



CHAPTER 14

INTERGOVERNMENTAL COOPERATION ELEMENT

INTRODUCTION

The Intergovernmental Cooperation Element is one (1) of the nine (9) elements of a comprehensive plan required by Section 66.1001 of the *Wisconsin Statutes*. Section 66.1001 (2) (g) of the *Statutes* requires this element to compile goals, objectives, policies, programs, and maps for joint planning and decision making between the City of Kenosha and other jurisdictions for the siting and building of public facilities and for sharing public services. The *Statute* also requires this element to:

- Analyze the relationship of the City and surrounding local governments to each other and to school districts, drainage districts, adjacent County governments, the Region, the State, and to other governmental units (such as lake districts, sanitary districts, and library boards).
- Incorporate any plans or agreements to which the City of Kenosha is a party under Sections 66.0301, 66.0307, or 66.0309 of the *Statutes*.
- Identify existing or potential conflicts between governmental units and describe the processes to resolve such conflicts.

In addition, the following State comprehensive planning goals related to the Intergovernmental Cooperation Element are set forth in Section 16.965 of the *Statutes* and were addressed as part of the planning process:¹

- Encouragement of coordination and cooperation among nearby units of government.
- Providing adequate infrastructure and public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial, and industrial uses.
- Providing an integrated, efficient, and economical transportation system that affords mobility, convenience, and safety and that meets the needs of all citizens, including transit-dependent citizens and persons with disabilities.

Cooperation between neighboring and overlapping units of government is one (1) of the goals of the Wisconsin Comprehensive Planning Law and is an important aspect of the City of Kenosha Comprehensive Plan. This plan was undertaken as a subset of a cooperative, multi-jurisdictional process that sought to involve all cities, towns, and villages in the County as either full partners or as cooperating partners. The planning process was also fully coordinated with Kenosha County, SEWRPC, the Regional Planning Commission serving Kenosha County and its communities, and UW-Extension.

School districts, environmental and economic development interest groups, and representatives from State agencies were also involved in the planning process through membership on the Multi-Jurisdictional Comprehensive Planning Advisory Committee (MJAC) in the county, or were provided with plan materials and invited to submit comments and/or attend MJAC meetings. In addition, a brainstorming session focusing on existing shared services and agreements among County and local governments and opportunities for intergovernmental cooperation was held at the January 27, 2009 MJAC meeting.

¹ Chapter 1 lists all 14 of the comprehensive planning goals included in Section 16.965 of the *Wisconsin Statutes*.

Some of the benefits of Intergovernmental Cooperation include:

➤ ***Early Identification of Issues***

Cooperation enables jurisdictions to identify and resolve potential conflicts at an early stage, before affected interests have established rigid positions, before the political stakes have been raised, and before issues have become conflicts or crises.

➤ ***Reduced Litigation***

Communities that cooperate may be able to resolve issues before they become mired in litigation. Reducing the possibility of costly litigation can save a community money, as well as the disappointment and frustration of unwanted outcomes.

➤ ***Consistency***

Cooperation can lead to consistency of the goals, objectives, plans, policies, and actions of neighboring communities and other jurisdictions.

➤ ***Understanding***

As jurisdictions communicate and collaborate on issues of mutual interest, they become more aware of one another's needs and priorities. They can better anticipate problems and work to avoid them through communication and shared information.

➤ ***Trust***

Cooperation can lead to positive experiences and results that build trust and good working relationships between jurisdictions.

➤ ***History of Success***

When jurisdictions cooperate successfully in one area, the success creates positive feelings and an expectation that other intergovernmental issues can be resolved as well.

➤ ***Cost Savings***

Cooperation can save money by increasing efficiency and avoiding unnecessary duplication. Cooperation can enable services and facilities to be provided that would otherwise be too costly. Examples include shared library services, police and fire protection, emergency medical service, recycling, and shared government buildings. When evaluating shared services, the impact on service levels must be evaluated together with potential cost savings, to ensure that existing levels of service will not be adversely affected and that projected cost savings are likely to be achieved.

➤ ***Address Regional Issues***

By communicating and coordinating their actions, and working with regional and State agencies, County and local governments are able to address and resolve issues which are regional in nature. Examples include the construction and maintenance of highways, provision of transit service, and planning and construction of facilities for stormwater management, water supply, and sewage treatment and disposal.

Premise for Considering Intergovernmental Cooperation

The City of Kenosha should support further evaluation of consolidating and coordinating services only where the consolidation makes economic sense while not reducing the level or quality of services currently provided to residents.

Language that identifies consolidation as a goal should only be considered if desired and requested and if the consolidated service is cost effective, that the level and quality of services is not reduced, and the consolidated services do not negatively impact the community's image or character.

Chapter Format

Part 1 of this Chapter includes an analysis of intergovernmental relationships between the City of Kenosha, County, State and Regional government agencies, local governments, adjacent county and other local governments, and special-purpose units of government. Part 2, page 10, describes intergovernmental agreements involving the City of Kenosha and other local governments and identifies existing and potential shared services and agreements, including existing and ongoing cooperative boundary agreements. Part 3, page 14, identifies existing or potential land use conflicts between the City of Kenosha and other governmental units, as required by the Statutes, and describes processes to resolve such conflicts. Part 4, page 15, sets forth goals, objectives, policies, and programs intended to guide intergovernmental cooperation efforts through the comprehensive plan design year of 2035.

PART 1: ANALYSIS OF INTERGOVERNMENTAL RELATIONSHIPS

Kenosha County

All departments and services provided by Kenosha County are available to all residents of the County. The Utilities and Community Facilities Element (Chapter 12) provides a summary of the services and facilities provided by the County. The Transportation Element (Chapter 11) provides information on highway, transit, and other transportation facilities and services provided by Kenosha County. This section briefly highlights a few of the County departments that have entered into service agreements with or provide services to the City of Kenosha.

Planning and Development Department

The Planning and Development Department is comprised of the Planning Operations Division, Long-Range Countywide Planning Division, Land Information Division, UW-Extension, Housing Authority, and Surveying. The Planning and Development Department provides a number of services, including coordination of the multi-jurisdictional comprehensive planning process, GIS mapping services, maintenance of GIS mapping data on the County website and the Kenosha Area Land Management (KALM) system. The department also interprets legal descriptions on recorded documents and makes the necessary changes to the real estate assessment roll for assessment and taxation purposes, which is used to generate assessment notices and tax bills.

