



MICHAEL HEILMAN
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January 4, 2021

Sent via Email

City of Bloomfield
Attn: Tomi Jo Day
111 West Franklin Street
Bloomfield, Iowa 52537

RE: Response to Request for Proposals for Legal Services

Dear Ms. Day:

This letter of interest from Brick Gentry, P.C. is in response to the City of Bloomfield's request for a proposal to provide legal services to the City. Included in these materials are the qualifications of the firm's municipal attorneys and an overview of the legal services the firm provides to other Iowa municipalities.

I. Firm Background

Brick Gentry P.C. is one of Iowa's premier municipal law firms, providing services to cities, counties, and municipal corporations for nearly fifty years. The firm appreciates the opportunity to submit this proposal to represent the City of Bloomfield and would suggest that Michael Heilman serve as the contact with the City—while allowing the City to draw upon the expertise of the other attorneys within the firm.

Currently, Brick Gentry P.C. provides full-service City Attorney services for the following cities: Ankeny, Bondurant, Colfax, Huxley, Mitchellville, Muscatine, Newton, Nevada, Polk City, Waukee, and Windsor Heights. In addition, Brick Gentry P.C. handles municipal prosecutions for Altoona, Denison, Newton, Colfax, Prairie City, Hartford, Ankeny, Polk City, Pleasant Hill, Windsor Heights, Waukee, and others. Over the past few years, Brick Gentry P.C. has represented the following cities in employment matters and litigation: Adel, Atlantic, Council Bluffs, Hubbard, Iowa Falls, Jamaica, Johnston, Nevada, Newton, Radcliffe and West Des Moines.

Along with the firm's broad depth of service to cities, Brick Gentry P.C. handles matters for a number of counties and represents many municipal corporations, such as the Council Bluffs Water Works, Des Moines County Regional Solid Waste Agency, Diamondhead Sanitary Sewer District, Des Moines Area Regional Transit, Metropolitan Waste Authority, Neighborhood Housing Agency of Des Moines, Rural Iowa Management Agency, and the Urbandale-Windsor Heights Sanitary District.

II. Qualifications and References

The attorneys of Brick Gentry P.C. have decades of experience acting as legal advisors to city officials, boards and commissions and are accustomed to attending, upon request, regular and special City Council meetings to provide legal guidance. The firm's attorneys make a concerted effort to be readily available to City staff for review of materials prepared for City Council meetings and to timely confer with the City Administrator and/or staff prior to meetings regarding legal matters and potential issues.

The firm has a core municipal attorney group of Amy Beattie, Jim Brick, Matthew Brick, Steve Brick, Erin Clanton, Doug Fulton, Michael Heilman, Billy Mallory, and Allison Steuterman, who are available to handle general municipal issues, as well as prosecute municipal infractions. These attorneys each have years of experience handling these types of matters and all work hard to establish good relationships with the staff of the various City Departments to insure the expedient and successful resolution of all issues. The profiles of the municipal attorneys at Brick Gentry can be found at www.brickgentrylaw.com/areas-of-practice/municipal-law.aspx and are also included in the attached Firm Brochure

III. Scope of Services and Legal Experience

Brick Gentry P.C. has a broad area of municipal experience and acts as legal advisor to all City officials, as well as board and commission members, which covers matters such as condemnation, litigation, ordinances, prosecutions, environmental issues, labor and employment law, and zoning/annexation matters. Specifically, the firm: (a) provides legal opinions regarding municipal, state and federal laws; (b) keeps municipal ordinances in compliance with relevant law; (c) prepares for Council meeting issues and reviews draft motions, resolutions and ordinances—as directed by staff; (d) attends all Council, board and commission meetings—as directed by staff; (e) handles prosecutions of misdemeanor criminal offenses and municipal infractions; (f) acts as litigation defense counsel for the City before any court or administrative agency; (g) reviews all agreements and contracts—including title documents, real estate closing paperwork and title opinions; and (h) counsels City personnel on employment matters and bargaining unit issues.

