

SIOUX FALLS VISUAL ARTS COMMISSION VIDEO CONFERENCE WORKING SESSION MEETING

Wednesday January 13, 2021
5:30-7:30pm

WebEx Video Conference Meeting
Sioux Falls, SD

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.

The meeting was recorded. The recording is available on line with the below link and recording password.

Visual Arts Commission- Working Session-20210113 2333-1

Recording Password: sH33883k

<https://siouxfalls.webex.com/siouxfalls/ldr.php?RCID=0d1fcc1a662d48e79d6c258f087cbe19>

MINUTES

I. Call to Order & Quorum Determination

The meeting was called to order at 5:33 by Visual Arts Chairman James Zajicek. Members participating at the start of the meeting were Commission members James Zajicek, Kellen Boice, Mike Jamison, Sara Lum and Joe Schaefer. Commission member Zack DeBoer joined the meeting at 5:36 pm. A quorum of members participated in the meeting.

II. Welcome & Introductions: No introductions were necessary as only Commission members participated in the meeting.

III. Public Input: None

IV. Review of Working Session Notes:

a. Wednesday November 12, 2020 Work Session notes

A motion was made by Commissioner Sara Lum to approve the minutes from the November 12, 2020 working session. The motion was seconded by Commissioner Kellen Boice. Commissioner Boice asked if the minutes should include more details regarding comments received from Amber Hanson and other recommendations

received. Commission Chair James Zajicek noted that the minutes include e-mails received that provide comments on the mural ordinance, and the information provided by Amber Hanson is included in the draft minutes. Shawna Goldammer scrolled through the 25 page minutes documents. After the discussion, the Commission approved the minutes unanimously.

V. VAC Focus

**a. Mural Ordinance: Review of mural final draft
City Attorney Comments**

Shawna Goldammer began the discussion by explaining the city attorney's comments for a 'constitutional issue'. She went on to say that the article provided to the Commission, was taken from a law review journal and is a good resource to explain the constitutional arguments. This article gives a good explanation of the recent court decisions regarding the first amendment and murals, art, signs and both. She also explained how when an ordinance calls out advertising, it is making the distinction regarding commercial speech and the importance of being content neutral. Commissioner Zajicek asked if the language could be changed to encourage mural art. Goldammer explained that the reference to advertising could be taken out of the mural ordinance. Additionally, she explained that the law review provided gave some good examples of regulations for murals should not be concerned with what products are sold in the building. Murals should be a celebration of the artwork. Commissioner DeBoer mentioned Mr. Bendo and the Commission was reminded of how by removing an exhaust pipe from his hand, did not change the advertising nature of the Mr. Bendo. The community supported this iconic statue/sculpture and Mr. Bendo got his exhaust pipe back in his hand. Commissioner Jamison used the maternity shop mural as an example and asked how this ordinance would apply to that situation. Goldammer explained the Elegant Mommy mural was a decision of the zoning officer as to what part of the artwork on the wall was considered art, and what part was considered a sign. She went on to say that the law review article indicates that mural ordinances should shy away from frameworks that raise arbitrary decisions of government officials. Commissioner Jamison asked it would be appropriate if a percentage of text should be included as part of mural ordinance. The legal review indicates that it really depends on the jurisdiction. Jamison explained that the VAC was trying to staying away from the determination of what is a good mural or what is a bad mural and not the determination of if it was a sign or art. He went to explain that perhaps the ordinance should be a basic framework. After some more discussion, that Commission agreed to remove reference to advertising and other instances in the ordinance that limited commercial speech. Additionally, after a discussion, the ordinance intent should include that murals contribute to the cultural identity of the neighborhood. The Commission discussed the recommendation regarding sealant for murals in the standards. The standard is a recommendation, and not a requirement. No time limit for how long the mural should last is included. After

further discussion, the provision will remain in the ordinance. The Commission reviewed the exemption section as provided in the City Attorney's revision. The section is to exempt murals from the sign code and provides language that distinguish signs from murals. Because the intent is not to require permits for murals, but rather, require a registration, the language proposed referencing a building permit should not be included. By removing the reference to advertising the exemption for original for original art murals may not be necessary. If the City Attorney is recommending the cross reference to the sign code, then the section should remain, but remove the building permit language.

Shawna Goldammer stated that she will review the City Attorney's version, and the VAC draft to incorporate all the attorney's comments. She then encouraged the group to read the law review for a better understanding about murals and signs.

Letter of Advocacy:

Commissioner Zajicek shared his screen showing the letter of advocacy for a budget for art maintenance. The group then edited the letter via a google drive, refining it to include additional language advocating for conservation of the City's art collection. The letter should include a recommendation for a capital budget, a five-year plan for long term maintenance. Shawna Goldammer explained that Jeff Eckhoff has offered to come to a Visual Arts Commission regular meeting to discuss the Arts Commission. The letter of advocacy could also be discussed at the same meeting. She also read to the group some past estimates for major repair on Sea Dream and the World Comes to Whittier.

Commissioner Joe Schaefer left the meeting at 6:47.

Commissioner Zach DeBoer left the meeting at 6:57

b. 2021 Work Plan

The group reviewed the 2021 work plan. The work program reflects the activities to be completed in the coming year. Shawna Goldammer explained that the 2021 SculptureWalk program is the same as 2020. Commissioner Boice asked that the new Director of SculptureWalk be introduced to the Visual Arts Commission.

c. 2020 annual report

The group reviewed the 2020 annual report. Commissioner Boice stated that her first term was filling the remaining term of someone else. Shawna Goldammer will research Boice's first term to find out if she could serve another term.

Commissioner Boice shared with the group about a conversation with the Empire Mall and the possibilities for placement of sculptures inside this type of public space. Shawna Goldammer explained that City owned artworks have not been placed on private property in the past. The VAC could explore private property options.

Commissioner Boice reminded others that there was a subcommittee that discussed creating a sculpture garden. However, the Parks Department is not interested in creating a sculpture garden in Falls Park or Van Eps Park.

VI. Announcements

a. Next VAC Meetings

- i. *VAC Regular Meetings: Tuesday, January 19, 9:00 am, City Center, 231 N Dakota Ave and Via WebEx*
- ii. *Future VAC Work Session (if needed): February 10, 2020*

VIII. Adjournment: The meeting was adjourned at 7:25pm