

**MOTION**  
**M2014-127**

THE NORTHFIELD CITY COUNCIL AUTHORIZES EXECUTION OF A FIVE YEAR  
AGREEMENT WITH FLAHERTY & HOOD FOR CITY CIVIL LEGAL SERVICES.

Adopted: July 8, 2014

## CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made and entered by and between the CITY OF NORTHFIELD, a municipal corporation of the State of Minnesota (hereinafter "CITY"), and FLAHERTY & HOOD, P.A. (hereinafter "FIRM").

### W I T N E S S E T H

WHEREAS, CITY has need for the professional civil legal services with the particular training, ability, knowledge, and experience possessed by FIRM; and

WHEREAS, CITY solicited proposals for civil legal services on March 26, 2014; and

WHEREAS, FIRM submitted a proposal to provide civil legal services to CITY on April 16, 2014; and

WHEREAS, at a duly called regular meeting of the City Council held June 17, 2014, the City Council of CITY determined that FIRM be engaged as City Attorney with Christopher M. Hood of FIRM serving as primary legal counsel for CITY and directing and authorizing the Mayor and City Administrator to negotiate and execute an agreement between FIRM and CITY setting forth the terms and conditions of the engagement; and

WHEREAS, CITY has determined that FIRM is qualified and capable of performing the civil legal services as CITY does hereinafter require, under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. CITY ATTORNEY APPOINTMENT: CITY appoints FIRM as City Attorney with Christopher M. Hood acting as primary legal counsel for CITY. Christopher M. Hood, as the designated and appointed City Attorney, will perform, supervise and be responsible to CITY for the civil city attorney legal services provided to CITY by FIRM.
2. AUTHORIZED CITY CONTACT PERSONS: The City Administrator or his/her designated representative shall be the primary contact person between CITY and FIRM to request legal services from FIRM.
3. COUNCIL, STAFF MEETINGS AND OTHER MEETINGS: FIRM and CITY may agree to have the City Attorney or his designated representative attend certain City

Council, staff or other meetings upon request of the City Council or City Administrator.

4. COMMUNICATION: FIRM and CITY will establish a regular communication process between the primary legal counsel and the City Administrator in order to communicate legal issues and discuss timing for FIRM to provide and complete services to CITY.
5. INSTITUTIONAL HISTORY: FIRM shall be familiar with the City Charter, City Code and City ordinances and will work with the City Administrator and the Mayor and City Council to develop and expand FIRM's knowledge of CITY's legal issues as well as the history of the community. CITY shall make reasonable efforts to facilitate FIRM's said familiarity.
6. LEGAL SERVICES TO BE PROVIDED. FIRM will provide civil legal services as outlined in the CITY's REQUEST FOR PROPOSALS FOR CIVIL ATTORNEY LEGAL SERVICES, March 2014, and contained in the FIRM's proposal dated April 16, 2014 (Attachment "A") upon request of the City Council or City Administrator or the City Council's or City Administrator's designated representative(s).
7. COMPENSATION, BILLING AND PAYMENT PROCEDURES:

7.1. Rates. The following table contains the applicable hourly rates to be billed by FIRM and paid by CITY for civil legal services.

HOURLY RATES		2014	2015	2016
<b>General Municipal Matters</b> <sup>1</sup> All civil legal services provided to the City by Flaherty & Hood not otherwise listed as Employment and Real Estate or Litigation matters.	<b>Attorneys</b>	\$115/hr.	\$115/hr.	\$115/hr.
	<b>Other Legal</b>	\$60/hr.	\$60/hr.	\$60/hr.
<b>Employment and Real Estate Matters</b> Advise and represent the City in real estate transactions, and labor relations, employment law and human resources matters.	<b>Attorneys</b>	\$135/hr.	\$135/hr.	\$135/hr.
	<b>Other Legal</b>	\$70/hr.	\$70/hr.	\$70/hr.
<b>Litigation Matters</b> Advise and represent the City in all contested matters, where no insurance coverage is otherwise available, including but not limited to: state or federal district court or appellate civil litigation; mediation; arbitration; eminent domain; administrative proceedings before state or federal agencies; and like proceedings.	<b>Attorneys</b>	\$155/hr.	\$155/hr.	\$155/hr.
	<b>Other Legal</b>	\$80/hr.	\$80/hr.	\$80/hr.

<b>Minimum Increment of Time Billed for Services</b>	<b>15 min.</b>	<b>15 min.</b>	<b>15 min.</b>
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<sup>1</sup> There shall be no charge for travel time or mileage expenses for attendance at City Council meetings.

7.2. Expenses. Unless otherwise provided herein, in addition to the applicable fees for services rendered to CITY by FIRM, CITY shall also reimburse FIRM for all expenses FIRM incurs in performing services for CITY pursuant to the following schedule:

Travel time .....	50% of the applicable hourly rate
Mileage.....	Applicable I.R.S. rate
Black and white copies.....	15 cents/per page
Color copies .....	75 cents/per page
Fax.....	15 cents/per page
Westlaw.....	As applicable to required usage
Long distance .....	Actual cost
Parking .....	Actual cost
Postage .....	Actual cost
Messenger .....	Actual cost
Court costs/fees .....	Actual cost
Arbitration cost/fees.....	Actual cost
Contested case costs/fees .....	Actual cost
Expert costs/fees.....	Actual cost

7.3. Billing Procedure. CITY shall pay FIRM for the services rendered by FIRM to CITY and expenses incurred on a monthly basis in accordance with this Agreement. FIRM will submit monthly bills to CITY for services rendered in the prior month in addition to expenses incurred to the date of billing. Bills will include statements itemizing legal services rendered by category for the prior month, along with associated expenses. CITY will pay the bill of FIRM within thirty (30) days or less of its receipt by CITY. Certain expenses incurred in a respective month may not be known to FIRM until after the monthly bill for legal services has been prepared and mailed to CITY for payment. For example, long distance telephone charges may not be received until after the time for the corresponding legal services has been billed and paid. FIRM and CITY agree that FIRM may seek reimbursement of expenses in subsequent billing cycles as necessary.

7.4. Disputes. In the event that CITY disputes any aspect of FIRM's bill, the City Administrator shall contact Christopher M. Hood at FIRM stating the nature of the dispute. The parties pledge their mutual good faith in resolving any disputes.

7.5. Interest. Because CITY will be paying FIRM's bills within thirty (30) days from their receipt, no interest will be charged. If CITY determines that it will be necessary to deviate from that payment schedule, then CITY will notify FIRM

thereof. An interest rate of eight (8) percent per annum will be charged to CITY if CITY does not pay any bill of FIRM within thirty (30) days or less of its receipt by CITY with such arrangement subject to change as may be mutually agreed between the parties.

- 7.6. Alternative Fee Arrangement. FIRM and CITY may discuss and enter into alternative fee arrangements, including a monthly retainer.
- 7.7. Rate Adjustments. FIRM may adjust its hourly rates or monthly retainer, as applicable, annually beginning January 1, 2017 with 30 days written notice to CITY.
8. MATTERS COVERED BY INSURANCE: CITY will be responsible for submitting claims for insurance coverage to various insurance carriers. Whenever a claim is made with an insurance carrier that arises out of a legal issue within the scope of this Agreement, CITY may recommend that FIRM be utilized by the insurance carrier in the matter for which the claim is made. CITY may recommend FIRM to an insurance carrier for claims arising out of matters that are outside of the scope of this Agreement. At the point in time when an insurance carrier admits coverage and to the extent that they will provide retroactive payments for attorneys fees, FIRM will receive its payments for services rendered from the insurance carrier and not CITY. To the extent that an insurance carrier does not pay for legal services rendered by FIRM, including any deductibles, CITY will pay FIRM for services rendered at the rates charged to the insurance company. FIRM shall assist CITY in representing its interests before the insurance carrier and in selecting legal counsel should the insurance carrier not utilize FIRM.
9. TERM AND TERMINATION: This Agreement shall commence on July 1, 2014 or following execution of the parties, whichever occurs first, and shall continue in effect for a period of five years ending on June 30, 2019. This agreement may continue past this date by mutual written agreement of the FIRM and the CITY. Notwithstanding the foregoing, this Agreement may be terminated by CITY at any time or by FIRM upon 90 days written notice, provided however, that FIRM's termination of this Agreement shall be governed by Rule 1.16 of the Minnesota Rules of Professional Conduct. CITY shall pay FIRM for the work performed prior to the effective date of termination based upon the payment terms of this Agreement.
10. NOTICE: Any notices required under the provisions of this Agreement shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:
- 10.1. Notice to CITY shall be mailed or delivered to City Administrator, City of Northfield, 801 Washington Street, Northfield, MN 55057-2565.
- 10.2. Notice to FIRM shall be delivered to Christopher M. Hood, Flaherty & Hood, P.A., 525 Park Street, Suite 470, St. Paul, MN 55103.

11. STATUS OF FIRM AS INDEPENDENT CONTRACTOR: FIRM shall be an independent contractor for all purposes and shall be entitled to no compensation other than the compensation provided for in this Agreement. No statement contained in this Agreement shall be construed so as to find FIRM to be an employee of CITY. FIRM shall not be entitled to any of the rights, privileges, or benefits of employees of CITY, including but not limited to, workers' compensation, health/death benefits and indemnification for third-party personal injury/property damage claims. FIRM acknowledges and agrees that no withholding or deduction for state or federal income taxes, FICA, FUTA, or otherwise, will be made from the payments due FIRM and that it is FIRM's sole obligation to comply with the applicable provisions of all federal and state tax laws. FIRM shall at all times be free to exercise initiative, judgment and discretion as to how to best perform or provide services identified herein. FIRM is responsible for hiring sufficient workers to perform the services/duties required by this Agreement, withholding their taxes, and paying all other employment tax obligations on their behalf.
  
12. DATA PRACTICES: All data collected, created, received, maintained or disseminated for any purposes by the activities of FIRM because of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as amended, the Minnesota Rules implementing such act now in force or as adopted, as well as federal regulations on data privacy. This paragraph does not create a duty or any obligation on the part of FIRM to provide access to public data to the public for inspection or otherwise if the public data are available from CITY.
  
13. AUDITS: Pursuant to Minn. Stat. §§ 6.551 and 16C.05, subd. 5, FIRM agrees that CITY, the State Auditor, or any of their duly authorized representatives, may examine any books, records, documents and the accounting practices and procedures of FIRM. If either CITY or FIRM requests that the State Auditor conduct such an examination, then the requesting party is liable for the costs of the examination.
  
14. INDEMNIFICATION AND INSURANCE: FIRM agrees it will defend, indemnify and hold harmless CITY, its officers and employees against any and all liability, loss, costs, damages and expenses which CITY, its officers or employees may hereafter sustain, incur, or be required to pay arising out of FIRM's negligence related to performance of this Agreement. FIRM further agrees that in order to protect itself as well as CITY under the indemnity provision set forth above, it will at all times during the term of this Agreement keep in force lawyers professional liability insurance with a coverage amount of not less than \$2 million/occurrence and \$4 million/aggregate. The FIRM shall provide the City with a Certificate of Insurance showing all of the coverages that the firm carries.

CITY agrees it will defend, indemnify and hold harmless FIRM, its officers and employees against any and all liability, loss, costs, damages and expenses which FIRM, its officers or employees may hereafter sustain, incur, or be required to pay arising out of CITY's negligence related to performance of this Agreement.

15. CONFLICTS OF INTEREST: FIRM shall use its best efforts to meet all professional obligations to avoid conflicts of interest and appearances of impropriety in representation of CITY. In the event of a conflict, FIRM, with the consent of CITY, shall arrange for suitable alternative legal representation. It is the intent of FIRM to refrain from handling legal matters for any other person or entity that may pose a conflict of interest.
16. ATTORNEY-CLIENT PRIVILEGE: FIRM is authorized to utilize email without encryption to transmit and receive confidential client information and to use cellular telephones and other wireless devices for the same purposes. CITY specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception.
17. FORCE MAJEURE: Each party shall be excused from any breach of this Agreement which is proximately caused by war, strike, act of God or other similar circumstance normally deemed outside the control of well-managed businesses.
18. GOVERNING LAW: This Agreement is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
19. HEADINGS AND CAPTIONS: Headings and captions contained in this Agreement are for convenience only and are not intended to alter any of the provisions of this Agreement.
20. ENTIRE AGREEMENT: This Agreement contains the entire Agreement for legal services between the parties hereto. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding on the parties.
21. MODIFICATION: Any modification of the provisions of this Agreement shall be reduced to writing and signed by the parties hereto.
22. SEVERABILITY IN EVENT OF PARTIAL INVALIDITY: If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.
23. CITY APPROVAL: The City Council has approved FIRM's retainer to provide civil legal services for CITY during the term of this Agreement. The signing of this Agreement will be ministerial and the FIRM is authorized to commence performing services on July 1, 2014, or following execution of this Agreement, whichever occurs first.
24. AGREEMENT NOT ASSIGNABLE. Except relating to conflicts of interest, the rights and obligations created by this Agreement may not be assigned by either party.
25. AGREEMENT NOT EXCLUSIVE. Notwithstanding this Agreement, CITY retains the right to hire other legal representation for CITY for any legal matter, which FIRM

has a conflict of interest or which is not typically covered under the scope of this Agreement such as, for example, bond or cable franchising issues. CITY will inform the FIRM of its intention to hire other legal counsel on a matter and will seek input and advice from FIRM regarding selection of an attorney.

26. WORK PRODUCTS. All records, information, materials and other work products prepared and developed in connection with the provision of services pursuant to this Agreement shall become the property of the CITY.

IN WITNESS WHEREOF, CITY and FIRM have executed this Agreement and it is effective on the latest date affixed to the signatures hereto.

