



CITY OF SPRING PARK
SPECIAL MEETING AGENDA
SEPTEMBER 24, 2018 – 6:00 PM
SPRING PARK CITY HALL

(Discussion times are approximate)

1. 6:00 – MARY TIETJEN – KENNEDY & GRAVEN
2. 6:30 – ANDY PRATT – ECKBERG & LAMMERS
3. 7:00 – QUINN O'REILLY – MELCHERT, HUBERT, SJODIN
4. 7:30 – CITY ATTORNEY DISCUSSION
5. MISCELLANEOUS
6. 7:45 – ADJOURN



STAFF MEMO

POTENTIAL LEGAL ITEMS FOR NEXT CITY ATTORNEY TO ADDRESS

- Nuisance Enforcement – The City recently adopted a comprehensive outdoor storage ordinance for residential properties. Currently the City Administrator handles initial investigations, correspondence, and follow up with the violating property owners. However, it is likely that some of the properties will get to a point where City Attorney involvement will be necessary.
- Tax Forfeited Properties – There are several small areas around the City that have a tax forfeited status. Specifically, two of the larger areas are essentially being used tax-free as private property by the adjacent property owners. The County has updated the status of these areas to show the City as the owner, although final negotiations for transfer to adjacent property owners and/or evictions need to take place.
- Short-term Rentals & Rental Licensing – The City Council has expressed interest in developing a new rental licensing ordinance along with a short-term rental policy due to the large number of rental properties in Spring Park. The City currently has minimal regulations regarding rental properties.
- Re-Codification – There are several areas of the City's code that are outdated, inaccurate, or simply unnecessary as it has been 30+ years since the City last did a major update to the City Code. City Staff would like to see a comprehensive re-codification take place.
- Black Lake Rd – There is a significant deviation between the as-platted road and the as-built road for a segment of Black Lake Road. The City would like to clear this issue up as any major infrastructure/roadway reconstruction projects would be highly challenging until the issue is resolved.
- Easements, Right-of-ways, & Property Lines – Due to the historical development of Spring Park there are numerous issues related to City owned easements, lack of right-of-way, neighbor property disputes, etc. This will be an ongoing issue that continually presents challenges for the City.



August 22, 2018
The Honorable
City of Spring Park
Attn: City Administrator
4349 Warren Avenue
Spring Park, MN 55384

City of Spring Park

Proposal for City Attorney Legal Services

Dear City Administrator:

Thank you for the opportunity to respond to the City of Spring Park's request for proposals for city attorney legal services.

The attorneys at Kennedy & Graven practice almost exclusively in legal government law. We represent client law firms, school districts, counties and various other government entities throughout the state of Minnesota.

PROPOSAL FOR PROVISION OF CIVIL ATTORNEY LEGAL SERVICES

CITY OF SPRING PARK

August 22, 2018



Contact: Mary D. Tietjen

(612) 337-9277 | mtietjen@kennedy-graven.com | kennedy-graven.com

Minneapolis 470 U.S. Bank Plaza | 200 South 6th Street | Minneapolis, MN 55402
Saint Paul Lawson Commons | 380 Saint Peter Street | Suite 750 | Saint Paul, MN 55102
St. Cloud 501 West St. Germain Street | Suite 304 | St. Cloud, MN 56301



August 22, 2018

Dan Tolsma
City of Spring Park
Attn: City Administrator
4349 Warren Avenue
Spring Park, MN 55384

dtolsma@ci.spring-park.mn.us

Re: Proposal for City Attorney Legal Services

Dear City Administrator Tolsma:

Thank you for the opportunity to respond to the City of Spring Park's request for proposals for city attorney legal services.

The attorneys at Kennedy & Graven practice almost exclusively in local government law. We represent cities, townships, school districts, counties and various other government entities throughout the State of Minnesota. The foundation of the firm's success rests on solid, long-term client relationships and the delivery of responsive, practical, and high-quality solutions to both common and unique problems.

Please feel free to contact me if you have any questions or if you would like any additional information.

Kennedy & Graven and the City of Spring Park

We believe that the Kennedy & Graven team can be an effective partner to help the City of Spring Park continue to thrive in the upcoming years. We represent many cities similar in size to Spring Park. Also, given the proximity to Lake Minnetonka, several of our clients, including Tonka Bay, City of the Village of Minnetonka Beach, Minnetrista, Mound, Victoria, and others, likely deal with similar issues facing Spring Park. In fact, Kennedy & Graven has done legal work for 13 of the 14 cities on the Lake.

Whether it be assisting the City with comprehensive planning, a road project, or code-enforcement issues, we look forward to partnering with the City to:

- Identify and pursue unique and innovative ways to assist the City in achieving its ongoing goals while relying on both traditional and non-traditional funding mechanisms;
- Provide City staff with thoughtful and responsive assistance in identifying ways to streamline the delivery of services to the community, including through proactive education and training; and
- Identify and achieve the goals and priorities of the City's elected officials and staff.

Thank you for your consideration.

Sincerely,

KENNEDY & GRAVEN, CHARTERED

A handwritten signature in blue ink, appearing to read "Mary D. Tietjen", is positioned below the firm's name.

Mary D. Tietjen

TABLE OF CONTENTS

Table of Contents	3
Background of Kennedy & Graven	4
Firm Background	5
Firm History	5
Firm Personnel	5
Firm Organization	5
Firm Expertise and Services	5
Office Locations	6
Firm Resources	6
Professional Liability Insurance and Claims	7
Civil Rights and Affirmative Action	7
Representative Firm Clients	7
Proposed Team	7
Mary D. Tietjen	7
David T. Anderson	9
Other Attorneys and Support Staff	10
References	13
Other Information	14
Conflict of Interest	14
City/City Attorney Relationship	14
Exhibit A	
KENNEDY & GRAVEN ATTORNEYS	
Exhibit B	
REPRESENTATIVE CITIES, TOWNS, & OTHER ENTITIES	
Exhibit C	
ATTORNEY PROFILES	
Exhibit D	
FEES	



General & Special Counsel to Local Governments

THROUGHOUT MINNESOTA

ABOUT KENNEDY & GRAVEN

Kennedy & Graven is the largest law firm in Minnesota that practices primarily local government law. The firm was founded in 1973 with a practice in local government law, public finance, and development. In 1989, members of a leading local government law firm, LeFevre, Lefler, Kennedy, O'Brien & Drawz, P.A., joined the organization. Since then, Kennedy & Graven has expanded and diversified its representation of public sector clients to include school districts and townships.

Kennedy & Graven provides cities, townships, school districts, and other local government units with solid legal counsel, litigation representation, and public policy advocacy.

By use of a team approach, Kennedy & Graven is able to deliver services in a comprehensive and economical manner. We take maximum advantage of the unique knowledge and experience that our attorneys have in specific areas of local government law. In addition, Kennedy & Graven's representation of many local government entities often means that the firm has previously encountered an issue and can therefore respond quickly and efficiently.

The Kennedy & Graven team consists of numerous attorneys, paralegal, and support staff focused on local government law.

Kennedy & Graven practices in all major areas of local government law relating to cities, including:

- General Counsel
- Economic Development and Redevelopment
- Land Use
- Housing
- Litigation
- Eminent Domain
- Employment and Labor
- Municipal Bond Public Finance



The largest law firm
in Minnesota
serving primarily
local governments



95%
of the firm's work
is related to local
government law



MORE THAN
30
ATTORNEYS
with diverse backgrounds
and areas of expertise
in local government law



The firm has provided
services for more than
300 Cities
200 Townships
100 Schools

FIRM BACKGROUND

Firm History

Kennedy & Graven, Chartered, combines the tradition and history of two of the state's leading law firms in the fields of local government law, public finance, and development. The law firms of LeFevere, Lefler, Kennedy, O'Brien & Drawz, P.A., founded in 1958, and Holmes & Graven, Chartered, founded in 1973, combined their law practices in 1995 to form Kennedy & Graven. Since 1989, Kennedy & Graven has expanded and diversified its representation of public and private clients. The firm's practice continues to focus on local government law, public finance, litigation, labor and employment law, condemnation, education law and real estate.

The foundation of Kennedy & Graven's success rests on solid, long-term relationships with our clients, some of whom we have represented since the 1950's.

Firm Personnel

Kennedy & Graven, Chartered, is the largest law firm in Minnesota that focuses its practice almost exclusively on local government law. The firm has over 30 attorneys and over 95% of the firm's work is local government law.

Our firm has 6 paralegals and 14 support staff employees performing administrative, accounting, and legal administration assistant work. A firm administrator oversees the day-to-day administration of the firm.

Firm Organization

Kennedy & Graven is a professional corporation. The firm is run by an executive committee, which consists of five shareholders who serve staggered two-year terms. A full-time office administrator is responsible for the implementation of the directives from the executive committee and for overseeing the day-to-day operations of the firm. Secretaries are assigned to designated attorneys. Law clerks and paralegals are available to all attorneys on an as-needed basis.

Firm Expertise and Services

Kennedy & Graven's attorneys practice in all major areas relevant to local government law. Please see **Exhibit A** for a list of attorneys and the areas of law they practice.

Every attorney at the firm is experienced in general or specialized, or both, aspects of local government law. This experience includes all of the many common issues that cities face, such as ordinance drafting, complying with the Open Meeting Law and the Data Practices Act, planning and zoning implementation, administrative enforcement, public utilities, public finance, and more. This experience also includes working with joint powers entities, planning commissions, charter commissions, economic development authorities, housing and redevelopment authorities, and other boards and committees.

The firm utilizes a team approach to take full advantage of the collective knowledge and experience of the firm's attorneys, which in turn contributes to effective and efficient services to clients. For example, if the City has a particular matter focusing on construction law or utilities, the city attorney may recommend to the City that another attorney in the firm, such as Jim Strommen (construction and utilities) or Robert Vose (cable franchise), work on the matter because Jim and Bob have such a breadth and depth of experience in

these areas. Several other attorneys in the firm handle complex condemnation matters including public purpose challenges, quick-take challenges, severance claims, going concern claims, relocation claims and fixture value claims.

Most development or redevelopment efforts involve a land transaction which may include: acquisition, sale, leases, eminent domain, easements, options, subdivision, and zoning. Attorneys at Kennedy & Graven have extensive experience in all such aspects of real estate development. Paralegals are also often utilized in real estate transaction work.

