

**RESOLUTION NO. 38  
SERIES 2017**

**RESOLUTION OF THE CRESTED BUTTE TOWN COUNCIL ADOPTING THE ARTS IN PUBLIC PLACES POLICY**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality, duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Town of Crested Butte is a certified Creative District with the State of Colorado and Colorado Creative Industries;

WHEREAS, the Crested Butte Town Council Ordinance 14, Series 2015, establishing a Creative District and Corresponding Commission, states that a purpose of the Creative District is creating and implementing a public arts policy;

WHEREAS, the Town of Crested Butte recognizes the need for policies and guidelines to allow for the future acquisition of works of art and ensure the proper management of its collection;

WHEREAS, the Town staff and the Creative District Commission have worked with consultant Marcie Erion on developing an Arts in Public Places Policy (the "Policy");

WHEREAS, the Commission and Town Staff have held public meetings on the policy on November 16, 2016 and May 12, 2017 and presented the Policy at the Town Council meeting on March 20, 2017;

WHEREAS, the Town Council has reviewed the Policy and approves of the guidelines set forth for the Town's Arts in Public Places;

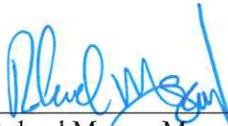
WHEREAS, based on the presentation by the Creative District Commission and Town staff, as well as community input, the Town Council finds that the Policy and its proposed guidelines for arts in public places will help strengthen the economic vitality, community character, and cultural environment of the Town, and is in the best interest of the health, safety, and welfare of the Town, its residents, and visitors.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT:

1. The Town Council incorporates the foregoing recitals as its conclusions, facts, determination and findings.
2. The Town Council approves and adopts the Arts in Public Places Policy attached hereto as Exhibit "A".

INTRODUCED, READ AND ADOPTED BEFORE THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THIS 19<sup>th</sup> DAY OF JUNE 2017.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Roland Mason, Mayor Pro-Tem

ATTEST:  
  
Lynelle Stanford, Town Clerk

(SEAL)



**EXHIBIT "A"**  
(Creative District Strategic Plan)

[attach Plan here]