**CITY OF NORTHFIELD**

By: Dana Graham  
Dana Graham, Its Mayor

By: Deb Little  
Deb Little, Its City Clerk

Date: 7/8/2014

**FLAHERTY & HOOD, P.A.**

By: Christopher M. Hood  
Christopher M. Hood

Date: 7/23/14





**City of Northfield**  
Request for Proposals for City Attorney  
Legal Services

**Contact Information:**

Christopher M. Hood, Principal/Attorney

525 Park Street, Suite 470

Saint Paul, MN 55103

Phone: 651-225-8840

Email: [cmhood@flaherty-hood.com](mailto:cmhood@flaherty-hood.com)

Website: [www.flaherty-hood.com](http://www.flaherty-hood.com)

April 16, 2014

April 16, 2014

Deborah Little, City Clerk  
City of Northfield  
801 Washington Street  
Northfield, MN 55057

**Re: Request for Proposals for City Attorney Legal Services**

Dear Ms. Little:

Serving cities in Minnesota has been Flaherty & Hood, P.A.'s ("Flaherty & Hood") primary focus since the firm's inception in 1992. I am, therefore, pleased to submit the enclosed proposal to provide civil city attorney legal services to the City of Northfield (the "City" or "Northfield").

Flaherty & Hood is a distinctive law firm that specializes in serving cities in Minnesota, like Northfield. Our philosophy is to represent the best interests of our city clients in a cost-effective and efficient manner while protecting the rights of our clients and achieving successful outcomes for cities and their taxpayers.

**Why Should Northfield Hire Flaherty & Hood?**

There are many reasons why Northfield should retain Flaherty & Hood, including the following:

1. **High-Quality and Timely Service.** Flaherty & Hood views Northfield as one of our best clients. Northfield's projects are always given high priority and the timing of projects is discussed early in order to meet deadlines. As a growing law firm with a strong history of public service, Flaherty & Hood is well-equipped to provide the City consistent, sound and timely advice on all of Northfield's civil legal questions and projects.
2. **Comprehensive Services.** No other firm offers the same comprehensive services that Flaherty & Hood provides—including civil legal services, legislative services, policy analysis and communications support. With the exception of bond counsel, Flaherty & Hood represents a one stop shop for the City. No other firm can provide the same high quality, wide-ranging services at as affordable a price.
3. **Exclusive Representation Without Conflicts of Interest.** Unlike our competitors, Flaherty & Hood almost exclusively serves cities in Minnesota, which in addition to strengthening our expertise in providing municipal legal services, also frees us from the numerous conflicts of interest that often arise with other firms who represent private or other public interests that may be adverse to the City.

4. **Competitive Rates.** Because Flaherty & Hood has dedicated its legal practice to serving the needs of Minnesota cities, we have and will continue to provide significantly reduced government rates to our city clients, including Northfield. Flaherty & Hood provides competitive rates while maintaining the highest quality legal services.

#### **What Services Does Flaherty & Hood Provide?**

Flaherty & Hood provides a full range of civil legal services to our municipal clients, including Northfield. These services include *general* municipal matters such as contracts, real estate, land use, development, public labor and employment, data practices and open meeting law, among others. In addition, Flaherty & Hood excels at providing legal services in complex, *special* project areas such as labor contract negotiations, grievance and interest arbitrations, orderly annexations, utility and regulatory issues, eminent domain, wastewater permitting and environmental review. Our experience in these specialized areas sets Flaherty & Hood apart from our competition.

Flaherty & Hood currently serves as city attorney for the cities of Bagley, Grand Marais, Northfield, Park Rapids, Pequot Lakes, Plainview, St. Charles, Willmar and Winona in addition to being special legal counsel for dozens of other cities across the state. Our experience also includes representation of clients in federal and state district and appellate courts, before administrative agencies and in arbitration proceedings.

Finally, with offices in St. Paul and Winona, Flaherty & Hood can participate, as the City desires and to best meet the City's needs, in City Council meetings and meetings with city staff in person or through the use of telecommunications technology.

#### **The Flaherty & Hood Proposal**

Enclosed please find Flaherty & Hood's proposal to provide civil city attorney legal services to the City of Northfield. The enclosed proposal includes detailed information as requested in the City's *Request for Proposals for City Attorney Legal Services, March 2014*.

I am confident that Flaherty & Hood will continue to provide the highest quality legal services to Northfield should you decide to once again retain us. Should you desire to discuss our services in more detail, please contact me at (651) 225-8840 or via email at [cmhood@flaherty-hood.com](mailto:cmhood@flaherty-hood.com). Thank you for your consideration, and I look forward to hearing from you soon.

Very truly yours,

**FLAHERTY & HOOD, P.A.**



Christopher M. Hood

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## FIRM BACKGROUND

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### ***History of Flaherty & Hood***

Prior to founding the firm in 1992, Tim Flaherty was a shareholder and attorney at Briggs & Morgan, where he provided legislative representation for local governments. In 1993, Chris Hood was hired as an associate attorney to meet the legal service needs of cities in Minnesota, particularly in the areas of municipal law and land use law. Having become a shareholder with the firm in 2000, Chris has led Flaherty & Hood in growing its legal practice, which currently comprises approximately half of the firm's business.

Under Chris's leadership, the firm's legal services have expanded to incorporate environmental law, real estate law, public labor and employment law, economic development, energy law and administrative law, in addition to municipal law and land use law. To avoid potential conflicts of interest, the firm has also grown by serving Minnesota cities almost exclusively.

Currently, the firm employs ten attorneys, six of whom are strictly dedicated to providing legal services. Other attorneys and staff members also often participate in special legal projects to provide their expertise in legislative, public relations and communications and policy analysis matters.

### ***Approach to Providing Legal Services***

Flaherty & Hood fully understands that the attorney-client relationship is between Flaherty & Hood and the City Council, meaning Flaherty & Hood exclusively represents the City Council.

In representing the City, Flaherty & Hood will work with the City Council, Mayor, City Administrator and city staff to ensure that all legal projects are completed at the highest quality and in a timely and cost-effective manner while protecting and maintaining our professional responsibility to the City Council. Furthermore, given our extensive experience with serving Minnesota cities, we understand the importance of open and honest communication between the Council, Mayor, City Administrator and city staff regarding legal issues and will maintain the highest degree of professionalism while working with these groups.

With this understanding in mind, Flaherty & Hood strives to represent the best interests of our municipal clients in a cost-effective and efficient manner while protecting the rights of our clients and achieving successful outcomes for the city and its taxpayers. Our objective is amicable resolution of legal issues, but not at the expense of good judgment and compliance with the law.

To meet this objective, Flaherty & Hood thoroughly researches and analyzes legal issues facing city clients; identifies, presents, explains implications and makes recommendations, if advisable, on options to resolve issues; and develops positive, professional and productive working relationships with the City Council, Mayor, City Administrator and city staff in providing services. Flaherty & Hood will zealously advocate for and vigorously defend the interests of the City of Northfield.

## ATTORNEYS FOR THE CITY OF NORTHFIELD

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**Chris Hood and Robert Scott** will continue to be the primary attorneys and contacts for the City and will be responsible for ensuring that the legal projects assigned to the firm by the City are completed in a timely, cost-effective and professional manner.

- **Chris** is a shareholder and principal attorney at Flaherty & Hood. With over 20 years of experience in representing Minnesota cities, Chris has concentrated his practice in the areas of municipal law, labor relations and public employment law, annexation and land use law, real estate law, environmental law and administrative law. Chris serves as city attorney for the cities of Bagley, Grand Marais, Northfield, Park Rapids, Pequot Lakes, Plainview, St. Charles, Willmar and Winona and is special legal counsel to numerous cities throughout the state.
- **Robert** is a senior attorney at Flaherty & Hood and specializes in municipal law, civil litigation, annexation and land use law, administrative law, and public labor and employment law. Robert also serves as assistant city attorney for the Firm's above-mentioned city attorney clients.

As needed, Chris and Robert will draw upon the experience of the firm's other in-house attorneys, and Of Counsel, to best serve Northfield's needs. The following attorneys will be available to the City:

- **Timothy Flaherty.** Tim is the senior shareholder and principal attorney at Flaherty & Hood. Tim has 30 years of experience in representing cities in Minnesota on developing and implementing successful legislative programs. In addition to his legislative experience, Tim concentrates his practice in the areas of contract law and municipal law.
- **Brandon Fitzsimmons.** Brandon is a shareholder and senior attorney at Flaherty & Hood and concentrates his practice in the areas of public labor and employment law, municipal law and administrative law. Brandon has developed extensive experience on complicated public labor relations, employment and human resources matters through advising and representing dozens of cities and public utilities on these issues, including Northfield, Melrose, Sartell, Waite Park, Crookston, Detroit Lakes, East Grand Forks, Glencoe, Grand Rapids, Hinckley, Marshall, Owatonna, Redwood Falls, Staples, Thief River Falls and Winona, among others.
- **Steve Nyhus.** Steve is a senior attorney at Flaherty & Hood and concentrates his practice in the areas of environmental law, public utilities law and real estate law. Steve has extensive experience advising government entities on environmental regulatory and wastewater permitting issues, including for the Minnesota Environmental Science and Economic Review Board, the Alexandria Lakes Area Sanitary District, and the cities of Luverne, Red Wing, Crookston, Osakis, Worthington and Albany, among others. Steve also works with municipal electric utilities and has a growing practice assisting cities with real estate transactions and property development.

- **Mike Flaherty.** Mike is an associate attorney at Flaherty & Hood and concentrates his practice in the areas of municipal law and criminal prosecution.
- **Jan Petersen.** With over 30 years of experience, Jan is Of Counsel at Flaherty & Hood and is the retired city attorney for the City of St. Cloud. Jan also serves as city attorney for the City of Sartell. Jan is one of the most respected city attorneys in Minnesota and would be available to advise the City to best complete its legal projects. In addition to his extensive experience as city attorney, Jan is past president of the Minnesota Association of City Attorneys and the Minnesota Public Employer Labor Relations Association.

Detailed resumes for each of the above attorneys are available in **Appendix A** of this proposal.

### ***Other Flaherty & Hood Staff***

In addition to the attorneys listed above that will serve the City, the following attorneys and employees make up the staff at Flaherty & Hood. All staff members are full-time employees with the exception of Glen Fladeboe, who is a part-time employee, and Jan Petersen, who is Of Counsel.

#### ***Attorneys***

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<b>Bradley M. Peterson</b>	Senior Attorney
<b>Elizabeth A. Wefel</b>	Senior Attorney
<b>Chris J. Henjum</b>	Attorney/Policy Analyst

#### ***Staff***

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<b>Amanda C. Duerr</b>	Lobbyist/Director of Communications
<b>Glen D. Fladeboe</b>	Senior Media Advisor
<b>Mike J. Miller</b>	Senior Lobbyist
<b>Lucas A. Golliet</b>	Human Resources Analyst
<b>Julie L. Liew</b>	Client Support Manager
<b>Roseann S. Shaw</b>	Paralegal
<b>Colleen F. Millard</b>	Office Administrator
<b>Christina M. Hughes</b>	Legal Assistant

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## ACCESSIBILITY

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### ***Availability***

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Chris Hood and Robert Scott will continue to be the primary attorneys assigned to ensure legal services provided to Northfield are completed timely, accurately and cost-effectively. From time to time, other attorneys in the Firm, including Tim Flaherty, Brandon Fitzsimmons, Jan Petersen and Steve Nyhus, may also be called upon to provide services to the City based on their specific areas of specialty should the need arise.

### ***Response Time***

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Flaherty & Hood has and will again commit to going the extra mile for Northfield in order to provide timely, thorough and accurate responses to the City's questions and projects. The timing for each project will be discussed early in order to meet every deadline set by the City. Flaherty & Hood will strive to have an attorney available to answer all of the City's calls immediately. Even if an attorney is not immediately available, we pledge to return the City's calls within four hours or less.

### ***Reporting***

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Flaherty & Hood will provide reports to the City on any matter, if requested by the City.

### ***Office Information and Locations***

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The Flaherty & Hood St. Paul office is located one block from the State Capitol in close proximity to the State Legislature, the Appellate Courts and various state administrative agencies. We also have a regional office located in Winona to serve the legal services needs of cities in the southeast region. We have and can continue to attend City Council meetings or meetings with City staff when desired or needed in person or through teleconference. The firm is well-equipped with telecommunications technology such as conference calling capabilities, cell service with email and internet access.

General firm contact information for the St. Paul and Winona offices is provided below:

#### **St. Paul Office**

Flaherty & Hood, P.A.	Phone: 651-225-8840
525 Park St., Suite 470	Fax: 651-225-9088
St. Paul, MN 55103	Email: <a href="mailto:cityattorney@flaherty-hood.com">cityattorney@flaherty-hood.com</a>
	Online: <a href="http://www.flaherty-hood.com">www.flaherty-hood.com</a>

#### **Winona Office**

Flaherty & Hood, P.A.	Phone: 507-205-4905
111 Riverfront, Suite 306	Fax: 507-474-9330
Winona, MN 55987	Email: <a href="mailto:cityattorney@flaherty-hood.com">cityattorney@flaherty-hood.com</a>
	Online: <a href="http://www.flaherty-hood.com">www.flaherty-hood.com</a>



### ***Computer and Technology Capabilities***

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Each member of the firm has a computer with the full Microsoft Office Suite and other applicable software, full internet access, an email address, a telephone extension with voicemail and conference call capabilities and a cell phone. In addition, we are equipped with a fax machine, black and white and color scanners and black and white and color copy machines.

The firm's St. Paul office can also accommodate up to 80 people and can be used for training, seminars or other presentations. Our location, with available parking and conference rooms, also provides our municipal clients with meeting space and easy walking access to the State Capitol, state agencies and the League of Minnesota Cities building.

### ***Legal Research Capabilities***

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Flaherty & Hood is located one block from the Legislative Reference Library and three blocks from the State Law Library. We are also in close proximity to the Ramsey County Law Library and William Mitchell College of Law Library. We have full Westlaw and internet resources for legal research.

