

Response to Request for Proposals for Civil Attorney Legal Services

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City of Northfield, Minnesota

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Submitted By:

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GENERAL INFORMATION

Introduction

Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P. (hereinafter referred to as the “Firm” or “Eckberg Lammers”) is pleased to submit this Response (the “Response”) to the Request for Civil Attorney Legal Services to the City of Northfield, Minnesota (the “City”).

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. The Firm’s public clients are not just served by one general attorney, but by an experienced team of attorneys and staff who have the institutional knowledge to effectively advise municipalities on almost all circumstances that may occur. There is no requirement for City staff or officials to go through the “lead” attorney when a specialized need arises. Instead, the City is always able to directly contact the attorney who has the specialized background required (i.e. litigation, public finance, condemnation, etc.). This approach is possible because the City will get to know all of the Firm’s municipal attorneys early in the representation and will feel comfortable with each attorney’s background. This practice style has worked very well with all of the Firm’s municipal clients, as staff and public officials overwhelmingly appreciate the comprehensive approach and efficient response on any given issue. The attorneys at the Firm who may assist with a given issue raised by the City (and almost all attorneys may assist, given the widespread municipal practice at the Firm) will coordinate with the lead attorney as appropriate, in order to maintain a consistent response for the City.

Engaging with a comprehensive civil municipal law firm provides the City with strong, steady, and consistent representation, giving staff and public officials the ability 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. The Firm wants its municipal clients to succeed in all core functions, and the Firm’s attorneys frequently play the educational and advisory roles necessary to enable that success.

The municipal attorneys at Eckberg Lammers proposed to work with the City 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.

The Firm will always keep City staff informed and updated on new cases and legislation and often is requested by our clients to communicate our concerns with local legislators to secure their support for proposed legislation. The Firm's attorneys have even drafted special legislation benefitting municipal clients, particularly in the public finance area. The Firm also keeps client governing bodies informed on open meeting law issues and frequently fields inquiries from staff on data practices issues. For example, on December 31, 2012, an unusual open meeting law case was released by the Minnesota Court of Appeals. This case, *O'Keefe v. Carter*, stood for the proposition that email communication among elected officials does not serve as the basis for an open meeting law violation, since email communication is not a "meeting." This unpublished holding runs contrary to advice given by legal counsel to countless municipalities around the state. The Firm's municipal group quickly met on this issue and distributed the case summary to its municipal clients, while maintaining the historical caution against such discussions. This is just one example of the educational and collaborative approach the Firm brings to all of its public clients.

Eckberg Lammers has always had a significant focus in municipal and public-sector practice and since its inception has been one of the leading municipal law firms in the 13-county Twin Cities Metropolitan Area. The Firm currently serves as general counsel to the following cities:

- City of Woodbury
- City of East Bethel
- City of Mendota Heights
- City of Wyoming
- City of Oak Park Heights
- City of Grant
- City of Scandia
- City of Bayport
- City of Montrose
- City of Mahtomedi (prosecution only)
- City of Lake St. Croix Beach
- City of St. Mary's Point
- City of Mendota
- City of Lilydale

Additionally, in past years, the Firm has provided special services in conflicts of interest and other circumstances to the following communities:

- City of Stillwater
- City of Maplewood
- City of White Bear Lake
- City of Otsego
- City of West St. Paul

Finally, the Firm serves as special counsel, such as public finance/TIF counsel and land use counsel, to the following communities:

- City of Glencoe
- City of Sleepy Eye
- City of Breckenridge
- City of Maple Plain
- City of Hanover
- City of East Gull Lake
- City of Hudson, Wisconsin
- City of New Richmond, Wisconsin
- City of River Falls, Wisconsin

Background History; Number of Attorneys Employed

Eckberg Lammers was established by Lyle Eckberg, who began the practice of law in 1946. Since its founding, the Firm has served as civil, prosecuting, and special counsel for numerous municipalities throughout the State of Minnesota, 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 65-plus years, and currently operates as a professional limited liability partnership under the laws of the State of Minnesota. The Firm’s main office is located in Stillwater, Minnesota, and a branch office is located in Hudson, Wisconsin.

In addition to the Firm’s substantial representation of municipal and public sector clients, the Firm 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, Criminal Law, Civil Litigation, Personal Injury, Worker’s Compensation, and Family Law. The Firm also owns a majority interest in FSA Title, LLC, a title company and real estate closing service located in Oak Park Heights and Blaine. These rich and varied practice areas provide greater perspectives into many of the issues facing the Firm’s municipal clients.

Eckberg Lammers currently employs 15 attorneys. Of the Firm’s attorneys, two are exclusively licensed in Wisconsin, and the remainder are either exclusively licensed in Minnesota or licensed in both states. The following is a table of attorneys currently at the Firm and their areas of specialty:

Mark J. Vierling	Municipal Law, Civil Litigation, Family Law, Estate Planning
Thomas J. Weidner	Municipal Prosecution, Personal Injury & Wrongful Death
Sean P. Stokes	Family Law, Criminal Defense, Alternative Dispute Resolution
Nicholas J. Vivian	Municipal Law, Banking and Finance, Business Organization
Thomas R. Lehmann	Municipal Law, Civil Litigation, Business Organization, Family Law
Shannon H. Enright	Estate Planning, Trust & Probate
Andrew J. Pratt	Municipal Law, Public Finance, Banking and Finance, Real Estate
Kevin S. Sandstrom	Municipal Law, Commercial Litigation, Workers’ Compensation
Daniel P. Bakken	Banking and Finance, Commercial Litigation, Business Organization
Amanda E. Prutzman	Commercial Litigation, Banking and Finance
Rebecca S. Christensen	Municipal Prosecution, Tax Planning, Banking and Finance
Thomas P. Raisbeck	Family Law, Estate Planning, Civil Litigation
Jeffrey L. Kemp	Family Law, Criminal Defense, Civil Litigation

Michael L. McCain Municipal Law, Labor and Employment, Business Organization
Joe Van Thomme Municipal Prosecution, Municipal Law, Family Law

Primary and Secondary Attorneys

The Firm's primary contact assigned to the City will be **Andrew J. Pratt**. Andy currently serves as the City Attorney for the Cities of Bayport and Montrose, and as co-City Attorney for the Cities of Wyoming and Scandia. Andy serves as an assistant city attorney in the Cities of Woodbury, Oak Park Heights, Mendota Heights, East Bethel, Grant and Mendota. Andy also represents various cities and economic development authorities throughout the State of Minnesota as bond counsel or tax increment financing (TIF) counsel in public financing matters, and is a member of the Firm's Banking and Finance, Commercial Real Estate and Residential Real Estate practice groups.

On a personal note, Andy has a special connection with the City of Northfield. Andy moved to the City at an early age and attended Northfield Public Schools from Kindergarten through 12th Grade, graduating from Northfield High School in 1996. Andy has many friends and family in the City, and he frequently is in the area with his family. A review of recent City Council minutes reveals many participants who are familiar to Andy, such as his Kindergarten teacher (Bonnie Jean Flom, with the League of Women Voters) and his 2nd Grade teacher (CC Linstroth, on the Hospital Board). Andy's grandfather, Norm Olsen, used to own a record store on Division Street in the 1950's and 1960's. Serving as the City's attorney would be a tremendous professional and personal privilege for Andy.

As Eckberg Lammers is a comprehensive municipal law firm, there is no shortage of attorneys available to serve the City in secondary and specialized roles. Andy Pratt proposes to serve as the City's bond and public finance attorney. Andy is a nationally recognized bond attorney with a decade of experience in this area. **Michael L. McCain** has a decade of experience in labor and employment law matters, and he proposes to serve the City in this capacity. Mike is adept at assisting cities to navigate through various state and federal employment laws, as well as labor negotiations and discipline proceedings. **Mark J. Vierling**, the Firm's longest-serving attorney, will work with the City in areas of municipal litigation and condemnation. Mark is the City Attorney for the Cities of Woodbury, Oak Park Heights, East Bethel and Wyoming (co-counsel), and has extensive experience with day-to-day municipal administrative affairs and state agency relationships. **Nicholas J. Vivian** and **Thomas R. Lehmann** will assist the City in various legal matters, most prominently with environmental law, open meeting law and data practice issues. Nick is the City Attorney for the Cities of Grant and Scandia (co-counsel), and has worked in municipal law matters for more than 10 years, while Tom is the City Attorney for the Cities of Mendota Heights, Mendota and Lilydale (co-counsel), and has been a municipal lawyer for 25 years. Finally, **Rebecca S. Christensen** will serve the City from time to time, assisting with contract review, real estate matters, and general administrative representation. Ms. Christensen was a tax preparer prior to becoming an attorney, so she uses that knowledge to assist municipalities with various business and commercial transactions. More information on these attorneys and related practice areas will be included throughout this Response.

