

**BISMARCK RENAISSANCE ZONE AUTHORITY
MEETING MINUTES
September 9, 2021**

The Bismarck Renaissance Zone Authority met on September 9, 2021 in the Tom Baker Meeting Room in the City-County Office Building at 221 North 5th Street. The meeting was held remotely via the online platform Zoom as well as the meeting room. Chair Christianson presided.

Authority members present were Jim Christianson, Joe Fink, Dustin Gawrylow, George Keiser, Todd Van Orman and Greg Zenker.

Authority member Curt Walth was not present.

Technical Advisors Bruce Whittey and Steph Smith were present.

Staff members present were Sandra Bogaczyk (Office Assistant II), Jannelle Combs (City Attorney), Will Hutchings (Senior Planner), Allison Jensen (City Assessor), Kim Lee (Planning Manager) and Daniel Nairn (Senior Planner).

Guests present were Loran Galpin (Property Owner), Rolf Eggers (Property Owner), Shane Balkowitsch (Artist), Scott Bina (Mann Signs), Chuck Huber (CRA Realty), Greg Bavendick (Property Owner) and Kate Herzog (The Downtowners).

CALL TO ORDER

Chair Christianson called the meeting to order at 4:00 p.m.

MINUTES

The minutes of the August 12, 2021 meeting were distributed prior to the meeting.

MOTION: A motion was made by Mr. Fink and seconded by Mr. Zenker to approve the minutes of the August 12, 2021 meeting. The motion passed unanimously by voice vote with members Fink, Gawrylow, Keiser, Van Orman, Zenker and Chair Christianson voting in favor.

**DOWNTOWN DESIGN REVIEW – 114 NORTH 3RD STREET
TRANSITION FLORIDA, LLC AND SHANE BALKOWITSCH – PUBLIC ART**

Mr. Nairn gave an overview of the staff report and stated that the applicant, Shane Balkowitsch, is requesting Downtown Design Review approval of a photographic public art piece on the west side of the building at 114 North 3rd Street, known as the Prince Hotel. Mr. Nairn showed a photograph of the current alley and proposed location with a proof of the digitally printed aluminum composite panel and graphics and accompanied plaque. He stated that the project

conforms to the four criteria for approval of public art in Section 14-03.1-03(2)(n) of the City Code of Ordinances.

Mr. Nairn stated that, based on the findings contained in the staff report, staff recommends approval of the proposed public art design for 114 N 3rd Street as presented in all submitted documents and materials, with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

Mr. Galpin submitted to Authority members a written comment about the subject of the photograph, submitted as Appendix A. He stated that he preferred seeing an image that shows a more positive and uplifting theme for the downtown community and emphasized his life-long support of controversial art.

Mr. Balkowitsch stated that he had 90 collaborators on the project, which was planned for 18 months, and stated that the title, No Vaccine for Death, represented hope to live life without fear and is not a political statement.

Mr. Fink asked if the panels go into the brick or mortar. Mr. Bina stated that they will be mounted into the mortar.

Mr. Keiser stated his concern about the image and suggested that Authority members could create new criteria regarding public art. He stated that he did not believe a divisive subject should be approved and believed that this project could be perceived that way.

Ms. Combs stated that since the project was being mounted on a private building there are different standards than one placed on a public building. She stated that since content is difficult to measure opposing approval could be subject to litigation.

Mr. Fink stated that he does not see how the image could be considered political, but for the title's inclusion of the word vaccine.

MOTION: A motion was made by Mr. Fink and seconded by Mr. Van Orman to approve the proposed public art design for 114 N 3rd Street as presented in all submitted documents and materials, with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation. The motion passed with members Fink, Gawrylow, Van Orman, Zenker and Chair Christianson voting in favor. Authority member Keiser opposed the motion.

Mr. Eggers stated that as a building owner he felt that placing images on buildings are a reason for young people to visit downtown.

DOWNTOWN DESIGN REVIEW – 318 SOUTH 5TH STREET BISMARCK INDUSTRIES, LLC – DEMOLITION

Mr. Nairn gave an overview of the staff report and stated that the applicant, Bismarck Industries, LLC, is requesting Downtown Design Review approval of a demolition of the building at 318 South 5th Street. Mr. Nairn stated that the land is being cleared for potential future redevelopment. He stated that the property cannot be turned into a parking lot unless a Special

Use Permit (SUP) is obtained and the owner would have 60 days after demolition to seed or sod if no SUP is obtained.

