

**BISMARCK HISTORIC PRESERVATION COMMISSION**  
**MEETING MINUTES**  
**May 20, 2020**

The Bismarck Historic Preservation Commission met on May 20, 2020, at 3:30 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Due to ongoing public health concerns related to COVID-19, the meeting was held via Zoom. Chair Sakariassen presided and was present in the Tom Baker Meeting Room.

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

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

Others present were Alex Haecker, AWH Architects and Lorna Meidinger, State Historic Preservation Office.

## **MINUTES**

Chair Sakariassen called for consideration of the minutes of the February 19th meeting of the Historic Preservation Commission.

**MOTION:** A motion was made by Commissioner Bakken to approve the minutes of the February 19th meeting of the Historic Preservation Commission, as presented. The motion was seconded by Commissioner Nodland and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

## **SECTION 106 REVIEW PARTICIPATION**

### **A. PATTERSON PLACE (420 EAST MAIN AVENUE)**

Mr. Hutchings said Patterson Place Limited Partnership and Schuett Companies, Inc. are proposing renovations to Patterson Place, located at 420 East Main Avenue, and are seeking Federal Historic Tax Credits, thereby requiring Section 106 Review. He added that this project has been reviewed by the Renaissance Zone Authority and was designated a Renaissance Zone Project by the Bismarck City Commission. Mr. Hutchings stated the Renaissance Zone Authority, acting as the Downtown Design Review Committee, also reviewed an initial design on November 14, 2019 and reviewed the amended design on May 14, 2020 for conformance with the zoning ordinance provisions of the DC – Downtown Core and the Downtown Design Review Guidelines. He then said amendments to the proposed design have been made in response to feedback received from the National Park Service. He added that the Renaissance Zone Authority, at their May 14, 2020 meeting, reviewed and approved the proposed amended design.

Mr. Hutchings gave a history overview of the property and said in January 2019, prior to the formation of the Bismarck Historic Preservation Commission, this project did undergo a Section 106 review for the proposed use of CDBG funding. Since then, the proposed project scope has changed and the applicant is now proposing to use Federal Historic Tax credits, prompting a new Section 106, State Historic Preservation Office (SHPO) and National Park Service review. He said the SHPO's original review noted concurrence with the determination of No Adverse Effect and is now being reevaluated to coincide with the new project scope. Mr. Hutchings explained that a cultural resource firm has not submitted a determination, but it is anticipated that since this renovation is more historically appropriate than the submitted design from the first Section 106 review, there will be a determination of No Adverse Effect.

Mr. Hutchings said this rehabilitation project was intended to be reviewed at the March 18, 2020 meeting of the Historic Preservation Commission, but the applicant withdrew the original request and that meeting was cancelled. He said review is for the amended design and all items detailed in the previous memorandum should be disregarded.

Mr. Hutchings then gave an overview of the proposed restoration including restoration to the façade, windows, storefront, terrace and rooftop signs.

Mr. Hutchings said staff recommends reviewing the submitted documentation for Section 106 review of the proposed rehabilitation project of the Patterson Place located at 420 East Main Avenue and complete the attached declaration of findings for the State Historic Preservation Office.

Chair Sakariassen said there was an original concern over the wording regarding the first-floor windows on the south and east sides, but she now understands it is intended to actually be the west and north sides.

Alex Haecker, AWH Architects, said they have no plans of replacing the stained glass on those other sides at all.

Commissioner Nodland said in January 2019 there was a Section 106 review and asked what the recommendation was at that time.

Mr. Hutchings said SHPO previously indicated a recommendation of No Adverse Effect. He said the scope has changed drastically since that time and the State is conducting a new review of the amended design. He added it the applicant's goal is to start this construction as soon as possible.

Commissioner Dinkins said the exterior notes indicate metal panels instead of stucco and asked why that changed.

Mr. Hutchings said the original plan was for the top three floors to have those panels, but the National Park Service recommended to not pursue that concept.

Mr. Haecker said portions will remain stucco.

Chair Sakariassen said the National Park Service saw the metal material as not being the best recommendation for this climate.

Commissioner Nodland said she does not see any information in the meeting packet regarding the windows or any previous recommendations.

Mr. Hutchings said the State has indicated they would be issuing a determination of no adverse effect for this review.

Commissioner Bailey said the Patterson Place will benefit greatly from this project. He said the part that bothers him is of the restaurant in the Patterson and the disruptions that will come with it. He asked if the Historic Preservation Commission should find out what the net impact on the eligibility might be.

Mr. Hutchings said there are proposed modifications to the interior and the architect can likely give an outline and its appropriateness.

