

THE BOARD OF EDUCATION  
MARION INDEPENDENT SCHOOL DISTRICT  
Monday, March 8, 2010 7:00 PM  
High School Auditorium  
675 South 15th Street  
Marion, Iowa

Note  
location:  
MHS  
Auditorium

**AGENDA**

The mission of the Marion Independent School District is to prepare all students with the skills required to enter future adult roles and become effective citizens, productive workers, informed consumers, and responsible family members.

**-----CALL TO ORDER**

**Attendance  
ROLL CALL**

**-----Consent Agenda**

This item approves action on all of the items listed below. No further discussion or action will be considered on these items, unless the item is removed from the consent agenda. Individual board members may request that items be removed from the consent agenda. Items removed from the consent agenda will be dealt with as they appear later in the agenda.

- \* Minutes from Previous Meeting
- \* Item 370 – Open Enrollment
- \* Item 405 – Resignations Certified
- \* Item 410 – Appointments Certified
- \* Item 417 – Application for Early Separation
- \* Item 418 – Participation Agreement
- \* Item 450 – Resignations Classified
- \* Item 465 – Appointments Classified

**ACTION  
ROLL CALL VOTE**

**-----APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

It is recommended that the minutes be approved as presented in the respective exhibits for the February 22nd Regular Board Meeting.

**Minutes 1-5**

**Minutes - Regular Meeting Of the Board of Education**  
**Monday, February 22, 2010 – 4:30 p.m.**  
**Administrative Board Room**  
**777 South 15th Street**  
**Marion, Iowa**

**Call to Order**

Board President Barkley called the meeting to order at 4:30 p.m.

Present: Diane Bys, Tammy Koppedryer, Dan Barkley, Alan Tribble, Mary Ames, Dennis Trout and Bill Huntoon

Also present: Superintendent Sarah Pinion and Board Secretary, Brian Bartz

**-----Consent Agenda**

This item approves action on all of the items listed below. No further discussion or action will be considered on these items, unless the item is removed from the consent agenda. Individual board members may request that items be removed from the consent agenda. Items removed from the consent agenda will be dealt with as they appear later in the agenda. Motion by Director Tribble to approve the consent agenda. Motion was seconded. Motion passed unanimously.

- \* Minutes from Previous Meeting
- \* Item 350 – Student Teaching Agreement – Cornell College
- \* Item 355 - Renewal of Cooperative Sponsorship
- \* Item 370 – Open Enrollment
- \* Item 415 – Contract Modifications Certified
- \* Item 450 – Resignations Classified
- \* Item 530 – List of Bills
- \* Item 535 – List of Bills Activity Fund/Food Service

ACTION  
ROLL CALL VOTE

**-----Approval of Minutes From Previous Meetings**

- \* It is recommended that the minutes for the January 25, 2010 regular meeting and the February 8, 2010 work session be approved as presented in the respective exhibits.

**Minutes 1-4**  
**Minutes 1**

**-----SERIES 100: DELEGATIONS - PETITIONS - COMMUNICATIONS**  
**SERIES 100 – INFORMATION ITEMS**

**SERIES 100 – BOARD REPORTS**

Board members shared information they acquired from readings/meetings/training sessions.

**Item 101 – Public Comment**

This is a time set aside for the School Board to receive comment from the public. Individuals are asked to limit their comments to 5 minutes. As a matter of practice and procedure, the Board will not debate issues at the board meeting, but will get back to the interested parties for additional information and dialogue.

David Law read a letter regarding support for the fine arts. There were 13 members of the public that spoke about the budget concerns.

**Exhibit 101.1**

**Item 102 – Public Hearing – Early Start Date 2010-2011**

courses will be paid for by the grant. Director Ames moved to accept the funds secured and to provide Project Lead the Way to students at Marion High School. Motion was seconded. Motion passed unanimously.

**Exhibit 311.1-10**

**Item 315 – First Readings – Board Policy Adoptions**

Director Huntoon moved to approve the first readings of the following board polices. Motion was seconded. Motion passed unanimously.

- 401.5R1 – Employee Records Regulation
- 401.6 – Transporting of Students by Employees
- 401.7E – Request for Reimbursement for Travel
- 401.8 – Recognition for Service of Employees
- 401.9 – Employee Political Activity
- 402.1 – Release of Credit Information
- 402.5 – Public Complaints about Employees
- 402.6 – Employee Outside Employment
- 403.5E1 – Substance-Free Workplace Notice to Employees
- 404.R1 – Code of Professional Conduct & Ethics Regulation
- 404.R2 – Code of Rights & Responsibilities Regulation
- 407.2 – Licensed Employee Contract Release
- 407.4 – Licensed Employee Suspension
- 407.5 – Licensed Employee Reduction in Force
- 409.5 – Licensed Employee Political Leave
- 409.6 – Licensed Employee Jury Duty Leave
- 409.7 – Licensed Employee Military Service Leave
- 413.3 – Classified Employee Suspension
- 414.5 – Classified Employee Political Leave
- 414.6 – Classified Employee Jury Duty Leave
- 414.7 – Classified Employee Military Service Leave

**Exhibit 315.1-27**

**Item 316 - First Readings of Revised Policies**

Director Ames moved to approve the first readings of the following board polices. Motion was seconded. Motion passed unanimously.

- 400 – Role of & Guiding Principles for Employees  
(Revises current 400 & 401.2)
- 401.7 – Employee Travel Compensation (Replaces 402.6)
- 401.10 – Credit Cards (Replaces 801.10)
- 402.2 – Child Abuse Reporting (Replaces 404.12)
- 405.2 – Licensed Employee Qualifications, Recruitment, Selection  
(Replaces 401.3)
- 409.3R2- Employee Family & Medical Leave Definitions
- 409.3E1 – Employee Family & Medical Leave Notice to Employees
- 409.3 – Employee Family & Medical Leave
- 409.3R1- Employee Family & Medical Leave Regulation
- 409.3E2 – Employee Family & Medical Leave Request Form
- 411.2 – Recruitment & Selection (revises current 401.4 & 401.5)
- 420 – Access to Buildings (revises current 405.3)
- 421 – Loan of School Equipment (revises current 405.4)

**Exhibit 316.1-33**

**Item 317 – Policy Number Changes**

Director Huntoon moved to approve the policy number changes for the following board polices.

