

**TRANSPORTATION COMMISSION CONFERENCE CALL MEETING  
JULY 26, 2018 – 9:00 A.M.  
BECKER-HANSEN BUILDING – 700 EAST BROADWAY  
PIERRE, SOUTH DAKOTA**

**COMMISSIONERS PRESENT**

**VIA CONFERENCE CALL:**

Kyle White, Chairman  
Larry A. Nelson, Member  
Mike Vehle, Member  
Rod Fouberg, Member  
Don Roby, Member  
Ralph Marquardt, Member (joined meeting at 9:05 a.m.)

**COMMISSIONER PRESENT:**

Ron Rosenboom, Member

**DOT STAFF PRESENT:**

Darin Bergquist, Mark Leiferman, Mike Behm, Joel Gengler, Kellie Beck, Jason Humphrey, Karla Engle, Julie Bolding, Ryan Johnson, Noël Clocksin, Sam Weisgram, Brian Raecke, Bonnie Olson, and Katherine Anderson

Chairman White called the meeting of the Transportation Commission (the “Commission”) to order at 9:00 a.m., at which time he delegated responsibility for presiding over the meeting to Commissioner Rosenboom. Roll call was taken and a quorum was determined.

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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.

The Commission acknowledged receipt of Fouberg’s written annual disclosure of potential conflicts of interest, which will be filed with the required state agencies. A copy of the written annual disclosure form is attached to and incorporated into these minutes as **Exhibit A**.

The Commission acknowledged receipt of Roby’s written annual disclosure of potential conflicts of interest, which will be filed with the required state agencies. A copy of the written annual disclosure form is attached to and incorporated into these minutes as **Exhibit B**.

Commissioner Ralph Marquardt joined the meeting by conference call at 9:05 a.m.

Commissioner Larry A. Nelson submitted a written annual disclosure and a waiver request concerning potential conflicts of interest. A copy of the written annual disclosure form and waiver request are attached to and incorporated into these minutes as **Exhibit C**.

Engle informed the Commission that Nelson had previously disclosed and the Commission had previously authorized all conflicts contained in Nelson’s waiver request, with the exception of a new potential conflict of interest involving the City of Salem.

A MOTION WAS MADE by Vehle and seconded by White to approve the waiver request submitted by Nelson concerning the potential conflict of interest involving the City of Salem, as

the Commission has determined that the matter underlying the conflict is fair, reasonable, and not contrary to the public interest. All present voted aye by roll call vote, except Nelson, who abstained from the Commission discussion and vote. The motion carried.

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Rosenboom asked for a motion to approve the minutes of the June 28, 2018, Commission meeting.

A MOTION WAS MADE by Fouberg and seconded by White to approve the June 28, 2018, meeting minutes. All present voted aye by roll call vote. The motion carried.

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Secretary Bergquist updated the Commission on the recent Hall of Honor meeting to select Inductees for this year. This year's inductees are the late Chuck Lien from Rapid City and retired Department of Transportation Engineer Laurie Schultz.

The Department of Transportation (the "Department") is continuing to work on scheduling the remote Transportation Commission meeting in Watertown. The next proposed dates are September 24 and 25.

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Jason Humphrey of the Office of Operations Support provided the following information on Construction Change Orders:

Construction change orders approved in June contain an increase of approximately \$723,041.

Over the past 12 months, the overall contract increase is 2.19%.

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

## **ABERDEEN REGION**

### **I. Project: PH 0281(106)185, Brown County, PCN 04K6**

Location: US 281 in Aberdeen

Contractor: Lien Transportation Co.

Type of Work: Intersection Modification

|                           |    |            |
|---------------------------|----|------------|
| Original Contract Amount: | \$ | 758,246.09 |
| Change on CCO No. 3F:     | \$ | 77,141.60  |
| Net Change to Date:       | \$ | 95,257.74  |

Explanation of Change on CCO No. 3F: This increase is the result of an increase to the contract quantity of asphalt concrete. The Engineer requested the Contractor place additional asphalt concrete to provide adequate slope and to maintain proper drainage at the intersection.

## MITCHELL REGION

### II. **Project: PH 0020(188), Charles Mix County, PCN 05W2**

Location: Various locations in the Mitchell Region

Contractor: Diamond Surface Inc.

Type of Work: Rumble Stripes and Pavement Markings

Original Contract Amount: \$ 490,031.40

Change on CCO No. 3: \$ (60,154.59)

Net Change to Date: \$ 6,701.13

Explanation of Change on CCO No. 3: This decrease is the result of a change to the type of pavement marking used on the project. During construction, the Department determined pavement conditions and the lack of a recessed groove warranted a change to a less expensive pavement marking paint. The reflective elements used in the original pavement marking specified require a recessed groove to protect the markings from snow plow damage.

## PIERRE REGION

### III. **Project: NH 0012(152)187, Walworth County, PCN 02A6**

Location: Missouri River Bridge at Mobridge on US 12

Contractor: Corr Construction Services, Inc.

