

NEW MILLENNIUM ACADEMY

School Board Meeting Minutes

Date: November 9th, 2017

Time: 6:00 PM – 8:00 PM

Location: 5105 Brooklyn Blvd

Brooklyn Center, MN 55429

Facilitator: Bridget Mealman

Minutes: Jeanene Miller

1. Opening and Welcome

- a. Welcome & Roll Call of Board Members: **Present:** Terence Jones, Ker Vang, Bridget Mealman, Angela Lee, and Heidi Pendroy. **ExOfficio:** Chuck Herdegen, BergenKDV. **Guest:** Kevin Xiong, Penny Vang & Jeanene Miller – Thrive.
- b. Approval of the Agenda: Terrence motioned to approval the agenda. Ker seconded the motion. All voted in favor.
- c. Public Comments: There were not public comments.

2. Review and Approval of Board Minutes

- a. Approval of October minutes : Motion made by Ker Vang to approve the October 12, 2017 minutes. Motion was seconded Heidi Pendroy. All voted in favor.

3. Treasurer Reports

- a. Treasurer Report & Approval
 Chuck Herdegen presented the financial report to the board. Enrollment is ahead of the numbers used for the anticipated budget. Motion was made by Terence Jones to accept the Financial Report as presented along with the Management Report. Angela Lee seconded the motion. All voted in favor.
 Roll call: Terence Jones, aye, Ker Vang, aye, Bridget Mealman, aye, Heidi Pendroy aye, and Angela Lee aye.

4. Old Business

At this time, the chair will close this meeting in accordance with Minnesota Statutes Section 13D.05, Subdivision 3(b), so that the Board may hold an attorney-client privileged discussion with its legal counsel concerning the litigation between the school and Yee Yang and Nou Vang. Bridget closed the meeting at 6:24.

- a. Litigation concerning the building company - CLOSED Craig Kepler

The meeting reopened at 6:53 p.m.
Litigation is currently pending with Yee Yang and Nou Vang. Negotiation has brought a settlement for entry of judgement and states that the July 15 amendment was filed without proper authorization. It would state that Yee Yang and Nou Vang have no authority of the building company. Recommendation was made by legal counsel for the Board to approve the negotiated settlement as reflected in the stipulation and judgment, copies of which are attached to these Minutes to confirm that these specific documents were approved.

Terence Jones moved to adopt the resolution along with the settlement documentation in its entirety. Heidi seconded the motion. All voted in favor of the motion.

5. New Business

a. Academic Performance

Penny Vang gave the board an update on FASTbridge testing. Second quarter testing is scheduled for January 2018.

IXL has a controlled rigor directed toward the grade and the standard. This supports the one-on-one Chromebook. Testing is no longer paper/ pencil. This can extend into the after school and the possibility of Saturday school.

MCA support books- paper on line. This allows students to see it in varied ways.

Digital learning- data walls, individualized planning, tools for observations, student engagement, SIOP, coaching. Thus there is support for teachers too.

Chromebook roll out and scheduled to arrive tomorrow. Ordered docks for charging stations. Getting 14 inch with set up. 1st through 5th will not go home. Current tablets in house will go to Kdg.

b. After school Program

Amy Erickson gave an update on the after school program. Start date is Nov. 21. Dinner is also served. Students 2nd through 5th will be included. Kdg and 1st will have a letter going home to be specific about those grades not being included.

c. Board Skills Assessment Results

Kevin Xiong shared the board skills assessment results and walked the board through the document. The skills assessment document is a good tool for identifying skills gaps at the board level for the purpose of board recruitment.

6. Committee Reports

a. Ad Hoc Committee

The Ad Hoc Committee will be meeting on Nov. 14 1820 Highway 36 Roseville, Mn Starbucks at 6:00 p.m.

Terence Jones

7. CEO Report

Staffing change: MS coach position is vacant. Literacy coach position is filled.

