

Feb 2021 /
March 2021

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MINNESOTA LICA NEWS

LAND IMPROVEMENT CONTRACTORS OF AMERICA • MINNESOTA CHAPTER

Have you paid your 2021 Membership or Associate Dues yet?

Membership/Associate dues were due on
December 15th, 2020. Are you current
with your dues, if not please mail your
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*Scholarship applications
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Please go to our website:
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GREETINGS From Your PRESIDENT

MNLICA President's Report

Hello MNLICA Members

I hope you all had an enjoyable and relaxing Christmas. With all of the mild temperatures in the area it seems like winter is going by pretty fast. It's also made the lake ice a little sketchy here in the southern part of the state. A few side by side and fish houses have gone through the ice around here.

We had our last regular board meeting via Zoom. It seemed to go pretty well I thought. Some of us had to have our kids help us get our computers set up. With the convention scheduled in January getting canceled we tried to go ahead and plan the next years schedule the best we could. There is so much uncertainty with everything in our state and government that we will have to see what events can take place.

As you will read elsewhere in this issue Kevin and Jeanie Bakken have asked to step down in their position as directors sometime this year. I think anybody who has been to a state convention, board meeting, or MNLICA event has seen first hand how well Kevin and Jeanie run things behind the scenes and out in public. Their leadership will be missed.

We are also looking for board members right now so if you know of somebody you feel would make a good board member or if you would like to serve please let one of the board members know. Remember word of mouth is one of the best ways to let others know about MNLICA and the benefits that come with joining.

Hope you enjoy the rest of the winter season and stay safe!

Steve Vis- MNLICA President

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MNLICA Web-Site; www.mnllica.org

E-mail: mnllica2@gmail.com



MINE FATALITY –

On Nov. 23, 2020, a miner was fatally injured when the battery-powered scoop he was operating ran over a section of pipe in the roadway. The four-inch plastic pipe entered the operator's compartment and struck him.



Best Practices:

- Conduct thorough examinations of roadways and remove material that could pose a hazard to equipment operators, passengers, or other miners.
- Keep roadways free of excessive water, mud, and other conditions that reduce an equipment operator's ability to control mobile equipment.
- Secure loads on haulage vehicles to prevent them from falling off into roadways.
- Install substantial guarding to prevent material from entering the operator compartment.

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*Miners and mine operators can find safety and health information on: **MSHA.gov***



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Meet your Vice President!

As a young boy, one of Stu Frazeur's favorite activities was digging ditches across his father's farm yard, draining the spring snow melt. It seemed like destiny that he would become a farm drainage contractor.

Born in Canby, Minnesota, Frazeur grew up on his family's farm of about 600 acres. Farm life was good for Stu as it gave him opportunity to run machinery and see farming practices in the 60's and beyond.

One experience that affected Stu was seeing the effects of drought in 1975-76. The drought conditions combined with the farming practices, leading to large scale wind erosion, especially on the fine soils that were on the farm. Events like the '76 drought moved the family to adopt "ridge till" in 1983, a minimum tillage practice. Soon another problem arose. Ridge till eliminated several tillage passes that had helped dry the soil to make a decent soil bed. The short term solution was using a packer, with the long-term solution being added drainage. As one of Stu's friends says, "No till and no tile doesn't work."

In 1994 the family split the farm into three pieces and the three brothers each took one part. Stu took the hog farm portion which immediately saw prices drop below break-even. Since Canby didn't have a commercial farm drainage contractor, a wheel trencher was purchased, and in Stu's words, "I've been trying to dig myself out of debt, literally!" The first trencher was a Cleveland J-57 purchased from Al Borglum in 1995. That contact came through Tom Baker of Prinsco.

It didn't take long to find that tiling could be fickle, with little to do between planting and harvest.

In 2000 Stu began to design and install septic systems. One thing that has been a constant for Stu Frazeur Tiling is membership in MnLICA. Membership has added knowledge, training, and friends. "Mark Morriem has been great to work with, I've especially enjoyed working with him on legislative issues." Another good connection was Butch Thull, who has joined with Stu to play music at the convention. "I've found that a lot of contractors like to build things, like I do, and it's great to share ideas. I really was impressed with Butch's elevator." Mark Dittrich with the Department of Ag has also been a help over the years, after meeting at a MnLICA convention. "There's a ton of great people to meet in MnLICA," says Frazeur.

