

## **Regular School Board Meeting**

Duluth Public Schools, ISD 709

### Agenda

Tuesday, February 23, 2010

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

6:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Agenda**
5. **Reading and Approving Minutes**
  - A. Regular School Board Meeting of January 19, 2010 2
  - B. Special School Board Meeting of January 28, 2010 16
6. **Audience**
7. **Reading Communications Petitions Etc**
8. **Report of the Superintendent**
  - A. Schedule of Meetings and Events 18
9. **Report of Standing Committees**
  - A. Education Committee *(See Separate Report)*
  - B. Human Resources Committee *(See Separate Report)*
  - C. Business Committee *(See Separate Report)*
10. **Special Resolutions**
11. **Questions/Other**
12. **Adjournment**

## 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, January 19, 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:

Jon Peterson  
Maia Dalager  
Peter Witzig

Chair Grover called the regular school board meeting of January 19, 2010 to order at 6:30 p.m., and the pledge of allegiance to the American flag was given.

**M-Cameron, S-Seliga Punyko, to approve the agenda as presented. Upon a vote, the same was approved – unanimously.**

Chair Grover asked school board members if there were any corrections or changes to the minutes of the regular school board meeting of December 15, 2009.

Member Johnston stated that there should be a report of the committee of the whole meeting included and there is not. Chair Grover stated that administration would look into the requirements for the future.

Chair Grover requested that the name of a speaker under public comment be fixed to read Lisa Maciver, not Gina.

Member Glass questioned the order of events under Resolution B-12-09-2707 and asked to listen to the tapes. Secretary Thibault told member Glass he can come in to her office to listen to the tapes.

**M-Seliga Punyko, S-Cameron, to approve the minutes of the December 15, 2009 regular school board meeting as corrected. Upon a vote, the same was approved – unanimously.**

Chair Grover asked school board members if there were any corrections or changes to the minutes of the organizational school board meeting of January 5, 2010.

Chair Grover requested that on page two where Member Johnston requested action on Resolutions B-11-09-2687 and B-12-09-2703 that the motion be changed to read to add to the agenda for discussion and reconsideration, not just to reconsider.

Member Johnston stated that he had asked that the resolutions on the organizational meeting agenda be brought forward to a committee for review under policies. Secretary Thibault noted that his request was included in one of his motions in the minutes.

Member Johnston requested that the list of items he requested be on a future agenda, at the end of the meeting, be included in the minutes as previous notice.

**M-Seliga Punyko, S-Cameron, to approve the minutes of the January 5, 2010 organizational school board meeting as corrected. Upon a vote, the same was approved – unanimously.**

**Public Comments**

**January 2010**

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Member Johnston asked if we could we allow public comment at point the agenda item comes up. Chair Grover stated that we have done that in the past and if someone signed up to speak and wishes to do that to let him know once their name is called. Member Cameron indicated that she would like to be able to vote any on changes to procedure.

Loren Martell, 623 East Seventh Street, spoke to the board to express his concerns about the board cutting off people when they are speaking during public comment.

Henry Banks, 112 East 5<sup>th</sup> Street, spoke to the board regarding his concern with the education inequities for students of color and the graduation/dropout rates among those students.

Don O’Conner, 727 Everett Street, of the Duluth Builders Exchange, spoke to the board regarding his pleasure with the amount of participation for local contractors in the Long Range Plan projects.

Gordon Downs, 24 N. 66<sup>th</sup> Avenue West, spoke to the board regarding his concern with the Board Chair cutting off of a speaker at the last meeting.

Richard Paulson, 524 West Ideal Street, spoke to the board regarding questions and concerns he has on the transfer of funds resolution that was passed at a prior meeting.

Tom Boman, 1231 Maryland Street, spoke to the board regarding the Red Plan Plus, reviewed the plan and its advantages and stated that he looks forward to continuing dialog with board regarding their ideas.

Bernie Ozan, 3557 Martin Road, spoke to the board regarding the Red Plan Plus and the issue of changing grade configurations.

Lisa Maciver, 2119 Ponderosa Circle, spoke to the board regarding the Red Plan Plus and the issue of secondary schools and loss of opportunities for students.

Cheryl Bowen, 1003 East 8<sup>th</sup> Street, spoke to the board regarding the Red Plan Plus and the issue of the number of transitions for students.

Nicki DeRosier, 1512 Minneapolis Avenue, spoke to the board about Red Plan Plus and the transportation advantages with the Red Plan Plus.