As part of the services Brick Gentry P.C. currently provides its municipal clients, the firm regularly interprets and provides opinions on questions regarding a variety of legal issues; reviews and provides written legal opinions on proposed ordinances; drafts, reviews and provides recommendations for proposed ordinances and resolutions; and interprets and provides City staff and elected officials written opinions on questions interpreting City ordinances and State Code matters. The firm's municipal attorneys also have a strong background advising staff with regard to code enforcement issues.

With regard to condemnation, Brick Gentry P.C. has acted as legal counsel in dozens of condemnation actions, including public right-of-way condemnations. In the recent past, the firm assisted with the completion of the Ankeny Aquatic Center/Middle School/Soccer Complex, which came in \$200,000 under budget. Further, Brick Gentry P.C. lawyers have worked with the Iowa Department of Natural Resources (IDNR) in the Department's update of their Iowa Code Chapter 455B environmental rules, and has successfully represented municipal clients before the IDNR regarding administrative orders and fines levied against those cities by the IDNR. The firm represents the "Growing Green Communities," a non-profit 501(C) corporation organized to assist cities in the development of alternative storm water drainage systems and to obtain available State grants for that purpose.

Brick Gentry P.C. has represented dozens of municipalities across Iowa in various litigations; for example, we defended Ankeny from alleged Constitutional violations, our lawyers have represented Council Bluffs in defending against a union lawsuit over health insurance, and the firm has represented Johnston from an annexation lawsuit brought by the former mayor that involved alleged Constitutional violations and personal injury claims.

The attorneys at Brick Gentry P.C. have years of experience providing employment and union advice to municipalities across Iowa. This past year alone, the attorneys have been involved in negotiating over a dozen contracts and defending current clients in close to two-dozen grievance, civil service and civil rights complaint matters. Brick Gentry P.C. has defended current clients in employment matters before the Public Employment Relations Board, the Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, as well as both state and federal courts.

Finally, Brick Gentry P.C. has been involved in a number of different types of municipal annexations disputes before the City Development Board, including 80/20 annexations and both voluntary and involuntary annexations. In fact, the firm recently defended Huxley successfully against a claim brought by Ames seeking to annex land within Huxley's corporate limits. Brick Gentry P.C. has also acted as legal counsel in numerous condemnation actions and, as such, the firm's attorneys are comfortable advising City staff with regard to all manner of planning and zoning issues, as well as preparing documents related to land acquisition and/or development.

IV. Proposed Costs

The standard rate charged by Brick Gentry attorneys and staff is three hundred dollars (\$300) per hour for Partners, two hundred dollars (\$200) per hour for Associates, and one hundred dollars (\$100) per hour for law clerks and paralegals. While this is the Firm's standard rate, we offer a reduced rate to our municipal clients, which is based on the following rate schedule: one hundred fifty dollars (\$150) per hour for all attorney services, including civil litigation, and seventy-five dollars (\$75) per hour for all services performed by paralegals and law clerks.

The firm would not require the City to provide a retainer and would instead bill on a monthly basis only for services delivered. It is difficult to predict an annual cost for services as it can vary depending on several factors; however, unlike a fixed monthly retainer agreement which may require the City to incur legal fees even when it has not used our services, this payment structure enables the City to only incur attorney fees on an as needed basis.

Brick Gentry P.C. understands that the City has issues and concerns unique to it and we will provide only those services actually requested and, of course, honor the City's preference for how often, and how long, the City Attorney attends Council Meetings. Given the distance between the City and the firm, it is expected that—similar to our practice with other municipalities located throughout Iowa—we will utilize teleconferences and electronic communication as much as possible to reduce travel costs. As a cost savings to the city, we would propose excluding criminal prosecutions from the scope of this agreement. Ultimately, if the firm is chosen for this proposal, it is expected the scope of services and proposed costs will be further defined by the City Council prior to entering into a contract with the firm.

Should the City have any questions or need any additional information concerning this proposal, please do not hesitate to contact us. Again, thank you for considering Brick Gentry P.C. to serve as City Attorney.

Sincerely,



MICHAEL HEILMAN
michael.heilman@brickgentrylaw.com



Attorneys
Michael W. Heilman
Shareholder

michael.heilman@brickgentrylaw.com

"The attorneys at Brick Gentry are committed to providing zealous advocacy while maximizing the overall client experience. As part of this team, I focus my practice on understanding the full implications

of my clients' legal issues and working tirelessly to craft an approach that best facilitates their long-term objectives."

