

UNOFFICIAL MINUTES – SUBJECT TO CORRECTIONS
LYON COUNTY BOARD OF COMMISSIONERS
LYON COUNTY GOVERNMENT CENTER, MARSHALL, MN
February 3, 2009

9:00 a.m. - Meeting called to order by Chairman Stensrud. Members present: Fenske, Ritter, Goodenow, Nelson, Stensrud, County Administrator Stomberg, County Attorney Maes, Auditor / Treasurer VanOverbeke.

Pledge of Allegiance to the Flag

Stomberg – After the jail update if we could add Kanwar to consider agreement number 93968 for maintenance and electrical energy for highway lighting and agreement number 93970 for maintenance and electrical energy for highway lighting. Add Paula VanOverbeke after Paul Henriksen's time. Right after our break if we can add Tammy VanOverbeke and she will be talking about a grant. At the AFSCME closing time maybe we could just delete that. Ritter moved, seconded by Nelson to approve the agenda. All voted in favor.

	Per Diems	Expenses
Fenske	\$100	\$51.15
Nelson	\$200	\$198
Goodenow	\$250	\$36.30
Ritter	\$50	\$2.20

Consent Agenda:

1. Approve Minutes from January 20, 2008
2. Approve Commissioner Warrants 115198 – 115277 in the amount of \$85,775.07 dated 2/4/09.
3. Approve Auditor Warrants 115093 – 115113 in the amount of \$621,262.28 dated 1/21/09, 115114 – 115132 in the amount of \$24,263.25 dated 1/22/09, 115133 – 115176 in the amount \$216,261.69 dated 1/23/2009, 115177 – 115197 in the amount \$67,199.16 dated 1/29/09.
4. Approve Per Diems & Expenses

Fenske moved, seconded by Nelson to approve the consent agenda. All voted in favor.

Accept resignation of Elizabeth Collins

Marks – This was effective on January 23, 2009. Goodenow moved, seconded by Ritter to accept the resignation of Elizabeth Collins. All voted in favor.

Authorize hiring 3 Correctional Officers

Marks – The Correctional Officers are Jonathan Krogman, Robert Lund III and Gregory McDowell. The starting date would be February 17th, 2009. Nelson moved, seconded by Goodenow to hire Jonathon Krogman, Robert Lund III, and Gregory McDowell as Correctional Officers with a starting date of February 17, 2009 and a starting wage of \$13.81 per hour. Fenske – This goes with our plan for bringing on additional correctional officers? Marks – Yes. We are nearly complete barring any resignations or retirements. We will have two additional after this. Fenske – Why did you need to bring these on right away? Marks – We are down. All voted in favor.

Fair Board Update

Pat Verly reviewed budget. We had a good fair this last year. We put in for county aid what we traditionally have been getting the \$12,500. Do you have any questions or comments? Nelson – I have been the liaison on the Fair Board and when it comes to doing the budget there are so many unknowns it is best guess. Verly – The fair this year is August 5th through 8th. It starts on Wednesday and ends Saturday night this year. Stensrud – I see your grand stands brought in \$36,000 last year. How does that relate to your expenses? Discussion. Nelson – Our economy is not that good. I wonder how we are going to turn out because a great deal of these things is sponsorships. Ritter – On the revenue side the line item for the Battle of the Bands is their income for the Battle of the Bands for 2008? Verly – No there was not. That was pretty much put on to get people to come to the fair. Fenske – So there was no expense involved? Verly – No not really.

Jail Update

Splett – The last couple of weeks there has been quite a change in there. The female pod the cells are complete. The work release cell front is done and the southeast cell front is done. Bisbee is in there doing their duct work. Stensrud – Is it on schedule? Splett – Yes. Fillippi – Budget wise I just want to give you an update. We have a balance of \$191,000 in the contingency fund. We do have some bills that are going to come through. Stomberg – Any trouble getting materials? Fillippi – No for the most part. Fenske – In the general conditions you spent \$176,000 does that include heating it? Fillippi – Yes it is the day to day operations. Stomberg – Are we still looking at July to open up the new pod? Discussion. Stensrud – So August is your target for the transition time? Fillippi – Yes.

