

**Nelson, Larry**

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**From:** McManners, Gregg  
**Sent:** Thursday, December 11, 2008 10:57 AM  
**To:** Nelson, Larry  
**Cc:** Hacker, Marsha; Hess, Jim; Hurtgen, Katherine; Zeinemann, Bill  
**Subject:** ~RE: Final Payment

Larry,

Jerry Raether has agreed to the \$20,000 penalty. He would like the penalty to be less but sees little option, either through factual evidence or legally, to pursue another course of action.

As a result of his commitment, I am processing the payment that I have been holding and Jerry will be generating another payment request. He has assured us that he will complete the job at the earliest convenience and we have agreed to the schedule of payments already received and the change orders.

Yesterday, we received the plan for the stainless steel so that should be fabricated shortly.

So.....hopefully, we see the light at the end of the tunnel.

In regards to the BPW meeting, Marsha said that will remain an agenda item and I plan on attending (unless I hear otherwise) but only to take questions should they arise.

Let me know if I missed anything.

Thank you for your help, guidance and assistance regarding this matter.

Gregg

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**From:** Nelson, Larry  
**Sent:** Wednesday, December 10, 2008 8:30 PM  
**To:** Hess, Jim; McManners, Gregg  
**Subject:** RE: Final Payment

Works for me. Will he withdraw his complaint by Wednesday?

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**From:** Hess, Jim  
**Sent:** Wed 12/10/2008 16:38  
**To:** McManners, Gregg; Nelson, Larry  
**Subject:** RE: Final Payment

I hope Jerry takes us up on this generous offer. The \$20,000 would cover our extra cost for Potter Lawson.

Jim

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12/11/2008

**From:** McManners, Gregg  
**Sent:** Wednesday, December 10, 2008 4:32 PM  
**To:** Nelson, Larry  
**Cc:** Hess, Jim  
**Subject:** Final Payment

Larry,

The original contract was for \$305,000 and we have approved change orders of \$11,632 for a total of \$316,632. To date, Bauer & Raether has received payments of \$226,330.50 leaving a balance of \$90,301.50. This is a much higher balance than we anticipated but found a payment on the Ledger of \$24,400, that had been receipted but not paid.

I talked to Jerry this afternoon and we agreed on the the total cost and the total amount of checks received. I reiterated that we would be satisfied with a \$20,000 penalty. If he agreed, I would push to get payments to him asap.

Let me know if you should have any questions.

Gregg McManners  
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