

Oct 2020/
Nov 2020

MINNESOTA LICA NEWS

LAND IMPROVEMENT CONTRACTORS OF AMERICA • MINNESOTA CHAPTER

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Our Scholarship event planned for September was postponed till next year due to COVID-19!

*Due to the postponement of this event donations
to the scholarship fund are greatly appreciated.*

Remember as a member of MNLICA
your children, grandchildren or
employees children are eligible to apply.

Deadline for applications is March 15th.
Please go to the MNLICA website
for the requirements and application.

www.MNLICA.org



GREETINGS From Your PRESIDENT

MNLICA President's Report

Greetings from SW Minnesota,

It's hard to believe another summer is coming to an end. What a strange year 2020 has been. I was traveling through a small town in South Dakota awhile back and saw a business sign say "Whoever is playing Jumanji needs to hurry up and finish!" I thought that was pretty clever. Fortunately most of our construction businesses could keep on working through the summer even as we watch other businesses in our community suffer some real financial setbacks due to the shutdown.

We had our fall MNLICA board meeting August 20th, in New Ulm. Our board meetings have been well attended and a special thanks to those who are on the board. You should be receiving your invoice for 2021 dues in the mail. There is much work being done planning for the MNLICA convention in JANUARY 2021. We are always looking for good suggestions for sessions and speakers. Please let a board member know if you have something to consider.

In closing I wish everyone a safe and productive fall. It can be a long grind to the end of the season. We also would like to remember Kevin and Jeanie Bakken in the passing of Jeanie's mother. Kevin and Jeanie are huge assets to MNLICA, let's keep them in our prayers. Don't forget to go to your polling place at some point in the day November 3rd!

Thanks,

Steve Vis- MNLICA President

**BOARD meeting
will be held on
THURSDAY,
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at the
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MNLICA Web-Site; www.mnllica.org
E-mail: mnllica2@gmail.com



MINE FATALITY – On July 29, 2020, a miner was injured when his arm became entangled in a stacker conveyor belt. The victim was airlifted to a trauma center where he passed away a week later.



Best Practices:

Turn off, lock out power sources and block against motion before removing or bypassing a guard or other safety device to clean, repair, perform maintenance or clear a blockage on a belt conveyor.

Never clean pulleys or idlers manually while belt conveyors are operating.

Avoid wearing loose-fitting clothing and keep tools, body parts and long hair away from moving belt conveyor components.

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Minnesota Chapter of Land Improvement comments concerning BWSR and CREP

From: Stu Frazeur

To: MNLICA Board of Directors

This was submitted to Tom Gile with BWSR today. The issue involves land enrolled in CREP. BWSR does not want to be responsible for maintenance for a drainage system, even if that system services land outside the easement. Further, BWSR should be replacing perforated mains with non-perforated when it services an area outside the CREP easement.

Thanks for the help on it Mark Morreim!

Stu Frazeur

----- Forwarded message -----

From: Stu Frazeur

Date: Fri, Sep 11, 2020 at 4:13 PM

Subject: Fwd: MN LICA comments concerning BWSR and CREP

To: <tom.gile@state.mn.us>

Tom, Thanks for keeping up on the DWG during this Covid season.

MnLICA has some reservations on absolving BWSR from any responsibility concerning tile repair and maintenance. Some of the major issues are:

Sometimes the practices involved in a CREP project cause issue at a later time. One example is when the required grass mix is not good for drainage tile. Switchgrass in particular has caused a number of issues for drainage systems. This is a case where the agency should replace perforated tile with non-perforated tile so that non-CREP lands will not be adversely impacted. This is especially important where a neighbor is involved. Water issues can cause hard feelings between farm operators, but will also reflect on the CREP program as well. As we try to encourage people to participate in conservation programs a plugged drainage system and drowned crops, and an agency that denies any culpability becomes problematic.

Secondly, it is erroneous to think that a plugged drainage system will not affect the crep project. As contractors we commonly see water surfacing from plugged drainage systems. Drowning occurs regardless of the type of crop, even grasses that are in place to provide erosion control, provide habitat or build soil health.

