

Regular School Board Meeting

Duluth Public Schools, ISD 709

Agenda

Tuesday, December 20, 2011

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 the Agenda**
5. **Reading and Approving Minutes**
 - A. Special School Board Meeting November 10, 2011 2
 - B. Special School Board Meeting of November 15, 2011 5
 - C. Regular School Board Meeting of November 15, 2011 7
6. **Audience**
7. **Reading Communications, Petitions, Etc.** 35
8. **Report of the Superintendent**
 - A. Schedule of Meetings and Events 36
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**
 - A. Resolution B-12-11-2952 - School Board Member Attendance at MSBA Conference 38
 - B. Resolution B-12-11-2953 - New School Board Member Attendance at MSBA Phase I and Phase II Orientations 39
11. **Questions / Other**
12. **Adjournment**

Minutes of the Special 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

Thursday November 10, 2011

Members Present:

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

Others Present:

IV Foster, Superintendent
Melinda Thibault, Secretary

Members Absent:

Ann Wasson

Chair Seliga Punyko called the special school board meeting of November 10, 2011 to order at 12:00 p.m.

Member Kasper presented the resolution:

RESOLUTION
Executive (Closed) Session

RESOLVED, By the School Board of Independent School District 709, St. Louis County, Minnesota, that the School Board shall meet in Executive (Closed) Session on Thursday, November 10, 2011 at approximately 12:00 p.m. in the Board Conference Room of the Historic Old Central High School for the purpose of discussing private educational data relating to a possible student expulsion, conducted pursuant to MN Statute 13D.05 Subd. 2(3) 13D.05 Subd. 2(3).

E-11-11-2949

November 10, 2011

M-Kasper, S-Cameron, to approve the Resolution E-11-11-2949 - Executive Closed Session.

M-Grover, S-Kasper, to amend the resolution as follows:

In order to help meet the District's obligation to enact appropriate security safeguards, (1) the District will maintain one official recording of closed sessions when required and in accordance with the law; (2) that individual Board members are not allowed to record closed sessions; (3) that individual board members must affirm before going into a closed session that he or she will not record the closed session; (4) that failure to make such an affirmation precludes the Board member from attending the closed session.

Member Johnston called a point of order that the amendment isn't germane to the issue. Chair Seliga Punyko ruled that it is germane to the issue.

M-Johnston, S-Glass, to appeal the decision on the chair.

Board discussion took place regarding the proposed amendment.

Upon a vote to uphold the chairs decision the same passed 4-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko

Nay: Glass, Johnston

Chair Seliga Punyko called for a vote on the amendment.

Member Johnston called a point of order that he wanted continued discussion on the matter.

Board discussion continued.

Upon a vote on the amendment to the resolution, the same passed 4-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko

Nay: Glass, Johnston

Upon a roll call vote - to vote yes or no to the amended motion and affirm whether or not board members will be recording the meeting the same passed 4-2 as follows:

Cameron - yes – will not record

Glass – no – will not record

Grover – yes – will not record

Johnston – no – refused to answer if he would be recording

Kasper – yes – will not record

Seliga Punyko – yes - will not record

Chair Seliga noted that Member Johnston would not be allowed to attend the closed session since he refused to answer the question of whether he would be recording the meeting.

The board recessed into closed session at 12:16 p.m.

The board reconvened at 1:51 p.m.

Member Grover presented the resolution:

RESOLUTION EXPELLING A STUDENT

WHEREAS, written notice of the proposed expulsion of a student was served upon the student and the student's parents in compliance with the Minnesota Pupil Fair Dismissal Act;

WHEREAS, a hearing on the proposed expulsion was held before an Independent Hearing Officer on Wednesday, November 2, 2011, in the law offices of Dryer Storaasli Knutson & Pommerville located at 200 Sellwood Building, 202 West Superior Street, Duluth, Minnesota 55802-1960;

WHEREAS, the Independent Hearing Officer has made written Findings of Fact, Conclusions, and a Recommendation to the School Board regarding the proposed expulsion;

WHEREAS, the School Board has reviewed the Independent Hearing Officer's Findings of Fact, Conclusions, and Recommendation;

WHEREAS, the Pupil Fair Dismissal Act states that the School Board shall base its decision upon the recommendation; and

WHEREAS, the written notice of proposed expulsion, the name of the student proposed for expulsion, and the Independent Hearing Officer's Findings of Fact, Conclusions and Recommendation are private educational data under the Minnesota Government Data Practices Act;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The School Board hereby accepts and adopts the Independent Hearing Officer's Findings and Fact, Conclusions and Recommendation as the basis for its decision.
2. The School Board hereby expels the student from the schools of Independent School District No. 709 from November 10, 2011, through November 10, 2012. The expulsion takes effect on November 10, 2011.
3. The Superintendent, or his designee, is directed to mail the following to the student and to the student's parents: a copy of this Resolution; a copy of the Independent Hearing Officer's Finding of Fact, Conclusions and Recommendation; and a letter stating that the student has been expelled effective November 10, 2011, and may be reinstated effective November 11, 2012.
4. The Superintendent, or his designee, is directed to identify the alternative educational services that are available to the student during the period of expulsion, if the student wishes to take advantage of them.
5. The Superintendent, or his designee, is directed to make an electronic report of this expulsion to the Commissioner of the Minnesota Department of Education within thirty calendar days as required by Minnesota Statutes section 121A.53.

Resolution: E-11-11-2950

November 10, 2011

M-Grover, S-Kasper, to approve the Resolution E-11-11-2950 – Student Expulsion.

Board discussion took place regarding the expulsion.

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

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

Nay: Glass

Member Kasper asked that administration look at options for the student to finish their degree.

Chair Seliga Punyko adjourned the Special School Board meeting of November 10, 2011 at 1:55 p.m.

Minutes of the Special 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 15, 2011

Members Present:

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

Others Present:

I.V. Foster, Superintendent
Bill Hanson, Deputy Clerk
Melinda Thibault, Secretary

Members Absent:

Mary Cameron

Chair Seliga Punyko called the special school board meeting of November 15, 2011 to order at 4:30 p.m.

Member Kasper presented the resolution:

RESOLUTION
Executive (Closed) Session

RESOLVED, By the School Board of Independent School District 709, St. Louis County, Minnesota, that the School Board shall meet in Executive (Closed) Session on Tuesday, November 15, 2011 at approximately 4:30 p.m. in the Board Conference Room of the Historic Old Central High School for the purpose of discussion related to the sale and acquisition of properties as listed on attachment, conducted pursuant to MN Statute 13D.05, Subd. (3).