Human Services Department

The Human Services Department is comprised of Aging and Disability Services, the Brookside Care Center, Children and Family Services, Division of Health, Veteran Services, and Workforce Development. The Human Services Department provides services and enforces public health regulations, including surveillance, investigation, control, and prevention of communicable diseases; other disease prevention; health promotion; human health hazard control; monitoring beach water quality; community safety and well-being; assistance and support to veterans and their families; employment services for low-income families, custodial and non-custodial parents, and the general public; and medical services, emergency shelter, and food for indigent and homeless persons. The Department administers nursing home services via the Brookside Care Center. The Department also prepared the *Healthy People Kenosha County Annual Report*. The Division of Aging and Disability Services, through the Kenosha County Aging and Disability Resource Center, provides information, programs, and services pertaining to transportation, healthcare services, housing for the elderly, meal programs, benefit services, financial assistance, recreation and education programs, and other services for the elderly and disabled.

Public Works Department

The Kenosha County Public Works Department is comprised of the Division of Highways, Division of Facilities, Division of Parks and Recreation, and Division of Golf. The Department constructs and maintains the County Trunk Highway system and helps maintain and plow highways under State jurisdiction, which includes State Trunk Highways, I-94, and U. S. Numbered Highways (such as U. S. Highway 45). The Department also works with SEWRPC to plan and program construction and improvement projects on the County highway system, and

oversees engineering and construction of improvement projects. The Department cooperates with SEWRPC, WisDOT, the Federal Highway Administration, and local governments in the County to prepare, implement, and periodically update the County jurisdictional highway plan. The Department also maintains County-owned facilities and buildings, maintains and oversees the development of facilities at County-owned parks, including two golf courses, and coordinates recreational programs.

Sheriff's Department

The Department is the lead agency of the Hazardous Device Squad (Bomb Squad), which is comprised of members from the Sheriff's Department and City of Kenosha Police and Fire Departments.

Intergovernmental Agreements

There are a number of boundary agreements between the City of Kenosha and other units of government agencies. Agreements are listed in Part 2, page 10.

School Districts

There are two (2) public high school districts (Kenosha Unified School District No. 1 and Westosha Central High School District). In addition to the high school districts, there are three (3) school districts operating elementary schools in the City of Kenosha and City growth areas. The Kenosha Unified School District operates elementary, middle, and high schools. Map 5-11 in Chapter 5 shows the location of public and private schools and the boundaries of public high school districts in the City of Kenosha in 2006. Chapter 12 describes facilities planning by school districts to determine and provide for future needs.

Each school district in Kenosha County includes all or portions of a number of local governments. Because none of the school districts serves only one local government, each school district must work with a number of local governments when proposing to construct new facilities or additions to existing facilities, or when proposing to abandon a school district facility. Schools and other district facilities are subject to County and local zoning regulations, and rely on local services such as sewer and water (where available), police and fire protection, and streets and highways.

The Kenosha Unified School District encompasses all lands east of I-94. The school district regularly meets with staff members from the City of Kenosha, Village of Pleasant Prairie, and Town of Somers to cooperatively share information on residential growth and the impact growth will have on schools within the district. Representatives from the city, village, and town serve on the Kenosha Unified School District Long-Range Facilities Planning Committee, when a long-range plan is prepared, and cooperatively identify the best locations for new elementary, middle, and high school facilities within the district based on potential residential growth in each community. The Kenosha County Sheriff's Department provides a Deputy Friendly and DARE Officer to schools within the Kenosha Unified School District, including parochial schools. Based on an agreement between the City of Kenosha and the school district, the City provides transportation services for all students in Grades 6 through 12 who qualify for busing and live within the city transit bus lines, and the city and school district jointly purchase fuel. The school district also has long term leases with the City of Kenosha for the use of recreational facilities at City-owned parks and buildings, such as Ameche Field at Anderson Park, Simmons Field, and KTEC Charter School (formerly Lincoln Elementary School). Furthermore, the school district and Kenosha County are jointly installing the Kenosha Fiber Infrastructure High-Speed Optical Wide Area Network.

Recreational sites and facilities present an opportunity for the shared use of facilities between County and local governments and school districts. School districts may rely on the use of County or local parks for athletic events (such as the use of County parks for cross-country track); and play apparatus, playfields, indoor swimming pools, and auditoriums at schools may be available for local residents to use when school is not in session. It may also be advantageous to locate schools and parks next to each other, to maximize opportunities for shared use of recreational areas and facilities.

Libraries

All public libraries in Kenosha County are part of the Kenosha County Library System. The County Library System provides interlibrary loan, delivery, and consulting services to member libraries in Kenosha County. The Library System also contracts with the Lakeshores Library System to provide access for Kenosha County residents at libraries in Racine and Walworth counties, in addition to providing access for Lakeshores Library System users to Kenosha County libraries. Kenosha County is required to reimburse libraries outside the County for services provided to Kenosha County residents. Similarly, libraries in Kenosha County receive funding from adjacent Counties whose residents use Kenosha County libraries.

Drainage Districts

Drainage districts are special-purpose units of government authorized under Chapter 88 of the *Wisconsin Statutes*. Drainage districts are formed to plan and carry out areawide drainage improvements to correct problems of high water tables and poor drainage that interfere with agricultural uses and practices. A drainage district may lie in more than one (1) local government and may also cross county lines. Drainage districts are governed by a three (3) member board, usually a County drainage board, appointed by the County Circuit Court. The board has the authority to purchase land for the construction and maintenance of drainage systems, which may include ditches, canals, levees, reservoirs, silt basins, and pumps. Properties that benefit from the improvements fund the improvements. A drainage board is also authorized to assess a single landowner for the costs of correction when a landowner adversely impacts downstream water quality. Landowners must receive drainage board approval before taking any drainage-related action, because any unauthorized action could potentially affect a drainage system.

