

# H-H-U HAPPENINGS



**AGC SOUTH DAKOTA**  
**HIGHWAY-HEAVY-UTILITIES CHAPTER**  
THE CONSTRUCTION ASSOCIATION

## FALL 2020

*Mission Statement: "The AGC of South Dakota and its members promote skill, responsibility and integrity through construction and services which enhance the quality of life for all who live, work or travel in South Dakota."*

GET READY FOR THE 2021 ...

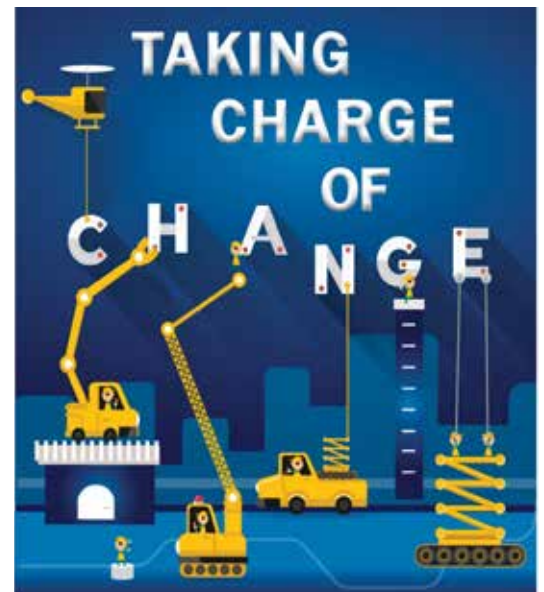
# State Convention!

January 13 – 15, 2021 / CONVENTION CENTER - SIOUX FALLS, SD

The Annual State Convention is just around the corner, and the planning committee has been working diligently to bring you another great event! The line-up of speakers this year is outstanding and they each offer a little bit of something for everyone. Key-note speakers include Steve Russell, Lisa Te Slaa, AGC of America President, Bob Lanham, Jan Lehman and more! Key-note speaker topics include; The Hunt & Capture of Saddam Hussein, Leading in Times of Trouble and Create a Culture of Productivity in a Changing Work Environment. In addition, there will be several educational break-out sessions and a post-convention Safety & Workforce Development Workshop see page 14 or the enclosed insert for more details!

Wednesday evening activities include the Annual Awards Banquet followed by a "Pub Crawl" hosted by the Sioux Falls Chapter of the Young Constructors in downtown Sioux Falls. The Installation of Officers Banquet will be held Thursday evening, followed by a trivia night. Sponsors and Exhibitors will be accepted until December 4th. Registration will open around Thanksgiving and a block of sleeping room is open at the Sheraton Hotel by calling 605-367-9695.

AGC is keeping a close eye on the current pandemic and will communicate any changes as soon as decisions are made. The appropriate safety protocols will be in place throughout the Convention. You don't want to miss the 2021 State Convention in Sioux Falls!



## ON THE INSIDE

2021 Advertising Opportunities, Post Convention Safety & HR Workshop, **MSHA Alliance**  
AGC/SDDOT Fall Meeting Agenda

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501 S Marion RD  
Sioux Falls, SD 57106  
Phone: 605-336-3727  
TF: 800-952-3033

**Aberdeen, SD**  
39213 133 ST.  
Aberdeen, SD 57401  
Phone: 605-262-3727  
TF: 877-346-7499

**Rapid City, SD**  
1210 Deadwood Ave.  
Rapid City, SD 57702  
Phone: 605-348-1155  
TF: 800-242-1948

**Watertown, SD**  
920 9th Ave. SW.  
Watertown, SD 57201  
Phone: 605-878-3727  
TF: 800-854-4953

**Sioux City, IA**  
412 Lewis Blvd.  
Sioux City, IA 51102  
Phone: 712-255-3001  
TF: 800-255-8440





## GARY JOHNSON

2020 AGC of SD HHU President  
A-G-E Corp.  
Ft. Pierre, SD

### 2020 CHAPTER OFFICERS

President - Gary Johnson, Ft. Pierre  
Senior VP - Jim Soukup, Sioux Falls  
VP - RC Scull, Rapid City  
Sec./Treas. - Chad Hartman, Sioux Falls  
Past Pres. - Tim Foerster, Rapid City

### 2020 CHAPTER DIRECTORS

Elroy Buren / Rapid City  
Ed Davis / Sioux Falls  
Tim Davis / Huron  
Derek Suhr / Rapid City  
Robert Sopher / Mobridge  
Jared Gusso / Sioux Falls  
Andy Johnson / Ft. Pierre  
Rob Knight / Webster

### NATIONAL GOVERNORS

John Morris / Pierre  
Floyd Schafer / Rapid City

### LIFE NATIONAL GOVERNORS (ACTIVE)

Gary Johnson / Ft. Pierre  
Kari Karst / Dell Rapids  
Mark Knight / Aberdeen

### ASSOCIATE DIVISION OFFICERS

President Derek McTighe, Pierre  
VP - Wade Planting, Sioux Falls  
Sec./Treas - Andrew Heitzler, Sioux Falls  
Past Pres. - Jon Snedeker, Sioux Falls

# From the President:

Happy Fall or Pre-Winter to everyone! For many, 2020 can't end soon enough. The calendar on the wall reminds us that our wish will come true more quickly than many desire, as we are staring Thanksgiving in the eye, followed by only 29 days until Christmas and 7 days beyond that for 2021. With the recent brief taste of winter, work statewide came pretty much to halt as I observed while traveling to the east and west. Everyone got their wishes or prayers answered as the warm came back, and some more concrete got poured, dirt got hauled and asphalt put down.