Tom Day, 1526 Triggs Avenue, spoke to the board regarding the Red Plan Plus and the cost savings to property tax payers during these tough economic times. He also stated that they did a survey of their own showing support for the Red Plan Plus.

Kathy Kubiski, 508 Pleasantview Road, spoke to the board regarding the advantages of the Red Plan Plus and her concern with people buying homes here and not wanting to send their children to our schools.

Member Johnston thanked the Red Plan Plus presenter for coming to speak to the board.

Alan Netland, 1414 Boulevard Place, spoke to the board regarding his support for the Long Range Facilities Plan and thanked the board for moving forward with the plan.

Sam Seering, 5330 Oakley Street, spoke to the board on behalf of the Students For the Future and their work on the transition plan. He challenged the board to move forward with a final transition plan as soon as possible for the sake of the students it will affect.

Andrew Slade, 1026 South Lake Avenue, spoke to the board about the Red Plan Plus and asked the board to be open to change.

Marcia Stromgren, 6179 Lakewood Road, thanked Members Johnston and Kasper for running for school board. She pointed out her concerns with our students attending charter schools, the boards' unwillingness to look at changing grade configurations, and her opposition to any future operating levy.

Bryan Ronstrom, 3160 East Superior Street, spoke to the board regarding his concern that the board needs to work together and compromise with the new board members and he also expressed concerns with the amount of local labor being used for the facilities plan.

Matt Pfingston, 1910 Stanford Avenue, spoke to the board to state his belief that the board needs to listen to the people and see things from a different perspective as elected leaders.

Gina Pfingston, 1910 Stanford Avenue, spoke to the board regarding her concern with the lack of respect from the board in not listening to the people, and Member Grover's change in his stance against losing schools in the central area of the city.

Robin Downs, 5108 West Tischer, spoke to the board regarding her support for the Long Range Facilities Plan, and her view that the process was very open and thorough.

Tim Velner, 9525 Congdon Boulevard, spoke to the board in support of the Long Range Facilities Plan and gave his perspective on the importance of the middle school curriculum and current grade configurations.

**Communications, Petitions, Etc.**

**January 2010**

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Deputy Clerk Bill Hanson acknowledged the communications received.

**Superintendent's Report**

**January 2010**

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Deputy Clerk Bill Hanson read a statement from Superintendent Dixon, and a taped State of the District Address from Superintendent Dixon was presented. The full of the State of District Address is available on the Districts web site.

**Education Committee Report**

**January 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 Johnston and Member Glass withheld Item A.6.

Member Johnston withheld Item A.6. – Update on Secondary Registration, School Selection, and Big Fill Process to indicate his concern about the big fill process and lack of discussion the board has had on it. Discussion continued regarding the process up until now, getting handouts to board members who don't attend the committee meetings, and committee assignments.

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
a.	Minnesota State Arts Board	Deb Sauter	2010 K-12 Arts Challenge Minnesota Grant	\$2,295	To help fund a language arts residency program for fifth grade students at Macarthur with story teller/songwriter, Rachel Nelson.
b.	Minnesota Department of Education - Federal Funding – Enhancing Education Through Technology - ARRA	Mary Churchill	Beyond the Board	\$246,000	To provide teachers with training and staff development designed to assist them with integrating SMART Interactive Whiteboard technology into their classrooms.

Resolution #E-1-10-2718

January 19, 2010

Member Johnston questioned why the board is approving this type of item. Member Grover stated that we are required by law to approve many of the items and that we can look into the specific requirements.

**M-Seliga Punyko, S-Cameron to approve Resolution E-1-10-2718 - Acceptance of Grant Awards to the Duluth Public Schools. Upon a vote taken, the same was approved - unanimously.**

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

**Human Resources Committee Report**  
**January 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 pay increase for non-bargaining unit employees. Upon a vote, the same was approved – unanimously**

Member Johnston and Member Glass asked about the teacher settlement. Tim Sworsky, Human Resources Manager, stated he would get information to the board on the cost.

Member Glass asked about the informational items. Mr. Sworsky clarified that they were discussion items at the committee meeting.

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

**Business Committee Report**  
**January 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.

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

Member Wasson withheld the Resolution Items C.5.a., b., and c.

