

Minutes of the Public Art Commission
City of Cherry Hills Village, Colorado
Monday, August 22, 2011
at the Village Center

ROLL CALL

Commission members in attendance: Ann Polumbus, Teresa Harbaugh, Gay Warren, Douglas Smooke, Councilmember Klasina VanderWerf. Employees present: Jay Goldie, Deputy City Manager and Public Works Director, Pamela Broyles, Administrative Assistant.

Absent: None

CALL TO ORDER

Ms. Ann Polumbus called the meeting to order at 10:00 a.m.

AUDIENCE PARTICIPATION

There was no audience participation.

APPROVAL OF MINUTES

There are no minutes to approve at this time.

NEW BUSINESS

a. Review of Open Meeting Laws with Nancy Rodgers of Kissinger & Fellman, P.C.

Attorney Nancy Rodgers with Kissinger and Fellman, P.C. addressed the Commission regarding the Open Meetings Law. Ms. Rodgers reviewed the Colorado Open Meetings Law and the Colorado Open Records Act that requires elected officials or their committees to make the public aware of meetings when conducting public business. Ms. Rodgers indicated that there might be a few exceptions because the Art Commission is an advisory body and does not actually make the decisions. The Commission will make recommendations to City Council who holds almost all of their meetings in public and will make the final decision on whether to accept a donation of art. Ms. Rodgers noted that her office recommends all meetings be open to the public.

Ms. Rodgers described a meeting as any type of gathering to discuss public business. If more than two people are discussing public business then it is considered a public meeting. The Commission must have a quorum for any final decisions to be made. If there is not a quorum then the Commission can still meet and have discussion, but no decisions can be made.

The public is required to receive full and timely notice of a meeting by:

- Posting of the agenda in a public place
- Posting within twenty-four hours of the meeting.
- Providing notice to any citizen who specifically requests it.

Ms. Rodgers addressed meeting minutes and indicated that minutes are required to be kept at any public meeting under the open meetings law. As an advisory committee this may not always apply to the Art Commission, but Ms. Rodgers suggested that it is a good business practice to do it.

Ms. Rodgers cautioned that a lot of elected officials can get into trouble with informal meetings because conversations carried on over emails, texts, Face Book, etc. can be considered public meetings. Commission members must be careful not to discuss public business with three or more members unless notice is given and the meeting is open to the public.

Ms. Rodgers defined an Executive Session as a part of a meeting that is not required to be open to the public. The following could be categorized as executive sessions:

- Purchase, acquisition, lease, transfer or sale of any real personal or other property interest.
- Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions.
- Matters required to be kept confidential by federal or state law or rules and regulations.
- Specialized details of security arrangements or investigations.
- Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators.
- Personnel matters.

Colorado Open Records Act

Ms. Rodgers reviewed the Open Records Act and explained that public records are all writings made, maintained, or kept for use in the exercise or functions required or authorized by law or administrative rule. All public records are open for inspection by any person. There are certain documents that can be blocked from public view such as attorney/client communications and personnel files. When records are requested a response must be made within three (3) working days or less. The following are considered public records:

- Correspondence
- Maps
- Photographs
- Tapes/Recordings
- Emails and other digitally stored data
- Memorandum, Reports from experts (except attorney)

Because emails discussing business are public records Ms. Rodgers recommended that each Commission member establish a City email kept separate from their personal email.

b. Discussion of Art donation by Greg Stevinson

Ms. Polumbus stated that Greg Stevinson has no vested interest in the City, but has helped other municipalities with their public arts programs. Ms. Polumbus suggested that the Commission discuss the potential art pieces and decide if they want to accept the art, a location and whether to forward a recommendation to City Council.

The Commission opened discussion on the potential "Sundown" sculpture of a Pioneer Woman and possible locations to display the piece of art.

Mr. Goldie noted that the size of the sculpture is important when determining a location.

Mr. Smooke suggested that the Commission should first determine what is considered a good location, whether the art should be visible and in a prominent public place and what are the qualities that the Commission is looking for. He suggested that once the Commission determines what the characteristics are with the location then they can determine which location fits that criteria.

Ms. Polombus noted that the Commission has created a map of possible locations, but agreed that they need to come up with more criteria for future art. She said the Commission will become more experienced with time, but there is an opportunity before them now to get started.

The Commission agreed that the first piece of art should be highly visible.

Councilmember VanderWerf asked if the art piece is on loan and should the City decide to replace the art in the future is there an option to move the piece or give it back.

