

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, May 15, 2012

Members Present:

Tom Kasper
Mike Miernicki
Art Johnston
Judy Seliga Punyko
Ann Wasson
Bill Westholm

Others Present:

Bill Gronseth, Superintendent
Bill Hanson, Deputy Clerk
Melinda Thibault, Secretary

Student Representatives

Alex Livesay
Ariel Pendelton

Members Absent:

Mary Cameron

- Chair Wasson called the regular school board meeting of May 15, 2012 to order at 6:30 p.m., and the pledge of allegiance to the American flag was given.

M- Kasper, S-Seliga Punyko, to approve the agenda as presented.

Bill Hanson requested to table 3 items:

Education Committee

Action Item 2.A.1) – Middle School Programming

Business Committee

5.D. and 5.E relating to the approval of sale of bonds

Member Kasper, S-Westholm, to table the three items. Upon a vote the same was approved – 6-0.

Member Johnston made a point of order regarding an agenda item he had submitted dealing with the budget deficit. He quoted Bylaw 9075 and noted that he believed he submitted the item properly and requested the item be added to the agenda without a second.

Chair Wasson denied his request stating that according to past practice it does take two members to bring forward items to agenda setting, and that he has tried to bring the same items forward in the past with no support, and therefore it will not be added to the agenda. Member Johnston appealed the decision of the chair. Chair Wasson called for a vote on the agenda as presented.

Upon a vote on the agenda as amended, the same was approved 5-1 as follows:

Yea: Kasper, Miernicki, Seliga Punyko, Wasson, Westholm

Nay: Johnston

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Chair Wasson asked school board members if there were any corrections or changes to the minutes of the regular school board meeting of April 24, 2012.

M-Kasper, S-Seliga Punyko, to approve the minutes of the April 24, 2012 Regular School Board Meeting. Upon a vote, the same was approved – 6-0.

Chair Wasson asked school board members if there were any corrections or changes to the minutes of the Special School Board Meeting of May 8, 2012.

M-Kasper, S-Westholm, to approve the minutes of the May 8, 2012 Special School Board Meeting as presented. Upon a vote, the same was approved – 6-0.

Public Comments

May 2012

Chair Wasson reminded the audience to follow the civility code and that they have three minutes to speak.

Adrienne Payne and family, 4216 Grand Avenue, spoke to the board regarding her concerns with her sons special services at school.

Andrea Gagne Marsolek, 4412 Gladstone Street, spoke to the board regarding her concern with the non-renewal of the East Basketball coaches.

Brian Marsolek, 4412 Gladstone Street, spoke to the board regarding his concern with the non-renewal of the East Basketball coaches.

Loren Martel, 623 East 7th Street, spoke to the board regarding his concern with the chair not allowing a question to be asked by a board member at the last board meeting.

Communications, Petitions, Etc.

May 2012

Superintendent Gronseth stated that there had not been any communications received.

Superintendent's Report

May 2012

- Greg Jones of East High School is the recipient of the Gold Star Goldfine Award.
- Graduation is approaching and it's a time to celebrate an end and a beginning in the students' lives
- A drawing was held for the Fred Hase Scholarship and was awarded to:
 - East High School - Aaron Michael Rowe
 - Denfeld High School - Hannah Blank

Education Committee Report
March 2012

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

Member Kasper 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	Northland Foundation	Annette Petersmeyer	Youth In Philanthropy Grant	\$1,000	Funds from this grant award will be used to support the REACH Middle School Alternative Program.

Resolution E-5-12-3012

May 15, 2012

M-Kasper, S-Miernicki, to approve Resolution E-5-12-3012 - Acceptance of Grant Awards to Duluth Public Schools. Upon a vote taken, the same was approved -6-0.

M-Kasper, S-Johnston, to approve the remainder of the Education Committee Report as presented. Upon a vote, the same was approved - 6-0.

Human Resources Committee Report

May 2012

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

Member Westholm presented the resolution:

RESOLUTION

RE: Termination of Certified Hourly Staff

BE IT RESOLVED by the School Board of Independent School District No. 709, St. Louis

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County, Minnesota, that the employment of the following hourly teachers shall terminate effective at the end of the school day on June 8, 2012, unless another date is indicated below, in which case the employment of the individual shall terminate on that date.

Bolen Valerie – 07/27/12
Denio Susan
Desotelle Diane
Docauer Randall – 07/27/12
Durst Barbara – 07/27/12
Erlemeier Trudy
Everett David
Frank Angie – 07/27/12
Goman Tracy
Grindahl Beverly

Hill Elaine – 07/27/12
Kedrowski Jacqueline
Kliegle Melissa – 07/27/12
Krogh Joan
Lebens Linnea – 08/24/12
Mell Carol
Mold Margret – 06/15/12
Packingham Nora
Schafter Patricia
Schmidt John
Turinetti Nicholas
Vandruten James
Yung Sharon
Zeman Michael – 06/29/12

BE IT FURTHER RESOLVED that the Clerk of the School Board shall notify such teachers in writing before July 1, 2012, of the termination of their employment.

