



# Administration

To: City Commission

From: City Administrator Dustin Dassinger

Date: 02/25/26

Subject: City Attorney Contract

Commissioners,

City Administration has negotiated a proposed City Attorney Agreement with Mackoff Kellogg Kirby & Kloster, P.C. to provide full-time municipal legal services to the City of Dickinson beginning March 1, 2026.

The agreement establishes the terms, scope of services, compensation, and expectations for the provision of City Attorney services over a four year term.

Under the agreement, the City retains Mackoff Kellogg as its City Attorney on a full time basis. The City will be considered a client of the firm.

The City Attorney will:

- Coordinate with the City Administrator and department heads regarding direction, goals, plans, and policies.
- Negotiate, draft, and review contracts, ordinances, annexation matters, and other municipal documents.
- Provide reports and presentations to the Board of City Commissioners, staff, and advisory boards.
- Be accessible during regular business hours and available to attend meetings on short notice, including urgent matters.
- Maintain responsiveness as a key service expectation.

The agreement acknowledges that designated attorneys will maintain private practices but requires the firm to ensure consistent availability for City matters.

While all attorneys within the firm are available to serve the City, the following attorneys are designated:

- Christina M. Wenko – Principal City Attorney and primary point of contact
- Stephen A. Fetch – Secondary representative
- Morgan M. Jacobs – Additional backup attorney



This structure ensures continuity of legal services and coverage in the event of scheduling conflicts or absences.

- Attendance at all regular meetings, including City Commission, Planning & Zoning, Board of Adjustment, Leadership Team, and Executive Team meetings.
- Drafting ordinances, resolutions, policies, procedures, and regulations.
- Legal research and compliance review.
- Issuing binding legal opinions.
- Advising elected officials and department heads.
- Drafting and reviewing contracts and agreements.
- Directing and overseeing litigation.
- Coordinating with outside counsel.
- Risk management coordination.
- Legislative strategy development and representation during legislative sessions.
- Representation at public meetings, community events, and conferences.
- Duties prescribed by City ordinance (Section 2.12.070) and North Dakota Century Code § 40-20-01.

The agreement provides for a monthly flat fee structure as follows:

- March 1, 2026 – December 31, 2026: \$15,000 per month
- January 1, 2027 – December 31, 2028: \$16,000 per month
- January 1, 2029 – December 31, 2030: \$17,000 per month

The firm agrees to avoid conflicts of interest and will not represent parties adverse to the City. Representation is subject to compliance with the North Dakota Rules of Professional Conduct.

If a conflict arises or the firm lacks necessary expertise, the firm will promptly notify the City and consult regarding alternative counsel.

The agreement is for a four-year term commencing March 1, 2026, and terminating December 31, 2030.

If the primary designated attorney ceases to serve in that role, either party may terminate the agreement with thirty 30 days notice.

City Administration recommends approval of the City Attorney Agreement with Mackoff Kellogg Kirby & Kloster, P.C. as presented.

Thank You,



Dustin Dassinger



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