Mr. Nairn stated that, based on the findings contained in the staff report, staff recommends to approve the proposed demolition of 318 South 5th Street as presented in all submitted documents and materials, with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation.

Mr. Fink asked what would be the impact on value and collected tax once demolished. Mr. Nairn stated that the land value would remain but the building tax value would be lost.

Mr. Huber stated that Bismarck Industries, LLC acquired the block to be developed as a hotel, which did not happen. He said demolishing the current buildings would enhance their ability to attract developers which would enhance a future tax base.

Mr. Fink asked what time frame is expected for the demolition. Mr. Huber said he intends to start in October but due to asbestos having to be removed he was not sure how long the project would take. He stated that there is interest in possibly using the land for additional parking. He stated that Bismarck Industries, LLC is only interested in selling the property to developers who would enhance the community.

Mr. Fink asked what Mr. Huber's plan was since the ordinance requires him to seed the property. Mr. Huber stated that in that case, he would request a variance to keep it gravel surfaced. Mr. Fink asked if Mr. Huber's intent is to ask for a Special Use Permit to build a parking lot. Mr. Huber said it is not his intent.

Mr. Zenker stated that the property has been a heartache and taking the building out of tax collection is concerning.

Mr. Gawrylow state that the City has lost enough money on this property and it is easier to sell as an empty lot than a building shell.

Mr. Fink stated that Authority members are bound by the ordinance and clearly the plan is to not follow ordinance, especially since no one is going to plant seed in November. He suggested that a motion might worthwhile to include an extension.

Mr. Nairn stated that the Board of Adjustment did approve a variance to exempt a nearby property from planting vegetative sod but stated that is not a guarantee that a future request would be approved.

Mr. Keiser stated that it is time to allow the property to be developed and in the near future would be best served as a parking lot until a suitable developer is found.

MOTION: A motion was made by Mr. Keiser and seconded by Mr. Gawrylow to approve the proposed demolition at 318 South 5th Street with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation. The motion passed with members Gawrylow, Keiser, Zenker and Chair Christianson voting in favor. Authority members Fink and Van Orman opposed the motion.

DOWNTOWN DESIGN REVIEW – 301 EAST BROADWAY AVENUE GREG BAVENDICK – FAÇADE IMPROVEMENTS

Mr. Nairn gave an overview of the staff report and stated that the applicant, Greg Bavendick, is requesting Downtown Design Review approval for alterations to the façade at 301 East Broadway Avenue. Mr. Nairn stated that the intent of the project is to return building elements to their historic character by placing all of the windows with simulated divided lites in a bronze color, adding an awning to replace one which was taken down, replacing the transom area currently clad in a corrugated metal with a wooden material and repairing bricks as needed. Mr. Nairn noted that the building is individually eligible for the National Register of Historic Places and is a contributing structure to the Downtown Bismarck Historic District, likely constructed in the 1920s.

Mr. Nairn stated that, based on the findings contained in the staff report, staff recommends to approve the proposed design for 301 East Broadway Avenue as presented in all submitted documents and materials, with the conditions that:

1. A more historically accurate treatment of the transom areas is used.
2. Any substantive revisions to the approved design must be reconsidered by the Downtown Design Review committee prior to implementation.

Mr. Bavendick showed an historic photograph which he stated was the inspiration for the window design. He also showed the material chosen for the transom area.

Mr. Whittey asked if the wood proposed for the transom is commercial grade. Mr. Bavendick stated that he does not know what other material the city would prefer but that he wants to conform to the ordinance and staff suggested materials. Mr. Whittey stated that the technical advisors would like to see an opaque spandrel glass or glass-like material in the transom area.

Chair Christianson asked if there was central air or if the window air conditioners were going to remain. Mr. Bavendick stated that the building does have central air but since it is regulated in each unit some tenants have individual window units and assumes they would want to keep them.

Mr. Whittey asked if the applicant has a sample of the awning to show Authority members. Mr. Bavendick stated that he did not bring a sample but wanted to match the awning on the neighboring building and said it was a canvas material, not plastic. He said he removed the previous awning as it appeared to be in disrepair.

Mr. Bavendick stated that the signage would also be replaced with a cleaner look and wanted to match the doors with the bronze window casings and did not want a silver metal look. He stated that he wanted guidance from Authority members.

Mr. Fink asked when the applicant intended to complete the work. Mr. Bavendick stated that he would like to complete the work by winter. Mr. Fink stated that he was concerned that the applicant did not have a rendering to show what he intends to do. The applicant held up the historic photograph and stated that he intends to make the façade look like the photograph.