2020 will go into the record books as year of adjustment and reaction. With the China virus, the way business is being handled has dramatically changed. Less face to face meetings, less travel time, more concern for our employees health, protection from the virus and a constant vigilance of how big a crowd a person desires to be around. With that I'll mention the 2021 State Convention is still on for Jan 13-15 in Sioux Falls at the Convention Center/Sheraton Hotel. We are closely monitoring conditions and the event could be postponed or cancelled if the mandates of Sioux Falls dictate the size of events or in the opinion of AGC Board it isn't responsible to hold the event. Currently, we expect lower attendance for the event because of the virus but, have to consider the great facility of Convention Center that allows ample space for social distancing. Please watch your email for developments.

As we head into the close of the year, I have to extend AGC's and my personal well wishes for now retired SDDOT Secretary Darin Bergquist. He was recognized on Friday, November 6th with a greet and farewell event at the central office of the SDDOT in Pierre. Darin will be remembered as a good and approachable Secretary. He was highly respected within the ranks of the DOT and equally as much from the construction industry, too. John Morris, Toby Crow and myself attend the event and extended our congratulations on his retirement and move to Tennessee.

Also that day, the AGC Young Constructors hosted their Annual Pheasant Hunt in the Pierre area. About 40 hunters attended and reported excellent hunting. The hunt was followed by a social and meal at the Legion in downtown Pierre. The warm 70 degree afternoon was a bonus for those who attended. In visiting with some participants at the social, it was encouraging to hear that the Young Constructors are doing such a great job within our association. For those of us past 40, we should be equally encouraged by these young people being involved in industry activities. Thank you both YC Chapters for putting together another great event, good job!

As mentioned in previous articles, 2021 is shaping up to be a busy year with increased spending by the SDDOT. Some of this increase is in large projects coming up. The first was let in September, that being the Missouri River bridge in Pierre. Over the course of the next couple years as you visit the capitol city, you'll notice the cranes, barges and some non-typical equipment working on this job. We welcome AGC of SD member Jensen Construction from Des Moines, IA who was the low bid. Jensen is part of the Rasmussen Group and have been HHU members for a number of years. Rasmussen Group President, Kurt Rasmussen, is currently Iowa AGC president.

With all the work coming into SD your AGC staff has been busy even with a pandemic going on. Jim Heaphy and Mike O'Neal are busy with current training needs and booking dates for this winter ahead of next training season starting. Call them to schedule your needs and dates. Thank you guys for wanting us all to be safe.

Margaret Pennock our Workforce Development Director is let's say "being creative" to get her work done. Some of her duties include getting face to face with potential employees looking to join the construction workforce.

CONTINUED ON THE NEXT PAGE ...

# From the President: Gary Johnson



Since most schools aren't allowing outsiders in, a lot of her effort and coordination is happening creating virtual meetings and using technology to bring the message. Good job, Margaret!

Our lobbyist Deb Mortenson is gearing up for the 2021 Legislative Session set to begin January 12th. There will

be a lot for Legislators to talk about this year considering the passage of the two Marijuana amendments. How they will effect our companies will be something for all of us to pay attention to. Mark your calendars for AGC's Legislative Dinner taking place on February 9th in Pierre. Details will be coming out soon. Besides AGC's lobbying, Deb tracks all legislator voting records, keeping track of those who support and vote on AGC's issues. On Nov. 24th, CONPAC will meet via zoom to discuss the general election and which legislators will be back in 2021. If you desire to be part of politics in South Dakota and the construction industry, I encourage you to let Lindsay Willits know so you can be part of this important call.

Lindsay Willits, our Deputy Executive Vice President has worked hard to increase our membership numbers. There

is so much that happens behind the scenes that Lindsay has a part in; a big thank you Lindsay! Executive Vice President, Toby Crow is all over the place statewide. With the office being moved from Pierre to Sioux Falls he, along with WyLisa Maupin the Office Administrator, are working to ensure a smooth transition. Toby recently attended the AGCA Board of Directors Meeting in Idaho. National Governor Kari Karst also took part in the meeting. With the pandemic, AGCA has decided all National Officers and Appointees will obtain their seats for 2021. We have a great staff and they need to be commended on being able to do their jobs during a pandemic, while properly communicating and working with all of us.

In closing, I wish to say thank you to everyone in the industry for allowing me to serve as president of this great association twice. A lot has changed since my previous tenure 21 years ago and most of it for the good. I wish to thank the members of the Executive Board, Tim Forester Past President, Jim Soukup Senior VP, RC Scull VP and Chad Hartman Sec/Treas. for your dedication to AGC of SD HHU and being so good to serve with.

Happy Thanksgiving to all along with a Merry Christmas and Happy New Year. May God richly bless you all.

- G

## Membership News

### Welcome New HHU Members!

#### **American West Corp.**

Robert Quinn, President  
605-381-1647

12746 Matthew Ct.

Hill City, SD 57745

[quinn.construction@live.com](mailto:quinn.construction@live.com)

#### **605 Companies, Inc.**

Matt Kissell, President

700 E 64th Street N

Sioux Falls, SD 57005

605-251-3185

[matt.kissell@605inc.com](mailto:matt.kissell@605inc.com)

#### **Prairie Supply, Inc.**

Ryan Kringlie, President

524 7th Ave NE

West Fargo, ND 58078

(701) 282-5656

[www.prairiesupply.com](http://www.prairiesupply.com)

#### **Geostabilization International**

Wes Dickhut, Project Engineer

105 E Ave E.

Bismarck, ND 58501

(701) 934-1618

[wes.dickhut@gsi.us](mailto:wes.dickhut@gsi.us)

#### **Acuity Insurance**

Kirk Bloemendaal

421 Waterstone Dr.

Sioux Falls 57108

(800) 242-7666

[www.acuity.com](http://www.acuity.com)

