

*Combined*

BERGLUND & BERGLUND, LTD.

ATTORNEYS AT LAW

2140 FOURTH AVENUE NORTH  
ANOKA, MINNESOTA 55303

JOHN J. BERGLUND  
MARK E. BERGLUND

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TELEPHONE (763) 427-5950  
FACSIMILE (763) 427-7136

April 5, 2013

City of Ramsey  
Attn: Jo Thieling, City Clerk  
7550 Sunwood Drive NW  
Ramsey, MN 55303

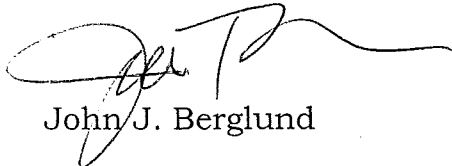
Re: City of Ramsey  
Legal Services RFP

Dear Ms. Thieling:

John Berglund, Berglund & Berglund, Ltd., is pleased to submit the attached proposal for provision of City Attorney Services to the City of Ramsey. In accordance with the City's request for proposals, we attach nine (9) copies.

Thank you for this opportunity to apply for City Services. If Berglund & Berglund can contribute any additional documentation or information in support of this proposal, please do not hesitate to contact us with such a request.

Sincerely yours,



John J. Berglund

JJB:gmb  
Enclosures

## **INTRODUCTION**

Berglund & Berglund, Ltd., is excited by the opportunity to submit this proposal to the City of Ramsey in response to the City's request for proposals. This proposal is for representation of the City in civil and prosecution matters, or alternatively solely for either civil or criminal matters. John J. Berglund is proposed to be the lead attorney for all matters whether civil or criminal. Mr. Berglund is confident that his firm, associates, and staff possess the qualifications to meet and exceed the expectations of the City of Ramsey in regard to the City Attorney position. Mr. Berglund will have the additional participation, support, staff assistance and expertise of Mark E. Berglund. Mr. Berglund utilizes a professional and reliable staff supported by cutting-edge technology to place the best possible legal resources at the disposal of the City of Ramsey. The firm places an emphasis on providing competent representation, while at the same time maintaining personal connection, availability, and timely responses which have been the firm's cornerstone in client satisfaction over the course of 36 years of practice. Our firm, traditional in its values, but progressive in its use of technology, can provide competent and refreshing representation on the legal issues facing the City of Ramsey now, and in the future.

## **BACKGROUND**

Attorney John Berglund founded his firm in Anoka, Minnesota, in 1975. The following 36 years of practice have established Mr. Berglund's reputation within the Anoka County legal community as a vigorous advocate for his clients, while at the same time maintaining a professional and personable relationship with opposing counsel, litigants, and court personnel. The respect Mr. Berglund has garnered from his clients and peers is exemplified in his past election to serve as Secretary, Treasurer, Vice-President and President of the Anoka County Bar Association. Mr. Berglund's office is adjacent to the Anoka County Courthouse, allowing for efficient and timely representation on court matters. Berglund & Berglund is committed to assure a smooth transition from the existing City Attorney for the City of Ramsey to the new attorney, John Berglund, should this proposal be accepted. Mr. Berglund's professional experience and temperament make Berglund & Berglund, Ltd., exceptionally well-suited for the position of Ramsey City Attorney. Berglund & Berglund, Ltd., complies with federal, state and local laws with respect to equal opportunity regulations.

## **JOHN BERGLUND - LEAD CITY ATTORNEY**

John Berglund graduated from The University of Minnesota in 1970 and William Mitchell College of Law in 1974. In law school, Mr. Berglund was a student director of the law clinic, which he helped create, and which is still in existence

with students representing indigents, both in civil matters and in criminal matters. Mr. Berglund was a student director of the Law Clinic in the criminal area and tried his first criminal matter when he was in his final year of law school.

After law school Mr. Berglund worked as in-house attorney for a title insurance company. In that position he examined titles, cleared title issues and problems, and worked with municipalities, lenders and developers in closing real estate transactions, both residential and commercial.

For six years, from 1977 to 1983, Mr. Berglund was the Ham Lake City Attorney for both civil and criminal matters. As prosecutor for the City of Ham Lake, he prosecuted hundreds of matters, including numerous jury trials and contested evidentiary hearings. Since that time, Mr. Berglund has continued to practice extensively in the areas of real estate and development and criminal law.

