SIOUX FALLS VISUAL ARTS COMMISSION VIDEO CONFERENCE MEETING

Tuesday, February 16, 2020
9 am

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.

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JOIN BY MEETING NUMBER
Meeting number (access code): 146 038 3294
Meeting password: udMASPmf622

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+1-408-418-9388,,1460383294## UNITED STATES TOLL

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JOIN FROM A VIDEO SYSTEM OR APPLICATION
DIAL 1460383294@SIOUXFALLS.WEBEX.COM
MEETING AGENDA

ITEM 1. Call to Order and Quorum Determination

ITEM 2. Welcome Members and Guests

ITEM 3. Approval of Regular Agenda

ITEM 4. Approval of Minutes from January 19, 2021 Meeting

ITEM 5. Public Input on Non-Agenda Items (Chairperson) (5-minute comment period per individual)

ITEM 6. Unfinished Business
   a) Original Art Murals Ordinance: Recommendation

ITEM 7. New Business
   a) Working Session from February 10, 2021 Report
   b) Review of the 2021 Storm Drain Inlet Call for Art
   c) Sculpture Placement
      i. Under Construction: Resolution 10-21 Approved
      ii. Jake on Bass:

   a) Sioux Falls Arts Council – Updates
      • DT-Art Box Project.
      • Others?

ITEM 8. Other Business
   (a) Election of Officers
ITEM 9. Announcements
Up Coming Meetings

1) SculptureWalk: Deinstall: May 1st, Install May 15th.
2) Regular VAC Meeting—Tuesday, March 16, 9 a.m., Video Conference Meeting

ITEM 10. Adjournment
MEETING MINUTES

ITEM 1. Call to Order and Quorum Determination: The meeting was called to order at 9:05 am by Chairman James Zajicek.

Member Participants: James Zajicek, Mike Jamison, Joe Schaeffer, Kellen Boice, Zach DeBoer.

Members Absent: Keith Lapour, Sara Lum.

Shawna Goldammer noted that a quorum was present. Zach DeBoer joined the meeting at 9:08 am

ITEM 2. Welcome Members and Guests: Chairman Zajicek welcomed all participants, and asked all to introduce themselves. Chairman James Zajicek, multi-media producer, Commissioner Mike Jamison, Puetz Construction & member of the Visual Arts Commission, Commissioner Kellen Boice, Sioux Falls Arts Council, Commissioner Joe Schaefer, Graphic Designer and Artist, Nancy Halverson, Executive Director of the Levitt, Mike Patten, Sioux Falls Park and Rec, Shawna Goldammer, Planning and Development Services and Jeff Eckhoff, Planning and Development Services.
ITEM 3. Approval of Regular Agenda: A motion was made by Commissioner Jamison and the motion was seconded by Commissioner Boice to approve the agenda. The agenda was unanimously approved.

ITEM 4. Approval of Minutes from December 15, 2020 Meeting. A motion was made by Commissioner Jamison and the motion was seconded by Commissioner Schaefer to approve the December meeting minutes. The minutes were unanimously approved.

ITEM 5. Public Input on Non-Agenda Items (Chairperson): None

ITEM 6. Unfinished Business

a) Working Session update: Mural Ordinance: Shawna Goldammer stated that at the working session, the group decided to update the mural ordinance to remove constitutional concerns surrounding commercial speech. She is working on an update, and will send the updated document with the Commission. At the same time, she hopes to have the opportunity to schedule an informational meeting with the City Council, but she also explained that the City Council’s informational meetings are filling up and scheduling will be difficult.

ITEM 7. New Business

a) Commemorative Kirby Plaque- Levitt at the Falls – Applicant Nancy Halverson: Nancy Halverson explained how Jennifer Kirby was the founding board chair for the Levitt and one of the top three contributors to the Levitt. She went on to say that Ms. Kirby’s term as the board chair is coming to an end and the Levitt board wanted to do something really special to recognize and honor Jennifer (Kirby). The application is to name the dancefloor, a concrete area in front of the stage, as the ‘Jennifer Kirby Dance Floor’. The plaque would be bronze and mounted on the stage front, at a size that would not detract from the Levitt name. Mike Patten explained that the proposal would be an 18” x 24” bronze plaque, similar to other dedication plaques around the City. Mike went on to say that the long term maintenance of the plaque would be of the applicant.

