

**NORTH DAKOTA VETERANS HOME
LISBON, NORTH DAKOTA
GOVERNING BOARD MEETING**

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DATE/TIME: Tuesday, June 09, 2009 @ 10:30 AM. **LOCATION:** North Dakota Veterans Home-M/P ROOM: **MEETING:** X Regular Special

MEETING CALLED TO ORDER: by Chairman, Norris Braaten

Membership: Norris Braaten, Chairman Daryl Beard Brad Maasjo Darrol Schroeder DuWayne Ternes
 Jerry Meske, Vice Chairman Orletta Kilen

OTHERS PRESENT BY INVITATION:

 NDVH Administrator-Mark B. Johnson Accounting Manager-Kristin Lunneborg Executive Secretary-Margie Ourenhagen
 Physical Plant Director-Bob Nelson A.C.O.V.A. Chairman-Rudy Jenson

AGENDA ITEM

PRESENTATION/DISCUSSION

RECOMMENDATION/ACTION

| | | |
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| 01. Pledge of Allegiance/Moment of silence for POW/MIA's requested by Chairman. | Chairman, Norris Braaten, called for the Pledge of Allegiance to be recited, followed by a moment of silence for the POW/MIA's | NAR (No Action Required) |
| 02. Roll Call: Recording Secretary | Roll call taken by recording secretary | A quorum was present. |
| 03. Welcome: Chairman-Norris Braaten | Chairman Braaten welcomed Board Members and Guests. | NAR (No Action Required) |
| 04. Approval of Revised Agenda Chairman-Norris Braaten | Motion # 1 made by Darrol Schroeder, seconded by Orletta Kilen to accept the revised agenda. | Motion # 1 carried. |
| 05. Approval of Governing Board Minutes: Chairman-Norris Braaten Board Meeting-April 28, 2009 | Motion # 2 made by DuWayne Ternes, seconded by Darrol Schroeder to accept the minutes as e-mailed to Board Members. | Motion # 2 carried. |
| 06. Approval/Conflict of Interest of Agenda Items Chairman-Norris Braaten | Chairman Braaten asked if any board members have a conflict of interest with any agenda items. | There are no conflicts of interest stated at this time. |
| 07. Building Committee Report Administrator-Mark Johnson & Chairman-NDVH-Norris Braaten Chairman-Bldg Comm.-DuWayne Ternes | <p>Discussion was held on the Owners Representative Position, which the Building Committee is in the process of interviewing candidates.</p> <p>The following motion, which carried unanimously by the Building Committee Meeting, dated June 09, 2009 stated to proceed with the process of redoing the list of interviewees, according to the list reviewed by Mike Mullen, Assistant Attorney General, and conduct a seconded interview from the applicants received without re-advertising.</p> <p>DuWayne Ternes, Chairman of the Building Committee, submitted a letter to Mike Mullen, Assistant Attorney General that if Administrator</p> | <p>Under the advisement of Mike Mullen, Assistant Attorney General, all of the current applications received will be annualized and a list of candidates, who appear to be qualified based on the criteria in the advertisement of the position, will be recommended to be included in the second interview process.</p> |

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| | <p>Johnson is signing the checks maybe he should be the one doing the hiring, and that DuWayne Ternes, Chairman of the Building Committee, would step aside.</p> <p>Discussion was held on the previous hiring and temporary employment of Dick Espeland as Project Manager. This temporary employee was recommended to Administrator Johnson by OMB through the end of June 2009.</p> <p>Discussion was held on the Builders Risk Insurance which has been purchased by Comstock Construction Inc. for two months.</p> <p>Discussion was held on the research done by DuWayne Ternes, Chairman of the Building Committee, to install a web cam at the construction jobsite.</p> <p>Motion # 3 was made by Darrol Schroeder, seconded by Daryl Beard that Mark Johnson, administrator, proceeds with the purchasing and installation of a web cam on the construction site.</p> <p>Mike Mullen, Assistant Attorney General, is considering the Owners Representative position be re-advertised for clarity of the part-time position.</p> <p>The North Dakota Veterans Home does not have the authority to offer mileage, meals or driving time benefits to the Owners Representative, as this position is a temporary North Dakota Veterans Home state employee position. This temporary position was tentatively built into the budget for 20</p> | <p>Motion # 3 carried unanimously.</p> <p>DuWayne Ternes, Chairman of the Building Committee, recommend as Building Committee Chair that the Owners Representative be hired immediately.</p> |