**Item 360 - Marion High School Program of Studies**

Director Tribble moved to approve the Marion High School Program of Studies for the 2010-2011 school year. A copy of the Program of Studies was sent to the School Board with their agendas. Motion was seconded. Motion passed unanimously.

**SERIES 300 DISCUSSION ITEMS**

**Item 325 – Use of Ryan, Inc. as Owner Representative**

At the beginning of the construction projects in the district the board approved Brad Thomason of Ryan, Inc. to be the construction supervisor by board action on November 24, 2008. Brad explained the duties and expected costs for Ryan, Inc. to serve in that capacity for the VMS construction project. There was discussion.

**Item 330 – Shortened List of Budget Cutting Considerations**

The finance committee met and determined the following list of items for further study as cost cutting or increased revenue options. This is an opportunity for board members to discuss items on the list for clarification, add items or remove items from the list. Also included is a tax rate comparison of conference schools and neighboring districts. There was discussion. **Exhibit 330.1-4**

**Item 331 – Revenue Considerations**

The finance committee met and discussed \$200,000 as a cash reserve amount for consideration as we develop the budget for 2010/2011. There was discussion. The board decided to increase the cash reserve up to \$400,000.

**Item 332 – Community Meetings**

Possible dates for community meetings in the auditorium could be March 2 (girls may be playing in a further round of basketball heading to the state tournament) and March 4 at 7 p.m. These meetings could be structured for providing information followed by questions. Another option would be an overview of the situation followed by people in attendance put in smaller groups for questions and suggestions. Starting times would need to be determined.

**SERIES 300 CONSENT AGENDA ITEMS**

\* **Item 350 - Student Teaching Agreement – Cornell College**

Administration recommends approval of the Student Teaching/Field Experience Agreement between Cornell College and Marion Independent School District for the 2010-2011 school year.

\* **Item 355 - Renewal of Cooperative Sponsorship**

Administration recommends approval of the cooperative swimming agreement between Linn Mar and Marion Independent School for the 2010-2011 school year.

\* **Item 370 – Open Enrollment**

The following requests for open enrollment for the **remainder of 2009-2010** have been received due to the parent/guardian changing district of residence and desiring to remain at MISD. Administration recommends these requests be approved.

**In 2009-2010**

<b><u>Name</u></b>	<b><u>Grade</u></b>	<b><u>Bldg</u></b>	<b><u>Resident District</u></b>
Davidson, M.	5	FMI	Cedar Rapids
Tamayo, E.	7	VMS	Cedar Rapids

**Out 2009-2010**

### **Item 391 - Board Calendar**

February 22, 2010	Boys Regional opening game at MHS vs. Vinton Shellsburg - 7:00 at MHS
February 24, 2010	K-12 Professional Development Day – Early Dismissal
February 24, 2010	Veridian Art Reception featuring MHS student art work. 5805 Rockwell Dr. NE from 5:30 – 6:30. All staff, friends and family are welcome.
March 8, 2010	Regular Meeting 7:00 PM
March 9, 2010	Parade of Bands – MHS 7 PM
March 16, 2010	Choral Show – MHS Red Gym 7 PM
March 18, 2010	End of 3 <sup>rd</sup> Quarter (FMI, VMS & MHS)
March 19, 2010	No School – Teacher Comp Day (St, Em); Teacher Work Day (FMI, VMS, MHS)
March 22-26, 2010	Spring Break
April 12, 2010	Work Session 4:30 PM
April 26, 2010	Regular Meeting 7:00 PM

### **Item 394 - Good Luck**

Administration and Board Members would like to wish good luck to all our student athletes and performing arts students who will be competing in a variety of events over the next few weeks!! We are proud of all of you!! Sportsmanship and positive participation is what makes our students great! Go Indians!

### **Item 395 - Teacher of the Week**

KDAT selects one teacher a week throughout the year for their “Teacher of the Week” award. It’s an award honoring area teachers for their contributions in the education of today’s area students. Parents can nominate on behalf of their children. The parent from Mrs. Godar’s room wrote in, “She is awesome at teaching young children how to read. My son learned very quickly and now my daughter is. My children respect her and she respects my children. She deserves this.” As a part of this award, a rep from the radio station visited last Friday with the following items: a big box of assorted cookies and rolls, balloons, certificate, \$25.00 gift card to the Learning Store, trophy with her named engraved plus she is now eligible for an end of the year grand prize (\$500) to a jewelry store. She was very surprised and touched with this nomination. A little history, Ann used to teach Reading Recovery in the district. I see many of these strategies embedded in her reading classes.

### **Item 393 - Marion High School Activities**

The Marion Boy’s Basketball team won the Wamac Conference Championship and are currently ranked #8 in the State in Class 3A. The team starts tournament play Monday (February 22<sup>nd</sup>) at Marion High School against Vinton-Shellsburg.

Congratulations to Marion High School wrestlers Austin Weisinger and David Glover for qualifying for the Iowa High School State Wrestling Tournament.

The Marion Girls Basketball team also won the Wamac Conference Championship. They began tournament play February 17 with a victory over Benton Community at. They play again in a Regional Semifinal at Marion on Saturday, February 20 (7:00 p.m.) against Vinton Shellsburg.

The Marion Bowling team is coming off a very successful regular season. The girls and boys bowling teams will compete at May City Bowl in Cedar Rapids on Saturday (starts at 9:00 a.m.) in Regional competition to qualify for the State Bowling Tournament.

Congratulations to the Cheerleaders, Dance Team, and Performing Arts for all the great performances this winter and recent accomplishments.

### **Item 393 - Good News**

Congratulations to Marion High School for being chosen as the 2009-2010 Grant Recipient from the

any of these items.

**Item 540 - Financial Statements for January 2010**

Exhibit 540.1-6 are the financial statements for January 2010.

**Exhibit 540.1-6**

-----**SERIES 600 – OTHER BUSINESS**

**SERIES 600 - ACTION ITEMS**

President Barkley adjourned the meeting at 6:55 pm.

The Board of Education approved record of Proceedings on the 8th day of March, 2010 and I hereby declare these minutes as permanent public records of this district.

By: \_\_\_\_\_  
President

Attest: \_\_\_\_\_  
Board Secretary

**-----SERIES 100: DELEGATIONS - PETITIONS - COMMUNICATIONS**

**SERIES 100 – INFORMATION ITEMS**

These items are presented to keep Board members informed. Any Board member should feel free to ask questions on any of these items.