Further Information on Primary Attorney; Statements of Qualification

After graduating from Northfield High School in 1996, Andy attended the University of Denver, obtaining a Bachelor of Arts degree in Public Policy and Journalism Studies, *magna cum laude*, in 2000. After a year working as a local government and high school sports reporter at the *South Washington County Bulletin* in Cottage Grove, Andy entered the University of Minnesota Law School, and graduated in 2004 with a Juris Doctor, *magna cum laude*. After graduation, Andy worked for a year as a judicial law clerk at the Minnesota Court of Appeals. Andy then worked at municipal law firms in Duluth and Minneapolis, and joined Eckberg Lammers in 2011.

Andy has experience with all areas listed in the “Scope of General Legal Services” section, with specializations in zoning and land use law, economic development and redevelopment, public finance, ordinance and resolution development, and data practices law. Andy is active in professional associations that largely coincide with these specialties, such as the Economic Development Association of Minnesota (EDAM), the League of Minnesota Cities’ Development Task Force, the Sensible Land Use Coalition (SLUC), the Minnesota State Bar Association (MSBA) Real Property Law Section, and the National Association of Bond Lawyers (NABL).

Andy’s current Statement of Qualification, as well as Statements of Qualification for all other municipal attorneys proposed to work with the City, are attached to the end of this Response. Given Andy’s long history of work in the civil municipal and public finance areas, his representation in a lead or assistant capacity to almost every municipal client at the Firm, and his longstanding ties to Northfield, Andy is very knowledgeable in the day-to-day matters that will confront the City. Additionally, Andy is the Firm’s designated open meeting law and data practices expert. Every question arising in these areas for any municipal client is passed along to Andy so a consistent response may be prepared. The Firm believes it is crucial for municipalities to have a common point of contact in the ever-changing and complex areas of open meeting law and data practice issues, as these are precisely the kinds of questions that frequently arise in cities the size of Northfield. All in all, if Eckberg Lammers is fortunate enough to be chosen by the City Council, a long transition time between the City’s law firms is not expected.

Attorneys Knowledgeable in Municipal Law

Eckberg Lammers is proud of its historical and dynamic municipal representation. The Firm is widely known throughout the 13-county Twin Cities Metropolitan Area and throughout the State of Minnesota for the depth of its municipal practice, and this depth is reflected in the following attorneys knowledgeable and experienced in municipal law, along with their areas of specialty, as briefly described in the Scope of Services:

Andrew J. Pratt

- General Municipal: City Attorney for four cities, Assistant Attorney for five other cities.
- Financial Processes: Nationally recognized bond attorney, both general obligation and conduit revenue/non-profit revenue bonds.
- Economic Development: prepare many TIF, tax abatement, and other private development contracts.

Thomas R. Lehmann

- General Municipal: City Attorney for Mendota Heights, Mendota and Lilydale.
- Ordinance and Resolution Development: recodified and updated Mendota City Code.
- Trial Activity: enforces Code violations and hazardous building cleanup.

Mark J. Vierling

- General Municipal: City Attorney for Woodbury, Oak Park Heights, Wyoming (co-counsel) and East Bethel.
- Contract Law: reviews all contracts and drafts real estate documents for municipal clients.
- Trial Activity: undertakes condemnation actions and enforces Code violations.

Nicholas J. Vivian

- General Municipal: City Attorney for Grant and Scandia (co-counsel).
- Environmental Law: drafts and enforces ordinances related to St. Croix River protection and cleanup.
- Zoning Law: processes various zoning enforcement requests, drafts developer's agreements.

Kevin S. Sandstrom

- General Municipal: City Attorney for Lake St. Croix Beach and St. Mary's Point.
- Zoning Law: ensures compliance with CUP conditions by developers.
- Trial Activity: processes license denials, employment disputes, and other administrative complaints.

Rebecca S. Christensen

- Contract Law: drafts and reviews business and commercial contracts involving municipalities.
- Trial Activity: handles administrative and employment disputes.
- General Municipal: serves as criminal prosecutor and liaison for civil/criminal actions.

Michael L. McCain

- Employment Law: drafts and reviews personnel policies, employment contracts, and handles discipline matters.
- Labor Law: assists with union negotiations and completion of collective bargaining agreements.
- Hearings: conducts veteran's preference hearings.

Joe Van Thomme

- Trial Activity: in addition to criminal prosecution, handles zoning enforcement matters and city code disputes.
- General Municipal: assists with meetings and general administrative work for all municipal clients.

In addition to the above activities, **Amanda E. Prutzman** and **Daniel P. Bakken** work on litigating zoning violations and collecting amounts owed to the Firm's municipalities. The Firm also features four criminal prosecutors, with further information to be found in the Firm's Response to the City's Request for Proposals for Criminal Prosecutorial Legal Services: **Thomas J. Weidner**, Tom Lehmann, Rebecca Christensen, and Joe Van Thomme.

Primary Office Location

The Firm's primary office is located at 1809 Northwestern Avenue in Stillwater. The Firm's main office number is (651) 439-2878, and its main fax number is (651) 439-2923. Direct phone numbers and email addresses for the attorneys proposed to work with the City are listed on each attorney's Statement of Qualification attached to this Response. Eckberg Lammers also maintains an office in Hudson, Wisconsin, at 430 Second Street. All attorneys proposed to work with the City are located at the main Stillwater office.

Paralegals and Support Personnel

The Firm employs more than 20 support staff consisting of paralegals, legal assistants, law clerks, 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 nine paralegals; their names and areas of specialty are as follows:

Karen Stoltzmann	Estate Planning, Trust and Probate
Jenny Brodrick	Personal Injury and Workers' Compensation
Danette Langness	Municipal, Real Estate, Banking and Finance, Business Organization
Julie Valsvik	Municipal, Real Estate, Banking and Finance, Business Organization
Mary Hughes	Bankruptcy, Estate Planning, Trust and Probate
Rachel Seely	Criminal Prosecution
Dana Reynolds	Personal Injury and Workers' Compensation
Karen Woerner	Banking and Finance
Karen Abraham	Municipal, Banking and Finance, Civil Litigation

The paralegals with municipal experience highlighted above will provide services from time to time to the City, consisting of support expertise in municipal litigation, real estate, and general administrative matters.

The Firm employs an Office Administrator to attend to day-to-day business. The Firm also employs two bookkeepers (one full-time, one part-time), two law clerks for legal research, nine paralegals, eight legal secretaries, and two receptionists. Mark Vierling is the Firm's Managing Partner, with more than 35 years of experience in private practice at Eckberg Lammers.

Availability of City Attorney

Eckberg Lammers views its municipal representation as a collective, and not an individual, effort. Therefore every attorney and member of the support staff that is knowledgeable in municipal law will likely assist in the City's legal representation at one time or another, given the larger size of the City and the increasing pace of development. The Firm has never had any problems servicing the legal needs of any of its municipal clients.

Specifically, as stated elsewhere in this Response, Andy Pratt will be the principal attorney assigned to the City and, upon request, will attend all regular and special City Council meetings, workshops, staff meetings, Economic Development Authority meetings, Housing and Redevelopment Authority meetings, Planning Commission meetings, and other commission meetings. If Andy is not available for a meeting, any of the other attorneys mentioned in this Response with primary city attorney experience (i.e. Tom Lehmann, Nick Vivian, Mark Vierling) will attend the meeting.

