

City Council
2021 Special Council Meeting
Vergas Event Center and Zoom Id number 267-094-2170 (password 56587)
11:00 AM on Thursday, July 22, 2021

1. Call to Order

2. City Attorney
11:00 Interview 1
11:30 Interview 2

3. Information & Announcements

- a. MN Rural Water Conference – Aug.24-26, 2021 (DuFrane) St Cloud
- b. Clerks Advanced Academy-September 23-24, 2021 (Lammers)
- c. Municipal Beverage Association (MMBA), September 25-28, 2021 (Kaplan) Arrowwood

4. Adjournment

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**City Council
2021 Special Council Meeting
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8. City Attorney

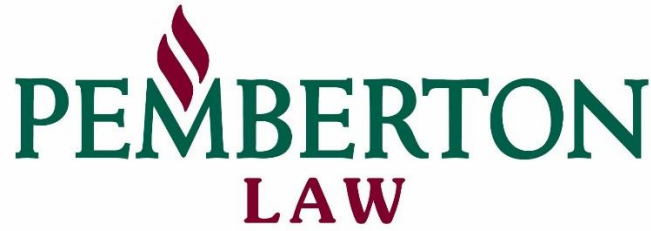
11:00 Interview 1
11:30 Interview 2

Files Attached

- 2021-06-30 Pemberton Law - City of Vergas RFPResp.pdf
- Ramstad Skoyles Winters response to Vergas RFP 2021.pdf
- Attorney Questions.pdf
- Attorney References.pdf

Response to Request for Proposals City Attorney Services

June 30, 2021



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Fergus Falls, MN 56537
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Fax: 218-736-3950
Website: www.pemlaw.com**

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Contact Person:
Abbie J. Thurmes
a.thurmes@pemlaw.com

Ryan D. Fullerton
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Elise M. Heifort
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June 30, 2021

City of Vergas
ATTN: Julie Lammers, Clerk/Treasurer
111 Main Street
P.O. Box 32
Vergas, MN 56587

Via Email: jlammers@cityofvergas.com

IN RE: Response to Request for Proposals
 City Attorney Services

Thank you for the opportunity to submit this proposal to the City of Vergas for legal services. Our law firm hopes to be of assistance to the City of Vergas. Pemberton Law has been a part of the outstate Minnesota legal community for over 130 years. Our law firm has decades of experience representing public entities (cities, counties, school districts, townships, joint powers entities, and service cooperatives) across Minnesota in all areas of civil law, including municipal law, employment law, grievance and arbitration work, litigation, negotiations, and general labor law advice.

Please accept this letter, and the pages that follow, as our response to the City's Request for Proposals for Legal Services. We hope to be in contact with you shortly to discuss this proposal in more detail or address any questions you may have.

On behalf of Pemberton Law, we wish to thank the City of Vergas for the opportunity to submit this proposal for consideration. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi A. Hastings".

Kristi A. Hastings
k.hastings@pemplaw.com

A handwritten signature in black ink, appearing to read "Abbie J. Thurmes".

Abbie J. Thurmes
a.thurmes@pemplaw.com

A handwritten signature in black ink, appearing to read "Elise M. Heifort".

Elise M. Heifort
e.heifort@pemplaw.com

A handwritten signature in black ink, appearing to read "Joshua M. Heggem".

Joshua M. Heggem
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A handwritten signature in black ink, appearing to read "Ryan D. Fullerton".

Ryan D. Fullerton
r.fullerton@pemplaw.com

RESPONSE TO REQUEST FOR PROPOSALS

SECTION A FIRM BACKGROUND

1. Brief History

Pemberton Law assists many cities, counties, school districts, townships, and service cooperatives in Minnesota. We are also a full-service law firm with specialists in a variety of different legal practice areas, including municipal law, employment law, corporate law, estate planning, family law, real estate law, and litigation. The diversity of the specialties of our attorneys provides us with a broad base of expertise and resources to ensure that our clients are always serviced by an attorney experienced the appropriate area of law.

We are consistently rated as a premier law firm in the State of Minnesota. Several of our partners, including Kristi A. Hastings, are rated as Super Lawyers in their particular specialties. Several more of our attorneys, including Joshua M. Heggem, have been named "Rising Stars" by Minnesota Law & Politics numerous times over the year. We are regular speakers and presenters at legal seminars, and pride ourselves on remaining on the forefront of the myriad of unique laws that govern cities and public entities in general.

a. Areas of Expertise and General Services

Our law firm has the benefit of being one of the largest outstate firms in Minnesota, yet we live and work in rural communities which gives us a unique perspective. More importantly, we can access knowledge from all 22 of our attorneys and provide great benefit through our collective wealth of knowledge and breadth of experience. It is rare for our law firm to be faced with a question or dilemma that someone here has not dealt with before. Combining that with the resources of our support staff, who also specialize within our various practice areas, many of whom have worked for Pemberton Law for several decades, we believe we can provide some of the most efficient and cost-effective services available.

b. General Qualifications of the Firm to Perform Municipal Legal Services

While we anticipate sharing the total work for the city amongst all listed on the prior page, other attorneys would be available from time to time as needed. Our law firm utilizes a team-based approach, and any of our attorneys may become involved in a project that may require a certain level of expertise in a particular area of law. The partners and associates at our Fergus Falls office practice primarily in the areas of municipal and public law, real estate, employment law, corporate law, and litigation. Attorneys at each of our four main offices have assisted public entities with real estate, commercial, and financial transactions for the past several decades.

