



[Crystal \(Minn.\).
City Council Minutes and Agenda Packets.](#)

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Memorandum

DATE: December 26, 1990
TO: Jerry Dulgar, City Manager
FROM: Nancy Gohman, Assistant Manager
SUBJECT: Committee Report - RFP's Prosecuting Attorneys

A committee consisting of Jerry Dulgar, City Manager; Betty Herbes, Mayor; John Moravec, Councilmember; Jack Irving, Councilmember; and Nancy Gohman, Assistant Manager; studied nine requests for proposal for prosecuting attorneys for the years 1991, 1992, and 1993. After studying all proposals submitted, the committee recommended that three firms be interviewed by the Council at the Regular City Council Meeting of January 2, 1991.

The three firms that will be interviewed are (in random order):

1. Roger Fellows - Proposed Primary Prosecutor;
Wurst, Pearson, Larson, Underwood & Mertz
2. Peter MacMillan - Proposed Primary Prosecutor;
Rosenthal, Rondoni, MacMillan & Joyner, Ltd.
3. Paul Baertschi - Proposed Primary Prosecutor;
Holmes & Graven, Chartered.

I've requested that the Proposed Primary Prosecutor for each firm speak at the January 2nd meeting. The reason for having the Proposed Primary Prosecutor speak is to allow the Council to meet and talk directly to the person who will handle the majority of prosecution work for the City.

Each firm has been told they have ten minutes to make a presentation to the Council. I would suggest that the Council be consistent and hold the interview process to ten minutes for each firm, then allow for Council questions and answers.

All bids are for three years, 1991, 1992, and 1993.

Also enclosed are the following:

1. Summary sheets regarding request for proposal prosecution for each of the three firms;
2. The RFP's as submitted by the three firms;
3. General information I requested from Rosenthal, Rondoni, MacMillan & Joyner, Ltd. regarding some committee questions, prosecution statistics, and summaries of final dispositions.

History of prosecuting fees are as follows:

1985:	\$56,550
1986:	\$54,733
1987:	\$51,948
1988:	\$67,790
1989:	\$69,059
1990:	\$45,511 (January 1990 - November 1990)

NG/js

Request for Proposal - Prosecution

WURST, PEARSON, LARSON, UNDERWOOD & MERTZ

Firm Background	Attorney Qualifications	Firm Qualifications/References	Fees and Legal Services Description	Other Fees
<p>Wurst, Pearson, Larson, Underwood & Mertz 1100 First Bank Place West Minneapolis, MN 55402</p> <p>Tel: (612) 338-4200 Fax: (612) 338-2625</p> <p>The firm was organized in 1980 by Curtis A. Pearson and James D. Larson who were members of the firm of LeFevere, Lefler, Pearson, O'Brien & Drawz. The firm was reorganized into its present form in 1982.</p> <p>Firm has six attorneys. Five of the six specialize in municipal law. Roger J. Fellows: Prosecution; and specializes in criminal prosecution Curtis A. Pearson: Municipal law, municipal finance law James D. Larson: Municipal law, prosecution, public util. law Craig M. Mertz: Municipal law, civil litigation; Thomas F. Underwood: Property law; A. Thomas Wurst: Corporate law, taxation.</p> <p>6 Attorneys 3 paralegals 2 secretaries</p>	<p>PROPOSED PRIMARY PROSECUTORS</p> <p>ROGER J. FELLOWS U of M, BA, 1977 William Mitchell College of Law, JD, 1983 Prosecution experience includes City of Brooklyn Park from '83 to present. 80-90% prosecution work in this area the past 4 years. 7 years with firm, all of which served as chief prosecutor for B.P. Served as special prosecutor for B.C. Crystal, Robb., M.G., Ply, and Mound.</p> <p>JIM LARSON William Mitchell College of Law, JD, 1975 Prosecution experience includes B.P. from '78 to present, Mound from '84 to present, Crystal '76-78. Percentage of work in prosecution 30-40%. With firm over 10 years. Handles code enforcement zoning, nuisances, health, bldg. and labor relations.</p> <p>CRAIG M. MERTZ U of M Law School, 1973 U of South Dakota, 1970 Prosecution experience with Chanhassen 1973 to 1983, Mound and B.P. from '84 - present. 10-15% work prosecution. With firm since '86. Asst. City Atty for Chanhassen, B.P., Mound.</p>	<p>City of Brooklyn Park City of Mound Dave Pokorney - Mgr. Chaska Shirley Iverson - Henn. County Div Al Billey - Chief Public Defender Honorable Ann Montgomery - Hen. Ct Honorable Rob Lynn - Hen. Cty. Jud</p>	<p>For attorney services for Fellows, Larson and Mertz</p> <p>1991: \$65/hour 1992: \$65/hour 1993: \$65/hour</p> <p>For paralegal services</p> <p>1991: \$30/hour 1992: \$30/hour 1993: \$30/hour</p>	<p>Mileage \$.20/mile long distance calls billed copy charges \$.075/page</p>

Request for Proposal - Prosecution

ROSENTHAL, RONDONI, MacMILLAN & JOYNER, LTD.

Firm Background

Attorney Qualifications

Firm Qualifications/References

Fees and Legal Services Description

Other Fees

Rosenthal, Rondoni, MacMillan & Joyner, Ltd.
7600 Bass Lake Road, Ste. 120
Minneapolis, MN 55428-3891

Tel: (612) 533-4938

Fax: (612) 533-4677

Full-service law firm which has been located in the northwest suburban area for the past 10 years. Since early 1984, the firm has handled the prosecution work for the City of Crystal. They have also been the prosecutors for Golden Valley since January 1, 1989.

4 partners - attorneys

2 associate - attorneys

2 prosecution secretaries

1 legal secretary/receptionist

1 office adm/receptionist

bookkeeper

Federal Tax ID: 41-0999435

PROPOSED PRIMARY PROSECUTOR

PETER A. MacMILLAN

Hamline Univ. School of Law, JD, 1980

Mankato State University, BS, 1977

Civil and criminal litigation, family law, workers compensation and municipal prosecution.

Practicing law since 1980

PAUL W. ROSENTHAL

Creighton University, Omaha, BSBA, 1959

William Mitchell College of Law, LLB, 1963

William Mitchell College of Law, JD, 1969

Practice experience includes general real estate, probate, elder law, wills and trusts, corporations, business and municipal prosecution.
Practicing law since 1966

NANCY R. VANDERHEIDER

University of Houston, BA, 1979

William Mitchell College of Law, JD, 1987

Municipal prosecution, criminal defense, civil litigation, business and debtor-creditor law.

Practicing law since 1987

FRANCIS J. RONDONI

Hamline Univ. School of Law, JD, 1980

Saint Mary's College, BA, 1977

Civil litigation and criminal litigation, real estate, banking law and municipal prosecution.

Practicing law since 1980

City of Crystal

City of Golden Valley

A.C. Carlson

Church of St. Raphael's

Resolution Trust Corporation

Northwest Bank

Finney Company

Preferred Risk Ins. Group

Prosecution rates:

1991: \$65.00 per hour

1992: \$70.00 per hour

1993: \$70.00 per hour

Same rate charged by any atty. in office.

Crystal will not be charged for non-lawyer support services.

Willing to cap rates:

\$60,000 for 1991

\$65,000 for 1992

\$65,000 for 1993

Except for outside charges

incurred for service of process, transcripts, disbursement for cases appealed and long distance phone bills, they do not charge and will not charge Crystal for costs and overhead. No charge for mileage in metro area, copies, fax, etc.

See proposal for additional without charges (pg. 7)

| Lisa Skoog
| Univ. of Northern Colorado, BA
| Oklahoma City Univ. School of Law
| Hamline University School of Law, JD, 1985
| Practice in the areas of criminal
| defense and prosecution, business,
| family and debtor-creditor law.
| Practicing law since 1987

| JOHN A.H. JOYNER
| Hamline University, BA, 1971
| U of M Law School, JD, 1974
| Practice include civil litigation,
| probate, wills and trusts and real
| estate. Would not be involved in the
| prosecution for the City of Crystal.

Request for Proposal - Prosecution

HOLMES & GRAVEN, CHARTERED

Firm Background	Attorney Qualifications	Firm Qualifications/References	Fees and Legal Services Description	Other Fees
<p>Holmes & Graven, Chartered 470 Pillsbury Center Minneapolis, MN 55402 Tel: (612) 337-9300 Fax: (612) 337-9310</p> <p>Est. in 1973. 33 attorneys 30 support staff</p>	<p>PROPOSED PRIMARY PROSECUTOR PAUL BAERTSCHI MN bar 1984 Bradley Univ. 1975 Southern Illinois Univ. 1979 Asst. Cty Atty. Isanti 85-87, tried over 30 jury trials, hundreds of court trials, and 5 appeals to the Appellate courts. Special interest: criminal law 11 years of legal experience with over 8 years of direct experience prosecuting criminal cases.</p> <p>STEVEN TALLEN MN bar 1981 U of MN BA 1975 Wm Mitchell Coll. of Law 1981 Chief prosecutor for the cities of Plymouth, Medina, Loretto and the Lake Minnetonka Conservation District. Special Asst. City Atty for the City of Mpls handling conflict cases. Also prosecutes for the City of Robbinsdale. 10 yrs experience as G.V. police officer, atty. since '81.</p> <p>JULIE LAWLER MN bar 1988 Creighton Univ. 1983 Univ. of MN JD 1988 Civil litigation, labor and employment law, municipal law, corporate law misdemeanor prosecution.</p>	<p>City of Brooklyn Center City of Crystal City of Lauderdale City of Loretto City of Medina City of New Brighton City of Plymouth City of Richfield City of Robbinsdale Town of Eureka Lake Mtka Conservation Dist. White Bear Lk. Cons. Dist. Local Govt. Info. Serv. (LOGIS) Suburban Rate Authority (SRA) Henn. Recyc. Group (HRG)</p>	<p>Attorneys fees</p> <p>1991: \$65/hour 1992: \$70/hour 1993: \$70/hour</p> <p>Legal Asst. for formal complaints only on a rate of 1/2 hour for misdemeanors and 1 hour for gross misdemeanors.</p> <p>1991: \$65/hour 1992: \$70/hour 1993: \$70/hour</p> <p>Law Clerks</p> <p>1991: \$50/hour 1992: \$50/hour 1993: \$50/hour</p> <p>Maximum total fees:</p> <p>1991: \$60,000 1992: \$65,000 1993: \$70,000</p>	<p>No fees charged for time spent by attorneys or legal assistants in preparation or review of criminal complaints other than the flat fees described.</p>

JEFF ENG

MN bar 1988

U of Wisconsin BBA 1985

U of MN JD 1988

Associate with Holmes & Graven.

Areas of practice are commercial
litigation and general business.

Also works in real estate, workers comp
family law, criminal prosecution and
general corporate. Courtroom
experience in civil motion practice and
criminal court trials. Arbitration
experience in commercial disputes.

PROSECUTION PROPOSAL

for

THE CITY OF CRYSTAL
4141 Douglas Drive North
Crystal, Minnesota 55422-1696

SUBMITTED BY THE LAW FIRM OF
WURST, PEARSON, LARSON, UNDERWOOD & MERTZ

CONTACT: Roger J. Fellows, Esq.
1100 First Bank Place West
Minneapolis, Minnesota 55402
Telephone (612) 338-4200
Fax (612) 338-2625

LAW OFFICES

WURST, PEARSON, LARSON, UNDERWOOD & MERTZ

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1100 FIRST BANK PLACE WEST

MINNEAPOLIS, MINNESOTA 55402

November 16, 1990

TELEPHONE
(612) 338-4200

FAX NUMBER
(612) 338-2625

A. THOMAS WURST, P.A.
CURTIS A. PEARSON, P.A.
JAMES D. LARSON, P.A.
THOMAS F. UNDERWOOD, P.A.
CRAIG M. MERTZ
ROGER J. FELLOWS

Ms. Darlene George
City Clerk
City of Crystal
4141 Douglas Drive North
Crystal, MN 55422

Re: Proposal for Prosecution Legal Services

Dear Ms. George:

This firm would be pleased to serve as prosecuting attorney for the City of Crystal. Attached is our proposal for your consideration. As you will note in our resume, our firm currently provides prosecutorial services for the City of Brooklyn Park and the City of Mound. The prosecutors who would be handling the Crystal matters all meet and exceed your minimum expectations of a primary prosecutor. Each attorney who will be handling Crystal cases will have well over five years of experience in criminal prosecution, and every attorney who will be handling a case has tried well in excess of 15 jury trials. As a matter of fact, they have handled several times that amount.

In evaluating your needs for legal services, please feel free to contact all the references listed in our proposal. I believe it is important that we can list as references not only the Cities for whom we provide legal services, but also the personnel with whom we would work daily in providing legal services for Crystal in their prosecution efforts. It is for that reason we have listed such persons as Judges Montgomery and Lynn, Public Defender Al Billey, and the Director of the Division II Courthouse where Crystal prosecutions are handled, Shirley Iverson.

I believe that by talking with these individuals and examining our record in Brooklyn Park and Mound, you will find that in the past several years our firm has provided efficient, cost-effective prosecution services. Just as important, we have at all times kept to the standards in handling petty misdemeanor, misdemeanor, and gross misdemeanor cases that have been mutually agreed to between our office and those we represent.

There is one additional item we believe is worthy of consideration. Our office currently has personnel in the Division II Courthouse several days of the week. Because we are there with such frequency, we can also provide prompt prosecution services to the City of Crystal nearly five days a week, 52 weeks a year. As I am sure your Chief of Police can attest, it is

WURST, PEARSON, LARSON, UNDERWOOD & MERTZ

extremely helpful to have a prosecutor in the courtroom when a defendant is brought in in custody for his first appearance directly from arrest. Because our firm has personnel at the Division II Courthouse with such frequency, we would be able to provide efficient services for prosecution for Crystal and other clients who may be in Division II. As a matter of fact, our ability to prosecute for more than one community on a given appearance would make us able to combine appearances and effectively reduce the billings to our respective clients.

As noted, our firm has had a history of providing back-up legal services to the City of Crystal in cases of conflict of interest in the past. I believe we have enjoyed a working relationship with the City and the Police Department in those cases, and we would look forward to the opportunity to increase our participation in your prosecution services.

We are very proud of the personnel in our law firm and are confident of our ability to provide first class legal services to the City of Crystal. We look forward to the opportunity of working with you. If you should have any questions about our professional services or need additional information regarding our proposal or our qualifications, please do not hesitate to contact me.

Sincerely,

WURST, PEARSON, LARSON,
UNDERWOOD & MERTZ

By 

Roger J. Fellows

RJF:lh
Enclosure

PROSECUTION PROPOSAL

for

THE CITY OF CRYSTAL

4141 Douglas Drive North
Crystal, Minnesota 55422-1696

SUBMITTED BY THE LAW FIRM OF

WURST, PEARSON, LARSON, UNDERWOOD & MERTZ

CONTACT: Roger J. Fellows, Esq.

1100 First Bank Place West

Minneapolis, Minnesota 55402

Telephone (612) 338-4200

Fax (612) 338-2625

TABLE OF CONTENTS

A.	FIRM BACKGROUND	1
	History of Firm	1
	Office Organization	2
	Organizational Chart for Prosecution	3
	Municipal Prosecution Flow Chart.	4
B.	ATTORNEY QUALIFICATIONS	5
	Lead Prosecutors	5, 6
	Back-Up Prosecutor, Paralegals .	7, 8
	Prosecution Responsibilities . .	9
	Attorney Resumes	10
C.	FIRM QUALIFICATIONS	16
	References	16
	Crystal Workload	17
D.	FEEES	18

A. FIRM BACKGROUND

1. Name of firm

Wurst, Pearson, Larson, Underwood & Mertz

2. Address, phone number and FAX number of the firm

1100 First Bank Place West
Minneapolis, MN 55402
Phone Number (612) 338-4200
FAX Number (612) 338-2625

3. Employer Tax Identification Number

41-1430919

4. Brief history of the firm

The current firm was organized in 1980 as Wurst, Carroll and Pearson and reorganized in 1982 into its present form.

The principal focus of the law firm has been and continues to be municipal law. The firm also maintains an "A" rating in the Martindale-Hubbell index.

5. Number of attorneys by their specialties

Wurst, Pearson, Larson, Underwood & Mertz has six attorneys. Roger Fellows specializes in criminal prosecution with principal efforts for the City of Brooklyn Park. Curt Pearson specializes in municipal law and municipal finance law. Jim Larson specializes in municipal law, prosecution, and public and municipal utility law. Craig Mertz specializes in municipal law. Tom Underwood specializes in property law. Tom Wurst specializes in corporate law.

6. Number of paralegals by their specialties

There are currently three paralegals with the law firm. Ingrid Kluegel assists Roger Fellows and Jim Larson with prosecution, including criminal complaints and answers to discovery requests. Lucy Hadler works with Roger Fellows and Curt Pearson in preparing documents in the municipal and municipal finance areas. Linda Grossman works with Craig Mertz drafting documents, deeds, and resolutions.

7. Number and position titles of support personnel

In addition to the paralegals, the firm has two secretarial personnel. Carolyn Kranz operates word processing equipment for Tom Wurst. Martha Mitchell is a receptionist and prosecution secretary and is responsible for monitoring prosecution files, sending prosecution notices, and preparing prosecution calendars for the attorneys.

8. Description of office organization (organizational chart)

PROSECUTORS - ROGER FELLOWS
JAMES LARSON
CRAIG MERTZ

Court appearances
Complaint drafting
Supervise prosecution personnel
Advise and consult with police regarding legal questions and training
Work with City Code compliance officials in health, building and zoning and park areas
Provide support to City staff as requested
Respond to public inquiry

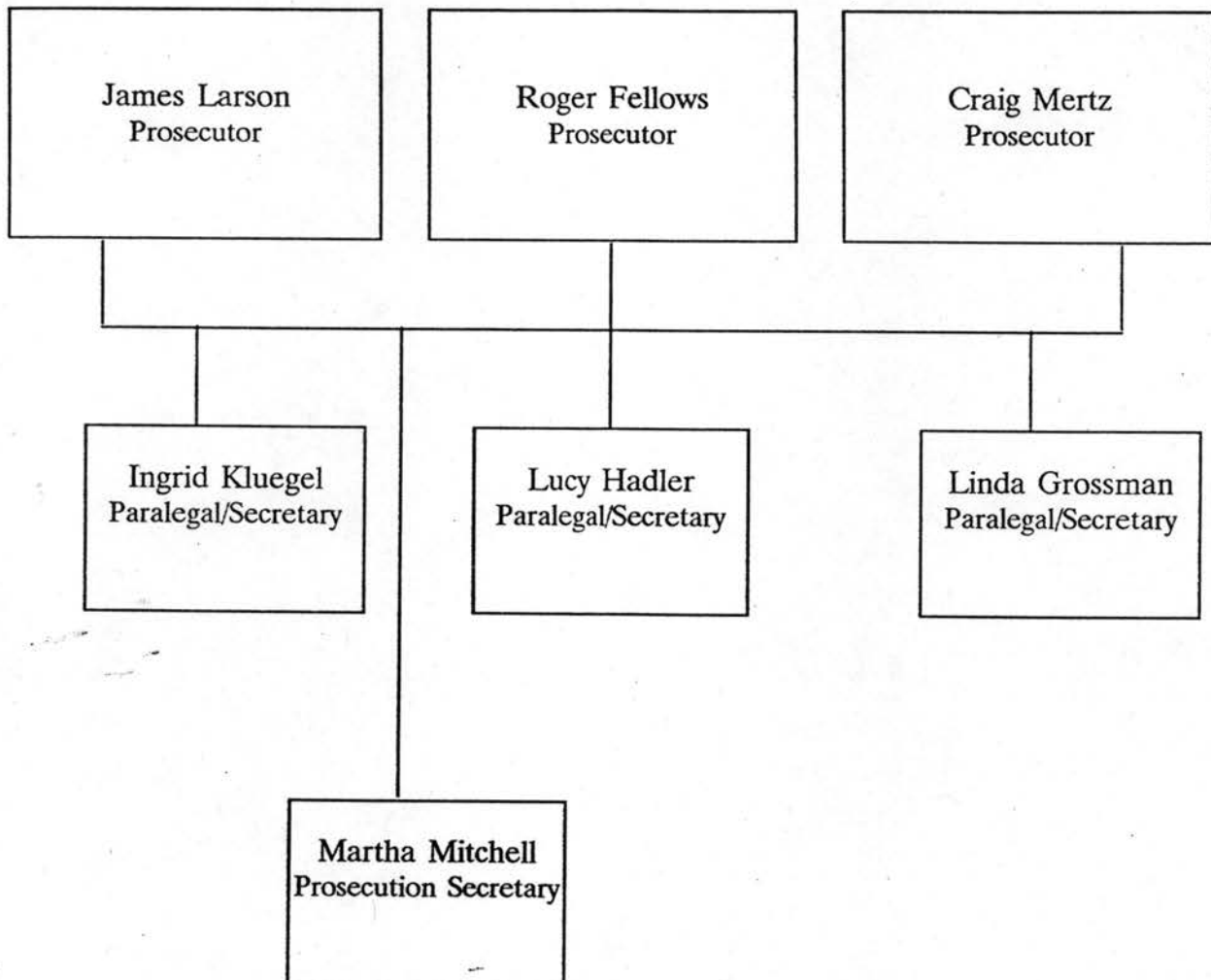
PROSECUTION PARALEGALS -
LUCY HADLER
INGRID KLUEGEL
LINDA GROSSMAN

Work with prosecutors in the preparation and issuance of formal complaints
Prepare responses to discovery requests and motions
Assist prosecution secretary
Obtain necessary documents from DPS for license offenses
Obtain necessary documentation from DPS and courts to prove GM DWI and Agg. DWI cases

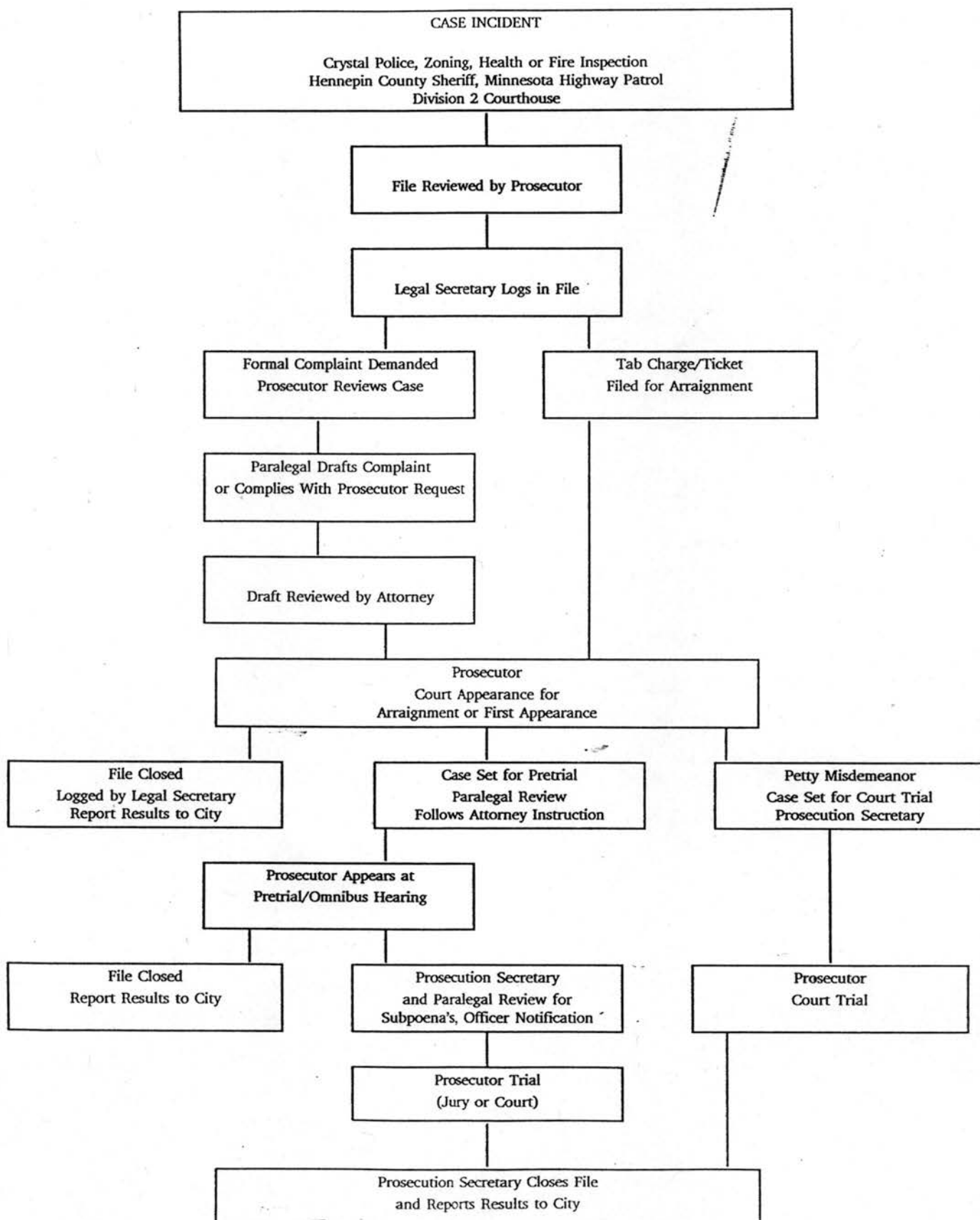
PROSECUTION SECRETARY -
MARTHA MITCHELL

Receive all court notices, police reports and requests for complaints. Log in all complaint requests and calendar all court notices. Prepare files for prosecution cases. Maintain records. Prepare and send requests for information and notices regarding scheduled cases to police department. Prepare files and calendars for each court date.

