

Minutes of the Regular School Board Meeting

Of the School Board of Independent School District No. 709 held at the Historic Old Central High School, 215 North First Avenue East, Duluth, Minnesota 55802, on

Tuesday, March 15, 2011

Members Present:

Mary Cameron
Gary Glass
Tim Grover
Art Johnston
Tom Kasper
Judy Seliga Punyko
Ann Wasson

Others Present:

Keith Dixon, Superintendent
Bill Hanson, Deputy Clerk
Melinda Thibault, Secretary

Student Representatives

Marcus Jahn
Lindsey Redenbaugh

Chair Seliga Punyko called the regular school board meeting of March 15, 2011 to order at 6:30 p.m., and the pledge of allegiance to the American flag was given.

The Solid Gold and the Little Mob, from Central/Denfeld High School, performed the National Anthem.

M-Wasson, S-Cameron, to approve the agenda as presented.

M-Glass, S-Johnston, to add a special resolution to the agenda for the Sunshine Week Proclamation.

Discussion took place regarding the motion to add the resolution.

Upon a vote to add the resolution the same passed - unanimously.

M-Glass, S-Johnston, to adopt the Sunshine Week Proclamation.

Member Glass presented the resolution:

RESOLUTION

SUNSHINE WEEK PROCLAMATION

WHEREAS, James Madison, the father of our federal Constitution, wrote that “consent of the governed” requires that the people be able to “arm themselves with the power which knowledge gives,” and

WHEREAS, every citizen in our participatory democracy has an inherent right to access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people’s trust and confidence in their government and in the government’s ability to effectively serve its citizens; and

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WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority of the School Board of Independent School District No. 709 and

WHEREAS, the School Board of Independent School District No. 709 is committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard,

NOW, THEREFORE, be it resolved that the School Board of Independent School District No. 709 commits, in tribute to Sunshine Week, which commemorates the 261st anniversary of James Madison's birth, to work diligently to enhance the public's access to government records and information, to increase information provided electronically and online, and to ensure that all meetings of deliberative bodies under its jurisdiction, and their committees, are fully noticed and open to the public.

Resolution B-3-11-2872

March 15, 2011

Upon a vote on the resolution, the same was approved – unanimously.

Member Johnston stated he had requested sixteen items for the agenda, and noted his concern with not being allowed to attend the agenda setting meeting.

Member Johnston gave previous notice for the following sixteen items:

1. Censuring of Chairperson Seliga Punyko for culpably failing to properly perform the duties of a chair, misconduct, and neglect of duties.
2. Censuring of the 2010 Chairperson Grover for culpably failing to properly perform the duties of a chair, misconduct, and neglect of duties.
3. Scheduling of a special meeting called by Board members on October 21 per Board bylaw 9070 for the discussion of the action of the Chairperson in ordering the handcuffing and removal of a member of the public attempting to speak to the Board on Oct. 19, 2010.
4. Censuring of the 2010 Chairperson Grover and 2010 Clerk Wasson's refusal to allow Board member participation in the agenda setting session on Jan. 4.
5. Hiring a parliamentarian to assist the board in properly following its rules during meetings.
6. Hearings on closing schools per Minnesota Statute 123B.51 SCHOOLHOUSES AND SITES; USES FOR SCHOOL AND NONSCHOOL PURPOSES; CLOSINGS, Subd. 5; and censuring of ISD 709 in failure to comply with such law.
7. Legality of the 2012-2013 Duluth Federation of Teachers' contract passed by School board on July 20, 2010, in view of the School Board and administration violating Advisory Opinion 10-015 from the Minnesota Department of Administration.
8. Rescinding of above Resolution HR-7-10-2792 passed by erroneous board procedure on July 20, 2010.
9. Ordering the administration to provide required documentation for agenda items to school board members, the public, and the media at least three days prior to meetings
10. Ordering the ISD 709 administration to provide requested information to Board members in a timely manner.
11. Televising or recording the organizational board meetings, special board meetings, and standing committee school board meetings.

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12. Distribution of meeting minutes to board members one week after meetings.
13. Hiring registered architects and professional engineers to manage the facilities and the Long Range Facility Plan contracts of ISD 709.
14. Investigate the Long Range Facilities Plan saving as computed by Johnson Controls, Inc., and whether the savings were legitimate and well founded.
15. Negotiating Committee appointed and functional per Bylaws 9020 and 9045 and Policy 8055.
16. Request to the Office of State Auditor to conduct a financial and investigative audit per policy 3215.

Upon a vote on the agenda as amended the same passed – 6-1 as follows:

Yea: Cameron, Glass, Grover, Kasper, Seliga Punyko, Wasson

Nay: Johnston

Chair Seliga Punyko asked school board members if there were any corrections or changes to the minutes of the regular school board meeting of February 15, 2011.

M-Wasson, S-Cameron, to approve the minutes of the February 15, 2011 regular school board meeting.

Member Johnston stated that on page five he made four points of order, that the first three were not responded to, and that he would like all four noted in the minutes.

Member Johnston stated that he had withheld items from the business committee that should have been voted on separately but weren't and that he believes that the change order Items 4.B.4. and 5. were not approved as part of the vote on the entire committee report. Chair Seliga Punyko stated that the question had been called and those items were approved as part of the entire report. Beth Storaasli, legal counsel, stated that the vote of the entire board to call the question would supersede one board members request and therefore the items were approved as part of the vote on the entire report.

Upon a vote, the same was approved as amended – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Public Comments

March 2011

Curt Leitz, 1326 East Skyline, spoke to the school board regarding the proposed budget cuts and to ask that they keep the special needs students needs in mind when making those cuts.

Terri Akervik, Music Curriculum Specialist, spoke to the school board regarding music in our schools and to consider the importance of the music programs when making the budget cuts.

Henry Banks, No address provided, stated that he had made a proposal to the school board

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regarding funding for the Ethnic Film Festival project, and he is looking for a response to his proposal.

Stacy Achterhoff, 1409 East 10th Street, spoke to the school board regarding her concern with the upcoming closure of her neighborhood school, Nettleton Elementary.

Doug Frisk, 1933 Waverly Avenue, spoke to the school board to note that he is happy with the new board book program and the access he has to information because of the program.

Marcia Stromgren, 6179 Lakewood Road, spoke to the board regarding bullying and her belief that there is bullying going on within the school board.

Karen Stiles, 214 E. Oxford Street, spoke to the board regarding the proposed elimination of the vice principal and the loss of funds for Nettleton Elementary School.

