

**SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING
JULY 25, 2019 AT 9:00 A.M. CDT
Becker-Hansen Building – 700 East Broadway Ave, Pierre**

COMMISSIONERS PRESENT: Kathy Zander, Chair
Mike Vehle, Vice-chair
Rod Fouberg, Member
Don Roby, Member
Benj Stoick, Member
Bruce Cull, Member

DOT STAFF PRESENT: Darin Bergquist, Karla Engle, Joel Jundt, Kellie Beck, Mike Behm, Greg Fuller, Joel Gengler, Becky Hoffman, Sam Weisgram, Ryan Johnson, Julie Bolding, Doug Kinniburgh, Tammy Williams, Andy Vandel, Kevin Marton, Steve Johnson, Bonnie Olson, and Kari Kroll

OTHERS PRESENT: Kirk Fredrichs – Federal Highway Administration (FHWA);
Dick Howard

Chair Kathy Zander called the meeting of the Transportation Commission (the “Commission”) to order at 9:01 a.m. A quorum was determined.

Zander welcomed newly appointed Commission members Bruce Cull and Benj Stoick to the Commission. Cull and Stoick provided brief introductions of themselves to the Commission. The remaining Commission members also provided a brief introduction for the new members.

Karla Engle, Office of Legal Counsel, provided a brief overview of the process for disclosing and receiving waivers for potential conflicts pursuant to South Dakota Codified Law Chapters 3 – 23.

Engle presented a waiver request from Larry Nelson concerning potential conflicts of interest. A copy of the waiver request is attached to and incorporated into these minutes as **Attachment A**.

A MOTION WAS MADE by Fouberg and seconded by Roby that the matters disclosed in the waiver request are fair, reasonable, and not contrary to the public’s interest. All present voted aye by voice vote. The motion carried.

Engle presented the annual conflict of interest disclosures received from Roby, Fouberg, and Nelson. Each of the conflict of interest disclosures were previously submitted to the Commission. Roby’s prior disclosure was dated July 19, 2018, Fouberg’s prior disclosure was dated July 17, 2018, and Nelson’s prior disclosure was dated July 6, 2018. The Commission acknowledged receipt of Roby, Fouberg, and Nelson’s annual disclosure of potential conflict of interest, which will be filed with the required state agencies. A copy of the written annual disclosure forms are attached to and incorporated into these minutes as **Attachment B**.

Zander asked for a motion to approve the minutes of the June 27, 2019, Commission meeting.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the June 27, 2019, Commission meeting minutes. All present voted aye by voice vote. The motion carried.

Secretary Bergquist presented the Secretary’s Report. The Department of Transportation (the “Department”) is requesting input from the Commission for planning the September meeting, which has historically been a “Road Show” meeting. Bergquist provided the Commission the option of staying in Pierre to tour the materials lab, observe the snow plow/tow plow and the spider van, and receive information on the Missouri River Bridge plans.

It was agreed upon by the Commission to do the “Road Show” portion of the meeting in Pierre on September 25 and hold the regular Commission meeting on September 26 at 9:00 a.m. CDT.

Greg Fuller, Director of the Division of Operations, presented the Construction Change Orders to the Commission and responded to questions from the commission.

Construction change orders approved in June contain an increase of approximately \$1,350,606.

Over the past 12 months, the overall contract increase is 3.52%.

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

ABERDEEN REGION

- I. Project: BRF 6307(09), Hamlin County, PCN 01KL
 Location: Structure 1 mile south of Castlewood over Big Sioux River
 Contractor: Industrial Builders, Inc.
 Type of Work: Structure and Approach Grading

Original Contract Amount:	\$	1,523,969.41
Change on CCO No. 2:	\$	92,376.04
Net Change to Date:	\$	92,376.04

Explanation of Change on CCO No. 2: This increase is the result of the Department settling a claim submitted by the Contractor. The Contractor encountered an obstruction while excavating for bent #2. The claim payment is for extra work resulting from the obstruction in the work area.

- II.** Project: IM-PH 0294(71)121, Brookings County, PCN 05FF
 Location: Various structures on I-29 northbound and southbound lanes
 Contractor: Louis-Company, LLC
 Type of Work: Bridge Deck Polymer Chip Seal and High Friction Surface Treatment

Original Contract Amount:	\$	505,463.28
Change on CCO No. 1:	\$	64,144.05
Net Change to Date:	\$	64,144.05

Explanation of Change on CCO No. 1: This increase is the result of the Department increasing the roadway area of high friction surface treatment at 2 of the locations on the project. The Department added 400 feet of length off the 2 structures as noted in the original project scope but not included in the plans.