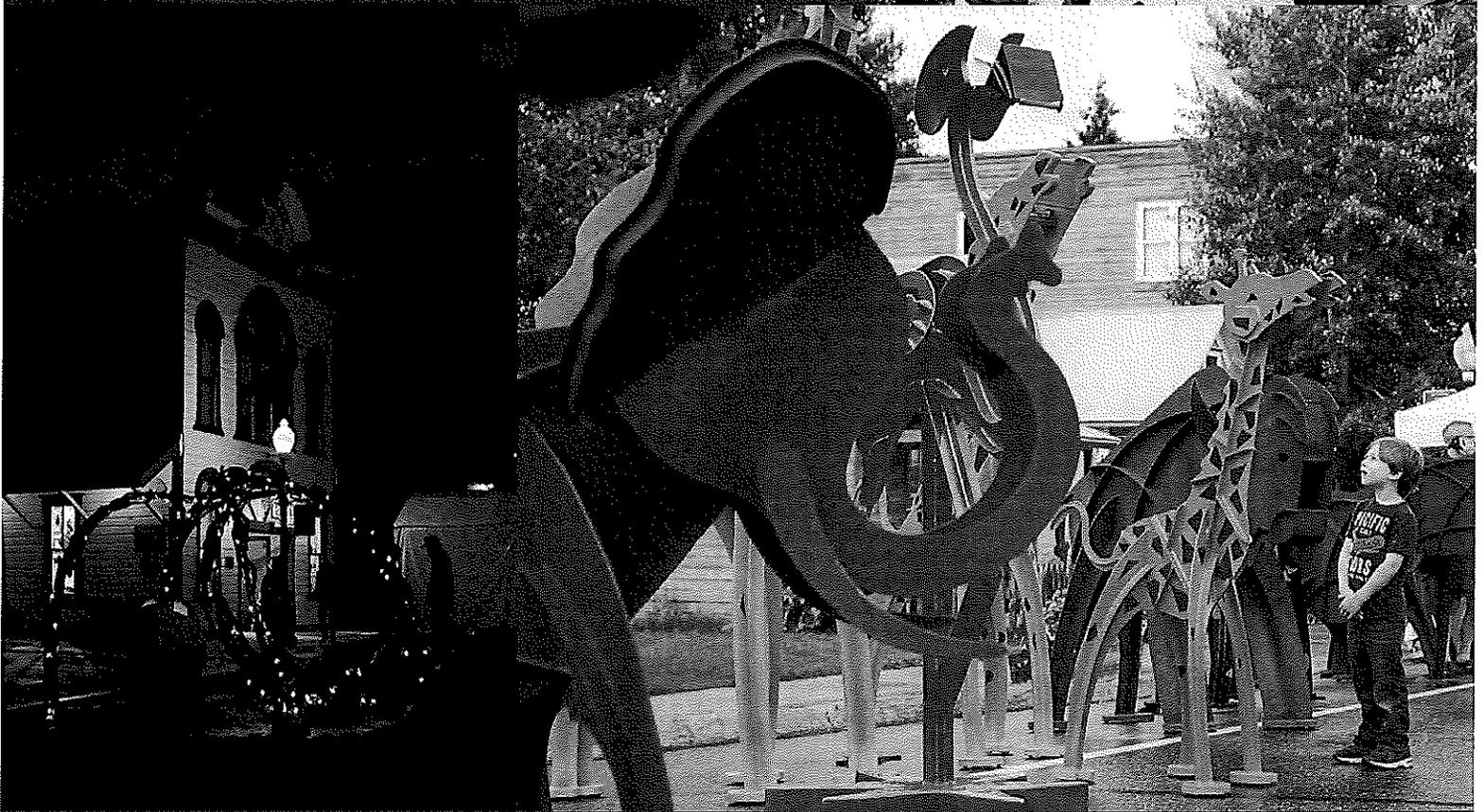


**creative district**

— CRESTED BUTTE —



*The Town of Crested Butte*  
**Arts in Public Places  
Policy**



# DEFINITIONS

*For the purpose of this document, the following words or phrases will be defined as the following:*

**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, WITH TOWN FUNDS OR GRANTS PROCURED BY THE TOWN.

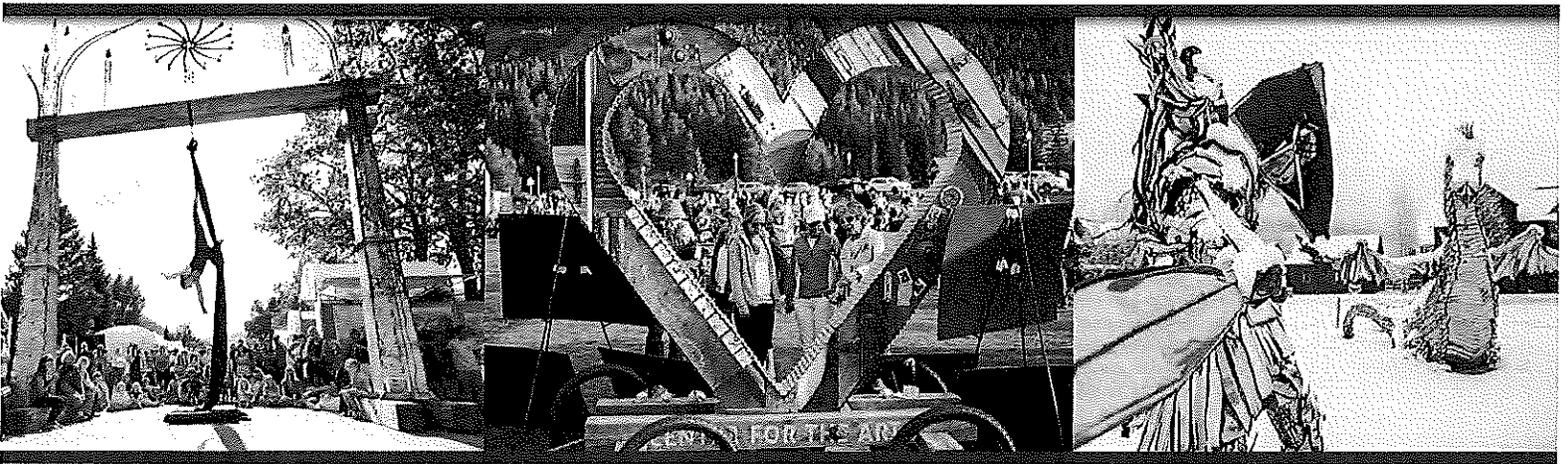
**COMMISSION** MEANS THE CRESTED BUTTE CREATIVE DISTRICT COMMISSION (CBCDC) AS DEFINED IN CHAPTER 2 ARTICLE 8 OF THE TOWN CODE.

