



## Legislation Text

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**File #:** 12885, **Version:** 1

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### Fiscal Note

No appropriation is required.

### Title

Deaccessioning Original *Effigy Tree* (1991), Wood Carved Sculpture, by Harry Whitehorse and Accepting Ownership of a Bronze Version of *EffigyTree*.

### Body

WHEREAS for 17 years, *Effigy Tree* (1991), carved by artist Harry Whitehorse from a Hackberry tree that was felled by lightening, stood on what the artist described as sacred ground near the effigy mounds in Hudson Park near the corner of Lakeland Avenue and Maple Avenue.

WHEREAS *Effigy Tree* is a significant piece of art by renowned Wisconsin Ho-Chunk artist Harry Whitehorse, the sculpture also stands in close enough proximity to an existing effigy mound to serve as a visual marker of the important historic site.

WHEREAS the sculpture is much revered by Madison residents and others who visit the mounds or use the lake edge route to bike, jog or commute around the lake; and

WHEREAS the City already repaired and rededicated *Effigy Tree* once due to moisture related deterioration on June 28, 1997; and

WHEREAS *Effigy Tree*, which had by July of 2007 once again degraded to the point that the artwork was in danger of decomposing beyond repair; and

WHEREAS a meeting with Harry Whitehorse in the summer of 2007 regarding his wishes for the piece clarified that the artists's original intent was to create a permanent sculpture; and

WHEREAS, the artist, seeing that *Effigy Tree* had become an important symbolic icon to the community, believed that best course of action for this sculpture was for him to repair *Effigy Tree* once again, that the sculpture should be cast in bronze, and that the bronze replica be placed in the original location for the enjoyment of many generations; and

WHEREAS in fall of 2007, Fine Arts Conservation Services recommended that the piece be immediately removed from Hudson Park, delivered to the artist's studio for repair, and that the original only be installed in an indoor climate controlled environment due to the conservator's determination that the piece would not be able to withstand further exposure to the elements; and

WHEREAS the neighborhood meeting, held on September 5, 2007, resulted in great enthusiasm for creating a more permanent version of the original *Effigy Tree* and replacing it on the original site; and

WHEREAS a neighborhood group, calling themselves, the "Effigy Tree Project" formed for the purpose of raising funds for costs related to casting a bronze *Effigy Tree*, creating awareness of the sculpture and the mounds, and replacing the new sculpture on the same site as the original (Erwin A. and Robert D. Goodman Community Center, Inc is acting as the fiscal receiver for all funds raised by members of "The Effigy Tree Project" for this purpose); and

WHEREAS, in the fall of 2007, the City removed the original *Effigy Tree* sculpture and delivered it to the artist's studio for restoration and preparation for casting; and

WHEREAS, at their March 26, 2008 meeting, the Madison Arts Commission, agreed that while the "Effigy Tree Project" group raised money to cover all costs for fabrication of the *Effigy Tree* in bronze, installation on the original site, establishment of a \$10,000 maintenance endowment, and organization of an unveiling celebration, the Madison Arts Commission would administer the processes of project review, City approval and acceptance in order to facilitate the project development; and

WHEREAS the Parks Commission reviewed the "Effigy Tree Project's" proposal at their May 2008 meeting and determined that there were no special conditions related to the original placement of the sculpture in Hudson Park, and further determining that the sculpture could be replaced when it is cast in bronze; and

WHEREAS, on July 8, 2008, the Madison Arts Commission passed a motion to recommend the Madison Common Council deaccession the original wooden sculpture and return ownership of that piece to the artist Harry Whitehorse, which is consistent with best practices in the field of public arts administration; and

WHEREAS, by September of 2008 members of the "Effigy Tree Project" successfully secured adequate funding to create a bronze version of *Effigy Tree* and hired Vanguard Sculpture Services LTD to create the bronze sculpture; and

WHEREAS members of the "Effigy Tree Project" have met with staff members of the City Parks Division, the Madison Arts Commission, and the Planning Division throughout their effort to replace the *Effigy Tree* sculpture; and

WHEREAS the "Effigy Tree Project" group is currently coordinating efforts for installation and a dedication ceremony; and

WHEREAS it is Harry Whitehorse's wish and that of the "Effigy Tree Project" group's that the City own the sculpture after it is installed.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Madison returns ownership of the original wooden *Effigy Tree* (1991) to the artist Harry Whitehorse and accepts ownership of the bronze *Effigy Tree* to be installed at Hudson Park on the corner of Lakeland Avenue and Maple Avenue subject to the following conditions:

1. The Madison Arts Commission should be listed on any fund agreement between the Effigy Project Group and the Madison Community Foundation, with the City Arts Administrator listed as one of the parties able to advise distributions from the fund. The Effigy Tree Endowment shall pay all costs for long-term maintenance of the sculpture.
2. The "Effigy Tree Project", shall locate the sculpture on the same site as the original, as approved by the Parks Division.
3. The "Effigy Tree Project" is responsible for locating all underground utility services in the construction and installation area.
4. The "Effigy Tree Project" shall comply with all Madison General Ordinances regarding the construction and installation of the sculptures.
5. The City may remove the sculpture if not properly maintained, or if damaged beyond repair, by giving Harry

Whitehorse or successors and assigns, The Schenk-Atwood-Starkweather-Yahara Neighborhood Association, the Goodman Community Center, and the Endowment, thirty (30) days written notice prior to removal. The Endowment is responsible for any reasonable costs associated with such removal.

6. The City may remove the sculpture if the area occupied by the said sculpture is required for public purposes, by giving Harry Whitehorse or successors and assigns, The Schenk-Atwood-Starkweather-Yahara Neighborhood Association, the Goodman Community Center, and the Endowment, thirty (30) days written notice prior to removal. The Endowment is responsible for any reasonable costs associated with such removal.