#### **Reede Construction**

Nathan Reede, President

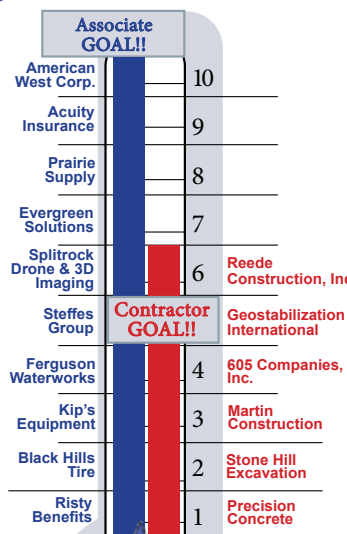
5237 Hwy 12 East – Ste. 1

Aberdeen, SD 57401

(605) 225-7082

[nathanr@reedeconstruction.net](mailto:nathanr@reedeconstruction.net)

# GOAL ACCOMPLISHED!



# WE DID IT!

### Recruitment

The AGC is always looking for new members to join our association and we need your help! If you know of a company that would benefit from joining the AGC, please get in contact with them and ask them to join! The Board of Directors recently approved giving potential members a free registration to attend our 2021 State Convention. Please send any potential member information to the AGC staff today!

# Events Calendar

EXTRA! EXTRA!  
READ ALL ABOUT IT!!



## "IN THE NEWS"



**November 24, 2020** - SD Transportation Comm. Mtg - Pierre  
**November 24, 2020** - CONPAC Annual Meeting - Virtual  
**Nov. 26-27, 2020** - Thanksgiving Holiday - AGC Office Closed  
**December 2, 2020** - SDDOT EBS Letting  
**Dec. 9-10, 2020** - Joint AGC / SDDOT Meeting - Pierre  
**December 10, 2020** - AGC Board Mtg. - Pierre  
**December 15, 2020** - Associate Div. Board Meeting - Virtual  
**December 17, 2020** - SD Transportation Comm. Mtg - Pierre  
**December 17, 2020** - WFD Committee Mtg. - Virtual  
**December 25, 2020** - Christmas Holiday - AGC Office Closed  
**January 1, 2021** - New Year's Day Holiday - AGC Office Closed  
**January 12, 2021** - 1st Day of Legislative Session - Pierre  
**Jan. 13-15, 2021** - 2021 State Convention - Sioux Falls  
**January 14, 2021** - HR Alliance Meeting & Webinar - RC & SF  
**January 15, 2021** - Safety Comm. & MSHA Alliance Conf. Call  
**January 19, 2021** - 1st Legislative Briefing Conference Call  
**January 20, 2020** - SDDOT EBS Letting  
**Jan. 27-28, 2021** - AGC Ice Fishing Tournament- Pickerel Lake  
**January 28, 2021** - SD Transportation Comm. Mtg - Pierre  
**February 3, 2021** - SDDOT EBS Letting  
**February 9, 2021** - AGC Annual Legislative Day - Pierre  
**Feb. 9-10, 2021** - AGC Strategic Planning Mtg. - Pierre  
**February 11, 2021** - Bid Letting Conf. Call - Pierre  
**February 17, 2021** - SDDOT EBS Letting  
**February 25, 2021** - SD Transportation Comm. Mtg - Pierre  
**Feb. 24-25, 2021** - SD Asphalt Conference - Pierre

### SAVE THE DATES

**March 23, 2021** - AGC Board & Member Meeting - Rapid City  
**March 25, 2021** - AGC Member Meeting - Sioux Falls  
**May 5-6, 2021** - AGC/Corps of Engineers Annual Meeting - Omaha, NE

### Condolences

With deepest regrets we advise you of the death of Terry Kelley of Gage Brothers Concrete Products, Sioux Falls, SD. Terry passed away October 15th at the age of 62.

*This section of the bulletin highlights the AGC, its' members and/or staff who have been quoted, interviewed, published, etc. by the media recently. If you are aware of AGC of SD "In the News" items, please forward them to the AGC Office.*

August 22 Construction Equipment Guide: **Sculp Construction, Lind Exco, Muth Electric, True North Steel** and **Bierschbach Equip & Supply** featured in article titled "Construction of \$130M Rapid City Arena Meets Benchmarks".



September 14 Construction Equipment Guide: **Wade Planting, Titan Machinery** quoted and pictured in article titled "South Dakota's RCWD Self-Performs Pipeline Installation".



September 19 Construction Equipment Guide: **Ritchie Brothers** featured in article titled "Ritchie's Tractor Sales Hit Record High in June".



October 9, 2020 Keloland News: **AGC's Director of Workforce Development, Margaret Pennock** featured in news story titled: "COVID-19 creates more competitive bidding for city construction projects".

October 11, 2020 Keloland News: **AGC's Director of Workforce Development, Margaret Pennock** featured in news story titled: "Youth apprenticeship program searching for high school students interested in construction."

October 14, 2020 West River Eagle News: **AGC of SD** mentioned in article titled: "South Dakota proclaims October as Careers in Construction Month."

October 2020 Roads & Bridges: **Chad Hanisch, Infrastructure Design Group** authored article titled "Here's to Another Hundred Years".



October 2020 Roads & Bridges: **Geotek Engineering & Testing, Braun Intertec and SFC Civil Constructors** mentioned in article titled "Here's to Another Hundred Years".





