

STATE OF MINNESOTA

FILED
Court Administrator

DISTRICT COURT

COUNTY OF RAMSEY

JUL 18 2011

SECOND JUDICIAL DISTRICT
CASE TYPE: CIVIL

By  Deputy

In re Temporary Funding of Core
Functions of the Executive Branch
Of the State of Minnesota

Court File No: 62-CV-11-5203

**PETITION OF MINNESOTA SCHOOL
BOARDS ASSOCIATION FOR ORDER
PROVIDING NECESSARY SCHOOL
BUILDING INSPECTIONS**

INTRODUCTION

The school building is a fundamental component of a public education program. School buildings provide a central location with educationally appropriate spaces to provide instruction to students. Numerous school districts in Minnesota have summer construction projects in progress. However, without state inspectors, those projects are grinding to a halt. With approximately five weeks until the start of the school year, school construction projects have reached critical point because delay in construction will result in school buildings not be completed or available at the start of the school year. Thus, school districts will be unable to fulfill their role in providing a general and uniform system of public schools which has been found to be a critical core function of government

ARGUMENT

I. THE COMPLETION OF SOME SCHOOL BUILDING PROJECTS IS VITAL TO THE CRITICAL CORE FUNCTION OF K-12 EDUCATION.

A. School Buildings Are An Integral Part Of The Education Program.

In the present proceeding, K-12 education in Minnesota was determined to be a “critical core function of government” based upon Art. XIII, Section 1 of the Minnesota Constitution.¹ More specifically the Minnesota Constitution requires that the State provide a “general and uniform system of public schools.” *See id.* Issues related to education funding and aids have already been addressed in this proceeding. The present issue, however, prevents school districts from providing instruction to students at the start of their school year if the school buildings cannot be used.

The significance of school buildings in the education program is specifically recognized by the Department of Education (“MDE”) as follows:

The State of Minnesota has the constitutional responsibility for education and the equality of opportunity for students to learn, and that includes the physical environment that school facilities provide for teaching and learning.²

It has also been recognized by the Legislature that “[i]t is the duty and the function of the district to furnish school facilities to every child of school age residing in any part of the district.” *See* Minn. Stat. § 123B.02, subd. 2.

¹ *See In Re Temporary Funding of Core Functions of the Executive Branch of the State of Minnesota*, Findings of Fact, Conclusions of Law, and Order Granting Motion for Temporary Funding, 62-CV-11-5203 (Ramsey Co. D. Ct., filed June 29, 2011) (“Order”) at p. 6, ¶ 21.

² *See Guide for Planning School Construction Projects in Minnesota*, Minnesota Department of Children, Families & Learning (now MDE), Division of Program Finance, Updated January, 2003, p. 2 (relevant portion attached as Exhibit A) (Bold in original.)

The Construction Codes and Licensing Division ("CCLD") of the Minnesota Department of Labor and Industry ("MDLI") is responsible for building code enforcement of public buildings.³ After receiving an initial application, the CCLD confirms that they are the proper jurisdiction for the project and determines whether or not they will do the plan review and/or the inspections. The CCLD may delegate its inspection authority to the local building official of a county, city or township or undertake that responsibility itself. The delegation of authority is in the sole discretion of the CCLD. Consequently, even in those counties, cities or townships that have a building official, the CCLD may decide to retain inspection authority for itself.⁴ Additionally, in some areas of the State no local building officials exist and the CCLD is the only inspection authority.

Inspections of school construction projects are governed by the State Building Code. In this regard, Minnesota Rules 1300.0210, subpart 1 provides in pertinent part, as follows:

Construction or work for which a permit is required is subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved. . . . It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes.

Minn. Rules 1300.0210, Subp. 1.

In addition, Subpart 5 provides that work cannot continue until approval is obtained, as follows:

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

³ "Public building" includes a school district building project the cost of which is \$100,000 or more. *See* Minn. Stat. § 326B.103, subd. 11.

⁴ This determination is made on a project by project basis. For example in the Hastings School District the CCLD authorized the city building official to conduct plumbing code inspections for two projects while it retained plumbing code inspection authority for a third project.

The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or an agent of the permit holder of any failures to comply with the code. Any portion that does not comply shall be corrected and the portion shall not be covered or concealed until authorized by the building official.

See Minn. Rules 1300.0210, Subp. 5.

In addition, before a school building may be occupied, the building official must issue a certificate of occupancy as provided in Minnesota Rules 1300.0220, Subpart 1 which provides in pertinent part, as follows:

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building, structure, or portion of a building or structure shall be made until the building official has issued a certificate of occupancy for the building or structure under this part.

See Minn. Rules 1300.0220, Subp. 1.

Consequently, inspections are an integral component of a building project. Multiple types of inspections are required under the State Building Code (*See* Exhibit B). More specifically, the CCLD has building code inspectors, electrical inspectors, plumbing inspectors, boiler inspectors, and elevator inspectors. In addition, school buildings require inspectors from outside the CCLD, such as the Fire Marshal must approve applicable State Fire Code regulations prior to occupancy of the building; and the Department of Health (“MDH”) must inspect commercial kitchen installations.

As a result of the Court’s June 29, 2011 Order, the MDLI is only providing critical inspections during the shutdown, including, “inspections where imminent danger or catastrophic situation exists for the following areas: electrical, elevator, high-pressure piping

and boilers.” (See Exhibit C.) Consequently, the MDLI has at least some staff available to perform the critical inspections identified. The need of school construction project inspections to continue is also essential to the critical core function of public education and should be included with those inspections previously ordered to be performed by the MDLI. Therefore, the critical inspection services provided by MDLI could be expanded to include “critical school construction projects.”

B. The Critical Nature of Inspections.

1. Without Inspections, Construction Work Cannot be Completed and School Buildings Cannot Open.

Numerous school districts throughout the State have school construction projects in progress at the present time. Many of those school projects are at a point where an inspection is needed in order for the work to continue. Without inspection the project will come to a stop. Based upon a survey conducted by the MSBA as well as other information collected, approximately thirty-one (31) school districts have a school project in progress that has inspection needs and the failure to complete the project by the start of school will prohibit the school district from providing instructional services to students. (See Exhibit D.) Clearly there are other school districts who have not responded to the survey who find themselves in a similar untenable position. Some examples of the need for inspection include the following:

- In Independent School District No. 2142, (St. Louis County), Minnesota, (“St. Louis County Schools”), four (4) out of the five (5) school buildings in the school district are under construction or need a final inspection for a certificate of occupancy to be issued. Newly constructed K-12 South Ridge School is ninety (90%) completed but will not be able

to open without a certificate of occupancy from the CCLD. (See Exhibit E.) In addition, three school buildings have significant renovation and remodeling projects in progress. One project (Cherry School) is only twenty (20%) completed to date and needs building, plumbing, electrical and kitchen inspections. Two other projects (Tower/Soudan School and Northeast Range School) are about fifty (50%) percent completed to date. These buildings are in need of inspection services in multiple areas (building code, electrical, plumbing, and State Fire Marshal) in order to proceed. All four projects are under the jurisdiction of CCLD for all inspections. As a result, if the projects are not able to progress so that the buildings can be used on the first day of school, 1265 of the school district's 1834 students will not be able to receive instructional services in their school building.