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## FIRM EXPERIENCE

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### ***General Experience and Experience with Municipal Issues***

Flaherty & Hood's expertise in providing legal services will successfully fulfill Northfield's needs as outlined in the City's *Request for Proposals for City Attorney Legal Services, March 2014*. Below are more detailed accounts of how our experience will benefit the City.

### ***Municipal and Joint Powers***

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Flaherty & Hood has the experience and expertise to assist Northfield with all facets of municipal law. Our experience includes, but is not limited to, advice, analysis, negotiation, representation and drafting and reviewing documents in the areas that follow:

- Minnesota Open Meeting Law
- Minnesota Government Data Practices Act
- Contracts for services
- Intergovernmental and joint powers agreements
- Ordinances and resolutions
- Charter review, analysis and compliance with state law
- City code review, analysis and compliance with state law
- City Council, boards and commissions procedures
- Training for city officials and staff
- Legal compliance

Flaherty & Hood has assisted cities throughout the state with research and advice on many general municipal issues, including but not limited to those listed above and on labor relations, public employment, human resources, environmental review, environmental permitting, real estate, land use and development, special assessment, condemnation, tax abatement and competitive bidding. Flaherty & Hood has also drafted numerous municipal agreements, resolutions and ordinances, and required correspondence to residents and entities.

### ***Labor Relations, Employment Law & Human Resources***

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Labor relations, employment and human resources issues are both complex and costly, and impact cities on a daily basis. Through our experience serving other individual cities and managing the Labor & Employee Relations Committee for the Coalition of Greater Minnesota Cities, Flaherty & Hood has developed a unique specialization in this area that allows us to serve the City with all facets of public labor and employment law, including, but not limited to, the following:

#### ***Labor Relations:***

- **Labor Contract Negotiations.** Flaherty & Hood represents cities in labor contract negotiations and mediations with unions; develops strategies and proposals; reviews labor contracts and recommend changes; and collects, compiles and summarizes data from comparable cities on wages, health insurance, contract settlements and other data.
- **Grievances.** Flaherty & Hood investigates employee grievances, drafts responses and settlement proposals for cities and represents cities at grievance meetings and hearings.

- **Arbitrations.** Flaherty & Hood represents cities in grievance and interest arbitration hearings and compiles and analyzes relevant information and data for use at arbitration, including ability to pay and comparable cities analyses. We also research state-provided lists of arbitrators and provide ranking order for purposes of striking and selection.
- **Bureau of Mediation Services (BMS) Proceedings.** Flaherty & Hood prepares filings for the BMS and represents cities at meetings, settlement negotiations, mediations and hearings. We also prepare and represent cities in proceedings for exclusive representative certification, decertification and determination of affiliation; unit determinations and clarifications; fair share fee challenges; and independent review.

*Employment Law:*

- **Representation.** Flaherty & Hood represents cities in employment contract negotiations, mediation, arbitration, administrative proceedings, litigation and appeals.
- **Advice.** Flaherty & Hood advises cities on selecting and hiring employees; misconduct, harassment, and discrimination; improving performance; proceeding with discipline and discharge actions, and reorganizing.
- **Investigations.** Flaherty & Hood investigates personnel misconduct, performance problems, harassment and discrimination.
- **Legal Compliance.** Flaherty & Hood reviews, interprets and advises cities on compliance with employment laws such as public labor relations laws (PELRA), discrimination laws (Title VII, ADEA, ADA, MHRA), wage and hour laws (FLSA), health and benefits laws (FMLA, PERA), Minnesota Government Data Practices Act, Minnesota Open Meeting Law, Veterans' Preference Act and Pay Equity Act.

*Human Resources:*

- **Personnel Policies and Practices.** Flaherty & Hood reviews policies and practices, drafts new and revisions to policies and handbooks, advises on implementing revisions, and develops forms and systems for personnel record organization.
- **Hiring and Discipline Processes.** Flaherty & Hood advises, reviews and drafts revisions to documents and procedures for cities involving civil service rules; personnel policies; job postings/advertisements; applications; testing, examination and scoring procedures; interviews; background and reference checks; offer and rejection letters; investigations into performance problems and misconduct; issuing discipline; and disciplinary hearings.
- **Performance Appraisal Systems.** Flaherty & Hood performs research for and advises cities on developing and implementing performance appraisal systems, especially in a unionized setting.
- **Job Descriptions.** Flaherty & Hood reviews and advises cities on job analysis procedures including employee interviews and questionnaires and drafts and revises job descriptions.
- **Job Evaluation.** Flaherty & Hood establishes uniform compensable factors and subfactors for jobs and determines points for each job.
- **Compensation.** Flaherty & Hood compiles, reviews and analyzes market compensation data; develops pay schedules and draft compensation-related plans and policies.
- **Comparable Worth.** Flaherty & Hood advises and reviews city pay equity compliance reports, pay plan studies and appeals to the Office of Minnesota Management and Budget on pay equity compliance matters.

- **Management Training.** Flaherty & Hood conducts training sessions for management employees on hiring, compensation, performance matters, discipline and handling grievances.

### ***Land Use and Annexation***

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Flaherty & Hood is known statewide as a leader in land use law and annexation, and will use this expertise to guide the City through such matters. Our experience includes, but is not limited to, advice, analysis, negotiation, representation and drafting and reviewing documents in the areas that follow:

- Orderly annexation agreements
- Annexations by ordinance
- Contested annexation proceedings
- Tax abatement policies and agreements
- Development and intergovernmental agreements
- Special assessment process and appeals
- Eminent domain process and proceedings
- Zoning, variances, non-conforming uses and conditional uses
- District and appellate court litigation

Flaherty & Hood has assisted cities in numerous land use matters including advice, negotiations and representation in eminent domain proceedings for the cities of Northfield, Sartell and Luverne. Flaherty & Hood has advised cities and developed proposed findings with respect to rezoning, variances, non-conforming uses and conditional uses for the cities of Northfield, Park Rapids, Winona and Grand Marais. Flaherty & Hood has negotiated favorable settlements in contested annexation and detachment proceedings for the cities of Morris, La Crescent and Princeton. In annexation matters, Flaherty & Hood has represented cities in contested case annexation proceedings, negotiated and drafted orderly annexation agreements and ordinances and advised cities and city attorneys on the myriad of legal issues raised in annexation matters.

### ***Economic Development***

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Flaherty & Hood has advised and assisted cities with tax abatement, tax increment financing (TIF), corporate subsidies and capital investment agreements, policies and projects. Flaherty & Hood also advises local development agencies such as port authorities, economic development authorities (EDA) and housing and redevelopment agencies (HRA).

### ***Real Estate***

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Flaherty & Hood has a growing practice in providing real estate services to communities throughout Minnesota. Our real estate practice is the natural outgrowth of our experience in environmental, land use and development issues. Our experience includes, but is not limited to, advice, analysis, negotiation, representation and drafting and reviewing documents in the areas that follow:

- Residential and commercial purchase agreements and addenda
- Roadway and utility permanent and temporary easements

- Conservation, park and trail easements
- Deeds and conveyances
- Eminent domain process and proceedings
- Property acquisitions and development

### ***Contract Law***

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Flaherty & Hood has extensive experience in the negotiation, drafting, interpretation and litigation of contract issues related to intergovernmental cooperation, sewer service extension, insurance, corporations, development, consultant services, purchasing, construction, joint powers, municipal leases and licenses, orderly annexation and employment agreements.

### ***Environmental Law***

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Flaherty & Hood has built an environmental practice that helps communities like Northfield navigate the complexities of federal and state environmental regulations. Our attorneys have extensive experience dealing with the staffs of the Minnesota Pollution Control Agency, the Minnesota Environmental Quality Board, Minnesota Department of Health, the Office of Administrative Hearings, the Attorney General's office and other state departments and agencies. These partnerships give Flaherty & Hood a unique capacity to assist clients with National Pollutant Discharge Elimination System (NPDES) permitting services, environmental review services and other legal, administrative and legislative services. Our experience includes, but is not limited to, advice, analysis, negotiation, representation and drafting and reviewing documents in the areas that follow:

- Environmental review (EAW, EIS, AUAR)
- Wastewater treatment permits
- Pretreatment agreements with Significant Industrial Users (SIUs)
- Notices of Violation
- Sewer use and interconnection agreements
- Wetlands Conservation Act issues
- Administrative hearings, contested cases and appeals

Flaherty & Hood favorably settled wastewater permitting matters in contested cases for the cities of Faribault and Owatonna, defeated respective challenges to the wastewater discharge permits for the City of St. Cloud and the Alexandria Lake Area Sanitary District in the Minnesota Court of Appeals and Supreme Court, and negotiated reasonable wastewater permit conditions for cities such as Red Wing, Crookston, Albany and Osakis. On behalf of its clients, Flaherty & Hood assisted in developing a point-point nutrient trading program for cities and businesses in the Minnesota River Basin, and is participating in the development of watershed cleanup plans for Lake Byllesby, Lake Winona in Douglas County and Lake Pepin.

Flaherty & Hood represents clients in the interpretation and litigation of wastewater discharge permits, on environmental review matters, state pollution control statutes and regulations and zoning and sanitary sewer extension issues. We are also involved in the development of water quality policy at the Legislature and the Minnesota Pollution Control Agency. We also serve as general counsel to the Minnesota Environmental Science and Economic Review Board

(MESERB), which is a joint powers organization of city wastewater treatment operators, public utilities commissions and environmental engineers that works specifically on legal and regulatory issues affecting wastewater treatment.

### ***Litigation and Contested Cases***

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Flaherty & Hood has the experience and expertise to assist Northfield with all facets of matters involving litigation or contested cases. Our experience includes but is not limited to advice, analysis, negotiation, representation and drafting and reviewing documents in the areas that follow:

- Pre-trial motions
- Settlement negotiations
- Discovery and dispositive motion practice
- Litigation in state and federal district courts, the Minnesota Court of Appeals and Supreme Court, the U.S. 8th Circuit Court of Appeals, the Minnesota Office of Administrative Hearings and in arbitrations
- Representation in administrative matters before state and local agencies including but not limited to the Minnesota Bureau of Mediation Services; the Department of Employee Relations; the Minnesota Pollution Control Agency; the Department of Transportation; the Offices of Administrative Hearings and Management and Budget; Veterans Preference Panels; and Civil Service Commissions

### ***Criminal Prosecution***

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Flaherty & Hood provides criminal prosecution services on petty misdemeanors, misdemeanors and gross misdemeanors to the City of Winona as its city attorney.

### ***Other***

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In addition to traditional legal counsel, our firm provides legislative, policy and fiscal analysis services, and public relations and communications support to cities upon request. These services are beneficial for both legal and legislative matters.

- ***Legislative, Policy & Fiscal Analysis Services:*** Flaherty & Hood is known statewide as a leader in representing cities at the State Capitol. The combination of our legal and legislative services has proven to be advantageous for our municipal clients, as we are able to recognize unique situations when a legal problem requires a legislative solution. Flaherty & Hood excels at direct legislative advocacy with policy makers, legislative monitoring, representation with state agencies and boards, issue research and public policy development, legislative drafting and media advocacy.
- ***Public Relations & Communications:*** Our public relations staff specialize in garnering “earned media”—media attention from unpaid sources, such as newspapers, television news, radio, and online publications—for our clients. By targeting earned media, our clients achieve statewide recognition without the cost required for paid media. Additionally, Glen Fladeboe, our senior media adviser, has extensive experience dealing with local and regional news organizations and in advising government entities on how to respond to media inquiries on controversial issues. Our services are also beneficial for

helping a city promote local events and festivals, but could also be useful in terms of training the council or city staff in engaging and responding to local media. Our communications staff also specializes in designing websites, newsletters, brochures and other communications pieces.

### ***Presentations and Trainings***

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Flaherty & Hood attorneys have prepared and presented on numerous legal issues to elected officials, professionals, city staff, attorneys and students, including the following:

#### **Labor Relations, Employment Law and Human Resources**

- The Grievance and Interest Arbitration Environment: What is happening and how could it affect your city?
- Defending Labor Contract Grievances
- Labor Negotiation and Mediation Strategies under Tight Budgets
- Contracting Local Government Services: Legal and Union Hurdles
- Trends in Labor Contract Negotiations and Effective Language
- Steps and Hurdles in Reorganizing Local Government
- Personnel Cost-Saving Measures for the Public Sector
- Labor Mediation – How does it work, What are the pitfalls, and How do you properly position yourself for interest arbitration?
- Keys to hiring, disciplining, and terminating
- Interest Arbitration Update; What is the Process, What is Happening With Awards, and How Will This Impact You in Negotiations?
- Auditing Your Personnel Policies
- Scheduling Hours, Shifts, Days, and Overtime: How to handle in union setting and what to include—or omit—in your labor contracts
- An Employee's Fitness for Duty – Examinations and Legal Compliance
- Fitness for Duty; How do you evaluate and manage within the law?
- Using Non-regular Employees to Your Advantage
- Effective Performance Evaluations
- Collective Bargaining in Minnesota's Public Sector
- Handling Potential Employee Discipline
- Improving Performance and Disciplining
- Handling Assignments, Grievances, and Personnel Problems in a Unionized Workplace
- Hiring Best Practices
- FLSA Compliance with New Regulations
- FLSA in Depth
- Managing Layoffs
- Military Leave: Employee Rights and Employer Obligations
- Recognizing and Ending Past Practices
- Recruitment and Retention of Police Officers

## **Environment**

- Minnesota Environmental Institute
- Complying with Water Quality Laws and Regulations
- Water Law Update
- Clean Water Basics
- Boiling Topics in Water Law
- The New Seascape of Impaired Waters – Living with TMDLs
- Water Quality Standards and NPDES Permitting
- The Royal Flush: A Wastewater Issues Update
- “TMDL 101” and the Minnesota River Basin
- Regulatory Issues Affecting Wastewater Treatment
- Rule Updates and Water Quality Initiatives
- Impaired Waters Seminar Presentation and Panel Discussion

