



# MNLICA

# NEWS

## Land Improvement Contractors of America • Minnesota Chapter

Meet

### Schumacher Brothers Excavating, LLC

Red Wing, MN



Meet

### Flueger Construction, Inc.

Red Wing, MN



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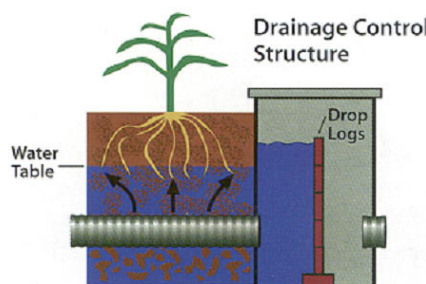
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## GREETINGS

From Your  
PRESIDENT

Greetings everyone. I'm hoping this newsletter finds everybody healthy, well, and busy with summer construction projects. This July heat has been something else. Nordis, Don Loken and I just got back from Peoria, Illinois where the LICA Summer National Convention was held. It was a very good convention with excellent attendance from contractors and associates. As you might know the world headquarters for Caterpillar is in east Peoria so caterpillar treated us like royalty while we were there. We toured the cat plant where they build D-8 thru D-11 crawler tractors and dozers. Talk about big iron, wow. Then we went on to see the parts warehouse and how that works. I'm not exactly sure, but I thought they said the parts building was 18.5 acres under roof. We seen research and development area's also, equipment demonstration's and we were allowed to test drive some of the equipment. Excellent meals, hoer derives, and an occasional cocktail were enjoyed by all. On Friday we were there again for the evening meal and operating demonstration. I was impressed by the size and speed of the dozers, loaders, scrapers, off road trucks, excavators etc. Once again we were wined and dined. The Convention meetings and classes were great and very educational. At the end of one touring day for supper. We went to a local contractors place for a septic demonstration and trade show. I was very impressed. LICA is a great organization, with some very professional contractors which I witnessed in Illinois. I'm beginning to believe we owe it to potential members to offer our membership to them. If you're not involved, get involved. You don't know what you're missing until you attend a LICA event. If you know contractors that are not in LICA let's sign them up. Nordis has been working hard on a field day educational workshop at U of M Waseca. This will be August 6 installing a bio reactor, please plan on attending this great event.

Thank you for your continuing support.

Respectfully submitted, your president  
Kevin Bakken, MnLICA.

**To access what is going on with legislative and other issues or meetings please go to the following:**

**MNLICA Web-site: [www.mnllica.org](http://www.mnllica.org) or e-mail**

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**MEET  
WISCONSIN PLASTIC DRAIN TILE  
CORPORATION  
Jefferson, WI.**



Wisconsin Plastic Drain Tile is a family owned and operated business. It was founded in 1972 by Gary A. Fish. To this day, he continues to be the Owner and President of Wisconsin Plastic Drain Tile. In 1972, he set up shop in a little town called Albion, WI. The company resided there until 1994. In 1994 we had outgrown our facility and moved to Jefferson, WI. This is the location where we currently manufacture drain tile for the commercial market, as well as the farm drainage industry. We produce drain tile ranging in size from 3" – 6", along with fittings in those sizes. Wisconsin Plastic Drain Tile also carries a full inventory of single wall tubing in sizes up to 18" and dual wall/smooth wall tubing in sizes up to 48".

In 2009, we again felt the need to expand our shipping capabilities. In October, we opened an inventory distribution yard just outside of Jesup, IA. We currently maintain a large inventory of 4", 5" and 6" drain tile at that location. We have employees there that are able to deliver truckloads to meet the needs of our customers.

We maintain a fleet of seven (7) tractors and eleven (11) trailers. We continue to add trucks and trailers to our fleet in order to accommodate the continuing demand of our customers for quick and timely deliveries.

If there is anything that we could do for you or answer any questions, please do not hesitate to contact our sales staff at 800-362-6642 or locate us on the web at [www.draintile.com](http://www.draintile.com). We plan to be at the State Convention in January, please stop by the booth and see the ladies in pink.

Gary A. Fish

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**Meet the Schumacher Brothers, LLC**

Andy & Jason Schumacher  
Red Wing, MN.

Andy & Jason Schumacher started their business in 2008 & joined MNLICA in 2009. Welcome!!

