



TOWN OF ESTES PARK

Parks Advisory Board Agenda

January 15th, 2015
12:30 PM – 1:30 PM
Room 202
Estes Park Town Hall
170 MacGregor Ave

Current Members:

Ronna Boles
Celine Lebeau
Dewain Lockwood

Merle Moore
Chris Reed
Terry Rustin

Approval of December Minutes	<i>Chair Celine Lebeau</i>
Selection of new meeting day/time	<i>Chair Celine Lebeau</i>
Arbor Day 2015 preparations	<i>Chair Celine Lebeau</i>
Public Art Policy	<i>Merle Moore</i> <i>Terry Rustin</i>
Other Business	
Adjourn	

RECORD OF PROCEEDINGS

.Town of Estes Park, Larimer County, Colorado, December 18th, 2014

Minutes of a Regular meeting of the Parks Advisory Board of the Town of Estes Park, Larimer County, Colorado. Meeting held in the Town Hall Room 100, Engineering Conference Room, in said Town of Estes Park on the 18th day of December, 2014.

Present: Merle Moore
Ronna Boles
Celine Lebeau
Terry Rustin (by phone)
Chris Reed

Also Present: Greg Muhonen, Public Works Director
Kevin McEachern, Public Works Operations Manager
Brian Berg, Parks Division
Bob Holcomb, Town Board Trustee

Absent: Dewain Lockwood

Chair Lebeau called the meeting to order at 12:32 p.m.

GENERAL BUSINESS

It was moved and seconded (Ronna Boles / Merle Moore) to approve the November 20th meeting minutes and the motion passed unanimously.

SEATING FORMAT FOR MEETINGS/INTRO TO LIAISON

Director Muhonen explained where the committee members and the staff liaison's should sit around the table and that they are the one's that are empowered.

Director Muhonen introduced Parks Staff Member Brian Berg as Liaison for the PAB committee. Everything should funnel through Brian.

A question was raised to identify different meeting days and times to try and utilize Room 203 for future PAB meetings. Director Muhonen will send an email for a start process for a decision.

The next meeting was selected for January 15, 2015 at 12:30 pm at the Public Works Engineering Conference Room.

511 W. ELKHORN AVENUE POCKET PARK

Brian Berg explained the information for options from the meeting with the Management Company for the owner of the property.

They purposed:

1. The Town sell the Town property to the owner. Fast Track.
2. The Town retain the property and the owner will pay for landscaping plans and pay for the construction.

PARKING GARAGE UPDATE

The Parking Garage update was that the project will be delayed because a decision and plans are in the works for moving it to the south side of the river.

ECOLOGY WALK UPDATE

Brian Berg explained to the committee members the old plans and location of the Ecology Walk by the Visitors Center.

Merle Moore added that the old concept should be revisited to add native plants and art. The Town should focus on new plantings, expand on the pallet of all plantings. The plan should make sure the walk is more accessible to people and has a plant list and tours.

Manager McEachern explained the Conservation Fund for the plans. The funds may not be available year to year as the funds are used for multiple activities and projects.

Celine Lebeau suggested that we wait for the new parking structure design for the Ecology Walk.

Director Muhonen said that it may be associated with the parking garage and would need to look at the 2016 budget with Planning.

It was also brought up the walk would also be for education and children.

It was suggested that this come back to the PAB table at the August meeting.

PUBLIC ART ORDINANCE & GUIDELINES DRAFT

Merle Moore met with Derick Fortini, Director of the Estes Park Museum. Merle asked if the museum would be interested in being a Liaison for the PAB. This would include helping records and inventory.

Merle also talked with Diane Watson, Executive Director of the Cultural Arts Council. They sounded like they would be more interested to be the Liaison than the Museum. The PAB talked and decided that the Cultural Arts Council will be a better fit with the PAB and to put them in the draft.

Terry Rustin Talked about the subject of How to fund Public Art and where it should go in the ordinance.

Director Muhonen communicated that it was important that the funding source be reliable and construction cash flow would be irregular. It is important to have a fund source with a maintenance component.

Terry Rustin stated that 1% may work for Loveland but not for Estes Park. It would be better in the ordinance has certain funds go to art. A reserve fund.

It was determined by PAB to take out option A and go with option B.

Next time they will work on guidelines and introductions.

With no other business to discuss, a motion was made (Ronna Boles/Chris Reed) to adjourn the meeting at 1:29 pm, with all voting in favor.

COVER PAGE

ART IN PUBLIC PLACES
HANDBOOK OF GUIDELINES

TOWN OF ESTES PARK, COLORADO

INTRODUCTION

These Guidelines for an *Art In Public Places* (AIPP) program of the Town of Estes Park were developed by the Parks Advisory Board at the request of the Town Board. They describe the process and criteria to be used to evaluate potential public artworks and projects. The guidelines also detail the administration of the *Art In Public Places* program.

Following is a definition of public art as it applies to the Estes Park program.