Ms. Polombus responded that it is her understanding that the City will have that option. Ms. Polombus added that it will be important for the Art Commission to write up agreements for the art pieces.

Mr. Smooke asked Mr. Goldie if the location of the Village Center is the most visible and high traffic area in the City.

Mr. Goldie responded that it is the highest traffic in terms of the schools being here and Quincy being a main thoroughfare.

Ms. VanderWerf suggested possibly naming and labeling the different locations that are an option for art as an easier way to identify them.

Mr. Goldie suggested that photographs of the sites could also be taken.

Ms. Polombus indicated that based on the Master Plan this Commission needs to come up with a budget and plan for the Art Commission for the following year by the end of this year.

Ms. Polombus stated that Greg Stevinson would like to offer 2-3 pieces of art for display in the City to get it started and she asked the Commission if they would prefer to start with one piece.

Ms. VanderWerf recommended starting with one piece at a time to allow for variety.

Mr. Smooke added that by doing one piece at a time it leaves room for more options and allows the opportunity to receive feedback.

MS. GAY WARREN MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL TO ACCEPT THE "SUNDOWN" SCULPTURE OF A PIONEER WOMAN BY ARTIST WALT HORTON DONATED BY GREG STEVINSON TO BE PLACED IN FRONT OF THE CITY CENTER. MS. TERESA HARBAUGH SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Mr. Goldie suggested that members from the Art Commission should attend the City Council meeting to show their support for the recommendation. He said he would add the item to the City Council agenda for September 20th.

Ms. Warren also suggested that with the sculpture being next to the elementary school it could offer educational opportunities.

c. Review of Board Member Responsibilities

Ms. Polumbus shared a list of priorities that she wrote for the Art Commission and encouraged Commission members to discuss and help prioritize the list.

- Develop a procedure to work together.
Ms. Polumbus indicated that all Commission members know artists and people, but it is important that the Commission work together and not as individuals.

Mr. Goldie stressed that the City needs to have a plan on how to accept art.

Mr. Smooke suggested putting together a request for submission and distribute the list to the public to see what kind of response we get. The forms could also be on the website.

Ms. Harbaugh asked if there are different categories of art and will everything be donated or will some items be purchased or commissioned. She also asked who would be responsible for the expense of installing the art.

Ms. Polumbus responded that at least until January everything would need to be on loan because there is no money currently budgeted.

- Ms. Polumbus suggested working with the Land Preserve to see if there are any potential projects that they could work on jointly as the Land Preserve is a 501(c)(3).
- Create a system to catalog art.
- Education
Ms. Polumbus mentioned that one of the applicants for this Commission stood out as someone with extensive experience in how to develop education.
- Set up dates for future meetings.
- Budget

Ms. Polumbus suggested the fourth Monday of each month at 8:30 a.m. as a possible meeting time.

The Commission agreed on the fourth Monday of each month, but noted that there is flexibility to change the day during holiday seasons and to accommodate a quorum.

Mr. Smooke suggested that when the Commission makes a recommendation for art to City Council they could add that there will be some type of education affiliated with it.

Ms. VanderWerf stated that she has a contact at the school she will talk with about educational opportunities.

Mr. Goldie asked the Commission to think about costs that could be associated with the art donations for budget purposes.

Ms. Harbaugh suggested that if the Commission accepts art they need to recognize whoever loaned the art.

The Commission discussed ways to recognize artists such as a ribbon cutting with cookies and coffee or a plaque with the artist's information.

Ms. Warren agreed that it is important to offer recognition.

Ms. Polumbus stated that the Commission will also need to develop a plan if someone wishes to purchase the art.

ELECTION OF VICE-CHAIR FOR ART COMMISSION

The Commission agreed to elect Douglas Smooke as Vice Chairman of the Art Commission and Mr. Smooke accepted the position.

GENERAL UPDATES

Councilmember VanderWerf shared a newsletter put out by the South Suburban Park Foundation that displays some examples of different art settings and suggested that the Commission could consider doing something similar.

ADJOURNMENT

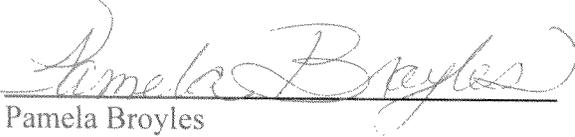
There being no further business the meeting was adjourned at 10:55 a.m.



Ann Polumbus
Committee Chairperson



Jay Goldie
Deputy City Manager and Public Works Director



Pamela Broyles
Administrative Clerk