

Memo



Date: June 7, 2011
File: 1340-40
To: City Manager
From: B. Davidson, Parks Planner
Subject: *Heron's Landing* Public Art Donation

Recommendation:

THAT Council receives, for information, the Report from the Parks Planner dated June 7, 2011 with respect to the possible donation of artwork called Heron's Landing;

AND THAT Council approves the preferred location for Heron's Landing along the Sutherland Avenue Multi-use Corridor near Mill Creek at Highway 97.

AND FURTHER THAT Council directs staff return to Council with a final report regarding the appraisal and all costs including transportation, engineering, installation and maintenance.

Purpose:

Service Request #195938: COUNCIL RESOLUTION FROM THE MAY 16, 2011 A.M. REGULAR MEETING:

THAT Council directs staff to confirm that the appraisal commissioned by the owner of the proposed "Herons Landing" public art donation is acceptable for tax receipt purposes with the Canada Revenue Agency; AND THAT staff report back to Council with the estimated costs associated with the installation of the "Herons Landing" public art donation.

And, Service Request #197386: COUNCIL DIRECTION FROM THE MAY 30, 2011 A.M. REGULAR MEETING:

THAT staff report back to Council at the June 13, 2011 Council Meeting with respect to information requested with respect to the "Herons Landing" public art donation.

Background:

Heron's Landing (see Annex 1) is a sculpture that was commissioned by Lake Placid Developments to sit on top of a plinth in the plaza of their Centuria Development on Bernard Avenue and Gordon Drive. Prior to placing the sculpture the developer handed the building over to the Strata Council. It is understood that the Strata Council did not wish to pay for the insurance for the sculpture and there were concerns with liability issues and so they declined the artwork.

A handwritten signature in blue ink, located at the bottom right of the page.

The developer has approached a number of organizations and municipalities in BC and Alberta including Kelowna to acquire the sculpture in return for a tax receipt. The Public Art Committee considered the Heron's Landing piece in the context of the Arts Donation Policy and their Terms of Reference at their March 17, 2011 committee meeting. The Public Art Committee concluded that Heron's Landing sculpture had been commissioned as a private piece of art for a specific purpose and setting and that significant effort and costs would be required to find an appropriate location and create a meaningful context. The Public Art Committee did not consider the artwork a good investment of staff time and public funds and felt it did not fit within the policy framework of the Committee's Terms of Reference. This information was presented in a Memo to Council on March 30, 2011.

At the request of Council on May 16, 2011, staff has been investigating several issues related to the potential donation of Heron's Landing to the City. These include: availability of the artwork, validation of the appraised value, a location analysis, and costs of installation.

Availability

The artwork is currently owned by Michael Lobsinger of Lake Placid Development and is currently stored in a Calgary warehouse. Staff have confirmed with the artist Jock Hildebrand that Heron's Landing is currently available for purchase. It has been offered to many other BC municipalities, but there has yet to be a commitment by any organization. Most municipalities have declined the artwork citing concerns over Heron's Landing ability to fit within the public art definition.

Valuation

Staff understand that the artist was originally paid \$175,000 for the commission. The owner of Heron's Landing commissioned an appraisal for the artwork. The appraised value of the piece was \$225,000. He has offered to donate the artwork to the City in exchange for a tax receipt in the amount of the appraised value. Tax rules required a specified level of due diligence, therefore, staff recommend engaging an independent appraiser to work on behalf of the City to ensure fair market value. The Kelowna Art Gallery advised that there is nobody suitable locally to undertake the valuation and recommended Beth Noble, an independent and credible art appraiser from Vancouver. She has been engaged by staff to provide this service and the work will be complete within the next two (2) weeks pending receipt of the owner's permission and physical access to inspect the artwork. The City would issue a tax receipt for the lower of the two independent professional appraisal values.

Location Analysis

Staff has developed a list of potential locations for the *Heron's Landing* sculpture. Location criteria for the 25-foot tall abstract heron consisted of:

- Land ownership (the City needs to be the current owner of the property)
- Proximity to water (given the image of a heron)
- Proximity to other art pieces (either to build a collection of pieces within close proximity to facilitate viewing, or in areas where little public art is currently available to residents)
- Visual access (both to facilitate viewing and to inhibit vandalism)
- An urban, rather than a natural setting, given the character of the piece.

