

**CITY OF WAUKESHA****Administration**

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<b>Committee:</b> None	<b>Committee Meeting Date:</b> Not applicable
<b>Agenda Item Number:</b> 17-1738	<b>Common Council Meeting Date:</b> 12/5/2017
<b>Submitted By:</b> Brian Running, City Attorney	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator <a href="#">Click here to enter text.</a>
<b>Finance Department Review:</b> Rich Abbott, Finance Director <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> Brian Running, City Attorney <a href="#">Click here to enter text.</a>
<b>Subject:</b> <b>Proposed</b> settlement of excessive-assessment lawsuit, Farm & Fleet v. City of Waukesha.	

**Details:**

This is another excessive property-tax assessment lawsuit, this time brought by Farm & Fleet. The settlement proposal would result in an assessment of \$5,550,000 for 2015 and \$5,650,000 for 2016, requiring a total refund to Farm & Fleet for both years of \$17,663. The agreement also provides that the assessments for 2017 and 2018 will not exceed \$5,750,000. If we agree to this, then the lawsuit will be dismissed. Once again, Jack Bruce of the Schober firm represents the city, and is being paid by our liability-insurance carrier to defend us.

**Options & Alternatives:**

If we do not execute this settlement agreement, then we will proceed to a trial and leave the decision to the court. Even though there is a chance that we could do better by going to trial, the advantages of a settlement are that we have control over the outcome, and we avoid the time, trouble and expense of going through the trial. There is also the chance that we would do worse at trial, and ending up paying a greater refund.

**Financial Remarks:**

The City would be responsible for paying roughly half of the refund amount, with the County, School District, and Technical College bearing the rest.

**Staff Recommendation:**

Outside counsel, City Assessor and City Attorney recommend approval of the settlement, and authorization to execute settlement agreement and stipulation for dismissal.