

Oct 2019/  
Nov 2019

# MINNESOTA LICA NEWS

LAND IMPROVEMENT CONTRACTORS OF AMERICA • MINNESOTA CHAPTER

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## GREETINGS From Your PRESIDENT

### MNLICA President's Report

On July 9th-13th, the National LICA Convention was held in Vancouver, Washington. Sight-seeing at Mount St Helens and Mount Hood offered breathtaking views of creation that were worth the trip. LICA National Executive Director, Allison Haack led a helpful discussion for using the best social media tools along with doing a great job organizing the entire event.

Also, it was noted - new and existing members have made the comment that it was a 'mistake' not to join LICA sooner! They explained, the money saving discounts from associates, educational classes presented by MN-LICA, and personal benefits gained for building their businesses far exceeded the cost of membership!

In case you missed it, it was reported, in early September, shortly after the Supreme Court struck down the EPA's rule on mercury limits, 12 states filed a federal lawsuit against the EPA and the Army Corp. of Engineers to block the controversial Waters of the United States (WOTUS) rule. These rules would have greatly impacted land-owners, farmers and contractors.

The MNLICA Scholarship fundraiser - Clay Shoot and Golf Outing - was held at Sauk Centre, MN September 6th. It was well attended on a beautiful sunny day. Hats off to MNICA members, Brad and Amy Herickhoff for lining up the venues. It was great that our National LICA President, Nordis Estrem from Dennison, MN and our Regional VP, Chris Brauer from Missouri were both able to attend.

Something NEW this year at the MNLICA Winter Convention, January 15th, 16th & 17<sup>th</sup>, 2020 at the New Ulm, Best Western Plus. MNLICA is allowing -FREE- entry for non-member contractors to just the trade show. If they like what they see, MNLICA would encourage them to join to be able to attend the other educational classes, speakers, entertainment and lunch meetings. Pass the word and mark your calendars.

Also, get a -FREE- complimentary issue of the bi-monthly MNLICA newsletter sent to your favorite non-member contractors or associates, by sending their names and addresses to our Executive Directors, Kevin and Jeanie Bakken.

*Michael Lehmann - MNLICA President*

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## CLAY SHOOT



**1st Place—  
Bill  
McClafin**

**Tied for 2nd  
and 3rd  
Place—  
Bruce  
Mosier  
Christian  
Callahan**



## GOLF EVENT



**Golf Event—1st Place—Tom  
Moore, Adam Van Meeter-  
an, Nordis Estrem, Chris-  
tian Callahan**



**Golf Event—2nd Place—  
Mike Lehmann, Jacob  
Ukkelberg, Brad Herickhoff,  
Chris Brauer**



**Golf Event—3rd Place Bill  
McClafin, Jeff Bopp, Ross  
Ukkelberg, DeeAnn Larson**

## OTHER WINNERS AT THE BEST BALL GOLF EVENT

**Longest Drive in the Fairway Women—Nordis Estrem/National LICA President**

**Longest Drive in the Fairway Men—Jacob Ukkelberg/RossCo Equipment**

**Shortest Drive—Nordis Estrem/National LICA President**

**Closest to the Pin—Mark Machart/Ag Tech Drainage**

**Longest Putt Made—Jeff Bopp/United Rental Trench Safety**

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# SAVE THE DATE!

**MNLICA WINTER CONVENTION WILL BE HELD ON JANUARY 15TH, 16TH, 17TH, 2020 AT THE BEST WESTERN PLUS, NEW ULM, MINNESOTA  
SOME CLASSES THAT WE WILL BE HOLDING ARE:**

**THE 15TH IS THE SSTS CLASS WITH CONTINUING EDUCATION CREDITS**

## **CLASSES FOR THE 16TH AND 17TH:**

**MARIE LARSEN/ALLINA CLINICS—SUBSTANCE ABUSE—PANEL CONSISTING OF A MENTAL HEALTH PROVIDER, ANOTHER TREATMENT DIRECTOR FROM THE NEW ULM AREA, THE COUNTY ASSESSOR, MARIE LARSEN AND A DETOX DIRECTOR. THE FIVE OF US (IF ALL CAN ATTEND) WILL BE ABLE TO PROVIDE GREAT INFORMATION ON THE TRENDS CURRENTLY.**