Having served as bond or development counsel for hundreds of projects in the past 40 years, attorneys at Kennedy & Graven have helped create every type of TIF district and have used many financing mechanisms within TIF districts, including bonds, notes, and internal loans. The firm has served as primary development counsel in some of the largest, most complex TIF-financed projects in the State of Minnesota, including the Excelsior & Grand housing/retail complex in St. Louis Park, West Ridge Market, and Glen Lake projects in Minnetonka, the Mall of America in Bloomington, and the Northwest Airlines maintenance facility in Duluth.

The firm's representation of many local government entities often means that when a city has a legal issue, it is likely that an attorney at the firm has reviewed the same or similar issue previously for a different client and has the experience, knowledge and information to quickly and efficiently respond.

In sum, the breadth and depth of our attorneys' backgrounds and experience means that Kennedy & Graven will be able to provide prompt, efficient and knowledgeable services to the City of Spring Park.

Office Locations

The firm's main office is in Minneapolis with satellite offices in St. Paul and St. Cloud.

Minneapolis (Main Office):

470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

(612) 337-9300
(800) 788-8201 Toll free
(612) 337-9310 Fax

St. Paul:

Lawson Commons
380 Saint Peter Street
Suite 750
St. Paul, MN 55102

(651) 294-3589
By appointment

St. Cloud:

501 West Germain Street
Suite 320
St. Cloud, MN 56301

(320) 240-8200
By appointment

Firm Resources

The firm uses technology in a variety of ways to increase efficiency and effectiveness.

One important use of technology is a centralized document management system. For this purpose, the firm uses a program called EdocsDM. This allows every user in the firm to easily find and access any document, both on-site and remotely. This database includes all of the firm's documents since 1997. The firm also utilizes the Microsoft Office 2010 software suite.

The firm uses Egnyte brand file transfer protocol, if needed, for the sending and uploading of large or numerous documents. This includes documents which may need to be sent from the firm to a client, or from the client to the firm (e.g., large development-related documents).

The firm primarily uses WestlawNext for computerized legal research with an inclusive subscription containing all major sources relevant to municipal law. The firm maintains certain specialty publications in house or electronically and also has access to the extensive legal research materials of the Hennepin County Law Library, which is located adjacent to our office in Minneapolis.

Professional Liability Insurance and Claims

The firm has professional liability insurance with First Specialty, a subsidiary of Westport/Swiss Re Insurance Corporation. Limits are \$5,000,000 per claim/aggregate. Deductible per claim/aggregate is \$100,000.

Civil Rights and Affirmative Action

Kennedy & Graven is an equal opportunity employer and has an established affirmative action plan and equal employment opportunity plan. The firm has been certified by the State of Minnesota as having an approved affirmative action plan. The firm has adopted a specific AA/EEO Policy Statement and a Policy Statement Prohibiting Sexual Harassment in the Workplace. Copies of these policies are available to the city upon request.

Representative Firm Clients

Please see **Exhibit B** for a list of representative clients.

PROPOSED TEAM

The firm proposes Mary D. Tietjen as lead city attorney. Ms. Tietjen would be the primary legal adviser to the city and would be responsible for the overall coordination of work to the extent other firm attorneys are involved. She would be the principal contact person for the city and would attend meetings as needed.



Mary D. Tietjen
Proposed City Attorney

RELEVANT ACADEMIC TRAINING AND DEGREES

- | | |
|-----------|---|
| 1988 | B.A., <i>cum laude</i> (Psychology), Concordia College, St. Paul, MN |
| 1988-1992 | Staffer, United States Congressman Gerry Sikorski |
| 1993-1997 | Full-time law clerk, League of Minnesota Cities Insurance Trust (LMCIT) |
| 1997 | J.D., <i>cum laude</i> , William Mitchell College of Law, St. Paul, MN |

1997-2001	Defense Attorney, LMCIT
2001-2004	Associate Attorney, Kennedy & Graven
2004 – Present	Shareholder, Kennedy & Graven

BACKGROUND AND EXPERIENCE

Mary is currently the City Attorney for the following:

2013 – present	City of Richfield
2014 – present	City of Rosemount
2015 – present	City of Osseo

In her role as city attorney for her current clients, Mary has developed knowledge and has had experience in the primary areas identified in the RFP. In the areas of eminent domain, economic development, environment law, municipal finance, and franchise law, Mary relies on the expertise of the firm’s attorneys who practice and specialize in those areas. In this way, Kennedy & Graven can provide the most efficient and knowledgeable advice to the city. Mary currently represents one charter city (Richfield) and two statutory cities (Osseo and Rosemount). With the diverse characteristics of these cities – small and fully-developed, first-ring thriving suburb, and a more rural, developing community – Mary has developed a broad base of knowledge that will serve the city well. She regularly deals with questions from city staff in the areas of zoning, land use, data practices, city code and charter interpretation and many more. She also routinely reviews city contracts, joint powers agreements, leases, and provides advice on day-to-day personnel issues. Mary is also currently General Counsel for the Meeker County Housing and Redevelopment Authority.

Mary very much enjoys working with smaller cities and values the relationships that she has with elected officials and staff in those communities. She currently resides in the southwest area of the Twin Cities that would make travel to Spring Park, when needed, easy and convenient.

Mary was formerly the city attorney for the cities of Shorewood (2009-2010) and Montrose (2011-2012). She also serves as an assistant city attorney for many of the firm’s municipal clients.

Mary is currently labor and employment counsel for the cities of Lake Elmo, Oakdale, Brooklyn Center, New Brighton, Minnetrista, and East Grand Forks. She also routinely advises many of the firm’s municipal clients on a variety of employment and labor issues, including: labor contract interpretation and grievances; discipline; discrimination; disability; FMLA; veterans’ preference; military leave; policy updates to comply with changes in state and federal law; FLSA; data practices; human rights claims; and civil service.

In addition to her employment and labor specialty, Mary has developed expertise in the areas of data practices and regulation of adult establishments. She has assisted clients with updating data practices policies and has conducted several training sessions for clients in the areas of general data practices procedures and law enforcement data.

Mary has extensive litigation experience including employment-related litigation, labor grievance arbitrations, special assessment appeals and trial and appellate work in both state and federal court. Her experience includes both court and jury trials, significant motion practice and many arguments at the Minnesota Court of Appeals and Minnesota Supreme Court. Mary continues to defend cities in matters assigned by the League of Minnesota Cities Insurance Trust (LMCIT), on an as-needed basis. Before joining Kennedy & Graven, Mary was a defense attorney with LMCIT and represented cities across the state in

personal injury and property damage cases.

Prior to her law career, Mary was a staffer with United States Congressman Gerry Sikorski. It was there that she developed her interest in advocacy work and ultimately decided to go to law school.

Exhibit C contains a profile of Ms. Tietjen.

David T. Anderson is proposed as an assistant city attorney to provide backup and a designated second point of contact for the city.



David T. Anderson
Proposed Assistant City Attorney

RELEVANT ACADEMIC TRAINING AND DEGREES

- 2008 B.A. (History; Political Science), University of Wisconsin-Madison
- 2012 J.D., *cum laude*, Mitchell Hamline School of Law, St. Paul, Minnesota
- 2012-2013 Judicial Law Clerk, Minnesota's First Judicial District
- 2013-2016 Assistant Sherburne County Attorney
- 2016-Present Associate Attorney at Kennedy & Graven

BACKGROUND AND EXPERIENCE

After graduating from the University of Wisconsin-Madison with a Bachelor of Arts in History and Political Science, Dave attended Mitchell Hamline School of Law where he graduated with honors. While in law school, he served for two years on the *Hamline Law Review* and simultaneously handled his own case load for the Ramsey County Attorney's Office. Following law school, Dave clerked for the Honorable Christian S. Wilton in Minnesota's First Judicial District before spending three years as a prosecuting attorney in the Sherburne County Attorney's Office. During his time as a prosecutor, Dave handled a wide variety of cases and gained extensive litigation experience. He acted as lead counsel on several jury trials and worked alongside numerous local government agencies. His experience as a prosecutor provided him with extensive knowledge and background on how local government units operate.

Dave joined Kennedy & Graven in 2016 and is an associate in the firm's municipal department. His practice is significantly concentrated in general municipal law, including land use matters, real estate law, risk management, data practices, economic development and redevelopment, code enforcement, and general document drafting. Dave's representation of cities also includes representing cities before trial and appellate courts within the state on various issues.

Dave has represented cities in a broad range of land use and planning matters. Dave also uses his experience at the county level to navigate the complex interaction local laws and other regulations with respect to land

use issues. Dave has advised cities on issues related to general development activity, zoning code reviews and recodifications, and a host of other land use and real estate matters.

Dave also has experience drafting numerous types of agreements for city clients. Aside from traditional development and redevelopment agreements, Dave also has experience drafting and reviewing standard form agreements prepared for construction contracts, including AIA and EJCDC documents. Dave has also drafted employment agreements for city employees. Additionally, Dave has experience reviewing a broad range of other agreements which have been proposed to cities.

Dave has extensive litigation experience and has represented numerous Minnesota cities before state trials courts and appellate courts. Most recently, Dave brought a successful lawsuit for specific performance against an area landowner who breached a purchase agreement with the city. Dave has also successfully litigated lawsuits regarding hazardous properties, special assessment challenges, and public nuisances.

Dave has broad experience drafting ordinances and resolutions, and he has worked on the recodification of a number of cities' code provisions.

Dave is currently the Assistant City Attorney for numerous Minnesota cities, including New Prague, Hopkins, Oakdale, Cokato, Lauderdale, and Faribault, among others.

Exhibit C contains a profile of Mr. Anderson.

Other Attorneys and Support Staff

The City Attorney may request that the City allow a matter to be assigned to a particular Kennedy & Graven attorney, if another Kennedy & Graven attorney has special knowledge for that matter, including the following examples:



James M. Strommen

Public Utilities and Construction Law

Jim Strommen is a shareholder at Kennedy & Graven and is well-regarded in the areas of construction and public utilities law. Since 1990, he has been general counsel to the Suburban Rate Authority, a joint powers organization of metropolitan area cities totaling over one million in population, which intervenes in electric, gas, and telecommunications matters before the Minnesota Public Utilities Commission. He also serves as general counsel to the Minnesota Valley Transit Authority. In his litigation practice, he represents cities and school districts in all phases of and delivery systems used in public construction projects. During his career, Mr. Strommen has prosecuted criminal cases, won large damage awards and established significant legal precedent in appellate courts for his clients.



