

City Council Meeting, April 12, 2007

I request that this letter and attachments be part of the official minutes.

**Executive Sessions:**

On March 8 and March 22, 2007 the Council moved into executive session under provision 67-2345 (e) *To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.*

Which state or nation's governing body is the City of Sugar City competing with regarding trade or commerce?

**Title 9:** It has been brought to my attention by a citizen of this community that under City Code, Title 9 Chapter 13 (Attachment 1), revisions to Title 9 Chapters 6, 9, 9 A-C and the zoning map stand approved because the Council failed to have a public hearing within 30 days and the Council did not reject Planning and Zoning recommendations by a majority vote within 15 days. The intent of Title 9 Chapter 13 is to provide a method for amendments, reclassifications and annexations to be processed in a timely manner. The Planning and Zoning Commission made the following recommendations to City Council on May 11, 2006:

*Sugar City Council Minutes May 11, 2006 (P&Z Chairman Sharee Palmer)*

**Recommendation, Title 9, Chapter 9A, 9B and 9C:** *P&Z's recommendation to the Sugar City Council is that they accept the revised ordinance Title 9, Chapters 9A, 9B and 9C (Impact Area Zoning)*

**Recommendation, Title 9, Chapter 6 (City Zoning):** *P&Z recommends to the Sugar City Council that they accept the revised ordinance Title 9, Chapter 6 which is the City Zoning.*

**Recommendation, City Zoning Map:** *P&Z recommends to the Sugar City Council that they accept the revised City Zoning Map.*

I submitted to the City Clerk the official copies of Title 9, Chapters 6, 9 and 9 A-C and the zoning map fifteen days prior to the Planning and Zoning Commission's public hearing held on May 4, 2006. The City Clerk is responsible for all documents and ordinances that go to public hearing. It was City Council's responsibility to obtain copies of those documents from the City Clerk.

**Title 7:** City Council has not considered revisions to Title 7 that were provided to them in November 2004. Now a development is being proposed where access to city water and sewer will be a major consideration. Revisions to Title 7 address this type of situation but the Council has failed to consider or approve those revisions. How long will the City allow property owners in the impact area to hook up to city facilities?

**Public Documents:**

I ask again that a standard fee be set for acquiring public documents. It seems unreasonable to be charged for 8 hours of labor to have city council meeting tapes copied. Copying a tape requires the clerk to place a source tape and a copy tape into a machine

and push a button. She is not required to sit at the machine for 8 hours and watch the process.

**Harold Harris – Another View, Rexburg Standard Journal, April 10, 2007:**

Councilman Harris's inappropriate and libelous comments in the newspaper cast a poor reflection on the leadership of this community. For the record:

1. Title 8, Design Review was submitted to the City Council from the Planning and Zoning Commission in October 2005. It is not my document, nor does it contain my design standards, but it is an official city document from the Commission.
2. I have filed four, not three letters with the attorney assigned by Judge Moss to review City Council actions. City Council has been advised of my concerns at various City Council meetings.
3. Councilman Harris's statements in his article, regarding an initiative, verify my concerns as expressed at the March 8, 2007 City Council meeting.  
*"We see the conflict of interest now with Councilman Harris and Councilman Orme regarding design review. How can petitioners expect councilmen to act impartially when an initiative or a referendum is seen as an attack on their judgment of what is best for the city?" (City Council Minutes 3-8-2007)*
4. The public documents I have requested are easily found in the official minutes of City Council and Planning and Zoning. I have submitted written requests for public documents and I have waited up to twelve days for some documents. I have paid for copies of all the documents I requested. It is an affront to me as a citizen of this community to be publicly criticized for requesting documents that I have a legal right to review and copy. Part of a city clerk's duties is to provide access to public documents. I have been very circumspect in following Idaho State Statute.
5. Does the City now have a limit to the number of times a citizen can enter City Hall during regular business hours?
6. Members of the prior Planning and Zoning Commission have acted of their own accord. I believe each will attest to this.

