



## **KSTP-TV / MINNESOTA HISTORICAL SOCIETY**

The relationship we enjoy with the Minnesota Historical Society is extraordinary on several levels. To know that our news and programming history is secure and professionally managed is our primary objective. To have immediate and unfettered access to that history, when news demands it, is also of great importance to us. Finally, to know that the archives are physically protected and accessible for future generations is the icing on the cake. This project wouldn't have happened without a partnership of mutual trust and respect, and we couldn't be more pleased with our association.

Dayna Deutsch, KSTP-TV  
Vice President/Special Projects Director



## KSTP-TV/MINNESOTA HISTORICAL SOCIETY

### EXECUTIVE SUMMARY

This study looks at an example of a positive collaboration between a commercial television station and a public archive. Lengthy negotiations produced a carefully crafted agreement between KSTP-TV and the Minnesota Historical Society that satisfied the needs of both parties and created a positive working relationship that is ongoing. KSTP-TV has recovered a significant amount of storage space yet maintains easy access to its collection without the costs of keeping it on site. The archive decided to collect the most complete local television collection in the region, including that station's local news and documentaries and one long-running entertainment show.

The station owner's charitable foundation gifted the archive with a grant that supports work in preserving and indexing the collection, an effort that benefits both the station and the archive. With this partnership, a large and significant local television collection is being preserved and made easily accessible to the television station. This remarkable collection is also becoming available to the public.

### INTRODUCTION

A news producer at station KSTP-TV in Minneapolis needs a shot of Hubert Humphrey from 1968 for the Eyewitness Live at 5 newscast. The call goes to the KSTP-TV/Hubbard Broadcasting collection at the Minnesota Historical Society down the street in St. Paul. A station employee is able to pick up a tape copy of the news film so it can be made ready for the afternoon newscast.

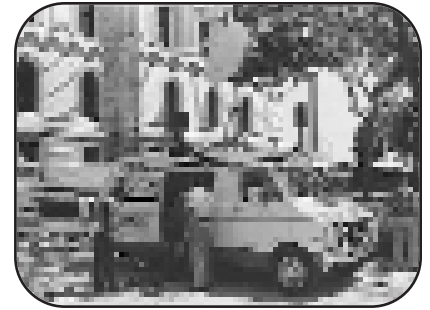
The close working relationship between a commercial television station and a public archive provides benefits for both entities as well as the public. This collection also serves researchers and historians who come to the Society for scholarly research.

The KSTP-TV local television collection is very important to the history of the state of Minnesota. With materials going back to 1948 it is the only television collection in the state with materials predating 1975.

KSTP-TV's owner, Stanley S. Hubbard, and other members of the station's executive staff are committed to preserving the cultural and historical record of the region that KSTP-TV has recorded since it went on the air more than fifty years ago. This record also reflects the station's long-time success in the Twin City market. KSTP-TV's film and video is a vital component of the many resources at the Minnesota Historical Society that document the history of the state. Although negotiations between Hubbard Broadcasting and the Minnesota Historical Society took several years to complete, the highly successful working agreement is a model for others. Representatives of both organizations say that respect for each other's expertise, abilities, and integrity increased during the negotiation process.

## BACKGROUND

KSTP-TV was established in 1948 by Stanley E. Hubbard. It maintains a strong presence among the small number of family-owned stations remaining in the country. Hubbard Broadcasting owns ten other television stations in the Midwest, the Southwest, and in New York state. Its Dominant Market Area (DMA) is fourteenth in the country. An ABC affiliate, Hubbard Broadcasting employs two hundred people, produces local daily newscasts, and airs ABC daytime and prime time programming. The station has won several Emmy and Peabody awards for its local productions, as well as a Gracie Allen Award from American Women in Radio and Television (AWRT).



KSTP-TV maintains a national reputation as an industry trailblazer. The Twin Cities station produced the first daily newscast in the Midwest and was the first in the country to provide an all-color local news broadcast. Preserving its entire collection of local television news is an obvious way for the station to document its significant achievements. It is also a way for the station to make its own historical source material available for re-use.

