

**Ames Public Library Board of Trustees
Meeting Minutes
January 21, 2010**

The Ames Public Library (APL) Board of Trustees met in regular session on Thursday, January 21, 2010, in the Library's Community Room with Bradley, Budd, Campbell, Lockett, Schill, Stow, and Warnick in attendance. Seagrave participated by speaker phone. Meier was excused. Library Director Weeks and Assistant Director Carey were also present.

Call to Order: Board Vice President Lockett called the meeting to order at 7:00 p.m.

Adoption of Agenda: The agenda was approved by consent.

Approval of Minutes: The minutes of the meeting of December 10, 2009, were approved by consent.

Vote on Motion: 7-0. Motion approved unanimously.

Public Forum: None.

Consent Agenda: Campbell moved and Bradley seconded adoption of a resolution approving the consent agenda.

1) Claims report: December 1, 2009 – December 31, 2009

2) Gifts

- a) From Anonymous \$10.00
- b) From Jenny Davis..... \$10.00
- c) From Marsha and David Hegland..... \$100.00
- d) From Mary Lohr three books
- e) From Alan Maximuk..... \$25.00
- f) From Roberta Twedt..... \$50.00
- g) From John and Elizabeth Verhoeven \$100.00
- h) From Corinne Faelz for Project Smyles..... \$5.00
- i) From Steven Ourada for Project Smyles \$600.00
- j) From John and Grace Schafer \$100.00
- k) From Denis and Sue Ann Schaefer \$40.00
- l) From Linn and Ann Wilbur \$50.00
- m) From Worldly Goods for Project Smyles..... \$266.00
- n) In memory of Shirley Christian from the Gourmet I Division
of the ISU Women's Club \$20.00
- o) In memory of Helen Diehl
from Mary Buchanan \$10.00
from Rosemary Diehl..... \$150.00
from Sue Diehl..... \$100.00
from Carolyn and Peter Errington \$100.00
from Thomas and Elizabeth Gardner..... \$100.00
from Candace Havely \$20.00
from Al and Norma Sandvick..... \$30.00
- p) In memory of Patricia Francis from Colleen Francis \$25.00
- q) In memory of Annie Franke

- from Will Franke one book
- from Jane Roules Jacobson \$50.00
- r) In memory of Jo Hicks from the Fortnightly Book Club \$42.00
- s) In memory of Patrick Kain, M.D., from Tom and Ruth Bernatz \$10.00
- t) In memory of Anne Martin
 - from M. Burton Drexler \$50.00
 - from Ellen Holm \$25.00
 - from Rita and Norman Riis \$50.00
 - from Diane and Gary Wiggins..... \$20.00

Vote on Motion: 7-0. Motion approved unanimously.

Luckett suggested that the first item under New Business be addressed at this time. There was no objection.

New Business:

Section 106 Review Presentation

Steve Osguthorpe, Director of the City of Ames Planning and Housing Department, introduced Jack Porter, Preservation Architect, and Ralph Christian, Historian, both of the State Historical Society of Iowa.

Mr. Christian spoke about regulations in Section 106 of the National Historic Preservation Act of 1966, which applies to projects that are considered to be federal undertakings. Those are defined as projects, activities or programs that are: funded by a federal agency; carried out by or on behalf of a federal agency; carried out with federal financial assistance; or require a federal permit, license or approval. Mr. Christian said that all types of historic properties must be considered and the purpose is not to ensure preservation of all historic properties, it is to ensure that preservation is considered as a part of the planning process and balanced with other public interests (such as cost or accessibility for the handicapped).

Mr. Christian stated that a variety of participants may be consulted during the process: state or tribal historic preservation offices, local governments, applicants, and additional parties with a “demonstrated interest,” such as the public, a Main Street district, or local Historic Preservation Commission. The anticipated effects of a proposed project are reviewed to determine whether they might alter any characteristics that would qualify a property for the National Register or have an impact any nearby historic properties. Both direct effects (such as alternation of a building or disturbance of the ground) and indirect effects (visual or audible) are considered. Mr. Christian said the commission’s comments should include written documentation about the review findings, including concerns about the scope of the project, concerns about other properties, and the effects on historic properties. He said the State Historic Preservation Office (SHPO) is allowed a 30-day comment period.

