



Community Development Department

HISTORIC PRESERVATION COMMISSION MEETING AGENDA

April 21, 2021

Tom Baker Meeting Room

3:30 p.m.

City-County Office Building

SPECIAL NOTICE ON PUBLIC PARTICIPATION

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found at www.bismarcknd.gov/agendacenter.

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments via email to whutchings@bismarcknd.gov. The comments will be sent to the Historic Preservation Commission prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12 noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for the public input / comment section of

the agenda, please provide your e-mail address and contact information to whutchings@bismarcknd.gov at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public wishing to limit their exposure at this time, while still participating in government. Before entering the City-County Office Building, all individuals should self-screen for COVID-19 symptoms or potential exposure and, if unable to pass the screening protocol, will be expected to participate remotely in the meeting for the public's safety.

It is anticipated that some of the Historic Preservation Commissioners will be attending this meeting in person and others will be participating remotely.

Full agenda starts on next page.



MINUTES

1. Consider approval of the minutes of the March 17, 2021 meeting of the Historic Preservation Commission.

PUBLIC COMMENT

2. Public Comment (The public comment period is available for residents and other interested parties to address items on the agenda or any general public input for consideration by the Historic Preservation Commission).

AGENDA

3. Review of Proposed Downtown Street Improvements.....3
4. Participation in Historic Preservation Month Activities.....9

OTHER BUSINESS

5. Other Business
 - a. Section 106 Consultation Information Guide.....11
 - b. Community Development Activities Map

ADJOURNMENT

6. **Adjourn.** The next regular meeting date is scheduled for **May 19, 2021.**

Enclosures: Meeting Minutes of March 17, 2021



Community Development Department

MEMORANDUM

Review of Proposed Downtown Street Improvements

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: April 16, 2021

The City of Bismarck is requesting the Bismarck Historic Preservation Commission review and comments for roadway and streetscaping improvements to segments of East Thayer Avenue, East Broadway Avenue, North 4th Street, North 5th Street, and North 6th Street. The area affected by the project is shown on the attached map.

The Concrete and Pavement Repair (CPR) project would be funded in part through the North Dakota Department of Transportation (NDDOT), under Project UGP-1-981(120) & UGP-1-981(122).

The project would include several components:

- The pavement of the street would be repaired, including new sealant on low-severity cracks and replacement for high-severity cracks.
- The angled parking on North 4th Street would be switched from the west to the east side. The number of overall spaces would not decrease.
- Aging water mains under North 4th Street and North 5th Street would be replaced.
- Obsolete equipment would be removed, such as traffic control device poles, previously used before a conversion to two-way traffic.
- Streetlights would be upgraded to LED lighting.
- ADA ramps would be repaired and moved to more appropriate crossing locations.
- Nine additional sidewalk curb extensions are proposed at six intersections.
- New street trees would be planted and existing tree surrounds would be expanded, as needed, and replaced with a consistent treatment of porous flexible pavement.

The scope of the project does not alter the overall streetscape design of Chancellor Square, including the raised planters, benches, existing curb extensions, and bike racks. These features would remain in place, except where minor changes or repairs may be necessary.



The Engineering Department proposes to complete final designs of the project this summer and initiate construction in the Summer of 2022. Steps would be taken to limit the impacts of construction, including phasing the project, advanced notification, and continued access to sidewalks throughout the project. An open public comment period is currently underway, and comments will be collected until April 14.

This project will involve Section 106 Review as the project will utilize a Federal Highway funding. Prior to formal Historic Preservation Commission's notice of the Section 106 review, staff from the City of Bismarck are requesting the Historic Preservation Commission's review and comments.

The Renaissance Zone Authority acting as the Downtown Design Review Committee met on April 8, 2021, reviewed the proposed design for conformance with the Downtown Streetscape Standards and approved the design of the proposed streetscape improvements for East Thayer Avenue, East Broadway Avenue, North 4th Street, North 5th Street, and North 6th 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 City of Bismarck Engineering Department has created a video outlining the proposed and an interactive GIS storymap. These resources are available at the following weblinks.