**LYNELL VAN ASPEREN—QUICK BOOKS—REPORT SAMPLES, SCREEN SHOTS OF VARIOUS QUICKBOOKS WINDOWS, A WALK THROUGH OF THE VARIOUS SCREENS IN QUICKBOOKS, DISCUSSION ON REPORTS THAT WOULD BE OF INTEREST—I.E. MULTIPLE YEAR COMPARISON OF PROFIT & LOSS, GROSS PROFIT REPORT BY JOB, PAYROLL REPORTS.**

**DAVE BUSSE —MNDOT - OVERWIDTH, OVERWEIGHT—PERTINENT LAW CHANGES**

**NRCS—LEWIS BROCKETTE—WETLAND DETERMINATION DATES AND/OR ANY HOT BUTTONS THAT HE FEELS WOULD BE PERTINENT TO OUR MEMBERSHIP**

**WE ARE ALSO LOOKING AT A SESSION ON MN WAGE THEFT LAW—WHAT YOU NEED TO KNOW**

**WATCH OUR FACEBOOK PAGE FOR UPDATES.**

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## **EXECUTIVE DIRECTORS REPORT**

The summer meeting in Vancouver, Washington was a great event. Allison and Eileen did a great job of putting together tours and events for the summer meeting. The executive directors' meeting was interesting with Debbie Dickens from Missouri leading the meeting, replacing Patti McArdle. The decision was made that as many of the executive directors that can make it will hold a meeting in Lisle, Illinois on November 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup>, 2019.

We've been busy with the usual paperwork, paying bills, taking calls, planning the scholarship event, planning the convention. Working on membership, newsletter and miscellaneous items. Our membership stands at 154 as of this date. We have 13 past members that haven't renewed their membership, one of them stating that they won't be rejoining and two have closed their businesses.

The scholarship fundraiser-Sporting Clays and Golf was attended by associates and members (list is on cover), it would have been nice to see more of our members attend this event since it helps to fund our scholarship awards and as of this writing we are close to breaking even. Donations are always welcomed!

We have a great convention planned for this winter—January 15th, 16th and 17th, 2020. Please plan on attending—you can see what educational seminars are being planned— they are listed above.

*Kevin and Jeanie*

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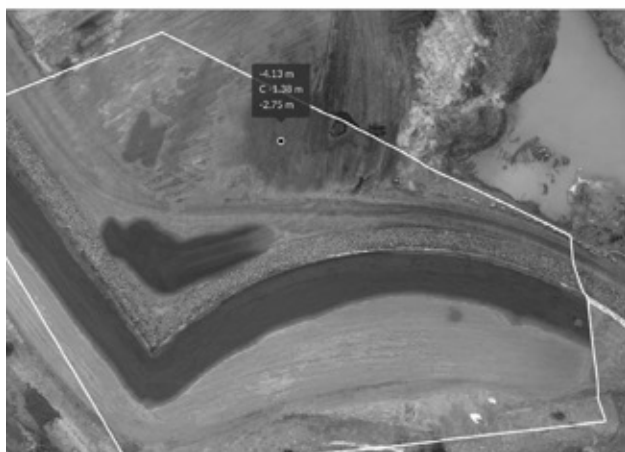
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## EPA, U.S. Army Repeal 2015 Rule Defining “Waters of the United States” Ending Regulatory Patchwork

09/12/2019

**WASHINGTON** (September 12, 2019) — At an event in Washington, D.C., U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler and Department of the Army Assistant Secretary of the Army for Civil Works R.D. James announced that the agencies are repealing a 2015 rule that impermissibly expanded the definition of “waters of the United States” (WOTUS) under the Clean Water Act. The agencies are also recodifying the longstanding and familiar regulatory text that existed prior to the 2015 Rule—ending a regulatory patchwork that required implementing two competing Clean Water Act regulations, which has created regulatory uncertainty across the United States.

“Today, EPA and the Department of the Army finalized a rule to repeal the previous administration’s overreach in the federal regulation of U.S. waters and recodify the longstanding and familiar regulatory text that previously existed,” **said EPA Administrator Andrew Wheeler**. “Today’s Step 1 action fulfills a key promise of President Trump and sets the stage for Step 2 – a new WOTUS definition that will provide greater regulatory certainty for farmers, landowners, home builders, and developers nationwide.”

