

## **SECTION 2.26. ARTS & CULTURE COMMISSION AND ARTS FUND.**

**Subd. 1. Introduction and summary.** The city accepts responsibility for expanding the opportunity for its citizens to experience art in public places. The city also recognizes that the inclusion of public art in appropriate projects will promote the cultural heritage and artistic development of the city, enhance the city's character and identity, contribute to economic development and tourism, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with visual arts.

The Arts and Culture Commission was established and will advise the City Council concerning Arts and Culture policies, public projects, issues and initiatives and will be a fierce advocate for Arts and Culture in Red Wing. The Commission will work to ensure an inclusive and cross-cultural environment to help build community. The Commission shall work to further the city's Arts and Culture vision statement: Red Wing thrives as a creative regional arts and culture hub where everyone can participate.

A policy is therefore established to direct that funding for the inclusion of works of art in certain capital improvement projects constructed by the city be allocated through a public art fund.

The city recognizes that the artists, performers and various artistic and cultural institutions of the city enhance the public welfare by providing education, recreation, entertainment, culture, and economic and workforce development to the citizens of the City. The purpose of this section are as follows:

- A. to ensure that a certain percent of the cost of certain public capital improvement projects and private development projects is set aside for the acquisition of public artworks or other reasons defined in Section 4: Municipal Art and Placemaking fund.
- B. to guide public and private development and the installation of public art within the City of Red Wing.
- C. to provide a continuing source of advice concerning artistic, cultural or aesthetic matters to ensure that the city will be an attractive and culturally enriched City.
- D. to promote and encourage programs to further the development of and public awareness and interest in the City in connection with the artistic and cultural development of the City.
- E. to provide advice and assistance as requested to the Council concerning works of art to be placed on municipal and private property.

- F. to provide advice and assistance to the City in connection with other artistic and cultural activities.

The Red Wing Arts and Culture Commission 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 Red Wing as a place of unique aesthetic, architectural, and cultural identity. This ordinance does not preclude arts and culture institutions operated by the city to continue providing advice or continuing with their program and mission.

**Subd. 2. Establishment and Composition.** An Arts and Culture Commission was established in May 2020 which has the powers and duties as set forth in this section in order to oversee and administer a public art program that will ensure the inclusion of artwork in appropriate capital improvement projects for the city to enhance the artistic and cultural development of the city.

The Commission shall be composed of a minimum of seven (7) and a maximum of eleven (11). Up to two (2) members that may be residents of Goodhue or Pierce County.

**Subd. 3. Purpose.** The Arts and Culture Commission will advise the City Council concerning Arts and Culture policies, public projects, issues and initiatives and will be a fierce advocate for Arts and Culture in Red Wing. The Commission will work to ensure an inclusive and cross-cultural environment to help build community. The Commission shall work to further the city's Arts and Culture vision statement: Red Wing thrives as a creative regional arts and culture hub where everyone can participate.

**Subd. 4. Powers and Duties.**

- A. Support and advocate for Arts and Culture by demonstrating how the people of Red Wing and the region are better off when Arts and Culture are an integrated part of the community.
- B. Draft and recommend Arts and Culture Plans for City Council consideration and approval.
- C. Assist and advise the City Council and its boards and commissions on matters of public policy that would advance the City's goal to cultivate a collaborative environment where Arts and Culture can flourish.
- D. Identify and facilitate early collaboration and joint planning among city departments, public agencies, and private organizations to ensure Arts and Culture are represented in projects (including capital projects) and policy.
- E. Work with city departments to develop procedures to streamline the process for City permitting of Arts and Culture events, programs, and projects.
- F. Foster initiatives and public forums that provide information to individuals,

businesses, and other institutions about Arts and Culture issues and initiatives.

- G. Provide recommendations to the City Council about public art, community placemaking initiatives, and the built environment.
- H. Ensure that all public Arts and Culture projects include a diversity of voices.
- I. Collaborate to enhance the public perception of Red Wing's identity and quality of life in the community, the surrounding region, and beyond.

**Subd. 5. Definitions.** Unless otherwise expressly stated, the following terms shall, for the purpose of this section, have the meanings indicated in this section:

*Artist or culture bearer* shall mean an individual who creates original art and is a practitioner of the visual, craft, literary, musical, storytelling, conceptual or performing arts.

*Arts and culture action plan* shall mean a five-year plan which identifies opportunities for arts and culture activities, public art opportunities, roles and responsibilities of the Arts and Culture Commission. The City Council Administrator or their designated representative shall be responsible for implementation of the public art capital budget plan as part of the city capital improvement budget.

*City* shall mean the City of Red Wing.

*Eligible fund* means a source of funds used for construction projects determined by the financial officer in collaboration with the Arts and Culture Commission.

*Private Development Projects: mean any non-municipal, for-profit development projects, paid for by a developer, owner, or tenant, to construct or reconstruct a structure located within in limits of the city.*

*Public art* shall mean publicly accessible original art that enriches the city and evokes meaning. It may include permanent visual art, performances, installations, events and other temporary works, preservation or restoration of unique architectural features, ornamentation or details. It may also include the artist-designed infrastructure and structures themselves. Public art should consider the site, its context and audience. Public art may possess functional as well as aesthetic qualities; it may be integrated into the site or a discrete work.

*Public artist in residence program* shall mean an artist or artists who works within the city as a resource in urban planning, capital project design, and the identification of public art opportunities.

*Public Construction project* means any capital project paid for wholly or in part by

the city to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, located within the limits of the city and to be owned by the city.

*Public place* shall mean publicly accessible landscapes, structures, and infrastructure.

*Public places* include, but are not limited to public parks, plazas, streets and boulevards, bridges and stairways, buildings and waterworks.

**Subd. 6. Municipal Art and Placemaking Fund.** There is hereby created a municipal art and placemaking fund which shall be a separate account set up by the city to receive monies appropriated for the public art program. Establishment of the Municipal Art and Placemaking Fund ("Arts Fund") is made possible with a one-time investment by the City through the American Rescue Plan Act Local Fiscal Recovery Fund (\$75,000). Such funds shall be administered by the City Council Administrator or their designated representative.

Administration can happen in one of two ways and will be determined through joint conversations between the Arts and Culture Commission and City Staff, subject to City Council Approval: (1) Administration of Arts Fund is embedded within a City Department, such as Community Development or the Library. The point person at the City could become the Commission's staff liaison; or (2) City staff supervises and manages the administration of Arts Fund by a third-party contractor(s) outside of the City. The point person at the City could also become the Commission's staff liaison.

A. Account established. A separate Arts Fund shall be established by the City. The funds shall be kept separate from any other city funds.

All art assessment deposits from private and public development or general funds collected by the city shall be deposited into this Arts Fund.

The city may accept gifts, grants, and donations to be used for public art and such funds shall be deposited into the Arts Fund.

Monies collected in the Arts Fund shall be budgeted and expended in the same manner as other city revenues and used for projects commissioned pursuant to this article and will align with the city's budget process. Each disbursement from such fund or from other appropriations for artwork shall be recommended by the arts and culture commission and authorized in accordance with applicable law and accounting principles governing expenditures from the city's budget. Separate accounting shall be established whenever funds are required to be used for a designated capital improvement project.

Use of funds. The Arts Fund shall be used by the city for the selection, commission, acquisition and maintenance of artwork on city property or exterior places in the city. Arts Fund may be pooled and expended for public art in

accordance with this article. Such funds may be spent on artwork which comply with the master plan and the criteria established in this article or art-related costs including, but not limited to:

1. *Selection.* Selection processes for public art including advertising, selection panelist fees, completion stipends, outside consultant fees, and/or travel expenses for artists or experts.
2. *Commissioning, acquisition and installation.* Artist and engineering design fees, permit fees, purchase price, fabrication, transportation, installation, site preparation and improvement, lighting and other costs directly related to the installation of permanent public art.
3. *Maintenance.* Maintenance of public art owned by the city, including evaluation fees for professional conservators, costs of repair, cleaning and conservation. All public art projects, whether commissioned by the city or donated to the city must come with a plan to fund and deliver ongoing maintenance. The resolution accepting the public art must identify how maintenance of the donated public art will be funded.
4. *Deaccessioning, relocation or removal.* Costs directly related to the transportation and relocation or removal of public art.
5. *Insurance and security.* The costs for damage and theft insurance for public art owned by the city, and, as appropriate, costs for security for installations or exhibitions.
6. *Consulting.* The fees and costs for consultants, appraisers and curators may be necessary.
7. *Promotion.* Costs to promote the art in the public art program including public art tours, lectures, descriptive on-site plaques, social media, brochures and other methods.
8. *Program administration.* All personnel costs for the management and staffing, as needed, to support the Red Wing public art program.
9. *Temporary artworks, performances, or community activities.* Costs associated with creative community education, creative community engagement, artistic performances in municipal-owned spaces, and community and cultural events that include a public art component.
10. Funds shall not be utilized for artist receptions, dedication art events, promotional materials for the artist, or expenses for the operation or maintenance of public art on private property.
11. *Authorization of Funds.* The Red Wing Arts and Culture commission is authorized to spend an amount that does not exceed the balance of funds available from the Arts Fund. Expenditures from the Arts Fund will

require approval from City Council based on recommendation from the Arts and Culture Commission.

12. Carryover. Any monies not expended in the Arts Fund in any fiscal year shall be carried over in the Arts Fund into the following year. Any interest earned on the funds shall be retained in the Arts Fund.
13. No general grants or sponsorships. The Arts Fund shall be utilized in accordance with the public art master plan and the requirements of this article.

**Subd. 7. Applicability.** *The public art program requirements and public art assessment described in this section shall apply to the following activities:* (1) Public construction projects as set forth in Subd. 7. B. 1.; and (2) Private development projects as set forth in Subd. 7. B. 2.

- A. All eligible projects will be required to follow the processes and procedures instituted by the City Council, upon the recommendation of the Arts and Culture Commission. All eligible projects may satisfy the requirement in the following ways:
  1. Installation of on-site artwork subject to recommendation by the Arts and Culture Commission and approval by the City Council;
  2. Combination of on-site artwork installation subject to recommendation by the Arts and Culture Commission and approval by the City Council, and contribution to the Municipal Art and Placemaking fund; or
  3. Payment of an in-lieu fee to the Arts Fund.
- B. The Arts and Culture Commission will collaborate with the entity fulfilling the requirement to determine which option above shall be used in each project, subject to approval of the City Council.
  1. Public construction projects: All appropriations for municipal construction projects shall include an amount of not less than one (1) percent of the construction cost of a municipal construction project over \$100,000 as bid, contracted and accepted by the city.
    - a. Monies appropriated pursuant to this article as part of one (1) such project but not spent in connection with the project shall be contributed to the general Municipal Art and Placemaking fund.
    - b. Monies may be utilized to supplement other appropriations for the acquisition of works of art or to place works of art in, on or near either city facilities which have already been constructed, city properties, or other land or properties owned by the city.
    - c. Eligible project costs to be used for public art will be determined by the financial officer in collaboration with the Arts and Culture Commission.

- d. Inclusions. The requirements of this article shall apply to the following development or activities:
    - i. Building improvement
    - ii. Buildings
    - iii. Improvements other than buildings
    - iv. Land improvement
    - v. Street construction
    - vi. Street lighting
2. Private Development Projects: All funds donated to the city by private developers/owners or by others.
- a. Any non-municipal projects, for-profit development projects, or private development in which an application is made to the city for building permits to construct or reconstruct a structure where total construction costs are equal to or greater than \$1,000,000 shall be subject to a mandatory public art requirement, committing one-half (.5) percent of construction or reconstruction costs to the provision of public art in conjunction with such commercial and/or industrial structure.
  - b. Any non-municipal projects, for-profit development projects, or private development in which public subsidies are being used (TIF or Tax Abatement) shall be subject to a mandatory public art requirement, committing one (1) percent of construction costs to the provision of public art in conjunction with such commercial and/or industrial structure.
  - c. All buildings within new planned developments shall be assessed cumulatively towards this public art requirement, even if the buildings are permitted separately or developed in phases. The provisions of this article apply to new development or new construction within existing planned developments.
  - d. *Requirements.* All private development meeting the applicability requirements of this section shall be assessed a sum in accordance with this section, which funds shall be utilized for public art in accordance with this section. Before the issuance of the first building permit for the project, the developer must select one of the following options:
    - i. *Option 1:* Install an artwork on the development site valued in an amount based on the formula listed in Subd. 7. B. 2. a. b. and c. above; or
    - ii. *Option 2:* Contribute an amount equal to .5 percent of the total construction costs for deposit to the municipal art and placemaking account.