**CONSTRUCTION COST** MEANS ACTUAL COST OF ANY CONSTRUCTION PROJECT WITH AN ESTIMATED CONSTRUCTION COST OF \$100,000 OR MORE, EXCLUDING, SOFTS COSTS SUCH AS ENGINEERING, ADMINISTRATION, FEES AND PERMITS AND INDIRECT COSTS SUCH AS INTEREST DURING CONSTRUCTION, ADVERTISING AND LEGAL FEES.

**CAPITAL IMPROVEMENT PROJECT** MEANS A CAPITAL PROJECT THAT IS FUNDED BY THE TOWN'S CAPITAL FUND AND HAS BUDGET OF MORE THAN \$5,000 AND A USEFUL LIFE OF OVER 5 YEARS. PROJECTS MUST BE LOCATED IN THE CREATIVE DISTRICT BOUNDARY OR A PUBLIC PARK.

**PUBLIC MAINTENANCE RESERVE ACCOUNT** MEANS THE ART IN PUBLIC PLACES RESERVE ACCOUNT ESTABLISHED TO MANAGE MONIES FOR THE MAINTENANCE OF PUBLIC ART.

**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.





## 1. Introduction

The purpose of this document is to provide a policy to guide the funding of acquisition of works of art by the Town of Crested Butte (Town), which shall become the Town's collection; selection of works of art for the collection; locations for public art; display of the collection; maintenance and repair of the works of art in the collection.

The Town of Crested Butte has a vibrant public art culture, with many existing public art pieces located throughout the Town. The Town owns and maintains eighteen (18) different facilities, many of which display existing art. Many of these facilities are operated by non-profits through lease agreements with the Town, while others are Town-run facilities. The Town also owns and maintains numerous parks and recreation facilities that are home to many public art pieces. The Town controls public right-of-ways including streets and alleys. The Parks and Recreation

Department manages Elk Avenue as a park, maintaining its existing public art, benches, trash cans, planters, signs, and sidewalks.

Crested Butte is a National Historic District. The Board of Zoning and Architectural Review (BOZAR) administers the design guidelines for the District. Any new public art must honor these guidelines and be compatible with the Historic District.

Crested Butte became a Certified Creative District in July 2016 after an extensive three-year certification process. This certification required the Town to partner with Colorado Creative Industries

*Whatever the form, public art instills meaning—a greater sense of identity and understandings of where we live, work, and visit—creating memorable experiences for all.*

*Americans for the Arts*

for technical assistance for the preparation of this Arts in Public Places Policy. The Town Council passed Ordinance 14, Series 2015, which established the Crested Butte District, including creating this Arts in Public Places Policy and the future selection of artwork.