The Minnesota Historical Society is among the largest state historical societies in the country. Founded by the territorial legislature in 1849, the Society is a public institution with a mission to collect and preserve materials relating to Minnesota and Minnesotans. The historical materials held by the Society represent all media types, including print, sound, and visual.

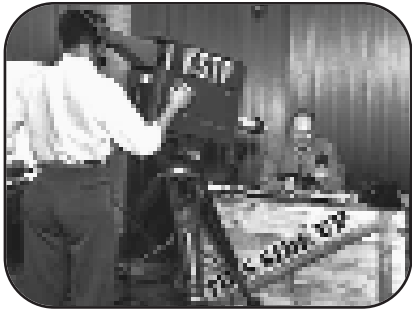
Among the visual collections are two thousand films and videotapes and two hundred and fifty thousand photographs. The KSTP-TV local news collection is complemented by the Society's collection of newspapers dating back to 1849 and newspaper negatives from the 1940s through the 1980s.

The Society's funding is a combination of legislative appropriation and private donations. Although it is not solely a membership organization, it has 16,000 members and employs 335 full-time and 406 part-time staff. The Society's 2002 annual report boasts, "This past year, Minnesotans and people from around the globe connected with the Minnesota Historical Society 2,978,313 times."

## THE AGREEMENT AND RIGHTS

The relationship between the two entities began in 1988 when KSTP-TV approached the Minnesota Historical Society with a proposal that the Society use its expertise to catalog the station's internal media collection. While the Society was very interested in adding the collection to its holdings, it was unwilling to provide this service without any direct benefit to itself. The two parties met over the next several years to develop a mutually beneficial agreement. The final agreement was signed in 1994. (See Appendix for copy of agreement)

The agreement transfers both physical property ownership and copyright from KSTP-TV to the Society twenty-five years after program creation. With that transfer to the Society goes the responsibility for properly storing, preserving, and providing public access to the collection. The Society holds the materials in the newly created KSTP/Hubbard Broadcasting Media Center, funded by a grant from the Hubbard Family Foundation. The Society provides access to KSTP-TV as needed. The partners amended the agreement in 2001 to ensure that proper credit is given to KSTP-TV when others use their footage.



## SELECTION

The Society's curator surveyed the KSTP-TV collection in 1988 and concluded that history would best be served by preserving all the news film, documentaries, and specials the station created. At the same time the curator decided not to accept the station's sports film. The sports film would have doubled the size of the Society's collection without, the curator believed, attracting a comparable amount of interest and re-use. In addition, the Society decided not to collect materials from other Twin City stations because of the redundancy of local coverage.

In 2001, KSTP-TV made an additional donation to the Historical Society of its more recent 3/4" U-matic videotape collection. As with the film donation, the curator requested all the news stories, documentaries, and specials. In addition, she decided to collect an important local interview show, *Good Company*, when she discovered that very little local entertainment programming was being saved nationwide. The studio-based *Good Company* was recorded on 3/4" video and featured interviews with such luminaries as Pearl Bailey, Louie Anderson, and Loretta Lynn, as well as coverage of the local style and entertainment scene.

The Society holds three million feet of 16mm reversal film from KSTP-TV covering 1948 to 1980 as well as twenty-four hundred 3/4" videotapes covering 1976 to 1985. In addition, microfilm copies of all the news scripts came with the collection. The news film represents all the standard types of film used during that period: B&W silent and optical sound, color silent, optical track and mag stripe, as well as some 16mm full coat mag sound. The videotape includes 3/4" news tape and *Good Company*. Also included are KSTP documentaries (such as "Twister," "Battered Women," and "Hubert Humphrey's Funeral") and special series such as *Dialogue*, an interview show with local newsmakers, and *Door Marked Private*, behind-the-scenes tours of local companies.

If the Society decides to remove any KSTP-TV materials from its collection KSTP can reclaim the material and take the responsibility for preservation and storage.

## MUTUAL BENEFITS

When the Society received the materials, it faced the immediate tasks and costs of indexing and storing the collection to make the information in it accessible. The Society made a proposal to the Hubbard Family Foundation asking for financial support. The Foundation provided a grant of \$750,000, to create the KSTP/Hubbard Broadcasting Media Center to house the collection in climate-controlled storage and to do further indexing. As of the end of 2002, the collection was 60 percent processed. The Society expects to have the entire collection of film and video processed by the end of 2005.