Resolution #HR-5-12-3009

May 15, 2012

M-Westholm, S-Miernicki, to approve Resolution HR-5-12-3009 – Termination of Certified Hourly Staff.

Member Johnston asked why the people were being laid off. Tim Sworsky, Certified Staffing Manager, stated that these people do not have contracts and it is end of the year housekeeping.

Upon a vote, the same was approved – 5-1 as follows:

Yea: Kasper, Miernicki, Seliga Punyko, Wasson, Westholm

Nay: Johnston

Member Westholm presented the resolution:

R E S O L U T I O N

RE: Termination of Certified Probationary (Non-Tenured) Staff

WHEREAS, during the first three years of consecutive employment all teachers in the public schools in cities of the first class are deemed to be in a probational period of employment during which period the School Board may renew, or not renew, any teachers' annual contract as the School Board shall see fit; and that the District will lack a sufficient number of pupils to support all non tenured teachers currently employed by the District.

NOW, THEREFORE, BE IT RESOLVED by the School Board on Independent School District No. 709, St. Louis County, Minnesota, as follows:

1. The employment contracts of the following probationary teachers shall not be renewed and their employment shall terminate at the end of the school day on June 8, 2012, unless another date is indicated below, in which case the employment of the particular teacher shall terminate on that date.

Langr, Peter
Muller, Maggie
Smith, Michael
White, James
Winkle, Mark
Zmudy, Howard
Mark Winkle
Howard Zmudy

2. **BE IT FURTHER RESOLVED** the Clerk of the School Board shall notify such teachers in writing before July 1, 2012, of the termination of their employment.

Resolution #HR-5-12-3010

May 15, 2012

M-Westholm, S-Seliga Punyko, to approve Resolution HR-5-12-3010 – Termination of Certified Probationary (Non-Tenured) Staff.

Member Johnston asked if any of these people would be hired back next year. Tim Sworsky, explained that three of them were people hired with additional funds from last year and explained the process and upcoming resolutions.

Upon a vote, the same was approved – 5-1 as follows:

Yea: Kasper, Miernicki, Seliga Punyko, Wasson, Westholm

Nay: Johnston

Member Westholm presented the resolution:

RESOLUTION

RE: Termination of Certified Long-Term Substitutes

WHEREAS, the School Board desires to provide notice that long-term substitute teaching positions terminate on the date specified in the individual substitute teacher's contract or at the conclusion of the school year, whichever is earlier;

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709, St. Louis County, Minnesota, that the employment of all long-term substitute teachers, including those listed below, shall terminate effective at the end of the school day on June 8, 2012, unless another date is indicated below, or on the date specified in the individual substitute teacher's contract, whichever is earlier.

Coen	Tisha - (0.4 FTE)
Letourneau	Cassie - 07/27/12
Meyerson	Robi - (0.625 FTE)
Tyllia	Rae - (0.5 FTE)
Wiitanen	Genevieve - (0.6 FTE)

BE IT FURTHER RESOLVED that the Clerk of the School Board shall so notify such teachers in writing before July 1, 2012.

Resolution #HR-5-12-3011

May 15, 2012

M-Westholm, S-Seliga Punyko, to approve Resolution HR-5-12-3011 – Termination of Certified Long-Term Substitutes. Upon a vote, the same was approved – 5-1 as follows:

Yea: Kasper, Miernicki, Seliga Punyko, Wasson, Westholm

Nay: Johnston

M-Westholm, S-Kasper, to approve the Individual Contract for Katie Kaufman. Upon a vote, the same was approved – 6-0.

M-Westholm, S-Miernicki, to approve the remainder of the Human Resources Committee Report as presented. Upon a vote, the same was approved – 6-0.

Business Committee Report

March 2012

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

Member Seliga Punyko presented the resolution:

RESOLUTION CLOSING MORGAN PARK MIDDLE SCHOOL

Whereas, a public hearing was held on April 30, 2012 on the proposed closing of Morgan Park Middle School;

Whereas, during this hearing, people wishing to give testimony for and against the proposed closing were heard, and such testimony was considered by the School Board;

Whereas, published notice of this hearing was given in compliance with Minnesota Statutes Section 123B.51, subdivision 5.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709 as follows:

1. The attached Findings and Conclusions regarding the closing of Morgan Park Middle School are hereby adopted.
2. The closing of Morgan Park Middle School is necessary and practicable.
3. Morgan Park Middle School is closed effective at the end of the 2011-12 school year.

4. At this time, the School Board does not take any action with respect to the possible sale of Morgan Park Middle School building or property.