We have assembled a team of attorneys to assist the city and are able to assist with the scope of services outlined in the Request for Proposals. Kristi A. Hastings and Joshua M. Heggem, both senior partners at our law firm, are MSBA Certified Labor and Employment Law Specialists, with extensive experience representing municipalities in governance and labor areas. Abbie J. Thurmes practices primarily in public, municipal, employment law. In addition, Ryan D. Fullerton practices

primarily in the areas of real estate and litigation, and Elise M. Heifort is a recent addition to our law firm and practices in the areas of public, municipal, and employment law.

c. Knowledge of General Matters Affecting Municipalities

Traditionally, our law firm has defended cities and other public entities through the League of Minnesota Cities Insurance Trust, the Minnesota Counties Intergovernmental Trust, Minnesota School Board Association, Minnesota School Board Association Insurance Trust, and Riverport Insurance. We have experience with this type of defense work in addition to handling litigation on behalf of public entities where no insurance coverage is available. We also have a wide variety of litigation experience in Minnesota and North Dakota state courts, federal courts, and many different types of administrative processes. Regarding specific municipal litigation our firm has handled over the past five years, various attorneys have handled litigation, or threatened litigation, over that time period for the cities of Lake Park, Ada, and Fergus Falls, and have also worked proactively on other matters for those and other cities to avoid litigation in a number of instances.

Several of our attorneys have also handled zoning and land use litigation cases in both Minnesota district and appellate courts in the past. Our real estate attorneys are intimately familiar with platting and land development issues, and we have several attorneys with experience in condemnation law, including initiating condemnation proceedings, negotiating condemnation land transfers, and condemnation commissioner hearings and litigation. We routinely work with the unique issues related to law enforcement with both our municipal and county clients. Josh Heggem has prior experience, as referenced above, dealing with both municipal electric utilities and cable franchise agreements, as well as other utility-related issues such as connection, repair, assessment, collections, shutoff, and tax certification issues. Finally, we have several commercial/business attorneys who have worked on municipal lending issues. We are not recognized bond counsel and all of our city clients retain separate bond counsel.

For further information on specific attorney knowledge or examples of legal matters handled for municipalities by our various attorneys, see section B; Attorney Qualifications.

2. Office Location(s)

Pemberton Law is comprised of four main offices—located in Fergus Falls, Detroit Lakes, Wadena, and Alexandria, Minnesota. We maintain smaller offices in Henning, Ottertail, and Parkers Prairie, Minnesota. Our firm consists of 22 attorneys, 35 support staff, and varying numbers of interns, law clerks, and summer associates.

3. Malpractice Statement

Our firm and our attorneys have not received any ethics complaints that have not been summarily dismissed as frivolous during the past five years. In the previous five years, we have dealt with, with the assistance of our malpractice carrier, two assertions of legal malpractice, neither of which were brought by lawsuit.

SECTION B ATTORNEY QUALIFICATIONS

Kristi A. Hastings:

Kristi completed her undergraduate studies and graduated from the University of North Dakota, where she also received her Juris Doctorate and was admitted to the Minnesota Bar in 2001. She began representing public entities during the initial days of her employment with the Pemberton Law Firm as a law clerk, before becoming an associate and later a partner. Kristi has practiced almost exclusively in the areas of school law, municipal law, employment litigation, human resources support, and defending public entities in litigation for all of her 19 years at the firm.

Active in the community, Kristi is on several local boards, including past president of the Fergus Falls American Association of University Women, past board of directors of Claire Ann Shover Nursery School, and current member of Lake Region Healthcare Advisory Board. Professionally, Kristi serves as the past president and member of the board of directors of The Fergus Falls 544 Education Foundation, current board of directors of the Minnesota Council of School Attorneys. She also served as president of the Otter Tail County Bar Association and the Seventh District Bar Association.

Kristi is an MSBA Certified Labor and Employment Law Specialist who works with public entities across the State of Minnesota. She has been designated as a Super Lawyer by *Minnesota Lawyer*. She negotiates collective bargaining agreements on behalf of county, city, and school district employers, as well as handling the all the issues that face public employers on a daily basis.

Joshua M. Heggem:

Josh grew up in Aitkin, Minnesota, and graduated from Aitkin High School. He completed his undergraduate studies and graduated from Gustavus Adolphus College. He received his Juris Doctorate from the University of Minnesota Law School and was admitted to the Minnesota Bar in 2007. He is also licensed to practice in North Dakota. Josh began representing public entities during the initial days of his employment with Pemberton Law, 13 years ago, and, prior to his admission to the bar, by conducting internal employment investigations and conducting legal research. Josh has been with the firm for his entire career, and his practice focuses on the areas of employment and labor law, municipal law, school law, and litigation.

Josh's practice areas include representing both public and private entities, handling complex human resource and employment issues for employers, such as conducting workplace investigations involving sensitive, criminal, and financial issues, assisting with negotiating collective bargaining agreements, and employer legal compliance work.

Josh has a wide variety of experience with Minnesota municipal and public sector law. He has assisted cities and other public entities with evaluating and assessing various liability risks associated with many different policy decisions; reviewed and negotiated various types of contracts for city services; negotiated cable franchise and municipal electric utility

service agreements; drafted ordinances, resolutions, and all documents necessary for real estate transactions; and has interpreted state statute and city charter provisions and the effect those provisions have on proposed council action.

He has assisted public entities with responding to discrimination claims, labor negotiations, employee grievances and arbitrations, Veteran's Preference Hearings, unemployment claims, eminent domain hearings, and other types of administrative hearings. Josh has a great deal of knowledge regarding PELRA, open meeting law, data practices, and many other statutory requirements and procedures unique to public entities.

