

# MNLICA



# NEWS

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Pg. 7

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**JULY 13-17, 2010**

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## GREETINGS

From Your

**PRESIDENT**

Hope this newsletter finds everyone with a full spring schedule. Most contractors I have talked to have been keeping busy so far and may even be caught a little off guard with an early spring. Road restrictions came off earlier this year than usual. There seems to be a lot of job bidding going on, so hopefully we can all find some profitable work to do this year. There even seems to be a few housing starts. Let's keep hoping for more economic recovery. As we move into the busy season lets all try to remember to be organized and work safely. Take a few minutes a week for a safety talk. Use those safety manuals!! As Jerry Biuso (National CEO of LICA) told me "If you don't open the book what good is it". The safety manual is a tremendous benefit.

Also as we get into those nice sunny days of spring/summer don't forget the sun screen, hats and long sleeve shirts (even cloudy days can burn you). Sun exposures causes 90% of skin cancer and remember to stay hydrated, drink plenty of water on hot days.

In July, Nordis and I will be attending the Summer National Convention in Peoria, Illinois (July 14 – 18<sup>th</sup>, 2010). Tours, educational training, meetings, networking with fellow contractors and occasionally hoisting a few 12 ounce beverages. It should be fun! Anyone interested should contact Nordis Estrem, Jan Loken or I. We will be having a summer meeting in August, the date, time and place are to be determined.

Mark September 17<sup>th</sup>, 2010 on your calendar (Day Off for Best Ball Golfing in Montgomery). This will be a fund raiser for MNLICA scholarships awarded to high school students for advancing their education. You may have a child or know someone eligible to receive one of these scholarships through your company's involvement in MNLICA. It's a fun day and you don't have to be a good golfer to participate.

Good Luck on the Construction season. I look forward to seeing you at the next MNLICA event.

Sincerely  
 Kevin Bakken  
 MNLICA President  
 MNLICA web-site: [www.mmlica.org](http://www.mmlica.org).  
 For legislative information, meetings and other issues.

  
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## PLAN FOR HEALTH CARE FUTURE

This is based on an article from The Scoop by Greg Krogstad.

Over the past year we have been on a rollercoaster of uncertainty when it comes to our economy, our banking system, & our health care. The passing of the Patient Protection & Affordable Care Act (PPACP), as well as the Health Care & Education Affordability Act of 2010 created some certainty.

Health care will mean different things, both positive & negative for MNLICA members.

It is impossible to capture the entire PPACP bill, but here are some key points that could affect your business.

**January 2010:** Businesses with less than 25 full-time employees & average annual wages less than \$40,000.00 qualify for a tax credit up to 35%. This credit is based on the employer paid portion of health coverage.

**June 2010:** Health insurance companies may not impose any pre-existing condition exclusions.

**September 2010:** Health insurance companies must offer coverage for children under the age of 26, regardless of marital status, & cannot exclude children with pre-existing conditions.

**January 2011:** Employers must report the value of health coverage on the employees W-2. This is for informational purpose only & will not result in additional taxable income. A simple Cafeteria Plan will be created by the government for small businesses (less than 100 employees).

**January 2013:** Health flexible Saving Account contributions are limited to \$2500.00 annually. No limit has previously been imposed. This may increase the taxable income for employees with health expenses exceeding \$2500.00.

**January 2014:** Under the Promoting Employer Responsibility portion of the law, a business with more than 50 full-time equivalent employees is required to provide health insurance or pay a \$2000.00 per employee fine. Full-time is defined as someone working over 30 hours per week for more than 120 days. Employees working less than 30 hours per week are defined as part time. Part time employees must be added to your full-time equivalent employee count by dividing the monthly hours worked by 120. The first 30 employees are excluded from the fine. For example, a business with 70 full time employees would pay a penalty on 40 employees if coverage was not offered. Employers will face a \$3000.00 fine for every employee that selects the federal tax credit option rather than the employer option when the employer health coverage option is "unaffordable", or exceeds 9.8% of income. Once more is know, it is important for MNLICA members to develop a long term strategy with their insurance agent.

