

ORDINANCE NO. 3097

AN ORDINANCE ESTABLISHING THE RAPID CITY ARTS COUNCIL PUBLIC ART COMMITTEE AND DEFINITIONS AND GUIDELINES THERETO.

BE IT ORDAINED that Section 2.80.060 of the Rapid City Municipal Code be added to read as follows:

Section 2.80.060. Public Art Committee.

The Common Council of the City of Rapid City has determined that it is in the best interests of the City to establish the Rapid City Arts Council Public Art Committee. The Public Art Committee acting through the Rapid City Arts Council shall administer the provisions of this section relating to the selection, display, maintenance, repair, liability, and ownership of public works of art.

A. Definitions.

For purposes of this section, the following words and phrases shall have the meanings set out below:

"Art in Public Places" means any visual work of art displayed for three months or more in an open City-owned area, public right-of-way or any exterior or interior designated as a City-owned public area, and any visual work of art on non-city property if it is installed, financed, or maintained, either wholly or in part, with city funds or grants procured by the city, but not including museums, art galleries, school class work, or any other works submitted to the Common Council for display in a City-owned facility.

"Rapid City Arts Council Public Art Committee" means the volunteer committee of the Rapid City Arts Council which operates in an advisory capacity to the Common Council on art in public places and is appointed by the Rapid City Arts Council president and board of directors, subject to approval by the Mayor.

"Work of Art" includes, but is not limited to, sculpture, monument, mural, fresco, relief, painting, photography, fountain, banner, mosaic, ceramic, weaving, carving, and stained glass. Work of art would normally not include landscaping, paving, architectural ornamentation or signs.

B. Administration.

The Rapid City Arts Council shall provide administrative support and assistance to the Public Art Committee as necessary to accomplish the purposes of this section. The Committee shall submit to the Rapid City Common Council, not later than March of each year, a report of its activities for the prior year. The Rapid City Arts Council staff in conjunction with the Public Art Committee shall prepare a maintenance plan for all "art in public places and will include the costs associated therewith as part of the Rapid City Arts Council's annual budget request to the Rapid City Common Council.

C. Guidelines.

The Public Art Committee shall adopt guidelines as follows:

1. to identify suitable art works for public display;

2. to facilitate the preservation of art works for public display;
3. to prescribe a method or methods and procedures for selection of art works for public display; and
4. to set forth any other matter appropriate to the administration of this section.

The guidelines adopted by the Public Art Committee shall be in accordance with the Rapid City Arts Council, Public Art Committee Master Plan and Collection Policy, adopted February 28, 1994, and any subsequent amendments, on file at the Dahl Fine Arts Center.

D. Ownership.

Ownership, title and copyright of works of art in public places acquired by the procedures identified by the Rapid City Arts Council pursuant to this section shall be clearly identified and contracted between the Rapid City Arts Council and the artist or donor and approved and held by the City.

E. Selection, Removal and/or Alterations.

All proposed art in public places shall be submitted to the Public Art Committee for its recommendation and approved by the Rapid City Common Council. ~~No art in public shall be removed, altered or changed without the prior review and recommendation of the Committee and approval by the Rapid City Common Council.~~

F. Exemptions.

The following are exempt from the provisions of this section:

1. All works of art in the collections or on display at or under the auspices of the Dahl Fine Arts Center and the Rapid City Public Library; and
2. All works of art on display in private city offices or other areas of City-owned facilities which are not generally frequented by the public.

DATED this 21st day of March, 1994.

THE COMMON COUNCIL

Ed M. Laughlin
Mayor

ATTEST:

Michelle Waller
Finance Officer

(SEAL)

First Reading: March 7, 1994
 Second Reading: March 21, 1994
 Published: March 26, 1994
 Effective: April 15, 1994

The following policy provides a framework for decisions and recommendations relating to art in public places in Rapid City.

I. BACKGROUND

In 1987 ordinance 2626 was passed which named the Rapid City Fine Arts Council, Inc. as the local arts agency and advisory body to the Rapid City Common Council. In 1993 the City Council adopted the 20 year Community Cultural Plan for Rapid City, a plan which includes public art goals for the City. Because of the increasing opportunities for the City of Rapid City to display art in public places, the Rapid City Arts Council in cooperation with the Rapid City Planning Department developed a procedure which provides the means to select works and to display, maintain, repair, determine liability and ownership of art in public places.