“Today, Administrator Wheeler and I signed a final rule that repeals the 2015 Rule and restores the previous regulatory regime exactly how it existed prior to finalization of the 2015 Rule,” **said R.D. James, Assistant Secretary of the Army for Civil Works**. “Before this final rule, a patchwork of regulations existed across the country as a result of various judicial decisions enjoining the 2015 Rule. This final rule reestablishes national consistency across the country by returning all jurisdictions to the longstanding regulatory framework that existed prior to the 2015 Rule, which is more familiar to the agencies, States, Tribes, local governments, regulated entities, and the public while the agencies engage in a second rulemaking to revise the definition of ‘waters of the United States.’”

Today’s rule is the first step—Step 1—in a two-step rulemaking process to define the scope of “waters of the United States” that are regulated under the Clean Water Act. Step 1 provides regulatory certainty as to the definition of “waters of the United States” following years of litigation surrounding the 2015 Rule. The two federal district courts that have reviewed the merits of the 2015 Rule found that the rule suffered from certain errors and issued orders remanding the 2015 Rule back to the agencies. Multiple other federal district courts have preliminarily enjoined the 2015 Rule pending a decision on the merits of the rule. In this action, EPA and the Army jointly conclude that multiple substantive and procedural errors warrant a repeal of the 2015 Rule. For example, the 2015 Rule:

- Did not implement the legal limits on the scope of the agencies' authority under the Clean Water Act as intended by Congress and reflected in Supreme Court cases.
- Failed to adequately recognize, preserve, and protect the primary responsibilities and rights of states to manage their own land and water resources.
- Approached the limits of the agencies' constitutional and statutory authority absent a clear statement from Congress.
- Suffered from certain procedural errors and a lack of adequate record support as it relates to the 2015 Rule's distance-based limitations.

With this final repeal, the agencies will implement the pre-2015 regulations, which are currently in place in more than half of the states, informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice. The final rule takes effect 60 days after publication in the Federal Register.

In December 2018, EPA and the Army proposed a new definition—Step 2—that would clearly define where federal jurisdiction begins and ends in accordance with the Clean Water Act and Supreme Court precedent. In the proposal, the agencies provide a clear definition of the difference between federally regulated waterways and those waters that rightfully remain solely under state authority.

Additional information is available at: <http://www.epa.gov/wotus-rule>.

## **Background**

The final Step 1 rule follows President Trump's Executive Order 13778, "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." Section 1 of the Executive Order states that "[i]t is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution." The Executive Order also directs the EPA and the Department of the Army to review the 2015 Rule for consistency with the policy outlined in Section 1 of the order and to issue a proposed rule rescinding or revising the 2015 Rule as appropriate and consistent with law.





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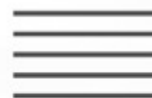
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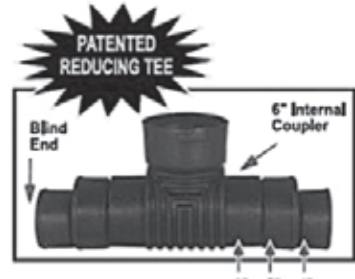
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# The Founders and national debt

'We must not let our rulers load us with perpetual debt'

By Cal Thomas

**T**he Founders of the United States of America warned against massive federal debt, but, to our detriment, their political descendants are not paying attention. The Founders speak to us from their graves to condemn and warn of the consequences now that President Trump and Congress have come to an agreement about lifting the meaningless "debt ceiling" and increasing already massive federal spending and the debt, which is at \$22 trillion and growing rapidly.

First to speak is Thomas Jefferson: "We must not let our rulers load us with perpetual debt."

Next is Alexander Hamilton:

"Nothing can more affect national prosperity than a constant and systematic attention to extinguish the present debt and to avoid as much as possible the incurring of any new debt." I'm not sure if that line made it into "Hamilton," the Broadway musical, but if it didn't, it should have to teach a new generation about fiscal responsibility.

Then we have this from George Washington:

"Avoid occasions of expense ... and avoid likewise the accumulation of debt not only by shunning occasions of expense but by vigorous exertions to discharge the debts, not throwing upon posterity the burden which we ourselves ought to bear."