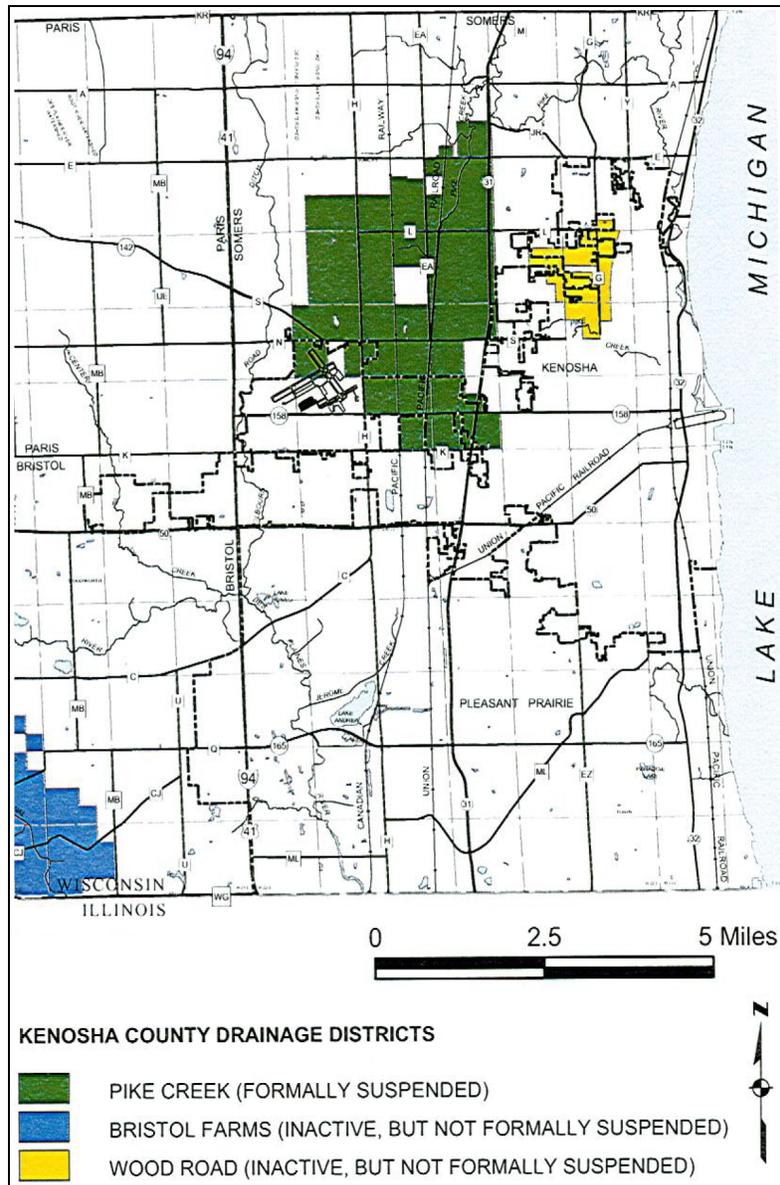
Approximately one-third of Wisconsin farms depend on constructed drains to remove excess water from their land, primarily through small-scale drains. Most drains are operated by a single landowner or by voluntary cooperation among adjacent landowners. There are approximately 228 known drainage districts in the State. Drainage districts are required to include a 20-foot corridor on each side of the ditch to be used as a maintenance corridor. No row cropping is permitted and vegetation is required. These requirements can be coordinated with soil and water conservation plans required under the Farmland Preservation Program.

The City of Kenosha contains one (1) drainage district; the 721-acre Wood Road District in the City of Kenosha and Town of Somers, which is shown on Map 14-1, page 6. According to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), which has had responsibility for overseeing drainage districts since 1989, the Wood Road district is officially active, but in reality has been dormant for many years. No drainage board exists in Kenosha County.

Wisconsin Act 121, enacted on March 20, 2008, amends Section 66.1001 (2) (g) of the *Statutes* to require that the Intergovernmental Cooperation Element of a comprehensive plan analyze the relationship of County and local governments to drainage districts located in the County or local government. The act also requires the County or local government to notify the drainage district before taking action that would allow the development of a residential, commercial, or industrial property that would likely increase the amount of water that the main drain of the drainage district would have to accommodate. Drainage districts are required under Act 121 to file with DATCP; the town board or town zoning committee; the village board, city council, plan commission, or plan committee; and the county zoning administrator in which the district is located, a separate report for the preceding year stating the practices and policies of the district.

Drainage districts must also, beginning in 2009, and every three (3) years thereafter, provide written notice to every person who owns land in the district that such land is in the district, along with contact information for every member of the drainage board. Drainage districts are also required to annually provide contact information for every member of the drainage board to the State drainage engineer and to the clerk of every city, village, town, and county in which the drainage district is located, and to provide the clerk of each taxation district in which the drainage district is located a list of every assessment issued by the district from November 1 of the previous year to October 31 of the current year, specifying the assessment amount for every parcel in the district.

MAP 14-1
KENOSHA COUNTY DRAINAGE DISTRICTS



Source: Kenosha County, Racine County and SEWRPC.

Adjoining County and Local Governments

The City of Kenosha is bordered by the Village of Pleasant Prairie to the south, the Towns of Paris and Bristol to the west and the Town of Somers to the North. Kenosha County is bordered by Racine County to the north, Racine County and Walworth County to the west, the State of Illinois to the south, and Lake Michigan to the east. Kenosha County is part of the Chicago metropolitan area, but is also within close proximity to the Milwaukee metropolitan area. Cooperative efforts between the City of Kenosha and other Wisconsin counties, local governments near the City of Kenosha, and Illinois counties are listed below. Agreements among local governments, including those with communities outside the County, are listed in Part 2, page 10.

- **Transit Marketing:** The Southeastern Wisconsin Transit Partnership includes Kenosha, Racine, Washington, Ozaukee, Waukesha, and Milwaukee Counties. The purpose is to share resources so that

each transit system can maximize the impact of marketing and advertising funds which promote public transit in Southeastern Wisconsin. The pooling of resources from these counties allows for purchasing TV and radio advertising and promotional activities that would be cost prohibitive for each system alone.

