

CITY OF NORTHFIELD, MINNESOTA
CITY COUNCIL RESOLUTION 2017-073
APPROVING "ARTS IN PUBLIC PLACES" AS A "COUNCIL POLICY"
FOR THE CITY OF NORTHFIELD, MINNESOTA

WHEREAS, one of the purposes of the Arts and Culture Commission (ACC) is to advise the City of Northfield (the City) on arts policies and arts development; and

WHEREAS, one of the purposes of the Arts and Culture Commission (ACC) is to advise the City of Northfield (the City) on arts policies and arts development, as detailed in City Code (Sec. 2-358) as follows:

(6) Upon request of the city council, develop and advocate design standards for city facilities, public areas, and private development, which represent a coherent image of Northfield as a place of unique aesthetic, architectural, and cultural identity;

(7) Plan and advocate funding for the installation of public art in Northfield that enhances the city's appearance and artistic appeal;

WHEREAS, in recent years, the ACC has received requests from public and private entities regarding design standards and display of art. In order to meet these requests; and

WHEREAS, the ACC is developing guidelines related to the development, siting, and installation of public arts and, in the case of public funding, review standards and procedures for the selection of quality public art; and

WHEREAS, a web-link to the guidelines and review procedures will be published on the ACC web page, and the document will also be incorporated into the ten-year goals document that the ACC is currently in the process of developing; and

WHEREAS, the City is pursuing best practices to include a formal written "Art in Public Places Policy" as a formal "Council Policy" of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

1. The City of Northfield approves the "Art in Public Places" as a "Council Policy" of the City, attached hereto, is hereby adopted.

PASSED by the City Council of the City of Northfield on this 19th day of September 2017.

ATTEST

Deb A. Attie

City Clerk

Thonda Pownell

Mayor

VOTE: Y POWNELL Y COLBY Y DELONG A NAKASIAN

Y NESS Y PETERSON WHITE Y ZWEIFEL

City of Northfield, Minnesota	Policy Number:
	Adopted: 9/19/2017 – Resolution 2017-073
Council Policy	Revised: Not Applicable
Art in Public Places	

I. PURPOSE:

- A. The purpose of this policy is to guide public and private development and the installation of public art within the City of Northfield.
- B. The Northfield Arts and Culture Commission (ACC) is designated to develop and advocate for art and design standards for city facilities, public areas, and private development that will present a coherent image of Northfield as a place of unique aesthetic, architectural, and cultural identity.

II. OBJECTIVES:

- A. The Northfield Arts and Culture Commission (ACC) advocates for public support of the arts and promotes art that demonstrates the following objectives:
 1. Enhances the aesthetic environment of public places, such as buildings, roads, paths, sidewalks, and landscapes, through high-quality public art, including permanent and temporary art installations.
 2. Contributes to community identity and place by, for instance:
 - i. Building awareness of and celebrating the community's diverse history, identity, cultures, and geography; and
 - ii. Inviting community response to proposed installations of public art; and
 - iii. Involving a broad range of groups, neighborhoods, and organizations in the planning or creation of public artworks.
 3. Adds to community vitality by, for instance:
 - i. Promoting Northfield as a nationally and internationally recognized arts city and tourist destination;
 - ii. Building the capacity of and cooperation between the private and public sectors, artists, and community members; and
 - iii. Encouraging civic dialogue about the role of art in civic life and Northfield development.
 4. Involves artists in the creation and development of art by encouraging a variety of creative opportunities for artists with a range of experiences.
 5. Provides opportunities for public, private, or public/private support of the creation, acquisition, and installation of art works by, for instance:
 - i. Integrating artwork into City building projects by involving artists in the planning process; and