# AGC STAFF

[WWW.SDAGC.ORG](http://WWW.SDAGC.ORG)



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Wylisa Maupin  
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Deb Mortenson  
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Michael O'Neal  
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[michael@sdagc.org](mailto:michael@sdagc.org)



Jim Heaphy  
Safety Trainer  
Rapid City Office  
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[jim@sdagc.org](mailto:jim@sdagc.org)

## OFFICE LOCATIONS

Rapid City  
2771 Plant Street  
Rapid City, SD 57702

Pierre (main):  
PO Box 1115  
Pierre, SD 57501  
(605) 224-8689

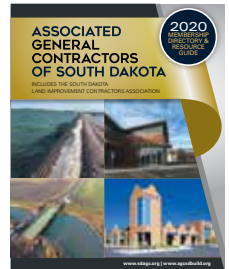
Sioux Falls  
7501 E. Arrowhead Parkway  
Sioux Falls SD 57110

## 2021 Director Openings

While all of you are busy wrapping-up the 2020 construction season, the AGC is busy preparing for 2021. This means it's time to fill our 2021 Board of Director openings. The AGC Board and Associate Division Board is currently accepting Board of Director nominations. If you are interested in becoming a Director please contact the AGC Office or any current board member. Please remember, AGC's success largely depends on the active volunteer leadership of its members. As 2021 nears, please make a commitment to remain or become more active in the AGC!

## 2021 Membership Renewal & Directory Update

Your 2021 AGC membership renewal information will be in your mailboxes soon! Please complete the membership form and submit payment prior to January 1, 2021. In addition to renewing, please log-into your account and update your



company information **PRIOR to December 31st!** You can access your account and update your profile by visiting this link <https://www.sdagc.org/login.asp> or click on "log-in" in the upper right hand corner of our website. It's very important to us that your information is printed correctly!

## 2020 Chapter Awards Program - LAST CHANCE!

Members are encouraged to submit nominations for the 2020 AGC of South Dakota Awards: Build South Dakota, Golden Hard Hat, Good Citizen and the Mark Knight Leadership Award!

These awards recognize both individual and company achievements. Nominations are strongly encouraged and may be submitted by any member firm. These awards will be presented at the 2021 State Convention on Wednesday, January 13th at the Convention Center in Sioux Falls, SD. Nomination forms are available on the AGC website [www.sdagc.org](http://www.sdagc.org). Nominations are due no later than December 4, 2020!



## OFFICIAL NOTICE:

### (CHANGE OF ADDRESS)

PLEASE SHARE WITH ALL DEPARTMENTS

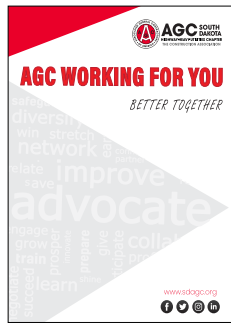
**\*\* PLEASE UPDATE YOUR RECORDS! \*\***

**AGC of SD HHU Chapter's  
NEW Mailing Address is:**

**PO BOX 1115  
Pierre, SD 57501**

## AGC Working for You!

An "AGC Working for You" Task Force was formed this summer to review our COVID accomplishments time line and effectively condense the information into a final "more relatable" version. The final version includes creating an effective plan to communicate what AGC did/is doing for members during these unprecedented times. The task force felt it was important to not only highlight our chapter successes to date, but to also solicit feedback from members regarding the information and resources they still need/want as the pandemic continues. The task force will be sending out a survey soon and your participation is needed! In addition, with your annual Membership Renewals, you will see an "AGC of SD Working for You" flyer the task force created to complement the AGC of America's "We Kept America Building" flyer. We hope you take the time to read through the document and see our many accomplishments.



## Legislative Dinner - Save the Date!

The AGC will be hosting our Annual Legislative Dinner in Pierre, SD on Tuesday, February 9th, 2021. This unique opportunity allows members to see first-hand how our Legislature operates in Pierre and meet with key state officials. Please save the date now, you do not want miss the opportunity to get face-to-face with your Senators & Representatives!

## 2021 Advertising Opportunities


The new year is just around the corner, so get ahead of the curve and reach your target audience by advertising in a HHU Chapter publication! Opportunities include the AGC website [www.sdagc.org](http://www.sdagc.org), the quarterly bulletin and new ads now in Monday's Weekly News E-Newsletter! Ads are sold at a discounted rate for members and can be placed on a one-time only basis or in every publication for a year. Please see the enclosed form for all of the details and email [lindsay@sdagc.org](mailto:lindsay@sdagc.org) with any questions!

## AGC Cares In Action!

During these unprecedented and uncertain times, it is more important than ever to give back and support those in need. AGC Cares has been busy making contributions to an employee from Swingen Construction and an employee from Prairie States

Trucking who both were injured in a job site accident. If you know of a project or a person needing some "AGC Cares" please email [lindsay@sdagc.org](mailto:lindsay@sdagc.org) or call the office at 605-224-8689! There is no project too BIG or small and all submissions will be considered.







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# AGC MEMBER BENEFITS



## LEGAL COUNSEL

The AGC of South Dakota, HHU Chapter has an attorney, Jason Smiley, on retainer to assist members and staff with construction-related legal questions. Member firms may contact Jason directly at 605-342-1078 or by email: [jsmiley@gpnalaw.com](mailto:jsmiley@gpnalaw.com)

## DENTAL PROGRAM



The AGC of South Dakota has a dental insurance program available to in-state member firms. For more information or to discuss eligibility requirements, please contact the Delta Dental office at 605-224-7345 or by email: [sales@deltadental.com](mailto:sales@deltadental.com).

## AGC MEMBERS SAVE MORE THAN \$10M ANNUALLY! ARE YOU PARTICIPATING?

AGC's Membership Discount Programs provide members access to high-quality services, cutting-edge technology and top-of-the-line products. From discounts on vehicles to office supplies to cloud-based construction management solutions, AGC has partnered with some of the best to give you the most for your money and improve your daily business operations. Visit the website: [www.agc.org/member-benefits/member-discount-programs](http://www.agc.org/member-benefits/member-discount-programs).