Drainage systems require maintenance, which too often is neglected in CREP land. When land is being actively farmed trees and shrubs are controlled, but there have been instances where trees and shrubs have been allowed to grow over drainage systems. We need some oversight on the CREP land to ensure maintenance is occurring. Mark Morreim has personally worked on systems where this was an issue. In those cases the upstream owner had to pay for 100 percent of the job, even though the systems were impacted by the CREP enrollment. BWSR should be ensuring that maintenance is occurring.

MnLICA encourages more discussion concerning this issue.

Stu Frazeur, Mark Morriem,

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EXECUTIVE DIRECTORS

REPORT

The summer LICA meeting in Niagara Falls, New York was cancelled, it has been rescheduled for next summer.

We have been busy with the usual paperwork, paying bills, taking calls, and planning the convention. Working on membership and associate dues renewal notice, newsletter, and miscellaneous items. Our 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 being shut 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).

The scholarship fundraiser-Sporting Clays and Golf has been postponed until next year. We placed a notice in the August/September newsletter and will be sending an email notification when it gets closer to the date asking for donations in its place. Donations are always welcome!

We have some great educational sessions planned for our convention which at this time is tentative. Examples of our educational sessions are: What can you / can't you do / say when hiring or firing an employee – Tami Murphy , American Society for Asset Protection: 1) Structure assets for lawsuit protection and prevention. 2) Minimize taxes. 3) Create successful estate and business succession plan. These are just a few of the sessions we are scheduling.

Kevin and Jeanie



MEET YOUR PRESIDENT!

In the Fall of 2010 Bruce Van Dyken and myself started working for my sister Glenda and her husband Harold Mellema. They

owned Mellema Drainage out of Reading, Minnesota. They had been in the tiling business for over 20 years at the time and started talking to us about buying them out as they were looking to retire. Things worked out that Bruce and I were able to purchase their business and all their tiling equipment in the spring of 2011. The timing was very good for starting out those first couple of years as we had more work than we were able to get done. There also has been a couple of slower years in there, In 2014 we added a side dump truck and we stayed pretty busy hauling for 3 or 4 local contractors in our area.

We are usually a 4 man crew with Bruce, my

son Kyle Vis, myself and one other employee. We updated to a Wolfe 540 tile plow this spring and that has sped up our operation considerably. We usually go out to the farmer's field ahead of getting there with the equipment to survey and lay out a tile plan. We drive the lines where tile is to be installed with a side by side and we can later put that information into the plow. We have been having Mike Lehmann with Air-Row Surveying do the design work for our bigger pattern tile type jobs. He emails us with the plan and the cuts for the mains and sub-mains then we survey the laterals with the UTV.

It has been a very rewarding profession. A lot of hard physical work and planning. I feel like we have earned a good reputation in our area. We do quite a few county and NRCS jobs. We install the tile and intakes in where terraces and waterways are to be built. We pride ourselves in doing a good job and a job that will work for the customer for many years. We have good relationship with our customers and many are repeat customers. We really appreciate the relationships we have with other MNLICA members. We have gained some good friends and they are at times a valuable resource if we happen to run into something we haven't seen before. Always enjoy having an excuse to give someone a call so we can catch up a bit.





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LOCATIONS

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Virginia, MN

Duluth, MN
Negaunee, MI

Des Moines, IA
Cedar Rapids, IA

Sioux City, IA
East Moline, IL

COMPLIANCE OVERVIEW



Identifying OSHA Recordable Incidents

The Occupational Safety and Health Act (OSH Act) generally requires covered employers to prepare and maintain records of occupational injuries and illnesses. The Occupational Safety and Health Administration (OSHA) is a part of the U.S. Department of Labor and is responsible for administering the recordkeeping system established by the OSH Act.

To comply with OSHA's recordkeeping rules, employers must first determine which incidents to record. In some cases, this can require a detailed analysis to assess whether an incident is work-related.

This Compliance Overview provides a sample workflow employers can use to determine whether an injury or illness is work-related and must be entered into the organization's OSHA records. Employers can also reference [published](#) OSHA guidance and frequently asked questions in their efforts to determine whether to record a specific incident.