In 2014 Stu installed a large controlled drainage system which Mike Lehmann designed. An open house was held at the site with MnLICA, the local SWCD, watershed boards, the Mn Dept of Ag, and others participating. Those efforts led to awards including MnLICA Contractor of the Year, ADS-Hancor Stewardship award, and the Yellow Medicine County Outstanding Conservationist.

Stu Frazeur Tiling currently runs a Dynapac-Hoes plow, a couple of wheel trenchers, a couple of backhoes, and all the other stuff that comes with being in business. A Case 1450B with a Carco winch was used almost daily in 2019. The original J-57 still sees use if a line is large and deep, or if existing lines need to be located.

One experience that pushed Stu into more MnLICA involvement was meeting Nordis Estrem. It was Nordis that really pushed Stu into the legislative side of MnLICA. Stu feels that it is important to be giving back to the industry, and MnLICA is a big part of that.



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WETLANDS



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COMPLIANCE



PERMITS

EXECUTIVE DIRECTOR'S REPORT

We have been busy with the usual paperwork, paying bills, taking calls, and notifying speakers of the cancellation of the convention. Working on membership and associate dues renewal notice, newsletter, and miscellaneous items. Our 2020 membership stands at 142 as of this date. We have 19 past members that haven't renewed their membership, one of them stating that they won't be rejoining, another one is retiring, one requested to be billed in June due to be shutting down for the COVID-19 (they haven't sent payment yet). We also have a member that only paid \$330.00 for their dues (they still owe \$20.00 plus \$180.00 for the SSTS Class that was held in January and they attended).

Membership dues for 2021 are coming in with over half of the membership renewed and one cancellation as of this date. Associate dues are also coming in, but we still have quite a few associates that haven't renewed their membership yet.

The board will be reviewing having an annual meeting (via Zoom) this winter to discuss LICA Business, Events and to elect two west board members. Stay tuned for updates.

We have an MSHA class that will be held via Zoom on February 2nd, 2021. Other safety classes and virtual classes are also being considered.

Jim Walker our Retired Member on the Board of Directors lost his wife Mary last month, deepest sympathy to him and his family.

Jim has requested to be taken off of the Board of Directors. He served as a President of MnLICA many years ago and since then has donated a lot of time helping with MnLICA events, serving on the board. Jim will be truly missed.

It is with deep regret that we inform you, that for personal reasons, we will have to resign from our position as "Co-Executive Directors." This was not an easy decision to make as we have enjoyed working with the Board of Directors as well as the members and associates but feel that it is time for new people with new creative ideas. We request the Board to accept our resignation and relieve us of duties with an effective date of no later than 31-December-2021.

We realize that the Board must find a suitable candidate for this vacancy and we assure you that we will help in any way possible to find a suitable replacement and the necessary training that may be required.

Again, we both have enjoyed our time as co-executive directors and the experiences that we received and wish both our replacement and MnLICA the best in the future.

If you are interested or know of someone that would be interested, please contact one of the Board Members or the Executive Directors.

Be safe and stay healthy in this time of COVID-19. Hopefully 2021 will be smoother and we'll be able to get back to a more normal life, whatever that may be.

Kevin and Jeanie

Email from John Peterson on January 8th, 2021

Since this so-called Conservation Planning Partnership has been established, and with the new LICA – NACD and NRCS MOU's, I have thought LICA could be an appropriate partner to add. May be something you want to think about. Just a thought. The best to you all. John

From: NACD <[nacdnnews@nacdn.net](mailto:nacdnews@nacdn.net)>
Sent: Friday, January 8, 2021 1:31 PM
To: John W. Peterson <jwpeterson083@gmail.com>
Subject: NCPP Seeks Input from Producers in Nationwide Survey

Dear John,

NACD is part of the National Conservation Planning Partnership (NCPP), a collaboration of five key national conservation partners working to make conservation planning better for our customers.