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| | <p>hours per week on the jobsite at \$65.00 per hour; however this salary is to be set by the employer. No wage information was published in the advertisement.</p> <p>Discussion was held on the issue of Administrator Johnson, not the Governing Board, be the one hiring the Owners Representative, who will be a state employee', however that DuWayne Ternes, Building Committee Chairman and State Human Recourses Representatives have input on the recommendation for hiring.</p> <p>Discussion was held on the owner's representative candidate's qualifications needing to be based on understanding the construction industry and not by bidding a dollar amount for mileage and services.</p> <p>This position is being offered as a temporary state employee and not as a contracted services position therefore qualified candidates should be chosen by qualifications for this temporary position.</p> <p>A lengthy discussion was held on whether the Building Committee should select or recommend the owners representative candidate along with the possibility that Administrator Johnson could decide to hire someone other than the candidate recommended by the Building Committee for this temporary state employee position.</p> <p>Motion # 4 was made by Daryl Beard, seconded by Orletta Kilen that Administrator Johnson hire the Owners Representative on the recommendation from the Building Committee, but it is still up to</p> | <p>The five interviewees have been presented to Human Resources and Mike Mullen, Assistant Attorney General, for review and a recommendation will be submitted to the Building Committee.</p> <p>Motion # 4 carried by Yes-5, No-2, Voting no was DuWayne Ternes & Jerry Meske.</p> |

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| | <p>Administrator Johnson to do the hiring.</p> <p>Administrator Johnson gave an update on the building site construction.</p> <p>Discussion was held on the Letter from ND Dept. of Health dated 05/14/09.</p> | |
| <p>08. Evaluation Report Norris Braaten, Chairman</p> | <p>Motion # 5 was made by Darrol Schroeder, seconded by Orletta Kilen that the Governing Board goes into executive session. The legal authority for closing this portion of the meeting is North Dakota Century Code 44-04-19.1(9).</p> <p>We now ask the members of the public who are attending the meeting to leave the room. We anticipate adjourning the executive session, and reconvening the open portion of the meeting, at approximately 12:30 p.m. The minutes will show that the executive session began at 11:45 a.m. and was attended by Norris Braaten, Daryl Beard, Brad Maasjo, Darrol Schroeder, DuWayne Ternes, Jerry Meske and Orletta Kilen.</p> <p>Motion # 6 was made by Darrol Schroeder, seconded by Orletta Kilen that the Governing Board goes out of executive session.</p> <p>The minutes will show that the executive session was adjourned at 12:30 pm. The public has been invited to return to the meeting room and we are now returning to open session.</p> | <p>Motion # 5 carried unanimously.</p> <p>Motion # 6 carried unanimously.</p> |
| <p>09. ND Veterans Home Foundation</p> | <ul style="list-style-type: none"> • Discussion was held on the present NDVH Foundation Committee wishing to rejuvenate and reorganize the current established foundation committee. | <p>Mike Dobmeier will be invited to attend a Governing Board Meeting this fall.</p> |

