



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

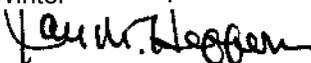
Date: November 21, 2006  
To: Ways & Means/Budget Committee  
Referral to:  
**Subject:** 3rd Amendment to Master Legal Services Agreement with Kaplan, Kirsch, and Rockwell, LLP

**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 \$1,050,000.00 for the term of the agreement.

**Previous Directives:** The City Council authorized entering into a Master Agreement with Kaplan, Kirsch and Rockwell, LLP in 2005. The City Council approved a first amendment to the Master Agreement in November 2005 and a Second Amendment to the Master Agreement on September 22, 2006.

Prepared by: Gary Winter | Phone: (612) 673-5132

Approved by:

  
Jay M. Heffern  
City Attorney

(P7)

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 further authorized the City Attorney to enter into a Master Agreement with Kaplan, Kirsch and Rockwell, LLP in an amount not to exceed \$300,000.00 for purposes of representing the City in these lawsuits. The Master Agreement was amended in 2006 for the purpose of increasing the amount payable for compensation and reimbursable expenses to \$900,000.00. This type of 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 \$150,000.00 for a total amount of \$1,050,000.00 for the remainder of the 2006 term of the Master Agreement.