

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, June 27, 2024 at 9:00 a.m. CT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Lynn Jensen, Chairman
Don Roby, Vice-chairman
Jaf Karim
Austin Simons
Mike Vehle
Rick Vallery
Chris Frick

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Larry Nelson

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Mike Behm, John Keyes, Joanne Hight, Jack Dokken, Sam Weisgram, Doug Kinniburgh, Katlyn Wieme, Jacob Howard, and Kari Kroll

DOT STAFF PRESENT:

VIA CONFERENCE CALL: Craig Smith, Travis Dressen, Julie Stevenson, Taylor Brusven, and Mark Leiferman

OTHERS PRESENT:

Bob Mercer – Keloland; Sheri Lund – Lincoln County; Jim Schmidt – Lincoln County; Gary Drewes – Pennington County; Andy Berg – City of Sioux Falls; Mark Cotter – City of Sioux Falls; Michael Poppes – Lincoln County; Drew DeGroot – Lincoln County; and Toby Brown – Lincoln County

OTHERS PRESENT

VIA CONFERENCE CALL: Toby Crow – Association of General Contractors (AGC); Mayor Paul TenHaken – City of Sioux Falls; Frank Kloucek; Jeff Stewart; Abby Streyle; and Roland Svartoier

Chairman Lynn Jensen called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CST. A roll call was taken and a quorum was present.

Jensen 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 members of the Commission disclosed a conflict or requested a waiver.

Jensen asked for a motion to approve the June 13, 2024 Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the June 13, 2024 Commission meeting minutes. All present voted aye by roll call vote. The motion carried.

Jensen opened the floor to public input. The following people addressed the Commission:

- Frank Kloucek of Scotland shared his concerns for the speed zone at the intersection of US18 and US81 after a recent fatal accident at that intersection. He suggested stronger lighting at the intersection of SD37 and SD46. He also expressed concerns about changing from a five lane to a three lane highway through Wagner.
- Jeff Stewart of Wagner shared his concerns about the T intersection of SD281 and SD46, stating the stop-ahead warning sign is too close to the stop sign and does not allow for enough time for drivers to react. He also stated the signage in advance of the intersection of SD 46 and US 281 is concerning to him. He said he shares concerns about the intersection of US 18 and US81. He also shared a safety concern for the lack of a turn lane at the bottom of the hill to make turns from SD37 to SD 46. He believes truck speeds make it unsafe. Lastly, he also stated he has safety concerns with the lane change on the highway through Wagner.
- Abby Streyle who works at the gas station at Meridian Corner shared her safety concern for the US18/US81 intersection, asking for a 4 way stop sign or a reduction in speed.
- Roland Svartoiien of Wagner shared his concerns about the intersection of US18/US81 asking for action on a speed limit reduction, turn lane, or four-way stop to improve safety.

Jensen asked for a motion for the Commission to enter into executive session.

A MOTION WAS MADE by Simons and seconded by Frick to enter into executive session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel and 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 9:12 a.m.

Executive session ended at 10:11 a.m. CT.

Secretary Joel Jundt presented the following items to the Commission in his Secretary's Report:

- Massive flooding in southeast portion of the state by the Vermillion, James, and Big Sioux Rivers. The water flooded I-29 requiring it to close and detour travelers on to SD48 into Iowa and Minnesota until that road flooded which also required closure. The Department of Transportation (the "Department") worked closely with North Sioux City and built a levee. I-29

did not sustain any damage, but other bridges and roads sustained major damage and will require repairs. Craig Smith, Division Director of Operations, shared with the Commission more details about the action taken by Department maintenance staff. At one point 25+ locations of road were either closed or flagged due to water over the road. SD48 lost surfacing and the James River Bridge sustained damage at the approach; both areas will require the Department to bring in a contractor due to the extensive repairs required. Both Jundt and Smith shared their admiration for the work done by the Department staff.

- A bridge on US12 near Mobridge over the Missouri River sustained a bridge hit. Emergency state construction funds will be used for repairs.
- The bridge scheduled to be dedicated to Army 1LT Josef L. Thorne on November 11, 2024 has been changed to a different bridge on SD46 over the Vermillion River because after inspection, the original planned bridge is going to be replaced by a box culvert.
- There is a ribbon cutting scheduled on July 2 in Sioux Falls for the Diverging Diamond Intersection (DDI) at 41st Street. This is the 2nd DDI in the state.
- The Department was awarded a RAISE grant for US18 between Martin and Mission for \$25 million.

