

December 4, 2018
10:00 A.M.

The meeting was called to order by Chairman Loibl. Roll call was taken and the following members were present: Commissioners Klefstad, Fougner, Marquart and Ellertson.

Also present were Tim Lee, Kevin Walford, Brian Quam and Anthony Herman.

Moved by Commissioner Ellertson and seconded by Commissioner Klefstad to approve the minutes of the November 4, 2018 meeting as presented. All members voted "Yes". Motion carried.

Tim Lee discussed the encroachment complaint he drew up against Rodney Brossart. The County will pursue it and turn it over to the State's Attorney.

Moved by Commissioner Klefstad and seconded by Commissioner Fougner to turn it over to the State's Attorney for his determination. A roll call vote was taken and all members voted "Yes". Motion carried.

There was a discussion about the accounts receivables and the townships that have not paid.

Tim turned in his resignation as Road Superintendent effective January 31, 2019.

Elvin Johnson joined the meeting.

Kevin Walford from Butler Machinery updated the Board on the new motor graders which will start to arrive in January.

Anthony Herman gave an update on the Galde Bridge and whether to go with a triple or double span. After some research they recommend a triple span. It was agreed to put down rip rap to prevent erosion. The speed limit over the new bridge can be set up to 45 mph. Bids for the project will be in the fall of 2019 and the construction in the spring of 2020.

There was a discussion on the County Road 22 project. The Nelson County Water Board is the lead on the project because KLJ or the County Commissioners do not have a relationship with the State Water Commission.

The Community Development Block Grant (CDBG) hearing began at 11:00 A.M.

Steve Forde from the Nelson County Health System was present for the hearing. No other persons were in attendance for the hearing.

Steve discussed the handicap accessibility project that will include three of the Nelson County Health System buildings. He explained that the project will cost \$341,000.00 with \$294,000.00 covered by the CDBG. Nelson County will act as the applicant for the grant.

Moved by Commissioner Marquart and seconded by Commissioner Klefstad to adopt the Resolution of Sponsorship, Community Needs Assessment, and all supporting CDBG application documents for the handicap accessibility project at the Nelson County Health System. A roll call vote was taken and all members voted "Yes". Motion carried.

Moved by Commissioner Fougner and seconded by Commissioner Marquart to accept and sign the reports for this project. A roll call vote was taken and all members voted "Yes". Motion carried.

The Veteran's Service office was discussed. Ramsey County is working on getting our percentage of expenses down from 20% to 18 %. The Joint Powers Agreement expires on January 1, 2019 so it will be discussed at the January meeting.

There was a discussion about the Application for a Drainage Permit for County Road 22 that will be submitted to the State Water Commission. The application will either give us permission to continue with the project or undo what has already been done.

Moved by Commissioner Marquart and seconded by Commissioner Klefstad to sign the application for a drainage permit to the State Water Commission. All members voted "Yes". Motion carried.

Commissioner Marquart informed the Board that the Water Stewardship Award was awarded to the Nelson County Water Resource District. They were nominated by the Nelson County Commissioners.

Commissioner Marquart discussed the Lake Region Law Enforcement Center (LRLEC) costs for the intercom system. The cost of the project will be divided up between Nelson, Ramsey, Towner, Eddy and Benson Counties. The costs that Nelson County will be responsible for is 19.9% of the project or \$52,000.00 over a five year period.

Moved by Commissioner Ellertson and seconded by Commissioner Fougner to honor the request for the Lake Region Law Enforcement Center project. All members voted "Yes". Motion carried.

Sharon Young discussed the new Nelson County School Officer Manual.

Sharon discussed the past training exercises along with the upcoming training courses. The upcoming courses are funded through Homeland Security grants. She also discussed that she was awarded the grant for \$2,000.00 from the Enbridge Safe Community Grand Award. The grant will be used to fund Incident Command Response Unit (ICRU) pickup and trailer expenses.

Moved by Commissioner Marquart and seconded by Commissioner Klefstad to approve the liquor license from Farmers Union in McVille. All members voted "Yes". Motion carried.

Keith Olson presented the Calls for Service. There were 144 calls for November. Keith discussed the bids he has received for the new sheriff's vehicle. It was decided to get the 2019 Ford Explorer.

Moved by Commissioner Ellertson and seconded by Commissioner Klefstad to approve the liquor license for the Lakota Golf Club. All members voted "Yes". Motion carried.

Moved by Commissioner Fougner and seconded by Commissioner Marquart to appoint Rod Fisk and Amie Vasichek to the Nelson County Job Development Authority. All members voted "Yes". Motion carried.

Moved by Commissioner Fougner and seconded by Commissioner Klefstad to re-appoint Ben Varnson to the Nelson County Water Board. All members voted "Yes". Motion carried.

Moved by Commissioner Marquart and seconded by Commissioner Klefstad to sell all foreclosure properties that did not sell at the County Sale back to the cities for \$1.00. All members voted "Yes". Motion carried.

The reorganization of the Board began with Commissioner Fougner nominating Commissioner Ellertson as Chairman.

Hearing no other nominations, Commissioner Klefstad seconded the nomination. All members voted "Yes". Motion carried.

Commissioner Fougner nominated Commissioner Marquart for Vice-Chairman.

Hearing no other nominations, Commissioner Loibl seconded the nomination. All members voted "Yes". Motion carried.

Moved by Commissioner Loibl and seconded by Commissioner Klefstad to pay all the bills as listed. All members voted "Yes". Motion carried.

Meeting recessed.

**Special Meeting
December 6, 2018 - 9:00 A.M.**

The special meeting was called to order by Chairman Ellertson. The following members were present: Commissioners Klefstad, Fougner, Loibl and Marquart.

Also present were Jayme Tenneson, State's Attorney and Howard Swanson.

Howard Swanson represents the County through the North Dakota Insurance Reserve Fund in pending litigation brought by Rodney Brossart against Nelson County. Mr. Brossart is challenging the action previously taken by the County Board which, due to Mr. Brossart's previous conduct, restricts his ability to interact with County personnel. Mr. Swanson advised the Board that he would like to discuss the status of the litigation and suggested that the Board go into executive session under N.D.C.C. §44-04-19.1 and §44-04-19.2 for purposes of receiving attorney consultation and information regarding the pending litigation.

Moved by Commissioner Klefstad and seconded by Commissioner Marquart to move into executive session. All members voted "Yes". Motion carried.

At 9:03 A.M. on Thursday, December 6, 2018 the executive session began. Those present at the executive session were the Nelson County Commissioners, the County Auditor, State's Attorney and Howard Swanson. During the executive session discussion and consultation concerning the litigation occurred.

The Commission reconvened in public session at 9:25 A.M. The Board acknowledged that the action it took on September 7, 2017, placing restrictions upon Mr. Brossart's interaction with the county employees and staff had been in place for slightly more than a year and had served its purpose of avoiding intimidation, harassment and threats. The Commission further acknowledged that, if necessary, it could reconsider the need for further or renewed restrictions.

Moved by Commissioner Loibl and seconded by Commissioner Marquart to rescind the Board's action of September 7, 2017 regarding

the restrictions placed upon Mr. Brossart's interaction with county employees and staff. All members voted "Yes". Motion carried.

There was a discussion on the Road Superintendent position at the Highway Department. An ad will be put in all the papers for that position and interviews will be done at the next commissioner meeting.

The 2019 tentative meeting dates were set.

Meeting adjourned.

Sheila Fisk
Nelson County Auditor

Bruce Ellertson, Chairman
Nelson County Commissioners

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