**Item 101 – Social Studies Vertical Team Presentation**

Teachers from the Social Studies Vertical Team will present to the board. Chris Raymond, Marion High School, and Kevin Hahn, Francis Marion Intermediate, along with Pat Wilson, Advisor, will inform the board about the social studies curriculum.

**Item 103 – Public Comment**

This is a time set aside for the School Board to receive comment from the public. Individuals are asked to limit their comments to 5 minutes. As a matter of practice and procedure, the Board will not debate issues at the board meeting, but will get back to the interested parties for additional information and dialogue.

**Item 105 – Board Member Reports**

This is a time set aside for Board Members to share information they have acquired from readings/meetings/training sessions.

-----**SERIES 200: OFFICERS - PRESIDENT - SECRETARY – TREASURER**

**SERIES 200 – ACTION ITEMS**

**SERIES 200 CONSENT AGENDA ITEMS**

**SERIES 200 ACTION ITEMS**

These items are presented to keep Board members informed. Any Board member should feel free to ask questions on any of these items.

**SERIES 300 ACTION ITEMS**

**Item 315 – Second Readings – Board Policy Adoptions**

Administration recommends approval of the second readings of the following policy adoptions.

- 401.5R1 – Employee Records Regulation
- 401.6 – Transporting of Students by Employees
- 401.7E – Request for Reimbursement for Travel
- 401.8 – Recognition for Service of Employees
- 401.9 – Employee Political Activity
- 402.1 – Release of Credit Information
- 402.5 – Public Complaints about Employees
- 402.6 – Employee Outside Employment
- 403.5E1 – Substance-Free Workplace Notice to Employees
- 404.R1 – Code of Professional Conduct & Ethics Regulation
- 404.R2 – Code of Rights & Responsibilities Regulation
- 407.2 – Licensed Employee Contract Release
- 407.4 – Licensed Employee Suspension
- 407.5 – Licensed Employee Reduction in Force
- 409.5 – Licensed Employee Political Leave
- 409.6 – Licensed Employee Jury Duty Leave (Pulled for revision)
- 409.7 – Licensed Employee Military Service Leave
- 413.3 – Classified Employee Suspension
- 414.5 – Classified Employee Political Leave
- 414.6 – Classified Employee Jury Duty Leave (Pulled for revision)
- 414.7 – Classified Employee Military Service Leave

**February 22, 2010  
Exhibit 315.1-27**

**Item 316 - Second Readings of Revised Policies**

Administration recommends approval of the first readings of revisions of the following policies, exhibits and regulations:

- 400 – Role of & Guiding Principles for Employees  
(Revises current 400 & 401.2)
- 401.7 – Employee Travel Compensation (Replaces 402.6)
- 401.10 – Credit Cards (Replaces 801.10)
- 402.2 – Child Abuse Reporting (Replaces 404.12)
- 405.2 – Licensed Employee Qualifications, Recruitment, Selection  
(Replaces 401.3)
- 409.3R2- Employee Family & Medical Leave Definitions
- 409.3E1 – Employee Family & Medical Leave Notice to Employees
- 409.3 – Employee Family & Medical Leave
- 409.3R1- Employee Family & Medical Leave Regulation
- 409.3E2 – Employee Family & Medical Leave Request Form
- 411.2 – Recruitment & Selection (revises current 401.4 & 401.5)

- 420 – Access to Buildings (revises current 405.3)
- 421 – Loan of School Equipment (revises current 405.4)

February 22, 2010  
Exhibit 316.1-33

### **Item 317 – Policy Number Changes**

Administration recommends approval of the policy number changes to reflect the Iowa Association of School Board Policy Manual. No other changes have been made to the policies except the number.

- 401.2 – Employee Conflict of Interest (previously 402.9)
- 401.5 – Personnel Records (previously 403.5)
- 402.3 – Abuse of Students by School District Employees (previously 404.11)
- 402.3R – Abuse of Students by School District Employees (previously 404.11R)
- 403.1 – Physical Examinations (previously 408)
- 403.3 – Communicable Diseases – Employees (previously 404.2)
- 403.3R1 – Universal Precautions (previously 404.2R)
- 403.3E1 – Hepatitis B Vaccine Information & Record (previously 404.2E1)
- 403.4 – Hazardous Chemical Disclosure (previously 404.3)
- 403.5 – Substance-Free Workplace (previously 409)
- 403.5R1 – Substance-Free Workplace (previously 409.1R)
- 403.6 – Drug & Alcohol Testing Program for Employees Who Operate School Vehicles (previously 408.1)
- 404 – Employee Conduct & Appearance (previously 401.7)
- 405.3 – Certified Staff Contracts (previously 402.1)
- 405.8 – Evaluation of Personnel (previously 402.2)
- 405.8R – Evaluation (402.2R)
- 405.9 – Licensed Employee Probationary Status (previously 402.8)
- 406.6 – Payroll Deductions (previously 402.5)
- 407.1 – Resignation (previously 403.3)
- 407.3 – Insurance Benefits to Retirees (previously 403.4)
- 408.1 – Licensed Employee Professional Development (previously 402)
- 408.1R – Professional Staff Advancement (previously 402.1R)
- 410.1 – Arrangements for Certified Staff Substitutes (previously 406.2)
- 411.2R – Applications for Personnel (previously 401.3R)
- 411.7 – Classified Employee Evaluation (previously 401.6)
- 413.4 – Dismissal (previously 402.7)
- 422 – Student Teachers (previously 406.3)
- 425 – Religious Observance (previously 410)
- 905.2 – Tobacco-Free Environment (previously 409.1)

February 22, 2010  
Exhibit 317.1-43

### **Item 318 – Policy Elimination**

Administration recommends elimination of the following policies

due to content covered in Iowa Code or other newly adopted or revised policies:

- 401 – Affirmative Action
- 401.21 – Bus Drivers
- 401.2 – Classified Personnel Definition
- 402.4 – Absences Without Pay

**February 22, 2010**  
**Exhibit 318.1-5**

### **Item 319 – Second Reading Separation**

Administration recommends approval of the following policy revision. This policy would sunset at the end of the 2009/2010 school year.

- 407.6 – Separation (previously 403.2)

**Exhibit 319.1-2**

### **Item 320 – First Reading Policy Adoption**

Administration recommends approval of the first reading of the following policy adoption. These policies have been pulled after the first reading for further clarification of how jury duty payment is handled.