Sarah J. Sonsalla

Real Estate

Sarah Sonsalla is a shareholder at Kennedy & Graven and has 17 years' experience in representing cities and townships. Sarah is currently the city attorney for New Brighton, Lake City, Lake Elmo and Sandstone and is general counsel to Local Government Information Systems (LOGIS), a joint powers entity. Sarah has significant experience in helping cities comply with the Minnesota Government Data Practices Act and in drafting and reviewing ordinances, resolutions, and contracts. Sarah also has significant real estate experience including drafting real estate documents such as purchase agreements, easements, and deeds and bringing quiet title actions, proceedings subsequent actions and Torrens registration actions.



Douglas D. Shaftel

Eminent Domain

Doug Shaftel is a shareholder at Kennedy & Graven, Chartered, and practices in the areas of real estate, eminent domain, and environmental law. Prior to joining Kennedy & Graven, Doug worked for over seven years as an Assistant Attorney General representing the Washington State Department of Transportation on eminent domain, environmental, land use and real estate matters. On behalf of public entities, he has litigated dozens of real property disputes in state and federal trial and appellate courts, including complex condemnation actions, challenges to land use decisions and construction claims.



Jessica E. Schwie

Litigation

Jessica Schwie is a shareholder at Kennedy & Graven, Chartered, and practices in the areas of litigation and employment law. With more than fifteen years of civil litigation experience and success, Jessica has developed a solid reputation amongst her clients and in the community as a detailed, thorough and assertive trial lawyer, investigator, and pre-litigation advisor that is able to manage difficult situations.



Robert J.V. Vose

Telecommunications and Franchise Fees

Bob Vose is a shareholder with Kennedy & Graven, Chartered. He practices in the areas of Government Relations and Administrative Law, and Telecommunications and Utility Law, with an emphasis in Telecommunications and Utility Law. Bob represents seven cable commissions and he has assisted many municipalities with franchise renewal negotiations and other cable related matters.



Julie A. Eddington

Municipal Bonds and Public Finance

Julie Eddington is a shareholder and a past President of Kennedy & Graven. Julie practices extensively in the area of public finance, including general obligation bond financing, revenue bond financing, conduit revenue bond financing, lease financing, tax increment financing, abatement financing, and redevelopment and economic development. Julie is also general counsel to the Bloomington Port Authority, the Richfield Housing and Redevelopment Authority, and the Scott County Community Development Agency. Julie also practices in the area of tax controversy work, assisting clients with IRS audits of tax-exempt bonds.

References

Ms. Tietjen's references:

City of Richfield

Steve Devich
City Manager
City of Richfield
6700 Portland Ave.
Richfield, MN 55423
Phone: (612) 861-9702
Email: sdevich@richfieldmn.gov

City of Osseo

Riley Grams
City Administrator
City of Osseo
415 Central Avenue
Osseo, MN 55369
Phone: (763) 425-3861
Email: rgrams@ci.osseo.mn.us

City of Rosemount

Logan Martin
City Administrator
City of Rosemount
2875 145th Street West
Rosemount, MN 55068
Phone: (651) 322-2006
Email: logan.martin@ci.rosemount.mn.us

League of Minnesota Cities (LMCIT)

Brian Gaviglio
Litigation Management Attorney
LMCIT
145 University Ave. W
Saint Paul, MN 55103
Phone: (651) 281-1275
Email: bgaviglio@lmc.org

Mr. Anderson's references:

City of New Prague

Michael Johnson
City Administrator
City of New Prague
Phone: (952)-758-4401
Email: mjohnson@ci.new-prague.mn.us

City of Faribault

Deanna Kuennen
Community & Economic Development
Director
City of Faribault
Phone: (507) 333-0376
Email: dkuennen@ci.faribault.mn.us

City of Oakdale

Bart Fischer
City Administrator
City of Oakdale
Phone: (651)-730-2705
Email: bart.fischer@ci.oakdale.mn.us

City of Cokato

Annita Smythe
City Administrator
City of Cokato
Phone: (320)-286-5505
Email: asmध्ये@cokato.mn.us

OTHER INFORMATION

Conflict of Interest

We are not aware of any conflict with an existing or former client that would arise from our representation of the City of Spring Park. The firm has a computerized conflict-checking system that is used to identify potential conflicts. The system maintains a database containing the names of all clients of the firm and all adverse parties. This database is checked each time that the firm opens a new matter. If a potential conflict exists we notify each client. If an actual conflict exists, we would withdraw from representing either client unless both clients consent to our representation.

City/City Attorney Relationship

As City Attorney, Mary Tietjen would be the chief contact person for the client and personally handle much of the City's legal work, however the City is free to work with any attorney it prefers. David Anderson would be the Assistant City Attorney to provide backup and would serve as a second point of contact for the City.

The City Attorney may at times ask for the City's consent to assign certain specific matters to another attorney in the firm if the City Attorney believes it is more efficient for the City to do so. The City Attorney would retain overall responsibility to ensure that the needs of the City are being met.

Ms. Tietjen has the capacity to serve the city of Spring Park as its City Attorney. The City Attorney is usually available to answer calls directly or respond to voicemails the same day. Response to e-mails and requests for letters will vary depending on the extent of time needed to develop a response. However, most e-mails are responded to within a day if they are not urgent.

As a firm dedicated primarily to representing local governments, Kennedy & Graven has a sufficient number of attorneys and support staff, as well as the breadth and depth of knowledge and experience to make sure that Spring Park, like all of the firm's clients, gets prompt and competent service.

The City Attorney will work with the city staff to develop an acceptable system of monthly reporting on pending projects. We are flexible and able to accommodate the client's wishes, whether it is attending staff meetings to provide an in-person report or sending a monthly email or written report to summarize the status of various matters.

Fees

Please see **Exhibit D** for a list of hourly rates.

Other costs that may be billed:

Westlaw legal research: Typically not charged, unless unique research needed. If charged, typically \$3.00/minute.

Photocopying: Typically not charged, except for large production runs may be charged at \$.05 per page

Mileage: IRS-approved reimbursement rate

Other out of pocket expenses such as filing fee, recording fees, messenger services and postage: Actual cost

If the firm is selected as city attorney, we are open to discussing a retainer option.

EXHIBIT A

KENNEDY & GRAVEN ATTORNEYS

Kennedy & Graven has many attorneys with diverse backgrounds and expertise in local government law.



Robert A. Alsop
Shareholder

Employment Law, Housing Law, Litigation



Dave T. Anderson
Associate

Municipal Law



Ronald H. Batty
Shareholder

Municipal Law, Economic Development & Redevelopment



Andrew M. Biggerstaff
Associate

Municipal Law, Economic Development & Redevelopment,
Litigation



Jenny Boulton
Shareholder

Economic Development & Redevelopment, Municipal Bonds,
Public Finance



Lizzie Brodeen-Kuo
Associate

Litigation



Julie Eddington
Shareholder

Municipal Bonds, Public Finance



Gina Fiorini
Shareholder

Municipal Bonds, Public Finance



Troy J. Gilchrist
Shareholder & President

Municipal Law, Township Law, Watershed Law



Chris J. Henjum
Associate

Public Finance



Martha N. Ingram
Shareholder

Economic Development & Redevelopment, Municipal Bonds,
Public Finance



Alex D. Ivan
Associate

School Law, Special Education



Brian D. Lehinger
Associate

Real Estate Law; Municipal Law



Robert J. Lindall
Shareholder

Eminent Domain, Environmental Law, Real Estate Law



Sofia E. Lykke
Shareholder

Public Finance, Municipal Bonds



Gregory S. Madsen
Shareholder

Employment Law, School Law



Peter G. Mikhail
Shareholder

Litigation, Eminent Domain



Scott J. Riggs
Shareholder

Municipal Law, Real Estate Law, Township Law



Jessica E. Schwie
Shareholder

Litigation; Employment Law



Douglas D. Shaftel
Shareholder

Real Estate, Eminent Domain, Environmental Law



Sarah J. Sonsalla
Shareholder

Real Estate Law, Employment Law, Municipal Law



James M. Strommen
Shareholder

Litigation, Public Utility Law



James J. Thomson
Shareholder

Municipal Law, Land Use, Litigation



Mary D. Tietjen
Shareholder

Municipal Law, Employment and Labor Law, Litigation



John Utley
Shareholder

Municipal Bonds, Public Finance



Robert J.V. Vose
Shareholder

Municipal Law, Public Utility Law



Maggie R. Wallner
Shareholder

Employment Law, Litigation, School Law



Adam C. Wattenbarger
Associate

School Law, Municipal Law, Litigation



Larry M. Wertheim
Shareholder

Real Estate Law

EXHIBIT B

REPRESENTATIVE CITIES, TOWNS, & OTHER ENTITIES

Kennedy & Graven is the appointed city attorney and/or general or special counsel to a diverse collection of cities, townships, and counties across Minnesota.

SELECT CLIENT LIST

Baxter			●	Lake City	●	●		Red Wing			●
Belle Plaine	●	●		Lake Elmo	●	●		Rice	●		
Blaine			●	Lauderdale	●	●		Richfield	●	●	
Blackduck			●	Lino Lakes		●	●	Robbinsdale	●	●	
Bloomington		●	●	Mahtomedi			●	Rochester			●
Brainerd		●		Mantorville	●			Rogers			●
Brooklyn Center	●	●		Maplewood	●	●		Rosemount	●	●	
Brooklyn Park	●	●		Marshall		●	●	St. Louis Park		●	
Burnsville		●	●	Meeker County		●		St. Paul		●	●
Chanhausen		●		McGrath	●			Saint Paul Park	●	●	
Cokato	●	●		Medina	●	●		Sandstone	●	●	
Columbia Heights		●	●	Minnetonka Beach	●	●		Shakopee	●	●	
Coon Rapids			●	Minnetrista	●	●		Staples			●
Crow Wing County			●	Mound	●	●		Tonka Bay	●		
Crystal	●	●		Mounds View	●			Vandais Heights			●
Detroit Lakes		●		Nerstrand	●			Victoria	●		
Duluth			●	New Brighton	●			Wahkon	●		
Dundas			●	New Prague	●	●		Washington County			●
Elk River		●	●	Nicollet County			●	Watson	●		
Eveleth			●	Northfield			●	West Concord	●		
Faribault	●	●		Oak Grove	●			West St. Paul			●
Franklin	●			Oakdale	●	●		White Bear Lake			●
Goodhue County			●	Osseo	●			White Bear Twshp			●
Hopkins	●	●		Owatonna			●	Woodbury			●
Inver Grove Heights		●		Pine Island	●	●		Wright County			●
Independence	●			Ramsey County			●	Wyoming			●
Kenyon	●	●									

● APPOINTED CITY ATTORNEY

● EDA / HRA / PORT AUTHORITY

● SPECIAL COUNSEL

EXHIBIT C

ATTORNEY PROFILES



Mary D. Tietjen

LOCAL GOVERNMENT LAW, MUNICIPAL LITIGATION,
GENERAL LITIGATION

J.D. (cum Laude), William Mitchell College of Law, 1997
B.A. (cum Laude), Psychology, Concordia College, 1988

PRIMARY PRACTICE AREAS

Ms. Tietjen practices in the areas of local government law and municipal litigation.