Jundt presented for Commission consideration a request for a State Infrastructure Banks (“SIB”) loan from Lincoln County to install a new interchange at I-29 and 85th Street. The project was given a \$30 million earmark 10 years ago. In 2014, the Commission approved the project in the STIP. The Department entered into a Memorandum of Understanding with Lincoln County that contemplated a SIB loan to partially finance the project. Now, Lincoln County is requesting a SIB loan for \$15 million amortized over 10 years at 1.5% interest.

Jim Schmidt, a Lincoln County Commissioner addressed the Commission to present the loan request. Toby Brown of the Lincoln County Planning Department described for the Commission the plan for using a TIF to repay the loan. Sheri Lund, Lincoln County Auditor, answered Commission questions. Sioux Falls Mayor, Paul TenHaken, addressed the Commission to show support from the City of Sioux Falls as a collaborating entity on this project. Mark Cotter, Director of Public Works for the City of Sioux Falls, also addressed the Commission to express the support of the city and answer questions by the Commission. Lastly, Mike Poppes, a Lincoln County Commissioner, addressed the Commission to confirm Lincoln County’s position and plan for the SIB loan request.

A MOTION WAS MADE by Frick and seconded by Karim to approve the request for a SIB loan of \$15 million to Lincoln County to be repaid within 10 years after the interchange project completion. Said loan will be amortized over 10 years with interest at a rate of 1.5% compounded annually. The loan is further contingent on Lincoln County approving the proposed TIF for repayment of the loan and Lincoln County further pledging its Surface Transportation Block Grant Program (STBGP) annual allocation toward repayment of the loan. All present voted aye by roll call vote. The motion carried.

Craig Smith, Division Director of Operations, presented the following informational Construction Change Orders (CCO) to the Commission.

CCOs completed in May contain an increase of \$2,269,987.13. Over the past 12 months, the overall contract increase is 2.06%.

The following projects have a CCO amounting to a contract change more than \$50,000.

ABERDEEN REGION

1. Project: NH 0212(199)235, Faulk & Potter County, PCN 06PJ
Location: US212 from east of the West SD47 junction to the Potter/Faulk County line
Contractor: Anderson Western, Inc.
Type of Work: Asphalt concrete resurfacing, pipe work

Original Contract Amount:	\$	3,752,068.25
Change on CCO No. 2:	\$	197,291.70
Net Change to Date:	\$	197,291.70

Explanation of Change on CCO No. 2: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations and incentive payments for pavement quality and pavement smoothness.

2. Project: P 0020(197)267, Faulk & Potter County, PCN 06QD
Location: SD20 from west of the Potter/Faulk County line to SD45
Contractor: Anderson Western, Inc.
Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, pipe work

Original Contract Amount:	\$	8,603,334.66
Change on CCO No. 2:	\$	128,094.82
Net Change to Date:	\$	209,090.59

Explanation of Change on CCO No. 2: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations including a significant change in the quantity of PG 58-34 Asphalt Binder. The department approved contractor furnished mix design contained a target binder content higher than the plans estimate.

3. Project: P-PH-B 0025(85)115, Clark & Kingsbury County, PCN 04XC
Location: SD25 from north of De Smet to the south junction of SD28 &
SD25 from the north junction of SD28 north 3 miles
Contractor: Midland Contracting, Inc.
Type of Work: Grading, interim surfacing, replace structures

Original Contract Amount: \$ 10,815,862.65
Change on CCO No. 3: \$ 127,242.42
Net Change to Date: \$ (400,370.21)

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for extra work to haul the excess unclassified excavation material forward.

MITCHELL REGION

4. Project: IM 0906(73)272, Aurora & Brule County, PCN 05T4
Location: I-90 from 8 miles east of Chamberlain to White Lake
Contractor: Bituminous Paving, Inc.
Type of Work: Asphalt concrete milling, asphalt concrete resurfacing

Original Contract Amount: \$ 20,965,228.10
Change on CCO No. 1: \$ 141,520.00
Net Change to Date: \$ 141,520.00

Explanation of Change on CCO No. 1: This increase is the result of SDDOT compensating the contractor for extra traffic control for the bridge work due to the duration and high traffic volume.

5. Project: IM B 0908(92)357, McCook County, PCN 04DP
Location: I-90 structure Exit 357 (Bridgewater)
Contractor: Journey Group Companies
Type of Work: Deck replacement, approach slab replacement, rehab abutments, zone painting

Original Contract Amount: \$ 6,780,595.25
Change on CCO No. 2: \$ 84,858.00
Net Change to Date: \$ 84,858.00

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for extra work to mill and replace adjacent asphalt concrete found to be highly cracked and in need of repair.