- Independent School District No. 279, Osseo, Minnesota ("Osseo Area Schools") will also be impacted in multiple school buildings. In this regard, two elementary schools, Garden City Elementary (339 students) and Birch Grove Elementary (565 students) are undergoing projects involving ceiling lighting and replacement. All classrooms in both buildings presently do not have ceilings because an electrical inspection is needed from CCLD. Those elementary school buildings will not be usable when school starts without necessary and required inspections. As a result, 904 elementary students will not have a school to attend when the school year begins. Similarly, Osseo Senior High School has the ceilings torn out of the entire East wing of the building. In addition, the school district has six buildings undergoing significant security, fire alarm and communications remodeling which also require inspections. At Park Center High School the entire boiler room was torn out and all of the equipment is being replaced requiring inspections. Students in those buildings will likewise not be able to receive instructional services in their school building.

- Independent School District No. 281, Robbinsdale, Minnesota (“Robbinsdale Area Schools”), is presently involved in the Northport Elementary Deferred Maintenance and Improvement Project which impacts the South classroom wing (over one-half of the classrooms in the building), main entrance, multi-purpose room, gymnasium and playground pavement. (See Exhibit F.) In addition, inspection of the mechanical penthouse needs to be conducted before the new equipment can be set. The school district has been informed that work in the mechanical penthouse area alone will proceed for three (3) weeks after the equipment is set. Inspections by the state for electrical, plumbing and building code are needed. The work would need to be completed and a certificate of occupancy issued before students could enter the building. Approximately 260 students will not have a school to attend if the building cannot be occupied at the start of the school year.

- Independent School District No. 2358 Karlstad, Minnesota, (“Tri-County Public School”), has a single K-12 school building for approximately 230 students. The Tri-County Public School has a four million dollar remodeling project in progress involving new lighting throughout the building and new building heat, ventilation and air conditioning (“HVAC”), in part replacing an old boiler system with a new more efficient electric boiler system. Presently there are no walls or ceilings in the building. If the work is not completed and a certificate of occupancy issued prior to the start of the school year, the school district will not have a building in which to provide instructional services to students.

- Independent School District No. 728, Elk River, Minnesota (“Elk River Area School District”) presently has nine (9) school buildings undergoing significant lighting and electrical work which require electrical inspections by the State. Approximately 8,000

students will not have a school building to attend if the school buildings do not open at the start of school.

- Independent School District No. 200, Hastings, Minnesota (“Hastings Public Schools”) has three current construction projects needing electrical inspections, one of which also needs a plumbing inspection. One project at the Middle School consists of the full renovation of thirty (30) classrooms and a new addition. (*See Exhibit G.*) Delay will result in the building not being open to 840 students at the start of the school year. McAuliffe Elementary School also is undergoing HVAC and remodeling of the entire building requiring electrical and plumbing inspections. (*See id.*) If the building is not completed by the start of the school year, the school district will not be able to provide instructional services to 540 students in that building.

Thus, without inspectors, school districts are left in the precarious position of having to stop work when the next point of inspection is reached. If the inspection cannot occur until the shutdown is over, the school district may not be able to complete construction prior to the start of school and may not have a building that can be occupied in order to provide instruction to students. Consequently, school districts will not be able to fulfill their duty to provide an educational program to students.

2. Alternate Facilities Are Not A Viable Solution.

Any facility that serves as a public school must comply with federal, state and local building laws and ordinances. Consequently, leasing space, reopening a closed building or using portable classrooms are not feasible options under the circumstances.

In the examples provided above and in many other similar circumstances, school districts would need to secure instructional space for an entire school building of students

consisting of hundreds of students and not just one or two classes. And, even assuming sufficient space could be leased, the immediate accessibility necessary would be highly unlikely. More specifically, it is highly probable that the space would require remodeling or alterations that would necessitate a permit, plan review and/or inspections, which would place the school districts right back in the current dilemma which is the subject of this Petition.

Even though some school districts may still own school buildings that were closed in accordance with law by the school board, reopening those buildings to provide instructional space is also not a viable solution. In many cases when a building is closed the school district will vacate the building or use it for storage purposes. Returning students to the building and using it for instructional space would, in all likelihood, constitute a change of occupancy and use. If this is the case, certain work would undoubtedly be necessary to bring the building into compliance with the current building code before it can be used again as a school building. *See, e.g.* Minn. Stat. § 326B.106, subd. 9. Under these circumstances, it is highly unlikely that any needed construction work could be completed in time to provide instruction to students at the beginning of the school year, especially if the construction work must be contracted through the public bidding process. Beyond this, permitting, plan review and inspections would, in all likelihood, be required and require the involvement of the CCLD, which does not bring resolution to the current situation.

Finally, even if portable classrooms could be used, while highly unlikely because of the numbers of students involved, the school district would be required to install such classrooms in conformance with the building code, thereby requiring inspections which are

not being provided during the shutdown. *See* Minn. Rules 1361.0500. Therefore, portable classrooms do not provide a real solution to the imperative need for instructional space.

Consequently, even if other space were available to the school district as an alternative to the regular school building, many insurmountable obstacles are present and would not rectify the problem under the time lines school districts are now facing. Therefore, the only realistic and efficient response to the current predicament is to keep the current construction projects moving forward.

C. Relief Requested.

Although school district projects are at various points of progress, the MSBA is seeking assistance with respect to the most urgent needs of its member schools. Some school districts have construction projects that will not be used for instructional space at the beginning of the 2011-12 school year, but are in need of permitting, plan review or inspections. While those projects do not have the same urgency or needs at the present time, it is possible that should the shutdown continue for an extended period of time those projects will reach a point of urgency in light of winter construction.

The operation of school buildings is a vital component of the local school district's role in providing a general and uniform system of public schools which has been found to be a critical core function of government. The MSBA respectfully requests that the Special Master recommend that the Department of Labor and Industry, Fire Marshal and Department of Health are authorized to recall and pay wages to necessary building code, electrical, plumbing, elevator, boiler, kitchen and other required inspectors to conduct necessary inspections and provide certificates of occupancy to current critical school construction projects, where stoppage of the project during the shutdown will prohibit the school district

from providing instruction to students at the beginning of the new school year. A "critical school construction project" could be described as follows:

A "critical school construction project" has all of the following characteristics:

1. The project is a public school construction project;
2. The project involves a school facility in which instruction is provided to students;
3. The project requires inspection by state building officials in order to proceed or to be occupied; and
4. The project must be completed prior to the start of the 2011-2012 school year or the school district will not have sufficient educational space to provide instructional services to students served by the school building.

Respectfully submitted,

KNUTSON, FLYNN & DEANS, P.A.

