

**SIOUX FALLS VISUAL ARTS COMMISSION
VIDEO CONFERENCE MEETING**

Tuesday, October 20, 2020
9 am

WebEx Video Conference Meeting
Sioux Falls, SD

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MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE HUMAN RELATIONS OFFICE, FIRST FLOOR, CITY HALL, 224 WEST 9TH STREET, SIOUX FALLS, SD AT 367-8745 (VOICE) OR 367-7039 (TDD) 48 HOURS IN ADVANCE OF THE MEETING.

MEETING AGENDA

ITEM 1. Call to Order and Quorum Determination

ITEM 2. Welcome Members and Guests

ITEM 3. Approval of Regular Agenda

ITEM 4. Approval of Minutes from September 15, 2020 Meeting

ITEM 5. Public Input on Non-Agenda Items (*Chairperson*)
(5-minute comment period per individual)

ITEM 6. Unfinished Business - None

ITEM 7. New Business

- a) Art Integration: CIP presentations
 - Public Works Engineering: Shannon Ausen
 - Parks and Recreation: Michael Patton
 - Fire: Jeff Helm (to observe and learn about art integration)

- b) Visual Arts Commission Projects – Updates
 - Joe Foss Bust
 - Sea Dream

- c) Sioux Falls Arts Council - Updates
 - DT-Art Box Call for Art
 - Staffing Changes
 - Others?

ITEM 8. Other Business

- a) Update from the working session: Mural Ordinance Sub Committee
- b) Visual Arts Commission Review of working draft of the Mural Ordinance
- c) Discussion: Next steps for Mural Ordinance Review

ITEM 9. Announcements

- a) Next Meeting
 - 1) Working Session – ?Wednesday November 11, 5:30-7:30? (Veterans Day)
 - 2) Regular Meeting—Tuesday, November 17, 9 a.m., Video Conference Meeting

ITEM 10. Adjournment

SIOUX FALLS VISUAL ARTS COMMISSION VIDEO CONFERENCE MEETING

Tuesday, September 15, 2020
9 am

WebEx Video Conference Meeting
Sioux Falls, SD

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THE MEETING WAS RECORDED.

MEETING NUMBER (ACCESS CODE): 146 928 2262

MEETING PASSWORD: 8Nvhc6ur3Rd

MEETING MINUTES - DRAFT

MEMBER PARTICIPANTS: Kellen Boice; Zach DeBoer, Joe Schaeffer; James Zajicek, Sara Lum, Michael Jamison

MEMBERS ABSENT: Keith Lapour

OTHER PARTICIPANTS: Shawna Goldammer - Staff Liaison

ITEM 1. Call to Order and Quorum Determination: The meeting was called to order at 9:04 am and with a quorum of Commission members participating in the meeting.

ITEM 2. Welcome Members and Guests: No guests participated.

ITEM 3. Approval of Regular Agenda: A motion was made by Commissioner Boice and the motion was seconded by Commissioner Schaefer. Shawna Goldammer asked that the policy and application for presentation be discussed under other business. The agenda was unanimously approved.

ITEM 4. Approval of Minutes from August 20, 2020 Meeting: A motion was made by Commissioner Lum and the motion was seconded by Commissioner Jamison to approve the August 20, 2020 minutes. The minutes were unanimously approved.

ITEM 5. Public Input on Non-Agenda Items: None.