- 409.6 – Licensed Employee Jury Duty Leave
- 414.6 – Classified Employee Jury Duty Leave

**Exhibit 320.1-2**

### **SERIES 300 DISCUSSION ITEMS**

#### **Item 325 – Use of Ryan, Inc. as Owner Representative**

At the beginning of the construction projects in the district the board approved Brad Thomason of Ryan, Inc. to be the construction supervisor by board action on November 24, 2008. He has information regarding duties and expected costs for Ryan, Inc. to serve in that capacity for the VMS construction project in preparation of a contract.

### **SERIES 300 CONSENT AGENDA ITEMS**

#### **\* Item 370 – Open Enrollment**

The following requests for open enrollment for the **remainder of 2009-2010** have been received due to good cause. Administration recommends these requests be approved. The open enrollment requests for **2010-2011** listed below are also being recommended for approval.

**In 2009-2010**

<b><u>Name</u></b>	<b><u>Grade</u></b>	<b><u>Bldg</u></b>	<b><u>Resident District</u></b>
Davidson, M.	5	FMI	Cedar Rapids
KortenKamp, S.	1	Em	Linn Mar
Tamayo, E.	7	VMS	Cedar Rapids

**Out 2009-2010**

<b><u>Name</u></b>	<b><u>Grade</u></b>	<b><u>Receiving District</u></b>
Newman, A.	7	Linn Mar
Newman, C.	9	Linn Mar
Suiter, C.	6	Linn Mar
Hunt, S.	7	Cedar Rapids

**In 2010-2011**

<b><u>Name</u></b>	<b><u>Grade</u></b>	<b><u>Bldg</u></b>	<b><u>Resident District</u></b>
Waters, P.	6	VMS	Walford
Egan, E.	2	Starry	Linn Mar
Minks, M.	1	Starry	Linn Mar
Nelson, E.	11	MHS	Cedar Rapids
St. John, J.	6	VMS	Cedar Rapids
Lammers, W.	11	MHSAP	Cedar Rapids
Garlander, G.	3	MHSAP	Mt. Vernon
Stone, M.	11	MHS	Linn Mar
Wignall, L.	10	MHSAP	Cedar Rapids

See Exhibit for other MHSAP Requests

**Exhibit 370-1**

**Out 2010-2011**

<b><u>Name</u></b>	<b><u>Grade</u></b>	<b><u>Receiving District</u></b>
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**Denied 2010-2011**

<b><u>Name</u></b>	<b><u>Grade</u></b>	<b><u>Reason</u></b>
Chapman, S.	11	Insufficient Classroom Space

**SERIES 300 INFORMATION ITEMS**

These items are presented to keep Board members informed. Any Board member should feel free to ask questions on any of these items.

**Item 390 – Vernon Middle School Groundbreaking**

We are talking with Miron and OPN on possible dates for the groundbreaking ceremony at Vernon.

**Item 391 - Board Calendar**

March 9, 2010	7:00 Parade of Bands Concert (VMS & MHS) Red Gym
March 16, 2010	Choral Showcase at MHS
March 18, 2010	End of 3 <sup>rd</sup> Quarter (FMI, VMS & MHS)
March 19, 2010	No School – Teacher Comp Day (St, Em); Teacher Work Day (FMI, VMS, MHS)

March 22-26, 2010	Spring Break
April 8-10, 2010	MHS Spring Play (Pillow Talk)
April 12, 2010	Board Meeting Time to be determined 4:30 or 7:00 PM
April 12, 2010	VMS Spring Jazz Band & Show Choir Concert 7:00 PM
April 13, 2010	Emerson Program 7:00 PM MHS Auditorium
April 15, 2010	Starry Program 7:00 PM MHS Auditorium
April 26, 2010	Regular Meeting 7:00 PM
April 27, 2010	Spring Concert 7:00 PM in Red
April 29, 2010	4 <sup>th</sup> Grade Program (FMI) 6:30 & 7:30
May 10, 2010	6-8 Band Spring Concert (VMS) 7:00 PM
May 10, 2010	Work Session 4:30 PM
May 12, 2010	K-12 Professional Development Day - Early Dismissal
May 13, 2010	6-8 Vocal Spring Concert (VMS) 7:00 PM
May 18, 2010	4 <sup>th</sup> Grade Spring Concert (FMI) 6:30 PM
	5 <sup>th</sup> Grade Band & Chorus Concert (FMI) 7:30 PM
May 24, 2010	Regular Meeting 7:00 PM
May 30, 2010	High School Graduation
June 7, 2010	Last Day for Students (original last day, June 2, changed due to 3 student contact snow days)
June 8, 2010	Teacher Professional Development (Make up of January 20 snow day)
June 9, 2010	Teacher Work Day

### **Item 392 – Teacher of the Week**

Amanda Heim, our preschool teacher at Caring Corner was nominated and won teacher of the week through KDAT last week! Amanda received a trophy from Crown Trophy, a balloon bouquet from Peck's Flower & Garden Center, treats from Kathy's Pies and a \$25 gift certificate from Learning Ladder. She is also eligible to win a grand prize of \$500 from Philip's Diamond Shop & Design Center. We are all proud of her.

### **Item 393 - Bowling**

Congratulations to Coach Chris Raymond and the Marion High School Boy's Bowling team for finishing 4th in the State Bowling Meet. Great Job!!! Go Indians!

### **Item 394 – WaMaC Selections**

Congratulations to WaMaC First Team girls' basketball selections in the West Division: Brittany Fish and Morgan Paige. Second Team recognition went to Amanda Peterson and Honorable Mention to Maggie Murphy, and Alli O'Neill. Congratulations to WaMaC Coach of the Year Sherryl Gaffney-Paige.

Congratulations to WaMac First Team boys' basketball selections in the West Division: Kasey Semler and Hunter Sade. Honorable mention went to Corey Kramer and Dalton Combs. Congratulations also to WaMaC Coach of the Year Mike Manderscheid.

Special congratulations to the entire girls' and boys' basketball teams on their excellent performances this year. We are proud of all of you!