Transfer of the materials from KSTP-TV to the Society freed up fifteen hundred valuable feet of storage at the station. The database created by the Society as part of the agreement has provided an easy way for KSTP-TV to search pre-1980 film materials where no station database existed before. Typically, materials requested by KSTP-TV are available from the collection within twenty-four hours. Provisions for emergency access are delineated in the agreement and accommodated as necessary. KSTP-TV pays no fees for access or copies unless use of an outside vendor is required.

## PRESERVATION

The Society has the expertise to provide preservation and archival storage. Under the supervision of the curator, an experienced film negative cutter is working on contract to examine all the film footage and make a condition assessment. He hot-splices segments into reels on cores, and cleans and rehouses each reel in an archival can.

The Society makes transfers of film in good condition in-house on an Elmo Transvideo system. It sends film that it considers fragile out to a professional restoration lab. The Society transfers film only on demand. Currently S-VHS is used as a video access master. When the Society receives a request, it copies a full film reel for the requestor and creates the access master. New requests for the same material are made from the access master, eliminating multiple passes on fragile film.

## INTELLECTUAL CONTROL

Quick and easy access to the stories is key to successful service. KSTP-TV currently manages four databases, each covering a specific time period. As part of the collection's processing, the Society is creating a Microsoft Access database for the news film from 1948 to 1980. (See Appendix for example) Prior to this partnership, KSTP had no database for the news film.

KSTP-TV has a DOS-based database that covers videotape from 1976 to 1990. When the station transfers a copy of this videotape database to the Society, the information from the two databases will be combined for public access, which is planned for 2005. While the two databases will in reality remain separate, that fact will remain transparent to the user. There will be a single screen for searches.

Any new databases created by KSTP-TV will also be transferred to the Historical Society at the time the videotape they reference are conveyed.

The station librarian at KSTP-TV has been the gatekeeper to these databases, enabling the station to re-use the footage frequently and as needs arose. When a request came in from a reporter or producer, it usually included a date or event name that enabled the librarian to narrow the search. If the librarian found material on the Society's film database, she sent an e-mail to the Society requesting a copy. Most of the videotapes indexed on the DOS-based system are stored at the Society. Society staff then pulled these videotapes and loaned them to the station for immediate use.

Sylvia Markus served as the station librarian from 1976 to 2003. Her extensive knowledge and diligence provided quick access. It is she who explained to the Society the notes and nuances found on the catalog cards and daily logbooks that were transferred with the news film. From the logbooks, the staff recorded information about each story into the Microsoft Access database, making it searchable by key words. Early in 2003, station management, initiating station-wide staff reductions, eliminated the position of librarian. An administrative assistant in the newsroom will carry on the work.

Currently members of the public who want news film from 1948 to 1980 contact the curator at the Minnesota Historical Society. When cataloging is complete, the public will be able to access the database on-line as well as at the Society's library. Some news film is unidentified and has no logbook entry. A volunteer at the Society watches the film, describes it, and enters notes into the Microsoft Access database.

There is no controlled vocabulary or subject thesaurus for these databases. All searches rely on key words in the description fields, but within these parameters, researchers can search names, events, and subjects efficiently.

## REVENUE AND RE-USE

Revenue can be thought of in several ways. One is direct income from sales of materials. KSTP-TV receives an average of four to five requests for current materials per week from production companies, viewers, and other interested parties. These requests go internally to the news department, where standardized agreements are coordinated. The librarian believes that if an adequate search system existed significantly more inquiries could be processed. Other ABC affiliates and the network also make incidental use of the film if a story has national implications. Revenue to the station from these sales runs approximately \$10,000 per year.

While KSTP doesn't publish a rate card, it generally charges commercial producers and programmers \$1,000 per minute or \$100 per ten seconds. Nonprofit and educational ventures might pay a nominal processing or dubbing fee with a waiver of licensing fees altogether, depending on the use.

