



## REPORT TO PUBLIC ART COMMITTEE

**Appleton Public Arts Committee Meeting Date:** February 4, 2020

**Community and Economic Development Committee Date:** January 29, 2020

**Common Council Meeting Date:** February 5, 2020

**Item:** Revisions to Art in Public Places Policy

**Case Manager:** Jessica Titel

### **BACKGROUND**

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The Art in Public Places Policy was approved by the Common Council on July 18, 2018. Revisions to the policy were approved by the Common Council on October 16, 2019. This policy established the Appleton Public Arts Committee and the policy under which public artwork would be reviewed. Since the adoption of the policy, applications for several public art projects have been submitted for review. The proposed revisions establish a public notification process and details the procedure to initiate if an applicant/artist is not in compliance with the Art in Public Places Policy.

The proposed changes are identified in RED in the attached revised Art in Public Places Policy.

### **RECOMMENDATION**

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Staff recommends the text amendments to the Art in Public Places Policy identified by ~~strikethrough~~ be deleted and underlined be added, as attached to this report, **BE APPROVED**.



# Art in Public Places Policy

Appleton Public Art Committee

July 2018

Updated October 2019

Updated February 2020

## **INTRODUCTION**

This document serves as the policy to oversee the public display of art placed on publicly owned property and to serve as the road map to decisions made in relation to public art in the City of Appleton. This policy will also define the types of public art, how pieces will be chosen, approval and review process, the maintenance of each piece and the process for deaccession of the artwork. The review process is expected to take approximately 6 to 8 weeks, dependent upon project variables and meeting schedules. This policy does not apply to artwork on private property.

### **What is Public Art?**

Public art is any work of art or element of design that is sited in or on property that is publicly owned or controlled by the City of Appleton (parks, buildings, right-of-ways, etc.) for people to experience. Public art pieces can be either privately owned by the artist or other entity or publicly owned by the City, but will be sited on public property. Ownership will be dependent upon each individual project.

For the purposes of this policy, Public Property is defined as *a building and/or land owned and controlled and/or in which the use is operated by the City including fire stations, City Hall, public works and park facilities, library and the like.*

### **Why Public Art?**

Creative placemaking is a way of creating a special place and creating an identity within the places we frequent. Public art has been used in placemaking for decades and there are countless examples throughout the Fox Cities, State and Country on how the arts have improved the quality of life and enhanced the communities we live in.

### **Why a Public Art Committee?**

By developing a Public Arts Committee for the City of Appleton, the City can work toward deliberately creating these special places, events and moments. Creation of a Public Arts Committee will establish a more formal way to review and maintain public art, provide another avenue for the promotion of the arts community and show the continued desire to establish the arts as a priority for our community.

### **Types of Public Art**

Public art can take a wide range of forms, sizes, and scales—and can be temporary or permanent. Public art can include murals, sculptures, memorials, integrated architectural or landscape architectural work, community art, digital new media, lighting installations and even live performances.

#### Temporary/Events/Performance Public Art

Interactive cultural activities, performance-based work, or objects presented in public space that have a limited duration. Temporary public art is exhibited for 6 months or fewer. Public art may be experienced as a surprise or unanticipated activity, or as part of larger or anticipated events such as a festival, parade, or other community event. Temporary public art is transient and may last a few minutes or not more than 6 months. They may take place in one location or move but are not permanently sited.

Examples: Temporary public art can be almost any form; objects such as sculptures, interactive art or furnishing that are movable; street artists that perform music, poetry, dance or skits; modification to existing structures through wrapping, projecting images or other means.

### Functional Art

The primary purpose is functional or utilitarian. Works of art that serve a purpose in publicly owned spaces that are designed and/or embellished by artists.

Examples: seating, benches, bicycle racks, bus shelters, fences, gates, trash cans, lights, light poles, etc.

### Integrated Artwork

Fully incorporated into the design of a larger project or existing element in the community. Artists may work directly with the architects or engineers to enhance the qualities and functionality of publicly owned buildings, structures, spaces and/or infrastructure.

