

**BISMARCK HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
February 19, 2020**

The Bismarck Historic Preservation Commission met on February 19, 2020, at 3:30 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chair Sakariassen presided.

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

Commissioner absent was Steven Bakken.

Staff members present were Ben Ehreth – Community Development Director, Kim Lee – Planning Manager, Jannelle Combs – City Attorney, Will Hutchings – Planner and Hilary Balzum – Community Development Administrative Assistant.

MINUTES

Chair Sakariassen called for consideration of the minutes of the January 15th meeting and January 21st special meeting of the Historic Preservation Commission.

Commissioner Bailey indicated that page four of the special meeting minutes should read Berg rather than Burke (Claudia) and page 21 should indicate the Bismarck Historical Society, not the State Historical Society. Commissioner Grinnell said to also correct the typo in the word ‘draft’ in the heading on page 19.

MOTION: A motion was made by Commissioner Bailey to approve the minutes of the January 15th meeting and the January 21st special meeting of the Historic Preservation Commission, with the stated corrections. The motion was seconded by Commissioner Dinkins and with Commissioners Bailey, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

UPDATE ON CULTURAL HERITAGE GRANT APPLICATION

Mr. Hutchings said at the November 20, 2019 meeting of the Historic Preservation Commission, staff was directed to prepare a Cultural Heritage Grant (CHG) application to hire a consultant to complete Highland Acres site surveys. He added that the Bismarck City Commission approved the grant application on November 26, 2019 and the application was submitted to the State Historic Preservation Office on November 27, 2019. He added that in a letter dated February 7, 2020, the State Historical Society indicated that the City of Bismarck grant application was not selected for funding. He said a copy of the letter was included in the agenda packet for this meeting. Mr. Hutchings went on to say that staff reached out the State Historic Preservation Office to

discuss options moving forward. Amy Munson, Grants and Contracts Coordinator with the State Historic Preservation Office (SHPO), noted that the non-selected CHG application the City of Bismarck submitted will now be included with the Historic Preservation Fund (HPF) grant application that was submitted on January 30, 2020. He said HPF grants are eligible for all Certified Local Governments who submit applications, and City of Bismarck staff indicated to SHPO that the Highland Acres site survey project should be the highest priority for that funding source out of all projects submitted for consideration. Mr. Hutchings said staff also sought clarification from SHPO on why the submitted CHG application was not selected. In conversations with Ms. Munson, it was noted that since the CHG was funded from a State fund and administered by SHPO, and because the application submitted was for work that is also conducted by SHPO, the proposed project showed potential conflicts of SHPO selecting a project for funding that mirrors work for which they are responsible. Mr. Hutchings said, as it stands, the Highland Acres site survey project will most likely need to be scaled back to align with the funding award that will be made available through the HPF grant. He added that this could include changing the project scope to only survey the identified core area, with the possibility of doing the identified optional areas at a future time. He said SHPO also indicated that they may be able to assist with some of the tasks associated with completing site surveys therefore reducing the amount of work that would need to be conducted by a consultant. Once any funding award is announced, staff will work with SHPO representatives to determine all reasonable alternatives. SHPO anticipates an award notice in early to mid-March 2020.

Mr. Hutchings said SHPO does a great job at trying to award funding to every Certified Local Government that applies.

Chair Sakariassen said the intent is to do some site surveys inhouse, and there needs to be a significant amount of agreement in order to have someone to help as well. She said the intent of SHPO is to mitigate by helping, as it is also their mission. She said we need to know where we stand with SHPO.

Commissioner Bailey said he was unsure of the argument that CHG funds cannot be used for these activities until now. He said it seems contrary to the working procedures of the last 50 years.

Commissioner Jackson asked if the City asked for the full \$50,000.

Mr. Hutchings said that is correct and added that was the maximum request amount requested when the CHG funds were applied for. He added it is unlikely that amount would be awarded from the HPG grant so the project will need to be scaled back as needed. He said that at a minimum, HPF grant funds from National Park Service funds must pass through 10% so there is a total of \$72,000 to be awarded to all CLGs who request funds. He said they can see what is awarded go from there.

Chair Sakariassen said it behooves this group to get ahead of this project being controversial, because it should not be. She said this area merits an historical district designation and needs to be defined as such. She is unhappy to see this potential nomination becoming touted as being controversial, as that is not the intent.