Resolution B-11-11-2951

November 15, 2011

M-Kasper, S-Wasson, to approve the Resolution B-11-11-2951 - Executive Closed Session.

Member Johnston objected to the closed session because he feels the information should be public.

M-Wasson, S-Grover, to amend the resolution as follows:

In order to help meet the District's obligation to enact appropriate security safeguards, (1) the District will maintain one official recording of closed sessions when required and in accordance with the law; (2) that individual Board members are not allowed to record closed sessions; (3) that individual board members must affirm before going into a closed session that he or she will not record the closed session; (4) that failure to make such an affirmation precludes the Board member from attending the closed session.

Member Johnston stated that the motion is illegal and isn't germane to the resolution. Member Glass asked how the amendment relates to the properties.

Chair Seliga Punyko ruled the amendment germane.

M-Johnston, S-Glass, to appeal the decision on the chair.

Board discussion took place regarding the proposed amendment.

Upon a vote to reverse the decision of the chair the same failed 2-4 as follows:

Yea: Glass, Johnston

Nay: Grover, Kasper, Seliga Punyko, Wasson

Upon a vote on the amendment to the resolution, the same passed 4-2 as follows:

Yea: Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Upon a vote on the resolution as amended, the same was approved 4-2 as follows:

Yea: Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Upon a roll call survey yes or no to affirm whether or not board members will be recording the meeting:

Glass — will not record

Grover — will not record

Johnston — refused to answer

Kasper — will not record

Seliga Punyko – will not record

Wasson – will not record

Chair Seliga Punyko noted that since Member Johnston did not answer the recording question that he was in violation of the amended resolution and therefore should not attend the closed session.

Chair Seliga Punyko adjourned the Special School Board meeting of November 15, 2011 at 4:38 p.m.

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 15, 2011

Members Present:

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

Others Present:

I.V. Foster, Superintendent
Bill Hanson, Deputy Clerk
Melinda Thibault, Secretary
Student Representatives
Marcus Jahn
Lindsay Redenbaugh

Members Attending via Skype:

Mary Cameron

Chair Seliga Punyko called the regular school board meeting of November 15, 2011 to order at 6:34 p.m., and the pledge of allegiance to the American flag was given.

M-Wasson, S-Kasper, to approve the agenda as presented. Upon a vote on the agenda as presented, the same passed – unanimously.

Chair Seliga Punyko asked school board members if there were any corrections or changes to the minutes of the special school board meeting of October 18, 2011.

M-Wasson, S-Kasper, to approve the minutes of the October 18, 2011 special school board meeting. Upon a vote, the same was approved as presented – unanimously.

Chair Seliga Punyko asked school board members if there were any corrections or changes to the minutes of the Regular school board meeting of October 18, 2011.

M-Wasson, S-Kasper, to approve the minutes of the October 18, 2011 regular school board meeting.

Member Johnston stated that the reason the chair ruled that the agenda items he requested wouldn't be placed on the agenda should be included in the minutes.

Upon a vote, the same was approved as corrected – unanimously.

Chair Seliga Punyko asked school board members if there were any corrections or changes to the minutes of the special school board meeting of November 4, 2011.

M-Wasson, S-Kasper, to approve the minutes of the November 4, 2011 special school board meeting.

Member Johnston stated that the vote on calling the question was 4-2 not 6-0 with Members Glass and Johnston voting no.

Upon a vote, the same was approved as corrected – unanimously.

Public Comments
November 2011

Tom Ochocki, 3221 Florine Street, Christ Lutheran Church, spoke to the board to ask them to approve the purchase agreement with Christ Lutheran Church that is on the agenda.

Marcia Stromgren, 6179 Lakewood Road, spoke to the board regarding a complaint that has been filed with the MN Department of Education.

Loren Martell, 623 East 7th Street, spoke to the board regarding the election results, and his continued distrust of the board.

Sharon Witherspoon, no address provided, spoke to the board to ask them to support naming the Eastern middle school the Meyers-Wilkins Middle School.

Linda Grover, no address provided, spoke to the board to ask them to support naming the Eastern middle school the Meyers-Wilkins Middle School.

Communications, Petitions, Etc.
October 2011

Superintendent Foster acknowledged the communications received.

Superintendent's Report
November 2011

Superintendent Foster thanked everyone involved putting on the presentation of Bye Bye Birdie at East High and stated that it was a great show. He also noted that there had been a tenured teacher reception held prior to the board meeting.

Superintendent congratulated the newly elected school board members.

Education Committee Report
November 2011

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

Member Wasson presented the resolution:

RESOLUTION

Acceptance of Grant Awards to Duluth Public Schools

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

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

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

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

	Organization	Author/Contact	Project Title	Award Amount	Terms
1	MN State High School League	Tom Pearson	MSHSL Foundation Grant for Student Participation	Will be based on 652 total F&R lunch students identified in the October 1, 2011 MDE Report and 110 unduplicated F& R lunch student participants – fall 2011-12 and winter and spring 2010-11.	Funds from this grant award will be used to assist, recognize, promote, and fund extra-curricular participation by Denfeld High School students in athletic and fine arts programs.
2	MN State High School League	Shawn Roed	MSHSL Foundation Grant for Student Participation	Will be based on 380 total F&R lunch students identified in the October 1, 2011 MDE Report and 45 unduplicated F& R lunch student participants – fall 2011-12 and winter and spring 2010-11.	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.
3	Northland Foundation	Mark Hughes	Youth Frontiers – Respect Retreat for Ninth Grade Students	\$2,000	Funds from this grant award will be used to support the Youth Frontiers – Respect Retreat for Denfeld ninth grade students.

M-Wasson, S-Kasper, to approve Resolution E-11-11-2492 - Acceptance of Grant Awards to the Duluth Public Schools. Upon a vote taken, the same was approved – 7-0.

M-Wasson, S-Grover, to approve the remainder of the Education Committee Report as presented.

Member Grover withheld Item 2.A.1)
Member Johnston withheld Item 1.A.1)

Member Johnston withheld Item 1.A.1) – Closed Campus Discussion to ask for a review of the discussion. Bill Gronseth, Assistant Superintendent, gave a brief overview and stated that campuses will remain open and the issue will be further assessed in the spring. Student Advisor Jahn stated that the students are against closing campus, and that they will work toward being more responsible in the neighborhood etc.