Communications, Petitions, Etc.

March 2011

Superintendent Dixon acknowledged the communications received.

Superintendent's Report

March 2011

Superintendent Dixon asked Frank Wanner, Mark Zwak, and Bill Hanson to give the board an update on the good news regarding the money savings from the PEIP insurance program.

Superintendent Dixon acknowledged and congratulated the following:

- The East High School Daredevils Robotics Team took first place at the F.I.R.S.T. (For Inspiration and Recognition of Science and Technology) regional competitions and will advance to the national competition.
- Congratulations to the East Boys Hockey team and a tremendous showing at the State Tournament.
- Congratulations to the East Boys and Girls Nordic Ski teams, who each took first place at the 2011 State Nordic Ski Racing Meet.
- Central-Denfeld choirs did very well at the Minnesota State Region 7AA large group choral music contest:
- The Choralaires Intermediate mixed choir received a performance "Excellent" rating
- Concert Choir received a unanimous Superior Star rating
- Alyssa Everson, Woodland Middle School, took first place in the State Spelling Bee. Alyssa won a trip to the Scripps National Spelling Bee for herself and a parent where she will compete for the title of National Champion.
- East High School's Destination Imagination Team earned a place in the State competition, taking second place in the regionals. Sophie Hillmeyer, Katie Tahtinen,

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Nicholle Puff, Kori-Ann Puff, Nicole Bourgoyne, Georgia Jacobson and Emilee Loiselle are on the East team.

- Terry Smith, Indian Education Director for ISD 709, has been elected Co-Chair for the City of Duluth American Indian Commission.
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Superintendent Dixon reviewed the legislative updates regarding compensatory education funding and integration aid.

Education Committee Report
March 2011

Member Wasson presented the Education Committee report, a copy of same being in the hands of each school board member.

Member Wasson presented the resolution:

RESOLUTION

Acceptance of Grant Awards to Duluth Public Schools

WHEREAS, Minnesota Statute 465.03 requires a school district to accept grants by resolution expressed in the terms prescribed by the donor in full; and,

WHEREAS, acceptance of the grant in accordance with the donor's terms is in the best interest of the Duluth Public Schools:

NOW, THEREFORE, BE IT RESOLVED that the Duluth Public Schools does accept the below-described grants from said organizations in accordance with the terms set forth herein.

BE IT FURTHER RESOLVED that the Duluth Public Schools wishes to extend its grateful appreciation to these various organizations.

	Organization	Author/Contact	Project Title	Award Amount	Terms
1.	Minnesota Department of Education	Pamela Rees	Revised SFY11 State Head Start Grant (Result of Federal Enrollment Reduction approval)	\$450,464 (Amount has not changed.)	Revised terms of SFY11 State Head Start Grant resulting from Federal Enrollment Reduction approval.
2.	Northland Foundation	Lauren Johnson – Student at Central and on the East Robotics Team	East Robotics – Lego League Launch Project	\$1,000	Funds from this grant award will be used to support the East Robotics – Legato League Launch Project.

Resolution E-3-11-2860

March 15, 2011

M-Wasson, S-Cameron, to approve Resolution E-2-11-2856 - Acceptance of Grant Awards to the Duluth Public Schools. Upon a vote taken, the same was approved – unanimously.

M-Wasson, S-Cameron, to approve the Education Committee Report as presented.

Member Johnston withheld Items 1.B. and 1.C.

Member Kasper withheld Item 1.D.

Member Johnston withheld Item 1.B. – Market Research Proposal, to note that it was excellent promotion of our schools. Member Kasper asked Katie Kaufman, Public Relations, where the project is. Ms. Kaufman explained where the survey project is and activities that have been taking place to promote Duluth Schools to prospective students. Member Glass stated that he would like to know if they could get a copy of the final survey and also to ask if there could be a question about the importance summer programs on the survey. Member Johnston noted his concerns with the market research portion.

Member Johnston withheld Item 1.C. – Anti-Bullying Update to ask Superintendent Dixon to give a brief update on the training initiative. Superintendent Dixon gave an overview of where the District is with the program. Student Advisor Jahn asked if this would be a required program for all students and also if the policy would be updated to include bullying.

Member Kasper withheld Item 1.D. – Duluth Academy to request that there be a discussion on the online learning opportunity at the next Education Committee meeting.

Upon a vote on the remainder of the Education Committee report as presented, the same was approved – unanimously.

Human Resources Committee Report

March 2011

Member Cameron presented the Human Resources Committee report, a copy of same being in the hands of each school board member.

M-Cameron, S-Wasson, to approve Item number 1 – Staffing Report Action items. Human Resources Committee Report as presented. Upon a vote taken, the same was approved – unanimously.

M-Cameron, S-Wasson, to approve the Individual Contract for William Gronseth, Assistant Superintendent from 7/1/11-6/30/2012.

Member Johnston stated his concern with giving any raises and budget issues.

Member Johnston presented a resolution. A point of order was made that you cannot bring a new resolution forward without adding it to the agenda. Member Johnston changed his motion from a resolution to an amendment to the motion on the floor.

M-Johnston, S-Glass, Whereas: The School District Provides Health And Hospitalization Coverage With No Employee Co-Payments At No Expense To The Employee. Whereas: The School District Provides Dental Coverage With No Employee Co-Payments At No

Expense To The Employee. Whereas: The School District Provides Dental At No Employee Co-Payments At No Expense To The Employee. Whereas: The School District Provides Life Insurance At No Expense To The Employee. Whereas: The Above Benefits Are Much Higher Than Other City, State, Federal Government, And Private Workers Receive. Whereas: The School District Has A \$6 Million Deficit (6%) For Next Year. Whereas: The State Of Minnesota Has A \$5 Billion (16%) Deficit For Next Year And Is Already Delaying Payments To Schools. Whereas: The Property Taxes Levied By The Duluth School Are Among The Highest In The State. Therefore: The Assistant Superintendent, The CFO/Executive Director Of Business Services; And The Public Relations Coordinator Pay Schedule Will Continue As For The Years 2010-2011.¹

Member Johnston made a point of order that Chair Seliga Punyko was having a side conversation with Member Grover. Chair Seliga Punyko stated that she was asking for clarification on the vote on the amendment.

Chair Seliga Punyko called for a vote on the amendment. Member Johnston stated that there had to be discussion before calling for a vote. Chair Seliga Punyko asked if there was further discussion.