Dated: July 15, 2011

By 
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MINNESOTA DEPARTMENT OF

*Children,
Families &
Learning*

GUIDE FOR
PLANNING
SCHOOL
CONSTRUCTION
PROJECTS IN
MINNESOTA

UPDATED
JANUARY, 2003

DIVISION OF PROGRAM
FINANCE



SECTION I. LEGAL RESPONSIBILITIES, FUNDING, PROCEDURES

The purpose of Section I is to provide summary information on the basic legal responsibilities of the State of Minnesota and school districts concerning school facilities, financing options for school construction projects, and highlight Department of Children, Families & Learning and other state, regional, and local agency procedural requirements for school construction project review. School districts and school facilities planning committees need to use this information to help understand the legal requirements and funding options for school construction project proposals.

Part 1.01 State of Minnesota and School District Responsibilities

(a) School Sites and Facilities

The State of Minnesota has the constitutional responsibility for education and the equality of opportunity for students to learn, and that includes the physical environment that school facilities provide for learning and teaching. Decisions on school construction projects in Minnesota are a state and local school district matter, and there have been and are laws, rules, codes, standards, and guidelines governing the school construction process that go back to the 1800's. Similarly, there are laws, rules, codes, standards, and guidelines governing the construction of homes and commercial buildings, health hospital and nursing home practices, food preparation in restaurants, purification of water, road improvements, and practices by doctors, lawyers, government agencies, and businesses.

Minnesota Statutes (M.S.), Chapter 123B.02, subdivisions 1-2 and 7-8 give school boards of independent school districts the authority to conduct school district business that relates to school facilities. The school district must provide school facilities for all resident students, and as authorized by voters or statute may issue bonds and levy to pay for school facilities. M.S. 475.52, subdivision (subd). 5, authorizes school districts to issue bonds for the acquisition or improvement of school facilities, including gymnasiums, athletic fields, stadiums, garages, academic instruction, physical and vocational education, and administration. A school district may acquire sites for school buildings or garages using the power of eminent domain if necessary (M.S. 123B.51, subd. 1, and 123B.74). The school district may also authorize the use or lease of school facilities for other purposes (subdivisions 2-4).

Sources:

MINNESOTA STATUTES	SUBDIVISIONS
123B.02	1-2, 7-8
123B.51	1-4
123B.74	
475.52	5

(b) Closing and Selling a School Building

M.S. 123B.51, subdivisions 5-6, authorize school districts to close a school after holding a public meeting and providing a written statement of the reasons for the closure. A school building or property may be sold, with the proceeds from the sale used to pay first, any outstanding indebtedness on the building/property, and then for other specified uses such as the cleanup of polychlorinated biphenyls, capital expenditures, or the replacement of the building/property.

Source:

MINNESOTA STATUTES	SUBDIVISIONS
123B.51	5-6

REQUIRED INSPECTIONS

As required by the State Building Code: It is the duty of the permit applicant to cause work to remain accessible and exposed for inspection purposes. It is the duty of the person doing work authorized by a permit to notify the appropriate official that such work is ready for inspection. It is the duty of the person requesting the inspection to provide access to and a means for inspection of the work.

FOOTING & FOUNDATION: Prior to pouring any concrete, all footing and/or foundation formwork, including reinforcement and miscellaneous embedments, must be inspected.

SLAB & UNDER-FLOOR: Inspections shall be made after in-slab or under-floor reinforcing steel and/or other conduits, pipes, hydronics, floor insulation, vapor barriers, etc., are in place, but before any concrete is placed.

FOUNDATION WALL(S): All foundation walls shall be inspected prior to backfilling. Required below grade insulation, drain tile and water/dampproofing shall all be installed and approved prior to backfilling.

SITE UTILITIES: All site utilities, including the water service, sanitary sewer/septic system(s), storm sewer, etc., must all be inspected and/or tested by the appropriate authority having jurisdiction prior to covering or concealment.

INSULATION/ENERGY CODE COMPLIANCE: All required exterior envelope insulation and the interior vapor barrier and the air barrier, and all required ducts, pipes and apparatuses, must all be insulated and approved prior to concealment. (Below grade foundation insulation shall also be inspected prior to backfilling or concealment.)

FIRESTOPPING: All penetrations of any fire-resistive membrane, including walls, floors, roofs, ceilings, etc., must each be inspected for proper placement and installation of the required fire-stop system. All sealing of fire-rated penetrations must be inspected and approved prior to concealment.

GYPSUM BOARD: Gypsum board & lath inspections shall be made after they have been installed but before any plastering is applied or joints and fasteners are finished. (Only required in fire-resistive or shear assemblies)

STRUCTURAL/FRAME: All framework (structural and non-structural) must be inspected and approved prior to covering. All rough-in mechanical work (i.e., plumbing, electrical, mechanical, fire suppression, etc.) must also be inspected/approved by the appropriate AHJ and at this stage of inspection.

PLUMBING, MECHANICAL, ELECTRICAL AND FIRE SPRINKLER SYSTEMS: All plumbing piping, including waste/vent and water piping must be inspected prior to concealment. All mechanical ductwork, fire dampers, flues, controls, equipment, gas, hydronic & process piping, must be inspected prior to concealment. All electrical wiring, controls and equipment must also be inspected prior to concealment. Fire sprinkler piping must be inspected prior to concealment.

SPECIAL INSPECTIONS: In accordance with the Special Inspection Requirements of the code, it may be necessary for special inspectors to be employed to inspect such things as soils, concrete strength, steel reinforcing placement, structural welding and bolting, spray-on fireproofing, structural masonry construction, smoke control systems, pilings, caissons and/or other inspections as deemed necessary by the Architect and/or Engineer of record. Work requiring special inspections may not be covered/concealed until all required inspections are complete and approved.

HEALTH DEPARTMENT: Inspections by Health Department personnel may be required for commercial kitchen installations, food and beverage establishments and other associated operations. Verify required Health Department inspections with the State Health Department.

FIRE CODE: Applicable State Fire Code regulations must be completed and approved by the Fire Marshal prior to final inspection and occupancy of the building or structure.

OTHER REQUIRED INSPECTIONS: Depending on the building and the type of equipment specified for installation, the code allows for other required inspections as deemed necessary by the DLI-CCLD. Other required inspections will be identified at the time of permitting, pre-construction meeting, or by the assigned inspector(s). Unannounced progress inspections may also be made by the assigned inspector(s).

FINAL INSPECTIONS: A final inspection will be required for all plumbing, electrical, mechanical, fire suppression, fire alarm, fire code, health and building code compliance issues. Upon successful completion and approval of all systems, a Certificate of Occupancy will be issued.



DLI's critical services provided during state shutdown

DLI can provide **only limited critical services approved by the court** during the shutdown. All other functions have been suspended.

This list includes those services that are critical to protecting the health and safety of the citizens of the state, including the following.

- Inspections where imminent danger or catastrophic situation exists for the following areas: electrical, elevator, high-pressure piping and boilers
 - Phone: (651) 284-5188
- Payment of workers' compensation benefits to employees of uninsured or bankrupt employers and approval of medical treatment
 - Phone: (651) 284-5014
- Occupational safety and health (OSHA) inspections for fatalities, imminent danger, serious injuries and high-gravity complaints
 - Phone: (651) 284-5054
- Technology support, collection and deposit of funds, and general support for critical services

This list of critical services will be carried out on a partial basis with limited staff. That means stakeholders could experience significant delays in getting responses to a non-critical question or concern.