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| | <ul style="list-style-type: none"> • Discussion was held on organizing the membership of the Foundation to five members and one of the NDVH Governing Board Members being a member. • The NDVH Governing Board did not wish to establish a separate 503C with separate foundation. • Brad Maasjo stated an entity would be interested in donating up to \$25,000 if we could come up with matching funds. | <p>Mike Dobmeier will be instructed to contact Brad Maasjo on this donation.</p> |
| <p>10. Flood 2009</p> | <p>Administrator Johnson gave an update on the restoration of the veterans' home grounds after the flooding of 2009.</p> <ul style="list-style-type: none"> • The temporary dikes being removed • US Army Corps of Engineers is approximately three-fourths done restoring the clay pit to its original site. • Contractors will haul black dirt to the grounds to restore the lawns. • Pump house to be re-located. • FEMA representatives met with Administrator Johnson, Bob Nelson and Kristin Lunneborg. • FEMA may refund on the irrigation system. • FEMA may refund some of the costs incurred with the State Hospital for Grafton Development Center and St Catherine's Living Center, Wahpeton. • Discussion was held on developing a resident fishing location. • Administrator Johnson & Kristin Lunneborg, Accounting Manager have been meeting with VA representatives concerning collecting per diem during the | <p>NAR (No Action Required)</p> <p>FEMA request will be submitted next week.</p> <p>OMB is submitting approximately one million dollars for loss.</p> |

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| | <p>evacuation. FEMA will not refund any loss of revenue for per diem.</p> <ul style="list-style-type: none"> • We will have a significant loss in revenue from basic and skilled residents who stayed with relatives during the evacuation as we can not collect the per diem or rent. FEMA does not cover this loss. | |
| <p>11. VA Grant Application Administrator-Mark Johnson</p> | <p>A letter was received by the Federal Department of Veterans Affairs approving Federal Assistance in the cost of constructing the 121-Bed Nursing Home Care and Domiciliary Facility at the North Dakota State Veterans Home in the amount of \$14,684,183 or 65 percent of the actual cost of construction.</p> <p>Discussion was held on the letter Daryl Beard received from Kent Conrad, United States Senator, concerning Public Law 109-461, which requires the VA to provide payments to state veterans' homes for care and medications for veterans with service-connected disabilities and Per Diem for Veterans in State Nursing Home.</p> | <p>Administrator Johnson and Kristin Lunneborg, Accounting Manager will contact the Fargo VA concerning this.</p> |
| <p>12. Financial Report: Accounting Manager-Kristin Lunneborg</p> | <p>Kristin Lunneborg, Accounting Manager, presented the following reports:</p> <ul style="list-style-type: none"> • Financial Report: Percentage of Biennium Budget remaining is 8%. • Expenses for New Building as of 5/31/09. • Census Data for June 2008 – May 2009. • Skilled and Basic Accounts Receivable for June 2009. • No write-offs were requested. • Change order requests were submitted on the construction project for the Geothermal Heating and the Builders Risk Insurance. • Discussion was held on pre-billing skilled rent. | <p>Emergency Commission request were submitted for the following:</p> <ul style="list-style-type: none"> • To transfer \$25,000 from the capital asset line to operating line • Requesting an additional \$75,000 in operating authority from Special Funds. • Requesting a loan through the Bank of North Dakota for \$1 million line of credit. This will be paid back with FEMA reimbursements <p>Accounting Department is researching the option of pre-billing skilled rent</p> |