Definitions

A. Art in Public Places means any visual work of art displayed for three months or more in an open City-owned area, on any exterior or interior designated as public area excluding museums, art galleries, school class work [or any other works submitted to the Common Council for display] of a City-owned facility, or on non-City property if the work of art is installed, financed, or maintained, either wholly or in part, with City funds or grants procured by the city.

B. Rapid City Arts Council Public Art Committee means the public art committee of the Rapid City Arts Council as determined and appointed by the Rapid City Arts Council President and Board of Directors.

C. Work of Art or Artwork includes, but is not limited to, sculpture, monument, mural, fresco, relief, painting, photography, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. Work of art would normally not include landscaping, architectural ornamentation or signs.

II. GOALS

Rationale: Art in Public Places is referenced in the Rapid City Community Cultural Plan, adopted by the City on October 18, 1993.

Goal 7. Rapid City's visual appeal will be enhanced through coordinated civic beautification efforts, good public and private design, and art in publicly accessible places.

Objective 7.6. The Rapid City Arts Council in partnership with the City creates public policies and plans that encourage art and good design in spaces accessible to the public.

Objective 7.7. The City in partnership with the Rapid City Arts Council and the business community is encouraged to plan and support public art projects.

Objective 7.8. The City, business and the private sector will preserve existing public art and plan and implement future publicly accessible art.

This partnership of the Arts Council, City Council, and the business community, is encouraged to plan and support public art projects, preserve existing public art and plan and implement future projects for publicly accessible art.

The principal goals of the Art in Public Places program are:

A. To enrich the public environment for both residents and visitors to the area through the incorporation of the visual arts;

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- Public Art Policy, page 2
- B. To provide opportunities for emerging and established artists and to encourage artistic expression;
 - C. To increase public access to works of art and to promote understanding and awareness of the visual arts in the public environment;
 - D. To promote diversity and pluralism in Art in Public Places and to reflect as wide a range of multi-cultural expression as possible;
 - E. To inspire and contribute to the civic pride of our community;
 - F. To help integrate the arts into overall community planning.

The Public Art Committee recognizes that works of art often significantly alter public places, becoming a major new presence in the environment. In recent decades, visual art has rapidly evolved and diversified, creating at times a gap between visual art and its appreciation by the general public. The program shall endeavor to bridge this gap by broadening community awareness of the issues involved in visual art and its historical context, and by encouraging informed debate among all segments of the community.

III. PROCESS OVERVIEW

Selection and placement of a work of art begins with either selection of a piece or identification of a desired site. A budget is established for the project, and final decisions are made on method of selection, site, funding, installation, maintenance, and ownership. Two majority votes taken at two consecutive meetings of the Public Art Committee will be required for approval of a work of art or a site. Final site approval lies with the Rapid City Planning Commission and the City of Rapid City. Any appeals regarding the Committee's decisions may be made to the City Council at the time the Committee makes its site recommendations to the Council. All Public Art Committee agendas will be provided to the Rapid City Journal to facilitate public input during the process and a copy of the minutes will be sent to everyone who presents a proposal.

The process will normally end with a dedication of the work and recognition of the artist and all whose efforts contributed significantly to the project.

IV. ARTWORK SELECTION

The Public Art Committee shall designate the method of selection of an artist(s) or work(s) of art for each project. These methods may include donation, competition, direct purchase, or commission. The following criteria shall be included in all artwork selections:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site;
- C. Preservation and integration of natural features for the project;
- D. Appropriateness of the materials and design (texture, color, line, shape and value) to the expression of the artist's concept;
- E. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to insure a variety of style, design and media throughout the community;
- F. Permanence of structural and surface components;
- G. Art in public places shall not be used for:
 - 1. reproductions or unlimited editions of original work;
 - 2. "art objects" that are mass produced;
 - 3. works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist or as an integral aspect of a structure or site;

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4. architectural rehabilitation or historical preservation, although works may be acquired in connection with such projects.

The Public Art Committee shall appoint a different and separate artist/artwork selection committee for each public art project. The appointed committee shall include at least: one artist, one City Department employee, two lay persons from the community, one Rapid City Arts Council member, and one Public Art Committee member. The Mayor and the Common Council members shall be notified of the selection committee appointments.

V. PUBLIC INPUT

The public shall have the opportunity for voicing its opinion on art work prior to final Public Art Committee selection. This input may come in such forms as public meetings, maquette/design viewing opportunities, comments or calls to the Committee, wide media coverage. Allowing public input is to be considered an important part of the total process because of the interest, awareness and sense of ownership such input creates.