Michael is a member of the Firm's Litigation, Real Estate, and Municipal Law divisions and focuses his practice in the areas of commercial litigation, real estate transactions and general municipal law matters.

Michael's commercial litigation practice focuses on the areas of creditors' rights, business and corporate transaction disputes, contract disputes and real estate disputes.

In addition to his litigation practice, Michael handles commercial and residential real estate matters, including lease negotiations, landlord-tenant evictions and foreclosures, quiet title actions, boundary disputes, and construction disputes.

As part of his municipal practice, Michael provides advice relating to ordinance drafting, municipal court prosecution and operations, public bidding procedures, compliance with open meeting and record law, and general litigation matters.

This varied experience allows Michael to provide legal assistance to clients in cost effective ways that minimize exposure and support long-term objectives.

Michael is licensed to practice in both the state of Iowa and the state of Nebraska. In addition, he is a member of the American Bar Association, the Iowa State Bar Association, the Nebraska State Bar Association, and the Litigation Committee for the Young Lawyers Division.

Areas of Practice

[Business Law](#), [Commercial and Business Litigation](#), [Labor & Employment Law](#), [Representation of Municipalities](#)

Recognitions and Publications

- Brick, Matthew S. & Michael W. Heilman, "Iowa," Employment at Will: A State-By-State Survey (BNA), Melinda J. Catherine ed., 2015 Supp.
- Brick, Matthew S. & Michael W. Heilman, "Iowa," Employment at Will: A State-By-State Survey (BNA), Melinda J. Catherine ed., 2016 Supp.
- Brick, Matthew S. & Michael W. Heilman, "Iowa," Employment at Will: A State-By-State Survey (BNA), Melinda J. Catherine ed., 2017 Main Volume (Publication Pending).
- 2016 Spring APWA/ISOSWO Conference, "Open Meeting Laws & HR Considerations," West Des Moines, Iowa, April 2016.

Education

University of Iowa College of Law, J.D.
Iowa State University, B.A.,
Political Science

Bar Admissions

State of Iowa
State of Nebraska

Court Admissions

Iowa State Courts
Nebraska State Courts
U.S District Court,
Southern District of Iowa
U.S. Bankruptcy Court,
Southern District of Iowa

Memberships

American Bar Association
Iowa State Bar Association
Nebraska State Bar Association

- 2016 Iowa Employment Conference, "Retaliation in Employment Law: Avoiding Retaliation Litigation," Altoona, Iowa, April 2016.
- 2017 Iowa Municipal Professionals Institute, "Drafting City Ordinances, Resolutions, and Motions," Ames, Iowa, July 2017.

[Areas of Practice](#) [Attorneys](#) [Our Approach](#) [News](#) [Insight](#)

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[Additional Information](#)



Attorneys
Matthew S. Brick
Shareholder

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“Working with clients is what I do best. Whether it’s advising cities on issues or helping settle employment disputes, I always want to procure the best outcome for those I represent. I’ll keep working

until I do.”

Matt Brick is a shareholder of Brick Gentry P.C. His practice involves business transactions along with providing legal guidance for a number of cities and other public corporations. In addition, Matt represents both businesses and governments in a variety of labor and employment issues.

For his business clients, Matt handles a variety of matters ranging from: forming business entities such as corporations, limited liability companies and partnerships; negotiating contracts, assisting with the purchase and sale of businesses; and entering in equity sales and/or joint ventures with outside parties.

His municipal practice covers issues such as ordinance drafting, prosecutions, contract preparation, litigation defense and handling real estate issues. Matt has experience with municipal issues involving governmental immunity, open records, open meetings, constitutional rights and eminent domain.

Matt’s employment practice involves advising employers on employee discipline, assisting with drafting, reviewing and revising employment policies, and handling hiring and reduction issues. Matt also works with employers on union-related matters, such as unfair labor practice charges and negotiating collective-bargaining agreements.

Prior to joining the Firm, Matt worked for the Vinson & Elkins law firm in Dallas, Texas, defending and advising clients in a wide range of labor and employment issues. Matt has extensive civil litigation experience defending public and private corporations on matters such as wrongful termination, discrimination disputes, wage and hours cases and a variety of other statutory and common-law claims.