Specifically, with regard to employment and labor law, Josh also has experience with human resources, counseling, and risk reduction, including workplace investigations, discipline, hiring, firing, reductions in force, layoffs, performance improvement plans, last chance agreements, leave compliance, employee contract claims, regulatory compliance for ADA, FMLA, wage and hour, workers' and unemployment compensation, as well as preparation and drafting of employment manuals, policies, employee handbooks, employment contracts, and collective bargaining agreements.

Abbie J. Thurmes

Abbie would be the primary contact for all city attorney services as described in this proposal, along with Elise Heifort. Our entire firm, however, will be available as a resource. If attorney presence is requested at City Council meetings, Abbie and/or Elise would be who would attend meetings at the City's request.

Abbie has several years of experience working in municipal and public sector law, as well as the areas of school and employment law. Abbie has two years' experience as a public defender prior to joining Pemberton. Abbie's current practice includes representing both public and private entities, conducting workplace investigations, as well as addressing issues that arise from employers from across the state. Abbie has assisted public entities with responding to ordinance violations, unemployment claims, grievances, dealing with open meeting law, data practices, and many other issues.

Elise M. Heifort:

Elise received her undergraduate degree from the University of Minnesota, Duluth, and later obtained her Juris Doctor degree from the University of St. Thomas School of Law. Prior to joining Pemberton, Elise worked for the League of Minnesota Cities Insurance Trust where she enjoyed assisting municipalities in various litigation matters.

Elise currently practices in the areas of employment, municipal, and school law, and represents both public and private entities. She has experience handling employment matters, conducting workplace investigations, responding to data requests, and assisting municipalities with a variety of legal issues.

Ryan D. Fullerton:

Ryan is licensed to practice in Minnesota, North Dakota, and the federal courts of those states. He has appeared before the 8th Circuit Court of Appeals, as well as Minnesota and North Dakota federal and state courts and the Minnesota Public Utilities Commission. Ryan practices primarily in the areas of real estate, litigation, and commercial matters.

Ryan joined the firm in 2016 and obtained his undergraduate degree from Winona State University. Ryan attended the University of Minnesota Law School, where he was placed on the Dean's List on numerous occasions and was recognized for achieving the highest grade in one of his property law classes. Upon graduating from law school, Ryan was recognized by the Minnesota Justice Foundation for having volunteered at legal assistance organizations for more than fifty hours during law school.

Ryan has represented clients in complex commercial and business litigation, disputes involving real estate, and employment litigation. Ryan has been primarily responsible for several property disputes which have resulted in bench trials, where Ryan was able to obtain favorable verdicts for his clients. Ryan also regularly assists clients involved in commercial and real estate transactions, and uses his experience in the litigation areas to advise clients on how best to mitigate risk and anticipate potential issues. Ryan has also defended cities and counties in lawsuits related to property tax appeals and alleged constitutional violations.

Ryan has assisted other attorneys at our firm in the development and interpretation of ordinances relating to nuisance abatement, economic development, and liquor licensing. Ryan has also conducted workplace investigations aimed at mitigating risk in business and real estate transactions context.

2. Availability and Response Time

It is not unusual when advising public entities to have short turn-around times for review of documents or to respond to situations. We believe that our team-based approach is well-suited for this because it means several of our attorneys are up to speed on each client's matters and the laws involved in order to meet the necessary deadlines in a cost-effective manner.

We pride ourselves on being accessible, and this contract will be given our utmost attention. When we are not in the office, we will provide our cell phone numbers so we may be reached. If a face-to-face meeting would help resolve a situation, we will make ourselves available for this. We make returning telephone calls and giving clients a timeline of when they can expect work to be done a priority. We do not believe there is a standard time frame for responding to a specific inquiry, as it depends on the type of question being asked and whether research or additional fact gathering is necessary. We keep our clients up to date on the happenings in their cases and matters, and we would do the same for the City of Vergas.

While our proposal includes travel time where in-person work is necessary, we routinely travel distances of several hundred miles, or greater, to serve our current clients. In addition, in the electronic age we live in, a great deal of work can be done without making a trip. If a scheduling conflict does arise, we have other attorneys available and capable of filling in if necessary.

All of our attorneys who work for public sector clients are quite used to attending evening council meetings as needed and as scheduled in advance, and we would work with the City to determine the necessary level and frequency of attorney presence at your meetings. For most of our public clients, we do not report to any regularly scheduled council or board meetings. All our attorneys who work for public sector clients are understanding of the desire to have an attorney presence at evening council meetings as needed and as scheduled in advance.

SECTION C FIRM QUALIFICATIONS

1. Client References

Britt See-Benes, City Administrator
Sherry Erickson, Finance/HR/Safety Director, City of Virginia
327 First Street South
Virginia, MN 55792
Phone: (218) 749-3568
Email: britts@virginiamn.us
ericksons@virginiamn.us

Peyton Mastera, City Administrator
City of Dilworth, Minnesota
2 First Avenue Southeast
P.O. Box 187
Dilworth, MN 56529-0187
Phone: 218-287-2313
Email: peyton.mastera@ci.dilworth.mn.us

Ashley Larson, City Administrator
City of Ada, Minnesota
15 - 4th Avenue East
Ada, MN 56510
Phone: 218-784-5520
Email: alarson@adamn.gov

2. Our firm has been serving public entities for the vast majority of its 130 years of existence. Here is a representative list of these past and present clients:

- City of Ada
- City of Breckenridge
- City of Farmington
- City of Hewitt
- City of Verndale
- City of Henning
- City of Dilworth
- City of Deer Creek
- City of McIntosh
- City of Menahga
- City of Motley
- City of Red Lake Falls
- City of Parkers Prairie
- City of Virginia
- City of Starbuck
- City of Ottertail
- City of Bluffton
- City of Fergus Falls
- City of Shakopee
- City of Wheaton
- City of Sauk Centre

Our firm has also represented other cities on various hourly projects related to employment law issues, litigation, real estate, and financial transactions, including the cities of Barnesville, Pelican Rapids, and Battle Lake.