The brothers have two John Deere Dozers, a 650 & 750; 160 John Deere Excavator, 161 Kabota Excavator, a Pull-type Scraper, two Mack Dump Trucks & two Skid Steers.

They do mostly ag-related work. Other types of work they do are commercial, basements & some hauling with the dump trucks.

Andy worked for Fitzgerald Excavating from Goodhue for five years previous to the start up of the brothers company. Jason worked for Gadi-ent out of Red Wing for fifteen years, building houses. The brothers also run about five-hundred acres of farm-land; growing hay, corn & beans. This keeps them busy spring thru fall.

When time allows, Andy likes to ride his Harley Davidson motorcycle anywhere. And Jason & wife Jenny of fifteen years tend to go to McGregor to the cabin on the lake along with their three children. They have two boys, Tyler (13), Lucas (8) and one daughter, Eryn (7). Jenny works at the Goodhue School as a Paraprofessional.



**Meet Flueger Construction**

Barney & Kevin Flueger  
Red Wing, MN.

John Flueger, father to Barney & Kevin started the construction business in 1949 in Red Wing, MN. John built dams & did mostly conservation work with a Cle-Track Dozer. John had up to eight men working during those years.

Barney started working for John in the early 60's while in High School. His brother Kevin, started in the early 70's while he was still in High School. Barney & Kevin purchased the company from John in 1998. They have been members of MNLICA since 1998 also.

Flueger Construction has five employees currently & has had up to thirteen employees in the past. This mainly depends on the economy in the Red Wing area. The brothers still do conservation work along with site preparation, basements, land clearing, commercial site work & maintenance for two townships.

Barney has been married to Mary for 43years. Mary works at Red Wing Publishing Co. They live by Haycreek Valley, rural Red Wing. They have three daughters & one son. Valerie ( getting married to Leo Veras this summer), she works as a movie producer & he produces commercials in California; Heather works for the MN. State Health Department as an Inspector & lives in the Twin Cities; Alicia works doing Contracts for the Federal Government & is married to Tyler Lenum who is an Over the Road Truck Driver based out of Hager City, WI. Ryan works for Center Point Gas & Electric Co. & lives in the Twin Cities.

Barney & Mary like to golf, boat on the Mississippi, garden & do family things when time allows.

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## Card Check Update

**John Peterson, LICA Director of Government Relations.**

14 JUN 10/jwp

Since LICA has taken a position opposing the union supported ill-named Employee Free Choice Act or Card Check legislation, I thought a bit of an update on its status might be in order. With the primary elections conducted in many states last week, I'm sure you have been reading predictions in your local papers. I was particularly interested in one primary and how it might tell us something about card check. That was the senatorial primary in Arkansas where incumbent Senator Blanche Lincoln (D-AR) was opposed by AR Lt. Gov. Bill Halter.

I would admit to some bias here. Sen. Lincoln really helped me when I was trying to get the Small Watershed Rehabilitation Act (PL 106-472) passed. She and Sen. Paul Coverdell (R-GA) were my principal champions in the Senate. When Sen. Coverdell passed away unexpectedly in 2000, Sen. Lincoln picked up the ball and ran with it, helping secure passage.

Lincoln opposed card check. Halter favored it. So "big labor" or the unions decided to make Lincoln an example, and they poured an estimated \$10 million into Arkansas in Halter's behalf. They did force a runoff, but when the smoke cleared, Lincoln won fairly comfortably. An exasperated official in the White House told Politico's Ben Smith, "Organized labor just flushed \$10 million of their member's money down the toilet on a pointless exercise (1)."

Since some House members seem more easily intimidated by union threats and campaign money, and card check has twice passed the House. But thanks to opposition by Members from both political parties, it has not won in the Senate. Passing card check is still labor's no. 1 legislative priority.

For the unions, their desperation is a function of two realities. First, only 7% of all private sector employees are union members. Fewer members mean less dues revenue, which in turn reduces how much cash they have to give to politicians. Second, labor finances are in bad shape. The Service Employees International Union (SEIU) as an example, owes \$156 million, including \$94 million of the Bank of America and other lenders they tapped to help finance their 2008 political contributions.