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Agreement Number 93968

Kanwar – MnDOT will be installing a street light and we will be paying and maintaining the energy costs. Fenske – When they get started on putting in the other lane on 23 will there be some changes? Kanwar – Yes this is part of it. Fenske – Is MNDOT pretty set on 23 and 33 the intersection? Kanwar – So far. Nelson moved, seconded by Ritter to approve a resolution authorizing the County Board Chairman and County Administrator to sign Agreement number 93968. All voted in favor. (Resolution 05-09 on file at the County Administrator's Office). Goodenow – This is part of the reconstruction on highway 23 so they won't be out there until the end of the summer or next year.

Agreement Number 93970

Fenske moved, seconded by Goodenow to approve a resolution authorizing the County Board Chairman and County Administrator to sign Agreement number 93970. All voted in favor. (Resolution 06-09 on file at the County Administrator's Office). Ritter – What is the monthly cost of running those lights? Kanwar – I don't know but I can get you that. Nelson – Benson was working on getting a light on 59 and 6 do you know anything about that? Kanwar – I will check that.

Cart Recycling

Henriksen – They were looking at doing a cart recycling twice a month for \$21,700 per month. Ritter – That is net cost? Henriksen – Yes. A flat rate of \$21,700. We need to get about 7,100 carts and that would include Minnesota. Stensrud – And you are going with the used ones? Henriksen – Yes. The only problem we are running into now is Waste Management can't get all we need right now. Discussion. Nelson – How do you determine whether they want a 64 or 32? Henriksen – I have been thinking about that and I was thinking give them one and they can change if they want. Waste Management – Yes that is included in your 40 changes if they want a change in size. Maes – What is all included in those 40 trips? Ritter – Maes did you look at it? Maes – Yes I did. I think number 4 on page 2 and number 7. Just to clarify those things. Stensrud – My only thought would be on used carts, how much is the life shortened up on them? Stomberg – I was at the meeting when we negotiated the terms the performance clause language in lieu of a straight 90 day out clause. I don't think we have had other contracts with a performance based out clause. I am wondering about the mechanics of it? I don't know if that is something we have now. Fenske – I think their reasoning is they are going to make a big investment here because they are getting a new truck. Ritter – I thought the extra one year on the contract was part of that. Fenske – Yes, and that is another good point we are extending the contract. Ritter – If it is a desire of this Board to go forward with this I would like to leave it like the original with just the 90 day out clause. Waste Management – Our biggest concern is with purchasing the equipment. We put a price guarantee in place. Stensrud – Ritter has a good point that we wouldn't want to get tied in for 90 days. I see no reason why we would want to get out of it if the service is good. Goodenow – Would instead of 90 days would it work to switch to a 6 month? In four years technology could change again. Maes – I would suggest any changes I would send it back to them to come back. Fenske – What we are doing is proposing the following amendments. 1, 2 and 4 is as stated and we are changing 3 and the amendment is the out 180 days instead of 90 days. I think we can cross out item 3 and put in an amendment. It is consensus on changing the 90 days to 180 days and what we have negotiated. Ritter – To clarify with Henriksen I had talked about additional costs for assessments? There will be no need to get additional dollars from the residents? Henriksen – No. Goodenow – What about apartments? Waste Management – A lot of the apartment buildings we have provided them at no cost. About 85% of the apartments in Marshall are doing some type of recycling. Goodenow – They are paying the assessment. Kanwar – How much is the saving getting used ones? Henriksen – The cost would be about \$230,000 to buy used and \$300,000 for all new. Fenske – And the new ones we would have to assemble.

Henriksen – Things are running pretty smoothly at the landfill. Stensrud – Are we due for some updates on the gasification? Henriksen – They are both supposed to be done this month.

LEC Final Payment

VanOverbeke - We are going to be receiving about \$144,000 for an LEC payment that we paid off. Stomberg – We paid off the old debt before the city had to pay anything so we will take the city payment and put it into the building fund. Nelson- Is this their final payment? Stomberg – Yes. Goodenow moved, seconded by Fenske that when the final payment comes on the LEC from the City of Marshall that it be designated to go into the capital building fund. All voted in favor.