Throughout the local comment and review process, Mr. Christian recommended that the interested parties discuss concerns about the project and consider alternatives that would avoid, minimize, or mitigate any adverse effects on historical properties. All the while, they should take care to balance historic preservation with other public interests. He said forms and further information on historic preservation review and compliance could be found on several websites, including www.iowahistory.org (created by the State Historical Society).

Mr. Porter said that in order to be considered historic, a structure has to be at least 50 years old and have architectural significance, archeological significance, or association with a key person or event. He said that a building does not have to be listed on the National Register to meet the test for a 106 Review, but if it is older than 50 years, the building is determined to be listing-eligible through a survey.

The 106 Process is the means established by the federal government for talking about the historic resource and for bringing to the surface what alternatives there are to an adverse effect on it. Mr. Porter said his role is to help evaluate the historic features, such as windows, room height, or volume of interior spaces, which establish the historic integrity of the building. He can also provide technical assistance on the rehabilitation of historic resources, helping the applicant work through the guidelines offered by the Secretary of the Interior or helping consider how to make a building energy efficient, for example, without destroying its historical aspect.

Asked who is responsible for initiating a Section 106 Review, Mr. Christian stated that a federal agency involved in any activity that disturbs the ground or buildings should look into it. This does not include federal funding for social programs, such as Meals on Wheels.

The library's architect, Jeff Scherer, said that the Ames Public Library has been declared eligible for listing on the National Register, but inquired if a Section 106 Review had to take place if no federal dollars were involved in a project. Mr. Christian said no; the SHPO would be happy to review the project and offer recommendations, but federal funding is what triggers Section 106. He added that, in some cases, a local ordinance can cause the SHPO to get involved.

Mr. Scherer stated that some previous alterations to the Ames Public Library were done without any review, such as removal of the original front door and replacement of the ceiling in the Community Room. He asked if there were a process for determining what would have to be re-done, since those changes were made in the past. Mr. Christian said there was no requirement to replace the original things; the SHPO only reviews what is being proposed.

Mr. Scherer then asked if the gentlemen could talk about the building exterior and interior. Mr. Porter said that for the 106 Process they are essentially the same, but in the National Register process, the exterior of the building or the historic association of the structure is important and the interior isn't. Mr. Christian agreed that the exterior is most noteworthy for the Register and said there are also state rules that have to do with the exteriors.

Scherer wondered if it were correct to suppose that a new building being constructed next to this historic building would not be subject to review, aside from the fact that it might be in an historic district. Mr. Porter said that if the new building had a federal grant, the state would review the new building, but the review would have to do with how the new building would affect the old building -- to make sure the new one would not detract from or overwhelm the old one.

Mr. Scherer inquired what would happen if there turned out to be a difference of opinion about the language in the regulations or if there were disagreement about the aesthetics. Mr. Christian said they would try to talk it through. He added that sometimes there can be a failure to agree, and then it comes down to the funding agency's decision. A federal agency can fund something even if there is disagreement. Mr. Porter also said that if there are multiple federal agencies, it is helpful to have one of them take the lead.

Mr. Scherer mentioned a recent addition to the Morgan Library in New York, which had three historic library buildings built over a period of 45 years. He said that the scale of the addition is compatible, but it is an entirely modern building, built primarily of glass and painted steel –

totally different than the other structures. At the time it was proposed, some people felt it was inappropriate, but it is now cited by the National Historic Trust of one of the best examples of how to blend by basically being neutral. Mr. Scherer said he would like to understand how the process works here and how the SHPO makes decisions before the Library Board invests time and money in proceeding.

Mr. Porter said the design evaluation process is so building-specific that the issue is almost impossible to address. Mr. Scherer asked if it would be possible to have a working session with all the interested parties so that the design could be narrowed down to a starting point from which there would be more likelihood of reaching consensus. Mr. Porter stated that it is not unusual to have a conceptual meeting with the design architect and the applicant where they talk about what works and doesn't work – a sort of table-top review. When asked about whether the Advisory Council relies on the State Historic Preservation Office's reports, Mr. Christian said that it does to some extent, but the Advisory Council's real concern is if there is an adverse effect, and it rarely steps into a private discussion.