KENNEDY & GRAVEN

Mary has more than twenty years of experience in the areas of local government law and municipal litigation. She currently serves as city attorney for the cities of Richfield, Rosemount, and Osseo. Mary is also a defense attorney for the League of Minnesota Cities Insurance Trust. She has represented cities in both state and federal courts, including having argued numerous cases at the Minnesota Court of Appeals and Minnesota Supreme Court. Mary specializes in the areas of labor and employment law. She assists many of the firm's municipal clients with routine review and updating of personnel policies, day-to-day advice on state and federal leave and discrimination laws, data practices issues, contract interpretation, and representation of employers in grievance arbitrations.

BACKGROUND

Prior to her law career, Mary was a staff member for former United States Congressman Gerry Sikorski (1988-1992), where she represented constituents at local, state and federal agencies. Her legal career began as a law clerk and defense attorney for the League of Minnesota Cities Insurance Trust (1994-2001), where she represented cities throughout the State of Minnesota in personal injury, property damage, and employment cases. She previously served as the city attorney for Shorewood (2009-2010) and Montrose (2011-2012).

MEMBERSHIPS AND PROFESSIONAL ACTIVITIES

Mary is a member of the Minnesota State Bar Association, Minnesota Women Lawyers, and the Minnesota Defense Lawyers Association. She is a past President of the Minnesota Association of City Attorneys.

PERSONAL

During her spare time, Mary enjoys long-distance running, weightlifting, and other fitness activities. She also enjoys reading, particularly fiction, and endeavors to become a better-than-average cook.

"I enjoy my practice at Kennedy & Graven because it allows me to work with clients who are committed to making their communities a better place to live. It is very rewarding to be part of a team of dedicated and hard-working employees and elected officials serving their communities."



David T. Anderson

GENERAL MUNICIPAL LAW; REAL ESTATE; LITIGATION

J.D., (*cum laude*), Mitchell Hamline School of Law, 2012

B.A., University of Wisconsin – Madison, 2008

PRIMARY PRACTICE AREAS

Dave Anderson is an associate at Kennedy & Graven, Chartered, and practices in the area of general municipal law, real estate, and litigation.

BACKGROUND

Prior to joining Kennedy & Graven in 2016, Dave worked as a prosecuting attorney in the Sherburne County Attorney's Office where he was primarily responsible for assisting with law enforcement investigations, charging and litigating criminal cases, and handling appellate work. His prosecutorial experience allowed him to work closely with local government agencies and develop an understanding of the particular needs of local government units. Prior to that, Dave worked in the Human Services Division of the Ramsey County Attorney's Office where he represented local government agencies. He also served as law clerk to the Honorable Christian S. Wilton in Minnesota's First Judicial District. Dave received his B.A. from the University of Wisconsin – Madison in History and Political Science. He graduated *cum laude* from Mitchell Hamline School of Law in 2012. While in law school, Dave was named to the Dean's Honor Roll following every semester. He was also an editor and board member of the *Hamline Law Review*.

PERSONAL

Dave lives in St. Louis Park with his wife, Laura, and their dog, Ollie. He is an avid sports fan and enjoys spending time outdoors. He also enjoys running, playing golf, and cooking.

EXHIBIT D

FEES

Kennedy & Graven, Chartered
 470 US Bank Plaza, 200 S. 6th St.
 Minneapolis, MN 55402

Contact Person: Mary D. Tietjen
 Phone: 612-337-9277
 Email: mtietjen@kennedy-graven.com

GENERAL COUNSEL	2018	2019	2020
Hourly rate for primary Attorney (please name):			
Mary D. Tietjen	170	170	175
Hourly rate for assisting Attorneys (please name):			
David T. Anderson	155	155	160
Hourly rate for Support Personnel (All matters)			
Paralegals	110	110	113
Law Clerks	90	90	93
OTHER LEGAL WORK:			
CIVIL LITIGATION THAT DOES NOT RELATE TO ENFORCEMENT OF ORDINANCES AND ZONING REGULATIONS; COMMENCED CONDEMNATION PROCEEDINGS; LABOR NEGOTIATIONS; UTILITIES AND TELECOMMUNICATIONS.			
Shareholders	195	195	200
Associates	180	180	184
DEVELOPMENT, REDEVELOPMENT, TAX ABATEMENT; TIF			
Shareholders	240	240	247
Associates	215	215	219
PASS-THROUGH FEES.			
All Attorneys	250	250	257

Submitted By:

Andrew J. Pratt
Thomas R. Loonan
Eckberg Lammers, P.C.
1809 Northwestern Avenue
Stillwater, Minnesota 55082
Telephone: (651) 439-2878
apratt@eckberglammers.com
tloonan@eckberglammers.com
www.eckberglammers.com

City of Spring Park, Minnesota
August 23, 2018

Response to Request for Qualifications and
Proposal to Provide Legal Services

EXECUTIVE SUMMARY

Eckberg Lammers, P.C. is pleased to submit this Response to the Request for Qualifications and Proposal to Provide Legal Services issued by the City of Spring Park, Minnesota.

Eckberg Lammers is uniquely qualified to represent the City for general civil municipal matters. As both a historical tradition and a current practice, the true strength of Eckberg Lammers is the Firm's remarkable breadth and depth of knowledge in municipal law and continuing goal to collaborate with municipalities to provide the highest level of service. Engaging with a comprehensive civil municipal law firm provides the City with robust, steady and consistent representation, freeing public officials to concentrate on the truly important issues facing the City. Eckberg Lammers believes that municipal representation is best approached as a partnership with full and frequent communication among all necessary parties and stakeholders. The Firm strives to team up with its municipal clients in all endeavors, and the Firm's attorneys shoulder the educational and advisory roles necessary to enable that success.

Eckberg Lammers is the only law firm in the State of Minnesota to employ attorneys regularly practicing in the four core areas of municipal law: (i) civil municipal; (ii) labor and employment; (iii) public finance; and (iv) criminal prosecution. The City will never have to look elsewhere for comprehensive legal representation. The attorneys at Eckberg Lammers feel that it is the Firm's responsibility to coordinate a municipal client's complete legal services, and we do not refer out work to specialized law firms, who often are unknown to a city and have higher rate structures.

The proposed lead attorney to serve the City is **Andrew J. Pratt**. It is also proposed that Andy represent the City in public finance/bond counsel matters.

It is proposed that **Thomas R. Loonan** will serve as Assistant City Attorney, and **Lida M. Bannink** will serve as the City's labor and employment attorney.

Our Proposal will introduce these attorneys and the Firm to the City in greater detail, and will elaborate on each substantive area of municipal representation that we will efficiently provide if selected.

STATEMENT OF UNDERSTANDING

Covering items listed in the "Basic Services Requested" section of the City's Request for Qualifications, Eckberg Lammers will provide comprehensive civil municipal general counsel, bond counsel and economic development representation, and labor and employment services to the City.

We understand the City's Request for Qualifications covers civil municipal services, and not criminal prosecution representation. Therefore, this Response does not highlight our prosecution services, although the Firm's prosecution department is able to undertake this representation as well, if desired. Other than municipal prosecution, there are no other services listed in the City's Request for Qualifications that Eckberg Lammers is unable to provide. We believe this complete level of service is unmatched in the legal community.

SCOPE OF WORK

GENERAL MUNICIPAL

If selected by the City, Eckberg Lammers will draft and review all legal documents, real estate documents, contracts, correspondence, ordinances, resolutions, and public notices, as requested. The Firm also provides title and recording services for our municipal clients to meet their real estate needs. The Firm provides state and federal litigation, code enforcement services and boundary dispute representation when needed and participates in settlement negotiations and alternative dispute resolution sessions. Eckberg Lammers has successfully represented our municipal clients' needs by direct negotiation on various matters with property owners, developers, and state, regional and local regulatory agencies. All of our attorneys are skilled in civil litigation services. The Firm's attorneys have substantial experience appearing before Minnesota's district and appellate courts, and they have the respect of judges and court personnel.

What follows is a discussion of specialized municipal legal services the Firm will provide to the City.

ZONING, HOUSING, ANNEXATION, SUBDIVISION AND LAND USE LAW

The current roster of municipalities for which Eckberg Lammers serves as general counsel illustrates the Firm's strengths and diversity in land use matters. For example, White Bear Lake has many land use challenges adjacent to the lake and the city's downtown district. East Bethel is attempting to manage its future with a large sewer and water infrastructure project that has redefined that City's growth model. Oak Park Heights recently hosted a massive infrastructure project, the St. Croix River Crossing, which has resulted in new construction projects cascading into that city. Scandia recently established an Economic Development Authority and is balancing development issues in its rural areas. The examples go on and on, and the Firm is actively involved in advising and establishing the legal parameters in each situation.

The Firm's attorneys carefully build an adequate record on either side of a land-use issue for the city council to come to a well-supported decision. A number of years ago, the Firm's municipal attorneys quickly advised cities, by email communication and staff seminars, on new variance standards imposed by the Minnesota Legislature consisting of "practical difficulties," from what used to be "undue hardship." The Firm worked with its municipal clients to amend city codes accordingly to codify the new variance standard.

