



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: City Administrator Dan Wietecha
Date: February 16, 2021
Item: City Attorney - Civil

Council Action Requested:

Approve City of Hastings Legal Services Agreement with Levander, Gillen & Miller.

Background Information:

After reviewing and interviewing several firms and conducting multiple reference checks, I recommend splitting our City Attorney work between two firms for civil and prosecution work in order to get the best expertise in each area.

Levander, Gillen & Miller has been in business for over 90 years. The firm and Attorney Kori Land are highly regarded and represent several municipalities with experiences similar to Hastings, including Cottage Grove, Stillwater, and West St. Paul.

Financial Impact:

Monthly retainer of \$2,250 and base hourly rate for Attorney \$150

Committee Discussion:

Not applicable

Attachments:

- Civil Legal Services Proposal
- City of Hastings Legal Services Agreement with Levander, Gillen & Miller

CIVIL LEGAL SERVICES PROPOSAL FOR THE CITY OF HASTINGS

SUBMITTED BY

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

Contact Information

Korine Land
kland@levander.com

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Suite 400
South St. Paul, Minnesota 55075
p. (651) 451-1831
www.levander.com

CIVIL LEGAL SERVICES PROPOSAL FOR THE CITY OF HASTINGS

LeVander, Gillen & Miller, P.A. is pleased to submit a proposal to serve as the City Attorney for the City of Hastings. We believe that our individual and collective experiences enable us to provide Hastings with efficient, responsive, and cost-effective legal services. Our depth and breadth of municipal legal knowledge is unsurpassed and uniquely positions us to meet the legal needs of Hastings.

Firm Background, Knowledge, and Areas of Expertise

A. Brief Background, History & Organization

LeVander, Gillen & Miller, P.A. (the “Firm”) is a thirteen attorney law firm located in South St. Paul whose attorneys have substantial knowledge, skill and experience in the areas of municipal law, civil litigation, eminent domain, and real estate. Formed in 1929 by Harold Stassen and Elmer Ryan, LeVander, Gillen & Miller, PA is enjoying its 92nd year of providing legal services to our municipal, corporate, and individual clients. This small, unassuming law firm has earned a distinctive reputation for leadership and commitment to public service by producing a United States Presidential candidate and one of the founders of the United Nations; two Minnesota Governors; a United States Senator; a United States Congressman; a Minnesota Legislator; two Minnesota Supreme Court Justices; a Chief Federal District Court Judge and an Administrative Law Judge. The Firm has engaged in the practice of municipal law for more than half a century, covering the entire spectrum of municipal legal services.

Our firm is comprised of eight shareholders, which is led by a 3-member Finance and Management Committee. The Firm’s non-attorney staff includes several paralegals, a Director of Administration, a Director of Financial Operations, prosecution assistants, administrative assistants, and a receptionist. The Firm has eight Practice Groups, each led by a Shareholder in order to further hone our collective knowledge and expertise in each area of law in which we practice.

We have well over one hundred cumulative years of legal experience among the members of the Firm’s municipal practice group, giving us the depth and breadth of legal experience necessary to serve the City of Hastings.

B. Areas of Expertise and General Services Available

1. General Municipal Law

The Firm’s municipal practice group members are experienced in the wide variety of legal issues faced by cities. From revising city codes, to keeping up with changes in relevant laws, addressing city policy concerns, to serving as an integral counselor and facilitator in the development process, the Firm’s attorneys have significant experience in all aspects of general municipal law.

2. Zoning, Planning, Land Use Law and Subdivisions

Zoning, Planning, Land Use Law. The Firm's attorneys have assisted our municipal clients with all aspects of the development process. We frequently communicate with city staff to interpret, review and revise Zoning Ordinances, working specifically with Community Development Directors, Zoning Administrators, and City Planners to create processes, ordinances and standards that meet their needs. Some of our cities include our office in monthly development team meetings to review upcoming planning applications, as well as to discuss any ongoing issues at certain properties in order to address particular concerns and identify solutions. We attend Planning Commission meetings as requested. We recognize that land use law is a litigious and complicated area, and it is critical that Planning Commissions and City Councils have a full understanding on their roles, responsibilities, as well as their limitations.

Subdivisions. Multi-phase residential subdivisions are common in some of our cities and we have created a model development agreement that we are able to customize for each development project, incorporating appropriate easements, outlots, stormwater maintenance agreements or private road easements. We include options for funding mechanisms with requirements for developer escrows and/or letters of credit for the construction of both public and private infrastructure to ensure that the development is completed according to the city's goals, objectives, and standards. We work with city staff to ensure that the development agreement and planning applications sync together with the appropriate public hearings. Since these projects are often developer-driven with specific deadlines, we try to meet the cities on their timelines, not ours.