## EMPLOYEE RETIREMENT PLAN

Fringe Benefits Design Inc. is the administrator for the AGC of South Dakota sponsored 401(k) Profit Sharing Plan. They provide all contractors and associate members the education, investments, documents and other administrative needs to implement a qualified retirement plan. Contact Fringe Benefits Design, Inc. for more information at 605-331-5082.



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## DISCOUNT SPOTLIGHT!

### AGC of America Featured Discount Michelin Advantage Program MEMBERS SAVE UP TO 31%

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## **AGC/SDDOT Fall Meeting December 9 & 10 in Pierre, SD!**

The AGC/SDDOT Annual Fall Meeting will be held December 9 & 10 at the Ramkota Hotel in Pierre, SD. Registration is now open and the agenda has been set and is included as an insert. A block of rooms is available at the Ramkota Hotel (920 W Sioux Ave.) for \$88/night until November 30th! Call (605) 224-6877 to make your reservation. Plans are underway to provide a "virtual attendee" option, so when registering please choose "virtual" if you will NOT be attending in person. In addition, we will be following the proper COVID-19 safety protocols and practicing social distancing. At this time masks are not required, but are encouraged when social distancing cannot be maintained. Please make plans to attend this informative and relationship building event - get registered today!

## **Congratulations Darin Bergquist!**

Congratulations to Secretary of Transportation Darin Bergquist on his retirement! AGC attended Darin's retirement gathering last week to bid him farewell. AGC presented Darin with



a commemorative rock and gift certificate to a local bait shop in Tennessee, the bait shop came highly recommended from the local AGC Chapter down there! Thank you Darin for your leadership, we wish you the very best!

## **Joel Jundt to Serve as Interim South Dakota Transportation Secretary**

Governor Kristi Noem announced that Joel Jundt will serve as Interim Secretary of the South Dakota Department of Transportation. Jundt will begin serving following the retirement of current Secretary of Transportation Darin



Bergquist Friday (Nov. 13, 2020). A native of Rapid City, Jundt has served in various roles within the Department of Transportation including his current role as deputy cabinet secretary, former Rapid City region and operations engineer, and director of planning and engineering. The AGC

is pleased with this announcement and look forward to continuing our partnership with Joel and his team! Congratulations Joel!

## **SDDOT Hall of Honor Banquets**


Three people were chosen this Fall to be inducted into the South Dakota Transportation Hall of Honor for 2020. The purpose of the Transportation Hall of Honor is to recognize those who have made a lasting, valuable or unique contribution to South Dakota's air, highway, public transit, or rail transportation system. The South Dakota Transportation Hall of Honor dates to 1972 and now includes 93 inductees.


**Myron Rau**, is a Retired SDHP and Executive Director of the SD Trucking Association. A banquet was held in his honor on October 8th.



**Barb Cline**, was the Executive Director and founder of Prairie Hills Transit. A banquet was held in her honor on October 13th.

**Ben Orsbon**, was the Federal Funding Specialist at the SDDOT. A banquet was held in his honor on November 2nd.



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Sioux Falls, SD 57108



# Thank You for Attending ...

## AGC's Annual Young Constructors Pheasant Hunt!

### November 6th & 7th!





# AGC Young Constructors at Work

## AGC Young Constructors Rapid City – Fall Update

In the past several months, the Rapid City Chapter of AGC's Young Constructors has been able to get their membership together and stay engaged by hosting in-person events. In August, they had two teams in the annual AGC Golf Tournament. After the tournament, they all agreed they needed to do it again. So, instead of waiting until next August, the YC's hosted a golf outing for their members at Hart Ranch Golf Course in September.

In October, their annual service project was planned to volunteer at Hanson-Larsen Memorial Park, but was postponed due to the snow. However, they are looking forward to getting their hands dirty and helping improve one of the great parks used by many in Rapid City in late November.

Rapid City Young Constructors also helped Rapid City Areas Schools with their Pathways Program and Career Fair to represent the construction industry. They put together a six-person panel to discuss the industry, opportunities and to encourage upcoming generations to consider a career in the industry/trades. The video will be available to hundreds of students throughout the Rapid City Area School District.

## AGC Young Constructors Sioux Falls – Fall Update

The Sioux Falls Chapter of AGC's Young Constructors is very excited to get moving forward and are expecting it to be a great first year. With several local contractors already committed to serve on the Board, as well as several members joining daily, they will begin conducting social events to encourage future leaders' growth within the and in their business. Along with growing their chapter even further, they are planning on conducting several community projects throughout the year. These community projects will help local businesses and organizations by helping them complete simple projects that they are unfamiliar with. The YC's will take on a project and provide their expertise in all aspects of construction. The Sioux Falls Young Constructors Chapter is excited to get to work for the Sioux Falls and surrounding area communities!

**FOR MORE INFORMATION ABOUT AGC'S  
YOUNG CONSTRUCTORS INCLUDING  
HOW TO JOIN VISIT:**

**[WWW.SDAGC.ORG/YOUNGCONSTRUCTORS](http://WWW.SDAGC.ORG/YOUNGCONSTRUCTORS)**



GUNDERSON | PALMER | NELSON | ASHMORE LLP  
ATTORNEYS AT LAW



JASON M. SMILEY  
605-342-1078  
JSMILEY@GPNA.COM

- CONTRACT REVIEW & CLAIMS
- CONSTRUCTION DEFECT CLAIMS
- SURETY BOND CLAIMS
- GOVERNMENTAL CLAIMS
- ARBITRATION & MEDIATION
- SUPERVISORY TRAINING
- GENERAL COUNSEL FOR SD AGC
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# WORKFORCE DEVELOPMENT NEWS

## Careers in Construction Month

AGC of SD along with Governor Kristi Noem via an Executive Proclamation, is proud to proclaim October 2020 as "Careers in Construction Month" across South Dakota! As an essential industry, the key aspect of our on-going workforce development goal is to show students career opportunities available in construction. With the ever-growing need for skilled professionals in the construction industry, there has never been a better time for education and industry to work together to help students build successful construction career pathways that are stable and rewarding.