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| | <p>Motions # 7 made by Daryl Beard, seconded by Orletta Kilen to approve the financial report as presented and approve the submitted change orders for Geothermal Heating and the Builders Risk Insurance.</p> | <p>Motion # 7 carried unanimously.</p> |
| <p>13. Rolette Community Care Center DuWayne Ternes</p> | <p>Discussion was held on the interest of the Rolette Community Care Center 48 bed facility being turn over to the State of North Dakota.</p> | <p>DuWayne Ternes will follow up on the license ownership of the 48 beds.</p> |
| <p>14. Closing Comments</p> | <p>Discussion was held on Norris Braaten, Chairman, being contacted concerning two residents being discharged from the North Dakota Veterans Home.</p> <p>Administrator Johnson, Kristin Lunneborg, Accounting Department, Wanda Cavett, Director of Nursing and Jann Neameyer. Director of Social Services will be meeting with the Fargo VA concerning issues with skilled care residents being referred for admission to the basic care unit of the North Dakota Veterans Home.</p> <p>Individuals wishing to view the construction site must wear a safety vest.</p> <p>Discussion was held on who would be the voting members of the Building Committee. Chairman, DuWayne Ternes, recommended that only Administrator Johnson be a voting member along with the three Governing Board Members that sit on the Building Committee.</p> <p>Motion # 8 made by DuWayne Ternes, seconded by Daryl Beard that the voting of the building committee is restricted to Darrol Schroeder, Norris Braaten, DuWayne Ternes and Mark B. Johnson, Administrator after the Owners Representative</p> | <p>These residents screened for skilled care, therefore they had to be discharged for not meeting Basic Care requirements.</p> <p>When the three stall garage is moved, a few rows of bleachers can be place on that cement slab.</p> <p>Motion # 8 was withdrawn by DuWayne Ternes and he would resign as Chairman of the Building Committee, which he will submit in writing and it will be Administrator's</p> |

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| | <p>position is secured. Bob Nelson and Kristin Lunneborg's vote would be included in this position.</p> <p>Discussion was held on after the Owner's representative position is secured Bob Nelson and Kristin Lunneborg would sit on the board in an advisory capacity, along with Wanda Cavett, Director of Nursing.</p> <p>Discussion was held on the previous scoring for the Owners Representative and complying with state protocol.</p> <p>Brad Maasjo outlined the obligations and objectives of the North Dakota Veterans Home Governing Board.</p> <p>Chairman Braaten recommended dropping any change in the voting of the Building Committee at this time and that the members of the building committee recognize if they have a conflict of interest in voting.</p> <p>Motion # 9 made by Brad Maasjo, seconded by Darrol Schroeder that the construction committee voting members be the members of the Board of Governors and that they should seek the advice and expert options of management and administration in their deliberations, but they are the three voting members.</p> <p>Discussion was held on the various boards that Darrol Schroeder sits on that the employees do not have a voting right.</p> | <p>Johnson's responsibility to hire this position. Chairman Braaten requested DuWayne Ternes to reconsider his resignation.</p> <p>Motion # 9 was withdrawn by Brad Maasjo and Darrol Schroeder.</p> |

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| | <p>Administrator Johnson questioned who would have the authority to be the contract person appointed by the Governor's Office.</p> <p>Motion # 10 made by Darrol Schroeder, seconded by Bard Maasjo that the board proceeds on selecting the Owners Representative as soon as possible and as soon as that is done we revote on the issue of voting by board members or employees of the institution.</p> <p>Daryl Beard requested that Article 86-03 be reviewed.</p> <p>Brad Maasjo was not re-appointed to the NDVH Governing Board. Board members commended Brad Maasjo for his involvement with the Governing Board and the State of North Dakota.</p> | <p>This document will be clarified by Mike Mullen, Attorney General. A copy of this will be sent to all the board members to be discussed at the July meeting.</p> <p>Motion # 10 carried by Yes-5, No-1, Absent-1 Daryl Beard voting No Jerry Meske was absent</p> <p>This will be placed on the July Agenda.</p> <p>Dean Overby has been appointed to the NDVH Governing Board for a three year period from July 01, 2009-June 20, 2012.</p> |
| 15. ACOVA Meeting | Date: Location: Time: | To be announced |
| 16. NDVH Building Committee | Date: Location: Time: | To be announced |
| 17. Next Meeting – Governing Board: | Date: Location: Time: | Tuesday, July 14, 2009 Lisbon-NDVH M/P Room 10:30 am |
| 18. Adjournment | Motion made by Darrol Schroeder, seconded by Daryl Beard to adjourn this meeting. | Meeting adjourned. |
| Minutes signed by Administrator | | /s/ Mark B. Johnson Mark B. Johnson, Administrator |