SAINT PAUL

The Most Livable City in America

CITY OF SAINT PAUL PUBLIC ART ORDINANCE

EFFECTIVE DATE: JUNE 23, 2014

Program Guidelines

Wishes for the Sky, Harriet Island, 2010. Marcus Young, City Artist in Residence. House to Touch the Sky, Peter Kramer. Photo Credit: Andy King.

... "In developing its vision for the future of the city, the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values... therefore, the council wishes to implement a process and provide funding to involve artists in the design, implementation and integration of art in public projects."

– Ordinance passed in 2009 establishing the City of Saint Paul's public art program.

ON THE COVER

Left to right:

- **Over 700 locations throughout the City**. *Everyday Poems for City Sidewalk*, a project by Marcus Young, City Artist in Residence, with Public Art Saint Paul and Saint Paul Public Works. Photo: King Studios.
- **Mississippi Riverfront.** *Scattered Light, Jim Campbell.* Temporary installation during Northern Spark, 2010. Produced by Minnesota Musueum of American Art.
- **City's residential neighborhoods**. *Flora Sign Post* in forged steel by Lisa Elias created through the City of Saint Paul's Residential Street Vitality Program (RSVP). Detail also shown above. Photos by King Studios.

CONTENTS

History of the Public Art Ordinance and Program..... i.

Introduction 1

Ordinance Definitions 4

Funding and Eligibility 8

Public Artists Scope of Work 11

Selecting Public Artists 17

Community Engagement 29

Agreements with Public Artists.....31

Accessioning, Maintenance, Care 37

Administration 39

Temporary Work, Exploratory Projects, Performances, Events.....41

Other Policies and Procedures – Donations of Public Artwork 49

Evaluation, Reporting, Compliance and Reallocation 50

Appendix

- Participants and Resources 51
- Ordinance Chapter 12 – Public Art 53
- Resolution14-284 Accepting the Plan for Artistic Practice in the Central Corridor 55
- Resolution for Policy for Public Art in the Public Right-of-Way.....57
- Profiles of Recent Plans and Capital Projects..... 59

History of the Public Art Ordinance and Program

Saint Paul's Public Art Ordinance arose from the aspiration and vision of civic leaders, artists and the community for a creative city at the headwaters of the Mississippi River. It arose from decades of exploration and observation as the City planned its future, as its population diversified, and as the practice of public art evolved. The Ordinance emerged in 2009 as a powerful tool that places artists at the core of civic action in shaping the form and experience of the city.

Public Art Saint Paul, the City's non-profit public art partner, was charged by the City Council in 2005 to draft significant revision to its existing ordinance. That charge set us upon a long and careful course. Public Art Saint Paul volunteered hundreds of hours over several years to research and review the history of public art development in Saint Paul; the City's existing public art ordinance, policies and practices; the work of non-profits and community organizations to develop and care for public art; city-wide and neighborhood plans that reference public art; plans and policies that express the City's capital development values; and the public art policies and experiences of other cities nationwide.

A host of artistic, urban planning and design, heritage preservation, and community partners participated in this work. City staff from the Departments of Planning and Economic Development, Public Works, Parks and Recreation, Libraries, and Financial Services offered essential insights and ideas. Representatives of the Saint Paul arts and cultural community, district councils, and community organizations were vitally engaged.

Many neighborhood and city-wide planning documents testify to the value citizens place on public art. Citizens see public art as promoting the city and individual neighborhoods as desirable places to live, work and visit, and improving the attractiveness and pedestrian friendliness of city streetscapes. Planning studies articulate the potential of public art for expressing neighborhood history, identity and sense of place, and for fostering intercultural harmony and understanding in our increasingly diverse city. They embrace public art as a partner in promoting the vitality of commercial nodes.

The Ordinance recognizes that public art encompasses a broad range of media, including visual, performing and literary arts. It sets forth the idea that artists have an essential role in articulating a vision for the future through city planning and in imagining the shape of the built environment through capital project design. It provides funding and process mandates to support artists in those roles as well as to support the creation of art integrated into capital projects.

The Ordinance asserts that public art stewardship is essential; it provides funding mandates for inventory, condition assessment and maintenance of the City's public art collection. The Ordinance recognizes that generous individuals and organizations have donated artworks to the City throughout its history and will continue to do so into the future; it provides guidance for the City's acceptance of these dontations. The Ordinance recognizes that artists and arts organizations abound in Saint Paul and take initiative to fund, develop and produce public art; it provides guidance to facilitate and encourage the flourishing of this activity.

The City again turned to Public Art Saint Paul to lead development of Guidelines to support Ordinance implementation. With grants from the Katherine B. Andersen Fund and Saint Paul Cultural STAR, Public Art Saint Paul engaged a public art administrator who has worked within City since 2011 to operationalize the Ordinance directives. She worked from a base in the Office of Financial Services, which is charged in the Ordinance to determine the dedication of

funds for public art. The administrator assembled a Public Art Working Group of City staff to participate in development, review, and editing of the Guidelines. She also worked closely with the City Artist in Residence Program, convened a Public Artist Working Group, and met regularly with the District Council Consortium to gain input and feedback. To help steer this effort, Public Art Saint Paul convened an Oversight Committee including a City Councilmember, City department directors, and arts and design professionals. Participants are recognized in the Appendix.

As Guidelines were being developed, Public Art Saint Paul led a partnership with the City of Saint Paul, City of Minneapolis, Capitol Region and Ramsey Washington Metro Watershed Districts, Saint Paul Design Center, and University District Alliance to create a cross-jurisdictional public art plan for the Central Light Rail Transit Corridor. The resulting *Plan for Artistic Practice in the Central Corridor* authored by Cliff Garten, Todd Bressi, and Blaine Merker brought forward a three-part foundation for art's role in shaping the urban future. System-based Urban Languages of modern life (food, water, waste and Infrastructure, gathering, identity and creative spark) look beyond specific site or structure to articulate a greater inter-related whole. Communities of Practice immerse and engage public artists in collaboration with a host of professionals across disciplines to explore important issues of the urban future. Work developed within and across Urban Languages over time move past the idea of singular public art opportunities and aim to redefine our ideas of Placemaking beyond a specific site to a larger sense of the city. This plan greatly influenced interpretation of the Public Art Ordinance and strategies set forth in the Guidelines.

The Guidelines and the supplemental Public Art Ideas List (PAIL) were first introduced by the City in September, 2012 and completed in 2013. These final Guidelines are accompanied by a Technical Manual to serve as a resource to sustain an innovative public art and design program that is distinguished by its high quality. The Technical Manual integrates the Public Art Ordinance Program into City-wide procedures and promotes contemporary best practices from the field of public art. It is designed to be used by City departments and others, and contains reference materials to support the administration of Plans and Capital Projects.

City Councilmember Russ Stark, who has represented the Council on the Oversight Committee throughout development of these Guidelines, remarks, "as we go about the incredibly important business of making Saint Paul a City that serves its citizens, attracts new residents, businesses and visitors, the Public Art Ordinance and City Artists in Residence program are playing critical roles in helping us create great places – places that reflect our history, cultures, and ideas, and that reinforce our fondness for this City and ties to our community."

The Saint Paul Public Art Ordinance Guidelines, Technical Manual and the PAIL are available online at www.stpaul.gov/publicart

A Visionary and Flexible Public Art Ordinance…

In 2009, the City of Saint Paul passed an Ordinance supporting public art. Its visionary legislative purpose and intention is clear ... *"the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values."*

"Public art strengthens public places and enhances and promotes Saint Paul's identity as a livable and creative city and a desirable place to live, work and visit. Therefore, the council wishes to implement a process and provide funding to involve artists in the design, implementation and integration of art in public projects."

The Ordinance established the principle ***that artists should be involved from the earliest stages of conceptual planning, and continue through project design and implementation***. It directs that sufficient resources should be committed to sustain an innovative public art and design program distinguished by its high quality.

Saint Paul's Ordinance is unique among municipal public art programs nationwide because artists add their perspectives and insights to the City's plans and capital project designs, as well as create public art for capital projects. The Ordinance encourages performances, installations, events and other temporary works. The City Ordinance also embraces the privately-funded City Artist in Residence Program that operates within City departments.

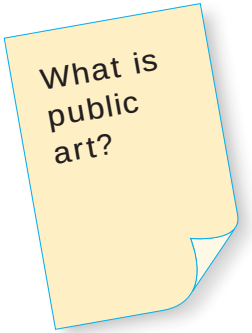
According to the Ordinance, policies and procedures shall be developed to facilitate and support the creation and implementation of a public art program. The Office of Financial Services determines eligible funding sources and projects.

The City of Saint Paul Public Art Ordinance Program Guidelines establish the working methods to operationalize the Ordinance citywide.

How to Use the Guidelines

Each page of the Guidelines begins by posing a question.

For example:



The answer to the question is explored in detail on that page.

There are thirteen sections in the Guidelines, with the title of the section in CAPITAL LETTERS on the bottom left corner of the page. (You are reading the INTRODUCTION section now.)

The sections addressing PUBLIC ARTISTS SCOPE OF WORK and SELECTING PUBLIC ARTISTS are the most important and detailed sections. They have helpful color-coded graphics and tables.

In the APPENDIX, profiles of recent plans and projects are featured.

The Guidelines are amplified in the Public Art Ordinance Program Technical Manual that integrates the program into City-wide procedures and promotes contemporary best practices from the field of public art.

The Public Art Ideas List (PAIL), a supplement, illustrates hundreds of examples of public art.

Downloadable pdfs of the Guidelines, Technical Manual and PAIL are available at: www.stpaul.gov/publicart

Why is a public art plan necessary?

The Ordinance says that

"Public art plan shall mean a biennial plan which identifies opportunities for acquisition and inclusion of public art within capital projects. The office of financial services shall be responsible for implementation of the public art capital budget plan as part of the City capital improvement budget."

Public Art Ordinance Program Guidelines

The Guidelines are to be used citywide – by City departments, district councils, neighborhood groups, art producers, consultants and artists.

The purpose of the Guidelines is to provide administrative guidance for involving artists in neighborhood and area plans, and in capital projects funded through the City's capital improvement budget on properties that will be owned and operated by the City. Guidance is also provided for temporary projects, exploratory projects, performances and events that are encouraged by the Ordinance and may be funded and produced by the City or others.

The Guidelines also provide artists with critical information about their roles and responsibilities and what may be expected of them while working on City plans and/or capital projects.

The Guidelines have two parts:

1. Adopted Capital Improvement Projects – Summary Public Art Eligibility Master List and Status Report prepared annually by the Office of Financial Services and updated as necessary throughout the calendar year. This master list meets the Ordinance requirement for a biennial plan identifying opportunities for public art as part of the City's capital improvement budget and may be found online at www.stpaul.gov/publicart
2. Procedures to ensure consistent administration of the funds appropriated under the Ordinance, thereby enabling an innovative, high-quality public art and design program. The procedures are detailed on the following pages.

What is public art?

The Ordinance says that

"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."

The Public Art Ideas List (PAIL), an illustrated supplement, contains additional examples of public art. The PAIL may be downloaded at www.stpaul.gov/publicart

Meditation, Lei Yixin. Lake Phalen Park. Created as part of Public Art Saint Paul's 2006 international stone carving symposium Minnesota Rocks!

The Saint Paul Cultural Garden. Cliff Garten with six poets and visual artists commissioned by The Saint Paul Foundation.

River Song, Amy Cordova. Saint Paul RiverCentre. Privately funded.

Rain Flowers Series by Brad Kaspari. City's Residential Street Vitality Program, 2012-2014.

Flora Sign Post by Lisa Elias. City's Residential Street Vitality Program, 2012-2014.

Photo: Brad Daniels.

Indian Hunter and Dog, Paul Manship, 1926. Gift to the City from the Cochran Family.

Photo: Linda Chryssomallis

Wing Young Huie. University Avenue project, summer 2010. Produced by Public Art Saint Paul.

What is a "public place"?

The Ordinance says that

"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."

The Public Art Ideas List (PAIL), an illustrated supplement, contains additional examples of public art in public places. The PAIL may be downloaded at www.stpaul.gov/publicart

Selby Avenue bridge abutment.Michael Mercil.

Wabasha Avenue retaining wall. Seitu Jones.

Photo: Jerry Mathiason

Upper Landing Park. *Mississippi Guardian Birds*, Douglas Freeman.

Mears Park. Brad Goldberg and Don Ganje.

Kellogg Mall Park details. Cliff Garten.

Landmark Center. *Landmark in a River City*, Michael Murnane and Andrew Saboe. Northern Spark, 2011.

Who qualifies as an artist?

The Ordinance says that

"Artist shall mean an individual who creates original art and is recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual or performing arts, as judged by the quality of that practitioner's body of work and experience."

This recognition is demonstrated in the artist's resume through credentials such as an exhibition record, past public art commissions, published work, previous performances, reviews and recommendations.

What is a public artist in residence?

The Ordinance says that

"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."

City Artists in Residence Program

In 2005, Public Art Saint Paul, a private non-profit public art organization, in partnership with the City initiated and launched the City Artist in Residence Program. Public Art Saint Paul has developed and sustained the program since that time, providing overall program goals, strategy, and funding from private sources.

The City Artists in Residence (CAIRs) are employees of Public Art Saint Paul who work across City agencies from a base in Saint Paul Public Works.

The CAIR program is overseen by a committee composed of City department directors and by representatives of Public Art Saint Paul and the art community.

The CAIRs are present at the earliest stages of new thinking in order to have systemic impact within the living systems of the City – its infrastructure, water, forest, open spaces and the daily function and use of public places.

Two CAIRS currently serve in this capacity: Marcus Young (the program's Artistic Director) and Amanda Lovelee.

The CAIR Program serves several important functions in support of the Ordinance. The Program:

- may **provide curatorial direction** for system-based capital projects such as the Residential Street Vitality Program (RSVP).

CITY ARTISTS IN RESIDENCE PROGRAM

Photo: King Studios

Provides Curatorial Direction

City Artist in Residence Marcus Young provides curatorial leadership for the City's Residential Street Vitality Program (RSVP) working with artists Brad Kaspari and Lisa Elias whose *Flora Sign Post* for the Macalester Groveland neighborhood is shown above.

In that capacity, a CAIR will shape the vision for the Ordinance public art investment, select artist(s) for the project(s), and provide overall design leadership.

- may **create and manage prototype projects** for system-based capital projects that may be built and sustained over time. In that capacity, a CAIR may be commissioned to create public art to illustrate a visionary curatorial idea.
- shall **serve as a resource,** as per the Ordinance, to identify artists to be included in the City's list of artists qualified to serve on consultant teams for planning or design studies and may participate in artist and consultant team selection for Ordinance-related capital projects.
- may **advise** on Ordinance-supported City planning initiatives.

The CAIR Program does not provide Ordinance administration or project management for artists commissioned with Ordinance funds.

CITY ARTISTS IN RESIDENCE PROGRAM

Photo: Travis Spangler.

Creates and Manages Prototype Projects

City Artist in Residence Marcus Young created *Everyday Poems for City Sidewalk* which integrates work by citizen poets into City sidewalk systems through the annual maintenance program. Poem by Diego Vazquez, Jr.

Serves as Resource and Advises

City Artists in Residence played an important role in shaping the City's Greater Lowertown Master Plan, http://visionlowertown.com/

How is public art funded?

The Ordinance mandates that

- Capital projects funded by eligible sources resulting in a property to be operated by the City shall dedicate one (1) percent of eligible project funds for public art.

  Department directors may seek City Council approval to reallocate percent funds from one project to another within that Department to supplement other public art projects or public art maintenance.

- One half (½) of one percent of total Capital Improvement Budget capital maintenance projects shall be appropriated to support maintenance and restoration of the City's public art collection.

  The Ordinance endorses the preservation or restoration of unique architectural features, ornamentation or details.

Photo: Brad Daniels.

Photo: Courtesy PASP.