6. Project: NH 0018(157)438, Lincoln County, PCN 6923
Location: US18 from I-29 east to just west of the western junction of SD11
Contractor: Reede Construction, Inc.
Type of Work: Grading, PCC surfacing, asphalt concrete surfacing, replace structure

Original Contract Amount:	\$	45,617,461.59
Change on CCO No. 8:	\$	231,206.71
Net Change to Date:	\$	328,943.53

Explanation of Change on CCO No. 8: This increase is the result of SDDOT compensating the contractor for extra work including extending the cross-pipe lengths and re-shaping the ditches to meet the design criteria. The original design of the pipes did not meet minimum clear zone requirements.

7. Project: PH 0044(184)330, Douglas & Hutchinson County, PCN 04K0
Location: SD44 from the east junction of US281 to SD37 at Parker
Contractor: Loiseau Construction, Inc.
Type of Work: Shoulder widening, asphalt concrete surfacing of shoulders, pipe work

Original Contract Amount:	\$	14,815,979.58
Change on CCO No. 6:	\$	359,691.25
Net Change to Date:	\$	1,595,750.00

Explanation of Change on CCO No. 6: This increase is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations as well as quality adjustments for concrete specification deviations.

8. Project: BRF 6337(00)19-1, Moody County, PCN 076A
Location: Structure 9 miles north of Egan on 478th Avenue over the Big Sioux River
Contractor: Robert R. Schroeder Construction, Inc.
Type of Work: Structure, approach grading

Original Contract Amount:	\$	2,406,846.03
Change on CCO No. 4:	\$	(72,036.97)
Net Change to Date:	\$	(24,613.67)

Explanation of Change on CCO No. 4: This decrease is the result of SDDOT adjusting the contract quantities of numerous items to match as built quantities through normal project variations.

9. Project: IM EM 0908(97)362, McCook & Minnehaha County, PCN 05T3
Location: I-90 WBL from 2 miles west of Humboldt to 2 miles east of Hartford
I-90 WBL Exit 379 (Humboldt)
I-90 Structure .4 miles west of Exit 390 over a Creek
Contractor: Reede Construction, Inc.
Type of Work: Remove and replace PCC surfacing, replace structure, grading, pipe work

Original Contract Amount:	\$	35,664,101.48
Change on CCO No. 8:	\$	(154,211.30)
Net Change to Date:	\$	54,395.25

Explanation of Change on CCO No. 8: This decrease is the result of SDDOT adjusting and removing some of the contract quantities of numerous items to match as built quantities through normal project variations as well as quality adjustments for pavement smoothness and concrete placement depth.

PIERRE REGION

10. Project: EM 0012(206)112, Corson County, PCN 05HW
Location: US12 from Morrystown 9 miles east
Contractor: Martin Construction, Inc
Type of Work: Grading, interim surfacing, replace structures

Original Contract Amount:	\$	23,617,916.00
Change on CCO No. 3:	\$	80,664.78
Net Change to Date:	\$	80,664.78

Explanation of Change on CCO No. 3: This increase is the result of SDDOT compensating the contractor for additional signs for traffic control to increase the safety for the traveling public.

11. Project: NH 0014(237)245, Hughes County, PCN 06K7
Location: US14 from west of the north US83 junction to east of the north US83 junction
Contractor: Sharpe Enterprises, Inc.
Type of Work: Modify intersection, PCC surfacing

Original Contract Amount:	\$	8,671,380.74
Change on CCO No. 5:	\$	105,253.50
Net Change to Date:	\$	168,757.55

Explanation of Change on CCO No. 5: This increase is the result of SDDOT compensating the contractor for additional Base Course fill due to the depth of the asphalt removed being 12" instead of the estimated 9".

12. Project: NH 0033(41), Bennett, Gregory, & Tripp County, PCN 08RN
Location: Various routes in the Winner & Mitchell areas
Contractor: Border States Paving, Inc.
Type of Work: Joint & spall repair, joint seal, asphalt concrete surfacing of shoulders

Original Contract Amount: \$ 15,068,007.00
Change on CCO No. 1: \$ 198,984.56
Net Change to Date: \$ 198,984.56

Explanation of Change on CCO No. 1: This increase is the result of SDDOT adjusting contract quantities of various items through normal project variations.

13. Project: NH 0033(41), Bennett, Gregory, & Tripp County, PCN 08RN
Location: Various routes in the Winner & Mitchell areas
Contractor: Border States Paving, Inc.
Type of Work: Joint & spall repair, joint seal, asphalt concrete surfacing of shoulders

Original Contract Amount: \$ 15,068,007.00
Change on CCO No. 2: \$ 351,892.60
Net Change to Date: \$ 550,877.16

Explanation of Change on CCO No. 2: This increase is the result of SDDOT adjusting contract quantities of various items through normal project variations and adding durable pavement markings to the project.