Finally, our firm has worked with a number of Townships over the past 12 years (and many years prior to that) in the areas surrounding our various offices, including by way of example: Cormorant Township, Ulen Township, Elmo Township, Sverdrup Township, Elizabeth Township, Bartlett Township, Henning Township, Fergus Falls Township, and Clitherall Township.

In addition, our firm represents a number of other public entities. Some of these have been clients for over fifty years, and many of them have been clients for several decades. Here is a representative list of these past and present clients:

- Clay County
- Todd County
- Otter Tail County
- Norman County
- Hubbard County
- Polk County
- Swift County
- Meeker County
- Pennington County
- Mahnomen County
- Fergus Falls School District
- Fergus Falls Area Special Education Cooperative
- Battle Lake Public Schools
- Brainerd Public Schools
- Breckenridge Public Schools
- Eagle Valley Public Schools
- Fertile-Beltrami Public Schools
- Frazee-Vergas Public Schools
- Lake Park-Audubon Schools
- Lake of the Woods School District
- Menahga Public Schools
- Minnewaska Public Schools
- Morris Area School District
- Northland Community Schools
- Park Rapids Area Schools
- Staples-Motley Public Schools
- Verndale Public Schools
- West Central Area Schools
- Lakes Country Service Cooperative
- Sourcewell (formerly National Joint Powers Alliance®)
- Southwest West Central Service Cooperative
- Des Moines Valley Health and Human Services

Currently, we serve most of our public clients on an as-needed basis. Most counties meet on Tuesdays or Thursdays during regular business hours. Most schools meet in the evenings; however, we are only sporadically asked to appear at those meetings. As a result, we do not believe scheduling conflicts will be an issue with your meetings. In the event that a scheduling conflict did arise, we have other attorneys available and capable of filling in if necessary and are also willing to participate in meetings over the phone, or via videoconferencing.

3. Our firm is highly trained and qualified in conducting efficient and high-quality legal research. Our legal research is conducted through our firm-wide subscription to WestLaw as well as subscriptions to specific printed publications not widely available online such as

summaries of BMS arbitration awards. Our firm also receives exclusive printed publication materials from frequently attending conferences and seminars on legal issues in the public sector.

SECTION D FEES

1. Hourly Rate for Primary Attorney

Abbie Thurmes:	\$180.00 per hour
Elise Heifort:	\$170.00 per hour
Kristi A. Hastings:	\$215.00 per hour
Joshua M. Heggem:	\$215.00 per hour
Ryan D. Fullerton:	\$195.00 per hour

General office costs (e.g. copying, faxing, etc.):

- | | |
|--------------------------|---|
| • Fax expense | \$0.50 cents per page |
| • Photocopies | \$0.15 cents per page |
| • Color copies | \$1.00 per page |
| • Meals | Actual expenses incurred |
| • Postage/overnight mail | Actual expenses incurred |
| • Mileage | \$0.56 cents per mile (federal mileage rate)
(hourly rates are also charged for travel time) |

2. Increments of Time Billed

All law firm personnel bill in increments of a minimum of 1/10th of an hour (six minutes), which is the minimum increment billed for each service provided, including phone calls, emails, and any other time spent working for the City. We bill monthly during the first week of each month and send detailed, itemized billing statements outlining all work performed.

3. Rate for City Council Meeting Attendance

City Council Meeting attendance would be billed hourly.

SECTION E

CONFLICT OF INTEREST

A. Conflict of Interest

With a firm our size and the size of our client base, there is also a possibility that conflicts may arise between the City of Vergas and some of our other clients. Although it is a rare occurrence, there may be times where we need to withdraw from representing one client or another under certain circumstances, but we can assure the City that if there is a need to resolve a conflict and/or find separate counsel, we will have an in-depth discussion with the City Council regarding the conflict, our proposed solution, and if necessary, our recommendation for separate counsel to assist to the extent it is necessary.

RESPONSE TO REQUEST FOR PROPOSALS

CITY OF VERGAS

CITY ATTORNEY

Ramstad, Skoyles & Winters, P.A.
114 Holmes Street West
Detroit Lakes, MN 56501

Dated: June 2021

Contact: Charles J. Ramstad
(218) 847 -5653
cramstad@arvig.net

RAMSTAD, SKOYLES & WINTERS

est. 1908

ATTORNEYS AT LAW

A Professional Association

CHARLES J. RAMSTAD*
KAREN SKOYLES
THOMAS P. WINTERS
PATRICK A. BAKKEN

- Attorney ID 0169390
- Attorney ID 0178317
- Attorney ID 0390351
- Attorney ID 0401154

**Minnesota State Bar
Association Board
Certified Specialist in
Real Property Law*

June 29, 2021

Ms Julie Lammers
City Clerk/Treasurer
City of Vergas, Minnesota
jlammers@cityofvergas.com

RE: Proposal and Qualifications
Legal Services

Please consider this the response of Ramstad, Skoyles & Winters, P.A. to the City's Request for Proposals and Qualifications for Legal Services.

