

MN school sued for being tardy on \$43 million referendum

By Tom Steward / November 14, 2014 / 2 Comments



By Tom Steward | Watchdog Minnesota Bureau

GAYLORD, Minn. — Usually students get in trouble for being late to school. In Sibley East Public School District, however, administrators could face consequences for allegedly being tardy in notifying taxpayers of a contentious \$43-million bond referendum that could be overturned, as a result.

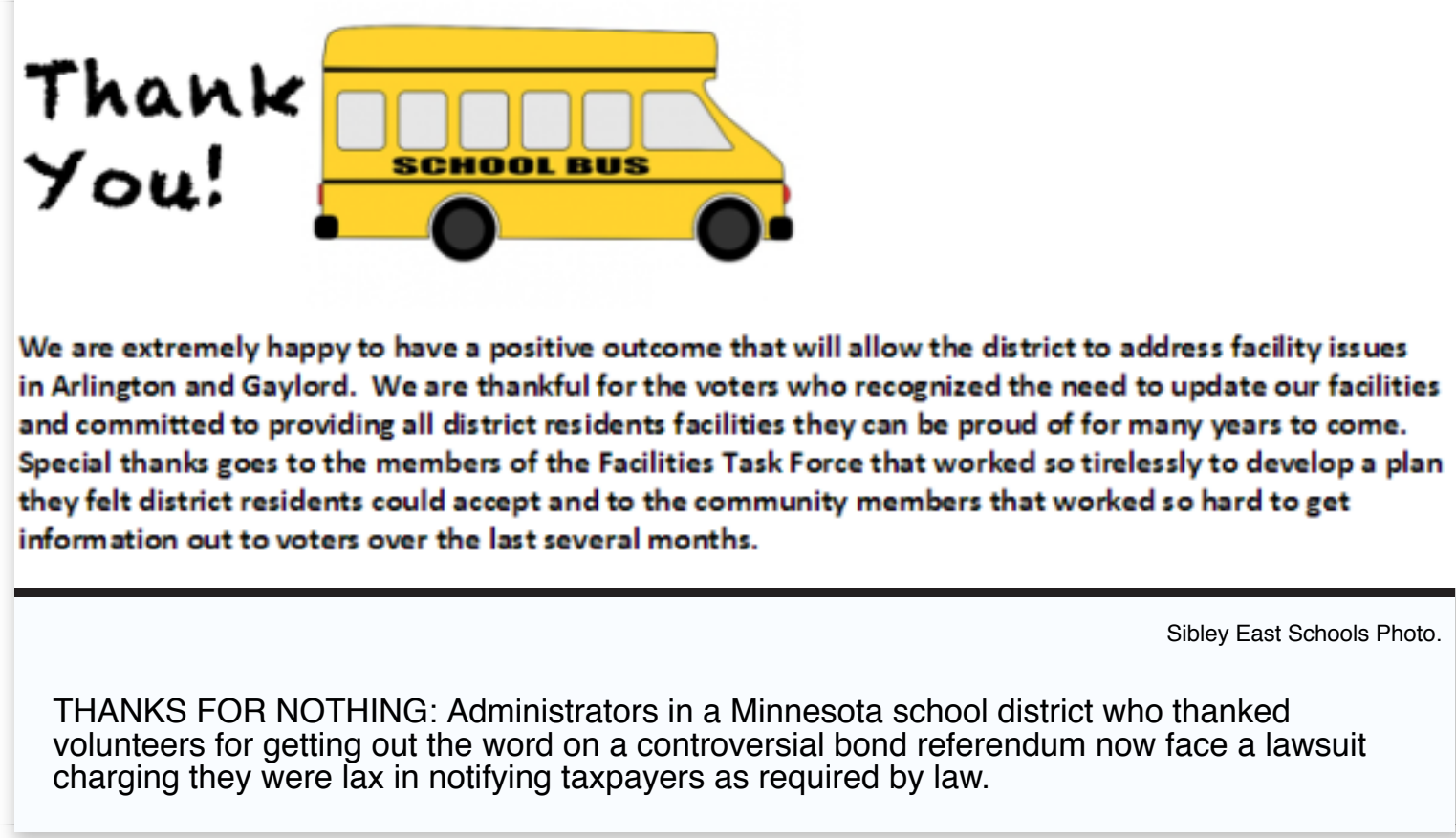
A group of local taxpayers on Thursday filed a lawsuit in Sibley County District Court claiming school officials flunked key [state requirements](#) for informing the public in a timely manner before voting on ballot questions.

