

## 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, August 17, 2010

### 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:

Chair Grover called the regular school board meeting of August 17, 2010 to order at 6:30 p.m., and the pledge of allegiance to the American flag was given.

### M-Seliga Punyko, S-Cameron, to approve the agenda as presented with two items deleted as requested by administration.

Member Johnston asked to add removal of the board chair to the agenda as he had given prior notice and requests for this item to be placed on the agenda. Chair Grover stated that his request had been responded to and was not placed on the agenda. Member Johnston appealed the Chair's decision not to include the item on the agenda. Chair Grover stated that there was nothing to appeal because he was not making a ruling but stating a fact. Member Johnston stated that because he had given prior notice that the item had to be on the agenda. Chair Grover asked if Member Johnston would like to move the addition of the item to the agenda. Member Johnston stated that he did not want to move to put it on the agenda as it was supposed to be on the agenda already and that it should be added to the agenda by the Chair and that if he did not do that he would continue to ask to have it added to the agenda and move to replace the board chair.

Member Johnston made a motion to replace the board chair. Member Grover ruled Member Johnston's motion out of order because he was in essence asking to reconsider a vote that he was not on the prevailing side of and could not ask to reconsider that vote.

### M-Johnston, S-Glass, to appeal Chair Grover's decision to rule his motion to replace the board chair out of order.

Board discussion took place regarding Member Johnston's appeal. Chair Grover called for a vote on Member Johnston's appeal. Member Johnston asked to speak again on the subject. Chair Grover indicated that this would be his last time to speak on the subject and that a vote would be taken. Member Johnston stated that he could continue to speak on the issue. Chair Grover called for a vote on the item. Member Johnston stated that Chair Grover would have to call for a vote to cut off debate. Chair Grover stated that he had an obligation to move the meeting along.

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Member Johnston made a motion to appeal the Chairs decision not to have a vote to cut off debate. Chair Grover ruled that motion out of order because there was already an item on the floor to be voted on. Member Johnston appealed Chair Grover's decision to rule his motion out of order. Chair Grover ruled Member Johnston out of order and asked him to cease and desist and called for a vote on his original motion to appeal the Chairs ruling. Member Johnston asked for a censure of the Chair Person.

Chair Grover called a five minute recess at 6:38. The board meeting reconvened at 6:45 pm.

**Upon a vote, the ruling of the chair was upheld 4-3 as follows:**

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

**No: Johnston, Glass, Kasper**

**M-Johnston, S-Glass, to add Hearings for Closing of Schools to the agenda.**

Member Grover explained that the request was discussed and not included and that they will be scheduled sometime during the 2010-11 school year. Chair Grover also stated that the MSBA has been contacted as well as legal counsel to get opinions and that the district is following the law by waiting to hold the hearings. Board discussion continued on adding school closing hearings to the agenda.

**Upon a vote to add school closing hearings to the agenda, the same failed 3-4 as follows:**

**Yea: Glass, Johnston, Kasper**

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

**M-Johnston, S-Glass, to ask to have the resignation of superintendent added to the agenda.**

Member Grover ruled Member Johnston's motion out of order stating that he had received a legal opinion and quoted the legal opinion he received. Member Johnston quoted a legal opinion on the passage of teacher's contracts. Chair Grover stated that if Member Johnston has allegations or charges against the superintendent to submit them in writing to be discussed in a closed session.

**Upon a vote on the motion to add the resignation of the superintendent to the agenda the same failed 2-5 as follows:**

**Yea: Glass, Johnston**

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

**Upon a vote on agenda as presented the same passed 5-2 as follows:**

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

**Nay: Glass, Johnston**

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Chair Grover asked school board members if there were any corrections or changes to the minutes of the regular school board meeting of July 20, 2010.

Member Glass stated that he found an error in the June 15, 2010 minutes, approved at a prior meeting. Chair Grover asked Member Glass to work with Secretary Thibault to correct the error for the official record.

Member Johnston stated that on page three the minutes state that the board took a recess and he does not believe they took a legal recess. Chair Grover ruled that the board did take a recess – no change to the minutes.