Type of Work: Substructure Work

Original Contract Amount: \$ 334,425.60

Change on CCO No. 3: \$ 101,135.00

Net Change to Date: \$ 121,742.75

Explanation of Change on CCO No. 3: This increase is the result of additional quantity of concrete crack injection/sealing requested by the Department. During construction, the Department located additional cracks on the pier in need of injection and sealing.

### IV. **Project: PH 0083(70)0, Todd County, PCN 03B2**

Location: US83 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. 4: \$ 208,025.90

Net Change to Date: \$ 208,025.90

Explanation of Change on CCO No. 4: This increase is the result of adding a bid item to the contract for salvage and stockpile asphalt mix and granular base material. A plan error omitted the bid item from the contract.

**RAPID CITY REGION**

**V. Project: PH 0012(168)80, Perkins**

**County, PCN 02QB** Location: US12

from Lemmon to the ND State Line

Contractor: Loiseau Construction, Inc.

Type of Work: Shoulder Widening, Cold Milling Asphalt Concrete, Asphalt Concrete Surfacing, Structures, Lighting, & Curb Ramp Upgrades

Original Contract Amount: \$ 15,634,157.08  
Change on CCO No. 5: \$ 76,805.00  
Net Change to Date: \$ 71,648.25

Explanation of Change on CCO No. 5: This increase is the result of a change to the type and size of pipe to be replaced. During construction, the Department determined slip lining the existing pipe was not possible and ordered the Contractor to replace the existing metal pipe with new concrete pipe.

**VI. Project: IM 0901(38)40, Meade**

**County, PCN 5580**

Location: I 90 from Exit 40 to Exit 44 Interchange

Contractor: Heavy Constructors, Inc.

Type of Work: Grading, PCC Surfacing, Structures, Lighting, Signing, and Pavement Marking

Original Contract Amount: \$ 28,751,784.00  
Change on CCO No. 6: \$ 251,764.38  
Net Change to Date: \$ 821,338.01

Explanation of Change on CCO No. 6: This increase is the result of the Contractor performing extra work to excavate rock encountered in the borrow pit. In order to meet the conditions of the landowner agreement, the Contractor was required to excavate the rock to be able to properly contour the borrow pit.

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

1. Transfer- Davison County:

Request Transportation Commission approval to transfer to the city of Mitchell the State's interest in the following property acquired for highway right-of-way more particularly described as:

Lot H-4A in Lot H-4 in the NE1/4 of Section 27, Township 103 North, Range 60 West of the 5th P.M., City of Mitchell, Davison County, South Dakota, containing 0.91 acre.

Lot H-4B in Lot H-4 in the NE1/4 of Section 27, Township 103 North, Range 60 West of the 5th P.M., City of Mitchell, Davison County, South Dakota, containing 0.23 acre.

Lot H-5A in Lot H-5 in the SE1/4 of Section 27, Township 103 North, Range 60 West of the 5th P.M., City of Mitchell, Davison County, South Dakota, containing 0.52 acre.

Lot H-5B in Lot H-5 in the SE1/4 of Section 27, Township 103 North, Range 60 West of the 5th P.M., City of Mitchell, Davison County, South Dakota, containing 1.93 acres.

The above transfer completes the Transfer Agreement signed by the city of Mitchell on December 19, 2016 and signed by the State of South Dakota Department of Transportation on January 11, 2017; for transfer 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.

The highway right-of-way described above would be transferred to the city of Mitchell and the city of Mitchell would accept ownership, jurisdiction and maintenance responsibilities of the above described right-of-way.

Mitchell Area DOT recommends disposal.

A MOTION WAS MADE by Roby and seconded by Vehle to approve item #1-Transfer-Davison County. All present voted aye by roll call vote. The motion carried.

**RESOLUTION #2018-07.01** was adopted.

2. Transfer - Minnehaha County

Request Transportation Commission approval to transfer to Minnehaha County the following property acquired for highway right-of-way:

The State's interest in:

South Dakota Highway 17, from the Lincoln/Minnehaha County Line north to a point 75 feet south, more or less, of the centerline of South Dakota Highway 42 at its intersection with South Dakota Highway 17.

This resolution will complete a portion of the requirements of Agreement #716122 signed by Minnehaha County and the State of South Dakota, through its Department of Transportation, on June 29, 2017 for the transfer 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, of the segment of South Dakota Highway 17, from the Lincoln/Minnehaha County Line north to a point 75 feet south, more or less, of the centerline of South Dakota Highway 42 at its intersection with South Dakota Highway 17.

A MOTION WAS MADE by White and seconded by Vehle to approve item #2-Transfer-Minnehaha County. All present voted aye by roll call vote, except Marquardt who did not participate in the vote. The motion carried.

**RESOLUTIONS #2018-07.02, #2018-07.03, #2018-07.04, #2018-07.05, #2018-07.06** were adopted.

3. Transfer - Minnehaha County

Request Transportation Commission approval to transfer to Minnehaha County the following property acquired for highway right-of-way:

Lot A in Lot H3 in the S1/2 of the SW1/4 of Section 7, Township 102 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota.

The highway right of way described above would be transferred to Minnehaha County and Minnehaha County would accept ownership, jurisdiction, operational and maintenance responsibilities of the above described right-of-way.