**ORGANIZATIONAL CHART
FOR PROSECUTION**



MUNICIPAL PROSECUTION FLOW CHART



B. ATTORNEY QUALIFICATIONS

1. Identify each attorney, paralegal, and support personnel who will be supplying services for which the City will be billed

Roger Fellows and James Larson will supply chief prosecution services to the City and will be the lead attorneys for all criminal prosecution matters and code enforcement and will supervise the support personnel in connection with the Crystal prosecution.

Craig Mertz will supply back-up prosecution services to the City when needed.

Support personnel are at the present time Martha Mitchell, Ingrid Kluegel, Lucy Hadler and Linda Grossman.

2. For each person identified, please state:

- (a) their relevant academic training and degrees
- (b) a description of their prior experience in prosecution of criminal matters and an estimate of the hours or percentage of their work in this area during the past four years
- (c) number of years with your firm, position title(s) and years in those positions, and areas of responsibility with your firm
- (d) other background or experience which may be helpful in evaluating your proposal

ROGER J. FELLOWS

- a. B.A., University of Minnesota 1977.
J.D. (Cum Laude) William Mitchell College of Law 1983.
- b. Prosecution experience includes prosecution for the City of Brooklyn Park from 1983 to present date. Percentage of work in prosecution area during the past four years - 80% to 90%.
- c. Roger Fellows has been with the firm for seven years and for all the seven years has provided the chief prosecution services to the City of Brooklyn Park, making almost all of the court appearances as well as drafting complaints, reviewing subpoenas, meeting with the Police Department or agency involved, and training support staff and monitoring their performance with regard to prosecution efforts.

- d. Roger Fellows served as an Adjunct Professor at the University of Minnesota Law School in their Domestic Violence Clinic training and monitoring students for conducting prosecutions in domestic violence matters. He served as a guest lecturer at North Hennepin Community College in the Police Writing Class in conjunction with Mr. Richard Sheehan. He also presented Continuing Legal Education Credits at the County Attorneys' Meeting regarding DWI prosecution. The specific title of the presentation involved was "Direct Examination of Police Officers and Cross-Examination Tactics for Defendants." Roger Fellows also served on the American Bar Association Standing Committee on Criminal Justice Standards. Over the past seven years, Roger Fellows has been asked to serve as special prosecutor for the Cities of Brooklyn Center, Crystal, Robbinsdale, Maple Grove, and Plymouth and has represented the City of Mound in a back-up position to Jim Larson in criminal prosecution.

JAMES D. LARSON

- a. B.S. United States Air Force Academy 1963. J.D. (Magna Cum Laude) William Mitchell College of Law 1975.
- b. Prosecution experience includes prosecution for the City of Brooklyn Park from 1978 to present; prosecution for the City of Mound from 1984 to present; prosecution for the City of Crystal from 1976 to 1978. Percentage of work in prosecution area during the past four years varies between 30% and 40%.
- c. Jim Larson has been with the firm for ten years. He has served as a prosecutor for the entire time with the firm, handling prosecutions and code enforcement matters related to zoning, nuisances, health, and building, as well as condemnations, assessment appeals, and labor relations.
- d. Jim Larson has an extensive background in working with public and municipal power utility groups.

CRAIG M. MERTZ

- a. B.S. University of South Dakota (Phi Beta Kappa) 1970.
J.B. University of Minnesota Law School 1973.
- b. Prosecution experience includes prosecution for the City of Chanhassen involving code compliance from 1973 to 1983, and prosecution for the City of Mound and the City of Brooklyn Park from 1984 to the present. Percentage of workload in the prosecution area during the past four years is 10% to 15%.
- c. Craig Mertz has been with the firm since 1986. He has been an Assistant City Attorney for the Cities of Chanhassen, Brooklyn Park and Mound, handling prosecution matters as well as code enforcement matters related to zoning, nuisances, health and building, and has worked on condemnation and assessment appeal matters.
- d. Craig Mertz has a full background of municipal experience, including eminent domain, finance, tax increment, and redevelopment.

(Complete Personal and Legal Qualifications
for each attorney are attached)

LUCY HADLER

- a. Graduate of Litchfield High School 1956. Active in Minneapolis Legal Secretaries Association; served as President in 1966-1967; Legal Secretary of the Year in 1967. Attended and participated in numerous legal educational courses at University of Minnesota and through the Minneapolis and Minnesota State Legal Secretaries Associations. Chairman of Day in Court activity for Minneapolis Legal Secretaries Association.
- b. Lucy Hadler has been involved in all phases of municipal prosecution since 1965, including preparing complaints and dealing with court personnel. Percentage of work in the prosecution field during the past four years is 10% to 15%.
- c. Lucy Hadler has been with the firm since 1980. She is a paralegal and has served as office manager for the past eight years. She is involved with drafting complaints, correspondence with witnesses, preparation of code changes, and record-keeping and billing of municipalities.

INGRID KLUEGEL

- a. Graduate of Esslingen High School, West Germany, 1966. Attends Rasmussen Business College part-time.
- b. Ingrid Kluegel has been working in the prosecution field for three years. Percentage of work in this area during the past three years is 80%.
- c. Ingrid Kluegal has been with the firm for three years. She serves as paralegal to Jim Larson and is involved in drafting complaints, handling requests from defense attorneys, maintaining files, and communicating with court and police department personnel.

LINDA GROSSMAN

- a. Graduate of Minneapolis Central High School 1968. Attends Normandale Community College part-time.
- b. Linda Grossman has been working in the prosecution field for four years. Percentage of work in this area during the past two years is 25%.
- c. Linda Grossman has been with the firm for four years. She serves as paralegal to Craig Mertz and is involved with drafting complaints and working with preparation of code changes.

MARTHA MITCHELL

- a. Graduate of Irondale High School, New Brighton, 1982. Attended North Central College for two years.
- b. Martha Mitchell has been working in the prosecution field for two years. Percentage of work in this area during the past two years is 70%.
- c. Martha Mitchell has been working for the firm for two years as receptionist/prosecution secretary. She is responsible for maintaining the court calendars; maintaining the prosecution files; and communicating with the court and police department personnel.

3. A description of the proposed allocation of work between the attorneys and support personnel identified (i.e., who will be the primary prosecutor and what work will be handled by junior partners, associates or paralegals).

Roger Fellows and James Larson will serve as the primary prosecutors and will be making all of the court appearances for the City of Crystal. In the event it is necessary, back-up services will be provided by Craig Mertz. To the extent possible, all Crystal appearances will be coordinated with other scheduled appearances by either Mr. Larson or Mr. Fellows at Division II courthouse. It is anticipated that Mr. Fellows will make the majority of the courtroom appearances, while the remainder of the court appearances and the majority of the complaint review and drafting will be carried on by Mr. Larson.

As indicated, the paralegals in our staff provide preliminary drafting of formal complaints, and our office personnel will also do the initial evaluation of complaints for subpoenas, officer notification, and court calendaring. At all times, the paralegals and support staff answer directly to the supervising attorney.

4. Current principal responsibilities for individual designated as primary prosecutor including a statement indicating future availability.

Roger Fellows and James Larson will serve as primary prosecutors for the City of Crystal, and they make assurances to the City that Mr. Fellows, Mr. Larson, and Mr. Mertz will remain associated with the firm and will be available to perform prosecutorial services in the foreseeable future.

5. A description of the availability of and identification of experienced back-up prosecutors in the case of illness, turnover, or other loss of personnel.

In the case of illness or turnover, please be advised that Mr. Fellows, Mr. Larson, and Mr. Mertz are all experienced prosecutors who are available for back-up, and in addition the firm may in the future wish to associate with other personnel to provide back-up services.

OUTLINE OF PERSONAL AND LEGAL QUALIFICATIONS

OF

ROGER J. FELLOWS

Age	35
Family	Wife Lynn, Son Matthew
Educational Background	B.A., University of Minnesota 1977. J.D. William Mitchell College of Law 1983 (Cum Laude)
Legal Affiliations	Member Hennepin County Bar Association Member Minnesota State Bar Association Member American Bar Association Member 1981-1982 American Bar Association Standing Committee on Criminal Justice Standards Member Hennepin County Suburban Prosecutors Association Adjunct Professor 1980-1987 University of Minnesota Law School, Domestic Violence Clinic Instructor 1988 County Attorneys Association, Continuing Legal Education Association, DWI/Implied Consent Visiting Lecturer 1988-Present North Hennepin Community College Police Report Writing Class
Prosecutorial Experience	City Prosecutor, City of Brooklyn Park, 1983- Present Assistant City Prosecutor, City of Mound, 1984- Present In past seven years has served as Special Prosecutor for the Cities of: Brooklyn Center Crystal Maple Grove Plymouth Robbinsdale

OUTLINE OF PERSONAL AND LEGAL QUALIFICATIONS

OF

JAMES D. LARSON

Age 49. Married. Two Daughters. Graduated from United States Air Force Academy, B.S. Degree, 1963. Pilot in USAF 1963 to 1970, with service in Vietnam. Graduated from William Mitchell College of Law, J.D. Degree, Magna Cum Laude, 1975. Admitted to practice 1975. Associated with the firm of LeFevere, Lefler, Pearson, O'Brien and Drawz 1975 to 1980. Assistant City Attorney to Crystal, Mound, Brooklyn Center and Brooklyn Park 1975 to 1980, including both civil work and criminal prosecution. Experienced in municipal law, trial work, general practice, school law, public utility law and labor law. Member of Hennepin County Bar Association Eminent Domain Committee. Currently a partner in the firm of Wurst, Pearson, Larson, Underwood & Mertz. Currently Assistant City Attorney to Mound and Brooklyn Park. Attorney for River Electric Association, a joint powers group consisting of fifteen municipal customers of Northern States Power Company. Attorney for the Wheeling Association, a group of seventeen municipal customers of Northern States Power Company. Attorney for Northern Minnesota Municipal Electric Association, a joint powers group of municipal customers of Minnesota Power.

OUTLINE OF PERSONAL AND LEGAL QUALIFICATIONS

OF

CURTIS A. PEARSON

Age 63. Married, five children. Raised Madison, Minnesota. Graduate of Madison High School. Served United States Navy 1945 to 1946. St. Olaf College 1946 to 1948. University of Minnesota 1948 to 1950, B.A. William Mitchell College of Law 1956, L.L.B. and J.D. Degree, Cum Laude. Admitted to practice 1956. Prudential Insurance Company 1956 to 1960. Former Assistant City Attorney, Cities of Plymouth, Richfield, and Lauderdale. Former Assistant School Board Attorney, Special School District No. 1. Former member St. Louis Park City Council 1960-1968. Former member St. Louis Park Planning Commission, 7 years. Former member Minnesota League of Municipalities Committee on Home Rule and Governmental Immunity. Former Chairman of Taxes and Assessments Committee, Hennepin County League of Municipalities. Former member of Mayor Naftalin's Committee on the Future of the Minneapolis Public Library. City Attorney for the City of Brooklyn Park from 1963 to present. City Attorney for the City of Mound from 1967 to present. Attorney for Bassett Creek Watershed District, Shingle Creek Watershed District, West Mississippi Watershed District, and Lower Rum River Watershed District. Special consultant to the Cities of Golden Valley, Minnetonka, New Hope, Crystal and many others for specific and special matters. Senior Partner in the firm of LeFevere, Lefler, Pearson, O'Brien and Drawz 1963 to 1980. Senior Partner in the firm of Wurst, Pearson, Larson, Underwood & Mertz, 1980 to present. Former President of Minneapolis Association for Retarded Children. Nationally recognized Approving Municipal Bond Attorney since 1961. Member of the National Association of Bond Lawyers. Member of National Institute of Municipal Law Officers.

OUTLINE OF PERSONAL AND LEGAL QUALIFICATIONS

OF

CRAIG M. MERTZ

Age 42. Married, three children. Resident of Chanhassen since 1976. Graduated from the University of South Dakota (Phi Beta Kappa) 1970. Graduated from University of Minnesota Law School 1973. Admitted to practice 1973. Assistant City Attorney for City of Chanhassen 1973 to 1983. Assistant Attorney for Chanhassen Housing and Redevelopment Authority 1976 to 1983. Currently Assistant City Attorney for Brooklyn Park and Mound. Former member of Carver County Planning Commission 1977 to 1983. Former member of Carver County Comprehensive Plan Advisory Committee. Former President Chanhassen Chamber of Commerce. Former officer of Chanhassen Rotary Club. Experienced in municipal law, trial work and general practice. Regularly attended Chanhassen City Council meetings, Planning Commission meetings, and HRA meetings 1973 to 1983. Experienced in eminent domain matters, special assessment appeals, and administrative law proceedings, having litigated approximately 16 contested eminent domain matters, approximately 29 special assessment appeal contests, more than 20 zoning contests, numerous code enforcement matters, and defense and prosecution of claims. Also experienced in handling special assessment matters, tax increment matters, redevelopment matters, and levy limit elections.

OUTLINE OF PERSONAL AND LEGAL QUALIFICATIONS

OF

THOMAS F. UNDERWOOD

Age 49. B.A., University of Notre Dame. J.D. University of Minnesota. Experienced in real property law and corporate law. Member, Real Property Section Minnesota State Bar Association. Extensive experience in all phases of real property law, including transactions involving the purchase, sale, or exchange of real estate; leases; drafting of contracts, easements, conveyancing documents and security instruments related to real estate transactions; redevelopment agreements related to HRA projects; and title examinations and proceedings to correct title defects including initial registration of title and proceedings subsequent to initial registration.

OUTLINE OF PERSONAL AND LEGAL QUALIFICATIONS

OF

A. THOMAS WURST

Age 64. Graduated from Northwestern University, B.S. 1948. Graduate William Mitchell College of Law, L.L.B. 1952. Experienced in general practice, civil and insurance litigation, corporate business and tax planning, including litigation and residential and commercial real estate. Member of Hennepin County, Minnesota State, and American Bar Associations.

C. FIRM QUALIFICATIONS

1. The names and telephone numbers of three client references whom the City may contact. If your firm has represented any municipalities or governmental agencies during the last four years, state the name of that municipality or agency and the name, title, and telephone number of a reference at that municipality or agency whom the City may contact. If your firm has represented such an entity but does not wish the City to contact that entity, list the name of the municipality or agency, and state your reasons why no contact is requested.

1. City of Brooklyn Park
Police Chief Don Davis
(612) 424-8013
2. City of Mound
Police Chief Len Harrell
(612) 472-3711
3. Dave Pokorney
City Manager
City of Chaska
(612) 448-2851
4. Shirley Iverson
Supervisor
Hennepin County Division II Courthouse
(612) 566-9066
5. Al Billey
Chief Public Defender
Division II Courthouse
(612) 561-9218
6. Honorable Ann Montgomery
Hennepin County District Court Judge
(612) 348-8934
7. Honorable Rob Lynn
Hennepin County District Court Judge
(612) 348-7683

2. A statement of how the workload of Crystal would be accommodated and what kind of priority it would be given.

The prosecution efforts for Crystal would be given the highest priority by this firm. At the present time, Crystal's arraignment schedule is for Monday and Friday arraignments. It is anticipated that Mr. Fellows and Mr. Larson would cover these arraignments with the necessary back-up provided by Mr. Mertz. It is our belief that the existing personnel can provide complete services for the City of Crystal, but in the event additional personnel would be necessary to perform the legal services, attorney hires would be discussed with representatives of the City of Crystal if we anticipate they would provide back-up services for Crystal.

Our firm is fully equipped to and capable of handling all facets of prosecution work for the City of Crystal. We will comply with all requirements as outlined in your Request for Proposals, including preparing regular reports of prosecution activities and staff; advising and consulting with City inspection divisions regarding abatement of nuisances and other City code violations; meeting with Chief of Police every three to four weeks to review prosecution matters; issuing 600 formal complaints in a year with a two week or less turnaround time period to the police department; and issuing gross misdemeanor complaints immediately on persons held in custody.

We would consider our work for the City of Crystal to be of the highest priority.

D. FEES

1. Your proposal for the dollar amount of fixed and/or hourly fees and costs your firm will charge for providing the legal prosecution services for criminal matters to the City of Brooklyn Center covered by your proposal. For the hourly fees portion of your proposal, please identify the hourly rate of each attorney, paralegal, and support personnel. Include a separate hourly rate for formal complaint processing. Also state separately the rate for any firm cost items to be billed (e.g. photocopying).

Our proposal for fees for the contract for prosecution efforts for the City of Crystal would be as follows:

Roger Fellows, Jim Larson, and Craig Mertz would provide prosecution services at an hourly rate of \$65.00 per hour. That rate would be guaranteed for the three contract years of 1991, 1992, and 1993. With regard to the services provided by paralegals, please be advised that their rate would be \$30.00 per hour, again guaranteed for the three year term of the contract. It is our anticipation that the paralegals will do the initial drafting of the complaints whenever possible. Consequently, it is our belief that most complaints will be done with the services of paralegals, with the attorneys involved providing the final check on the complaint prior to signing. As a result, we believe the work on the formal complaints would be performed at a rate of approximately \$30.00 (the rate charged for paralegal services); however, on some occasions it will be necessary for the attorneys to draft the complaints due to the complexity of the complaint or to accommodate in-custody complaints where time is of the essence. Because each complaint drafted will require different amounts of effort, depending on its complexity, it is impossible to predict with accuracy how much each specific formal complaint would be billed at; however, it is our belief that our paralegals are extremely efficient and accurate in their drafting techniques and would average several complaints per billable work hour.

We would be fully prepared to handle any matters which are appealed to a higher level at the same fee schedule indicated above. However, before any appeal is undertaken we would discuss the matter with the proper City officials so they would be fully aware of what is entailed and would have some indication of the costs which might be involved.

With regard to any firm costs to be billed to the City of Crystal, mileage would be billed at \$.20 per mile; long distance telephone calls specifically prosecution-related would be billed; and court transcripts and subpoena services would be also billed directly to the City on a cost basis as needed. Copy charges would be billed to the City at the rate of \$.075 per page.

2. The City of Crystal requests monthly billing statements which:

- (a) itemize the date of services
- (b) identify the attorney, paralegal and/or support personnel providing services
- (c) list time spent
- (d) provide a detailed description of the services performed
- (e) state the fees for those services
- (f) summarize monthly (and annually) prosecution costs by type of case

If another billing format will be proposed, please describe that format and provide a sample.

This firm would completely comply with any and all Crystal requests regarding monthly billing statements and would anticipate the creation of a computer format to supply all the information to Crystal in an efficient and timely manner.

ROSENTHAL, RONDONI, MACMILLAN & JOYNER, LTD.

ATTORNEYS AT LAW

SUITE 120

7600 BASS LAKE ROAD

MINNEAPOLIS, MINNESOTA 55428-3891

PAUL W. ROSENTHAL

FRANCIS J. RONDONI

PETER A. MACMILLAN

JAY A. H. JOYNER

LISA A. SKOOG

NANCY R. VANDERHEIDER

TELEPHONE

533-4938

AREA CODE 612

FAX NUMBER

533-4677

December 19, 1990

Ms. Nancy Gohman, Assistant Manager
City of Crystal
4141 Douglas Drive
Crystal, Minnesota 55422

General
Info

RE: Request for Information
Crystal Prosecution Proposals
Our File No. RRM-215

Dear Nancy:

Yesterday, you requested statistics on the types of cases we handle for Crystal, and you also asked about decisions. We hope the enclosed copies of reports that we have consistently furnished to the City of Crystal since 1984 will be of help to you. I am not aware of any prosecutor who furnishes such reports on a consistent basis, and at the time we became your prosecutors we were informed by staff that our predecessor had not done so. The copies are as follows:

1. Quarterly reports for 1989 and 1990.
2. Interim disposition reports for 1989 and 1990.
3. Final disposition reports for 1989 and 1990.

On the telephone you mentioned attempting to draw some comparisons between David Kennedy's firm and our firm and mentioned the types of cases we handle and the billing detail. Obviously, the best way to compare David Kennedy's firm and our firm would be a consultation with the police officers who actually appear in Court with the prosecutors. However, if there are any other specific items of information that would be of assistance to you, please do not hesitate to call me. Please remember that very early on after we succeeded the Kennedy firm, the makeup of city prosecution work changed dramatically. Gross Misdemeanors which had previously been handled by the County Attorney's Office became the responsibility of City Prosecutors, thus increasing the City Prosecution work load tremendously.

You asked whether or not we could identify the fees by specific case. Understand that when we appear on an arraignment/pre-trial calendar, we have as many as thirty or forty cases in a day. Some cases take just a few minutes on the calendar, while others may involve our input at four or five different stages that same day. It would not be very practical to track time involved on

Ms. Nancy Gohman, Assistant Manager

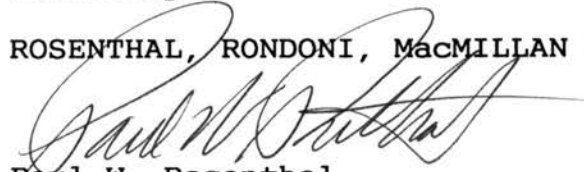
December 19, 1990

Page Two

individual cases in that setting. We have not been asked to track that information and have made no attempt to do so. If you have something specific in mind with regard to that question, please give me a call, as we are certainly quite willing to provide any information that you may need and that we can physically provide.

Sincerely,

ROSENTHAL, RONDONI, MacMILLAN & JOYNER, LTD.

A handwritten signature in dark ink, appearing to read "Paul W. Rosenthal", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul W. Rosenthal

PWR/sm
Enclosures

10/89 to 12/89

CITY OF CRYSTAL VIOLATION STATISTICS OF FINAL DISPOSITIONS

Drinking and Driving

- | | | |
|----|----|--|
| 1. | 21 | Gross Misdemeanor driving while intoxicated |
| 2. | 11 | Aggravated driving violation - Gross Misdemeanor |
| 3. | 23 | Driving while intoxicated |
| 4. | 51 | Blood alcohol content over .10 |
| 5. | 4 | Open Bottle |

Other Driving Violations

- | | | |
|-----|----|---|
| 6. | | Failure to Display Plates |
| 7. | | Unreasonable acceleration |
| 8. | 2 | Reckless driving |
| 9. | 2 | Careless driving |
| 10. | 9 | Speeding |
| 11. | 10 | Semaphore, stop sign and signals |
| 12. | | Leaving the scene of a property damage accident |
| 13. | 6 | No insurance |
| 14. | | Leaving the scene of a personal injury accident |
| 15. | | Flee Police Officer in a Motor Vehicle |

Driver's License and License Plates

- | | | |
|-----|---|---|
| 16. | 5 | Driving after revocation |
| 17. | 8 | Driving after suspension |
| 18. | 1 | Driving after cancellation |
| 19. | 4 | No valid license (and no Minnesota license) |
| 20. | | Use of another's license |
| 21. | | False identification |
| 22. | | Expired Plates |
| 23. | | Failure to display registration |
| 24. | 2 | Miscellaneous |

Crimes Against a Person

- | | | |
|-----|----|-----------------------------|
| 25. | | Sexual Assault |
| 26. | | Robbery |
| 27. | 9 | Disorderly Conduct |
| 28. | 19 | Assault (Misdemeanor) |
| 29. | 4 | Domestic Abuse |
| 30. | | Violating restraining order |
| 31. | 1 | Harrassing phone calls |
| 32. | | Interference with privacy |
| 33. | 3 | Noise ordinance |
| 34. | 1 | Obstruct legal process |
| 35. | | Falsely reporting a crime |
| 36. | 1 | Indecent Exposure |
| 37. | | Child Abuse |
| 38. | 2 | Assault (Gross Misdemeanor) |
| 39. | | Miscellaneous |

Crime Against Property

40.	10	Issuance of worthless check
41.	17	Shoplifting
42.	6	Theft
43.	4	Trespassing
44.		Aid and abet a theft
45.	6	Damage to property
46.		Forgery
47.		Burglary
48.		Miscellaneous

Dogs

49.		No dog license
50.		Dog at large (and loose dog)
51.	1	Barking dog
52.		No Kennel license

Parking

53.	4	No handicap permit
54.	3	No parking from 3-6 a.m.
55.		Other parking violations

Prohibited Substances (Drugs)

56.		P.C. Narcotics
57.	2	Possession of drugs/marijuana
58.		Possession of drug paraphernalia

Property Maintenance

59.	3	Storage of inoperable vehicle
60.	1	Failure to remove refuse
61.		Truck storage in residential area
62.		Failure to obey fire department orders
63.		Miscellaneous

Other Miscellaneous Offenses

64.		Failure to stop and give information
65.		Drinking beer in park
66.		Possession of Gambling paraphernalia
67.		Defrauding an innkeeper
68.		Prostitution
69.		Working without license and permit
70.		Resisting Arrest
71.		Fail to maintain property food temperature
72.		Minor attempt to purchase liquor
73.		Sale of alcohol to minor
74.	8	False Information to Police
75.	3	Minor Consumption/Possession

TOTAL 247

In creating this summary we have, in those arrests involving more than one charge, counted only the most, or one of the most,

7/89 - 9/89

CITY OF CRYSTAL
VIOLATION STATISTICS
OF FINAL DISPOSITIONS

Drinking and Driving

1.	<u>15</u>	Gross Misdemeanor driving while intoxicated
2.	<u>13</u>	Aggravated driving violation - Gross Misdemeanor
3.	<u>25</u>	Driving while intoxicated
4.	<u>48</u>	Blood alcohol content over .10
5.	<u>2</u>	Open Bottle

Other Driving Violations

6.	<u> </u>	Failure to Display Plates
7.	<u> </u>	Unreasonable acceleration
8.	<u>2</u>	Reckless driving
9.	<u> </u>	Careless driving
10.	<u>18</u>	Speeding
11.	<u>9</u>	Semaphore, stop sign and signals
12.	<u>1</u>	Leaving the scene of a property damage accident
13.	<u>3</u>	No insurance
14.	<u> </u>	Leaving the scene of a personal injury accident
15.	<u>4</u>	Flee Police Officer in a Motor Vehicle

Driver's License and License Plates

16.	<u>17</u>	Driving after revocation
17.	<u>8</u>	Driving after suspension
18.	<u>2</u>	Driving after cancellation
19.	<u>2</u>	No valid license (and no Minnesota license)
20.	<u> </u>	Use of another's license
21.	<u> </u>	False identification
22.	<u>1</u>	Expired Plates
23.	<u> </u>	Failure to display registration
24.	<u>2</u>	Miscellaneous

Crimes Against a Person

25.	<u> </u>	Sexual Assault
26.	<u> </u>	Robbery
27.	<u>4</u>	Disorderly Conduct
28.	<u>14</u>	Assault (Misdemeanor)
29.	<u>2</u>	Domestic Abuse
30.	<u> </u>	Violating restraining order
31.	<u> </u>	Harrassing phone calls
32.	<u> </u>	Interference with privacy
33.	<u>1</u>	Noise ordinance
34.	<u> </u>	Obstruct legal process
35.	<u> </u>	Falsely reporting a crime
36.	<u> </u>	Indecent Exposure
37.	<u> </u>	Child Abuse
38.	<u>2</u>	Assault (Gross Misdemeanor)
39.	<u> </u>	Miscellaneous

Crime Against Property

40.	<u>19</u>	Issuance of worthless check
41.	<u>6</u>	Shoplifting
42.	<u>6</u>	Theft
43.	<u> </u>	Trespassing
44.	<u> </u>	Aid and abet a theft
45.	<u>1</u>	Damage to property
46.	<u>1</u>	Forgery
47.	<u> </u>	Burglary
48.	<u>2</u>	Miscellaneous

Dogs

49.	<u> </u>	No dog license
50.	<u>1</u>	Dog at large (and loose dog)
51.	<u> </u>	Barking dog
52.	<u> </u>	No Kennel license

Parking

53.	<u> </u>	No handicap permit
54.	<u>1</u>	No parking from 3-6 a.m.
55.	<u>2</u>	Other parking violations

Prohibited Substances (Drugs)

56.	<u> </u>	P.C. Narcotics
57.	<u>2</u>	Possession of drugs/marijuana
58.	<u>4</u>	Possession of drug paraphernalia

Property Maintenance

59.	<u> </u>	Storage of inoperable vehicle
60.	<u>3</u>	Failure to remove refuse
61.	<u> </u>	Truck storage in residential area
62.	<u> </u>	Failure to obey fire department orders
63.	<u>2</u>	Miscellaneous

Other Miscellaneous Offenses

64.	<u> </u>	Failure to stop and give information
65.	<u> </u>	Drinking beer in park
66.	<u> </u>	Possession of Gambling paraphernalia
67.	<u> </u>	Defrauding an innkeeper
68.	<u> </u>	Prostitution
69.	<u> </u>	Working without license and permit
70.	<u> </u>	Resisting Arrest
71.	<u> </u>	Fail to maintain property food temperature
72.	<u>2</u>	Minor attempt to purchase liquor
73.	<u>1</u>	Sale of alcohol to minor
74.	<u>4</u>	False Information to Police

TOTAL 253

In creating this summary we have, in those arrests involving more than one charge, counted only the most, or one of the most, serious charges.

