

Minutes

Approved Circulated August 26, 2019

May 15, 2019 – 8:00 AM Central Time
AmericInn – Walton Conference Room
312 Island Drive
Ft. Pierre, SD

Chairman John Ward called the meeting to order at 8:00 AM CT.

Board Members in attendance: Chairman, John Ward, Representing Excavation Contractors; Vice Chairman, Fay Jandreau, Representing Telecommunication Companies Offering Local Exchange Service to Less Than 50, 000 Customers; Dan Kaiser, Representing Telecommunication Companies Offering Local Exchange Service to More Than 50,000 Customers; Erin Hayes, Representing Community Antenna Television Systems; Doug Larson, Representing Interstate Carriers of Gas or Petroleum; Ed Anderson, Representing Rural Electric Cooperatives; Lloyd Rave, Representing Rural Water Systems; Mark Meier, Representing Municipalities; Loren Beld, Representing Excavation Contractors; Kara Semmler, Legal Counsel; Executive Director, Larry Janes; Deputy Director, Codi Gregg.

Board Members unable to attend: Kevin Kouba, Representing Investor-Owned Electric Utilities; Bleau LaFave, Representing Investor-Owned Natural Gas Utilities;

Guests in attendance: Keely Hosmann, NuStar Energy; Ryan Hartley, First District Association of Local Governments; Jill Nelson Texas 811; Scott Sasajima, Texas 811; Callie Iverson, Take Charge Bookkeeping.

1. Doug Larson made a motion to approve the minutes as printed of the January 23, 2019 Board meeting. Dan Kaiser seconded the motion. **Motion carried unanimously.**
2. Fay Jandreau made a motion to approve the financial statements of January, February, March, and April of 2019. Erin Hayes seconded the motion. **Motion carried unanimously.**
3. Operations – South Dakota 811 and Texas811 Performance Results were reviewed:
 - a. Ticket volume history - Due to late snows, digging season got off to a slower start. Ticket volume was down slightly in the first quarter.
 - b. Ratio Outgoing to Incoming Tickets was reviewed.
 - c. Electronic Ticketing Report is showing 63% of the excavators are entering tickets online. This percentage is increasing every year. Electronic ticketing is discussed at every Damage Prevention meeting held in the spring.
 - d. Dispatched Tickets by Type report was reviewed. Emergency ticket types are high so far for the year. This may be due to the amount of snow received this year. Several times snow removal was brought up this spring, and whether a ticket needed to be called in for snow removal. The Executive Director stated that a ticket was not needed, because it is not earth being moved, and that excavators / snow removal companies need to work with local utilities for pedestal locations and damages / repairs to above ground utilities.

- e. Speed of Service results are well within the contract range.
 - f. Damages without Ticket #'s. 1,191 damages were reported to the Center in 2018. The first quarter of 2019 – 80 damages had been reported.
 - g. Damages with Ticket #'s vs. without Ticket #'s – Roughly one third of damages reported to the Center do not have a previous locate ticket.
 - h. Gas Damages – Monthly & Year to Year Comparison was reviewed. In 2017 there were 89 gas damages reported. 2018 had 139 gas damages reported. There is a steady increase in the damages being reported. This may be due to a few factors, such as reporting being mandatory. Through education, it is known all damages are to be reported. Also ease of reporting damage to the Center may be a contributing factor.
4. Ryan Hartley, First District Association of Local Governments provided the Board with maps of updates for 2019. Road centerline data is collected and update twice a year per the contract with First District. Parcel data continues to be collected and updated. No issues or comments were made on the contract or the updates.
5. Executive Director Report Items:
- a. **OC18-027** – In the Matter of the Complaint filed by Montana Dakota Utilities (MDU), Rapid City, South Dakota against Excavating Specialists, (Excavating) Rapid City, South Dakota for an incident occurring on November 9, 2018 at 2430 Dane Lane, 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? Loren Beld made the motion to accept the recommendation of the Panel. Doug Larson seconded the motion. **Motion carried unanimously.** John Ward abstained from the vote.

Dan Kaiser made a motion to accept the recommendation of the Panel on the Complaints listed below. Lloyd Rave seconded the motion. **Motion carried unanimously.**

Dan Kaiser brought a new requirement to the Board's attention. Recently, the Enforcement Panel has added that the Defendant in a complaint will need to meet face to face with the Complainant within 30 days of the Board Order to discuss damages, safely working with and around a utility and any other concerns of both parties. This face to face meeting is to be documented and submitted to South Dakota One Call within the 30-day timeframe. This new requirement is meant to foster a working relationship between both parties and provide for open communication.