10:08 Meeting Recessed

10:20 Meeting Called Back to Order

Regional Radio Board

Tammy VanOverbeke – That will be divided amongst the 15 counties. There is a 20% local match on this grant. It breaks down into management and administration. I am the fiscal agent for this

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agency. Mather – There are 13 counties and 2 cities involved. Fenske – How do they divvy out those matching funds? Stensrud – The same as the top. It is not divided by 15. Fenske – Is that in our budget? Mather – It should have been funded at a 20% match. Stomberg – There is an \$80,000 contingency and it was going to come out of there. VanOverbeke – We will be receiving it. Ritter – If we send this in are we tied in with this Armor? VanOverbeke – We will be given the option of which one will work best for us. Stensrud – We have to do this. What I have got from this would be to go ARMOR. Discussion. VanOverbeke – This is just one of many grants. There are probably five or six grants programs for interoperable. Goodenow moved, seconded by Fenske to accept the terms and conditions of the Minnesota Department of Public Safety Grant, Grant Agreement Number 2009-PSIC-0024. All voted in favor. Ritter – So that \$134 we don't know what that commitment is? VanOverbeke – No but Nelson is part of the Board.

County Program Aid Discussion

Stomberg - There is a \$326,500 loss in 2009. In 2010 we are going to lose \$510,000. In 2009 an estimated 24% to 25% loss in state aid and a 40% loss in 2010. There is an economic forecast coming out in February. One of the things that was part of the proposal to reduce those cuts would be regional human services. This is where I get a little confused it says health and human services. Fenske – When we talk to Jim Mulder next Friday he might have some clarification. Ritter – It is Public Health and Human Services. Stomberg – I don't know how quickly it could be done. If we could we could save about \$109,000 in 2009 and in 2010 it would be \$158,000 less. I don't know how we can pull off the timing because to get to the 100,000 in population. Goodenow – This is a proposal from the Governor at the beginning of the legislative session. Who knows where it may end up. Stomberg – We don't know what the cuts will be too. Goodenow – In this proposal they use population because that is what they do in the metro area. I think there should be a population and area.

Appropriations Discussion

Stomberg – Last time we discussed this. The Library we released a January payment at the 2008 rate. Our 1/3 would be \$263,775 for 2009 split out monthly. It would be \$21,928.17. Stensrud – If we paid at the 2008 rate we would still be below. Goodenow – Do we want to keep doing this monthly? Part of that question is do we do it at the old rate or the new rate? Stensrud – I suggest we stay at the old rate. Discussion. Goodenow moved, seconded by Ritter to pay the February 2009 library payment at the 2008 rate. All voted in favor.

Stomberg – Public Health is at \$221,000 which is the same as 2008. We have paid that at the beginning of the quarter. Fenske – What is the financial condition of public health? Discussion. Stensrud – I think it should be paid. Goodenow moved, seconded by Ritter to pay Public Health's first quarter of \$55,000. All voted in favor.

Stensrud – Lyon County Soil and Water you have \$21,250. Stomberg – I put that in as a place holder. Stensrud – If we are paying everyone at the old rate we should do that. Goodenow moved, seconded by Ritter to pay Soil and Water the 2009 first quarter payment at the 2008 rate. All voted in favor.

Fenske moved, seconded by Goodenow to pay RCRCRA its first quarter payment of \$3,960.00. All voted in favor.

VanOverbeke – We usually get a bill from some. Ag Society we usually pay at Fair Time. Stensrud – Are any due now? Discussion. Fenske – I know on the Workforce Board their workload is really increasing because they are dealing with the unemployment.

Fenske moved, seconded by Goodenow to pay the 2009 annual appropriation for RC & D of \$300. All voted in favor.

Goodenow moved, seconded by Fenske to pay the annual appropriation of \$4,155.00 for the Workforce Advisory Council. All voted in favor.

Fenske – What about the Enterprise Development Corporation? Stomberg – I know they have met to discuss whether or not to replace it. Nelson – Since we are at an interim why don't we forget this and bring it up again next year? Goodenow – We are using an hourly individual. We are hoping to have someone here the first meeting in March. They voted to bring a plan to suggest that the county take it over. We are working off of reserves.

Retiree Insurance Proposals

Stensrud – It is 11:00 and we are going to start with this. We will have Stomberg go through these. Stomberg – At the last meeting we had a discussion on the retiree health insurance. What I have put in the packet is what I received from individual board members and employees.

