

May 22, 2018

RESOLUTION NO. 2018-20

RESOLUTION BY THE ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE AUTHORIZING RACINE COUNTY TO ENTER INTO A CONTRACT FOR PLANNING AND ZONING SERVICES WITH THE VILLAGE OF YORKVILLE

To the Honorable Members of the Racine County Board of Supervisors:

BE IT RESOLVED by the Racine County Board of Supervisors that Racine County is authorized to enter into an agreement with the Village of Yorkville to provide planning and zoning services as set forth in Exhibit "A" which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that any two of the County Clerk, the County Executive or the County Board Chairman are authorized to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Respectfully submitted,

1st Reading 05-22-18

ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE

2nd Reading 06-12-18

BOARD ACTION

Adopted _____
For _____
Against _____
Absent _____

David J. Cooke, Chairman

Thomas Roanhouse, Vice Chairman

VOTE REQUIRED: Majority

Robert D. Grove, Secretary

Prepared by:
Corporation Counsel

Thomas Pringle

Monte G. Osterman

Tom Hincz

Katherine Buske

The foregoing legislation adopted by the County Board of Supervisors of Racine County, Wisconsin, is hereby:

Approved: _____

Vetoed: _____

Date: _____,

Jonathan Delagrave, County Executive

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4 **INFORMATION ONLY**

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7 **WHEREAS**, the Village has requested that Racine County has provide the Village
8 of Yorkville with planning and zoning services under County/Village zoning; and

9
10 **WHEREAS**, Racine County currently provides such services to the Village of
11 Caledonia.

EXHIBIT "A"

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement, entered as of this ____ day of May, 2018, by and between Racine County (referred to as "County") and the Village of Yorkville, a municipal corporation located within Racine County (hereinafter referred to as "Village");

WITNESSETH:

WHEREAS, the Village requests that the county zoning and shoreland zoning ordinance, as it applies to the incorporated area within its boundaries, continue to be in effect and enforced by the County under sections 59.69, 59.692 and 59.693, Stats., as Village Zoning and Shoreland-Floodplain Zoning Ordinances.

WHEREAS, the County agrees to administer the Village's zoning and shoreland-floodplain zoning ordinance under certain terms and conditions;

NOW THEREFORE, with mutual consideration, the parties agree as follows:

1. The County agrees to furnish floodplain, shoreland, wetland, planning and zoning professional services, to the Village as described in Appendix 1, attached hereto. The term of this Agreement shall be effective from the date first written above until December 31, 2018, however, no interruption in service will occur by the County if there is a gap in the timing of a new agreement, as long as there is a good faith effort to maintain this arrangement for the sake of continuous customer service for the Village. It is the intention of the parties that beginning on or about November 1, 2018, the parties will engage in good faith negotiations to agree on and approve an agreement for the continued provision of the services described in this Agreement beyond December 31, 2018. In the event such replacement agreement is not executed on or before December 31, 2018, this Agreement shall automatically renew to facilitate continued negotiations between the parties. After December 31, 2018, this Agreement shall be terminable by either party by providing not less than sixty (60) days written notice to the other party hereto.
2. The Racine County Public Works and Development Services Director shall have supervisory control over the personnel providing these services. The Director shall consider any requests or suggestions made by the Village, but the Director shall retain final authority to make the final decision as to the manner in which such services shall be rendered.
3. The County shall have the authority to enforce the Village zoning codes, including but not limited to, notices of zoning violation. In the event County staff deems it necessary to refer an enforcement action for citation, it will be referred to the Village. The County is not responsible for issuance of citations or prosecutions thereof. County staff shall cooperate with Village personnel in

prosecuting zoning related violations including providing testimony in Municipal or Circuit Court as deemed necessary by the Village Prosecutor without payment of witness fees or other costs.