- ***Southeastern Wisconsin Regional Transit Authority:*** The Southeastern Wisconsin Regional Transit Authority (RTA) is an appointed body created by the Wisconsin State Legislature and Governor in July 2005 to serve Kenosha, Milwaukee, and Racine counties. The RTA is responsible for identifying a permanent, dedicated funding source for the local share of capital and operating costs for commuter rail and/or public transit in the three-county region. Its members represent the mayors and county executives of the cities and counties of Kenosha, Racine, and Milwaukee, as well as Governor Doyle.
- ***Family Care Consortium:*** The Family Care Consortium involves 29 counties throughout the State, and includes Kenosha, Racine, Ozaukee, Washington, Waukesha, and Walworth Counties in southeastern Wisconsin. Family Care serves people with physical disabilities, developmental disabilities, and frail elders, and is designed to provide cost-effective, comprehensive, and flexible long-term care, while fostering consumers' independence and quality of life and recognizing the need for interdependence and support. The consortium was able to fund a position to assist the counties in developing shared data bases and procedures to meet reporting requirements.
- ***Tri-County Public Health Consortium:*** The health consortium includes health departments from Kenosha, Racine, and Walworth Counties. The consortium is responsible for developing comprehensive public health emergency preparedness plans and coordinating mutual assistance among Kenosha, Racine, and Walworth Counties. The consortium is associated with health care, fire, law enforcement, and emergency medical services, among others, to develop public health response plans that interact effectively and share resources to protect and serve County residents when preparing for and responding to emergency situations, such as bio-terrorism, infectious disease outbreaks, public health threats, and public health emergencies.
- ***Wisconsin/Illinois Border County Mutual Aid Agreement for Emergency Response and Recovery:*** The agreement facilitates mutual assistance between Kenosha and Walworth Counties in Wisconsin, and Lake, McHenry, and Boone Counties in Illinois in the event of bio-terrorism, other infectious disease outbreaks, and other public health threats and emergencies affecting these counties. Mutual assistance rendered may be in the form of personnel, equipment, materials, and supplies including, but not limited to, laboratory, nursing, and environmental health.
- ***Kenosha County Fire Rescue Safety Association:*** The Kenosha County Fire Rescue Safety Association is made up of all of the Fire/EMS Agencies in Kenosha County. The Fire Rescue Safety Association has an agreement with Kenosha County Emergency Management to provide HazMat Team services within the County, and maintains a Kenosha County Dive Team and a Specialized Response Team for confined space, structural collapse, trench, and high-angle rescues. All assets under the Fire Rescue Safety Association are part of the Mutual Aid Box Alarm System (MABAS) and will respond, on request, to emergencies anywhere in southeastern Wisconsin or northeastern Illinois.
- ***Emergency Management Mutual Aid Agreement:*** The agreement facilitates mutual assistance among Kenosha, Racine, Walworth, Milwaukee, Waukesha, Ozaukee, Washington, and Jefferson Counties in the event of fire and medical-related emergency services or specialized emergency operations, such as containing and disposing of hazardous materials, underwater rescue and recovery, and trench and building collapse rescues. As part of the eight-party agreement, any County Emergency Management Director can travel to another County and manage or provide assistance to an emergency, if requested.
- ***Southern Lake Michigan Regional Water Supply Consortium:*** The Consortium was founded by the Wingspread Accord. In 2002, an agreement was signed between the regional planning commissions in

southeastern Wisconsin, northeastern Illinois, and northwestern Indiana to cooperate closely in matters of regional interdependence, and also includes members of Federal, State, and local governments, including Kenosha County, private firms, non-profit advocacy groups, and universities. The agreement is designed to promote a comprehensive, regional approach to sustainable water supply planning and management in the greater Chicago metropolitan region, including southeastern Wisconsin and northwestern Indiana, and also recognizes that comprehensive planning and management must include all water resources, from Lake Michigan to inland surface waters to groundwater.

- **Upper Des Plaines River Phase 2 Feasibility Study:** The Study is a multi-purpose feasibility study that evaluates flood risk management and environmental restoration of degraded ecosystems and determines the feasibility of improvements related to water quality, recreation, and other related purposes within the Des Plaines River basin. The Study also evaluates flooding impacts on the transportation system and studies methods for mitigation. The Phase 2 study is a continuation of the Phase 1 study completed in 1999. The Kenosha County Division of Highway along with the Lake County Stormwater Management Commission, Cook County Highway Department, Illinois Department of Natural Resources, and the Army Corps of Engineers comprise the executive steering committee which oversees the study.
- **Northeastern Illinois County Cooperative GIS Program:** The six (6) counties of northeastern Illinois (Cook, DuPage, Kane, Lake, McHenry, and Will) are engaged in a long-term cooperative program in GIS, and are consulting with neighboring counties in Illinois, Wisconsin, and Indiana. The GIS agencies of northeastern Illinois are working together to develop common standards for the data they share with each other and with other government agencies, with an emphasis on meeting the needs of public safety. Kenosha County participates in the review and finalization of standards under development.
- **Kenosha/Racine Lead-Free Communities Partnership:** The program is a partnership between the City of Racine Health Department and the Kenosha County Division of Health and provides lead-based paint risk assessments and abatement while providing services for children residing in housing units in need of lead abatement.

Regional Organizations

SEWRPC

The City of Kenosha is served by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). Kenosha County contracted with SEWRPC to assist the County and nine (9) participating local governments to help prepare the County and local comprehensive plans including the City of Kenosha's. SEWRPC also prepares a Regional Land Use Plan, which includes population, employment, and household projections to assist in local and county planning efforts, and is the federally-designated Transportation Planning and Programming Agency for the seven-county region.² SEWRPC is also the Regional Water Quality Management Agency for the region, and is involved in many other aspects of land use planning and development. In addition to this comprehensive plan, major SEWRPC planning projects affecting the County include the County Jurisdictional Highway System Plan, the Regional Water Supply Plan, and the Regional Telecommunications Plan. SEWRPC works closely with the County and local governments in the Region, as appropriate, when developing its plans.

Milwaukee 7

The Milwaukee 7 is a council of representatives from the seven Southeastern Wisconsin counties (same seven counties within the SEWRPC area). The council, made up of about 35 civic and business leaders, was formed with the idea that a regional approach is important to fostering economic growth. Additional information about the Milwaukee 7 is provided in Chapter 13.

² The seven Counties in the SEWRPC region are Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

Nonprofit Conservation Organizations

Several nonprofit conservation organizations (NCOs) are active in the County. NCOs work to preserve lands with important natural resources, and educate citizens on the benefits of protecting natural resources. Kenosha County cooperates with the Kenosha/Racine Land Trust, the Conservation Club of Kenosha, and the Des Plaines Wetlands Conservancy, Inc., among others, to prepare and implement plans for acquiring or otherwise preserving lands with important natural resources. A representative of the land trust served on the multi-jurisdictional advisory committee.

State of Wisconsin***Wisconsin Department of Transportation (WisDOT)***

In partnership with local governments, the County, and SEWRPC, WisDOT administers a variety of State and Federal programs to complete projects that enhance the transportation network within the City of Kenosha. Grant programs include the Surface Transportation Program, Congestion Mitigation and Air Quality, Local Transportation Enhancements, and a number of other programs that collectively provide funding for multi-modal, streets and highways, transit, harbors, airports, bicycle and pedestrian improvements, and funding for railroad improvements (see Chapter 11 and Appendix 11-1 for more information).

WisDOT also administers the General Transportation Aids program, which returns a portion of the money collected through fuel taxes and vehicle registration fees to help offset County and local road construction and maintenance costs. WisDOT maintains the Wisconsin Information System for Local Roads (WISLR), which is an extensive map-based database, accessible to local officials and staff, of road conditions such as right-of-way and pavement width, shoulder width, number of driving and parking lanes, pavement condition, and other information.

Wisconsin Department of Natural Resources (DNR)

The Wisconsin Department of Natural Resources is dedicated to the preservation, protection, effective management, and maintenance of Wisconsin's natural resources. It is responsible for implementing the laws of the State and, in some cases, the laws of the Federal government that protect and enhance the natural resources of the State, including wetlands, shorelands, floodplains, woodlands, and water quality. The DNR is charged with coordinating the many disciplines and programs necessary to provide a clean environment and a full range of outdoor recreational opportunities.

