

**City of Ramsey**  
**Agenda**  
**City Council Work Session**  
**Tuesday May 7, 2013**  
**5:45 pm**  
**Lake Itasca Room, 7550 Sunwood Drive NW**

- 1. Call to Order**
- 2. Topics for Discussion**
  - 1. Interview Law Firms for City of Ramsey Legal Services**
- 3. Future Topics for Discussion - *See Attached Calendar***
- 4. Mayor/Council/Staff Input**
- 5. Adjournment**

**CC Work Session**

**2. 1.**

**Meeting Date:** 05/07/2013

**Submitted For:** Kurt Ulrich

**By:** Kathy Schmitz, Administrative Services

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**Title:**

Interview Law Firms for City of Ramsey Legal Services

**Background:**

The City policy is to review outside professional contracts on a 3-5 year basis. The current City Attorney contract for Civil and Criminal (also known as “prosecution”) legal services has been in place for 3 years. The contract runs until July 1, but can be extended indefinitely under a 30-day termination provision if desired. The City has had a long-standing legal services arrangement with Bill Goodrich for over 30 years and they have re-submitted to continue the contract. In total, 14 firms submitted for either combined civil and criminal, or civil, or criminal services only.

A staff panel has reviewed all the applications and has selected 7 firms to interview with the Council. Of these, 3 are proposing combined Civil and Criminal, 2 are Civil only, and 2 are Prosecution only.

Legal billings for the last 3 years are as follows:

<u>2010</u>	
Criminal	\$ 72,239
Civil	<u>\$ 67,235</u>
Combined	\$134,474

<u>2011</u>	
Criminal	\$ 70,606
Civil	<u>\$ 61,274</u>
Combined	\$131,880

<u>2012</u>	
Criminal	\$ 70,234
Civil	<u>\$ 66,131</u>
Combined	\$136,365

Attached is a chart showing the hourly rates and fees for each firm.

Each firm that proposed combined services is scheduled for 30 minutes. Otherwise, the single-service proposals are scheduled for 20 minutes.

A list of interview questions will be provided to ask each firm.

All firms selected are similar in rates, with no major budget impacts anticipated.

Attached are full proposals from each firm. The selection of firms to interview was based on a combination of experience, location, and price. Based upon the results of the interviews, additional background research may be conducted.

Civil and Criminal

6:00 p.m. Randall, Goodrich & Haag

6:30 p.m. Berglund & Berglund

7:00 p.m. Hawkins & Baumgartner

Break

7:30 – 7:40 p.m.

Civil Only

7:40 p.m. Couri & Ruppe

8:00 p.m. Ratwik, Roszak & Maloney

Criminal Only

8:20 p.m. Christian Peterson

8:40 p.m. Weikel Law Firm

9:00 p.m. Discussion

9:30 p.m. Adjournment

**Notification:**

All firms have been notified of the interviews and have confirmed.

**Recommendation:**

Staff recommends interviewing each of the firms, followed by discussion.

**Funding Source:**

N/A

**Council Action:**

Based upon discussion.

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**Attachments**

Legal Services

Randall Goodrich Haag

Berglund Berglund

Hawkins Baumgartner

Couri Ruppe

Ratwik Roszak maloney

Christian Peterson

Weikel

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**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Kurt Ulrich	Kathy Schmitz	05/02/2013 08:29 AM
Kathy Schmitz (Originator)	Kathy Schmitz	05/02/2013 08:36 AM
Kurt Ulrich	Kurt Ulrich	05/02/2013 03:02 PM
Form Started By: Kathy Schmitz		Started On: 05/01/2013 02:03 PM
	Final Approval Date: 05/02/2013	



*✓ combined*

**PROPOSAL FOR LEGAL SERVICES  
FOR THE  
CITY OF RAMSEY**

**By**

**RANDALL, GOODRICH & HAAG, P.L.C.**

**Attorneys at Law  
2140 Fourth Avenue North  
Anoka, MN 55303  
(763) 421-5424**

**CONTACT: William K. Goodrich (Lead City Attorney)**

**April 5, 2013**

**PROPOSAL OF RANDALL, GOODRICH and HAAG, P.L.C.  
FOR THE CITY OF RAMSEY LEGAL SERVICES**

TO: The City of Ramsey, Anoka County, Minnesota, its City Council, and its City Administrator

DATE: April 5, 2013

Randall, Goodrich and Haag, P.L.C. (the "Law Firm") hereby respectfully submits its proposal for both CIVIL and PROSECUTION legal services or in the alternative for Civil Legal Services only or Prosecution Legal Services only for the City of Ramsey (the "City").

**FIRM BACKGROUND**

The Law Firm consists of two members, William Goodrich and Michael Haag and associate Joseph Van Thomme. Mr. Goodrich focuses primarily on the civil or general counsel side of the Law Firm's municipal work, along with also supervising and assisting with prosecution work as needed. The emphasis of Mr. Van Thomme's work is on municipal criminal prosecution and litigation, including court appearances, drafting formal complaints, motions, and computer and legal research. Mr. Haag focuses his practice on business and corporate law, municipal law and estate planning work. The Law Firm has been engaged in the municipal practice of law for over 40 years, and currently represents the Cities of Ramsey, Bethel, and Linwood Township in Anoka County. The Law Firm has primary responsibility for all legal needs for Ramsey and Bethel, and handles the civil law needs of Linwood Township.

**INDIVIDUAL ATTORNEY QUALIFICATIONS**

**William K. Goodrich.** Mr. Goodrich will continue to be the City Attorney in the event the Law Firm is selected as a result of this RFP. Mr. Goodrich has been involved in all aspects of municipal law since October 1970. He has represented the City of Ramsey since October 1970, including guiding the City through its incorporation in 1974. In addition, he has been the primary attorney representing the City of Bethel since 2003. Mr. Goodrich also is the supervising partner for the City's prosecution legal work and assists with the Law Firm's day-to-day criminal prosecution work including court appearances.

Through his years as City Attorney for the City, Mr. Goodrich has gained a wealth of experience with Minnesota municipal law, including, of course, charter city law. Mr. Goodrich's experience with the City includes drafting the first city code; drafting or supervising/reviewing virtually all City ordinances, including franchise ordinances; drafting countless City Council resolutions and City Council cases; drafting numerous legal agreement documents including deeds, easements, simple to complex City contracts; including joint power agreements, leases, purchase agreements, TIF agreements and many other contracts and legal documents on a day-to-day basis as required by the City in its many operations. In addition, Mr. Goodrich assisted in the drafting of the City's comprehensive plan and amendments.

Mr. Goodrich's court experience includes representing the City in eminent domain litigation, special assessment appeals, land use litigation and miscellaneous municipal litigation. In addition, during his first fifteen years as City Attorney, Mr. Goodrich was the City prosecutor prosecuting in District Court hundreds of misdemeanor criminal offenses. Mr. Goodrich continues to be involved in the Law Firm's prosecution duties, including primary responsibility for all court trials (trials without a jury).

Mr. Goodrich has been responsible over the years, with few exceptions for the City's real estate transactions including as stated above, the drafting of purchase agreements, title reviews, marketable title issues/resolutions, drafting standard development agreements, drafting leases and easement acquisition documents, as well as drafting certain of the City's comprehensive plan and assisting in drafting various comprehensive plan amendments.

Mr. Goodrich has experience in consulting with and giving advice to the City's Human Resources Manager regarding employee relations including advice and interpretation regarding the City's personnel policy, personnel contracts, and city code, employee discipline, and data privacy matters as relates to personnel issues.

In addition, to attending all regular City Council meetings, Council work sessions and special meetings as directed, Mr. Goodrich does also attend all HRA regular meetings and special meetings as requested and he does, on an as-requested basis, provide legal services to the HRA including real estate matters. Mr. Goodrich is very willing and qualified to become more involved in HRA real estate matters as directed by the HRA and/or its Executive Director.

**Education:**

University of Minnesota, Minneapolis, Minnesota, B.S. 1967, Major: Business Administration

University of Minnesota Law School, Minneapolis, Minnesota, J.D. 1970

**Professional Chronology:**

Admitted to Minnesota Bar 1970

Admitted to United States District Court 1971

General and municipal practice of law, 1970 to present

Attorney, City of Ramsey, 1970 to present

Attorney, City of Dayton, 1971 to 1976

Assistant City Attorney, City of Anoka, 1976 to 1979

Acting City Attorney, City of Anoka, 1979

Metropolitan Council, Easement Acquisition, 1983 to 1984

Attorney, Town of Frankfort, Wright County, Minnesota, 1986 to 1996

Attorney, City of Bethel, 2003 to present

Attorney, Stockholm Township, Wright County, Minnesota, 1996 to 2012

Member, Randall, Goodrich & Haag, P.L.C., 1980 to present

**Minnesota Attorney ID: 0036171**

**Michael P. Haag.** Michael Haag is an attorney with the Law Firm where he concentrates his practice in Business and Corporate Law, Estate Planning, Tax, Probate, and Municipal Law. Mr. Haag represents Linwood Township in Anoka County and is responsible for all of this urban town's civil municipal law needs.

His extensive tax background includes a clerkship in the legal division of the Minnesota Department of Revenue, and employment as a Tax Associate for Arthur Andersen, LLP.

In his practice, Mr. Haag has prosecuted various matters on behalf of the Law Firm for its various municipal clients on an as-needed basis.

Mr. Haag was also an Adjunct Professor for the Hamline University Graduate School of Business on a part-time basis, Nonprofit Management Program in St. Paul, Minnesota, and he currently teaches Law Enforcement and Legal Studies at Alexandria Technical & Community College and St. Cloud State University. He serves on the board of several nonprofit organizations, was a Planning Commissioner for the City of Coon Rapids, and is a regular speaker and published author on nonprofit, corporate and tax issues.

**Professional Chronology:**

Admitted to Minnesota Bar 1996

Tax Associate at Arthur Andersen 1996-2000

Tax Senior at KPMG 2000-2001

Tax Senior at PricewaterhouseCoopers 2001-2002

Associate Attorney at Dunkley, Bennett, Christensen & Madigan 2002-2003

Owner of Haag Law Offices 2003 to 2012

Adjunct Professor at Hamline University School of Business 2007-2010

Coon Rapids Planning Commissioner 2009-2010

Part-time Instructor at Alexandria Tech. & Community College 2010 - Present

Member of Randall, Goodrich & Haag PLC 2012 to Present

**Minnesota Attorney ID:** 0268021

**Joseph D. Van Thomme.** Mr. Van Thomme has been employed by the Law Firm since January 2010. Shortly after joining the Law Firm, Mr. Van Thomme became the primary prosecuting attorney for the Cities of Ramsey and Bethel. In his time here, Mr. Van Thomme has prosecuted hundreds of criminal cases at all stages of the criminal process, including contested hearings, jury trials, and court trials. His experience, confidence and expertise in the field of criminal law is recognized by criminal law practitioners, as Mr. Van Thomme is currently the vice chair of the Criminal Law Section for the Minnesota State Bar Association. In addition to facilitating section positions on proposed legislation related to criminal law, Mr. Van Thomme frequently coordinates and moderates at legal education conferences on current issues in the criminal law field. Further, Mr. Van Thomme was nominated by his peers in 2012 and 2013 as an "Up And Coming Attorney" in the legal publication *Minnesota Lawyer*.

In addition to prosecution duties for Ramsey and Bethel, Mr. Van Thomme handles various civil municipal matters, including: City Code Enforcement, ordinance prosecution, animal appeals

and Administrative hearings, vehicle forfeitures, and revising City Code provisions related to ordinance enforcement.

Prior to his employment with the Law Firm, Mr. Van Thomme represented criminal defendants with the Anoka County Public Defender's Office. Additionally, he currently practices juvenile and child protection law in Anoka County juvenile court.

The Ramsey Police Department has consistently advised that they are well satisfied by the criminal prosecution work done by the Law Firm and Mr. Van Thomme, both in terms of prosecution results and efficiency for the City and it's officers.

**Professional Chronology:**

Admitted to Minnesota Bar 2009  
Rule 114 Qualified Neutral, Civil, Minnesota State Supreme Court, 2008 to present  
Certified Student Attorney, Anoka County Public Defender's Office, 2007 to 2009  
Associate Attorney, J D Haas & Associates, 2009  
Assistant City Attorney, City of Ramsey, Bethel, 2010 to present  
Prosecutor for Cities of Ramsey, Bethel, 2010 to present  
Court-Appointed Attorney, Anoka County Juvenile Court, 2010 to present  
Secretary, Criminal Law Section, Minnesota State Bar Association, 2010-2011  
Treasurer, Criminal Law Section, Minnesota State Bar Association, 2011-2012  
Vice-Chair, Criminal Law Section, Minnesota State Bar Association, 2012 to present  
Associate Attorney, Randall, Goodrich & Haag, P.L.C., 2010 to present

**Minnesota Attorney ID:** 0389926

**STATEMENTS OF ANY MALPRACTICE CLAIMS  
AND/OR ETHICS COMPLAINTS**

None of the Law Firm's attorneys have ever been sued by a city, or other clients for malpractice, or have been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar.

**SUPPORT PERSONNEL**

Support personnel for providing legal services to the City of Ramsey consists of two paralegals. Gail Burkstrand is a paralegal with over 28 years of municipal law experience including prosecution and municipal civil work, SBA loan work, and miscellaneous support services. Ms. Burkstrand has extensive experience in most aspects of civil and municipal law, including drafting of agreements and resolutions, preparation of civil complaints and documents, and file preparation for hearings and trials. In addition, she possess extensive experience in prosecution, including the drafting of thousands of criminal complaints, both manually and electronically, responding to discovery demands, and constant interaction with the Ramsey Police Department and the Anoka County Sheriff's Office served by the Law Firm. Tara Jacob is the second paralegal, who holds

both a B.A. degree from University Wisconsin - Superior and a Paralegal certificate from North Hennepin Community College. Ms. Jacob has been employed by the Law Firm for ten years and has extensive experience in municipal law, estate planning, probate and trust administration, and corporate (small business) law. Ms. Jacob assists primarily with prosecution support, when necessary, and in drafting miscellaneous City documents.

Both Ms. Burkstrand and Ms. Jacob are trained and well-versed in the Law Firm's new e-charging process, which allows us to draft, charge and file criminal complaints electronically. This process is relatively new in the State of Minnesota and has saved the City significant time, money and resources.

While we are confident that we currently have sufficient staffing to meet the needs of the City of Ramsey, we will continue to monitor the work load and additional staffing decisions will be made to assure that the City of Ramsey receives the highest level of service possible.

#### **OFFICE LOCATION AND ACCESSIBILITY TO THE CITY**

Our offices are conveniently located across the street from the Anoka County Courthouse, providing quick access to the courts and court administration for scheduled and special court appearances, filings, review of court files, and recording of documents. In addition we are located approximately ten minutes travel time from the Ramsey Municipal Center allowing us to be quickly available for scheduled meetings as well as last minute meetings and consultations.

#### **LEGAL LIBRARY, RESEARCH, AND TECHNOLOGICAL CAPABILITIES**

We have subscriptions to Minnesota State Statutes, all current Minnesota and Court of Appeals decisions, and are members of the Minnesota City Attorney List Service. Our onsite library contains, among other items, current and up to date publications of Minnesota State Statutes and criminal rules and procedures publications. We make extensive use of the Anoka County Law Library for any additional publications we may feel are pertinent to our municipal and prosecution practice. Additionally, we attend all League of Minnesota Cities sponsored City Attorney update seminars, which are given twice annually.

Technologically, we utilize Microsoft Thin client technology to centralize electronic records, documents, and internet access. This enables us to have secure remote access and centrally managed security and interactive threat protection. We review the mix of thin and smart clients as this technology evolves. Our office is equipped with Microsoft Word software, laser jet printers and state of the art copiers, scanners, and fax machines. Our office recently installed a state of the art Digital Imaging System (Copier, Printer, Scanner, and Fax Machine). We have complete computer capabilities for all attorneys and support staff with individual e-mail addresses and access to high speed internet, with computer links to various legal databases, including the following:

### Fast Case

- Case law for federal courts and all 50 states
  - 50 states back to 1950 or before
  - Minnesota cases back to 1874
  - All U.S. Supreme Court cases back to 1 U.S. 1 (1754)
  - All Federal Circuits back to 1 F.2d 1 (1924)
  - Opinions of U.S. District, Bankruptcy and Tax Courts
- Federal and state statutes, regulations, court rules and constitutions
- Newspaper articles
- Public records
- Federal filings
- Minnesota State District Court Opinions
- Authority checks and more

### Minnesota State Law Library

- Appellate Court Opinions
- Full Text Search cases from 1996 forward
- Minnesota Statutes
- Ordinances (City and County)
- Minnesota Appellate Court Briefs

### League of Minnesota Cities

- Handbook for Minnesota Cities
- HR Reference Manual
- Information memos-Governing and Managing
- Information memos- HR and Benefits
- Information memos-Risk Management
- Legislative and Policy Analysis Information
- Models
- Reports
- League Training Handouts and Seminar Manuals

### Minnesota Statutes

- Statutes, Laws, Rules

### United States Code

### Minnesota Trial Court Public Access

- Criminal Case Records
- Civil, Family, and Probate Records
- Judgment Searches
- Court Calendars

## CITY/CITY ATTORNEY RELATIONSHIP

Our approach to the City/Attorney relationship is one based on trust, communication, and dedication. We believe that the City Attorney's role is to provide the relevant legal information to the City, in a way that is usable, helpful and on-point. We also believe, however, that a City Attorney can be a valuable asset by providing keen insights to elected leaders, culled from years of experience and continuity with a client, and a thorough understanding of the City's needs and goals.

The City Attorney must be trustworthy, in that their advice and recommendations on a given issue must be given confidently, timely and directly. The City Attorney must be an effective communicator, meaning he must be able to provide information on the law in a way that is useful and accurate. The City Attorney must be dedicated and available, whether by phone, cell phone, e-mail, or in person, so that issues are addressed and questions are answered as they arise. These values encompass our firm's approach to the City/Attorney relationship. Our firm has operated with these principles in mind for over forty years, and we will continue to do so going forward.