## **Land Use**

- Growth Interrupted: Getting Environmental Review Right the First Time
- Minnesota’s Land Use Planning Puzzle: Annexation Law Basics
- Negotiating and Drafting Orderly Annexation Agreements
- Winning Strategies for Annexation Cases
- Perspectives from Key Players on Balancing Environmental Protection with Economic Development
- Beyond the Basics of Annexation
- Minnesota’s New Boundary Adjustment Process
- Greater Minnesota Urban Centers: How Annexation Works Now
- League of Minnesota Cities: Annexation and Land Use Update
- Annexation Process in Minnesota
- What to do if the MPCA orders you to provide sewer service
- Do joint orderly annexation agreements work?
- Cooperation and Combination
- The politics of annexation and land use; Where do we go from here?
- Automatic Annexation Procedures

## **General/Municipal**

- Hot Topics for Greater Minnesota Urban Centers
- Open Meeting Law Training
- Government Data Practices Act Training
- Conflict of Interest Training
- Data Practices and Records Retention

## **CLE Attendance**

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Flaherty & Hood ensures that all of our attorneys meet their continuing legal education (CLE) requirements to stay current in their respective practice areas. Some of the recent CLE programs attended by our attorneys have included the following:



- Minnesota Association of City Attorneys Educational Conferences
- Upper Midwest Employment Law Institutes
- Real Property Law in Minnesota
- Troubled Waters Ahead: Balancing Environmental Protection with Economic Development
- Municipal Utility Legal Seminar
- Public Sector Labor and Employment Law
- HSAs, HRAs, FSAs: How They Can Reduce Your Cost and Increase Your Benefits
- Understanding Chemical Dependency in the Legal System
- Ethics: Hot Topics for Litigators
- Selecting and Terminating Employees in Minnesota
- Labor Relations Seminars
- Minnesota Return to Work Issues in Workers' Compensation
- Minnesota Public Employer Labor Relations Association Winter Conferences
- Avoiding Legal & Political Landmines
- Minnesota Legislative Process
- Sharpen Your Skills: Municipal Utilities
- What's Hot Now? An Environmental Update
- Legislative Electric Energy Task Force
- MN Environmental Law Institute
- Lecture on Regulatory Law
- Legislative Update: Public Utilities Law
- Handling Complex Administrative Hearings
- Environmental Protection as a Constitutional Right
- The New Rules of Professional Conduct
- Chemical Dependency and Mental Health
- Developments in Clean Water Law
- Ethical Pitfalls in Administrative Law
- Annual Real Estate Institute
- Administrative Law and Tips from the Bench (MSBA)
- Legal Ethics
- MSBA Civil Litigation Section Half Day CLE Event
- MSBA Civil Trial Specialists Annual Seminar
- Anatomy of a Civil Trial
- Annual Conference on Eminent Domain: From Condemnation to the Commission to the Courts
- Ahead of the Curve: MRES Legal Seminar
- MRES Legal Seminar: "Be Prepared (Plan Prepare Restore Communicate Respond Recover Reassess)"
- Clean Water Act: Law and Regulation
- The State of the Environment
- The Minnesota Climate Change Advisory Group: An Update from the Inside
- MISO Day 3 Ancillary Service Market-Implications for Minnesota Utilities and Retail Customers
- Ethical Issues for Lawyers in the Public Sector
- Anatomy of a Rate Case

## CURRENT AND NON-CURRENT CLIENTS

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Flaherty & Hood has grown its legal practice by serving communities in Minnesota almost exclusively. In fact, over the years we have provided legal services to numerous Minnesota local governments and local government associations. For a full list of our current and past clients, please see **Appendix B** of this proposal.

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## DISCLOSURES AND INSURANCE

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### *Malpractice Statement*

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There are no malpractice claims or investigations against the firm or any of its attorneys. There are no pending actions or reviews by the Office of Lawyers Professional Responsibility or any other ethics board against the firm or any of its attorneys.

### *Non-Discrimination Statement*

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Flaherty & Hood is an equal opportunity employer and does not discriminate on the basis of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, public assistance status or disability in our employment practices.

### *Conflict of Interest Statement*

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Because Flaherty & Hood has dedicated its legal practice to serving the needs of cities throughout Minnesota, almost exclusively, we do not have conflicts of interest in representing our municipal clients, unlike many of our competitors where conflicts of interest frequently occur with their private developer, insurance industry or other clients. Flaherty & Hood is, therefore, able to provide the following unequivocal conflict of interest statement to the City of Northfield:

1. Neither the designated attorneys nor the law firm represent, or have represented, any client which representation may conflict with Flaherty & Hood's ability to meet all of the legal services needs of the City.
2. Our legal services are provided to Minnesota cities almost exclusively; however, we have represented a few private real estate developers in the past on a limited basis, but only in circumstances where the City was an active joint partner in the project or where there has been clearly no conflict of interest with our municipal clients.
3. Neither the designated attorneys nor the law firm currently represent any other local units of government having jurisdiction within or contiguous to the City of Northfield.
4. Neither the designated attorneys nor the law firm represent or have represented any labor unions in any context.
5. Neither the designated attorneys nor the law firm represent or have represented any party in a lawsuit brought against any Minnesota city or as defense attorneys for any criminal cases.

In the unlikely event that a conflict of interest was to arise in our representation of the City of Northfield, we would bring the conflict to the attention of the City immediately upon discovery. Should the conflict not be resolvable to the satisfaction of the City, Flaherty & Hood—based on the direction from the City—would either withdraw as legal counsel for the other client or assist Northfield in finding alternate legal counsel for such matter.

**Description of Insurance Coverage**



**DECLARATIONS**

Policy Number **4001 22**

333 South Seventh Street, Suite 2200, Minneapolis, MN 55402  
(612) 341-4530 (800) 422-1370 fax (800) 305-1510

**LAWYERS PROFESSIONAL LIABILITY POLICY  
(THIS IS A CLAIMS-MADE POLICY - READ CAREFULLY)**

Item 1. Named Insured: Flaherty & Hood, P.A.  Office Address: 525 Park Street, Suite 470 Saint Paul, MN 55103		
Item 2. Policy Period: 9/1/2013 to 9/1/2014 (the Effective Date)                                      (the Expiration Date) 12:01 A. M. , standard time at the address of the Named Insured stated herein		
Item 3. Limits of Liability:	\$1,000,000.00 \$3,000,000.00	Per Claim Aggregate
Item 4. Deductible Amount:	\$10,000.00	Per Claim
Item 5. Total Number of Lawyers: 9	TOTAL PREMIUM: \$24,044.00	
Item 6. Applicable Forms and Endorsements:		
MLM-019 (07-03) Individual Prior Acts Retroactive Date Endorsement, MLM-048 (01-11) Specific Entity Exclusion Endorsement, MLM-032 (06-09) Minnesota Changes Endorsement, MLM-2000 (06-09) Policy form, MLM-011 (06-09) Of Counsel Endorsement, MLM-026 (06-09) Predecessor Firm Endorsement		

In witness whereof, Minnesota Lawyers Mutual Insurance Company has caused this policy to be signed by its President and Secretary and countersigned by a duly authorized agent of the Company.

MINNESOTA LAWYERS MUTUAL INSURANCE COMPANY

John J. Bowden, Secretary

Joann Ducre, Authorized Agent

Steven G. Brady, President

MLM-34 (05-94)

## FEES & EXPENSES

Flaherty & Hood, P.A. is proposing the following two fee arrangements. Option A presents a proposal for a reduced monthly retainer for legal services for a designated number of hours per month plus corresponding hourly rates for those matters that fall outside the scope of the retainer. Option B presents a proposal for providing civil legal services on an hourly basis without a monthly retainer. Flaherty & Hood, P.A. is open to negotiation and adjustment of any of the proposed fee arrangements in order to develop a fee arrangement that will best meet the City's civil legal service needs.

<b>OPTION A - RETAINER + HOURLY FEES</b>		<b>2014</b>	<b>2015</b>	<b>2016</b>
<p><b>Retainer Matters</b><sup>1,2</sup>                      Flaherty &amp; Hood will provide civil legal services on Retainer Matters as identified in the City's Request for Proposals for City Attorney Legal Services, March 2014, at a flat amount per month for all legal personnel providing services for a designated number of hours.</p>	<p><b>All Attorneys                      And Other                      Legal Staff</b></p>	<p><b>\$2,500</b></p>	<p><b>\$2,750</b></p>	<p><b>\$2,750</b></p>
<b>Hourly Fees</b>				
<p><b>Non-Retainer Matters</b>                      All legal services outside the scope of services covered by the retainer will be billed in accordance with the hourly fee schedule attached hereto as Option B.</p>				

<sup>1</sup> The amount of the retainer specified above shall cover a total of 25 hours of legal services per month on any Retainer Matter.

<sup>2</sup> The retainer amount shall cover attendance, if requested, at City Council meetings. There shall be no charge for travel time or mileage expenses for attendance at such City Council meetings.

**Expenses:**

Reasonable expenses incurred by Flaherty & Hood, P.A. in providing civil legal services to the City shall be billed as incurred on a monthly basis, including but not limited to:

- Black and white copies .....15 cents/page
- Color copies .....75 cents/page
- Fax.....15 cents/page
- Westlaw.....As applicable to required usage
- Long distance .....Actual cost
- Parking .....Actual cost
- Postage .....Actual cost
- Court costs/fees .....Actual cost
- Arbitration cost/fees .....Actual cost
- Expert costs/fees .....Actual cost
- Messenger costs/fees.....Actual cost

