



**MISSOURI HIGHWAYS AND TRANSPORTATION
COMMISSION**

Official Minutes

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**MINUTES OF THE REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN NEOSHO,
MISSOURI, WEDNESDAY, OCTOBER 3, 2012**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission was held on Wednesday, October 3, 2012, at Crowder College, Arnold Farber Building, Room 232A/B, 601 Laclede Avenue, Neosho, Missouri. Rudolph E. Farber, Chairman, called the meeting to order at 11:00 a.m. The following Commissioners were present: Grace M. Nichols, Lloyd J. Carmichael, Stephen R. Miller, and Kenneth H. Suelthaus. On February 2, 2012, Governor Nixon withdrew the appointment of Commissioner Joseph J. Hunt; at the time of the October 3, 2012, meeting, a replacement had not been appointed.

The meeting was called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Kevin Keith, Director of the Missouri Department of Transportation; Rich Tiemeyer, Chief Counsel for the Commission; and Pamela J. Harlan, Secretary to the Commission, were present on Wednesday, October 3, 2012.

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*“Department” or “MoDOT” herein refers to Missouri Department of Transportation.
“Commission” or “MHTC” herein refers to Missouri Highways and Transportation Commission.*

-- CLOSED MEETING --

VOTE TO CLOSE MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo, including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(1) – Legal actions and attorney-client privileged communications.
2. Section 610.021(3), (13) – Personnel administration regarding particular employees.
3. Section 610.021(11), (12) – Competitive bidding specs, sealed bids, or negotiated contracts.
4. Section 610.021(14) – Matters protected from disclosure by law.
5. Section 610.010(6) – Deliberative decision making process.

Upon motion duly made and seconded to convene in closed session, the Chairman called for a voice vote of the members. The vote was as follows:

Commissioner Farber, Aye
Commissioner Nichols, Aye
Commissioner Carmichael, Aye
Commissioner Miller, Aye
Commissioner Suelthaus, Aye

The Commission met in closed session from 9:00 a.m. until 11:00 a.m.

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-- OPEN MEETING --

RECOGNITION OF A FALLEN WORKER

Commissioner Farber opened the meeting at Crowder College in Neosho by requesting a moment of silence in memory of MoDOT Motorist Assist Operator Clifton Scott who was killed in the line of duty on September 21, 2012 when hit by a drunk driver. Commissioner Miller commended Kansas City District staff for their quick and compassionate response to Scott's family and his co-workers. Commissioner Miller stated he was impressed by the level of respect shown for MoDOT's Motorist Assist operators by other Kansas City area emergency responders in attendance at Scott's funeral. He said this situation exhibited both the worst, the tragic loss of life, and the very best about the department, the courage and dedication shown by MoDOT employees to serve others.

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APPROVAL OF MINUTES

Upon motion by Commissioner Nichols, seconded by Commissioner Miller, the Commission unanimously approved the minutes of the regular meeting held September 12, 2012. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

Consent Agenda Process

In order to make the most efficient use of Commission meeting time and to ensure Commission members are well informed on issues requiring their action, staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items of the Commission meeting agenda. Those items considered by staff to be of a routine or non-controversial nature are placed on a consent agenda. During the

meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to “consent agenda” is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

Consideration of October 3, 2012, Consent Agenda

No items were removed from the consent agenda. Upon motion by Commissioner Suelthaus, seconded by Commissioner Nichols, the consent agenda items were unanimously approved by a quorum of Commission members present.

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COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two committees: Audit and Legislative. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees’ Retirement System Board of Trustees. The following committee and board reports were made during the October 3, 2012, meeting.

Audit Committee – Commissioner Suelthaus stated there was no report.

Legislative Committee – Commissioner Carmichael stated there was no report and thanked the legislators in attendance for their support of transportation, and particularly for expanding the “Move Over” law to include MoDOT workers.

Special MHTC Committee – MoDOT/MSHP Medical and Life Insurance Plan – Commissioner Farber reported the committee currently is reviewing a proposal, which will be discussed at the next meeting scheduled for October 26, 2012.

Missouri Transportation Finance Corporation – Commissioner Nichols reported the Board met on October 2, 2012 with its external auditors, Williams Keepers, LLC, who presented their review of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2012. The MTFC’s CAFR received an unqualified opinion with no audit findings. This is the sixteenth consecutive unqualified opinion. The next MTFC meeting is scheduled for February 5, 2013.

MoDOT and Patrol Employees’ Retirement System – Commissioner Farber reported the Board met on September 27, 2012 and welcomed Scott Simon as the Executive Director of the retirement system. The Board received a preliminary annual actuarial valuation of the system. The Audit Committee reported the outcome of the information technology architecture assessment. The Board retained the services of Brown, Smith, Wallace for technology advisory services. The investment results of the second quarter were reported.

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DIRECTOR’S REPORT

During the October 3, 2012, Commission meeting, Director Kevin Keith provided the following report:

Fallen Worker – Director Kevin Keith paid further tribute to Clifton Scott who he called a good man, a hard worker, a family man, and quite literally a hero. Director Keith recognized Mr. Scott’s dedication to serving others, and described how Mr. Scott was previously honored for saving the life of a co-worker in 2001 when he helped pull his co-worker from a burning vehicle after an accident. Director Keith commended the rest of the Kansas City Motorist Assist team for their actions in the middle of their grief like accepting all media requests for interviews and ride-a-longs in order to get out important safety messages to the public such as don’t drink and drive, move over, and be attentive.

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NEOSHO AREA CHAMBER OF COMMERCE

Gib Garrow, Director of Economic Development for the Neosho Area Chamber of Commerce and Newton County Economic Development Commission, thanked the Commission and MoDOT for improving the transportation system throughout Southwest Missouri. Mr. Garrow specifically

mentioned improvements to the U.S. 71 corridor that have contributed significantly to economic growth in the area over the past ten years. The Neosho Area Chamber of Commerce and Newton County Economic Development Commission look forward to the designation of U.S. 71 as Interstate 49 later this year, which they feel is the most important transportation improvement for the area since the completion of Interstate 44 in the 1960s. Mr. Garrow also expressed appreciation for the department's assistance in making improvements at Neosho's Hugh Robinson Memorial Airport and to Joplin Regional Airport. Chairman Farber thanked Mr. Garrow for his presentation. Commissioner Suelthaus thanked him for providing an excellent tour of the community and the MARET Center at Crowder College.

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NEOSHO TRANSPORTATION DEVELOPMENT DISTRICT (TDD)

Chairman Farber recused himself from the meeting for this presentation. Vice-Chair Nichols presided and welcomed Dr. Jim Cummins, Neosho Transportation Development District President, who expressed appreciation to the Commission and MoDOT for the \$2.4 million cost-share project for improvements to the U.S. 60 corridor through Neosho. Dr. Cummins stated these projects are expected to provide economic benefits for years to come and to improve traffic safety in a high-growth area. Vice-Chair Nichols thanked Dr. Cummins for his presentation.

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STATE OF THE SOUTHWEST DISTRICT

Rebecca Baltz, Southwest District Engineer, reported on the district's progress on projects and successful reorganization as one team in a new 21-county district. The Southwest District is working within the framework of the Bolder Five-Year Direction to provide a safe, reliable transportation system that will support economic development and help generate a pleasing quality of life for area residents. Ms. Baltz stated partnering with local communities remains a key district strategy to accomplish those

goals in a steadily growing and developing region of the state. She shared statistical information regarding the Southwest District, that it includes 21 counties and about 6,500 lane miles of road, the second highest total in the state. Currently, 94 percent of the district's major roads and 76 percent of the minor roads are in good condition.

