

H-H-U HAPPENINGS



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

Winter 2021

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."

Are you ready for the ...

2021 JOBS BANK CAMPAIGN

The **AGC** will kick-off our **Annual Jobs Bank** digital and print media marketing campaign soon! The goal behind this marketing campaign is to drive the public to your open positions posted on the AGC's Jobs Bank! The campaign is comprised of several digital ads that will run on various hiring websites and ads in all South Dakota newspapers. The AGC's Jobs Bank is NOW powered by Arcoro, and is a collaborative effort to bring you the construction workers you need to meet your project needs. The Arcoro hiring system is a comprehensive talent management software and a full-service stop **to help AGC members fill their open positions!**

The **Jobs Bank is FREE** to all members, while Arcoro offers members the opportunity to buy into their program and post to hundreds of other job seeking websites such as; Monster, Indeed and CareerBuilder. Prior to the marketing campaign beginning - **we need ALL members to get your open positions posted** to the website www.sdwork.org. The more jobs the merrier so that job seekers in all areas across the region have more positions to apply for. Survey results following last years' campaign, show that the new site has become a great asset that our members and job seekers are currently utilizing! **Posting a job is quick and easy and your audience reach is in your hands!**

To request access to post your jobs for free, visit <http://agc-sd.ourcareerpages.com>. Then click on "employer registration" and enter the requested information about your company. You will then get an email back within 24-48 hours with your account details to get started!



ON THE INSIDE

WZAW Get Involved Letter, AGC Spring Membership Meetings Flyer, CONPAC Pledge Card, AGC Scholarship Flyer, 2021 Advertising Opportunities

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WWW.SDAGC.ORG



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Rapid City, SD 57702

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Pierre, SD 57501
(605) 224-8689

Sioux Falls
7501 E. Arrowhead Parkway
Sioux Falls SD 57110



Have You Downloaded AGC's New Mobile App "AGC Connection"?

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trends, and highlights
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Play and typing in "AGC
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Events Calendar

- March 16, 2021** - Workforce Dev. Comm. Mtg. - Virtual
- March 17, 2021** - SDDOT EBS Letting
- March 23, 2021** - AGC Board & Member Meeting - Rapid City
- March 24, 2021** - HR Alliance Mtg. - Sioux Falls & Rapid City
- March 25, 2021** - SD Transportation Commission Mtg. - Pierre
- March 25, 2021** - AGC Member Meeting - Sioux Falls
- March 29, 2021** - Veto Day - Pierre
- March 31, 2021** - Young Constructors Social Event - Sioux Falls
- April 1, 2021** - AGC MSHA Alliance Mtg. - Virtual
- April 1, 2021** - AGC Safety Committee Mtg. - Virtual
- April 2, 2021** - Good Friday Holiday - AGC Office Closed PM
- April 14, 2021** - SDDOT EBS Letting
- April 14, 2021** - Young Constructors Social Event - Rapid City
- April 15, 2021** - SD Transportation Comm. Conf. Call
- April 21, 2021** - SDDOT EBS Letting
- April 29, 2021** - SD Transportation Commission Mtg. - Pierre
- May 5, 2021** - SDDOT EBS Letting
- May 5-6, 2021** - AGC/Corps of Eng. Annual Mtg.- Omaha, NE
- May 13, 2021** - SD Transportation Comm. Conf. Call
- May 18, 2021** - Associate Division Board Mtg. - Virtual
- May 19, 2021** - SDDOT EBS Letting
- May 19, 2021** - Workforce Development Comm. Mtg. - Virtual
- May 27, 2021** - SD Transportation Commission Mtg. - Pierre
- May 31, 2021** - Memorial Day Holiday - AGC Office Closed
- June 2, 2021** - SDDOT EBS Letting
- June 3-4, 2021** - AGC Safety & HR Summit - Oacoma
- June 10, 2021** - SD Transportation Comm. Conf. Call
- June 10-11, 2021** - AGC Fishing Tournament - Pierre Area
- June 16, 2021** - SDDOT EBS Letting
- June 16, 2021** - Young Constructors Golf Outing - Rapid City
- June 24, 2021** - SD Transportation Commission Mtg. - Pierre

SAVE THE DATES

- July 20, 2021** - Summer Social - Sioux Falls
- July 21, 2021** - AGC Golf Tourney (Willow Run GC) - Sioux Falls
- August 12, 2021** - Summer Social - Rapid City
- August 13, 2021** - AGC Golf Tourney (Red Rock GC) - Rapid City
- September 23, 2021** - Construction Career Camp - Aberdeen
- October 6, 2021** - Construction Career Camp - Sioux Falls
- October 26, 2021** - AGC Board & Fall Mtgs. - Sioux Falls
- October 28, 2021** - AGC Fall Meeting - Rapid City
- Nov. 5-6, 2021** - Young Constructors Pheasant Hunt - Pierre
- Dec. 9-10, 2021** - Joint AGC / SDDOT Meeting - Pierre
- January 12-14, 2022** - AGC/LICA State Convention - Sioux Falls
- February 8, 2022** - AGC Annual Legislative Day - Pierre



From the President:

Fellow AGC Members,

I am excited to be the President of our Association in 2021. As a long-time member of the AGC, I have seen our Association continue to evolve into a stronger and bigger voice for our industry. This year will be no different.