Mr. Goodrich would be the Primary Attorney assigned to the City. He would, of course, attend all City Council regular meetings, special meetings, work sessions and commission meetings as directed by the City Administrator. In addition, he will be available to attend those staff meetings and less formal meetings with staff and citizens again as directed by the City Administrator. Mr. Van Thomme would serve as primary City Prosecutor, and primary back-up attorney to Mr. Goodrich. Mr. Haag would also serve as a back-up attorney to Mr. Goodrich.

We would structure the working relationship between City Attorney and City Council/staff so as to make communication as efficient and transparent as possible. This would include timely email or written responses to queries, requests or projects, but would also include daily availability (if needed) to meet in person with City representatives or staff. Relative to the inquiry regarding standard time frames for response of the City Attorney to directions and/or inquiries from the City, our Law Firm is small enough to be personal, yet large enough to handle all of the City's municipal needs. A direction or inquiry from the City Council (or a member of the Council), the City Administrator, or a Department Head is generally responded to the same day or the next workday, either by the City Attorney or one of the other attorneys. When, for some reason, that time frame is not possible, the requesting person would be so notified by a member of our staff and informed when a response will be received. In addition, firm deadlines for projects are and will continue to be strictly complied with. Of course, some projects, like the prosecution of a criminal case for instance, have a mechanism of their own that ensures timely completion. Others, such as a legal opinion on a zoning ordinance, may operate at it's own pace, with input as to the particular needs of the project from various parties, but ultimately should be dictated by the City Council or Administrator

The timeline for completion of more time intensive assignments is discussed with the requesting person to reach a mutually agreeable completion date. By having three competent, experienced municipal attorneys on staff, there is greater assurance that projects will be completed in a timely fashion. In addition, we believe that we have a monthly reporting track record of completing

tasks on time when given completion dates.

Relative to the request to describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation, we believe that prompt completion of assignments is the best means of status reporting. Typical City Council agenda scheduling may include, at the direction of the City Administrator, City Attorney reports on at least a monthly basis as well as dictate project completion deadlines. In addition, the City Attorney will be available at each City Council work and regularly scheduled meeting to answer questions in regard to the status of projects, and will be always available by telephone or e-mail to answer questions.

Of course, we are more than willing to comply with whatever system the City Administrator/Department heads may find appropriate to track assignments to insure their timely completion.

### **CLIENTS/CONFLICTS OF INTEREST**

Public clients represented include the following:

City of Bethel – civil and prosecution services

Linwood Township – civil services

City of Ramsey – civil and prosecution services

County of Anoka-CHIPS (Child in need of protection or services - we provide defense to parents whose children are subject of County Social Services protective services)

Ham Lake Area Redevelopment Association

Central Minnesota Development Company – a certified nonprofit development company making and servicing small business loans on behalf of the SBA

Brooklyn Park Development Partnership Loan Fund – an organization engaging in real estate (commercial) development and redevelopment projects and loans to qualified borrowers within the City of Brooklyn Park

Rule 1.7 of the Rules of Professional Conduct would not permit an attorney to represent a client if the representation of that client would be directly adverse to another client. The only exception to this general rule is in the following situation:

“The lawyer reasonably believes the representation will not adversely affect the relationship with the other client and each client consents after consultation.”

To the best of our knowledge, we do not have any client whose representation would conflict with our ability to provide legal services to the City of Ramsey. We have for many years represented municipalities that border upon one another and have not been involved in a conflict of interest with any of those communities. In the event there ever would be a conflict, we would

either seek an express waiver of the conflict or assist in obtaining temporary, competent, and independent legal counsel to resolve the issue.

There has never been NOR will there be a conflict for Mr. Goodrich's attendance at meetings for the City of Ramsey. The City of Bethel meets on the first and third Thursdays of each month. In an emergency situation, Mr. Van Thomme and/or Mr. Haag, both of whom represent municipalities, would be able to attend a meeting for Mr. Goodrich.

## COMPENSATION

### Hourly Fees

We propose that our work be billed as part of a retainer fee for services.

Specifically, we propose the following fee arrangements.

**Civil Legal Services:** \$48,000/year

Includes:

- Attendance at all regular and special City Council meetings and work sessions, as directed by City Administrator
- Attendance at Commission meetings, including Charter as directed by City Administrator
- Attendance at all regular HRA meetings
- Review and drafting of ordinances
- Attendance at City Staff bi-monthly agenda setting meetings
- Contract review
- Advising staff on legal matters by telephone or in person, at our offices or at the Municipal Center
- Legal research and opinions as directed by City Council, City Administrator and/or Department heads
- Advice on day-to-day personnel matters
- HRA and EDA representation as directed by City Administrator
- Data/practices/open meeting law advice

- Updates on relevant new legislation and case law affecting municipal government

Hourly rate of \$110/hour, over and above retainer:

- Personnel matters requiring in excess of three (3) hours consultation, research or hearing
- Other legal research and opinions in excess of eight (8) hours
- City, EDA and/or HRA real estate sales and/or acquisitions
- Easement drafting, acquisition process
- Administrative hearings and litigation, including eminent domain
- Civil forfeiture matters, including court appearances and litigation

**Criminal Prosecution Services: \$68,000/year**

Includes: all criminal prosecution services, excluding criminal appeals, which will be charged at \$100/hour

We are committed to providing effective legal services on a cost effective and efficient basis. We recognize that this can be difficult to judge from a client’s perspective. The City of Ramsey, however has had the opportunity to work with Randall, Goodrich & Haag for several years and has experienced the Law Firm’s commitment to the cost-effective delivery of legal services. Our retainer-based proposal will provide continuity and cost stability for the City. The compensation proposed in this response to RFP is the same fee arrangement the Law Firm has had with the City since 2009.

**Reimbursable Costs**

Photocopies .....no charge  
 Mileage.....no charge  
 Westlaw or Lexis Fees ..... per hour rate  
 (charged to us by these data base providers)

Other charges as necessary: Filing Fees, Document Recording Fees, Deposition Fees, Process Service Fees, and other costs incurred for our services charged at the actual rate that we are charged by a given provider. (Please note, as in the past, before incurring any substantial fees for the above, we will consult with the appropriate City official)

**Alternative Fee Arrangements**

As an alternative to our proposed retainer billing, we are very open to discussing alternative fee arrangements with the City that may be appropriate especially in these budgetary challenged times. Examples of alternative fee arrangements that can be appropriate include hourly relationships for certain types of services and flat-fee project arrangements.

**TERM OF CONTRACT**

We propose a minimum length of contract of two years, per the stated term length in the Request for Proposal. The contract term is negotiable and we will accommodate any particular needs of the City in this regard.

**PROFESSIONAL REFERENCES**

See attached Appendix A for Letters of Recommendation

Heidi Nelson  
City Manager, City of Wayzata  
(952) 404-5309

Tim Himmer  
Director of Engineering, City of Coon Rapids  
(763) 767-6494

Jeff Weaver  
Anoka City Councilmember  
(763) 421-5522  
*Please see attached Letter*

Michael Mulrooney  
President, Central Minnesota Development Co. (CMDC)  
(763) 784-3337  
*Please see attached Letter*

Tony Palumbo  
Anoka County Attorney  
(763) 323-5550  
*Please see attached Letter*

Phil Osterhus  
Linwood Township, Town Board Chair  
(763) 434-8888  
*Please see attached Letter*

Brad Johnson  
Assistant Hennepin County Attorney  
(612) 543-0665

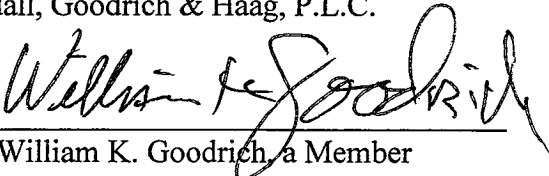
(Please note, we have not solicited references from City employees or City Council members as we feel this would be inappropriate because of our current relationship)

SUMMARY OF RELEVANT CONSIDERATIONS

The Law Firm's office is conveniently located across the street from the Anoka County Government Center (courthouse). The Law Firm has three attorneys experienced in municipal law, three attorneys experienced in prosecution, an experienced support staff, and updated technology to handle all of the City of Ramsey's legal needs. Most significantly, Mr. Goodrich has represented the City of Ramsey since October, 1970. He has experienced the growth of the City from a rural township to today's suburban city of 24,000 residents. Mr. Goodrich has maintained his municipal expertise with well over half of his legal work related to the legal needs of the City of Ramsey. Mr. Goodrich and the Law Firm are well equipped to continue as City Attorneys for the City in both civil and prosecution legal matters.

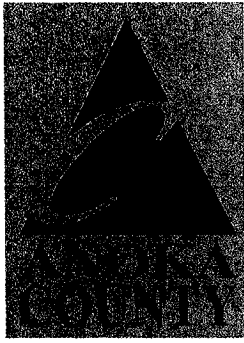
We welcome any questions and an opportunity to meet with the City Council to further discuss the continuation of our services as City Attorney for the City of Ramsey. Please feel free to contact me if you desire any additional information concerning our proposal. Thank you for your consideration.

Respectfully submitted,  
Randall, Goodrich & Haag, P.L.C.

By:   
William K. Goodrich, a Member

**APPENDIX A**

**PROFESSIONAL REFERENCES - LETTERS**



# ANOKA COUNTY ATTORNEY

**TONY PALUMBO**

Government Center • 2100 Third Avenue • STE 720 • Anoka, MN 55303-5025  
(763) 323-5550 • [attorney@co.anoka.mn.us](mailto:attorney@co.anoka.mn.us)

[http://www.anokacounty.us/departments/co\\_attorney](http://www.anokacounty.us/departments/co_attorney)

2 April 2013

Honorable Sarah Strommen  
Mayor, City of Ramsey  
7550 Sunwood Dr. NW  
Ramsey, MN 55303

RE: City Attorney Bill Goodrich

Dear Ms. Strommen:

I am writing this letter in support of Bill Goodrich's request to continue as City Attorney for the City of Ramsey. I have known Bill for many years and consider him to be an excellent example of a city attorney. He has been on contract to perform civil and criminal matters in townships on behalf of this Office many times during the 35 years that I have been in the Office. My understanding is that he has performed excellent work in that role.

In my personal contacts with Bill, I have seen his knowledge of the law, his ability to communicate and problem solve, and his ethics to be of the highest caliber. I know he has formed many positive relationships with city and county personnel throughout his years and these have helped resolve many City issues. His legal knowledge and those relationships have helped him provide quality legal advice to the council, to the staff and to others with whom the City has interacted. Bill is highly regarded in the legal community and is well respected.

I strongly recommend Bill Goodrich for the position of City Attorney for the City of Ramsey.

Sincerely,

Tony Palumbo  
Anoka County Attorney



## LINWOOD TOWNSHIP

ANOKA COUNTY

22817 Typo Creek Drive N.E.

Stacy, Minnesota 55079

(651) 462-2812 • Fax (651) 462-0500

E-Mail: [linwoodtownship@citlink.net](mailto:linwoodtownship@citlink.net)

Website: <http://linwoodtownship.org>

April 1, 2013

To Whom It May Concern:

Please accept this letter for appreciation of the support and working relationship that has been developed between the Township of Linwood and the law firm of Randall, Goodrich & Haag, P.L.C. The Township and Randall, Goodrich & Haag, P.L.C. as the township's attorney and prosecuting attorney have worked together over the years to provide fair and just service to the citizens of Linwood Township.

We have always been happy with the legal advice provided by the attorneys at Randall, Goodrich & Haag, and take comfort in knowing that their expertise is a phone call away.

I recommend the law firm of Randall, Goodrich & Haag, P.L.C. for civil and criminal prosecution, and look forward to working with them for years to come.

Any questions, feel free to give me a call. 763-434-8888

Sincerely,

Phil Osterhus  
Chairman of Linwood Town Board

# *The Weaver Brothers Company*

320 East Main Street, Anoka, Minnesota • (763) 421-5522

April 3, 2013

The Honorable Sarah Strommen, Mayor  
The City of Ramsey  
7550 Sunwood Drive NW  
Ramsey, MN 55303

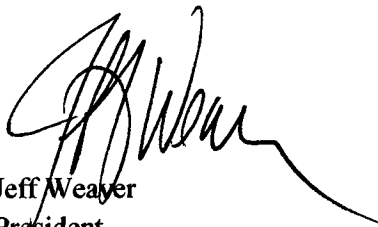
Dear Mayor Strommen,

In these times of change for municipal government, it is important that effective leaders be in place to help guide our cities into the future. One such leader is William Goodrich. It is with great confidence that I write this letter to support the re-appointment of Ramsey City Attorney William "Bill" Goodrich.

I have known Bill for more than 20 years as both a community leader and as legal counsel for my family run business, The Weaver Brothers Company. He has always been dependable, trustworthy, sensible, and demonstrated an in-depth knowledge of the legal system to help guide my Company during our many years of operation. Also, with my experience as a current council member in the City of Anoka, I firmly believe Bill Goodrich is an exceptional asset with knowledge of how city and state governments operate, and therefore, should continue to serve as Ramsey's City Attorney.

I hope the City of Ramsey will see, as I do, the value in having someone with Bill's expertise and passion for the community in the position of City Attorney.

Sincerely,



Jeff Weaver  
President  
The Weaver Brothers Company

C: Ramsey Council Members  
Kurt Ulrich, Manager, City of Ramsey



CENTRAL MINNESOTA  
DEVELOPMENT COMPANY

April 3, 2013

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

RE: ENDORSEMENT OF WILLIAM GOODRICH

Dear Kurt:

It is my understanding that the City of Ramsey is undertaking a selection process for legal representation and advisory services for the City. I am writing to endorse William K. Goodrich for this position.

I have known and worked with Bill since 1978. He has served as the "Designated Attorney" for CMDC since the formation of the company. Becoming qualified as a Designated Attorney requires someone with special skill sets and experience as required by the U.S. Small Business Administration.

When selecting our legal counsel we looked for someone with integrity, honor and technical expertise. Bill is one of those unique individuals who has all of these qualities. We have always found Bill to be dependable, efficient, and knowledgeable. Also, his willingness to take on difficult assignments and see them to successful completion has repeatedly impressed me over the years. His skills do not end with work assignments. He also projects a warm, cheerful attitude to our clients and all whom he meets. I have seen him resolve conflicts and handle other difficult situations with remarkable patience and admirable tact.

He has served in a similar capacity for the City of Ramsey for a number of years. The experience and knowledge that he has about the community is invaluable and will be extremely helpful as the community enters future phases of development.

I believe these characteristics are needed by anyone representing the City of Ramsey as well as CMDC. I am pleased to endorse William Goodrich as Legal Counsel for the City of Ramsey.

Best regards,

*Michael J. Mulrooney*

Michael J. Mulrooney, President  
CMDC

1885 Station Parkway NW Andover, MN 55304

763.784.3337 | fax: 763.784.3338 | [www.cmdcbusinessloans.com](http://www.cmdcbusinessloans.com)

*Combined*

BERGLUND & BERGLUND, LTD.

ATTORNEYS AT LAW

2140 FOURTH AVENUE NORTH  
ANOKA, MINNESOTA 55303

JOHN J. BERGLUND  
MARK E. BERGLUND

Writer's E-Mail:  
johnberglund@berglund-law.net

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

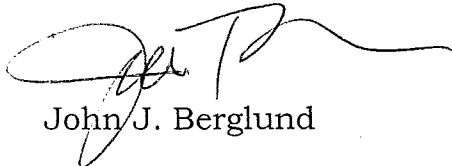
Re: City of Ramsey  
Legal Services RFP

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 INTEREST**

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  
2150 THIRD AVENUE  
ANOKA, MINNESOTA 55303-2296

TELEPHONE (763) 421-4110  
FACSIMILE (763) 421-1040

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.

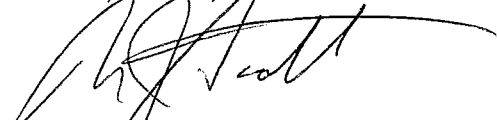
I have known John Berglund for over 30 years and he is a highly respected attorney in Anoka. Mr. Berglund has extensive experience in civil litigation, real estate matters, planning and zoning matters and contract disputes. He has been involved in many cases dealing with cities and has worked closely 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  
www.pubdef.state.mn.us

VIRGINIA A. MURPHREY  
CHIEF PUBLIC DEFENDER

DANIEL J. SADOWSKI  
MANAGING ATTORNEY  
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.

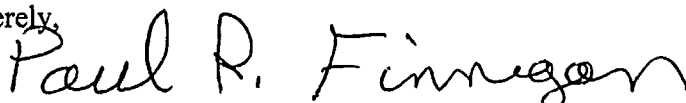
Mr. Berglund was the City Attorney for Ham Lake. Ham Lake uses the Anoka County Sheriff's Office as their police force. During the time Mr. Berglund prosecuted for Ham Lake, I was one of the Sheriff's Deputies assigned to Ham Lake. During this time, I had numerous occasions to be in court with Attorney 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

*✓ Combined*

**CITY OF RAMSEY  
LEGAL SERVICES RFP**

**Respectfully Submitted**

**By**

**HAWKINS & BAUMGARTNER, P.A.**

**2140 Fourth Avenue North  
Anoka, MN 55303  
(763) 427-8877**

**CONTACT: Scott C. Baumgartner (Lead Attorney)**

**April 5, 2013**

**PROPOSAL OF  
HAWKINS & BAUMGARTNER, P.A.  
FOR THE CITY OF RAMSEY LEGAL SERVICES**

TO: The City of Ramsey, its City Council, and its City Administrator

DATE: April 5, 2013

Hawkins & Baumgartner, P.A. hereby respectfully submits its proposal to provide Civil and Prosecution Legal Services to the City of Ramsey.