A. Firm Background

1. Brief History. Ramstad, Skoyles and Winters, P. A. originated in 1908 as a general practice law firm in Detroit Lakes and began providing municipal legal services to the City of Detroit Lakes in approximately 1963, with attorney James Ramstad in the lead. Since that time the firm has continuously represented Detroit Lakes, adding the other Becker County cities of Frazee, Audubon and Callaway in the early 1970's and Lake Park in the 1990's. We added the City of Sebeka in Wadena County in 2018, and the City of Menahga in Wadena County in 2021. We provide regular City Attorney services for all of those Cities, including Prosecuting Attorney services. In 2021 we were appointed City Attorneys for the Otter Tail County City of Perham, where we provide general City Attorney services, but not Prosecuting Attorney services. We have also occasionally represented the Clay County Cities of Hitterdal and Moorhead, the Mahnomen County City of Bejou and the Pope County City of Starbuck, usually on special projects like development, eminent domain or USDA rural water development, matters where their regular City Attorney has a conflict or on litigation matters such as construction contract disputes.

a. Services. Ramstad, Skoyles and Winters, P. A. is a general practice law firm located in Detroit Lakes, with a focus on municipal law, real estate and real estate litigation, estate planning, wills, trusts and probate. We also represent private clients in business formation and business transactions.

b. Qualifications/Municipal Law Services. We have experience in nearly all aspects of municipal law, including but not limited to economic development, tax increment financing, zoning and subdivision, planned unit developments, municipal purchasing and contracts, contract litigation, special assessments, real estate, eminent domain,

nuisance abatement and hazardous building elimination, data practices, open meeting law, labor relations and public employment law, public utilities, public recreation facility law, ordinance enforcement, and misdemeanor and gross misdemeanor prosecution.

c. Knowledge and Scope of Services. We are qualified to provide all necessary municipal legal services other than acting as bond counsel, including but not limited to those described in this section. We provide these legal services in house, and do not subcontract for any legal services, although we do work with other contracted legal services such as bond counsel and insurance defense litigators to advance and protect the interests of the City.

1) Public Meeting Attendance. We believe that regular attendance at Council meetings and attendance at select public hearings and committee meetings by the City Attorney is beneficial both to the City and gives us the ability to provide the best quality legal services. Meeting attendance allows us to provide immediate feedback on issues and proposals, and can help the City avoid mistakes. It helps us to better understand the issues facing the City at any given time and to provide on point information to staff and the Council. We prefer to attend meetings, and structure our compensation to encourage the City to request our presence, but follow the direction of the City as to the type and number of meetings we attend.

2) Ordinances and Resolutions. We have experience drafting all types of municipal ordinances, from parking and nuisance ordinances, to zoning, subdivision, franchise, right of way and utility ordinances. We have developed our own set of template ordinances, and customize those templates together with templates from other Cities and the League of Minnesota Cities to meet the needs of each City we represent. Since we place special emphasis on our ability to enforce ordinances, we pay close attention to the language of the ordinance to make sure that the ordinance will be effective and will comply with all legal requirements. We draft resolutions as required, together with our own correspondence and official correspondence from the City when the correspondence needs to meet specific legal requirements.

3) Agenda. We request and review proposed meeting agendas prior to regular and special council meetings so that we can provide feedback to staff and council on legal issues prior to or at the meetings.

4) Consultations. We accept and encourage telephone and e-mail consultations between our attorneys and City staff, Mayor and Council members relating to City issues and City business. Short communications to answer general municipal legal questions are typically not separately billed, even when no retainer arrangement is in place. We are prepared to provide advice on a multitude of municipal issues, including but not limited to common and complex questions on land use, open meeting law, data practices, records retention and privacy issues.

5) Contracts and Agreements. We have experience drafting many types of custom contracts and agreements relating to various City issues, including but not limited to joint powers agreements, management agreements for City facilities, cell tower and other leases, property and equipment acquisition agreements, settlement agreements, employee separation agreements and agreements between the City and various professional consultants such as engineers, architects and lawyers. Construction contracts for public improvements are typically standard form AIA or EJCDC documents utilized by architects and engineers. We have experience in reviewing and customizing these forms, insurance policies and bonds to eliminate provisions adverse to the City and to ensure compliance with the City's objectives, Davis Bacon and FLSA wage requirements, insurance requirements, bond requirements and the municipal contracting laws.

6) Acquisition of properties. We have experience with all types of property acquisition, from drafting donation agreements, purchase agreements, easements for roadways and public utilities, and dedications to all phases of the eminent domain process. Generally, we strive to negotiate voluntary acquisition of easements and land, but we have commenced and completed eminent domain proceedings with quick take commissioner hearings and court appeals.

7) Code enforcement. We are actively engaged with the code enforcement process, utilizing the civil process of nuisance abatement, hazardous building elimination under Minn. Stat. Chapter 463, stop work orders and injunctions for building code violations. We encourage City staff to contact us at the inception of a problem to consult with them as to the most viable means of obtaining code compliance, with a referral to criminal prosecution for nuisance, zoning and other ordinance violations only when necessary. If a City does not have an Administrative Penalties process in place, we have drafted the ordinances and procedures necessary to institute that process.

8) Employment issues. Employee performance issues are often the most difficult and sensitive matters to deal with, as well as the most complex. Analyzing the circumstances and proper response involves personnel policies, employment contracts, union contracts, constitutional issues, statutory issues such as veterans preference and open meeting, data practices and privacy issues. We have experience with all types of personnel issues, including all of the above as well as personnel policy review and drafting, veterans preference hiring issues, FLSA requirements, union contract negotiation and arbitration, union bargaining unit certification and voting, comparable worth audits, step and grade implementation, human rights issues, employment investigations, police civil service commissions, peace officer discipline procedures, discipline and termination hearings and unemployment compensation appeals and hearings. To date, we have successfully resolved all employment matters utilizing mediation, arbitration and settlements when necessary, without the need for actual litigation.

