

**IN PUBLIC PLACES** *handbook of guidelines*

*visual arts commission*  
CITY OF LOVELAND

- 3** Introduction
- 5** City Ordinances
- 11** Acquisition Policy
- 17** Donation Policy
- 21** Deaccessioning Policy
- 23** Maintenance Policy
- 27** Right of Way Policy
- 31** Commission & Contact

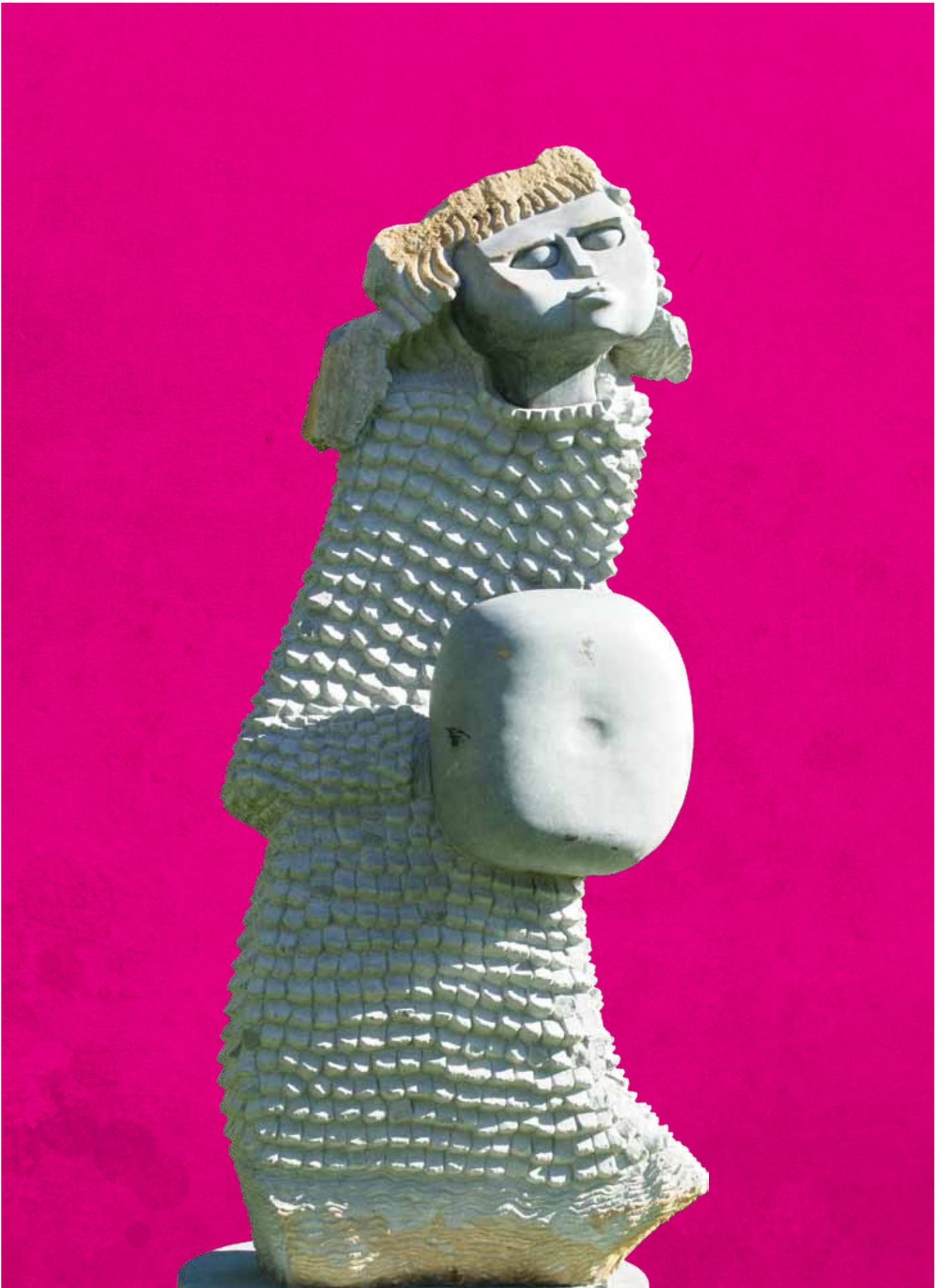
## INTRODUCTION

Loveland made an early commitment to the arts by becoming the first City in Colorado to adopt an Art In Public Places Ordinance in 1985. Numerous community volunteers have participated in events that have supported the arts for the past 36 years. It has truly been a grassroots effort.

