

## Minutes

The City Council of the City of Leawood, Kansas, met for a Special Call Meeting at City Hall, 4800 Town Center Drive, at 6:00 P.M., on Monday, October 5, 2015. Mayor Peggy Dunn presided.

**Councilmembers Present:** Debra Filla, Chuck Sipple, Lou Rasmussen, Jim Rawlings, Julie Cain, Andrew Osman and James Azeltine

**Councilmembers Absent:** Carrie Rezac

**Staff present:** Scott Lambers, City Administrator  
Chris Claxton, Parks & Recreation Dir.  
April Bishop, Cultural Arts Coordinator  
Joe Johnson, Public Works Director  
Dawn Long, Finance Director  
Brian Anderson, Parks Superintendent  
Debra Harper, City Clerk  
Cindy Jacobus, Asst. City Clerk

**Arts Council Committee present:** Mary Tearney, Chair  
Stephanie Hamil  
Anne Blessing  
David Hazen

**Others Present:** None

### **Review Art Master Plan & Public Art Policy**

Mayor Dunn called the meeting to order at 6:05 P.M. and introductions were made. Ms. Claxton stated in November, 2014, she and Cultural Arts Coordinator April Bishop began review of the Public Art Policy, which coincided with the Governing Body establishment of a goal of annual Art Master Plan review. Clarification and further direction from the Governing Body is sought regarding future commissions and installations of public art, including any gateways, as the overall process for a new art piece takes about two years.

She pointed out the footnote meeting date of 3/14/14 on document A) was incorrect. The red box listing of potential sites was from 2008 and had changed.

Councilmember Azeltine questioned if “APPI” at the end of the first paragraph of Ms. Claxton’s cover memo should be “Leawood Arts Council Committee” [LAC]. Ms. Claxton clarified that APPI makes recommendations first which are then provided to the LAC.

## **I. Master Plan for Public Art**

Mayor Dunn stated the location “Koinonia” on the Public Art Master Plan, Item B), and on the Location Map of Art, Item C), differed. On C) “Koinonia” was shown to be at The Lodge, but it is located at the Justice Center. She stated she had numerous items of note on the red-line of the Public Art Policy, Item E).

Councilmember Rasmussen stated the Tomahawk Creek Parkway Sculpture Garden had a walk-through concept, starting at City Park and ending at 119th, which differs from standalone pieces placed throughout the City such as “Pastoral Dreamer.” A conflict with development art should be avoided such as 151<sup>st</sup>, just east of Nall.

Mayor Dunn inquired about the status of open Site 2. Ms. Tearney stated placement at College Boulevard and Tomahawk Creek Parkway may not be appropriate. The intersection has high volume and activity, with a total of 11 light and traffic poles. On the southeast side there is a steep drop-off to the flood plain and there are large offices on the northwest and southwest sides. The northeast is the only side with visibility and it already contains beautiful flowering trees. Ms. Bishop stated when this site was recommended it was prior to experience gained about installing in flood plains. Councilmember Filla stated the use of wind-art on flood plains should be strongly considered.

Mayor Dunn asked for additional details of the coyote proposed for open Site 4. Ms. Claxton stated the coyote would be bronze and larger than life-size; bigger than one of the “Spooked” deer art piece.

Ms. Tearney stated art placement in the north is difficult. Street islands are not large enough, but as soon as the plan for the former City Hall site is developed, there may be new opportunities. Councilmember Filla suggested the potential for placement of smaller pieces or water fountains at 95<sup>th</sup> and Stateline or upon residential property, provided the owner would be agreeable and provide easement. Councilmember Sipple agreed and stated this should be added to the City goals. Mayor Dunn stated the resident would need to give up their property, and could result in politically charged discussion with other citizens. Ms. Tearney added the Home Owner Association [HOA] would also need to be involved.

Several attendees were in favor of creating overlay maps to depict all art in the City. For example, a map of corporate/development art, a map of privately owned art and water fountains, and a map of HOA art. The purpose would be to ensure proper spacing and balance of art throughout the City.

Councilmember Filla asked about Women of the World and why it was not shown on map. Mayor Dunn stated the City does not own Women of the World and the owner of the piece is most adamant. Therefore, it should not be shown on a map of City-owned pieces. Councilmember Rasmussen stated he would not make that conclusion; this was an area he has had an issue with for quite some time. He stated that Women of the World is located on public right-of-way.

