

**RENAISSANCE ZONE AUTHORITY
MEETING MINUTES
August 16, 2016**

The Bismarck Renaissance Zone Authority met on August 16, 2016 in the David J. Blackstead Meeting Room in the City-County Office Building at 221 North 5th Street. Chairman Walth presided.

Authority members present were Jim Christianson, Chuck Huber, Todd Van Orman, and Chairman Walth.

Authority member Josh Askvig was present by phone conferencing.

Authority member George Keiser was absent.

Technical Advisors Bruce Whittey and Steph Smith were absent.

Staff members present were Kim Lee (Planning Manager), Will Hutchings (Planner), Sandra Bogaczyk (Office Assistant), Jason Tomanek (Assistant City Administrator), and Brenda Johnson (Senior Real Property Appraiser)

Guests present were Kate Herzog and Madison Cermak of the Downtowner Business Association, Beth Nodland of Nodmor, LLC, Shane Balkowitsch, artist, Dave Diebel and Carson Nordgaard of D&N Cinematics, LLC, and Ryan Duffey of Up and Running Design.

CALL TO ORDER

Chairman Walth called the meeting to order at 4:03 p.m.

MINUTES

The July 19, 2016 meeting minutes were distributed with the agenda packet.

MOTION: A motion was made by Mr. Christianson and seconded by Mr. Van Orman to approve the minutes of the July 19, 2016 meeting as distributed. The motion passed unanimously with members Christianson, Huber, Van Orman, and Chairman Walth voting in favor.

DOWNTOWN DESIGN REVIEW –

124 NORTH 4TH STREET – SIGN INSTALLATION

Ms. Lee stated that Mr. Balkowisch proposes, and staff supports, a photographic installation created through a wet plate and digitally-printed method on 1/8 inch thick aluminum panel in the alley behind the Toasted Frog building at 124 North 4th Street. The image is titled

“Murderer’s Gulch” and depicts the reenactment of a photographed scene from the late 19th century accompanied by a metal plaque acknowledging the actors and contributors to the mockup project .

Ms. Lee also mentioned that the Bismarck Sign Ordinance does not directly address this type of installation, but signs painted on walls in the DC-Downtown Core district are permitted that signs are to “Draw on the existing site characteristics to further define and enhance the sense of place.”

Mr. Balkowisch mentioned that all clothing worn was made by hand and that the event and outcome was accomplished using zero dollars with those who volunteered simply for the love of art and history. Mr. Balkowisch also stated that even though the photograph had to be taken in a less modernized alley that the installation is being hung in the alley where the event took place and mentioned that his work is displayed in the Bismarck Historical Society. Mr. Balkowisch mentioned that the Bismarck Historical Society spoke about the event, which happened between 1870 and 1875, and that the original historical photographic plate is at the Bismarck Historical Society.

Mr. Huber stated that “it’s a beautiful job” and Chairman Walth agreed.

MOTION: A motion was made by Mr. Christianson and seconded by Mr. Van Orman to approve the design for the installation. The motion passed unanimously with members Christianson, Huber, Van Orman, and Chairman Walth voting in favor.

121 EAST BROADWAY AVENUE– SIGNAGE REPLACEMENT

Ms. Lee stated that the applicant is requesting approval of the design for a sign stating “HEARTVIEW FOUNDATION, TOM & FRANCES LEACH FOUNDATION CENTER” to be placed on the north side of the building located at 121 East Broadway Avenue. The lettering of the first line will be 14.25” in height, and the second line will be 8.25”. All letters will be 1” thick. The sign will not be illuminated, and the letters will be painted with an automotive finish. Ms. Lee also stated that the sign conforms to the Bismarck Code of Ordinances relating to Design Standards within the DC-Downtown Core and DF-Downtown Fringe zoning districts, and mentioned that staff supports this application.

MOTION: A motion was made by Mr. Van Orman and seconded by Mr. Huber to approve the design for the sign installation at 121 East Broadway Avenue. The motion passed unanimously with members Christianson, Huber, Van Orman, and Chairman Walth voting in favor.