The NCPP is currently relying on input from producers across the country as it continues its effort to reinvigorate conservation planning.

We are asking that you help us distribute [this survey](https://www.surveymonkey.com/r/J6ZNKFP) (<https://www.surveymonkey.com/r/J6ZNKFP>) to farmers, ranchers and foresters within your conservation district's region. The survey will obtain feedback on additional ways to strengthen the value of a conservation plan and to improve the delivery of conservation planning assistance to farmers, ranchers and forest landowners. Please feel free to circulate [this NCPP letter](https://www.nacdn.net/wp-content/uploads/2021/01/Planning-Producer-Survey-Letter-FINAL.pdf) (<https://www.nacdn.net/wp-content/uploads/2021/01/Planning-Producer-Survey-Letter-FINAL.pdf>) from the NCPP Leadership Team Co-Chair Mike Brown to your planning clients, which describes the goal of the survey and a bit of NCPP's background.

The survey was developed to expand on the feedback NCPP received in previous employee and client listening sessions in 2018 and 2019. As a result of those sessions, hundreds of suggestions were received and recorded and have been moved forward to improve the conservation planning experience for our valued clients.

The survey will close on Monday, Feb. 15, 2021. All responses will be confidential, and any background information provided will be used for statistical purposes only. Results of this survey will be available in May 2021 [on the NCPP website](https://www.nationalconservationplanningpartnership.com/) (<https://www.nationalconservationplanningpartnership.com/>).

As the voice of conservation districts nationwide, we are proud to be part of NCPP's work in supporting and strengthening our nation's landowners in protecting our natural resources. Conservation planning is a core of our mission, and we look forward to the work we will accomplish together in increasing productivity and sustainability across our land.

Thank you in advance for taking the time to help share this important survey and for all you do in helping support our conservation mission,

NACD

Note: I have inserted the websites referenced in the email, if you would like a copy of this email, please notify your executive directors and we'll forward it to you.



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Negaunee, MI

Des Moines, IA
Cedar Rapids, IA

Sioux City, IA
East Moline, IL



SSTS rule changes effective Jan. 11 New sub-surface sewage treatment system (SSTS) rules pertaining to compliance inspections and State Disposal System (SDS) permit requirements were adopted into rule on January 4 and are effective January 11, 2021

The specific Minnesota rule parts that have been amended are 7081.0020, 7081.0040, 7081.0130, and 7082.0700. Information and documents pertaining to the rulemaking process can be found on the MPCA website.

These rule modifications can be broken down into three main changes:

- SDS permit requirements
- flow equalization, and
- existing system tank inspections.

SDS Permit requirements

This change allows for the use of measured wastewater flow, corrected for occupancy, in determining SDS permit applicability on existing SSTS. Flow measurements for this purpose will require 90 days of daily flow measurements; 40 additional, consecutive, weekly flow measurements; and occupancy/use measurements.

This new rule also introduces a new definition, "SSTS with low impact to potable water," which will allow some SSTS to be excluded from flow calculations in determining when an SDS permit is required. System designations as "low impact to potable water" can only be made by an appropriately licensed Architect, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design board professional (specifically a Geologist, Soil Scientist, or Engineer) and must meet all design requirements of Minn. R. 7080 – 7083.

The main takeaway from the SDS portion of the rule update is that there is now additional flexibility allowed in determining when a state permit is required. Please note that this rule does not affect flow calculations related to ISTS or MSTs, nor does it change technical requirements of system design under 7080 and 7081.

Flow equalization

This change allows, "systems not designed for maximum, seven-day, daily use" to determine flow amounts based on a seven-day average. For example, a restaurant only open on Friday, Saturday, and Sunday could determine an appropriate flow amount for system design by spreading the flow from the three business days out over the entire seven-day week. This change provides flexibility to other establishments where flows are concentrated on certain days of the week and where designing system components on peak flows versus average flows may be unnecessary. Flow equalization using this new rule is only allowed after approval from the local unit of government.