VI. SITE CRITERIA SELECTION

When considering a possible site for an artwork, it is the role of the Public Art Committee to determine the relative importance of each of the considerations listed below for a given proposal. The Public Art Committee shall compare a project to these considerations to assure that a proposal contributes positively to the community. The generating project site, where applicable, shall receive first consideration.

- A. Relationship of art work and site shall be considered in terms of the physical dimensions, social dynamics, local character and surrounding context of the site, existing or planned;
- B. The visibility of the site by the general public;
- C. Public safety;
- D. Helps to improve the design of an area by emphasizing a particular location through landmarks, gateways, and/or linkages to other parts of the community;
- E. Interior and exterior vehicular and pedestrian traffic patterns;
- F. Site design including landscaping, drainage, grading, lighting and seating considerations;
- G. Relationship of proposed artwork to existing art works within the site vicinity;
- H. Environmental impact such as noise, sound, light and odor
- I. Public accessibility to the artwork, particularly handicap accessibility;
- J. Impact on adjacent property owners' views;
- K. Impact on operational functions (snowplowing, etc.) of the city;
- L. Possibility of vandalism;
- M. Cost of development;
- N. Compatibility of the design and location with the historical character of the site;
- O. Zoning regulations.

VII. DONATION

The Public Art Committee shall accept only works of art that will further the objectives of the Art in Public Places Program which include:

- A. All the criteria set forth in Sections IV and V involving artwork selection and site selection;
- B. All the criteria set forth in Section XIII involving installation;
- C. The donor and/or artist will recommend a primary site and two

alternative sites. If the donor's/artist's sites are not approved by the Public Art Committee, the Public Art Committee will recommend three alternative sites;

D. Additional Criteria:

1. Donor should meet with the Public Art Committee or a representative of the Public Art Committee when proposal is first made;
2. If funds are not immediately available, a conditional approval that expires in one year if funds are still not available will be the longest commitment the Public Art Committee will make. At the end of the first year commitment period, the Public Art Committee may elect to give a time extension. The Public Art Committee shall receive 6-month updates during the first year.

VIII. ARTIST CRITERIA

A. Cooperation. Ability of the artist to work closely and cooperatively with the Public Art Committee, staff and community.

B. Artist's Presentation. The artist must have the ability to describe concepts clearly both verbally and through quality written materials. In addition, specific drawings of the artwork as placed at the primary site will be required. (The site plan drawing may be waived.)

C. Technical Feasibility. Each work shall be examined for its feasibility and convincing evidence of the artist's ability to complete successfully the work as proposed.

D. Aesthetic Standard. The Public Art Committee shall have the right to withhold acceptance of a work until it clearly meets standards of artistic achievement agreed upon by a majority of Public Art Committee members. The work must be available for viewing in progress by the Public Art Committee in order to make this determination.

IX. COMPETITIONS

A jury shall be used to select artist(s) work of art by competition. Every jury shall include at least one Public Art Committee member and may include artist(s) or advisor(s) with expertise in a specific field, representative(s) from appropriate City departments, project architect if artwork is part of a new building, or Public Art Committee members only.

Types of competition include:

A. Open Entry are those competitions which are open to entries from all artists within the geographic limits set by the Public Art Committee. The Public Art Committee will strive to maintain a balance between competitions involving local artists only and artists from a larger area.

B. Invitational Entry is the process used when the choice of artist is to be within special limitations of a project or when there is a need to provide a balance of media or styles.

C. Direct selection is a process used to acquire an existing exceptional work of inherent artistic or historical significance or to provide for unusual purchase circumstances such as a partial gift or unique economic advantage.

D. The final selection shall be treated as a commission.

X. SUBMISSION PROCESS FOR COMPETITIONS

A. The Public Art Committee shall provide a project description, budget, time schedule, and a detail of duties and obligations of both the Public Art Committee and the artist.

B. The artist shall provide a maquette and site drawing (if appropriate), design, concept statement, budget, photographs, resume and references.

C. Proposals shall be considered by the jury and a final choice or choices will be presented to the Public Art Committee for acceptance.

D. All entrants will be notified by mail of the final choice. Entry materials will be returned to the artist only if appropriate packaging, postage and insurance are include with the entry by the artist.

XI. SUBMISSION FOR DIRECT PURCHASE

Artists who have finished work available for direct purchase should submit the following to the Public Art Committee:

A. No more than five slides of each of four different pieces. Slides must be submitted in a clear plastic slide display page. Each slide should be marked with the artist's name and the title of the artwork.