The vision, hard work and collaborations of Loveland residents and organizations have created a large, diverse public art collection that creates a sense of place, provides a unique identity and serves as an economic driver.

Public art is meant to be encountered as we carry on our daily lives—on the way home or to the grocery store; in front of a bank; in a neighborhood; in parks; and in many unexpected places.

The underlying goal of the policies in this book is to enhance our public spaces.



# 1 *city ordinances*

City ordinances 3214 and 3227 establish the Art in Public Places program and the Visual Arts Commission. These ordinances have been in place since 1985 and have been instrumental in establishing Loveland as a model of public art in Colorado.

## CHAPTER 12.60 *Art in Public Places*

### *Section 12.60.010*

#### **PURPOSE**

The purpose of this chapter is to provide a means to fund the acquisition of works of art by the city, which shall become the city'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. (Ord. 3214 § 1 (part), 1985)

### *Section 12.60.020*

#### **DEFINITIONS**

For the purpose 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 city-owned area, on the exterior of any city-owned facility, inside any city-owned facility in areas designated as public areas, or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city.
- B.** "Commission" means the visual arts commission created and codified in Section 2.60.260 of this code.
- C.** "Construction cost" means actual cost of any construction project with an estimated construction cost of fifty thousand dollars or more, excluding, however, engineering and administrative costs, costs of fees and permits and indirect costs, such as interest during construction, advertising and legal fees.
- D.** "Construction project" means the construction, rehabilitation, renovation, remodeling, equipping or improvement of any building, street, park, utility line or other public improvement by or for the city, including all associated landscaping, parking and the like, but excluding any improvements made by any special improvement district and any other improvements excepted by the city council from the requirement of Section 12.60.030 of this chapter after a public hearing thereon.
- E.** "Reserve account" means the art in public places reserve account established by this chapter.
- F.** "Work of art" includes, but is not limited to, a sculpture, monument, mural, fresco, relief, painting, fountain, banner, mosaic, ceramic, weaving, carving and stained glass. Work of art would normally not include landscaping, paving, architectural ornamentation or signs. (Ord. 3214 § 1 (part), 1985)

### *Section 12.60.030*

#### **FUNDS FOR WORKS OF ART**

There shall be included in all estimates of necessary expenditures and all requests for authorizations or appropriations for construction projects an amount for works of art equal to at least one percent of the construction cost. If any project is partially funded from any source which precludes art as an object of expenditure of funds, then this section shall apply only to the amount of funds not so restricted. All funds set aside

for works of art shall be paid into the reserve account.  
(Ord. 3214 § 1 (part), 1985)

#### *Section 12.60.040*

##### **ACCOUNT ESTABLISHED**

There is established a reserve account within the general fund-capital to be known as the art in public places reserve account. Such reserve account shall be credited with such funds as determined by the city council and with all funds received by the city for visual art in public places, whether contributed, earned, secured through grants or otherwise obtained. Moneys credited to such account shall be expended only for acquisition of works of art, maintenance and repair of works of art and expenses of administration of this chapter. (Ord. 3214 § 1 (part), 1985)

#### *Section 12.60.050*

##### **ADMINISTRATION**

The visual arts commission shall administer the provisions of this chapter relating to acquisition of works of art and display. The Loveland Museum shall provide administrative support and assistance to the commission as necessary to accomplish the purposes of this chapter, and shall be reimbursed for actual expenses incurred as expenses of administration. The commission shall submit, not later than March of each year, a report of its activities for the prior year. (Ord. 3214 § 1 (part), 1985)

#### *Section 12.60.060*

##### **GUIDELINES**

The commission shall adopt guidelines:

- A.** To identify suitable art objects for city buildings;
- 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; and
- E.** To set forth any other matter appropriate to the administration of this chapter. (Ord. 3214 § 1 (part), 1985)

#### *Section 12.60.070*

##### **SELECTION & DISPLAY STANDARDS**

In performing its duties with respect to art in public places, the commission shall give special attention 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. (Ord. 3214 § 1 (part), 1985)