Card check, which union leaders think would enable them to recruit new members, is critically important to union's future. Unions have spent \$400 million since 2006 seeking to ensure that card check becomes law. The American Federation of State, County and Municipal Employees Gerald McEntee said his union would spend another \$50 million in 2010 trying to protect congressional incumbents who supported their cause.

This bad idea is not going away. We must remain watchful and be prepared to communicate our views at critical times.

Reference:

1. The Examiner, newspaper, June 10, 2010, p2.

## RE: Mediation on Design Guidance

The University of Minnesota's (UMN) Onsite Sewage Treatment Program (OSTP) is a multi-disciplinary education, outreach, and research program that has been providing information and technical assistance to industry professionals and the general public since 1974. OSTP believes Design Guidance (DG) for MSTs with flows over 5,000 gpd is not only necessary, but feasible. There are several issues we would like to highlight:

1. MSTs are currently permitted by local governmental units (LGU) including counties, cities and townships. In order to assure protection of public health and the environment, DG is needed so LGUs know how to review and permit the design, installation, and operational and performance requirements of the systems. Therefore, if the MPCA is unable to develop the DG for these systems, the MPCA should consider reviewing, permitting and monitoring these systems with a state permit.
2. UMN OSTP contends that further development of DG in areas of nitrogen and phosphorus assessment, groundwater mounding, and nitrogen treatment is attainable. Although the science around these issues is theoretically understood, its application to soil-based wastewater treatment systems has not been widely researched. However, OSTP believes conservative DG can be developed based on the best-available information and further refined through a data feedback mechanism.
3. OSTP asserts that within our program at the UMN, along with our national partners, that we have the technical capacity, to develop DG for the remaining issues that have yet to be reconciled (see attached memo and letter of support from the University of Arizona).
4. A broad group of stakeholders should be contacted for input into this issue, as many will be affected by the outcome(s) of the mediation. The 2007 Licensing Task Force (recently solicited to provide their response to mediation - emailed on 02/05/2010) is dominated by board licensed professionals. The group does not represent all stakeholders nor does it provide for equal representation among affected parties.



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**EPA rule on light-duty vehicle emissions.****John Peterson, LICA Director of Government Relations.** 21 MAY 2010/jwp

While Congress wrestles yet again with climate change legislation promoted as an energy bill, the Environmental Protection Agency (EPA) is charging ahead with awful regulations designed to punish key sectors of our struggling economy while yielding little or nothing in the way of actual environmental improvement. This week EPA published a rule on light-duty vehicle emissions, so the regulations are truly underway. This has the possibility of affecting many LICA members.

The stringent EPA regulations now being enacted were supposed to have been proposed to force Congress to choose cap-and-trade or tax legislation as an alternative to these regulations. That legislation has stalled in Congress. The EPA regulations have not.

Legal challenges abound. In addition to the Southeastern Legal Foundation's administrative legal challenge and actions with the U.S. Court of Appeals for the District of Columbia, dozens of organizations representing industry, consumers, and elected officials have challenged the flawed scientific and legal basis for enacting the regulations. Fifteen states that will bear a huge burden under the new regulations have gone to court to stop the EPA. I am pleased that my Commonwealth of VA is one of them. VA, TX, FL, AL and others have argued that carbon dioxide – the greenhouse gas under scrutiny – has not been proven to harm human health under the clean air act. These states are actually subjecting the global warming consensus to scrutiny that it cannot withstand. While smearing those who have the audacity to question their edicts, the International Panel on Climate Change (IPCC) and the EPA have been caught red-handed basing their conclusions on "science" that on key issues was shoddy at best and fraudulent at worst.

The issue is carbon dioxide, the gas we breathe out and plant life breathes in, a trace gas comprising only 388 parts out of every million in the atmosphere. While we should be having a scientific debate resulting in sound public policy, what we really have is a political struggle with a scientific component.

Why the rush to enact trillion-dollar regulations? Why the determined exclusion of critical evidence demonstrating that the rules are based on flawed science? To force Congress and/or the EPA to act quickly before the public can catch on and influence things.

Here are the states taking sides in the fight over EPA regulations:

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Do any of you remember the story of the emperors new cloak? That cloak is something to see!

SOURCE: Goessling, Shannon L. Executive Director and Chief Legal Counsel, Southeastern Legal Foundation, *Carbon Footprint: States divide over new EPA rules*, Commentary, Washington Times, Friday, May 21, 2010, page B1.

