

## **ORDINANCE NO. 1022**

### **AN ORDINANCE OF THE CITY OF NORTHFIELD, MINNESOTA, AMENDING NORTHFIELD CITY CODE, CHAPTER 2 – ADMINISTRATION, ARTICLE VI. – BOARDS AND COMMISSIONS**

#### **THE CITY COUNCIL OF THE CITY OF NORTHFIELD, DOES ORDAIN:**

SECTION 1. Northfield Code, Chapter 2 – Administration, Article VI. – Boards and Commissions, Division 4. - Arts and Culture Commission, is hereby repealed in its entirety and replaced with the following:

#### **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.

##### **Sec. 2-357. Purpose.**

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

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

**Sec. 2-358. Responsibilities.**

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

- (a) Develop, update, and recommend to the council a city mission, public agenda and strategic plan for arts and culture in Northfield;
- (b) Provide leadership for completing the City's Comprehensive Plan sections regarding arts and culture goals and planning, and provide ongoing input for plan revisions;
- (c) Leverage individual, corporate, foundation and city funding for arts and cultural activities;
- (d) Facilitate collaboration and joint planning among public and private agencies involved with related issues such as economic development, tourism, and arts education;
- (e) Advise 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;
- (f) In cooperation with existing city departments and with the city council, develop and advocate design standards for city facilities, public areas, and private development, in order to advance a coherent image of Northfield as a place of unique aesthetic, architectural, and cultural identity;
- (g) Plan and advocate funding in support of the creation and installation of public art in Northfield that enhances the city's appearance and artistic appeal;
- (h) Foster inclusive and cross-cultural activities to help build community as Northfield continues to become more diverse.
- (i) Develop policies, procedures and standards for evaluating offers of gifts of art made to the city and recommend that gifts of art be accepted or not accepted by the city council;
- (j) Advise the city council and city departments on commissioning, placement and maintenance of works of art that have been purchased or accepted by the city, or which are owned by the city because they have been produced or created with public funds;
- (k) Advise the city council and city departments on arts-related capital investments, plans, programs, and evaluations initiated by the city.

**Sec. 2-359. Membership.**

- (a) The commission shall 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 city council. In addition to the seven regular commission members, there shall be one youth voting member and up to three youth ex-officio non-voting members 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:
  - (1) Arts and cultural organizations;
  - (2) Carleton and St. Olaf Colleges;
  - (3) Local schools;
  - (4) Business community;
  - (5) Independent artists; and
  - (6) 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 two successive 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 second term.

**Sec. 2-360. Officers powers and 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:
  - (1) Set the agenda and preside at meetings of the commission;
  - (2) Call additional meetings as needed;
  - (3) Assign duties to commission members;
  - (4) Arrange meetings with other commissions, boards, and organizations from the public, private, and non-profit sectors as needed;

- (5) Communicate with the city council and staff as needed; and
  - (6) Provide overall leadership to the commission in carrying out its purpose and responsibilities.
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- (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.

**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.

**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.

**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.

**Sec. 2-364. Public art program.**

- (a) **Definitions.** As used in this section, the following terms shall have the meanings herein set forth:
  - (1) *Conservation* means repair done to return artwork to its original condition and integrity, as necessitated by, for instance, flaws, neglect, aging, damage or vandalism.
  - (2) *Maintenance* means regular routine inspection, repair, and care of artwork, such as cleaning and applying protective surface coatings.
  - (3) *Public art* means physical art assets, including outdoor sculpture and artwork integrated into physical public structures and environments, including but not limited to rights-of-way.

- (4) *Construction costs* means the total amount appropriated for a city Capital Improvement Project less the actual costs of: (i) real property acquisition, (ii) demolition of existing structures, (iii) environmental remediation, (iv) equipment costs, and (v) professional service fees, including but not limited to legal, architecture, engineering, and accounting fees. Final determination of construction costs are calculated at the time the city Capital Improvement Project is awarded to the general contractor.
- (5) *Eligible Funds* means a source of funds authorized by law or charter for a city Capital Improvement Project from which public art is not prohibited, limited or otherwise restricted as an expenditure.

**(b) Powers and duties of the commission as relating to this section.**

- (1) Subject to the provisions of this section and applicable law and charter relating to expenditures for the arts, the city staff shall be responsible for administering the city's public art program with the assistance of the Arts and Culture Commission, as outlined in this ordinance and other related City Council adopted policies.
- (2) City staff, in consultation with The Arts and Culture Commission, shall prepare an annual fiscal year-report to the city council presented no later than March annually which shall include at least the following:
  - a. a description of the artwork completed, obtained or commenced in the previous year;
  - b. a description of the city Capital Improvement Projects designated for inclusion of public art by the city council in the upcoming year and of the funding source; and
  - c. a budget for the income and expenditures for such city Capital Improvement Projects.
- (3) The Arts and Culture Commission shall work together with City staff to review and make recommendations to the city council regarding artwork proposed for permanent or long-term placement on city property to determine an appropriate location for the placement of the artwork. Artwork to be placed in a museum or gallery is excepted from this process. To make the determination, the Arts and Culture Commission may examine the artwork itself or a design or model of the same. In any case in which the city council and the commission cannot agree on the location of placement of such works, the alternatives shall be presented for city council determination.
- (4) Prior to moving or removing any artwork placed in, on or about city property pursuant to the public art program, city staff shall first submit such proposed change to the Arts and Culture Commission for a report and recommendation about a new space for the artwork or alternatives to moving it. In any case in which the city council and the commission cannot agree on issues related to the relocation or removal of the artwork, the alternatives shall be presented for city council determination.