Examples: bridges, retaining walls, walkways, buildings, streetscaping, landscaping, functional building elements – façade elements, entrances, lobbies, etc.

### Two and Three - Dimensional Artwork

Two and Three-dimensional artwork has been the most common form of public art and comes in a variety of forms, including, but not limited to:

- Interpretive: Primary purpose is educating the public. The artwork might be self-explanatory or require a panel explaining the project.
- Monument: A statue, building or other structure created to commemorate a famous or notable person or event. They are typically cast in or sculpted from granite, bronze or marble.
- Mural or Mosaic: A painting or other work of art created or mounted on a wall. Media used to create the mural or mosaic can include paint, tile, glass or other found materials.
- Sculpture: Freestanding, physically independent of other site elements. Can consist of a variety of materials, including metals, wood, concrete, fiberglass, landscape, glass, etc.
- Sensory Art: Appeals to the senses – visual, auditory, touch or a combination of these. Can include water features, fountains, interactive sound or touch features, lighting, etc.

## **APPLETON PUBLIC ART COMMITTEE (APAC)**

The Appleton Public Art Committee (APAC) is responsible for implementing the Art in Public Places Policy. The APAC will create recommendations for the appropriate committee of jurisdiction based upon the proposed project/request. The recommendations will be forwarded to the Common Council to further the City of Appleton's commitment to the promotion, creation and maintenance of public art as defined in this policy. The Public Art Committee is a volunteer committee that works to support the goals and strategies for increasing the prevalence of public art and placemaking. It is important to understand that members will serve in an advisory capacity to the committees of jurisdiction.

The Committee will be made up of no more than 7 members that are appointed by the mayor and will have staggered terms of service. The Mayor will also appoint the chair of this committee.

The Community and Economic Development Committee (CEDC) will be the committee of jurisdiction to the APAC concerning the Art in Public Places Policy, committee budget, other policies and procedures applicable to the APAC. The APAC will also provide a report/summary of current project and initiatives to the CEDC at least annually, or as requested by the CEDC.

## **Goals/Focus Areas**

1. Support the arts and cultural opportunities as identified in Comprehensive Plan 2010-2030 (see Exhibit A).
2. Serve as a forum to receive proposals, review for compliance with City policies and make recommendations regarding the maintenance and deaccession expectations.
3. Advocate for the arts by advising on policies and plans of the City, and by seeking non-City public and private resources to advance the work of the Public Art Committee.
4. Analyze gaps and opportunities in programming, support, funding, and promotion for the arts, cultural activity and economic development.
5. Increase public awareness, appreciation and contribution of public art.
6. Foster artistic creativity in the community and broaden public participation in the planning and creation of public artworks.
7. Consider development of an arts and cultural plan as recommended throughout the Comprehensive Plan.
8. Review and update the arts inventory.

## **Funding Sources**

An ongoing funding source is yet to be determined for Appleton Public Art Committee projects, but will need to be a decision made by the City's elected officials. Some funding options could include a potential annual budget allowance, fundraising, private donations, grants and/or allocations from public projects.

## **PUBLIC ART GUIDELINES**

Note: These guidelines are a dynamic, working document that will be reviewed periodically by the APAC and amended as needed.

Specific criteria are needed to evaluate the location and appropriate type of public art projects sponsored by the City. Proposed public artwork shall be reviewed by the APAC. The typical approval process will include a recommendation by APAC to the applicable committee of jurisdiction based upon the specific project. The committee of jurisdiction will then make a recommendation to the Common Council.

For a City-commissioned project or set of projects, the APAC will establish a formal selection process, seeking a range of choices appropriate for each project. City Staff and the APAC should first articulate the desired goals, nature, budget and any other special requirements for each project. A Request of Proposals or Request for Qualifications may then be issued.

