

**City of Hutchinson
Public Arts Commission**

**Policies
&
Procedures**

Revised: June 15, 2009

Intentionally Blank

Table of Contents

1. Purpose, Goals and Values	Page 4
2. Scope	Page 5
3. Responsibility and authority	Page 5
3.1 Commission	
3.2 Fiscal Management	
3.3 Risk Management	
3.4 Conflict of Interest	
4. Financial Resources	Page 6
5. Processes	Page 7
5.1 Project proposal	
5.2 Project evaluation	
5.3 Process for acceptance	
5.4 Execution of approved project	
5.5 Validate completed as authorized	
5.6 Gifting, transfer of ownership	
6. Guidelines and Standards	Page 8
6.1 Public Art and Memorial Guidelines	
6.2 Criteria for Review	
7. Maintenance	Page 10
7.1 Removal of Pubic Art and Memorials	

Section 1. Purpose, goals and Values

Statement of Purpose

The purpose of this policy is to encourage the display of public art in the City of Hutchinson and to provide a mechanism for the inclusion of public art and memorial structures throughout the city primarily in parks and open spaces. Public art can play a vital role in transforming the community:

- **Generating Economic Impact:**
attracting new audiences, supporting marketing efforts, attracting media attention, returning dollars to local economy for fabrication and installation, enhancing cultural tourism in your area
 - **Establishing Unique Identity:**
giving character to a setting, representing the history and importance of a place, creating an iconic image for future generations, physically represent your values or aesthetic
 - **Building Community, Creating Civic Pride:**
engaging local stakeholders in planning, design, and execution, encouraging community to participate in creating their own public spaces, demonstrating the strengths of a community, empowering individuals who don't usually have a role in decision-making
 - **Supporting Great Art:**
setting the bar for cultural development, demonstrating aesthetic sophistication, attracting artists/activity to your neighborhood
-

Purpose, Values, and Goals

The mission of Hutchinson's Public Arts Commission (PAC) is to help enrich the lives of the citizens of, and visitors to, Hutchinson by strategically integrating public art into City planning, services, design and infrastructure. The following values and goals shall guide the City in making decisions regarding public art. City Departments, project committees, panels, the Hutchinson Public Arts Commission, and other interpreters of these goals and values should apply them as appropriate to each project, artist and affected neighborhoods. Review criteria for all policy areas of public art shall be based on these values and goals.

Encourage excellence in the city's visual design and public arts:

- Enhance the aesthetic environment of public places within the City through engaging, unique and high quality public artworks
- Insure consideration of aesthetic issues in local decision making
- Recruitment of qualified artists

Strengthen community identity, place, and assets:

- Build awareness of community history, cultures, landscape and the "Minnesota's Hometown" image,
- Develop artworks that are integrated into City building and streetscape/development projects, and are compatible with their settings
- Encourage building architecture to be consistent with the character of the area and history of the City.
- Build Hutchinson to be recognized as a regional cultural center

Contribute to Hutchinson's health and vitality:

- Promote Hutchinson as a community that provides its citizens with high quality of life;
- Invite visitors to Hutchinson as a popular art destination
- Develop mechanisms for encouraging partnership with and among the City's neighborhoods, commercial areas, and City's cultural/heritage organizations

- Provide places for art (river, parks, gardens, architecture, facilities, streetscapes, trails, roadway, and art-related enterprises)
 - Promote working space for artists
 - Develop and maintain safe artworks
- Involve a broad range of people and communities:
- Enable opportunities for all citizens, neighborhoods, and organizations to participate in the planning, creation, and equal access to the cultural experiences and artworks
 - Preserve and celebrate the City's diversities of neighborhoods, ethnicity, race, age, religion, and gender.
 - Provide pedestrian-friendly neighborhoods
- Value artists and artistic processes:
- Provide a range of creative opportunities for artists with varying degrees of experience
 - Ensure the ongoing integrity of artworks and respect the creative rights of artists
 - Involve artists directly in the concept, design and creation of artworks
 - Ensure budgets adequately support artists and the creative process
- Use resources wisely:
- Develop and manage projects in a cost-effective manner
 - Use City funds to leverage private investment in public art and use public art to leverage private investments in other city ventures
 - Secure and utilize the various funding sources available for public art program.
 - Encourage charitable donations to the Public Art Program.