#### *Section 12.60.080*

##### **DISPLAY OF ART IN PUBLIC PLACES**

- 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 city. Works of art owned by the city may also be loaned for exhibition elsewhere, upon such terms and conditions as deemed necessary by the commission. City officials responsible for the design and construction of public improvements in the city shall make appropriate space available for the placement of works of art, in consultation with the commission. The commission shall advise the department responsible for the particular public improvement of the commission's decision regarding the design, execution and placement of work of art in connection with such project. For any proposed work of art requiring an extraordinary operation or maintenance expense, the commission 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 commission. None shall be removed, altered or changed without the prior review and approval of the commission.
- C.** 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 commission, acting on behalf of 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. 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 director and the Loveland Museum 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 director shall attempt to give appropriate recognition to the artists and publicity and promotion regarding art in public places. (Ord. 3214 § 1 (part), 1985)

### *Section 12.60.090*

#### **OWNERSHIP**

All works of art acquired pursuant to this chapter shall be acquired in the name of, and title shall be held by, the city. (Ord. 3214 § 1 (part), 1985)

### *Section 12.60.100*

#### **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 Loveland Museum and the Loveland Public Library; and
- B.** All works of art in display in private city offices or other areas of city-owned facilities which are not generally frequented by the public. (Ord. 3214 § 1 (part), 1985)



CITY OF LOVELAND ORDINANCE 3227

**SECTION 2.60.280** *Visual Arts Commission*

There is established a visual arts commission. It shall consist of seven members appointed by the council who shall serve without compensation. The members shall serve for periods of three years each, except that the initial terms of two of such members shall expire on December 31, 1986, the initial terms of two such members shall expire on December 31, 1987, and the initial terms of three such members shall expire on December 31, 1988. All members shall be eligible for reappointment. The members shall be citizens who are actively interested in the visual arts and civic improvement. The director of the Loveland Museum and a member of the council shall serve as ex officio and nonvoting members. The function of such commission shall be to perform the duties set forth in Chapter 12.60 of this code, pertaining to the city's art in public places program. (Ord. 4211 § 1, 1996: Ord. 4168 § 4, 1996: Ord. 3227 § 1, 1985)





# 2

## *acquisition policy*

There's something for everyone in the public art collection. On City streets or in City buildings, a panoply of art graces our community.

# ACQUISITION *Policy*

## BACKGROUND AND DEFINITIONS

This policy provides a framework for acquiring works of art through the Loveland Art in Public Places Program (AIPP).<sup>1</sup> The Visual Arts Commission (VAC) is responsible for the acquisition and maintenance of such art. The VAC's ambition for Loveland's public art collection is for the collection to represent Loveland's significance as, and aspiration to be even more so, an artistic community.

For purposes of this policy, **Art in Public Places** is defined as any visual work of art displayed for two weeks or more in (1) an open City-owned area, (2) on the exterior of a City-owned facility, (3) in the interior of a City-owned facility (in public areas), or (4) on non-City-owned property if the work of art is installed or financed (either wholly or in part) with City funds or grants obtained by the City.

The terms **work of art** and **artwork** include, but are not limited to, a sculpture, monuments, murals, frescos, reliefs, paintings, fountains, banners, mosaics, ceramics,

weaving, carving, electronic media or stained glass. They would not normally include landscaping, architectural ornamentation, or signs.

## PROGRAM GOALS

The principal goals of the Loveland AIPP Program are:

1. To enrich the public environment for residents and visitors through the incorporation of the visual arts;
2. To nurture and enhance the attractiveness of the Loveland community;
3. To enable Loveland to attain recognition on state and national levels as a leader in the visual arts;
4. To increase public access to works of art and to promote understanding and awareness of the visual arts in the public environment;
5. To promote diversity and pluralism in public art and to reflect a wide range of multi-cultural expression;
6. To contribute to the economic vitality, quality of life, and civic pride of the Loveland community; and
7. To continue to support efforts to develop Benson Sculpture Garden as a sculpture park of national significance.<sup>2</sup>

*<sup>1</sup> In November, 1985, ordinances 3214 and 3227 were passed to provide a means to fund the acquisition of works of art by the City, which shall become the City'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.*

*Under the ordinances, 1% of the construction cost of each City project, with costs of \$50,000 or more, is placed in a reserve account for Art in Public Places (AIPP). A commission consisting of seven members, appointed by the City Council, administers the AIPP Program. For more information, see pages 4 – 7.*

## TYPES OF SELECTION

Selection of an artwork may be VAC, or otherwise, initiated.<sup>3</sup> This policy applies to both. An additional Donation Policy applies to donations.

