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Legislature leaves East Campus chiller in the cold

By Randy Essex

The Legislature Wednesday refused to finance the East Campus chiller unit, leaving university officials with the choice of paying \$35,000 in penalties and losing \$90,000 for work already done, or finding more than \$400,000 to buy the air conditioner.

If the university does not cancel its contract and buys the chiller, about \$1.1 million more would be needed to make the chiller operational.

NU entered into the now-controversial contract in November, expecting the Legislature to finance the chiller, since the unit was NU's top capital construction priority.

The Legislature voted twice on the chiller Wednesday and once Tuesday. The first vote on Wednesday included the air conditioner in an amendment to LB594, which appropriates money for capital construction projects next year.

The amendment was defeated, however, after complex procedure in an attempt to amend the construction bill.

Eliminating funds

Originally, Imperial Sen. Rex Haberman proposed an amendment to the bill which would have eliminated funds for renovation of the Temple Theatre building, the Eppley Library at UNO and for the purchase of the Elks building on Centennial Mall for use by the State Historical Society as a museum.

Bellevue Sen. Frank Lewis then attempted to amend the Haberman measure to eliminate funds for renovation of the Agriculture Engineering building on East Campus, funds to plan an addition to the Kearney State College Library and to add the chiller.

Tuesday Lewis tried to get the chiller financed by taking half of the requested \$1.1 million from NU central administration salaries, and the other half from other parts of the NU operating budget.

After Tuesday's attempt failed, Lewis said the Legislature should comply with the wishes of the NU Board of Regents and the governor, and give the university the chiller and nothing else. Lewis also was a co-sponsor of a bill to renovate the Temple Theatre building.

Individual votes

The Lewis amendment to Haberman's amendment was adopted, and the Legislature then voted on each of the six projects contained in the Haberman amendment.

Apparently dissatisfied with the form his amendment had taken, Haberman asked to withdraw it, but was ruled out of order.

Voting on the individual projects took a surprising turn, as none of the five projects already included in the bill were cut, and the chiller was added on a 25-19 vote.

The Legislature then voted on the amendment as a whole. Since members had already voted not to cut any of the projects Haberman and Lewis proposed to cut, the vote was actually on whether the chiller would be financed. Funds were denied on a 13-23 vote.

The Temple building survived yet another attempt to reduce the \$6 million appropriated for it. Sen. Loran Schmit of Bellwood proposed to renovate the existing structure at an estimated cost of \$2.8

million, without adding to the building.

Proposed delay

But Lincoln Sen. Dave Landis, who combined with Lewis to sponsor the bill to renovate and add to the Temple building, said the Schmit amendment only proposed a delay in getting the project financed.

Schmit proposed that only \$100,000 be spent next year for planning the renovation. Landis argued that the question of whether the project should be financed would have to be faced again next year before any construction could begin.

Schmit's amendment failed, 12-15. So, following three hours of debate on the construction bill, the Legislature advanced the bill without any amendments—in the identical form in which the bill was

introduced by the Appropriations Committee.

The Temple renovation was not included in Gov. Charles Thone's budget, so the bill will require 30 affirmative votes for that and any other project included in the bill actually to be approved.

Legislative Fiscal Analyst Bill Brunson explained that construction projects not included in the governor's budget must be included in bills that pass with at least 30 votes, or the projects are dropped from the bill.

In addition, Gov. Thone could veto specific projects in the bill if they are not to his liking.

The bill only received 26 votes Wednesday when it was advanced to final reading. The vote was 26-11.



Photo by Mark Dillingway

Post-April showers bring blossoming umbrellas and a soggy UNL campus.

NPPD manager's decision commended by senator

By Rocky Strunk

Few Nebraskans knew the name Ron Gardner three weeks ago, but, because of his recent stand against the Nebraska Public Power District, he may become known as "a very brave man who wasn't afraid to speak out in order to save ratepayers money."

That is what freshman Sen. Tom Vickers of Farnam said about the site manager for the Gerald Gentleman Station under construction near Sutherland.

Although Gardner still holds the title of site manager of the coal-fired plant, he has been transferred to Columbus and "there has been discussion of terminating him completely," according to NPPD assistant general manager Larry Kuncel.

"He's a very brave individual with high standards and it will be a terrible shame if he's forced to take employment out of the state," said Vickers, who first met with Gardner on March 31 about Gardner's charges of excessive construction costs at Sutherland.

Overtime payment

Gardner has raised several questions concerning overtime payment by NPPD amounting to \$4.5 million that may have been liable to the contractor and cost overruns totaling about \$35.1 million.

"The last overtime decision was what

finally broke the straw," Gardner said. "There was no reason that overtime should have been paid for the final six months of construction of the first unit."

He explained that because the unit was operational, final completion tasks such as painting and cleaning didn't need the priority of completion. NPPD had to buy power in 1978 from Union Electric Co. of St. Louis amounting to about \$30 million because of the delay in completing the first unit at Gentle, he said.

"Management's response to my request to deny overtime was that it would be an insignificant amount compared to the previous overtime expenditures," Gardner said. He claims that he has a memo stating this accusation which is part of 500 pages of documentation that was forwarded to the Attorney General's office.

Allowing overtime

Gardner also said overtime was allowed because management was afraid workers might leave.

"That was the whole problem," he said. "NPPD never threatened to terminate the inexperienced contractor and a lot of waste and delay resulted."

National Industrial Contractors was awarded the contract at Gentlemen because they were \$7 million less than the next bid. Although it was their first job and they were an inexperienced contract-

ing firm, NPPD was open to a lawsuit if it did not accept the lowest bid.

"If I could have enforced the contract, I could have sped things up at Gentlemen," said Gardner who was supervisor for 1,500 employees.

Agreeing with Gardner was UNL freshman Paul Knight who worked under him last summer in the testing lab at Gentleman.

"If he would have been getting the authority, things might have been better," said Knight, a business major from Sutherland. "He was trying to stop a flood and just couldn't do it."

Justified waste

Knight told of instances when Gardner became upset with waste that was justified by the necessity of finishing the job.

"We knew there was communication problems between Columbus and Gardner and he had a hard time getting things done," Knight said.

"Gardner is the best boss I've ever worked for," said Sam Peterson, engineer at Gentleman and a UNL graduate. "I was very unhappy to see him transferred."

Peterson, a registered professional engineer in Colorado and Nebraska, said he also faces the possibility of being transferred because of his support for his former boss.

"He (Gardner) stands up for what he

thinks is right and supports his people even if there's a chance of them being wrong," said Peterson, who has worked under ten site managers. "I've never seen a boss do that before."

"Ratepayer ripoff"

Kuncel supported NPPD's decision to transfer Gardner to Columbus. "Ron had been losing some effectiveness at the site because of very negative feelings about the contractor and the job."

Gardner disagreed with Kuncel's assertion that he was losing effectiveness at the site. He said he was beginning to feel negative about the job but the contractor had nothing to do with it.

"It was because management failed to back me on my decisions," he said.

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