### **Proposed public art will be evaluated on the following:**

- Goals and Objectives. Each project should satisfy some of the goals and objectives as established by this policy, the 2010-2030 Comprehensive Plan and other applicable plans and policies.
- Context. The architectural, historical, geographical, geological and socio-cultural context of the site where the artwork will be installed or displayed.
- Structural Soundness. The resistance to theft, vandalism, weathering and/or excessive maintenance or repair costs.
- Public Safety. Artwork shall not present a hazard to public safety.

- Diversity. Rather than one kind of artwork, a range of styles, scale and approaches to public art should be considered.
- Feasibility. Evidence of the artist's ability to successfully complete the work as proposed including: project budget, timeline, artist's experience, soundness of materials and construction and design guidelines.
- Donor conditions (if applicable).
- Budget (if applicable). Proposal should provide a budget adequate to cover all costs for the design, fabrication, insurance, transportation, storage, installation and maintenance.
- Installation. Applicable engineering and structural requirements for the installation must be provided.

### **Guidelines for Accepted Artwork**

The APAC shall make recommendations regarding any contingencies upon the acceptance of artwork. These contingencies and applicable agreements may vary widely dependent upon the type of artwork and will need to be flexible and customized for each project.

- After the decision is made to accept a piece of artwork, the applicant is informed and a contractual agreement is drafted setting forth the length of time the artwork will be displayed and other terms such as location, maintenance requirements and responsibility, insurance, value of the artwork, installation and removal responsibility, payment schedule (if applicable) and other conditions pertinent to the agreement.
- Final acceptance of the artwork is contingent upon the discretion of the Common Council, consistent with the criteria in this policy.
- Sponsorship plaques will be reviewed on a case-by-case basis in accordance with the City's Sign Code. Specifically, Section 23-531 as it pertains to sponsorship signs for murals will be applied. Section 23-531 allows for one plaque/sign that does not exceed 9 square feet per art work.

### **Installation**

A plan for installation, including structural and engineering information, shall be provided with application and prior to any work commencing. A plan to show any necessary safety barriers around the perimeter of the work area during installation shall also be provided. In most instances, no City assets or resources should be used to install proposed artwork that is not owned by the City. ~~Upon completion of the~~ Within 10 days of the public art installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

### **Maintenance**

Whether integrated into building construction or standing alone in a public park or right of way, each work requires routine maintenance such as cleaning or trimming weeds, as well as long-term repair such as sealing cracks, fabricating and re-attaching a broken piece or outright replacement. Each public art project should have a maintenance plan and agreement that is prepared as part of the commissioning or acquisition process.

Maintenance for sculptures that are owned by or donated to the City will be the responsibility of the City. The artist should provide the City with information regarding anticipated maintenance needs for the artwork.

### **Insurance**

When artwork is installed by a party other than the City and/or the artwork will not be owned by the City, the applicant is required to provide a Certificate of Insurance meeting the minimum liability requirements as set forth in Exhibit IR 6.1 – Applicant/s – Art in Public Places.

### **Deaccession & Relocation of Artwork**

The City of Appleton will retain the right to relocate or deaccession any public artwork, regardless of the source of funding or method of acquisition. While the intent of acquisition is for long-term public display, circumstances and/or conditions may arise that make it prudent for the City, on behalf of the public interest, to remove an artwork from public display.

Deaccessioning and relocating of artwork may be considered for reasons including, but not limited to:

- The condition or security of the artwork cannot be reasonably guaranteed in its present location.
- The site is being eliminated.
- The site is being altered such that the artwork is no longer compatible with the site.
- The artwork presents a public safety risk.
- The cost of maintaining or updating the artwork's operating technology is cost prohibitive.
- The artwork requires excessive maintenance or has failures of design and workmanship.
- A more suitable location for the artwork has been proposed.
- The artwork no longer meets the goals of the Public Art Policy.