**Flaherty & Hood P.A. - Billings 2009 - March 31, 2014**

**City of Northfield - Billing By Matter**

Year	Total/Month	Expenses	EDA Legal	HRA Legal	Annexation	Data	City Council	Labor	Real Estate	General Municipal	Civil Matters	Land Development Code	Litigation
						Practices/ Open Meeting Law	Meetings/ Office Hours	Relations & Employment					
2014	<b>Total/Month</b>												
January-14	6,825.29	96.54	187.50	0.00	0.00	0.00	373.75	607.50	270.00	5,290.00	0.00	0.00	0.00
February-14	9,057.89	66.64	0.00	0.00	0.00	258.75	402.50	0.00	1,113.75	7,216.25	0.00	0.00	0.00
March-14	10,731.84	85.59	906.25	0.00	0.00	0.00	345.00	0.00	2,632.50	5,987.50	0.00	0.00	775.00
2014 Total	26,615.02												
<b>Total By Matter</b>		248.77	1,093.75	0.00	0.00	258.75	1,121.25	607.50	4,016.25	18,493.75	0.00	0.00	775.00
2013	<b>Total/Month</b>												
January-13	5,777.42	22.42	437.50	0.00	0.00	247.50	467.50	0.00	1,332.50	2,832.50	0.00	0.00	0.00
February-13	8,697.90	136.65	0.00	218.75	0.00	825.00	550.00	0.00	3,997.50	2,970.00	0.00	0.00	0.00
March-13	11,407.65	1,273.90	1,093.75	1,125.00	0.00	330.00	550.00	0.00	552.50	4,345.00	0.00	0.00	2,137.50
April-13	11,086.22	837.47	218.75	0.00	0.00	55.00	412.50	27.50	1,087.50	4,482.50	0.00	0.00	3,775.00
May-13	9,979.20	860.45	453.75	0.00	0.00	0.00	412.50	247.50	1,730.00	3,272.50	0.00	0.00	3,002.50
June-13	4,163.97	57.72	62.50	281.25	0.00	0.00	412.50	82.50	260.00	1,815.00	0.00	0.00	1,192.50
July-13	4,482.60	27.60	250.00	0.00	0.00	0.00	440.00	0.00	65.00	3,025.00	0.00	0.00	675.00
August-13	8,616.57	137.82	0.00	93.75	0.00	55.00	412.50	0.00	260.00	4,647.50	0.00	0.00	3,010.00
September-13	14,506.21	333.71	0.00	0.00	0.00	27.50	0.00	0.00	617.50	10,340.00	0.00	0.00	3,187.50
October-13	12,178.13	369.98	0.00	593.75	0.00	27.50	385.00	0.00	1,885.00	7,755.00	0.00	0.00	1,162.50
November-13	8,903.12	79.37	0.00	93.75	0.00	0.00	247.50	0.00	1,560.00	6,847.50	0.00	0.00	75.00
December-13	7,841.66	299.16	0.00	0.00	0.00	0.00	797.50	0.00	2,470.00	4,125.00	0.00	0.00	150.00
2013 Total	107,640.65												
<b>Total By Matter</b>		4,435.65	2,516.25	2,406.25	0.00	1,567.50	5,087.50	357.50	15,817.50	56,457.50	0.00	0.00	18,367.50
2012	<b>Total/Month</b>												
January-12	6,134.62	202.12	0.00	0.00	0.00	105.00	708.75	0.00	0.00	630.00	0.00	0.00	4,888.75
February-12	8,263.37	302.12	0.00	0.00	0.00	78.75	367.50	30.00	450.00	5,013.75	0.00	0.00	2,021.25
March-12	10,590.40	120.40	960.00	0.00	0.00	210.00	420.00	30.00	3,390.00	4,803.75	0.00	0.00	656.25
April-12	5,538.21	138.21	150.00	0.00	0.00	0.00	157.50	90.00	2,250.00	2,231.25	0.00	0.00	341.25
May-12	3,935.95	205.95	0.00	220.00	0.00	0.00	393.75	0.00	990.00	2,126.25	0.00	0.00	0.00
June-12	4,700.07	76.32	780.00	0.00	0.00	131.25	0.00	0.00	510.00	3,045.00	0.00	0.00	157.50
July-12	3,732.26	23.51	150.00	0.00	0.00	26.25	105.00	180.00	360.00	2,887.50	0.00	0.00	0.00
August-12	2,942.29	116.04	30.00	137.50	0.00	0.00	0.00	0.00	1,320.00	1,338.75	0.00	0.00	0.00
September-12	7,752.97	34.22	0.00	82.50	0.00	892.50	0.00	0.00	540.00	2,703.75	3,120.00	0.00	0.00
October-12	6,483.30	235.80	95.00	220.00	0.00	52.50	315.00	0.00	0.00	5,565.00	0.00	0.00	0.00
November-12	6,649.21	49.21	150.00	0.00	0.00	0.00	1,338.75	0.00	570.00	4,541.25	0.00	0.00	0.00
December-12	6,830.15	42.65	1,080.00	247.50	0.00	0.00	498.75	0.00	1,560.00	971.25	0.00	0.00	2,430.00
2012 Total	78,372.80												
<b>Total By Matter</b>		1,546.55	3,395.00	907.50	0.00	1,496.25	4,305.00	390.00	11,940.00	35,857.50	3,120.00	0.00	10,095.00
2011	<b>Total/Month</b>												
January-11	16,260.00	72.81	3,105.00	275.00	0.00	0.00	925.00	201.25	3,392.50	3,800.00	86.25	0.00	4,475.00
February-11	7,930.00	290.20	1,408.75	201.25	0.00	0.00	900.00	143.75	86.25	3,350.00	0.00	0.00	1,650.00
March-11	6,948.75	190.96	1,121.25	143.75	0.00	700.00	375.00	57.50	776.25	3,375.00	0.00	0.00	200.00
April-11	5,716.25	0.00	0.00	275.00	0.00	75.00	350.00	0.00	345.00	4,100.00	546.25	0.00	25.00
May-11	5,582.50	179.01	603.75	55.00	0.00	23.75	190.00	0.00	833.75	3,675.00	201.25	0.00	0.00
June-11	15,250.55	41.80	0.00	0.00	0.00	650.00	650.00	28.75	1,955.00	7,325.00	0.00	0.00	4,800.00
July-11	8,666.82	223.07	833.75	137.50	488.75	0.00	450.00	0.00	833.75	5,625.00	0.00	0.00	75.00
August-11	10,851.40	122.65	0.00	137.50	57.50	475.00	825.00	0.00	3,018.75	6,100.00	0.00	0.00	25.00
September-11	3,652.78	130.28	0.00	137.50	0.00	0.00	400.00	0.00	460.00	2,525.00	0.00	0.00	0.00
October-11	6,382.13	104.63	0.00	0.00	175.00	825.00	230	747.50	3,425.00	0.00	0.00	0.00	875.00
November-11	8,769.37	109.37	115.00	0.00	0.00	350.00	891.25	1,178.75	6,125.00	0.00	0.00	0.00	0.00
December-11	5,215.29	5.29	86.25	55.00	0.00	80.00	350.00	1207.5	86.25	3,375.00	0.00	0.00	0.00
2011 Total	101,225.84												
<b>Total By Matter</b>		1,560.07	7,273.75	1,417.50	546.25	2,148.75	6,590.00	2,760.00	13,713.75	52,800.00	833.75	0.00	11,925.00
2010	<b>Total/Month</b>												
January-10	12,442.91	27.92	550.00	385.00	1,815.00	1,045.00	1,140.00	192.50	0.00	5,395.41	1,540.00	0.00	0.00
February-10	16,377.50	382.48	2,062.50	110.00	2,502.50	736.25	1,496.25	550.00	797.50	7,410.00	522.50	0.00	0.00
March-10	13,507.50	329.35	3,740.00	0.00	605.00	2,683.75	2042.5	1,677.50	0.00	2,161.25	27.50	0.00	0.00
April-10	13,651.25	483.58	1,155.00	0.00	522.50	451.25	1,781.25	687.50	165.00	7,576.25	742.50	0.00	0.00
May-10	11,585.00	247.42	357.50	247.50	605.00	0.00	1,377.50	82.50	990.00	6,555.00	990.00	0.00	0.00
June-10	8,953.75	257.55	1,265.00	55.00	137.50	0.00	1,187.50	385.00	1,430.00	3,918.75	385.00	0.00	0.00
July-10	7,791.80	245.50	78.05	0.00	110.00	71.25	973.75	247.50	797.50	4,288.75	27.50	0.00	1,187.50
August-10	10,300.00	285.92	27.50	137.50	302.50	142.50	760.00	1,320.00	0.00	2,256.25	1,815.00	0.00	3,538.75
September-10	11,732.50	474.29	27.50	357.50	1,347.50	142.50	403.75	137.50	1,787.50	1,781.25	4,702.50	0.00	617.50
October-10	5,293.75	26.00	715.00	0.00	1,045.00	47.50	285.00	0.00	0.00	2,802.50	137.50	0.00	261.25
November-10	3,616.43	237.00	605.00	137.50	0.00	237.50	166.25	0.00	0.00	1,947.68	0.00	0.00	522.50
December-10	3,377.50	30.70	0.00	0.00	0.00	47.50	427.50	0.00	385.00	2,232.50	0.00	0.00	285.00
2010 Total	118,629.89												
<b>Total By Matter</b>		3,027.71	10,583.05	1,430.00	8,992.50	5,605.00	12,041.25	5,280.00	6,352.50	48,335.59	10,890.00	0.00	6,412.50
2009	<b>Total/Month</b>												
December-09	6,222.54	98.19	973.75	0.00	220.00	332.50	807.50	0.00	0.00	3,888.79	0.00	0.00	0.00

<b>OPTION B – HOURLY FEES ONLY</b>		<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>General Municipal Matters</b> <sup>1</sup> All civil legal services provided to the City by Flaherty & Hood not otherwise listed as Employment and Real Estate or Litigation matters.	<b>Attorneys</b>	\$115/hr.	\$115/hr.	\$115/hr.
	<b>Other Legal</b>	\$60/hr.	\$60/hr.	\$60/hr.
<b>Employment and Real Estate Matters</b> Advise and represent the City in real estate transactions, and labor relations, employment law and human resources matters.	<b>Attorneys</b>	\$135/hr.	\$135/hr.	\$135/hr.
	<b>Other Legal</b>	\$70/hr.	\$70/hr.	\$70/hr.
<b>Litigation Matters</b> Advise and represent the City in all contested matters, where no insurance coverage is otherwise available, including but not limited to: state or federal district court or appellate civil litigation; mediation; arbitration; eminent domain; administrative proceedings before state or federal agencies; and like proceedings.	<b>Attorneys</b>	\$155/hr.	\$155/hr.	\$155/hr.
	<b>Other Legal</b>	\$80/hr.	\$80/hr.	\$80/hr.
<b>Minimum Increment of Time Billed for Services</b>		<b>15 min.</b>	<b>15 min.</b>	<b>15 min.</b>

<sup>1</sup> There shall be no charge for travel time or mileage expenses for attendance at City Council meetings.

**Expenses:**

Reasonable expenses incurred by Flaherty & Hood, P.A. in providing civil legal services to the City shall be billed as incurred on a monthly basis, including but not limited to:

- Travel time for non-retainer matters .....50% of the applicable hourly rate
- Mileage for non-retainer matters .....Applicable I.R.S. rate
- Black and white copies .....15 cents/page
- Color copies .....75 cents/page
- Fax.....15 cents/page
- Westlaw.....As applicable to required usage
- Long distance .....Actual cost
- Parking .....Actual cost
- Postage .....Actual cost
- Court costs/fees .....Actual cost
- Arbitration cost/fees .....Actual cost
- Expert costs/fees .....Actual cost
- Messenger costs/fees.....Actual cost

## REFERENCES

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Flaherty & Hood has earned respect and credibility among key local and state officials and officers. We encourage you to contact any of the following clients to learn more about the services we provide:

**Judy Bodway**

City Manager  
City of Winona  
P.O. Box 378  
Winona, MN 55987-0378  
(507) 457-8234

**Charlene Stevens**

City Administrator  
City of Willmar  
P.O. Box 755, 333 6th St. SW  
Willmar, MN 56201-3457  
(320) 235-4913

**Nick Koverman**

City Administrator  
City of St. Charles  
830 Whitewater Avenue  
St. Charles, MN 55972-1129  
(507) 932-3020

**Rick Almich**

City Administrator  
City of Le Sueur  
203 S. 2<sup>nd</sup> St.  
Le Sueur, MN 56058-1903  
(507) 665-6401

**Mike Roth**

City Administrator  
City of Grand Marais  
P.O. Box 600, 15 N. Broadway  
Grand Marais, MN 55604-0600  
(218) 387-1848



## APPENDIX A: ATTORNEY RESUMES

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**Chris Hood** is a shareholder and attorney at Flaherty & Hood and has over 20 years of experience in representing Minnesota local governments in employment, administrative, annexation, environmental, municipal and real estate matters. Chris's employment practice, for example, has concentrated on providing practical day-to-day legal advice; negotiating and drafting labor contracts; developing and implementing major initiatives including changes to health insurance; and representing local governments at labor mediations, grievances, arbitrations and other administrative hearings. Chris also develops and coordinates labor strategies and policies for Minnesota cities by administering the Coalition of Greater Minnesota Cities' Labor and Employee Relations Committee. Chris serves as city attorney for the cities of Bagley, Grand Marais, Northfield, Park Rapids, Pequot Lakes, Plainview, St. Charles, Willmar and Winona. He is also special legal counsel for numerous cities throughout the state.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

**Principal Attorney** – August 1993 to Present

Responsible for providing legal, legislative and administrative agency representation to clients. Responsible for representing client issues before the Minnesota State Legislature, District Court, Court of Appeals and various state agencies, including the Office of Administrative Hearings, Bureau of Mediation Services, the Pollution Control Agency, the Department of Transportation, the Department of Employee Relations and the Department of Labor and Industry.

LARKIN, HOFFMAN, DALY & LINDGREN, LTD.

Bloomington, Minnesota

**Attorney** – March 1993 to July 1993

Independent contract researcher responsible for legal research and writing in the following areas: real estate (condemnation actions, easements); corporate law (SEC proxy rule changes, anti-trust law); civil procedure (standing, temporary injunction, pleading rules); and employment law (Title VII disability discrimination, successor liability, sexual harassment).

GRANNIS, GRANNIS, HAUGE, EIDE, ANDERSON & KELLER, P.A.

Eagan, Minnesota

**Internship** – February 1992 to May 1992

Observed and participated in all aspects of the prosecution of misdemeanors. Observed and negotiated plea bargains directly with defense counsel in compliance with parameters set by the City Attorney in order to foster settlements in arraignments and pre-trial conferences. Prepared and prosecuted a misdemeanor court trial.

ST. LOUIS COUNTY ATTORNEY'S OFFICE

Duluth, Minnesota

**Law Clerk** – June 1990 to August 1990

Researched and analyzed federal and state law and treaties with respect to hunting and fishing rights for potential application within Minnesota. Compiled and summarized findings and research into legal memoranda for county authorities.

**EDUCATION**

William Mitchell College of Law  
Juris Doctor

St. Paul, Minnesota  
1992

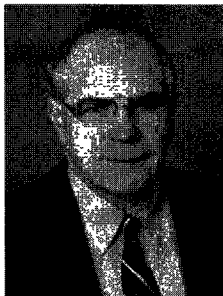
University of Minnesota  
Bachelor, Business Administration in Finance

Duluth, Minnesota  
1989

**BAR ADMISSIONS**

Minnesota  
United States District Court, District of Minnesota

1992  
2007



**Tim Flaherty** is a shareholder and attorney at Flaherty & Hood with over 30 years of experience in developing and implementing successful legislative programs. In addition to his legislative experience, Tim practices contract law and municipal law.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

**Principal Attorney** – September 1992 to Present

Shareholder responsible for representation of clients at the Minnesota State Legislature and before state administrative agencies. Responsible for managing law firm activities as president.

BRIGGS & MORGAN, P.A.

St. Paul, Minnesota

**Attorney** – September 1985 to September 1992

Responsibilities included managing a five-person legislative department, marketing the firm's legislative and other services, and lobbying the Minnesota State Legislature, state administrative agencies and selected local governments.

HOLMES AND GRAVEN

Minneapolis, Minnesota

**Attorney** – September 1984 to September 1985

Established a legislative practice for the firm.

CITY OF MINNEAPOLIS

Minneapolis, Minnesota

**Legislative Liaison** – July 1980 to September 1984

Developed and implemented legislative programs for the City of Minneapolis; Chief Lobbyist for the City from 1982 to 1984.

THE NATURE CONSERVANCY

Minneapolis, Minnesota

**Regional Attorney** – April 1977 to July 1980

Drafted legal documents and supervised closing for Conservancy real estate acquisitions, negotiated land purchases and provided legal and administrative services to Conservancy Chapters and employees.

GENERAL PRACTICE

Oregon City, Oregon

**Attorney** – September 1976 to March 1977

General practice and Staff Counsel to the Law Improvement Committee of the Oregon State Legislature.

LEGISLATIVE COUNSEL'S OFFICE

Salem, Oregon

**Research Analyst** – January 1975 to November 1975

Responsibilities included drafting bills for legislative committees related to school finance, timber taxation and low income rental assistance.

LEGISLATIVE INTERIM COMMITTEE ON REVENUE Salem, Oregon  
**Administrative Assistant** – October 1973 to December 1974  
Coordinated major studies on timber taxation, income and property tax exemptions and school finance; edited Committee reports; wrote Committee's final report.

**Research Analyst** – October 1972 to July 1973  
Responsibilities included drafting bills related to school finance and writing *School Finance in Oregon: An Overview*.

COUNCIL OF STATE GOVERNMENTS Midwestern Office  
**Staff Associate** – June 1971 to September 1972  
Provided research and administrative services to legislative committees.

MINNESOTA HOUSE OF REPRESENTATIVES St. Paul, Minnesota  
**Research Department** – January 1971 to May 1971  
Responsibilities included providing research services to legislators.

