SD Department of Transportation Public Meeting/Open House January 7, 2020

NH 0037(157)76, Davison County, PCN 05UY SD37 - Fm North Main St in Mitchell N to 250th St Structure # 18-150-075, 18-151-075 Urban Grading, Curb & Gutter, ADA Upgrades, Traffic Signals, Storm Sewer, Roadway Lighting, PCC Surfacing, Replace Str

The following individuals represented the South Dakota Department of Transportation:

Jay Peppel Mitchell Area Engineer	Travis Dressen Mitchell Region Engineer
Stephanie Stacey	Brooke White
Mitchell Area Sr. Secretary	Access Management Engineer
Neil Schochenmaier	Brad Richards
Engineering Supervisor	ROW Coordinator

The Public Meeting/Open House was held at Norby Trade Center Lecture Hall, Mitchell Technical Institute, Mitchell, SD. Nineteen people attended the open house. A handout was made available at the meeting to provide information and generate questions on design, environmental, right-of-way and access management issues that are typical for most highway projects.

One written comment email was received. (See attached.) An acknowledgement of receipt has been sent. All comments will be reviewed by the Department for consideration in the design process.

Overall, project was well received. Majority of comments and discussion centered around a proposed shared use path and its alignment. The shared use path concept was well received, with particular preference for the alignment being across the top of the Lake Mitchell earthen dam and across the concrete lake spillway structure.

Terry Johnson, City of Mitchell, City Engineer discussed the City's future plans to extend a shared use path from the North Main / SD Hwy 37 intersection into the City of Mitchell along SD Hwy 37.



Public Meeting/Open House

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Public Meeting Information @

https://dot.sd.gov/projects-studies/projects/public-meetings



The South Dakota Department of Transportation provides services without regard to race, color, gender, religion, national origin, age or disability, according to the provisions contained in SDCL 20-13, Title VI of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, as amended, the Americans With Disabilities Act of 1990 and Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 1994.

Any person who has questions concerning this policy or who believes they have been discriminated against should contact the Department's Civil Rights Office at 605-773-3540.

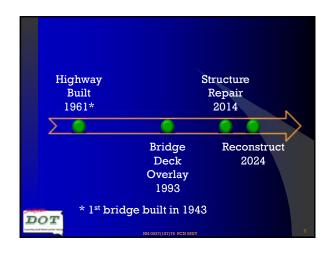
















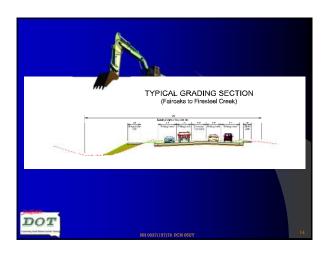


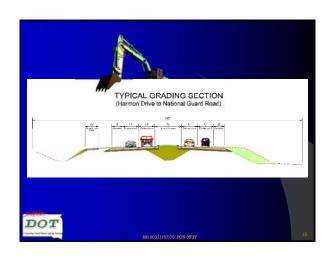






































Access Management

South Dakota's Commitment to Safety and Smart Investment Decisions in Transportation

What is Access Management?

Access Management is the process of providing highway entrances only at locations where they can be provided safely and efficiently.

Consider that each access point added to an undivided highway in an urban or suburban area increases the annual crash rate by 11 to 18 percent on that highway segment. In rural areas, each added access point increases the annual crash rate by 7 percent. Overall, driveway-access crashes alone cost South Dakota approximately \$36.5 million each year.

Each additional access point also contributes to congestion. The more driveways on a street the more places where people are slowing, changing lanes and turning. A five-lane street can quickly become a parking lot when there are many driveways in each block. When that happens, our valuable transportation investments are wasted and access to adjacent businesses is restricted.

Controlled access facilities are segments of highway where either no access or only limited access to the highway is allowed. Interstate highways are an example of controlled access facilities where no access to the highway is allowed.

Good access depends on the following:

- Limiting the number of conflict points (places where there is a potential for crashes)
- Separating conflict areas
- Reducing interference with through traffic
- Providing good on-site circulation and storage
- Properly spaced traffic signals

How does Access Management affect businesses?

