

City of Weiser
CITY COUNCIL MEETING
55 West Idaho Street
Weiser, ID 83672
Monday
JULY 08, 2013
6:30 P.M.

PUBLIC HEARING
MINUTES

A PUBLIC HEARING to present and receive comment on the Conditional Use Permit for Living Waters Ministries.

Guests: Ben Kautz, Delbert Kuntz, Harold Laird, Melba Laird, Carolyn Blackford, Jack Blackford, Sharon McKinzie, Betty Dickerson, Marshall Dickerson, Elizabeth Dickerson, Claramae Halford, Tom Anderson, Bonnie Davidson, Trinity Thompson, Josiah Thompson, Sherman Evans, Joanne Thompson, Thomas McGraw, Dai Lea Jones, Allen Jones, Trisha Wilkins, Lauren Feltner, William Taylor, Don Loos, Nora Rios, Pat Malay, Don Hardenbrook, James Edwards, Dorothy Evans and John Evans.

6:30:47 PM - Mayor Diana L Thomas informed all present what the sequence of events would be for tonight's public hearing. Decision on the conditional use permit will be made by the Council at a regularly scheduled meeting.

6:32:08 PM - Mayor Thomas gave the Council opportunity to put anything on record in regards to ex-parte communication or any conflict of interest. Council Member Walker asked when questions could be asked. Mayor Thomas stated that during the applicant presentation or during testimonies questions can be asked.

PRESENTATION BY APPLICANT: 6:32:44 PM

Thomas McGraw, 1820 S Vista, Boise ID 83705 representative for Living Waters Ministries addressed the Council and those present with a brief explanation of what Living Waters Ministries plans are at 1255 State Street. Mr McGraw explained that Living Waters Ministries was looking for an opportunity to move into a larger building and open up their doors to assist wherever needed in the community. Living Waters does not want to compete with existing programs all ready in place in the community, but want to assist those programs and meet the needs of others that exist or arise in the community.

6:36:28 PM - Mayor Thomas explained to Mr McGraw that any information that was presented to the P & Z would also need to be expounded upon at this level so that the City Council could hear it and it could be put on record.

6:36:55 PM - Mr McGraw stated that they are looking at the old Idaho Pizza Building, putting a sanctuary in the back, a food service area up front to help with kids lunches, another small sitting area in the front where people can have a safe place to sit or get computer help. Living Waters is proposing to move their church services to this building, put together a recovery in Christ program for alcohol and drugs, want to have training programs for kids and youth; want to have a safe place for youth to come by during operational hours. Mr McGraw stated that they had revamped their operational hours from 11 pm closing to 10:30 pm closing. In all these situations they want to be adjustable and flexible to what permits them to operate best in Weiser.

6:38:38 PM - Council Member John Walker referring to the Living Waters Ministries Web page for Weiser, questioned Mr McGraw about the statement listed under past projects which said that in 2011 (John Walker being Mayor at the time) members encouraged their kids to hold bake sells in the neighborhood selling homemade cookies, with the proceeds being used to support homeless shelters and soup kitchens all across Weiser. Council Member Walker stated that he did not remember a permit being pulled to do this. Mr McGraw and Pastor

Joanne Thompson both stated that this was not their website, but was another group. Council Member Walker asked Mr McGraw if he could explain the difference between their group and the one posted on the web. Mr McGraw stated that he could not, but that it was not them, that they had not done a bake sale in 2011 or encouraged their kids to do a bake sell and that was not for homeless shelters, they were not involved in that. Council Member Walker reiterated asking, so this is not you, referring to the printed web page document he had in his hand? Mr McGraw stated, No. Council Member Walker asked, so they just made up the Weiser information on the web page? Mr McGraw stated that he did not know, as he had never seen it. Council Member Walker continued, still referring to the web document, so they talk about the Center on Orchard Ave in Boise, Idaho. Mr McGraw stated that they are not connected with that group. Council Member Walker informed Mr McGraw that he was just stating what he had found as he knows that Weiser does not have any homeless shelters and was not aware of any soup kitchens all across Weiser. Council Member Walker advised Mr McGraw to review the web page and Mr McGraw stated that he was going to do that.

6:41:55 PM Council Member Walker asked what their planned hours of operation would be? Mr McGraw stated that they were going to be adjustable to what fit the communities reactions. The plan was to stay open until to 11 pm with some of those operation hours just having someone on the facility and available to talk. The actual hours that the facility will have an influx of people would be the service time on Thursday night after 7 pm. Right now they meet at 3 pm on Sunday afternoons. Council Member Walker wanted Mr McGraw to realize that when you ask for a conditional use it has to be for a specific purpose. Mr McGraw stated that he understood.

6:43:05 PM - Council Member Hafer seeking clarification asked if 8 am to 10:30 pm, seven days per week would be their hours of operation. Mr McGraw said, yes.