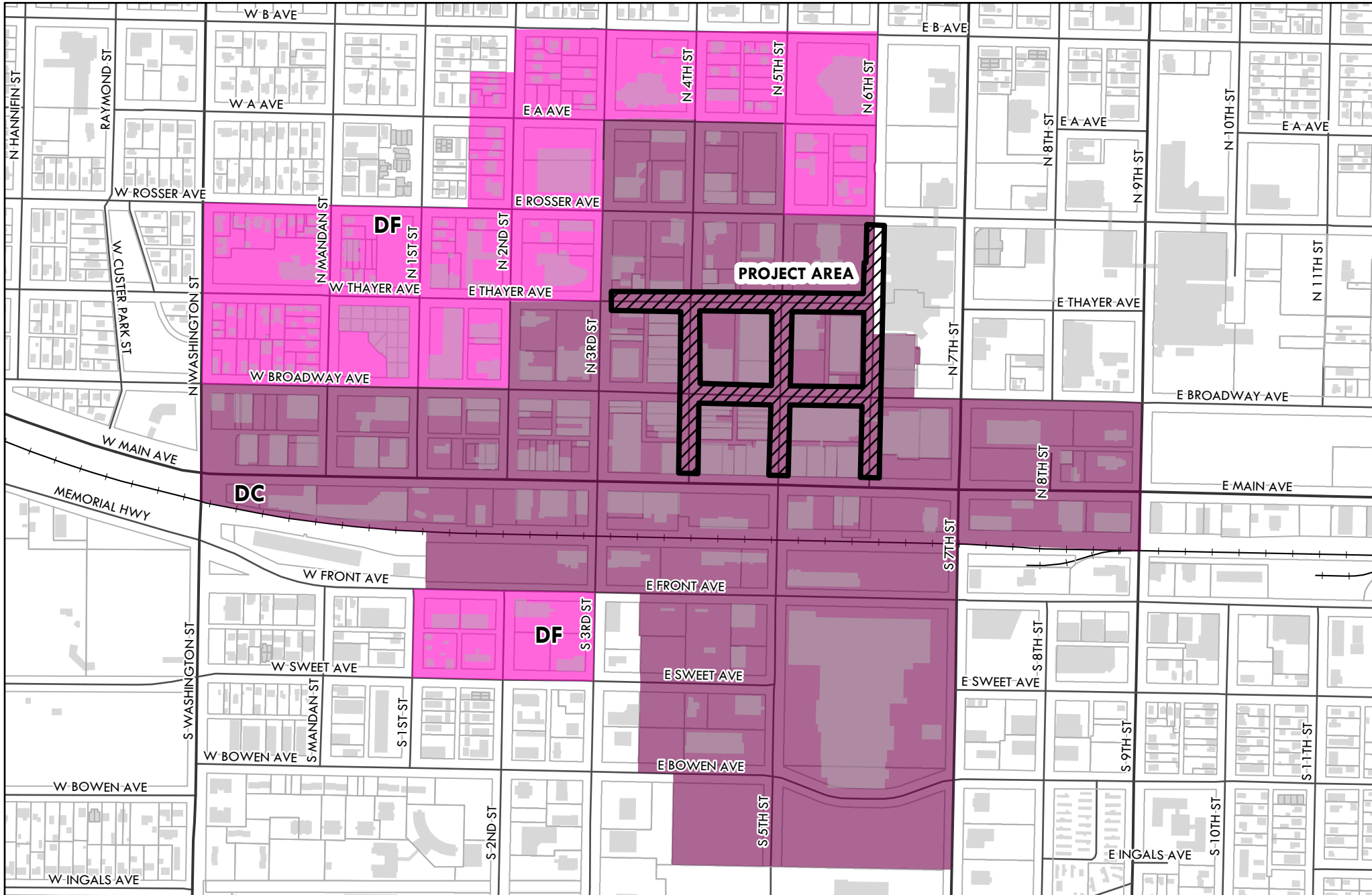
Video: <https://www.youtube.com/watch?v=mQzL0KxAq50>

