

**Hinton Community School District
Monday, July 27, 2009**

REGULAR BOARD MEETING

A regular board meeting of the Hinton Community School District Board of Directors was held in the school library on Monday, July 27, 2009.

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by President, Rob Held.

QUORUM

Roll call was conducted by Board Secretary, Melissa Sanders. Members Present: Lynette Blanchard, Randy Riediger, Rob Held, Ed Vondrak, Steve Eddy. Secretary Sanders stated that a quorum was present.

OTHERS PRESENT

Also in attendance were: Jane Krehbiel, Elementary Principal; Pete Stuerman, Middle School Principal; Sue Martens, High School Principal.

WELCOME VISITORS

Mike Alexander, Amy Erickson, Brett Stanley

CONSENT ITEMS

Approve agenda: Motion by Riediger, Second by Blanchard, it was RESOLVED: To approve the agenda. Motion carried 5-0.

Approve Minutes: Motion by Riediger, Second by Vondrak, it was RESOLVED: To approve the minutes. Motion carried 5-0.

REPORTS/INFORMATION

None at this time.

PUBLIC INPUT

None at this time.

ACTION ITEMS

Approve Resolution calling special election on the issuance of \$5,900,000 General Obligation School Bonds: Motion by Blanchard, Second by Eddy, it was RESOLVED: To approve resolution calling special election on the issuance of \$5,900,000.00 general obligation school bonds

WHEREAS, there has been filed with the President of this Board a Petition of eligible electors of this School District asking that an election be called to submit the question of contracting indebtedness and issuing bonds of the School District in an amount not to exceed \$5,900,000.00 to provide funds to construct, build, furnish and equip an elementary building and improve the site; and

WHEREAS, this Board has examined the Petition of finds that it is signed by eligible electors of the School District numbering at least 25% of those voting at the last election of school officials and that the purposes set forth in the petition cannot be accomplished within the limit of one and one-quarter percent of the assessed value of the taxable property in the school district; and

WHEREAS, the proposal for the issuance of Bonds or any other proposal incorporating any portion of it has not or will not have been submitted to the qualified electors of the School District for a period of at least six months prior to the date of election being called in these Proceedings;

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF DIRECTORS OF

THE HINTON COMMUNITY SCHOOL DISTRICT IN THE COUNTY OF
PLYMOUTH, STATE OF IOWA:

1. Section. That an election is called of the qualified electors of the Hinton Community School District in the County of Plymouth, on Tuesday, September 8, 2009. The following Proposition is approved, and the Secretary is authorized and directed to submit and file the Proposition for the Ballot with the Plymouth County Commissioner of Elections no later than 5:00 p.m. on the day after nomination papers are due for a school board candidate:

Shall the Board of Directors of the Hinton Community School District in the County of Plymouth, State of Iowa be authorized to contract indebtedness and issue General Obligation Bonds in an amount not to exceed \$5,900,000.00 to provide funds to construct, build, furnish and equip an elementary building and improve the site?

2. Section. That the notice of the election and ballot form used at the election shall be prepared in accordance with the provisions of the Iowa Code and Iowa Administrative Rules. The District requests the polls be open from 7:00 A.M. to 8:00 P.M.

Section 3. That the Election Board for the voting precinct or precincts be appointed by the County Commissioner of Elections, not less than 15 days before the date of the election, a certified copy of which appointment must be officially placed on file in the office of the Secretary.

Section 4. The Commissioner of Elections is requested and directed to make publication of the Notice of Election at least once, not less than four days nor more than twenty days prior to the date of the election, in a legal newspaper, printed wholly in the English language, as defined by Iowa Code section 618.3.

Section 5. The Lemars Sentinal and The Hinton Times, legal newspapers, are published within the District and are hereby designated to make the publication of the Notice of Election.

Section 6. Plymouth County, Iowa, is the control county of this School District; this election will be conducted by the Auditor of the control county as Commissioner of Elections.

Section 7. That the County Commissioner of Elections prepare all ballots and election registers and other supplies necessary for the proper and legal conduct of the election and the Secretary of the Board is authorized and directed to cooperate with the Commissioner of Elections and to do and prepare all of the necessary proceedings in order to make the election legal and valid.

Section 8. That the Secretary is directed to file a certified copy of this Resolution in the Office of the County Commissioner of Elections; this filing will also constitute the "written notice" to the County Commissioner of Elections of the election date required to be given by the governing body under the provisions of Iowa Code chapters 47 and 277.

PASSED AND APPROVED, this 27th day of July, 2009.

PRESIDENT, Board of Directors

ATTEST:

SECRETARY, Board of Directors

Approve Resolution regarding acquisition of real estate from Annette, Kevin, and Kirsten Held: Motion by Vondrak, Second by Blanchard, it was RESOLVED: To reject the latest counter offer from the Held's because it contained conditions different from what was agreed to on June 8th and this offer is no longer acceptable to the Board; also to reaffirm the intent to acquire the 8.016 acres through the use of eminent domain; and also to reaffirm the final offer on the 8.016 acres.

Motion withdrawn by Vondrak, Second withdrawn by Blanchard.

Motion by Blanchard, Second by Eddy, it was RESOLVED: To reject the offer to buy as presented in a letter from Dan Dykstra dated July 17, 2009.