(Left) Conservation by Kristin Chernonis of Paul Manship's 1926 sculpture *Indian Hunter*. (Above) Conservation workshop sponsored by Public Art Saint Paul and led by Cheronis involved community members in the restoration of the Nathan Hale sculpture.

When does the Ordinance apply?

The Ordinance states that artists shall be involved in the "design, implementation and integration of art in public projects."

All City requests for the preparation of plans by private consultants (itemized below) or for the design of major capital projects by private consultants through all project delivery methods (design/bid/build; design/build, lease from developer) shall require the involvement of artists.

PLANS

Public Artist as Consultant Team Member

Artists shall serve on teams for the following:	
District Plan	✓
Small Area Plan	✓
T3 Master Plan	✓
Regional or City Park Master Plan	✓
Saint Paul Comprehensive Plan Chapter	✓
Master Plan for 10+ acre site redevelopment	✓

The above requirements apply to private consultant teams only. Department in-house teams are not required to include a public artist, but are encouraged to do so, meeting the spirit and intent of the Ordinance.

Other planning efforts such as community visioning studies, transit-oriented design plans or park plans that are intended to become part of small area plans, master plans or comprehensive plans are also encouraged, but not required, to involve a public artist.

CAPITAL PROJECTS

Public Art for Major Capital Construction Projects

Projects must meet all of these requirements:	
Eligible funding source	✓
Property to be operated by the City	✓
Department priority for percent application*	✓
Included on *Adopted Capital Improvement Projects – Summary Public Art Eligibility Master List and Status Report*	✓

* The Ordinance allows department heads the option of reallocating funds between public art projects within the department, consistent with the public art plan, and with the approval of the Office of Financial Services and the City Council. The procedures for the reallocation process are detailed on page 50.

What projects must comply?

The Ordinance says that

"Eligible fund means a source fund for construction projects from which art is not precluded as an object of expenditure."

"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 operated by the City."

Funding Sources

Each year, after approval of the Capital Improvement Budget (CIB) by the City Council, the Office of Financial Services produces a spreadsheet that details *Adopted Capital Improvement Projects – Summary Public Art Eligibility Master List and Status Report*. This master list meets the Ordinance requirement for a biennial plan identifying opportunities for public art as part of the City's capital improvement budget and may be found online at www.stpaul.gov/publicart

Miniumum eligibility conditions include:

- the project must be capital in nature;
- on City-owned property;
- the useful life of the project must match the terms of the bonds; and
- the funding source does not prohibit public art.

Eligible funding sources for public art generally include but are not limited to:

Local general obligation bonds/ notes; other local financing sources; state grants and aids; and federal grants and aids.

Planning Study Teams and Design Teams

City Requests for Proposals (RFPs) to prepare the following shall include a public artist:

- District plans, small area plans, and T3/T4 master plans by private consultants;
- Master Plans for City and Regional Parks;
- Chapters of the City's Comprehensive Plan;
- Master plans by private consultants for redevelopment sites greater than (10) ten acres undertaken by private consultants; and
- Design of major capital projects undertaken by private consultants resulting in a property to be operated by the City.

Capital Projects

Eligible capital projects include the construction or renovation of new or existing city-owned facilities such as:

- Libraries and Library/ Recreation Centers.
- Police stations.
- Residential Street Vitality Program (RSVP).
- Sidewalk Reconstruction.
- Traffic calming; traffic circles.
- Streetscapes.
- Bikeways.
- Bridges (Vehicular and/or pedestrian).
- Stairs, walls and other structures.
- Parks.
- Tot lots, play area improvements and replacements.
- Trails.
- Recreation Centers.
- Business improvement projects.
- Other buildings.

Capital Projects generally require permanent public art that matches the useful life of the project in order to meet the terms of the eligible funding sources, which are usually bonds.These sources may not allow funding for performances, installations and other temporary works.

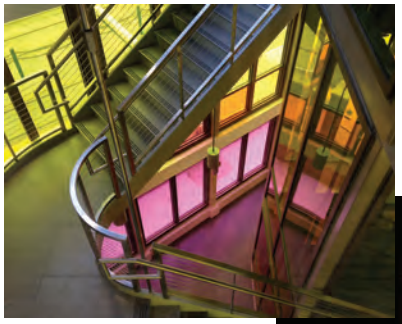
How can artists become involved?

The Ordinance declares that artists shall be involved in the "design, implementation and integration of art in public projects" and goes on to state that involvement should begin at the earliest stage of conceptual planning.

Two ways to participate in eligible projects include:

- PLANS. Public artists are required to be members of City-sponsored private consultants' planning teams that address district plans, small area plans, master plans and the city's comprehensive plan.
- CAPITAL PROJECTS. Public artists are required to be involved in the design and implementation of City-funded capital projects.

Each of these opportunities involves different tasks and expertise. This section addresses the public artist scope of work for Plans and Capital Projects.



4th and Cedar Street Vertical Connection. Architectural stair tower with integrated glasswork by Jo Ann Verburg. Joint project between City of Saint Paul and the Metropolitan Council.

PLANS

Public artists are members of a private consultant's planning team.

Recent Examples:

- Central Corridor Station Area Plans
- Great River Passage Master Plan
- Greater Lowertown Master Plan
- Central Corridor Strategic Stormwater Solutions for Transit-Oriented Design
- Citywide Street Design Manual

CAPITAL PROJECTS

Public artists are selected to produce conceptual/schematic design and design development proposals for art, and to create commissioned artwork for projects.

Recent Examples:

- *Everyday Poems for City Sidewalk*
- Penfield Development
- RSVP Program
- 4th/Cedar Vertical Connection
- Hamline Avenue Bridge
- Lowertown Ballpark

What are potential roles for public artists on **Planning Teams**?

The Ordinance states that "artist-involvement should begin at the earliest stages of planning, and a public artist is required to be a member of the consultant's planning study team or design team."

The following list describes the role that artists are anticipated to play during their involvement in Plans and is meant to guide City department staff as they develop specifications for Request for Proposals (RFPs) or Request for Qualifications (RFQs).

The list provides a starting point for creating a Scope of Work for Public Artists.

Following are some examples of roles and tasks for artists on planning teams.

PLANS

TASKS

- Play an integral role on the team.
- Participate in in-house, team and public meetings.
- Participate in collaborative processes where authorship of final products is shared.
- Take a multi-disciplinary approach to the City and work across departments and systems.
- Identify and integrate artful opportunities into plan chapters including goals, objectives and strategies addressing: the public realm; movement/circulation; preservation; water quality/environment; culture and art; and historical and cultural resources, as necessary. Public art may include visual art, performances, installations, events and other temporary work, preservation or restoration of unique architectural features, ornamentation or details.
- Alternately, contribute artful opportunities to chapters in plans that specifically address history, culture and art.
- Study related plans, including but not limited to, comprehensive plans, small area plans, public art plans, etc.
- Develop and illustrate public art concept designs for pilot or demonstration projects that may be part of plans.
- Advise on how to best involve artists in plan implementation.
- If necessary, work with Heritage Preservation Commission (HPC) staff to identify principles that balance preserving and reinforcing the prominent features of a district with adding vital new public art component(s).
- Assist consultant/proposers as they respond to City RFPs or RFQs, including outlining the artist's roles and contributions in the Scope of Work statement.

EXPERTISE

Following is the experience and capabilities that artists may need to show to accomplish the tasks:

- In-depth work with multi-disciplinary teams (e.g. planners, architects, landscape architects, civil and transportation engineers, etc.).
- Synthetic thinking; the ability to draw on ideas across disciplines and fields of inquiry to develop a deeper understanding, to combine ideas into a complex whole.
- Exhibits flexibility and adaptability when addressing new topic areas, disciplines and fields of inquiry.
- Understanding and experience with planning processes, and with presentations to the general public, councils and boards.
- Evidence of past contributions to planning documents including writing samples and/or examples of translating ideas into drawings, illustrations or photographs understandable to the general public.
- Ability to work with diverse communities; experience in community engagement.
- Demonstrates experience with innovative and engaging ways to work with the community.
- Familiarity with a broad range of artistic approaches, practices, media and artists.

- Direct experience working in highly-complex urban environments.
- Proficiency with computer software programs including Microsoft Word, Power Point and Excel; optional experience with advanced programs such as the Adobe Design Suite (Photo Shop, Illustrator, In Design and Acrobat Pro) and computer-assisted-design programs such as Sketchup and AutoCAD.

(Examples of recent RFPs calling for planning teams or planning and design teams with artists may be found in the Public Art Ordinance Program Technical Manual.)

EVALUATION OF EXPERTISE

City staff evaluates consultant/proposer teams including public artists.

Evaluation may include, but is not limited to, the following considerations:

- Public Artist meets the Ordinance definition of "artist" as shown by the quality of their credentials and experience with public art detailed in their resume.
- Consultant/proposers weave the Public Artist's efforts into their Scope of Work statement, and demonstrate thoughtful integration of public art and the Public Artist's contributions.
- Proposal addresses the possible contributions by the Public Artist cited by the Public Artist Scope of Work in the RFP.
- The percentage of time the Public Artist is given and fees are identified in the consultant/proposers capacity work load tables.
- Public Artist (preferably) or another member of the consultant/proposer team has experience programming artists efforts, and shows a familiarity with a broad range of artistic practices, media and artists.

TIPS FOR CONSULTANT/ PROPOSERS

HOW TO SELECT AN ARTIST FOR YOUR PLAN TEAM

Some artists are strong conceptual thinkers, skilled in ideation during planning and design phases, while others are the hands-on makers of aesthetic objects. Many artists have capabilities in both areas.

What should you consider when selecting an artist for your team?

Discuss potential approaches to the scope of work in the RFP and see if you share a similar outlook.

Ask about the artist's role in past projects or plans; at what point did they join the team and how did they influence and improve the project or plan?

Inquire about the artist's experience with urban design issues and orchestrating public space to determine if they are interested in and capable of working during planning or conceptual design.

Look at images of the artist's works or better yet, experience the work first-hand. Then ask the artist: How did they develop the context for their work or what is the creative process and the thinking behind specific works?

Does the artist's past work reveal a consistency of vision? While an artist may work in a variety of media to express their ideas, a conceptual thread should connect the works.

Personal knowledge of candidates is key – how personalities mesh may be more important than artistic inclinations or how the artist fits with your firm's past work.

Build in time for "growing" the project together; working with an artist is not like hiring an engineer who has a prescribed scope.

To learn about artists and gain experience evaluating them, volunteer to serve on committees and panels convened by arts organizations and agencies.

What are potential roles for public artists on **Capital Projects**?

The Ordinance states that "artist-involvement should begin at the earliest stages of planning, and a public artist is required to be a member of the consultant's planning study team or design team."

The following list describes the role that artists are anticipated to play during their involvement in Capital Projects by offering ideas for potential tasks and the requisite expertise necessary. The list is meant to guide City department staff as they develop requirements for Request for Proposals (RFPs) or Request for Qualifications (RFQs).

The list provides a starting point for creating a Scope of Work for Public Artists.

Following are some examples of roles and tasks for artists on Capital Projects.

CAPITAL PROJECTS

Capital projects generally have two public art phases: a design phase, which may involve planning work with the design team as well as the conceptual/schematic design and the design development of artwork; and a commission phase for the actual production and installation of artwork, frequently in coordination with the site and/or building construction process.

Following are some examples of roles and tasks for artists.

DESIGN PHASE

TASKS

Conceptual/Schematic Design –

- Participate in in-house, team and public meetings.
- Explore public art opportunities in plans for buildings and/or sites.
- Establish artwork parameters and goals and detail the "program" for artwork including the project description and approach.

Or alternately to previous point;

- Plan, schedule and facilitate public meetings pertaining to public art and use public input to develop public art scope and direction.

- Integrate artwork with the "bricks and mortar" of the building and/or at the site/plaza to large landscape scales. Public art may include visual art, performances, installations, events and other temporary work, preservation or restoration of unique architectural features, ornamentation or details.
- Collaborate with the design team to determine and/or to refine the design of spaces to integrate artwork, and advise on selection of materials in surrounding area.
- Identify location of artwork(s) on scaled annotated plans, or site plans, with potential relationships and connections to other sites.
- Produce model/maquette and/or sketches, drawings, plans and/or digital renderings to illustrate concepts.
- Present conceptual design ideas for artwork to community groups and others for input and feedback, as necessary.
- As appropriate during concept development, design team including the artist shall involve HPC staff, which makes recommendations on projects to the HPC board.
- If HPC approval is required, schematic design and/or design development materials for artwork will be included as part of the overall HPC pre-application materials submitted for review.

Design Development –

- Participate in meetings; in-house, team and public meetings.
- Produce model/maquette to scale showing some indication of color and/or scaled, dimensioned and labeled plans or drawings, and digital renderings or documentation, as required to present a meaningful representation of the proposed artwork. Provide materials samples, as necessary. Artwork must conform to Americans with Disabilities (ADA) and other necessary functional requirements.
- Produce artwork statement describing design intention; relationship to project goals and criteria; and with description of

artwork materials, dimensions, weight, and finish.

- Submit completed *Timeline and Budget Estimate* for the artwork, using form provided by the City or provide other cost estimate documentation format approved by the City.
- Submit conservation analysis of proposed materials and construction methods prepared by a certified professional conservator, if requested.
- Prepare operations and maintenance plan including cost estimate addressing the necessary ongoing care anticipated for the artwork.
- Recommend site preparation and activation that is required, including but not limited to appropriate lighting, electrical and mechanical systems connections, and the structural support necessary for installation and activation of the artwork.
- If HPC approval is required, public art materials cited above shall be included in 90%+ package of construction drawings presented to the HPC at public hearings.

COMMISSION PHASE

Following are some examples of roles and tasks for artists.

TASKS

- Secure insurance coverage that meets City requirements including public liability, automobile, worker's compensation and employer's liability, and professional liability insurances, as requested.
- Maintain ongoing communications with City project manager and track with the site and/or building construction schedule in order to integrate artwork.
- Provide engineering drawings of the artwork and/or the footings or other details for structural design review by the City, if requested.
- Produce the artwork as approved during the Design Phase and after the structural design review, and deliver and install the artwork according to the construction schedule.
- If not provided by the City, prepare the site for the artwork including appropriate lighting, electrical and mechanical systems connections, and the structural support required for installation and activation of the artwork.
- Design, fabricate, install and pay for a public notice identifying the artwork after installation.
- Provide final documentation about the artwork including technical description with details regarding, materials, weight, finish, construction techniques and contractors, and an operations and maintenance manual, if requested.

EXPERTISE

Following is the experience and capabilities that artists may need to show to accomplish the tasks during the Design and Commission Phases:

- In-depth work with multi-disciplinary teams (e.g. architects, landscape architects, civil and transportation engineers, etc.).
- Ability to work with community input; experience in community engagement.
- Capacity to reflect the community's ideas in art.
- Ability to incorporate technology and art, if necessary.
- Sensitivity to context and its historical, ecological, social and cultural dimensions.
- Employs sustainable materials and construction techniques in his/her work, and efficiently uses resources such as electricity and water.
- Understanding of, and experience with, durable and permanent materials, and their maintenance requirements.
- Maintains a flexible design process, accommodating the need to meet ADA code requirements and safety standards, as necessary.
- Ability to produce submittals/deliverables including scaled, dimensioned and labeled plans, elevations and cross-sections, and cost estimates, construction documents and specifications, as necessary.
- Documented capabilty to produce, deliver and install artwork on-time and on-budget.

(Examples of recent RFPs and RFQs seeking artists for Capital Projects may be found in the Public Art Ordinance Program Technical Manual.)