Over the course of his career, Mr. Berglund has been the lead attorney in hundreds of trials and has represented both the Appellants and Respondents in dozens of appeals to the Minnesota Court of Appeals and the Minnesota Supreme Court.

Mr. Berglund presently sits on the Minnesota Board of Title Standards, which is responsible for setting Minnesota title standards for title examination lawyers and title examiners. Mr. Berglund's real estate practice has earned him the respect and confidence of hundreds of clients and dozens of city attorneys, city managers, and other city officials.

On behalf of his clients, Mr. Berglund has worked with municipalities and their legal representatives addressing all areas of municipal law. These matters have included real estate development, plats, condemnation proceedings, assessment appeals, development agreements, and land use issues along with any number of other municipal land related issues that have arisen. Mr. Berglund has handled numerous matters involving private client interaction with municipalities in Anoka County, including the sale of the land to the City of Blaine where the City Hall presently sits. He has worked with many different City Engineers, Planners and City Attorneys on numerous commercial developments, including North Central Commons and frontage road eminent domain proceedings.

Mr. Berglund is licensed to practice law before the Minnesota Bar Minnesota Supreme Court and the Federal District Court for the District of Minnesota. He is a member of the Minnesota State Bar Association, Anoka County Bar Association and the Minnesota Trial Lawyers Association.

## **DEPUTY ATTORNEYS**

### **MARK BERGLUND**

Attorney Mark E. Berglund graduated *summa cum laude* from the St. John's University in 2001. Mark graduated from the University of Minnesota Law School in 2004. Prior to graduation, Mark took part in the Minnesota Law School Judicial Externship Program and interned with the Honorable Philip D. Bush of the Fourth Judicial District. Mark also acted as a Certified Student Attorney, representing numerous criminal defendant clients. In addition, Mark was employed as a law clerk for the firm of Yaeger, Jungbauer & Barczak, PLC, a firm specializing in railroad injury and accidents. Since graduation, Mark has had the privilege of practicing with his father, John Berglund. As an intricate part of the family-owned business, Mark works directly with clients in various areas of the law, including real estate law, corporate law, criminal law, and personal injury law.

Mark has authored and argued a wide variety of criminal and civil motions, argued to the Minnesota Court of Appeals as well as chaired numerous arbitrations and tried dozens and dozens of cases, including a jury trial for the City of Ramsey. Mark has been a member of the Minnesota State Bar Association, Anoka County Bar Association and the Minnesota Trial Lawyers Association since 2004. Mark currently serves as an investigator for the 21<sup>st</sup> District Ethics Committee. He is licensed to practice before the Minnesota Bar, the Minnesota Supreme Court and the Federal District Court for the District of Minnesota.

## **OFFICE STAFFING**

Berglund & Berglund currently consists of two full time attorneys, John Berglund and Mark Berglund. The firm employs three legal secretaries and contracts with an information technology specialist. The firm's hours of operation are from 8:30 a.m. to 5:00 p.m., Monday through Friday.

Berglund & Berglund occupies the main level of the 2140 Properties building on the corner of Fourth Avenue and Van Buren Street in Anoka, adjacent to the Anoka County Courthouse. John Berglund is one of the owners of the building, which tenants include 11 lawyers, including the present City Attorneys for Ramsey, Andover, Anoka, and Elk River. Berglund & Berglund's proximity to the Anoka County Courthouse serves as an advantage to the firm's practice in Anoka County, as it will for the City of Ramsey. The firm's attorneys and staff are a two minute walk to the courthouse and all of its resources, including the county recorder's office, sheriff's office, the Anoka County Jail, property records and taxation, etc. The office location is literally on the way for any Ramsey City official who needs to travel to the Anoka County Courthouse for court, complaint

signing, research, filing, or for any other specific reason which would cause a courthouse appearance, both for prosecution and civil work.

### **CITY / CITY ATTORNEY RELATIONSHIP**

Berglund & Berglund understands the importance of being available to the City and to provide rapid responses to inquiries by the City Council or City Staff. To address those issues, Berglund & Berglund operates on a fully intergraded and remotely accessible computer system. In other words, attorneys and staff have 24 hour access to our system and resources, including documents, calendars, email, and research capabilities from anywhere internet is available. In addition, our attorneys carry personal devices allowing them to access their phone, email, or any other office electronic system. As previously stated, the City of Ramsey will be provided 24 hour a day access to our attorneys.