**Direct Purchase:** The VAC 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 VAC may approach an artist or an artist may approach the VAC.

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

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 City'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 VAC may request additional information.

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

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

1. The VAC 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 VAC for acceptance. Jury composition varies and is determined by the VAC, but juries typically include a representative(s) from the designated site and VAC representatives.

<sup>2</sup> *The VAC 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.*

<sup>3</sup> *The AIPP 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.*

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 Public Art Manager.

### **ARTIST SELECTION CRITERIA**

When evaluating the possibility of working with a particular artist, the VAC 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 VAC to be important.

### **ARTWORK AND SITE SELECTION**

The VAC is charged with selecting artwork for capital projects (designated sites) and for selecting sites for purchased or donated artwork. In both cases, the VAC 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 of 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 City;
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 VAC 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 VAC strives to get input from relevant City departments. Relevant departments will typically be either (1) a department receiving artwork for its building/grounds, or (2) a department whose general responsibilities will be materially impacted by the placement of artwork at a particular site.

The Cultural Services Director 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 VAC encourages participation by the relevant department director. Selection processes,

which are determined by the VAC, vary by project. The Cultural Services Director 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 Cultural Services Staff with input from the artist, donor, and contractor when appropriate. After installation, the designated representative(s) of the VAC 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; and (3) an identification plaque.

### **CONTRACTS**

Following the final selection of an artwork or artist, a written contract shall be prepared by the Cultural Services Staff and approved by the City Attorney. Executed contracts shall be filed with the City Clerk.

### **PUBLIC DISCLOSURE**

Currently, VAC meetings are held on the first Thursday of each month at 5:00 p.m. in the conference room of the Loveland Museum/Gallery, unless a special meeting is called. VAC meetings are posted according to City regulations and are open to the public.

VAC agendas and minutes are provided to the Loveland Daily Reporter-Herald 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

VAC prior to the second and final reading regarding the proposed installation. Under some circumstances, second reading may be waived.







# 3

## *donation policy*

Donations have become the hallmark of Loveland's public art collection—primarily through the Loveland High Plains Arts Council purchases for Benson Sculpture Park. Approximately 72% of the collection has been acquired through generous donations from arts organizations, artists and private donors.

# DONATION *Policy*

## BACKGROUND AND DEFINITIONS

The City of Loveland's collection of more than 330 public works of art consists in large part of donations from arts organizations and private parties. Needless to say, donations are an important part of the collection. The Loveland Art in Public Places (AIPP) 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 City's Visual Arts Commission (VAC) uses the guidance in this policy to decide whether a proposed donation is appropriate for addition to the City's collection. The VAC accepts only those works that will, in its discretion, further the goals of the AIPP program.

## PROCESS FOR CONSIDERATION

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

1. Submit a complete official donation application to the Loveland Public Art Manager. This form may be obtained from the City website or from the Public Art Manager.
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 City as a gift and explain why

the work should be added to the City'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 VAC may request additional information.

Funds to maintain artworks in the City's collection are limited. Therefore, when accepting a gift into the City's collection, the VAC may require that the donor sign a maintenance agreement or establish a maintenance endowment to ensure an adequate quality of care for the artwork. The Commission is unlikely to consider any donation that requires immediate or extensive maintenance.



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

### **REVIEW CONSIDERATIONS**

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

### **PUBLIC DISCLOSURE**

Currently, VAC meetings are held on the first Thursday of each month at the Loveland Museum/Gallery, unless a special meeting is called. VAC meetings are posted according to City regulations and are open to the public.

VAC agendas and minutes will be provided to the Loveland Daily Reporter-Herald to facilitate public input during the process and a copy of the minutes will be sent to those who present a proposal. Generally, a legal notice, including a photograph of the proposed donation will be run in the newspaper to allow citizen comment regarding the donation.

### **BENSON SCULPTURE GARDEN & AIPP FOUNDATIONS COLLECTION**

The disclosure process described above may be modified by the VAC for artworks acquired for placement in the Benson Sculpture Garden or the AIPP Foundations Collection.



# 4

## *deaccessioning policy*

Occasionally a piece of art needs to be removed from the public art collection (deaccessioned).