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## SSTS Code Amendments – Next Steps

By Carol Nankivel, MPCA

The MPCA has proposed some additional amendments to the SSTS rules. Although at first glance it can look like there are many changes being proposed, the actual effect of the amendments can be divided into four categories – amendments based on new laws, grammar and citation corrections, small technical changes and a few significant corrections and clarifications. The MPCA's proposed amendments to the Subsurface Sewage Treatment System (SSTS) rules have been published in the *State Register* and have been open for public comment since June 21, 2010. You can find the proposed changes in the June 21, 2010, *State Register* [http://www.comm.media.state.mn.us/bookstore/stateregister/34\\_51.pdf](http://www.comm.media.state.mn.us/bookstore/stateregister/34_51.pdf).

The changes are being made to the state SSTS rules that were adopted back in February, 2008. The Spring 2010 issue of the MPCA SSTS newsletter, the SSTS REPORT, which was recently sent to all licensed SSTS businesses and local government programs, provided information on how to participate in this rulemaking process. (If you missed it and would like to read this article, it is available at the MPCA's SSTS website at <http://www.pca.state.mn.us/water/wastewater/ssts/> and click on "SSTS Reports, Legislation, Research and Enforcement Action" in the menu on the left under "In this Section".)

The "Dual Notice" that was published in the State Register along with the proposed rules, described the process for commenting on the rules and provided two possible routes for the rulemaking. People were invited to either make their comments in writing or they can ask the MPCA to have a hearing so that they can present their comments in person. In either case, an independent Administrative Law Judge (ALJ) will be involved to review the comments and decide on the reasonableness of the MPCA's responses to the comments. The MPCA has made advance arrangements for hearings, which, if hearings are required, will be held on August 2 and 3, 2010. If you are interested in knowing whether there will be hearings, and the details of hearing times and locations, you can check the rulemaking website after the close of the comment period on July 21, 2010 at <http://www.pca.state.mn.us/water/wastewater/ssts/> or contact Carol Nankivel at the number or addresses below. You may also view the proposed rules, the Dual Notice and the MPCA's Statement of Need and Reasonableness at that website.

Please note: comments and requests for a hearing *must* be in writing (either faxed, e-mailed or mailed) and received by 4:30 on July 21, 2010. After the close of the comment period there are still many more steps to complete the rulemaking. These final steps, which will vary depending on whether or not hearings are held, may include an extended comment period, a review period by the ALJ, adoption by the MPCA Board and two more points of review by the Governor's Office. These steps will take several more months to complete and the MPCA does not expect the amendments to be finalized until early 2011.

For more information, please contact Carol Nankivel at [ssts.pca@state.mn.us](mailto:ssts.pca@state.mn.us)

or at MPCA, 520 Lafayette Road, St. Paul, Mn. 55115-4194; phone (651/757-2597); fax 651/297-8676.

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<b>Bemidji:</b>	Scott Pearson
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<b>Moorhead:</b>	Nathan Mahlik

### THE POTTY

A three year old boy is sitting on the toilet. His mother thinks he has been in there for too long, so she goes in to see what's up. The boy is reading a book. But every 10 seconds or so he puts the book down, grips onto the toilet seat with his left hand and hits himself on top of his head with the right hand. His mother says, "Billy, are you all right? You've been in here for quite a long time". Billy says, "I'm fine mommy; I just haven't gone doo-doo yet." Mommy says, "Ok, you can stay a bit longer. But, Billy why are you hitting yourself on the head"? Billy says, "Works for the ketchup doesn't it"!

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## DIRECTORS REPORT

Hope this finds all of you in the field and busy! 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 on August 6th, please try to attend. It will involve hands on "Bioreactor Installation". 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 for employers & employees.

MNLICA is changing the State Convention location for 2011, due to the Owatonna site was getting too 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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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 at 507-789-5725 or cell 507-649-1771.

