

Minutes

Approved Final Circulated May 22, 2019

**January 23, 2019 – 2:00 PM Central Time
Ft. Pierre Holiday Inn Express
110 East Stanley Road
Ft. Pierre, SD**

1. Chairman John Ward called the meeting to order at 2:00PM CT.

Board Members in attendance: Chairman, John Ward, Representing Excavation Contractors; Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers; Bleau LaFave, Representing Investor-Owned Natural Gas Utilities; Doug Larson, Representing Interstate Carriers of Gas or Petroleum; Lloyd Rave, Representing Rural Water Systems; Mark Meier, Representing Municipalities; Loren Beld, Representing Excavation Contractors; Brett Koenecke, Legal Counsel; Executive Director, Larry Janes; Deputy Director, Codi Gregg.

Board Members unable to attend: Vice Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers; Erin Hayes, Representing Community Antenna Television Systems; Ed Anderson, Representing Rural Electric Cooperatives; Kevin Kouba, Representing Investor-Owned Electric Utilities;

Guests in attendance: Scott Sasajima, Texas 811; Rich Ferguson, USIC; Bob Bishop, FlagShooter;

2. Dan Kaiser made a motion to approve the minutes as printed of the November 21, 2018 Board Meeting, the December 12, 2018 Board Meeting and the December 13, 2018 Board Meeting. John Ward seconded the motion. **Motion carried unanimously upon a roll call vote.**

3. After reviewing the financial statements, Bleau LaFave made a motion to approve the financial report. Mark Meier seconded the motion. **Motion carried unanimously upon a roll call vote.**

4. Operations - Texas811 Performance Results

- a. Ticket volume history – Locate tickets were down last year. 2017 was a record year for One Call.
- b. Ratio Outgoing to Incoming Tickets – Following ticket volume, outgoing tickets were down as well. Reviewed past years for comparison.
- c. Electronic Ticketing – Hovering at the 21% mark. Larry and Codi will continue to discuss the value of e-ticketing at Damage Prevention Meetings this spring.
- d. Dispatched Tickets by Type – Reviewed all of the counts for the ticket types. Total of 1,191 damages reported in 2018 (861 of those tickets had a previous locate ticket). 20,990 tickets had a High Profile Facility denoted on the ticket.

- e. Speed of Service – Speed of answer is well within contract requirements. April was a high volume month and our needs were addressed quickly and proficiently by the Center.
7. Executive Director Report Items:

- a. **OC18-004** – In the Matter of the Complaint filed by Alex Hamann, Lead, South Dakota against City of Lead, South Dakota for an incident occurring on June 8, 2018 at 305 Anderson Street, Lead, South Dakota. The City of Lead has requested a Contested Hearing, so no action was taken on this complaint docket.

Dan Kaiser made a motion to approve the recommendations of the Enforcement Panel in each of the following complaint dockets: OC18-005, OC18-006, OC18-007, OC18-009, OC18-010, OC18-012, OC18-013, OC18-014, OC18-015, OC18-016, OC18-017, OC18-018, OC18-019, OC18-020, OC18-021, OC18-022, OC18-023, OC18-024, OC18-025, and OC18-026. Mark Meier Seconded. After discussion regarding the Board's requirement to accept the findings of the Enforcement Panel (49-7A-27), the Board voted to accept the Panel Recommendations. Jon Ward recused himself in the Matters of OC18-007, OC18-014 and OC18-019. Bleau LaFave recused himself in the Matter of OC18-009.