6:43:41 PM - Council Member Randleman asked if the conditional use permit was requesting to conduct spiritual worship, soup kitchen, education and future meals on wheels? Mr McGraw stated, no that they were not asking for meals on wheels and are dropping the soup kitchen at this time and do not think they will pursue this until the need for it arises. Mr McGraw explained that they want their youth involved in community service areas like helping at the Senior Center.

6:44:58 PM Council Member Randleman asked Clerk Tate if the Conditional Use Permit came in with the request to conduct spiritual worship, soup kitchen, education, and future meals on wheels? Clerk Tate affirmed that it was part of their application. Council Member Randleman asked if because changes are being made if this request would have to go back to P & Z to change the original request. Clerk Tate explained that Council has received a recommendation from the P & Z and can make a decision based on the P & Z recommendation or on the requests that are received tonight.

WRITTEN CORRESPONDENCE: 6:46:46 PM

City Clerk David Tate stated that three letters had been received, one from Dave Szplett, Development Services Manager for Idaho Transportation Department, one from Police Chief Greg Moon and one from Nick Bokides, owner of KNB, LLC who owns Bo's Barn located at 1280 N Main Street. Those letters are in the Council Members packets.

IN FAVOR OF: 6:47:25 PM

6:48:03 PM - Joanne Thompson, 11300 W. Hickory Nut St., Boise ID, Pastor of Living Waters Church. Pastor Thompson wanted to reiterate a couple of things from the P & Z meeting as Mr McGraw was unable to attend due to family matters. Pastor Thompson stated that operational hours would be everyday, 7 days a week from 8 am to 10:30 pm and that they actually withdrew their Senior Citizens as they had made it very clear they did not need the help. Pastor Thompson made it clear that they were not here to duplicate any services but were here to assist, here to have a church service, here to do celebrate recovery and here to do whatever they can in this community to be an active part of what is going on, they just need a bigger space to do it. They want to offer free Wi-Fi and have coffee in the front with chips, candy, whatever can be sold. Pastor Thompson wants to be able to meet and greet the public, she wants to get to know the people of Weiser, Idaho.

6:49:59 PM - Council Member Layna Hafer asked Pastor Thompson if before taking this on she had checked the resources and the need to see if there actually was a need, do we actually

have the services provided by other entities. Pastor Thompson stated that their Operation Recovery Program runs out of the church on Tuesday nights at 6 pm. They wanted to offer different times and days for those who can not make it to the program currently offered by the Mormon Church on Thursdays. They do not want to compete with, change or interfere with any programs currently being offered in the community, they just want to offer their help when needed or asked. Another area of concern was them bringing food in. Chief Moon had expressed his concern that doing this could possibly bring people in from all over and bring trouble with them, so we withdrew that from our request. Pastor Thompson ended saying that all they need is a bigger building and a facility to operate in that will be conducive to what they want to do as a church.

6:52:23 PM - Mayor Thomas asked if they are planning to purchase the building or lease? Pastor Thompson stated that they were currently in negotiation on the property with a purchase option on the lease.

UNCOMMITTED OR NEUTRAL: 6:52:52 PM

No Comments received.

OPPOSED TO: 6:53:03 PM

6:53:14 PM - Mr Ben Kautz, 1254 W 1st, Weiser ID. The biggest concern Mr Kautz has is the hours of operation, he lives right behind the facility with two little boys who go to bed at 9 pm and does not want them to be woken up by car doors slamming at 10:30pm.

6:54:10 PM - Mr Harold Laird, 116 Pioneer Rd, Weiser ID. One of Mr Laird's concerns is with the Food Bank, he stated that it was discussed in length at the P & Z meeting, taken off the table, yet mentioned again as a possibility down the road. Mr Laird thinks that we need to identify whether or not it will be there as this would make a difference in the number of people, the traffic and the impact in the neighborhood. There also seems to be confusion as to just what the days and times of operation will be 7 days, one day, two days... If there will be a soup kitchen it needs to be identified in the agreement. Mr Laird is concerned about how a decision can be made when so many things are not quite clear. Mr Laird mentioned that in a newspaper article it said there was no problem with businesses, namely Do-It-Best Hardware, however, when Mr Laird checked with Do-It-Best they told him that they had never heard of the group and it never was approved for them to use their parking lot. This would be quite an impact if a number of cars come in there, and not only that, if the youth groups meet there until 11pm, lots of problems. Again, what is planned for the youth? You can not just have them operate a computer. If they are going to have a band in there, which is a possibility, if they are just going to come in and play cards with the Seniors, he did not think that was possible, stating that was like mixing oil and water. Bo's Barn is concerned with the City Ordinance. In conclusion, Mr Laird stated that there are two churches of this group now in town, one on 7th and one on Commercial, so to expand one or make it bigger you really need to know exactly what is going on here.