Councilmember Rawlings stated “Pastoral Dreamer,” was his all-time favorite piece, which is tucked into a corner and often missed when traveling westbound on 133<sup>rd</sup> and may or may not be seen when traveling east. He questioned if there was any policy on visibility or relocation. Mayor Dunn stated “Growing” had been relocated from City Hall to Tomahawk Creek Parkway and many comments were received about the “new art piece” viewers had not seen before.

Councilmember Sipple requested the balances of the maintenance fund and the amount of dollars available for the next art piece. Ms. Long stated that Budget Manager Kathy Byard had generated such a report today providing the balances of the City Capital Art Fund and the Public Art Impact Fee, and copies of the report had been placed in each Councilmembers’ mail packet on the Council Chambers dais. Additional copies were made and distributed for reference. Ms. Long stated the Capital Art Fund had a balance of \$300,183, and the Public Art Impact Fund had a balance of \$329,941, for a total of \$630,134. She clarified the money would not be used for music and shows, but only to fund art pieces and their maintenance, excluding the pending Justice Center art piece which would be purchased from the Public Safety Fund.

Councilmember Cain reminded there was a cap on the maximum amount that can be expended for one piece and also a cap on maintenance cost.

Mayor Dunn stated in 2016, \$128,500 would be needed for maintenance and that 10% of the cost of each art piece is placed in the maintenance fund. The Capital Improvement Program [CIP] projects total \$566,000 for capital art purchases through 2022. Hopefully, the current total balance of \$630,134 would continue to grow. Ms. Claxton stated the \$128,500 budgeted for maintenance had been accruing and this year the art pieces would be inspected and cleaned. As the City’s art is relatively new, it should be in good condition; expenditure of much of the money available was doubtful. To date, \$4,000 to \$7,000 has been spent in maintenance for the entire collection.

Councilmember Azeltine recommended that when staff are drafting documents, they should earmark or footnote the 10% maintenance amount. He stated Ms. Byard had delineated the maintenance amount on her report. Mr. Lambers stated he would expand report distribution so that both LAC and APPI members receive. Councilmember Azeltine would like to know when an art fee applies and when it does not. He stated the committees would like to see funding by project, square footage and revenue. Mayor Dunn stated a report of this information is distributed by Planning Official Mark Klein, either monthly or quarterly.

Councilmember Sipple inquired if there had been any loss or damage. Mayor Dunn replied that one of the three deer in “Spooked” had been stolen in broad daylight. Replacement cost was \$15,000. The \$5,000 insurance deductible was paid by Mr. Chuck Peters who had funded the piece, and the City’s insurance policy covered the remainder. “Porch Lights” was struck by a vehicle. “Pastoral Dreamer” was graffitied, which cost \$2,000 to remove.

Councilmember Filla asked Ms. Long how cost was booked. Ms. Long replied the amount paid was booked. Ms. Tearney stated appraisal services have been bid. Councilmember Filla requested this be added to the Public Art Policy.

Ms. Bishop stated that each April a value is assigned and reviewed, and then she provides this information to the City Attorney for insurance purposes.

Ms. Tearney spoke about the increasing difficulty in obtaining loaner art. The Kansas City Art Institute Dean would no longer recommend large pieces and local artists cannot build before sold. She has and continues to speak with universities. Mayor Dunn shared she had been a part of the South Johnson County Task Force for the Nelson-Atkins Museum, and may have an opportunity as they are anxious to work with the City. She would provide Ms. Tearney with contact information.

Councilmember Sipple suggested potential use of small pieces placed over several blocks. The pieces could be placed on the sidewalk, with an informational plaque and a brochure about the artist and the vision for the piece. Councilmembers Cain, Rawlings and he had viewed this type of display of about 12 pieces in Salina, similar to downtown Lawrence. The pieces are on display for approximately one year.

Councilmember Sipple commented that extensions of path going from the trail to art would encourage citizens to bike and walk more. Mayor Dunn stated this had been done with "Variance" and is part of the master trail plan.

Ms. Tearney stated the City has more art per capita than other municipalities, who are envious of what the City has accomplished in the last 20 years. The success can be credited to the work of the Mayor, Governing Body and volunteers.

## **II. Public Art Policy**

Councilmember Cain stated she and Councilmember Azeltine were Council Liaisons to the LAC and they had been working with the committee to update the policy, with Councilmember Azeltine in the lead role. She reminded the arts include many other items such as performances and stated she was excited about the future of arts in the City. The LAC had three new members and had not yet reviewed the policy line-by-line. Their overall goal was to fine tune, streamline, increase transparency, be more explicit for staff, and to involve the City Council and other departments earlier in the process. Major highlights of the policy revisions include mayoral appointment of Council Liaisons to the Art in Public Places Initiative [APPI] sub-committee and also to the Selection Panel.