M-Glass, S-Johnston, to amend the amendment to freeze all salaries across the district.

Discussion took place regarding the proposed amendment.

Upon a vote on the amendment to the amendment, the same failed – unanimously.

Upon a vote on the original amendment the same failed 1-5-0 as follows:

Yea: Johnston

Nay: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Abstain: Glass

Upon a vote on the original motion to approve the contract for Bill Gronseth, the same passed 5-1-0 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Johnston

Abstain: Glass

M-Cameron, S-Wasson, to approve the individual contract for William Hanson.

M-Johnston, S-Glass to apply the same amendment to this motion as listed above¹. Upon a vote on the amendment, the same failed 2-5 as follows:

Yea: Glass, Johnston

Nay: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Upon a vote on the original motion to approve the contract for William Hanson, the same

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passed 5-1-0 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Johnston

Abstain: Glass

M-Cameron, S-Wasson, to approve the individual contract for Kathleen Kaufman.

M-Johnston, S-Glass, to apply the same amendment to this motion as listed above¹. Upon a vote on the amendment, the same failed 2-5 as follows:

Yea: Glass, Johnston

Nay: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Upon a vote on the original motion to approve the contract for Kathleen Kaufman, the same passed 5-1-0 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Johnston

Abstain: Glass

Member Cameron noted her concern with having to end the closed session early because a board member brought a personal recorder into the meeting. Member Johnston said he did bring in a recorder because there is no record of the meeting. Member Grover clarified that the meetings are recorded and the recordings would be available to board members for review if needed. Superintendent Dixon clarified that the meeting was legal.

Business Committee Report

March 2011

Member Grover presented the Business Committee report, a copy of same being in the hands of each school board member.

Member Grover presented the resolution:

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF \$19,375,000 GENERAL OBLIGATION TAX AND AID ANTICIPATION CERTIFICATES OF INDEBTEDNESS, SERIES 2011A; PRESCRIBING THE TERMS THEREOF; CREATING A DEBT SERVICE FUND THEREFORE; AND AWARDED THE SALE THEREOF

BE IT RESOLVED by the School Board (the "School Board") of Independent School District No. 709, St. Louis County, Minnesota (the "District"), as follows:

Section 1. Certificates Purpose and Authorization.

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1.01 Under and pursuant to the authority contained in Minnesota Statutes, Sections 126C.50 through 126C.56, as amended (the "Act"), and Minnesota Statutes, Chapter 475, the board of any school district may borrow money (i) upon tax anticipation certificates of indebtedness for the purpose of anticipating general taxes already levied by the district for school purposes; and (ii) upon aid anticipation certificates in anticipation of receipt of state aid for schools as defined by Minnesota State and federal school aids to be distributed by or through the Minnesota Department of Education (the "Department").

1.02 The School Board hereby determines that it is necessary to borrow, pursuant to the Act, upon tax anticipation certificates of indebtedness in the amount of \$8,450,000 in anticipation of taxes levied in the year 2010 for collection during the year 2011, including any amounts payable to the District by the State of Minnesota to replace such taxes (the "Taxes"), which are necessary for the timely payment of anticipated expenditures from the District's operating funds (the "Funds"). Such amount does not exceed 75% of the Taxes which are due and payable in calendar year 2011.

1.03 The School Board hereby further determines that it is necessary to borrow, pursuant to the Act, upon aid anticipation certificates of indebtedness in the amount of \$10,925,000 in anticipation of receipt of state aids for schools and of federal school aids to be distributed by or through the Department during the July 1, 2010 to June 30, 2011 fiscal year (the "School Aids"), which are necessary for timely payments of anticipated expenditures from the Funds. Such amount does not exceed 75% of the School Aids which are receivable by the District in such fiscal year as estimated by the Commissioner of the Department.

1.04 The School Board hereby determines that it is necessary and expedient that the District issue the tax anticipation certificates of indebtedness as described in Section 1.02 above (the "Tax Certificates") and the aid anticipation certificates of indebtedness as described in Section 1.03 above (the "Aid Certificates") in a single issuance of \$19,375,000 General Obligation Tax and Aid Anticipation Certificates of Indebtedness, Series 2011A (the "Certificates").

Section 2. Award of Sale. The School Board, through direct negotiation, has received an offer from Northland Securities, Inc., of Minneapolis, Minnesota (the "Purchaser"), to purchase the Certificates at a cash price of \$19,433,103.00 upon the terms and conditions hereafter specified in this Resolution. The School Board, after due consideration, finds such offer reasonable and proper and most favorable to the District, and the offer of the Purchaser is hereby accepted. The Chair and the Clerk are hereby authorized and directed to execute on the part of the District a contract for the sale of the Certificates in accordance with the Purchaser's proposal. The actions of PMA Securities, Inc., independent financial advisor to the District, taken with respect to soliciting proposals for the Certificates are hereby ratified and confirmed in all respects.

Section 3. Full Faith and Credit Pledge. The School Board hereby declares that the full faith and credit and taxing power of the District and the receipts of the School Aids and the Taxes, to the extent necessary to repay the Certificates, shall be and are hereby at all times irrevocably pledged for the payment of principal and interest on the Certificates when due.

Section 4. Date, Interest Rate and Maturity. The Certificates to be issued hereunder shall be dated as of the date of their delivery to the Purchaser, shall be issued in the denomination of \$5,000 each, or any integral multiple thereof, in fully registered form, lettered and numbered R-1 and upward. The Certificates shall mature on the dates and in the amounts and shall bear interest at the annual rates stated as follows:

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Issue	Maturity Date	Principal Amount	Interest
Aid Certificates	9/29/2011	\$10,925,000	1.00%
Tax Certificates	3/29/2012	\$8,450,000	1.00%

The Certificates shall not be subject to redemption prior to their maturity dates. The interest on the Certificates shall be payable semiannually on March 29 and September 29 in each year (each referred to herein as an "Interest Payment Date") commencing on September 29, 2011. Interest shall be computed on the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The Bond Registrar designated below shall make the interest payments with respect to the Certificates by check or draft mailed to the registered owners of the Certificates shown on the bond registration records maintained by the Bond Registrar at the close of business on the 15th day prior to an Interest Payment Date whether or not a business day, at such owners' addresses shown on such bond registration records. Principal of each Certificate shall be payable in accordance with and on presentation and surrender of the Certificate to the Bond Registrar.

Section 5. Bond Registrar; Registration of Certificates.

