

Drawn to Marshall – Artist Agreement Revisions Summary

Prepared by: SammyJo Miller, Lead Artist

Date: October 14 | For Council Reference

Presented to Council to clarify compliance alignment between the Artist Agreement, the City's executed SMAC grant, and public art practices in Minnesota.

1) Section 2.1 – Design Scope

Issue: Adds City Administrator approval for any design changes, removing artist discretion.

Why it matters:

- SMAC identifies this as an artist-led project.
- Minnesota public-art standards grant artists flexibility for creative and technical adjustments within the approved scope and budget.

Requested revision:

“Exhibit B mock-ups are included for reference only. The Artist retains discretion to make creative and technical adjustments within the approved scope and budget as required by fabrication realities or professional judgment.”

2) Section 2.4 – Material Budget

Issue: Keeps outdated vendor totals from the previous site with no path for updates.

Why it matters:

- Vendor pricing changed after relocation; the budget must match SMAC's approved revision.

Requested revision:

“Amounts may be adjusted as necessary to reflect the final SMAC-approved project budget following relocation.”

3) Section 12 – Maintenance & VARA Rights

Issue: Current draft allows the City to relocate, alter, or destroy the artwork at its sole discretion.

Why it matters:

- Federal Visual Artists Rights Act (VARA) protects artists against unauthorized alteration or destruction.
- Other Minnesota cities (Duluth, Mankato) require notice and consultation before such actions.

Requested revision:

- Restore consolidated clauses 12.1 – 12.4 providing notice, collaboration, and VARA compliance.
- Require the City to maintain a maintenance record following the provided manual.

4) Section 13 – Termination & Remedies

Issue: No notice period or SMAC oversight; City may replace the artist without cause.

Why it matters:

- The SMAC grant names the artist specifically; substitution or termination must receive SMAC's prior written approval.

Requested revision:

"In the event of material breach, the City may terminate only after written notice and a 30-day opportunity to cure. Any substitution of the lead artist requires prior written approval from SMAC."

5) Section 14 – Records / Inspection

Issue: Grants the City access to all artist records for six years.

Why it matters:

- Exceeds SMAC requirements and exposes unrelated business information.

Requested revision:

"Access limited to project-specific financial and documentation records related to this grant."

6) Section 16 – Independent Contractor Clarification

Issue: "Results to be achieved shall be specified by the City" could imply creative control.

Requested revision:

Clarify that the City defines installation and delivery outcomes, while artistic execution remains under the Artist's control.

Summary Request to Council

I respectfully request that all revisions submitted October 13 be adopted before final approval.

These adjustments:

- Keep the agreement grant-compliant,
- Align with Minnesota public-art standards, and
- Protect both the City of Marshall and the Artist in carrying out this community-funded project.

Once incorporated, I am ready to sign and proceed.

Marshall doesn't exist in a vacuum — aligning with statewide public-art practices ensures fairness, transparency, and pride in how our community supports creative work and becomes a greater part of Minnesota's culture.