The second way to think of revenue is indirect and not easily calculated, but it is perhaps even more valuable than direct income. These are the cost savings that result from frequent internal re-use of previously produced material. Local themes that resurface often make use of previously recorded footage. Obituaries of local celebrities rely on archival materials for history and background. Court cases or crimes that come back into the news use old footage for context.

The news department is the primary re-user, but graphic and promotional materials also incorporate archival films and videotapes. The station also places a financial value on the storage space that is freed up by the transfer of the materials to the Society.

The Minnesota Historical Society won't publicize its ownership of the KSTP-TV collection until processing is complete in 2005. The Society's revenues are very small to date, but it anticipates a sharp increase when news of the collection becomes widely known. (See Appendix for copy of rate card)

## CONCLUSION

With patience and perseverance a commercial broadcast television station and a public archive have negotiated a workable agreement. Both parties brought their needs and expectations to the table and resolved perceived obstacles and fears. Concerns were addressed and each party expresses comfort with the ultimate agreement.

Considerable storage space at the station was freed up for more daily use but access continues to be as fast as necessary. The newly created index to the earliest materials opens more programming to re-use. The Society gained a significant historical collection, funded by the station's foundation, which will serve its clients for decades to come.

KSTP-TV has preserved the record of its success as a local television station since 1948, and in the process, it has made a substantial contribution to documenting local history.

## AGREEMENT

In consideration of mutual benefits HUBBARD BROADCASTING, INC., later called HUBBARD, and the MINNESOTA HISTORICAL SOCIETY, later called SOCIETY, enter into this agreement for access, use, disposition, and ownership of the KSTP-TV NEWSFILM, later called NEWSFILM (which will include newsfilm and videotape).

1.

SOCIETY shall have ownership of NEWSFILM upon receipt, store NEWSFILM according to accepted archival standards, catalog it, and prepare finding aids to assure ease of access to NEWSFILM. The speed with which the collection is processed and enhanced finding aids are developed will depend upon the level of funding available.

2.

Free research and viewing access shall be permitted to NEWSFILM which has been given to SOCIETY by HUBBARD and which by its year date is more than 25 years old; provided, however, that HUBBARD may authorize earlier free research and viewing access to any and all of NEWSFILM as HUBBARD shall in its sole judgment deem appropriate. Copies may be made available to the public for NEWSFILM which by its year date is more than 25 years old.

3.

SOCIETY shall have all rights to all NEWSFILM which has been turned over to SOCIETY by HUBBARD which by its year date is more than 25 years old, provided, however, that HUBBARD may relinquish any or all rights to any or all of NEWSFILM at such earliest time as HUBBARD shall in its judgment deem appropriate.

4.

Except as otherwise provided for in Articles 2 and 3 of this Agreement, HUBBARD hereby reserves copyright and the right to control access to NEWSFILM which has been turned over to SOCIETY by HUBBARD and by which its year date is less than 25 years old provided, however, that SOCIETY shall have access to NEWSFILM at any time solely for the purposes of fixing, cataloging, storing and preserving and exhibiting it.

5.

SOCIETY shall allow copying of NEWSFILM which by its year date is less than 25 years old only to persons having the written approval of HUBBARD or its designee. Said persons allowed to copy NEWSFILM which by its year date is less than 25 years old, may use NEWSFILM as agreed in writing by HUBBARD provided that they shall signify understanding



of and due regard for legal and ethical considerations including matters of copyright, invasion of privacy, libel, slander and accurate attribution of sources.

## 6.

HUBBARD will designate a liaison with the SOCIETY to handle all of the station's requests for use and public requests for copies.

A. The NEWSFILM will be available for retrieval during the Society's established hours for public use of the Research Center in the Society's History Center.

B. Emergency requests by HUBBARD will be handled by allowing access to the collection by HUBBARD liaison accompanied by a SOCIETY staff member. Access will normally be during regular reference hours; access can be allowed on an expanded basis, to approved HUBBARD personnel, accompanied by a SOCIETY staff member designated by the SOCIETY and/or security personnel if necessary.