JIM SOUKUP

2021 AGC of SD HHU President
Soukup Construction
Sioux Falls, SD

2021 CHAPTER OFFICERS

Senior VP - RC Scull, Rapid City
VP - Rob Knight, Webster
Sec./Treas. - Chad Hartman, Sioux Falls
Past Pres. - Gary Johnson, Ft. Pierre

2021 CHAPTER DIRECTORS

Melissa Austin / Rapid City
Eloy Buren / Rapid City
Tim Davis / Huron
Tim Foerster / Rapid City
Travis Haarsma / Sioux Falls
Andy Johnson / Ft. Pierre
Shaw Loiseau / Flandreau
Robert Sopher / Mobridge
Derek Suhr / Rapid City

NATIONAL GOVERNORS

Jared Gusso / Sioux Falls
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 - Wade Planting / Sioux Falls
VP - Andrew Heitzler / Sioux Falls
Sec./Treas - Toby Royer / Aberdeen
Past Pres. - Derek McTighe / Pierre

With 2020 in our rearview mirror, we can now focus on the upcoming construction season. I have two wishes for this upcoming year. One is that we have a quick end to the pandemic and two is that we have similar weather to last year. Time will tell. Reflecting on last year, my biggest take away is the need to be together. We were able to utilize Zoom for many of our meetings but the desire to be together in person has never been stronger. It goes to show one of the biggest values of being an AGC member is the ability to interact with others in our industry. The bond you develop with other members throughout the years is remarkable.

The AGC is already hard at work this year with strategic planning. The last time the AGC did a full strategic plan was 2016. When we work on the strategic plan, our focus is all about our members and what we can provide for them. In reviewing the goals of the 2016 plan, I quickly realized we accomplished many of them. Full credit goes to our awesome AGC staff and our Board of Directors for their great guidance. Expect more good things to come!

I would like to challenge each of you to become a voice for the AGC in recruiting new members. Having existing members reach out to potential members is by far the best recruiting tool we have. It can be as simple as a phone call or a cup of coffee with a new prospect. You just have to make the initial contact and then be able to talk about how the AGC benefits you. Our staff will be with you and make the experience easy and painless. Keep in mind, you don't need to be a business owner to recruit new companies.

Finally, please attend our upcoming events. This is what makes our organization valuable and strong. Our Spring Membership Meetings will be held in-person on March 23rd in Rapid City and March 25th in Sioux Falls. These meetings will be a great opportunity to meet with fellow contractors before we hit the ground running this construction season.

Have a safe and successful 2021 season.

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

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.

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.



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.



DISCOUNT SPOTLIGHT!

NEW! AGC Cintas Uniform Discount Program

AGC is excited to announce the launch of a new uniform purchasing program with AGC partner Cintas. AGC Members can receive up to 15% off their standard catalog pricing. Cintas has a variety of branded uniform options such as polos, shirts, outerwear, pants, hats and boots, with selections from major apparel brands.

www.agc.org/CINTAS



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"IN THE NEWS"

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.

Nov. 2020 Western Builder: **Dakota Underground** featured in article titled "Reconstruction in the Heart of Fargo".



Nov. 14 Construction Equipment Guide: **Stan Houston Equipment** pictured & featured in article titled "Stan Houston Equipment Co. Wins Top-performing Dealer of Gehl Brand".



Nov. 15 Argus Leader: **Greg Branaugh, D&G Concrete Construction** interviewed & pictured in article titled "How Do South Dakotans Feel About New President?".



Winter 2020 LICA Contractor: **Advanced Drainage System** featured in article titled "Advanced Drainage System Wins Wisconsin Recycling Award".



Dec. 2020 Western Builder: **Stan Houston Equipment** pictured & featured in article titled "Stan Houston Equipment Co. is Awarded Top Performing Dealer for the Gehl Brand".



December 3, 2021: KELO-AM: **AGC of SD** mentioned in news story titled "AGC study shows Rapid City gained construction and related jobs year-to-year, Sioux Falls lost jobs".



January 2021 Western Builder: **Butler Machinery** featured in article titled "Butler Machinery Delivers Two Caterpillar Generators for Web Water".



February 1, 2021 Hub City Radio: **AGC of SD** mentioned in news story titled "Associated General Contractors of South Dakota pledges \$40,000 in scholarships".



February 17, 2021 Keloland.com:

AGC Lobbyist, Deb Mortenson

quoted in news story titled: "\$50 annual fee for electric vehicles in South Dakota has rounded third and is heading home".



March 1, 2021 INFORUM Magazine:

Nancy Slotten, Border States

Paving, pictured and featured in article titled "More women are paving the way as construction managers in North Dakota".



March 9, 2021 The Brookings Register:

Gary Johnson, AGE Corp. featured in article titled "Funds awarded for heavy construction post at SDSU".



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Condolences

With deepest regrets we advise you of the death of Murray Rowe. Murray passed away on November 5th at the age of 88.

With deepest regrets we advise you of the death of Rick Everist. Rick passed away on February 3rd at the age of 96.