Member Grover withheld Item 2.A.1) – Selecting a Name for the New Eastern Middle School to note that the process has been difficult, and that he is making an alternative motion in hopes of a acceptable compromise.

M-Grover, S-Wasson, to name the Eastern Middle School the Ordean East Middle School, and in recognition of Meyers-Wilkins to name the auditorium after them with signage, and to rename the remodeled Grant Elementary School the Meyers-Wilkins Elementary School.

M-Johnston, to amend the motion to name the Eastern Middle school Meyers-Wilkins. The motion failed due to a second.

Board discussion took place regarding naming of the middle school.

M-Johnston, to postpone the item until the next meeting. The motion fails due to a second.

Board discussion continued regarding the naming of the middle school.

Upon a vote on Member Grovers motion, the same passed 5-1-1 as follows:

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

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

Human Resources Committee Report

November 2011

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

**M-Kasper, S-Wasson, to approve the Human Resources Committee Report as presented.
Upon a vote, the same was approved unanimously.**

Business Committee Report

November 2011

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

Member Grover requested that resolution 5.a. be taken up first to accommodate out of town presenters.

Member Grover presented the resolution:

RESOLUTION RELATING TO GENERAL OBLIGATION AID ANTICIPATION
CERTIFICATES OF INDEBTEDNESS OF 2011 IN AN AMOUNT NOT TO EXCEED
\$22,700,000; AUTHORIZING THE ISSUANCE AND ESTABLISHING THE TERMS
THEREOF; AND AUTHORIZING THE CHAIR AND CLERK TO AWARD THE SALE
THEREOF AND TO TAKE SUCH ACTION AND EXECUTE ALL DOCUMENTS
NECESSARY TO ACCOMPLISH THE AWARD AND SALE

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

Section 1. Certificates Purpose and Authorization.

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

1.02 The School Board hereby determines that it is necessary to borrow, pursuant to the Act, upon aid anticipation certificates of indebtedness in an amount not to exceed \$22,700,000 in anticipation of receipt of state aids for schools and of federal school aids to be distributed by or through the Department during the July 1, 2011 to June 30, 2012 fiscal year (the "School Aids"), which are necessary for timely payments of anticipated expenditures from the District's operating funds (the "Funds"). Such amount does not exceed 75% of the School Aids which are receivable by the District in such fiscal year as estimated by the Commissioner of the Department.

1.03 The School Board hereby determines that it is necessary and expedient that the

District issue general obligation aid anticipation certificates of indebtedness as described in Section 1.02 above in a single issuance of General Obligation Aid Anticipation Certificates of Indebtedness of 2011 in an amount not to exceed \$22,700,000 (the "Certificates").

Section 2. Award of Sale. Pursuant to Minnesota Statutes, Section 126C.56, the requirements of public sale do not apply to the issuance under certain circumstances of aid anticipation certificates of indebtedness. The District has retained PMA Securities, Inc., in Albertville, Minnesota, as independent financial advisor in connection with the sale of the Certificates. The School Board desires to proceed with the sale of the Certificates by direct negotiation to Northland Securities, Inc., in Minneapolis, Minnesota (the "Purchaser"), and the Chair and Clerk are authorized to award the sale of the Certificates and execute a contract on the part of the District for the sale of the Certificates upon the terms set forth herein. The Chair and Clerk are also authorized to take all other action, consistent with the resolution, that is necessary to complete the award and sale of the Certificates provided that the principal amount of the Certificates shall not in any event exceed \$22,700,000, nor shall the interest rate thereon exceed 3.0% per annum in any event. The authorization contained herein shall expire on December 14, 2011.

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

Section 4. Certificates; Terms. The Certificates to be issued hereunder shall be dated the date of delivery to the Purchaser, but no later than December 14, 2011, shall be issued in the denomination of \$5,000 each, or any integral multiple thereof, in fully registered form, lettered and numbered R-1 and upward. The Certificates shall mature on September 28, 2012 (the "Maturity Date").

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

Section 5. Bond Registrar; Registration of Certificates.

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

B. The District shall cause to be kept at the principal corporate office of the Bond

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

C. At the option of the registered owners, the Certificates may be exchanged for other Certificates of any authorized denomination, of a like aggregate principal amount, maturing upon the same date, upon surrender of the Certificates to be exchanged at the principal corporate office of the Bond Registrar. Whenever any Certificates are so surrendered for exchange, the District shall execute and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver the Certificates which the registered owner making the exchange is entitled to receive. Upon surrender for transfer of any Certificate at the principal corporate office of the Bond Registrar, the District shall execute and the Bond Registrar shall authenticate, if required by law or this Resolution, and deliver, in the names(s) of the designated transferee(s), one or more new certificates of a like aggregate principal amount, as requested by the transferor. All Certificates surrendered upon the exchange provided for in this Resolution shall be promptly cancelled by the Bond Registrar and thereafter disposed of as directed by the School Board. All Certificates issued in exchange for or upon transfer of the Certificates shall be valid obligations of the District evidencing the same debt and entitled to the same benefits under this Resolution as the Certificates surrendered for such exchange or transfer. Every Certificate presented for a transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the District and the Bond Registrar, duly executed by the registered owner thereof or the owner's attorney duly authorized in writing. The District or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of the Certificates, other than exchange expressly provided in this Resolution to be made, without expense or without charge to the registered owner.

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

5.02 Book-Entry System.

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

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

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

indicated in or pursuant to the Representation Letter.

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

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

No beneficial owner (other than DTC) shall be registered as the holder on the Bond Register for any Certificate in Book-Entry Form or entitled to receive any bond certificate. The beneficial ownership interest in any Certificate in Book-Entry Form shall be recorded, evidenced and transferred solely in accordance with the Book-Entry System.

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

E. The District and the Bond Registrar shall each give notices to DTC of such matters and at such times as are required by the Representation Letter, including with respect to any notice required or permitted under this Bond Resolution to be given to any holder of a Certificate.