The DNR makes grants available to the City of Kenosha for park acquisition and development.³ The City of Kenosha has historically applied for grant funds through the DNR to improve recreational opportunities, to purchase land for parks and preservation of important natural resources, and to develop parks.

The DNR is also working with the Federal Emergency Management Agency and Kenosha County to update floodplain mapping within the County. The floodplain update is expected to be completed in 2010.

The DNR also identifies and monitors environmentally contaminated sites and administers grant programs to clean up such sites, which are commonly referred to as "brownfields." Contaminated sites and brownfield remediation grant programs are identified in Chapter 13.

Department of Commerce

The Wisconsin Department of Commerce administers regulations for POWTS in the State of Wisconsin. The Kenosha Water Utility works closely with the Department of Commerce to implement those regulations. The Kenosha Water Utility enforces POWTS regulations in all local governments in the County, as described in Chapter 5.

³ A County or local government must prepare and adopt a park plan to be eligible to receive recreational grant funds from the DNR.

Department of Health and Family Services (DHFS), Division of Public Health (DPH)

In collaboration with DHFS/DPH, local health departments, community organizations, medical clinics operated by local governments, and Federal tribes make up the public health system in Wisconsin. Wisconsin's Public Health Statutes include but are not limited to Chapters 250 through 255 and regulations promulgated from them. The State supports local public health service capacity building through grants, consultation, and technical assistance. Local boards of health assure that measures are taken to provide an environment in which individuals can be healthy.

PART 2: EXAMPLES OF EXISTING SERVICE AND OTHER AGREEMENTS IN THE CITY OF KENOSHA

The *Wisconsin Statutes* require that this element incorporate any plans or agreements to which the County and participating local governments are a party under the following statutory sections:

Section 66.0301 – Intergovernmental Cooperation: This section of the *Statutes* authorizes cooperation between local, county, and State government agencies and/or special purpose units of government for the receipt or furnishing of services or for the joint exercise of powers or duties required or authorized by law. The agreement is a contract between the cooperating entities and specifies the responsibilities of each, and the time period for which the contract is in effect. This section may also be used for boundary agreements between communities. The parties either commit to maintain existing boundaries or to allow the city or village to grow to the boundary specified in the agreement.

Existing intergovernmental agreements among the City of Kenosha, County and other local governments in Kenosha County and service agreements between governmental agencies and private organizations are described in the following section.

- Intergovernmental agreements are in place among Kenosha County, SEWRPC, and each participating local government for development of the County Comprehensive Plan.
- Intergovernmental agreement between Kenosha County, City of Kenosha, Villages of Pleasant Prairie and Silver Lake, and Towns of Bristol, Salem, and Somers in Kenosha County; City of Racine and Villages of Caledonia, Mt. Pleasant, Sturtevant, and Wind Point in Racine County; Cities of Franklin and Oak Creek and Villages of Greendale and Hales Corners in Milwaukee County; and City of New Berlin in Waukesha County as contracted with the Root Pike Watershed Initiative Network to implement a public participation project, *Keep Our Waters Clean Plan*, to fulfill the information and education requirements of the State of Wisconsin-issued stormwater discharge permits for each unit of government list above, and also provide public outreach and education related to water pollution caused by stormwater discharge.
- Intergovernmental agreement between the Village of Pleasant Prairie and the Town of Somers for road maintenance, sanitary sewerage maintenance, and snow plowing for portions of roadway north of 67th Avenue east of STH 31 until land is annexed into the City of Kenosha.
- Intergovernmental Agreement between Fire Departments in Kenosha County to receive and provide mutual aid to one another in conjunction with the Mutual Aid Box Alarm System (MABAS).

Section 66.0307 – Boundary Change Pursuant to Approved Cooperative Plan: A cooperative plan may change boundaries between local governments. The cooperative plan must be approved by the Wisconsin Department of Administration. The plan may establish ultimate city or village boundaries, zoning for the areas included in the agreement, and provide for revenue sharing. The major difference between a boundary agreement established under Section 66.0301 and one established under Section 66.0307 is that the latter supersedes the annexation Statute for attachment and/or detachment of property from one (1) local government to another, provided the attachment or detachment is called for by the agreement.

There are two (2) boundary agreements developed under Section 66.0307 in effect in Kenosha, between the City of Kenosha and Town of Bristol and the City of Kenosha and Town of Somers. Chapter 6 provides a description of boundary agreements approved by the City of Kenosha.

Section 66.0225 – Stipulated Boundary Agreements: Boundary agreements may also be established by a judicial order as part of a settlement of annexation litigation between a town and adjacent city or village. Boundaries are determined by mutual agreement of the parties. The procedures for this type of agreement are set forth in Section 66.0225 of the *Statutes*, “Stipulated Boundary Agreements in Contested Boundary Actions.” .

Section 66.0309 – Creation, Organization, Powers, and Duties of Regional Planning Commissions: This section of the *Statutes* authorizes the Governor to establish regional planning commissions in response to petitions from County and local governments. A Regional Planning Commission is charged by the *Statutes* to prepare and adopt a master plan for development of the region. Kenosha County is part of the SEWRPC region, which serves the seven (7) counties and 146 cities, towns, and villages in the southeastern corner of Wisconsin. SEWRPC was established by then-Governor Gaylord Nelson in 1960 and is governed by a 21-member Commission. Chapter 6 includes a summary of recent plans conducted by SEWRPC that affect Kenosha County. SEWRPC also assisted the County in the preparation of this comprehensive plan.

Examples of Existing and Potential Shared Services in Kenosha County

There are many existing service agreements within Kenosha County between the County and local units of government, and between local governments. Agreements can take the form of intergovernmental agreements under the Statutes, memoranda of understanding between or among units of government, resolutions approved by governing bodies, or more informal written or verbal agreements. Several of the agreements are listed below.

Several potential shared services and agreements were identified during a brainstorming session by the MJAC at a January 2009 meeting. Examples of potential shared services and agreements are also listed below. The potential shared services and equipment listed below are examples. Each potential shared service or equipment shall be examined by the City of Kenosha and other government units to ensure that there is an added benefit for the shared service, not only financially, but that the level and quality of existing service is not negatively affected.