C. In the event that HUBBARD requests emergency expanded access to the NEWSFILM one or two times during any one calendar year, such access shall be provided at no cost to HUBBARD. In the event that HUBBARD requests emergency expanded access to the NEWSFILM three or more times in any one calendar year, HUBBARD shall pay all reasonable out-of-pocket expenses incurred by SOCIETY in making such access available on the third access and on each subsequent access.

D. Access by HUBBARD shall generally, but not exclusively, be limited to on-site retrieval, viewing and duplicating of NEWSFILM, either on equipment provided by SOCIETY or on equipment brought in by authorized HUBBARD designee.

In those instances when on-site access is not sufficient, HUBBARD shall have the right, following procedures and guidelines established by SOCIETY, to remove NEWSFILM or a copy of NEWSFILM to an off-site location on a short-term basis for the purpose of duplicating, viewing, exhibiting, or broadcasting such NEWSFILM.

## 7.

HUBBARD will transfer all existing finding aids to the SOCIETY with the film collection. The SOCIETY will also receive copies of scripts.

When SOCIETY has completed inventory and cataloging of the collection it shall provide a copy of the catalogue to HUBBARD for HUBBARD'S internal use. In the event that the catalogue is in the form of a computer database, SOCIETY shall provide the database files to HUBBARD, but HUBBARD shall bear the expense of purchasing the hardware and software needed to access the data.

8.

HUBBARD shall name one or more persons who shall have the unrestricted right of access to and use of NEWSFILM which by its year date is less than 25 years old, and shall keep SOCIETY advised at all times of the name(s) of said person(s).

9.

Film that is not the copyright property of HUBBARD (such as NBC kineoscopes) shall be returned to HUBBARD. Any other film that is deemed inappropriate to SOCIETY collections shall be returned to HUBBARD.

10.

HUBBARD shall save SOCIETY and hold it harmless from liability from any use of the NEWSFILM, or any quotation or publication based on them, if SOCIETY has followed procedures established according to this agreement.

Date: 6/21/94

Date: 6/21/94

Minnesota Historical Society

Hubbard Broadcasting, Inc.

By: James M. Archard

By: Stanley C. Hubbard

Its: Director

Its: President



**KSTP-TV**  
CHANNEL 5

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General Manager  
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November 15, 2001

Ms. Donna Wilson  
Curator, Sound and Visual Collections  
Minnesota Historical Society  
240 Kellogg Boulevard West  
Saint Paul, Minnesota 55105-1990

Re: Clarification of June 21, 1994, Agreement

Dear Ms. Wilson:

Thank you for your letter of August 27, 2001. In anticipation of KSTP-TV's contribution/donation of additional film and tape to the Minnesota Historical Society, we wanted to take this opportunity to clarify one point under our June 21, 1994, Agreement. We are comfortable making our additional donation/contribution under the terms of our existing Agreement (it being understood that all contributed Hubbard programming material, regardless of the nature of its content or format, falls within the definition of "NEWSFILM"). However, in reviewing our Agreement, we noted one subject that we thought needed clarification.

Specifically, we noted that our Agreement was silent on the subject of attribution. This was an inadvertent oversight. As you know, it is customary in the media to attribute the source of a creative work, whether it be film, video, illustration or still photography. We wish to at this time clarify our expectations relative to attribution by users of NEWSFILM. We do not wish to exercise any control over NEWSFILM in any manner that is inconsistent with our Agreement; instead, we wish merely to conform with appropriate journalistic standards and practices.

Accordingly, this will confirm that, by the Minnesota Historical Society's authorized signature below, the Society and KSTP-TV have agreed that (1) the term "NEWSFILM" comprises all contributed Hubbard programming material, regardless of the nature of its content or format, and (2) Paragraph 3 of the Agreement is hereby amended to include the following additional five sub-paragraphs:

- a. News Media and News-Related Uses. In connection with SOCIETY's authorizing the use of NEWSFILM which by its year date is more than 25-years old by any news media or for use in any news-related context, SOCIETY agrees that it will require any such user to include an on-screen synchronous credit reading "KSTP-TV ARCHIVE." This synchronous credit must, in connection with each on-screen use of any such NEWSFILM, appear on-screen at the same time as the NEWSFILM for a minimum of five seconds and be of such font style and size that it is easily legible to a reasonable viewer of the NEWSFILM.
- b. All Other Uses of the NEWSFILM. In connection with SOCIETY's authorizing any other use of NEWSFILM which