**EDUCATION**

Northwestern School of Law Portland, Oregon  
Juris Doctor 1976

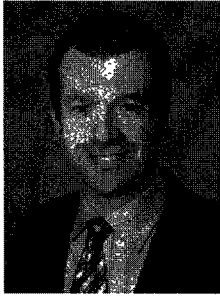
John Marshall School of Law Chicago, Illinois  
1971 to 1972

University of Minnesota Minneapolis, Minnesota  
B.A., English and Political Science 1971

Ripon College Ripon, Wisconsin  
1967 to 1969

**BAR ADMISSIONS**

Minnesota 1977  
Oregon 1976



**Brandon Fitzsimmons** is a shareholder and attorney at Flaherty & Hood. Brandon concentrates his law practice in advising, representing and providing analysis for numerous municipal clients in public employment and labor relations matters, such as, grievance, labor contract, unit determination, unemployment insurance, litigation and disciplinary and performance matters; conducting internal employment investigations and organizational reviews; responding to various labor and employment inquiries; monitoring and summarizing settlement and arbitration data; and drafting labor contracts, personnel policies, administrative manuals and grievance settlements. He is a

member of the National and Minnesota Public Employer Labor Relations Associations (NPELRA & MPELRA), the Society for Human Resources Management (SHRM), and the Labor and Employment Law, Public Law and Administrative Law Sections of the Minnesota State Bar Association.

In addition to his public employment and labor relations practice, Brandon also provides legal and advocacy services in the areas of data practices and administrative, municipal and open meeting law.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

**Shareholder and Associate and Senior Attorney** – June 2004 to Present

Responsibilities include providing consultation, legal representation and administrative agency representation for municipal clients before the District Court and state agencies including the Minnesota Bureau of Mediation Services and Office of Administrative Hearings.

HONORABLE RENEE L. WORKE

Waseca, Minnesota

**Judicial Clerk** – August 2003 to May 2004

Researched, consulted and wrote orders and memorandums for Chief Judge and other Third Judicial District judges in south central Minnesota. Ran conciliation court settlement conference hearings and facilitated settlement agreements.

ROBERT WILSON & ASSOCIATES

Minneapolis, Minnesota

**Law Clerk** – July 2002 to February 2003

Drafted pleadings, motions to the court and settlement offers in civil, workers' compensation and criminal matters. Prepared and organized files and consulted with clients for mediation, arbitration and trial in personal injury matters.

**EDUCATION**

William Mitchell College of Law

St. Paul, Minnesota

Juris Doctor

2003

Creighton University

Omaha, Nebraska

B.A., Political Science with Distinction, *cum laude*

2000

**BAR ADMISSIONS**

Minnesota

2003

United States District Court, District of Minnesota

2007



**Robert Scott** is a senior attorney at Flaherty & Hood and concentrates his law practice in the areas of municipal law, civil litigation, annexation and land use law, administrative law, public labor and employment law, and environmental law. Robert is a member of the Minnesota State Bar Association's Civil Litigation and Public Law sections.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

**Senior Attorney** – November 2007 to Present

Responsibilities include providing consultation, legal representation and administrative agency representation for municipal clients before the District Court and state agencies including the Bureau of Mediation Services and Office of Administrative Hearings.

WATERS & SCOTT, PLLP

Minneapolis, Minnesota

**Attorney/Partner** – January 2005 to June 2007

Practiced all aspects of civil litigation, including discovery, motion practice, and trial practice, specializing in residential construction defect litigation and small business litigation; briefed and successfully argued cases in both the 8<sup>th</sup> Circuit Court of Appeals and the Minnesota Court of Appeals; represented clients at mediation and arbitration hearings; and negotiated numerous settlements on behalf of clients.

THOMAS A. FOSTER & ASSOCIATES, LTD.

Minneapolis, Minnesota

**Associate Attorney** – November 2003 to December 2004

Practiced in the areas of residential construction defect, insurance defense, landlord-tenant and general civil litigation, participating in all aspects of civil litigation; drafted several briefs for cases before the Minnesota Court of Appeals.

**Law Clerk** – June 2001 to October 2003

Conducted legal research; drafted legal memoranda, pleadings and other documents; provided litigation support; interviewed clients and witnesses; performed case investigations.

**EDUCATION**

William Mitchell College of Law

St. Paul, Minnesota

Juris Doctor

2003

University of Michigan

Ann Arbor, Michigan

B.A., English & Communications

2000

**BAR ADMISSIONS**

Minnesota

2003

Wisconsin

2004

United States District Court, District of Minnesota

2004

United States Court of Appeals, 8th Circuit

2006



**Steve Nyhus** is a senior attorney at Flaherty & Hood and concentrates his practice in the areas of environmental law, municipal law, public utilities law and real estate law. He serves on the council of the Minnesota State Bar Association's Environment, Natural Resources and Energy Law Section and is a member of the MSBA's Public Utilities Law and Administrative Law sections.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

**Associate and Senior Attorney** – December 2000 to Present

Responsibilities include providing legal, legislative and regulatory representation for municipal clients on issues including public utility regulation and taxation, wastewater treatment and annexation and land use planning.

MINNESOTA HOUSE OF REPRESENTATIVES

St. Paul, Minnesota

**Committee Administrator, Health & Human Services Policy Committee** –

September 2000 to December 2000

Researched legal and public policy issues in health and human services; assisted with committee planning and finances.

**Majority Caucus Research Associate** – August 1999 to December 2000

Advised House leadership and majority caucus members on legal and political ramifications of policy decisions.

BALE ANDERSON POLSTEIN RANDALL & HILL, LTD.

Minneapolis, Minnesota

**Law Clerk** – April 1998 to August 1999

Researched and prepared memoranda on real estate, business, and employment issues. Assisted in document drafting, correspondence and litigation preparation on employment discrimination and other cases.

SCHAN E. SORKNESS, ATTORNEY AT LAW

Fergus Falls, Minnesota

**Law Clerk** – Summer 1996 and Summer 1997

Assisted in the preparation of real estate conveyancing documents and litigation forms. Researched and prepared memoranda on misdemeanor criminal defense and family law issues.

**EDUCATION**

University of Minnesota Law School

Minneapolis, Minnesota

Juris Doctor

1999

Minnesota State University, Moorhead

Moorhead, Minnesota

B.A., Political Science, *summa cum laude*

1996

**BAR ADMISSIONS**

Minnesota

1999



**Mike Flaherty** is an associate attorney at Flaherty & Hood. Since graduating from Luther College in 2005, he has been employed as an English as a Second Language teacher, legislative assistant, law clerk and associate attorney. His law practice focuses on municipal law, real estate law, and litigation, including criminal prosecution. Outside of work Mike enjoys the outdoors and spending time with his wife, Erin, and their dog, Dexter.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

**Associate Attorney** – April 2011 to Present

Prosecute all misdemeanors, petty misdemeanors and select gross misdemeanor cases for the City of Winona.

LAW OFFICE OF MICHAEL B. DAUGHERTY

St. Paul, Minnesota

**Law Clerk** – October 2009 to December 2010

Analyzed underlying title commitment documents to determine flaws in potential commercial real estate purchases. Reviewed commercial lease agreements for property investment firm to assess the risks associated with potential purchases. Assisted lead attorney and property investment firm in resolving issues that arise at individual properties. Assisted lead attorney in managing limited liability corporations and other business holdings of professional athletes

WALSH & GAERTNER P.A.

St. Paul, Minnesota

**Law Clerk** – June 2008 to August 2009

Interviewed clients and witnesses and prepared summaries for attorneys. Prepared court documents for attorneys including motions for summary judgment and default judgment. Researched legal issues and prepared memorandums for attorneys. Communicated with insurance adjusters in order to obtain documents related to client files. Prepared discovery documents for attorneys.

FLAHERTY & HOOD, P.A.

St. Paul, Minnesota

**Legislative Assistant** – June 2006 to August 2007

Lobbied legislators about client issues, specifically in the areas of environmental regulations and tax increment financing. Attended meetings with Minnesota city officials to report lobbying efforts at the state Capitol and address client concerns. Wrote client communications pieces, including a weekly newsletter on activities at the state Capitol.

**EDUCATION**

William Mitchell College of Law  
Juris Doctor

St. Paul, Minnesota  
2011

Luther College  
B.A., Political Science major, English minor

Decorah, Iowa  
2005

**BAR ADMISSIONS**

Minnesota

2011





**Jan Petersen** is Of Counsel at Flaherty & Hood. Jan is the former city attorney for the City of St. Cloud, serving in that capacity for 26 years. Jan has also been the city attorney for the City of Sartell since 2004. Jan has been directly involved as city attorney in the myriad of municipal legal matters facing cities and is one of the most respected city attorneys in Minnesota. Jan concentrates his practice in municipal law, contract law, real estate law and public labor and employment law.

FLAHERTY & HOOD, P.A. St. Paul, Minnesota

**Of Counsel** – 2003 to Present

Worked with FLAHERTY & HOOD, P.A. attorneys to provide counsel on labor relations, public employment, arbitration, litigation, real estate, development and land use, data practices, open meeting law, eminent domain and other municipal matters.

ST. CLOUD CITY ATTORNEY'S OFFICE St. Cloud, Minnesota

**City Attorney** – Fall 1979 to Summer 2010

Performed both civil and criminal prosecution duties as city attorney.

ST. CLOUD CITY ATTORNEY'S OFFICE St. Cloud, Minnesota

**Assistant City Attorney** – Fall 1975 to Fall 1979

Performed both civil and criminal prosecution duties as assistant city attorney.

**AFFILIATIONS**

- Past President, Minnesota Association of City Attorneys
- Member, Board for the League of Minnesota Cities Amicus Program
- Past President, Minnesota Public Employer Labor Relations Association
- Member, Board of Directors for the Major Crime Investigation Unit
- Member, Board of Directors for the Central Minnesota (Police) Training Association
- Chair of the Board of Directors, Alpha-1 Association, Inc.
- Presenter on topics related to municipal law, public sector labor law and to health care professionals on health care policy initiatives

**EDUCATION**

William Mitchell College of Law St. Paul, Minnesota  
Juris Doctor 1975

University of Minnesota, Duluth Duluth, Minnesota  
B.A. 1971

**BAR ADMISSIONS**

Minnesota 1975  
Federal Court 1975

## APPENDIX B: CURRENT & NON-CURRENT CLIENTS

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The following list includes Flaherty & Hood's current, and non-current, clients along with a summary of the services provided to each.

### CITY OF ALBANY

Environmental wastewater permit issues

### CITY OF ALBERT LEA

Public Utilities Commission electric service ratemaking matter.

### CITY OF ALEXANDRIA

Negotiating and drafting orderly annexation agreement.

### ALEXANDRIA LAKE AREA SANITARY DISTRICT (ALASD)

Public labor relations and employment issues, environmental wastewater permit issues, Total Maximum Daily Load (TMDL) regulation, state agency representation and representation before the Minnesota court of appeals and Supreme Court.

### CITY OF BAGLEY

City attorney and public labor and employee relations issues.

### CITY OF BECKER

Environmental wastewater permit issues, Notice of Violation, review and analysis of wastewater services agreement with significant industrial user, and state agency representation.

### CITY OF BEMIDJI

Annexation and land use issues, including negotiation and drafting a settlement agreement in a contested annexation proceeding.

### CITY OF BENSON

General municipal representation on annexation and land use, competitive bidding and regulatory matters, and public employment law.

### CITY OF BRAINERD

Public labor relations issues.

### CITY OF BREEZY POINT

Annexation and land use issues including a detachment proceeding.

### CITY OF CHISAGO CITY

Annexation and land use issues, including representation before the Office of Administrative Hearings, district court and court of appeals in two separate contested annexation cases.

### CITY OF CLOQUET

Review and analysis of orderly annexation issues; and public labor relations and employment issues, including personnel policy drafting, personnel disciplinary matters, grievance responses, and grievance arbitrations.

### CLOQUET AREA FIRE DISTRICT

Public labor relations issues.

COALITION OF GREATER MINNESOTA CITIES (CGMC)

General legal representation, including as an organizational plaintiff in environmental appellate litigation and administration of a committee on public labor relations and employment issues, in addition to legislative representation on property tax, annexation and land use, economic development, transportation, environmental issues, and general media relations representation..

COALITION OF UTILITY CITIES (CUC)

Representation on electric utility taxation issues for host communities and general legal representation regarding joint powers entity and regulatory issues.

CITY OF CROOKSTON

Public labor relations and employment issues, including employment investigations, grievance responses, advice on reorganization, fitness-for-duty issues, and interest arbitration.

CITY OF DETROIT LAKES

Public labor relations and employment issues, including labor contract review and drafting and advice regarding grievance responses and labor contract negotiations.

DULUTH SEAWAY PORT AUTHORITY

Legislative and legal representation on tax increment financing, tax abatement, corporate subsidy, JOBZ and public finance issues.

CITY OF EAST GRAND FORKS

Public labor relations and employment issues, including employment investigation, grievance responses, labor contract review, drafting and negotiations; data practices responses.

CITY OF ELY

Public labor and employee relations.

CITY OF FARIBAULT

Public labor relations and employment issues, including labor contract review and drafting and labor contract negotiations; environmental wastewater permit issues and state agency and appellate court representation; tax increment financing issues.

CITY OF FERGUS FALLS

Public labor relations and employment issues, including grievance responses, advice on labor contract negotiations, a grievance arbitration and a contested case hearing; contested annexation hearing, negotiating and drafting orderly annexation agreements, settlement agreements, ordinances; and municipal bonding issues.

CITY OF FOREST LAKE

Annexation and land use issues, including representation in a contested annexation matter before the Office of Administrative Hearings.

CITY OF GLENCOE

Public labor relations and employment issues, including employment investigation, grievance responses, and labor contract drafting; environmental wastewater permit issues; Notice of Violation; state agency representation before the Minnesota Pollution Control Agency.

CITY OF GLENWOOD

Public labor relations and employment issues and annexation issues, including general legal advice, memoranda and ordinance drafting.