Councilmember Azeltine stated one of the reasons for policy review was eliminate numerous stops in the prior process flow, to provide for a collaborative and timely effort by all departments.

Councilmember Sipple inquired if the City had received any negative comments about the Public Art Policy in practice. Ms. Claxton stated there had been none in regard to the policy, but negative comments had been received after placement of art. She stated the City was transparent about the funding increase and there had been no push-back in that regard. Mayor Dunn shared she had received a few negative comments, always when a new piece is installed, but positive comments far exceeded.

Councilmember Filla clarified the hierarchical relationship of committees and panels, as follows:

1. The Leawood Arts Council [LAC] is the over-riding umbrella of the APPI and the Selection Panels, and its Council Liaisons are non-voting members.
2. The APPI is a standing sub-committee of the LAC. The APPI is comprised of head/chair who serves a term of three years, a non-voting Council Liaison and up to five members, appointed by the Mayor with approval by the City Council. They provide direction to the Selection Panel(s), for several art pieces.
3. Selection Panels receive direction from the APPI. The term of its members is the selection of one art piece. More than one Selection Panel could be functioning at the same time. A panel contains a non-voting Council Liaison.
4. LAC, APPI and Selection Panel Council Liaisons are not required to be unique or mutually-exclusive.

Detailed discussion of the red-lined policy E) revealed a discrepancy in the document versions being referenced. Ms. Claxton apologized for the oversight and resulting disconnect of comments. Comments provided in review of the red-line included in the meeting documentation packet, as follows:

- A. Section III, second paragraph, last sentence. Remove comma between “can be” and “thought provoking.”
- B. Section IV. State both the chair of the LAC and APPI committee each have a term of three years.
- C. Section IV, A. Use the language, “As appointed by the Mayor with approval by the City Council.”
- D. Section IV, A. State “up to five members...”
- E. Section VII, B. Insert “to the Governing Body” after “The LAC shall prepare a recommendation...”.
- F. Section VII, C. Reword for “staff recommend having a Work Session with Governing Body”. A Work Session would be desired if the art piece was potentially controversial.
- G. Section VII, E. Include a “d” on “require.”
- H. Section XII, B. Revise “Meetings of both the LAC and APPI...” to read “Minutes for both LAC and APPI meetings...”.

Mayor Dunn noted there was no mention in Section VII, A. through E., of the budget provided to artist and suggested that be included in the policy. Ms. Tearney stated a budget would be given to the artist.

Ms. Tearney stated VII. E. had been revised to avoid problems with installation in a flood plain or visibility by having the APPI work with Parks and Public Works Departments earlier than in the past, and requiring the cost to place a piece out of or raised above a flood plain to not exceed 30% of the project installation costs. Councilmember Rasmussen stated an increased percentage would open up some potential horrific sites. Ms. Tearney reminded about the 135<sup>th</sup> Gateway and Councilmember Cain stated some locations may work better than others, depending on the piece of art.

Mayor Dunn noted the bottom of Page 6, IX. Art on Loan Program, stated the artist honorarium was not to exceed \$2,500, while the August 4, 2015 LAC meeting minutes, up for approval at the Governing Body meeting agenda to be held later tonight, states up to \$5,000. Ms. Tearney stated the \$5,000 honorarium was for a build-deal art on loan piece for two years for the west side of City Hall from artist Dierk Van Keppel, and the amount would be all inclusive. Ms. Tearney confirmed the policy would remain with a maximum \$2,500 honorarium. She added that if the City eventually purchases loaned art, the \$2,500 applies to the price.

Councilmember Rasmussen wanted to ensure there was a consensus, due to proposed major changes in the policy with regard to involvement of the Council in the LAC, APPI and Selection Panel(s). Councilmember Azeltine stated his intent that a Council Liaison was not needed as part of a Selection Panel and that no action can be taken in a Work Session.

Mayor Dunn noted that collaboration with other departments such as Public Works was important. She suggested the current policy be red-lined to incorporate all versions and comments as appropriate and available within 60 days.

There being no further business, the work session was adjourned at 7:24 P.M.

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Debra Harper, CMC, City Clerk

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Cindy Jacobus, Assistant City Clerk