

**Elk Rapids District Library  
Building Committee Meeting  
March 31, 2021**

**Report**

The meeting was called to order at 4:00 pm by Chair Dick Hults. This meeting was held on Zoom.

Present: Committee members Dick Hults, Chuck Schuler, Liz Atkinson and Library Director Nannette Miller. Also present: 6 members of the public.

Discussion and questions:

- Hults clarified that whether or not the village can legally give us any control of the project because of the Island House Ordinance and the deed restrictions is not our issue to solve, but we will need a legal opinion from our attorney before proceeding.
- 4.A. The term of the lease must be clarified. We have a 40 year lease now, and 35 doesn't seem long enough to justify a 5+ million dollar investment in the property.
- 9.A. In the draft lease, all maintenance of the interior and exterior of the building, plus all maintenance of the grounds including mowing, snowplowing, etc. has been transferred to the tenant. The notation says "Revised per summary of changes from discussion with Library Board". Miller questioned when that discussion took place, noted we do not do all of that now, and questioned why we would want to.

At this point the meeting was disrupted by what appeared to be hackers and had to be shut down. It was rescheduled for Monday, April 12 at 4:00 pm at the Government Center.

The Building Committee met on Monday, April 12, 2021 at 4:00 pm at the Government Center to continue reviewing the draft lease as provided by the village.

Present: Dick Hults, Liz Atkinson, Chuck Schuler, Library Director Nannette Miller, and 5 members of the public.

Discussion and Questions:

- 9.A. (continued). The question is should the village be responsible for the repair and maintenance of the building as they are now, or should the library take on responsibility for the entire building inside and out. Maintenance of the grounds and parking lot are not in question according to a comment made by Jim Janisse, even though it says we are responsible in this draft. A final agreement must clearly spell out who is responsible for what. Is it standard for the tenant to be

responsible for maintenance and repair of the interior and the landlord to be responsible for the exterior of a leased building?

- 10.E. We want a tenant/landlord relationship, not a partnership. The first sentence is the issue. It does not give any control of the project to the library. It says the village will supervise the design and construction. Jim Janisse said from the audience that is how they follow their ordinance regarding the Island House. He also said the village would choose and approve the construction manager. This is in line with the ordinance and deed.
- 10.F. Should the word “exclusive” be in that sentence?
- 13.C. We need clarification of this clause.
- 14.A. Why do we need a subletting section? Committee feels it should be eliminated. Janisse wondered what the harm is in leaving it in. Hults questioned the last sentence saying the subtenant must comply with the village ordinance and deed.
- 15.A. Have questions about the length of time stated.
- 16.B. Removed, why?
- 17.A. Question why all of the sample penalty calculations are included. Hults wants an escape clause saying if for any reason the library does not move forward with improving the Island House we are not obligated or held to any portion of the draft agreement.
- 19.A. Why was equitably apportioned changed to all compensation goes to the Landlord in the event of condemnation?
- 20.A. and 21.A. Questions about insurance. Can the library insure a building they don't own? Who will carry the insurance on the structure? This is a question for Michigan Municipal League.
- 33. Why is there anything about library records and the Library Privacy Act in this document?

Having no further questions from the committee, it was opened for public comment. Jim Janisse commented something about Nannette bringing it forward and it was all going sideways and now it seems to be back on track. He did not come to the microphone so it was difficult to hear and understand what he said.

Note: Jim Janisse and Karen Simpson commented throughout the meeting but did not use the microphone, so not all of their comments are represented.

Meeting adjourned at 5:10 pm.