ITEM 6. Unfinished Business -

- a) Update from the September 9, 2020 working session: Commissioner Schaefer updated the Commission on the mural ordinance. The working session was very productive. The committee had discussed and came up with a way that a person could register for a mural, in both residential or commercial areas. He went on to say that the next steps will be to review the application form. Commissioner Zajicek also explained that at the next working session the full ordinance in a final draft will be discussed. Also, the subcommittee will be coming up with some standard questions to help get input from other artists. These documents will hopefully be brought forward at the next VAC meeting. The building owner would take the responsibility to apply for the mural registration and ongoing maintenance.
- b) Mural Ordinance process discussion: Shawna Goldammer explained the ordinance process. She went on to say the next steps once a final draft is prepared, the ordinance will be send to Jeff Eckhoff and the City's legal team for review and comment. If either has comments that are recommendations for changes, then the VAC will review one more time. An informational meeting with the City Council will most likely be held, to provide them the information about the VAC mural ordinance proposal, but not to formally adopt the ordinance. Then the formal adoption process is two public hearings, one with the Planning Commission, and one with the City Council. All told, the formal hearing process is about 3 months. There was discussion about when the best time to involve more artists. Most thought that after the next working session would be the best time to share the mural ordinance with other artists. It will be important to get feedback from artists not on the VAC.

ITEM 7. New Business

- a) Visual Arts Commission Projects – Updates
 - Update Policy and Application (See Work Program): Item was moved to other business.
 - Joe Foss Bust: The appraisal is underway, and should be completed sometime in November.
 - Sea Dream: The plan is still to allow the artist to work on the refurbishment of the piece at the Sioux Steel site. The agreement between the city and the artist includes insurance which cannot be waived. Lloyd Companies representatives are working through getting coverage for the insurance requirements.
 - Capital Improvement Presentations: Shawna Goldammer updated the group that next month's meeting Public Works and Parks will be providing information on 2021 capital projects that have potential for art integration.
- b) Sioux Falls Arts Council - Updates
 - Continued Growth of the Artist Directory: Kellen Boice stated that the artist registry continues to grow. The goal is to have 200 artists by the

end of the year. She reminded the VAC that any artist including performing artists can be part of the directory.

- DT-Art Box Call for Art: Kellen Boice updated the Commission on the project that the SFAC, the City of Sioux Falls, and DTFS are partners. She informed the group that the efforts to seek out community partners on the call for art and diversity within the project. She went on to say that a sign up is on the SFAC website and efforts continue to get the right stakeholders at the table. She hopes to have a better idea of when the community conversation meetings will start by the end of the month.
- The Caver Gallery will be updating the artworks with the third rotation of art. She went on to say that an artist talk may be taped and posted to the web. An artwork jury has been established where 5-6 artist jury the work. The process of art section continues to be refined. Mike Jamison indicated that they have begun to implement identifying that the exhibition is juried to build credibility of the gallery's artworks.

ITEM 8. Other Business

Update Policy and Application (See Work Program): The VAC reviewed the 2006 Visual Arts Commission Review Process for Public art Proposals with or without city funding document. Shawna Goldammer stated that the document is available on the website. After some discussion, the Commission agreed that working on both the policy document and the application could be hashed out in a working session, but after the mural ordinance final draft is complete.

ITEM 9. Announcements

a) Next Meeting

- 1) Working Session – Wednesday October 14, 5:30-7:30.
- 2) Regular Meeting—Tuesday, October 20, 9 a.m., Video Conference Meeting

The Commission discussed meeting times due to a Commissioner's conflict during the school year. Shawna Goldammer agreed to reach out to the commission via e-mail to see if a particular time works better.

ITEM 10. Adjournment: Commissioner Jamison made a motion to adjourn. Commissioner Zajicek seconded the motion. The meeting was adjourned at 10:05am.

10/15/2020

160.005 Definitions:

Mural: A hand-painted, hand-tiled, or digitally printed work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. A *mural* does not include displays with electrical or mechanical components or a changing image art display. A mural does not contain any words or trademarks, logos or graphics advertising a business, product or service.

Original Art Murals

160.560 Purpose and Intent.

(a) These regulations relating to Original Art Murals in the City of Sioux Falls further the following purposes:

- (1) Discourage graphics that is advertising signage;
- (2) encouraging artistic expression and the creation of more murals;
- (3) protect adjacent property owners;
- (4) maintain existing murals that are a valued part of the history of the City of Sioux Falls;
- (5) keep a directory of murals including pictures and a historical account.

