



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Sec. 15.010. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means any change to a public mural, including, but not limited to, any change to the image(s), materials, colors or size of the public mural. The term "alteration" does not include naturally occurring changes to the public mural caused by exposure to the elements or the passage of time, or maintenance or repair of the public mural that includes slight and unintended deviations from the original image, colors or materials that occur when the public mural is repaired due to the passage of time, or after damage resulting from vandalism.

*Artist* means a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces works of art, and who is not a member of the improvement project's architectural firm or the Salem Public Art Commission. The term "artist" shall include an artist's agent and a representative of the estate of an artist.

**Building means a roofed and walled structure built for permanent use intended to support sheltering, storage, or occupancy.**

*City building* means any building owned or leased by the City, or area therein, which is open to the public; provided, however, The term "city building" does not include motor pools, surface parking lots, roads, bridges, utility lines, service facilities, maintenance sheds, pump stations, treatment plants and utility facilities, or buildings that have the primary purpose of displaying historical artifacts, cultural items, or works of art.

*City Manager* means the City Manager of the City of Salem, or the City Manager's designee.

*Deaccessioning* means relinquishing title to a work of public art.

*Eligible costs* means the costs for completion of an improvement project, including costs for capitalized tenant improvements, that are paid from eligible funds. The term "eligible costs" does not include costs for land acquisition, design and engineering, administration, fees and permits, building demolition, relocation of tenants, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising and legal fees.

*Eligible funds* means any funds expended by the City, from whatever source, for an improvement project and for which public art is not precluded as an object of expenditure in connection with the improvement project.

*Improvement project* means any project paid for wholly or in part by the City where the amount of eligible funds equals \$100,000.00 or more for the construction, rehabilitation,

remodeling, improvement or purchase of a City building. An improvement project does not include maintenance and repair projects or remodeling or renovation projects in which more than 75 percent of the project cost represents improvements to mechanical systems.

*Oregon artist* means an artist that makes Oregon his or her primary residence or principal place of business.

*Public art* means original works of art owned or acquired by the City and accepted into the City's public art collection by the Salem Public Art Commission.

*Public mural* means an original, two-dimensional, **relative to the plane of the wall upon which the mural is affixed**, work of visual art, comprised of paint, ceramic or glass tiles, or tesserae, executed by hand directly upon, or affixed directly to, an exterior wall of a building, which has been approved by the Salem Public Art Commission and accepted by the City into its public art collection pursuant to this chapter. A public mural is not an original work of visual art if it is mechanically reproduced or computer generated and printed on a base that will be attached to the wall, such as, by way of illustration but not limitation, limited images digitally printed on vinyl.

*Restricted funds* means funds whose use is restricted by law for a particular location, area, project, or purpose, such as general obligation bond or other bond proceeds, or urban renewal tax increment revenue.

*Street painting* means a large, decorative painting installed directly on street pavement. The term "street" is used as defined in SRC 76.005.

*Works of art* means all forms of original creations of visual art, including and not limited to, painting, sculpture, prints, ceramics, drawings, stained glass, mosaics, photography, fiber and textiles, calligraphy, mixed media, and any combination of media, including collage.

(Prior Code, § 15.010; Ord. No. 6-10; Ord. No. 10-10; Ord. No. 13-11; Ord. No. 9-16, 6-27-2016; [Ord. No. 16-18](#), § 1(Exh. A), 8-3-2018, eff. 9-12-2018; Ord. No. [8-22](#), § 1(Exh. A), 6-13-2022)



**Public Works Department**

555 Liberty Street SE / Room 325 • Salem OR 97301-3513 • Phone 503-588-6211 • Fax 503-588-6025

**Salem Public Art Commission**

**March 8, 2023**

**ONLINE**

**Commissioners Present**

Zach Hull, Chair  
 Susan Napack, Vice-Chair  
 Barbara Sellers-Young, Commissioner  
 Spencer Emerick, Commissioner  
 Eduardo Diaz-Salazar, Commissioner

**Guests**

Carol Snyder, President, Salem Parks Foundation  
 Krista Lauer, SPAC Applicant  
 Lynn Takata, NEN Chair, local artist

**Staff**

Keith Bondaug-Winn, Public Works Staff Liaison  
 Tom Cupani, Deputy City Attorney

1. **Call to Order** – With a quorum present, Chair Hull called the meeting to order around 2:30 p.m.
2. **Public Comment**  
 No written comment. Keith forwarded an email string to the commissioners which markets a jigsaw puzzle for the community. SPAC decided that it was not interested in hearing a sales pitch for a marketing device for Salem. The emailer is welcome to speak during the public comment period of our meeting.  
  
 Carol Snyder of the Salem Parks Foundation reported that the April 22, Earth Day Event at the Eco-Earthball was canceled.
3. **Approval of Consent Agenda**
  - a. Approval of the Consent Agenda – Agenda for March 8, 2023; Minutes of January 11, 2023, and Minutes of February 8, 2023.