Storymap: <https://storymaps.arcgis.com/stories/f0a6e9c13fc14575a65d4f943b8484f2>

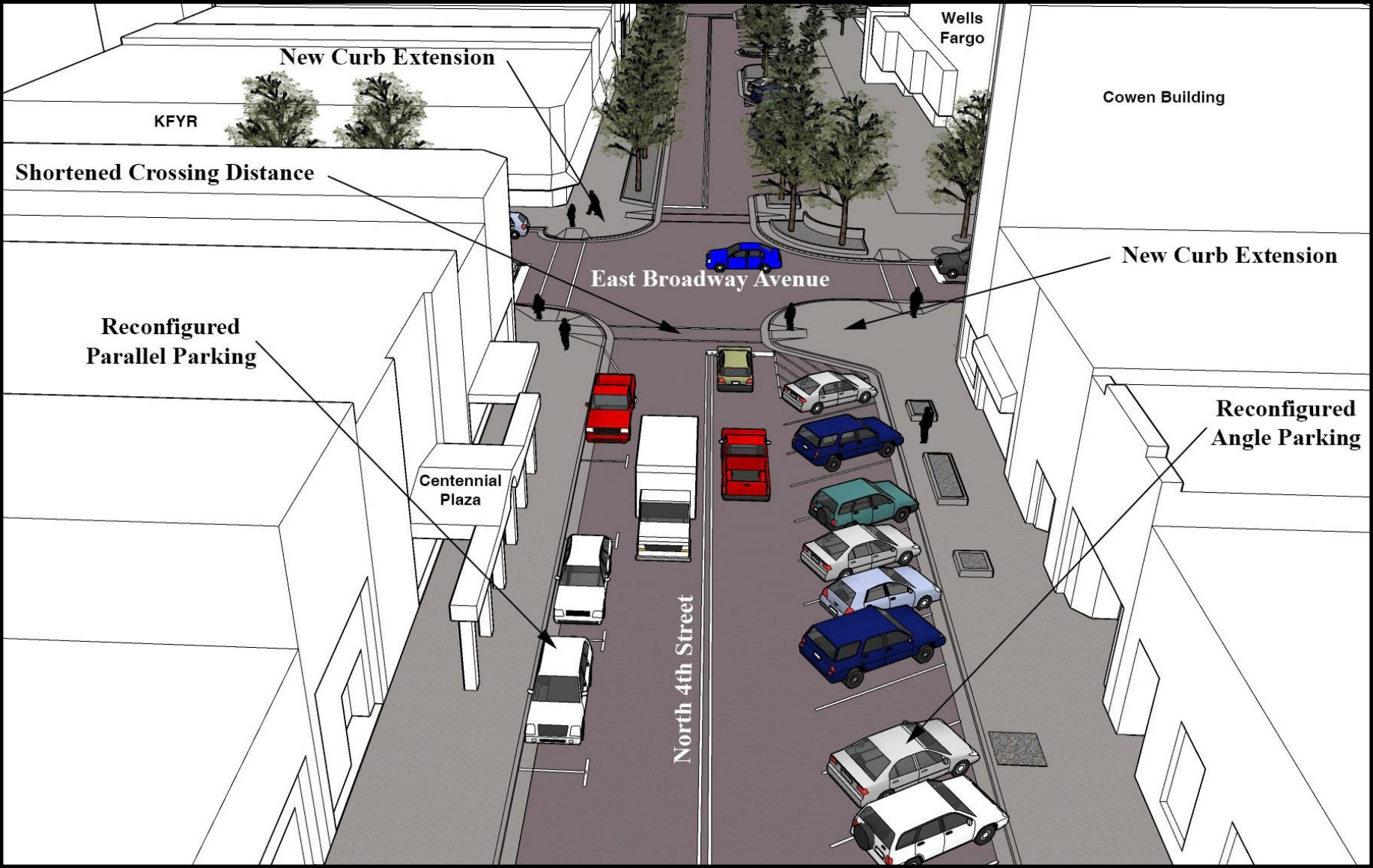
Staff Recommended Action:

Review the proposed project and provide comments on any potential historic impacts.