Section 2. Scope

These public art Policies and Procedures pertain to artwork commissioned through Hutchinson's Public Arts Commission, as well as to gifts and donations of public artwork to the City. They also apply to the planning, purchasing, commissioning, handling, conservation, maintenance, and obsolescence of public artwork under the jurisdiction of the City. Any agreements the City of Hutchinson develops with site owners, site managers, and other partners for public art projects shall be consistent with these policies. The scope of these policies shall be revisited periodically and will be a topic of ongoing discussions between the Public Arts Commission, City Council and the independent boards and commissions of the City.

The breadth of what public art can reach is vast. It can be composed of bronze, brick, steel, water, or fabric; it can be a mural, sculpture, park bench, banner, or imprint; it can be colorful or subdued, interior or exterior, monumental or diminutive, utilitarian or decorative, it can be integral with public works projects or a stand-alone piece of art. Here we are considering any artwork generally visible to the public at large, as public art, whether it is on City Property or easily viewable from public spaces.

Section 3. Responsibility and Authority

3.1 Commission Structure

- The commission serves as an advisory to the City Council and Planning Commission.
- Commission does not require its own By-laws.
- New members are recommended to be on a commission (not voted on). The Mayor appoints and the council ratifies.
- The PAC shall be comprised of 5-7 members and includes an appointed ex-officio serving on terms of 3-6 years and no more than two consecutive. It is recommended to staggered member terms.
- Commission officers include; Chair, Vice Chair, and Secretary.
- Residency not required to serve on commission.

- The commission will submit recommended projects, ordinances or resolutions for the City Council, to the City Clerk at least 8 days prior to the Council meeting.
- Public Arts Commission (PAC) approved meeting minutes must to get filed with the office of the City Administrator. Published agendas may be developed but are not required.

3.2 Fiscal Management

The Hutchinson PAC will have the ability to “pool” public arts funds to ensure it is directed toward projects with greatest visibility, economic impact or to projects with the greatest need for aesthetic design treatment because of their prominently visible location. The direction of funds toward specific projects will result in a program that truly addresses both the public art and the larger goals of the community. The City Attorney will be requested to assist in setting up fiscal agency.

3.3 Risk Management

The artist or sponsoring entity shall provide and maintain policies of comprehensive general liability insurance in specified amounts to be determined by the City covering the period from which the art is being installed until the final acceptance by the City. The City will be named as additionally insured on all insurance policies.

The following points should be considered:

- To reduce the City’s liability, fabrication will be done off-site whenever possible;
- The engineer who signs off on artist’s drawings must verify that the final artwork has been built to specifications by inspecting the artwork after installation;
- The artist or sponsoring entity is responsible for providing general liability insurance when the artwork is in transit, being delivered, and installed.
- The artist or sponsoring entity is responsible for damage to the artwork until installation on city property.

3.4 Conflict of Interest

Any member of the PAC with a connection or interest in one of the artists or pieces of art must disclose this conflict of interest.

Section 4. Financial Resources

Success for any public art program is determined, in a large part, to the reliability and depth of funding. In Hutchinson, funding for the public art will generally be a blend of private and public funding systems. The mechanism to offer that sustained level of monetary resources will be a portfolio of sources which, in aggregate, will create viable and long-term resources to fund and proliferate public art in the Hutchinson community.

Some of the sources of funding for the PAC may include:

- A percent of the budget spent on public projects.
- A line item or other funds allocated by the City’s budget approved by the City Council each year.
- Initiatives to encourage private development projects to dedicate a percentage of overall budgets to public art.
- Percent of public site fee for new development (public site trust fund).
- Other contributions and gifts by corporations, foundations or private individuals. Examples include:

Donations of artwork or material goods

Grants:

- National Endowment for the Arts
 - Access to Artistic Excellence-cultural based projects, commissions and public art
 - Save America’s Treasures-Preservation of Historic Register properties.

