

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES
Tuesday, September 22, 2020 at 2:00 p.m. CDT

Sioux Falls Area Office/ Large Conference Room
5316 West 6th Street North, Sioux Falls, South Dakota

COMMISSIONERS PRESENT: Mike Vehle, Chairman
Rod Fouberg
Kathy Zander
Ron Rosenboom
Don Roby

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:** Larry Nelson, Vice Chairman
Jaf Karim

DOT STAFF PRESENT: Joel Jundt, Craig Smith, Mike Behm, Mark Leiferman, Travis
Dressen, Dustin DeBoer, and Harry Johnston

**DOT STAFF PRESENT
VIA CONFERENCE CALL:** Doug Kinniburgh, Tammy Williams, Scott Rabern, Kellie Beck,
Darin Bergquist, Stacy Bartlett, Joel Gengler, Bonnie Olson, and
Kari Kroll

OTHER PRESENT: Mark Cotter – City of Sioux Falls; Paul TenHaken – Mayor of Sioux
Falls; Erika Beck – City of Sioux Fall; Kurt Peppel – City of Sioux
Falls; Jeff Eckhoff – City of Sioux Falls; Shannon Ausen – City of
Sioux Falls; Steve Hoff – HDR; Jason Kjeustad – HDR; and Joel
Dykstra – RMB Associates, LLC

**OTHERS PRESENT
VIA CONFERENCE CALL:** Toby Crow - Association of General Contractors (AGC)

Chairman Mike Vehle called the meeting of the South Dakota Transportation Commission (the
“Commission”) to order at 2:02 p.m. CDT.

Roll call was taken, and a quorum was determined.

Vehle 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) chapter 3 – 23.

Vehle presented an annual conflict of interest disclosure and a request for waiver received by Vice-
chairman Nelson concerning a potential conflict of interest. A copy of the annual conflict of interest
disclosure and request for waiver are attached to and incorporated into these minutes as **Attachment A**.
Nelson’s law firm was hired by the City of Sioux Falls to advise the City Council.

A MOTION WAS MADE by Rosenboom and seconded by Roby to determine that the matters disclosed in the annual disclosure and waiver request are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote, except Nelson who abstained. The motion carried.

Vehle asked for any additional conflicts of interest or requests for waiver.

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

Vehle asked for a motion to approve the August 27, 2020, Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Zander to approve the August 27, 2020, Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Dustin DeBoer, Office of Legal Counsel, requested the Commission set a hearing date for October 29, 2020, to consider amendments to ARSD 70:01:02:24 – Dewey County speed zone rule, 70:01:02:44 – Lincoln County speed zone rule, and 70:01:02:57 – Spink County speed zone rule.

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to set the administrative hearing date for October 29, 2020. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2020 – 9.1 was adopted.

Deputy Secretary Joel Jundt presented the Secretary's Report. Jundt presented the following items to the Commission:

1. South Dakota Department of Transportation (the "Department") received a BUILD Grant from the U.S. DOT for construction on SD46 between SD81 to I-229 in the amount of \$22 million. The BUILD Grant is a competitive grant. The Department thanked our congressional representatives in their help in providing letters of support for this project and getting it approved.
2. The Federal highway and transit funding FAST Act program will expire on September 30, 2020. The House Democrat leadership released draft text for a continuing resolution to extend the FAST Act for one (1) year through to Federal Fiscal Year (FFY) 2021. This resolution keeps the funding formula the same rate as Fiscal Year 2020. The Department is waiting to see if the continuing resolution will be fully signed by both the House and the Senate prior to September 30, 2020.
3. Congress has also drafted a new appropriations bill delegating \$9.1 billion in federal funds and another \$600 million in INFRA Grants nationally.

Jundt requested that the presentation by the City of Sioux Falls come directly after the consideration of jurisdictional transfer to North Sioux City and before the consideration of jurisdictional transfer to the City of Sioux Falls, because he felt the information in the presentation would be helpful to understanding the background for the jurisdictional transfer consideration. The Commission approved the adjusted agenda.

Jundt presented to the Commission the consideration of a jurisdictional transfer agreement with North Sioux City.