CITY OF GOODVIEW

Public labor and employee relations issues.

CITY OF GRAND MARAIS

City attorney, public labor relations and employment issues, development and land use issues, data practices and open meeting law, and general municipal issues.

CITY OF GRAND RAPIDS

Public labor relations and employment issues, including personnel policy drafting, advice on legal compliance issues, grievance responses, employment investigation, fitness-for-duty issues, labor contract negotiations, departmental reorganization issues, and a contested hearing before the Bureau of Mediation Services; and environmental wastewater permit issues.

CITY OF HIBBING

Public labor relations and employment issues, including review of finance department procedures and practices, and grievance responses.

HIGHWAY 14 PARTNERSHIP

Legislative representation on transportation funding issues.

CITY OF HINCKLEY

Public labor relations and employment issues, including labor contract review and drafting and advice on labor contract negotiations; annexation and land use issues, including drafting and negotiation of an intergovernmental orderly annexation agreement with a township and developer.

CITY OF INTERNATIONAL FALLS

Annexation and land use issues; environmental permit issues and state agency representation.

CITY OF JANESVILLE

Public labor relations and employment issues; and orderly annexation agreement and ordinances.

KANDIYOHI COUNTY

Public labor relations and employment issues.

KOOCHICHING COUNTY

Legislative representation on bonding and economic development issues.

CITY OF LA CRESCENT

Public labor relations and employment issues, including departmental investigation and review, grievance analysis and responses, and representation in interest and grievance arbitrations; general municipal and legal compliance memoranda; environmental review and regulatory matters; annexation and land use issues, including drafting and negotiation of an intergovernmental orderly annexation agreement in settlement of a contested case.

LAKE BYLLESBY CITIES

Joint assistance to the cities of Faribault, Northfield, and Owatonna regarding site-specific nutrient standards and water quality modeling of Lake Byllesby.

CITY OF LAKE CITY

Public labor relations and employment issues.

CITY OF LE SUEUR

Annexation and land use.

CITY OF LINDSTROM

Annexation and land use, eminent domain.

CITY OF LITTLE FALLS

Representation regarding constitutionality of special law; representation and advice on contested annexation issues and negotiating and drafting orderly annexation agreement in settlement of a contested case.

CITY OF LUVERNE

General municipal representation; advice on process and representation in eminent domain proceeding in district court; advice and drafting orderly annexation agreement and ordinances; economic development regarding sales tax, municipal hospital, tax increment financing; public labor relations and employment issues; and environmental issues.

CITY OF MANKATO

Development of intergovernmental wastewater services interconnection agreement with city of Eagle Lake; drafting and negotiating orderly annexation agreements with Mankato and Lime townships; municipal bonding issues; wastewater permitting and environmental issues.

CITY OF MARSHALL

Public labor relations and employment issues, including grievance advice and responses, advice on labor negotiations, and legal compliance with FMLA and ADA; annexation and land use issues including drafting orderly annexation agreement and ordinances; environmental wastewater permit issues.

CITY OF MELROSE

Public labor relations and employment issues, including labor contract drafting and negotiations, grievance advice and responses, legal compliance research and memoranda, including FLSA compliance, and review and drafting personnel policies.

MINNESOTA ASSOCIATION OF REHABILITATION PROVIDERS (MARP)

Legislative and administrative agency representation on workers' compensation issues.

MINNESOTA ENVIRONMENTAL SCIENCE AND ECONOMIC REVIEW BOARD (MESERB)

General municipal representation regarding joint powers functions, governance, research of environmental and other wastewater issues, administrative agency representation and advocacy regarding wastewater and other environmental issues impacting municipal wastewater treatment facilities.

MINNESOTA RIVER VALLEY PUBLIC UTILITIES COMMISSION (MRVPUC)

Research related to sanitary sewer districts and choice of entity.

MISSOURI RIVER ENERGY SERVICES (MRES)

Minnesota legal counsel on general governance issues and application of Minnesota public laws, and municipal electric utility issues including transmission and power plant siting; legislative and administrative agency representation on electric regulation issues including climate change, conservation, and renewable and community-based energy development.

STATE OF MINNESOTA

Employment investigations.

CITY OF MONTEVIDEO

Annexation and land use issues; environmental wastewater permit issues; state agency representation.

CITY OF MONTGOMERY

Public labor relations issues.

CITY OF MONTICELLO

Annexation and land use issues, including negotiating and drafting intergovernmental orderly annexation agreement with Monticello Township in settlement of a contested case matter.

CITY OF MOORHEAD

Public labor relations and employment issues, including grievance advice and responses, contested hearings before the Bureau of Mediation Services veterans preference hearing board, labor negotiations advice, and legal compliance advice and memoranda; economic development issues including border city development zones; municipal bonding issues; and annexation and land use issues, including legal advice and drafting orderly annexation agreements and ordinances.

MOORHEAD PUBLIC UTILITIES COMMISSION

Public labor relations and employment issues including representation and settlement of a multi-union unit clarification proceeding; and environmental regulatory and permit issues.

CITY OF MORA

Annexation and land use issues, including mediation and negotiating and drafting orderly annexation agreement in settlement of a contested case matter; environmental issues and state agency representation before the Minnesota Pollution Control Agency.

CITY OF MORRIS

Annexation and land use issues including mediation and negotiating and drafting orderly annexation agreement in settlement of a contested case matter.

CITY OF NEVIS

Public labor and employee relations.

CITY OF NEW ULM

Environmental wastewater permit issues and state agency representation before the Minnesota Pollution Control Agency.

CITY OF NORTHFIELD

City attorney, public labor relations and employment issues, development and land use issues, data practices and open meeting law, and general municipal issues. Also, development of intergovernmental sewer contract, drafting and negotiating orderly annexation agreements, and wastewater regulatory issues.

NORTHWEST SERVICE COOPERATIVE

Research and legal memoranda regarding competitive bidding and asbestos abatement.

NORTHWEST SUBURBS CABLE COMMUNICATIONS COMMISSION (NWSCCC)

Representation regarding corporations created by political subdivisions and telecommunications.

CITY OF OWATONNA

Public labor relations and employment, including labor contract drafting and negotiations, personnel policy review, interest and grievance arbitrations, hiring audit, and data practices responses; environmental wastewater permit issues and state agency and appellate court representation.

CITY OF PARK RAPIDS

City attorney; general municipal compliance issues; public labor relations and employment issues including personnel policies review and drafting, labor contract negotiations and representation in interest arbitration; tax abatement and corporate subsidy policy; economic development and developer agreements; research and advice memoranda and correspondence regarding open meeting law and data practices compliance; real estate transactions and drafting easement agreements; variances and vacation of right-of-way; eminent domain process and representation; assessment process and appeals; HRA representation; drafting ordinances and resolutions; contract litigation in district court; code enforcement; and annexation and land use issues including mediation and negotiating and drafting orderly annexation agreement in settlement of contested case matter.

CITY OF PEQUOT LAKES

City attorney and public labor relations and employment issues.

CITY OF PERHAM

Public labor relations and employment; annexation and land use issues including ordinance and appellate representation.

CITY OF PINE RIVER

Annexation and land use issues including mediation, contested case hearing representation before the Office of Administrative Hearings, and district court representation; and public labor relations and employment issues, including labor contract drafting and negotiations and legal compliance.

CITY OF PLAINVIEW

City attorney and public labor relations and employment issues.

CITY OF PRINCETON

Annexation and land use issues including a detachment proceeding.

CITY OF RED WING

Environmental wastewater permit issues, biosolids and state agency representation before the Minnesota Pollution Control Agency.

CITY OF REDWOOD FALLS

Public labor and employee relations.

CITY OF ROCHESTER

Annexation and land use issues including legal advice and compliance, and drafting orderly annexation agreements and ordinances.

CITY OF ST. CHARLES

City attorney; annexation and land use issues, including ordinance drafting; and public labor relations and employment issues.

CITY OF ST. CLOUD

Administrative representation regarding contested case hearing on wastewater permit issues including representation before the Minnesota Pollution control Agency, Office of Administrative Hearings and the Minnesota Court of Appeals; negotiation and drafting wastewater service interconnection agreement with five neighboring cities; annexation issues including orderly annexation agreement advice and drafting; and municipal bonding issues.

CITY OF ST. JAMES

Public labor relations and employment; environmental wastewater permit issues and state agency representation.

CITY OF ST. JOSEPH

Public labor relations issues.

CITY OF ST. MICHAEL/FRANKFORT TOWNSHIP

Annexation and land use issues, including negotiation and drafting a four party orderly annexation agreement (St. Michael, Albertville, Otsego, and Frankfort Township) resulting in the merger of St. Michael and Frankfort Township in settlement of a contested case matter.

CITY OF SARTELL

General municipal including ordinance review and drafting; contract litigation; public labor and employment issues including a discipline process audit and amendment of personnel policies, department head training, and discipline and discharge advice and proceedings; real estate transactions and easement and right-of way agreement; drafting intergovernmental sewer agreement; representation in eminent domain proceedings; assessment appeals; environmental review issues including review and analysis of Wetlands Conservation Act issues and process, legal advice and document drafting regarding a petition for an environmental assessment worksheet (EAW) and review and development of findings of fact for an Alternative Urban Areawide Review (AUAR).

CITY OF SAUK CENTRE

Annexation and land use issues including orderly annexation agreements and ordinances.

CITY OF SAVAGE

Legislative representation on environmental and bonding issues.

CITY OF SLAYTON

Public labor relations and employment; environmental wastewater permit issues and state agency representation.

CITY OF STAPLES

Public labor relations and employment issues including labor contract drafting and negotiations; and annexation and land use issues including negotiation and drafting orderly annexation agreement in settlement of contested case matter and resulting in the development of a new community hospital; eminent domain representation and process; drafting easement agreements; research and memoranda regarding intergovernmental utility extension and right-of-way matter.

CITY OF STEWARTVILLE

General municipal, real estate and public labor relations and employment issues.

CITY OF THIEF RIVER FALLS

Public labor relations and employment issues, including grievance advice and responses, arbitration representation, and labor contract negotiation and arbitration advice, FLSA compliance, and fitness-for-duty issues.



CITY OF TRACY

Public labor relations and employment issues including labor contract negotiations advice and analysis.

CITY OF VIRGINIA

Public labor relations and employment issues including a civil service proceeding.

CITY OF WAITE PARK

Public labor relations and employment issues, including grievance review and responses, arbitration representation and drafting settlement agreement, labor contract drafting and negotiations, contested hearing representation, district court representation and research and analysis of civil service ordinance; annexation and land use issues, including negotiation and drafting orderly annexation agreement and representation before district and appellate courts in a writ of mandamus proceeding, research and analysis of zoning matter.

CITY OF WARREN

Public labor relations and employment issues, including labor contract drafting and negotiations, grievance advice and responses, employment investigation, union unit determination proceeding, personnel policy drafting, research and legal compliance memoranda, discipline and discharge advice, documentation and proceedings, and a contested hearing; and general municipal issues, including open meeting law compliance and responding to data practices requests.

CITY OF WARROAD

Public labor relations and employment issues.

CITY OF WASECA

Public labor relations and employment, including research and memoranda regarding FLSA and workers' compensation issues; environmental wastewater permit issues and state agency representation.

CITY OF WHEATON

Public labor relations and employment issues.

CITY OF WILLMAR

City Attorney. Environmental permit issues, including review and analysis of regulatory issues in an NPDES permit and state agency representation, and public labor relations and employment issues.

CITY OF WINDOM

Public labor relations and employment issues, including grievance advice and responses.

CITY OF WINONA

City attorney; public labor relations and employment issues, including labor contract drafting and negotiations and grievance and interest arbitrations; data practices responses and policy drafting; general city policy drafting, contested annexation hearing, environmental review issues, development of intergovernmental sewer contracts, negotiating and drafting orderly annexation agreements and ordinances, pay equity issues, bonding issues, administrative agency representation, and district court representation.

CITY OF WORTHINGTON

Public labor relations and employment issues, including labor contract drafting and negotiations and mediation.

## APPENDIX C: CONSENT FOR RELEASE OF RESPONSE DATA

### REQUEST FOR PROPOSALS (RFP) FORM OF CONSENT FOR RELEASE OF RESPONSE DATA

April 18, 2014

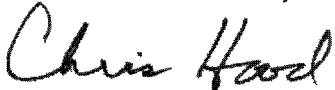
City of Northfield  
City Clerk  
801 Washington Street  
Northfield, MN 55057

**Re: Request for Proposal: Attorney Services**

Consent for Release of Response of Data

Christopher M. Hood, on behalf of Flaherty & Hood, P.A., hereby consents to the release of its proposal in response to the Request for Proposals for Attorney Services and waives any claims it may have under Minnesota Statutes, Section 13.08 against the City of Northfield for making such information public. The foregoing consent and waiver does not extend to financial statements, if any, submitted under separate confidential cover. Such information provided under separate cover may be public data, but will be treated by the City consistent with Minnesota Statutes, Chapter 13.

FLAHERTY & HOOD, P.A.