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

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

5.03 Lost or Damaged Certificates. If a Certificate becomes mutilated or is destroyed, stolen or lost, the Bond Registrar will deliver a new Certificate of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Certificate or in lieu of and in substitution for any Certificate destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Bond Registrar and the District in connection therewith, including the cost of printing new Certificates; and, in the case of a Certificate destroyed, stolen or lost, upon filing with the Bond Registrar and the District of evidence satisfactory to them that the Certificate was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Bond Registrar and the District of an appropriate bond or

indemnity in form, substance and amount satisfactory to them and as provided by law, in which both the District and the Bond Registrar must be named as obligees. Certificates so surrendered to the Bond Registrar will be canceled by the Bond Registrar and evidence of such cancellation must be given to the District. If the mutilated, destroyed, stolen or lost Certificate has already matured or been called for redemption in accordance with its terms, it is not necessary to issue a new Certificate prior to payment.

5.04 Payment of Certificates.

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

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

5.05 Delivery. Delivery of the Certificates and payment of the purchase price shall be made at a place mutually satisfactory to the District and the Purchaser. Printed or typewritten and executed Certificates shall be furnished by the District without cost to the Purchaser. The Certificates, when prepared in accordance with this Resolution and executed, shall be delivered by or under the direction of the Clerk to the Purchaser upon receipt of the purchase price plus accrued interest.

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

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

INDEPENDENT SCHOOL DISTRICT NO. 709
(DULUTH)

GENERAL OBLIGATION AID ANTICIPATION CERTIFICATE
OF INDEBTEDNESS OF 2011

R-_____ \$_____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
_____%	September 28, 2012	December 14, 2011	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

Independent School District No. 709, St. Louis County, State of Minnesota (the "District"), acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above on the maturity date specified above, together with interest thereon from the date of original issue specified above until paid at the annual interest rate specified above. The interest shall be payable on the Maturity Date specified above, at the rate per annum specified above, calculated on the basis of a 360-day year of twelve 30-day months, until the principal amount is paid or has been provided for. This Certificate is not subject to redemption prior to maturity. Both principal and interest are payable at U.S. Bank National Association, in St. Paul, Minnesota, as registrar, paying agent, authenticating agent and transfer agent (the "Bond Registrar"), or at the office of such successor Bond Registrar as may be designated by the School Board, in coin or currency of the United States of America, which on the date of payment is legal tender for payment of public and private debts. The Bond Registrar shall make the interest payment with respect to this Certificate directly to the registered owner hereof shown on the bond registration records maintained on behalf of the District by the Bond Registrar at the close of business on the 15th day of the month next preceding the Maturity Date (whether or not a business day) at such owner's address shown on said bond registration records, without, except for the payment of principal of the Certificate, the presentation and surrender of this Certificate, and all such payments shall discharge the obligation of the District to the extent of the payments so made. Payment of principal of the Certificates shall be made to the registered owner upon presentation and surrender of this Certificate to the Bond Registrar when due.

This Certificate is one of a series issued by the District in the aggregate amount of \$22,700,000, pursuant to the authority contained in Minnesota Statutes, Sections 126C.50 through 126C.56, as amended, and Chapter 475, and all other laws and pursuant to an authorizing resolution adopted by the School Board of the District on November 15, 2011 (the "Resolution") authorizing the Chair and Clerk to award the sale of the Certificates on terms contained in the Resolution, for the purpose of authorizing receipt of unpaid state aids for school receivables by the District as hereinafter set forth.

It is hereby certified and recited that the amount of School Aids as defined in the Resolution yet to be received by the District in the July 1, 2011 to June 30, 2012 fiscal year, for deposit in the District's operating funds (the "Funds") is in the amount of \$35,152,579 as estimated by the State of Minnesota Commissioner of Education; that heretofore no aid anticipation certificates have been issued against said School Aids; and that the Certificates are issued in anticipation of collection of said School Aids.

This Certificate constitutes a general obligation of the District, and the full faith and credit and taxing powers of the District have been and are hereby irrevocably pledged to provide monies for the prompt and full payment of

principal and interest when due. This Certificate is payable from a special debt service fund of the District established for payment of the Certificates by the Resolution.

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

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

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

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

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

caused this Certificate to be dated the date of original issue set forth above.

Attest:

(form – no signature required)
Clerk

(form – no signature required)
Chair

Date of Authentication: _____

BOND REGISTRAR'S AUTHENTICATION CERTIFICATE

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

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

By _____
Authorized Representative

REGISTRATION CERTIFICATE

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

<u>Date</u>	<u>Registered Owner</u>	<u>Signature of Bond Registrar</u>
12/___/11	Cede & Co. c/o The Depository Trust Company 55 Water Street New York, NY 10041 Federal Taxpayer I.D. No.: 13-2555119	_____

ASSIGNMENT

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

(Name and Address of Assignee)

_____ Social Security or other
_____ Identifying Number of
_____ Assignee

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

Dated: _____.

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

Signature Guaranteed:

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

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

Section 7. Funds; Deposits.

A. The Treasurer shall credit the proceeds of the sale of the Certificates to the Funds, except for the deposit to the Debt Service Fund, and shall be used solely to pay claims duly

approved and allowed with respect to current operating expenses of the kinds and within the amounts provided in the official budget of the District. Such proceeds shall be recorded as liabilities of the Funds, pursuant to Minnesota Statutes, Section 123B.78 and the proceeds shall be used for the purposes for which the School Aids may be utilized and to pay the costs of issuance of the Certificates.

B. A separate debt service fund for the Certificates is hereby created, to be designated as the "Series 2011 General Obligation Aid Anticipation Certificates of Indebtedness Fund" (the "Debt Service Fund"), to be used solely for the payment of interest on and the principal of the Certificates when due. The Treasurer shall credit to the Debt Service Fund all proceeds of the Certificates in excess of \$22,700,000. At such time as State Aids distributable to the District for the current school year, receipts of which are to be recorded as assets of the Funds pursuant to the Uniform Financial Accounting and Reporting System for Minnesota school districts, and which remain to be received, are in the amount of 105% of the principal and interest due on the Certificates issued to fund the deposit to the Funds, on the Maturity Date, there shall be deposited in the Debt Service Fund all subsequent receipts of State Aids or other monies of the District legally available therefor, until the balance in the Debt Service Fund is sufficient to pay all principal and interest due on the Certificates at maturity.

C. The School Board hereby certifies that the School Aids for the July 1, 2011 to June 30, 2012 fiscal year yet to be received are in the amount of \$35,152,579.