A motion was made by Commissioner Jamison and the motion was seconded by Commissioner Schaefer to approve Jennifer Kirby Dance Floor plaque. The motion was unanimously approved.
b) **Visual Arts Commission 2021 Work Program:** Shawna Goldammer explained the 2021 work program document. The work program includes regular duties and other projects of importance on page 3 of 3.

A motion was made by Commissioner Schaefer and the motion was seconded by Commissioner Boice to pass the 2021 work program. The motion was unanimously approved.

c) **2020 Visual Arts Commission Annual Report:** Shawna Goldammer explained that Commissioner Boice is noted as in her second term. She explained that Boice’s first term was only 6 months of service and she would be able to serve another term.

A motion was made by Commissioner Jamison and the motion was seconded by Commissioner Schaefer to approve the 2020 annual report. The motion was unanimously approved.

d) **Sculpture Placement Updates**
   i. **Daughters of Peace:** Goldammer reported that the artwork *Daughters of Peace* has been moved to the City Center lobby.
   
   ii. **Under Construction:** Goldammer reported that the resolution for ‘Under Construction’ to place the sculpture at the outdoor campus has been requested to be on the City Council agenda for February 2, 2021.

   iii. **Jake on Base:** The agreement to purchase ‘Jake on Base’ is being routed, and once complete, this 2020 SculptureWalk People’s Choice will be displayed in front of the City Center for one year.

   It was recommended that the press release announcing the People’s Choice should also include where the previous year’s People’s Choice will be located.

e) **Sioux Falls Arts Council – Updates**
   - **DT-Art Box Project:** Commissioner Boice explained that a survey has been distributed to key community stakeholders and the response has been very good. The information from the survey will be utilized in the call for art. The Call for Art should be released in the first part of February.
   
   - **The Arts Council has interviewed interns and should have them on board in the near future.**
   
   - **Commissioner Jamison asked for an update on the five agencies that the SFAC is sponsoring.** Boice explained that the SF Arts Council has, for many years, sponsored small art organization to help them fund raise and apply for grants. The groups include Our Growth Project; White Spruce Chamber Group; The Watering Can; The Sioux Falls Photography Collaborative; Sioux Falls Stage. Boice briefly explained each group.
She also indicated that the groups are listed on the Sioux Falls Arts Council Website.

ITEM 8. Other Business
   a) Letter of Advocacy – CIP budget for Art Collection: Chairman Zajicek shared his screen and the google doc letter. Director Jeff Eckhoff explained that he would like the group to include information derived from the RLA report(s) to support a budget. He went on to say that he is willing to incorporate funding for ongoing art restorations into the Planning and Development Services budget, and then would appreciate a letter of support from the Visual Arts Commission for that funding. This would delay the letter by a few months and give the VAC time to come up with a plan. Jamison asked if the contracts for the work would be bid or if it would be a contract with our current consultant. Jeff Eckhoff explained that the City does have rules on how things have to be procured, and it would be a process that is determined in the year the work is to be completed.

   Jeff Eckhoff asked the group to review past estimated for restorations and come up with a plan at a working session.

   Chair Zajicek asked that this be place on the February 10th working session agenda.

   b) Update: Art Commission: Jeff Eckhoff explained that due to COVID there was a hiring freeze with the exception of Police and Fire. Additionally, the additional FTE was not requested as part of the 2021 budget. Eckhoff explained that he has had conversations with the Janet Brown regarding the timing of the Arts Commission and it was agreed that the hiring of staff support was vital to the success of an Arts Commission. If the FTE approved for 2022, a person could potentially be on-boarded in the last quarter of 2021. Then the Arts Commission could be created with the momentum started in the beginning of 2022.

   Jeff Eckhoff explained the role of the VAC under an Arts Commission has yet to be defined, but the duties of the VAC will continue. The VAC will not go a

ITEM 9. Announcements
   Up Coming Meetings

   2) Regular VAC Meeting—Tuesday, February 16, 9 a.m., Video Conference Meeting: To include Election of Officers.

ITEM 10. Adjournment
Request for Commemorative Designation

The Board of Directors of the Friends of Levitt Shell Sioux Falls requests permission to install a commemorative plaque in honor of Jennifer Kirby within the concrete slab that is a dance floor in front of the Levitt at the Falls stage in Falls Park West.

Jennifer has been the chairman of the Friend of Levitt Board since its inception over 12 years ago. In December she will be ending her tenure as board chair and then she will remain on the board for an additional year as “Past Chair”, a remarkable total of thirteen years in service to our organization.

As Board Chair, Jennifer’s leadership has been extraordinary. In addition to her work as the founder of our non-profit in 2011, she worked tirelessly along with the leadership of the Sioux Falls Department of Parks and Recreation to engage the National Levitt Foundation securing Levitt Sioux Falls as the 8th Levitt venue of its kind in the country. Then in 2017, Jennifer successfully led the Chamber Community Appeals effort raising the necessary funds to build the Levitt shell. In 2018, she continued to build a strong foundation for the organization leading a successful nationwide search for a professional staff to take on the daily operations of Levitt at the Falls.

Beyond her generous gifts of time and talent, Jennifer and her husband Joe have provided multiple financial gifts to the project and organization totaling over $500,000 to date. Their cash gifts are second only to the financial gift provided by the Levitt National Foundation in partnership with the City of Sioux Falls to bring the dream of the Levitt Shell in our community to fruition.

As a tribute to her hard work, dedication and joy we seek permission to install a metal cast plaque flush with the existing concrete pad in front of the Levitt stage as a “Commemorative Designation.”

The plaque design: Approx 12” X 14” - flush to existing concrete
SITE OF
EBBETS FIELD
HOME PLATE
HOME TO THE
BROOKLYN Dodgers 1913-1957
AT THIS LOCATION ON APRIL 15, 1947
JACK ROOSEVELT ROBINSON
INTEGRATED MAJOR LEAGUE BASEBALL

(approx. 12” X 14”)

Sample
Sioux Falls Visual Arts Commission

An advisory commission to the Mayor and City Council on matters related to visual art within the city

2021 Work Program
January 19, 2021

An Advisory commission to the Mayor and City Council on matters related to visual art within the city

**MEMBERSHIP REPRESENTATION**

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<tr>
<th>Position</th>
<th>Michael Jamison</th>
<th>Joe Schaeffer</th>
<th>Sara Lum</th>
<th>Kellen Boice</th>
<th>James Zajiczek</th>
<th>Zachary DeBerger</th>
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**Commission Member Term Expirations**

- Kellen Boice - Term Expires April 2021*
- Second Term

**Sioux Falls Visual Arts Commission**

Established by city ordinance (72-00) in August 2000, the Sioux Falls Visual Arts Commission is a group of seven city residents who serve in an advisory capacity, providing guidance and recommendations to the Mayor and City Council on matters related to visual art within the city. The Visual Arts Commission members are appointed by the Mayor. The appointments are subject to the review and approval of the City Council. The appointments are for a three year term, and Commission members are limited to two consecutive terms.
Duties of the Visual Arts Commission:
The Visual Arts Commission shall act as an advisory body to the mayor and city council on matters pertaining to visual art. Its duties may include:

1. Developing a general policy for inclusion and approval of visual art in public places and projects.
2. Establishing criteria for visual art including compatibility with general, social, and physical environment with which the art is to relate, originality, diversity of style, structural design, quality, quantity, scope, scale, material, form, content, and durability.
3. Recommending visual art projects and identifying potential sites.
4. Recommending the placement of statues, monuments and memorials in city parks, in or on city property, and public right-of-way.
5. Encouraging the incorporation of visual art into the design of commercial, residential, and public projects.
6. Encouraging artists’ involvement at the inception of city design and building projects.
7. Maintaining a directory of the city’s inventory of visual art, including receipt annually of the city’s plan for conservation and maintenance of art works.
8. Reviewing and making recommendations upon all works of art to be acquired by the city, either by purchase, gift, or otherwise.
9. Educating the community about the value and importance of visual art.
10. Advising or receiving recommendations from other city boards and commissions on matters involving the visual arts, including aesthetics and beautification.
11. Serving as the city's liaison with artists and advising on any proposed alteration, removal, or destruction of visual art projects, statues, monuments, or memorials in city parks or on city property.
12. Preparing an annual report to the mayor and council on the visual arts. The report may include a plan for future art projects.

Mission Statement:
Date Adopted: March 21, 2006

The mission of the Sioux Falls Visual Arts Commission is to support and encourage development of visual art for community buildings and spaces through its role as an advisory body to the Mayor, City Council, and other City government officials.

2021 General Items:
- Conduct public hearings in compliance with duties highlighted in the Sioux Falls Code of Ordinances Chapter 154.050.
- Review and make recommendations on visual art placements on City property.
- Initiate and facilitate calls for art as needed.
- Provide City project design assistance to incorporate artistic elements as requested.
- Provide effective communication to the public on visual art projects and events.