Studies have shown that access management can provide three benefits to businesses adjacent to highways:

- Making sure that drivers can get in and out of businesses without being blocked by other traffic
- Making the highway more attractive by reducing congestion
- Extending the business' effective service area by reducing travel times

These benefits come not from having many driveways, but by having well-planned, well-located, high-capacity access points on the highway.

Even skeptical business owners have found that proper access management results in an improved business climate, as customers can easily get in and out of their business establishment.

For more information, please contact:

Brooke White Access Management Engineer 5316 W. 60th St. N. Sioux Falls. SD 57107

Phone: 605-367-4970 Ext. 1802120 E-Mail: Brooke.White@state.sd.us



Right of Way Information

Individual Landowner Meetings

During the early stages of the project's design, SDDOT will schedule a meeting with individual landowners having property adjacent to the project. See the following page for an explanation of the landowner meeting.

Property Acquisition Offer

After the project construction plans have been prepared and the right of way limits have been established, you may be contacted by an appraiser or negotiations agent to visit with you for that portion of your property that is needed for construction of the project. Your property will be valued and a written offer presented to you by a negotiating agent who will contact you for an appointment to make the written offer.

Relocation Assistance Program

This program provides a variety of services and payments to owners and tenants who have personal property affected by the right of way being acquired for the project.

Relocation payments are in addition to payments made for the real property being acquired. To preserve your eligibility for payments, do not move property until you have received a written relocation offer or have contacted John Keyes of the SDDOT Right of Way Program in Pierre. His phone number is 605-773-3746. Anyone not satisfied with the relocation offer made to them may appeal using the procedures described in the Relocation Brochure.

The landowner may be reimbursed for various fair and reasonable incidental expenses that may be incurred during the transfer of property to the State depending on impacts to personal property and qualifications.

Right of Way Information Brochures

Two brochures "Better Roads Brochure" and "Relocation Assistance Brochure" have been prepared which explain the SDDOT's Right of Way process. They provide information on your rights regarding the acquisition of your property and the benefits available to you with regard to the Relocation Assistance Program. These brochures are available at this meeting on the "Signin" table. Please feel free to take a copy of each with you. These brochures are available at the following SDDOT website: https://dot.sd.gov/inside-sddot/forms-publications/brochures



Individual Landowner Meetings

The purpose of this meeting is to provide you with an opportunity to comment on various issues pertaining to the design of this highway project as it relates to your property.

The following topics will be discussed at the meetings. Please note that not all topics will apply to every property owner.

- Permanent purchase and/or temporary use of your property.
- Locations and widths of entrances to your property: The standard South Dakota Department
 of Transportation (SDDOT) entrance-width for rural highways is 24 feet. Note: In general,
 existing entrance widths along rural State Highways are 24 feet or smaller. A maximum width
 of 40 feet is allowed at locations where it is deemed appropriate and necessary. Entrances
 in urban areas can vary from 16 feet to 40 feet.

The goal of the SDDOT is to provide property owners located adjacent to the project with the access they need, and at the same time, enhance highway safety and reduce project costs. In some instances, the SDDOT may seek to combine duplicate entrances. For example, if your property has two or three entrances to the same property that are located close to each other, we would ask you to assess your current entrance needs and consider one entrance location that will meet those needs.

 Permanent fencing adjacent to the highway: SDDOT's fencing policy allows for the replacement of all disturbed fence with like-kind fence.

Two fence types are typically installed: **Type 2:** 4-strand barbed wire with 8-inch wire spacing, and **Type 6:** 32-inch woven wire with 1 strand of barbed wire on the bottom and 2 strands of barbed wire on the top. Page 12 of the "Better Roads Brochure" contains added discussion of your permanent fencing options. This brochure will be available at the meeting.

- Temporary fencing adjacent to the highway: Do you anticipate having livestock in pastures located adjacent to the proposed project during highway construction activities?
- Are you aware of any waterlines, drainfields, septic tanks, underground storage tanks, underground power lines, etc. that are located adjacent to the project and may be impacted by construction activities?
- Are there any highway-related drainage or flooding problems located along your property or elsewhere along this section of highway?
- Possible sites for gravel and additional fill material: Are you aware of potential material available for construction that might be located adjacent to the highway?
- Temporary access during construction activities.

