



Independent School District No. 834 – Stillwater Area Public Schools
Stillwater City Hall, 216 North 4th Street, Stillwater, MN
August 8, 2019 – 6:00 p.m. Meeting Minutes

I. Call to Order: The meeting was called to order at 6:05 p.m.

II. Roll Call: Present: Mike Ptacek, chair; Shelley Pearson, vice chair; Liz Weisberg, treasurer, Mark Burns, director, Jennifer Pelletier, director; Tina Riehle, director; and Superintendent Pontrelli, ex-officio. Absent: Sarah Stivland, clerk

III. Pledge of Allegiance: The Board chair led the Pledge of Allegiance.

IV. District Mission and School Board Goals: The mission statement was read by Member Weisberg and the goals were read by Member Pearson.

V. Approval of the Agenda

Motion to approve the agenda by Member Pelletier; Second by: Member Pearson, Vote: 6 ayes, 0 nays, Motion Carried Unanimously.

Motion by Member Pelletier to amend the agenda to have a discussion and possible action to explore the generous offer by Dianne Polasik on behalf of the Whitson Fund. Vote 6 ayes and 0 nays. Motion carries unanimously.

VI. Superintendent's Report

Superintendent Pontrelli reported:

- Attended the MDE Back to School Conference with the topic of Servant Leadership.
- Attended Washington County Historical Society presentation to see the plan to build a Heritage Center on Greeley St. Would like to thank the Historical Society board for the invite.
- Met with Robin Anthony, Executive Director of the Chamber and members from the Partnership Plan to discuss opportunities with our career Pathways program. School board will have a work session to hear about this opportunity.
- August 13 we welcome new teachers to the district.
- August 19 all staff comes back and August 20 is the Welcome Back Kick-off.
- August 26 we welcome back 6th and 9th grade and begin ready set go conferences.
- Thank Community Thread and Community Education Program for the 'Stuff the Bus' program which was completed today. 78 volunteers worked 175 hours to provide for 94 families and 238 children.

VII. Introductory Items

There were no introductory items for this meeting.

VIII. Open Forum

1. Jill Kostynick – Hudson – Was a teacher at Withrow and now a teacher at Andersen. Children are thriving under this superintendent. The district needs to move forward and support the superintendent

2. Erick Anderson – Oak Park Heights – Accept the gracious offer and be a model for our students and community on the importance of working together.
3. Dianne Polasik – Stillwater – Offer for mediation was brought to last meeting. Funding for neutral mediation and no strings attached. Set aside past and try mediation.
4. Emma Pelletier – Lake Elmo – Spoke about respect towards family members of a board member. Proud graduate of Stillwater High School. Work together through adversity
5. Francis Porbeni – Woodbury – Praise for teachers and principals. Represent ethnic diverse backgrounds of parents.
6. Mark Deziel – Lake Elmo – Asked for an explanation for the need to end the superintendent’s contract. Cost savings were proven at the last meeting.
7. Isaac Harrington – Hugo – Taught in elementary school that you are a team. A team is a chain and if one chain is unlinked then the entire team has failed. Reflect on this, what we can do to unite the divide.
8. Michelle Deziel – Lake Elmo – Glad that students and alumni are speaking up since they have the experience in the school district.
9. Jim Franklin – Lake Elmo – Processes would work if you would come together for the students and the district. Do not think it is right that all board members contact legal counsel. Lawyer notes should be released to all board members.

IX. Consent Agenda

- A. Minutes of July 25, 2019 School Board Meeting
- B. Disbursement Register July 27, 2019-August 9, 2019
- C. Human Resources Personnel Report
- D. Stillwater Area High School Data Room Cooling Project
- E. Illuminate Education

Motion by: Member Weisberg to accept and approve; Second by: Member Pelletier; Vote: 6 ayes, 0 nays, Motion Carried Unanimously.