-----**SERIES 400: PERSONNEL SERVICE DIVISION - SARAH E. PINION**

**SERIES 400 CONSENT AGENDA ITEMS**

**400-449 – CERTIFICATED STAFF**

\* **Item 405 – Resignations**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Effective Date</u></b>
Baty, Jane	VMS Language Arts	June 2010
Law, David	VMS Band	June 2010
Platner, Margaret	Emerson	June 2010
Raasch, Bonnie	VMS Media	June 2010
Wikert, Jerry	MHS Math	June 2010

\* **Item 410 – Appointments**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Salary</u></b>	<b><u>Effective Date</u></b>
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\* **Item 417 - Application for Early Separation**

Administration recommends approval of the Application for Early Separation between Marion Independent School District and staff members:

- Jane Baty – VMS – Certified
- David Law – VMS – Certified
- Margaret Platner – Emerson - Certified
- Bonnie Raasch – VMS – Certified
- Jerry Wikert – MHS – Certified
- Janet Jackson – MHS -- Classified
- Sharon Knapp – EM - Classified
- Roberta Zillman – Starry – Classified

The next step in the process is to send the Separation Participation Agreement to the staff members.

**450-499 – CLASSIFIED STAFF – BRIAN BARTZ**

\* **Item 450 – Resignations**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Effective Date</u></b>
Clark, Clair	Bus Driver	March 2010
Jackson, Janet	Attendance Secretary/MHS	June 2010
Knapp, Sharon	Principal's Secretary/Emerson	June 2010
Zillman, Roberta	Media Associate/ Starry	June 2010

\* **Item 465 – Appointments**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Salary</u></b>	<b><u>Effective Date</u></b>
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**-----SERIES 500 – BUSINESS SERVICES DIVISION – BRIAN BARTZ**

**SERIES 500 - ACTION ITEMS**

**Item 501 - 2009-10, 2010-11, and 2011-12 Auditors**

Administration recommends that the Board approve Nolte, Cornman & Johnson P.C. Certified Public Accountants as the 2009-10, 2010-11, and 2011-12 auditors. There were 3 requests for bids sent out and one firm declined to bid. Nolte, Cornman & Johnson's bid was 2009-10 \$8,600, 2010-11 \$8,950, 2011-12 \$9,300. Kain & Associates bid was 2009-10 \$8,900, 2010-11 \$9,400 and 2011-12 \$9,900.

**Item 502 – Financial Audit for 2008-09**

The Board received copies of the financial audit. Most of the data was reviewed by the board early with the Certified Annual Report. Copies of the audit are available in the District Office. Administration recommends that the Board accept the audit as presented.

**Item 503 – 2010-2011 Certified Budget**

The 2010-2011 certified budget will be discussed. The Board will direct the District Secretary to publish the tax levy rate at an approved amount.

**Exhibit 503-1**

**Item 504 – Set 2010-2011 Certified Budget Hearing**

The 2010-2011 certified budget hearing is set for Monday, April 12, 2010 in the auditorium.

**Item 505 – Reduction Plan**

The Board will direct the Superintendent to create a reduction plan based on a combination of taxes, early separation and personnel in the amount of 1.4 million. The Board will also direct the Superintendent of an upper amount for which to prepare in anticipation of salary settlements.

**Item 506 – Contract with Miron**

Administration recommends approval of the Middle School construction contract with Miron Construction.

**Exhibit 506.1-12**

**SERIES 500 – DISCUSSION ITEMS**

**SERIES 500 – CONSENT AGENDA ITEMS**

\* **Item 530 – Approval of List of Bills**

The General Fund and Schoolhouse checks will be presented to the Board for approval at the April meeting due to the early date of the March meeting.

\* **Item 535 – List of Bills for Activity Fund and Food Service**

The Activity Fund, Food Service and Student Built House checks will be presented to the Board for approval at the April meeting due to the early date of the March meeting.

**SERIES 500 INFORMATION ITEMS**

These items are presented to keep Board members informed. Board members should feel free to ask questions on any of these items.

**-----SERIES 600 – OTHER BUSINESS**

**SERIES 600 INFORMATION ITEMS**

These items are presented to keep Board members informed. Board members should feel free to ask questions on any of these items.

**SERIES 600 - ACTION ITEMS**

**-----ANNOUNCEMENTS**

**-----ADJOURNMENT**

**Exempt Session**

The School Board will go into an exempt session following adjournment as allowed by Iowa Code 20.17 (3) and 21.9 for a collective bargaining strategy session. The exempt session is also allowed by Iowa Code 21.9 related to employee conditions not covered under Chapter 20. The Board may hold an exempt session for the following: negotiating sessions, strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitration.

## Board Policy Number 407.6

### Separation

The School District offers a separation plan for full-time employees. Full-time employees are employees who are currently performing their assigned duties within the School District and who satisfy the definition of a full-time employee as outlined in the respective contracts and terms & conditions of employment. An employee is eligible under the separation plan when the employee:

- Has attained the age of 55 on or before June 30 of the year in which the employee wishes to retire.
- Completes a total of eighteen (18) years of service as an employee to the School District on or before June 30 of the year in which the employee wishes to retire. At least ten (10) of the eighteen (18) years must have been full-time employment, and the final ten (10) years must be continuous years of service.
- Submits an application to the superintendent for participation in the plan on or before noon March 4, 2010.
- Submits a written resignation. The resignation may be contingent upon approval by the Board for participation in the voluntary separation plan.
- Receives Board approval of the employee's application for participation in the separation plan.

Approval by the Board of the employee's separation application shall constitute a voluntary resignation. Failure of the Board to approve the employee's separation application shall make the employee's current contract with the Board continue in full force and effect.

The separation incentive for each eligible employee approved by the Board will be **60%** based on the employee salary schedule or contracted salary in effect the last twelve months of the employee's employment with the School District. For the purpose of this policy, salary shall not include pay for additional compensation for co-curricular activities or other compensation provisions. For the purpose of this policy, salary shall include pay for extended contract days.

The separation payout will be to a 403B plan.

Upon separation, the employee shall be eligible to continue participation in the School District's group insurance plan at the employee's expense by meeting the requirements of the insurer.

In the event an separation recipient applies for reemployment as a regular or full-time employee (excluding substitute employees and bus drivers) in the School District, approval of such employment by the Board of Education will include said employee's reimbursing the Marion Independent School District the amount of separation pay received, plus interest at an average percentage rate determined by the banking institution that serves as the district's primary depositor of funds.

An employee who is recommended to be terminated by the District is not eligible to receive separation benefits.