In the April 2007 city letter it states:

*"We would hope that if there are questions or concerns by any citizen, that those with questions or concerns or suggestions would feel free to attend a bimonthly Council Meeting and participate in citizen input time. We encourage public input about how you feel the City business is being conducted."*

Many people are afraid to give citizen input because they fear the repercussions. With the publication of the article by Councilman Harris, their fears are substantiated.

# City councilman speaks out about citizen's accusations

This article is being submitted to the public as a rebuttal to some allegations that have been leveled at me and others recently. Sometimes when you should bite your tongue and remain quiet and respectful, you get the feeling that people may actually think you are guilty of those charges if you do not respond. This is my response to some of the alleged charges levied at me as a city council member.

Recently, I have been accused of harassing a business person in our community by "asking them questions."

If that is cause for harassment, I could be guilty on many occasions. I spend a lot of time asking citizens' questions on how this council could do things better, what we may have done that they did not like, or what services we could furnish better.

The instance Jan Gallup has referred to, is a conversation I had with this business person after she had submitted a letter to City Council suggesting that myself and another council member had a personal agenda for not wanting a "design standard" approved for our community.

I just asked the question, "Why do you think I have a personal agenda?"

She could not arrive at a logical answer to that question. She did state that she had never read the final draft of the Title 8, "Design Standard" that Jan Gallup had submitted to the city for adoption.

As I understand the message at the City Building,

HAROLD  
HARRIS

■ ■ ■  
Another view



Gallup has now filed three ethics charges against City Officials with the Madison County Prosecuting Attorney. She had filed an initiative with the county or the city asking for design standards in Title 8 of our city code to be placed on the ballot for the citizens to vote for or against.

This would "take away the council's authority and place it in the hands of the general public" because the City Council, one and all have concerns about her design standards as now written discouraging business entities from coming to Sugar City.

She can be congratulated on being the first person to have ever filed an initiative against the city in the history of this community.

The city did not have an initiative or referendum ordinance to even allow her to file. So we urged our attorney to get an ordinance put together and adopted to give her the opportunity to do as she wished.

After the ordinance had been adopted, she filed an appeal with the city stating that it had loopholes in it that would allow this council to somehow skirt the law. She submitted changes that strongly urged that we "correct" the document and insert her changes, to prevent this unethical council

from circumventing the law.

Gallup has asked for and gotten documents that she is hoping will turn up some mistake this council has made that will be grounds for more accusations.

We wonder why she would go to these great lengths and waste our employee's valuable time researching for her.

This to me, could be termed harassment by one person in this community.

She could file to have persons on this council recalled or impeached, and save her many hours and our employees much frustration.

This is just one example of one person with an obsession for power and control that has continued today. She has tried to lead the previous Planning and Zoning Commission with this same attitude. She is now in the City Office on an almost daily basis, tying up our office employees with requests for documents, to the point that those employees cannot get their work completed, and must spend additional time completing city business.

I realize all city documents are open to the public, but she demands special attention and has accused the City Council on "coaching the employees on how to handle Jan Gallup and that City Hall is hiding documents." How absurd!

This document could go on for many more pages with these kinds of examples, but I will reserve others for another day.

*Harris is a member of the Sugar City Council.*

## ATTACHMENT 1

### 9-13-7: ACTION BY CITY COUNCIL:

A. **Hearing Required:** Prior to adopting, revising, or rejecting a proposed amendment, reclassification, or annexation, the city council may conduct at least one public hearing within thirty (30) days of the planning and zoning commission's recommendation. The city council shall use the same notice and hearing procedures used by the planning and zoning commission. Following the city council hearing, if the city council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided within thirty (30) days of the previous hearing before the city council adopts the proposed amendment, reclassification, or annexation.

B. **Acceptance of Recommendation:** The city council shall accept the recommendation of the planning and zoning commission, unless rejected by majority vote. Such action by the city council shall be taken within fifteen (15) days of the planning and zoning commission recommendation if city council does not conduct a public hearing. If city council conducts a public hearing, such action by the city council shall be taken within fifteen (15) days following the city council public hearing.

C. **Amendment Approval:** In the event the city council shall approve an amendment, reclassification, or annexation request, such amendment shall thereafter be made a part of this Title upon preparation, passage, and publication in the manner required by law.