### **REVIEW PROCEDURES**

The Appleton Public Art Committee will make recommendations regarding the placement or acceptance of public art. Community and Economic Development Staff will route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by the Department of Public Works, Attorney's Office, Parks, Recreation & Facilities Management and Human Resources. The project can also be routed to any other applicable department based upon the project scope. The APAC will be responsible for reviewing the public artwork and making their recommendation to the committee of jurisdiction. The Common Council will make the final determination on whether or not the piece will be placed on publicly owned or controlled property. The review process is expected to take approximately 6 to 8 weeks, dependent upon the project variables and meeting schedules.

Public Art Project Review Team:

- Department of Public Works – review pieces that will be placed within the public right-of-way or on certain structures under the jurisdiction of this department (i.e. parking ramps, utility stations, light poles, etc.).
- Parks, Recreation & Facilities Management – review projects that are proposed to be placed within public parks, City property and grounds, trails or City structures/facilities under the jurisdiction of this department.
- Human Resources – insurance and liability review and requirements.
- Attorney's Office – liability, legal considerations and preparation of applicable documents and agreements.
- Others as determined appropriate by Staff.

### **Application for Review of Public Art**

Any request for the placement of public art requires submittal of a completed application and required supporting materials. The application is available on the City's website or by contacting the Community and

Economic Development Department. The application shall be submitted a minimum of 3 weeks prior to the next regularly scheduled Public Art Committee meeting. All applications must include the following items:

- Brief description of the proposed artwork
- Photos/sketches of proposed work
- Site plan/location map showing location of proposed work
- Reason for choosing the proposed location
- Description of how the work is installed/anchored/attached
- Installation specifications provided by a structural engineer to confirm safety of structure/installation
- Timeline and duration of installation
- How the artwork will be maintained (including any costs associated with the maintenance and who will be responsible for those costs)
- Description of any associated signage

### **Review Steps**

The procedure outlined below includes the general steps that will be involved when reviewing the placement of public art. Because public artwork can take on many forms, the review process is meant to be flexible and can be adjusted based upon each individual project.

1. An application is submitted to the Community and Economic Development Department (CEDD). Staff will review the application and confirm receipt of required information.
2. CEDD Staff route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by Staff representatives with the Department of Public Works, Attorney's Office, Parks, Recreation & Facilities Management and Human Resources. The project can also be routed to any other applicable department based upon the project scope. These representatives shall furnish the CED Staff, in writing, their comments and/or conditions as to whether an application for a public art installation should be approved, conditionally approved or denied.
- 2-3. When applicable and per the stipulations listed below, notices will be sent to adjacent property owners at least one week prior to the APAC meeting date.
- 3-4. CEDD Staff will compile all findings and recommendations and present a Staff Report for the project to APAC for approval/denial of the proposal. Conditions of APAC approval may be required.
- 4-5. APAC recommendation will be sent to the committee of jurisdiction for action.
- 5-6. Committee of jurisdiction recommendation forwarded to Common Council for final action.
- 6-7. Appropriate legal documents and agreements are signed prior to artwork being accepted, constructed or installed. Applicant provides insurance certificate meeting minimum liability requirements.
- 7-8. Upon completion of the installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

### **Notification**

All property owners within 100 feet of the proposed public art project will be sent notices. The notices will include the project summary and the APAC meeting date in which the public art project will be discussed. If the proposed public art project is located within an existing City owned park and the nearest private property is more than 100-feet away, notices will not be sent. Notices will not be sent for public art projects located within a City owned or occupied building/structure.

### **Failure to Comply**

No public artwork shall be installed prior to satisfaction of all conditions of approval and the execution of the Public Art Agreement. If public art is installed in violation of the Art in Public Places Policy, the piece shall be immediately removed by the applicant/artist, at their expense. If the applicant does not remove the artwork



within the allotted amount of time, the City may remove the artwork and charge the applicant/artist. Any applicant/artist that violates the Art in Public Places Policy may no longer be allowed to install public art on City-owned property.

### **Public Art Exemptions**

The following public art initiatives and/or displays are exempt from review by the Appleton Public Arts Committee and have been previously reviewed and approved by Municipal Services Committee and/or Common Council.