SPECIAL PROCEDURES FOR HISTORIC SITES AND PROPERTIES

When public art is part of a designated local historic site or property undergoing remodeling, or public art is considered for a designated local historic site or property, the following tasks and procedures are necessary:

1. The Scope of Work for Public Artists shall be developed with the input of Heritage Preservation Commission (HPC) staff.
2. HPC staff, which makes recommendations on projects to the HPC, shall participate as appropriate in concept development with the design team including public artist(s).
3. Public artists shall research the historical, architectural, cultural and social character of the district, site or property to develop an understanding of the historical context.
4. Public artists shall work with HPC staff, as necessary, to identify principles that balance preserving and reinforcing the prominent features of a district, site or property with adding vital new public art component(s).
5. If HPC approval is required, public art planning, project schematic design and/or design development materials will be included as part of the overall HPC pre-application materials submitted for review.
6. If HPC approval is required, public art shall be included in 90%+ package of construction drawings presented to the HPC at public hearings.

SECTION 3 COMPLIANCE

Public art for Capital Projects may be subject to compliance with the Federal Housing and Urban Development (HUD) Section 3 requirements which foster local economic development, neighborhood economic development, and individual self-sufficiency. If the public art project funding source is Community Development Block Grant (CDBG), Community Development Block Grant-Residential (CDBG-R) or HUD HOME, and the funds for public art are over $100,000, this requirement must be met.

Ten percent of the project's subcontracting must be with low-income individuals or businesses selected from a list of Section 3-certified businesses maintained by the City. Additionally, 30% of new hires must be Section 3 residents.

Section 3 eligibility is entirely based upon income; to be certified, an individual's income must be less than 80% of the median income in the Minneapolis/Saint Paul metro area, based on family size. (For example, for a single household, this would be less than $45,500 per year; for a family of four, less than $65,000 per year.)

Businesses are eligible to be certified if the business owner (artist) or 30% of their full-time workforce meet these income requirements. Additionally, businesses may be certified if they demonstrate a commitment to subcontract at least 25% of all subcontracts to Section 3-certified businesses. The City's Section 3 business list is continually updated and is available by request. Please contact the Section 3 program at 651-266-8900, or at Section3Program@ci.stpaul.mn.us.

Section 3 Certification for Artists

Artists are encouraged to become certified by the City. For details and application materials, contact the City's Section 3 program administrator.

During certification, artists must identify a code number under the North American Industry Classification System (NAICS) that best matches their business. Artists will also be asked to submit income verification with their application to verify eligibility for the program. To search for an appropriate code, artists should visit http://www.census.gov/eos/www/naics/ and enter the keyword "art."

How are public artists selected?

SELECTING PUBLIC ARTISTS – PROCEDURES AT A GLANCE

The options and processes indicated below are explained in detail in this section.

	PLANS	CAPITAL PROJECTS			
IDENTIFICATION OPTIONS	Consultant responding to a City department's RFQ or RFP identifies public artist(s) for their team.	1. Public art project committee convened to identify artist(s) for City project.	2. City department project manager identifies artist(s) for project.	3. City Artist in Residence Program as artist-curator and/or creator and manager of prototype projects.	Infrequent City Design/Build Capital Projects; consultant/contractor identifies public artist(s) for their team.
SELECTION PROCESS	Consultants reference: • City Artist in Residence Program.* • State artist registry. • City List of Qualified Artists. • Consultant's own resources.	• Open Call • Invitational Call • Direct Call	• Open Call • Invitational Call • City List of Qualified Artists • Direct Call	• Invitational Call • City List of Qualified Artists • Direct Call	Consultant/contractor references: • City Artist in Residence Program.* • State artist registry. • City List of Qualified Artists. • Consultant/contractor's own resources.
REVIEW & APPROVAL PROCESS	City Project Manager ↓ City Department Head	Public Art Committee ↓ City Department Head	City Project Manager ↓ City Department Head	City Artist in Residence Program ↓ City Department Head	City Project Manager ↓ City Department Head

* City Artist in Residence Program participates in selecting artists for the City List of Qualififed Public Artists and is not an independent resource for consultants.

How are public artists identified for **Plans** and **Capital Projects**?

The Ordinance says that

"Resources to identify artists qualified to serve on consultant teams for planning studies and project design shall include, but not be limited to, the artist in residence, the state artist registry and a list of qualified artists maintained by the city."

The Ordinance cites the City Artists in Residence Program as a resource and also mentions the state's Minnesota Percent for Art Artist Registry available at http://www.percentforart.us/ as a source for identifying artists.

The third resource mentioned is the list of qualified artists.The City has defined procedures to establish a list to be used by private consultant/proposers seeking artists for City-sponsored planning or planning and design teams, and by City departments seeking artists for capital projects.

The City List of Qualified Public Artists is an especially useful reference for consultant/proposers seeking artists for planning teams; capital projects with flexible timelines; special projects with compressed timelines; and ongoing programs or projects that seek artists every year.

The current City List of Qualified Public Artists may be found online at www.stpaul.gov/publicart

Additional means for identifying artists through open, invitational and direct calls are described on page 27.

City List of Qualified Public Artists

To develop the List, City departments, working with the Office of Financial Services, shall

- determine eligible categories for Plans and Capital Projects (i.e., bridges, playgrounds, building interiors, trails, ongoing efforts such as the Residential Street Vitality Program, etc.) that are suitable candidates for an approximately once-every-two-years open call (see page 28 for application instructions);
- draft the Scope of Work and expertise requirements for each category to be included in the Request for Qualifications (RFQ);
- issue an RFQ with the open call through City channels; and
- appoint and convene the Public Art Jury.

PUBLIC ART JURY

The Jury convened to select artists for the City List of Qualified Public Artists generally includes:

- staff from departments with projects on the List;
- arts and design professionals;
- the City Artists in Residence Program; and
- as appropriate, District Council representatives and others.

They review materials received in response to the RFQ open call and recommend artists for the City List.

Public Art Juries are expected to uphold the City's conflict of interest and confidentiality policies because they have access to information not generally available to the public, and are therefore charged with special legal, professional and ethical responsibilities.

Department heads or representatives review and approve entrants to the City List that are recommended by the Public Art Jury.

The City List of Qualified Artists is published and available online on the City's website at www.stpaul.gov/publicart

What are the criteria for determining eligible public artists?

PUBLIC ARTIST ELIGIBILITY AND EVALUATION CRITERIA FOR PLANS AND CAPITAL PROJECTS

The following ***eligibility criteria*** apply to public artists:

- The public artist meets the Ordinance definition of an "artist" and is an individual who creates original art and is recognized by professional peers and critics.
- The public artist produces artwork in the categories/types of work cited in the Ordinance as "public art" including visual art, performances, installations, events and other temporary work, or is involved in the preservation or restoration of unique architectural features, ornamentation or details.
- This opportunity is open to all public artists (or teams of artists) regardless of race, color, religion, gender, age, military status, sexual orientation, marital status, or physical or mental disability.
- The Public Art Ordinance Program is open to Minnesota artists and artists nationwide, unless otherwise limited in the Request for Qualifications (RFQ) or Request for Proposals (RFP).

The following ***minimum evaluation criteria*** apply to public artists:

- The public artist's work is of high quality as shown by examples of past work; in resume/bio citations for exhibitions, commissions and awards; documented recognition by peers and critics; and for Capital Projects, by testimony from references that the public artist has produced artwork on-time and on-budget.
- The public artist demonstrates the expertise required by the Scope of Work statement in the RFQ or RFP, including the understanding and/or the ability to design and create artwork integrated into public contexts.
- During the time periods specified in RFPs or RFQs, the public artist is available to work on Plans or Capital Projects, and/or is available for membership on the City List of Qualified Public Artists.

Additional ***special evaluation criteria*** may include, but are not limited to, the following:

- The public artist's experience includes work on multi-disciplinary collaborative teams.
- The public artist demonstrates the ability to work with diverse communities and has experience in community engagement and incorporating public input into their working process.
- The public artist is capable of producing design submittals/deliverables such as plans, elevations, cross-sections, as necessary, in print and electronic formats.
- The public artist meets any additional unique expertise and evaluation criteria identified in the Plan or Capital Project RFQ or RFP.

What options are available for identifying public artists?

Five options that meet the terms of the Ordinance and the needs of City projects have been devised for identifying public artists.

For Plans (district plans, small area plans and master plans, etc.) there is one option – private consultants identify artists to be members of their planning teams.

Capital Projects have four options – committees are convened to select artists; City department project managers or the City Artist in Residence Program selects artists; and for infrequent design/build capital projects, private consultants/contractors choose public artists for their teams.

PLANS

Public artists are members of a private consultant's planning team for City-sponsored plans.

Consultant responding to a department's RFQ or RFP identifies public artist(s) for their team.

CAPITAL PROJECTS

Public artists are selected to produce conceptual/schematic designs and design development proposals for public art, and to create commissioned artwork for City projects.

THREE IDENTIFICATION OPTIONS*

1. Public art project committee convened to identify artist(s) for City project.

2. City department project manager identifies artist(s) for project.

3. City Artist in Residence Program as artist-curator and/or creator and manager of prototype projects.

* A fourth option may be used for infrequent design/build capital projects: consultant/contractors responding to a department's RFQ or RFP identify public artists for their team. This fourth option incorporates procedures from both Plans and Capital Projects. See the Public Art Ordinance Technical Manual for examples.

How are public artists selected, evaluated and aproved for **Plans**?

PLANS

Public artists are members of a private consultant's planning team for City-sponsored plans.

SELECTION PROCESS

There is one selection option for Plans – private consultant/proposers responding to a City department's RFQ/RFP for plans select public artist(s) for their team. Resources to identify artist(s) include but are not limited to: the City Artists in Residence Program which participates in identifying artists for the City List of Qualified Public Artists; the State artist registry; and the City List of Qualified Public Artists. Consultant/proposers may also use their own resources, lists and established relationships to identify public artists.

City department staff and/or project manager develops Scope of Work for Public Artist(s) for RFQs or RFPs including expectations for artist's role, tasks and required expertise.

EVALUATION CRITERIA FOR PLANNING TEAMS

- Public artist meets the Ordinance **eligibility criteria** outlined on page 19.
- Consultant/proposer team demonstrates a clear understanding of the role of the public artist and integrates their contributions into the Scope of Work and Capacity work load tables in the team's response to the RFQ/RFP.
- Public artist is an equally-regarded and collaborative member of the consultant/proposer team; and the artist's participation on the team, observed during the interview, is substantial.
- Public artist meets the minimum **evaluation criteria** cited on page 19 and the expertise requirements indicated in the plan's RFQ/RFP.

ARTISTIC REVIEW AND APPROVAL PROCESS

City department staff interview consultant/proposer teams and evaluate the quality of the public artist's credentials and past work, the overall team composition, and the team's proposed role for the public artist.

After the team is selected by staff, City department heads sign an agreement with the consultant/proposer team authorizing the preparation of plans.

Which selection option is the best for a **Capital Project**?

CAPITAL PROJECTS

Public artists are selected to produce conceptual/schematic designs and design development proposals for public art, and to create commissioned artwork for City projects.

THREE CAPITAL PROJECTS OPTIONS

1.
Public art project committee convened to identify artist(s) for City project.

2.
City department project manager identifies artist(s) for project.

3.
City Artist in Residence Program as artist-curator and/or creator and manager of prototype projects.

The recommendations below aid decision-making about which option best matches the Capital Project at hand.

Recommended for:

- Public art projects with large budget and scope of work.
- Extended timeline/schedule.
- Large impact on community.
- Community engagement as per the Ordinance.*

Recommended for:

- Public art projects with medium-size budget and scope of work.
- Short timeline/schedule.
- To take advantage of special opportunities.
- Community engagement as per the Ordinance.*

Recommended for:

- Public art projects that are part of ongoing programs with annual appropriations.
- Short timeline/schedule and quick turn-around.
- Community engagement as per the Ordinance, especially during design phase.*

* Community engagement, at minimum, follows each City department's existing and ongoing procedures. See Community Engagement pages 29-30 for options and procedures and the Technical Manual pages 29-33.

What is the selection process for each **Capital Project** option?

ARTIST SELECTION PROCESS FOR THREE CAPITAL PROJECT OPTIONS

1.
Public art project committee convened to identify artist(s) for City project.

Public art project committee and/or City department staff develop art project framework/ timeline, Scope of Work for Public Artist(s), expertise requirements, and eligibility and evaluation criteria.

Artists are identifed through:

- Open Call.
- Invitational Call.
- Direct Call.

2.
City department project manager identifies artist(s) for project.

City department project manager develops art project framework/timeline, Scope of Work for Public Artist(s), expertise requirements, and eligibility and evaluation criteria.

Artists are identified through:

- Open Call.
- City List of Qualified Public Artists.
- Invitational Call.
- Direct Call.

3.
City Artist in Residence Program as artist-curator and/or creator and manager of prototype projects.

Team curated and led by City Artist in Residence designs, produces and installs commissioned public art.

City Artist in Residence and City department staff develop art project framework/timeline, Scope of Work for Public Artist(s), expertise requirements, and eligibility and evaluation criteria.

Artists are identified through:

- Direct Call.
- Invitational Call.
- City List of Qualified Public Artists.

Descriptions of the procedures for the City List of Qualified Public Artists may be found on pages 18 and 28, and for open, invitational and direct calls for artists, on pages 27 and 28. Eligibility and evaluation criteria are summarized on page 19.

How do public art project committees function?

PUBLIC ART PROJECT COMMITTEES

Convened for specific capital projects, the Public Art Project Committees represent the public interest during the process of selecting Public Artists.

To ensure that decision-making will achieve high standards of quality, expectations for committee members are communicated through defining roles and responsibilities.

Public Art Project Committees may be required to:

- participate with the City in defining the Scope of Work for the capital project's Call for Artists;
- select Public Artists from respondents to the call and participate in finalist interviews if requested; and
- review and comment upon public artist's design proposals.

Roles and Responsibilities

Possible roles and responsibilities for Project Committee members include, but are not limited to:

1. Providing knowledge and expertise about Public Artists, aesthetic issues and the field of public art.
2. Functioning as a liaison to the community/neighborhood and representing their interests and concerns.
3. Assisting the City department in defining the Public Artist's scope of work.
4. Studying the RFQ to develop a clear understanding of the tasks and expertise requirements and evaluation criteria before attempting to evaluate Public Artists.
5. Abiding by the City's conflict of interest and confidentiality policies.
6. Selecting Public Artist(s) to submit design proposals, and reviewing and commenting on design proposals.
7. Supporting Public Artist(s) selected to work on projects by providing background information and insights so that the artwork is relevant to its site on both aesthetic and functional levels.
8. Ensuring that the artwork is well-constructed and of durable materials and that its location is adequately prepared.

Composition

Public Art Project Committees should include an odd number of members in order to avoid tie votes.

At least five, and no more than seven members are customary, including:

- two or three persons representing the City department and the project, including community/neighborhood representatives, as appropriate;
- one design professional (architect, engineer, landscape architect) who may be involved with the capital project; and
- two or three arts professionals such as artists, curators, critics, writers, museum directors, arts educators, historians or administrators who can address the specific media sought or public art approach.

Non-voting ex-officio advisors may be added to provide specific technical information or pertinent background information that supports the project.

The committee is chaired by a nonvoting and neutral convenor/facilitator who leads them through the artist selection process and the review of design proposals.

Conflict of Interest and Confidentiality

Public Art Project Committees are expected to uphold the City's conflict of interest and confidentiality policies because they have access to information not generally available to the public, and are therefore charged with special legal, professional and ethical responsibilities.

How are **artists** reviewed and approved for each option?

In addition to the procedures summarized on this page, the Heritage Preservation Commission may review and approve artists for a designated local historic site or property (see page 16 for procedures).

Parks Commission approval may be sought as appropriate and necessary.

As per the public art Ordinance Sec. 12.04. - Planning and Design (5), District Council neighborhood design advisory committees shall continue to advise the implementing City departments and are informed of the department's decisions. See pages 29-30 for Community Engagement options and procedures, and Technical Manual pages 29-33.