Member Johnston withheld Items Section C.1. Financial Report, C.2.a. 2), 3), and 4), and Section C.3a. Policies/Regulations

Member Kasper withheld Items C.4.a.1) and C.4.b.1)

Member Glass withheld Item C.2.a.1)

Member Johnston withheld the entire section C.1.a. Financial Report to note that he doesn't believe that the board needs to vote on all the items on the business report. Discussion took place regarding the need to approve agenda items, the importance of an internal auditor, the short term cash flow issues from State money being withheld, and someone signing the financial reports.

Member Glass withheld Item C.1.b. – Payment of Claims to note discrepancies between the payment of claims report and the Long Range spending report. Jody LeBlanc stated he would review the discrepancies and get an explanation to Member Glass.

Member Glass withheld Item C.2.a.1) - Bid 1154-1 to ask which houses this bid affects. Kerry Leider, Facilities Management Supervisor, explained that it affects all of them except the one on the north side of Glenwood. Discussion took place on the bid tab sheets, the need for additional parking, and details of what each contractor is making. Kerry Leider stated that JCI is working on the fees distribution and that board members can meet with him to review that information.

Member Johnston withheld Item C.2.a.2) – Piedmont Existing School Demolition to note his concern with this part of the long range facilities plan and the discrepancies between JCI and ATS&R's reports to bring buildings to educational adequacy. He also indicated that he feels this demolition is premature and it should wait until after a vote on Plan B.

**M-Johnston, S-Glass , to postpone the vote on Item C.2.a.2) – Bid 1172 – Piedmont Existing School Demolition until the March school board meeting.**

Discussion took place regarding the land acquisition from the church and the bidding process.

**M-Seliga Punyko to call the question. Upon a vote the same fails (not a 2/3 majority) 4-3 as follows:**

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

**Nay: Glass, Johnston, Kasper**

Discussion took place on the positives and negatives of consolidating Lincoln and Piedmont.

**Upon a vote to postpone a vote on item C.2.a.2) the same fails 3-4 as follows:**

**Yea: Glass, Johnston Kasper**

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

Member Johnston withheld Item C.2.a.3) – Bid 1177 to ask if Denfeld is on the National Registry of Historic Buildings. Mr. Leider indicated that it is not. Discussion took place on the need to maintain the integrity of some of the older buildings. Member Johnston expressed his concern that there aren't any energy savings performance contracts in place.

**M-Johnston, S-Glass, to postpone the vote on Bid 1177 until there is an energy savings performance contract in place.**

Bill Hanson explained that the savings are from the schools being closed and not the energy cost savings of the new buildings. Discussion took place regarding the possible cost savings from the Long Range Facilities Plan.

The Board took a brief recess at 9:00 p.m.

**Upon a vote to postpone voting on Bid 1177 the same failed 3-4 as follows:**

**Yea: Glass, Johnston Kasper**

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

**Chair Grover asked for a separate vote on Bid 1177. Upon a vote taken, the same was approve 5-2 as follows:**

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

**Nay: Glass, Johnston**

**Chair Grover asked for a separate vote on Bid 1174. Upon a vote taken, the same was approved 5-1-1 as follows:**

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

**Nay: Glass**

**Abstain: Johnston**

Chair Grover asked if Member Johnston voted yes or no. Member Johnston stated he was abstaining. Member Grover asked for an explanation from Beth Storaasli, Legal Counsel, about the abstention process. Ms. Storaasli explained that abstaining from a vote is used when the member has a direct conflict of interest with the item; otherwise it has the same effect as a no vote.

Member Johnston withheld the policies section 3.a.1)-9) to note that the policies should be brought to a citizens review committee.

**M-Johnston, S-Glass to refer District Policies to a committee for review and bring them back in March for board considerations. Upon a vote on taken, the same failed 3-4 as follows:**

**Yea: Glass, Johnston, Kasper**

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

Discussion took place regarding the Districts policy manual and the need to review all District policies.

The board took a brief recess at 11:00 p.m.

Member Glass referred to Policy 8030 and stated that if the board wasn't going to take a raise that perhaps it should take a 1% pay cut as an example.

**M-Glass, S- Johnston, for board members to take a 1% pay cut within Policy 8030.**

Discussion took place regarding the motion.

**Upon a vote to change Policy 8030 to read that board members will take a 1% pay cut. The same failed 2-5 as follows:**

**Yea: Glass, Johnston**

**No: Cameron, Grover, Kasper, Seliga Punyko, Wasson**

Member Johnston withheld Item C.3.a.8) – Suspension of Policy 3075 Requests for proposals to ask about the reason for the suspension. Member Kasper asked about the Safe Schools Grant and whether there has been another grant written to fill that void, and Member Glass asked why administration didn't go out for bid. Administration explained the reason for the suspension and indicated that there is not a replacement for the Safe School Grant at this time.