Existing system tank inspections

Moving into 2021 and beyond, the only way to pass a sewage tank for a compliance inspection will be to have viewed the tank while empty. Specifically, the new rule language in Minn. R. 7082.0700 subp. 4 B (1) reads, "Tank integrity and safety compliance assessments must be completed by a licensed SSTS inspection, maintenance, installation, or service provider business or a qualified employee inspector with jurisdiction. A compliant tank integrity assessment must be completed on an empty tank, through a maintenance hole when available [emphasis added], and is valid for three years unless a new evaluation is requested by the owner or owner's agent or is required according to local regulations."

This means that the only ways an inspector can certify that a tank is compliant are to have a tank integrity assessment from within the past three years (stating compliance) attached to the inspection form, or for an inspector to view the tank(s), while empty, during the course of an inspection. Additionally, if the tank is known to be noncompliant, no pump out and visual inspection would be required in order to fail the tank.

As a portion of updating these rules, the MPCA has made changes to the following documents –

- Compliance inspection form (wq-wwists4-31b)
- Instructions for compliance inspection form (wq-wwists4-31a)
- Sewage tank maintenance reporting form (wq-wwists4-38)
- Prescriptive designs and design guidance for advanced designers (wq-wwists4-44)

Additionally, a new document – Sewage tank integrity assessment form (wq-wwists4-91) has been created.

These documents are all available on the agency webpage, as are the most up-to-date versions of all other agency forms/fact sheets (<https://www.pca.state.mn.us/water/ssts-forms-and-fact-sheets>).

More specifically, the updated compliance inspection form, updated compliance inspection form instructions, and new Sewage tank integrity assessment form are located here (<https://www.pca.state.mn.us/water/inspections>).

The updated Sewage tank maintenance reporting form is located here (<https://www.pca.state.mn.us/water/service-and-maintenance>).

The updated Prescriptive designs and design guidance for advanced designers is located here. Note: All SSTS inspectors are required to use the most up-to-date version of the MPCA

compliance inspection form. As such, as of Jan. 11, 2021, all inspections should be submitted on the updated form and LGUs should only accept inspections on the updated form. The easiest way to determine if the correct form is being used is by verifying the new MPCA logo in the upper left corner of the form (<https://www.pca.state.mn.us/water/design>).

Local ordinance modification

The agency does not anticipate these new rules will necessitate local ordinance modifications for most but there may be jurisdictions where ordinance modification will be required. As a reminder, Minn. R. 7082.0040 subp. 2 A requires, “All counties must adopt and implement SSTS ordinances in compliance with chapters 7080 and 7081,” and Minn. R. 7082.0040 subp. 3 requires, “Cities and townships with SSTS ordinances must effectively administer and enforce an ordinance that conforms with this chapter and is administratively and technically as strict as the county ordinance.”

In the event an ordinance modification is required, Minn. R. 7082.0050 subp. 2 states that, “A copy of all local ordinances regulating SSTS and all future ordinances or amendments must be submitted to the commissioner 30 days prior to adoption.” Please communicate with your regional compliance and enforcement staff with any questions you may have.

Successful implementation of these rule modifications depends on the consistent application of the changes across the state, by everyone. As these rule modifications have been widely discussed with many professionals and LGU staff it is likely that most have heard some, or all, of the above information previously; but if not, please do not hesitate to reach out to MPCA SSTS staff with any questions.

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For Immediate Release
January 13, 2021
Contact: Office of Communications
Phone: 202-693-1999

U.S. Department of Labor Announces Annual Adjustments to OSHA Civil Penalties

WASHINGTON, DC – The U.S. Department of Labor has announced adjustments to Occupational Safety and Health Administration (OSHA) civil penalty amounts based on cost-of-living adjustments for 2021.

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect. Under the Act, agencies are required to publish “catch-up” rules that adjust the level of civil monetary penalties, and make subsequent annual adjustments for inflation no later than January 15 of each year.

OSHA’s maximum penalties for serious and other-than-serious violations will increase from \$13,494 per violation to \$13,653 per violation. The maximum penalty for willful or repeated violations will increase from \$134,937 per violation to \$136,532 per violation.

Visit the [OSHA Penalties page](#) for more information. The Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2021 [final rule](#) is effective January 15, 2021, and the increased penalty levels apply to any penalties assessed after January 15, 2021.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to help ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.