Berglund & Berglund operates with numerous computer based subscriber services to keep it in the cutting edge of legal technology, especially in the areas of real estate and criminal law. Berglund & Berglund has access to Miller Davis real estate forms which consist of the most up to date forms for all real estate transactions in the State of Minnesota. Additionally, Berglund & Berglund maintains a subscription with Thompson's Westlaw, allowing the most advanced legal research available at their fingertips and in a minutes' notice. This subscription includes Minnesota municipal law libraries and McQuillin's Law of Municipal Corporations, the leading legal treatise on municipal law.

The above referenced resources allow for constant availability and quick response time from Berglund & Berglund to the inquiries of the City Council and Staff. This research capability is something that can be accessed by our attorneys when they are present at a council meeting or, as we propose, conducting office hours at Ramsey City Hall or if contacted after hours, from their homes.

Because of the above, most simple inquires will be addressed immediately. However, for more complex issues and or questions asked by the City Staff or the City Council, Berglund & Berglund would give a comprehensive response within twenty-four hours, if appropriate. If a complete response cannot be achieved within twenty four hours, Berglund & Berglund will communicate with the Council or Staff within twenty-four hours to explain what has been learned and give a time frame for a complete analysis of the issue. The responses can be supplemented in report form as necessary within an acceptable timeframe for the City. Berglund & Berglund anticipates that it would submit monthly reports and bills to the City. In addition to John Berglund being present at City Council and other City Board meetings, Berglund & Berglund can make other attorneys available for reporting on any specific issues at a City Council meeting as appropriate.

## **CLIENTS/CONFLICT OF INEREST**

Presently Berglund & Berglund does not presently represent any city or other public entity that would result in a conflict with representation of the City of Ramsey. If conflicts arose due to the firm's prior work for developers, Berglund & Berglund would seek to obtain waiver of conflict agreements from its former clients. Berglund & Berglund understands they cannot represent any private client in those types of endeavors that would have a direct conflict with the City.

## **COMPENSATION**

Berglund & Berglund proposes the following pricing schedule for providing the City of Ramsey the services outlined in the proposal:

Civil Legal Compensation: We propose a monthly retainer fee of \$4,000.00. This retainer fee would include attendance at all regular scheduled City Council meetings, attendance at other City Board, Economic Development Authority, Commission or Committee meetings as requested by the City Council or City Manager. In addition, an attorney would be present at Ramsey City Hall per the RFP. Berglund & Berglund, Ltd. would charge an hourly fee at the present hourly rate being paid by the City for these services, less \$5.00 per hour, for service not included in the civil retainer for services.

Criminal Legal Compensation: We propose a monthly retainer fee of \$5,500.00 and would accept an hourly rate at the present hourly rate being paid by the City for these services, less \$5.00 per hour, for matters such as criminal appeals to the Minnesota or Federal Appeals Courts.

All services performed for the City will be billed at the above rates. Berglund & Berglund, Ltd. proposes that the rates quoted above will increase at a rate of three percent (3%) per year.

The minimum increment of time billed for each service including phone calls, correspondence and personal conferences will be .25 hour.

Other costs and reimbursements would include:

- Actual Postage
- Photocopies - \$.15 per page
- Westlaw Fees
- Processing Service Fees
- Deposition Fees
- Brief Printing Costs
- Document Filing Fees
- Courier Services

## PROFESSIONAL REFERENCES

Michael J. Scott  
Hicken, Scott, Howard & Anderson, P.A.  
Anoka City Prosecutor  
763-421-4110

Russell T. Herbst  
Blaine City Council Member  
763-786-9040

Joann Anton  
Tenth Judicial District Public Defender  
763-422-3350

Michael Bourke  
Blaine City Council Member  
763-712-3777

Paul R. Finnegan  
Assistant U.S. Deputy Marshall  
Retired Anoka County Deputy Sheriff  
612-710-5840

# HICKEN, SCOTT, HOWARD & ANDERSON, P.A.

ATTORNEYS AT LAW

JEFFREY P. HICKEN \*†  
MICHAEL J. SCOTT  
ROBERT A. HOWARD  
MARNA L. ANDERSON †

300 ANOKA OFFICE CENTER  
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OF COUNSEL

EDWARD A. BOCK, JR.