5.01 A. Appointment of Bond Registrar. The School Board hereby appoints U.S. Bank National Association of St. Paul, Minnesota, as registrar, authenticating agent, paying agent and transfer agent for the Certificates (such bank or its successor thereof is herein referred to as the "Bond Registrar"). No Certificate shall be valid or obligatory for any purpose unless or until the Bond Registrar's authentication certificate on such Certificate, substantially as set forth in Section 6 hereof, shall have been duly executed by an authorized representative of the Bond Registrar. Authentication certificates on different Certificates need not be signed by the same representative. The executed authentication certificate on each Certificate shall be conclusive evidence that it has been authenticated and delivered under this Resolution.

B. The District shall cause to be kept at the principal corporate office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the District shall provide for the registration of the Certificates and the registration of transfers of the Certificates entitled to be registered or transferred as herein provided. In the event of the resignation or removal of the Bond Registrar or its incapability of acting as such, the bond registration records shall be maintained at the office of the successor Bond Registrar as may be appointed by the School Board.

C. At the option of the registered owners, the Certificates may be exchanged for other Certificates of any authorized denomination, of a like aggregate principal amount, maturing upon the same date, upon surrender of the Certificates to be exchanged at the principal corporate office of the Bond Registrar. Whenever any Certificates are so surrendered for exchange, the District shall execute and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver the Certificates which the registered owner making the exchange is entitled to receive. Upon surrender for transfer of any Certificate at the principal corporate office of the Bond Registrar, the District shall execute and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver, in the names(s) of the designated transferee(s), one or more new certificates of a like aggregate principal amount, as requested by the transferor. All Certificates surrendered upon the exchange provided for in this Resolution shall be promptly cancelled by the Bond Registrar and thereafter disposed of as directed by the School Board. All Certificates issued in exchange for or upon transfer of the Certificates shall be valid obligations

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of the District evidencing the same debt and entitled to the same benefits under this Resolution as the Certificates surrendered for such exchange or transfer. Every Certificate presented for a transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the District and the Bond Registrar, duly executed by the registered owner thereof or the owner's attorney duly authorized in writing. The District or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of the Certificates, other than exchange expressly provided in this Resolution to be made, without expense or without charge to the registered owner.

D. Each Certificate delivered upon transfer of or in exchange for or in lieu of any other Certificate shall carry all of the rights to interest, accrued and unpaid and to accrue, which are carried by such other Certificate. Each Certificate shall be dated by the Bond Registrar as of the date of its authentication or manual execution, as the case may be. The District and the Bond Registrar shall not be required to make any transfer or exchange during the 15 days next preceding any Interest Payment Date.

5.02 Book-Entry System.

A. In order to make the Certificates eligible for the services provided by DTC, the District has previously agreed to the applicable provisions set forth in the Blanket Issuer Letter of Representations which has been executed by the District and DTC (the "Representation Letter").

B. Notwithstanding any provision herein to the contrary, so long as the Certificates shall be in Book-Entry Form, the provisions of this Section 5.02 shall govern.

C. All of the Certificates shall be registered in the name of Cede & Co., as nominee for DTC. Payment of interest on and principal of any Certificate registered in the name of Cede & Co. shall be made by wire transfer or New York Clearing House or equivalent same day funds by 10:00 a.m. CT or as soon as possible thereafter following the Bond Registrar's receipt of funds from the District on each Interest Payment Date to the account of Cede & Co. on each Interest Payment Date at the address indicated in or pursuant to the Representation Letter.

D. DTC (or its nominees) shall be and remain recorded on the Bond Register as the holder of all Certificates which are in Book-Entry Form. No transfer of any Certificate in Book-Entry Form shall be made, except from DTC to another depository (or its nominee) or except to terminate the Book-Entry Form. All Certificates of such stated maturity of any Certificates in Book-Entry Form shall be issued and remain in a single Certificate registered in the name of DTC (or its nominee); provided, however, that upon termination of the Book-Entry Form pursuant to the Representation Letter, the District shall, upon delivery of all Certificates of such series from DTC, promptly execute, and the Bond Registrar shall thereupon authenticate and deliver, Certificates of such series to all persons who were beneficial owners thereof immediately prior to such termination; and the Bond Registrar shall register such beneficial owners as holders of the applicable Certificates.

The Bond Registrar shall maintain accurate books and records of the principal balance, if any, of each such outstanding Certificate in Book-Entry Form, which shall be conclusive for all purposes whatsoever. Upon the authentication of any new Certificate in Book-Entry Form in exchange for a previous Certificate, the Bond Registrar shall designate thereon the principal balance remaining on such bond according to the Bond Registrar's books and records.

No beneficial owner (other than DTC) shall be registered as the holder on the Bond Register for any Certificate in Book-Entry Form or entitled to receive any bond certificate. The

beneficial ownership interest in any Certificate in Book-Entry Form shall be recorded, evidenced and transferred solely in accordance with the Book-Entry System.

Except as expressly provided to the contrary herein, the District and the Bond Registrar may treat and deem DTC to be the absolute owner of all Certificates of each series which are in Book-Entry Form (i) for the purpose of payment of the principal of and interest on such Certificate, (ii) for the purpose of giving notices hereunder, and (iii) for all other purposes whatsoever.

E. The District and the Bond Registrar shall each give notices to DTC of such matters and at such times as are required by the Representation Letter, including the following:

- (i) with respect to notices of redemption; and
- (ii) with respect to any other notice required or permitted under this Bond

Resolution to be given to any holder of a Certificate.

All notices of any nature required or permitted hereunder to be delivered to a holder of a Certificate in Book-Entry Form shall be transmitted to beneficial owners of such Certificates at such times and in such manners as shall be determined by DTC, the participants and indirect participants in accordance with the Book-Entry System and the Representation Letter.

F. All payments of principal, redemption price of and interest on any Certificates in Book-Entry Form shall be paid to DTC (or Cede & Co.) in accordance with the Book-Entry System and the Representation Letter in same day funds by wire transfer.

5.03 Lost or Damaged Certificates. If a Certificate becomes mutilated or is destroyed, stolen or lost, the Bond Registrar will deliver a new Certificate of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Certificate or in lieu of and in substitution for any Certificate destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Bond Registrar and the District in connection therewith, including the cost of printing new Certificates; and, in the case of a Certificate destroyed, stolen or lost, upon filing with the Bond Registrar and the District of evidence satisfactory to them that the Certificate was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Bond Registrar and the District of an appropriate bond or indemnity in form, substance and amount satisfactory to them and as provided by law, in which both the District and the Bond Registrar must be named as obligees. Certificates so surrendered to the Bond Registrar will be canceled by the Bond Registrar and evidence of such cancellation must be given to the District. If the mutilated, destroyed, stolen or lost Certificate has already matured or been called for redemption in accordance with its terms, it is not necessary to issue a new Certificate prior to payment.