In its broadest sense, public art is any original creation of visual art that is:

- Acquired with public monies,
- Acquired with a combination of public/private funding,
- Acquired by donation or on loan to the town's Art In Public Places program or
- Privately sponsored artwork that is located on publically owned land.

Examples of public art include, but are not limited to:

- Sculpture of any form and in any material or combination of materials to include statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration;
- Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;
- Crafts and folk art works in clay, fiber, textiles, glass, wood, metal, mosaics, plastics and other materials;
- Site-integrated artwork created by landscape designers and artists which may include landscapes and earth-works, integration of natural and human-made materials, and other functional art pieces. Examples of site-integrated works may include building features, paving materials, gates, and street furniture.

The *Art in Public Places* program enriches our community through public exposure to the arts. The program is achieved through a collaboration of Estes Park residents, businesses, Organizations (Cultural Arts Council, Art Center of Estes Park), and Estes Park K-12 school programs, to develop a diverse art collection that creates a sense of place, provides a unique town identity, offers educational opportunities and serves as an economic driver.

The *Art In Public Places* program weaves public art into the everyday experience of our community and creates lasting impressions on those who experience it. It enhances our public spaces, compliments our award winning seasonal floral displays, and makes Estes Park a visitor destination, not only for its natural beauty, but also for its vibrant arts scene.

TOWN ORDINANCE

Town Ordinance _____ (#)_____ establishes the *Art In Public Places* (AIPP) Program under the auspices of the Parks Advisory Board of the Town of Estes Park

DEFINITIONS

- “*Art In Public Places*” means any visual work of art displayed for two weeks or more in an open town-owned area, on the exterior of any town-owned facility, inside any town-owned facility in areas designated as public areas, or on non-town property if the work of art is installed or financed, either wholly or in part, with town funds or grants procured by the town.
- “Parks Advisory Board” means that Board created and codified in Section _____ of the Town Code.
- “Reserve account” means the *Art In Public Places* reserve account established by this chapter.
- “Work of art” means all forms of original creations of visual art, including but not be limited to:
 - Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;
 - Sculpture of any form and in any material or combination of materials. This includes statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration;
 - Crafts and folk art works in clay, fiber, textiles, glass, wood, metal, mosaics, plastics, and other materials; or
 - Site-integrated artwork created by landscape designers and artists which includes landscapes and earth-works, integration of natural and human made materials, and other functional art pieces. Site-integrated works may include building features, gates, street furniture, and paving materials.

FUNDS FOR WORKS OF ART

1. The Town Board shall allocate in its annual General Fund Budget, funds for an *Arts In Public Places* program. The funds shall be placed in the reserve account for the AIPP program and may be expended as defined in Section _____ - *Art In Public Places Reserve Account* below.
2. The Town Board shall allocate in its annual General Fund Budget for the Department of Parks and Recreation, or other appropriate department, funds sufficient to provide the recommended maintenance of all public artworks in the Town collection.
3. Patrons may donate a piece of art to the Town of Estes Park for the AIPP program. In accepting a donation, the Town expects that funds for the transport, site preparation and installation of the piece will accompany the donation. The funds shall be placed in the reserve account for the AIPP program and may be expended as defined in Section _____ - *Art In Public Places Reserve Account* below.
4. Patrons may donate funds for the acquisition of a piece of art for the AIPP program. In accepting the donation, the Town will allocate a portion of the donation for the transport, site preparation and installation of the piece. The funds shall be placed in the reserve account for the AIPP program and may be expended as defined in Section _____ - *Art In Public Places Reserve Account* below.
3. An artist may donate a piece of art to the Town for the AIPP program. In accepting the donation, the Town may accept responsibility for funding the transport, site preparation and installation of the piece.

ACCOUNT ESTABLISHED

There is established a reserve account for the *Art In Public Places* program. Funds deposited in the reserve account may only be expended for the acquisition, installation, maintenance and repair of works of art, costs associated with de-accessioning works of art, and expenses of administration of this chapter. Funds in the AIPP reserve account may come from the Town's annual General Fund Budget, grants and donations. All funds set aside or donated for works of art shall be paid into the reserve account. Any excess or unexpended funds in the AIPP reserve account shall carry forward in this account at the end of each fiscal year (Ord. #_____, date).

ADMINISTRATION AND CURATORIAL SUPPORT

PARKS ADVISORY BOARD

There is established a Parks Advisory Board. It shall consist of citizens living in the Estes Valley for at least 2 years and having experience with trees, weeds, public art, trails or park design. There shall be 7 members, appointed by the Town Board, who shall serve without compensation. The terms of the members shall be a three year term and shall be staggered so that the terms of an equal number of Executive Director of the Cultural Arts Council of Estes Park, shall serve as an ex officio and nonvoting member of the Board. One function of such board shall be to perform the duties set forth in Chapter _____ of this code, pertaining to the town's *Art In Public Places* program.

