



**Request for City Council Committee Action
From the City Attorney's Office**

Date: May 30, 2007
To: Ways & Means/Budget Committee
Referral to:

Subject: 2nd Amendment to Master Legal Services Agreement With Kaplan, Kirsch, and Rockwell, LLP

Recommendation: That the City Council authorize the proper City officials to amend the Master Agreement for Legal Services (Master Agreement) between the City of Minneapolis and Kaplan, Kirsch and Rockwell, LLP so that the compensation payable under said agreement not exceed \$900,000.00 for the term of the Master Agreement.

Previous Directives: The City Council authorized entering into a Master Agreement with Kaplan, Kirsch and Rockwell, LLP in December 2006. The City Council authorized entering into a First Amendment to the Master Agreement with Kaplan, Kirsh and Rockwell, LLP on April 27, 2007.

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Approved by: _____ *J. Heffern* "kit"
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

No financial impact (If checked, go directly to Background/Supporting Information).

Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.

Action provides increased revenue for appropriation increase.

Action requires use of contingency or reserves.

Business Plan: Action is within the plan. _____ Action requires a change to plan.

Other financial impact (Explain):

___Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

Neighborhood Notification

City Goal(s): Comprehensive Plan

Zoning Code

Other

Background/Supporting Information

The City Council has previously authorized the City Attorney's Office to initiate a lawsuit against the Metropolitan Airports Commission to enforce noise mitigation and abatement relating to the Minneapolis/St. Paul Airport. The City Council on December 22, 2006 authorized the City Attorney to enter into a Master Agreement in 2007 with Kaplan, Kirsch and Rockwell, LLP in an amount not to exceed \$300,000.00 for purposes of representing the City

in this lawsuit. The City Council on April 27, 2007, authorized the City Attorney to enter into a First Amendment to the Master Agreement for Legal Services with Kaplan, Kirsh and Rockwell, LLP in an amount not to exceed \$600,000 for the purposes of representing the City in this lawsuit. This complex litigation has caused the City to incur significant costs for expert witness fees and costs, compensation and other reimbursable expenses. Therefore, this office requests that it be permitted to amend the Master Agreement so that the total compensation and reimbursable expenses may be increased by an additional \$300,000.00 for a total amount of \$900,000.00 for the term of the Master Agreement.