## Youth Apprenticeships in Motion

AGC of SD has expanded the Commercial Carpentry and Heavy Equipment Operator apprenticeships to be inclusive to 16 and 17 year olds. Eleven companies in three different markets have committed to the program, two students are attending apprenticeship classes and students are being recruited at this time. In addition, a Distance Learning classroom is in the first stages of completion. If you would like to learn more about the program or if you have a student ready to enroll, contact [Margaret@sdagc.org](mailto:Margaret@sdagc.org).

## HR Alliance Activities

The HR Alliance has been very active hosting virtual monthly meetings connecting West River and East River HR professionals. Topics included; FMLA Families First Coronavirus Act and WIOA, Workforce Innovation Opportunities Act, and Build Dakota Scholarship Industry Partnerships. If you would like to be involved in the HR Alliance please contact [Margaret@sdagc.org](mailto:Margaret@sdagc.org).

## Tech College Representatives Invited to Serve on WFD Steering Committee

All South Dakota Technical Colleges were invited to have a representative serve on the Workforce Development Steering Committee. The first meeting had representatives from Lake Area Tech College, Southeast Tech College and Western Dakota Tech College. The goal is to encourage additional collaboration and build partnerships with future WFD initiatives.

## Virtual Career Sessions

The AGC of SD in collaboration with the SD DLR and Scull Construction presented virtually to the Rapid City Area Schools during the week of November 9th to showcase programs available for Rapid City High School students as well as the opportunities in the construction career field. In addition, AGC of SD assisted Simon with their presentation as well. This initiative gave industry partners the opportunity to reach high school students even though in-person visits have been unavailable due to COVID-19 restrictions. Members are encouraged to contact Margaret Pennock at [margaret@sdagc.org](mailto:margaret@sdagc.org) if they would like assistance in planning a virtual session for their company.

## Construction Career Camps for 2021

The AGC of SD is in the process of working with partners to establish dates for 2021 Construction Career Camps. The following camp dates have been determined:

- Aberdeen at Brown County Fairgrounds & Lake Area Tech: September 29
- Sioux Falls at Southeast Tech: October 6th

The following camps are being planned but are not scheduled:

- Rapid City at Western Dakota Tech
- Pierre at TF Riggs High School
- Yankton at RTEC

We will continue to monitor the COVID-19 situation but are moving forward with the assumption a vaccine will allow us to continue our camps on these campuses and get back to business as usual. Be watching for planning meetings that will be scheduled in the spring to ensure we have stations and sponsors secured.

## AGC Heavy Equipment Operator Level 1 Apprenticeship classes starting in January!

It is time to look at your current workforce and decide who needs to be upskilled. We know as an industry, good skilled labor is hard to find. This is a great opportunity to train from within and show your employees that they are a value to your company by giving them the skills to succeed in the industry.





This year we are offering apprenticeships online. If your employees are not in the Sioux Falls or Rapid City areas and not able to attend in-person classes, there is now an online option. Our instructors will have Zoom Classroom open during the in person classes so those online can participate with everyone else. You will be able to listen to the trainer, see the power points along with asking questions and taking tests.

This is a great opportunity for everyone to participate in the apprenticeships so please don't miss out. For more information, please contact Michael O'Neal at [michael@sdagc.org](mailto:michael@sdagc.org) or give him a call at 605-336-9338.

### Take the Culture of Care Pledge!

In March AGC of America launched Culture of CARE, a new national program to build a more inclusive construction industry. Culture of CARE is asking companies to take the Culture of CARE pledge and commit to creating welcoming, safe & inclusive workplaces for an increasingly diverse workforce. Visit: [www.buildculture.org](http://www.buildculture.org) for more information and details about taking the Culture of Care Pledge!





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# SAFETY & TRAINING NEWS

## 2021 Safety & Training Calendar Available Online!

The Safety staff has prepared the Safety Calendar for the upcoming 2020/2021 Training Season and it is available at [www.sdagc.org](http://www.sdagc.org). If there is specific training you would like to schedule for your company, please let us know! In addition, we've enhanced our training capabilities and are now offering many trainings virtually! For questions or to set up training please email us: [michael@sdagc.org](mailto:michael@sdagc.org) or [jim@sdagc.org](mailto:jim@sdagc.org).

