

**TRANSPORTATION COMMISSION MEETING MINUTES
DECEMBER 20, 2018 – 9:00 A.M.
BECKER-HANSEN BUILDING – 700 EAST BROADWAY
PIERRE, SOUTH DAKOTA**

COMMISSIONERS PRESENT: Kyle White, Chairman
Kathy Zander, Vice Chair
Rod Fouberg, Member
Ralph Marquardt, Member
Larry A. Nelson, Member
Ron Rosenboom, Member
Kim Vanneman, Member
Mike Vehle, Member

**COMMISSIONERS PRESENT
VIA CONFERENCE CALL:** Don Roby, Member

DOT STAFF PRESENT: Darin Bergquist, Joel Jundt, Mark Leiferman, Mike Behm, Karla Engle, Greg Fuller, Sam Weisgram, Tammy Williams, Joel Gengler, Doug Kinniburgh, Scott Rabern, Becky Hoffman, Bonnie Olson, Ryan Johnson, Becky Janssen, Christina Bennett, Andy VanDel, and Katherine Anderson

OTHERS PRESENT: Kirk Fredrichs (Federal Highway Administration), Dirk Rogers (Brown County), DJ Buthe (Minnehaha County)

Chairman White called the meeting of the Transportation Commission (the "Commission") to order at 9:02 a.m. A quorum was determined.

Chairman White 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.

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

White asked for a motion to approve the minutes of the November 15, 2018, Commission meeting.

A MOTION WAS MADE by Rosenboom and seconded by Vehle to approve the November 15, 2018, meeting minutes. All present voted aye by roll call vote. The motion carried.

White asked for a motion to approve the minutes of the November 29, 2018, Commission meeting.

A MOTION WAS MADE by Vanneman and seconded by Marquardt to approve the November 29, 2018, meeting minutes. All present voted aye by roll call vote. The motion carried.

Secretary Darin Bergquist announced to the Commission that Member Vanneman was appointed by Governor Elect Noem to be the new Secretary of Agriculture for the State of South Dakota. This would be Vanneman's last meeting as a member of the Commission. The Commission thanked Vanneman for her service and wished her well.

Deputy Secretary Joel Jundt of the Department of Transportation (the "Department") presented for Commission consideration the Military Road Bridge Jurisdictional Transfer – North Sioux City.

A MOTION WAS MADE by Marquardt and seconded by Fouberg to approve the Military Road Bridge Jurisdictional Transfer and direct the Department to enter into an agreement with North Sioux City and Sioux City in the total amount of \$1,878,000.00 as consideration for the jurisdictional transfer. All present voted aye by roll call vote. The motion carried.

Karla Engle, Office of Legal Counsel, requested the Commission set an administrative hearing date for Thursday, January 24, 2019, to consider amendment of ARSD 70:01:02:12 Bon Homme County speed zone rule and adoption of ARSD Article 70:14 Highway Project Loans for Local Governments.

Bergquist explained that the proposed ARSD Article 70:14 is the result of legislation clarifying the Commission's authority to make loans to local governments for highway and bridge improvements and empowering the Commission to adopt rules concerning the administration of the loan program.

A MOTION WAS MADE by Vehle and seconded by Rosenboom to set the hearing date as January 24, 2019. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2018-12.01 was adopted.

Bergquist provided informational items to the Commission as follows:

The federal government is working on a continuing resolution that is set to expire on Friday. Federal government may shut down Friday when this resolution expires. The Senate has passed another continuing resolution to keep government running until February 8, 2019. The House would need to pass so the President can sign by end of day on Friday.

South Dakota received two separate BUILD grants for highway projects: a grant of \$8.7 million was received for the city of Tea to help rebuild Highway 106 and a grant of \$20 million was received for the Department to apply to the upcoming project to reconstruct Highway 83 from Murdo to White River.

Bergquist distributed and briefly described the Department's 2018 – 2019 Fact Book.

Tammy Williams was appointed a temporary member of the Prequalification Committee when she took on her role as Program Manager for the Office of Administration. Bergquist plans to request that the Commission permanently appoint Williams to the Prequalification Committee during the next Commission meeting.

Greg Fuller, Director of Operations, presented the following information regarding Construction Change Orders to the Commission:

Construction change orders approved in November contain an increase of approximately \$13,487.

