

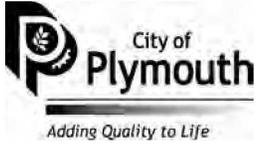
**CITY OF PLYMOUTH
AGENDA
SPECIAL COUNCIL MEETING
JANUARY 10, 2012, 5:30 p.m.
MEDICINE LAKE CONFERENCE ROOM**

1. CALL TO ORDER

2. TOPICS

- A. Receive update from City's prosecutor
- B. Set future Study Sessions

3. ADJOURN



Agenda
Number:

2A

To: Mayor and City Council

**SPECIAL
COUNCIL MEETING**

Prepared by: Laurie Ahrens, City Manager

January 10, 2012

Item: **Study Session – Prosecutor Update**

1. ACTION REQUESTED:

Receive information from City Attorney Roger Knutson and Prosecutor Elliott Knetsch and provide any desired direction.

2. BACKGROUND:

The Council set this study session to receive an update from the City's prosecutor. Attached is the annual legal report for the period November 2010 through October 2011.

3. BUDGET IMPACT:

The recently adopted budget includes \$291,440 for prosecution services in 2012. This remains unchanged from the 2009 actual prosecution costs.

CIVIL LEGAL SERVICES REPORT
(Nov. 01, 2010 to Oct. 31, 2011)

Much of our activity involves advising the City Council, City Manager, Directors and Staff on a wide variety of legal issues primarily by email and telephone calls. By keeping informed of particular issues we prevent problems from occurring.

ATTORNEY AND STAFF HOURS

Approximately 780 attorney hours, majority Roger Knutson, and 226 hours of staff time.

MEETINGS

- All City Council Meetings
- Selected Work Sessions
- Director Meetings Preceding a Council Meeting

TRAINING

- Legislative Updates
- Case Law Updates

DRAFTING ORDINANCES (including)

- Interim Ordinance
- Traffic Control Officer Ordinance
- Human Rights Commission Ordinance
- Presumptive Liquor Penalties Ordinance

- Accessory Dwelling Ordinance
- Use of City Identity
- Ordinance Concerning Misdemeanors
- Ordinances Concerning Park Regulations
- Liquor Ordinance

CONDEMNATION / LAND SALES / LAND ACQUISITIONS / LEASES (including)

- Easements
- Purchase of Gross Property
- Trillium Woods
- Purchase of GW Land Property
- Three Rivers Park District Land Exchange
- Hampton Hills Purchase
- Park & Ride Project
- Title Registration/Plymouth Plaza
- Sales of tax-forfeited parcels

CONTRACT PREPARATION AND REVIEW (including)

- City Project 8128
- City Project 9113
- City Project 11010
- City Project 11013
- City Project 10024

- Review Transit Contracts
- NewWorlds
- City Project 11015
- City Project 11012
- City Project 11031
- Video Package
- General Mills Hockey Agreement

ARBITRATION/LITIGATION

- AFSCME (suspension/City position sustained)
- AFSCME (dropped by Union/City position sustained)
- Highway 101 Assessment Appeals
- Preparation of Last Chance Agreements

LAND USE AND DEVELOPMENT REVIEW

- Easements and deeds
- Processing final plat documents for plat recording
- Processing City Plats: Dog Park Plat, Bremer 2nd Addition
- Recording documents

REPRESENTING HOUSING AND REDEVELOPMENT AUTHORITY

- First Time Home Buyer Loan Revisions to Mortgage and Note
- Processing foreclosures involving HRA loans

- Processing bankruptcies involving HRA loans
- Review of leases and revisions
- Mortgage broker licensing issues

2011 PROSECUTION REPORT
(November 01, 2010 to October 31, 2011)

INTRODUCTION

We have provided prosecution legal services to Plymouth since 1995. We are committed to providing effective services with excellent value. A brief summary of services provided in 2011 follows.

NUMBER OF CASES

- We appeared in court on 1,539 cases. The cases breakdown as follows:

Domestic Assault ¹	143
DWI	213
Criminal	365
Traffic	798
Parking	<u>20</u>
	1,539

- We successfully resolved 85% of the cases without setting them for trial. The vast majority of these are petty misdemeanor and misdemeanor traffic tickets.

Resolution of these cases without setting them for trial significantly decreases the City's overtime expenses for officer court time.