5.04 Payment of Certificates.

A. The District and the Bond Registrar may treat the person in whose name any Certificate is registered as the owner of such Certificate for the purpose of receiving payment of principal of and interest on such Certificate and for all other purposes whatsoever, whether or not such Certificate be overdue, and neither the District nor the Bond Registrar shall be affected by notice to the contrary.

B. The principal of and interest on the Certificates shall be payable by the Bond Registrar in such funds as are legal tender for the payment of debts due the United States of America. The District shall pay the reasonable and customary charges of the Bond Registrar for the disbursement of principal and interest.

5.05 Delivery. Delivery of the Certificates and payment of the purchase price shall be made at a place mutually satisfactory to the District and the Purchaser. Printed or typewritten

and executed Certificates shall be furnished by the District without cost to the Purchaser. The Certificates, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the Clerk to the Purchaser upon receipt of the purchase price plus accrued interest.

Section 6. Form of Certificate. The Certificates to be issued hereunder shall be printed or typewritten in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF ST. LOUIS

INDEPENDENT SCHOOL DISTRICT NO. 709
(DULUTH)

GENERAL OBLIGATION TAX AND AID ANTICIPATION CERTIFICATE
OF INDEBTEDNESS, SERIES 2011A

R-_____ \$_____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	_____, 20__	March 29, 2011	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

Independent School District No. 709, St. Louis County, State of Minnesota (the "District"), acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above on the maturity date specified above, together with interest thereon from the date of original issue specified above until paid at the annual interest rate specified above. The interest shall be payable semiannually on March 29 and September 29 in each year (each referred to herein as an "Interest Payment Date") commencing on September 29, 2011, at the rate per annum specified above, calculated on the basis of a 360-day year of twelve 30-day months, until the principal amount is paid or has been provided for. This Certificate will bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for, or, if no interest has been paid or provided for, from the date of original issue hereof set forth above. This Certificate is not subject to redemption prior to maturity. Both principal and interest are payable at U.S. Bank National Association, in St. Paul, Minnesota, as registrar, paying agent, authenticating agent and transfer agent (the "Bond Registrar"), or at the office of such successor Bond Registrar as may be

designated by the School Board, in coin or currency of the United States of America, which on the date of payment is legal tender for payment of public and private debts. The Bond Registrar shall make the interest payment with respect to this Certificate directly to the registered owner hereof shown on the bond registration records maintained on behalf of the District by the Bond Registrar at the close of business on the 15th day of the month next preceding the Interest Payment Date (whether or not a business day) at such owner's address shown on said bond registration records, without, except for the payment of principal of the Certificate, the presentation and surrender of this Certificate, and all such payments shall discharge the obligation of the District to the extent of the payments so made. Payment of principal of the Certificates shall be made to the registered owner upon presentation and surrender of this Certificate to the Bond Registrar when due.

This Certificate is one of a series issued by the District in the aggregate amount of \$19,375,000, pursuant to the authority contained in Minnesota Statutes, Sections 126C.50 through 126C.56, as amended, and Chapter 475, and all other laws and pursuant to an authorizing resolution adopted by the School Board of the District on March 15, 2011 (the "Resolution").

It is hereby certified and recited that a sum of \$11,323,727 was the amount embraced in the tax levies for the operating funds (the "Taxes") of the District levied in the year 2010 for collection during the year 2011, including any amounts paid to the District by the State of Minnesota to replace such Taxes, and that none of said amount has at this time been collected and credited to the Taxes; that heretofore no tax anticipation certificates have been issued against said levies for such Taxes; and that \$8,450,000 of the Certificates are issued in anticipation of collection of said Taxes.

It is hereby certified and recited that the amount of School Aids as defined in the Resolution yet to be received by the District in the July 1, 2010 to June 30, 2011 fiscal year, for deposit in the District's operating funds (the "Funds") will be at least in the amount of \$15,241,664 as estimated by the State of Minnesota Commissioner of Education; that heretofore no aid anticipation certificates have been issued against said School Aids; and that \$10,925,000 of the Certificates are issued in anticipation of collection of said School Aids.

This Certificate constitutes a general obligation of the District, and the full faith and credit and taxing powers of the District have been and are hereby irrevocably pledged to provide monies for the prompt and full payment of principal and interest when due. This Certificate is payable from a special debt service fund of the District established for payment of the Certificates by the Resolution.

The District has qualified the Certificates for participation in the State of Minnesota program to preclude default of school district debt, pursuant to Minnesota Statutes, Section 126C.55, as amended. If the District is unable to make any portion of the principal or interest payment on the Certificates on or before the date due, the State of Minnesota has agreed to make such payment in the District's place.

The Certificates of this series are issued as fully registered certificates

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without coupons, in the denomination of \$5,000 each, or any integral multiple thereof. Subject to limitations set forth in the Resolution, the District will, at the request of the registered owner, issue one or more new fully registered certificates in the name of the registered owner in the aggregate principal amount equal to the unpaid principal balance of this Certificate, and of like tenor except as to number and principal amount. Subject to the limitations set forth in the Resolution, this Certificate is transferable by the registered owner hereof upon surrender of this Certificate for transfer at the principal corporate office of the Bond Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar and executed by the registered owner hereof or the owner's attorney duly authorized in writing. Thereupon the District shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Certificate, one or more new fully registered certificates in the name of the transferee, of an authorized denomination, in an aggregate principal amount equal to the unpaid principal amount of this Certificate. No service charge shall be made for any transfer or exchange hereinbefore referred to but the District may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith.

IT IS FURTHER CERTIFIED AND RECITED that all acts and conditions required by the Constitution and laws of the State of Minnesota to be done, and to exist precedent to and in the issuance of this Certificate in order to make it a valid and binding general obligation of the District in accordance with its terms, have been done and do exist in form, time, and manner as so required; and this Certificate, together with all other debts of the District outstanding on the date hereof and the date of its actual issuance and delivery, does not exceed any constitutional or statutory limitation of indebtedness; that all taxable property within the boundaries of the District is subject to the levy of ad valorem taxes to the extent needed to pay the principal hereof and the interest hereon when due, without limitation as to rate or amount.