Attachments: Project Map
 Renderings of two intersections
 Proposed location of tree plantings

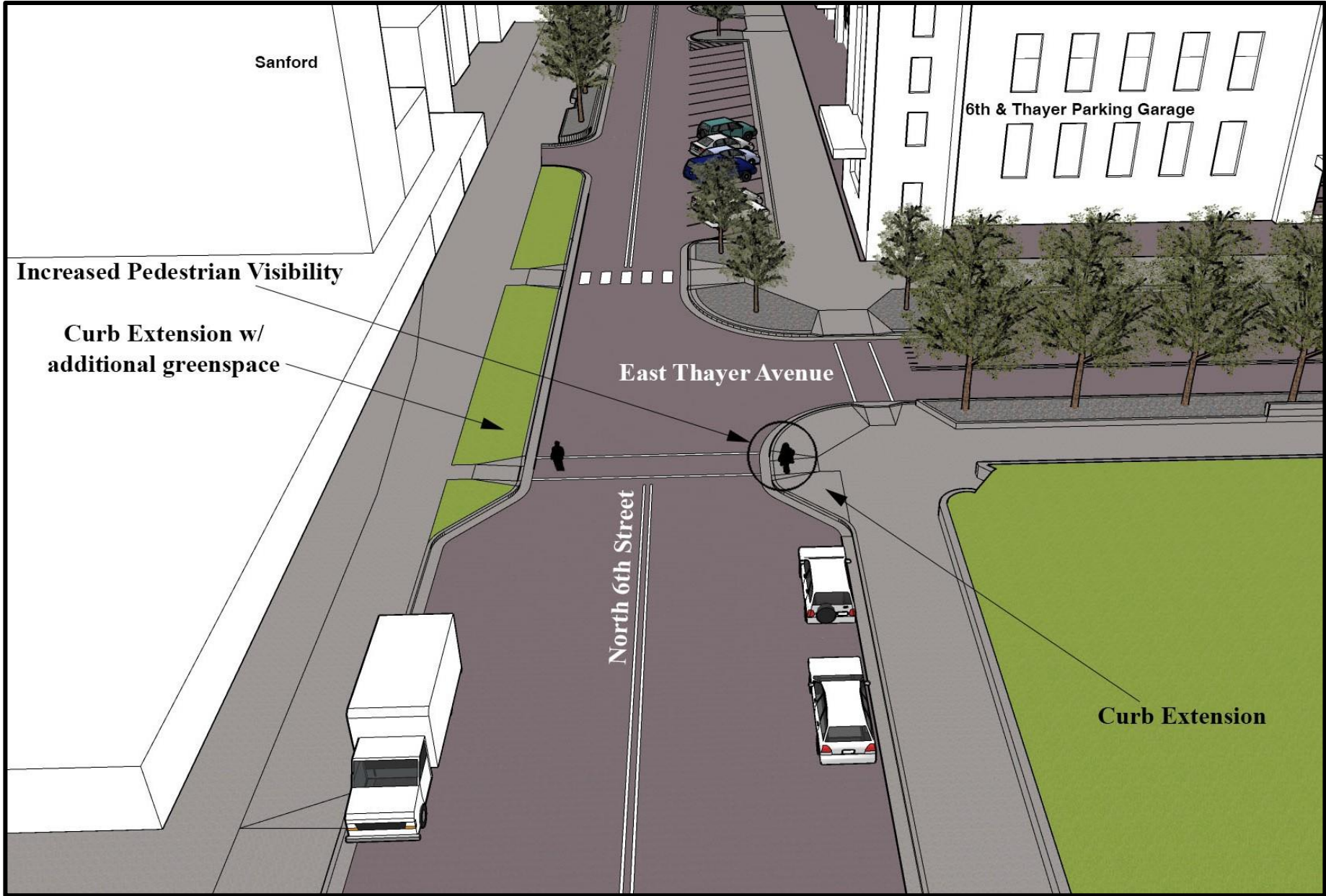


Proposed Changes to North 4th Street and East Broadway Avenue



North

Proposed Changes to N 6th Street and East Thayer Avenue



↑ South

HC 128 - Downtown CPR Project - UGP-1-981(120) & UGP-1-981(122)





Community Development Department

MEMORANDUM

Participation in Historic Preservation Month Activities

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: April 16, 2021

This memo is being presented at the request of Chair Sakariassen. May of each year is dedicated to National Preservation Month. Also known as Historic Preservation Month, the month celebrates the nation's heritage through historic places. Organizations across the country promote a variety of activities. Established in 1973 by the National Trust for Historic Preservation, the event is co-sponsored by local preservation groups, State historical societies, businesses and civic organizations across the country.

The following events are currently planned by the City and other local organizations for the month:

- April 27 – City of Bismarck to proclaim May as National Preservation Month
- April 30 – Press conference to promote the month and celebrate the Washington Street Preservation project
- May 16 – Video presentation on history of BNSF bridge and update on efforts to save the bridge by FORB at Russell Reid Auditorium, North Dakota Heritage Center

The State Historic Preservation office has indicated the following are activities they have planned or are in place for National Preservation month:

- Dakota Datebook entries which focused on preservation, written by Sarah Walker in the State Archives
- SHPO monthly newsletter will focus entirely on preservation rather than an item of interest from each division
- The updated National Register of Historic Places exhibit has been installed

As of the time writing this memo, staff is unaware of any other specific scheduled local activities, but the following are some ideas that have been identified by others to support Historic Preservation Month:

