

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, June 23, 2022, at 9:00 a.m. CDT

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

COMMISSIONERS PRESENT: Bruce Cull, Chairman
Ron Rosenboom
Larry Nelson
Mike Vehle
Don Roby
Kathy Zander
Lynn Jensen

COMMISSIONERS PRESENT

VIA CONFERENCE CALL: Don Roby (joined 9:09 a.m. / left 11:02 a.m.)

DOT STAFF PRESENT: Joel Jundt, Dustin DeBoer, Mike Behm, Craig Smith, Kellie Beck, Mark Leiferman, Joanne Hight, Sam Weisgram, Joel Gengler, Becky Hoffman, Doug Kinniburgh, Paula Huizenga, Kyle Weinman, and Kari Kroll

DOT STAFF PRESENT
VIA CONFERENCE CALL: Jack Dokken

OTHERS PRESENT
VIA CONFERENCE CALL: Kirk Fredrichs – Federal Highway Administration (FHWA); Jason Reaves – South Dakota Concrete Pavement Association; Nancy Wenande – Yankton Thrive; Mark Cotter - City of Sioux Falls; and Shannon Ausen – City of Sioux Falls

Chairman Bruce Cull called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. Central Time. A roll call was taken and a quorum was determined.

Cull 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. No conflicts of interest were disclosed and no waivers were requested.

Dustin DeBoer, Office of Legal Counsel, informed the Commission that Annual Disclosures will be sent out this month and will need to be returned prior to the July meeting.

Cull asked for a motion to approve the June 9, 2022 Commission meeting minutes.

A motion was made by Nelson and seconded by Karim to approve the June 9, 2022 Commission meeting minutes. All present commissioners voted aye by voice vote. The motion carried.

Commissioner Don Roby joined the meeting at 9:09 a.m.

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

- There are approximately 30 state legislators that will not be returning, including the chairs of the House Transportation Committee and the Senate Transportation Committee, after the State's primary election and/or retirements. Education of new legislative members by the Department of Transportation (the "Department") regarding Department practices and processes will be an important goal.
- The Transportation, and Housing and Urban Development, and Related Agencies (T-HUD) funding bill for 2023 is currently being considered in the U.S. House subcommittee. The Bill provides funding of \$90.9 billion, more than 12% above 2022, which includes \$837 million more for the U.S. Department of Transportation.
- With the additional Bipartisan Infrastructure Law (BIL) programs and discretionary grants coming online, the Department may be tasked with administering contracts and fundings from the federal level to the local governments.
- President Biden asked Congress for a three-month gas tax holiday to help with the raising gas prices and has asked states to take similar action.
- Mike Behm, Director of Planning & Engineering, was introduced and Mr. Behm gave an update on the recent Electric Vehicle (EV) Fast Charging Plan public meetings held in Rapid City and Sioux Falls.

Chairman Cull congratulated Secretary Jundt on his election as Western Association of State Highway and Transportation Organizations (WASHTO) Vice President.

Craig Smith, Director of Operations, presented the following Construction Change Orders (CCOs) for the Commission's information.

CCO approved in May contain an increase of \$591,392.64. Over the past 12 months, the overall contract increase is 0.52%.

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

ABERDEEN REGION

- Project: P 0015(84)155, Deuel & Grant County, PCN 05J3
 Location: SD 15 from the north junction of US 212 north to the south junction of SD 20
 Contractor: Central Specialties, Inc.
 Type of Work: Asphalt concrete surfacing

Original Contract Amount:	\$	5,531,417.48
Change on CCO No. 1:	\$	55,680.00
Net Change to Date:	\$	55,680.00

Explanation of Change on CCO No. 1: This increase is the result of the Department compensating the Contractor for extra work performed to clean out, prepare, tack, and fill potholes which developed in the existing interim surfacing after the project was let and before construction began.