The adoption of this policy shall not vest any rights in any employee whether or not the employee is currently eligible for early separation. The Board shall have the complete discretion to amend or repeal this policy at any time when, in the judgment of the Board, the District no longer realizes economic benefits from this policy or otherwise determines that the policy is not in the best interests of the District. The Board will review this policy at the end of each year to determine whether it should be amended or repealed. The District shall not be obligated to provide any of the benefits to any employee after the date of such amendment or repeal, except to those

employees whose early separation pursuant to this policy has commenced prior to the amendment or repeal.

This policy will expire June 30, 2010.

**Adopted: March 24, 1983**

**Revised: July 23, 1987; December 22, 1988; April 25, 1991; June 26, 1995; December 20, 1999; March 13, 2006; February 22, 2010**

**Reviewed: April 26, 1993; January 26, 1998**

**Legal Reference: 29 U.S.C. §§ 621 *et seq.* (1988)**

**Senate File 2366, 77th General Assembly, 2nd Reg. Session (1998)**

**Iowa Code §§ 97B; 216; 279.46; 509A.13 (1997)**

**581 I.A.C. 21**

**1978 Op. Att'y Gen. 247**

**1974 Op. Att'y Gen. 11, 322**

**Web Page posted on**

NEW

Code No. 409.6

**LICENSED EMPLOYEE JURY DUTY LEAVE**

The board will allow licensed employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Licensed employees called for jury duty will receive their full wage compensation less the amount paid to him/her for such services.

Legal Reference:

Iowa Code 20.9; 607A (2009).

Cross Reference:

409 Licensed Employee Vacations and Leaves of Absence

Approved: \_\_\_\_\_ Reviewed: \_\_\_\_\_ Revised: \_\_\_\_\_

NEW

Code No. 414.6

**CLASSIFIED EMPLOYEE JURY DUTY LEAVE**

The board will allow classified employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Classified employees called for jury duty will receive their full wage compensation less the amount paid to him/her for such services.

Legal Reference:

Iowa Code 20.9; 607A (2009).

Cross Reference:

414 Classified Employee Vacations and Leaves of Absence

Approved: \_\_\_\_\_ Reviewed: \_\_\_\_\_ Revised: \_\_\_\_\_

2010 OPEN ENROLLMENT REQUESTS  
INTO MHSAP

EXHIBIT 370.1

LAST	FIRST	GR	BLDG	RESIDENT DISTRICT
Damm	I.	3	MHSAP	Anamosa
Barkalow	J.	K	MHSAP	Anamosa
Damm	I.	K	MHSAP	Anamosa
Faille	S.	K	MHSAP	Anamosa
Anderson	L.	3	MHSAP	Benton
Anderson	Z.	6	MHSAP	Benton
Kleman	K.	1	MHSAP	Cedar Rapids
Kopp	B.	1	MHSAP	Cedar Rapids
Olander	G.	1	MHSAP	Cedar Rapids
Schillinger	G.	1	MHSAP	Cedar Rapids
Thompson	C.	1	MHSAP	Cedar Rapids
Dvorak	N.	2	MHSAP	Cedar Rapids
Francois	K.	2	MHSAP	Cedar Rapids
Kephart	L.	2	MHSAP	Cedar Rapids
Krohse	E.	3	MHSAP	Cedar Rapids
Schefers	D.	3	MHSAP	Cedar Rapids
Kephart	H.	4	MHSAP	Cedar Rapids
Krohse	Z.	4	MHSAP	Cedar Rapids
Schillinger	S.	4	MHSAP	Cedar Rapids
Kopp	J.	5	MHSAP	Cedar Rapids
Dvorak	N.	6	MHSAP	Cedar Rapids
Francois	A.	6	MHSAP	Cedar Rapids
Fuller	S.	6	MHSAP	Cedar Rapids
Kephart	M.	6	MHSAP	Cedar Rapids
Pingel	N.	6	MHSAP	Cedar Rapids
Steitler	J.	6	MHSAP	Cedar Rapids
Coates	G.	7	MHSAP	Cedar Rapids
Francois	Ja.	7	MHSAP	Cedar Rapids
Francois	Jo.	7	MHSAP	Cedar Rapids
Martin	J.	7	MHSAP	Cedar Rapids
Weuve	R.	7	MHSAP	Cedar Rapids
Kopp	C.	8	MHSAP	Cedar Rapids
Haigh	A.	10	MHSAP	Cedar Rapids
Sherman	I.	10	MHSAP	Cedar Rapids
Avery	M.	K	MHSAP	Cedar Rapids
Hangartner	E.	K	MHSAP	Cedar Rapids
Kendrick	S.	K	MHSAP	Cedar Rapids
Krohse	E.	K	MHSAP	Cedar Rapids
Louzek	B.	K	MHSAP	Cedar Rapids
Monson	B.	K	MHSAP	Cedar Rapids
Olander	J.	K	MHSAP	Cedar Rapids
Stout	S.	K	MHSAP	Cedar Rapids
Whalen	N.	K	MHSAP	Cedar Rapids
Schefers	C.	K.	MHSAP	Cedar Rapids
Barta	J.	1	MHSAP	Center Pt Urbana

LAST	FIRST	GR	BLDG	RESIDENT DISTRICT
Kirkegaard	S.	1	MHSAP	College Community
Cach	J.	9	MHSAP	College Community
Atwood	S.	K	MHSAP	College Community
Clayton	J.	1	MHSAP	Linn Mar
Mossman	A.	1	MHSAP	Linn Mar
Clayton	C.	2	MHSAP	Linn Mar
Ramsey	A.	3	MHSAP	Linn Mar
Crockett	M.	4	MHSAP	Linn Mar
Taylor	C.	4	MHSAP	Linn Mar
Crockett	J.	6	MHSAP	Linn Mar
Kopp	T.	9	MHSAP	Linn Mar
Brewster	V.	K	MHSAP	Linn Mar
Diercks	R.	K	MHSAP	Linn Mar
Dummermuth	C.	K	MHSAP	Linn Mar
Kautz	H.	K	MHSAP	Linn Mar
Mike	E.	K	MHSAP	Linn Mar
Pennington	H.	10	MHSAP	Maquoketa
Morris	W.	1	MHSAP	Monticello
Morris	J.	4	MHSAP	Monticello
Beaman	B.	K	MHSAP	North Cedar
Brady	K.	8	MHSAP	North Linn
McGraw	B.	10	MHSAP	North Linn
Spinner	S.	K	MHSAP	North Linn
Randall	C.	5	MHSAP	Oelwein
Randall	C.	6	MHSAP	Oelwein
Randall	C.	8	MHSAP	Oelwein
Randall	C.	11	MHSAP	Oelwein
Stivers	A.	7	MHSAP	Springville
Schmidt	J.	K	MHSAP	Springville
Schmidt	J.	K	MHSAP	Springville
Bodensteiner	A.	9	MHSAP	Wapsie Valley
McCarthy	N.	1	MHSAP	West Delaware
Payne	C.	3	MHSAP	West Delaware
Weber	C.	10	MHSAP	West Delaware
Anderegg	N.	K	MHSAP	West Delaware

