

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, November 16, 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

Maia Dalager
Peter Witzig

Chair Grover called the regular school board meeting of November 16, 2010 to order at 6:33 p.m., and the pledge of allegiance to the American flag was given.

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

Member Johnston stated that he had submitted several items for the agenda and that none of them were included. Chair Grover stated that his requests had been responded to and that he could move to add them to the agenda at this time if he wished.

M-Johnston, S-Glass, to add the items he had submitted previously to the agenda.

Member Johnston stated that his items should have been on the agenda because he had submitted them in a timely manner.

Upon a vote, the same failed 2-5 as follows:

Yea: Glass, Johnston

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

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

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

Nay: Glass, Johnston

Chair Grover asked school board members if there were any corrections or changes to the minutes of the regular school board meeting of October 19, 2010.

Member Johnston asked to have the removal of Loren Martel from the meeting put in the minutes. He also stated he had made a point of order and a motion to censure the chair that was not in the minutes. Chair Grover stated the minutes would be reviewed and changes made as deemed necessary. Upon review of the minutes it was noted that Member Johnston did make a point of order and motion but his motion was ruled out of order because he did not have the floor.

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Member Johnston stated that on page 5 Member Glass withheld Items 1.A. and B. and not 6.A. and B.

M-Seliga Punyko, S-Cameron, to approve the minutes of the October 19, 2010 regular school board meeting as amended. Upon a vote, the same was approved – 6-1 as follows:

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

Nay: Johnston

Chair Grover asked school board members if there were any corrections or changes to the minutes of the special school board meeting of November 8, 2010.

M-Seliga Punyko, S-Cameron, to approve the minutes of the November 8, 2010 special school board meeting. Upon a vote, the same was approved as presented – unanimously.

Public Comments

November 2010

Charles Andresen, 306 West Superior Street, spoke to the board regarding the use of eminent domain to acquire property and stated he represents the person who owns the property. He clarified that they understand that it is procedure and don't interpret it as a threat and will continue to work in good faith to resolve the issue.

Loren Martell, 623 East 7th Street, spoke to the board regarding his concern with the lack of a vote on Plan B and the lack of representation by his Districts board member.

Mike Sundin, representing the Building Trades, spoke to the board to thank the board and administration for continuing forward with the long range plan noting that there are several hundred construction workers employed right now because of the plan.

Chris Ridgewell, 331 N. Central Avenue, spoke to the board to thank the board and Chair Grover for continued support of the long range facilities plan.

Anna Montgomery, 8914 Lenroot Street, spoke to the board to thank the board members for moving forward with the long range plan and stated that she is encouraged by the growth in the west end of town.

Karen Heisick, 2723 East 1st Street, spoke to the board regarding her concern with possible use of eminent domain.

Alan Netland, 1414 Boulevard Place, president of the Labor Council, spoke to the board to thank board members for supporting and moving on with the long range plan and thanked Chair Grover for his hard work.

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Gordon Downs, 24 North 66th Avenue West, spoke to the board regarding his concern with the possible use of eminent domain.

Andrea Filby, no address available, spoke to the board to thank the board for moving forward with the long range facilities plan, and stated that at first she was territorial about central but realized it's about the greater good and the future of the city and our children.

Brenda Anderson, 703 Ebony, spoke to the board to state that not all people who are against the facilities plan are unhappy with everything going on in the schools. She also stated her concern with the removal of a person during public comment last month.

Anna Menzel, 4301 Grove Ridge, representing Students for the Future, gave an update on the groups work and that they are working toward an all city forum on education in Duluth.

Claudie Washington, 11 West 4th Street, spoke to the board to thank them for their commitment to closing the achievement gap and encouraged them to form a partnership with local agencies to address other barriers affecting children's learning.

David Ross, Chamber of Commerce president, spoke to the board to thank them for their continued support and moving forward with the long range plan and stated that they are delighted with the outcome.

Communications, Petitions, Etc.
November 2010

Superintendent Dixon acknowledged the communications received.

Superintendent's Report
November 2010

Superintendent Dixon clarified the cost of the property talked about during public comment.