Services not provided by DLI during shutdown

- No programmed (routine) OSHA inspections
- No OSHA safety training or workplace safety consultations
- No OSHA Safety Grants awarded to employers
- No processing of apprenticeship applications or distribution of LEAP grants
- No enforcement of minimum wage, prevailing wage or child labor laws
- No regulation or enforcement of state workers' compensation laws
- No vocational rehabilitation services provided to injured workers
- No mediation or other attempted resolution of workers' compensation disputes
- No registration or renewal of rehabilitation providers
- No data processing of workers' compensation claims filings and other data
- No collection or analysis of workplace safety data
- No licensing of various trades, including plumbers, residential building contractors, electricians and building officials
- No permits or requests for inspections processed
- No routine electrical inspections (unless authority already delegated to local government unit)
- No routine plumbing, elevator, boiler or high-pressure-piping inspections (unless authority already delegated to local government)
- No state electrical safety inspections for carnivals, circuses, fairs and festivals
- No plan review or approval of construction plans of state or licensed facilities and no construction inspections of such facilities where there is no delegation agreement with a local authority
- No construction plan reviews or approvals for plumbing systems where there is no delegation agreement with a local authority
- No processing of Contractor Recovery Fund applications
- No regulation of manufactured housing and prefabricated buildings, including no plan reviews and specifications of prefabricated buildings
- No telephone, email or other means of general assistance to stakeholders

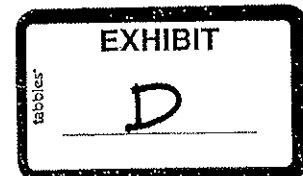
For more information, please monitor www.BeReadyMN.com for announcements regarding the shutdown.



Minnesota Department of Labor and Industry
443 Lafayette Road N., St. Paul, MN 55155 {directions/maps}
Phone: (651) 284-5005 or 1-800-DIAL-DLI (1-800-342-5354); TTY: (651) 297-4198
Send comments and questions to Communications at dli.communications@state.mn.us.

**PUBLIC SCHOOL CONSTRUCTION PROJECTS
AFFECTED BY STATE SHUTDOWN**

Inspections Affected					
School District	Building	Electrical	Plumbing	Boiler	Other
Yellow Medicine East	x	x			x
Centennial		x			
St. James	x	x	x		
Stewartville			x	x	
Fairmont	x	x			x
Wadena-Deer Creek	x	x	x		x
St. Peter		x			
Elk River		x			
St. Cloud	x	x			
Stillwater	x				
Milaca			x		
Kasson-Mantorville	x	x	x		
Tri-County Schools	x	x	x	x	x
Anoka-Hennepin	x	x	x		
St. Louis County	x	x	x		
Windom Schools	x	x		x	
Bemidji School District #31	x		x		x
Rocori School District	x	x	x	x	
Central School District #108		x			
Osseo Area Schools	x	x	x	x	x
Randolph Schools	x	x	x		
Intermediate School District 287		x			
Hastings School District		x	x		
Robbinsdale Area Schools	x	x	x		
Fertile-Beltrami School District	x				
Mahtomedi School District #832	x	x	x		
Howard Lake-Waverly School	x				
Little Falls School District	x	x	x	x	
Montgomery-Lonsdale Schools		x			
Braham	x	x			
Eden Prairie		x			





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July 15, 2011

Knutson, Flynn & Deans
Attention: Michelle Kinney
1155 Centre Pointe Drive, Suite 10
Mendota Heights, MN 55120

RE: St. Louis County Schools – Site Status

Dear Ms. Kinney:

Here is information relating to the scheduling of the current construction projects for ISD 2192 and the inspection needs for each project.

South Ridge Scheduling:

This school is scheduled to accept students on September 6, 2011. However, the school cannot be occupied without the following inspections:

- ✓ The educational wings cannot be completed without electrical inspections. The contactors cannot put ceiling pads in place or start equipment for check out until this happens.
- ✓ The plumbing and water supply systems, including the water tower installation and piping, cannot be approved for use without mechanical inspections.
- ✓ The Department of Health must inspect the kitchen before it can be used.
- ✓ The State Fire Marshall must sign off on all life safety systems.
- ✓ The State Building Inspector must issue a Certificate of Occupancy.

North Woods Scheduling:

Work was scheduled to start on the elementary wing of this project last Wednesday. Without inspections, this work cannot proceed substantially. This week, we reduced the number of workers on site from 70 to 10. Interior walls are erected and floors are poured in the secondary wing. The precast walls for the gym and tech areas are being installed and will be finished next week. The site contractor is doing finished grading in the field areas. The state inspectors are needed for the following:

- ✓ The State Building Inspector needs to sign off on the footing/foundation inspections, block walls and bearing wall installation inspections.
- ✓ The State Mechanical Inspector must inspect the underground plumbing and in-wall plumbing.
- ✓ The Electrical Inspector must inspect underground conduit runs and rough in for walls.



Tower/Soudan Scheduling:

Tower is a remodel scheduled to open by September 6, 2011. Due to the lack of inspections, we are unable to close walls, pour floors, cover up plumbing and electrical, or dig footings and foundations for exterior work in the elementary school wing. The state inspectors are needed for the following:

- ✓ State Building Inspector must conduct building inspections and issue the Certificate of Occupancy.
- ✓ The State Plumbing Inspector must inspect and approve the plumbing and mechanical systems.
- ✓ The State Electrical Inspector must sign off on the electrical systems.
- ✓ The State Fire Marshall must sign off on all life safety systems.

Cherry Scheduling:

At Cherry, rain in late June and early July prevented the footing/foundations from being dug and poured prior to the inspectors leaving. We have an area open to the elements that requires the State Building Inspector to approve wall installation of two load bearing walls before the installation of structural steel and roof decking and before the exterior wall may be completed.

- ✓ The State Building Inspector must approve the above-mentioned footing/foundations, exterior room sign off, water tower and pump house sign off, and issue the Certificate of Occupancy.
- ✓ The State Plumbing Inspector must approve the water and septic system and the water tower and pump house.
- ✓ The State Electrical Inspector must sign off on the new electrical system.
- ✓ The kitchen must be inspected by the Department of Health.
- ✓ The State Fire Marshall must sign off on all life safety systems.

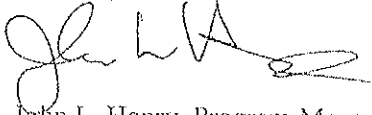
Northeast Range Inspections:

Northeast Range is also a remodel, but involves lighter construction than the other projections. The major issue here is a new entry way on the front of the school that we cannot start without state inspections. We also have a major electrical changeover that will take place in mid-August. We are moving forward on all work that can be completed without any type of inspection. We are also finishing plumbing and electrical work, but leaving it exposed until inspectors can get their visual. Some work in the gymnasium and auditorium cannot proceed without building inspectors signoff.

- ✓ The State Building Inspector must approve footing/foundations and issue the certificate of occupancy.
- ✓ The State Plumbing Inspector must inspect and approve the plumbing and mechanical systems.
- ✓ The State Electrical Inspector must sign off on the electrical conversion and electrical system.
- ✓ The State Fire Marshall must sign off on all life safety systems.