Responsibility for administration of the Art In Public Places program shall rest with the Parks Advisory Board, with administrative support from The Department of Public Works. The Board shall establish and amend, with Town Board approval, criteria and guidelines governing the selection, acquisition, purchase, commissioning, placement, installation, and maintenance of works of art. Selection and placement of works of art shall be in conjunction with representatives of the Town Board and the Town department in which the artwork will be located.

Following placement or installation, maintenance and repair of the artwork shall be the responsibility of the department having possession of the work, with the advice and guidance of the Parks Advisory Board. Any proposed works of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation or maintenance.

The Executive Director of the Cultural Arts Council of Estes Park, shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible. The Council shall be reimbursed for actual expenses incurred as expenses of curatorial support.

GUIDELINES

The Parks Advisory Board shall adopt guidelines:

- A. To identify suitable art objects for the Town collection
- B. To facilitate the preservation of art objects and artifacts that may be displayed in public places
- C. To prescribe a method or methods for competitive selection of art objects for display
- D. To prescribe procedures for the selection acquisition and display of art in public places.

- E. To set forth any other matter appropriate to the administration of this chapter.
(Ord. _____, date)

SELECTION & DISPLAY STANDARDS

In performing its duties with respect to art in public places, the Board will strive to integrate the creative work of artists into public projects to thereby increase our residents' and visitors' experience and improve the economic vitality of the Town through the enhancement of public spaces in general and the pedestrian landscape in particular. In doing so, special attention will be given to the following matters:

- A. Conceptual compatibility of the design with the immediate environment of the site;
- B. Appropriateness of the design to the function of the site.
- C. Compatibility of the design and location with a unified design character or historical character of the site;
- D. Creation of an internal sense of order and desirable environment for the general community by the design and location of the work of art;
- E. Preservation and integration of natural features for the project;
- F. Appropriateness of the materials, textures, colors and design to the expression of the design concept; and
- G. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to insure a variety of style, design and media throughout the community.

DISPLAY OF ART IN PUBLIC SPACES

- A. Works of art selected and implemented pursuant to the provisions of this chapter may be placed in, on or about any public place or, by agreement with the owner thereof, any private property with substantial public exposure in and around the town. Works of art owned by the town may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the commission. For any proposed work of art requiring an extraordinary operation or maintenance expense, the Board shall obtain prior written approval of the department head responsible for such operation or maintenance before approving the same.
- B. All art in public places shall receive the prior review and approval of the Board. None shall be removed, altered or changed without the prior review and approval of the Board.

- C. No work of art financed or installed either wholly or in part with town funds or with grants procured by the town shall be installed on privately owned property without a written agreement between the Board, acting on behalf of the town, and the owner specifying the proprietary interests in the work of art and specifying other provisions deemed necessary or desirable by the town attorney. In addition, such written agreement shall specify that the private property owner shall assure:
 - 1. That the installation of the work of art will be done in a manner which will protect the work of art and the public;
 - 2. That the work of art will be maintained in good condition; and
 - 3. That insurance and indemnification will be provided as is appropriate.
- D. Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible.
- E. The Executive Director of the Cultural Arts Council of Estes Park shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artist, names of architects and correspondence between all parties involved in the creation, acquisition, placement, and display of art work whenever feasible.

OWNERSHIP

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the Town of Estes Park. (Ord.#_____, date)

EXEMPTIONS

The following are exempt from the provisions of this chapter:

- A. All works of art in the collections of, or on display at, or under the auspices of, the Estes Valley Public Library and The Estes Park Museum.
- B. All works of art on display in private town offices or other areas of town-owned facilities which are not generally frequented by the public. (Ord.#_____, date)

ACQUISITION POLICY

Public art may be acquired through commissioning a site-specific work, direct purchase, or donation of an art object.

A commissioned work of public art typically involves selecting an established artist to develop a piece of artwork for an identified location or use. If site specific, the artwork must respond to the program developed by the Parks Advisory Board regarding the site's functional context, its architecture, its location, its relationship to the adjacent terrain, and its social context. If a work is commissioned for a specific use it must again meet the requirements set forth by the Board.

The Board is entrusted to develop criteria for commissioned projects and to site other acquired works. The Board’s administrative policies and selection and placement criteria are further detailed in these Guidelines.

Periodically the Town of Estes Park or the Parks Advisory Board may be offered donations of artwork. Donations are subject to the same policies and criteria of the *Art In Public Places* program as any other work of art being considered by the Town. The Board has the discretion, subject to the program policies, to recommend to the Town Board either accepting or rejecting any work of art offered to the Town for public art purposes.

TEMPORARY PUBLIC ART

The Parks Advisory Board may, at its discretion and with approval of the Town Board, designate sites within the Town of Estes Park as locations for the display of temporary artworks otherwise meeting the criteria detailed in these Guidelines. The sites will be selected for their visibility and access to both visitors and residents to the town. The display of temporary art has a goal of enriching the community and providing exposure to artists working in a variety of media.

The selected artwork must exemplify commitment to quality and innovation. The Temporary Art Program is designed to create a mutually beneficial partnership between the Town of Estes Park and artists working both within and outside of the community.