- Plymouth again had the largest number of cases of any city at Division 3.
- We drafted 529 formal complaints (44 per month on average). Of these, 317 were gross misdemeanors, primarily domestics and DWIs.

¹ Includes Assault, 911 Interference, OFP Violation, DANCO Violation

COURT APPEARANCES

- We appear at Division 3 - Ridgedale every Thursday and Friday for arraignments, pretrials, omnibus hearings, Morrissey hearings, Rasmussen hearings, probation violations, sentencings, plea hearings, and court trials.
- We appear at Division 1- Downtown for the jury trial calendar as needed.

STAFF HOURS

- Attorneys - 1,764 (147/month). Elliott Knetsch and Alina Schwartz accounted for 92% of these hours.
- Legal Assistants - 2,306 (192/month). Nanette Eilers accounted for 85% of the hours.

JURY TRIALS

- We had four jury trials. (Conviction for gross misdemeanor DWI; conviction for misdemeanor DWI; conviction for domestic assault; and acquittal for escape from custody – Hennepin County jail staff testified.)
- 116 cases were set for jury trial. The vast majority of those were DWI cases, which almost always resolve with pleas of guilty before the jury trial date.

COURT TRIALS

- 118 cases were set for court trial. Nearly all of these are traffic offenses.
- Guilty verdicts were obtained about 96% of the time. (4 acquittals)

RELATIONSHIP WITH POLICE DEPARTMENT

- We provide email updates on significant new developments in the law.
- We provide officer training presentations as requested, which are eligible for POST Board certification.

- We provide criminal law legislative updates.
- Elliott attends Police Department leadership meetings.
- Elliott meets with the domestic violence advocates from Home Free and the police department investigation sergeant.
- We Work with the Department to eliminate BCA suspense files.

CODE ENFORCEMENT

- Elliott meets with the director of community development, building official and housing inspector. We provide update on all cases, and a court status report. Prosecution is initiated for cases where voluntary compliance has not been achieved. Approximately 50 – 60 new cases arise each year; about 25% result in prosecution.
- We provide an alcohol/tobacco compliance check violation status report.

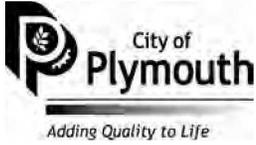
TECHNOLOGY

We have invested heavily in our specialized prosecution software, website, and technology, and continue to invest in maintaining our system as the best and most comprehensive of any city attorney office.

- We have direct access to LETG. This allows our staff to obtain all reports, photos, audio, and video needed for providing disclosure to defense attorneys and eliminates staff time for the police department. Prosecutors have wireless access to LETG in court.
- We have used MCAPS (specialized prosecution case management program) since January 2000. MCAPS has been selected as the statewide adaptor for eCharging (electronic signing and filing) of criminal complaints. We were the first private

prosecution firm in the State to be approved and given access to eCharging by the BCA. We have been using eCharging since 2009. eCharging is scheduled to roll out in Hennepin County in March 2012, and we will be the first city attorney office in Hennepin County integrated. eCharging significantly expedites filing of criminal complaints, and eliminates officer and administrative time spent signing, notarizing, and doing data entry for complaints. In 2011, Elliott gave an eCharging presentation to the Dakota County Criminal Justice Committee.

- We have created and enhanced our secured website that hosts our criminal data for our clients. We can also upload files to the website which can be accessed by defense attorneys to obtain discovery.
- We have direct online access to:
 - the State of Minnesota - Driver Vehicle Services;
 - the Minnesota Court Information System (MNCIS); and
 - the BCA laboratory.



Agenda
Number:

2B

To: Mayor and City Council

**SPECIAL
COUNCIL MEETING**

Prepared by: Laurie Ahrens, City Manager

January 10, 2012

Item: **Set Future Study Sessions**

1. ACTION REQUESTED:

Review the list of pending study session items and schedule dates as desired. Calendars are attached for your use.