2021 Target Items:
Adoption of 2021 Work Program January 2021
Adoption of 2020 Annual Report February 2021
SculptureWalk 2021 Program Recommendations February 2021
Election of Officers First Quarter 2021
Capital Improvement Program (CIP) Project Review for Public Art Integration Spring-Fall 2021
Mural Ordinance Final Draft to City Council Informational  First Quarter 2021

Continuance of City Art Maintenance Program  July – November 2021
  o  City’s art conservator consultant, Rosa Lowinger & Associates (RLA), to perform
    maintenance and conservation work on city owned artworks.

Development & Support for Partnership Collaborations, Calls for Public Art & Venues  January-December 2021
  o  Sioux Falls Arts Council
  o  Storm Sewer Inlet Artwork Project (Public Works – Sustainability)  May 2021

2021 Sculpture Placements  January–December 2021
  o  SculptureWalk Annual People’s Choice Location (First year at the City Center)
  o  Others as requested
  o  Discuss location for future sculptures on private property

Other Projects of Importance  January–December 2021
  •  Update 2006 Visual Arts Commission Review Process for Public Art Proposals
  •  Review 2005 Call for Art Procedure Guidelines
  •  Review 2018 VAC Public Art Presentation Form

In 2021 the Visual Arts Commission will meet monthly on the third Tuesday, at 9:00 a.m in Sioux Falls, SD.
For the first quarter of 2021 meetings will be held virtually on the WebEx platform. Meeting information
including a link to join the meeting will be provided on all agendas. Meeting locations will be assessed
throughout the year based on CDC pandemic recommendations.

Working Sessions will be scheduled as needed, and generally will be held the week before the regular
meeting, in the evening 5:30p-7:30p.

For further information visit the Commissioner's website page link at:
http://www.siouxfalls.org/Mayor/boards_commissions/visual_arts_commission
SIOUX FALLS VISUAL ARTS COMMISSION

AN ADVISORY COMMISSION TO THE MAYOR AND CITY COUNCIL ON MATTERS RELATED TO VISUAL ART WITHIN THE CITY

2020 ANNUAL REPORT

AN ADVISORY COMMISSION TO THE MAYOR AND CITY COUNCIL ON MATTERS RELATED TO VISUAL ART WITHIN THE CITY

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<tr>
<th>MEMBERSHIP REPRESENTATION</th>
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<th>JOE SCHAEFER</th>
<th>SARA LUM</th>
<th>KELLEN BOICE</th>
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<th>ZACHARY DEBOER</th>
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2020 APPOINTMENTS:
Resolution #79-20 adopted July 14, 2020
- James Zajicek - Term Expires July 2023*
- Sara Lum- Term Expires July 2023 (Replace Ivy Oland)

Commission Member Terms
- Kellen Boice - Term Expires April 2021*
- Keith Lapour – Term Expires March 2022*
- Michael Jamison – Term Expires March 2022
- Joe Schaefer – Term Expires March 2022
- Zach DeBoer- Term Expires March 2022*

* Second Term
SIoux Falls Visual Arts Commission
Established by city ordinance (72-00) in August 2000, the Sioux Falls Visual Arts Commission is a group of seven city residents who serve in an advisory capacity, providing guidance and recommendations to the Mayor and City Council on matters related to visual art within the city. The Visual Arts Commission members are appointed by the Mayor. The appointments are subject to the review and approval of the City Council. The appointments are for a three-year term, and Commission members are limited to two consecutive terms.

DUTIES OF THE VISUAL ARTS COMMISSION:
Sioux Falls Code of Ordinance Section 154.056:

The Visual Arts Commission shall act as an advisory body to the mayor and city council on matters pertaining to visual art. Its duties may include:

1. Developing a general policy for inclusion and approval of visual art in public places and projects.
2. Establishing criteria for visual art including compatibility with general, social, and physical environment with which the art is to relate, originality, diversity of style, structural design, quality, quantity, scope, scale, material, form, content, and durability.
3. Recommending visual art projects and identifying potential sites.
4. Recommending the placement of statues, monuments and memorials in city parks, in or on city property, and public right-of-way.
5. Encouraging the incorporation of visual art into the design of commercial, residential, and public projects.
6. Encouraging artists’ involvement at the inception of city design and building projects.
7. Maintaining a directory of the city’s inventory of visual art, including receipt annually of the city’s plan for conservation and maintenance of art works.
8. Reviewing and making recommendations upon all works of art to be acquired by the city, either by purchase, gift, or otherwise.
9. Educating the community about the value and importance of visual art.
10. Advising or receiving recommendations from other city boards and commissions on matters involving the visual arts, including aesthetics and beautification.
11. Serving as the city’s liaison with artists and advising on any proposed alteration, removal, or destruction of visual art projects, statues, monuments, or memorials in city parks or on city property.
12. Preparing an annual report to the mayor and council on the visual arts. The report may include a plan for future art projects.