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

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

Bond Registrar. The District understands that as a result of its covenant to be bound by the provisions of Minnesota Statutes, Section 126C.55, the provisions of that section shall be binding as long as any Certificates of this issue remain outstanding.

F. The District further covenants to comply with all procedures now or hereafter established by the Department of Management and Budget 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.

G. The School Board acknowledges, represents and covenants that it must include a provision in its agreement with the Bond Registrar, as paying agent for the Certificates, that requires the Bond Registrar to inform the Commissioner of Education if it becomes aware of a potential default in the payment of principal or interest on the Certificates or if, on the day two business days prior to the date a payment is due on the Certificates, there are insufficient funds to make the payment on deposit with the Bond Registrar.

Section 8. Tax Covenants and Arbitrage Matters.

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

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

8.03 Arbitrage Rebate. The District acknowledges that the Certificates are subject to the rebate requirements of Section 148(f) of the Code. The District covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such

amounts at such times as are required under Section 148(f) and applicable Regulations to preserve the exclusion of interest on the Certificates from gross income for federal income tax purposes, unless the Certificates qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no “gross proceeds” of the Certificates (other than amounts constituting a “bona fide debt service fund”) arise during or after the expenditure of the original proceeds thereof.

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

Section 10. Certified Proceedings. The officers of the District and the County Auditor are authorized and directed to prepare and furnish to the Purchaser of the Certificates and to bond counsel certified copies of all proceedings and records of the District pertaining to the authorization, issuance, and sale of the Certificates and such other affidavits and certificates as may reasonably be required to show the facts relating to the legality and marketability of the Certificates as such facts appear from the official books and records of the officers’ custody or are otherwise known. All such certified copies, certificates, and affidavits, including any heretofore furnished, constitute representations of the District as to the correctness of facts recited therein and the actions stated therein to have been taken.

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

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

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

B-11-11-2945

November 15, 2011

M-Grover, S-Kasper, To Approve Resolution B-11-11-2945 – Resolution Relating To General Obligation Aid Anticipation Certificates Of Indebtedness Of 2011 In An Amount Not To Exceed \$22,700,000; Authorizing The Issuance And Establishing The Terms

Thereof; And Authorizing The Chair And Clerk To Award The Sale Thereof And To Take Such Action And Execute All Documents Necessary To Accomplish The Award And Sale:

Steve Pumper and Bob Toftey spoke to the board regarding the bond sales. Board discussion took place regarding the resolution/bond sale.

Upon a vote, the same was approved – unanimously.

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

Member Johnston withheld Items 1.C., 2.A.1), 2), and 6.E.
Member Glass withheld Item 1.B.

Member Glass withheld Item 1.B. – Approval of Payment of Claims to note payments to JCI.

Member Johnston withheld Item 1.C. – Budget Revisions to ask about the differences in the amounts and stated that he will discuss it with finance at a later date.

Member Johnston withheld Items 4.A.1) – UMD – College in the Schools, and 4.A.2) – Americorp Program to note his concern with the amounts of the contracts and the need to rethink some spending.

Member Johnston withheld Item 6.E. – JCI Long Range Facilities Plan Status Report to ask about the relocation of STC programs. Kerry Leider, Facilities Management Supervisor, gave an overview of the programs and the continued work to accommodate all those programs as needed.

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

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

Member Grover presented the resolution:

RESOLUTION

Resolution for the Establishment of an Dental Internal Service Fund

WHEREAS, it is in the interest of the Board to maintain an efficient self-balancing set of accounts for revenue and expenditures; and

WHEREAS, the District self-insures dental benefits for its employees and wishes to establish an internal service fund for the purpose of financing on a cost-reimbursement basis the accumulated costs of providing dental services to current and retired employees; and

WHEREAS, the fund classification is Proprietary Fund Type, Internal Service Fund,
NOW THEREFORE, BE IT RESOLVED that a Dental Internal Service Fund (Fund 20) is hereby established.

BE IT FURTHER RESOLVED that a transfer of \$47,929.80 to provide initial funding is

made from the General Fund (Fund 1) to the Dental Internal Service Fund (Fund 20). Amount to be transferred represents the dental liability as of June 30, 2011.

B-11-11-2946

November 15, 2011

M-Grover, S-Kasper, to approve Resolution B-11-11-2946 – Establishment of a Dental Internal Service Fund.

Board discussion took place regarding the resolution.

Upon a vote, the same was approved – unanimously.

Member Grover presented the resolution:

RESOLUTION

Authorizing the Sale of the Kenwood School Property Located at 1750 Kenwood Avenue

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 Kenwood School 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 at 1750 Kenwood Avenue legally described as North ½ of NW ¼ of SW ¼ of the SE ¼, Section 10, Township 50, North Range 14 West, 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 November 15, 2011 and to sign all other documents required for closing this sale transaction.

B-11-11-2943

November 15, 2011

M-Grover, S-Kasper, to approve Resolution B-11-11-2943 Authorizing the Sale of the Kenwood School Property Located at 1750 Kenwood Avenue. Upon a vote, the same was approved – 6-1 as follows:

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

Nay: Glass

Member Grover presented the resolution:

RESOLUTION

Authorizing the Purchase of Real Property from Christ Lutheran Church

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 property and negotiated terms to purchase the property described above;
and

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

NOW, THEREFORE, BE IT RESOLVED that the School Board hereby authorizes the purchase of real property referred to as the Christ Lutheran Church Recreational Field further described as The Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 30, Township 50 North, Range 14 West of the Fourth Principal Meridian, except the westerly 198 feet thereof and except that part platted as AUDITOR'S PLAT NUMBER 32, St. Louis County, Minnesota, and except that part of said Northeast Quarter that lies southerly of the extended north line of Lot 8 of said AUDITOR'S PLAT NUMBER 32. Said parcel contains 106914 square feet or 2.45 acres, more or less. Subject to a 33 foot wide highway easement over, under, and across the northerly 33 feet of said Northeast Quarter of the Northwest Quarter of Southeast Quarter. Together with a 66 foot wide highway easement over, under, and across the easterly 66 feet of the westerly 198 feet of said Northeast Quarter of the Northwest Quarter of Southeast Quarter and;

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

B-11-11-2944

November 15, 2011

M-Grover, S-Johnston, to approve Resolution B-11-11-2944 – Authorizing the Purchase of Real Property from Christ Lutheran Church.