Selected artists enter into a standard lease agreement with the Town of Estes Park for each piece of artwork proposed for a site. The length of the lease may be for six months or one year. A ten-percent (10%) sales commission is collected for any artwork sold.

SELECTION OF ARTWORKS

Selection of an artwork may be Parks Advisory Board, or otherwise, initiated. This policy applies to both. An additional “Donation Policy” applies to donations.

Direct Purchase: The Parks Advisory Board may purchase existing artwork from an artist/owner in unique circumstances (e.g. when the price presents an economic advantage) or to meet one of the AIPP program goals. The Parks Advisory Board may approach an artist or an artist may approach the PAB.

Artists who have finished work that they wish the PAB to consider for purchase should submit the following to the PAB:

1. A proposal sheet with the artist's name, title of the artwork, dimensions, medium, date produced, price, location, number of reproductions, restrictions on reproduction, and other information the artist deems pertinent.
2. A resume and references.
3. A maquette and/or images or the actual work for review. (Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work).
4. A cover letter explaining why the work should be added to the Town's public art collection.
5. A conservation assessment describing the artwork's condition, along with a maintenance plan. (The plan should include an explanation of the expected life span of the work while placed in a public environment, specifying the type of environment in which the artwork may be placed. It should also discuss whether the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated; it should be authored by the artist or a qualified conservator.)
6. The PAB may request additional information.

The PAB typically reviews direct purchases twice per calendar year; however, exceptions can be made if deemed appropriate by a majority of the Board.

Open Competitions: Competitions are open to artists within the geographic limits and other specifications set by the PAB (which vary from competition to competition). The PAB strives to maintain balance between competitions involving local artists only and artists from a larger area. The PAB process for competitions is typically as follows:

1. The PAB provides a project description, budget, time schedule, and summary of duties and obligations;
2. The artist shall provide a maquette and site drawing (if appropriate), design, concept statement, budget, photographs, resume and references.
3. Proposals shall be considered by the jury and a final choice or choices will be presented to the PAB for acceptance. Jury composition varies and is determined by the PAB, but juries typically include representative(s) from the designated site and PAB representatives.
4. Entry materials will be returned to the artist only if appropriate packaging, postage and insurance are included with the entry by the artist. The names of selected artists may be obtained from the Chairperson of the Parks Advisory Board.

The Parks Advisory Board recognizes that works of art often significantly alter public places, becoming a major new presence in the environment. In recent decades, visual art has rapidly

evolved and diversified, creating at times a gap between visual art and its appreciation by the general public. The program shall endeavor to bridge this gap, by broadening community awareness of the issues involved in visual art and its historical context, and encouraging informed debate among all segments of the community.

The AIPP reserve fund shall not be used for: 1) Reproductions or unlimited editions of original work; 2) Objects that are mass produced; 3) Architectural rehabilitation, or historical preservation; or 4) Other works deemed inappropriate for the collection.

ARTIST SELECTION CRITERIA

When evaluating the possibility of working with a particular artist, the PAB generally considers:

- The artist’s experience with public art projects;
- The ability of the artist to work cooperatively and effectively with stakeholders;
- The artist’s presentation;
- The technical feasibility of a proposed project and the artist’s technical ability; and
- Other factors deemed by the PAB to be important.

ARTWORK AND SITE SELECTION

The PAB is charged with selecting sites for purchased or donated artwork. The PAB generally considers the following criteria in matching an artwork with a display site.

Display Standards:

1. Conceptual compatibility of the design with the immediate site environment;
2. Appropriateness of the design to the function of the site;
3. Compatibility of the design and location with a unified design character or historical character of the site;
4. Creation of a desirable environment for the general community by the design and location of the work or art;
5. Preservation and integration of natural features for the project;
6. Appropriateness of the materials and design to the expression of the artist’s concept;
7. Representation of a broad variety of tastes within the community and the provisions of a balanced inventory of art in public places to ensure a variety of style, design, and media throughout the community;
8. Visibility and accessibility;

9. Public safety;
10. Car and pedestrian traffic patterns, and other Right of Way considerations;
11. Site design: landscaping, irrigation, drainage, grading, lighting and seating;
12. Environmental impact such as noise, sound, light and odor;
13. Impact on operations functions of the Town;
14. Compatibility with the site function;
15. Susceptibility to vandalism;
16. Costs of site preparation;
17. Existing artworks in the site area;
18. Impact on adjacent property owners; and
19. Any other criteria deemed by the PAB to be important.

DEPARTMENT INPUT

Whether (1) working to select artwork for a designated site, or (2) selecting a site for an already acquired artwork, the PAB strives to get input from relevant Town departments. Relevant departments will typically be either (1) a department receiving artwork its building/grounds, or (2) a department whose general responsibilities will be materially impacted by the placement of artwork at a particular site.

The Chairperson of the PAB will contact the director of a relevant department(s) to discuss potential sites and will invite the director to serve on any formal selection committee. The PAB encourages participation by the relevant department director. Selection processes which are determined by the PAB, vary by project. The Chairperson of the PAB will ask the director of the relevant department to provide any concerns he or she has about the sites and/or their impact on department operations before a selection process begins.