[LinkedIn](#)

Areas of Practice

[Labor & Employment Law](#), [Business Law](#), [Government Relations](#), [Representation of Municipalities](#)

Education

- University of Iowa College of Law, J.D., 2001, With High Distinction
- University of Iowa, B.S., Psychology, 1995, With Honors

Bar Admissions

- Iowa 2001
- District of Columbia 2001
- Minnesota 2001
- Nebraska 2001

Court Admissions

- United States Supreme Court
- U.S. Court of Appeals, 8th Circuit
- U.S. Court of Appeals, 5th Circuit

Memberships

- Inns of Court
- Iowa State Bar Association
- Nebraska State Bar Association
- District of Columbia Bar Association



Attorneys
James E. Brick
Shareholder

jim.brick@brickgentrylaw.com

“A successful legal practice depends on uncovering the most effective solution for the client. That’s been my philosophy for more than 30 years. It’s what clients appreciate and expect.”

Known as one of the best labor lawyers in the area, Jim Brick has more than 30 years of experience representing municipalities, counties and other governmental agencies in the areas of labor relations, environmental law and litigation. Jim has litigated in state and federal courts, the U.S. Court of Appeals, the Iowa Supreme Court and the United States Supreme Court. He is committed to giving back to his profession and his community. Professionally, he has lectured at the CLE conferences and served as a speaker at various seminars statewide. Jim is a member of the Polk County Volunteer Lawyers Group and has worked for Mentor Iowa.

Jim graduated from the University of Maryland with a degree in Philosophy and English. While in the D.C. area, he became active in politics and worked on various election campaigns and for the Democratic National Campaign Committee. Since graduating from Drake Law School in 1970, Jim has stayed practicing in Des Moines.



Areas of Practice

[Administrative Law](#), [Annexation](#), [Environmental Law](#), [Labor & Employment Law](#), [Labor Negotiations](#), [Prosecutions](#), [Representation of Municipalities](#), [Zoning](#)

Bar Admissions

- Iowa 1970
- Nebraska 1985

Court Admissions

- United States Supreme Court
- U.S. Court of Appeals, 8th Circuit
- U.S. District Courts

Memberships

- Iowa State Bar Association
- American Trial Lawyers

Brick Gentry, P.C.

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Attorneys

Allison M. Steuterman

Shareholder

allison.steuterman@brickgentrylaw.com

“At Brick Gentry we don’t just have one set way of doing things. We genuinely work together to offer clients a customized approach that best fits their needs. It really sets this Firm apart.”

Allison Steuterman joined Brick Gentry P.C. as an Associate in 2007 and has been a Shareholder since January 2012. Practicing primarily in civil litigation, Allison has represented clients in many different areas, including workers' compensation, employment law, contract disputes, personal injury, construction cases, estate disputes and more. She handles a variety of contract, business, and estate planning matters, acts as legal counsel for a variety of corporations and associations, and serves as the Prosecutor for the cities of Nevada and Huxley, Iowa.

Allison was born and raised in Des Moines, Iowa. She graduated from Drake University Law School with high honors in 2004, an Opperman Scholar and a member of the Drake Law Review. Allison is active in the community through her church, and sits on the Board of Iowa Interfaith Power and Light, a non-profit corporation.

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Areas of Practice

[Alternative Dispute Resolution](#), [Construction Litigation](#), [Personal Injury](#), [Labor & Employment Law](#), [Estate Planning and Probate](#), [Business Law](#), [Prosecutions](#)

Honors

Drake University Law School, high honors

Opperman Scholar

Education

- Drake University Law School
- Truman State University

Bar Admissions

- Iowa 2004

Court Admissions

- U.S. Court of Appeals, 8th Circuit
- U.S. District Courts

Memberships

- Iowa State Bar Association
- Polk County Bar Association



Attorneys
Amy S. Beattie
Shareholder

amy.beattie@brickgentrylaw.com

“My business philosophy can be summed up in one word: service. Being responsive to the needs of my clients and my community is what has made my career rewarding and successful.”