LEGAL ASSISTANTS

SANDY KRUSE

JULIE A. LARSON

ARLENE L. KELLY

SEPTEMBER D. HOLMBLAD, PP, PLS

KRISTIN M. SATCHELL

KANDY K. ANTILA

April 2, 2013

Members of Ramsey City Council  
City of Ramsey  
7550 Sunwood Drive N.W.  
Ramsey, MN 55303

Re: Recommendation - Berglund & Berglund for Ramsey City Attorney

Dear Council Members:

I am an attorney in Anoka with the law firm Hicken, Scott, Howard & Anderson, P.A. and the purpose of this letter is to support the application of Berglund & Berglund for the Ramsey City Attorney position.

First I will introduce myself and my experience upon which to base this recommendation. Since 1980 I have served as the chief prosecuting attorney for the City of Anoka and also served as the prosecuting attorney for the City of Falcon Heights from 1987 through 1992. I have also served as a conflict attorney and temporary prosecutor for many other municipalities in Anoka County as well as other cities in Minnesota, including the Cities of Ramsey, Elk River, Brooklyn Park, Mankato and St. Paul where I was appointed by the Mayor's Office to conduct a special investigation into the alleged campaign practice violations of city council candidates.

As a prosecutor, I am responsible for prosecuting all petty misdemeanors, misdemeanors and gross misdemeanor violations occurring in the City of Anoka. Further, I have also been the Hearings Officer for the City of Ramsey dealing with the revocation of City licenses and zoning violations. Our law firm also represented the City of Anoka in all civil matters for nearly 20 years.

Attorney Joseph Van Thomme, the current prosecutor for the City of Ramsey, is a good young lawyer. However, I understand that John Berglund and Mark Berglund with the firm

April 2, 2013  
Page 2

of Berglund & Berglund, Ltd., are applying for the City Attorney position with Ramsey, including applying for the City Prosecutor position. They have more experience than Joseph Van Thomme and would do an outstanding job for the City of Ramsey.

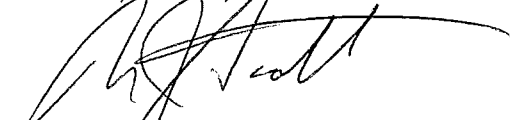
I have known John Berglund for over 30 years and he is a highly respected attorney in Anoka. Mr. Berglund has extensive experience in civil litigation, real estate matters, planning and zoning matters and contract disputes. He has been involved in many cases dealing with cities and has worked closely with city staff on a variety of development matters throughout Anoka County. I believe John would provide excellent civil services to the City of Ramsey and its citizens.

John's son, Mark Berglund, handles most of the criminal matters for their private clients. I have handled many matters where Mark was defending individuals prosecuted by my office. Mark has always represented his clients in a zealous and honorable way. Mr. Berglund has incredible social skills, insight, and, in fact, handled a conflict jury trial for the City of Ramsey. He is an exceptional lawyer, quite skilled in the courtroom and is well respected by the judges and all the other prosecutors in Anoka County. In the event the City of Ramsey elects to hire Berglund & Berglund as the City Attorney, I know that the City of Ramsey not only would be happy with their representation but equally as proud.

I would be pleased to discuss any questions you have regarding John or Mark Berglund's experience and credentials. In the event you have any questions, please feel free to call me.

Yours very truly,

HICKEN, SCOTT, HOWARD & ANDERSON, P.A.



Michael J. Scott  
EMAIL: MIKESCOTT@HSHLAW.COM

MJS/jal

Russell T. Herbst  
12875 Lever Street NE  
Blaine, MN 55449

March 27, 2013

City of Ramsey  
Attn: Kurt Ulrich, City Administrator  
7550 Sunwood Drive NW  
Ramsey, MN 55303

Re: Recommendation for John Berglund, Esq. and Mark Berglund, Esq.