4. The County shall continue to collect fees for review of any Village zoning permit applications, including fees for written responses to zoning or planning inquiries as structured under the County/Town zoning relationship in accordance with the adopted Schedule of Permit Fees, attached hereto as Appendix 2.
5. The total cost of services under this agreement will be a prorated amount based on an annual cost of \$50,000.00, to cover the cost of County professional and administrative staff services, including detailed memos and recommendations to sufficiently explain the application or request with background information. Fees for zoning permits shall be based on the schedule of permit fees attached hereto as Appendix 2 to offset the costs associated with providing the professional services.
6. The County will retain 100% of any and all permit revenues which exceed the \$50,000.00 annual contracted amount.
7. Village agrees to pay the County the difference for any shortfall in zoning permit revenues that are less than the \$50,000.00 annual contracted amount (as further prorated for 2018). An invoice for any shortfall in revenues will be sent to the Village no later than January 15, 2019. Payment to the County for any zoning permit revenue shortfall must be made no later than March 15, 2019.
8. This agreement does not include use of Racine County staff for updates of the Village Comprehensive Land Use Plan or comprehensive updates of the Village Zoning Ordinances (that are initiated by the Village).
9. This Professional Services Agreement constitutes the complete understanding of the parties and supersedes any and all other agreements, either oral or in writing, between the parties with respect to the subject matter hereof. No other agreement, statement, or promise relating to the subject matter of this Agreement which is not contained herein will be valid or binding. No amendment to this Agreement will be effective unless in writing and signed by both parties.
10. The Village and County each represents to the other that it has taken all necessary corporate action to authorize the execution and delivery of this Agreement.
11. If any part of this Agreement should be held to be void or unenforceable, such part will be treated as severable, leaving valid the remainder of this Agreement notwithstanding the part or parts found void or unenforceable.
12. The validity of this Agreement, the interpretation of the rights and duties of the

parties hereunder and the construction of the terms hereof will be governed in accordance with the laws of the State of Wisconsin.

13. The County shall prepare a report showing year-to-date permits issued and other reviews completed, revenues collected, and staffing utilized for projects for the Village, up to three times per year upon request by the Village. The report will be in a form mutually agreed upon by the parties. Racine County shall also provide the Village with historical data detailing the level of work generated by the Village (and previously town) related permits/reviews for prior years.
14. Upon termination of this Agreement for any reason other than the execution of a replacement agreement as set forth in Section 1, above, the parties agree to cooperate in good faith and facilitate the transfer of information, files and revenues, as applicable, so as not to disrupt the provision of zoning related services to the public.

IN WITNESS WHEREOF, the County and the Village have executed this Professional Services Agreement as of the date first above written.

VILLAGE OF YORKVILLE



Peter L. Hansen
Village President



Michael McKinney
Village Clerk-Treasurer

RACINE COUNTY

Jonathan Delagrave
County Executive

Russell A. Clark
County Board Chairman

Wendy Christensen
County Clerk

APPENDIX 1

Professional Services to be provided:

- Issuance of zoning permits for code compliant structures and issuance of occupancy and home occupation permits for code compliant uses and maintenance of all files thereto;
- Conditional Use and Rezoning petitions, requests to amend the Village comprehensive plan as it relates to petitions filed, newspaper publication for all petitions as public hearing items, proposed conditions of approval for conditional use petitions and ordinances for rezoning approvals, preparation of final approval letters with conditions of approval or denial letters, as applicable with actual transmittal handled by the Village;
- County staff serve as liaison and provide professional assistance to the Board of Appeals, including attendance at such meetings.
- Site Plan reviews, conditions of approval and all files attendant thereto;
- County staff shall be responsible for preparing all forms and applications for any zoning related matter and shall provide a supply of such forms to the Village Clerk.
- Village of Yorkville Zoning Board of Appeals newspaper publication, hearings, minutes and all files attendant thereto;
- Zoning Violations investigations and written orders;
- Private On-site Wastewater Treatment Systems (POWTS)**;
- Non-Metallic Mining & Reclamation permits;
- Shoreland and Floodplain Administration, floodplain determination letters, FEMA community acknowledgement forms for floodplain issues, insurance companies, sellers/buyers of real estate;
- Consultations on a walk-in basis during regular business hours for various development proposals and land use issues, including researching previous permits for code compliance issues;
- Racine County has all Village mapping, zoning, floodplain, soils types, road names, etc on the County GIS website that is currently hosted by the SEWRPC;
- Racine County issues addresses for all new development (residential, industrial and commercial) at the time of permit application.
- Subdivision Plat reviews (in compliance with State Statute Chapter 236) and other minor land divisions in the Village.
- Land conservation soil erosion prevention programs and reviews for various projects.
- County staff shall provide to applicants the predevelopment agreement forms prepared by the Village as part of the application forms when directed by the Village.
- Other zoning related services as jointly agreed upon between the Village and the Director as falling within the normal responsibilities of a Zoning Administrator.
- Applications made to Racine County shall be received within the normal County business hours: Monday – Friday, 8:00 a.m. – 12:00 p.m., & 12:30 p.m. – 4:30 p.m., excluding holidays;
- County staff shall not represent the Village in terms of media requests for information (unless the Village requires data in County possession or control).

** (This service is provided by Racine County in compliance with applicable State Codes).