- b. **OC18-028** – In the Matter of the Complaint filed by Montana Dakota Utilities (MDU), Rapid City, South Dakota against GTI (GTI), Deadwood, South Dakota for an incident occurring on November 1, 2018 at 608 5th 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?
- c. **OC18-029** – In the Matter of the Complaint filed by Northern Natural Gas Company (Northern), Omaha, Nebraska against Shawn's Custom Homes (Shawn's), Brookings, South Dakota for an incident occurring on October 1, 2018 at MP 24.20 on Northern's Brookings branch line, Brookings, 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. **OC18-030** – In the Matter of the Complaint filed by Montana Dakota Utilities (MDU), Rapid City, South Dakota against Ainsworth Benning Construction (Ainsworth), Spearfish, South Dakota for an incident occurring on December 6, 2018 at 1506 38th 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. **OC18-031** – In the Matter of the Complaint filed by Montana Dakota Utilities (MDU), Rapid City, South Dakota against B&B Excavating (B&B), Rapid City, South Dakota for an incident occurring on December 13, 2018 at 11 Giants 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. **OC19-001** – In the Matter of the Complaint filed by Montana Dakota Utilities (MDU), Rapid City, South Dakota against Zandstra Construction, (Zandstra) Rapid City, South Dakota for an incident occurring on February 12, 2019 at Elysia Court, 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?
- g. **OC19-002** – In the Matter of the Complaint filed by Magellan Midstream Partners, LP, Tulsa, Oklahoma against Site Work Specialists (Site Work), Rapid City, South Dakota for an incident occurring on February 13, 2019 at School 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?
- h. **OC19-003** – In the Matter of the Complaint filed by Montana Dakota Utilities (MDU), Rapid City, South Dakota against Professional Excavation (Professional), Rapid City, South Dakota for an incident occurring on March 1, 2019 at 22957 Morninglight 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?
- i. **Failure to Meet Requirements of Board Orders.** Today shall the One Call Board authorize MayAdam law firm to enter the collection process for the following companies? It was decided by the Board of Directors the authority to pursue further action on these complaints is given in the Final Board Order. The Executive Director and Deputy Director have the authority to pursue the collection process on the defendants listed below with no action needed by the Board. The Executive Director and Deputy Director will advise MayAdam to begin collection proceedings on the following complaints:
 - 1) **In the Matter of Complaint OC18-006** – Precision Excavator – Failure to attend Damage Prevention Meeting, failure to hold In-House Safety Meeting, and failure to make penalty payment of \$750.00. Full penalty amount of \$1,000 is now due.
 - 2) **In the Matter of Complaint OC18-008** – Lincoln Barr Construction – Failure to attend Damage Prevention Meeting, failure to hold In-House Safety Meeting, and failure to make penalty payment of \$750.00. Full penalty amount of \$1,000 is now due.

- 3) **In the Matter of Complaint OC18-012** – A & T Construction - Failure to attend Damage Prevention Meeting, failure to hold In-House Safety Meeting, and failure to make penalty payment of \$750.00. Full penalty amount of \$1,000 is now due.
 - 4) **In the Matter of Complaint OC18-016** – Ray Steele - Failure to attend Damage Prevention Meeting, failure to hold In-House Safety Meeting, and failure to make penalty payment of \$750.00. Full penalty amount of \$1,000 is now due.
 - 5) **In the Matter of Complaint OC18-023** – Superior Custom Homes, LLC - Failure to attend Damage Prevention Meeting, failure to hold In-House Safety Meeting, and failure to make penalty payment of \$750.00. Full penalty amount of \$1,000 is now due.
 - 6) **In the Matter of Complaint OC18-025** – Empire Fence - Failure to attend Damage Prevention Meeting, failure to hold In-House Safety Meeting, and failure to make penalty payment of \$750.00. Full penalty amount of \$1,000 is now due.
- J. Damage Prevention Meeting Summary 2018-2019 was reviewed including the number of attendees, locations and the non-code hours provided.
- k. Staking University has offered to provide locator training in South Dakota through South Dakota One Call. The consensus of the Board was to move forward with this. The Executive Director will work on scheduling this training with the possibility of two classes. More information to come on this.
- L. The Board reviewed the suggested changes to the Online Complaint and Reply Forms, including the addition of requesting information about reporting damage to the 811 Center and if 911 was called if there was an escape of gas or toxic material. The Executive Director will work with the form designer about the suggested changes.

A motion was made by John Ward to go in to Executive Session, seconded by Erin Hayes. **Motion carried unanimously.** The Board of Directors went into Executive Session at 10:02AM to discuss Items m through o. The Board of Directors came out of Executive Session at 10:23AM.

