

**cityclerk@stacymn.org**

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**From:** James Monge <JMonge@ck-law.com>  
**Sent:** Tuesday, October 18, 2022 12:25 PM  
**To:** 'cityclerk@stacymn.org'  
**Subject:** RE: Code Enforcement

Hi Sharon,

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.

**James J. Mongé III**

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**CAMPBELL KNUTSON**  
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**From:** cityclerk@stacymn.org <cityclerk@stacymn.org>  
**Sent:** Wednesday, October 12, 2022 2:24 PM  
**To:** James Monge <JMonge@ck-law.com>  
**Subject:** Code Enforcement

Hi,  
The council asked for you to review if our Planning Commission could conduct code enforcement (similar to what the prior inspector did). In Lent their Planning and Zoning go out and review zoning violations and follow an enforcement process. Is this something that or PC can do?

Thank you

Sharon MT Payne, City Clerk  
30955 Forest Blvd  
Stacy, MN 55079  
651-462-4486, 651-605-1851 Cell  
Hours: Monday, Wednesday, Thursday 9-5, Tuesday 11-7, Closed on Friday