Mr. Haecker said there were plans for the reactivation of the exterior stairwell and expanding the restaurant into the lower level, but those plans have been scaled back slightly. He said the plan is to restore some of the fabric in the dining area and to clean the existing tile as well as a private dining area and bar. He said the upper level would be a finish re-do as well as removing the ceiling fabric and restoring plaster as needed. He added that the tile floor will be repaired, and the wood will be restored as well.

Commissioner Bailey said the owner had indicated in a recent news story that the restaurant size would double and asked if SHPO knows that and if they have an opinion on it.

Lorna Meidinger, SHPO, said nothing has been presented to them as of yet and added that the proposal they have to review is for the Historic Preservation Tax Credit.

Commissioner Bailey said it would seem proper by this Commission to raise the question of what is in mind for the expansion.

Chair Sakariassen said it would be the opinion of this Commission to communicate to the owner that the intended changes need to be shared.

**MOTION:** A motion was made by Commissioner Dinkins to agree to signing the Section 106 review declaration as presented and as recommended by staff, with the recommendation of No Adverse Effect for Patterson Place (420 East Main Avenue). The motion was seconded by Commissioner Grinnell and with

Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

#### **SECTION 106 REVIEW PARTICIPATION**

##### **B. HANDICAP ACCESSIBLE RAMP (4419 CAMDEN LOOP)**

##### **C. HANDICAP ACCESSIBLE RAMP (4525 CAMDEN LOOP)**

Mr. Hutchings said because these proposed projects are for the construction of a ramp to increase accessibility to the homes. He said they were built in 1993 and 1995 and the ramp would be attached to the manufactured homes and funded from Community Development Block Grants (CDBG) administered from the City of Bismarck. Mr. Hutchings said because of the ages of the structures being less than 50 years of age, SHPO is anticipated to issue a determination of No Historic Properties Affected.

Mr. Hutchings said based on this information, staff recommends reviewing the submitted documentation for Section 106 review of the proposed installation of a handicap accessible ramp for the manufactured home at 4419 Camden Loop and 4525 Camden Loop and complete the attached declaration of findings for the State Historic Preservation Office.

Commissioner Dinkins asked if this needs a Section 106 review because of the CDBG. Mr. Hutchings said that is correct and added that since CDBG are federal funds so they are subject to Section 106 reviews.

**MOTION:** A motion was made by Commissioner Nodland of No Historic Properties Affected for the Section 106 reviews for 4419 Camden Loop and 4525 Camden Loop. The motion was seconded by Commissioner Dinkins and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

#### **SECTION 106 REVIEW PARTICIPATION**

##### **D. MODIFICATOIN TO TELECOMMUNICATION FACILITY (600 EAST BOULEVARD AVENUE)**

Mr. Hutchings said the City of Bismarck has been notified by Advantage Environmental Consultants, LLC and the Federal Communications Commission of Motorola Solutions, Pyramid Network Services, LLC and the State of North Dakota of proposed modification to an existing rooftop tower telecommunication facility attached to the top of the North Dakota State Capitol Building. He added that the proposed installation will consist of three new 17.4-foot tall antennas with new mounts and will have an overall height of 259.4 feet and this installation is part of a 911 Emergency Services Network upgrade, which will enhance public safety communications in the state. He said no ground disturbance is proposed for this project and all additional proposed equipment for the antennas will be located within an existing equipment room on the 19<sup>th</sup> floor. Mr. Hutchings stated the North Dakota State Capitol is listed as “Eligible” for listing on the National Register of Historic Places.

Mr. Hutchings said staff recommends reviewing the submitted documentation for Section 106 review of the proposed rehabilitation project of the Patterson Place located at 420 East Main Avenue and complete the attached declaration of findings for the State Historic Preservation Office.

Chair Sakariassen said this is an eligible property, but the tower would not be visible from the ground.

Commissioner Nodland said she appreciates the consultant's recommendation.

**MOTION:** A motion was made by Commissioner Nodland to agree with Advantage Environmental Consultants, LLC on their recommendation of No Adverse Effect for the Section 106 review for 600 East Boulevard Avenue). The motion was seconded by Commissioner Bailey and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

### **HISTORIC PERSERVATION FUND GRANT AWARD AND HIGHLAND ACRES SURVEY PROJECT**

Mr. Hutchings said \$40,800 was awarded to the City of Bismarck for historical surveys of Highland Acres, as well as staff attendance at a national historic preservation conference training. He said the funds will also cover the cost for the Bismarck Historic Preservation Commission's enrollment in the National Alliance of Historic Preservation Commissions. He said \$38,000 of the funds will go to the Highland Acres survey project for hiring a consulting firm and that the Request for Proposals (RFP) will be published if it is approved today. Mr. Hutchings then said it is assumed a consultant would be selected on June 17<sup>th</sup> via a ranking system and the Historic Preservation Commission and upon City Commission approval of a contract neighborhood notifications will be sent out.