Support personnel such as paralegals and law clerks generally do not attend City meetings, but all personnel who work in the municipal area are available to work on City matters. The Firm frequently has multiple paralegals, legal assistants, and law clerks working on any given project, with the ultimate goal being to deliver the highest cost efficiency to the City.

The Firm has held "office hours" in its various cities from time to time, and encourages this arrangement in the City of Northfield. Conference calls and email correspondence are always options, but office hours can be helpful for staff and public officials to have a face-to-face meeting with the city attorney. Andy is happy to consider an "office hours" arrangement with the City if that is desirable. Almost any time would be available in the discretion of the City. Andy attends staff meetings on a regular basis in the cities of Bayport and Wyoming, and Andy has specific office hours in Montrose.

City Workload – Scope of Services

The Firm historically has granted the highest level of priority to municipal representation and that philosophy will continue if the City of Northfield becomes a valued municipal client. If selected, Eckberg Lammers will be a legal partner with the City, with the goal to assist in the City's long-term success and growth, and not as an obscure arbiter handing down opinions with no attachment or flexibility.

Specifically, the following attorneys will carry out the following respective matters, as enumerated in the Scope of Services section:

General Municipal Law

- Andy Pratt will be the primary City Attorney. All other municipal attorneys will assist and attend required meetings as appropriate. Andy will coordinate the completion of legal services to the City by the remainder of the Firm's municipal staff.

General Laws Relating to Municipal Government

- Andy Pratt will coordinate these activities. Mark Vierling will assist with any condemnation matters. Nick Vivian will assist with franchise matters. Mike McCain will complete employment law contracts and negotiations. Andy Pratt will also secure representation for any litigation defense matters covered by the City's League of Minnesota Cities insurance policy.

Zoning, Housing, and Economic Development Activities Including Development, Redevelopment, Enforcement, and Property/Real Estate Law

- Andy Pratt will be the primary attorney working on these activities. Andy will coordinate the City's zoning enforcement actions, as well as undertake analysis and official actions relating to zoning applications and amendments. As the Firm's economic development and real estate attorney, Andy will draft necessary contracts and agreements relating to the City's development and redevelopment activity, including developer's agreements, Planned Unit Development permits, and proceedings related to the preliminary and final plat process. Andy is able to work concurrently with the City's Economic Development Authority and Housing and Redevelopment Authority on these matters. Finally, Andy will draft necessary easements and conduct real estate title reviews and closings to ensure efficiency with the development process.

Legal Activity Relating to General Obligation Bonds, Revenue Bonds, Tax Increment Bonds, Tax-Exempt Bonds, and Other Bonding and Financial Processes

- As stated elsewhere in this Response, Andy Pratt serves dozens of municipal clients as bond and public finance/development counsel. In this capacity to the City, Andy will draft necessary resolutions and certifications and guide the City through all legal proceedings related to general obligation bonds for basic infrastructure projects, tax increment/tax abatement bonds for development projects, and revenue bonds for nonprofit and utility financings. Andy is authorized on behalf of the Firm to execute and deliver tax-exempt bond opinions to financial advisors and underwriters.

Ordinance and Resolution Development and Interpretation

- Andy Pratt will guide the City through necessary ordinance drafting for new and revised ordinances, including required filing and recording of ordinances. When legal opinions are required on the interpretation of ordinances and resolutions, Andy will provide such research and opinions, based on current state statutes and case law requirements.

Data Practices

- As the Firm's designated data practices expert, Andy Pratt will handle all questions arising out of data practice requests, including questions related to public vs. private data, whether data may be disseminated publicly, and whether certain requests are unduly burdensome or oppressive. Andy has also forwarded various advisory opinion requests and submitted questions to the Minnesota Department of Administration's Information Policy Analysis Division (IPAD). Nick Vivian will assist Andy in this area, based on relevant experience gained from data practice lawsuits and administrative actions with other municipal clients.

City Charter and City Code Issues

- Andy Pratt will coordinate responses in this area, assisted by Nick Vivian. From his public finance practice, Andy is familiar with multiple city charters throughout the State of Minnesota. Certain city charters provide very broad authority to issue bonds and take other actions not allowed by statute, and Andy will be able to analyze the City's Charter effectively through this perspective. Nick has experience working with a municipality's charter commission, including the unique issues of drafting a charter and analyzing the arguments of different stakeholders in the process.

Contract Law

- All municipal attorneys are available to assist the City with contract law drafting and interpretation, as guided by Andy Pratt. The Firm anticipates assisting the City with contracts related to joint governmental actions (such as fire contracts), construction activities, enterprise agreements, regulatory services, vendor arrangements, and the like. Often the Firm's municipal clients require attorney sign-off on all official contracts. The Firm anticipates this level of representation with the City and is prepared to handle the workload.

Environmental Law

- Andy Pratt will coordinate the Firm's environmental representation with Nick Vivian. This representation will include any required agreements with other governmental entities or private parties related to storm water runoff, drainage and utility easements, and regulation of waterways.

Franchise Law

- Andy Pratt will work on the City's various franchise issues, with assistance from Nick Vivian and Mark Vierling. The Firm's municipal attorneys are experienced in the negotiation, implementation and administration of gas, electric and cable franchises. If the utility is part of a joint commission or conglomerate, frequently separate legal counsel for the conglomerate is engaged, and the Firm would be able to seamlessly represent the City in such a situation. Andy is currently working on renegotiating the cable franchise agreement in a municipality, and Nick has experience in these areas through a city's participation in the Ramsey/Washington Suburban Cable Commission.

Municipal Leases

- Municipal leases, whether a city is a lessor or lessee, can be a very specialized and technical area, and Andy Pratt has experience with such issues. Frequently municipal leases are related to financing projects, such as a lease between an economic development authority and a city; many municipal buildings have been financed using this method historically. Andy has also recently negotiated and drafted municipal leases related to cell phone antennas, in which the telecommunications company seeks space on city-owned towers.

Eminent Domain

- Mark Vierling has developed special expertise in the area of eminent domain and will be drawn upon to the extent condemnation assistance is required by the City. Mark has handled many condemnation files, especially associated with Woodbury's many public infrastructure projects, as well as recent activity in Oak Park Heights surrounding the construction of the new St. Croix River Bridge.

Trial Activity

- Tom Lehmann, Mark Vierling, Nick Vivian and **Kevin S. Sandstrom** will take the lead on litigation activities on behalf of the City. Such representation will encompass all matters not otherwise covered by the City's League of Minnesota Cities insurance defense policy, including but not limited to administrative law actions (e.g. boundary annexation/detachment), conciliation court claims, construction disputes, letter of credit/cash escrow actions, federal court litigation, and more.

Criminal Prosecution

- Eckberg Lammers is filing a response to the City's Request for Proposals for Criminal Prosecutorial Legal Services. Please refer to that document for a fuller discussion of this topic.

Research Capabilities

Communication is critical to establishing essential relationships between Council, staff and professional consultants. The Firm excels in ensuring that communication is timely, clear and directed to the appropriate staff and city council members. Tasks are coordinated in a manner which sets response parameters and timelines. Follow up is made to ensure that work product is received, understood and timely applied. Progress reports, such as monthly or bi-monthly attorney summaries included in Council packets, are generated as requested (an example from the City of Bayport is attached at the end of this Response). The Firm encourages periodic meetings and reviews with critical staff and officials to assess their needs and our ability to assist with the City's governance goals. Eckberg Lammers always strives to provide clear and comprehensive communication while never straying into full-fledged policy recommendations, which we believe are in the exclusive domain of the elected officials.

Long ago, Eckberg Lammers switched from a "paper library" to an electronic library. The Firm contracts with Westlaw to provide each of our attorneys with instant access to a number of Westlaw libraries, including Court of Appeals reported and unreported decisions, Minnesota Statutes Annotated, Attorney General Opinions, and more. Having instant Westlaw access allows the Firm's attorneys to do quick, automated searches and obtain the information needed expeditiously and thoroughly.