- ii. Identifying grant, municipal and other funding sources; and

III. PUBLIC ART REVIEW COMMITTEE (PARC): PURPOSE, MEMBERSHIP, PROCESSES:

- A. To carry out its public art responsibilities per Sec. 2-358(f), the ACC proposes to establish and maintain a Public Arts Review Committee, which will have the following five responsibilities:
- B. Advise the ACC regarding commissioning, installation, maintenance, and decommissioning of publicly funded art to ensure positive impact on civic quality of life and aesthetic environment.
- C. Reserves the right, on behalf of the ACC and the City, to approve art and may reject any art that it deems offensive to any race, age, creed, religion, gender or disability.
- D. Update and advise the ACC regarding all public art that will be installed in the historic downtown district.
- E. Approve the design, installation, maintenance and decommissioning of privately or publicly funded two or three-dimensional art, sculpture or garden-art decoration or installations on city-owned property.
- F. Where the parties agree to a cooperative effort, advise private and non-profit projects that will be installing art in locations that will be accessible to and frequented by the public (e.g., the Depot).

IV. MEMBERSHIP:

- A. A committee of up to nine members shall be appointed by the ACC and approved by the City Administrator.
- B. The panel will include two ACC members, a City staff liaison, a Public Works staff member, and panelists appropriate to the genre of artwork and to the location and project under consideration.
- C. Panel members may include artists, arts faculty members, architects and department staff related to the project, arts administrators, and two or more at-large community representatives, including representatives of diverse groups. ACC will convene PARC on an ad hoc basis when the need arises.

V. SCOPE OF WORK:

- A. ACC/PARC will facilitate communication among City staff coordinating public art projects, artists, and public arts stakeholders.
- B. ACC/PARC will work closely with the representatives of public arts sites to advance outcomes, goals, and the interests of Northfield residents, businesses, and property owners.

VI. REVIEW CRITERIA:

A. PARC review of publicly funded commissions, purchases, or installations shall consider, but not be bound by any one of, the following review criteria in choosing works to recommend to the ACC and the City.:

1. Artistic excellence
 - i. Does the project represent workmanship of the highest quality?; and
 - ii. Does the project satisfy the parameters of the request for proposals, if applicable?; and
 - iii. Does the project represent a cohesive, unified theme or idea?; and
 - iv. Is the project original, compelling, and creative work?
2. Public involvement
 - i. Does the project's development and review include participation by residents, users, community organizations and institutions, businesses, cultural communities, advocacy groups, and students and youth, as appropriate?; and
 - ii. Does the project facilitate public involvement via community meetings, community surveys, and requests for proposals?
3. Enhancement of community identity and place
 - i. Does the site, surrounding area, or project provide an opportunity to reflect on the community and its characteristics, including history, identity, geography and cultures?; and
 - ii. Is the project appropriate for public display?; and
 - iii. Is the project acceptable to current community standards?; and
 - iv. Are there opportunities within the project to integrate artwork into the design or function of structures?
4. Community vitality
 - i. Will the site and project be visible to visitors and residents?; and
 - ii. Will the project appeal to a broad range of people?; and
 - iii. Is the project making an effort to build capacity and cooperation between the private and public sectors, artists, arts organizations, and community members?; and
 - iv. Does the project encourage civic dialogue about art and civic issues?
5. Safety and maintenance of public art
 - i. What is the plan for maintenance and repair?
 - ii. Is the piece safe for public interaction?

VI. STATEMENT OF NON-DISCRIMINATION.

- A. Recommendations about public art decisions will be made without regard to an individual's or the perception of an individual's race, color, creed, religion, sex, domestic relationship status, parent status, familial status, sexual orientation,

national origin, gender identity, age, or disability, or the use of a trained dog guide by a blind, deaf or otherwise physically disabled person.

- B. Each call for artists will be posted on the City and the Arts and Culture Commission websites.

ART DISPLAY AT CITY HALL
PARTICIPANT PERMIT, RISK ACKNOWLEDGMENT, RELEASE, AND INDEMNITY AGREEMENT

Please read thoroughly and carefully

1. **Permit to Display Art.** The City of Northfield (the "City") hereby grants the below Permittee a limited, terminable Permit to Display (the "Permit") Art as approved by the Arts and Culture Commission ("the ACC"), pursuant to the terms and conditions contained herein, at Northfield City Hall ("Premises" or "City Hall"), located at 801 Washington Street, Northfield, MN 55057, (the "Program").