Over the past 12 months, the overall contract increase is 2.38%.

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

ABERDEEN REGION

- I. Project: NH 0081(105)155, Codington County, PCN 04YQ
Location: US 81 - Intersection of 20th Ave SE (South Connector) in Watertown
Contractor: BX Civil & Construction Inc.
Type of Work: Intersection Grading (Roundabout), PCC Pavement, Asphalt Surface Treatment, & Roadway Lighting

Original Contract Amount: \$1,883,568.05
Change on CCO No. 2: \$(98,964.51)
Net Change to Date: \$(86,197.56)

Explanation of Change on CCO No. 2: This decrease is the result of the Department adjusting the contract quantities on numerous contract items. The minor adjustments were made to match the quantities used for construction and are considered normal variations. In addition, price adjustments were applied for 4 specification deviations (slump, gradation, tie bar placement, 10' straight edge) for material not conforming to the specifications.

MITCHELL REGION

- II. Project: NH-P 0023(49), Bon Homme County, PCN 05L9
Location: Various Routes in the Yankton Area
Contractor: The Road Guy Construction Company Inc.
Type of Work: Asphalt Surface Treatment (Chip Seal)

Original Contract Amount: \$1,653,601.00
Change on CCO No. 1: \$(68,654.77)
Net Change to Date: \$(68,654.77)

Explanation of Change on CCO No. 1: This decrease is the result of the Department adjusting the contract quantity of asphalt for surface treatment. The Department approved and Contractor furnished mix design contained an application rate of asphalt for surface treatment lower than estimated in the plans. This variation is common for asphalt surface treatment work as the Contractor develops application rates specific to the surface conditions present on each route in accordance with the specifications.

PIERRE REGION

- III. 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. 2: \$ 396,571.54
Net Change to Date: \$ 432,171.96

Explanation of Change on CCO No. 2: This increase is the result of the Department adjusting the contract quantities for various aspects of concrete pavement repair and to add a new item for dowel bars. During construction, the Department determined additional concrete repair was necessary. The original survey of the existing pavement was performed from behind the curb line while traffic was using the roadway. Upon construction and a closer visual inspection, additional repair areas were identified and as the result the contract items for pavement repair, spall repair, insert steel bar and joint sealing were all increase. Additionally, the new and larger repair areas resulted in the need for dowel bars to be inserted which were not part of the plans.

RAPID CITY REGION

There are no CCOs amounting to a change of \$50,000 to report this period.

Mike Behm, Director of Planning and Engineering, presented for Commission consideration funding for County Highway Striping Program. Behm provided a background of the program. The Department is currently working on updates to the strategic highway safety plan and requested the Commission defer action on this request.

Dirk Rogers, Brown County Highway Superintendent and current President of the Highway Superintendents Association, provided input on the importance of this program for the counties.

A MOTION WAS MADE by Marquardt and seconded by Vehle to table action on the funding for County Highway Striping Program request. All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Nelson and seconded by Zander to enter into executive session pursuant to SDCL § 1-25-2(3) for the purpose of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, and SDCL § 1-25-2(4) for the purpose of preparing for contract negotiations. All present voted aye by roll call vote. The motion carried.

The Commission came out of executive session at 10:37 a.m.

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

1. Request for permanent public access and utility easement to the City of Box Elder – Pennington County

Request Transportation Commission approval to grant a permanent public access and utility easement to the city of Box Elder (Grantee) of postal address 420 Villa Dr., Box Elder, SD 57719, upon the following DOT property:

Lot B of Quality Subdivision, located in the SW1/4 NW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, South Dakota.

The 0.13 acre easement, as shown on attached Exhibit A, will allow public access and utility easement use.

Grantees accept financial responsibility for the construction and future maintenance of the access easement.

Grantees will indemnify and hold harmless DOT from any and all claims for damage arising out of the construction and maintenance of the access easement.

Rapid City Region/Area DOT recommends the approval of the permanent easement.

A MOTION WAS MADE by Vanneman and seconded by Vehle to approve item #1- Request for permanent public access and utility easement to the City of Box Elder. All present voted aye by roll call vote. The motion carried.