In addition to this automated library, each attorney has access to the Minnesota Statutes in their respective office. Eckberg Lammers also maintains a set of Minnesota Statutes Annotated, *McQuillin on Municipal Corporations*, and a number of other municipal publications and treatises that are relevant and necessary. Firm attorneys also subscribe to the instant reporting services and attorney list-servs provided by the Minnesota State Bar Association. This service emails all Minnesota Court of Appeals and Minnesota Supreme Court decisions as they are reported. The attorneys review these cases as they are released and forward as necessary to City personnel and public officials. City attorney list-servs provide valuable information and the opportunity to share experiences between subscribing municipal attorneys, and the Firm's municipal attorneys always attend and take part in the annual Minnesota City Attorney's Association conference and legislative update. The Firm also maintains a subscription to the League of Minnesota Cities bi-monthly magazine and frequently uses the League's research attorneys for support.

Case management software is supplied by CP Systems and affords the attorneys maximum flexibility on file storage and retrieval as well as calendaring, electronic reminders, conflict management and off-site access. Microsoft Outlook and email systems are state-of-the-art and interface within CP Systems and mobile phones for trial and case management. Within this case management system, the Firm tracks each project and matter with a step-by-step "to do" list allowing deadlines to be established and met.

The Firm's computer systems are used by attorneys and staff daily on- and off-site for work, yet provide maximum security and systems control. All attorneys have laptop access and smart-phone access to email documents as needed. The Firm shares, edits and finalizes documents with our municipal clients on a daily basis. Attorneys frequently bring laptops directly to Council meetings, for instant feedback and research capability. Consistently delivering such timely communication and work product is a source of pride for Eckberg Lammers.

The Firm has regular office hours from 8:00 a.m. until 5:00 p.m. The Firm's attorneys are also available outside of business hours and are willing to spend additional time as is necessary to fully serve the needs of the City. It is our policy that all phone calls and email inquiries from City staff and officials are returned the same business day, or immediately on the next business day (if the inquiry is received late in the day or after business hours). All attorneys are available to the City by office phone, cellular phone, e-mail and facsimile transmission. Recorded voice messaging or the opportunity to speak to support staff and leave a personal message with a live person is provided as well. Simply stated, this office will have no problem handling the volume of work associated with civil representation of the City of Northfield.

Malpractice Insurance Coverage

The Firm's professional liability carrier is Minnesota Lawyers Mutual. The insurance policy contains limits of liability of \$3,000,000 per claim and \$5,000,000 in the aggregate. A copy of the insurance coverage is attached to this Response.

KNOWLEDGE AND EXPERIENCE

In the previous section, we briefly summarized our approach and ability to carry out each activity described in the Scope of Services portion of the Request for Proposals. The purpose of this section is to expand on that information and offer some concrete examples of methods used to assist the City.

General Municipal Laws; State and Federal Laws Relating to Municipal Government

Andy Pratt, as the lead attorney, and the other municipal attorneys at the Firm will bring their collective experience and knowledge working with all kinds of cities to provide the City of Northfield with high-quality and efficient representation. All cities are different, and the City of Northfield is uniquely so, with two colleges, a municipal hospital, a municipal liquor store, a robust city charter, ward elections, and a wide array of committees that contribute to make policy for the community. The Firm's attorneys feel they can assist by sharing ideas and methods that have proven effective in other communities. That is why the Firm's attorneys will be in constant communication with the City, as we feel a proactive representation is what the City truly deserves. Many municipal law firms employ good attorneys who stay informed on issues of importance, but Eckberg Lammers is set apart due to its insistence on providing great customer service at highly competitive rates. A review of the references and fee schedule provided in this Response help to illustrate this concept.

Development Issues

Zoning, Housing, Annexation, Subdivision and Land Use Law

A review of City Council meetings from the past year reveals that the City Council entertains a fair amount of requests for variances, conditional use permits, planned unit developments, rezoning, and the like. This activity also requires an active Planning Commission. The Firm's attorneys attend planning commission meetings as appropriate, and make sure to build an adequate record on either side of the issue for the Council to make a well-supported decision within the 60-day statutory timeframe. A few years ago, the Firm's municipal attorneys quickly advised cities, by email communication and staff seminars, on the new variance standard 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. In the CUP area, last year the Firm assisted the City of Scandia with the drafting of a highly complex environmental permit; the CUP contains 83 conditions. Northfield has a diverse set of urban and semi-rural areas, so an important grasp of land use law and the various powers and responsibilities the City holds in this area is vital.

Platting and Land Development Issues

As the economy begins to slowly turn around, retaining a law firm with significant, real-world platting and land development experience will assist the City with efficiently processing land development matters that will surely arise. The Firm's municipal attorneys have guided cities through many preliminary plat and final plat transactions, including the drafting of complex development agreements. For example, as the Assistant City Attorney to the City of Woodbury, Andy Pratt has reviewed and processed many housing development proposals as Woodbury winds down its "phase one" developments and begins its "phase two" process. Andy also was responsible for drafting use agreements between the City of Woodbury and property owners, including a private golf course, to provide for the recycling of stormwater runoff into irrigation systems benefiting the properties. These agreements were a first of their kind and were featured in articles in the *Pioneer Press* and *Star Tribune*. Finally, Andy has assisted the City of Bayport with the largest housing development transaction ever undertaken within the city: the construction of approximately 140 homes in the Inspiration development at the city's western edge. This development not only involves housing construction, but also deals with the management of Native American burial grounds, open space requirements, and the alteration of preliminary and final plats originally adopted 10 years ago. Every city's land management practices are different, but the Firm's attorneys have learned to work with planners and engineers, whether retained in-house or on a consulting basis, to accomplish cities' long-term development goals.

Condemnation Law

Eckberg Lammers has extensive experience in the area of condemnation law. Mark Vierling, Tom Lehmann and Kevin Sandstrom have developed expertise in this area and will be drawn upon to the extent condemnation expertise is required by the City. Mark, Tom and Kevin 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 condemnation 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.

Special Assessments – Chapter 429 Projects (Procedures and Appeals)

The City must maintain a large network of streets and related infrastructure. The most common method to finance and maintain these items is through the special assessment process. A review of recent City Council minutes reveals multiple improvement and special assessment public hearings, assessed cost determinations, and formal appeals by property owners. Eckberg Lammers has also assisted in the drafting and revising of many assessment policies and is available to the City in this endeavor. The Firm's municipal attorneys are well versed in assisting councils with conducting public improvement and special assessment public hearings, which can often be contentious with high public involvement, as well as procuring and reviewing assessment appraisals. The City should also be aware of other non-assessment methods to finance street and infrastructure improvements, such as through a street reconstruction plan (which allows for the issuance of general obligation bonds after unanimous Council approval of the plan) or even a sidewalk improvement district under Minnesota Statutes, Section 435.44. The Firm has taken a leading role assisting cities with assessing unpaid special charges under Minnesota Statutes, Section 429.101, including unpaid fees for snow removal, hazardous buildings, vacant buildings, weed removal, and more. This process is truncated from the usual special assessment routine, but requires strict adherence to the applicable statutes nonetheless. Finally, the Firm routinely assists cities in the defense of special assessment appeals. The Firm will initially scrutinize the appeal to ensure that it was initiated successfully under Chapter 429 rules, then will work to analyze assessment appraisals to determine adequate benefit to the subject properties and ensure compliance with state law and assessment policies.

Economic Development Activities

It is not news that the state and national economy has been in recession or stagnant for years. Recently there have been signs that this sluggishness is lifting. For example, the City of Woodbury has opened up "phase two" of the city for housing development, with an expectation of 6,000 new homes to be built over the next decade. Eckberg Lammers has assisted the city with this ambitious goal through multiple preliminary and final plat approval processes, public improvement and special assessment hearings, developer's agreements, letters of credit, and more. On a smaller scale, the City of Bayport is currently working with a new housing developer to develop phase two of the Inspiration housing subdivision, in the western portion of the city. This development is several years overdue because of the economy, and previous developers have been forced to sell the property or declare bankruptcy. The city held fast to its goal to require the installation of public improvements and landscaping before construction could begin, and the Firm assisted by working with all parties to adjust the development's letter of credit to a manageable level.