3. Economic Development, Redevelopment, Real Estate Law and Enforcement

Economic Development, Redevelopment, Real Estate Law. Several of our municipal clients have Economic Development Authorities ("EDAs") to promote economic development and redevelopment. Ms. Land is highly experienced in economic development activity. She drafted the enabling legislation for the City of West St. Paul for its EDA more than 20 years ago. Now, 20+ years later, West St. Paul still has an extremely active EDA and has successfully completed projects resulting in significant redevelopment activity on Robert Street, including the most recent development of its Town Center, which includes a row of townhomes, a HyVee and C-Store, a tunnel under Robert Street and is book-ended by two market-rate multi-family housing projects. For this particular development, the EDA purchased properties over many years and assembled them specifically for this project. The Firm was involved at the predevelopment stages, working with city staff and the financial consultants, from the initial purchase of blighted properties, to clearing titles to the properties, preparing development agreements and finally overseeing the closing on the sale of the properties to various developers.

The City of South St. Paul has recently rejuvenated its EDA and has seen the redevelopment of many contaminated properties along the Mississippi River through the assistance of grants and TIF funding, which will eventually result in a significant increase in the property tax base. It also welcomed the transformation of a long-vacant Wells Fargo Bank building into a market-rate apartment building, which spurred the development of a new restaurant, and another market-rate apartment building, all in the immediate vicinity of Concord Street.

Enforcement. Since starting at the Firm, Ms. Land has been especially attuned to property maintenance and zoning code violations. In the ever-aging communities of West St. Paul and South St. Paul, code enforcement is not just a single property problem; it is a neighborhood problem. For many years, Ms. Land was the chief prosecutor in a special forum in Dakota County District Court known as “Community Court” that was established solely to address property code violations. In addition, both communities have utilized Minn. Stat. Ch. 463, the Vacant and Hazardous Building Statute, to address the immediate need of removing or correcting vacant and hazardous buildings.

Ms. Land has also conducted numerous license revocation hearings on multi-family rental property owners who have either problem tenants or have neglected property maintenance issues, as well as on commercial business licenses such as pawnshops and liquor establishments. Because it is critical that the license holder is afforded due process and that proper findings are made by the Council, we ensure that the process is fair and constitutional.

4. Special Assessments/Public Improvements

All of Ms. Land’s municipal clients conduct annual Minn. Stat. Ch. 429 projects. The statute is meticulously detailed and any flaws in the statutory process can be fatal to the project, so Ms. Land carefully works with City Engineers or consultants to ensure no steps are missed. For larger assessments on undeveloped properties, we often suggest using assessment appeal waivers to defer the assessments until such time as the properties develop. Recognizing that a special benefit analysis hinges on each city’s assessment policy, we work with city councils on drafting such policies to meet their goals for implementing special assessments in a fair manner to the residents and to the city. In the event that there is an assessment appeal, we represent the city in the contested hearing with our team of litigators.

At times, a Minn. Stat. Ch. 429 project involves easement acquisitions on behalf of the city. When this is necessary, Ms. Land and her team work with City Staff and assist with the document preparation, appraisals, obtaining title commitments, reviewing ownership information and preparing the easements necessary for the city’s project. As part of the \$40 million Robert Street project in West St. Paul that involved widening of the right of way, the eminent domain process was initiated against approximately 150 businesses. One of our municipal attorneys, Peter Mikhail, handled many of these acquisitions with great success on behalf of the city that resulted in only one contested hearing.

5. Ordinance and Resolution Development and Interpretation

Ms. Land has been instrumental in assisting the cities with developing appropriate tools through ordinances and resolutions to address the unique issues facing each of them. Many of these ordinances, such as rental licensing, property maintenance standards, nuisance ordinances, administrative citations, tobacco, and liquor licenses contain enforcement provisions that allow the Council to immediately address violations, nuisances or problematic activity on the property in a fair and efficient manner.

6. Contract Law

Ms. Land oversees contract reviews, including public improvement contracts, development agreements, joint powers agreements and purchases of goods and services. For certain purchases and professional services that are exceptions to the public bidding law, she has developed a template contract for cities to use to enable City Staff to be more self-sufficient, as well as timely in addressing their immediate needs.

7. Environmental Law

Ms. Land has been through the Alternative Urban Areawide Review (AUAR) process for two of our municipalities, which required review and revisions to avoid objections from vocal environmental groups. With the locations of three of our cities being on a major river, she has worked directly with the DNR, as well as the Army Corps of Engineers on issues ranging from flood wall protection to watershed management. Watershed Management Organizations exist in all of the cities and have unique oversight over water management. Many of these agencies are multi-layered and often require patience and persistence in order to accomplish the goals set by the City.