Ms. Baltz reported on two notable projects nearing completion: the U.S. 60/65 interchange in Springfield and the upgrade of U.S. 71 to Interstate 49. The district has also made major repairs or replaced 135 bridges under the Safe & Sound Bridge Improvement Program and is continuing to work this year to repair or replace 26 additional bridges. District staff has further identified 267 more bridges that need to be replaced or rehabilitated.

Ms. Baltz reported the district met the staffing goals of the Bolder Five-Year Direction. The district is under the overall target of 746, but is overstaffed in Administration and Program Delivery and understaffed in Operations. The district will continue working to ensure the right people are in the right location.

Ms. Baltz applauded the partnerships with local communities which have enabled the district to design and build projects that otherwise would not have been completed or would have taken considerably longer. Partnerships are even more crucial as less money is available in MoDOT's construction program. The district is exploring every means to address transportation needs including projects on nine major corridors. A few of the needs are upgrading U.S. 60 to a freeway from Springfield east to Rogersville, four-laning U.S. 60/Mo. 37 from Springfield west to Monett and the Missouri-Arkansas state line, converting U.S. 65 to a shared four-lane between Buffalo and Warsaw and adding lanes to Interstate 44 in Joplin and Springfield.

Safety is a priority for the district. Public safety is being addressed through projects that improve roads and bridges. Employee safety is emphasized through safety plans for construction and

maintenance work, with the goal of getting everyone home safely every day. The district regularly uses safety education initiatives externally for the public and internally for employees.

Ms. Baltz concluded her presentation by showing a video that highlighted the district's accomplishments of the last year and recognized the district employees who build, maintain, and support the region's transportation system. The Commission thanked Ms. Baltz for her work on the Bolder Five-Year Direction and her presentation.

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SAFE & SOUND BRIDGE IMPROVEMENT PROGRAM

On behalf of the Director, Don Hillis, Assistant Chief Engineer, reported the biggest bridge project in Missouri history is drawing to a close. The Safe & Sound Bridge Improvement Program (Safe & Sound) has replaced or repaired 802 of the state's poorest bridges, at least one bridge was improved in each of Missouri's 114 counties. KTU Constructors delivered 554 new bridges through the design-build process, the remaining 248 bridges in the program were mostly rehabilitation projects delivered by MoDOT through a modified design-bid-build process.

The successful completion of this project was accomplished through the partnering efforts of MoDOT's dedicated Safe & Sound team, the Bridge Division and Districts; design-build contractor KTU Constructors; and the Missouri contractor and design consultant communities. The program was completed in 3 years and seven months, which is 14 months ahead of the contractually agreed upon delivery date established by KTU Constructors, and two years ahead of MoDOT's original target completion date and was completed for less than its \$685 million budget. These bridges were built in an average of 42 days, half the time of the typical bridge replacement, demonstrating the public will accept a road closure in order to build a bridge when it is done quickly and scheduled to avoid local events.

Ken Warbritton, MoDOT Project Director, and Scott Cassels, KTU Constructors, both touted the teamwork exhibited by MoDOT, KTU, and local subcontractors and materials suppliers as the biggest

reason for the success of the program. Director Keith said the Safe & Sound program has created a new bridge delivery model for not just Missouri but for the entire country. Commissioner Nichols said she was terrified in 2008 that this project might fail, but instead the results have been gorgeous. Commissioner Miller said he was happy to hear 90 percent of the work had been done by Missouri contractors – what Cassels called “the hometown team”. Cassels also applauded the commission for its bold approach with Safe & Sound, saying you can’t fix crumbling infrastructure a little bit at a time and that other states can learn from what this program has accomplished. The Commission thanked Mr. Hillis, Mr. Warbritton, Mr. Cassels, and the Safe & Sound team for their presentation and hard work on this successful accomplishment.

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RESOLUTION EXPRESSING APPRECIATION TO REPRESENTATIVE CHARLIE DENISON FOR SERVICE TO THE STATE OF MISSOURI

Upon motion by Commissioner Nichols, seconded by Commissioner Carmichael, the Commission unanimously approved the following resolution.