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**MEET NEW ASSOCIATE**

**Gary Derber  
Wisconsin Tubing, Inc.**



Wisconsin Tubing Inc. was started in 1967 by Leon and Orva Derber with the help of their three children, Beth, Gary and Paul.

WTI is a manufacturer and distributor of plastic corrugated drainage tubing. We also carry a full inventory of plastic culverts, metal culverts, erosion control fabrics, and plastic septic tanks. WTI has its own fleet of trucks and distributes thru out the Upper Midwest sizes 2" thru 60" pipe. We are located just east of Omro WI. and can be reached at 1-800-242-8280 or go onto their web-site at [www.wisconsintubinginc.com](http://www.wisconsintubinginc.com).

**MEET NEW MEMBERS**

**Tom & Bev Wirtzfeld  
Advanced Septic Solutions, Inc.**



Tom & Bev started Advanced Septic Solutions in 2005. The company does all types of septic systems & design, including compliance inspections, testing, community systems, monitor state permitted systems. They have started doing a new rejuvenation system called "VBT"; it treats old trench systems or high strength waste, (like a restaurant or dairy). They have done peat filters, park projects, DOT design for rest areas & MNDOT maintenance facilities. They do maintenance & mowing on community systems. The company holds every level of licensure in the state of MN.

Their hobbies are farming & going special places to eat. Their favorite trips were to Germany & Ireland.

They have two children; daughter, Kelsey (assistant dean of students at Reed College, Portland, OR.) married to Steve, a technical writer. Adam in Minneapolis, a graphic designer for "Litigation Insights". Will marry Rita Panton a professional baker this fall.

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**LICA WASHINGTON DC LEGISLATIVE MEETINGS**

Chuck Wingert, Don Loken, Mark Morreim

The men meet with 7 of our 9 legislators on Monday, Tuesday & Wednesday. They also had breakfast with several others and Senator Al Franken.

The following points MNLICA members discussed with Legislators were:

1. **Farm Taps:** LICA is requesting that our federal legislatures work with state legislatures to mandate pipeline companies to locate what is now termed as a "private farm tap". To this point in time gas line companies do not feel that it is their responsibility to mark more than the main gas line. Numerous MN. Contractors have cut the private farm line without injury, but deaths have occurred in WI. It looks like we will need to focus harder on our state legislatures if we are going to move forward.

2. **Clean Water restoration Act:** MN. Representative James Oberstar introduced this bill in 2007. It was delayed in 2007 & 2008. As written, it would place "ALL Waters" in the U.S. under the jurisdiction of the Federal government. It includes all intrastate waters & their tributaries, including lakes, intermittent stream, mudflats, wetlands, sloughs, potholes, wet meadows, ponds, impoundments, etc. If put into effect as written, it would require a federal permit to replace a tile line, put in a storm sewer, or install an irrigation ditch. He plans to reintroduce this bill this year yet.

3. **American Clean Energy Act H.R. 2454:** The claimed purpose of this bill is to contain global warming by reducing carbon dioxide & other greenhouse gas emissions. The "cap & trade" proposal would severely limit the amount of energy generated from coal, oil, & natural gas. If the bill is enacted, this would constitute the biggest government takeover of the economy since WWII & possibly bankrupt our nation. LICA opposes this bill.

4. **Employee Free Choice Act:** (known as "Card Check"). Congress is introducing a union-organizing bill that will allow a union to form after enough workers in a shop sign cards, rather than voting by secret ballot. LICA is opposed to this bill for three reasons, **a.** it could effectively eliminate the secret ballot election, which is a cornerstone of our representative Constitutional Republic, **b.** it would short circuit the collective-bargaining process after 120 days, allowing an arbiter to impose contract terms neither the union or the company has sought, & **c.** it would replace remedial penalties for NLRB violations with punitive fines that could drive some firms into bankruptcy, while imposing no fines for union misconduct. The men also met with the National NRCS and went over the following items:

1. The new NRCS from MNNRCSAD016, "information release form" In the past contactors & people requesting information for a farm needed to get a "Certificate of Identity" form signed by the landowner so that Farm Service Agency & NRCS could release the information requested. NRCS will no longer recognize the Certificate of Identity, & will only acknowledge the MNNRCSAD016 form.