On the commercial side, last year the Firm assisted the City of Wyoming with two large business expansions: Fairview Hospital and Polaris. Each expansion required multiple developer's agreement drafts, letters of credit, and building permit review. In the Polaris transaction, the City also provided Minnesota Investment Fund (MIF) Loan and tax abatement assistance. The Firm drafted all of the underlying development contracts, guided the city through public hearing requirements, and worked with the applicable state agencies to process this assistance. Simply put, Eckberg Lammers is able and willing to assist with all kinds of development opportunities, large and small. Another way to accomplish this development is through an economic development authority (EDA) or housing and redevelopment authority (HRA). Andy Pratt has years of experience representing EDA's and HRA's, and has worked with many economic development professionals to leverage the necessary development tools to promote growth. Last year, Andy assisted the City of Scandia with the creation of a new EDA, and has assisted this entity through its initial stages. Andy also frequently drafts and revises enabling resolutions for his EDA clients, which serve as a "roadmap" for the various powers allocated to the EDA.

Municipal Financing

In addition to general civil representation, Eckberg Lammers proposes to represent the City as public finance and 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.

Tax Increment Financing (TIF)

Andy Pratt has rich and varied TIF experience. He has assisted cities with complex TIF development agreements, the issuance of General Obligation TIF 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. Andy has even drafted special legislation to benefit cities in TIF matters. For example, last year Andy drafted special legislation on behalf of the City of Glencoe to extend the duration of the city's longstanding redevelopment TIF district, so that the district could continue to make debt service payments allocated to other districts that had suffered during the economic slowdown. This piece of legislation was wrapped into the 2013 omnibus tax bill that passed with only a few minutes left in the legislative session. In another example, in 2012 Andy assisted the City of East Bethel in the recruitment of a sizeable manufacturing and industrial business. Andy helped the city create its first-ever TIF district, and drafted the development agreement and business subsidy agreement covering the project. This new development along the Highway 65 corridor will likely spur further development in East Bethel. The Firm has also assisted the City of Bayport's compliance with a TIF audit by the Minnesota State Auditor, which helped secure a settlement favorable to the City and disposed of issues with the use of TIF that occurred before the Firm represented the City.

Through a review of the City's meeting minutes, the Firm is aware that the City has an active EDA and HRA, and City staff is well aware of opportunities and risks inherent in the use of TIF. Andy is accustomed to working with a city's community development directors and coordinators, as well as economic development consultants. Andy also contributes to the League of Minnesota Cities' Development Task Force, which principally considers ideas for new TIF legislation. The Firm's vast experience with TIF projects and use of TIF revenues make Eckberg Lammers a strong candidate to assist the City with these issues in the short- and long-term.

Municipal Bonds

Andy Pratt has concentrated his entire career in private practice representing dozens of Minnesota cities, counties, towns, EDA's, HRA's, 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. assessment financing)
- Equipment Certificates/Capital Notes
- Capital Improvement Plan Bonds
- Street Reconstruction Bonds
- Utility Revenue Bonds
- Tax Increment Bonds
- Tax Abatement Bonds
- Temporary Bonds (in anticipation of grants or loans)
- 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, 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 of this Response), 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 using available TIF or economic development revenues. These loans often provide much-needed gap financing to make a development proposal work.

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, 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 municipal finance field, such as financial advisors (including Ehlers & Associates, Inc., the City's financial advisor), bond underwriters, trustees, fiscal agents, auditors, and accountants.

Public finance 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.

Municipal Purchasing and Collections

All of the Firm's municipal attorneys have years of experience assisting cities with the municipal purchasing process. The vast amount of advice in this area stems from a thorough understanding of Minnesota Statutes, Section 471.345, the municipal bidding law. Andy Pratt will advise the City on compliance with this law, including advice on purchasing from a state or national vendor system as a way to comply with bidding requirements. Finally, if the City ever needs to collect debts, Andy will coordinate that process with **Daniel P. Bakken**, the Firm's collection attorney. All methods of collection, and the state and federal laws that govern the City's collection activities, will be analyzed. Often, a city will be able to assess collection costs against a property through charter or statutory collection authority.

Ordinance and Resolution Development and Interpretation

It is not always the case, but often new ordinances and resolutions are informed 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 assists the City with implementing the new legislation through the drafting of ordinances. Andy Pratt, as the likely drafter (or reviewer) of the new ordinances will always be available to answer legal questions from staff or Council on the subject. Additionally, Andy and other attorneys have become experts recently 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

Andy Pratt frequently assists the Firm's municipalities with compliance in this important area of the law. As the City is well aware, all data practice requests must be dealt with expeditiously under the law. Frequently these requests will straddle the gray area of public or private data. Andy and the Firm excel in breaking down these issues and providing consistent advice as to what should be legally disseminated. Often consultations must occur with multiple city staff members, including the police department, as a high number of requests are related to law enforcement activity. Last year Andy and Nick Vivian assisted the City of Grant in a successful defense of a data practices lawsuit, initiated by a resident who forwarded many oppressive and harassing data practice requests on an overworked city staff. Intensive analysis of relevant IPAD opinions and seamless coordination with special defense counsel appointed by the League of Minnesota Cities concluded in the winning result.

City Charter and City Code Issues

As stated previously, Andy Pratt has reviewed and interpreted many city charters around the State of Minnesota, typically from a public finance perspective. Examples include the cities of Breckenridge, Virginia, Eveleth, Sleepy Eye, Glencoe, Columbia Heights, Two Harbors, and Stillwater. This review and knowledge of these charters have also provided Andy with some ideas to amend the Northfield Charter, if desired. Andy is aware of recent analysis regarding the City Charter and would be ready to immediately provide assistance, if selected to serve the City.

From a general city code standpoint, Eckberg Lammers works closely with city clerks, building inspectors, and law enforcement to identify and solve code enforcement problems in many contexts. Andy Pratt and the Firm's other municipal attorneys have years of experience with hazardous building actions, nuisance activities, dangerous dogs, and quality-of-life violations. Andy has also collaborated with the Firm's criminal prosecutors to develop a comprehensive training designed for city 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 updated legislative actions requiring ordinance amendments in the code enforcement area.

Contract Law

Andy Pratt's city attorney experience largely consists of transactional law matters, and therefore contract review is a particular strength. Andy is adept at quickly preparing drafts of municipal contracts and other agreements, working with city staff to ensure the intent is clearly conveyed, and negotiating with developers and private parties with the city's best interests in mind. For example, last year Andy assisted the City of Bayport in reworking the City's fire joint powers agreement with area townships. Andy worked with staff and officials in all the affected jurisdictions to come to a long-term contract that allocated responsibility for long-term capital expenditures among all participants.

Environmental Law

Andy Pratt will coordinate the City's environmental representation with the Firm's other municipal attorneys. This representation will include 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 waterways. In addition, the Firm has quality experience in the environmental litigation area. For example, Nick Vivian represented the City of Lakeland in an action brought by the DNR, seeking to overrule the city's decision to grant a variance to a property owner along the St. Croix River. The case went all the way to the Minnesota Supreme Court, and the city's position was vindicated. Ever since this case, the DNR has attempted to get new legislation allowing it authority to veto or regulate local land use decisions; a bill has been introduced during the 2014 legislative session that we are tracking for our clients.

Franchise Law

Interpretation of Cable Television Franchise Authority

The Firm's municipal attorneys have experience assisting municipal clients with the granting of new or renewed cable television franchises. Andy Pratt is currently assisting the City of Montrose through this negotiated process. The Firm is also familiar with joint powers entities and other conglomerates that have been established to manage cable franchise negotiations. The Firm is comfortable representing cities in such a scenario as well. Finally, Andy has experience dealing with franchisees in the cable and telecommunications area that provide low-quality service. There is a method sometimes provided for in the franchise itself, or otherwise through administrative rule, for penalizing the franchisee or bringing the franchisee before the state regulatory entity for a public hearing. Cities should be aware of all possible remedies before any enforcement action is sought.

Water/Wastewater, Electric and Other Misc. Activities

Almost all of the Firm's municipal clients have city code sections dealing with municipal utility franchises. Andy Pratt just led an effort to revise Bayport's electric utility franchise ordinance; much of the ordinance was duplicated throughout the code, which required substantial revisions and deletions to make the final product consistent.