The mission of the Department of Labor is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

###

U.S. Department of Labor news materials are accessible at <http://www.dol.gov>. The Department’s [Reasonable Accommodation Resource Center](#) converts departmental information and documents into alternative formats, which include Braille and large print. For alternative format requests, please contact the Department at (202) 693-7828 (voice) or (800) 877-8339 (federal relay).

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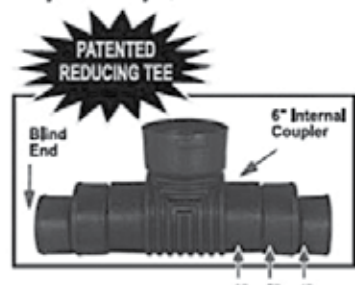
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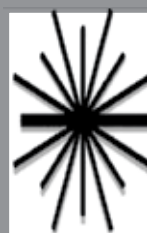
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OSHA Tip of the Day:
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- ◆ Representation on the Environmental Issues Council Which Works to bring Common Sense into Government Actions in the Name of the Environment
 - ◆ National LICA Contractor Magazine
- ◆ LICA Contractor Safety Management Plan (A Comprehensive Safety Program & Up-To-Date Information on OSHA Regulations)
- ◆ Caterpillar Extended Powertrain Protection Program
 - ◆ Sunbelt Rentals Discount
 - ◆ Petrocon Commodities Program
- ◆ Petrocon Cat Replacement Parts Program
- ◆ Sandhill Buy & Sell Equipment: Inventory Mgmt System, Advertising Discount, e-Commerce Benefit, Currency Benefit, Premium Hosted Website Benefit
 - ◆ LICA Beef Benefit
 - ◆ LICA Portal
 - ◆ Telematics Benefit
 - ◆ LICA Benefits Platform
 - ◆ Cooper Tire Program
 - ◆ Petrocon
 - ◆ FleetFuelz
- ◆ MASA: Medical Transport Solutions
 - ◆ Piston & Piston Kits
 - ◆ C2C Business Succession
- ◆ Clean Fire New Member Discount
 - ◆ Space Pen
- ◆ Bridgewell Health (not available in MN)
 - ◆ Mack Truck Q4 Incentive Program
- ◆ LICA's Lifestyles Health Benefits Program

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US Patent No. 6,715,508 B2
US Patent No. 6,786,234 B2
Canadian Patent No. 2,403,456
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2020 Board Member Meeting Attendance

Area/Director	Jan	March	June	Aug	Dec
Pres Steve Vis	P	C	P	P	P
VP Stu Frazeur	P	C	A	P	P
Tres Mark Olsen	P	C	A	P	P
Chrmn Mike Lehmann	P	C	P	P	P
East Jay Engles	A	C	A	A	A
East Dallas Loken	P	C	P	P	P
East Mark Morreim	P	C	P	P	P
East Karlen Nelson	P	C	P	P	P
West Everett Garlich	P	C	P	P	A
West Open]_____					
West Brad Herickhoff	P	C	A	A	A
West Mark Machart	P	C	A	A	A
Retired Jim Walker	P	C	A	A	A
Assc Tim Dahl	A	C	P	P	A
Ex Dir Kevin Bakken	P	C	P	P	P
Ex Dir Jeanie Bakken	P	C	P	P	P

A = Absent P = Present C = Cancelled Meet

NOTICE

We have an opening for a board member from both the East and West Area. If interested, please contact one of the current board members or one of the executive directors. This is one way you can be an integral part of your organization and help plan events.



Top 4 Construction Hazards

Do you know the risks?

You're good at your job and you love what you do. However, every time you come to work, you risk suffering an injury. The construction industry is one of the most hazardous in the United States, and many of the injuries that occur on construction sites are caused by these top four hazards: falls, struck-by, caught-in-between and electrocutions.

When you have sufficient knowledge, preventing accidents caused by these hazards is easier than you might think. Here are some basic safety tips to keep you injury-free.

Preventing Falls

- Wear and use fall arrest equipment.
- Install and maintain perimeter protection.
- Cover and secure all floor openings and label floor opening covers.
- Use ladders and scaffolds safely.