RAPID CITY REGION

14. Project: NH 0212(190)39, Butte & Meade County, PCN 068V
Location: US212 from SD79 in Newell to the Maurine/Bixby Road
Contractor: Anderson Western, Inc.
Type of Work: Cold milling, asphalt concrete resurfacing, pipe work, guardrail updates

Original Contract Amount: \$ 15,300,573.23
Change on CCO No. 13: \$ 73,206.68
Net Change to Date: \$ 1,255,363.77

Explanation of Change on CCO No. 13: This increase is the result of SDDOT compensating the contractor for additional work to install an 18" CIPP liner to reinforce a pipe at a location found to have joint separation and large voids under the roadway.

Jack Dokken, Program Manager for the Office of Air, Rail and Transit, presented to the Commission for their consideration the request from his office for approval of the annual funding allocations for rural

public transit subrecipients for the Federal Funding Fiscal Year 2025. The Department recommended the following performance-based allocation:

Number of rides provided	25%
Number of miles driven	25%
Local funds expended for overall program	20%
Administrative cost expended per ride	5%
Operating costs expended per ride	5%
Local funds expended per ride	5%
Overall grant administration performance	15%

A MOTION WAS MADE by Karim and seconded by Simons to approve the funding allocation for rural public transit subrecipients for the Federal Funding Fiscal Year 2025 as recommended by the Department. All present voted aye by roll call vote. The motion carried.

Sam Weisgram, Office of Project Development, presented to the Commission the following bid letting results:

June 26, 2024

Structure (2-15'x3.5' CIP RCBC) & Approach Grading

1	0862 BRO-B 8052(75) Heavy Constructors, Inc. Structure 0.1 S of San Marco & S Canyon in Rapid City on San Marco Blvd over the Pierre St Drainage Ditch (City Owned) SN 52-375-296	Pennington County \$831,794.98
---	---	-----------------------------------

Water Main Lowering

2	X06G CIP 51194() Heavy Constructors, Inc. San Marco Blvd over the Pierre St Drainage Ditch	Pennington County \$89,743.00
---	---	----------------------------------

Structure (228' composite Steel Plate Girder Bridge) & Approach Grading

3	084D BRO-B 8026(34) Robert R. Schroeder Construction Inc. Structure in Big Stone City on 2nd Ave over the BN RR (City Owned) SN 26-374-023	Grant County \$4,310,821.31
---	--	--------------------------------

Asphalt Concrete Resurfacing

5	09NV IM 0902(188)67 Simon Contractors of South Dakota, Inc. I90 E & W - Fm Box Elder to 2 E of New Underwood	Pennington County \$8,139,124.00
---	--	-------------------------------------

Rumble Stripes & High Grade Polymer Pavement Markings

7 06U8 PH 0010(157) Regionwide County
Surface Preparation Technologies, LLC \$159,910.12
Various locations on the local system in the Aberdeen Region

A MOTION WAS MADE by Simons and seconded by Vehle to approve bids #1, 2, 3, 5 and 7. All present voted aye by roll call vote. The motion carried.

Gravel Surfacing

4 09KE NH-PH-B 0385(00)87 Pennington County
Western Construction, Inc. \$540,852.40
Boulder Hill Rd - Fm Silver Mountain Rd to Sheridan Lake Rd; Custer Gulch Rd - Fm Pactola south
2 miles

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

Cold Plastics Pavement Marking

6 05VN PH 0040(325) Pennington County
Dakota Traffic Services, LLC \$906,304.20
US16B & SD44 in Rapid City

A MOTION WAS MADE by Vehle and seconded by Frick to approve bid #6. All present voted aye by roll call vote. The motion carried.

Durable Pavement Markings

8 05G7 PH 0010(122) Day, Kingsbury County
Traffic Solutions Inc \$199,667.00
US12- Webster & US14 - Arlington

A MOTION WAS MADE by Karim and seconded by Simons to approve bid #8. All present voted aye by roll call vote. The motion carried.

John Keyes, Program Manager for the Office of Right of Way, presented the following items for Commission consideration.

1. Request Transportation Commission approval to transfer by resolution to the City of Sioux Falls the following Parcel CA1 control of access acquired for Project NH 0100(105)419, PCN 01V5:

Government Lot 1 of the Southwest Quarter, also known as the East Half of the Southwest Quarter, and Government Lot 2 of the Southwest Quarter, also known as the West Half of the Southwest Quarter, of Section 31, Township 102 North, Range 48 West of the 5th P.M.,

Minnehaha County, South Dakota, that lies southerly and westerly of Lots H1 and H2 contained therein.