WHEREAS, the honorable Charlie Denison was elected to the Missouri House of Representatives in 2004, representing the citizens of the 135th legislative district; and

WHEREAS, during his tenure, Representative Denison performed his duties with vision, dedication, and genuine compassion for the best interests of the citizens of Missouri; and

WHEREAS, during his entire tenure, Representative Denison was a member of the House Transportation Committee; devoting a great deal of time and energy to many important transportation issues; and

WHEREAS, Representative Denison served as chairman of the House Transportation Committee from 2011 through 2012, co-chaired the Joint Committee on Transportation Oversight also from 2011 through 2012, and was vice chairman of the Special Standing Committee on Infrastructure and Transportation Funding from 2009 through 2010; and

WHEREAS, Representative Denison firmly believes a good transportation network is essential to safe travel, economic development, and a good quality of life in Missouri; and

WHEREAS, Representative Denison successfully sponsored legislation to strengthen Missouri’s child booster seat laws; and

WHEREAS, Representative Denison successfully sponsored legislation protecting highway workers; and

WHEREAS, Representative Denison successfully sponsored legislation allowing the Missouri Department of Transportation to be more efficient in its bidding process and construction of transportation projects by expanding the use of the design-build method of construction; and

WHEREAS, Representative Denison worked diligently in the House to not only improve and accelerate the construction of roads and bridges but to also make Missouri's roadways safer, protecting not only the motorist but also highway workers; and

WHEREAS, Representative Denison has combined dedication to public service with his devotion to his wife Daryl, two daughters Debbie and Laurie Ann, his son Chuck, and five grandchildren; and

NOW, THEREFORE, BE IT RESOLVED that the Missouri Highways and Transportation Commission does hereby publicly express its appreciation and gratitude to Representative Denison, as he concludes his service in the Missouri House of Representatives, for the work he has performed for the citizens of Missouri.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Representative Denison so he will have a permanent record of the high esteem in which he is held by the members of the Missouri Highways and Transportation Commission.

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FISCAL YEAR 2013 BUDGET AMENDMENT

On behalf of the Director, Ms. Brenda Morris, Financial Services Director, recommended decreasing receipts \$330,000 and increasing disbursements \$4.7 million for the Fiscal Year 2013 budget. Ms. Morris also recommended transfers between operating budget categories to address changing priorities and provide greater flexibility to districts and divisions in funding program priorities.

Via approval of the consent agenda, the Commission unanimously approved the Fiscal Year 2013 budget amendment described above.

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CONSIDERATION OF BIDS FOR ROADWAY IMPROVEMENTS

On behalf of the Director, Kathy Harvey, State Design Engineer, presented the following recommendations pertaining to bids received on federal-aid and state highway and bridge projects

during the past month. She noted Call H01 has local funding, as noted in Table I below, and the department received all of the necessary concurrences. Ms. Harvey recommended award of contracts to the lowest responsive bidders for bids received at the September 21, 2012, letting, as recommended and noted in Table I below.

**Table I
Award of Contracts
September 21, 2012, Bid Opening**

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
D01	I-70	Cooper	J5I2169	\$3,869,134.28	\$0.00	Chester Bross Const. Co./C.B. Equipment Inc.	Resurfacing EBL (SP)
F01	30	Jefferson	J6P2373G	\$445,610.00	\$0.00	Gerstner Electric Inc.	Traffic Signal Improvements
G01	64	Hickory, Polk	J9P2261B	\$2,311,402.98	\$0.00	Chester Bross Const. Co./C.B. Equipment Inc.	Add Shoulders
			J8L1300S				Thin Lift Overlay (BP-2)
	54	Hickory	J8P2269				Coldmilling, Resurfacing (SP), Shoulders, w/ 1 Add Alt.
G02	CC	Greene	J9P2261E	\$1,633,243.43	\$0.00	APAC-Missouri, Inc.	Add Shoulders
			J8L1300G				Thin Lift Overlay (BP-2)
	160		J8L1300T				Thin Lift Overlay (BP-2), Add Shoulders
G03	60	Greene	J8P2452	\$3,781,710.33	\$0.00	APAC-Missouri, Inc.	Coldmilling, Resurfacing (SP), Shoulders
			J8P3008				Coldmilling, Resurfacing (SP), w/ 1 Add Alt.
G04	171	Jasper	J7P2155B	\$5,187,748.79	\$0.00	Blevins Asphalt Construction Company, Inc.	Coldmilling, Resurfacing (SP), Shoulders
			J7P2155C				
			J7P2155D				

