



MINUTES OF THE PROCEEDINGS OF THE PLANNING COMMISSION OF THE CITY OF STACY IN THE COUNTY OF CHISAGO IN THE STATE OF MINNESOTA PURSUANT TO DUE CALL AND NOTICE THEREOF

**REGULAR MEETING – OCTOBER 18, 2022, 7:00p.m.
30955 FOREST BOULEVARD, STACY MN**

Call to Order

Chair M. Ness called the meeting to order at 7:00 p.m.

Attendance

Present: Mark Ness, Jim Ness, and Tim Sawatzky

Absent: Telise Schroeder

Others Present: None

Agenda

Additions to the agenda:

- City Code Enforcement by the Planning Commission

Motion by J. Ness to approve the agenda as amended. Second by T. Sawatzky. Members J. Ness, T. Sawatzky, and M. Ness voted yes. Chair M. Ness declared the motion carried.

Approval of Minutes

Motion by J. Ness to approve the minutes as presented. Second by T. Sawatzky. Members J. Ness, T. Sawatzky, and M. Ness voted yes. Chair M. Ness declared the motion carried.

New Business

**City Code §153.051(K)
Lighting**

The members reviewed city code §153.051(K); the wording of the code is appropriate. They decided to add the graphic, Attachment A; to the city code. City code §153.051(K) will be added to the list of items to provide to developers. The public hearing will occur on November 15, 2022.

**Code Enforcement by the
Planning Commission**

Because the city has decided to terminate their contract with MNSPECT they are looking at who will provide city code enforcement; the council would like to review if the planning commission can do this? Per the city attorney's comments:

“There are some problems with having the Planning Commission do code enforcement.

First, the city would be asking volunteer appointee Planning Commission Members to do functions normally performed by City staff member who is compensated for their work.

Second, would be determining who would do the enforcement. One Planning Commission Member or the entire Planning Commission?

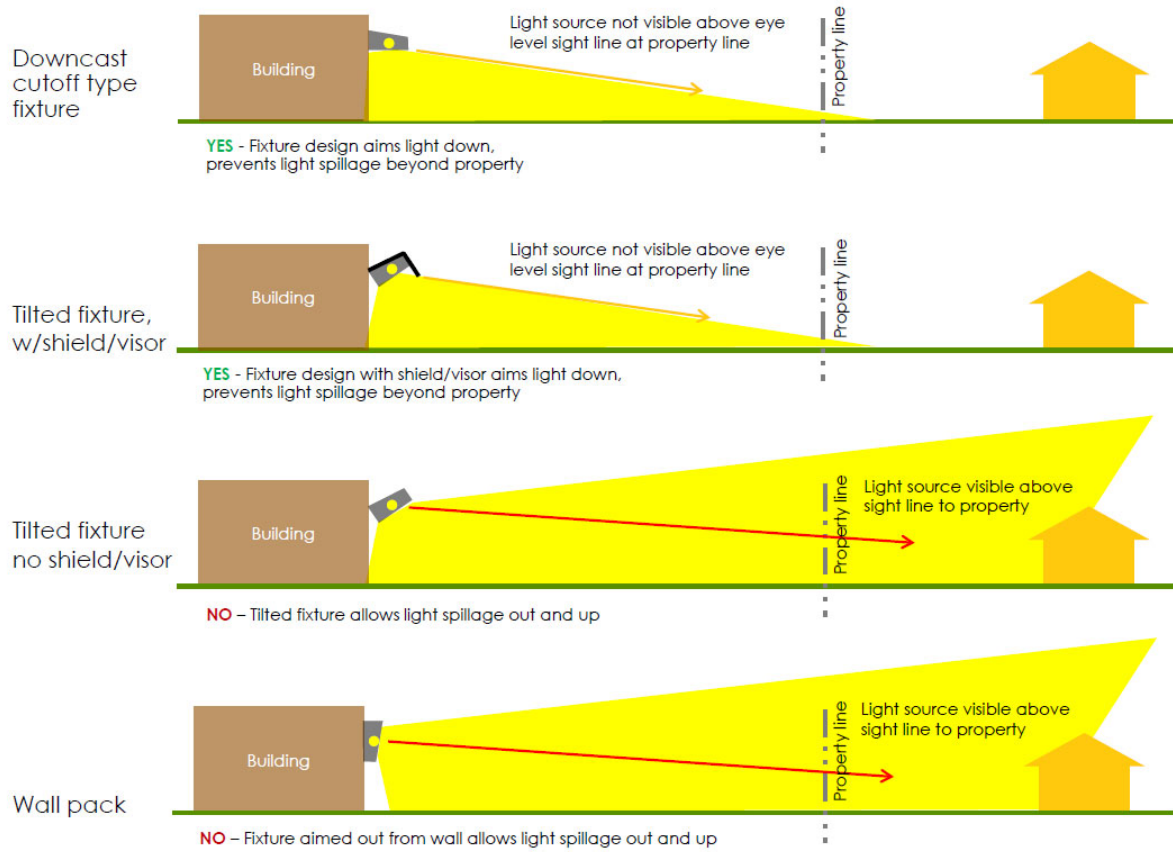
Third, if the Planning Commission identified a zoning violation and the property owner wanted to request a variance to allow the condition to continue, they'd end up having the public hearing and recommendation on approval/denial coming before the same body that found the violation. And, later the City Council would have to make a decision on the variance and members of the Council are on the Planning Commission. So, potentially a Planning Commission Member who is also a City Council Member who found the violation could find himself or herself then be voting on whether to grant the variance. This would be problematic because it creates an appearance of bias.

Fourth, if the city has to go through with code enforcement hearings, the Planning Commission Members, some of whom are Councilmembers, are potentially witnesses. And, a witness cannot also be a decision maker in a hearing before the Council to determine if a violation occurred.

For these reasons, the Planning Commission should not to do code enforcement. The city should have an inspector for code enforcement.”

Motion by M. Ness to inform the city council that the Planning Commission does not wish to do zoning enforcement per the city attorney's recommendation, and that our city code does not include zoning enforcement by the Planning Commission. Second by T. Sawatzky. Members M. Ness. T. Sawatzky, and J. Ness voted yes. Chair M. Ness declared the motion carried.

Attachment A



Zoning Lighting Basics

For discussion only, not to scale

