

JAMES W. OLSON
ROBERT M. NASH
ERIKA S. OLSON

99458

WILSON, OLSON & NASH, P.C.
LAWYERS
CREEKSIDE PROFESSIONAL OFFICES
2640 JACKSON BOULEVARD, SUITE 1
P.O. BOX 1552
RAPID CITY, SOUTH DAKOTA 57709

ERNEST GUNDERSEN (1915-1972)
J.H. BOFTUM (1903-1984)
JAMES H. WILSON (1927-1989)

(605) 342-7090
FAX (605) 342-9259

June 18, 2010

Pauline Sumption
Finance Officer
City Finance Office
300 6th Street
Rapid City, SD 57701

Re: McCarthy Properties, LLC Work at 601 12th Street, Sewer Backup, March 7,
2007

Dear Ms. Sumption:

Previously, the City made payment to McCarthy Properties, LLC for cleanup of a sewage backup at 601 12th Street, which occurred on March 7, 2007. After a period of difficult negotiations, Mr. McCarthy was unable to settle matters with Duane Leier - A-1 Steam Brothers who did the work and Mr. McCarthy returned to your offices, the original allowance of \$3.00 per square foot less out-of-pocket expenses incurred for items that were paid. Mr. Leier filed a lawsuit against McCarthy Properties for his claimed damages and the parties have mediated a settlement in that lawsuit which McCarthy must pay in the amount of \$21,080.00, therefore, we request the payment to McCarthy Properties, LLC the funds which it previously returned to the City in the amount of \$18,887.98. Copies of the City check and the McCarthy Properties check are enclosed for your information. Please advise if there is any further documentation required in this matter. I know that your file is already full of certain correspondence from the past.

Thank you.

Very truly yours,

WILSON, OLSON & NASH, P.C.


James W. Olson

JWO/lw
Enclosure
cc: Steve McCarthy

17803

CITY OF RAPID CITY

FINANCE OFFICE
300 6TH STREET
RAPID CITY, SD 57701

DATE June 19, 2007

78-8763
914

PAY TO THE ORDER OF McCarthy Properties LLC

\$ 20,466.00

Twenty Thousand Four Hundred Sixty-Six and No/100 DOLLARS



Pioneer Bank & Trust
P.O. Box 11800 - 200 W. Main - Rapid City, South Dakota 57709

Jim Ott
James F. Preston

FOR Sewer Backup 601 12th Street

⑈017803⑈ ⑈091408763⑈ 750 514⑈

Purchase Order
City of Rapid City South Dakota

Rapid City, SD 57701
Phone (605) 384-4142

PO Number 588746

Year 2007

Vendor MCCARTHY PROPERTIES LLC

Vendor Number

V0 515095

Address 2834 JACKSON BLVD STE 202

Computer Entry Date

RAPID CITY SD 57702



QTY	Amount	Cost	Center	Line Item	Invoice No.	Quantity/Description
1	\$20,466.00		7072	4211		SEWER BACKUP 601 12TH STREET

TOTAL

\$20,466.00

This order is regularly issued only when countersigned by Purchasing Agent and approved by the Mayor, if over \$500.00

REMARKS

- Formal Bid - Date Approved
- Informal bid, see supporting data attached
- No bid required
- Will be reimbursed by

Dept. Head
Mayor
Purchasing Agent

Date 3/1/07
Date
Date

WHITE: FINANCE COPY • CANARY: DEPARTMENT COPY
PINK: VENDOR COPY • GREEN: RECEIVING COPY

588746

McCarthy Properties

2834 Jackson Boulevard, Ste. 202 • Rapid City, SD 57702 (605) 716-9385

Wells Fargo Bank South Dakota, N.A.
825 St. Joseph
Rapid City, SD 57701
www.wellsfargo.com

005842
76-4 BB
914

DATE 03/27/2009

AMOUNT *****\$18,887.98

PAY TO THE ORDER OF City of Rapid City

EIGHTEEN THOUSAND EIGHT HUNDRED EIGHTY-SEVEN AND 98/100 DOLLARS DOLLARS

City of Rapid City
300 6th Street
Rapid City, SD 57701



AUTHORIZED SIGNATURE

⑈005842⑈ ⑆091400046⑆064174⑈547⑈

Check#: 5842

Date: 03/27/2009

Vendor#: 111 City of Rapid City

Invoice#
12/31/07
3/26/09

Job/Description
Metz Bldg - Sewer
Deduct-Cost Sewer Damage

Balance
20,486.00
-1,578.02

Retain

Discount

This Check
20,486.00
-1,578.02

McCarthy Properties, L.L.C.

005842

Check#: 5842

Date: 03/27/2009

Vendor#: 111 City of Rapid City

Invoice#
12/31/07
3/26/09

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-1,578.02

Retain

Discount

This Check
20,486.00
-1,578.02

Check Total 18,887.98

McCarthy Properties, L.L.C.