Members of the Commission prepared the Crested Butte Creative District Strategic Plan. The Town Council adopted the Strategic Plan with the passage of Resolution 28, Series 2015. This Strategic Plan outlines many of the goals of the newly certified district including the creation of an Arts in Public Places Policy.

## 2. Goals

The purpose of the Crested Butte Arts in Public Places Policy (AIPP) is to act as a mechanism to achieve the goals defined by the Strategic Plan. These include:

### **Community Engagement in the Arts**

AIPP in the Creative District will encourage all types of creative expression, showcase the talent that is unique to Crested Butte, and promote participation from the entire community and region.

### **Identity/District Characteristics**

AIPP will showcase historical buildings as well as the natural environment, enabling art to define the

Creative District boundaries and creating awareness of the District and its brand.

### **Economic Development**

Visitor attraction to AIPP in the Creative District will support shopping, dining, entertainment and the creative sector by nurturing and enhancing the attractiveness of the community.

### **Community Participation in the Creative District**

AIPP programs will allow the Creative District to flourish, as it will encourage engagement in the District through art dedications, public gatherings, and educational opportunities. It will also offer visual inspiration for residents, businesses, and visitors.

### **Physical Characteristics**

AIPP will offer residents and visitors a unique sense of place. Art will reflect the Town culture, historic character, and natural environment. It will also be used for creative wayfinding and defining the boundaries of the Creative District.

### **Programming**

AIPP will create opportunities for educational programs, artist residencies, exhibitions, and more. The program will foster and grow the Creative District, allowing it to better support businesses and arts organizations.





### 3. Locations and Type of Art

The Commission, the Town Staff, and Crested Butte community created a map for possible public art locations, through a series of public meetings and site visits. This map includes locations in Town-owned buildings, parks, and along public right-of-ways.

The map is intended to identify potential new locations for art on permanent or temporary display and to allow the Commission to select projects for these locations. Public input on these locations included the allowable types of art for each location. All new art placed in these locations must adhere to this policy.

This map contains many locations and should be updated periodically. Projects will be implemented over time, as funding becomes available. The current map and art type descriptions are attached to this document.



### 4. Funding

This policy makes art in public places part of the Town's Capital Improvement Budget. Prior to this policy, no direct funding stream, such as a tax, for the public art existed. Artwork can be funded through two mechanisms within the capital improvement budget.

First, this policy designates two percent (2%) of the total project cost for major capital improvement projects to art in public places. Qualifying projects will have a total project cost greater than \$100,000 and will be located within the Creative District or public parks. The amount designated for individual projects will not exceed \$25,000 per project. No more than four (4) projects shall occur in a calendar year. The Town's Capital Project Fund would pay for arts in public places projects. AIPP projects funded this way should serve as a capstone to these Capital projects.

Second, the Council may provide additional funding for an art project at their discretion. Selected pieces will need to be budgeted and prioritized within this budget along with all other Town Capital Improvement projects. The Commission shall be responsible for prioritizing these projects and recommending projects for the Council's consideration.

Both temporary and permanent works of art may be funded.



## 5. Administration

The Commission shall administer the provisions of this document relating to the recommendations of works of art and display locations. The Town Council shall approve any agreements, leases, and the placement of any art in a public facility, park or right-of-way after considering the recommendation of the Commission. The Town of Crested Butte's staff will provide administrative support and assistance to the Commission as necessary to accomplish the purposes of this policy. The Commission shall present the Council an annual update before the adoption of the yearly budget and update the Council on future and past projects.

*Art is to the community  
what the dream is to the  
individual.*

*Thomas Mann*



# Guidelines

The following guidelines will be used to guide decision-making on the display, selection, donation, maintenance, and deaccessioning of artwork for permanent or temporary display in the Town of Crested Butte. Temporary artwork has a lifespan of five years or less. All works of art acquired in accordance with this policy shall be acquired in the name of the Town, and the Town will hold the title.

