mt View Road (SD44) in Rapid City in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01:

Trade of DOT property interest for certain access rights for ingress and egress to and from West Omaha Street:

West Omaha Street right of way from the intersection of Mountain View Road west and adjacent to R.U.-103A and R.U.-103B, U-R No. 1 Addition to the City of Rapid City, located in the SE¼ of SE¼ of Section 34, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, as shown in Book 17, Page 12, of Plats.

The proposed land trade is an exchange of the above property for certain access rights for ingress and egress to and from West Omaha Street for the benefit of the property:

A portion of: R.U.-103A and R.U.-103B, U-R No. 1 Addition to the City of Rapid City, located in the SE¼ of SE¼ of Section 34, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota, as shown in Book 17, Page 12, of Plats.

The owner is willing to grant the right of way and temporary easement to the DOT in exchange for certain access rights for ingress and egress to and from West Omaha Street for the benefit of the property owner.

Lot H2 in RU-103 of the U-R No. 1 Addition to the City of Rapid City containing 237 square feet, more or less (see Exhibit A); and

A temporary construction easement in Lot H2 in RU-103 of the U-R No. 1 Addition to the City of Rapid City containing 2,843 square feet, more or less.

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to approve the trade of property for access rights in Pennington County. All present voted aye by roll call vote. The motion carried.

3. Abandonment – Brookings and Kingsbury Counties

This resolution will abandon the temporary easements on Brookings and Kingsbury Counties Project NH 0081(100)107, PCN 04DX.

4. Abandonment – Brown County

This resolution will abandon the temporary easements on Brown County Project NH 0012(183)287, PCN 039F.

5. Abandonment – Lawrence County

This resolution will abandon the temporary easements on Lawrence County Project IM 0901(162)14, PCN 020U.

6. Abandonment – Meade County

This resolution will abandon the temporary easements on Meade County Project NH-PH 0034(159)39, PCN 036K.

7. Abandonment – Butte, Harding, Meade, and Ziebach Counties

This resolution will abandon the temporary easements on Butte, Harding, Meade, and Ziebach County Project NH 0042(51), PCN 042D.

A MOTION WAS MADE by Cull and seconded by Fouberg to approve the abandonments of temporary easements in Brookings, Kingsbury, Brown, Lawrence, Meade, Butte, Harding, and Ziebach counties. All present voted aye by roll call vote. The motion carried.

Mike Behm, Division Director of Planning and Engineering, presented the following informational revision of the STIP to the Commission:

INFORMATIONAL REVISIONS FOR THE COMMISSION

REV 19-055 This Revision increased the cost of an Interstate Surfacing project on I29 NBL – Fm S of Exit 242 to S of the ND State Line in the Aberdeen Region. (Sequence #817, Page 176 in the 2019-2022 STIP Book).

FY 2020 Plus \$3,624,000

Zander asked for a motion for the Board to go into Executive Session

A MOTION WAS MADE by Roby and seconded by Vehle to enter into Executive Session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. All present voted aye by roll call vote. The motion carried.

Executive Session began at 10:06 a.m.

Executive Session ended at 10:42 a.m.

Commissioner Benj Stoick did not return to the meeting after Executive Session.

Zander called the meeting back into session at 10:43 a.m. and opened the floor for Public Input.

Bergquist introduced Dr. Rod Weber, Superintendent of the Woonsocket School District. Dr. Weber introduced his 7th through 12th grade students from the Woonsocket School District. Members of the Student Council presented changes the students would like to see made to the intersection at South Dakota Highway 34 and South Dakota Highway 37. The proposed changes to the intersection were proposed following a tragic fatal accident involving students at the Woonsocket School District.

Bergquist described changes the Department has made and plans to make at the intersection.

With no further business before the Commission, the meeting was adjourned at 11:11 a.m.