- Historic walking tours



- Site of conscience
- Photo contest
- Booths at Historic Preservation Month events
- Collaboration with Northern Plains National Heritage Area
- Collaboration with the Heritage Center
- Collaboration and participation in events occurring with the State Historic Society
- Awareness of National Register listings and process to list properties.

The draft goals and objectives you developed for the Historic Preservation Plan include the following goals that support participation in Historic Preservation Month.

- 2) **Promote the knowledge and understanding of the City's heritage, its historic properties and the past endeavors of its residents**
- 3) **Educate the public about historic preservation and any programs and tools available to achieve this goal**
- 4) **Celebrate the heritage of Bismarck**

Staff Recommended Action:

Discuss upcoming opportunities and consider your desired level of participation.



Community Development Department

MEMORANDUM

Section 106 Consultation Information Guide

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: April 16, 2021

In an effort to develop and define clear processes and procedures, staff has drafted an information guide related to the Historic Preservation Commission's role in Section 106 consultation reviews. This purpose of this document is to provide additional information to consulting agencies and others in the community who engage in projects that will be subject to Section 106 review. This guide would be added as a resource to the Historic Preservation Commission's webpage on the City of Bismarck website.

Staff is asking for review of this guide and feedback on any changes the Historic Preservation Commission would like to see before this is posted online.

Staff Recommended Action:

Review the draft information guide regarding Section 106 consultation and provide staff with any requested changes.





Section 106 Consultation

The Bismarck Historic Preservation Commission participates in Section 106 Reviews as a consulting party on behalf of the City of Bismarck.

