

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

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DATE/TIME: Friday, October 30, 2009 @ 10:30 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 Dean Overby Darrol Schroeder

Call ins: DuWayne Ternes (Left conference call Meeting @ 12:00 pm) 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 Bernie Bailey, Owners Representative Ransom County Gazette-Terri Barta

Foss Architecture & Interiors Representatives, Rochelle Conzemius, AIA & Thomas Dewald*AIC, CPC

Call ins: Mike Mullen, Assistant Attorney General A.C.O.V.A. Chairman-Lyle Schuchard

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	Minutes will be approved next meeting	NAR (No Action Required)
05. Approval/Conflict of Interest of Agenda Items Chairman-Norris Braaten	Chairman Braaten introduced the special agenda items.	There are no conflicts of interest stated at this time.
06. Construction Site Reports Chairman-Norris Braaten Administrator-Mark B. Johnson Owners Representative-Bernie Bailey	Discussion was held on the following items: ➤ Packet of information compiled by Foss Architecture & Interiors, which detailed documentation on how the contractors are addressing areas of concern. ➤ Unofficial schedules have been reviewed at the weekly construction meetings; however, Comstock Construction has not submitted a revised schedule to the Governing Board. ➤ Comstock is to submit a revised completion schedule, including a dash board overview of the schedule prior to next pay request for the Governing Board review and approval. ➤ Dewatering or lack of dewatering which is spelled out in contract specifications.	Motion # 1 made by DuWayne Ternes, seconded by Jerry Meske that Bernie Bailey, Administrator Johnson and Mike Mullen, Assistant Attorney General, draft a letter instructing Foss Architecture & Interiors of the following concerns of the North Dakota Veterans Home Governing Board. This letter is to be signed by Chairman Braaten. The content of this letter will contain the following topics: ➤ Contract states "copies of the revised schedule shall be submitted to the Architect/Owner and shall be submitted in each pay request monthly.

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	<ul style="list-style-type: none"> ➤ Anchor bolts which were not tightened down. ➤ Bernie Bailey, owner's representative, is to document incidents and inform Foss Architecture & Interiors. ➤ The amount of time the owner's representative is required on the job site. ➤ How many times per week does Foss Architecture & Interiors visit the job site to monitor the owner's interest? ➤ Job site issues which are discussed at the weekly construction meeting pertaining to the owners concerns are not covered sufficiently in the minutes. What documentation do we have of these concerns? These issues should be relayed by documentation to Foss Architecture & Interiors and to the Governing Board. ➤ Discussed work schedule for owners representative. 	<ul style="list-style-type: none"> ➤ The Governing Body is putting Foss Architecture & Interiors and the prime contractors on notice that future payments are contingent on submitting a satisfactory revised schedule. <p>Motion # 1 carried Yes-6 Orletta Kilen Absent</p>
<p>07. Foss Architecture & Interiors</p>	<ul style="list-style-type: none"> ➤ Foss Architecture & Interiors Representatives discussed all the information provided in the packet given to the board, detailing the water issues on the construction site. ➤ Request was made that a representative from Foss Architecture & Interiors and the North Dakota Veterans Home be present when the test holes are dug to check levels of ground water on the construction site. ➤ Received a letter from Comstock Construction communicating their right to reserve the opportunity to make claim against the time and materials that it is costing their company with regard to the corrective action plan. ➤ The revised completion schedule from 	<p>Foss Architecture & Interiors is directed to address the following concerns:</p> <ul style="list-style-type: none"> ➤ Site lighting ➤ Sign to be placed outside the gates ➤ Methods being used to prevent geothermal wells from freezing. ➤ Shingling in December. ➤ Quality Assurance. ➤ Development of site road.

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	<p>Comstock Construction projects the four enclosure dates to be Area A-Dec. 2, 2009, Area D-Dec. 16, 2009, Area B-Jan. 13, 2010 and Area C-Jan 14, 2010, with a final completion date of Dec. 14, 2010.</p> <p>Motion # 2 made by Daryl Beard, seconded by Orletta Kilen to approve change order request 7G and include the additional market up price for the contractor and Foss Architecture & Interiors if requested. (Foss Architecture & Interiors is not requesting additional dollars for 7G.)</p> <p>Change orders 4G & 11G have already been approved by the Building Committee.</p> <p>Question was raised whether the board can approve pay request change order via e-mail.</p> <p>Motion # 3 made by Dean Overby, seconded by Daryl Beard to dissolve the building committee since the governing board is meeting frequently and to allow board members to be fully informed regarding the construction project.</p> <p>Administrator Johnson requested the following pay requests be paid contingent upon approval from Bernie Bailey, Owners Representative.</p> <ul style="list-style-type: none"> ➤ Comstock Construction - \$ 914,314.61 ➤ Grant's Mechanical - \$260,370.00 ➤ Nordick Electric - \$28,210.50 	<p>Motion # 2 carried Yes-6 DuWayne Ternes-Absent</p> <p>Dept of Health approval response is forthcoming.</p> <p>Will work with Mike Mullen on format to use.</p> <p>Motion # 3 carried-Yes-5 No-1-Jerry Meske DuWayne Ternes-Absent</p>

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	<p>➤ Payment to Foss Architecture and Interiors if around normal billing.</p> <p>Motion # 4 made by Darrol Schroeder, seconded by Dean Overby to approve these pay requests under protest contingent upon review and approval from Bernie Bailey, Owners Representative.</p>	<p>Motion # 4 carried-yes-6 DuWayne Ternes-Absent</p>
<p>08. Article 86-01-01 & 86-03-01 to 86-03-10 Chairman-Norris Braaten</p>	<p>Proposed amendments to and repeal of Sections of N.D. Admin. Code</p> <ul style="list-style-type: none"> • Article 86 Chapter 1 Section 1 • Article 86 Chapter 3 Sections 1-10 	<p>Daryl Beard will brief the projected Administrative Code changes to the ACOVA.</p>
<p>09. NDVH Foundation</p>	<p>Mike Dobmeier plans to attend the December Governing Board Meeting</p>	<p>Administrator Johnson will confirm this.</p>
<p>10. Closing Comments</p>	<p>Documentation from Bernie Bailey, Owners Representative, was discussed.</p>	<p>These issues will be resolved between employer and employee.</p>
<p>11. ACOVA Meeting</p>	<p>Date: Location: Time:</p>	<p>Fri. & Sat., November 20 & 21, 2009 Bismarck Comfort Inn Friday @ 1:00 pm & Sat. to be announced</p>
<p>12. Next Meeting – Governing Board:</p>	<p>Date: Location: Time:</p>	<p>Tentative-Tuesday, December 08, 2009 Lisbon-NDVH M/P Room 10:30 AM</p>
<p>13. Adjournment</p>	<p>Motion # 5 made by Darrol Schroeder, seconded by Daryl Beard to adjourn this meeting.</p>	<p>Meeting adjourned.</p>
<p>Agenda approved by Chairman & Administrator</p>		<p><i>/s/ Mark B. Johnson</i> Mark B. Johnson, Administrator</p>