8. Litigation

While we have a team of litigators to call upon within the Firm when the need arises to represent our cities, we also have a close working relationship with the League of Minnesota Cities and the League of Minnesota Cities Insurance Trust. We frequently consult with the League's attorneys and the claims administration department to attempt to *avoid* litigation. We find that preventative measures are the best way to circumvent the need for LMCIT's services. However, we know the League's attorneys and we work well with them. On occasion, we are assigned litigation matters by the League to defend the cities we represent, which helps ease the continuity of the contested matter to ensure there is no misinterpretation of the issues or the city's desired outcomes.

9. Riparian Rights

The cities of South St. Paul, Cottage Grove, and Stillwater all abut a significant river, and while the issue of riparian rights has not been problematic, Ms. Land has addressed it over the years in various situations.

Qualifications of Primary Attorney and Support Staff

A. Primary Attorney

Kori Land would act as the lead attorney and primary contact for the City of Hastings. Ms. Land earned her Bachelor of Arts, *magna cum laude*, from Augustana College in Sioux Falls and her Juris Doctor, *cum laude*, from William Mitchell College of Law. Ms. Land joined the Firm in 1996 as an Associate and became a Shareholder in 2002. Ms. Land's attorney profile is found in Appendix 1.

Ms. Land has nearly 25 years of legal experience, all of which have focused on municipal law. She has been the lead City Attorney for West St. Paul for the past 18 years, for Cottage Grove for the past 7 years, Stillwater for the past 2 ½ years and was lead for the City of South St. Paul for 10 years.

Ms. Land is the Chair of the Firm's Municipal Practice Group, a member of the Finance and Management Committee, and the Firm's Vice President. She is a past president of the Minnesota City Attorneys' Association and a frequent speaker at the Minnesota Association of City Attorneys' annual conference. In 2005, she was recognized as a Rising Star[®] by *Minnesota Law & Politics* and since 2011, she has been named a Super Lawyer[®] by *Minnesota Law & Politics* for municipal/government law. From 2015-2019, Ms. Land was part of the annual League of Minnesota Cities' Newly Elected Official Training Conference, joining her partner Tim Kuntz as the "legal team" in educating newly elected officials around the state on a multitude of legal matters, including the different types of cities, public bidding law, planning and zoning applications, the complications of personnel issues, tools to address public nuisances and other fascinating topics that impact elected officials. Since 2015, Ms. Land has been conducting a 1-day seminar sponsored by Government Training Services entitled "Beyond the Basics in Planning and Zoning," with a planner from Stantec. The program is designed to educate city planners and planning commissioners on the background of planning and zoning and help them dive into a thoughtful planning process. The seminar is offered three times each year at various locations across Minnesota. She also conducts training for every new City Council member following an election and offers it to all councilmembers as a refresher course. She provides training to all of our cities' Boards and Commissions upon request.

It is important to note that South St. Paul, West St. Paul and Stillwater are all Charter cities, so Ms. Land completely understands the unique nature and special privileges that Charter cities enjoy.

B. Principal Back-Up Attorney

Bridget Nason would act as a primary backup attorney for the City of Hastings. She received her Bachelor of Arts, *summa cum laude*, from Loyola University Chicago in 2001 and her Juris Doctor, *cum laude*, from the University of Minnesota Law School in 2005. Ms. Nason was admitted before the Minnesota Supreme Court in 2005 and the United States District Court for the District of Minnesota in 2012, and has worked at the Firm since 2005, first as an Associate Attorney and since 2012 as a Shareholder. Ms. Nason's complete academic training, degrees, and background are described in her individual attorney profile in Appendix 1.

Most significantly, she currently serves as the City Attorney for the cities of Inver Grove Heights, Mahtomedi, Lilydale, and North Oaks. Her time is spent providing all aspects of municipal legal services for the Firm's clients, from responding to legal questions from City Staff to drafting ordinances as well as providing legal representation of and advice to the Firm's municipal clients at City Council meetings, work sessions, and trainings. Ms. Nason has been a speaker at the Minnesota Association of City Attorneys' annual conferences and has served on the faculty of several other CLE presentations regarding land use, zoning, and the data practices act.

Ms. Nason has been named a Rising Star[®] by *Minnesota Law & Politics* for eleven years in the area of municipal/government law. In addition to her legal practice, Ms. Nason is a volunteer judge with the MSBA's Mock Trial Program and the Minnesota Urban Debate League and serves as a member of the Board of Directors of the West St. Paul-Hastings Rotary Club, the Dakota County Bar Association, and the Minnesota Women Lawyers' Foundation.