ARTIST SELECTION REVIEW AND APPROVAL PROCESS FOR THREE CAPITAL PROJECT OPTIONS

1. Public art project committee convened to identify artist(s) for City project.

- Appointed and convened by the City department.
- May participate with the City department in defining the public artist scope of work and other criteria for the capital project.
- Reviews applicants referenced from the City List of Qualified Public Artists and/or received in response to open, invitational and/or direct calls. Recommends artist(s) and/or finalists.
- If necessary, convened to interview finalists and makes a recommendation.
- City department head or representative approves recommended artist(s). Executes agreement(s) authorizing artist(s) to produce design proposals.

2. City department project manager identifies artist(s) for project.

- Identifies artist(s) or finalists by referencing the City List of Qualified Public Artists and/or through open, invitational and/or direct calls.
- If necessary, interviews finalists.
- Consults with City Artist in Residence Program and recommends artist(s).
- City department head or representative approves artist(s) or finalists. Executes agreement(s) authorizing artist(s) to produce design proposals.

3. City Artist in Residence Program as artist-curator and/or creator and manager of prototype projects.

- Curates team membership by identifying artist(s) through invitational and/or direct calls.
- Selects and interviews finalists, and with City department staff input, recommends artist(s).
- City department head or representative approves team membership. Executes agreements with team artist(s) authorizing them to produce design proposals.

How are **artworks** reviewed and approved for each option?

In addition to the procedures summarized on this page, the Heritage Preservation Commission may review and approve artists for a designated local historic site or property (see page 16 for procedures).

Parks Commission approval may be sought as appropriate and necessary.

As per the public art Ordinance Sec. 12.04. - Planning and Design (5), District Council neighborhood design advisory committees shall continue to advise the implementing City departments and are informed of the department's decisions. See pages 29-30 for Community Engagement options and procedures, and Technical Manual pages 29-33.

ARTWORK REVIEW AND APPROVAL PROCESS FOR THREE CAPITAL PROJECT OPTIONS

1.
Public art project committee convened to identify artist(s) for City project.

- Reviews design proposal(s) and recommends a final design. Design proposals include Design Phase Tasks and Deliverables such as those listed in the Agreements with Public Artists section on page 35.
- City department head approves final design(s). Authorizes artist(s) to create the artwork.

2.
City department project manager identifies artist(s) for project.

- Consults with the City Artist in Residence Program and reviews and recommends final design from proposals by public artists who have worked closely with project manager and City department staff.
- City department head approves final design(s). Authorizes artist(s) to create the artwork.

3.
City Artist in Residence Program as artist-curator and/or creator and manager of prototype projects.

- Works with City department staff, team and others as appropriate and necessary to prepare design proposal(s).
- With team, presents design proposal(s) to City department staff who review and make recommendation(s).
- City department head approves final design(s). Authorizes artist(s) to create the artwork.

What does each type of call for artists involve?

PROCEDURES FOR CALLS FOR PUBLIC ARTISTS FOR PLANS AND CAPITAL PROJECTS

The Open Call for City List of Qualified Public Artists may be used for Plans and Capital Projects. Open, Invitational and Direct Calls are most suitable for Capital Projects.

Open Call for City List of Qualified Public Artists

Request for Qualifications (RFQ) prepared for Plans and/or Capital Projects including their anticipated Scopes of Work, and widely distributed in Open Call.

Goal = 50-75 applicants received, up to 30 public artists added to list every two years.

All applicants meeting evaluation-criteria are reviewed and ranked by the Public Art Jury that includes a representative from the City Artist in Residence Program, among others.

Jury recommendations made to City department heads. Final approval by City department heads.

City department project managers, consultant/proposers and others choose public artists from the City List on as-needed basis during two-year time period.

See page 18 for more information on procedures.

Open Call

(This option may be used for specific individual projects.)

Request for Qualifications (RFQ) or less frequently, a Request for Proposals (RFP) prepared from project's Scope of Work and widely distributed.

The City List of Qualified Artists is also referenced.

Goal = 40-50 applicants received.

All applicants meeting criteria are reviewed and ranked by committee and/or City staff.

Up to five finalists may be selected and interviewed by committee and City staff.

Committee and City staff recommendations made to City department heads. Final approval by City department heads.

Invitational Call

Short-list of public artists developed by City staff contacting arts professionals, including but not limited to, artists, art administrators, educators, curators and museum directors, for recommendations.

Goal = short list of at least 20-30 recommended public artists, and at least ten applicants received.

Request for Qualifications (RFQ) produced and mailed to public artists on short-list who are invited to apply.

All applicants are reviewed and ranked by committee and/or City staff. Finalists may be selected and interviewed.

Committee and City staff recommend public artists to City department heads. Final approval by City department heads.

Direct Call

(Although seldom used, this option is for directly approaching respected senior artists who generally would not respond to other calls.)

One to three public artists are identified using recommendations from arts professionals including but not limited to artists, art administrators, educators, curators and museum directors.

Letter with Scope of Work sent directly to up to three public artists.

Goal = one-to-three applicants.

City project manager makes recommendations to City department heads. Final approval by City department heads.

What do public artists submit in order to be considered?

HOW TO APPLY

To be considered for a public art opportunity, artists respond to RFQs or RFPs for open calls issued through the City's Contracts and Analysis division or to invitational or direct calls from City departments.

The application process may be handled by service bureaus such as Call for Entry (CAFE) in which case their online application process is followed.

But more commonly, the application process includes submitting the following materials to the City:

A. **Cover Sheet** with contact information (on format provided by the City; hard copy with signature).

   Items B. through F. are submitted in an electronic format on CD-ROM with specific parameters described under G. below.

B. **Artist's Statement** addressing specific topics relevant to the project: e.g. the process the applicant will use to gather inspiration for the work; how the artist will involve the community in the design and/or creation of the artwork; describing the artist's approach to working with the community to inform their creative process; identifying which public space(s) the applicants wish to address from those described in the Call; how the artist will approach the opportunity; describing a past project that demonstrates the artist's experience in creating public artwork and collaborating with design professionals, etc. (500 words or one-page limit).

C. **Professional Resume** not to exceed two pages, highlighting relevant past work, especially public art commissions.

D. **Three References** for previously completed projects including at least one reference for work shown in the work samples.

E. **Work Samples** of past work (up to ten and no less than six).

F. **Work Samples Narrative** describing the work and including: title of artwork; year completed and installed; materials; dimensions; location where installed and value of artwork (500 words total or one-page limit).

G. Format for electronic submission on CD-ROM:

   FOLDER 1:
   ARTIST LAST NAME_
   LETTER_PROFESSIONAL_
   RESUME

   Artist Statement; **Professional Resume** and **Three References** in Word or pdf formats.

   FOLDER 2:
   ARTIST LAST NAME_
   WORK_SAMPLES

   Up to ten **Work Samples** in digital files .jpg format with a resolution of 100 dpi and not exceeding 2 mb per image. Label images:
   1_ARTIST LAST NAME.jpg;
   2_ARTIST LAST NAME.jpg,
   3_ARTIST LAST NAME.jpg
   and so forth.

   FOLDER 3:
   ARTIST LAST NAME_
   WORK_SAMPLE_NARRATIVE

   Work Sample Narrative in Word or pdf format.

How is the public engaged in the process?

The Ordinance says that

"the neighborhood design advisory committee for the district council representing the area in which a project will be located shall continue to advise the implementing city department on the selection of artists and recommend acceptance of the design of the project."

Design advisory committees are generally appointed by the City and convened for large projects such as the Great River Passage, Payne Maryland or the Lowertown Ballpark. Community task forces are appointed and convened to advise on Plans. These groups are formal conduits for public engagement on the City's most significant planning and design initiatives.

A 2011 survey of district councils revealed the existence of no standing design advisory committees. Design considerations are usually addressed by district council committees on transportation, land use or community development issues.

Community engagement, at minimum, will continue to follow each City department's existing and ongoing procedures, and utilize design advisory committees and community task forces.

To meet both the intentions and spirit of the Ordinance, offering creative ideas for how to engage the public on a case-by-case basis is more feasible – considering the best potential for each Plan or Capital Project.

COMMUNITY ENGAGEMENT

The defining characteristic of public art is its capacity to engage the public on many levels.

Artists gravitate to the field of public art because they gain inspiration and motivation for their work by interacting with people as they conceive and create their work. The resulting work has vitality, relevance and staying power.

Enhancing the reciprocal relationship between the City and residents, making the City's work visible, and helping people to realize that public space is theirs to use – are important to me as City Artist in Residence.

– Amanda Lovelee

Inviting Public Participation in Plans and Capital Projects

The following creative options are offered for inviting participation by the public, taking advantage of public art's unique potential.

PLANS

- Community task forces set up to advise the City department staff and consultants on the overall Plan also review and comment on the public art section of the Plan. Public art is not considered in isolation from the fundamental neighborhood systems being addressed in a City plan – but is seen as an integral component of land use, public realm design and neighborhood livability.
- District council appoints neighborhood representatives to the community task force. A district council representative provides a liaison between the task force and the neighborhood – bringing the community's issues to the planning table and keeping the district council informed of what's coming out of the planning process.
- Early in the planning process, as issues are being identified and scoped, a variety of

broader public engagement techniques may be used – e.g. design workshops, open houses, focus groups, listening sessions – to determine the role of public art in the community's future.

- Public engagement techniques can be art events in and of themselves, where the process of creating art or otherwise engaging in artful exercises is used to gather community input. These engagement techniques can be guided by the public artist on the planning team.

CAPITAL PROJECTS

- District council design advisory committees or other committees are involved as required for Capital Projects and advise and comment on public art and artists.
- Public art project committees convened to identify artist(s) for Capital Projects include member(s) of design advisory committees or other appropriate committees, along with City department staff and arts and design professionals, or alternately;
- Public art project committees include community representatives along with City department staff and arts and design professionals.
- Community forums or events with artists and the project team to kickoff the design phase are hosted by the committees and/or neighborhood groups.
- Design advisory committees or other appropriate committees, public art project committees and/or the general public are invited by the City to review and comment on artists' design proposal(s) at open houses or other events.
- Artists work with neighborhood groups, organizations or agencies with ongoing activities or programs that might be a natural fit with the Capital Project, with the City's approval.
- Artists hold fun arts creation events as part of designing and/or producing the artwork.

The Public Art Ordinance Program Technical Manual details these creative options and community engagement opportunities.

Community engagement has been the centerpiece of Western Sculpture Park since its inception, enabling it to become a treasured neighborhood asset.

How do agreements with public artists protect their rights and artwork?

AGREEMENTS FACILITATE INNOVATIVE PUBLIC ART AND DESIGN

The City's agreements strive to balance the artist's rights with the City's needs in order to meet the intention of the Ordinance to *sustain an innovative public art and design program that is distinguished by its high quality*; Chapter 12, Sec. 12.01 (2).

Agreements for public artists' design services, and authorizing them to produce artwork for the City, differ from other types of contracts that the City may use to procure services or goods. Works of public art are original and unique products, and the services and the products provided by public artists are not generally under the rubric of work made for hire. Artist agreements must address federal copyright law and the Visual Artist Rights Act of 1990.

The following information is not intended to be legal advice, rather it explains the context within which the City of Saint Paul's artists agreements are associated with federal law.

COPYRIGHT

"Copyright is a property right which allows the public artist (or one to whom the artist transfers the right) to prevent unauthorized copying, publishing or other use of his copyrighted artwork. In effect, the copyright law gives the initial owner of the copyright the exclusive right to reproduce the artwork and to prepare derivative artworks.

The federal Copyright Act of 1976, 17 U.S.C. §§101 et seq. became effective in 1978. Under the law the owner of the rights protected by copyright is the creator of the artwork unless the artwork is a *work made for hire*. A work of art commissioned for a public space would not normally constitute such a use. It is generally accepted, therefore that the public artist initially owns the copyright in the artwork. Unless there is a written agreement that transfers the copyright to the purchaser of a work of art, the creator automatically retains the copyright. Not only is a copyright completely separate from ownership of a physical work of art, but each of the exclusive rights of copyright can be subdivided." (Korza, Going Public, 29).

The City of Saint Paul's agreements with public artists strike a balance, allowing the City to use reproductions in connection with publicity about the artwork, and protecting its legitimate interest in not having the artists reproduce identical artworks for others. At the same time, the public artist controls the important right to derivative utilization of the artwork in ways which do not deprive the City of the unique quality of its purchase and its potential symbolic effect.

The public artist is thus free to use the artwork or the themes embodied therein, in future artworks – an important right for artists developing a continuing body of work. If necessary, additional language can be negotiated by which the public artist transfers an exclusive or non-exclusive license to the City, presumably for a royalty or other additional compensation.

VISUAL ARTISTS RIGHTS ACT OF 1990

"The Visual Artists Rights Act of 1990 (VARA) incorporates the principles of droit moral which is a personal right protecting an artist's reputation, personality and expression. The term comes from the French le droit moral, an 18th century concept referring to rights of a non-economic but spiritual or personal nature, existing independently of an artist's copyright. Moral rights legislation recognizes that art ownership is not an absolute property right." (Esworthy, 1997).

"VARA recognizes attribution and integrity as legal causes of action. Attribution includes the rights to claim authorship of an artwork, to prevent attachment of an artist's name to an artwork which he did not create, and, where there has been a subsequent distortion, mutilation, or modification of the artwork prejudicial to the artist's honor or reputation (Esworthy, 1997). The right of integrity is the right of the artist, even after he relinquishes title to an artwork, to prevent the alteration, mutilation or distortion of the artwork." (Korza, Going Public, 31).

Prior to the enactment of VARA, several states had already legislated statutes and granted artists significant moral rights protection, and since the early 1980s, these rights have acquired a history in public art agreements including those used by the State of Minnesota and the City of Minneapolis.

"Congress made VARA rights subject to 113(d) of the copyright law, which addresses problems arising where the artwork is part of a building. If the building owner wants to remove an artwork which can be safely removed, the artist's rights apply unless (1) the building owner has made a diligent, good faith but unsuccessful attempt at notification of the artist of his removal intent, or (2) the building owner did provide notice, but the artist either failed to remove the artwork or to pay for its removal within 90 days after receiving notice." (Esworthy, 1997).

"Another exception involved Congress' specification that the VARA rights are wholly independent of the copyright owner's exclusive rights: (1) to reproduce the copyrighted artwork in copies; (2) to prepare derivative artworks based on the copyrighted artwork; (3) to distribute copies to the public by sale or other forms ownership transfer, e.g., barter, or by rental lease, or lending; and (4) to display the artwork publicly. While the artist retains VARA rights, these rights transfer to whoever owns the copyright in the artwork." (Esworthy, 1997).

Proper identification for a notice plaque to accompany the above installation or an online photograph or printed picture of it would generally include, at minimum: *The Saint Paul Cultural Garden*, Cliff Garten, Ta-Coumba Aiken, Armando Gutierrez, Xiaowei Ma, Roberta Hill-Whiteman, Soyini Guyton, John Minczski and David Mura, © 1993. Commissioned by The Saint Paul Foundation. Owned by the City of Saint Paul.

"The agreements require that all repairs are carried out in accordance with professional conservation standards. Consulting a professional conservator not only protects the legitimate interest of the Artist in his artistic and intellectual creation but also reflects the public interest in preserving cultural and artistic creations.

To the extent that alterations of the site affect the artwork, the commissioning body must consult with the artist. Destruction of the artwork is not prohibited on the ground that once an artwork of art no longer exists, an artist's reputation cannot be injured." (Korza, Going Public, 33).

"Congress further provided that VARA rights were subject to 107 fair use limitations on exclusive rights. If the artwork is copyrighted, there are permissible fair uses. The statute sets forth four factors which must be considered in determining whether a use is permissible: the purpose and character of the use, the nature of the copyrighted artwork itself, the amount and substantiality of the portion used in relation to the copyrighted artwork as a whole, and the effect of the use on the potential market for or value of the copyrighted artwork." (Esworthy, 1997).

BIBLIOGRAPHY

Korza, Pam, Editor. Going Public: A Field Guide to Developments in Art in Public Places. University of Massachusetts Arts Extension Service and the National Endowment for the Arts, 1988. "Commissioning a Work of Public Art: An Annotated Model Agreement, by The Committee on Art Law of The Association of the Bar of the City of New York." pp. 29 - 33.