Municipal Leases

Municipal leases and the Firm's experience with these documents have already been mentioned in this Response. However, it is important for the City to understand a complex point about certain leases. If a city finances a project or a building through tax-exempt municipal bonds, it must be careful not to lease a material portion of that project to a private entity, as such an action could render the bonds taxable. If a city makes such a move, federal tax regulations typically require the city to defease the bonds a short time period after the bonds would be rendered taxable. This would be a harsh result on an otherwise innocuous action. This concept illustrates the comprehensive nature of the Firm's services, as Andy Pratt can advise the City simultaneously from general civil and public finance perspectives.

Municipal Litigation/Trial Activity

As stated elsewhere in this Response, if selected by the City the Firm will represent the City in all litigation matters not otherwise covered by an insurance defense policy. What follows is a brief representative sampling of litigation activities guided by the Firm's municipal attorneys:

- City of East Bethel: defended appeal of liquor license administrative citation in District Court; City prevailed.
- City of East Bethel: defendant appealed DWI conviction; City successfully defended claim at District Court level, defendant appealed to Minnesota Court of Appeals; Firm has prepared appellate brief and conducted oral argument on pending appeal.
- City of Grant: litigated and settled property ownership dispute regarding City-owned parcel with a private dock association.
- City of Grant: successfully represented the City against a resident complaint that the City was not enforcing its political sign ordinance; successful before District Court that claim was moot and frivolous, as the claim was brought after the election and in any event was superseded by state law; sanctions were sought and granted against opposing counsel.
- City of Woodbury: defended action from contractor claiming extra payment to be made on construction project based upon delay outside of the City's control; City prevailed.
- City of Woodbury: defended appeal before Minnesota Court of Appeals from an administrative denial of a massage therapy license; City prevailed.
- City of Woodbury: processed condemnation action related to water tower project.
- City of Wyoming: successfully defended against two property owner special assessment appeals.
- City of Wyoming: successfully guided the City through litigation and settlement related to a failed housing construction project.
- City of Wyoming: successfully defended concurrent detachment and annexation attempt against a parcel bounding with Chisago City; City won initial action before administrative law judge and prevailed on appeal to District Court.
- City of Birchwood Village: title registration action, evolved into contested title dispute between City and private landowner; City prevailed.

SPECIALIZED ISSUES

Labor and Employment Law

As part of the Firm's comprehensive civil municipal representation, it is proposed that Eckberg Lammers serve as the City's labor and employment law counsel. The Firm's lead attorney in these areas is Mike McCain. Mike joined the Firm in 2013, and has approximately 10 years experience in public- and private-sector labor and employment law. Mike assists all of the Firm's municipal clients in this complex area, and is an early point of contact whenever cities undertake employee discipline or termination, union negotiations, unemployment insurance disputes, veterans' preference actions, or other like actions. Mike is well versed in the Minnesota Veterans' Preference Act (MVPA), the Minnesota Public Employment Labor Relations Act (MPERLA), public-sector collective bargaining, Americans with Disabilities Act (ADA), employee discrimination complaints, and the Federal Medical Leave Act (FMLA). Andy Pratt frequently works with Mike in the cities of Bayport and Montrose, which ensures consistent and effective representation for the City.

Agency Cooperation

The City of Northfield is located at a focal point in south-central Minnesota, with a county line putting the extreme northern portion of the City in Dakota County. The City therefore may frequently come into contact with two county administrations, as well as a mixture of state and federal agencies administering separate laws, regulations, and grant agreements. It is therefore crucial for the City to maintain cordial relationships with all of these entities, which is accomplished through day-to-day collaboration and active liaison groups. One particularly strong aspect of the Firm's municipal representation is its efficiency in working with these governmental entities. To take one example, as all cities in the region are aware, the Minnesota Department of Transportation and the Wisconsin Department of Transportation are collectively constructing a new bridge over the St. Croix River. The bulk of the bridge on the Minnesota side will go through the City of Oak Park Heights (a longstanding client of the Firm), which required extensive negotiations between the city and state agencies on right-of-way condemnations, construction requirements, utility relocation, and city reimbursement matters. The Firm's concrete understanding of the city's motivations and needs was invaluable at the negotiating table. Similar stories are available for almost all of the Firm's municipal clients, as the attorneys do much more than the bare minimum of attending meetings, but prospectively work to ensure the client's needs and goals are met and exceeded.

River Issues

The Cannon River runs right through the middle of the City. Eckberg Lammers has rich experience representing cities close in proximity to a major riverway. The Firm serves as city attorney to the following cities close in proximity to rivers: St. Mary's Point, Lake St. Croix Beach, Bayport, Oak Park Heights, Scandia (all near the St. Croix River), and the cities of Mendota Heights, Mendota, and Lilydale (all near the Mississippi River). As the City is undoubtedly aware, unique zoning and land use issues are prevalent along the water's edge. The Firm's representation of cities along busy riverways gives it a unique advantage, as its attorneys can draw on previous experiences to assist the City with matters such as shoreland and floodplain enforcement, setback requirements, and more. The Firm maintains a good working relationship with state and federal agencies (such as the Minnesota Department of Natural Resources and the Army Corps of Engineers), along with consulting engineers to ensure that its "river cities" are compliant with all relevant rules and regulations. The Firm's attorneys also have experience enforcing and litigating city ordinances governing residential and commercial use along the river.

REFERENCES

- City of Bayport: Logan Martin, City Administrator
294 3rd Street North
Bayport, Minnesota 55003
(651) 275-4404
lmartin@ci.bayport.mn.us
- City of Scandia: Kristina Handt, City Administrator
14727 209th Street North
Scandia, Minnesota 55073
(651) 433-2274
k.handt@ci.scandia.mn.us
- City of Woodbury: Clinton P. Gridley, City Administrator
8301 Valley Creek Road
Woodbury, Minnesota 55125
(651) 714-3500
cgridley@ci.woodbury.mn.us
- City of Oak Park Heights: Eric Johnson, City Administrator
P.O. Box 2007
Stillwater, Minnesota 55082-2007
(651) 439-4439
ejohnson@cityofoakparkheights.com

City of East Bethel: Jack Davis, City Administrator
2241 221st Avenue Northeast
East Bethel, Minnesota 55011-9790
(763) 367-7840
jack.davis@ci.east-bethel.mn.us

City of Mendota Heights: Justin Miller, City Administrator
1101 Victoria Curve
Mendota Heights, Minnesota 55118
(651) 452-1850
justinm@mendota-heights.com

City of Wyoming: Robb Linwood, Assistant City Administrator
P.O. Box 188
Wyoming, Minnesota 55092-0188
(651) 462-0575
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City of Grant: Kim Points, City Administrator/Clerk
P.O. Box 577
Willernie, Minnesota 55090-0577
(651) 426-3383
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City of Sleepy Eye:
(Bond Counsel) Mark Kober, City Administrator
200 Main Street East
Sleepy Eye, Minnesota 56085
(507) 794-3731
markk@sleepyeyetel.net

City of Glencoe:
(Bond/TIF Counsel) Mark Larson, City Administrator
1107 11th Street East
Glencoe, Minnesota 55336
(320) 864-6500
mlarson@ci.glencoe.mn.us

FEES

Option A – Retainer + Hourly Fees

Subject to negotiation with the City, Eckberg Lammers proposes a general services retainer plus hourly fees as follows:

	2014	2015	2016
Retainer Fee (monthly amount)	\$3500	\$3700	\$3900
Hourly Rate – Primary Attorney*	\$140	\$145	\$150
Hourly Rate – Support Personnel			
Paralegals	\$80	\$80	\$80
Law Clerks	\$75	\$75	\$75
Developer-Reimbursed Rate**	\$200	\$210	\$220

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

** This fee applies if the work proposed is to be ultimately paid for or reimbursed by a private developer. This fee is the same for all attorneys.