4/89 - 6/89

CITY OF CRYSTAL
VIOLATION STATISTICS
OF FINAL DISPOSITIONS

Drinking and Driving

1.	17	Gross Misdemeanor driving while intoxicated
2.	14	Aggravated driving violation - Gross Misdemeanor
3.	35	Driving while intoxicated
4.	29	Blood alcohol content over .10
5.	4	Open Bottle

Other Driving Violations

6.		Failure to Display Plates
7.		Unreasonable acceleration
8.	3	Reckless driving
9.	1	Careless driving
10.	14	Speeding
11.	5	Semaphore, stop sign and signals
12.	3	Leaving the scene of a property damage accident
13.	2	No insurance
14.	1	Leaving the scene of a personal injury accident
15.		Miscellaneous

Driver's License and License Plates

16.	6	Driving after revocation
17.	10	Driving after suspension
18.		Driving after cancellation
19.	5	No valid license (and no Minnesota license)
20.		Use of another's license
21.	2	False identification
22.	1	Expired Plates
23.	1	Failure to display registration
24.	1	Miscellaneous

Crimes Against a Person

25.		Sexual Assault
26.		Robbery
27.	7	Disorderly Conduct
28.	14	Assault (Misdemeanor)
29.	1	Domestic Abuse
30.		Violating restraining order
31.	2	Harrassing phone calls
32.		Interference with privacy
33.		Noise ordinance
34.	1	Obstruct legal process
35.		Falsely reporting a crime
36.	1	Indecent Exposure
37.		Child Abuse
38.		Assault (Gross Misdemeanor)
39.		Miscellaneous

Crime Against Property

40.	4	Issuance of worthless check
41.	10	Shoplifting
42.	10	Theft
43.		Trespassing
44.		Aid and abet a theft
45.	1	Damage to property
46.	2	Forgery
47.		Burglary
48.	2	Miscellaneous

Dogs

49.		No dog license
50.		Dog at large (and loose dog)
51.		Barking dog
52.		No Kennel license

Parking

53.	1	No handicap permit
54.	1	No parking from 3-6 a.m.
55.		Other parking violations

Prohibited Substances (Drugs)

56.	1	P.C. Narcotics
57.	1	Possession of drugs/marijuana
58.	1	Possession of drug paraphernalia

Property Maintenance

59.		Storage of inoperable vehicle
60.		Failure to remove refuse
61.		Truck storage in residential area
62.		Failure to obey fire department orders
63.		Miscellaneous

Other Miscellaneous Offenses

64.		Failure to stop and give information
65.		Drinking beer in park
66.		Possession of Gambling paraphernalia
67.		Defrauding an innkeeper
68.		Prostitution
69.		Working without license and permit
70.		Resisting Arrest
71.		Fail to maintain property food temperature
72.		Minor attempt to purchase liquor
73.		Sale of alcohol to minor

TOTAL _____

In creating this summary we have, in those arrests involving more than one charge, counted only the most, or one of the most, serious charges.

1/89 - 3/89

CITY OF CRYSTAL
VIOLATION STATISTICS
OF FINAL DISPOSITIONS

Drinking and Driving

1.	19	Gross Misdemeanor driving while intoxicated
2.	14	Aggravated driving violation - Gross Misdemeanor
3.	31	Driving while intoxicated
4.	41	Blood alcohol content over .10
5.	2	Open Bottle

Other Driving Violations

6.		Failure to Display Plates
7.		Unreasonable acceleration
8.	1	Reckless driving
9.	1	Careless driving
10.	16	Speeding
11.	6	Semaphore, stop sign and signals
12.	1	Leaving the scene of a property damage accident
13.	5	No insurance
14.	1	Leaving the scene of a personal injury accident
15.	2	Miscellaneous

Driver's License and License Plates

16.	12	Driving after revocation
17.	9	Driving after suspension
18.		Driving after cancellation
19.	4	No valid license (and no Minnesota license)
20.	1	Use of another's license
21.	3	False identification
22.		Expired Plates
23.	2	Failure to display registration
24.	1	Miscellaneous

Crimes Against a Person

25.		Sexual Assault
26.		Robbery
27.	6	Disorderly Conduct
28.	15	Assault (Misdemeanor)
29.	6	Domestic Abuse
30.	2	Violating restraining order
31.	1	Harrassing phone calls
32.		Interference with privacy
33.		Noise ordinance
34.		Obstruct legal process
35.		Falsely reporting a crime
36.		Indecent Exposure
37.	1	Child Abuse
38.	1	Assault (Gross Misdemeanor)
39.		Miscellaneous

Crime Against Property

40.	<u>16</u>	Issuance of worthless check
41.	<u>9</u>	Shoplifting
42.	<u>12</u>	Theft
43.	<u>1</u>	Trespassing
44.	<u> </u>	Aid and abet a theft
45.	<u>3</u>	Damage to property
46.	<u> </u>	Forgery
47.	<u> </u>	Burglary
48.	<u>1</u>	Miscellaneous

Dogs

49.	<u> </u>	No dog license
50.	<u> </u>	Dog at large (and loose dog)
51.	<u>1</u>	Barking dog
52.	<u> </u>	No Kennel license

Parking

53.	<u>1</u>	No handicap permit
54.	<u>1</u>	No parking from 3-6 a.m.
55.	<u>2</u>	Other parking violations

Prohibited Substances (Drugs)

56.	<u>3</u>	P.C. Narcotics
57.	<u>3</u>	Possession of drugs/marijuana
58.	<u>1</u>	Possession of drug paraphernalia

Property Maintenance

59.	<u>1</u>	Storage of inoperable vehicle
60.	<u>1</u>	Failure to remove refuse
61.	<u> </u>	Truck storage in residential area
62.	<u> </u>	Failure to obey fire department orders
63.	<u> </u>	Miscellaneous

Other Miscellaneous Offenses

64.	<u> </u>	Failure to stop and give information
65.	<u> </u>	Drinking beer in park
66.	<u> </u>	Possession of Gambling paraphernalia
67.	<u> </u>	Defrauding an innkeeper
68.	<u>1</u>	Prostitution
69.	<u>2</u>	Working without license and permit
70.	<u>1</u>	Resisting Arrest
71.	<u>2</u>	Fail to maintain property food temperature
72.	<u>1</u>	Minor attempt to purchase liquor
73.	<u>1</u>	Sale of alcohol to minor

TOTAL 268

In creating this summary we have, in those arrests involving more than one charge, counted only the most, or one of the most, serious charges.

7/90 - 9/90

CITY OF CRYSTAL
VIOLATION STATISTICS
OF FINAL DISPOSITIONS

Drinking and Driving

- | | | |
|----|----|--|
| 1. | 10 | Gross Misdemeanor driving while intoxicated |
| 2. | 7 | Aggravated driving violation - Gross Misdemeanor |
| 3. | 9 | Driving while intoxicated |
| 4. | 10 | Blood alcohol content over .10 |
| 5. | | Open Bottle |

Other Driving Violations

- | | | |
|-----|---|---|
| 6. | | Failure to Display Plates |
| 7. | | Unreasonable acceleration |
| 8. | | Reckless driving |
| 9. | 3 | Careless driving |
| 10. | 4 | Speeding |
| 11. | 1 | Semaphore, stop sign and signals |
| 12. | 4 | Leaving the scene of a property damage accident |
| 13. | 3 | No insurance |
| 14. | | Leaving the scene of a personal injury accident |
| 15. | | Flee Police Officer in a Motor Vehicle |

Driver's License and License Plates

- | | | |
|-----|----|---|
| 16. | 3 | Driving after revocation |
| 17. | 11 | Driving after suspension |
| 18. | | Driving after cancellation |
| 19. | 1 | No valid license (and no Minnesota license) |
| 20. | | Use of another's license |
| 21. | | False identification |
| 22. | | Expired Plates |
| 23. | | Failure to display registration |
| 24. | 2 | Miscellaneous |

Crimes Against a Person

- | | | |
|-----|----|-----------------------------|
| 25. | | Sexual Assault |
| 26. | | Robbery |
| 27. | 5 | Disorderly Conduct |
| 28. | 17 | Assault (Misdemeanor) |
| 29. | 8 | Domestic Abuse |
| 30. | 1 | Violating restraining order |
| 31. | 2 | Harrassing phone calls |
| 32. | | Interference with privacy |
| 33. | 1 | Noise ordinance |
| 34. | 1 | Obstruct legal process |
| 35. | | Falsely reporting a crime |
| 36. | | Indecent Exposure |
| 37. | | Child Abuse |
| 38. | | Assault (Gross Misdemeanor) |
| 39. | | Miscellaneous |

Crime Against Property

40.	8	Issuance of worthless check
41.	12	Shoplifting
42.	8	Theft
43.	1	Trespassing
44.	1	Aid and abet a theft
45.	4	Damage to property
46.		Forgery
47.		Burglary
48.		Miscellaneous

Dogs

49.		No dog license
50.	3	Dog at large (and loose dog)
51.	1	Barking dog
52.		No Kennel license

Parking

53.	1	No handicap permit
54.		No parking from 3-6 a.m.
55.		Other parking violations

Prohibited Substances (Drugs)

56.		P.C. Narcotics
57.	2	Possession of drugs/marijuana
58.	2	Possession of drug paraphernalia

Property Maintenance

59.		Storage of inoperable vehicle
60.	4	Failure to remove refuse
61.		Truck storage in residential area
62.		Failure to obey fire department orders
63.		Miscellaneous

Other Miscellaneous Offenses

64.		Failure to stop and give information
65.		Drinking beer in park
66.		Possession of Gambling paraphernalia
67.		Defrauding an innkeeper
68.	1	Prostitution
69.		Working without license and permit
70.		Resisting Arrest
71.		Fail to maintain property food temperature
72.		Minor attempt to purchase liquor
73.	1	Sale of alcohol to minor
74.	5	False Information to Police
75.	1	Minor Consumption/Possession
76.		Littering

TOTAL 158

In creating this summary we have, in those arrests involving more than one charge, counted only the most, or one of the most, serious charges.

4/90 - 6/90

CITY OF CRYSTAL
VIOLATION STATISTICS
OF FINAL DISPOSITIONS

Drinking and Driving

1.	8	Gross Misdemeanor driving while intoxicated
2.	8	Aggravated driving violation - Gross Misdemeanor
3.	16	Driving while intoxicated
4.	21	Blood alcohol content over .10
5.		Open Bottle

Other Driving Violations

6.		Failure to Display Plates
7.		Unreasonable acceleration
8.		Reckless driving
9.		Careless driving
10.	14	Speeding
11.	4	Semaphore, stop sign and signals
12.	2	Leaving the scene of a property damage accident
13.	1	No insurance
14.		Leaving the scene of a personal injury accident
15.	2	Flee Police Officer in a Motor Vehicle

Driver's License and License Plates

16.	8	Driving after revocation
17.	6	Driving after suspension
18.		Driving after cancellation
19.	2	No valid license (and no Minnesota license)
20.		Use of another's license
21.		False identification
22.		Expired Plates
23.	1	Failure to display registration
24.	1	Miscellaneous

Crimes Against a Person

25.		Sexual Assault
26.		Robbery
27.	7	Disorderly Conduct
28.	12	Assault (Misdemeanor)
29.	5	Domestic Abuse
30.	1	Violating restraining order
31.	1	Harrassing phone calls
32.		Interference with privacy
33.	1	Noise ordinance
34.	1	Obstruct legal process
35.		Falsely reporting a crime
36.		Indecent Exposure
37.	2	Child Abuse
38.	1	Assault (Gross Misdemeanor)
39.	2	Miscellaneous

Crime Against Property

40.	14	Issuance of worthless check
41.	14	Shoplifting
42.	12	Theft
43.	1	Trespassing
44.		Aid and abet a theft
45.	5	Damage to property
46.		Forgery
47.		Burglary
48.	1	Miscellaneous

Dogs

49.		No dog license
50.	1	Dog at large (and loose dog)
51.	1	Barking dog
52.		No Kennel license

Parking

53.	2	No handicap permit
54.	2	No parking from 3-6 a.m.
55.		Other parking violations

Prohibited Substances (Drugs)

56.		P.C. Narcotics
57.	2	Possession of drugs/marijuana
58.	1	Possession of drug paraphernalia

Property Maintenance

59.		Storage of inoperable vehicle
60.		Failure to remove refuse
61.		Truck storage in residential area
62.		Failure to obey fire department orders
63.		Miscellaneous

Other Miscellaneous Offenses

64.		Failure to stop and give information
65.		Drinking beer in park
66.		Possession of Gambling paraphernalia
67.		Defrauding an innkeeper
68.		Prostitution
69.		Working without license and permit
70.		Resisting Arrest
71.		Fail to maintain property food temperature
72.		Minor attempt to purchase liquor
73.		Sale of alcohol to minor
74.	4	False Information to Police
75.		Minor Consumption/Possession
76.	1	Littering
TOTAL	188	

In creating this summary we have, in those arrests involving more than one charge, counted only the most, or one of the most, serious charges.

**CITY OF CRYSTAL
VIOLATION STATISTICS
OF FINAL DISPOSITIONS**

Drinking and Driving

1.	16	Gross Misdemeanor driving while intoxicated
2.	10	Aggravated driving violation - Gross Misdemeanor
3.	12	Driving while intoxicated
4.	30	Blood alcohol content over .10
5.	1	Open Bottle

Other Driving Violations

6.		Failure to Display Plates
7.		Unreasonable acceleration
8.	2	Reckless driving
9.	2	Careless driving
10.	19	Speeding
11.	8	Semaphore, stop sign and signals
12.		Leaving the scene of a property damage accident
13.	1	No insurance
14.		Leaving the scene of a personal injury accident
15.		Flee Police Officer in a Motor Vehicle

Driver's License and License Plates

16.	13	Driving after revocation
17.	8	Driving after suspension
18.	1	Driving after cancellation
19.	2	No valid license (and no Minnesota license)
20.		Use of another's license
21.		False identification
22.		Expired Plates
23.	2	Failure to display registration
24.	2	Miscellaneous

Crimes Against a Person

25.	1	Sexual Assault
26.		Robbery
27.	5	Disorderly Conduct
28.	20	Assault (Misdemeanor)
29.		Domestic Abuse
30.	1	Violating restraining order
31.		Harrassing phone calls
32.		Interference with privacy
33.		Noise ordinance
34.	2	Obstruct legal process
35.	1	Falsely reporting a crime
36.	1	Indecent Exposure
37.	1	Child Abuse
38.	1	Assault (Gross Misdemeanor)
39.	2	Miscellaneous

Crime Against Property

40.	<u>16</u>	Issuance of worthless check
41.	<u>17</u>	Shoplifting
42.	<u>4</u>	Theft
43.	<u> </u>	Trespassing
44.	<u>1</u>	Aid and abet a theft
45.	<u>6</u>	Damage to property
46.	<u>4</u>	Forgery
47.	<u> </u>	Burglary
48.	<u> </u>	Miscellaneous

Dogs

49.	<u> </u>	No dog license
50.	<u>2</u>	Dog at large (and loose dog)
51.	<u>1</u>	Barking dog
52.	<u> </u>	No Kennel license

Parking

53.	<u>9</u>	No handicap permit
54.	<u>4</u>	No parking from 3-6 a.m.
55.	<u>2</u>	Other parking violations

Prohibited Substances (Drugs)

56.	<u> </u>	P.C. Narcotics
57.	<u> </u>	Possession of drugs/marijuana
58.	<u>1</u>	Possession of drug paraphernalia

Property Maintenance

59.	<u>3</u>	Storage of inoperable vehicle
60.	<u>1</u>	Failure to remove refuse
61.	<u> </u>	Truck storage in residential area
62.	<u> </u>	Failure to obey fire department orders
63.	<u>1</u>	Miscellaneous

Other Miscellaneous Offenses

64.	<u> </u>	Failure to stop and give information
65.	<u> </u>	Drinking beer in park
66.	<u> </u>	Possession of Gambling paraphernalia
67.	<u> </u>	Defrauding an innkeeper
68.	<u> </u>	Prostitution
69.	<u> </u>	Working without license and permit
70.	<u> </u>	Resisting Arrest
71.	<u> </u>	Fail to maintain property food temperature
72.	<u> </u>	Minor attempt to purchase liquor
73.	<u> </u>	Sale of alcohol to minor
74.	<u>5</u>	False Information to Police
75.	<u>3</u>	Minor Consumption/Possession

TOTAL 244

In creating this summary we have, in those arrests involving more than one charge, counted only the most, or one of the most,

CRYSTAL PROSECUTIONS - FINAL DISPOSITIONS			WEEK OF 12-10-90 to 12-14-90
Offense Date	Charge	Officer	Disposition and Sentence
10-20-90	Speed	Rick Zimmermann	Dismissed, Officer in school, unable to appear in Court, Judge would not grant continuance on motion to dismiss without prejudice
11-11-90	Handicap Parking,	Tim Koehler	Convicted handicap parking violation, fine \$50
11-7-90	Fail to Maintain Premises Free of Refuse	Mary Fandrey	Continued for dismissal 6 months, court costs \$150
11-10-90	DWI/BAC .12	Steve Holm	Convicted careless driving, fine \$100, workhouse 10 days, stayed 10 days, 40 hours community service
11-29-90	DWI/BAC .13/Signs and Signals	Lisa Vague	Convicted careless driving, fine \$100, workhouse 10 days, stayed 10 days, 40 hours community service
9-8-90	DAS	Todd Gustafson	Dismissed, Defendant was sent notice on 9-7 and arrested on 9-8. Defendant had not received notice of suspension by time of arre.

ADULT CRYSTAL PROSECUTIONS - FINAL DISPOSITIONS

WEEK OF 12-3-90 to 12-7-90

Offense Date	Charge	Officer	Disposition and Sentence
6-16-90	Theft	Charles Nygard	Convicted theft, no fine, workhouse 90 days, stayed 45 days
10-22-90	Criminal Damage to Property	Rick Zimmermann	Convicted criminal damage to property, no fine, workhouse 7 days, stayed 7 days, restitution
6-11-90	GMDWI/BAC .11	Scott Santrizos	Convicted GMBAC, fine \$500, stayed \$500, workhouse 100 days, stayed 85 days, 120 hours community service
5-20-90	Assault/DOC	Ken Herkal	Convicted assault, fine \$600, stayed \$600, workhouse 90 days, stayed 60 days
9-14-90	Assault/Violate Order of Protection	Stephen Holm	Continued for dismissal 12 months, court cost \$75
7-29-90	Leave scene of PD Accident/DAR	Doug Wagner	Convicted fail to notify owner of damage, no fine, workhouse 90 days, stayed 81 days, restitution
8-28-90	Domestic Assault	Lisa Vague	Dismissed per victim and Home Free, victim will not testify in this case

CRYSTAL PROSECUTIONS - FINAL DISPOSITIONS

WEEK OF 11-26-90 to 11-30-90

Offense Date	Charge	Officer	Disposition and Sentence
11-15-90	Domestic Assault/DOC	Todd Gustafson	Convicted assault, fine \$200, workhouse 90 days, stayed 90 days
8-5-90	Theft - No Pay	Dan Drake	Convicted theft as a petty, fine \$30, restitution
10-25-90	Defraud Innkeeper/DOC	Lisa Vague	Convicted DOC as a petty, fine \$30, restitution
10-11-90	AGGDWI/BAC .10	Doug Wagner	Convicted AGGDWI, no fine, workhouse 365 days
10-27-90	DWI/BAC .37	Laura Tradewell	Convicted BAC, fine \$100, workhouse 30 days, stayed 28 days
10-30-90	DWI/BAC .15	Rob Erkenbrack	Convicted BAC, fine \$100, workhouse 30 days, stayed 28 days, credit 2 served
6-29-90	GM Worthless Check	Dan Drake	Convicted theft as a misdemeanor, court costs \$75, restitution \$425.00
10-28-90	DWI/BAC .14	Rick Zimmermann	Convicted BAC, fine \$200, workhouse 30 days, stayed 28 days

CRYSTAL PROSECUTIONS - <u>FINAL</u> DISPOSITIONS			
Offense Date	Charge	Officer	WEEK OF <u>11-26-90 to 11-30-90</u> Disposition and Sentence
10-17-90	Speed	Dan Barry	Convicted speed, fine \$30
10-30-90	DWI (NT)	Doug Wagner	Convicted careless driving, no fine, workhouse 30 days, stayed 28 days
11-17-90	DWI/BAC .16	Phil Johnson	Convicted BAC, fine \$50, workhouse 90 days, stayed 88 days
9-21-90	Assault/DOC/Criminal Damage to Property	Craig Thomseth	Convicted DOC, fine \$100, workhouse 30 days, stayed 30 days, restitution
11-5-90	DWI(NT)/Violate DL Restriction	Doug Wagner	Convicted DWI, fine \$150, workhouse 90 days, stayed 88 days
10-31-90	Blue Lights	Dan Barry	Convicted blue lights prohibited, fine \$20
11-8-90	DAS	Todd Gustafson	Continued for dismissal 12 months, court cost \$50

CRYSTAL PROSECUTIONS - FINAL DISPOSITIONS

WEEK OF 11-19-90 to 11-23-90

ffense Date

Charge

Officer

Disposition and Sentence

11-6-90	DAS/Unreasonable Acceleration	Craig Thomseth	Convicted DAS, fine \$50, workhouse 20 days, stayed 20 days
8-24-90	Domestic Assault	Scott Santrizos	Continued for dismissal 12 months, court costs \$50
8-24-90	Domestic Assault	Scott Santrizos	Continued for dismissal 12 months, court costs \$50
9-11-90	Worthless Check	Mike Hartv	Continued for dismissal 6 months, court costs \$25, restitution made
11-5-90	DWI/BAC .15	Craig Thomseth	Convicted BAC, fine \$150, workhouse 30 days, stayed 28 days
11-10-90	Domestic Assault/DOC	Dan Barry	Convicted assault per 609.135, 12 months

CRYSTAL PROSECUTIONS - FINAL DISPOSITIONS

WEEK OF 11-12-90 TO 11-18-90

Offense Date	Charge	Officer	Disposition and Sentence
10-20-90	DWI/BAC .17/Name on DL Leave Scene of PD Accident	Craig Thomseth	Convicted BAC, fine \$500, stayed \$400, workhouse 90 days, stayed 59 days
10-25-90	Defraud Innkeeper/DOC	Lisa Vague	Convicted DOC, fine \$30, restitution
10-21-90	Assault	Rick Zimmermann	Convicted assault, no fine, workhouse 90 days stayed 86 days, credit 4 days served
9-26-90	DWI/BAC .14	Phil Johnson	Convicted BAC, no fine, workhouse 30 days, stayed 30 days
10-16-90	DWI/BAC .19/Speed	Ann Myers	Convicted BAC, fine \$300, workhouse 90 days, stayed 80 days
6-5-89	Worthless Check	Todd Gustafson	Continued for dismissal 12 months, court cos \$75, restitution to Super Valu
10-10-90	No Insurance	Rob Erkenbrack	Convicted no insurance, fine \$70, workhouse 10 days, stayed 10 days
8-30-90 9-9-90	Worthless Checks	Dave Pecchia	Convicted worthless checks, no fine, workhouse 5 days, stayed 5 days, restitution

CRYSTAL PROSECUTIONS - FINAL DISPOSITIONS

WEEK OF 11-12-90 to 11-6-90

ffense Date

Charge

Officer

Disposition and Sentence

10-10-90	DWI/BAC .12	Rob Erkebrack	Convicted careless driving, fine \$500, workhou 30 days, stayed 28 days
10-10-90	Shoplifting	Rob Erkenbrack	Convicted receiving and concealing stolen property, fine \$150, or 10 days in jail
10-27-90	Flee Police in MV	Craig Thomseth	Convicted flee police in motor vehicle, no fine, workhouse 30 days, stayed 30 days, Defendant cannot drive in MN with children in her car
10-10-90	Shoplifting	Rob Erkenbrack	Convicted aid and abet theft, no fine, workhou 10 days
7-8-90	Worthless Check	Mike Harty	Dismissed, Father and Defendant stated checks were stolen
9-4-90	Domestic Assault	Rick Zimmermann	Continued for dismissal 12 months, court costs \$50
9-23-90	Theft/Shoplifting	Duane Anthony	Dismissed per further investigation by Duane Anthony

CRYSTAL PROSECUTIONS - FINAL DISPOSITIONS

WEEK OF 11-5-90 to 11-9-90
Disposition and Sentence

Offense Date	Charge	Officer	Disposition and Sentence
7-21-90	Shoplifting	Steve Hart	Convicted shoplifting, no fine, workhouse 10 days, stayed 10 days, 20 hours community service
5-11-90	GMDWI/BAC .16/Speed	Dan Barry	Convicted BAC, sentencing deferred to 1-4-91
9-26-90	Speed	Steve Holm	Convicted speed as a misdemeanor, fine \$200, workhouse 10 days, stayed 10 days, 24 hours community service
7-19-90	DWI/BAC .204	Doug Wagner	Convicted BAC, fine \$500, stayed \$400, workhouse 30 days, stayed 27 days, credit 1 day served
11-16-89	Speed	Steve Holm	Dismissed, Defendant proved that she was in Europe at the time of violation

ROSENTHAL, RONDONI, MACMILLAN & JOYNER, LTD.