Member Kasper asked questions about the change orders and the addition of add/alternates when the bids come in under budget.

Member Wasson presented the resolution:

RESOLUTION APPROVING THE TERMS OF OFFERING OF  
APPROXIMATELY \$8,900,000 GENERAL OBLIGATION  
SCHOOL BUILDING REFUNDING BONDS,  
SERIES 2010A, OF INDEPENDENT SCHOOL DISTRICT NO. 709

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. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Chapter 475 (the "Act"), the District is authorized to issue general obligation bonds to provide funds to refund the outstanding maturities of the District's \$13,710,000 General Obligation School Building Refunding Bonds, Series 2001B, dated November 1, 2001 (the "2001 Bonds").

Section 2. The Bonds. The School Board hereby determines that it is necessary, expedient, and in the best educational interest of the District's pupils and residents that the District issue, sell and deliver its approximately \$8,900,000 General Obligation School Building Refunding Bonds, Series 2010A (the "Bonds"), for the purpose of providing funds to refund, on a current refunding basis, the February 1, 2011 through February 1, 2016 maturities of the Series 2001 Bonds, on March 30, 2010 (the "Redemption Date").

Section 3. Official Terms of Offering. The District's administrative staff is hereby authorized and directed to work with Northland Securities, Inc., independent financial advisor to the District, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the Bonds in substantial compliance with the Notice of Sale attached hereto as Exhibit A. The Chief Financial Officer/Executive Director of Business Services, after consulting with the District's financial advisor and bond counsel, is authorized to modify the terms of the Notice of Sale prior to accepting the bids, including, but not limited to, rescheduling the bond sale. The bids shall be received by the Chief Financial Officer/Executive Director of Business Services or his designee until 11:00 a.m. central time on February 23, 2010, and consideration for the award of the Bonds will be by the School Board at 6:30 p.m. central time on the same date.

Section 4. Repayment of Bonds. The form, specifications and provisions for repayment of the Bonds shall be set forth in a subsequent resolution of the School Board.

Section 5. Consideration of Bids. The School Board shall meet on February 23, 2010, in accordance with the Notice of Sale, to consider bids for the purchase of the Bonds and to take whatever actions are necessary for the acceptance or rejection of the bids.

Section 6. Credit Enhancement. (a) The Board Chair, Superintendent or Chief Financial Officer/Executive Director of Business Services are hereby authorized and directed 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.

(b) The District hereby covenants and obligates itself to notify the Commissioner of Education of a potential default in the payment of principal and interest on the Bonds and to use the provisions of Minnesota Statutes, Section 126C.55 to guarantee payment of the principal and interest on the Bonds when due. The District 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 Education that it will be unable

to make all or a portion of that payment. The bond registrar for the Bonds is authorized and directed to notify the Commissioner of Education if it becomes aware of a potential default in the payment of principal or interest on the Bonds, or if, on the day two (2) business days prior to the date a payment is due on the Bonds, 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 Bonds of this issue remain outstanding.

(c) 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.

B-1-10-2720

January 19, 2010

Member Glass asked how Northland Securities was chosen and why this didn't go out for bid. Mr. Hanson explained our past work with this company and the high value of their work.

**M-Wasson, S-Seliga Punyko, to approve Resolution B-1-10-2720 - Approving The Terms Of Offering Of Approximately \$8,900,000 General Obligation School Building Refunding Bonds, Series 2010a, Of Independent School District No. 709. Upon a vote the same was approved – unanimously.**

Member Wasson presented the resolution:

**RESOLUTION APPROVING THE TERMS OF OFFERING OF  
APPROXIMATELY \$2,620,000 FULL TERM REFUNDING  
CERTIFICATES OF PARTICIPATION,  
SERIES 2010B, OF INDEPENDENT SCHOOL DISTRICT NO. 709**

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. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Section 126C.40, Subd. 6 (the "Act"), the District is authorized to purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement upon application to, and approval by, the Minnesota Commissioner of Education. Pursuant to the Act, Minnesota Statute 475.67, Subd. 1 through 10, and all other laws thereunto enabling, the District authorized the issuance of \$5,885,000 Refunding Certificates of Participation, Series 2001, dated November 1, 2001 (the "2001 Certificates"), to provide for the defeasance and prepayment of the District's \$6,500,000 Certificates of Participation, Series 1995A, dated March 1, 1995.