Please review your property and be prepared to discuss the above issues, as well as any other issues that you feel are unique to your property. No offers to acquire property will be made at these meetings since revisions to the plans may occur from your input.



Encroachments in ROW

Federal Regulations (CFR 23.1) require that the State Highway Department (SDDOT) will be responsible for preserving such ROW free of all public and private installation, facilities, and encroachments.

No improvements shall be allowed to remain in the ROW unless they are deemed in the best interest of the pubic and will not impair the highway or interfere with the free and safe flow of traffic.

Encroachments are any private property or improvement in the public ROW that is not approved by permit such as:

- Landscaping Items
- Fence
- Signs
- Buildings
- Etc.

SDDOT Staff will survey the project limits to identify all encroachments. Prior to the project being let to contract, landowners will be contacted by the SDDOT or City Government regarding how each encroachment will be addressed or handled. If it is determined that the removal of an encroachment is required, it will be the landowner's responsibility to remove the encroachment.

For additional information, please contact:

Jay Peppel Area Engineer SDDOT Mitchell Area Office 1300 W Norway Avenue Mitchell, SD 57301

Phone: (605)995-3340; E-Mail: Jay.Peppel@state.sd.us



Environmental, Social & Economic Impacts and Advanced Utility Coordination

Environmental, Social & Economic Impacts

- Project will comply with all state and federal environmental regulations
- > No splitting of neighborhoods will occur as a result of this project
- Project will be coordinated with the following state and federal agencies:
 - SD Dept. of Environment & Natural Resources
 - SD Dept. of Game. Fish & Parks
 - US Fish & Wildlife Service
 - State Historic Preservation Office
- > For additional information, please contact:

Joanne Hight
Environmental Engineer Manager
SDDOT Administration Office
700 E. Broadway Ave.

Pierre, SD 57501 Phone: 605-773-3721

E-Mail: Joanne.Hight@state.sd.us

Advanced Utility Coordination

- Highway projects may require adjustments or relocation of existing utilities located along or crossing the highway project. The SDDOT has an "Advanced Utility Coordinating Process" in place that addresses all existing utility involvement. This process involves meeting with the utility owner and project designers to review any conflicts and determine the most cost effective option of changing the design to avoid the existing utility or adjusting the utility. If the utility is required to relocate, all replacement utility easement acquisition and relocation work will be addressed and coordinated between the landowner and the utility company.
- > For additional information, please contact:

Bronson Blow Utility Coordinator SDDOT Road Design Office 700 E. Broadway Ave.

Pierre, SD 57501 Phone: 605-773-3433

E-Mail: Bronson.Blow@state.sd.us



Wetland Mitigation Registry Form

Federal regulations require that unavoidable wetland impacts caused by highway construction be mitigated. Examples of acceptable wetland mitigation include:

- Wetland creation
- Wetland restoration plugging an existing, drained wetland
- Wetland enhancement adding buffer around an existing wetland.

The South Dakota Department of Transportation (SDDOT) may participate in the cost of wetland creation/restoration/enhancement, if the wetland can be used to mitigate wetland impacts caused by highway construction.

If you are interested in creating, restoring, or enhancing wetlands on your property, please complete the attached form and mail to:

Joanne Hight Environmental Engineer Manager SDDOT Administration Office 700 E. Broadway Ave. Pierre, SD 57501

Your name will be added to the SDDOT Wetland Mitigation Registry and a SDDOT representative will contact you with additional information.

Yes, I am interested in assisting the SDDOT to mitigate wetland impacts by creating or restoring wetlands on my property.
Name:
Address:
Phone #: Email:
Location of property: 1/4 of Section
Township, Range, County
<u>Please note</u> : Completion of this form does not commit either you or the SDDOT to a mitigation project. It is a statement of interest only.