iii. *Option 3:* A combination of on-site artwork installation and contribution to the Municipal Art and Placemaking fund. The cost of the installation and the amount of the contribution to the Arts Fund would be determined through a conversation between the Arts and Culture Commission, or its subcommittee, and the entity fulfilling the percent for art requirement, and subject to approval by the City Council.

- e. *Valuation of artwork.* The following costs shall not be included in the valuation of the artwork: site preparation costs, landscaping and hardscaping costs, artist events, promotional materials, future costs for the operation, conservation or maintenance of the artwork.
  - f. *Distinct artwork.* Artwork for compliance with this article shall be distinct from and shall not be considered as compliance with any requirements of the zoning and land development regulations. Artwork must be distinct and commissioned specifically for the site. Before selecting an artist or artwork, the developer must collaborate with the Arts and Culture Commission, or its subcommittee, to review the process and requirements.
  - g. Each building permit issued by the city to any such private developer/owner will include data relative to the private developer/owner participating in the public art program in the city.
  - h. Any building permit for construction or reconstruction of a commercial structure exceeding of \$1,000,000 shall be reported to the arts and culture commission.
3. Projects associated with development or activities listed as exceptions in paragraph 4 are eligible to receive financial support from the Arts Fund. Any projects receiving financial support from the Arts Fund may be brought forward or initiated by:
- a. Any standalone Arts and Culture or Public Art Plans, or those that are part of other municipal planning processes
  - b. City Council
  - c. City Staff/City Departments
  - d. Arts & Culture Commission and other City Commissions
  - e. General public



4. *Exceptions.* The requirements of this article shall not apply to the following development or activities:
- a. Single family detached and single family attached residential structure or multi-family residential structures with four or fewer dwelling units.
  - b. Ordinary property maintenance
  - c. City owned underground utilities and public infrastructure that is not open or accessible to the public due to the storage or use of hazardous, radiological, or infectious materials, national security reasons, or other reasons related to the health, safety or security of the public.
  - d. Vehicles
  - e. Equipment purchases
  - f. Repairs and restoration resulting from fire, flood, windstorm or other casualty or natural disaster, as determined by the building official;
  - g. Affordable residential housing units where at least 51 percent of the units are reserved for affordable housing;
  - h. Institutional uses, such as churches, hospitals, and public or not-for-profit private schools;
  - i. Projects on premises which are owned or leased solely by a non-profit entity recognized under section 501(c)(3) of the internal revenue code and used in furtherance of the non-profit purpose
  - J. Industrial and commercial development that is not open or accessible to the public due to the storage or use of hazardous, radiological, or infectious materials, national security reasons, or other reasons related to the health, safety or security of the public.
  - k. Projects determined to be ineligible.

**Subd. 8. Ownership and Maintenance.**

- A. Ownership of all works of art acquired by the City shall be vested in the City which shall obtain title to each work of art.
- B. Artists, as a part of any contractual agreement with the city for the provision of a work of art, shall be required to submit to the public arts committee a

"Maintenance and Inventory Sheet," including annual cost projections, which details the maintenance and ongoing care of the artwork.