Mr. Scherer asked if a change in use would be considered an adverse effect. Mr. Porter replied that the only time a use could be considered adverse would be if the historic building had to be adapted for the new use – if a warehouse required the addition of new windows in order to be rehabilitated into apartments, for example. The SHPO review is not on the use; it is on the project's effect on the historic building or resource. Mr. Christian again said that the Iowa staff also tends to focus on the present; they do not look to reconstruct something to a previous time.

Mr. Scherer said that the outside wall of the library's 1940 addition has been altered in many ways: some things have been ripped off, some windows have been filled in, some cornices have been taken off. He asked what should be done if the wall were exposed, given the fact that it is not visible and not in its original state – should it should continue to be covered or should he try to reveal fragments, for example?

Mr. Porter said that Scherer could probably go either way. One of the standards is that one does not conjecture about what the building might have looked like or salvage a piece from another old building, even if it's from the same era, but in this case, part of the building is there, the openings are there, and there may be photos or drawings of the original wall.

Trustee Lockett asked if any of the parties had veto power during negotiations or if it were simply a matter of them accommodating one another. Mr. Christian stated that the funding agency has a say over its grant. Also, if any federal money is involved, the criteria are the same as if federal government were paying for the whole project.

Mr. Lockett further inquired about balancing historic preservation against other public interests, including cost. Mr. Porter stated that restoration (taking a structure back to a point in time using authentic materials) is not required, but rehabilitation (taking an historic resource and adapting it to a new use using modern materials) is very common. He said stripping everything and putting in new materials is not appropriate preservation practice. The state wants to preserve as much historic fabric as is reasonable and possible, but the resource doesn't have to be rebuilt exactly as it originally was. Fiberglass or copper can be used to replicate the original look of a cornice, for example.

Mr. Lockett also asked about the balance between preserving the old library structure and providing library services that meet the needs of today's public. Mr. Porter said they would try to reach that balance as the project developed.

Library Director Weeks asked when the provisions of Section 106 would set in, if an opportunity for federal funding were identified. Mr. Christian said that the State Historical Preservation Office should be consulted as the federal funding is being sought. He felt that that indicating the library was aware of Section 106 and it had actively consulted the state would actually strengthen an application. He also emphasized that Section 106 applies only to federal funding for work that involves ground disturbances or construction of buildings, not to federal funds obtained for acquisition of library materials or programming.

Mr. Weeks asked whether some sort of pre-106 Review should take place. Mr. Christian said the library could consult with the SHPO, but should not try to start the 106 Process before funds were awarded. He said the Office is available to consult on design issues at no charge.

Weeks wondered if the federal agency would be responsible for having the 106 Review done, if the library found it could get a small energy grant or some federal stimulus money during the course of the project. Mr. Christian replied that the agency would most likely require it of the library. Mr. Porter added that it would be beneficial for the library to be able to show it had already consulted with the SHPO, if it had.

Weeks suggested that consultation with the SHPO might help the library make a decision about whether it would be financially advantageous to apply for the grant or just go ahead without federal funding and avoid a 106 Review. Mr. Porter said the state could review and comment before an application were made for federal funding.

Mr. Lockett asked how much the process would delay the building. Mr. Porter said there are specific timelines built in to the process. Mr. Christian said that the SHPO is allowed a 30-day comment period. The Office gets a lot of projects done in 10 days, but demolitions are slower going and questionable things that raise red flags can cause delays.

Architect Scherer asked the SHPO representatives if they would be open to allowing the library to be responsible by reviewing and consulting with them about what would have been done if there had been 106 Review, even if no federal funding were involved, so it could show that it did what should have been done and so it could set a good example about doing the right thing. Mr. Scherer said his feeling is that it is better to have a community conversation, anyway. Mr. Porter said that would be possible; they have participated by invitation at that type of public meeting in the past.

Mr. Osguthorpe stated that the Ames Historic Preservation Commission submitted an application and was advised that the Ames Public Library is eligible for listing on the National Register. He asked if the gentlemen could address the impact of being listed. Mr. Christian said there are no restrictions, per se, by being listed on the National Register. Section 106 is triggered by federal funding if a property is eligible, whether or not it is listed. The positive aspect of being eligible is that the library might qualify for State of Iowa grants for rehabilitation, community cultural grants, or other historic preservation grants. Mr. Porter added that the National Trust for Historic Preservation offers some grants that may be restricted to National Register-listed resources and they might assist with architectural services or an historic structures report.