Esworthy, Cynthia. National Endowment for the Arts Office of General Counsel, JD Washington & Lee Law School, 1997. http://akasii.com/vara.htm visited 5/31/2011.

Website references: http://www.copyright.gov/title17/

What tasks and deliverables are part of **Plan** sub-consultant agreements?

PLAN AGREEMENTS

Public artists are members of a consultant team selected by the City, through a competitive Request for Proposals (RFPs) or Request for Qualifications (RFQs) process that frequently includes interviews. The consultant lead is under contract with the City. Public artists function as sub-consultants, and must negotiate agreements with the consultant lead.

Generally, the City does not become involved in sub-consultant agreements. The following potential tasks and deliverables are offered to facilitate a convesation between the consultant lead and and public artist.

The public artist's activities may include, but are not limited to, the tasks described on pages 12-13 and 16 and/or those outlined in the project's RFP or RFQ.

PLAN TASKS AND DELIVERABLES

The tasks and deliverables associated with plans may include, but are not limited to, the following options.

[X] Play an integral role on the team by devoting X% of time or X# hours to project.

[X] Participate in meetings; in-house, team and public meetings (specify number of meetings, participants and schedule).

[X] Study related public art and neighborhood plans.

[X] Identify and integrate artful opportunities into plan chapters including goals, objectives and strategies addressing: the public realm; movement/circulation; preservation; and water quality/environment.

Or alternately,

[X] Draft a free-standing plan chapter on public art opportunties with principles or goals, objectives, strategies and implementation recommendations.

[X] Assist in creating plan presentation materials, including content and illustrations.

[X] Develop interpretive materials to educate the public about plan issues, and/or innovative design solutions.

[X] Develop and illustrate public art concept designs for pilot or demonstration projects or priority sites that may be part of plans.

[X] Articulate best practices for integrating public art into plan implementation, or advise on how to best involve artists in plan implementation.

[X] If necessary, work with Heritage Preservation Commission (HPC) staff to identify principles that balance preserving and reinforcing the prominent features of a district with adding vital new public art component(s).

What tasks and deliverables are part of **Capital Project** agreements?

CAPITAL PROJECT AGREEMENTS

The most commonly executed agreement by the City for Capital Projects is the Agreement for Public Art Design and Commissioning Phases.

Clauses may be added to this agreement to address special circumstances including: Public Art Planning Phase (preceding the Design Phase); Public Art Design Development (after the Design Phase if the project is large and complex); or Public Art Prototype Phase (to test new ideas and materials).

During the Design Phase, the public artist's activities may include, but are not limited to, the tasks described on pages 14-16 and/or those outlined in the project's RFP or RFQ.

DESIGN PHASE TASKS AND DELIVERABLES

The tasks and deliverables associated with design agreements generally include:

[X] (For design/build projects:) Engage with the design process, beginning with pre-design and/or conceptual design and produce list that identifies opportunities for public art.

[X] Location of artwork(s) on scaled annotated plans, or site plans, with potential relationships and connections to other sites shown.

[X] To-scale model showing some indication of color, and/or photographs, drawings or digital documentation as required to present a meaningful representation of the proposed artwork.

[X] Materials samples and specifications, as necessary.

[X] Complete Artwork Statement describing design intention; relationship to project goals and criteria; and description of artwork materials, dimensions, weight, and finish.

[X] Completed *Design Phase Timeline and Budget Estimate* form provided by the City, or other similar cost estimate documentation format agreeable to the City, to be submitted no later than ten working days before the design presentation date.

[X] Conservation Analysis Report examining proposed materials, fabrication methods and site preparation.

[X] Maintenance and operations plan outlining on-going maintenance that will be required, including cost estimates.

[X] Recommendations regarding site preparation and activation including, but not limited to, appropriate lighting, electrical and mechanical systems connections, and the structural support necessary for the artwork.

[X] Scaled, dimensioned and labeled plans, elevations and cross-sections, and construction documents and specifications, as necessary.

WHY IS A *CONSERVATION ANALYSIS* NECESSARY?

The Conservation Analysis prepared during the Design Phase by a qualified professional conservator plays a critical role in:

- evaluating the quality of the proposed (or existing) public artwork, materials and fabrication techniques, site conditions and preparation, and public safety, among other things, providing advice to artists and the City;
- establishing maintenance requirements, schedules and potential costs enabling the City to evaluate sustainablity and to plan for ongoing care;
- setting the stage for the Post-Fabrication and/or Post Installation Inspection; and
- determining if the design proposal and/or donated public artwork should be accepted or declined by the City.

During the Commission Phase, the public artist's activities may include, but are not limited to, the tasks described on pages 14-16 of and shall include producing the artwork according to the design reviewed and approved by the City during the Design Phase.

Example of the public notice plaque installed indoors at the Lofts at Farmers Market by the public artist.

COMMISSION PHASE TASKS AND DELIVERABLES

The deliverables associated with commission agreements, in addition to the approved artwork, include:

[X] Documentation of insurance coverage that meets the City's requirements.

[X] If required, prepare and submit detailed construction drawings of the artwork and site, together with such other graphic material as may reasonably be requested, in order to permit a structural design review, and to certify the compliance of the artwork with applicable statutes and Ordinances, including City and federal Americans With Disabilities Act (ADA) and other codes, as necessary.

[X] Design, fabricate, install and pay for a notice including the title of the Artwork, identification of the Artist, copyright notice and year of completion, as well as notice of the City's ownership of the Artwork (see example on this page).

[X] Upon installation of the artwork: a) complete documentation of the Artwork including a written technical description, drawings and/or construction documents, and fabrication information; b) operations and maintenance plan and cost estimate for the ongoing care for the artwork; and c) 10-20 digital images of the Artwork during production, and after installation for archival records.

[X] Post-Fabrication Report and/or Post-Installation Inspection Report by a qualified professional conservator, filed with the City on behalf of the Artist.

What happens after public art is installed for a **Capital Project**?

How is public art maintained by the City after it is installed?

ACCESSIONING PUBLIC ARTWORKS

After public art is created and installed for a Capital Project, it must be accessioned.

Accessioning is the formal process for accepting public art and adding it to the City's collection.

The City becomes the owner of the public art, while the public artist retains copyright and the rights accorded by the Visual Artist Rights Act of 1990 described on pages 32-33.

The City is responsible for its routine maintenance, conservation treatment and care.

The City retains the right to deaccession a public artwork, withdrawing it from the City's collection. Procedures for deaccession are detailed in the Technical Manual.

MAINTENANCE AND CARE OF PUBLIC ARTWORKS

The Public Art Maintenance Program is proposed to be administered by the Public Art Maintenance Program Coordinator temporarily housed in City Parks and Recreation.

The Maintenance Program uses one-half (1/2) of one percent of total Capital Improvement Budget capital maintenance funds annually appropriated through the public art Ordinance.

The Public Art Maintenance Program has **four primary responsibilities**:

- to **maintain accession records** for City-owned public art and historic artworks and conduct an annual survey and inspection of the City's holdings;
- to **oversee maintenance and care** of the City's collection and prioritize public art and historic works in need of conservation in an annual maintenance plan, expend funds for maintenance appropriated by the public art ordinance, and supervise conservation and treatment activities; and
- to **oversee public artworks approved by the City Council as gifts** donated to the City (see page 49), adding them to City records and the annual maintenance plan.
- to **maintain deaccesssion records** when works are withdrawn from the City's collection.

OBJECTIVES

The Public Art Maintenance Program objectives include:

- maintaining and preserving City-owned artworks in the best possible condition as consistent with the Federal Visual Artists Rights Act (VARA) of 1990, copyright law, and City agreements with artists;
- using public funds wisely by avoiding costly conservation expenses resulting from neglect;
- maintaining an inventory master list and database of accessioned City-owned public artwork including historic, donated and ordinance-funded art;
- establishing an inspection, maintenance and conservation schedule for City-owned public art with regular procedures, agreements and documentation;
- cleaning and providing appropriate routine maintenance to City-owned public artwork;
- prioritizing City-owned artworks in need of conservation, creating an Annual Public Art Maintenance Plan and ensuring the timely treatment of artwork; and
- leveraging private and volunteer support for maintenance of City-owned public art, when possible.

WHO IS A CONSERVATOR AND WHAT DO THEY DO?

Conservators are devoted to the preservation of cultural property for the future. They have graduate-level training in art conservation; credentials from the American Institute for Conservation; and follow a code of ethics and standards.

Conservation activities include examination, documentation, treatment, and preventive care, supported by research and education.

ACCESSIONING, MAINTENANCE AND CARE ACTIVITIES

1. **Post-Fabrication Inspection Report**

   To remedy any fabrication problems before the artwork is installed, a Post-Fabrication Inspection is conducted by a qualified professional conservator and a Report is submitted to the City as required by the public artist's Commission Phase Agreement. The Conservation Analysis Report (see page 35) filed during the Design Phase informs the post-fabrication inspection.

   As part of the Post-Fabrication Report, artists must submit: a) complete documentation including a written technical description; b) an operations and maintenance plan including schedule and cost estimate for addressing the necessary ongoing care for the artwork; and c) ten to twenty digital images of the public artwork for archival records.

2. **Post-Installation Inspection Report**

   Public artwork about to be added to the City's collection is inspected after installation as part of the accession process.

   The Post-Installation Inspection is generally conducted by a qualified professional conservator with the City project manager and the Public Art Maintenance Coordinator.

   The Post-Installation Inspection Report provides a baseline for subsequent Survey and Condition Assessments.

3. **Accession**

   After review of the Post-Fabrication and/or Post-Installation Inspection Report and after the public artist has successfully remedied any outstanding problems, the City may accept (accession) or decline the work. If it is accepted into the City-owned collection, it is entered onto the public art inventory master list and database.

4. **Survey and Condition Assessments**

   The City's public art collection is inspected annually by the Public Art Maintenance Program Coordinator and a qualified professional conservator who produces a Survey and a brief Condition Assessment for each work.

   The Condition Assessment includes: information on the present location; the current condition; the treatment or maintenance needed and cost estimate; and a prioritization for the Annual Public Art Maintenance Plan.

5. **Annual Public Art Maintenance Plan**

   The Public Art Maintenance Program Coordinator, in consultation with a qualified professional conservator and using the Survey and Condition Assessment, prioritizes treatment and maintenance needs and creates the Annual Public Art Maintenance Plan to assign the Ordinance's one-half (1/2) of one percent allocation for maintenance to the public artworks most in need of conservation.

6. **Maintenance**

   Maintenance of the public artwork includes routine cleaning, protective coatings and minor repairs and an annual inspection. Maintenance and the annual Survey and Condition Assessment is usually carried out by a qualified professional conservator, although a skilled City employee can be trained by a conservator to carry out some maintenance.

7. **Conservation Treatment**

   Flaws, neglect, aging, damage or vandalism may affect the condition of public artworks. Conservation treatment is specialized care such as restoration or repairs performed as needed to return artwork to a stable condition and its original integrity.

   Conservation treatment is performed by a qualified professional conservator, sometimes in collaboration with artists or other experts, and is funded by the Ordinance allocation for maintenance. Often, additional funding is required.

8. **Emergency Repairs**

   City departments and Parks and Recreation are authorized to perform emergency treatment to stabilize damaged artwork; to move the public artwork to prevent further damage to the artwork; or to facilitate emergency repairs of City infrastructure or to ensure public safety.

   Any incidence of graffiti on public artworks for which City departments are responsible should be reported immediately to Parks and Recreation's Public Art Maintenance Program Coordinator.

   Except in cases of emergency, City departments shall not treat, remove or relocate artwork without first reporting the need for such actions to the Public Art Maintenance Program Coordinator.

What are the steps for administering public art for a **Plan?**

ADMINISTRATION ACTIVITIES FOR PLANS

The Public Art Ordinance Program is managed within individual City departments in accordance with the procedures described in these Guidelines. The following steps outline the common administrative work for **Plans**.

The outline is not all-inclusive; specific Plans may have unique requirements and activities.

For the purposes of establishing overall best practices, the outline portrays the minimum standard to ensure high quality administration.

Administrative procedures are described in greater detail in the Public Art Ordinance Program Technical Manual.

1	The City Departments of Planning and Economic Development and Parks and Recreation establish work programs and determine the annual need for public art involvement. The Office of Financial Services includes artists working on Plans in the annual *Summary Public Art Eligiblity Master List and Status Report* (available online at www.stpaul.gov/publicart).
2	Public Artist Scope of Work is developed including tasks and expertise, special evaluation criteria, and deliverables (pages 12-13, 16, 19 and 34).
3	Request for Proposals (RFP) or Request for Qualifications (RFQ) is issued including the Public Artist Scope of Work and Expertise and with the requirement that each consultant/proposer's team include a Public Artist.
4	Public Artist's past work and credentials, and their proposed role/tasks on the team are examined by City staff during the review of the proposals and the interview process.
5	Public Artist's participation and deliverables are clearly outlined in City agreements with consultant/proposers.
6	City monitors compliance and ensures that the artist's participation meets the stipulations of the RFP as well as the aspirations, intentions and requirements of the Ordinance.

What are the steps for administering public art for a **Capital Project?**

ADMINISTRATION ACTIVITIES FOR CAPITAL PROJECTS

The following steps outline the common administrative work flow for **Capital Projects**.

The outline is not all-inclusive; specific Capital Projects may have unique requirements and activities.

For the purposes of establishing overall best practices, the outline portrays the minimum standard to ensure high quality administration.

Administrative procedures are described in greater detail in the Public Art Ordinance Program Technical Manual.

1	Annually, after City Council approval of the Capital Improvement Budget (CIB), the Office of Financial Services produces the *Adopted Capital Improvement Projects –*	*Summary Public Art Eligiblity Master List and Status Report* including Capital Projects (available online at www.stpaul.gov/publicart).
2	Public Artist Scope of Work is developed including tasks and expertise, special evaluation criteria, and deliverables (pages 14-16, 19 and 35-36).	
3	The public artist selection option that best matches the Capital Project is determined (pages 22-23).	
4	If necessary, Project Committee is assembled: roles and responsibilities are determined, and arts and design professionals identified and invited to serve.	
5	Artists identified through options including: open call, invitational call, direct call, referencing City List of Qualified Artists (pages 18 and 27). • For open call for Capital Projects or open call for City List of Qualified Artists, RFQ is issued through City Contracts and Analysis.	• For invitational call for Capital Projects, arts professionals are requested to refer artists. Letters including project summary and Public Artist Scope of Work are sent to short-list of recommended artists inviting them to apply.
6	Artist selection process is conducted: applications received and prepared and public art committee convened, or	in-house selection review conducted with City staff and including CAIR Program representative.
7	Agreement is drafted for Design Phase and Commission Phases (see pages 35-36 for tasks and deliverables). Conservation Analysis Report	submitted during Design Phase may require follow-up. Post-Fabrication Inspection conducted prior to installation, as necessary.
8	After installation, Post-Installation Inspection with conservator. Final approval from the Department head triggers transfer of ownership of the public artwork to the City. The artwork is accessioned and added to City art inventory records of the Public Art	Maintenance Program.Thereafter, annual Survey and Condition Assessment is prepared by conservator, with special attention during warranty period (2-10 years), and City art inventory records are updated.

How are performances, installations and temporary works supported?

The Ordinance defines public art to mean *publicly accessible and original art* including *performances, installations and other temporary works* in addition to permanent public art.

Capital Projects generally require permanent public art that matches the useful life of the project in order to meet the terms of the eligible funding sources, which are usually bonds.These sources may not allow funding for performances, installations and other temporary works.

To honor the intentions of the Ordinance and to encourage performances, installations and other temporary work, including exploratory projects, the Guidelines offer the following path through City procedures to enable these activities on City-owned properties.

ENABLING DIVERSE PUBLIC ART EXPERIENCES

Temporary public art, exploratory projects, performances and events on City-owned property require advance planning (usually a minimum of three months) and close coordination with the City of Saint Paul.