2. American Recovery Act funding that we discussed in our 2009 edition is phasing out & will expire at the end of 2010.

3. EQIP funding for controlled drainage structures have been approved, but it will only cover structures installed by contractors that are certified installers. We advise all of our members involved with drainage practices to get certified. Contract ADMC

**\$1000.00 SCHOLARSHIP WINNERS**

Jenna Retka of Le Sueur, MN, her father is Charles Retka of Luke & Charles Retka Tiling Company. She will graduate on May 30 from the Le Sueur-Henderson H.S. She is going on to St. Catherine's College.



Mary Rentz of Alexandria, MN, her father is James Rentz of Nodland Construction Company, Inc. She will graduate on May 28 from the Morris Area H.S. She is going to the University of St. Thomas College. Congratulations & Best Wishes for a Great Future!!

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In southern Minnesota you can find our offices and representatives at the following cities:

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## TANK REMOVAL REQUIREMENTS

By Joseph Hauger, MPCA

### Requirements for removing underground storage tanks

The Minnesota Pollution Control Agency requires contractors that install, repair, or remove regulated underground storage tanks, such as those used at a gas station or for non-residential heating purposes at a church, hospital, apartment building etc., to be certified by the MPCA Tanks Unit. Removing these tanks without first obtaining MPCA-Certification is illegal.

Removals must be conducted by MPCA-Certified Contractors with an MPCA-Certified Supervisor present and the MPCA must be notified both before and after the project. As more and more aging and inactive tanks in Minnesota are being removed, the MPCA realizes there will be an increased potential for earth-moving contractors without MPCA Certification to be asked to remove regulated underground storage tanks, and some may unknowingly do this illegally. Illegal tank removals are subject to MPCA enforcement action.

In order to become an MPCA-Certified Supervisor, a person must have tank removal experience, be employed by an MPCA-Certified contractor and take an MPCA course. Then the person must complete an application, pay a fee, and receive a wallet card with a unique certified supervisor number which demonstrates successful completion of the certification process.

In order to become an MPCA-Certified Contractor, a company must employ one or more MPCA-Certified Supervisors, complete an application for certification, pay a fee, and receive a certificate which demonstrates successful completion of the certification process.

MPCA-Certified Supervisor class topics cover standard removal and waste management practices, including purging or inerting tanks of hazardous vapors and requirements for soil sampling beneath tanks and various system components to determine if contamination is present.

t

Non-certified contractors with excavation equipment can remove regulated underground storage tanks only if there is an MPCA-Certified Supervisor present during all critical junctures of the project. Certification is not required for removal of aboveground storage tanks, but proper industry standards and soil sampling protocol must be followed.

If you are contacted by a tank owner to remove an underground storage tank, be aware of these requirements to ensure the tank is removed properly and legally.

More information on can be found on MPCA's website: [www.pca.state.mn.us](http://www.pca.state.mn.us) or by calling the MPCA toll free at 800-657-3864. If you store fuel on-site for your equipment, information on complying with fuel storage requirements is also available

### 3rd PARTY AGGREGATE HAULING

By: Kevin Bakken

If you do any third party hauling this phone number may be of importance to you. Sales and Use Tax assistance at 651.296.6181. Web address is [www.taxes.state.mn.us](http://www.taxes.state.mn.us)

MnLICA has put on seminars with representatives from the Minnesota Department of Revenue in the past year and we seem to be getting contradicting advice from tax revenue representatives. The chance for someone in the trucking (hauling) business being audited within the next three years is very likely as the State of Minnesota is searching for funds. So at least you want to try and do this right or it could be costly to you. This is my take on it.