If that's not enough, how about this from James Madison: "I go on the principle that a public debt is a public curse, and in a Republican Government a greater curse than any other."

John Adams said: "The consequences arising from the continual accumulation of public debts in other countries ought to admonish us to be careful to prevent their growth in our own."

Are you getting the picture?

One more and perhaps the most profound

of all comes from Benjamin Franklin: "When you run in debt; you give to another power over your liberty." Franklin is establishing a

Congress demonstrating no spending restraint, this is like removing speed limits and radar traps, hoping people will drive responsibly. Even in Washington's current hyper-partisan environment, Democrats will likely agree with a Republican president who allows them to spend more money, much of which must be borrowed from other countries.

The president and many Republicans in Congress argued that cutting taxes would stimulate economic growth. It has, but the spending never stops and that's why economic growth is never enough; neither are tax and spending increases proposed by most of the Democratic presidential candidates. If spending cannot be controlled, no amount of economic growth will reduce the debt.

In a 2017 article for the fiscally conservative *Forbes* magazine, budget expert Stan Collender wrote: "Let it be shouted from every mountaintop in the United States: Today's Republican Party is a federal budget deficit and national debt fraud."

Mr. Collender then invokes a definition of fraud and ties it to the GOP: "Intentional perversion of truth in order to induce another to part with something of value," and "a person who is not what he or she pretends to be."

As long as an entitlement mentality prevails and Republicans fear backlash from the media and Democrats should they try to cut even an increase in the rate of spending, much less substantive reforms and reductions, this spending spree will continue unabated with serious consequences to the future of the country. So it has been for other nations that have failed to live within their means.

Just ask the Founders.

Cal Thomas is a nationally syndicated columnist. His latest book is "What Works: Common Sense Solutions for a Stronger America" (Zondervan, 2014).



ILLUSTRATION BY LINAS GARSYS

direct connection between debt and liberty — the more debt, the less liberty. Is anyone in the present Congress and administration listening?

President Trump tried to put a gloss on the tentative agreement by saying it will strengthen the military and help veterans. In fact, it is little more than an invitation to unrestrained spending for the next two years. With



## Power Line Safety

*Avoid shock from above-ground and underground cables*

Each year, employees are hurt on the job because they fail to be cautious when digging near power lines. Electricity—whether above-ground or underground—is a powerful force, and using caution is the best way to avoid injury or death.

### Risky Activities

You are especially at risk of coming into contact with live cables underground when you are using hand tools, cutting into service ducts, trenching and using tools such as mechanical excavators, jackhammers or concrete saws.

### Safety Tips

Follow these safe digging practices to avoid the risk of electric shock or risk of damage to very expensive equipment that is difficult to repair:

- Always assume there are more buried cables present than have been located. In other words, dig with care even when you've used the One Call system to locate underground lines and cables.
- Do not use hand-held power tools and mechanical excavators close to underground cables.
- Before using a mechanical excavator in the vicinity of cables, dig trial holes using hand tools to verify the position and depth of buried cables.
- Always use insulated hand tools,

especially when digging near cables; however, note that even insulated hand tools that are covered in dirt or debris can become conductors of electricity.

- Wear the proper personal protective equipment (PPE)—including gloves—to give added protection against shock.
- Treat any cable you find as a live cable until proven otherwise.
- When cables are exposed while digging, take protective measures to ensure they do not become damaged during the course of your work. Achieve this by covering the exposure with items such as timber boarding or sand bags.

### Emergency Procedures

Talk with your employer or supervisor about the proper emergency procedures in case of accidental contact with live underground power lines.

Be safe and healthy on the job with these helpful tips provided by **Prins Insurance, Inc.**

If you have enough personnel on-site, consider assigning someone to the role of safety watcher, responsible for making sure nothing comes into unsafe contact with above-ground and underground power lines.