C. Additional Attorneys Who May be Responsible for Providing Legal Services

Through the Municipal Practice Group, our municipal attorneys stay abreast of the latest changes in law and approaches to management of a city government. In addition, by working with a number of municipalities, we are able to share the collective knowledge and experience attained with each municipal client. From small communities such as Sunfish Lake and Hampton, to the first-ring suburbs of South St. Paul and West St. Paul and the growing communities of Inver Grove Heights and Cottage Grove, the Firm serves its municipal clients with expertise and pride. While Ms. Land will consult with other attorneys in the Practice Group, she would retain primary contact for all issues related to Hastings. When consulting with other attorneys, Ms. Land would generally consult with the following attorneys, whose profiles are found in Appendix 1:

Tim Kuntz, who has over thirty-five years of municipal experience, has been named a *Super Lawyer*[®] for municipal/government law for the past twelve years. Mr. Kuntz presented at the League of Minnesota Cities' Newly Elected Officials trainings for more than 30 years. He represented the City of Inver Grove Heights for over 40 years and still represents the City of Sunfish Lake.

Peter Mikhail has over twenty-five years of legal experience and has represented government entities in litigation and condemnation cases. Mr. Mikhail is a recognized as a skilled practitioner in small and large litigation projects. He is the City Attorney for the cities of South St. Paul and Forest Lake.

Angela Amann, who concentrates much of her practice in the area of employment law, assists all of the Firm's municipal clients with a wide variety of employment-law related matters, from employment contracts to disciplinary actions to terminations. Ms. Amann works proactively with our municipal clients to establish and revise various personnel policies, and most recently, she has developed a heightened expertise in HIPAA compliance and COVID-related policies and procedures.

D. Professional Staff who will be Responsible for Providing Legal Services

In addition to the Firm's experienced municipal law attorneys, the Firm's full-time paralegals are well trained in the areas of municipal law. Specifically, Cindy Landon would be the primary paralegal providing services to the City. Ms. Landon has an Associate Degree in Paralegal Studies from Inver Hills and joined the Firm in 2013. Ms. Landon has developed significant substantive knowledge regarding municipal and real estate matters. In addition, she is proficient with the various metro area County property records management systems, to which the Firm has on-line access.

Leah Rose is also a paralegal with an Associate in Science Degree in Paralegal Studies from Inver Hills and an Associate in Arts Degree from Century College. She joined the Firm in 2002 and focuses her practice in the areas of municipal law and corporate law.

The remaining support staff, including administrative assistants and legal assistants are cross-trained in records management, drafting, editing and recording documents and are available to all of our attorneys.

E. Availability of City Attorney and Professional Staff

The workload of Hastings will be given the highest priority in the Firm as we have done with all the Cities that we represent, and we believe we can provide efficient and timely responses and cost effective representation for the City. Ms. Land will manage the full scope of legal services provided to the City of Hastings and can be reached directly by the City at any time. Continuity and consistency would be provided by Ms. Land's handling of nearly all City legal matters, except in the case of unforeseen illness or a scheduled vacation, or where a specific project is handled by one of the Firm's other municipal attorneys. During any such short periods of unavailability, the Firm's other municipal practitioners would be available to assist the City with its legal matters. City staff can expect to easily reach Ms. Land, and all calls and e-mails are typically responded to on the same day they are received. Legal reports, documents, memoranda and contract review are prepared on the City's timeline.

Through our past experience, we have developed a significant database of resource materials, specialized contracts, ordinances, development agreements, easement forms and readily retrievable opinions dealing with some of the more unique and particular areas of municipal law. In short, there is no learning curve for the Firm. We have on hand the background, research materials, ability to access the specialized journals, model contracts, and forms and procedures to assist our municipal clients to address the ever-growing issues that confront cities.

Firm References and Insurance

A. References

The Firm provides the following references:

Name of City	Length of Representation	Contact Name	Contact Info
West St. Paul	Since 1995	Ryan Schroeder, City Manager	651-552-4101 rschroeder@wspmn.gov
Cottage Grove	Since 2013	Jennifer Levitt, City Administrator	651-458-2890 jlevitt@cottagegrovemn.gov
South St. Paul EDA	Since 1949	Ryan Garcia, Executive Director	651-554-3278 rgarcia@southstpaul.org
Stillwater	Since 2018	Tom McCarty, City Administrator	651-430-8801 tmccarty@ci.stillwater.mn.us
Inver Grove Heights	Since the 1970s	Joe Lynch, City Administrator	651-450-2511 jlynch@invergroveheights.org

B. Malpractice Insurance

The Firm's professional liability insurer is Minnesota Lawyers Mutual. Our liability coverage is \$3 million per claim and \$5 million aggregate.

