

**FIFTH AMENDMENT TO
AGREEMENT FOR PROFESSIONAL SERVICES
BY AND BETWEEN
GREENE ESPEL, PLLP
AND
CITY OF DULUTH**

THIS FIFTH AMENDMENT, effective as of the date of attestation by the City Clerk (the “Effective Date”), by and between the City of Duluth, hereinafter referred to as “City”, and Greene Espel, PLLP, a Minnesota Limited Liability Partnership, located at 222 South Ninth Street, Suite 2200, Minneapolis, MN 55402, hereinafter referred to as “Service Provider,” for the purpose of increasing the expenditures allowed for providing legal services; and

WHEREAS, the City has an Agreement with the Service Provider identified as Agreement for Professional Services By and Between Greene Espel, PLLP, and City of Duluth, with an effective date of March 8, 2022, and identified as City Contract No. 24299 (the “Agreement”); and

WHEREAS, a First Amendment to the Agreement increasing the allowed expenditure by \$120,000 was approved by Resolution 22-0290 on April 11, 2022; and

WHEREAS, a Second Amendment to the Agreement extending the term of the agreement to December 31, 2024, was approved by Resolution 23-0209 on March 27, 2023; and

WHEREAS, a Third Amendment to this Agreement increasing the allowed expenditure by \$100,000 was approved by Resolution 23-0364 on May 5, 2023; and

WHEREAS, a Fourth Amendment to this Agreement increasing the allowed expenditure by \$200,000 was approved by Resolution 23-0739 on September 25, 2023; and

WHEREAS, the City and the Service Provider wish to amend Section II of the Agreement to authorize an additional \$250,000 in expenditures for legal services, for a total expenditure not to exceed \$710,000.

THEREFORE, the City and Service Provider agree as follows:

In this Fifth Amendment to Agreement, the deleted terms will be ~~struck out~~ and added terms will be underlined.

I. Fees

It is agreed between the parties that Service Provider’s hourly rate for the term of this Agreement shall be as follows:

- For John M. Baker, Attorney at Law and Senior Partner of Service Provider - \$563 per hour;
- For Kate M. Swenson, Attorney at Law and Partner of Service Provider - \$413 per hour;
- For Emily McAdam, Attorney at Law and Associate of Service Provider - \$248 per hour; and
- For Senior Paralegal Services - \$248 per hour;

plus reasonable expenses and total cost to the City will not exceed the sum of Seven Hundred and Ten Thousand Dollars (\$710,000) ~~Two Hundred and Sixty Thousand~~

~~Dollars (260,000)~~, payable from City Fund: 610-036-1654-5304. The Service Provider will not incur additional fees and expenses without prior written authorization from the City. All bills for services rendered shall be submitted monthly to the City Attorney. Such billings shall be accompanied by documentation as shall reasonably be requested by the City Attorney.

Except as amended herein, the terms and conditions of the Agreement remain in full force and effect.

CITY OF DULUTH

GREENE ESPEL P.L.L.P.

By: _____
Mayor

By: _____
John M. Baker

Attest:

Date: _____

By: _____
City Clerk
Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney