

**NEOSHO COUNTY COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
SPECIAL MEETING MINUTES**

**DATE:** March 25, 2010  
**TIME:** 5:30 p.m.  
**PLACE:** Student Union, Room 209

**PRESENT:** Kevin Berthot  
Charlie Boaz  
Patricia Griffith  
Clint Isaac  
Mariam Mih  
David Peter

Dr. Vicky Smith, President  
Dr. Brian Inbody, VP for Student Learning  
Ben Smith, VP for Administration  
Brenda Krumm, Dean of Outreach and Workforce Development  
Eric Tincher, Dean of Student Development  
Sandi Solander, Business Manager  
Kent Pringle, Board Attorney  
Terri Dale, Board Clerk

Mr. Peter called the meeting to order at 5:30 p.m.

### **I. Approval of the Agenda**

Mr. Peter asked to amend the agenda by adding an executive session for attorney-client privilege as IV-B. Upon a motion and a second the amended agenda was approved. Motion passed.

### **Agenda Item IV-A: Design/Build Contract for Title III Space**

On advice of counsel, the administration determined that the College should have three design/build contracts for the Ottawa educational facility. The three contracts will cover the following construction: 1) the portion of the facility that is funded by the Title III grant; 2) the rest of the building and site development; and finally 3) any road improvements to Route 68.

This contract is the first, i.e. the Title III design/build contract. Dr. Smith pointed out some aspects of the contract to the Board.

The first is that it is a standard agreement form from the American Institute of Architects. Since it is a standard agreement form, all ways in which the owner and the design-builder could establish the relationship is included in the packet. There are three ways the owner can contract with the design-builder and all three of these processes are included in the document. **The administration selected the "Stipulated Sum in accordance with section 4.2 below" as the process.** (See Article 4 in the Document A141-2004.) Therefore, only those sections that expand on the "Stipulated Sum" process should be reviewed by Trustees. **The administration did not** choose either the "cost of work plus design-builder's fee" or "cost of work plus design-builder fee with a guaranteed maximum price" processes, Dr. Smith indicated that Trustees should ignore all sections

that refer to those two approaches.

In addition to the main document, there are five appendices. They are:

1. AIA Document A141-2004 Exhibit A: Terms and Conditions
2. AIA Document A141-2004 Exhibit C: Insurance and Bonds
3. Exhibit D: Neosho County Community College –Ottawa Educational Facility: Title III Grant Provisions
4. Exhibit E: Neosho County Community College—Ottawa Educational Facility: Scope of Work
5. Exhibit F: State of Kansas, Department of Administration: DA-146a, Contractual Provisions Attachment

Dr. Smith asked the Board to please review Exhibit D and E.

#### **Resolution 2010-18**

RESOLVED, that the Board of Trustees of Neosho County Community College approves the Title III Design/Build Contract with Loyd Builder's Inc., Ottawa, Kansas in the amount of \$277,955.00. This includes the authority to pay the initial payment application in the amount of \$36,000.00.

**Upon a motion and a second the above resolution was approved. Motion passed unanimously.**

**Amended Agenda Item IV-B: Executive Session-Attorney-Client**

Upon a motion and a second the Board entered executive session for five minutes to consult with the college attorney about matters protected by attorney-client privilege and to include the president, vice president for student learning, vice president for administration and the college attorney. Motion passed. The Board entered executive session at 5:40 p.m.

The Board returned to open meeting at 5:45 p.m.

**Ottawa Update**

President Smith told the Board that the College had closed on the Jamison property in Ottawa on March 24, 2010. The deed as assigned to the NCCC Foundation with restrictions as discussed in executive session.

Dr. Smith then turned the meeting over to Ben Smith and Brian Inbody.

Dr. Inbody reviewed the floor plan for the Board, room by room, and answered questions.

Ben Smith discussed his meeting with KDOT officials regarding the turning lanes. He said that overall the meetings were going well.

**Agenda Item V: Adjournment**

Upon a motion and a second the meeting adjourned at 6:22 p.m.