The scope and nature of the general services retainer would cover all services in the “Scope of Services” section in the Request for Proposals (Nos. 1-29). Additionally, if the Firm maintains “office hours” at City Hall, that time would be categorized under the retainer.

Option B – Hourly Fees

	2014	2015	2016
Hourly Rate – Primary Attorney*	\$140	\$145	\$150
Hourly Rate – Support Personnel			
Paralegals	\$80	\$80	\$80
Law Clerks	\$75	\$75	\$75
Developer-Reimbursed Rate**	\$200	\$210	\$220

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

** This fee applies if the work proposed is to be ultimately paid for or reimbursed by a private developer. This fee is the same for all attorneys.

If the Firm maintains “office hours” at City Hall under this Option B, that time will be billed at the then-applicable hourly rate.

Detailed monthly billing statements can be tailored to the requirements of the City, as referenced on page 8 in the Request for Proposals. The Firm already separates out hourly rates in different files for special projects, personnel, utility and other items that may not be charged to the general fund, and separates hourly rates and charges that will ultimately be reimbursed through a developer cash deposit or escrow. 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.

Legal assistant/secretary services are not charged. Minimum hourly billing kept by all timekeepers will be in increments of .10 hours.

Hard Costs – Effective for Option A or Option B

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

The following charges are passed through at cost:

- Courier or Delivery Charges
- Process Server Fees
- Court Filing Fees
- Document Recording & Closing Fees
- Court Reporter Transcription 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 conference with City staff/officials, unless subject to “office hours” under retainer or undertaken as part of a specific project

CONFLICTS OF INTEREST

Current Private Representation

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 Northfield City Attorney. Eckberg Lammers currently does not represent any real estate developers doing business with, or anticipating doing business with, the City. The Firm does not currently represent any other local unit of government having jurisdiction within, or contiguous to, the City.

Conflict Procedures

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 any municipal clients, and Eckberg Lammers has 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 counsel in an efficient manner.

The City should be aware that the Firm has a client list in its computer system which notes all clients and adverse parties. This list is routed past all attorneys on a regular basis. If any of the attorneys 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.

CONCLUSION

As part of the Firm's due diligence for this Response, a review of the City's website and meeting agendas/minutes was conducted. This review revealed that the City regularly engages four law firms to conduct its legal work: civil general, criminal prosecution, public finance/bond, and employment law. **If the City selects Eckberg Lammers, it will only need one firm to complete all of its legal projects.** This is a very rare opportunity for the City. Many municipal law firms can provide one or two service categories, and maybe a few can provide three, but it can be stated with certainty that no municipal law firm applying to the City can provide all four areas of representation under one roof. Other law firms are just not able to combine criminal prosecution with a bond attorney who is in the "RedBook," in addition to highly efficient general civil and employment representation. We look forward to meeting City staff and Council, and to be considered for the Northfield City Attorney position. Again, on a personal level, serving the City of Northfield would be a tremendous professional and personal honor.

Respectfully submitted this 18th day of April, 2014.

**ECKBERG, LAMMERS, BRIGGS,
WOLFF & VIERLING, P.L.L.P**

By: _____
Andrew J. Pratt



STATEMENT OF QUALIFICATION

ANDREW J. PRATT

ECKBERG, LAMMERS, BRIGGS, WOLFF & VIERLING, P.L.L.P.

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EDUCATION:

- Bachelor of Arts, *Magna Cum Laude*, 2000
University of Denver, Denver, Colorado
- Juris Doctor, *Magna Cum Laude*, 2004
University of Minnesota Law School, Minneapolis, Minnesota

PROFESSIONAL EXPERIENCE:

Mr. Pratt is an experienced attorney and dedicates a vast majority of his practice to municipal law, either through general municipal representation or on municipal finance matters. Mr. Pratt has served as bond counsel and development/TIF counsel to dozens of municipalities in the State of Minnesota, and has assisted with the issuance of general obligation bonds for public infrastructure and equipment needs, conduit revenue bonds, tax increment financing, and general economic development. Mr. Pratt joined Eckberg Lammers in 2011 after working for two other municipal law firms.

Mr. Pratt currently is the lead City Attorney for the Cities of Bayport and Montrose, and is co-counsel for the Cities of Wyoming and Scandia. Mr. Pratt also serves as an assistant attorney for the Cities of Woodbury, Oak Park Heights, East Bethel, Mendota Heights, Mendota, and Grant. Mr. Pratt spends approximately 80% of his time working on municipal and public financing matters.

PRACTICE AREAS:

- Municipal Law – General Municipal, Zoning, Land Use Law, Tax Increment Financing
- Public Finance/Municipal Bonds; Economic Development and Redevelopment
- Real Estate; Banking and Financing

PROFESSIONAL ORGANIZATIONS:

- Minnesota State Bar Association, Economic Development Association of Minnesota, National Association of Bond Lawyers, Sensible Land Use Coalition, League of Minnesota Cities



STATEMENT OF QUALIFICATION

NICHOLAS J. VIVIAN

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EDUCATION:

- Bachelor of Science Degree, *Summa Cum Laude*, 2000
Northern Michigan University, Marquette, Michigan
- Juris Doctor, *Summa Cum Laude*, 2003
Hamline University, St. Paul, Minnesota

PROFESSIONAL EXPERIENCE:

Mr. Vivian is an experienced municipal attorney and is the lead attorney for the firm's Banking and Finance practice. Mr. Vivian serves as general counsel to nearly twenty community and regional banks and credit unions, along with a number of municipalities, developers and main street businesses in both Minnesota and Wisconsin. His bar admissions include Minnesota, Wisconsin, the U.S. District Court of Minnesota, the U.S. District Court Western District of Wisconsin, and the U.S. Court of Appeals for the Seventh Circuit.

Mr. Vivian is currently the lead attorney for the City of Grant, and is co-counsel to the City of Scandia. Mr. Vivian has served as lead attorney for the Cities of Bayport and Lakeland, and for the Villages of North Hudson, Hammond and Deer Park, Wisconsin.

PRACTICE AREAS:

- Municipal Law – General Municipal, Environmental Law, Zoning
- Commercial Litigation/Collections
- Business and Commercial Real Estate Transactions
- Commercial Business Transactions

PROFESSIONAL ORGANIZATIONS:

- Washington County Bar Association, 19th District Bar Association



STATEMENT OF QUALIFICATION

THOMAS R. LEHMANN

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EDUCATION:

- Bachelor of Science, *Cum Laude*, 1984
Concordia College, Moorhead, Minnesota
- Juris Doctor, 1987
William Mitchell College of Law, Saint Paul, Minnesota

PROFESSIONAL EXPERIENCE:

Mr. Lehmann's diverse practice includes representing municipalities, businesses and individuals. Since 1989, Mr. Lehmann has served as City Attorney for the City of Mendota. Mr. Lehmann also serves as the city prosecutor and assistant civil attorney for the City of Lilydale, and recently was appointed as the City Attorney for the City of Mendota Heights. Mr. Lehmann has worked for suburban municipal-focused law firms in the past, and owned his own firm, Lehmann & Lutter, for many years. Mr. Lehmann joined Eckberg Lammers in January 2013.

PRACTICE AREAS:

- Municipal Law – General Municipal, Ordinances/Resolutions, Contracts, Trial Activity
- Business and Commercial Law
- Business Transactions/Business Litigation
- Employment Law
- Real Estate
- Wills and Trusts/Family Law

PROFESSIONAL ORGANIZATIONS:

- Vice Chair, Stillwater Public Schools
- Minnesota State Bar Association
- Minnesota Association for Justice



STATEMENT OF QUALIFICATION

MARK J. VIERLING

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EDUCATION:

- Bachelor of Arts, 1974
St. Thomas College, Saint Paul, Minnesota
- Juris Doctor, *Cum Laude*, 1977
William Mitchell College of Law, Saint Paul, Minnesota

PROFESSIONAL EXPERIENCE:

Mr. Vierling's practice concentrates on municipal law, civil litigation, family law, and wills and estates. Mr. Vierling is a qualified neutral for alternative dispute resolution, mediation, and arbitration. Mr. Vierling is a former member of the Board of Governors of the Minnesota State Bar Association and has been selected by his peers multiple times as a Super Lawyer in *Minnesota Law and Politics*. Mr. Vierling joined Eckberg Lammers in 1978 and currently serves as the Firm's Managing Partner.