Roll call vote: Held, aye; Vondrak, aye; Eddy, aye; Blanchard, aye; Riediger, nay. Motion carried 4-1.

Motion by Vondrak, Second by Blanchard, it was RESOLVED: To approve resolution authorizing acquisition of land through use of eminent domain

WHEREAS, the Board of Directors has heretofore authorized use of powers of eminent domain in a project known as the 2009 Elementary School and Performing/Community Expansion Project (the Aproject@), and:

WHEREFORE, the Board of Directors has heretofore found the project to be in the public interest, has authorized the use of powers of eminent domain and found there is a reasonable expectation that the project will achieve its public purpose, will be completed, will comply with all applicable standards and obtain all necessary permits,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HINTON COMMUNITY SCHOOL DISTRICT:

Section 1. The prior Resolution regarding the authorization of eminent domain and finding there is a reasonable expectation that the project will achieve its public purpose, will be completed, will comply with all applicable standards and obtain all necessary permits is affirmed.

Section 2. The Board of Directors has made a good faith effort to acquire the necessary property interest by negotiation and has been unable to acquire it through good faith negotiation.

Section 3. As part of the project, the Board of Directors hereby determines it is reasonable and necessary to acquire the necessary property interest located in Plymouth, Iowa, to wit:

A fee simple interest in the following tract of land to wit:

A parcel of land located in the NE 1/4 of the SE 1/4 of Section 8, Township 90 North, Range 46 West of the 5th P.M., Hinton, Plymouth County, Iowa described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of said Section 8; thence North 89 degrees 12'57" East 852.47 feet along the South line of the NE 1/4 of the SE 1/4 to the west R.O.W. line of First Street; thence North 00 degrees 12'00" East 351.21 feet along said R.O.W. line; thence North 87 degrees 39'49" West 124.38 feet; thence North 01 degrees 12'44" East 158.88 feet to the South R.O.W. line of Grover Street; thence South 89 degrees 32'40" West 225.43 feet along said R.O.W. line to the West R.O.W. line of Second Street;

thence North 01 degrees 04'10" East 80.00 feet along said R.O.W. line; thence South 89 degrees 39'59" West 162.37 feet; thence South 00 degrees 15'53" East 330.68 feet; thence South 89 degrees 59'50" West 349.19 feet to the West line of the NE 1/4 of the SE 1/4; thence South 00 degrees 15'53" East 273.34 feet along said line to the point of beginning, containing 8.016 acres (the Anecessary property interest@).

Section 4. The law firm of Ahlers & Cooney, P.C., 100 Court Avenue, Suite 600, Des Moines, Iowa, 50309, is hereby directed to institute proceedings in eminent domain on behalf of the Board of Directors to acquire the necessary property interest.

Roll call vote: Riediger, nay; Blanchard, aye; Held, aye; Vondrak, aye; Eddy, aye.
Motion carried 4-1.

Motion by Eddy, Second by Blanchard, it was RESOLVED: To approve Resolution Authorizing Final Offer

WHEREAS, the Board of Directors of the Hinton Community School District has authorized the use of powers of eminent domain in regard to the following described real property located in Plymouth County, to wit:

A fee simple interest in the following tract of land to wit:

A parcel of land located in the NE 1/4 of the SE 1/4 of Section 8, Township 90 North, Range 46 West of the 5th P.M., Hinton, Plymouth County, Iowa described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of said Section 8; thence North 89 degrees 12'57" East 852.47 feet along the South line of the NE 1/4 of the SE 1/4 to the West R.O.W. line of First Street; thence North 00 degrees 12'00" East 351.21 feet along said R.O.W. line; thence North 87 degrees 39'49" West 124.38 feet; thence North 01 degrees 12'44" East 158.88 feet to the South R.O.W. line of Grover Street; thence South 89 degrees 32'40" West 225.43 feet along said R.O.W. line to the West R.O.W. line of Second street; thence North 01 degrees 04'10" East 80.00 feet along said R.O.W. line; thence South 89 degrees 39'59" West 162.37 feet; thence South 00 degrees 15'53" East 330.68 feet; thence South 89 degrees 59'50" West 349.19 feet to the West line of the NE 1/4 of the SE 1/4; thence South 00 degrees 15'53" East 273.34 feet along said line to the point of beginning, containing 8.016 acres (the Anecessary property interest@); and

WHEREAS, the Board of Directors of the Hinton Community School District has reviewed the proposed final offer with staff,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HINTON COMMUNITY SCHOOL DISTRICT that the proposed Afinal Offer@ is adopted and ordered delivered to the owners of the above described real property.

Roll call vote: Eddy, aye; Held, aye; Riediger, nay; Blanchard, aye; Vondrak, aye.
Motion carried 4-1.

DISCUSSION ITEMS

Future agenda topics
Key Communicator program

DATES TO REMEMBER

July 29th - Citizen's Bond Committee meeting
July 30th - last day to file nomination papers for school board election
Aug 3rd - Board worksession to get update from architect and civil engineer
Aug 17th - Regular board meeting

Aug 25th - "Back to School" open house
Aug 27th - First day of school for the 2009-2010 school year

ADJOURN

Motion by Riediger, Second by Eddy, it was RESOLVED: To adjourn the meeting at 8:00 p.m.
Motion carried 5-0.

BOARD PRESIDENT

BOARD SECRETARY