LINKS AND RESOURCES

- [OSHA Injury and Illness Recordkeeping and Reporting Requirements website](#)
- [OSHA Forms – 300, 300A and 301](#)

Work-related injuries

An injury or illness is work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness.

Exempt Industries

- ☑ Employers in some industries are not required to keep OSHA injury and illness records.
- ☑ OSHA, the Bureau of Labor Statistics (BLS) or a state agency can overrule this exemption by notifying exempt establishments that they are required to create and maintain workplace injury and illness records.

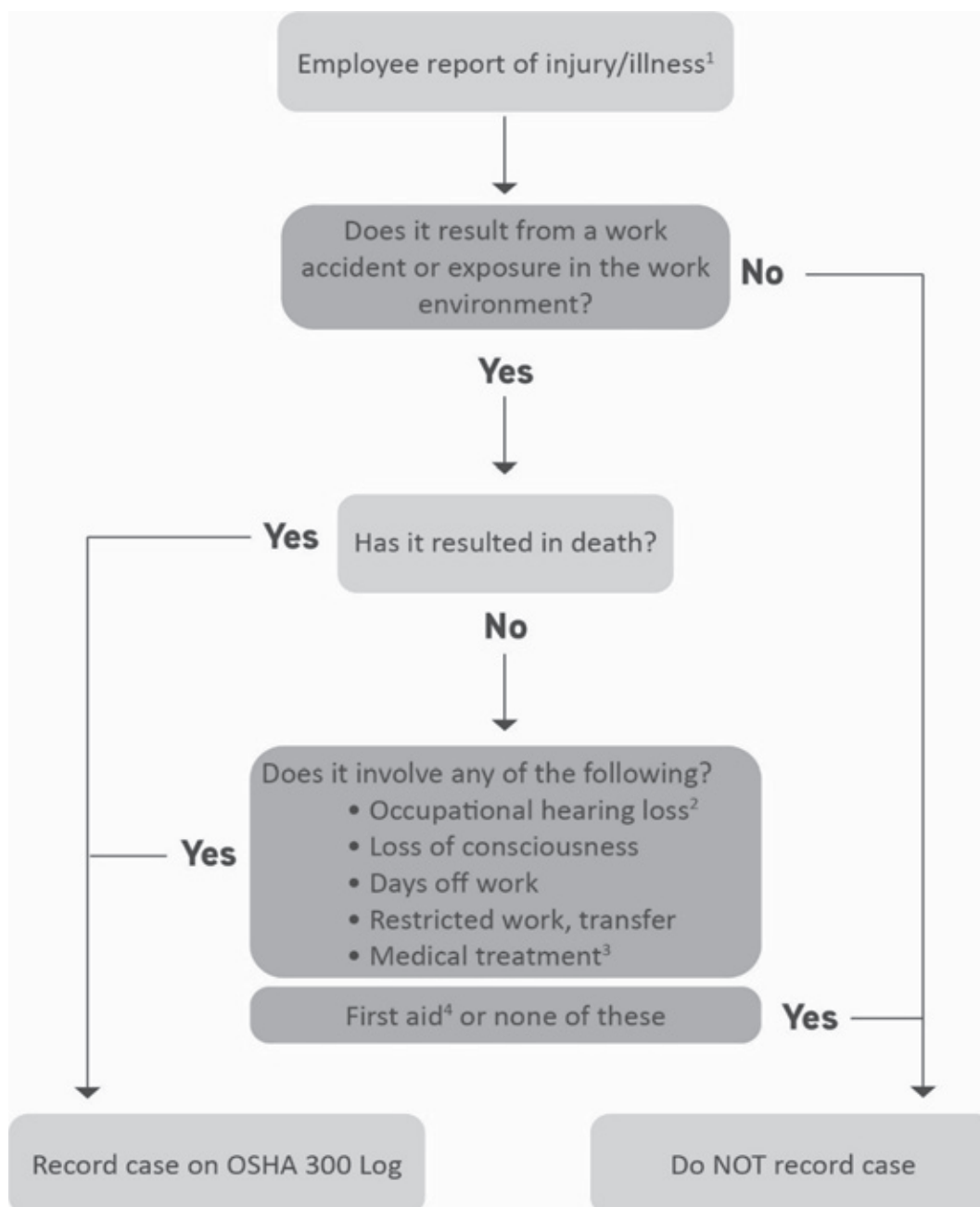
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COMPLIANCE OVERVIEW



