

PRE-COUNCIL MINUTES
August 28, 2006, 4:30 p.m.
RE: Fire Trucks

The City Council met on Monday, August 28, 2006, at 4:30 p.m. in Room 113 of the City County Building regarding the fire truck issue. Council members present: Chair Patte Newman, Jon Camp, Robin Eschliman, Dan Marvin, Annette McRoy and Ken Svoboda (Jonathan Cook not present). Others present: Steve Huggenberger, Vince Mejer, Dana Roper, Don Taute, Don Herz, Mayor Seng, Rick Hoppe, Mark Bowen, and media.

Patte Newman opened the meeting by announcing the posting of the open meetings law on the door to the room. Steve Huggenberger, Assistant City Attorney; Vince Mejer, City Purchasing Agent; and Dana Roper, City Attorney, introduced themselves. Huggenberger began by going over some of the things covered in the news conference last week. After the City met with EDM to go over the City's report that identified 52 deficiencies in the fire trucks, EDM's responses to the City's report were divided into six categories. A document showing the breakdown of those six categories was handed out to the Council. Huggenberger said that this same document had been handed out to the media last week. Huggenberger then addressed each category listed in that document (the summary document is attached to these minutes).

In addition to the information provided in the summary document, Huggenberger went on to relate that during the meeting, EDM took the position that they had complied with all the specs. The City did not agree with that position and sometime after that meeting that the City was approached by E-One who suggested trying to reach a resolution on some of the major items. At that point, conversations with E-One began and an agreement was ultimately reached with E-One to remedy all of the major items. The resolution to each one of those items is listed on the attachment to the summary document (attached to these minutes). Huggenberger identified three major items as the crossmembers, the frames, and the axles and then addressed the agreed upon resolution of each of those three items.

Huggenberger reported that the last two trucks were delivered to the City last Wednesday after E-One representatives flew into Lincoln and met all day with EDM at their shop. He said he feels the City will be in litigation over this issue and he questioned how much could be discussed outside of an executive session.

Newman suggested that since time had been allotted for an open meeting, when a question is asked that would be better discussed in executive session that the Council be advised and they will move into executive session at that time. She then opened the meeting for questions.

There were a number of questions from Council members. The questions involved the contract performance bond, the calculation of potential liquidated damages, the delivery of the remaining two fire trucks, the counting of particular crossmembers, the timing of the repairs, and the potential welding of frames. After discussion of the responses to the questions and the impact of the E-One agreement to those issues, it was moved by Marvin and seconded by Svoboda that the Council go into executive session. The motion carried 6-0 (Cook not present) and the open meeting was adjourned at 4:50 p.m.