**Firm Background**

**Hawkins & Baumgartner, P.A.** The firm originally consisted of two partners, William Hawkins and Scott Baumgartner, and associate Adam Dahlen. Mr. Hawkins has since retired, and Mr. Dahlen has relocated to Santa Barbara, California. Derek Archambault was hired as an associate in August of 2010 to replace Mr. Dahlen. Over 99% of the firm's business is related to the representation of municipal clients, which include the cities of Andover, Anoka, Elk River, and Oak Grove. Mr. Baumgartner oversees the entire operation of the firm, handles all of the firm's civil municipal work for the cities of Andover and Anoka, handles all of the city code compliance matters for Oak Grove, and coordinates with Mr. Archambault for the handling of the municipal criminal prosecution and litigation for the Cities of Andover, Elk River and Oak Grove. The emphasis of Mr. Archambault's work is on municipal criminal prosecution for the cities of Andover, Elk River and Oak Grove.

**Individual Attorney Backgrounds and Qualifications**

**Scott C. Baumgartner.** Mr. Baumgartner has been a resident of the City of Ramsey for over 14 years, is a Charter member of the Ramsey Rotary, Vice President of the Anoka-Ramsey Athletic Association, and has been practicing law for over 17 years. Prior to his municipal law practice, Mr. Baumgartner's practice consisted of civil litigation (involving real estate, contracts, personal injury, and worker's compensation) and criminal defense. Through his civil litigation practice, Mr. Baumgartner has been involved in several court trials, jury trials, mediations, arbitrations, and appeals before the Minnesota Court of Appeals. Mr. Baumgartner's municipal practice has included representing both Charter and Statutory Cities in the areas of condemnation law, subdivision and land development, abatement, Torrens proceedings, special assessment appeals, ordinance drafting and enforcement, and other civil matters. Mr. Baumgartner's criminal prosecution practice has encompassed all phases of the criminal process including complaint drafting, witness and officer interviews, handling contested motions, vehicle forfeiture proceedings, court trials and jury trials.

In February of 2010, Mr. Baumgartner was selected to serve on the Anoka County Violence Against Women Task Force Steering Committee and Domestic Abuse Case Expediting Subcommittee, representing the interests and concerns of the Anoka County city prosecutors, which he continues to serve on. Through this committee and subcommittee, Mr. Baumgartner's criminal jurisdictions of Andover and Oak Grove were selected as pilot cities for the

implementation of the Anoka County Domestic Assault Lethality Assessment Protocol program and the expediting of criminal domestic assault cases. As a result of the success of this pilot project, all Anoka County law enforcement agencies and prosecuting offices are now participating in both programs. In 2011, Mr. Baumgartner and the Sherburne County Attorney, Kathleen Heaney, began meeting to discuss the possibility of implementing the Domestic Assault Lethality Assessment Protocol program in Sherburne County. As a result of these meetings, this program has since been implemented by all law enforcement agencies in Sherburne County. Also in 2011, Mr. Baumgartner's office was selected to participate in a pilot project in Sherburne County relative to the new E-Charging project, whereby criminal complaints would be administered electronically. Mr. Baumgartner's office worked closely with the BCA to resolve issues associated with the new online charging system, which has now been implemented throughout Sherburne County.

**Education:**

St. Cloud State University, St. Cloud, Minnesota, B.S. 1988, Major: Criminal Justice  
William Mitchell College of Law, St. Paul, Minnesota, J.D. 1994

**Professional Chronology:**

Admitted to Minnesota Bar 1995  
General practice of law, 1995 - 2006  
Assistant City Attorney, City of Anoka, 2006 - 2007  
Assistant City Attorney and Prosecuting Attorney, City of Andover, 2006 - 2007  
Assistant City Attorney and Prosecuting Attorney, City of Lino Lakes, 2006 - 2007  
City Attorney, City of Lino Lakes, 2007 - 2009  
Prosecuting Attorney, City of Lino Lakes, 2007 - 2008  
City Attorney, City of Anoka, 2007 to present  
City Attorney and Prosecuting Attorney, City of Andover, 2007 to present  
Prosecuting Attorney, City of Elk River, 2007 to present  
Prosecuting Attorney, City of Oak Grove, 2009 to present

**Professional Affiliations:**

American Bar Association  
Minnesota State Bar Association  
Anoka County Bar Association  
Anoka County Prosecutor Association  
Minnesota City Attorney List Serve  
Member of PATROL (Minnesota's Police Accredited Training Online program)

**Attorney ID:**

0253820

**Derek T. Archambault.** Mr. Archambault is a 2009 graduate from the University of St. Thomas School of Law, where he made the Dean's List (top 15%), received the Dean's Award in Domestic Violence and Advanced Trial Advocacy, and was selected to compete on two St. Thomas interscholastic moot court teams and competed in the New York City Bar Moot Court Competition in Iowa City, IA and the McGee Civil Rights Moot Court Competition in Minneapolis, MN. Also during law school, Mr. Archambault interned for the Honorable Paulette K. Flynn, 2nd Judicial District Court Judge; was Vice-Chairperson of the Board of Advocates at the University of St. Thomas School of Law; Served as a Case Resolution Expediter for the Anoka County Attorney's Office where he served as a liaison between prosecutors and defense attorneys in felony plea negotiations and developed and implemented an inmate housing efficiency program; and was a Criminal Division Law Clerk with the Anoka County Attorney's Office from June of 2007 through July of 2009 where he made routine court appearances on felony level cases and handled all aspects of misdemeanor and gross misdemeanor prosecutions. Following graduation, Mr. Archambault served as a Judicial Law Clerk, Third Judicial District, in Austin, Minnesota from September of 2009 until he was hired by Hawkins & Baumgartner, P.A. in August of 2010. Upon being hired, Mr. Archambault immediately began handling and specializing in criminal prosecutions, which has encompassed all phases of the criminal process including complaint drafting, witness and officer interviews, handling contested motions, court trials, jury trials, and appellate practice.

**Education:**

University of St. Thomas, St. Paul, Minnesota, B.A. 2006, Political Science; B.A. 2006  
Communication Studies  
University of St. Thomas School of Law, Minneapolis, Minnesota, J.D. 2009

**Professional Chronology:**

Admitted to Minnesota Bar 2009  
Certified Student Attorney, Criminal Division - Anoka County Attorney's Office 2007-  
2009  
Judicial Law Clerk, Third Judicial District, September 2009 - August 2010  
Prosecuting Attorney, Cities of Andover, Oak Grove and Elk River, 2010 to present

**Professional Affiliations:**

Minnesota State Bar Association  
Anoka County Bar Association  
Anoka County Prosecutor Association  
Minnesota City Attorney List Serve  
DWI Prosecutor List Serve  
Mentor for the University of St. Thomas School of Law Externship Program  
University of St. Thomas School of Law Moot Court and Mock Trial Judge

**Attorney ID:**

0389905

### **Statements Of Any Malpractice Claims And/Or Ethics Complaints**

None of the attorneys have ever been sued by a city, or other clients for malpractice. In the interest of full disclosure, an ethics complaint was alleged against me in February of this year. The allegations stem from a criminal case in 2008, five years ago. According to the allegations, the defendant in that case claims that her then attorney would not meet with her to discuss her case, would not show her the police reports, was unprepared for trial, and made inappropriate comments to her over her unwillingness to plead guilty. At the time of this case, however, I was the prosecutor, and not her attorney. She was, in fact, represented by the public defender's office throughout the case. In fact, I never even appeared at a hearing involving the complainant as another attorney from our office had made these court appearances. It appears that the complainant has confused me with her court appointed attorney. Apparently, the only reason she had my name, and perhaps mistook me as her attorney, is because one of the court notices, which list the attorneys for the state and defense on it, included my name as it was my firm prosecuting at the time. Upon receiving the complaint, I immediately prepared a response to the allegations and forwarded it to the attorney assigned to investigate these allegations. During a recent telephone conversation with this attorney, I was informed that she too believes the complainant has mistaken me for her public defender attorney and informed me this matter would most likely be dismissed as unfounded. This is the only time in my 17 plus years as an attorney that I have ever had any complaint such as this lodged against me.

### **Support Personnel**

Support personnel for providing legal services to the City of Ramsey will include the firm's paralegal, Holly Provo. Ms. Provo holds college degrees in paralegal studies and criminal justice and has been working as a paralegal for over seventeen (17) years. Ms. Provo has extensive experience in all aspects of civil and municipal law, including drafting agreements and resolutions, preparation of civil complaints and documents, and file preparation for hearings and trials. In addition, she possesses extensive experience in criminal prosecution, including the drafting of numerous criminal complaints, interviewing victims/witnesses, file preparation for hearings and trials, responding to discovery demands, and interaction with the law enforcement agencies, probation services and court administration of the cities served by the firm. Ms. Provo is also well versed in the use of E-Charging for the electronic preparation and filing of criminal complaints and she has received all security clearances required to participate in the E-Charging program through the BCA. Ms. Provo's knowledge and experience in utilizing electronic discovery, record and report requesting and E-Charging, has resulted in increased efficiencies within the firm.

While we are confident that we currently have sufficient staffing to meet the needs of the City of Ramsey, in the event we are awarded the Civil and Prosecution contract, discussions will be had, and additional staffing decisions will be made, to assure that the City of Ramsey receives the highest level of service possible.

### **Office Location**

Our office is conveniently located across the street from the Anoka County Courthouse, providing quick access to the courts and court administration for special court appearances, filings, review of court files, and recording of documents.

As previously mentioned, Mr. Baumgartner lives in Ramsey within minutes of Ramsey City Hall. This will facilitate the furnishing of any City Hall office time, the attendance at City Council meetings, and other Commission/Board meetings of the City that may be required.

### **Legal Library, Research, and Technological Capabilities**

Our firm has subscriptions to Minnesota State Statutes, all Minnesota and Court of Appeals decisions, and is a member of the Minnesota City Attorney List Service and DWI Prosecutor List Serve. Our onsite library contains, among other items, current and up to date publications of Minnesota State Statutes and criminal rules and procedures publications. We also make use of the Anoka County Law Library for any additional publications we may feel are pertinent to our practice.

Technologically, our office is equipped with Microsoft Office software, laser jet printers and state of the art copiers, scanners, and fax machines, and a Digital Imaging System (Copier, Printer, Scanner, and Fax Machine). We have complete computer capabilities for all attorneys and support staff, including laptops, with individual e-mail addresses; access to our server files via any remote computer allowing for the retrieval and editing of any document on the server; and access to high speed internet, with computer links to various legal databases, including:

#### **Minnesota Court Information System (MNCIS)**

A government account providing statewide access to:

- Criminal Case Records
- Civil, Family, and Probate Records
- Judgment Searches
- Court Calendars

#### **Minnesota Driver and Vehicle Services Division (DVS)**

A government account providing immediate internet access to driver license and motor vehicle records.

#### **Fast Case**

- Case law for federal courts and all 50 states
  - o 50 states back to 1950 or before
  - o Minnesota cases back to 1874
  - o All U.S. Supreme Court cases back to 1 U.S. 1 (1754)
  - o All Federal Circuits back to 1 F.2d 1 (1924)
  - o Opinions of U.S. District, Bankruptcy and Tax Courts
- Federal and state statutes, regulations, court rules and constitutions
- Public records
- Federal filings
- Minnesota State District Court Opinions
- Authority checks and more

### Minnesota State Law Library

- Appellate Court Opinions
- Full Text Search cases from 1996 forward
- Minnesota Statutes
- Ordinances (City and County)
- Minnesota Appellate Court Briefs

### League of Minnesota Cities

- Handbook for Minnesota Cities
- HR Reference Manual
- Information memos-Governing and Managing
- Information memos- HR and Benefits
- Information memos-Risk Management
- Legislative and Policy Analysis Information
- Models
- Reports
- League Training Handouts

### Minnesota Statutes

- Statutes, Laws, Rules

### United States Code

### Minnesota Trial Court Public Access

- Criminal Case Records
- Civil, Family, and Probate Records
- Judgment Searches
- Court Calendars

In addition to the foregoing, our office is equipped with secured computer technology and has been granted BCA security clearance for E-Charging (electronic preparation) of Criminal Complaints, which we have been doing for over a year now.

### **City/City Attorney Relationship**

Our firm's approach to the relationship with our clients has always focused upon providing prompt and efficient representation of our clients' interests. We are a local law firm with extensive contacts and knowledge of the political and judicial systems in Anoka County. Our emphasis has always been on providing prompt, well-reasoned legal analysis and opinions to our clients. Our goal is to make our municipal clients fully aware of their legal options in order to make informed public policy decisions. Once such decisions have been made, our goal is to vigorously execute and enforce these policies if legal action becomes necessary. Our firm also enjoys its relationship with the various municipal staff members, and works well with them to quickly address and resolve issues that may arise before they become problems.

With respect to providing prosecutorial services to our clients, we realize that not only does the City rely upon our representation to adequately protect its citizens and see that justice is served, but so do the law enforcement agencies who expect that the fruits of their labors will not be soured by poor, inefficient prosecution. Our firm enjoys its relationship with the various law enforcement agencies and perceives one of its roles as being an active participant with these agencies in advancing the safety and well-being of the citizens in the community. Our firm also has an excellent working relationship with the Alexandra House, which better enables us to prosecute domestic related crimes, while being cognizant of the victim's desires relative to dispositions of the case.

Relative to the inquiry regarding response times, our firm is small enough to be personal, yet large enough to handle all of the City's municipal and prosecution needs. The collaborative experience and positive working relationships within our firm affords us the opportunity of quick turn-around time on projects and in response to inquiries. We pride ourselves on our availability to City Council and Staff for questions and input. Both of our attorneys have e-mail accessibility on their cellular phones, and at home, allowing for 24 hour communication possibilities. This accessibility further sustains our ability to meet the response times described in the RFP, which appear reasonable and quite accomplishable. A direction or inquiry from the City Council (or a member of the Council), the City Administrator, or a Department Head would be responded to the same day. If for some reason that is not possible, the inquiring party would be so notified by a member of our staff and informed when a response will be received.

Relative to the request to describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation, we believe that prompt completion of assignments is the best means of status reporting. If the City Council deems it appropriate, City Council agenda scheduling could include City Attorney reports on at least a monthly basis as well as dictating project completion deadlines. In addition, the lead attorney will be available at each City Council meeting to answer questions in regard to the status of projects, and will always be available by telephone or e-mail to answer questions.

### **Clients/Conflicts of Interest**

Public clients currently represented include the following:

Andover – civil and prosecutorial services

- City Council meetings are at 7:00 p.m. on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month.
- City Department Head meetings are at 8:30 a.m. on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month.

Anoka – civil services

- City Council meetings are at 7:00 p.m. on the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month.
- City Department Head meetings are at 10:00 a.m. on Tuesdays of each month.

Elk River – prosecutorial and limited civil services

Oak Grove – prosecutorial and limited civil services

To the best of our knowledge, we do not have any client whose representation would conflict with our ability to provide legal services to the City of Ramsey. We have represented municipalities that border upon one another and have not been involved in a conflict of interest with any of those communities. In the event there ever would be a conflict, we would either seek an express waiver of the conflict, pursuant to Rule 1.7 of the Rules of Professional Conduct, or assist in obtaining temporary, competent, and independent legal counsel to resolve the issue.

## **Compensation**

### **Civil Legal Compensation**

We would propose to charge a monthly retainer of \$4,500.00 per month. The services to be provided for the retainer would include those set forth in the RFP, any other similar services the City deems necessary for proper representation of its interests, and up to 10 hours of services related to administrative hearings, eminent domain proceedings and civil proceedings per month. Any hours in excess of 10 hours per month would be billed at \$100.00 per month.

### **Criminal Legal Compensation**

We would propose to charge a monthly retainer of \$5,500.00 per month. This retainer would include representing and prosecuting all petty misdemeanor, misdemeanor and gross misdemeanor offenses within the City's jurisdiction, including: scheduling, coordinating officer appearances, reviewing all criminal cases presented for purposes of prosecution, determining technical compliance with the criminal code and other state statutes, drafting complaints, making recommendations to the Court for alternatives to prosecution where appropriate, acting as a resource to the Ramsey Police Department in the development of criminal cases, and providing training sessions for enforcement staff as needed. While it is not anticipated there would be any Criminal Appeals to any Minnesota or Federal Appeals Court in connection with our prosecution for the City of Ramsey, in the unlikely event there would be, we propose to bill at an hourly rate of \$95.00 per hour for attorney's time and \$45.00 per hour for paralegal time associated with such cases. In addition, if it is the Ramsey Police Department's practice to forfeit vehicles and money associated with those crimes for which said items may be forfeited, we will process and present forfeiture cases on behalf of the Ramsey Police Department. Payment for our services related to forfeitures shall be in accordance with Minnesota State Statutes, which is essentially a set, statutory percentage based upon the amount recovered from the sale of a forfeited vehicle or the amount of cash forfeited in the case of narcotic charges.

We bill monthly, usually within seven days following the end of the month. Our billing system is computerized and very flexible if you wish us to adapt to any format that the City desires. We would also be willing to consider any other alternative billing arrangements the City would like to suggest.

**Reimbursable Costs**

<b>Itemized fees:</b>	
Photocopying Charges	No Charge
Travel Time	No Charge for Local Travel
Fax Charges	No Charge
Phone Charges	No Charge
Other Possible Charges: 1. Filing Fees; 2. Document Recording Fees; 3. Brief Printing Costs; 4. Deposition Fees; 5. Process Service Fees; 6. Other costs incurred for our services.	We bill our clients only the costs we incur for these services.