B. A proposal sheet with the artist's name including the following information on each piece (Sec. VII, B): title of artwork, dimensions, medium, date produced, price, location, number of reproductions (if applicable), restrictions on reproduction, and other information the artist deems pertinent.

C. Resume and references.

XII. CONTRACTS

Following the final selection of an artist whose work is to be either purchased or commissioned, that artist shall enter into a written contractual agreement with the Public Art Committee. The Rapid City Arts Council upon recommendation of the Public Art Committee has legal authority to negotiate and sign contracts with the artist. All agreements between the Rapid City Arts Council, acting for and on behalf of the Arts Council's Public Art Committee, and the artist shall be in writing and shall be approved by a majority of all members of the Public Art Committee. All contracts, as to form, shall be subject to approval by the City Attorney. The completed and approved contract shall be filed with the City Clerk.

The contract must identify owner of the commissioned, purchased, or donated work, and determine maintenance and liability responsibilities.

XIII. COMMISSIONS

Any commission will be granted only after a site selection process has been completed. All finished work shall be faithful to the maquette or drawings, design concept, and budget as approved by the Public Art Committee. Progress payments will be made as contracted, but final payment will beheld until acceptance by the Public Art Committee occurs. If the work is not completed by the contracted delivery date, the work becomes the property of the City and the Public Art Committee may arrange for completion by another artist or the disposition of the artwork.

XIV. INSTALLATION

At the time of acquisition, whether by donation, purchase, or otherwise, the budget should cover costs of installation which may include:

- A. bases or other display components
- B. site development
- C. identification plaque

RAPID CITY ARTS COUNCIL

Public Art Committee

PUBLIC ART POLICIES

SELECTION AND DISPLAY STANDARDS

In performing its duties with respect to selection and display of art in public places, the Public Art Committee shall consider the following factors:

1. Conceptual compatibility of the design with the immediate environment of the site;
2. Appropriateness of the design to the function of the site;
3. Compatibility of the design and location with a unified design character or historical character of the site;
4. Creation of an internal sense of order and desirable environment for the general community by the design and location of the work of art;
5. Preservation and integration of natural features for the project;
6. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
7. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to ensure a variety of style, design and media throughout the community.

DISPLAY OF ART IN PUBLIC PLACES

In addition to its consideration of the selection and display standards set forth above, the Public Art Committee shall give special attention to the following matters when displaying art in public places:

1. Works of art selected pursuant to Section 2.80.060 of the Rapid City Municipal Code may be placed in, on or about any public place, or by agreement with the owner thereof, any private property with substantial public exposure in and around the City. Works of art in public places may be loaned for exhibition elsewhere, upon such terms and conditions as determined necessary by the Public Art Committee. Upon recommendation of the Public Art Committee and approval by the Rapid City Common Council, City officials responsible for the design and construction of public improvements in the City shall make appropriate space available for the placement of works of art in consultation with the Public Art Committee. The Public Art Committee shall advise the department responsible for the particular public site of the Committee's decision regarding the design, execution and placement of works of art.

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2. No work of art installed either wholly or in part with City funds or with grants procured by the City shall be installed on privately owned property without a written agreement between the City of Rapid City and the owner specifying the City's proprietary interests in the work of art and any other provisions determined necessary or appropriate by the City Attorney. In addition, such written agreement shall specify that the private property owner shall assure:

- a. that the installation of the work of art will be done in a manner which will protect the work of art and the public;
- b. that the work of art will be maintained in good condition; and
- c. that insurance and indemnification will be provided as appropriate.

3. Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.

4. The Rapid City Arts Council staff shall maintain a detailed record of all art in public places, including site drawings, photographs, designs and names of artists whenever feasible.

5. The Rapid City Arts Council staff shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places.

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RESOLUTION APPROVING THE ADOPTION OF RAPID CITY ARTS COUNCIL
PUBLIC ART COMMITTEE POLICIES

WHEREAS the Common Council of the City of Rapid City has established a Public Art Committee working through the Rapid City Arts Council to provide a means to determine and select works of art and to display, maintain, repair, determine liability risk, and ownership of art in public places; and

WHEREAS the Rapid City Arts Council has formulated policies and procedures to effectively carry out the duties of the Public Art Committee as established; and

WHEREAS these policies and procedures address selection and display standards for public art in public places

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby adopts the policies and procedures recommended by the Rapid City Arts Council regarding Selection and Display Standards for Public Art in Public Places as attached hereto for reference.

Dated this 21st day of March, 1994

THE COMMON COUNCIL

Ed McLaughlin
Mayor

ATTEST:

[Signature]
Finance Officer

(SEAL)