**Subd. 9. Planning and Design Considerations.**

- A. All city requests for proposals for the preparation of district plans, small area plans, master plans for regional and city parks, chapters of the city comprehensive plan, and master plans for redevelopment sites greater than ten (10) acres in size to be undertaken by private consultants shall require that a public artist or culture bearer be a member of the consultant's planning study team. This would be stated in the **RFP** issued by the city. The consultant team would be responsible for finding and hiring the artist to be part of their team.
- B. All city requests for proposals for design of major capital projects as described in article 7.B. to be undertaken by private consultants resulting in a property to be operated and owned by the City (through all project delivery methods: design/bid/build; design/build; lease from developer) shall require that a public artist be a member of the consultant's design team.
- C. Resources to identify artists qualified to serve on consultant teams for planning studies and project design shall be developed by the person administering the public art program.
- D. All projects should follow the design criteria and process developed by the Arts and Culture Commission. Guidelines from the Public Art and Placemaking Permit:
  - 1. Practical Requirements. Ownership, duration, maintenance, & removal
    - a. Ownership is clear and documented
    - b. Project duration and temporary or permanent nature of piece or project is identified
    - c. De-commissioning, de-installation, de-activation is addressed
    - d. Maintenance and conservation plan, if necessary, has been addressed. Responsible party/parties identified.
  - 2. Funding
    - a. Funding plan is clear, attainable, and demonstrates community support
    - b. Any city costs, in-kind or budgeted, have been considered and address through clear communication
  - 3. Safety and physical feasibility
    - a. Engineering and structural concerns are adequately addressed. Appropriate footings and fasteners are

- utilized.
  - b. Materials used will not or cannot be easily stolen or broken.
  - c. Insurance liability has been addressed
4. City approval and community support of location
- a. Location has been communicated to neighbors, key stakeholders, area businesses and any appropriate city entities/officials. Project proceeds with the cooperation and inclusion of public.
  - b. For public spaces: City/public works staff input has been incorporated and approval will be sought/ has been received.
5. Civic Criteria.
- a. Enhances public space
    - 1. Piece or project serves to anchor/ activate its site. The art helps create a place of congregation, fosters public interaction, encourages walkability and/or enhances the pedestrian experience.
    - 11. Artwork contributes to the establishment of landmarks and neighborhood gateways. Project or piece helps physically connect places and/or community assets
    - 111. Sight lines, viewing angles, art placement, etc. are considered so as to enhance the space.
    - 1v. Artwork creatively incorporates site-specific attributes that support and enhance the form or function of either or both the art and the location.
  - b. Complements public space
    - 1. Form supports function and the use of the public space is considered. Artwork is not unreasonably imposed on participant or space.
    - 11. The artwork's scale is appropriate for its selected location. Piece/ project is not overwhelmed by and does not compete with the scale of the site or adjacent structures, signs, etc.
    - 111. Aesthetics (colors, materials, design choices) generally compliment the surrounding built environment.
    - 1v. Artwork doesn't block or negatively impact windows, entranceways, and public amenities nor obstruct normal pedestrian circulation and walkways.
  - c. Planning
    - 1. The artwork supports and does not unreasonably detract from or obstruct the landscaping and/or maintenance requirements of the site.

- 11. Project or piece reasonably considers and/or compliments future development plans for site.
- 111. Artwork is environmentally compatible.
- 1v. Piece or project is physically accessible and appropriately visible to the public.
- v. Artwork or project brings attention to and enhances the beauty of overlooked places.
- v1. Relationship of the work/piece/project to the site and the community are considered.

## 6. Process & Outcomes

### a. Inclusion

- 1. Artwork or project, its creation or planning process, and/or any accompanying programming or interpretation contributes to an inclusive and cross-cultural environment to help build community.
- 11. Multiple voices are included in the artwork or project, its creation or planning process, and/or any accompanying programming or interpretation. Collaboration and partnerships are clear and evident.
- 111. When appropriate or possible, local or regional artists (or artists with ties to the area) are included.

### b. Cohesion

- 1. Artwork or project, its creation or planning process, and/or any accompanying programming or interpretation helps build a healthy community.
- 11. Artwork or project, its creation or planning process, and/or any accompanying programming or interpretation helps advance or bring awareness to a goal or vision outlined in the Red Wing 2040 plan and/or helps realize the City's vision of Red Wing as a regional arts and culture hub.
- 111. Cultural and community context are considered and adequately addressed in artwork or project, its creation or planning process, and/or any accompanying programming or interpretation.
- 1v. Process demonstrates the act of listening.
- v. Desired or intended impact or change is likely to be positive. Creative disruption can be healthy with intentional framing and thoughtful collaboration.
- v1. With donations, the city aspires to have a balanced and diverse inventory of public art representing a variety of style, design, media, and artist.
- v11. Consideration shall be given to the artwork as original or limited edition.
- v111. If art for art's sake, the piece or project is visionary, aims to beautify, and/or reduces stress.