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

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## 2019 Board Member Meeting Attendance

<b>Area/Director</b>	Jan	March	June	Aug	Nov
Pres Mike Lehmann	P	P	P	P	
VP Steve Vis	P	P	A	P	
Tres Mark Olsen	P	P	P	A	
Chrmn Doug Breberg	P	P	P	P	
East Jay Engles	A	P	A	A	
East Dan Estrem	P	P	A	P	
East Mark Morreim	P	P	P	P	
East Karlen Nelson	P	P	P	P	
West Everett Garlish	P	P	P	P	
West Stu Frazeur	P	P	P	P	
West Brad Herickhoff	P	P	A	A	
West Mark Machart	P	A	P	P	
Retired Jim Walker	P	A	A	A	
Assc Shaun Mickelson	A	P	A	A	
Ex Dir Kevin Bakken	P	P	P	P	
Ex Dir Jeanie Bakken	P	P	P	P	

A = Absent P = Present C = Cancelled Meet

## Nordis Estrem/National LICA President as Grand Marshall at the Dennison Days Parade





# LICA Member Benefit

## Buy and Sell Equipment with the Inventory Management System

### The Starting Point For Everything

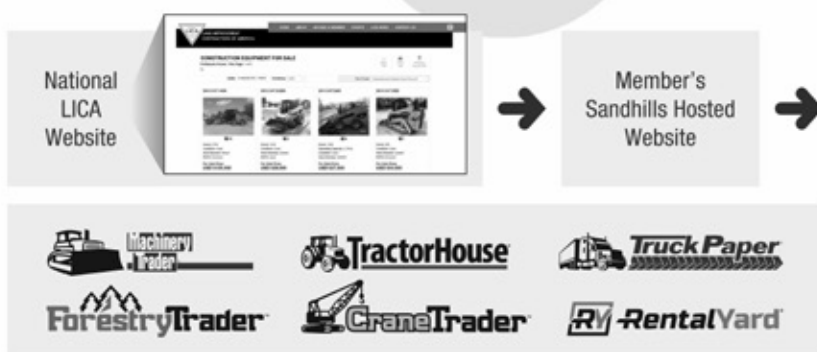
LICA Members can now buy and sell equipment on the National LICA website for FREE using the Inventory Management System from Sandhills Global. The Inventory Management System allows members to list any and all equipment with a description, photograph, price and contact information. It also allows members to advertise their equipment on Sandhills' websites like: Machinery Trader (for a fee, see 50% off First 2 months of a 4-month advertising program).

#### ADD INVENTORY

Members add inventory via Sandhills Cloud's Inventory Management application provided to LICA Members at no cost.



#### INVENTORY INSTANTLY TRANSFERRED TO . . .



*LICA Members work with Sandhills representatives for setup and training of Sandhills Cloud's Inventory Management application.*

Inventory Management users will also qualify for FleetEvaluator discounts.  **FleetEvaluator**



Contact a Machinery Trader representative for complete details. 1-800-247-4898 [www.MachineryTrader.com](http://www.MachineryTrader.com)





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## APPLE SQUARES

2 1/2 C Flour                      1 C Butter  
 2 Tbsps Sugar                  1/2 Tsp Salt  
 2 Eggs plus Milk Equal to 2/3 Cup

Use mixer and blend together; divide dough in half and roll out for bottom and top crust; put in bar pan the bottom crust; sprinkle *1 cup Rice Krispies* on top of bottom crust; peel, slice *6—8 cups apples* in bowl. Mix with *1 cup white sugar, 1/2 tsp cinnamon, 3 tbsps. flour.* Mix together put on top of Rice Krispies, then put the top crust on; sprinkle sugar & cinnamon on top or powdered sugar frosting. Bake at 350 degrees till done about 25 to 30 minutes.

## SAVE THE DATE Board Meeting

Will be held on

***Thursday,  
November 21st, 2019  
5:00 PM at  
Best Western Plus  
New Ulm, MN***

MNLICA WEB--[www.mnllica.org](http://www.mnllica.org)

Check out the MNLICA web-site:

Membership: Benefits: Applications: Directory &  
Map

Scholarship Application: Ladies Activities

Newsletter Archive: Contact Information

Calendar of Events: Legislative Issues: National LICA

Check out FaceBook: <https://www.facebook.com/MNLICA/>

## INTELLECTUALLY CHALLENGED IN THE NEIGHBORHOOD:

I live in a semi-rural area. We recently had a new neighbor call the local township administrative office to request the removal of the Deer Crossing sign on our road. The reason: too many deer were

being hit by cars and she didn't want them to cross there anymore.