REVIEW OF DRAFT HISTORIC PRESERVATION PLAN PUBLIC QUESTIONNAIRE

Mr. Hutchings said at the August 9, 2019 special meeting of the Historic Preservation Commission staff presented a draft Historic Preservation Plan for review and comment. Development of the Historic Preservation Plan is progressing, with assistance provided by members of the Historic Preservation Commission. He said staff estimates the plan is 75% complete, and as the project gets closer to completion, staff is recommending that a public survey be developed and released to seek input related to historic preservation from community members. He added that a draft questionnaire was included in the agenda packet for review today, asking for suggested edits and possible approval.

A copy of the draft questions is attached as Exhibit A.

Commissioner Nodland said to fold in somewhere, possibly into question four, if there is awareness of the upcoming sesquicentennial.

Commissioner Bailey added an entirely separate question for that item may be more appropriate.

Commissioner Nodland said question number two seems too vague or broad.

Chair Sakariassen said they could do a scale of what is known of various historic items.

Commissioner Bailey said question number one could include a follow-up question of why or why not in order to establish a base line and also ask how long they have been a resident.

Commissioner Jackson suggested adding question of favorite historical sites. He then asked how the information derived from the survey results will be made available and decimated.

Mr. Hutchings said a surveying program would be utilized.

SECTION 106 REVIEW PARTICIPATION – 1100 EAST BOULEVARD AVENUE AND 1100 PORTER AVENUE

Mr. Hutchings said the City of Bismarck has requested review for two proposed rehabilitation projects at two separate buildings located at 1100 East Boulevard Avenue and 1100 Porter Avenue. He said the City will be utilizing pass through federal funds

(NSP and HOME) to Community Works North Dakota and Lutheran Social Services Housing, LLC for purchase and further rehabilitation of the buildings. Mr. Hutchings added that a letter and maps provided to the SHPO were included with the agenda packet for this meeting and the proposed rehabilitation work for each building consists of replacing windows, doors, carpets, cabinets, countertops, and bathroom fixtures in buildings. Mr. Hutchings explained that applicable aspects of this review would be the replacement of windows and exterior features. The potential impacts to the buildings' historic character created by replacement windows should evaluate, whether the windows will be the same size, style, material, and shape.

Mr. Hutchings said staff recommends reviewing the submitted documentation for Section 106 review of the proposed rehabilitation projects located at 1100 East Boulevard Avenue and 1100 Porter Avenue and complete the provided declarations of their findings for the State Historic Preservation Office.

Mr. Hutchings added that while 1100 Porter Avenue is likely not considered significant, the property at 1100 East Boulevard Avenue potentially is.

Chair Sakariassen asked when the last improvements were completed.

Mr. Hutchings said they were complete in 2014. He said 1100 East Boulevard Avenue has had various funding sources for renovations amongst multiple owners and now Lutheran Social Services Housing is offering the property for affordable housing. He said the architect provided renderings and there is a representative here to give more information as needed. These comments and renderings are attached as Exhibit A.

Brent Ekstrom said 40 units were renovated in the main building, but none located at the Porter Avenue Apartments have received improvements and they intend to renovate more units at 1100 East Boulevard Avenue. He said they would all eventually have some type of improvements.

Commissioner Jackson asked if those are only the units on the east side. Mr. Ekstrom said that is correct. They did an analysis and others that were renovated in 2017 are still in good condition.

Commissioner Jackson asked if the lattice on the building at 1100 Porter Avenue would change. Mr. Ekstrom said it is planned to be replaced with a new metal screen.

Commissioner Bailey asked who decided what is potentially eligible. Mr. Hutchings said Lorna Meidinger, SHPO, said there are not any surveys on record at this time, but the age may have determined the eligibility, as well as possible significant history and the Historic Preservation Commission is asked to weigh-in as this project is using a federal funding source.

Commissioner Nodland said she is uncomfortable with being asked to make a determination without knowing the historical eligibility requirements and there is not enough structural information. She said she does support the project, but cannot say there would be no adverse effect. She said that is like being asked to serve in the capacity of an architectural historian, but some guesswork needs to be taken out.

Mr. Hutchings said comments are to be provided to the State and asked if there is a way to convey those concerns without delaying the typical 30-day review period longer.

Chair Sakariassen said to include the limited knowledge of the Historic Preservation Commission and not being able to contribute to this review, or state there is nothing to add for an informed decision and they respectfully choose to not participate in this particular evaluation.