OSHA 300 Recordability Flowchart



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COMPLIANCE OVERVIEW



Determining Work-Relatedness

Employers must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception applies.

Definitions

1. **Employee Report of Injury/Illness:** Injury or illness reported assumes the individual reporting the injury or illness is an employee of BAKKEN EXCAVATING, LLC. If the employee is a temporary employee from a temporary staffing agency, incidents are to be recorded in the 300 log; however, the temporary staffing agency would be responsible for reporting workers' compensation claims to the carrier.
2. **Occupational Hearing Loss:** Defined as:
 - A change in hearing threshold relative to the baseline audiogram as an average of 10 decibels (dB) or more in either ear at 2,000, 3,000 and 4,000 hertz.
 - Employee's total hearing level of 25 dB or more above audiometric zero in both ears at the same hertz levels.
3. **Medical Treatment:** The management and care of a patient to combat disease or disorder. It does not include:
 - Visits to practitioners for observation and/or evaluation only
 - Diagnostic procedures
 - First aid
4. **First Aid:** Defined by OSHA regulations (section 1904.7 (b)(5)). Treatments that are considered first aid include:
 - The use of nonprescription medication at nonprescription strength
 - Tetanus immunizations
 - Cleaning, flushing or soaking surface wounds
 - Use of wound coverings, butterfly bandages, Steri-Strips
 - Use of non-rigid means of support
 - Temporary immobilization devices used to transport victims
 - Drilling of fingernails or toenails or draining fluid from a blister
 - Hot or cold therapy
 - Eye patches
 - Removal of foreign bodies from eye using irrigation or cotton swab
 - Removal of splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
 - Finger guards
 - Massage therapy
 - Drinking fluids for relief of heat stress

Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS) or a state agency operating under the authority of OSHA or the BLS.

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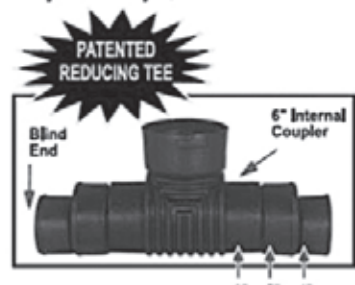
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 - ◆ National LICA Contractor Magazine
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 - ◆ Petrocon Portal
 - ◆ Petrocon Cat Replacement Parts Program
 - ◆ Petrocon Cooper Tire Program
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 - ◆ LICA Beef Benefit
 - ◆ LICA Portal
 - ◆ Telematics Benefit
 - ◆ LICA Benefits Platform
 - ◆ Cooper Tire Program
 - ◆ Petrocon
 - ◆ FleetFuelz
- ◆ Petrocon CAT Parts Replacement Program
 - ◆ MASA: Medical Transport Solutions
 - ◆ Piston & Piston Kits
 - ◆ C2C Business Succession
 - ◆ Benefit Mall
 - ◆ Clean Fire New Member Discount
 - ◆ Space Pen
- ◆ Bridgewell Health (not available in MN)
- ◆ Mack Truck Q3 Incentive Program

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2020 Board Member Meeting Attendance

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

A = Absent P = Present C = Cancelled Meet

Notice

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FOR A BOARD MEMBER
FROM THE WEST AREA.
IF INTERESTED,
PLEASE CONTACT
ONE OF THE CURRENT
BOARD MEMBERS OR
ONE OF THE
EXECUTIVE DIRECTORS.**

COMPLIANCE OVERVIEW



All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality within eight hours. They must also report to OSHA within 24 hours the in-hospitalization of at least one employee, an amputation or the loss of an eye (see § 1904.39). The partially exempt industry classifications are listed in the table below.