X. Reports

- A. District memberships 2019-2020

Recommendation made to renew the following memberships.
 MN School Boards Association (MSBA) - \$14,037
 MN State High Schools League (MSHSL) – No Fee
 Association of Metropolitan School Districts (AMSD) - \$11,364
 Schools for Equity in Education (SEE) - \$9,022.87

Motion by: Member Riehle to approve the MN State High Schools League membership; Second by Member Weisberg; Vote: 6 ayes, 0 nays

B. Request for Proposal – High Volume Copier and Managed Print Services including Workflow Software Solutions
 The current lease for ISD 834’s copier fleet is ending its five year term on September 30, 2019. The District has posted a Request for Proposals for new lease terms including copiers, finishers, accessories, supplies, and software licensing. Submission responses were due on August 7, 2019. The board heard a report on the RFP process with the expectation that an action item for new lease approval will be presented at the August 22 school board meeting. The cost is \$400,000 over a 5 year total (approximately). Mr. Perry will follow up with an email.

C. Zayo PDN Dark Fiber for 2019-2020 Fiscal Year
 School District 834 receives private dedicated network (PDN), point to point fiber optic services from Zayo Group, LLD. These fiber services provide network communications between all buildings within the district and are used for internet

services, communication radio services, video surveillance, and management of HVAC control systems. In the past these invoices have been paid monthly in line with how all telecommunications services are processed. The District is working to move these payments to an annual processing schedule. The next RFP cycle for these services is scheduled for 2021 in accordance with the Federal E-rate program. The annual amount for this service is \$163,000.

D. Explore the Generous Offer by Dianne Polasik of the Whitson Fund

Chair Ptacek shared interactions related to comments expressed at the July 11 Board Meeting by Directors Weisberg and Burns. Attempts were made to have a closed evaluation discussion with the Superintendent regarding her evaluation. Following Director Burns' request, District lawyer, Maggie Wallner, Received an informal Legal Opinion from Katherine Bealka, Information and Policy Division (IPAD). Ms. Bealka informed Ms. Wallner that the School Board could have one closed meeting to discuss the evaluation.

The Chair requested that "closed meeting" in an email to the Superintendent on July 24. Several conversations took place between the Chair and the Superintendent. A draft meeting format was shared by the Chair. On August 5, Ms. Pontrelli said her lawyer advised her to decline. She requested the request.

Chair Ptacek also summarized Ms. Wallner's legal comments after several conversations regarding mediation.

Motion by: Member Pelletier to approve the reading of the email sent from legal counsel; Second by Member Pearson; Vote: 6 ayes; 0 nays. Motion carries unanimously.

The email was read by Member Pearson. Ms. Wallner expressed concerns about liability exposure if the Board accepted the type of mediation suggested by Ms. Polasik. The mediation must be conducted in an open meeting. "Engaging in this activity in an open meeting presents a variety of challenges and risks, including navigating the parameters of the Board members' immunity from liability for releasing private personnel data . . . and potential liability for defamation."

". . . while there are immunity defenses (as well as other defenses) available to Board members in a defamation law suit – the immunity is not absolute."

Amendment to the motion by Member Riehle to ask Dianne Polasik to refine the offer and come back with additional information. No second. Amendment fails.

Motion by: Member Pelletier to move to explore the opportunity for mediation under the Whitson Foundation in order to begin having discussions on parameters involving all parties. Second by Member Burns. Vote: 3 Ayes (Burns, Pelletier, Pearson); 3 nays (Riehle, Ptacek, Weisberg) - motion fails

XI. Action Items

A. High School Tennis Court Payment

Mr. John Huenick from Kraus Anderson spoke to the Stillwater High School tennis courts surface cracks appearing prior to the expiration of the warranty period. The determination of the cause of cracking has not been conclusive. It was imperative that we resurfaced the tennis courts prior to the start of fall tennis to prevent future damage. The resurfacing of the tennis courts is near completion as of the date of this meeting. The District has not released a final retainage payment of \$77,500 to Peterson Companies until the tennis courts were resurfaced in the event new information was discovered during the project. The resurfacing process has not revealed any additional information as to why the premature cracking has occurred. An industry problem in the Midwest. As construction manager advisor Mr. Huenick asks to release Peterson's final check.