Fees

Listed below are the Firm's proposed hourly rates. Please note that we are willing to discuss alternative fee structure arrangements with the City if so requested:

	2021	2022	2023
Retainer Services Fee	\$2,250/month	\$2,250/month	\$2,250/month
Hourly Rate for All Attorneys for Non-Retainer Services	\$150	\$150	\$155
Hourly Rate for Legal Asst. for Non-Retainer Services	\$115	\$115	\$120
Hourly Rate for All Attorneys for Developer Pass-Through Services	\$205	\$205	\$210
Hourly Rate for Legal Asst. for Developer Pass-Through Services	\$130	\$130	\$135

Itemized Fees:	
• Photocopying	\$.20/page black/white \$.49/page color
• Westlaw Legal Research	Actual Cost; not to exceed \$300/month
• Mileage Reimbursement	Applicable IRS approve rate <i>(Mileage would <u>not</u> be charged to and from City Hall)</i>
• Recording fees, filing fees, title search fees, out of pocket expenses	Actual Cost
Minimum increments of time billed for each service	.10 per hour

A. “Retainer Services” means to:

1. Provide routine legal advice, consultation and opinions to the City Council and City Administrator.
2. Attend City Council meetings and work sessions.
3. Conduct City Council trainings.
4. Monitor relevant pending and current State/Federal legislation and case law.

B. “Non-Retainer Services” means:

1. Represent the City in acquisition of real property for economic development.
2. Public Improvement Projects, including the voluntary acquisition of easements.
3. Represent the City in contested administrative proceedings, such as license hearings.
4. Other non-routine matters, as approved by the City Administrator.

C. “Developer Pass-Through Services” means:

1. Projects that involve a developer or other party, such as a planning or zoning land use applicant who specifically needs or requests the City’s legal services on a project and the City’s interest is served in providing those legal services, including but not limited to development agreements, project analysis, and planning applications. These projects typically involve an escrow that is provided by the developer or applicant prior to the initiation of work and the costs of legal services are recovered from the escrow.
2. Represent the City in civil litigation, including assessment appeals and condemnation.

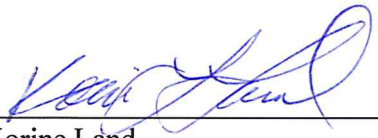
The Firm provides detailed monthly bills to its municipal clients, an example of a current municipal bill will be provided upon request.

Conclusion

We believe that LeVander, Gillen & Miller, P.A., is uniquely positioned by our historical and extensive experience in municipal law to provide full civil legal services to the City of Hastings. Our Firm is committed to delivering the highest quality professional legal services to the City in an efficient and effective manner, and we look forward to the opportunity to provide many years of legal representation to the City of Hastings.

Respectfully submitted,

LeVander, Gillen & Miller, P.A.

By: 

Korine Land
Shareholder

APPENDIX 1: ATTORNEY PROFILES

KORINE LAND

Shareholder



Areas of Practice

Municipal and Governmental Law
Real Estate and Land Use
Eminent Domain

Position

LeVander, Gillen & Miller, P.A.
Shareholder (Since Jan. 2002)
Associate Attorney (1996-2001)

Education

William Mitchell College of Law
Juris Doctorate (J.D.), 1995 Cum Laude
Associate Editor, William Mitchell Law Review (1993-1995)
Augustana College - Sioux Falls, South Dakota
Bachelor of Arts (B.A.), 1992 Magna Cum Laude

Bar Admissions

Minnesota Supreme Court, 1995
United States District Court, District of Minnesota, 1998
Wisconsin Supreme Court, 2001

Appointments, Memberships, and Affiliations

Minnesota City Attorney's Association Board of Directors (2006-2009)
President (2008 - 2009)
Minnesota Women Lawyers (2001 - Present)
West St. Paul/Mendota Heights Rotary Club (1999-Present)
President (2005-2006)

Bar Association Membership

Minnesota State Bar Association
Wisconsin State Bar Association
First Judicial District Bar Association
Dakota County Bar Association

Lectures, Speeches, Courses Taught

Lorman Education Services Seminar "What You Need To Know About
Public Records and Open Meetings" (May 2013)
Minnesota City Attorney's Association Annual Conference
"Administrative Citations" (February 2010)
Minnesota City Attorney's Association Legislative Update
"Dangerous Dogs" (June 2009)
Minnesota City Attorney's Association Annual Conference
"Community Court: A New Environment For Code Violations"
(February 2003)

Pro Bono and Volunteer Activities

Legal Assistance of Dakota County
Loaves & Fishes
Neighbors, Inc. Adopt-A-Family Program

Awards, Honors and Recognitions

Recognized by Minnesota Law & Politics as a Rising Star (2005)
and Super Lawyer (2011-2013)

ATTORNEYS AT LAW

BRIDGET McCAULEY NASON
Shareholder

**Areas of Practice**

Municipal and Governmental Law
Criminal Law
Real Estate

Position

LeVander, Gillen & Miller, P.A.
Associate Attorney (2005-2012)
Shareholder (2013 - Present)

Education

University of Minnesota Law School
Juris Doctorate (J.D.), 2005
Honors: Cum Laude
Dean's List

Loyola University - Chicago
Bachelor of Arts (B.A.), 2001
Honors: Summa Cum Laude
Phi Beta Kappa
Dean's List

Bar Admissions

Minnesota Supreme Court, 2005
United States District Court, District of Minnesota, 2012