2. Request for land trade – Pennington County

Request Transportation Commission approval to trade the following DOT property related to Project: P 00SW(04) Pennington County, PCN 04A2 – extension of E. Mall Drive from Elk Vale Road to 147th Street. in accordance with the procedures provided by SDCL 31-2-27 and ARSD chapter 10:02:01:

Trade of DOT property:

Lot 1 in Lot B of Quality Subdivision, located in the SW1/4 NW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, South Dakota, containing 0.34 acre.

The proposed land trade is an exchange of the above property for \$25,000 and, in addition, subject to:

A 3,521 sq. ft. permanent private access easement in Lot B of Quality Subdivision, located in the SW1/4 NW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, SD; and

A 999 sq. ft. permanent private access easement in Lot 1 of Tract K, less Lot H1, located in the SW1/4 NW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, SD; and

A 1,750 sq. ft. temporary construction easement in Lot 1 of Tract K, less Lot H1, located in the SW1/4 NW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, South Dakota

A MOTION WAS MADE by Vehle and seconded by Zander to approve item #2- Request for land trade-Pennington County. All present voted aye by roll call vote. The motion carried.

3. Abandonment – Lincoln County:

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

Lot B-2 in a portion of Parcel B in the SE1/4 of Section 29, Township 99 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota, containing 0.09 acre.

The above property is no longer needed for highway purposes and abandonment is recommended by Department's Sioux Falls Area.

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

RESOLUTION #2018-12.02 was adopted.

4. Abandonment – Pennington County:

Request Transportation Commission approval to abandon by resolution the following property acquired for highway purposes:

Lot A in Lot H3 and the 66-foot right-of-way of record in the W1/2 NE1/4 SE1/4 of Section 31, Township 1 South, Range 6 East of the B.H.M., Pennington County, South Dakota.

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

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

RESOLUTION #2018-12.03 was adopted.

5. Abandonment – Pennington County:

Request Transportation Commission conditional approval to abandon by resolution the following property acquired for highway purposes:

Lot AB1 in a portion of Lot H3 in the SW1/4 of Section 27, Township 2 North, Range 8 East of the B.H.M., City of Box Elder, Pennington County, South Dakota, containing 3.56 acres.

The actual abandonment of this right of way will not occur until M.G. Oil Company donates: 2,593 sq. ft. and 331 sq. ft. of right of way (Parcels 8 & 9) and 51,253 sq. ft. of Temporary Easement to the City of Box Elder for \$1.00 consideration; any additional temporary easement needed to eliminate the northerly existing entrance to Elk Vale Road; and any additional temporary easement needed to construct the 80' entrances at Sta. 8+17-R and Sta. 11+80-R.

Lot AB1 will not be abandoned until after completion of the Mall Drive extension scheduled to be constructed no later than the year 2024.

This property is no longer needed for highway purposes and Road Design and the Region/Area Offices concur with the abandonment.

A MOTION WAS MADE by Fouberg and seconded by Zander to approve a conditional approval of item #5- Abandonment-Pennington County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2018-12.04 was adopted.

6. Abandonment – Brown County

This resolution will abandon the temporary easements on Brown County Project NH 0012(198)308, PCN 05AV.

7. Abandonment – Brown County

This resolution will abandon the temporary easements on Brown County Project P 0037(129)207, PCN 039K.

8. Abandonment – Brule County

This resolution will abandon the temporary easements on Brule County Project P 0050(00)230, PCN 03BY.

9. Abandonment – Fall River County

This resolution will abandon the temporary easements on Fall River County Project NH 018B(01)38, PCN 05MG.

A MOTION WAS MADE by Marquardt and seconded by Fouberg to approve items 6- Abandonment-Brown County, 7-Abandonment-Brown County, 8-Abandonment-Brule County, and 9-Abandonment-Fall River County. All present voted aye by roll call vote. The motion carried.

RESOLUTIONS #2018-12.05, #2018-12.06, #2018-12.07, and #2018-12.08 were adopted.

10. Condemnation – NH-P 0011(00)77, PCN 04PE, Minnehaha 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 2 – Troy Novak et.al.; (Cyril M & Olivia M Koob – deceased, and unnamed parties of interest)

To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH-P 0011(00)77, Minnehaha County, PCN 04PE, Minnehaha County, SD11 - Through Brandon and Corson ADA Curb Ramp Upgrades.

