

**Ames Public Library Board of Trustees  
Meeting Minutes  
November 17, 2011**

The Ames Public Library (APL) Board of Trustees met in regular session on Thursday, November 17, 2011, in the Council Chambers of City Hall, 515 Clark Avenue, with Bradley, Budd, Luckett, Meier, Rawlins, and Stow in attendance. Campbell and Manus arrived later. Schill was excused. Library Director Art Weeks and Assistant Director Lynne Carey, City of Ames Attorney Doug Marek and Purchasing Agent Karen Server were also present.

**Call to Order:** Board President Luckett called the meeting to order at 5:00 p.m. Luckett explained the need to meet early and be finished by 6:30 p.m.

**Adoption of Agenda:** Moved by Bradley seconded by Budd, to approve the agenda. Vote on Motion: 5-0. Motion approved unanimously.

**Approval of Minutes:** Moved by Stow, seconded by Meier, to approve the minutes of the meeting of October 20, 2011.

**Vote on Motion:** 5-0. Motion approved unanimously.

**Public Forum:** None.

**Consent Agenda:** Rawlins moved and Budd seconded adoption of a resolution approving the consent agenda:

- 1) Gifts
- 2) Claims Report 10/1/11 – 10/31/11
- 3) Financial Reports

**Vote on Motion:** 5-0. Motion approved unanimously.

**Administrative Staff Report:** Weeks expressed gratification for the voting results, a show of support for the library renewal project.

**Ames Public Library Friends Foundation (APLFF) Report:** Stow said the APLFF board met two days after the bond vote and celebrated the successful outcome. Other APLFF business included:

- Finalizing plans for one-day Holiday Book Sale on December 10,
- Marking the conclusion of the Hodge Group contract by approving the final payment, and
- Planning a campaign solicitation to go out in late November.

**Library Building Project Update:** Weeks referred to the library renewal project estimated timelines handout and explained that items in boldface require Board approval. Weeks said the construction contract terms will be dependent on whether the Board chooses a general contractor (GC) or a construction management firm (CM). The timeline calls for the Board to make that determination in December and to consider the architect's contract at their January 2012 meeting.

Weeks introduced City Attorney Doug Marek & City Purchasing Agent Karen Server to provide the Board with information needed to make an informed decision. Marek gave an overview of the legal parameters of a large public improvement project.

- The construction contracts must be publicly let in a sealed bid format.

- Iowa requires public building construction projects be design-bid-construct rather than design-build.
- With the GC model, there is one contract. The GC hires subcontractors but is ultimately responsible for meeting construction specifications.
- With the CM model, the CM lets separate contracts (each bid separately) for various parts of construction and has no overall responsibility; instead, the CM is an agent of the owner.

Marek said the formal bid process begins after the architect has the specification documents complete. Luckett asked if the City is required to take lowest bid on the library project. Marek said that the City is required to take lowest bid that meets the specifications, and that is why the specification documents need to be as precise as possible.

Marek explained the role of the Board and the role of the Ames City Council in the contract process as, "Contracting is two-step process for which the Board and the Council maintain a shared responsibility." For example, in Phase 1 the Board selected the architect then the Council entered the City of Ames into the contract with the architect. (By law, the Board can only enter into contracts with other library agencies.)

Budd asked if the construction bids come to the City of Ames office. Marek said the City's Purchasing Division receives the bids. Budd asked if they also review the bids. Marek said that Purchasing will work with Legal to review the bids, and that the Board would be provided with their analysis.

Manus joined the meeting at 5:20 p.m.

Weeks said that if the Board chooses to use a GC, he recommends hiring an owner's representative (rep) to attend weekly construction meetings. This hiring would add to the project cost.

Weeks said a CM is an onsite representative who serves as an owner's rep, working between the architect and subcontractors. Marek said all subcontractors would be separate bids. The Des Moines and Marshalltown library projects were built under the CM model. Marek said the CM cannot use their staff to do any construction, as that would constitute a conflict of interest. Weeks said the CM also does administrative work.

Weeks said it is impossible to know the comparative costs of either option at this point. He said the Board's decision should be based on risks of cost and proper management of construction, and should focus on making sure the project comes in on time and under budget.

Meier asked Marek whether the City usually uses a GC or a CM. Marek said a GC and an owner's rep were used for the Furman Aquatic Center. The Mary Greeley Medical Center expansion project is using a CM, but the City usually uses the GC model.

Campbell joined the meeting at 5:31 p.m.

Meier asked Server whether Iowa State University prefers a GC or a CM. Server said the choice was dependent on the size and complexity of the project.

Stow asked if an owner's rep and a GC are the same. Marek said no, their liability is different, and the owner's rep is a hired expert. Stow asked if there are really three options: GC, CM, and

GC with an owner's rep. Marek said yes, and the architectural firm might offer a local firm to serve as the CM. Weeks said MS&R has TSP (Marshalltown) in their employ, and that they would be the architect's agent at the construction site.

Stow asked Marek to rank the options. Marek said that eliminating the markup on the subcontractors might result in savings that can be used to pay the CM. Marek said there is no opportunity to save money with a GC. Server said that the CM is paid a percentage of construction costs.

Luckett asked for clarification about which option holds the most legal risk. Marek said that the architectural firm designs and (with staff) puts together bid specifications, so they hold some responsibility; a GC is ultimately responsible for the work of their subcontractors; with a CM, responsibility lies with many contractors. Luckett asked about the difference between the GC & the owner's rep. Marek said the GC is responsible for complying with the standards set forth in the contract, but the owner's rep just observes and reports.