## 1. Display of Artwork in Public Places

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. All works of art installed on public property that are owned by the artist will have a written agreement between the Town Council and the owner specifying the proprietary interests in the work of art, the duration of display, and other provisions deemed necessary or desirable by the Town attorney. Such written agreement shall also specify that the owner will comply with the following guidelines for display of Art in Public Places.

### Guidelines for the display of art in public places

- The work of art will be installed in a manner that will protect the work of art and not be a hazard to the public
- The work of art will be maintained in good condition
- Insurance and indemnification will be provided as appropriate

- Installation, maintenance, alteration, refinishing and moving of art in public places shall be done in consultation with the artist whenever feasible
- The Commission, along with the Town, will keep detailed records of all art in public places

### Placement in the public right-of-way (ROW)

The goal of this guideline is to develop a framework for the consideration of art that will enhance the community, travel corridors, or the right-of-ways. Collaboration amongst relevant departments is critical and the Commission will work with Town staff when sites and pieces are being considered for inclusion in the AIPP inventory. Selection of artwork policy criteria will be considered, as well as the following:

- ADA requirements
- Impact of flow on pedestrians, bicycles or traffic
- Safety impacts
- Maintenance requirements that may be created by the installation
- Distractions for drivers
- Snow plowing and parks and ground maintenance



## 2. Selection of Artwork

The Commission may recommend works of art for inclusion in the AIPP inventory on a permanent or temporary basis. Additions to the AIPP inventory may also be initiated (e.g. a donation) from an outside party. The Town Council must approve all additions or

### Direct Purchase or Loan

The Commission can recommend the purchase or loan of existing artwork from an artist/owner under unique circumstances (e.g. when the price presents an economic advantage or work ties in directly to the Strategic Plan and goals of the program). The Commission may approach an artist, or the artist may approach the Commission.

*Art is a nation's most precious heritage. For it is in our works of art that we reveal to ourselves and to others the inner vision which guides us as a nation. And where there is no vision, the people perish.*

*Lyndon Johnson, on signing into existence the National Endowment*

Artists who have finished work for Commission's consideration should submit the following:

- A proposal sheet with artist's name, the title of artwork, dimensions, medium, date produced, price, location, the number of reproductions, restrictions to reproduction, and any other information artist deems pertinent.

changes to the artwork in the AIPP inventory. The Town staff shall review the application for compliance with the guidelines of the AIPP and prepare a staff report with a recommendation and possible conditions for the Commission's consideration. All selections require a majority vote of a quorum of the Commission before the Commission can make a recommendation to the Town Council.

- Resume and references
- A maquette or images of the actual work for review
- A cover letter explaining why the work should be added to the Town's collection
- Assessment describing the artwork's condition along with a maintenance plan and life span of work

### Selection Methods

The Crested Butte Creative District can use the following methods to recommend the purchase of artwork to the Town Council. The Creative District may also use the methods for the loan of temporary artwork

### Open Competitions or Requests for Proposals (RFP)

Competitions or RFPs are open to artists within geographic limits and other specifications set by the Commission, which may vary from competition to competition. The Commission shall strive to maintain a



- The technical feasibility of a proposed project and the artist's technical ability
- Overall project budget
- Other factors deemed important

### **Artwork and Site Selection**

The Commission will recommend work of art and sites for purchased, loaned, and donated artwork. The Commission considers the following criteria in matching artwork to the display site:

balance between competitions involving local artists only and artists from a larger area. The typical process for open competitions or RFPs will be, but is not limited to:

- The Commission will provide a project description, site/location, budget, project schedule, and summary of duties and obligations
- The artist provides a maquette and site drawing (if appropriate) design concept statement, budget, photographs, resume, and references
- The Commission will consider and vote on proposals at a regularly scheduled and noticed meeting
- Entry materials will be returned if artist provides packaging, postage, and insurance