MITCHELL REGION

- Project: IM FP 0908(95)362, McCook County, PCN 05HP
 Location: I-90 EBL from 2 miles west of Salem interchange to 2 miles west of Humboldt
 Contractor: Reede Construction, Inc.
 Type of Work: Remove and replace PCC pavement, pipe work, replace structures & approach grading, deck overlay, approach slabs, polymer chip seal

Original Contract Amount:	\$	37,412,446.36
Change on CCO No. 12:	\$	266,681.34
Net Change to Date:	\$	88,681.24

Explanation of Change on CCO No. 12: This increase is the result of the Department compensating the Contractor for extra work performed due to a differing site condition as defined by the specifications. The Contractor was required to remove several large boulders to place the cofferdam for the excavation and construction of bent #2 at the East Fork of the Vermillion River.

- Project: NH PH 0050(114)324, Charles Mix County, PCN 04HN
 Location: SD 50 from the east junction of US 18 to west of Wagner and SD 46/SD 50 junction
 Contractor: Loiseau Construction, Inc.
 Type of Work: Grading, shoulder widening, structure, asphalt concrete surfacing, lighting

Original Contract Amount:	\$	16,132,696.32
Change on CCO No. 6:	\$	286,556.55
Net Change to Date:	\$	530,461.76

Explanation of Change on CCO No. 6: This increase is the result of the Department adjusting the contract quantities of numerous contract items to match the quantities used during construction. Larger increases were made for excavation, base course, asphalt concrete, permanent erosion control measures, and flagging. The variations are due to normal project variations and common for the work type.

4. Project: IM FP 2292(06)5, Minnehaha County, PCN 4778

Location: I-229 – 26th Street exit in Sioux Falls

Contractor: D & G Construction, Inc.

Type of Work: Grading, curb & gutter, storm sewer, PCC surfacing, structure, lighting, signals

Original Contract Amount:	\$	12,467,527.57
Change on CCO No. 8:	\$	(62,733.10)
Net Change to Date:	\$	(5,943.36)

Explanation of Change on CCO No. 8: This decrease is the result of the Department adjusting the contract quantities of survey crew hours, water for vegetation, and erosion control blanket to match the quantities used during construction. The variations are due to normal project variations.

PIERRE REGION

5. Project: NH EM 0083(74)55, Jones & Mellette County, PCN 04E7

Location: US 83 from north of White River to north of the Mellette/Jones County line

Contractor: Foothills Contracting, Inc.

Type of Work: Grading, structures, interim surfacing

Original Contract Amount:	\$	25,965,988.45
Change on CCO No. 16:	\$	97,884.61
Net Change to Date:	\$	581,891.74

Explanation of Change on CCO No. 16: This increase is the result of the Department adjusting the contract quantities of seeding, fertilizing, and mulching to match the quantities installed during construction.

6. Project: NH EM 0083(74)55, Jones & Mellette County, PCN 04E7

Location: US 83 from north of White River to north of the Mellette/Jones County line

Contractor: Foothills Contracting, Inc.

Type of Work: Grading, structures, interim surfacing

Original Contract Amount:	\$	25,965,988.45
Change on CCO No. 17:	\$	90,262.44
Net Change to Date:	\$	672,154.18

Explanation of Change on CCO No. 17: This increase is the result of the Department compensating the Contractor for extra work performed to haul and place state furnished salvaged base course. The quantity of salvage material generated from the project was insufficient to construct the typical section in the plans. The Department and Contractor agreed to use a stockpile of salvage material located at the Mission SDDOT maintenance yard to make up the difference.

7. Project: ER 6385(07), Mellette County, PCN 07N2
Location: 268th Avenue, 1 mile west and 1 mile south of White River
Contractor: Morris, Inc.
Type of Work: Emergency roadway realignment, erosion repair

Original Contract Amount:	\$	12,467,527.57
Change on CCO No. 1:	\$	(62,733.10)
Net Change to Date:	\$	(81,882.50)

Explanation of Change on CCO No. 1: This decrease is the result of the Department eliminating a portion of the work from the contract. The Contractor will no longer be required to install a bench section for the reestablishment of vegetation and mitigation of future wetland losses. The Department will address the wetland mitigation through the state wetland findings process. This change has been approved by FHWA and the US Army Corps of Engineers.