**Motion: Chair Hull motioned to approve the consent agenda and minutes. Vice-Chair Napack seconded the motion. The motion passed unanimously.**

**Transportation and Utility  
Operations**

1410 20<sup>th</sup> Street SE / Building 2  
 Salem OR 97302-1209  
 Phone 503-588-6063  
 Fax 503-588-6480

**Parks Operations**

1460 20<sup>th</sup> Street SE / Building 14  
 Salem OR 97302-1209  
 Phone 503-588-6336  
 Fax 503-588-6305

**Willow Lake Water Pollution  
Control Facility**

5915 Windsor Island Road N  
 Keizer OR 97303-6179  
 Phone 503-588-6380  
 Fax 503-588-6387

#### 4. Discussion Items

##### a. **Feedback on City of Eugene's Public Art Plan:**

Vice-Chair Napack stated that City of Eugene received an NEA grant to complete the art plan with surveys, goals, and priorities. There is a lot that they have laid out in their art plan. She would like to hear more from Kate Ali, the Public Art Manager for the City of Eugene. Vice-Chair Napack stated that SPAC's current goal is tailored toward managing the public art collection and desires to establish a broader goal, like one that echoes what is in the City of Eugene Public Art Master Plan; and which serves as a great blueprint for Salem. Commissioner Sellers-Young said the document outlined a clear process. Chair Hull had a conversation with Kate Ali, and she is willing to come to speak with SPAC. He shared that she said the City of Eugene was operating like SPAC without coordination across these different stakeholder groups. After a City-led cultural policy review process, the City-led initiative came up with a position of Eugene's relationship to the arts and outdoors, which led to an NEA grant for infrastructure building, which they pointed to Arts and Economic Prosperity Study published by Americans for the Arts about economic benefits of arts for municipalities. They used the NEA grant to develop the plan, bringing all the stakeholders together. SPAC is currently identifying stakeholders and Kate has outlined the path toward progress.

Chair Hull asked Keith to look into what is best way to engage with the City on this kind of recommendation for consideration. Perhaps having the new city manager to attend one of the SPAC meetings.

##### b. **Review SPAC's Community Survey Questions:**

Keith reported that he emailed the list of questions and commissioners were going to look at the Eugene Public Art Plan and see if SPAC wanted to use any of their questions, but the biggest question was whether we were going to wait. Vice-Chair Napack suggested the group table the survey and the slideshow until SPAC gets a better idea of how to proceed after listening to Kate and engaging the new Deputy City Manager. Chair Hull agrees with that; with Keith's help figure out the best way to talk to the City. Kate mentioned that the most important part for Eugene was to build the stakeholder group and felt that the plan was something the community really wanted. Who are the stakeholders and what kind of support will there be to help this effort come to fruition?

Chair Hull was invited to sit on a community panel for the new Deputy City Manager to serve on a public panel on a day-long event on March 20.

##### c. **Updated Slideshow for Council and Neighborhood Association Presentations**

Commission agreed to table this until they learn more from Kate.

#### 5. Updates

- ##### a. **Tom Cupani – City Legal Department:** Keith provided a background on how the code changes came to be via direction from Councilor Linda Nishioka to look into how murals can be applied to curved surfaces, not just flat walls. Tom explained that definitions for building and mural now includes: **(d) Building means a roofed and walled structure built for permanent use intended to support sheltering, storage, or occupancy; and (k) Public mural means an original, two-dimensional, relative to the plane of the wall upon which the mural is affixed...**

Vice-Chair Napack wanted to clarify that going forward, murals can be done on electric boxes? Tom said that we would have to evaluate each thing as it is proposed, but he's not sure that the utility cabinet qualifies as a building, but the water tower will. Vice-Chair Napack wanted to know if staff are evaluating items like this, and Tom responded that only murals on buildings including water towers were evaluated.

**Motion: Chair Hull moved that SPAC recommend to Salem City Council to adopt the changes discussed in code to allow for a clearer definition of a building and the relationship of artwork upon the building. Commissioner Emerick seconded the motion. The motion passed unanimously.**

- b. **SPAC Vacancies:** Currently there are two vacancies. Keith recommended Krista Lauer for the vacancy for a commissioner who has experience in museum curation, art restoration, or art appraisal. Keith also recommended Olivia Munoz for the vacancy for a commissioner who has experience in landscape architecture, real estate development, or community foundations. City Council will meet on March 27, the soonest they can approve of new commissioners.
- c. **April's In-Person SPAC Meeting:** Keith shared a map of the Civic Center's location and provided instruction on how to check in for the in-person meeting. This is an in-person meeting only; no hybrid, so no one will be joining us virtually. The meeting will still be livestreamed via the City's YouTube channel. Keith will send the Commissioners an invite with the meeting address and will post the agenda packet online one week before the in-person meeting.