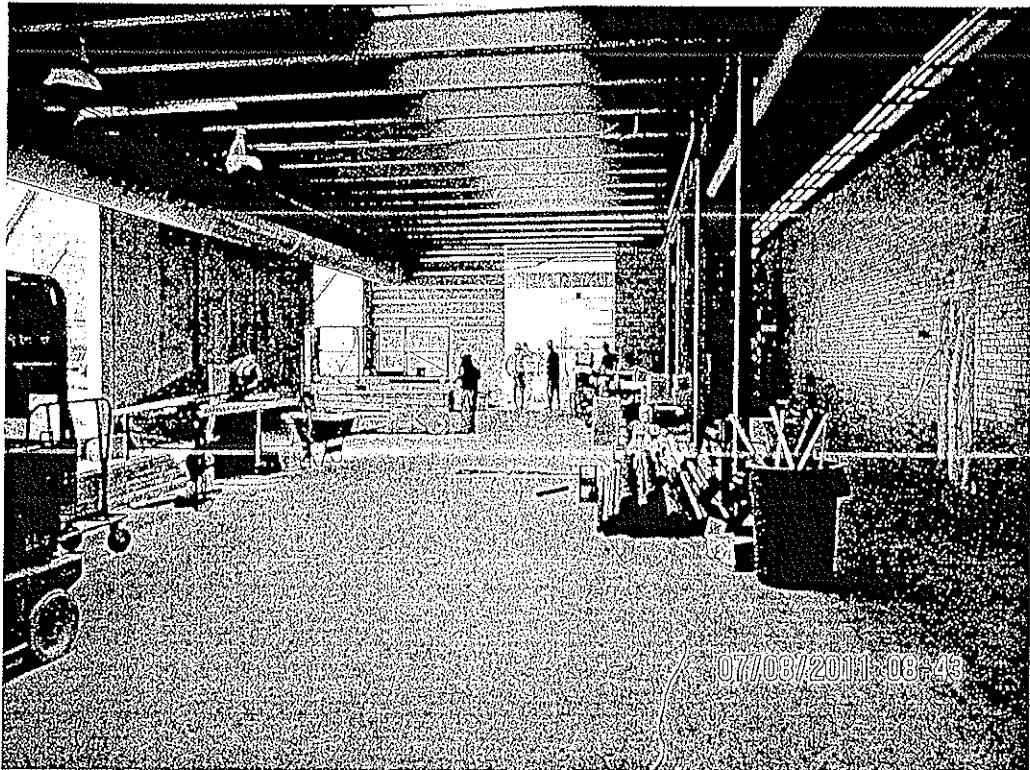
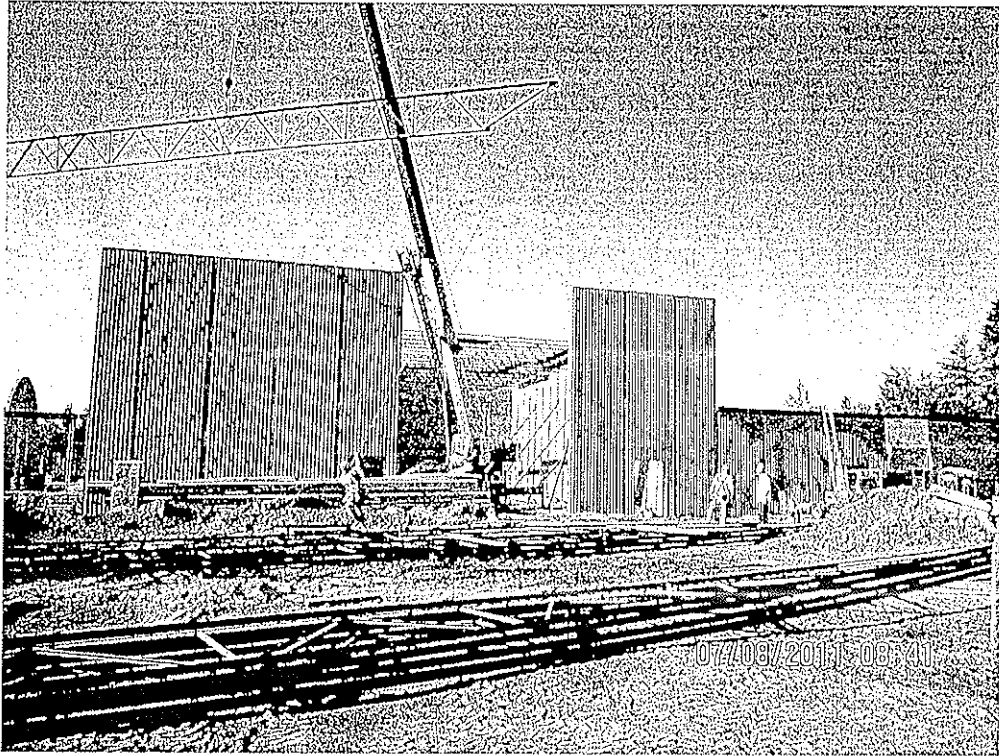
Please note that these summaries are our current rough estimation of a changing situation. We may encounter additional unforeseen difficulties should the government shutdown continue. JCI reserves all of its rights under the terms of its contract with the District for any delay.

Sincerely,

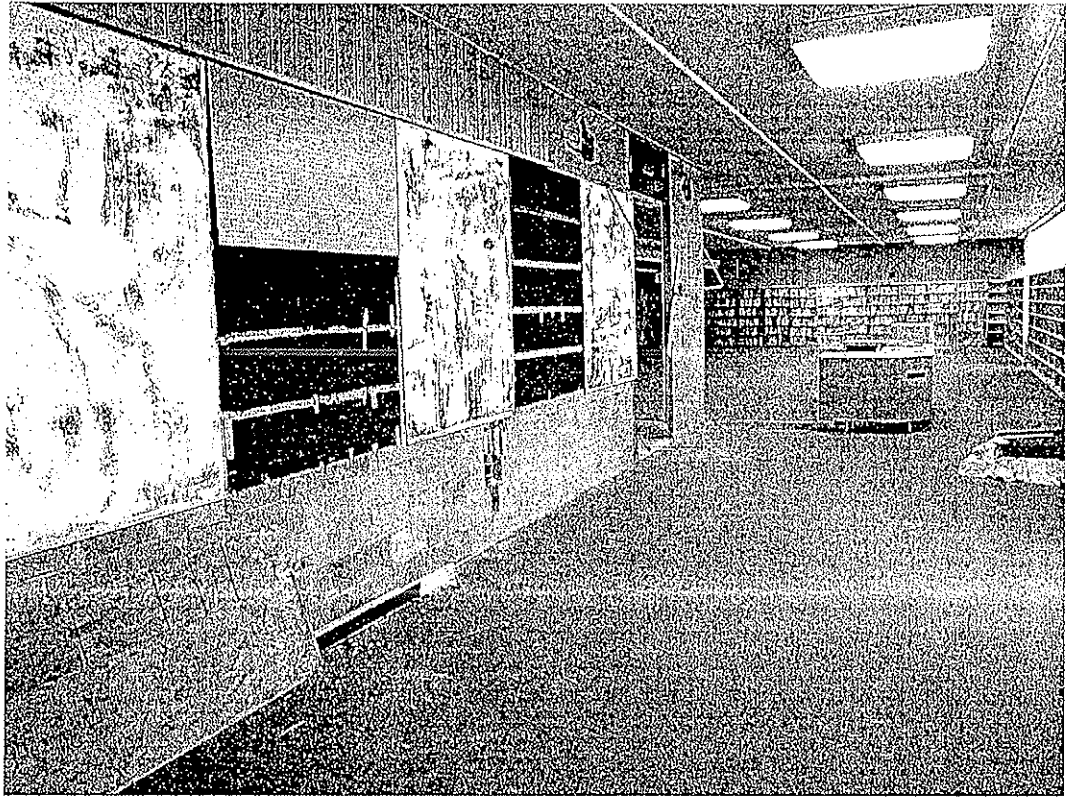
A handwritten signature in black ink, appearing to read "John L. Henry". The signature is fluid and cursive, with the first name "John" being the most prominent.