POST-SELECTION PROCESS

Once a site has been selected, an installation plan will be developed by the PAB with input from the artist, donor, and contractor when appropriate. After installation, the designated representative(s) of the PAB and the relevant department director will meet to inspect the site.

At the time of an acquisition, whether by donation or purchase, the proposed budget for an artwork should cover costs of installation, which may include (1) plinths or other display

components; (2) site development, including landscaping and irrigation system installation or modification; and (3) an identification plaque.

CONTRACTS

Following the final selection of an artwork or artist, a written contract shall be prepared by _____(who?)_____ and approved by the Town Attorney. Executed contracts shall be filed with the Town Clerk and a copy placed in the artwork accession file managed by the Executive Director of the Cultural Arts Council of Estes Park.

PUBLIC DISCLOSURE

Currently, PAB meetings are held on the third Thursday of each month from 12:30 PM to 1:30 PM, in the Engineering Conference Room of the Estes Park Town Hall, unless a special meeting is called. PAB meetings are posted according to Town regulations and are open to the public. PAG agenda and minutes are provided to the Trail Gazette and Estes Park News newspapers to facilitate public input. Generally, a legal notice, including a photograph of the proposed donation is run in the newspaper to allow citizen comment. Feedback received is provided to the PAB prior to the second and final reading regarding the proposed installation. Under some circumstances, second reading may be waived.

DONATION POLICY

BACKGROUND AND DEFINITIONS

The Town of Estes Park's collection of more than __(#)__ public works of art (in 2015) consists in large part of donations from arts organizations and private parties. Needless to say, donations are an important part of the collection. The Estes Park *Art In Public Places* program has limited funds for administration, protection and maintenance. Likewise, there are a limited number of suitable municipal sites appropriate for the installation of artwork. To ensure the quality of the collection, the Town's Parks Advisory Board (PAB) uses the guidance in this policy to decide whether a proposed donation is appropriate for addition to the Town's collection. The PAB accepts only those works that will, in its discretion, further the goals of the AIPP program.

PROCESS FOR CONSIDERATION

The PAB requests that individuals or entities interested in donating an artwork follow these steps:

1. Submit a complete official donation application to the Chairperson of the Parks Advisory Board. This form may be obtained from the Town website or from the Town Clerk.
2. Provide a maquette and/or images or the actual work for review. Images can be provided electronically or by hard copy and should show all sides and provide the proper scale of the work.
3. Include a cover letter explaining that you are offering the artwork to the Town as a gift and explain why the work should be added to the Town's public art collection.
4. Provide a copy of the artist's resume or biography; information about the artist's significance; and digital images showing a sampling of the artist's work.
5. Provide information about the artwork's provenance, exhibition history, and a current estimate of value. Include a letter of authenticity from the artist, if possible.
6. Provide a conservation assessment describing the artwork's condition, along with a maintenance plan. The plan should include an explanation of the expected life span of the work while placed in a public environment, stipulating the type of environment (interior/exterior) in which the artwork may be placed. The plan should also discuss whether the artwork may be prone to vandalism and how the effects of any vandalism may be mitigated; it should be authored by the artist or a qualified conservator.
7. The PAB may request additional information.
8. The PAB is unlikely to consider any donation that requires immediate or extensive maintenance.

The PAB typically reviews gifts twice per calendar year (in January and July); however, exceptions can be made if deemed appropriate by a majority of the PAB members. After review, the PAB may choose to accept or decline a gift or to table an offer.

REVIEW CONSIDERATIONS

In reviewing a potential donation, the PAB typically considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with the Town's existing public art collection, and budget. The PAB may consider other factors contained in its Acquisition Policy.

PUBLIC DISCLOSURE

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DE-ACCESSIONING POLICY

INTRODUCTION

De-accessioning is a procedure for withdrawing a work of art from the Town of Estes Park's public collection. The PAB is responsible for deciding whether any piece(s) should be De-accessioned. De-accessioning occurs only for good reason, in the PAB's discretion.

BASIS FOR DE-ACCESSIONING

The PAB may de-accession an artwork for one or more of the following reasons:

- The artwork endangers public safety;
- The artwork has been determined to be in unsatisfactory condition;
- The artwork lacks a suitable display site;
- The condition or security of the artwork cannot be reasonably guaranteed where located;
- The artwork is attached to a structure slated for destruction, remodeling or repair (so that it is not practical to keep the artwork);
- The artwork is or has become incompatible with the rest of the collection
- The Town wishes to replace the artwork with a piece of more significance by the same artist;
- The artwork requires excessive maintenance or it has faults of design or workmanship;
- The artwork is fraudulent or not authentic;
- The Town cannot properly care for or store the artwork; or

- For any other reason articulated by the PAB, in its discretion.