005842

The City of Rapid City
CR Transactions by Fund, Cost Center, & Object
03/27/2009 - 12/31/2009

Account	Primary Ref	Transaction Description	SS RefDate	Job No	Debit	Credit	Amount
GL 0604-0010-3215	0000282892	WATER DIVISION Sewer Permits	CR 4/7/2009	459509	0.00	2,240.00	-2,240.00
GL 0604-0010-3215	0000283282	WATER DIVISION Sewer Permits	CR 4/21/2009	460543	0.00	880.00	-880.00
GL 0604-0010-3215	0000283898	WATER DIVISION Sewer Permits	CR 5/6/2009	464449	0.00	1,315.00	-1,315.00
GL 0604-0010-3215	0000284683	WATER DIVISION Sewer Permits	CR 5/29/2009	467961	0.00	2,200.00	-2,200.00
GL 0604-0010-3215	0000284684	WATER DIVISION Sewer Permits	CR 5/29/2009	467961	0.00	2,606.61	-2,606.61
GL 0604-0010-3215	0000284937	WATER DIVISION Sewer Permits	CR 6/5/2009	471073	0.00	65.00	-65.00
GL 0604-0010-3215	0000286008	WATER DIVISION Sewer Permits	CR 7/1/2009	476890	0.00	900.00	-900.00
GL 0604-0010-3215	0000286009	WATER DIVISION Sewer Permits	CR 7/1/2009	476890	0.00	560.00	-560.00
GL 0604-0010-3215	0000286589	WATER DIVISION Sewer Permits	CR 7/20/2009	480405	0.00	990.00	-990.00
GL 0604-0010-3215	0000287275	WATER DIVISION Sewer Permits	CR 8/5/2009	485444	0.00	1,470.00	-1,470.00
GL 0604-0010-3215	0000287975	WATER DIVISION Sewer Permits	CR 8/24/2009	486577	0.00	2,750.00	-2,750.00
GL 0604-0010-3215	0000287976	WATER DIVISION Sewer Permits	CR 8/24/2009	486577	0.00	460.00	-460.00
GL 0604-0010-3215	0000288473	WATER DIVISION Sewer Permits	CR 9/2/2009	492268	0.00	625.00	-625.00
GL 0604-0010-3215	0000289510	WATER DIVISION Sewer Permits	CR 9/30/2009	494511	0.00	695.00	-695.00
GL 0604-0010-3215	0000289760	WATER DIVISION Sewer Permits	CR 10/7/2009	496349	0.00	650.00	-650.00
GL 0604-0010-3215	0000290504	WATER DIVISION Sewer Permits	CR 10/27/2009	500558	0.00	4,165.00	-4,165.00
GL 0604-0010-3215	0000290505	WATER DIVISION Sewer Permits	CR 10/27/2009	500558	0.00	705.00	-705.00
GL 0604-0010-3215	0000291279	WATER DIVISION Sewer Permits	CR 11/18/2009	505560	0.00	2,448.00	-2,448.00
GL 0604-0010-3215	0000291868	WATER DIVISION Sewer Permits	CR 12/4/2009	507996	0.00	775.00	-775.00
GL 0604-0010-3215	0000292594	WATER DIVISION Sewer Permits	CR 12/28/2009	511263	0.00	855.00	-855.00
GL 0604-0010-3215	0000292827	WATER DIVISION Sewer Permits	CR 12/31/2009	512619	0.00	425.00	-425.00
3215 Sewer Permits				Total:	0.00	27,779.61	-27,779.61
GL 0604-0010-3293	0000285696	TRIMAC Waste Hauler	CR 6/25/2009	474491	0.00	61.00	-61.00
GL 0604-0010-3293	0000285697	CHARRYL SMITH Waste Hauler	CR 6/25/2009	474491	0.00	17.00	-17.00
GL 0604-0010-3293	0000285698	CENTRAL STATES Waste Hauler	CR 6/25/2009	474491	0.00	39.00	-39.00
GL 0604-0010-3293	0000285699	A-J PORTABLES Waste Hauler	CR 6/25/2009	474491	0.00	78.00	-78.00
3293 Waste Hauler				Total:	0.00	195.00	-195.00
GL 0604-0010-3407	0000282796	MCCARTHY PROPER SEWER CLAIM SE	CR 4/3/2009	459274	0.00	18,887.98	-18,887.98
GL 0604-0010-3407	0000282806	RAND WILLIAMS JET SEWER MAIN R	CR 4/3/2009	459274	0.00	142.98	-142.98
GL 0604-0010-3407	0000283084	BILL DIGGINS PMT ON FRANKLIN P	CR 4/16/2009	460435	0.00	112.82	-112.82
GL 0604-0010-3407	0000283840	BILL DIGGINS FINAL PMT ON FRAN	CR 5/5/2009	464290	0.00	108.13	-108.13
GL 0604-0010-3407	0000283893	CITY OF RAPID C LABOR/CLEAN SU	CR 5/6/2009	464449	0.00	53.85	-53.85
GL 0604-0010-3407	0000283893	CITY OF RAPID C EQUIPMENT	CR 5/6/2009	464449	0.00	204.00	-204.00