Proposed locations include:

1. Adjacent to the Sutherland Road multi-use trail (MUT) immediately south of Mill Creek and Highway 97. The next phase of the Parkinson MUT south of the highway pedestrian overpass has successfully received grant funding for construction later this year and as

part of this project a concept plan calls for a creek-side plaza outside of the riparian management area, within which this piece could be incorporated.

2. Chichester Wetland Park, east of the land bridge on the promontory adjacent to the storm water detention basin. There are few public art pieces in the Rutland quadrant of the City, and installing the art piece here would make a step towards improving this situation.
3. Mouth of Mill Creek immediately south of the Highway 97 pedestrian underpass. This location would be within the riparian area and is in close proximity to two other public art installations ("Zephyr" and "Standing, Leaning and Reclining" both by Cheryl Hamilton and Michael Vandermeer).
4. Cerise Pond adjacent to Clement Avenue, through which Brandt's Creek flows. At this location the artwork will be visually accessible to a large volume of residents who use the arterial road, the rails with trails corridor and Lombardy Park.

Locations that were ruled out included:

5. Central island of Valley Glen Wetland. There is already public art along this section of Brandt's Creek ("Growth" by Karl Ciesluk - a series of seven sculptures with the main piece located at Valley Glen Wetland.) Approximately every three years the wetland is dredged and the unstable central island changes shape.
6. Rotary Beach Park at the mouth of Brandt's Creek. Immediately upstream of Rotary Beach Park, in Sunset Drive Park, a piece of public art has already been installed, ("Leap of Faith" by Doug Alcock). It also depicts a heron and is made of forged steel.
7. Maude Roxby Bird Sanctuary is not owned by the City, but rather is in provincial ownership and an inappropriate site for a City-owned public art piece.

Installation Costs

Staff have attempted communication with the current owner of Heron's Landing to request copies of sealed engineer drawings for the footings designed specifically for this artwork at the originally proposed location at the Centuria development at Bernard & Gordon. Once in receipt of these drawings, staff will initiate a high level cost estimate to determine full installation costs. These costs will include shipping, foundations, erection and engineering services; as well as electrical and lighting for night-time illumination. A detailed cost estimate has not yet been prepared and will be presented to Council as part of a Final Report on Heron's Landing. A reasonable range for these costs would be \$45 - \$65K range plus staff administration time. To date, staff have spent approximately 20 hours on this project over the past 2 months.

Internal Circulation:

Director, Financial Services

Financial/Budgetary Considerations:

The appraisal cost of the project would need to be allocated from the 2011 Public Art Capital Budget.

Considerations not applicable to this report:


- Legal/Statutory Authority
- Legal/Statutory Procedural Requirements
- Existing Policy
- Personnel Implications
- External Agency/Public Comments
- Community & Media Relations Comments
- Alternate Recommendation

Submitted by:



B. Davidson, Parks Planner

Approved for inclusion:



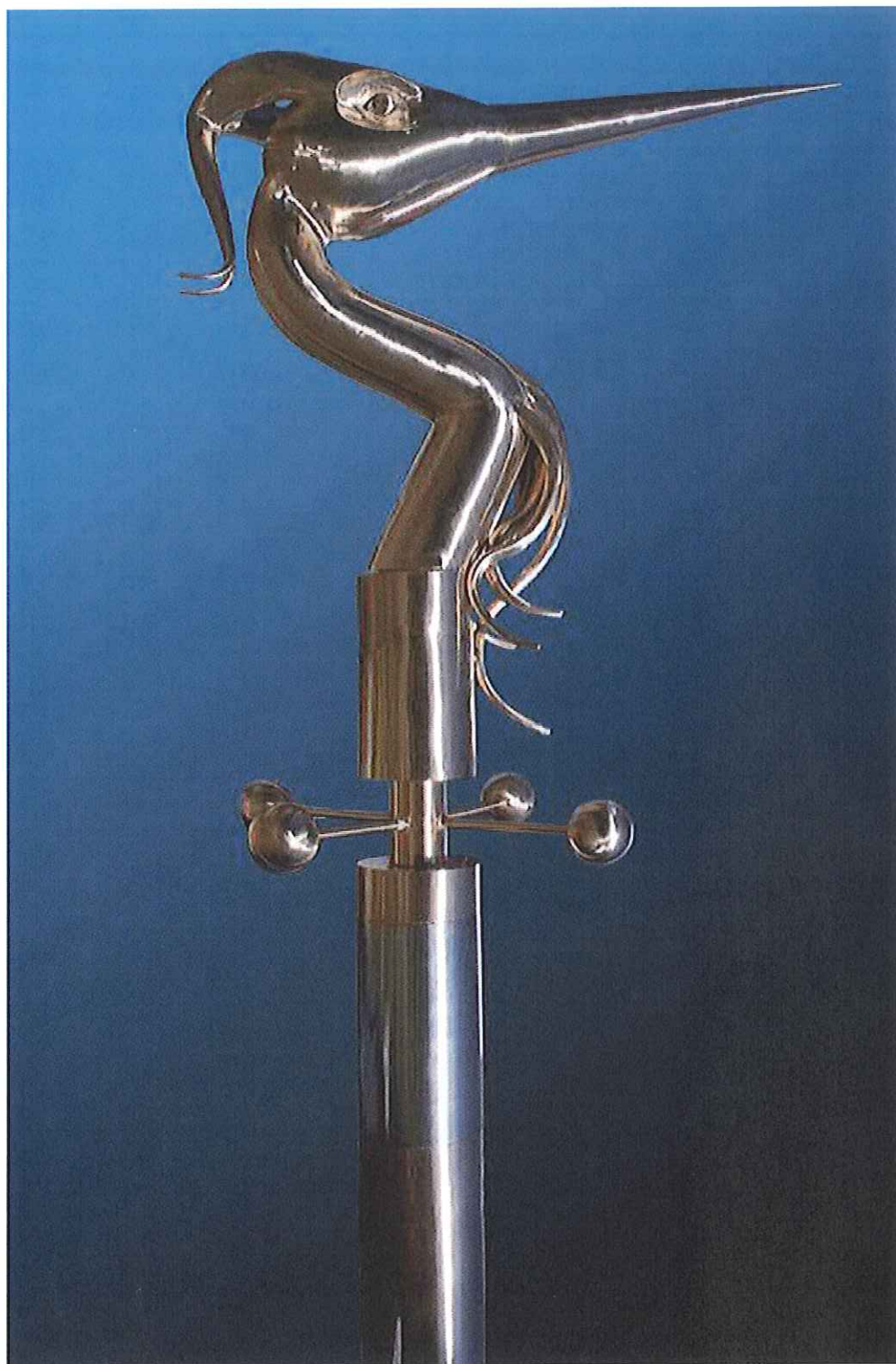
R. Cleveland, Director, Infrastructure Planning