**Professional References**

We would offer the following references relative to our Civil Legal Services:

Jim Dickinson  
City Administrator  
City of Andover  
1685 Crosstown Boulevard NW  
Andover, MN 55304  
(763) 755-5110

Tim Cruikshank  
City Manager  
City of Anoka  
2015 First Avenue North  
Anoka, MN 55303  
(763) 576-2711

David L. Carlberg  
Director – Community Development  
City of Andover  
1685 Crosstown Blvd. NW  
Andover, MN 55304  
(763) 767-5140

Carolyn Braun  
Planning Director  
City of Anoka  
2015 First Avenue North  
Anoka, MN 55303 - 2270  
(763) 576-2722

David D. Berkowitz  
Director of Public Works/  
City Engineer  
City of Andover  
1685 Crosstown Blvd. NW  
Andover, MN 55304  
(763) 767-5133

We would offer the following references relative to our Prosecution Legal Services:

Brad Rolfe  
Chief of Police  
Elk River Police Department  
13077 Orono Parkway  
Elk River, MN 55330  
(763) 635-1201

Tom Wells  
Chief Deputy  
Anoka County Sheriff's Office  
13301 Hanson Blvd. NW  
Andover, MN 55304  
Phone: (763) 323-5033

The Honorable Barry A. Sullivan  
Judge of District Court  
Tenth Judicial District  
Anoka County Courthouse  
325 East Main Street  
Anoka, MN 55303  
(763) 323-6026

Scott Knealing  
Investigator  
Anoka County Sheriff's Office  
13301 Hanson Blvd. NW  
Andover, MN 55304  
Phone: (763) 754-4522

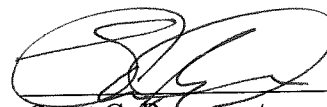
#### **Additional Considerations**

As a resident of Ramsey with significant community ties, I feel I have an additional vested interest in the future growth and betterment of our community, of which I would very much like to be a part. In addition, since our firm shares the same office building with Randall & Goodrich, who currently provide these services for the City of Ramsey, should our firm be awarded the contract for these services, our close proximity and excellent relationship with Randall & Goodrich would assure a smooth transition of files so as to prevent any decrease in the level of service.

We appreciate the opportunity to submit this proposal for your consideration and welcome any questions and an opportunity to meet with the City Council to further explore the possibility of serving as the City Attorney and/or Prosecuting Attorney for the City of Ramsey. Please feel free to contact me if you desire any additional information concerning our proposal. Thank you for your consideration.

Respectfully submitted,

HAWKINS AND BAUMGARTNER, P.A.

  
\_\_\_\_\_  
Scott C. Baumgartner

*Civil only*

**COURI & RUPPE, P.L.L.P**

**Michael C. Couri\***  
**Robert T. Ruppe\*\***

*Attorneys at law*  
705 Central Avenue East  
PO Box 369  
St. Michael, MN 55376-0369  
**(763) 497-1930**  
**(763) 497-2599 (FAX)**  
[www.couriruppe.com](http://www.couriruppe.com)

*\*Also Licensed in Illinois*

*\*\*Also Licensed in California*

March 28, 2013

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

**Re: City of Ramsey Proposal for Legal Services.**

Dear Ms. Thieling:

Thank you for reviewing this proposal to provide civil municipal legal services to the City of Ramsey. We are not proposing to provide prosecution services to the City.

**Firm Experience**

*Firm Background*

Couri & Ruppe is located at 705 Central Avenue East, St. Michael, Minnesota, about twenty-five minutes from the Ramsey City Hall. The firm consists of two full-time attorneys and one secretary/paralegal. Michael Couri began practicing municipal law in 1991 and Robert Ruppe joined the firm in 2000. We do not anticipate any staffing changes should Ramsey choose to retain Couri & Ruppe as City Attorney.

Couri & Ruppe has deliberately maintained a very stable, nearly exclusive municipal law practice, with a very broad base of municipal clients. In 2012, 90% of our firm's billings were to municipal clients, both cities and townships. With 90% of our business in municipal law, we have both the depth and expertise to provide Ramsey with sound legal advice and representation. In addition, our broad municipal client base ensures that our main emphasis will remain in municipal law for many years to come. We expect our municipal practice to continue to grow in the foreseeable future.

### *General Experience*

For the past twelve years, our attorneys have concentrated their practice in municipal law. As a result, we have become very well versed in the multitude of statutes and cases that make up the body of municipal law, and have dealt with most issues that the City of Ramsey is likely to face. This allows us to provide guidance to the City and to answer most questions very quickly without resorting to hours of expensive research.

Our attorneys have literally attended thousands of City Council, Planning Commission and Town Board meetings over the years. We understand the importance of providing sound legal advice to the City Council at public meetings and have a keen appreciation for the relationship between the City Council and the public which it is elected to represent. We view our job as providing a range of legal options to the City Council on any given issue and recommending that option which we believe is best suited to achieve the City Council's objectives. We fully understand that the City Council alone sets policy, and that as a component of City Staff, once a decision has been made it is our job to help implement that decision within the confines of the law.

### *Municipal Clients*

Couri & Ruppe currently represents eight cities on a regular basis: Albertville (since 1991), Avon (since 2006), Blomkest (since 2008), Kingston (since 2004), Nowthen (since 2010), Onamia (since 2007), Rockford (since 2002), and St. Augusta (since its incorporation in 2000). We also represent the City of Howard Lake on special development projects. We represent a number of townships and have represented counties, lake improvement districts, and other governmental entities in the past.

### *Experience with Municipal Clients*

At Couri & Ruppe we have considerable experience in a number of areas of Municipal Law and litigation, including the following areas:

- **Contracts** – We have drafted and reviewed hundreds of contracts covering virtually all aspects of City government, including construction contracts, professional service contracts, purchase contracts, employment contracts, rental contracts, real estate purchase and sale contracts, wastewater plant management contracts, police service contracts, fire service contracts, and street maintenance contracts.

- **Employment/Personnel** – We work with our clients on personnel and employment issues, from assisting in hiring to assuring that all legal requirements are followed, including developing or revising personnel policies and assisting with separation from employment issues. We have experience in a variety of employment matters, including:
  - Successfully defending the City of Albertville’s decision to modify the duties of a maintenance employee before a Veteran’s Preference panel.
  - Negotiating employment agreements for the hiring of specific employees as well as negotiating separation agreements for those employees whose positions have been eliminated.
  - Advising City Councils on the process for terminating employees as a result of disciplinary violations and poor work performance.
  
- **Land Use Law** – we have over the years developed and refined developer’s agreements that protect the City and place the expense and burden of development on the developer, rather than on the City’s taxpayers. In addition, we have developed platting checklists for items that need to be addressed through the platting process. As platting has become more complicated in the last few years, we have developed processes under which we coordinate the details of the plat recording process very closely with the City Administrator, including obtaining the letter of credit, ensuring that title is clearly in the name of the developer before recording the plat, obtaining any required subordination agreement from mortgage holders, ensuring that all declarations and covenants are properly signed and recorded, and ensuring that all documents are recorded in the proper order. This is vitally important given today’s housing market in which many developers are no longer able to financially complete their development projects. Specifically, we have:
  - Assisted in development of the Albertville Outlet Mall, including negotiations with the developer and preparation of a detailed developer’s agreement.
  - Assisted with the development of 38 acres of City-owned land for commercial/retail purposes located immediately north of the Albertville Outlet Mall.
  - Assisted in the preparation of hundreds of development agreements for thousands of residential, commercial and industrial lots. These agreements govern the development of various forms of housing, commercial uses and planned unit developments. These agreements are based on a “pattern” agreement approved by the City Council and typically require the Developer to pay all costs related to the installation of sanitary and storm sewer, water, streets curb and gutter.

- Assisted in the development of a financing plan, the acquisition of the necessary right of way and the levying of special assessments for the addition of an exit ramp at the intersection of CSAH 19 and Interstate 94 in Albertville.
- Assisted with the establishment of sewer and water service in St. Augusta, South Haven, and Blomkest including the acquisition of property through eminent domain and the special assessment of benefiting properties.
- **Ordinances and Resolutions** – We have drafted and reviewed hundreds of ordinances, including zoning and subdivision ordinances, nuisance ordinances, right of way ordinances, housing maintenance ordinances, sign ordinances, adult use ordinances, licensing ordinances, personnel ordinances, administrative fine ordinances, and liquor ordinances, to name a few. In addition, we have assisted in the complete codification of City ordinances. We also routinely draft and review resolutions as requested by clients.
- **Planning and Zoning** – Our firm has processed several hundred variance and conditional use requests for our City and Township clients. In addition, we have written zoning and subdivision ordinances for a City that previously had none and have undertaken comprehensive zoning ordinance reviews and revisions for several clients. We routinely perform legal reviews of zoning and subdivision applications and assist in the drafting of findings of fact to support the decision of the City Council on these applications.
- **Election Law** – We work with our clients to ensure that elections are run in an efficient manner and that all legal requirements are met. We have also worked with our clients when ballot or other problems arise to find solutions within the legal framework provided by the Legislature and the Courts.
- **Environmental Law** – We have assisted several clients in processing AUARs and EAWs accompanying significant development applications related to proposed commercial developments and mining and processing operations.
- **Ordinance Enforcement** – We work with all of our clients to enforce their ordinances. We have clients who enforce only major health and safety issues and other clients who focus a significant amount of their resources on enforcing every aspect of their code. We work with the City Council to determine a policy and strategy for enforcement and then implement that policy as necessary. We follow escalating steps to enforce ordinances with the least cost to the city but have taken enforcement issues to court when warranted and requested by the City.

- **Financing and Assessments** – We have extensive knowledge of municipal financing including special assessments under Minn. Chap. 429, tax increment financing, bonds, grants, and loans from USDA, Rural Development and DEED. We have worked with many clients to determine what method of financing is most appropriate and to work through the procedures for that method to ensure that the client is fully protected, including the use of capital improvement plans for road and municipal building projects. We do not propose to act as bond counsel but routinely work in concert with bond counsel as the need arises. We have extensive knowledge of the special assessment procedures from the decision to use Minn. Chap. 429 through the appeal process and final court order. Mr. Couri recently secured Court verdicts in two separate trials upholding the full amount of the City of Albertville’s special assessments for three separate parcels in the amounts of \$149,474.83, \$137,163.71, and \$170,337.15.
- **Franchise Agreements** – We have drafted a number of gas and electric franchise agreements, and worked with municipalities in drafting and implementing franchise fee ordinances.
- **Foreclosures** – We have extensive experience in working with our city clients to ensure that their interests are protected during these turbulent economic times. We have assisted municipalities in transferring the developer’s obligations to the bank or other financial institution where a foreclosure has occurred, and have worked with developers and banks in an effort to complete the required work and ensure that the contractors hired by the developer to work on city improvements are properly paid.
- **Letters of Credit** – We have experience drawing on letters of credit when developers abandoned their development project or otherwise failed to live up to their contractual obligations. We have assisted our clients in drawing on over a dozen letters of credit in the past few years.
- **Joint Powers Agreements** – We have exhaustive experience with Joint Powers Agreements. We have drafted a number of joint powers agreements, including joint powers fire protection agreements, joint planning agreements, joint sewer agreements and joint road maintenance agreements. Specifically we have:
  - Assisted Burns Township in drafting a Joint Powers Fire Protection Agreement between Burns Township (Nowthen’s predecessor prior to incorporation in 2008) and the City of Ramsey.
  - Advised five Townships in the establishment of a joint fire department and drafted all documentation, including the joint powers agreement

- establishing the fire department. We also assisted these five communities in the adoption of necessary bylaws for the fire department, the establishment of a fire relief association, and the acquisition and financing of the fire hall and all equipment used by the fire department.
- Assisted the City of St. Augusta with the six-city joint sanitary sewer plant expansion and operating agreement governing the St. Cloud Wastewater Treatment Plant.
  - Since 2006, advised the Blomkest-Svea Sewer Board that jointly provides sewer service to its members.
  - Worked with cities in crafting agreements providing for cross-border sewer and water service.
- **Eminent Domain/Condemnation** – Mr. Couri has worked on numerous eminent domain cases including winning the following:
    - Securing a court verdict for the City of Albertville in an eminent domain case in the amount of \$65,000, where the property owner sought damages in excess of \$500,000.
    - Securing a Condemnation Commissioners' verdict for the City of Albertville in an eminent domain case in the amount of \$13,295 where the property owner sought damages in the amount of \$168,000.
    - Securing a Court decision authorizing the City of South Haven to acquire property via eminent domain for a wastewater treatment plant and successfully defending that decision at the Minnesota Court of Appeals.

### Proposed Attorney Team

Couri & Ruppe proposes to have Michael Couri serve as the Ramsey City Attorney with Robert Ruppe assisting as needed. Mr. Couri would attend City Council meetings and staff meetings as requested, and would communicate directly with City Staff and the City Council members. Mr. Couri and Mr. Ruppe will be responsible for all legal work performed for the City, and will address all phone calls and written inquiries from the City.

As the "lead attorney", Mr. Couri will be the primary contact for the City Council and City Staff. Mr. Ruppe will assist on a project-by-project basis as necessary, and will be available to City Staff in Mr. Couri's absence. This "team approach" has worked well for our municipal clients in that it provides the client with two knowledgeable attorney contacts who can answer questions or provide advice in response to client phone calls or inquiries.

*Michael Couri*

Michael Couri is a partner with Couri & Ruppe. Mr. Couri received his Bachelor of Science degree in accounting from Illinois State University in 1985. He then received his Certified Public Accountant certificate and Juris Doctorate from the University of Illinois in 1988. Mr. Couri was admitted to the Illinois Bar in 1988 (license # 6199232) and the Minnesota Bar in 1991 (license #214887).

Mr. Couri has practiced extensively in the areas of land use law, including commercial and residential development, municipal improvements and special assessments, eminent domain, planning and zoning, personnel, and annexation and incorporation. Mr. Couri's noteworthy projects include assistance with the development of the Albertville Outlet Mall, assistance with the establishment of sewer and water service and accompanying special assessments for over 225 homes in the City of St. Augusta, and assistance to the City of Albertville with the acquisition of land for and approval of an additional Interstate 94 exit ramp.

Mr. Couri has been continuously engaged in the practice of Municipal Law in Minnesota since 1991. Mr. Couri has been the City Attorney for the City of Albertville since 1992, the City of St. Augusta since 2000, the City of Rockford since 2002 and the City of Avon since 2008. Over the last 22 years, Mr. Couri has attended over 1,000 City Council meetings in his capacity as City Attorney. Mr. Couri's standing meeting commitments are the first and third Mondays of each month, and the first Tuesday of each month.

Mr. Couri is currently serving as the President of the Minnesota Association of City Attorneys, a position which helps coordinate continuing legal education training for all City Attorneys in Minnesota. Mr. Couri is also a regular presenter for the Government Training Service course "Basics of Planning and Zoning" which is offered several times each year to City Planning Commission and City Council members.

*Robert Ruppe*

Robert Ruppe is a partner with Couri & Ruppe. Mr. Ruppe received his Bachelor of Arts degree in both economics and history from the University of Illinois. He then received his Juris Doctorate from the University of San Francisco. Mr. Ruppe practiced as a litigator for ten years prior to joining Couri & Ruppe in 2000. Mr. Ruppe is admitted to practice in both the State of California since 1990 (license #148691) and the State of Minnesota since 2000 (license #0301644).

Mr. Ruppe has experience with annexations, development agreements, complex litigation, eminent domain litigation, misdemeanor prosecution, election law, road

establishment, special assessments, hazardous building litigation, and municipal contracts. Mr. Ruppe serves as City Attorney for the cities of Kingston since 2004, Onamia since 2007, Blomkest since 2008 and Nowthen since 2010. Mr. Ruppe's only standing meeting commitments are the first Monday and the second Tuesday of each month. Mr. Ruppe also represents a number of Townships.

### **Accessibility and Responsiveness**

We at Couri & Ruppe believe very strongly in the philosophy that as City Attorneys, we should act as a fully integrated member of the City Staff. We view our job as one that works with other members of the City Staff to review issues and advise the City Council on the various options available to the City on a particular matter, recommending the option we feel is the best available. We believe that the City Attorney should advise the City Council in formulating City policy, but we recognize that only the City Council has the power to decide what each policy will be. We typically take direction from the City Administrator and City Council as to what legal matters we should perform work on. We encourage frequent contact between our office and City Staff so that all issues are freely and fully aired before the matter goes to the City Council for a decision.

Mr. Couri looks forward to having office hours at the City on the first and third Mondays. Mr. Couri has had set office hours with another City client and has found the experience very productive in providing better communication between the City Attorney and other City departments.

Both Mr. Couri and Mr. Ruppe would be accessible daily when not at City Hall. Mr. Couri currently has one standing meeting during regular business hours on the morning of the first and third Tuesdays of the month. His other meeting commitments are evening meetings on the first and third Monday evenings, and the first Tuesday evening. Mr. Couri is typically available by phone or email at all other times. Mr. Ruppe has no scheduled meeting commitments during regular business hours. Clients are encouraged to call Mr. Couri on his cell phone (612-751-9910) if he is out of the office. Mr. Ruppe can also be reached on his cell phone (612-210-8679) if he is out of the office.

It is our policy to return phone calls and emails on the same day. If we are out of the office when the call comes in, we will return the call the next day. If we are unable to return an email during business hours on the same day, we will often return it later the same evening, as we have access to our office emails both at the office and at home. We understand the importance of getting timely information to the City Staff and City Council members, as that information often translates directly into the issuance of a permit, the purchase of needed materials or the provision of services, all of which impact the public directly. While as City Attorney we represent the City Council, we fully

appreciate the fact that our broader mission is to ultimately help the City Council and City Staff serve the public.

### **Monthly Reporting & Computer Resources**

We propose providing the City Council with a written monthly report for the Council agenda packet detailing the significant issues that we have worked on for the City. The monthly report serves to update the Council on the progress of legal matters and allows the Council a chance to inquire further on those matters of greatest interest to them. We have found this method of reporting to be very useful to the City Council and City Staff.

All computers in our office are networked and connected to high-speed internet. Our attorneys use and are proficient on Microsoft Word. In addition, Mr. Couri is proficient in Microsoft Excel and Powerpoint. The vast majority of our work is transmitted to our clients via email.

Mr. Couri has moved to a "paperless" office system and now keeps all his clients' files electronically. In addition, his main computer is a laptop, which he uses at all City Council and Staff meetings. This ensures that Mr. Couri has access to all of his files at any time, which in turn allows Mr. Couri to make requested changes to documents in real time at City Council or City Staff meetings, and allows those present at the meeting to collaborate in modifying the document as needed. Often times the revised document from a meeting will be in the City Administrator's email before the meeting ends. Our clients have found this nearly instant response time to be refreshing and very productive for City Staff.