### **Artist Selection Criteria**

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

- The artist's experience with arts in public places projects
- The ability of the artist to work cooperatively and effectively with stakeholders
- The artist's presentation

- Conceptual compatibility of the design with the immediate site environment
- Appropriateness of the design for the function of the site
- Compatibility of the design and location with the design or historical character of the site
- Creation of a desirable environment for the general community by the design and location of the work of art
- Preservation and integration of natural features for the project
- Representation of a broad variety of tastes within the community and the





- Any other criteria deemed by the CBCD to be important
- Budget
- Expected maintenance costs
- Recommendations from staff

The Town staff will prepare a staff report and recommendations when working to select artwork for a designated site or selecting a site for already acquired works of art. The Commission will strive to get input from relevant Town departments. The Commission encourages

provisions of a balanced inventory of art in public places to ensure a variety of style, design, and media throughout the community

- Visibility and accessibility
- Dark sky compliant
- Sound ordinance compliant
- Public safety
- Car and pedestrian traffic patterns, and other right-of-way considerations
- Site design including landscaping, irrigation, drainage, grading, lighting and seating
- Environmental impacts such as noise, sound, light, and odor
- Every effort shall be made to ensure the placement does not negatively impact the Town's parks ground maintenance or interfere with snow plowing
- Susceptibility to vandalism
- Compatibility with the National Historic District
- Costs of site preparation
- Existing artworks in the site area
- Impact on adjacent property owners

participation by the relevant department leads and encourages their participation in the selection process.

### **Post-Selection Process:**

Once a site has been approved, an installation plan will be developed by the Commission and relevant Town Staff along with input from the artist, donor, and contractor when appropriate. For temporary artwork, a deaccessioning plan will also be developed. The proposed budget for the artwork should cover costs of installation, which may include plinth or other display components, site development, and identification plaques.

Once a final selection of artwork, artist, and location has been made, a written contract will be prepared by Town staff and the Town attorney. The contract will be approved by the Town Council and filed by the Town Clerk.

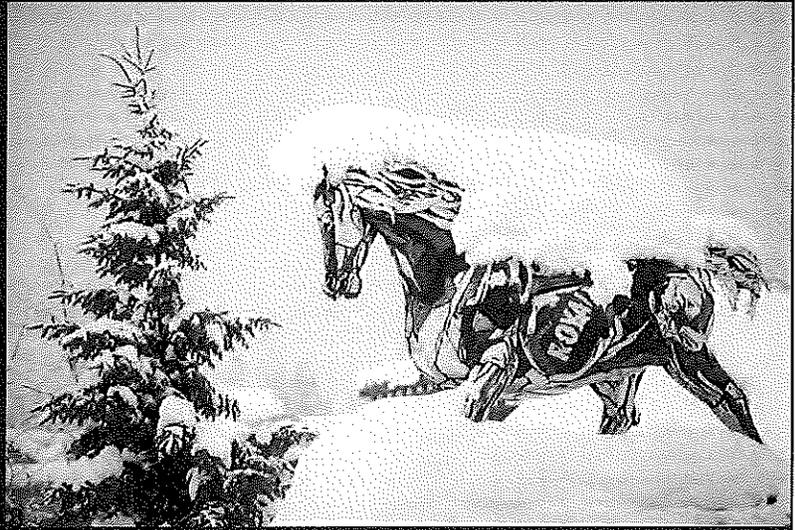
### 3. Donations

Donations can be an important part of the AIPP permanent or temporary collection. The Commission only recommends work that will further the goals of the AIPP for donation. The Council will approve the donation of any pieces for the arts in public places collection.

#### Process for Consideration

Individuals or entities interested in donating an artwork should follow these steps:

- Submit a complete official donation application to the CBCD
- Provide a maquette or images
- Include a cover letter explaining that the artwork is being offered as a gift to the Town and explaining why the artwork should be added to the collection
- Provide a copy of the artist's resume



Funds to maintain artworks in the Town's collection are limited. Therefore, when accepting a gift into the Town's collection, the Commission may require that the donor signs a maintenance agreement or establish a maintenance endowment. The Commission is unlikely to consider any donation that requires immediate or extensive maintenance.