NAICS Code	Industry
4412	Other Motor Vehicle Dealers
4431	Electronics and Appliance Stores
4461	Health and Personal Care Stores
4471	Gasoline Stations
4481	Clothing Stores
4482	Shoe Stores
4483	Jewelry, Luggage and Leather Goods Stores
4511	Sporting Goods, Hobby and Musical Instrument Stores
4512	Book, Periodical and Music Stores
4531	Florists
4532	Office Supplies, Stationery and Gift Stores
4812	Nonscheduled Air Transportation
4861	Pipeline Transportation of Crude Oil
4862	Pipeline Transportation of Natural Gas
4869	Other Pipeline Transportation
4879	Scenic and Sightseeing Transportation, Other
4885	Freight Transportation Arrangement
5111	Newspaper, Periodical, Book and Directory Publishers
5112	Software Publishers
5121	Motion Picture and Video Industries

NAICS Code	Industry
5181	Internet Service Providers and Web Search Portals
5182	Data Processing, Hosting and Related Services
5191	Other Information Services
5211	Monetary Authorities - Central Bank
5221	Depository Credit Intermediation
5222	Nondepository Credit Intermediation
5223	Activities Related to Credit Intermediation
5231	Securities and Commodity Contracts Intermediation and Brokerage
5232	Securities and Commodity Exchanges
5239	Other Financial Investment Activities
5241	Insurance Carriers
5242	Agencies, Brokerages and Other Insurance-Related Activities
5251	Insurance and Employee Benefit Funds
5259	Other Investment Pools and Funds
5312	Offices of Real Estate Agents and Brokers
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
5411	Legal Services
5412	Accounting, Tax Preparation, Bookkeeping and Payroll Services
5413	Architectural, Engineering and Related Services
5414	Specialized Design Services

NAICS Code	Industry
5122	Sound Recording Industries
5151	Radio and Television Broadcasting
5172	Wireless Telecommunications Carriers (except Satellite)
5173	Telecommunications Resellers
5179	Other Telecommunications
5611	Office Administrative Services
5614	Business Support Services
5615	Travel Arrangement and Reservation Services
5616	Investigation and Security Services
6111	Elementary and Secondary Schools
6112	Junior Colleges
6113	Colleges, Universities and Professional Schools
6114	Business Schools and Computer and Management Training
6115	Technical and Trade Schools
6116	Other Schools and Instruction
6117	Educational Support Services
6211	Offices of Physicians
6212	Offices of Dentists
6213	Offices of Other Health Practitioners
6214	Outpatient Care Centers
6215	Medical and Diagnostic Laboratories

NAICS Code	Industry
5415	Computer Systems Design and Related Services
5416	Management, Scientific and Technical Consulting Services
5417	Scientific Research and Development Services
5418	Advertising and Related Services
5511	Management of Companies and Enterprises
6244	Child Day Care Services
7114	Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
7115	Independent Artists, Writers and Performers
7213	Rooming and Boarding Houses
7221	Full-Service Restaurants
7222	Limited-Service Eating Places
7224	Drinking Places (Alcoholic Beverages)
8112	Electronic and Precision Equipment Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
8121	Personal Care Services
8122	Death Care Services
8131	Religious Organizations
8132	Grantmaking and Giving Services
8133	Social Advocacy Organizations
8134	Civic and Social Organizations
8139	Business, Professional, Labor, Political and Similar Organizations



COMPLIANCE OVERVIEW

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.
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Redwood Falls, MN 56283

West Board Member Open**2020—2021 UPCOMING EVENTS MNLICA**

Web-site: www.mnlica.org

**December 3rd, 2020—Winter Board Meeting—Best Western Plus, New Ulm,
at 5:00 p.m.**

**January 13th, 14th and 15th, 2021—Winter Convention—Best Western Plus,
New Ulm, MN Tentative**

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

February 2nd, 2021– MSHA Class – Dennison, MN

February 2021 – Legislative Visit – St. Paul, MN

March 15th, 2021—Scholarship Applications Due

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



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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.*