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The County proposal was:

- 1.) *Eliminate the benefit*
- 2.) *Modify the benefit by reducing the percentage earned towards the premium from 4% to 2% per year of service and to change the definition of retirement to state the retiree is at least age 62 and is eligible for PERA pension.*
- 3.) *At retirement the retiree will receive a severance payment in the amount of \$10,000 and will receive monthly payments of \$250 per month until death of the retiree or universal healthcare is developed or for the next 10 consecutive years, whichever comes first. Payments to be made to a healthcare retirement account. Benefits prorated at 3% per year of service.*
- 4.) *Based on 60% or 50% of the individual cafeteria contribution of \$550: \$330/month or \$275/month paid for 10 years beginning upon retirement. Estimated cost per retiree \$39,600 or \$33,000*

The employee proposal was:

The employees affected by the 4% retirement benefit still believe that 4% should be left as is in the policy manual but, as requested by the Board of Commissioners, have suggested the following as potential ideas.

Let it be known that these are only suggestions. When calculating the cost, the numbers of employees affected are 47 employees as verified by Aurora Heard. The employees have tried to provide a cost estimate if able for comparison to the cost estimate presented to the Board of \$22 million as reported by Phil Nelson.

- 1.) *On page 3260-4 of the policy manual, the second paragraph could be changed from 15*

years to 20 years of service:

“A retired County employee is a full-time employee who has worked for the County for a minimum of 15-20 years, and who is at least 55 years old; or that employee’s age and years of service, added together, total at least 75.”

This would correspond to the 20 years needed for an employee to receive the severance package.

- 2.) *Leave the last paragraph on page 3260-4 the same but, add a cap of 30 years payout by the County.
Cost to the County \$550/month x 12 months x 47 employees x 30 years = \$9.3 million.
(Could be less than \$9.3 million due to cost of Medicare supplemental insurance premium).*
- 3.) *Leave the last paragraph on page 3260-4 the same but, change the 4% per year to 3.5% per year with no cap in years for payout by County.*
- 4.) *Set up a Health Reimbursement Account for the employee upon retirement. The County places \$150,000 into a health reimbursement account when the employee retires. This money would be tax free going in and tax free to the employee when it is drawn out. It would be an interest bearing account with the interest going to the employee. The \$150,000.00 is prorated at 4% per years the employee has worked. (If the employee dies, the balance of the account goes back to the County. This will have to meet IRS guidelines).*

Example:

*If the employee has worked for the County for 25 years
25 years multiplied by 4% equals 100% which equals \$150,000.00 placed in the account
If the employee has worked for the County for 20 years*

*20 years multiplied by 4% equals 80% which equals \$120,000.00 placed in the account.
Cost to County \$150,000 x 47 employees \$7.05 Million*

The employees request that when an agreement is reached between the County Board and the employee, that it would become a contract with each employee and not be part of the policy manual. This agreement would be signed by the employee and the County Board.

As stated previously these are only proposals and subject to change. It is the employees hope that this can be settled so that it will be beneficial to both the County and the employees.