In most cases, these types of public art will occur on property under the jurisdiction of the Department of Parks and Recreation but may also involve the public right-of-way (see page 47).

Parks and Recreation's procedures, which are representative of most City procedures, are detailed in this section.

The key procedures include:

- reserving the facility;
- completing and submitting an Event Proposal form to the Special Event Coordinator;
- securing the required permits and approvals;
- preparing plans as necessary addressing safety, traffic and parking managment, concessions/food, trash and sanitation, etc.; and
- attaining liability insurance.

FACILITY RESERVATIONS

The use of a specific building, structure or defined area of a park or parkway must first be reserved. The Special Event Coordinator in charge of the facility should be contacted (see Resources in Appendix, page 52).

Each of the following facilities have their own application timelines and regulations for reservations:

- Como Zoo and Conservatory
- Recreation Centers
- Golf Course Facilities
- Harriet Island Park, Historic Como Streetcar Station, Irvine Park, Newell building, Kelly's Landing and/or Raspberry Island, for less than 1,000 in attendance.

The City's Special Events Coordinators can provide details about the facilities and advise on the appropriate venue for a performance, installation or event.

On the following pages, procedures and specific regulations are outlined for large events and community festivals of 1,000 or more in attendance.

Wing Young Huie. University Avenue project, summer 2010.

International stone carving symposium Minnesota Rocks! sponsored by Public Art Saint Paul on the grounds of Saint Paul Community College during the summer of 2006.

What is a permit and when is one needed?

PERMITS

A well-planned event, activity or installation provides a rewarding experience for the public and leaves the City-owned property in good shape for use by other members of the public afterward.

The permitting process is the means by which events, activities and public art installations are planned in detail so that they can be effectively and safely executed, and so that approval can be gained from the City for them to occur.

Events, activities, performances and public art installations in Historic Districts may also require, in addition to permits, a release from the Heritage Preservation Commission before they can proceed.

Events, Activities and Performances

Permits may be necessary for the following, as defined by the City, and occuring on City parklands:

Large Events. Any activity, except community festivals and walks and runs, of 1,000 or more people, which may be either open to the public or a private event.

Large Community Festival. Public gathering of 1,000 persons or more for social, recreational, artistic or other purposes whose location can be predetermined and fixed, at which entertainment and/or food will be offered, and which will be open to the public whether or not ticket fees will be charged.

Large Events and Large Community Gathering Festivals of 5,000 participants or more are required to obtain a Block Party Permit.

Small Event. Any activity, except community festivals, of fewer than 1,000 people, which may be either open to the public or a private event.

Small Community Festival. Public gathering of fewer than 1,000 persons for social, recreational, artistic or other purposes whose location can be predetermined and fixed, at which entertainment and/or food will be offered, and which will be open to the public whether or not ticket fees will be charged.

Events or festivals with bleachers, canopies, stages, viewing stands or other structures must secure a permit from the Department of Safety and Inspections (DSI).

Temporary Public Art Installations and Exploratory Projects

Temporary installations of public art on City-owned property require advance scheduling and often require permits. Public art installations involving structures or with footings may need stamped engineering drawings and will require a Building Permit attained through DSI including an inspection for structural integrity.

If the installation involves electricity and/or plumbing or mechanical parts, engineering drawings or the structure itself will need to be reviewed and inspected by DSI and a permit granted to ensure that it meets code.

Work installed in the public right-of-way may also require review and inspection by DSI and a permit.

Events, festivals, activities, performances or installations may require the following types of permits:

- Sound Level Variance as per Chapter 293 of the Saint Paul Legislative Code.
- Chapter 366, Block Parties and Community Fesitivals.
- Chapter 366A, Parades, Races and Public Assemblies.
- Special Event Entertainment Temporary License for one-day event.
- Class T License for events involving food.
- Tents-Canopies and Air Supported Structures Permit Application for individual tents in excess of 200 sf or individual canopies in excess of 400 sf.
- Skyway System Use Permit Application; also may require an Exception to General Hours of Operation Application.
- Large Event and Community Festival Application for Events in the City of Saint Paul Parks.
- Obstruction Permit for any tangible object in the public right-of-way as per Chapters 116 and 135 of City code.

What are the steps to applying for a permit?

PERMITTING PROCESS

Applicants must be aware that the permitting process takes several months, and that they must apply at least 60 days in advance of their event or activity.

Step #1

Determine the Permits that are necessary. The applicant first submits an Event Proposal Form (see example at right) summarizing their event, activity or art installation on City parkland and then meets with City department staff, e.g. Parks and Recreation Special Events Coordinators. If the proposal is for a temporary art installation (i.e., physical structures), applicants are advised to prepare the materials described on page 48. If the installation is in the public right-of-way, applicants are advised to prepare these materials and are required to meet with Department of Public Works staff.

(City contact persons are identified in the Resources section in the Appendix on page 52.)

At this initial meeting, department staff reviews the applicant's proposal and advises

EVENT PROPOSAL FORM

Thank you for considering the City of Saint Paul for your event. In order to better assist you with the application process, please complete this form. Your proposal will be reviewed by the Director of Parks and Recreation, a representative from the Mayor's office and any other City Department as deemed necessary. Once your proposal has been reviewed you will be contacted by a City of Saint Paul Event Coordinator to further discuss the status of your proposed event.

Event Information	YOUR ANSWERS
Name of Event:	
Proposed Event Site:	
Proposed Event Dates:	

Event History	YOUR ANSWERS
Is this a new event, or have you held this event at another venue? *If not a new event, where was the previous venue? What was the daily attendance? Why are you interested in changing venues?*	

Proposed Event Specifics	YOUR ANSWERS
What type of event are you proposing? *Ie. Walk/run, community event, concert etc.*	
Projected daily attendance:	
Who is your target audience?	
How will your proposed event be funded?	
Is this your first time producing an event? If no, please list your past production experience.	
Will your proposed event include food, alcohol, merchandise sales, pyrotechnics, and/or music? *If yes, please include details.*	
How will your event benefit the City of Saint Paul and the surrounding communities?	
Contact information including name, phone number, mailing address and email:	

ATTACHMENTS	
Please include a proposed site map for your event.	
Please include any additional documents that pertain to your event. *Ie. Advertisements, event website, etc.*	

To view additional information on rental facilities please visit our website at www.stpaul.gov
If you have any questions, please contact Kate.Frye@ci.stpaul.mn.us (Harriet Island Events Coordinator) at 651-292-7010 or Stacy.Williams@ci.stpaul.mn.us (Citywide Special Events Coordinator) at 651-266-6418

Return completed form to:
City of Saint Paul Parks and Recreation
Attention: Special Event Coordinators
25 W. 4th Street, 400 City Hall Annex
Saint Paul, MN 55101

EVENT PROPOSAL 1 of 1 5/12/2011

them on which permits they will need, and who they must talk with to get them.

Step #2

First Review. The applicant fills out the necessary permit application forms and submits them to the appropriate City department. If the applications are complete and they are given interim approval by the City department head, they move on to the next step, which is review by the Block Permit Committee.

Step #3

Second Review. The Block Permit Committee, chaired by a representative of the Saint Paul Police Department, meets monthly. This committee includes staff from all of the departments involved with permitting and is a "one-stop shop" for the review and approval of permits.

Applicants must have attained, or be in the process of attaining, the required permits before they appear before the commitee.

After the Block Permit Committee receives an application, the applicant is assigned a certain month to appear in person before the Committee to present their application, and to answer any questions.

If the Block Permit Committee approves the application, which may take several months, then it proceeds to the final approval step.

Step #4

Final Approval. The Department of Safety and Inspections (DSI), the Director of the City department, and the representative of the Saint Paul Police Department all must sign off on the permits.

The event or activity is given final approval to proceed after these signatures are attained, and the City has received insurance documents, and other materials that they may require including detailed plans addressing safety, traffic and parking managment, concessions/food, trash management, sanitation, etc.

The applicant signs a contract for the event, pays permit fee(s), generally between $50-$200, and the event proceeds.

INSURANCE REQUIREMENTS FOR EVENTS AND ACTIVITIES

Insurance is required for events and activities on City-owned property.

The applicant must obtain Comprehensive General Liability (CGL) coverage from a company licensed to do business in the State of Minnesota. Such insurance shall be at the current rates required by the City and shall include the City of Saint Paul being named as an additional insured.

Additional insurance amounts, and/or coverage, with the City of Saint Paul listed as an additional insured may be required if pyrotechnics are part of an event or if commercial vehicles are part of a public event and will be used on event grounds (vehicles must be licensed and insured to requirements as per the State of Minnesota).

A copy of the insurance policy must be submitted to the City department issuing the permit no later than 15 business days prior to the event.

TIPS FOR ARTISTS

PERMIT CHECKLIST

- ☑ **Begin permitting process at least 60 days in advance** of your project.
- ☑ **Get advice on the permits and plans that will be necessary and schedule your project** – submit proposal form to Parks and RecreatIon Special Events Coordinator and contact Department of Safety and Inspections to propose your project.
- ☑ Begin permit application(s).
- ☑ **Appear before the Block Permit Committee** to present your project and answer questions.
- ☑ Secure insurance and submit any requested documents including plans.
- ☑ Sign the contract with the City for the project and pay the permit fee(s).
- ☑ **No later than two weeks before your project,** schedule required inspections for fire or building code, safety, etc. In some cases, permits cannot be granted until the project is inspected.

What permits and plans are required for public art projects?

Temporary Work, Exploratory Projects, Performances and Events all feature different scopes and durations, and may require various permits and event planning documents that must be submitted to the City and approved before the activity can proceed.

Projects may be instigated and/or executed by individual artists, but they often team with arts or cultural organizations, businesses, and/or City departments, to accomplish their event or activity.

Frequently, it is helpful to work with someone familiar with the permitting process and who will function as the "permit holder" and primary contact person.

Northern Spark is summarized here. The Technical Manual contains additional case studies for Wishes for the Sky, an event created by City Artist in Residence Marcus Young, and Wing Young Huie's The University Avenue Project, a summer-long event created in 2010, produced by Public Art Saint Paul.

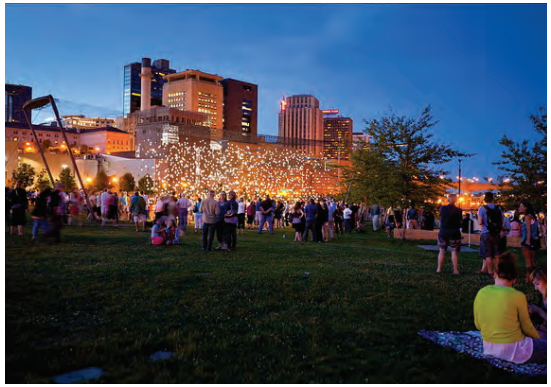
NORTHERN SPARK

The free all-night, sundown to sunrise festival of indoor and outdoor public art and performances enlivened downtown Saint Paul in 2011 and 2013.

Presented by Northern Lights.mn with Steve Dietz Artistic Director, Northern Spark, in its inaugural year of 2011, featured 200 artists presenting 100 one-night installations and performances in both downtown Saint Paul and Minneapolis. More than 50 organizations participated, and sponsors and funding included the Minnesota State Arts Board through the State's Legacy Amendment.

In 2013, Lowertown Saint Paul hosted the popular event which had grown to include over 300 local and national artists and performers who presented 79 projects in 9 venues. Approximately 45,000 people attended and the event was made possible with the partnership of 42 cultural organizations and 27 sponsors. Over 900 people also donated to a Kickstarter campaign.

Partners presenting events and installations in 2011 and/or 2013 included Saint Paul Libraries; City of Saint Paul Parks and Recreation; Public Art Saint Paul; the Minnesota Science Museum; Big Table Print Studio; McNally Smith School of Music; Black Dog Cafe and Wine Bar; the Saint Paul Art Crawl; the Minnesota Museum of American Art; and the American Composers Forum, among others.



Jim Campbell's "Scattered Light" on the Mississippi Riverfront in Saint Paul. Northern Spark, 2011. Presented by the Minnesota Museum of American Art and Northern Lights.mn with permits through Saint Paul Parks and Recreation.

Northern Lights.mn, the umbrella organization, produced the festival as well as their own projects. They were required to secure permits for a Large Event and Community Festival; sound variance; food; and road closures, among others, along with providing plans for first aid, safety and traffic; and securing liability insurance. Permits and permissions were also required of the Federal Aviation Administration and the Enviromental Protection Agency.

The installation "Celebration/Love/Loss" by artist Chris Larson posed unique concerns. The project, which required more than six months of planning, paid special attention to safety issues including weather and viewing distance and notified emergency responders and local hospitals.

Photo: Dusty Hoskovec.

"Celebration/Love/Loss" by Chris Larson at Northern Spark 2013. Public viewing (above) of the paper and wood structure followed by burning (right). Presented by Northern Lights.mn

The State Fire Marshall inspected the structure after it was set up outdoors near Lowertown's Union Depot and prior to the public viewing and subsequent burning. Police and fire units were on site during the burn to ensure public safety. Preparation and behind-the-scenes readiness provided a seamless aesthetic experience for the public.

Photo: Dusty Hoskovec.

Photo: Jayme Halbritter.

Photo: Jayme Halbritter.

John Keston's "Instant Cinema: Teleportation Platform X" at Lowertown's Union Depot, Northern Spark 2013. Presented by Northern Lights.mn

Photo: Nicholas Knouf.

Monica Haller with Nick Knouf, Molly Reichert and Jonathan Zorn "can you listen to the same river twice..." at Lambert's Landing on the Mississippi River, Northern Spark 2013. Presented by Northern Lights.mn

What are procedures for installing public art in the right-of way?

The previous pages in this section describe procedures for public art for parklands or other City properties; this page talks about placing public art in the right-of-way which means the area in, on, below, or above a public roadway, highway, street, bicycle lane and public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the City.

The following policies and procedures were enacted by Resolution of the City of Saint Paul and adopted on December 6, 2002. They address long term (more than one-year) temporary installations and permanent installations.

For temporary short-term installations, the Department of Public Works issues a ROW Obstruction Permit under Chapters 116 and 135 of the City Code.

PUBLIC ART IN THE CITY RIGHT–OF–WAY

General Conditions for Artwork Installation

- Artworks approved for installation in the public right-of-way must be of an appropriate size, scale and material to withstand the weather, traffic and other rigors of public right of way conditions.
- It is preferable that works be fabricated off-site.
- All costs of and arrangements for the transportation of the work to the site and of its installation shall be the responsibllity of the applicant.
- All costs of and arrangements for the removal of the artwork from the site shall be the responsibility of the applicant.
- The City shall require applicants to warranty that the works of art shall not require any extraordinary maintenance during the term of installation in the public right-of-way.
- The risk of loss or damage to the work of art shall be born solely by the applicant.The applicant must provide proof of appropriate liability insurance coverage.

Application Process

Anyone wishing to install art in the public right-of-way shall submit a written request to the Director of Public Works. Please contact that office for specific application instructions.

The application, in general, includes:

I. description of the artwork
2. the proposed location of the installlation
3. the structural and mechanical aspects of the artwork
4. the qualifications of the artist and of those involved in its installation
5. scale drawing illustrating the work in its proposed location
6. identication of the owner of the artwork
7. pledge to maintain the artwork during the duration of its installation
8. schedule for the artwork installation; its arrival and installation, the term of its exhibition, and the date of its removal
9. certificate of insurance meeting City requirements.

Approval Process

The Director of Public Works convenes a panel composed of representatives from Public Works, Public Art Saint Paul, and the governing District Council to review the proposal.

The panel considers the installation's impact upon public safety and its artistic quality among other things, and makes a recommendation to the Director of Public Works and to the City Council.

The recommendation is brought to the City Council by Public Works in a public hearing. Property owners within a 150 foot radius of the proposed location, as well as the affected district council and business group are notified of the public hearing at least 30 days in advance.

Approval is by City Council resolution, stating the conditions of approval.

Public Works informs the applicant of the City Council's action and assures that the conditions for approval of the installation are met by the applicant.

What materials must artists submit for temporary work or installations?

Artists seeking to install temporary works or installations of public art (i.e., physical structures) for less than one year duration on City-owned property or in the right-of-way are advised to prepare the following information prior to their first meeting with City department staff.

These materials will enable City staff to assist the artist and evaluate the proposal for the permits and plans that may be necessary.

Proposals for Temporary Public Art Installations and Exploratory Projects

Artists are recommended to prepare and submit the following:

1. A written description of the proposed temporary work or installation, including but not limited to: title, materials, dimensions (Height x Width x Depth), weight, installation method and anchoring procedure, lighting, sound, and electrical requirements, as necessary.
2. Identification of the owner of the artwork.
3. If proposing existing work: photographs or slides of artwork or installation including a reference to human scale.
4. If proposing a new work: working drawings and/or photograph of model to scale illustrating the work or installation in its proposed location. Include dimensions.
5. The location of specific City site(s) requested for the temporary artwork or installation and whether any road closures will be necessary.
6. Artist's statement and professonal credentials.
7. Structural and mechanical aspects of the artwork or installation and the qualifications of those installing the artwork.
8. Schedule for the temporary work or installation; its arrival and installation, the term of its exhibition, and the date of its removal.
9. Budget for installing the artwork or installation, including a description of the sponsoring organization or other method of financing. Include the name, address and phone number of the contact person.
10. Plans to maintain the installation during the duration of its exhibition period.

Artists should be aware that depending upon the nature and scope of the public art installation, more information may be required by the City of Saint Paul prior to approval or denial.

Does the City have procedures for donating public art?

The Ordinance says that

"All public art donated to the city must come with a plan to fund and deliver ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded."

DONATIONS OF PUBLIC ARTWORK

The City will consider donations of public artwork for City-owned property on the following basis:

The donation

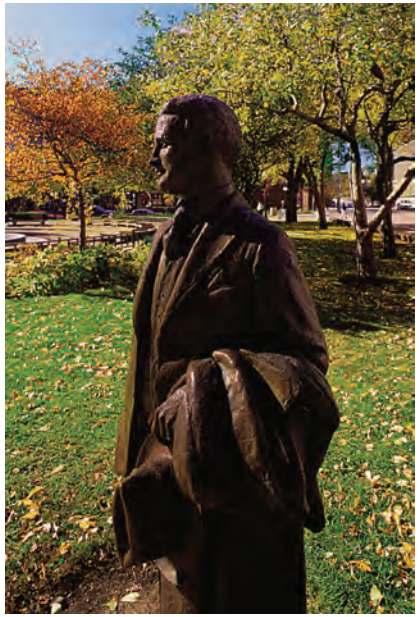
- Contributes to and enhances the City's public art collection.
- Meets a high standard of quality and is appropriate and meaningful to the community.
- Follows required City procedures including the submission of a donation proposal and a Conservation Analysis Report prepared by a qualified professional conservator.
- Is made with the understanding that no City funds will be required for production, siting, installation or ongoing operations and maintenance of the work without prior approval of City Council.
- Proposal includes a plan to fund and deliver ongoing operations and maintenance or the resolution accepting the public art must identify how maintenance will be funded.
- Proposal is reviewed and endorsed by the City department and approved by the City Council.

The City will consider the following types of donation proposals for artworks intended for placement on City-owned property:

a) An already completed work of art.

b) A commissioned artwork by an artist or artists to be created especially for a City-owned property.

Sponsors wishing to donate works of public art to the City shall submit a written proposal to the appropriate City department; i.e. Parks and Recreation if the work will be sited in a City park, etc. Please contact that department and reference the Technical Manual for specific application instructions.

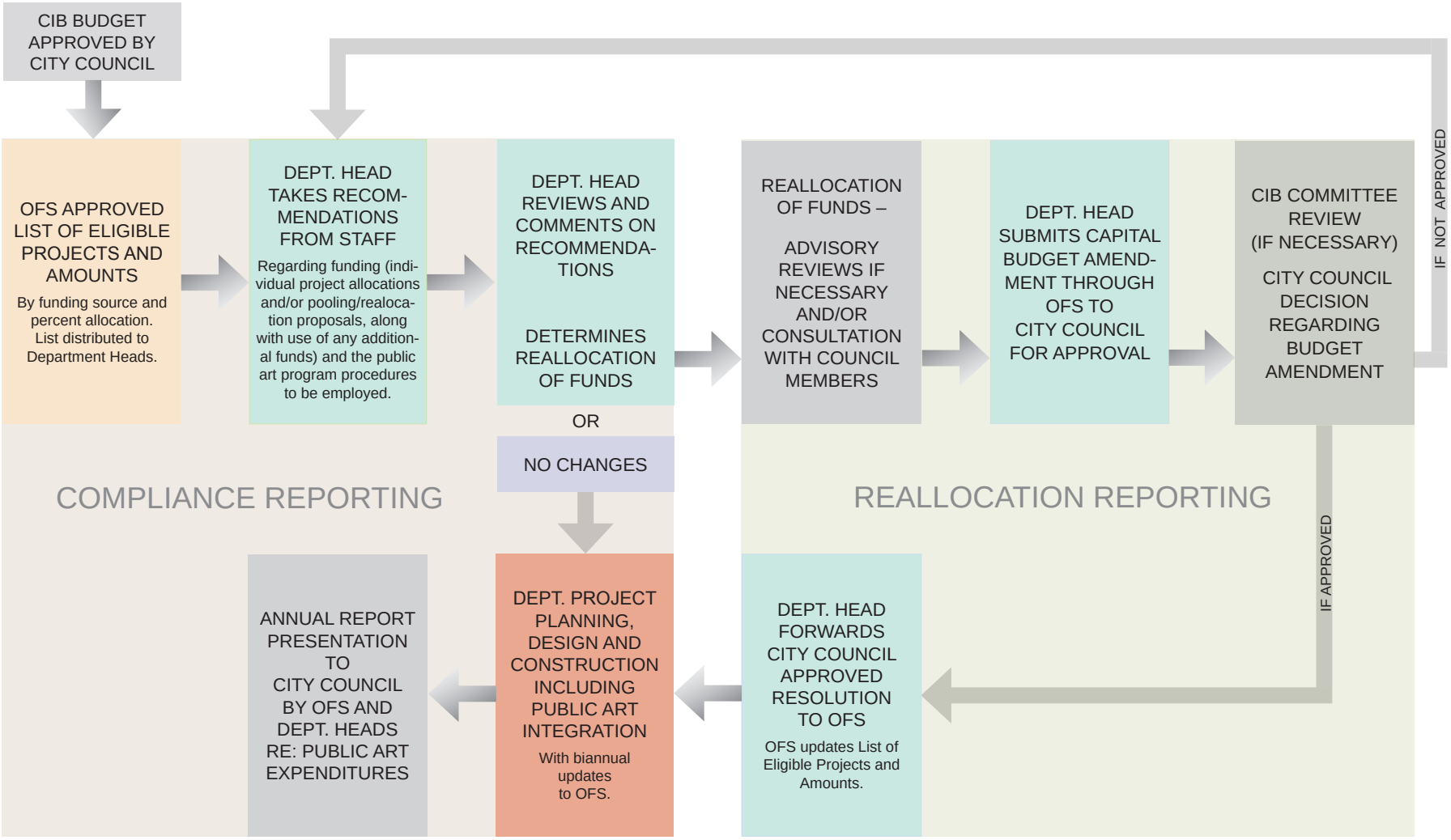


Life-size bronze sculpture of noted Saint Paul writer F. Scott Fitzgerald by sculptor Michael Price is a presence in downtown's Rice Park. The statue was commissioned and donated to the City by The Saint Paul Foundation in 1996.

What is the process for reallocating and reporting use of funds?

The Ordinance allows department heads the option of reallocating funds between public art projects within the department, consistent with the public art plan, and with the approval of the Office of Financial Services and the City Council. The procedures for reallocation and also for Department compliance reporting are shown in the flow chart below.

DEPARTMENT COMPLIANCE AND REALLOCATION REPORTING



PARTICIPANTS —

Public Art Ordinance Program Guidelines

City of Saint Paul

Todd Hurley, Director/Treasurer Office of Financial Services

Public Art Saint Paul

Christine Podas-Larson, President

Regina Flanagan, Public Art Ordinance Administrator* Lead Author of Guidelines, Technical Manual and Public Art Ideas List (PAIL)

Oversight Committee

Bob Bierscheid, Committee Co-Chair, Public Art Saint Paul

Heather Peterson, Committee Co-Chair, Public Art Saint Paul

Russ Stark, City Councilmember, Ward 4

Joe Spencer, Director of Arts and Culture, Office of Mayor Christopher Coleman

Cecile Bedor, Director, Department of Planning and Economic Development

* The Public Art Ordinance Administrator position is supported by Public Art Saint Paul with funding from The Katherine B. Andersen Fund and Saint Paul Cultural STAR.

Kit Hadley, Director, Saint Paul Public Library

Michael Hahm, Director, Saint Paul Parks and Recreation

Todd Hurley, Director/Treasurer Office of Financial Services

Rich Lallier, Director, Saint Paul Public Works

Bruce Beese, Administration Manager, Saint Paul Public Works

Lucy Thompson, Principal City Planner, Department of Planning and Economic Development

Steve Dietz, President of Northern Lights.mn

Timothy Griffin, Director, Saint Paul on the Mississippi Design Center

Bruce Thompson, Property Manager, Ramsey County

Marcus Young, City Artist in Residence Program

Public Art Working Group

Bruce Beese, Department of Public Works

Joanna Brookes, Saint Paul Public Library

Mike Kimble, Saint Paul Parks and Recreation

Amanda Lovelee, City Artist in Residence Program

Barb Morin, Office of Financial Services

Lucy Thompson, Principal City Planner, Department of Planning and Economic Development

Public Artist Focus Group

Marcus Young, City Artist in Residence Program

Christine Bauemler

Craig David

Seitu Jones

Brad Kaspari

Janet Lofquist

Foster Willey

Technical Advisers

Sara Grewing, City Attorney

Peter McCall, Assistant City Attorney

Therese Skarda, Assistant City Attorney

Lisa Veith, Assistant City Attorney

Stacy Williams, City-Wide Special Events Coordinator, Parks and Recreation

Kate Frye, Special Events Coordinator, Parks and Recreation

John McCarthy, Senior Budget Analyst, Office of Financial Services

Amy Spong, Historic Preservation Specialist, Heritage Preservation Commission

Dave Gorski, City of Saint Paul Section 3 Administrator

Jessica Brokaw, Management Assistant, Contracts and Analysis Services

Mark Granlund, Public Art Maintenance Program, Saint Paul Parks and Recreation

Steve Ubl, Building Official, Department of Safety and Inspections

Jim Bloom, Senior Plan Examiner, Department of Safety and Inspections

Dan Haak, Assistant City Engineer, Street Design and Construction, Saint Paul Public Works

Paul St. Martin, Assistant City Engineer, Saint Paul Public Works

Other Advisers

Matt Anfang, Saint Paul Regional Water Services, Oversight Committee 2011-2012

Ann Ledy, College of Visual Arts, Oversight Committee 2010-2012

Other Advisers *(continued)*

Dave H. Nelson (Retired)
Office of Financial Services
Public Art Working Group
2010-2011

Phyllis Kendig (Retired)
Saint Paul Public Library
Public Art Working Group
2010-2011

Jun-Li Wang, Public Art Ordinance Administrator
2010-2011

Marie Franchett, Principal Project Manager, Planning and Economic Development
Public Art Working Group
2010-2011

Anton Jerve, City Planner, Planning and Economic Development

Diane Nordquist, Principal Project Manager, Planning and Economic Development

Martin Schieckel, Principal Project Manager, Planning and Economic Development

Wes Saunders-Pearce, Water Resource Coordinator, Department of Safety and Inspections

Glenn Pagel, City Bridge Engineer, Saint Paul Public Works

Jody Martinez, Manager, Design & Construction Division
Saint Paul Parks and Recreation

RESOURCES —

City Special Event Coordinators

To schedule Harriet Island, Raspberry Island, Upper Landing Park and City House, contact: Kate Frye, Special Events Coordinator, #651-292-7010, kate.frye@ci.stpaul.mn.us

For all other locations city-wide, contact: Stacy Gillings, City-Wide Special Events Coordinator, #651-266-6418, stacy.williams@ci.stpaul.mn.us

Other Contacts Regarding Facilities Scheduling and Permits

If the events or activities occur on other properties, the appropriate department or agency must be contacted about their procedures.

For projects on the Mississippi River, contact the Upper River Services, the U.S. Coast Guard, and the Ramsey County Sherrif Water Patrol.

For projects in the State Capitol precinct, contact the Capital Area Architectural and Planning Board.

Department of Safety and Inspections

Stephen Ubl, City of Saint Paul Building Official, #651-266-9021, Fax 3651-266-9099, stephen.ubl@ci.stpaul.mn.us

City Section 3 Program

David Gorski, City of Saint Paul Section 3 Administrator, #651-266-8918, dave.gorski@ci.stpaul.mn.us

Public Art Maintenance Program

Mark Granlund, Coordinator, Public Art Maintenance Program City of Saint Paul Parks and Recreation, #651-632-2454, mark.granlund@ci.stpaul.mn.us

ORDINANCE

Chapter 12. - Public Art [213]

(213) Editor's note— C.F. No. 09-212, § 1, adopted July 22, 2009, amended the Code by, in effect, repealing former ch. 12, public art and design, §§ 12.01—12.06, and adding a new ch. 12, §§ 12.01—12.04. Former ch. 12 derived from Ord. No. 17852, adopted July 16, 1991.

Sec. 12.01. - Legislative purpose and intent.

Sec. 12.02. - Definitions.

Sec. 12.03. - Funding.

Sec. 12.04. - Planning and design.

Sec. 12.01. - Legislative purpose and intent.

(1) In developing its vision for the future of the city, the city council believes that planning and development decisions should give aesthetic and social value equal weight with any project's functional and economic values. Public art strengthens public places and enhances and promotes Saint Paul's identity as a livable and creative city and a desirable place to live, work and visit. Therefore, the council wishes to implement a process and provide funding to involve artists in the design, implementation and integration of art in public projects.

(2) In order to facilitate the encouragement and inclusion of public art in planning and development, the city council finds that: 1) involvement of public artists in public projects should begin at the earliest stages of conceptual planning and continue through project design and implementation; 2) sufficient resources should be committed to sustain an innovative public art and design program that is distinguished by its high quality; and 3) that policies and procedures should be administratively developed which will facilitate and support creation and implementation of a public art plan.

(C.F. No. 09-212, § 1, 7-22-09)

Sec. 12.02. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

Artist shall mean an individual who creates original art and is recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual or performing arts, as judged by the quality of that practitioner's body of work and experience.

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 operated by the city.

Eligible fund means a source fund for construction projects from which art is not precluded as an object of expenditure.

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 art plan shall mean a biennial plan which identifies opportunities for acquisition and inclusion of public art within capital projects. The office of financial services shall be responsible for implementation of the public art capital budget plan as part of the city capital improvement budget.

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.

ORDINANCE
Chapter 12. - Public Art [213] *(continued)*

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.

(C.F. No. 09-212, § 1, 7-22-09)

Sec. 12.03. - Funding.

(1) Initial funding. For all capital projects funded by eligible sources resulting in a property to be operated by the city; the city shall dedicate one (1) percent of the eligible project costs, as determined by the office of financial services, to be used for public art.

If the director of the department responsible for the capital project determines that this use of funds cannot or should not be included in a specific project, he/she shall seek approval of the city council to use the funds described above to supplement other public art projects, or public art maintenance, within that department. The specific use shall be as determined by said director and consistent with the public art plan.

