



**Request for City Council Committee Action
From the Minneapolis Arts Commission,
the Planning Department and the City Coordinator**

Date: February 11, 2003

To: Community Development Committee

Referral to: Ways and Means Committee

Subject: Gift of Art from Greater Minneapolis Convention and Visitors Bureau (GMCVA)

Recommendation

- a. Approval of initial acceptance of the proposed gift, including the preliminary design of the proposed gift; and Approval of Resolution.
- b. Direct the appropriate City officials to enter into an agreement outlining the terms of the proposed gift.
- c. As part of the contract between the City and GMCVA, the duration of the exhibit will be reviewed by the Arts Commission, the frequency to be negotiated during the contract process.

Please Note: Minnesota Statute sec. 465.03 requires that acceptance of gifts by the City "be made by resolution of the governing body adopted by two-thirds majority of its members, expressing such terms in full."

Previous Directives

- None

Prepared by: Mary Altman, Public Art Administrator

Approved by: The Minneapolis Arts Commission on January 22, 2003

Jennifer Haugh, Chair, Minneapolis Arts Commission _____

Chuck Ballentine, Planning Director _____

John Moir, City Coordinator _____

Presenters in Committee: Mary Altman, Public Art Administrator, Mick Spense, Minneapolis Arts Commission, Karyn Gruenberg, GMCVA

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget. (Action is within the Convention Center Budget

(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

Neighborhood Notification: None

City Goals: None

Comprehensive Plan: 6.5, 6.6

Zoning Code: None

Other: Public Art Values and Goals—4.2.6. Use Resources Wisely: Develop and sustain projects in a cost-effective manner.

Background

The Minneapolis Arts Commission reviewed a proposal from the Greater Minneapolis Convention and Visitors Bureau (GMCVA) on January 22, 2003 for a gift of a work of art for the Minneapolis Convention Center. (See attached Request for Commission Review for details.) The Commission determined that in an absence of a clear process as to acceptance of gifts and loans of public art to the City of Minneapolis, the presentation should be judged solely on the merits of the City's existing Public Art Values & Goals. (Policies for gifts and loans will be reviewed by the Commission this year.)

Following the presentation by members of the GMCVA and Convention Center and artist Anthony Whelihan, Public Art Administrator Mary Altman made a staff recommendation to accept the gift. Three members of the public were invited to speak and each expressed concerns regarding the lack of public call for artists for the space. The Commission held a question-and-answer period with the presenters. During discussion Commissioners expressed the following reservations and questions about the project before voting:

- Discomfort with last-minute changes or incomplete portions of the project
- Difficulty visualizing the panels in relation to the space and conflicting information on the way the dimensions of the artwork and the space
- The need for more information as to how the community will be involved in creation, celebration and design approval
- The degree to which passing traffic could absorb the complex visual information
- The tenure of the project's exhibition, which is yet undetermined
- Absence of a public request for proposals from other artists
- The need to for GMCVA to work with the Division of Cultural Affairs and the Minneapolis Arts Commission more closely as the project moves forward
- Reinforcement of the lack of public financial support for public spaces of this magnitude

After discussion, the Commission determined, that in light of the budget concerns of the City, the good faith effort by the GMCVA, the opportunity for future public art projects in the City and recommendations by staff, to recommend to the City Council approval of initial acceptance of the proposed gift. The Commission also approved a recommendation that, as part of the contract between the City and GMCVA, the duration of the exhibit be reviewed the Arts Commission, the frequency to be negotiated during the contract process.

The Commission's materials also included preliminary terms outlined by staff for a proposed contract between the City and GMCVA. Based on those terms, the Commission recommends the Council direct the appropriate City Officials enter into an agreement with GMCVA for the proposed gift. The following have been reviewed by GMCVA and are recommended conditions of the proposed gift:

Conditions of the Proposed Gift

CONDITIONS FULLFILLED BY THE CITY OF MINNEAPOLIS (MCC and Planning Department):

- a. **Site Description:** MCC will provide complete description of the site where the City has agreed to display the artwork.
- b. **Integrity of the Artwork:** The City will respect the ongoing integrity of the artwork and the artist's intent to the best of its ability.
- c. **Public Access:** The City and the MCC will ensure ongoing public access to the artwork for as long as it is displayed.
- d. **Costs:** The City and the MCC will cover the administrative costs, the costs of review by structural engineers, if needed, and an art conservator and the costs of ongoing insurance of the artwork after Final Acceptance.
- e. **Modification of the Space:** The MCC will make and finance the necessary modifications to create the appropriate temperature climate to support an artwork, if needed.
- f. **Records:** Upon Final Acceptance of the artwork, the City's Public Art Administrator will enter the artwork into the artwork database and fixed asset database. The Public Art Administrator shall also maintain an active file and archive of the artwork, including information on all maintenance and damage done to the art.
- g. **Maintenance:** The Public Art Administrator shall oversee the development of the Maintenance plan and shall supervise ongoing maintenance of the artwork, in cooperation with the MCC, for as long as it is in the City's possession and according to City public art policy.
- h. **Termination of the Contract:** The contract will include terms whereby GMCVA can terminate the contract, prior to the completion of the artwork, such as withdraw of sponsor.