If you have a customer that wants a load of rock for their driveway. You go to the quarry charge the rock to your account. The quarry charges you for the rock plus sales tax. When you deliver it as of 2008 it doesn't matter if you spread it or place it you should charge sales tax on the delivery. If you are a hired trucker delivery aggregate for a quarry to an asphalt plant and the load is to be used for road construction No Tax on Delivery.

Don't take my word as law. Check with the Minnesota Department of Revenue. This is confusing!

Also snow-plowing and hauling is non-taxable, but tree-grubbing if not on a building site is taxable.

This became effective July 1, 2009.



## Leaders Market LICA in DC

By

**John Peterson, LICA Director of Government Relations** 10  
MAY 2010/jwp

On May 6<sup>th</sup> and 7<sup>th</sup>, some of your LICA leadership team visited Washington DC and marketed LICA with agencies and other professional and industry organizations that support our objectives. The team consisted of Immediate Past President and Chairman of the Board Bruce Barnhart, President Dirk Riniker, 2<sup>nd</sup> Vice President Steve Gerten, CEO Jerry Biuso, and Director of Government Relations John Peterson.

After traveling to Washington on Tuesday, May 5<sup>th</sup>, the group met early on Wednesday morning to review the schedule. Their day started at the Longworth House Office Building and the office of Representative Steve King (IA-5<sup>th</sup>). Rep. King is a former LICA Region IV Vice President who serves on the House Agriculture, Judiciary, and Small Business Committees. The meeting was supposed to be with King's Senior Legislative Assistant Brent Boydston, but while we were waiting for Brent, out came Rep. King and he stayed and talked with us for about 20 minutes.

What a treat! He told us about getting started in the contracting business, how he first got interested in politics (and he credited past LICA President and current president of the Land and Water Magazine, Ken Raasch with that), and what his personal priorities were. He also alerted us to something going on with rural water districts that LICA may want to watch. We all very much enjoyed Rep. King taking time to be with us. Brent Boydston joined us and we discussed ConExpo, invited him to attend and be part of our legislative session. He will also follow up on the rural water issue and get John more information. That was just an outstanding way to start our visits.

From the House of Representatives it was off to the National Association of Conservation Districts (NACD) and a visit with new NACD CEO Jeff Eisenberg. Some of you might want to ask Bruce and Steve about their cab ride to NACD. They took the scenic route. In addition to introducing ourselves to the new NACD CEO, we discussed how Soil and Water Conservation Districts around the country were involved in the TMDL process, talked about exchanging exhibits at each other's conferences, and agreed to look for projects or activities we could work on together. Bruce

and Jerry met Jeff at the NACD meeting in Orlando in Feb. John has known him since their USDA days. One of Jeff's priorities is more individual district project activity and funding from non-government sources. That should be good news for many LICA members

After lunch at nearby Union Station, our team headed to the American Society of Civil Engineers (ASCE). There they met with ASCE's Director of Federal Relations Caroline Matcheska, and Allison Dickert, who is the driver for ASCE's Infrastructure Report Card work. In addition to discussing the infrastructure grades, we learned about the reauthorization of the highway bill, and our team thought they might ask the LICA Legislative Committee to look at it and see if we might take a position in support. Caroline will work with John on this legislation.

From ASCE it was on to the Portland Cement Association (PCA) and a visit with David Hubbard, PCA's Vice President for Legislative Affairs. Here we talked about cap and trade and why it is not going away. Our meeting was cut short, as David had to take part in a teleconference on the highway reauthorization bill.

### NATIONAL LICA SUMMER MEETING

The National LICA Summer Meeting will be from July 13-17, 2010 in Peoria, IL. The hotel is the Holiday Inn & City Centre Conference Center. You may make reservations before June 25<sup>th</sup> at a rate of \$95.00 per night by calling 309-674-2500. There will be pre-tours to the University of Illinois on Tuesday, July 13. On Wednesday, July 14 the Caterpillar proving grounds, & a ladies tour to Manito. On Thursday, July 15 ladies can go tour Washington Square. Saturday, July 17 all can go to Kartville.