ATTORNEYS AT LAW

SUITE 120

7600 BASS LAKE ROAD

MINNEAPOLIS, MINNESOTA 55428-3891

PAUL W. ROSENTHAL

FRANCIS J. RONDONI

PETER A. MACMILLAN

JAY A. H. JOYNER

LISA A. SKOOG

NANCY R. VANDERHEIDER

TELEPHONE

533-4938

AREA CODE 612

FAX NUMBER

533-4677

November 16, 1990

Ms. Darlene George, City Clerk
City of Crystal
4141 Douglas Drive
Crystal, Minnesota 55422

RE: Proposal to the City of Crystal
for Prosecution Contract
Our File No. RJM-215

Dear Ms. George:

Enclosed are:

1. Proposal;
2. Addendum to Proposal;
3. Cover letter with additional information;
4. Proposed Contract.

Sincerely,

ROSENTHAL, RONDONI, MacMILLAN & JOYNER, LTD.



Sherri Maas
Secretary to Paul W. Rosenthal

PWR/sm
Enclosures

ROSENTHAL, RONDONI, MACMILLAN & JOYNER, LTD.

ATTORNEYS AT LAW

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TELEPHONE
533-4938
AREA CODE 612
FAX NUMBER
533-4677

November 8, 1990

Ms. Darlene George, City Clerk
City of Crystal
4141 Douglas Drive
Crystal, Minnesota 55422

Re: Proposal to the City of Crystal
for Prosecution Contract
Our File No. RJM-215

Dear Ms. George:

At your request, we are submitting the enclosed proposal to you and the City of Crystal for the performance of prosecution services.

A. Firm Background:

1. Name of Firm: ROSENTHAL, RONDONI, MACMILLAN & JOYNER, LTD.
2. Address: 7600 Bass Lake Road, Suite 120
Minneapolis, Minnesota 55428-3891
Telephone: (612) 533-4938
Fax Number: (612) 533-4677
3. Federal Tax Identification Number: 41-0999435
4. History of the Firm:

Rosenthal, Rondoni, MacMillan & Joyner, Ltd., is a full service law firm which has been located in the northwest suburban area for the past ten years. Since early 1984, our law firm has handled the prosecution work for the City of Crystal. We have also been the prosecutors for the City of Golden Valley since January 1, 1989. Our law firm currently consists of four partners and two associates, as set forth on the letterhead. Five of us are involved in the prosecution work for Crystal and Golden Valley and would likewise continue to be involved in the prosecution work for Crystal.

5. Our six attorneys by their specialties are:

Paul W. Rosenthal has been practicing law since 1966, and

his areas of concentration include real estate, probate, elder law, wills and trusts, corporations, business and municipal prosecution.

Francis J. Rondoni, a partner and our Treasurer, has been practicing law since 1980 and concentrates on the areas of civil litigation, real estate, banking law and municipal prosecution.

Peter A. MacMillan has also been practicing law since 1980 and his areas of practice include civil and criminal litigation, family law, workers' compensation and municipal prosecution.

Lisa A. Skoog is an associate with the firm and has been engaged in the practice of law since 1985. She concentrates her practice in the areas of criminal defense and prosecution, business, family and debtor-creditor law.

Nancy Vanderheider has been practicing law since 1987, and she concentrates her practice in the areas of municipal prosecution, criminal defense, civil litigation, business and debtor-creditor law.

Jay A.H. Joyner would not be involved in the prosecution for the City of Crystal. His areas of concentration are civil litigation, probate, wills and trusts and real estate.

6. The firm employs no paralegals.
7. The support staff of the firm consists of two prosecution secretaries who are also general legal secretaries, an additional legal secretary, a legal secretary/receptionist, an office administrator/receptionist, and a bookkeeper.
8. The office organization relative to prosecution services is as follows:
 - a. All initial requests for complaints, all initial police reports, correspondence, and the like, are initially reviewed by and logged in by the prosecution secretary. She then refers the file to either Paul W. Rosenthal, Peter A. MacMillan or Nancy R. Vanderheider for review, complaint, or any other further action.
 - b. The reviewing attorney then takes any action necessary

Ms. Darlene George, City Clerk
November 8, 1990
Page Three

in order to begin the charging process on each specific Defendant. All complaints are prepared by an attorney. All court appearances relative to the prosecution and obtaining a final disposition with regard to each file is made by Paul W. Rosenthal, Peter A. MacMillan or Nancy R. Vanderheider. Any correspondence, subpoenas, complaints and the same are typed by the respective prosecution secretary. All incoming telephone calls and requests for information are routed through the prosecution secretary and reviewed by an attorney.

- c. Attorneys Rondoni and Skoog act in a back-up capacity to assist and to insure continuing high standards of quality and service in doing the work for the City of Crystal.

9. Please see answer to 8 hereinabove.

B. Attorney Qualifications:

1. Paul W. Rosenthal, Francis J. Rondoni, Peter A. MacMillan, Nancy R. Vanderheider and Lisa A. Skoog will be providing services for which the City of Crystal will be billed.
2. Mr. Rosenthal is a partner and is the President of the firm. He received his L.L.B. in 1963 and his J.D. in 1969, both from William Mitchell College of Law. Mr. Rosenthal has been engaged in private practice since 1966. He was in partnership with Eugene F. Welter for nine years. As his practice expanded, the additional partners were added. Mr. Rosenthal's practice has been based in the northwest suburban area since 1969. He has been engaged in the prosecution of criminal matters for the past six years, including the performance of file review and assessment, consultation with municipal staff, complaint drafting, and appearances at arraignments, pre-trial conferences and criminal court and jury trials. Approximately 35 percent of Mr. Rosenthal's practice has consisted of the prosecution of criminal matters in the last seven years.

Mr. Rondoni is a 1980 graduate of Hamline University School of Law. As Mr. Rosenthal's practice expanded, Mr. Rondoni joined him, and in 1982 the firm became Rosenthal & Rondoni, Ltd. Mr. Rondoni is a partner and shareholder in the firm. He has also been engaged in the prosecution of criminal matters for the past six years, including the performance of file review and assessment, drafting

Ms. Darlene George, City Clerk

November 8, 1990

Page Four

criminal complaints, and court appearances for arraignments, pre-trial conferences and court and jury trials. Criminal prosecution has comprised approximately 20 percent of Mr. Rondoni's practice for the past six years. Mr. Rondoni has represented municipalities in at least 20 criminal jury trials.

Mr. MacMillan is also a 1980 graduate of Hamline University School of Law, and he joined the firm in 1983, whereupon the firm name became Rosenthal, Rondoni & MacMillan, Ltd. Mr. MacMillan has also been engaged in the criminal prosecution for municipalities for six years, including file review and assessment, complaint drafting, and court appearances at arraignments, pre-trial conferences and court and jury trials. Approximately 20 percent of Mr. MacMillan's work has been in the area of criminal prosecution during the past four years. Mr. MacMillan has represented municipalities in at least 20 criminal jury trials.

Ms. Skoog is a 1985 graduate of Hamline University School of Law. She has been with this firm since June 1, 1988. Prior to that time, she served as the judicial clerk to Judge James Johnston in Hennepin County District Court. Since joining the firm, Ms. Skoog has had extensive courtroom experience and has been highly involved in the municipal prosecution work, which has constituted about 20 percent of her practice.

Ms. Vanderheider is the newest associate and has been with the firm since October, 1989. Prior to that time she served as a judicial clerk to Judge Cara Lee Neville in Hennepin County District Court. Since joining the firm Ms. Vanderheider has had extensive courtroom experience and has been highly involved in the municipal prosecution work, which has constituted about 30 percent of her practice.

3. Mr. MacMillan will be the primary prosecutor for the City of Crystal, assisted by Mr. Rosenthal and Ms. Vanderheider. Mr. MacMillan has represented municipalities in more than twenty jury trials. Mr. Rondoni and Ms. Skoog will also perform backup duties as needed.

For the years 1988, 1989 and 1990, 58.5% of the Crystal prosecution work has been performed by the firm's

partners.

4. Mr. MacMillan and Mr. Rosenthal are currently principally responsible for the prosecution for the City of Crystal and Mr. Rondoni and Ms. Skoog are principally responsible for the prosecution work for the City of Golden Valley. Each attorney is also responsible for numerous other civil clients some of whom are listed in the attached Addendum to this proposal. The City of Crystal is considered a highly important client. Accordingly, both Mr. Rosenthal and Mr. MacMillan have adequate time and availability to perform prosecution services for the City of Crystal as has been demonstrated.
5. In the event of the unavailability of Mr. MacMillan or Mr. Rosenthal, Ms. Vanderheider, Mr. Rondoni and Ms. Skoog are all experienced back-up prosecutors who are available.

With firm partners so intimately involved in a team approach to the work, there is less likelihood of turnover and loss of personnel.

C. Firm Qualifications:

1. Client references for the firm include the following:

- a. City of Golden Valley
Contact person: Dean Mooney, Director of Public Safety
Telephone: (612) 593-8071
- b. A.C. Carlson
Contact person: A.C. Carlson
Telephone: (612) 53-5333
- c. Church of St. Raphael
Contact Person: Monsignor Stanley Srnec
Telephone: (612) 537-8401
- d. Resolution Trust Corporation
Contact person: John Wegner
Telephone: (612) 683-0036
- e. Norwest Bank
Contact person: Jon Gloppen (612) 424-7500

Ms. Darlene George, City Clerk
November 8, 1990
Page Six

f. Finney Company
Contact Person: Robert Tetzloff
Telephone: (612) 537-3011

g. Preferred Risk Insurance Group
Contact person: Jeff Johnson
Telephone: (612) 895-5194

2. Crystal is our number one client. As you can see by the high percentage of partner involvement in the Crystal prosecution work, the City of Crystal has been given top priority and we will continue to give it top priority. Being a small to medium size firm, we appreciate the importance of having and retaining a large municipal client like Crystal. That has accounted for and will continue to account for the close attention and work by firm partners. Crystal and Golden Valley have always been very satisfied with the quality and consistency of our prosecutorial services. Since the firm is a small to medium size firm, a client of this size is of the utmost importance, and is therefore given outstanding legal services and uncompromising service. We are confident that the staff in Crystal who are familiar with the quality of our performance are very satisfied.

We have received nothing but positive feedback from the staff in Crystal and Golden Valley.

D. Fees:

1. Prosecution services will continue to be provided to the City of Crystal at the rate of \$65.00 per hour for 1991 and 1992 and \$70.00 per hour for 1993. The same rate would be charged by any attorney in our office doing the prosecution work, regardless of that attorney's hourly rate for private clients, which rates are significantly higher. The City of Crystal will not be charged for non-lawyer support services.

Except for outside charges incurred for service of process, transcripts, disbursements for cases appealed and long distance we do not charge and will not charge the City of Crystal for costs and overhead. We do not bill for mileage in the metro area, copies, fax, etc.

Formal complaints are prepared by our attorneys and are charged at the same hourly rate as other prosecution work. Complaints issue with prosecutorial discretion; and the prosecutor must

Ms. Darlene George, City Clerk
November 8, 1990
Page Seven

review the facts and determine whether or not probable cause exists to issue the complaints.

With the caution that any unforeseen problems such as the recently proposed change in the Rules of Criminal Procedure might add to the attorney time required, we are willing to perform services at the hourly rate stated above with agreed caps on billings for services as follows:

\$60,000.00 for 1991
\$65,000.00 for 1992
\$65,000.00 for 1993

Also, if the District Court honors our request to reduce the mandatory Crystal appearances by one day per week, we will negotiate an appropriate reduction in the caps.

For a more detailed explanation of the billing of fees and costs to the City, please see the attached Addendum to Prosecution Contract Proposal for the City of Crystal which is enclosed with this letter. This Addendum not only more particularly describes the fees to be charged, and the costs to be charged, but describes in some detail the services provided by our law firm at no cost to the City. Also attached is a Proposed Legal Services Agreement between the City of Crystal and our law firm.

We give you the following without charge:

- A. Prepare and conduct educational updates for the police department as requested.
- B. Make appearances before the Crystal City Council. The most recent example was our appearance regarding the proposed change in the Criminal Rules of Procedure.
- C. Continue to take an active part in the suburban prosecutors meetings and lobby against changes adversely affecting the City of Crystal.
- D. Meet with and advise police and administrative staff regarding pertinent issues and to respond to their needs.
- E. Provide case disposition reports, interim case disposition reports and quarterly statistical reports.

Ms. Darlene George, City Clerk
November 8, 1990
Page Eight

F. Copies, postage, faxes and similar overhead expenses of the law firm.

G. No charge for travel time in the metro area.

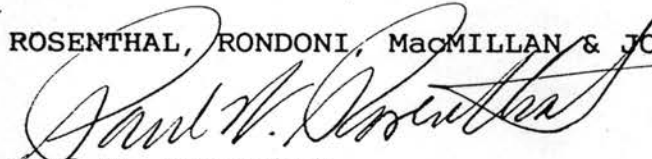
2. Billing statements can be provided as you have requested.

The cover letter for this proposal is part of our response and it contains additional information for your consideration.

Please feel free to contact me if you need any further information relative to this proposal.

Sincerely,

ROSENTHAL, RONDONI, MacMILLAN & JOYNER, LTD.

A handwritten signature in dark ink, appearing to read "Paul W. Rosenthal", is written over the typed name and company name.

Paul W. Rosenthal

PWR/sm

AN ADDENDUM TO
PROSECUTION CONTRACT PROPOSAL FOR THE CITY OF CRYSTAL

I.

TERM OF CONTRACT

Rosenthal, Rondoni, MacMillan & Joyner, Ltd., (hereinafter referred to as "the law firm") proposes a three-year contract with the City of Crystal.

II.

FEEES AND COSTS CHARGED TO THE CITY OF CRYSTAL

A) All legal services will be billed out at the hourly rate of \$65.00 per hour, plus "costs" for 1991 and 1992. The hourly rate would change to \$70.00 for 1993. This hourly rate will be for attorneys' services, and the City will not be billed for any services performed by the law firm's law clerks, paralegals, or clerical staff. This hourly rate is substantially less than the law firm's current hourly rates for non-prosecution work.

B) "Costs" as referred to above will include the law firm's out-of-pocket expenses for such items as transcripts, long distance, service of process fees, appellate filing fees, travel outside of the metro area and similar ordinary expenses.

C) "Costs" as referred to above will not include and the City will not in any way be billed for travel time in the metro area, travel expenses in the metro area, copies, postage, faxes or similar overhead expenses of the law firm.

D) In order to enhance the fiscal planning for the City of Crystal, the law firm proposes to bill at the agreed hourly rates up to a cap of \$60,000.00 for 1991 and a cap of \$65,000.00 for the years 1992 and 1993, in which case the contract would make

provision for any unforeseen demands on attorney time such as the recently proposed changes in the Criminal Rules of Procedure, etc. Likewise, if the District Court reduces our appearances by one day per week, we would adjust the cap downward.

III.

PROSECUTION SERVICES TO BE PERFORMED

A) The law firm will perform all duties necessary and attendant to the prosecution of all matters referred by the City of Crystal, which will include, but not be limited to, the following:

1. Attend and conduct all arraignments, pre-trials, jury trials, court trials, Revocation hearings, Florence hearings, Rasmussen hearings, pre-trial motions, post-trial motions and appeals.
2. Prepare, file and when appropriate, serve all complaints, rush complaints, notices to attorneys, and responses to discovery.
3. The law firm will continue to work closely with the Crystal Police Department, City Council, and the City's civil attorneys to enforce and/or modify City ordinances in order to carry out the City's public policies.
4. Orchestrate Police notice of and attendance at all trials and formal hearings, as necessary.
5. As stated elsewhere we do meet or exceed the qualifications and services detailed in Section IV of the Request for Proposal.

B) The law firm will continue to maintain separate and adequate files regarding all prosecution work performed for the City of Crystal.

C) The law firm will provide access to police reports and complaints, as will be appropriate under Minnesota Law.

D) The law firm will continue to provide the City of Crystal with monthly detailed bills describing all services performed,

and all costs expended.

IV.

PROSECUTION SERVICES TO BE PERFORMED

AT NO COST TO THE CITY OF CRYSTAL

A) The law firm will continue to provide to the Crystal Police Department, weekly reports on the following:

1. Final case disposition reports. (see sample attached as Exhibit "A").
2. Interim case disposition reports. (see sample attached as Exhibit "B").
3. Quarterly statistical reports (see sample attached as Exhibit "C").

B) The law firm will continue to advise, and meet with City and Police officials concerning all pertinent issues, including the following:

1. Prosecution policies on plea negotiations.
2. Police procedural issues such as officers on "stand by", Court appearances, and other police/prosecution issues.

C) The law firm will continue to appear in front of the City Council or any committee thereof upon request, but at least annually, to present appropriate accumulated data on prosecution issues and costs, and answer any questions presented by the City or the general public.

D) The law firm will continue to prepare and conduct educational updates as requested on legal issues to the City of Crystal police officers and staff, for which the police officers can receive educational credit.

E) The law firm will continue to report to the City on legal, procedural and policy developments of the judicial system that affects prosecution.

V.

REPRESENTATIVE CLIENTS

A) Following is a list of some of our clients:

City of Crystal (Prosecution only); City of Golden Valley (Prosecution only); The Resolution Trust Corporation; Norwest Bank; A.C. Carlson; Church of St. Raphael; Finney Company; Simon Home Builders, Inc.; Minnesota Jaycees; Brooklyn Trucking Company, Inc.; Crystal Linoleum & Tile; Preferred Risk Group; Tri-State Pump and Control, Inc.; and the Wirth Companies.

B) The law firm is a full service general practice law firm which provides legal services to families, business and government in areas such as civil litigation, personal injury, criminal defense, commercial disputes, elder law, wills, trusts, probate, and many other areas of the law. Because the firm is a general practice law firm, the firm has expertise in areas other than prosecution work which allows the firm to have access to legal knowledge and issues peripherally related to prosecution work, which aids the law firm in its services to governmental clients.

VI.

MISCELLANEOUS

A) The law firm prides itself in having a fair but firm plea negotiation policy with regard to areas of governmental and public interest such as drunk driving, domestic assault, shoplifting, and other such crimes.

B) The law firm is a service-oriented law firm where large and small clients alike receive prompt, personal and efficient service, as well as quality legal services.

C) Our law firm is convenient and accessible to the City of

Crystal for enhanced availability for meetings, staff consultation and processsing of rush complaints.

D) Continuing to separate the prosecution and civil work assures the City clear accountability for the costs and attorney fees for each function.

ROSENTHAL, RONDONI, MACMILLAN & JOYNER, LTD.

ATTORNEYS AT LAW

SUITE 120

7600 BASS LAKE ROAD

MINNEAPOLIS, MINNESOTA 55428-3891

PAUL W. ROSENTHAL
FRANCIS J. RONDONI
PETER A. MACMILLAN
JAY A. H. JOYNER
LISA A. SKOOG
NANCY R. VANDERHEIDER

TELEPHONE
533-4938
AREA CODE 612
FAX NUMBER
533-4677

November 8, 1990

Ms. Darlene George, City Clerk
City of Crystal
4141 Douglas Drive
Crystal, Minnesota 55422

Re: Proposal to the City of Crystal
for Prosecution Contract
Our File No. RJM-215

Dear Ms. George:

As provided in Section 2, paragraph b, INSTRUCTIONS TO PROPOSERS, we ask that the following information be included for evaluation and consideration along with our enclosed proposal:

1. **"If it works don't fix it".** We have had no complaints about our services or about our fees and expenses. We have been told by staff that there are no complaints. However, we have received high praise from your police officers. With this in mind, it makes no sense to change prosecutors.

YOUR POLICE OFFICERS AND OTHER ENFORCEMENT PERSONNEL, LIKE MARY FANDREY, HAVE A KEEN INTEREST IN WHAT HAPPENS TO THEIR COMPLAINTS AND CITATIONS. WE WORK CLOSELY WITH THEM, WE KEEP THEM INFORMED AND THEY MONITOR THE RESULTS. THEY ARE THE PEOPLE WHO KNOW WHAT WE DO AND KNOW THE HIGH QUALITY, PERSONAL ATTENTION AND RESPONSIVENESS OF OUR FIRM. WE ARE RESULTS-ORIENTED AND THEY APPRECIATE IT.

2. **Performance vs. Paper** The best way to compare and evaluate prosecutors is to speak with and listen to the people who have the facts - - your rank and line officers. We challenge and request the review committee, the City Manager, the Mayor and Council Members to talk to the police officers of Crystal and Golden Valley and, even though we do not do prosecution work for the City of Robbinsdale, it would be instructive and revealing to talk to the Robbinsdale line officers for a comparison of the services provided by their prosecutor and the services we provide. The Crystal officers and Robbinsdale officers talk to each other a lot. Our officers know and appreciate the difference.

At the courthouse we heard rumors that Mr. Kennedy's firm has submitted or will be submitting a proposal to do the Crystal prosecution and his firm prosecutes for Robbinsdale.

Ms. Darlene George, City Clerk

November 8, 1990

Page Two

IF YOU WANT A COMPARISON OF HOW WE EXPEDITE CASES AND HANDLE OUR TIME AT COURT CALL THE ADMINISTRATOR OF DIVISION II, SHIRLEY IVERSON, 566-9066.

3. Night and Day At first, the reaction of the police to the change from Mr. Kennedy's firm to our firm in 1984 was one of guarded hope for improvement. Very early on, the response changed from "Ho Hum," to your officers regularly thanking us and telling us that our services represented a great improvement over prior services--that it was like "Night and Day."

If you talk to the line officers, what I have said will be confirmed.

4. Local Firm, or Big Business vs. The Little Guy. Where possible, all else being equal, it appears reasonable and proper for the City to use local providers of services and goods. Our location provides for prompt processing of rush complaints, easy access to staff and therefore a saving of Crystal's time and money.

We are not "big business" nor are we a firm with any political clout, but we are a local firm that gives excellent prosecution services at reasonable cost.

5. Fiscal Accountability and Fiscal Responsibility. Having the civil and prosecutorial functions separated provides you with certainty as to what the cost is for your civil contract each year and for your prosecution contract each year.

If one firm provides both the civil and prosecution services you will never really know.

We can do it better for less money, and you always know where you stand.