- b. **OC18-005** – In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Lind Exco, Rapid City, South Dakota for an incident occurring on July 20, 2018 at 12th and Omaha Streets, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- c. **OC18-006** – In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Precision Excavation, Black Hawk, South Dakota for an incident occurring on August 23, 2018 at Eagle Drive, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- d. **OC18-007** – In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Gustafson Builders, Rapid City, South Dakota for an incident occurring on August 29, 2018 at 512 East Omaha Street, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- e. **OC18-008** – In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Lincoln Barr Construction, Rapid City, South Dakota for an incident occurring on September 28, 2018 at 5021 Charmwood Drive, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- f. **OC18-009** – In the Matter of the Complaint Filed by NorthWestern Energy, Yankton, South Dakota Against Groeneweg Construction, Armour, South Dakota, for an incident

occurring on September 28, 2018 at 600 Johnson Street, Armour, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

- g. OC18-010** – In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Baldwin Electric, Piedmont, South Dakota for an incident occurring on October 2, 2018 at 11945 Oak Drive, Whitewood, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- h. OC18-012** - In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against A & T Construction, Rapid City, South Dakota for an Incident occurring on August 17, 2018 at 7412 Timberline Court, Black Hawk, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- i. OC18-013** – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, SD Against Ainsworth-Benning Construction, Spearfish, SD, for an incident occurring on October 12, 2018 at 1302 38th Street, Rapid City, SD. Panel Deferred this docket so Ainsworth could resubmit the response.
- j. OC18-014** - In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Heavy Constructors, Rapid City, South Dakota for an incident occurring on October 15, 2018 at 8th Avenue and Lawrence Street, Belle Fourche, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- k. OC18-015** - In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, South Dakota Against Lind-Exco, Inc., Rapid City, South Dakota, for an Incident Occurring on October 17, 2018 at 1104 Main Street, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- l. OC18-016** - In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Ray Steele, Lead, South Dakota for an incident occurring on September 22, 2018 at 520 Sawyer Street, Lead, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- m. OC18-017** - In the Matter of the Complaint filed by City of Crooks, Crooks, South Dakota against Hanson Home Improvement, Sioux Falls, South Dakota for an incident occurring on October 16, 2018 at 500 Superior Avenue, Crooks, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?

- n. **OC18-018** - In the Matter of the Complaint filed by WEB Water Development Association, Inc., Aberdeen, South Dakota against Schilling Excavation, Selby, South Dakota for an incident occurring on August 31, 2018 at SE 1/4sec, 14-T120-R78 (rural) Gettysburg, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- o. **OC18-019** - In the Matter of the Complaint filed by Montana Dakota Utilities, Rapid City, South Dakota against Heavy Constructors, Rapid City, South Dakota for an incident occurring on October 25, 2018 at 1111 8th Avenue, Belle Fourche, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- p. **OC18-020** - In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, South Dakota Against Lind-Exco, Rapid City, South Dakota, for an Incident Occurring on October 26, 2018 at 823 Moon Meadows Dr., Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel to dismiss this complaint due to lack of probable cause and close the Docket?
- q. **OC18-021** - n the Matter of the Complaint Filed by Livestock Water Systems, Mud Butte, South Dakota Against City of Faith/Jon Collins, Faith, South Dakota, for an Incident Occurring on October 05, 2018 at 507 N. Main, Faith, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel to dismiss the complaint due to lack of probable cause and close the Docket?
- r. **OC18-022** – In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, South Dakota Against Sitework Specialist, Inc., Rapid City, South Dakota, for an Incident Occurring on November 2, 2018 at 3621 W. Chicago Street, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- s. **OC18-023** - In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, South Dakota Against Superior Custom Homes, LLC, Rapid City, South Dakota, for an Incident Occurring on September 17, 2018 at 3115 Elderberry, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- t. **OC18-024** - In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, South Dakota Against Highmark Inc., Black Hawk, South Dakota, for an Incident Occurring on November 2, 2018 at Covenant Road, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the

Board pursue collection activity if the requirements are not met?