B-5-12-3015

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M-Seliga Punyko, S-Kasper, to approve Resolution B-5-12-3015 – Closing Morgan Park Middle School.

Member Johnston expressed his concern with the timing of the hearing and the hearing process. Chair Wasson clarified that all laws were followed.

Upon a vote, the same was approved – 5-1 as follows:

Yea: Kasper, Miernicki, Seliga Punyko, Wasson, Westholm
Nay: Johnston

Member Seliga Punyko presented the resolution:

RESOLUTION

Central High School Property - Comprehensive Land Use Plan Map Amendment

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 Central High School property that will no longer be used for purposes set forth in Minnesota Statute Section 123B.51; and

WHEREAS, the City of Duluth has a Comprehensive Land Use Plan (CLP) with Map that categorizes the Central High School property use as "Institutional"; and

WHEREAS, the sale, redevelopment and repurposing of the Central property, other than for institutional uses, requires an amendment to the current Comprehensive Land Use Plan - Map, and where City Planning and Community Development departments had completed a process and created a recommendation to amend the current Plan, and have presented this recommendation for consideration by the City Planning Commission; and

WHEREAS, the School Board has been presented with a copy of the City Staff Report recommending the Amendment to the Comprehensive Land Use Plan, and has considered such Plan as it relates to the District's obligations to taxpayers and what the School Board resolves will be in the best interest of the Duluth community as well as the School District; and

WHEREAS, the School Board by Resolution #B-1-12-2965 did not support the Comprehensive Land Use Plan Map Amendment as it had been recommended by City Staff to the City of Duluth Planning Commission; and

WHEREAS, the City of Duluth Planning Commission upon receipt of the School Board resolution, tabled action on this item in order to allow some additional consideration by the City of Duluth Planning Department and School District Administration in order to define a revised Map that would resolve the Duluth School Board's concerns and objections; and

WHEREAS, the City of Duluth Planning and Community Development staff along with School District Administration staff and consultant LHB, Inc. have mutually developed a revised Future Land Use Map attached hereto, which has been reviewed in a public meeting with the community and has since been approved by the City of Duluth Planning Commission;

NOW, THEREFORE, BE IT RESOLVED the Duluth School Board hereby grants their

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support of the attached Future Land Use Map approved by the Planning Commission, and further recommends this Map be approved by the Duluth City Council and adopted into the City of Duluth's Comprehensive Land Use Plan.

B-5-12-3013

May 15, 2012

M-Seliga-Punyko, S-Westholm, to approve Resolution B-5-12-3013 – Central High School Property - Comprehensive Land Use Plan Map Amendment. Upon a vote, the same was approved 6-0.

Member Seliga Punyko presented the resolution:

RESOLUTION

To Exchange Land with the State of Minnesota for a Permanent Easement at Lincoln Park Middle School

WHEREAS, on February 23, 2010, the Duluth School Board approved Resolution #B-2-10-2737 – Resolution Authorizing the Application for Conveyance of Tax Forfeited Land – New West Middle School at the North Wheeler Site; and

WHEREAS, the St. Louis County Board approved the sale of this land to the School District on June 8, 2010; and

WHEREAS, the County currently manages as part of the State of Minnesota Land Trust a parcel of land adjoining District property acquired by way of its Resolution #B-2-10-2737; and which adjoining Tax Forfeited Land is (.62 acres) under the acreage requirements for said land parcel to be developed thereby returning it to taxable land; and

WHEREAS, the Duluth School District desires a 16 foot wide permanent easement across the State of Minnesota Land Trust land for the purpose of constructing and maintaining a sidewalk connecting the Lincoln Park Middle School to Devonshire Street, the location of which easement is legally described on Exhibit 2 attached hereto; and

WHEREAS, the District will also require a temporary construction easement across said property further described on Exhibit 3 attached hereto to allow for the grading and construction of the sidewalk;

NOW, THEREFORE, BE IT RESOLVED the School Board of Independent School District No. 709 agrees to a land transfer of approximately (.62 acres) as shown on Exhibit 1 attached hereto to the County/State in exchange for the County/State granting a permanent and temporary easement across County land as described on Exhibit 2 and Exhibit 3.

BE IT FURTHER RESOLVED that the School Board authorizes the School Board Chair to execute the documents required for completing and closing these transactions.

B-5-12-3014

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M-Seliga-Punyko, S-Kasper, to approve Resolution B-5-12-3014 – To Exchange Land with the State of Minnesota for a Permanent Easement at Lincoln Park Middle School. Upon a vote, the same was approved – 6-0.