- (5) In accordance with the Art in Public Places policy and to encourage broad community participation in the public art program and to ensure artwork of the highest quality, the Arts and Culture Commission may solicit the participation of community representatives and professionals in the visual arts and design fields as part of the artist and artwork selection process for particular Public Art projects in accordance with the size and complexity of the Public Art projects. These advisors may assist the commission in the selection of artists, Public Art project oversight and other related purposes, but shall have no vote on matters coming before the Arts and Culture Commission. These advisors, as well as select city staff and Arts and Culture Commissioners, will comprise the Public Art Review Committee.
- (6) During the design phase of artwork, City staff shall determine the maintenance requirements of every artwork, recommend to the responsible department the type, frequency and extent of maintenance required to preserve the quality and value of every artwork, and inspect such maintenance work for the guidance of the city departments concerned. It is the responsibility of the site manager or appropriate department head to provide for the maintenance of artwork in their routine site maintenance program.

**(c) Administration of funds.**

- (1) *Generally.* This Subsection refers to budgeting for and expending Eligible Funds for the costs of Public Art as provided in this Subsection.
- (2) *Budgeting and Appropriation.* All budgets for city Capital Improvement Projects shall include an amount equal to 1% of the projected Construction Costs to be used for the costs of Public Art in accordance with Subsection (c)(5), and Eligible Funds shall be appropriated by the City in the amount so budgeted to pay the costs of Public Art in accordance with Subsection (c)(5). No allocation shall be made for any city Capital Improvement Project with an estimated expenditure of less than the threshold amount for which formal bidding procedures are required pursuant to Minnesota Statutes, Section 471.345. If the applicable law governing any particular city Capital Improvement Project precludes, limits or restricts art as a permissible expenditure, this Subsection (c) shall not apply or shall otherwise conform with the applicable limitations or restrictions so as to be compliant with such law. If the source of funding for any particular city Capital Improvement Project precludes art as a permissible expenditure, other available Eligible Funds shall be allocated to the amount required to be budgeted for Public Art pursuant to this Subsection (c)(2) to the extent authorized by applicable law or charter, or, if Eligible Funds are not available in the amount required to be budgeted for Public Art pursuant to this Subsection (c)(2), such budgeted amount shall be reduced to the amount of available Eligible Funds.
- (3) *Deposits to Accounts.* The city's finance director shall establish a special fund designated the Public Art Account for appropriated Eligible Funds. To the extent the Eligible Funds appropriated pursuant to Subsection (c)(2) are required to be spent for Public Art directly related to a city Capital Improvement Project for which such Eligible Funds are budgeted, such Eligible Funds shall be deposited into the project fund for such city Capital Improvement Project, but shall be spent in accordance with this

Subsection (c). To the extent the Eligible Funds appropriated pursuant to Subsection (c)(2) are not required to be spent for Public Art directly related to the city Capital Improvement Project for which such Eligible Funds are budgeted, such Eligible Funds shall be deposited into the Public Art Account together with any other funds derived from gifts, grants, and/or donations to the City for Public Art.

- (4) *Disbursement Procedures.* Eligible Funds and other amounts deposited into the Public Art Account shall be budgeted and expended in the same manner as other city revenues and used for Public Art projects commissioned pursuant to this section. Eligible Funds and other amounts deposited into the Public Art Account shall be disbursed in accordance with procedures established by the city's finance director for Public Art projects commissioned pursuant to this section. Each disbursement from such Public Art Account or from other appropriations for Public Art shall be documented by the Arts and Culture Commission staff liaison and presented at monthly Arts and Culture Commission meetings, and authorized in accordance with applicable law and accounting principles governing expenditures from the city's budget. Disbursement of funds from the Public Art Account to pay for Public Art acquired pursuant to this section shall be made in accordance with procedures established by the city's finance director.
- (5) *Eligible Costs of Public Art.* Eligible Funds appropriated and allocated in accordance with this section and any other funds deposited in the Public Art Account may be used for the planning, selection, acquisition, purchase, commissioning, fabrication, siting, placement, installation, conservation, maintenance, exhibition or display of Public Art, including, a commission fee of up to 15 percent of the cost of the Public Art for services rendered in connection with the acquisition and installation of the Public Art.
- (6) *Coordination with City Capital Improvement Project.* To the extent practical, artist selection should be concurrent with selection of the architect or designer to ensure integration of Public Art into the city Capital Improvement Project architecture. If a particular city Capital Improvement Project is deemed inappropriate for the placement of artwork by city staff, if not prohibited by law or otherwise, the Eligible Funds appropriated for Public Art may be used at other more appropriate public sites.

#### **Sec. 2-365. Ownership of artwork.**

All artwork acquired pursuant to this section shall be acquired in the name of the city and title, if applicable, shall vest in the city.

#### **Secs. 2-366—2-374. - Reserved.**

SECTION 2: This Ordinance shall take effect thirty days after its publication.

Passed by the City Council of the City of Northfield, Minnesota, this 2<sup>nd</sup> day of March, 2021.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: 02/15/2021

Second Reading: 03/02/2021

Published: \_\_\_\_\_

VOTE:   \_\_\_ POWNELL   \_\_\_ GRABAU   \_\_\_ NAKASIAN   \_\_\_ NESS  
          \_\_\_ PETERSON WHITE   \_\_\_ REISTER   \_\_\_ ZUCCOLOTTO