- Americans For The Arts
- Jerome Foundation
- SMAHC
 - Has programs for both Commission and individuals
- McKnight Foundation
- State Arts Board
- Public Art Review

Valspar program
 Minnesota Percent for Arts Program
 Local foundations; Hutchinson Area Foundation, Burich Foundation
 County Tax
 Project for Public Spaces (www.pps.org)

Section 5. Processes

To encourage development and installation of projects and specific art works, and to meet the objectives as established in the “Purpose, Values, and Goals”, it shall be the policy of the Commission to evaluate prospective works by the processes described in this section. The Commission will maintain a prioritized list of projects and opportunities and will routinely monitor project’s in-process, public voice, and take appropriate actions to resolve conflicts and/or disparities. The Commission will maintain an inventory log of the City’s Public Art. Artwork and memorial structures may be acquired through donation, open competition, invitational competition or direct selection.

5.1 Project proposal

Project sponsors shall fill out the Public Art Commission Proposal Form and presentation to the PAC. The information shall require these details:

- A photo or drawing of the structure.
- Appraised or estimated cost of the structure and proposed funding sources.
- Description of materials used to create structure including materials needed to display/secure the structure.
- Dimensions of structure including appropriate base materials needed.
- Description, including materials, dimensions, wording and location, of interpretive signage for the structure.
- Statement regarding relationship to proposed site including aesthetic, cultural, or historic ties.
- Statement of design lifespan of the structure and potential annual maintenance needed to maintain structure integrity.
- Statement as to whether the work is unique or duplicates other work.
- Statement regarding the significance of the person or event to be memorialized in relationship to the community and to the proposed site. (Memorial proposals only)
- Proposed construction methods

5.2 Project evaluation by the PAC

Preliminary evaluation by the Public Arts Commission will be based on guidelines, standards, criteria, and public benefit as noted in this Policy.

Under the guidance of the PAC, the proposal will be reviewed by appropriate City Departments and private land-owners (if applicable) for input and endorsement.

The PAC will make a conceptual presentation to City Council.

5.3 Process for acceptance

The proposal will be announced to the public at the City Council meeting as the Period for Public Review, followed by a Comment Period of 30 days before any action is taken by the PAC or Council. Necessary hearings for comment shall be held by the PAC.

A final presentation is made by PAC to the City Council for approval to proceed.

5.4 Execution of approved project.

5.5 Validate project is completed as authorized.

Approved design concepts must match the final product. Appropriate engineering review shall be completed.

5.6 Gifting, transfer of ownership

For art placed on public land, absolute ownership and control of the art or memorial structure must pass to the City, including all drawings, proposals, sketches, and other conceptualizations of the art or memorial. All intellectual property rights, including patents, copyrights, and image reproduction rights must be assigned to the City. The applicant artist or donor shall waive all intellectual property rights, including moral and image usage rights, to the art or memorial structure.

For Public Art on private land, the owner shall agree to keep the work in good repair. Image rights shall be the same as for any public appearance or display and the City shall be held harmless for any use in promoting the City.

Section 6. Guidelines and Standards

To encourage development and installation of projects and specific art works, and to meet the objectives as established in the "Purpose, Values, and Goals", it shall be the policy of The Commission to evaluate prospective works on the following bases:

The overall goal is to bring high quality public art to Hutchinson which is tied to local events, people, history and cultures and contributes to the visual beauty of the city.

6.1 Public Art and Memorial Guidelines

All art and memorial structures must comply with applicable statutes such as the Uniform Municipal Contracting Law, environmental laws, and disability/accessibility laws. In addition, all art and memorial structures must meet the following guidelines before being considered for placement on City-owned property:

Donations will not be accepted where a condition of donations requires permanent exhibition. In the judgment of the majority of the PAC and the City Council, the structure design and content must be appropriate for display to the general public.

Donations that require the City to pay installation, framing, restoration, or repair are not encouraged. Artist or provider may request a specific site. However, each placement will be evaluated based upon suitability of the structure for the site. The PAC will make a recommendation to the Council concerning an appropriate site for each structure. The PAC will assist in trying to secure additional funding needed.

Memorial Bench locations shall be identified by the Hutchinson Parks Department. In the event new locations are not needed, the Department may allow the memorializing of an existing park bench according to then current Parks Department standards.