We deepest regrets we advise you of the passing of AGC's Director of Workforce Development, Margaret Pennock's Mother-in-Law, Vivian Pennock. Vivian passed away February 11th at the age of 84.

With deepest regrets we advise you of the death of Glenn Stalheim. Glenn passed away on February 28th at the age of 82.

AGC of SD Elects 2021 Officers & Directors

Members of the AGC of SD HHU Chapter and the AGC of SD Associate Division recently elected Officers and Directors for 2021. The Officers and newly elected Directors are listed below.

- **President:**
Jim Soukup - Soukup Construction, Sioux Falls
- **Senior Vice President:**
RC Scull - RCS Construction, Rapid City
- **Vice President:**
Rob Knight - Foothills Contracting, Webster
- **Secretary/Treasurer:**
Chad Hartman - Myrl & Roy's Paving, Sioux Falls

New Directors:

- **Melissa Austin** - J&J Asphalt - Rapid City
- **Travis Haarsma** - Asphalt Surfacing Co. - Sioux Falls
- **Shaw Loiseau** - Loiseau Construction - Flandreau

AGC of SD Associate Division:

- **President:**
Wade Planting - Titan Machinery, Sioux Falls
- **Vice President:**
Andrew Heitzler - Fringe Benefits Design, Sioux Falls
- **Secretary/Treasurer:**
Toby Royer - TranSource Truck & Equip., Aberdeen

New Associate Division Directors:

- **Chad Morgan** - Butler Machinery, Aberdeen
- **Kevin Silbernagel** - Bierschbach Equip. & Supply, Rapid City

A complete list of Officers & Board of Directors is shown on page 2 of this bulletin. The AGC also extends its sincere gratitude to our retiring Officers and Directors. This year's retiring Director is Ed Davis (Carl V. Carlson Company) and for the Associate Division **Casey Dolney** (Bierschbach Equipment & Supply). Your leadership and involvement help make the AGC of SD HHU Chapter a success!

2021 AGC of SD Directories. Have You Ensured Your Information Is Correct?

The new directories will be mailed out mid-April! As a contractor you will receive **three complimentary copies** and as an associate member you will receive one complimentary copy. AGC will be sending out a proof of the book via email within the next two weeks for you to review and approve. Additional copies will be available for you to purchase for \$15 each once the book is printed. **The directory is also available in an electronic version** on our website as well as on the **"AGC Connection" App!** Both are accessible on your desktop, laptop, cell phones and tablets!!



Membership News

Welcome New HHU Members!



RP Constructors, LLC

Ryan Callaghan
1270 S. Derby Lane
North Sioux City, SD 57049
(712) 222-1452
ryanc@rpconstructors.com
www.rpconstructors.com



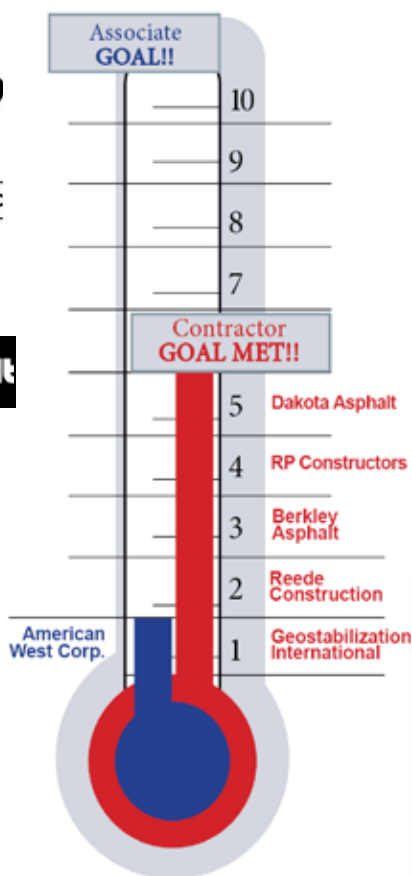
Barkley Asphalt

Matt Barkley
3320 Rustin Street
Sioux City, IA 51105
(712) 255-1848
matt@barkleyasphalt.com
www.barkleyasphalt.com



Dakota Asphalt LLC

Chris Romanjenko
249 E Centennial St.
Rapid City, SD 57701
(605) 600-1700
dakotaasphaltllc@gmail.com



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! Lean on the AGC staff to send them membership information or to attend a potential member meeting!



Annual State Convention Update & Details

As you are aware, the 2021 State Convention was canceled due to the continued concerns surrounding the spread of the novel coronavirus. This decision was not easy to make, but given the circumstances, as the date drew near, we do feel it was best for all parties involved. The 2022 State Convention will be held January 13-15, at the Convention Center/Sheraton Hotel in Sioux Falls, SD. The Convention Planning Committee has met to determine which sessions, speakers and breakouts would be carried over from the 2021 event to 2022. Several great key note speakers from the 2021 event have already agreed to attend in 2022. Please save the dates, we guarantee the 2022 event will be one you do not want to miss!

2021 Annual Business Meeting Success!

HHU's Annual Membership & Business Meeting was held on January 15th via Zoom, and over 60 members participated! The meeting kicked-off with key-note speaker Ernie Goss. Goss gave an overview of South Dakota's economy now and in the future. Thank you members



for attending AGC's Annual Business/Membership Meeting! AGC leaders have been discussing different options and the possibility of hosting a "coming out of COVID" celebration event in the near future. Stay tuned for more details!

