

**City of Steamboat Springs**  
**Public Art Policy**

CITY OF STEAMBOAT SPRINGS

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**CITY OF STEAMBOAT SPRINGS PUBLIC ART POLICY**

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**I. PURPOSE OF PUBLIC ART FOR THE CITY OF STEAMBOAT SPRINGS**

The purpose of this policy is to provide guidance on the selection, location, ownership, and maintenance of public art on city owned lands or within city facilities.

The goals of this policy are to support the community's desires to:

- A. Enhance the beauty of the Steamboat Springs community by placing quality visual art in highly accessible and visible public places for residents and guests to enjoy.
- B. Ensure a diverse, quality public art collection that allows for diversity in style, scale, media and artists. Exploratory types of work as well as established art forms are allowed.
- C. Provide an efficient and effective process for approving, placing, and maintaining public art on city lands or within city facilities.
- D. Ensure ongoing maintenance and sustainability of public art pieces in the City's public art collection or located on city lands or within city facilities.
- E. Ensure transparency in the public art process.

**II. A DEFINITION OF PUBLIC ART**

- A. Public art is defined in its broadest sense as any original creation of visual art 1) that is acquired with public monies or a combination of public/private funding; 2) that is donated or loaned to the City's Public Art Collection; 3) that is a privately sponsored artwork that is proposed to be located on publicly owned land. The public art may be:
  - a. temporary or permanent,
  - b. located inside or outside of a public building,
  - c. located outside on public land.
- B. For the purpose of the Public Art Policy, works of public art may include but are not limited to sculpture, painting, mural, graphic arts, mosaics, photography (film and video), crafts, mixed media, fountains, and earth works and environment installations.

### **III. PUBLIC ART COLLECTION**

#### **A. INTENT OF POLICIES**

It is in the interest of the Steamboat Springs community to publicly display works of art that will be appreciated by the community. The intent of this policy is to enable the community to enjoy a collection of works of art in public places, which is educational, attractive to residents and visitors, and of an overall aesthetic quality equal to the excellent international reputation Steamboat Springs enjoys as a community. This policy is intended to guide the City Manager in the administration of public art and to provide for the community's general understanding of the City of Steamboat Springs' policies with regard to public art.

#### **B. APPLICABILITY OF POLICY**

This policy applies to all works of art presently owned by the City of Steamboat Springs, any future artwork acquired by the City either through purchase, commission, gift or loan, and any artwork placed on city lands or in a city facility. Works of art may be relocated, deaccessioned or returned to the owner.

#### **C. COLLECTING LIMITATIONS**

Works of art may be placed in, on, or about any city owned public place if the following conditions are met:

- a. The artwork is deemed to not impede city operations or to create a public hazard by applicable city departments.
- b. The artwork is relevant to and consistent with the purpose, intent and artwork criteria of this policy.
- c. The City can provide for the exhibition, protection, maintenance and preservation of the objects under reasonable conditions that ensure their availability to the public and are in keeping with professionally accepted standards.
- d. The artworks shall have permanency in the collection as long as they retain their physical integrity, their identity, and their authenticity, and as long as they remain useful for the purposes of the community.

- e. A legal instrument of conveyance, setting forth an adequate description of the artwork involved and the precise conditions of transfer will accompany all loans, gifts and purchases and will be kept on file at the City of Steamboat Springs municipal building. In the case of loans, purchases, commissions and conditional gifts, this document must be signed by the seller, artist or donor and by an authorized City representative; in the case of unconditional gifts, it need be signed only by the donor.
- f. A maintenance endowment shall accompany any gift of artwork, any loan of artwork exceeding one year, or any placement of artwork on city property. The maintenance endowment for individual artworks will be held by the Yampa Valley Community Foundation within its public art maintenance endowment fund. Required maintenance endowment amounts will be calculated by estimating the amount of money necessary to maintain the artwork each year, and assuming a 4.5% annual return on the endowment investment.
- g. Title to all artworks acquired for the collection should be obtained free and clear, without restrictions as to use or future disposition. If artworks are accepted with restriction or limitations, the conditions shall be stated clearly in an instrument of conveyance, and shall be made part of the accession records for the artworks, and shall be strictly observed by the artist and the City of Steamboat Springs.

#### D. ARTIST(S)' RIGHTS

The City will do its utmost to maintain the intended character and appearance of works of art acquired for public exhibition in order to uphold the artist(s)' concept. Questions of copyright, installation, maintenance, and deaccessioning will be considered in any contract to acquire an artwork.

#### E. ARTWORK LOANED TO THE COLLECTION

Acceptance of loaned artwork to the collection by the City of Steamboat Springs will be subject to all of the provisions pertaining to acquisitions except the purchase price. In addition, such loans will be evaluated against the costs and risks associated with proposed length of loan and benefit to the community.

F. ARTWORK LOANED FROM THE COLLECTION

Agreements to loan artwork from the City's collection may be entered into with institutions if such loans are approved by the City Manager and allowed in the contract with the artist.

G. TEMPORARY ARTWORK EXHIBITIONS

Temporary artwork is considered to be artwork that is proposed for a site for a specified limited time period.

H. PUBLIC DISCLOSURE

The City will make available the identity and description of collection materials acquired and deaccessioned. All other facts pertaining to the circumstances of acquisition, relocation and deaccession will be documented in the City's records of the collection.

I. REVISIONS AND INTERPRETATIONS OF COLLECTION POLICY

Any revisions or amendments to this policy shall be reviewed by the City Council and approved by resolution.

**IV. INSTALLATION AND MAINTENANCE OF PUBLIC ART**

A. No work of art financed or installed either wholly, or in part with, City funds or with grants procured by the City shall be installed on privately owned property without a written agreement between the City and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the City Attorney.

B. Artwork shall be maintained annually following the maintenance provisions outlined by the artist.

C. Installation, repair, alteration, and refinishing of art in public places shall be done in consultation with the artist whenever feasible. In the event repair of work is required, the responsible artist(s) shall be notified and given the opportunity to do the repair for a reasonable fee after the warranty period. If the artist is unable to repair the artwork within a reasonable time period, the City shall be free to arrange for the repair work, as the City deems appropriate. Specifications for maintenance will be included with each work.

## **V. RELOCATION OF PUBLIC ART**

- A. The City may consider relocating an artwork to a new site within the City of Steamboat Springs. Artwork may be relocated upon a recommendation of a curatorial group, approval by impacted city departments, and approval by the appropriate city commission or city council.
- B. Before relocating any artwork, the City of Steamboat Springs shall comply with all terms and conditions relating to relocation, which are found in the acquisition contract or any other agreements, which may exist between the artist and the City.
- C. Criteria for relocating a work of art may include, but are not limited to the following factors:
  - 1. The artwork's condition or security cannot be maintained.
  - 2. The artwork endangers public safety.
  - 3. Significant changes in the use, character, or design of the site have occurred which affect the integrity of the work.
  - 4. The artwork would be enhanced in the opinion of a curatorial group if sited in a new manner that would improve the public's ability to appreciate the artwork.

## **VI. DEACCESSION OF PUBLIC ART**

- A. Artworks in the collection will be retained permanently if they continue to be relevant and useful to the purposes and activities of the collection, if they can be properly exhibited preserved and used, and if they do not impede city operations or public safety. Deaccessioning of objects may be considered when these conditions no longer prevail or in the interest of improving the collection.
- B. Artworks in the collection will be deaccessioned only upon the recommendation of a curatorial group and approved by the Steamboat Springs City Council.
- C. In considering the disposition of deaccessioned artworks, the City of Steamboat Springs should consider the following:

1. The manner of disposition is in the best interests of the City, the public it serves, the public trust it represents in owning the collection, and the scholarly or cultural communities to which the artwork may be important.
  2. Preference shall be given to placing the artwork, through gift, exchange or sale, in a tax-exempt public institution wherein the artwork may serve the purpose for which it was initially acquired. If artworks are offered for sale elsewhere, preference shall be given for sale at an advertised public auction or to the public marketplace in a manner that will best protect the interests, objectives and legal status of the collection.
  3. Artworks will not be given or sold privately to City of Steamboat Springs employees, members of City Council or other city commission, committee or recommending body, or to their representatives.
  4. All monies gained from the disposition of deaccessioned artworks shall be placed in a purchase fund to be used for acquisitions of artwork.
- D. Before deaccessioning any artwork from the City of Steamboat Springs public art collection, the City of Steamboat Springs shall comply with all terms and conditions relating to deaccessioning which are found in the acquisition contract or any other agreements, which may exist between the artist(s) and the City.
- E. Criteria for deaccessioning a work of art may include but are not limited to the following factors:
1. The artwork's condition or security cannot be maintained.
  2. The artwork requires excessive maintenance or has faults of design or workmanship and repair or remedy is impractical or unfeasible.
  3. The artwork has been damaged and repair is impractical or unfeasible.
  4. The artwork endangers public safety.
  5. Significant changes in the use, character, or design of the site have occurred which affect the integrity of the work.