The Firm's municipal attorneys have also guided cities through many preliminary plat and final plat transactions, including the drafting of complex development agreements with large and small developers. We frequently work on development agreements relating to commercial and residential developments, and cooperate closely with staff to ensure the interests of each city are protected through the placement of developer letters of credit, insurance and indemnification provisions, and the like. Our attorneys also work with each developer to create a partnership that benefits all parties, while zealously guarding each city's position. Every city's land management practices are different, but the Firm's attorneys have learned to work with planners and engineers to accomplish cities' long-term development goals.

ECONOMIC DEVELOPMENT ACTIVITIES

The City of Spring Park is a Twin Cities suburb/exurb, but is definitely its own jurisdiction with its own unique characteristics. The City maintains a vibrant commercial and retail area, along with a mix of residential and waterfront activities. Retaining a law firm with significant, real-world

economic development experience will be crucial to assist the City with efficiently processing land development matters that will surely arise.

TAX INCREMENT FINANCING

One method in which the City may redevelop blighted, aged, or underused properties is through tax increment financing (TIF). Often TIF transactions undertake a public-private partnership, with residential, commercial, and retail all on one site, along with needed public amenities such as a community commons and parking. The Firm's municipal department, with Andy Pratt leading in this area, has rich and varied TIF experience. Andy has assisted cities with complex TIF development agreements, the issuance of General Obligation Tax Increment District Bonds (both taxable and tax-exempt), and the issuance of TIF "pay-as-you-go" Notes, which are typically provided to property developers to reimburse the developers for initial construction expenses out of future tax increment revenues. Andy has even drafted special legislation to extend the maturity of a redevelopment TIF district, in order for extra revenues to be diverted to assist with the payment of another project.

For example, Andy recently assisted the City of Mendota Heights redevelop an old hotel and greenhouse site with frontage along State Highway 13. This site has turned into a major eyesore due to blight over the years, and recently has experienced an uptick in police calls. Andy worked with City staff and a private developer to extend redevelopment TIF revenues to assist with the construction of a large new senior apartment complex with underground parking, to be built over two phases. The development agreement included provisions for the protection of an adjacent lake, and will preserve access to the highway, while respecting the city's land use planning documents. This experience will benefit the City of Spring Park as it redevelops similar projects over the coming years.

CODE ENFORCEMENT

Eckberg Lammers works closely with municipal clerks, building inspectors, and law enforcement to identify and solve code enforcement problems in many contexts. The Firm's municipal attorneys have years of experience with hazardous building actions, nuisance activities, rental housing issues, dangerous dogs, and quality-of-life violations. The Firm offers comprehensive training designed for staff and interested public officials discussing the top code enforcement problems faced on a day-to-day basis. The code enforcement training analyzes criminal enforcement procedures (i.e. citations issued for nuisances or quality-of-life violations) versus civil actions (i.e. injunctions, stop work orders, hazardous building lawsuits) to determine the most efficient enforcement method for the City. Finally, the Firm's municipal attorneys will advise the City on the best methods and strategies to structure its ordinances to provide tighter enforcement mechanisms, as well as legislative actions requiring ordinance amendments in the code enforcement area.

REAL ESTATE

The municipal attorneys at Eckberg Lammers are adept at negotiating acquisitions and sales of real property, as well as preparing comprehensive purchase agreements, developer's agreements, and closing real estate transactions. Andy Pratt is certified by the Minnesota State Bar Association (MSBA) as a Real Property Specialist. Fewer than three percent of attorneys in Minnesota are certified as specialists by the MSBA. Whether or not a real estate purchase or sale contains public financing provisions, the Firm's attorneys will draft documents to ensure the terms of the deal are accurately reflected, and the City is protected in all scenarios. The Firm's

attorneys also have years of experience processing real property due diligence reports, either through review of a title insurance policy, survey, or Phase I/Phase II environmental reports.

BOND COUNSEL

In addition to general municipal representation, Eckberg Lammers is a nationally recognized bond counsel firm. We propose to represent the City as its bond counsel. It is rare for a municipal law firm to combine its day-to-day civil representation with the highly specialized public finance practice area. The Firm's public finance representation will be coordinated by Andy Pratt. Andy has concentrated his entire career in private practice representing dozens of Minnesota cities, counties, towns, and special governmental entities with the issuance of tax-exempt and taxable governmental bonds, either by public sale or negotiated private placement, including the following types of general obligation and revenue transactions available to the City:

- Improvement Bonds (i.e. special assessment financing)
- Equipment Certificates/Capital Notes
- Capital Improvement Plan Bonds
- Street Reconstruction Bonds
- Utility Revenue Bonds
- Tax Increment Bonds
- Tax Abatement Bonds
- Permanent Improvement Revolving (PIR) Fund Bonds
- Temporary Bonds (in anticipation of grants or loans)
- Tax Anticipation Certificates
- State-Aid Bonds
- Charter Authority Bonds
- Recreational Facility Bonds
- Lease-Revenue Bonds

Andy is also experienced with more complex, unorthodox financing transactions, such as the negotiation and execution of inter-governmental loans with the Minnesota Public Facilities Authority and the United States Department of Agriculture, joint powers financing arrangements, pure revenue financings that include reserve funds, and refinancings of outstanding bonds. Andy has assisted municipalities with the execution of conduit financings, which frequently involve the issuance of revenue bonds on behalf of a non-profit or qualified private entity, with no general obligation pledge from the municipality. Andy also works with municipalities in general economic development matters, such as TIF (see earlier section), tax abatement, revolving loan funds, and business subsidy agreements. Finally, Andy has become specialized with assisting cities in the establishment and implementation of micro-loans (such as façade improvement or home rehabilitation deferred or forgivable loans) using available TIF or economic development revenues. These loans often provide much-needed gap financing to make a development proposal work.

Bond counsel is often consulted on a case-by-case basis, and usually begins work on a project midstream. Combining general civil representation with public finance is more efficient for the City, as Andy will already be intimately familiar with all aspects of a given project, and will be

able to prospectively give advice and spot areas that need to be addressed to be in ultimate compliance with complex state laws and federal tax regulations. For example, if the City begins to pay expenditures on a project for which it wishes to be reimbursed through tax-exempt bond proceeds, it must take care to adopt a “reimbursement resolution” at an early stage. This resolution authorizes the City to catch expenditures made up to 60 days before the adoption of the resolution, and to reimburse those expenditures from the proceeds of future tax-exempt bonds. However, if the resolution is not adopted, the expenditures may not be reimbursed from tax-exempt bonds. If the City’s general legal counsel and bond counsel are the same firm, this financing issue will never be missed, and the City will be fully protected.

Eckberg Lammers is known as a “nationally recognized bond counsel” under the requirements of The Bond Buyer’s Municipal Marketplace (also known as the “Redbook”). Andy is a member of the National Association of Bond Lawyers (NABL), frequently delivers updates and tutorials on state and federal law requirements relating to municipal financing, and enjoys collaborative working relationships with all members of the local municipal finance field, such as financial advisors, bond underwriters, trustees, fiscal agents, auditors, and accountants.

One of our most fulfilling projects occurred last year in the City of Spring Lake Park, Minnesota. Andy Pratt served as bond counsel to the city for the issuance of tax-exempt and taxable multifamily housing revenue notes to assist the Legends of Spring Lake Park Project. The aggregate financing amount was in excess of \$33 million. The closing of this project last summer was the culmination of a months-long process, as we assisted the city to submit a tax-exempt bond allocation application to the State of Minnesota, then defended the city as the allocation was challenged by the State of Minnesota in Ramsey County District Court (Dominium Apartments, as the developer, took the lead in the courtroom, with the city providing support). Once the district court upheld the allocation, we worked with a national lender, a tax credit provider, and a local bridge lender to bring the project successfully to a close. During this entire process, we attended multiple City Council public hearings and staff meetings to ensure the city was on track with all required documentation. Construction is now almost complete on a 194-unit multifamily housing facility spread over four floors, with underground parking and all the regular amenities. This comprehensive housing project has revitalized an area of land on County Road 10 in Spring Lake Park that used to host a blighted miniature golf facility, and is the largest redevelopment project in that city’s history.

ORDINANCE AND RESOLUTION DEVELOPMENT AND INTERPRETATION

Often new ordinances and resolutions are required by state legislative changes. The Firm’s municipal attorneys attend seminars sponsored by the League of Minnesota Cities and other entities (i.e. Economic Development Association of Minnesota, Sensible Land Use Coalition) and subscribe to municipal list-serv emails to stay fully informed on all new legislation. The Firm then assists each municipality with implementing the new legislation through the drafting of ordinances, and attorneys are always available to answer legal questions from staff or Council on the subject. The Firm’s attorneys have also become experts on the preparation of interim ordinances, or moratoria. State statute allows cities to adopt interim ordinances to place a moratorium on, for example, the issuance of new licenses regulating an activity in a city, or certain zoning activities. The moratorium temporarily halts any new requests on that given subject while the municipality rewrites its ordinance or addresses a specific problem.

GOVERNMENT DATA PRACTICES

The Firm’s municipal attorneys frequently advise cities on how to handle government data requests. These requests are frequently burdensome and even harassing on staff, especially in smaller cities. Our Firm has successfully advised municipalities not to provide voluminous data

to requesters that are simply seeking to harass cities. We have received favorable opinions from the State Department of Administration's Data Practices office on these matters. Finally, we always assist municipalities with charging the correct fees for data retrieval, ensuring that private and confidential data is not released, and processing data requests pursuant to duly enacted data practice policies, in accordance with state law.

CITY CODE ISSUES

Code enforcement is frequently cited by municipal staff and officials as a major point of emphasis. Residents notice the accumulation of junk piles, weeds, unkempt lawns, and dilapidated structures. Eckberg Lammers works closely with municipal clerks, building inspectors, engineers, and law enforcement to identify and solve code enforcement problems in all of these contexts. The Firm's municipal attorneys have years of experience with hazardous building actions, nuisance activities, junk properties, rental housing issues, dangerous dogs, and quality-of-life violations. The Firm offers comprehensive training designed for staff and interested council members discussing the top code enforcement problems faced on a day-to-day basis. The code enforcement training analyzes criminal enforcement procedures (i.e. citations issued for nuisances or quality-of-life violations) versus civil actions (i.e. injunctions, stop work orders, hazardous building lawsuits) to determine the most efficient enforcement method for the City. Finally, the Firm's municipal attorneys will advise the City on the best methods and strategies to structure its ordinances to provide tighter enforcement mechanisms, as well as legislative actions requiring ordinance amendments in the code enforcement area.