Mr. Vierling currently serves as the City Attorney for the Cities of Woodbury, Wyoming (co-counsel), East Bethel, and Oak Park Heights.

PRACTICE AREAS:

- Municipal Law – General Municipal, Litigation, Condemnation, Ordinances/Resolutions
- Family Law
- Estate Planning
- Real Estate

PROFESSIONAL ORGANIZATIONS:

- Minnesota State Bar Association



STATEMENT OF QUALIFICATION

REBECCA S. CHRISTENSEN

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EDUCATION:

- Bachelor of Arts, *Cum Laude*, 2004
University of St. Thomas, Saint Paul, Minnesota
- Juris Doctor, 2007
William Mitchell College of Law, Saint Paul, Minnesota

PROFESSIONAL EXPERIENCE:

Prior to joining Eckberg Lammers in 2012, Ms. Christensen was a tax preparer and an attorney for another suburban municipal law firm. Ms. Christensen handles business and commercial law and transactions, as well as tax returns, for the Firm's commercial entities and interested individuals. Ms. Christensen also has a long history of criminal prosecution in Washington County and Dakota County.

PRACTICE AREAS:

- Municipal Law – Contract Law, Environmental Law, Trial Activity
- Business Transactions
- Taxation
- Banking and Finance

PROFESSIONAL ORGANIZATIONS:

- Minnesota State Bar Association
- 19th District Bar Association
- Minnesota Women Lawyers – Washington County



STATEMENT OF QUALIFICATION

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EDUCATION:

- Bachelor of Arts, *Cum Laude*, 2000
University of Iowa, Iowa City, Iowa
- Juris Doctor, 2003
Suffolk University of Law School, Boston, Massachusetts

PROFESSIONAL EXPERIENCE:

Mr. McCain is the lead employment attorney at Eckberg Lammers. Mr. McCain represents municipal, business and individual clients in labor, employment, and business law matters. For cities, Mr. McCain assists with employee discipline proceedings, personnel policies and investigations, and union negotiations. He regularly represents clients in proceedings before state and federal courts, the Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, the Minnesota Department of Labor and Industry, the Minnesota Office of Administrative Hearings, and various other state and federal agencies. Mr. McCain advises, counsels, and litigates on behalf of his clients in labor and employment law matters including discrimination, harassment, reprisal, retaliation, whistleblower, wage and hour law, the Minnesota Prevailing Wage Act, FMLA, ADA, NLRA, unemployment benefits, independent contractor status, employment contracts, non-compete and non-solicitation agreements, and misappropriation of trade secrets.

PRACTICE AREAS:

- Employment Law
- Business Transactions
- Labor Law

PROFESSIONAL ORGANIZATIONS:

- Minnesota State Bar Association
- Hennepin County Bar Association



STATEMENT OF QUALIFICATION

KEVIN S. SANDSTROM

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EDUCATION:

- Bachelor of Science, *Magna Cum Laude*, 2002
University of Minnesota, Minneapolis, MN
- Juris Doctor, *Summa Cum Laude*, 2005
William Mitchell College of Law, St. Paul, MN

PROFESSIONAL EXPERIENCE:

Mr. Sandstrom's practice focuses on civil litigation and municipal law, particularly in matters relating to businesses disputes, complex banking lawsuits, contract lawsuits, plaintiff's personal injury, plaintiff's medical malpractice, employee-side worker's compensation, real estate disputes, construction law, and employment law. Mr. Sandstrom assists businesses, municipalities, and individuals with their legal disputes to reach a resolution, whether via settlement or trial.

Mr. Sandstrom is currently the lead attorney for the Cities of Lake St. Croix Beach and St. Mary's Point.

PRACTICE AREAS:

- Municipal Law
- Civil Litigation and Appeals
- Personal Injury and Worker's Compensation

PROFESSIONAL ORGANIZATIONS:

- Minnesota State Bar Association, Washington County Bar Association
- 19th District Bar Association, Hennepin County Bar Association

STATEMENT OF QUALIFICATION

JOE VAN THOMME

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EDUCATION:

- Bachelor of Arts, 2006
University of Minnesota, Minneapolis, MN
- Juris Doctor, 2009
Hamline University School of Law, St. Paul, MN

PROFESSIONAL EXPERIENCE:

Mr. Van Thomme specializes in criminal prosecution for the Cities of Ramsey, East Bethel, Woodbury, Oak Park Heights and several other suburban and exurban communities. Mr. Van Thomme handles everything from initial charging to trial and verdict, along with contested evidentiary hearings and probation violations. Mr. Van Thomme is also a court-appointed attorney in Anoka County representing parents in child protection and termination of parental rights matters. Finally, Mr. Van Thomme works in civil municipal areas as an assistant attorney, advising cities regarding vehicle forfeitures, administrative law and ordinance enforcement issues.

Mr. Van Thomme joined Eckberg Lammers in March 2014. He was selected as an “Up and Coming Attorney” by *Minnesota Lawyer* in 2013.

PRACTICE AREAS:

- Municipal Law – Criminal Prosecution
- Municipal Law – Civil Representation
- General Civil Litigation

PROFESSIONAL ORGANIZATIONS:

- Minnesota State Bar Association, Washington County Bar Association
- 19th District Bar Association, Hennepin County Bar Association

EXAMPLE OF CITY ATTORNEY COUNCIL PACKET UPDATE

ECKBERG LAMMERS
MEMORANDUM

TO: Mayor Susan St. Ores and City Council
Logan Martin, City Administrator

FROM: Andy Pratt, City Attorney

DATE: August 28, 2013

RE: Report for September City Council Meeting

Please be advised our office is presently working on the following matters on behalf of the City of Bayport:

Inspiration Development

Phase III-B (109 single-family units)

I have been working with City staff and Dan Licht, the City planning consultant, to prepare the necessary resolutions and agreements related to the preliminary plat for Phase III-B. I will prepare a legal presentation to share with the Council at the September meeting, which will go into the legal requirements and obligations of the City in regards to the preliminary plat application. The presentation will also discuss liability concerns associated with the City's deliberation of the preliminary plat. If the preliminary plat is approved, I will continue to work with City staff, Mr. Licht, the property developer, and the property owner to process the required developer's agreement, Planned Unit Development Permit, and final plat approval documents. City staff has recommended approval of the preliminary plat with conditions; the City's Planning Commission has also recommended approval, with a few more conditions not present in the staff report.

Building Official Appeal

An appeal has been filed with the State's Department of Licensing and Inspections division for a formal opinion or decision that an unorthodox deck attachment proposed to be constructed by a local contractor carries no significant life safety hazards and may be inspected by the Building Official upon completion. The Building Official initially required the opinion of a licensed design professional as to the safety of the deck attachment. This decision was appealed by the contractor to a special appeals board, consisting of state and local building officials. This appeals board found in favor of the contractor, but the decision itself created a new attachment

system with no standards for how the attachment should be inspected. I therefore filed the appeal to clarify the Building Official's role of inspecting the work. The appeal is treated as a contested administrative law case, and an initial telephone scheduling conference before the assigned administrative law judge is scheduled for Monday, September 16, at 9:30 a.m. The Building Official and I will be in attendance and a further update will be provided next month.

Dangerous Dog

Last year, the City concluded that a certain dog residing within the City was dangerous under state law. The relevant statute provides that up to \$1,000 of the direct expenses of holding the dangerous dog public hearing may be recaptured from the dog owner. The City took the dog owner to small claims court and received a judgment, then attempted to enter into a repayment agreement with the dog owner to allow for structured payments over a few years. The dog owner never executed the repayment agreement. This month the City received \$120 from the dog owner, which accounted for three delinquent payments (set at \$40 per month) over the summer. However, the dog owner continues to owe the City \$800, and correspondence has been sent to the dog owner requesting payment in full, as he has refused to enter into a repayment agreement.

As always, please call (651.351.2125) or email (apratt@eckbergglammers.com) with any comments or questions.