

**PARKS, RECREATION & CULTURE MEMORANDUM  
#5-2020**

**DATE:** February 10, 2020

**TO:** Honorable Mayor Meredith Leighty and City Council Members

**THROUGH:** Heather Geyer, City Manager *hmg*

**FROM:** Amanda J. Peterson, Director of Parks, Recreation & Culture *ajp*  
Michael Stricker, Recreation Supervisor for Cultural Programs & Senior Center

**SUBJECT:** CR-42 – Public Art Policy Update

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**PURPOSE**

Staff is seeking approval of CR-42, an update to the Public Art Policy, as submitted by the Northglenn Arts and Humanities Foundation (NAHF).

**BACKGROUND**

The Public Art Policy was originally brought forward for Council approval in August 2016. As authorized through Resolution 16-88, the Public Art Policy “describes a framework for the decisions, duties and responsibilities for the acquisition of public art in the City of Northglenn. This policy intends to correlate to and be in harmony with City ordinances and resolutions, along with the guidelines established by the Northglenn Parks and Recreation Board.” The policy outlines background information, the definition of public art, benefits of public art, partnerships, funding, the selection process, purchasing, installation, relocation, maintenance, insurance, donations, deaccessioning, marketing and outreach, and legal agreements. The document was prepared by NAHF members and the Cultural Programs Supervisor, and was edited and approved by the NAHF Board of Directors, the Director of Parks, Recreation, and Culture, and was reviewed by the City Attorney.

**UPDATE**

During the NAHF’s board meetings during the fall of 2019, board members reviewed the existing Public Art Policy and made recommendations to make several updates to the policy.

Attachment 1 is a redlined version of the Public Art Policy, highlighting all of the recommended policy changes, as well as the original language. The proposed amendments are summarized by section, as follows:

- III. Additional language defining what art is, helping to establish boundaries on NAHF involvement in City projects.
- IX. Clarifies process for permanent installation in relation to surrounding area construction.
- VI. Removes specific dollar amount of per capita funds, as this is determined annually by Resolution.
- VII. Removes the specific limit on sculpture costs so that NAHF can determine an appropriate maximum value annually.
- XI. Clarifies maintenance responsibilities of the NAHF and, in cases of “loss, theft, force majeure or other exigent circumstances,” identifies that the City may elect to pay for the replacement.

**STAFF RECOMMENDATION**

Staff recommends approval of CR-42.

**BUDGET/TIME IMPLICATIONS**

There are no budget or time implications associated with the proposed Public Art Policy update.

**STAFF REFERENCE**

If Council members have any comments or questions they may contact Amanda Peterson, Director of Parks, Recreation and Culture, at 303.450.8950 or [apeterson@northglenn.org](mailto:apeterson@northglenn.org).

**ATTACHMENTS**

1. Public Art Policy, redline

CR-42 – Public Art Policy Update

CITY OF NORTHGLENN  
PUBLIC ARTS POLICY

October, 2015

This policy describes a framework for the decisions, duties and responsibilities for acquisition of public art in the City of Northglenn. This policy intends to correlate to and be in harmony with City ordinances and resolutions, along with the guidelines established by the Northglenn Parks and Recreation Board.

I. BACKGROUND

The Northglenn Arts and Humanities Foundation (NAHF) was incorporated in March, 1990 by the State of Colorado and was granted 501(c)(3) designation. A founding purpose of the NAHF was to establish funding for a public art presence within the city's parks and neighborhoods. Trustee members are volunteers from within the resident population, but are not limited to residents only. The Trustees established and have kept current a set of Bylaws and processes that formalize it and conform with the regulations of a 501(c)(3). The City of Northglenn employs a Cultural Programs Supervisor that sits as the Director of the NAHF (a non-voting member) providing fund-raising, accounting, project management and strategy for the public art program.