Prior Experience

Law Clerk, Hennepin County Attorney's Office (2003-2005)
Law Clerk, Federal Trade Commission's Bureau of
Consumer Protection (2004)
AmeriCorps VISTA Volunteer, Land of Lincoln Legal Assistance Foundation
(2001-2002)

**Bar Association
Membership**

Minnesota State Bar Association (2005-Present)
Dakota County Bar Association (2005-Present)

**Appointments,
Memberships and
Affiliations**

City Attorney (Civil), City of Forest Lake, MN (2017-Present)
Minnesota Women Lawyers (2005-Present)

**Pro Bono and
Volunteer Activities**

Minnesota State Bar Association, Mock Trial Judge (2004-Present)
West St. Paul/Mendota Heights Rotary Club (2012-Present)
Minnesota Women Lawyer's Foundation (2015-Present)
Dakota County Bar Association, Board of Directors (2015-Present)
Legal Assistance of Dakota County, Volunteer (2005-Present)

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EMAIL: BNASON@LEVANDER.COM

ATTORNEYS AT LAW

TIMOTHY KUNTZ
Shareholder

**Areas of Practice**

Municipal and Governmental Law
Corporate Transactions
Business Organization
Probate and Estate Planning
Litigation Strategy and Consultation

Position

LeVander, Gillen, Miller, P.A.
Shareholder (Since 1980)
President of the Board
Member, Finance and Management Committee
Associate Attorney (1975-1980)

Education

University of Minnesota Law School
Juris Doctorate (J.D.), 1975
Minnesota Law Review

University of Notre Dame
Bachelor of Arts (B.A.), 1972
Summa Cum Laude
Ford Merit Scholar
Phi Beta Kappa

Bar Admissions

Minnesota Supreme Court, 1975
United States District Court, District of Minnesota, 1978

**Appointments,
Memberships, and
Affiliations**

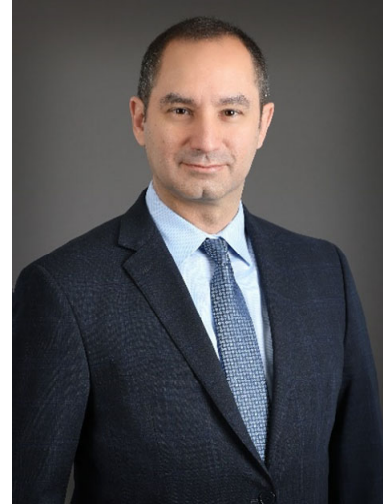
Minnesota Client Security Board (1997-2002)
Minnesota State Bar Association Task Governance Force (2003-2004)
Governor's Judicial Selection Committee
First Judicial District (1999-2002)
Minnesota State Bar Association - Board of Governors
(1985-1990) and (1997-2002)
River Heights Chamber of Commerce
First District Bar Association Board
Secretary/Treasurer (1999-2000)
Vice President (2001)
President (2002)
Dakota County Bar Association
Secretary/Treasurer (2001-Present)

**Awards, Honors,
and Recognitions**

Special Recognition Award - League of Minnesota Cities
Recognized by Law & Leading Attorneys in the area of
Federal, State and Local Governmental Law
President's Award - Minnesota State Bar Association
Recognized as Super Lawyer in Governmental Law

ATTORNEYS AT LAW

PETER G. MIKHAIL
Shareholder

**Areas of Practice**

Civil Litigation
Eminent Domain
Real Estate and Land Use
Municipal Law

Position

LeVander, Gillen & Miller, P.A.
Shareholder (2019 - present)

Education

University of Minnesota Law School
Juris Doctorate (J.D.), 1994 Cum Laude

Washington University
B.A., English Literature, 1991

Bar Admissions

Minnesota Supreme Court
Wisconsin Supreme Court
Pennsylvania Supreme Court
Missouri Supreme Court
United States District Court, District of Minnesota
United States Court of Appeals for the 8th Circuit
United States Supreme Court

Prior Experience

Shareholder, Kennedy & Graven, Chartered (2008 - 2019)
Associate, Kennedy & Graven, Chartered (2006 - 2008)
Assistant City Attorney, St. Paul City Attorney's Office (2000 - 2004)

Bar Association Memberships

American Bar Association
Minnesota State Bar Association
Hennepin County Bar Association
Eminent Domain Section (former president)
Minnesota Eminent Domain Counsel's Association
Founding Board Member
Wisconsin State Bar Association
First Judicial District Bar Association
Dakota County Bar Association

Pro Bono Activities

City of Minneapolis Civil Rights Department
Pro Bono Mediator

Awards, Honors and Recognitions

Recognized by Minnesota Law & Politics as a
Super Lawyer

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ATTORNEYS AT LAW

ANGELA LUTZ AMANN
Shareholder

**Areas of Practice**

Employment Law
Probate and Estate Planning
Association and Non-Profit Law
Health Care Law
Commercial Transactions