Member Johnston stated that on page nine it states the teachers' contract was approved and he does not believe it was legally approved, so the minutes should not list it as approved. Chair Grover ruled that the contract was approved – no change to the minutes.

Member Glass stated that the bond resolutions stated that the board would be meeting again on August 17, 2010 on the bond sales but it is not on the agenda. Bill Hanson, Director of Business Services, explained that it was the original intent to have in on the agenda but that it has been postponed until September.

Member Johnston stated that on page fourteen his motion to appeal Chair Grover's ruling was seconded by Member Glass and that should have been indicated in the minutes.

Member Johnston stated that on several of the Business Committee resolutions the presented/motioned member was incorrectly listed as Member Cameron instead of Member Wasson.

Member Johnston noted that the meeting in June was incorrectly adjourned.

**M-Seliga Punyko, S-Cameron, to approve the minutes of the July 20, 2010 regular school board meeting as amended. Upon a vote, the same was approved – 5-2 as follows:**

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

**Nay: Johnston, Glass**

Chair Grover asked school board members if there were any corrections or changes to the minutes of the special school board meeting of August 9, 2010.

**M-Seliga Punyko, S-Cameron, to approve the minutes of the July 20, 2010 special school board meeting. Upon a vote, the same was approved as presented – unanimously.**

**Public Comments**

**August 2010**

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Gordon Downs, 24 N. 66<sup>th</sup> Avenue W., spoke to the board about his concern with the board recessing during public comment the previous month.

Loren Martel, 623 E. 7<sup>th</sup> Street, spoke to the board regarding his concern with the long range facilities plan being voted on by the board and not the community and who will profit by it.

Sharon Witherspoon, No address provided, spoke to the board regarding her concern with the boards constant bickering over rules of order. She stated that the board should be focusing on educating children and not meeting rules.

**Communications, Petitions, Etc.**

**August 2010**

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Superintendent Dixon acknowledged the communications received.

**Superintendent's Report**

**August 2010**

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Superintendent Dixon gave an overview of the processes to date to make sure that staff, students, transportation, textbooks, etc. are ready and in place for the start of school.

Board members asked questions and had discussion regarding staffing, enrollment reports, and concerns with students going to neighboring districts.

**Education Committee Report**

**August 2010**

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

Member Seliga Punyko 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.	U.S. Department of Education	Terrence Smith, Director of Indian Education	2010 Indian Education Formula Grant (Title VII)	\$147,617	Funds from this grant award will be used to support the positions of the Director of Indian Education, the Indian Education Department secretary, advocates, and travel and supplies.
2.	Minnesota Department of Education	Deborah Wagner, Homeless Youth Coordinator	McKinney-Vento Education for Homeless Children Grant	\$75,000	Funds from this grant award will be used to support homeless students district-wide with additional academic support, basic school supplies, fees, transportation, and family support in the community.

Resolution E-8-10-2804

August 17, 2010

**M-Seliga Punyko, S-Glass, to approve Resolution E-8-10-2804 - Acceptance of Grant Awards to the Duluth Public Schools. Upon a vote taken, the same was approved – unanimously.**

**M-Seliga Punyko, S-Wasson, to approve the remainder of the Education Committee report as presented.**

Member Grover withheld Item 3.C.

Member Kasper withheld Item 1.B.

Member Johnston withheld Item 2.D. – Regulation 5040R – Student Transfers because he has concerns with the Magnet Schools not continuing and asked for a separate vote.

Member Kasper withheld Item 1.B. – AYP and MCAII Science Test Results to ask for additional information. Tawynea Bolme-Lake stated that there would be additional information in the upcoming Friday packet.

**Upon a vote to receive Item 2.D. Regulation 5040R-Student Transfers being received as informational, the same was approved 6-1 as follows:**

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

**Nay: Johnston**

Chair Grover withheld Item 3.C. – Policy 5060 to note that the original changes were not included in the copy that was in the board book. It was determined that the changes did not copy because they were printed in red. Chair Grover noted that the vote would be on the changes as originally printed in the committee report.