6. Small Firm v. Large Firm. Mr. Dean Mooney, the Golden Valley Public Safety Director, learned of the great reputation we earned for Crystal Prosecution, and asked us for a proposal. The meetings with Mr. Mooney and his staff seemed to dwell on the question of whether or not a firm our size could provide adequate services and back-up services. They previously used a large downtown firm. They are listed as a reference, and if you contact Mr. Mooney, I am sure he will tell you that they have experienced a dramatic change for the better just as Crystal did.

7. Partnership Team Approach. For the past three years, 58.5 percent of the services to Crystal has been performed by

partners in this firm. With a team approach, we have a system of consistency and cross-checking which assures quality legal services. We have a consistent negotiation policy and the respect of the criminal defense bar. The criminal defense bar may prefer easier prosecutors, but we have earned their respect.

If you select a large firm, your prosecution services will be provided by one of their associates and it is very common for associates to come and go with regularity in the larger firms. Police officers do not appreciate the unhappy task of training new associates.

8. Reporting and Visibility. As some of you know, I served as a Crystal Councilmember for approximately 15 years. For most of that time, Mr. Kennedy's prior law firm provided both the civil and prosecution services for Crystal. During that time, I cannot recall a single time that the prosecutor(s) for that firm ever made a presentation to the City Council. I think it can be fairly said that until our firm took over the prosecution work in 1984, the City Council was pretty much in the dark about prosecution services. We instituted a policy of keeping you informed and making ourselves available to the City Council on an annual basis, with the understanding that we would be available at any time.
9. Prosecution Services Description. This is simply to confirm that we already meet and exceed the services and qualifications covered by Section IV of your Request For Proposal. With regard to paragraph G. of that Section, we have met with the Chief of Police and staff on an as-needed basis, and we did institute a series of educational meetings for the police for which they could receive educational credit. We are quite willing to have meetings every three to four weeks with the Chief of Police if he so desires.

The prosecution work has apparently gone so smoothly for Crystal since 1984 that Chief Mossey has not found such meetings to be necessary.

We certainly appreciate and enjoy being prosecutors for the City of Crystal and are pleased to have this opportunity to submit our proposal. We regard this as an excellent opportunity to inform and enlighten the members of the Crystal City Council about our superior services and, in general, the prosecution side of your legal requirements.

We welcome the opportunity to be critically, thoroughly and objectively compared to other prosecutors. If the process goes forward on an objective rather than political basis, we are

Ms. Darlene George
November 8, 1990
Page Four

confident that you will award the three year contract to this firm.

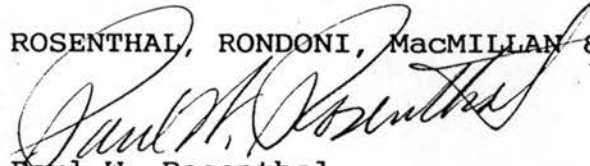
As I said before, "If it works don't fix it." Your civil contract was apparently working well and you properly decided against change. The same analysis, logic and decision should apply to us - to keep our firm as your prosecutors.

We look forward to meeting with the Committee and Council to present any further information you desire and to answer any questions you may have.

Thank you for your consideration and attention.

Sincerely,

ROSENTHAL, RONDONI, MacMILLAN & JOYNER, LTD.

A handwritten signature in dark ink, appearing to read "Paul W. Rosenthal", is written over the typed name.

Paul W. Rosenthal

PWR/sm
Enclosure

PROPOSED LEGAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 1990, by and between the City of Crystal, a Minnesota municipal corporation, hereinafter referred to as "Crystal" and Rosenthal, Rondoni, MacMillan & Joyner, Ltd., hereinafter referred to as "Attorney," or "Prosecuting Attorney" or "law firm".

WHEREAS, the parties hereto desire to enter into an agreement regarding prosecution services;

NOW, THEREFORE, in consideration of the mutual promises of the parties, Crystal and Attorney hereby agree:

1. Crystal hereby retains said law firm to perform all of the criminal prosecution work for the City of Crystal, and said law firm agrees to do so.
2. For said services, Crystal agrees to pay Attorney at the rate of Sixty-Five and no/100 Dollars (\$65.00) per hour for 1991 and 1992 plus costs, such payment to be on a monthly basis as billed.
3. For 1993 the rate will be Seventy and no/100 Dollars (\$70.00) per hour.
4. In 1991 the attorney fees will not exceed \$60,000.00 and for each of the years 1992 and 1993 the attorney fees will not exceed \$65,000.00. It is understood and agreed that the parties will in good faith adjust said caps in the event of unforeseen changes in attorney time requirements, examples of which would include a change in the Criminal Rules of Procedure such as was recently proposed or the District Court reducing Crystal's required weekly appearance days by one day.
5. The parties may by mutual consent amend this agreement at any time.

IN WITNESS WHEREOF, the parties have, on the date first above written, executed this Agreement in duplicate, each of which shall be considered an original.

THE CITY OF CRYSTAL

ROSENTHAL, RONDONI,
MacMILLAN & JOYNER, LTD.

By: _____

Its Mayor

By: _____

Paul W. Rosenthal
Its President

By: _____

Its City Manager

**RESUME OF
STEVEN MARK TALLEN**

PERSONAL INFORMATION:

Born: September 16, 1949
Admitted to the Minnesota State Bar: 1981
Admitted to practice in the Federal Courts of Minnesota: 1986
B.A. (1975) University of Minnesota
J.D. (1981) William Mitchell College of Law

PROFESSIONAL EXPERIENCE:

1989 to date: Attorney, Holmes & Graven, Chartered

Chief prosecutor for the cities of Plymouth, Medina, Loretto and the Lake Minnetonka Conservation District. Special Assistant City Attorney for the City of Minneapolis handling conflict cases. Also prosecutes for the City of Robbinsdale.

1985 to 1989: Attorney, LeFevere, Lefler, Kennedy, O'Brien & Drawz, a Professional Association

1981 to 1985: Attorney, Sole Practitioner

1975 to 1985: Police Officer, City of Golden Valley, Minnesota

PROFESSIONAL AFFILIATIONS:

American Bar Association
Minnesota State Bar Association
Hennepin County Bar Association
Hennepin County Suburban Prosecutor's Association
Minnesota DWI Task Force
Instructor Minnesota State Judicial Training School

ACHIEVEMENTS:

I have successfully prosecuted five appeals in criminal matters to the Minnesota Court of Appeals. I have tried over 20 jury trials and hundreds of court trials. I have been a judge in the MSBA Mock Trial program.

Member of the Minnesota DWI Task Force

Instructor at the Minnesota State Judicial Training School

JULIE ANNE LAWLER

EDUCATION:

University of Minnesota Law School
Minneapolis, Minnesota
Juris Doctor - May 1988

Creighton University
Omaha, Nebraska
Bachelor of Arts and Sciences - December 1983

Institut Catholique
Paris, France
Degree of Honor - June 1982

EXPERIENCE:

Holmes & Graven, Chartered
470 Pillsbury Center, Minneapolis, Minnesota
Associate - November 1989 to present
Civil litigation, labor and employment law, municipal law, corporate law,
misdemeanor prosecution

LeFevre, Lefler, Kennedy, O'Brien & Drawz, P.A.
2000 First Bank Place West, Minneapolis, Minnesota
Associate - October 1988 to November 1989
Law Clerk - January 1988 to October 1988
Civil litigation, labor and employment law, administrative law, municipal law
and general business law

Control Data Corporation
8801 34th Avenue South, Bloomington, Minnesota
Law Clerk - May 1987 to August 1987
Corporate and general business law

Hennepin County Attorney's Office
2000 Government Center, Minneapolis, Minnesota
Law Clerk - May 1986 to February 1987
Legislative research and writing

GENERAL INFORMATION:

Admitted to Minnesota bar - October 1988
Admitted to federal bar - December 1988
Member Hennepin County, Minnesota and American Bar Associations
Panel attorney for United Arts Council Artlaw Board
Legal Aid Society of Minneapolis Volunteer Family Law Attorney
Minnesota State Bar Association Art and Entertainment Law Committee - Insurance
Law Subcommittee Chair - 1989-1990, 1990-1991
Hennepin County Bar Association Young Lawyers' Section
Vice Chair - 1990-1991

HONORS:

Intern to the Honorable D. Donald Wozniak, Chief Judge, Minnesota Court of Appeals
National Moot Court Member
Jesuit Honor Society
Dean's List
Creighton Honors Program

PUBLICATIONS:

Author of "Picketing and Property Rights - The National Labor Relations Board Defines the Issue, Again," a paper presented to the Associated Builders and Contractors' Legal Conference in Phoenix, Arizona, October 1988.

**RESUME OF
JEFFREY ENG**

LEGAL EXPERIENCE:

- 1988 - Present **HOLMES & GRAVEN, CHARTERED, Minneapolis, Minnesota.**

Associate. Areas of practice are commercial litigation and general business. Practice also includes work in real estate, workers compensation, family law, criminal prosecution and general corporate. Courtroom experience in civil motion practice and criminal court trials. Arbitration experience in commercial disputes.
- 1988 Admitted to the Minnesota State and U.S. District Court Bars.
- Summer, 1987 **GIBBS, ROPER, LOOTS & WILLIAMS, Milwaukee, Wisconsin.**

Summer Law Associate. Conducted legal research on general business, corporate, and litigation-oriented issues, with a focus on insurance defense.
- Summer, 1986 **DAVIS & KUELTHAU, S.C., Milwaukee, Wisconsin.**

Summer Law Associate. Conducted legal research in corporate law, labor law, tax and estate planning, and general litigation.

EDUCATION:

- Law School
1985 - 1988 **UNIVERSITY OF MINNESOTA, Minneapolis, Minnesota.**
School of Law, J.D., Class of 1988.
Member of the University of Minnesota Law Review. 1987-88.
Member of the ABA Moot Court. 1986-87.
Placement on the Dean's List. 1985-86.
Research Assistant for Professor Daniel Gifford.
Street Law instructor for Edison High School in Minneapolis.
- Undergraduate
1981 - 1985 **UNIVERSITY OF WISCONSIN, Madison, Wisconsin.**
School of Business, B.A., Class of 1985.
Major: Finance and International Business
Graduated with an Honors Degree. Recipient of Sophomore Honors.
Member of the Society of the Mace (Chancellor's Honor Society).
Member of the University of Wisconsin Marching Band for 4 years.

SPECIAL SKILLS:

Computer programming ability: BASIC, FORTRAN, Pascal, COBOL, DEC-11 Assembly Language, and LOGO.

PERSONAL DATA:

Single. Born March 14, 1963, West Allis, Wisconsin.

Member of the Twin Cities Committee of Minority Lawyers in Large Law Firms. Forum for minority lawyers to exchange and develop strategies for minority hiring, promotion, and retention in large law firms. 1989 - present.

Current Regional Governor of the Central Region of the National Asian Pacific American Bar Association.

Member of the steering committee of the National Asian Pacific American Bar Association -- Minnesota Chapter.

Member of the Minnesota Minority Lawyers Association.

Hennepin County Bar Association Governing Council -- Alternate Delegate to the Minnesota State Bar Association.

Member of the Board of Directors of the Hennepin County Bar Association.

Member of the Chinese-American Civic Club of Milwaukee.

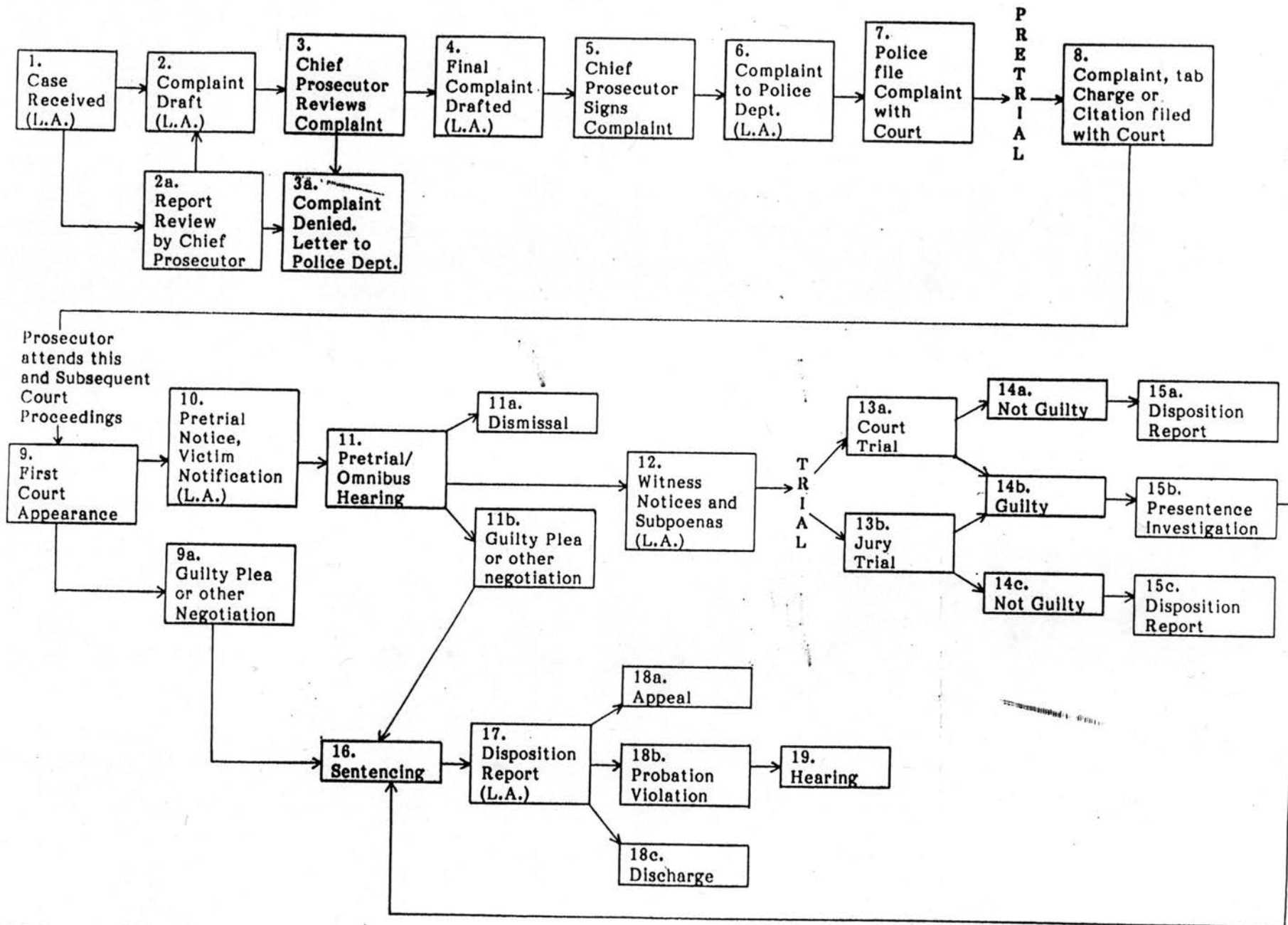
Bronze Palm Eagle Scout. Active Scout for 7 years; served as Assistant Scoutmaster.

Enjoy bicycling, tennis, volleyball, skiing and music.

EXHIBIT F

Prosecution Flow Chart

PROSECUTION FLOW CHART



PROPOSAL FOR

PROSECUTION SERVICES

FOR

THE CITY OF CRYSTAL
4141 Douglas Drive North
Crystal, Minnesota 55422

November 16, 1990

Submitted by the Law Firm of:

HOLMES & GRAVEN, CHARTERED
470 Pillsbury Center
Minneapolis, Minnesota 55402
Telephone: (612) 337-9300
Facsimile: (612) 337-9310

TABLE OF CONTENTS

Part I. Covering Letter

Part II. Specific Responses to Request for Proposals (RFP)

Part III. Firm Resume

Exhibit A: Staff Organization

Exhibit B: Resumes of Firm Attorneys

Exhibit C: Affirmative Action Policy

Exhibit D: Minnesota Police Briefs Past Issue

Exhibit E: Resumes of Proposed Prosecuting Attorneys

Exhibit F: Prosecution Flow Chart

HOLMES & GRAVEN
CHARTERED

Attorneys at Law

ROBERT A. ALSOP
PAUL D. BAERTSCHI
RONALD H. BATTY
MARY J. BRENDEN
STEPHEN J. BUBUL
ROBERT C. CARLSON
CHRISTINE M. CHALE
JOHN B. DEAN
ROBERT J. DEIKE
MARY G. DOBBINS
JEFFREY ENG
STEFANIE N. GALEY
DAVID L. GRAVEN
CORRINE A. HEINE
JAMES S. HOLMES
DAVID J. KENNEDY
JOHN R. LARSON
WELLINGTON H. LAW

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

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WRITER'S DIRECT DIAL

JULIE A. LAWLER
CHARLES L. LEFEVRE
JOHN M. LEFEVRE, JR.
ROBERT J. LINDALL
LAURA K. MOLLET
DANIEL R. NELSON
BARBARA L. PORTWOOD
MARY FRANCES SKALA
JAMES M. STROMMEN
STEVEN M. TALLEY
JAMES J. THOMSON, JR.
LARRY M. WERTHEIM
BONNIE L. WILKINS

OF COUNSEL

ROBERT L. DAVIDSON
JOHN G. HOESCHLER

PART I

November 16, 1990

Ms. Darlene George
City Clerk
City of Crystal
4141 Douglas Drive North
Crystal, Minnesota 55422

Dear Ms. George:

This letter along with the attachments provided constitutes the proposal of Holmes & Graven, Chartered, to perform prosecution services for the City of Crystal. We believe that we are in the unique position of being able to provide not only the highest quality of prosecution services, but also the most cost effective. Our combination of experienced, trained personnel as well as efficient computerized office systems enable us to provide these services at a relatively low cost to the City. In addition, because of the fact that we currently prosecute for the City of Robbinsdale, which conducts court proceedings in the same courtroom as Crystal's prosecution, we would expect our prosecution charges to be even lower than if we prosecuted only for the City of Crystal. This is because from our past experience we know that matters from both cities will frequently be scheduled on the same day, enabling us to allocate our time between the two cities rather than bill all our time to the City of Crystal.

Cost effectiveness is, of course, not the only criterion that the City should look at. We believe that the demonstrated record of excellence in our prosecutors will ensure that the City has the highest quality prosecution services available. We will provide the City with aggressive but fair prosecution that is also sensitive to the financial concerns of the City. The fact that we also represent the City in civil matters will serve to enhance communication and enforcement efforts, particularly in areas relating to code enforcement, public nuisances, legal issues involving the police department, liquor law enforcement, data practices, and many other areas. We look forward to presenting this proposal personally to the City and answering any questions that you may have.

Ms. Darlene George
November 16, 1990
Page Two

We appreciate the opportunity to respond to the City's request for proposals. As you know, we served the City in the capacity of prosecuting attorney from 1972 until 1986. We would be pleased to be selected to do so again.

Respectfully submitted,

HOLMES & GRAVEN, CHARTERED



David A. Kennedy

DJK:tas
Enclosures

PART II.

SPECIFIC RESPONSES TO REQUEST FOR PROPOSALS

1. General Overview of Firm.

Holmes & Graven, Chartered, was founded in 1973 as a professional legal corporation. Currently there are 33 attorneys and a support staff of 30 employed by the firm. The firm offices are at 470 Pillsbury Center in Minneapolis.

The firm is governed by a six member Executive Committee and a 26 member Board of Directors. The members of the Executive Committee are: David L. Graven, James S. Holmes, John R. Larson, David J. Kennedy, John M. LeFevre, Jr. and James J. Thomson, Jr. The administration of the office is under the direction of a full-time Director of Administration, Mr. James R. Lemley.

(See Part III, firm Resume - "Introduction".)

2. Staff.

The firm staff organization and personnel are listed on the attached Exhibit A. All employees are full-time employees. The firm employs two night-time word processing personnel to facilitate 24 hour turnaround of document production. The prosecution paralegal staff are specialists in criminal matters. (See Exhibit B for biographical data on firm attorneys.)

3. Areas of Expertise.

The firm's areas of expertise are:

- A. General governmental representation.
- B. Prosecution services.
- C. Governmental finance.
- D. Redevelopment.
- E. Real Estate and Land Use.
- F. Labor/Personnel.
- G. Environmental Law.
- H. General Litigation.
- I. Legislative and municipal lobbying.

Holmes & Graven currently provides prosecution services for the cities of Plymouth, Robbinsdale, Medina, Loretto and the Lake Minnetonka Conservation District. The two principal prosecutors at Holmes & Graven spend approximately 80% of their time

engaged in municipal prosecution. Two other attorneys spend approximately 20% of their time performing prosecution services. Each of the principal prosecutors have more than ten years of experience in the criminal justice system, and are intimately familiar with the criminal statutes, rules of procedure and case law affecting criminal prosecutions.

4. Accessability.

With four experienced prosecutors on staff, Holmes & Graven is uniquely capable of responding immediately to requests for advice, information, complaints and investigative guidance. Historically, most police and code enforcement officers elect to contact the prosecutors by phone for informal opinions and information. Normally, at least one or more prosecutors are in the office and available during working hours to answer telephone calls or meet with officers. After hours, the prosecutors may be contacted at home as needed for immediate assistance.

We can respond to requests from the City as quickly as required. We utilize a commercial delivery service and have telecopier-fax capabilities for instant transmission of documents to and exchange of information with compatible equipment in the City. All of our support staff are equipped with personal computers with word processing programs enabling prompt and efficient document preparation, retrieval and modification.

Our prosecutors develop close working relationships with supervisory and patrol personnel. Depending upon the needs of the City, regular meetings at the police department or luncheon meetings are frequently utilized to build and enhance a working relationship with the police department. Our prosecutors have also participated in "ride-alongs" with officers on the prosecutors' own time to get to know the City, the officers, and the needs of the City better.

5. Library and Research.

(1) Library. We maintain a full service legal library of over 5,000 volumes consisting of: appellate reports; criminal law periodical services; and standard legal encyclopedias and texts on all phases of municipal law, including criminal law. In addition we have convenient skyway access to the Hennepin County Law Library, probably the best in the state, to which we are a subscriber with full withdrawal privileges. We maintain a centralized research file of memoranda and forms on all aspects of municipal law.

(2) Computers. We have installed the LEXIS legal research computer system giving us virtually immediate access to most legal and technical publications and to research throughout the nation and the world.

6. Work Product Billing Detail.

The firm's work product record keeping is computerized and the system is capable of supplying billing statements in whatever detail requested by the city.

7. Specific Attorney Assignments.

We have found that a "team approach" to serving public clients works best for us and for the client. Typically, a single attorney will have primary responsibility for the client with the ability to call on other attorneys for expertise in specific areas and to assume primary responsibility for that area or matter. With this principle in mind we propose the following assignments:

Paul D. Baertschi as principal attorney, with Steven M. Tallen as back-up attorney. Jeffrey Eng and Julie A. Lawler would be available as additional back-up as necessary.

(See Resumes attached as Exhibit E).

8. Billing Structure: Fees.

We propose the following fee structure for services to the City:

	<u>1991</u>	<u>1992</u>	<u>1993</u>
Prosecution attorneys	\$65/hr	\$70/hr	\$70/hr
Prosecution legal assistants*	\$65	\$70/hr	\$70/hr
Law Clerks	\$50	\$50	\$50
Maximum total fees	\$60,000	\$65,000	\$ 70,000

*The only activity billed for legal assistant time is the preparation of formal complaints which are billed at a flat rate of 1/2 hour for misdemeanors and one hour for gross misdemeanors. We would also bill the City for actual expenses incurred on the City's behalf.

Under this proposal, we would agree not to charge any fee for time spent by attorneys or legal assistants in preparation or review of criminal complaints other than the flat fees described above. We would also bill the City for out-of-pocket expenses and advances made on the City's behalf. Billings would be monthly and, as indicated above, can be in whatever detail desired.

9. Areas of Expertise.

Our prosecution department currently consists of four attorneys and two legal assistants. Paul Baertschi, the proposed chief prosecutor for the City of Crystal, has 11 years of legal experience with over eight years of direct experience prosecuting criminal cases. He is the author of "Collateral Attacks on Guilty Pleas", Bench and Bar, November, 1988 and "High Speed Pursuits", Minnesota Police Chief, December, 1988 in addition to a monthly legal newsletter called "Minnesota Police Briefs". (See Exhibit D attached). Mr. Baertschi has also authored the 1990 DWI Training Manual on behalf of the Minnesota County Attorney's Association. Mr. Baertschi presently serves as the principal prosecutor for the City of Robbinsdale and backup prosecutor for our remaining prosecution clients.

Steven Tallen has ten years experience as a Golden Valley Police Officer, has been an attorney since 1981 and has been prosecuting since 1985. He is involved in the Minnesota DWI Task Force and has participated in training programs for judges, lawyers and police. Mr. Baertschi and Mr. Tallen's resumes are attached as Exhibit E.

Mr. Baertschi has personally handled five appeals to the appellate courts in Illinois and Minnesota. Mr. Tallen has personally handled five appeals, each involving oral argument in the Minnesota Court of Appeals.

10. Support Staff.

We have two full-time legal assistants working exclusively in the prosecution department. Marijo Witte handles all scheduling, notification of officers, subpoenaing witnesses, preparing disposition reports, and keeping files and records. Kathy Ghostley is a specialist in drafting formal complaints. Ms. Ghostley prepares the initial drafts, which are referred to the attorney for review and revision. Ms. Ghostley then prepares the final draft and handles transmittal of the complaints to the department for filing with the court. By utilizing a sophisticated computerized data base with preapproved charging language for nearly all criminal violations in Minnesota, we are able to generate complaints of the highest quality at a minimum cost.

11. Prosecution Flow Chart. The flow chart attached as Exhibit F depicts the general flow of information and procedures in the prosecution department.