Section 2. The 2010 Certificates. The School Board hereby determines that it is necessary, expedient, and in the best educational interest of the District's pupils and residents that the District provide for the issuance, sale and delivery of approximately \$2,620,000 Full Term Refunding Certificates of Participation, Series 2010B (the "2010 Certificates"), for the purpose of

providing funds to refund, on a current refunding basis, the March 1, 2011 through March 1, 2015 maturities of the 2001 Certificates, on March 30, 2010 (the "Redemption Date").

Section 3. Official Terms of Offering. The District's administrative staff is hereby authorized and directed to work with Northland Securities, Inc., independent financial advisor to the District, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the 2010 Certificates in substantial compliance with the Notice of Sale attached hereto as Exhibit A. The Chief Financial Officer/Executive Director of Business Services, after consulting with the District's financial advisor and bond counsel, is authorized to modify the terms of the Notice of Sale prior to accepting the bids, including, but not limited to, rescheduling the sale. The bids shall be received by the Chief Financial Officer/Executive Director of Business Services or his designee until 11:00 a.m. central time on February 23, 2010, and consideration for the award of the 2010 Certificates will be by the School Board at 6:30 p.m. central time on the same date.

Section 4. Repayment of 2010 Certificates. The form, specifications and provisions for payment of the Amendment to Installment Purchase Contract and the 2010 Certificates and the form of the Supplement to Declaration of Trust shall be set forth in a subsequent resolution of the School Board.

Section 5. Consideration of Bids. The School Board shall meet on February 23, 2010, in accordance with the Notice of Sale, to consider bids for the purchase of the 2010 Certificates and to take whatever actions are necessary for the acceptance or rejection of the bids.

Section 6. Credit Enhancement. (a) The Board Chair, Superintendent or Chief Financial Officer/Executive Director of Business Services are hereby authorized and directed 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.

(b) The District hereby covenants and obligates itself to notify the Commissioner of Education of a potential default in the installment payments on the 2010 Certificates and to use the provisions of Minnesota Statutes, Section 126C.55 to guarantee payment of the principal and interest on the 2010 Certificates when due. The District further covenants to deposit with the trustee/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 Education that it will be unable to make all or a portion of that payment. The trustee, as bond registrar for the 2010 Certificates, is authorized and directed to notify the Commissioner of Education if it becomes aware of a potential default in the payment of principal or interest on the 2010 Certificates, or if, on the day two (2) business days prior to the date a payment is due on the 2010 Certificates, there are insufficient funds to make that payment on deposit with the trustee. 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 2010 Certificates remain outstanding.

(c) 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.

B-1-10-2721

January 19, 2010

Member Johnson expressed his concern with the original bonding including STC and that the building will no longer exist within the Long Range Facilities Plan.

**M-Wasson, S-Seliga Punyko, To Approve Resolution B-1-10-2721 - Approving The Terms Of Offering Of Approximately \$2,620,000 Full Term Refunding Certificates Of Participation, Series 2010b, Of Independent School District No. 709. Upon a vote taken, the same was approved 6-1 as follows:**

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

**Nay: Johnston**

**M-Johnston, Glass, to adjourn the meeting until next Tuesday at 6:30. Upon a vote the same fails 2-5 as follows:**

**Yea: Johnston, Glass**

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

Member Kasper presented the resolution:

**RESOLUTION**

Authorizing the Use of Up to \$90,000 from Fund Balance  
for Expenses Related to the Non-Binding Plan B Referendum

**WHEREAS**, the School District will incur unbudgeted expenses related to conducting a non-binding referendum submitted by Let Duluth Vote, and

**WHEREAS**, the School Board intends to proceed with conducting a non-binding referendum consistent with the petition language previously submitted by Let Duluth Vote.

**NOW, THEREFORE, BE IT RESOLVED** that the School Board hereby authorizes Administration to spend up to \$90,000 from Fund Balance to pay for these unbudgeted expenses.

B-1-10-2722

January 19, 2010

Member Johnston gave a history of the Plan B petition process and voiced his concerns that the community be given a chance to vote as soon as possible.

Member Wasson noted the cost of holding a special election and Mr. Hanson explained how the cost would be less if it were held in conjunction with another election.