2021 Advertising Opportunities

With 2021 well upon us, it's time to consider your advertising opportunities with the AGC. Opportunities include the AGC website, the quarterly bulletin and ads in Monday's Weekly News E-Newsletter! Ads are sold at a discounted rate for members, please see the enclosed form for all of the details and email lindsay@sdagc.org with any questions!



Work Zone Awareness Participation!

National Work Zone Awareness Week (NWZAW) is an annual spring campaign held to encourage safe driving through highway



work zones and construction sites. The key message is for drivers to use extra caution in work zones. The AGC will once again participate through a WZAW 4th grade coloring contest to display on billboards. **We need contractor participation NOW** to get billboards lined-up so they can be up during the busy construction working months. The student artwork will then be used to create a 2021 calendar that is given to all HHU members and contributing campaign partners. **Don't miss this great opportunity** - please see the enclosed insert for full details!

Corps of Engineers Annual Meeting

The Annual Joint meeting with the Omaha District Corps of Engineers has been tentatively scheduled for May 5-6, 2021 in Omaha, NE. More information will be shared as it becomes available.

AGC's Spring Membership Meetings

March 23rd – Rapid City @ Arrowhead Country Club
March 25th – Sioux Falls @ ClubHouse Hotel

Make plans to attend and get registered today. See the enclosed insert for more information!



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2020 HHU Award Winners Announced!

We are proud to announce our 2020 award winners who would have been honored during our annual State Convention. However, due to the event being cancelled this year, it is our hope that in late spring/early summer we will be able to be together for a "Coming Out of COVID" celebration event where we can formally present these companies with their plaques ...stay tuned for more details to come soon!!



HHU Chapter "Build South Dakota" Awards:

The Build South Dakota Award recognizes particular South Dakota highway-heavy-utilities construction projects completed in the past year. Projects demonstrate excellent management and client service, innovation in construction techniques or materials, community relations and/or sensitivity to the environment. The 2020 winners are (4):

- **Category I - (Small Projects) SFC Civil Constructors** for outstanding Highway-Heavy-Utility construction performed on an Emergency Bridge Repair Project on Interstate 90 near Hartford, SD.



As an award winner, SFC Civil has chosen **Make-a-Wish Foundation of South Dakota** as their charity of choice to receive a \$500 donation on their behalf.

- **Category II - (Medium Projects) R.C.S Construction** for outstanding Highway-Heavy-Utility construction performed on the Jackson Boulevard Street & Utility Improvement Project – Phase I in Spearfish, SD.

As an award winner, R.C.S Construction has chosen **CASA of the Northern Hills** as their charity of choice to receive a \$500 donation on their behalf.

- **Category III - (Large Projects) BX Civil & Construction** for outstanding Highway-Heavy-Utility construction performed on the Sioux Falls Regional Airport Deicing Apron in Sioux Falls, SD.



As an award winner, BX Civil & Construction has chosen **Reach Literacy** as their charity of choice to receive a \$500 donation on their behalf.

The final Build SD Award does not fit in any of our existing

categories, but the review committee felt this project was unique and award worthy. This project has been named the "Industry Advancement & Innovation Award" and for good reason...

Industry Advancement & Innovation Award

- **A-G-E Corp.** for outstanding Highway-Heavy-Utility construction performed by replacing bridges using hybrid precast concrete box culvert structures; exhibiting industry advancement & innovation near Kadoka, SD.

As an award winner, AGE Corp. has chosen **Feeding South Dakota - Jackson County Mobile Food Pantry** as their charity of choice to receive a \$500 donation on their behalf.

Industry Advancement & Collaboration Award:

This award is all new and created in 2020 by AGC's Board of Directors. This award recognizes an individual or company that has demonstrated excellent collaboration and leadership skills by bringing together industry and contractors for the betterment of a specific project or the industry as a whole.

- The recipients of the 2020 AGC Industry Collaboration & Leadership Award are **Adam McMahon and Kyle Mathis, both from the City of Spearfish**. These gentlemen were chosen for this award because of their flexibility, positive outlook and collaboration on phasing, changes and scheduling on projects in Spearfish, SD.

AGC Cares In Action!



AGC CARES

AGC Cares is still doing good things and making a difference in communities throughout South Dakota! During 2020's unprecedented and uncertain times, AGC Cares stepped-up to give back and support those in

need! Contributions were made to two employees from Morris, Inc. who lost all of their belongings in a devastating apartment fire in Pierre.

Most recently, AGC Cares made four (4) \$500 donations to each of our Build South Dakota project winners. Charities receiving a donation are listed in the previous article. If you know of a project or a person needing some "AGC Cares" please email 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.

SDDOT NEWS



April 7th, 2021 SDDOT Bid Letting Date Change

Members please be advised that the SDDOT EBS Letting originally scheduled for April 7th **HAS BEEN MOVED** to April 14th. The move is to avoid any conflicts with the Easter holiday. If you have any questions please visit www.sddot.com or call the bid letting office.

AGC/SDDOT Fall Meeting Success!

