

**SULTAN CITY COUNCIL
AGENDA ITEM COVER SHEET**

ITEM #: Consent C 8

DATE: March 12, 2009

SUBJECT: Ordinance 1026-09

CONTACT PERSON: Laura Koenig, City Clerk/Deputy Finance Director

ISSUE:

The issue before the Council is the adoption Ordinance 1026-09 amending the requirement for public art as a part of construction projects. Ordinance 1026-09 was introduced for a first reading on February 26, 2009.

SUMMARY STATEMENT:

SMC 3.70, Art in Public Places, requires the city to authorize and/or appropriate an amount equal to 1% of the total for municipal project costs for art enhancement. Projects include the construction or remodel of any building, park or parking facility.

The City is not required to allocate funds for public art as a part of a municipal construction project. The City may be required under the condition of a loan or grant to include a percentage for art work.

Staff is recommended that 3.70.020 be amended to include the language "If required by the funding agency". This is a easy fix to the code section and would provide the required language for any grant or loan application.

RECOMMENDATION:

Adoption of Ordinance 1026-09 amending Chapter 3.70.

Attachments: A. Ordinance 1026-09
 B. Chapter 3.70 – Art in Public Places Amended

CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1026-09

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
AMENDING CHAPTER 3.70 ART IN PUBLIC PLACES IN THE
SULTAN MUNICIPAL CODE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Of Sultan adopted Ordinance 682-98 to provide for art in public places; and

WHEREAS, the City is not required to provide an appropriation for art for all construction projects;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Chapter 3.70.020 is hereby amended to read as follows:

3.70.020 Appropriations for municipal projects.

If required by the funding agency, authorization and/or appropriations for municipal construction projects shall include a percentage of the total project cost for art enhancement, which shall be deposited into the community improvements fund for art purposes. That amount shall not be modified because of subsequent change orders.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____DAY OF _____, 2009.

CITY OF SULTAN

Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:

Laura Koenig, City Clerk
Approved as to form:

Margaret J. King, City Attorney

Date of Publication:

Effective Date:

Chapter 3.70
ART IN PUBLIC PLACES

Sections:

[3.70.010](#) Purpose.

[3.70.015](#) Definitions.

[3.70.020](#) Appropriations for municipal projects.

3.70.010 Purpose.

The city of Sultan has determined that it is a benefit to the community to provide increased access to public art and to enhance the visual aesthetics of the community. Public art provides a stimulating environment for the building/site users and fosters community pride and identity. In harmony with this, it is the policy of the city to provide for acquisition, commissioning and display of works of art in public places of the city. (Ord. 682-98)

3.70.015 Definitions.

- A. "Public art" means capital acquisitions of works of art by the city of Sultan.
- B. "Municipal construction project" means any capital project paid for wholly or in part by the city of Sultan to construct or remodel any building, park, parking facility, or portion thereof, within the limits of the city except for utilities, streets, or sidewalks.
- C. "Total project cost" means the total amount of funds appropriated for the project per construction bid award or negotiated construction contract award; provided, that the following shall be excluded when calculating the total project costs:
 - 1. The amount received from a source of funds for construction projects which precludes expenditures for works of art or cultural projects.
 - 2. The amount of funding provided by:
 - a. Revenue bonds;
 - b. Community development block grants;
 - c. Other federal, state or local grants;
 - d. LID projects unless specifically authorized in the LID process.
 - 3. Any subsequent change orders for the project.
 - 4. Sales tax or any other tax on the construction bid amount or negotiated construction contract award. (Ord. 682-98)

3.70.020 Appropriations for municipal projects.

If required by the funding agency, authorization and/or appropriations for municipal construction projects shall include ~~an amount equal to one percent~~ a percentage of the total project cost for art enhancement, which shall be deposited into the community improvements fund for art purposes. That amount shall not be modified because of subsequent change orders. (Ord. 682-98)