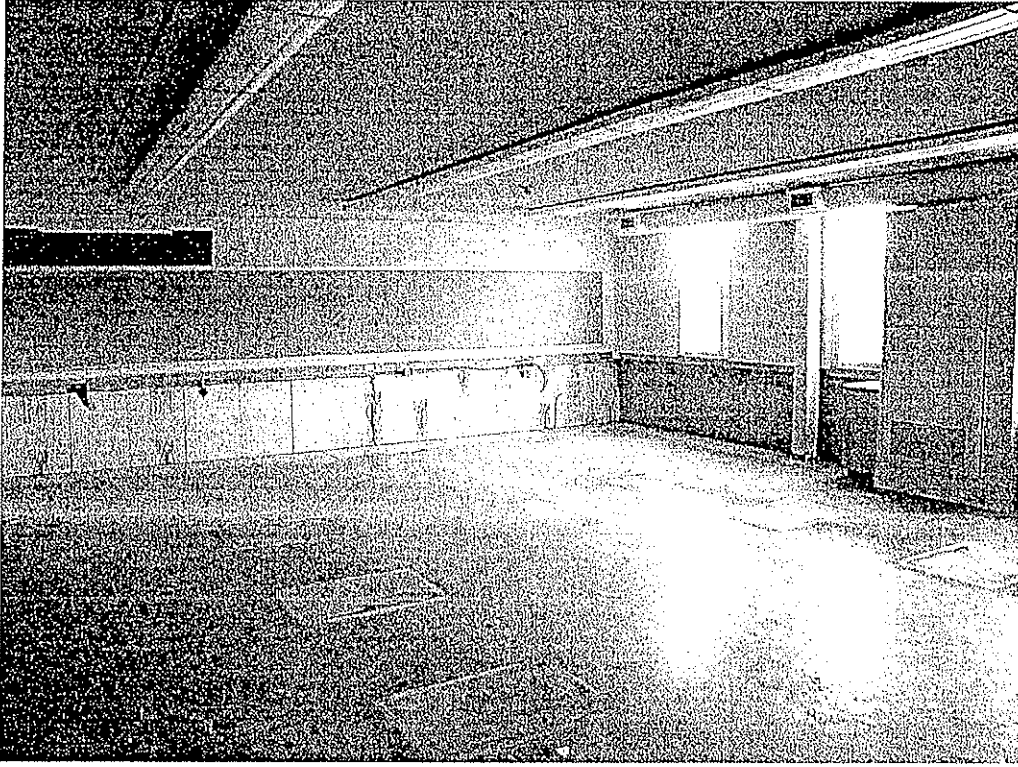
John L. Henry, Program Manager
Johnson Controls, Inc

Cherry School
Gymnasium and Forum Area

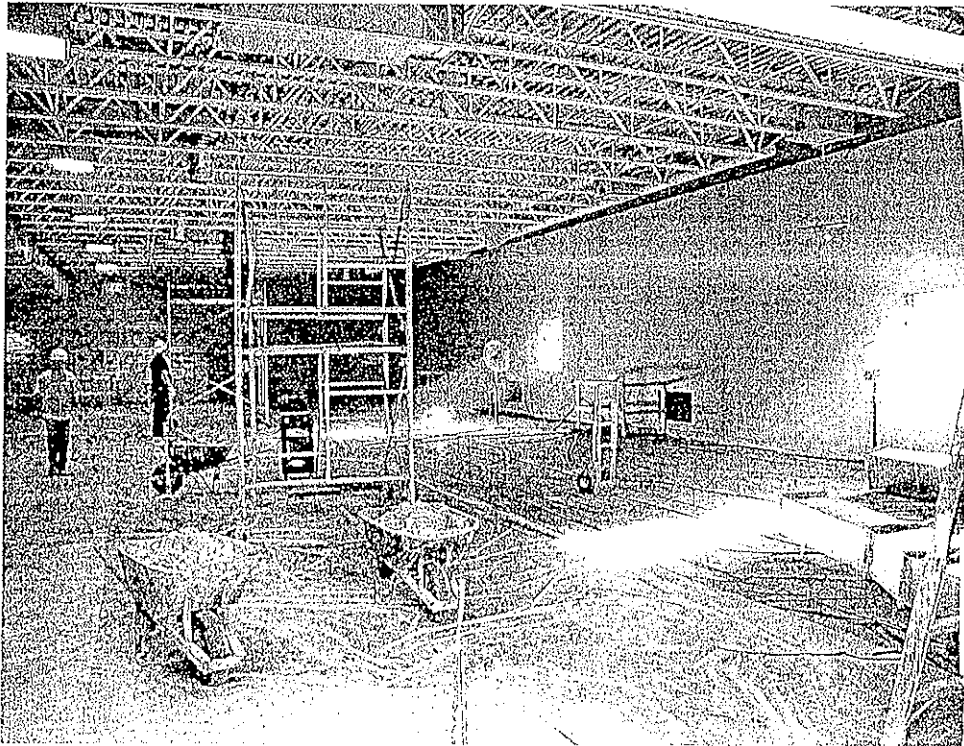
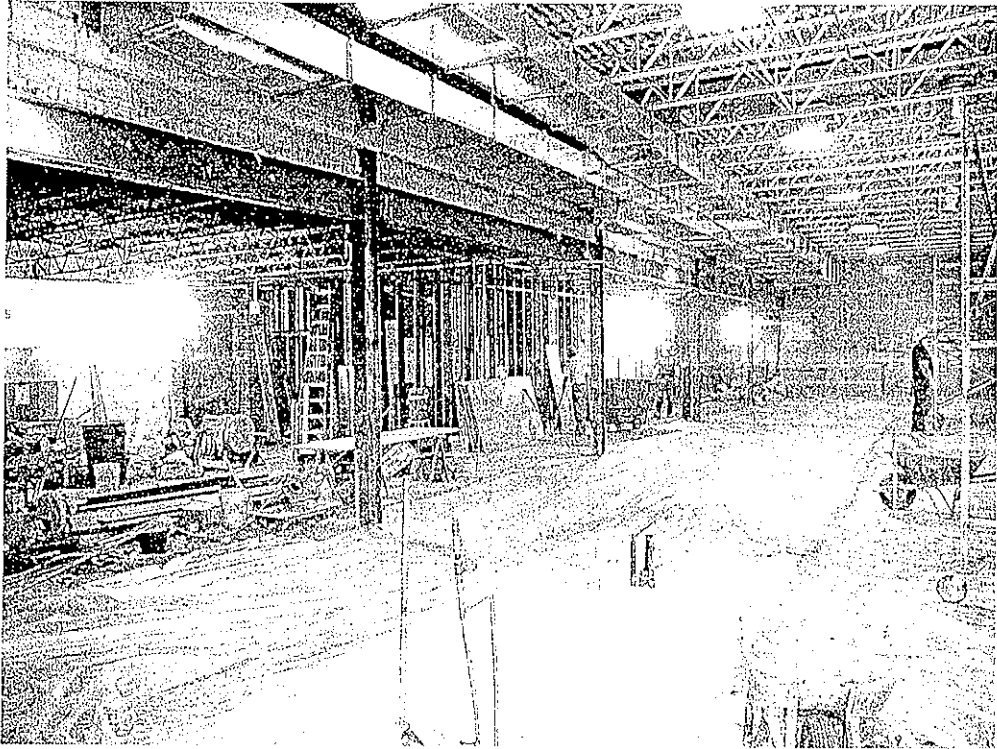