Call No.	Route	County	Job No.	Bid Amount	Non-Contractual Costs	Contractor	Description
G05	160	Taney	J8P0813D	\$3,659,726.40	\$0.00	APAC-Missouri, Inc.	Grading, Drainage, and Paving to Add Turn Lanes
			J8L1300L				Thin Lift Overlay (BP-1 & 2), Shoulders, ADA Improvements
	265		J8S2442				Thin Lift Overlay (BP-1), Add Shoulders, w/ 1 Add Alt.
	176		J8L1300O				Thin Lift Overlay (BP-2), Add Shoulders
G06	54	Vernon, Cedar	J7P2155E	\$2,279,431.84	\$0.00	Chester Bross Const. Co./C.B. Equipment Inc.	Coldmilling, resurfacing (SP), shoulders (BP-2) w/ 1 Add Alt
G07	DD	Webster	J9P2261D	\$3,228,190.35	\$0.00	APAC-Missouri, Inc.	Add Shoulders
			J8S2459B				Thin Lift Overlay (BP-2)
	38	Webster, Dallas	J8S2457B				Thin Lift Overlay (BP-2), Shoulders, w/ 1 Add Alt.
	M	Webster, Wright	J8S2458				Thin Lift Overlay (SL)
H01*	51	Stoddard	J9S3015	\$74,844.50	\$0.00	Lehman Construction, L.L.C.	Bridge Rail Replacement
			TOTAL:	\$26,471,042.90	\$0.00		

* Call H01 – Funding by U.S. Fish and Wildlife Service – \$51,063.89

Commission Consideration and Action

After consideration, and upon motion by Commissioner Nichols, seconded by Commissioner Miller, the Commission took the following action with the abstentions noted below:

1. Awarded contracts to the lowest responsive bidders for bids received on the September 21, 2012 bid opening, as recommended and noted in Table I above. Non-contractual costs for these projects are shown on the above tabulation.

Commissioner Farber abstained from voting on Call G04. Commissioner Carmichael abstained from voting on Calls G03, G04, G05, and G07. In keeping with the Commission’s Delegation of

Authority to Execute Documents Policy, the Director, Chief Engineer, Chief Financial Officer, or the Assistant Chief Engineer may execute the contracts awarded above.

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**DISPOSAL OF EXCESS PROPERTY, ROUTE 65/248, TANEY COUNTY,
EXCESS PARCEL E8-0708**

In keeping with the Commission’s April 3, 2012, Delegation of Authority and Execution of Documents Policy regarding disposition of Commission-owned property or property rights, the sale of all properties owned by the Commission with appraised or sale values of \$200,000 or more must be approved by specific Commission action.

On behalf of the Director, Becky Baltz, Southwest District Engineer, recommended conveyance of 55,561 square feet of land located in the southeast quadrant of the Route 65 and Route 248 intersection in Branson, to Business 65 Properties, LLC for a consideration of \$428,000.

Via approval of the consent agenda, the Commission unanimously approved the property conveyance described above.

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-- REPORTS --

The Commission received the following written reports.