Superintendent Dixon announced his retirement and board members thanked him for his commitment and service to the District.

Education Committee Report
November 2010

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

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Member Seliga Punyko presented the resolution:

RESOLUTION

Authorization by the Duluth School Board for Implementation of an Elementary Standards Based Report Card

WHEREAS, it is the desire of the Duluth Public Schools to update the Elementary Report Card to reflect new State curriculum standards and to develop an electronic version to complement the method of middle and high school reporting; and

WHEREAS, A committee consisting of curriculum specialists and Quality Steering Committee members have been meeting since last spring to develop an Elementary Standards Based Report Card and establish a timeline for implementation; and

WHEREAS, the Duluth Public Schools is ready to move forward with implementation of an Elementary Standards Based Report Card.

BE IT RESOLVED, that the School Board of Independent School District 709, St. Louis County, Minnesota, does hereby authorize beginning the process of the implementation of an Elementary Standards Based Report Card.

E-11-10-2827

November 16, 2010

M-Seliga Punyko, S-Wasson, to approve Resolution E-11-10-2827 - Authorization by the Duluth School Board for Implementation of an Elementary Standards Based Report Card.

Board members asked questions about the implementation and timeline.

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

Member Seliga Punyko presented the resolution:

RESOLUTION

Waiving Liability on Foreign Travel With the Exception of Canada

Whereas, the District is supportive of being inclusive of all students, and

Whereas, Resolution E-5-09-2628 said the District desires to clarify for students, staff and parents that it does not assume any liability whatsoever for participants in trips outside of the United States, and

Whereas, it is the District's intention to allow educationally beneficial student travel to Canada;

Now, Therefore Be It Resolved, those trips taken by students and staff outside the United States with the exception of Canada are not sponsored or approved by Independent School District No. 709, St. Louis County, State of Minnesota. In addition, all staff who accompany students on such foreign travel trips are expected to obtain a liability release and waiver from the student's parents/guardians prior to the trip. This liability release and waiver, and all written communication regarding such trips, should include the text of this resolution.

E-11-10-2826

November 16, 2010

M-Seliga Punyko, S-Johnston, to approve Resolution E-11-10-2826 - Waiving Liability on Foreign Travel With the Exception of Canada. Upon a vote taken, the same was approved – unanimously.

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.	Minnesota Department of Employment and Economic Development	Beth Tamminen – Contact	Sub-grant to Duluth Public Schools Adult Basic Education (ABE) Program from Pathways to Health Care Careers Grant Award	\$17,000 of Total Grant Award (\$101,900) to Duluth Public Schools ABE Program	Funds from this grant award will be used for curriculum development, planning, data management, and teaching within the Duluth Public Schools ABE Program.
2.	MSHSL	Shawn Roed	MSHSL Foundation Grant for Student Participation	Will be based on 265 total F&R lunch students identified in October 1, 2010 MDE Report and 44 unduplicated F& R lunch student participants – fall 2010-11 and winter and spring 2009-10.	Funds from this grant award will be used to assist, recognize, promote, and fund extra-curricular participation by East High School students in athletic and fine arts programs.

Resolution E-11-10-2825

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M-Seliga Punyko, S-Cameron, to approve Resolution E-11-10-2825 - Acceptance of Grant Awards to the Duluth Public Schools. Upon a vote taken, the same was approved – unanimously.

M-Seliga Punyko, S-Kasper, to approve the remainder of the Education Committee report as presented. Upon a vote taken on the remainder of the Education Committee as presented - the same was approved – unanimously.

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Human Resources Committee Report
November 2010

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

Member Kasper asked about the status of recalls from layoff.

Member Seliga Punyko asked about 1/6 overloads for the elementary specialists.

Member Glass asked about the total of 1/6 overloads and if that money could be used to fund teachers to bring down class size.

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

Business Committee Report
November 2010

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 AUTHORIZING AN ESCROW AGREEMENT
REGARDING CAPITALIZED INTEREST FOR
GENERAL OBLIGATION ALTERNATIVE FACILITIES BONDS, SERIES 2008A

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

Section 1. The District adopted in 2007 a Long-Range Facilities Plan, which calls for the renewal and remodeling of existing school facilities, additions to existing school facilities and construction of new schools. The District has issued six series of obligations to fund the Long-Range Facilities Plan, each of which is restricted to particular types of improvements.