**M-Wasson, S-Seliga Punyko , to amend Resolution B-1-10-2722 to read “to spend up to 50,000 and hold it in conjunction with the other November elections”.**

Member Johnston expressed his concern with delaying a vote on Plan B until November and Discussion took place regarding the referendum and timing of that election.

**M-Johnston, S-Glass to amend Member Wassons amendment and delete the November date and state that “the election be held within no more than 4 months”.**

Board discussion took place regarding Plan B, the community's right to vote and the timing of that vote. Chair Grover called for a vote on the item. Member Johnston challenged Chair Grover. Chair Grover overruled Member Johnston's challenge and called for a vote to uphold his ruling.

**Upon a vote on upholding the Chairs ruling to call for a vote the same passed 5-2 as follows:**

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

**Nay: Glass, Johnston**

**Upon a vote on Member Johnston's amendment to Member Wassons amendment, the same failed 2-5 as follows:**

**Yea: Glass, Johnston**

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

**Upon a vote on the original amendment requested by Member Wasson, the same was approved 5-2 as follows:**

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

**Nay: Glass, Johnston**

**M-Johnston, S-Glass, to refer Resolution B-1-10-2722 to a special citizens' committee composed of the following members: appointed by the Duluth Mayor's office; appointed by the Duluth City Council; appointed by St. Louis County Board of Commissioners Two members from the ISD 709 School Board; Two member of the ISD 709 administration; One member from the Let Duluth vote citizen group; One member from the Red Plan Plus citizen group; and One Architects from the firm ATS&R. This special committee's charged with coming up with a reasonable alternative to a referendum on Plan B that could be agreed to by the Plan B group, the Red Plan Plus group, and the School Administration. The Special Committee will report back to the Board on the Regular February School Board meeting. Upon a vote taken, the same failed 3-4 as follows:**

**Yea: Glass, Johnston, Kasper**

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

**M-Kasper, S-Glass, to approve Resolution B-1-10-2722 – Authorizing the Use of Up to \$90,000 \$50,000 from Fund Balance for Expenses Related to the Non-Binding Plan B Referendum To Be Held in Conjunction with the Regular November Elections in 2010. Upon a vote taken, the same as amended was approved 4-3 as follows:**

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

**Nay: Glass, Johnston, Kasper**

**M-Wasson, S-Seliga Punyko, to approve the remainder of the Business Committee as presented. Upon a vote taken, the same was approved 5-2 as follows:**

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

**Nay: Glass, Johnston**

**Other  
January 2010  
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Member Glass indicated he had agenda items for the next meeting. Chair Grover asked him to submit them through the regular agenda setting process.

Chair Grover adjourned the regular school board meeting of January 19, 2010 at 12:55 p.m.

## Minutes of the Special School Board Meeting

16

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

Thursday, January 28, 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 special school board meeting of January 28, 2010 to order at 5:30 p.m.

### Public Comment:

Dan Olson, 6001 Cummings Avenue, Duluth Building Trades, spoke to the board to commend the board and administration for the hard work they have put into the construction projects making note of the use of local labor percentages.

Betty Marsa, 2223 Leonard, spoke to the board regarding her concern with the school consolidations, the student transitions in conjunction with those consolidations, and the students who may leave the school district. She read a letter she sent to board members regarding her concerns.

Christa Hoff, 4520 Cooke, spoke to the board in support of the red plan and suggested that the board take the lowest base bid in each contract and then work with the contractors on the add alternates, stating that value engineering is a better overall value.

Kerry Leider presented details on the bid package, and explained the bid process the district uses.

### Bid #1175, Bid Package #4 – Structure/Enclosure/Interior/Mechanical/Electrical at Eastern (Ordean) High School

Recommendation: It is recommended the School Board approve entering into contracts with the firms listed below based on their low bids as shown on the Bid Tab and Letter of Recommendation, as provided in response to Bid #1175, Bid Package #4 – Structure/Enclosure/Interior/Mechanical/Electrical at Eastern (Ordean) High School.