Marek said the City can set up performance bonds, ways to address what happens if subcontractors don't get paid, and ways to address ambiguity in the contract specifications that would result in a change order. Luckett asked who handles problems. Marek said the City Attorney's office would handle this type of problem.

Meier asked for a clarification about the Iowa code disallowing the design-build model. Marek said the design-bid-build is what Iowa allows in this case; design-build is gaining popularity with private construction projects. Manus asked about the point of contact when the designer and the builder are in the same firm. Marek said the owner is ultimately responsible. Manus said we must take into account the scope and complexity of the project.

Stow asked if one model is better for historical renovations. Marek said there is no preference. Weeks said the CM comes into the project during the design phase (earlier than a GC).

Luckett formed a committee of Budd, Meier, and Manus to study the three options and make a recommendation for the Board at the December meeting. Stow asked if Marek could legally make a recommendation; Marek said he can but has none at this time. Marek and Server said they are available to answer questions if needed.

Weeks thanked Server and Marek for their help. Marek said the Board's December decision would go to City Council at their subsequent meeting. Marek and Server left the meeting at 5:54 p.m.

**Policy Review:**  
Donations Policy

**Moved by Stow, seconded by Meier, to adopt a resolution approving revisions to the Donations Policy as presented/amended.**

Weeks highlighted the changes suggested by the City Attorney. Rawlins asked for clarification on assigning monetary value.

**Vote on Motion as presented: 7-0. Motion approved unanimously.**

Investments Policy

**Moved by Campbell, seconded by Bradley, to adopt a resolution approving the Investments Policy as presented/amended.**

Weeks said the board is required to review policies on regular basis. The policy says the money resides in the City account and the Board lets the City Treasurer invest it. Luckett asked if the Board can do anything else with the money. Weeks said Iowa Code restricts what can be done with City money. Stow said community members should understand that APLFF money can be invested without those restrictions.

**Vote on Motion as presented: 7-0. Motion approved unanimously.**

**New Business:**

FY 2011/12 Budget Adjustments and FY 2012/13 Requests

**Moved by Manus, seconded by Stow, to adopt a resolution approving the FY 2011/12 Budget Adjustments and FY 2012/13 Requests as presented/amended.**

Weeks said adjustments and requests are part of the budget process. The City supplies salary, benefits, and City services amounts. Weeks reduced discretionary items such as supplies, travel/conferences, structural maintenance and repairs. If the Board approves the budget, it goes to Productive Review of Budget Entries (PROBE). After adjustments are made, it goes to the City Manager, then to the City Council.

Luckett asked if the turnover of collection items will be reduced or if fewer books will be ordered. Weeks said only collection reduction was due to the purchase of a Kindle out of another budget line.

Budd asked if there are e-book circulation limits. Weeks said some titles have limits, some disappear after a two-week window, and some are limited to one active download at a time. Weeks said that how the library handles devices will be an issue in the future as we ensure people have access to literature and information without creating a financial burden to the patron. Luckett asked if Weeks knows of any examples of libraries that loan out Kindles. Weeks said yes, but did not know the specifics of their experiences with regard to quantity, wear and tear in circulation, and how to recoup losses.

Luckett said the library rented video cameras at one point. Weeks asked Carey to comment. Carey said the library lent out a huge, complex video camera, but people weren't very successful in using it and the staff was not confident it was okay when it was returned. She did not recall if it was rented. Luckett suggested there would be a market for renting for multiple books. Campbell said there is a question of ownership. Carey said these devices are proprietary, and that libraries lending them are ignoring that.

Meier asked if there would be a reduction in book purchases as we near moving out of library building. Weeks said he might look at e-books at that point, but could not acquire e-books at a volume that meets demand and that acquiring in multiple formats will be a stress on the budget for years to come.

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

Designation of Funds from FY 2011/12 Memorandum of Understanding (MOU) with the Ames Public Library Friends Foundation (APLFF)

**Moved by Meier, seconded by Campbell, to adopt a resolution approving the designation of funds from FY 2011/12 Memorandum of Understanding with the Ames Public Library Friends Foundation as presented/amended.**

Weeks asked Carey to comment on funding for programs. Lockett asked why the collection supplement is an exact number. Carey explained the amount reflects the remainder of the Memorandum of Understanding funds.

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

**Trustee Comments:**

Bradley said she appreciated the City Attorney and Purchasing Agent for coming and sharing their expertise. She offered congratulations to the citizens of Ames for passing the library bond.

Budd said he served with library staff at kiosks at public events and found them to be very courteous and knowledgeable, which he said was related to the success of the bond issue.

Lockett also congratulated the director and assistant director for making sure staff were prepared.

Rawlins thanked the committee members for their efforts and mentioned the numerous signs in support of the library.

Stow thanked the public for going out and voting on a miserable rainy day, thanked the committee for an outstanding job and the community members for coming together in their support of the library.

Meier echoed Stow's comments and thanked the volunteers.

Campbell acknowledged the leadership of Weeks and Carey.

Manus echoed them and congratulated Weeks and Carey. She said, "The future doesn't just happen, you have to create it." Manus said there are exciting times ahead.

**Adjournment: Lockett declared the meeting adjourned at 6:27 p.m.**

The next regular meeting will be on Thursday, December 15, 2011, at 7:00 p.m., in the Council Chambers of City Hall, 515 Clark Avenue.

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Jill Anderson, Principal Clerk

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Sherry Meier, Secretary of the Board