A MOTION WAS MADE by Marquardt and seconded by Fouberg to approve item #10- Condemnation-NH-P 0011(00)77, PCN 04PE, Minnehaha County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2018-12.09 was adopted.

11. Amend Condemnation – NH-PH 0115(48)76, PCN 0214, Lincoln County

Request Transportation Commission amend 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 109 – Robert S & Peggy S. Devitt

This amendment to the condemnation will clarify to both parties the property rights being condemned. To date, the Department of Transportation has been unable to acquire the real property interests through negotiations for the project NH-PH 0115(48)76, PCN 0214, Lincoln County, SD115 - From the Harrisburg corner (273rd Street) to 85th St. in Sioux Falls.

A MOTION WAS MADE by Zander and seconded by Vanneman to approve item #11- Amend Condemnation-NH-PH 0115(48)76, PCN 0214, Lincoln County. All present voted aye by roll call vote. The motion carried.

RESOLUTION #2018-12.10 was adopted.

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

December 5, 2018 Letting

AC Resurfacing, Structure (2-11' x 8' CIP RCBC) & Approach Grading

1	04FV, 3570 P 0071(03)06, P 0071(10)0 Bituminous Paving, Inc. SD71, 0.5 mi S of SD471 over a Creek	Fall River County \$3,465,739.75
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Bridge Deck Polymer Chip Seals

2	05DH, 05DN, 05DP P 0010(119)183, P 0063(57)186, P 0065(18)199 J.V. Bailey Company, Inc. SD10 1 mile east of Pollock Over Lake Pocasse; SD65 0.4 miles north of the Dewey Co Line over Firesteel Creek & SD63 13 miles north of US212 over the Moreau River	Campbell, Corson, Dewey County \$342,700.47
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Polymer Chip Seal, Joint Modification, Abutment, Column & Bent Cap Repair

3 04DG IM 0906(71)278 Brule, Davison, Hanson County
RAM Construction Services of Michigan, Inc. \$389,426.00
I90 Structures 5.5 miles east of SD50 over 356th Ave, at SD45S, 6.0 miles east
of Mt Vernon over I90 & at SD25

Scour Protection

4 03TM NH 0034(161)338 Sanborn County
Webster Scale Inc \$215,400.60
SD34, 0.9 miles SE of Forrestburg over the James River

Zone Painting, Joint Repair & Column Repair

5 05V2 NH 0085(99)92 Butte County
Huber Contracting Inc. DBA Dakota Coatings Co. \$184,984.58
US85, 5.8 miles & 8.4 miles south of the Butte/Harding Co Line

Interstate Fence

6 05YW IM 0902(171)78 Pennington County
Jim River Fencing LLC \$193,973.50
I90 EB from New Underwood to Wasta

A MOTION WAS MADE by Fouberg and seconded by Vehle to approve bid #'s 1, 2, 3, 4, and 6 from the December 5 Bid Letting. All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Fouberg and seconded by Vanneman to approve bid #5 from the December 5 Bid Letting. All present voted aye by roll call vote. The motion carried.

December 12, 2018 Letting

Structure Repair & Bridge Deck Overlay

1 05R2 BRO 8052(00)16-2 Pennington County
J.V. Bailey Company, Inc. \$188,729.70
Structure on Cherry Ave, south of San Francisco St in Rapid City over Rapid
Creek

Structure Rehabilitation (Approach Slabs & Partial Deck Overlay)

2 04UY IM-NH 0040(00)18 Jackson, Meade, Pennington
County PCIROADS, LLC
\$1,738,700.04
Various Locations in the Rapid City Region

Urban Grading, Storm Sewer, Curb & Gutter, Sidewalk, Roadway Lighting, & PCC Surfacing

3 03TC NH 0034(163)387 Lake County
D & G Concrete Construction, Inc. \$7,887,540.3
3 SD34 from south of 2nd St NE, south & east to the divided section in Madison

Water and Sanitary Sewer Replacement

4 X04E 2019 1() Lake County
D & G Concrete Construction, Inc. \$1,269,361.9
3 SD34 from 2nd St to 10th St in Madison

Cold Milling Asphalt Concrete, Asphalt Concrete Resurfacing, ADA, Traffic Signals & PCC Pavement Repair