**Upon a vote taken on the remainder of the Education Committee as presented - the same was approved – unanimously.**

**Human Resources Committee Report**

**August 2010**

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

**M-Cameron, S-Seliga Punyko, to approve the individual contract for Melissa Burwell, Minnesota Alliance with Youth. Upon a vote, the same was approved – unanimously.**

**M-Cameron, S-Seliga Punyko, to approve the individual contract for Sarah Dixon, Minnesota Alliance with Youth. Upon a vote, the same was approved – unanimously.**

**M-Cameron, S-Seliga Punyko, to approve the individual contract for Renee Anderson, Minnesota Alliance with Youth. Upon a vote, the same was approved – unanimously.**

**M-Cameron, S-Seliga Punyko, to approve the rate increase for the GED Examiner to \$20.00 per hour. Upon a vote, the same was approved – unanimously.**

**M-Cameron, S-Seliga Punyko, to approve the remainder of the Human Resources Committee report as presented. Upon a vote taken, the same was approved – unanimously.**

**Business Committee Report**

**August 2010**

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

Member Wasson presented the resolution:

RESOLUTION RELATING TO THE ISSUANCE OF  
BONDS AND CALLING AN ELECTION THEREON

WHEREAS, on March 21, 2008, the School District received a petition calling for placing before the voters the question of whether the School Board should “be authorized to issue general obligation bonds totaling \$128,000,000 to be used with an estimated \$66,092,086 in bonds and investment earnings previously approved by the Board for alternative facilities to build two new middle schools and two new elementary schools; repair and remodel three high schools, one middle school, and five elementary schools; repair and expand two elementary schools; and repair and remodel ‘Old Central High’ and the Secondary Technical Center?”;

WHEREAS, the School Board has, pursuant to the requirements of Minnesota Statutes Section 123B.70, submitted to the Commissioner of the Department of Education information pertinent to the petition based project and has requested that the Commissioner issue a Review and Comment upon the project;

WHEREAS, the Commissioner has issued a positive Review and Comment; and

WHEREAS, the District is obligated to place the question raised by the petition before the voters of the District at a special election to be held in conjunction with the November 2010 general election.

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

1. That pursuant to the petition, it is required to place before the voters of the District the question of whether it is necessary and expedient for the school district to be authorized to borrow money in an aggregate amount not to exceed \$128,000,000, and not to exceed any limitations upon the incurring of indebtedness which shall be applicable on the date or dates of the issuance of such bonds, for the purpose of providing funds for the acquisition and betterment of school sites and facilities, including to build two new middle schools and two new elementary schools; repair and remodel three high schools, one middle school, and five elementary schools; repair and expand two elementary schools; and repair and remodel ‘Old Central High’ and the Secondary Technical Center. The question on the authorization to borrow funds for this purpose shall be on the school district ballot at the special election to be held in conjunction with the general election.

2. As required by law, the administration has consulted with the Minnesota Department of Education, causing a proposal regarding the petition based project to be prepared for submission to the Commissioner of Education for the Commissioner’s Review and Comment, and has taken such other actions as necessary to comply with the provisions of Minnesota Statutes Section 123B.71, as amended.

The Clerk is hereby authorized and directed to cause the Commissioner’s Review and Comment to be published in the legal newspaper of the district at least twenty (20) but not more than sixty (60) days prior to the date of the special election as specified in paragraph 3 of this resolution.

3. The question of the borrowing of said funds in the maximum amount of \$128,000,000 shall be submitted to the qualified voters of the school district at a special election, which is hereby called and directed to be held in conjunction with the general election on Tuesday, the 2<sup>nd</sup> day of November, 2010.

4. Pursuant to Minnesota Statutes, Section 205A.11, the precincts and polling places for this special election are those precincts or parts of precincts located within the boundaries of the school district that have been established by the cities or towns located in whole or in part within the school district. The voting hours at those polling places shall be the same as those for the state general election.