# DEACCESSIONING *Policy*

## INTRODUCTION

Deaccessioning is a procedure for withdrawing a work of art from the City of Loveland's public collection. The Loveland Visual Arts Commission (VAC) is responsible for deciding whether any piece(s) should be deaccessioned. Deaccessioning occurs only for good reason, in the VAC's discretion.

## BASIS FOR DEACCESSIONING

The VAC may deaccession 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 City wishes to replace the artwork with a piece of more significance by the same artist;
- The artwork requires excessive maintenance or has faults of design or workmanship.
- The artwork is fraudulent or not authentic;
- The City cannot properly care for or store the artwork; or
- For any other reason articulated by the VAC, in its discretion.

## PROCESS/DISPOSITION

The VAC will review the pieces in the City's Art in Public Places collection - at least every five years - to determine whether any piece(s) should be deaccessioned. In addition, the City reserves the right to deaccession an artwork at any time deemed appropriate by the VAC.

Deaccessioning may only be considered during a monthly or a special meeting of the VAC. A majority of commissioners in a quorum must approve deaccessioning for two consecutive votes. After the first vote, a public announcement of the plan to deaccession must be made to permit public input prior to the second vote. After the second vote, the artwork shall be officially deaccessioned from the City collection.

The VAC may consider the following options for disposition of a deaccessioned 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 VAC.

# 5

## *maintenance policy*

The City is committed to the documentation, preservation, and maintenance of this collection. The Visual Arts Commission (VAC) is responsible for this process.

## MAINTENANCE *Policy*

### GOAL

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

### DEFINITIONS

- A.** *Art in public places* (see R.60.020.,LMC). The term “art in public places” refers to any visual work of art displayed for two weeks or more in an open City-owned area, on the exterior of any City-owned facility, inside any City-owned facility in areas designated as public areas, or on non-City property if the work of art is installed or financed, either wholly or in part, with City funds or with grants the city has procured.
- B.** *Work of art or artwork* (see R60.020.,LMC). 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*. 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 recommendation, methods and materials information, potential problems with the work, finishes information (e.g., patiner's 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*. Preservation includes placement; installation; security; regularly scheduled maintenance and emergency repairs (with consideration to the natural process of aging).
- E.** *Maintenance*. Maintenance will be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection. 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 City collection. A standardized form will be used for this purpose. The VAC, appropriate City departments (Facilities & Maintenance, Parks & Recreation),



City Commissions, outside contractors, service people and experts may be asked to review this documentation. Documentation will reside in the records of the Cultural Services Department. The Public Art Manager will be responsible for creating and maintaining the documentation. The VAC 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 City collection, but the recommendation may play a role in that final determination. (A documentation fund established in the VAC budget will pay for documentation not obtained at

2. ~~Acquisition~~ *documentation*. When an artwork is accepted into the City 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 Public Art Manager 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

Services Department of the City.

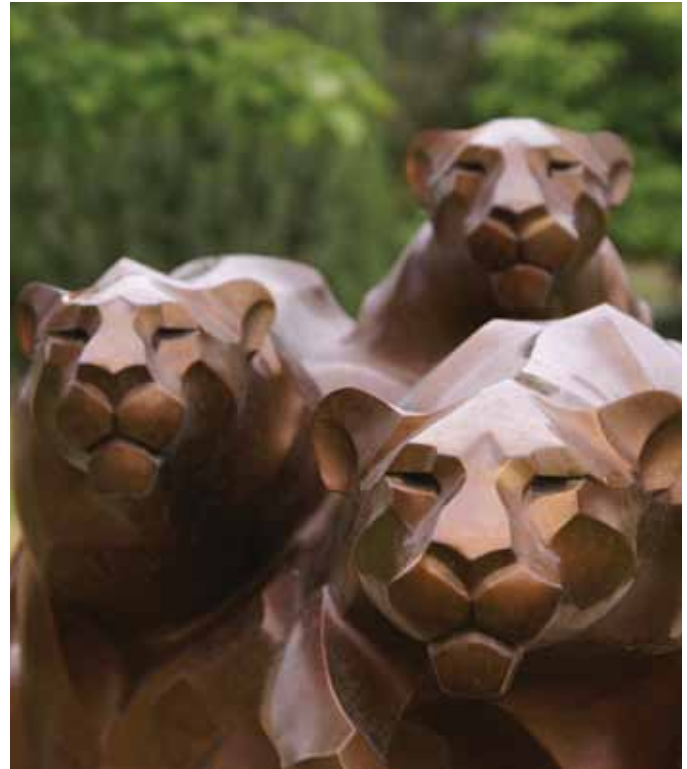
4. *Regular maintenance*. Paid professionals and/or trained and supervised volunteers will perform regular maintenance according to the maintenance schedule and condition report for each specific piece during the second and third quarters of each year. The Public Art Manager will initiate and coordinate 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 VAC 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 or repair on an “as needed” timely basis as determined by the Director of Cultural Services..