512 EAST MAIN AVENUE - FAÇADE MODIFICATION AND SIGNAGE

Ms. Lee stated that the lessee proposes to replace exterior windows on the west façade of the 512 East Main Avenue building, to be leased by the Starving Rooster, with an operating glass

‘garage’ door to allow open-air dining in warmer months. The design is similar to that of other operating doors that have been installed in restaurants in downtown Bismarck in recent years.

There was lengthy discussion about the absence and possible requirement of a knee wall, since other properties with open air seating along Main Avenue were required to build a knee wall. Mr. Whitman, City Attorney, commenting over the phone to Ms. Lee, stated that since the Starving Rooster liquor license is designated as a restaurant, as opposed to a bar liquor license, that a knee wall is not required with open air seating next to a sidewalk.

MOTION: A motion was made by Mr. Christianson and seconded by Mr. Van Orman to approve the proposed design for the modifications to 512 East Main Avenue as stated in the staff report as distributed. The motion passed unanimously with members Askvig, Christianson, Huber, Van Orman, and Chairman Walth voting in favor.

506 AND 510 NORTH 5TH STREET – DEMOLITION

Ms. Lee stated that property owner Morris Tschider has submitted two demolition permits to remove two residential structures at 506 and 510 North 5th Street across from the Bismarck Veterans Memorial Public Library. Portions of these lots already function as accessory parking lots. She explained further that a Special Use Permit is not required since the owner has not requested to construct a larger parking lot and the buildings are not considered historical. The applicant stated in a letter dated August 3, 2016 that it is not his intention, at this time, to use the cleared land for an accessory surface parking lot. The applicant has not disclosed his intended use of the land once the structures have been cleared. He may decide to develop an accessory parking lot in this location in the future, and a Special Use Permit and site plan approval will be required prior to initiating this use.

Ms. Lee stated that the State Historic Preservation Office determined that the properties are not historically significant due to their structural integrity and the existence of other examples of the building type in the community. The Renaissance Zone Authority is acting as the Downtown Design Review Committee because the location of the buildings is within the DF - Downtown Fringe zoning district. Both structures currently contain three dwelling units each.

If the land at 506 and 510 North 5th Street remains vacant for several months, there are measures in place to require landscaping and maintenance.

Chairman Walth thought that the wording of the owner’s letter referred to earlier designated that he may want to construct a surface parking lot. However, Ms. Lee stated that in a conversation with Planner Daniel Nairn, it was understood that the owner was not interested in creating a parking lot at this time, although he may reconsider in the Spring.

Mr. Christianson questioned the wording of the ordinance (Title 14-04-21.2) allowing demolition without requiring approval of a landscape plan.

Ms. Lee explained that the wording of the ordinance can be improved but that there are landscaping requirements already in place , as well as requirements for storm water management required anywhere in the city.

Mr. Christianson's asked what recourse the owner may have if his request were denied. Ms. Lee answered stated that if the Authority were to deny the request that the owners could appeal to the City Commission.

Ms. Lee added that the Planning Commission did approve the Special Use Permit to authorize the demolition of the building at 411 North 4th Street.

Ms. Hertzog stated that the letter seemed unclear as to future use and that the Downtowners have issue with a loss of \$300,000 in property taxes and the loss of six housing units. The issue that deferred maintenance may have played a part in the low cost-effectiveness of improving the properties was discussed.

Mr. Christianson mentioned that because the buildings are empty and services have been disconnected that the owner's expenses in insurance and property taxes are no longer balanced by any income.

MOTION: A motion was made by Mr. Huber and seconded by Mr. Askvig to approve the request to demolish the buildings on 506 and 510 North 5th Street. The motion passed by majority with members Huber, Keiser, Van Orman, and Chairman Walth voting in favor and Mr. Christianson voting against.

212 EAST MAIN AVENUE – FAÇADE MODIFICATION

Ms. Lee stated that a request to modify the façade of the building at 212 East Main Avenue removing the metal awning and replacing it with bricks and original windows, and replacing three windows is supported by staff. The Renaissance Zone Authority previously approved a Renaissance Zone designation for the purchase with improvements of 212 East Main Avenue during the December 15, 2015 regular meeting. The following condition of the approval was included:

“The final design for the proposed exterior façade improvements would need to be reviewed and approved by the Renaissance Zone Authority acting as the Downtown Design Review Committee prior to the commencement of any exterior improvements.”