This Certificate shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Bond Registrar's Authentication Certificate hereon shall have been executed by the Bond Registrar by one of its authorized representatives.

IN WITNESS WHEREOF, Independent School District No. 709, by its School Board, has caused this Certificate to be executed in its name by the signatures of the Chair and the Clerk of the School Board; and the District has caused this Certificate to be dated the date of original issue set forth above.

Attest:

(form – no signature required)

Clerk

(form – no signature required)

Chair

Date of Authentication: _____

BOND REGISTRAR'S AUTHENTICATION CERTIFICATE

The Bond Registrar confirms that the books reflect the ownership of a Certificate registered in the name of the owner named above in the principal amount stated above and this Certificate is one of the Certificates of the series issued pursuant to the Resolution hereinabove described.

U.S. BANK NATIONAL ASSOCIATION
St. Paul, Minnesota

By _____
Authorized Representative

REGISTRATION CERTIFICATE

This Certificate must be registered as to both principal and interest in the name of the owner on the books to be kept by U.S. Bank National Association of St. Paul, Minnesota, as Bond Registrar. No transfer of this Certificate shall be valid unless made on said books by the registered owner or the owner's attorney thereunto duly authorized and similarly noted on the registration books. The ownership of the unpaid principal balance of this Certificate and the interest accruing thereon is registered on the books of U.S. Bank National Association in the name of the registered owner last noted below.

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of Bond Registrar</u>
3/29/11	Cede & Co. c/o The Depository Trust Company 55 Water Street New York, NY 10041 Federal Taxpayer I.D. No.: 13-2555119	<i>(form – do not sign here)</i>

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns, and transfers
unto _____

(Name and Address of Assignee)

Social Security or other
Identifying Number of

Assignee

the within Certificate and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Certificate on the books kept for registration thereof with full

power of substitution in the premises.

Dated: _____.

NOTICE: The signature of this assignment must correspond with the name of the registered owner as it appears upon the face of the within Certificate in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

(Bank, Trust Company, member of
National Securities Exchange)

Unless this Certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the District or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Section 7. Funds; Deposits.

A. The Treasurer shall credit \$19,430,650 from the proceeds of the sale of the Certificates to the Funds, and the proceeds shall be used for the purposes for which the Taxes and the School Aids may be utilized and to pay the costs of issuance of the Certificates.

B. A separate debt service fund for the Certificates is hereby created, to be designated as the "2011A General Obligation Tax and Aid Anticipation Certificates of Indebtedness Fund" (the "Debt Service Fund"), to be used solely for the payment of interest on and the principal of the Certificates when due. The Treasurer shall credit to the Debt Service Fund the rounding amount of \$2,453.00, plus the amount of accrued interest paid by the Purchaser, if any.

C. The School Board hereby certifies that the School Aids for the July 1, 2010 to June 30, 2011 fiscal year yet to be received are in the amount of \$15,241,664.00.

D. If the School Aids are insufficient to pay all principal and interest on the Aid Certificates when due, the Treasurer shall, nevertheless, provide sufficient monies from other

funds of the District which are available for that purpose, and such other funds shall be reimbursed from the Funds when the balance therein is sufficient. It is recognized that the District's liability on the Aid Certificates is not limited to the collection of the School Aids, and the School Board covenants and agrees that it will levy upon all taxable property within the boundaries of the District and cause to be extended, assessed, and collected any additional taxes found necessary for full payment of the principal of and interest on the Aid Certificates, without limitation as to rate or amount. The School Board hereby covenants and obligates itself to be bound by the provisions of Minnesota Statutes, Section 126C.55, as amended.

E. The School Board hereby certifies that the Taxes are \$11,323,727.67.

F. If the Taxes are insufficient to pay all principal and interest on the Tax Certificates when due, the Treasurer shall, nevertheless, provide sufficient monies from other funds of the District which are available for that purpose, and such other funds shall be reimbursed from the Funds when the balance therein is sufficient. It is recognized that the District's liability on the Tax Certificates is not limited to the collection of the Taxes, and the School Board covenants and agrees that it will levy upon all taxable property within the boundaries of the District and cause to be extended, assessed, and collected any additional taxes found necessary for full payment of the principal of and interest on the Tax Certificates, without limitation as to rate or amount. The School Board hereby covenants and obligates itself to be bound by the provisions of Minnesota Statutes, Section 126C.55, as amended.

G. The School Board authorizes and directs the Board Chair, the Superintendent or the Chief Financial Officer/Executive Director of Business Services to submit a Minnesota School District Credit Enhancement program Application for Default Preclusion to the Minnesota Department of Education, as provided by Minnesota Statutes, Section 126C.55. All actions by such officers taken with regard to such application prior to the date of this resolution are ratified and approved. The School Board hereby covenants and obligates itself to notify the Commissioner of Education of a potential default in the payment of principal and interest on the Certificates and to use the provisions of Minnesota Statutes, Section 126C.55 to guarantee payment of the principal and interest on the Certificates when due. The School Board further covenants to deposit with the Bond Registrar or any successor paying agent three (3) days prior to the date on which a payment is due an amount sufficient to make that payment or to notify the Commissioner of the Department that it will be unable to make all or a portion of that payment. The Bond Registrar is authorized and directed to notify the Commissioner of the Department if it becomes aware of a potential default in the payment of principal or interest on the Certificates, or if, on the day two (2) business days prior to the date a payment is due on the Certificates, there are insufficient funds to make that payment on deposit with the Bond Registrar. The District understands that as a result of its covenant to be bound by the provisions of Minnesota Statutes, Section 126C.55, the provisions of that section shall be binding as long as any Certificates of this issue remain outstanding.

H. The District further covenants to comply with all procedures now or hereafter established by the Department of Finance and the Department of Education of the State of Minnesota pursuant to Minnesota Statutes, Section 126C.55, subdivision 2(c) and otherwise to take such actions as necessary to comply with that section. The Chair, Clerk, Superintendent or Chief Financial Officer/Executive Director of Business Services are authorized to execute any applicable Minnesota Department of Education forms regarding such program.

I. The School Board acknowledges, represents and covenants that it must include a provision in its agreement with the Bond Registrar, as paying agent for the Certificates, that

requires the Bond Registrar to inform the Commissioner of the Department if it becomes aware of a potential default in the payment of principal or interest on the Certificates or if, on the day two business days prior to the date a payment is due on the Certificates, there are insufficient funds to make the payment on deposit with the Bond Registrar.