The National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.), enacted in 1966, is the primary federal historic preservation law. Among its many provisions, the law establishes a regulatory review process known as Section 106 Review. Section 106 of the NHPA requires federal agencies to consider the effects of any project they carry out, permit, approve or fund that could potentially have an impact on a property listed or eligible to be listed on the National Register of Historic Places. Various consulting parties participate in the review process, including local governments. The process requires each federal agency to consider public views and concerns about historic preservation issues when making final project decisions.

Consultation with the City of Bismarck

The Historic Preservation Commission reviews all Section 106 Review projects submitted to the City for evaluation and comment. The Historic Preservation Commission evaluates the proposed finding provided by the submitting entity and provides recommendations to the submitting agency and the North Dakota State Historic Preservation Office (SHPO). During the review, the Historic Preservation Commission may also provide comments regarding the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

Section 106 Review Steps

Whenever a Section 106 Review is conducted, reviews follow four basic steps.

1. Initiate consultation by notifying the appropriate consulting parties. Consultation is between the federal agency, SHPO and other consulting parties including but not limited to the Advisory Council on Historic Preservation (ACHP), Bismarck Historic Preservation Commission and members of

the general public with an economic, social or cultural interest in the project.

2. Identify properties that may be affected by the project and determine if the property or properties are historic as determined by eligibility or listing on the National Register of Historic Places.
3. Assess the effects of the undertaking on the resources in consultation with the SHPO and establish if they are adverse. Determining adverse effects on historic resources is based on criteria established by the regulations, 36 CFR Part 800 of the ACHP.
4. Resolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts on historic resources. The result of consultation is a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA). The MOA or PA is a legally binding document, which evidences the agency's compliance with Section 106 and records the outcome of consultation and the effects of an agency's project, projects or program on historic resources.

Area of Potential Effects

The area of potential effects or APE is *"the geographic area or area within which the undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any exist."* (36 CFR §800.15(d)). The APE is typically based on the following:

- The nature and scale of the project
- The kinds of effects the project may cause
- The kinds of historic properties that may be located in the project vicinity
- Input from the SHPO/THPO

Findings and Determinations

All projects that require a Section 106 Review will be found to have one of the following proposed findings or determinations:

Proposed determination of **Adverse Effect**. The term “effect” is defined under 36 CFR §800.16(i) as an “alteration to the characteristics of historic property qualifying it for inclusion in, or eligibility for the National Register.” The project’s impact on the property’s use, character, location, and setting will be considered when determining its effect on the historic property. An effect is considered adverse under 36 CFR §800.5(a)(1) when it will endanger those qualities that make the property eligible for inclusion in the National Register. Adverse effects of a project can be direct or indirect. The following are common kinds of Adverse Effects:

- Removal from historic setting
- Physical destruction or damage
- Introduction of visual or audible intrusions
- Alterations that are out of character
- Changes in use or setting if those are important characteristics of the property

Proposed determination of **No Adverse Effect**. This finding is used when there is a historic property affected but the effect is not considered adverse.

Proposed finding of **No Historic Properties Affected**. Any property affected is not on the National Register of Historic Places or Eligible for listing. Or the properties, whether historic or not, are not affected by the undertaking.

When there is insufficient information from a Class 1 literature search, a proposed finding of **Survey Recommended** may be a proposed finding. A Class 1 literature search is documentary research and the starting place for inventory efforts.

Submittal Procedures

The following procedures are typically followed for all the Historic Preservation Commission consulting party reviews and comments on Section 106 project:

1. Prior to submittal to the SHPO, a consulting party request for Section 106 review should be sent to:

Will Hutchings, Planner
City of Bismarck
Community Development Department
221 N Fifth Street / PO Box 5503
Bismarck, ND 58506
(701) 355-1850
whutchings@bismarcknd.gov

The review should define the area of potential effects (APE), include the result of any research conducted in the APE, summarize the findings of the literature search and provide a proposed determination or finding.