It is recommended that the ISD #834 release the final retainage payment to Peterson Companies for the Stillwater Area High School bond project.

Motion to approve releasing the retainage by Member Pearson; Second by: Member Weisberg, Vote: 6 ayes; 0 nays, Motion Carried Unanimously.

B. APEX Learning

Recent budget cuts required the District to reduce expenses across many programs, including the online learning platform. A team of teachers and administrators evaluated multiple online learning platforms used by the Alternative Learning Center, special education programming, and other students who require special access to online curriculum. The evaluation process was designed to determine which products meet all needs. Negotiations took place to determine which product would meet the District's budget parameters. Four solutions were considered. Apex Learning was chosen with a three year total of \$64,000 (effective August 25, 2019 through August 24, 2022).

Motion to approve the Apex Learning contract by Member Weisberg; Second by: Member Pearson, Vote: 6 ayes, 0 nays, Motion Carried Unanimously.

C. Bus Terminal – Approve Legal Counsel

There is a delay by the developer as it relates to the Hudson Blvd road realignment and the running of water and sewer lines. Our purchase agreement has timelines and expectations of the developer completing the aforementioned. Those timelines will not be met. To be proactive, administration is asking that we engage legal counsel in the event there is any adverse consequence (financially or otherwise) due to the developer's delay. The City of Lake Elmo is represented by Sarah Sonsalla of Kennedy and Graven. Sarah would typically represent our district as it relates to property. Therefore, it is requested that we engage Peter Mikhail of LeVander, Gillen & Miller, P.A. as our representation on this matter.

Motion to approve Peter Mikhail of LeVander, Gillen & Miller P.A. by Member Pearson; Second by: Member Pelletier, Vote: 6 ayes, 0 nays, Motion Carried Unanimously

XII. Board Member Reports

A. Board Chair Report

Closed session met at 5 pm today to review information dealing with negotiations. Ask for two appointments of board members for negotiations at the next board meeting. Board members on the Community Engagement Work Group are not part of the group as their role as a board member, but engage as community members and active listeners.

B. Working Group Reports

1. Community Engagement – Director Pearson – Meeting today was cancelled due to absences. Next meeting is August 22.
2. Finance and Operations – Director Weisberg – Meeting held on July 29. Most of meeting dealt with tennis court issue. Director Riehle created a one page form for guidelines for purchases over \$50,000. Administration is reviewing so there will be a consistent way to handle programs over \$50,000. Met with auditors and learned about the budget process.
3. Legislative – Chair Ptacek – AMSD meeting Friday at 8:00 am. State demographer will present on trends in the state. SEE meeting next Monday. See Chair Ptacek for information.
4. Personnel – Director Pearson - No meeting.
5. Policy – Director Burns – Met August 5. Reviewing existing and new policies. Policies coming for first reading at the next meeting.

C. Board Member Reports

1. Director Riehle – Attended Policy Work Group this past Monday. Last Saturday volunteered with a non-profit organization helping to renovate a vacant building for veterans. Asking for teacher surveys. Ask to get building liaisons started.
2. Director Weisberg – Have not responded to all emails due to volume. I have read all and will respond as I can. If possible would like a closed session on the evaluation and then to have mediation after the closed meeting.

3. Director Pearson – Thank you to Annette and team for the programs in the summer. District Calendar came out and it is a great piece.
4. Director Burns – Regardless of the vote tonight, look at opportunities to build a working relationship. Community Engagement Group board members participating need to be active listeners and not active participants.
5. Director Pelletier – Appreciate the answer from Cunningham Group of boards involvement with the Community Engagement Group. Express concern with three board members involved in this group and trust that we are in kind and quiet. Unable to attend all staff kick off due to work. Thanks everyone who ensures our students are cared for and supported.

XIII. Adjournment

- A. The meeting adjourned at 8:36 p.m.

Respectfully submitted, Mike Ptacek, board chair in absence of Sarah Stivland, school board clerk.