- u. **OC18-025** - In the Matter of the Complaint Filed by Chaitanya Marvici, Sioux Falls, South Dakota Against Empire Fence, Sioux Falls, South Dakota, for an Incident occurring on November 2, 2018 at 7600 W. Boysenberry Street, Sioux Falls, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- v. **OC18-026** - In the Matter of the Complaint Filed by Montana Dakota Utilities Co., Rapid City, South Dakota Against Sitework Specialist, Inc., Rapid City, South Dakota, for an Incident Occurring on September 15, 2018 at 3600 Blk W. Chicago Street, Rapid City, South Dakota. Today shall the One Call Board accept the recommendation of the Enforcement Panel, and shall the One Call Board close the Docket, and shall the Board pursue collection activity if the requirements are not met?
- w. On July 2, 2018 The State Board of Internal Controls released the Code of Conduct and Conflict of Interest Policy for Use By State Authority, Board, Commission, and Committee Members. Bleau LaFave made the motion to accept the SBIC Code of Conduct and have the Board Members sign the form. Original copies will be held in file by Larry Janes. John Ward seconded the motion. **Motion carried unanimously upon a roll call vote.**
- x. Previous Legal Counsel provided an update regarding future employment of Board members at the last Board Meeting. The Board of Directors is going to defer this discussion to the Strategic Planning Committee.
- y. Amanda Reiss brief on practices of power companies locating to the transformer only regarding public safety and the Attorney General's Opinion regarding water and sewer. No brief was provided. Mark Meier made a motion to table this discussion, seconded by Dan Kaiser. **Motion carries unanimously upon a roll call vote.**
- z. Discussion of display replacement used in various industry events throughout South Dakota. The purchase of the new banners was discussed with the Board, including the quotes and the costs for the new displays. These banners have been used several times already and will be used at every opportunity.
- a1. Discussion regarding RFP # 1502 for Accounting Services. How does the Board wish to proceed? Discussion was held on the proposal submitted by Take Charge Bookkeeping. Dan Kaiser made a motion that Larry Janes negotiate contract fees with Take Charge and award the contract. Mark Meier seconded the motion. **Motion carried unanimously upon a roll call vote.**
- b1. Discussion regarding proposed Board Meeting schedule through November 2019:
 - Wednesday, January 23, 2019, 1 pm to 5 pm. (Legislative Breakfast January 24, 2019, 7 am to 10:30 am)
 - Wednesday, May 15, 2019
 - Wednesday, August 14, 2019

--Thursday, November 14, 2019

- c1.** South Dakota CGA report. Discussed the actions of the SDCGA with the Board of Directors. SDCGA with SD811 will be hosting a day of Damage Prevention in Sioux Falls.
- d1.** Discussion of PHMSA Damage Prevention Enforcement Evaluation.
- e1.** Other discussion Items: No other items brought before the Board.
- f1.** One Call Board Enforcement Panel Schedule, 2 PM Central Time (1 PM Mountain Time) last Thursday of each month, when necessary.
 - g1.** Damage Prevention Schedule discussion – This is posted to the website, as well as snail mailed to each contractor in the state with three or more locates called in the previous year. The schedule is also emailed twice (February and March) to all email addresses on file. The schedule is also provided in a separate mailing to each defendant in a complaint docket.
- h1.** No public comment was taken.
- i1.** Texas Summit Feb 18 - Feb 20, 2019 Galveston, Tx – Larry Janes, Codi Gregg and Dan Kaiser are attending.
- j1.** CGA March 26 -March 28, 2019 Tampa, FL.
- k1.** Having no further business, Dan Kaiser made a motion to dismiss the Board Meeting. Mark Meier seconded the motion. **Motion carried unanimously upon a roll call vote.**

ONE CALL BOARD MEETING SCHEDULE:

- Thursday, January 24, 2019, 7 am to 10:30 am, Legislative Breakfast
- Wednesday, May 15, 2019. 8 am
- Wednesday, August 14, 2019, 8 am
- Thursday, November 14, 2019, 8 am

ANNOUNCEMENTS:

Dinner was held at the Cattleman's Club, 29608 SD Hwy 34, Pierre, SD at 5:30 PM on January 23, 2019 for members of the South Dakota One Call Board.

Materials presented at this meeting are available on the South Dakota 811 website www.SD811.com as well as the South Dakota Boards and Commissions website at <http://boardsandcommissions.sd.gov/>. They are also available by contacting the Deputy Director in writing at deputydirector@sd811.com, or by calling (605) 863-0951.