II. Mission and Vision of the Northglenn Arts and Humanities Foundation:

*The mission of the Northglenn Arts and Humanities Foundation is to maintain and nurture the cultural arts for the benefit of our community. We will accomplish this through the development and support of successful collaborations between the arts, businesses, service groups, schools and artists for optimum utilization of artistic resources.*

*We strive to provide access for all citizens to the performing and visual arts, to promote an awareness of the arts and to enhance our community image through the development of a cultural climate. In partnership with the City of Northglenn, we sponsor affordable, quality arts programs and performances at the D.L. Parsons Theatre and in City parks and schools.*

*It is the vision for the NAHF to seek meaningful and lasting partnerships in collaboration with local city government, citizens and local corporations. The NAHF will strive to provide an arts destination that is widely recognized through unique and visually interesting programming that recognizes the wide variety of cultural influences in the City and the surrounding community.*

III. Definition of Public Art

Public art is art in any media that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all. This can include public/private

partnerships. Monuments, memorials and civic statuary are perhaps the oldest and most obvious form of officially sanctioned public art, although it could be said that architectural sculpture and even architecture itself fulfills the definition of public art. Increasingly most aspects of the built environment are seen as legitimate candidates for consideration as, or location for, public art, including, street furniture, street lighting, bike racks, murals, and sanctioned graffiti.

Typically, public art requires the interaction of an established artist and a public process. Every public art project is a planned, coordinated process potentially involving artists, architects, design professionals, community residents, civic leaders, politicians, approval agencies, funding agencies, and possibly construction teams. The challenge of this communal process is to encourage rather than limit the artist's inspiration and flexibility along with capturing the collective community expression of their values.

#### IV. Benefits of Public Art in Communities

- Transcends the boundaries of race, age, gender, language, and social status.
- Elevates the quality of urban living
- Strengthens community identity and civic pride through enhancement of public spaces
- Provides opportunities for education and learning
- Stimulates economic growth

#### V. Partnerships

The NAHF provides funding for quality theatre, public art, and other cultural endeavors for the City of Northglenn.

The NAHF works in collaboration with the Northglenn City Council to accomplish the goals and objectives established by the Trustees. The process for public art selection, installation and purchase are done in conjunction with approvals by the Northglenn City Council and complies with the guidelines of the Northglenn Parks and Recreation Board. City staff is utilized for installation of the art itself, along with monitoring for vandalism, theft, or other untoward occurrences.

The Scientific and Cultural District (SCFD) is a public tax funded partner that receives its funding from the citizens of the Front Range through a voter approved sales tax. The NAHF is a Tier III recipient of these funds, having sufficiently met the criteria set forth by the SCFD since 1990. As of 2015, total awards have exceeded \$1.3 million.

The citizens of Northglenn and the surrounding communities are a major part of the success of public art in the community. They are asked to participate in a variety of ways such as the Art on Parade program, addressed in Section VI. of this policy.

## VI. Funding

The NAHF is currently funded by three primary sources. First, The Scientific and Cultural Facilities District (SCFD) is a philanthropic partner that receives its funding from the citizens of the seven-county Denver, Colorado metropolitan area through a 1/10 of 1% sales tax. The NAHF is a recipient of a distribution of these sales tax proceeds by Adams County Cultural Council. This is accomplished through a rigorous application process annually.

Additionally, the NAHF receives a per capita appropriation by resolution from the City of Northglenn City Council. The NAHF presents a program and budget summary annually to the City Council for review and approval. The amount varies according to the established Northglenn population.

Lastly the NAHF Trustees are actively engaged in fundraising, which augments the foundation assets and also serves to keep the members engaged in promoting the visibility of the activities that the foundation financially supports.

Occasionally, as grants become available, NAHF will actively pursue and apply for funding from these outside sources. In-kind and cash donation opportunities for individual giving are made available and marketed throughout the year. Lesser revenue streams include program ad sales and investment income.