2. Submittals must be received at least nine (9) days prior to the Historic Preservation Commission meeting. The Historic Preservation Commission typically meets the third Wednesday of every month at 3:30 PM. Representation is not required but is encouraged in case the Commission has additional question.
3. The Historic Preservation Commission will meet and review the proposed project and the proposed determination or finding. Any potential concerns will be noted and discussed during the meeting. The Historic Preservation Commission may elect to agree or disagree with the proposed determination or finding and may note additional concerns or considerations.
4. A proclamation of the Historic Preservation Commission review actions will be completed and returned to the submitting agency and the SHPO.

Additional Resources

The following additional hyperlinked resources are available online:

- [A Citizen’s Guide to Section 106 Review \(ACHP\)](#)
- [Section 106 Applicant Toolkit \(ACHP\)](#)

For additional information, contact the City of Bismarck Planning Division at 355-1840 or visit the City-County Office Building 221 N. 5th St. during standard office hours.

**BISMARCK HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
March 17, 2021**

The Bismarck Historic Preservation Commission met on March 17, 2021, at 3:30 p.m. in the David J. Blackstead Conference Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, the meeting was held via Zoom. Chair Sakariassen presided remotely.

Commissioners present were Steve Bakken, Walt Bailey, Blake Dinkins, Calvin Grinnell, Tory Jackson, Beth Nodland and Amy Sakariassen.

Staff members present were Sandra Bogaczyk – Office Assistant II, Jannelle Combs – City Attorney, Ben Ehreth – Community Development Director, Will Hutchings – Planner and Kim Lee – Planning Manager.

Guest present was Aaron Barth - Executive Director, Northern Plains National Heritage Area.

MINUTES

Chair Sakariassen called for consideration of the minutes of the February 17, 2021 meeting of the Historic Preservation Commission.

MOTION: A motion was made by Commissioner Bakken to approve the minutes of the February 17, 2021 meeting of the Historic Preservation Commission, as presented. The motion was seconded by Commissioner Bailey and with Commissioners Bakken, Bailey, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

PUBLIC COMMENT

Chair Sakariassen asked if there were any public comments. There being no public input Chair Sakariassen resumed the meeting.

SECTION 106 REVIEW – NDDOT PROJECT

Chair Sakariassen asked Commission members to consider the submitted documentation for Section 106 review of the proposed NDDOT projects to be located along portions of State Street and complete the attached declaration of your findings for the State Historic Preservation Office.

Commissioner Bailey suggested an amendment to rephrase the declaration to reflect that there are not currently any known cultural resources in the project area. Commissioner Bakken seconded the motion.

Commissioner Jackson asked if the motion properly addresses the format of the form. Mr. Hutchings stated that the form is an internal creation which could be rewritten to reflect the wishes of Commission members.

Commissioner Nodland stated that she should be removed from voting due to her relationship with the project. Chair Sakariassen stated that Commissioner Nodland is welcome to clarify arguments. Commissioner Nodland noted that the Commission might not want to be adding language to the established Section 106 process.

Chair Sakariassen stated that the already existing phrasing, which states that the results of the Class 1 literature review constitutes a reasonable and good faith effort to identify cultural resources, makes her feel comfortable with that language in regards to future possible findings and said that it was fairly standard language in such documents she has worked with.

Commissioner Bakken asked for clarification about possibly editing the Section 106 document. Mr. Hutchings stated that it is an internal created document that is used for communicating with the State regarding any specific concerns with a Section 106 project. Mr. Hutchings stated that Commissioner Bailey's motion could be altered to remove the suggested language yet still note his concerns.

Commissioner Jackson stated that he did not think the document needed to be amended.

Commissioner Bailey rescinded his original motion. Commissioner Bakken concurred regarding his second.

Chair Sakariassen asked if there was anyone opposed to rescinding the motion. Hearing none she resumed the meeting.