6.2 Criteria for Review

PAC will make a recommendation based upon the following criteria:

1. The proposed structure should be compared with the artists' best work and the best works in the City collection. The acquisition should strengthen, rather than dilute the City's collection.
2. If the structure is to be erected outdoors, the physical condition of the structure should be considered in terms of durability in an outdoor setting. Any requirements for immediate or future conservation should be noted.
3. The structure must add interest and meaning to the environment in which it is placed. It must be compatible in scale, material, form and content with its surrounding and form an overall relationship with the site. Structure must conform to any existing Master Plan for the site.
4. The structure must have social, cultural, historical and physical context to the site, both existing and planned.
5. The City's overall collection shall strive for diversity in style, scale, media, and artists. There shall be encouragement of exploratory types of work as well as established art forms.
6. In addition to the criteria for a piece of art, memorials will be judged on the significance of the person or event being memorialized in relation to local social, cultural or historical context and must represent broad community values.
7. Structures whose messages are exclusively religious in nature will not be accepted.
8. Structures whose messages are exclusively political in nature will only be considered if the political message is of a historical context.
9. Overall artistic merit, creativity and vision (originality, ambition, connection with people and region, technical competence and craftsmanship).
10. Message and content shall be judged by generally accepted community standards
11. Preference given to work created by local and regional artists.
12. Professional background and demonstrated ability of the artist.
13. Pertinence to local people, history, events, and cultural & ethnic heritage or related to location.
14. Support and collaboration for the project.
15. No conflict of interest with funding sources.
16. Clear title of ownership
17. Must meet State Statutory requirements (465.03, 462.356) and City Codes and Ordinances.
18. Avoid over-representation by any one artist.
19. Prioritized list of sites and localities
20. Public safety
21. Works of art, in this context include, but are not limited to:
 - a. Sculptures
 - b. Painting, murals
 - c. Graphic arts
 - d. Mosaics
 - e. Photography
 - f. Fine crafts
 - g. Mixed media
 - h. Fiber and textiles
22. Artwork should not block windows or entranceways, nor obstruct normal pedestrian circulation in and out of a building (unless such alteration is specifically a part of the experience or design of the artwork). In such case, it must not present a hazard in case of fire or emergency.
23. Art should not be placed in a given site if the landscaping and maintenance requirements of that site cannot be met on a long term basis.
24. Art should be sited in a location where it will be visible by the most people.
25. Art should be placed in a site where it will enhance its surroundings or at least not detract from it (creating a blind spot where illegal activity can take place).
26. Art should be sited where it will create a place of congregation or in a location that experiences high levels of pedestrian traffic and activity.
27. Art should be located in a site where it will effectively enhance and activate the pedestrian and streetscape experience.

Indoor on-site locations for public art projects include, but are not limited to:

- Walls
- Ceilings
- Floors
- Windows
- Staircases
- Entrances and exits
- Rooftops

Outdoor locations for public art projects could include, but are not limited to:

- Parks
- Plazas
- Along roadways, traffic islands, or medians
- Bridges
- Historic places or landmarks
- Benches and areas of congregation
- Garden and landscaping projects

Section 7. Maintenance

Public Art maintenance fund shall be established from a percent of all revenues dedicated by PAC projects.

Cost of on-going maintenance and repair anticipated throughout the lifespan of the structure must be planned for and fall within normal budget allocations. In the case of gifts, part of the gifted amount shall be set aside for maintenance.

7.1 Removal of Public Art and Memorials

The City shall remove and dispose of works of art and memorials in its collection when it finds such action to be in the public interest based upon the following:

As a means of improving the quality of the City's collection

- The structure has no relevance to the collection or serves no exhibition function.
- The structure has a duplicate in the collection.
- The structure no longer meets the current standards for public art and memorials.
- The structure is no longer repairable or is in a seriously deteriorated condition.
- Due to concerns for public safety when a structure becomes a hazard or a public liability.
- Removal should not be based on current fashion or taste. Attention should be paid to maintaining a collection which forms a continuum of the City's visual art history.

Recommendations for removal shall be made to the PAC who will then make a recommendation based upon the public benefit of the action to the City Council for final approval.

Each request for removal will be announced to the public at a PAC regular meeting and then made available for public review and comment at a regularly scheduled PAC meeting for a minimum of 30 days before action is taken by the PAC.

Once approval for removal is granted, the structure shall be disposed of in accordance with Minnesota Statutes Chapter 471.