

**BISMARCK HISTORIC PRESERVATION COMMISSION  
SPECIAL MEETING MINUTES  
January 21, 2020**

The Bismarck Historic Preservation Commission met for a special meeting on January 21, 2020, at 12:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Chair Sakariassen presided.

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

Commissioner Nodland was absent.

Staff members present were Ben Ehreth – Community Development Director, Janelle Combs – City Attorney, Will Hutchings – Planner and Hilary Balzum – Community Development Administrative Assistant.

**REVIEW AND COMMENT ON DRAFT US COAST GUARD PROGRAMMATIC AGREEMENT FOR BNSF BRIDGE**

Chair Sakariassen said the Historic Preservation Commission has been asked to discuss a programmatic agreement document under Section 106 review regarding the BNSF rail bridge; the City of Bismarck is a commenting party. She said the comments provided will help the City Commission with a formal response and as this is a serious issue, the remarks should be concise and to the point. She added that programmatic agreements are built through cooperative work to build a framework and they are legally binding. She said the City is to represent the interest of the community to reduce loss, and losing this bridge would be a loss to the City. She said private ownership questions will come up, so be aware that although BNSF is a private company, they must still follow laws and obtain federal permits as required. She asked the Commission to make comments on the draft agreement provided and find a consensus to synthesize the comments and make a formal recommendation.

Mr. Hutchings said the comments are due tomorrow to be considered at the City Commission meeting on January 28, 2020.

Chair Sakariassen said the agreement in priority C2 relating to preservation on page 3, section 3, speaks to assistance and the State Historic Preservation Office and she would like to change that to the State Historic Preservation Office, Historic Preservation Commission and the City. She said on page 4 in section 4 regarding mitigation examples should indicate funding should be made available or for historic survey to offset loss. She said it should also include funding to be established for trail enhancements, signage and needs of the Historic Preservation Commission. She said if the bridge is not preserved she would like to see grant money be used in public spaces. She said page 5 should say this is an opportunity for a Level 1 Historic American Engineering Record

(HAER) document as a stipulation. She added that page 6, section C, should include the City and the Historic Preservation Commission having an opportunity in that clause to review any discoveries made during the process.

Commissioner Dinkins asked if preservation of the granite might be in individual pieces or parts of the existing piers.

Chair Sakariassen said if it is taken, she is unsure of the deconstruction process so it would likely be in small pieces and with its weight and transportability could become burdensome. She said she would like the asks to be reasonable.

Commissioner Bakken said he would like to know the BNSF's mission with the bridge because there ultimately are three issues here to include engineering, operations and what to preserve as far as the view shed or the bridge itself and if it is feasible to relocate sections of the bridge throughout the community. He said it has been indicated there would be great cost with that last option and he is confident a good portion of the granite stones could be preserved and utilized in cornerstones, public spaces and other development.

Commissioner Bailey said on page 2, relating to the participants of the agreement, shows Native Americans represented but there is not a representative listed for the Indian Affairs Commission. He said if this was an oversight it might be good to include them. He said there is controversy over keeping or demolishing the bridge and, according to the agreement, the construction of a new bridge and the demolition of the old bridge would be based on feasible and reasonable conditions, but those are not detailed. He said if it is only to be equal to the lowest cost, that is not a sufficient reason. He said he is also aware of one participating entity from the Bismarck area who would like to see a provision providing funding for research to support the design and construction of a museum exhibit to interpret the history of the bridge and its affects on Burleigh County and Morton County. He said those are his recommendations, in addition to his thorough review and editing for grammar and misspellings.

Chair Sakariassen said the Indian Affairs Commission should be contacted and included. Commissioner Bailey said yes, adding that their absence is noteworthy and Native Americans having been affected will continue to be whichever way the decisions go.

Chair Sakariassen said the agreement will get stronger with each draft and said it is an evolving document until it is signed.

Commissioner Bailey said a lot of discussions are happening in depth already, with more to come.

Mr. Hutchings clarified that the stipulation of a museum would depend on whether the bridge is kept or removed. Commissioner Bailey said that is correct.

Mr. Ehreth asked if research has been conducted yet to identify a funding source for that exhibit. Commissioner Bailey said it would come from the State Historical Society.