Section 2. The District issued its \$59,235,000 General Obligation Alternative Facilities Bonds, Series 2008A, dated February 15, 2008 (the “Bonds”) to finance a portion of the Long-Range Facilities Plan. The District modified the Long-Range Facilities Plan, the consequence of which is that \$3,209,284 of proceeds of the Bond is in excess of eligible construction costs of the modified plan.

Section 3. The School Board hereby determines to use such excess proceeds of the Bonds to pay capitalized interest on the Bonds and costs of establishing an escrow for such interest payments.

Section 4. A. U.S. Bank National Association of St. Paul, Minnesota, which is a suitable financial institution within the State of Minnesota whose deposits are insured by the Federal Deposit Insurance Corporation whose combined capital and surplus is not less than

\$500,000, is hereby designated escrow agent (the “Escrow Agent”) with respect to payment of such capitalized interest on the Bonds.

B. The Chair and Clerk are hereby authorized and directed to execute on behalf of the District an escrow agreement (the “Escrow Agreement”) with the Escrow Agent in substantially the form now on file with the Clerk. The execution and delivery of the Escrow Agreement by the Chair and the Clerk, in the form on file with the Clerk with such changes, omissions, insertions and revisions as the Chair and the Clerk deem advisable is hereby approved, and the execution by such officers shall be conclusive evidence of such approval. All essential terms and conditions of the Escrow Agreement, including payment by the District of reasonable charges for the services of the Escrow Agent, are hereby approved and adopted and made a part of this Resolution, and the District covenants that it will promptly enforce all provisions thereof in the event of default thereunder by the Escrow Agent.

Section 5. A. The District hereby creates an Escrow Account under the Escrow Agreement for payment of a portion of the interest on the Bonds as hereinafter provided: (a) \$3,199,284 from the Construction Fund created under the bond resolution for the Bonds to the Escrow Account; and (b) investment earnings on such monies referenced in clause (a) for the payment of interest due on the Bonds as follows: (i) on August 1, 2011, \$1,200,512.50 for interest due on the Bonds; (ii) on February 1, 2012, \$1,200,512.50 for interest due on the Bonds; and (iii) on August 1, 2012, \$798,259.00 plus any investment earnings on the Escrow Account for interest due on the Bonds. The Escrow Account shall be maintained with the Escrow Agent pursuant to the Escrow Agreement and this Resolution. The Escrow Account shall be invested in accordance with the Act, the Escrow Agreement and this Section, in securities specified in Minnesota Statutes Section 475.67, Subdivision 8(a).

B. The Escrow Account for the Bonds is irrevocably appropriated to the payment of such interest on the Bonds as described above. The monies to be deposited in the Escrow Account for the interest on the Bonds shall be used solely for the purposes herein set forth and for no other purpose.

C. Securities purchased for the Escrow Account shall be purchased simultaneously with the delivery of the funds to the Escrow Agent. The Chair and Clerk, or their designee, are authorized and directed to purchase such securities.

B-11-10-2831

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M-Wasson, S-Seliga Punyko, to approve Resolution B-11-10-2831 - Resolution Authorizing An Escrow Agreement Regarding Capitalized Interest For General Obligation Alternative Facilities Bonds, Series 2008A.

Board members asked questions about the specifics of the resolution.

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

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

Nay: Glass, Johnston

Member Wasson presented the resolution:

RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THE
GENERAL FUND TO THE DEBT SERVICE FUND REGARDING
FINANCING OF THE LONG-RANGE FACILITIES PLAN

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

Section 1. A. The Board approved a Long-Range Facilities Plan, as amended (the “Facilities Plan”), which calls for renewal and remodeling of existing school facilities, additions to existing facilities and construction of new schools.