Mr. Scherer said it was his understanding that the Library Board was the owner of the library and wondered about the provision that allows an owner to object to National Register listing. Mr. Christian replied that an objection that would block listing would have to come from a private or religious institution, not from a public entity.

Mr. Scherer then asked how far he could expect the Area of Potential Effect to extend. Mr. Christian said the SHPO would look to the library perimeter. If excavation were involved, there could be concern about vibrations affecting adjacent buildings, so they might be included in the Area of Potential Effect. If the library were in an historic district, the impacts on that district would need to be discussed.

Steve Osguthorpe stated that if the library were to construct a new building across the street from City Hall, the impact on that building could be taken into account, since City Hall is listed on the National Register. Mr. Porter said the agency or the applicant is the party that determines the Area of Potential Effect and the State Historic Preservation Office will comment.

Recess: 8:35 p.m.

Reconvene: 8:40 p.m.

Financial Reports: Budd noted that five line items appeared to be overspent already and asked about the budget amendments for this fiscal year. Weeks explained that this report shows the originally-adopted budget for FY 2009/10. The City Council is currently involved in the budget process and will approve the amendments, along with the initial requests for FY2010/11, in early March. The council-approved adjustments should appear in the library's April reports.

The financial reports were received as submitted.

Communications: None.

Administrative Staff Report: Library Director Weeks pointed out that he and Ms. Carey had recently visited with the Board of Directors of the Ames Historical Society to see if that organization would be interested in some sort of partnership or possible tenancy in the historic section of the library building. He said the step was taken because the Historical Society is an organization that would be compatible with the library and the two parties are already associated by ordinance. At this point, the Historical Society's officers have expressed an interest in continuing the dialog; however, they already have a long-range plan that would have to be changed. Weeks pointed out that it would be the responsibility of the City and the Library Board to work out any negotiations, but he felt it could be an important factor in the discussion with the City Council on February 16.

Trustee Campbell stated that he had been on the Ames Historical Society Website, where he found a reference to an Ames Museum. Weeks said the Historical Society had already asked about putting its historical items in the library's catalog, which would be a great benefit to the Society and the public; he believes that the possibility of being able to operate out of an historical building also holds appeal.

Seagrave and Lockett both expressed appreciation for the administrative outreach.

APL Friends Liaisons' Report: Budd stated that the Friends worked on a bylaws revision this month. On February 1, they will hold a joint meeting with the APL Foundation, during which the two groups will discuss a merger. There is an open position on the Friends' board, which they hope to fill soon.

APL Foundation Liaisons' Report: Stow said the Foundation had met the previous week. They discussed their fundraising campaigns and recruitment of new directors. Carey said that the end-of-year campaign had been successful: the Foundation raised \$12,000 and had only

\$1,000 in expenses. Stow stated that the board would be losing two members and is trying to recruit three new individuals in order to expand.

Policy Review:

Internet Use Policy: Moved by Budd, seconded by Warnick, to adopt a resolution approving the Internet Use Policy as presented/amended.

Carey explained that each time this policy comes up, it becomes less necessary to include an explanation of what the Internet is. Budd asked why the guidelines for parents were removed; he felt they were very good. Carey stated that staff would like to delete verbiage that is extraneous to policy. Instead, they are proposing to prepare double-sided bookmarks – one version for parents and another for kids -- on how to use the Internet responsibly, and to post that information on line. Carey said staff also suggests adding language to address the issues of privacy, confidentiality, and freedom of access.

Luckett suggested that the second sentence on page two, starting with “It is illegal to use the library’s computers to...” did not need to refer to child pornography and could simply stop after the word “laws.” Carey said that staff gets a lot of questions about pornography and obscenity, so the committee felt this would make this issue clear to people. Stow pointed out that neither should the wording limit illegal behavior to activities related to child pornography. It was agreed that the sentence should be changed to state: “It is illegal to use the library’s computers to access, view, print, distribute, display, send, or receive images or graphics of material that violates state and federal laws, including child pornography.”

Campbell asked about the references to filtering software on page one, and inquired whether the library was engaged in filtering. Carey said that the library’s policy has been to not filter, and this policy would continue the practice of always offering unfiltered computers; however, it would now allow staff to filter, if it were necessary to help deal with behavior problems, for example.