The AGC/SDDOT Annual Fall Meeting was held virtually on December 9 & 10! Over 100 attendee's participated in the 2-day event and great discussion was had by all. Handouts from the sessions are now available on our website!



AGC/SDDOT Transportation & Construction Industry Virtual Summit SUCCESS!

Thank you members for attending the AGC/SDDOT Virtual Summit on March 4th! Over 90 attendees

logged on to participate in the discussions. The meeting slides are available on AGC's website.



Spring Load Limits

SDDOT recently released their 2021 Proposed Spring Load Limit Restrictions Map. Spring Load Restrictions in South Dakota can be placed on state and county highways and roads between Feb. 15 - April 30, 2021. It is the Department's position to not implement Spring Load Restrictions any earlier than necessary. The Department monitors the daily high/low temperatures at numerous locations throughout the state. The Department still relies heavily on the existing highway conditions and past experience of its field personnel when making the final decision of when to implement and remove load restrictions. To view the latest restrictions visit: www.sddot.com/travelers/loadlimits.



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- Liquid Ballast & Foam Filling
- Solid Tire
- Fleet Surveys
- MSHA Certified Service Techs
- Truck Tire Sales & Service

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• Aberdeen, SD • Sioux Falls, SD • Watertown, SD •

www.pomptire.com

John Shoemaker Memorial Fishing Tournament

Ice Fishing Tournament SUCCESS - January 27-28, 2021

Over 45 members attended AGC's 3rd Annual "John Shoemaker Memorial Ice Fishing Tournament" held January 27-28 at Pickeral Lake Lodge in Grenville, SD. The event included a social, dinner & calcutta. Over \$5,000 was raised for the John Shoemaker Memorial Scholarship! Thank you sponsors & companies who donated door prizes!



Congratulations to the Following Winners:

1st place: Carstensen Contracting - Jeff Carstensen & Craig Wenande

2nd/3rd place (tie): Hoogendoorn Construction - Bob Weerheim & Jim VanHunnick

2nd/3rd place (tie): Spielman Excavating - Josh, Darin, Clint Spielman & Harley Hoogendoorn

Largest Walleye: Dave Goedert, Webster Scale - 1.25 lbs

Largest Non-Walleye: Tyler VanDerTop, Hoogendoorn Construction - White Bass 2.6 lbs



2021 Legislative Lunch Serving

2021 Legislative Lunch Serving Success!

AGC hosted and served lunch to all of South Dakota's Legislators last Friday, January 22nd in the Capitol Rotunda. The lunch serving took the place of our Annual Legislative Dinner which was cancelled this year due to COVID. The lunch was a great way to get face-to-face with our elected leaders to discuss issues and concerns facing the construction industry.

In addition, Senator Mary Duvall was presented with AGC's Road Warrior award for all of her efforts to enhance infrastructure funding in our state!



AGC Young Constructors at Work

AGC Young Constructors Rapid City

In early March, the Rapid City Chapter of AGC's Young Constructors hosted their 2021 kick-off event at Meadowwood Bowling Alley. A social and Membership Meeting was held to discuss their bylaws, new leadership, membership renewals and upcoming events. In addition, discussion topics also included the possibility of forming a regional peer group made up of members of other AGC Chapters YC members. The group thought this might be a great resource to exchange new ideas and best practices.

The group has several other events planned for the coming months. Some of these events include:

- April 14th – Virtual Golf Social at the Golf Club at Red Rock
- May – Service Project – More details to come!
- June 16th – YC Golf Outing at Hart Ranch Golf Course
- July 21st – Social/Speaker at Murphy's Pub

Watch for full event details to be emailed out or included in Monday's Weekly News!

AGC Young Constructors Sioux Falls

The Sioux Falls Chapter of AGC's Young Constructors will be hosting their 2021 kick-off meeting & social on Wednesday, March 31st from 4:30-7:00pm at Great Shots! The cost is \$30 per person and pre-registration is required. The Sioux Falls Chapter has several local contractors already committed to serve on their Board, as well as several new members joining daily. During the March kick-off meeting, the group will discuss several community project ideas as well as setting their meeting/social calendar for the year. Registration details are available in Monday's Weekly News and at www.sdagc.org.

[sdagc.org](http://www.sdagc.org).

**FOR MORE INFORMATION ON
HOW TO JOIN AGC'S YOUNG
CONSTRUCTORS - VISIT:**

WWW.SDAGC.ORG/YOUNGCONSTRUCTORS



1987 Ford L8000

2,000 gallon (compartment sizes
500g, 500g, 400g, 300g, 300g)
145,916 miles



1990 International 4900

2,700 gallon (compartment sizes
1200g, 700g, 500g, 300g)
49,590 miles



1996 Volvo M11 Cummins diesel

4,000 gallon (compartment sizes
1200g, 1000g, 1000g, 800g)
1,088,880 miles



1995 Ford L9000 3176 Cat diesel

2,000 gallon (compartment sizes
500g, 500g, 400g, 300g, 300g)
561,922 miles



1996 Chevrolet Kodiak, 3116 Cat diesel

2,200 gallon (compartment sizes
600g, 500g, 400g, 400g, 300g)
190,950 miles



If you are interested or
have questions, contact
Dave Schamber at:

- Dave.Schamber@Stern.co
- (605) 661-7824

STERN



WORKFORCE DEVELOPMENT NEWS

Scholarships Open - \$30,000 Available

The AGC of SD is deeply committed to a highly educated and trained workforce. Because of this we're proud to pledge \$30,000 annually for students



pursuing an education in a career field directly related to the construction industry. Applicants must achieve an above average academic achievement and be committed to working in South Dakota following graduation. Scholarship deadline is May 2, 2021. See full details in the insert enclosed!