M-Grover, S-Wasson, that the resolution be postponed indefinitely. Upon a vote, the same was approved – 6-1 as follows:

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

Nay: Johnston

Special Resolutions

November 2011

Member Grover presented the resolution:

RESOLUTION

Canvassing Returns of Votes of School District General Election of November 8, 2011

BE IT RESOLVED, by the School Board of Independent School District 709, as follows:

1. It is hereby found, determined and declared that the GENERAL election of the voters of this district, held on November 8, 2011, was in all respects duly and legally called and held.

2. A. At Large:

As specified in the attached Abstract and Return of Votes Cast, a total of 22,575 voters of the district voted at said election for election as a school board member At Large for a four year term vacancy on the school board caused by expiration of terms on January 3, 2012 next following the general election as follows:

Michael Miernicki	<u>12,649</u>
Ryan Stauber	<u>9,926</u>

B. Second District:

As specified in the attached Abstract and Return of Votes Cast, a total of 5,390 voters of the district voted at said election for election as a school board member Second District for a four year term vacancy on the board caused by expiration of the term on January 3, 2012 next following the general election as follows:

Loren Martell	<u>1,906</u>
Judy Seliga Punyko	<u>3,484</u>

C. Third District:

As specified in the attached Abstract and Return of Votes Cast, a total of 5,113 voters of the district voted at said election for election as a school board member Third District for a four year term vacancy on the board caused by expiration of the term on January 3, 2012 as follows:

Jon Donahue	<u>1,864</u>
Bill Westholm	<u>3,249</u>

3. Candidate Michael Miernicki having received the highest number of votes, is elected to a four-year term for the At Large school board seat beginning January 3, 2012.

4. Candidate Judy Seliga Punyko having received the highest number of votes, is elected to a four-year term for the Second District school board seat beginning January 3, 2012.

5. Candidate Bill Westholm having received the highest number of votes, is elected to a four-year term for the Third District school board seat beginning January 3, 2012.

6. The School District Clerk is hereby authorized to certify the results of the election to the County Auditor of each County in which the School District is located in whole or in part.

**ABSTRACT AND RETURN OF VOTES CAST
FOR GENERAL ELECTION
INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH)
STATE OF MINNESOTA
ABSTRACT AND RETURN OF VOTES CAST
GENERAL ELECTION, DISTRICT NO. AT LARGE
November 8, 2011**

.....	
A. TOTAL NUMBER OF PERSONS REGISTERED: AT 7:00 O'CLOCK A. M.	<u>58,201</u>
B. TOTAL NUMBER OF NEW REGISTRATIONS ON ELECTION DAY:	<u>1034</u>
.....	
C. TOTAL NUMBER OF SIGNATURES ON THE POLLING PLACE ROSTER	<u>21,751</u>
D. TOTAL NUMBER OF ACCEPTED REGULAR, MILITARY AND OVERSEAS ABSENTEE BALLOTS	<u>860</u>
E. TOTAL NUMBER OF PERSONS VOTING IN THE GENERAL ELECTION (add C plus D equals E):	<u>22,611</u>

F. TOTAL NUMBER OF COMPLETELY BLANK BALLOTS IN THE BALLOT BOX	* <u> </u>
G. TOTAL NUMBER OF COMPLETELY DEFECTIVE BALLOTS IN THE BALLOT BOX:	* <u> </u>

H. TOTAL NUMBER OF SPOILED BALLOTS IN THE SPOILED BALLOT ENVELOPE	* <u> </u>
I. TOTAL NUMBER OF UNUSED BALLOTS RETURNED TO THE CLERK	* <u> </u>

**SCHOOL BOARD MEMBER
DISTRICT NO. AT LARGE**

CANDIDATE Michael Miernicki	<u>12,649</u>
CANDIDATE Ryan Stauber	<u>9,926</u>

Total number of Write In votes for this office:	* <u> </u>
Total number of ballots defective for this office: (Overvotes)	* <u> </u>
Total number of ballots blank for this office: (Overvotes)	* <u> </u>
TOTAL VOTES COUNTED FOR THIS OFFICE:	<u> </u>
<u>22,575</u>	

*City Clerk's System does not generate blank or defective ballot information, which could be used for this abstract.

**ABSTRACT AND RETURN OF VOTES CAST
 FOR GENERAL ELECTION
 INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH)
 STATE OF MINNESOTA
 ABSTRACT AND RETURN OF VOTES CAST
 GENERAL ELECTION, DISTRICT NO. 2__
 November 8, 2011**

.....	
A. TOTAL NUMBER OF PERSONS REGISTERED: AT 7:00 O'CLOCK A. M.	<u>14,439</u>
B. TOTAL NUMBER OF NEW REGISTRATIONS ON ELECTION DAY:	<u>358</u>

C. TOTAL NUMBER OF SIGNATURES ON THE POLLING PLACE ROSTER	<u>5,644</u>
D. TOTAL NUMBER OF ACCEPTED REGULAR, MILITARY AND OVERSEAS ABSENTEE BALLOTS	<u>239</u>
E. TOTAL NUMBER OF PERSONS VOTING IN THE GENERAL ELECTION (add C plus D equals E):	<u>5,883</u>

F. TOTAL NUMBER OF COMPLETELY BLANK BALLOTS IN THE BALLOT BOX	<u>*</u>
G. TOTAL NUMBER OF COMPLETELY DEFECTIVE BALLOTS IN THE BALLOT BOX:	<u>*</u>

H. TOTAL NUMBER OF SPOILED BALLOTS IN THE SPOILED BALLOT ENVELOPE	<u>*</u>
I. TOTAL NUMBER OF UNUSED BALLOTS RETURNED TO THE CLERK	<u>*</u>

**SCHOOL BOARD MEMBER
 DISTRICT NO. 2**

CANDIDATE Loren Martell	<u>1,906</u>
CANDIDATE Judy Seliga Punyko	<u>3,484</u>

Total number of Write In votes for this office:	<u>*</u>
Total number of ballots defective for this office: (Overvotes)	<u>*</u>
Total number of ballots blank for this office: (Overvotes)	<u>*</u>
TOTAL VOTES COUNTED FOR THIS OFFICE:	<u>5,390</u>

*City Clerk's System does not generate blank or defective ballot information, which could be used for this abstract.

