

PLANNING DIVISION STAFF REPORT

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PERCENT FOR ART ORDINANCE ANNUAL REPORT 2023/2024

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Background

The City's Percent for Art program requires that 1% of the total budget for certain City public works projects exceeding \$5 million* be set aside for public art.

*Section 4.3(c) of the ordinance requires that the eligibility threshold be "...indexed by the Construction Cost Index (CCI) as published by the Engineering News Record."
The eligibility threshold was \$5,816,212 in 2023 and \$5,966,202 in 2024.

The ordinance also directs staff to file an annual report to the Mayor and Common Council. This document combines the 2023 and 2024 reports.

1. Current Year's Activities

Description of the artwork completed, obtained or commenced under this ordinance program during the preceding twelve (12) months.

Table 1 below lists projects for 2023 and 2024. The funding for the two Metro projects was combined (for a total of \$132,000) to allow for a more visible piece along East Washington Avenue. Due to an evolving project scope and timeline, it is expected that the art component of the project will be completed in 2026.

Table 1: Current Projects 2023-2024

Project	Actual PW Bid Year	Actual 1% for Art	Anticipated Completion of Art Component
Metro E Wash – Phase II	2020	\$ 46,000	2026
Metro E Wash – Phase IIIA	2021	\$ 86,000	2026
CCB Remodels – Phase 2+2A	2022-2024	\$ 61,000	2026
Village on Park Parking Ramp	2023	\$ 140,000	Complete
Atwood Avenue	2023	\$ 30,000	Complete
Public Market	2023	\$ 56,000	2026
Autumn Ridge Path	2023	\$ 30,000	2025
CTH AB Interchange	2023	\$ 40,000	2026
State Street Campus Garage	2024	\$ 400,000	2026
Bartillon Permanent Men's Shelter	2024	\$ 85,000	2026
John Nolen Drive	2024	\$ 80,000	2025 (see section 4 below)
Reindahl Imagination Center/Library	2024	\$ 84,000	2026

2. **Upcoming Activities**

Description of the Capital improvement projects designated for inclusion in this program during the upcoming two (2) years.

The City's Capital Budget includes projects for the next six years. Per the ordinance, Table 2 below lists projects anticipated to generate revenue through the Percent for Art program in 2025-2026. Note that for all projects, some revenue sources are very fluid and the estimated years and dollar amount are subject to change based on adjustments to funding strategies, City priorities, and resource availability.

Table 2: Upcoming Projects 2025-2026

Project	Estimated PW Bid Year	Estimated 1% for Art
Triangle – CDA Housing Phase 1	2025	\$ 110,000
South Madison Public Health Clinic	2026	TBD
North-South Bus Rapid Transit	2026	\$ 396,000
Regent Street	2026	\$ 60,000
Mineral Point Road	2026	\$ 64,000
Far West Public Works Facility	2026	\$ 300,000-400,000

3. **Expenditures**

Accounting of the expenditures for the projects identified in subs. (a) and (b) above [note: sub (a) is "Project Design Incorporation of Public Art" and sub (b) is "Types of Capital Projects Eligible for Percent for Art Expenditure"], or funded through the Art Maintenance and Conservation Fund and the Art Aggregated Fund.

Expenditures for projects pursuant to this ordinance include those listed under the Current Years Activities above. To date, there have been no expenditures from the Art Maintenance and Conservation Fund or the Arts Aggregated Fund.

4. **Art Maintenance and Conservation Fund / Art Aggregated Fund**

Accounting of the status of the Art Maintenance and Conservation Fund and the Art Aggregated Fund.

In 2024 a bike path was added to the Pheasant Branch stormwater project, generating \$5,560 in Percent for Art funds. Given the relatively small amount of money identified after project completion, this amount transferred to the Art Aggregated Fund in early 2025. That amount represents the balance of that account.

A resolution has been introduced to transfer the \$80,000 for the John Nolen Drive project listed in Table 1 above to the Arts Aggregated Fund so that it can be utilized for art integrated into the Madison Lakeway Project in the future.

There have been no contributions or expenditures for the Art Maintenance and Conservation Fund since the ordinance was adopted.

5. Program Changes

Description of any changes to this program for the upcoming year.

There are no specific program changes for the upcoming year, however there are several ordinance amendments that staff would like to explore as described in the section below.

6. Rate Adjustment / Other Ordinance Amendments

Recommendations for any adjustments to the Percent for Art expenditure percentage rate and/or any other recommended amendments to the Percent for Art Ordinance.

The Ordinance has now been in effect for six years. During that time, staff from multiple agencies have had the opportunity to apply it to a wide variety of projects and have identified several potential amendments to make it more efficient to implement. Below is a list of amendments to be considered in the coming years. Arts staff will continue to coordinate with other agencies and the Madison Arts Commission to identify, propose, and prioritize changes to the Ordinance.

- 1) Rate Adjustment- Although not specifically changing the rate (1%), staff would like to consider removing the tie to the construction cost index (CCI) to provide more consistency and clarity. Staff believe that keeping the eligibility threshold at \$5 million and not fluctuating based on the CCI will make determining eligibility more predictable and easier to use for the multiple agencies subject to this ordinance.
- 2) Change to Bi-Annual Reporting- Given the 6-year scope of the Capital Budget and typically long timeline for capital projects to come online, there is usually little change in the projects and associated accounting from year to year and staff believe that moving from an annual to bi-annual report would be sufficient.
- 3) Streamline Small Budget Actions- Staff would like to explore an amendment that would allow transfers and expenditures of \$10,000 or less to or from the Arts Aggregate Fund to be accomplished without requiring Common Council approval.
- 4) Charge Staff Time to Projects- This ordinance has significantly increased the work of Arts staff within the Planning Division. Capitalizing some of these costs to individual projects could help ease some of the impact on the Planning Division's Operating Budget and may provide some flexibility in providing additional staff resources.
- 5) Other Possible Amendments- Staff has also identified a number of other potential amendments to the ordinance, such as: adding/clarifying some definitions, changing the time of determining a project's eligibility, clarifying contingencies in determining the Percent for Art amount, streamlining the approval process based on the scope of the project, and others.
- 6) Other Policy Considerations – Although not technically a change to the ordinance, staff would like to reinforce that arts-related expenditures will follow the City's established purchasing guidelines. Projects that fall below the Common Council approval threshold according to purchasing guidelines will be administered directly by staff, while projects requiring Common Council approval will be sent to the Council for formal approval.