MOTION: A motion was made by Commissioner Jackson to agree with the NDDOT determination of No Historic Properties Affected. The motion was seconded by Commissioner Dinkins and with Commissioners Bakken, Dinkins, Grinnell, Jackson and Sakariassen voting in favor of the motion, the motion was approved. Commissioner Bailey opposed the motion. Commissioner Nodland abstained.

PRESENTATION: NORTHERN PLAINS NATIONAL HERITAGE AREA – AARON BARTH

Mr. Barth, Executive Director of Northern Plains Heritage Area, stated the purpose of his organization and provided some history of relationships linking heritage tourism as an economic engine citing examples of local history and its ties with the Missouri River. He argued that championing heritage is relative to developing tourism and the local economy.

Mr. Barth listed goals specific to the Historic Preservation Commission including heritage trails, interpretative guides and arts and culture guides and described funding opportunities and restrictions.

Chair Sakariassen stated that there is an exciting range of opportunities to explore.

Commissioner Nodland asked Mr. Barth to describe the new facility being built at the Missouri River Landing. Mr. Barth described the project and stated that late June is the target date for completion.

A discussion about various past projects, funding and archeological site work including some descriptive videos which Chair Sakariassen thought might inspire new partner projects were discussed. Chair Sakariassen asked Mr. Barth and he agreed to forward suggested websites to staff for Commission members to consider.

Mr. Barth and Chair Sakariassen agreed it would be beneficial for both groups to continue the association between their organizations and both looked forward to future shared projects.

OTHER BUSINESS

NOTICE OF 2021 HPF GRANT AWARD

Mr. Hutchings stated that he was pleased to report that on March 9th he received notice that the 2021 HPF Grant Award was funded in the amount of \$28,750 to fund interpretive historic markers, the production of walking tour maps and fund anticipated costs for the National Register nomination for Highland Acres. He stated that a contract has yet to be executed.

Commissioner Nodland asked that a thank you letter be sent to the HPF board. Mr. Hutchings mentioned his expectation to send one.

UPDATE ON PRIOR RECOMMENDATIONS TO CITY COMMISSION

REGARDING BNSF BRIDGE

Mr. Hutchings stated that there were two items HPC recommended to the City Commission for approval. One was the items within the memorandum of agreement and the priorities HPC members pre-ranked and voted to approve as a group ranking. Mr. Hutchings stated that the City Commission approved the MOA with the contingency preserving the city's infrastructure including the water intake and water treatment plant and surrounding environment, bank stabilization and assuring the City is not held financially responsible with anything moving forward with the bridge. The second item, he continued, was the request of the Friends of the Rail Bridge (FORB) to enter into a public-private partnership with the City to offer any assistance allowable within the City's ordinance related to historic preservation powers and duties. FORB furthermore requested a partnership with the City to facilitate registration of the BNSF bridge as a national historic place, along with other designations, once the bridge's ownership would be transferred. The City Commission denied that request.

Chair Sakariassen thanked Mr. Ehreth for his presentation of the request to City Commission. She also stated that she would like to not see further denigration of citizens stating their

request to a public commission in good faith. She stated that she received several phone calls requesting the same. She stated that all citizens who make public requests should be treated with respect.

Chair Sakariassen asked if there are any remaining comments before adjournment.

Mr. Hutchings stated that he would like to inform all Commissioners present that there is an upcoming statewide CLG conference which is an opportunity to receive training available for all CLG communities. It will be held on-line in multiple events over the course of four days at 1.5-hour intervals starting at 10am. He stated that he has forwarded the link to register. The first date will be March 29, 2021. He asked that if commissioners plan to attend that they inform him so that if more than three members plan to attend then he can make a public announcement that a meeting is scheduled.

ADJOURNMENT

There being no further business, Chair Sakariassen declared the meeting of the Bismarck Historic Preservation Commission adjourned at 4:19 p.m. to meet again on April 21, 2021.

Respectfully Submitted,

Sandra Bogaczyk
Recording Secretary

APPROVED:

Amy Sakariassen, Chair