Watch for tour information and registration in your mail and you will also find this in your National LICA newsletter. So plan a family vacation around this event and see old friends or make some new ones!

### MEXICAN MIGAS

1 Tablespoon canola oil  
1 tablespoon butter  
6 sun-dried tomatoes in oil, chopped  
or 1 med. Tomato, seeded and diced  
1 cup salsa (your choice of brand)  
2 cups corn tortilla, crushed into large pieces  
8 eggs, beaten  
1 cup shredded Monterey Jack cheese  
Using a large skillet, heat the pan on high for 1 minute. Add the oil, butter, tomatoes & salsa. Cook, stirring, for 1 minute. Crush 1 cup chips & add them to the pan, Reduce heat to low & add the beaten eggs to mixture in pan. Cook the eggs, gently scraping the bottom of the pan to remove the cooked egg & allow the raw egg to cook. Proceed until the eggs are cooked, but still soft, about 3-5 minutes. Add the remaining large pieces of chips to the pan. Mix gently. Sprinkle the cheese and serve immediately. Serves 4.

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## DIRECTORS REPORT

Hope this finds all of you in the field and busy! Spring came early and fast! MNLICA has gotten some new Associates and Members. Thank you to the members that have worked on this! We appreciate YOU! Region IV has a membership competition going on. If Minnesota gets the most new members or the highest percent of new membership our Region IV Vice President, Steve Miller of Iowa will give out \$250.00 for each. Let's see if YOU can get just "ONE"! MNLICA is planning a field day in August, (not sure of the date yet), please try to attend. These are usually fun and a lot of great networking goes on between you. MNLICA needs YOU! So come and have FUN while doing a hands on training.

MNLICA is changing the State Convention location for 2011, due to the Owatonna site was getting to SMALL! Great, that means more of you are attending. We will go to the Best Western Hotel in North Mankato, January 16-18. Yes, there is a POOL for the kids. We hope all of you will take the time to attend the Tradeshow and trainings. This is a great time to make new friends and visit with past friends and network! MNLICA needs YOU there!

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## DRUG AND ALCOHOL COMPLIANCE


Several members have asked where there is a company to use to comply with the MN. Drug & Alcohol testing required by the state. MNLICA has a program through Midwest Compliance Inc. that you can join for a fee. This company has three levels of services to fit all sizes of companies and their needs. For cost and form please call them at 320-656-1396 or 800-656-1396 and ask for Sandra Brakstad. For more information on what this covers call Nordis.

## CHUCKLES FOR THE DAY


Remember OLD folks are worth a fortune, with Silver in their hair, Gold in their teeth, Stones in their kidneys, Lead in their feet & Gas in their stomachs.

I have become a little older since I saw you last, & a few changes have come into my life. Frankly, I have become quite a frivolous old gal. I am seeing five gentlemen everyday. As soon as I wake up, Will Power helps me get out of bed. Then I go see John. Then Charlie Horse comes along, & when he is here he takes a lot of my time & attention. When he leaves, Arthur Ritis shows up & stays the rest of the day. He doesn't like to stay in one place too long, so he jumps from joint to joint. After such a busy day I'm really tired & glad to go to bed with Ben Gay.


**Mention Wetlands, Drainage or Permits  
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**KURT DETER**



**JOHN KOLB**



**GARY LEISTICO**

Landowners are becoming increasingly aware of the difficulties in dealing with wetlands, drainage and acquiring permits. The DNR, NRCS, Corps of Engineers, county and local governments all may have interests that must be addressed.