A MOTION WAS MADE by Roby and seconded by Fouberg to authorize the Department to enter into a jurisdictional transfer agreement with North Sioux City. The transfer agreement would provide \$1.3 million to North Sioux City for taking over the service roads as proposed and maintaining the surfacing of the service roads. The Department would transfer ownership, maintenance, and jurisdictional responsibilities of the two service roads on the west side of I-29 to North Sioux City. The service roads are located from the southwest quadrant of Exit 4 south to Exit 2 (Streeter Drive) and from the southwest quadrant of Exit 2 south to North Shay Road (Sioux Point Road). The Department would retain the right of way where the service roads are located. The Department would transfer additional right-of-way on River Drive and Derby Lane as proposed by the Department. All present voted aye by roll call vote. The motion carried.

Vice-chairman Nelson recused himself from the discussion and vote on all items pertaining to the City of Sioux Falls and left the meeting at 2:28 p.m. CDT.

Mark Cotter of the City of Sioux Falls, Mayor TenHaken, and other representatives of the City of Sioux Falls presented to the Commission an update on the construction of Veterans Parkway sharing its history and its current standing.

Jundt presented to the Commission the consideration of a jurisdictional transfer agreement with the City of Sioux Falls for Veterans Parkway. The Department is asking for approval of an amendment to complete the remaining, approximately 8 miles of the south section of this corridor. The City of Sioux Falls would hire a consultant for completing the final design, updating the environmental assessment, performing right of way acquisition for the remaining parcels, obtaining the utility certification, and perform all construction administration services. The remaining south section of this corridor is proposed to be split into four (4) projects as follows:

- 1) Cliff Avenue and Western Avenue (2023)
- 2) Western Avenue to Interstate 29 (2024)
- 3) Cliff Avenue to Sycamore Avenue (2025)
- 4) Sycamore Avenue to 57th Street (2026)

These projects would be added into the current STIP via revision. The overall project cost is estimated to be \$209 million (\$176.0 million State funds, \$33.0 million City funds). Upon completion of each project, the City of Sioux Falls would take over ownership and maintenance responsibilities. The Commission would also approve of the transfer of ownership of right of way that has already been acquired. The Commission would also approve of the transfer of ownership and maintenance responsibilities of SD11 (57th to its intersection of 69th) and SD115 from its intersection with 85th Street south to County Road 106 including transfer of right of way for both sections.

A MOTION WAS MADE by Fouberg and seconded by Rosenboom to approve the jurisdictional transfer with the City of Sioux Falls as presented. All present voted aye by roll call vote, except Nelson who was absent. The motion carried.

Nelson rejoined the meeting at 3:06 p.m.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following bid results:

September 2, 2020

Cold Milling & Asphalt Concrete Resurfacing, Pipe Work; Deck Overlay, Approach Guardrail, Slope and Ditch Channel Grading & Erosion Repair

2 038Z P 1806(12)149 Stanley County
Morris Inc. \$6,830,151.64
SD1806 – Fm the Lyman/Stanley Co Line N 14.7; Str 11.2 SE of US83 over Antelope Ck

ADA Curb Ramp Upgrades, PCC Pavement Repair & Traffic Signals

3 04PF, 06VM NH 0012(289)289, NH 0011(119) Brown County
TI-Zack Concrete, Inc. \$5,673,795.20
US281 and US12 through Aberdeen

Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Intersection Improvements, Structure Repair

4 069J, 07L0 P 0019(45)54, P-PS 0044(216)392 Minnehaha, Turner County
Spencer Quarries Incorporated \$4,309,328.69
SD19 from the SD44 to SD42, & SD44 from the west Jct with SD19 to the east Jct of SD19

Asphalt Concrete Resurfacing

5 07C3 P 0248(15)225 Lyman County
Bituminous Paving, Inc. \$8,338,450.78
SD248 – Fm US83 to Reliance

Pavement Restoration

6 070D NH-P 0023(59) Hutchinson, McCook, Union, Yankton County
Diamond Surface, Inc \$3,296,559.35
Various Routes in the Yankton Area

A MOTIION WAS MADE by Roby and seconded by Zander to approve bid #s 2, 3, 4, 5, and 6. All present voted aye by roll call vote. The motion carried.