Section 8. Tax Covenants and Arbitrage Matters.

8.01 Restrictive Action. The District covenants and agrees with the owners from time of the Certificates that it will not take, or permit to be taken by any of its officers, employees or agents, any action which would cause the interest on the Certificates to become includable in gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the Certificates will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

8.02 Statement of Working Capital Expenditures and Arbitrage Certificate. The School Board estimates that the principal amount of the Certificates does not exceed (i) the largest amount by which working capital expenditures in the Funds of the District exceed available amounts for payment thereof during the period for which the Taxes and the State Aids are anticipated and during which the Certificates will be outstanding, and (ii) the amount of a working capital reserve equal to five percent of the District's working capital expenditures in the Funds for the prior fiscal year, all as contemplated by the Regulations. The District Treasurer is directed to prepare a statement of estimated expenditures during the period for which the Taxes and the State Aids and other funds are anticipated and during which the Certificates will be outstanding for the purpose of verifying the correctness of this estimate. In the event that such statement does not verify such estimate, the principal amount of the Certificates shall be reduced to such amount as will not exceed the amount permitted by the Regulations. Prior to the issuance of the Certificates, the Chair and the Clerk, being the officers of the District charged with the responsibility for issuing the Certificates pursuant to this resolution, shall execute and deliver to the Purchaser a certificate as contemplated by the Regulations stating the facts, estimates and circumstances in existence on the date of issuance and delivery of the Certificates which indicate that the proceeds of the Certificates will not be used in a manner that would cause the Certificates to be "arbitrage bonds" within the meaning of the Code and the Regulations.

8.03 Arbitrage Rebate. The District acknowledges that the Certificates are subject to the rebate requirements of Section 148(f) of the Code. The District covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under Section 148(f) and applicable Regulations to preserve the exclusion of interest on the Certificates from gross income for federal income tax purposes, unless the Certificates qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no "gross proceeds" of the Certificates (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof.

Section 9. Filing with County Auditor. The Clerk of the District is directed to file with the County Auditor a certified copy of this Resolution, and such other information as the County Auditor may require, and to obtain from the County Auditor a certificate stating that the Certificates herein authorized have been duly entered on his register.

Section 10. Certified Proceedings. The officers of the District and the County Auditor

are authorized and directed to prepare and furnish to the Purchaser of the Certificates and to bond counsel certified copies of all proceedings and records of the District pertaining to the authorization, issuance, and sale of the Certificates and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the Certificates as such facts appear from the official books and records of the officers' custody or are otherwise known. All such certified copies, certificates, and affidavits, including any heretofore furnished, constitute representations of the District as to the correctness of facts recited therein and the actions stated therein to have been taken.

Section 11. Absent or Disabled Officers. In the event of the absence or disability of the Chair, the Clerk or the Treasurer, such officers or members of the School Board as in the opinion of the District's attorney may act in their behalf shall, without further act or authorization, execute and deliver the Certificates, and do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers.

Section 12. Continuing Disclosure. The School Board of the District acknowledges that the Certificates are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (the "Rule"). The Rule governs the obligations of certain underwriters to require that issuers of municipal bonds enter into agreements for the benefit of the bondholders to provide continuing disclosure with respect to the obligations. To provide for the public availability of certain information relating to the Certificates and the security therefor and to permit underwriters of the Certificates to comply with the Rule, which will enhance the marketability of the Certificates, the Chair and the Clerk are hereby authorized and directed to execute a Continuing Disclosure Certificate substantially in the form of the Certificate currently on file in the office of the District.

Section 13. Official Statement. The Chair and the Clerk are hereby authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Certificates and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date thereof.

Adopted: March 15, 2011.

B-3-11-2863

March 15, 2011

M-Grover, S-Wasson, to approve Resolution B-3-11-2863 - Resolution Providing For The Issuance, Sale And Delivery Of \$19,375,000 General Obligation Tax And Aid Anticipation Certificates Of Indebtedness, Series 2011a; Prescribing The Terms Thereof; Creating A Debt Service Fund Therefore; And Awarding The Sale Thereof.

Steve Pumper, Kent Johnson and Bob Toftey gave a brief overview of the sale and outcome. Board member discussion took place regarding the resolution.

Upon a vote on the resolution, the same was approved – unanimously.

Member Grover presented the resolution:

RESOLUTION

Adoption of the Considerations and Investments for the Fiscal Year 2012 Budget

BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota, that the attached considerations and investments for the fiscal year 2012 budget as presented to the School Board, be adopted.

B-3-11-2857

March 15, 2011

M-Grover, S-Wasson, to approve Resolution B-3-11-2857 – Adoption of the Considerations and Investments for the Fiscal Year 2012 Budget.

Board member discussion took place regarding the budget considerations and alternatives to the proposed cuts.

M-Johnston, S-Glass, to table the resolution. Upon a vote, the same failed 3-4 as follows:

Yea: Glass, Johnston, Kasper

Nay: Cameron, Grover, Seliga Punyko, Wasson

Board discussion continued regarding the proposed cuts.

M-Grover, S-Wasson, to amend the motion on the table to pass the March 11, 2011 version of the reductions with the understanding that by the April board meeting administration will have the details to work out the \$286,000 district administration reductions with the flexibility to do something with the two assistant high school principal positions and AD positions and any additional expenses would go into the student/teacher ratio line,

Board discussion took place regarding the amendment and the proposed cuts.

Upon a vote on the amendment, the same failed 3-4 as follows:

Yea: Grover, Seliga Punyko, Wasson

Nay: Cameron, Glass Johnston, Kasper

M-Kasper, S-Johnston, to direct administration to move forward with staffing plans at the schools based on an increased student teacher ratio of 1.0 and direct administration to focus on schools not meeting AYP, and to bring back alternatives under site/district administration that equal a cut of \$6,035,000. Upon a vote on the amendment, the same was approved - unanimously.