# Tax Rates

Curr. Year	Special Ed Deficit	Cash Reserve	Mgmt	Budget Guarantee	Debt Service	Rate	Increase	%
	300,000	65,000	220,000	-	169,029	15.31673		
	361,231	600,000	350,000	88,585	245,650	16.83533	1.5186	9.91%
	361,231	500,000	350,000	88,585	245,650	16.56989	1.2532	8.18%
	361,231	400,000	350,000	88,585	245,650	16.30444	0.9877	6.45%
	361,231	300,000	350,000	88,585	245,650	16.039	0.7223	4.72%


**AIA**® Document A101™ – 2007

**Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum**

**AGREEMENT** made as of the twenty-ninth day of January in the year Two Thousand Ten  
(*In words, indicate day, month and year.*)

**BETWEEN** the Owner:  
(*Name, legal status, address and other information*)

Marion Independent School District  
777 S. 15th Street  
Marion IA 52302

and the Contractor:  
(*Name, legal status, address and other information*)

Miron Construction Co., Inc.  
1471 McMahan Drive  
Neenah, WI 54956

for the following Project:  
(*Name, location and detailed description*)

08208201 Marion 5.6.7.8 School  
1301 5<sup>th</sup> Ave  
Marion IA 52302

The Architect:  
(*Name, legal status, address and other information*)

OPN Architects, Inc.  
200 Fifth Avenue SE, Suite 201  
Cedar Rapids, IA 52401  
Telephone Number: (319) 363-6018

The Owner and Contractor agree as follows.

**ADDITIONS AND DELETIONS:**

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

## TABLE OF ARTICLES

1	THE CONTRACT DOCUMENTS
2	THE WORK OF THIS CONTRACT
3	DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
4	CONTRACT SUM
5	PAYMENTS
6	DISPUTE RESOLUTION
7	TERMINATION OR SUSPENSION
8	MISCELLANEOUS PROVISIONS
9	ENUMERATION OF CONTRACT DOCUMENTS
10	INSURANCE AND BONDS

**ARTICLE 1 THE CONTRACT DOCUMENTS**

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

**ARTICLE 2 THE WORK OF THIS CONTRACT**

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

**ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION**

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

*(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)*

| The date of commencement of the work shall be January 5, 2010

If, prior to the commencement of the Work, the Owner requires time to file mortgages and other security interests, the Owner's time requirement shall be as follows:

| N/A

§ 3.2 The Contract Time shall be measured from the date of commencement.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than ( ) days from the date of commencement, or as follows:

*(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)*

Init.

Portion of Work	Substantial Completion Date
Phase 1	May 13, 2011
Phase 2	August 5, 2011
Phase 3	June 1, 2012
Phase 4	August 10, 2012

, subject to adjustments of this Contract Time as provided in the Contract Documents.  
*(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)*

N/A

**ARTICLE 4 CONTRACT SUM**

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor’s performance of the Contract. The Contract Sum shall be Fourteen Million Four Hundred Thirty-seven Thousand One Hundred One Dollars and Zero Cents (\$ 14,437,101.00 ), subject to additions and deductions as provided in the Contract Documents.

N/

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:

*(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)*

Base Bid	\$13,915,000
Alternate #1 Terrazzo Flooring	\$112,000
Alternate #2 New Gym Finishes	\$16,850
Alternate #3 Gym Floor	\$18,900
Alternate #4 Lighting and A/V in Gym	\$27,196
Alternate #5 Windows in Fitness	\$2,700
Alternate #9 AHV-1	\$344,455
Total:	\$14,437,101

§ 4.3 Unit prices, if any:

*(Identify and state the unit price; state quantity limitations, if any, to which the unit price will be applicable.)*

Item	Units and Limitations	Price Per Unit (\$0.00)
N/A	N/A	N/A

§ 4.4 Allowances included in the Contract Sum, if any:

*(Identify allowance and state exclusions, if any, from the allowance price.)*

Item	Price
N/A	N/A

**ARTICLE 5 PAYMENTS**

**§ 5.1 PROGRESS PAYMENTS**

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

N/A

Init.

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the three weeks prior to each MISD Board meeting (budget approval meeting 4<sup>th</sup> Monday of every month) the Owner shall make payment of the certified amount to the Contractor not later than the Tuesday following the board meeting. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than forty-five (45) days after the Architect receives the Application for Payment.  
(Federal, state or local laws may require payment within a certain period of time.)

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of five percent ( 5 %). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™–2007, General Conditions of the Contract for Construction;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of five percent ( 5 %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201–2007.

§ 5.1.7 The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and  
(Section 9.8.5 of AIA Document A201–2007 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.)
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Section 9.10.3 of AIA Document A201–2007.

§ 5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

*(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)*

N/A

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

## § 5.2 FINAL PAYMENT

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

Init.

- .1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 12.2.2 of AIA Document A201-2007, and to satisfy other requirements, if any, which extend beyond final payment; and
- .2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

In accordance with Iowa Code 573.14 Retention of unpaid funds: The fund provided for in section 573.13 shall be retained by the public corporation for a period of thirty days after the completion and final acceptance of the improvement. If at the end of the thirty-day period claims are on file as provided the public corporation shall continue to retain from the unpaid funds sum equal to double the total amount of all claims on file. The remaining balance of the unpaid fund, or if no claims are on file, the entire unpaid fund, shall be released and paid to the contractor.

## ARTICLE 6 DISPUTE RESOLUTION

### § 6.1 INITIAL DECISION MAKER

The Architect will serve as Initial Decision Maker pursuant to Section 15.2 of AIA Document A201-2007, unless the parties appoint below another individual, not a party to this Agreement, to serve as Initial Decision Maker.