The building is now owned by the applicant, and building plans have been submitted for renovations.

After discussion there was a consensus, including support by the owners, that a transom window, indicative of the original building is preferred to the proposed window structure. Ms. Lee mentioned that an original photograph can be used as a guide to recreate an historically accurate façade.

Mr. Huber asked how signage would be used. Mr. Deible stated that a potential space for signage would exist between the transom window and the three windows, and label Rhythm Records, a web design company and a video design company renting space in the building.

Mr. Deible stated that their intention is to create an historically accurate and aesthetically appealing façade. The only changes would be the awning and the amount of tin around it along with altering the aluminum on the sides which should be brick. He continued that the single-pane storefront windows and doors would remain while the top three windows would be replaced.

There was an insistence from Authority members and staff that the material and coloring of the new windows must be presented to the Authority for approval and that the materials should match historic images of the building and blend in with the brick rather than creating a stark appearance by using a white window. Mr. Deible stated that a black window treatment similar to Terra Nomad would be of interest.

MOTION: A motion was made by Mr. Christianson and seconded by Mr. Van Orman to approve the façade modification in general terms pending continued technical assistance regarding materials, colors and design including a transom window. The motion passed unanimously with members Askvig, Christianson, Huber, Van Orman, and Chairman Walth voting in favor.

RENAISSANCE ZONE PROGRAM – DISCUSSION ABOUT IN-PROCESS PROJECTS

Ms. Lee described the contents and points needing clarification from the Department of Commerce regarding tax credits for Renaissance Zone projects begun in 2016 but not closed by August 1, 2017. Ms. Lee stated that with Mr. Whitman's guidance the draft letter distributed to Authority members was constructed to express that, unless otherwise told by the Department of Commerce, projects begun before August 1, 2017 but not necessarily closed by August 1, 2017 will receive approval for tax credits, and that if that is not the case to inform Authority members as soon as possible.

DOWNTOWN UPDATE PROVIDED BY THE DOWNTOWNERS ASSOCIATION

Ms. Hertzog stated that a road diet survey will be sent to business owners who will designate whether or not their business is directly on Main Avenue and asking them to share their experiences, customers' experiences and any direct evidence that their business has been positively or negatively affected by the new road configuration. Ms. Hertzog mentioned that business owners on Main Avenue have overwhelmingly positive comments although some have suggested improving signal timing.

A housing developer is interested in creating a new housing development. Ms. Herzog expressed a desire to bring a planner into the conversation about finding possible properties north and northwest of downtown.

Ms. Herzog requested advice, recommendations or suggestions for possible lots to be directed to her office. So far, she continued, there are not many options for repurposing buildings so projects will most likely be new construction.

OTHER BUSINESS –

Referring to last month’s discussion about the Needs Assessment report Chairman Walth expressed interest in seeing staff’s updates about information about the League of Cities.

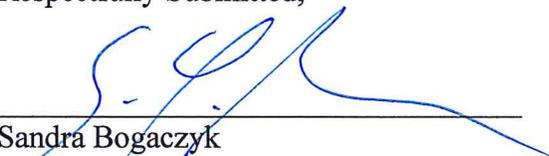
Mr. Tomanek stated that he is currently working with the GIS department to graphically interpret Renaissance Zone valuations.

Ms. Nodland stated that her property at 124 North 4th Street was late on a tax payment and the Burleigh County Auditor’s office has instituted the Omitted Property Statute to tax the property for 2015 valued taxes deferred due to a Renaissance Zone designation granted on June 23, 2009. Staff indicated that they would follow up on this action.

ADJOURNMENT

There being no further business, Chairman Walth adjourned the meeting of the Bismarck Renaissance Zone Authority at 5:02 p.m.

Respectfully Submitted,



Sandra Bogaczyk
Recording Secretary



Curt Walth
Chairman