B. The District has submitted the Facilities Plan to the Minnesota Department of Education (i) for approval of the Facilities Plan; (ii) for approval of the financings for the Facilities Plan, and (iii) for review and comment on the Facilities Plan. The Commissioner of Education has approved the Facilities Plan and the financing for the Facilities Plan.

C. The District has issued six series of obligations to finance the Facilities Plan, including the \$71,170,000 Taxable Full Term Certificates of Participation, Series 2009A (Build America Bonds – Direct Pay), dated October 1, 2009 (the “Series 2009A COPs”).

D. The financing plan for the Facilities Plan anticipates canceling all or a portion of tax levies for the Series 2009A COPs each year from general fund monies derived primarily from operational savings, rebates and grants and proceeds from the sale of excess properties.

Section 2. The Board hereby authorizes, pursuant to Minnesota Statutes Section 475.61, Subd. 3(g), the permanent transfer of funds from the General Fund (Fund 01) to the Debt Service Fund (Fund 07) in the amount of \$3,344,250.16 for the purpose of canceling a portion of the tax levy for the Series 2009A COPs for Levy Year 2010/Collection Year 2011.

B-11-10-2830

November 16, 2010

M-Wasson, S-Seliga Punyko, To Approve Resolution B-11-10-2830 - Resolution Authorizing Transfer Of Funds From The General Fund To The Debt Service Fund Regarding Financing Of The Long-Range Facilities Plan.

Board members asked questions about the savings, repayment of the bonds, and the possible use of interest for other areas.

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

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

Nay: Glass, Johnston

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Member Wasson presented the resolution:

RESOLUTION

Approving the Joint Powers Agreement Between the City of Duluth and Independent School District #709 Related to Laura MacArthur School and Memorial Park

BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota, that the attached Joint Powers Agreement between the City of Duluth and Independent School District #709 related to Laura MacArthur School and Memorial Park is hereby approved.

B-11-10-2832

November 16, 2010

M-Wasson, S-Seliga Punyko, To Approve Resolution B-11-10-2832 - Approving the Joint Powers Agreement Between the City of Duluth and Independent School District #709 Related to Laura MacArthur School and Memorial Park. Upon a vote, the same was approved – unanimously.

Member Wasson presented the resolution:

RESOLUTION

Authorizing the Use of Eminent Domain to Acquire All or a Portion of Parcel Number 010-2454-00012 for School District Purposes

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 identification and negotiation of land to be acquired as identified in the Plan; and

WHEREAS, the Administration working with Johnson Controls and the District's Legal Counsel have identified certain property and have been unable to successfully negotiate the acquisition of said Parcel; and

WHEREAS, the School District is authorized to acquire property for public purposes pursuant to Minn. Statute Section 123B.74 and Minn. Statute Chapter 117;

WHEREAS, said property will be used for school purposes including the purposes set forth in Minnesota Statute Section 123B.51; and

WHEREAS, construction on the school building immediately adjoining the property described herein has already commenced, and the property described herein is needed for sloping, grade, parking and access to the new school building.

NOW, THEREFORE, BE IT RESOLVED that the School Board hereby determines that it is in the public interest and necessary for purposes of proceeding with construction of the project described above to acquire through negotiation with the property owner or by eminent domain this Parcel known as Assessor's Parcel No. 010-2454-00012, is further described as That part of Lot One (1), Huseby's Division First Addition, described as follows; Beginning at the NW corner of said Lot 1, thence South, along the East line of Lot 2, Huseby's Division First Addition, for a distance of 122.67 feet; thence South 50 degrees 01 minute 15 seconds East, along the Northeast line of Lot 3, Huseby's Division, First Addition for a distance of 86.00 feet; thence North 18 degrees 40 minutes, 42 seconds East for a distance of 187.66 feet to the South line of Ensign Street,

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thence North 89 degrees 56 minutes West along the South line of Ensign Street for a distance of 126.00 feet to the point of beginning, City of Duluth, in St. Louis County. Said parcel containing 15,246.624 square feet; and

BE IT FURTHER RESOLVED that for the reasons set forth herein and because of a concern that delays in acquisition of the property will delay this construction project, the School Board hereby deems it necessary to proceed without delay under Minn. Stat. §117.042. The School Board hereby authorizes legal counsel to use the “quick-take” procedure set forth in Minn. Stat. §117.042 in acquiring title to the property described herein.