*(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)*

N/A

### § 6.2 BINDING DISPUTE RESOLUTION

For any Claim subject to, but not resolved by, mediation pursuant to Section 15.3 of AIA Document A201-2007, the method of binding dispute resolution shall be as follows:

*(Check the appropriate box. If the Owner and Contractor do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.)*

- Arbitration pursuant to Section 15.4 of AIA Document A201-2007
- Litigation in a court of competent jurisdiction
- Other *(Specify)*

## ARTICLE 7 TERMINATION OR SUSPENSION

§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-2007.

§ 7.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-2007.

## ARTICLE 8 MISCELLANEOUS PROVISIONS

§ 8.1 Where reference is made in this Agreement to a provision of AIA Document A201-2007 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.  
*(Insert rate of interest agreed upon, if any.)*

Payments due and unpaid under the Contract Documents shall bear interest from the date the payment is due and shall bear interest at the rate established by Section 74A.2, Code of Iowa.

§ 8.3 The Owner's representative:

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User Notes:

(725891406)

*(Name, address and other information)*

Brian Bartz, Director of Financial Services  
 Marion Independent School District  
 777 S. 15th Street  
 Marion IA 52302

§ 8.4 The Contractor's representative:  
*(Name, address and other information)*

David G. Voss, Jr., President  
 Miron Construction Co., Inc.  
 1471 McMahon Drive  
 Neenah, Wisconsin 54956

§ 8.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 8.6 Other provisions:

N/A

**ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS**

§ 9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 9.1.1 The Agreement is this executed AIA Document A101-2007, Standard Form of Agreement Between Owner and Contractor.

§ 9.1.2 The General Conditions are AIA Document A201-2007, General Conditions of the Contract for Construction.

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
007300	Supplementary Conditions	November 23,2009	007300-1 through 007300-11

§ 9.1.4 The Specifications:  
*(Either list the Specifications here or refer to an exhibit attached to this Agreement.)*

Title of Specifications Exhibit: Table of Contents  
*(Table deleted)*

§ 9.1.5 The Drawings:  
*(Either list the Drawings here or refer to an exhibit attached to this Agreement.)*

Title of Drawings Exhibit: Sheet Index

*(Table deleted)*

§ 9.1.6 The Addenda, if any:

Number	Date	Pages
Addendum #1	December 9, 2009	(26) Typed Pages

		(6) Specification Section Pages
		(64) Drawing Sheets
		(20) Attachment Pages
Addendum #2	December 14, 2009	(5) Typed Pages
		(17) Drawing Sheets
Addendum #3	December 16, 2009	(22) Typed Pages
		(2) Specification Section Pages
		(42) Drawing Pages
Addendum #4	December 16, 2009	(1) Typed Page
Addendum #5	December 17, 2009	(1) Typed Page

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

§ 9.1.7 Additional documents, if any, forming part of the Contract Documents:

- .1 AIA Document E201™–2007, Digital Data Protocol Exhibit, if completed by the parties, or the following:

N/A

- .2 Other documents, if any, listed below:  
*(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201–2007 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor’s bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)*

N/A

**ARTICLE 10 INSURANCE AND BONDS**

The Contractor shall purchase and maintain insurance and provide bonds as set forth in Article 11 of AIA Document A201–2007.

*(State bonding requirements, if any, and limits of liability for insurance required in Article 11 of AIA Document A201–2007.)*

<b>Type of insurance or bond</b>	<b>Limit of liability or bond amount (\$0.00)</b>
Refer to 007300 Supplementary Conditions, Article 11	

This Agreement entered into as of the day and year first written above.

\_\_\_\_\_  
**OWNER (Signature)**

Dan Barkley, Board President  
*(Printed name and title)*

\_\_\_\_\_  
**CONTRACTOR (Signature)**

David G. Voss, Jr., President  
*(Printed name and title)*

Init.

## Additions and Deletions Report for AIA<sup>®</sup> Document A101<sup>™</sup> – 2007

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 08:08:05 on 03/05/2010.

### PAGE 1

**AGREEMENT** made as of the twenty-ninth day of January in the year Two Thousand Ten

...

Marion Independent School District  
777 S. 15th Street  
Marion IA 52302

...

Miron Construction Co., Inc.  
1471 McMahon Drive  
Neenah, WI 54956

...

08208201 Marion 5.6.7.8 School  
1301 5<sup>th</sup> Ave  
Marion IA 52302

...

OPN Architects, Inc.  
200 Fifth Avenue SE, Suite 201  
Cedar Rapids, IA 52401  
Telephone Number: (319) 363-6018

### PAGE 2

The date of commencement of the work shall be January 5, 2010

...

N/A

### PAGE 3

<u>Phase 1</u>	<u>May 13, 2011</u>
<u>Phase 2</u>	<u>August 5, 2011</u>
<u>Phase 3</u>	<u>June 1, 2012</u>
<u>Phase 4</u>	<u>August 10, 2012</u>



N/A

PAGE 5

In accordance with Iowa Code 573.14 Retention of unpaid funds: The fund provided for in section 573.13 shall be retained by the public corporation for a period of thirty days after the completion and final acceptance of the improvement. If at the end of the thirty-day period claims are on file as provided the public corporation shall continue to retain from the unpaid funds sum equal to double the total amount of all claims on file. The remaining balance of the unpaid fund, or if no claims are on file, the entire unpaid fund, shall be released and paid to the contractor.

...

N/A

...

Litigation in a court of competent jurisdiction

...

%—Payments due and unpaid under the Contract Documents shall bear interest from the date the payment is due and shall bear interest at the rate established by Section 74A.2, Code of Iowa.

PAGE 6

Brian Bartz, Director of Financial Services  
Marion Independent School District  
777 S. 15th Street  
Marion IA 52302

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David G. Voss, Jr., President  
Miron Construction Co., Inc.  
1471 McMahan Drive  
Neenah, Wisconsin 54956

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N/A

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<u>007300</u>	<u>Supplementary Conditions</u>	<u>November 23,2009</u>	<u>007300-1 through 007300-11</u>
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N/A

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Refer to 007300 Supplementary  
Conditions, Article 11

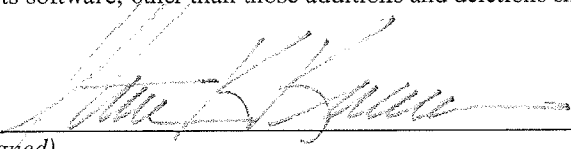
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Dan Barkley, Board PresidentDavid G. Voss, Jr., President

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 (Signed)




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 (Title)




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 (Dated)