Preventing Struck-bys

- Never position yourself between moving and fixed objects.
- Wear high-visibility clothing near equipment and vehicles so that others can see you clearly.

Preventing Caught-in-between Hazards

- Never enter an unprotected trench or excavation that is five feet or deeper without an adequate protective system in place. Some trenches that are less than five feet may need a similar system as well.
- Make sure that a trench or excavation is protected either by sloping, shoring, benching or a trench shield system.

Preventing Electrocutions

- Locate and identify utilities before starting work for the day.
- Look for overhead power lines when operating any equipment.
- Maintain a safe distance away from power lines and learn your area's distance requirements.
- Do not operate portable electric tools unless they are grounded or double insulated.
- Use ground-fault circuit interrupters for protection.
- Be alert to electrical hazards when working with ladders, scaffolds or other platforms.

job at **your company!**

with these helpful tips provided by **Prins Insurance, Inc.**

"The construction industry is one of the most hazardous in the United States, and many of the injuries that occur on construction sites are caused by these top four hazards."

This flyer is for informational purposes only and is not intended as medical or legal advice.

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 **PRINS**
INSURANCE

M & M Pudding Cookies

2 sticks butter, soft
 1/2 cup brown sugar
 1/2 cup white sugar
 1 large egg
 1/2 teaspoon vanilla
 2 cups flour
 1-3.4oz. box vanilla pudding mix
 1 teaspoon baking so-
 da
 1 cup chocolate chips
 1 cup m & M's

Beat butter and sugar until smooth. Add egg and vanilla, mix well. Mix and add dry ingredients and add to the mixture. Add chips and M & M's mix again. Save extra M * M's for topping cookies. Make cookie balls and place in freezer for 10 minutes or refrigerator for 20 minutes. Place onto cookie sheet and bake at 350 degrees for 12-14 minutes.

Submitted by Nordis Estrem

A Guy stood over his tee shot for what seemed an eternity, looking up, looking down, measuring the distance, figuring the wind direction and speed. Generally, he was driving his partner nuts.

Finally his exasperated partner says, "What the heck is taking so long? Just hit the ball!"

The guy answers, "My wife is up there watching me from the clubhouse. I want to make this a perfect shot."

His partner ponders this for a moment, and then replies: "Forget it man, you don't stand a snowball's chance in hell of hitting her from here!"






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Everett Garlisch

Eiden Farm Drainage
35127 746th Avenue
St. James, MN

Brad Herickhoff

Ag Tech Drainage, LLC
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Sauk Centre, MN 56378

Retired:

Jim Walker
Barnett Brothers, Inc.
Kilkenny, MN

Associate:

Tim Dahl
- ADS

Dallas Loken

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Karlen Nelson

Nelson Brothers Tiling LLC
43480 County Road 4
Nicollet, MN 56074

West Directors:**Mark Machart**

Ag Tech Drainage, LLC
801 East Oak Street
Redwood Falls, MN 56283

West Board Member Open**2021 MNLICA UPCOMING EVENTS**

Web-site: www.mnlica.org

February 9th – 13th, 2021 – National LICA Winter Convention - San Antonio, TX – Holiday Inn Riverwalk Cancelled

February 2nd, 2021– MSHA Class – via Zoom

February 2021 – Legislative Visit – St. Paul, MN—CANCELLED

March 15th, 2021—Scholarship Applications Due

March 25th, 2021—Board Meeting—Best Western Plus New Ulm 5:00 p.m.

June 24th, 2021—Board Meeting—TBD

July 27th – 31st, 2021 – National LICA Summer Meeting – Niagara Falls, NY – Sheraton Niagara Falls

August 12th, 2021 Board Meeting—Best Western Plus New Ulm 6:00 p.m.



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*Land, the foundation of the nation,
the basis of all wealth,
the heritage of the wise, the thrifty and prudent,
the poor man's joy and comfort,
the silent partner of man,
the producer of food, fiber and fuel,
the basis of factories,
the foundation of banks.*

*All that man builds is from the land.
We often take it for granted, or even abuse it,
and yet many unthinkingly and unknowingly pass the land by.
What man finally does with the land
will be the deciding factor in his survival.*