Amy Beattie is a shareholder of Brick Gentry P.C. with more than 35 years of experience. Her municipal law experience includes serving as legal advisor to city councils and city staff regarding development, legislative and operational issues. Amy has been an integral part of many of Iowa’s most progressive city developments. Among them is the Iowa Prairie Trail project in Ankeny, Iowa, a first of its kind from both an environmental standpoint and leveraging partnerships to bring the project to fruition.

Amy has been a part of the Brick Gentry team for more than 30 years. She practices primarily in real estate, corporate and municipal law. Amy enjoys serving the community and likes to give back by serving on the Des Moines Symphony Foundation.

Areas of Practice

[Annexation](#), [Business Law](#), [Real Estate](#), [Representation of Municipalities](#), [Zoning](#)

Experience

- City of Ankeny
- City of Polk City
- City of Huxley

Honors

Selected for inclusion in *The Best Lawyers in America*® for 2015 (© 2014 Woodward/White) as among the elite in Real Estate Law.



Education

- Drake University Law School, J.D., 1983
- Tulane University, M.B.A., 1989
- Los Angeles Baptist College, B.A., 1980

Bar Admissions

- Iowa 1983
- Louisiana 1988

Memberships

- Iowa State Bar Association
- Louisiana State Bar Association
- Polk County Bar Association



Attorneys
Billy J. Mallory
Shareholder

billy.mallory@brickgentrylaw.com

“I’ve always applied a thorough process to evaluating an issue or case for every client I represent. That generally involves looking at the current circumstances, the legal precedents and the relevant

laws to determine a strong position and the related approach that can lead us to a successful outcome. ”

Billy Mallory started at Brick Gentry P.C. more than 15 years ago while still a student at Drake University Law School. Over the course of his career, Billy has established himself as an experienced civil litigation attorney representing a wide range of clients across Iowa and the Midwest. His depth of experience within the courtroom provides a uniquely valuable perspective within the entire legal process. Billy’s practice carries an emphasis in the areas of commercial transactions, construction, real estate and land use. His extensive experience representing a diverse mix of clients including municipalities, contractors and property/business owners, equates in a broad base of legal knowledge and experience that can be helpful in almost any situation. As an accomplished litigator, Billy uses his litigation experience to counsel clients in a wide range of matters in an effort to mitigate or resolve disputes quickly and successfully. In the event litigation becomes necessary, Billy’s experience inside the courtroom provides valuable perspective to the process.

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Areas of Practice

[Business Law](#), [Commercial and Business Litigation](#), [Construction Litigation](#), [Real Estate](#)

Education

- Drake University Law School, J.D., 1998
- University of Iowa, B.S., Psychology, 1995

Court Admissions

- Iowa Supreme Court, 2001
- U.S. District Court, Northern and Southern Districts of Iowa, 2001
- U.S. Court of Appeals, 8th Circuit, 2001

Memberships

- American Bar Association
- Iowa State Bar Association
- Polk County Bar Association

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[Additional Information](#)



Attorneys
Douglas A. Fulton
Shareholder

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"I'm always looking to connect my clients with new opportunities. Everyone at Brick Gentry values the overall relationship over the assignment at hand."

Doug Fulton is a shareholder of Brick Gentry P.C., and has more than 25 years of experience practicing in the Des Moines area. His areas of focus include labor and employment matters, healthcare and regulatory matters, civil litigation and business law. Doug has represented clients in state and federal court, arbitration and mediation, as well as state and federal administrative agencies. As part of his focus, Doug advises many healthcare clients on licenser and regulatory issues including representation in matters involving Medicare and Medicaid. Doug also is involved in advising employers in employee discipline procedures and assists with drafting, reviewing and revising general employment policies, contracts and affirmative action programs.

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Areas of Practice

[Agricultural Law](#), [Business Law](#), [Environmental Law](#), [Healthcare](#), [Labor Negotiations](#), [Real Estate](#)

Honors

Selected for inclusion in *The Best Lawyers in America*® for 5 years as among the elite in Eminent Domain and Condemnation Law, most recently for 2015 (© 2014 Woodward/White).

Named Des Moines region's "Lawyer of the Year" in *The Best Lawyers in America*® for Eminent Domain and Condemnation Law, 2017.