## Upcoming Safety Training Opportunities:

### Introduction to Safety Technology - Safety Tech

Online - Tuesday, November 3rd - 10:00am – 12:00pm

### Hazard Recognition - Safety Tech

Online - Tuesday, November 17th - 10:00am – 12:00pm

### Rigger/Signalperson Qualification - Sioux Falls

December 1st - 8:00am – December 3rd - 12:00pm

### Risk Analysis and Assessment - Safety Tech

Online - Tuesday, December 1st 10:00am – 12:00pm

### Trench/Excavation - CP

Online - Monday, December 7th - 8:30am – 12:30pm

### Trench/Excavation - Competent Person - Aberdeen

Monday, December 14th 8:00am – 12:00pm

### Confined Space - Competent Person - Aberdeen

Monday, December 14th 1:00 – 5:00pm

### Fall Protection - Competent Person - Aberdeen

Tuesday, December 15th 8:00am – 12:00pm

### Scaffolding - Competent Person - Aberdeen

Tuesday, December 15th 1:00 – 5:00pm

### Inspections, Audits, and Observations - Safety Tech

Online - Tuesday, December 15th 10:00am – 12:00pm

### OSHA 10 - Construction - Rapid City

December 16 – 17, 2020

### Fall Protection - CP

Online - Monday, December 21st 8:30am – 12:30pm

### Employee Motivation - Safety Tech Tuesday

Online - Tuesday, January 5, 2021 10:00am – 12:00pm

### Rigger/Signalperson Qualification - Rapid City

January 6, 2021, 8:00am – January 8, 2021, 12:00pm

### Confined Space - CP

Online - Monday, January 11, 2021, 8:30am – 12:30pm

## Post Convention Safety & HR Workshop

AGC staff has a great Post Convention Safety & HR Workshop planned following the 2021 State Convention in Sioux Falls on Friday, January 15th. We are partnering with the HR Alliance to bring in Leah Braun to discuss the Disruptive Forces in our businesses. A disruptive force in business is one that causes us to change the way business gets done and the coronavirus is one such force that is altering every facet of business and society. Disruption is typically viewed as negative, but it can also be viewed as an opportunity to transform and even improve your business. Please join us for this interactive training session on the current disruptive force and its impact on business while gaining an understanding on the change process. Registration information is included as an insert!

## State Convention Safety Committee & MSHA Alliance Meetings Announced!

The AGC Safety Committee & MSHA Alliance will be meeting during the 2021 State Convention at the Convention Center in Sioux Falls. The Safety Committee Meeting is scheduled for January 15th from 7:00am – 8:00am. We will have a wide range of topics to cover (Summer Summit, Fall Stand Down, Trench Stand Down, AGC of America Safety Convention, State of OSHA, etc) so please plan on attending this great event.

The MSHA Alliance will also meet on January 15th from 6:00am – 7:00am. The MSHA Alliance leadership will be discussing where the new regional dividing line is drawn, MSHA response to Covid-19, engagement of all mine operators in the MSHA Alliance, MSHA's newest Initiatives, and looking for your feedback on recent inspections. See the enclosed insert for more information on how you and your company can get involved in MSHA! Full details for both meetings will be sent out soon in an Outlook calendar invite - but please save the dates today!

## TCS Recertification Exam

Traffic Control Supervisor recertification is required within 4 years of course completion to maintain TCS certification per the SDDOT. Starting in December,

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**Call 811 before you dig.**



look for Information to be sent to the contact address that participants provided during the 2017 TCS class about exam dates. Since that class was almost 4 years ago, we expect that the mailing may not reach all who will be expiring in the next couple months. Not sure if you were 1 of the 50 participants who took the class in 2017? Visit [www.sdagc.org/tcstraining](http://www.sdagc.org/tcstraining) to find out. Failure to recertify/successfully pass the recertification exam will result in the participant's status as an Active TCS expiring upon the 4 year anniversary. While you wait for more details, start digging out your old class materials in order to pave your road to success, because the exam is open book! Watch for details coming out in the Weekly News & SAW besides direct mailings in December.

### Traffic Control Supervisor Classes

Traffic Control Supervisor classes are set for February 9-10th in Sioux Falls and February 23-24th in Rapid City. Registration will open in early December and can be done online at [www.sdagc.org](http://www.sdagc.org). Email [Jim@sdagc.org](mailto:Jim@sdagc.org) with any questions!



### Don't Forget to Cast Your Nomination for the AGC of SD Safety Awards!

I think we can all agree that it has been a crazy year with lots of ups and downs so let's end the year on a positive note! Now's the time to nominate someone for each of our Safety Awards we give out at the AGC State Convention. This is an excellent time to showcase your companies, safety personnel and safe drivers. Please take the time to look over the awards and fill out those nominations. Be proud of what you and your employees do and let's give them the recognition they deserve. Please return your nomination form available below to [Michael@sdagc.org](mailto:Michael@sdagc.org).



### Need Safety Training?

Contact Michael O'Neal or  
Jim Heaphy Today!  
[michael@sdagc.org](mailto:michael@sdagc.org)  
[jim@sdagc.org](mailto:jim@sdagc.org)

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# LEGISLATIVE NEWS

## Statewide Legislative Races

CONPAC and AGC were active in the 2020 election cycle. After discussion and research, CONPAC selected 65\* business-friendly candidates to receive \$20,000 in campaign contributions for the general election in November. Many of those contributions were hand-delivered by members. AGC is now positioned well to promote business-friendly legislation using the relationships developed during this process.

Of the 65 candidates supported by CONPAC, only three, all democrats, were not elected. When session begins on January 12, 2021, there will be 34 new legislators. There will also be fewer Democrats, as they lost five seats in both chambers. Each chamber will have elected leadership and appointed committees by mid-November. *\*66 candidates originally ran, but one withdrew prior to the election.*

## Amendment A

CONPAC was also involved in the attempt to defeat Amendment A, which changes South Dakota's constitution to allow recreational marijuana. The construction industry opposed Amendment A because of concerns regarding safety, liability and the impact on the number of available workers if marijuana is legalized. CONPAC joined many other business groups in the No Way on Amendment A campaign. Unfortunately, the effort to defeat Amendment A failed. AGC is now working to protect members from the fallout of legalized recreational marijuana.

## Worker's Compensation Advisory Council Update

AGC attends each meeting of the Worker's Compensation Advisory Council so that our members have the best information on worker's compensation insurance in South Dakota.

During the final council meeting of 2020, council members were informed that injury frequency continues to decrease, and medical and indemnity severity increased slightly in the previous fiscal year. Based on these results, effective July 1, 2020 through June 30, 2021, an overall average decrease of 9.8% was approved for the advisory loss costs in the voluntary market, and an overall average rate level decrease of 8.4% was approved in the Assigned Risk Market from the previous year. This is the ninth consecutive decrease for loss costs in the voluntary

insurance market. The Worker's Compensation Advisory

Council will again meet in July 2021.