5 04FA NH 014A(15)41 Lawrence
County Simon Contractors of South Dakota, Inc. \$1,845,906.82
US14A from Railroad Ave to east of US85 in Deadwood

Water Main, Pedestrian Lighting, Common Utility Trench, Irrigation, Sanitary Sewer Main Improvements, and '76' Pressure Reducing Valve (PRV) Improvements

6 X04P 17 1025() Lawrence County
Simon Contractors of South Dakota, Inc. \$1,235,595.67
Main Street & US14A in Deadwood

Zone Painting

7 04DT, 04DU IM 0294(70)103, IM 0909(86)380 Minnehaha, Moody County
Huber Contracting Inc. DBA Dakota Coatings Co. \$416,767.00
I29 Structures 3.2 miles north of Minn. Co. Line, 5.0 mile south of Exit 109 (SD34);
at Exit 109 (SD34); & at Exit 114 (SD32), and I90 Structures 1.2 miles east of Exit
379(SD19), 4.8 miles west of Exit 390 (SD38), & 2.1 miles west of Exit 396 (I29)

PCC Pavement Repair, PCC Grinding, & Intersection Improvements

8 05K4, 05YK PH 0037(147)067, NH-P 0021(164)
Clay, Davison, Hanson, Hutchinson, Yankton County
BX Civil & Construction, Inc. \$6,822,000.00
SD37 from 8 miles south of Parkston, north to Mitchell

High Friction Surface Treatment

9 05W5 PH 0040(334) Lawrence, Meade, Pennington County
Louis-Company, LLC \$939,215.11
Various Locations in the Rapid City Region

Roadway Lighting

10 070G PH 0016(92)61
Muth Electric, Inc.

Pennington County
\$76,883.00

US16 at the junction of Neck Yoke Rd by Reptile Gardens

Culvert Repair (CIPP)

11 06EW IM-P 0021(167)
SUBSURFACE, INC.

Charles Mix, Douglas, Lyman County
\$395,698.50

I90 east of Reliance, SD1804 S of SD44, & SD44 east of Platte

A MOTION WAS MADE by Vanneman and seconded by Rosenboom to approve bid #'s 1, 2, 5, 6, 7, 8, 9, 10, and 11 from the December 12 Bid Letting. All present voted aye by roll call vote. The motion carried.

A MOTION WAS MADE by Marquardt and seconded by Vanneman to approve bid #'s 3 and 4 from the December 12 Bid Letting. All present voted aye by roll call vote. The motion carried.

Mark Leiferman, Program Manager for the Office of Project Development, presented the following informational items to the Commission:

INFORMATIONAL REVISIONS FOR THE COMMISSION

REV 19-SC-009 This revision added "Replace Inductive Traffic Loop" work to PCN 0647 in the Interstate Maintenance Category west of Kimball in the Mitchell Region (Sequence #50, Page 47 in the 2019-2022 STIP Book).

FY2019 No Change

REV 19-SC-013 This Revision added "Crossing Surface, Approach Work" to the Imp. Desc to two Railroad Crossing Improvement projects (PCN 066Q and 066R) on Highway 45 west of Kimball and SD 203 east of Plankinton in the Mitchell Region. This Revision removed "Install Signals" to the Imp. Desc to a Railroad Crossing Improvement project on SD 203 east of Plankinton (PCN 066R). (Sequence #126 & 52, Page 61 and 47 in the 2019-2022 STIP Book). FY2019 Minus \$40,000.

REV 19-SC-014 This Revision added "Approach Slabs, Approach Pavement and Guardrail" to the Improvement Description to a US12 project from Ipswich to near Aberdeen in the Aberdeen Region. (Sequence #301, Page 90 in the 2019-2022 STIP Book). FY 2022 Plus \$162,000.

Bergquist requested the Commission clarify the prior motion regarding the request to set a hearing date as the date initially requested for the two proposed administrative rules is different than the regularly scheduled meeting which had been set as January 31 rather than January 24.

A MOTION WAS MADE by Nelson and seconded by Vehle to amend the administrative hearing date from January 24 to January 31, 2019, to consider amendment of ARSD 70:01:02:12 Bon Homme County speed zone rule and adoption of ARSD Article 70:14 Highway Project Loans for Local Governments. All present voted aye by roll call vote. The motion carried.

White 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 11:24 a.m.