September 16, 2020

PCC Overlay, PCC Pavement, Asphalt Concrete Resurfacing of Service Roads & Ramps; Bridge Deck Polymer Chip Seal

1 02PV, 05EJ IM-FP 0299(69)213, NH-P 0010(118)361 Roberts County
Michels Corporation \$17,384,000.00
I29 NBL from N of Exit 224 (Peever) to S of Exit 242 & SD 10, From East of SD 127 to East of I29

Relace Structure (1686' Steel Girder), Grading, PCC Pavement, Storm Sewer, Sanitary Sewer, Lighting, Signals, Plaza Park & Recreation Trail

2 03WN, X04Y, 07P4 NH-EM 0014(194)227, FP2019SS01 () Hughes, Stanley County
Jensen Construction Company \$49,990,247.46
US14 - Missouri River Bridge at Pierre

Cold Milling, Asphalt Concrete Resurfacing, ADA Curb Ramp Upgrades, Pipe Work, Traffic Signal Upgrades

3	04WT, 07T3 NH 0018(200)148, P 0073(79)12	Bennett County
	Bituminous Paving, Inc.	\$5,849,208.17
	US18 - Fm the W Jct with SD73, Through Martin, to the E Jct of SD73, & Fm W of Antelope Road/242 Ave to the Bennett/Todd Co Line; SD73 From US18 in Martin South 0.30 Miles	

A MOTION WAS MADE by Zander and seconded by Rosenboom to approve bid #s 1, 2, and 3. 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 the Commissions consideration:

1. Vacate plats – Lincoln County

Request Transportation Commission approval by resolution to vacate the following three plats:

Parcel 50: Lot H2 in the NW1/4 also described as Government Lots 1 and 2 of said Northwest Quarter, Except Tract 1 of the NW1/4 NW1/4 of said Section 2 and more particularly described as the Most Westerly 343 feet of the Most Northerly 198 feet of said Section 2, Except Tract 2 of the Northwest Quarter, Except the East 208.71 feet of the West 241.71 feet of the North 241.71 feet of the South 450.42 feet of the Northwest Quarter, Except the South 208 feet 8 ½ inches of the East 208 feet 8 ½ inches of the West 241 feet 8 ½ inches of the Northwest Quarter, and Except Lot H-1 thereof, of Section 2, Township 99 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota. This plat was recorded November 20, 1996 in Book of Plats P on Page 162.

Parcel 51: Lot H1 in the East 208.71 feet of the West 241.71 feet of the North 241.71 feet of the South 450.42 feet of the NW1/4 of Section 2, Township 99 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota. This plat was recorded November 20, 1996 in Book of Plats P on Page 163.

Parcel 52: Lot H1 in the South 208.71 feet of the East 208.71 feet of the West 241.71 feet of the NW1/4 of Section 2, Township 99 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota. This plat was recorded November 20, 1996 in Book of Plats P on Page 164.

The above plats were recorded as part of DOT project P 3115(5)78, PCN 5965, but the plats were not used during the project construction. Mitchell Region and Area DOT recommends the vacate of the plats.

A MOTION WAS MADE by Roby and seconded by Fouberg to approve the vacating of plats in Lincoln County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2020 – 9.2 was adopted.

2. Request Transportation Commission approval to abandon by resolution the following property acquired for highway right-of-way:

Lot A1 in a portion of existing SD Highway in Sections 13 and 24, Township 5 South, Range 4 East of the B.H.M., Custer County, South Dakota, containing 0.60 acre.

Lot A1 includes a 0.35-acre Lot A previously approved for abandonment at the March 28, 2019 Commission meeting.

The above property is no longer needed for highway purposes and abandonment is recommended by DOT Rapid City Region and Custer Area.

A MOTION WAS MADE by Rosenboom and seconded by Roby to approve the abandonment of property in Custer County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2020 – 9.3 was adopted.

3. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project IM 0909(80)397, PCN 4437.

4. Abandonment – Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project P 2115(39), PCN 6668.

5. Abandonment – Stanley County

This resolution will abandon the temporary easements on Stanley County Project 1806-351, PCN I4XU.

A MOTION WAS MADE by Fouberg and seconded by Zander to approve the abandonment of two temporary easements in Minnehaha County and one temporary easement Stanley County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #S 2020 – 9.4, 2020 – 9.5, 2020 – 9.6 were adopted.

6. Condemnation – Project P 0050(111)231, PCN 6953, Brule County

Request Transportation Commission resolution determining that the taking and damaging of real property interests in and to the following property is necessary for a public purpose and authorizing condemnation:

Parcel 4 – Beverly Feltman, Gary Feltman, and Vicky Feltman
Parcels 5, 5A, 6, 9, 9A, 10, SS1 – Beverly Feltman and Gary Feltman.
Parcels 15, 16 – Beverly Feltman and Gary Feltman.
Parcel A9 – Darren Hickey

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project P 0050(111)231, Brule County, PCN 6953, SD50 - from K Street

to I-90 at Chamberlain. Regrading to 3 Lanes (I90 to Sorensen Drive), Mill, AC Resurfacing, Slide Area Repair, Pipe Work, Lighting.