Commissioner Jackson said the declaration can still be used, just not necessarily to disagree.

Mr. Hutchings said that can work and he will modify the declaration to not indicate a disagreement.

Mr. Ekstrom said the inclusion of federal funding is what requires SHPO to ask for this input.

MOTION: A motion was made by Commissioner Nodland to adopt the modified language for the declaration and approve that language for this review. The motion was seconded by Commissioner Jackson and with Commissioners Bailey, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

OTHER BUSINESS

PUBLIC INPUT/COMMENTS

There was no public input provided at this time.

INFORMATION SESSION FROM CITY ATTORNEY

Ms. Combs provided a copy of a memo and said she has visited with all of the City Boards and Commissions just to give a refresher on some meeting operations requirements and to address some pitfalls, such as amending motions whereas withdrawing a motion is most preferred. She said any and all business communication is subject to open records requests and to avoid being inadvertently drawn into census building of any kind outside of meetings. Ms. Combs' memo is attached as Exhibit B.

Mr. Hutchings said the historic preservation community in Bismarck is small, and at times more than one member may be in the same room at one time. Ms. Combs said in that situation to simply avoid discussing any business of the Historic Preservation Commission.

OTHER BUSINESS

There was no other business to discuss at this time.

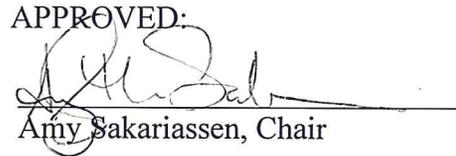
ADJOURNMENT

There being no further business, Chair Sakariassen declared the meeting of the Bismarck Historic Preservation Commission adjourned at 4:30 p.m. to meet again on March 18, 2020.

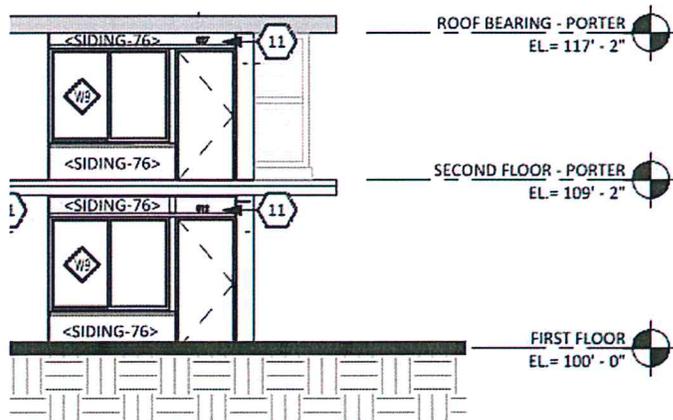
Respectfully Submitted,



Hilary Balzum
Recording Secretary

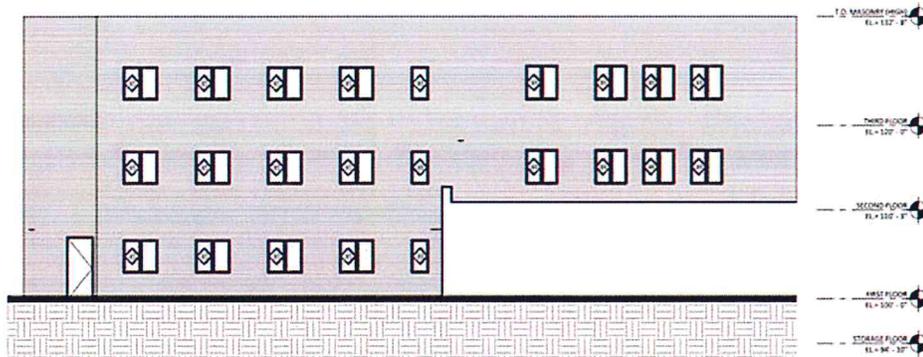
APPROVED:


Amy Sakariassen, Chair



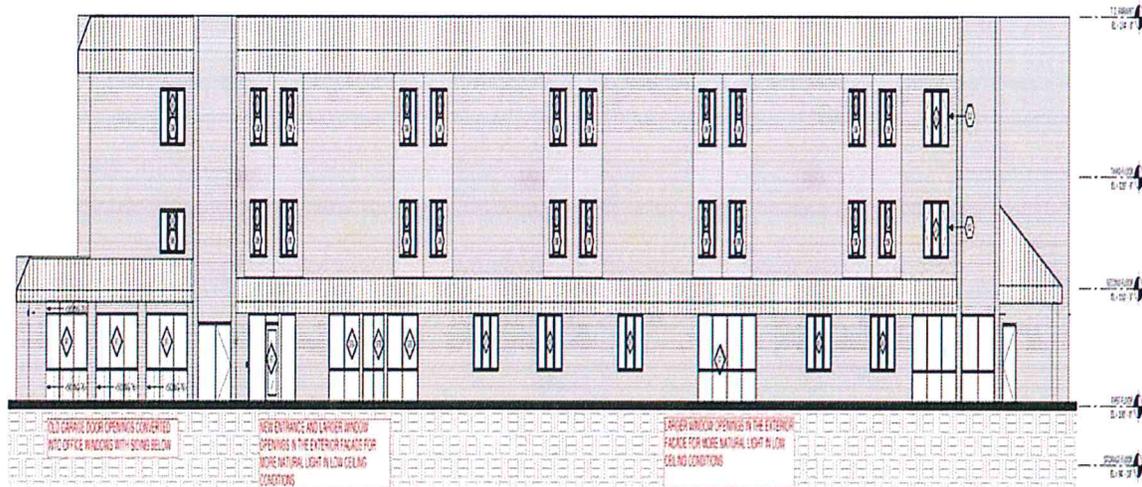
2A) **Community Room Siding Replacement** – the center area siding is indicated to be replaced with wood fiber siding as an alternate to the bid.

3) **Main Building Replacement Windows** – Where units are being renovated, the windows are indicated to be replaced. Window replacement in existing, untouched units is an alternate. Window for many spaces were replaced in 2013. New windows are called out to be vinyl. In example, the west elevation of the east wing below shows each window will be removed and replaced. This is the same for the east elevation of the east wing.



1A WEST ELEVATION - AREA 'A' EAST WING
A302 SCALE: 1/8" = 1'-0"

4) **Main Building New Openings / Replaced Garage Doors** – Please see below for the south elevation with new, larger openings of storefront and garage doors removed and replaced with storefront and siding.




SOUTH ELEVATION - AREA A
 1/16" = 1'-0"

I hope this helps with the conversation tomorrow- I apologize for not being able to make it.
 Thank you-

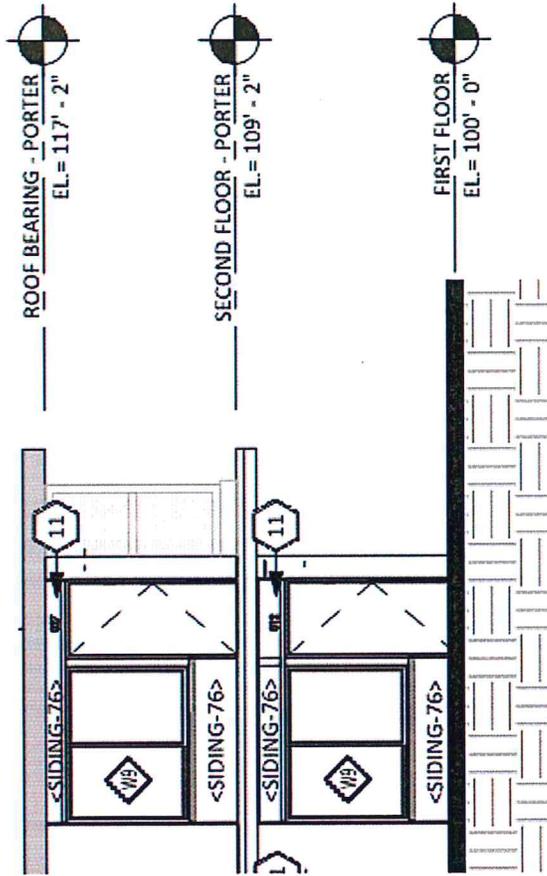
Jennifer Burke Jackson, AIA, LEED AP

JLG Architects
 416 E Main Ave
 Bismarck, ND 58501

p [REDACTED]