The AGC of SD Youth Apprenticeship

Currently AGC has four students enrolled in the program, one in HEO and three in Commercial Carpentry. We currently have members in Rapid City, Pierre, Brookings and Sioux Falls seeking students. This program opened the doors for students ages 16 and 17 to join our apprenticeship programs and to join our members on the worksite. Plans to enroll our summer academy students into the youth apprenticeship program simultaneously will allow members to continue employment of these students through high school graduation.

HCWP Construction Career Events

A Highway Construction Workforce Pilot Career Fair & Hiring Events are officially underway for 2021. This project is a series of educational and hiring events coordinated by the organizers, Project Solutions. AGC of SD members are supporting the events by acting as Subject Matter Experts and interviewing and hiring viable prospects. Events have been held in Pierre, Sioux Falls and Rapid City. If you'd like to attend a virtual session, please review the dates below and email margaret@sdagc.org to get your company registered! Upcoming virtual events:

- Tuesday, March 16: 10:00am - Noon (east river contractors)
- Monday, March 22: 10:00am - Noon (west river contractors)

Construction Career Academy

The Construction Career Academy is moving forward taking student applications and confirming member participation. There are still seats available in Sioux Falls and Rapid City so contact Margaret Pennock if you are interested in learning more about this awesome program that helps you create a talent pipeline for high school students. The program is slated to start June 1st.

AGC HR Alliance in Action

AGC's HR Alliance has been active in hosting monthly meetings connecting West River and East River Alliance members with meetings streamed from each side of the state. Our upcoming sessions include:

- March: DOT Clearinghouse
- April: What's New with AGC by the AGC of America
- May: Effective Hiring Techniques – Sharing Best Practices

Invitations are sent via email to the HR Alliance and the events are also noted in the weekly SAW e-newsletter. If you have an employee you'd like to have added to the email list, please contact Margaret Pennock. In addition a new anonymous Benefit Survey for members is in the works and an aggregate of results will be shared membership wide, but discussed in person at the Safety/HR Summit in Oacoma this June.

AGC Safety Summit Around the Corner

The Safety/HR Summit will be held June 3rd & 4th at the beautiful Arrowwood Resort & Conference Center in Oacoma, SD. Staff has worked hard to bring together a great line up of topics including; Reasonable Suspicion Training & Certification and a Cultivating Your Culture workshop. We are excited to see everyone in person again and have also planned an evening river cruise for even more networking fun! The AGC of SD has reserved a block of rooms but please remember to reserve your room asap at 605.734.6376 as this is a very busy time for the resort. To register for the Summit, please email margaret@sdagc.org.

Stretch the Million Build Dakota Scholarship Student Success!

HHU's Stretch the Million Student Isaac Engebretson has accepted an HEO position with Rounds Construction in Brookings. Best of luck to Isaac as he enters the industry!



Build Dakota Scholarships Open

The Build Dakota Scholarship is open for Industry Sponsors! A Zoom meeting was held in early March for AGC members, led by Program Director Deni Amundson and Randy Hanson. Additionally, AGC sponsored recipient/graduate Dylan Alexander as well as technical college representatives also participated in the Zoom. This is a great program for your company to get involved in. If you are interested in more information about this program contact Margaret Pennock.

Get Involved! South Dakota Week of Work

The South Dakota Week of Work April 19-23 will introduce 10th and 11th graders to career opportunities in their own communities and across the state through job shadows, industry tours, and other business-classroom connections. Many activities will be offered virtually this year. It's a week of exploration, with the aim of guiding students, engaging local businesses, and introducing employers to their future workforce. Think of it as a long-term investment in South Dakota's future. Visit <https://weekofwork.sd.gov/> for more information on how you can get involved!

Take the Culture of Care Pledge!

The 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 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. 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 or jim@sdagc.org.

Upcoming Safety Training Opportunities:

March 23rd Rapid City Manual Elevated Work Platform Operator	April 6th Rapid City First Aid/CPR
March 23rd Sioux Falls Manual Elevated Work Platform Operator	April 5th Aberdeen Trench & Excavation – Competent Person
March 24th Sioux Falls Scaffolding Competent Person	April 5th Aberdeen Confined Space – Competent Person
March 29th Rapid City Confined Space – Competent Person	April 6th Aberdeen Fall Protection – Competent Person
March 30th Rapid City Forklift – Telehandler	April 6th Aberdeen Scaffolding – Competent Person
March 31st Rapid City Scaffolding – Competent Person	April 7th, 8th Aberdeen OSHA 10 Hour – Construction
April 6th Sioux Falls First Aid/CPR	April 7th Rapid City Flagger Certification

If there are classes that you want, but don't see them on our calendar, or if those dates don't work for you, please email michael@sdagc.org or jim@sdagc.org.