“The state Legislature, when it passed the statutes governing bond ballot elections, placed specific deadlines to give notice to the voters well before the election for a reason,” said Erick Kaardal, an attorney representing local taxpayers. “It gives the voters an opportunity to question and explore the rationale for the bonding request, especially, in instances like here, where \$43 million in bonding money is sought.”

A group of 30 or so opponents raised \$16,000 this week to mount a legal challenge. The group includes several farmers facing thousands of dollars in property tax increases as a result of the referendum.

“It would cost me about \$1,500 per year, and the bond referendum is for 25 years. So it’s quite substantial,” said Nathan Kranz, a plaintiff and farmer who raises chickens in rural Gaylord. “It was no problem coming up with the funding (to file the lawsuit). We had a meeting here last night and there’s a lot of anger out there.”

After residents rejected a 2011 referendum in the south central Minnesota district, the controversial proposal to build a new elementary school in Gaylord and upgrade school buildings in Arlington squeaked through by 96 votes on Nov. 4.



The [district’s website](#) thanks “community members that worked so hard to get information out to voters over the last several months.” In July, Sibley East schools sent a one-page letter to households throughout the district promoting the referendum. Administrators estimated a property tax increase of \$167 per \$100,000 of value.

“It is our belief that the School District complied with the law,” Jim Amsden, Sibley East Public Schools superintendent, said in an email. “At the present time, we are not going to comment on the litigation until our lawyers have had an opportunity to analyze the contest.”

Opponents claim the district published legal notice of the election in local newspapers 12 days before the election, rather at least 14 days, as required by law.

“My big fear was that we screwed up,” said Kurt Menk, editor of the Arlington Enterprise, one of four legal newspapers of record within school district boundaries. “But we looked and we did everything the way they (school administrators) sent it over.”

Moreover, the lawsuit contends, educators missed the legal deadline to publish a summary of the state education commissioner’s findings on the referendum in local newspapers, 20 to 60 days before the election.

A 33-word statement printed more than a week after the Oct. 15 deadline did not mention the words “bond referendum” or “election” and failed to meet state standards that require districts to provide voters adequate information, according to court documents.

“Based on the department’s analysis of the school district’s required documentation and other pertinent information from sources of the Minnesota Department of Education, the Commissioner of Education provides a positive review and comment,” said a statement printed in the Arlington paper.

“If the election wasn’t close, maybe these things wouldn’t matter,” said Kaardal. “But in a close election, everything matters. So it has to be thrown out, because it was a close election, and all these differences cast doubt on the result.”

The Minnesota Department of Education sent a five-page review of the Sibley East Public School District referendum to district offices on Sept. 4 with a reminder of the required legal notification.

“The district shall publish a summary of the review and comment statement (final page) in the legal newspaper of the district at least 20 days, but not more than 60 days, prior to holding a referendum for bonds or soliciting any bids for the construction, expansion, or remodeling of an educational facility.”



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Tom Steward

Tom Steward covers government waste, spending and policy issues in his home state of Minnesota. Also a documentary filmmaker and in-depth broadcast journalist, Tom's work has appeared on NPR, Animal Planet, WCCO-TV, WGBH-TV, PBS, Australian Broadcasting Corporation, KSTP-TV, CBC, among other outlets. Highlights include the fall of the Berlin Wall, a Peabody Award, the first footage in the wild of the endangered Sumatran tiger and rhino and countless individuals who shared their stories, big and small. Steward served as a communications strategist in the U.S. Senate before returning to reporting on issues and people often overlooked by other media.

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The issue is meeting the statute deadlines, and wording. The Sibley East District received the 5 page instructions on September 4th. Not only were they late, they couldn't even follow the directions.

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