#### Review Considerations:

The Commission typically considers the information requested above, as well as aesthetic quality (including craftsmanship), compatibility with other art in public places, and budget. Additional review criteria for artwork and site selection considerations can be found under the selection of artwork policy.

*The object of art is to give  
life shape.*

*Jean Anouilh*

- Provide a conservation assessment describing the artwork's condition and a maintenance plan including lifespan of the work while placed in a public environment
- Decide on who will pay for the maintenance, either through AIPP funds or an endowment from the donor

### 4. Maintenance

The goal of the Arts in Public Places Maintenance Policy is to maintain the Town's collection of publicly-owned artwork to ensure Crested Butte citizens' long-term enjoyment of the collection. The Maintenance Policy details the documentation, preservation, and maintenance processes that will support that

goal. It will be implemented on a piece-specific basis that recognizes the value of each work of art in the collection.

Documentation, through a standardized form, of each piece of artwork in the collection is required, including periodic condition reports, records of maintenance performed, photographs, artist's recommendations, methods and materials information, installation information, warranties, and other knowledgeable opinions regarding preservation and maintenance.

Preservation includes placement, installation, security, regularly scheduled maintenance and emergency repairs. Preservation will take into account the natural process of aging. Maintenance will be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection.

When an artwork is accepted into the Town collection, an initial level of maintenance and a maintenance schedule will be created. For temporary artwork, a deaccessioning schedule will also be developed. It will include the timing and type of maintenance. It will also identify any issue that may require special attention.

If appraisers, conservators, craftspeople, and experts are expected to be needed for maintenance, these costs must be included in the overall budget at the time of the selection.

Once a year, inspections will be completed for each piece by the Commission. The inspection and condition report will become part of the permanent documentation for each piece in the collection. Paid professionals or trained volunteers will perform maintenance according to the



schedule, annual, condition report, or in the case of emergency or special maintenance.

Funding for maintenance will be established through a Public Maintenance Reserve Account developed by the Commission and approved by the Town Council. Funds will come from the AIPP budget and will take precedence over new purchases. A minimum of 20% of the total project cost of any new public art shall be dedicated to maintenance. Additional funds may be set aside if required by the Commission.



## 5. Deaccessioning

Deaccessioning is a procedure for withdrawing a work of art from the Town of Crested Butte's public collection. The Commission is responsible for recommending to the Town Council, whether any piece(s) should be deaccessioned. This occurs only with reason, at the Commission's discretion.

### Reasons for Deaccessioning

- The artwork is temporary
- 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 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 Commission, in its discretion.

### Process/Disposition

The Commission will review the pieces in the Town's Art in Public Places collection at least every five years to determine whether they should deaccession any piece(s). The Town reserves the right to deaccession an artwork at any time deemed appropriate by the Commission.

The Commission may only consider deaccessioning during a noticed monthly or a special meeting of the Commission. A majority of a quorum of commissioners 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 before the second vote. After the second vote, the recommendation will go to the Town Council and upon approval; artwork shall be officially deaccessioned from the Town collection.

The Commission 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 other option deemed appropriate

# Acknowledgements

The Town of Crested Butte would like to thank Marcie Erion and Colorado Creative Industries for their support and guidance in developing this policy and the Crested Butte Creative District Commission for their feedback and edits. Many thanks also to Lydia Stern who provided the photos. Hilary Henry provided the middle photo on page 4 and Nathan Bilow provided the photo on page 12.

This policy was adopted by the Crested Butte Town Council on June 19, 2017.



# Map and Art Description

The following art types and locations description, and corresponding map, provide context and detail for Section 3 of the Public Arts Policy - Locations and Type of Art.