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### Tropical Grilled Pork Chops

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| 1-clove garlic                    | 1/2 cup sugar                   |
| 1-1/2 cups unsweetened applesauce |                                 |
| 1 tsp. chili powder               | 3 pineapple rings-chopped       |
| 1 mango: peeled, seeded & chopped |                                 |
| 1/4 tsp. cayenne pepper           | 1 pinch white pepper            |
| 1/4 tsp. salt                     | 1 pod cardamom seeds            |
| 1/3 cup soy sauce                 | 1/2 tsp. cilantro               |
| 1/2 cup water (or as needed)      | 1/3 cup wine vinegar            |
| 1 tsp. vegetable oil              | 2 tsp. lemon juice              |
| 1/4 cup rice wine vinegar         | 1 fresh jalapeno pepper, minced |
| 6 pork chops;                     |                                 |

With a mortar & pestle, mash together the garlic, chili powder, cayenne, & cardamom seeds. Stir in spice paste & cook until it begins to bubble, about 30 seconds. Stir in vinegar & cook without boiling for 2 minutes. Stir in sugar until it dissolves. Mix in mango, salt, cilantro, lemon juice & jalapeno, simmer for 20 minutes. Stir in applesauce & pineapple, simmer 10 minutes. Season with white pepper. Place in a bowl, cover & refrigerate until ready to use. To prepare marinade, mix 2/3 cup of the salsa with soy sauce & 1/3 cup vinegar. Place pork chops in a large plastic bag & pour marinade over chops, place in refrigerator for 1 hour. Prepare grill on med-heat. Drain marinade from bag, & heat in saucepan until boiling. Lightly oil grill plate. Place chops on grill for 10 minutes turning once and basting with boiled marinade. Serve chops with remaining warm salsa mixture.

### Highlights of the Peoria, IL Convention

President, Kevin Bakken, Don Loken & Nordis Estrem attended the convention from July 13-16th. We attended meetings; trainings & had some fun at Caterpillar's demonstration grounds; plus met old friends and made new ones!



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## Small Businesses Eligible for Health insurance tax credit

Small businesses can now apply for tax credits on money spent this year on health insurance for employees.

The credit is one of the first health care reform provisions to go into effect. The credit, which takes effect this year, is designed to encourage small employers to offer health insurance coverage for the first time or maintain coverage they already have.

We want to make sure small employers across the nation realize that—effective this year—they may be eligible for a valuable new tax credit, says IRS Commissioner Doug Shulman. We urge every small employer to take advantage of this credit if they qualify.

In general, the credit is available to small employers who pay at least half the cost of single coverage for their employees in 2010. It's specifically targeted to help small businesses & tax-exempt organizations that primarily employ low-to-moderate income workers.

For tax years 2010 to 2013, the maximum credit is 35% of premiums paid by eligible small business employers & 25% of premiums paid by eligible employers that are tax-exempt or organizations. The maximum credit goes to the smaller employers—those with 10 or fewer full-time employees, paying an annual average wage of \$25,000.00 or less. Because the eligibility rules are based in part on the number of full-time employees, businesses that use part-time help may qualify even if they employ more than 25 individuals. The credit is completely phased out for employers with 25 full-time employees or more or pay average of \$50,000.00 per year income.

Eligible businesses can claim the credit as part of the general business credit starting with the 2010 income tax return they file in 2011.

For more information, visit [www.irs.gov](http://www.irs.gov).

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

**WHY: NEW TECHNOLOGY IS OUT THERE ON BIOREACTOR INSTALLATION**

**WHERE: WALDORF, MN**

**WHEN: AUGUST 6, 8:00 AM**

Sponsored by: MNLICA; ADMC; U of M Waseca

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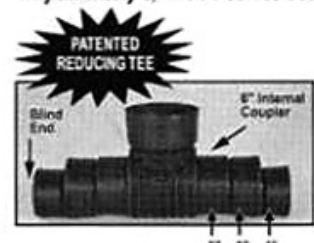
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**2010 UPCOMING EVENTS**MNLICA Web-site:[www.mnlica.org](http://www.mnlica.org)

<b>August 6</b>	<b>Field Day; Bioreactor Installation</b>	<b>Waseca, MN</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>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>
<b>March 8-10</b>	<b>OSHA,MSHA, 1ST AID; CPR</b>	<b>Red Wing, Dennison,</b>
		<b>Worthington</b>
<b>March 20-21</b>	<b>National LICA Convention</b>	<b>Las Vegas</b>
<b>July 11-16</b>	<b>National LICA Summer Mtg.</b>	<b>Kahler Grand, Rochester</b>



**MNLICA**

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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.*