Public Comments

NH 0037(157)76, Davison County, PCN 05UY SD37 - Fm North Main St in Mitchell N to 250th St Structure # 18-150-075, 18-151-075 Urban Grading, Curb & Gutter, ADA Upgrades, Traffic Signals, Storm Sewer, Roadway Lighting, PCC Surfacing, Replace Str

and/or Cell #:	

Please submit comments by **January 21, 2020** to:

Written testimony will be included in the meeting record.

Neil Schochenmaier, PE Engineering Supervisor SDDOT Road Design Office 700 E. Broadway Ave.

Pierre, SD 57501

E-Mail Address: Neil.Schochenmaier@state.sd.us

Overview of Informal Verbal Comments Received at the Meeting/Open House

- Attendees expressed approval to constructing a shared use path, and in particular across the top of the Lake Mitchell earthen dam and spillway.
 - DOT response DOT will continue with the design of the shared use path, including the preferred alignment.
- Request the DOT construct fishing piers or earth peninsulas in conjunction with improving the shoreline north of the spillway.
 - DOT response Recreational amenities such as fishing piers are not constructed by DOT.
- Who will be responsible for clearing snow from new sidewalks?
 - DOT response Per City ordinance, landowners are required to remove snow.
- Who will be responsible for clearing snow from the new shared use path?
 - DOT response This will be worked out by agreement with the City of Mitchell. It is expected the City will remove snow from the shared use path.
- Will the reverse curves on the north side of the bridge be removed with the project? The curves are hidden from people coming into town from the north.
 - DOT response The DOT will review the design and make adjustments where possible.

Schochenmaier, Neil

From: Schochenmaier, Neil

Sent: Wednesday, January 22, 2020 12:40 PM

To: Jeff Logan
Cc: Peppel, Jay

Subject: RE: [EXT] Comments on North Highway 37 project at Mitchell

Mr. Logan:

Thank you for the email.

The plan you looked at is preliminary. We do incorporate access management whenever we can on a project such as this and what we typically present at public meetings is our best preference, and is generally based on current land use. Often times we do not know of planned or future development until the individual landowner meetings, or in some cases until we are knocking at the door wanting to acquire right of way or easements.

We will analyze the possibilities and visit with the City to see what if any plans they have to extend Regan Ave. Any possible extension would play into the location of a median break. We'll discuss the possibilities with you at landowner meetings.

The public meeting we held on January 7th is the only public meeting we will be holding. Individual landowner meetings will be held late spring/early summer. Notification/invitation to join us for those, will come from the Mitchell Area office.

Neil A. Schochenmaier, PE

Design Project Manager SD DOT Office of Road Design

Phone: 605.773.5107

From: Jeff Logan <jeff.logan@loganmovie.com> Sent: Thursday, January 16, 2020 2:01 PM

To: Schochenmaier, Neil < Neil. Schochenmaier@state.sd.us>

Cc: Peppel, Jay <Jay.Peppel@state.sd.us>

Subject: [EXT] Comments on North Highway 37 project at Mitchell

Comment on project NH 0037 (157), Davison county, PCN 05UY SD 37.

Dear Mr. Schochenmaier,

I own the Starlite Drive-in Theatre property located at 4601 North Main St., in Mitchell, SD. The drive-in includes two lots, the legal descriptions are Lot C, located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of 4-103-60 and the NE $\frac{1}{3}$ of Lot B in the NE $\frac{1}{4}$ of the SE1/4 of 4-103-60.

While we are not currently operating the Starlite drive-in, our plans are to re-open it as the cost of digital projection equipment comes down and industry conditions look favorable. To that purpose, we have kept the drive-in intact with all equipment in place, have made repairs to the buildings and fences and have maintained the front and back entry lawns. We previously closed the drive-in from

1987 to 1992 and re-opened in 1993. We then operated it from 1993 through the 2014 season. We think conditions will be right to re-open it again within the next 2-3 years.

Looking at the preliminary proposed plans for the rebuilding of Highway 37 from the Bypass to Airport Road, we have concerns with any plans to eliminate either driveway or median crossover. To operate the drive-in, we need to maintain both driveways at the north and south end of the property and would prefer to maintain the median crossover by the south driveway which is located at station 97 + 10.