Dear Council Members:


Presently, I am the Council member for District No. 3 in the City of Blaine and I have been on the Council for the past 14 years. I am also a former owner of Central Sandblasting, Inc., located in Mounds View. Central Sandblasting, Inc., is a very successful company which I sold to my sons a couple of years ago. I have known John Berglund since 1993 when our sons wrestled together on the same high school team. Because of this relationship, I retained Mr. Berglund as both my personal and Central Sandblasting's corporate attorney.

Over the past twenty or more years, Mr. Berglund and his son, Mark Berglund, have represented our company in numerous dealings with the City of Mounds View, guiding us through the city ordinances and state statutes for various issues, including when we added on to our existing buildings and the construction of our new facility. I have found both John Berglund and Mark Berglund to be skilled and knowledgeable attorneys in all areas of law in which I have had reason to deal.

Since my election to the Blaine City Council, I have, on numerous occasions, sought the advice of Mr. Berglund regarding various legal questions that are put before the council and which I want additional understanding. Mr. Berglund, and his son Mark, are always extremely thorough in providing an answer when one is readily available, or researching the issue to discover the answer when necessary. In fact, although the City of Blaine decided to continue to retain its existing city attorneys this winter when sending requests for proposals for the position, I encouraged and supported Berglund & Berglund, Ltd. to submit a proposal. I believed then, as I do now, that the Berglund Firm is more than qualified to serve as City Attorneys for a Charter City such as Blaine or Ramsey.

As a City Council member myself, I understand the difficult decision before the Ramsey City Council in choosing its legal representation. I am confident that Ramsey would be making the right selection in John Berglund to represent the City. I enthusiastically give my support for the City of Ramsey to select John Berglund as their City Attorney.

Sincerely,



Russell T. Herbst

JOHN KLOSSNER  
BILL ROBYT  
MANAGING ATTORNEYS

JOANN ANTON  
LIS M. CARLSON  
KENNETH J. DEE  
GINA G. IANNONE  
KATHLEEN A. JUNEK  
BRYAN J. LEARY  
JAN MANSSELL  
JENNIFER L. PRADT  
CHERYL A. SOWADA  
SHAWN WEBB  
BRAD ZUNKER  
ATTORNEYS AT LAW



LAW OFFICE OF THE  
PUBLIC DEFENDER  
TENTH JUDICIAL DISTRICT  
SERVING ANOKA & SHERBURNE COUNTIES  
433 JACKSON STREET, SUITE 120,  
ANOKA, MN 55303  
TELEPHONE: 763-422-3350 FACSIMILE: 763-422-3592  
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VIRGINIA A. MURPHREY  
CHIEF PUBLIC DEFENDER

DANIEL J. SADOWSKI  
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JUVENILE DIVISION

KIM IVERSON  
OFFICE MANAGER

JILL K. NITKE  
JEFFREY SHAW  
INVESTIGATORS

JENILEE ROEN  
DISPOSITIONAL ADVISOR

BONNIE HOWERTON  
PARALEGAL

MICHAEL R. JOHNSON  
1991 - 2006

March 27, 2013

City of Ramsey  
Attn: City Administrator  
7550 Sunwood Drive NW  
Ramsey, MN 55303

Re: Recommendation for Berglund & Berglund

Dear Sir/Madam:

I am a full-time public defender who has practiced law in the Tenth Judicial District for eighteen years. I write this letter to heartily recommend Berglund & Berglund Law Office for Ramsey's legal services contract.

During many of my years of practice, I was a full-time public defender in Anoka County. Since I spent considerable time in the Anoka County Courthouse and was active in Bar Association activities, I became acquainted with John Berglund. In the course of those activities, I learned that John has a well-deserved respect in the legal community for his determination, finesse, civility, consistency and commitment. Even in the midst of a contested hearing, John Berglund and his associates show high standards of professionalism without improperly compromising their position.

John's high standards of excellence are reflected in the law firm's administrative staff. His staff meticulously attends to scheduling, file administration, and document preparation. These high standards are essential because Berglund & Berglund handle a wide variety of complex civil matters.

This same level of professionalism and expertise is displayed when the Berglund & Berglund law firm handles criminal matters. I know that John has handled hundreds of criminal cases during his career, as a prosecutor and defense attorney. He and the lawyers in his firm have conducted numerous jury trials, court trials, and implied consent proceedings. John has also appealed many of those issues beyond the District Court level. I have read some of the appellate

briefs produced by Berglund & Berglund. They are consistently clear, concise, and logical. They reflect John's deep understanding of the law.