CONTRACT LAW

The Firm assists its public-sector clients with contract drafting related to joint governmental actions, construction activities, enterprise agreements, regulatory services, vendor arrangements, and the like. Our municipal attorneys also assist communities with contract drafting and interpretation issues, and work with city staff to ensure that each city's intent is clearly conveyed in the document. The Firm always negotiates with other governmental entities, developers and private parties with a city's best interests in mind. For example, the Firm's attorneys recently assisted the cities of Oak Park Heights and Bayport through the re-drafting of a joint fire service agreement with two area townships. The Firm worked with staff and officials in those two cities and affected towns to come to a long-term contract that allocated fair responsibility for capital expenditures and operating costs among all participants.

ENVIRONMENTAL LAW

Eckberg Lammers carries many years of experience with environmental protection issues, which also can arise in other facets of representation, such as during typical land-use and public infrastructure projects. The Firm's environmental representation will include coordinating with and the drafting of any required agreements with other governmental entities or property owners related to storm water runoff, drainage and utility easements, and regulation of watersheds.

The Firm is also adept at helping its cities think creatively by setting up unique environmental agreements. For example, Andy Pratt drafted use agreements between the City of Woodbury and private property owners to provide for the recycling of storm water runoff into irrigation systems benefiting the private properties. These agreements were a first of their kind and were featured in articles on Woodbury's engineering department in the *Pioneer Press* and *Star Tribune*.

EMINENT DOMAIN

Eckberg Lammers also has extensive experience in the area of eminent domain. Our attorneys are familiar with the “quick take” condemnation process and attend court hearings as needed on this topic. Often other governmental agencies, like the Minnesota Department of Transportation (MnDOT), are involved in eminent domain issues, and the Firm has solid working relationships with MnDOT personnel, especially through work done on the new St. Croix River Crossing through Oak Park Heights. The Firm has completed condemnation proceedings, including court commissioner evidentiary valuation hearings, within the past few years in the matters of:

City of Woodbury v. Alberta Burns (new water tower site)

City of East Bethel v. David and Diona Anderson (new roadway project)

LABOR AND EMPLOYMENT LAW

As a part of the Firm’s comprehensive representation of public entities, Eckberg Lammers has a dedicated team of public sector labor and employment law attorneys and staff, led by **Lida Bannink**. Lida is an early point of contact whenever municipalities undertake employee discipline or termination, union negotiations, unemployment insurance disputes, veterans’ preference actions, grievance hearings, or other like actions. Lida is well versed in public-sector collective bargaining, the Americans with Disabilities Act (ADA), employee discrimination complaints, and the Federal Medical Leave Act (FMLA).

Lida works collaboratively with the primary attorneys for many of the Firm’s municipal clients, and she has a dedicated staff assistant and paralegal that work on labor and employment law matters. This comprehensive labor and employment law practice will benefit the City with a fast response time and complete service.

APPROACH TO LEGAL SERVICES

If selected to represent the City, the Firm will prioritize the City’s workflow to provide sound and strategic legal advice and direction to the Council and staff. In all of the Firm’s municipalities, our attorneys view themselves as the head of the legal department, and we take an active role in managing the City’s legal representation. Our attorneys do not consider themselves to be another member of the City Council, as policy decisions should be left completely to the domain of the elected public officials. It will be the Firm’s role to ensure City staff and the City Council have all necessary information to make a decision, including the legal ramifications for a certain course of action. There can be no legal question gone unanswered before a policy decision is made by the City’s elected officials.

The Firm recognizes the City is a small community by population and geographic area, and does not have a large legal budget. Our municipal clients range in size from small (City of Mendota, population 205), to medium (City of White Bear Lake, population approximately 25,000), to large (Cities of Blaine and Woodbury, with populations in excess of 65,000). The Firm’s municipal attorneys always place public-sector representation at an elevated level of service for all cities. Our attorneys meet regularly in the office to discuss new and relevant cases, legislation, and other trends in the industry. This level of camaraderie allows our attorneys to collaboratively work on initiatives that benefit multiple cities, which ultimately reduces costs. For example, a few attorneys in our municipal department have focused on new legislation surrounding small-cell wireless facilities that attach to utility poles in municipal rights-of-way. We created templates for collocation lease agreements and rights-of-way ordinances to address this new regulatory scheme. Each of our cities used the templates and draft leases,

with alterations that were specific to each city. These documents were produced more efficiently given that we could focus efforts in this area. The Firm will always be in communication with City staff to determine whether legal costs are fair and efficient, and we will adjust our representation accordingly.

Our municipal practice anticipates potential problems before they occur, and we tirelessly work with City staff and public officials to avoid them. If problems cannot be avoided, we work just as hard to find a reasonable solution. This attitude is why our attorneys belong to many stakeholder groups active throughout the municipal industry, which allows us to learn new strategies and behaviors to benefit our public clients. The Firm's attorneys belong to groups like the National Association of Housing and Redevelopment Officials (NAHRO), League of Minnesota Cities Development Finance Task Force, Sensible Land Use Coalition, Economic Development Association of Minnesota, Minnesota Institute of Public Finance, and more. Learning from our contemporaries at events held by these groups only strengthens our long-term representation for the City. We share these insights at scheduled City Council work sessions or other special meetings throughout the year.

The Firm's municipal attorneys are accustomed to working with smaller city staffs such as the three employees at the City of Spring Park. With smaller staff, it may be necessary to rely more on consultants to accomplish day-to-day and long-term work. Our attorneys alleviate these issues by frequently attending staff meetings at City Hall or on the telephone. Our team approach to representation also benefits the City as both Andy and Tom will be heavily involved with the work, which will allow City staff to use either attorney. As with all of our municipal clients, there is no requirement to go through the lead attorney – all of the Firm's municipal attorneys are available to the City.

The Firm's municipal attorneys always take an active role in City Council and City staff meetings. It is our responsibility to deliver comprehensive and complete legal advice to the City before a decision is made. We are always open to separate meetings and discussions with public officials, keeping in mind that as the City Attorney the Firm represents the City as a whole, not individual Council members. Even if the proposed or alternate City Attorney is not needed at a meeting, we will prepare documentation or status reports detailing our work product and current legal issues facing the City. At Council meetings, we proactively introduce legal topics, provide analysis, and recommend a certain cause of action in many instances. Again, the Firm's municipal attorneys do not consider themselves to be public officials and will not steer a topic toward some favored policy conclusion.

We presume the City of Spring Park maintains a litigation defense insurance policy through the League of Minnesota Cities Insurance Trust (LMCIT). For all lawsuits filed against the City, we would proactively advise the City on the necessary steps and strategies to take, and then continue to collaborate with litigation defense counsel that is appointed by LMCIT. After the conclusion of litigation against the City, we would play a vital role in helping the City to comply with the final judgment. While municipalities do not generally go on the offensive and file lawsuits, occasionally that approach is required. Typically LMCIT would not cover such lawsuits, and the City Attorney's office would vigorously pursue the case. The Firm has many municipal attorneys who have counseled cities through the litigation process. We would schedule closed sessions with the City Council to discuss the lawsuit and the necessary litigation strategy, with an eye towards limiting or even capping the amount of costs spent on the matter. Often filing suit is a political decision, and as with all policy decisions of the elected officials, we will pursue the direction of the Council, after informing Council of the expected costs of the litigation, and whether such costs are warranted given the anticipated result.

As stated previously, Eckberg Lammers is a comprehensive civil municipal law firm. We do not anticipate using another law firm to handle a case, provide expert advice or provide other needed services. We also envision no conflicts of interest that would require referring out any facet of our representation. Finally, because all attorneys working with the City will charge the same hourly rate, there will be no need to shift work to a certain attorney while avoiding more expensive attorneys. We believe this fee structure is fairer and simpler for the City to administer.

BACKGROUND AND CAPACITY

HISTORY

Eckberg Lammers was established by Lyle Eckberg, who began the practice of law in 1946. Since its founding, the Firm has served as civil, prosecution and special counsel for many municipalities throughout Minnesota and western Wisconsin, and the Firm's attorneys and staff highly value the relationships made with countless elected officials, staff and residents in these municipalities. The Firm has grown at a relatively constant rate in employees and revenues in the past 70-plus years.

In addition to the Firm's robust representation of municipal and public sector clients, Eckberg Lammers maintains a general practice, offering legal services in Business and Commercial Law, Banking Law, Real Estate, Employment Law, Estate Planning, Probate and Guardianship, Mediation/Arbitration, Civil Litigation, Personal Injury, Workers' Compensation, and Family Law. These rich and varied practice areas provide deeper perspectives into many of the issues facing the Firm's municipal clients.

MUNICIPAL LEGAL SERVICES TRAINING AND EXPERIENCE

The Firm's municipal attorneys collectively have more than 130 years of experience representing municipalities in all facets of representation. The Firm has individual lawyers who are proficient in general municipal law matters, but also in specialized matters such as public finance, economic development and redevelopment, litigation, labor and employment, condemnation, franchise, administrative actions, land use, and more. Our municipal attorneys' training and experience is more fully set forth in the Proposed Attorneys and Scope of Work sections herein.

OFFICE LOCATIONS

The Firm has three office locations. Our Minnesota office (and overall headquarters) is located at 1809 Northwestern Avenue in Stillwater. The Firm's main office number in Stillwater is (651) 439-2878. The Firm maintains an office in downtown Hudson, Wisconsin, located at 430 Second Street. The Firm also has a satellite office in downtown New Richmond, Wisconsin. All attorneys and staff proposed to work with the City are located at the Stillwater office.

Several of the Firm's municipal attorneys hold "office hours" directly at city hall, which gives city staff and public officials the opportunity to meet with our attorneys in a one-on-one setting, without the time pressure inherent in a phone conference or after a Council meeting. Being present at city hall also allows our attorneys to attend staff meetings, which are crucial to fully understanding and advising cities. We are interested to provide "office hours" availability to the City as desired. Finally, as discussed with the City Administrator, Andy or Tom will always be available to attend mandatory Wednesday morning staff meetings.

STAFF SERVICES

The Firm employs more than 20 support staff consisting of paralegals, legal assistants, administrative and receptionist positions. The Firm has a stable and consistent staff base that has steadily grown with the Firm. All positions are filled with employees with the experience, knowledge and depth to meet the requirements of the Firm's municipal clients.

