

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

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DATE/TIME: Tuesday, October 13, 2009 @ 10:00 AM. **LOCATION:** North Dakota Veterans Home-M/P Room: **MEETING:** X Regular Special

Meeting called to order by Chairman, Norris Braaten

Members Present: Norris Braaten, Chairman Daryl Beard Darrol Schroeder DuWayne Ternes Orletta Kilen

Members Absent: Dean Overby Jerry Meske

Others present by Invitation: NDVH Administrator-Mark B. Johnson Accounting Manager-Kristin Lunneborg
Executive Secretary-Margie Ourenhagen Physical Plant Director-Bob Nelson
Owners Representative-Bernie Bailey
Foss Architecture & Interiors-Rochelle Conzemius, AIA & Bob Ames, AIA
By telephone: Assistant Attorney General-Mike Mullen

AGENDA ITEM

PRESENTATION/DISCUSSION

RECOMMENDATION/ACTION

AGENDA ITEM	PRESENTATION/DISCUSSION	RECOMMENDATION/ACTION
01. Pledge of Allegiance/Moment of silence for POW/MIA's requested by Chairman.	Chairman Braaten called for the Pledge of Allegiance, 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 Members and Guests.	NAR (No Action Required)
04. Approval of Governing Board Minutes: Chairman-Norris Braaten Board Meeting-August 11, 2009	Page 2 of August 11, 2009 executive session minutes listing attendance @ 10:55 was also attended through telephone conference by the applicant and his/her social worker. Motion # 1 made by Darrol Schroeder, seconded by Orletta Kilen to approve the minutes as corrected.	Motion # 1 carried.
05. 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.
06. Building Committee Report Chairman-Bldg Comm.-DuWayne Ternes Owners Representative-Bernie Bailey	Discussion was held on the following topics: ➤ Comparison of the construction site schedule and the limited progress being made at the construction site. ➤ The wood headers that were mistakenly	

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	<p>replaced by steel headers.</p> <ul style="list-style-type: none"> ➤ Mike Mullen, Assistant Attorney General will give an opinion on who's responsible for the errors and omissions portion of our contract with Foss Architecture & Interiors. ➤ Contractors requesting to add days to the completion date on the change orders. ➤ Water, culverts and soil conditions on the construction site. ➤ Responsibility of pumping of the trenches and dewatering on the construction site. <p>Motion # 2 made by DuWayne Ternes, seconded by Daryl Beard that no pay request be paid to prime contractors unless a revised approved schedule is attached.</p> <p>Motion # 3 made by DuWayne Ternes, seconded by Darrol Schroeder to approve these payment requests. This approval was based on the fact that according to the spec of the AIA documents under general conditions it does state that a certificate for payment, a progress payment or a partial or entire use or occupancy of the project by the owner shall not constituent acceptance of work not in accordance with the contract documents. This shall be part of the motion.</p> <ul style="list-style-type: none"> • Certification for Payment Request <ul style="list-style-type: none"> ➤ Comstock Construction - \$ 1,087,333.01 ➤ Grant's Mechanical - \$287,838.00 ➤ Nordick Electric - \$103,068.00 • Professional Services <ul style="list-style-type: none"> ➤ Foss Architecture & Interiors - \$26,232.75 from 09/01/09-09/30/09. 	<p>Motion # 2 carried.</p> <p>Motion # 3 carried.</p>

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	has been invited to return to the meeting room and we are now returning to open session.	
07. Foss Architecture & Interiors	<p>Discussion was held on the following topics:</p> <ul style="list-style-type: none"> ➤ Change orders request #'s 4-G, 7-G & 11-G and Foss Architecture & Interiors letter dated 10/02/09, regarding these proposal requests. <p>Motion # 6 made by DuWayne Ternes, seconded by Darrol Schroeder that we accept change orders 4-G, 7-G & 11-G provided that Foss Architecture & Interiors contacts these three contractors to adjust their overhead and profit to what they would have approximately bid the project. Add to this motion that Administrator Johnson would have the right to approve and sign these revised change orders. Also add that no time extension be granted for these change orders.</p> <p>The following discussion was held on the dewatering issues.</p> <ul style="list-style-type: none"> ➤ Braun Intertec's draft summary of the trench backfill observations & recommendations dated October 05, 2009. ➤ Foss Architecture & Interior's Water/Soil Corrective Action Directive letter dated October 08, 2009 to the three prime contractors and Midwest Testing addressing four priority areas. ➤ Midwest Testing will be performing additional on the job site testing. ➤ Foss Architecture & Interior's has directed the three prime contractors to correct these items at the contractors cost. ➤ The North Dakota Veterans Home may incur additional cost from the required testing from 	<p>Motion # 6 carried. Yes-4 No-1-Daryl Beard</p>

