

CITY OF KIRKWOOD

KIRKWOOD ARTS COMMISSION

PUBLIC ART POLICY AND PROCEDURES



Approved and adopted by Kirkwood City Council, March 16, 2017

The Kirkwood Arts Commission (hereafter “the Commission”) hereby adopts the following Public Art Policy and Procedures.

KIRKWOOD PUBLIC ART POLICY

- I. Mission Statement:** The Kirkwood Arts Commission’s mission includes the acquisition, preservation, interpretation, and promotion of public art in the City of Kirkwood. Public art is any performing or visual art media that has been planned and executed with the intention of being staged in the physical public domain, generally outside and accessible to all.

- II. Purposes of the Kirkwood Public Art Policy**
 - a. To enhance our public spaces by encouraging programs that educate, entertain, stimulate, and engage the public

 - b. To promote works of public art that enhance and contribute to the image and quality of life in the City by integrating art into architecture, landscape, public works projects, including functional and streetscapes, and the planning of infrastructure at the earliest design stage

 - c. To celebrate the community’s heritage, ethnicity, diversity, commonality, and civic pride by promoting the relationship between art and the community.

III. The Commission's Duties and Responsibilities Regarding Public Art:

- a. To prepare an annual Public Arts Plan that identifies potential projects, including expenditures, sources of funding, programming, and implementation procedures
- b. To assist artists, arts organizations, neighborhood organizations, businesses, developers, and other members of the public in the proposal process for projects in places owned and maintained by the City of Kirkwood or on other property
- c. To recommend and implement public art projects, including potential sites
- d. To develop and implement guidelines for proposed public art projects, including the selection of artists, criteria for art, site selection, and evaluation criteria
- e. To advise on the maintenance of works of art placed on public property
- f. To decide upon the deaccessioning of works of art
- g. To seek funding sources
- h. To maintain a current public art assets inventory.

IV. Amendments

The Commission shall review this Public Art Policy as required and make any necessary amendments.

KIRKWOOD PUBLIC ART PROCEDURES

Definitions:

As used herein:

- **Deaccession:** The procedure for withdrawal of a work of art from City ownership.
- **Donated Art:** Artwork given to the City of Kirkwood in accordance with all applicable federal, state, and local laws and regulations.
- **Kirkwood Arts Commission:** The City Commission consisting of seven members established in 2014 by the Kirkwood City Council to promote the arts in the City and in the Kirkwood area.
- **Kirkwood Park Board:** The City Board that is responsible for overseeing the budget, maintenance, and operations of the Kirkwood Parks System.
- **Kirkwood Arts Foundation:** The 501(c)(3) nonprofit arm of the Kirkwood Arts Commission that enables tax-free contributions to the extent allowed by law, coordinates all fundraising efforts in support of the programs of the Commission, and accounts for all contributions.
- **Loaned Art:** Artwork accepted for display on a temporary basis that have met all requirements as outlined in the procedures section of this document.
- **Public Art:** Any performing or visual art media that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all.

Administration of Public Art Projects

- a. The City, in coordination with the Kirkwood Arts Commission, will administer all public art projects.
- b. The Commission shall select works of art; determine the removal of works of art previously displayed, based on the deaccession policy; promulgate the criteria for selection of works of art, artists, and maintenance; and recommend any other action necessary to carry out its proposals for projects.
- c. All public art projects will follow the eligibility requirements, the process for creating the artwork, and a process for juried selection.
- d. The City shall be the contracting entity for acquisition of all works of art, with approval from the Kirkwood Arts Commission.

Funding for Public Art

- a. The Kirkwood Arts Foundation shall establish a Public Art Fund to be administered as requested by the Commission and used for the implementation, promotion, and preservation of public art projects. Sources may include tax-deductible contributions to the Foundation, grant funding, local fundraising, community partnerships, philanthropic relationships, online fundraising, and legislative action such as a percentage-for-art ordinance, in cooperation with the Foundation.
- b. The City may supply direct funding for operational expenses, consultants, and specific projects. To receive operational or project funds from the City, the Commission must develop, approve, and submit a detailed budget request as provided by City ordinance.

Placement of Public Art

- a. All public art, whether loaned, purchased, or donated to be located on City property shall be evaluated by the Commission, working in consultation with designated City staff, to make recommendation(s) to the City Council and City Administration for final approval.
- b. Installation and Maintenance
 1. The City shall be responsible for installation and maintenance of works on City-owned property, unless such authority is otherwise designated by the City.
 2. Installation and maintenance for temporary art projects will be determined by contractual arrangement with the artist(s) or legal representative(s).
 3. Installation and maintenance for artwork placed on private or public (not City or park) property will be determined by contractual arrangement with the artist(s) and all legal representatives.

Project Planning and Implementation

- a. To ensure the highest level of quality for production and installation, the Commission shall, as required, work with designated department representatives, a project architect and/or landscape architect, a Park Board representative (with approval of the Park Board), and community representatives and volunteers, to plan and execute of each specific public art project.
- b. The Commission's Duties and Responsibilities
 1. To develop project criteria, such as site, media, theme, scale, artistry residency requirements, and other appropriate parameters.