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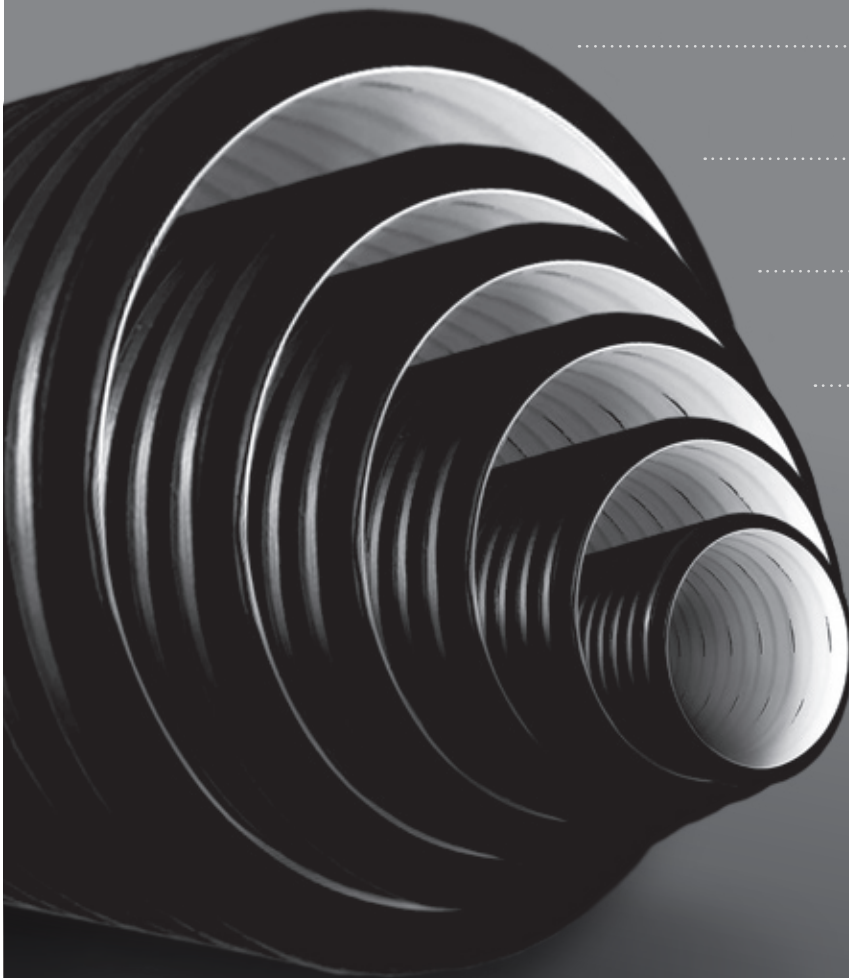
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Beaver Creek, MN 56116

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Nerstrand, MN 55053

**CHAIRMAN of the Board**

Doug Breberg  
Larson Tiling, Inc.  
548 Johnson Street  
Dawson, MN 56232

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**mnlica2@gmail.com**  
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**Kevin Cell: 612-328-2874**  
Fax: 507-645-1654

**NATIONAL LICA**

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Lisle, IL. 60532  
Phone: 630-548-1984  
Fax: 630-548-9189

**AREA STATE DIRECTORS****Jay Engles**

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**Mark Morreim**

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71610 263rd Street  
Albert Lea, MN

**Everett Garlisch**

Eiden Farm Drainage  
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**Brad Herickhoff**

Ag Tech Drainage, LLC  
40536 US Highway 71  
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**Retired:**

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Brothers, Inc.  
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**Associate:**

Shaun Mickelson  
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**East Directors:****Dan Estrem**

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Dennison, MN 55018

**Karlen Nelson**

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

**West Directors:****Stu Frazeur**

Stu Frazeur Tiling  
2776 200th Street  
Canby, MN. 56220

**Mark Machart**

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

**2019 UPCOMING EVENTS MNLICA**

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

**November 21st, 2019—Winter Board Meeting—Best Western,  
New Ulm, MN**

**January 15th, 2020—SSTS Class—New Ulm, MN**

**January 16th—17th, 2020—MNLICA Winter Convention—New  
Ulm, MN**

**February 13th, 2020—MSHA Class—Dennison, MN**

**March 7th, 8th, 9th, 2020—National Winter Convention—Las Ve-  
gas, NV**

**March 26th, 2020—MSHA Class—Courtland, MN**





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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.*