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Stomberg - The information I received from the employee group and I won't try and interpret it if there is a representative from that group please feel free to jump in. Those are the proposals that I received. Stensrud – Any discussion? Stomberg – It is put down in a pretty summary form. If there was some debate it would be nice to have the mechanics. Nelson – Perhaps they should come first. Dean Champine – I think from the employee's standpoint you are the ones that want to change it so I think you are the ones that need to come forward with something concrete. We don't know if this is a starting point to start. You make it pretty difficult on the employees to propose anything. Goodenow – I would like to speak to number 2 because you can't calculate the cost and it leaves the system pretty much the same as it is whereas 3 and 4 have some end in it. I actually like number 4 in that it spreads the payments out over time. Number 3 and 4 you can estimate a cost per employee so we know a lot closer to that amount. Stensrud – Addressing some of theirs. The number 4 I couldn't look at it. The rest in my opinion are costly and need to come down. Champine – We felt yours were low and needed to come up. Discussion. Champine – Where our group is coming from at some point you thought people retiring early was a detriment but you can replace them and save money on the wage. Goodenow – Well that isn't as true as it once was. Discussion. Fenske – One of the things that we looked at is that it is open ended. There is no way to know. I believe one of the things the county is looking at is to get a cap on the benefit. Right now the only cap we have is the single contribution. Another thing we are concerned about is early retirement and that is where we are looking at the ten years. That is the type of thing I am looking at is to set some caps. Goodenow – The only thing that restricts what we pay now is the cafeteria plan and that affects what we pay for cafeteria. It would be good to disconnect from the cafeteria plan limit. Stensrud – We need some consensus somewhere along the line. Stomberg – The Board needs to decide is this discussion or take action? Nelson – I would like to address it a little. I think number 2 is flawed because there is no end to it and is subject to inflation. The other two have some merit in it because they do limit it somewhat, however, personally my opinion is the entire benefit is flawed right from the start. It was flawed when it was passed in 1985 when they didn't fund it. It is popular to pass it then and not fund it. In 1991, they changed the benefit and they went from 3% to 4%. In 1997, the Board passed a resolution "whereas the cost of this insurance is rapidly increasing and may cause financial hardship to the tax payers of Lyon County". The same resolution stated an employee hired after May 1, 1997 would no longer be eligible for this benefit. We have some employees that are eligible and some are not and I question whether that is good policy, a house divided, Lincoln. Is this ambiguous resolution good policy? It could mean that if you did not qualify by May 1, 1997 you would have to start your county employment in 1982. I think that is pretty ambiguous and not a good policy. I would suggest we get rid of this policy and take 18 months and see what Daschle and them are going to do with universal health care and come back and make it retroactive to this date. Fenske – What about those that are currently retired? If someone retires in six months? They didn't get anything for this time then they would get it? Nelson – They would get retro. If we discontinue this flawed policy and take 18 months then if this Board feels they need to adjust things we could do it then. Goodenow – We have been living with this not knowing for such a long time I hate to set up a situation where we set up another 18 months. Stomberg – If you are talking conclusion I can draft a resolution. Champine – We will go to court

Nelson moved, seconded by Ritter to request a resolution for number one eliminating the retiree benefit.

Voting in Favor

Ritter
Nelson

Opposed

Fenske
Stensrud
Goodenow

Motioned failed 3 to 2.

Goodenow – Could we look at a resolution for number four? Goodenow moved, seconded by Fenske to have a draft for proposal number four at \$330 per month and it would be prorated. Goodenow – Is there any use of the 3% or 4% a year in this? Stomberg- Do you want it prorated? And the \$330 per month is that a dollar amount or is it 60% of the single cafeteria. Goodenow – I would like to have the \$330 locked in. That is a max number if you have 25 years of service you get the whole amount and 20 you get 80%. Stomberg – Would that be paid towards the premium or cash payment into an account? Goodenow – Cash payment into an account. Nelson – Do you need a clause null and void if universal health care comes about? Stensrud – I think to the payments on death will end upon death, universal health, or in ten years whatever comes first. Ritter – Is there a total cost? Champine – I was hoping this would be a negotiation. Fenske – I think we are just voting on having the resolution written up. Stensrud – I think if you are going to do it you need to do it. Fenske – It is good to get it done. Ritter – It has been discussed. Nelson – Those that are supporting this, how is this to be funded? Goodenow – One of the advantages is this does not kick in until the individual retires. I don't think we have to have a big fund of money