9) Legal opinions and memoranda. We provide formal legal opinions when necessary, and initiate and respond to requests for informal memorandums regarding municipal and other legal issues confronting the City, both confidential and public. We monitor proposed changes and adopted changes in State and Federal law affecting municipalities and advise our municipal clients accordingly, with specific statutory and case law references and memorandums interpreting those changes, and suggest any necessary or advised changes in City procedures or operations to secure or maintain compliance.

10) Litigation. We believe that avoiding litigation is almost always the best course of action, and actively work to enforce City codes and ordinances without the need for litigation. We also believe in pro-actively addressing City procedures to eliminate or reduce claims and lawsuits against the City. However, when other measures fail, we are prepared to and have initiated litigation, have defended Cities in litigation and have assisted insurance defense council in municipal litigation. We have experience in litigation involving human rights and ADA claims, eminent domain, hazardous building condemnation, zoning and land use appeals, construction disputes, zoning and building permits, labor and employment and workers compensation matters.

11) Municipal debt. We are familiar with working with bond counsel, USDA rural development administration and Minnesota public facilities administration on municipal development projects, including contract drafting, funding declarations, special assessments and legal opinions as needed to comply with bond or other municipal debt requirements.

12) Zoning, Platting, Land use and development. Our experience with municipal land use and development ranges from advising and assisting the City zoning and development staff to administer land use regulations to actively managing land use and zoning regulations for some Cities. We have experience reviewing and preparing zoning ordinances, subdivision ordinances and documentation for conditional use permits, zone changes, variances, plats and other land subdivisions, planned unit developments, development agreements, TIF development agreements, TIF certifications and de-certifications, assessment policies, special assessments and special assessment appeals and petitions for vacation of dedicated and other public rights of way and land. We provide ongoing advice regarding application of the City's land use ordinances and State statutes.

13) Economic Development, Tax Increment Financing ("TIF") and other development assistance. We advise a number of City Economic Development Authorities and routinely attend their meetings. We understand the TIF process and statutory requirements, we have and can draft the necessary TIF development agreements and resolutions adopting a TIF district and plan and to certify a housing or redevelopment agreement and can assist staff in administering the development district. We also are familiar with and have

drafted tax abatement agreements and resolutions as well as the required business subsidy policy and agreements.

14) Comprehensive Plans. While we do not draft Comprehensive Plans or Redevelopment Plans, we are familiar with the statutory requirements for such plans and the adoption and utilization of a Comprehensive Plan as a tool and guide for drafting and implementation of zoning and other land use ordinances. Even when not statutorily required, we encourage Cities to create and use a Comprehensive Plan as the basis for their land use controls.

15) Prosecution Services. As noted above, we provide prosecuting attorney services for petty misdemeanors, misdemeanors and gross misdemeanors with related legal advice to City law enforcement. We believe that Cities adopt ordinances with the expectation that they will be enforced and we take the obligation to prosecute City ordinances as seriously as State laws.

2. Office location. We are located at 114 Holmes Street West in Detroit Lakes, on the north side and across the street from the Becker County Courthouse.

3. Malpractice Claims and/or Ethics Complaints. We have had no malpractice claims, complaints or issues. On November 18, 2019 a complaint was made to the Office of Lawyers Professional Responsibility by a defendant in a pending criminal case against prosecutor Karen Skoyles. The Office of Lawyers Professional Responsibility determined that discipline was not warranted and dismissed the complaint without investigation on December 10, 2019. There are no pending actions or issues currently under review by the State Ethics Board.

B. Attorney Qualifications.

1. Lead Attorneys.

For City Attorney services the lead attorney will be Charles Ramstad.

- B.A. University of Minnesota in Political Science 1982.
- J.D. University of Minnesota law school 1985.
- Minnesota State Bar Association certified Real Property Law Specialist.
- 35 years of municipal law experience, starting as City Attorney for Frazee in and Assistant City Attorney in Detroit Lakes in 1988. City Prosecutor in Detroit Lakes and Frazee from 1985 to 1992. City Attorney in Audubon since 1992, Lake Park since 1998, Callaway since 2000, Detroit Lakes since 2012 and Sebekka since 2018.
- Experienced in all aspects of municipal law, including but not limited to union negotiations, employment law, veterans preference, zoning and land use planning, ordinance drafting, open meeting law and data practices law, records retention, eminent domain, construction law, special assessment law, municipal contracts and purchasing, Fire Department organization, Fire Relief Association, Tax Increment Financing, tax abatement and other development assistance.
- Experienced in working with public utilities, including water, sewer, gas and

- electric municipal utilities.
- Municipal litigation has focused on hazardous building abatement, construction contract disputes, eminent domain and special assessment appeals. All of these litigation matters have been successfully resolved, most by a settlement. Most recently Charles Ramstad was successful in abating by litigation four hazardous buildings in Sebeka and in securing a public easement by eminent domain for the City of Moorhead.
- 2015-2016 President of the Minnesota City Attorneys Association
- 2013-2017 Board member Minnesota City Attorneys Association
- Presenter at numerous legal education seminars on municipal law issues through the Minnesota City Attorneys Association and real estate law through MNCLE

For Prosecuting Attorney services the lead attorney will be Karen Skoyles.