- Annual or previously approved Art events (these require Street Occupancy Permits through DPW):
  - Fiber Rain (Yarn Bombing)
  - Chalk on the Town
  - Paint on the Town
  - Park(ing) Day
  - Ice Sculptures
- DPW funded and administered art programs:
  - Snowplow Painting Program
  - Sidewalk Poetry Program
- Other exempted artwork:
  - Mandalas on the Red Ramp
  - Traffic Control Boxes
  - Compassion Manhole Project
  - Marigold Mile and street name signage
  - Installation of free libraries made through CARE Program
  - Painting of Water Street retaining wall
  - Acre of Art – existing pieces only (as of May 2018), future artwork associated with Acre of Art, that are placed on public property, will need proper approvals
  - Wayfinding signs for trails and public parks
  - Existing artwork on/in public property

## **EXHIBIT A:**

### **Comprehensive Plan 2010-2030 References Relating to Public Art Committee**

Creating a Public Arts Committee and increasing the prevalence of public art is widely and strongly supported throughout the City's Comprehensive Plan 2010-2030. One of the "Key Issues" heard during the public participation process related to the creative culture and public art. The following questions were posed during this process: *How can the City and its partners encourage the growth and diversification of the local arts and creative culture scene? How can a broader arts strategy be pursued in a fair and equitable manner? How can public art and other forms of creative expression be leveraged to foster a stronger community identity?* Establishing a Public Arts Committee will work towards answering these questions and achieving a vision within the Comprehensive Plan.

A number of vision statements that characterized the quality of life in Appleton were developed to help guide the City's comprehensive planning process. One of those vision statements stated that: *"Creative place making and public art enhance the public realm and contribute to a vibrant economy."* This statement confirms that residents recognize and value the City's commitment to placemaking and public art.

Chapter 8: Agriculture, Natural, Historic, and Cultural Resources of the Comprehensive Plan provides a detailed overview of the cultural amenities or organizations currently provided for in the City. The objectives and policies within this chapter speak directly to maintaining, supporting and enhancing the arts within Appleton.

#### **8.4 OBJECTIVE: Support the organizations, events, and venues that make Appleton the arts and cultural center of the Fox Cities.**

- 8.4.1 *Provide appropriate financial, technical, and other resources to ensure the continued viability and growth of cultural organizations and attractions, in partnership with organizations such as Appleton Downtown, Inc., the Appleton Public Library, and the Fox Cities Convention and Visitor's Bureau.*
- 8.4.2 *Partner with other agencies and organizations to ensure the availability of adequate event space and logistical services to facilitate cultural and related events within the community.*
- 8.4.3 *Continue to broaden education and collaboration with diverse communities.*
- 8.4.4 *Support development of a signature downtown amphitheater to showcase Appleton's growing music and cultural performance scene.*

#### **8.6 OBJECTIVE: Consider developing a comprehensive Cultural Arts Plan to inform and guide efforts that position Appleton as the cultural center of the Fox Cities and a unique regional destination for those interested in history, culture, and all forms of artistic expression**

- 8.6.1 *Reach out to private businesses and arts and cultural organizations to determine if there is sufficient interest in and resources available to prepare a comprehensive Cultural Arts Plan.*
- 8.6.2 *Prepare a Cultural Arts Plan which goes beyond public art to proactively plan for how the City can leverage its tremendous cultural, musical, and creative talents to retain its young people, grow its tourism potential, and attract and retain creative workers to the region.*
- 8.6.3 *Consider establishment of a public arts fund to support on-going public art initiatives.*
- 8.6.4 *Partner with private businesses and organizations to help brand and market Appleton as the creative hub for northeast Wisconsin.*

Chapter 14 - Downtown Plan provides for specific recommendations for Appleton's Downtown and directly supports the creation of a Public Arts Committee. One of the recommendation is the *"formal establishment of*

*a city-wide arts council or commission to administer, promote a public art program and maintain public art collections.”*

This chapter also has a detailed section that illustrates the importance of the arts community to Appleton and encourages the expansion and promotion of placemaking and arts in the City. One of the key strategies identified in this chapter is the development of a citywide Arts and Culture Plan. The creation of a citywide Arts and Cultural Plan is also supported elsewhere within the Comprehensive Plan. This could be an important task that the Public Arts Committee could accomplish.