BE IT FURTHER RESOLVED that the School District’s legal counsel shall be requested to file the necessary petitions therefore and prosecute said actions to successful conclusions, or until they are abandoned, dismissed or terminated by the School Board or the District Court.

B-11-10-2833

November 16, 2010

M-Wasson, S-Seliga Punyko, to approve Resolution B-11-10-2833 - Authorizing the Use of Eminent Domain to Acquire All or a Portion of Parcel Number 010-2454-00012 for School District Purposes.

Board members expressed their concern with the possible use of eminent domain and also noted that approval of the resolution does not mean it will be used.

Upon a vote, the same was approved – 4-3 as follows:

Yea: Cameron, Grover, Seliga Punyko, Wasson

Nay: Glass, Johnston, Kasper

Member Wasson 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>
Unity(ALC)	DTCU	XXXX4	Brenda Vandell	Sandy Poppenberg
ALC(GED)	DTCU	XXXX9		Amanda Hagen

B-11-10-2834

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M-Wasson, S-Seliga Punyko, to approve Resolution B-11-10-2834 - Authorized Student Activity Bank Account Signer. Upon a vote, the same was approved – unanimously.

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Member Wasson presented the resolution:

RESOLUTION

Approving the Working Drawings Related to New Construction at Grant Elementary School

BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota, that the Working Drawings related to New Construction at Grant Elementary School, as presented at the November 8, 2010 Business Committee Meeting and attached hereto, are hereby approved.

B-11-10-2829

November 16, 2010

M-Wasson, S-Seliga Punyko, To Approve Resolution B-11-10-2829 - Approving the Working Drawings Related to New Construction at Grant Elementary School.

Board discussion took place regarding the plans, additional costs for this version, and green space options.

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

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

Nay: Glass, Johnston

Member Wasson presented the resolution:

RESOLUTION

Designating the Use of the Second Entrance Road to Central High School

WHEREAS the School Board, has previously authorized and completed construction of a second entrance to the Central High School Campus, and

WHEREAS the School Board acknowledges the Blackman Avenue residents' concerns for maintaining a reasonable level of neighborhood safety, and

WHEREAS it is necessary to provide reasonable access and egress for the occupants of the Central High School campus during the school day, and

WHEREAS the District Administration desires to maintain the reliability of school bus transportation schedules, and

WHEREAS the School Site Council desires reasonable entrance and egress to and from the school property, and

WHEREAS the School Board previously approved Resolution B-9-05-2343 "Designating the Use of a New Second Entrance Road to Central High School,"

THEREFORE BE IT RESOLVED that the School Board hereby designates the use of the Blackman Avenue entrance to the Central High School Campus as follows:

Road use will be limited to (approximately) the following hours: 7-10 am and 2-6 pm on school days; and to emergency use as determined appropriate and necessary by the school principal or emergency response entities.

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BE IT FURTHER RESOLVED that this designated use of the Blackman Avenue entrance will continue to be evaluated and may be changed or amended by future School Board action.

B-11-10-2836

November 16, 2010

M-Wasson, S-Seliga Punyko, to Approve Resolution B-11-10-2836 - Designating the Use of the Second Entrance Road to Central High School.

Board discussion took place regarding the changes to the entrance use and wanting to be sure that the residents are happy with the results.

Upon a vote, the same was approved – unanimously.

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

Member Glass withheld Item 1.b.

Member Johnston withheld Items 4.A.1. and 4.B.4

Member Glass withheld Item 1.B. – Approval of Payment of Claims to note payments to JCI and ask questions about specifics within the report.

Upon a separate vote taken on item 4.A.1. – Asbestos Abatement at Denfeld, the same was approved – unanimously.

Member Johnston withheld Item 4.B.4. – Piedmont Change Order to ask about the order of the approval and the actual construction.

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
November 2010**

Chair Grover adjourned the regular school board meeting of November 16, 2010 at 8:30 p.m.