(1992 Code, § 32-56) (Ord. 72-00, passed 8-14-2000)

MISSION STATEMENT:
Date Adopted: March 21, 2006

The mission of the Sioux Falls Visual Arts Commission is to support and encourage development of visual art for community buildings and spaces through its role as an advisory body to the Mayor, City Council, and other City government officials.

2020 GENERAL ITEMS:
- Conduct public hearings in compliance with duties per Section 154 of the Sioux Falls Code of Ordinances.
- Review and make recommendations on visual art placements on City property.
- Provide City project design assistance to incorporate artistic elements as requested.
- Provide effective communication to the public on visual art projects and events. On
2020 TARGET ITEMS:

Adoption of 2019 Annual Report
Jan 2020

Adoption of 2020 Work Program as amended
Jan 2020

SculptureWalk Program Recommendations
Feb 2020

Election of Officers: (Delayed from Q1 to allow seated chair to serve to end of term).
Chair: James Zajicek
Vice Chair: Joe Schaefer
Aug 2020

Capital Improvement Program (CIP) Project Review for Public Art Integration
Oct 20, 2020

Public Art Integration Strategic Planning
June 2020
Finalized the Public Art Integration Report and presented it to the Arts Taskforce.

Mural Ordinance & Draft (Continue to 2021)
Feb-Mar 2020

City Art Maintenance Program
Nov 17, 2020
- Report received: City’s art conservator consultant, Rosa Lowinger & Associates (RLA)
  Performed maintenance and conservation work on city owned artworks.

Development & Support for Partnership Collaborations, Calls for Public Art & Venues
July 7, 2020
- Storm Sewer Inlet Artwork Project: Submittal ranking and selection
- Supported the Caver Gallery ribbon cutting: City Hall Lobby
July 23, 2020

Serving as the city’s liaison with artists and advising on any proposed alteration, removal, or destruction of visual art projects, statues, monuments, or memorials in city parks or on city property.
July 23, 2020
- Joe Foss Bust Donation

2020 Sculpture Placements
Jan–Dec 2020

Martin Luther King,
Dedicated Jan 20, 2020

People’s Choice: First Year display location
Feb 18, 2020

2019 People’s Choice, Under Construction by Gary Hovey location recommendation
Dec 15, 2020
Other Activities

- Supported an City Art website [https://siouxfalls.org/planning-dev/planning/city-owned-art](https://siouxfalls.org/planning-dev/planning/city-owned-art)
- Provided a forum for artist, Edward Thompson, to present an unfunded environmental graphic idea.
- Sea Dream Maitenance and location discussion

In the months of January and February 2020 the Visual Arts Commission met for their regular meetings on the third Tuesday, at 9:00 a.m., in the City Center, Cooper Room - #110, located at 231 N Dakota Avenue in Sioux Falls, SD. Due to the global pandemic, the March 17, 2020 and the April 21, 2020 meetings were cancelled. The Visual Arts Commission began to meet virtually on the WebEx platform starting at their May 19, 2020 meeting, and continued virtual meetings through the end of the year.

Additionally, the Visual Arts Commission met for working sessions six (6) times in 2020. Two of the working sessions were held in the Downtown Library meeting rooms. The remaining four (4) working sessions were held virtually on the WebEx platform.

The Commission welcomed visitors to attend and participate in their meeting throughout 2020 both in person and by joining the meeting through WebEx. Agendas were posted on the front door of the City Center and posted to the Visual Arts Commission website, providing for meeting numbers and passwords when meeting were held via WebEx.

For further information visit the Commissioner’s website page link at: [http://www.siouxfalls.org/Mayor/boards_commissions/visual_arts_commission](http://www.siouxfalls.org/Mayor/boards_commissions/visual_arts_commission)
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING BY ADDING SUBCHAPTER ORIGINAL ART MURALS AND AMENDING SECTIONS 160.005 AND 160.578.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 160.005 DEFINITIONS of the 2013 Shape Places Zoning Ordinance of Sioux Falls, SD, is hereby amended and added as follows:

§ 160.005 DEFINITIONS.