South Dakota Codified Law 31-24-12 enacted in 1955 required that drive-in theatres maintain separate entrance and exit driveways for safety. The statutes 31-24-10 through 31-24-16 appear to have been repealed sometime after 2003 since very few drive-in theatres were still being built by that time. However, the safety concerns that the law addressed are still valid and drive-ins have experienced a small resurgence as evidenced by a new drive-in being built in Hermosa, SD in 2016. Five other drive-ins still operate in SD in Winner, Gregory, Miller, Redfield and Mobridge.

The design of the Starlite's internal roadways and traffic flow make full use of the two driveways. The two driveways allow us better security as we can close the front entrance gate when the boxoffice closes. A one-way exit guard prevents cars from entering through the exit driveway. It would be extremely difficult and costly to move fences, signage and roadways to operate with only one driveway. With only one driveway, we would have far less control and security.

If the property were ever developed into other uses, the south driveway remains important as it lines up with Regan Avenue, a street coming off of North Harmon Drive. I understand that the city of Mitchell has unofficially looked at extending Regan Ave. to intersect with Highway 37 if I were ever to sell or redevelop the property.

Thank you for your consideration of our situation. I will be happy to answer any questions and discuss the matter further. I will be attending all the public input sessions I am able.

Teff Logan

President,

Logan Luxury Theatres Corp.

209 N. Lawler St. Mitchell, SD 57301

Office: 605-996-9022 Fax: 605-996-9241

Email: jeff.logan@loganmovie.com

Schochenmaier, Neil

From: Peppel, Jay

Sent: Wednesday, January 22, 2020 1:28 PM

To: Schochenmaier, Neil

Cc: Peppel, Jay

Subject: PCN 05UY - Chris Fosness

Neil,

Chris Fosness was in the office this morning. He owns property on the East side of HW 37 from about Station 64+00 to 77+00. He was concerned about the median being blocked at his approach. Apparently he is working on developing the three parcels. He would like us to consider placing a full access point near the center of his 3 parcels, somewhere around Station 70+50 or so. Then we could remove the access point at 66+50 and he would construct his own frontage road to access all three parcels. I know it is past the comment date, but told him to comment anyway. This is just an fyi.

Thanks jp

PUBLIC MEETING SIGN-IN January 7, 2020 NH 0037(157)76, Davison County, PCN 05UY

Name	Address	Phone #(s)	Own Property on Project (Yes or No)
1. MEIL ScHOCHELIMAIGE	PIERRE, SE	773-3433	
2. Brald Richards	0- 00	402h- ELL	
3. Dowle White	S2007 - 8-F	367.5680	
4. WING VEHUE	Commission	0911-355	
5. MAN THOME	2404 W. MAIN, M. Fhall	0/5/1-765	100
.)	5316 W. 60to St. Sionx FALLS SD 57107	605.367-5660	No
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PUBLIC MEETING SIGN-IN January 7, 2020 NH 0037(157)76, Davison County, PCN 05UY Please Print

	Own Property on Project (Yes or No)								2	No	3	No	Lease							
	Phone #(s)	2181-017	720-7248	0518-59	252-455-801	19,236-5542	605-996-1517	770-2637	999.3234	605-630-4317	605-991-433	Co5 776-1007	605-770-4919 REGSE	995-8120						
		ביי וועל	Court Connector	>		MtVernar	mitchell.	M. tahull	Mytene!	M.ychell	M. tokell	Theme	Mitchell							
Licase	Address	612N Main-chipullensineering	410 West 13th AVE (DOT	2300 N. Mer.	25401 398th Ave	105 N Harmon Dr	(301 Indua Villes RS	Goo Salmend Aur	720 E G+ Ave.	Hes Novin	116 & Dakok Ave	P.O. BOX 177	DOT-Mitchell						
	Name	7	1		0	Mount	6. David Brown	1. Jaking	8. Todd Boly	9. Sam Forest		11. Brett Hestolen	12. Jim Miskimins	13. IRY Peppel	15.	16.	17.	18.	19.	20.