6. The authenticity of the artwork is questionable.
7. It is desired to replace the artwork with a more appropriate work by the same artist.

## **VII. PUBLIC ART ADMINISTRATION**

### **A. DUTIES AND FUNCTIONS OF CITY STAFF**

The City Manager of the City of Steamboat Springs shall be responsible for administering this policy and managing the city's public art collection. Responsibilities include:

1. Administer all public art projects to ensure that projects meet the requirements of this public art policy.
2. Oversee the public art collection to ensure the artwork is installed and maintained as needed to sustain the artwork.
3. Maintain records on all existing public art projects that include site plans, design drawings, models, slides of the artworks, minutes of public meetings related to the project, background on the artist(s), names of the parties involved with the project, records of any legal conditions on the work (copyright, relocation issues).
4. Maintain records of the conditions and circumstances under which artworks are acquired, relocated, or deaccessioned.
5. Inform the City Council of developments in the City's public art collection and keep the City Council up to date on new information related to public art programs.

### **B. CONSULTANTS TO THE CITY OF STEAMBOAT SPRINGS**

#### **1. Advisors**

The City Manager may solicit comments and advice from individuals whose comments it may find helpful in the administration of this policy and the approval of or actual selection of a particular artwork. It shall be especially important to seek comment from those persons who, because of the location of their residence or business, will be

in frequent contact with the artwork selected. Advisors do not vote.

2. Curatorial Group

The City Manager may appoint from time to time an ad hoc curatorial group composed of artists, art professionals, representatives of the Steamboat Springs Arts Council's Public Art Committee, and persons with expertise in public art to advise the City on the matters outlined in this policy.

3. Consultants

The City Manager may engage professional consultants to advise and/or assist the City as needed to implement this policy and maintain and document the public art collection.

C. ARTIST'S RESPONSIBILITY

If selected to create a City of Steamboat Springs sponsored project or approved to install artwork on city property, the artist shall:

1. Execute and complete the work in a timely and professional manner and complete all paperwork required by the City of Steamboat Springs.
2. Maintain a close working relationship with city staff.
3. Return to the City for review and approval should any significant change occur in the scope, material, design or siting of the artwork. City staff shall monitor the process of the completion of the artwork and if he or she determines that a significant change has occurred in the project, the artist shall seek approval of such change.
4. Be responsible for all phases of the design and execution of the work, including installation, unless otherwise stipulated in the agreement regarding the artwork.
5. Warrant that the design or work being submitted is an original product of his/her own creative effort.
6. Guarantee and maintain the work from defects of material or workmanship for a period of time mutually acceptable to the City and artist.

7. Adhere to the conditions of the agreement as entered into by the artist and the City of Steamboat Springs.

## **VIII. PUBLIC ART REVIEW PROCEDURES**

### **A. PUBLIC ART DESIGN APPROVAL AND REVIEW PHILOSOPHY**

No Public Art artwork shall be erected, removed, or altered without the prior review and recommendation of the City Manager's curatorial group. The review process is based on the premise that public art projects should reflect professional judgment and sensitivity to the interests of the public. The process is designed to be as streamlined as possible to encourage public art while still allowing for community involvement in the project.

### **B. GIFTS OF ARTWORK OR PRIVATELY SPONSORED ARTWORK PROPOSED FOR A PUBLICLY OWNED SITE**

1. Submittal Requirements: The project proponent shall submit the following material to city staff, unless staff determines that some of the following material may be excluded:
  - a. A written description of the proposal which includes background on the artist and details on the specific artwork to include material, colors, media, dimensions and supporting structure.
  - b. Photograph, model, or drawing of the specific artwork.
  - c. Any conditions of the gift, art placement or loan.
  - d. Maintenance requirements.
  - e. The applicant may propose the project for a specific site. The applicant may also propose to have a rotating display of artwork on a permanent site. The following information may also be required but may not be necessary for every project:
    1. Location or Survey
    2. Site Plan
    3. Landscape Plan
    4. Lighting
    5. Photos of the proposed site

6. Preliminary budget for the project to address installation costs, identification plaque, maintenance requirements for site, insurance costs.
7. Site preparation costs including grading, landscaping, seating, lighting and signage