DIRECTOR OF PLANNING AND BUILDING DEVELOPMENT SERVICES/DIRECTOR. The person appointed by the mayor to be the leader of the department, empowered to carry out/enforce all those codes adopted that regulate planning and zoning, building, plumbing, mechanical, and electrical inspection, and zoning.

MURAL, ORIGINAL ART. A one-of-a-kind, hand-painted, hand-tiled, or digitally printed work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. A MURAL does not include displays with electrical or mechanical components or a changing image art display.

MURAL, VINTAGE ORIGINAL ART. An original art mural that existed prior to the adoption of this ordinance.

Section 2. That the 2013 Shape Places Zoning Ordinance is hereby amended by adding a subchapter to be entitled ORIGINAL ART MURALS to read:

ORIGINAL ART MURALS

§ 160.560 PURPOSE AND INTENT.

(a) These regulations relating to original art murals in the city of Sioux Falls further the following purposes:

(1) Encouraging artistic expression and the creation of more murals;

(2) Protect adjacent property owners;

(3) Maintain existing murals that are a valued part of the history of the city of Sioux Falls;
(4) Keep a directory of murals including pictures and a historical account; and

(5) Contribute to the cultural identity of a neighborhood and foster a sense of pride.

(b) The city wishes to encourage the installation of murals and at the same time prevent the proliferation of off-premise signs. This mural ordinance is intended to work in tandem with and help preserve the intent of the off-premise sign code set forth in Chapter 160.587 of this Code. Adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.

(c) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:

(1) That the design, construction, installation, repair, and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.

(2) That the regulations will provide reasonable protection to the visual environment by controlling the minimum improvement and maintenance of the displays.

(3) That the public will enjoy the aesthetic benefits of being able to view such displays that are reasonably and appropriately regulated without having to endure visual blight and traffic safety impacts that would be caused by such displays that are not reasonably and appropriately regulated.

(4) That consideration will be given to equalizing the opportunity for messages and artistic expression to be displayed.

(5) That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.

(6) To provide registration requirements for murals as defined by this ordinance.

§ 160.561 ORIGINAL ART MURAL MINIMUM STANDARDS.

An original art mural that meets all of the following requirements will be allowed upon satisfaction of the applicable registration procedures:

(a) To preserve public order and protect human dignity, a mural artwork may not include displays that incite violence or prejudicial actions against groups or individuals on the basis of their membership in the group, or which disparage or intimidate a group of individuals on the basis of their membership in the group.

(b) No part of a mural shall exceed the height of the structure to which it is tiled, painted, or affixed.

(c) No part of a mural shall extend from the plane of the wall upon which it is tiled, painted, or affixed.

(d) No mural, except for murals consisting completely of paint, shall be placed over the exterior surface of any building opening including, but not limited to, windows, doors, and vents.
Notwithstanding the foregoing, a mural consisting of paint or any other material permitted under this section may be placed on roll-down security doors on a commercial or industrial building.

(e) Surfaces should be prepared to allow the mural to withstand the outdoor climate of Sioux Falls, South Dakota. Mural materials may not create environmental pollution due to flaking or chipping over time. Surface sealant is recommended.

(f) The property owner is responsible for the mural maintenance and shall coordinate repairs to the mural as necessary including, but not limited to, removal of graffiti per § 132.003 of this Code.

§ 160.562 ORIGINAL ART MURAL REGISTRATION.

(a) Administrative rules. The director, pursuant to § 160.690, is authorized and directed to administer the registration of original art murals and may adopt mural administrative rules to implement this section. The administrative rules shall include an application to identify and describe proposed original art mural and its location on the structure. The applicant for the original art mural registration shall be the property owner.

(b) Neighbor involvement. The administrative rules to be adopted by the director may include a neighbor involvement rule. Specifically, the rules shall include a requirement that an applicant for original art mural approval send notice of the application to the adjacent property owners including those across the street, prior to the registration of the original art mural. No original art mural may be installed until the application has been approved by the director. This is a procedural requirement only and the director shall at all times retain sole authority to approve or deny an application for an original art mural based on the criteria in § 160.561 and § 160.562 of this subchapter and any administrative rules promulgated by the director. Further, in no event will a registration of an original art mural be granted or denied based upon the content of the mural.

(c) Change of ownership. Upon a change of ownership of the property to which an original art mural is affixed, a new owner may, at the owner’s election and without the need for permission from the city of Sioux Falls, deregister the mural with the department.