## VII. Public Artwork Selection Process ( Open Competition - Art on Parade)

Annually, NAHF conducts an open entry competition to select six sculptures to be part of Northglenn's "Art on Parade" on-loan sculpture program. The selected pieces are installed for a period of one year at E.B. Rains Jr. Memorial Park surrounding Webster Lake.

Each of the six finalists receive a \$700 honorarium to help offset their expenses. In addition, \$1,000 is awarded to the artist who is the recipient of the annual "People's Choice Award", a citizen voting process that determines the favorite sculpture choice from the public's perspective. Artists receive substantial recognition and opportunity to sell; therefore all pieces are for sale. The NAHF will collect 20% commission on all pieces sold, including the People's Choice.

Since the program's inception in 2001, the NAHF has purchased each of the People's Choice Award winning sculptures. Although the purchase of the People's Choice winner is not guaranteed, it is the goal of the NAHF to annually purchase permanent art for the City of Northglenn through this program. The Trustees of NAHF will formally approve the purchase of the selected sculpture. NAHF will formally "gift" the sculpture to the City to be included in the permanent collection.

Submission must meet the following criteria:

- Submitted sculptures are "garden-sized" or larger (at least three feet in one dimension.)
- Not to exceed monetary value determined annually by NAHF.

- Pieces must be ready for outdoor installation and have the capability to be welded to a steel plate for installation.
- Only durable outdoor mediums are acceptable. It is imperative that submissions withstand the elements and abuse of an outdoor display. Hanging, substantially wooden, or water feature sculptures will generally not be accepted.

The artists submit images of their sculptures electronically along with descriptions of used medium, dimensions, title and context if desired. Multiple sculpture submissions are allowed. However, the six sculptures chosen must represent six different artists. As such, if an artist is submitting more than one sculpture, the highest scoring sculpture will be considered.

All works will be screened by the NAHF and/or Cultural Programs Supervisor to ensure compliance with program guidelines, artistic merit and appropriateness for outdoor display. A committee of local citizens, businesses, students and NAHF members, using a blind voting system, will select from those entries submitted the six sculptures to be displayed.

Winners will be notified, and sculptures will be installed in late spring, remaining on display for one year unless sold or other arrangements are made.

The NAHF will be responsible for working with local and regional media to promote the art. A full-color brochure describing the sculptures will be developed and distributed to interested citizens and visitors. In order to protect the artist's copyright, a non-exclusive license agreement will be established between NAHF and the artist.

Artists will certify to the NAHF that they have created and possess unencumbered title to the sculpture(s) they are submitting to the Northglenn Art on Parade Program. The NAHF offers to provide cold wax maintenance on the pieces in their care as needed. If repairs are needed, the NAHF and City of Northglenn will work with the artist and be responsible for any costs incurred. The City will not be liable for the degradation of objects caused by gradual deterioration, normal wear and tear, or poor craftsmanship. Artists will allow the NAHF and City of Northglenn to publish photos and information related to their artwork for promotional purposes. Artists will be responsible for all shipping expenses associated with their work.

Artists will enter into a contract outlining these responsibilities as a condition of being selected to participate in the Art on Parade program.

Themes displayed or implied by exhibits do not necessarily represent the opinions of the City of Northglenn. Controversial themes must meet selection criteria. Certain types of materials may be

considered inappropriate for exhibit in a government facility and will not be displayed. The NAHF and Cultural Programs Supervisor will judge material based on whether it deals realistically with circumstances, and on its literary and/or educational value.

#### Direct Purchases and Joint Ventures

The NAHF may choose to purchase a piece of public art at any time that meets a specific community need. These purchases shall be administered in accordance with the stated selection guidelines. Private individuals, businesses, foundations and grantees shall be encouraged to support the acquisition of public art through combined efforts with the City. Terms of joint ventures will be negotiated with NAHF in consultation with City Council. The same policies criteria and guidelines for artist or artwork selection will apply.

