

# SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, May 9, 2024 at 9:00 a.m. CDT

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

## COMMISSIONER PRESENT

VIA CONFERENCE CALL: Lynn Jensen, Chairman  
Jaf Karim  
Chris Frick  
Larry Nelson  
Austin Simons  
Mike Vehle  
Ron Rosenboom

DOT STAFF PRESENT: Joel Jundt, Mike Behm, Mark Leiferman, Steve Johnson, Sam Weisgram, Becky Hoffman, Katlyn Wieme, and Kari Kroll

DOT STAFF PRESENT  
VIA CONFERENCE CALL: Karla Engle, Mark Peterson, and Scott Rabern

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

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

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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.

Karla Engle, Office of Legal Counsel, presented to the Commission a waiver request for Commissioner Austin Simons concerning future potential conflicts. Engle explained that Commissioner Simons is an owner of Thorstenson Trucking, LLC, which subcontracts with Jensen Rock and Sand, Inc. on various projects, including Department of Transportation projects that come before the Transportation Commission for contract award. When such a conflict arises, Commissioner Simons will verbally disclose the conflict prior to Commission action and will recuse himself from the discussion and vote on that item. A copy of the waiver request is included with these minutes as **ATTACHMENT A**.

A MOTION WAS MADE by Frick and seconded by Vehle that the matters disclosed in the written waiver request by Commissioner Simons are fair, reasonable, and not contrary to public interest. All present voted aye by roll call vote except Simons, who abstained. The motion carried.

Jensen asked for any other potential conflicts of interest. No other members of the Commission disclosed a conflict or requested a waiver.

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Jensen opened the floor to public input.

No members of the public addressed the Commission nor offered input.

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

May 1, 2024

**Polymer Chip Seal, Approach Slabs**

2 081K, 081L, 08JC, 08JA NH 0083(91)118, NH 0014(243)131, P 0047(123)52, P 1806(26)145  
 Haakon, Jackson, Lyman, Stanley County  
 Corr Construction Services, Inc \$2,125,392.30  
 US83 - Str In Fort Pierre; US14 - Str 3.8 SW of the Jackson/Haakon Co Line, Str 1.1 NE of the  
 Haakon/Jackson Co Line, Str 1.9 S of the SD34 Jct; SD1806 - 6.4 NW of SD273, 6.7 NW of SD273,  
 6.7 NW of SD273; SD47-5.3 S of SD49

**Corridor Signing**

3 05GJ PH 0020(183) Lincoln, Minnehaha County  
 BX Civil & Construction, Inc. \$1,395,000.00  
 Mitchell Region

**Paint Superstructure**

4 03R6 IM 0299(73)232 Roberts County  
 Pacific Painting Co., Inc. \$1,496,043.80  
 I29 - Strs, SD10/I29 Intch: County Rd over I29, 2.0 N of SD10 Intch: County Rd over I29, 6.5 NE of  
 SD10 Intch: SD127/I29 Intch & County Rd over I29, 2.0 N of SD127 Intch: Over BNSF RR 0.6 S of  
 US12 Intch

**High Friction Surface Treatment**

6 09NY PT 0299(82)215 Roberts County  
 Skidabrader Group, LLC \$393,370.88  
 I29 S - 1.1 N of Exit 213 (Wilmot, SD15)

**Crack Leveling**

8 09KH P 0011(315) Day County  
 Highway Improvement, Inc \$171,285.95  
 Various Routes in the Aberdeen Area

A MOTION WAS MADE by Karim and seconded by Vehle to approve bids #2, 3, 4, 6, and 8. All present voted aye by roll call vote. The motion carried.

**Prestressed Girder Repair & Concrete Metalizing**

1	07D4 IM 0296(33)168	Hamlin County
	General Excavating, LLC	\$317,567.12
	I29 N - 4 NW of SD22 Interch over Stray Horse Ck	

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

**Cold Milling, Asphalt Concrete Resurfacing of Shoulders, Asphalt Surface Treatment**

5	08Y8 IM-CR 0022(94)	Minnehaha County
	Bituminous Paving, Inc.	\$7,790,806.15
	Various Routes in the Sioux Falls Area	

A MOTION WAS MADE by Frick and seconded by Rosenboom to approve bid #5. All present voted aye by roll call vote. The motion carried.

**Rout & Seal**

7	08R3 NH-P 0023(65)	Bon Homme, Clay, Union, Yankton County
	Northwest Asphalt & Maintenance	\$434,124.11
	Various Routes in the Yankton Area	

A MOTION WAS MADE by Frick and seconded by Vehle to approve bid #7. All present voted aye by roll call vote. The motion carried.

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With no further business to come before the Commission, Chairman Jensen declared the meeting adjourned at 9:24 a.m. CT.

STATE OF SOUTH DAKOTA  
TRANSPORTATION COMMISSION

REQUEST FOR STATE BOARD WAIVER  
PURSUANT TO SDCL 3-23-3

Date: May 6, 2024

Name of Board Member or Former Board Member: **Austin Simons**

Brief explanation of contract for which a waiver is requested:

a) Parties to the contract

**South Dakota Department of Transportation (DOT) and Jensen Rock and Sand, Inc. enter into contracts for DOT construction projects. Thorstenson Trucking, LLC has subcontracts with Jensen Rock and Sand, Inc. on various DOT projects.**

b) Board Member's role in the contract

**I am an owner of Thorstenson Trucking, LLC and a member of the South Dakota Transportation Commission.**

c) Purpose and objective of the contract


**The South Dakota Transportation Commission awards the contracts for DOT construction projects, including those contracts where Thorstenson Trucking, LLC is subcontracting with Jensen Rock and Sand, Inc. The purpose and objective of the prime contracts and the subcontracts is to complete work on DOT projects.**

d) Consideration or benefit conferred or agreed to be conferred upon each party

**Jensen Rock and Sand, Inc. pays Thorstenson Trucking, LLC for its subcontracting work on DOT projects.**

e) Duration of the contract

**The contracts between DOT and Jensen Rock and Sand, Inc., and the subcontracts between Jensen Rock and Sand, Inc. and Thorstenson Trucking, LLC are typically in effect through completion of each DOT project.**

Signature of Requesting Party:  Date 5/16/24