(d) Vintage original art murals. Any vintage original art mural shall have legal nonconforming status and, notwithstanding any provision to the contrary, not require registration under this section. But a vintage original art mural which has not gained legal nonconforming status through law other than this section, cannot qualify for legal nonconforming status under this section if it consists or contains any of the following: electrical, mechanical, or kinetic components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every 24 hours).

(e) Severability. If any part, sentence, phrase, clause, term, or word of §§ 160.560–160.562 is declared invalid or unconstitutional by a valid court judgment or decree of any court of competent jurisdiction, the declaration of such invalidity or unconstitutionality shall not affect the constitutionality or lawfulness of the remainder of the Sioux Falls Code of Ordinance, or any other city regulation regulating signage, or original art murals.
Section 3. That subsection (b) of Section 160.578 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 160.578 PROHIBITED SIGNS.

The following signs are prohibited and shall be removed within the time periods specified:

(a) *Miscellaneous signs and posters.* The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences, or other structures is prohibited, and the sign shall be removed upon notice.

(b) *Painted wall signs.* Painted wall signs shall be prohibited except that existing signs may remain, provided the signs are maintained. Signs that are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics and murals shall be permitted; however, the graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

(c) *Parking of advertising vehicles prohibited.* No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

(d) *Nuisance signs.* Signs that imitate an official traffic sign or signal or that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or that hide from view any traffic, street sign, or signal shall be removed upon notice. Signs that cause a safety or health issue to the public, including creating unsafe traffic conditions by confusing or distracting motorists; or by impairing the driver’s ability to see pedestrians, obstacles, or other vehicles; or health concerns to occupants of adjacent and contiguous property by their brightness, size, height, or movement.

Date adopted: ____________________.

______________________________
Paul TenHaken, Mayor

ATTEST:

______________________________
Thomas Greco, City Clerk
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF
ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING BY ADDING
SUBCHAPTER ORIGINAL ART MURALS AND AMENDING SECTIONS 160.005 AND 160.578.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 160.005 DEFINITIONS of the 2013 Shape Places Zoning Ordinance of Sioux
Falls, SD, is hereby amended and added as follows:

§ 160.005 DEFINITIONS.

DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES/DIRECTOR. The person
appointed by the mayor to be the leader of the department empowered to carry out/enforce all those
codes adopted that regulate planning and zoning, housing, building, plumbing, mechanical, and
electrical inspection.

MURAL, ORIGINAL ART. A one-of-a-kind, hand-painted, hand-tiled, or digitally printed work
of visual art that is either affixed to or painted directly on the exterior wall of a structure with the
permission of the property owner. A MURAL does not include displays with electrical or mechanical
components or a changing image art display.

MURAL, VINTAGE ORIGINAL ART. An original art mural that existed prior to the adoption of
this ordinance.

Section 2. That the 2013 Shape Places Zoning Ordinance is hereby amended by adding a subchapter to
be entitled ORIGINAL ART MURALS to read:

ORIGINAL ART MURALS

§ 160.560 PURPOSE AND INTENT.

(a) These regulations relating to original art murals in the city of Sioux Falls further the following
purposes:

(1) Encouraging artistic expression and the creation of more murals;

(2) Protect adjacent property owners;

(3) Maintain existing murals that are a valued part of the history of the city of Sioux Falls;
(4) Keep a directory of murals including pictures and a historical account; and

(5) Contribute to the cultural identity of a neighborhood and foster a sense of pride.

(b) The city wishes to encourage the installation of murals and at the same time prevent the proliferation of off-premise signs. This mural ordinance is intended to work in tandem with and help preserve the intent of the off-premise sign code set forth in Chapter 160.587 of this Code. Adequacy of message opportunity will be available to sign users without dominating the visual appearance of the area.

(c) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:

(1) That the design, construction, installation, repair, and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.

(2) That the regulations will provide reasonable protection to the visual environment by controlling the minimum improvement and maintenance of the displays.

(3) That the public will enjoy the aesthetic benefits of being able to view such displays that are reasonably and appropriately regulated without having to endure visual blight and traffic safety impacts that would be caused by such displays that are not reasonably and appropriately regulated.

(4) That consideration will be given to equalizing the opportunity for messages and artistic expression to be displayed.

(5) That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.

(6) To provide registration requirements for murals as defined by this ordinance.

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Date adopted:  ________________________.