Position

LeVander, Gillen & Miller, P.A.
Shareholder (Since Jan. 2000)
Secretary of the Board of Directors
Chair, Human Resources Committee
Chair, Employment Law Practice Group
Associate Attorney (1995-1999)

Education

University of Notre Dame Law School
Juris Doctorate (J.D.), 1994
Honors: Thomas J. White Scholar
Student Articles Editor,
Journal of Law, Ethics and Public Policy

Northwestern University; Evanston, Illinois
Bachelor of Science (B.S.), 1991
Honors: Dean's List (all quarters)
Major: Communications

Bar Admissions

Minnesota Supreme Court, 1994
United States District Court, Minnesota, 1995

Prior Experience

Law Clerk to the Honorable Thomas R. Lacy
First Judicial District Court, Minnesota (1994-1995)

**Appointments,
Memberships, and
Affiliations**

Minnesota Women Lawyers (1999-Present)
River Heights Chamber of Commerce
Member (1995-Present)
Board of Directors (2005-2007)

**Bar Association
Membership**

Minnesota State Bar Association (1995-Present)
First Judicial District Bar Association (1995-Present)
Dakota County Bar Association (1995-Present)

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EMAIL: AAMANN@LEVANDER.COM

Lectures, Speeches, and Courses Taught

Presenter, Dakota Area Resources and Transportation for Seniors (DARTS) Seminar, "Planning for Incapacity" and "Estate Planning Basics" (June 2004-2008)

Presenter, Lorman Education Services Continuing Legal Education Seminar, "What You Need to Know About Public Records and Open Meetings in Minnesota" (September 2003-2006)

Presenter, Edward Jones Advisor Symposium, "Do You Need An Estate Plan" (November 2005)

Presenter, Women's Financial Security Symposium, "Key Strategies for Achieving Financial Success" (September 2003)

Presenter, Minnesota Dental Association Seminar, "HIPAA Privacy for Dental Professionals" (February 2003)

Presenter, Easter Lutheran Church, "Estate Planning Basics" (May 2003)

Representative Clients

Minnesota Dental Association

Pro Bono and Volunteer Activities

Minnesota Women Lawyers Law Student Mentor
Pinewood Community School Site Council (2010-Present)
Minnesota Valley Mothers of Multiples Club (2003-Present)

Practice Experience

Counsels public and private employers on commercial and employment-related matters, including employment agreements, discharges, severance agreements, discrimination claims, breach-of-contract claims, non-competition covenants, and drafting of employment policies.

Counsels individuals on all types of estate planning strategies including wills, revocable trusts, disclaimer/credit shelter trusts, gifting plans, beneficiary designations, powers of attorney, and health care directives.

Assists clients with all aspects of the probate and trust administration process, including conservatorships and guardianships.

Works with dentists and other professionals on the purchase or sale of a practice or business, corporate governance, employment issues, estate planning and practice transition issues.

Serves as general counsel to a major professional trade association and advises on all aspects of corporate governance, employment and health care law issues.

Advises non-profit organizations and other entities on all aspects of corporate, employment, and health care law.

**CITY OF HASTINGS
LEGAL SERVICES AGREEMENT**

This Legal Services Agreement (“Agreement”) made this 16th day of February, 2021, by and between the City of Hastings (“City”), a Minnesota municipal corporation, and LeVander, Gillen & Miller, P.A. (“LeVander”), a Minnesota professional association.

RECITALS

- A. The City has selected LeVander to serve as the law firm to provide civil legal representation for civil matters, for the Hastings Economic Development & Redevelopment Authority (“HEDRA”), and for Developer Pass-Through Services and Litigation Matters.
- B. The City and LeVander desire to memorialize their understanding in this Agreement regarding the scope of work and fee arrangements for the civil legal representation.

I. DEFINITIONS

- A. “Retainer Services” means to:
 - 1. Provide routine legal advice, consultation and opinions to the City Council and City Administrator.
 - 2. Attend regular City Council meetings and work sessions.
 - 3. Conduct newly elected City Councilmember trainings following elections or appointments, or upon request.
 - 4. Participate in introductory meetings in 2021 with department heads, staff, commissions, and City Council.
 - 5. Monitor relevant pending and current State/Federal legislation and case law and provide direction to City if needed.
- B. “Non-Retainer Services” means all other matters not included in Retainer Services above, such as but not limited to:
 - 1. Represent the City in voluntary acquisition of rights of way and land for public improvement projects.
 - 2. Represent the City in administrative proceedings.
 - 3. Attend meetings of the Planning Commission, HEDRA or special City Council meetings.
 - 4. Negotiate, draft and provide substantial review of contracts, deeds, easements, ordinances, resolutions, and other documents.
 - 5. Represent the City in employment law, telecommunications and public utilities matters.