While there are countless references to the importance of the arts community within Chapter 14 – Downtown Plan, below are the specific Initiatives that establishing a Public Arts Committee would support:

*1.1 Continue development of entry features on major routes into the downtown*

- B. Partner with local artists to design entry features including at the intersection of College Avenue and Richmond Street.*

*1.3 Implement appropriate streetscaping projects throughout the downtown*

- E. Use lighting to showcase the growing inventory of public art downtown, while contributing to a more interesting environment for walking. Continue to integrate public art into streetscape enhancements downtown.*

*1.4 Install sculpture, murals, and other art in public locations throughout the downtown*

*2.1 Maintain and strengthen the vitality of the arts and entertainment niche*

- B. Consider various models of providing broad municipal support for the creation, installation, and maintenance of public art.*

*2.8 Establish an Arts and Culture Plan for the City*

*An Arts and Culture Plan is recommended for the entire City, as described in Chapter 8: Agricultural, Natural, Historic, and Cultural Resources. The plan would create a shared vision for the future of Appleton’s investments in a wide range of public art, educational, and cultural activities and programs. It would help guide both public and private actions and enable a more coordinated strategy to maximize efficiencies and returns on investments. The plan would leverage the City’s growing creative economy, strengthen tourism, and contribute to Appleton’s high quality of life. Implementing this strategy will require additional discussion, direction, and buy-in. Recommended next steps include:*

- A. The City forming a study group to explore alternative models for art and culture planning, inventory assets and opportunities, and survey best practices from other communities.*
- B. Consider engaging an outside facilitator or consultant with experience developing similar plans in order to develop a comprehensive strategy, including a governance and management structure for arts and culture development with clear policies and procedures.*
- C. Establishing criteria for oversight (review/approval) and ongoing maintenance of public art and cultural programs and activities.*
- D. Identifying and securing funding mechanisms.*

*5.6 Plan, design, and implement bike and pedestrian wayfinding signage*

- B. Install destination arrival signs and features that integrate public art into infrastructure*

*7.6 Promote the identity of the riverfront through creative use of lighting*

**IR 6.1 APPLICANT/S – ART IN PUBLIC PLACES**

**City of Appleton  
Insurance Requirements**

**Project:** \_\_\_\_\_

The Applicant/s shall not commence work on this project until proof of insurance required has been provided to the applicable department before the agreement is considered for approval by the City of Appleton.

It is hereby agreed and understood that the insurance required by the City of Appleton is primary coverage and that any insurance or self-insurance maintained by the City of Appleton, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire project is completed and the length of time that is specified, if any, in the contract or listed below whichever is longer.

**1. INSURANCE REQUIREMENTS FOR CONTRACTOR**

**Commercial General Liability** coverage at least as broad as Insurance Services Office Commercial General Liability Form, including coverage for Products Liability (if applicable), Personal and Advertising Injury, with the following minimum limits and coverage:

- Each Occurrence limit ..... \$1,000,000
- Personal and Advertising Injury limit ..... \$1,000,000
- General Aggregate limit ..... \$2,000,000
- Fire Damage limit — any one fire ..... \$50,000
- Watercraft Liability, (protection and indemnity coverage) **if** the project work includes the use of, or operation of any watercraft)..... \$1,000,000
- Products Completed/ Operations Aggregate ..... \$2,000,000

**Automobile Liability if** owned rented, or leased vehicles will be used on City grounds in conjunction with the project:

Minimum Coverage:

- a) Single limit of liability - \$200,000 for bodily injury and property damage
- OR
- b) Split limit with limits of: \$100,000 each person bodily injury, \$300,000 each accident bodily injury, \$50,000 property damage

**Workers' Compensation** as required by the State of Wisconsin and Employers Liability insurance with \$100,000 Each Accident / \$500,000 Disease Policy Limits / \$100,000 Disease – Each Employee or with sufficient limits to meet underlying umbrella liability insurance requirements.