### VIII. Installation Site Selection

The NAHF, in partnership with City Staff via the Cultural Programs Supervisor, prepare a site proposal for all public art, whether obtained through Art on Parade or commission, donation, or other source. The proposal is presented to City Council for approval. Once approved by City Council the proposal is presented to the Adams County Cultural Council for required funding approval. The following criteria will be considered when choosing an installation site:

- Overall location as it relates to the collection distribution throughout the city.
- Conceptual compatibility of the design with the immediate site environment
- Visibility to either pedestrian or vehicular traffic
- Future development plans for the area and/or any long range plans that have been adopted for the area under consideration
- Site design, landscape, drainage, grading, lighting and potential for seating
- Environmental considerations such as UV exposure and wind, noise and light
- Public accessibility to the site, including the disabled
- Impacts on operational functions of the City, ease of access for maintenance and conservation
- Cost of development and installation
- Risk of vandalism
- Appropriateness as a stand- alone location or sculpture garden installation

### IX. Relocation of Public Art

Location selection shall be well vetted prior to any installation. It is intended that public art installations are permanent. However, situations may occur that affect the viability of a site installation that is part of the City's permanent collection. Any recommendations or requests to consider relocation of a permanent installation shall be submitted to the NAHF. The NAHF shall

evaluate the circumstances and bring a recommendation forward to the City Council and/or any other appropriate bodies (including funding and artist agreements.)

After public art is permanently installed, if a site (or areas near site) were to be designated for construction or rehabilitation, the NAHF and City staff may choose to remove the installation, place in storage, and be re-installed after site is clear of construction. Removal and installation should be done by City staff or NAHF contractor. NAHF and the City reserve the right to hold third parties liable for damage occurring during unauthorized moving or damaged caused by nearby construction.

X. Sculpture Maintenance (permanent collection and Art on Parade)

The NAHF will be solely responsible for maintenance of the permanent public art collection in the city. The NAHF will enter into agreements with reputable outdoor art restoration and maintenance entities or individuals who will perform cleaning, apply protective materials, and repair of the artwork as needed with a prescribed frequency. The NAHF will also be responsible for the temporary installations included in the Art on Parade program. Formalized agreements with the artist will be completed so that there is a clear understanding regarding damage, vandalism and normal wear and tear, with both permanent and temporary public art.

Treatments to public art should take consideration of *Guidelines for Practice and Code of Ethics* as set forth by the *American Institute for Conservation of Historic and Artistic Works (AIC)*, as well as the *Guidelines for Conservation Practices of the AIC Objects Specialties Group*.

XI. Insurance

The permanent collection is covered under the City of Northglenn's CIRSA Property Schedule. The policy is submitted in the form of a rider, by the Cities Risk Manager. The deductible is \$25,000. The sculpture-on-loan program, Art On Parade, is not covered within the policy.

Once installed, the public art is property of the City of Northglenn and the City is responsible for security and insurance related to the Public Art. Once the NAHF gifts the public art to the City, only maintenance related to the ordinary wear of the pieces remains the responsibility of the NAHF. Should any Public Art need to be replaced due to loss, theft, force majeure or other exigent circumstances, the City of Northglenn may elect to do so at their cost in accordance with Section V and Section X of this Policy.

XII. Donations

To ensure the quality of the permanent public art collection in the city, any proposed donations will be referred to the NAHF Trustees for review. The donor's intentions and purpose are considered, along with whether a donation meets the goals of the public art program, the maintenance issues and whether or not the donation is appropriate or suitable for the city's collection. The Board will require a history of the artwork's provenance, along with a current estimate of value. Donations will always be subject to Board approval, along with the agreement of the City Council.