MEDICAL AND LIFE INSURANCE PLAN: MISSOURI DEPARTMENT OF TRANSPORTATION AND MISSOURI STATE HIGHWAY PATROL MEDICAL AND LIFE INSURANCE PLAN REPORT

Jeff Padgett, Risk and Benefits Management Director, provided financial and claims data reports for the period January 2012 through June 2012, and for the most recent five calendar years, to update the Commission on the cost and utilization of the Medical and Life Insurance Plan. Prescription drug plan claims have trended upwards since 2009 due to increased utilization by participants. Total revenue exceeded claims and administrative expenses by approximately \$2.9 million during the first half of calendar year 2012, adding to the plan premium stabilization reserve. Contributions have increased 28.5 percent over this five-year period. In calendar years 2008 through 2011, employees and retirees have shared in the contribution increases. Claims and administrative expenses have increased 16.3 percent over this five-year period.

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A BOLDER FIVE-YEAR DIRECTION REPORT

Kevin Keith, Director, provided to the Commission the monthly update of the Bolder Five-Year Direction. On June 8, 2011, the Commission approved the Bolder Five-Year Direction which will reduce staff by nearly 1,200 employees, close 131 facilities, and reduce MoDOT's fleet by more than 740 units.

As of August 31, 2012, there has been a reduction of 1,281 salaried positions since February 28, 2010. The target of 5,106 employees has been reached. However, MoDOT remains understaffed in "boots on the ground" maintenance positions and overstaffed in certain areas of Administration, Program Delivery, and Operations. MoDOT conveyed 37 facilities, terminated five

leases, entered into a long-term lease with the Missouri State Highway Patrol on three facilities, and eliminated 373 pieces of equipment, with an additional 128 pieces of equipment taken out of service. As a result of further evaluation of the department's fleet needs, General Services has raised its targeted equipment reduction number to 752 from 740. As of August 31, 2012, the department realized a total savings of \$353 million.

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**FINANCIAL – BUDGET – REPORTS
YEAR-TO-DATE FINANCIAL REPORT, PERIOD ENDING JULY 31, 2012**

Brenda Morris, Financial Services Director, provided to the Commission the Fiscal Year 2013 monthly financial report for the period ended August 31, 2012, with budget and prior year comparisons.

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CONSULTANT SERVICES CONTRACT REPORT

Kathy Harvey, State Design Engineer, provided to the Commission the report of consultant contracts executed in the month of August 2012 for both engineering and non-engineering related projects. The department utilizes consultants to efficiently manage workload and provide specialized expertise to supplement and support department staff. Expenditures for consultant services are funded from the Commission approved Statewide Transportation Improvement Program and MoDOT Operating Budget. One engineering consultant services contract was executed in August 2012 for a total cost of \$91,885. A total of twenty consultant contracts were executed in August 2012 for a total cost of \$518,090.

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By unanimous consensus of all members present, the meeting of the Commission adjourned.

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The Mission of the Missouri Highways and Transportation Commission is to:

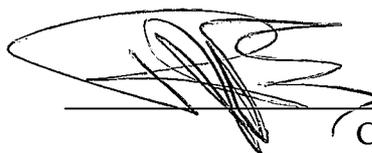
- Represent the citizens of Missouri pursuant to the Constitution by providing independent and nonpartisan governance of the Missouri Department of Transportation; and
- Establish policies, exercise oversight, and ensure accountability in developing and maintaining a world class transportation system in Missouri which fosters safety and economic development.

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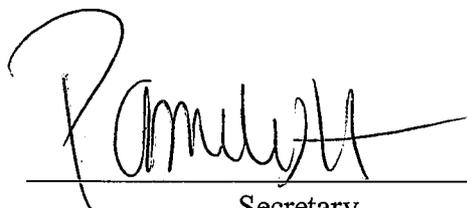
CERTIFICATION

We, Rudolph Farber, Chair, and Pamela J. Harlan, Secretary to the Missouri Highways and Transportation Commission, hereby certify that the foregoing are full, true, and complete minutes of the regularly scheduled meeting of October 3, 2012, held by said Commission in Neosho, Missouri, as approved by said Commission at its meeting held November 8, 2012.

IN TESTIMONY WHEREOF, we have hereto set our hands and affixed the seal of said Commission on November 8, 2012.



Chair



Secretary