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where we have to bond for that. Stensrud – About \$160,000 to \$170,000 a year is the most you will pay out. Nelson – Our policy is while they are working a single gets \$6,600 per year and a family will get \$10,800 towards it tax free. The people in my district don't get that and they are self employed. I think outside of here the retirement type insurance for life is not the norm for Southwest Minnesota. My limit was set at \$25,000. I may support it if you drop it to that or \$33,000. I have to represent my district and my people don't get that. Discussion. Champine – You have had a lot of years to do something about this and you didn't do anything. Discussion. Nelson – What is the definition of retirement? Goodenow – It stays the same. At least 15 years and the rule of 75. That is the employee's choice. Discussion. Fenske – The wording here is towards county health premiums. Maybe that word county should be out of there or put it into a health care savings account. What is the definition of single payer health care? Stomberg – That is universal health care. Fenske – Universal health care may come in stages. Stomberg – Do you want me to make the changes? Goodenow – You could put it as a separate sentence the single payer health care. They could end up calling it something else or they could phase it in. Fenske – Or it could be you pay \$300 a month towards it. It says you would stop if they started single payer. Stensrud – I would say leave it out. Stomberg – I will make a change on the top to health care retirement account and then remove county health insurance. Stensrud – Take off county. Fenske – Once it goes into the health account they can use it for what they want. Goodenow – Paragraph two is new. Fenske – We do have the Highway Department like that. Goodenow – And Dispatch. Discussion. Stomberg – I took out the word county in health insurance premiums. Goodenow – And you left in the single payer health? Stomberg – If you want to take it out we can strike it. Goodenow moved, seconded by Fenske to approve the resolution and authorize the Chair to sign and strike the single payer health care line and add continue to pay for ten years or 120 months or death or whichever is first. Nelson – Payments will continue for 10 years or 120 months. Stomberg – Do you want the addition of whichever occurs first? Goodenow – Yes.

Stomberg called the roll.

Voting in Favor:

Nelson
Fenske
Goodenow
Stensrud

Opposed:

Ritter

Motion carried 4 to 1. (Resolution 04-09 on file at the County Administrator's Office).

Reviewed Meeting Schedule

Commissioners Reports

Nelson reported on RCRCA and a Feedlot Meeting. Biren - We have 331 feedlots that are registered so there about 20% that are not registered. Goodenow – I would like to recommend that we do this. We talked about sharing this position. This is done initially by the county. Stensrud – Is there money to cover this? Biren – What MPCA would be looking at would be using the 331 feedlot number times \$80.00 per year. Over that two year period of time we would be working on getting a level 3 feedlot inventory done. The work plan would need to be approved by the Board. Fenske – Is that \$80 per feedlot is that an annual payment? Biren – It comes through the natural resources block grant. Goodenow – If this is a two year work plan would there be \$80 in both year 1 and 2? Biren – Yes. Stensrud – The level 3 inventory would be before it is done? Discussion. Biren – They use the Soil and Water Board for the appeals board. Goodenow – Rock Counties Soil and Water is part of the land management. Rose Anderson – A couple of these like the change in Rock County is when Rock County's person retired. The delegation it does not have to be a county employee the Soil and Water people are doing that because the county is already supplying administrative support to them. Biren – The budget that is presented will be to get the inventory done it will not include any administration. Stensrud – I would say go ahead. Goodenow – I think it is time to do it. Ritter – Get it done as long as it is collaboration with Soil and Water and RC.

Nelson also reported on the Highway 23 meeting in Granite Falls.

Fenske reported on Highway 23 meeting. They have the same priorities and one of the big ones now is a regional freight study. I think we are going to be getting something done on that to show how much freight is moved. Another priority is highway 23 to Willmar. Reported on AFSCME negotiations.

Ritter reported on Rural Energy Board, the recycling meeting, Western Mental Health and Soil and Water.

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Goodenow – The museum got moved. Sentence to Serve did help a lot. They probably aren't going to open until spring. Reported on the library. At the last meeting we froze salaries and merit increases for library staff. Also reported on Plum Creek. There all employees are taking a day off every month unpaid. We had a new estimate done on construction. A lot of the costs are down and they gave us an estimated price that was still up from last year of 3 to 4%. We didn't get the state grant. EDA has been meeting and you should look forward to a report from them. That group is very pro doing EDA work. Reported on Public Health. I suppose the big thing was the proposal to hire Human Services for administrative services was passed last night.

Stensrud reported on Public Health.

Nelson – I forgot to bring up the minutes. We state our salaries and per diems are set by resolution and I want to add that they stayed the same as 2008. And another was reference to a sentence that talked about moving but it didn't talk about what was moving.

Stomberg – Ritter had \$240.00 in per diems and \$48.40 in travel. Goodenow moved, seconded by Nelson to approve the per diems and expenses. All voted in favor.

12:55 p.m. Stensrud adjourned until February 17, 2009 at 9:00 a.m.

Rodney Stensrud, Chairman

Attest: Loren Stomberg
Lyon County Administrator