2. To send a Request for Proposals (RFP) to issue a Call for Art. The RFP will establish the criteria based on individual project requirements, including eligibility requirements, process for creating the artwork, installation, and maintenance agreements.
3. To select the artist, curator, organization, and/or methods used for artist selection, which may include open competition, invitational competition, or by direct selection after approval by the Commission.
4. To select the finalists and/or artist based on the evaluation of materials submitted by the artist, as specified in the prospectus, images, resumes, narrative, or visual proposals, interviews, or models.
5. To oversee the execution to ensure that all is done as detailed.

Acquisition Process

- a. All public art will be reviewed and approved by the Commission and by the City, following a standardized process that ensures fairness and public input.
- b. Artists will be considered eligible regardless of age, race, color, genetic information, pregnancy, national origin, ancestry, religion, sex, disability, sexual orientation, or gender identity. Local and/or national artists will be given an opportunity to submit qualifications and proposals. The Commission may establish eligibility requirements as appropriate.
- c. All works must be consistent with the mission of the Commission.
- d. In commissioning or accepting public art, the following general criteria apply:
 1. *Media*: All visual art forms and materials will be considered.

2. *Style:* Artwork reflecting any school, movement, or method style will be considered.
3. *Character:* Artwork must be appropriate in scale, media, style, and content to the project and environment to which they will relate.
4. *Permanence:* Consideration should be given to structural and surface integrity and the use of materials appropriate to the location to minimize or eliminate maintenance and repair costs.
5. *Public Safety/Liability:* Artwork and sites must be free of unsafe conditions or other factors bearing on public liability.
6. *Diversity:* In selecting works, the City will strive for diversity, reflecting the social, ethnic, and cultural fabric of the community.

Gifts

Donations of art work shall be in full accordance with all applicable federal, state, and local laws and regulations. Gifts of artwork should be accompanied by a deed of gift signed by the donor.

A work of art considered for acquisition by gift or bequest should meet the same criteria applied to acquisitions by purchase. Gifts are contributions that may bring tax benefits to the donor. The Foundation will handle the receipt of art for tax purposes. The Commission or the City may not provide valuation or substantiation of valuations on behalf of the donor. Donors should obtain independent advice regarding the tax consequences of their gifts. Outside appraisals or opinions shall be used when the value of the works exceeds \$5,000.

Deaccession

- a. Deaccession should be undertaken with the same deliberate and thoughtful consideration as the acquisition process. The process shall be initiated by a majority vote of the Commission or by request from the City with review and approval by the Commission.
- b. Works may be deaccessioned for one or more of the following reasons:
 1. The object is of inferior quality;
 2. The present location no longer guarantees the condition or security of the artwork;
 3. The object is in a severe state of physical deterioration or damage and repair is not feasible;
 4. Significant changes in the use, character, or actual design of the site require a reevaluation of the artwork's relationship to the site;
 5. The object is found to be unlawfully held; or
 6. The object is not relevant to or consistent with the mission of the Commission.
- c. At the discretion of the Commission, deaccessioning may be accomplished through sale at fair market value, trade, gift to another government or nonprofit entity or organization, or return to the artist. Disposal should be considered only if these options cannot be accomplished.
- d. The Commission shall make reasonable attempts to notify the artist or heirs of the intent to deaccession work during this process.

- e. The Commission, in consultation with the City Attorney, will review legal title and artist agreements to determine if any restrictions exist that may prohibit deaccessioning.
- f. Proceeds from sales of deaccessioned artwork will be used to fund additional purchases or commissions for public art.
- g. Written records of the entire process shall be maintained.

APPENDIX: HISTORY OF PUBLIC ART IN KIRKWOOD

As an historic City established in 1853, Kirkwood's train station, the downtown business district and several Kirkwood neighborhoods are included on the National Register of Historic Places.

Our City is known for its community spirit and for its support of the visual and performing arts.

In the 2010s, Kirkwood began an effort to bring more public art to the City. Through the joint efforts of the late Kirkwood Mayor Mike Swoboda and the late, renowned artist Brother Mel Meyer, SM, of the Marianist Gallery at Vianney High School, examples of public art were put on display in central Kirkwood and in Kirkwood Parks.

In 2014, the Kirkwood City Council established the Kirkwood Arts Commission. The ordinance establishing the Commission included the responsibility of the Commission to "develop guidelines for and sponsorship of public arts projects." The Commission established a volunteer group comprised of art professionals, business people, City administrators, and other interested persons in 2015 to develop a Public Art Policy in Kirkwood. The Public Art Policy is the result of a year-long research project that included interviews with public art professionals, review of local and national municipal public art plans and policies, site visits, and the development and implementation of a community public art survey for the city of Kirkwood. In addition, in fall of 2015, a community public art survey was developed and implemented to evaluate the priorities and desires of the community and provide direction for the Commission.

Currently Displayed Works of Public Art (2016) include:

- “Forever and Forever” by Brother Mel Meyer, located at the front of the Kirkwood Community Center at the Reim Theatre, in Kirkwood Park.
- “3 Chairs” by Brother Mel Meyer, located on Argonne Drive, east of Kirkwood Road.
- “Black Metal Train” by Brother Mel Meyer, located across from the Kirkwood Train Station on the east side of Kirkwood Road.
- “Untitled” metal sculpture, a farmer, by Brother Mel Meyer, located at the Kirkwood Farmers’ Market
- “Untitled” sculpture by Brother Mel Meyer, located on Argonne Drive, near Clay Avenue.
- Murals by Siegfried Reinhardt, located at the Community Center and City Hall.