#### XIII. Deaccessioning

On rare occasions, circumstances warrant the removal of a work of art from the city's collection. The NAHF will follow established guidelines for deaccessioning to ensure that the integrity of the public art, artists, the public and the program is respected. A consideration for deaccession involves careful review of public opinion, professional judgement and legal advice. The NAHF may consider one or more of the following factors:

- The condition or security of the artwork cannot be reasonably guaranteed
- The artwork has been damaged beyond repair
- The artwork endangers public safety
- Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site
- The artwork requires excessive maintenance or has faults of design or workmanship
- There has been sustained and overwhelming public objection to the artwork

#### XIV. Marketing, Public Outreach and Education

Public outreach is necessary to gain the public's acceptance and support. NAHF, in partnership with the Cultural Programs department of the City, will promote the value of the public art program in Northglenn through activities and publications that describe the public art collection and educate citizens on the characteristics of each piece and the artist. It will advocate to build visibility of public art by using the city's website and traditional media. NAHF will make every effort and be proactively engaged with local schools and businesses in order to connect the value of public art in the community with the academic or financial goals of these institutions.

#### XV. Legal Agreements

Art on Parade artists are required to sign an Artist Agreement, Conditions Report, Maintenance Form, and Publicity Form to participate. Documents are produced and saved by the Cultural Programs Supervisor both in a digital and hardcopy format. The Artist Agreement will outline the following:

People’s Choice winners, and other commissioned public art, are required to sign a Bill of Sale, Maintenance Form, Non-Exclusive License Agreement, and Transfer of Property documents. Documents are produced and saved by the Cultural Programs Supervisor both in a digital and hardcopy format.

XVI. References

The Sonny Bono Copyright Term Extension Act

Guidelines for Practice and Code of Ethics as set forth by the American Institute for Conservation of Historic and Artistic Works (AIC)

Guidelines for Conservation Practices of the AIC Objects Specialties Group.

Amendments:	Section IX	September, 2018
	Section III, VI, VII, XI	February, 2020

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-42  
Series of 2020

\_\_\_\_\_  
Series of 2020

A RESOLUTION ADOPTING A PUBLIC ART POLICY FOR THE CITY OF NORTHGLENN,  
COLORADO

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN,  
COLORADO, THAT:

Section 1. The revised Public Art Policy, attached hereto as Exhibit A, is hereby adopted by the City Council of the City of Northglenn, Colorado. All previous public art policies approved by resolution or otherwise are hereby repealed.

DATED, at Northglenn, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
MEREDITH LEIGHTY  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

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- The condition or security of the artwork cannot be reasonably guaranteed
- The artwork has been damaged beyond repair
- The artwork endangers public safety
- Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of the artwork to the site
- The artwork requires excessive maintenance or has faults of design or workmanship
- There has been sustained and overwhelming public objection to the artwork

### XIV. Marketing, Public Outreach and Education

Public outreach is necessary to gain the public's acceptance and support. NAHF, in partnership with the Cultural Programs department of the City, will promote the value of the public art program in Northglenn through activities and publications that describe the public art collection and educate citizens on the characteristics of each piece and the artist. It will advocate to build visibility of public art by using the city's website and traditional media. NAHF will make every effort and be proactively engaged with local schools and businesses in order to connect the value of public art in the community with the academic or financial goals of these institutions.

### XV. Legal Agreements

Art on Parade artists are required to sign an Artist Agreement, Conditions Report, Maintenance Form, and Publicity Form to participate. Documents are produced and saved

by the Cultural Programs Supervisor both in a digital and hardcopy format. The Artist Agreement will outline the following:

People’s Choice winners, and other commissioned public art, are required to sign a Bill of Sale, Maintenance Form, Non-Exclusive License Agreement, and Transfer of Property documents. Documents are produced and saved by the Cultural Programs Supervisor both in a digital and hardcopy format.

XVI. References

The Sonny Bono Copyright Term Extension Act

Guidelines for Practice and Code of Ethics as set forth by the American Institute for Conservation of Historic and Artistic Works (AIC)

Guidelines for Conservation Practices of the AIC Objects Specialties Group.

Amendments:	Section IX	September, 2018
	Section III, VI, VII, XI	February, 2020