Christopher M. Hood, Its Vice President

**CITY OF NORTHFIELD  
CITY ATTORNEY RFP  
DISCUSSIONS & ACTIONS 2014**

<b>ACTION</b>	<b>ITEM</b>	<b>DATE</b>
Discussion	Discussion of City Attorney RFP – meeting ended without action.	02-18-2014
M2014-027	Approve Request for Proposals for City Attorney Services to Provide Civil Legal Services and Criminal Prosecutorial Services, Approves the Appointment of Mayor Graham and Mayor Pro Tem Zweifel to Serve on the Interview Panel with City Staff and Asks Staff to Bring an Amended Timeline Back to Council for Approval	03-04-2014
M2014-040	The Northfield City Council Hereby Approves The Timeline For Legal RFP's As Noted In Alternate A For Criminal Prosecutorial Services And Alternate A For The Civil Legal Services	03-18-2014

		ORDINANCE, OPTION #1. All in favor. Motion carried.
<p>Motion M2014-027 RFP Attorney Services</p>	<p>City Administrator Madigan introduced this item and answered questions posed by the Council.</p> <p>Victor Summa, 812 St. Olaf Avenue, acknowledged that the relationship between the City Administrator and City Attorney is a valid point and may be helpful to have the new administrator's input. However, the council should look at the attorney as their employee and not that of the City Administrator.</p>	<p>A motion was made by C. Pownell and seconded by C. Zweifel that THE NORTHFIELD CITY COUNCIL HEREBY APPROVES THE ATTACHED REQUEST FOR PROPOSALS FOR CRIMINAL PROSECUTORIAL SERVICES AND HEREBY APPROVES THE APPOINTMENT OF MAYOR GRAHAM AND MAYOR PRO TEM ZWEIFEL TO SERVE ON THE INTERVIEW PANEL, WITH CITY STAFF.</p> <p>A motion was made by C. DeLong and seconded by C. Ludescher to amend the motion to INCLUDE CIVIL LEGAL SERVICES. Yes votes by C. DeLong, C. Ludescher, C. Zweifel and Mayor Graham. No votes by C. Nakasian, C. Peterson White and C. Pownell. Vote is 4-3. Motion carried.</p> <p>A motion was made by C. DeLong and seconded by C. Peterson White to ASK STAFF TO BRING AN AMENDED TIMELINE BACK TO COUNCIL FOR APPROVAL. Yes votes by C. DeLong, C. Ludescher, C. Peterson White and C. Zweifel. No votes by C. Nakasian, C. Pownell and Mayor Graham. Vote is 4-3. Motion carried.</p> <p>A vote was taken on the motion (M2014-027) to APPROVE THE ATTACHED REQUEST FOR PROPOSALS FOR CITY ATTORNEY SERVICES TO PROVIDE CIVIL LEGAL SERVICES AND CRIMINAL PROSECUTORIAL SERVICES, APPROVES THE APPOINTMENT OF MAYOR GRAHAM AND MAYOR PRO TEM ZWEIFEL TO SERVE ON THE INTERVIEW PANEL WITH CITY STAFF AND ASKS STAFF TO BRING AN AMENDED TIMELINE BACK TO COUNCIL FOR APPROVAL.</p> <p>Yes votes by C. DeLong, C. Ludescher, C. Peterson White, C. Zweifel and Mayor Graham. No votes by C. Nakasian and C. Pownell. Vote is 5-2. Motion carried.</p>

**MOTION  
M2014-027**

THE NORTHFIELD CITY COUNCIL APPROVES THE ATTACHED REQUEST FOR PROPOSALS FOR CITY ATTORNEY SERVICES TO PROVIDE CIVIL LEGAL SERVICES AND CRIMINAL PROSECUTORIAL SERVICES, APPROVES THE APPOINTMENT OF MAYOR GRAHAM AND MAYOR PRO TEM ZWEIFEL TO SERVE ON THE INTERVIEW PANEL WITH CITY STAFF AND ASKS STAFF TO BRING AN AMENDED TIMELINE BACK TO COUNCIL FOR APPROVAL.

Adopted: March 4, 2014



**Date of City Council Meeting:** March 4, 2014

**To:** Mayor and City Council

**From:** Tim Madigan, City Administrator

**Subject:** Approve RFP's for City Attorney Services

**Action Requested:**

The Northfield City Council hereby approves the attached request for proposals for city attorney services to provide civil legal services and criminal prosecutorial services and hereby approves the appointment of Mayor Graham and Mayor Pro Tem Zweifel to serve on the interview panel, with City staff.

**Summary Report:**

The RFP provides a detailed description of the services to be provided, as well as an outline of the proposal requirements, proposed timeline and review process. The City will consider proposals for providing civil legal services, criminal prosecutorial services or both. Preference will be given to those submittals demonstrating experience in those areas of municipal law. The successful applicant(s) are required to possess sufficient resources to ensure that the demands for the City's legal needs will be met on a timely basis. The relationship would be on a consulting or contractual basis, as opposed to a staff position. The proposal is for a three-year contract, with two one-year renewal options for these services.

Firms will be requested to submit fee information for two options. The first option includes a retainer plus hourly fees and the second option is for hourly fees for all work without a retainer. The City intends to award a contract to the respondent(s) best qualified to perform the work for the City and which furthers the best interest of the City. Staff is developing scoring criteria to be used to evaluate the proposals and firms.

Staff will provide notice of availability of the RFP as follows:

- A letter will be sent to all law firms in Northfield
- Advertisement in the Northfield News
- Advertisement with the League of Minnesota Cities
- Notice posted on the City's website

The proposed interview panel will include:

- Mayor & Mayor Pro Tem City Council Member
- City Administrator
- City Clerk

- Police Chief
- Public Works Director/City Engineer

**CONTRACTING LAWS AND POLICIES**

There are two elements a city must consider to determine if the competitive-bidding law applies to a particular contract: the type of contract and its estimated price.

Under the competitive-bidding law, the definition of the term “contract” is broad, but it does not include all contracts. The competitive-bidding law applies to:

- Contracts for the sale, purchase or rental of supplies, materials or equipment.
- Contracts for the construction, alteration, repair or maintenance of real or personal property.

Professional services, such as those provided by engineers, lawyers, architects, accountants, and other services requiring technical, scientific or professional training are exempt from competitive bidding requirements.

**Alternate Options:**

The City Council could amend the RFP’s and the timeline or delay action on this process.

**Financial Impacts:**

Unknown at this time.

**Timelines:**

Action	Date
City Council Approval of RFP	March 4, 2014
Advertisement of RFP begins	March 8, 2014
Deadline for RFP	April 8, 2014 – 4:30 p.m.
Interviews	Week of April 28 *
Update to City Council at Work Session	May 13, 2014 *
Consideration of approval of selected firm and award of contract by the City Council	June 2, 2014 *
New contract begins	August 1, 2014

\* Tentative dates

**Attachments:**

- RFP for Civil Legal Services
- RFP for Criminal Prosecutorial Services

<p>Motion M2014-038 <i>Police Facility Video Surveillance Equipment</i></p>	<p>City Administrator Madigan and Police Chief Nelson introduced this item and answered questions posed by the Council.</p> <p>Victor Summa, 812 St. Olaf Ave., spoke regarding the clear information provided for this item. Noted that Innovative Office is a certified Women Owned Business Enterprise.</p> <p>Don McGee, 710 Highland Ave., spoke regarding savings of leaving the old video system at the Safety Center for use by the Fire Department. Asked about other cost savings/items that can be left for Fire Department use.</p>	<p>A motion (M2014-038) was made by C. Ludescher and seconded by C. DeLong that THE CITY COUNCIL APPROVES THE PURCHASE OF A VIDEO SURVEILLANCE SYSTEM FOR THE NEW POLICE FACILITY FROM CUSTOM ALARM/CUSTOM COMMUNICATIONS OF ROCHESTER IN THE AMOUNT OF \$35,423. All in favor. Motion carried.</p>
<p>Motion M2014-039 <i>Police Facility Office Furniture</i></p>	<p>Police Chief Nelson introduced this item and answered questions posed by the Council.</p>	<p>A motion (M2014-) was made by C. Ludescher and seconded by C. Pownell that THE CITY COUNCIL APPROVES THE PURCHASE AND INSTALLATION OF FURNITURE AND OFFICE EQUIPMENT FOR THE NEW POLICE FACILITY FROM INNOVATIVE OFFICE SOLUTIONS, WITH A TOTAL COST OF \$111,286. All in favor. Motion carried.</p>
<p>Motion M2014-040 <i>Timeline for Legal Services</i></p>	<p>City Administrator Madigan introduced this item and answered questions posed by the Council.</p> <p>Nicky Kelly, 700 Greenvale Ave., spoke regarding the burden being placed on victims of abuse and dangers to victims by abusers. Noted that the system needs to do everything it can to support victims.</p>	<p>A motion was made by C. Zweifel and seconded by C. Peterson White to AMEND MOTION 2014-027 PREVIOUSLY ADOPTED ON MARCH 4, 2014 TO APPROVE THE RFP FOR CRIMINAL PROSECUTORIAL SERVICES WITH TIMELINE ALT. A AND NEGOTIATE A CIVIL LEGAL SERVICES CONTRACT ON A NON ROLLING CONTRACT, APPROVES THE APPOINTMENT OF MAYOR GRAHAM AND MAYOR PRO TEM ZWEIFEL TO SERVE ON THE INTERVIEW PANEL WITH CITY STAFF. Yes votes: C. Nakasian, C. Peterson White, C. Pownell, C. Zweifel. No votes: C. DeLong, C. Ludescher and Mayor Graham. Vote is 4-3. Motion failed. Note a 2/3 majority vote is required.</p> <p>A motion (M2014-040) was made by C. Zweifel and seconded by C. Nakasian that THE NORTHFIELD CITY COUNCIL HEREBY APPROVES THE TIMELINE FOR LEGAL RFP'S AS NOTED IN ALTERNATE A FOR CRIMINAL PROSECUTORIAL SERVICES AND ALTERNATE A FOR THE CIVIL LEGAL SERVICES. All in favor. Motion carried.</p>
<p>Recess</p>	<p>The Council took a 5 minute break at 8:46 p.m.</p>	<p>None.</p>
<p>Motion M2014-041</p>	<p>Planning &amp; Community Development Director</p>	<p>A motion (M2014-041) was made by C.</p>



**MOTION  
M2014-040**

THE NORTHFIELD CITY COUNCIL HEREBY APPROVES THE TIMELINE FOR LEGAL RFP'S AS NOTED IN ALTERNATE A FOR CRIMINAL PROSECUTORIAL SERVICES AND ALTERNATE A FOR THE CIVIL LEGAL SERVICES.

Adopted: March 18, 2014



**Date of City Council Meeting:** March 18, 2014

**To:** Mayor and City Council

**From:** Tim Madigan, City Administrator

**Subject:** Approve Timeline for RFP's for City Legal Services

**Action Requested:**

The Northfield City Council hereby approves the timeline for legal RFP's as noted in Alternate \_\_\_\_\_ for Criminal Prosecutorial Services and Alternate \_\_\_\_\_ for the Civil Legal Services.

**Summary Report:**

The City Council approved the RFP's for legal services at their March 4, 2014 meeting. The Council also requested that staff bring an amended timeline back to the Council for consideration. Staff has created a proposed timeline with two alternates. Council can choose one timeline for both civil and criminal prosecutorial services or a separate timeline for each.

**Alternate Options:**

The City Council could amend the proposed timeline(s) or delay action on this process.

**Financial Impacts:**

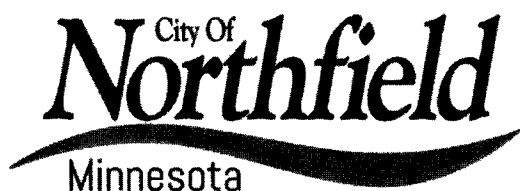
Unknown at this time.

**Timelines:**

Action	Date	
	Alternate "A"	Alternate "B"
City Council Approval of RFP	March 4, 2014	March 4, 2014
Advertisement of RFP begins	March 26, 2014	November 1, 2014
Deadline for RFP	April 16, 2014	December 1, 2014
Interviews	Week of April 28 *	December 15, 2014
Update to City Council at Work Session	May 13, 2014 *	January 13, 2015
Consideration of approval of selected firm and award of contract by the City Council	June 2, 2014 *	January 20, 2015
New contract begins	To Be Determined	To Be Determined

\* Tentative dates

**Attachments:** N/A



**Date of City Council Meeting:** July 8, 2014

**To:** Mayor and City Council

**From:** Tim Madigan, City Administrator

**Subject:** Legal Services Agreements

**Action Requested:**

The Northfield City Council authorizes execution of five year agreements with Flaherty and Hood for City civil legal services and Eckberg and Lammers for City criminal legal services.

**Summary Report:**

A committee composed of Mayor Graham, Councilor Zweifel and affected City staff members reviewed the responses to the City's request for proposals for civil and criminal legal services from the law firms outlined in the attachment to this memo. Personal interviews were held by the Committee with all three firms who submitted proposals for criminal prosecutor attorney services and after evaluation of the proposals, three of the five firms who submitted proposals for civil attorney services.

It is the unanimous recommendation of the Committee to appoint Flaherty and Hood as the City Attorney for civil matters and Eckberg and Lammers for criminal cases. The Committee weighted cost, professional expertise and the "best fit for Northfield" decision in making these recommendations.

Flaherty and Hoods experience with and knowledge of the City of Northfield was a major factor in the recommendation of their firm. The fact that Ekberg and Lammers firm specialized in municipal criminal prosecution was an important factor in recommending their firm.

**Alternative Options:**

Continue with the current agreements for legal services.

**Financial Impacts:**

The rates for Flaherty and Hood will remain the same as their current rates for the next the three years, with an adjustment to be negotiated for the final two years of the agreement.

The proposed agreement with Edberg and Lammers will be based on a retainer that is less than our current costs for this service and is subject to renegotiation after three years.

**Tentative Timelines:**

There will be no change in service with the civil services and the transition to the new criminal prosecutor will need to be worked out with the two law firms involved, but will happen before the end of the summer.

**Attachments:**

Proposed legal services agreements  
Council actions on legal services  
Council Motion on legal services process

**City of Northfield Summary of Civil & Criminal Fees 2010-2013**

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b>Civil</b>	\$126,407.25	\$101,958.82	\$74,004.02	\$108,580.69
<b>Criminal</b>	\$135,040.14	\$115,861.99	\$126,387.76	\$91,109.84
<b>TOTAL</b>	\$261,447.39	\$217,820.81	\$200,391.78	\$199,690.53

Total amounts paid for Civil & Criminal Attorney. Does not include amounts paid to other firms such as bond counsel, labor relations attorney, etc.