#### 6. **Maintenance Updates**

- a. ***Equitas Sculpture at Police Station:*** Keith shared with the group before photos of the damage and after photos of the repairs. City crews performed the repair for roughly \$1,200, whereas an outside quote for the repair came in at around \$7,300. SPAC praised the good work of City crews.
- b. ***Waldo Stewards:*** Keith spoke with the Facilities Supervisor who said that City crews removed the graffiti and will apply an anti-graffiti coat when the weather warms.
- c. ***Good Cents:*** Keith will receive help from the Stormwater workgroup in early summer when they hook up their water truck for the season.

#### 7. **New Business**

- a. ***Invite Kate Ali, City of Eugene's Public Art Manager, to SPAC Meeting:*** Chair Hull believes Kate's and the City of Eugene's story would be interesting for other stakeholders, like the new City Manager. What is the best way to communicate to the City and in tandem, invite some people to come and hear from Kate? City can help find a venue for stakeholders to meet. Commissioner Napack wanted to know the timeframe for the recruitment of the new Deputy City Manager. Keith reported that the City is in the interviewing process. Vice-Chair Napack suggested that SPAC wait until the position is filled; Tom stated that the timeline to have the new Deputy City Manager is mid-summer, coinciding with the new fiscal year starting July. Chair Hull suggested that the group wait until the New Deputy City Manager is hired and plan a broader meeting of

stakeholders. Vice-Chair Napack wanted to know if it could be a public meeting like SPAC held several years ago. Tom suggested a special SPAC meeting where stakeholders are invited and be able to discuss the topic of promoting public art; or, gathering information amongst SPAC and coming up with a proposal to present for discussion with the City Manager and the new Deputy City Manager. From a strategic point, Tom recommends, with all the changes, “let the dust settle,” and then return with the idea of expanding/enhancing/changing the scope of SPAC. Chair Hull proposes waiting until mid-summer when the new Deputy City Manager will be in place and then plan this forum a few months after that, invite them to a meeting with Kate, and invite Parks and Library, and perhaps take the lead in drafting a proposal, which may include an NEA grant. Then, the culminating deliverable would be a proposal that is supported by a group of stakeholders and not just SPAC.

Vice-Chair Napack would like to do something in the meantime, and Chair Hull said that promoting the City’s art collection is well within SPAC’s realm of responsibility and something they can do for the next quarter. Commissioner Emerick suggested surveying the public at the Salem Art Fair to lay foundational evidence of support for an arts program. Vice-Chair Napack wanted to know if there are brochures left that can be distributed to the public. Keith mentioned that he had a QR code created and can be printed on stickers and stuck on brochures.

Chair Hull suggested a subcommittee to develop the questionnaire before the New Deputy City Manager is in place, so that there are some supporting data from the public already collected. Chair Hull would like to define the question set by first looking at the data needing to be collected. He suggested starting a workgroup or subcommittee to do this work. Who would like to be part of the working committee? Commissioners Sellers-Young, Napack, and Krista. Committee must be less than a quorum and will be formed at the next meeting. Keith will place this on next meeting’s agenda.

#### 8. **Action Items**

***Drummer & Rooster Contract with Lee Imonen:*** Keith would like to reach out to Lee Imonen to update his original cost estimate with an expiration date. Keith also suggested having a subcommittee to handle the repairs. Chair Hull and Commissioner Emerick will be part of that committee.

#### 9. **Commissioner Comments**

Keith reported that four additional works of art were added to the Colburn exhibit at the Library Art Hall and is working to execute the agreement amendment.

Commissioner Napack reported that there is an uptick in tagging on private property, and owners and have been putting up simple geometric murals to counter the tagging and it is working. Vice-Chair Napack would like clarification as to whether this is allowed. Tom said that if someone complained about it, then the City’s Code Enforcement would have to inspect and make a determination according to the sign code. Keith read language from communications he’s had with code enforcement about how the sign code is interpreted by staff. Chair Hull summarized, and confirmed by Tom, that depending on what they put on their fence, private property owners could run the risk of running afoul of the sign code.

Keith mentioned the case of the Cherry Growers mural and the potential for SPAC having to determine if the name of the company on the water tower is a sign or part of the mural.

Vice-Chair Napack wanted to know how an alley painting program could be created; perhaps it could be proposed by a Neighborhood Association, like the street painting program; perhaps a NA can send a letter to the City Council to look into an Alley Art program.

Lynn Takata is advocating for a community art program that aims at encouraging private residents to paint murals in such a way that they do not run afoul of the current laws. She has noticed that graffiti in parks are leading to violence in these locations and it is occurring at a faster rate. There was a recent murder in one of the parks. She would like a streamlined process to have a neighborhood-supported community art or any private-property art program to help combat graffiti and violence. Commissioner Diaz-Salazar said that much of the graffiti is related to young gang members and is getting out of hand. Chair Hull stated that if a neighborhood group had a proposal, SPAC would be happy to take it up.

Commissioner Napack wanted to know if there was movement in inviting a City Councilor or City Manager as a liaison to SPAC. Chair Hull said that developing this stakeholder plan with new leadership makes sense and perhaps waiting a bit until SPAC defines the ask would be best before inviting any City leadership to our meetings.

10. **Adjournment:** Chair Hull adjourned the meeting 4:00 p.m.