PROCESS/DISPOSITION

The PAB will review the pieces in the Town’s *Art In Public Places* collection – at least every five years – to determine whether any piece(s) should be de-accessioned. In addition, the Town reserves the right to de-accession an artwork at any time deemed appropriate by the PAB.

De-accessioning may only be considered during a monthly or a special meeting of the PAB. A majority of Board members in a quorum must approve de-accessioning for two consecutive votes. After the first vote, a public announcement of the plan to de-accession must be made to permit public input prior to the second vote. After the second vote, the artwork shall be officially de-accessioned from the Town collection.

The PAB may consider the following options for disposition of a de-accessioned artwork;

1. Return to the artist
2. Sale or trade
3. Destruction (which shall be reserved for works deteriorated or damaged beyond reasonably-priced repair);
4. Donation; or
5. Any option deemed appropriate by the PAB.

MAINTENANCE POLICY

GOAL

The goal of the AIPP Maintenance Policy is to maintain the Town’s collection of publicly owned artwork to ensure Estes Park citizens’ long-term enjoyment of the collection. The AIPP Maintenance Policy spells out the documentation, preservation, and maintenance processes that will support that goal. The AIPP Maintenance Policy will be implemented on a piece-specific basis that recognizes the value of each work of art in the collection.

DEFINITIONS

- A. The term “*Art In Public Places*” refers to any visual work of art displayed for two weeks or more in an open Town-owned area, on the exterior of any Town-owned facility, inside and Town-owned facility in areas designated as public areas, or on non-Town property if the work of art is installed or financed, either wholly or in part, with Town funds or with grants the Town has procured.
- B. The term “work of art or artwork” refers to, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving, and work of/piece of stained glass. The term “work of art” would not normally include landscaping, architectural ornamentation, or signs.
- C. “Documentation” includes, but is not limited to, periodic condition reports, records of actual maintenance performed and an assessment of those efforts, photographs, artist’s maintenance recommendations, methods and materials, information, potential problems with the work, finishes information (e.g., painters name; when, where, what, and how the piece was finished), quality of materials used, installation information, warranties and professional and other knowledgeable opinions regarding preservation and maintenance. The documentation may also include the artist’s resume, artwork history, where the work has been exhibited, and a personal interview with the artist.
- D. “Preservation” includes placement; installation; security; regularly scheduled maintenance and emergency repairs (with consideration to the natural process of aging).
- E. “Maintenance” will be preformed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection. Maintenance of outdoor artworks placed in landscaped settings may include regular pruning or, when necessary, re-planting to maintain desired sight lines for viewing the artwork. This plan will include measures to assess the ongoing effectiveness of preservation.

PROCESS

1. *Documentation.* The initial documentation will occur before a piece is accepted into the Town collection. A standardized form will be used for this purpose. The PAB, appropriate Town departments (Public Works, Parks & Recreation), Town Commissions, outside contractors, service people and experts may be asked to review this documentation. Documentation will reside in the records of the Cultural Arts Council of Estes Park and the Executive Director will be responsible for creating and maintaining the documentation. The PAB will use the projected cost of maintenance as one

consideration in its final determination of acceptance and placement. Although documentation and maintenance recommendation alone will not be used to specifically exclude artwork from the Town collection, but the recommendation may play a role in that final determination. (A documentation fund established in the Public Works Department budget will pay for documentation not obtained at acquisition.)

2. *Maintenance documentation.* When an artwork is accepted into the Town collection, an initial level of maintenance and a maintenance schedule will be established for it. The documentation will include a standard for regular maintenance (e.g. timing, type of maintenance) and identify any maintenance issues that may require special attention. Each medium will require knowledgeable people to develop maintenance criteria. In addition, the maintenance criteria may include future historic and aesthetic considerations for each piece. The maintenance documentation may be reviewed and revised as needed.
3. *Inspection and Condition Report.* In February of each year, the Executive Director of the Cultural Arts Council of Estes Park will initiate an inspection and condition report. Paid professional condition appraisers/conservators and/or knowledgeable volunteers, craftspeople or industry experts will perform the inspection for each piece. The inspection and condition report will become part of the permanent documentation of the specific piece and will reside with the Cultural and Arts Council of Estes Park.
4. *Regular maintenance.* Paid professionals and/or trained and supervised volunteers will perform regular maintenance according to the maintenance schedule and condition report for each specific piece during the second and third quarters of each year. The Executive Director of the Cultural Arts Center of Estes Park will initiate and coordinate the regular maintenance activities. Each exterior piece, not receiving hot wax or special treatment, will receive a cold wax treatment.
5. *Special Maintenance.* Paid professionals/craftspeople or knowledgeable volunteers will perform maintenance that requires specialized tools, equipment, or knowledge on an “as needed” basis. The Executive Director of the Cultural Arts Center of Estes Park in consultation with the PAB will use the condition report and/or site visits to determine need.
6. *Emergency Maintenance or Repair.* Paid professionals/craftspeople or knowledgeable volunteers will perform emergency maintenance/repair on an “as needed” timely basis as determined by the Executive Director of the Cultural Arts Center of Estes Park in consultation with the PAB.