**ABSTRACT AND RETURN OF VOTES CAST
FOR GENERAL ELECTION
INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH)
STATE OF MINNESOTA
ABSTRACT AND RETURN OF VOTES CAST
GENERAL ELECTION, DISTRICT NO. 3__
November 8, 2011**

.....	
A. TOTAL NUMBER OF PERSONS REGISTERED: AT 7:00 O'CLOCK A. M.	<u>14,678</u>
B. TOTAL NUMBER OF NEW REGISTRATIONS ON ELECTION DAY:	<u>251</u>

C. TOTAL NUMBER OF SIGNATURES ON THE POLLING PLACE ROSTER	<u>5,479</u>
D. TOTAL NUMBER OF ACCEPTED REGULAR, MILITARY AND OVERSEAS ABSENTEE BALLOTS	<u>339</u>
E. TOTAL NUMBER OF PERSONS VOTING IN THE GENERAL ELECTION (add C plus D equals E):	<u>5,818</u>

G. TOTAL NUMBER OF COMPLETELY BLANK BALLOTS IN THE BALLOT BOX	<u>*</u>
G. TOTAL NUMBER OF COMPLETELY DEFECTIVE BALLOTS IN THE BALLOT BOX:	<u>*</u>

H. TOTAL NUMBER OF SPOILED BALLOTS IN THE SPOILED BALLOT ENVELOPE	<u>*</u>
I. TOTAL NUMBER OF UNUSED BALLOTS RETURNED TO THE CLERK	<u>*</u>

**SCHOOL BOARD MEMBER
DISTRICT NO. 3**

CANDIDATE Jon Donahue	<u>1,864</u>
CANDIDATE Bill Westholm	<u>3,249</u>

Total number of Write In votes for this office:	<u>*</u>
Total number of ballots defective for this office: (Overvotes)	<u>*</u>
Total number of ballots blank for this office: (Overvotes)	<u>*</u>
TOTAL VOTES COUNTED FOR THIS OFFICE:	<u>5,113</u>

*City Clerk's System does not generate blank or defective ballot information, which could be used for this abstract.

M-Grover, S-Wasson, to approve Resolution B-11-11-2947 – Canvassing Returns of Votes of School District General Election of November 8, 2011. Upon a vote, the same was approved – unanimously.

Member Grover presented the resolution:

RESOLUTION

Canvassing Returns of Votes of School District Special Election of November 8, 2011

BE IT RESOLVED, by the School Board of Independent School District 709, as follows:

1. It is hereby found, determined and declared that the special election of the voters of this district, held on November 8, 2011, was in all respects duly and legally called and held.

2. As specified in the attached Abstract and Return of Votes Cast, a total of 22,369 voters of the district voted at said election on Question One (1) to revoke its existing referendum revenue authorization of \$365.60 per pupil and replace that authorization with a new authorization of \$650.37 per pupil of which 9,865 voted in favor, 12,504 voted against the same.

3. As specified in the attached Abstract and Return of Votes Cast, a total of 22,292 voters of the district voted at said election on Question Two (2) of Increasing the General Education Revenue of the School District by an additional \$122.70 per pupil of which 8,323 voted in favor, 13,969 voted against the same.

4. As specified in the attached Abstract and Return of Votes Cast, a total of 22,236 voters of the district voted at said election on Question Three (3) of Increasing the General Education Revenue of the School District revenue by an additional \$98.15 per pupil of which 7,574 voted in favor, 14,662 voted against the same.

5. Said proposition One (1), not having received the approval of at least a majority of such votes, is hereby declared to have failed.

6. Said proposition Two (2), not having received the approval of at least a majority of such votes, is hereby declared to have failed.

7. Said proposition Three (3), not having received the approval of at least a majority of such votes, is hereby declared to have failed.

8. The School District Clerk is hereby authorized to certify the results of the election to the County Auditor of each County in which the School District is located in whole or in part.

**ABSTRACT AND RETURN OF VOTES CAST
FOR SPECIAL ELECTION
INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH)
STATE OF MINNESOTA
ABSTRACT AND RETURN OF VOTES CAST
SPECIAL ELECTION QUESTION ONE (1)
November 8, 2011**

A. TOTAL NUMBER OF PERSONS REGISTERED:
AT 7:00 O'CLOCK A. M. 58,201

B. TOTAL NUMBER OF NEW REGISTRATIONS ON ELECTION DAY: 1,034

C. TOTAL NUMBER OF SIGNATURES ON THE POLLING PLACE ROSTER 21,751

D. TOTAL NUMBER OF ACCEPTED REGULAR, MILITARY AND OVERSEAS
ABSENTEE BALLOTS 860

E. TOTAL NUMBER OF PERSONS VOTING IN THE ELECTION 22,611
(add C plus D equals E):

F. TOTAL NUMBER OF COMPLETELY BLANK BALLOTS IN THE BALLOT
BOX *

G. TOTAL NUMBER OF COMPLETELY DEFECTIVE BALLOTS IN THE
BALLOT BOX: *

H. TOTAL NUMBER OF SPOILED BALLOTS IN THE SPOILED BALLOT
ENVELOPE *

I. TOTAL NUMBER OF UNUSED BALLOTS RETURNED TO THE CLERK *

**SCHOOL DISTRICT BALLOT QUESTION ONE (1) - PROPOSITION OF EXCESS LEVY
REFERENDUM – REVOKING CURRENT LEVEL OF \$365.60 PER PUPIL AND
REPLACE WITH NEW LEVEL OF \$650.37 PER PUPIL**

YES 9,865

NO 12,504

Completely Blank Ballots *

Completely Defective Ballots *

TOTAL BALLOTS COUNTED FOR THIS QUESTION: 22,369

*City Clerk's System does not generate blank or defective ballot information, which could be used for this abstract.

