



DEC - 1 2006

28 November 2006

Mr. Marlin Petermann  
Acting General Manager  
Papio-Missouri River Natural Resource District  
8901 S. 154<sup>th</sup> Street  
Omaha, NE 68138-3621

RE: Elkhorn River Maple Street Canoe Access  
BCDM Project No. 4045-00

Dear Mr. Petermann:

We need an opportunity to discuss the nature of repairs and manner in which the repairs are to be accomplished per your request of October 16, 2006.

First, the nature of the repairs. Please note that BCDM is being requested to make repairs at its own expense. We are prepared to make certain repairs at our expense, however, it will not be the repairs outlined at the October 10<sup>th</sup> meeting with the Board. The project team clearly understood the added value of the proposed repairs. BCDM agreed prior to the meeting to contribute to a certain degree, however, BCDM has never agreed to pay for repairs that provide the owner with added value. If the Board does not wish to pay for the added value, we need to mutually understand the scope of the repairs BCDM will pay for at our expense. Once that is understood, we can prepare the necessary documents.

Regarding the manner in which the repairs are to be accomplished, please be aware that Dick Sklenar has requested that BCDM contract with the contractor, Dostals, outside the NRD's contract. This is not an insurable solution for BCDM. We respectfully submit that BCDM has a contract with the NRD. The NRD is requesting that BCDM provide a service. This request needs to be within our Contract with each other, otherwise the request is not enforceable. Further, the NRD has a contract including warranties, etc. with Dostals. The repairs should be by the same contractor under the same contract, for numerous reasons including the warranty.

We respectfully request a meeting to mutually agree on the scope of repairs BCDM is to pay for at our expense and the manner in which the repairs will occur.

architecture  
landscape architecture  
interior design  
construction management

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Any payment due to the contractor will come from the NRD; any reimbursement due to the NRD will come from BCDM. This is the only legal and binding manner in which the above parties are contracted and insured.

Please call and we can set a meeting with all those needing to be involved.

Sincerely,

*Dave Ciaccio*

A handwritten signature in black ink, appearing to read "Dave Ciaccio" followed by a stylized flourish.

Dave Ciaccio  
Beringer Ciaccio Dennell Mabrey, Inc.

DJC/mms

c: Dick Sklenar, Papio-Missouri River NRD  
File 4045-00, 3.0