____________________  Paul TenHaken, Mayor

ATTEST:

____________________  Thomas Greco, City Clerk
CALL FOR ART
Storm Inlet Painting Project 2020
The City of Sioux Falls
In Partnership with the Visual Arts Commission

Purpose of Artwork:
The City of Sioux Falls’ storm drainage system is an important public utility and plays a vital role in public safety by quickly collecting water from precipitation before it can accumulate and cause flooding. However, water that moves through the storm drainage system is discharged directly into the Big Sioux River with little or no treatment. Beginning in 2016, the City of Sioux Falls has partnered with local businesses, organizations, and individuals to paint murals on stormwater inlets downtown to help raise awareness of the effect stormwater runoff has on water quality. The purpose of this project is to draw attention to the storm drainage system and to educate the public that stormwater is not treated. These paintings are intended to bring awareness to potential pollutants such as litter, debris, and hazardous chemicals entering the storm drainage system. This project will continue in 2020 by adding six more inlets throughout Sioux Falls to the program. Artists will be asked to propose an inlet location. Location will be contingent on City approval. To find out more about the project, please visit siouxfalls.org/green.

Timeline:
June 5, 2020: Project announcement
June 29, 2020, 5:00 p.m.: Submission deadline
July 7, 2020: Design selection
July 20-24, 2020: Storm inlet painting (weather permitting)

Design Details:
The purpose of the design should focus on water quality issues related to waterways or storm drains. The design should warn against undesirable waste in the storm drain, including litter, pet waste, oil, chemicals, and yard waste. Or, the design can communicate how the storm drain leads to the Big Sioux River without treatment.

Submitted designs must be completed and in color. Artists are encouraged to create simple clean design themes with solid color palettes and limited text. Submissions must include an attachment of one 8.5” x 11” illustration or photograph of the proposed artwork to keep on file. Artists may submit multiple entries. Only one entry per artist may be selected. Designs should include the entire top portion of the inlet lid. Manhole covers may also be painted. Painting the adjacent sidewalk or any area outside of the inlet lid will not be allowed. Also, painting the inside of the inlet will not be allowed. Artists are asked not to include any copyright characters or designs in their design (e.g., Disney characters, etc.). All designs should be original.

Selected artists will be able to pick up paints from Norberg Paints downtown on East 14th Street free of charge. Photos of the selected and completed storm drains will be posted to the City’s website and social media accounts. Each of the six selected artists will receive $200 compensation for their design and painting. Inlet covers will be prepped for painting by City staff with a clear prime coat. Please note, there is a two year expectancy for the artwork. After the two years, the inlet will be prepped for the next art installation. There will be an inlet reserved for youth submissions under the age of 18. If you or your organization would like to be considered for this category, please indicate this on your application submission.
Please contact the City of Sioux Falls Public Works Environmental division with any questions regarding your design.

**Application Process:**

Submissions may be hand-delivered or mailed to Colin Chatterton at 1017 East Chambers Street, Sioux Falls, SD 57104, or emailed to cchatterton@siouxfalls.org with the subject “Storm Inlet Painting Submission 2020.” **Designs must be submitted by 5 p.m. on June 29, 2020.** The following information must be included for your submission to be considered:

- Name
- Address
- Phone number
- Link to portfolio (or attach/include design[s])
- Short statement about inspiration for design
- Attached colored 8.5” x 11” illustration or photograph of artwork to keep on file
- Indicate if you’re submitting as an adult or youth (under 18 years old)
- Proposed inlet location (must be located in downtown Sioux Falls, contact Colin with any questions)

**Judging/Awards Criteria:**

The design submissions will be juried by the Sioux Falls Visual Arts Commission in partnership with the Sioux Falls Sustainability Program. Selection criteria will include, but will not be limited to, the following:

1) **Appropriateness**—How is the content or obvious symbolism of the proposed piece of artwork appropriate for those who will view the art, and is it within the context of the site where it will be viewed? Is the artwork in concert with the theme?

2) **Relevance**—Does the artwork seem particularly relevant to the place where it will be displayed or the public who will view it?

3) **Site plan**—Does the scale of the artwork fit appropriately within and complement and/or enhance the physical location where it will be placed?

4) **Visibility/Impact**—Does the proposed location offer high visibility and/or impact to the public?

5) **Execution**—Ability to competently execute the proposed design on the medium of concrete (storm inlet).

**Contact:**
Colin Chatterton
City of Sioux Falls
1017 East Chambers Street
Sioux Falls, SD 57104
605-367-8282
cchatterton@siouxfalls.org