



**CITY OF SAINT PETER, MINNESOTA
AGENDA AND NOTICE OF MEETING**

City Council Finance Committee Meeting
Monday, October 16, 2023
4:30 p.m. – St. Peter Community Center, St. Peter Room

- I. CALL TO ORDER**
- II. 2024 LEGAL SERVICES CONTRACT**
- III. ADJOURNMENT**

Todd Prafke
City Administrator



September 29, 2023



City of Saint Peter

Mayor Shanon A. Nowell
City Council
Finance Committee

Dear Mayor Nowell, Council and Finance Committee,

Home of Gustavus Adolphus College
County Seat of Historic Nicollet County

Attached to this letter is a proposed contract for 2024 and 2025. In making this proposal, it is not our objective to negotiate in a manner, often used, where each of the parties start at an extreme and try to compromise somewhere in the middle. The reason we have avoided that method is that we believe the working relationship between attorney and client involves a level of trust which is not fostered by that approach; neither of us benefit by creating an adversarial relationship. Instead, we have used a method of discounting our normal rate which has been accepted by both parties in the past, and which we expect will meet with your approval.

City Attorney
James W. Brandt

Assistant City Attorney
Christopher P. Grean

Our firm has two market hourly rates for private clients charged on an hourly rate. Given Jim's 49-year experience as a Saint Peter attorney, of which 33 years have been served in the City Attorney's office, his private client rate is \$300.00 per hour. Given Steve's ten years as an attorney which two years have been served in the City Attorney's office, his private client rate is \$275.00. These rates will be utilized in 2024 and reflect a variety of concerns. As a Saint Peter business, we have employment and business expenses like any other business; the City is familiar with these from its own operations. Like the City, we must keep various items in mind when setting rates, including items such as inflation, employee payroll, sewer, water, electricity, heat, office space, office machines, library, telephone, malpractice professional liability insurance, and supplies, to name a few. One of our office's major costs over the past several years, as it was for the City, was health insurance costs. Just like the City and any other businesses, we are subject to changes in the cost of doing business which occur over time.

219 West Nassau
P.O. Box 57
Saint Peter, Minnesota
56082
(507) 931-6940
FAX (507) 931-6909

In spite of that, we do not propose that the City pay a fluctuating hourly rate, nor do we propose that the City pay our normal hourly rate. Rather, in recognition of the fact that the City brings a large volume of work to our office, we propose a discount from our normal hourly rate. For the eight contracts, prior to sixteen years ago, we agreed to a \$20.00 per hour discount.



September 29, 2023

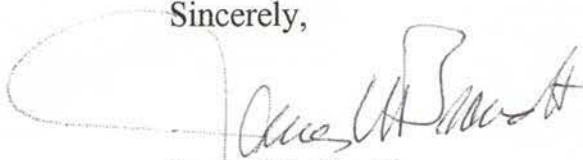
2

If we applied the same discount to this contract, that discount would equate to a \$90.00 per hour increase for Jim and a \$65.00 per hour increase for Steve.

With tight budgets and always potential reductions in local government aid, we understand that the City cannot absorb such a large increase. Therefore, we would propose a \$10.00 per hour increase in 2024 and \$10.00 in 2025, for Jim, and \$10.00 for Steve in 2024 and \$10.00 in 2025 for Steve. For 2024, this arrangement results in an hourly rate of \$200.00 per hour for Jim and \$195.00 per hour for Steve. We propose to utilize a law student practitioner, should one be hired, at a rate of \$140.00 per hour in 2024. For 2025 this arrangement results in an hourly rate of \$210.00 per hour for Jim and \$205.00 per hour for Steve. We propose to utilize a law student practitioner, should one be hired, at a rate of \$145.00 in 2025. In 2024 our staff hourly rate would be \$100.00 per hour. In 2025 our staff hourly rate would be \$105.00 per hour.

We are happy that the Council has seen fit to refer this matter to the Finance Committee where any questions may be addressed. As always, we are happy to answer any questions you may have.

Sincerely,



James W. Brandt



Steven D. Winkler

Encl.

CONTRACT FOR CITY ATTORNEY SERVICES – 2022-2023

PARTIES: City of St. Peter, a Municipal Corporation, Brandt Law Office, P.A.

DURATION: January 1, 2022 - December 31, 2023

RETENTION: The City of St. Peter hereby retains and appoints James W. Brandt to serve as the City Attorney and Steven D. Winkler, to serve as the Assistant City Attorney, as well as a Law Clerk to serve as the Assistant City Attorney under Student Practice Rules if one should be hired by the Brandt Law Office, P.A. The attorneys hereby agree to act in such capacity pursuant to the terms and conditions herein specified.

JOB DESCRIPTION: The City Attorney and his office agree to perform all legal services for the City of St. Peter as required to efficiently and effectively run the legal department of the City. Services rendered shall be as authorized by the City Council or the City Administrator, or his designee.

NORMAL DUTIES: The Office of City Attorney will prosecute the criminal offenses committed within the City; furnish legal opinions upon request; attend City Council and other City meetings as requested; and draft any and all legal documents and instruments required for the normal legal operation of the City.

In addition to agreeing to perform the above-described legal services, the attorneys agree not to perform services or represent any party in an action where such party has an interest adverse to the City.

It is understood by the parties hereto that the legal services rendered by the office of City Attorney to the City shall include all of those required for the usual operation of the City and its departments, divisions and offices.

Such normal duties are not intended to include extraordinary legal matters as defined herein.

**COMPENSATION
FOR ROUTINE
DUTIES:**

As a minimum retainer, the City shall provide the following benefits each month during the term of this contract:

The City shall compensate the City Attorney at an hourly rate as follows:

	<u>2022</u>	<u>2023</u>
James W. Brandt	\$185.00	\$190.00;
Steven D. Winkler	\$180.00	\$185.00;
Law Student Practitioner	\$130.00	\$135.00.

An itemization of all time spent performing services for the City shall be provided.

**COMPENSATION
FOR STAFF
SUPPORT
DUTIES:**

The City shall compensate the City Attorney for the administration of all City files including civil matters and criminal matters at the following hourly rates:

	<u>2022</u>	<u>2023</u>
Paralegal/Secretarial:	\$92.50	\$95.00

**LEGAL
RESEARCH:**

The City shall reimburse the City Attorney for actual costs incurred in the City Attorney's legal research for City issues. The City Attorney shall utilize the most cost-efficient legal research available including online research.

OUT OF POCKET

EXPENSES: The City shall reimburse the City Attorney for all filing fees, photocopies, long distance telephone expenses, and travel related to City business. Also, the City shall reimburse the City Attorney 50% of the cost of registration for the following Continuing Legal Education Programs:

- City Attorney Update Seminar;
- Mid-year City Attorney Update Seminar;
- Criminal Law Institute;
- Employment Law Institute.

EXTRAORDINARY

DUTIES: Extraordinary duties shall include the preparation for and appearance at the Minnesota Supreme Court, the Minnesota Court of Appeals (except criminal appeals), Minnesota District Court (except criminal cases), or U.S. Federal Courts in actions brought by or against the City.

**COMPENSATION
FOR
EXTRAORDINARY**

DUTIES: As compensation for extraordinary duties performed by the City Attorney, shall be at the following hourly rates:

	<u>2022</u>	<u>2023</u>
James W. Brandt	\$195.00	\$200.00;
Steven D. Winkler	\$190.00	\$195.00;

CITY OF ST. PETER

_____, Mayor



James W. Brandt

ATTEST:

Todd Prafke
City Administrator



Steven D. Winkler