Mr. Couri is familiar with the LaserFiche document system, having used it at the City of Albertville over the past several years.

### **Clients/Conflicts of Interest**

Couri & Ruppe currently represents the City of Nowthen. While Mr. Ruppe is the attorney assigned to the City of Nowthen, approximately five years ago Mr. Couri assisted the City of Nowthen in drafting the Joint Powers Fire Protection Agreement between Burns Township (Nowthen's predecessor prior to incorporation in 2008) and the City of Ramsey. In drafting that contract, Mr. Couri worked very closely with Ramsey's Fire Chief, Dean Kapler. This joint powers agreement is the only issue that we believe can possibly give rise to a conflict of interest in the future, as it is the only standing agreement between Nowthen and Ramsey that we are aware of. We do not represent any other municipal governments that have any dealings with the City of Ramsey.

Unlike general practice law firms, we do not represent any private parties in the Ramsey area which may have business before the City of Ramsey. As a result, we do not anticipate any conflicts of interest involving the public at large in representing the City of Ramsey.

We also have an established procedure to reduce the likelihood of conflicts between our municipal clients. As such, prior to agreeing to represent a new municipal client, that client is checked against a list of existing municipal clients to ensure that no conflict or potential conflict exists. If a conflict exists, we decline representation of the new client.

No members of our firm have ever been sued for malpractice.

Several years ago a complaint with the Minnesota State Bar was filed against Mr. Ruppe stemming from a Notice of Violation letter Mr. Ruppe sent to an individual on behalf of a Township. Mr. Ruppe sent the letter to the individual as required by the Township's ordinance, but also sent a copy of the letter to his attorney. The substance of the complaint by the individual's attorney was that Mr. Ruppe sent the letter directly to the individual instead of the individual's attorney, as prescribed by the Rules of Professional Conduct (under the rule, attorneys are supposed to communicate with the other party's attorney, not directly with the other party; however the Township's Ordinance required that notice be sent to the property owner). The Office of Professional Responsibility reviewed the matter and issued a private reprimand. No other complaints have been filed with the State Bar, nor has any other discipline been imposed on any other members of the firm.

### **Insurance**

Couri & Ruppe maintains general liability and legal malpractice insurance in the amount of \$2,000,000 per occurrence. Our carrier is Westport Insurance Corporation.

### **Attorney Continuing Legal Education**

Mr. Couri is the current president of the Minnesota Association of City Attorneys and a member of the planning committee for the Annual City Attorney Educational Conference sponsored by Government Training Services. This group annually plans and puts on three days of continuing legal education seminars for Minnesota City Attorneys.

### **Fees**

Couri & Ruppe proposes the following basis for compensation over the two-year life of the contract:

### Attorneys

- \$140.00 per hour for all non-development municipal legal services performed (including litigation).
- \$160.00 per hour for all development-related municipal legal services for which the City is reimbursed by a developer.
- A flat rate of \$200 for the first two hours of City Council meetings, and \$140 per hour after the first two hours (no travel time is charged for City Council meetings), with attendance as requested by the City.
- We recognize that being appointed as City attorney will require that our office become familiar with the current status of many legal and development issues in the City. We expect that we will initially spend a substantial amount of time familiarizing ourselves with your City Staff, procedures, existing development agreements and contracts, and pending legal matters. This “ramp-up” time will not be billed to the City but will be absorbed by Couri & Ruppe.

### Secretarial/Paralegal

- Secretarial services are not billed to clients.
- \$60 for all Paralegal services (e.g. litigation preparation, recorded document searches at the County Recorder’s Office, etc.)

Couri & Ruppe does not charge for in-house copies (except for litigation-related copies, which are charged at ten cents per page), fax copies, long distance charges, mileage or word processing. Travel time is charged from port to port at the attorney’s hourly rate, except as noted above.

When necessary, we do utilize computerized legal research. Because we currently subscribe to Westlaw’s Minnesota statute and caselaw databases, there are no separate Westlaw charges that are billed to our clients for research conducted in these databases. In the unlikely event research outside these databases would be necessary, any direct Westlaw service charges arising specifically from research conducted on behalf of the City would be passed through to the City at our cost.

All billings to the City of Ramsey will be in 15-minute increments, and will be accompanied by a detailed description of the individual services performed.

**References**

The following city references may be contacted at your convenience.

Adam Nafstad  
City Administrator  
City of Albertville  
PO Box 9  
Albertville, MN 55301  
(763) 497-3106

Tina Lannes  
Finance Director  
City of Albertville  
PO Box 9  
Albertville, MN 55301  
(763) 497-3106

Larry Kruse  
City Administrator  
City of Thief River Falls  
405 3<sup>rd</sup> Street East  
P.O. Box 528  
Thief River Falls, MN 56701  
218-691-2943

Bob Kroll  
Mayor  
City of St. Augusta  
1914 250<sup>th</sup> Street  
St. Augusta, MN 56301  
(320) 654-0387

Joan Jauss  
Clerk  
Rice Lake Township  
4107 W. Beyer Road  
Duluth, MN 55803  
218-721-3448

### Training Sessions

Couri & Ruppe believes very strongly in continuing training for both our attorneys and our clients. Having extensive experience in planning and presenting training sessions for municipal attorneys and municipal officials, we believe that similar training for the Ramsey City Council members and interested staff would be beneficial to the City. If retained as the City Attorney for Ramsey, we propose to conduct two legal seminar workshops for the City Council members and City Staff at no charge to the City. We propose to address those topics that arise most frequently among our other City clients (typically Open Meeting Law, conflict of interest and decisions on zoning issues) as well as any topics of particular interest to the City Council members.

### Conclusion

Because Municipal Law has become increasingly complex, many cities have moved away from the general legal practitioner and have chosen instead to retain a law firm that specializes in representing municipalities. As you can see from the information provided above, Couri & Ruppe concentrates nearly all of its practice in Municipal Law. We believe this experience provides exceptional value to our clients and allows our clients to benefit from the experience of other cities which have addressed similar issues.

We appreciate your taking the time to review this proposal. We believe that Couri & Ruppe will provide the City of Ramsey with the experience and knowledge required to address all policy and legal issues that come before the City in a timely and efficient manner.

We encourage you to contact our references, and we look forward to an interview with your City Council should the City so desire. Please feel free to contact us should you require any additional information, or if you have any questions regarding this proposal. Thank you.

Sincerely,



Michael C. Couri

**Couri & Ruppe, P.L.L.P.**

Civil only



R R M

Ratwik, Roszak & Maloney, P.A.

City of Ramsey  
Proposal for Civil Legal Services  
April 5, 2013

Joseph J. Langel  
jjl@ratwiklaw.com

Eric J. Quiring  
ejq@ratwiklaw.com

300 U.S. Trust Building, 730 Second Avenue South, Minneapolis, Minnesota 55402  
Phone: (612) 339-0060 Facsimile: (612) 339-0038

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Attachment 1:        Attorney Areas of Practice and Resumes

Attachment 2:        Certificate of Liability Insurance

## **FIRM BACKGROUND**

The firm was founded more than twenty-six years ago by Paul Ratwik, John Roszak and Patricia Maloney, each of whom already had extensive experience in government law. Since its founding, the firm has expanded and built its practice on the strength of its attorneys and dedication to its clients.

From the beginning, Ratwik, Roszak & Maloney, P.A. has focused its practice exclusively on local government law. We take pride in representing cities, counties, towns and school districts throughout Minnesota. Because of our reputation and expertise, the State of Minnesota also retains the firm for special investigations. The firm's focus is reflected in its billings, 99% of which are to municipal clients. That percentage has remained consistent for many years.

Our attorneys provide a full range of legal services and have expertise in all areas of law affecting cities, including, but not limited to:

- Land use planning, zoning, development and redevelopment
- Ordinance and policy drafting and analysis
- Chapter 429 assessments
- Public sector labor and employment law
- Public contracting law
- Open Meeting Law and Data Practices Act
- Real estate acquisition (including the use of eminent domain)
- Environmental law
- Municipal litigation

We currently have 11 attorneys (7 shareholders and 4 associates) and four support staff. A brief description of their practice areas is attached. All are experienced municipal law attorneys. There have been no malpractice claims against our attorneys and the single ethics complaint asserted many years ago was summarily dismissed without investigation. The firm obtains malpractice insurance coverage in the amount of \$1,000,000 from Travelers Insurance Company. The firm is an equal opportunity employer.

We maintain a comprehensive municipal law library as well as access to Westlaw and other online research sources. We utilize Microsoft Word for document editing. The vast majority of our client communications, even with nearby clients, is by phone, e-mail and fax. We maintain a state-of-the-art computer network and phone system that provides our attorneys with 24 hour access to voice mail, e-mail, and our entire document database and file system.

Having represented a variety of cities for years, we are confident that we can fulfill the needs of Ramsey in a cost-effective, efficient manner.

**PERSON RESPONSIBLE FOR CONTRACT**

Joe Langel is a shareholder of the firm, having practiced in municipal law for 17 years, representing cities, counties and school districts. Joe is currently the appointed City Attorney for eight cities ranging in size from 100 to 20,000 people (Ironton, Deerwood, Cass Lake, Breezy Point, Clear Lake, Federal Dam and Lino Lakes).

Joe earned his law degree from the University of Minnesota Law School in 1994 and was admitted to the Minnesota bar that same year. Following a year as a judicial law clerk at the Minnesota Court of Appeals, Joe joined Ratwik, Roszak & Maloney and has been practicing municipal law full time ever since. Joe is a member of the Minnesota State Bar Association and the American Bar Association.

After 17 years of representing municipalities, including acting as City Attorney for several communities, Joe has a wide variety of public sector experience. Joe has advised cities on many issues, including comprehensive plans, rezoning, zoning permit applications and disputes, redevelopment, TIF districts, land acquisition, leases, contracts, bidding, service and mutual aid agreements, utility franchises, public cemeteries, volunteer fire departments, ordinance drafting and enforcement, and a variety of employment related issues.

Joe will be the lead attorney for Ramsey and is available by phone, fax and e-mail at all times. Joe prides himself on promptly responding to his clients' needs. Joe is available for Ramsey City Council meetings as desired by the Council.

Eric Quiring is a shareholder of the firm. He has represented cities, counties, and school districts for 12 years. Eric has practiced extensively in the areas of public contracting, open meeting law, data practices, construction law, eminent domain, employment and labor law, and various land use and property law issues.

Eric graduated from St. Olaf College with a B.A. degree, cum laude, and from the University of Minnesota Law School, cum laude. Eric is admitted to practice in Minnesota, the U.S. District Court for the District of Minnesota, the 8<sup>th</sup> Circuit Court of Appeals, and the U.S. Supreme Court. Eric is also a member of the Minnesota State Bar Association and the Hennepin County Bar Association. Eric will assist Joe and act as backup in the event Joe is unavailable.

Other staff will be utilized as appropriate, including shareholders with experience in certain specialty areas such as labor law. For example, Margaret A. Skelton is a shareholder of the firm. She practices in the areas of municipal law, labor and employment law, and general civil litigation. Prior to joining Ratwik, Roszak & Maloney, P.A., Ms. Skelton was an Assistant St. Paul City Attorney in the civil litigation division. She has tried cases to juries in state and federal court on a variety of matters. Ms. Skelton also routinely represents management in grievance arbitration, interest arbitration and negotiation of collective bargaining agreements.

**CITY/ATTORNEY RELATIONSHIP**

We pride ourselves on crafting legally appropriate solutions to accomplish the goals and mission of the client. Whenever possible, we provide a client with a range of options and an analysis of the associated risks and benefits. We emphasize that the client has the obligation to choose the course of conduct after full and complete legal advice.

Typically, our primary contacts are with the City Administrator and the department heads, usually via telephone and e-mail. The appointed city attorney supervises all ongoing issues and remains the primary contact even if some of the work is being handled by other attorneys in the firm. If the city attorney is not available, then the back-up attorney may be contacted. We strive to always have experienced municipal counsel available to respond to City inquiries. The response time requested within the RFP can certainly be met and are within our normal parameters for our clients.

Monthly reports can be provided at the beginning of every month, perhaps in advance of the first day of office hours. All pending projects and issues can be reviewed during office hours. Typically, for more urgent matters, reporting is frequently handled by phone or e-mail to the appropriate staff on an ongoing basis.

We maintain a comprehensive municipal law library as well as access to Westlaw and other online research sources. We utilize Microsoft Word for document editing. The vast majority of our client communications, even with nearby clients, is by phone, e-mail and fax. We maintain a state-of-the-art computer network and phone system that provides our attorneys with 24 hour access to voice mail, e-mail, and our entire document database and file system.

**CITIES REPRESENTED, EXPERIENCE AND REFERENCES**

Currently, we are the appointed City Attorney for the Cities of Lino Lakes, Clear Lake, Cass Lake, Ironton, Deerwood, Breezy Point and Federal Dam. We also provide legal services to the Cities of Eagan (labor and employment), and Hastings (labor and employment) as well as special assignments for St. Paul.

We have represented most of these cities for years and have provided all of the civil legal services typically required of a city attorney. These include ordinance drafting and enforcement, zoning and re-zoning, drafting and vacating easements, guiding Chapter 429 assessments and handling appeals, drafting and enforcing development agreements, providing guidance on Open Meeting Law and Government Data Practices Act issues, and so forth. City governance gives rise to a wide variety of legal issues, which makes our work both challenging and interesting.

**References**

City of Clear Lake, Kari Mechtel, City Clerk	(320) 743-3111
City of Lino Lakes, Jeff Karlson, City Administrator	(651) 982-2400
City of Ironton, Amy Baratto, City Clerk	(218) 546-5625

City of Deerwood, Mary Kadlec, City Clerk  
City of Cass Lake, Sue Uhrinak, City Clerk

(218) 534-3152  
(218) 335-2238

### **CONFLICTS OF INTEREST**

When new matters come into the office, the firm's attorneys consult one another and run a conflict check to assure no conflict of interest exists. A list of new matters is circulated weekly to all attorneys. In the event a potential conflict of interest may exist, we promptly notify each client or prospective client. If the firm reasonably believes that representation of one client will not adversely affect the relationship with the other client, we will undertake representation only if both clients consent. If we believe our representation of a client could be materially limited by our relationship with another client, we will not represent the client, but will assist the client in finding adequate representation. Our goal in identifying and resolving all conflicts is to maintain the loyalty present in all our client relationships.

Potential Conflicts: The firm presently represents over 100 public entities consisting of cities, counties, townships, school districts and joint powers entities. We are not aware of any party that the firm represents or has represented that would create a direct conflict of interest with our representation of the City of Ramsey. This firm does not represent real estate developers.

### **MUNICIPAL EXPERIENCE**

#### *DEVELOPMENT AND REDEVELOPMENT ISSUES*

##### 1. Land Use Regulation

We have found that many of the more difficult day-to-day issues presented to municipalities relate to land use or development issues. It is not unusual for agendas to be dominated by land use items. Certainly land use issues can be high profile and politically challenging. We have the experience in both providing general counsel on these issues as well as litigating them on behalf of municipalities.

For example, in Helgeson Brothers Partnership v. Douglas County, 2007 WL 4633395 (Minn. Ct. App. 2008), we successfully defended our client's denial of a conditional use permit and variance application after it was alleged that the county board misinterpreted a city zoning ordinance and violated a developer's constitutional equal-protection rights. The denial ensured developers could not ignore housing-density requirements from a city's zoning code. In In the Matter of the Cities of Annandale and Maple Lake's Petition, 2005 WL 14915 (Minn. Ct. App. 2005), we persuaded the Appellate Court to uphold our client's decision to both issue a conditional use permit for a wastewater treatment facility and impose all of the conditions on that permit. The court agreed with our argument that our clients made a sufficient factual basis to support the issuing of the permit over the objections of neighboring landowners. In O'Brien v. Douglas County, 2005 WL 3291395 (Minn. Ct. App. 2005), the Appellate Court affirmed our denial of a variance request from a zoning restriction concerning filtration and water runoff in a residential shoreland district.

In Buss v. Blue Earth County, 2002 WL 1326624 (Minn. Ct. App. 2002) we successfully defended the decision to grant a variance for the rebuilding of a horse barn. In Diamond A Farm v. Sherburne County, 2004 WL 2283457 (Minn. Ct. App. 2004) we were successful in defending the decision to issue a conditional use permit for the building of a greenhouse. In Overgaard v. Rock County, 2003 WL 21744235 (D. Minn. 2003) we defended the County Board's application and interpretation of its zoning ordinance against a challenge from a neighbor of the applicant. Finally, in SOB, Inc. v. County of Benton, 317 F.3d 856 (8<sup>th</sup> Cir.) we successfully defended the County's adult use ordinance against a myriad of challenges from the operator and dancers of a strip club. At any given time, our firm is actually engaged in a number of land use litigation files venued all over the State.

## 2. Municipal Real Estate and Facilities

A public client, just as a private client, engages in matters that involve real estate. Municipalities buy and sell land, condemn land, build and remodel facilities, and become engaged in real estate valuation issues involving ad valorem taxation and special assessments. The firm's work in land acquisition includes condemnation where voluntary acquisition of needed land is not possible. The positive results we have achieved include both reasonable settlements and favorable Commissioners' reports and jury verdicts on appeal.

In Masonry v. Independent School District No. 347, 2009 WL 1182053 (Minn. Ct. App. 2009), the Appellate Court held that our clients' construction defect claims were not barred by the statute of limitations. This allowed the School District to proceed on its claims for faulty construction to offset repair costs of over \$1.9 million. In Independent School District No. 194, Lakeville v. Tollefson Development, Inc. 506 N.W.2d 346 (Minn. Ct. App. 1993), we convinced the Court of Appeals to establish a new rule of law which resulted in the dismissal of the landowner's appeal of the condemnation commission award involving land for the Lakeville High School. The result was that the School District saved roughly \$1.3 million; preserving a \$700,000 commissioners' award when the landowner had sought over \$2,000,000.