6:58:11 PM - Mr Marshall Dickerson, 1420 E 2nd, Weiser, ID. Requested that the Council have Living Waters resubmit their request and have it written out defining exactly what they want.

APPLICANT REBUTTAL: 6:59:15 PM

6:59:22 PM - Mr Thomas R McGraw turned the rebuttal over to Pastor Joanne Thompson.

6:59:37 PM - Pastor Joanne Thompson, 11300 W Hickory Nut Street, Boise ID. Addressing the rebuttals Pastor Thompson stated that when they went to the P & Z Commission they were not aware of all the perimeters that they could and could not operate in. The Planning Commissioner brought them up and explained that they had the right to waive the liquor and all of that, which they did. The P & Z Commission then approved the application or sent it forward to the Council with modifications which were: (1) Remove the soup kitchen and (2) Remove the Senior Citizens meals. Yes, we wanted to do these, but if they are not needed or wanted we do not have a problem not doing them. Pastor Thompson stated that their main stay is to have a church there, not to have a soup kitchen there. These were services as a church we wanted to offer to the community, if they are not needed we do not want to duplicate, we do not want to cause any harm or foul, we want to be an active participant of this community in whatever way we can do this. We want to reach the youth of this City, we modified our time from 8 am to 11 pm as the Commission advised, she believes it was 9 am to 10:30 pm because of the 11 pm curfew for kids and Pastor Thompson said she did not have a

problem with that. We offer WiFi, coffee, snacks, etc in the front of the building where kids and anyone can come and have access to free internet service. As far as the Do-It-Best issue, Pastor Thompson stated she has been in there twice and they are very aware of it, in fact she spoke to them today. They have also talked to the Motel next to them and neither party has a problem with them being in there. The only concern Do-It-Best had was that they did not want to mix hours of operation and not have enough parking. Pastor Thompson assured them this was not a problem and when they are closed they do not care if they park there. The occupancy of the building is 99 and their parking lot alone holds 43, so they do not feel they will be a threat to parking or anything else. Currently their Sunday congregation is about 35-40, Do-It-Best is closed after 4 pm on sundays and Living Waters does not start until 3 pm, therefore they do not see a threat. As far as the Motel, he said let them know, he does not care as the building has sat empty for three and a half years and he would rather see a church operating there than anything he can think of. Pastor Thompson said that they are not here to hurt or harm anyone, they want to have a church and as a church they are community service oriented or should be. They want to offer services to the community, if they are not needed, that is why you are getting conflicting information that we withdrew as we were recommended to. The P & Z Commission plainly said that if in the future we wanted to add or take away from this permit we would have to repetition another application at that time. Pastor Thompson stated, we are asking to operate a church, a free launch pad if needed, where kids can come and get educated in the bible. We are not here to duplicate or do anything against the community, we are here to be supportive of the community and be an active part.

7:03:22 PM - Mayor Thomas asked for clarification of the hours of operation. Pastor Thompson stated they are open from Sunday to Saturday doors will be open from 8 am to 10:30 pm with a Sunday service at 3 pm.

7:04:16 PM - Council Member Randleman asked if Living Waters was filed as a nonprofit? Pastor Thompson stated that they are Church of God of Prophecy which is over 100 years old and have been a 501-C-3 for years. Council Member Randleman asked if they would be property tax exempt if they went in as a church? Pastor Thompson said, Yes.

7:04:39 PM - Mayor Thomas asked how many of the congregation are from Weiser? Pastor Thompson stated that the majority of the people are from Weiser, with about 10 from Boise, most of which are her family. Mayor Thomas asked Pastor Thompson this because she wondered who would man the facility with her living in Boise. Pastor Thompson told Mayor Thomas that she drives here everyday. Pastor Thompson wants to be an active part of the community and wants to get to know the people in Weiser, that is why they want to open up this facility. Pastor Thompson stated that the only way to get to know people is to get involved with them.

7:05:39 PM - Council Member Hafer asked how Pastor Thompson selected Weiser? Pastor Thompson explained that it was a job appointment through the Church of God of Propesy.

7:06:37 PM - Mayor Thomas directed the Council that they now had a decision to make, would they like to close this Public Hearing or did they feel that there needs to be additional information.

7:06:58 PM

Motioned by John Walker and seconded by Dan Randleman to close this Public Hearing.

ROLL CALL VOTE:

AYES: John Walker, Dan Randleman, Perry Plischke,
Cliff Barberis and

Layna Hafer

NAYES: None

ABSTAINED: None

MOTION CARRIED.

THIS PUBLIC HEARING WAS CLOSED AT 7:07:17 PM

Diana L Thomas, Mayor

David Tate, Clerk/Coordinator