IMPLEMENTATION

1. *Policy Implementation.* The Department of Public Works staff, Parks Department staff and Executive Director of the Cultural Arts Center of Estes Park will implement and monitor the AIPP Maintenance Policy and will report to the PAB each quarter, or more often if needed, on the status of art work maintenance. The Department of Public Works staff and Executive Director of the Cultural Arts Center of Estes Park will oversee the quality control, evaluation and corrective maintenance actions carried out by this policy.
2. *Funding.* Funding for maintenance will be established through a budget developed by the Department of Public Works and Parks Department staff and presented to the PAB each November. Funds will come from the AIPP reserve account. Maintenance funding will take precedent over art purchases.
3. *Contract Services.* Contracts with paid professionals/craftspeople will follow established Town guidelines and will be handled through the appropriate Town department.
4. *Quality Control.* The PAB believes in regulating the quality of maintenance to an established standard. Therefore the PAB will work over time to collect maintenance data (e.g. Lacquer vs. waxing, annual vs. biannual maintenance, professional vs. volunteer, etc.) The PAB, Executive Director of the Cultural Arts Center of Estes Park and Public Works Department staff will use this data to develop specific quality standards and devise ways to measure if the standards are met. Once established, the standards will be used to collect relevant data, analyze that data, and create corrective action plans as needed. The Public Works Department staff will identify specific areas of comparison (e.g. using multiple contractors and comparing the results of their work) and documenting specific maintenance challenges and failures (and their solutions).
5. *Policy Review.* Annually, in November, PAB members, the and/or the Director of Public Works will recommend changes to the AIPP Maintenance Policy to the PAB.
6. *Attachments.* Forms to be used to implement the policy are attached as exhibits to the policy and will be modified as needed during the annual policy review process.

PLACEMENT IN THE PUBLIC RIGHT OF WAY

GOAL

The goal of this policy is to develop a framework for the consideration of art work that will enhance the community, the travel corridor of the right-of-way. The policy does not rule out

any particular application, as every installation should be weighed related to the location, the factors noted below, as well as the other impact values.

Leadership for consideration of all projects and installations rests primarily with the Town of Estes Park Parks Advisory Board. Staff liaison support is provided through the Public Works Department and in cases that impact the ROW Public Works will guide the process of securing collaborative support from other departments.

Public Works can and will provide support, professional expertise, and advisement as needed for installations selected by the PAB. Primary contact will be through the Public Works Director and any staff member who will be supporting the project(s). In installations that involve CDOT ROW Public Works will develop a plan to address the separate contracts, review, and inspection requirements necessary with these projects; this may include cost considerations for project management if the size of the installation is large.

The Town of Estes Park utilizes the **Manual of Uniform Traffic Control Devices (MUTCD)** when determining uses, signage, visual sightline requirements, and other issues that impact the ROW. The MUTCD is nationally accepted as the primary standard for these requirements.

INSTALLATIONS ADJOINING THE ROW

When considering installations along the ROW the following factors shall be considered by Public Works in making a determination about a particular installation.

1. ADA requirements
 - A. For example: does the installation impact the egress of handicapped individuals?
2. Impact on flow of pedestrians, bicycles, or traffic
 - A. For example: does the installation cause undue interruption of the flow of individuals on a sidewalk or cross walk
3. Safety Impacts
4. Maintenance requirements that may be created by the installation

INSTALLATIONS WITHIN THE ROW

When considering installations in the ROW the following factors must be considered and resolved collaboratively with all stakeholders, with Public Works making a final determination about a particular installation.

1. ADA requirements
2. Impact on flow of pedestrians, bicycles, or traffic
3. Maintenance requirements that may be created by the installation.
4. Safety impacts
 - A. Does the installation cause undue distraction for drivers, so that vehicles are more likely to cause accidents from slowing or disorientation?
 - B. Does the installation cause a blockage of sightlines such that safety for drivers, pedestrians, or cyclists is compromised?
 - I. These sightlines will be different in each installation so size may be a factor at certain locations. For example in an installation at a traditional intersection location close to the sightlines at the corners may create a significant hazard; or within roundabout installations that create blind spots for drivers related to pedestrians will create a significant hazard.
 - II. Height of installations is not generally an issue except when a foundation structure is required that may limit visibility for pedestrians in wheelchairs or may cause drivers to “rubber neck” for better viewing.
 - C. In installations that are within the ROW project planners must be sensitive to pieces that may draw pedestrians into the traffic flow for viewing. In roundabout situations this is a critical factor as these traffic designs are developed to keep speeds relatively high and do not have clear locations for drivers to stop, generally roundabout islands are not designed in such a manner as to accommodate pedestrian traffic. If a piece is designed into a roundabout prior to construction it may be possible to create and place design elements that can accommodate these issues. It is also recommended that placement of recognition for pieces (artist signatures, piece descriptions, etc.) are placed outside of the roundabouts flow of traffic versus on the island itself.

