



Legislation Text

File #: RES PH 20-59, **Version:** 1

Approving the temporary installation of artwork in the public right-of-way on the Robert Street skyway windows between the Pioneer Endicott and First National Bank Buildings.

WHEREAS, the Minnesota Museum of American Art “Applicant” wishes to utilize the Robert Street skyway windows between the Pioneer Endicott and First National Bank Building (bridge #30) to install a lively and colorful vinyl cut-out design titled *It’s Okay to Laugh* artwork “Project”; and,

WHEREAS, the Project will consist of temporary translucent films of colorful characters in varying shapes mounted directly on interior window surfaces; and,

WHEREAS, resolution RES 19-1622 adopted by the City Council on September 18, 2019, provides the permitting policy and process for the review and approval of public art proposed in the ROW; and,

WHEREAS, resolution RES 19-1622 sets forth the following general conditions for Project installation:

1. Artworks approved for installation in the public right-of-way must be of an appropriate size, scale and material to withstand the weather, traffic and other rigors of public right-of-way conditions for the period of time it will be installed
2. Works must be fabricated off-site. Only minor assembly needed for installation may be performed on site.
3. All costs and arrangements for the transportation of the work to the site and of its installation shall be the responsibility of the applicant.
4. All costs of and arrangements for the removal of the artwork from the site shall be the responsibility of the applicant. Applicant will be responsible for restoring the site to its original condition at its own expense. Removal of painted are shall include complete removal of all paint by either chemical or abrasive methods and shall not be considered complete until no evidence of the art is discernible or until a stable surface can be guaranteed.
5. Applicants are responsible for all maintenance of the installations. Applicants must warrant that the works of art will not require any extra ordinary maintenance during the term of installation in the public right-of-way. If applicant fails to maintain the artwork or if the art requires extraordinary maintenance, the City will notify the applicant of the issue. The applicant has seven (7) days to address the issue, and, if not corrected, the City of Saint Paul may remove the artwork and charge the applicant the cost of the work. If the applicant fails to remove the artwork at the end of the authorized time period, the City may remove the artwork and change the applicant for the costs of removal. The City of Saint Paul may remove any artwork that is or becomes a hazard to traffic or pedestrians. Artwork may also be removed when removal is necessary for maintenance, repair, or new construction located with that right-of-way, including any work performed by authorized third parties. Regardless of the reason for removal, the applicant is responsible for the costs of removal.
6. Requests for extensions of time for installation must be made in writing to the Director of Public Works, and granted at the Director’s discretion. The Director shall consider whether the artwork is still in good repair, its impact upon public safety, and whether the applicant is in good standing on any previous conditions of approval.
7. Prior to installation, the applicant shall contact Gopher State One Call and secure locations of all known utilities in the area to be occupied by the artwork.
8. The City is not responsible for any loss or damage to the work. The applicant must provide proof of appropriate liability insurance coverage; and

WHEREAS, resolution RES 19-1622 sets forth the application process that includes a written application to the Director of Public Works in which the application shall:

1. Describe the artwork proposed for installation in the public right-of-way: its size (height, width, depth), weight, general shape, colors and materials.
2. Describe the proposed location of the installation and locate the site on a city or skyway map.
3. Describe the structural and mechanical aspects of the artwork.
4. Describe the qualifications of the artist and of those involved in its installation.
5. Illustrate the artwork installation in a scale drawing of the work in its proposed location.
6. Identify the owner of the artwork.
7. Provide a statement pledging that the applicant will properly maintain the artwork for the duration of its installation in the public right-of-way.
8. Provide a schedule of the artwork installation, specifying the date of its arrival and installation at the site, the term of its exhibition, and the date of its removal.
9. Provide a certificate of insurance as proof of general liability coverage of not less than \$1,000,000 per occurrence, which shall not exclude explosion, collapse, and underground property damage, and not contain an "aggregate" policy limit. The general liability coverage must contain an endorsement naming the City of Saint Paul as an additional named insured as to acts committed by the applicant for which the City could be held responsible. Any requested waiver of this requirement must be approved by the City's Risk Manager; and,

WHEREAS, the Applicant has submitted complete and proper applications for the Project which meet all conditions laid out in resolution RES 19-1622; and,

WHEREAS, Applicant has submitted a Certificate of Insurance as proof of general liability coverage of \$1,000,000 per occurrence, which does not exclude explosion, collapse, and underground property damage, and does not contain an "aggregate" policy limit; and,

WHEREAS, as outlined in the approval process of resolution RES 19-1622, Public Works has reviewed Applicant's application and the Director of Public Works has convened a panel to evaluate the proposal; and,

WHEREAS, the District 17 Planning Council and adjacent property owners have been notified of the application; and,

WHEREAS, the Project can remain in place until May 31, 2021 with written permission of the adjacent property owners and verified insurance coverage through that date; and,

WHEREAS, Applicant further understands engaging in unpermitted activity or failure to follow any term outlined in this policy and approved permit will result in revocation of the Project's permit;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Saint Paul hereby grants approval to Public Works to issue a Permit to Applicant for the Project.