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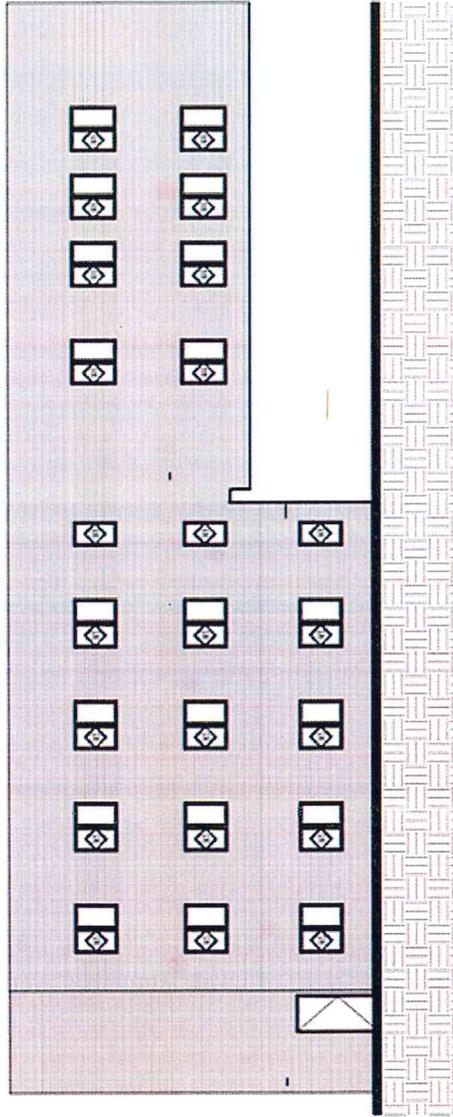
10 MASSACHUSETTS
EL. 111.7 - 1'

BASED FLOOR
EL. 110.7 - 0'

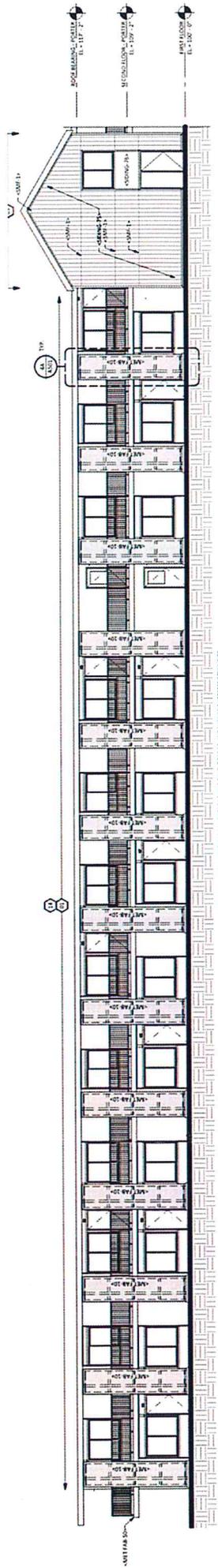
SECOND FLOOR
EL. 110.7 - 1'

THIRD FLOOR
EL. 109.7 - 0'

ATTIC FLOOR
EL. 94.7 - 10'



1A WEST ELEVATION - AREA 'A' EAST WING
SCALE: 3/8" = 1'-0"



SEE ELEVATION TABS FOR FACES/WINDOWS/DOOR/LEADING WALLS BY SEPARATIONS

7A SOUTH ELEVATION - AREA C

DATE: 10-1-10

7A
4309



Bismarck

City Attorney

DATE: February 19, 2020

FROM: Janelle Combs, City Attorney

ITEM: Discussion on Board Conduct and Governance

I was requested to provide a basic overview on common Robert's Rules of Order governance as well as North Dakota laws that often are impacted by work such as with the Historic Preservation Commission.

Four voting members are the quorum for any Historic Preservation Commission meeting since you have seven voting members.

1. To amend a motion on the table: Need motion and second, and then a simple majority vote to amend the motion; then you need to vote on the actual motion. Or the movant can ask to withdraw the motion. The chair can ask if there is any objection; if none, it is withdrawn. If there is objection, the withdrawal will be put to a vote.
2. Do not need majority if someone rises to a question of privilege (i.e. to complain about noise or heat) or rise to a point of order (i.e. protest breach of rules).
3. If you believe something is out of order without enough discussion or no actual second or a miscalculation of the votes, you can "rise to a point of order" which is one area where you do not need to be recognized by the chair before you speak.

Chair controls the meeting and controls who speaks by "recognizing" members. Discussion is not a conversation. No one should speak a second time until all who wish have spoken. Typically, once the topic is presented by staff, spoke about by the affected parties and all questions of those individuals are done, then a motion is needed before you can further discussion. Also the discussion should only occur after any public hearing is closed.

Remember that you are an advisory committee so any real action is to propose