CONDITIONS FULLFILLED BY GMCVA AND ITS PARTNERS (THE ARTIST, FABRICATOR AND SPONSOR):

- i. **Artwork Description:** Providing a complete description of the artwork under commission, all materials, dimensions, estimated cost of production and installation and profile of the sponsor, as approved by the City.
- j. **Costs of Production and Installation:** GMCVA shall be responsible for all costs related to the production and installation of the artwork. If necessary, this includes the cost of repairs for any damage done to the MCC or the artwork during creation and installation.
- k. **Community Involvement:** GMCVA shall invite nearby community organizations to their March 20th, 2003 annual meeting for a presentation about the artwork and for the purpose of informing nearby residents and businesses about the project.
- l. **Technical Review and Warrantee:**
 - On-site testing of the art media and technology to determine what is needed in order for it to effectively work in the space, structurally and in terms of lighting and reflection issues;

- Modification of the artist’s structural and fabrication methods according to the recommendations of an outside structural engineer, art conservator and appropriate City staff and experts;
 - Full warrantee guaranteed by GMCVA, the artist and manufacturer for all of necessary repairs and replacements related to inherent design flaws;
 - An assessment of the need for additional lighting and a commitment to fund such lighting if needed.
- m. **Insurance Coverage:** GMCVA and its partners will be responsible for appropriate insurance coverage during the creation and installation of the artwork, including general liability, auto and worker’s compensation.
 - n. **Installation:** Cooperation with MCC staff and schedule on the installation of the artwork, including full responsibility for all installation procedures and equipment, working with appropriate MCC contacts and limiting noise if necessary the needs of convention groups.
 - o. **Records:** GMCVA will provide the City with copies of all pertinent records for the artwork archive. This shall include a copy of the artist’s contract.
 - p. **Maintenance/Conservation:** Commitment for funding of ongoing maintenance for the artwork and lighting to the artwork, for as long as the artwork is displayed, and restoration of the space at when the artwork is removed. Development of a maintenance plan, consistent with the City’s Public Art Policies, and in cooperation with the artist, an art conservator and the City’s Public Art Administrator.
 - q. **Communication:** Ongoing communication with the MCC Manager, the Public Art Administrator and on project progress and changes.

CONDITIONS FULLFILLED JOINTLY BY GMCVA, ITS PARTNERS AND THE CITY OF MINNEAPOLIS:

- r. **Project Oversight Committee:** A project steering committee shall be created representing all parties, including GMCVA, the artist, fabricator, the sponsor, the MCC and the Public Arts Administrator, to share information about all planning regarding the artwork and it’s installation and dedication, to conduct preliminary design approvals and to address problems along the way.
- s. **Public Relations:** Ongoing collaboration between GMCVA, the Public Art Administrator and the City Communications Department on all project publicity and media relations. Determine requirements for attributions and publicity of artist, GMCVA and the sponsor.
- t. **Copyright Issues:** A description of artist, GMCVA, sponsor and City copyright and reproduction privileges, consistent with City Public Art Policies and the 1990 Visual Artist’s Rights Act;
- u. **Unforeseen Circumstances:** A provision outlining each partner’s responsibilities should unforeseen circumstances interrupt the installation or display of the artwork.
- v. **Modification, Removal or Deaccession of the Artwork:** Barring unforeseen circumstances, the City will exhibit the artwork in the site for ten years, at which time the Minneapolis Arts Commission will assess whether it should remain on display. This provision will also outline circumstances in which the City and GMCVA may

revisit this contractual obligation or may modify, remove, or deaccess the artwork, i.e. Irreparable damage.

- w. **Signage:** An agreement by all parties of the type of signage that will be provided for the artwork, including credits to all parties.
- u. **Final Acceptance:** Final Acceptance of the Artwork, according to City policy, including approval by the Minneapolis Arts Commission and the City Council.

Supporting Information Attached

Resolution

Proposal from GMCVA to the Arts Commission

Amendment from GMCVA to the Arts Commission

Recommendation from Public Art Administrator

Resolution

Approving Acceptance of a Gift of Public Art from Greater Minneapolis Convention and Visitors Association the for the Minneapolis Convention Center on February 28, 2003.

Whereas the Minneapolis Convention Center includes an 300 foot long wall along 3rd Avenue at 12th Street that is intended to provide a public art showcase; and

Whereas the Greater Minneapolis Convention and Visitors Association (GMCVA) has proposed a work of public art by Anthony Whelihan for this showcase; and

Whereas GMCVA has secured an extremely generous sponsorship, which will cover all the direct costs of producing and maintaining this proposed artwork; and

Whereas it is the intention of GMCVA to give this proposed artwork to The City of Minneapolis; and

Whereas, in light of the budget concerns of the City, the good faith effort by the GMCVA, the opportunity for future public art projects in the City and recommendations by staff, the Minneapolis Arts Commission recommends approval of the preliminary design of the proposed gift; and

Whereas State Statute sec. 465.03 requires acceptance of gifts by the City “be made by resolution of the governing body adopted by two-thirds majority of its members, expressing such terms in full.”

Now, Therefore, Be It Resolved that The City Council of The City of Minneapolis:

Approves initial acceptance of a gift of public art from Greater Minneapolis Convention and Visitors Association for the Minneapolis Convention Center:

Be It Further Resolved that The City Council of The City of Minneapolis approves the preliminary design of the proposed work of art by Anthony Whelihan; and

Be It Further Resolved that The City Council of The City of Minneapolis directs the appropriate City officials to enter into an agreement outlining the terms of the proposed gift that is consistent with City contract and public art policy; and

Be It Further Resolved that The City Council of The City of Minneapolis recommends the Minneapolis Arts Commission periodically review the tenure of the City's display of the proposed gift, at a frequency to be negotiated between all parties; and

Be it Further Resolved that The City Council of The City of Minneapolis directs the City Coordinator and Planning Departments to bring Final Acceptance of the proposed art work before the Minneapolis Arts Commission and the Minneapolis City Council upon the artwork's completion and according to the City's policy for Final Acceptance of Artworks.