8. Project: P 1806(15)176, Stanley County, PCN 045K
Location: SD 1806 – 3 miles south of the US 83 junction south of Ft. Pierre
Contractor: Midwest Contracting, LLC
Type of Work: Drainage improvement and erosion repair

Original Contract Amount:	\$	4,816,089.85
Change on CCO No. 2:	\$	77,620.09
Net Change to Date:	\$	93,420.09

Explanation of Change on CCO No. 2: This increase is the result of the Department compensating the Contractor for extra work performed to remove and replace an additional pipe on the project.

RAPID CITY REGION

9. Project: P 016A(08)59, Pennington County, PCN 04FU
 Location: US 16A EBL & WBL over 16E at the Keystone Interchange
 Contractor: Corr Construction Services, Inc.
 Type of Work: Bridge rehabilitation

Original Contract Amount:	\$	4,498,771.30
Change on CCO No. 5:	\$	67,244.96
Net Change to Date:	\$	197,339.02

Explanation of Change on CCO No. 5: This increase is the result of the Department compensating the Contractor for extra work performed to remove shear developers discovered during the removal of the existing concrete deck and installation of wood plugs to patch the resulting holes in the substructure. The Department tracked the cost of this work using the force account process as this work is not common to the Department. Additionally, the Department adjusted the contract quantities of various types of concrete substructure repair to match the quantities performed during construction.

10. Project: P 1774(00)6, Pennington County, PCN 02SF
 Location: East Boulevard and East North Street from St Joseph Street north and east to Herman Street in Rapid City
 Contractor: Simon Contractors dba Simon
 Type of Work: Grading, intersection improvement, traffic signals, curb & gutter, storm sewer, sidewalk, PCCP, lighting

Original Contract Amount:	\$	11,333,766.37
Change on CCO No. 11:	\$	(370,522.98)
Net Change to Date:	\$	(306,100.58)

Explanation of Change on CCO No. 11: This decrease is the result of the Department adjusting the contract quantities of numerous contract items to match the quantities used during construction. Larger decreases were made for water for vegetation, various traffic control items, and flagging hours. The variations are due to normal project variations and common for the work type.

11. Project: NH 0034(189)35, Meade County, PCN 05TQ
 Location: SD 34 from Regent Street in Sturgis east to east of SD 79
 Contractor: Anderson Western, Inc
 Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, pipe work, structure replacement, approach grading

Original Contract Amount:	\$	9,209,247.06
Change on CCO No. 3:	\$	82,283.93
Net Change to Date:	\$	180,511.73

Explanation of Change on CCO No. 3: This increase is the result of the Department adjusting the contract quantity of asphalt binder. The Department approved mix design contained a target binder content higher than estimated in the plans.

- 12. Project: NH 0073(75)213, Perkins County, PCN 05RY
 Location: SD 73 from the north SD 20 junction to 15 miles north
 Contractor: Border States Paving, Inc.
 Type of Work: Cold milling asphalt concrete, asphalt concrete resurfacing, pipe work

Original Contract Amount:	\$	3,999,253.86
Change on CCO No. 3:	\$	66,059.43
Net Change to Date:	\$	65,646.71

Explanation of Change on CCO No. 3: This increase is the result of the Department making an incentive payment for asphalt concrete pavement smoothness in accordance with the contract.