AGC Safety Committee Meeting

Our next Safety Committee Meeting will be April 1st at 11:00am CT. This will be a Zoom meeting, so please mark your calendars and make plans to attend. The meeting agenda and Zoom information will be added to the HHU Training Calendar. In addition, AGC's Safety Committee is putting together a list of trainers from member companies who are interested in helping fellow safety leaders teach up to 1 hour trainings. If you are interested in helping out, please send your information to Michael O'Neal at michael@sdagc.org or call him at 605-951-1665 for more information.

AGC MSHA Alliance Meeting

The MSHA Alliance will be meeting on April 1st via Zoom at 9:00am CT. The group will discuss engagement of all mine operators in the MSHA Alliance, MSHA's newest initiatives, and looking for your feedback on recent inspections. If you'd like to participate in this meeting please send your information to Jim Heaphy at jim@sdagc.org or call him at 605-951-1665.

Congratulations Jim Heaphy

AGC would like to congratulate our Safety Trainer, Jim Heaphy for recently completing all requirements for a Board of Certified Safety Professionals (BCSP) certification. This highly respected certification is awarded by BCSP to individuals who meet eligibility and experience criteria in safety, health and environmental discipline and have passes rigorous examination. Congratulations Jim!



US Department of Labor's OSHA Issues Proposed Rule to Update Hazard Communication Standard

Last month, OSHA issued a proposed rule to update the agency's Hazard Communication Standard (HCS) to align with the seventh revision of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). OSHA expects the HCS update will increase worker protections, and reduce the incidence of chemical-related occupational illnesses and injuries by further



improving the information on the labels and Safety Data Sheets for hazardous chemicals. Proposed modifications will also address issues since implementation of the 2012 standard, and improve alignment with other federal agencies and Canada.

Individuals may submit comments identified by Docket No. OSHA-2019-0001, electronically at <http://www.regulations.gov> by April 19, 2021.



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AGC's

UPCOMING

EVENTS SUMMER 2021

JUNE 9/10

*AGC Fishing Tourney
Pierre*

*East River Golf Tourney
Willow Run - Sioux Falls*

JULY 14

AUG 13

*West River Golf Tourney
Red Rock - Rapid City*

**Full event details will be available soon at:
www.sdagc.org**



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LEGISLATIVE NEWS

AGC 2021 Legislative Report

The 2021 Legislative Session is officially behind us! AGC once again had a full-time lobbyist at the state capitol building during session, reading each bill, circulating bills of interest for member input, and carrying out AGC's stance on legislation.

The main topic of this session was how to implement the recreational and medical marijuana measures passed by voters in November. AGC has concerns about the impact of marijuana on their employees and work sites. One month into session, the recreational marijuana measure was ruled unconstitutional.

By the midpoint of session, it was apparent that legislators would not have enough time to set up the framework for medical marijuana, so they are working on delaying the implementation and establishing an interim study to make sure it is implemented correctly. AGC will participate in that interim study to seek answers about their concerns.

Another huge topic this session is the unprecedented amount of one-time revenue up for grabs. At this point, there is approximately \$500 million available and more than \$800 million in funding requests. AGC is working two funding bills;

HB 1237, An Act to make an appropriation for the purpose of funding county and township roads and bridges and to declare an emergency. The bill seeks one-time money for additional county and township road funding. \$4 million will be used by SDDOT as a match for approximately \$25 million in federal funding. Local governments will provide a 5%-6% match of their own to get the full amount.

HB 1259, An Act to create the rural access infrastructure fund, to provide for the use and distribution of the fund, make an appropriation and to declare an emergency. This \$9 million appropriation would set up the equivalent of the SDDOT's Bridge Improvement Grant Program for townships, called the Rural Access Infrastructure Fund. First steps call for all townships to complete an inventory of structures and roads in need of repair. Also spelled out are criteria for awarding grants; requirements for a township to be eligible; fund distribution formulas; annual reporting requirements and more.



AGC had a busy bill list filled with various topics this session.

Please see the bill tracker and read the weekly legislative reports at www.sdagc.org. A final report will be posted in early April.

CONPAC - Have You Contributed?

The Contractors Political Action Committee (CONPAC) is one of the more active PACs in South Dakota. CONPAC is active in making campaign contributions to legislative and statewide candidates who support the construction industry during election years. Are you interested in shaping the legislature to be business and construction industry friendly? Then you need to join CONPAC. See the enclosed pledge card and make a contribution to CONPAC today! Just email info@sdagc.org.





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AGC LEGAL MINUTE

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CRIMINAL LIABILITY FOR COMMINGLING FUNDS

A recent decision of the South Dakota Supreme Court calls into question contractor accounting practices concerning the

commingling of owner funds from different projects. In *State v. Suchor*, 2021 S.D. 3, ¶¶ 1-32, -- N.W.2d --, 1-17 (S.D. 2021) the Court reversed the conviction of a defendant-contractor on multiple counts related to several construction projects after he allegedly misappropriated funds in contravention of SDCL § 44-9-13. The statute in question makes it a crime for a contractor making an improvement to real estate to use more than five hundred dollars for another purpose when an outstanding account for labor, skill, or machinery remains unpaid. Although this statute had been on the books for many years, it had not previously been considered in the context of commingled project funds.