That part of the Northeast Quarter of the Southeast Quarter of Section 36, Township 102 North, Range 49 West lying south and east of Ellis and Eastern Railroad Right of Way, EXCEPT Lot H1 located within the Northeast Quarter of the Southeast Quarter of Section 36, Township 102 North, Range 49 West, EXCEPT Tract 1 and 2 of Loap Addition to the City of Sioux Falls, EXCEPT Tract 1 of Lined Snake Addition, Minnehaha County, South Dakota.

The above control of access was not included when the Commission previously approved the transfer of Veterans Parkway (Hwy 100) to the City of Sioux Falls with Resolution 2021-2.8 as part of Agreement 910586.

The control of access described above would be transferred by Quit Claim Deed to the City of Sioux Falls and the City of Sioux Falls would accept ownership, jurisdiction, operational and maintenance responsibilities of the above-described control of access.

Sioux Falls Area DOT recommends the transfer.

A MOTION WAS MADE by Simons and seconded by Vehle to approve the transfer to the City of Sioux Falls. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2024 – 6.1 was adopted.

2. Request Transportation Commission approval to transfer the following DOT property in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01: Lot H2 in Lot A of the S1/2 SE1/4 of Section 26, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, South Dakota, containing 1.73 acres.

Lot H2 is part of the DOT Sioux Falls Maintenance Shopsite located at 5316 W 60th St N and would be dedicated as Wireless Road highway use by Financial Agreement 911479 dated December 5, 2023 and Transfer Agreement dated June 6, 2024.

The transfer described above would be by Quit Claim Deed to the City of Sioux Falls and the City of Sioux Falls would accept ownership, jurisdiction, operational and maintenance responsibilities of the above-described property.

A MOTION WAS MADE by Vallery and seconded by Karim to approve the transfer to the City of Sioux Falls. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2024 – 6.2 was adopted.

3. Request Transportation Commission approval to abandon by resolution the temporary easements on Parcels # 2, 26 and 40 on Brown and Marshall County Project P-PH 0010(124)296, PCN 05F4.

A MOTION WAS MADE by Roby and seconded by Simons to approve the abandonment of the temporary easements for Parcels # 2, 26, and 40 in Brown and Marshall County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2024 – 6.3 and 2024 – 6.4 were adopted.

4. Request Transportation Commission approval to abandon by resolution the temporary easements on Butte and Meade County Project NH 0212(190)39, PCN 068V.
5. Request Transportation Commission approval to abandon by resolution the temporary easements on Jackson and Jones County Project IM 0903(109)165, PCN 04TJ.
6. Request Transportation Commission approval to abandon by resolution the temporary easements on Meade and Ziebach County Project NH 0212(186)114, PCN 05E7.

A MOTION WAS MADE by Simons and seconded by Vallery to approve the abandonment of temporary easements in Butte, Meade, Jackson, Jones, and Ziebach Counties. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2024 – 6.5, 2024 – 6.6, 2024 – 6.7, 2024 – 6.8, 2024 – 6.9 and 2024 – 6.10 were adopted.

Doug Kinniburgh, Office of Local Government, presented for Commission consideration the Bridge Improvement Grant (BIG) Procedures & the Five-Year County Highway Plan Guide. He shared the list of changes found on Attachments #8 & 9.

A MOTION WAS MADE by Karim and seconded by Vehle to approve the Bridge Improvement Grant (BIG) Procedures and Five-Year County Highway Plan Guide as proposed by the Department. All present voted aye by voice vote. The motion carried.

Commissioner Roby stepped away from the meeting from 12:28 – 12:29 p.m.

Commissioner Larry Nelson left the meeting at 12:45 p.m.

Mike Behm, Division Director of Planning & Engineering, presented for Commission approval the release of the tentative 2025 – 2028 Statewide Transportation Improvement Program (STIP). He shared a video of the new virtual meeting room that will be used this year for public meetings. He noted that with public attendance numbers being very low the last few years, the Department has chosen to do two live virtual meetings for the public to attend as well as the virtual meeting room that can be accessed at any time via the Department’s webpage.

A MOTION WAS MADE by Roby and seconded by Karim to approve the release of the 2025 – 2028 STIP. All present voted aye by roll call vote. The motion carried.

Secretary Jundt asked the Commission for an informational item for the July meeting. Commissioner Frick asked about the safety procedures but asked it to be presented at the August meeting as he will not be able to attend the July meeting. Jundt said he'd work with Chairman Jensen to choose a topic.

With no further business to come before the Commission, Chairman Jensen declared the meeting adjourned at 12:50 p.m. CT.