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November 15, 2001  
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by its year date is more than 25-years old (e.g., use by the SOCIETY, documentary film makers, educational institutions or student for educational purposes, not-for-profit organizations, charitable organizations, and the like) SOCIETY agrees that it will require any such user to include an on-screen and credit reading, "KSTP-TV ARCHIVE"; provided, however, that if the work into which the NEWSFILM is being incorporated otherwise uses synchronous credits, then, in that case, the SOCIETY will require synchronous credit in a manner that is consistent with other synchronous credits provided in the work.

c. Still Images. In connection with SOCIETY'S authorizing any use of any still image from NEWSFILM which by its date is more than 25-years old, SOCIETY agrees that SOCIETY will require a credit reading "KSTP-TV" adjacent to or on the image, which shall be of such font style and size that it is easily legible to a reasonable person.

d. Audio Tapes. In connection with SOCIETY'S authorizing any use audio from NEWSFILM which by its date is more than 25-years old, SOCIETY agrees that SOCIETY will require such user to incorporate an appropriate attribution into the work. The nature, scope and duration of the attribution may vary depending upon the work into which the audio is being incorporated, but shall be presented in a manner that makes clear the source of the audio.

e. Miscellaneous. Any other type of credit or omission of credit (as may be proposed in an advertising context, for example) must be approved by the general manager of KSTP-TV.

By the way, KSTP-TV will be requiring the same type of attribution of authorized users of NEWSFILM which by its year date is less than 25-years old.

Our agreement to these clarifying amendments is in consideration of KSTP-TV's additional and supplemental contributions/donation of additional NEWSFILM.

You are receiving two originals of this letter. Please ask an authorized Society representative to sign the acknowledgments on both originals and return one original to me (the other fully-executed original is for the Society's files). After I have received one fully executed original, KSTP-TV will promptly begin processing its additional contributions/donation.

Ms. Bonnie Wilson  
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All of us at KSTP-TV are pleased with and proud of our association with the Minnesota Historical Society, and are especially happy to hear that this project is working well for the Society. We wish you continued success.

Very truly yours,

  
Edward J. Piore

AGREED TO AND ACCEPTED  
BY THE MINNESOTA HISTORICAL SOCIETY  
THIS \_\_\_\_\_ DATE OF NOVEMBER, 2001

By   
In 

cc: DAVIN Deutsch  
Diane Burgen  
Scott Libin  
Sylvia Martinez

UnitID	27933		
OriginalNumber	66-21	OriginalDate	7/12/1966
TranscribedTitle	Mexican kids dance		
Color	<input checked="" type="checkbox"/>		
LogDescription	Mexican children singing		
DeliveryDate	11/30/2000	Run	00
SoundType	magnetic stripe		
FilmType	original reversal		
FilmLength	0		
Memo	Film also has silent segments		



Minnesota Historical Society 345 Kellogg Bldg., St. Paul, MN 55102

## Film & Video Reproduction Fees

### Use Fees

Primary Market License	Per Minute	30 Sec. Minimum Increments
TV Network (N. American broadcast)	\$ 1000	\$ 500
TV Network (Local broadcast)	500	250
TV Public (N. American broadcast)	500	250
TV Public (Local broadcast)	250	125
TV Foreign broadcast	1000	500
TV World Wide (incl. N. American & Foreign)	500	250
Home Video Rental & Sales	1000	500
Theatrical (Motion Picture & Live Theater)	7000	3500
Captive Audience (Planes, ships)	1000	500
Film Festivals	300	150
Educational (Schools, Libraries, Museums)	500	250
Noncommercial (Local use, one market)	700	350
Television Commercial (World Wide)	3000	1500
Television Commercial (Local, one market)	1000	500
Corporate Presentations or Exhibits	600	300
Corporate Presentations (Local, one location)	400	200
Computer Software, CD ROMs, etc.	800	400
Amateur productions (not for sale/distribution)	150	75
All above markets in all media	2500	1250