Our firm also represents our public clients extensively in the area of construction law. We assist clients in preparing construction and consultant contracts so they protect our clients' interests. We also have considerable experience in construction disputes, both in arbitration and the district courts.

## 3. Environmental Review

In United States v. Bailey, 516 F.Supp.2d 998 (D. Minn. 2007), we successfully argued for dismissal of our client as a third party in a Clean Water Act enforcement action brought against a private individual. This kept our client from being responsible for any part of a restoration order requiring the landowner to restore wetlands over which he constructed a road.

In Watab Township Citizens Alliance v. Benton County, 728 N.W.2d 82 (Minn. Ct. App. 2007), the Appellate Court upheld our client's decision to rezone and approve a plat application for a community

water well and community waste-water treatment facility. The court agreed with our client that an EAW was not necessary for this project and its decision was not contrary to environmental regulations.

### *MUNICIPAL FINANCING*

Our firm routinely drafts and reviews municipal contracts, fields questions about the bidding process, reviews bid specifications, represents municipalities on bidding disputes, and provides general counsel on purchasing and selling. The firm regularly advises clients about their financing alternatives in funding public projects or acquisitions. We are familiar with and advise our clients in the areas of Chapter 475 indebtedness, special assessments, lease purchasing, development funding (tax increment financing, etc.) and the like. Through our experience, we understand the TIF laws and the complexities in applying them to development within the City.

### *POLICE ISSUES*

Aside from dealing with these issues as general counsel for Lino Lakes and other cities, we have represented many other municipalities on police-related issues, including the defense of departments on allegations of excessive force, sexual harassment, discrimination and intra-departmental employment matters. This includes representation before the Department of Human Rights and in state and federal court. We have recently represented a city in eliminating its police department and contracting with the County for police services. We also counsel clients on evolving issues such as police access to data concerning maltreatment of minors.

### *MUNICIPAL LABOR AND EMPLOYMENT LAW*

As public employers, cities are governed by a large number of laws that do not apply to private employers. Principally, cities are impacted by Minn. Stat. § 179A, the Public Employers Labor Relations Act. Other laws and constitutional provisions apply uniquely to the public sector. Our firm is proud of our extensive experience representing public clients in the municipal labor and employment law areas. Ann Goering, Terry Foy and Margaret Skelton have negotiated and administered numerous municipal collective bargaining agreements. We represent numerous counties in labor matters including Redwood, Murray, Lyon, Benton, Kandiyohi, Mower, Douglas, Big Stone, Renville, Stevens, Becker, Roseau and Pine Counties. We have also done work for the Cities of Prior Lake and Savage.

We represent clients in all areas of public sector labor and employment law, including but not limited to negotiation, arbitration, mediation, unit clarifications, veteran's preference hearings, discipline and termination, discrimination, unemployment compensation hearings, civil service matters and the like. We have litigated many public labor cases, and have established positive precedent. For example, in Hervey v. Koochiching County, 2006 WL 2990515 (D. Minn. 2006), we defended our client against both federal and state claims for sex discrimination, creation of a hostile work environment, and retaliation. A federal court granted summary judgment to our client on all claims dismissing the matter with prejudice. It agreed with our argument that the plaintiff did not make out a prima facie showing for any of her claims of harassment against the County.

Also, in Jereczek v. Intermediate District 28Z, 1991, WL 34701 (1991), we established law allowing a public employer to restrict employee speech where it would adversely impact administrative effectiveness or employee morale. In Dokmo v. Independent School District No. 11, 495 N.W.2d 671 (Minn. 1990), our firm established a rule of law requiring that employee termination challenges be brought directly to the Court of Appeals. Finally, in Central Lakes Education Association v. Independent School District No. 743, Sauk Centre, 411 N.W.2d 875 (Minn. Ct. App. 1987), we established new law recognizing a public employer's ability to unilaterally implement its last offer when a negotiating impasse with employees has been reached.

Over the years, the firm has arbitrated scores of grievances and innumerable interest arbitrations, including essential units such as police. Firm attorneys are frequent lecturers for personnel director organizations and in-service training at the local agency level.

*OPEN MEETING LAW AND DATA PRACTICES ACT*

All attorneys regularly respond to questions and issues involving Minn. Stat. Ch. 13, the Government Data Practices Act and Ch. 13D, the Open Meeting Law. The firm has litigated many cases in this area. For example, in WDSI v. County of Steele, 672 N.W.2d 612 (Minn. Ct. App. 2003) we convinced the Court of Appeals that the Data Practices Act does not require a municipality to obtain data from a contractor when a request is made to the municipality.

The firm provides regular training to municipalities and elected officials on the requirements of the Open Meeting Law and Data Practices Act. Firm attorneys have significant experience working with the Information Policy Analysis Division (IPAD) of the State Department of Administration, the State Agency that administers and renders opinions on the Data Practices Act and Open Meeting Law.



Our billing is typically done for actual time incurred in 1/10 hour (6 minute) increments. We propose the following rates:

**2013 CITY OF RAMSEY BILLING RATES**

	<u>MISC.</u>	<u>LITIGATION</u>	<u>DEV. PAID</u>
Attorneys	\$145.00	\$150.00	\$185.00
Paralegal	\$ 70.00	\$ 70.00	\$ 85.00
Law Clerk	\$ 70.00	\$ 70.00	\$ 85.00

In the alternative, we would be happy to discuss a retainer agreement that takes into account past attorney services and expected future services, and what would be included in the basic retainer agreement. Work that is outside the typical retainer agreement would include contested case matters and those

development matters where the cost of legal services is reimbursed by the developer. Another option is flat rates for certain services, such as attending meetings. Flat fees can be used in conjunction with hourly rates and retainers.

Overhead costs will be billed separately. Long distance telephone calls will be billed at the actual cost, photocopies \$0.20 per page, facsimiles \$1.00 per page, and mileage is charged at the current rate set by the IRS.

Thank you for providing the opportunity to submit this Proposal. We look forward to hearing from you.

Respectfully submitted,

**RATWIK, ROSZAK & MALONEY, P.A.**

By:

  
\_\_\_\_\_  
Joseph J. Langel

RRM: 173876

**RATWIK, ROSZAK & MALONEY, P.A.**  
**Attorneys' Résumés**

**PATRICIA A. MALONEY**

Education:

William Mitchell College of Law, J.D., *cum laude*, 1978  
Macalester College, B.A., *cum laude*, 1974

Legal Career:

Partner, Peterson & Popovich and successor law firms, 1978-1987; Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

General school law, general municipal law, labor and employment law (including employment litigation and arbitration), investigation and defense of harassment and discrimination claims, negotiation and administration of collective bargaining agreements, employee discipline and discharge; student rights.

**TERRENCE J. FOY**

Education:

Hamline University School of Law, J.D., 1981  
University of Wisconsin - Madison, B.A., 1973

Legal Career:

Attorney, Peter D. Bergstrom, Attorney at Law; Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

Public sector labor and employment law with an emphasis on collective bargaining, unfair labor practice litigation, bargaining unit determinations, discipline and discharge of employees, comparable worth, employee evaluations, reductions in force, discrimination and employment.

**ANN R. GOERING**

Education:

William Mitchell College of Law, J.D., *cum laude*, 1990  
Hamline University, B.A., 1985

Primary Areas of Practice and Experience:

General school law, municipal law, labor and employment law.

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

Labor and employment law, including employment litigation and arbitration, investigations, defense of harassment and discrimination claims, negotiation and administration of collective bargaining agreements; employee discipline and discharge; general school law; federal and state court civil litigation; data privacy and open meeting law.

**NANCY E. BLUMSTEIN**

Education:

William Mitchell College of Law, J.D., *magna cum laude*, 1992  
University of Minnesota, B.A., 1978

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

Special education, discrimination and harassment investigations, student rights, civil litigation and general municipal law.

**JOSEPH J. LANGEL**

Education:

University of Minnesota Law School, J.D., *cum laude*, 1994  
University of Chicago, M.A., 1988  
Loras College, B.A., *magna cum laude*, 1987

Legal Career:

Minnesota Court of Appeals, Judicial Law Clerk for Judge Thomas Kalitowski, 1994-95; Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

Municipal law, general civil litigation (including construction litigation), public contracting laws, planning and zoning, condemnation and real estate.

**MARGARET A. SKELTON**

Education:

William Mitchell College of Law, J.D., *cum laude*, 1993  
University of Wisconsin, B.A., *with honors*, 1989

Legal Career:

Attorney, Torres Law Offices, 1994-1997;  
Assistant City Attorney, City of St. Paul, 1997-1999; Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

Civil litigation, labor and employment law, including, but not limited to, labor negotiations, discrimination, harassment, constitutional torts, discipline, termination and arbitration.

**ERIC J. QUIRING**

Education:

University of Minnesota Law School, J.D., *cum laude*, 2001  
St. Olaf College, B.A., *cum laude*, 1998

Legal Career:

Shareholder, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

General school law, municipal law, labor and employment law, public contracting, and property law.

**ERIN E. BENSON**

Education:

William Mitchell College of Law, J.D., *cum laude*, 2006  
University of Minnesota, B.A., 2002

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice and Experience:

General school law, municipal law, labor and employment law.

**CHRISTIAN R. E. SHAFER**

Education:

University of Minnesota Law School, J.D., *cum laude*, 2007  
University of Michigan, B.A., 2004

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General school law, municipal law, labor and employment law.

**SCOTT E. SCHRAUT**

Education:

University of Minnesota Law School, J.D., *magna cum laude*, 2007  
Valparaiso University, B.A., *magna cum laude*, 2004

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General school law, municipal law, labor and employment law.

**TIMOTHY A. SULLIVAN**

Education:

Hamline University School of Law., *summa cum laude*, 2010  
Winona State University, B.A. 2006;  
B.S. *magna cum laude*, 2007

Legal Career:

Attorney, Ratwik, Roszak & Maloney, P.A.

Primary Areas of Practice & Experience:

General school law, municipal law, labor and employment law.

RRM: 14267



*Prosecution  
only*

CP  
CHRISTIAN | PETERSON  

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ATTORNEY AT LAW

**PROPOSAL FOR  
CRIMINAL PROSECUTION SERVICES  
FOR THE CITY OF RAMSEY**

**By:  
Christian R. Peterson  
Attorney at Law  
404 E. 1<sup>st</sup> Ave  
Shakopee, MN 55379  
(612) 269-1902**

[Christian@crplawoffice.com](mailto:Christian@crplawoffice.com)

**PROPOSAL OF CHRISTIAN R. PETERSON  
FOR THE CITY OF RAMSEY  
CRIMINAL PROSECUTION SERVICES**

**TO:** The City of Ramsey, Anoka County, Minnesota, its City Council and its City Administrator

**DATE:** April 2, 2013

Christian R. Peterson, Attorney at Law, hereby respectfully submits his proposal for PROSECUTION legal services for the City of Ramsey (the "City").

**FIRM BACKGROUND**

I founded Christian Peterson Law Office in April 2012 shortly after leaving my position as an Assistant County Attorney with the Scott County Attorney's Office. I started my law firm with the intent of using my years of government experience to provide cost-effective, client-focused municipal law services to cities and townships in Minnesota. Prosecution services in Minnesota are largely being provided by large law-firms that charge high hourly fees in exchange for little interaction with the client city. Furthermore, these firms often send their most inexperienced associates to handle municipal cases. I strive to flip that approach on its head.

My law firm is a solo practice focusing on the areas of criminal prosecution, municipal law, as well as criminal defense and family law services for individuals. I have a small office in the City of Shakopee where I meet individual clients and receive mail. However, the bulk of my work is done out of my home office in Maple Grove. My firm is growing quickly as cities have seen the value my services provide. As such, I am expanding into a larger office in the City of Anoka to provide meaningful face time and court access to my municipal clients.

**ATTORNEY QUALIFICATIONS**

I have specialized in the area of criminal prosecution and municipal law for my entire legal career and have experience in all aspects of municipal prosecution. I have nearly a decade of criminal prosecution experience, and have litigated thousands of city cases from charging and pretrial on through jury trial and appeal.

Prior to working in Scott County, I was the prosecutor for the City of Ramsey with the firm of Randall and Goodrich for approximately two years from 2007 through 2009. During that time I made it my goal to provide a "face to the name" in the prosecution side of our representation; as I felt this had been previously lacking.

To that end I implemented many of the policies that your current police department, prosecutor, and city officials use to communicate about cases. I instituted regular office hours at the police department where I would attend role call and be physically present within city offices to answer questions and communicate directly with officers and city staff. I insisted that all law enforcement and city staff have my cell phone number and contact me there at any time of day. I was committed then, as I am now, to responding to all inquiries by city personnel by the end of the same business day.

In addition to my private practice, I am currently the prosecutor for the nearby City of Nowthen. As the City of Ramsey provides fire and police services to Nowthen on occasion, my representation of both cities would serve to compliment and streamline prosecution services. Furthermore as I currently attend court on the same days as the Ramsey prosecutor, a transition to my services can be done with minimal disruption.

**Education**

University of Minnesota-Twin Cities, Minnesota, B.S. 2002, Major: Math  
University of St. Thomas, Minneapolis, Minnesota, J.D. 2006

**Professional Chronology**

Admitted to Minnesota Bar 2006  
Student Attorney, Dakota County Attorney's Office 2004-2006  
Assistant Kanabec County Attorney, 2006-2007  
Nowthen City Attorney and Prosecutor 2007-2009, 2012-Present  
Ramsey City Prosecutor 2007-2009  
East Bethel City Prosecutor 2007-2008  
Oak Grove City Prosecutor 2007-2009  
Assistant Scott County Attorney 2009-2012

**STATEMENTS OF ANY MALPRACTICE CLAIMS AND/OR ETHICS COMPLAINTS**

I have not been sued by a city, or other clients for malpractice, or have been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar.

**SUPPORT PERSONNEL**

As my law firm is paperless and highly streamlined, support personnel are an unnecessary and costly expense. Nowthen's current level of prosecution needs does not warrant the hiring of any staff. However, with the addition of Ramsey to my caseload additional staff would be needed. Such staffing decisions would be made to assure that the City receives the highest level of services.

**OFFICE LOCATION AND ACCESSIBILITY TO THE CITY**

My main location is in my home office in Maple Grove; the same location from which I served the City previously. It is conveniently located 15 minutes from the Anoka County Courthouse, providing quick access to the courts and court administration for scheduled and special court appearances, filings, review of court files, and recording of documents.

This location is also approximately 20 minutes travel time from the Ramsey City Hall, allowing me to be quickly available for meetings and consultations.

**LEGAL LIBRARY, RESEARCH, AND TECHNOLOGICAL CAPABILITIES**

My office is entirely paperless, and uses Dropbox software to allow me access to all client files from any computer or mobile device. Both my home office and Shakopee office are fully equipped with computers running Microsoft Office software, as well as state of the art Digital Imaging Systems (Copier, Printer, Scanner, and Fax Machine). I utilize an Apple iPad to carry client files into the courtroom. All my office locations are equip with high-speed internet.

I have a subscription to LexisNexus legal research system, which I can access from any computer or mobile device. I also have a full library in my office, which includes complete set of Minnesota Statutes and Dunnell's Minnesota Legal Encyclopedia.

### **CITY/CITY PROSECUTOR RELATIONSHIP**

As a solo practitioner, all aspects of municipal prosecutor would be personally handled by me. I would be responsible for prosecuting all Ramsey criminal cases from initial charging, on through negotiation and jury trial (if any). I would also be the direct contact for all issues arising out of my contract. This ensures that you will receive consistently high quality services in every matter handled by my office.

In all prosecution matters my utmost concern is for the health, safety, and welfare of the citizens of Ramsey. However, I do not engage in unnecessary and costly litigation of criminal cases unless absolutely necessary. All matters will be handled as efficiently as possible so long as such efficiency does not compromise public safety. As the Council is aware, I have nearly two year track record of providing outstanding prosecution services to the City.

Normally prosecution services are handled without the direct involvement of the Council. However should the Council have a specific request, it is a standing policy of my law firm to respond to all direction or inquiries from clients by the end of business the same day. When for some reason that time frame is not possible, the requesting person would be so notified by a member of our staff and informed when a response will be received. In addition, I would be available to attend any and all City Council regular meetings, special meetings, work sessions and commission meetings as directed by the City Clerk.

### **CLIENTS/CONFLICTS OF INTEREST**

Rule 1.7 of the Rules of Professional Conduct would not permit an attorney to represent a client if the representation of that client would be directly adverse to another client. The only exception to this general rule is in the following situation:

“The lawyer reasonably believes the representation will not adversely affect the relationship with the other client and each client consents after consultation.”

To the best of my knowledge, I do not have any client whose representation would conflict with our ability to provide legal services to the City of Ramsey. In the event there ever would be a conflict, I would either seek an express waiver of the conflict or assist in obtaining temporary, competent, and independent legal counsel to resolve the issue.

### **COMPENSATION**

I propose that the fees for my legal services be billed on the number of hours worked or on a flat-fee retainer; whichever the Council prefers. The number of hours billed on a matter depends on the demands of the project and the complexities of the issue that arise. A flat-fee retainer would be based on the historical monthly average cost of providing those same services.

I am committed to providing effective legal services on a cost effective and efficient basis. I recognize that this can be difficult to judge from a client's perspective; however, the City of Ramsey has had the opportunity to work with me as their prosecutor for and has experienced my commitment to the cost-effective delivery of legal services.

Proposed hourly fee schedule:

Attorney time \$90/hr  
Regular and special City Council meetings \$150/meeting (when necessary)  
Paralegal time \$35/hr  
Minimum increment of time billed .10/hr

Reimbursable Costs:

Photocopies \$1.50 per copy

Other charges as necessary:

Filing Fees  
Document Recording Fees  
Brief Printing Costs  
Deposition Fees  
Process Service Fees  
Other costs incurred for our services charged at the actual rate that we are charged by these providers

(Please note, as in the past, before incurring any substantial fees for the above, we will consult with the appropriate City official)

Proposed flat-fee retainer

As an alternative to hourly billing, I propose that my services be billed as a monthly fixed-fee retainer. This would give the City more certainty in the amount spent on prosecution services for budgeting purposes.