2. **Permittee.**

Company/Individual: _____
Contact Person (if different from above): _____
Mailing Address: _____
City/State/Zip: _____
Phone: _____
Email Address: _____

3. **Term of Permit.** This Permit shall be in effect for a period commencing on _____, (the "Commencement Date and Time") and ending on _____, (the "Termination Date and Time"), unless otherwise terminated as provided herein ("Term").

4. **Rules for Display of Art at City Hall.**

- a. The ACC, acting for the City, shall determine what to exhibit, where to exhibit (the placement of artwork), and when to exhibit (the time period or "Term" for display) the Art at City Hall, in its sole discretion;
- b. The Premises for display of the Art are in "as is" condition, and the City does not guarantee the suitability of the conditions for the display of the Art at City Hall;
- c. The Art shall be installed and removed by the ACC or its designates, working with City personnel as necessary, at the commencement and end of the approved Term;
- d. Any work included in an exhibition needs to be framed and ready to hang, or ready for installation. It is the sole responsibility of the Permittee to determine whether the Art is compatible with the available wall mounting system at City Hall and to make modifications to the Art to ensure that the Art is compatible with such system;
- e. **The ACC on behalf of the City reserves the right to reject artwork that it deems offensive to any race, age, creed, religion, gender, or disability.**
- f. It is Permittee's responsibility, at Permittee's expense, to insure the Art from damage or theft while the Art is located at City Hall, and failure by Permittee to so insure Permittee's Art is at Permittee's sole risk.
- g. The Permittee may offer the Art for sale, however transfer of ownership may not take place until after the designated termination date and time, without permission of the ACC.
- h. "For the purpose of promoting this venue and project and the City of Northfield, the ACC shall have the right to photograph or photographically reproduce displayed work without consent of the permittee. The ACC and the City agrees to use these images for the sole purposes of marketing and promotion and will not sell said images for profit."

5. **Risk Acknowledgment, Release and Indemnity Agreement.**

I HAVE READ, UNDERSTAND, AGREE AND ACKNOWLEDGE THAT:

- a. The "Program" is to allow me, the Permittee, to display the Art in a designated area at City Hall;
- b. I am a voluntary participant in the Program;
- c. I will abide by all rules for participation in the Program. Failure to do so will result in refusal to display or removal of the Art from City Hall;
- d. I understand that, although the City takes utmost care to secure the artwork, there are risks inherent to the Program, which may involve damage to or theft of the Art. I freely assume the aforesaid risks and accordingly my participation in the activity shall be entirely at my own risk;
- e. **RELEASE AND INDEMNITY.** In consideration of permission granted to me by the City to participate in the Program, and for other good and valuable consideration, I hereby, for myself, my spouse (if any), my heirs, executors or administrators, and personal representatives:
 - i. Assume full responsibility for any personal injury or damage to my person or property that may occur, directly or indirectly, while participating in The Program;
 - ii. Fully and forever release, waive and discharge the City, its officers, employees, agents, volunteers and officials, from any and all claims, demands, damages, or causes of action, present or future, whether the same be known, anticipated or unanticipated, resulting from or arising out of my participation in The Program;
 - iii. Agree to indemnify and hold harmless the City, its officers, employees, agents, volunteers and officials for any acts or conduct by me of whatever kind or nature whatsoever, while participating in The Program;
 - iv. Agree to defend and to pay any costs or attorney's fees as a result of any action brought by or against the City, its officers, employees, agents, volunteers and officials for any acts or conduct by me of whatever kind or nature whatsoever, while participating in The Program;
 - v. Agree that it is my intent that this Participant Risk Acknowledgment, Release and Indemnity Agreement be in full force and effect at any time after the execution hereof;
 - vi. This release does not waive the City's liability for any injuries or damage to my property that I obtain as the result of the willful, wanton, or intentional misconduct by the City or any person acting on behalf of the City

6. **Signature.**

I, the undersigned, by executing this Permit/Agreement, state that I have carefully read the same and understand fully the contents hereof; that all of the foregoing information and statements are true and accurate to the best of my knowledge; that in executing this document I voluntarily accept all terms described herein without duress, coercion, undue influence, or otherwise; and that I intend to be legally bound hereby.

