

MINUTES
SPECIAL PUBLIC BUILDING COMMISSION
THURSDAY, DECEMBER 1, 2011, 1:00 P.M.
CONFERENCE ROOM 113
COUNTY CITY BUILDING

PRESENT: Linda Wilson, Larry Hudkins, Jonathan Cook, Jane Raybould, Eugene Carroll

OTHERS PRESENT: Don Killeen, Rod Confer, Mike Lee, Rick Hoppe, Diane Gonzolas, Dan Nolte, Al Laukaitis, Mark Allensworth, Colby Mach, Robert Allensworth, and Jeanne Sayers

The meeting of the Public Building Commission was called to order by Chairperson Larry Hudkins and the location of the Nebraska Open Meetings Act was announced.

There is no item on the agenda of Public Comment, but due to presence of several citizens, it is agreeable with the Members to include public comments at this particular meeting. It is asked that comments be limited to five (5) minutes.

Don Killeen, Building Administrator, spoke of the discussions initiated between Jim Linderholm, Business Development Manager of Benesch and Company and the Public Building Commission regarding the possible purchase and lease back of the property. Benesch Company Corporate policy does not own their corporate office facilities. Through negotiations, the Public Building Commission would acquire the property for \$1,770,000, below appraised value, and lease back to Benesch Company on a triple net basis for five years with an additional two, one year options.

Rod Confer, City Attorney, explained that the property would remain on the tax rolls through completion of the lease. He also explained that purchase of the property would be placed on the agendas of the County Board and City Council, each which would result in public hearings prior to any approval of purchase.

Public Comment:

Colby Mach, LIBA - His comments related to transparency of information regarding today's meeting as to the need for purchasing the property. There was no posting on the Public Building Commission web site, there was no mass e-mail to citizens nor media.

Diane Gonzolas, Citizen Information Center Manager - She telephoned the producer of the Drive Time Lincoln radio show at 5:30 p.m. on Wednesday evening to announce that there would be public hearings regarding the proposal. This information was not repeated on that radio program by 6:00 p.m., Wednesday, November 30, 2011.

Mark Allensworth - His comments related to the City property formerly known as Experion which will have much free space as will the Jail in the near future. Questioned the tax dollars paid by Benesch and Company and fearful that a precedent is being sent by a company who does not want to own their building and to possibly relocate employees.

Rick Hoppe, Mayor's Office Chief of Staff - Explained that the Experion Building was partially being lease by Lincoln Public Schools and plans following are to consolidate City agencies which will put miscellaneous city properties back on tax rolls.

There were no further public comments.

Jane Raybould submitted for the record two e-mails she received from former City Council Members regarding emergency meeting public notice, ability to notify every resident of the county, transparency promises, comparison shopping to be fair to all property owners, and questioning the process in this purchase.

Rod Confer, City Attorney explained that today's meeting was a special meeting which by Open Meetings Act required only 24 hours notice which was delivered Tuesday, November 29, 2011, before 8:00 a.m. He also explained the difference between an Emergency, which today's meeting has been called by many of the public and does not require any notice, and a Special meeting, which requires notice. The Open Meetings Act also states that meetings involving real-estate purchases are held within Executive Sessions for the purpose of protecting the citizens tax dollars.

There will be public hearings at a County Board Meeting as well as at a City Council Meeting.

Cook moved to recommend to the County Board and the City Council to approve the purchase of the 825 'J' Street property with the negotiated lease back to Benesch and Company on a triple net basis. Raybould seconded the motion which passed unanimously

With no further business, Carroll moved to adjourn the meeting which was seconded by Wilson. The vote carried unanimously.