5. The clerk is hereby authorized and directed to cause written notice of said special election to be provided to the county auditor of each county in which the School District is located, in whole or in part, and to the Commissioner of the Minnesota Department of Education at least seventy-four (74) days before the date of said election. The notice shall specify the date of said special election and title and language of each ballot question to be voted on at said special election.

The clerk is hereby authorized and directed to cause notice of said special election to be posted at the administrative offices of the School District at least ten (10) days before the date of said special election.

The clerk is hereby authorized and directed to cause a sample ballot to be posted at the administrative offices of the School District at least four (4) days before the date of said special election and to cause a sample ballot to be posted in each polling place on election day. The sample ballot shall not be printed on the same color paper as the official ballot.

The clerk is hereby authorized and directed to cause notice of said special election to be published in the official newspaper of the District, for two (2) consecutive weeks with the last publication being at least one (1) week before the date of said special election.

The notice of election so posted and published shall state the question to be submitted to the voters as set forth in the form of ballot below, and shall include information concerning each established precinct and polling place.

6. The clerk is authorized and directed to acquire and distribute such election materials and to take such other actions as may be necessary for the proper conduct of this special election and generally to cooperate with election authorities conducting other elections on that date. The clerk and members of the administration are authorized and directed to take such actions as may be necessary to coordinate this election with those other elections, including entering into agreements with appropriate cities, towns and counties regarding preparation and distribution of ballots, election administration and cost sharing.

7. The clerk is further authorized and directed to cooperate with the proper election officials to cause ballots to be prepared for use at said election in substantially the following form, with such changes in form and instructions as may be necessary to accommodate the use of an optical scan voting system:



SCHOOL DISTRICT QUESTION BALLOT  
**INDEPENDENT SCHOOL DISTRICT NO. 709**  
DULUTH PUBLIC SCHOOLS  
SPECIAL ELECTION  
November 2, 2010

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To vote, completely fill in the oval next to your choice, like this:



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To vote for a question, fill in the oval next to the word “YES” for that question.  
To vote against a question, fill in the oval next to the word “NO” for that question.

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**SCHOOL DISTRICT BALLOT QUESTION**

**APPROVAL OF SCHOOL DISTRICT  
BOND ISSUE**



**YES**

Shall the School Board of Independent School District No. 709, Duluth, be authorized to issue general obligation bonds totaling \$128,000,000 to be used with an estimated \$66,092,086 in bonds and investment earnings previously approved by the Board for alternative facilities to build two new middle schools and two new elementary schools; repair and remodel three high schools, one middle school, and five elementary schools; repair and expand two elementary schools; and repair and remodel ‘Old Central High’ and the Secondary Technical Center?



**NO**

**BY VOTING “YES” ON THIS BALLOT QUESTION, YOU ARE  
VOTING FOR A PROPERTY TAX INCREASE.**

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Optical scan ballots must be printed in black ink on white material, except that marks to be read by the automatic tabulating equipment may be printed on another color ink. The name of the precinct and machine-readable identification must be printed on each ballot card. Voting instructions must be printed at the top of the ballot card on each side that includes ballot information. The instructions must include an illustration of the proper mark to be used to indicate a vote. Lines for initials of at least two election judges must be printed on one side of the ballot card so that the judges’ initials are visible when the ballots are enclosed in a secrecy sleeve.

8. If the School District will be contracting to print the ballots for this special election, the clerk is hereby authorized and directed to prepare instructions to the printer for layout of the ballot. Before a contract exceeding \$1,000 is awarded for printing ballots, the printer shall, if requested by the election official, furnish, in accordance with Minnesota Statutes Section 204D.04, a sufficient bond, letter of credit, or certified check acceptable to the clerk in an amount not less than \$1,000 conditioned on printing the ballots in conformity with the Minnesota election law and the instructions delivered. The clerk shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

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9. The individuals designated as election judges for the general election shall act as election judges for this special election at the various polling places and shall conduct said election in the manner described by law. The election judges shall act as clerks of election, count the ballots cast and submit the results to the school board for canvas in the manner provided for other school district elections.