- III.** Project: P 0010(150), Aberdeen Region, PCN 05XR
 Location: Various Routes in the Aberdeen Region
 Contractor: J D Peterick, Inc. DBA Northwest Asphalt & Maintenance
 Type of Work: Asphalt Concrete Crack Leveling

Original Contract Amount:	\$	595,485.35
Change on CCO No. 3:	\$	190,145.21
Net Change to Date:	\$	211,341.07

Explanation of Change on CCO No. 3: This increase is the result of the Department adjusting the contract quantity of asphalt repair mastic. Additional repair work was completed than estimated in the plans. This variation is common for this type of work.

MITCHELL REGION

- IV.** Project: IM 0909(75)402, Minnehaha County, PCN 00WN
 Location: Veteran's Parkway from I-90 to Rice Street
 Contractor: Riley Bros. Construction, Inc.
 Type of Work: Grading, Structures, and Surfacing

Original Contract Amount:	\$	54,665,168.60
Change on CCO No. 2:	\$	198,429.02
Net Change to Date:	\$	198,429.02

Explanation of Change on CCO No. 2: This increase is the result of numerous changes to the contract quantities. Some changes increased costs, some changes reduced costs. The largest variation leading to the increase on this CCO was a change from bore and jack 24" pipe and encasement to a larger 36" pipe and encasement due to large cobbles present upon the soil investigation completed during construction. The change to the larger pipe and larger wall thickness decreased the chance for excavation and damage to the pipe during the boring and jacking process and the associated delays.

- V. Project: NH 0100(103)417, Minnehaha County, PCN 00KB
 Location: SD 100 from Madison Street to Maple Street in Sioux Falls
 Contractor: T&R Contracting, Inc.
 Type of Work: Grading, Storm Sewer, Curb & Gutter, Structures, PCC Surfacing, Signals, and Lighting

Original Contract Amount:	\$	8,898,980.85
Change on CCO No. 6:	\$	(400,158.72)
Net Change to Date:	\$	(390,333.28)

Explanation of Change on CCO No. 6: This decrease is the result of the Department adjusting the contract quantities of PCC pavement and dowel bars. The field measured quantity of PCC pavement was significantly less than estimated in the plans due to a plan error in the length of the project. Additionally, the plans quantity of dowel bars was based on a 15' joint spacing. The actual joint spacing specified and constructed was 20' spacing resulting in a large decrease to the number of dowel bars needed.

PIERRE REGION

- VI. 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. 5:	\$	81,028.38
Net Change to Date:	\$	186,816.33

Explanation of Change on CCO No. 5: This increase is the result of the Department adjusting the contract quantities to match the quantities used during construction. Larger increases were made for flagging and Contractor furnished borrow both due to normal project variations.

- VII. Project: NH-P 0031(37), Hughes County, PCN 05NH
 Location: Various Routes in the Pierre Area
 Contractor: Diamond Surface Inc.
 Type of Work: Pavement Rehabilitation & Pavement Marking

Original Contract Amount:	\$	802,273.47
Change on CCO No. 4	\$	159,276.45
Net Change to Date:	\$	595,734.51

Explanation of Change on CCO No. 4: This increase is the result of the Department adjusting the contract quantities of various aspects of concrete repair. The additional repair work was determined necessary during construction. While traffic was controlled, a more thorough investigation of the repair areas was completed resulting in additional repair locations and types. This variation is common for this type of work.

- VIII.** Project: P 0020(145)240, Walworth County, PCN 03T1
 Location: SD 20 from US 83 to Hoven
 Contractor: Border States Paving, Inc.
 Type of Work: Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, Pipe Work

Original Contract Amount:	\$	3,026,293.96
Change on CCO No. 4:	\$	85,274.60
Net Change to Date:	\$	113,556.01

Explanation of Change on CCO No. 4: This increase is the result of a change in borrow source. The plans called for embankment from the existing ditch section. With the saturated conditions of the in place material and the amount of time required to dry the material to a usable condition, the Department substituted the material with Contractor furnished borrow from another location.

RAPID CITY REGION

- IX.** Project: P 0071(03)06, Fall River County, PCN 04FV
 Location: SD 71.5 mile south of SD 471
 Contractor: Bituminous Paving, Inc.
 Type of Work: AC Resurfacing, Structures, and Approach Grading

Original Contract Amount:	\$	3,465,739.75
Change on CCO No. 2:	\$	427,033.52
Net Change to Date:	\$	427,033.52

Explanation of Change on CCO No. 2: This increase is the result of the Department updating the contract quantities of asphalt for tack, asphalt binder, and asphalt concrete. Additional materials were used to construct the section to the planned typical section. Additionally, a plan error omitted some of the required quantities from the contract.