Northeast Range School
Library and Classroom





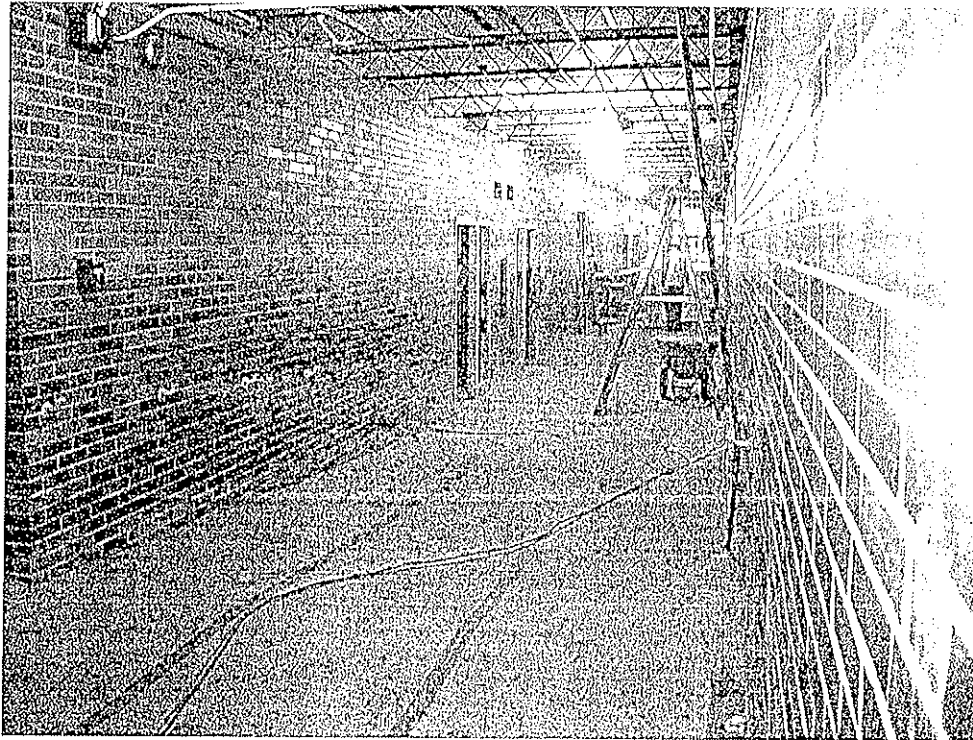
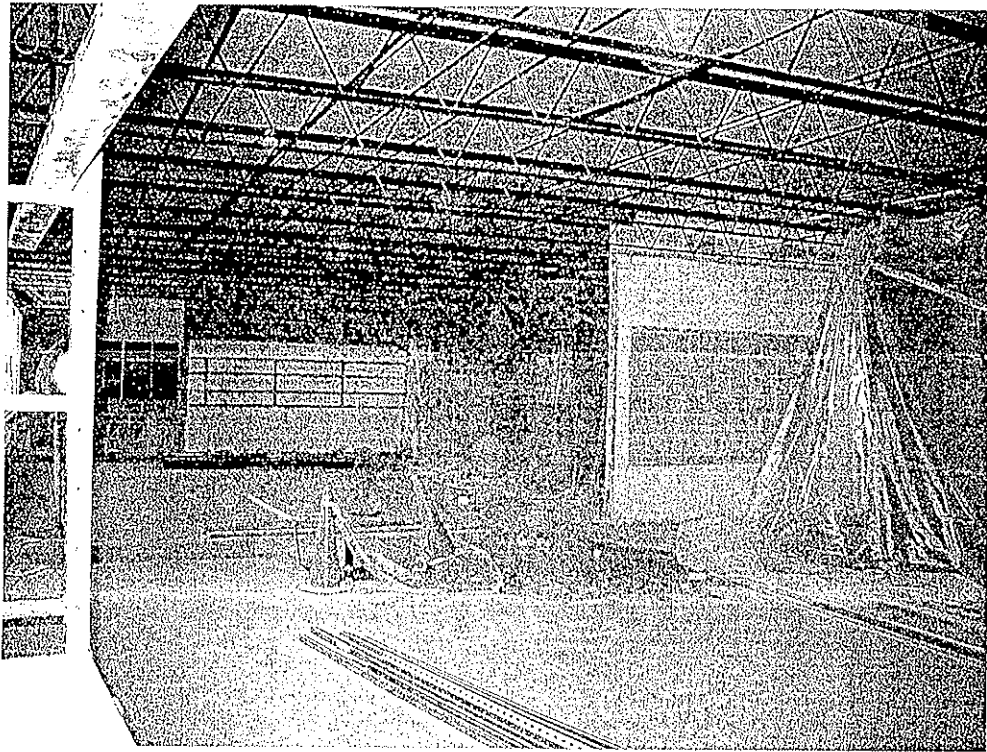
Tower/Soudan School
Old Pool Area