Existing Shared Services and Equipment

Police/Dispatching/Fire/Emergency Medical Services (EMS)

- All fire departments in the County receive and provide mutual aid to one another in conjunction with the mutual aid box alarm system (MABAS). Fire departments in Kenosha County will also provide mutual aid to areas of southeastern Wisconsin and northeastern Illinois, when requested.
- Agreement between the Kenosha City/County Joint Services-Communication Center and the Pleasant Prairie, Twin Lakes, and UW-Parkside Police Departments to cooperatively operate dispatch services for fire, police, and rescue and take emergency calls 24 hours a day.
- The Kenosha County Emergency Management Director serves as the Emergency Management Director for the City of Kenosha and the Towns of Brighton, Bristol, and Wheatland, when an emergency circumstance occurs.
- The Village of Pleasant Prairie and the City of Kenosha Police Department have an agreement related to the City of Kenosha’s enforcement responsibility on STH 50 for and including the intersection of STH 31 west to 70th Avenue.

Public Works

- Agreement between the Kenosha County Division of Highways and all local governments within the County for County administration of the Local Road Improvement Program. The Program provides State funding to all local governments within Kenosha County for street and highway improvement projects.

- Kenosha County provides asphalt paving services for county and WisDOT streets and highways. The Department of Public Works also provides asphalt paving services in other Counties. The County is reimbursed for time and materials plus administrative fee.
- Agreement between the City of Kenosha, Village of Pleasant Prairie, and Town of Somers for snowplowing streets on community boundaries.
- The City of Kenosha and Kenosha Unified School District have an agreement for the City of Kenosha to provide transportation services for all school children within the district, and also share costs for the purchase of salt and fuel.
- The County is responsible for perpetuating all public land survey system corners. By having local governments contact the County 30 days prior to any possible disturbance, thousands of dollars are potentially saved by both the County and the local government. Kenosha County's Engineer/Surveyor works with adjoining county surveyors to ensure that the monuments on the county lines are perpetuated.
- Agreement between the Village of Pleasant Prairie and the Town of Somers for street maintenance, sewer maintenance, and snow plowing portions of roadway north of 67th Street east of STH 31 until the area is annexed into the City of Kenosha.

Potential Shared Services and Equipment

- Discuss ideas for joint public education programs about fire, police, and emergency medical services.
- Where appropriate, consider consolidating countywide police/sheriff patrols, provided that the City of Kenosha and local government requests such consolidation of services and such consolidation does not reduce the amount or quality of services currently being provided and is financially beneficial to the units of government that choose to participate.
- Coordinate fire response services and service areas, provided that the City of Kenosha and local government requests such service and such service does not reduce the level of service and is financially beneficial to the units of government that choose to participate.
- Provide joint recycling, garbage collection, and disposal services among the City of Kenosha and other local governments, provided that the City of Kenosha and local government requests such service and such service does not reduce the level of service and is financially beneficial to the units of government that choose to participate.
- Provide a joint recycling and garbage collection disposal site(s) for the City of Kenosha and other local governments to use, provided that the cost savings are beneficial to the units of government that choose to participate and the level of service is not reduced.
- Additional cooperation for highway maintenance among the County and City of Kenosha, provided that the cost savings are beneficial to the units of government that choose to participate and the level of service is not reduced.
- Statewide purchasing of salt, fuel, and other materials and equipment that is mutually beneficial for the City of Kenosha and other units of government that choose to participate.

Existing Shared Utilities and Community Facilities

- Agreement between the City of Kenosha and Village of Pleasant Prairie and Towns of Bristol and Somers for the City to provide sewage treatment and water services to portions of the village and towns through local government and utility districts.
- Kenosha and Racine public libraries share library services.
- Agreement between Kenosha County and United Hospital Systems that allows the County to lease autopsy facilities at the Kenosha Medical Center Campus for use by the County Medical Examiner.
- Agreement between the City of Kenosha and the Kenosha Unified School District that allows the school district to use facilities at City-owned parks and buildings, including Ameche Field at Anderson Park, Simmons Field, and KTEC Charter School.

Potential Shared Utilities and Community Facilities

- Cooperative planning and development of an interconnected system of County and local trails.
- Consider consolidating school districts west of I-94.
- Share use of school auditoriums between schools, school districts, local governments, and private groups.
- Local government and school district efforts to plan and develop joint school and park sites.
- Construction of stormwater management (detention and retention basins) to serve multiple communities within a watershed, provided that the local governments request such consolidation and the facility is cost effective.
- Consider the creation of regional water and wastewater utilities to provide and operate regional water and wastewater facilities for local governments in the Lake Michigan Basin.⁴

Existing Shared Technology Services

- Kenosha County has been partnering with local governments (with funding contributions from the communities) to complete digital terrain modeling and update topographic mapping within the County.
- The importance of digital orthophotography in a variety of County applications continues to increase. SEWRPC coordinates Federal, State, regional and county government partners to acquire this valuable imagery. Each partner is able to get the imagery they need at a fraction of the cost they would have paid doing the project alone.
- Kenosha County, the City of Kenosha, and participating local governments have an agreement for the County to provide technical services for the Statewide Voter Registration System (SVRS).
- Kenosha County provides the forms for the tax bills for the City of Kenosha.
- The Village of Pleasant Prairie Police, the City of Kenosha Police Department, and Kenosha County share a T-1 line for access to the Wisconsin Department of Transportation and National Law Enforcement Network known as Badgernet.

Potential Shared Technology Services

- Development of coordinated telecommunications infrastructure for public safety and private wireless communication networks, provided the City of Kenosha and another unit of government requests such shared services and further provided that such shared service is financially beneficial and does not reduce the amount or quality of services, as determined by the unit of government concerned.

Existing Cooperative Planning and Ordinance Administration

- Kenosha County, in partnership with nine (9) local governments, SEWRPC, and UW-Extension, formally agreed to work together in a single planning effort to develop a multi-jurisdictional comprehensive plan. This joint planning process provided an opportunity for neighboring local governments to work through issues to provide for the economic vitality and quality of life in Kenosha County.
- Boundary agreements between the City of Kenosha and two (2) other communities (see Table 6-3 in Chapter 6).
- Cooperative planning effort among the City of Kenosha, Village of Pleasant Prairie, Town of Somers, and the Kenosha Unified School District to identify growth areas, plan for additional development at existing school sites, identify locations of potential new school sites, and discuss other school-related issues within the school district.
- The development of an Access Management Plan for STH 31 between the City of Kenosha, Town of Somers, and WisDOT.

⁴ The City of Kenosha, Village of Pleasant Prairie, and portions of the Towns of Bristol and Somers currently receive public water and sanitary sewage treatment and disposal services from the Kenosha Water Utility through a number of intergovernmental agreements. Chapter 200 of the Wisconsin Statutes establishes the parameters for the provision and operation of sewage collection and treatment facilities through a metropolitan sewerage district. Public water could be provided through a water district organized under Section 198.22 of the Statutes or through a water authority created under Section 66.0823 of the Statutes. The Statutes set forth the procedures for establishing such districts and authorities.