12. Related Services.

We will prepare for and conduct a training program at the request of the City covering any topic of importance to the City's law enforcement personnel. We will obtain POST Board credit for such training programs for the officers. We will stay current on legal developments and inform the City of any necessary policy changes to conform to new decisions. We will provide the City with disposition summaries on a monthly basis on matters of sufficient importance to the City. We will prosecute appeals to the Minnesota Court of Appeals, and Minnesota Supreme Court, as appropriate. Appeals will not be conducted without approval from the Police Department.

13. Affirmative Action.

The firm of Holmes & Graven is an equal opportunity employer. Attached as Exhibit C is a copy of the firm's Affirmative Action Policy. The firm has a Certificate of Affirmative Action Compliance from the City of Minneapolis.

(See page 2 of Firm Resume for further information concerning the firm's prosecuting activities, and page 10 for references.)

PART III

FIRM RESUME

Holmes & Graven, Chartered
470 Pillsbury Center
Minneapolis, Minnesota 55402

A. NAME OF FIRM.

Holmes & Graven, Chartered is a Minnesota professional corporation.

B. ADDRESS, PHONE AND FACSIMILE NUMBERS OF FIRM.

The address of the firm is: Holmes & Graven, Chartered
470 Pillsbury Center
Minneapolis, Minnesota 55402

The firm's telephone number for the switchboard is (612) 337-9300. In addition, each attorney has a direct dial number.

Our facsimile number is 337-9310. In the event that line is busy, the call will automatically roll over to our second fax machine.

C. BRIEF HISTORY OF THE FIRM.

Holmes & Graven was formed in 1973, as a professional legal corporation. The firm has 33 attorneys comprising four departments: Municipal Law, Public Finance, Litigation and Corporate/Securities. The heads of those departments are David Kennedy, James Holmes, David Graven, and John Larson, respectively. The firm has six legal assistants, two of whom are prosecution specialists.

On November 1, 1989 the municipal law and public finance departments of LeFevre, Lefler, Kennedy, O'Brien & Drawz merged into the firm bringing with them over 50 person-years of experience in the area of municipal law.

The firm specializes in municipal law, public financing, real estate development and syndication, securities, condemnation, litigation, and legislative lobbying. The experienced attorneys and other professionals at Holmes & Graven take pride in the firm's broad understanding of the legal, economic, and political environment facing both the public and the private sectors in Minnesota.

D. EXPERIENCE AND AREAS OF PRACTICE.

The firm's general experience and areas of practice are summarized in herein. The background of each of its attorneys are contained in Exhibit B.

1. General Municipal Representation.

From its very beginning, the firm has been extensively involved in the representation of public sector clients. The firm represents the following governmental units as general counsel:

City of Brooklyn Center
City of Crystal
City of Lauderdale
City of Loretto
City of Medina
City of New Brighton
City of Plymouth
City of Richfield

City of Robbinsdale
Town of Eureka
Lake Minnetonka Conservation District
White Bear Lake Conservation District
Local Government Information Service (LOGIS)
Hennepin Recycling Group (HRG)
Suburban Rate Authority (SRA)

We also serve as general counsel to numerous Economic Development Authorities and Redevelopment Authorities, and special counsel on an ongoing basis to approximately 15 cities, including Bloomington, Burnsville, Minneapolis, and Minnetonka.

2. Prosecution.

Holmes & Graven has expertise recognized throughout the State in the area of criminal prosecution. The firm currently prosecutes all gross misdemeanor, misdemeanor, and petty misdemeanor offenses for the Cities of Robbinsdale, Plymouth, Medina, Loretto, and for the Lake Minnetonka Conservation District. In addition, we serve as Special Assistant City Attorney for the City of Minneapolis in cases in which the Minneapolis City Attorney's Office has a conflict of interest. The volume of cases that our prosecution department handles surpasses that of any other private firm in the metropolitan area, and, we believe, in the entire state.

The prosecutors' primary function is to prosecute gross misdemeanors, misdemeanors, and petty misdemeanor violations. In so doing, the prosecutor prepares for and attends all arraignments, pretrial conferences, motion hearings, court trials, jury trials, appeals, and revocation hearings. The prosecutor prepares written and oral arguments in opposition to motions to suppress evidence. The prosecution staff handles scheduling, witness notification, discovery, complaint drafting and disposition reports. In addition to the standard prosecution activities, we provide the following ancillary services to municipalities that we represent:

- a) General Police Training. This includes general in-house training sessions dealing with subjects such as search and seizure, confessions, interrogation, report writing, testimony in court, and recent legislative changes. In the last several years, our prosecutors have given training on D.W.I. procedures, domestic abuse laws and procedures, arrest, search and seizure, and yearly legislative updates. Whenever possible, we have our training sessions certified by the Minnesota Board on Police Officers and Training Standards so that the officers obtain credit for the time spent attending our seminars as part of their continuing education requirements. We also publish Minnesota Police Briefs, a monthly newsletter summarizing recent decisions dealing with law enforcement. This publication is furnished for a nominal charge to our clients. (A sample of the newsletter is attached as Exhibit D.)
- b) Changes in Procedure/Policies. From time to time, appellate court decisions or new legislation require immediate modifications in police procedures. Our office becomes directly involved in instituting the

necessary changes and assists the department in taking the appropriate steps. On more than one occasion, our police departments have been among the first in the state to respond directly to required modifications. We have been actively involved in the DWI Task Force, which is instrumental in obtaining legislative and rule changes beneficial to the department. Mr. Tallen recently recommended a rule change through the Task Force which was adopted by the Supreme Court. The change eliminated the necessity of formal complaints for certain offenses, resulting in a substantial cost savings to cities.

- c) Assistance in Specific Areas of Law Enforcement. Periodically, police departments want to expand enforcement activities into areas with which they are unfamiliar. Often, the unfamiliarity is an obstacle to proceeding. In such circumstances, our office becomes directly involved in planning a legally viable program for enforcement. In recent years we have participated in programs to help rid cities of prostitutes operating out of massage parlors, to assist cities in cleaning up chronic "junk houses," and to protect the rights and health of the victims in animal bite cases.
- d) Interdepartmental Communications. Frequently, the enforcement experiences of one department could benefit other departments. Because we represent a number of police departments, we are able to act as a clearinghouse for this information. We also often find that we have a single defendant in more than one jurisdiction. This type of information that would not normally be available to the local prosecutor is important in reaching an appropriate disposition of a case.
- e) Disposition Reports. The legal assistants routinely prepare disposition reports on all cases handled by our office. These reports allow the police department to review and monitor our performance and to have input regarding their satisfaction with the dispositions.
- f) Prosecution Philosophy. Our prosecution philosophy has several components. Professionalism is an overriding concern. We take our prosecution role and relationship with the police department seriously. Whether a particular case be a minor traffic violation or a serious gross misdemeanor assault, we treat each case seriously and endeavor to achieve the best and most fair result possible. We develop good relationships with court staff, judges, and opposing counsel, and thereby earn a strong reputation and credibility with positions that we advocate. We avoid any appearance of impropriety and prosecute each case without favoritism, prejudice, or even an arguable ethical conflict. While most cases result in a guilty plea, we have a demonstrated willingness and ability to successfully try cases as necessary.
- g) Efficiency. We employ a full-time legal assistant for the drafting of complaints and a second full-time legal assistant for scheduling, witness notification and record keeping. Our attorneys keep research files on various legal issues they encounter for the retrieval of past research on future cases at minimal cost.

3. Land Use.

An essential element of municipal legal representation is advising clients concerning a host of zoning, land use, comprehensive plan and subdivision issues which cities face on a daily basis. Attorneys in our firm have extensive and long-term experience in such matters. Two of our attorneys, Ron Batty and Steve Bubul, hold masters degrees in urban planning. Mr. Batty has worked as a city planner for the City of New York, Borough of Queens and was the Zoning Administrator for the City of Minnetonka from 1980 to 1984. Steve Bubul worked as a land use planner from 1978 to 1984 for the Dane County (Wisconsin) Regional Planning Commission.

4. Eminent Domain.

Holmes & Graven has handled both routine and complex condemnation proceedings since the firm was established. Those matters are principally handled by Robert J. Lindall, John M. LeFevre, Mary Dobbins, and Corrine Heine.

Mr. Lindall has been involved in approximately 200 condemnation proceedings, many of which have involved commercial or industrial properties. He is co-author with Mary Dobbins and Douglas Peterson of two articles in Minnesota Real Estate Law Journal entitled Minnesota's Doctrines of Public Purpose and Superior Public Purpose in Eminent Domain (Vol. 1, No. 13) and The Origins of Eminent Domain (Vol. 1, No. 12). He was chairman of the Hennepin County Bar Eminent Domain Committee in 1981-1982 and 1982-1983. John M. LeFevre authored Some Ethical Issues in the Eminent Domain Area (Hennepin Lawyer, 1983).

Corrine Heine represents the City of Minneapolis on behalf of the Bassett Creek Flood Control Commission in the acquisition of rights-of-way for the \$17 million Bassett Creek Flood Control Project. She has also handled condemnation proceedings for the Cities of Brooklyn Center, New Brighton, and Plymouth.

5. Improvement Projects and Special Assessments.

As city attorneys we assist the city staff throughout the special assessment process to ensure compliance with statutory procedures. We consult with staff in the preparation of assessment rolls, acquiring property when needed and the handling of assessment appeals. Charlie LeFevre has been a frequent lecturer at continuing legal education courses on this subject and is a nationally recognized approving bond counsel with extensive experience in reviewing improvement proceedings in cities throughout Minnesota.

6. Public Finance and Development.

- a) General Municipal Finance. As a nationally recognized bond counsel, Holmes & Graven has acted as bond counsel throughout the United States and for over 200 public entities in Minnesota. The firm is a member of The National Association of Bond Lawyers and is listed in the Municipal Bond Attorneys of the United States section of "The

Bond Buyer's Directory." Holmes & Graven has a broad base of experience in connection with the issuance and sale of public debt, at the local, regional and state levels. We have acted as bond counsel, underwriter's counsel, company counsel and issuer's counsel in issues of general obligation bonds, tax increment revenue bonds, industrial development bonds and single family and multifamily housing bonds. The firm played a central role in the drafting of Minnesota's tax increment, industrial development bond and housing bond laws.

- b) Economic Development Authorities. We serve as attorneys to the Economic Development Authorities of Crystal, Brainerd, Lake City, Brooklyn Center and Robbinsdale. Jim Holmes prepared the prototype EDA legislation for the City of Red Wing, and our work as bond counsel brings us into continuous contact with EDAs throughout the state.
- c) Redevelopment. Holmes & Graven developed much of its housing and redevelopment law experience by acting as general counsel to the Minneapolis Housing and Redevelopment Authority from April, 1973 to June, 1981. When that agency was reorganized in 1981, the Minneapolis city attorney undertook the general counsel responsibilities, and we concentrated on condemnation, bond issues, and redevelopment contract negotiations. While general counsel, Holmes & Graven rendered approximately 500 formal legal written opinions regarding all aspects of the operation of a housing and redevelopment authority, all of which have been retained and cataloged; handled approximately 350 condemnation proceedings through commissioner hearings, district court trial and supreme court appeal; handled real estate title matters, including quiet title and torrens proceedings; negotiated all development agreements, including tax increment, UDAG, EDA, SBA and CDBG-funded projects; initiated the locally-funded commercial and housing rehabilitation program, the urban homestead program, the single family and multifamily loan programs, as well as initial implementation of the CDBG, UDAG, Section 23 and Section 8 programs; and handled federal and state lobbying activities.

7. Environmental Law.

Holmes & Graven has extensive experience in the practice of environmental law through the representation of both public and private clients. Our experience includes:

- a) The firm has served as general counsel to the Metropolitan Waste Control Commission. This has involved work regarding sewage treatment and disposal and the Clean Water Act and its application to local government units. In this connection, we have developed and instituted the industrial strength charge system in the metropolitan area (both model ordinances and joint power agreements), the industrial cost recovery system, and the waste discharge rules for the metropolitan disposal system. In addition, we have represented the Commission in matters relating to discharge permits, on-land disposal of waste, and litigation regarding municipal user and connection charges.

- b) The firm has represented the Minneapolis Community Development Agency (MCDA) in several environmental matters. In particular, the firm represented the MCDA in lengthy litigation regarding the adequacy of the Environmental Impact Statement on the Cedar-Riverside New Communities redevelopment project. We have also represented the agency and other public clients in reviewing the adequacy of various environmental documents.
- c) The firm has represented several clients regarding the hazardous waste siting procedures under the direction of the Minnesota Waste Management Board. In addition, we have advised numerous public clients regarding environmental laws, including the Minnesota Environmental Rights Act (Superfund).
- d) From time to time, the firm has rendered advice to various public clients regarding the environmental consequences of development proposals. In addition, we have had extensive experience regarding the issues of historic preservation, environmental impact statements and environmental worksheets.

8. Litigation.

Since its inception, Holmes & Graven has engaged in a substantial and varied litigation practice. In addition to our eminent domain practice described above, other areas of our litigation practice include:

- a) Real Estate. Holmes & Graven has litigated cases involving real estate title disputes, mortgage foreclosure, enforcement of purchase agreements, and cases involving claims of fraud and misrepresentation.
- b) Land Use. Attorneys at Holmes & Graven have litigated numerous cases involving land use decisions of municipalities including challenges to zoning, conditional use permits, and variances. Jim Thomson has handled land use litigation cases at the trial and appellate court levels involving issues such as land dedications, platting, access rights, regulation of group homes, and height restrictions.
- c) Other Litigation Relating to Municipal Decisions and Governmental Authority. Holmes & Graven has litigated, on behalf of various units of government, disputes over the adequacy of provision of municipal services, housing assistance, relocation benefits, Section 1983 claims, claims against municipalities and other government agencies involving anti-trust liability, claims of environmental damage and claims disputing the adequacy of environmental review processes.
- d) Complex litigation. Holmes & Graven possesses the capacity to provide litigation services to its municipal clients in unusual and complex matters. Examples include:

-Mall of America Project: Attorneys with the firm handled much of the litigation arising out of the Mall of America

project. The cases involved a variety of issues ranging from property acquisition to bond refinancing.

-Calhoun Beach Litigation: Jim Thomson represented the City of Minneapolis in a lawsuit arising out of the proposed construction of a highrise condominium project on Lake Calhoun. The lawsuit involved numerous parties and counterclaims. Mr. Thomson is currently representing the City of Bloomington in a similar matter.

-City of Minneapolis Warehouse District: Corrine Heine and Jim Thomson represented the City of Minneapolis in several lawsuits pertaining to the Minneapolis Warehouse District. The lawsuits involved complex real estate matters pertaining to the Minnesota Marketable Title Act, access rights, and alleged abandonment of rights-of-way.

-Cedar-Riverside Environmental Defense Fund v. Hills: Holmes & Graven represented the MHRA in this challenge by a neighborhood group to the adequacy of the Environmental Impact Statement (EIS) drafted by HUD to assess the implications of the proposed "new town in town" for the Cedar-Riverside area. This case was substantial and complex, involving a trial at the district court level and an appeal to the Eighth Circuit Court of Appeals.

-Cedar-Riverside Associates v. United States of America: Holmes & Graven represented the MHRA in this case involving numerous claims by a developer against federal and local agencies. The claims included breach of contract, mismanagement of governmental assistance programs, Section 1983 claims and anti-trust claims. This case involved over 50 depositions, numerous motions to the district court, appointment of a receiver, and several appeals to the Eighth Circuit Court of Appeals.

-Council of Large Public Housing Agencies (CLPHA) v. HUD: Holmes & Graven acts as local counsel for MCDA in this lawsuit commenced by CLPHA and several local housing authorities against HUD in a challenge to HUD's attempt to recapture certain subsidies to the local housing authorities.

-Hoyt Construction v. MHRA: Holmes & Graven successfully defended this lawsuit by a local contractor against MHRA on grounds that MHRA had arbitrarily and discriminatorily awarded contracts and enforced contract specifications.

The litigation experience of Holmes & Graven, only a small portion of which is described above, has given the firm and its litigation department uniquely broad experience and expertise in virtually all areas of litigation in which a public entity could become involved.

9. Employment and Personnel Matters.

Holmes & Graven has been actively involved in the employment and personnel area. Several of its attorneys have represented and advised governmental and private clients in this area. This experience includes the following types of representation: discipline/discharge cases; race, sex, disability and age discrimination cases; sexual harassment cases; Veterans' Preference Act cases; reviews of personnel policies/handbooks, employment contracts, affirmative action plans; advice on pay equity/comparable worth plans; labor-management contracts and the Minnesota Government Data Practices Act.

Holmes & Graven has primarily represented defendants in employment matters, and in particular, government agencies. Its attorneys have defended these cases in federal and state courts, arbitrations, the Minnesota Human Rights Department, the federal EEOC, The Minneapolis Commission on Civil Rights, and before the Commissioner of Veterans Affairs, and in informal negotiations. John LeFevre, Mary Dobbins, and Julie Lawler are the primary attorneys practicing in the employment area.

10. Joint Powers.

The firm has extensive experience in the laws affecting joint powers organizations. We have prepared numerous joint powers contracts for groups of municipalities for various purposes. We currently serve as general counsel to several joint powers entities, such as the Hennepin Recycling Group and the Local Government Information Service.

11. Legislative.

Holmes & Graven has for many years been active in legislative matters on behalf of our clients. Our firm was primarily responsible for drafting the Uniform Tax Increment Act, the Municipal Housing Finance Act, the commercial rehabilitation law, and the 1982 interest reduction legislation. We have drafted and lobbied many amendments to Chapter 462, the Industrial Development Revenue Bond Act, the Municipal Housing Finance Act, tax increment laws, and various other statutes on behalf of the National Association of Housing and Redevelopment Officials as well as individual clients. This includes, for example, legislation to equalize tax disparities between border cities enacted during the 1983 session on behalf of Moorhead, Minnesota and the 1984 industrial development bond allocation legislation.

The firm has also been involved in federal legislation. Through the offices of Representatives Frenzel and Sabo and Senator Durenberger, we have drafted and consulted with respect to much housing and development legislation, including the 1980 Ullman legislation, the housing provision of the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984.

Dave Kennedy served as the legislative representative for the League of Minnesota Cities from 1960 to 1967 and was a member of the Senate Counsel staff from 1969 to 1971. The firm has also represented the League

of Minnesota Cities with respect to certain tax exempt financing provisions of the Tax Reform Act of 1986. Attorneys with the firm have been active in the review and modification of proposed legislation to modify the land use provisions of Minnesota Statutes, Chapter 462.

12. Real Estate.

Much of the firm's activities involve in one manner or another issues pertaining to land and its ownership. In addition to our condemnation and general real estate litigation activities, we handle countless real estate transactions for the clients of the firm. In that connection we have gained extensive experience in issues affecting title and have handled many proceedings necessary to establish and to clear title to land.

13. Public Housing.

Holmes & Graven has extensive experience in representing and advising various housing and redevelopment authorities throughout the state in connection with their operation of public housing and other federally-assisted housing programs. Among the public housing authorities to which Holmes & Graven has provided such services are the Minneapolis Community Development Agency and its predecessor, the Minneapolis Housing and Redevelopment Authority. In the course of providing such representation the firm has had the opportunity to research such areas as sufficiency of admission procedures and criteria for public housing tenants, including handicapped and disabled persons, "good cause" requirements for evictions of public housing tenants, and due process hearing requirements for denial of admissions to public housing and evictions from public housing. The firm's involvement has not been limited to the federal public housing program, but has included the giving of advice to, and representation of, public housing agencies concerning the development and operation of the federal Section 8 existing housing program.

In addition to giving general legal advice and assistance concerning the public housing and Section 8 housing programs, the firm has also represented numerous public housing agencies in litigation arising out of their operation of public housing and Section 8 housing programs.

14. Ordinance Codification.

We have codified the city codes for the Cities of Crystal, Inver Grove Heights, West St. Paul, Brainerd, Plymouth, Richfield, Hopkins, Independence, Richmond, and LMCD, and are presently working on the Robbinsdale, South St. Paul, and Melrose codes.

15. Charter Commissions.

We presently serve as attorneys to the Charter Commissions in Crystal, St. Cloud, Moorhead, and Lino Lakes.

E. CLIENT REFERENCES.

Contacts with any of the firm's clients are welcomed. The following is a list of representative names regarding prosecution matters:

Mitchell Rothman
Deputy City Attorney
City of Minneapolis
A-1700 Government Center
Minneapolis, MN 55487
(612) 673-2021

Walter Fehst, City Manager
City of Robbinsdale
4221 Lake Road
Robbinsdale, MN 55422
(612) 537-4534

John Spetch
Chief of Police
City of Robbinsdale
4145 Hubbard Avenue North
Robbinsdale, MN 55422

James Willis, City Manager
Richard Carlquist, Director of Public Safety
City of Plymouth
3400 Plymouth Boulevard
Plymouth, MN 55447
(612) 550-5011

Rick Rabenort
Chief of Police
Medina Police Department
2052 County Road 24
Hamel, MN 55340

EXHIBIT A

Staff Organization

AUGUST 9, 1990

HOLMES & GRAVEN, CHARTERED

MAIN NUMBER: 337-9300

FACSIMILE: 337-9310

ATTORNEYS

Robert A. Alsop 224
Paul D. Baertschi 230
Ronald H. Batty 262
Mary Jo Brenden 206
Stephen J. Bubul 228
Robert C. Carlson 223
Christine M. Chale 210
Robert L. Davidson 203
John B. Dean 207
Robert J. Deike 204
Mary G. Dobbins 221
Jeffrey Eng 220
Stefanie N. Galey 212
David L. Graven 202
Corrine A. Heine 217
John G. Hoeschler 208
James S. Holmes 201
David J. Kennedy 232
John R. Larson 222
Wellington H. Law 214
Julie A. Lawler 205
Charles L. LeFevre 215
John M. LeFevre, Jr. 218
Robert J. Lindall 219
Laura K. Mollet 259
Daniel R. Nelson 211
Barbara L. Portwood 213
Mary Frances Skala 234
James M. Strommen 233
Steven M. Tallen 231
James J. Thomson 209
Larry M. Wertheim 216
Bonnie L. Wilkins 225

CENTRAL SERVICES

Conference I (14) 301 (322)
Conference II (16) 302 (320)
Conference III (6) 303
Conference IV (6) 304
Conference V (14) 305 (323)
Conference VI (10) 306 (324)
Service Center 294
Employee Lounge 296
Library 321

SECRETARIAL

Deb Hawkins 284
Wilkins, Dobbins
Nelson
Kris Graves 280
Holmes, Galey
Portwood, Lemley
Grace Koebnick 285
Larson, Carlson
Lawler
Barb Mellen 281
Graven, Eng
Wertheim
Ann Miller 226
Heine, Bubul
Thomson
Jill Cundy 283
Lindall, Alsop
LeFevre
Ronda Rath 279
Batty, Dean
LeFevre
Janet Smith 277
Davidson, Deike
Hoeschler
Theresia Synowczynski 282

Law, Chale
Tallen, Baertschi

Susan Day 278
Mollet, Brenden
Strommen

DIRECTOR OF ADMINISTRATION

James R. Lemley 200

BOOKKEEPING

Linda Hippen (Supervisor) 267
Michele Whitson 269
Tricia Nealy 268

RECEPTIONISTS

Andrea Larson 0
Mike Petersen 440
(Secondary Phone)

LEGAL ASSISTANT

Connie L. Herbst 248
Cathy B. Rocklitz 250
Mary Jaworsky 261
Kathy S. Ghostley (Prosc.) 260
Marijo Witte (Prosc.) 249
Cheryl Willey 235

LAW CLERKS

Brian Cote 321
Linda Theis Thrasher 321
Paul Glaeser 321

LIBRARY/LEGAL FILES

Carol White Calf (Supervisor) 272
Jane Carlson 229
Liz Greene 275

FACILITIES MANAGEMENT

Leigh Middag (Supervisor) 270
Bill Kennedy 294
Mike Petersen 271

EVENING TYPISTS (After 5:00 M-F)

Cathy Mevissen 282
Lyn Batten 283

PROOF READING

Liz Greene 275
Brian Cote 321
Paul Glaeser 321
Linda Theis Thrasher 321
Mike Petersen 271

TO PICK UP ANY EXTENSION DIAL *3 + (EXT #)

EXHIBIT B

**Resumes of
Firm Attorneys**

EXHIBIT B

The following is a brief background summary of each attorney in the firm:

Robert A. Alsop, born New Ulm, Minnesota, May 9, 1959; admitted to bar, 1986, Minnesota; 1986, U.S. District Court of Minnesota. Education: St. Olaf College (B.A., 1981); William Mitchell College of Law (J.D., 1986). Member: Minnesota State and American Bar Associations. Practice: Real estate, litigation.

Paul D. Baertschi, born St. Paul, Minnesota, August 20, 1954; admitted to bar, 1979, Illinois; 1984, Minnesota. Education: Trinity College; Bradley University (B.A., 1975); Southern Illinois University (J.D., 1979). Member: Hennepin County and Minnesota State Bar Associations; Christian Legal Society. Practice: Local government, criminal prosecution.

Ronald H. Batty, born Tampa, Florida, September 20, 1951; admitted to bar, 1980, Minnesota. Education: Loyola University (B.A., magna cum laude, 1973); Hunter College of the City of New York (M.U.P., 1975); Georgetown University Law Center (J.D., 1979). City Attorney: Medina, 1987—. Member: Hennepin County and Minnesota State Bar Associations. Practice: Public finance, local government.