## Public Art Locations

1. **Crank Plaza** Should have a Crested Butte/municipal theme. Potential art locations and types include between light poles and 3-D and interactive art on west side Town Hall.
2. **Marshall's Hallway** Potential art includes rotating artwork on west wall, a creative bench, a mobile hanging from high ceiling, and a lighting installation.
3. **Rock Area** Temporary summer art
4. **Sidewalk at 6<sup>th</sup> & Maroon** 3-D art on lawn
5. **Planter with Rocks**
6. **New Transit Center** Artwork inside the transit center. Artwork types include a mural and interactive art.
7. **Planter by Visitor's Center** Interactive art
8. **Public Lawn at 4-way**
9. **Lawn West of Tennis Court** Lighting installations, performance, installations
10. **RTA Bus stop** 2-D art/tile art, creative bench (ski bench), interactive art, performance art
11. **Center for the Arts** Performance art, installations, lighting installations, interactive, 2D, murals
12. **Anthracite Place Apartments** Art installation or murals on 2<sup>nd</sup> and 3<sup>rd</sup> floor at the end of the hallways. Potentially textile art to reduce echo.
13. **Entrance to Big Mine Park where three coke ovens are buried** Creative sign incorporating the historic coke ovens.
14. **Ice Rink** Big Mine Interpretive Sign. Improvements to the coke oven/plaque area. Performance art.
15. **West of Nordic Center** Lighting installations, performance, installations
16. **Old Town Hall Hallway** Artwork on walls including murals and installations. Performance art.

17. **West End of Elk Avenue on the Hill.** Large 3-D artwork to help draw people to the end of Elk. Potential art includes cut bench into slope, 3D art, performance art, and installations.
18. **Bridge over Coal Creek** Artistic bridge abutments, lighting installation, installations
19. **Coal Creek** Seasonal art celebrating Coal Creek and historical markers. Possible locations include in the creek, bridge abutments, and along the road.
20. **Parking Lot Behind Pita's** Picnic tables, performance, and interactive art.
21. **308 Elk** Potential location in the hallway with the restrooms. Artwork types include murals and wall art.
22. **Pump room** Movement-oriented murals, inspirational words, light/ceiling installation, performance, and installations. No hanging art for children's safety.
23. **Totem Pole Park** More totem poles. Lighting installations, performance, and installations.
24. **Town Park** Snow sculpture with or without lights
25. **Roundabout** Bridge with 3-D art
26. **Wall on south side of Ice Rink** Mural
27. **Bridge on Butte** Lighting Installation, installations
28. **Three Ladies Park** 3-D art, interactive art, performance
29. **Recreation Path at 9<sup>th</sup> & Teocalli** 3-D art
30. **Rainbow Pond**
31. **Bus Stop on Belleview** Interactive art, performance, murals
32. **Tommy V Field** Installations, interactive art
33. **Crested Butte Community School** Murals, 2-D, 3-D, lighting installations, interactive art, performance, installations, art on ceilings, moveable murals, permanent sidewalk chalk art
34. **Wedding Garden**
35. **Bike Park**

### Other Locations/Project Ideas

Elk Avenue (2<sup>nd</sup> to 6<sup>th</sup> St) – performance installations

Bus stops – consider artwork at all bus stops.

Mt Express bus mural project – Mt Express and CBCD could potentially partner to photo-document/display all the painted buses.

Henderson Park – installations, performance

Gothic Field – interactive, lighting installations

Eighth St Greenway at 8<sup>th</sup> and Elk – performance, installations  
Rec Path bridge – installations, interactive art  
Along Coal Creek in Block 28 – installations, lighting installations  
Depot – performance, interactive art, 2D, murals  
Sidewalk from Rainbow Park to School  
Use Art Walk as a forum  
Consider extra spaces for offering art classes: Depot, CBMT, Pump Room, Churches, Town Hall, Library, Artspace