Contract #0241 – Demolition – Lipe Brothers Construction - \$375,000.00

Contract #0332 – CIP Concrete – Hanson Masonry and Concrete - \$1,145,464.00

Contract #0340 – Precast Concrete Plank – Molin Concrete Products - \$999,980.00

Contract #0341 – Precast Concrete Wall Panels – Wells Concrete Products Co. – \$2,287,341.00

Contract #0420 – Masonry – Harbor City Masonry, Inc. – \$644,994.00

Contract #0512 – Steel Supply – LeJeune Steel Company - \$1,364,200.00

Contract #0610 – Carpentry – Lipe Brothers Construction - \$736,000.00

Contract #0750 – Roofing and Metal Panels – Palmer West Construction - \$1,931,800.00

Contract #0810 – Doors, Frames, Hardware – Supply – Sell Hardware, Inc. - \$470,950.00

Contract #0833 – Coiling/Overhead Doors – Lipe Brothers Construction - \$29,731.00  
Contract #0920 – Drywall – RTL Construction, Inc. - \$1,690,271.00  
Contract #2200 – Plumbing and Heating Piping – EL Jay Plumbing & Heating – \$2,915,700.00  
Contract #2300 – HVAC (excluding testing/balancing) – McDowall Company – \$3,131,600.00  
Contract #2600 – Electrical – Belknap Electric, Inc. - \$4,706,148.00

The total cost of contracts related to Bid #1175, Bid Package #4 – Structure/Enclosure/Interior/Mechanical/Electrical at Eastern (Ordean) High School as listed above and recommended for approval at this time is \$22,429,179.00, which remains within the budgeted amount at this site.

**M-Cameron, S-Seliga Punyko, to approve Bid 1175 Bid Package #4 – Structure/Enclosure/Interior/Mechanical/Electrical at Eastern (Ordean High School) as presented.**

Discussion took place regarding value engineering, use of local labor, design changes based on staff input, project budgets, cost savings and bid processes.

**M-Johnston, S-Glass, to postpone approval of the bid package until after the referendum is held on Plan B. Upon a vote, the same failed 2-5 as follows:**

**Yea: Johnston and Glass**

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

**Upon a vote on Bid 1175 Bid Package #4 – Structure/Enclosure/Interior/Mechanical/Electrical at Eastern (Ordean High School) as presented, the same was approved – 4-3 as follows:**

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

**Nay: Glass, Johnston, Kasper**

Chair Grover Adjourned the Special School Board meeting of January 28, 2010 at 7:13 p.m.

Independent School District 709  
SCHEDULE OF MEETINGS AND EVENTS

*All meetings are scheduled at Historic Old Central High School unless otherwise noted.*

Week of February 22 – February 26, 2010

Tuesday	February 23	5:15 p.m.	Special School Board Meeting (Agenda attached) Adjourn to Executive (Closed) Session Re: Property Acquisition Board Room
Tuesday	February 23	6:30 p.m.	Regular School Board Meeting (Agenda attached) Board Room
Wednesday	February 24	5:30 p.m.	Education Equity Advisory Committee Board Room

Week of March 1 – March 5, 2010

Wednesday	March 3	9:00 a.m.	PTSA Citywide Council Board Room
Thursday	March 4	4:15 p.m.	Parent Advisory Council for Special Education (PACSE) Steering Committee Room 203C
Thursday	March 4	5:00 p.m.	Education Equity Advisory Recruitment and Retention Subcommittee Room 301

Week of March 8 – March 12, 2010

Monday	March 8	4:15 p.m.	Human Resources Committee Board Room
Monday	March 8	4:30 p.m. (or to follow Human Resources Comm. Mtg)	Business Committee Board Room
Tuesday	March 9	4:15 p.m.	Education Committee Meeting Board Room
Wednesday	<b>March 10</b> (note new date)	5:00 p.m.	Education Equity Advisory Budget Subcommittee Board Room

*(over)*

Week of March 15 – March 19, 2010

Tuesday	March 16	6:30 p.m.	Regular School Board Meeting (Agenda attached) Board Room
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Week of March 22 – March 26, 2010*No meetings scheduled at this time.*Week of March 29 – April 2, 2010

Wednesday	March 31	5:30 p.m.	Education Equity Advisory Committee Board Room
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Week of April 4 – April 9, 2010*No meetings scheduled at this time.*Week of April 12 – April 16, 2010

Monday	April 12	4:15 p.m.	Human Resources Committee Board Room
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Monday	April 12	4:30 p.m. <i>(or to follow Human Resources Comm. Mtg)</i>	Business Committee Board Room
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Tuesday	April 13	4:15 p.m.	Education Committee Board Room
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Wednesday	April 14	9:00 a.m.	PTSA Citywide Council <b>Room 302 (note new location)</b>
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Office of the Superintendent  
February 19, 2010