Commissioner Jackson said on page 3, in the heading and stipulations, there would normally be more precise language such as conditions to the permit or any other ultimate action taken by the United States Coast Guard (USCG). He said on page 4, section 4, relating to the stipulations and conditions of the permit issued, would be an important section to define mitigation to include funding for research and other nomination projects. He said they should define funding for a qualified historian to write the history of the bridge, such as the impacts it had and also establish a design review committee to include a member or members of the Historic Preservation Commission. Commissioner Jackson added this could also be an opportunity for public art focusing on the bridge or to obtain a laser scan which would offer a 3-D model for future projects.

Mr. Hutchings asked if those mitigations should apply only if the bridge is removed. Commissioner Jackson said either way that history should be required with a 3-D scan to be conducted in the event it is demolished, and include varying amounts of funding for surveys in both of those sections depending on what the agreement is.

Mr. Hutchings asked in which situations to apply the design review committee request and the public art option. Mr. Jackson said if a new bridge is to be constructed a design review committee is desirable, and if the bridge is kept and a new bridge is constructed the public art option should also apply.

Commissioner Bailey said to add a stipulation of the particular effort to record the demolition of the bridge if that takes place.

Commissioner Grinnell said the bridge opened up an entire area of western North Dakota. He said the Mandan, Hidatsa and Arikara tribes were awarded 12 million acres and he has gathered fairly negative feelings in regard to the demolition of the bridge. He said as a tribal member, he feels the bridge could serve well as a walking path or something else of value that is positive. He said panels could be designed to demonstrate the loss from the Fort Laramie Treaty.

Mr. Ehreth said it could be proposed that if the bridge is removed, then an interpretive trail could be installed to help mitigate that loss.

Chair Sakariassen said if the bridge stays, then it might be timely to keep it in conscious view, and this is being thought of differently now than before regardless of whether the existing bridge stays or not.

Commissioner Grinnell agreed with that sentiment and said the tribes being referenced in the programmatic agreement are sufficient.

Mr. Ehreth said they need to identify actions and the responsible party so that those requesting funding would be from BNSF.

Chair Sakariassen said that is correct.

Commissioner Dinkins asked as it relates to the Level 1 HAER document if that would cover or piggyback on the laser scan. He asked if that section can be changed to allow photos in color rather than just in black and white and if an aerial fly over could be conducted to capture the site. He said the technology offered in the draft agreement seems outdated and also added that Berk should be corrected to Berg (Claudia).

Commissioner Bailey said he can assume there will be additional opportunities to review the agreement as it changes.

Chair Sakariassen said that ultimately is up to the City Commission.

Mr. Ehreth said staff will continue to update the Historic Preservation Commission as the USCG takes the City's comments. He said he does not hear any conflicts in the suggestions that have been made and said they will include the staff recommendations with those from the Historic Preservation Commission to be heard all at once.

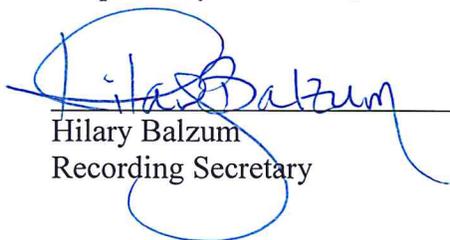
Mr. Hutchings said if there are not any objections then a motion can be made to move all of these comments forward.

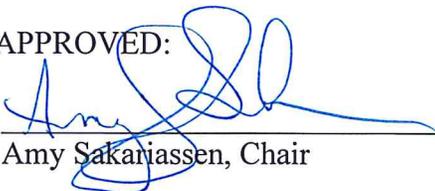
**MOTION:** A motion was made by Commissioner Bakken for staff to synthesize the comments made for forwarding to and consideration by the Board of City Commissioners. The motion was seconded by Commissioner Jackson and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

## ADJOURNMENT

There being no further business, Chair Sakariassen declared the special meeting of the Bismarck Historic Preservation Commission adjourned at 12:47 p.m. to meet again on February 19, 2020.

Respectfully Submitted,

  
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Hilary Balzum  
Recording Secretary

APPROVED:  
  
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Amy Sakariassen, Chair