

**MANHATTAN BOARD OF ADJUSTMENT
REGULAR MEETING
207 S 6th St and ZOOM
February 24, 2021
MINUTES**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Board members present were Dave Rowell, Jennifer Love, Diane Letendre, Ashley Flammond, and Becky Clements. Four members of the public were present in person and nine via zoom. Also present were Mayor Glen Clements, Town Attorney Jane Mersen, Clerk/Treasurer Pam Humphrey, and Deputy Clerk/Treasurer Tonya Owens.

PUBLIC COMMENT

Done Anderson-Gonzalez, 315 E Gallatin: She stated her concern that some of the Board members were not wearing masks.

VARIANCE REQUEST

Conditional Use Permit for Casino at 110 S. Broadway

Motion-Love; Second-Clements; Vote-3 for (Rowell, Flammond, Clements), 2 against (Love, Letendre): Motion failed to approve the applicants request for a variance for the use of a casino at 110 S. Broadway.

Clerk read the public hearing notice.

Public Hearing

Rowell opened the public hearing.

Glee Dunbar, 202 S 5th: She stated her opposition to variance.

Glen Clements, 709 Jefferson: He stated his support of the casino.

Jennifer Sheets, 220 S 4th: She stated her opposition to the variance.

Dona Anderson-Gonzalez, 315 E Gallatin: She requested that Dave Rowell recuse himself from the Board for this issue.

Rowell spoke to this concern. He stated that his comment of the functionality of the business was positive but that this comment does not change the due diligence process and he will not recuse himself from voting.

Clerk read the written public comments.

Barb Cattaneo, Atlas Massage, 125 S Broadway: Opposed

Alissa Farley, 205 S 5th: Opposed

Steve Gonzalez and Dona Anderson-Gonzalez, 315 E Gallatin: Opposed

Sharon Meirhofer, 107 N 7th: Opposed

Elsie Kennedy, 209 S 4th: Opposed

Eleanor Mest, 317 S Broadway: Opposed

Katie Powner, 512 W Gallatin: Opposed

Carol Albertson, 105 N Broadway: Opposed

Gretchen Engbretson, 206 S 5th: Opposed

Anthony Drypolcher, 110 S Broadway: Opposed

Sarah Simser, 110 Cedar St: Opposed

Charles Pipal and Ken Fenno, Manhattan Bank, 124 S Broadway: Opposed

Discussion/Decision

Mersen stated the purpose and authority of the Board of Adjustment. She referenced the variance worksheet and the criteria that must be discussed. Mersen asked about the proximity of the proposed location to the residential district. Mersen stated that according to code 10-3-3C, in order to overturn the Town Council's ruling, four board members must vote in favor of the variance.

Kasey Harte, Jackpot Casino: He talked about Jackpot Casino's lot that was purchased next to The Oasis, which was approved for a casino. He explained that the purchase of that property and the sewer line details involved did not make it feasible to build on that lot. Jackpot Casinos purchased 110 S. Broadway with the idea of transferring the permit. He explained that this has been a financial hardship for Jackpot Casinos for two reasons: the water and sewer dilemmas on the lot next to The Oasis which has made the lot unmarketable, and the building at 110 S. Broadway which may not be granted the variance for the casino.

The Board discussed the variance request and asked the applicant questions.

Flammond asked about the store frontage and the signage for the location. She stated that she was concerned about adequate parking. She asked if the gaming machines would be visible from the street. Harte answered that the machines would not be visible through the window and that there is adequate parking.

Kathy Bushnell, Jackpot Casino: She explained that the signage would read "Manhattan Depot". If the variance was not granted, Jackpot Casino would have no choice but to establish a bar in order to satisfy the state license requirement. She spoke to the value of having a casino rather than a bar. She stated that Jackpot Casinos take value in giving back to the community.

Love stated her concern about the location of the casino being so close to residential zoning. Love asked for clarification of the statement made by Jackpot Casino that "they would lose their license if the variance was not granted". Harte answered that in order to keep their license, Jackpot Casino would be forced to establish a bar and sell liquor instead, which is permitted.

Rowell asked about the size of the building and how many machines there would be. Harte answered that there would be 8-12 poker, keno, and line machines. He stated that a casino offers an entertainment value that is not currently offered in Manhattan. Rowell asked if the public had any questions.

Nick Schmutz, The Garden Cafe: He stated that he is concerned about the value of his current tavern license that includes gaming. He stated that the Board of Adjustment should grant the variance because the State has sold and granted the license to Jackpot Casino.

Rowell asked if there were any other questions about the process of granting a variance.

The Board discussed the criteria of the variance application.

Flammond asked if this variance would set a precedence.

The Board asked the Clerk to read the letters in support of the casino that were previously presented to the Town Council. The Clerk read the letters. The Board

looked at a map of Manhattan to measure the distance all of the existing locations of current casinos within proximity to parks, churches, and residential zones.

ELECTION OF BOARD OFFICERS


Motion-Flammond; Second-Clements; Vote- Unanimous: Motion passed to approve Jennifer Love as Chairman and Diane Letendre as Vice-Chairman of the Board of Adjustment.

APPROVAL OF MINUTES- July 16, 2019

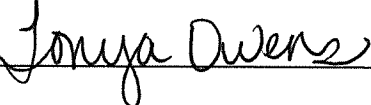
Motion-Love; Second-Rowell; Vote- Unanimous: Motion passed to approve the minutes from July 16, 2019.

ADJOURN

Motion-Love; Second-Rowell; Vote- Unanimous: Motion passed to adjourn the meeting.



President



Secretary