Mr. Fink asked if the applicant had contacted the State Historical Society for advice about materials since the building is historic. Mr. Bavendick said no but he is more than willing to work with advisors and wanted to do what is right.

Chair Christianson stated that he suggests that the technical advisors and staff meet with the applicant regarding conformity with the downtown design guidelines and historical compliance. Mr. Whittey stated that the technical advisors would be happy to work with the applicant. Mr. Nairn stated that he would arrange a meeting between all parties to discuss the items to be replaced.

MOTION: A motion was made by Mr. Fink and seconded by Mr. Zenker to allow technical advisors to consult and approve proposed improvements at 301 East Broadway Avenue with the condition that any substantive revisions to the approved design must be reconsidered by the Downtown Design Review Committee prior to implementation. The motion passed unanimously with members Fink, Gawrylow, Keiser, Van Orman, Zenker and Chair Christianson voting in favor.

RENAISSANCE ZONE PROJECT – 500 NORTH 3RD STREET/112 EAST AVENUE A THE LANDER GROUP – RENAISSANCE LOFTS AND THE GROVE EXTENSION REQUEST

Mr. Nairn gave an overview of the staff report and stated that the applicant, Lander Group, is requesting an extension of the completion deadline tied to the approval of the New Construction Renaissance Zone projects called Renaissance Lofts and The Grove at 500 North 3rd Street and 112 East Avenue A respectively.

Mr. Nairn stated that the applicant requests an extension of the deadline to complete both Renaissance Zone projects until December 31, 2022.

MOTION: A motion was made by Mr. Zenker and seconded by Mr. Fink to grant an extension of the deadline to complete both Renaissance Zone projects until December 31, 2022. The motion passed unanimously with members Fink, Gawrylow, Keiser, Van Orman, Zenker and Chair Christianson voting in favor.

OTHER BUSINESS CONTINUATION OF PROJECTS AT 215 WEST THAYER AVENUE

Mr. Nairn stated that the applicant will be requesting a meeting in the near future, following a requested continuation at last meeting.

UPDATE FROM RENAISSANCE ZONE EXPANSION SUBCOMMITTEE

Mr. Fink stated that the subcommittee met to discuss conditions of expanding or contracting the Renaissance Zone. Authority members came to a consensus to continue the subcommittee's work to recommend an amendment to the Development Plan.

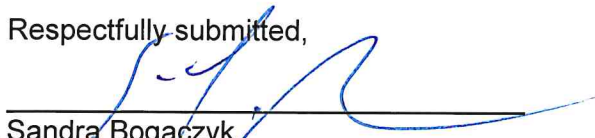
REPORT FROM THE DOWNTOWNERS

Ms. Herzog updated Authority members about surface parking lots and described development projects.

ADJOURNMENT

There being no further business, the meeting of the Bismarck Renaissance Zone Authority adjourned at 5:05 p.m. to meet again on October 14, 2021.

Respectfully submitted,



Sandra Bogaczyk
Recording Secretary

Jim Christianson
Chair

APPENDIX A

From: Loran Galpin · _
Sent: Wednesday, September 8, 2021 11:37 PM
To: Daniel Nairn <dnairn@bismarcknd.gov>
Subject: Art piece NO Vaccine for Death proposed for alley Prince Hotel

Daniel,
Please share this with the Renaissance Zone members. I will attend the public meeting on Sept 9TH.

My name is Loran Galpin and I have been informed that an Art Piece entitled "**NO VACCINE FOR DEATH**" is being considered to be placed on the exterior north facing wall of the Prince Hotel wall above a DUMPSTER. I have seen the image that is being asked to be approved.

I am a TRUE Supporter of the ARTS. I love exterior art of all kinds whether I agree with the subject matter or not. But there are times where Art can be and should be uplifting, colorful, and filled with possibilities and energy.

I plan to appear and discuss this with the Renaissance Zone Committee in the upcoming meeting on Sept 9th at 4PM in the City County Office Building

I am a strong downtown supporter. Always have been.

I brought the Logans on 3rd property back from the grave after over 2/3 of it was burnt to the ground back in. I along with my partner John Sakariassen designed and brought this property back to life in 1987 when no one even believed in Bismarck's Downtown.

To this day I have developed over 37 projects in our downtown and in adjoining neighborhoods to the downtown.

I will attend to comment on the Art Piece being proposed on the alley side of the building formerly known as the Prince Hotel.

Respectfully,

Loran Galpin
Galpin Company
PO Box 2567
Bismarck ND 58502