C. “Developer Pass-Through Services and Litigation Matters” means:

1. Represent the City or HEDRA for projects that involve a developer or other party, such as a planning or zoning land use applicant who specifically needs or requests the City’s or HEDRA’s legal services and the City’s interest is served in providing those legal services, including but not limited to development agreements, project analysis, and planning applications. These projects typically involve an escrow that is provided by the developer or applicant prior to the initiation of work and the costs of legal services are recovered from the escrow.
2. Represent the City or HEDRA in civil litigation, including, but not limited to assessment appeals, condemnation, defense against claims made by 3rd parties when there is no insurance coverage, or initiation of claims made by the City or HEDRA.

D. “HEDRA Representation” means those matters that come before HEDRA as development projects or other actions that require legal assistance or review, including attendance at HEDRA meetings, as requested. HEDRA Representation will be billed the same rates as Non-Retainer Services, unless specifically designated as a Developer Pass-Through Representation.

II. TERM

This Agreement shall commence on February 17, 2021 and shall terminate on December 31, 2023. This Agreement may be renewed thereafter upon mutual agreement of the parties. The City may terminate this Agreement upon sixty (60) days written notice to LeVander.

III. SERVICES PROVIDED

LeVander shall provide civil legal representation on behalf of the City during the term of this Agreement. Korine Land will be the principal responsible attorney for all matters, assisted by Bridget McCauley Nason. Any of the shareholders, associates, legal assistants or staff will also be available. LeVander will not provide Criminal Prosecution Services on behalf of the City. “Criminal Prosecution Services” shall mean those matters involving the enforcement of laws of the State of Minnesota or the ordinances of the City through the use of the criminal justice system.

IV. FILES AND RECORDS

A. File Maintenance. LeVander will keep complete files and records for all matters handled for the City for a minimum of seven years. Paper files and records may be scanned and stored electronically. An updated index of such files will be provided to the City upon request. Files no longer needed for current matters may be commercially archived, and any cost of said archiving shall be a charge, which may be billed in

addition to the fees set forth in Section V. If the City desires any or all of its files, LeVander shall incur the copy cost on any file copies that LeVander desires to copy and retain.

Pursuant to Minn. Stat. §16C.05, subd. 5, LeVander agrees that the books, records, documents, and accounting procedures and practices of the LeVander, that are relevant to the contract or transaction, are subject to examination by the City and either the legislative auditor or the state auditor, as appropriate, for a minimum of six years. LeVander shall maintain such records for a minimum of six years after final payment.

- B. Data Practices Act. Pursuant to the provisions of Minn. Stat. § 13.05 subd. 11, all data created, collected, received, stored, used, maintained, or disseminated by LeVander in performing legal services on behalf of the City is subject to the requirements of Minn. Stat. Ch. 13, and LeVander shall comply with the requirements of Minn. Stat. Ch. 13 as if it were a government entity. All data supplied to LeVander shall be administered consistent with the provisions of Minn. Stat. Ch. 13 and data on individuals shall be maintained according to the statutory provisions applicable to the data.

- C. File Destruction. LeVander may destroy files and records pertaining to a concluded matter seven years after the conclusion of the matter, except as follows: (1) If the City has instructed that said files or records be transmitted to the custody of the City, LeVander will so transmit them; and (2) LeVander will preserve or transmit to the City any original instruments that are still in effect (e.g., deeds, mortgages, easements, notes, etc.).

V. FEES, CHARGES AND BILLING

LeVander will bill the City monthly for the following services at the following rates:

	2021	2022	2023
Retainer Services Fee	\$2,250/month	\$2,250/month	\$2,250/month
Hourly Rate for All Attorneys for Non-Retainer Services	\$150	\$150	\$155
Hourly Rate for Legal Asst. for Non-Retainer Services	\$115	\$115	\$120
Hourly Rate for All Attorneys for Developer Pass-Through Services and Litigation Matters	\$205	\$205	\$210
Hourly Rate for Legal Asst. for Developer Pass-Through Services and Litigation Matters	\$130	\$130	\$135

Itemized Fees:	
• Photocopying	\$.20/page black/white \$.49/page color
• Westlaw Legal Research	Actual Cost; not to exceed \$300/month
• Mileage Reimbursement	Applicable IRS approve rate <i>(Mileage will not be charged to and from City Hall)</i>
• Recording fees, filing fees, title search fees, out of pocket expenses	Actual Cost
Minimum increments of time billed for each service	.10 per hour

VI. MISCELLANEOUS

- A. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.
- B. This Agreement shall not be assignable.

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LEVANDER, GILLEN & MILLER, P.A.

By: _____
Korine L. Land
Shareholder/Vice President

CITY OF HASTINGS

By: _____
Mary Fasbender
Mayor

By: _____
Erica Henderson
City Clerk