This resolution will complete a portion of the requirements of Agreement #716122 signed by Minnehaha County and the State of South Dakota, through its Department of Transportation, on June 29, 2017 for the transfer 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, of the highway right-of-way.

A MOTION WAS MADE by Fouberg and seconded by Marquardt to approve item #3-Transfer-Minnehaha County. All present voted aye by roll call vote. The motion carried.

**RESOLUTION #2018-07.07** was adopted.

4. Abandonment - Minnehaha County

This resolution will abandon the temporary easements on Minnehaha County Project IM0293(76)77, PCN 3443.

NH 0212(160)306, PCN 03A6.

A MOTION WAS MADE by Vehle and seconded by White to approve item #4-Abandonment-Minnehaha County. All present voted aye by roll call vote. The motion carried.

**RESOLUTIONS #2018-07.08, #2018-07.15, #2018-07.16, and #2018-07.17** were adopted.

5. Condemnation- NH-PH 0115(48)76, PCN 0214, Lincoln 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 114 - Ralph Allen heirs; Ralph Allen (deceased) and Rose Marie Allen

Parcel 109 - Robert S & Peggy S. Devitt

Parcel 110 - Devitt Family Revocable Trust; Michael Leo Devitt and Irene Devitt, Co Tmstees

Parcels 19, A17, A17A - Oppold Holdings, LLC; Lloyd and Shirley Oppold (managers)

Parcels 117, 117A - Lloyd J. & Shirley M. Oppold Living Trust; Dacotah Bank, Mortgagee

Parcel 120 - Kevin J. & Nancy M. Oaks; Franklin American Mortgage Company

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH-PH0115(48)76, PCN 0214, Lincoln County, SD 115 – From the Harrisburg corner (273<sup>rd</sup> Street) to 85<sup>th</sup> St. in Sioux Falls.

Fouberg requested to consider parcels 117 and 117A separate from the rest of the parcels.

A MOTION WAS MADE by White and seconded by Marquardt to approve item #5-Condemnation-Lincoln County and proceed with condemnation on parcels 114, 109, 110, 19, A17, A17A, and 120. All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Roby and seconded by Vehle to approve item #5-Condemnation-Lincoln County and proceed with condemnation on parcels 117 and 117A. All present voted aye by roll call vote, except Fouberg who abstained. The motion carried.

**RESOLUTIONS #2018-07.09, #2018-07.10, #2018-07.11, #2018-07.12, #2018-07.13, #2018-07.14** were adopted.

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

**July 18, 2018 letting Structure (2-11'x8' CIP RCBC) & Approach Grading**

|   |   |                             |
|---|---|-----------------------------|
| 1 | 06VG BRF 6334(00)18-1<br>Nolz Dragline & Construction Company, Inc<br>Structure 3.1 miles west & 0.2 miles south of Chester on 241 St. over Buffalo Creek | Lake County<br>\$229,816.17 |
|---|---|-----------------------------|

**Horizontal Curve Delineation**

|   |  |                                      |
|---|--|--------------------------------------|
| 2 | 05FY PH 0020(170)<br>County Dakota Traffic Services, LLC<br>\$27,424.95<br>Mitchell Region | Brule, Buffalo, Charles Mix, Gregory |
|---|--|--------------------------------------|

A MOTION WAS MADE by Vehle and seconded by Marquardt to approve bid #'s 1 and 2 from the July 18 letting. All present voted aye by roll call vote. The motion carried.

**July 24, 2018 letting Shared Use Path – Grading, Culvert, Concrete Sidewalk, Etc**

|  |                                |
|--|--------------------------------|
| 05C8 P TAPU(12)<br>Masonry Components, Inc<br>Fox Run Trail along SD50 and West City Limits Road | Yankton County<br>\$688,707.01 |
|--|--------------------------------|

A MOTION WAS MADE by White and seconded by Fouberg to approve the July 24 bid. All present voted aye by roll call vote. The motion carried.

The Commission agreed to schedule a Commission conference call meeting for August 9, 2018,

at 9:00 a.m.

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Mark Leiferman, Program Manager of Project Development, presented the following informational STIP revision:

**INFORMATIONAL ITEM FOR THE COMMISSION**

REV 18-SC-031      This revision adjusted the cost of a 2018 Permanent Traffic Monitoring Sites upgrade project.

FY 2018 Plus \$62,000

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Mike Behm, Director of Planning and Engineering, presented for consideration an amendment to the 2019 Bridge Improvement Grant Procedure Guide and 2019-2023 Five-Year County Highway and Bridge Improvement Plan Guide.

A MOTION WAS MADE by Roby and seconded by Fouberg to amend the 2019 Bridge Improvement Grant (BIG) Procedure Guide and the 2019-2023 Five-Year County Highway and Bridge Improvement Plan Guide to identify the acronym "LPA" as being a reference to "Local Public Agency." All present voted aye by roll call vote. The motion carried.

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Rosenboom opened the floor for public input. No members of the public addressed the Commission or offered input.

With no other business to come before the Commission, the meeting was declared adjourned at 9:37 a.m.