- B.A. Moravian College, Bethlehem Pennsylvania in Political Science 1983.
- J.D. University of Minnesota 1986.
- 30 years of municipal prosecution experience for Detroit Lakes and Frazee, with Audubon starting in 1992, Lake Park in 1998, Callaway since 2000, Sebeka and Menahga since 2018.
- Full time prosecutor experienced in prosecution of all misdemeanors, selected gross misdemeanors including DUI and misdemeanor and petty misdemeanor ordinance violations.
- Numerous trials including Jury Trials and Court Trials spanning over 30 years. Success rate by conviction in trials exceeds 90%. Experienced in criminal law appeals, brief writing and oral arguments. Routine and day to day hearings associated with criminal and petty misdemeanor prosecutions.
- Experienced in nuisance abatement through civil hearing process and also through criminal prosecution.
- Experience in water use law as the attorney for the Pelican River Watershed District.

2. Assistant Attorneys.

Thomas Winters will act as an assistant attorney for City Attorney services.

- B.A. from Hamline University in Political Science 2005.
- J.D. from William Mitchell law school 2009.
- 12 years of experience in civil litigation, wills, trusts, estates and probate law including family law, conservatorships and guardianships.
- Criminal defense litigation 2009 - 2016.
- City of Detroit Lakes Fireman 2014 to 2019.
- Experienced in municipal law, including ordinance drafting, open meeting law, data practices law, records retention, zoning and land use planning, special assessment law, fire department organization, fire relief association law, municipal construction law.
- City Attorney for Frazee since 2017, Menahga and Perham since 2021.
- Municipal litigation experience in criminal prosecutions since 2017 and in a successful settlement of a special assessment appeal in Frazee in 2018.

Patrick Bakken will act as an assistant City Prosecutor.

- Associate
- Practicing since 2019
- B.A. from University of North Dakota 2016.
- J.D. from University of North Dakota Law School 2019.
- Assistant Prosecuting Attorney for Detroit Lakes and Audubon
- City Attorney for Audubon
- Primary area of practice is litigation followed by general civil practice

3. Availability. We are a small business with a relatively informal organizational structure. Each attorney has and utilizes a separate e-mail address and the firm has a general e-mail address monitored by staff. Scheduling for each attorney is the responsibility of their primary assistant. We do not use voice mail; calls are answered by one of the assistants and are either directed to the relevant attorney or a message taken and delivered to the relevant attorney. Attorneys typically return their own calls and e-mails, unless the issue relates to scheduling. With our municipal clients we welcome calls and e-mails from City staff and law enforcement members so that we can address situations before they become issues or problems. Typical turnaround time on advice, questions, reports, memos and basic documents is less than one week, typically by phone or e-mail. For larger projects the schedule is often dictated by external sources, public hearing or meeting schedules, but we make it a point to not be the cause of delay in any municipal matter.

4. Professional support personnel. We have two legal assistants. We do not separately charge for these services. Staff is available from 8:30 a.m. to 5:00 p.m. Monday through Friday.

C. Firm Qualifications.

1. Experience in municipal legal services. We have a long history of providing municipal legal services that continues to date, as described above in this response. We are happy to have you contact any of the Cities that we have represented on an occasional basis and that we currently represent. As noted above, we currently represent as City Attorney the Cities of Detroit Lakes, Frazee, Audubon, Callaway, Lake Park, and Sebeka, Menahga and Perham. Primary contacts are as follows:

- 1) City of Detroit Lakes
Kelcey Klemm
City Administrator
(218) 847-5658
- 2) City of Frazee
Jordin Roberts
City Clerk Administrator
(218) 334-4991
- 3) City of Audubon
Stephanie Poegel
City Clerk
(218) 439-6652

- 4) City of Callaway
Shelly Dillon
City Clerk Treasurer
(218) 375-4691
- 5) City of Lake Park
Lonnie Neuner
City Clerk
(218) 238-5532
- 6) City of Sebeka
Cheryl Hahn
City Administrator
(218) 837-5773
- 7) City of Menahga
Curt Kreklau
City Administrator
(218) 564-4557
- 8) City of Perham
Jonathan Smith (former Clerk Administrator for Frazee)
City Manager
(218) 346-9799
- 9) City of Moorhead
Dan Mahli
City Manager
(218) 299-5166
- 10) City of Starbuck (2018 - 2019 construction contract litigation and settlement)
Gary Swenson, Mayor
(320) 239-2196

2. Library and Research Capabilities. We have a physical library of legal material dating back over one hundred years. For current capability, we use technology for computerized legal research and for sharing and editing documents electronically. We have access to and routinely use Fastcase, MSBA practicelaw, Google Scholar, the State of Minnesota database of statutes and rules and Westlaw for legal research. As is required by the Minnesota and Federal Courts system, we file all of our litigation matters with all Courts electronically. We use a number of computer based support programs, such as Amicus case management, Quickbooks, Timeslips, Microsoft Word, Microsoft Excel, WordPerfect and Adobe Acrobat and are subscribers to the court information systems (MGA) and are authorized to have access to traffic records through the Minnesota Department of Public Safety database program and criminal history information through the FBI's NCIC system, as is required in order to provide prosecution services.

D. Fees.

1. Description. We work with our municipal clients on a fee basis that they prefer. With the City of Detroit Lakes, we work on an annual contract basis, paid in monthly installments, for non-litigation based civil legal services and all prosecution services. This is a comprehensive contract that includes working with the City, Public Utilities and City boards and commissions.

When services extend to litigation matters or entities affiliated with the City such as the Development Authority or the Airport Joint Powers Board we charge an hourly rate for those additional services.

We charge the other Cities that we work with on an hourly basis for civil City Attorney services. Our normal hourly rate for private clients and other municipal clients is \$250.00 per hour for services including civil litigation, with a flat fee of \$100.00 per meeting attended.