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Member Seliga Punyko presented the resolution:

RESOLUTION

Authorizing the Reconveyance of Real Property to the State of Minnesota and Execution of Documents Required for this Purpose

WHEREAS, the School Board of Independent School District No. 709 entered into an agreement with the State of Minnesota in 1980 wherein the State of Minnesota conveyed property to the School District to be used for a parking lot for students and staff at Morgan Park School; and

WHEREAS, the agreement further provides that the property reverts to the State of Minnesota if no qualified parking lot is developed within five years; and

WHEREAS, the property was not developed for the intended purpose within five years of the original conveyance and therefore, the Recorded Deed requires the property revert to the State of Minnesota;

NOW, THEREFORE, BE IT RESOLVED the School Board authorizes the School Board Chair and Clerk to execute the Reconveyance of Forfeited Lands to the State of Minnesota by a Governmental Subdivision and any other documents necessary for this purpose that causes the Real Property further described as Lots 1 through 15, Block 14, Morgan Park of Duluth described in State of Minnesota, St. Louis County, Deed No. 158110 to revert to the State of Minnesota.

B-5-12-3014

May 15, 2012

M-Seliga-Punyko, S-Kasper, to approve Resolution B-5-12-3014 – Authorizing the Reconveyance of Real Property to the State of Minnesota and Execution of Documents Required for this Purpose. Upon a vote, the same was approved – unanimously.

Member Seliga Punyko presented the resolution:

RESOLUTION

Authorized Student Activity Bank Account Signer

RESOLVED, by the School Board of Independent School District No. 709, St.

Louis County, Minnesota, that it hereby authorizes the following:

<u>District Building</u>	<u>Banking Institution</u>	<u>Account Number</u>	<u>Addition of Authorized Signer</u>	<u>Removal of Authorized Signer</u>
Lowell	DTCU	XXXX4	Lynn Litzinger	Elizabeth Larson

B-5-12-3018

May 15, 2012

M-Seliga-Punyko, S-Kasper, to approve Resolution B-5-12-3018 – Authorized Student Activity Bank Account Signer. Upon a vote, the same was approved – 6-0.

M-Seliga Punyko, S-Kasper, to approve the Business Committee Report, withholding the resolutions, as presented.

Member Johnston withheld Items 1.E. and F., 4.B., 6.D. and E.

Member Johnston withheld Item 1.E. – Investment Transactions to ask what they are and why they fluctuate. Bill Hanson, Director of Business Services, explained what the investments are and the fluctuations in the earnings.

Member Johnston withheld Item 1.F. – WADM Projections to note reductions from previous years. Superintendent Gronseth explained that other Districts are in a declining enrollment status as well and that it continues to be a concern.

Member Johnston withheld Item 4.B. – Change Orders to note his concern with the dollar amount of the change orders and cost increases to the long range plan. Kerry Leider, Facilities Management Supervisor explained that he reviews all change orders and that they are still within a reasonable range in relation to the total amount of the project. Discussion took place regarding a request from Member Johnston on cost summary reports. Chair Wasson asked that all requests for data from board members go through her.

Member Johnston withheld Item 6.D. Facilities Management and Capital Project Status Report to ask about a utility report he would like to receive. Kerry Leider explained what that report was and why the report is no longer created. He stated that he will try to provide a yearend report for the utilities.

Member Johnston withheld Item 6.E. – JCI Long Range Facilities Plan Status Report to note the absence of a report he would like to see.

Upon a vote on the remainder of the business committee report as presented, the same was approved – 5-1 as follows:

Yea: Kasper, Miernicki, Seliga Punyko, Wasson, Westholm

Nay: Johnston

Special Resolutions

May 2012

Member Westholm presented the resolution:

RESOLUTION

**COACH REQUESTS REASONS FOR NON-RENEWAL – APPROVAL
OF RESPONSE LETTER (CLASSIFIED AS PRIVATE PERSONNEL DATA)**

BE IT RESOLVED, By the School Board of Independent School District 709, St. Louis County, Minnesota, that the School Board Approves the Response Letter for Reasons of Non-Renewal of Head Coaching Position, pursuant to Minnesota Statute 122A.33 Subd. 3.

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M-Westholm, S-Kasper, To Approve Resolution HR-5-12-3019 – Coach Requests reasons For Non-Renewal – Approval Of Response Letter (Classified As Private Personnel Data). Upon A Vote, The Same Was Approved 5-1 as follows:

Member Johnston expressed his concern with lack of detail in the letter, and lack of evidence. Member Miernicki stated that he strongly disagrees that there was no evidence provided.

Upon a vote, the same was approved 5-1 as follows:

Yea: Kasper, Miernicki, Seliga Punyko, Wasson, Westholm
Nay: Johnston

Other
May 2012

Student Advisor Pendelton stated that the school has been very hot and asked if the air conditioning could be turned on. Mr. Leider explained that there isn't air conditioning in the buildings but rather humidity controls, and that it only manages humidity but it can have a cooling effect. He stated that he would check into the issue.

➤ Chair Wasson adjourned the Regular School Board Meeting of May 15, 2012 at 7:56 p.m.