Upon a vote on the resolution as amended, the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member Grover presented the resolution:

RESOLUTION

Granting Temporary and Permanent Easements to the City of Duluth for Street and Utility
Purposes Related to Ivanhoe Street near Rockridge School

WHEREAS, Independent School District #709 is the owner of the property in St. Louis County, Minnesota legally described as:

Lots 1470 and 1471, Block 117, CROSLEY PARK ADDITION TO DULUTH,
including the northerly 33 feet of Ivanhoe Street

Lots 1638 and 1639, Block 118, CROSLEY PARK ADDITION TO DULUTH,
including the southerly 33 feet of Ivanhoe Street

WHEREAS, the City of Duluth wishes to obtain some temporary and some permanent, perpetual and exclusive easements for street and utility purposes over the Property for the benefit of the Property at no cost to the City; and

WHEREAS, the exact legal descriptions of the temporary and permanent, perpetual and exclusive easements are described in the attached agreements, including exhibits attached thereto.

NOW THEREFORE, BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota that the temporary, and permanent, perpetual and exclusive easements for street and utility purposes to the City of Duluth as described on the attached Agreements and Exhibits are hereby approved; and

BE IT FURTHER RESOLVED that the School Board authorizes the School Board Chair to execute the Easement Agreements.

B-3-11-2861

March 15, 2011

M-Grover, S-Wasson, to approve Resolution B-3-11-2861 - Granting Temporary and Permanent Easements to the City of Duluth for Street and Utility Purposes Related to Ivanhoe Street near Rockridge School. Upon a vote on the resolution, the same was approved – unanimously.

Member Grover presented the resolution:

RESOLUTION

Dedicating and Granting a New Pedestrian and Utility Easement to the City of Duluth

WHEREAS, Independent School District #709 is the owner of the property in St. Louis County, Minnesota, near Grant School; and

WHEREAS, to construct the addition to the current Grant Elementary School there are existing pedestrian walkways and public utilities that must be relocated; and

WHEREAS, the City of Duluth will require the dedication and granting of permanent and perpetual easements required to maintain the relocated pedestrian walkways and public utilities.

NOW THEREFORE, BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota that the School Board agrees to the Dedication of New Pedestrian and Utility Easements near Grant School to the City of Duluth, and it is hereby approved; and

BE IT FURTHER RESOLVED that following the relocation work completed by the District, when such easements can be accurately described, the final easement agreement and related exhibits will be presented to the School Board as informational and for the permanent Board record prior to their execution by the School Board Chair.

B-3-11-2869

March 15, 2011

M-Grover, S-Wasson, to approve Resolution B-3-11-2869 Dedicating and Granting a New Pedestrian and Utility Easement to the City of Duluth. Upon a vote on the resolution, the same was approved – unanimously.

Member Grover presented the resolution:

RESOLUTION

Authorizing the Purchase of Real Property Located on Arrowhead Road

WHEREAS, the School Board by Resolution B-6-07-2452 adopted a Long-range Facilities Plan for the District, and therein also directed the District's administrative staff to commence with the disposition of certain non-school sites including the Kensington property; and

WHEREAS, said property will no longer be used for purposes set forth in Minnesota Statute Section 123B.51; and

WHEREAS, a portion of said property has been sold pursuant to Resolution #B-8-10-2805, and the remaining portion will be more marketable if consolidated with available tax forfeited property currently under the management control of St. Louis County.

NOW, THEREFORE, BE IT RESOLVED to consolidate district property with adjoining tax forfeited lands, the School Board hereby authorizes the purchase of real property located on Arrowhead Road, Assessor's Parcel No. 010-2620-1690, 010-2620-1730 and 010-2620-1770, further described as Lots 25 – 28 also Lots 29 – 32 also Lots 33 – 38, Block 4, KENSINGTON PLACE ADDITION, City of Duluth, in St. Louis County, for the appraised value of \$7,000 plus taxes and fees, for a total of \$8,500.10 and;

BE IT FURTHER RESOLVED that the School Board authorizes the School Board Chair to execute a purchase agreement and all other documents required for closing this purchase transaction.

M-Grover, S-Wasson, to approve Resolution B-3-11-2864 Authorizing the Purchase of Real Property Located on Arrowhead Road. Upon a vote on the resolution, the same was approved – unanimously.

Member Grover moved the remainder of the Business Committee Report. Member Johnston made point of order that if board members aren't going to be allowed to pull out items for an individual vote then each item has be voted on individually and not moved as a whole report.

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Beth Storassli, legal counsel, explained the process. Chair Seliga Punyko ruled that the committee report should be moved as a whole and that then board members can pull items out individually.

M-Johnston, S-Glass to appeal the Chairs decision.

Board discussion took place regarding the appeal.

Upon a vote on the appeal of the Chairs decision, the same failed 2-5 as follows:

Nay: Glass, Johnston

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

M-Grover, S-Cameron, to approve the remainder of the Business committee report.

M-Grover, S-Wasson, to call the question of the entire business committee.

Member Johnston called point of order 9 times. Chair Seliga Punyko ruled that the question had been called and called for a vote.

Upon a vote, the same failed 4-3 as follows:(5 votes needed to pass)

Yea: Cameron, Grover, Seliga Punyko, Wasson

Nay: Kasper, Johnston, Glass

Board discussion continued regarding moving the meeting along in a concise manner.

Member Johnston withheld Item 1.B., and 1.C. for discussion, and Items 3.A.1), 2), 3) and 4.B.1) for a separate vote.

Member Johnston withheld Item 1.B. – Approval of Payment of Claims to ask about specific legal costs.

Member Johnston withheld Item 3.A.1) – Bylaw 9000 to ask for a separate vote.

Upon a separate vote on Item 3.A.1) – Bylaw 9000, the same was approved – unanimously.

Member Johnston withheld Item 3.A.2) - Bylaw 9045 – Annual Meeting to note his concern with the changes to the bylaw and ask for a separate vote.

Upon a separate vote on Item 3.A.2) - Bylaw 9045 – Negotiating Committee, the same was approved 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Members Johnston withheld Item 3.A.3) – Suspension of Policy 3136 to ask for a separate vote.

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Upon a separate vote on Item 3.A.3) – Suspension of Policy 3136, the same was approved unanimously.

Member Johnston withheld Item 4.B.1) – Change Orders – Denfeld High School to ask for a separate vote.

Upon a separate vote on Item 4.B.1) – Change Orders – Denfeld High School, the same was approved 6-1 as follows:
Nay Johnston

Member Johnston commented on Item 6.H. – School Closing Procedures/Timelines to note his concern with what was being proposed.

Upon a vote on the remainder of the business committee report as a whole, the same was approved 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson
Nay: Glass, Johnston

Other
March 2011

Chair Seliga Punyko adjourned the regular school board meeting of March 15, 2011 at midnight p.m.