A MOTION WAS MADE by Nelson and seconded by Roby to approve the condemnation in Brule County of the temporary easements and permanent easements as identified in Handout #7 and further identified as document PCN 6953 condemnation layout. All present voted aye by roll call vote. The motion carried.

RESOLUTION #s 2020 – 9.7, 2020 – 9.8, 2020 – 9.9, and 2020 – 9.10 were adopted.

Leiferman presented the following informational STIP revisions to the Commission:

INFORMATIONAL REVISIONS FOR THE COMMISSION

REV 20-062 This revision increased the cost of a Remove & Replace PCC project including Pipe Work and Structure Replacement and Preservation on I90 East Bound Lanes in McCook County in the Mitchell Region. (Sequence 500, Page 130 in the 2020-2023 STIP Book).

FY 2020 Plus \$8,210,000

REV 20-SC-040 This revision increased the cost of a FY2021 Crossroad Improvement projects on Various Crossroads over I29 and I90 in the Mitchell Region. (Sequence #462, 589, 626 & 939, Page 123, 144, 149 & 190 in the 2020-2023 STIP Book).

FY 2021 Plus \$1,808,000

REV 20-SC-041 This revision increased the cost of a FY2021 Areawide Pipe Work project on Various Locations in the Sioux Falls Area in the Mitchell Region. (Sequence #14, Page 42 in the 2020-2023 STIP Book).

FY 2021 Plus \$930,000

REV 20-SC-042 This revision increased the cost of a FY2020 Scour Protection project on Structures on US83 2.3 miles south of SD44, US18 3.9 miles east of US183, US183 2.2 miles north of the NE State Line and on SD44 4 miles east of US18 in Mellette & Tripp Counties in the Pierre Region. (Sequence #545 & 899, Page 137 & 183 in the 2020-2023 STIP Book).

FY 2020 Plus \$1,054,000

Doug Kinniburgh, Office of Administration, requested Commission consideration and approval of an additional Bridge Improvement Grant (BIG) application listed on Attachment #9. Kinniburgh also requested a STIP revision to include the grant award.

A MOTION WAS MADE by Rosenboom and seconded by Zander to approve the award to the grant application listed on Attachment #9 under the 2021 BIG for Preliminary Engineering and approve STIP REV 20-063. All present voted aye by roll call vote. The motion carried.

Craig Smith, Division Director of Operations, presented to the Commission for their consideration a relinquishment of control of access in Lawrence County.

A MOTION WAS MADE by Roby and seconded by Rosenboom to approve the relinquishment of control of access in Lawrence County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2020 – 9.11 was adopted.

Vehle opened the floor to public input. No member of the public addressed the Commission or offered input.

With no other business to come before the Commission, Vehle recessed the meeting at 3:49 p.m. CDT and the meeting will reconvene at 8:00 a.m. on September 23, 2020.

Wednesday, September 23, 2020 at 8:00 a.m. CDT
Sioux Falls Area Office - 5316 West 6th Street North, Sioux Falls, South Dakota

COMMISSIONERS PRESENT: Mike Vehle, Chairman
Rod Fouberg
Kathy Zander
Don Roby

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:** Ron Rosenboom

DOT STAFF PRESENT: Joel Jundt, Craig Smith, Mike Behm, Mark Leiferman, Travis Dressen, and Harry Johnson

OTHERS PRESENT: Kurt Peppel – City of Sioux Falls and Sam Trebilcock – City of Sioux Falls

Chairman Vehle called the meeting of the Transportation Commission (the “Commission”) to order at 8:00 a.m. CDT. A quorum was determined.

The Commission members departed on a tour of projects in the Sioux Falls area at 8:10 a.m. Craig Smith led the tour of the following projects:

- Valley Spring Information Center
- Exit 406 Interchange in Brandon
- Veterans Parkway
- Cliff Avenue
- Minnesota Avenue
- Future 41st Street Interchange
- Foundation Park Development

No action was taken by the Commission on this tour. It was purely informational.

With no other business to come before the Commission, Vehle adjourned the meeting at 11:06 a.m.