B-8-10-2806

August 17, 2010

**M-Wasson, S-Seliga Punyko, to approve Resolution B-8-10-2806- Resolution Relating To The Issuance Of Bonds And Calling An Election Thereon:**

Board discussion took place regarding the wording of the ballot language, and the cost to taxpayers of Plan B.

**Upon a vote taken, the same was approved-6-1 as follows:**

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

**Nay: Glass**

Member Wasson presented the resolution:

R E S O L U T I O N  
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:

District	Banking	Account	Addition of	Removal of
<u>Building</u>	<u>Institution</u>	<u>Number</u>	<u>Authorized Signer</u>	<u>Authorized</u>
<u>Signer</u>				
Homecroft	DTCU	XXXX2	Susan Lehna	Bill Gronseth

B-8-10-2807

August 17, 2010

**M-Wasson, S-Seliga Punyko, To Approve Resolution B-8-10-2807- Authorized Student Activity Bank Account Singer. Upon a vote taken, the same was approved-unanimously.**

Member Wasson presented the resolution:

**RESOLUTION**

**Authorizing the Sale of Vacant Land (Kensington Property) Located on West 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.

NOW, THEREFORE, BE IT RESOLVED that the School Board hereby authorizes the sale of real property located on West Arrowhead Road legally described as Blocks One (1), Two (2), Three (3) and Block Five (5) EXCEPT Lots 1 through 4 and Lots 41 through 48 and all of Blocks Six, (6), Seven (7), and Eight (8), KENSINGTON PLACE ADDITION TO DULUTH, City of Duluth, in St. Louis County, and;

BE IT FURTHER RESOLVED that the School Board authorizes the School Board Chair to execute a purchase agreement consistent with the terms considered by the board in Executive Closed Session on August 9, 2010 and to sign all other documents required for closing this sale transaction.

B-8-10-2805

August 17, 2010

**M-Wasson, S-Seliga Punyko, to approve Resolution B-8-10-2805- Authorizing the Sale of Vacant Land (Kensington Property) Located on West Arrowhead Road:**

Discussion took place regarding the actual parcels purchased and remaining purchases.

**Upon a vote taken, the same was approved – unanimously.**

**M-Wasson, S-Seliga Punyko, to approve the remainder of the Business Committee report, as presented.**

Member Glass withheld Items 1.B, 2.A.1), 2), and 3)

Member Johnston withheld Items 2.A.1), 2.B.1), 4.B.1) for separate votes and 4.B.3.

Member Kasper asked Bill Hanson for information on the totals for change orders that he had requested previously. Bill Hanson apologized and stated he would get the information out to him as soon as possible.

Member Glass withheld Item 1.B. – Approval of Payment of Claims to note payments to JCI and the Duluth News Tribune.

Member Glass withheld Item 2.A.1) – Bid 1198 to ask if they are using the original amounts or the revised amounts when stating the project is within budget. Kerry Leider stated that the current budgets are being used.

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**Upon a separate vote on Item 2.A.1) – Bid 1198 – the same was approved – unanimously.**

**Upon a separate vote on Item 2.B.1) – RFQ 4045 – Voyageur Bus Company – the same was approved - unanimously.**

**Upon a separate vote on Item 4.B.1) – Change Order #1-Bid 1181-Mayo Systems, Inc. – the same was approved – unanimously.**

Member Johnston withheld Item 4.B.3) – Piedmont Elementary School Storm Water Change Order to ask why the storm sewer wasn't included originally. Kerry Leider explained the bidding process for alternatives.

**Upon a vote taken on the remainder of the Business Committee, the same was approved 5-2 as follows:**

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

**Nay: Glass, Johnston**

**Other  
August 2010**

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Chair Grover noted his concern with the continued disruptive behavior of one board member.

Board discussion took place on the decision not to hold an operating levy during the November election.

**M-Seliga Punyko, S-Johnston to adjourn the meeting.**

Chair Grover adjourned the regular school board meeting of August 17, 2010 at 8:30 p.m.