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	<p>Midwest Testing, which passes the testing spec requirements. If the testing does not pass it is the contractor's responsibility to correct, replace and continue.</p> <ul style="list-style-type: none"> ➤ Methods used by Midwest Testing for jobsite site testing. ➤ Regular topics which are discussed at the weekly construction meetings. These minutes are forwarded to the members of the Governing Board. ➤ Which national weather report of rain days will be used to decipher the normal or abnormal conditions? ➤ Foss Architecture & Interiors interpretation of Braun's Intertec letter dated September 24, 2009 regarding recommendations and corrective action to take. ➤ Reference to bid spec section 31-23-25 page 3 pertaining to placement of sump pump which will be required to dewater the site. ➤ Submittal of Schedule which needs approval prior to payment request payments. ➤ The plans of Foss Architecture & Interiors pertaining to the NDVH construction project now with the vacancy of Rick Hoganson-AIA, Principal Architect. ➤ Concerns of geothermal well field freeze up. It is the contractors' responsibility to control the situations that occur on the construction site. ➤ Bearing areas are to be tested prior to any steel being erected. ➤ Decisions from Veterans Home staff pertaining to questions from Foss Architecture & Interiors and that these changes are reported through Administrator Johnson, or Bernie Bailey, 	<p>Foss Architecture & Interiors will amend this statement referring to new site conditions.</p> <p>Foss Architecture & Interiors will address the methods being used with the discharge water.</p> <p>Foss Architecture & Interiors will contact the prime contractors to provide an updated schedule every two weeks.</p> <p>Foss Architecture & Interiors will contact Falk Ground Source Technologies, Grant's Mechanical and Obermiller-Nelson Engineering. It is the responsibility of Grant's Mechanical to test the geothermal</p>

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	Owners Representative. ➤ Health Department issues.	area.
08. Financial Report: Accounting Manager-Kristin Lunneborg	Kristin Lunneborg, Accounting Manager, presented the summary of the construction financial report. Motion # 7 made by Orletta Kilen, seconded by DuWayne Ternes to accept the construction financial report.	
09. Demolition of Current Facility Administrator-Mark B. Johnson	Discussion was held on the following topics: ➤ Demolition or renovation of current building ➤ Life Safety Code Issue ➤ Filing of a Federal Grant for destruction of the current building, this needs to be submitted by March or April 15th.	Administration will submit possible use ideas of the present building.
10. Article 86-01-01 & 86-03-01 to 86-03-10 Chairman-Norris Braaten	Proposed amendments to and repeal of Sections of N.D. Admin. Code <ul style="list-style-type: none"> • Article 86 Chapter 1 Section 1 • Article 86 Chapter 3 Sections 1-10 	Postponed to next meeting
11. NDVH Foundation	Mike Dobmeier, Chairman of NDVH Foundation, would like to attend the December Board Meeting.	
12. Closing Comments	Their has been a request that Brad Maasjo be appointed as a consultant to the Governing Board to write the static plan, grant writing etc. Landscaping of new facility was discussed.	To be discussed at December meeting To be discussed at the December meeting. NDSU will be contacted if students would like to take on as a project.
13. ACOVA Meeting	Date: Location: Time:	Fri. & Sat., November 20 & 21, 2009 Bismarck Comfort Inn Friday @ 1:00 pm & Sat. to be announced
14. NDVH Building Committee	Date: Location: Time:	To be announced
15. Next Meeting – Governing Board:	Date:	Tuesday, December 08, 2009

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	Location: Time:	Lisbon-NDVH M/P Room 10:30 AM
16. Adjournment	Motion # 8 made by Daryl Beard, seconded by Orletta Kilen to adjourn this meeting.	Meeting adjourned.
Minutes signed by Administrator		<i>/s/ Mark B. Johnson</i> Mark B. Johnson, Administrator