## 2. Review Procedure

- a. The submittal will be reviewed for completeness. Additional information may be requested from the applicant as necessary for complete and proper review of the proposal. If the application is found not to be in compliance with applicable submittal requirements, the application and materials shall be returned to the applicant with an explanation of findings.
- b. If the application is found to be in compliance with submittal requirements, the project shall be reviewed by appropriate city departments so that the following factors may be reviewed: Public safety, interior and exterior vehicular and pedestrian traffic patterns, impacts on operational functions of the City such as snowplowing and traffic control, environmental impacts, and planning issues.
- c. If the application meets city public safety, operational, environmental, and planning factors, then it will be reviewed by a curatorial group who will make a recommendation regarding artistic quality and placement or siting.
- d. The curatorial group shall review the application and supporting material and if the project is found to comply with the policies and the criteria of the Public Art policy, the curatorial group will make a recommendation regarding the artistic value, appropriate placement and acceptability of the project.
- e. A final decision regarding the proposed artwork will be made by the Parks and Recreation Commission for artwork located in parks, recreational facilities, trails or open space areas or by City Council for other city owned lands and facilities.
- f. If the project is found to conflict with the policies and criteria of this chapter, the City shall disapprove the proposal. Any disapproval shall be in writing and shall specifically describe

the policies and criteria with which the project does not meet and the manner of noncompliance.

C. COMMISSIONED OR DIRECT PURCHASE ARTWORK THAT IS SPONSORED BY CITY OF STEAMBOAT SPRINGS FUNDS

The City Manager shall be responsible for commissioned or direct purchase public art projects. Commissioned or direct purchase artwork sponsored by the City may be acquired through the following mechanisms at the discretion of the City Manager:

- 1) Open Competition: The project is advertised and all interested artists may submit preliminary ideas for proposals. No fees are paid to artists for their initial proposal submissions; however, a small number of finalists may be selected to submit detailed maquettes for the project for which they shall be paid an appropriate fee determined by the City Manager; or
- 2) Limited Competition: A selected number of artists are invited to submit proposals. An appropriate fee may be allocated for the artists' participation as determined by the City Manager; or
- 3) Invitation: One artist is invited to submit a proposal for which he/she may be paid an appropriate proposal fee as determined by the City Manager.

D. PUBLIC ART SUBMISSION FEE

The City Manager may set a fee schedule, sufficient to cover the cost of review of artwork proposals.

E. LAPSE OF PUBLIC ART PROJECT APPROVAL

Approval of an artwork as prescribed by this chapter shall lapse and shall become void one year following the date of final approval of the project unless prior to the expiration of one year, the proposed artwork construction is commenced and diligently pursued toward completion. However, if there have been no revisions or amendments to this policy which would alter the conditions under which the approval was given, the City may extend the period of approval for additional one year periods.

## **X. PUBLIC ART PROJECT SELECTION CRITERIA**

### **A. SITE SELECTION CRITERIA**

1. Prior to selecting a site for an artwork, the City of Steamboat Springs shall take into consideration the following factors:
  - a. The visibility of the site by the general public
  - b. Public safety
  - c. Interior and exterior vehicular and pedestrian traffic patterns
  - d. Relationship of proposed site to existing or future architectural features and to natural features
  - e. Facility for users and/or interaction of users with proposed artwork
  - f. Future development plans for the area
  - g. Site design, including landscaping, drainage, grading, lighting and seating considerations
  - h. Relationship of proposed artwork to existing artworks within the site vicinity
  - i. Environmental impact such as noise and light associated with the artwork.
  - j. Public accessibility to the artwork, particularly handicap accesses.
  - k. Impacts on adjacent property owners' views
  - l. Impacts on operational functions (snowplowing, etc.) of the City

### **B. ARTWORK CRITERIA**

The City of Steamboat Springs will use the following criteria when reviewing an artwork. The City may include additional criteria for a specific project.

1. Quality and Innovation

The consideration of highest priority is the inherent artistic excellence and innovation of the artwork.

2. Timelessness

Each artwork should be viewed as a long-term acquisition that should have relevance aesthetically to the community in future years. Due to the high visibility of public art by residents and guests who frequent public places, artworks should be selected that reflect enduring artistic quality.

3. Consideration of (but not limited to) Compatibility With Site

Works of art should be compatible in style, scale, material, form, and content with their surroundings, and should form an overall relationship with the site and any historic significance of that site.

4. Permanence

Works of art shall have structural and surface soundness, and be resistant to theft, vandalism, and weathering. Artwork shall not require excessive maintenance or repair costs. Artworks that require expensive and/or continual maintenance are discouraged.

5. Public Safety

Artwork shall not create inordinate safety problems or liability problems for the general public or the City of Steamboat Springs.

6. Decency and Diversity

Consideration shall be given to general standards of decency and respect for the diverse beliefs and values of the public.