If applicable, the worker's compensation coverage must include Maritime (Jones Act) or Longshoremen's and Harbor Workers Act coverage.

If worker's compensation is not required by the State of Wisconsin, the City will waive this specific insurance requirement if the applicable Applicant/s signs the attached waiver under Exhibit A.

**Aircraft Liability:** If the project work includes the use of, or operation of any aircraft or helicopter, then Aircraft Liability insurance must be in force with a limit of \$3,000,000 per occurrence for bodily injury and property damage including passenger liability and including liability for any slung cargo.

**Unmanned Aircraft Liability:** If the project includes the use of, or operation of any unmanned aircraft then unmanned aircraft liability insurance must be carried with a limit of \$1,000,000 per occurrence for bodily injury, property damage liability and invasion of privacy liability.

**Applicant's Equipment or Property (If applicable):** The Applicant is responsible for loss and coverage for these exposures. The City of Appleton will not assume responsibility for loss, including loss of use, for damage to Applicant's property, materials, tools, equipment, and items of a similar nature which are being used in the work being performed by the Applicant. This includes but not limited to property owned, leased, rented, borrowed or otherwise in the care, custody or control of the Applicant.

## 2. INSURANCE REQUIREMENTS FOR ALL SUB-CONTRACTORS

All sub-contractors of the Applicant/s shall be required to obtain Commercial General Liability Automobile Liability, Worker's Compensation, Employer's Liability and if applicable, Watercraft Liability, Aircraft Liability and Unmanned Aircraft Liability insurance. This insurance shall be as broad and with the same limits and coverages (including waiver of subrogation) as those required by Applicant/s requirements.

## 3. APPLICABLE PROVISIONS

- **Primary and Non-Contributory requirement: All insurance must be primary and non-contributory to any insurance or self-insurance carried by City of Appleton.**
- **Acceptability of Insurers:** Insurance is to be placed with insurers who have an *A.M. Best* rating of no less than A- and a Financial Size Category of no less than Class VI, and who are authorized as an admitted insurance company in the State of Wisconsin.

- **Additional Insured Requirements:** The following must be named as **additional insureds** on all policies for liability arising out of this project work: **City of Appleton, and its officers, council members, agents, employees and authorized volunteers. On the Commercial General Liability Policy, the additional insured coverage must be on ISO form CG 20 10 07 04. This does not apply to Workers Compensation policies.**
- **Waivers of Subrogation** in favor of the City of Appleton must be endorsed onto the Applicant's Worker's Compensation, Commercial General Liability, Automobile Liability, Umbrella Liability coverage and Property/Equipment coverages.
- Certificates of Insurance acceptable to the City of Appleton shall be submitted prior to commencement of the project work for the applicable department. **In addition, form CG 20 10 07 04 for ongoing work exposure must also be provided or its equivalent.** These certificates shall contain a provision that coverage afforded under the policies will not be canceled or non-renewed until at least 30 days' prior written notice has been given to the City of Appleton.

# Waiver and Indemnification Form – Exhibit A

For good and valuable consideration, including but not limited to the City waiving the requirement that Applicant/s must purchase worker’s compensation insurance, the Applicant/s agrees to indemnify, defend, and hold harmless the City of Appleton and its officers, officials, employees and agents from and against any and all liability, loss, damage, expenses, costs, including attorney’s fees, for claims arising out of the performance of this agreement including but not limited to those brought by Applicant’s employees (employed directly or indirectly), agents, volunteers, survivors, and the like.

\_\_\_\_\_, Applicant/s

Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## City of Appleton

Witness: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_