## Record Setting Unemployment Insurance Payouts; System Solvent thanks for CARES Act Bailout

In the seven months between March through September 2020, the State of South Dakota paid the equivalent of 120 months of unemployment insurance benefits. Those benefits totaled \$308.3 million, eclipsing the previous annual high payout of \$63.6 million paid in 2009.

But AGC members and other employers who pay the premiums on unemployment insurance should not worry that this unprecedented level of activity will cause surcharges or increased premiums, because the unemployment insurance trust fund has received cash infusions from CARES Act money received from the federal government. This summer, a \$45.6 million transfer of CARES Act money to the trust fund kept the ACHM (formula to determine which tax table to use) at a level to ensure the lower tax table prescribed in law would be in effect in 2021. The RES money also ensured that the trust fund level remained high enough that surcharges were not triggered.

The Unemployment Insurance Advisory Council has been assured that there is further CARES Act money earmarked for the UI Trust fund if claims continue at a record pace.

## CONPAC Annual Meeting: Tuesday, November 24

Be a Politically Active Contractor:

CONPAC works year-round to raise money to elect bipartisan candidates to the legislature who understand how important business and the construction industry is to South Dakota. CONPAC is also involved in ballot measures and on occasion, local issues that affect business and industry in the state. Make plans to attend the Annual CONPAC Meeting November 24 at 2:00pm CT via zoom. Members will be given a full recap of money raised and spent and review the November election results.





# AGC LEGAL MINUTE

JASON SMILEY, AGC LEGAL COUNSEL



## **Enforcement of Arbitration Awards**








Many construction contracts contain arbitration agreements, and once agreed upon, they are generally enforceable as a matter of law. The Federal Arbitration Act ("FAA") is the federal law that makes them enforceable. Under the FAA, a federal court must confirm an arbitration award ("award") unless it is vacated, modified, or corrected as prescribed by the FAA. When an arbitrator enters an award after arbitration, that award is going to be enforced under most circumstances.

Generally, an award may only be vacated if one of the following is true: (a) the award was procured by corruption, fraud, or undue means; (b) the arbitrator was evidently partial to a party or corrupt; (c) the arbitrator committed misconduct by refusing to postpone the hearing upon sufficient cause shown, the arbitrator refuses to hear certain evidence, or otherwise prejudices the rights of a party or; (d) the arbitrator exceeded his or her power.

Courts afford wide deference to an arbitration award and will generally uphold the award so long as the arbitrator acts within his or her authority. The standard is not whether the arbitrator made the correct decision. The standard is whether the arbitrator is arguably correct.

In other words, an arbitration award is very difficult to overturn. You should not count on a court to alter the outcome of an arbitration without evidence to support one of the very few reasons noted above.

For more information regarding this issue, give me a call or send me an email.



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# AGC OF AMERICA NEWS

## Construction Association Ready To Work With President-elect Biden To Prepare Significant New Infrastructure And Recovery Measures

Incoming President and Congress Should Focus on Enacting Measures to Rebuild Infrastructure and Revive the Economy and Avoid Imposing Needless Regulatory Burdens that will Undermine Growth. Associated General Contractors of America's chief executive officer, Stephen E. Sandherr, issued the following statement in reaction to the election of Joseph Biden to serve as the next president of the United States:



*dedicate themselves to the task of bringing together all parties and positions by enacting measures that will help rebuild our country."*



## Get Involved in a AGCA Committee: Share your Expertise & Advance the Industry



AGC of America is served by a number of volunteer groups that work to address industry issues, exchange information and ideas, and lead change within the construction industry. We rely on our volunteers to help

advance the AGC mission. Several committees are currently seeking new volunteers for upcoming terms beginning March 2021. Take a seat at the table and contribute to the growth of the industry as well as our association. Visit the AGC of America website [www.agc.org](http://www.agc.org) for more information about getting involved in AGC and see the current volunteer groups that exist.

## Building a Better Congress

AGC PAC is the nonpartisan political action committee (PAC) sponsored by AGC of America. It is registered with the U.S. Federal Election Commission (FEC) and allows eligible employees of AGC member companies to pool personal, voluntary financial contributions. The contributions are used to support candidates running for elective office who, regardless of party affiliation, understand the construction industry and the specific needs, interests and concerns of AGC member companies and their employees. For more information on how to get involved contact David Ashinoff, Director of AGC PAC & Political Advocacy at [ashinoffd@agc.org](mailto:ashinoffd@agc.org) or (202) 547-5013.



*"We are also ready to work with the incoming administration and Congress to ensure they understand that imposing needless new regulatory burdens and undermining the integrity of the current collective bargaining process in the construction industry will severely undermine efforts to revive our economy and efforts to expand career opportunities in the construction industry."*

*"The voters have made it clear they expect its national leaders to get things done. Now that the election is over, we expect President-elect Biden and the new Congress to keep their promise and*





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# AGC of America

## SAVE THE DATES!!

**January 13-15, 2021**

**AGCA Safety & Health Conference  
Virtual**

**January 26-28, 2021**

**AGCA Surety Bonding & Risk  
Mgmt. Conference  
Virtual**

**March 29-April 1, 2021**

**AGC of America Annual  
Convention  
Orlando, FL**

The **Construction** industry is unlike others. There are some unique risks and challenges that businesses in this sector have to contend with, which outsiders may not be able to appreciate:



**CONTRACT DISPUTES** and construction defects which can inevitably occur given the many factors affecting the successful completion of projects.



With complex projects spanning years, the possibility of **INTERRUPTIONS AND DELAYS** is real.

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**SUBCONTRACTOR RISKS** are also important, as there can be many parties involved in a construction project.

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