(b) The City wishes to encourage the installation of murals and, at the same time, prevent murals as commercial advertising signs. Therefore, the City's mural regulations exclude commercial advertising on murals to prevent the installation of the equivalent advertising signage on a mural. This mural ordinance is intended to work in tandem with and help preserve the intent of the sign code(s) set forth Title XV of the Sioux Falls Code of Ordinances. Adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.

(c) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:

- (1) That the design, construction, installation, repair and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.
- (2) That the regulations will provide reasonable protection to the visual environment by controlling the minimum improvement and maintenance of the displays.

(3) That consideration will be given to equalizing the opportunity for messages and artistic expression to be displayed.

(4) That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.

(5) To provide registration requirements for Murals as defined by this ordinance.

160.561 Original Art Mural Minimum Improvement and Maintenance

Standards. An Original Art Mural that meets all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:

- (a) To preserve public order and protect human dignity, a mural artwork may not include displays that incite violence or prejudicial actions against groups or individuals on the basis of their membership in the group, or which disparage or intimidate a group of individuals on the basis of their membership in the group.
- (b) No part of a mural shall exceed the height of the structure to which it is tiled, painted or affixed.
- (c) No part of a mural shall extend from the plane of the wall upon which it is tiled, painted or affixed.
- (d) No mural, except for murals consisting completely of paint, shall be placed over the exterior surface of any building opening, including, but not limited to, windows, doors and vents. Notwithstanding the foregoing, a mural consisting of paint or any other material permitted under this Section may be placed on roll down security doors on a commercial or industrial building.
- (e) Surfaces should be prepared to allow the mural to withstand the outdoor climate of Sioux Falls South Dakota. Murals materials may not create environmental pollution due to flaking or chipping over time. Surface sealant is recommended.
- (f) The property owner is responsible for the mural maintenance, and shall coordinate repairs to the mural as necessary, including but not limited to removal of graffiti per section 132.003 of the SFCO.

160.562 Original Art Mural Registration.

(a) **Administrative Rules.** The Director of Department of Planning and Development Services is authorized and directed, as in section 160.690 to administer the mural registration, and may adopt Mural Administrative Rules to implement this section. The administrative rules shall include an application to identify and describe proposed original art mural and its location on the structure. The applicant for the original art mural registration shall be the property owner.

(b) **Neighbor Involvement.** The Mural Ordinance Administrative Rules to be adopted by the Director of Planning and Development Services may include a neighbor involvement rule. Specifically, the rule shall include a requirement that an applicant for mural provide a notice of the approved mural registration to the adjacent neighbors including those across the street, prior to the installation of the mural. No mural shall be installed until the applicant has completed this neighbor involvement requirement. This is a procedural requirement only and the Director of Planning and Development shall at all times retain sole authority to approve or deny an application for a mural based on the criteria in Section 160.561 of the Sioux Falls Code of Ordinances and any Mural Ordinance Administrative Rules promulgated by the Department of Planning and Development Services. Further, in no event will a registration of a mural be granted or denied based upon the content of the mural.

(c) **Change of Ownership.** Upon a change of ownership of the property to which an Original Art Mural is affixed, a new owner may, at the owner's election and without the need for permission from the City of Sioux Falls, de-register the mural with the Planning and Development Services department.

(d) **Grandfathering of Vintage Original Art Murals.** Any Vintage Original Art Mural installed prior to the effective date of this section, shall have legal nonconforming status and, notwithstanding any provision to the contrary, not require registration under this Section. But a Vintage Original Art Mural which has not gained legal nonconforming status through law other than this section, cannot qualify for legal nonconforming status under this section if it consists or contains any of the following: electrical, mechanical or kinetic components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of

movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).

160.578 Prohibited Signs.

(b) *Painted wall signs.* Painted wall signs shall be prohibited except that existing signs may remain, provided the signs are maintained. Signs that are not maintained shall be removed or renovated within 60 days upon notice.

DRAFT