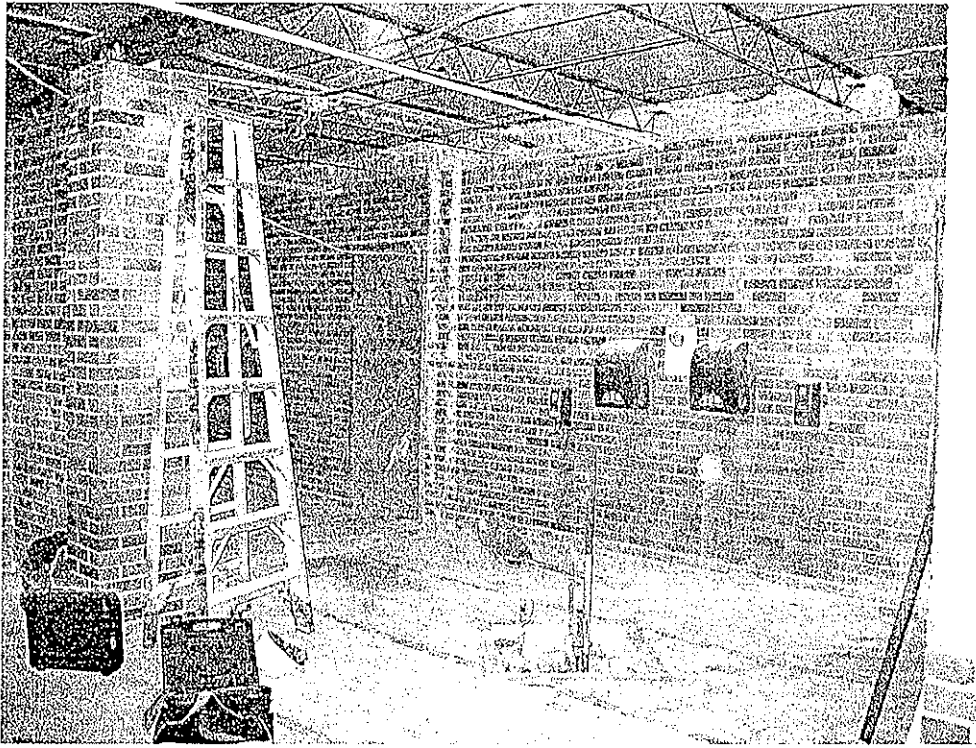


Northport Elementary
Interior Three Classrooms

Interior Corridor
Student Bathroom Area
Exterior Mechanical Equipment Penthouse

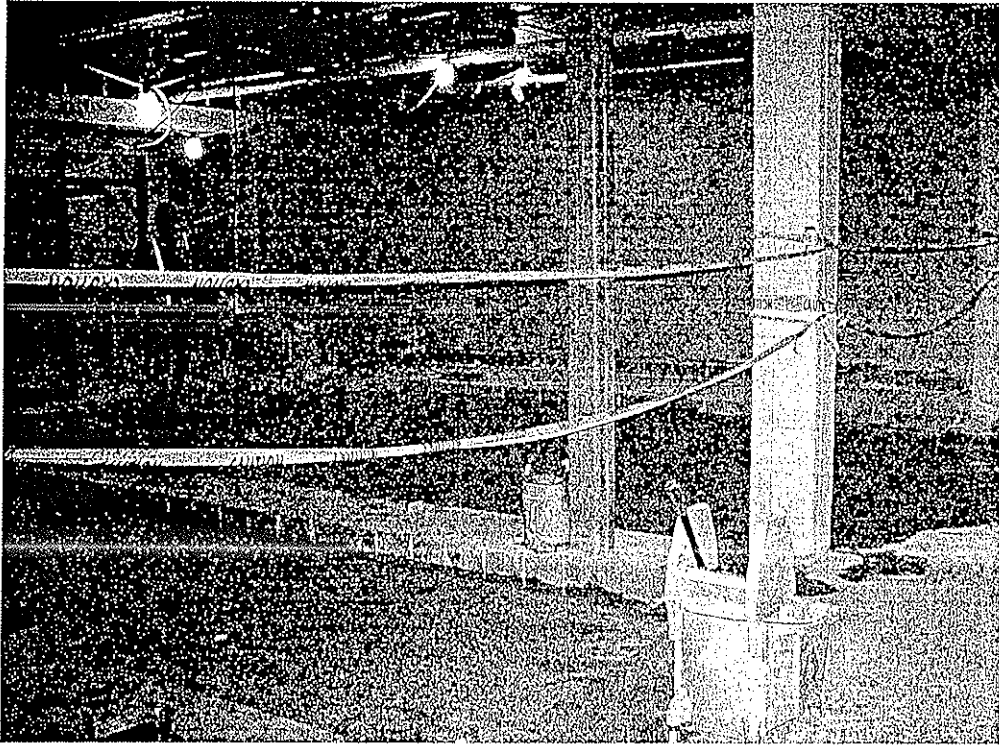


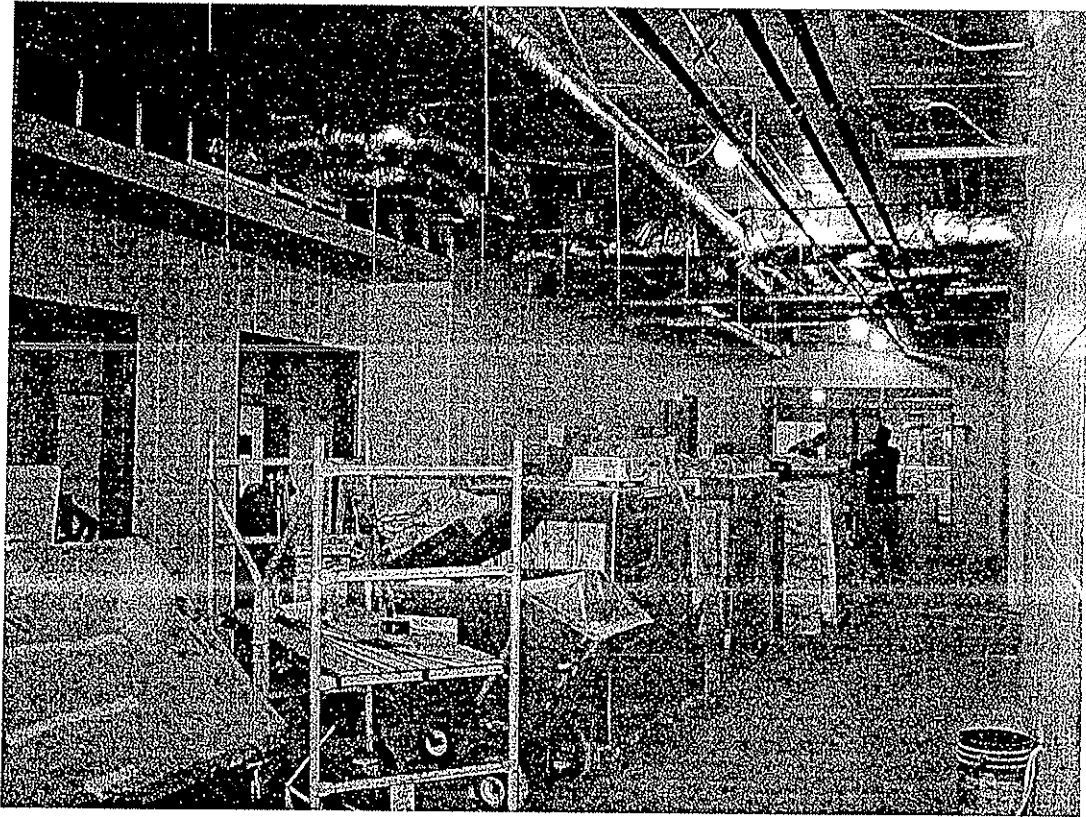




Hastings Middle School







McAuliffe Elementary