(2) Ongoing maintenance. Maintenance and restoration costs in an amount equal to one-half (½) of one percent of total capital maintenance projects approved as part of the capital improvement budget shall be appropriated to support maintenance and restoration of the city's public art collection. All public art donated to the city must come with a plan to fund and deliver ongoing maintenance or the resolution accepting the public art must identify how maintenance of the donated public art will be funded.

(C.F. No. 09-212, § 1, 7-22-09)

Sec. 12.04. - Planning and design.

(1) The long-range capital improvement budget committee shall review the public art plan and ensure that, where appropriate, public art is incorporated into the capital improvement budget recommendations submitted to mayor and city council.

(2) All city requests for proposals for the preparation of district plans, small area plans, TN3 master 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 be a member of the consultant's planning study team.

(3) All city requests for proposals for design of major capital projects to be undertaken by private consultants resulting in a property to be operated 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.

(4) Resources to identify artists qualified to serve on consultant teams for planning studies and project design shall include, but not be limited to, the artist in residence, the state artist registry and a list of qualified artists maintained by the city.

(5) The neighborhood design advisory committee for the district council representing the area in which a project will be located shall continue to advise the implementing city department on the selection of artists and recommend acceptance of the design of the project.

(C.F. No. 09-212, § 1, 7-22-09)

RESOLUTION

City of Saint Paul

Resolution: RES 14-284
February 21, 2014

Accepting the Plan for Artistic Practice in the Central Corridor

WHEREAS, since the Central Corridor station area plans were adopted in 2008, there has been an interest in strengthening the presence of public art in the neighborhoods along the Central Corridor (Green Line); and

WHEREAS, in 2010, Public Art Saint Paul (PASP) gathered artists, public art curators and urban planners to talk about an artistic vision for the future of the Central Corridor, where public art would be a new kind of connective tissue along the Corridor; and

WHEREAS, in 2010, PASP received a grant from the Central Corridor Funders Collaborative to hire a consultant team to prepare a Central Corridor Public Art Plan; and

WHEREAS, a partnership was formed to guide preparation of the plan, comprising representatives from PASP, the Saint Paul Design Center, City of Saint Paul, City of Minneapolis, University District Alliance, Capitol Region Watershed District and Ramsey-Washington Metro Watershed District; and

WHEREAS, in 2011, PASP engaged a consultant team of Cliff Garten, artist; Todd Bressi, city planner; Rebar Group and Via Partnership to prepare the plan; and

WHEREAS, the document, *A Plan for Artistic Practice in the Central Corridor (the "Plan")*, was completed after a two-year planning and community engagement process; and

WHEREAS, the vision for the practice of public art along the Central Corridor involves three fundamental concepts:

- a Living Plan, which lays out a dynamic, organic process for the practice of public art where artists are engaged in meaningful, long-range thinking about how to create healthy, sustainable neighborhoods;
- Urban Languages, large-scale urban systems (food networks, water systems, waste processes, gathering places and cultural identities) that provide the framework for public art practice along the Central Corridor
- Communities of Practice, whereby artists, working within the Urban Languages, immerse themselves in the broader community conversation about issues that are important for a healthy and sustainable urban future; and

WHEREAS, the *Plan* reflects how public artists and public art can effect social, civic and environmental change; and

WHEREAS, the *Plan* will help meet several public objectives, including:

- use public art as a platform for citizen engagement, which will help citizens embrace and direct change along the Central Corridor;
- provide a tool for neighborhood exploration, which will help define and strengthen neighborhood identity; and
- give citizens a process for celebrating the diversity of the Corridor, and the expression of that diversity through art.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul City Council hereby accepts *A Plan for Artistic Practice in the Central Corridor (the "Plan")*, which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the *Plan* should be used to prioritize, focus and organize public art practice along the Central Corridor (Green Line); and

RESOLUTION

Accepting the Plan for Artistic Practice in the Central Corridor

February 21, 2014 *(continued)*

BE IT FURTHER RESOLVED, that the *Plan* should be used by City staff, the Mayor and City Council to implement the City's public art ordinance along the Green Line; and

BE IT FURTHER RESOLVED, that the *Plan* should be used to inform the work of the City Artists-in-Residence along the Green Line; and

BE IT FURTHER RESOLVED, that the involvement of public artists in new public and private development along the Green Line should be weighed against the *Plan*; and

BE IT FURTHER RESOLVED, that the *Plan* is accepted only for those purposes set forth in the resolution proper above, that the *Plan* is not a part of the City's adopted Comprehensive or Sub-Area Plans and that the *Plan* shall not be used for any purpose regarding zoning permit applications; and

BE IT FINALLY RESOLVED, that the Council wishes to express its thanks to: Public Art Saint Paul for its leadership in creating this public art Plan for the Central Corridor; all of the partners who oversaw preparation of the Plan; and, finally, to the Central Corridor Funders Collaborative for its recognition of the importance of public art to a vibrant future for Central Corridor neighborhoods.

At a meeting of the City Council on 2/19/2014,
this Resolution was Passed.

Yea: 6 Councilmember Bostrom, City Council President Lantry, Councilmember Stark, Councilmember Thao, Councilmember Thune, and Councilmember Tolbert

Nay: 0

Absent: 1 Councilmember Brendmoen

Vote Attested by
Council Secretary Trudy Moloney
Date 2/19/2014

Approved by the Mayor
Chris Coleman
Date 2/21/2014

RESOLUTION

City of Saint Paul

Council File # 02-1108
December 6, 2002

Policy for Public Art in the Public Right-of-Way

Council File # 02-1108
Green Sheet # 110123

RESOLUTION
CITY OF SAINT PAUL, MINNESOTA

13

Presented By Jerry Blakey

Referred To _____ Committee: Date _____

Whereas, the City of Saint Paul wishes to encourage and allow appropriate public art in the public right-of-way, and

Whereas, each art work and location is unique, deserving of special consideration, and

Whereas, there is no current process to allow such art in the public right-of-way, and

Whereas, the City Council wishes to consider each piece and location on its own merit, and

Whereas, affected residents and organizations should have notice of proposals and an opportunity to comment on them, now, therefore be it

Resolved, that the City Council hereby adopts the attached policy for allowing public art in the public right-of-way

	Yeas	Nays	Absent
Benanav	✓		
Blakey	✓		
Bostrom	✓		
Coleman	✓		
Harris	✓		
Lantry	✓		
Reiter	✓		
	7	0	0

Requested by Department of: Public Works

By: Robert Sandhurst

Form Approved by City Attorney

By: Lisa R. Veith

Approved by Mayor for Submission to Council

By: Dennis J. Flaherty

Adopted by Council: Date Nov. 27, 2002

Adoption Certified by Council Secretary

By: [illegible]

Approved by Mayor: Date 12-6-02

By: Dennis J. Flaherty

POLICY FOR PUBLIC ART IN THE PUBLIC RIGHT-OF-WAY

General Conditions for Artwork Installation

1. Artworks approved for installation in the public right of way must be of an appropriate size, scale and material to withstand the weather, traffic and other rigors of public right of way conditions.
2. It is preferable that works be fabricated off-site.
3. All costs of and arrangements for the transportation of the work to the site and of its installation shall be the responsibility of the applicant.
4. All costs of and arrangements for the removal of the artwork from the site shall be the responsibility of the applicant.
5. The City shall require applicants to warranty that the works of art shall not require any extraordinary maintenance during the term of installation in the public right of way.
6. The risk of loss or damage to the work of art shall be born solely by the applicant. The applicant must provide proof of appropriate liability insurance coverage.

Application

Anyone wishing to install art in the public right-of-way shall submit a written request to the Director of Public Works.

The request shall:

1. describe the artwork proposed for installation in the public right of way: its size (height, width, depth), general shape, colors, and materials
2. describe the proposed location of the installation and locate the site on a city map
3. describe the structural and mechanical aspects of the artwork
4. describe the qualifications of the artist and of those involved in its installation
5. illustrate the artwork installation in a scale drawing of the work in its proposed location
6. identify the owner of the artwork

RESOLUTION

Policy for Public Art in the Public Right-of-Way

December 6, 2002 *(continued)*

7. provide a statement pledging that the applicant will properly maintain the artwork for the duration of its installation in the public right of way

8. provide a schedule of the artwork installation, specifying the date of its arrival and installation at the site, the term of its exhibition, and the anticipated date of its removal.

9. provide a certificate of insurance as proof of general liability coverage of not less than $1,000,000 per occurrence, which shall not exclude explosion, collapse, and underground property damage, and not contain an "aggregate" policy limit. The general liability coverage shall contain an endorsement naming Saint Paul Public Works as additional named insured as to acts committed by the applicant for which the City could be held responsible.

Approval Process

1. Public Works shall review the request and advise the applicant of any additional information required.

2. When the information is complete, the Director of Public Works shall convene a panel composed of one representative each from Public Works, Public Art Saint Paul, and the governing District Council to review the proposal. The panel's evaluation shall consider the installation's impact upon public safety, its artistic quality, its response to the principles of the Saint Paul on the Mississippi Development Framework and its compliance with the above General Conditions for Artwork Installation.

3. The panel shall recommend the installation's approval to the Director of Public Works and to the City Council. If approval is not recommended by the Panel, the Director of Public Works shall deny permission for the installation and so inform the applicant.

4. The panel's recommendation for approval of an installation shall be brought to the City Council by Public Works in a public hearing.

5. Property owners within a 150 foot radius of the proposed location, as well as the affected district council and business group shall be notified of the time and place of the public hearing at least 30 days in advance.

6. Approval will be by City Council resolution, stating the conditions of approval.

7. Public Works shall inform the applicant of the City Council's action and shall assure that the conditions for approval of the installation are met by the applicant.

02-1108

DEPARTMENT/OFFICE/COUNCIL: Public Works Department
DATE INITIATED: 10-01-02
GREEN SHEET NO. 110123
CONTACT PERSON & PHONE: Bruce Elder 266-6248
MUST BE ON COUNCIL AGENDA BY (DATE)
ASSIGN NUMBER FOR ROUTING ORDER
1 DEPARTMENT DIRECTOR — INITIAL/DATE RS 11/5
2 CITY ATTORNEY — BY
BUDGET DIRECTOR
3 MAYOR (OR ASSISTANT)
ASSOCIATE
4 CITY COUNCIL — INITIAL/DATE
CITY CLERK
FIN. & MGT. SERVICES DIR
DEPT. ACCOUNTANT
TOTAL # OF SIGNATURE PAGES 1 (CLIP ALL LOCATIONS FOR SIGNATURE)

ACTION REQUESTED
Approval of the attached resolution adopts a policy for the review and approval of public art proposed for the public right-of-way.

RECOMMENDATIONS: Approve (A) or Reject (R)
___ PLANNING COMMISSION ___ CIVIL SERVICE COMMISSION
___ CIB COMMITTEE
A STAFF
___ DISTRICT COUNCIL
SUPPORTS WHICH COUNCIL OBJECTIVE?

PERSONAL SERVICE CONTRACTS MUST ANSWER THE FOLLOWING QUESTIONS:
1. Has this person/firm ever worked under a contract for this department? YES NO
2. Has this person/firm ever been a city employee? YES NO
3. Does this person/firm possess a skill not normally possessed by any current city employee? YES NO
Explain all yes answers on separate sheet and attach to green sheet

INITIATING PROBLEM, ISSUE, OPPORTUNITY (WHO, WHAT, WHEN, WHERE, WHY):
The city is receiving an increasing number of requests to place public art in the public right-of-way. This doesn't easily fit with current ordinances governing the right-of-way (Legislative Codes 116, 134, & 135)

ADVANTAGES IF APPROVED
Will establish an approval process which includes an opportunity for public comment, and a decision by the City Council for placement of public art in the public right-of-way.

Council Research Center
NOV 13 2002

DISADVANTAGES IF APPROVED
Adds to council agenda. The process may seem too slow for some.

DISADVANTAGES IF NOT APPROVED:
Having no set policy may lead to arbitrary decisions.

TOTAL AMOUNT OF TRANSACTION $ not applicable — COST/REVENUE BUDGETED (CIRCLE ONE) YES NO
FUNDING SOURCE — ACITVITY NUMBER
FINANCIAL INFORMATION (EXPLAIN)

PROFILE – PLAN

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

STRATEGIC STORMWATER SOLUTIONS FOR TRANSIT-ORIENTED DESIGN

Throughout 2012-2013, artist Craig David has been a member of the design team led by SRF Consulting Group Inc. creating an innovative stormwater and green infrastructure plan for Saint Paul's Central Corridor along University Avenue including the Light Rail Green Line.

Strategic Stormwater Solutions for Transit-Oriented Development, currently in final draft form, investigates how stormwater management could support the community'svision for redevelopment of the corridor. The plan addresses shared stacked-function green infrastructure (SSGI) – a system in which stormwater runoff generated from multiple parcels is jointly treated in shared infrastructure.

Craig David's public art concepts and ideas, which were informed and shaped by the *Central Corridor Public Art Plan*, are woven throughout this plan. The artist worked with the team on the aesthetic design of green infrastructure that would enhance the urban fabric and provide economic, environmental and social (triple bottom line) benefits to the community.

He participated in working sessions with the consultant project team and regularly attended Stakeholder Advisory Committee meetings, presenting his concepts to test and refine his ideas.

The draft plan includes concepts for a series of sites including the Westgate LRT station area. The team produced a conceptual design for Curfew Commons, a five-acre park that features a great lawn ringed by bio-retention gardens where the stormwater treatment process also becomes an amenity. Craig David's concepts for public art are integral to this design (illustrated below).

As part of the plan, Craig David also offers a proposal for *FLUXion gARTens - The Network of Stormwater gARTens* along the Central Corridor where public art is "green placemaking." Supported with research about national precedents, his proposal envisions harvested stormwater integrated into a network of green art spaces/places (e.g., gardens, pocket parks and art works) that would be collaboratively designed by artists, the property owners, and engineers.

Artist Craig David's ideas and concepts for integrated public art are woven throughout the plan and feature prominantly in the design for Curfew Commons, a proposed park with bio-retention gardens.

PROFILE – CAPITAL PROJECT

DEPARTMENT OF PUBLIC WORKS

RESIDENTIAL STREET VITALITY PROGRAM (RSVP) PUBLIC ART PILOT PROGRAM 2011-2012

In Fall 2011, the Department of Public Works launched a pilot program to commission artwork through a collaborative process for their Residential Street Vitality Program (RSVP). On behalf of the City, Marcus Young, City Artist in Residence (CAIR) invited artists to join the program's inaugural design team. The team structure included the CAIR serving as team lead and the PAOA as project manager, and three additional artists. Artists participating in this unique opportunity would not only create important public art, but inform future procedures for RSVP.

Through an invitational call, ten artists were invited to apply for this opportunity. They had been selected from a list of 44 artists recommended to the program by local public art administrators. After an innovative group interview process, two artists were engaged for the inaugural team: Brad Kaspari and Lisa Elias.

An extended Case Study may be found in the Public Art Ordinance Program Technical Manual.

City Art

The Artist Team designed the first series of works to comprise a collection of elements – City Art – that, over time, will become part of City systems and be adapted to different streetscape locations.

Lisa Elias reimagines the stop sign post, giving it a visual purpose, without losing its important function. The forged steel *Custom Sign Posts Series* reference history, nature and the community in three different designs for neighborhoods: *Flora*, which features buds and blooms; *Nouveau,* a more formal, geometric but organic form; and *West Side Field* with grass-like plants.

Brad Kaspari recognizes that rain gardens indicate a progressive attitude toward issues of water management, and also provide an opportunity for beautifying the urban streetscape. His *Rain Flowers Series* of sculptures in stainless steel for boulevard rain gardens refer to plant forms, and how plants direct and manage rainfall.

The installation of the *Custom Sign Post Series* and the *Rain Flower Series* began in 2013 and continues in 2014.

Photos: King Studios

Brad Kaspari and Lisa Elias with Public Works staff installing her forged steel *Flora Sign Post*.
Lisa Elias © 2012

Rain Flowers Series.
Brad Kaspari © 2012