- Cooperative planning effort between Kenosha County, City of Kenosha, Village of Pleasant Prairie, Town of Somers, and the Kenosha Unified School District to develop a Safe Schools Plan as required by U.S. Department of Homeland Security guidelines.
- An advisory committee was formed in 2008 to develop a Kenosha County Transit Development Plan to evaluate and make recommendations for transit service and capital improvements for both the City of Kenosha and Kenosha County transit systems. The committee includes representatives from State, County, and local governments, school districts, private organizations, and citizens.
- An update of floodplain mapping throughout the County through the Federal Emergency Management Agency's (FEMA) Map Modernization program.

Potential Cooperative Planning and Ordinance Administration

- Countywide stormwater management regulations and enforcement, and development of joint facilities.
- Additional boundary agreements, including existing on-going efforts.
- Cooperate with Chicago metropolitan communities relative to land use and transportation planning and economic development.
- Cooperation among school districts and units of government to identify and address the impact of development on schools, services, and the environment.
- Racine, Kenosha, and Lake Counties and city governments cooperatively developing a Natural Resources Plan.
- Joint Land Preservation Programs, and grant applications, among City and other local governments.
- Cooperation among school districts and communities west of I-94 similar to existing cooperation east of I-94 as it affects the City of Kenosha.
- City of Kenosha, Village of Pleasant Prairie, and WisDOT cooperative development of an updated Access and Traffic Management Plan for STH 50.
- Update the Kenosha County Jurisdictional Highway System Plan.
- Develop and coordinate planning and development of multi-use trails, including hiking, biking, horse-back, and water trails, with adjoining county and local governments, that builds on existing County and local plans; provided that the plan is equally financially beneficial to the City of Kenosha and other participating local governments.

PART 3: INTERGOVERNMENTAL CONFLICTS AND CONFLICT RESOLUTION

Section 66.1001 (2) (g) of the *Wisconsin Statutes* requires that the Intergovernmental Cooperation Element identify existing or potential conflicts between the City of Kenosha with other governmental units, including school districts, and describe processes to resolve such conflicts.

Section 59.69(3)(b) of the *Wisconsin Statutes* explicitly requires that a county development (comprehensive)⁵ plan include, without change, the master (comprehensive) plan of a city or village adopted under Section 62.23(2) or (3), and the official map adopted by a city or village under Section 62.23(6) of the *Statutes*. Section 59.69(3)(e) of the *Statutes* further provides that a city or village master plan or official map adopted under Section 62.23 “shall control” in unincorporated areas of a county; however, Section 59.69(3)(e) does not specifically require that city and village plans for their extraterritorial areas be included in the County comprehensive plan. There is also no Statute requiring a county to incorporate town plans into the county comprehensive plan. In addition, the comprehensive planning law did not alter any existing town, village, city, or county authorities or responsibilities with regard to planning, zoning, plat approval, extraterritorial authorities, annexations, or any of the other many Statutes and regulations that affect land use in Wisconsin. There has been no apparent attempt by the proponents

⁵ Section 66.1001(1)(a) of the *Statutes* defines a comprehensive plan as a county development plan prepared or amended under Section 59.69(2) or (3); a city or village master plan adopted or amended under Section 62.23(2) or (3); a town master plan adopted under Section 62.23(2), where the town exercises village powers under Section 60.22(3); and a master plan adopted by a regional planning commission under Section 66.0309(8), (9), or (10).

of the Comprehensive Planning Law or any State officials or agencies to address the many ambiguities between the Comprehensive Planning Law and pre-existing Statutes.

The City of Kenosha Land Use Plan Map (Map 9-6 in Chapter 9) includes land use plan maps for the areas within city limits and for areas outside municipal boundaries where the city has boundary agreements with adjacent towns. The City of Kenosha has not prepared a plan for the area outside the existing city boundary with the Town of Paris.

Annexation of property from a town into a city remains one of the most contentious issues between neighboring communities. Wisconsin annexation law provides an advantage to cities in that the law is designed to enable annexation to occur following a request by a property owner. Towns want to preserve their borders and retain their existing and future tax base, and/or existing agricultural land, and the incorporated communities want to be able to expand their boundaries into adjoining towns to accommodate urban growth and development.

Although the *Wisconsin Statutes* provide cities with the authority to accept annexations from town property owners, annexations oftentimes lead to lawsuits, court battles, and ultimately one “winner” and one “loser.” Boundary plans and intergovernmental agreements can preserve lands for towns and give them the ability to plan for the future without the uncertainty related to future annexations. Depending on the agreements and plans developed, such agreements also have the potential for revenue sharing or payments from incorporated areas, extension of municipal services to adjacent towns, and preservation of agricultural lands.

Development of boundary agreements between the city and adjacent towns where no agreement is in place is the best option for resolving conflicts regarding annexations and land uses in extraterritorial areas, and should be pursued.

Joint planning between school districts and communities within the district to share information on residential growth and the impact that growth will have on schools within the district can improve planning and development decisions by both the school district and local governments. The Kenosha Unified School District and the Town of Somers, City of Kenosha, and Village of Pleasant Prairie provide an excellent model for establishing similar cooperative efforts among other communities and school districts in the City of Kenosha growth area west of I-94.

PART 4: INTERGOVERNMENTAL COOPERATION GOALS, OBJECTIVES, POLICIES, AND PROGRAMS

This section sets forth intergovernmental cooperation goals and objectives. Policies, which are steps or actions recommended to be taken to achieve goals and objectives; and programs, which are projects or services intended to help implement policies, are also identified. Goals and objectives were identified using the general planning issue statements and the goals and objectives identified in Chapter 7, public input from the SWOT (Strengths, Weaknesses, Opportunities, and Threats) Analysis, input received during the Kenosha County Café, input gathered during informational meetings, and input from the MJAC.

Intergovernmental Cooperation Issues

The general intergovernmental cooperation issue identified in Chapter 7 was the ability of adjacent communities and different levels of government to work together and the effect on future planning and policy efforts. The ability to work regionally and across municipal boundaries was also identified as important.

The existing level of intergovernmental cooperation was viewed as both a strength and a weakness in the SWOT. Although some residents view the level of intergovernmental cooperation as lacking, when comparing most other counties in the Region and State, and based on the number of existing and ongoing intergovernmental boundary and service agreements that exist between the City of Kenosha and other government, intergovernmental cooperation is very strong.

Further analysis of public input received during the comprehensive planning process and the goals, objectives, policies, and programs set forth in the other comprehensive plan elements were used to refine the general intergovernmental cooperation issue into the following more specific intergovernmental cooperation issues:

- Shared Services and Facilities Issue
- Cooperative Planning and Ordinance Administration Issue
- School District Cooperation Issue

Recommendations have been developed to address each of the intergovernmental cooperation issues through the identification of goals, objectives, policies, and programs.