The Firm employs seven paralegals. All paralegals with municipal experience will become familiar to the City and will seamlessly connect the Firm's lawyers with City staff. The Firm additionally employs ten legal assistants covering all practice areas, a receptionist, an Office Administrator and two bookkeepers to attend to day-to-day business, and a law clerk for legal research purposes.

PROPOSED ATTORNEYS

LEAD ATTORNEY

Andrew J. Pratt is proposed to serve as the lead City Attorney and Bond Counsel to the City. Andy is available to attend meetings of the City Council, City committees and City staff as necessary.

Andy joined Eckberg Lammers in 2011 after several years practicing in the public finance departments of two other law firms. For the past three years, Andy has spent approximately 95 percent of his time working on municipal and public finance matters. Andy serves as the City Attorney for the Cities of White Bear Lake, Bayport, Mendota Heights, and Holdingford, and serves as an assistant attorney in the Cities of Woodbury, Blaine, Scandia, Oak Park Heights, East Bethel, and New Richmond, Wisconsin. Andy represents various cities, economic development authorities, and school districts throughout Minnesota and Wisconsin as bond counsel and economic development counsel in public financing matters. Andy is also a member of the Firm's Commercial and Residential Real Estate practice groups, and in 2014 was honored with the designation as a Certified Real Property Specialist by the Minnesota State Bar Association. Andy received a Bachelor of Arts degree from the University of Denver in 2000, and obtained his law degree from the University of Minnesota Law School in 2004. Andy was admitted to the Minnesota State Bar in October 2004.

ASSISTANT ATTORNEY

Tom Loonan will serve as the Assistant City Attorney. Tom will attend City Council meetings, City committee meetings and City staff meetings if Andy cannot attend the meeting. Tom will also be readily available to City staff during the day-to-day legal representation of the City.

Tom joined Eckberg Lammers in 2017. Tom quickly became a part of the Firm's municipal group and is currently the Wyoming City Co-Attorney, the Mendota City Attorney, and an assistant attorney for the cities of Woodbury and New Richmond, Wisconsin. In addition to serving our municipal clients, Tom works with commercial, banking and finance clients answering legal questions, negotiating and drafting transactional documents, and assisting in litigation. Tom is also a member of the business organization group advising clients in the formation and development of their business practices. Prior to joining Eckberg Lammers, Tom worked at a large firm in Minneapolis doing commercial litigation in federal court. Tom received a Bachelor of Arts degree from Saint John's University in Collegeville, Minnesota in 2011, and graduated *cum laude* from William Mitchell College of Law in 2015. Tom was admitted to the Minnesota State Bar in October 2015.

EXPERTISE OF OTHER ATTORNEYS

Eckberg Lammers currently employs 16 attorneys. The Firm is widely recognized throughout the State of Minnesota for the depth of its municipal practice, and this strength is reflected in the following roster of our attorneys, with areas of specialty:

ALLISON J. RAPP	Family Law, Criminal Law
FREDRICKSON	
ANDREW J. PRATT*	Municipal Law, Public Finance, Real Estate
ERIC J. SHERBURNE	Municipal Law, Banking and Finance, Commercial Real Estate, Commercial Litigation
JORDAN N. FEIS	Municipal Prosecution, Family Law, Civil Litigation
JOSEPH D. VAN THOMME	Municipal Prosecution, Code Enforcement
KATIE A. KRANZ	Municipal Law, Estate Planning, Business Organization
KEVIN S. SANDSTROM*	Municipal Law, Civil Litigation, Worker's Compensation
LIDA M. BANNINK	Labor and Employment Law, Civil Litigation
MARK J. VIERLING*	Municipal Law, Civil Litigation, Family Law
NICHOLAS J. VIVIAN*	Municipal Law, Banking and Finance, Business Organization
PATRICK J. BOLEY	Estate Planning and Probate
PATRICK J. SWEENEY	Municipal Law, Municipal Prosecution, Civil Litigation
REBECCA S. BAACK	Municipal Prosecution
THOMAS J. WEIDNER*	Municipal Prosecution, Personal Injury
THOMAS R. LOONAN	Municipal Law, Banking and Finance, Business Organization
WENDY A. MURPHY	Municipal Prosecution

*Shareholder/Principal of Firm

REFERENCES

City of White Bear Lake:	Ellen Richter, City Manager (651) 429-8516 erichter@whitebearlake.org
City of Bayport:	Adam Bell, City Administrator (651) 275-4404 abell@ci.bayport.mn.us
City of Mendota Heights:	Mark McNeill, City Administrator (651) 452-1850 markm@mendota-heights.com

City of Scandia: Neil Soltis, City Administrator
(651) 433-2274
n.soltis@ci.scandia.mn.us

City of Blaine: Clark Arneson, City Manager
(763) 785-6120
carneson@blainemn.gov

City of Woodbury: Clinton P. Gridley, City Administrator
(651) 714-3500
cgridley@ci.woodbury.mn.us

City of Oak Park Heights: Eric Johnson, City Administrator
(651) 439-4439
eajohnson@cityofoakparkheights.com

City of East Bethel: Jack Davis, City Administrator
(763) 367-7840
jack.davis@ci.east-bethel.mn.us

City of Wyoming: Robb Linwood, City Administrator
(651) 462-0575
rlinwood@wyomingmn.org

City of Spring Lake Park:
(Bond Counsel) Daniel Buchholtz, City Administrator
(763) 784-6491
dbuchholtz@slpmn.org

CLIENTS/POTENTIAL CONFLICTS OF INTEREST
--

CLIENTS

Eckberg Lammers serves as general counsel for 16 municipalities. The backbone of Eckberg Lammers continues to be its municipal law representation. Therefore, the Firm's attorneys are experts on general legal services, such as data practice requests, open meeting law questions, contract law, election law, quasi-judicial proceedings, real estate acquisitions, condemnation proceedings, drafting of resolutions and ordinances, attendance at meetings, drafting legal opinions, and processing vendor contracts and financial reports, among other things.

The Firm currently serves as general counsel to the following municipalities:

- City of Woodbury
- City of Blaine
- City of White Bear Lake
- City of Mendota Heights
- City of East Bethel
- City of Bayport

- City of Oak Park Heights
- City of Wyoming
- City of Scandia
- City of Lake St. Croix Beach
- City of St. Mary's Point
- City of Mendota
- City of Holdingford
- City of Robbinsdale (prosecution only)
- City of Ramsey (prosecution only)
- City of Northfield (prosecution only)
- City of Faribault (prosecution only)
- City of Dundas (prosecution only)
- City of Mahtomedi (prosecution only)
- City of Circle Pines (prosecution only)
- City of New Richmond, Wisconsin

Proposed lead attorney Andy Pratt attends the following regular City Council meetings:

- City of Bayport: 1st Monday at 6:00 p.m.
- City of White Bear Lake: 2nd and 4th Tuesdays at 7:00 p.m.
- City of Mendota Heights: 1st and 3rd Tuesdays at 7:00 p.m.
- City of Holdingford: 2nd Monday at 7:00 p.m. (if requested)

As discussed with the Spring Park City Administrator, Andy is available to attend the City's second meeting of the month, held on the third Monday. This meeting is typically preceded by a Council work session, so it may be especially valuable to have the City Attorney attend that meeting. Due to Andy's time conflict with Bayport City Council meetings on the first Monday of each month, Andy could not attend that meeting of the Spring Park City Council. Tom Loonan is available to attend the first meeting of the month if necessary. We will always work with City staff to attend all necessary City Council meetings in which the presence of an attorney would be helpful. Additionally, we are able to attend staff meetings, which we understand are typically held on the last Wednesday of each month.

CONFLICTS OF INTEREST

Eckberg Lammers does not currently represent, and has not represented in the past, any client where the representation may conflict with the Firm's ability to serve as the Spring Park City Attorney. Eckberg Lammers currently does not represent any real estate developers and/or brokers, property owners, or property management firms who have a financial interest in the City. The Firm also does not currently represent any other local unit of government having jurisdiction within, or contiguous to, the City.

Eckberg Lammers provides legal services to both public and private entities and individuals, so the potential for conflicts of interest always exists. The Firm maintains a conflict protocol and

client registry as required under existing ethics standards for that purpose. The Firm is keenly aware of representation of real estate developers, contractors and others that may impact municipal clients, and we have successfully avoided those conflicts over the years. In the event a conflict presents itself, the Firm would promptly notify the affected private clients as we are professionally required to do, and if further representation on the matter could not be retained we would assist in making the necessary referrals and transition the file to other private counsel in an efficient manner, while still ethically representing the City.

The Firm has an extensive client list in its computer system which notes all clients, co-parties, experts, consultants, and adverse parties. This list is routed past all attorneys and staff on a regular basis. If any of the attorneys or staff question whether or not a conflict of interest may exist, that file is highlighted and further research is done to determine whether or not a conflict is present. Before any file is opened, whether for private or public clients, this conflict protocol is followed.

MALPRACTICE CLAIMS

There are no pending matters that we are aware of relative to any claims of professional malpractice.

PROPOSED FEES

Eckberg Lammers strives to deliver a transparent and simple fee schedule to its municipal clients. Subject to negotiation with the City, the Firm proposes the following fee schedules over a three-year period, beginning in 2019. If selected for the remainder of 2018, the attorney hourly rate would be \$160 per hour, with a \$300 flat rate to attend Council/committee meetings.

	2019	2020	2021
Hourly Rate – Attorney*	\$160	\$165	\$170
Hourly Rate – Support Personnel			
Paralegals	\$80	\$80	\$80
Law Clerks	\$75	\$75	\$75
Attorney Meeting Attendance**	\$300	\$325	\$350

* *The hourly rates for all attorneys will be the same.*

** *Attorney meeting attendance is a flat fee, no matter how long the meeting. This flat-fee will apply to all regular City Council meetings, as well as requested attendance at special City Council meetings and workshops, and regular and special City committee and commission meetings. Attendance at City staff meetings of a general nature will be billed under the general hourly rates listed above.*

Legal assistant/secretary services are not charged. Minimum hourly billing kept by all timekeepers will be in increments of .10 hours. Other hard costs are as follows:

Copying	\$0.20 per page
Faxes from Client	\$0.00
Faxes to Client	\$0.50 per page
Transportation time and mileage reimbursement	\$0.00
Phone calls from City Staff/Council	\$0.00

The following charges are passed through at cost:

- Courier or Delivery Charges
- Court Filing Fees
- Document Recording & Closing Fees

There will be no charges for the following:

- WestLaw/Lexis Research Fees/Computer time
- Administrative billings for file setup and computer entry
- Electronic copies of documents
- Personal or phone conferences with City staff/officials, unless undertaken as part of a specific project. The Firm always encourages staff/officials to call with questions or concerns without being concerned about accrual of legal charges.