Sam Weisgram of Project Development provided a brief explanation of the bid award process to the Commission prior to presenting the bid letting results:

July 17, 2019

Grading, Asphalt Concrete Surfacing & Span Wire Traffic Signal

1 073A NH 014B(00)420
 REJECTED BY SDDOT COMMISSION
 US14B – 22nd Ave Intersection in Brookings

Brookings County

A MOTION WAS MADE by Roby and seconded by Fouberg to reject bid #1. All present voted aye by voice vote. The motion carried.

Joel Gengler, Program Manager for the Right of Way Office provided a brief explanation of the right of way acquisition process to the Commission prior to presenting the following right of way items for the Commission's consideration:

The following items are recommended for Commission consideration:

1. Abandonment – Codington County

This resolution will abandon the temporary easements on Codington County Project P 0020(158)416, PCN 037V.

A MOTION WAS MADE by Vehle and seconded by Fouberg to approve the abandonment of temporary easements in Codington County on item #1. All present voted aye by voice vote. The motion carried.

RESOLUTION #2019 – 7.1 was adopted.

2. Condemnation – Project NH 0050(100)411, PCN 023V, Clay 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 6 – Tanna L. Miiller and Alan W. Miiller; Lienholder: Loancare; Judgment holders: Tri State Insulation; Vermillion Ford; Siouxland Heating and Cooling; Sorensen Family Farms, LLC; Herren Schempp Building Supply; Electair Inc and Kaiser Heating and Cooling; Jones Ace Hardware; Stewart Oil and Tire; Schuh Electric and Larry Allen Schuh; Total Flooring; Koble's Electric; and LVNV Funding LLC.

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH 0050(100)411, Clay County, PCN 023V, SD50 west bound lanes – from Vermillion to the end of the divided lanes west of I29; Grading & PCC Surfacing.

A MOTION WAS MADE by Vehle and seconded by Roby to approve condemnation of Parcel 6 in Clay County on item #2. All present voted aye by voice vote. The motion carried.

RESOLUTION #2019 – 7.2 was adopted.

Mike Behm shared with the Commission the recent activity regarding the Statewide Transportation Improvement Program (STIP).

Behm asked the Commission to consider the STIP revision REV 19-051. This revision will add a FY2019 crack seal project on various location in the Sioux Falls area to the 2019-2022 STIP. FY 2019 increase by \$447,000.

A MOTION WAS MADE by Roby and seconded by Vehle to approve the STIP revision REV 19-051. All present voted aye by voice vote. The motion carried.

The rest of the STIP revisions were provided to the Commission as informational items.

Tammy Williams, Program Manager for the Office of Administration, provided background on the Bridge Improvement Grant (BIG) Program. Williams shared that there has been a new practice in the hydraulic planning of bridge engineering, which would require re-analysis of the hydraulics on various projects in order to minimize scour. Due to this re-analysis, some of the projects will require reworking and additional funds to complete.

Williams asked the Commission to approve amendments to the BIG contracts for Moody County, Day County, Turner County and Union County to account for project increases related to hydraulics re-analysis as follows:

1. Amendment to BRF6337(00)19-1 Moody County, PCN 076A - \$18,701.20
2. Amendment to BRF 6147(00)19-3 Day County, PCN 075U - \$17,542.82
3. Amendment to BRF 6102(00)19-1 Turner County, PCN 0768 - \$28,197.90
4. Amendment to BRO 8064(00)17-2 Union County, PCN 06HY - \$28,197.90

Williams explained that the BIG grant agreements contain a cost share provision for each of the counties as follows:

1. Moody County – 20% and State – 80%
2. Day County – 40% and State – 60%
3. Turner County – 25% and State – 75%
4. Union County – 20% and State – 80%

A MOTION WAS MADE by Foubert and seconded by Roby to approve amendments to the BIG grant agreements to account for the increased project costs as requested by Williams. All voted aye by voice vote, except Vehle who voted nay. The motion carried.

The Commission took a 7-minute break. The meeting resumed at 10:26 a.m.

Secretary Bergquist confirmed with the Commission and Tammy Williams that the motion approving amendments to the BIG contracts would carry the same financial split as stated in the original grant application.

Andy Vandel, Highway Safety Engineer, provided an informational item to the Commission regarding the strategic highway safety plan.

Steve Johnson, Chief Bridge Engineer, provided an informational item to the Commission regarding structural selection.

Zander opened the floor to public input. No members of the public addressed the Commission or offered input.

With no other business to come before the Commission, Zander declared the meeting adjourned at 11:04 a.m.

DRAFT