- m. Executive Director Contract. The Board may renegotiate the amount of compensation with the Executive Director on an annual basis. Today shall the Board consider a change? Doug Larson made a motion to increase compensation by 3%. Fay Jandreau seconded the motion. **Motion carried unanimously.**
- n. Deputy Director Contract. The Board may renegotiate the amount of compensation with the Deputy Director on an annual basis. Today shall the Board consider a change in compensation? Doug Larson made a motion to increase compensation by 3%. Fay Jandreau seconded the motion. **Motion carried unanimously.**
- o. The South Dakota State Supplemental Retirement Program allows contracted employees to participate in its savings program, with or without Board participation. Discussion was held by the Board of Directors. No action was taken at this time.
- p. The contract between the South Dakota One Call Notification Board and the Deputy Director will expire on October 31, 2019. Today shall the Board authorize a Request For Proposal for a new contract, and shall the Board authorize the Strategic Planning

Committee to review proposals, conduct interviews, and present a recommendation to the Board? Fay Jandreau made the motion that Strategic Planning Committee review and complete the RFP Process for the Deputy Director contract. Dan Kaiser seconded the motion. **Motion carried unanimously.**

- q. Extension of Joint Powers Agreement with First District Association of Local Governments. This Agreement expires June 30, 2019. Today shall the One Call Board execute a new Joint Powers Agreement with an effective date of July 1, 2019? Dan Kaiser made the motion to execute a new agreement. There is no change in the costs this year. Mark Meier seconded the motion. **Motion carried unanimously.**
- r. Today shall the Board authorize funds for providing scholarships to students involved in excavation trades and construction management at Southeast Technical Institute, Lake Area Technical Institute, Mitchell Technical Institute, Western Dakota Technical Institute, and South Dakota State University? The Board of Directors would like to have more information on this action. Larry Janes will contact scholarship providers about presenting to the Board.
- s. The Board has previously discussed Board training. Roger Cox, Aligning Change, has been contacted regarding facilitating training. Does the Board wish to enter in to a contract with Aligning Change for this purpose? Dan Kaiser made a motion to approve an expenditure of up to \$5,000. Fay Jandreau seconded. **Motion carried unanimously.** Larry Janes will work with Aligning Change on scheduling and a contract for this training. More information will be provided when this is scheduled.
- t. FY 2020 Budget. Today shall the One Call Board review the budget after FY 2019 financials are available and authorize the Strategic Planning Committee to finalize any necessary adjustments to the FY 2020 budget? Dan Kaiser made the motion allowing the One Call Strategic Planning Committee to finalize the budget on the Board's behalf. Erin Hayes seconded the motion. **Motion carried unanimously.**
- u. Election of Officers. The Executive Director nominated Fay Jandreau as Chairman of the Board and Doug Larson as Vice-Chairman for two year terms ending in May 2021. John Ward made the motion to accept the recommendations, Lloyd Rave seconded. **Motion carried unanimously.** The South Dakota One Call Board of Directors thanked John Ward for his two years of service as the Chairman, and Fay Jandreau for his leadership for the next two. Both Board members are invaluable and their commitment to the Board is greatly appreciated.
- v. Kara Semmler, Legal Counsel, reviewed the hearing process with the Board.
- w. Discussion of items discussed at CGA National Conference was held.
- x. Discussion of PHMSA Enforcement Evaluation to be held on May 20, 2019.
- y. Positive Response on a voluntary basis was discussed. The Texas 811 Center and South Dakota One Call will work on establishing the positive response on a voluntary basis.
- z. SD CGA was discussed, including the event held in Sioux Falls. This event was planned out and well attended, with plans to host this type of event in the future. No further meeting dates have been scheduled at this time.

- aa.** Ag Phd – This event averages 10,000 visitors. One Call has participated with the South Dakota Pipeline Association with a booth at this event for several years and has plans to attend again this year.
- ab.** 811 Day will be Sunday this year. Ways to advertise the day were discussed. Suggestions will be appreciated.
- ac.** No public comment was taken, as there were no other attendees left on the conference bridge or in the meeting at this time.
- ad.** Motion to adjourn and reconvene at 1 Pm at the Capitol Building, Room 412 for the Evidentiary Hearing, In the Matter of OC18-004 was made by Doug Larson, seconded by Loren Beld. **Motion carried unanimously.**

ONE CALL BOARD MEETING SCHEDULE:

- Wednesday, May 15, 2019, 1 pm, Evidentiary Hearing, Room 412, Capitol Building, 500 East Capitol Avenue, Pierre, SD
- Wednesday, August 14, 2019, 8 am, AmericInn, 312 Island Drive, Fort Pierre, South Dakota
- Thursday, November 14, 2019, 8 am, AmericInn, 312 Island Drive, Fort Pierre, South Dakota

ONE CALL BOARD ENFORCEMENT PANEL SCHEDULE

2 PM Central Time (1 PM Mountain Time) last Thursday of each month, when necessary.

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.