## IMPLEMENTATION

1. *Policy Implementation*. The Public Art Manager, City Staff, and interested persons will implement and monitor the Public Art Maintenance Policy and will report to the VAC each quarter, or more often if needed, on the status of art work maintenance. The Public Art Manager will oversee the quality control, evaluation and corrective maintenance actions carried out by this policy. (Changes adopted in March 2004)
2. *Funding*. Funding for maintenance will be established through a budget developed by the Public Art Manager and presented to the VAC each November. Funds will come from the VAC Art in Public Places budget. Maintenance funding

will take precedent over art purchases. (Changes adopted in March 2004)

3. *Contract Services.* Contracts with paid professionals/craftspeople will follow established City guidelines and will be handled through the appropriate City department.
4. *Quality Control.* The VAC believes in regulating the quality of maintenance to an established standard. Therefore the VAC will work over time to collect maintenance data (e.g. Lacquer vs. waxing, annual vs. biannual maintenance, professional vs. volunteer, etc.) The VAC and the Public Art Manager 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 Art Manager 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). (Changes adopted in March 2004)
5. *Policy Review.* Annually in November, VAC members and/or the Public Art Manager will recommend changes to the Public Art Maintenance Policy to the VAC. (Changes adopted in March 2004)
6. *Attachments.* Forms that will be used to implement the policy will be attached as exhibits to the policy and modified as needed during the annual policy review process.



# 6

## *placement in the public right-of-way policy*

This policy is a framework to guide art installations that may bound the public right-of-way or be placed in the right-of-way, such as over bridges and underpasses or within roundabouts or other “island” installations in the roadway.

# PLACEMENT IN THE PUBLIC RIGHT-OF-WAY *Policy*

## 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 or 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 City of Loveland Visual Arts Commission. Staff liaison support is provided through the Cultural Services Department, and in cases that impact the ROW Cultural Services 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 Visual Arts Commission. 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 Cultural Services and Public Works will develop a joint plan to address the separate contract, 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 City of Loveland 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 shall be considered by Public Works in making a determination about a particular installation.

### 1. ADA requirements

**2.** Impact on flow of pedestrians, bicycles, or traffic

### 3. 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.
- 4.** Maintenance requirements that may be created by the installation.

## **COLLABORATIVE EFFORTS**

In cases where the Visual Arts Commission is seeking to locate a piece adjoining the ROW or within the ROW, prior to final selection, the Public Works Department requests a sketch drawing with estimated measurements be provided. The earlier in the process that detailed information can be provide the better staff will be able to identify potential issues. Public Works staff will review the particular piece for the factors noted above. If the department has particular issues with one or several factors Public Works will provide a detailed description of the issues to Cultural Services, with recommendations on possible adjustments that may remedy the noted issues.

In the event that a particular installation is felt by staff to be “provoking” enough to potentially cause distraction to drivers, that will be noted but final decision on a particular piece and the “distraction factor” still lies with Cultural Services and the Visual Arts Commission.

## **POST-INSTALLATION**

In cases where issues are identified and a project moves ahead without clear resolution of specific items, Public Works and Cultural Services will work collaboratively to develop a post-installation monitoring plan for traffic flow, accident data, and other factors to determine if future alterations to the installation are necessary. If alterations are identified COL staff will work with the Visual Arts Commission to develop possible remedies to alleviate the noted impacts.

The crux of this policy is to provide visual arts planners with general guidelines to consider when developing installations that impact the ROW. The City of Loveland is fortunate in having expertise in the areas of visual arts provided by the commission and Cultural Services

staff, this expertise is complimented by the knowledge and experience in Public Works related to ROW management. The goal of this collaborative experience is to support the maintenance and growth of the public and private art collections within the City of Loveland and to enhance our community's quality of life.



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*visual arts commission*

CITY OF LOVELAND