ACKNOWLEDGMENTS

The Estes Parks Advisory Board would like thank the following and acknowledge their valuable input to development of these guidelines.

City of Loveland, Colorado, Visual Arts Commission

Town of Vail, Art In Public Places Strategic Plan

Greeley Art Commission and City of Greeley, Colorado, Art Master Plan

City of Grand Junction, Colorado, Art In Public Places Program

TOWN OF ESTES PARK MUNICIPAL CODE

Chapter _____ - Art In Public Places

Section _____ # _____ - Purpose

The purpose of this chapter is to provide a means to fund the acquisition of works of art by the town, which shall become the town’s collection, to provide a means to select works of art for the collection, to provide for the display of the collection and to provide for the maintenance and repair of the works of art in the collection.

Section _____ # _____ - Definitions

For the purposes of this chapter the following words or phrases shall be defined as set out below:

- A. “Art in public places” means any visual work of art displayed for two weeks or more in an open town-owned area, on the exterior of any town-owned facility, inside any town-owned facility in areas designated as public areas, or on non-town property if the work of art is installed or financed, either wholly or in part, with town funds or grants procured by the town.
- B. “Parks Advisory Board” means the board created and codified in Section ____#____ of this code.
- C. “Reserve account” means the art in public places reserve account established by this chapter.
- D. “Work of art” means all forms of original creations of visual art, including but not be limited to:
 - Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;
 - Sculpture of any form and in any material or combination of materials. This includes statues, monuments, fountains, arches, or other structures intended for ornamentation or commemoration;
 - Crafts and folk art works in clay, fiber, textiles, glass, wood, metal, mosaics, plastics, and other materials; or
 - Site-integrated artwork created by landscape designers and artists which includes landscapes and earth-works, integration of natural and human made materials, and other functional art pieces. Site-integrated works may include building features, gates, street furniture, and paving materials.

Section _____ - *Funds for works of art*

1. The Town Board shall allocate in its annual General Fund Budget, funds for an *Arts In Public Places* program. The funds shall be placed in the reserve account for the AIPP program and may be expended as defined in Section _____ - *Art In Public Places Reserve Account* below.
2. The Town Board shall allocate in its annual General Fund Budget for the Department of Parks and Recreation, or other appropriate department, funds sufficient to provide the recommended maintenance of all public artworks in the Town collection.
3. Patrons may donate a piece of art to the Town of Estes Park for the AIPP program. In accepting a donation, the Town expects that funds for the transport, site preparation and installation of the piece will accompany the donation. The funds shall be placed in the reserve account for the AIPP program and may be expended as defined in Section _____ - *Art In Public Places Reserve Account* below.
4. Patrons may donate funds for the acquisition of a piece of art for the AIPP program. In accepting the donation, the Town will allocate a portion of the donation for the transport, site preparation and installation of the piece. The funds shall be placed in the reserve account for the AIPP program and may be expended as defined in Section _____ - *Art In Public Places Reserve Account* below.
3. An artist may donate a piece of art to the Town for the AIPP program. In accepting the donation, the Town may accept responsibility for funding the transport, site preparation and installation of the piece.

Section _____ - *Art In Public Places Reserve Account*

There is established a reserve account within the general fund to be known as the *Art In Public Places* reserve account. Such reserve account shall be credited with such funds as determined by the town board and with all funds received by the town for visual art in public places, whether contributed, secured through grants or otherwise obtained. Moneys credited to such account shall be expended only for acquisition of works of art, installation, maintenance and repair of works of art, costs associated with de-accessioning works of art, and expenses of administration of this chapter. Any excess or unexpended funds in the AIPP reserve account shall carry forward in this account at the end of each fiscal year.

(Ord. # _____, date).

Section _____ - Administration

Responsibility for administration of the Art In Public Places program shall rest with the Parks Advisory Board, with administrative support from The Department of Public Works and curatorial support from Cultural Arts Council of Colorado. The Board shall establish and amend, with Town Board approval, criteria and guidelines governing the selection, acquisition, purchase, commissioning, placement, installation, and maintenance of works of art. Selection and placement of works of art shall be in conjunction with representatives of the Town Board the Town department in which the artwork will be located. Following placement or installation, maintenance and repair of the artwork shall be the responsibility of the department having possession of the work, with the advice and guidance of the Parks Advisory Board and the Cultural Arts Council of Colorado. Any proposed works of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation or maintenance.

Section _____ - Curatorial Support

The Cultural Arts Council of Estes Park shall maintain a detailed record of all art in public places, including site drawings, photographs, designs, names of artists, and names of architects whenever feasible.

Section _____ - Ownership

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the Town of Estes Park. (Ord.#_____, date)

Section _____ - Exemptions

The following are exempt from the provisions of this chapter:

- A. All works of art in the collections of, or on display at, or under the auspices of, the Estes Valley Public Library and The Estes Park Museum.
- B. All works of art on display in private town offices or other areas of town-owned facilities which are not generally frequented by the public. (Ord.#_____, date)

Passed and adopted this ____ day of _____, 2015.