Signature: _____

Date: _____

DIVISION 4. - ARTS AND CULTURE COMMISSION

Sec. 2-356. - Arts and culture commission.

The City of Northfield hereby establishes an arts and culture commission to advise the city council on the development of arts and cultural activities, organizations and facilities in Northfield.

(Ord. No. 855, 1-8-2007)

Sec. 2-357. - Purpose.

The purpose of the commission shall be to assist Northfield in becoming a community in which arts and cultural activities:

- (1) Are recognized as vital components of community life that are worthy of investment and support from the public, private and non-profit sectors;
- (2) Are valued and promoted for their economic benefits and development potential, especially in the downtown;
- (3) Include new ethnic groups in Northfield's identity and sense of community;
- (4) Represent an integral part of Northfield's educational mission and programs for young people;
- (5) Engage the talents and involvement of retirees and senior citizens;
- (6) Develop a wider array of opportunities for collaboration between faculty and student artists at the two colleges and community artists; and
- (7) Cooperate to enhance the public perception of Northfield's identity and quality of life in the community itself, the surrounding region, and beyond.

(Ord. No. 855, 1-8-2007)

Sec. 2-358. - Responsibilities.

The commission shall be advisory to the city council and its responsibilities shall include the following:

- (1) Develop, update, and recommend to the council a city mission, public agenda and strategic plan for arts and culture in Northfield;
- (2) Provide leadership for completing the comprehensive plan sections regarding civic arts and culture goals and planning, and providing input for plan revisions;
- (3) Leverage individual, corporate, foundation and city funding for arts and cultural activities;
- (4) Facilitate collaboration and joint planning among public and private agencies involved with related issues such as economic development, tourism, and arts education;
- (5) Provide support in the planning, acquisition and/or development of land and facilities by the city as needed to support Northfield's arts and cultural activities and organizations, and the development of affordable studio space and housing for individual artists;
- (6) Upon request of the city council, develop and advocate design standards for city facilities, public areas, and private development, which represent a coherent image of Northfield as a place of unique aesthetic, architectural, and cultural identity;

- (7) Plan and advocate funding for the installation of public art in Northfield that enhances the city's appearance and artistic appeal; and
- (8) Foster inclusive and cross-cultural activities to help build community as Northfield continues to become more diverse.

(Ord. No. 855, 1-8-2007)

Sec. 2-359. - Membership.

- (a) The commission shall initially consist of seven volunteer members, who shall serve without financial compensation. The commission may be expanded to up to nine members at any time by resolution of the council. In addition to the seven regular commission members, there shall be one youth voting member and one youth ex-officio non-voting member on the commission.
- (b) Members shall be appointed by the mayor, with the approval of the city council. Members may be removed at the discretion of the mayor and council.
- (c) Members shall be appointed from each of the following sectors of the community, if possible:
 - Arts and cultural organizations.
 - Carleton and St. Olaf Colleges.
 - Local schools.
 - Business community.
 - Independent artists.
 - Community at large.
- (d) Members shall serve for three-year terms, except as otherwise provided herein with respect to youth members. Terms shall begin on January 1 and end on December 31, provided that a member shall continue to serve until a successor is appointed. An appointment to fill a mid-term vacancy shall be made by the mayor for the duration of the term. The youth commission members shall be high school aged, grades nine through 12. The youth commission members shall be appointed for one-year terms in the same manner as other members of the commission. Youth commission member terms shall commence June 1 and expire the following May 31.
- (e) Members who serve three consecutive terms, not including a partial term due to appointment to fill a vacancy, shall be ineligible for reappointment for one year following the completion of their third term.