Commissioner Nodland asked how they can make recommendations for clarification and changes to the proposed RFP.

Mr. Hutchings said the changes can be included with the motion.

Commissioner Nodland asked if the RFP should have requirements for meeting the criteria of either a historian or an architectural historian or both.

Ms. Meidinger said for this project they should have both qualifications.

Commissioner Nodland said there is a line that indicates the potential for adjacent properties to be surveyed. Mr. Hutchings said that line will be removed at this time. Commissioner Nodland asked if the word 'written' needs to be added to the third bullet relating to the evaluation.

Chair Sakariassen said that is generally what a consultant would do anyways but it is not out of order to ask for it specifically.

Commissioner Nodland said both digital and paper formats to be provided should be added and asked if the submittals need to be on archival paper and asked if there is a GIS component because of the shape files need to be submitted.

Ms. Meidinger said she understood the GIS portion to be part of the SHPO requirements and they do get submittals on archival paper so these should be submitted the same way.

Commissioner Nodland asked if there is a need for a statement of the end product belonging to the City of Bismarck.

Ms. Combs said that would only be enforceable by a contract so that requirement would be in the draft contract reviewed by Finance, Administration and the Attorney's Departments.

Commissioner Bailey asked if the population of Bismarck is correct as stated in the Community Profile.

Mr. Hutchings said it is not and he will correct it.

Commissioner Bailey asked if the forms should indicate if it is a site form versus a site survey.

Commissioner Dinkins asked how the RFP would be advertised. Mr. Hutchings said it will be advertised in the Bismarck Tribune once a week for two weeks and on the RFP bid page on the City of Bismarck web site. He said SHPO will also be providing a list of consultants to share the RFP with.

**MOTION:** A motion was made by Commissioner Jackson to recommend approval of the draft Request for Proposals for a consultant to conduct an historical survey of Highland Acres under the Cultural Heritage Grant program, with the suggested changes. The motion was seconded by Commissioner Bailey and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

## **DISCUSSION ON SECTION 106 REVIEW PARTICIPATION**

Mr. Hutchings said the City of Fargo does not return a Section 106 review unless it is for a larger project and the City of Grand Forks does some of them but have lessened the requirements of needing to give a recommendation. He said he would like this Historic Preservation Commission to decide if they would like to either see all of them, none of them or only give a recommendation if certain criteria are met.

Commissioner Dinkins said as with the two handicap accessible ramps reviewed today, because of the funding source they required a review and asked if there is a way to filter the requests or decide at the meeting which ones they want to review.

Chair Sakariassen said those examples given did not meet the age requirement so they could establish guidelines regarding age and visibility.

Commissioner Dinkins said some owners might not understand why the extra step of a Section 106 review is required. He said he was surprised by the request to review the modifications to the telecommunication tower at the Capital building.

Commissioner Bailey said he does not feel it has been a burdensome amount to review and the Section 106 reviews are probably the most important job of this Commission. He said he thinks the process should be left how it is.

Commissioner Jackson said he agrees with Commissioner Bailey in that they have not been flooded with requests and thinks it is important to keep doing them and discuss a screening process if they start seeing a lot of unnecessary requests for review.

Mr. Hutchings said the documentation provided varies also so if there are any suggestions on that topic he will take them.

Commissioner Bakken said they can always get more information from City staff as needed and he thinks they should continue as they have been doing.

Commissioner Nodland said she agrees and thinks it is important to know and see any previous Section 106 reviews and recommendations.

Mr. Hutchings said he will add that information to the agenda packet memos going forward.

## **OTHER BUSINESS**

## **PUBLIC INPUT/COMMENTS**

There was no public input provided at this time.

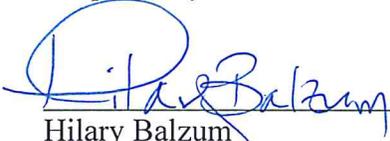
## **OTHER BUSINESS**

Mr. Hutchings said the National Parks Service gave accolades and acknowledged the City of Bismarck in a recent Twitter statement.

## **ADJOURNMENT**

There being no further business, Chair Sakariassen declared the meeting of the Bismarck Historic Preservation Commission adjourned at 4:58 p.m. to meet again on June 17, 2020.

Respectfully Submitted,

  
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Hilary Balzum  
Recording Secretary

APPROVED:  
  
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Amy Sakariassen, Chair