- 13. Project: P 6480(04), Pennington County, PCN 5777
 Location: Sheridan Lake Road from junction of US 385 to Alberta Road
 Contractor: Oftedal Construction, Inc.
 Type of Work: Grading, asphalt concrete surfacing, curb & gutter, structures, storm sewer

Original Contract Amount:	\$	22,871,427.33
Change on CCO No. 9:	\$	(173,365.43)
Net Change to Date:	\$	(132,573.18)

Explanation of Change on CCO No. 9: This decrease is the result of the Department adjusting the contract quantities of numerous contract items to match the quantities used during construction. The largest decrease was the result of the Department eliminating the Contractor furnished topsoil item from the project. During construction, more topsoil was available for salvage on the project than planned. Contractor furnished topsoil was no longer necessary. The variations are due to normal project variations and common for the work type.

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

June 15, 2022

Grading, Asphalt Concrete Surfacing, Pavement Marking & Storm Sewer

1	05F8 PH 8041(20)	Meade, Pennington County
	Western Construction, Inc.	\$957,689.84
	Nemo Rd - Horizontal curve at Pennington/Meade Co line; Norris Peak Rd - Horizontal curve at intersection with Bogus Jim Rd	

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

Culvert Cleaning & CIPP Lining

2	06WC P 0012(272) Hydro Klean LLC Various Locations Throughout the Watertown Area	Brookings, Deuel, Roberts County \$373,441.75
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A MOTION WAS MADE by Jensen and seconded by Zander to approve bid #2. All present voted aye by roll call vote. The motion carried.

Signing & Delineation

3	04KA PH 8065(19) Hamm Contracting, LLC Various County, City, & Township Roads in Walworth County	Walworth County \$610,682.65
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County Pavement Marking

4	07DP P 000S(00)233 Traffic Services Company LLC Various Locations in the Pierre Region	Regionwide County \$60,673.00
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Bridge Slope Protection Rehabilitation

5	08PM IM 0023(00) BX Civil & Construction, Inc. Various Locations in the Yankton and Sioux Falls Area	Lincoln, Union County \$481,000.00
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A MOTION WAS MADE by Karim and seconded by Vehle to approve bids #3, 4, and 5. All present voted aye by roll call vote. The motion carried.

June 16, 2022

Asphalt Concrete Resurfacing & Spot Asphalt Concrete Patching

0956 P-PH-B 0025(00)115 Asphalt Paving & Materials Co. 425 th Ave 429 th Ave 193 rd St and 200 th St	Clark, Kingsbury County \$1,559,266.01
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A MOTION WAS MADE by Nelson and seconded by Jensen to approve the bid. All present voted aye by roll call vote. The motion carried.

Joel Gengler, Program Manager for the Office of Right of Way (ROW), presented the following items for the Commission's consideration.

1. Request Transportation Commission approval to transfer by resolution to the city of Sioux Falls the following property acquired for highway right-of-way:

A portion of 12th Street in Sioux Falls, Minnehaha County, South Dakota, legally described as follows:

Lot H3 in the West 100 feet of Lot 5 in Block 19 of Covell's Second Addition to the City of Sioux Falls, Minnehaha County, South Dakota. Plat Book 67, Page 47.

Lot H2 in the West 100 feet of Lot 5 in Block 19 of Covell's Second Addition to Sioux Falls, Minnehaha County, South Dakota. Plat Book 63, Page 205.

Lots H2 and H3 legal descriptions were incorrect in the April 28th Commission meeting transfer Resolution. This Resolution transfer corrects the legal descriptions and will transfer a portion of 12th Street in Sioux Falls towards completing Agreement #710142 between the City of Sioux Falls and Department of Transportation. The highway right of way described above would be transferred to the City of Sioux Falls and the City of Sioux Falls would accept ownership, jurisdiction, operational and maintenance responsibilities of the above-described right-of-way.

Sioux Falls Area DOT recommends the transfer.

A MOTION WAS MADE by Nelson and seconded by Rosenboom to approve the transfer in Minnehaha County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2022 – 6.1 was adopted.