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### Straight Pipe Status thru 4/15/10

By Ron Swenson, Enforcement Supervisor

The Straight Pipe law (Minn. Stat. 115.55), which became effective August 1, 2006, is being used by 19 counties and 1 township to address 265 cases of straight pipe discharges to date. Straight pipes, for the purposes of this law, are defined as a sewage disposal system that transports raw or partially settled sewage directly to a lake, stream, drainage system, or ground surface.

The intent of the law is for counties and townships to put straight pipe owners on notice that they have 10 months to correct or eliminate their illegal straight pipe discharge. If the offending straight pipe owner fails to comply within the 10 month period, the case is referred to the MPCA for the collection of a \$500 per month penalty for each month past the 10 month period that the straight pipe remains in operation.

The number of cases referred for state enforcement since the effective date of the law now stands at 265 cases. The following breakdown shows the distribution of the 265 cases to date by category:

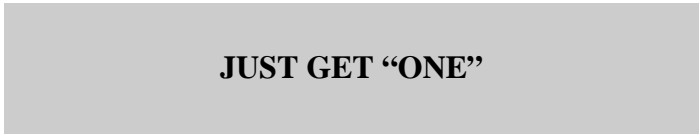
• 226 cases are in the No Further Action category because they qualify for one the following designations:

- 7 cases have been extended beyond the 10 month compliance date at the request of the county.
- 35 cases have been suspended at the request of the county
- 184 cases have been fixed or resolved to the satisfaction of the county.

• 37 cases are still within the 10 period, and are being tracked by MPCA. Upon expiration of the 10 month period, MPCA initiates enforcement action.

• Enforcement action is pending on 2 cases.

Continued top of page 13:



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**MPCA Enforcement – Second Half 2009** By Pat Shelito, MPCA Brainerd

During the period July 2009 - December 2009, MPCA enforcement staff finalized 10 enforcement actions on companies or individuals, referred to as Responsible Parties in the enforcement world. These enforcement cases totaled 12 % of all MPCA enforcement actions reported during this period. A listing of MPCA enforcement actions is found at the MPCA website <http://www.pca.state.mn.us/newscenter/enforcement.html>.

Nine Administrative Penalty Orders (APO) and one Stipulation Agreement were issued to the Responsible Parties. The MPCA issues APOs and Stipulation Agreements to resolve compliance problems and ISTS licensure issues. The severity of the enforcement action depends on several factors, including the number of violations, environmental impact of the violation, whether it is a repeat offense, and how quickly the problem is corrected. The penalty monies are deposited in the state government general fund.

The Responsible Parties cited in the second half of 2009 were B & B Drain Cleaning & Pumping, Inc. (Rice County), Matthew’s Drainage & Excavating, Robert Matthews ( McLeod County), Randy’s Pumping Service (Rock County), Corey Seppman Well Drilling Co. (Blue Earth County), Seifert Septic Service (Ottertail County), R & J (Todd County), Meyers Cozy Corner Campground, Inc. (Stearns County), American Septic Service (Pine County), Aaron Heyn (Blue Earth County), and James Smith (Jackson County).

**WHAT: MNLICA IS PLANNING A FIELD DAY**

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**2010 UPCOMING EVENTS**

MNLICA Web-site:[www.mnlica.org](http://www.mnlica.org)

<b>July 13-17</b>	<b>NLICA Summer Meeting</b>	<b>Peoria, IL.</b>
<b>July 23</b>	<b>MNLICA Board Meeting 6:00pm</b>	<b>Bakken's shop</b>
<b>August</b>	<b>Field Day; Bioreactor Installation</b>	
<b>September 17</b>	<b>MNLICA Board Meeting 8:30am</b>	<b>Montgomery</b>
<b>September 17</b>	<b>Golf Scholarship Best Ball—Noon</b>	<b>Montgomery</b>
		<b>Golf Course</b>
<b>Fall/Winter</b>	<b>Area &amp; Board Meetings</b>	<b>to be determined</b>
<b>2011</b>		
<b>January 16-19</b>	<b>MNLICA State Convention</b>	<b>Best Western</b>
		<b>North Mankato</b>



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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.*