Mary Jo Brenden, born Saint Paul, Minnesota, February 28, 1958; admitted to bar, 1984, Minnesota. Education: St. Olaf College (B.A. 1980); William Mitchell College of Law (J.D. 1984, cum laude). Member: Minnesota State and American Bar Associations. Practice: Securities, corporate.

Stephen J. Bubul, born Indianapolis, Indiana, November 5, 1952; admitted to bar, 1987, Wisconsin and U.S. District Court, Western District of Wisconsin; 1988, Minnesota. Education: University of Wisconsin (B.A., 1975; M.S., 1978; J.D., cum laude, 1986). Phi Beta Kappa. Instructor, Legal Writing, University of Wisconsin Law School, 1985. Law Clerk, Justice Peter S. Popovich, Minnesota Supreme Court. Member: State Bar of Wisconsin; Minnesota State Bar Association. Practice: Local government, public finance.

Robert C. Carlson, born St. Paul, Minnesota, March 27, 1943; admitted to bar 1973, Minnesota, Iowa; 1973, U.S. District Court of Minnesota and U.S. Court of Appeals, Eighth Circuit; 1985, U.S. Supreme Court. Education: University of Minnesota (B.S. 1966); University of Iowa (J.D. with honors 1973). Member: Hennepin County, Minnesota State and American Bar Associations. Practice: Corporate, securities.

Christine M. Chale, born Aurora, Colorado, October 16, 1958; admitted to bar, 1983, Minnesota. Education: University of North Dakota (B.A. 1980, summa cum laude); University of Minnesota (J.D., cum laude, 1983) Phi Beta Kappa. Member: American, Minnesota State, and Hennepin County Bar Associations; and National Association of Bond Lawyers. Practice: Public finance.

Robert L. Davidson, born Mohall, North Dakota, August 29, 1933; admitted to bar, 1957, Minnesota. Education: University of Minnesota (B.S.L., 1955; LL.B., 1957). Phi Delta Phi. Member: Hennepin County, Minnesota State and American Bar Associations. Practice: Real Estate.

John B. Dean, born New Britain, Connecticut, April 14, 1944; admitted to bar, 1969, Minnesota. Education: Grinnell College and University of Kansas (B.A., 1966); University (J.D., 1969). Criminal Director, University of Minnesota Legal Aid Clinic, 1968-1969. Assistant State Public Defender 1969-1970. Assistant Hennepin County Public Defender for Misdemeanors, 1969-1970. City Attorney: Richfield, 1988--; Robbinsdale, 1988--. Member: Hennepin County and Minnesota State Bar Associations. Practice: Local government, trial and administrative, housing and redevelopment.

Robert J. Deike, born Mankato, Minnesota, June 28, 1951; admitted to bar, 1980, Minnesota. Education: Mankato State University (B.A., 1975); William Mitchell College of Law (J.D., cum laude, 1980). Co-author with Norton and Davidson "Minnesota Real Estate Digest," Mason Publishing Company, 1983. Member: Minnesota State and American Bar Associations. Practice: Governmental representation, real estate, contracts.

Mary G. Dobbins, born Minneapolis, Minnesota, May 5, 1954; admitted to bar, 1983, Minnesota; 1983 U.S. District Court of Minnesota. Education: University of Minnesota (B.A. 1979, magna cum laude); William Mitchell College of Law (J.D. 1983, cum laude). Phi Beta Kappa. Member: Minnesota State and American Bar Associations. Practice: Real estate, litigation.

Jeffrey Eng, born West Allis, Wisconsin, March 14, 1963; admitted to bar, 1988, Minnesota; 1988, U.S. District Court of Minnesota. Education: University of Wisconsin-Madison (B.B.A., with honors, 1985); University of Minnesota (J.D., 1988). Member, University of Minnesota Law Review, 1987-1988. Member: Minnesota State and American Bar Associations. Practice: Litigation.

Stefanie N. Galey, born New York, New York, October 28, 1953; admitted to bar, 1980, Minnesota; 1981, U.S. District Court of Minnesota. Education: Cornell University (B.A. 1975); William Mitchell College of Law (J.D., cum laude, 1980). Member: Hennepin County, Minnesota State and American Bar Associations; National Association of Bond Lawyers. Practice: Public finance, taxation, securities.

David L. Graven, born Minneapolis, Minnesota, July 22, 1929; admitted to bar, 1953, Minnesota; 1954, U.S. Court of Military Appeals. Education: St. Olaf College (B.A., 1950); University of Minnesota (LL.B., 1953). Phi Beta Kappa; Order of the Coif. President and Recent Case Editor, Minnesota Law Review, 1952-1953. Co-author: with Enker "Minnesota Criminal Procedure," Continuing Legal Education, 2 Vols., 1968. Author: "Seller's Liability After Sale," Chapter in MINNESOTA REAL ESTATE, CLE, 1970; "Minnesota Contract for Deed," Minnesota Practice Institute, 1976. Professor of Law, University of Minnesota Law School, 1963-1974. Uniform Law Commissioner, Minnesota, 1958-1961. Secretary, Judicial Council, State of Minnesota, 1965-1970. Member: Governor's Human Rights Commission, Minnesota, 1965-1967; Board of Directors, Citizen's League, 1965-1970; 1981--; Metropolitan Council (Twin Cities Area), 1971-1974; Minnesota Supreme Court Advisory Committee on Rules of Criminal Procedure, 1971-. Chairman, Transportation Advisory Board of Metropolitan Council, Twin Cities Area, 1977--; Member, Minnesota News Council, 1981-. Member: Minnesota State and American Bar Associations; Trustee, Minnesota Bar Association LAW PAC 1977--; Chairman, Legislative Committee, Minnesota Bar Association, 1981-. [Major, JAGC, USAR, 1954-1957.] Practice: Real estate, litigation, environmental law.

Corrine A. Heine, born Waterloo, Iowa, June 10, 1957; admitted to bar, 1983, Minnesota. Education: Wartburg College (B.A., summa cum laude, 1979); University of Minnesota (J.D., magna cum laude, 1983). City Attorney, Loretto, 1987--. Attorney for White Bear Lake Conservation District, 1987--. Town attorney for Town of Eureka, 1989--. Member: Hennepin County, Minnesota State and American Bar Associations. Practice: Local government, eminent domain, appellate practice.

John G. Hoeschler, born LaCrosse, Wisconsin, February 4, 1942; admitted to bar, 1967, Wisconsin and Illinois; 1968, Minnesota. Education: Georgetown University (B.A., 1964); New York University (LL.B., 1967). Member: Ramsey County, Minnesota State (Member, Real Property Section) and American (Member, Section of Real Property, Probate and Trust Law) Bar Associations, State Bar of Wisconsin. Practice: Real estate development.

James S. Holmes, born Fargo, North Dakota, March 9, 1941; admitted to bar, 1969, Minnesota. Education: Washburn University of Topeka (B.A., magna cum laude, 1966); University of Minnesota (J.D., cum laude, 1969). Order of the Coif. McVicar Scholar. Article Editor, University of Minnesota Law Review, 1968-1969. Co-author with David Graven: "Of Open Meetings," "Attorney-Client Privileges," and "The Government Lawyer," 33 Bench and Bar 8, February, 1977. Author: "The Attorney-Client Privilege Exception to the Open Meeting Law," 62 Minnesota Cities 13, December, 1977. Author: "Minnesota Tax Increment Financing Act, annotated," 1979, 1980, 1982. Instructor, Legal Writing, 1969-1971, Appellate Advocacy, 1971-1973, University of Minnesota Law School. Adjunct Professor, Municipal Bonds, 1982, University of Minnesota Law School. Chairman Metropolitan Council Housing Advisory Committee, 1971-1973. Member, Metropolitan Council Redevelopment Authority Advisory Committee, 1973-1974. Member, Minnesota Chapter of the National Association of Housing and Redevelopment Officials, 1979-. Member, National Association of Bond Lawyers (Member, Tax Increment/Special Assessment District Financing Committee and Financing Housing, 1978-). Member: Hennepin County (Member, Local Government Law Committee, 1978-), Minnesota State and American (Member, Local Government Law Section) Bar Associations. Practice: General representation, real estate, finance.

David J. Kennedy, born Minneapolis, Minnesota, January 29, 1932; admitted to bar, 1961, Minnesota. Education: University of Notre Dame (B.A., 1953); University of Minnesota (LL.B., 1960). Phi Delta Phi. Staff Attorney, League of Minnesota Municipalities, 1960-1967. Member, Bloomington Charter Commission, 1972-1976. Director, Minnesota Office of Urban and Local Affairs, 1967-1969. Assistant Senate Counsel, Minnesota State Senate, 1969-1972. Attorney, City of Crystal, 1973--. Municipal Bond Approving Counsel, 1973--. Member: Hennepin County and Minnesota State Bar Associations; National Association of Bond Lawyers. [Cmdr., USNR - Retired]. Practice: Public finance, legislation, local government.

John R. Larson, born Montevideo, Minnesota, January 24, 1947; admitted to bar, 1974, Minnesota. Education: University of Minnesota and Mankato State College (B.A., 1970); William Mitchell College of Law (J.D., 1974). Chairman of Committee for a Law Review; Committee on Professional Responsibility; Securities Examiner, Securities Division, Minnesota Department of Commerce, 1972-1974; Real Estate Director, Securities Division, Minnesota Department of Commerce, 1974-1975; Minnesota Commissioner of Securities, 1975-1978 (with responsibilities for the administration of Minnesota securities, real estate, franchise, subdivided land, charities and corporate takeover laws); Chairman, Commerce Commission, 1978 (with

oversight responsibilities of securities, banks and insurance divisions of the Department of Commerce); Member: William Mitchell College of Law Association; Real Estate, Securities and Syndication Institute; National Syndication Forum; Former member of National Association of Securities, Dealers, Inc.; Real Estate Committee; Former member Commodity Futures Trading Commission; Advisory Committee on State Jurisdiction. Continuing Legal Education Speaker. Member: Hennepin County, Minnesota State and American Bar Associations. Practice: General business, securities, real estate.

Wellington H. Law, born St. Paul, Minnesota, October 30, 1931; admitted to bar, 1955, Minnesota; 1957, U.S. District Court, District of Minnesota; 1963, U.S. Supreme Court and U.S. Court of Military Appeals; 1970, U.S. Claims Court. Education: University of Minnesota (B.S.L., 1955, LL.B., 1955). Phi Delta Phi. Member, Board of Editors. University of Minnesota Law Review, 1953-1954. Member: Hennepin County, Minnesota State and American (Member, Forum Committee on Construction Industry, 1979--; Sections on: Public Contract Law; International Law) Bar Associations. Practice: Litigation and construction law.

Julie A. Lawler, born Detroit, Michigan, March 26, 1961; admitted to bar, 1988, Minnesota. Education: Institute Catholique, Paris, France, Creighton University (B.A., 1983); University of Minnesota (J.D., 1988). Alpha Mu Gamma. Member, National Moot Court. Member: Hennepin County and Minnesota State Bar Associations. Language: French. Practice: Business litigation, employment law, local government.

Charles L. LeFevre, born Minneapolis, Minnesota, December 21, 1947; admitted to bar, 1975, Minnesota. Education: St. Olaf College (B.A. 1968); University of Minnesota (J.D. cum laude, 1975). City Attorney: New Brighton, 1982--, Brooklyn Center, 1987--, Lake Minnetonka Conservation District, 1978--, Municipal Bond Approving Counsel, 1980--. Member: Hennepin County, Minnesota State and American Bar Associations. Practice: Public finance, local government.

John M. LeFevre, Jr., born Dayton, Ohio, September 15, 1944; admitted to bar, 1970, New York; 1973, U.S. District Court, W.D.N.Y., 1977, Minnesota; 1978, U.S. District Court, D. Minn.; 1978, U.S. Court of Appeals, Eighth Circuit. Education: Williams College (B.A. cum laude, 1966); University of Michigan (J.D., 1969). Phi Beta Kappa. Member: Hennepin County and Minnesota State Bar Associations. Referee, Hennepin County Conciliation Court. [Capt., U.S. Marine Corps Reserve, 1970-1972]. Practice: Litigation, condemnation, motor carrier representation, environmental law.

Robert J. Lindall, born Slayton, Minnesota, February 28, 1944; admitted to bar, 1969, Minnesota and 1980, U.S. District Court of Minnesota. Education: University of Minnesota (B.A., 1966; J.D., 1969). Delta Theta Phi, Phi Sigma Kappa. Co-author with Mary Dobbins, "Minnesota's Doctrines of Public Purpose and Superior Public Purpose in Eminent Domain," Minn. Real Est. L. J., May/June, 1983, Co-author with Douglas Peterson, "Origins of Eminent Domain," Minn. Real Est. L. J., August, 1983. Special Assistant Attorney General, State of Minnesota (representing Pollution Control Agency), 1969-1973. Staff Attorney, 1973-1974, Vice President and General Counsel, 1974-1977, President and General Manager, 1977-1978, Jonathan Development Corporation. Member, 1971-1975 and Chairman, 1974-1975, Minnesota Environmental Education Council. Member, Metropolitan Council Transportation Advisory Board, 1978-1981. Alderman, City of Chaska, 1978-to present. Member: Hennepin, County (Chairman, Eminent Domain Committee, 1981-1983), Minnesota State (Member, Real

Property Section and Eminent Domain Committee) and American (Member, Sections on: Real Property, Probate and Trust Law; Corporation, Banking and Business Law; Local Government Law; Committee on Environmental Law) Bar Associations; International Right of Way Association Candidate, Senior Member (SR/WA). Practice: Condemnation, real estate, litigation, corporate, environmental law.

Laura K. Mollet, born Racine, Wisconsin, August 3, 1957; admitted to bar, 1982, Minnesota. Education: University of Minnesota (B.A., magna cum laude, 1979; J.D., 1982). Member: Hennepin County and American Bar Associations. Practice: Public finance, securities.

Daniel R. Nelson, born Minneapolis, Minnesota, August 27, 1955; admitted to bar, 1980, Minnesota; 1981, U.S. District Court of Minnesota. Education: St. Olaf College (B.A., cum laude, 1977); University of Minnesota (J.D., 1980). Member: Hennepin County, Minnesota State and American Bar Associations; National Association of Bond Lawyers. Practice: General governmental representation, public finance.

Barbara L. Portwood, born Kansas City, Missouri, October 22, 1951, admitted to bar, 1979, Wisconsin and U.S. District Court, Western District of Wisconsin; 1981, Minnesota. Education: Rutgers University (B.A. 1975); University of Wisconsin (J.D., cum laude, 1979). Law Clerk to the Honorable Barbara B. Crabb, Chief Judge, U.S. District Court, Western District of Wisconsin, 1979-1980. Member: Hennepin County, Minnesota State and American Bar Associations; State Bar of Wisconsin; National Association of Bond Lawyers. Practice: General governmental representation, public finance.

Mary Frances Skala, born Ely, Minnesota, May 12, 1949; admitted to bar, 1984, Minnesota. Education: University of Minnesota; College of St. Scholastica (B.A., cum laude, 1972); Hamline University (J.D., 1983). Assistant Editor, Hamline Journal of Public Law, 1981-1983. Municipal Bond Approving Counsel, 1986--. Member: Hennepin County and Minnesota State Bar Associations; National Association of Bond Lawyers. Practice: Public finance.

James M. Strommen, born Minneapolis, Minnesota, December 4, 1952; admitted to bar, 1983, Minnesota. Education: Augsburg College (B.A., magna cum laude, 1977); University of Minnesota (J.D., cum laude, 1983). Delta Theta Phi. Member: Hennepin County, Minnesota State and American Bar Associations. Language: German. Practice: Trials and appeals, public utilities, administrative, corporate.

Steven M. Tallen, born St. Paul, Minnesota, September 16, 1949; admitted to bar, 1981, Minnesota. Education: University of Minnesota (B.A., 1975); William Mitchell College of Law (J.D., 1981). Special Assistant City Attorney, Golden Valley, 1985-1986. Assistant City Attorney for Plymouth, Medina, Independence and Loretto, 1986--. Member: Ramsey County, Hennepin County, Minnesota State (Member, Sections on: Criminal Law; Labor Law) and American Bar Associations. Practice: Local government, criminal prosecution.

James J. Thomson, Jr., born Providence, Rhode Island, June 26, 1947; admitted to bar, 1976, California; 1982, Minnesota. Education: University of Notre Dame (A.B., 1969); University of San Diego (J.D., magna cum laude, 1976). Alpha Kappa Delta. Editor-in-Chief, San Diego Law Review, 1975. Author: "Landlord Tort Liability in California," 12 San Diego Law Review 401, 1974; "Report of the Municipal Labor Relations Committee," 40A, Municipal Law Review 13, 1977. Deputy City Attorney,

San Diego City Attorney's Office, 1976-1982. City Attorney, Plymouth, 1986--.
Member: Hennepin County and Minnesota State Bar Associations; State Bar of California. [Capt., USMC, 1969-1973]. Practice: Trials, appeals, local government.

Larry M. Wertheim, born Minneapolis, Minnesota, May 29, 1950; admitted to bar, 1976, Minnesota; 1976, U.S. District Court of Minnesota; 1978, U.S. Court of Appeals, Eighth Circuit. Education: University of California at Berkeley (A.B., 1971); University of Wisconsin (M.A., 1973); University of Minnesota (J.D., magna cum laude, 1976). Phi Beta Kappa. Author: "Due-On-Sale Clauses in Minnesota," 1 MINN. REAL. EST. L. J. 33 (1982); "Due-On-Sale Clauses - An Update," 1 Minn. Real Est. L.J. 81, 1982; "Due-On-Sale III: The New Federal Preemption," 1 Minn. Real Est. L.J. 113, 1982; "Case Comment -American National Bank v. Blaeser," 1 Minn. Real Est. L.J. 154, 1983. Member: Hennepin County and Minnesota State Bar Associations. Practice: Litigation, general business matters.

Bonnie L. Wilkins, born Fargo, North Dakota, October 22, 1944; admitted to bar 1986, Minnesota. Education: North Dakota State University (B.A. 1966), University of Minnesota (J.D., cum laude, 1986). ABA Moot Court Competition Participant, 1985. Appellate Advocacy Instructor, University of Minnesota Law School. Member: Ramsey County, Minnesota State and American Bar Associations. Practice: Real estate, corporate.

EXHIBIT C

Affirmative Action Policy

III. EEO/AA Policy Statement

This statement is to reaffirm Holmes & Graven, Chartered's policy on providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically including Chapter 139.50 and 141 of the Minneapolis Civil Rights Ordinance and the Regulations as applicable.

Holmes & Graven, Chartered will not discriminate against any employee or applicant for employment because of race, color or creed, religion, ancestry, national origin, sex, affectional preference, disability, age (40-70), marital status, or status with regard to public assistance.

Holmes & Graven, Chartered will take Affirmative Action to ensure that all employment practices are free of such discriminations. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Holmes & Graven, Chartered prohibits the harassment of any employee or job applicant because of sex or national origin or race.

Holmes & Graven, Chartered will take affirmative action to afford business enterprises owned and controlled by women and minorities and maximum feasible opportunity to participate in the performance of this contract and resulting contracts and/or subcontracts for construction projects in which this company engages.

Holmes & Graven, Chartered will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

Holmes & Graven, Chartered will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of this Company or sub-contractors to this Company who do not comply with the Equal Employment Opportunity Policies and Procedures set forth in this Statement and plan will be subject to disciplinary action. Any sub-contractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically including Chapter 139.50 of the Minneapolis Civil Rights Ordinance will be subject to appropriate legal sanctions.

Holmes & Graven, Chartered has appointed James R. Lemley as EEO Coordinator to manage the Equal Employment Opportunity Program. The responsibilities will include monitoring all Equal Employment Opportunity Activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. If any employee or applicant for employment believes he/she has been discriminated against, please contact the EEO Coordinator.

Signature


David L. Graven
President

Date December 20, 1989

EXHIBIT D

Minnesota Police Briefs

Past Issue

POLICE BRIEFS

A SERVICE OF HOLMES & GRAVEN, CHARTERED

Vol. III, No. 10

• Paul Baertschl, Editor •

October, 1990

INCLUDING:

- ✓ Telephonic Search Warrant - Good Faith - page 1
- ✓ Police Pursuit - No Immunity - page 3
- ✓ Pretext Arrest Doctrine - page 3
- ✓ Good Faith Rule Not Followed - page 4
- ✓ Vehicle Stops - Passengers - page 4

PART I

RECENT MINNESOTA CASES

(09/1/90 - 09/30/90)

Arrest, Search & Seizure

Telephonic Search Warrant - Good Faith:

The record failed to demonstrate a reasonable need for dispensing with a written search warrant application procedure where the police speculated that an arrested person was signalling to others to alert the occupants of the residence. The good faith exception to the exclusionary rule is not applicable to a telephonic search warrant, and the fruits of the search are ordered suppressed. *State v. Lindsey*, C2-89-2280, App. Ct. 9/28/90.

Warrant for Container in Car:

Police developed probable cause to search a duffel bag for stolen goods. The defendant entered a car with the duffel bag. The police seized the duffel bag, searched it and found stolen goods. Held, although *State v. Bigelow*, 451 N.W.2d 311 (1990) authorizes warrantless searches of containers in cars upon probable cause, this rule only applies if the police have probable cause to search the vehicle itself, and not just a container

within the car. As the probable cause went only to the container, the police could not rely upon the "automobile exception" to the warrant requirement or *State v. Bigelow* in searching the duffel bag without a warrant. The search is illegal, and the evidence is suppressed. *State v. Search*, C2-90-891, App. Ct., Unpubl. 9/28/90.

Private vs. Public Search:

The defendant's vehicles were stopped and searched by a private security agency without probable cause or consent. Held, the trial court's implicit findings that the searches were privately instigated and conducted was not clearly erroneous. The fact that the director of the security agency was a police officer in a nearby jurisdiction and that the government had previous contact with the agency concerning arrest procedures did not transform the searches into governmental action. The 4th Amendment is not applicable to private searches. Justices Yetka, Wahl and Keith dissented. [Reversing Court of Appeals, Minnesota Police Briefs, Jan. 1990 issue]. *State v. Buswell, Schwartzman*, C5-89-555, CX-89-1166, CS-89-1169, S.Ct. 9/7/90.

Confessions

Non-custodial Interrogation:

Questioning of defendant in a 90 minute interview at the police station, where he was told in advance that he was free to go, was not custodial interrogation, and the resulting statements were admissible. *State v. Olson*, C5-89-2127, App. Ct., 9/7/90.

Criminal Procedure

Denial of Speedy Trial:

Delay of over 3 months caused in part by a month long delay in moving to amend the charge based upon laboratory analysis results denied the defendant his right to a speedy trial where the defendant remained in jail throughout the proceedings. State v. Peterson, C9-90-869, App. Ct., Unpubl. 9/14/90.

Right to Public Trial:

The mistaken exclusion of a friend of the defendant from part of a trial for 2nd degree assault did not deprive the defendant of the right to a public trial. State v. Hartland, C0-90-2, App. Ct., Unpubl. 9/21/90.

Judge's Verbal Decision - Jeopardy:

The trial court judge ordered an acquittal at the conclusion of the State's case after forgetting that certain missing evidence had been stipulated to by the parties prior to the commencement of the trial. Held, the pronouncement of acquittal was merely a verbalization of the trial court's thought process, and did not preclude the court from reexamining the matter and finding the defendant guilty. State v. Darsow, C9-90-337, App. Ct., Unpubl. 9/28/90.

Amendment of Complaint - Drug Weight:

Midway through voir dire of the jury, the prosecutor moved to amend the complaint to state that the weight of the controlled substance sold was ten grams or more. The trial court properly allowed amendment of the complaint to the more serious charge. However, the trial court erred in failing to instruct the jury on the element of weight as that was an element of the amended charge. On remand, the prosecutor may either retry the defendant on the more serious charge or request sentencing on the less serious charge. State v. Bluhm, CX-89-1426, S.Ct. 9/7/90.

DWI

Inability to Provide Breath Sample:

Held, the driver failed to establish the affirmative defense of physical inability to provide a breath sample based on uncontradicted evidence of having a broken nose, where the driver

did not complain of her injury or seek medical care until after the testing procedure. The officer testified that a person with a broken nose should be given an alternative test. Sharp v. Commissioner of Public Safety, C7-90-580, App. Ct., Unpubl. 9/21/90.

Evidence

Prior Testimony - Unavailable Witness:

Where a witness was contacted and subpoenaed by the State, and that witness failed to appear, the witness was unavailable, and the witness's prior testimony became admissible under Minnesota Rule of Evidence 804(b)1. Reference by prosecutor in closing argument to facts not admitted in evidence was improper, but did not require a new trial. State v. Cross, C0-90-601, App. Ct., Unpubl. 9/21/90.

Marital Privilege - Hearsay:

The State Fire Marshall testified in an arson case concerning statements made by the defendant's wife about the location of certain furniture prior to the fire. The marital privilege in Minn. Stat. §595.02, Subd. 1(a) does not prevent the Fire Marshall from testifying about statements made by the defendant's spouse in a trial of the defendant. Those statements were admissible hearsay and did not violate the defendant's right to confront witnesses where the witness was unavailable due to the assertion of the privilege and the statements were sufficiently reliable as they were not inherently inculpatory or exculpatory. State v. Simonson, C7-89-2114, App. Ct., Unpubl. 9/28/90.

Hypnosis of Witness:

Testimony from a victim concerning events first remembered after undergoing hypnosis was properly excluded since adequate safeguards to guard against suggestion or influence were not used. However, the trial court improperly excluded testimony on matters clearly disclosed and thus recalled prior to hypnosis. State v. Grimmer, C7-90-1194, App. Ct. 9/7/90.