Prior to quoting a retainer fee I would need copies of monthly bills for prosecution services for the last two years.

**TERM OF CONTRACT**

The contract term is negotiable and I will accommodate any particular needs of the City in this regard.

**PROFESSIONAL REFERENCES**

Bill Schulz, Mayor of Nowthen, 8188 199th Ave NW, Nowthen, MN 55330  
Phone: (763) 441-1347

Corrie LaDoucer, Nowthen City Clerk, 8188 199th Ave NW, Nowthen, MN 55330  
Phone: (763) 441-1347

Pat Ciliberto, Scott County Attorney, 200 4<sup>th</sup> Ave W, Shakopee, MN  
Phone: 952-496-8240

William Strait, Managing Attorney, Scott Joint Prosecution Association, 200 4<sup>th</sup> Ave W,  
Shakopee, MN, Phone: 952-496-8240

The Honorable Judge John P. Dehen, Anoka County District Court Judge, 325 E. Main St.,  
Anoka, MN, Phone: 763-422-7440

#### **SUMMARY OF RELEVANT CONSIDERATIONS**

I enjoyed my time as the Ramsey city prosecutor, and look forward to serving your great city again. As a solo practitioner, I can provide you with the cost-effective solutions and hands on approach that a city such as yours needs. I also have the years of prosecution experience necessary to protect the citizens of Ramsey.

I welcome any questions and an opportunity to meet with the City Council to further discuss this proposal. Please feel free to contact me if you desire any additional information concerning our proposal. Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Peterson". The signature is fluid and cursive, with the first name "Chris" and the last name "Peterson" clearly distinguishable.

Christian R. Peterson  
Attorney at Law

*Prosecution  
only*

Proposal to the City of Ramsey  
For  
Legal Services - Prosecution

Submitted by:



7533 Sunwood Drive NW, Suite 213 | Ramsey, MN 55303  
P: (763) 323-7676 | F: (763) 427-1941  
[www.weikellaw.com](http://www.weikellaw.com)

Submitted on: April 5, 2013

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Resolution of Complaint (Lee Martie) .....	Exhibit B

## Firm Background

Weikel Law Firm, LLC was founded by Attorney Kristi M. Weikel in 2005. Weikel Law Firm, LLC has been a general practice firm since its inception. Our scope of practice includes Business, Family, Personal Injury, Wills, Trusts, Probate, Real Estate, and Criminal Law. Our attorneys regularly represent individuals and business clients throughout Minnesota and most frequently in Anoka and Sherburne counties. Weikel Law Firm, LLC is currently comprised of four attorneys and two support staff. The Firm is growth-minded and has plans to continue expanding at the rate of one or two attorneys and paralegals per year for the next decade. The Firm has strong ties with the Ramsey community and will continue its growth plans in our developing city.

April 5, 2013

City of Ramsey  
7550 Sunwood Drive NW  
Ramsey, MN 55303

*Re: RFP Response for Legal Prosecution Services*

Dear Sir/Madam:

Attached please find a copy of Weikel Law Firm, LLC's RFP Response for the position of City Prosecutor. It would be our pleasure and honor to do business with the City of Ramsey. We are conveniently located right across the street from the City Center, and feel that we have much to offer.

Included in the response, amongst the required information, you will find the resumes of our attorneys, background information for Weikel Law Firm, LLC, as well as our bid for compensation.

Should you have any questions or concerns, please feel free to contact our office.

We look forward to hearing from you.

Best Regards,

WEIKEL LAW FIRM, LLC



## Our Attorneys



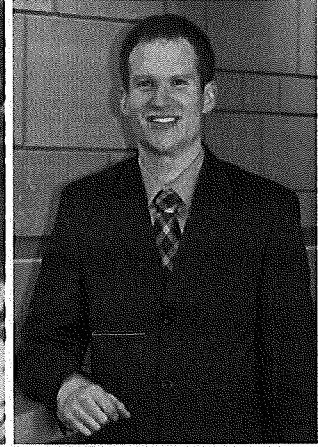
Kristi M. Weikel  
Founder/Owner  
*Licensed in 2005*



Lee R. Martie  
Senior Attorney  
*Licensed in 1997*



Jill S. Ide  
Associate Attorney  
*Licensed in 2008*



Steven P. Helseth  
Associate Attorney  
*Licensed in 2011*

Resumes are attached hereto for each attorney outlining educational accomplishments, professional experiences, and current Firm responsibilities.

## Kristi Weikel, Esq.

(763) 515-4070

7533 Sunwood Drive, Suite 213 Ramsey, MN 55303

kristiweikel@weikellaw.com

### Admissions

Minnesota State Bar (2005)

### Legal Experience

**Weikel Law Firm, LLC Ramsey, MN**

May 2005 – Present

*Owner/Attorney*

- Employment Law: Advise employers in matters of employment agreements, non-compete agreements, handbooks, separation agreements, termination and workplace policies
- Estate Planning: advise clients on strategies to address retirement, incapacity and after life issues; draft identified necessary documents including wills, trusts, healthcare directives, and power of attorneys to facilitate client goals
- Business Law: advise small business clients (\$1-2 million in assets) on the sale of their business and assets to an acquirer
- Real Estate Law: Advise clients in the areas of residential and commercial deeds, purchase agreements, and leases; draft the necessary documents to meet client goals
- Legal research of various laws relevant to Firm's contacts; verbal and written communication to clients
- Design and present workshops to employee groups and community education programs on specific areas of law, including "Investment Education," "Write your Will," and "Write your Healthcare Directive;" Organize, host, and present Firm sponsored workshops on the topics of Estate Planning, Business and Real Estate to achieve client development initiatives
- Local Area and Web based Marketing including conceptualization and design of all visual Firm communication congruent with brand
- CEO/CFO/COO traditional duties; HR functions

### Education

**William Mitchell College of Law St. Paul, MN**

*Juris Doctor, December 2004*

- CALI Award of Excellence in Employment Law
- Achievement in Public Service - William Mitchell Civil Advocacy Clinic

**Minnesota State University Moorhead, MN**

*B.S., Paralegal, May 2001*

- Honors: Dean's List

### Associations and Volunteer Experience

*Minnesota State Bar Association*

*Anoka County Bar Association*

*Diversified Business Professionals Chapter of BNI (Past President)*

*Ramsey Rotary (Current President)*

*Society of Human Resource Managers*

*Anoka Technical College Foundation (Current Vice President)*

Lee R. Martie, Esq.

(763) 515-1467

7533 Sunwood Drive, Suite 213 Ramsey, MN 55303

leemartie@weikellaw.com

**Admissions**

Minnesota State Bar (1997)

U.S. District Court of Minnesota (1997)

**Legal Experience**

***Weikel Law Firm, LLC Ramsey, MN***

October 2011 – present

*Senior Associate Attorney*

- Represent clients in the areas of Criminal Law, Civil Litigation, and Probate
- Manage all aspects of client files from initial meeting to case completion
- Devise case strategies utilizing case facts and legal research
- Draft various legal documents including Motions, Legal Memorandum, and Briefs
- Verbally advocate for clients through oral argument at motion hearings; direct and cross examination of witnesses at trial; opening statements
- Interview and prepare witnesses for trial

***Martie Law Firm, LLC Monticello, MN***

December 2010 – October 2011

*Owner/Attorney*

- Represent clients in the areas of Criminal Law, Family Law, Civil Litigation, Probate, Business Uniform Commercial Code and Guardian/Conservatorship
- Private defense of Criminal matters up through felony level charges
- Balance case load of various legal matters; represent and manage all aspects of a client's matter from start to finish

***Wright County Attorney's Office Buffalo, MN***

January 2002 – December 2010

*Assistant Wright County Attorney*

- Criminal prosecution of petty misdemeanors, misdemeanors, gross misdemeanors, and felonies; crimes prosecuted ranged from Criminal Sexual Conduct, First and Second degree Assault, Domestic Assault, DWI, Driving After Revocation, City Ordinance violations, and moving traffic violations
- All aspects of preparation for representation of Wright County in Jury Trials, Court Trials, and Contested Hearings, including in depth legal research and written motions and complaints
- Determined compliance with Criminal Code and State Statutes; made recommendations to the court for alternatives to prosecution when appropriate

***Vermeulen Law Office St. Cloud, MN***

July 2001 – December 2001

*Associate Attorney; Family Law*

***Central Minnesota Legal Services St. Cloud, MN***

July 1999 – July 2001

*Staff Attorney; Family Law*

***Smith, Paulson, & O'Donnell, P.A. Monticello, MN***

May 1997 – July 1999

*Associate Attorney; Criminal & Family Law*

Lee R. Martie, Esq.

(763) 515-1467

7533 Sunwood Drive, Suite 213 Ramsey, MN 55303

leemartie@weikellaw.com

**Legal Experience Continued**

*U.S. Attorney's Office Minneapolis, MN*  
*Law clerk*

January 1997 – December 1997

*Wright County Attorney's Office Buffalo, MN*  
*Law Clerk*

January 1995 – May 1996

*Central Minnesota Legal Services Minneapolis, MN*  
*Law Clerk*

August 1994 – December 1995

*Ramsey County Public Defender's Office Minneapolis, MN*  
*Law Clerk*

May 1994 – August 1994

**Education**

**William Mitchell College of Law St. Paul, MN**

*Juris Doctor, May 1997*

- Recipient of Memorial Scholarship for William Mitchell College of Law

**Bemidji State University Bemidji, MN**

*B.S. Criminal Justice, May 1990*

- 1990 Recipient of Outstanding Criminal Justice Major

**Associations and Volunteer Experience**

*Minnesota State Bar Association*

*18<sup>th</sup> District Bar Association*

*Killian/Nelson Memorial Golf Tournament (Founder)*

*Kamp Kimchee Tae Kwon Do Instructor*

**Jill S. Ide, Esq.**

(763) 515-2879

7533 Sunwood Drive, Suite 213 Ramsey, MN 55303

jillide@weikellaw.com

**Admissions**

Minnesota State Bar (2008)

**Legal Experience**

***Weikel Law Firm, LLC Ramsey, MN***

November 2008 – present

*Associate Attorney*

- Represent clients in the areas of Family Law, Estate Planning, Criminal Law
- Manage all aspects of client files from initial meeting to case completion
- Brainstorm case strategies given the relevant facts of the case at hand, current statutes, and case law
- Verbally advocate for clients through oral argument at motion hearings; direct and cross examination of witnesses at trial; opening statements and summations at trial
- Advance client positions through written legal memoranda and summations
- Interview and prepare witnesses for trial and evidentiary hearings
- Participate in mediation and other alternative dispute resolution methods with clients in order to resolve cases in a collaborative manner

***Weikel Law Firm, LLC Ramsey, MN***

February 2007 – May 2008

*Law Clerk*

- Assisted three attorneys in the practice areas of Estate Planning, Probate, Real Estate, Family Law, and Business Law
- Drafted client correspondence, pleadings, Health Care Directives, Power of Attorneys, Wills, Marital Termination Agreements, and Judgment Decrees

***Public Defenders' Office – 10<sup>th</sup> Judicial District Stillwater, MN***

August 2006 – March 2007

*Certified Student Attorney, Volunteer Law Clerk – Minnesota Justice Foundation*

- Represented defendants in bail hearings, client interviews and advocacy before judges
- Researched legal issues using Westlaw and LexisNexis

**Education**

***William Mitchell College of Law Saint Paul, MN***

*Juris Doctor, May 2008*

- Volunteered 50 hours of legal service on behalf of Minnesota Justice Foundation
- Prosecuted misdemeanor cases as Certified Student Attorney in the Misdemeanor Clinic
- First-chaired two court trials in the Misdemeanor Clinic
- Prepared Appellate brief for Criminal Appeals Clinic

***University of Saint Thomas Saint Paul, MN***

*B.A. Sociology – Criminal Justice, 2000*

- Magna Cum Laude

**Associations and Volunteer Experience**

*Minnesota State Bar Association*

*American Bar Association*

*Washington County Bar Association*

*Anoka County Bar Association*

*Ramsey Business Links*

**Steven P. Helseth, Esq.**

(763) 515-9577

7533 Sunwood Drive, Suite 213 Ramsey, MN 55303

stevhelseth@weikellaw.com

**Admissions**

Minnesota State Bar (2011)

**Legal Experience**

***Weikel Law Firm, LLC Ramsey, MN***

January 2013 – present

*Associate Attorney*

- Draft Wills, Trusts, Health Care Directives, and Powers of Attorney for clients
- Draft various business documents including: Independent Contractor Agreements, Buy-Sell Agreements, Lease Agreements, and Formation documents
- Organize and balance needs of multiple clients; Provide clients with counsel and assistance through all stages of the probate process
- Prepare legal articles and marketing materials

***Lockridge Grindal Nauen P.L.L.P. Minneapolis, MN***

January 2012 – January 2013

*Project Attorney*

- Reviewed and assessed real estate documents for mortgage fraud litigation; researched relevant documents for litigation
- Analyzed deposition transcripts and trial materials

***Law Offices of Charles H. Johnson, P.A. New Brighton, MN***

June 2009 – January 2012

*Associate Law Clerk*

- Drafted and revised legal memoranda including: Complaints for Federal Multi-District Litigation, Mediation Briefs, Case Memos
- Managed and Organized distribution for mass tort settlement
- Balanced demands from and communicated with multiple clients

***Hamline University School of Law St. Paul, MN***

January 2010 – May 2010

*Research Assistant to Professor Brenda Tofte*

- Researched and reviewed cases and statutes for legal memoranda

***Minnesota Office of the Revisor of Statutes St. Paul, MN***

January 2008 – May 2008

*Proofreader*

- Proofread and edited statutes, laws, and legislative amendments

**Education**

***Hamline University School of Law St. Paul, MN***

*Juris Doctor, May 2011*

- Summa Cum Laude
- Hamline Law Review (published associate)
- Giles Rich Sutherland Intellectual Property Moot Court (National semi-finalist);
- CALI Award for Legal Research and Writing and Taxation of Business Entities

***University of Saint Thomas St. Paul, MN***

*B.A. Psychology; Minor-Business Admin 2007*

- Summa Cum Laude

**Associations and Volunteer Experience**

*Diversified Business Professionals Chapter of BNI*

*Wills for Heroes Minneapolis, MN; Attorney Volunteer*

## Disciplinary Actions

Weikel Law Firm, LLC and its attorneys have never been sued by any city, municipality or by any of its clients for any reason whatsoever including malpractice.

Attorney Steve Helseth was the subject of one complaint with the Lawyer Professional Responsibility Board. The complaint was dismissed without any action against Attorney Helseth. A copy of the resolution is attached hereto as Exhibit A.

Attorney Lee Martie has been the subject of one complaint with the Lawyer Professional Responsibility Board. The complaint was dismissed without any action against Attorney Martie. A copy of the resolution is attached hereto as Exhibit B.

## Support Staff

### Jeannie Loehrer, Paralegal

Jeannie is an Honors Graduate of Minnesota School of Business with a Bachelor of Science in Paralegal. She completed her internship with Weikel Law Firm, LLC in 2012, and began working at the Firm in 2013. Jeannie has a long history in civil litigation support for a global financial organization. She also has been a Paralegal Volunteer for Wills for Heroes since 2011. At the Weikel Law Firm, LLC, she supports our Criminal, Family, Estate Planning, and Business attorneys.

### Krisandra French, Office Administrator

Krisandra is an experienced office administrator and bookkeeper. She joined the Firm staff in 2010 and is a full-time staff member. She is a skilled, reliable and loyal staff member with over a decade of experience in accounts receivable, payroll, accounts payable, collections, invoicing, banking, client and vendor communications, benefits administration and general office administration. Krisandra engages in regular continuing education in the areas of payroll, taxes, business communication and administration.

### Paralegal Intern(s)

The Firm believes in offering hands-on learning opportunities through a 150-180 hour supervised internships for paralegal students seeking associate or bachelor degrees. We host 2-3 students each academic year from schools including Minnesota School of Business, Minnesota State University-Moorhead and Hamline University. In our history we have hosted more than twenty interns. We expect to have a paralegal intern beginning in September 2013.

## Designation for City Prosecutor

Weikel Law Firm, LLC proposal hereby designates Senior Attorney, Lee R. Martie, to serve as the City of Ramsey's Prosecutor. The attorney proposed to serve in the absence of Attorney Martie is the Firm's Associate Attorney, Jill S. Ide.

It is proposed that Lee Martie will represent and prosecute all Criminal Law matters within the city's jurisdiction, including but not limited to:

- Scheduling
- Coordinating officer appearances
- Reviewing all Criminal Cases presented for purposes of prosecution
- Determine technical compliance with Criminal Code and other State Statutes
- Drafting complaints
- Making recommendations to the court for all alternatives to prosecution where appropriate
- Act as a resource to the Ramsey Police Department in the development of Criminal Cases
- Provide training sessions for police staff as needed

The Firm's support staff, with Attorney Martie's direct supervision, will handle the administration of receiving and entering citations, setting court dates, requesting and receiving police reports and other discovery such as 911 tapes, squad video, audio/video statements, and sending the same to defendants or defense attorneys. The support staff will assist Attorney Martie as needed to contact victims and provide the necessary information relating to no contact orders.

## Designated Attorney Qualifications

### Lee R. Martie

#### Academic Training and Qualifications

1986-1990: Bemidji State University, *Bachelor of Science in Criminal Justice*

1993-1997: William Mitchell College of Law, *Juris Doctor*

May 9, 1997: Admitted to Minnesota Bar

#### Background and Experience

1995-1996: *Law Clerk*, Wright County Attorney's Office

1996: *Misdemeanor Clinic*, Wright County Attorney's Office

1997: *Law Clerk*, U.S. Attorney's Office, Minneapolis, MN

1997-1999: *Associate Attorney*, Smith, Paulson, & O'Donnell; Criminal and Family Law

1999-2001: *Staff Attorney*, Central Minnesota Legal Services; Family Law

2001: *Associate Attorney*, Vermeulen Law Office; Family Law

2002-2010: *Assistant Wright County Attorney*; Criminal prosecution of Petty  
Misdemeanors, Misdemeanors, Gross Misdemeanors, and Felonies

2010-2011: *Owner/Attorney*, Martie Law Firm, LLC; Criminal Law, Family Law,  
Business, Uniform Commercial Code, Probate, Civil Litigation, and  
Guardian/Conservatorship

2011-present: *Senior Associate Attorney*, Weikel Law Firm, LLC; Criminal Law, Civil  
Litigation and Probate

#### Prior Prosecution Experience

During the eight years as an Assistant Wright County Attorney, Lee Martie prosecuted for the following cities: Albertville, Annandale, Buffalo, Clearwater, Cokato, Delano, Hanover, Maple Lake, Monticello, Montrose, Otsego, Rockford, Saint Michael, Silver Creek, and South Haven.