Attachments: Annex 1: Photo of *Heron's Landing*

cc: General Manager, Community Sustainability
Chair, Public Art Committee

Annex 1 Heron's Landing

Photograph courtesy of Jock Hildebrand





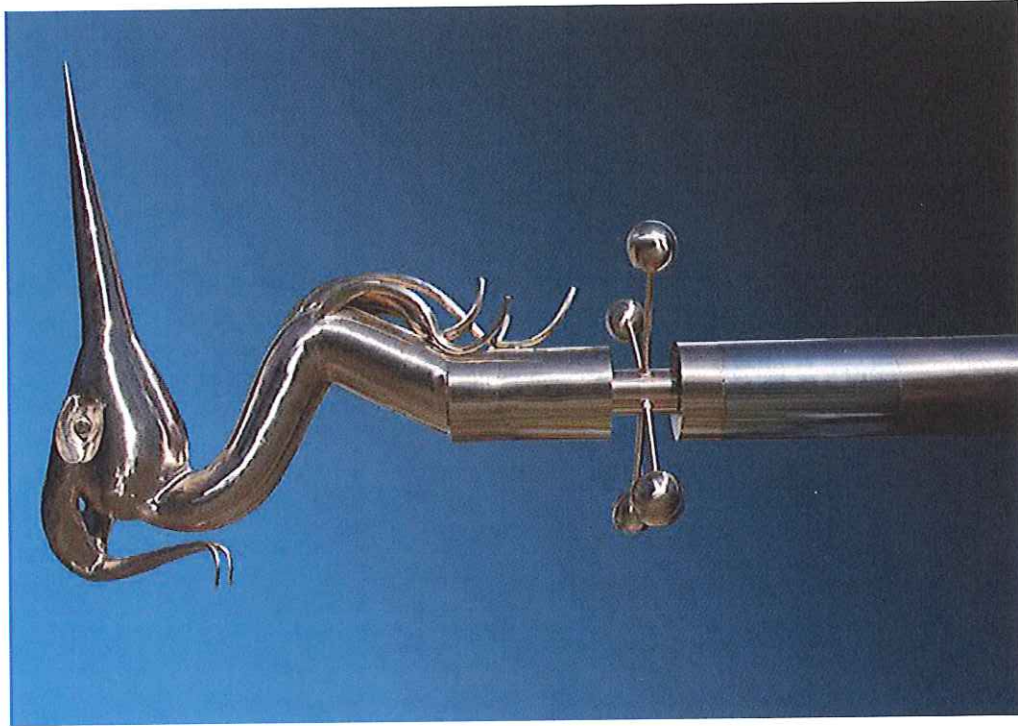
City of
Kelowna

HERON'S LANDING DONATION

Council Report, 2011 June 13



HERON'S LANDING



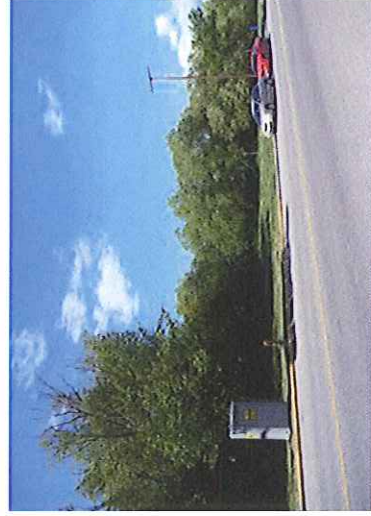
ISSUES

- ▶ Donation offer based on tax receipt
- ▶ Validation of appraisal
- ▶ Installation costs
- ▶ Location analysis

LOCATION CRITERIA

- ▶ City-owned land
- ▶ Proximity to water
- ▶ Proximity to other Public Art
- ▶ Visual access
- ▶ Urban context

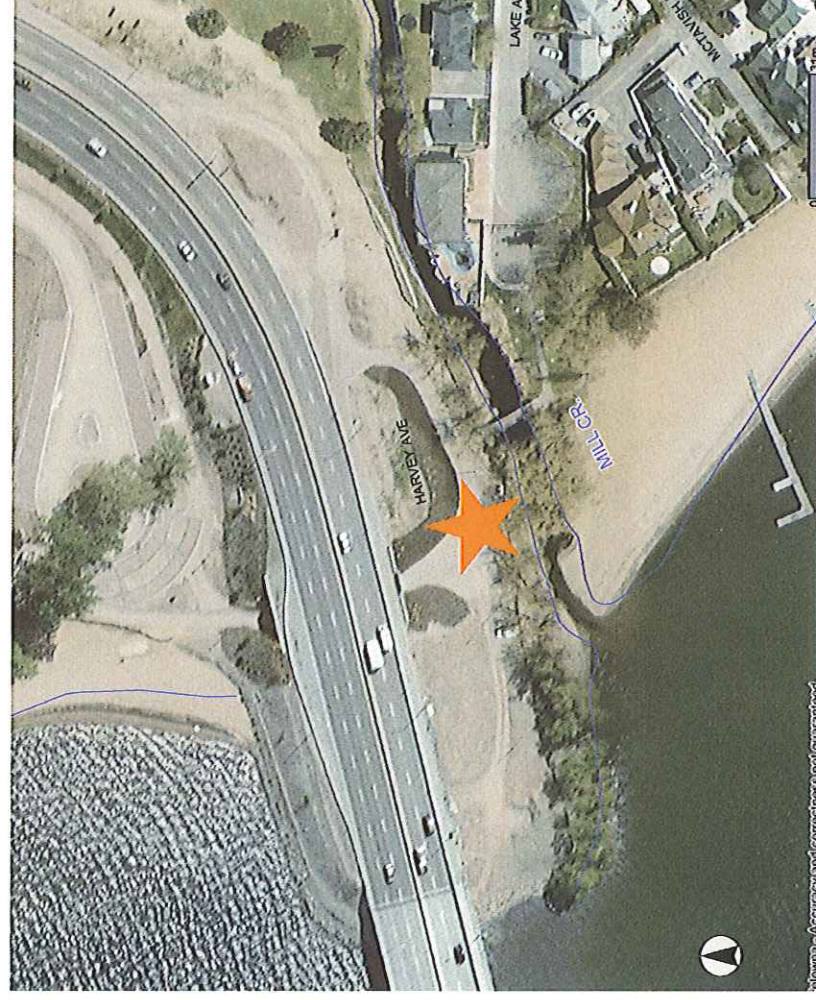
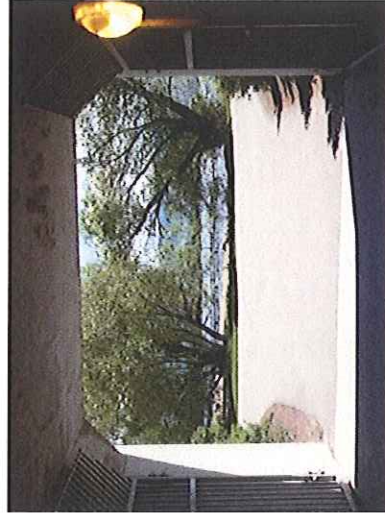
CREEKSIDE PLAZA - SUTHERLAND MUT