(Ord. No. 855, 1-8-2007; Ord. No. 943, 2-19-2013; Ord. No. 961, § 2, 9-16-2014)

Sec. 2-360. - Officers and their duties.

- (a) At the first meeting of each year, members of the commission shall select by majority vote a chair, vice chair, and secretary to serve until the end of that year and until a successor is chosen.
- (b) The chair shall:
 - Set the agenda and preside at meetings of the commission.
 - Call additional meetings as needed.
 - Assign duties to commission members.

- Arrange meetings with other commissions, boards, and organizations from the public, private and non-profit sectors as needed.
 - Communicate with the city council and staff as needed.
 - Provide overall leadership to the commission in carrying out its purposes and responsibilities.
- (c) In the absence of or at the request of the chair, the duties of the chair shall be performed by the vice chair, and in the absence of both the chair and vice chair, by the secretary.
- (d) The secretary shall keep minutes and maintain permanent records of every meeting of the commission, and shall submit minutes for approval at each successive meeting. The secretary shall serve as correspondent for the commission. Copies of the minutes of all meetings shall be filed with the city clerk.

(Ord. No. 855, 1-8-2007)

Sec. 2-361. - Meetings.

The commission shall meet at least monthly and as otherwise determined by the chair. A regular meeting may be cancelled by the chair or a majority of the commission.

(Ord. No. 855, 1-8-2007)

Sec. 2-362. - Quorum.

For the transaction of business at any meeting of the commission, a quorum consisting of at least one-half of all members shall be required.

(Ord. No. 855, 1-8-2007)

Sec. 2-363. - Staff support.

A city staff member shall act as liaison to the commission, provide staff support, and help get recommendations of the commission on the agenda for consideration by the city council when necessary.

(Ord. No. 855, 1-8-2007)



City of Northfield

City Hall
801 Washington Street
Northfield, MN 55057
ci.northfield.mn.us

Legislation Text

File #: Res. 2017-073, **Version:** 1

City Council Meeting Date: September 19, 2017

To: Mayor and City Council
City Administrator

From: Teresa Jensen, Director of Library & IT Services

Consider Resolution Approving “Art in Public Places Policy” as a “Council Policy” for the City of Northfield, Minnesota.

Action Requested:

The Northfield City Council approves Resolution Approving “Art in Public Places Policy” as a “Council Policy” for the City of Northfield, Minnesota.

Summary Report:

One of the purposes of the Arts and Culture Commission (ACC) is to advise the City of Northfield (the City) on its policies and arts development, as detailed in City Codes Sections 2-357 and 2-358 as attached.

In recent years, the ACC has received requests from public and private entities regarding design standards and display of art. In order to meet these requests, the ACC is developing guidelines related to the development, siting, and installation of public arts and, in the case of public funding, review standards and procedures for the selection of quality public art. The ACC therefore has drafted the following policy and procedures related to 855.2-358 (6) and (7).

Feedback from members of the City Council included the suggestion that the policy specifically ensure that community standards in regard to potentially controversial art be followed. A second suggestion asked for the inclusion of a review process for other creative installations on municipal property including garden art. Both concerns have been addressed in slight revisions to the text of the Art in Public Places policy. The Permit Agreement for Art in City Hall has been included as an attachment with similar language highlighted addressing art that may be potentially offensive to any race, age, creed, religion, gender or disability.

A web-link to the guidelines and review procedures will be published on the ACC web page, and the document will also be incorporated into the ten-year goals document that the ACC is currently in the process of developing.

Alternative Options:

Currently there is no process for the review and acceptance for public art. City Council may vote to continue to allow for any and all art to be installed on public land in the absence of a formal review process.

Financial Impacts:

The acceptance of the Art in Public Places Policy and the formation of ad hoc Public Art Review Committees is not anticipated to have any financial impact.

Tentative Timelines:

✓ August 8, 2017 Council review and input
September 19, 2017 Council approval of the Art in Public Places policy