Recognitions and Publications

Mr. Fulton co-authored [The Manual for Medical Records Law in Iowa](#) published by Lorman, February 2013, January 2014, and April 2014.

Education

- Drake University Law School, J.D., 1985
- University of Northern Iowa, B.S., 1980

Bar Admissions

- Iowa 1986

Court Admissions

- U.S. District Court, Northern and Southern Districts of Iowa, 1986
- U.S. Court of Appeals, 8th Circuit, 1988

Memberships

- American Bar Association
- Iowa State Bar Association, Health Law and Real Estate Sections, 1999
- American Health Lawyers, 2002

Related Insights

[Medical Records Law Manual](#)

[New Medical Records Law Resources](#)



Attorneys
Erin M. Clanton
Shareholder

erin.clanton@brickgentrylaw.com

“The cornerstone of my practice is understanding that every issue matters. Whether I’m representing a municipality or handling an employment matter, I’m always doing everything I can to achieve success.”

Erin Clanton is a shareholder of Brick Gentry P.C. The majority of Erin’s practice is focused on the representation of municipalities. She also handles a wide variety of employment matters; performs general real estate work, including title examination and loan closing services; and assists creditors in their relations with debtors, both in and outside the bankruptcy realm. Erin also serves as the City Attorney for Nevada, Iowa, and provides assistance to a number of other Iowa public entities. Erin graduated from the University of Iowa in 2002 with degrees in English and Finance. In 2005, she graduated from Creighton University Law School and joined Brick Gentry as an associate. Erin became a shareholder of Brick Gentry in 2009.



Areas of Practice

[Administrative Law](#), [Annexation](#), [Bankruptcy Law](#), [Creditor Rights](#), [Labor & Employment Law](#), [Labor Negotiations](#), [Prosecutions](#), [Representation of Municipalities](#), [Zoning](#)

Recognitions and Publications

Co-Author with Brick Gentry Shareholder Tom Flynn, "Iowa Commercial Lending Law," appearing in "Commercial Lending Law: A Jurisdiction-by-Jurisdiction Guide to U.S. and Canadian Law," published by the American Bar Association Commercial Finance Committee, 2016.

Education

- Creighton University Law School, J.D., 2005
- University of Iowa, B.B.A., Finance, B.A., English, 2002

Bar Admissions

- Iowa 2005

Court Admissions

- Iowa District Courts
- Northern District of Iowa
- Southern District of Iowa
- U.S. Court of Appeals, 8th Circuit

Memberships

- Iowa State Bar Association
- Federal Bar Association
- Polk County Bar Association

Related Insights

[Social Media in the Workplace](#)

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Attorneys
Steven P. Brick
Shareholder

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“My business philosophy is simple: counsel clients to be aware of all their legal options so that their goals can be obtained in the most comprehensive and effective manner.”

For more than 18 years, Steve Brick has represented clients in the areas of municipal, corporate and personal litigation. He also has extensive experience representing governmental clients. Steve has litigated cases in the Iowa State and Federal Courts; 8th Circuit Court of Appeals; Iowa Supreme Court and Court of Appeals in addition to contested cases before such agencies as the Iowa City Development Board and Iowa Alcohol and Beverages.

Giving back to his practice and his community are part of Steve's goals for his practice. Professionally, he is a member of the Iowa Municipal Attorneys Association, Iowa Trial Lawyers Association and the Iowa State Bar Association. He devotes time to representing clients who are otherwise unable to secure legal counsel on a pro bono basis, and promotes the legal profession through participation in mock trial competitions at the elementary, high school and collegiate levels.



Areas of Practice

[Administrative Law](#), [Alternative Dispute Resolution](#), [Annexation](#), [Commercial and Business Litigation](#), [Family Law](#), [Government Relations](#), [Labor Negotiations](#), [Personal Injury](#), [Prosecutions](#), [Representation of Municipalities](#), [Zoning](#)

Education

- Drake University Law School
- Creighton University, College of Liberal Arts

Bar Admissions

- Iowa 1993

Court Admissions

- Iowa Supreme Court
- U.S. Court of Appeals, 8th Circuit
- U.S. District Court

Brick Gentry, P.C.

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