The Supreme Court based its reversal of the conviction on the State's failure to produce sufficient evidence to prove the essential elements of the criminal charges beyond a reasonable doubt, but in so holding did not foreclose the possibility of future prosecutions pursuant to SDCL § 44-9-13. The Court stated as follows: "SDCL

44-9-13 does not, contrary to the State's suggestion, prohibit a contractor from operating a cash-based business with only one general account. While a contractor operating in this fashion (depositing funds into and paying bills out of one account) must nevertheless pay the subcontractors and suppliers on any given project in a timely manner to avoid running afoul of SDCL 44-9-13[.]" *Suchor*, 2021 S.D. 2, ¶ 24.

The Court goes on to explain that the prosecution did not introduce evidence sufficient to follow the money. Bank records were not introduced showing deposits and disbursements. In addition, there were contractual disputes over whether money was owed to the contractor under the contract. *Id.* at ¶ 25.

Although the conviction was ultimately reversed, the decision leaves open the possibility that a contractor who commingles funds from separate projects within a single account could be subject to criminal conviction if the prosecution can prove its case. This may prove difficult where funds from many projects are involved or where there are contractual disputes between the parties. Nevertheless, contractors should carefully account for all project funds, using appropriate record keeping, especially when using a single bank account with unsegregated funds.



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AGC OF AMERICA

AGCA Analysis of New OSHA COVID-19 Guidance

In late January, the U.S. Occupational Safety and Health Administration (OSHA) issued new guidance on protecting workers and preventing the spread of COVID-19 in the workplace. Per OSHA, the guidance is not a standard or regulation, creates no new legal obligations and the recommendations are advisory in nature, informational in content, and are intended to assist employers in recognizing and abating hazards in the workplace. AGC of America released an analysis highlighting the key differences in the recent guidance in comparison to previous guidance issued. The analysis can be found at: <https://www.agc.org/coronavirus>.



AGCA Sues To Block Fed's Unlawful Effort To Change Paycheck Protection Program (PPP) Rules

At the end of 2020, The AGC of America filed suit to compel the Small Business Administration (SBA) and the Office of Management and Budget (OMB) to revise the questionnaire being used to reassess whether companies were eligible for Paycheck Protection Program (PPP) loans. AGCA is also asking the federal courts to restrict use of the information that the questionnaire generates until the SBA makes it available to the public and revises it.

AGCA notes in the lawsuit filed in the U.S. District Court of the District of Columbia, that the CARES Act (which established the PPP program) only required loan applicants to make a “good faith certification that the uncertainty of current economic conditions makes necessary the loan request...” Instead of asking borrowers how they concluded they faced such uncertainty when applying for their loans, the form attempts to set a means test, a revenue reduction test and a liquidity test that Congress never contemplated, and it focuses on later events that few companies

could have predicted when applying. AGCA is still working this lawsuit and is expected to release more details soon!



The Pro Act Legislation - Measuring True Impact On Construction

The Protect the Right to Organize (PRO) Act bill now making its way through Congress attempts to overturn decades of federal policy. Despite its name, the PRO Act does much more than protect an employee's right to organize and engage in collective bargaining. In fact, the PRO Act would expand the economic weapons available to unions at the bargaining table, at the workplace, and beyond. While the union-favoring legislation presents obvious concerns for open-shop contractors, union contractors may not realize the detrimental impact it could have on them.

On March 9, 2021, the U.S. House of Representatives passed the PRO Act largely along partisan lines. The final vote was 225-206 with one Democrat and five Republicans crossing party lines. AGC's advocacy efforts now turn to the U.S. Senate, where at least 45 Democrats have pledged their support to pass the bill. Full details and updates can be found at www.agc.org/PROAct.

What's in the COVID Relief Bill for Public and Private Construction Investment?

Short Answer: It's Not Clear

Congress passed on March 10 and the president signed into law on March 11 the \$1.9 trillion COVID-relief bill, which provides \$350 billion for state and local governments, \$168 billion for K-12 schools and higher education, \$30.5 billion for public transit and \$8 billion for airports. The bill, however, appears to dedicate little, if any, funding to new public or private construction investment projects—infrastructure or buildings. Generally speaking, the entities



receiving these funds have broad discretion to use them however they see fit.

It is unclear, consequently, how the vast majority of these funds will be used, and those debates will undoubtedly happen in ongoing or special state, county or municipal government legislative sessions. At a minimum, this funding could help prevent public owners from delaying or canceling construction projects.

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 or (202) 547-5013.



AGC of America SAVE THE DATES!!

May 19-20, 2021
TCC Fly-in Virtual Meeting

Aug. 10-12, 2021
AGC IT Forum
Chicago, IL

Aug. 11-13, 2021
AGC's CLC Development Mtg.
Chicago, IL

Sept. 19-20, 2021
AGC Nat. & Chapter Leaders Mtg.
Orlando, FL

Sept. 21-23, 2021
AGC of America Annual Convention
Orlando, FL

Mar. 28-31, 2022
AGC's Annual Convention
Grapevine, TX



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