Trustee Warnick asked if the phrase “filtering software has technical limitations” had been included as a disclaimer to say that the APL is not responsible if the filtering doesn’t work as expected. Carey said that was exactly the case; the library does not want to give people any false sense of security, in part, because new websites appear every day and it is hard to avoid all the issues, but also because the software cannot always match an individual’s subjective judgment on what should be filtered. The library wants to encourage parents to work with their own children on responsible Internet use.

Vote on Motion to adopt the Internet Use Policy as amended: 7-0. Motion passed unanimously.

ALA Guidance Documents: Moved by Stow, seconded by Warnick, to adopt a resolution adopting the current versions of the following ALA Guidance Documents: *Guidelines and Considerations for Developing a Public Library Internet Use Policy*; *Access to Digital Information, Services, and Networks*; and *Statement on Library Use of Filtering Software*.

Weeks explained that the ALA Guidance Documents are found at the back of the APL Policy manual. Some of them relate to the overall mission of the library, but the three documents under review this month are specifically related to the Internet Use Policy. Weeks added that they are official statements from the American Library Association, so the Trustees may not change them -- they may either adopt them or remove them from the APL policy manual, if they take exception to them.

Weeks stated that the *Statement on Library Use of Filtering Software* was done prior to passage of the Child Internet Protection Act (CIPA). That act stated that if agencies were going to use federal funds or the “e-rate,” they had to filter for those under the age of 17. The APL does not receive federal funds or use the e-rate for the Internet, and it was a purposeful decision of the Library Board, since that would have imposed filtering. He said that the ALA has not changed its statement since the CIPA passed.

Vote on Motion: 7-0. Motion passed unanimously.

Unfinished Business: None

New Business (resumed):

Implementation of Changes to the Library Ordinance: Moved by Stow, seconded by Schill, to adopt a resolution recommending the implementation of changes to the library ordinance to the Office of Mayor as proposed by the City Attorney or as amended.

Warnick asked if someone could be appointed for a partial term if a trustee were to resign before his/her term was complete. Weeks said yes, and that the new appointee could fill the unfinished term and still be eligible to serve two complete terms. The new ordinance also allows for appointment after a break in service. He noted that re-appointment is optional in all cases – a citizen may not care to accept a second term or the Mayor may not choose to offer it.

Vote on Motion as proposed: 7-0. Motion passed unanimously.

APL Foundation 2010 Annual Campaign: Moved by Warnick, seconded by Budd, to adopt a resolution that the 2010 Annual Campaign emphasize the need for support for Project Smyles, but also offer donors the option of contributing to the endowment, collection, or general operational funds for purposes to be determined by the library board.

Luckett said he finds Project Smyles to be one of the library’s premier endeavors and Seagrave inquired why Project Smyles gets no other support. Carey stated that Project Smyles was initially a pilot project that received money from the bequest fund; it has been hugely successful, but there was never a guarantee that it would be part of the operational budget. She added that this resolution would serve to give it a high priority, since the Library Board directs the operations of the library and the expenditure of funds raised by the Foundation. Seagrave recommended that the library consider “regularizing” Project Smyles. Staff suggested that such a move could be part of a strategic plan.

Stow offered a friendly amendment to the resolution, indicating that that he would like donors to have an option for designating contributions to the building fund. The friendly amendment was accepted and the resolution was reworded.

Vote to adopt a resolution that the 2010 Annual Campaign emphasize the need for support for Project Smyles, but also offer donors the option of contributing to the endowments, building fund, collection, or general operational funds, for purposes to be determined by the Library Board: 7-0.

Motion passed unanimously.

Trustee Comments:

Seagrave – none.

Schill – none.

Bradley said she appreciated having the information presented by the State Historical Society.

Campbell agreed that the presentation was very informative and complimented Jeff Scherer for doing an outstanding job of representing the library during the discussion.

Stow – none.

Warnick – none.

Budd said he was glad to be back; he missed everyone and thanked them for all their well wishes during his convalescence.

Luckett said he was also pleased about the evening's presentation and asked staff to send a letter of appreciation on behalf of the Board.

Adjournment: The meeting adjourned at 9:27 p.m.

The next regular meeting will be Thursday, February 18, 2010, at 7:00 p.m.