2. Abandonment – Lawrence County

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

Lot A, a portion of Government Lot 13 (a portion of Lot H2 & H3 of previous Gov't Lot 6) and a portion of Government Lot 19 (a portion of Lot H4 of previous Gov't Lot 7) and The unplatted portion of the 66 foot right of way to US HWY 85 as depicted on this plat of Section 11; and Lot B, a portion of Government Lot 19 (a portion of Lot H2 & H3 of previous Gov't Lot 7) in Section 11 and a portion of Government Lot 12 (a portion of Lots H2 & H3 of previous Gov't Lot 3 and Lots H5 & H6 of previous Gov't Lot 2) of Section 14 and The unplatted portion of the 66 foot right of way to US HWY 85 as depicted on this plat. All located in Sections 11 & 14, T5N, R3E, B.H.M., Lawrence County, South Dakota.

Said Lot A contains 3.306 acres; Said Lot B contains 2.834 acres.

This item was approved at the February 24, 2022 Commission meeting. However, Lawrence County ROD would not record the plat legal description. Therefore, the surveyor has corrected the legal description. Plat changes were made to the legal descriptions and the Lot B acreage per Register of Deeds recommendations to make the documents recordable.

The proposed abandonment lots are located on the east side of Hwy 85 one mile north of Deadwood.

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

A MOTION WAS MADE by Vehle and seconded by Karim to approve the abandonment in Lawrence County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2022 – 6.2 was adopted.

3. Abandonment – Brookings County

Request Transportation Commission approval to abandon by resolution the temporary easement on Brookings County DOT Project IM-NH-P 0022(45), PCN 041L.

4. Abandonment – Dewey County

Request Transportation Commission approval to abandon by resolution the temporary easements on Dewey County DOT project BRF 6259(06), PCN 03GU.

5. Abandonment – Lake County

Request Transportation Commission approval to abandon by resolution the temporary easements on Lake County Project IM-NH-P 0022(45), PCN 041L.

6. Abandonment – Lawrence County

Request Transportation Commission approval to abandon by resolution the temporary easement on Lawrence County Project NH 014A(20)29, PCN 04WC.

7. Abandonment – Lincoln County

Request Transportation Commission approval to abandon by resolution the temporary easement on Lincoln County Project IM-NH-P 0022(45), PCN 041L.

8. Abandonment – Perkins County

Request Transportation Commission approval to abandon by resolution the temporary easements on Perkins County DOT Project NH 0073(75)213, PCN 05RY.

A MOTION WAS MADE by Nelson and seconded by Zander to approve the abandonment of temporary easements in Brookings, Dewey, Lake, Lawrence, Lincoln, and Perkins Counties. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2022 – 6.3, 2022 – 6.4, 2022 – 6.5, 2022 – 6.6, 2022 – 6.7 and 2022 – 6.8 were adopted.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following Statewide Transportation Improvement Plan (STIP) revisions for the Commission’s approval:

FOR COMMISSION APPROVAL

(To add or delete a project in the 4-year construction STIP)

- REV 22-033 This revision will add a FY2022 Dynamic Message Boards Rehabilitation project on the Interstate System Statewide.
FY 2022 Plus \$2,992,000
- REV 22-034 This revision will add a FY2023 Sign Bridge project on I-229 from I-29 to Western Ave in Sioux Falls in the Mitchell Region.
FY 2023 Plus \$1,937,000

A MOTION WAS MADE by Karim and seconded by Rosenboom to approve STIP revisions # 22 – 033 and 22-034. All present voted aye by roll call vote. The motion carried.

INFORMATIONAL REVISIONS FOR THE COMMISSION

(Work Type change, Cost update, Move FYs within the 4-year construction STIP)

- REV 22-SC-024 This revision changed the location description of a FY2022 Shared Use Path project in Spearfish in the Rapid City Region to “Spearfish - along McGuigan Rd & Old Belle Rd from Tumble Weed Tr to N of I-90 west bound On-Ramp at Exit 8”. (Sequence #456, Page 115 in the 2022-2025 STIP Book).
FY 2022 No Change
- REV 22-SC-026 This revision increased the cost of a FY2022 Regionwide County Pavement Marking project on Various Locations in the Aberdeen Region. (Sequence #707, Page 152 in the 2022-2025 STIP Book).
FY 2022 Plus \$885,000
• Original = \$572,000; Updated = \$1,457,000

Mark Leiferman presented to the Commission the tentative STIP for 2023 – 2026 and Public Transit Improvement Program along with their supplemental informational items for authorization to distribute and release to the public for comment.