As opportunities for intergovernmental cooperation arise, the City of Kenosha and other local governments shall have the opportunity to request participation in such cooperation or agreement, with such agreements being evaluated to ensure that the agreement is beneficial not only financially but does not reduce the level or quality of service or change a local government's identity.

Intergovernmental Cooperation Goals, Objectives, Policies, and Programs

Each set of goals, objectives, policies, and programs corresponds to an intergovernmental cooperation issue listed in the preceding section.

Overall Intergovernmental Cooperation Goal and Objectives (from Chapter 7)

Goal:

- Encourage intergovernmental cooperation.

Objectives:

- Provide a structure for continuing dialog about land use regulation issues and boundary issues with other local governments and Kenosha County.
- Encourage shared services with units of government, if cost savings and maintenance or improvement in service levels would result.
- Consider intergovernmental cooperation when selecting sites for public facilities such as police stations, fire stations, government administration buildings, schools, libraries, and trail linkages between the City of Kenosha and other communities.

Shared Services and Facilities Issues

The rate of development outpacing the ability to provide public services and facilities was identified as an important issue for the City of Kenosha in the comprehensive planning process. The sharing of services and facilities is often a way to increase the efficiency of providing services at a lower cost. Consolidating government services was also identified as important during the Kenosha County Cafe.

Goal:

- Cooperate with other units and agencies of government, where appropriate, to provide cost-effective government services, provided the level of service will be maintained or improved.

Objectives:

- Continue to share information on services and programs among units and agencies of government.
- Work with other units and agencies of government, where appropriate, to construct and/or operate community services and facilities in a cost-effective and efficient way through joint service agreements where the level of existing services will not be reduced.
- Encourage intergovernmental cooperation when selecting sites for public facilities such as schools, fire stations, and libraries, provided it is beneficial to the affected local government or school district, is cost effective, and continues to provide the same or greater level of service.

Policies:

- Continue to develop and share information among City of Kenosha and other units and agencies of government about issues or projects that affect land use development and public services and facilities.
- Continue to maintain existing shared services, and encourage additional shared services where appropriate.
- Continue to share existing services and equipment between the Kenosha County Sheriff's Department and local police, fire, and rescue departments, where appropriate, and with emergency disaster relief.
- Continue cooperative efforts with Kenosha County and other local governments to plan and develop a system of countywide parks, trails, and recreational facilities, and coordinate such efforts with surrounding counties and SEWRPC.

Programs:

- If appropriate, the City of Kenosha will initiate contacts with surrounding communities and the County prior to constructing new facilities or establishing or expanding community services to determine if there are opportunities for joint facilities and services.

Cooperative Planning and Ordinance Administration Issue

Conditions that may hinder cooperative planning efforts include the amount of time needed to prepare multi-jurisdictional agreements and the lack of trust between rural communities and the City of Kenosha, which were identified during the Kenosha County Cafe. Improving cooperation and consistent communication among City of Kenosha and other local governments and more participation and involvement in intergovernmental cooperation efforts were identified by the MJAC as important issues.

Goal:

- Promote better understanding among all levels of government on the roles and responsibilities of each.

Objectives:

- To continue cooperative planning and implementation efforts between the City of Kenosha, other local governments, the County, and SEWRPC.
- To continue to share information on land use-related plans and ordinances among the City of Kenosha and other local governments.

Policies:

- Continue discussions among the City of Kenosha and other units and agencies of government regarding land use planning, water resources, boundary issues, and land-use related extraterritorial authorities.
- Encourage comprehensive water resource management of surface water, groundwater, and water dependent natural resources.
- Continue to work with the DNR, NCOs, and other units and agencies of government to protect important natural resources.
- Continue to work with SEWRPC on regional plans and issues affecting Kenosha County.
- Continue to provide information on land use-related ordinances and programs to other units and agencies of government.

Programs:

- Utilize the Kenosha County Council of Governments for continuing dialog about land use planning and regulation issues and boundary issues between the City of Kenosha and Kenosha County and other local governments.
- Cooperate with SEWRPC to implement the recommendations of the regional water supply plan.
- Consider the preparation of a Multi-Jurisdictional Stormwater Management Plan adjacent to the City of Kenosha within the same watershed.
- Prepare a Countywide Transit Plan through a Multi-Jurisdictional Advisory Committee.

- Consider forming a Multi-Jurisdictional Advisory Committee and preparing a Countywide trail plan.
- Continue working with SEWRPC to prepare new and updated elements of the regional plan, such as the Regional Transportation, Water Quality, Water Supply, Natural Areas, and Telecommunications Plans and the County Jurisdictional Highway System Plan.
- Continue cooperative efforts with the Kenosha County Health Department to enforce State public health Statutes, and City of Kenosha ordinances concerning dilapidated, unsafe, or unsanitary housing that pose a human health hazard.
- The City of Kenosha will continue to provide updated shoreland/floodplain zoning maps to Kenosha County when floodplain boundaries are changed or other significant amendments are made.
- City of Kenosha will continue to involve surrounding communities and Kenosha County where appropriate whenever a charge is proposed to the Comprehensive Plan.
- Consider the creation of a regional wastewater and water utility for areas within the Lake Michigan watershed.

School District Cooperation Issue

Through each phase of public input gathered as part of the comprehensive planning process, including the SWOT Analysis and Kenosha Cafe, County residents viewed increasing access to technical and higher learning education systems as an opportunity and identified secondary and post-secondary education as vital assets to the City of Kenosha and County and a high priority for the future quality of life of City of Kenosha and County residents. The MJAC identified a need to maintain or establish cooperative planning efforts between school districts and communities located within the district for existing and future facilities services. Impacts on school facilities from land use decisions made by local governments were also a concern, particularly in school districts that serve multiple communities.

Goal:

- To fully coordinate land use planning and development decisions with school districts.

Objective:

- To help school districts plan for the future.

Policies:

- Encourage school districts to consult with the City Development Planning Department staff when initiating facilities planning or when identifying the need for and suitable locations for new schools, expanding existing schools, or developing recreational facilities.
- Invite school districts to participate in City of Kenosha land use planning activities.

Programs:

- Work with school districts and/or adjacent communities in the district, on request, to assess the impact of proposed new subdivisions on district facilities. Continue to provide copies of meeting agendas to enhance communications.
- Continue to participate with school districts, on request, to prepare or update facilities plans.
- Share information on the type of permits required from the City of Kenosha when developing new facilities or rehabilitation existing facilities.

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