2. Time Increment. When we charge on an hourly basis we charge in increments of 0.10 of an hour (6 minutes). The minimum increment billed for each service is 0.10 of an hour for phone calls, e-mails, correspondence and personal conferences, although short phone calls that can be answered without research are usually not billed. We charge for prosecution services on a monthly flat fee, based on our experience with the volume generated in those cities.

For Vergas we would propose an hourly charge of \$225.00 per hour for civil City Attorney services and civil litigation services provided by the responsible attorney, with a flat fee of \$100.00 per council meeting attended, plus mileage. As alternative, we would be happy to discuss a monthly flat fee for all civil City Attorney services. For City Prosecutor services we are willing to work on an hourly basis at the rate of \$225.00 per hour, or on a monthly flat fee of \$250.00 plus mileage, subject to adjustment after six (6) months based on volume. As with City Attorney services, this relationship is subject to further discussion and negotiation if we are chosen as a finalist.

3. Other costs. We do not charge for support staff services. We do not charge extra for printing, telephone, internet or other services. We do charge \$0.25 per paper copy for large copy jobs, typically involved in responding to discovery requests in civil litigation matters, although more and more of those responses are delivered electronically without physical copies. We charge for mileage based on the current IRS reimbursement rate per mile. We do ask our City clients to reimburse us for fees charged by the State of Minnesota for access to traffic records through the Minnesota Department of Public Safety database program, criminal history information through the FBI's NCIC system, and by the State for access to the mandated e-charging system, as is required in order to provide prosecution services.

4. Invoices. Our invoices comply with the requirements of section D. 4. of the City's Request for Proposals. We reserve the right to make adjustments to fees on an annual basis, after at least 60 days notice, consultation and negotiation with the City.

E. Conflicts of Interest: We have no known actual or potential conflicts of interest relating to the City of Vergas. We do not represent Otter Tail County or any other governmental unit having contiguous jurisdiction with the City of Vergas. We do not currently represent any professional real estate developers, but we do represent individuals and businesses relating to land upon which they may be building a home, cabin or commercial building. Prior to undertaking any representation, we utilize the computer based database from our law firm practice management software Amicus and our account records database to identify possible conflicts. If appointed, we will not accept any client or project which would knowingly place our firm in a conflict of interest with the services to be provided to the City and will comply with all professional rules

regarding actual and potential conflicts of interest.

- F. Malpractice Insurance Coverage. We are and have consistently been insured by Minnesota Lawyers Mutual Insurance Company. Current coverage has limits of \$2,000,000 per claim and an aggregate of \$5,000,000 with a \$5,000 deductible. We will maintain insurance with at least these limits into the future.
- G. Affirmative Action. Our firm does not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age and shall comply with all aspects of the Minnesota Human Rights Act, Minnesota Statutes 363.01, et. seq., Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act of 1990 and its subsequent amendments.
- H. Summary. Our municipal clients are primary. We are working to become a regional municipal law firm and planning toward that goal. We believe that we will succeed as our municipal clients succeed in providing the best possible and most cost effective public services and public infrastructure for their residents and taxpayers. To that end, we strive to make ourselves available not only to our direct contacts, usually the City Administrator or City Clerk, but also to other City staff such as utility superintendents, police chief and patrol officers. From our experience, we know that it is better to address a problem or issue up front, quickly and preferably before it becomes a problem, than it is to try to fix the problem once it has occurred. We have worked well with all of our City Councils not only in setting policy and implementing that policy through ordinances or other means, but also taking on an education role to supplement advice they may receive from the League of Minnesota Cities or other municipal organizations. We have years of experience in navigating the Minnesota Data Practices Act requirements and the requirements of the Minnesota Open Meeting Law. Our attorneys' involvement with the Minnesota City Attorneys Association has enabled us to have a first name basis relationship with many other City Attorneys throughout the State, making us a resource for them, and them a resource for us. We work well with the staff and attorneys at the League of Minnesota Cities and the League of Minnesota Cities Insurance Trust.

We are confident that we are fully prepared and competent to provide all of the City Attorney services required by the City of Vergas.

Sincerely,

RAMSTAD, SKOYLES & WINTERS, P.A.

Charles J. Ramstad

Who would be the main contact person from your office working with the City of Vergas?

Vergas has several undedicated roads and dedicated roads that are not located where shown on the plat and need to be abandoned and rededicated. Please explain the process you would use to address these issues.

Describe how you handle enforcement issues, such as: yard waste violations, unleashed and unlicensed dogs?

Is someone in your firm licensed for criminal prosecution?

Tell us about your experience with Lakeshore Management.

Pemberton Law

City of Ada

City of Dilworth

City of Otter Tail

Comments:

Great to work with.

Super helpful.

One contact person – who will speak with other staff with expertise with issue.

One city stated they felt they were expensive compared to other attorneys they are using.

Ramstad, Skoyles & Winters, P.A.

City of Sebeka

City of Lake Park

Comments:

Very accommodating.

Easy to get along with.

They can get more accomplished than they could with past attorneys.

City Council
2021 Special Council Meeting
Vergas Event Center and Zoom Id number 267-094-2170 (password 56587)
11:00 AM on Thursday, July 22, 2021

18. Information & Announcements

- a. MN Rural Water Conference – Aug.24-26, 2021 (DuFrane) St Cloud
- b. Clerks Advanced Academy-September 23-24, 2021 (Lammers)
- c. Municipal Beverage Association (MMBA), September 25-28, 2021 (Kaplan) Arrowwood