A MOTION WAS MADE by Karim and seconded by Jensen to authorize the Department to release the tentative STIP for 2023 – 2026 and Public Transit Improvement Program along with their supplemental informational items for distribute and release to the public for comment. All present voted aye by roll call vote. The motion carried.

Joanne Hight, Office of Local Government, presented to the Commission for their consideration an amendment to the Bridge Improvement Grant (BIG) for Turner County for additional construction based on new guidelines for scour countermeasures in the amount of \$147,292 for overburden excavation for Riprap. It would be paid 80% BIG Program and 20% State share.

A MOTION WAS MADE by Nelson and seconded by Rosenboom to approve the amendment to the BIG grant for Turner County for additional construction based on new guidelines for scour countermeasures in the amount of \$147,292. All present voted aye by roll call vote. The motion carried.

Mike Behm, Director of Planning & Engineering, presented to the Commission for consideration an advance of Surface Transportation Block Grant Program (STBGP) funds for the City of Sioux Falls in the amount of approximately \$21,747,000.

A MOTION WAS MADE by Nelson and seconded by Vehle to approve the advance in funds to the City of Sioux Falls in the amount of \$21,747,000. All present voted aye by roll call vote. The motion carried.

Joanne Hight presented the proposed 2023 Local Bridge Replacement and Removal Program fact sheets for the Commission's consideration.

A MOTION WAS MADE by Nelson and seconded by Zander to approve the 2023 Local Bridge Replacement and Removal Program as recommended by the Department. All present voted aye by roll call vote. The motion carried.

Joanne Hight presented to the Commission for their consideration the 2023 Industrial Park Grant application from the city of Yankton in the amount of \$500,000.00.

Nancy Wenwande of Yankton Thrive presented to the Commission a request to receive \$600,000.00 for the Industrial Park Grant. A letter of consideration was received from Governor's Office of Economic Development supporting the Industrial Park Grant award to the City of Yankton.

Paula Huizenga, Office of Local Government Assistance, shared with the Commission grant award limits of \$500,000.00 for the Industrial Park Grant. If the Commission chooses to award the city of Yankton with \$600,000.00, the Community Access and Agri-Business Grants available funds would be reduced by a total of \$100,000.00.

The Commission discussed their option on the amount to award.

A MOTION WAS MADE by Karim and seconded by Vehle to award the 2023 Industrial Park Grant to the City of Yankton in the amount of \$500,000 as recommended by the Department. Commissioners Jensen, Karim, Nelson, Roby, Rosenboom, Zander and Cull voted aye and Commissioner Vehle noted nay by roll call vote. The motion carried.

Commissioner Roby left the meeting at 11:02 a.m.

The Commission took a short recess from 11:03 – 11:12 a.m.

Dustin DeBoer, Office of Legal Counsel, presented to the Commission for their information in the South Dakota open meeting laws.

Secretary Jundt presented a PowerPoint presentation to the Commission on the Rural Access Infrastructure Funding (RAIF) & Inventory Process.

Cull opened the floor to public or Commission input.

Paula Huizenga, Office of Local Government Assistance, presented to the Commission a thank you letter from Silas Blaine, Superintendent of the Crazy Horse School, for their 2018 Community Access Road Grant awarded by the Department that included before and after photos.

Secretary Jundt confirmed the Commission that the tour of the Pierre/Fort Pierre bridge will take place in July.

With no further business to come before the Commission, Cull adjourned the meeting at 12:03 p.m. CDT.

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