Please accept my earnest recommendation of Berglund and Berglund as legal counsel. This legal staff would superbly represent the interests of the City of Ramsey in all civil and criminal matters.

Sincerely,



Joann Anton

Mike Bourke  
83 - 103<sup>rd</sup> Avenue NE  
Blaine, MN 55434

March 27, 2013

City of Ramsey  
Attn: City Administrator  
7550 Sunwood Drive NW  
Ramsey, MN 55303

Re: Recommendation of John J. Berglund, Esq. and Mark Berglund, Esq.

Dear Council Members:

I am a City Council Member for the City of Blaine, representing District 2, for the last 9 years. I write this letter in support of, and as a reference for, John Berglund and Berglund & Berglund, Ltd's proposal to act as City Attorney for the City of Ramsey.

As a Blaine City Council member I have been aware of John Berglund's exceptional knowledge and understanding of property law and, in particular, laws relating to the zoning and development of real property.

I have known Mr. Berglund professionally for the last 7 years. Over the last 4 or 5 years Mr. Berglund has been successfully involved with a complicated commercial development in the City of Blaine known as North Central Commons which is a large commercial development on 117<sup>th</sup> and Central Avenue in Blaine. Not only was he involved in that development, he also represented the developer in a condemnation proceedings brought by the City of Blaine. He handled both of those complicated matters in a very professional and successful manner.

Throughout representation of his clients, involving the City of Blaine, Mr. Berglund has shown exceptional depth of knowledge in regard to applicable State and Federal Statutes, regulations, municipal ordinances, and real estate law in general.

I have always found Mr. Berglund to adhere to the highest standards of professionalism while, at the same time, vigorously representing the interests of his client.

I whole heartedly recommend Mr. Berglund, his son Mark Berglund and his firm, Berglund & Berglund, Ltd., as City Attorney for the City of Ramsey. I am more than happy to discuss Mr. Berglund's qualifications further by telephone, or in person, if you wish. Please feel free to contact me at 763-712-3777 should you have any questions or if I can be of any further assistance.

Sincerely yours,



Mike Bourke

March 29, 2013

City of Ramsey  
Attn: Kurt Ulrich, City Administrator  
7550 Sunwood Drive NW  
Ramsey, MN 55303

Re: Recommendation for John Berglund, Esq.

My name is Paul Finnegan. I was with the Anoka County Sheriff's Office for 27 years. Initially, I was a patrolman for 10 years, I was then with the Crime Lab for 7 years and then later I was with the Civil and Court Security area for 10 years. Presently, I work through a private agency for the Federal Government and when I am on duty, I am considered a sworn Assistant U.S. Deputy Marshall, stationed at the U.S. Federal Courthouse in Minneapolis. I am sending this letter of recommendation for Attorney John Berglund.

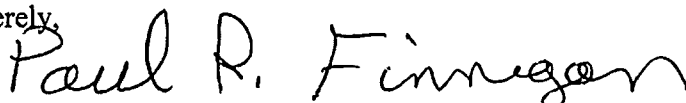
Mr. Berglund was the City Attorney for Ham Lake. Ham Lake uses the Anoka County Sheriff's Office as their police force. During the time Mr. Berglund prosecuted for Ham Lake, I was one of the Sheriff's Deputies assigned to Ham Lake. During this time, I had numerous occasions to be in court with Attorney Berglund as a prosecution witness. I was always impressed with Mr. Berglund's knowledge of the law as well as his courtroom demeanor and his preparedness. He was the best prosecutor I ever worked with. He was always fair with a keen sense of justice. The judges all showed respect for Mr. Berglund in the courtroom. Because of his impressiveness, I have used Mr. Berglund as my personal attorney for civil work.

In having known Mr. Berglund as a prosecuting attorney and civil attorney, I soon realized his knowledge of civil law was remarkable. Consequently, I have recommended him to family and friends for their legal needs.

It is my opinion that Mr. Berglund will make an incredibly valuable City Attorney in both criminal and civil issues for the City of Ramsey.

Should you have any questions or comments, please contact me at my home phone number 612-710-5840.

Sincerely,



Paul R. Finnegan  
12429 Wedgewood Pl.  
Coon Rapids, MN 55433