

# **CITY COMMISSION WORK SESSION**

City Hall Commission Chambers

Monday, February 16, 2015

6:30 p.m.

MEETING #4995

## **WORK SESSION**

1. Discussion of Public Art

# Memorandum

*To: City Commission*  
*From: Ernestor De La Rosa, Asst. to  
the City Manager*  
*Date: February 16, 2015*  
*Subject: Public Art*  
*Agenda Item: Work Session*

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**Recommendation:** Attached is a draft of the ordinance for the Public Art in Public Places Program. Before we ask for your approval, we would like to get more input from the city commission in regards to the program's funding mechanism. We also would like to hear any questions, comments or concerns about the proposed program.

**Justification:** The goal of Dodge City's Art in Public Places Program is to provide original artworks that are easily accessible to the general public throughout the City. The program is being designed to offer a wide range of artistic styles, themes, and media, all of outstanding quality. The promotion of art in public places adds to Dodge City's quality of life and aesthetic appreciation for the arts which can be used as a strong economic development tool.

**Financial Considerations:** The proposed ordinance would require the City Commission to set aside a certain percentage from all bonded City capital improvement projects and would also require private developers to contribute a specific percentage of their total construction costs for developments to the program.

**Purpose/Mission:** The proposed program is consistent with the City's Core Purpose of "Together We Serve to Make Dodge City the Best Place to be."

**Legal Considerations:** The ordinance has been revised and reviewed by the City Attorney.

**Attachments:** A draft of the Public Art ordinance and policy manual.

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**Ordinance No. 2015-\_\_**

AN ORDINANCE ESTABLISHING AN ARTS IN PUBLIC PLACES ADVISORY COMMITTEE AND PROVIDING PROCEDURES FOR FUNDING, GOVERNING, APPROPRIATIONS AND EXPENDITURES FOR A PUBLIC ART PROGRAM FOR DODGE CITY, KANSAS.

WHEREAS, research indicates that state and local funding for the arts has a measurable positive financial impact on a state's or local area's economic vitality; and

WHEREAS, the promotion of art in public places adds to a community's quality of life and aesthetic appreciation for the arts which can be used as a strong economic development tool; and

WHEREAS, a public art program can create aesthetically pleasing environments within Dodge City buildings, parks, and other public places; and

WHEREAS, the Dodge City Commission hereby endorses establishment of the art in public places program:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DODGE CITY, KANSAS:**

**SECTION I. ESTABLISHMENT OF ARTS IN PUBLIC PLACES ADVISORY COMMITTEE:**

- A. There is hereby established an Art in Public Places Advisory Committee for the City of Dodge City (the "Public Arts Committee"). The Public Arts committee shall consist of 5 members including 3 residents of Dodge City and 2 City staff appointed by the City Commission for a term of 3 years.
- B. The purpose of the Public Arts Committee shall be to:
  - a) Provide advice and counsel to the City Commission regarding the selection and placement of Public Artwork throughout the City;
  - b) Develop and recommend for City Commission approval, policies and procedures for the operation of the Public Arts Committee regarding the selection and

acquisition of Public Artwork and the placement of the same throughout the City;

- c) Develop and recommend for City Commission approval, policies for the determination of eligibility of Public Artwork for funding from the Public Art's Fund and for fiscal management of such fund;
- d) All recommendations of the Public Arts Committee shall be subject to the final approval by the City Commission

SECTION II. ESTABLISHMENT OF PUBLIC ARTS FUND:

- A. There is hereby established a fund entitled the "Public Arts Fund", which fund shall be reserved for the financing and funding of the design, selection, acquisition, creation, installation and placement of Public Artwork within the City of Dodge City.
- B. All monies resulting from compliance with Section III of this ordinance, and any other grants, awards or funds contributed or obtained for the purpose of the support of Public Art shall be deposited in the Public Arts Fund, which fund shall be maintained and managed by the City Clerk. Any and all interest earned on investment of said funds shall be deposited in, and become a part of, the Public Arts Fund.

SECTION III. FUNDING FOR PUBLIC ART:

- A. From and after the effective date of this ordinance, the City Commission shall annually commit to the Public Arts Fund, as provided for herein, an amount equal to not less than one percent (1%) of the total construction cost of all bonded City capital improvement projects which funds shall be used for the purpose of acquisition, purchase, and installation of Public Artwork in public places within the City of Dodge City.
- B. From and after July 1, 2015, private owners or developers constructing within the City of Dodge City any new office, lodging, retail, service, commercial, wholesale, transportation or industrial

development or renovating, re-developing or expanding such existing projects, including multi-family residential projects with five or more dwelling units, the total cost of which exceeds the amount of \_\_\_\_\_ shall provide Public Artwork as approved by the Public Arts Committee as a part of such project or development. The Public Artwork selected by the owner or developer must have an invoiced cost or appraised value equal to \_\_\_\_\_ % of the cost of the development and construction of the project, including associated site work and signage.

- C. As an alternative to providing Public Artwork as set out in paragraph B. above, owners or developers may make a donation to the Public Arts Fund in an amount equal to or greater than \_\_\_\_\_% of the cost of development, construction and associated site work and signage.

SECTION IV. DEFINITIONS: For purposes of this Policy the following terms shall have the following meanings:

- A. Capital Improvements: Means the construction of any new, or renovation of any existing, City buildings, facilities, utilities, parking facilities (including parking lots), street improvements, streetscape improvement projects, bridges, park land, and recreational facilities, any of which require city bonds to be issued for such projects and which are included in the annual Capital Improvement Plan.
- B. Costs: The contracted amount or engineer’s estimated amount of the cost of construction or renovation of buildings and structures of any type and includes design, engineering and other soft costs and expenses, including landscaping.
- C. Public Artwork: Pieces of visual art placed on public or private property selected and approved in accordance with procedures of the Public Arts Committee and approved by the Dodge City Commission.

SECTION V. DEVELOPMENT OF PROCEDURES FOR PUBLIC ARTWORK:

- A. The process for selection and placement for Public Artwork will be the responsibility of the Public Arts Committee subject to final approval by the Dodge City Commission.
- B. To facilitate the placement of art in public places, the Public Arts Committee shall develop policies and procedures for the creation, selection, eligibility, acquisition and placement of Public Artwork, a draft of which policies and procedures shall be submitted to the City Commission within 6 months of the date of enactment of this ordinance for review and adoption by the Dodge City Commission.
- C. The City Manager's Office will provide staff assistance in the preparation of such policies and procedures and the implementation of the Public Arts Committee's activities regarding projects eligible for funding.
- D. In the development of said policies and procedures the Public Arts Committee shall consider the following:
1. Efforts will be made to obtain a majority of the art work from local and regional sources;
  2. Art pieces will be selected by open competition, limited competition, and direct selection;
  3. Regional and national artists, as well as local artists, will be seriously considered;
  4. Projects conceived and executed by a design team (artist and architect working together) shall be considered.
- E. The Public Arts Committee will develop programs to educate the community before and after the installation of the art work.

F. The Public Arts Committee is encouraged to work with private corporations for the development of programs providing works of art as part of any building construction.

SECTION VI. EFFECTIVE DATE:

This ordinance shall be effective upon one publication in the Dodge City Daily Globe.

**ADOPTED** this \_\_\_\_ day of February, 2015.

City of Dodge City, Kansas

By \_\_\_\_\_  
Brian Delzeit, Mayor

Attest: \_\_\_\_\_  
Nannette Pogue, City Clerk

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