**ABSTRACT AND RETURN OF VOTES CAST
FOR SPECIAL ELECTION
INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH)
STATE OF MINNESOTA
ABSTRACT AND RETURN OF VOTES CAST
SPECIAL ELECTION QUESTION TWO (2)
November 8, 2011**

A. TOTAL NUMBER OF PERSONS REGISTERED:
AT 7:00 O'CLOCK A. M. 58,201

B. TOTAL NUMBER OF NEW REGISTRATIONS ON ELECTION DAY: 1,034

C. TOTAL NUMBER OF SIGNATURES ON THE POLLING PLACE ROSTER 21,751

D. TOTAL NUMBER OF ACCEPTED REGULAR, MILITARY AND OVERSEAS
ABSENTEE BALLOTS 860

E. TOTAL NUMBER OF PERSONS VOTING IN THE ELECTION 22,611
(add C plus D equals E):

F. TOTAL NUMBER OF COMPLETELY BLANK BALLOTS IN THE BALLOT
BOX *

G. TOTAL NUMBER OF COMPLETELY DEFECTIVE BALLOTS IN THE
BALLOT BOX: *

H. TOTAL NUMBER OF SPOILED BALLOTS IN THE SPOILED BALLOT
ENVELOPE *

I. TOTAL NUMBER OF UNUSED BALLOTS RETURNED TO THE CLERK *

**SCHOOL DISTRICT BALLOT QUESTION TWO (2) - PROPOSITION OF EXCESS
LEVY REFERENDUM – INCREASING GENERAL EDUCATION REVENUE BY AN
ADDITIONAL \$122.70 PER PUPIL**

YES 8,323

NO 13,969

Completely Blank Ballots *

Completely Defective Ballots *

TOTAL BALLOTS COUNTED FOR THIS QUESTION: 22,292

*City Clerk's System does not generate blank or defective ballot information, which could be used for this abstract.

**ABSTRACT AND RETURN OF VOTES CAST
FOR SPECIAL ELECTION
INDEPENDENT SCHOOL DISTRICT NO. 709 (DULUTH)
STATE OF MINNESOTA
ABSTRACT AND RETURN OF VOTES CAST
SPECIAL ELECTION QUESTION THREE (3)
November 8, 2011**

A. TOTAL NUMBER OF PERSONS REGISTERED:
AT 7:00 O'CLOCK A. M. 58,201

B. TOTAL NUMBER OF NEW REGISTRATIONS ON ELECTION DAY: 1,034

C. TOTAL NUMBER OF SIGNATURES ON THE POLLING PLACE ROSTER 21,751

D. TOTAL NUMBER OF ACCEPTED REGULAR, MILITARY AND OVERSEAS
ABSENTEE BALLOTS 860

E. TOTAL NUMBER OF PERSONS VOTING IN THE ELECTION 22,611
(add C plus D equals E):

F. TOTAL NUMBER OF COMPLETELY BLANK BALLOTS IN THE BALLOT
BOX *

G. TOTAL NUMBER OF COMPLETELY DEFECTIVE BALLOTS IN THE
BALLOT BOX: *

H. TOTAL NUMBER OF SPOILED BALLOTS IN THE SPOILED BALLOT
ENVELOPE *

I. TOTAL NUMBER OF UNUSED BALLOTS RETURNED TO THE CLERK *

**SCHOOL DISTRICT BALLOT QUESTION THREE (3) - PROPOSITION OF EXCESS
LEVY REFERENDUM – INCREASING ITS GENERAL EDUCATION REVENUE BY AN
ADDITIONAL \$98.15 PER PUPIL**

YES 7,574

NO 14,662

Completely Blank Ballots *

Completely Defective Ballots *

TOTAL BALLOTS COUNTED FOR THIS QUESTION: 22,236

*City Clerk's System does not generate blank or defective ballot information, which could be used for this abstract.

M-Grover, S-Wasson, to approve Resolution B-11-11-2948 – Canvassing Returns of Votes of School District Special Election of November 8, 2011. Upon a vote, the same was approved – unanimously.

Other
November 2011

Chair Seliga Punyko adjourned the regular school board meeting of November 15, 2011 at 7:45 p.m.

7. Communications, Petitions, etc.

No communications received.

Independent School District 709
SCHEDULE OF MEETINGS AND EVENTS

36

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

Week of December 19 – December 23, 2011

Tuesday	December 20	6:30 p.m.	Regular School Board Meeting <i>Includes Truth in Taxation Hearing</i> Board Room
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Week of December 26 – December 30, 2011

No meetings scheduled at this time.

Week of January 2 – January 6, 2012

Tuesday	January 3	6:30 p.m.	Annual Organizational Meeting Board Room
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Wednesday	January 11 (2 nd Tuesday)	9:00 a.m.	PTSA City Wide Council Board Room
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Week of January 9 – January 13, 2012

Monday	January 9	4:15 p.m.	Human Resources Committee Board Room
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Monday	January 9	4:30 p.m. <i>(or to follow Human Resources Comm. Mtg)</i>	Business Committee Board Room
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Tuesday	January 10	4:15 p.m.	Education Committee Board Room
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Thursday	January 12	5:00 p.m.	Education Equity Advisory Budget Subcommittee Room 302
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Week of January 16 – January 20, 2012

Tuesday	January 17	6:30 p.m.	Regular School Board Meeting Board Room
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Week of January 23 – January 27, 2012

Thursday	January 26	5:30 p.m.	Education Equity Advisory Committee Board Room
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Week of January 30 – February 3, 2012

Wednesday	February 1	9:00 a.m.	PTSA City Wide Council Board Room
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Week of February 6 – February 10, 2012

Thursday	February 9	5:00 p.m.	Education Equity Advisory Budget Subcommittee Room 302
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Week of February 13 – February 17, 2012

Monday	February 13	4:15 p.m.	Human Resources Committee Board Room
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Monday	February 13	4:30 p.m. <i>(or to follow Human Resources Comm. Mtg)</i>	Business Committee Board Room
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Tuesday	February 14	4:15 p.m.	Education Committee Board Room
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Thursday	February 16	5:30 p.m.	Education Equity Advisory Committee Board Room
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Week of February 20 – February 24, 2012

No meetings scheduled at this time.

*Office of the Superintendent
December 15, 2011*

RESOLUTION**School Board Member Attendance at MSBA Leadership Conference**

RESOLVED, That Independent School District 709, St. Louis County, Minnesota, pay costs incurred, as per District policy, for school board members to attend the *Minnesota School Boards Association 91st Annual Leadership Conference* in Minneapolis, Minnesota on January 11-13, 2012.

Resolution B-12-11-2952

December 20, 2011

RESOLUTION**School Board Member Attendance at MSBA Phase I and Phase II Orientations**

RESOLVED, That Independent School District 709, St. Louis County, Minnesota, pay costs incurred, as per District policy, for newly elected school board members to attend the Minnesota School Boards Association Phase I and Phase II Orientations in December 2011 and/or January 2012.

Resolution B-12-11-2953

December 20, 2011