Detailed itemized monthly billing statements can be tailored to the requirements of the City, as listed within the City's Request for Qualifications. Any services provided as bond counsel will be billed at a flat rate, to be payable from proceeds of the bond issue. The City will be notified of the bond counsel fee well in advance of the bond sale.

CONCLUSION

The breadth and depth of the Firm's experience in representing municipal clients makes Eckberg Lammers uniquely qualified to provide cost-effective and accurate legal services to the City of Spring Park. No other firm can offer the City the comprehensive services that Eckberg Lammers provides. Eckberg Lammers has the demonstrated ability and willingness to maintain close and effective working relationships with its municipal clients. The Firm has enjoyed tremendous success representing municipalities of all sizes due to its complete representation which results from the commitment, ability and communication of all attorneys and staff to the client to deliver the services requested. Eckberg Lammers welcomes and is excited for the opportunity to provide comprehensive and thorough municipal legal services to the City of Spring Park.

Respectfully submitted this 23rd day of August, 2018.

Quinn P. O'Reilly, Esq.

Direct Dial:
(952) 442-7718

Email Address:
qoreilly@mhsllaw.com



MELCHERT • HUBERT • SJODIN
A Professional Limited Liability Partnership
ATTORNEYS AT LAW

121 West Main Street, Suite 200
Waconia, Minnesota 55387
Telephone: (952) 442-7700

BRANCH OFFICES
Chaska, Minnesota
Hutchinson, Minnesota
www.mhsllaw.com

August 21, 2018

City of Spring Park
Attn: City Administrator
4349 Warren Ave
Spring Park, MN 55384

Re: City Attorney Request for Proposal Response

Dear Mr. Tolsma,

Thank you for the opportunity to provide you with information regarding our firm's qualifications to be Spring Park's next City Attorney. Our firm has a long history of providing excellent, cost-effective legal services to municipalities. We use a collaborative approach at our firm, leveraging the many areas of expertise of the attorneys at our firm for the benefit of our clients. It would be an honor to provide our services to Spring Park.

Melchert, Hubert, Sjodin, a 19-attorney firm with offices in Waconia, Chaska, and Hutchinson, has represented municipal clients from the firm's beginning. The firm has been the City Attorney for Waconia since the 1930s and has served as the City Attorney for Chaska since 1968. In addition to Waconia and Chaska, we currently serve as the City Attorney for Hamburg, New Germany, St. Bonifacius, Cologne, and Carver. The firm also represents Winsted and Lester Prairie regarding employment law matters. We have handled essentially every municipal issue for our client cities, including complex development agreements, ordinance drafting, zoning disputes, and data practices requests.

Our client cities vary greatly in size and legal needs. We work closely with our cities to understand their specific needs and tailor our services for each client. The diversity in our client cities has provided us with tremendous experience in handling many municipal law issues. Crucially, we are familiar with handling issues related to waterfront property, redevelopment, and zoning. Waconia has experienced tremendous growth along the shores of Lake Waconia and we have assisted in executing Waconia's vision for its waterfront. Many of our cities contract with other entities for police and other services, providing us with familiarity in handling joint power agreements and contracts for service.

Quinn O'Reilly would serve as the primary attorney for Spring Park. Quinn joined the firm in February of this year. Since joining the firm, Quinn has been heavily involved in our municipal

MELCHERT • HUBERT • SJODIN, PLLP

Dan Tolsma
August 21, 2018
Page 2

practice. Quinn serves as the primary attorney for Hamburg and New Germany, while assisting with all of our other client cities. During his time with the firm, Quinn has drafted several ordinance amendments, negotiated cable franchise agreements, managed ordinance enforcement actions, and handled several real estate issues for our cities. In addition to his municipal work, Quinn also works with private clients handling real estate matters.

Prior to joining our firm, Quinn was a Staff Attorney in the Research Department at the League of Minnesota Cities. During his more than two years with the League, Quinn answered hundreds of questions from city staff, elected officials, and city attorneys throughout Minnesota, including questions regarding the open meeting law, zoning issues, and data practices. Quinn frequently presented to cities on data practices and the open meeting law, including presentations at the Clerks' Orientation Conference. In addition to trainings for city staff and elected officials, Quinn has given several Continuing Legal Education (CLE) presentations for fellow attorneys and has also been a frequent presenter regarding legal issues surrounding drones. He is a member of the Minnesota Association of City Attorneys and the Chaska Rotary. Quinn graduated from the William Mitchell College of Law *magna cum laude* in 2014. He has been a licensed attorney since October of 2014.

Quinn will work closely with the other attorneys of the firm to provide Spring Park with the highest quality legal representation. Mike Melchert is Quinn's designated mentor and would work closely with Quinn in representing Spring Park. Mike has worked with Waconia since 1991, starting first as Assistant City Attorney and then as City Attorney since 2000. Mike is a Minnesota State Bar Association (MSBA) Board Certified Real Property Specialist and has tremendous municipal and overall legal experience.

Kelly Dohm has an abundance of experience assisting municipal clients with all manner of employment law issues. Kelly is a MSBA Board Certified Labor and Employment Law Specialist. Joining the firm in 1998, Kelly has extensive employment law experience and would assist with any employment issues Spring Park might face.

In addition to the attorneys named above, the firm has a deep roster of attorneys with extensive experience in real estate, civil litigation, and municipal representation. Every quarter, all the attorneys handling municipal matters meet to discuss emerging issues impacting our client cities, including law changes and court decisions. We work hard to ensure the collective knowledge of the firm is used to benefit all our clients.

Given our firm's collaborative approach, we offer simple and straightforward billing practices for our municipal clients. We charge the same hourly rate, no matter which attorney is working on a matter for a city. Our hourly rate for any attorney working for Spring Park would be \$170. We

MELCHERT • HUBERT • SJODIN, PLLP

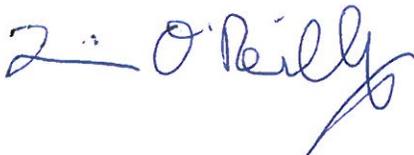
Dan Tolsma
August 21, 2018
Page 3

will maintain the same hourly rate for 2019 and 2020. For any work that will be passed through to an entity other than Spring Park (for example, if a developer seeks to enter into a development agreement with Spring Park), each attorney would charge his or her standard hourly rate to the third party. Quinn's standard hourly rate is \$225. Quinn's legal assistant is Jackie Schoenbauer. Jackie's time will be billed at a rate of \$150 an hour.

We do not bill our municipal clients for overhead expenses or travel. Beyond our hourly rate, we only itemize expenses directly related to representation, such as recording fees and court filing fees. Over the years, we have learned each client has slightly different requirements regarding the details in our billing statement. Our billing system is flexible to ensure we can provide personalized billing to meet the needs of each client. We will have no issues personalizing our bill to meet Spring Park's desires. Transparency in billing is essential, because we want our clients to be able to easily understand the services we provide.

Spring Park is a vibrant community located in a beautiful area along the shores of Lake Minnetonka. We are excited to offer our years of municipal experience to Spring Park and assist Spring Park in accomplishing its goals. Please let us know if you have any questions. We look forward to an opportunity to discuss our proposal with you soon.

Sincerely,



Quinn P. O'Reilly

Quinn P. O'Reilly

2200 Troy Lane N. Plymouth, MN 55447
(651) 308-2438 • quinnoreilly@gmail.com

Admitted to Minnesota Bar, October 2014

EDUCATION

William Mitchell College of Law

Saint Paul, MN

Juris Doctor, *magna cum laude*

May 2014

GPA: 3.55 Class Rank: 42/239 (Top 17.6%)

Honors: CALI Excellence Award (highest grade in class) for Criminal Law and Bankruptcy, Academic Merit Scholarship (90% tuition), Dean's List (four semesters)

Activities: *William Mitchell Law Review*, Staff Member Vol. 40, Rosalie E. Wahl Moot Court Competition Participant, William Mitchell Mentor Program, Admissions Ambassador

University of Minnesota

Minneapolis, MN

Bachelor of Arts, *cum laude*, Economics and History; GPA 3.511

May 2011

Honors: University Honors Program, Dean's List (two semesters)

EXPERIENCE

Melchert Hubert Sjodin

Waconia, MN

Associate Attorney

February 2018 – Present

- Provide legal guidance for several client cities, including drafting of ordinances, reviewing development agreements, and advising on policies.
- Undertake representation in real estate disputes, including condemnation.
- Assist partners on various files, including real estate title issues, discovery responses, and employment law matters.

League of Minnesota Cities

Saint Paul, MN

Staff Attorney, Research Department

October 2015 – January 2018

- Responded to inquiries from members regarding data practices, open meeting law, and other municipal law issues.
- Researched legal issues affecting Minnesota cities.
- Presented at workshops and conferences regarding legal issues facing cities, including conflict of interest, good governance, and drones.

Minnesota Judicial Branch

Foley, MN

Law Clerk to Judge Robert J. Raupp, Benton County District Court

May 2014 – October 2015

- Performed legal research and drafted orders issued by the court.
- Reviewed all submissions by parties in both criminal and civil matters.
- Communicated with parties and attorneys appearing before the court.

White Bear Lake Area Schools

White Bear Lake, MN

Human Resources Legal Extern

January 2014 – May 2014

- Ensured compliance with changes to Minnesota's teacher evaluation process.
- Completed other legal research projects as assigned.

William Mitchell Self-Help Clinic

Saint Paul, MN

Legal Volunteer and Marketing Director

September 2012 – May 2014

- Assisted patrons with completing legal documents for family law matters including parenting time modification, child support modification, and marriage dissolution.
- Managed legal volunteers during clinic hours and answered legal questions from patrons.
- Created and implemented marketing initiatives to reach prospective patrons.