Sentencing

\$20,000 Fine Reversed:

Held, the trial court erred in ordering a \$20,000 fine and \$2,000 surcharge

in addition to an executed prison sentence of 21 months on a conviction for 3rd degree sale of a controlled substance without finding that the defendant had the ability to pay those amounts. The fine and surcharge are vacated. State v. Martinson, C5-90-920, App. Ct. 9/14/90.

Criminal History Points - Multiple Victims:

The trial court had the discretion to assign two criminal history points for convictions of the defendant for aggravated assault and false imprisonment, both involving "Mr. & Mrs. Speiss". Even though the defendant received a single sentence for that offense, the sentencing guidelines permit assigning up to two criminal history points where there are multiple victims so long as it does not unfairly exaggerate the criminality of the act. State v. Frederickson, C0-90-1022, App. Ct., Unpubl. 9/21/90.

Multiple Convictions:

Defendant's five Ohio convictions, which were all disposed of on the same day, were divisible for purposes of assigning criminal history points even though defendant's conduct was motivated by a single criminal objective, where the offenses all occurred at different times and places. Steele v. State, C2-90-650, App. Ct., Unpubl. 9/21/90.

Sentence of Informant Upheld:

Police promised not to pursue criminal charges against defendant if he cooperated as a drug informant. Charges were brought after the defendant allegedly failed to cooperate. Held, defendant was not entitled to have his sentence reduced from the presumptive sentence. State v. Bronk, C4-90-164, App. Ct., Unpubl. 9/21/90.

Restitution Calculation:

Defendant was entitled to have his earned income disregarded in calculating restitution due for welfare fraud even though he failed to report said earned income, as the period of time in question was prior to the 1987 statutory amendment prohibiting application of the disregard to unreported earnings. State v. Tonga, C8-90-832, App. Ct., Unpubl. 9/21/90.

Miscellaneous

Search Not Malicious::

Pursuant to a search warrant, officers enter both residences in a duplex, mistakenly believing the house was a single family residence. Although the information providing probable cause dealt with the occupants of the lower duplex, the officers detained the other occupants and had a narcotics dog conduct a sniff search for drugs in both residences. Held, under these circumstances the police were not guilty of a willful or malicious wrong and the trial court erred in failing to grant summary judgment in favor of the police department and City. Judge Randall dissented from Judge Schultz's majority opinion, finding a sufficient factual question for the jury. Bach v. City of Excelsior, et al., C8-90-314, App. Ct., Unpubl. 9/14/90.

Police Pursuit - No Immunity:

A police officer received a report of a "snatch and grab" shoplifting incident with a description of the suspect, the vehicle, the license plate number and the direction of travel. An officer located the vehicle travelling 60 mph in a 45 mph zone and initiated pursuit. The suspect vehicle exceeded 75 mph, rammed apart two cars stopped for a red light and eventually struck and killed a boy. The trial court granted summary judgment for the officer and the City, finding both immune from liability. However, in a rather emotional opinion, the Court of Appeals ruled that there is no immunity for a claim of failing to exercise reasonable care in electing to pursue a motor vehicle, at least where the City policy requires the officer to discontinue a pursuit where there is a clear danger or when speeds dangerously exceed normal traffic flow. Pletan v. Gaines, C3-90-298, App. Ct., 9/14/90.

Juvenile Reference for Adult Prosecution:

Juvenile charged with committing criminal sexual conduct when he was between 16 and 17 years old, but who is now over 20 years old, was properly

referred for adult prosecution after a hearing based upon expert testimony that some incarceration followed by probation and mandatory treatment would be necessary. Judge Crippen concurred with Judge Randall's majority decision, finding that prosecution as an adult without a reference hearing is permissible where the accused has become age 19 and where delay was not attributable to lack of diligence in policing or prosecution. In the Matter of L.L.A., Jr., CX-90-508, App. Ct., Unpubl. 9/14/90.

Sobriety Checkpoint Roadblocks:

Motor vehicle stop pursuant to a sobriety checkpoint program, in which every fifth vehicle was stopped briefly was upheld pursuant to the U.S. Supreme Court decision in Michigan Department of State Police v. Sitz. Sanders v. Commissioner, C1-89-2108, App. Ct., Unpubl. 9/14/90.

Jury Instruction - Identification:

Where the victim had more than a "fleeting opportunity to view the offender", failure to give the jury instruction advising the jury to "carefully evaluate" the eye-witness identification testimony was not error. State v. Surratt, C3-89-2286, App. Ct., Unpubl. 9/21/90.

Probation Violation Found:

The trial court properly found that by refusing to attend a Chemical Dependency Program and Narcotics Anonymous, the defendant had willfully violated the conditions of his probation, and the sentence was properly executed. State v. Lockwood, C5-90-1274, App. Ct., Unpubl. 9/28/90.

Reporting of Maltreatment of Minors:

In a declaratory judgment action, the Supreme Court finds that authorities had the discretion to interview a victim of child sexual abuse without notifying the parents even though the victim did not reside with the parents. Minn. Stat. §626.556, Subd. 10(c) does not prohibit such an interview. Chief Justice Popovich and Justices Kelley and Yetka dissented. Reversing Court of Appeals, 12-89 issue. R.S. v. State, C6-89-824, S.Ct. 9/7/90.

PART II

RECENT CASES FROM OTHER JURISDICTIONS

Pretext Arrest Doctrine:

A Texas appellate court has rejected the "pretext arrest doctrine", referring to it as unsupported by legal authority, illogical and unworkable. This doctrine would invalidate using a detention or arrest for a trivial offense as a pretext to conduct a search without probable cause for a greater offense. While the federal circuits are sharply divided on the issue, the United States Supreme Court has repeatedly stated that the lawfulness of an officer's conduct must be evaluated on an objective basis without regard to subjective motivations of an officer. State v. Garcia, 1990 WL 83587 (Tx. App.).

Government Attorney Testimony:

A government attorney was properly permitted to testify in the government's case to rebut suggestions by the defense counsel that a government witness had been encouraged by the attorney to create facts favorable to the prosecution. Circuit Judge Kozinski dissented, believing this testimony resulted in the denial of a fair trial. U.S. v. Kenney, 1990 WL 115503 (9th Cir. - Az.).

Voluntary Intoxication as Defense:

Voluntary intoxication was found to be a defense to failure to stop at the scene of a property damage accident where the driver's knowledge that an accident had occurred was an element of the crime. Burns v. State, 556 N.E.2d 955 (Ind. App. 1990).

Dormitory Rooms as Dwellings:

Individual student dormitory rooms were found to be separate inhabited "dwellings", and supported multiple burglary convictions for the entry of each room. People v. O'Keefe, 1990 WL 105899 (Cal. App.).

Prosecution for Infant Death:

Defendant could properly be convicted of the homicide of an infant

child who died following a premature caesarean birth necessitated by the shooting of the child's pregnant mother. Since the child was born alive, she was a legal "person" under New York law. People v. Hall, 1990 WL 83684 (N.Y. App.).

Good Faith Rule not Followed:

The Connecticut Supreme Court declined to follow the rule of the U.S. Supreme Court in U.S. v. Leon, 468 U.S. 897 (1984), which established the good-faith exception to the exclusionary rule for searches pursuant to a search warrant. The protection of the Connecticut State Constitution was found to be broader than that of the Fourth Amendment. The Court found that the rule was necessary to preserve the integrity of the warrant process as a whole. Connecticut v. Marsala, No. 13830, Conn. S.Ct. 8/7/90.

Consent Obtained by Deception:

Police impermissibly deceived the defendant as to the purpose of a trip to police headquarters where they informed defendant the purpose was to clear up an outstanding warrant, but was actually for questioning about a

murder. However, intervening circumstances, including Miranda warnings and the lack of flagrant police misconduct, precluded suppression of the defendant's statements. Comm. v. Haynes, 1990 WL 82214 (Pa. Super.).

Privacy Interest in Mail:

Defendant had a reasonable expectation of privacy in the contents of an envelope which was not addressed to him, but which the addressee was to deliver to him. U.S. v. Allen, 1990 WL 107405 (D. Me.).

Inventory Search too Broad:

By viewing two minutes of a videotape discovered in defendant's lawfully impounded automobile, police exceeded the scope of a permissible inventory search. The videotape as well as the defendant's statements made during and after viewing the tape should have been suppressed in a prosecution for a use of a child in a sexual performance. People v. Thomas, 1990 WL 101013 (N.Y. A.D.).

Helicopter Search at 50 Feet Illegal:

Observations of police from a helicopter 50 feet above a barn were found to violate the 4th Amendment where the helicopter created loud noise and

vibration within a residence and federal regulations prohibit operation of a helicopter where it is a hazard to persons or property on the ground. Pennsylvania v. Ogialoro, Pa. Sup. Ct. 8/23/90.

Vehicle Stops - Passengers:

The Iowa Supreme Court held that a police officer may not order a passenger out of a vehicle stopped only for speeding unless the officer has a reasonable suspicion that the passenger has violated a law or where it is necessary to facilitate a lawful arrest of another or a search of the vehicle. Iowa v. Becker, No. 135/88-1173, Iowa S.Ct. 7/18/90.

Waiver of Right to Testify:

The 11th Circuit held that only the defendant, not his attorney, can waive the defendant's right to testify. The defendant's right to testify was violated where the defendant consistently communicated his desire to testify, but his attorney nevertheless made a tactical decision and refused to put him on the stand. U.S. v. Teague, No. 89-8181, 11th Cir. 8/8/90.

CORRECTIONS:

State v. Buswell, Schwartzman was inadvertently placed in Part II of the September issue, and is being reprinted in Part I of this issue.

State v. Krejci, p.2, September issue should have indicated that the conviction was for first degree assault and not murder.

DISCLAIMER:

We have used our best efforts to provide accurate information herein. However, no warranty of accuracy is made. Independent research or legal consultation is recommended.

HOLMES & GRAVEN CHARTERED

- Municipal Law
- Criminal Prosecution
- Litigation
- Real Estate
- Business Law
- Employment/Labor
- Municipal Finance/Securities
- Condemnation

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

Minnesota Police Briefs
Holmes & Graven, Chartered
470 Pillsbury Center
Minneapolis, MN 55402

EXHIBIT E

**Resumes of Proposed
Prosecuting Attorneys**

**RESUME OF
PAUL D. BAERTSCHI**

EXPERIENCE:

1987 - Present

ASSOCIATE

HOLMES & GRAVEN, CHARTERED (1989-present);
LeFEVERE, LEFLER, KENNEDY, O'BRIEN & DRAWZ (1987-
1989), Minneapolis Minnesota. Position with Holmes & Graven
practicing in the areas of prosecution, municipal law
litigation, and criminal defense.

1985 - 1987

ASSISTANT COUNTY ATTORNEY

ISANTI COUNTY ATTORNEY'S OFFICE, Cambridge,
Minnesota. Senior Assistant County Attorney position
handling felony, gross misdemeanor and misdemeanor
prosecutions.

1984 - 1985

ATTORNEY

FREDERICK R. KOPPLIN AND ASSOCIATES, Minneapolis,
Minnesota. Position with litigation emphasis including
criminal and traffic defense, family law, business litigation
and appeals.

1981 - 1984

ASSISTANT STATE'S ATTORNEY

JACKSON COUNTY STATE'S ATTORNEY'S OFFICE,
Murphysboro, Illinois. First Assistant State's Attorney in six
attorney office handling criminal prosecution including
felonies, misdemeanors and juvenile; civil responsibilities
including advising county board and officers, administrative
review and appellate work; supervised law clerks.

1979 - 1981

ATTORNEY

WEST CENTRAL ILLINOIS LEGAL ASSISTANCE, Galesburg,
Illinois. Position practicing poverty law and family law
litigation; developed various forms and office procedures for
this new legal aid office; supervised senior citizen education
project director and volunteers.

EDUCATION:

Southern Illinois University School of Law, J.D. May, 1979.

Bradley University, B.A. Administration of Criminal Justice,
December, 1975.

Trinity College, attended 1972 - 1973.

ACHIEVEMENTS:

I have tried over 30 jury trials, hundreds of court trials, and have handled five appeals to the Appellate Courts in Illinois and Minnesota. I have a special interest in criminal law, constitutional law, civil rights liability and litigation. I have conducted police training seminars on search and seizure, police liability and new laws. Moot court judge for the Minnesota Mock Trial program.

Taught business law at Northwestern College, Roseville, Minnesota, in the winter quarter of 1984 as a one-time commitment.

ARTICLES:

"Resisting Enhancement: Collateral Attacks on Guilty Pleas", Bench and Bar, November 1988.

"High Speed Pursuits", Minnesota Police Chief, December 1988.

Creator and editor of "Minnesota Police Briefs", a monthly legal newsletter on criminal law.

Authored DWI chapter of the Law Enforcement Training Manual for the Minnesota County Attorneys Association.

AFFILIATIONS:

Minnesota State Bar Association
Hennepin County Bar Association

PERSONAL:

Born in St. Paul, Minnesota, August 20, 1954; age 35. Hobbies include music, softball, travel, swimming, and comedy writing. While in law school, I was a volunteer part-time announcer at WSIU-FM radio.

REFERENCES:

Richard Carlquist, Director of Public Safety, Plymouth Police Department

John Spetch, Robbinsdale Police Department

Rick Rabenort, Medina Police Chief

James Franklin, Director of Public Safety, West Hennepin Public Safety Department

DATE: December 26, 1990
TO: Jerry Dulgar, City Manager
FROM: William Monk, City Engineer
SUBJECT: Parking Lots in Becker Park Area

The Becker Park redevelopment and Bass Lake Road reconstruction projects completely changed the parking layouts in the area. To meet the needs of commercial businesses and park usage, four municipal lots were constructed as part of the redevelopment as noted on the attached map.

Over the past several years, complaints have been received regarding use of the two parking lots on Bass Lake Road (Nos. 1 and 2). The complaints involved all-night parking and the need for short term parking. It was in response to the complaint on short term parking that a limited number of 30 minute spaces were signed in each of these lots.

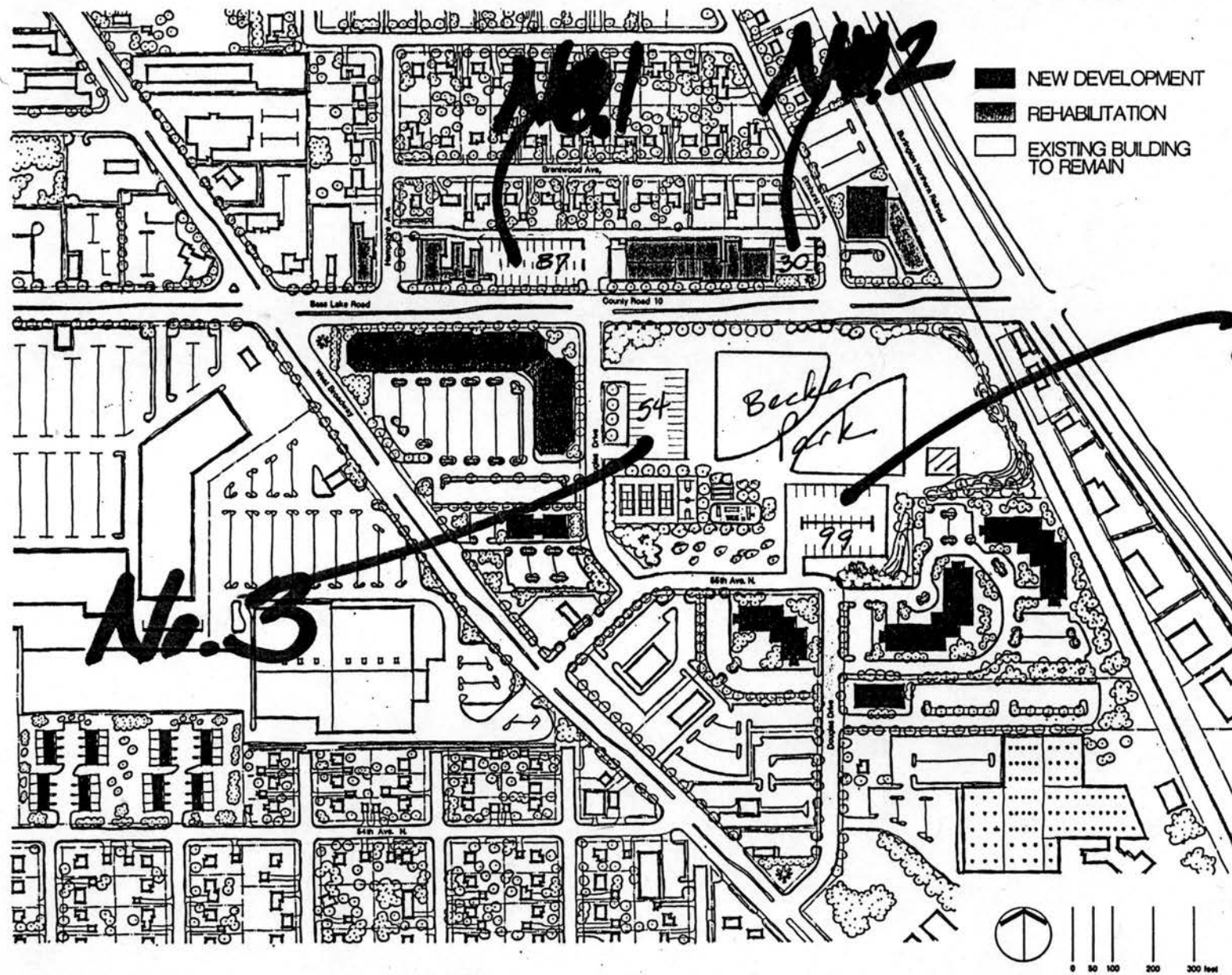
There is no question that Lots 1, 2 and 3 are heavily used on a routine basis. Additionally, on-street parking is prevalent on Sherburne and 55th Avenues. Numerous area businesses already instruct their employees to park in certain areas to minimize the impact on nearby spaces. This tactic is the best method of avoiding the parking problems noted at the last Council meeting. No amount of signage or other specific regulation will have much effect on increasing customer parking.

I am familiar with the parking situations in this area and will be prepared to discuss this item with the Council on Wednesday night.


WM:mb

Encl.

Municipal Parking Lots



Bass Lake Road Commercial Area.
Becker Park Revitalization Study

BRW
PLANNING / TRANSPORTATION / ENGINEERING / ARCHITECTURE

Illustrative
Site Plan

Figure 3

HOLMES & GRAVEN

CHARTERED

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

DAVID J. KENNEDY

Attorney at Law

Direct Dial (612) 337-9232

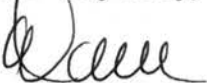
December 26, 1990

Mr. Jerry Dulgar
City Manager
City of Crystal
4141 Douglas Drive North
Crystal, Minnesota 55422

Dear Jerry:

Enclosed is a draft ordinance repealing the Council salary increase scheduled for January 1, 1991. I've made it retroactively effective to that date.

Yours very truly,



David J. Kennedy

DJK:caw

Enclosure

ORDINANCE NO. 91-_____

AN ORDINANCE RELATING TO SALARIES OF
MEMBERS OF THE CITY COUNCIL: REPEALING
CRYSTAL CITY CODE, SUBSECTION 210.09,
SUBDIVISION 1, CLAUSES (c) AND (d)
AND SUBSECTION 210.091, SUBDIVISION 2,
CLAUSES (c) AND (d)

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code, Subsection 210.09, Subdivision 1, Clauses (c) and (d) are repealed.

Sec. 2. Crystal City Code, Subsection 210.09, Subdivision 2, Clauses (c) and (d) are repealed.

Sec. 3. This ordinance is effective as of January 1, 1991, in accordance with Crystal City Code, Subsection 110.11.

Mayor

Attest:

Clerk

HOLMES & GRAVEN

CHARTERED

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

DAVID J. KENNEDY

Attorney at Law

Direct Dial (612) 337-9232

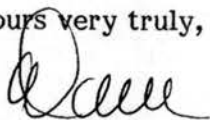
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Mayor

Attest:

Clerk

Memorandum

DATE: December 26, 1990
TO: Jerry Dulgar, City Manager
FROM: Nancy Gohman, Assistant Manager
SUBJECT: 1990 Insurance Dividend Refund
LMCIT Insurance Trust Program

I am happy to inform you that the City of Crystal just received another dividend check from League of Minnesota Cities Insurance Trust for our general liability and auto liability; a refund of \$41,714. This combined with an earlier 1990 dividend check for workers' comp refund of \$53,902 gives a total of \$95,616 in refund for 1990 from the League for a good insurance rating for the City of Crystal as a whole.

To summarize for you, the total insurance premium for 1990 for workers' comp, general liability and auto liability totaled \$356,000. An insurance dividend refund to the City of Crystal totaling \$95,616 is just short of one-third of the total premium paid being refunded to the City.

Again, insurance dividend checks such as this is a great boost to the City of Crystal in these tight budget times. As you can see, good safety programs pay off. I recommend you forward this information to the Council.

NG/js

DUE DATE: NOON, WEDNESDAY, DECEMBER 26, 1990

MEMO TO: Jerry Dulgar, City Manager

MEMO FROM: Darlene George, City Clerk

ACTION NEEDED MEMO: From the December 18, 1990 Council Meeting

The items listed below are the actions requested by the City Council at their regular Council meeting of December 18, 1990. These items should be taken care of by noon, **Wednesday**, preceding the next regularly scheduled Council meeting and returned to the City Clerk for her review.

<u>DEPARTMENT</u>	<u>ITEM</u>
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ADMINISTRATIVE
SECRETARY

1. Approval of the minutes of December 10, 1990 City Council Meeting.

ACTION NEEDED: On item #2 of Regular Agenda, change the word appeared to "was scheduled to appear".

ACTION TAKEN: Changes made 12-19-90.

PUBLIC HEARINGS

FINANCE DIRECTOR

1. Consideration of the 1991 City of Crystal Budgets.

ACTION NEEDED: Send certification of tax levy for 1991 to the Hennepin County Auditor.

ACTION TAKEN: Sent to the County 12-20-90.

REGULAR AGENDA

1. Appearance of Pat Wilder of the Northwest Hennepin Human Services Council to present information on Council activities in the past year and for 1991.

ACTION NEEDED: No action needed.

CITY ENGINEER

2. Consideration of site improvement agreement for driveway opening and curb for Park National Bank at 7001 - 56th Avenue North.
ACTION NEEDED: Proceed with execution of site improvement agreement with supplemental agreement regarding owners expense for removal of driveway opening should the bank cease to operate on this property; proceed with signage prohibiting parking on the east side of Louisiana Avenue for a distance of 300' south of 56th Avenue.
ACTION TAKEN: Revised site plan and supplemental agreement being prepared.

CITY ENGINEER

3. Consideration of a request from Arie Mann for a loading zone at 6014-6032 42nd Avenue North.
ACTION NEEDED: No action was taken by Council and applicant was present at meeting, therefore, no action is required.

CITY ENGINEER

4. Consideration of parcels proposed for tax forfeiture sale by Hennepin County.
ACTION NEEDED: Certify copy of resolution for conveyance of tax forfeited lands to Hennepin County.
ACTION TAKEN: Paperwork processed and sent to Hennepin County.

CITY MANAGER

5. Consideration of the appointment of a Crystal representative on the Board of Directors for the Hennepin Recycling Group (HRG) for the year 1991.
ACTION NEEDED: Continue your service on the Board of Directors as approved by the City Council.
ACTION TAKEN: Noted.

CITY MANAGER/
CITY CLERK

6. Consideration of a resolution in support of James J. Krautkremer for Councilmember, District 10, Metropolitan Council.
ACTION NEEDED: Send certified copy of resolution to Secretary of State for submittal to Governor-elect Carlson.
ACTION TAKEN: Resolution sent 12-20-90.

ASSISTANT
MANAGER

7. Discussion of the Employee of the Year Award.
ACTION NEEDED: Prepare a letter of commendation to Dave Fennern and a letter of thanks to the other candidates for the award.
ACTION TAKEN: In the works.

CITY CLERK

8. Licenses.
ACTION NEEDED: Issue licenses.
ACTION TAKEN: Licenses issued.

INFORMAL DISCUSSION AND ANNOUNCEMENTS

CITY ENGINEER

1. Councilmember Carlson advised of a problem with customer parking in the parking lot north of Eggie's Restaurant on Bass Lake Road.
ACTION NEEDED: Research the possibility of time regulation on parking in this parking lot.
ACTION TAKEN: Report being prepared.

ASSISTANT MANAGER

2. Councilmember Langsdorf inquired about insurance coverage for employees in the Military Reserve.
ACTION NEEDED: Prepare a memo advising Council of the status of insurance coverage for those employees in the Military Reserve.
ACTION TAKEN: In process - policy set on agenda for January 2, 1991.

CITY CLERK

3. Direction by Mayor to advise North Ridge that Thomas Aaker is no longer the Mayor.
ACTION NEEDED: Notify North Ridge of mayor change.
ACTION TAKEN: Called person responsible for mailing lists on 12-19-90 to make corrections.

PARK AND RECREATION ADVISORY COMMISSION

Agenda

January 2, 1991

Marketing Committee Meeting - 6:15 p.m.

1. Call regular meeting to order - 7:00 p.m.
2. Approval of minutes
3. Report from Chairperson
4. Review monthly report
5. Discuss rental rates for Community Center
6. Review details of Snow Fun Days
7. Designate committees for 1991
8. Discuss request from Lions Club regarding use of Community Center
9. Review results of Community Survey (enclosed)
10. Other business
 Review Winter Fest
11. Adjournment