Motion to adjourn by Heidi Pendroy at 7:47 p.m. the motion was seconded by Angela Lee. All voted in favor.

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

CASE TYPE: OTHER CIVIL

New Millennium Building Company, a
Minnesota non-profit corporation and New
Millennium Academy, a Minnesota non-
profit corporation,

Plaintiffs,

v.

Yee Yang and Nou Vang,

Defendants.

Court File No.: 27-cv-17-13898

**STIPULATION FOR ENTRY OF
INJUNCTION AND JUDGMENT**

Plaintiffs New Millennium Building Company (the “Building Company”) and New Millennium Academy (the “School”) and Defendants Yee Yang (“Yang”) and Nou Vang (“Vang”), by and through their respective counsel, stipulate that the Court may enter the following Order and Judgment based upon this Order:

1. The Court finds that on July 5, 2017, an Amendment to the Building Company’s Articles of Incorporation (the “Amendment”) was filed with the Secretary of State without proper authorization. The Amendment was filed by the Office of the Secretary of State as Work Item 956502800032.
2. The Amendment is hereby declared null and void pursuant to Minn. Stat. § 555.01 *et seq.*
3. The Office of the Secretary of State is hereby ordered to remove the Amendment from its physical and electronic files.
4. The Court further declares, pursuant to Minn. Stat. § 555.01 *et seq.*, that:
 - a. the School remains the sole member of the Building Company;
 - b. Yang and Vang are no longer on the Building Company’s Board of Directors, and
 - c. Yang and Vang have no authority over the Building Company or any of its property or assets, including the funds held in trust, and have never had

such authority as individuals or as individual members of the Building Company's Board of Directors.

5. Unless Yang and Vang are re-elected to the School and/or the Building Company's Board of Directors and given lawful authority by the respective entity's Board and, where necessary, the School, they are permanently enjoined from:
 - a. filing amendments to the Building Company's Articles of Incorporation with the Minnesota Secretary of State;
 - b. attempting to exercise control over the Building Company or any of its property or assets, including the funds held in trust; and
 - c. claiming to represent the Building Company or the School.
6. The judgment shall not prohibit Yang and Vang from:
 - a. enrolling their children in the School;
 - b. peaceably participating in School-related activities as parents of their children enrolled in the School; or
 - c. serving as a Director and/or Officer of either the School or the Building Company, if re-elected, or as a member of the School's parent-teacher association.
7. Notwithstanding the dismissal of the claims in this action, the Court shall retain exclusive jurisdiction to enforce the terms of this Injunction, and the parties agree that they shall submit to the jurisdiction of this Court for purposes of any enforcement of this Injunction.
8. Any violation of this Injunction may be punished as a Contempt of Court.

IT IS SO STIPULATED.

Dated: November ____, 2017

LINDQUIST & VENNUM LLP

By: _____

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ATTORNEYS FOR PLAINTIFFS

DATED: November ____, 2017

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ATTORNEY FOR DEFENDANTS

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

CASE TYPE: OTHER CIVIL

New Millennium Building Company, a
Minnesota non-profit corporation and New
Millennium Academy, a Minnesota non-
profit corporation,

Court File No.: 27-cv-17-13898

Plaintiffs,

STIPULATION FOR DISMISSAL

v.

Yee Yang and Nou Vang,

Defendants.

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel, that this action, and all claims asserted herein, may be fully and finally dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

IT IS FURTHER AGREED that this Stipulation is subject to the Court entering the Stipulated Injunction being filed concurrently herewith and retaining jurisdiction to enforce the Stipulated Judgment.

IT IS SO STIPULATED.

Dated: November ___, 2017

LINDQUIST & VENNUM LLP

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ATTORNEY FOR DEFENDANTS

ORDER

IT IS HEREBY ORDERED that the foregoing Stipulation for Dismissal with prejudice is adopted by the Court.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: _____, 2017

Karen A. Janisch
Judge of District Court