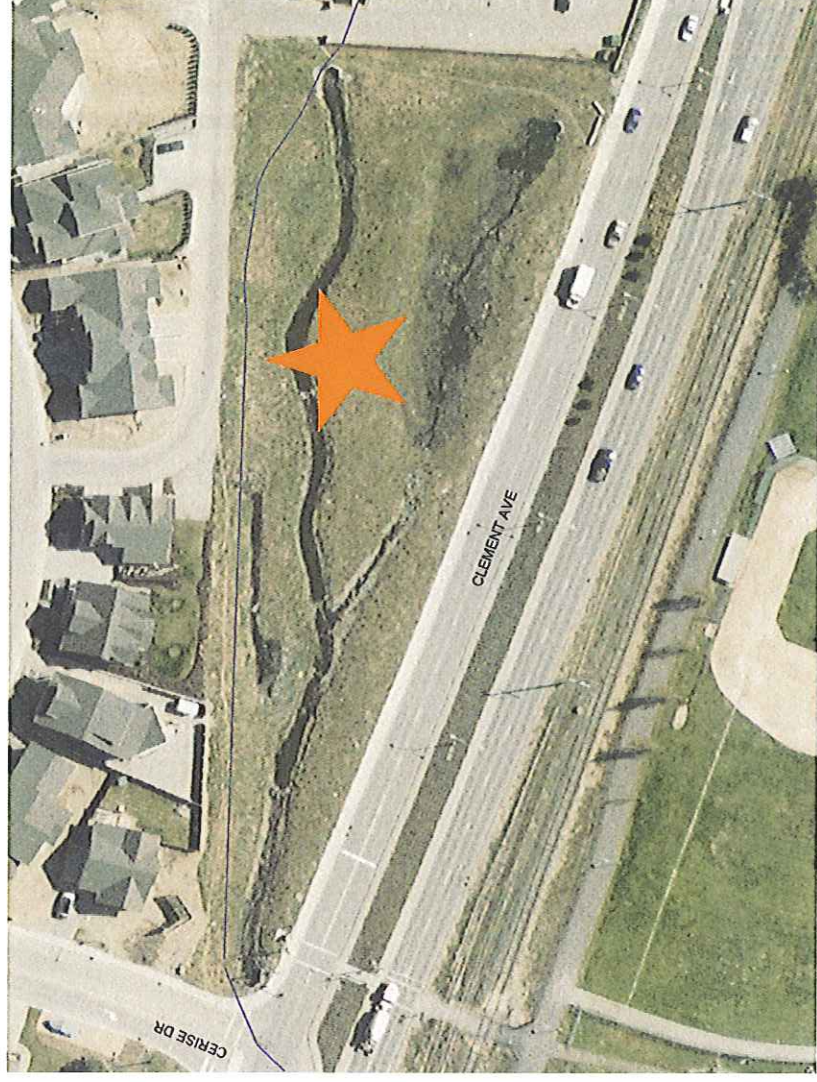
CHICHESTER WETLAND-DETENTION BASIN



MOUTH OF MILL CREEK



CERISE POND



RECOMMENDATIONS

- ▶ Approve Recommended Site
- ▶ Direct further Report to Council
 - ▶ final appraised value
 - ▶ cost estimate for transportation, installation, engineering, illumination and maintenance