Pending Study Session Topics

(at least 3 Council members have approved the following study items on the list)

- Discuss trails
- Redistricting

Other requests for study session topics:

- Update with City Manager (summer 2012)
- Update on Northwest Greenway acquisition (after 5/1/12)
- Funding infrastructure improvements in Northwest Plymouth

SUN	MON	TUES	WED	THUR	FRI	SAT
1  NEW YEAR'S DAY	2 NEW YEAR'S DAY Observed CITY OFFICES CLOSED	3 6:00 PM SPECIAL COUNCIL MEETING Discuss Proposals for Peony Lane/Lawndale Lane Project Medicine Lake Room	4 7:00 PM PLANNING COMMISSION MEETING Council Chambers	5	6	7
8	9	10 5:30 PM SPECIAL COUNCIL MEETING* Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	11 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Council Chambers	12 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Council Chambers	13	14
15	16  MARTIN LUTHER KING JR. BIRTHDAY Observed CITY OFFICES CLOSED	17 6:00 PM SPECIAL COUNCIL MEETING Discuss Council Goals and Legislative Priorities for 2012 Medicine Lake Room	18 7:00 PM PLANNING COMMISSION MEETING Council Chambers	19	20 5:00 PM SKATE WITH THE MAYOR Parkers Lake	21
22	23	24 5:30 PM SPECIAL COUNCIL MEETING Discuss Private Utilities for Silverthorn Medicine Lake Room 7:00 PM REGULAR COUNCIL MEETING Council Chambers	25 7:00 PM PLYMOUTH ADVISORY COMMITTEE ON TRANSIT (PACT) STUDY SESSION Medicine Lake Room	26 7:00 PM HRA MEETING Medicine Lake Room	27	28
29	30	31				

* Receive update from the City's prosecutor

Modified on 01/06/12

February 2012

SUN	MON	TUES	WED	THUR	FRI	SAT
			1 7:00 PM PLANNING COMMISSION MEETING Council Chambers	2 6:00 PM BOARD AND COMMISSION RECOGNITION EVENT Plymouth City Hall	3	4 2:00 PM FIRE & ICE FESTIVAL Parkers Lake
5	6	7 7:00 PM PRECINCT CAUCUSES	8 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Council Chambers	9 7:00 PM PARK & REC ADVISORY COMMISSION (PRAC) MEETING Council Chambers	10	11
12	13	14 7:00 PM REGULAR COUNCIL MEETING Council Chambers	15 7:00 PM PLANNING COMMISSION MEETING Council Chambers	16 7:00 PM HUMAN RIGHTS COMMITTEE MEETING Medicine Lake Room	17	18
19	20  PRESIDENTS DAY CITY OFFICES CLOSED	21 6:00 PM SPECIAL COUNCIL MEETING* Medicine Lake Room	22 7:00 PM PLYMOUTH ADVISORY COMMITTEE ON TRANSIT (PACT) MEETING Medicine Lake Room	23 7:00 PM POLICE DEPT. ANNUAL RECOGNITION EVENT Plymouth Creek Center 7:00 PM HRA MEETING Medicine Lake Room	24	25
26	27	28 7:00 PM REGULAR COUNCIL MEETING Council Chambers	29			

* Parkers Lake Cemetery
* Street Lighting Rates
* Noise Ordinance
* City Manager Update

Modified on 01/06/12

CHANGES ARE NOTED IN RED

March 2012

SUN	MON	TUES	WED	THUR	FRI	SAT
				1	2	3 9:00 AM– 12:00 PM CITY SAMPLER Plymouth City Hall
4	5	6	7 7:30 AM STATE OF THE CITY MEETING Council Chambers 7:00 PM PLANNING COMMISSION MEETING Council Chambers	8	9	10
11 <i>Daylight Savings Time Begins</i>	12	13 7:00 PM REGULAR COUNCIL MEETING Council Chambers	14 7:00 PM ENVIRONMENTAL QUALITY COMMITTEE (EQC) MEETING Council Chambers	15	16	17
18	19	20 6:00 PM SPECIAL COUNCIL MEETING Fire Study Medicine Lake Room	21 7:00 PM PLANNING COMMISSION MEETING Council Chambers	22 5:30–8:00 PM ENVIRONMENTAL QUALITY FAIR Kimberly Lane Elementary School 7:00 PM HRA MEETING Medicine Lake Room	23	24
25	26	27 7:00 PM REGULAR COUNCIL MEETING Council Chambers	28 7:00 PM PLYMOUTH ADVISORY COMMITTEE ON TRANSIT (PACT) STUDY SESSION Medicine Lake Room	29	30	31

Modified on 01/06/12

CHANGES ARE NOTED IN RED