#### Estimated Percentage of total work related to prosecution

100 percent of Lee Martie's total work for 2002-2010 was related to prosecution

#### Litigation Communities where designated attorney served as lead attorney and outcomes of litigation for last five years

As Assistant Wright County Attorney during the years 2002-2010, Lee Martie handled a misdemeanor and felony case load. He conducted numerous jury and court trials, as well as contested hearings. The charges varied from Criminal Sexual Conduct, First and Second Degree Assault, Domestic Assault, DWI, Driving After Revocation, City Ordinance violations, and Moving Traffic violations. Lee has appeared before the Court of Appeals on several matters

## Designated Secondary Attorney Qualifications

### **Jill S. Ide**

#### Academic Training and Qualifications

- 2000: University of Saint Thomas, Magna Cum Laude, *Bachelor of Arts in Sociology-Criminal Justice*
- 2008: William Mitchell College of Law, *Juris Doctor*
- October 2008: Admitted to Minnesota Bar

#### Background and Experience

- 2000-2001: *Corrections Officer*; Minnesota Department of Corrections
- 2004-2005: *911 Dispatcher*; Washington County
- 2006-2007: *Certified Student Attorney*; Public Defender's Office – 10<sup>th</sup> Judicial District, Stillwater, MN
- Fall 2007: *Misdemeanor Clinic*; Supervised by the City Attorney for the cities of St. Anthony, Mounds View and New Brighton in Ramsey County
- 2007-2008: *Law Clerk*; Weikel Law Firm, LLC; Family Law, Criminal Law, Estate Planning, probate
- 2008-present: *Associate Attorney*, Weikel Law Firm, LLC; Family Law, Criminal Law, Estate Planning

## Professional References for Lee R. Martie

*Tom Kelly, Wright County Attorney*  
Wright County Government Center  
10 Second Street NW  
Buffalo, MN 55313  
(763) 682-7348

*Brian Lutes, Chief of Criminal Division*  
Wright County Government Center  
10 Second Street NW  
Buffalo, MN 55313  
(763) 682-7917

*Brian Asleson, Chief Deputy Attorney*  
Wright County Government Center  
10 Second Street NW  
Buffalo, MN 55313  
(763) 682-7342

*Charles E. Pashke, Howard Lake City Attorney*  
610 Eighth Avenue  
Howard Lake, MN 55349  
(320) 543-3411

*Judge Geoffrey W. Tenney*  
Wright County Courthouse  
10 Second Street NW  
Buffalo, MN 55313  
(763) 682-7539

## City/City Attorney Relationship

*City of Ramsey: Describe how you would structure the working relationship between the City Attorney and the City Council and Staff:*

- A good working relationship involves trust and cooperation. Weikel Law Firm, LLC is committed to working with the City of Ramsey, City Counsel and Staff to ensure an effective and trustworthy relationship. We will remain organized, keep informed and prepared, and keep our door open for communication. Our office is available to the City Council/Staff by telephone, email, and in-person meetings. Our office is staffed to answer telephone inquiries from 8:00 a.m. to 4:30 p.m., Monday through Friday. Attorney Martie would remain available by e-mail and cell phone during and outside business hours. Our office is conveniently located across the street from the Ramsey Municipal building for frequent in person meetings, even on short notice.

*City of Ramsey: Describe how you would meet the response time described of three (3) business days on council and staff inquires with a five (5) business day turnaround on standard document review?*

- Weikel Law Firm, LLC has a full-time receptionist and a full-time paralegal to back up the receptionist in the event she is on a call already, or out of the office on a planned or unplanned absence. Additionally, Attorney Martie would be freely accessible to the City through a direct dial number or mobile phone. All telephone messages are digitally recorded and sent to the Attorney via e-mail and are accessible through a mobile application as well as by calling in. It is rare that someone in our office would be unavailable. In that rare event where a return response because necessary, our internal office policy is to reply no later than the following business day. In fact, we send out surveys to our clients to make sure the attorneys and Firm staff respond within this policy timeframe. Our office is staffed and designed to meet the quick turn-around time that our Clients need and demand.
- As it relates to document review and response, our office is 100% electronic. Upon receiving mail or faxes, the document is immediately saved to the client's online matter folder, and the hard copy is placed in the appropriate attorney's inbox which they are required to check multiple times throughout the day. Additionally our staff is well trained to recognize the urgency of particular types of mail and faxed documents and notify the attorneys immediately upon receipt both electronically and in person. Upon the attorney's receipt of the document, the attorney is able to schedule their "task" module within our Clio practice management software. This software then provides pop-ups and e-mail reminders as deadlines begin to approach.

## City/City Attorney Relationship (Continued)

*City of Ramsey: Describe the computer resources currently utilized in your office and the systems or mechanisms that would be established for monthly reporting on the status of projects, requests, and litigation:*

- Weikel Law Firm, LLC utilizes high speed internet services through Comcast.
- We have a VOIP phone system where we can track, record and report on incoming and outgoing phone calls.
- We have a secured server in-house which is serviced by a local computer support professional that is on call to our Firm 24/7.
- Our server is available offsite through a secured remote login feature.
- We utilize the industry standard software products including Microsoft Office Suite 2010, (Word, Excel, PowerPoint, and Outlook).
- We perform our accounting functions through QuickBooks and our client invoicing through our practice management software which is more fully described below.
- The Firm utilizes robust practice management software called Clio. Clio has daily, weekly and monthly reporting options as to what has been done or what needs to be done. Reports can be generated per attorney, per staff member, collectively amongst the entire Firm or per legal matter. See screen print below:

Practice Calendar **Tasks** Matters Contacts Activities Bills Accounts Documents Reports

Upcoming Completed Assigned Feeds

**Tasks**

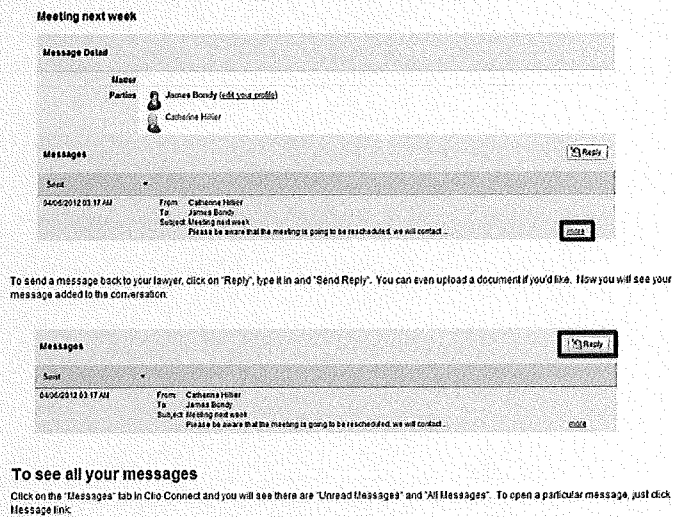
Display: All | Due This Week | Due Today | Due Tomorrow | Overdue

Tasks		Add		More	
Description	Due	Assigned By	Reference		
<input type="checkbox"/> File documents at courthouse	04/14/2011	Me	00001-Hilton		
<input type="checkbox"/> Call Lane	04/27/2012	Me	00005-Pryce		
<input type="checkbox"/> Call client	05/02/2012	Me	00005-Pryce		

< Prev 1 Next > Export to File

## City/City Attorney Relationship (Continued)

Additionally Clio allows our clients to log in to view details about their matter 24/7 through the internet or the mobile application. Clio Connect also allows are clients to see their invoices send and receive secured messages, view billed and unbilled time expended on their matter as well as upload, download and collaborate on documents.



- The Firm uses Clio for all our private clients. We realize the City is not presently using this software. The Firm would use whichever software the City prefers whether that is Clio, LETG, MNCATS, etc. Clio integrates with MS Outlook and our calendaring, docket, ticklers, tasks, and the like would be managed in the manner if such capability is not offered with the City's software. Additionally, Weikel Law Firm, LLC would be committed to applying for a grant to use the BCA's e-charging process, utilizing *The Compleat Prosecutor* software (TCP3), should it be in the best interest of the City of Ramsey.
- We have access to two industry standard software offerings for online legal research FindLaw and Westlaw.
- The Firm also regularly uses free government databases like MNCIS to access the court file number and court docket.
- We are experienced users of Odyssey for e-filing in all required Minnesota counties.
- Criminal history records will be requested and obtained directly through the various government divisions by the most expedient methods now available, or that become available to us upon being selected as prosecutor (MN Bureau of Criminal Apprehension, MN Department of Vehicle Services, MN Court Information System, City of Ramsey Police Department, Anoka County Sheriff's Department, and the FBI).

## Firm Clients

- Weikel Law Firm, LLC does not currently represent any public clients.
- Weikel Law Firm, LLC does not currently represent any clients where City of Ramsey is an opposing party.
- Any matters in which Weikel Law Firm, LLC has represented clients where City of Ramsey was an opposing party, will have been fully resolved and closed.

## Our Firm's Conflict of Interest Process

- Conflict checks are performed by the Office Administrator upon a new contact's phone call, web inquiry or e-mail. The attorney who completes the new client intake repeats the conflicts check. Upon the matter being retained, the Office Administrator e-mails all Firm staff indicating a new client file is open. At that point, all staff members are instructed to advise the responsible attorney if a conflict is recognized.
- The conflict check is performed through our practice management software; Clio. Clio provides a comprehensive conflict check by using the global search field at the top-right of the application. This field searches virtually all of the text-editable fields within Clio, and produces a mini-report detailing all of the locations where a potential source of conflict has been identified based on the content of the query. As a case progresses, all names associated with that case (judge, opposing counsel, opposing parties, witnesses, etc.) are input in to the system making them searchable in a future conflict check. Below is a sample screen print from the software manufacturer's website:

The screenshot shows the Clio software interface. At the top, there is a search bar with the text 'perry' and a search icon. Below the search bar is a navigation menu with tabs for Practice, Calendar, Tasks, Matters, Contacts, Activities, Bills, Accounts, Documents, and Reports. The main content area is titled 'Search Results' and shows '2 results found for perry'. The results are divided into two sections: 'Matters' and 'People'. The 'Matters' section contains a table with columns for Display Number, Client, Description, Practice Area, Open Date, and Close Date. The 'People' section contains a table with columns for Name, Phone, Email, and Web. On the right side of the interface, there is a calendar for October 2011, a section for 'AGENDA TODAY', a 'RECENT' section with user avatars, and a 'TIMEKEEPING' section.

Display Number	Client	Description	Practice Area	Open Date	Close Date
60001-Perry	Rick Perry	Perry vs. ProVe	Civil Litigation	09/18/2011	

Name	Phone	Email	Web
Rick Perry		rickperry@gmail.com	

How it works is every time you create a person or relationship (adverse party, opposing counsel, witness) you can search against that name and the contact card/matter will be revealed.

- For any potential conflicts where Attorney Lee Martie identifies a potential conflict of interest, Attorney Martie would immediately advise the necessary city officials. Upon confirmation of a conflict prohibited by the Minnesota Rules of Professional Conduct the case will be handled by an associate in our office if the associate is not also conflicted out of the representation. In the event that none of the Firm's attorneys are able to prosecute the matter, the Firm would arrange for a conflict attorney panel, such as a city prosecutor from a neighboring city to handle the case.

## Compensation – for Prosecution Only Services

Weikel Law Firm, LLC proposes a Flat Fee compensation arrangement. The flat fee would be inclusive of all *prosecution* services outlined by the City's RFP. Flat fee billing is frequently the preferred style of billing by our clients because it allows our clients to budget an exact amount for legal services with the certainty that the amounts will not exceed the budgeted amount. A flat fee arrangement results in a better attorney-client relationship where the client doesn't feel a need to avoid or minimize communications with the attorney for fear of the ticking clock increasing the potential invoice.

Ideally the contract between the City and the Firm would be for the duration of two (2) years. The Firm would also consider a one year contract that has a renewable term. The proposed fee to be paid to the Firm on the first of each month for services to be consumed that month is set forth as follows with the first monthly payment occurring upon execution of the contract for services:

- In year one the proposed fee is a \$5,000 retainer upon execution of the contract and an additional \$5,000.00/month for each of the subsequent 12 months (\$60,000 annually); total cost in year one is \$65,000.00
- In year two the proposed fee is \$5,000.00/month (\$60,000 annually)

The monthly flat fee will include representation and prosecution of all criminal matters within the city's jurisdiction, included but not limited to scheduling, coordinating officer appearances, reviewing all criminal cases presented for purposes of prosecution, determine technical compliance with Criminal Code and other state statutes, writing complaints, any meetings necessary, making recommendations to the court for alternatives to prosecution where appropriate, act as a resource to the Police Department in the development of criminal cases, provide training sessions for police staff as needed, and the timely pursuit of disposition of criminal cases in advance of actual court cases to avoid unnecessary officer court time.

Additionally the Firm would provide civil forfeiture services for a one-third (33%) of the civil forfeiture recovery on behalf of the Police Department.

Appellate work, drafting of appellate briefs, preparing and oral argument to the Appeals Courts and/or Supreme Court of Minnesota would be considered specialized, and at an additional cost beyond the monthly retainer amount. Fees for Specialized Services are set forth below:

- Attorney: \$150/hour
- Support Personnel: \$50/hour

The minimum increment of time billed for each service in a matter considered a "specialized service" (i.e. phone calls, correspondence, personal conference) shall be in 6 minute increments (one-tenth of an hour).

## Compensation – for Prosecution Only Services (Continued)

*Type and unit rates for reimbursement of expenses such as mileage, reproduction of documents, faxed documents, and word processing charges*

- Weikel Law Firm, LLC will not charge the City a fee for faxed documents.
- Weikel Law Firm, LLC will not charge the City outside of the monthly retainer fee for word processing.
- Printing/Reproduction of documents will be at the Firm's actual cost of \$.10/each.
- Mileage incurred on behalf of the City would be billed to the City at the federal allowable rate which is currently \$.565/mile in 2013.
- Parking fees incurred, if any, would be billed back at the receipt amount.
- Weikel Law Firm, LLC will charge defendants, or their counsel, directly for reasonable fees as required by law for reproduction, documents, and any audio/video required.

# APPENDIX

Second District Ethics Committee  
July 19, 2012

RECEIVED

JUL 25 2012

OFFICE OF LAWYERS  
PROF. RESP.

The Second District Ethics Committee met on July 19, 2012 at 7:30 a.m. at the Minnesota Judicial Center. The following members were present: Ingrid Bjorklund, Ed Byrne, Lee Daly, Samantha Gemberling, Mitchell Gordon, Kathy Hahne, Chad Hintz, Greg Holly, Julie LaFleur, Marshall Lichty, Gary Luloff, Judy Mortrude, Rich O'Dea, Jerrald Olson, Patrick O'Neill, Ferdinand Peters, Tim Puffer, Bruce Rivers, Peter Rosene, Peter Stein, Gail Stremel and Mary Ward .

The committee considered the following complaints:

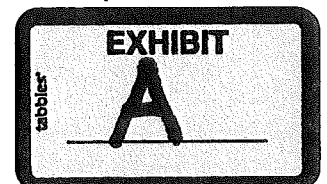
File Number: 12-21

Complainant: Sylvester Penn

Respondent: Steven Helseth

Investigator: Edward Byrne

Edward Byrne presented a summary of his investigation and found no unethical conduct under Rules 1.2(a), 1.4(a) and 1.16(b) and recommended no discipline. The motion for a finding of no unethical conduct was seconded and passed.



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TODD A. WIND

1500 LANDMARK TOWERS  
345 ST. PETER STREET  
ST. PAUL, MINNESOTA 55102-1218

TELEPHONE (651) 296-3952  
TOLL-FREE 1-800-657-3601  
FAX (651) 297-5801

RECEIVED

SEP 24 2012

September 18, 2012

Mr. Brian Walters  
216 Water Street  
Excelsior, MN 55331

Mr. Lee Ryan Martie  
7533 Sunwood Drive, Ste. 213  
Ramsey, MN 55303

Re: Appeal of Director's Disposition in Complaint of Brian Walters,  
216 Water Street, Excelsior, MN, 55331 against Lee Ryan Martie,  
7533 Sunwood Drive, Ste. 213, Ramsey, MN 55303

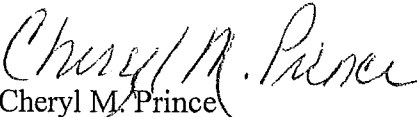
Approval of Director Disposition  
Affirming a Dismissal After Investigation

Gentlemen:

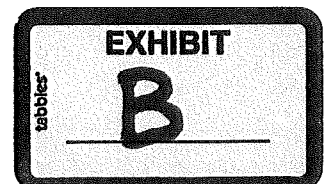
I have reviewed carefully the file in the above matter and, pursuant to the Rules of Lawyers Professional Responsibility, hereby approve the disposition made by the Director. I agree with the Director's determination that there is no clear and convincing evidence of a violation of the Minnesota Rules of Professional Conduct and, therefore, discipline is not warranted.

My approval of the Director's disposition means that the Board's file on this case is now closed.

Very truly yours,

  
Cheryl M. Prince

CMP/jad



**Weikel Law Firm**  
A Professional Limited Liability Company  
[www.weikellaw.com](http://www.weikellaw.com)

Experienced

Reliable

Respectful

Connected

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